



Australian Government The Attorney-General's Department

Office of Legal Services Coordination Guidance Note No 1 of 2006

7 March 2006

The Office of Legal Services Coordination Issues Guidance Notes in order to assist Australian Government Departments and Agencies to comply with the Legal Services Directions, procure legal services, and deal with legal issues in an efficient and effective manner. OLSC welcomes feedback on this Guidance Note.

Legal Services Directions – Checklist of New Obligations

To assist agencies in ensuring compliance with the new Legal Services Directions, set out below is a checklist of new requirements under the Directions that commenced on 1 March 2006. Those applicable only to Financial Management and Accountability Act 1997 agencies are marked 'FMA'. Those applicable not only to FMA agencies but to a range of other Commonwealth entities under paragraph 12 are marked 'FMA/CAC'.

Tied Work

- **In-house PIL work:** In the 1999 Directions there was an exemption to the tied work rules in relation to public international law to allow in-house legal units to continue to do certain public international law work 'currently undertaken' by them. This has been repealed and replaced with capacity to give an agency a limited exemption based on recognised expertise. If your in-house unit has done public international law work under the former 'currently undertaken' exemption please contact us urgently to discuss the scope for an exemption to give continuing authority for this. (FMA, App A paras 5(b) and (c))
- **Notifying OIL:** Where public international law advice is sought from the Australian Government Solicitor, the Office of International Law in this Department must be notified and given an opportunity to express a view. This can be done through the Australian Government Solicitor. (FMA, App A para 7)
- **Electronic opinions:** A non-tied provider given an exemption under which an opinion on a tied area of law is prepared must give an electronic copy of that opinion to OLSC. (FMA, App A para 8)

Claims, Litigation and Settlement

- **Tribunal jurisdiction:** Submission or objection to State or Territory tribunal jurisdiction requires Attorney-General/OLSC approval. (FMA, para 4.6A)
- **Prospects advice:** Advice on 'reasonable grounds' prior to commencing litigation must be in writing. (FMA, para 4.7)
- **ADR:** ADR must be considered before commencing litigation and must be participated in where appropriate, in a full and effective manner including by giving representatives clear instructions on acceptable terms. (FMA/CAC, App B para 2(d) and 5)
- **Merits review:** Best endeavours must be used to assist a tribunal to make its decision. (FMA/CAC, App B paras 3-4)
- **Commonwealth claims:** The rules on settlements now extend to claims by the Commonwealth. (FMA, App C para 1)

Counsel Engagement

- **Bankruptcy:** Briefs to counsel must require disclosure of bankruptcies. Such disclosures should be discussed with OLSC. Where an adverse disciplinary finding has been made in relation to the matter, counsel are not to be engaged without Attorney-General or OLSC approval. (FMA/CAC App D paras 4A –

4B)

- **Broad range of counsel:** There are expanded rules on briefing a broad range of counsel including encouragement to report on briefing by gender. (FMA/CAC App D paras 4C-4D)
- **New counsel:** The first time counsel are engaged by the Commonwealth, their rate is to be determined by OLSC. (FMA/CAC App D para 4E)

Consultation on Advice

- **Requesting and administering agencies:** There are more extensive requirements for consultation by an agency seeking legal advice on legislation that is administered by another agency with that other agency including a requirement to consult on the request for advice and on draft advice and to provide the settled advice. There is scope for agencies to enter bilateral arrangements to displace paragraph 10.1 as between each other, with the agreement of OLSC. There are new obligations on the agency consulted, to consider issues arising from the advice and disseminate as appropriate. (FMA, para 10)

Agency Responsibilities/ Sanctions

- **Legal expenditure:** Agencies must record and monitor legal expenditure and report on expenditure for each financial year, from 2005/06 onwards, by 30 October. (FMA, para 11(ba)). OLSC will shortly be circulating guidance material on reporting.
- **Reporting on breaches:** There is now an unqualified requirement to report to the Attorney-General or OLSC about possible, apparent or alleged breaches of the Directions by an agency as well as corrective steps. (FMA, para 11.1(d)). Chief executives must provide a certificate to OLSC following the end of each financial year from 2005/06 in relation to apparent or possible breaches and related matters. (FMA, para 11.2). OLSC will be shortly be circulating guidance material on reporting.
- **Legal service provider contracts:** New contracts with legal service providers from 1 March must provide for appropriate penalties for breaches to which the legal service provider has contributed. (FMA, para 14). Suggested contract clauses are on the OLSC website: www.ag.gov.au/olsc.

Subrogation

- Agencies must use best endeavours to ensure that a contract that gives a third party a right of subrogation requires the third party and its agents to comply with certain key requirements in the Directions. (FMA, para 11A)

Exemptions

- Exemptions under the former Directions have been repealed and where appropriate remade under the new Directions. Agencies that had exemptions under the previous Directions should contact OLSC to discuss.


Relaxation of Requirements

- Requirements under the Directions have also been relaxed in a number of areas, for example:
- scope to settle despite a possible limitation period has been confirmed (para 8.3)
 - legal advice prior to settlement is now only required for settlements above \$25,000 (App C para 3), and
 - requirements relating to Commonwealth control of criminal proceedings against a legally assisted employee have been relaxed. (App R paras 8-8A)

If you have any comments or questions on this Guidance Note, please contact Susan Cochrane (olsc@ag.gov.au, (02) 6250 6424).

Karl Alderson
Assistant Secretary
Office of Legal Services Coordination

www.ag.gov.au/olsc

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Attorney-General's Department
Outcome and Output Structure

Outcome 1: An equitable and accessible system of federal civil justice

Output 1.1: Legal services and policy advice on family law, federal courts and tribunals, civil procedure, alternative dispute resolution, administrative law and administration of related government programs

Includes:

- federal courts and tribunals
- civil jurisdiction and legal procedure
- alternative dispute resolution
- private international law
- administrative law
- family law and international family law
- Family Relationship Services Program including Family Law Online, Family Law Hotline and Regional Law Hotline, and
- marriage.

Also covers:

- Administrative Appeals Tribunal
- Administrative Review Council
- Family Court of Australia
- Family Law Council
- Federal Court of Australia
- Federal Magistrates Court
- High Court of Australia
- National Alternative Dispute Resolution Advisory Council
- National Native Title Tribunal
- National Judicial College of Australia, and
- Office of Parliamentary Counsel.

Output 1.2: Support for the Attorney-General as First Law Officer, advice on constitutional policy, and promotion of Australian legal services internationally

Includes:

- Legal Services Directions—policy and administration (including counsel fees, work tied to Australian Government providers, claims against the Australian Government, assistance to officials in legal proceedings, and the model litigant rules)
- legal assistance to Ministers
- constitutional issues
- defamation
- legal cooperation, trade in legal services and the secretariat to the International Legal Services Advisory Council
- Australian Government involvement in the Standing Committee of Attorneys-General
- the legal profession
- policy on classification of publications, films and computer games (shared with Office of Film and Literature Classification)
- personal property securities, and
- personal insolvency policy (shared with Insolvency and Trustee Service Australia).

Also covers:

- Australian Government Solicitor
- Insolvency and Trustee Service Australia
- Office of Film and Literature Classification
- Classification Board
- Classification Review Board, and
- Solicitor-General.

Output 1.3: Legal services and policy advice on information law and human rights

Includes:

- human rights
- discrimination law
- privacy
- freedom of information
- parliamentary privilege
- defamation
- copyright—domestic and international, and
- electronic commerce.

Also covers:

- Office of the Privacy Commissioner, and
- Human Rights and Equal Opportunity Commission.

Output 1.4: Legal services and policy advice on international law

Includes:

- international legal instruments
- international law
- international litigation
- domestic legal proceedings involving international law
- international law projects including international trade law, maritime law and treaties, and
- international reporting on Australia's compliance with treaties.

Also covers:

- World Trade Organisation
- Free Trade Agreements, and
- International Court of Justice.

Output 1.5: Drafting of legislative and other instruments, maintenance of the Federal Register of Legislative Instruments (FRLI), publication of legislative materials and provision of related legal services

Includes:

- drafting subordinate legislation and instruments
- arranging for printing, registering and tabling of legislative instruments, and
- providing access to Commonwealth legislative material in printed and electronic form.

Also covers:

- ComLaw, and
- Federal Register of Legislative Instruments.

Output 1.6: Legal services and policy advice on native title

Includes:

- native title policy
- Australian Government participation in native title claims
- the operation of the *Native Title Act 1993*, and
- financial assistance to the States and Territories for native title compensation and administrative matters.

Does not include:

- Native Title Representative Bodies (Office of Indigenous Policy Coordination)
- Prescribed Bodies Corporate (OIPC)
- funding for respondents to native title claims (output 1.7).

Output 1.7: Legal Services and policy advice on Indigenous law and justice and legal assistance, and the administration of related government programs

Includes:

- legal aid including for Indigenous Australians, community legal services and pro bono services

- financial assistance
- family violence prevention and legal services for assisting Indigenous Australians
- programs to divert Indigenous Australians away from the criminal justice system
- law and justice advocacy to advance the legal rights of Indigenous Australians, and
- Aboriginal interpreter services in the Northern Territory.

Outcome 2: Coordinated federal criminal justice, security and emergency management activity, for a safer Australia

Output 2.1: Policy advice on, and program administration and regulatory activities associated with, the Commonwealth's domestic and international responsibilities for criminal justice and crime prevention, and meeting Australia's obligations in relation to extradition and mutual affairs

Includes:

- criminal law reform and criminal law policy, including scrutiny of bills
- law enforcement policy
- extradition
- mutual assistance including status of visiting forces requests, mutual assistance in business regulation and assisting the International War Crimes Tribunal
- fraud, identity crime, firearms, illicit drugs, firearms policy, people trafficking, anti corruption, foreign bribery and anti-money laundering laws and policy
- proceeds of crime
- Commonwealth sentencing laws
- federal prisoners administration
- international transfer of prisoners scheme
- international criminal justice including bilateral and multilateral treaty negotiation
- South Pacific law and justice policies and programs
- PNG Enhanced Cooperation Program, Pacific Island Law Ministers meetings, Commonwealth Law Ministers meetings
- National Community Crime Prevention Grants Programme including Western Sydney Grants Program
- National Handgun Buyback
- firearms import permits, and
- embryo export permits.

Also covers:

- Australian Crime Commission
- Australian Customs Service
- Australian Institute of Criminology
- Australian Federal Police
- Australian Transaction Reports and Analysis Centre
- CrimTrac Agency
- Criminology Research Council
- Director of Public Prosecutions
- Federal Police Disciplinary Tribunal
- Australasian Police Ministers Council
- Corrective Services Ministers Council
- Ministerial Council on the Drug Strategy, and
- International Criminal Court.

Output 2.2: National leadership and coordination of legal and policy advice on national security and counter-terrorism laws and critical infrastructure protection

Includes:

- the Trusted Information Sharing Network for Critical Infrastructure Protection (TISN)
- the Business Government Advisory Group on National Security
- National Information Infrastructure protection
- activities to engage with the broader business community on terrorism issues
- legal issues arising in the development and implementation of counter-terrorism policy
- counter-terrorism laws including terrorism related offences, security offences and powers, and the listing of terrorist organisations
- international counter-terrorism conventions

- international liaison on national security and critical infrastructure protection issues
- telecommunications interception
- surveillance devices
- crimes (foreign incursions and treason)
- unauthorised disclosure of official information and secrecy
- espionage
- offences relating to Commonwealth places, and
- capacity building in the South-East Asian region through the provision of assistance for improving the legal frameworks of countries in the region to combat terrorism.

Also covers:

- Australian Security Intelligence Organisation—legal and policy advice
- Parliamentary Joint Committee on ASIO, ASIS and DSD.

Output 2.3: Provide national leadership in the development of emergency management measures to reduce risk to communities and manage the consequences of disasters

Includes:

- Emergency Management Australia
- Tsunami Warning System (education/awareness aspects), and
- coordinating Commonwealth assistance to the States and Territories.

Output 2.4: Development and promotion of protective security policy, advice and common standards and practices, and the coordination of protective security services, including counter-terrorism and dignitary protection; the provision of security for special events; the development of counter-terrorism capabilities; and the coordination of national security crises and information through the Watch Office and National Security Hotline

Includes:

- Protective Security Coordination Centre

- PSCC Training Centre
- Australian Security Vetting Service
- protective security policy
- national counter-terrorism program including National Counter-Terrorism Committee and its exercise, training and equipment procurement programs
- management of the Australian Government Counter-Terrorism Committee
- National Counter-Terrorism Plan
- National Counter-Terrorism Handbook
- dignitary protection for Australian High Office Holders, visiting foreign dignitaries and the diplomatic community
- the Watch Office
- National Security Hotline, and
- management and coordination of security for special events.

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Locations of Funded Family Relationship Services

Roll out of services in 2007-08 and 2008-09 were announced by the Attorney-General on 14 May 2006.

State / Territory	Children's Contact Services	Contact Orders Programs	Regional Family Dispute Resolution Services	Family Relationship Centres	
NSW	<u>Existing Services</u> Campbelltown (Sydney) Harris Park (Sydney) Wodonga Coffs Harbour Dubbo Lismore Newcastle Orange Wagga Wagga Wollongong	<u>Existing Services</u> Parramatta (Sydney) <u>New Services 2005-06</u> Central Sydney Newcastle	<u>Existing Services</u> Broken Hill Coffs Harbour Dubbo Lismore Nowra Orange/Bathurst Tamworth Wagga Wagga	<u>New Services 2006-07</u> Sutherland (Sydney) Penrith (Sydney) Wollongong Lismore <u>New Services 2007-08</u> North Ryde, (Sydney) Blacktown (Sydney) Fairfield (Sydney) Campbelltown (Sydney) Newcastle Nowra Wagga Wagga	
	<u>New Services 2006-07</u> Penrith (Sydney) Sutherland (Sydney)		<u>New Services 2006-07</u> Maitland Port Macquarie	<u>New Services 2008-09</u> Sydney city Bankstown (Sydney) Brookvale (Sydney) Parramatta (Sydney) Bathurst Coffs Harbour Dubbo Gosford Tamworth Taree	
	<u>New Services 2007-08</u> Blacktown (Sydney)	<u>New Services 2007-08</u> Albury Lismore Wollongong			
	<u>New Services 2008-09</u> Inner Sydney Tamworth Wyang Port Macquarie				
	Children's Contact Services	Contact Orders Programs	Regional Family Dispute Resolution Services	Family Relationship Centres	
	VIC	<u>Existing Services</u> Deer Park (Melbourne)	<u>Existing Services</u> South East Melbourne	<u>Existing Services</u> Albury/Wodonga	<u>New Services 2006-07</u> Sunshine (Melbourne)

New and expanded services

<p>Frankston (Melbourne) Watsonia (Melbourne) Ballarat Bendigo Geelong Mildura Morwell</p>	<p><u>New Services 2005-06</u> Inner Melbourne</p>	<p>Ballarat Bendigo Gippsland Mallee (Mildura) Shepparton Warrnambool</p>	<p>Frankston (Melbourne) Ringwood (Melbourne) Mildura</p> <p><u>New Services 2007-08</u> Greensborough (Melbourne) Berwick (Melbourne) Geelong Wodonga Morwell/Traralgon Ballarat</p> <p><u>New Services 2008-09</u> Broadmeadows (Melbourne) Chadstone (Melbourne) Melbourne city Shepparton Warrnambool</p>
<p><u>New Services 2007-08</u> Geelong</p>	<p><u>New Services 2006-07</u> Werrbee</p>	<p><u>New Services 2008-09</u> Inner Melbourne Cranbourne (Melbourne) Shepparton Warrnambool</p>	

State / Territory	Children's Contact Services	Contact Orders Programs	Regional Family Dispute Resolution Services	Family Relationship Centres
QLD	<u>Existing Services</u> Logan West Gold Coast Mackay Sunshine Coast Toowoomba Townsville & Cairns (outreach)	<u>Existing Services</u> Brisbane	<u>Existing Services</u> Cairns Mackay Mount Isa Rockhampton South East Qld (Toowoomba) Townsville Wide Bay-Burnett Area (Bundaberg)	<u>New Services 2006-07</u> Townsville Strathpine
	<u>New Services 2006-07</u> Brisbane City	<u>New Services 2006-07</u> Townsville	<u>New Services 2006-07</u> Caboolture	Cairns Rockhampton
	<u>New Services 2007-08</u> Ipswich Cairns Rockhampton	<u>New Services 2007-08</u> Cairns Gold Coast Rockhampton Sunshine Coast		<u>New Services 2007-08</u> Upper Mount Gravatt (Brisbane) Gold Coast Ipswich (Brisbane) Maroochydore (Sunshine Coast) Cairns Rockhampton
	<u>New Services 2008-09</u> Caboolture Hervey Bay			<u>New Services 2008-09</u> Bundaberg Chermiside (Brisbane) Logan (Brisbane) Mackay Toowoomba

State / Territory	Children's Contact Services	Contact Orders Programs	Regional Family Dispute Resolution Services	Family Relationship Centres
WA	<u>Existing Services</u> Girrawheen (Perth) Bunbury Fremantle <u>New Services 2006-07</u> Perth (North Metro) <u>New Services 2007-08</u> Mandurah Geraldton <u>New Services 2008-09</u> Armadale Albany Kalgoorlie	<u>Existing Services</u> Perth	<u>Existing Services</u> Albany Geraldton Kalgoorlie / Esperance <u>New Services 2006-07</u> Pilbara-Kimberley Region (2 new services)	<u>New Services 2006-07</u> Joondalup (Perth) <u>New Services 2007-08</u> Mandurah (Perth) Midland (Perth) Geraldton <u>New Services 2008-09</u> Bunbury Perth city Pilbara / Kimberley region
SA	<u>Existing Services</u> Hindmarsh (Adelaide) Noarlunga (Adelaide) Mount Gambier	<u>Existing Services</u> No existing services <u>New Services 2006-07</u> Adelaide	<u>Existing Services</u> Mount Gambier Port Pirie Riverland (Berri) Whyalla	<u>New Services 2006-07</u> Salisbury <u>New Services 2007-08</u> Noarlunga (Adelaide) Port Augusta <u>New Services 2008-08</u> Adelaide Mount Gambier
	<u>New Services 2006-07</u> Salisbury (Adelaide) <u>New Services 2007-08</u> Port Augusta Berri <u>New Services 2008-09</u> Burnside			

State / Territory	Children's Contact Services	Contact Orders Programs	Regional Family Dispute Resolution Services	Family Relationship Centres
TAS	<u>Existing Services</u> Hobart Launceston <u>New Services 2007-08</u> Devonport	<u>Existing Services</u> Hobart	<u>Existing Services</u> Mersey/Lyell (Burnie) Northern Tasmania	<u>New Service 2006-07</u> Hobart <u>New Services 2007-08</u> Launceston
ACT	<u>Existing Services</u> Narrabundah <u>New Services 2006-07</u> Canberra	<u>Existing Services</u> No existing funded services <u>New Services 2006-07</u> Canberra	<u>Existing Services</u> Canberra/Goulburn/South Coast	<u>New Services 2006-07</u> Canberra
NT	<u>Existing Services</u> Darwin Alice Springs <u>New Services 2006-07</u> Darwin	<u>Existing Services</u> No existing funded services <u>New Services 2006-07</u> Darwin	<u>Existing Services</u> Darwin Alice Springs Katherine	<u>New Services 2006-07</u> Darwin

New and expanded services



Australian Government
Attorney-General's Department

Financial Services Group

06/6471

22 May 2006

Senator Marise Payne
Chair
Senate Legal & Constitutional Legislation Committee
S.1.61
Parliament House
CANBERRA ACT 2600

Dear Senator Payne

Corrections to the Attorney-General's Portfolio Budget Statements 2006-07

Following the tabling of the Attorney-General's Portfolio Budget Statements 2006-07 (PBS) on Tuesday, 9 May 2006, it was revealed that there were some errors in various sections of the publication. The Senate tabling office advised that the corrections needed to be made by a corrigendum and to replace pages on the tabling copies of the PBS.

The following corrections will be made:

User Guide (page 9)

- Add to the notations to be used, beneath the notation '..', the notation '**' and the applicable description 'a reliable estimate cannot be provided'

Attorney-General's Department Table 2.2: Agency measures (page 27)

- Correction to the Expense Measure title to read 'Workforce participation – countering age discrimination'

Attorney-General's Department Figure 5 and 6 (pages 34 and 35)

- Replace the heading and the pie-chart 'Figure 5: Departmental appropriations by outcome, 2006-07' with the words 'Approximately 35% of the departmental appropriation translates to appropriation for Outcome 1 and 65% for Outcome 2.'
- Replace the heading and pie-chart 'Figure 6: Administered appropriations by outcome, 2006-07' with the words 'Approximately 80% of the administered appropriation translates to appropriation to Outcome 1 and 20% for Outcome 2.'

Australian Customs Service Table 2.2 (pages 108, 112 and 113)

- Correction to the spelling of 'accommodation' in the Expense Measure – 'Securing Borders against Illegal Foreign Fishing – transitional accommodation facilities'
- Correction to the spelling of 'facilities' in the Expense Measure – 'National Security – container examination facilities logistic costs'
- Replace the dashes (-) with double dots (..) where they appear in the row relating to the Revenue Measure 'Indirect tax concessions for diplomatic and consular missions' under the column headings 'Admin Items' and 'Total' for each of the Budget and Forward Estimate years

Australian Security Intelligence Organisation Table 2.2 (page 212)

- Correction to the Expense Measure titled – 'National Security – improving accommodation in state offices' to read 'National Security – improving accommodation for state offices'

Family Court of Australia Table 2.2 (page 281)

- Add to the note below Table 2.2 the words, 'This new measure resulted in the reduction to fiscal balance of \$1.578m in 2006-07, \$1.572m in 2007-08, \$1.570m in 2008-09 and \$1.569m in 2009-10.'

Federal Magistrates Court of Australia Table 2.2 (page 328)

- Replace the words in Table 2.2 where they appear under Expense Measures and where they appear under Revenue Measures 'Federal Magistrates – providing additional magistrates for family law' with the words 'Federal Magistrates – providing additional magistrates for new responsibilities'
- Replace the words where they appear under Capital Measures 'Additional Magistrates' with the words 'Federal Magistrates – providing additional magistrates for new responsibilities'
- Add a note below Table 2.2 to read 'The Australian Government announced, following MYEFO, a new measure: 'Federal Magistrates Court – providing additional magistrates for family law'. This was published in PSAES 2005-06. Expense fiscal balances increased by \$1.578m in 2006-07, \$1.572m in 2007-08, \$1.570m in 2008-09 and \$1.569m in 2009-10.'

Human Rights and Equal Opportunity Commission Table 2.2 (page 360)

- Correction to the spelling of 'participation' in the Expense and Capital Measure – 'Workforce participation – countering age discrimination'

National Native Title Tribunal Figure 5: Departmental appropriations (page 402)

- Replace the pie-chart on page 402 with the appropriate column graph

The Department's internet site will be updated to include the corrections.

The action officer for this matter is Julianne Hyland who can be contacted on 6234 4902.

Yours sincerely



Trevor Kennedy
Assistant Secretary
Financial Management Branch

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Facsimile: 6250 5926
E-mail: trevor.kennedy@ag.gov.au

Corrigendum

Portfolio Budget Statements 2006-07
Attorney-General's Portfolio
ISBN: 0 642 21183 3

Page 9:

Add to the notations to be used, beneath the notation ‘..’

* a reliable estimate cannot be provided

Corrigendum

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Add a note below Table 2.2 to read 'The Australian Government announced, following MYEFO, a new measure: 'Federal Magistrates Court – providing additional magistrates for family law'. This was published in PSAES 2005-06. Expense fiscal balances increased by \$1.578m in 2006-07, \$1.572m in 2007-08, \$1.570m in 2008-09 and \$1.569m in 2009-10.'

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Page 360:

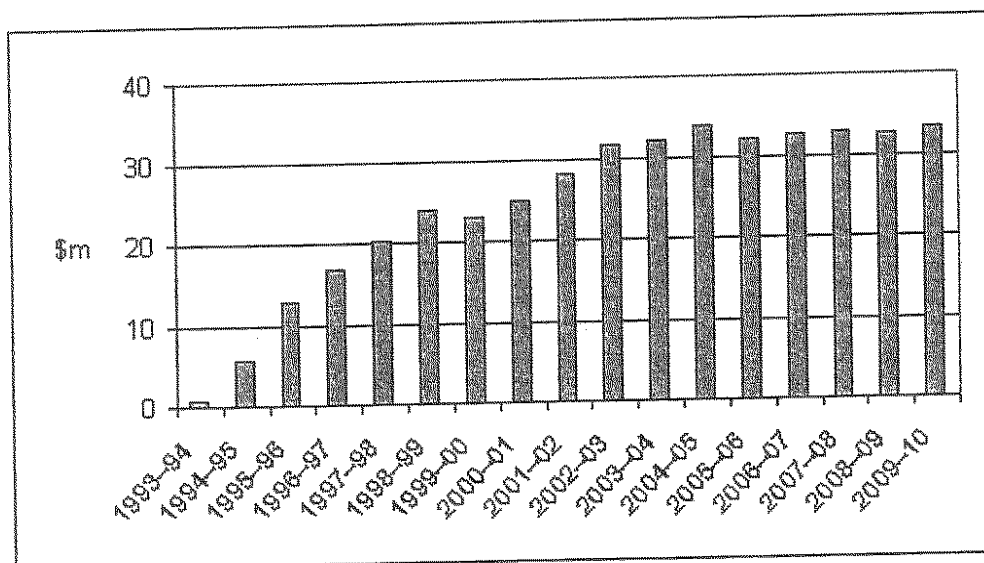
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'Workforce participation – countering age discrimination'

Corrigendum

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Page 402:

Replace the pie-chart on page 402 with the column graph below:





ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

NEWS RELEASE

23 May 2006

094/2006

LABOR'S ATTACK ON FAMILY RELATIONSHIP CENTRES MISFIRES

Labor's accusation the locations of the 65 new Family Relationship Centres have been chosen on political grounds contrary to departmental advice is wrong.

The location of the centres was determined on the basis of a range of criteria – including demographic data, accessibility to public transport and availability to the courts and other existing government services – and is consistent with advice from my department.

The Shadow Attorney's concerns are unfounded considering:

- More than 47 percent (31) of all FRCs are located in towns or suburbs covered by non-government electorates
- Labor holds only 40 per cent of the seats in the House of Representatives
- 44 per cent of FRCs will be in towns or suburbs covered by Labor electorates

The Shadow Attorney-General keeps changing her mind on FRCs. Last year she described them as "sausage factories".

Presumably her concerns are not shared by her frontbench colleagues in whose electorates the Centres will be established, including the Member for Brand (Beazley); Member for Jaga Jaga (Macklin); Member for Perth (Smith); Member for Melbourne (Tanner); Member for Lilley (Swan); Member for Rankin (Emerson) and Member for Reid (Ferguson).

In a further embarrassment, Labor Member for Lingiari wrongly accused the Government of neglecting his electorate, in particular Alice Springs. This ignores the fact the Centre to open in Darwin next month will include a permanent presence in Alice Springs.

The \$400 million package announced by the Government – the biggest ever investment in the family law system – includes a specific allocation of \$4.1 million to ensure the new FRCs are culturally sensitive and appropriate for Indigenous families. The measures also include an outreach service to Indigenous and regional communities, including Alice Springs, Katherine and Nhulunbuy.

Media Contact: Charlie McKillop (02) 6277 7300/0419 278 715

CCLSP ALLOCATION	2005-06	2006-07	2007-08
		(2% index)	(est 2% index)
NEW SOUTH WALES			
Blue Mountains CLC	91,288	93,114	94,976
Central Coast CLC	178,099	181,661	185,295
Consumer Credit Service	125,718	128,232	130,797
Court Support Scheme	29,970	30,569	31,181
Environmental Defenders Office	85,241	86,946	88,685
Far West CLS	226,096	230,618	235,230
Hawkesbury Nepean CLC	125,854	128,371	130,939
HIV/AIDS Legal Centre	61,470	62,699	63,953
Hunter District CLC	190,115	193,917	197,795
Illawarra Legal Centre Inc.	365,890	373,208	380,672
Immigration Advice & Rights Group	88,644	90,417	92,225
Inner City Legal Centre	91,286	93,112	94,974
Kingsford Legal Centre	153,831	156,908	160,046
Macarthur Legal Centre	199,833	203,830	207,907
Marrickville Legal Centre	280,241	285,846	291,563
Mt Druitt and Area CLC	177,864	181,421	185,050
North and North West CLC	178,831	182,408	186,056
Northern Rivers CLC	248,601	253,573	258,645
NSW Disability Discrimination Legal Centre	182,381	186,029	189,749
Public Interest Advocacy Centre	103,648	105,721	107,835
Redfern Legal Centre	141,836	144,672	147,566
Shoalcoast CLC	227,370	231,918	236,556
South West Sydney Legal Centre Inc.	178,559	182,130	185,773
Tenants Union of N.S.W.	68,139	69,502	70,892
The Aged Care Rights Service	30,658	31,271	31,896
Welfare Rights Centre	206,309	210,435	214,644
Western NSW CLS	251,860	256,897	262,035
Women's Legal Service NSW (Women's Legal Resource Centre)	770,881	786,298	802,024
NEW SOUTH WALES TOTAL	5,060,513	5,161,723	5,264,958
VICTORIA			
Albury-Wodonga CLS	227,283	231,828	236,465
ATSIP	90,115	91,917	93,755
Brimbank Melton CLC	65,341	66,648	67,981
Broadmeadows CLS	137,561	140,312	143,118
Casey Cardinia CLS	104,133	106,216	108,340
Central Highlands CLS	163,450	166,719	170,053
Coburg - Brunswick CLC	85,010	86,710	88,445
Community Connections (VIC)	172,624	176,077	179,598
Consumer Credit Legal Service	64,504	65,794	67,110
Darebin CLS	48,472	49,442	50,430
Disability Discrimination Law Advocacy Service	166,283	169,609	173,001
Eastern CLC	120,907	123,325	125,792
Environment Defenders Office	83,444	85,113	86,815
Essendon CLC	48,581	49,553	50,544
Fitzroy Legal Service	154,841	157,938	161,097
Flemington & Kensington CLC	81,777	83,413	85,081
Footscray CLC	49,193	50,177	51,181
Geelong CLS	334,845	341,542	348,373
Gippsland CLS	225,658	230,171	234,775
Monash - Oakleigh Legal Service	125,792	128,308	130,874
Murray-Mallee CLS	250,055	255,057	260,158
North Melbourne Legal Service	76,048	77,569	79,120

CCLSP ALLOCATION	2005-06	2006-07	2007-08
		(2% index)	(est 2% index)
Peninsula CLS	304,856	310,953	317,172
Springvale Community Aid and Advice Bureau	65,202	66,506	67,837
Springvale Monash Legal Service	273,694	279,168	284,751
St.Kilda Legal Service	87,143	88,886	90,664
Tenants Union of Victoria	96,779	98,714	100,689
Welfare Rights Unit	172,779	176,234	179,759
Werribee Legal Service	96,727	98,661	100,634
West Heidelberg CLS	81,745	83,380	85,047
Western Suburbs Legal Service	80,297	81,903	83,541
Women's Legal Service Victoria	502,362	512,409	522,657
Young People's Legal Rights Centre - Westside Lawyers	73,218	74,683	76,176
VICTORIA TOTAL	4,710,720	4,804,934	4,901,033
QUEENSLAND			
ATSIWLAS	146,437	149,366	152,354
Brisbane Welfare Rights Centre	229,636	234,228	238,913
Cairns CLS	195,727	199,642	203,635
Caxton Legal Centre	341,523	348,353	355,320
Central Queensland CLC	178,612	182,184	185,827
Environmental Defenders Office	83,836	85,513	87,223
Highway Legal Service-Gold Coast Citizens Advice Bureau	181,927	185,565	189,277
Logan Youth Legal Service	75,222	76,727	78,261
North Queensland Environmental Defender's Office	83,517	85,187	86,891
North Queensland Women's Legal Service	427,585	436,137	444,859
Pine Rivers Welfare Association	6,439	6,568	6,699
Prisoners Legal Service	62,925	64,183	65,467
Roma Legal Service	33,963	34,642	35,335
South Brisbane Immigration & CLS	145,955	148,874	151,852
South West Brisbane CLS	2,687	2,741	2,796
Suncoast CLS	14,975	15,274	15,580
Taylor Street CLC	79,671	81,264	82,890
Tenants Union of Qld	16,610	16,943	17,281
Toowoomba CLS	183,030	186,690	190,424
Townsville CLS	167,090	170,431	173,840
Western Queensland Justice Network	226,861	231,399	236,027
Women's Legal Service	325,527	332,037	338,678
Youth Advocacy Centre	86,782	88,518	90,288
QUEENSLAND TOTAL	3,296,537	3,362,468	3,429,717
SOUTH AUSTRALIA			
Adelaide Central Mission Inc	454,694	463,788	473,064
Environmental Defender's Office	83,503	85,173	86,876
Northern Community Legal Service	309,714	315,908	322,227
Port Pirie - Westside Community Lawyers Inc (Spencer Gulf)	227,190	231,734	236,369
Riverland CLS Association	225,813	230,329	234,936
South East CLS Association	225,846	230,363	234,970
Southern Communities Justice Centre	349,014	355,994	363,114
Welfare Rights Centre (SA)	173,124	176,587	180,119
Westside Community Lawyers Inc	298,375	304,343	310,430
Women's Legal Service SA	505,939	516,058	526,379
SOUTH AUSTRALIA TOTAL	2,853,213	2,910,277	2,968,482
WESTERN AUSTRALIA			
Albany CLS	227,351	231,898	236,536

CCLSP ALLOCATION	2005-06	2006-07	2007-08
		(2% index)	(est 2% index)
Bunbury CLC	164,144	167,427	170,776
Community Legal & Advocacy Centre	76,566	78,097	79,659
Consumer Credit Legal Service	54,738	55,833	56,949
Environmental Defenders Office (WA)	83,351	85,018	86,719
Geraldton Resource Centre	269,385	274,772	280,268
Goldfields CLC	225,703	230,217	234,821
Gosnells CLC	198,027	201,988	206,027
Kimberley CLS	309,463	315,653	321,966
Multicultural Services Centre of WA Inc	107,608	109,760	111,955
Northern Suburbs CLC	179,234	182,818	186,475
Pilbara Legal Service	251,307	256,333	261,459
Southern Communities Advice & Education Service (SCALES)	113,793	116,069	118,391
Sussex St. Community Law Service	284,294	289,980	295,779
Tenants Advice Service	124,681	127,175	129,718
Welfare Rights & Advocacy Service	174,114	177,596	181,148
Women's Law Centre (Women's Legal Services WA)	319,413	325,801	332,317
Youth Legal Service WA	74,912	76,411	77,939
WESTERN AUSTRALIA TOTAL	3,238,084	3,302,845	3,368,902
TASMANIA			
Environmental Defender's Office (TAS)	84,428	86,117	87,839
Bridgewater Satellite Service	83,911	85,590	87,301
Hobart CLS	134,777	137,472	140,222
Hobart CLS	133,841	136,518	139,248
Launceston CLS	248,363	253,331	258,397
North West CLC	92,595	94,447	96,336
Tenants' Union of Tasmania	55,565	56,676	57,809
Women's Legal Service Tas	225,306	229,812	234,408
TASMANIA TOTAL	1,058,786	1,079,962	1,101,561
NORTHERN TERRITORY			
Central Australian Women's Legal Service, Alice Springs	176,904	180,442	184,051
Darwin CLS Inc.	375,791	383,307	390,973
Environmental Defenders Office (NT)	82,146	83,789	85,465
Katherine Women's Information & Legal Service	71,741	73,175	74,639
Top End Women's Legal Service	176,734	180,269	183,874
NORTHERN TERRITORY TOTAL	883,315	900,982	919,001
AUSTRALIAN CAPITAL TERRITORY			
Canberra Welfare Rights and LC	287,390	293,138	299,000
Environmental Defenders Office (ACT)	41,451	42,280	43,125
Women's Legal Centre (ACT & Region)	179,881	183,479	187,149
AUSTRALIAN CAPITAL TERRITORY TOTAL	508,722	518,896	529,274
National Children's & Youth Law Centre	155,652	158,765	161,940
TOTAL FUNDING	21,765,542	22,200,852	22,644,869



Australian Government
Attorney-General's Department

Indigenous Justice and
Legal Assistance Division

PROGRAM GUIDELINES 2006-07

PREVENTION, DIVERSION, REHABILITATION & RESTORATIVE JUSTICE

Purpose of Funding

The Attorney-General's Department (AGD) provides funding through the Prevention, Diversion, Rehabilitation & Restorative Justice Program (PDRR) to develop and undertake activities that will divert Indigenous Australians away from adverse contact with the legal system. The program is also intended to facilitate activities that will rehabilitate and support Indigenous Australians who have been incarcerated or are in custody.

The program compliments the other Indigenous Law and Justice programs and seeks to fund activities that will lessen the need for legal aid. Early resolution of disputes, including through restorative justice practices, with greater involvement of agencies, the victims, offenders, and Indigenous communities is encouraged.

Funding Guidelines

State and Territory agencies have the prime responsibility for prevention, diversion, rehabilitation and restorative justice services. The AGD funding for this area should be regarded as supplementary rather than primary and the AGD encourages applicants to seek funding from other funding sources. All applicants will be required to provide information to AGD relating to funding received, and/or applied for, from other sources. Potential applicants should also be aware of the National Community Crime Prevention Program (www.ag.gov.au).

In addition, as a supplementary funding arrangement, all initiatives that attract AGD funding under the PDRR program are expected to establish protocols with relevant government agencies and the non-government sector, outlining the respective roles and responsibilities of the service provider, other agencies and/or organisations. These parties should agree on powers, duties, cooperation arrangements and standards of service. Protocols should be documented in the form of partnership agreements or memorandums of understanding.

Under the Submission for Funding for Indigenous Programs 2006-07, you will be required to meet the AGD terms and conditions, as well as program specific terms, conditions and schedule, which apply to all activities that receive funding under this program.

The AGD will measure performance of activities funded under this program. This will include a mix of quantitative (output) and qualitative (outcome) indicators and measures. Mandatory indicators are outlined for each program component, and it should be noted that AGD may include

additional project specific performance indicators and measures for any funded activity, in consultation with service providers.

Service providers are expected to ensure that they offer accessible and culturally appropriate services to Indigenous Australians in the specified service region, regardless of gender, sexual preference, family relationship, location, disability, literacy or language.

The AGD is seeking to ensure that publicly funded organisations are accountable, provide the best service possible, make more effective use of available funds, and prioritise risk which will result with a fairer distribution of resources to those members of the Australian Indigenous community with the highest need.

There are four key components that may be funded under this program, however, innovative and/or multipurpose projects which are developed to undertake activities that will divert Indigenous Australians away from adverse contact with the legal system and which fall outside of these key areas, may be considered.

(1) YOUTH INITIATIVES

The AGD funds youth initiatives, especially where youth are at risk, to divert young people from adverse contact with the criminal justice systems. The objective is to develop and implement initiatives that address current and future youth issues and are culturally appropriate for young people at risk.

Performance Measures

Mandatory indicators are:

Quantitative (output)

- number of children/juveniles assisted
- number of diversionary activities undertaken

Qualitative (outcome)

- describe the diversionary activities and the ways in which they have contributed to a reduction in the rate at which Indigenous Australians have adverse contact with the criminal justice systems
 - describe the ways in which the activities have promoted early resolution of legal and related problems
- outline any protocols, partnership arrangements or memorandums of understanding between the service provider and relevant government and non-government bodies, which have been developed and implemented, including an assessment of their effectiveness

(2) NIGHT PATROLS

The AGD funds night patrols to assist people at risk, including intoxicated people, juveniles, victims of violence and the homeless, and to reduce Indigenous people's adverse contact with the criminal justice system.

The objective of this program component is to patrol the streets and/or local community areas, where it is expected that people may be at risk of coming into adverse contact with the criminal justice system, and to get them to a place where their immediate needs may be addressed.

Performance Measures

Mandatory indicators are:

Quantitative (output)

- number of persons assisted
- number of youth/children (under 24 years of age) assisted
- number of nights when patrols conducted

Qualitative (outcome)

- report on the ways in which the activity has contributed to a reduction in the rate at which Indigenous Australians have adverse contact with the criminal justice systems
- describe the services provided to the agreed target communities/groups and nature of achievement/accomplishment in reducing adverse contact with the legal system
- outline any protocols, partnership arrangements or memorandums of understanding between the service provider and relevant government and non-government bodies, which have been developed and implemented, including an assessment of their effectiveness

(3) PRISONER SUPPORT AND REHABILITATION SERVICES

Under the Prisoner Support and Rehabilitation Services program component, AGD may fund prisoner support schemes. The objective is to reduce recidivism and to assist in the rehabilitation of incarcerated Indigenous Australians into the community.

Activities which may be eligible for funding support from this program component include:

- visitor schemes
- counseling services
- cultural programs
- prisoner return home schemes
- recidivism reduction schemes

Performance Measures

Mandatory indicators are:

Quantitative (output)

- number of persons assisted for each of the funded activities/services provided
- number of Indigenous prisoners and family members provided with direct support

Qualitative (outcome)

- report on the ways in which they have contributed to a reduction in the rate of adverse contact and recidivism for Indigenous Australians
- describe the ways in which the activities have promoted early resolution of legal and parole related problems
- outline any protocols, partnership arrangements or memorandums of understanding between the service provider and relevant government and non-government bodies, which have been developed and implemented, including an assessment of their effectiveness
- undertake client satisfaction surveys which evaluates the performance of the service provider and delivery of services, and provide a report of the outcomes

(4) RESTORATIVE JUSTICE INITIATIVES

The AGD may fund restorative justice activities. These activities will involve, or promote the involvement of, families, communities, victims and offenders in developing mechanisms for early dispute resolution, including appropriate alternatives to conventional sentencing procedures such as conferencing and circle sentencing.

Performance Measures

Mandatory indicators are:

Quantitative (output)

- number of restorative justice activities
- number of offenders, victims, family and community members participating
- number of offenders re-offending within six months

Qualitative (outcome)

- report on the ways in which they have contributed to the early resolution of disputes and the reduction in the adverse contact of Indigenous Australians with the criminal justice system
- outline any protocols, partnership arrangements or memorandums of understanding between the service provider and relevant government and non-government bodies, which have been developed and implemented, including an assessment of their effectiveness
- undertake stakeholder (e.g. police, offenders, victims and/or their families) satisfaction surveys which evaluate the performance of the service provider and delivery of services, and provide a report of the outcomes

*Implementation of an Adjusted AIC Funding Allocation Model for the Provision of Legal Services
in ATSSIS Regions*

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The purpose of this note is to [a] respond to comments made by various researchers on the content and design of the funding allocation model developed for ATSSIS by the Australian Institute of Criminology in 2003, and [b] suggest ways in which it can be deployed and improved.

Responses to Comments on the AIC FAM

Comments have been obtained from Dr Noor Khalidi (ATSIC), the Australian Bureau of Statistics and the Commonwealth Grants Commission. Dr Khalidi noted the significant differences between the results provided by an early version of the AIC model compared with State and Territory allocations under the previous FAM, and commented on the validity of a number of components of the model and its overall complexity. The ABS focussed more on the general structure of the model, and the CGC focussed on the perceived need for better regional-level data on crime and imprisonment. This follow-up report will respond to these commentators in this order.

Dr Khalidi points out that the AIC FAM would result in significant shifts in funding compared to the current State and Territory shares. While the AIC results he uses were subsequently replaced, his point is still well made, because any model which “dramatically” shifts funds away from some jurisdictions and in favour of others will be difficult to implement unless very firmly rooted in evidence. Unfortunately, as the AIC report points out, there is very little “real” evidence to support either the original or the AIC FAM. Dr Khalidi uses criminal incident and prisoner population data to suggest that the original FAM is more appropriate than the AIC revision, but one of the criticisms levelled at the original FAM was that the use of criminal incident and prisoner population data was inappropriate, and failed to address the basic problems underlying the need for legal services. The use of independent data, and the Commonwealth Grants Commission approach, which emphasises the use of underlying population statistics rather than justice-related data, was seen as an advance in methodology, because amongst other things it was independent of ATSSIS activity data.

Dr Khalidi identifies the demographics and the dispersion factor as the weakest points in the AIC FAM, largely responsible for introducing bias into the results. He points out that, at the State/Territory level, the demography of legal services users is almost identical, and concludes that they therefore do not matter. However, this is emphatically not true at the ATSIC Region level, where some regions are characterised by very young populations and others by elderly ones. He does not contest the notion that use of legal services is very much related to age and life-cycle factors. The AIC was asked to develop a model for ATSIC regions, and the inclusion of the demographics is therefore totally valid.

His comments on the dispersion factor actually mirror the disappointment felt by the AIC team at their inability to identify a more sophisticated measure for this undoubtedly important factor. He identifies an apparently well-researched source of dispersion factor data developed by the Street Ryan company, which was not provided to the AIC Team. It is possible that the replacement of the current dispersion factor would make significant differences to the results of the model, but the Street Ryan report was prepared in 1995, using data which is now very much out of date, and the report failed to reference the source of the dispersion factors. While they appear to have a Commonwealth Grants Commission source, no records of such work can be found at the Commonwealth Grants Commission itself. It is not possible, therefore, to assess whether they can, or need to, be updated.

In a small paragraph, Dr Khalidi claims that the use of ATSILS workload indicators (Matter Rates) in the model introduces “a degree of subjectivity to the method and makes the method prone to data manipulation by ATSILS”. In this area, Dr Khalidi has clearly failed to understand the use being made of the data. Following the Commonwealth Grants Commission approach, the model identifies the national age profiles of legal service clients by using age-specific data on matter rates. This is used to ensure that those regions where there are proportionately more people in the “high-usage” age groups are adequately compensated for that fact. There is actually no opportunity of any kind for a region to manipulate the results of the model to its own financial advantage, unless it is by encouraging an increase in their regional indigenous birth-rate – certainly an innovative and long-term strategy, but not an easy one for a legal services agency to implement.

Dr Khalidi also comments on the increased complexity of the AIC FAM, compared to the original model. While sympathetic to the basic point, it seems clear from the research undertaken by the AIC and others that there are so many factors that contribute to determining the levels of demand for legal services and the costs of service provision that it would be a very pleasant surprise to find a simple formula that “works” in the sense of providing a fair allocation of funds at the small area level. Further research is necessary to discover whether the factors included in the AIC FAM are all necessary. No evidence has been produced to suggest that they are not.

Ultimately, however, whether the original FAM allocation to States and Territories is “right” and the AIC results wrong is a moot point for two reasons. Firstly, given the lack of real evidence to determine the exact extent to which the various risk and cost factors determine the levels of demand and the costs of service provision, the AIC advised ATSIIS that an extensive sensitivity analysis should be undertaken prior to finalising the model, to determine the most appropriate weights to use for the various risk and cost factors, with a view to ensuring that both the weightings and the results “looked intuitively right”. Since this was never adequately done, and since ATSIIS requested zero weightings for several key variables – effectively denying their importance - the AIC model should not be judged by the printed results in the Final Report. Secondly, the introduction of a funding allocation that differs dramatically from the current distribution would cause significant transitional problems, particularly for those regions that would “lose out” under the new formula. No-one in the Indigenous community would welcome further administrative turbulence at this time. In this respect, Dr Khalidi is completely correct – if the AIC FAM is to be used, we must find a set of weightings that “look intuitively right” and produce results – at least at the State/Territory level – that do not cause major concern in the transition from the old model to the new.

The Australian Bureau of Statistics review of the AIC FAM focused on the AIC’s use of the “tried and tested” Commonwealth Grants Commission style of model, and is very supportive. The ABS points out, however, that such models are necessarily very data-intensive and sympathises with ATSIIS for not having the data or resources to implement a “full equalisation model”. They also identified some errors in the AIC model in time for them to be rectified prior to the AIC’s Final Report. Their comments included an assessment of the use of Matter Rates (they call them “use rates”) in the model, which supports the AIC methodology. (cf Dr Khalidi’s comments on Matter Rates).

The ABS suggest that “overall the factors chosen for the model seem sensible and appear to be in line with the results of research into factors contributing to crime and justice”, and that “the data obtained from the ATSILS database would appear to be highly relevant to the model”.

They point to a number of areas in which the data may be less than perfect, and they find it disappointing that there is no substantiation for the weightings being used. Their approach is, however, generally sympathetic on the grounds that better data and supporting evidence are not available. For example, the ABS suggest that use of the indigenous language data may not be fully capturing the costs associated with the need for interpreters, and that further breakdown of the ATSILS client data – for example by low income, unemployment – would be beneficial. The AIC Team would strongly support these suggestions. For the time being, however, they were not available.

The ABS conducted some sensitivity analysis, but (perhaps overestimating the degree of confidence that can be applied to the original weights) confined themselves to a range of $\pm 10\%$, and found that only minor changes were made to the regional rankings and State/Territory aggregates. They found that altering the dispersion weights and the female risk factors made little difference, but that the male risk factors and courts location factors were much more influential.

The ABS, like Dr Khalidi, reserve their strongest criticisms for the treatment of the dispersion factor, but do not suggest a better alternative.

The Commonwealth Grants Commission were then asked to examine the effects of dispersion, and to identify other variables that could be used to measure those effects. They contacted each State Police Statistician and requested information on the availability of Indigenous victims of crime by:

- Age;
- Gender;
- Major offence types as reported in ABS *Recorded Crime* (4510.0); and
- Location where offence occurred (for example, collection district, postcode, statistical local area etc).

They found that, of the seven States which had responded at the time of writing:

- three were not presently recording the Indigenous status of victims;
 - two advised that the Indigenous status of victims was being collected from 1 January 2004;
- and
- two were recording Indigenous status but there were problems with data quality.

However, their queries mistakenly related to criminal *victimisation*, which though correlated with offending, is not likely to lead to major demand for legal services. Had they asked about offending by indigenous people, however, the statistical picture is not much better. All State and Territory Police compile data on indigenous status of offender, with little confidence in the accuracy of the data, which depend on self-identification. (It is considered incomplete and inaccurate, reflecting the poor relations between some police agencies and some Koori communities). These data are well known to the AIC team and would have been considered for inclusion in the FAM if there was any validity in doing so.

They further contacted each National Corrections Advisory Group member and requested information on the availability of Indigenous offenders by:

- Age;
- Gender;
- Sentencing status (unsentenced, sentenced) as reported in ABS *Prisoners in Australia* (4517.0); and
- Physical location of corrective services facility/court facility.

Potential problems with data provision and quality were:

- for those States with small Indigenous prisoner counts in specific facilities, the need to confidentialise data because cross-classification of these counts by other variables (age, gender) could lead to the identification of an individual. As such, data may only be provided at a region rather than facility level; and
- for some States, Indigeneity is self-identified. That is, the ABS Standard Indigenous Question (SIQ) is not being used (although States are planning to implement this in the near future).

These are generally very good data, and are also available from community corrections databases for those offenders not sentenced to prison. They can also provide sentence length, drug abuser status and other relevant information. The AIC team considered that the use of these data is not advisable, however, because they are not independent of ATSILS activity, they can reflect the failure of ATSILS to provide adequate legal services, and can therefore reward poor service provision.

Summary of responses to comments received

In summary, therefore, the comments received on the validity and content of the AIC FAM do not really help to decide if it is “right” or not. There is support in principle for the adoption of the Commonwealth Grants Commission methodology, and that the AIC FAM faithfully follows this approach, though it is acknowledged that while this is a very fair approach to the regional funding allocation problem, it is extremely data intensive. There is general support for the factors chosen for inclusion in the model, though there is understandable uncertainty about whether the data used are accurate measures of the factors and whether the weightings are ‘right’. They do support the AIC Team’s contention that there are very significant gaps in knowledge about the real factors that determine the levels of demand for legal services and the costs of service provision – particularly in the area of dispersion costs. If an improved dispersion factor can be found and is calculable at the ATSIC Region level, it should be used to replace the current “crude” geographic measure as a matter of priority.

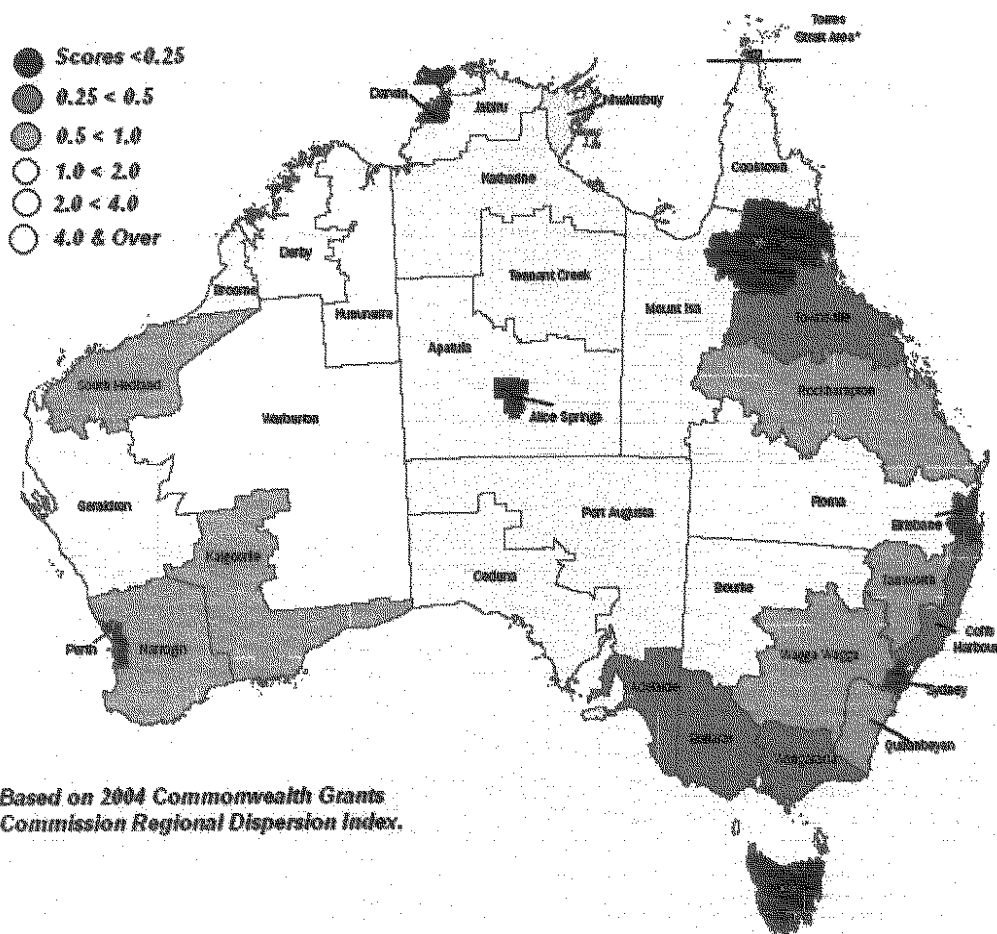
Deployment and Improvement of the AIC FAM

This section assumes that the AIC FAM is deemed to be structurally sound (since it is accepted as recognisably of the Commonwealth Grants Commission model genre), and that its variables and weights – though at present poorly measured and based on very thin research – encapsulate the key factors that really do matter. It can therefore be used as a starting point pending further research.

Of the highest priority is the need to identify a set of weights that “look right” (in the absence of any more scientific way of determining their validity) and that produce a result that is tolerably close to the current State and Territory distribution, so that the trauma of transition is minimised. If this can be achieved, then it can be immediately deployed and a programme of research can be developed to progressively replace the “heroic assumptions” in the FAM with the results of properly conducted research.

I have recently contacted Street Ryan and Associates to determine whether their 1995 dispersion measure was still valid, and to understand the methodology they used. The response indicated that, in fact, the dispersion measure used in their 1995 work had been prepared for them by a former Commonwealth Grants Commission employee, but that the details had been lost. I then contacted the Commonwealth Grants Commission, who were unaware of the 1995 work or anything of that kind compiled at the ATSIC Region level prior to 2004. Fortunately, some very recent work had been done, however, by the CGC to develop an index that measured the relative distances of Indigenous communities from their nearest regional centres. It was developed on the basis of ABS census data at the Collectors District level, which makes it a very fine measure of settlement remoteness. Since this is exactly the nature of the problem posed by population dispersion, I obtained a copy of their index and its raw data.

Some adjustment had to be made because the CGC funding relativities methodology requires an index that is applied to the total (indigenous plus non-indigenous) population, whereas the AIC FAM measures are applied to the indigenous population only. I discussed this adjustment with Michael Pascoe, from the CGC, who confirmed that the adjustment methodology was valid. The index effectively measures the average distance a person in an indigenous community (as defined by the Australian Bureau of Statistics) would have to travel to reach the nearest major urban centre. So for example, an “average” indigenous person in the Queanbeyan ATSIC Region would have to travel only 66kms to their regional centre, compared with 400kms for indigenous people in the Port Augusta region and over 1000kms for those in Kununurra. These distances are then converted into an index with an average of 1.00 for Australia. It is still a relatively unsophisticated measure, since it fails to account for the differences in fuel prices between regions, or the use of different forms of transport (eg air travel in remote areas), but it is readily meaningful and a good base for further development. Because it depends on the population in each CD and the distances between each CD and its nearest centre, it can only be updated every five years after the national Population Censuses. The scores on this (modified) index, based on 2001 Census data, are mapped in the figure below:



Based on 2004 Commonwealth Grants Commission Regional Dispersion Index.

The use of this index as a measure does indeed change the dynamics of the FAM, and introduces the possibility of obtaining results that are closer to those of the current formula at the State/Territory level. It is still necessary to determine a weighting for this regional dispersion index, and this has been done using the Microsoft Excel “Solver” function, looking for a feasible set of weights that produce funding allocations close to the existing model. The use of the new dispersion index allows for a simpler weighting mechanism: - in the following model the assumption is made that, on average, a certain proportion of the costs of legal service provision is due to dispersion. The new index is applied to that proportion of total costs in each ATSIC Region. Since we do not know empirically what that proportion should be, we use the Solver function to find a reasonable starting figure. The results of an initial modelling exercise are presented below, at the State/Territory and region levels with the revised weights as per the table below.

Revised Weights after Sensitivity Analysis aimed at approaching current funding patterns:

Male Unemployment/Education/Income Risk Multiplier	0
Male Removed as children Risk Multiplier	2
Female Single parent Risk Multiplier	0
Female Removed as children Risk Multiplier	20
% by which Indigenous-only Language speakers cost more to service	0
Average % of total costs attributed to distance from regional centres	15
% by which costs increase if # of Courts doubles (Variable)	0
% by which costs increase if # of Prisons doubles (Variable)	0.15
% by which Higher Courts increase costs (Variable)	0
Advice Services Weight	0

This formula no longer requires the Unemployment/Education/Income risk factor for males or the single parent risk factor for females, and the "language" and "Courts" costs factors are eliminated. This suggests that these factors are highly correlated with the new regional dispersion factor. The Advice Services weight is also eliminated, suggesting that this function is currently not provided for under the current funding formula. In view of the other results of the AIC research, which suggest that the ATSILS have been significantly underfunded relative to community need, this would not be surprising. On the other hand, the "removed as children" risk factors both receive positive weights, as does the Prisons cost factor and the regional dispersion factor.

This model has the attraction of simplicity. The two most significant drivers are the demography, which is built into all the AIC FAMs, and the regional dispersion; the two apparently "special purpose" weightings of "removed as children" residents and prison locations then complete the model. The logic of these weightings can be seen that both impose additional burdens on the regional service provider. "Removed as children" issues are distinct to the more common crime-related business that ATSILS normally deal with – particularly for women, whose involvement in non-criminal cases is considerably higher than men. The ABS National Aboriginal & Torres Strait Islander Survey (1994) notes that the impact of "being taken from their families as children" almost trebles the risk of arrest for females from 2.1% to 5.8%, but for males the risk less than doubles from 24% to 44%. Regions containing prisons also have to cater for significant additional demand from non-residents, due to their remand in custody at the prisons located in their region.

The results of this formulation are presented below, and compared to the current funding allocations. This model would transfer funds from Queensland, South Australia and Tasmania to the other jurisdictions. All jurisdictions retain their funding position relative to population – i.e. those jurisdictions that had greater than average per capita funding under the previous FAM still do so, although the relativities change a little.

Comparison of State & Territory Funding and Population Shares

State/ Territory	Service-related Provision (\$'000)	% of Total \$	% of Total Population	Relative Funding/ Capita	Actual Funding per Capita	Total Population	ATSIC FAM % of Funds
NSW*	11,490,563	26.9%	30.6%	0.88	91.5	125575	25.10%
Victoria	2,507,821	5.9%	6.2%	0.94	98.5	25472	5.70%
Queensland	10,337,012	24.2%	26.4%	0.92	95.5	108266	26.30%
S.A.	3,087,625	7.2%	5.8%	1.24	129.8	23780	7.90%
W.A.	8,161,416	19.1%	14.5%	1.32	137.4	59399	18.80%
Tasmania	1,309,320	3.1%	3.9%	0.78	81.8	16008	3.60%
N.T.	5,875,054	13.7%	12.6%	1.09	114.1	51500	12.60%
Australia	42,768,811	100.0%	100.0%	1.00	104.3	410000	1

* including ACT

The ATSIC regions' relative funding allocations are presented in the two tables below. The first table is ranked by actual funding allocation, where in general the most populous regions are ranked highest. The second table ranks by per capita funding, where the more remote regions tend to rank most highly.

Comparison of Funding and Population Shares - Ranked by Funding

Rank	Region	Amount (\$)	% of Total \$	% of Total Population
1	Sydney	\$3,682,141	8.6%	9.44%
2	Brisbane	\$3,353,056	7.8%	8.75%
3	Coffs Harbour	\$2,963,354	6.9%	8.06%
4	Perth	\$2,028,226	4.7%	5.20%
5	Wagga Wagga	\$1,832,582	4.3%	5.32%
6	Adelaide	\$1,771,729	4.1%	3.71%
7	Townsville	\$1,596,119	3.7%	4.18%
8	Cairns	\$1,442,192	3.4%	4.22%
9	Ballarat	\$1,327,181	3.1%	3.21%
10	Hobart	\$1,309,320	3.1%	3.90%
11	Derby	\$1,256,297	2.9%	1.15%
12	Tamworth	\$1,229,538	2.9%	3.18%
13	Wangaratta	\$1,180,639	2.8%	3.00%
14	Katherine	\$1,153,806	2.7%	1.94%
15	Nhulunbuy	\$1,148,661	2.7%	1.97%
16	Queanbeyan	\$1,077,123	2.5%	2.77%
17	Kununurra	\$1,073,810	2.5%	1.17%
18	Rockhampton	\$1,071,690	2.5%	3.22%
19	Darwin	\$1,068,569	2.5%	2.51%
20	Mount Isa	\$1,012,205	2.4%	1.80%
21	Port Augusta	\$1,005,739	2.4%	1.60%
22	Roma	\$987,107	2.3%	2.67%
23	Cooktown	\$874,643	2.0%	1.56%
24	Jabiru	\$862,851	2.0%	2.12%
25	Narrogin	\$783,691	1.8%	1.75%
26	Broome	\$711,639	1.7%	1.04%
27	Bourke	\$705,824	1.7%	1.87%
28	Apatula	\$692,315	1.6%	2.01%
29	Geraldton	\$645,838	1.5%	1.40%
30	Sth Hedland	\$621,289	1.5%	1.20%
31	Warburton	\$557,900	1.3%	0.70%
32	Alice Springs	\$508,950	1.2%	1.22%
33	Kalgoorlie	\$482,726	1.1%	0.88%
34	Tennant Creek	\$439,902	1.0%	0.80%
35	Ceduna	\$310,157	0.7%	0.49%

Comparison of Funding and Population Shares - Ranked by Relative Funding per Capita

Rank	Region	Amount (\$)	% of Total \$	% of Total Popn	Relative \$/Capita	Actual \$/Capita
1	Derby	\$1,256,297	2.9%	1.15%	2.54	\$265.3
2	Kununurra	\$1,073,810	2.5%	1.17%	2.15	\$224.2
3	Warburton	\$557,900	1.3%	0.70%	1.85	\$193.5
4	Broome	\$711,639	1.7%	1.04%	1.61	\$167.6
5	Ceduna	\$310,157	0.7%	0.49%	1.48	\$154.3
6	Port Augusta	\$1,005,739	2.4%	1.60%	1.47	\$153.5
7	Katherine	\$1,153,806	2.7%	1.94%	1.39	\$145.0
8	Nhulunbuy	\$1,148,661	2.7%	1.97%	1.37	\$142.4
9	Mount Isa	\$1,012,205	2.4%	1.80%	1.32	\$137.5
10	Cooktown	\$874,643	2.0%	1.56%	1.31	\$136.8
11	Tennant Creek	\$439,902	1.0%	0.80%	1.29	\$134.5
12	Kalgoorlie	\$482,726	1.1%	0.88%	1.28	\$133.8
13	Sth Hedland	\$621,289	1.5%	1.20%	1.21	\$126.7
14	Adelaide	\$1,771,729	4.1%	3.71%	1.12	\$116.4
15	Geraldton	\$645,838	1.5%	1.40%	1.08	\$112.2
16	Narrogin	\$783,691	1.8%	1.75%	1.05	\$109.3
17	Darwin	\$1,068,569	2.5%	2.51%	0.99	\$103.7
18	Alice Springs	\$508,950	1.2%	1.22%	0.98	\$101.9
19	Ballarat	\$1,327,181	3.1%	3.21%	0.97	\$100.8
20	Jabiru	\$862,851	2.0%	2.12%	0.95	\$99.4
21	Wangaratta	\$1,180,639	2.8%	3.00%	0.92	\$96.0
22	Sydney	\$3,682,141	8.6%	9.44%	0.91	\$95.2
23	Perth	\$2,028,226	4.7%	5.20%	0.91	\$95.2
24	Queanbeyan	\$1,077,123	2.5%	2.77%	0.91	\$94.9
25	Tamworth	\$1,229,538	2.9%	3.18%	0.90	\$94.4
26	Brisbane	\$3,353,056	7.8%	8.75%	0.90	\$93.5
27	Townsville	\$1,596,119	3.7%	4.18%	0.89	\$93.1
28	Bourke	\$705,824	1.7%	1.87%	0.88	\$92.1
29	Roma	\$987,107	2.3%	2.67%	0.86	\$90.1
30	Coffs Harbour	\$2,963,354	6.9%	8.06%	0.86	\$89.7
31	Apatula	\$692,315	1.6%	2.01%	0.81	\$84.2
32	Wagga Wagga	\$1,832,582	4.3%	5.32%	0.81	\$84.1
33	Cairns	\$1,442,192	3.4%	4.22%	0.80	\$83.3
34	Hobart	\$1,309,320	3.1%	3.90%	0.78	\$81.8
35	Rockhampton	\$1,071,690	2.5%	3.22%	0.78	\$81.1

Future Research Programme

In spite of the fortuitous and recent development of a regional dispersion index suitable for adoption into the AIC FAM, the first priority for improvement of the model should be a study of the actual costs of dispersion.

Dispersion:

The elements of the costs of dispersion that are identified by the general Commonwealth Grants Commission methodological reports include travel costs, telephone costs, freight and postal charges, salaries and wages (remote living allowances etc) and general costs of living in remote and regional areas. These tend to be very specific to the services being provided, so it is not particularly useful to look at the services for which the CGC has already compiled dispersion costs in detail, though that work does give us some feel for the likely extent of ATSILS' dispersion costs. All ATSILS should be able to itemise their costs – or could be asked to do so for a short period – in order to provide a basis for research and estimation.

In an associated exercise, ATSSIS should consider whether the current locational characteristics of Indigenous Legal Service provision are efficient and effective in providing these services. The ATSILS themselves, and their levels of resourcing and regional coverage, emerged from historical identification of needs independently in each region, rather than any systematic assessment of what is required to provide equity of access across Australia to efficient and effective Indigenous legal services. An initial approach to this issue is included here at Appendix 1, but since it is based on ATSIC regions alone, it can only indicate which ATSIC regions may logically be grouped for the purposes of service provision, and does not indicate the *optimal* locations for service provision, which may relate poorly to the current geographical service distribution. The alternative (Accessibility Modelling) approach described below can be used to assess the much more fundamental question of whether the ATSSIS Regions as currently drawn are appropriate and optimal to serve their intended purpose.

This methodology has been developed in the Victorian Department of Justice and used also by the Department of Treasury and Finance in that State to evaluate 2004-05 strategic planning in areas such as education, health and transport services. "Accessibility Modelling" involves the use of small area data (eg post-code, Local Government area or ATSIC regions) on client locations (which could be measured by their normal residential address) and data on the location and level of resourcing of the current and proposed service locations (e.g. numbers of staff, numbers of services available etc at a given location). The methodology uses travel times and/or distances between potential clients and service points to calculate "supply/demand ratios" for each postcode, LGA or ATSIC Region, taking account of the fact that clients located between different service points should be able to choose the most accessible or the best service provider. The purpose is to identify the most efficient and effective distribution of resources to meet demand on an equitable basis (ie all clients have an equal level of access to services, regardless of location).

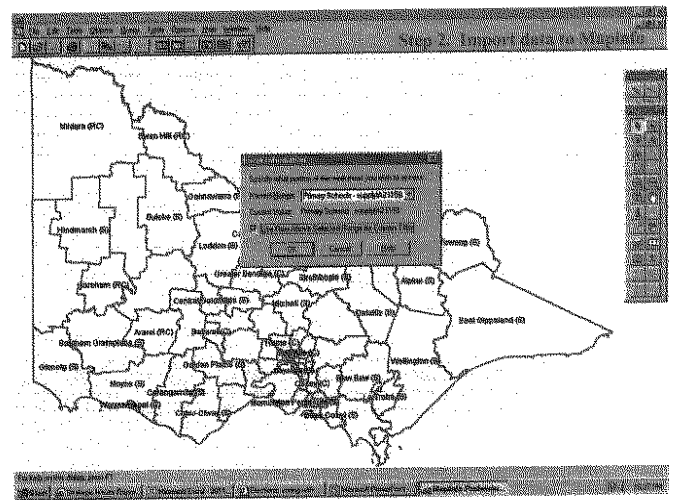
Modelling of this nature requires the use of mapping software such as Mapinfo and the associated regional boundaries and travel times data, which (for the whole of Australia) costs something of the order of \$2-3000. The software has many different applications and would enable a wide range of analyses to ATSSIS's long term advantage. The five steps involved in conducting Accessibility Analysis are illustrated below.

The model, which currently runs on Victorian data only (but can be readily adapted to a whole-of-Australia basis), allows for testing the effect of moving service locations from one place to another, setting up offices in new locations, or redistributing resources between different locations. It also allows users to search for an optimal solution, either on the basis of maximising access (tends to put

most resources in the major centres) or maximising equity of access (tends to put more resources into the regional and remote centres).

Step 1. Prepare data in Excel

LOA	School Type	Green Filter Area	Output/Enrolments	Output Capacity	Enrolments	Relative Capacity	Current Enrolments
Alpine (C)	Primary School	14911	1516	2952.21	1516	51.5	417,258,454
Ararat (CC)	Primary School	22922	2165	4195.20	2165	77.19	128,632,291
Bairnsdale (C)	Primary School	14495	1308	1650.26	1308	77.19	128,632,291
Bendigo (C)	Primary School	71236	7850	13752.24	7850	56.82	353,627,428
Berrimah (C)	Primary School	15717	1787	3892.21	1787	54.33	118,417,844
Boroondara (C)	Primary School	18646	2372	3892.21	2372	61.23	128,632,291
Burns Bay (S)	Primary School	48944	5315	7617.21	5315	69.88	353,627,428
Bygonne (C)	Primary School	98129	10936	17698.21	10936	61.23	118,417,844
Cambridge (C)	Primary School	52857	5487	9554.22	5487	62.31	353,627,428
Castlemaine (C)	Primary School	23915	2130	4245.21	2130	61.23	118,417,844
Castrolina (S)	Primary School	122378	13946	21890.21	13946	54.33	118,417,844
Camerra (S)	Primary School	9789	937	1794.22	937	62.31	118,417,844
Carleton Place (C)	Primary School	78291	8190	14088.21	8190	48.88	353,627,428
Castrolina (S)	Primary School	2447	214	436.22	214	62.31	118,417,844
Central Goldfields (S)	Primary School	49236	3981	7634.22	3981	62.31	118,417,844
Colac-Otway (S)	Primary School	49236	3981	7634.22	3981	62.31	118,417,844
Corangamite (C)	Primary School	49236	3981	7634.22	3981	62.31	118,417,844
Dandenong (C)	Primary School	37798	3770	6734.21	3770	62.31	118,417,844
Deakin (S)	Primary School	22830	2449	4271.21	2449	62.31	118,417,844
East Gippsland (S)	Primary School	41130	4114	7647.21	4114	62.31	118,417,844
Frankston (S)	Primary School	39787	4277	8381.21	4277	62.31	118,417,844
Gannawarra (S)	Primary School	16479	1407	2697.21	1407	62.31	118,417,844
Glen Rock (C)	Primary School	40452	4280	8270.21	4280	62.31	118,417,844
Grampians (S)	Primary School	81115	1490	2745.21	1490	62.31	118,417,844
Goulburn Plains (S)	Primary School	30454	2780	5378.22	2780	62.31	118,417,844
Greater Bendigo (C)	Primary School	41130	4114	7647.21	4114	62.31	118,417,844
Greater Geelong (C)	Primary School	30787	3177	6381.21	3177	62.31	118,417,844
Greater Shepparton (C)	Primary School	21115	1930	3748.21	1930	62.31	118,417,844
Hepburn (S)	Primary School	19877	1922	3658.21	1922	62.31	118,417,844
Hindmarsh (S)	Primary School	9975	887	1774.22	887	62.31	118,417,844
Horsham (S)	Primary School	81405	8253	15161.21	8253	62.31	118,417,844

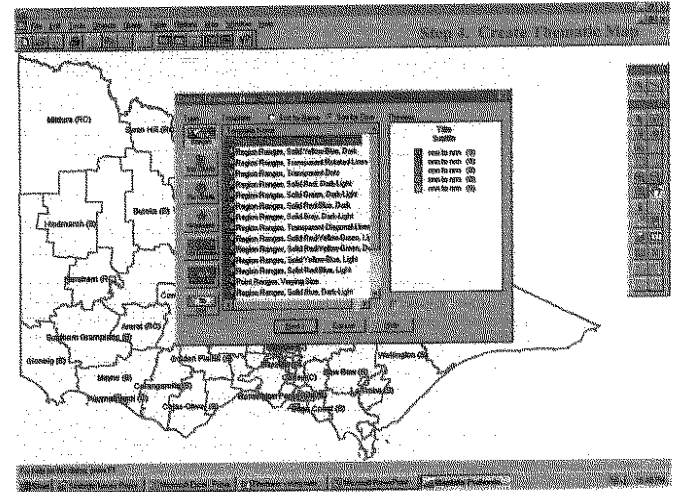


Step 1 – Prepare data in Excel

Step 2 – Import data to Mapinfo

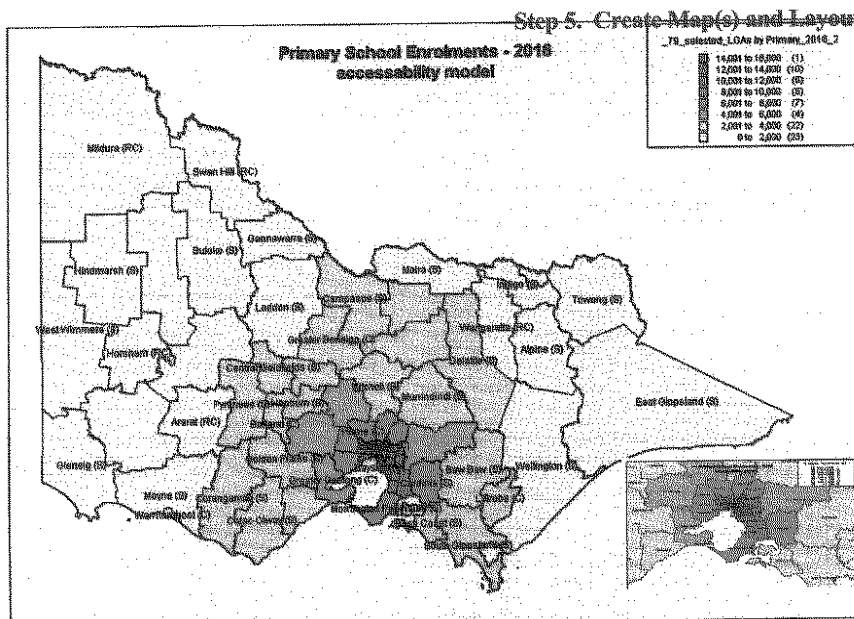
Step 3. Check data in Mapinfo

LOA	School Type	Green Filter Area	Output/Enrolments	Output Capacity	Enrolments	Relative Capacity	Current Enrolments
Alpine (C)	Primary School	14,911	1,516	2,952.21	1,516	51.5	417,258,454
Ararat (CC)	Primary School	22,922	2,165	4,195.20	2,165	77.19	128,632,291
Bairnsdale (C)	Primary School	14,495	1,308	1,650.26	1,308	77.19	128,632,291
Bendigo (C)	Primary School	71,236	7,850	13,752.24	7,850	56.82	353,627,428
Berrimah (C)	Primary School	15,717	1,787	3,892.21	1,787	54.33	118,417,844
Boroondara (C)	Primary School	18,646	2,372	3,892.21	2,372	61.23	128,632,291
Burns Bay (S)	Primary School	48,944	5,315	7,617.21	5,315	69.88	353,627,428
Bygonne (C)	Primary School	98,129	10,936	17,698.21	10,936	61.23	118,417,844
Cambridge (C)	Primary School	52,857	5,487	9,554.22	5,487	62.31	353,627,428
Castlemaine (C)	Primary School	23,915	2,130	4,245.21	2,130	61.23	118,417,844
Castrolina (S)	Primary School	122,378	13,946	21,890.21	13,946	54.33	118,417,844
Camerra (S)	Primary School	9,789	937	1,794.22	937	62.31	118,417,844
Carleton Place (C)	Primary School	78,291	8,190	14,088.21	8,190	48.88	353,627,428
Castrolina (S)	Primary School	2,447	214	436.22	214	62.31	118,417,844
Central Goldfields (S)	Primary School	49,236	3,981	7,634.22	3,981	62.31	118,417,844
Colac-Otway (S)	Primary School	49,236	3,981	7,634.22	3,981	62.31	118,417,844
Corangamite (C)	Primary School	49,236	3,981	7,634.22	3,981	62.31	118,417,844
Dandenong (C)	Primary School	37,798	3,770	6,734.21	3,770	62.31	118,417,844
Deakin (S)	Primary School	22,830	2,449	4,271.21	2,449	62.31	118,417,844
East Gippsland (S)	Primary School	41,130	4,114	7,647.21	4,114	62.31	118,417,844
Frankston (S)	Primary School	39,787	4,277	6,381.21	4,277	62.31	118,417,844
Gannawarra (S)	Primary School	16,479	1,407	2,697.21	1,407	62.31	118,417,844
Glen Rock (C)	Primary School	40,452	4,280	8,270.21	4,280	62.31	118,417,844
Grampians (S)	Primary School	81,115	1,490	2,745.21	1,490	62.31	118,417,844
Goulburn Plains (S)	Primary School	30,454	2,780	5,378.22	2,780	62.31	118,417,844
Greater Bendigo (C)	Primary School	41,130	4,114	7,647.21	4,114	62.31	118,417,844
Greater Geelong (C)	Primary School	30,787	3,177	6,381.21	3,177	62.31	118,417,844
Greater Shepparton (C)	Primary School	21,115	1,930	3,748.21	1,930	62.31	118,417,844
Hepburn (S)	Primary School	19,877	1,922	3,658.21	1,922	62.31	118,417,844
Hindmarsh (S)	Primary School	9,975	887	1,774.22	887	62.31	118,417,844
Horsham (S)	Primary School	81,405	8,253	15,161.21	8,253	62.31	118,417,844



Step 3 – Check data in Mapinfo

Step 4 Create thematic map



Step 5 – Create Map(s) and Layouts

Other Drivers of Demand and Costs:

Of pressing need is to develop a much more comprehensive picture of the characteristics of ATSILS clients. We have their age, sex, and matter type already entered into the legal services database, but we know also that their

- level of education,
- employment status,
- family situation (including "removed as children" status),
- drug abuse habits and
- legal status (eg defendant remanded in custody, defendant on bail; plaintiff, victim etc)

are also highly relevant to their need for legal services – and may differ from region to region in ways that we cannot be sure of. Data of this type needs to be collected on all ATSILS clients in standard formats that permit analysis against the characteristics of the general population (ie they need to use the ABS's standard classifications of education, employment etc). It shouldn't be done in a way that is a burden to the already hard-working ATSILS staff or an annoyance to already stressed clients. Some data items can be usefully added to the standard ATSILS client details form. ATSSIS is already involved in a review of the client data collected by ATSILS.

It is possible that such data could be collected for a period of one month per annum only, and the results extrapolated to the whole annual client population. Details of the services provided – and hence their costs – should also be collected at the same time, by linking back the separate cost items to the work conducted on behalf of the client. These separate cost items should include:

- Travel times and distances, broken down by purpose of trip (visit prison, visit court, etc) and by mode of transport, and
- Payments to language and other specialists (eg interpreters, cultural advisors).

If it is decided to collect these data by survey rather than by routine documentation, the survey should be conducted by requiring data to be collected on all matters finalised during the selected month, so that all the relevant costs of the cases are available.

All of the data collected in this exercise can be utilised in a more sophisticated application of the Accessibility Model described above, so that service provision can be optimised over the full range of variables.

Appendix 1: A Regional Groupings Analysis

Using the raw data from the "Risk factors" worksheet in the model, converted to percentages, we can calculate correlation coefficients as measures of how similar the populations of the ATSI regions are to each other. The data used relate to levels of education, employment income and single parent, and "removed as children" characteristics. For example the resulting correlation matrix for the Queensland regions is below:

	<i>Brisbane</i>	<i>Cairns</i>	<i>Mount Isa</i>	<i>Cooktown</i>	<i>Rockhampton</i>	<i>Roma</i>	<i>Townsville</i>
Brisbane	1.0000	0.8452	0.9987	0.5900	0.6535	0.8558	0.9965
Cairns	0.8452	1.0000	0.8430	0.9247	0.9496	0.9976	0.8865
Mount Isa	0.9987	0.8430	1.0000	0.5886	0.6460	0.8511	0.9954
Cooktown	0.5900	0.9247	0.5886	1.0000	0.9853	0.9168	0.6544
Rockhampton	0.6535	0.9496	0.6460	0.9853	1.0000	0.9484	0.7127
Roma	0.8558	0.9976	0.8511	0.9168	0.9484	1.0000	0.8951
Townsville	0.9965	0.8865	0.9954	0.6544	0.7127	0.8951	1.0000

Starting from the north, we can see that:

Cooktown correlates best with: 1 Rockhampton, 2 Cairns, 3 Roma.

Cairns correlates best with: 1 Roma, 2 Rockhampton, 3 Cooktown.

- Clearly Cooktown and Cairns are affiliated both socio-economically and geographically and can be grouped together.

Mt Isa correlates best with: 1 Brisbane, 2 Townsville.

Townsville correlates best with: 1 Brisbane, 2 Mt Isa.

- Clearly Mt Isa and Townsville are affiliated both socio-economically and geographically and can be grouped together.

Rockhampton correlates best with: 1 Cooktown, 2 Cairns, 3 Roma.

Roma correlates best with: 1, Cairns 2 Rockhampton, 3 Cooktown.

- Clearly Roma and Rockhampton are affiliated both socio-economically and geographically and can be grouped together.

Brisbane correlates best with: 1 Mt Isa, 2 Townsville.

- Clearly Brisbane is "different" from its geographical neighbours, and would be treated separately if only socio-economic factors were used to determine the issue.

This would result in a four-region system for Queensland. Practical considerations – particularly the communications and transport networks – could suggest other solutions, however. For example, a two-region model, in which Brisbane, Roma and Rockhampton form the southern group and Mt Isa, Cooktown, Townsville and Cairns form the northern group, makes sense in terms of both geography and network linkages, and could be justified as a more efficient solution as it saves the costs of two administrative centres.

NSW and NT are a bit less clear, as the socio-economics don't match the geography quite so well. Here are the results, together with some suggested groupings:

	<i>Queanbeyan</i>	<i>Bourke</i>	<i>Coffs Harbour</i>	<i>Sydney</i>	<i>Tamworth</i>	<i>Wagga Wagga</i>
Queanbeyan	1.0000	0.4741	0.9980	0.9863	0.9281	0.8215
Bourke	0.4741	1.0000	0.5252	0.6121	0.7670	0.8900
Coffs Harbour	0.9980	0.5252	1.0000	0.9939	0.9486	0.8541
Sydney	0.9863	0.6121	0.9939	1.0000	0.9763	0.9035
Tamworth	0.9281	0.7670	0.9486	0.9763	1.0000	0.9741
Wagga Wagga	0.8215	0.8900	0.8541	0.9035	0.9741	1.0000

Starting from the northwest, we can see that:

Bourke correlates best with: 1 Wagga Wagga, 2 Tamworth (neither strong correlations).

Tamworth correlates best with: 1 Sydney, 2 Wagga Wagga, 3 Coffs Harbour, 4 Queanbeyan.

Wagga Wagga correlates best with: 1 Tamworth, 2 Sydney.

While Bourke itself is "different", it forms a fairly consistent socio-economic and geographic grouping with Tamworth and Wagga Wagga.

Coffs Harbour correlates best with: 1 Queanbeyan, 2 Sydney, 3 Tamworth.

Queanbeyan correlates best with: 1 Coffs Harbour, 2 Sydney, 3 Tamworth.

Sydney correlates best with: 1 Coffs Harbour, 2 Queanbeyan, 3 Tamworth.
 The coastal grouping of Coffs Harbour, Sydney and Queanbeyan are compatible socio-economically and geographically. This would result in a two-region system for New South Wales. Bourke may be sufficiently distinct to be treated as a third region.

The Northern Territory is more complex:

	<i>Alice Springs</i>	<i>Jabiru</i>	<i>Katherine</i>	<i>Apatula</i>	<i>Nhulunbuy</i>	<i>Tennant Creek</i>	<i>Darwin</i>
Alice Springs	1.0000	0.7629	0.9911	0.7358	0.9299	0.9669	0.9977
Jabiru	0.7629	1.0000	0.7861	0.9974	0.9286	0.8841	0.7278
Katherine	0.9911	0.7861	1.0000	0.7569	0.9489	0.9827	0.9853
Apatula	0.7358	0.9974	0.7569	1.0000	0.9141	0.8623	0.6991
Nhulunbuy	0.9299	0.9286	0.9489	0.9141	1.0000	0.9891	0.9114
Tennant Creek	0.9669	0.8841	0.9827	0.8623	0.9891	1.0000	0.9523
Darwin	0.9977	0.7278	0.9853	0.6991	0.9114	0.9523	1.0000

Again, starting from the north, we can see that:

- Darwin correlates best with: 1 Alice Springs, 2 Katherine, 3 Tennant Creek, 4 Nhulunbuy.
- Jabiru correlates best with: 1 Apatula, 2 Nhulunbuy.
- Nhulunbuy correlates best with: 1 Tennant Creek, 2 Katherine, 3 Alice Springs but correlates highly with all other regions.
- Katherine correlates best with: 1 Alice Springs, 2 Darwin, 3 Tennant Creek, 4 Nhulunbuy.
- Tennant Creek correlates best with: 1 Nhulunbuy, 2 Katherine, 3 Alice Springs, 4 Darwin.
- Apatula correlates best with: 1 Jabiru, 2 Nhulunbuy.
- Alice Springs correlates best with: 1 Darwin, 2 Katherine, 3 Tennant Creek, 4 Nhulunbuy.

Darwin, Alice Springs (and perhaps Katherine) form a statistically logical group, but though they are urbanised they are geographically separate.

The next highest correlation is between geographically separate Jabiru and Apatula.

One logical arrangement may be to divide NT into two groups: - 1 Urban (Darwin + Alice Springs), 2 Rural and Remote (all others). A second option is a north-south split, with Katherine capable of being a member of either the northern or the southern group.

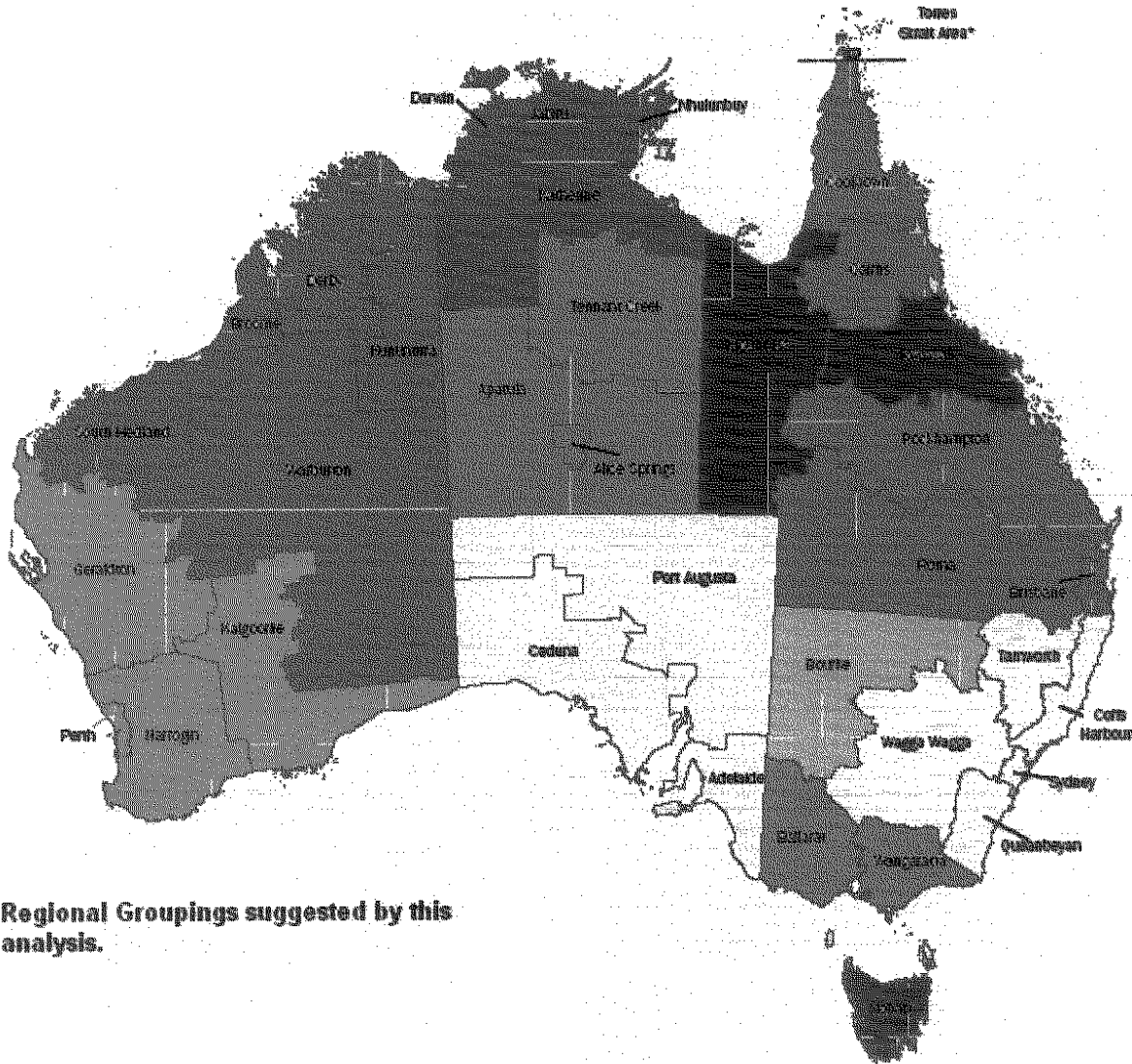
When we look at the Western Australian data, we find:

	<i>Perth</i>	<i>Broome</i>	<i>Kununurra</i>	<i>Warburton</i>	<i>Narrogin</i>	<i>Sth Hedland</i>	<i>Derby</i>	<i>Kalgoorlie</i>	<i>Geraldton</i>
Perth	1.0000	0.9961	0.9908	0.9914	0.9957	0.9984	0.9637	0.9711	0.9673
Broome	0.9961	1.0000	0.9820	0.9959	0.9986	0.9990	0.9808	0.9846	0.9471
Kununurra	0.9908	0.9820	1.0000	0.9799	0.9765	0.9871	0.9302	0.9368	0.9862
Warburton	0.9914	0.9959	0.9799	1.0000	0.9941	0.9951	0.9802	0.9821	0.9391
Narrogin	0.9957	0.9986	0.9765	0.9941	1.0000	0.9976	0.9833	0.9887	0.9406
Sth Hedland	0.9984	0.9990	0.9871	0.9951	0.9976	1.0000	0.9748	0.9796	0.9559
Derby	0.9637	0.9808	0.9302	0.9802	0.9833	0.9748	1.0000	0.9987	0.8670
Kalgoorlie	0.9711	0.9846	0.9368	0.9821	0.9887	0.9796	0.9987	1.0000	0.8795
Geraldton	0.9673	0.9471	0.9862	0.9391	0.9406	0.9559	0.8670	0.8795	1.0000

Correlations between regions are so high that few groupings would be statistically illogical.

Perhaps the best two-group arrangement would be to divide along a SW-NE basis, in which Perth, Narrogin, Kalgoorlie and Geraldton form the south western group, and South Hedland, Broome, Derby, Kununurra and Warburton form the north eastern group.

The groupings described here are presented in the map below. Note that this exercise has been exploratory only, and has not taken account of practicalities such as transportation networks.



Regional Groupings suggested by this analysis.