

Justice Issues

Paper 33 • March 2023 • ISSN 1834-7266



LAW AND JUSTICE FOUNDATION OF NEW OLES

Need for Legal Assistance Services (NLAS) indicators – 2021 Census Update

Delphine Bellerose and Catriona Mirrlees-Black

Abstract: The Foundation's **NLAS(Capability)** and **NLAS(Community)** indicators have been updated with the most recent (2021) Census data, with counts available at various levels of geography. These counts provide a comparative indicator of the potential demand for not-for-profit legal assistance services across different regions of Australia. This Justice Issues paper outlines the updates that have been made to these two indicators since the previous 2016 Census versions, describes the impact of these updates on the two NLAS counts, and reports on the distribution of the counts across NSW. A link to a downloadable Excel spreadsheet containing the updated NLAS indicator counts for a range of geographic areas across all Australian states and territories, is provided below.

NLAS(Capability) and NLAS(Community) data is available in Excel. <u>Download the spreadsheet</u> to access NLAS counts and rates by state/territory, LGA, postcode, and Statistical Area (SA2 to SA4).



Check your Downloads folder.

Need for Legal Assistance Services (NLAS) indicators

NLAS indicators count people who are most likely to need, and be eligible for, legal assistance services if they experience a legal problem. They provide:

- A measure of potential demand for public legal assistance services
- A broad-brush picture of the relative distribution of potential legal need across geographic areas

Through legal needs surveys, we can identify sociodemographic characteristics that increase the risks of both experiencing a legal problem and needing assistance to resolve that problem. By applying those characteristics to Census data, NLAS indicators translate research findings into measures of potential demand for services.

NLAS counts are not a precise indication of how many services will be required, as many external factors will drive that in practice. Instead, they provide a comparable indicator of need across geographic areas against which – for instance – actual service provision can be compared.

2015-17 First Release of NLAS indicators

- NLAS(Capability)
- •NLAS(ATSI)
- •NLAS(CALD)

2018 Update Using 2016 Census data

- Revised NLAS criteria
- •NLAS(65+) new indicator
- •NLAS(\$25k) new indicator

2019 Revised calculation to adjust for missing census data

- NLAS(ATSILS) replacing (ATSI)
- NLAS(CLC) new indicator

Census and changes between 2016 and 2021

With the release of new ABS Census data, NLAS indicators' definitions are reviewed to reflect trends such as changes in cost of living, how educational

attainment varies across shifting age cohorts, or changes to Census questions, etc.

Differences between NLAS population counts over the years are to some extent an artefact of the changes in the way NLAS indicators are derived, so smaller absolute changes in counts should generally not be considered significant from a planning perspective. However, larger relative shifts in counts may well reflect changes in underlying demand between geographic areas.

The release of the 2021 Census data in October 2022 identified some shifts across Australia in the populations that comprise the NLAS groups: general population, income levels, and educational attainment. These help explain the changes in the NLAS counts. The key trends are outlined at national and/or state level below.

Population growth

Overall, the population aged 15 to 64 has grown by 6.8% in Australia between 2016 and 2021. The growth was more important in the smaller jurisdictions of the ACT (13.3%) and Tasmania (8.5%). Among the more populous states, the population increased by 8.1% in Victoria, 7.9% in Queensland, and slightly less in NSW at 6.2%.

Income

There was an increase in average personal income, with lower proportions of the population aged 15 to 64 reporting an income within the lower brackets and higher proportions reporting incomes above \$52,000 per year.

- The median personal income of the population aged 15 or over increased by 21.6% in Australia at \$41,860 per year.¹
- The median equivalised gross household income (calculated from Census data) is \$55,600 per year.²

¹ Australian Bureau of Statistics, Income and work: Census, released 28/06/2022.

² This figure is not directly released by the ABS, it is calculated from Census data and published by .id - informed decision, https://profile.id.com.au/australia/equivalised-household-income-quartiles. The ABS report the median equivalised disposable household income in Australia was \$49.9K for the year 2019-20

 The single person Henderson Poverty line has increased from \$26,777 to \$31,858/year.³

Education

- The count of people reporting having a nonschool (vocational or tertiary) qualification increased by nearly a fifth (19.8%).⁴
- The number of people reporting having completed year 12 increased from 62.2% to 66.7%.

In updating the NLAS indicators, the Foundation aims to keep the characteristics of the NLAS population as consistent as possible over time by adjusting for social and economic changes, while taking into account the limitations imposed by Census data definitions and categories.

NLAS(Capability) 2021

NLAS(Capability) is an indicator that has been designed to quantify potential demand for higher intensity legal assistance services, such as legal representation.

Definition criteria

To ensure NLAS(Capability) remains relevant with regards to service planning, its criteria has been revised to reflect the general increase in income levels and the 5-year shift of age cohorts.

NLAS(Capability) 2021 captures the population that meets all the following criteria:

- Age 15–64 (no change)
- Personal gross income is less than \$33.8K a year (previously the threshold was \$26K a year)⁵

(latest release). This figure is disposable not gross income, drawn mainly from survey data and is therefore not comparable to the gross income Census data reported here.

- ³ Melbourne Institute: Applied Economic & Social Research, Poverty Lines: Australia, September Quarter, 2021.
- ⁴ Australian Bureau of Statistics, Education and training: Census, released 28/06/2022
- ⁵ The use of personal income in this indicator may result in an overcount of dependents in better off households (other than students who are excluded from the count) but may better reflect an individual's

- Highest Year of school completed: year 12 for the 15–44 cohort, year 11 for the 45–54 cohort, and year 10 for the 55–64 cohort (previously, the age groups were 15–39, 40–49, 50–64 respectively)
- No post-school qualifications above Certificate 2 (no change)
- Not currently studying (no change)

Key findings

- The total NLAS(Capability) 2021 population is just over one and a half million, representing 9.3% of the general Australian population aged 15 to 64.
- This percentage is slightly lower than the 2016 rate in Australia and in most states.
 However, this is likely an artefact of the limitations imposed by Census definitions and categories, rather than reflecting any underlying change in demand.
- In contrast, the 2021 rate is higher than the 2016 rate in the Northern Territory, at 18.5% in 2021. This is in part due to a much lower increase in reported income in this jurisdiction.⁶ Therefore, compared to 2016, the revised income threshold captures a larger proportion of the NT general population, but smaller proportions of the general population in all other jurisdictions.
- Looking at the distribution of the NLAS(Capability) population across jurisdictions, NSW remains the state with the largest share at 31.7%, or nearly half a million NSW residents identified as being likely to require not-for-profit legal assistance if they experience a legal problem.

access to financial resources should their personal access to household financial resources be restricted.

⁶ Though it is worth noting that the NT remains the jurisdiction with the second highest median personal income, only behind the ACT.

Summary table

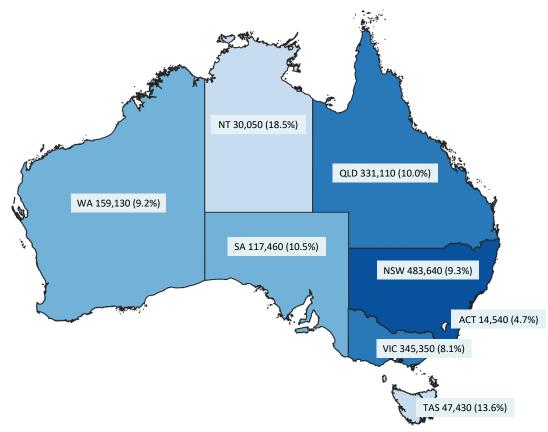
Table 1: NLAS(Capability) rates, counts and distribution by jurisdiction, Australia, 2016 and 2021

State/Territory		2016 Censu	ıs		2021 Censu	S
	Rate %	Count	Distribution %	Rate %	Count	Distribution %
New South Wales	9.9	480,660	32.1	9.3	483,640	31.7
Victoria	8.5	335,010	22.4	8.1	345,350	22.6
Queensland	10.7	328,650	21.9	10.0	331,110	21.7
South Australia	10.6	114,540	7.6	10.5	117,460	7.7
Western Australia	9.5	156,130	10.4	9.2	159,130	10.4
Tasmania	14.5	46,670	3.1	13.6	47,430	3.1
Northern Territory	15.6	25,480	1.7	18.5	30,050	2.0
Australian Capital Territory	4.8	13,140	0.9	4.7	14,540	1.0
Other Territories	11.8	360	<0.1	11.4	350	<0.1
Australia	9.8	1,498,890	100	9.3	1,527,200	100

Based on ABS 2021 Census data (counting persons, place of usual residence).

- ${\bf 1.}\ {\bf Rates\ are\ expressed\ as\ a\ percentage\ of\ each\ jurisdiction's\ population\ aged\ 15\ to\ 64.}$
- 2. Counts are rounded to the nearest 10.
- 3. The distribution percentage (%) columns show the distribution of the NLAS population across jurisdictions.
- 4. 2016 Census adjusted to correct for missing census data, LJF 2019 revision.
- 5. 2021 Census update includes changes to census categories as described in this paper.

Figure 1: NLAS(Capability) counts and rates by jurisdiction, 2021



Based on ABS 2021 Census data (counting persons, place of usual residence). Rates are expressed as a percentage of each jurisdiction's population aged 15 to 64. Counts are rounded to the nearest 10.

NLAS(Community) 2021

NLAS(Community) is an indicator that has been designed to provide a count of people who are more likely to require, and be eligible for, legal assistance services such as information or legal advice to resolve their legal problem.

NLAS(Community) is a revised version of NLAS(CLC) and is also replacing the previously released NLAS(\$52K). NLAS(Community) captures a wider population than NLAS(Capability) as it includes older people and uses an equivalised household income threshold that aligns with median household income.⁷

Definition criteria

To ensure that this indicator remains relevant with regards to service planning, its definition criteria have been revised to reflect the 5-year shift of age cohorts.

NLAS(Community) 2021 captures the population that meet all the following criteria:

- Age 15+ (no change)
- Equivalised household income is less than \$52K a year (no change)⁸
- Highest Year of school completed is: year 12 for the 15–44 cohort, year 11 for the 45–54 cohort, year 10 for the 55–69 cohort, year 9 for the 70-79 cohort, and year 8 for those aged 80 or over (previously the age groups were 15–39, 40–49, 50–64, 65–74, 75+)
- Not currently studying (no change)
- No post-school qualification above Certificate 2 (no change)

Table 2: NLAS(Community) rates, counts and distribution by jurisdiction, Australia, 2016 and 2021

State/Territory		2016 Census	s		2021 Census	s
	Rate %	Count	Distribution %	Rate %	Count	Distribution %
New South Wales	14.9	907,200	31.6	11.9	785,650	31.8
Victoria	14.3	693,590	24.2	11.4	605,830	24.5
Queensland	16.5	624,990	21.8	12.6	528,240	21.4
South Australia	16.9	233,990	8.2	13.4	197,790	8.0
Western Australia	13.1	261,470	9.1	10.5	225,940	9.1
Tasmania	22.4	93,910	3.3	16.9	78,640	3.2
Northern Territory	18.7	33,560	1.2	16.3	29,890	1.2
Australian Capital Territory	6.8	21,860	0.8	4.9	18,080	0.7
Other Territories	19.6	740	<0.1	12.0	480	<0.1
Australia	15.1	2,869,750	100	11.9	2,470,130	100

Based on ABS 2021 Census data (counting persons, place of enumeration).

- 1. Rates are expressed as a percentage of each jurisdiction's population aged 15 or over.
- 2. Counts are rounded to the nearest 10.
- 3. The distribution percentage (%) columns show the distribution of the NLAS population across jurisdictions.
- 4. 2021 Census update includes changes to census categories as described in this paper.

⁷ The use of household income, rather than personal income, may better reflect general eligibility for legal assistance but will undercount dependents without personal access to household financial resources. Equivalised household income facilitates comparison of income levels between households of differing size and composition.

In contrast to NLAS(Capability), where the threshold for low income was increased from \$26K to \$33.8K between 2016 and 2021, the income threshold for NLAS(Community) remains the same at \$52K. The computation of NLAS indicators is limited to available Census data and more specifically the income brackets used to collect the data. Using the next available bracket would increase the threshold to \$65K, which is significantly higher than the median income at the time of the Census.

Key findings

- The total NLAS(Community) 2021 population is just under two and a half million, which represents nearly 12% of the population aged 15 or over.
- The NLAS(Community) 2021 counts are lower than the NLAS(CLC) 2016 counts. This does not, however, represent a decrease in potential demand for legal assistance. The decrease in the NLAS count is primarily because it was not feasible⁹ to reflect the increase in median household income that occurred over this period.¹⁰ 11
- NSW and Victoria have increased their share of the NLAS(Community) population, but the share has remained stable or fallen in other states.
- Tasmania and the NT have the greatest proportion of their population meeting the NLAS(Community) criteria, with 16.9% and 16.3% respectively. The ACT has the lowest proportion, with just 4.9% of the population counted by NLAS(Community).

Other NLAS indicators

The Foundation is currently reviewing the other indicators in the NLAS series and planning the update and release of bespoke indicators. Bespoke indicators are designed to focus on specific population subgroups that are relevant for the sector, and for which specialised resourcing may be required, including:

- First Nations peoples
- People facing potential language barriers.

⁹ Due to the limitations imposed by the Census categories.

How to use the NLAS indicators

The indicators are primarily intended as a relative indicator of potential demand, to inform the allocation of legal assistance resources between geographic areas, be that through dedicated offices, outreach, or specialised services. The indicators are a complement to other measures of disadvantage, such as SEIFA, as they expose the counts of people living in a particular geographic area that may require services, regardless of whether the area is disadvantaged or not. Used in combination with SEIFA, NLAS can uncover that some relatively advantaged areas overall have larger counts of potential demand than some relatively disadvantaged areas.

However, as NLAS is based on place of residence, it is not necessarily the best indicator of daytime populations and where people may be more likely to access services, particularly for small geographic areas. Places of employment, retail, health provision and education are examples of sites that may guide appropriate locations for services. A further caveat is that while many communities remain stable over time, some areas can experience a rapid influx or decline, which will not be captured until the next Census. Account should also be taken of the priority legal issues and the legal capability of local communities. Other sources of information and, importantly, local knowledge and expertise are therefore essential components of service planning.

For more information on understanding and locating legal needs, see the Foundation's

Access to Justice Research Hub



www.ljfresearchhub.au

Using the same dollar amount as a threshold captures a smaller proportion of the population in 2021 than it did in 2016, because of the upward trend in median household income.

¹¹ However, it should be noted that the downward trend in the count has also been driven to a more limited extent, by an increase in the proportion of people completing secondary education within the younger age groups.

ANNEX – NLAS regional distribution in NSW

As the Foundation predominantly services NSW, we include here further information on the distribution of the NLAS counts across NSW. First by geographic region, using the highest level of ABS Statistical Areas (SA4), and second by Cooperative Legal Service Delivery (CLSD) program area.

Distribution of NLAS(Capability) in NSW by SA4

Within NSW, Sydney - South West and Sydney - Inner South West had the highest NLAS(Capability) population counts at 50,700 and 40,120 respectively, followed by Sydney - Parramatta, Sydney - Blacktown and Newcastle/Lake Macquarie.

The higher rates of NLAS(Capability), expressed as a percentage of the population aged 15 to 64, were found in the Sydney - South West (16.2%), Far West/Orana (15.9%) and Mid North Coast (15.7%) areas. 12

Table 3: NLAS(Capability) rates, counts and distribution by SA4, NSW, 2021

SA4	Rate %	Count	Distribution %
Capital Region	10.5	15,160	3.1
Central Coast	11.3	23,460	4.9
Central West	13.2	16,740	3.5
Coffs Harbour - Grafton	14.4	12,200	2.5
Far West and Orana	15.9	11,090	2.3
Hunter Valley excl Newcastle	14.0	24,950	5.2
Illawarra	10.4	20,570	4.3
Mid North Coast	15.7	19,610	4.1
Murray	12.3	8,890	1.8
New England and North West	14.7	16,250	3.4
Newcastle and Lake Macquarie	10.3	25,210	5.2
Richmond - Tweed	11.5	17,390	3.6
Riverina	12.9	12,920	2.7
Southern Highlands and Shoalhaven	12.5	11,180	2.3
Sydney - Baulkham Hills and Hawkesbury	4.6	7,690	1.6
Sydney - Blacktown	9.7	25,730	5.3
Sydney - City and Inner South	3.7	9,860	2.0
Sydney - Eastern Suburbs	2.7	4,900	1.0
Sydney - Inner South West	10.0	40,120	8.3
Sydney - Inner West	4.2	9,030	1.9
Sydney - North Sydney and Hornsby	2.4	6,660	1.4
Sydney - Northern Beaches	3.5	5,860	1.2
Sydney - Outer South West	11.3	21,630	4.5
Sydney - Outer West and Blue Mountains	10.1	21,520	4.4
Sydney - Parramatta	10.1	34,200	7.1
Sydney - Ryde	3.5	4,780	1.0

¹² The highest rate (22.4%) was found amongst NSW residents who did not indicate a fixed address in the Census. This high percentage is partly caused by the combination of a smaller population and higher non-response rate to the income question compared with spatial SA4s.

SA4	Rate %	Count	Distribution %
Sydney - South West	16.2	50,700	10.5
Sydney - Sutherland	5.1	7,290	1.5
No usual address (NSW)	22.4	1,960	0.4

Based on ABS 2021 Census data (counting persons, place of usual residence). Rates are expressed as a percentage of each SA4's population aged 15 to 64. Counts are rounded to the nearest 10. The percentage (%) column shows the distribution of the NLAS population across SA4s.

Distribution of NLAS(Capability) in NSW by CLSD

Within NSW, the CLSD regions with the highest NLAS(Capability) population counts are the Hunter (just under 50,000) and the Central Coast (just over 38,000) regions. However, it is important to note that a majority of the NLAS(Capability) population does not reside in a CLSD region: higher counts are likely to reflect more populous areas and the Greater Sydney metro area is not covered under the CLSD program.¹³

The NLAS(Capability) rates, expressed as a percentage of the 15-64 population, present a different picture and tend to point to generally more disadvantaged areas. The highest rates are found in the Far West, Moree, and Taree-Forster CLSD regions.

Table 4: NLAS(Capability) rates, counts and distribution by CLSD region, NSW, 2021

CLSD Region	Rate %	Count	Distribution %
Central Coast	11.4	38,140	7.9
Central Tablelands	11.1	18,320	3.8
Central West	14.2	7,550	1.6
Far West	19.6	3,270	0.7
Greater Albury	12.5	9,620	2.0
Hunter	11.8	49,680	10.3
Kempsey-Nambucca	13.8	18,010	3.7
Moree	16.7	1,340	0.3
Northern Rivers	11.5	17,390	3.6
Riverina	13.3	15,510	3.2
South Coast	11.7	20,810	4.3
Taree-Forster	14.8	14,500	3.0
Not in CLSD	8.1	292,790	60.5

Based on ABS 2021 Census data (counting persons, place of usual residence). Rates are expressed as a percentage of each region's population aged 15 to 64. Counts are rounded to the nearest 10. The percentage (%) columns show the distribution of the NLAS population across regions.

¹³ CLSD regions are based on LGAs and may change over time. This is why comparisons over time are not recommended. For example, the Kempsey-Nambucca CLSD region now includes an additional two LGAs and therefore represents a larger area and population than it did at the time of publication of prior NLAS data. Tables refer to CLSD region definitions as confirmed by Legal Aid in February 2023.

Distribution of NLAS(Community) in NSW by SA4

Within NSW, the highest NLAS(Community) population counts were found in Sydney - South West (78,970), Sydney - Inner South West (68,850) and Sydney - Parramatta (52,680).

The Sydney - South West, Far West/Orana and New England/North West SA4s had the highest rates, with their respective NLAS(Community) population representing around a fifth of the area's population aged 15 or over.

Table 5: NLAS(Community) rates, counts and distribution by SA4, NSW, 2021

SA4	Rate %	Count	Distribution %
Capital Region	12.7	25,040	3.2
Central Coast	13.6	38,620	4.9
Central West	16.6	28,530	3.6
Coffs Harbour - Grafton	16.9	20,510	2.6
Far West and Orana	20.0	18,530	2.4
Hunter Valley excl Newcastle	16.7	39,290	5.0
Illawarra	13.2	34,060	4.3
Mid North Coast	18.8	36,290	4.6
Murray	16.7	16,920	2.2
New England and North West	19.1	28,630	3.6
Newcastle and Lake Macquarie	12.5	40,450	5.1
Richmond - Tweed	14.0	30,020	3.8
Riverina	17.5	22,990	2.9
Southern Highlands and Shoalhaven	14.1	19,030	2.4
Sydney - Baulkham Hills and Hawkesbury	4.7	9,790	1.2
Sydney - Blacktown	13.0	40,170	5.1
Sydney - City and Inner South	5.3	15,730	2.0
Sydney - Eastern Suburbs	3.6	7,920	1.0
Sydney - Inner South West	13.9	68,850	8.8
Sydney - Inner West	6.4	16,680	2.1
Sydney - North Sydney and Hornsby	2.6	8,870	1.1
Sydney - Northern Beaches	3.7	7,920	1.0
Sydney - Outer South West	14.0	32,380	4.1
Sydney - Outer West and Blue Mountains	12.4	32,900	4.2
Sydney - Parramatta	13.2	52,680	6.7
Sydney - Ryde	4.6	7,690	1.0
Sydney - South West	21.0	78,970	10.1
Sydney - Sutherland	5.7	10,760	1.4

Based on ABS 2021 Census data (counting persons, place of enumeration). Rates are expressed as a percentage of each SA4's population aged 15 or over. Counts are rounded to the nearest 10. The percentage (%) column shows the distribution of the NLAS population across SA4s.

Distribution of NLAS(Community) in NSW by CLSD

As for NLAS(Capability), the CLSD regions with the highest NLAS(Community) population counts are the Hunter and Central Coast. The Far West and Moree CLSD regions show the highest NLAS(Community) rates (expressed as a percentage of the general population aged 15 or over).

Table 6: NLAS(Community) rates, counts and distribution by CLSD region, NSW, 2021

CLSD Region	Rate %	Count	Distribution %
Central Coast	13.5	62,190	7.9
Central Tablelands	13.3	29,740	3.8
Central West	18.3	12,650	1.6
Far West	23.0	5,260	0.7
Greater Albury	16.8	18,110	2.3
Hunter	14.3	78,850	10.0
Kempsey-Nambucca	16.5	31,570	4.0
Moree	20.9	2,120	0.3
Northern Rivers	14.0	30,020	3.8
Riverina	18.1	27,990	3.6
South Coast	13.8	34,730	4.4
Taree-Forster	17.7	27,560	3.5
Not in CLSD	10.4	464,580	59.1

Based on ABS 2021 Census data (counting persons, place of enumeration). Rates are expressed as a percentage of each region's population aged 15 or over. Counts are rounded to the nearest 10. The percentage (%) column shows the distribution of the NLAS population across SA4s.



