

Community Legal Centres Association (Western Australia) Incorporated

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10th December 2003

The Secretariat
Senate Legal and Constitutional Committee
Room S1.61, Parliament House
Canberra ACT 2600

Attention: Louise Gell



Dear Ms Gell

Re: Legal Aid and Access to Justice

Please forward this information to the Legal and Constitutional References Committee.

The Community Legal Centres Association (WA) was represented at the Committee's public hearing in Melbourne on 12th November 2003 by Naomi Brown. Please note that although Ms Brown is currently employed by Youthlaw, she was not representing that organisation at the inquiry. Ms Brown was employed in the Western Australian community legal sector for many years, and prepared a submission to the inquiry on behalf of the Community Legal Centres Association (WA). Please delete the reference to Youthlaw in relation to Ms Brown's attendance at the public hearing from Hansard and other relevant records.

Ms Brown took three questions on notice during her attendance at the public hearing. Please find attached the relevant questions, and the following responses.

- In response to Question 1 related to the Australia Law Online Project (Law By Telecommunications) please find attached a copy of a submission provided to the Family Law & Legal Assistance Division of Attorney General's Department, by the National Rural, Regional and Remote Network of Community Legal Centres in May 2002. This submission provides information about how community legal centres around regional Australia have utilised these funds.
- In response to Question 2 related to deliberate actions to exhaust another party's grant of legal aid, please find attached two case studies provided by a WA community legal centre.

- In response to Question 3 relating to the recommendation to establish a new centre in the Wanneroo area, please find following excerpts from 'Demographic and socio-economic analysis of Western Australia', Report developed for the Joint Review of WA Community Legal Centres, by URS Australia Pty Ltd, July 2003.

Thank you for the opportunity to provide this information. If you require anything further please contact me via the details above.

Yours faithfully



Holly Hammond
Resource and Policy Officer

SENATE LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE
INQUIRY INTO THE CAPACITY OF CURRENT LEGAL AID AND ACCESS
TO JUSTICE ARRANGEMENTS TO MEET THE COMMUNITY NEED FOR
LEGAL ASSISTANCE

PUBLIC HEARING

WEDNESDAY, 12 NOVEMBER 2003

Youthlaw, Community Legal Centres Association (Western Australia) Inc

Question 1

(p.48, *Committee Hansard*)

Ms Brown—My understanding is that the community legal centres that took the funding for that project used it in a variety of ways. They did try to deliver the service that was required and they did that to the best of their ability. They were basically waiting on calls to the office for the solicitor to answer on family law matters, and if those calls did not come through they used that person's time—or the time of the people who were doing that job if the position was split between two people—in a way that benefited the community. I know that an evaluation was done by community legal centres which took that funding on board to see how the funding was used in different community legal centres. On the whole, it was used in response to community needs. I would have to provide the particulars of that information on notice. However, those centres did provide the service that was required, but it was not required in that way. If someone required something face to face, as opposed to over the telephone, there was no point someone sitting in an office and getting one call a week or a call every two weeks. There has been an analysis by the government of the call costs, although I do not know what they are off the top of my head. There was a large cost per call because of the limited number of calls that came through on that service.

Senator PAYNE—I would be interested in any further detail about that that you could provide to the committee. Perhaps you could take that on notice and expand on the specifics. So it has been evaluated by the Commonwealth. Is the Commonwealth continuing to fund those CLCs with that money?

Ms Brown—My understanding is that it was set up as a pilot program and that was funding was then extended for another year. I am not sure whether it goes beyond that or to the triennial funding agreements.

Senator PAYNE—I was wondering where it fits in.

Ms Brown—I am not sure about that, so I would need to take that on notice as well.

Question 2

(Committee Hansard, p.50)

Ms Brown—I understand that those sorts of issues are relevant in Western Australia as well. I recall talking to a community legal centre about the fact that, at every point along the legal process, there was some sort of barrier to going forward. The intention was expressed by one party to the other party, the woman, that the reason he was putting up these barriers was that he knew her funding was going to run out.

Senator PAYNE—That is exactly the sort of problem I was trying to get to the nub of. It also means that there is a lawyer on the other side who is participating in that sort of behaviour as well.

Ms Brown—I can take that on notice if you like. That case study comes from Western Australia. If we can, should we provide some more?

Senator PAYNE—Yes, absolutely.

Question 3

(Committee Hansard, p.52)

Ms Brown—The areas nominated for the increase in access to community legal centres, particularly, came out of a number of studies that were conducted as part of the joint review of community legal centres by the state and Commonwealth legal aid organisations. They were a couple of areas that came out. There were a number of studies that were done, including surveying of community legal centres and their clients and a study by an organisation called URS that looked at a number of factors pointing to social disadvantage. They were the areas that came out of the whole range of consultations and studies.

There were three in the metropolitan area—north, north-east and south—and also the Kimberley, Gascoyne, Peel and a fourth place, which I have forgotten, in rural, regional and remote areas. Those identified areas came out of a whole range of consultations that culminated in the joint review document coming out. If you would like to have access to those particular statistics and consultations then I am very happy to take that on notice and provide those to you. I do not think the range of consultation papers and the URS consultant's report, which looked at particular factors of social disadvantage, were provided to the committee, but I am very happy to provide those.

Senator GREIG—I would like to see that. I am curious on the basis that, as you know, Joondalup and Wanneroo are adjoining suburbs. Does that indicate a desperate need for services in those areas?

The “Australia Law Online” Project

**Submission provided to the
Family Law & Legal Assistance Division, Attorney
General’s Department, Commonwealth of Australia**

by the

**National Rural, Regional and Remote Network of
Community Legal Centres**

May 2002

**Chris Gabelish & Helen McGowan
Co-Convenors
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Network Of Community Legal Centres**

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BACKGROUND

This submission has been co-ordinated through the National Rural, Regional and Remote Network of Community Legal Centres and draws from the experiences of seven Community Legal Centres participating in the “Regional Law Hotline” component of the Australian Law Online project.

It is the common view of these seven Centres and the National Rural, Regional and Remote Network of Community Legal Centres, that the Regional Law Hotline project has completely failed to meet its stated objectives and the expectations of the Attorney-General’s Department during its first year of operation.

No Centre has received more than an occasional call from the call centre throughout the duration of the pilot. The results are consistent with the concerns expressed, prior to the commencement of the project, by the National Association of Community Legal Centres, various State Associations of Community Legal Centres, the Women’s Legal Services Network, the National Rural, Regional and Remote Network of Community Legal Centres and many individual Community Legal Centres.

As predicted by the sector, the Call Centre model was a superfluous adjunct to the comprehensive telephone advice services already provided by many regional Community Legal Centres and Legal Aid Commissions directly to the residents of their catchment areas. It also rendered nonsense the expectation that a solicitor was required to deal with transferred calls on a part-time to full-time basis.

The value of the funding

Notwithstanding the above, each of the seven Centres contributing to this evaluation were able to use the funding provided by the project to the significant benefit of their regional communities. This is a reflection of the fact that, despite the minimal use of the Regional Law Hotline, residents of regional, rural and remote areas are in desperate need of expanded resources for free legal assistance. Rural and regional Community Legal Centres, relying on low base funding levels, have large areas of unmet need.

The ideas raised within this submission in regard to use of ongoing funding represent preliminary and tentative proposals only. It is clear, however, that in each case the communities serviced by the participating Centres would experience immediate disadvantage if the additional resources were lost. Also consistent is the commitment of each Centre to address the barriers of distance and isolation in access to justice for regional, rural and remote communities. To the extent feasible within the parameters of the project, most of the participating Centres have endeavoured to address the disadvantages of geographical distance in their use of the funding.

While the proposals for use of ongoing funding are quite diverse, a common theme emerging is the need to employ resources more constructively or innovatively to conquer the impact of distance. The Regional Law Hotline Call Centre model, by which a solicitor is tied to a central office and its dedicated phone line, does not allow the flexibility ideally sought by rural, regional and remote Community Legal Centres and the communities they serve.

CLC 1

Work referred by the Regional Law Hotline Call Centre:

CLC 1 has received three client referrals from the Call Centre (as at 8 April 2002).

Utilisation of the funding:

CLC 1 received no external applications for the advertised Regional Law Hotline solicitor position, eventually granting the position to its existing junior solicitor. This in turn enabled the service to employ an additional solicitor on a part-time basis. Due to the absence of referrals from the Call Centre, the designated solicitor continued to perform her normal work as a solicitor of the service. The new part-time solicitor gave legal advice (face-to-face and telephone) on 93 occasions, and was responsible for the carriage of 12 cases.

Comments:

CLC 1 is a new service, having opened in December 2000. During the period September 2001 to April 2002 the service has provided legal information on 796 occasions, legal advice on 840 occasions, and opened 89 cases. This level of demand clearly demonstrates that ongoing funding for service provision to the region is needed and welcome. However, CLC 1 maintains the position it communicated to the Commonwealth at the outset of the project, i.e., that funding would be better spent by direct provision to the service, rather than absorbed in the running of a Call Centre. The service notes that local private solicitors who were aware of the Regional Law Hotline preferred to refer clients to the service direct, rather than via a call centre. The high statistical workload of the service indicates that residents of the region were aware of and able to access the service without recourse to an external call centre.

Preferences for ongoing funding:

CLC 1 is committed to providing effective outreach into outlying communities within

CLC 2

Work referred by the Regional Law Hotline Call Centre:

CLC 2 has received approximately six client referrals from the Call Centre.

Utilisation of the funding:

The service has used the additional solicitor position to focus on family law advice and casework, resulting in a near 400% increase in the volume of family law work provided to the community. This has included assistance to self-represented parties, legal representation in settling matters without recourse to litigation, and in a minority of instances representation for Court proceedings. Prior to the Regional Law Hotline funding being received, the service had insufficient resources to provide casework in family law.

Preferences for ongoing funding:

If ongoing funding is available, CLC 2 hopes to continue to provide a dedicated family law service (child matters) in addition to its generalist services. This is in response to community need in the region, and in recognition of the significant disadvantage faced by unrepresented parties in family law proceedings. Family law litigants living in rural and remote areas are frequently additionally disadvantaged, in contrast to their urban counterparts, in finding a local family law solicitor able and willing to take on their case, and by geographical distance from courts and counselling services (e.g. the six-hour round trip to the Family Court).

CLC 3

Work referred by the Regional Law Hotline Call Centre:

CLC 3 has received approximately fifteen referrals from the Call Centre. Of these, only 22% were for clients residing within the geographical area covered by CLC 3.

Utilisation of the funding:

An additional solicitor was employed for three days per week. As very few calls were received from the Hotline, the solicitor undertook telephone and face-to-face legal advice for clients coming to the service via the usual channels – providing some 300 instances of legal advice between September 2001 and April 2002. This was in addition to the 450 instances of advice provided by the service's two existing solicitors (principal solicitor and rural women's outreach solicitor) during the same period.

As well as substantially increasing the service's workload, the additional position enabled telephone queries to be taken throughout the week rather than only during the pre-existing designated two-hour weekly time-slot for telephone advice. Clients have also benefited from shorter waiting periods for face-to-face appointments, with urgent matters in particular able to be attended to promptly.

The funding also enabled the service to enhance its website and develop an Email Advice service. A local solicitor with particular expertise in electronic law was employed to take calls from the Regional Law Hotline on a fourth day of each week, and was able to use his time to design the Email Advice site and develop pro forma advices in different areas of the law. The Email Advice service is being launched during Law Week 2002.

The funding was further used to employ an administrative assistant, ostensibly for the Law Hotline solicitor, for one day per week. An existing dedicated and skilled volunteer of the service was employed in this position. Due to the lack of calls from the Hotline, there was little administrative work to be performed in association with the Regional Law Hotline project. The worker was thus able to use her position to enhance the work she undertakes as a volunteer, including attending to client enquiries, providing information and referrals, overseeing the referral and library resources of the service, and assisting with preparation of community legal education workshops.

Comments:

CLC 3 had initially declined to participate in the Regional Law Hotline, due to concern that the Call Centre project would be ineffective and duplicate the telephone advice service already provided by the organisation. CLC 3 subsequently accepted the funding, having negotiated a degree of flexibility with the Commonwealth regarding hours during which the solicitor must be available to take Hotline calls. In practice the additional resources have been valuable, as indicated above.

However, the additional solicitor position, tied to the central office is insufficient to constructively address the needs of the outlying and remote communities within the region covered by CLC 3. It is noted in particular that the postcode areas for which Hotline calls were intended to be transferred to CLC 3 cover the immediate surrounds, which is the area already receiving the most thorough service from the organisation due to geographical proximity.

Further, the provision of legal advice by telephone is of limited benefit if not complemented by community legal education, community development projects linked to law and social justice issues, and outreach for face-to-face advice and casework.

Preferences for ongoing funding:

CLC 3 recognises that the outlying areas of its region is seriously disadvantaged in access to justice due to remoteness and lack of local legal service provision. If further funding is available, CLC 3 hopes to better meet the needs of the far south coast via employment of a solicitor who would provide outreach services on a weekly to fortnightly basis, perhaps supplemented by the use of video-conferencing technology and continuing promotion and development of the Email Advice service. The additional position would also increase links with key community organisations throughout the region, enabling enhanced preparation and delivery of community legal education and community development work.

CLC 4

Work referred by the Regional Law Hotline Call Centre:

CLC 4 has received 4 referrals from the Hotline.

Utilisation of the funding:

An additional solicitor was employed for two days per week and an administrative assistance for one day per week. This enabled the service to greatly increase the availability of telephone advice. Previously, the service had been able to offer telephone advice on two half-day slots each week, but since the commencement of the Regional Law Hotline funding the service has generally been able to offer immediate response to telephone advice queries throughout office hours from Monday to Thursday. The service reports that this has “improved our accessibility enormously” and has provided an efficient method of service delivery to clients in outlying and rural areas.

Comments:

As with CLC 3, the service notes that the project initially allocated a relatively small geographical area for transfer of calls from the Hotline, this being an area already having relatively easy access to the service. This was of no benefit to the outlying communities of the far larger region covered by CLC 4.

Preferences for ongoing funding:

CLC 4 believes that the operation of the Call Centre is unnecessary and a duplication of existing Legal Aid Commission telephone advice and referral services. Nonetheless, CLC 4 supports the provision of readily-available telephone legal advice as an effective and important means of meeting the needs of its region, and would welcome ongoing funding in order to maintain the level of service delivery it has provided during the past nine months.

CLC 5

Work referred by the Regional Law Hotline Call Centre:

CLC 5 has received under ten referrals from the Call Centre, most of which were from outside the region covered by the CLC.

Utilisation of the funding:

The additional solicitor employed under the project has undertaken much of the general legal work of the service, including telephone advice, face-to-face advice and casework, but with a focus on family law. This has resulted in an increase in the volume of clients assisted by the service, particularly via face-to-face appointments, and enabled the development of more comprehensive and specialised family law assistance than was previously possible.

The family law focus of the additional solicitor position has released the existing principal and part-time solicitor to deal more promptly with clients presenting with other legal issues. The increased staffing has also enabled greater time and resources to be invested in holistic service delivery projects such as community legal education workshops, production of a newsletter, and contribution to law reform issues.

Preferences for ongoing funding:

CLC 5 would welcome the opportunity to maintain a third solicitor position, due to the increased and enhanced service delivery this allows for as outlined above. The service also hopes with ongoing funding to be able to provide effective outreach to outlying communities in the far west region – a task which has been particularly difficult given the vast distances involved.

The service is interested in trialing videoconferencing for legal advice, and refers to telecentres recently established in the region. The use of technology is likely to be more cost effective than reliance on staff travelling large distances; and may also prove a more sensitive means of communicating with clients, who are presenting with distressing and complicated issues, than is “a disembodied voice over the phone”.

CLC 6

(Has provided comments only, rather than a formal response).

Work referred by the Regional Law Hotline Call Centre:

Four calls referred from call centre.

Utilisation of the funding and preferences for ongoing funding:

The funding enabled the service to substantially increase advice and casework. If funding continues, the service would like the Attorney-General's Department to consider: - more promotion of the project, including linking in with local services and media outlets; a revisiting of the objectives that the project is based on to contribute to improved project direction and outcomes; quarterly link up with other centres involved in the project; use of part of the funding to cater for capital equipment, eg video conferencing. They propose that the current service hours be maintained.

While the service currently employs a paralegal, the service would consider employing an articled clerk if there was a likelihood of continued funding for this position. The centre had no problem in having a paralegal provide the service, given that the paralegal receives supervision from the centre's solicitor.

It is suggested also that the Commonwealth state who the service is targeting, rather than the current situation where those most in need are still not accessing services, ie people living in remote areas and particularly Aboriginal women.

CLC 7

(Has provided comments only, rather than a formal response).

Work referred by the Regional Law Hotline Call Centre:

Ten calls received from call centre.

Utilisation of the funding and preferences for ongoing funding:

This centre has difficulty with the project remaining in its current form. In particular, there is a great need for the provision of outreach to the more rural and remote areas of its catchment.

The centre does not support e-mail advice being provided by solicitors or the use of teleconferencing facilities where the privacy of clients is not assured.

The centre generally receives between 600-1000 calls on the 1800 number that is applied to the centre. Unfortunately, a distance restriction means that the centre can not take calls from those in the more rural or remote parts of their geographic region, ie outside 200km radius.

The centre would also like to promote the service by way of a tour through the rural and remote areas that the centre is targeting. This tour would include promotion of the project and the centre, the identification of issues relevant to the client base, the provision of workshops and information sessions and improving networks and relationships within those networks. In particular, the centre would like to be able to service the Esperance area.

Promotion of the project should be more centre based, rather than Attorney General's department based. The centre would like to provide an unrestricted 1800 number, if the centre is provided with ongoing funding.

While the centre has received few calls from the Hotline, active promotion of the project may bring about other issues. For example, clients who may utilise the 1800 number and be given a telephone booking time for another date, who then telephones the Hotline and is provided with information and advice rather than wait turning to their scheduled appointment time.

CONCLUSIONS AND RECOMMENDATIONS

The responses contained in this submission include a majority number of centres involved in the provision of service under the Regional Law Hotline component of the Australia Law Online project.

Clearly the project has failed to meet its stated objectives, the most fundamental being that the project was to meet the legal needs of the most disadvantaged in rural, regional and remote areas.

While the Attorney General's Department may recognise that this project is unable to meet this objective, a change in the stated objectives must be provided to those undertaking the project and also to communities within the target areas.

RECOMMENDATION 1:

That the Commonwealth Attorney-General's Department revisit the project's stated objectives and that any change in the objectives be made clear to services undertaking the project, communities whom the project is designed to serve and the public generally.

There is a need for further promotion of the project. This promotion must occur in co-operation with the local services. Blanket promotion is unlikely to bring about improved knowledge of the project at a local level.

RECOMMENDATION 2:

That the Attorney General's Department develop local promotion of the project in close co-operation with services undertaking the project.

The RRR Network among others advised the Attorney General's Department of the fundamental flaws of the project prior to the funding of the project. The starting point was the lack of research undertaken to ascertain what the unmet legal needs of people living in rural, regional and remote areas are.

At the NACLIC Conference held in Fremantle last year, the National Rural, Regional and Remote Network moved that a needs analysis be undertaken to identify what the legal needs are for people in RRR areas.

RECOMMENDATION 3:

That the Commonwealth Attorney General's Department allocate funding to undertake an analysis of the legal needs of people living in rural, regional and remote areas of Australia.

Initial information suggests that funding for the project will be extended for 12 months. Given the various uses that individual centres have found to extend services to people within their catchment areas, the RRR Network supports the ongoing provision of funding to community legal centres currently providing the program.

RECOMMENDATION 4:

That the Commonwealth Attorney General's Department continue funding community legal centres currently contracted to deliver the project.

Further to this, there is a suggestion that Centrelink may not be contracted to provide the call centre. Indeed, the call centre may be contracted to other organisations on a state by state basis, for example Legal Aid Commissions. The RRR Network would be very concerned should an organisation be contracted to provide the call centre while still retaining the service delivery component of the program.

We submit that in areas where the call centre is taken up by LAC's, that local community legal centres be offered up the service provision funding.

RECOMMENDATION 5:

In any area that a Legal Aid Commission has been receiving funding for providing legal advice, and where that LAC is thereafter contracted to provide a call centre in 2002/03, local community legal centres be invited to express interest in being contracted to provide the information and advice component of the project.

The centres involved in this submission have various views on the best use of technology to progress the objects of the project. It is essential that individual centres are able to progress any model that centres believe will provide the best possible outcomes for their own local communities.

RECOMMENDATION 6

That the Commonwealth Attorney General's Department work in close consultation with community legal centres to provide outcomes most beneficial to the communities that the project will service.

Case Studies – Legal Aid Funding

These case studies have been provided by a WA Community Legal Centre to highlight the issues related to deliberate exhaustion of another party's legal aid funding. In both of these cases complex legal issues mean that clients require representation. However, the prospect of legal aid funding running out means that both clients may be unrepresented at trial, with the associated risk of miscarriage of justice.

Case one

Our client is the resident parent. Contact has always been difficult. The other party is represented by a private lawyer. There are issues of defacto property involved. We sought representation for our client through legal aid. Client has subsequently contacted us concerned about the quality of representation.

The other party's lawyer sends letters to our client every other day, sometimes 2 letters a day. They have raised in court the lack of response to their letters. The letters are usually in relation to the same issues. Responses have been made to each issue, but not to each individual letter. The other party makes numerous threats i.e. to take the matter to the Supreme Court – but rarely follows up.

The client was told by her lawyer that she could not spend the time on her matter because it was a "*legal aid matter*". Client was told she could not meet with the lawyer before court because of the lack of funding, and was asked to meet the lawyer 5 minutes before hearing.

This matter will go to trial, with funding at this stage uncertain.

Case Two

Our client is the contact parent. Allegations have been made against our client of domestic violence which are strongly disputed. We sought representation through legal aid.

The other party is represented by a private lawyer. The other side have issued numerous affidavits in relation to the interim hearing, including affidavits from England. Our client has had to respond eating up his funding.

Further, the other side sends a letter to our client's lawyer after almost every contact visit complaining of some issue requiring our client to respond and collect evidence to counteract complaints.

This matter will go to trial, with funding at this stage uncertain.

REPORT

Demographic and socio-economic analysis of Western Australia

Prepared for

The Joint Review of WA Community Legal Centres

GPO Box L916
Perth WA 6842

15 July 2003

52847-001-578

URS

Sustainable
Development

1.4 Selecting Indicators of Demand

The Client recommended nineteen socio-economic indicators be used to assess the level of current and potential demand for Legal Aid services throughout Western Australia. These indicators and corresponding details are listed in Table 1 below.

Table 1: Socio-economic indicators relevant to demand for Legal Aid services

Indicator	Details	Year
Persons born overseas	Calculated as a percentage of the total population and also total numbers	2000
Indigenous persons	Calculated as a percentage of the total population and also total numbers	2000
Average Annual Growth Rate (AAGR) – 10 years	The AAGR from 1991 to 2001	2001
Average Annual Growth Rate (AAGR) – 5 years	The AAGR from 1996 to 2001	2001
Weekly individual income	Percentage of individuals earning less than \$400 per week	2000
Weekly household income	Percentage of household earning less than \$600 per week	2000
Weekly family income	Percentage of families earning less than \$600 per week	2000
Unemployment – Jun 02	Unemployment rate as at June 2002	2002
Unemployment – Dec 02	Unemployment rate as at December 2002	2002
Persons never attending school or only to Year 8	Percentage of people who never attended school or only attended up to and including Year 8	2000
State housing	Percentage of rented dwellings owned by the State Housing Authority	2000
Home ownership	Percentage of housing that is fully owned	2000
Transfer payments	Department of Social Security payment as a percentage of post tax income	1998
H-Index	Index of disadvantage developed by the Education Department*	1998
Life expectancy	Life expectancy (in years) at birth	2001
Mental health	Percentage of the population reporting mental health problems	2001
Psychological distress	Percentage of the population reporting psychological distress	2001
Domestic violence	Incidences of domestic violence**	2001
Population projections	Predicted population increases to 2006, 2011 and 2016, represented as actual increases and also percentage increase***	na
Disadvantage index	Index of relative disadvantage developed by the ABS	1996
Demand index	Index of demand for Legal Aid services developed by the consultant team, combining the majority of the indicators listed above (see Section 1.6)	na

* Each school in Western Australia is assigned an index of disadvantage from 1 to 10, with 10 being the most disadvantaged. Schools were grouped by LGA and the average, maximum and minimum index values used for the purpose of this report.

** Based on WA Police recorded crime for offences against the person (e.g. homicide, assault, sexual assault) only where they have included information for the "relation code", which occurs usually when the alleged offender has been processed by police.

*** Population projections (for 2006, 2011 & 2016) are based on 1996 ABS Census data, however the projected increase in population is calculated based on real 2001 data. There are a small number of LGAs with actual 2001 populations already exceeding the projected value.

1.5 Geographical boundaries for data analysis

Local government boundaries were considered to be an appropriate scale for assessing individual indicators of socio-economic advantage/disadvantage. There are 142 LGAs covering the whole of Western Australia and these are listed in **Appendix G**. For all the indicators listed in Table 1, with the exception of health and domestic violence, data are presented at the Local Government Authority (LGA) level. For the health and domestic violence indicators, data were not available at the LGA level and are presented according to the Regional Development Commission (RDC) boundaries. Regional Development Commission boundaries are shown in **Appendix A**.

1.6 Developing an 'Index of Demand'

Indicators in Table 1 can be related to the current and predicted demand for legal aid services. Thus, using data for each indicator, LGAs can be ranked against that indicator for their demand for services. Three examples related to current and predicted demand are presented.

- LGAs were ranked from the lowest percentage of home ownership to the highest percentage. The logic is that a high level of home ownership indicates comparatively wealthy families or individuals which would have a lower demand for Legal Aid services. Conversely, a higher percentage of people resident in rental accommodation suggests less affluent communities with a high need for support from Legal Aid.
- Indigenous people have a demonstrated high need for support from government-funded legal services, including Legal Aid. Ranking LGAs for the number and percentage of Indigenous people provides an indication of the relative level of demand for services from this sector of the community.
- LGAs were ranked from greatest projected increase in population to lowest. Rapidly increasing population suggests a predicted increase in demand for services.

1.6.1 Indicator selection

While Local Government Authorities can be ranked for relative demand for Legal Aid services, each LGA will rank differently for separate indicators. Multiple indicators are needed to develop a balanced and more complete overall measurement of relative demand for services. The 'Index of Demand' (also termed the Demand Index) developed by the Consultant Team used the following fourteen indicators:

- persons born overseas (real numbers and percentage of total population for each LGA);
- Indigenous persons (real numbers and percentage of total population for each LGA);
- annual average growth rate (AAGR) over the last 10 years (percentage for each LGA);
- AAGR over the last 5 years (percentage for each LGA);
- weekly individual income (percentage of people with an income of less than \$400 per week for each LGA);

-
- weekly household income (percentage of households with an income of less than \$600 per week for each LGA);
 - weekly family income (percentage of families with an income of less than \$600 per week for each LGA);
 - unemployment rate at June 2002 (percentage for each LGA);
 - unemployment rate at December 2002 (percentage for each LGA);
 - persons who have never attended school or have only reached Year 8 level (percentage for each LGA);
 - State housing (percentage of total houses for each LGA);
 - home ownership (percentage of total houses for each LGA);
 - monthly housing loan payments (percentage of houses where monthly repayments are less than \$600 per month for each LGA); and
 - DSS payments (as a percentage of income for each LGA).

Local Government Authorities were assigned a rank for their position against each of the above indicators from 1 (highest rank) to 142 (lowest rank). The higher the ranking indicates an expected higher demand for Legal Aid WA services. Where the indicator variable was the same for two or more LGAs, an equal rank was assigned. For example, Exmouth (S) and Geraldton (C) both had unemployment rates of 10.6 per cent in June 2002, therefore were both assigned a ranking of 10.

1.6.2 Calculating the Index of Demand

The simplest approach to developing an overall 'Index of Demand' involves an additive process across LGA rankings for those fifteen indicators judged to most relevant in defining current and predicted demand for services. For each LGA, the rank value for each indicator was added together to give a numerical total value. Indicators were not weighted when calculating the demand index, the raw ordinal rankings were added. In presenting the Demand Index, the lower the total additive value, the greater the estimated current and predicted demand for Legal Aid services.

Two forms of the Demand Index were developed. In the first form, the ranks used for the indicators presenting 'persons born overseas' and 'Indigenous persons', were determined according to the total number of persons. In the second form, the ranks were determined using the percentages of people in these categories for the respective LGA. In calculating the demand index, either the 'total number of persons' OR 'percentage of total population' method was used. The demand indices for both of these methods are listed in Section 3.

By analysing the demand index, and the index of relative disadvantage, population projections, and the health and domestic violence indicators the current and future demand for Legal Aid services across WA communities can be estimated.

Index of Demand

The Index of Demand for legal aid services was developed as outlined in Section 1.6. Local Government Authorities were sorted separately for those in Regional Western Australia and those in the Perth Metropolitan area. The total ranks and scores for all the Metropolitan and Regional LGAs are presented in **Appendix D**. As discussed in Section 1.6, two forms of the Index were developed, one using numbers of people, and the other using percentages for ‘persons born overseas’ and ‘Indigenous persons’.

The Total Rank for Metropolitan and region LGAs is little influenced by the choice of methods, with two Metropolitan LGAs only listed in one column (Rockingham and Vincent – see Table 7) and three Regional LGAs only listed in one column (Carnarvon, Busselton and Nannup – see Table 8).

It is likely that the unweighted additive method has led to an over-representation of the less populous LGAs based on those indicators scored by percentage only (e.g unemployment rate, low income percentage etc.). Overall (Metropolitan and Regional LGAs combined) it suggests that demand for legal aid services is highest in the Kimberley, remote parts of the state and in rapidly growing peri-urban areas.

Metropolitan LGAs

The 15 highest total-ranking Metropolitan LGAs are shown in Table 7. The LGAs with greatest demand for Legal Aid services included those with large populations such as Kwinana, Belmont and Fremantle and also LGAs with high population growth, such as Swan, Wanneroo and Stirling.

Table 7: Index of demand for Legal Aid services – Metropolitan LGAs

Total Rank	Number of persons	Total score	Percentage	Total score
1	Kwinana (T)	463	Kwinana (T)	494
2	Belmont (C)	520	Belmont (C)	563
3	Fremantle (C)	640	Fremantle (C)	696
4	Victoria Park (T)	700	Victoria Park (T)	745
5	Rockingham (C)	726	Bassendean (T)	778
6	Wanneroo (C)	735	Perth (C)	781
7	Swan (C)	739	Wanneroo (C)	807
8	Bayswater (C)	750	Swan (C)	818
9	Perth (C)	751	Bayswater (C)	823
10	Bassendean (T)	755	Cockburn (C)	856
11	Cockburn (C)	780	Armadale (C)	885
12	Armadale (C)	824	Gosnells (C)	898
13	Gosnells (C)	824	Stirling (C)	962
14	Stirling (C)	855	Vincent (T)	997
15	Canning (C)	971	Canning (C)	1,058

Regional LGAs

The 15 highest total-ranking Regional LGAs in Table 8. Two of the four LGAs in the Kimberley head both lists of LGAs with a high Index of Demand, plus some large Regional centres such as Mandurah, Murray, Geraldton and Albany. Other LGAs with an high estimated demand include very sparsely populated shires such as Upper Gascoyne, Ngaanyatjarraku and Murchison LGAs, and several rural LGAs with relatively low populations including Irwin, Pingelly, Toodyay and Denmark.

Table 8: Index of demand for Legal Aid services – Regional LGAs

Total Rank	Number of persons	Total score	Percentage	Total score
1	Halls Creek (S)	248	Halls Creek (S)	299
2	Derby-West Kimberley (S)	431	Derby-West Kimberley (S)	450
3	Mandurah (C)	470	Murchison (S)	471
4	Geraldton (C)	531	Mandurah (C)	565
5	Murchison (S)	556	Geraldton (C)	601
6	Denmark (S)	623	Upper Gascoyne (S)	614
7	Albany (C)	633	Denmark (S)	625
8	Murray (S)	638	Ngaanyatjarraku (S)	650
9	Ngaanyatjarraku (S)	646	Pingelly (S)	663
10	Upper Gascoyne (S)	661	Irwin (S)	671
11	Irwin (S)	672	Toodyay (S)	679
12	Northam (T)	675	Murray (S)	684
13	Toodyay (S)	691	Nannup (S)	690
14	Carnarvon (S)	716	Northam (T)	700
15	Busselton (S)	719	Albany (C)	710

4.1 Spatial diversity

The Western Australian population is spatially very heterogeneous. There are significant differences in the makeup and socio-economic status between individual communities. Thus local government authorities like Ngaanyatjarraku with 83 per cent Indigenous residents and a remote location are very different from western suburbs in Perth. Similarly, rapidly growing areas in the peri-urban fringe such as Wanneroo and Mandurah are in contrast to areas in the eastern Wheatbelt where the population is declining. This spatial diversity across a range of socio-economic indicators highlights the value of an analysis such as conducted in this study in determining trends for services.

4.2 Index of Demand for Legal Aid services

When combining both lists in Table 7 (Metropolitan LGAs), 16 LGAs are highlighted as being those with the highest estimated demand for Legal Aid services. These include significant population centres in the Metropolitan area (Kwinana, Belmont and Fremantle) and areas of high growth (Swan, Wanneroo and Stirling).

When combining both lists in Table 8 (Regional LGAs), 17 LGAs are highlighted as having the highest estimated demand for Legal Aid services. These include the rapidly growing areas to the south of Perth (Mandurah, Murray), and remote parts of the state with high numbers of Indigenous people (Kimberley, Upper Gascoyne and Murchison, Ngaanyatjarraku). The list also includes some major Regional centres, such as Albany, Geraldton and Northam. While this distribution needs to be checked against the current location of Legal Aid Centres shown in **Appendix H**, it is worth considering two important elements that have contributed to the Index, but that may need a separate consideration for their impact on service needs.

4.3 Population growth

The calculation of the Index of Demand for Legal Aid services has under-weighted the raw impact of rapidly growing populations on service needs. The projected increase in population from 2001 to 2016 for some significant centres is as follows: Wanneroo (77,843), Swan (66,694), Stirling (43,739), Rockingham (42,894), Mandurah (39,280), Cockburn (31,383), Joondalup (18,532), Gosnells (17,148), Busselton (16,940), Melville (16,715), Armadale (16,692), Kwinana (14,488). All of these LGAs except Joondalup and Melville occur in the lists of the top fifteen LGAs for estimated Legal Aid demand shown in Table 7. This is an important consideration in planning for future demand for Legal Aid services.

4.4 One-parent families with dependent children

At the 2001 Census there were 39,064 one-parent families with dependent children in the Perth-Mandurah region. This represented 11.2 per cent of all families and had increased from 9.8 per cent of all families in 1991. The parent in the majority (86.1%) of these families was female (ABS 2002).

More than 20 per cent of families were lone parent families in the eastern suburbs of Koongamia, Stratton and Lockeridge; the northern suburbs of Girrawheen and Balga; Hilton and Willagee, south of the Swan River; and further south in Medina and Coodanup (ABS 2002).

Data on one-parent families with dependent children were not included in the Index of Demand analysis, however areas of high percentages of one-parent families with dependent children also contain a high proportion of low income households and often government-owned rented dwellings. There was one indicator of weekly individual income, one indicator of weekly family income and an indicator of government-owned rented dwellings included in the Index of Demand for Legal Aid services.

4.5 Indigenous disadvantage

The data presented in this report highlights the socio-economic disadvantage experienced by Indigenous communities. There is a positive correlation between the percentage of Indigenous people in an LGA and relatively high measures of socio-economic disadvantage, including indicators dealing with life expectancy, health, education, housing and employment and income levels. The numbers and percentage of Indigenous people in an LGA should be an important separate factor in guiding strategic planning for Legal Aid services.