



Government of Western Australia
Department of Justice
Legal Assistance Branch

Legal Assistance Workforce Planning and Development Strategy and Implementation Plan

2024-2030



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Acknowledgement of Country

The Department of Justice respectfully acknowledges Aboriginal people as the traditional custodians of the land on which we work. We embrace the vast Aboriginal and Torres Strait Islander cultural diversity, including their languages, traditions and historical experiences, and recognise their continuing connection to culture, country, water and sky.

We pay our respects to Elders past, present and emerging.

The Department acknowledges the over-representation of Aboriginal and Torres Strait Islander people in the Western Australian justice system.

The Department is committed to respectfully partnering with our Aboriginal and Torres Strait Islander colleagues, clients, communities and organisations.

Mission

We work collaboratively towards a fair, just and safe community, where people experiencing vulnerability and disadvantage are supported to understand and assert their legal rights, and where they have access to culturally safe, trauma informed, client-centred and timely legal assistance to address or prevent legal problems.

The legal assistance sector workforce is critical in the achievement of this mission and this strategy is focussed on ensuring that this workforce is enabled to fulfil this mission.

Aim

To provide the support, tools, and environments to enable a well-equipped workforce for the legal assistance sector in Western Australia.

Executive Summary

The legal assistance sector is an essential mechanism to provide access to justice to people experiencing vulnerability and disadvantage. The sector provides one of the earliest opportunities for people to understand and assert their legal rights, and to have access to culturally safe, trauma informed, client-centred and timely legal assistance to address or prevent legal problems. The legal profession generally, and the legal assistance sector in particular, make integral contributions to the administration of justice, contributions in times of large-scale crisis or emergencies and social and community contributions.¹

The legal assistance sector cannot provide this critical legal assistance without a strong, sustainable and responsive workforce to deliver services.

This Legal Assistance Workforce Planning and Development Strategy and Implementation Plan has been developed in response to acute workforce pressures that have been reported by the legal assistance sector.

A number of data collection processes were undertaken in 2023 to form a clearer picture of the workforce pressures experienced by the legal assistance sector. Comparisons were also drawn to the legal profession overall, as well as other workforces and other jurisdictions.

The resulting analysis identified two priorities:

- Grow and sustain the regional and remote workforce; and
- Sustain and support Aboriginal-led legal assistance service providers,

with corresponding outcomes and contributing actions.

Additional focus areas were also identified.

The Department of Justice looks forward to working with the legal assistance sector and related stakeholders in working towards providing the support, tools, and environments to enable a well-equipped workforce for the legal assistance sector in Western Australia.

Legal Assistance Strategy and Action Plan 2022-2025

The Department of Justice has developed the Legal Assistance Workforce Planning and Development Strategy and Implementation Plan in collaboration with the Western Australian legal assistance sector to support the objectives of Focus Area 2 of [Western Australia's Legal Assistance Strategy 2022-2025](#)²:

- The people with the right skill sets are in the right roles in the right locations at the right times.
- Supported recruitment, training, remuneration and professional development of staff, particularly in relation to rural, regional, and remote areas, to ensure high quality services for clients.
- Mental health and wellbeing support structures are embedded.
- Funding arrangements, including but not limited to longer terms, are implemented where possible, to support high quality service delivery, investment in development pathways and employment certainty within a sustainable sector.
- Cohesive, sector-wide workforce planning is fostered.

The accompanying [Legal Assistance Action Plan 2022-2025](#) states that 'the Workforce Planning and Development Strategy will consider, among other things, training, equitable remuneration and professional development of staff working in the legal assistance sector, as well as mental health and wellbeing support structures.'³

The Legal Assistance Workforce Planning and Development Strategy and Implementation Plan is focused on mitigating immediate, pressing workforce shortages in remote and regional areas. Workforce shortages and other workforce challenges in the metropolitan area are separately addressed although the relevant issues are largely a subset of the more acute workforce challenges in rural, regional and remote areas.

Acronyms and Definitions

ALSWA	Aboriginal Legal Service of Western Australia.
ATSILS	Aboriginal and Torres Straits Islander Legal Service. ALSWA is the ATSILS in Western Australia.
CLC	Community Legal Centre. A list of community legal centres in Western Australia is available here: https://www.communitylegalwa.org.au/Pages/FAQs/Category/clc-location
FVPLS	Family Violence Prevention Legal Service. FVPLSs are specialist Aboriginal community controlled organisations. The FVPLSs in Western Australia are Aboriginal Family Legal Services, Marninwarntikura Women’s Resource Centre and Southern Aboriginal Corporation.
LAC	Legal Aid Commission. Legal Aid WA is the LAC in Western Australia.
NLAP	<i>National Legal Assistance Partnership 2020-2025</i> is a five-year national partnership agreement between the Australian Government and all states and territories in relation to quarantined Commonwealth funded legal assistance. It includes funding for services delivered by Legal Aid Commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services.

WA Legal Assistance Sector Workforce

Who is employed in the WA legal assistance sector

Data collection

Between April 2023 and September 2023, the Legal Assistance Branch, Department of Justice, undertook six separate processes to gather accurate and current data on the state of the WA legal assistance workforce:

- Qualitative focus groups and targeted consultation led by the Department of Justice (with a management focus).
- Qualitative focus groups led by an independent consultancy (with a frontline employee focus).
- Qualitative and quantitative Employee Survey led by an independent consultancy (all employees encouraged to participate).
- Qualitative and quantitative CEO/Organisational Survey, administered by the Department through SmartyGrants.
- Qualitative and quantitative unit level workforce data collection process, administered by the Department through SmartyGrants for all filled and vacant positions. Aggregate demographic data was also requested.
- Complementary work undertaken with selected providers on specific projects that revealed quantitative and qualitative workforce related constraints and issues.

The data sets from these collection processes are subject to their own unique limitations and data disclaimers. Participation rates (and therefore representation from different parts of the legal assistance sector) in these collection processes were variable. The data sets from the quantitative and qualitative data collection processes substantiated very few of the qualitative issues raised in the first round of consultations with the legal assistance sector. In some circumstances, the quantitative and qualitative data contradicted the initial qualitative information provided by the sector. Subsequent analysis of the data sets also identified issues of completeness and accuracy.

Notwithstanding these important caveats, the data sets from these collection processes provide some indicative baseline workforce data for the legal assistance sector in Western Australia.

Total staff

Based on the data available to the Department of Justice, paid employees in the legal assistance sector are estimated at approximately 1,300 (headcount).

The data collected through direct and indirect means resulted in total headcount included in the baseline workforce data collection of 1,227 paid part-time and full-time employees across the legal assistance sector, with an estimated full time equivalent (**FTE**) of 983 paid employees (see below for further discussion about vacant positions). Insufficient data was provided for hours worked in the sample period to accurately determine the FTE count for the sector.

Unpaid staff including Board or committee members, pro bono lawyers, or students, were significantly underreported by providers or not reported at all. It is estimated that there are between 600 – 1,000 (headcount) unpaid staff who contribute huge capacity to the sector, but little information has been provided regarding this unpaid workforce. No data regarding volunteers has been included in the analysis of the legal assistance sector workforce due to the limited data available from the data collection processes.

Table 1 Legal assistance sector workforce by role type and headcount

Role Type	Total *
Back Office	209
Legal and Non-Legal Frontline	346
Lawyer	502
Legal and Non-Legal Administration	168
Total	1,225

** 2 employees were excluded due to no location being provided and inability to determine location through other means.*

Workforce by region

Data collected in relation to location of staff (headcount) was estimated to be above the benchmark for 90% completion rate, but are still considered an estimate, rather than an exact figure. Legal assistance service providers provided 73% of data; 27% was manually included by other means and may not be representative of the sample period in June 2023. These figures represent headcount and not FTE. For that reason, it cannot be used to compare capacity between regions.

Table 2 Breakdown of legal assistance sector workforce by WA justice region

Justice Region	Back Office	Frontline	Lawyer	Legal Admin and Admin	Total
Albany	3	10	15	3	31
Bunbury	4	7	14	6	31
Goldfields - Esperance		9	14	5	28
Interstate	2	1	2		5
Kimberley	3	34	30	8	75
Mid-West Gascoyne	5	14	14	9	42
Offshore - Cocos	1				1
Overseas		1			1
Peel	2	2	9	6	19
Perth - Inner	166	175	324	105	770
Perth - North East		1	6	1	8
Perth - North West	8	15	10		33
Perth - South East	5	19	16	2	42
Perth - South West	3	15	16	8	42
Pilbara	3	41	26	13	83
Wheat Belt	4	2	6	2	14
Total	209	346	502	168	1225

Based on this combined data set, the distribution of staff (headcount) across location classifications has been estimated below.

Table 3 Legal assistance sector workforce by estimated location classification and headcount

Location Classification Estimate	Back Office	Frontline	Lawyer	Legal Admin and Admin	Total	Proportion
Perth - Inner	166	175	324	105	770	63%
Outer Metropolitan	18	52	57	17	144	12%
Regional and Remote	23	117	119	46	305	25%
Other	2	2	2	0	6	<1%
Total	209	346	502	168	1225	100%

It is noted that some legal assistance service providers provide outer metropolitan, regional and/or state-wide services with support from staff based in a central metropolitan location (including Aboriginal Family Legal Services, ALSWA, Legal Aid WA and specialist CLCs). It is also noted that legal assistance through grants of aid is provided by Legal Aid WA's panels of private practitioners which are not included in this headcount.⁴

The most recent analysis of legal assistance services was in relation to services delivered in 2020-21 as part of the development of the Legal Needs Assessment Data Tool and the *2022 Legal Needs Assessment on the Current Legal Needs in Western Australia Final Report*.⁵ That analysis found that 36% of legal assistance services were delivered to people living in regional and remote Western Australia. In comparison only 25% of positions (headcount) were recorded or estimated as located in regional and remote areas for the survey period.

That analysis also showed that 58% of services were delivered to people living in the Perth outer metropolitan area. In comparison, approximately 12% of positions (headcount) were recorded or estimated as located in outer metropolitan areas for the survey period.

Vacancy rates

The total count of vacant positions (headcount) is estimated at 77 substantively vacant positions, approximately 71 FTE. This represents an approximate point in time vacancy rate of 6% in July 2023. Compared to the overall point in time vacancy rate for Western Australia of 12% in March 2023⁶, the sector is performing well above the State average. Workforce shortages, across many sectors, are a national issue and on average the sector is performing significantly better than other high demand industries.

However, the overall estimate of vacancy rate is not equally distributed across the legal assistance sector:

- The largest proportion of vacancies was found in Mid-West Gascoyne, Kimberley, Goldfields-Esperance, and Albany regions across all paid position types. With vacant lawyer and frontline staff making up most of the vacant position types.
- The positions that exhibited the highest vacancy rates were frontline non-legal specialist roles and back-office roles across the entire sector. Lawyers were not overrepresented, as anticipated.
- The organisation types with the lowest proportion of vacant lawyer positions were Legal Aid WA and CLCs.
- The organisation types with the largest proportion of vacant lawyer positions were FVPLSs and ALSWA.

The ALSWA and FVPLS point in time vacancy rate was estimated at 15.1%. Some remote office locations had 75-100% vacancy rates, with these being long-term vacancies rather than simply a point in time assessment. Although quantitative data showed CLCs and Legal Aid WA, to have the lowest proportion of vacant lawyer positions, it is also noted that anecdotal feedback from the sector across a number of

forums suggests the sector as a whole has been experiencing workforce shortage pressures over a significant period of time.

The legal profession overall

Across the legal profession, there are identified issues with the retention of lawyers in private, government and non-government organisations.

The employment market for legal professionals overall is competitive, with employers shifting their focus to ‘retention, engagement and utilisation’⁷ which is reflected in some of the qualitative and quantitative data collected in relation to the legal assistance sector workforce in Western Australia. This indicates that at least some of the recruitment and retention issues may stem from issues more broadly experienced within the legal profession, rather than solely within the Western Australian legal assistance sector.

Due to the variable reliability of the data collected via the data collection processes, there is not sufficient data to make dependable comparisons between the legal assistance sector in Western Australia and the legal profession overall. However, a number of factors in relation to the legal profession overall have been noted.

2022 workforce profile

The following tables provide a workforce profile of the legal profession by jurisdiction.

Table 4 Location of solicitors by jurisdiction in 2022⁸

	City	Suburban	Country / Rural	Interstate	Overseas	Unknown
National	56%	31%	9%	1%	3%	<1%
NSW	49%	33%	12%	<1%	5%	<1%
VIC	55%	34%	10%	<1%	<1%	<1%
QLD	66%	21%	8%	<1%	<1%	<1%
WA	65%	28%	3%	<1%	3%	<1%
ACT	48%	49%	0%	<1%	<1%	<1%
SA	73%	22%	4%	<1%	<1%	<1%
TAS	82%	12%	5%	<1%	<1%	<1%
NT	75%	-	18%	<1%	<1%	6%

Table 5 Identified Aboriginal an/or Torres Strait Islander status by jurisdiction in 2022⁹

	Aboriginal and/or Torres Strait Islander (%)	Aboriginal and/or Torres Strait Islander (N)
National	0.8%	749
NSW	0.9%	363
VIC	0.6%	138
QLD	0.8%	117
WA	0.9%	62
SA	0.6%	22
ACT	0.8%	23
NT	2.7%	17
TAS	0.8%	7

Table 6 Gender by jurisdiction in 2022¹⁰

	Female	Male
National	55%	45%
NSW	54%	46%
VIC	56%	44%
QLD	55%	45%
WA	54%	46%
SA	55%	45%
ACT	60%	40%
NT	61%	39%
TAS	54%	45%

Table 7 Age of solicitors by jurisdiction in 2022¹¹

	NSW	VIC	QLD	WA	SA	ACT	NT	TAS	National
≤ 24 years	2%	1%	3%	1%	3%	2%	3%	3%	2%
24-34 years	16%	17%	16%	14%	17%	20%	22%	18%	16%
30-34 years	17%	18%	16%	17%	15%	19%	23%	16%	17%
35-39 years	14%	15%	14%	16%	13%	15%	10%	13%	14%
40-44 years	13%	12%	12%	13%	14%	13%	10%	12%	13%
45-49 years	10%	10%	10%	10%	10%	10%	8%	10%	10%
50-54 years	8%	8%	9%	10%	8%	8%	7%	9%	9%
55-59 years	6%	6%	6%	7%	7%	6%	5%	6%	6%
60-64 years	6%	5 [^]	5%	5%	6%	4%	5%	5%	5%
65-69 years	4%	4%	3%	4%	5%	2%	3%	4%	4%
70-74 years	3%	2%	2%	2%	3%	2%	1%	2%	2%
≥ 75 years	2%	2%	1%	1%	1%	1%	1%	1%	1%
Unknown	-	-	1%	<1%	-	<1%	-	-	<1%

Table 8 Years since admission by jurisdiction in 2022¹²

	≤ 1 year	2-5 years	6-10 years	11-14 years	≥ 15 years	Unknown
National	11%	19%	18%	11%	40%	1%
NSW	11%	19%	18%	11%	40%	1%
VIC	7%	20%	19%	11%	43%	-
QLD	12%	19%	18%	12%	38%	1%
WA	8%	18%	18%	12%	37%	7%
SA	11%	17%	16%	12%	45%	-
ACT	12%	22%	19%	12%	35%	-
TAS	10%	16%	12%	8%	35%	18%
NT	14%	29%	17%	9%	30%	1%

Remuneration

Remuneration for legal professionals falls within a large range depending on a number of variables, including:

- type of employer (eg in house, commercial, government or not-for-profit);
- size of the employer (eg sole practitioner, small firm, mid-sized firm or major firm);
- location (eg between different states and territories, as well as metropolitan compared to regional and remote areas);
- area of law practiced;
- post qualification experience; and
- the role itself (eg a lawyer who is focused solely on casework, compared to a lawyer who is primarily responsible for overseeing a team of five, compared to a lawyer who is primarily responsible for overseeing a team of 30.)

With this in mind, the below tables provide an indicative snapshot of the range of salaries across the commercial and corporate legal profession in 2023. However, it is also noted that remuneration packages can also include a number of additional components not taken into account in salary ranges, including salary packaging, increased superannuation, additional leave, flexible work arrangements, bonuses and arrangements arising from partnerships, including shares in profits.

Table 9 Approximate 2023 salary ranges for commercial lawyers in Adelaide, Brisbane, Melbourne and Sydney¹³

Approx. Experience	Small Firm Salary Range	Mid Firm Salary Range	Major Firm Salary Range
1-2 PAE	\$60,000 - \$100,000	\$74,000 - \$120,000	\$74,000 - \$152,250
3-5 PAE	\$80,000 - \$170,000	\$95,000 - \$170,000	\$95,000 - \$185,000
Senior Associate	\$110,000 - \$230,000	\$140,000 - \$270,000	\$150,000 - \$350,000
Counsel	\$190,000 - \$230,000	\$190,000 - \$294,000	\$190,000 - \$378,000
Partner	\$370,000 - \$450,000	\$825,000 - \$900,000	\$1,380,000- \$1,500,000

Table 10 Approximate 2023 salary ranges for corporate / in house lawyers in Brisbane, Melbourne and Sydney¹⁴

Approx. Experience	Salary Range
1-2 PAE	\$80,000 - \$150,000
3-5 PAE	\$110,000 - \$185,000
6-8 PAE	\$160,000 - \$240,000
8-10 PAE	\$190,000 - \$260,000
10+ incl. Divisional General Counsel	\$200,000 - \$350,000
Company Secretary	\$220,000 - \$550,000

The level of completeness and accuracy in relation to remuneration data provided via the data collection processes was such that an accurate benchmarking analysis for salaries and total remuneration could not be undertaken for the legal assistance sector in Western Australia. In order for any significant progress to be made on the reported pay parity issue, complete and reliable baseline data is required.

However, it should be noted that the data provided showed:

- the sector operates with at least seven different awards, with enterprise bargaining agreements and individual contracts also used in addition to these awards for select staff;
- more than 75% of legal assistance service providers pay either above or a combination of at and above award rates;
- paid annual leave days ranged from 20 to 28;
- paid parental leave days ranged from 0 to 100; and
- paid personal leave days ranged from 3 to 20.

Working arrangements and conditions also varied across legal assistance service providers, including in relation to salary packaging, flexible working arrangements, work from home arrangements, compressed work weeks, job sharing, paid Christmas shutdown and options to purchase additional leave.

Average working hours

Similar to remuneration, there are a number of factors which affect the number of hours a member of the legal profession works each week. However, working weeks of 50+ hours are not uncommon in the legal profession.¹⁵ If a lawyer has a billable target of six to seven hours a day, the workday can extend to nine to 10 hours in order to complete administration, continuing professional development and other training, and other non-billable tasks.¹⁶

A survey of in house counsel in 2023 also indicated that longer working hours is the norm in that part of the legal profession, with 45% of respondents reporting that they worked 41-50 hour per week and 16% reporting that they worked 51-60 hours per week.¹⁷ Additionally, 54% reported that their workload had increased in the last year.¹⁸

Research shows that the risk of burnout increases considerably when a person works more than 50 hours per week on a regular basis.¹⁹

The level of completeness and accuracy of data in relation to work hours provided via the data collection processes was such that a reliable analysis and comparison could not be undertaken for the legal assistance sector in Western Australia.

Staff turnover

Australia has a particularly high turnover rate in the legal profession. In 2022, more than 30% of associates and more than 20% of lawyers left their firm in the past year.²⁰ This equates to an average tenure of 3.2 years for associates and 4.4 years for lawyers.²¹ In comparison, United States lawyers have a noticeably lower turnover

rate of 23.4% and 14.6% respectively, equivalent to average tenure of 4.2 and 6.8 years.²²

Legal practitioners often cite 'development opportunities, career progression and flexible working conditions'²³ as the reason for movement. Lawyers also report wanting to work for an employer whose 'values align with their own'.²⁴

An international survey of more than 3,000 young lawyers (including 200 in Australia) found that '[i]n the next five years, half of young lawyers are somewhat likely, or highly likely, to move to a new but comparable workplace, a third to a new legal profession and a fifth to leave the legal profession entirely.'²⁵ The survey also found that more than 60% of young lawyers found a lack of work-life balance a concern for their future career in the law.²⁶

Again, the level of completeness and accuracy of data in relation to staff turnover provided via the data collection processes was variable. However the data provided indicated that the legal assistance sector appears to be performing above the legal profession average overall, with an average tenure of 6.3 years for all position types. Across all lawyer roles, including restricted practitioners, the legal assistance sector has an average tenure of 6.78 for the sample period.

Comparison to other workforces

Australia is currently experiencing skilled workforce shortages across 36% of occupations,²⁷ with health, mental health, education, disability, aged care professions experiencing nation-wide significant shortages today and anticipated strong demand growth in the future. Professions with extensive shortages have been targeted for Commonwealth and State Government intervention including reduced or free course fees, student debt relief, payments for international relocation and for regional relocation and visa priority processing for international skilled migrants.

Legal professions have not been assessed as a shortage across Western Australia or nationally.²⁸ From a national perspective, Jobs and Skills Australia to date has not detected sufficient shortages to qualify for specialist incentives that attract international skilled migrants or to provide incentives for Australian students. However, this assessment does not appear to have taken into consideration shortages in regional and remote areas.

Compared to other professions, lawyers have one of the lowest regional presences of any jurisdiction in Australia, with a 2022 national demographic profile of the practising legal profession finding that 9% of solicitors practised in a country or rural area nationally and only 3% of solicitors practised in a country or rural area in Western Australia.²⁹ A comparison with the 2016 profile findings (10.5% nationally and 5.2% in Western Australia)³⁰ indicates that the availability of legal services in regional and remote Western Australia has decreased over time. It is also noted that the 'Find a Lawyer' service operated by The Law Society of Western Australia returns only a handful of lawyers for the various regional areas listed (with the Kimberley and Pilbara regions not listed at all). In contrast, 25% of health professionals were working in regional or remote areas nationally in 2020,³¹ and 22.8% of the State's public sector employees were located in regional Western Australia in 2022-23.³²

Work being undertaken in other jurisdictions

The *National Legal Assistance Partnership 2020-2025 (NLAP)* required all states and territories to publish a legal assistance strategy and legal assistance action plan in 2022. Generally, all jurisdictions indicated work would be undertaken in regard to workforce planning and development.³³

All jurisdictions consider workforce planning, development and sustainability in their legal assistance strategies and action plans, with all jurisdictions broadly working towards similar outcomes. New South Wales, Queensland, South Australia, and the Northern Territory also have a focus on developing and retaining an Aboriginal and Torres Strait Islander staff in the legal assistance sector, for example through investing in and supporting recruitment and specific employment pathways, whilst maintaining culturally safe training and practices.

Another key consideration for most jurisdictions was the attraction and retention of rural, regional and remote staff in the legal assistance sector. In addition to recruitment, retention, and professional development in rural, regional and remote areas, the Queensland Legal Assistance Action Plan emphasised the administrative and information and communications technology barriers that rural, regional and remote areas face.

Mental health and wellbeing of staff was a focus across all jurisdictions; however, the scope of proposed support and initiatives was varied, with some jurisdictions giving particular consideration to vicarious trauma and burnout.

Priorities for Addressing Acute Workforce Pressures

Although there was variable levels of completeness and accuracy in the data sets provided by the data collection processes, the regional and remote workforce and the workforce of Aboriginal-led legal assistance service providers were two clear areas of high need that were substantiated by a range of qualitative and quantitative measures.

For that reason, the following two priority areas have been identified for this Strategy and Implementation Plan:

- 1** **Grow and sustain the regional and remote workforce**
- 2** **Sustain and support Aboriginal-led legal assistance service providers**

Further analysis in relation to these two areas is set out below.

Regional and remote workforce

There are acute legal assistance workforce pressures being experienced in regional and remote areas of Western Australia. Western Australian regional and remote areas have the lowest access to legal services in any jurisdiction in Australia, with just 3% of lawyers located in regional and remote areas, compared to 21% of the Western Australian population. Approximately 25% of legal assistance staff positions were recorded or estimated as located in regional and remote areas as part of the point in time data collection process. Conversely, 36% of the services delivered by the legal assistance sector in 2021-22 were provided to clients living in regional and remote areas of the state. This lack of regional legal expertise is a significant barrier to access to justice leading to greater escalation of small legal issues, lower legal literacy, and a greater likelihood of requiring Court or Tribunal intervention in legal matters.

Between 2016 and 2021 the estimated demand for legal assistance services in Western Australia increased by 27.7% in regional areas. Demands in the Kimberley increased by 67% and the Pilbara increased by 34%, with the legal assistance sector providing some of the only locally-based lawyers north of Geraldton.

The unit level workforce data collection process, with an estimated completeness above 90% supports the assertion that regional and remote locations, irrespective of provider type, had higher vacancies than metropolitan areas in the sample period. Vacant positions as a proportion of the total workforce by region indicates that the

highest rate of point in time vacancies are in Mid-West Gascoyne, the Kimberley, Goldfields-Esperance, and Albany. Supported by qualitative data, many of these regional vacancies are long-term and some have had no applicants even after repeated recruitment drives. Additionally, based on the CEO/Organisational Survey which had a 73% completion rate, 66% of regional and remote organisations reported difficulty recruiting.

Notwithstanding the limitations of the data collected via quantitative data collection processes in relation to average tenure, indicative average tenure across all paid position types, irrespective of provider type, for regional and remote locations is on average lower than for metropolitan locations (excluding Albany). This suggests higher turnover rates for staff in regional and remote areas, which is consistent with the qualitative and anecdotal information provided in other workforce data collection processes.

Accommodation subsidy information was only provided for 89 of the 305 paid employees who are potentially entitled to regional and remote accommodation subsidies under relevant awards. However, housing costs and the paucity of affordable housing in regional and remote areas generally were consistently raised in qualitative data collection processes and related consultation. This is consistent with independent real estate market reports of consistent growth in regional home prices and weekly rents in Western Australia.³⁴ Unaffordable housing costs are an additional barrier to attracting legal assistance staff to regional and remote areas, with prospective staff unwilling to accept employment in a location where they are unable to secure housing.

It should also be noted that these workforce pressures are not limited to employed lawyers and are experienced across all staff positions, including non-legal staff positions required for good organisational governance and the effective operation of a legal practice.

Aboriginal-led legal assistance service providers

It is well documented that Aboriginal and Torres Strait Islander people are 'more likely than non-Indigenous people to experience multiple, intersecting legal problems.'³⁵ They are overrepresented in the criminal justice system, whilst also being under-represented in the justice system when it comes to exercising legal rights and accessing legal remedies, for example in areas of civil and family law.³⁶ Aboriginal and Torres Strait Islander children are also placed in out-of-home care at disproportionate rates compared the rest of the population.³⁷ Additionally, Aboriginal people on average constitute a significant percentage of the population in regional and remote areas compared to metropolitan areas in Western Australia (a regional average of 7% of the population, compared to a metropolitan average of 2%), who, as described above, already face challenges in access legal assistance . This is particularly so in regions such as the Kimberley and Pilbara, where Aboriginal people make up 29% and 10% of the total population respectively. It is integral that Aboriginal-led legal assistance service providers are supported to contribute to meeting demand for legal assistance and to deliver services in a culturally safe way.

While the average point in time vacancy rate across the sector was estimated at 6%, the point in time vacancy rate for Aboriginal-led legal assistance service providers

was estimated at 15.1%. Some remote office locations had 75% to 100% vacancy rates, with these being long-term vacancies rather than simply a point in time assessment.

ALSWA and all FVPLSs reported significant difficulty recruiting. This included repeated attempts at advertising positions with no applicants at all or no qualified applicants, having to appoint inexperienced staff due to longstanding vacancies and, needing to utilise what is effectively an internship model to recruit to specified positions. Aboriginal-led legal assistance service provider staff also have comparatively shorter tenures. Whilst the average tenure for lawyers across the sector is estimated at 6.7 years and for CLCs it is estimated at 3.4 years, the average tenure for lawyers at ALSWA and FVPLSs is estimated at just 2.6 years.

At ALSWA and FVPLSs, the ratio of restricted practitioners to qualified lawyers is double the rate of the sector overall. For each restricted practitioner, there are just 6.3 qualified lawyers, indicating a much higher rate of juniorisation is present. This is consistent with the qualitative and anecdotal information that these organisations often need to utilise restricted practitioners in place of qualified lawyers as they have no other applicants for vacant positions. The higher rate of restricted practitioners places additional burdens on already busy senior staff to assist with supervision and mentoring of junior lawyers.

With higher vacancy rates and higher ratios of restricted practitioners, it is unsurprising that senior staff report unsustainable workloads. Additionally, demand for legal assistance from Aboriginal clients is increasing in complexity and increasing in caseloads by an average of 8.83% per annum and increasing in complexity. ALSWA and FVPLSs are facing increasing workforce pressures that are measurably higher than the rest of the sector.

Other areas of concern

The qualitative data collected in the various data collection processes, as well as other consultation processes conducted by the Department, raised a number of areas of concern within the legal assistance sector, including:

- pay parity and role consistency;
- improving staff retention;
- sustainable workloads;
- training and development; and
- mental health and well-being initiatives;

These areas of concern are addressed further on in this Strategy and Implementation Plan under 'Additional Focus Areas'. The importance of these areas of concern is acknowledged. However, the overall low participation rate in the quantitative baseline data collection process led to insufficient data to support the development of detailed contributing actions to work towards the outcomes identified or to support Department-led action.

The forthcoming *Legal Assistance Services Commissioning Strategy and Implementation Plan 2024-2030* aims to ensure that the legal assistance services

funded by governments is working to achieve desired outcomes across the system. As part of developing the Legal Assistance Services Commissioning Strategy and Implementation Plan, there has been extensive consultation with the sector to better understand the needs of different client groups and service system requirements. The Department notes the potential for additional or modified workforce-related focus areas and contributing actions that may arise from commissioning cycles guided by the Legal Assistance Services Commissioning Strategy and Implementation Plan in the future.

It is also recognised that the Department will continue to work with inter-jurisdictional and national counterparts in relation to national legal assistance sector workforce planning and development activities, including through the negotiations and planning for national legal assistance funding arrangements after the expiry of the current NLAP.

Priority Areas, Outcomes and Contributing Actions

Priority Area: The high-level strategic aim which groups similar outcomes and actions.

Outcome: The end state that the Strategy and implementation Plan is intending to achieve, it must be measurable and will be compared to the baseline measures taken in 2023.

Contributing Action: The practical steps that can be taken to achieve the defined outcome over the next two years. Some actions will contribute to multiple outcomes and may therefore be repeated.

Priority Areas	Outcome	Contributing Actions
1. Grow and sustain the regional and remote workforce	1.1. Housing pressure on legal assistance staff in regional and remote WA is reduced	<ul style="list-style-type: none"> Explore achievable mechanisms which can reduce housing costs for legal assistance staff in regional and remote areas, including housing allowances.
	1.2. More sector-wide collaborative workforce supports in regional and remote areas	<ul style="list-style-type: none"> Explore how regional and remote workforce support and training initiatives can be established for the legal assistance sector, similar to those already established for other sectors.
2. Sustain and support Aboriginal-led legal assistance service providers	2.1. More targeted workforce supports for ALSWA and FVPLSs	<ul style="list-style-type: none"> Collaborate with ALSWA and FVPLSs on workforce initiatives.
	2.2. More Aboriginal people have opportunities and career pathways into the legal assistance sector	

A more detailed Action Plan will be developed in 2025.

Additional Focus Areas

The qualitative data collected in the various data collection processes, as well as other consultation processes conducted by the Department, raised a number of areas of concern within the legal assistance sector. The following table suggests some Additional Focus Areas which reflect these areas of concern. The importance of the Additional Focus Areas is acknowledged. However, the overall low participation rate in the quantitative baseline data collection process led to insufficient data to support the development of detailed contributing actions to work towards the outcomes identified or to support Department-led action. The Department will continue to work with the sector to develop and implement the contributing actions for these Additional Focus Areas.

Additional Focus Area	Outcome	Contributing Actions
1. Build a Legal Assistance Pipeline	1.1. More law graduates see the legal assistance sector as a viable career option	<ul style="list-style-type: none"> Establish Legal Assistance Sector Workforce Sub-Committee, to be led by the legal assistance sector and supported by the Department. This Sub-Committee will prioritise and progress initiatives. Legal assistance sector to agree on a legal assistance data workforce collection process to ensure a high level of participation and the provision of workforce data with high levels of completeness and accuracy. Any further actions to be incorporated into the 2025 Action Plan.
2. Attract and Retain a Skilled Workforce	2.1. Greater consistency within the legal assistance sector in relation to remuneration, employee benefits, and roles and responsibilities	
	2.2. The legal assistance sector attracts sufficient qualified staff to meet demand	
	2.3. Caseloads are sustainable	
	2.4. More volunteers see the legal assistance sector as a valuable place to work	
3. Support the mental health and wellbeing of the legal assistance sector	3.1. More staff report that their work has a positive impact on their mental health	
	3.2. More staff report that they receive mental health training and appropriate mental health support from their employer	

Monitoring the Achievement of the Strategy and Implementation Plan

The Department of Justice will lead a six-monthly cycle of review of progress in the achievement of the defined strategic outcomes and the progress of actions. A comprehensive review of the progress achieved against the Strategy and Implementation Plan will be conducted in 2025.

Department of Justice	Timeframe
Report to Project Reference Group on evaluating the impact of Strategy and Implementation Plan and emerging trends.	6 monthly
Review of the Strategy Implementation Plan actions for effectiveness and relevance.	Annual
Legal Assistance Branch to continue to work with inter-jurisdictional and national counterparts in relation national to legal assistance sector workforce planning and development activities.	6 monthly

Ongoing consultation with, and quantitative and qualitative data from, the legal assistance sector is an integral element which will inform the review in 2025.

Additional initiatives to support legal assistance sector workforce planning and development will be prioritised and progressed through the establishment of a Legal Assistance Sector Workforce Sub-Committee, to be led by the legal assistance sector and supported by the Department.

This Sub-Committee will also drive participation in a repeat of the workforce data collection process, CEO/Organisation survey and Employee Survey for the purposes of qualitative and quantitative comparisons from the baseline data collected in 2023. This comparison will inform the review in 2025.

Legal Assistance Sector	Timeframe
Legal Assistance Sector Workforce Sub-Committee, to be led by the legal assistance sector and supported by the Department	6 monthly
Agree on the 2025 workforce data collection processes.	2024-2025
Participate in workforce data collection processes in 2025 to measure against baseline workforce data collected in 2023.	2025

¹ Law Council of Australia, *The Lawyer Project* (Report, September 2021).

² Department of Justice (WA), *Legal Assistance Strategy 2022-2025* (2022), 8.

³ Department of Justice (WA), *Legal Assistance Action Plan 2022-2025* (2022) 6.

⁴ 'Practitioner panels and lists', *Legal Aid Western Australia* (Web Page) <https://www.legalaid.wa.gov.au/lawyers/practitioner-panels-and-lists>.

⁵ For further information, refer to Department of Justice (WA), 'Supporting the Legal Assistance Sector: Understanding Legal Need', *Department of Justice* (Web Page) <https://www.wa.gov.au/organisation/department-of-justice/supporting-the-legal-assistance-sector>.

⁶ Jobs and Skills Australia (Cth), *Labour Market Update* (30 May 2023).

⁷ Mahlab, *Mahlab Report* (Report, August 2023) 2.

⁸ Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 34-35.

⁹ Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 12.

¹⁰ Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 10. The Report excluded solicitors who identified as 'other'.

¹¹ Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 13-14.

¹² Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 19-20.

¹³ Beacon Legal, *Private Practice Salary & Market Report* (Report, July 2023).

Mahlab, *Mahlab Report* (Report, August 2023).

¹⁴ Mahlab, *Mahlab Report* (Report, August 2023) 9-10.

¹⁵ Lauren Croft, '50+ hour weeks remain too common for lawyers', *Lawyers Weekly* (Web Article, 26 June 2023) <https://www.lawyersweekly.com.au/biglaw/37586-50-hour-weeks-remain-too-common-for-lawyers>.

¹⁶ Lauren Croft, '50+ hour weeks remain too common for lawyers', *Lawyers Weekly* (Web Article, 26 June 2023) <https://www.lawyersweekly.com.au/biglaw/37586-50-hour-weeks-remain-too-common-for-lawyers>.

¹⁷ Wolters Kluwer, *2023 In-House Counsel Trends Report* (Report, prepared for the Association of Corporate Counsel Australia, 2023), 45.

¹⁸ Wolters Kluwer, *2023 In-House Counsel Trends Report* (Report, prepared for the Association of Corporate Counsel Australia, 2023), 45.

- ¹⁹ Gallup, *Gallup's Perspective on Employee Burnout: Causes and Cures* (Report, 2020)
- ²⁰ Thomson Reuters, *2022 Australia: State of the Legal Market Report* (Web-based Report, 2022) <https://www.thomsonreuters.com/en/reports/state-of-the-legal-market-report-australia-2022.html>
- ²¹ Thomson Reuters, *2022 Australia: State of the Legal Market Report* (Report, 2022) <https://www.thomsonreuters.com/en/reports/state-of-the-legal-market-report-australia-2022.html>
- ²² Thomson Reuters, *2022 Australia: State of the Legal Market Report* (Report, 2022) <https://www.thomsonreuters.com/en/reports/state-of-the-legal-market-report-australia-2022.html>
- ²³ Angela Tufvesson, 'Staying put' *Law Society Journal Online* (Web Article, 13 December 2021) <https://lsj.com.au/articles/staying-put/>.
- ²⁴ Mahlab, *Mahlab Report* (Report, August 2023) 2.
- ²⁵ International Bar Association, *IBA Young Lawyers Report* (Report, 2022) 6, 8, 16.
- ²⁶ International Bar Association, *IBA Young Lawyers Report* (Report, 2022) 6, 8, 20.
- ²⁷ 'Skills Priority List', *Jobs and Skills Australia* (Web Page) <https://www.jobsandskills.gov.au/data/skills-priority-list>.
- ²⁸ 'Skills Priority List', *Jobs and Skills Australia* (Web Page) <https://www.jobsandskills.gov.au/data/skills-priority-list>: Selected legal professions.
- ²⁹ Urbis, *National Profile of Solicitors 2022* (Report, prepared for the Law Society of New South Wales, 26 April 2023) 34-35. It is also noted that it is a fused legal profession in Western Australia.
- ³⁰ Urbis, *National Profile of Solicitors 2016* (Report, prepared for the Law Society of New South Wales, 24 August 2017) 29-30.
- ³¹ 'Health workforce' *Australian Institute of Health and Welfare* (Web Article, 7 July 2022) <https://www.aihw.gov.au/reports/workforce/health-workforce>.
- ³² Public Sector Commission (WA) *State of the WA Government Sector Workforce 2022-23* (27 November 2023) 29.
- ³³ Department of Justice (WA), *Legal Assistance Action Plan 2022-2025* (2022) 6
- Justice and Community Safety Directorate (ACT): [ACT Legal Assistance Sector Strategy 2023-2025](#) (2022); [ACT Legal Assistance Action Plan 2023-2025](#) (2022).
- Department of Communities and Justice (NSW): [New South Wales Legal Assistance Strategy and Action Plan 2022-2025](#) (2022).
- Department of the Attorney-General and Justice (NT): [Northern Territory Legal Assistance Strategy and Action Plan](#) (2023)
- Department of Justice and Attorney-General (Qld): [Queensland Legal Assistance Strategy](#) (2022); [Queensland Legal Assistance Action Plan](#) (2022).
- Attorney-General's Department (SA): [Legal Assistance Strategy and Action Plan South Australia 2022-2025](#) (2022).

Department of Justice (Tas): [Tasmanian Legal Assistance Strategy 2022-2025](#) (2022); [Tasmanian Legal Assistance Action Plan 2022-2023](#) (2022)

Department of Justice and Community Safety (Vic): [Victorian Legal Assistance Strategy 2022-2025](#) (2022); [Victorian Legal Assistance Action Plan 2022-2025](#) (2022).

³⁴ See, for example: Thierry Ng, 'Regional West Australian home prices and rents march upward in the June 2023 quarter' *The Property Tribune* (Web Article, 17 August 2023) <https://thepropertytribune.com.au/market-insights/regional-west-australian-home-prices-and-rents-march-upward-in-the-june-2023-quarter/>.

³⁵ See, for example: Law Council of Australia, 'Aboriginal and Torres Strait Islander People' *The Justice Report* (Final Report, August 2018) 4.

³⁶ Law Council of Australia, 'Aboriginal and Torres Strait Islander People' *The Justice Report* (Final Report, August 2018) 14, 26. See also Australian Bureau of Statistics, 'September Quarter 2023' *Corrective Services, Australia* (Web-based Report, 23 November 2023) <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>

³⁷ Law Council of Australia, 'Aboriginal and Torres Strait Islander People' *The Justice Report* (Final Report, August 2018) 20; Department of Communities (WA) *Annual Report 2022-23* (Annual Report, 15 September 2023) 14.