ABORIGINAL AND TORRES STRAIT ISLANDER LEGAL SERVICES

National Picture 2018–19

NOVEMBER 2020

LAW AND JUSTICE FOUNDATION OF NEW SOUTH WALES

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The Law and Justice Foundation of New South Wales is an independent, not-for-profit organisation that seeks to advance the fairness and equity of the justice system, and to improve access to justice, especially for socially and economically disadvantaged people.

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The Foundation acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the Traditional Custodians of the lands in which we conduct our business. We pay our respects to ancestors and Elders, past and present.

Aboriginal and Torres Strait Islander Legal Services National Picture 2018–19

Delphine Bellerose and Geoff Mulherin

Law and Justice Foundation of New South Wales

November 2020

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Abbreviations

ABS	Australian Bureau of Statistics
AGD	Attorney-General's Department
ALRM	Aboriginal Legal Rights Movement Inc.
ALS (NSW/ACT)	Aboriginal Legal Service NSW/ACT Ltd
ALSWA	Aboriginal Legal Service of Western Australia
ATSILS	Aboriginal and Torres Strait Islander Legal Service
ATSILS Qld	Aboriginal and Torres Strait Islander Legal Service Qld Ltd
BOCSAR	NSW Bureau of Crime Statistics and Research
CLE	Community legal education
CPR	Collaborative Planning Resource
DSM	National Legal Assistance Data Standards Manual
ERP	Estimated Resident Population
ILAP	Indigenous Legal Assistance Program
IRIS	Indicator Reporting Information System
NAAJA	North Australian Aboriginal Justice Agency
NATSILS	National Aboriginal and Torres Strait Islander Legal Services
NLAS	Need for Legal Assistance Services
NPA	National Partnership Agreement on Legal Assistance Services
TACLS	Tasmanian Aboriginal Community Legal Service
TALS	Tasmanian Aboriginal Legal Service
VALS	Victorian Aboriginal Legal Service Co-operative Limited

IMPORTANT CONTEXT FOR THIS REPORT – AND ITS LIMITED SCOPE

The ATSILS National Picture presents an analysis of service data *reported* by Aboriginal and Torres Strait Islander Legal Services (ATSILSs) for the 2018–19 financial year. While contextual notes have been added throughout the report to provide a better understanding of ATSILS' service delivery, the report remains only an analysis of service data, with an inherent focus on reported service numbers. In this way, the report is limited in scope, and therefore a number of implications must be borne in mind when reading this report.

The data may not represent all services delivered by ATSILSs during the period
ATSILS service data, as it is reported to the Commonwealth Attorney-General's Department (AGD) under the Indigenous Legal Assistance Program (ILAP), may not capture all the services provided by ATSILS to the community. For example, work undertaken through programs like the Custody Notification Service (CNS) or community justice programs may not be adequately represented if such services were not required to be reported under the ILAP. Much of this work is complementary to the service delivery under the ILAP, and its impact is not fully represented in this report.

Service data alone cannot reflect the demands of delivering services in a culturally competent manner
'ATSILS provide a unique legal service that recognises and responds to cultural factors that may influence and/or affect Aboriginal and Torres Strait Islander people'.[1] This report is unable to reflect the ATSILS' particular role of providing specialist services that are most appropriate for their community and the cultural context in which they operate. The ILAP Review found that *'ATSILSs' delivery of culturally safe services is enabled by a high level of trust within Aboriginal and Torres Strait Islander communities, supported in turn by high levels of direct community engagement'*.[2] No service data analysis alone can adequately represent the levels of trust, engagement and resources needed for culturally competent service delivery, nor the pressure on ATSILS to meet the needs of the community.

The Foundation recommends against using the numbers of services reported in this report for funding decisions without sound legal need data and other contextual information, including the data limitation caveats raised throughout the report
The report concerns service delivery data which, in the case of legal assistance, is largely independent of need. Further, there are notable limitations, issues and relevant contextual factors in relation to this data which have been explicitly articulated throughout this report. For example, delivery of services to rural and remote Aboriginal communities involves effort and resources beyond that required in other settings.

Nevertheless, the report highlights the value of ATSILS' service delivery
Notwithstanding these limitations, this report aims to showcase the value of ATSILS' services in meeting the legal and related non-legal needs of Aboriginal and Torres Strait Islander people. It also highlights the value of service data. Service data is one important piece of the 'information and data' puzzle for legal assistance services and, in combination with legal need data, can assist governments and service providers in improving access to justice for Aboriginal and Torres Strait Islander people and progressing Closing the Gap goals.

[1] NATSILS Submission to the Review of the Indigenous Legal Assistance Program, October 2018, p.16.

[2] Cox Inall Ridgeway, Review of the Indigenous Legal Assistance Program (ILAP) 20152020, Final Report, February 2019.

Introduction: the ATSILS National Picture

The Law and Justice Foundation of NSW was engaged by the Commonwealth Attorney-General's Department (AGD) to independently analyse the service data reported by Aboriginal and Torres Strait Islander Legal Services (ATSILSs) to the AGD for the 2018–19 financial year. 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 report highlights the complexity of legal assistance service delivery, the different contexts in which ATSILSs operate (both between the ATSILSs, and also between ATSILSs and other legal assistance services), as well as a number of issues with regard to data collection and reporting.

This report is one of a series of three National Pictures to be developed to present a 'picture' of service delivery across Australia by three of the main legal assistance service providers – the other two being legal aid commissions and community legal centres. It is important to note that while the service providers operate in different contexts with different target groups (and thus often using different service models), the services they provide nevertheless inter-relate, and a more complete picture of legal assistance service provision will be available once all three analyses are complete.

Acknowledgements

The development of detailed national pictures such as contained in this report is new, having not previously been attempted on this scale, if at all. The Foundation wishes to acknowledge NATSILS, the national peak body for the ATSILSs, and all individual ATSILS for their engagement in and support of the process to develop this first National Picture. They are to be commended for their commitment to critically examine their service data processes more generally.

The Foundation also wishes to acknowledge the AGD, and especially staff from the Legal Assistance Branch, for their commitment to improving the quality and availability of data to assist the legal assistance sector, and for their support throughout this project.

While not comprehensively addressed in this report, the information gained and issues raised as part of the research for this report will, we hope, help to facilitate improvements to consistency and accuracy of future data collection and reporting, and will also contribute to the efficacy of service planning tools into the future.

Addressing the legal needs of the community: role, nature, strengths and limitations of service data

The challenge faced by legal assistance services to address the legal needs of the community involves multiple steps, including:

- identifying the legal needs of the target community, and also locating or mapping that need,[3]
- identifying what strategies 'work' most effectively and efficiently to address those legal needs experienced by the community, and
- then targeting, monitoring and evaluating services to continually review and improve outcomes for clients.

It is essential to use a number of data and other information sources (i.e. legal needs data, socio-demographic data, service delivery data, etc) ideally together, to support the planning and delivery of appropriate services to meet this challenge. Legal needs insight in Australia, for example, will be gained through the combination of a range of sources, including legal need surveys, demographic data from the ABS, court data, social services and other official data sources, relevant infrastructure data (such as transport, social housing and similar data), as well as regional and local knowledge gained through community engagement.

Legal service data ('administrative data') is one important data source available to service providers and planners. Principally it provides insight into the targeting and delivery of services – and thus the extent to which legal needs of the community in Australia are being addressed with legal assistance services.

However, all data has limitations. It is beyond the scope of this paper to discuss in detail the strengths and weaknesses of service data. However, for the purposes of this report (being an analysis of service data), it is important to note three key factors:

- Being an analysis of service data, it is only an analysis of one component of the overall information and data needed by legal assistance service providers and planners.
- In a financially constrained (which means that supply is independent of demand) environment, service data only reveals that portion of the 'need' that receives services. People with legal needs that don't 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 don't receive a service for eligibility, capacity or other reasons, are also not recorded in the data. In other words, service delivery data only records that (sometimes small) proportion of the need that actually receives a service.
- Given service data is usually collected for 'administrative' purposes, rather than for research or evaluation purposes, there are usually important issues of accuracy, consistency and completeness that impact the data.

[3] The importance of mapping legal need has been highlighted by ATSILSs/NATSILS on several occasions, and in particular in their Submission to the Review of the Indigenous Legal Assistance Programme in October 2018.

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.

A good example of this is the fact that service data reported by ATSILSs indicates a large proportion of services (over 80%) being provided in relation to criminal matters. This, in particular, is a reflection of resources available and the priority given to addressing the issue of Aboriginal and Torres Strait Islander overrepresentation within the criminal justice system rather than an accurate reflection of the nature of legal need within the Aboriginal and Torres Strait Islander population. A true picture of need would reflect substantial need in relation to family and civil law, as with other population groups, as identified in the LAW Survey[4] and a range of other reviews and analyses, including the recent reviews of the ILAP[5] and the NPA.[6]

The data analysis to develop this National Picture highlighted a number of issues around completeness, accuracy and consistency of reporting, as well as variations arising simply because of different jurisdictional circumstances. Consequently, there are a number of general and specific cautions that need to be understood when reading and interpreting this report that are elaborated here and throughout the paper. These include:

i. **Jurisdictional circumstances.** The relevant legal policies and infrastructure in each jurisdiction, as well as the relevant socio-demographic and geographic factors particular to each jurisdiction (or region within a jurisdiction), can have a legitimate impact upon service models employed. For example, the large distances to be travelled to deliver services in some jurisdictions can have a substantial impact on service models and delivery. This needs to be understood when interpreting the data.

ii. **Completeness of data.** The completeness of the available data will obviously have an impact on the usefulness of the data. Work on the National Pictures for the three service providers has revealed a number of issues with completeness – notably due to (a) uncertainty as to whether only services funded by particular funding sources (in this case, the ILAP), are to be reported, but also, (b) the comprehensiveness of data reported in relation to services provided by private practitioners. While these issues do not appear to have had a major impact on the ATSILSs data, it is an important factor to consider generally when interpreting the data.

[4] 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

[5] Cox Inall Ridgeway, Review of the Indigenous Legal Assistance Program (ILAP) 2015-2020, Final Report, February 2019

[6] Urbis, Review of the National Partnership Agreement on Legal Assistance Services 2015-2020, Final Report, December 2019

iii. **Different reporting practices.** Notwithstanding attempts to improve consistency of data recording in recent years, notably with the introduction of the National Data Standards Manual (DSM), there appear to remain differences in reporting practices in some areas – both between ATSILS, and between ATSILSs and other legal assistance providers. These differences may result in different proportions of service types and/or under-reporting of the numbers of services.

iv. **Likely under-reporting.** Discussions with individual service providers suggested that there were other likely causes of under-reporting of services. For example, in circumstances when the providers were faced with high levels of demand for legal assistance, their focus was on service delivery, rather than recording and reporting comprehensive data on those services.

v. **Implementation of the Data Standards Manual (DSM).** From July 2017 ATSILSs were required to implement the legal assistance DSM. This necessitated substantial change in collection and reporting processes, involving changes to key definitions and counting rules, and an associated extended period of adjustment for all ATSILSs.

vi. **Direct comparisons should be avoided.** As a consequence of the jurisdictional and other differences mentioned above, direct comparisons (a) between ATSILS, (b) with previous years' ATSILSs 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. However, 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 for ATSILS and others to be able to view the data 'side by side' as this can highlight different service delivery approaches and different reporting practices. This in turn can promote possible collaboration and the sharing of lessons learnt, can 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 data in this report will be interpreted appropriately and cautiously as necessary.

1. Scope and context

Indigenous Legal Assistance Program

During the period of this report, the Australian Government funded legal assistance services for Aboriginal and Torres Strait Islander people through the *Indigenous Legal Assistance Program 2015–2020* (ILAP). These services are provided by community-controlled Aboriginal and Torres Strait Islander Legal Services (ATSILSs).

ILAP grants were provided to ATSILSs to provide legal assistance and related services in line with ILAP objectives. The objectives were to:

- improve access to justice for Aboriginal and Torres Strait Islander people,
- reduce disproportionate disadvantage experienced by Aboriginal and Torres Strait Islander people in the justice system, and
- provide cost-effective legal assistance.

The ILAP also specified the following service delivery principles:

- legal assistance services are focused on and accessible by Aboriginal and Torres Strait Islander people, particularly priority clients, nation-wide,
- quality legal assistance services are appropriate, proportionate and tailored to clients' needs and capabilities,
- legal assistance providers, governments and other service providers collaborate to provide joined-up services to address clients' legal and other problems,
- legal problems are identified and resolved at the earliest opportunity before they escalate, and
- Aboriginal and Torres Strait Islander people are empowered to understand and protect their legal rights and responsibilities and to address, or prevent, legal problems.

Reforms to ILAP commencing in 2015 were implemented as part of a suite of national legal assistance policy reforms including the *National Strategic Framework for Legal Assistance 2015–20*, the *National Partnership Agreement on Legal Assistance Services 2015–20*, and the National Legal Assistance Data Standards Manual (DSM). The 2015–20 ILAP agreement established a new priority client framework and new legal assistance service recording and reporting requirements implementing the National DSM. A Data Set Definition was also developed to assist ATSILSs when entering data in accordance with the National DSM.

Provision of ILAP funding 2015–20

The AGD reports that the Commonwealth Government provided over $1.7 billion in funding for legal assistance services delivered by LACs, CLCs and ATSILSs for the five years 2015–2020, including approximately $74 million per annum through the ILAP (or $369 million over the five years 2015–2020).[7]

[7] Commonwealth Attorney-General's Department, Submission to the Review of the Indigenous Legal Assistance Program, 2018.

Table 1: ILAP funding provided to ATSILS

ATSILS	2015–16 ($'000)	2016–17 ($'000)	2018–19 ($'000)	2018–19 ($'000)	2019–20 ($'000)	Total ($'000)
ALS NSW/ACT	$17,800	$17,968	$18,008	$17,995	$18,221	**$89,991**
VALS	$4,209	$4,325	$4,355	$4,375	$4,447	**$21,710**
ATSILS QLD	$17,921	$18,423	$18,507	$18,533	$18,813	**$92,196**
ALSWA	$12,358	$12,661	$12,657	$12,610	$12,745	**$63,031**
ALRM	$4,777	$4,891	$4,894	$4,882	$4,936	**$24,379**
TACLS *	$2,372	$2,444	$2,459	$2,467	$2,504	**$12,245**
NAAJA	$8,175	$8,358	$10,735	$13,054	$13,161	**$53,483**
CAALAS	$4,674	$4,808	$2,338	-	-	**$11,820**
TOTAL	**$72,285**	**$73,877**	**$73,953**	**$73,915**	**$74,826**	**$368,856**

Source: Commonwealth AGD, Submission to the Review of the Indigenous Legal Assistance Program, 2018
* Effective 1 July 2020, the delivery of legal services to Aboriginal and Torres Strait Islander people in Tasmania is provided by the Tasmanian Aboriginal Legal Service (TALS). This report refers to TACLS as they were the service provider during the period under review.
Notes: Figures may not sum due to rounding.

Scope of and general cautions for interpretation

This report summarises legal assistance services provided by ATSILSs under the ILAP in the 2018–19 financial year as reported in the data provided to the AGD. This is the second reporting period for which ATSILSs were required to provide service data in accordance with the National Data Standards Manual (DSM) and associated changes to the AGD's Indicator Reporting Information System (IRIS) used to collate and monitor ILAP legal assistance services.

This report builds on two prior documents: (i) an initial draft analysis of IRIS 2017–18 data provided to ATSILSs in July 2019; and (ii) the ILAP Interim Report provided to the AGD in January 2020. The issues raised in the initial feedback from the draft analysis and through ongoing consultation with NATSILS/ATSILSs, provided both in written response and verbally during meetings, have been recognised and addressed to the extent possible. This report also presents an update of the Interim Report analysis, based on the most recent available data, that is, data for the 2018–19 financial year.[8]

This report provides an overview of reported ILAP legal assistance services.

- Section 1 (this section) provides some background information
- Section 2 is a summary overview of ILAP legal assistance services at the national level
- Section 3 is a similar analysis of ILAP legal assistance services with a state/territory breakdown, based on where services were provided
- Section 4 is a series of eight jurisdictional profiles with an overview analysis of ILAP services provided by each ATSILS.

[8] 2017–18 data has been included alongside 2018–19 in several key overview tables.

Note that this report is based on service data **as recorded and extracted from IRIS**. The quality of data uploaded into IRIS, in its completeness, consistency and accuracy, will have an impact on the reliability of findings and interpretations drawn from the data analysis.

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. Therefore, this report should not be interpreted as implying any particular relationship between percentage of services delivered and percentage of expenditure incurred. For example, delivering 10% of services may involve a much larger (or smaller) percentage of expenditure.

Accuracy and consistency

The 2018–19 financial year is the second year in which ATSILSs were required to provide data in accordance with the National DSM. Implementation of the National DSM in 2017 had significant implications in terms of new definitions, new counting rules and the corresponding changes in reporting practices, and such implications will take time to resolve. The transition to new systems of data collection is an iterative process and has proved especially challenging for ATSILSs. Therefore, it appears that there remain variations in some recording practices across the ATSILSs.

The AGD has been working with ATSILSs to determine the extent to which such variations occur and how best to address them. As part of changes to IRIS to reflect definitions in the National DSM, work has also been undertaken to develop a tool to assist ATSILSs in validating their data prior to it being uploaded into IRIS. This tool has recently been provided to the ATSILSs and its effectiveness is yet to be determined; however, initial feedback indicates that further testing may be required.

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

It is also important to note that service data reported into IRIS in accordance with the ILAP reporting requirements may not represent the full breadth of services provided by ATSILSs, some of which are funded outside the ILAP agreement. Further, the focus of this analysis on *new* services, for reasons of data consistency, also means that a proportion of ATSILSs ongoing representation services are not captured and this proportion may vary between jurisdictions.

Comparability

Finally, this National Picture needs to be seen in the context of work to develop National Pictures for the other legal assistance services (legal aid commissions and community legal centres). This work has highlighted many 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 of ILAP service data with service data from other service providers should be avoided at this stage.

Box 2: General cautions for interpretation

- This report does not include any financial analysis, and no particular relationship should be implied between numbers or percentages of services delivered and expenditure incurred.
- The implementation of the DSM, with new data items, new definitions and new counting rules, has created significant challenges. Many ATSILSs have had to adjust their existing systems or change to a new database, with consequential impact on the completeness and accuracy of service data reported.
- This report focusses on the analysis of services reported to the AGD under the ILAP agreement and, therefore, does not represent the full breadth of ATSILSs work and services.
- Due to a number of factors such as jurisdictional differences, implementation of the DSM, and other contextual differences, direct comparisons over time, between ATSILSs or between ATSILSs and other service providers should generally be avoided.

Increase in Aboriginal and Torres Strait Islander population

Based on the 2016 Census, the Aboriginal and Torres Strait Islander population comprises 2.8% of the total Australian population. It represents between 0.8 and 5.1% of each state and territory population, with the notable exception of the Northern Territory, where Aboriginal and Torres Strait Islander people represent more than a quarter of the population (25.5%).

The number of people identifying as Aboriginal or Torres Strait Islander increased by 18.4% between 2011 and 2016, from nearly 550,000 to just under 650,000. An increase of more than 20% was recorded in Victoria, NSW, ACT, and Tasmania, with only Western Australia and the Northern Territory recording an increase of less than 10%.

More than three-quarters (78.6%) of the 2011–16 intercensal population increase can be explained by demographic factors of population change (births, deaths and migration), and is largely driven by births (i.e. number of 0–4-year-olds reported in 2016). The remaining 21.4% of the increase cannot be explained by typical factors of population change. It results from other factors, such as Census coverage, response rates and a changing propensity to identify. The population increase occurred primarily in major cities and on the eastern coast of Australia, particularly in New South Wales.[9]

[9] See ABS, Census of Population and Housing: Understanding the Increase in Aboriginal and Torres Strait Islander Counts, 2016, 2077.0, released 17/10/2018, for in-depth analysis of this population increase.

Table 2: Aboriginal and Torres Strait Islander population by state/territory

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% change from 2011 to 2016
Australian Capital Territory	5,180	1.5	6,510	1.6	25.5
New South Wales	172,630	2.5	216,170	2.9	25.2
Northern Territory	56,780	26.8	58,250	25.5	2.6
Queensland	155,830	3.6	186,480	4.0	19.7
South Australia	30,430	1.9	34,180	2.0	12.3
Tasmania	19,630	4.0	23,580	4.6	20.1
Victoria	37,990	0.7	47,790	0.8	25.8
Western Australia	69,660	3.1	75,980	3.1	9.1
Other Territories	250	8.1	230	5.1	-5.7
Australia*	**548,370**	**2.5**	**649,170**	**2.8**	**18.4**

Source: ABS Census
Note: This is a count of Australian residents who self-identified as Aboriginal, Torres Strait Islander, or both, when completing the 2011 and 2016 Census. Counts rounded to nearest 10. * includes Other Territories.

Despite this increase, the ABS recognises that the Census counts of the Aboriginal and Torres Strait Islander population are under-estimates. To correct for this, additional data sources are used to compute an Estimated Resident Population (ERP) (Table 3).[10]

Table 3: Aboriginal and Torres Strait Islander Estimated Resident Population (ERP) as at June 2016 by state/territory

State/Territory	ERP at June 2016	
	count	% of total ERP population
Australian Capital Territory	7,510	1.9
New South Wales	265,690	3.4
Northern Territory	74,550	30.3
Queensland	221,280	4.6
South Australia	42,270	2.5
Tasmania	28,540	5.5
Victoria	57,770	0.9
Western Australia	100,510	3.9
Australia*	**798,370**	**3.3**

* includes Other Territories
ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.

[10] ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016, Technical Note 1 – Method of calculation.

Aboriginal and Torres Strait Islander people and legal needs

It is beyond the scope of this report, or of the three National Pictures generally, to include a detailed analysis of the legal needs of Aboriginal and Torres Strait Islander people. However, the following brief sections are provided to help place this analysis of service delivery data in the broader context of the need for the legal assistance services provided by the ATSILSs. The sections briefly discuss:

- Indicators of the need for legal assistance services (NLAS)
- Aboriginal and Torres Strait Islander people in the criminal jurisdiction
- Aboriginal and Torres Strait Islander prisoner population

Need for legal assistance services indicators

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. In brief:

- Large-scale legal needs surveys could provide this for large geographical areas, but generally cannot provide reliable numbers for smaller geographical areas cost effectively. Large-scale legal needs surveys *do*, however, 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. This is because they provide a more complete picture of legal need, not just that portion which is dealt with by legal assistance services.
- 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.

NLAS. In 2015 the Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR brought together information on service design and population data to support planning and monitoring of legal assistance services. It includes various indicators of the number of people within different priority client groups, including Aboriginal and Torres Strait Islander people, and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors. Need for Legal Assistance Services (NLAS) indicators provide a Census-based count of the distribution of anticipated need for not-for-profit legal assistance services.

Box 3: Understanding NLAS indicators

By applying specific socio-demographic criteria to Census data, NLAS indicators provide estimates of the **number of people likely to need legal assistance *if* they were to experience a legal problem**. In practice of course, the NLAS counts are not an exact measure of demand: legal need fluctuates over time and does not necessarily translate into demand for services. However, NLAS indicators provide a proxy estimate of demand for services that is comparable across all Australian geographic areas.

The NLAS(ATSILS) indicator provides a count of:

- people aged 10 to 17 who identify as Aboriginal and/or Torres Strait Islander
- *plus* people aged 18 and over who identify as Aboriginal and/or Torres Strait Islander with low personal income.[11]

In other words, NLAS(ATSILS) provides **a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem**.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 4, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is reasonably consistent across all jurisdictions, between 80 and 89%, except in the ACT where it is somewhat lower (64.4%).

Table 4: NLAS(ATSILS) by jurisdiction

State/Territory	NLAS(ATSILS) ERP	
	Count	% of estimated Aboriginal and Torres Strait Islander 10+ population
Australian Capital Territory	3,730	64.1
New South Wales	166,380	82.3
Northern Territory	52,800	88.4
Queensland	139,790	83.7
South Australia	27,370	84.8
Tasmania	18,580	84.7
Victoria	35,530	81.0
Western Australia	61,950	79.8
Total	505,750	82.8

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.

Tables 5 and 6 present a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population, by gender and by age group.

[11] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 5: NLAS(ATSILS) population and estimated Aboriginal and Torres Strait Islander population aged 10 and over, by gender

Gender	NLAS(ATSILS) ERP		Estimated Aboriginal and Torres Strait Islander 10+ population	
	N	%	N	%
Male	238,950	47.2	302,300	49.5
Female	266,150	52.6	308,380	50.5

Source: ABS 3238.0 Table 4, Estimated Resident Population, Aboriginal and Torres Strait Islander Australians, June 2016
Notes: Counts rounded to nearest 10.

Table 6: NLAS(ATSILS) population and estimated Aboriginal and Torres Strait Islander population by age group

Age group	NLAS(ATSILS) ERP		Estimated Aboriginal and Torres Strait Islander population	
	N	%	N	%
10–17	136,970	27.1	136,970	22.4
18–24	95,080	18.8	104,860	17.2
25–34	84,270	16.6	113,810	18.6
35–44	61,080	12.1	87,780	14.4
45–54	56,770	11.2	80,460	13.2
55–64	40,730	8.0	52,790	8.6
65+	31,250	6.2	34,010	5.6

Source: ABS 3238.0 Table 4, Estimated Resident Population, Aboriginal and Torres Strait Islander Australians, June 2016
Notes: Counts rounded to nearest 10.

Box 4: Legal need spans across all areas of law

There is likely high levels of need in the Aboriginal and Torres Strait Islander population in all three broad areas of law: civil, criminal and family law. However, due to limited resources and the pressing issue of overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, many ATSILS have necessarily dedicated a substantial majority of resources towards meeting the need for criminal representation and other services, with the likely consequence of legal need in relation to civil or family law not being met. The impact of that appears in service data through high numbers of services in relation to criminal matters.

This is not to suggest that there is not substantial civil and family need that could also be met with appropriate resources. Rather, it highlights the danger of assuming that the service data provides a representation of legal need. In the context of legal assistance services, where legal need generally exceeds the capacity for service delivery,[12] the number and type of services delivered more broadly reflects the level of capacity (and thus funding) of the service provider.

[12] 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. OECD/Open Society Foundations (2019), Legal Needs Surveys and Access to Justice, OECD Publishing,Paris.

Aboriginal and Torres Strait Islander people in the criminal jurisdiction

Within a context of high need overall, limited resources and pressing priorities, a substantial majority of ATSILS' work during the reporting period (and historically) was directed towards meeting the legal needs of criminally accused Aboriginal and Torres Strait Islander clients.[13] (This is outlined further in the service provision analysis presented in this report.) The nature of criminal law processes means that relevant legal assistance needs, such as criminal representation and duty lawyer services, can usually be more precisely quantified and located geographically. This means that, in theory, criminal courts data on Aboriginal and Torres Strait Islander defendants can be used as a proxy indicator for potential demand for ATSILS services.

Previous work by the Law and Justice Foundation of NSW, in partnership with the ALS NSW/ACT, saw the development of an online database and planning tool to assist with service planning, using court criminal matter finalisation statistics sourced from the NSW Bureau of Crime Statistics and Research (BOCSAR).[14] Stemming from this work, the Foundation conducted a short feasibility study to explore the potential of the model used in NSW as part of a broader approach to service planning at the national level. The study found that inconsistency and lack of reliability of Indigenous status in criminal courts data in most jurisdictions was a key challenge, and highlighted the need for a better, more integrated and more systematic data collection process on Indigenous status in the criminal justice sector.[15]

Aboriginal and Torres Strait Islander prisoner population

As at 30 June 2018, there were 11,850 Aboriginal and Torres Strait Islander prisoners in Australia, representing 27.6% of the total prisoner population.[16] Nine in ten Aboriginal and Torres Strait Islander prisoners were males. The median age of Aboriginal and Torres Strait Islander prisoners was 32 years, while for non-Indigenous prisoners it was 36 years. Nearly one in four (39.3%) Aboriginal and Torres Strait Islander prisoners was aged between 25 and 34 years, and 21.3% were aged under 25.

[13] While a majority of ATSILS services are in relation to criminal matters, the proportion does vary between ATSILSs and some ATSILSs dedicate a significant amount of resources to address family and civil law matters.

[14] Law and Justice Foundation of NSW, Planning tool to assist Aboriginal Legal Service (NSW/ACT) Ltd, available from **www.lawfoundation.net.au/reports/alsdata.**

[15] Law and Justice Foundation of NSW, Aboriginal and Torres Strait Islander legal service planning: applying the NSW model to another jurisdiction, forthcoming, 2021.

[16] Prisoners in Australia, 2018, ABS, 4517.0 released 6 Dec 2018.

Table 7: Aboriginal and Torres Strait Islander prisoner population by age group and gender

Age group	Male		Female		Total	
	N	%	N	%	N	%
18-24	2,280	21.5	250	19.8	2,530	21.3
25-34	4,160	39.2	490	39.8	4,660	39.3
35-44	2,720	25.6	350	28.6	3,070	25.9
45-54	1,130	10.6	130	10.6	1,260	10.6
55-64	260	2.5	20	1.2	280	2.4
65+	60	0.6	0	0.0	60	0.5
Total	10,610	100	1,240	100	11,850	100

Source: Prisoners in Australia, 2018, ABS, 4517.0
Notes: Counts rounded to nearest 10.

About two-thirds (66.9%) of Aboriginal and Torres Strait Islander prisoners were sentenced and 32.8% were unsentenced. Those proportions are similar in NSW and WA. The proportion of unsentenced prisoners was higher in SA at 50.2% and Victoria (43.8%), whereas it was lower in Tasmania (24.3%), Qld (28.1%) and in the NT (28.5%).

Table 8: Aboriginal and Torres Strait Islander prisoner population by jurisdiction and legal status

		Sentenced	Unsentenced	Total
Australian Capital Territory	N	70	40	110
	%	60.9	37.3	100
New South Wales	N	2,250	1,100	3,340
	%	67.2	32.7	100
Northern Territory	N	1,060	420	1,480
	%	71.4	28.5	100
Queensland	N	1,950	770	2,750
	%	71.2	28.1	100
South Australia	N	330	330	660
	%	49.8	50.2	100
Tasmania	N	90	30	120
	%	73.9	24.3	100
Victoria	N	390	300	690
	%	56.6	43.8	100
Western Australia	N	1,800	890	2,710
	%	66.5	33.0	100
Australia	N	7,930	3,890	11,850
	%	66.9	32.8	100

Source: Prisoners in Australia, 2018, ABS, 4517.0
Notes: Counts rounded to nearest 10.

In addition to these overall contextual data on Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system, it is important to note the particular vulnerability of Aboriginal and Torres Strait Islander women, and children and young people. The *Overcoming Indigenous Disadvantage* 2014 report from the Productivity Commission on key indicators found that the female imprisonment rate had been growing faster than that of males, and the daily average detention rate for young people aged 10 to 17 was around 24 times the rate for non-Indigenous young people.[17]

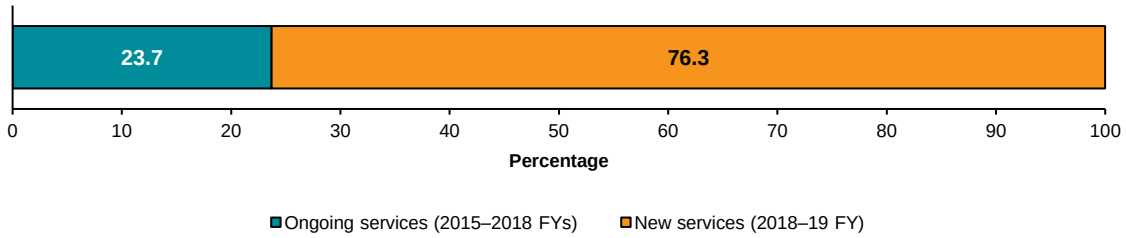
[17] Overcoming Indigenous Disadvantage, Productivity Commission, 2014 report.

2. Legal assistance service provision in 2018–19: national perspective

New and ongoing services

A total of 214,489 ILAP services were reported by ATSILSs for the 2018–19 financial year, of which 163,635 (76.3%) were new services and the remaining 50,854 (23.7%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[18]

Figure 1: Proportions of new and ongoing services, 2018–19



Base: services provided in 2018–19 (N=214,489)

Legal service type

For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising law and legal service reform and stakeholder engagement.[19]

As shown in Figure 2, representation services account for the largest proportion of the *total* services reported, 42.2%, followed by duty services (25.9%) and discrete assistance services (31.9%).[20] Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services remained the largest category at 38.2%, duty lawyer services represented one-third (33.9%) and discrete assistance services (27.9%) of services provided.

[18] A further 4,039 services (representing 1.8% of the data stored in IRIS for the 2018–19 reporting period) have been excluded from this count. Those services had a start date prior to 01/07/2015 and, after investigation they were found to have data missing in several fields and other inconsistencies.

[19] Service categories in IRIS (that are used in this report) are defined slightly differently in the National DSM. For example, facilitated resolution process remains a separated category in the National DSM but is included in the Discrete Assistance category in IRIS.

[20] Community legal education and law reform/stakeholder engagement services are not shown on these charts as they each represent less than 0.1% of services.

Figure 2: Services by category, 2018–19

Base: total services (N=214,489)

Base: new services (N=163,635)

The National DSM further breaks the broad legal assistance service categories into 14 service types (see Table 7). The most frequent service type was representation service at a Court or Tribunal, accounting for 37.7% of new services provided in 2018–19, followed by duty lawyer services (33.9%), information services (10.7%), legal advice (8.9%), and referral services (3.1%).

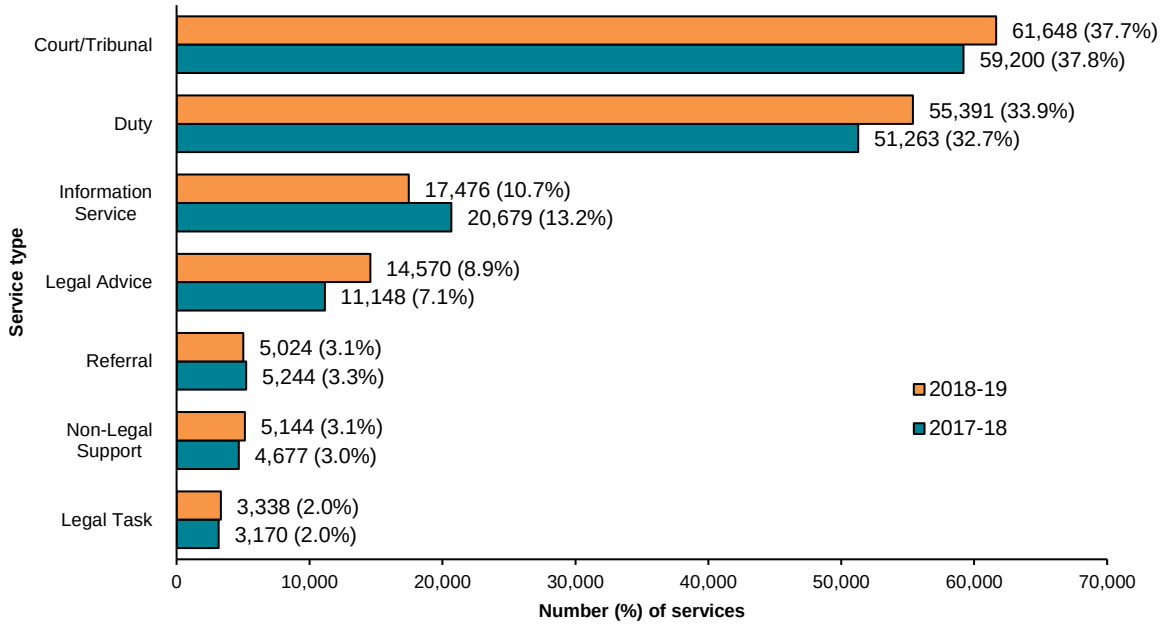
The order of most common service types remains unchanged in the last two financial years, but numbers reported in 2018–19 show a slight decrease in reported information services and a slight increase in reported legal advice services.

Box 5: Caution when interpreting total service numbers

Note that different reporting practices among the different ATSILSs, particularly in relation to representation or duty services, may significantly impact the numbers reported under each service type. It appears that during the time the data was reported the DSM had not been implemented consistently across all ATSILSs. Further, several ATSILSs acknowledged a general under-reporting of services, especially discrete assistance services such as information services or referrals, due to staff resourcing issues. There would be benefit from a common approach to training and capacity development in relation to data collection and reporting.

Therefore, caution is advised when interpreting service type number totals, and comparisons between jurisdictions (ATSILS) are not recommended.

Figure 3: Most common service types, 2017–18 and 2018–19



Base: new services (2017–18 N=156,611; 2018–19 N=163,635)

Table 9 presents the number and percentage of new services by all service types for the last two financial years.

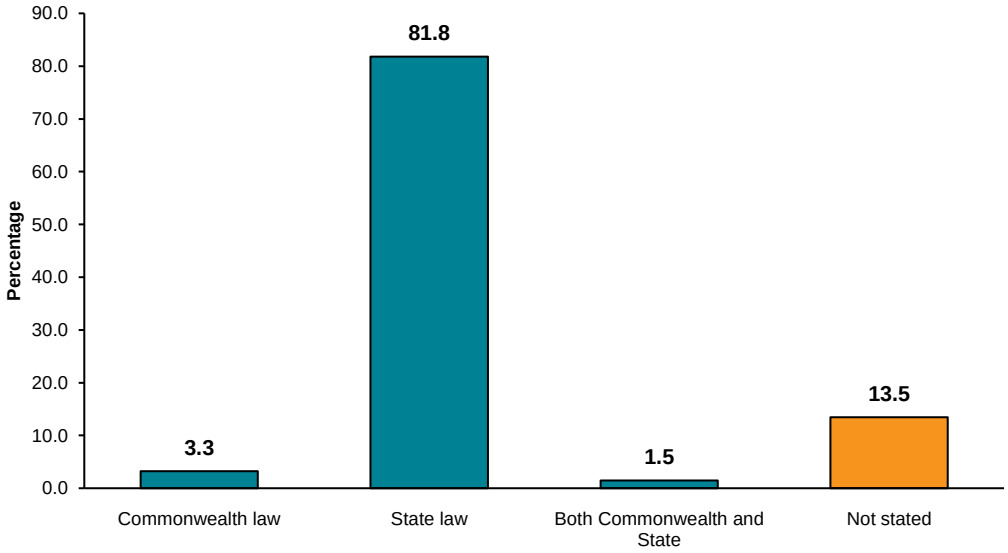
Table 9: Services by service type, 2017–18 and 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	20,679	13.2	17,476	10.7
	Referral	5,244	3.3	5,024	3.1
	Legal Advice	11,148	7.1	14,570	8.9
	Non-Legal Support	4,677	3.0	5,144	3.1
	Legal Task	3,170	2.0	3,338	2.0
	Facilitated Resolution Process	19	<0.1	4	<0.1
	Subtotal	*44,937*	*28.7*	*45,556*	*27.8*
Duty	Duty	51,263	32.7	55,391	33.9
Representation	Dispute Resolution	222	0.1	218	0.1
	Court/Tribunal	59,200	37.8	61,648	37.7
	Other Representation	880	0.6	660	0.4
	Subtotal	*60,302*	*38.5*	*62,526*	*38.2*
CLE	Community Legal Education Activity	53	<0.1	108	0.1
	Community Legal Education Resource	12	<0.1	3	<0.1
	Subtotal	*65*	*<0.1*	*111*	*0.1*
Other services	Law and Legal Service Reform	37	<0.1	31	<0.1
	Stakeholder Engagement	7	<0.1	20	<0.1
	Subtotal	*44*	*<0.1*	*51*	*<0.1*
Total		**156,611**	**100**	**163,635**	**100**

Broad area of law

More than eight out of 10 services (81.8%) were for a legal problem relating to state/territory law.[21]

Figure 4: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=163,635)

The Productivity Commission has previously reported that the main focus of ATSILS services is on state-based criminal law matters. Based on figures for 2012–2013, some 83% of overall ATSILS services were for criminal law matters, with more than 90% of representation and duty lawyer services provided for criminal law matters.[22]

Note, however, that due to the way in which broad area of law is currently reported under the changes to ILAP reporting following the reforms associated with the National DSM, ATSILSs are not *required* to report broad area of law for discrete assistance services (see list of service types in Table 9), although some do report this information. The broad area of law is not available for nearly 10% of the services provided in 2018–19 (and a third, 33.9%, of discrete assistance services). Therefore, the overall proportion of services by broad area of law cannot be precisely determined.

Figure 5 below shows that a large majority (80.7%) of new services were for criminal matters. However, area of law was not stated for nearly one in ten services, which means that this figure is likely to under-report the true proportion of services provided for criminal matters:

[21] Note that, due to incomplete data for 13.5% of services, it is not possible to provide an exact proportion of services relating to Commonwealth law and to state law. The missing data is concentrated on discrete assistance services, for which the Commonwealth/state indicator was not required and hence only partially reported.

[22] Productivity Commission 2014, Access to justice arrangements, Inquiry report, no. 72, Productivity Commission, Canberra, p.679.

some discrete assistance services (for which area of law is not known) are indeed likely to have been provided for criminal matters as well.[23]

When services with unknown area of law are excluded from the percentage of services by broad area of law, the proportion of services in relation to criminal law matters increases to 89.1%. This percentage, however, is likely to over-estimate the true proportion of services provided for criminal matters given the overwhelming proportion of duty and representation services (typically provided in relation to criminal matters) that this figure is based on. Discrete assistance services will have almost certainly been provided for a wider range of legal matters, including some areas of family and civil law, as compared to duty and representation services.[24]

This focus on criminal matters is not surprising, given the available resources and, according to the recent ILAP review, "the scale and urgency of criminal justice needs within Aboriginal and Torres Strait Islander communities". There remain significant gaps in addressing the civil and family justice needs due to limited resources.[25]

Box 6: Limitations of service data

The focus on criminal matters apparent in ATSILS service data does not necessarily reflect the true extent and nature of legal need. Rather, service data reflects the services actually delivered, and the targeting, location and nature of these services are the consequence of priorities that services have established while operating in a constrained funding environment.

See also Boxes 1 (in the Introduction) and 3 (in Section 1).

Figure 5: Percentage of services by broad area of law, 2018–19

Base: new services (N=163,635)

Base: new services **with known area of law** (N=148,169)

[23] For example, based on ILAP reporting for previous periods where broad area of law was reported for discrete assistance a higher overall proportion of ILAP services for criminal matters is expected. And further, there is no suggestion that ATSILSs have significantly altered their approach to provision of discrete assistance under the ILAP 2015–20.

[24] There was a notable improvement in the completeness of reporting the area of law between the 2017–18 and 2018–19 financial years.

[25] Review of the Indigenous legal assistance program (ILAP) 2015-2020, Final Report, February 2019, p.8.

As shown in Table 10, 97.3% of duty lawyer services, 95.1% of representation services, and 42.3% of community legal education services provided under the ILAP were for criminal law matters.

Table 10: ILAP service categories by broad area of law, 2018–19

	Discrete Assistance		Duty		Representation		CLE		Other services	
	N	%*	N	%	N	%	N	%	N	%
Criminal	18,666	*41.0*	53,898	97.3	59,436	95.1	47	42.3	24	47.1
Civil	8,340	*18.3*	1,220	2.2	2,282	3.6	31	27.9	17	33.3
Family	3,091	*6.8*	273	0.5	807	1.3	27	24.3	10	19.6
Not Stated	15,459	**33.9**	0	0.0	1	<0.1	6	5.4	0	0.0
Total	45,556	100	55,391	100	62,526	100	111	100	51	100

Base: new services (N=163,635)
Notes: * Italicised percentages cannot be relied upon due to the high proportion of missing data.

Geographic location

Table 11 presents a count and distribution of the NLAS(ATSILS) indicator and the total Aboriginal and Torres Strait Islander estimated population as at June 2016 by level of remoteness, as defined by the ABS.

Table 11: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander Estimated Resident Population as at June 2016 by remoteness

Remoteness	NLAS(ATSILS) ERP		Aboriginal and Torres Strait Islander estimated population as at June 2016	
	N	%	N	%
Major Cities	179,220	35.5	298,450	37.4
Inner Regional	119,670	23.7	189,170	23.7
Outer Regional	103,100	20.4	161,830	20.3
Remote	34,800	6.9	53,700	6.7
Very Remote	68,460	13.5	94,960	11.9

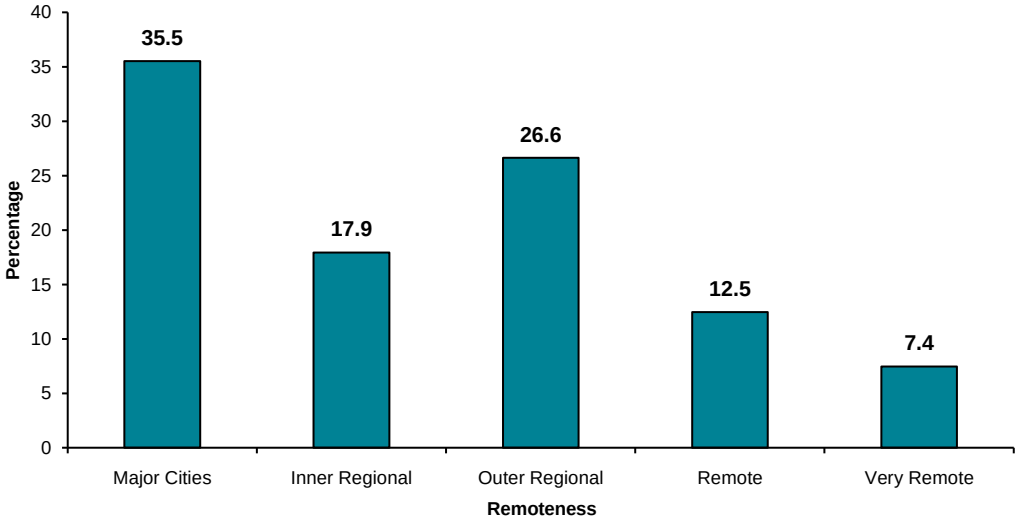
Source: ABS 2016 Census; Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS.
Notes: Other Territories are not included in these counts. Due to the impact of ABS confidentiality process on the reliability of small counts, population data were combined across two levels of remoteness in Victoria, Tasmania and the ACT, this affects the accuracy of the NLAS(ATSILS) ERP count by remoteness by a margin of error that is less than 0.5%. Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.[26]

[26] The process of mapping postcodes to level of remoteness has some limitations. Some large postcode areas span across more than one level of remoteness, in which case, data was assigned to the level of remoteness with the greater proportion of population. This process can introduce a small margin of error towards a slight under-representation of the remote and very remote areas. This issue, however, only affects a very small number of services and does not impact the overall distribution at national level presented in Figure 6.

New services were most commonly provided in major cities (35.5%), in the same proportion to that of the NLAS(ATSILS) population. Nearly half of all new services (46.5%) were provided in outer regional, remote or very remote areas. Nearly one in five services (19.9%) were provided in remote or very remote areas.

Figure 6: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=163,635)

Box 7: Limitations of data for appreciating remoteness

Although service location at postcode level does provide insights on where potential demand for services might be and the resources required to meet that demand, postcode data is likely insufficient to fully capture the challenges associated with the provision of services in remote and very remote areas.

The limitations of capturing service location at postcode level are twofold. First, a single postcode can cover an extremely large area and, therefore, postcode data does not provide the granularity required for a nuanced picture of service provision by levels of remoteness. As an example to put this in perspective, the average postcode surface area in the NT is over 48,000 km^2, compared with 1,300 km^2 in NSW or 5,800 km^2 in WA. The 0872 postcode alone spans over three jurisdictions and covers 970,500 km^2, including nearly half of the NT.[27] Secondly, some large postcode areas span across more than one level of remoteness and, in such cases, data was assigned to the level of remoteness with the greater proportion of population. This process can introduce a small margin of error towards a slight under-representation of the remote and very remote areas.[28]

This issue is especially pertinent in the NT and, perhaps to a lesser extent in SA and WA. Because the issue has more impact precisely in jurisdictions where remoteness is a key consideration, alternative indicators of remoteness may need to be explored in the future.

[27] Surface areas are rounded to the nearest 100 and were computed from ABS postal areas, retrieved from Australian Statistical Geography Standard (ASGS): Volume 3 - Non ABS Structures, July 2016.

[28] For example, where a large postcode area is mostly classified as 'very remote' but, within this area, the local town is classified as 'remote', it is likely that the majority of the population resides in the local town and, therefore, data reported under that postcode would be coded as 'remote' even though services may have been provided out of town in very remote communities.

Overview of new services by jurisdiction

Table 12 shows the number of new services by service type and by jurisdiction (i.e. by ATSILS operating in each jurisdiction) for 2018–19 and, for comparison, 2017–18. Given the data limitations and cautions outlined earlier in this report, these numbers should not be compared with any underlying assumption that they should align with any expected pattern or across providers. However, the table is provided because, while understanding the jurisdictional, socio-demographic and geographic differences between each jurisdiction, it can be useful to highlight:

- possible differences in service delivery models and approaches in order to better understand ATSILS service provision in its complexity, as well as to enable shared learning and innovation, and
- possible differences in reporting practices for consideration in data standardisation and Data Strategy initiatives,

Table 12: New services by ATSILS operating in each jurisdiction, 2017–18 and 2018–19

Service type		Australian Capital Territory		New South Wales		Northern Territory		Queensland		South Australia		Tasmania		Victoria		Western Australia	
		2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19	2017–18	2018–19
Discrete Assistance	Information Service	4	0	587	803	721	210	16,359	14,455	802	141	68	41	48	97	2,090	1,729
	Referral	16	3	526	590	365	297	2,335	2,115	92	115	9	6	275	216	1,626	1,682
	Legal Advice	81	1	1,074	975	2,890	3,201	2,801	5,281	985	1,710	122	86	426	729	2,769	2,587
	Non-Legal Support	30	0	1,324	1,287	40	45	0	0	2,893	3,258	3	0	4	13	383	541
	Legal Task	4	1	258	177	215	104	691	1,133	986	661	12	3	13	37	991	1,222
	Facilitated Resolution	0	0	0	0	0	0	14	0	0	0	0	0	0	0	5	4
	Subtotal	*135*	*5*	*3,769*	*3,832*	*4,231*	*3,857*	*22,200*	*22,984*	*5,758*	*5,885*	*214*	*136*	*766*	*1,092*	*7,864*	*7,765*
Duty		64	2	1,162	1,480	1,976	2,007	33,826	38,817	227	312	45	10	51	34	13,912	12,729
Representation		337	575	23,787	25,580	9,757	10,709	7,053	7,465	7,314	6,832	630	538	1,404	1,445	10,020	9,382
CLE		0	0	1	29	0	0	23	80	29	0	0	0	0	0	12	2
Other services		0	0	13	2	3	2	0	0	1	2	0	0	0	0	27	45

Base: new services (N=163,635). Note: This table does not include ongoing representation services (that would have started prior to the period under review) and, therefore, is not a complete overview of all services delivered in 2017–18 or in 2018–19.

Client profile

This section presents characteristics of clients who received new services in 2018–19.

Key demographics

Unsurprisingly in the context of ILAP services, the overwhelming majority of services (99.4%) were recorded as provided to Aboriginal and Torres Strait Islander clients.[29]

While ATSILS services are directed to Aboriginal and Torres Strait Islander clients, data shows that a number of services were provided to non-Indigenous clients. It is likely that these service incidences occurred in places where ATSILS was the only legal assistance service available, for example in remote areas, or possibly when other services could not take carriage of the matter due to conflict of interest. A total of 1,047 new services were provided to non-Indigenous clients.[30] Most of those (42.5%) were duty services and 41.2% were discrete assistance services, including referrals (11.5%). Nearly half (49.5%) of services to non-Indigenous clients were provided in outer regional, remote or very remote areas.

Table 13: Services to non-Indigenous clients by service category and by jurisdiction, 2018–19

Service category	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Information Service	11	0	120	2	0	1	29	163
Referral	29	4	39	2	0	12	34	120
Legal Advice	2	4	63	1	1	9	18	98
Non-Legal Support	2	0	0	9	0	0	7	18
Legal Task	0	0	8	2	0	0	22	32
Duty	4	0	318	3	0	0	120	445
Representation	75	0	52	8	0	2	34	171
Total	123	8	600	27	1	24	264	1,047

Base: new services provided to non-Indigenous clients (N=1,047)

Table 14: Services to non-Indigenous clients by remoteness and by jurisdiction, 2018–19

Remoteness	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Major Cities	24	0	150	25	0	24	88	311
Inner Regional	33	0	152	1	1	0	31	218
Outer Regional	60	2	138	0	0	0	88	288
Remote	6	6	40	0	0	0	31	83
Very Remote	0	0	120	1	0	0	26	147
Total	123	8	600	27	1	24	264	1,047

Base: new services provided to non-Indigenous clients (N=1,047)

[29] With such a high proportion of services delivered to Aboriginal and Torres Strait Islander clients, it is understood that all tables and graphs presented in this report are representative of services provided to Aboriginal and Torres Strait Islander people.

[30] Tables 11 and 12 are intended to give additional insights on services to non-Indigenous clients. However, care should be taken in interpreting the profile of services in those states with a small number of services to non-Indigenous clients due to possible processing errors having the greatest relative impact on small numbers. No services to non-Indigenous clients were reported in the ACT.

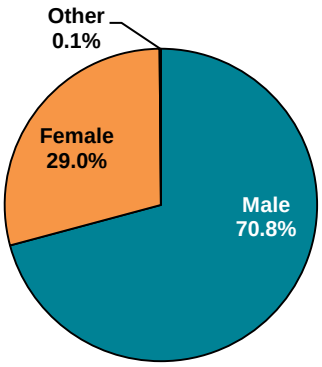
Age and gender

The majority of services (70.8%) were provided to male clients (see Figure 7), which is not unexpected given the much higher rate of criminal charges for males than for females, and the high proportion of services in relation to criminal matters.

The proportion of services by client age peaks for the 25–34 age group (29.5% of services), followed by the 18–24 age group (21.2%) and 35–44 age group (20.7%; see Figure 8). Just under 14% of services were provided to clients under the age of 18 (13.8%).

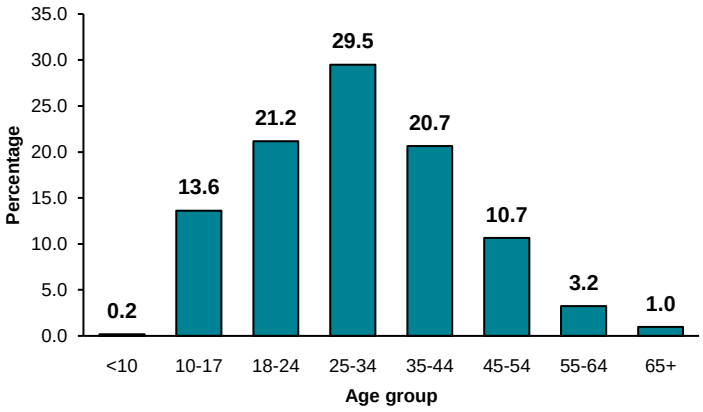
Overall, more than one-third of services (35.0%) were provided to children and young people aged under 25 years.

Figure 7: Services by client's gender



Base: new services to individuals whose gender is known (N=153,124)

Figure 8: Services by client's age group



Base: new services to individuals whose age is known (N=143,548)

Box 8: Limitations of age data

Although client's age (year of birth) was reported for 88% of new services, that proportion varies across service types and was found to be especially low for information services, where client's age was only reported for 17.2% of services. When it was reported, the accuracy of the reported year of birth will have impacted the reliability of these findings, especially when the focus is on relatively small client groups (i.e. young people or older people).

The demographic profile of clients varies across service types (for example, clients of representation services are more likely to be young adult males compared to clients of other service types), which means that the numbers and percentages in this section are indicative only. The proportion of services to older people is likely under-estimated.

The predominance of services in relation to criminal matters remains both across gender and age group, with the exception of the under 10 age group for whom more services were in relation to civil matters.

There are, however, minor differences in the distribution of services by broad area of law by demographics. Higher proportions of services provided to female clients were for civil matters (11.3%, compared to 5.1% for males) and for family matters (4.7%, compared to 1.6% for males). Apart from the under-10 age group, the proportion of services provided in relation to civil matters increases as the client's age increases, especially for senior clients (from 1.2% of services to clients aged 10–17 to 39.5% of services to clients aged 65 or over).

Table 15: Percentage of services by broad area of law by client's gender, and by client's age group, 2018–19

Gender/Age group	Criminal	Civil	Family
	%	%	%
Male	93.3	5.1	1.6
Female	83.9	11.3	4.7
<10	38.9 [31]	60.6	0.5
10-17	98.5	1.2	0.2
18-24	95.9	3.0	1.1
25-34	93.0	4.5	2.5
35-44	91.2	6.0	2.8
45-54	88.3	9.1	2.6
55-64	75.2	20.6	4.2
65+	53.8	39.5	6.7

Base: new services to individuals where both area of law and gender are known (N=137,550), new services to individuals where both area of law and age are known (N=128,514)

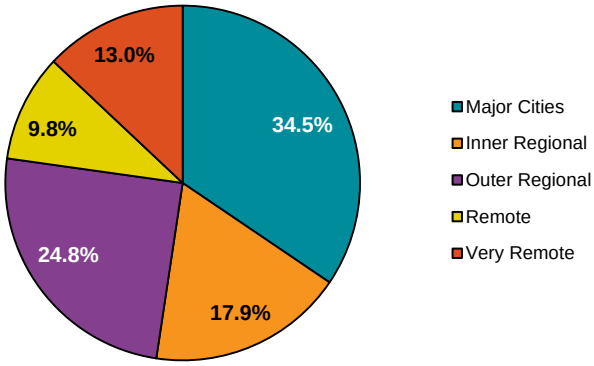
Area of residence

Figure 9 shows the proportions of services by level of remoteness of the client's residential area (calculated from client's reported postcode). More than a third of services (34.5%) were provided to clients residing in major cities. Over one in five services (22.8%) were provided to clients residing in remote or very remote areas, and a quarter (24.8%) to clients residing in an outer regional area.

Nearly half of services (47.6%) were provided to clients residing in outer regional, remote or very remote areas.

Figure 9: Services by client's remoteness of residential area, 2018–19

[31] Children aged under 10 cannot be charged for a criminal offence, and thus this number is surprising. However, this percentage represents a total of only 75 services, some of which may have had an incorrect client's year of birth recorded. It was unfortunately beyond the scope of this report to undertake a thorough quality assurance process of individual files.



Base: new services to individuals whose postcode is known (N=149,697)

Level of disadvantage

The ILAP service delivery principles include a focus on priority clients. ATSILSs must plan and target services to Aboriginal and Torres Strait Islander people experiencing financial disadvantage and falling into one or more of the following 10 groups:

- 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.[32]

[32] These groups are also listed in the NPA, although the NPA specifies 'Aboriginal and Torres Strait Islander people' as an additional priority client group. All, or nearly all (99.4%), ILAP services are provided to Aboriginal and/or Torres Strait Islanders and, therefore, to clients who fall into an NPA priority client group. For reporting purposes under the ILAP, and in this section of the analysis, the priority client groups considered are the 10 groups listed above, i.e. *in addition* to identifying as Aboriginal and/or Torres Strait Islander.

Box 9: NPA and ILAP: difference in priority group application

Note that there existed a difference between the ILAP and NPA directions in relation to priority clients. The NPA listed Aboriginal and Torres Strait Islander people as a priority group, and required services to be targeted at people:

- experiencing financial disadvantage **and**
- falling into one of the 11 priority groups (including Aboriginal and Torres Strait Islander people).

The ILAP required services to be targeted at people:

- experiencing financial disadvantage **and**
- who are Aboriginal and Torres Strait Islander people **and**
- who fall into one or more of the other priority groups.

While this may appear a subtle, and possibly unintended, difference, it has implications in the reporting of numbers of services provided to 'priority' clients. The following analysis is based on the 10 above-listed ILAP priority groups (not including Aboriginal and Torres Strait Islander people as a group). Should the analysis use the 11 priority groups stated in the NPA (including Aboriginal and Torres Strait Islanders people as a group), the numbers would look different with at least 99.4% of services being provided to priority group clients.

Financial disadvantage status is not required to be reported for all service types. As a consequence, this information is missing for more than half (50.9%) of services, although it is well recorded for representation services that are the most resource intensive. This means that it is not possible from this data alone to ascertain the total number of services provided to clients who experience financial disadvantage and, therefore, the number of services provided to priority clients as they are defined in the ILAP cannot be determined from the current IRIS dataset. However, there is considerable evidence demonstrating that Aboriginal and Torres Strait Islander people are more likely to experience financial disadvantage.[33]

Nevertheless, it is possible to gain limited insights into services provided to clients who belong to the above-listed priority groups. Note, however, that data in relation to single parents is not reported in this report due to a data extraction error from IRIS resulting in an incomplete dataset.

Excluding services where the priority group status was either not applicable, not collected or not stated, priority group status was recorded (as 'yes' or 'no') for 114,579 services (70.2%). Of those 114,579 services, a total of 113,969 services (99.5%) were provided to Aboriginal and Torres Strait Islander clients.

Of those 113,969 services, a total of 81,123 services were provided to clients identified as ILAP priority clients, which means that 70.8% of services where priority group status is known

[33] See for example Australia's welfare 2017: in brief. Australian Institute of Health and Welfare, Canberra 2017. Weier, M. et al, Money Stories: Financial Resilience among Aboriginal and Torres Strait Islander Australians. Centre for Social Impact (CSI) – UNSW Sydney, for National Australia Bank. 2019

were provided to a client who is Aboriginal and Torres Strait Islander *and* who belongs to at least one the above listed 10 ILAP priority client groups.

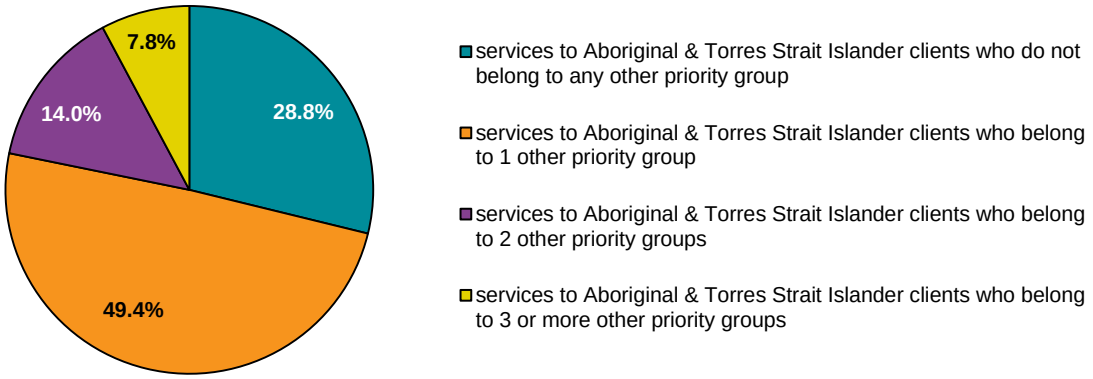
Table 16: Services by number of ILAP priority groups client belongs to by Indigenous status, 2018–19

Number of ILAP priority groups client belongs to	Indigenous	Non-Indigenous	Total
None	32,846	220	33,066
1	56,275	241	56,516
2	15,951	98	16,049
3 or more	8,897	51	8,948
Total	113,969	610	114,579

Base: new services to individuals whose priority client group status is known (N=114,579)

Figure 10 shows that more than seven out of ten services were provided to Aboriginal and Torres Strait Islander clients who also belong to at least one priority client group, and more than one in five (21.8%) to those who belong to two or more priority groups. These figures suggest that a large number of ATSILSs clients face multiple disadvantage.

Figure 10: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=113,969)

Details in relation to financial disadvantage and priority client groups as reported in IRIS were found to be incomplete, especially so for services other than representation as this information is not required under the National DSM. For representation services, data was found to be sufficiently complete and table 17 provides a summary of most information reported into IRIS for all **representation** services. However, caution should be used in interpreting numbers reported in relation to priority groups as these are likely to be under-estimates, as further explained below in Box 10.

Table 17: Representation services, summary of details reported into IRIS, 2018–19

Service/client details		New representation services		All representation services	
		N	%	N	%
Service type	Dispute Resolution	218	0.3	345	0.4
	Court/Tribunal	61,648	98.6	88,931	98.4
	Other Representation	660	1.1	1,128	1.2
Commonwealth/ state law indicator	Commonwealth law	2,645	4.2	4,799	5.3
	State law	58,264	93.2	83,110	91.9
	Both Commonwealth and State	1,617	2.6	2,495	2.8
Broad area of law	Criminal	59,436	95.1	83,316	92.2
	Civil	2,282	3.6	5,079	5.6
	Family	807	1.3	2,007	2.2
Service location	Major Cities	20,590	32.9	30,565	33.8
	Inner Regional	15,127	24.2	21,140	23.4
	Outer Regional	14,449	23.1	21,022	23.3
	Remote	9,781	15.6	13,742	15.2
	Very Remote	2,570	4.1	3,924	4.3
	Not known	9	<0.1	11	<0.1
Client's residence	Major Cities	19,923	31.9	28,741	31.8
	Inner Regional	13,214	21.1	18,624	20.6
	Outer Regional	13,249	21.2	19,329	21.4
	Remote	6,622	10.6	9,600	10.6
	Very Remote	9,444	15.1	14,004	15.5
	Not known	74	0.1	106	0.1
Indigenous status	Indigenous	62,349	99.7	90,127	99.7
	Non-Indigenous	171	0.3	267	0.3
Gender	Male	48,303	77.3	69,031	76.4
	Female	14,114	22.6	21,222	23.5
	Other	54	0.1	68	0.1
	Not stated/Not applicable	55	0.1	83	0.1
Age group	<10	126	0.2	218	0.2
	10-17	8,716	13.9	12,640	14.0
	18-24	14,414	23.1	20,718	22.9
	25-34	19,005	30.4	27,307	30.2
	35-44	12,607	20.2	18,016	19.9
	45-54	5,899	9.4	8,633	9.5
	55-64	1,400	2.2	2,204	2.4
	65+	260	0.4	507	0.6
	Not known	99	0.2	161	0.2
	No	3,716	5.9	5,393	6.0

Service/client details		New representation services		All representation services	
Financial disadvantage status	Yes	58,683	93.9	81,772	90.5
	Not known	127	0.2	3,239	3.6
Jurisdiction	ACT	575	0.9	859	1.0
	NSW	25,580	40.9	33,943	37.5
	NT	10,709	17.1	16,230	18.0
	QLD	7,465	11.9	13,092	14.5
	SA	6,832	10.9	10,683	11.8
	TAS	538	0.9	843	0.9
	VIC	1,445	2.3	2,289	2.5
	WA	9,382	15.0	12,465	13.8
Total		62,526	100	90,404	100

Priority groups[34]				
Services with known priority group status	**62,068**	**99.3**	**81,539**	**90.2**
*Children and young people (up to 24 years)**	*10,925*	*17.6*	*14,156*	*17.4*
People with a disability or mental illness	4,029	6.5	5,381	6.6
People experiencing, or at risk of, family violence	4,664	7.5	6,037	7.4
People experiencing, or at risk of, homelessness	1,198	1.9	1,510	1.9
People in custody	15,479	24.9	19,069	23.4
People with low level of education	2,873	4.6	3,575	4.4
People with low English proficiency	1,012	1.6	1,302	1.6
*Older people (65+)**	*242*	*0.4*	*396*	*0.5*
*People residing in rural or remote areas**	*21,132*	*34.0*	*26,909*	*33.0*

Notes: * Refer paragraph below and Table 18 for further explanations in relation to those groups.

[34] The priority client group 'Single Parent' is not listed in this table as data for this group was not available due to a data extraction error.

Box 10: Reporting on priority client groups

Identifying clients who belong to any of the priority client groups defined in the ILAP require service providers to collect potentially sensitive information. In some circumstances, it may be difficult or inappropriate to collect such detailed information and, therefore, a reasonable proportion of missing data for specific service types would be acceptable. However, when relevant details are indeed collected, there appears to be an under-reporting of priority clients, or of the extent of disadvantage such clients may experience if they belong to multiple priority groups. This may also be due to the fact that clients may not identify as belonging to one of those groups (for example, having a disability or mental illness) especially if they don't feel it is relevant to their legal problem.

The data relating to priority groups in Table 17 comes from reporting against specific priority group variables. However, Table 18 shows different numbers and percentages of services provided to three particular priority client groups: children and young people, older people and people residing in rural and remote areas. These numbers and percentages were re-calculated using other variables in the data (year of birth and client's postcode) and are not based on the priority group variables as reported into IRIS.

The differences in numbers and percentages between Table 17 and Table 18 (for new representation services) highlight potential recording issues and means that results from Table 17 should be interpreted with caution, if at all. This is an area for exploration as to how to ensure better consistency and accuracy in the future.

Table 18: Services provided to three priority client groups for selected service types, calculated from relevant variables, 2018–19

Priority client group	Legal advice		Duty		Representation	
Based on client year of birth	N	%	N	%	N	%
Children and young people (up to 24 years)	2,934	24.2	21,146	38.4	23,227	37.2
Older people (65+)	374	3.1	233	0.4	259	0.4
Year of birth not known	*2,436*	*16.7*	*320*	*0.6*	*93*	*0.1*
Priority client group	**Information**		**Duty**		**Representation**	
Based on client postcode	N	%	N	%	N	%
People residing in rural or remote areas	7,320	44.9	29,736	53.7	29,276	46.9
Postcode not known	*1,154*	*6.6*	*29*	*0.1*	*74*	*0.1*

Base: new services to individuals (N=163,305)
Notes: Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known. The proportion of missing data (year of birth not known, or postcode not known) was too high for other service types for numbers to be accurately reported.

The lower proportion of legal advice services provided to young people (24.2%), compared to duty or representation services to the same group (respectively 38.4% and 37.2%), suggests that young people are more likely to be first in contact with legal assistance services when they are already in court. On the other hand, the proportion of services provided to older

people is highest for legal advice (3.1%) and lowest for duty or representation services (both at 0.4%).

A majority (53.7%) of duty services were provided to clients residing in outer regional, remote or very remote areas. Slightly lower proportions of information services (44.9%) and representation services (46.9%) were provided to this priority client group.

3. Services provided in states and territories in 2018–19

Below is an analysis of ATSILS services by state/territory, based on where services were delivered. For the vast majority of services, there is an exact overlap between services provided in each state/territory and those provided by the relevant ATSILS provider in that state/territory. For example, all services in WA were provided by ALSWA and, vice versa, all ALSWA services were provided in WA. The few exceptions concern nine services provided in the NT and reported by ALRM in SA, two services provided in NSW and reported by VALS in Victoria and one service provided in the ACT and reported by ATSILS Qld.[35]

Box 11: Caution: jurisdictional differences

Direct consultation with individual ATSILSs revealed that differences in the distribution of service types are, to some extent, the result of different reporting practices between jurisdictions but may well also reflect different service models and practices implemented by ATSILSs in each state/territory, sometimes resulting from the different contexts in which ATSILSs operate in terms of legislation, other stakeholders, etc.

These findings mean that, while such National Picture analysis is useful in providing contextual information and in supporting service planning, strict comparisons between providers, jurisdictions or against an expected 'standard' model are generally inappropriate and should be avoided.

It is noted that ATSILS Qld has in recent years invested considerable effort in establishing and maintaining a focused data collection and reporting practice. This model of training, support and development may be an approach to explore to achieve greater accuracy and consistency into the future.

[35] This is the reason why totals services in each state/territory reported in this section are ever so slightly different to those stated in the jurisdictional profiles. Jurisdictional profiles are based on services reported by each state/territory ATSILS provider.

New and ongoing services

The number of ongoing and new services by state/territory is presented in Table 19.

Queensland reported the highest number of services in 2018–19 with a total of 97,277 services, followed by New South Wales (39,460 services) and Western Australia (33,067 services). The proportion of *new* services, that commenced in 2018–19, varies across jurisdictions, from 67.2% in the ACT to 90.5% in Western Australia.

Table 19: New and ongoing services by state/territory, 2018–19

State/territory where service delivered		Ongoing services	New services	All services
Australian Capital Territory	N	285	583	868
	%	*32.8*	*67.2*	
New South Wales	N	8,535	30,925	39,460
	%	*21.6*	*78.4*	
Northern Territory	N	5,754	16,581	22,335
	%	*25.8*	*74.2*	
Queensland	N	27,932	69,345	97,277
	%	*28.7*	*71.3*	
South Australia	N	3,923	13,025	16,948
	%	*23.1*	*76.9*	
Tasmania	N	310	684	994
	%	*31.2*	*68.8*	
Victoria	N	971	2,569	3,540
	%	*27.4*	*72.6*	
Western Australia	N	3,144	29,923	33,067
	%	*9.5*	*90.5*	
Australia	N	50,854	163,635	214,489
	%	*23.7*	*76.3*	

Base: services provided in 2018–19 (N=214,489) Notes: Percentages are calculated within state/territory.

Legal service type

Looking at new services, 'representation services' is generally the most common service category, except in Queensland and WA where duty services are most commonly provided.

Box 12: Caution: contextual and reporting differences

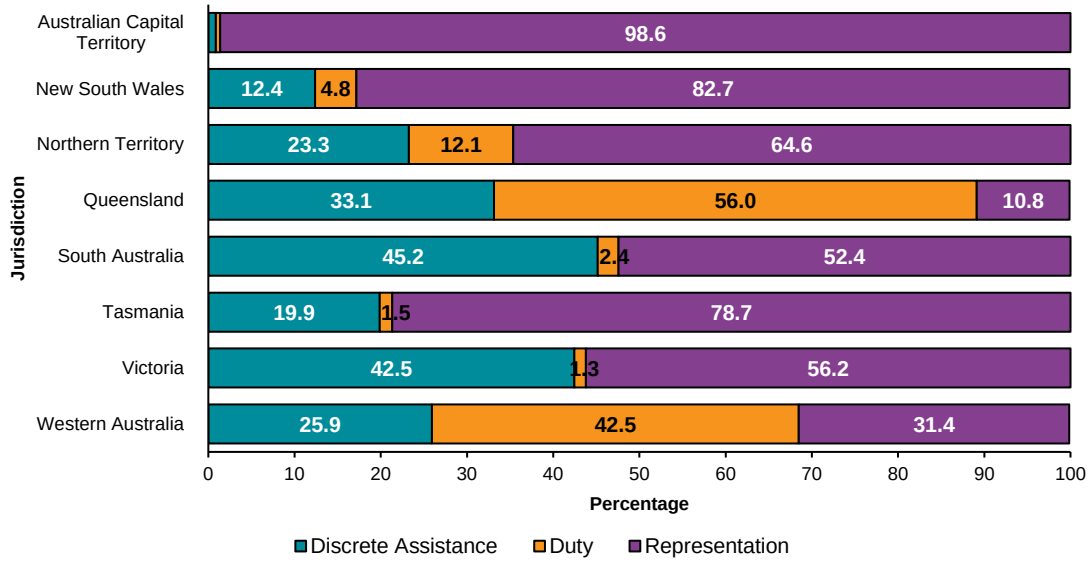
As mentioned previously, differences in numbers of services reported in the data of each ATSILS/jurisdiction may be the result the ATSILS adapting services to suit their particular jurisdictional legal and socio-demographic circumstances, but may also be the result of differing reporting practices.

Contextual differences. The legal and socio-demographic contextual differences have been briefly mentioned previously, and include geographic and demographic factors, legal infrastructure, legislation and other government policy. For example, state and territory care and protection laws and practices vary considerably. Further, state and territory reforms of their particular child protection legislation and processes may impose additional hearings, conferences, and other steps in the legal process, which further complicates a national interpretation of the data.

An example of different reporting practices. When a lawyer operating in a 'duty' context provides a 'duty' service to a client, followed perhaps later with advice to a client, and then subsequently agrees to represent the client at following hearings, the initial services may be counted as a 'duty' service and an 'advice' service in some jurisdictions (with subsequent court appearances counted as one representation service), while the same combination of services may be reported as a single 'representation' service in other jurisdictions. Further clarification of counting rules within the DSM and ongoing training would be required to allow for greater consistency.

The highest proportion of discrete assistance services was in SA (45.2%), followed by Victoria (42.5%).

Figure 11: Percentage of new services by category by state/territory where service delivered, 2018–19

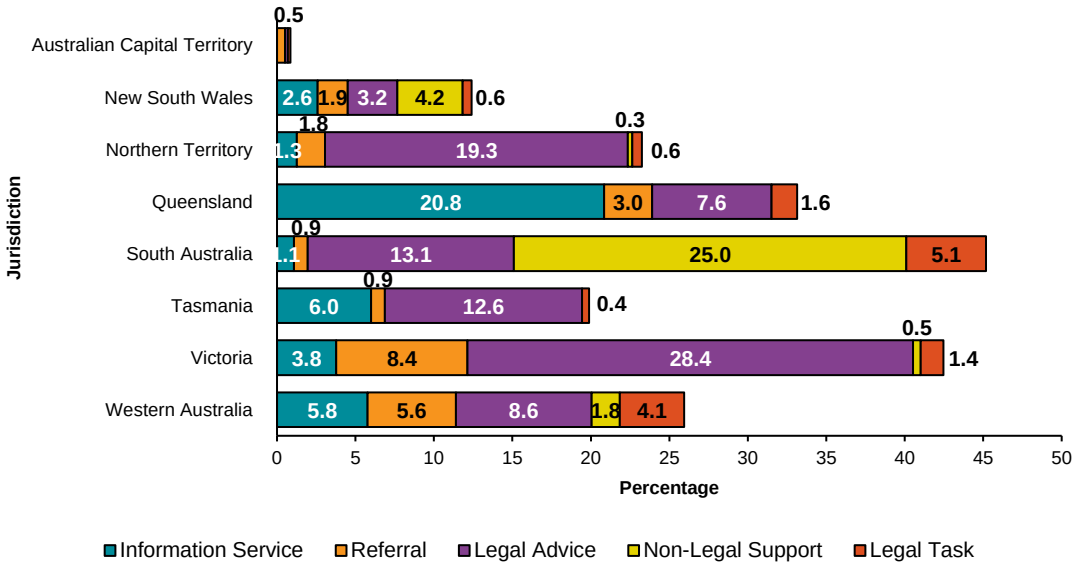


Base: new services (N=163,635)
Notes: Percentages are calculated within state/territory. CLE and law reform/stakeholder engagement services are not shown in this graph as percentages are too small to be visible, CLE services represent 0.1% in NSW and Qld, law reform/stakeholder engagement services represent 0.2% in WA, those two categories each represent <0.05% of services in all other states/territories.

Discrete assistance service type

There are also variations within the discrete assistance services category. Legal advice was the most commonly reported discrete assistance service type in four jurisdictions (Victoria, NT, Tasmania and WA). Queensland reported a high proportion of information services (20.8%) and South Australia comparatively reported more non-legal support services (25.0%). Referral services were more commonly reported in Victoria (8.4%) than in any other state/territory.

Figure 12: Percentage of new ILAP discrete assistance services by service type by state/territory where service delivered, 2018–19



Base: new services (N=163,635)
Notes: Percentages are calculated within state/territory. Facilitated resolution process services were provided in WA but do not appear in the graph as they represent <0.05% of services.

Table 20 presents the number of services by service category, and by service type for discrete assistance, for each state and territory.

Table 20: Number of new services by category/type by state/territory where service delivered, 2018–19

Service category/type		ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Discrete Assistance	Information Service	0	803	210	14,455	141	41	97	1,729
	Referral	3	591	297	2,115	115	6	215	1,682
	Legal Advice	1	975	3,201	5,281	1,710	86	729	2,587
	Non-Legal Support	0	1,287	45	0	3,258	0	13	541
	Legal Task	1	177	104	1,133	661	3	37	1,222
	Facilitated Resolution Process	0	0	0	0	0	0	0	4
	Subtotal	*5*	*3,833*	*3,857*	*22,984*	*5,885*	*136*	*1,091*	*7,765*
Duty		3	1,480	2,007	38,816	312	10	34	12,729
Representation		575	25,581	10,715	7,465	6,826	538	1,444	9,382
CLE			29		80				2
Other services			2	2		2			45
Total		583	30,925	16,581	69,345	13,025	684	2,569	29,923

Base: new services (N=163,635)

Law type

The Commonwealth/state law indicator is not required to be reported for discrete assistance services, which explains the high percentages of 'Not stated' in some jurisdictions (Table 21). The highest proportion of services in relation to state/territory law was in Queensland at 96.0%. The highest proportion of services in relation to Commonwealth law was reported in Victoria at 24.8%.

Box 13: Caution: inconsistent reporting?
Data reported from Victoria and Tasmania show a high percentage of services that are reported as being "both Commonwealth and state law" (58.6 and 52.0% respectively). This may, in part, be explained by the fact that family law and civil law services provided by the ATSILSs in these two states are proportionally much higher than in other states/territories (see Table 22; family law: Victoria - 23.2%, Australia - 2.6%). However, after consultation with VALS, it appears that this may also be impacted by default settings in their data recording system. Therefore, the number and percentage of services reported by Commonwealth/state law indicator should not be relied upon for those two states.

Table 21: Number and percentage of new services by Commonwealth/state law indicator by state/territory where service delivered, 2018–19

State/territory where service delivered		Commonwealth law	State law	Both Commonwealth and State	Not stated
Australian Capital Territory	N	118	459	1	5
	%	*20.2*	*78.7*	*0.2*	*0.9*
New South Wales	N	73	27,002	17	3,833
	%	*0.2*	*87.3*	*0.1*	*12.4*
Northern Territory	N	2,678	9,974	6	3,923
	%	*16.2*	*60.2*	*<0.1*	*23.7*
Queensland	N	1,659	66,547	546	593
	%	*2.4*	*96.0*	*0.8*	*0.9*
South Australia	N	153	6,960	27	5,885
	%	*1.2*	*53.4*	*0.2*	*45.2*
Tasmania	N	1	327	356	0
	%	*0.1*	*47.8*	*52.0*	*0.0*
Victoria	N	638	424	1,505	2
	%	*24.8*	*16.5*	*58.6*	*0.1*
Western Australia	N	1	22,143	0	7,779
	%	*<0.1*	*74.0*	*0.0*	*26.0*
Australia	N	5,321	133,836	2,458	22,020
	%	3.3	81.8	1.5	13.5

Base: new services (N=163,635)
Notes: Percentages are calculated within state/territory.

Broad area of law

As for the Commonwealth/state law indicator, broad area of law is not required to be reported for discrete assistance services, hence the high percentages of 'Not stated' in some states/territories (WA, NT, NSW). In all states/territories, services were most commonly provided in relation to criminal matters. In Tasmania and Victoria, higher percentages of services were in relation to family matters (25.4 and 23.2% respectively) or civil matters (12.7 and 29.8% respectively) and Queensland also reported 12.8 of services for civil matters.

Table 22: Number and percentage of new services by broad area of law by state/territory where service delivered, 2018–19

State/territory where service delivered		Criminal	Civil	Family	Not stated
Australian Capital Territory	N	578	0	0	5
	%	*99.1*	*0.0*	*0.0*	*0.9*
New South Wales	N	26,596	437	53	3,839
	%	*86.0*	*1.4*	*0.2*	*12.4*
Northern Territory	N	12,149	567	8	3,857
	%	*73.3*	*3.4*	*<0.1*	*23.3*
Queensland	N	57,653	8,878	2,814	0
	%	*83.1*	*12.8*	*4.1*	*0.0*
South Australia	N	11,831	950	244	0
	%	*90.8*	*7.3*	*1.9*	*0.0*
Tasmania	N	423	87	174	0
	%	*61.8*	*12.7*	*25.4*	*0.0*
Victoria	N	1,208	766	595	0
	%	*47.0*	*29.8*	*23.2*	*0.0*
Western Australia	N	21,633	205	320	7,765
	%	*72.3*	*0.7*	*1.1*	*25.9*
Australia	N	132,071	11,890	4,208	15,466
	%	*80.7*	*7.3*	*2.6*	*9.5*

Base: new services (N=163,635)
Notes: Percentages are calculated within state/territory.

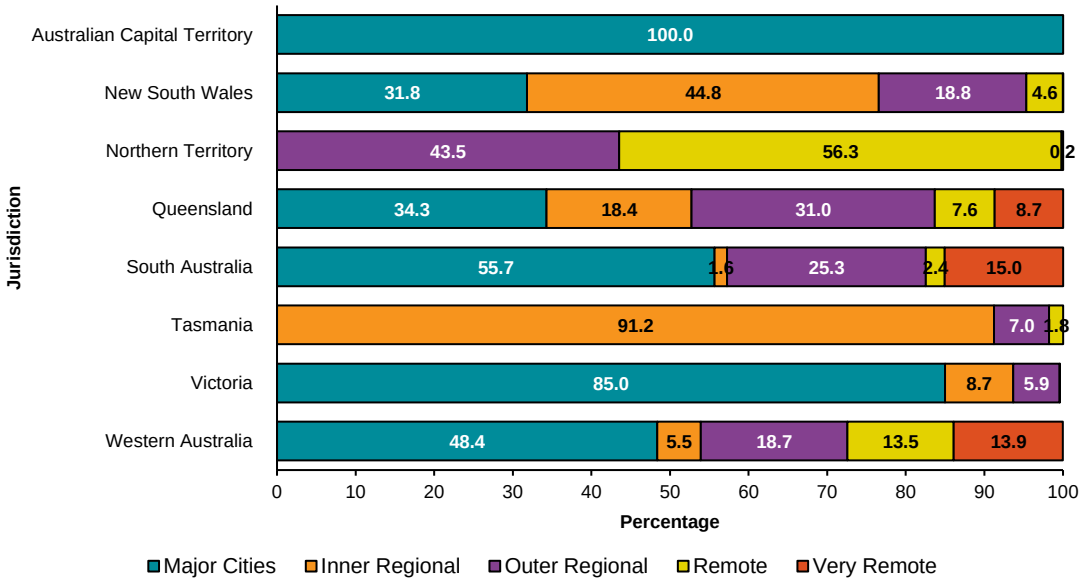
Remoteness

Remoteness of service location

Figure 13 and Table 23 present number and percentage of services by level of remoteness, based on where the service was provided. Variations in service provision by levels of remoteness reflect variations in the Aboriginal and Torres Strait Islander population distribution by remoteness in states/territories. The proportion of services provided in very remote locations was highest in SA at 15.0%, followed by WA (13.9%) and Qld (8.7%).

Box 14: Caution: data relating to remoteness
In addition to the limitations of the mapping process from postcode to levels of remoteness (as outlined in Box 7 in Section 2), which are likely to impact jurisdictions with larger postcode areas more than others, consideration should also be given to the impact on data collection/reporting of the use of PO boxes and of community mail bags in very remote areas. This practice may result in an under-reporting of services provided in very remote areas, especially in the NT.

Figure 13: Percentage of new services by remoteness of service location by state/territory where service delivered, 2018–19



Base: new services where service location (postcode) is known (N=163,623)

Table 23: Number and percentage of new services by remoteness of service location by state/territory where service delivered, 2018–19

State/territory where service delivered		Major Cities	Inner Regional	Outer Regional	Remote	Very Remote	Not known
Australian Capital Territory	N	583	0	0	0	0	0
	%	*100.0*	*0.0*	*0.0*	*0.0*	*0.0*	*0.0*
New South Wales	N	9,841	13,841	5,804	1,437	2	0
	%	*31.8*	*44.8*	*18.8*	*4.6*	*<0.1*	*0.0*
Northern Territory	N	0	0	7,215	9,337	29	0
	%	*0.0*	*0.0*	*43.5*	*56.3*	*0.2*	*0.0*
Queensland	N	23,784	12,786	21,469	5,271	6,034	1
	%	*34.3*	*18.4*	*31.0*	*7.6*	*8.7*	*<0.1*
South Australia	N	7,252	205	3,297	311	1,960	0
	%	*55.7*	*1.6*	*25.3*	*2.4*	*15.0*	*0.0*
Tasmania	N	0	624	48	12	0	0
	%	*0.0*	*91.2*	*7.0*	*1.8*	*0.0*	*0.0*
Victoria	N	2,183	223	152	1	0	10
	%	*85.0*	*8.7*	*5.9*	*<0.1*	*0.0*	*0.4*
Western Australia	N	14,472	1,658	5,583	4,044	4,165	1
	%	*48.4*	*5.5*	*18.7*	*13.5*	*13.9*	*<0.1*
Australia	N	58,115	29,337	43,568	20,413	12,190	12
	%	*35.5*	*17.9*	*26.6*	*12.5*	*7.4*	*<0.1*

Base: new services (N=163,635)
Notes: Percentages are calculated within state/territory.

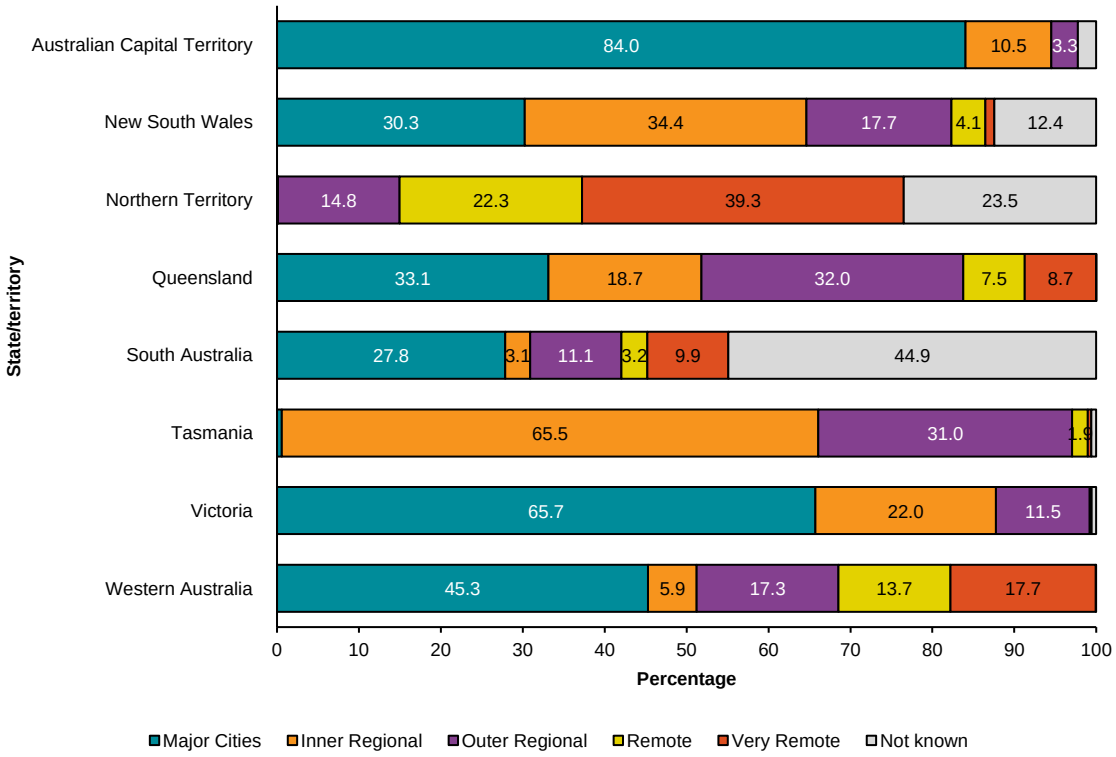
Remoteness of client's residence

Figure 14 and Table 24 present number and percentage of services by level of remoteness, based on the client's area of residence. Services were most commonly provided to clients residing in major cities in ACT, Victoria and WA. Services in the NT were most commonly provided to clients residing in very remote areas. It should be noted, however, that the proportion of services where client's area of residence was not known varies between jurisdictions.[36]

Box 15: Caution: data relating to client residence

Note that for reasons such as homelessness, clients being in custody, or unknown area of residence, client's area of residence may sometimes have been coded to the ATSILS's office location, the court location or the state/territory capital city. This may lead to inaccuracies.

Figure 14: Percentage of new services by remoteness of client's residence by state/territory where service delivered, 2018–19



Base: new services to individuals (N=163,305)
Notes: Percentages under 0.5% are too small to be visible on this graph.

[36] Percentages for SA, and to a lesser extent for the NT, are indicative only and cannot be relied upon due to the large proportion of missing data.

Table 24: Number and percentage of new services by remoteness of client's residence by state/territory where service delivered, 2018–19

State/territory where service delivered		Major Cities	Inner Regional	Outer Regional	Remote	Very Remote	Not known
Australian Capital Territory	N	490	61	19	0	0	13
	%	*84.0*	*10.5*	*3.3*	*0.0*	*0.0*	*2.2*
New South Wales	N	9,347	10,622	5,471	1,281	331	3,845
	%	*30.3*	*34.4*	*17.7*	*4.1*	*1.1*	*12.4*
Northern Territory	N	16	3	2,455	3,683	6,490	3,887
	%	*0.1*	*<0.1*	*14.8*	*22.3*	*39.3*	*23.5*
Queensland	N	22,924	12,933	22,136	5,181	6,035	10
	%	*33.1*	*18.7*	*32.0*	*7.5*	*8.7*	*<0.1*
South Australia	N	3,605	398	1,438	412	1,280	5,814
	%	*27.8*	*3.1*	*11.1*	*3.2*	*9.9*	*44.9*
Tasmania	N	4	448	212	13	3	4
	%	*0.6*	*65.5*	*31.0*	*1.9*	*0.4*	*0.6*
Victoria	N	1,688	566	295	5	1	14
	%	*65.7*	*22.0*	*11.5*	*0.2*	*<0.1*	*0.5*
Western Australia	N	13,528	1,777	5,162	4,085	5,299	21
	%	*45.3*	*5.9*	*17.3*	*13.7*	*17.7*	*0.1*
Australia	N	51,602	26,808	37,188	14,660	19,439	13,608
	%	*31.6*	*16.4*	*22.8*	*9.0*	*11.9*	*8.3*

Base: new services to individuals (N=163,305)
Notes: Percentages are calculated within state/territory.

Client profile

Gender

As stated earlier, the higher percentages of services provided to male clients in all jurisdictions is not unexpected given the emphasis of ATSILS services towards criminal matters, and the much higher rate of criminal charges for males than for females.

The percentage of services provided to male clients was highest in NSW (80.5%) and the ACT (75.3%) and lowest in Victoria (57.8%) or Tasmania (63.5%).[37] This is likely a consequence of the variations in services provided by area of law (criminal law: NSW – 86.0%, ACT – 99.1%) and the distribution of service types outlined earlier in Figures 11 and 12, as representation services are generally more likely to be provided to male clients whereas discrete assistance services span across a wider section of the population.

[37] The gender breakdown reported in Qld should be interpreted with caution in view of the large percentage (14.7%) of not knowns (gender is not required to be reported for discrete assistance services).

Table 25: Number and percentage of new services by gender by state/territory where service delivered, 2018–19

State/territory where service delivered		Male	Female	Other	Not known
Australian Capital Territory	N	439	144	0	0
	%	*75.3*	*24.7*	*0.0*	*0.0*
New South Wales	N	24,861	6,036	0	0
	%	*80.5*	*19.5*	*0.0*	*0.0*
Northern Territory	N	11,913	4,618	1	2
	%	*72.1*	*27.9*	*<0.1*	*<0.1*
Queensland	N	39,734	19,302	10	10,173
	%	*57.4*	*27.9*	*<0.1*	*14.7*
South Australia	N	9,698	3,245	0	4
	%	*74.9*	*25.1*	*0.0*	*<0.1*
Tasmania	N	434	250	0	0
	%	*63.5*	*36.5*	*0.0*	*0.0*
Victoria	N	1,486	1,083	0	0
	%	*57.8*	*42.2*	*0.0*	*0.0*
Western Australia	N	19,888	9,780	202	2
	%	*66.6*	*32.7*	*0.7*	*<0.1*
Australia	N	108,453	44,458	213	10,181
	%	*66.4*	*27.2*	*0.1*	*6.2*

Base: new services to individuals (N=163,305)
Notes: Percentages are calculated within state/territory. The 'Not known' column combines services where client's gender was either 'not stated' or 'not applicable'.

Age group

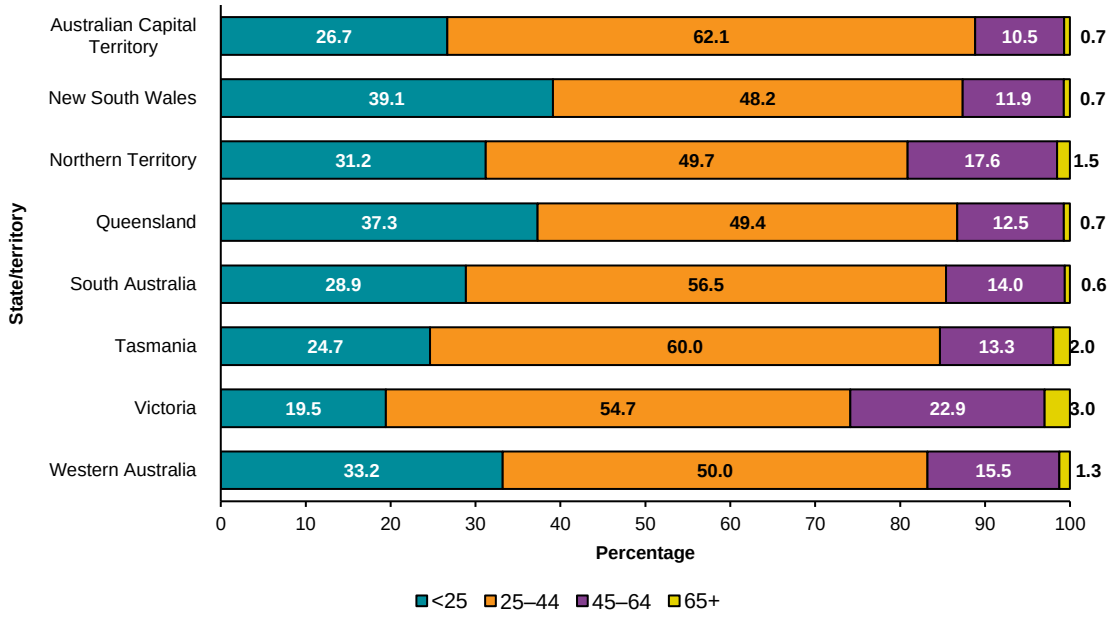
Figure 15 and Table 26 present a breakdown of number and percentage of services by age groups. Across all states/territories, services were most commonly provided to adults aged 25–44. The highest proportions of services provided to young people aged under 25 were reported in NSW (39.1%) and Qld (37.3%). Victoria reported the highest percentage of services provided to older people aged 65 or over at 3.0%.

Box 16: Completeness of data

The apparent smaller proportion of services delivered to young people in Victoria may be impacted in part by services being provided by a specialist provider funded outside the ILAP, and therefore not reported into IRIS.

Apart from suggesting caution when interpreting the data, it also raises the broader question of which service data is to be included in such analyses. This needs to be further explored in future analyses of legal assistance service provision.

Figure 15: Percentage of new services by age group by state/territory where service delivered, 2018–19



Base: new services to individuals whose age is known (N=143,548)

Within the adult age group, services were mostly provided to clients aged 25–34 in all jurisdictions.

Table 26: Number and percentage of new services by age group by state/territory where service delivered, 2018–19

State/territory where service delivered		<10	10-17	18-24	25-34	35-44	45-54	55-64	65+	Not known
Australian Capital Territory	N	3	34	118	208	153	49	12	4	2
	%	*0.5*	*5.8*	*20.2*	*35.7*	*26.2*	*8.4*	*2.1*	*0.7*	*0.3*
New South Wales	N	184	4,108	7,767	9,067	5,808	2,899	776	224	64
	%	*0.6*	*13.3*	*25.1*	*29.3*	*18.8*	*9.4*	*2.5*	*0.7*	*0.2*
Northern Territory	N	16	1,769	3,371	4,608	3,604	2,146	761	252	7
	%	*0.1*	*10.7*	*20.4*	*27.9*	*21.8*	*13.0*	*4.6*	*1.5*	*<0.1*
Queensland	N	52	7,633	10,984	14,440	10,273	4,958	1,310	371	19,198
	%	*0.1*	*11.0*	*15.9*	*20.9*	*14.8*	*7.2*	*1.9*	*0.5*	*27.7*
South Australia	N	4	1,577	2,150	4,257	3,052	1,412	397	79	19
	%	*<0.1*	*12.2*	*16.6*	*32.9*	*23.6*	*10.9*	*3.1*	*0.6*	*0.1*
Tasmania	N	0	39	122	246	146	65	22	13	31
	%	*0.0*	*5.7*	*17.8*	*36.0*	*21.3*	*9.5*	*3.2*	*1.9*	*4.5*
Victoria	N	0	114	377	798	582	384	194	75	45
	%	*0.0*	*4.4*	*14.7*	*31.1*	*22.7*	*14.9*	*7.6*	*2.9*	*1.8*
Western Australia	N	13	4,270	5,501	8,702	6,041	3,405	1,177	372	391
	%	*<0.1*	*14.3*	*18.4*	*29.1*	*20.2*	*11.4*	*3.9*	*1.2*	*1.3*
Australia	N	272	19,544	30,390	42,326	29,659	15,318	4,649	1,390	19,757
	%	*0.2*	*12.0*	*18.6*	*25.9*	*18.2*	*9.4*	*2.8*	*0.9*	*12.1*

Base: new services to individuals (N=163,305)
Notes: Percentages are calculated within state/territory.

Financial disadvantage

Financial disadvantage status is only required to be reported for representation services, hence the high percentage of services other than representation services where that indicator is not known. Table 27 therefore presents the numbers and percentages of *representation* services by financial disadvantage indicator. The large majority of representation services were provided to financially disadvantaged clients, from 78.0% in Queensland to 100% in Tasmania and Victoria.

Table 27: Number and percentage of new representation services by financial disadvantage status by state/territory where service delivered, 2018–19

State/territory where service delivered		No	Yes	Not known	Total
Australian Capital Territory	N	5	570	0	575
	%	*0.9*	*99.1*	*0.0*	*100.0*
New South Wales	N	1,492	24,088	1	25,581
	%	*5.8*	*94.2*	*<0.1*	*100.0*
Northern Territory	N	11	10,626	78	10,715
	%	*0.1*	*99.2*	*0.7*	*100.0*
Queensland	N	1,601	5,821	43	7,465
	%	*21.4*	*78.0*	*0.6*	*100.0*
South Australia	N	84	6,737	5	6,826
	%	*1.2*	*98.7*	*0.1*	*100.0*
Tasmania	N	0	538	0	538
	%	*0.0*	*100.0*	*0.0*	*100.0*
Victoria	N	0	1,444	0	1,444
	%	*0.0*	*100.0*	*0.0*	*100.0*
Western Australia	N	523	8,859	0	9,382
	%	*5.6*	*94.4*	*0.0*	*100.0*
Australia	N	3,716	58,683	127	62,526
	%	*5.9*	*93.9*	*0.2*	*100.0*

Base: new representation services (N=62,526)
Notes: Percentages are calculated within state/territory.

Appendices: Jurisdictional profiles

The following eight profiles provide a snapshot of services by jurisdiction.

A. Australian Capital Territory
B. New South Wales
C. Northern Territory
D. Queensland
E. South Australia
F. Tasmania
G. Victoria
H. Western Australia

Appendix A Australian Capital Territory

This appendix presents an analysis of ATSILS services provided in the 2018–19 financial year in the Australian Capital Territory by the Aboriginal Legal Service NSW/ACT (ALS NSW/ACT). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in the Australian Capital Territory (ACT) represents 1.6% of the total ACT population.

The Aboriginal and Torres Strait Islander population in the ACT increased by 25.5% between the 2011 and 2016 Census counts, a larger increase than in Australia overall (18.4%).

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Australian Capital Territory	5,180	1.5	6,510	1.6	25.5
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[38] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is lower (64.1%) in the ACT.

[38] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Australian Capital Territory	3,730	64.1	1.1
Australia *	505,750	82.8	2.4

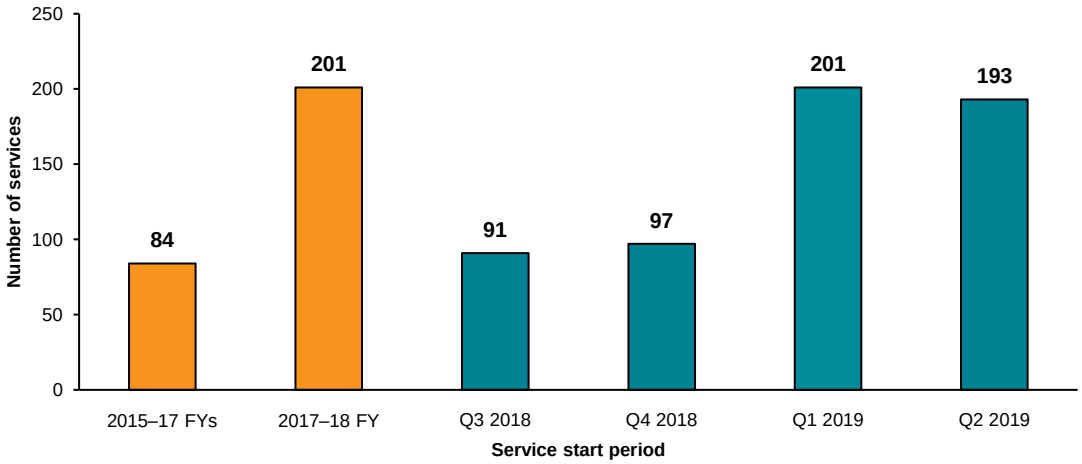
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 867 services were provided by ALS NSW/ACT in the ACT in the 2018–19 financial year, of which 582 (67.1%) were new services and the remaining 285 (32.9%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[39]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=867)

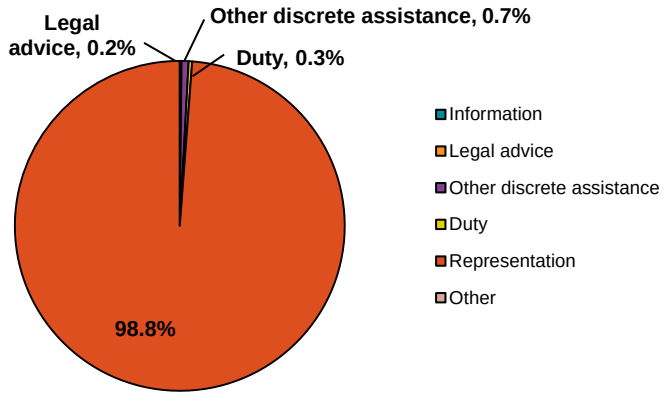
For reporting purposes, ATSILS services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

[39] A further 39 services (representing 4.3% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), nearly all services, 98.8%, were representation services, with only few discrete assistance and duty services being reported (see Figure 2).

Figure 2: Services by category, 2018–19



Base: new services (N=582)
Notes: Other discrete assistance services represent 0.7%, legal advice 0.2% and duty 0.3%, no information, CLE or other services were reported.

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was representation services at a Court or Tribunal, accounting for 98.3% of new services provided in 2018–19.

Compared with the 2017–18 financial year, the number of representation services has increased from 337 to 575. In contrast, only a handful of services other than representation (all discrete assistance) were reported in 2018–19, compared with 135 discrete assistance and 64 duty services reported the previous year.

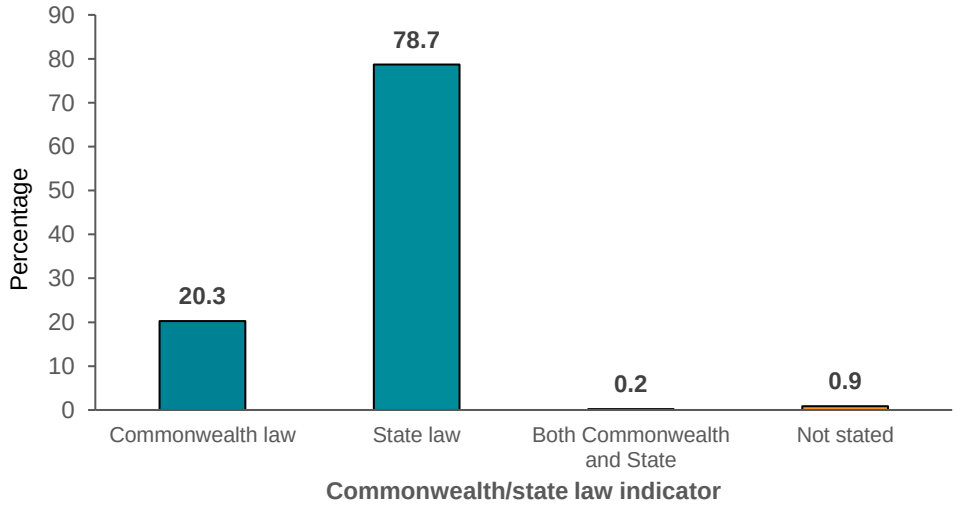
Table 3: Services by service type, 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	4	0.7	0	0.0
	Referral	16	3.0	3	0.5
	Legal Advice	81	15.1	1	0.2
	Non-Legal Support	30	5.6	0	0.0
	Legal Task	4	0.7	1	0.2
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*135*	*25.2*	*5*	*0.9*
Duty	Duty	64	11.9	2	0.3
Representation	Dispute Resolution	0	0.0	1	0.2
	Court/Tribunal	336	62.7	572	98.3
	Other Representation	1	0.2	2	0.3
	Subtotal	*337*	*62.9*	*575*	*98.8*
CLE	Community Legal Education Activity	0	0.0	0	0.0
	Community Legal Education Resource	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Other services	Law and Legal Service Reform	0	0.0	0	0.0
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Total		536	100	582	100

Broad area of law

The majority of new services (78.7%) were for a legal problem relating to state/territory law.

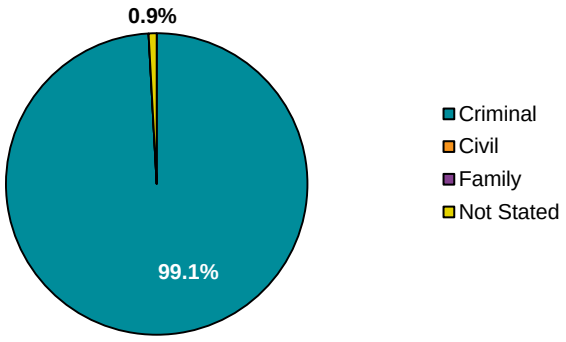
Figure 3: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=582)

Figure 4 shows that the overwhelming majority of services (99.1%) were for criminal matters. Broad area of law was not reported for the remaining services.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=582)

All duty lawyer services and representation services (100%) were for criminal matters (see Table 4).

Table 4: Duty and representation services by broad area of law, 2018–19

	Duty		Representation	
	N	%	N	%
Criminal	2	100.0	575	100.0
Civil	0	0.0	0	0.0
Family	0	0.0	0	0.0
Not Stated	0	0.0	0	0.0
Total	2	100	575	100

Base: new duty and representation services (N=577)

Geographic location

The ACT comprises inner regional and major cities areas. However, due to small numbers and the impact of the ABS confidentiality process on the reliability of small counts, these two levels of remoteness were combined when computing Aboriginal and Torres Strait Islander estimated population and NLAS(ATSILS) ERP counts.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	3,710 *	100	7,510	100
Inner Regional				
Outer Regional	-	-	-	-
Remote	-	-	-	-
Very Remote	-	-	-	-

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.
* Population data are combined across two levels of remoteness due to the impact of ABS confidentiality process on the reliability of small counts.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

All new services were provided in major cities (100%).

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in the ACT, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

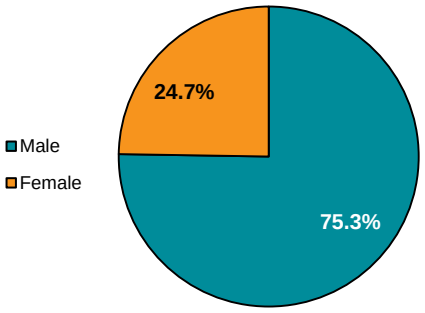
Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	1,150	30.8	1,150	19.7
18–24	920	24.8	1,170	20.1
25–34	550	14.8	1,210	20.8
35–44	370	9.9	840	14.5
45–54	310	8.2	770	13.2
55–64	260	6.8	460	8.0
65+	180	4.8	220	3.7

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10-17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.

Three-quarters of services (75.3%) were provided to male clients (see Figure 6).

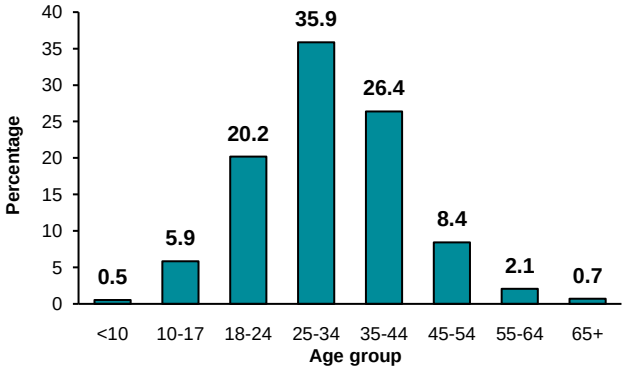
The proportion of services by client age peaks in the 25–34 age group (35.9% of services), followed by the 35–44 age group (26.4%) and the 18–24 age group (20.2%; see Figure 7). The proportion of services provided to clients under the age of 18 was 6.4%. Overall, 26.6% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=582)

Figure 7: Services by client's age group

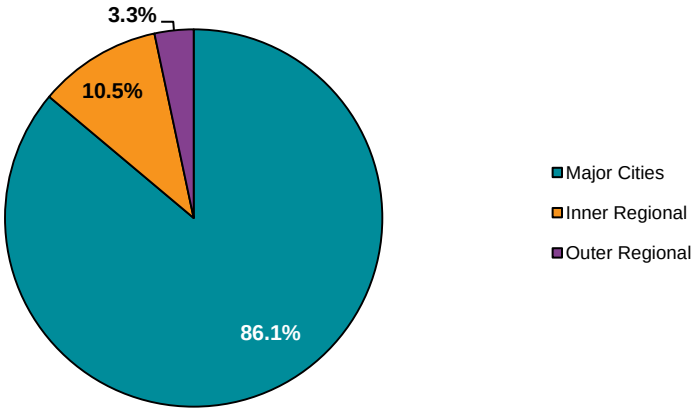


Base: new services to individuals whose age is known (N=580)

Area of residence

Services were most commonly provided to clients residing in major cities (86.1%), followed by those residing in inner regional areas (10.5%) (see Figure 8). A small number of services (3.3%) were provided to clients resident in outer regional areas. Those would be clients from other states/territories who were charged with a criminal offence and received a representation service at an ACT court.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=569)

Level of disadvantage

Financial status was reported for 577 services (99.1% of new services to individuals). Financial status is not required to be reported for discrete assistance services hence it is not possible to ascertain the total number of services provided to clients who experience financial disadvantage.

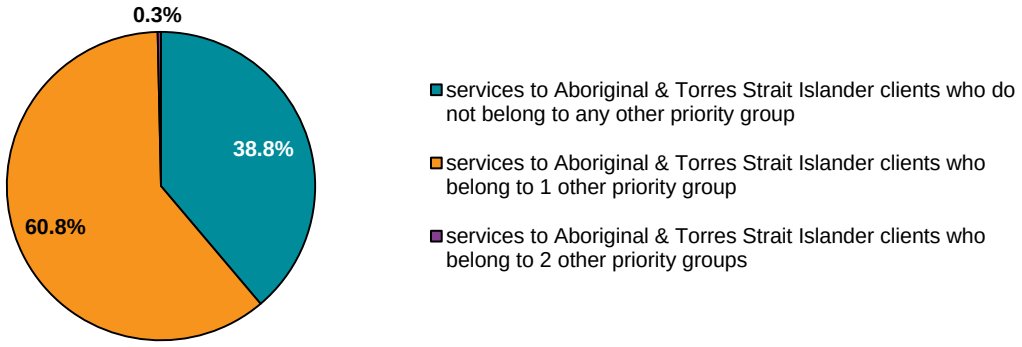
A total of 570 services were provided to clients experiencing financial disadvantage, which represents 98.8% of services to clients whose financial status is known.

Similarly, priority group status was reported for all duty and representation services, but not for discrete assistance services. A total of 353 services, or 61.2% of duty and representation services combined, were provided to clients identified as priority clients.[40]

All of those 353 services were provided to Aboriginal and Torres Strait Islander clients who belong to at least one *additional* priority group. These figures show that a large number of ATSILS clients face multiple disadvantages.

[40] Not including the single parent priority group as data for this group was not available.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=577)

Reaching priority clients

Table 7 shows the number and percentage of representation services provided to selected priority client groups, as reported into IRIS.

Table 7: Representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Representation services	
	N	%
People with a disability or mental illness	91	15.8
People experiencing, or at risk of, family violence	41	7.1
People experiencing, or at risk of, homelessness	25	4.3
People in custody	122	21.2
People with low level of education	3	0.5
People with low English proficiency	0	0.0
Children and young people (up to 24 years)	*58*	*10.1*
Older people (65+)	*3*	*0.5*
People residing in rural or remote areas	*10*	*1.7*
Services with known priority status	575	100.0
% with known priority status	100	
Financial disadvantage*	570	99.1
Services with known financial status	575	
% with known financial status	100	

Base: new representation services to individuals whose priority status is known (N=575)
Notes: A client can belong to more than one priority group, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known. * For this group only: Base: new services to individuals whose financial status is known (N=575)

However, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results

were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Representation services provided to selected priority client groups, calculated from relevant variables, 2018–19

Priority client group	Representation services	
	N	%
Children and young people (up to 24 years)	152	26.5
Older people (65+)	4	0.7
Year of birth not known	*2*	*0.3*
People residing in outer regional, remote or very remote areas	19	3.4
Client postcode not known	*8*	*1.4*

Base: new representation services to individuals (N=575)
Notes: Percentages are calculated over the number of services for which the relevant variable (year of birth or postcode) is known.

Appendix B New South Wales

This appendix presents an analysis of services provided in the 2018–19 financial year in New South Wales by the Aboriginal Legal Service NSW/ACT (ALS NSW/ACT). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in New South Wales (NSW) represents 2.9% of the total NSW population.

The Aboriginal and Torres Strait Islander population in NSW increased by 25.2% between the 2011 and 2016 Census counts, a faster increase than in Australia overall (18.4%).

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
New South Wales	172,630	2.5	216,170	2.9	25.2
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[41] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is similar in NSW at 82.3%.

[41] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
New South Wales	166,380	82.3	2.5
Australia *	505,750	82.8	2.4

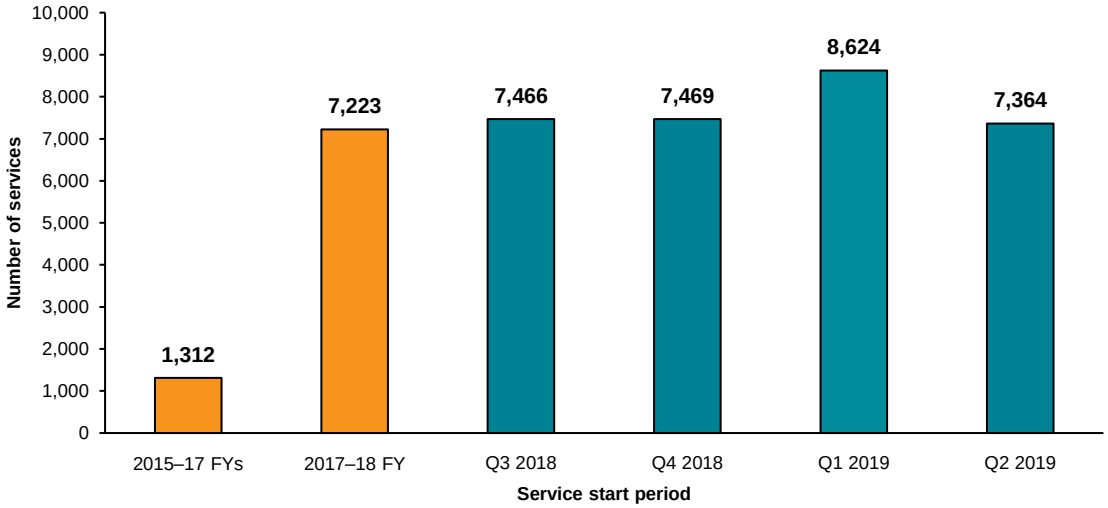
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10. * excludes Other Territories

Legal assistance service provision in 2018–19

New and ongoing services

A total of 39,458 services were provided by ALS NSW/ACT in NSW in the 2018–19 financial year, of which 30,923 (78.4%) were new services and the remaining 8,535 (21.6%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[42]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=39,458)

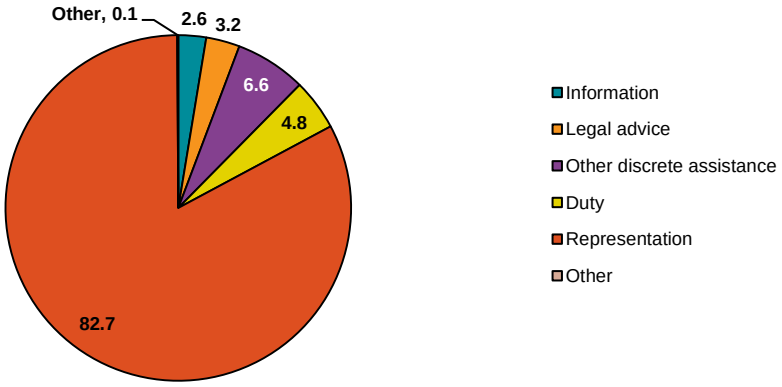
For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

[42] A further 161 services (representing 0.4% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services account for the largest proportion of services, 82.7%, followed by other discrete assistance services (6.6%) and duty lawyer services (4.8%) (see Figure 2).

Figure 2: Services by category, 2018–19



Base: new services (N=30,923)
Notes: Other discrete assistance services include non-legal support (4.2%), referral (1.9%) and legal task (0.6%). Other services comprise of Law and Legal Service Reform and Stakeholder Engagement.

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was representation services at a Court or Tribunal, accounting for 82.0% of new services provided in 2018–19, followed by duty lawyer services (4.8%), non-legal support (4.2%) and legal advice (3.2%).

Table 3: Services by service type, 2018–19

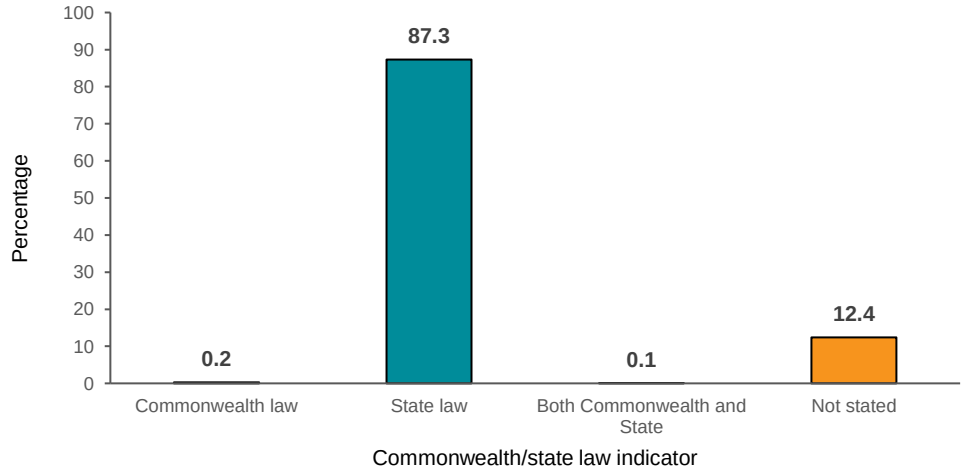
Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	587	2.0	803	2.6
	Referral	526	1.8	590	1.9
	Legal Advice	1,074	3.7	975	3.2
	Non-Legal Support	1,324	4.6	1,287	4.2
	Legal Task	258	0.9	177	0.6
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*3,769*	*13.1*	*3,832*	*12.4*
Duty	Duty	1,162	4.0	1,480	4.8
Representation	Dispute Resolution	51	0.2	21	0.1
	Court/Tribunal	23,525	81.9	25,368	82.0
	Other Representation	211	0.7	191	0.6
	Subtotal	*23,787*	*82.8*	*25,580*	*82.7*
CLE	Community Legal Education Activity	1	<0.1	29	0.1
	Community Legal Education Resource	0	0.0	0	0.0
	Subtotal	*1*	*<0.1*	*29*	*0.1*
Other services	Law and Legal Service Reform	13	<0.1	2	<0.1
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*13*	*<0.1*	*2*	*<0.1*
Total		28,732	100	30,923	100

Base: new services (N=30,923)

Broad area of law

The majority of new services (87.3%) were for a legal problem relating to state/territory law.[43]

Figure 3: Percentage of services by Commonwealth/state law, 2018–19



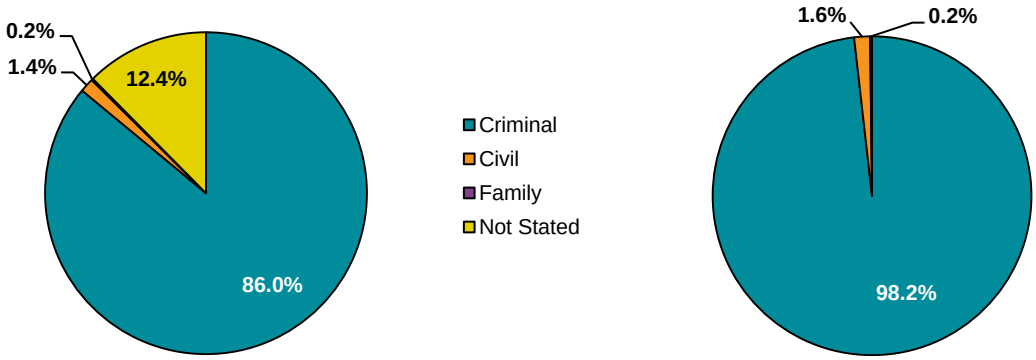
Base: new services (N=30,923)

[43] Note that, due to incomplete data for 12.4% of services, it is not possible to provide an exact proportion of services relating to Commonwealth law and to state law. The missing data is concentrated on discrete assistance services, for which the Commonwealth/state indicator was not required and hence not reported.

Figure 4 shows that 86.0% of services were for criminal matters. This figure, however, is likely to under-report the true proportion of services provided for criminal matters given the proportion of discrete assistance services that may have been provided for criminal matters.

When services with unknown area of law are excluded from the percentage of services by broad area of law, the proportion of services in relation to criminal law matters increases to 98.2%. This percentage, however, is likely to over-estimate the true proportion of services provided for criminal matters given the overwhelming proportion of representation services provided in relation to criminal matters. Discrete assistance services will have almost certainly been provided for a wider range of legal matters, including some areas of family and civil law, as compared to duty and representation services.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=30,923)

Base: new services **with known area of law** (N=27,084)

Most duty lawyer services (98.3%) and representation services (98.2%) were for criminal matters (see Table 4).

Table 4: Duty and representation services by broad area of law, 2018–19

	Duty		Representation	
	N	%	N	%
Criminal	1,455	98.3	25,116	98.2
Civil	23	1.6	413	1.6
Family	2	0.1	50	0.2
Not Stated	0	0.0	1	<0.1
Total	1,480	100	25,580	100

Base: new duty and representation services (N=27,060)

Geographic location

Aboriginal and Torres Strait Islander people in NSW most commonly live in major cities (46.3%), over a third (34.5%) live in inner regional areas. A small proportion (3.7%) live in remote or very remote areas.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

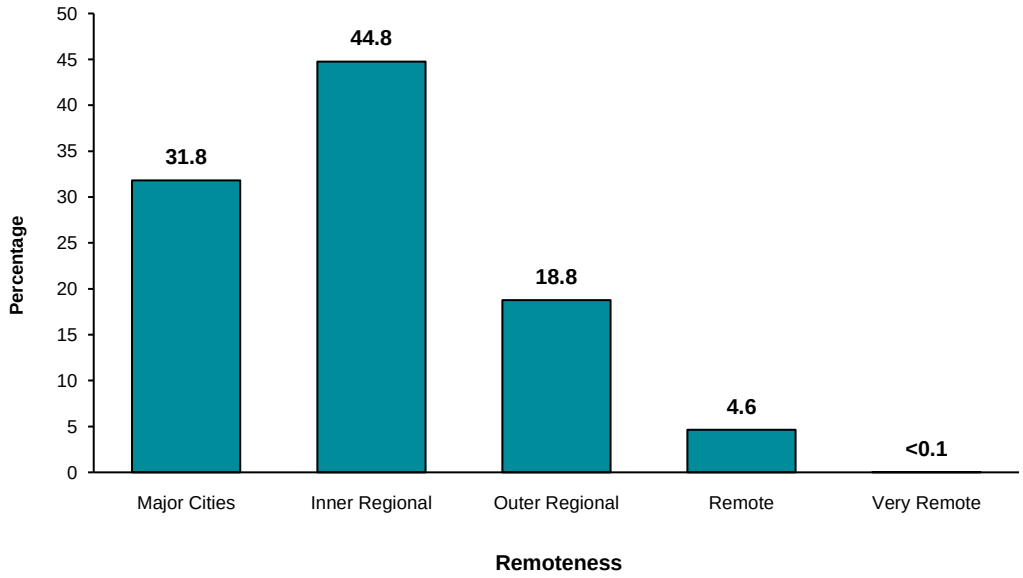
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	74,290	44.6	123,100	46.3
Inner Regional	58,210	35.0	91,620	34.5
Outer Regional	27,160	16.3	41,230	15.5
Remote	4,960	3.0	7,310	2.8
Very Remote	1,770	1.1	2,430	0.9

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

New services were most commonly provided in inner regional areas (44.8%), 4.7% of services were provided in remote or very remote areas.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=30,923)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in NSW, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

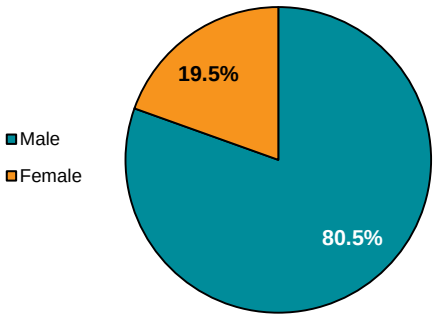
Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	46,020	27.7	46,020	22.8
18–24	31,960	19.2	35,180	17.4
25–34	25,360	15.2	35,430	17.5
35–44	18,620	11.2	27,760	13.7
45–54	18,670	11.2	26,760	13.2
55–64	14,160	8.5	18,410	9.1
65+	11,630	7.0	12,640	6.3

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10–17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.

Eight out of ten services (80.5%) were provided to male clients (see Figure 6).

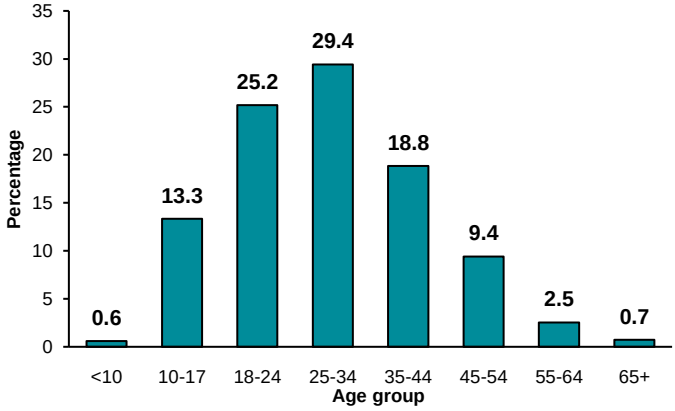
The proportion of services by client age peaks in the 25–34 age group (29.4% of services), followed by the 18–24 age group (25.2%) and the 35–44 age group (18.8%; see Figure 7). The proportion of services provided to clients under the age of 18 was 13.9%. Overall, 39.1% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=30,895)

Figure 7: Services by client's age group

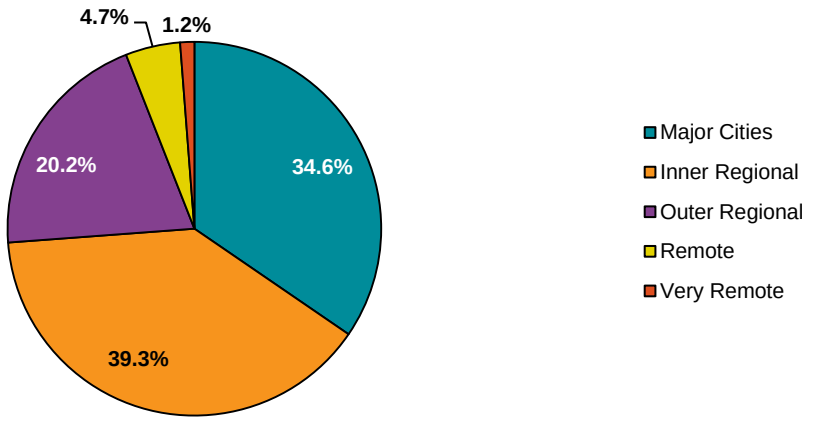


Base: new services to individuals whose age is known (N=30,831)

Area of residence

Services were most commonly provided to clients residing in inner regional areas (39.3%), closely followed by those residing in major cities (34.6%) (see Figure 8). Over a quarter of services (26.2%) were provided to clients in outer regional, remote or very remote areas.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=27,050)

Level of disadvantage

Financial status is not required to be reported for discrete assistance services hence it is not possible to ascertain the exact number of services provided to clients who experience financial disadvantage. Financial status was reported for 27,063 services (87.6% of new services to individuals).

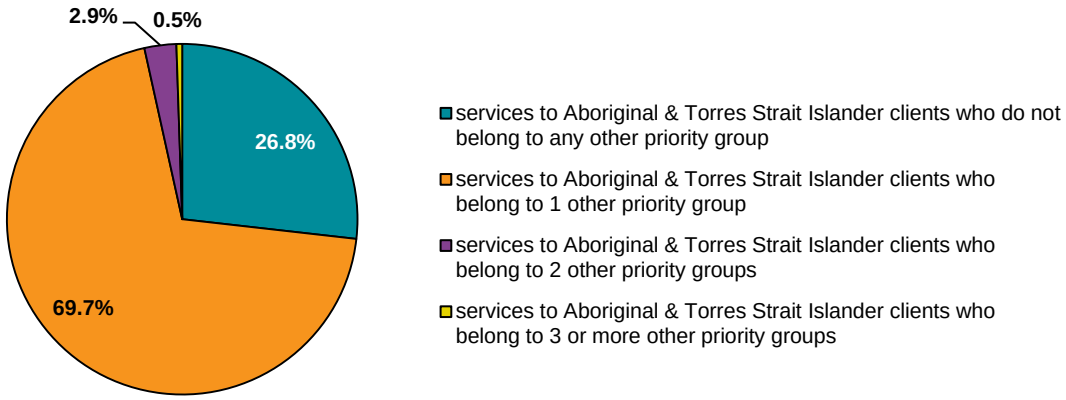
A total of 24,091 services were provided to clients experiencing financial disadvantage, which represents 89.0% of services to clients whose financial status is known.

Similarly, priority group status was reported for all duty and representation services, but not for discrete assistance services. A total of 19,811 services, or 73.2% of duty and representation services combined, were provided to clients identified as priority clients.[44]

Of those, 19,754 services were provided to Aboriginal and Torres Strait Islander clients identified as priority clients under the ILAP. Nearly three-quarters of duty and representation services combined (73.0%) were provided to Aboriginal and Torres Strait Islander clients who belong to one or more *additional* priority client groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

[44] Not including the single parent priority group as data for this group was not available.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal and Torres Strait Islander clients whose priority status is known (N=26,984)

Reaching priority clients

Table 7 shows the number and percentage of services provided to selected priority client groups for duty and representation services, as reported into IRIS.

Table 7: Duty and representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Duty		Representation	
	N	%	N	%
People with a disability or mental illness	59	4.0	1,607	6.3
People experiencing, or at risk of, family violence	22	1.5	1,613	6.3
People experiencing, or at risk of, homelessness	8	0.5	94	0.4
People in custody	229	15.5	4,249	16.6
People with low level of education	30	2.0	485	1.9
People with low English proficiency	0	0.0	36	0.1
Children and young people (up to 24 years)	*274*	*18.5*	*4,009*	*15.7*
Older people (65+)	*4*	*0.3*	*78*	*0.3*
People residing in rural or remote areas	*593*	*40.1*	*7,549*	*29.5*
Services with known priority status	1,480	100.0	25,579	100.0
% with known priority status	100		100	
Financial disadvantage*	0	0.0	24,087	94.2
Services with known financial status	1,480		25,579	
% with known financial status	100		100	

Base: new services to individuals whose priority status is known (N=27,063)
Notes: A client can belong to more than one priority groups, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known. * For this group only: Base: new services to individuals whose financial status is known (N=27,063)

However, the fact that financial status was recorded as 'No' (i.e. not experiencing financial disadvantage) for ***all*** duty services points to potential issues in the data collection and reporting processes given the unlikelihood of this to be correct.

Furthermore, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups by main service types, calculated from relevant variables, 2018–19

Priority client group	Discrete Assistance		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	1,003	26.6	589	39.8	10,467	40.9	12,059	39.1
Older people (65+)	142	3.8	11	0.7	71	0.3	224	0.7
Year of birth not known	*56*	*1.5*	*1*	*0.1*	*6*	*<0.1*	*64*	*0.2*
People residing in outer regional, remote or very remote areas	-	-	648	43.8	6,433	25.2	7,082	26.2
Client postcode not known	*3,832*	*100.0*	*0*	*0.0*	*13*	*0.1*	*3,845*	*12.4*

Base: new services to individuals (N=30,895)
Notes: * includes CLE and other services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known. Client postcode was not reported for discrete assistance services.

Appendix C Northern Territory

This appendix presents an analysis of services provided in the 2018–19 financial year by the North Australian Aboriginal Justice Agency (NAAJA). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in the Northern Territory (NT) represents just over a quarter (25.5%) of the total NT population.

The Aboriginal and Torres Strait Islander population in the NT increased by 2.6% between the 2011 and 2016 Census counts, a slower increase compared with the 18.4% increase in Australia overall.

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Northern Territory	56,780	26.8	58,250	25.5	2.6
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census

Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income[45], and who also identify as Aboriginal, Torres Strait Islander or both. In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is somewhat higher (88.4%) in the NT.

[45] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Northern Territory	52,800	88.4	25.4
Australia *	505,750	82.8	2.4

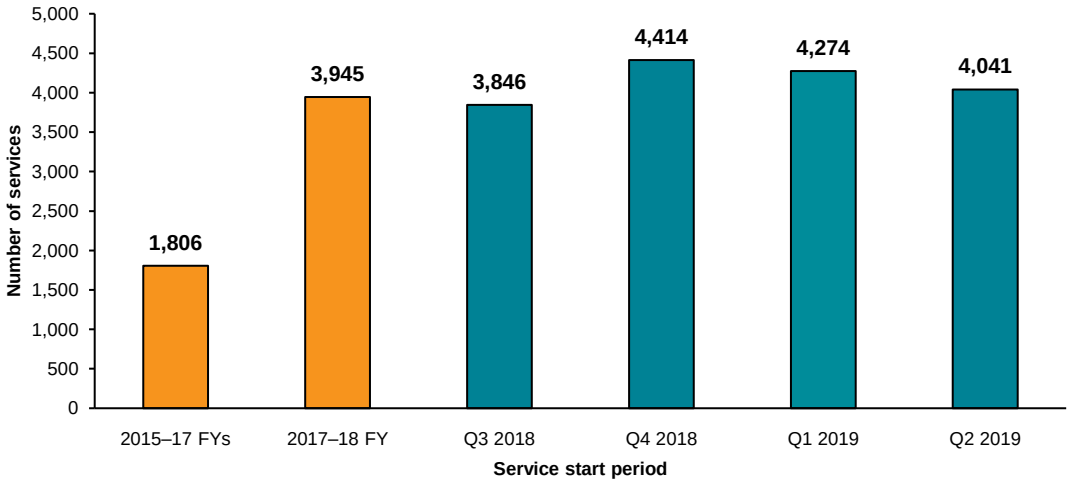
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 22,326 services were provided by ATSILS in the Northern Territory in the 2018–19 financial year, of which 16,575 (74.2%) were new services and the remaining 5,751 (25.8%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[46]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=22,326)

For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into

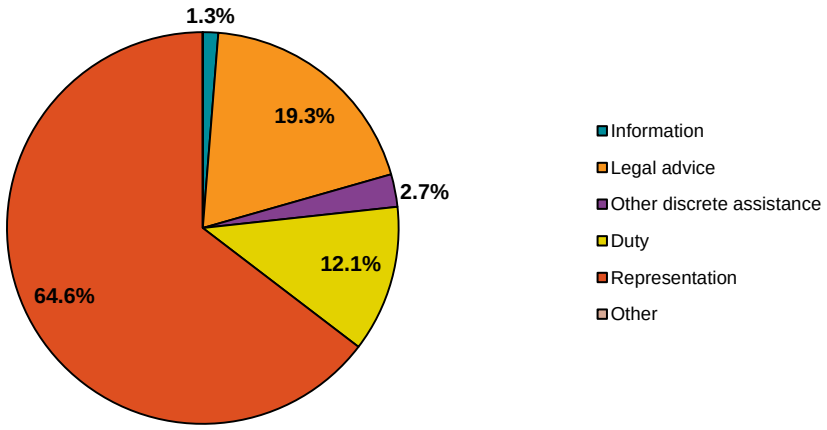
[46] A further 2,259 services (representing 9.2% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies. Note that the proportion of such ongoing services with an older start date is higher in the NT than in other jurisdictions. While those services may indeed be ongoing for several years (in the case of representation services), specific quality assurance checks would be required to further explain this finding.

three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services account for the largest proportion of services, 64.6%, followed by legal advice (19.3%) and duty services (12.1%).

Figure 2: Services by category, 2018–19



Base: new services (N=16,575)
Notes: Other services comprise of Community Legal Education, Law and Legal Service Reform and Stakeholder Engagement. Combined, they represent less than 0.05% of services

The National DSM further breaks the broad service categories down into 14 service types (see Table 3). The most frequent service type was representation service at a Court or Tribunal, accounting for 64.1% of new services provided in 2018–19, followed by legal advice (19.3%) and duty lawyer services (12.1%).

Table 3: Services by service type, 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	721	4.5	210	1.3
	Referral	365	2.3	297	1.8
	Legal Advice	2,890	18.1	3,201	19.3
	Non-Legal Support	40	0.3	45	0.3
	Legal Task	215	1.3	104	0.6
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*4,231*	*26.5*	*3,857*	*23.3*
Duty	Duty	1,976	12.4	2,007	12.1
Representation	Dispute Resolution	9	0.1	37	0.2
	Court/Tribunal	9,568	59.9	10,617	64.1
	Other Representation	180	1.1	55	0.3
	Subtotal	*9,757*	*61.1*	*10,709*	*64.6*
CLE	Community Legal Education Activity	0	0.0	0	0.0
	Community Legal Education Resource	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Other services	Law and Legal Service Reform	3	<0.1	2	<0.1
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*3*	*<0.1*	*2*	*<0.1*
Total		15,967	100	16,575	100

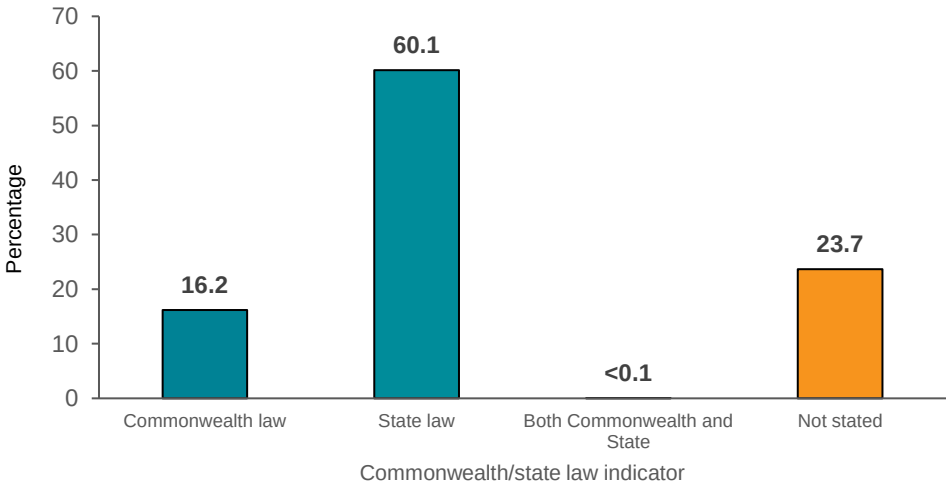
Broad area of law

A majority of new services (60.1%) were for a legal problem relating to state/territory law.

Box 17: Caution: missing data

Due to incomplete data for 23.7% of services, it is not possible to provide an exact proportion of services relating to Commonwealth law and to state law. The missing data is concentrated on discrete assistance services, for which the Commonwealth/state indicator was not required and hence not reported.

Figure 3: Percentage of services by Commonwealth/state law, 2018–19

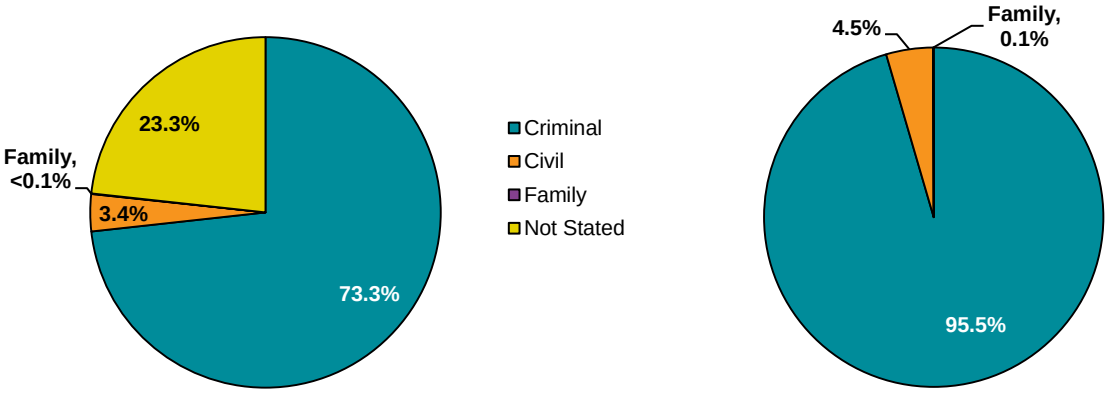


Base: new services (N=16,575)

Figure 4 shows that 73.3% of services were for criminal matters. This figure, however, is likely to under-report the true proportion of services provided for criminal matters given the proportion of discrete assistance services that may have been provided for criminal matters.

When services with unknown area of law are excluded from the percentage of services by broad area of law, the proportion of services in relation to criminal law matters increases to 95.5%. This percentage, however, is likely to over-estimate the true proportion of services provided for criminal matters given the overwhelming proportion of representation services provided in relation to criminal matters. Discrete assistance services will have almost certainly been provided for a wider range of legal matters, including some areas of family and civil law, as compared to duty and representation services.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=16,575)

Base: new services **with known area of law** (N=12,718)

Nearly all (99.2%) duty lawyer services and most (94.8%) representation services were for criminal matters (see Table 4).

Table 4: Duty and representation services by broad area of law, 2018–19

	Duty		Representation	
	N	%	N	%
Criminal	1,991	99.2	10,150	94.8
Civil	16	0.8	551	5.1
Family	0	0.0	8	0.1
Not Stated	0	0.0	0	0.0
Total	2,007	100	10,709	100

Base: new duty and representation services (N=12,716)

Geographic location

The Northern Territory comprises outer regional, remote and very remote areas. The largest town, Darwin, is located in an outer regional area. Most of the Aboriginal and Torres Strait Islander population resides in remote and very remote areas (76.6%; see Table 5).

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	-	-	-	-
Inner Regional	-	-	-	-
Outer Regional	9,480	18.2	17,470	23.4
Remote	11,820	22.7	16,930	22.7
Very Remote	30,840	59.2	40,150	53.9

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

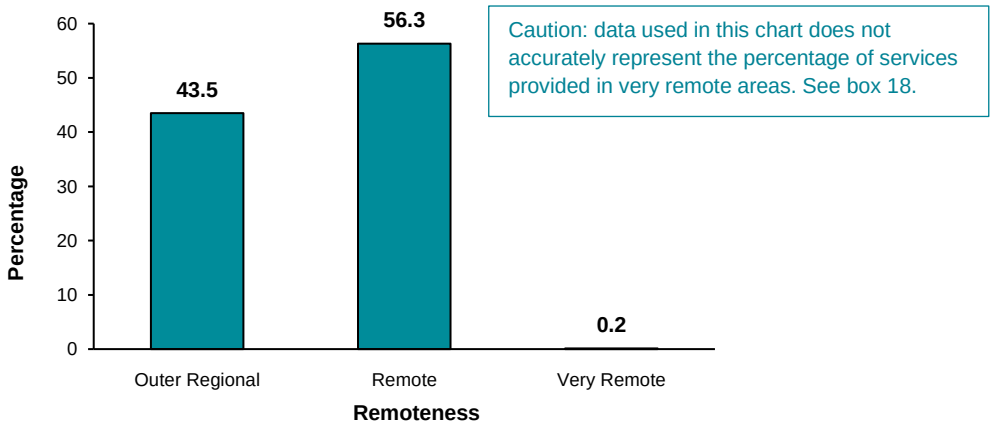
Box 18: Caution: accurate reporting of remoteness

The very small percentage (0.2%) of services reported to have been provided in very remote areas is almost certainly incorrect and potentially reveals some issues in the way remoteness is captured, as well as possible inaccuracies in data collection processes. Postcodes in regional NT cover very large areas. As a result, the mapping process from postcode to level of remoteness may not be accurate and under-estimate services in very remote areas (see also Box 7). The more generalised use of PO boxes and community mailbags in very remote areas is another reason why data might be skewed towards less remote areas.

Data collection practices may also explain such results, such as if services provided in very remote outreach settings or bush courts are being reported under the closest NAAJA office's postcode. For example, in 2019, there were 1,610 matters at the very remote community of Wadeye. These numbers are not reflected in the remoteness analysis.

NAAJA was the principal service provider in bush courts during the 2018–19 year, most of which are located in very remote areas. It is therefore highly likely that the percentage of services provided in very remote areas is a substantial under-estimate.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=16,575)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in the NT, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

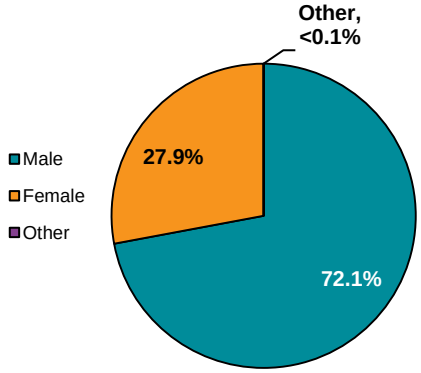
Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	11,560	21.9	11,560	19.3
18–24	8,760	16.6	9,510	15.9
25–34	11,030	20.9	12,890	21.6
35–44	8,210	15.6	9,970	16.7
45–54	6,620	12.5	8,260	13.8
55–64	4,040	7.6	4,860	8.1
65+	2,560	4.9	2,690	4.5

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10–17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

Nearly three-quarters (72.1%) of new services were provided to male clients (see Figure 6).

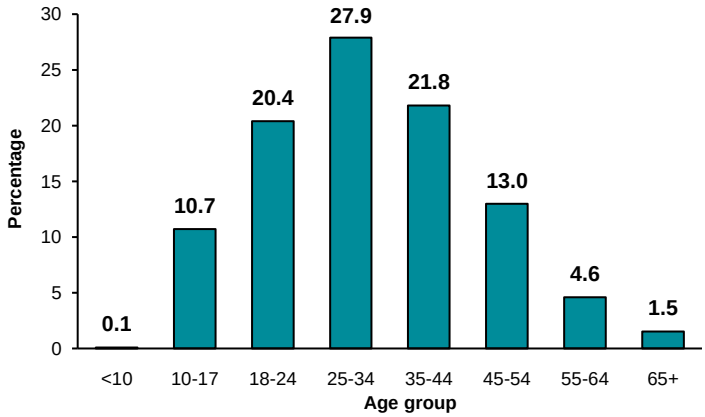
The proportion of services by client age peaks in the 25–34 age group (27.9% of services), followed by the 35–44 age group (21.8%) and 18–24 age group (20.4%; see Figure 7). One in ten services were provided to clients under the age of 18 (10.8%). Overall, 31.2% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=16,526)

Figure 7: Services by client's age group



Base: new services to individuals whose age is known (N=16,521)

Area of residence

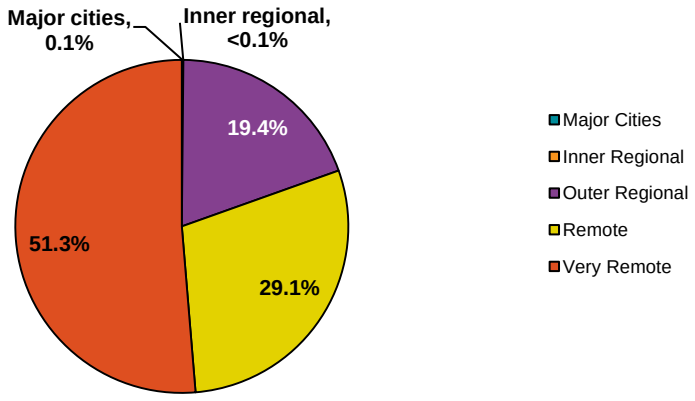
As is the case for the overall Aboriginal and Torres Strait Islander population in the NT, the majority (51.3%) of services were provided to clients residing in very remote areas, with the remainder being split between remote (29.1%) and outer regional (19.4%) areas of residence.

Box 19: Caution: missing data

These percentages are indicative only due to the high number of services (3,887, or 23.5%) to clients whose postcode was either not reported or could not be mapped to a level of remoteness.

Note that the very small percentage (0.1%) of services provided to clients living in major cities or inner regional areas appear to be clients usually residing in other states/territories who were charged with a criminal offence and received a representation or duty service at an NT court.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=12,641)

Level of disadvantage

Financial status is not required to be reported for discrete assistance services hence it is not possible to ascertain the total number of services provided to clients who experience financial disadvantage. Financial status was reported for 12,639 services (76.5% of all new services to individuals).

A total of 10,622 services were provided to clients experiencing financial disadvantage, which represents 84.0% of services to clients whose financial status is known.

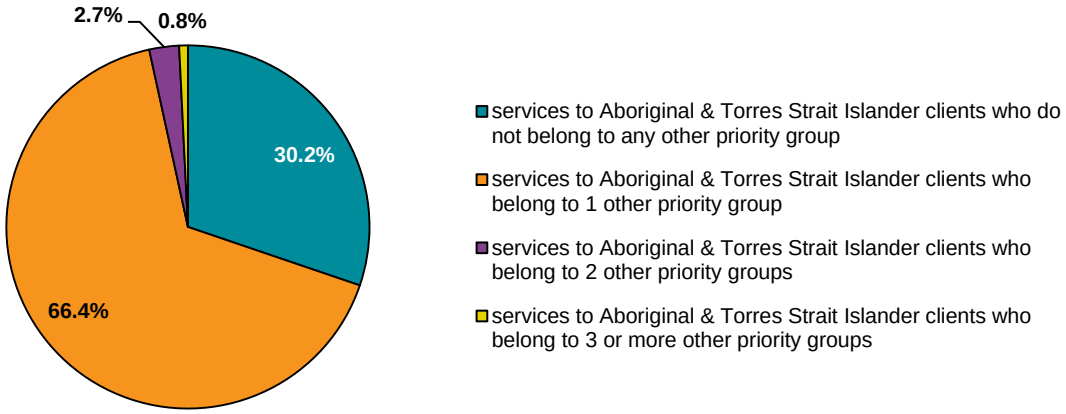
Similarly, priority group status was reported for most duty and representation services, but not for discrete assistance services. A total of 8,820 services, or 69.8% of services where priority group status is known, were provided to clients identified as priority clients.[47]

All of those 8,820 services were provided to Aboriginal and Torres Strait Islander clients. Over two-thirds (69.8%) of services were provided to Aboriginal and Torres Strait Islander clients

[47] Not including the single parent priority group as data for this group was not available.

who belong to one or more *additional* priority groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=12,639)

Reaching priority clients

Table 7 shows the number and percentage of duty and representation services provided to selected priority client groups, as recorded in IRIS.

Table 7: Duty and representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Duty		Representation	
	N	%	N	%
People with a disability or mental illness	8	0.4	114	1.1
People experiencing, or at risk of, family violence	53	2.6	394	3.7
People experiencing, or at risk of, homelessness	4	0.2	32	0.3
People in custody	174	8.7	3,742	35.2
People with low level of education	1	<0.1	75	0.7
People with low English proficiency	2	0.1	117	1.1
Children and young people (up to 24 years)	*16*	*0.8*	*1,515*	*14.3*
Older people (65+)	*2*	*0.1*	*10*	*0.1*
People residing in rural or remote areas	*417*	*20.8*	*2,720*	*25.6*
Services with known priority status	2,006	100.0	10,631	100.0
% with known priority status	100		99.6	
Financial disadvantage*	0	0.0	10,620	99.9
Services with known financial status	2,006		10,631	
% with known financial status	100		99.6	

Base: new services to individuals whose priority status is known (N=12,639)
Notes: A client can belong to more than one priority groups, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known. * For this group only: Base: new services to individuals whose financial status is known (N=12,639)

However, the fact that financial status was recorded as 'No' (i.e. not experiencing financial disadvantage) for ***all*** duty services points to potential issues in the data collection and reporting processes given the unlikelihood of this to be correct.

Furthermore, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups for the main service categories, calculated from relevant variables, 2018–19

Priority client group	Discrete Assistance		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	733	19.1	470	23.4	3,952	37.0	5,155	31.2
Older people (65+)	182	4.7	5	0.2	65	0.6	252	1.5
Year of birth not known	*5*	*0.1*	*0*	*0.0*	*2*	*<0.1*	*7*	*<0.1*
People residing in outer regional, remote or very remote areas	-	-	2,000	99.9	10,620	99.8	12,622	99.8
Client postcode not known	*3,848*	*100.0*	*4*	*0.2*	*35*	*0.3*	*3,887*	*23.5*

Base: new services to individuals (N=16,528)

Notes: * includes other discrete assistance services and law reform/stakeholder engagement services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known. Client postcode was not reported for discrete assistance services.

Appendix D Queensland

This appendix presents an analysis of services provided in the 2018–19 financial year by the Aboriginal and Torres Strait Islander Legal Service in Queensland (ATSILS Qld). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in Queensland (Qld) represents 4.0% of the total Qld population.

The Aboriginal and Torres Strait Islander population in Qld increased by 19.7% between the 2011 and 2016 Census counts, compared with an 18.4% increase in Australia overall.

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Queensland	155,830	3.6	186,480	4.0	19.7
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[48] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is similar in Queensland at 83.7%.

[48] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Queensland	139,790	83.7	3.3
Australia *	505,750	82.8	2.4

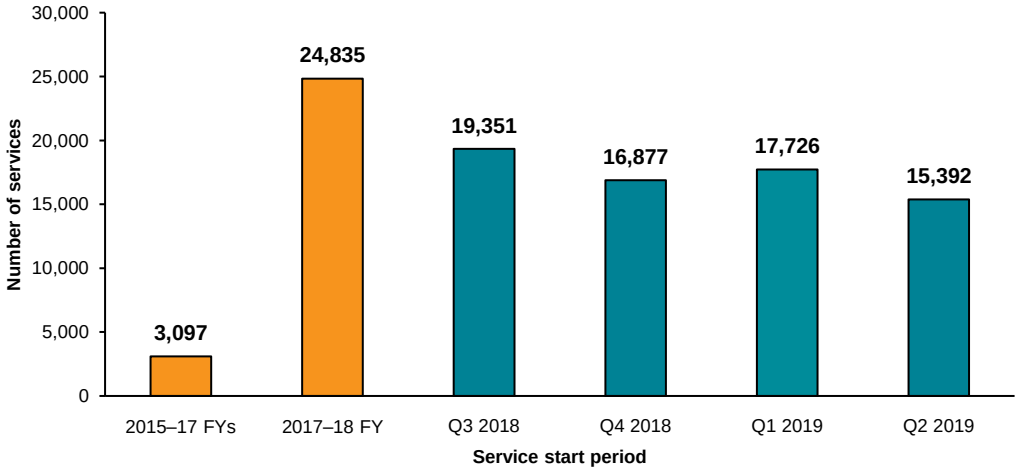
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 97,278 services were provided by ATSILS Qld in the 2018–19 financial year, of which 69,346 (71.3%) were new services and the remaining 27,932 (28.7%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[49]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=97,278)

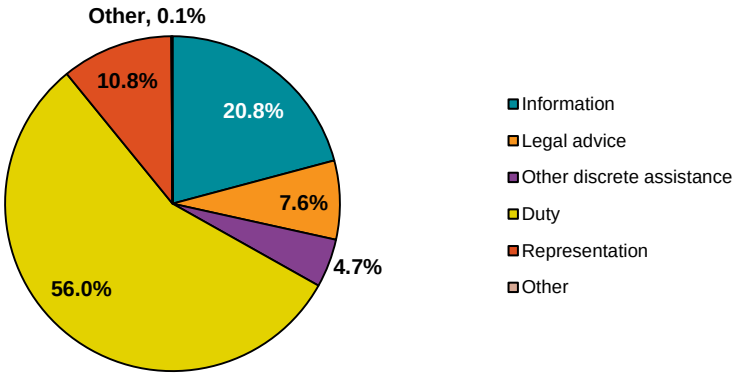
For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

[49] A further 322 services (representing 0.3% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), duty lawyer services account for the largest proportion of services, 56.0%, followed by information services (20.8%) and representation services (10.8%).

Figure 2: Services by category, 2018–19



Base: new services (N=69,346)
Notes: Other services comprise of Community Legal Education, Law and Legal Service Reform and Stakeholder Engagement.

The National DSM breaks the broad legal assistance service categories into 14 service types (see Table 3). The most frequent service type was duty lawyer service, accounting for 56.0% of new services provided in 2018–19, followed by information services (20.8%) and representation services at a Court or Tribunal (10.4%).

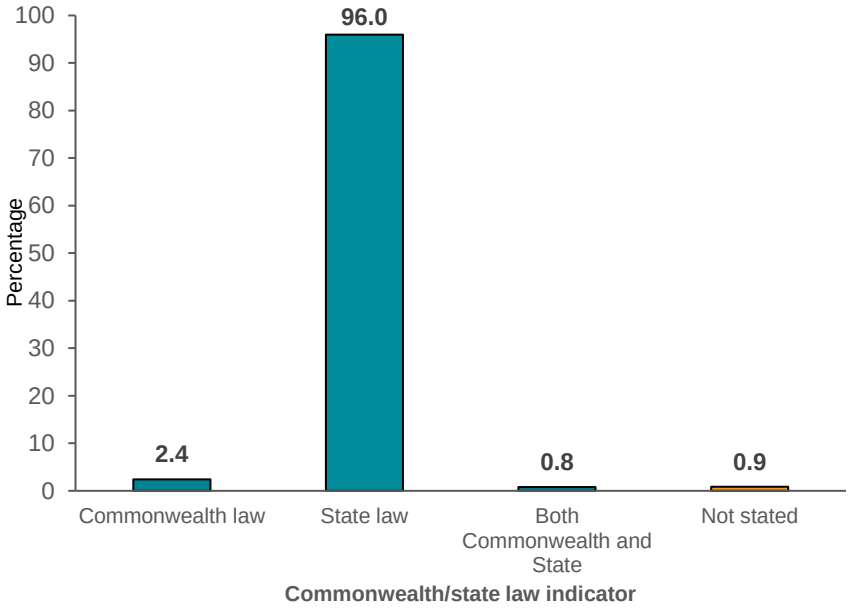
Table 3: Services by service type, 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	16,359	25.9	14,455	20.8
	Referral	2,335	3.7	2,115	3.0
	Legal Advice	2,801	4.4	5,281	7.6
	Non-Legal Support	0	0.0	0	0.0
	Legal Task	691	1.1	1,133	1.6
	Facilitated Resolution Process	14	<0.1	0	0.0
	Subtotal	*22,200*	*35.2*	*22,984*	*33.1*
Duty	Duty	33,826	53.6	38,817	56.0
Representation	Dispute Resolution	95	0.2	68	0.1
	Court/Tribunal	6,636	10.5	7,204	10.4
	Other Representation	322	0.5	193	0.3
	Subtotal	*7,053*	*11.2*	*7,465*	*10.8*
CLE	Community Legal Education Activity	23	<0.1	77	0.1
	Community Legal Education Resource	0	0.0	3	<0.1
	Subtotal	*23*	*<0.1*	*80*	*0.1*
Other services	Law and Legal Service Reform	0	0.0	0	0.0
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Total		63,102	100	69,346	100

Broad area of law

Nearly all new services (96.0%) were for a legal problem relating to state/territory law.

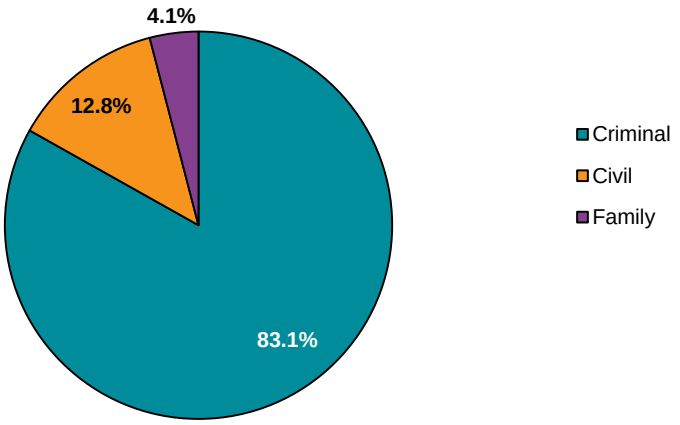
Figure 3: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=69,346)

Figure 4 below shows that a large majority of services (83.1%) were for criminal matters.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=69,346)

Most duty lawyer services (97.2%) and representation services (85.6%) were for criminal matters (see Table 4).[50] Within discrete assistance services, there were higher proportions of services in relation to civil matters compared with representation or duty services, ranging from 22.5% of information services to nearly half (49.6%) of other discrete assistance (mostly

[50] As mentioned previously, these figures should not be interpreted as implying any particular relationship between percentage of services delivered and percentage of expenditure incurred.

comprising of referrals and legal tasks). To a lesser extent, the same can be said of services related to family law, with 21.1% of legal advice provided in relation to family matters.

Table 4: Services by broad area of law, 2018–19

Broad area of law	Information		Legal advice		Other discrete assistance		Duty		Representation	
	N	%	N	%	N	%	N	%	N	%
Criminal	10,455	72.3	2,025	38.3	1,037	31.9	37,723	97.2	6,391	85.6
Civil	3,250	22.5	2,143	40.6	1,611	49.6	1,035	2.7	809	10.8
Family	750	5.2	1,113	21.1	600	18.5	59	0.2	265	3.5
Total	14,455	100	5,281	100	3,248	100	38,817	100	7,465	100

Base: new services for main service types (N=69,266)

Geographic location

Just over one-third (34.0%) of the Aboriginal and Torres Strait Islander population in Qld lives in major cities, 16.5% live in remote or very remote areas (see Table 5).

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

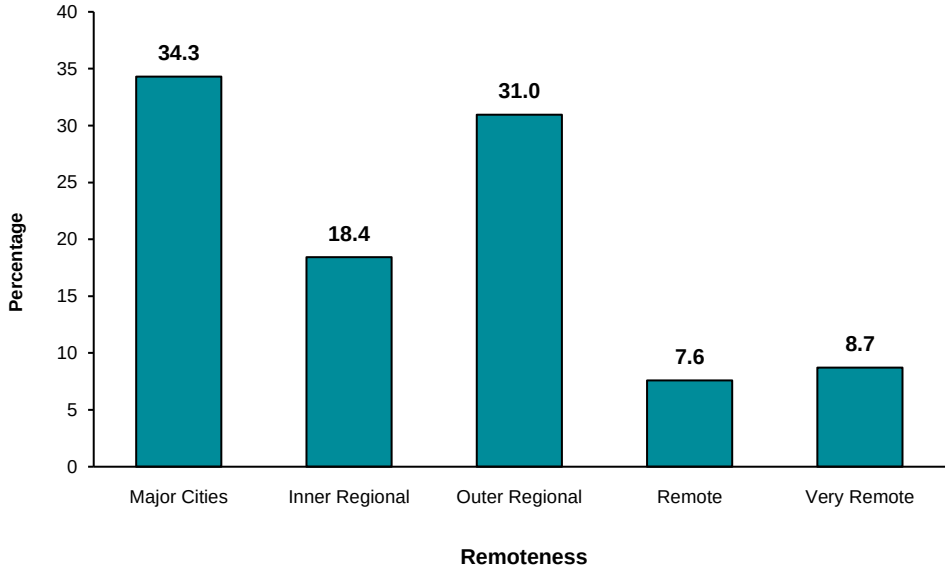
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	45,640	32.7	75,150	34.0
Inner Regional	30,920	22.1	49,150	22.2
Outer Regional	38,840	27.8	60,400	27.3
Remote	8,650	6.2	13,280	6.0
Very Remote	15,730	11.3	23,300	10.5

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

Just over one-third of all new services (34.3%) were provided in major cities, 31.0% were provided in outer regional areas. A total of 16.3% of services were provided in remote or very remote areas.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=69,346)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in Qld, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	39,450	28.2	39,450	23.6
18–24	26,640	19.0	29,150	17.5
25–34	22,760	16.3	30,160	18.1
35–44	16,950	12.1	24,190	14.5
45–54	15,280	10.9	21,500	12.9
55–64	10,810	7.7	13,750	8.2
65+	8,070	5.8	8,740	5.2

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10-17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

Over two-thirds (67.3%) of services were provided to male clients (see Figure 6).

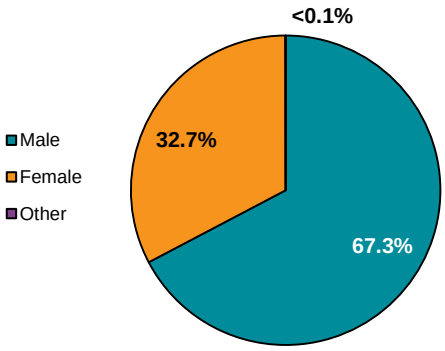
The proportion of services by client age peaks in the 25–34 age group (28.9% of services), followed by the 18–24 age group (22.0%) and 35–44 age group (20.5%; see Figure 7). The

proportion of services provided to clients under the age of 18 was 15.4%. Overall, 37.43% of services were provided to children and young people (i.e. aged under 25 years).

Box 20: Caution: incomplete data

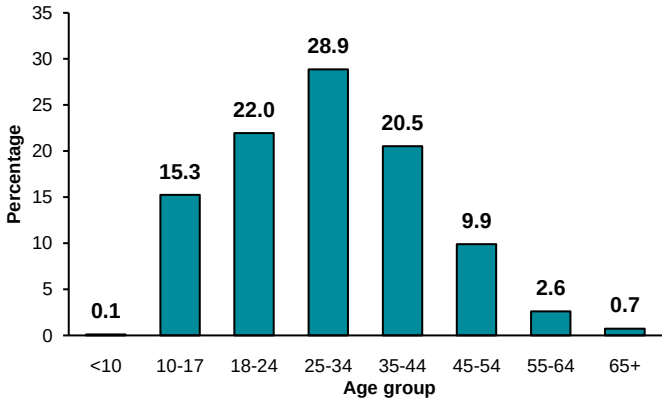
Some of the data required for this analysis was missing, largely because it was not required under the DSM to be collected and reported. Gender was not known for 14.7% of services, and age was not known for 27.7% of services, which means that percentages by gender and age group across all services provided are indicative only.

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=59,056)

Figure 7: Services by client's age group



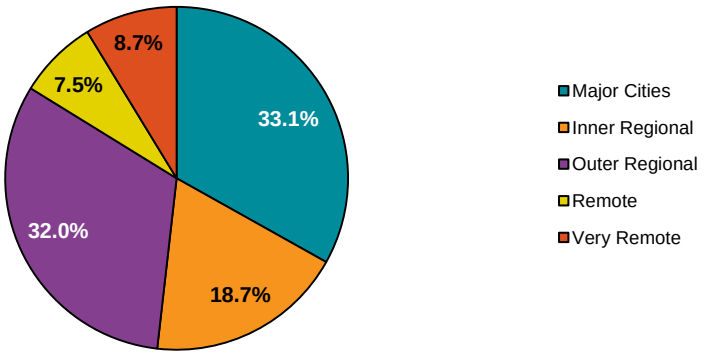
Base: new services to individuals whose age is known (N=50,022)

Area of residence

Services were most commonly provided to clients residing in major cities (33.1%), closely followed by those residing in outer regional areas (32.0%) (see Figure 8).

Just under half of services (48.2%) were provided to clients residing in outer regional, remote or very remote areas.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=69,210)

Level of disadvantage

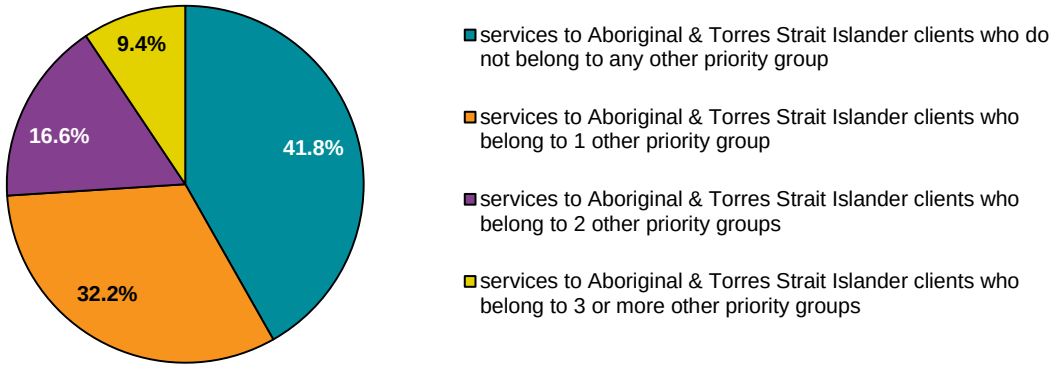
Financial status was reported for 7,422 services (10.7% of all new services to individuals). Financial status is not required to be reported for discrete assistance services or duty services hence it is not possible to ascertain the total number of services provided to clients who experience financial disadvantage.

A total of 5,821 services were provided to clients experiencing financial disadvantage, which represents 78.4% of services to clients whose financial status is known (i.e. most representation services).

Priority group status was reported for a majority of duty services and nearly all representation services, but not for discrete assistance services. A total of 24,307 services, or 58.2% of services for which priority status was known, were provided to clients identified as priority clients.[51]

Of those, 24,133 services were provided to Aboriginal and Torres Strait Islander clients identified as priority clients under the ILAP. More than a quarter (26.0%) of services to Aboriginal and Torres Strait Islander clients whose priority status was known were provided to clients who belong to two or more *additional* priority groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=41,456)

Reaching priority clients

Table 7 shows the number and percentage of services provided to selected priority client groups for duty and representation services, as reported into IRIS.

[51] Not including the single parent priority group as data for this group was not available.

Table 7: Duty and representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Duty		Representation	
	N	%	N	%
People with a disability or mental illness	2006	5.8	786	11.1
People experiencing, or at risk of, family violence	3,050	8.8	1,318	18.6
People experiencing, or at risk of, homelessness	752	2.2	313	4.4
People in custody	6,443	18.6	1,821	25.7
People with low level of education	3,300	9.5	813	11.5
People with low English proficiency	1494	4.3	377	5.3
Children and young people (up to 24 years)	7,786	10.7	1,487	40.5
Older people (65+)	173	0.5	33	0.5
People residing in rural or remote areas	7,395	21.3	1,503	21.2
Services with known priority status	34,706	100.0	7,091	100.0
% with known priority status	89.4		95.0	
Financial disadvantage*	-	-	5,821	78.4
Services with known financial status	0		7,422	
% with known financial status	0		99.5	

Base: new services to individuals whose priority status is known (N=41,797)
Notes: A client can belong to more than one priority groups, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known. * For this group only: Base: new services to individuals whose financial status is known (N=7,422). Financial status was not reported for discrete assistance services.

However, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups for duty and representation services, calculated from relevant variables, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	-	-	-	-	15,426	40.0	2,468	33.3	-	-
Older people (65+)	-	-	-	-	163	0.4	42	0.6	-	-
Year of birth not known					*292*	*0.8*	*50*	*0.7*		
People residing in outer regional, remote or very remote areas	7,033	48.8	1,510	28.6	1,236	38.1	19,879	51.2	3,694	49.5
Client postcode not known	*0*	*0.0*	*0*	*0.0*	*0*	*0.0*	*10*	*<0.1*	*0*	*0.0*

Base: new services to individuals (N=69,220) Notes: * includes discrete assistance and CLE services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known. Year of birth was not reported for most discrete assistance services, preventing accurate percentage calculations for younger and older client groups for services other than duty or representation.

Appendix E South Australia

This appendix presents an analysis of services provided in the 2018–19 financial year by the Aboriginal Legal Rights Movement (ALRM). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in South Australia (SA) represents 2.0% of the total SA population.

The Aboriginal and Torres Strait Islander population in SA increased by 12.3% between the 2011 and 2016 Census counts, compared with a 18.4% increase in Australia overall.

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
South Australia	30,430	1.9	34,180	2.0	12.3
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[52] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is slightly higher in SA at 84.8%.

[52] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
South Australia	27,370	84.8	1.8
Australia *	505,750	82.8	2.4

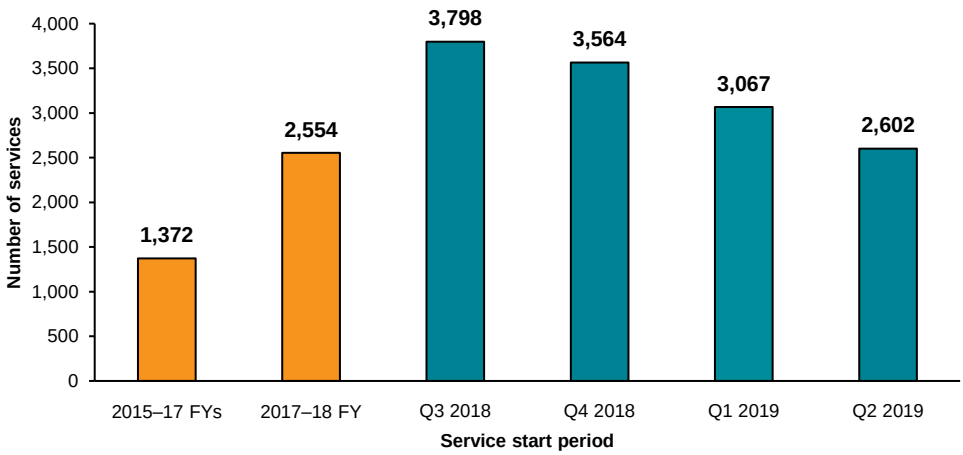
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 16,957 services were provided by ALRM in the 2018–19 financial year, of which 13,031 (76.8%) were new services and the remaining 3,926 (23.2%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[53]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=16,957)

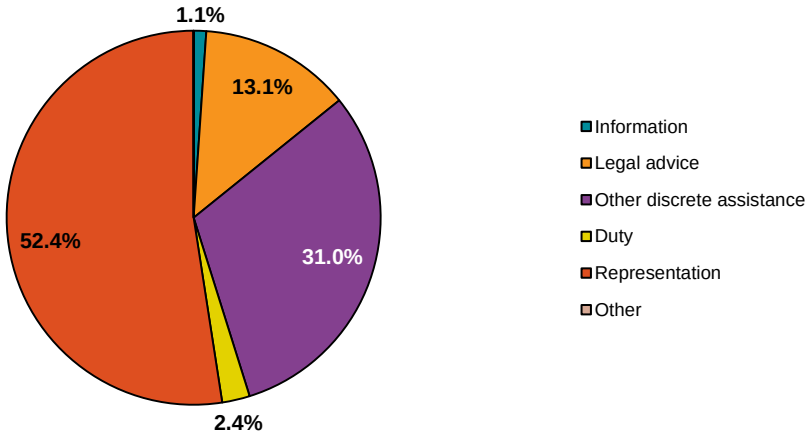
For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

[53] A further 671 services (representing 3.8% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services account for the largest proportion of services, 52.4%, followed by other discrete assistance services (31.0%)[54] and legal advice (13.1%).

Figure 2: Services by category, 2018–19



Base: new services (N=13,031)
Notes: 'Other' services comprise of Community Legal Education, Law and Legal Service Reform and Stakeholder Engagement. Combined, they represented less than 0.1% of new services hence they are not shown in this chart.

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was representation services at a Court or Tribunal, accounting for 52.0% of new services provided in 2018–19, followed by non-legal support (25.0%) and legal advice (13.1%).

However, after further discussions with ALRM members of staff, it appears that some services reported under the non-legal support service type may have in fact been of a legal nature, and perhaps should have been counted as information, legal advice or legal task. This is an area for exploration as to how to ensure better consistency and accuracy in the future.

[54] Other discrete assistance services comprise of non-legal support (25.0%), legal task (5.1%) and referral (0.9%).

Table 3: Services by service type, 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	802	6.0	141	1.1
	Referral	92	0.7	115	0.9
	Legal Advice	985	7.4	1,710	13.1
	Non-Legal Support	2,893	21.7	3,258	25.0
	Legal Task	986	7.4	661	5.1
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*5,758*	*43.2*	*5,885*	*45.2*
Duty	Duty	227	1.7	312	2.4
Representation	Dispute Resolution	2	<0.1	3	<0.1
	Court/Tribunal	7,288	54.7	6,780	52.0
	Other Representation	24	0.2	49	0.4
	Subtotal	*7,314*	*54.9*	*6,832*	*52.4*
CLE	Community Legal Education Activity	23	0.2	0	0.0
	Community Legal Education Resource	6	<0.1	0	0.0
	Subtotal	*29*	*0.2*	*0*	*0.0*
Other services	Law and Legal Service Reform	1	<0.1	2	<0.1
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*1*	*<0.1*	*2*	*<0.1*
Total		13,329	100	13,031	100

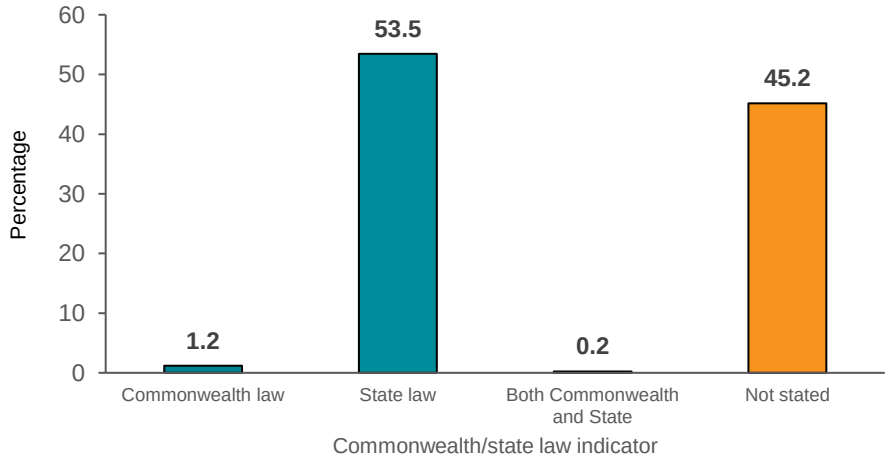
Broad area of law

The majority of new services (53.5%) were for a legal problem relating to state/territory law.

Box 21: Caution: missing data

Due to incomplete data for 45.2% of services, it is not possible to provide an exact proportion of services relating to Commonwealth law and to state law. The missing data is concentrated on discrete assistance services, for which the Commonwealth/state indicator was not required and hence not reported.

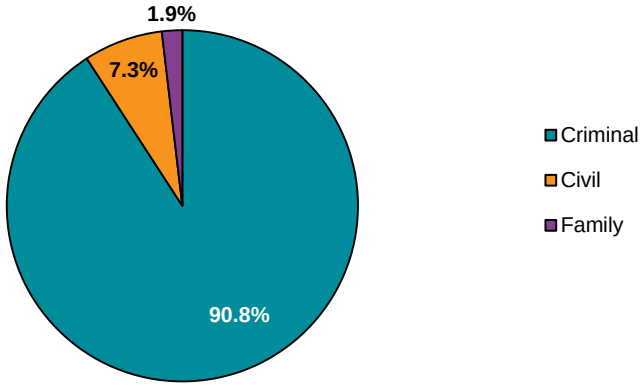
Figure 3: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=13,031)

Figure 4 shows that an overwhelming majority of services (90.8%) were for criminal matters.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=13,031)

Nearly all representation services (96.9%) and legal advice services (92.7%) were for criminal matters, as were most other discrete assistance services (87.4%). In contrast, information services and duty lawyer services were more commonly in relation to civil matters (70.9% and 39.4%, respectively). A quarter of information services (25.5%) were in relation to family law matters.

Table 4: Services by broad area of law, 2018–19

Broad area of law	Information		Legal advice		Other discrete assistance		Duty		Representation	
	N	%	N	%	N	%	N	%	N	%
Criminal	5	3.5	1,585	92.7	3,527	87.4	99	31.7	6,620	96.9
Civil	100	70.9	92	5.4	488	12.1	123	39.4	146	2.1
Family	36	25.5	33	1.9	19	0.5	90	28.8	66	1.0
Total	141	100	1,710	100	4,034	100	312	100	6,832	100

Base: new services (N=13,031)

Geographic location

Just over half (51.9%) of the Aboriginal and Torres Strait Islander population in SA lives in major cities, 14.7% live in remote or very remote areas.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

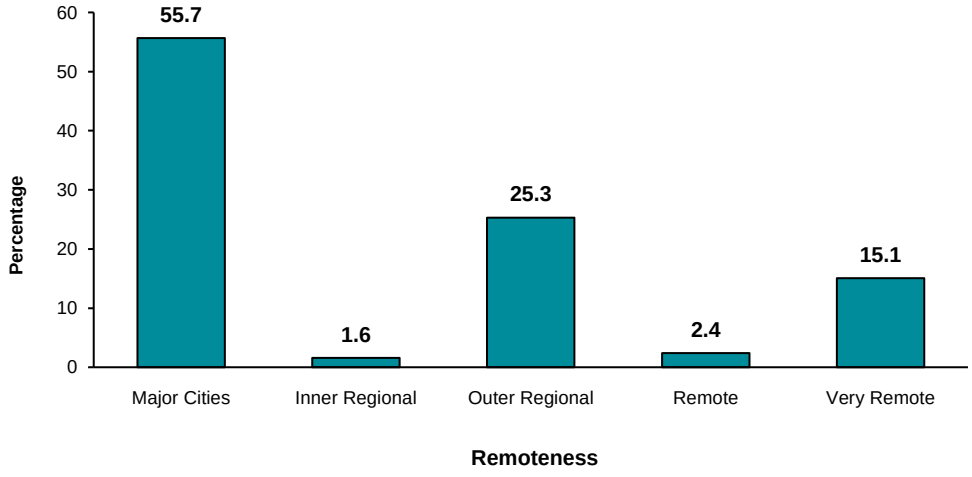
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	13,780	50.3	21,940	51.9
Inner Regional	2,900	10.6	4,580	10.8
Outer Regional	6,270	22.9	9,520	22.5
Remote	1,020	3.7	1,690	4.0
Very Remote	3,410	12.5	4,540	10.7

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

A majority of new services (55.7%) were provided in major cities. A total of 17.5% of services were provided in remote or very remote areas.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=13,031)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in SA, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

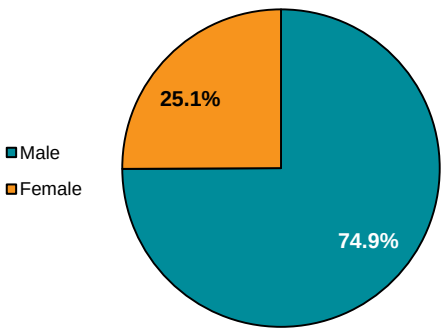
Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	7,300	26.7	7,300	22.6
18–24	5,160	18.8	5,630	17.4
25–34	4,810	17.6	6,200	19.2
35–44	3,260	11.9	4,450	13.8
45–54	3,160	11.6	4,250	13.2
55–64	2,140	7.8	2,750	8.5
65+	1,540	5.6	1,700	5.3

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10-17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

Three-quarters of services (74.9%) were provided to male clients (see Figure 6).

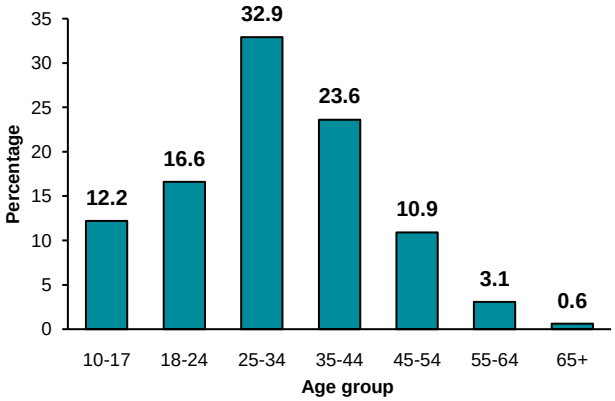
The proportion of services by client age peaks in the 25–34 age group (32.9% of services), followed by the 35–44 age group (23.6%) and 18–24 age group (16.6%; see Figure 7).[55] The proportion of services provided to clients under the age of 18 was 12.2%. Overall, 28.9% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=12,949)

Figure 7: Services by client's age group



Base: new services to individuals whose age is known (N=12,934)

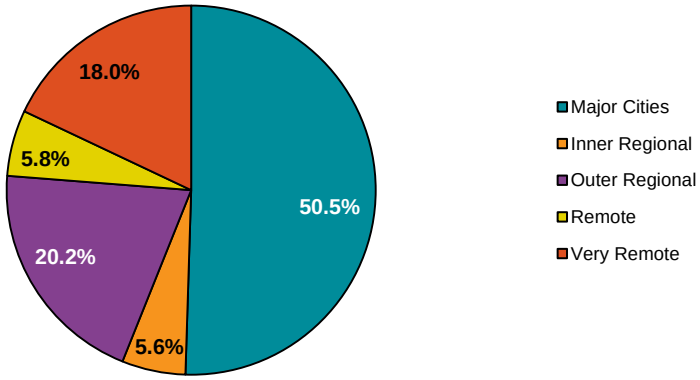
[55] The under 10 age group is not shown in Figure 7 as services to clients in that age group represent less than 0.05% of services

Area of residence

Services were most commonly provided to clients residing in major cities (50.5%), followed by those residing in outer regional areas (20.2%) (see Figure 8).

Box 22: Caution: missing data
These percentages are indicative only due to the high number of services (5,814, or 44.9%) to clients whose postcode was either not reported or could not be mapped to a level of remoteness.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=7,139)

Level of disadvantage

Financial status was reported for 7,140 services (55.1% of new services to individuals).Financial status is not required to be reported for discrete assistance services hence it is not possible to ascertain the total number of services provided to clients who experience financial disadvantage.

A total of 6,744 services were provided to clients experiencing financial disadvantage, which represents 94.5% of services to clients whose financial status is known (i.e. all representation services and nearly all duty services).

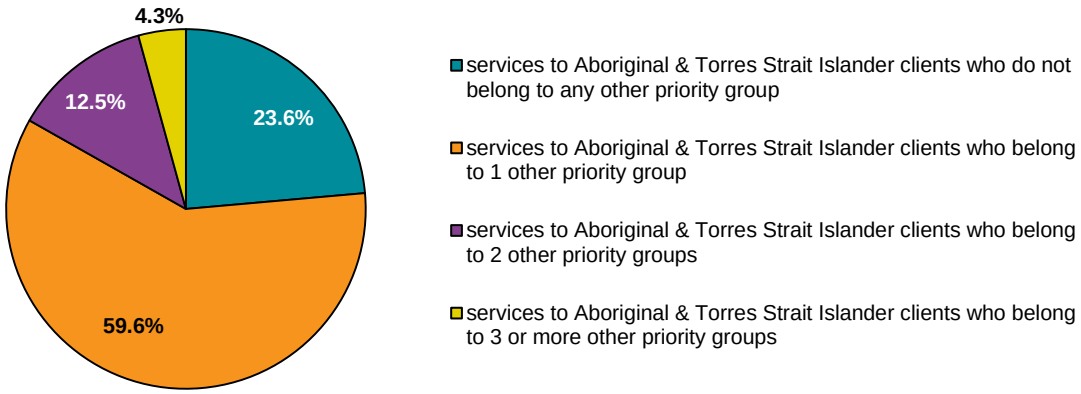
Similarly, priority group status was reported for all duty and representation services, but not for discrete assistance services. A total of 5,454 services, or 76.4% of duty and representation services combined, were provided to clients identified as priority clients.[56]

Of those, 5,447 services were provided to Aboriginal and Torres Strait Islander clients identified as priority clients under the ILAP. The majority of duty and representation services combined (59.6%) were provided to Aboriginal and Torres Strait Islander clients who belong to one *additional* priority groups, and a further 16.8% to such clients who belong to two or more

[56] Not including the single parent priority group as data for this group was not available.

additional priority group. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=7,129)

Reaching priority clients

Table 7 shows the number and percentage of services provided to selected priority client groups for duty and representation services, as reported into IRIS.

Table 7: Duty and representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Duty		Representation	
	N	%	N	%
People with a disability or mental illness	46	14.7	199	2.9
People experiencing, or at risk of, family violence	59	18.9	268	3.9
People experiencing, or at risk of, homelessness	6	1.9	197	2.9
People in custody	23	7.4	1,199	17.6
People with low level of education	61	19.6	287	4.2
People with low English proficiency	1	0.3	120	1.8
Children and young people (up to 24 years)	*59*	*18.9*	*833*	*12.2*
Older people (65+)	*19*	*6.1*	*50*	*0.7*
People residing in rural or remote areas	*92*	*29.5*	*3,593*	*52.6*
Services with known priority status	312	100.0	6,827	100.0
% with known priority status	100		100	
Financial disadvantage*	0	0.0	6,743	98.8
Services with known financial status	312		6,827	
% with known financial status	100		100	

Base: new services to individuals, where priority status is known (N=7,140)
Notes: A client can belong to more than one priority group, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that

category and for which priority status is known. * For this group only: Base: new services to individuals, where financial status is known.

However, the fact that financial status was recorded as 'No' (i.e. not experiencing financial disadvantage) for ***all*** duty services points to potential issues in the data collection and reporting processes given the unlikelihood of this to be correct.

Furthermore, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups by main service types, calculated from relevant variables, 2018–19

Priority client group	Discrete assistance		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	1,620	27.9	41	13.1	2,071	30.3	3,732	28.9
Older people (65+)	43	0.7	20	6.4	16	0.2	79	0.6
Year of birth not known	*16*	*0.3*	*0*	*0.0*	*3*	*<0.1*	*19*	*0.1*
People residing in outer regional, remote or very remote areas			146	46.9	2,990	43.8	3,136	43.9
Client postcode not known	*5,813*	*100*	*1*	*0.3*	*0*	*0.0*	*5,814*	*44.9*

Base: new services to individuals (N=12,953)

Notes: * includes CLE and other services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known. Client postcode was not reported for discrete assistance services.

Appendix F Tasmania

This appendix presents an analysis of services provided in the 2018–19 financial year by the Tasmanian Aboriginal Community Legal Service (TACLS).[57] It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in Tasmania represents 4.6% of the total Tasmanian population.

The Aboriginal and Torres Strait Islander population in Tasmania increased by 20.1% between the 2011 and 2016 Census counts, compared with a 18.4% increase in Australia overall.

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Tasmania	19,630	4.0	23,580	4.6	20.1
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[58] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

[57] Effective 1 July 2020, the delivery of legal services to Aboriginal and Torres Strait Islander people in Tasmania is provided by the Tasmanian Aboriginal Legal Service (TALS). This report refers to TACLS as they were the service provider during the period under review, in 2018–19.

[58] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is slightly higher in Tasmania at 84.7%.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Tasmania	18,580	84.7	4.1
Australia *	505,750	82.8	2.4

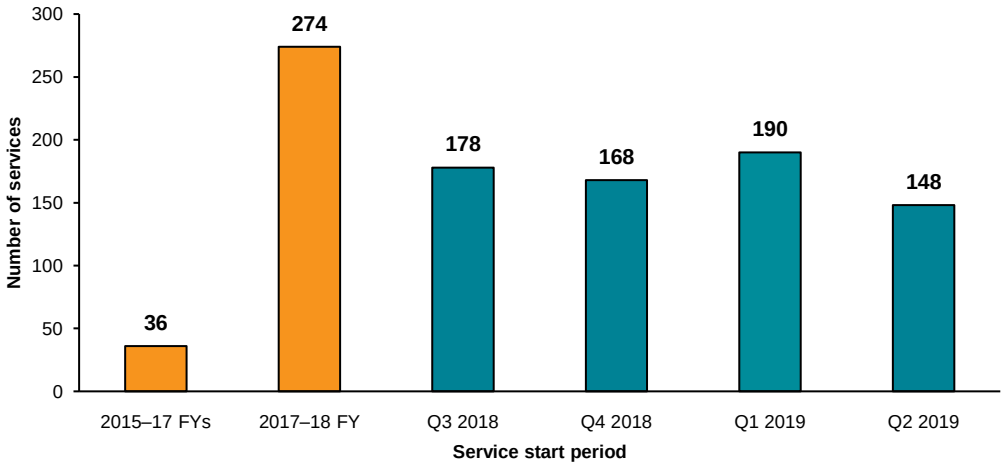
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 994 services were provided by TACLS in the 2018–19 financial year, of which 684 (68.8%) were new services and the remaining 310 (31.2%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.

Figure 1: Services provided in 2018–19 by start period



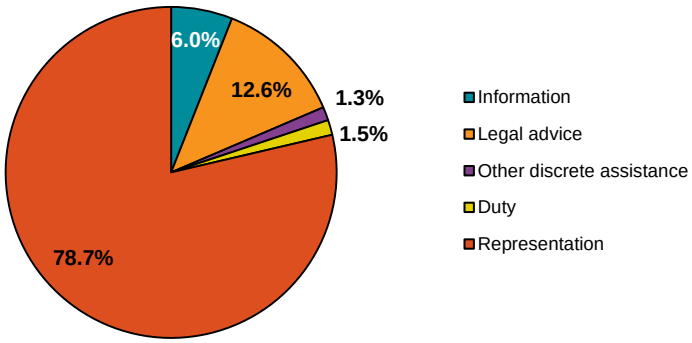
Base: all services provided in 2018–19 (N=994)

For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services account for the largest proportion of services, 78.7%, followed by legal advice (12.6%) and information services (6.0%).[59]

Figure 2: Services by category, 2018–19



Base: new services (N=684)

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was representation services at a Court or Tribunal, accounting for 67.4% of new services provided in 2018–19, followed by legal advice (12.6%) and dispute resolution services (8.8%).

Table 3: Services by service type, 2018–19

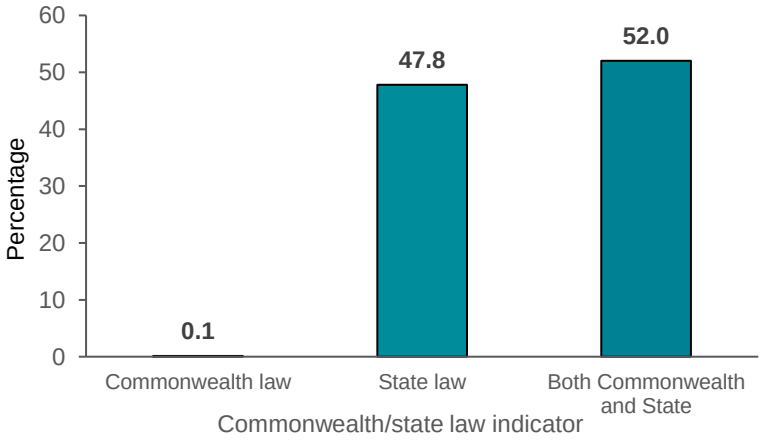
Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	68	7.6	41	6.0
	Referral	9	1.0	6	0.9
	Legal Advice	122	13.7	86	12.6
	Non-Legal Support	3	0.3	0	0.0
	Legal Task	12	1.3	3	0.4
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*214*	*24.1*	*136*	*19.9*
Duty	Duty	45	5.1	10	1.5
Representation	Dispute Resolution	28	3.1	60	8.8
	Court/Tribunal	566	63.7	461	67.4
	Other Representation	36	4.0	17	2.5
	Subtotal	*630*	*70.9*	*538*	*78.7*
CLE	Community Legal Education Activity	0	0.0	0	0.0
	Community Legal Education Resource	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Other services	Law and Legal Service Reform	0	0.0	0	0.0
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Total		889	100	684	100

[59] No CLE services or Law reform/stakeholder engagement services were reported for Tasmania for the period 2018–2019.

Broad area of law

Box 23: Caution: inconsistent reporting?
Data reported from Tasmania shows a high percentage of services that are reported as being "both Commonwealth and state law" (52.0%). This may, in part, be explained by the fact that family law and civil law services provided by TACLS are proportionally higher than in other states/territories. However, after consultation with TACLS, it appears that this may also be impacted by default settings in their data recording system. Therefore, the number and percentage of services reported by Commonwealth/state law indicator for Tasmania should not be relied upon.

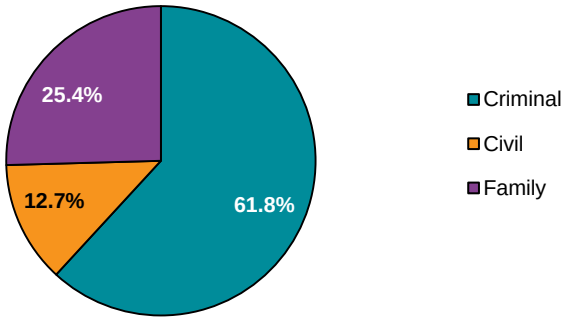
Figure 3: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=684)

Figure 4 below shows that 61.8% of new services were for criminal matters, a quarter of services (25.4%) were in relation to family law matters.

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=684)

The majority of duty lawyer services (70.0%) and representation services (74.2%) were for criminal matters, whereas information services were most commonly in relation to family matters (92.7%) and legal advice was most commonly provided for civil matters (51.2%).

Table 4: Services by broad area of law, 2018–19

	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Criminal	1	2.4	13	15.1	7	70.0	399	74.2	423	61.8
Civil	2	4.9	44	51.2	2	20.0	35	6.5	87	12.7
Family	38	92.7	29	33.7	1	10.0	104	19.3	174	25.4
Total	41	100	86	100	10	100	538	100	684	100

Base: new services (N=684)
Notes: * includes other discrete assistance services (legal task, referral and non-legal support)

Geographic location

More than half (56.2%) of the Aboriginal and Torres Strait Islander population in Tasmania lives in inner regional areas, 40.8% live in outer regional areas and 3.0% live in remote or very remote areas. Note that, due to small numbers and the impact of ABS confidentiality process on the reliability of small counts, two levels of remoteness were combined when computing Aboriginal and Torres Strait Islander estimated population and NLAS(ATSILS) ERP counts.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

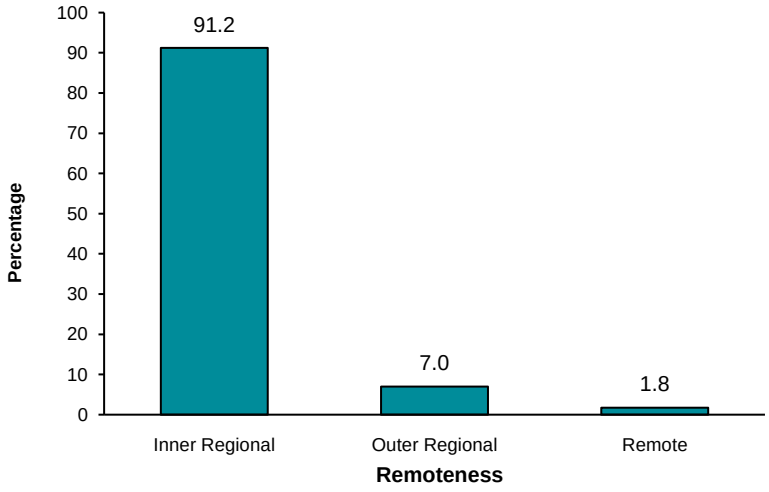
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	-	-	-	-
Inner Regional	10,290	55.4	16,030	56.2
Outer Regional	7,720	41.5	11,650	40.8
Remote	560*	3.0	850	3.0
Very Remote				

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.
* Population data are combined across two levels of remoteness due to the impact of ABS confidentiality process on the reliability of small counts.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

An overwhelming majority of new services (91.2%) were provided in inner regional areas, with other services mostly provided in outer regional areas (7.0%).

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=684)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in Tasmania, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	4,950	26.6	4,950	22.6
18–24	3,300	17.7	3,550	16.2
25–34	2,900	15.6	3,780	17.2
35–44	2,060	11.1	2,880	13.1
45–54	2,130	11.5	2,980	13.6
55–64	1,780	9.6	2,230	10.2
65+	1,470	7.9	1,570	7.2

Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10–17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

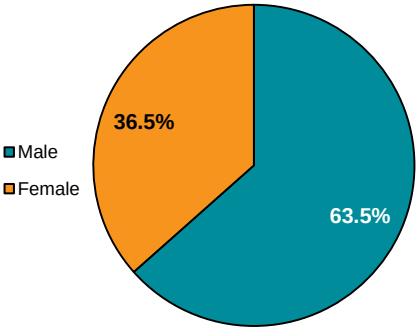
A majority (63.5%) of services were provided to male clients (see Figure 6).

The proportion of services by client age peaks in the 25–34 age group (37.7% of services), followed by the 35–44 and 18–24 age groups (22.4% and 18.7% respectively; see Figure 7).[60]

[60] The under 10 age group is not shown in Figure 7 as no services were provided to clients in that age group.

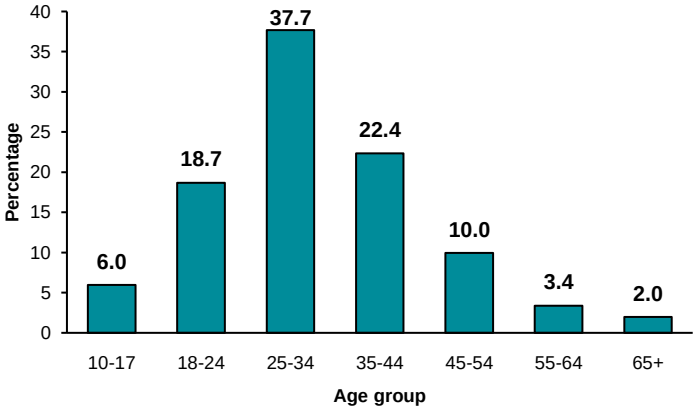
The proportion of services provided to clients under the age of 18 was 6.0%. Overall, 24.7% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=684)

Figure 7: Services by client's age group



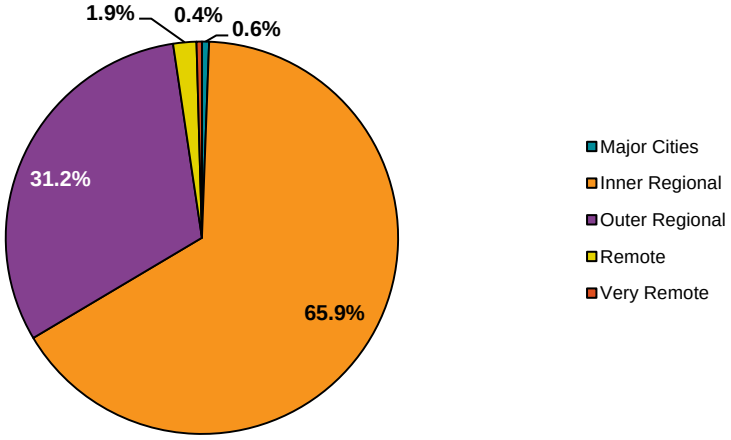
Base: new services to individuals whose age is known (N=653)

Area of residence

Services were most commonly provided to clients residing in inner regional areas (65.9%), followed by those residing in outer regional areas (31.2%) (see Figure 8).

A third of services (33.5%) were provided to clients residing in outer regional, remote or very remote areas.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=680)

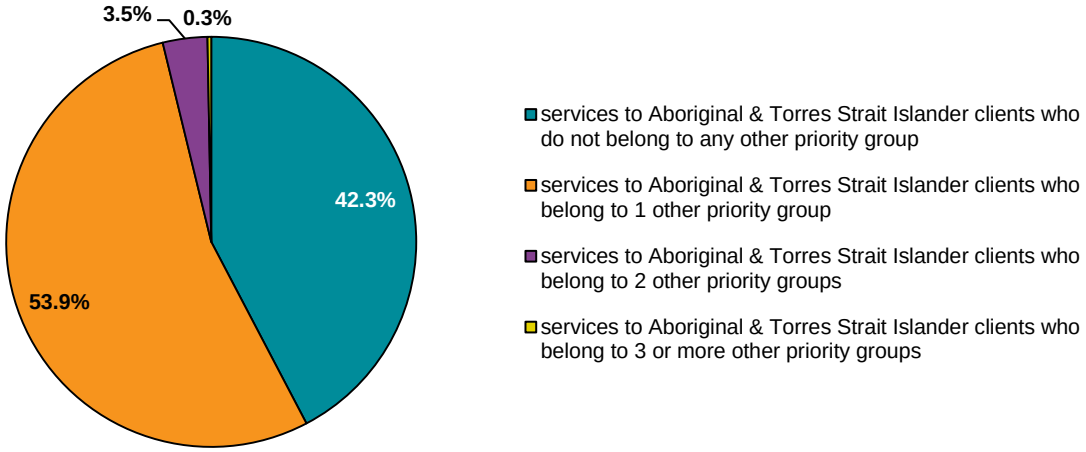
Level of disadvantage

All 684 new services were provided to clients experiencing financial disadvantage.

A total of 394 services, or 57.6%, were provided to clients identified as priority clients,[61] and all of those 394 services were provided to Aboriginal and Torres Strait Islander clients.

Over half (57.7%) of services were provided to financially disadvantaged Aboriginal and Torres Strait Islander clients who belong to one or more *additional* priority groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=683)

Reaching priority clients

Table 7 shows the number and percentage of services provided to selected priority client groups, as reported into IRIS.

[61] Not including the single parent priority group as data for this group was not available.

Table 7: Services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
People with a disability or mental illness	2	4.9	3	3.5	1	10.0	32	5.9	38	5.6
People experiencing, or at risk of, family violence	2	4.9	4	4.7	0	0.0	41	7.6	48	7.0
People experiencing, or at risk of, homelessness	0	0.0	0	0.0	0	0.0	7	1.3	7	1.0
People in custody	1	2.4	4	4.7	2	20.0	91	16.9	99	14.5
People with low level of education	0	0.0	1	1.2	0	0.0	6	1.1	7	1.0
People with low English proficiency	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Children and young people (up to 24 years)	*1*	*2.4*	*3*	*3.5*	*1*	*10.0*	*41*	*7.6*	*46*	*6.7*
Older people (65+)	*0*	*0.0*	*4*	*4.7*	*0*	*0.0*	*5*	*0.9*	*9*	*1.3*
People residing in rural or remote areas	*4*	*9.8*	*22*	*25.6*	*3*	*30.0*	*137*	*25.5*	*168*	*24.6*
Services with known priority status	41	100	86	100	10	100	538	100	684	100
% with known priority status	100		100		100		100		100	
Financial disadvantage	41	100	86	100	10	100	538	100	684	100
Services with known financial status	41		86		10		538		684	
% with known financial status	100		100		100		100		100	

Base: new services to individuals (N=684)
Notes: * includes other discrete assistance services (legal task, referral and non-legal support). A client can belong to more than one priority group, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known.

However, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups by main service types, calculated from relevant variables, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	4	13.3	13	17.6	3	33.3	141	26.6	161	24.7
Older people (65+)	1	3.3	4	5.4	0	0.0	8	1.5	13	2.0
Year of birth not known	*11*	*26.8*	*12*	*14.0*	*1*	*10.0*	*7*	*1.3*	*31*	*4.5*
People residing in outer regional, remote or very remote areas	11	26.8	35	40.7	2	20.0	176	33.0	228	33.5
Client postcode not known	*0*	*0.0*	*0*	*0.0*	*0*	*0.0*	*4*	*0.7*	*4*	*0.6*

Base: new services to individuals (N=684)

Notes: * includes other discrete assistance services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known.

Appendix G Victoria

This appendix presents an analysis of services provided in the 2018–19 financial year by the Victorian Aboriginal Legal Service Co-operative Limited (VALS). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in Victoria represents 0.8% of the total population in Victoria.

The Aboriginal and Torres Strait Islander population in Victoria increased by 25.8% between the 2011 and 2016 Census counts, a faster increase compared with Australia overall (18.4%).

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Victoria	37,990	0.7	47,790	0.8	25.8
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[62] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is similar in Victoria at 81.0%.

[62] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Victoria	35,530	81.0	0.7
Australia *	505,750	82.8	2.4

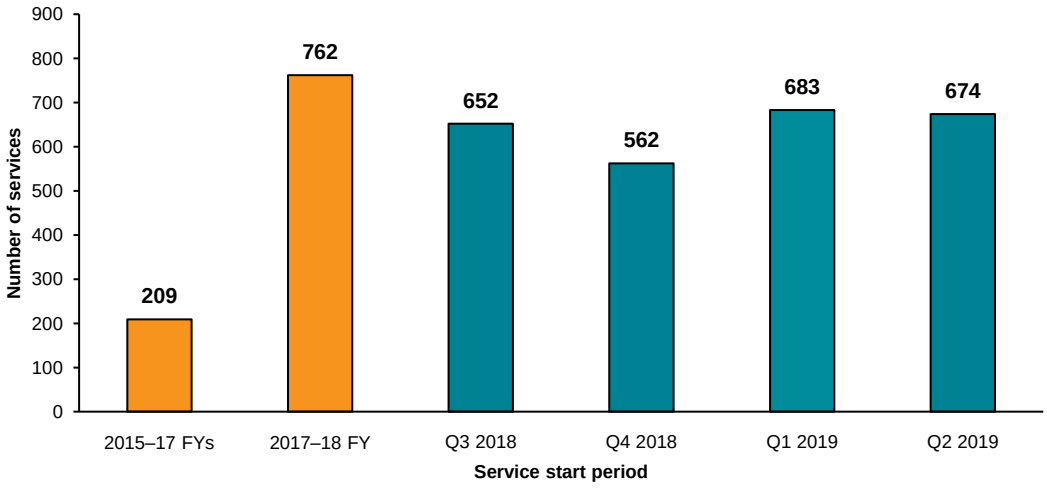
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 3,542 services were provided by VALS in the 2018–19 financial year, of which 2,571 (72.6%) were new services and the remaining 971 (27.4%) were ongoing services that started during the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19.[63]

Figure 1: Services provided in 2018–19 by start period



Base: all services provided in 2018–19 (N=3,542)

[63] A further 32 services (representing 0.9% of the data stored in IRIS for this jurisdiction for the 2018–19 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

Box 24: Caution: change of system and completeness of data

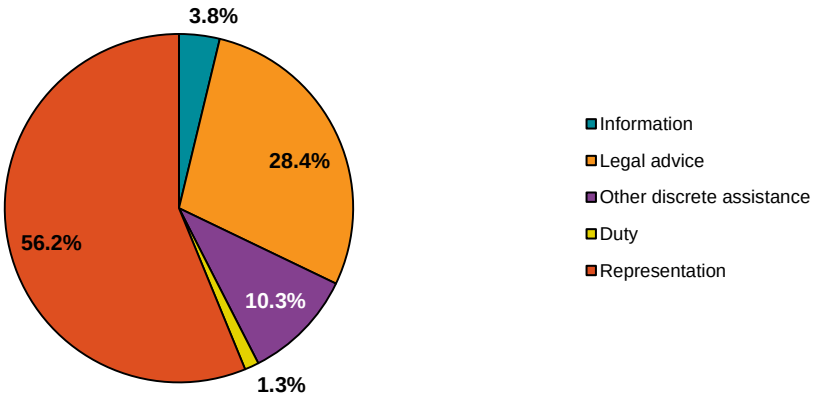
As mentioned in previous cautionary notes, any change to data collection practices has an impact on the quality of data. It is therefore to be expected that changes as significant as the implementation of the DSM, with a combination of new data items, new definitions and new counting rules, and the consequent shift to a new data collection system, may have a substantial impact on the data, both in its completeness and accuracy. For VALS, those challenges were further exacerbated by the experience of a change to a new database that proved unsuccessful, requiring a change to a second database, which in turn required further staff training and involved a potential backlog in data entry. All of this generally prolonged the period of transition to the DSM for collecting and reporting data. Therefore, VALS' data over the period of this report may not accurately represent the range of services that would otherwise have been reported.

For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance in order to better describe overall service characteristics.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), representation services account for the largest proportion of services, 56.2%, followed by legal advice (28.4%) and other discrete assistance services (10.3%).[64]

Figure 2: Services by category, 2018–19



Base: new services (N=2,571)

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was representation services at a Court or Tribunal, accounting for 51.6% of new services provided in 2018–19, followed by legal advice (28.4%) and referrals (8.4%).

[64] Other discrete assistance services include referral (8.4%), legal task (1.4%) and non-legal support (0.5%). No CLE services or law reform/stakeholder engagement services were reported for Victoria for the 2018–2019 period.

Table 3: Services by service type, 2018–19

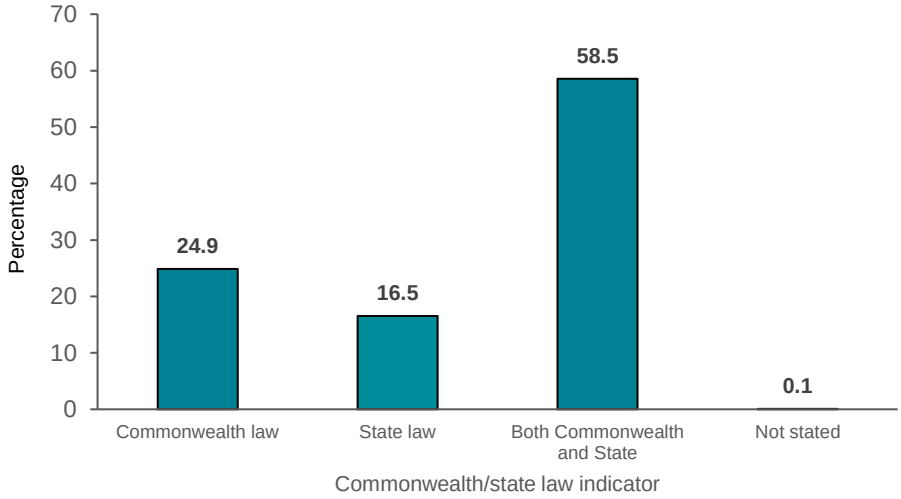
Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	48	2.2	97	3.8
	Referral	275	12.4	216	8.4
	Legal Advice	426	19.2	729	28.4
	Non-Legal Support	4	0.2	13	0.5
	Legal Task	13	0.6	37	1.4
	Facilitated Resolution Process	0	0.0	0	0.0
	Subtotal	*766*	*34.5*	*1,092*	*42.5*
Duty	Duty	51	2.3	34	1.3
Representation	Dispute Resolution	22	1.0	12	0.5
	Court/Tribunal	1,315	59.2	1,327	51.6
	Other Representation	67	3.0	106	4.1
	Subtotal	*1,404*	*63.2*	*1,445*	*56.2*
CLE	Community Legal Education Activity	0	0.0	0	0.0
	Community Legal Education Resource	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Other services	Law and Legal Service Reform	0	0.0	0	0.0
	Stakeholder Engagement	0	0.0	0	0.0
	Subtotal	*0*	*0.0*	*0*	*0.0*
Total		2,221	100	2,571	100

Broad area of law

Box 25: Caution: inconsistent reporting?

Data reported from Victoria shows a high percentage of services that are reported as being "both Commonwealth and state law" (58.5%). This may, in part, be explained by the fact that family law and civil law services provided by VALS are proportionally higher than in other states/territories. However, after consultation with VALS, it appears that this may also be impacted by default settings in their data recording system. Therefore, the number and percentage of services reported by Commonwealth/state law indicator for Tasmania should not be relied upon.

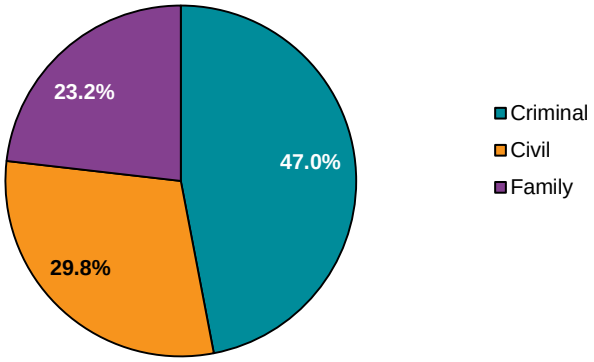
Figure 3: Percentage of services by Commonwealth/state law, 2018–19



Base: new services (N=2,571)

Figure 4 below shows that new services were most commonly provided in relation to criminal matters (47.0%).

Figure 4: Percentage of services by broad area of law, 2018–19



Base: new services (N=2,571)

Most duty lawyer services (82.4%) and representation services (80.6%) were for criminal matters. In contrast, information services were most commonly provided in relation to civil matters (72.2%). Legal advice services were nearly evenly split between civil matters (50.6%) and family matters (48.0%).

Table 4: Services by broad area of law, 2018–19

	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Criminal	1	1.0	10	1.4	28	82.4	1,165	80.6	1,208	47.0
Civil	70	72.2	369	50.6	2	5.9	159	11.0	767	29.8
Family	26	26.8	350	48.0	4	11.8	121	8.4	596	23.2
Total	97	100	729	100	34	100	1,445	100	2,571	100

Base: new services (N=2,571)
Notes: * includes other discrete assistance services (legal task, referral and non-legal support)

Geographic location

More than half (52.5%) of the Aboriginal and Torres Strait Islander population in Victoria lives in major cities, 34.7% live in inner regional areas and 12.8% live in outer regional or remote areas. Note that, due to small numbers and the impact of the ABS confidentiality process on the reliability of small counts, two levels of remoteness were combined when computing Aboriginal and Torres Strait Islander estimated population and NLAS(ATSILS) ERP counts.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

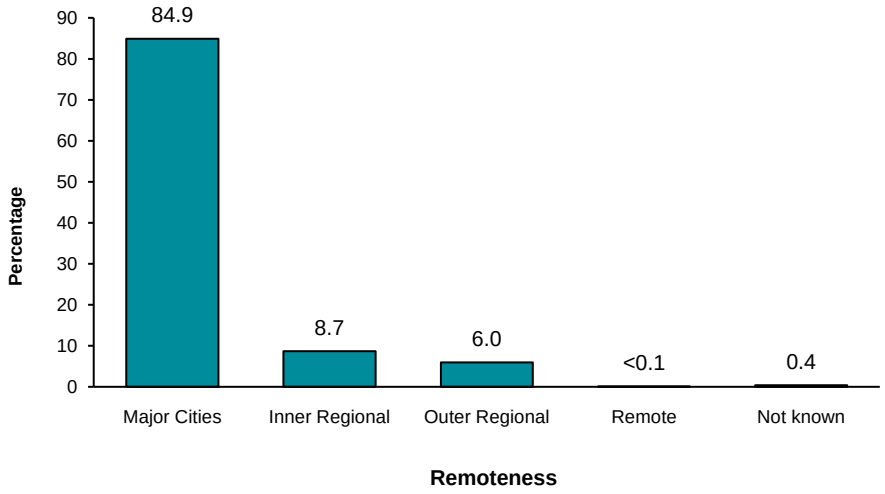
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	18,200	51.3	30,310	52.5
Inner Regional	12,500	35.2	20,060	34.7
Outer Regional	4,760*	13.4	7,390	12.8
Remote				
Very Remote	-	-	-	-

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.
* Population data are combined across two levels of remoteness due to the impact of ABS confidentiality process on the reliability of small counts.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

An overwhelming majority of new services (84.9%) were provided in major cities.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=2,571)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in Victoria, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	9,580	26.9	9,580	21.8
18–24	7,220	20.3	7,880	18.0
25–34	5,830	16.4	8,200	18.7
35–44	3,980	11.2	6,050	13.8
45–54	3,800	10.7	5,680	13.0
55–64	2,850	8.0	3,800	8.7
65+	2,370	6.6	2,680	6.1

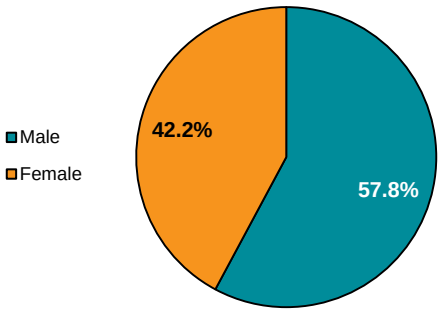
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10-17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

A majority (57.8%) of services were provided to male clients (see Figure 6).

The proportion of services by client age peaks in the 25–34 age group (31.6% of services), followed by the 35–44 age group (23.1%; see Figure 7). The proportion of services provided to clients under the age of 18 was 4.5%.

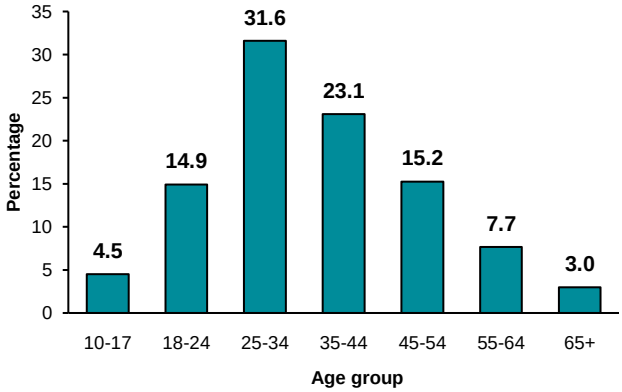
Overall, 19.4% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=2,571)

Figure 7: Services by client's age group

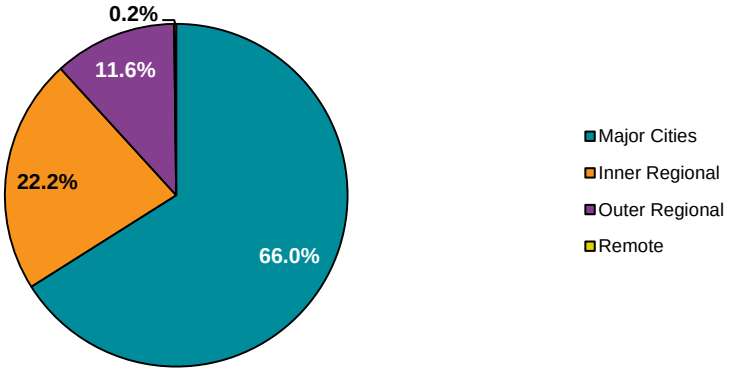


Base: new services to individuals whose age is known (N=2,526)

Area of residence

Services were most commonly provided to clients residing in major cities (66.0%; see Figure 8). Just under one in twelve services (11.8%) were provided to clients residing in outer regional, remote or very remote areas.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=2,557)
Note: services to clients residing in very remote areas (interstate clients) are not shown on this chart as they represent less than 0.05%.

Level of disadvantage

All 2,571 services (100% of new services to individuals) were provided to clients experiencing financial disadvantage.

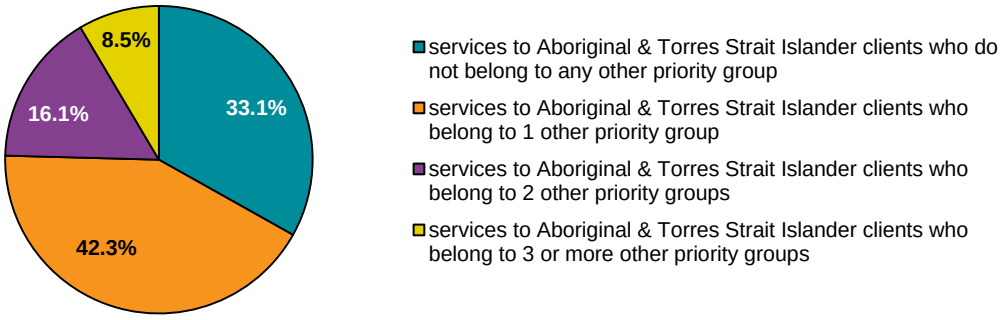
A total of 1,718 services (66.8%) were provided to clients identified as priority clients.[65]

Of those, 1,703 services were provided to Aboriginal and Torres Strait Islander clients identified as priority clients under the ILAP.

[65] Not including the single parent priority group as data for this group was not available.

Over two-thirds (66.9%) of services were provided to financially disadvantaged Aboriginal and Torres Strait Islander clients who belong to one or more *additional* priority groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients (N=2,547)

Reaching priority clients

Table 7 shows the number and percentage of services provided to selected priority client groups, as reported into IRIS.

Table 7: Services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
People with a disability or mental illness	30	30.9	268	36.8	4	11.8	417	28.9	843	32.8
People experiencing, or at risk of, family violence	13	13.4	237	32.5	2	5.9	102	7.1	419	16.3
People experiencing, or at risk of, homelessness	2	2.1	40	5.5	4	11.8	75	5.2	136	5.3
People in custody	2	2.1	35	4.8	4	11.8	209	14.5	265	10.3
People with low level of education	3	3.1	32	4.4	0	0.0	42	2.9	88	3.4
People with low English proficiency	1	1.0	13	1.8	0	0.0	21	1.5	40	1.6
Children and young people (up to 24 years)	*6*	*6.2*	*35*	*4.8*	*2*	*5.9*	*112*	*7.8*	*176*	*6.8*
Older people (65+)	*7*	*7.2*	*39*	*5.3*	*0*	*0.0*	*33*	*2.3*	*104*	*4.0*
People residing in rural or remote areas	*27*	*27.8*	*238*	*32.6*	*8*	*23.5*	*187*	*12.9*	*563*	*21.9*
Services with known priority status	97	100	729	100	34	100	1445	100	2,571	100
% with known priority status	100		100		100		100		100	
Financial disadvantage*	97	100	729	100	34	100	1445	100	2,571	100
Services with known financial status	97		729		34		1445		2,571	
% with known financial status	100		100		100		100		100	

Base: new services to individuals (N=2,571)

Notes: * includes other discrete assistance services (legal task, referral and non-legal support). A client can belong to more than one priority group, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known.

However, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all. [66]

Table 8: Services provided to selected priority client groups by main service types, calculated from relevant variables, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	7	7.7	88	12.4	7	20.6	357	24.9	491	19.4
Older people (65+)	4	4.4	31	4.4	0	0.0	22	1.5	75	3.0
Year of birth not known	*6*	*6.2*	*20*	*2.7*	*0*	*0.0*	*13*	*0.9*	*45*	*1.8*
People residing in outer regional, remote or very remote areas	8	8.2	66	9.1	8	23.5	202	14.1	302	11.8
Client postcode not known	*0*	*0.0*	*4*	*0.5*	*0*	*0.0*	*8*	*0.6*	*14*	*0.5*

Base: new services to individuals (N=2,571)

Notes: * includes other discrete assistance services (legal task, referral and non-legal support). Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known.

[66] Note that, with regards to people residing 'in rural or remote areas', the differences between Tables 7 and 8 may be as a result of different definitions of what is 'rural and remote' rather than incorrect reporting.

Appendix H Western Australia

This appendix presents an analysis of services provided in the 2018–19 financial year by the Aboriginal Legal Service of Western Australia (ALSWA). It is based on data reported to the Commonwealth Attorney-General's Department Indicator Reporting Information System (IRIS).

Aboriginal and Torres Strait Islander population and legal needs

According to the 2016 Census, the Aboriginal and Torres Strait Islander population in Western Australia (WA) represents 3.1% of the total WA population.

The Aboriginal and Torres Strait Islander population in WA increased by 9.1% between the 2011 and 2016 Census counts, a slower increase than in Australia overall (18.4%).

Table 1: Aboriginal and Torres Strait Islander population

State/Territory	2011 Census		2016 Census		Population change
	count	% of total population	count	% of total population	% increase from 2011 to 2016
Western Australia	69,660	3.1	75,980	3.1	9.1
Australia*	548,370	2.5	649,170	2.8	18.4

Source: Census
Notes: Counts rounded to nearest 10. * includes Other Territories.

Need for legal assistance services

The Law and Justice Foundation of NSW developed the Collaborative Planning Resource (CPR) in support of the *National Partnership Agreement on Legal Assistance Services 2015–20* (NPA). The CPR includes various indicators of the number of people within different priority client groups and geographic areas who are likely to need public legal assistance services due to various combinations of financial and capability factors.

The NLAS(ATSILS) indicator provides a count of people aged 10 to 17 who identify as Aboriginal, Torres Strait Islander or both, *plus* people aged 18 and over with low personal income, and who also identify as Aboriginal, Torres Strait Islander or both.[67] In other words, NLAS(ATSILS) provides a count of Aboriginal and Torres Strait Islander people who are likely to need support from public legal assistance service providers should they experience a legal problem.

For the purpose of this report, the NLAS(ATSILS) population rate was then applied to the most recent Estimated Resident Population (ERP) data to calculate the NLAS(ATSILS) ERP count that corrects for under-counts of Aboriginal and Torres Strait Islander residents in the Census.

[67] Low personal income is defined as less than $52,000 per year (less than $1,000 per week). The income criterium only applies to people aged 18 and over.

As shown in Table 2, overall the NLAS(ATSILS) ERP population count represents 82.8% of the estimated Aboriginal and Torres Strait Islander population of Australia (excluding Other Territories). The proportion is slightly lower in WA at 79.8%.

Table 2: NLAS(ATSILS) population

State/Territory	NLAS(ATSILS) ERP count	NLAS(ATSILS) ERP as a % of estimated Aboriginal and Torres Strait Islander 10+ population	NLAS(ATSILS) ERP as a % of estimated state 10+ population
	N	%	%
Western Australia	61,950	79.8	2.8
Australia *	505,750	82.8	2.4

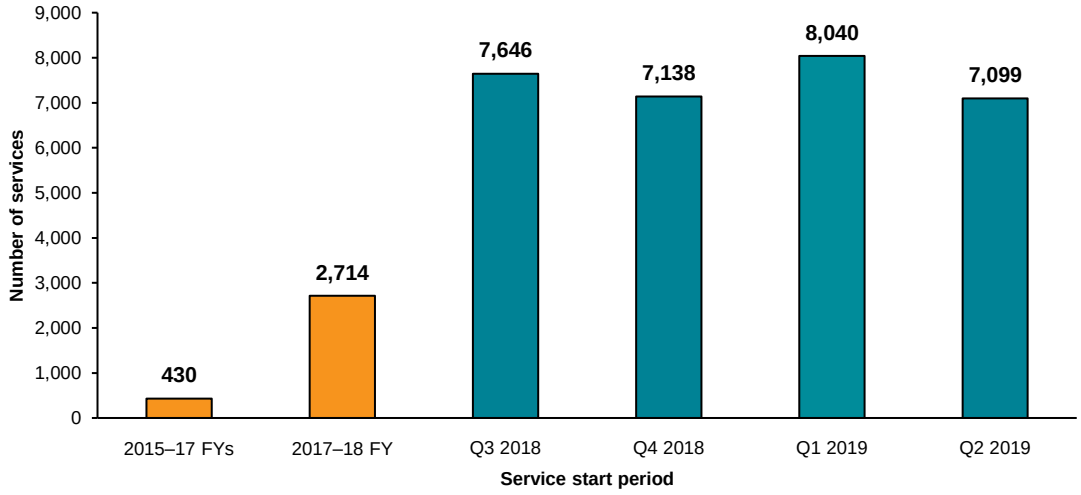
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
Notes: Counts rounded to nearest 10.
* excludes Other Territories.

Legal assistance service provision in 2018–19

New and ongoing services

A total of 33,067 services were reported by ALSWA in the 2018–19 financial year, of which 29,923 (90.5%) were new services and the remaining 3,144 (9.5%) were ongoing services that started in the first three years of current funding arrangements under the ILAP, between 1 July 2015 and 30 June 2018, and continued at least for some time during the 2018–19 financial year.[68]

Figure 1: Services provided in 2018–19 by start period



Base: services provided in 2018–19 (N=33,067)

For reporting purposes, services are grouped into five broad categories: discrete assistance, duty lawyer, representation, community legal education (CLE), and other

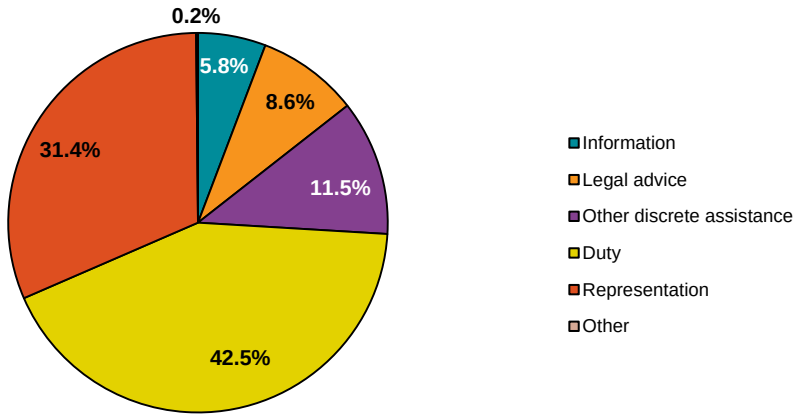
[68] A further 555 services (representing 1.7% of the data stored in IRIS for this jurisdiction for the 2017–18 reporting period) were ongoing services with a start date prior to 01/07/2015 and have been excluded from this count on the basis of either having missing data, dates outside the reporting period or other inconsistencies.

services, comprising of law and legal service reform and stakeholder engagement. For the purpose of this report, and where relevant, the discrete assistance services category is further broken down into three sub-categories: information services, legal advice and other discrete assistance services in order to better describe overall service characteristics.

Legal service type

Looking at *new* services only (i.e. services that commenced in the 2018–19 financial year), duty lawyer services account for the largest proportion of services, 42.5%, followed by representation services (31.4%), other discrete assistance services (11.5%) and legal advice (8.6%).[69]

Figure 2: Services by category, 2018–19



Base: new services (N=29,923)
Notes: Other services comprise of Community Legal Education, Law and Legal Service Reform and Stakeholder Engagement.

The National DSM further breaks the broad service categories down into 14 service types (see Table 3).The most frequent service type was duty lawyer services, accounting for 42.5% of new services provided in 2018–19, followed by representation services at a Court or Tribunal (31.1%), legal advice (8.6%) and information services (5.8%).

[69] Other discrete assistance services include referral (5.6%), legal task (4.1%) and non-legal support (1.8%).

Table 3: Services by service type, 2017–18 and 2018–19

Service category	Service type	New services 2017–18		New services 2018–19	
		N	%	N	%
Discrete Assistance	Information Service	2,090	6.6	1,729	5.8
	Referral	1,626	5.1	1,682	5.6
	Legal Advice	2,769	8.7	2,587	8.6
	Non-Legal Support	383	1.2	541	1.8
	Legal Task	991	3.1	1,222	4.1
	Facilitated Resolution Process	5	<0.1	4	<0.1
	Subtotal	*7,864*	*24.7*	*7,765*	*25.9*
Duty	Duty	13,912	43.7	12,729	42.5
Representation	Dispute Resolution	15	<0.1	16	0.1
	Court/Tribunal	9,966	31.3	9,319	31.1
	Other Representation	39	0.1	47	0.2
	Subtotal	*10,020*	*31.5*	*9,382*	*31.4*
CLE	Community Legal Education Activity	6	<0.1	2	<0.1
	Community Legal Education Resource	6	<0.1	0	0.0
	Subtotal	*12*	*<0.1*	*2*	*<0.1*
Other services	Law and Legal Service Reform	20	0.1	25	0.1
	Stakeholder Engagement	7	<0.1	20	0.1
	Subtotal	*27*	*0.1*	*45*	*0.2*
Total		31,835	100	29,923	100

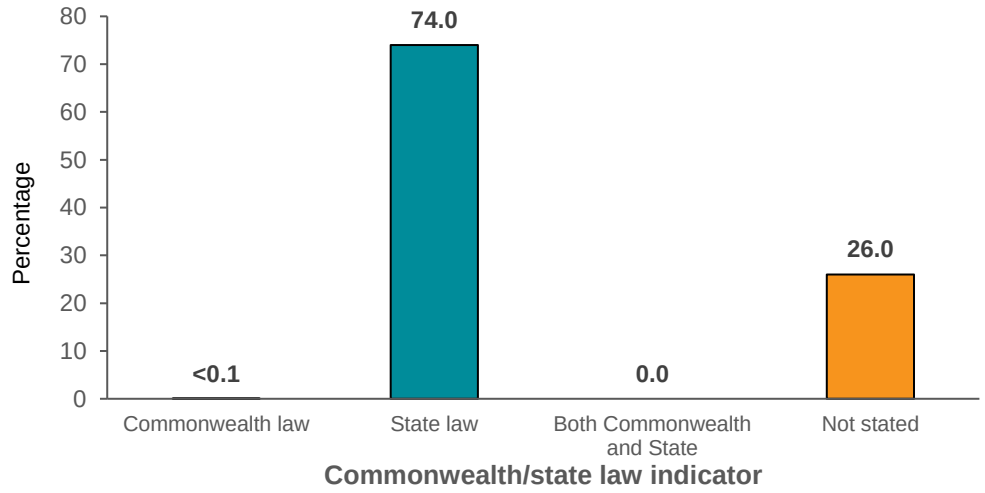
Broad area of law

The majority of new services (74.0%) were for a legal problem relating to state/territory law.

Box 26: Caution: missing data

Due to incomplete data for 26.0% of services, it is not possible to provide an exact proportion of services relating to Commonwealth law and to state law. The missing data is concentrated on discrete assistance services, for which the Commonwealth/state indicator was not required and hence not reported.

Figure 3: Percentage of Services by Commonwealth/state law, 2018–19

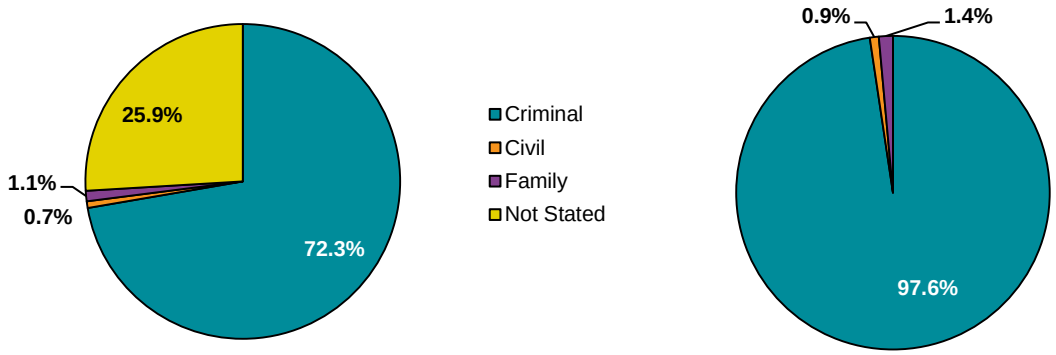


Base: new services (N=29,923)

Figure 4 shows that 72.3% of new services were for criminal matters. This figure, however, is likely to under-report the true proportion of services provided for criminal matters given the likely proportion of discrete assistance services (for which broad area of law was not stated) that may have been provided for criminal matters.

When services with unknown area of law are excluded from the percentage of services by broad area of law, the proportion of services in relation to criminal law matters increases to 97.6%. This percentage, however, is likely to over-estimate the true proportion of services provided for criminal matters given the overwhelming proportion of representation services provided in relation to criminal matters. Discrete assistance services will have almost certainly been provided for a wider range of legal matters, including some areas of family and civil law, as compared to duty and representation services.

Figure 4: Percentage of Services by broad area of law, 2018–19



Base: new services (N=29,923)

Base: new services **with known area of law** (N=22,158)

Nearly all duty lawyer services (98.9%) and most representation services (96.1%) were for criminal matters (see Table 4).

Table 4: Duty and representation services by broad area of law, 2018–19

	Duty		Representation	
	N	%	N	%
Criminal	12,593	98.9	9,020	96.1
Civil	19	0.1	169	1.8
Family	117	0.9	193	2.1
Not Stated	0	0.0	0	0.0
Total	12,729	100	9,382	100

Base: new duty and representation services (N=22,111)

Geographic location

An estimated four in ten (40.2%) Aboriginal and Torres Strait Islander people in WA live in major cities, 24.4% live in very remote areas and 13.6% in remote areas.

Table 5: NLAS(ATSILS) ERP count and Aboriginal and Torres Strait Islander estimated population by remoteness

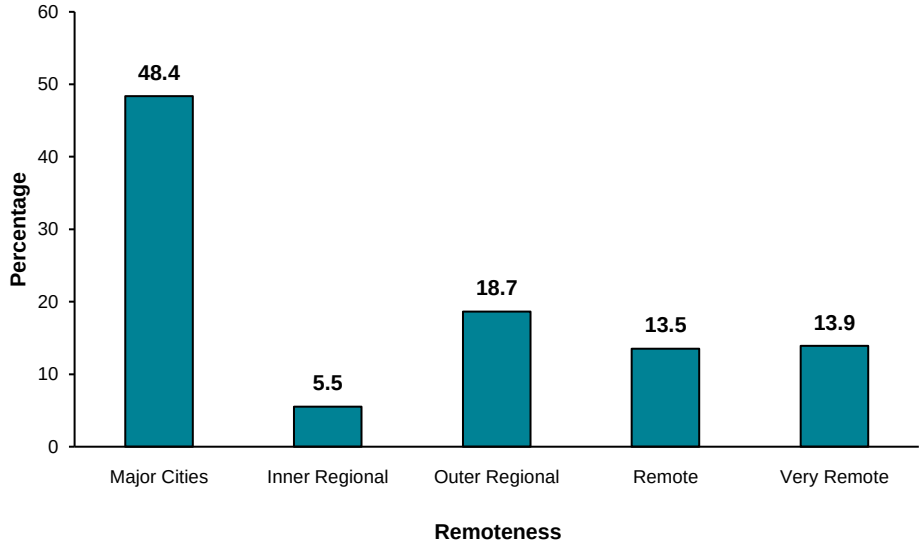
Remoteness area	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
Major Cities	23,600	38.2	40,430	40.2
Inner Regional	4,850	7.9	7,720	7.7
Outer Regional	8,870	14.3	14,170	14.1
Remote	7,790	12.6	13,630	13.6
Very Remote	16,710	27.0	24,550	24.4

Source: Estimated Resident Population (ERP) by Indigenous Status, State/territory, Remoteness and age, as at 30 June 2016, purchased from the ABS
Notes: Counts rounded to nearest 10.

Service location and client's place of residence (both reported at postcode level) were mapped to the ABS 2016 remoteness structure to examine the geographic distribution of ATSILS service provision in 2018–19.

New services were most commonly provided in major cities (48.4%). A total of 27.4% of services were provided in remote and very remote areas.

Figure 5: Percentage of services by level of remoteness of service location, 2018–19



Base: new services (N=29,923)

Client profile

Key demographics

Table 6 presents a breakdown of the Estimated Resident Population (ERP) of Aboriginal and Torres Strait Islander Australians as at June 2016 and of the NLAS(ATSILS) population in WA, by age group.

Table 6: NLAS(ATSILS) population and Aboriginal and Torres Strait Islander estimated population by age group

Age group	NLAS(ATSILS) ERP count		Aboriginal and Torres Strait Islander estimated population at June 2016	
	N	%	N	%
10–17*	16,920	27.3	16,920	21.8
18–24	11,060	17.9	12,770	16.4
25–34	11,170	18.0	15,910	20.5
35–44	7,800	12.6	11,600	14.9
45–54	6,910	11.2	10,220	13.2
55–64	4,680	7.6	6,490	8.4
65+	3,400	5.5	3,750	4.8

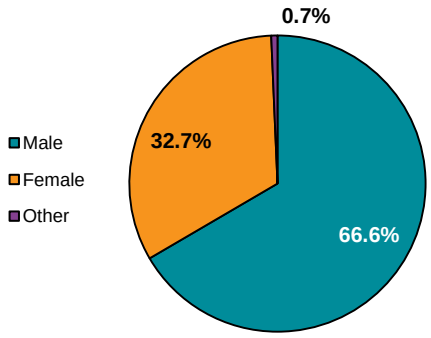
Source: ABS 2016 Census; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016.
* As per the definition of NLAS(ATSILS), all 10–17 year-olds who identify as Aboriginal and/or Torres Strait Islander are included in the indicator, therefore NLAS(ATSILS) count and estimated population for that age group are the same.
Notes: Counts rounded to nearest 10.

Exactly two-thirds (66.6%) of services were provided to male clients (see Figure 6).

The proportion of services by client age peaks in the 25–34 age group (29.5% of services), followed by the 35–44 age group (20.5%) and the 18–24 age group (18.7%; see Figure

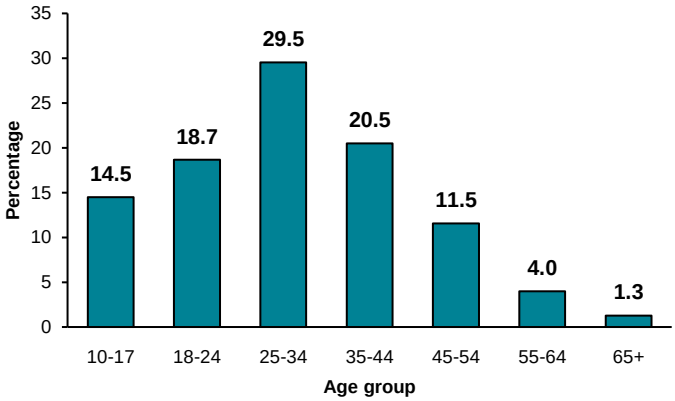
7).[70] The proportion of services provided to clients under the age of 18 was 14.5%. Overall, 33.2% of services were provided to children and young people (i.e. aged under 25 years).

Figure 6: Services by client's gender



Base: new services to individuals whose gender is known (N=29,870)

Figure 7: Services by client's age group



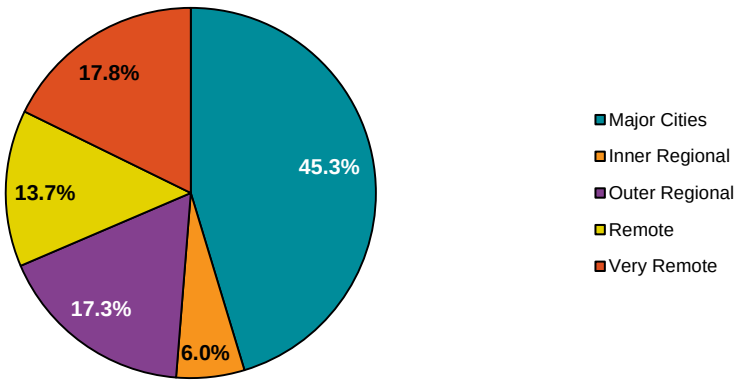
Base: new services to individuals whose age is known (N=29,481)

Area of residence

Services were most commonly provided to clients residing in major cities (45.3%), followed by those residing in very remote areas (17.8%) and outer regional areas (17.3%) (see Figure 8).

Just under half of services (48.7%) were provided to clients residing in outer regional, remote or very remote areas.

Figure 8: Services by client's remoteness of residential area, 2018–19



Base: new services to individuals whose postcode is known (N=29,851)

[70] The under 10 age group is not shown in Figure 7 as services to clients in that age group represent less than 0.05% of services.

Level of disadvantage

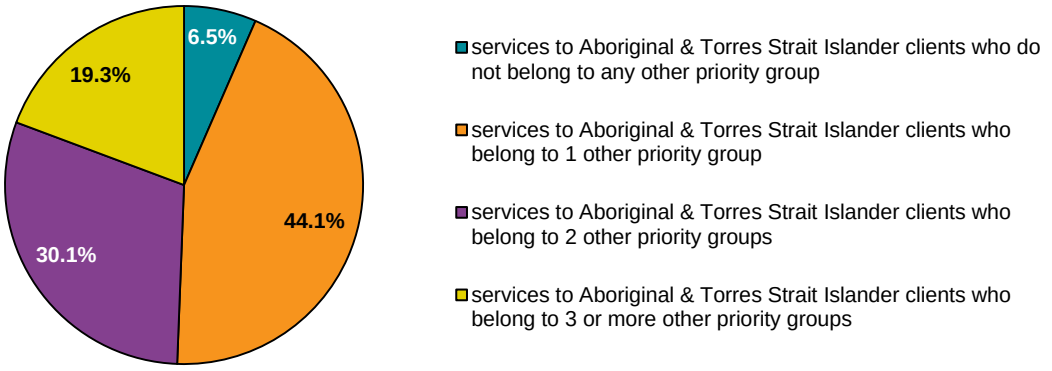
Financial status was reported for 21,977 services (73.6% of new services to individuals). Financial status is not required to be reported for discrete assistance services hence it is not possible to ascertain the total number of services provided to clients who experience financial disadvantage.

A total of 20,873 services were provided to clients experiencing financial disadvantage, which represents 95.0% of services to clients whose financial status is known (i.e. all representation services and nearly all duty services).

Similarly, priority group status was reported for all duty and representation services, but not for discrete assistance services. A total of 20,656 services, or 93.4% of duty and representation services combined, were provided to clients identified as priority clients.[71]

Of those, 20,519 services were provided to Aboriginal and Torres Strait Islander clients identified as priority clients under the ILAP. Nearly half (49.4%) of duty and representation services combined were provided to Aboriginal and Torres Strait Islander clients who belong to two or more *additional* priority groups. These figures show that a large number of ATSILS clients face multiple disadvantages.

Figure 9: Services to Aboriginal and Torres Strait Islander clients by number of priority groups they belong to, 2018–19



Base: new services to Aboriginal & Torres Strait Islander clients whose priority status is known (N=21,954)

Table 7 shows the number and percentage of services provided to selected priority client groups for duty and representation services, as reported into IRIS.

[71] Not including the single parent priority group as data for this group was not available.

Table 7: Duty and representation services provided to selected priority client groups, as reported in IRIS, 2018–19

Priority client group	Duty		Representation	
	N	%	N	%
People with a disability or mental illness	949	7.5	783	8.3
People experiencing, or at risk of, family violence	1,144	9.0	887	9.5
People experiencing, or at risk of, homelessness	745	5.9	455	4.9
People in custody	5,489	43.1	4,046	43.1
People with low level of education	1,612	12.7	1,162	12.4
People with low English proficiency	475	3.7	341	3.6
Children and young people (up to 24 years)	*3,712*	*29.2*	*2,869*	*30.6*
Older people (65+)	*45*	*0.4*	*30*	*0.3*
People residing in rural or remote areas	*7,293*	*57.3*	*5,433*	*57.9*
Services with known priority status	12,729	100.0	9,379	100.0
% with known priority status	100		100	
Financial disadvantage*	12,014	95.4	8,859	94.5
Services with known financial status	12,598		9,379	
% with known financial status	99.0		100	

Base: new services to individuals whose priority status is known (N=22,108)
Notes: A client can belong to more than one priority group, hence the total number of services where the client's priority status is known is not equal to the sum of rows in this table. Percentages are calculated over the number of services in that category and for which priority status is known. * For this group only: Base: new services to individuals whose financial status is known (N=21,977)

However, after re-calculating numbers and percentages of services provided to three priority client groups (children and young people, older people and people residing in rural and remote areas) using other variables in the data (year of birth and client's postcode), different results were obtained, as shown in Table 8. This means that results from Table 7 should be interpreted with caution, if at all.

Table 8: Services provided to selected priority client groups by main service types, calculated from relevant variables, 2018–19

Priority client group	Information		Legal advice		Duty		Representation		All new services*	
	N	%	N	%	N	%	N	%	N	%
Children and young people (up to 24 years)	223	14.1	808	31.8	4,609	36.3	3,619	38.6	9,784	33.2
Older people (65+)	60	3.8	50	2.0	34	0.3	31	0.3	372	1.3
Year of birth not known	*150*	*8.7*	*50*	*1.9*	*26*	*0.2*	*10*	*0.1*	*391*	*1.3*
People residing in outer regional, remote or very remote areas	268	15.5	1,216	47.0	7,053	55.5	5,142	54.9	14,546	48.7
Client postcode not known	*1*	*0.1*	*0*	*0.0*	*14*	*0.1*	*6*	*0.1*	*21*	*0.1*

Base: new services to individuals (N=29,872)
Notes: * includes other discrete assistance services, CLE and other services. Percentages are calculated over the number of services in that category and for which the relevant variable (year of birth or postcode) is known.

Appendix I Definition of NLAS(ATSILS)

Definition of NLAS(ATSILS)	
The NLAS(ATSILS) count is obtained by multiplying the percent of Aboriginal and Torres Strait Islander people aged 18 and over earning less than $52,000 per year (ABS 2016 Census) by the number of Aboriginal and Torres Strait Islander Australians aged 18 and over (from the ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016 release), and then adding the number of Aboriginal and Torres Strait Islander Australians aged between 10–17 (from the ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016 release).	
Percent of Aboriginal and Torres Strait Islander people aged 18 and over earning less than $52,000 per year	
The percent of Aboriginal and Torres Strait Islander people aged 18 and over earning less than $52,000 per year is calculated by dividing the count in the left column below by the count in the right column below:	
ABS Census 2016, Place of Usual Residence: AGEP Age 18 and over AND Indigenous Status INGP = Aboriginal; Torres Strait Islander; Both Aboriginal and Torres Strait Islander AND INCP Total Personal Income below $52,000	ABS Census 2016, Place of Usual Residence: AGEP Age 18 and over AND Indigenous Status INGP = Aboriginal; Torres Strait Islander; Both Aboriginal and Torres Strait Islander AND INCP Total Personal Income excluding incomes not stated and not applicable.
Source: 2016 ABS Census TableBuilder; ABS 3238.0.55.001 Estimates of Aboriginal and Torres Strait Islander Australians, June 2016 release	