

10. A holistic approach to justice

This chapter highlights the implications of the LAW Survey findings for improving access to justice across Australia.¹ Given the largely consistent findings across jurisdictions, the LAW Survey has similar high-level policy implications for the provision of legal services and remedies across Australian states/territories. As noted earlier, the occasional differences in survey findings between jurisdictions do not always provide conclusive proof of real differences in populations or service environments. For example, in some cases, small survey numbers for minority demographic groups may explain the failure to replicate certain findings across jurisdictions. Thus, policy implications based on significant findings in some jurisdictions may sometimes extend to the jurisdictions where significance was not reached.

Like past legal needs surveys, the LAW Survey in each jurisdiction highlights the value of a holistic, integrated, multifaceted approach to justice that addresses the diverse needs of different people and, in particular, addresses the needs of disadvantaged people, who are especially vulnerable to legal problems.

Justice for disadvantaged people

The LAW Survey replicates previous findings that disadvantaged groups are typically the sections of the community that are most vulnerable to legal problems and often struggle with the weight of the multiple legal problems they experience. A small minority of people account for the majority of the legal problems experienced by the population,² and disadvantaged people are particularly likely to fall into this minority group. Disadvantaged people are not only more likely to experience large numbers of legal problems, but they are also more likely to experience a wide range of often substantial legal problems. The present findings according to a variety of measures indicate that people with a disability constitute the disadvantaged group that is most vulnerable to legal problems. However, other disadvantaged groups, including single parents, unemployed people, people living in disadvantaged housing and Indigenous people, also have increased vulnerability to legal problems. In addition, by virtue of their socioeconomic status, disadvantaged groups often have a variety of non-legal needs. Thus, the present findings underscore the value of tailoring access to justice in Australia to meet the needs of disadvantaged groups and indicate that access to justice is an important route to tackling social exclusion (e.g. Pleasence 2006). Arguably, meeting the legal needs of disadvantaged groups should be a major priority of justice policy, given that a substantial proportion of the legal problems within the population are concentrated within these groups.

Multifaceted justice for diverse legal needs

The LAW Survey also reiterates that legal problems are not the exclusive domain of the disadvantaged but are encountered routinely by people from all walks of life, including people of all ages and people from more affluent backgrounds. Thus, the LAW Survey reinforces the fundamental

¹ See Chapter 9 for a summary of the major findings across jurisdictions, which form the basis for the discussion in the present chapter. For full details of the results from all the statistical analyses conducted in each jurisdiction, see Chapters 3–8 in each LAW Survey report.

² In each jurisdiction, just under one-tenth of respondents accounted for around two-thirds of the legal problems reported.

role of access to justice in promoting well-being throughout the wider community. It stresses the crucial importance of an access to justice system that facilitates the effective resolution of the wide range of legal problems commonly experienced by the general public (e.g. Coumarelos et al. 2006; Currie 2007b; Genn 1999; Pleasence 2006; Sandefur 2008, 2009). Justice policy must be framed in a broader context than that of social exclusion to enable all citizens to resolve their legal problems (Currie 2007b; Genn 1999; Pleasence 2006).

In addition to diversity in the experience of legal problems, the LAW Survey confirms that there is also diversity in people's responses to these problems and the outcomes they achieve. Some people ignore their legal problems and achieve poor outcomes. Others have high levels of legal knowledge and capability, and ably use self-help strategies to achieve favourable solutions without seeking expert advice. Many of those who seek expert advice consult only non-legal professionals and resolve their legal problems successfully without recourse to the formal justice system. Some people, however, require considerable assistance from both legal and non-legal services to address their multiple, serious and complex legal and non-legal needs.

This diversity in the experience, handling and outcome of legal problems makes clear that a comprehensive approach to justice must be multifaceted. No single strategy is likely to be successful in obtaining justice for all people. Multifaceted approaches to justice that integrate a variety of strategies are increasingly being propounded in order to cater for all sections of the community and to target limited resources effectively (Coumarelos et al. 2006; Macdonald 2005; Pleasence 2006).

A new wave of justice reform

Over recent decades, successive waves of justice reforms have occurred in many countries, including Australia, with the aim of ameliorating inequality in access to justice. Mirroring these reforms, the concept of 'access to justice' has expanded from a unidimensional to an increasingly multifaceted concept. Initially, 'access to justice' was tightly focused on access to the formal justice system, consistent with the first wave of justice system reforms, which aimed to equalise access to lawyers and the courts through the provision of legal aid and CLCs (see Macdonald 2005). Subsequently, in line with new waves of reforms to establish a variety of preventative and early intervention strategies, the concept of access to justice has successively extended beyond access to the formal justice system to additionally include access to legal information and education, non-court-based dispute resolution and law reform (see Macdonald 2005).

In Australia, despite substantial reforms, empirical studies and inquiries on access to justice have invariably continued to recommend further improvements (see Sackville 2011). Sackville (2011) argued that access to justice may be an ideal that cannot be fully realised. He contended that narrowing the gap between the ideal and the reality requires a more 'integrated' approach to justice that is guided by integrated empirical evidence and evaluation, is supported by both state/territory and federal governments and necessitates the injection of substantial resources.

A new wave of justice reform has emerged recently in the UK with the objective of achieving a more integrated approach to justice. This latest wave of reform includes introducing a large system of CLACs and CLANs to deliver coordinated legal and non-legal services (Buck et al. 2010a, 2010b; Fox et al. 2010). The policy impetus for this reform came from CSJS findings indicating that existing legal services were too fragmented to deal effectively with the clusters of legal problems that are commonly experienced by many people, especially socially excluded groups. These clusters of legal problems were shown to impact dramatically on a range of life circumstances, indicating the need

for a coordinated response from legal and broader human services (Fox et al. 2010). CLACs and CLANs aim to provide a more coordinated response to legal problems by improving the:

- accessibility of services via co-location or networking of local services
- seamlessness of services from reception through to finalisation
- integration of services to detect and address multiple, interrelated problems
- tailoring of services to allow for more intensive support for the most vulnerable clients (Buck et al. 2010b; Fox et al. 2010).³

This latest wave of justice reform aiming to provide a more integrated approach to service provision is only just beginning to reach Australian shores. As will be detailed later, similar large-scale initiatives have not taken place in Australia, although integrating or ‘joining up’ legal and non-legal services has recently been placed on the national agenda (see COAG 2010).

The LAW Survey provides valuable empirical evidence that can be used to inform what a more integrated approach to justice might look like in Australia. It indicates the benefit of a more ‘holistic’ approach to justice in Australia that is both integrated and multifaceted. First, the LAW Survey supports a more holistic approach that better integrates legal and non-legal services. Similarly to past surveys, it provides compelling evidence in the Australian context that legal problems often cluster together, adversely impact a variety of life circumstances and are most prominent in the disadvantaged sections of the community that already have a range of non-legal needs.

Second, the LAW Survey supports a holistic approach to justice that is multifaceted, in that it includes multiple strategies to cater for the diverse needs of the whole population. It reinforces that justice must be ‘made to measure’ according to the varying legal needs and legal capabilities of different people. For example, the promotion of self-help strategies may be beneficial for more knowledgeable, articulate people, while intensive assistance services may be critical for disadvantaged people, who tend to struggle with the weight of their problems.

More specifically, the LAW Survey findings suggest that a more holistic approach to justice would include all of the following strategies:

- legal information and education
- self-help strategies
- accessible legal services
- non-legal advisers as gateways to legal services
- integrated legal services
- integrated response to legal and non-legal needs
- tailoring of services for specific problems
- tailoring of services for specific demographic groups.

Reliance on only one or a few strategies is likely to fall short of achieving justice for the whole community. In addition, a more holistic approach to justice in Australia is unlikely to be achieved simply by injecting *more* resources into the existing network of legal services, although additional funding and resourcing may be necessary (see Sackville 2011). Rather, a more holistic approach involves reshaping service provision through integrated, multifaceted strategies to *target* resources

³ The ongoing operation of CLACs and CLANs is uncertain, given the likely cut to legal aid spending as part of the recently proposed 23 per cent reduction in the annual budget for the Ministry of Justice by 2014–2015 (Ministry of Justice 2010). The results of an evaluation of CLACs are provided later in this chapter, in the ‘Models of service integration’ section.

more efficiently, in order to streamline access to justice and enhance legal resolution. Importantly, several of the proposed strategies for a more holistic approach to justice require greater integration not only within the justice sector, but also across governments and government sectors — that is, a new, whole-of-government approach.

The more holistic approach to justice proposed on the basis of the LAW Survey has the potential to enhance prevention and early intervention, by more efficiently and effectively resolving legal problems in their entirety before they escalate, multiply and resonate in numerous life areas. By achieving legal resolution more quickly and more completely, such an approach can potentially lead to cost savings in the long term, by reducing the number of ineffectual contacts with legal and broader human services and by avoiding expensive court resolution (see Balmer et al. 2010; Buck et al. 2010b; Coumarelos et al. 2006; Currie 2007b; Genn 1999; Macdonald 2005; Pleasence 2006). Targeting limited resources more effectively through strategies that enhance early intervention is becoming crucial, given today's financial climate. Legal aid organisations around the world are facing considerable challenges in extending their reach within a context of intense competition for limited resources among different areas of public service delivery (Balmer et al. 2010).

The strategies identified by the LAW Survey as potentially useful components of a holistic approach to justice are discussed in turn below. It is important to note, however, that the successful implementation of initiatives with prospective merit can be impeded by a variety of factors in practice. Thus, it is critical that new service initiatives, including any based on the LAW Survey, are carefully evaluated.⁴ For example, initiatives to increase legal information, education and self-help strategies, and initiatives to increase the accessibility, integration and tailoring of legal and non-legal services, should all be informed by appropriately conceived evaluation.

Enhancing legal capability through information and education

Across jurisdictions, the LAW Survey indicates the need to enhance the legal knowledge and legal capability of the Australian public. First, awareness of some free legal services was consistently poor. Second, in each jurisdiction, many people who ignored their legal problems didn't know how to obtain assistance. Third, the findings suggested that some disadvantaged groups may fail to recognise that their problems have legal implications and solutions. These groups included people with low education levels in all jurisdictions and people with a non-English main language in some jurisdictions.⁵ Public education is well recognised as a useful component of legal service provision: legal rights are meaningless if people are unaware of them and the means through which they can be effected (e.g. Australian Law Reform Commission (ALRC) 1992; Cass & Sackville 1975; Genn 1999; Kirby 2011; Pleasence 2006; Rush 1999; Scott & Sage 2001; Urbis Keys Young 2002; Women's Legal Resources Centre 1994; Worthington Di Marzio & Cultural Partners Australia 2001).

Legal information and legal education are complementary strategies for enhancing legal knowledge and capability. Thus, they are key strategies for empowering people to take action for their legal problems, thereby enhancing early intervention and prevention. The aim of these strategies cannot be to convert lay people into *de facto* lawyers who have the comprehensive knowledge to resolve,

⁴ Further discussion of the importance of evaluating legal service initiatives is provided later in this chapter, in the 'Evaluation' section.

⁵ Unlike the other disadvantaged groups surveyed, people with low education levels and people with a non-English main language typically reported low rather than high prevalence when significant relationships with prevalence were found. These low reporting levels suggest the possibility that these people may not always recognise their legal problems. In Australia as a whole, people with a non-English main language had significantly lower prevalence according to a number of measures.

on their own, every potential legal problem. A more feasible aim is to equip the general public with sufficient knowledge to recognise their legal needs, and to readily identify where to obtain appropriate legal advice and assistance (see Coumarelos et al. 2006; Genn 1999; Genn & Paterson 2001). Unfortunately, although evidence-based research has informed best practice in delivering consumer education in a number of areas, there is a paucity of such research in the area of legal education (e.g. Flowers, Chodkiewicz, Yasukawa, McEwen, Ng, Stanton & Johnston 2001; Sheth, Mittal & Newman 1999). Thus, there is a pressing need to evaluate the effectiveness of legal education initiatives (Coumarelos et al. 2006). As described below, the LAW Survey findings provide some guidance about useful goals and features of community legal information and education strategies across Australia.

Generic legal information and education

The present widespread experience of legal problems throughout the Australian community suggests the potential value of generic legal information. Generic legal information could be disseminated via schools, media or the internet, and via non-legal professionals, services or agencies that routinely engage the public, such as community health clinics, social service agencies, health and welfare professionals, government and regulatory agencies, non-government organisations and consumer groups (Genn 1999; Macdonald 2005; Pleasence et al. 2004c).⁶

Enhancing knowledge about legal services and first ports of call

The LAW Survey indicates that there is considerable scope for using generic legal information and education to enhance the Australian public's ability to source appropriate legal services. Across jurisdictions, there were sizeable gaps in knowledge about public legal services. A holistic approach to justice must include an effective mechanism for facilitating the public's engagement with the available system of legal services through simple and effective gateways. Clearly signposted gateways to legal services can be critical in avoiding referral fatigue and maximising effective resolution (Coumarelos et al. 2006; Pleasence 2006).

Thus, a particularly useful initiative may be to increase the community's knowledge of useful first ports of call for legal advice, such as generalist legal services or legal 'triage' services. Legal triage services provide an initial legal 'diagnosis', followed by legal information, advice or assistance, which can be given 'on the spot' or via referral to specialist services, as appropriate. In Australia, various CLCs provide generalist legal services. In addition, a number of legal hotlines provide legal triage, such as LawAccess NSW and various hotlines operated by Legal Aid and CLCs. These hotlines vary in their scope and services, such as the extent to which they provide direct caller access to a lawyer, comprehensive referral to legal and non-legal services and follow-up ancillary services (e.g. face-to-face advice and written information). The LAW Survey findings suggest that current awareness of generalist legal services and legal triage services is low. Only about one-third to two-fifths of respondents were aware of CLCs. In addition, awareness of the LawAccess NSW triage hotline by NSW respondents was even lower, at only 14 per cent.⁷ The survey did not specifically examine awareness of the legal advice hotlines operated by CLCs and Legal Aid, although it did examine the overall awareness of these agencies. Thus, while the overall awareness of Legal Aid was high, the extent to which the public is aware of the free legal hotlines operated by Legal Aid remains to be assessed.⁸

⁶ The use of non-legal professionals for the dissemination of legal information is discussed in more detail later in this chapter, in the 'Non-legal advisers as gateways to legal services' section.

⁷ See Figure 6.8 in the LAW Survey report for NSW.

⁸ For further details about the services provided by CLCs, Legal Aid and LawAccess NSW, see the 'Need for integrated legal services' section later in this chapter and Appendix Table A6.2.

To act as effective entry points into legal services, generalist legal services and legal triage hotlines not only must be able to diagnose legal needs and make appropriate legal and non-legal referrals, but must also have high visibility and adequate resourcing (see Mulherin & Coumarelos 2007). Increasing awareness of such useful first ports of call, through, for example, wide-scale advertising or education campaigns, may help to ensure that Australians automatically know the number to call for legal advice, just as they know to ring Triple Zero (000) in the event of an emergency or the Crime Stoppers Australia number to report information on crime.⁹ Thus, well-signposted, effective gateways to legal services may be a critical first step towards enabling the general public to engage with the available system of legal services and, hence, a critical step towards accessing justice. Of course, complete, satisfactory legal resolution will then depend on the adequacy of that system.

Enhancing knowledge through personal networks

Across jurisdictions, personal networks were often used as means to legal resolution. First, informal advice on legal problems from relatives or friends was common. Second, relying on the knowledge of relatives or friends was one of the common ways in which respondents sourced their advisers. These findings indicate the potential benefits of improving legal literacy not only among those who are likely to experience legal problems, but also among the broader community, who may be asked for advice. The value of these established informal personal networks could be enhanced by improving public legal knowledge, so that any advice obtained from relatives or friends is better informed (Coumarelos et al. 2006).

Empowering taking action and seeking advice

Many LAW Survey respondents ignored their legal problems and achieved poor outcomes. They tended to become entrenched in this strategy and continued to achieve poor outcomes for each new legal problem that arose. Thus, the survey underscores the utility of mobilising people to take action, by helping them to identify their legal rights, appropriate courses of action and relevant advice services (see Balmer et al. 2010; Coumarelos et al. 2006; Macdonald 2005; Pleasence 2006).

LAW Survey respondents sought advice for about half of the legal problems they experienced, and in most of these cases they felt their advisers were helpful. Traditionally, satisfaction with client services is used as an indicator of the quality of those services (see Armytage 1996; Oliver 1997). Thus, the present high helpfulness ratings suggest that advisers are generally providing useful services and highlight the value of information and education initiatives that signpost people to appropriate legal services. The present findings are consistent with other recent Australian studies that have reported high satisfaction with lawyers (e.g. Crinyion 2007, 2009; Firth & Munday 2003; IRIS Research 2006, 2008; Roger James & Associates 1998). The LAW Survey respondents who handled problems without seeking expert advice often achieved good outcomes. Nonetheless, information and education initiatives that signpost people to relevant legal services may help to ensure that people appropriately seek expert advice whenever this would be a useful strategy and may help to decrease any reliance on handling legal problems alone due to an unawareness of legal services.

Such initiatives could be used not only to raise awareness of legal services, but also to *motivate* people to access these services. In some cases, personal constraints rather than a lack of knowledge about services were reported by respondents who ignored their legal problems. For example, respondents sometimes had bigger problems or felt that taking action would be too stressful or would damage

⁹ The effect of increasing the demand for legal services is discussed later in this chapter, in the 'Managing demand, resources and evaluation' section.

personal relationships. Education campaigns about the potential benefits of legal resolution could be used to overcome any personal or social constraints and, thus, to empower people to act.

Enhancing knowledge about multiple pathways to justice

Across jurisdictions, the LAW Survey confirms the many pathways to justice. Legal problems were frequently resolved via consultation with non-legal advisers, who were often the first point of contact for people with legal needs. A wide range of non-legal advisers were used. Legal problems were also frequently resolved via self-help. Importantly, favourable outcomes for legal problems were often achieved via these non-traditional means, without recourse to expert legal advice. Thus, a comprehensive view of legal resolution must extend beyond traditional ‘legal remedies’ to include solutions that fall outside the formal justice system, such as self-help solutions and solutions provided by all the individuals and organisations routinely consulted in response to legal issues (cf. Macdonald 2005; Pleasence et al. 2004c). Legal information and education initiatives should, therefore, promote public understanding that resolution via traditional legal processes, such as court and tribunal proceedings and formal dispute resolution mechanisms, is a rare and last resort, and that there are other common pathways for resolution (Pleasence et al. 2004c). For example, the LAW Survey showed that reaching agreement with the other side often produces good outcomes and is a common manner of legal resolution, particularly for consumer, credit/debt, family and housing problems (cf. Sweeney Research 2011).

Enhancing plain language and online legal information

Across jurisdictions, using websites and self-help guides was one of several common responses to legal problems. In addition, some respondents felt that they failed to obtain adequate, clear information or advice from their main advisers. These findings highlight the worth of ‘plain language’ legal information and advice. Legal information and advice are of value only if they are easy to access, understand and translate into practice. Laws, legal instruments and guides, online legal information and face-to-face legal advice must therefore be framed in the simplest, clearest language (Coumarelos et al. 2006; Forell et al. 2005; Macdonald 2005; Pleasence 2006; Scott 2000). The sizeable proportion of Australians from culturally and linguistically diverse backgrounds also suggests the importance of providing plain language legal resources and advice in the non-English languages used in Australia. The proportion of the population from a non-English-speaking background is highest in NSW, Victoria and the Northern Territory (ABS 2007a).¹⁰ In addition, the Northern Territory is unique in that it is the only state/territory where Indigenous people represent a large proportion of this population group (ABS 2007a).¹¹

Furthermore, the increasing reliance on the internet as part of the current technological revolution suggests the particular benefit of facilitating the use of internet legal services (Coumarelos et al. 2006; Scott 2000).¹² For example, improving the legal information and interactive services that are available online, increasing people’s awareness of useful legal websites and enhancing their expertise in accessing such websites may all be useful.

¹⁰ According to the census (ABS 2007a), the proportion of the population aged 15 years or over who speak a non-English language at home and do not speak English very well is 10–11 per cent in NSW, Victoria and the Northern Territory compared to only 2–6 per cent in the other states/territories.

¹¹ People who speak a non-English language include 44 per cent whose main language is an Indigenous language in the Northern Territory compared to less than three per cent in the other states/territories (ABS 2007a). Thus, although the Northern Territory, NSW and Victoria all have a high proportion of people from a non-English-speaking background, only in the Northern Territory does this group include a relatively large percentage of Indigenous people.

¹² Note that during 2008–2009, three-quarters (74%) of Australians aged 15 years or over had accessed the internet in the previous 12 months (ABS 2009d). Home was the most popular location to access the internet (68%), followed by work (35%) and a neighbour’s, relative’s or friend’s house (25%).

Targeted legal information and education

In addition to the value of the generic legal information and education initiatives described above, the LAW Survey suggests the potential value of more targeted legal information and education strategies. One-size-fits-all education strategies tend to be less effective than strategies tailored to address the specific issues faced by particular people at particular times (Balmer et al. 2010; Barendrecht 2011; Buck et al. 2008; Combined Community Legal Centres Group NSW 2004; Coumarelos et al. 2006; Currie 2000; Federation of Community Legal Centres Victoria 2010; Flowers et al. 2001; Giddings & Robertson 2003b; Goldie 1997; Hunter et al. 2009; Kirby 2011; Lawler et al. 2009; Macdonald 2005; Public Legal Education and Support Task Force (PLEAS Task Force) 2007; Public Legal Education Network (Plenet) 2009, n.d.; Scott & Sage 2001). The tailoring of legal information and education initiatives for specific legal problems and demographic groups is discussed later in this chapter.

Other components of holistic justice

Legal information and education strategies should not be presumed to be universal service solutions. The finding that people sometimes felt they did not receive clear, adequate advice may sometimes have reflected low capacity to understand legal information, rather than poorly framed advice. A number of authors have argued that some people have low legal capability, due to literacy, language or communication problems, and that disadvantaged people are particularly likely to have poor legal knowledge and capability (Balmer et al. 2010; Buck et al. 2007; Casebourne et al. 2006; Day et al. 2008; Forell et al. 2005; Genn 1999; Grunseit et al. 2008; Karras et al. 2006; Parle 2009; Pleasence 2006). As a result, legal information and education are often only preliminary steps towards legal resolution. They will often be insufficient for effective, complete legal resolution for all people and should not be regarded as cheap alternatives to legal advice and assistance (Genn 1999; Genn & Paterson 2001; Giddings & Robertson 2003a; Pleasence et al. 2004c). For example, a number of authors have argued that plain language and online legal information resources, no matter how 'state of the art', may be of limited utility for certain legal problems and for population groups with low legal capability (see Assy 2011; Balmer et al. 2010; Barendrecht 2011; Giddings & Robertson 2003a; Hunter et al. 2007; Lawler et al. 2009).

Thus, legal information and education should be seen as constituting only one component of a holistic approach to justice that additionally includes a myriad of more targeted and tailored service initiatives. For example, more intensive and integrated service provision has been propounded for people with low levels of legal capability and for people with complex, serious legal problems (see Coumarelos et al. 2006; Forell et al. 2005; Genn 1999; Pleasence 2006; Scott 2000; Scott & Sage 2001). In addition, it is important that the reach and effectiveness of legal information and education strategies are carefully evaluated (Giddings & Robertson 2003a; Hunter et al. 2007; Lawler et al. 2009).

Self-help legal strategies

The present finding that many people who handled their legal problems themselves achieved favourable outcomes suggests that promoting self-help legal strategies may be effective for some sections of the community. Self-help legal strategies not only include accessing legal information resources and websites, but also include strategies such as directly negotiating with the other side, communicating or lodging complaints with relevant authorities, and do-it-yourself kits for issues like wills, probate and divorce. There has been a trend in recent years towards legal consumers playing a larger part in their own legal service delivery and towards the 'unbundling' of legal services as a

means to facilitating self-help (Giddings & Robertson 2003b). Unbundling involves breaking legal service delivery into discrete components so that clients can use self-help strategies for easy tasks but still obtain legal assistance for more difficult tasks (ABA SCDLS 2002; Balmer et al. 2010; Giddings & Robertson 2003b; MacDermott 2003; Shirvington 2003).

Just as legal information and education have been argued to be of limited utility for some people, it has similarly been proposed that self-help legal strategies more broadly cannot be quality substitutes for legal advice and assistance in all situations. The utility of self-help depends on both the nature of the legal tasks and the legal capability of the individuals (see ABA SCDLS 2002; Balmer et al. 2010; Giddings & Robertson 2003b; Lawler et al. 2009; MacDermott 2003; Shirvington 2003). In terms of tasks, non-routine legal work involving the exercise of substantial discretions appears to be less suited to self-help (Barendrecht 2011; Giddings & Robertson 2003b; Lawler et al. 2009). Further, self-help legal strategies will sometimes be incapable of providing complete legal solutions and may be more effective as components of a suite of services (see Giddings & Robertson 2001, 2003a; Hunter et al. 2009; Lawler et al. 2009).

In terms of people, Balmer et al. (2010) demonstrated that self-help legal strategies are more viable for people with high levels of legal knowledge, and disadvantaged people generally did not fall into this group. Unlike educated, affluent people, disadvantaged people tended to have poor legal knowledge and to achieve poor outcomes when they handled legal problems alone. Importantly, Balmer et al. also found that obtaining expert advice for legal problems negated the effect of disadvantaged people having poor legal knowledge and still resulted in good outcomes. They concluded that public legal education initiatives need to be segmented according to the particular needs of different demographic groups. They argued that initiatives promoting self-help might be best targeted at the demographic groups that have high legal knowledge, such as more educated, affluent people. In contrast, initiatives that signpost relevant legal advice services may be more beneficial for disadvantaged groups that have poor legal knowledge and capability.

Accessible legal services

The barriers to accessing legal help reported by LAW Survey respondents across jurisdictions indicate that there is considerable scope in Australia to improve the accessibility of legal services so that they more closely ‘mirror’ the behaviour of those who wish to use them (Pleasence 2006). Respondents often had difficulty contacting advisers via telephone, making suitable appointments, receiving timely responses and travelling to advisers for in-person consultations. Legal services may need to be extended and provided with additional resources in order to widen accessibility and to meet current demand efficiently. For example, extension of operating hours, telephone, internet and video conferencing services, local services in readily accessible locations, outreach services in rural and remote areas, and services in appropriate languages may all be worth exploring as means of increasing accessibility (Buck et al. 2007, 2008; Coumarelos et al. 2006; Forell, Laufer & Digiusto 2011; Pleasence 2006). As with all new service initiatives, however, it is important to evaluate whether any changes that aim to increase the accessibility of legal services have the desired effect.

Appropriate mode of legal service delivery

The mode of legal service delivery also needs to be accessible and appropriate for the client group. Across jurisdictions, the LAW Survey found that both telephone and in-person communication were very commonly used to consult legal advisers. In addition, in most jurisdictions, in-person communication was more likely to be used for consulting legal advisers than it was for consulting

many other types of advisers.¹³ These findings suggest that the provision of accessible face-to-face legal services is an important policy objective and a valuable component of a holistic approach to justice.

Sole reliance on internet and telephone legal information and advice services may fall short of providing justice for all people. Some Australians do not have easy access to telephones or the internet. In addition, internet and telephone services can be ineffective modes of delivering legal assistance for people with low levels of legal capability. For example, as already noted, people with poor literacy or communication skills can have difficulty using legal information resources and websites, and other self-help strategies (Barendrecht 2011; Giddings & Robertson 2003a; Hunter et al. 2007; Lawler et al. 2009; Nheu & McDonald 2010). In addition, several authors have noted that disadvantaged people in particular often fall into the category of those who may require high-quality face-to-face advice in order to achieve beneficial legal resolution. Disadvantaged people often have complex legal needs and low levels of legal capability, such as low literacy and poor communication skills, which mean that they cannot always understand telephone and internet advice (Buck et al. 2007, 2008; Forell et al. 2005; Forell & Gray 2009; Genn & Paterson 2001; Pearson & Davis 2002; Pleasence 2006). For example, Pearson and Davis (2002) reported worse outcomes for legal hotline callers who were poorly educated, separated or members of minority ethnic groups. Callers with low legal capability often failed to comprehend and act on the advice they received, suggesting that telephone advice may often be insufficient for such people, unless it is supplemented with additional measures to further reinforce understanding and promote appropriate action. Pearson and Davis suggested that such people may particularly benefit from referral to more intensive legal services, such as face-to-face services. They noted, however, that referrals to private lawyers tended to be ineffective, because many of these callers felt they were unable to afford a private lawyer. Thus, referrals to more intensive services for disadvantaged people should ideally include options for free or low-cost legal services.

Thus, legal hotline services should not be regarded as a stand-alone panacea. The usefulness of legal hotline services will depend in part on their ability to provide effective triage and referral. Ideally, legal hotlines should be able to make appropriate referrals both for problems that require specialist legal expertise and for people who are likely to have difficulty understanding and following telephone advice. Legal hotlines may often provide only a first step towards legal resolution and may represent only one of a raft of strategies required to provide holistic justice throughout the community.

There has also been an increasing interest recently in improving access to legal services through video conferencing,¹⁴ particularly where in-person communication is costly or impractical, such as in prisons and non-urban areas (Forell et al. 2011). A recent review (Forell et al. 2011) identified the potential of video conferencing as a mode of legal service delivery but found that it is largely untested. Thus, the review was unable to draw definitive conclusions about the cost and effectiveness of video conferencing compared to in-person and telephone services. However, it was suggested that the benefits of video conferencing are likely to depend on:

- whether other modes of legal service delivery already exist at a given location
- the relative timeliness, convenience and privacy offered by video conferencing compared to any existing legal services

¹³ This finding was significant in Australia as a whole.

¹⁴ The term 'video conferencing' refers to all synchronous two-way communication with audiovisual interface, whether via integrated service digital network (ISDN), satellite or internet protocol (IP) with video conferencing technologies. These technologies include videolink, video conferencing and web-based technologies such as Skype and Web-ex.

- the quality and reliability of the video conferencing technology adopted
- the extent to which video conferencing is supported by clients and workers.

The review noted that many legal clients, for reasons of privacy and convenience, tended to prefer both in-person and telephone communication with lawyers, where these were available, rather than communication via video conferencing.

Proximity of legal services

The long distances that some respondents travelled to consult advisers for their legal problems, especially in remote areas, highlight the specific need to improve the accessibility of legal services in less urban areas. Australia has vast geographical areas with sparse populations, where providing easily accessible services of any kind is an enormous challenge. This challenge is underscored by a recent study conducted in NSW which reported difficulties in recruiting and retaining both private and Legal Aid lawyers in certain regional, rural and remote areas (Forell, Cain & Gray 2010). This study concluded that area-specific solutions rather than blanket solutions were likely to be most appropriate, given that retaining lawyers was problematic only in some non-urban areas.

Improving legal services in rural and remote areas of Australia may require multifaceted solutions involving extensions to telephone and internet legal information and advice services, together with additional local services and outreach services. However, given that remote communities in Australia tend to be among the most disadvantaged (ABS 2008c), solutions for improving legal services in non-urban areas cannot rely solely on the expansion of telephone and internet services. For example, 61 per cent of remote Indigenous households across Australia do not tend to use a home landline (ABS & AIHW 2010). In addition, as noted above, disadvantaged people with complex legal problems, low literacy and poor communication skills may often require intensive, quality face-to-face advice and assistance services in order to achieve beneficial legal resolution. Thus, additional local and outreach services may be critical for some disadvantaged people, such as those in more remote areas (Buck et al. 2007, 2008; Forell et al. 2005; Forell & Gray 2009; Genn & Paterson 2001; Pleasence 2006).

A recent systematic review of the literature identified the features that characterise successful outreach legal services to disadvantaged people with complex needs. These features include establishing strong links with the target communities and their support agencies, location in places frequented by the target group, marketing the service, appropriate staffing and resourcing, effective referral systems with support agencies, and appropriate monitoring and review (Forell & Gray 2009). In addition, for disadvantaged people for whom telephone communication is ineffective, it may be worth exploring the use of video conferencing as a means of supplementing in-person outreach services. However, Forell et al. (2011) noted that the uptake of video conferencing in regional, rural and remote areas of Australia has been lower than expected, and that there may be impediments to its success. Thus, any video conferencing initiatives should be carefully planned so that they fill a service gap rather than replicate existing services, and so that they are well supported by target communities. Any such initiatives should also be properly evaluated.

Cost of legal services

Across jurisdictions, some respondents reported that cost was a barrier to legal resolution. Although cost was sometimes reported as a factor constraining respondents from taking any action to resolve legal problems, it was not among the most common constraints in this regard. However, cost was generally the most frequent barrier cited when respondents had tried to obtain advice or assistance from a legal practitioner. These findings suggest two conclusions. First, cost is not a key impediment

for many of the legal problems that people prefer to handle outside legal services, such as via self-help strategies or consultation with non-legal professionals. The majority of the legal problems experienced by the public fall into this category and, thus, tend not to be affected by the cost of legal services.

Second, and conversely, cost appears to be a major barrier to resolving the legal problems for which people wish to obtain expert legal advice. These legal problems tend to be the more serious or complex legal problems that people experience. Cost was cited as a barrier to obtaining advice from a legal practitioner in around one-fifth of cases where a legal practitioner was the main adviser for a legal problem. Thus, the cost of services from private lawyers, and the eligibility criteria for receiving free or low-cost public legal services, may need to be addressed for some people in order for legal assistance to be more widely accessible. Similarly, past studies have sometimes cited cost as a barrier to the use of private lawyers (ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Dale 2000, 2005, 2007; Genn 1999; Genn & Paterson 2001; LASNSC 2005; LSNJ 2009; Miller & Srivastava 2001; Schulman 2007; Task Force 2003). In addition, past research has indicated that cost may especially be a barrier to obtaining legal assistance for people in the middle-income range — that is, people who are neither eligible for legal aid nor able to afford costly legal fees. For example, the availability of free or low-cost public legal services has been found to increase the use of lawyers by the poorest group that is eligible for these services (see Currie 2007b; Genn 1999; Genn & Paterson 2001). However, low-income earners who fall outside the eligibility criteria are less likely to use lawyers for the types of problems covered by legal aid (Pleasence 2011).

Note, however, that the perceived expense of legal services by LAW Survey respondents may also, to some extent, reflect inaccurate beliefs that formal legal and dispute resolution services always necessitate substantial cost. This is consistent with the present finding that respondents were often unaware of the free services available under certain conditions from the various public legal services in Australia (see Appendix Table A6.2). Similarly, several recent US surveys have reported that many low-income respondents did not realise they were eligible for free legal aid (ABA 1994; LSC 2007, 2009). Thus, as already noted, increasing public awareness of the available free legal services in Australia may be beneficial. People not eligible for free or low-cost public services may benefit from accurate information on the cost of accessing legal services from a spectrum of providers.

More integrated services

The LAW Survey highlights the potential benefits of a more integrated approach to service delivery and suggests some strategies that may be useful in achieving such an approach. First, the many different types of non-legal advisers that the community commonly consults in relation to legal problems could be more systematically used as gateways to legal services. Second, increased coordination among legal services to provide a more client-focused approach for people who experience multiple legal problems, most notably disadvantaged people, is likely to be of value. Third, more client-focused services for disadvantaged people may also require better coordination between legal services and other human services, given that such people tend to have non-legal needs in addition to their legal problems.

Non-legal advisers as gateways to legal services

The LAW Survey across jurisdictions corroborates past findings that a wide variety of non-legal workers are routinely the only points of contact with professionals for many people with legal problems. Thus, non-legal professionals are ideally placed to notice or signpost legal problems and to act as gateways to legal services (Pleasence et al. 2004c). Non-legal professionals should

not be expected to take on the roles of lawyers but could identify people with legal problems and encourage them to take initial steps towards legal resolution. For example, non-legal professionals could make referrals to legal services or could provide basic legal information packages.

Timely legal referral by non-legal professionals has the potential to substantially enhance early legal intervention and resolution. Early intervention can be critical in maximising outcomes and avoiding more complex problems (e.g. Coumarelos et al. 2006; Forell et al. 2005; MacKenzie & Chamberlain 2003; Pleasence et al. 2004c). However, non-legal professionals are not necessarily well equipped at present to act as legal gateways. Qualitative research in Australia has suggested that they often have limited knowledge of the law, have insufficient knowledge to make appropriate legal referrals, do not have up-to-date legal information, do not have the capacity to provide legal help in addition to their core functions, and do not have well-established links with legal professionals and services (Clarke & Forell 2007; Forell et al. 2005; Karras et al. 2006; Scott & Sage 2001).

Single point of referral

Gateways to quality legal advice need to be clear and simple if they are to be effective (Clarke & Forell 2007; Coumarelos et al. 2006; Pleasence 2006). Perhaps the simplest strategy for non-legal workers to act as effective gateways to legal services would be for them to provide people with a single, well-resourced contact point for legal referral, such as a generalist legal service or legal triage service (Coumarelos et al. 2006; Pleasence 2006). A single point of legal referral promotes simplicity for clients, given that numerous referral options may be something of a chimera when people lack the knowledge for gauging their relative benefits (Clarke & Forell 2007; Pleasence 2006). Furthermore, a single point of legal referral promotes simplicity for non-legal professionals adopting the gateway role. The gateway role needs to be effective without being too onerous for non-legal professionals to take on in addition to their core duties and without requiring extensive legal knowledge. Providing a single point of referral requires non-legal professionals to have sufficient knowledge to identify potential legal problems, but not the sophisticated level of legal expertise that would be required to provide referral to the most suitable specialist legal service in each case. This strategy also has the advantage that more comprehensive legal diagnosis and referral would be conducted by the generalist or triage legal service — that is, by appropriately trained legal services personnel. Quick and effective referrals among legal and non-legal services are critical in avoiding referral fatigue. When people have experienced inappropriate referrals, they are less likely to act on new referrals and tend to give up on legal resolution (Pleasence 2006).

Dissemination of legal information

In addition to identifying legal problems for referral, non-legal professionals and services could be effective points for disseminating up-to-date legal information (Clarke & Forell 2007; Coumarelos et al. 2006; Pleasence 2006). For example, they could be suitable points for advertising useful first ports of call for legal advice, and for disseminating legal information packages on the types of legal problems that are relevant to their field.

Enhancing non-legal advisers' capacity for the gateway role

Non-legal professionals may require appropriate legal training to maximise their ability to identify problems that may benefit from legal referral (Clarke & Forell 2007; Coumarelos et al. 2006; Pleasence 2006). There may be particular value in non-legal professionals being trained to identify the types of legal problems that most commonly relate to their field (Pleasence 2006). For example, doctors and health professionals in Australia already undertake training regarding the mandatory reporting of child abuse. In addition, they are well placed to identify legal issues such as work-related

injury, negligent injury and domestic violence. While the LAW Survey showed that they are often consulted for such issues, they could be more formally trained to systematically identify such legal issues and provide timely, appropriate referral to legal information or advice services.

Non-legal professionals may also require additional resources, support and cooperative links with legal services if they are to add the legal gateway role to their duties more formally (see Clarke & Forell 2007).

Need for integrated legal services

The present findings in all jurisdictions stress the importance of well-coordinated or joined-up legal services in order to deal with co-occurring legal problems. Legal problems often clustered together. Disadvantaged people were especially vulnerable to a wide range of legal problems. Thus, legal services must be sophisticated and responsive enough to handle the multitude of complex situations that people face. They must have the capacity to resolve complicated, concurrent and interrelated legal problems that cut across many aspects of people's well-being, including their family circumstances, finances, employment, health, housing and welfare. Legal service delivery needs to be sufficiently coordinated to deal with connected but disparate legal issues. It may often be inadequate to deal with each legal problem in isolation. In particular, a holistic, client-focused approach to legal service provision may be necessary to resolve the multiple legal problems that disadvantaged people tend to face (e.g. Buck et al. 2005; Coumarelos et al. 2006; Currie 2007b; Forell et al. 2005; Maxwell et al. 1999; Pleasence 2006; Sandefur 2007, 2008).

This suggestion is at odds with much of the existing legal service practice across Australia. The diverse areas covered by the law and the complexity of the justice system have inevitably resulted in a degree of specialisation among lawyers.¹⁵ Like medical specialisation, legal specialisation is conducive to the provision of expert assistance with regard to specific individual problems (Coumarelos et al. 2006). However, legal specialisation has, to some degree, resulted in legal service delivery in Australia being siloed by the type of legal matter, legal jurisdiction and eligibility criteria for public legal assistance. Thus, there is considerable fragmentation in legal service delivery, with different types of legal issues tending to be dealt with separately by different legal service providers who function fairly autonomously (Coumarelos et al. 2006; Forell et al. 2005; Scott & Sage 2001). In each Australian jurisdiction, a diverse range of private and public agencies provide a variety of legal services. Private lawyers often specialise in specific areas of law, and some, but not others, provide pro bono services. Public legal service agencies provide a variety of services and include Legal Aid, CLCs, ALSs, LawAccess NSW and local court registrars and staff. Some of these public agencies provide specialist services. That is, they are bound by funding requirements to provide only specific types of services (e.g. telephone information hotlines, advice, referral or representation) for certain demographic groups (e.g. young people, women or people with a disability) and specific types of legal issues. However, other public legal service agencies, including certain CLCs and legal hotlines (e.g. LawAccess NSW and some hotlines operated by Legal Aid and CLCs), provide more generalist services. That is, they provide services for a broader range of legal issues and demographic groups, often including triage services that provide initial legal diagnosis and referral to specialist legal services.¹⁶ A range of government and non-government bodies (e.g. government departments,

¹⁵ For example, 'micro-niche' legal practices specialising in extremely narrow areas of the law have emerged in the US (see ABA SCDLS 2002).

¹⁶ See Appendix Table A6.2 for a description of the types of services provided by ALSs, CLCs, court services, LawAccess NSW and Legal Aid, and see Appendix Table A2.2 for examples of public legal services in Australia.

ombudsmen, commissions, tribunals and industry bodies) also provide various dispute resolution and complaint-handling services, again often for specific areas of the law.¹⁷

The fragmented nature of legal services in Australia means that legal service provision is problem-focused rather than client-focused. This fragmentation can be a challenge for people with multiple legal problems, who often need to identify a separate legal service provider for different types of legal problems and to navigate the disparate eligibility criteria attached to each service provider. A problem-focused rather than client-focused approach can also mean that only some of the legal problems faced by an individual are detected and addressed. Thus, a person's legal problems may not be dealt with in their entirety, resulting in the need for extra contacts with legal services or, worse, in people giving up on obtaining advice (Buck et al. 2010b). Although rigorous research is sparse, some reports have noted poor coordination and unsuitable referral among legal services in Australia, suggesting a lack of clear pathways for clients (ALRC 2000; Coumarelos et al. 2006; Ellison, Schetzer, Mullins, Perry & Wong 2004; Family Law Pathways Advisory Group 2001; Forell et al. 2005; LJF 2003; Scott & Sage 2001). A more integrated approach to legal services in Australia is therefore indicated to handle the multiple, interrelated legal problems faced by some people — most usually, disadvantaged people.

Need for integrated legal and non-legal response

In addition to more integrated legal services, the present findings indicate the potential benefits of a more integrated response across legal and non-legal services. As already discussed, using non-legal professionals as more direct gateways to legal referral is one method for coordinating legal and non-legal services. In many cases, simple, effective referral between otherwise autonomous legal and non-legal services may be a sufficient level of service coordination to achieve complete legal resolution. However, a greater level of integration between legal and non-legal services is likely to be useful for people who face interrelated or complex legal and non-legal needs. A number of the present findings across jurisdictions indicate that people with legal problems often also have related non-legal problems.

First, it is well established that disadvantaged groups within society, by virtue of their socioeconomic status, are often grappling with a variety of non-legal needs, such as health, financial, employment, housing and educational needs (ABS 2004c, 2008b; Gray, Edwards, Hayes & Baxter 2009; Harding et al. 2001; Headey 2006; Vinson 2007). The present results confirm past findings that, in addition to having non-legal problems, disadvantaged groups are typically the demographic groups that are most vulnerable to legal problems. Disadvantaged respondents were not only more likely to experience legal problems, but were also more vulnerable to severe and multiple legal problems. Furthermore, in some cases, they had difficulty resolving these legal problems. The intertwined legal and non-legal needs of many disadvantaged groups indicate that addressing their legal problems in isolation may provide inadequate legal resolution. In order to achieve a comprehensive solution to their concurrent legal and non-legal problems, disadvantaged people may require a coordinated response involving a combination of legal and non-legal services working together (Clarke & Forell 2007; Coumarelos et al. 2006; Forell et al. 2005; Pleasence 2006). The present findings confirm that holistic access to justice should be an important goal within the broader framework of social inclusion (Buck et al. 2010b; Coumarelos et al. 2006; Curran 2007; Forell et al. 2005; Forell & Gray 2009; Moorhead, Robinson & Matrix Research and Consultancy 2006; Noone 2007, 2009; Pleasence 2006).

¹⁷ See Appendix Table A2.3 for examples of dispute resolution and complaint-handling agencies in Australia.

Second, across jurisdictions, legal problems led to a wide range of adverse and severe consequences in a number of life areas, such as stress-related illness, physical illness, income loss or financial strain, relationship breakdown and the need to move home. The adverse impacts of legal problems on a broad range of outcomes indicate that the link between disadvantage and legal problems is dynamic and bidirectional. That is, not only does socioeconomic disadvantage or social exclusion increase the likelihood of experiencing legal problems, but the experience of legal problems can create, perpetuate or further entrench social exclusion (Buck et al. 2005; Currie 2007b). Resolving legal problems will sometimes require resolution of the non-legal problems that ensue from these legal problems. The broad adverse impacts of legal problems add further weight to the proposal that a coordinated response to legal and non-legal needs, through joined-up legal and non-legal human services, is likely to be beneficial (Kemp et al. 2007; Moorhead et al. 2006; Pleasence 2006; Pleasence et al. 2007a, 2007b, 2007c). Researchers have advocated the coordination of legal services with a wide variety of other human services, including health, housing, financial, social, welfare, family and crime victim services (Kemp et al. 2007; Moorhead et al. 2006; Pleasence 2006; Pleasence et al. 2007a, 2007b, 2007c).

In the UK, it has been argued that the considerable negative impacts that legal problems can have on people's personal circumstances translate to an enormous impact on society at large across many health, social and economic services. Using CSJS data, the economic impact was estimated to be at least €13 billion over a period of three and a half years and prompted the Lord Chancellor to state that solving legal problems must remain a priority across government (Balmer et al. 2010; Pleasence 2006). The LAW Survey findings suggest that the negative impacts of legal problems in Australia are also likely to translate to substantial economic impacts throughout Australian society. The findings indicate that an earlier, more integrated response from legal and non-legal services may prevent the escalation of legal and non-legal problems and result in long-term cost savings across government sectors.

Models of service integration

Integration among legal services or across both legal and non-legal services can be achieved via a variety of models. Service integration is typically conceptualised as a continuum (Cortis, Chan & Hilferty 2009; Fine, Pancharatnam & Thomson 2005; Horwath & Morrison 2007; Lappin 2010; Lennie 2010; Leutz 1999). At one extreme, slight integration involves agencies remaining completely autonomous but developing some cooperative links. At the other extreme, full integration involves agencies combining to form new units with pooled resources. Moderate integration models involve a series of increasingly more intensive linkages between separate agencies (Fine et al. 2005). For example, moderate integration models involve harmonising various activities to minimise duplication between agencies and may also involve more integrated client-focused or case management approaches (Fine et al. 2005).

Thus, slight integration of legal services in Australia could simply involve better cooperative links, via promotion of improved networking and referral, between various public and private legal service providers without the need for them to surrender their independence. One example of slight integration of legal services is the use of quality legal triage services to provide an initial diagnosis of legal needs and referral to specialist legal services as appropriate. Similarly, slight integration of legal and non-legal services may, as discussed earlier, involve more systematic referrals to legal services from non-legal professionals or could further involve bidirectional referrals and cooperative links. More intensive integration models may, for example, involve 'service hubs' or 'one-stop shops' that co-locate different legal services or both legal and non-legal services. Service hubs aim

to improve the accessibility of services by providing a convenient entry point, such as a location frequented by the client group. In addition to facilitating referrals between agencies, service hubs can also involve more intensively integrated services by adopting a more client-focused or case management approach across services (Coumarelos et al. 2006; Fine et al. 2005; Forell et al. 2005). For example, they could involve more systematic diagnosis of a client's full range of legal and non-legal needs at entry, followed by a case plan for addressing all of those needs through coordinated response across services.

Increased integration among a variety of human services has become the focus of recent whole-of-government social inclusion policies in several countries, including Australia (Australian Government 2009a; Vinson 2009). Such policies target demographic groups that experience multiple disadvantage and aim to address the multiple causes and impacts of disadvantage by a joined-up approach to service provision across numerous government and non-government human services. Some of these policies explicitly nominate access to justice as a priority area and aim to include legal services within the network of joined-up human services.

As noted earlier, the UK has been a world leader in establishing integrated legal and non-legal services. For example, UK initiatives have included co-locating citizens advice bureaus within health settings (Balmer et al. 2006; Kemp et al. 2007; Pleasence 2006). More recently, a major large-scale initiative in the UK introduced CLACs and CLANs to provide integrated social welfare law services by coordinating various legal and non-legal services (Buck et al. 2010b). CLACs involve co-locating services within single centres, whereas CLANs involve enhancing coordination between a network of local services in areas where population densities do not facilitate single centres. CLACs and CLANs are service hubs that aim to provide 'accessible' services through the provision of convenient entry points to service delivery. Furthermore, they involve client-focused or case management approaches via 'seamless', 'integrated' and 'tailored' service delivery. That is, they aim to provide service delivery that is 'seamless' from entry through to aftercare via good coordination and referral, 'integrated' in that it detects and addresses all the problems experienced by the client, and 'tailored' to allow for intensive support for the most vulnerable clients (Buck et al. 2010b). A process evaluation of CLACs found two key benefits: the convenience of a range of advice expertise 'under one roof' and knowledge transfer among service providers (Buck et al. 2010b). CLANs were not included in this evaluation, because they were not operational at the time of fieldwork.

Similarly, the US has seen a proliferation of community law services involving collaboration between different professionals. In some of these collaborations, lawyers are the predominant service providers. In others, lawyers provide a secondary or supportive role to non-legal professionals. Other collaborations involve lawyers working with non-legal professionals in an integrated fashion to meet multiple client needs (Castles 2008).

Service integration in Australia

In Australia, large-scale service integration initiatives have not been undertaken at the national or state/territory level, and there has been only limited discussion about what joined-up or integrated services would entail (Noone 2007, 2009). Service integration has only just been placed on the national agenda, with COAG's (2010) National Partnership Agreement on Legal Assistance Services, which covers the period July 2010 to June 2014. It aims to increase collaboration among legal services by increasing preventative, early intervention and dispute resolution services, comprehensive legal information services, seamless referral for preventative and early intervention, and efficient and cost-effective Legal Aid services. It also aims to increase collaboration between legal services and other human services.

Although not on a particularly large scale, initiatives that provide communication among various legal services and associations have begun to take shape in some Australian jurisdictions (cf. Noone 2007, 2009). For example, Legal Assistance Forums (LAFs) have been established in NSW (NLAF), Victoria (VLAF) and Queensland (QLAF), and at the national level (ALAF). The LAFs typically include representatives from Legal Aid, ALSs, CLCs, legal professional associations, public interest law clearing houses (PILCHs) and law foundations. They are a primary mechanism through which agencies collaborate in the planning, design and delivery of public legal assistance.¹⁸ In some cases, LAF-based working groups have been established to cooperate on addressing specific legal issues or meeting the needs of certain demographic groups.¹⁹ In addition, various one-off initiatives have sought to provide coordinated legal services — for example, initiatives in response to crises such as the 2009 Victorian bushfires,²⁰ and pro bono partnerships between private and public legal services.²¹

Coordination between legal and non-legal services in Australia is also generally less well advanced than in countries such as the UK and the US. Nonetheless, a number of initiatives within states/territories with the aim of improving legal outcomes have involved partnerships between legal and non-legal agencies. Typically, these initiatives have been relatively small-scale projects that have been undertaken on a disjointed or ad hoc basis, often under the auspices or funding of Legal Aid, law foundations, PILCHs, CLCs, universities or pro bono partnerships. These projects have included place-based initiatives, co-located services, issue-based initiatives, client-based initiatives, such as initiatives for homeless or Indigenous people, legal information and education initiatives, ‘hosted’ and outreach legal services, and multidisciplinary services. Perhaps the largest scale initiative in Australia that involves partnerships between various legal and non-legal agencies is the Cooperative Legal Service Delivery (CLSD) program, which spans much of regional NSW. The CLSD program involves government, public legal service providers, private lawyers, non-legal service providers and community groups working together to deliver services more effectively to disadvantaged people in particular regional areas.²² Other examples of initiatives involving coordination between legal and non-legal organisations in each state/territory are as follows:

- NSW: homeless persons’ legal services²³ and the Regional Outreach Clinic Program, which hosts Legal Aid outreach services²⁴
- Victoria: homeless persons’ legal services,²⁵ the co-location of the West Heidelberg CLC and Banyule Community Health (see Noone 2007, 2009), and Seniors Rights Victoria²⁶

¹⁸ See <www.nlaf.org.au/groups>, <www.vlaf.org.au>, <www.qlaf.org.au> and <www.nla.aust.net.au/category.php?id=4>.

¹⁹ The NLAF working group on employment law services was established to examine ways of increasing employment law services for socially excluded people. See <www.nlaf.org.au/groups>. The QLAF specialist forum on Disability Legal Assistance was established to promote cooperation between legal service providers and to help to ensure that the legal needs of people with impaired decision-making capacity are met with the best and most effective service available. See <www.qlaf.org.au/specialist-forums.php>.

²⁰ Victorian Bushfire Legal Help was established to provide free legal information and support for people affected by the 2009 Victorian bushfires and involved the CLCs in the affected areas, the Victorian Federation of Community Legal Centres, PILCH (Vic), Victoria Legal Aid, the Law Institute of Victoria, the Victorian Bar, and federal government emergency funding. See <www.bushfirelegalhelp.org.au>.

²¹ Notable examples of pro bono partnerships between private and public legal services include partnerships involving homeless persons’ legal services in NSW, Queensland and Victoria. See <www.piac.asn.au/campaigns/homeless-persons-legal-service>, <www.qpilch.org.au/01_cms/details.asp?ID=7> and <www.pilch.org.au/hplc>.

²² See <www.legalaid.nsw.gov.au/asp/index.asp?pgid=712>.

²³ See <www.piac.asn.au/campaigns/homeless-persons-legal-service>.

²⁴ See <www.legalaid.nsw.gov.au/asp/index.asp?pgid=590>.

²⁵ See <www.pilch.org.au/hplc>.

²⁶ See <www.seniorsrights.org.au>.

- Queensland: homeless persons' legal services,²⁷ the Regional Legal Assistance Forums (RLAFs), which are place-based initiatives,²⁸ the co-location of the Logan Youth Legal Service and Youth and Family Service (Logan City),²⁹ relationships between Legal Aid and community organisations to facilitate legal information and referral, such as Community Access Points,³⁰ and multidisciplinary community-based organisations, such as the legal, advocacy and community development services of the Advocacy and Support Centre³¹
- South Australia: homeless persons' legal services³² and ongoing relationships between Legal Aid and community organisations to facilitate legal information and referral, such as Murray Bridge Outreach³³
- Western Australia: multidisciplinary community-based organisations, such as citizens advice bureaus, which provide information, referrals and mediation services,³⁴ and the Geraldton Resource Centre, which co-locates the Geraldton CLC with financial, tenancy and other community services³⁵
- Tasmania: the Tasmanian Government's multi-agency Safe at Home family violence initiative³⁶ and the Migrant Resource Centre of Southern Tasmania, which provides information about legal and other services³⁷
- the Northern Territory: co-location of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council domestic violence service with other health, cultural and social services at Pitjantjatjara Council Resource Centre,³⁸ coordination of legal, counselling and referral services for Indigenous victims of family violence at the North Australian Aboriginal Family Violence Legal Service³⁹ and the Central Australian Aboriginal Family Legal Unit Aboriginal Corporation⁴⁰
- the ACT: Street Law, which is an ongoing relationship between community legal services and community organisations to provide crisis, child, family, women's, migrant and settlement services.⁴¹

The best method for providing integrated service delivery throughout Australia requires considerable thought and careful planning, and there are lessons to be learnt from the experience overseas. The implementation of CLACs and CLANs in the UK confirmed that joining up legal and non-legal services is a complex, challenging process. It requires considerable planning, investment, resources and cooperation if it is to be effective (Buck et al. 2010a, 2010b; Fox et al. 2010; Smith & Patel 2010). Integrating services can pose considerable challenges across sectors, across government and within organisations. Although considerable funding and resources are required, funding for coordinated activities between agencies often falls outside the individual funding guidelines of each agency (Noone 2009). In addition, competing priorities, different reporting requirements,

²⁷ See <www.qpilch.org.au/01_cms/details.asp?ID=7>.

²⁸ See <www.qlaf.org.au/regional-forums.php>.

²⁹ See <www.yfs.org.au>.

³⁰ See <www.legalaid.qld.gov.au/about/partners/Pages/Community-access-points.aspx>.

³¹ See <www.tascinc.org.au>.

³² See <www.law.adelaide.edu.au/alos>.

³³ See <www.lsc.sa.gov.au/cb_pages/legal_advice_outreach.php>.

³⁴ See <www.cabwa.com.au>.

³⁵ See <www.grc.asn.au>.

³⁶ See <www.safeathome.tas.gov.au>.

³⁷ See <www.mrchobart.org.au>.

³⁸ See <www.waru.org/organisations/npwyc>.

³⁹ See <www.naafvls.com.au>.

⁴⁰ See <www.caafu.com.au>.

⁴¹ See <www.streetlaw.org.au>.

ethical obligations and professional duties can also provide substantial impediments to successful multidisciplinary integration (Castles 2008; Noone 2009). For example, multidisciplinary integration requires shared understanding of the complementary roles of different agencies; identification of mutually beneficial aspects of service delivery; reconciliation of competing policies, objectives and reporting requirements; considerable funding, resourcing and time commitment to embed effective relationships and referral; and mechanisms of evaluation, accountability and quality assurance (Pleasence 2006; Pleasence et al. 2004c; Scott & Sage 2001).

Thought also needs to be given to the integrated service models that are most suited to local conditions in Australia. For example, the tyranny of distance is a much greater issue in Australia than in the UK, given Australia's vast rural and remote areas. The population may be too sparse and the existing services too few in such areas to support certain types of integrated service delivery (see Wakerman, Humphreys, Wells, Kuipers, Entwistle & Jones 2006). Co-located or closely located services may be more feasible in major city areas, regional centres or a largely urban jurisdiction such as the ACT. In more remote areas, however, it is likely that integrated services will have to rely more heavily on outreach services. Although the evaluation by Buck et al. (2010b) did not include CLANs, they noted that, compared to CLACs, where services are under the one roof, CLANs could face distinct delivery challenges, given their multiple access points and dependence on outreach services. Such challenges loom even larger in Australia. Furthermore, the best way to build on the existing infrastructure of legal and human services in Australia needs to be considered. This infrastructure is not identical across states/territories or across city, regional, rural and remote areas. For example, a more comprehensive system of citizens advice bureaus exists in Western Australia than in the rest of the country. In addition, in areas where initiatives providing some coordination between legal and non-legal agencies already exist (e.g. the CLSD program in regional NSW and RLAfs in regional Queensland), it may well be sensible to build on these initiatives rather than to start afresh. At the very least, such initiatives are likely to provide valuable insights on the advantages and disadvantages of certain aspects of service integration. Consequently, service integration should be suitably tailored to local conditions and infrastructure.

In addition, the best entry points to more coordinated services need to be determined, and, again, there may be benefit in tailoring entry points to the existing local infrastructure. Entry points must have a number of features to be viable. First, they must have high visibility and accessibility. That is, they must be well known to the public and convenient to use. Marketing may be required to ensure high awareness of the services offered via particular entry points (Scott & Sage 2001). Second, entry points must be able to provide the first step towards a comprehensive diagnosis of the client's full range of legal and non-legal needs. They must be able to provide at least a preliminary diagnosis with suitable referral for a more complete diagnosis. Third, entry points must be well connected to a wide range of legal and other human services, so that they can provide relevant referrals to specialised services for holistic resolution of all of a client's legal and non-legal problems, including, where appropriate, referrals for more tailored, client-centred or case management services.

The types of services that could viably act as entry points to integrated legal and non-legal services in Australia also need to be considered. First, generalist CLC offices may be feasible entry points, in areas where they are available. Generalist CLCs already often have established relationships with other legal and non-legal services in their area. They usually offer general legal advice and referral to specialist legal services, foster relationships with non-legal services and cater for the particular needs of their client group. Although these CLC activities bear some similarity to those of the UK's CLACs, they fall fundamentally short of the CLACs' integrated service model in a number of critical respects. Unlike CLACs, generalist CLCs are not funded to provide integrated legal and

non-legal services. As a result, generalist CLCs tend to have less streamlined processes for the diagnosis and treatment of multiple legal and non-legal problems, and less formalised cooperative links with broader human services. Adapting the CLC infrastructure to more systematically focus on the holistic assessment and treatment of each client's full range of legal and non-legal problems is likely to require not only further resourcing, but also changes to operations and more formalised cooperative links with broader human services.

Second, the possibility of using legal triage hotlines, such as LawAccess NSW and the various Legal Aid and CLC hotlines, as entry points to integrated legal services has already been raised. In addition, legal triage hotlines may be suitable entry points to more integrated service provision across legal and human services. Although legal hotlines operate throughout Australia, they may require some adaptation in order to act as effective entry points to integrated legal and non-legal services. For example, the public profile of these legal hotlines is not necessarily high, as indicated by the LAW Survey findings for LawAccess NSW.⁴² In addition, although the existing legal hotlines sometimes provide non-legal referral (see Cain 2007; Scott et al. 2004), they tend to focus on legal diagnosis and legal resolution, and are not specifically funded to provide comprehensive assessment and resolution of all of a client's intertwined legal and non-legal problems. Legal triage hotlines may be more feasible entry points than generalist CLCs in remote geographical locations where the population may be too sparse to support local services.

Third, in some locations, local community organisations may also be feasible entry points to integrated services, particularly organisations that people routinely turn to for information, advice or assistance with problems. For example, such organisations may include neighbourhood or community centres, citizens advice bureaus, community access points, local council offices, members of parliament, libraries, and family or migrant resource centres. Given that LAW Survey respondents used a diverse range of non-legal community organisations as advisers for their legal problems, there may be benefit in more systematically supporting appropriate community organisations to act as gateways to integrated legal and non-legal services, particularly in remote areas. Again, considerable adaptations would be required to use local community organisations as effective entry points to integrated legal and non-legal services.

Tailoring services for specific legal problems

In setting priorities for the provision of legal services, the LAW Survey findings⁴³ indicate that some consideration needs to be given to the types of legal problems that require greater resources, time or expertise to resolve (Coumarelos et al. 2006; Genn 1999; Genn & Paterson 2001). Some types of legal problems were common, while others were rare. Furthermore, legal problems varied in their severity and their adverse impacts on a variety of life circumstances. Some legal problems were relatively intractable, requiring external advice or assistance, being less likely to be finalised and resulting in poorer outcomes. In fact, the type of legal problem was often the strongest determinant of the strategies adopted, the finalisation of legal problems and the types of outcomes achieved. The methods used to resolve legal problems also varied according to the type of problem. Thus, the findings suggest the potential benefits of tailoring legal services to meet different types of legal needs.

⁴² See Figure 6.8 in the LAW Survey report for NSW.

⁴³ The present section on 'Tailoring services for specific legal problems' draws on both descriptive statistical analyses (e.g. percentages and means) and inferential statistical analyses involving significance testing (e.g. chi-square and regression analyses). See Chapter 9 for a summary of the major findings across jurisdictions. For full details of the results from all the statistical analyses conducted in each jurisdiction, see Chapters 3–8 in each LAW Survey report.

Legal services should be able to deal effectively with severe, more intractable legal problems. The present findings suggest that family problems are of particular note in this regard. Family problems were less likely to be finalised.⁴⁴ In addition, family problems typically stood out as being very likely to comprise substantial legal problems with a broad range of negative consequences on health, economic and social circumstances.⁴⁵ In several jurisdictions, family problems clustered with credit/debt problems.⁴⁶ In most jurisdictions, respondents were more likely to seek advice for family problems than for other legal problems when they took action to try to resolve them.⁴⁷ It is not surprising that family problems such as separation and divorce may trigger further legal and non-legal problems, given that they often result in major changes to housing and finances (Pleasence 2006). Although family problems were less frequent than some types of problems, they clearly require considerable investment of time, resources and expertise to achieve successful resolution.

Similarly, health and employment problems tended to be substantial, with relatively high numbers of adverse impacts, again suggesting the importance of ensuring that there is sufficient targeting of legal services to deal effectively with these problems.⁴⁸ These problems were perceived as having average or less favourable outcomes across jurisdictions.⁴⁹ Thus, people may need to be encouraged to seek expert advice for health and employment problems more often than they currently do in order to improve outcomes. In most jurisdictions, when respondents took action, they were no more likely to seek advice for these problems than for other problems.⁵⁰ The severity and adverse impacts of these problems are in keeping with past research and may reflect the financial hardship that can result from illness and unemployment (Genn 1999; Pleasence 2006). Furthermore, a link between employment problems and financial hardship was seen in two jurisdictions in the present study. Employment and credit/debt problems co-occurred or clustered together in Queensland and the Northern Territory.

While personal injury problems similarly tended to have a high number of adverse impacts, they were less often rated as substantial problems.⁵¹ Personal injury problems were more likely than average to result in seeking advice when action was taken.⁵² They were also more likely to result in favourable outcomes in most jurisdictions.⁵³ Thus, the current pathways used for resolving personal injury problems appear to work relatively effectively when compared to the pathways for other types of problems. Nonetheless, these findings do not rule out the possibility of further improvements to the pathways and outcomes for personal injury problems.

Legal services should also be able to deal effectively with common legal problems. Consumer and crime problems were the most common types of problems in all jurisdictions. Across jurisdictions, consumer problems were most frequently finalised via agreement with the other side. In addition, consumer problems were perceived as having average or favourable outcomes.⁵⁴ The Australian

⁴⁴ This result was significant in all jurisdictions.

⁴⁵ In Australia as a whole, family problems comprised the highest proportion of substantial problems and had the highest mean number of adverse consequences.

⁴⁶ In Australia as a whole, this clustering effect was evident.

⁴⁷ In Australia as a whole, this result was significant.

⁴⁸ In Australia as a whole, these problem groups were ranked in the top four in terms of both proportion of substantial problems and mean number of adverse consequences.

⁴⁹ In Australia as a whole, both employment and health problems had significantly lower levels of favourable outcomes.

⁵⁰ Australia as a whole was an exception. Both of these problem groups resulted in significantly higher levels of seeking advice when action was taken.

⁵¹ In all jurisdictions, personal injury problems were ranked in the top four in terms of mean number of adverse impacts but were below the top four in terms of proportion of substantial problems.

⁵² Personal injury problems resulted in significantly higher levels of seeking advice when action was taken in all jurisdictions.

⁵³ Personal injury problems had significantly higher levels of favourable outcomes in Australia as a whole.

⁵⁴ In Australia as a whole, consumer problems had significantly higher levels of favourable outcomes.

Consumer Survey similarly found that negotiating with the other side was a common means of resolving consumer problems that often led to satisfactory outcomes (Sweeney Research 2011). Although the present survey found that most consumer problems were relatively minor, the sheer volume of consumer problems means that the population will still face many substantial problems of this type. Thus, there is likely to be a considerable need for expert legal information and advice for more complex consumer problems that are not easily handled by direct negotiation with the other side.

Similarly, the survey demonstrated that, even though most of the crime problems experienced by respondents were minor, the high volume of crime problems means that many substantial crime problems will be experienced. Across jurisdictions, crime problems were commonly finalised via the respondent not pursuing the matter further or via agencies such as the police and insurance companies. In addition, crime problems were perceived to result in less favourable outcomes.⁵⁵ These findings may in part reflect the nature of crime victimisation. In addition to the personal violation experienced, common crimes such as theft, burglary and vandalism often remain unsolved, due to the difficulty in identifying the perpetrator (NSW BOCSAR 2011b). Thus, in many instances, abandonment may be an appropriate means of finalising crime problems. However, it is important that decisions to abandon rather than take further action to resolve crime problems are properly informed. Hence, legal information and advice services could play a useful role in facilitating such informed decisions.

Housing and government problems also tended to be relatively frequent across jurisdictions. Government problems are worth noting, because they were less likely to be finalised and resulted in average or poorer outcomes in most jurisdictions.⁵⁶ Given that government problems tended to be handled without advice when action was taken,⁵⁷ there may be some benefit in encouraging people with these problems to seek expert advice more often than they do currently. Government problems included a considerable number of problems related to fines, government payments and local government issues, as well as some state and federal government issues.

Legal service provision could also focus on the types of legal problems that tend to have poorer outcomes. As noted above, respondents perceived that crime, employment, government and health problems had average or poorer outcomes in all jurisdictions. In addition, credit/debt and rights problems had average or poorer outcomes across jurisdictions.⁵⁸ Credit/debt problems were more likely than other problems to be handled without advice when action was taken,⁵⁹ suggesting that empowering people to seek advice more often for these problems may be useful. Rights problems resulted in average or lower than average levels of taking action across jurisdictions,⁶⁰ suggesting that mobilising people to act may improve outcomes. Thus, the present results support the contention that public legal education may be more necessary for some legal issues than for others (Balmer et al. 2010). Such initiatives could be targeted to enable people to take action and seek advice for the types of legal problems that currently tend to have poorer outcomes as a result of being ignored or being handled without advice.

⁵⁵ Crime problems resulted in significantly lower levels of favourable outcomes in all jurisdictions.

⁵⁶ In Australia as a whole, government problems had significantly lower levels of both finalisation and favourable outcomes.

⁵⁷ Government problems resulted in significantly lower levels of seeking advice when action was taken in all jurisdictions.

⁵⁸ In Australia as a whole, both credit/debt and rights problems had significantly lower levels of favourable outcomes.

⁵⁹ Credit/debt problems resulted in significantly lower levels of seeking advice when action was taken in all jurisdictions.

⁶⁰ Rights problems resulted in significantly lower levels of taking action in Australia as a whole.

Enhancing realistic expectations about outcomes

It has been argued that encouraging people to take action and seek advice for legal problems is likely to improve outcomes and increase people's satisfaction with the end results. It is worth noting that people's perceptions about outcomes being unsatisfactory may sometimes be founded on unrealistic expectations. The psychosocial literature indicates that satisfaction is a complex response that is shaped by both the fulfilment of needs and the fulfilment of expectations about quality and fairness (Oliver 1997). Thus, correcting any unrealistic expectations about the likely outcomes of legal problems may increase people's level of satisfaction with the results achieved. Legal information and advice services could work towards ensuring that people's expectations are realistic, by providing them with sound information on their rights, the available legal solutions and the probable outcomes of certain resolution strategies, given the specific circumstances of their legal problem.

Tailoring services for specific demographic groups

The LAW Survey findings across jurisdictions demonstrate considerable diversity in the experience, handling and resolution of legal problems according to demographic status.⁶¹ This diversity suggests the value of tailoring legal services to meet the specific legal needs of different demographic groups. As noted earlier, strategies tailored to address the specific issues faced by particular groups at particular times are often more effective than one-size-fits-all education strategies (Balmer et al. 2010; Barendrecht 2011; Buck et al. 2008; Combined Community Legal Centres Group NSW 2004; Coumarelos et al. 2006; Currie 2000; Federation of Community Legal Centres Victoria 2010; Flowers et al. 2001; Giddings & Robertson 2003b; Goldie 1997; Hunter et al. 2009; Kirby 2011; Lawler et al. 2009; Macdonald 2005; PLEAS Task Force 2007; Plenet 2009, n.d.; Scott & Sage 2001). In addition, the present findings suggest that disadvantaged groups may often require more intensive, integrated assistance and support to achieve legal resolution.

Age

Age was usually and often strongly related to the prevalence of legal problems, the strategies used to resolve them and whether or not they had been finalised. In most jurisdictions, the prevalence of legal problems overall was at peak or near peak levels at 35–44 years of age.⁶² Across jurisdictions, the oldest group had low prevalence of legal problems overall, substantial legal problems and multiple legal problems. In addition, in all jurisdictions, there was a 'stages of life' effect whereby different age groups experienced different types of legal problems.

Furthermore, age affected strategy. Across jurisdictions, age was related to the likelihood of taking action or the likelihood of seeking advice when action was taken or both. In a number of jurisdictions, the younger and oldest groups had low levels of taking action, while the middle age groups had higher levels.⁶³ In addition, younger people were less likely to seek advice when they took action in

⁶¹ The present section on 'Tailoring services for specific demographic groups' draws on regression analyses conducted in all jurisdictions. These regression results are summarised in Tables 9.2–9.7 in Chapter 9. For full details of the regression analyses, see Chapters 3, 5, 7 and 8 in each LAW Survey report.

⁶² Based on the percentages in all jurisdictions apart from the Northern Territory, there was a tendency for overall prevalence to peak at 35–44 years. According to significant regression results, 35–44 year olds had peak levels of overall prevalence in Victoria, Queensland, Western Australia, Tasmania and Australia as a whole.

⁶³ According to the percentages in most jurisdictions, there was a tendency for the younger groups (15–17 and 18–24 year olds) and the oldest group (people aged 65 years or over) to have lower levels of taking action than the middle age groups (25–34, 35–44, 45–54 and 55–64 year olds). The regressions on taking action compared the oldest group to each other age group and found that the oldest group was significantly less likely to take action than some of the middle age groups in four jurisdictions. Note that the regressions did not directly compare the younger groups to the middle age groups. However, the youngest group (15–17 year olds) had the lowest percentages of taking action in all jurisdictions except the ACT.

most jurisdictions.⁶⁴ In Australia as a whole, the effect for taking action was significant. The oldest group was significantly less likely to take action than most middle age groups. In addition, the youngest group (15–17 year olds) had levels of taking action that were similar to the low levels of the oldest group. However, unlike the trend in most jurisdictions, the oldest group had significantly lower levels of taking action than the second youngest group (18–24 year olds). The effect for seeking advice was also significant. Younger people were significantly less likely to seek advice when they took action.

Finally, in most jurisdictions, younger people had high levels of finalising their legal problems.⁶⁵ This effect was significant in Australia as a whole.

The reason for the lower reporting levels by older people is unclear. Older people may actually have a lower prevalence of legal problems because their life circumstances are less likely to expose them to legal problems or because they are better able, through experience, to deal with issues before they escalate (Pleasence et al. 2004c). However, the lower reporting by older people may also partly reflect a failure to identify legal needs, for reasons such as a decrease in the importance placed on problems or an increased ignorance of personal circumstances (Pleasence et al. 2004c). Qualitative research identified older people as having particular types of legal needs, due to their unique life circumstances, such as their low income and increased health needs (Ellison et al. 2004). In addition, older people often ignored their legal problems and were reluctant to complain about them. Older people have also been found to have poor understanding of their legal rights and avenues for legal redress (Ellison et al. 2004; Tilse, Setterlund, Wilson & Herd 2002). Thus, specialised information and education strategies for older people may be useful in helping them to recognise and deal effectively with legal problems (e.g. Ellison et al. 2004).

The age-related experience of legal problems suggests that there may be benefits to tailoring legal information, education and advice strategies for different age groups, to address the types of legal problems typically faced at various life stages (Coumarelos et al. 2006; Dignan 2006; Macdonald 2005; Pleasence 2006). Age-tailored initiatives have been adopted in other areas, such as in the area of financial services, where banking, superannuation and insurance schemes are customised to the typical needs of different age groups (e.g. Brennan 2000; Datamonitor 2003; Department of Family and Community Services 2005). Legal information and education strategies could similarly be targeted according to the types of legal problems that tend to peak at different ages, communicated in an age-appropriate form and disseminated via age-accessible pathways. For example, high schools could be pathways for delivering legal information and education to young people on the types of legal problems their age groups typically face, such as problems related to criminal activity, accidents and personal injury, and rented housing (Coumarelos et al. 2006). Pre-natal classes may be useful avenues for disseminating information on the legal issues that predominate for parents of young families, such as family, credit/debt and housing issues (Coumarelos et al. 2006; Pleasence et al. 2004c). Older people have been found to have particular legal information-seeking behaviours and needs (Edwards & Fontana 2004). Legal advice and assistance services could also be tailored to the particular legal needs of different age groups. For example, specialist legal services for specific

⁶⁴ According to the percentages in all jurisdictions, there was a tendency for the two youngest groups to have the lowest or near lowest percentages of seeking advice when they took action. The regressions on seeking advice compared the oldest group to each other age group and found that some of the younger groups were significantly less likely to seek advice when they took action compared to the oldest group in most jurisdictions. The regressions did not directly compare the younger groups to the middle age groups. However, in most jurisdictions, the middle age groups had levels of seeking advice when they took action that were not significantly different to those of the oldest group.

⁶⁵ The regressions on finalisation status compared the oldest group to each other age group. In most jurisdictions, compared to the oldest group, some of the younger groups had significantly higher levels of finalisation, while the middle age groups had similarly low levels.

age groups, such as younger people or older people, may be of value in geographical regions that include large populations of those age groups (Coumarelos et al. 2006; Ellison et al. 2004). Again, such specialist services could use age-appropriate communication and could focus on overcoming the specific barriers to accessing justice faced by the client group (Ellison et al. 2004).

Given that, as noted above, younger and older people were less likely to take action to resolve their legal problems in some jurisdictions, information and education initiatives could target these age groups to help empower them to identify their legal needs and take steps towards resolution. The finding that younger people were more likely to handle problems without seeking advice when they took action in most jurisdictions⁶⁶ suggests that this age group may also benefit from information and education strategies that signpost them to advice services. Enhancing young people's awareness of advice services would help to ensure that they are able to seek expert advice whenever this would be useful and do not rely on less optimal strategies due to a lack of knowledge about avenues for assistance.

Finally, the higher levels of finalisation for younger respondents in most jurisdictions⁶⁷ suggest that middle-aged and older respondents may benefit from greater levels of assistance or support in order to resolve their legal problems successfully.

Gender

Like past surveys, the present study did not reveal strong, consistent relationships between gender and the prevalence of legal problems. In most jurisdictions, gender was not significantly related to the prevalence of legal problems overall, substantial legal problems or multiple legal problems.⁶⁸ However, males had elevated levels of problems from a few of the 12 problem groups in most jurisdictions. Each of the following types of legal problems was elevated for males in at least three jurisdictions: consumer, credit/debt, crime, government, money and personal injury problems. In Australia as a whole, males had significantly higher prevalence of problems from all of these problem groups, and females had significantly higher prevalence of health problems.

Gender was significantly related to finalisation status only in Western Australia and was not significantly related to favourability of outcome in any jurisdiction. However, gender was more reliably related to strategy across jurisdictions. Males were less likely to take action in most jurisdictions and less likely to seek advice when they took action in a few jurisdictions. Both of these gender effects for strategy were significant in Australia as a whole. Thus, males may benefit from information and education campaigns that encourage them to take appropriate action for their legal problems, including appropriately seeking advice. They may also benefit from legal services targeted for men.

Disadvantaged groups

Disadvantaged groups⁶⁹ were typically vulnerable to a wide range of legal problems, sometimes ignored these problems and sometimes struggled to achieve resolution. They also often have a variety of non-legal needs. Thus, the present findings reinforce the argument that holistic access to justice for disadvantaged people must be a priority and is likely to be a critical pathway to tackling

⁶⁶ As already noted, this finding was significant in Australia as a whole.

⁶⁷ As already noted, this finding was significant in Australia as a whole.

⁶⁸ In Australia as a whole, however, males had significantly higher prevalence of legal problems overall and multiple legal problems, while females had significantly higher prevalence of substantial legal problems.

⁶⁹ The LAW Survey examined the following indicators of disadvantage: Indigenous background, disability, low levels of education, unemployment, single parenthood, disadvantaged housing, government payments, non-English main language and living in remote areas. See Appendix A2, 'Comparison of sample and population profile' section, and Appendix Table A2.8 for further details.

social exclusion (e.g. Buck et al. 2005; Coumarelos et al. 2006; Currie 2007b; Forell et al. 2005; Maxwell et al. 1999; Pleasence 2006; Sandefur 2007, 2008).

As already discussed, past research has suggested that disadvantaged people tend to have poor legal capability, including poor legal knowledge, literacy and communication skills, which can sometimes limit their ability to achieve legal resolution without expert assistance. For example, they may have difficulty identifying and using self-help strategies, and they may have difficulty accessing, comprehending and acting on legal information and legal advice, including hardcopy and online information, and telephone advice (Balmer et al. 2010; Buck et al. 2008; Giddings & Robertson 2001, 2003a; Hunter et al. 2007; Jones 2010; Lawler et al. 2009; Pearson & Davis 2002).

Given their multiple, often serious legal and non-legal needs, as well as their low levels of legal capability, it has been argued that disadvantaged people can require intensive assistance and support to achieve successful legal resolution. For example, they may sometimes benefit from high-quality face-to-face legal advice, and from a coordinated legal and non-legal response to their multiple problems (Buck et al. 2007, 2008, 2009; Coumarelos et al. 2006; Forell et al. 2005; Forell & Gray 2009; Genn & Paterson 2001; Giddings & Robertson 2001; Grunseit et al. 2008; Hunter et al. 2007; Karras et al. 2006; Pleasence 2006; Pleasence et al. 2007a, 2007b, 2007c). In addition, the typically low economic status of disadvantaged groups dictates that appropriately intensive and integrated service delivery for these groups would ideally be free or low cost. It has been argued that effective public legal services are vital for disadvantaged groups to be able to access legal advice and assistance at the same frequency as other people (Currie 2007a; Genn 1999; Genn & Paterson 2001). Given that a large portion of the legal problems experienced by the community are concentrated within disadvantaged groups, quality public legal services constitute a critical component of a holistic justice system, providing the backbone infrastructure necessary to support integrated and multifaceted access to justice strategies.

In addition to the above generic strategies to facilitate access to justice for disadvantaged groups, the LAW Survey results suggest the additional benefit of tailoring legal services to the particular needs of different disadvantaged groups. As discussed below, there were some notable differences in the present results for different disadvantaged groups.

Disability

People with a disability stood out as the disadvantaged group that most reliably had high prevalence of legal problems according to a variety of measures. Typically, they had high prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from most problem groups. These relationships with prevalence were usually among the strongest.⁷⁰ Disability was also related to strategy. In most jurisdictions, people with a disability were the only disadvantaged group that had high levels of taking action, high levels of seeking advice when they took action, or both. They were also the only disadvantaged group that had low levels of finalisation in most jurisdictions. In Australia as a whole, all of these associations of disability status with prevalence, strategy and finalisation status were significant.

⁷⁰ Note that the greater number of significant and often strong relationships for disability than for some of the other indicators of disadvantage may partly reflect measurement issues. Disability was defined as a 'long-term' condition that had lasted or was likely to last at least six months. However, there were insufficient numbers in some jurisdictions to similarly isolate long-term disadvantage according to other indicators. For example, inclusion in the unemployed, disadvantaged housing and government payments groups did not require a minimum duration. In addition, in some jurisdictions, the smaller numbers of respondents in some disadvantaged groups (e.g. the smaller numbers of Indigenous people and people living in remote areas) may also have militated against achieving a greater number of significant findings for these disadvantaged groups. Nonetheless, it is possible that the present study may somewhat underestimate the vulnerability of people with a disability, given that people who are most severely restricted by their disabilities are likely to be underrepresented. See Appendix A2, 'Comparison of sample and population profile: Disability status' section.

Past studies have also reliably linked disability to a wide range of legal problems (Coumarelos et al. 2006; Currie 2007b; Pleasence 2006). Like the present survey, Coumarelos et al. (2006) identified people with a disability as the most vulnerable of the demographic groups examined. Thus, meeting the legal needs of people with a disability must be an important policy objective (Coumarelos et al. 2006; Coumarelos & Wei 2009; Currie 2007a; O'Grady et al. 2004; Pleasence 2006; Pleasence et al. 2004a, 2004c). Well-coordinated legal services, including more holistic, client-focused or case management approaches, may be useful in addressing the wide variety of legal problems that these people tend to face.

People with a disability often have many non-legal needs in addition to their legal needs. They tend to suffer multiple types of disadvantage, such as poverty, poor housing, unemployment and crime victimisation, and, consequently, they have been described as the 'most socially excluded' of all disadvantaged groups (ABS 2004a, 2004c; Howard 1999; O'Grady et al. 2004; Pleasence 2006). It has been argued that the link between disability and legal problems is bidirectional. Not only are people with a disability more likely to experience legal problems by virtue of their disadvantaged status, but the impact of their legal problems may further entrench their social exclusion (Coumarelos et al. 2006; O'Grady et al. 2004; Pleasence 2006). The multiple legal and non-legal problems faced by people with a disability indicate that they may require both legal assistance and broader non-legal support in order to achieve complete resolution of their legal problems. Notably, the coordination of legal and health services has been advocated to address their combined legal and health needs (Balmer et al. 2006; Coumarelos & Wei 2009; Pleasence et al. 2004c). Given that their legal and other needs can span many life areas, people with a disability may also benefit from additional human services, such as financial, housing, welfare, social and family services.

The lower levels of finalisation for people with a disability in most jurisdictions⁷¹ indicate that they may have a reduced capacity to achieve legal resolution. A number of factors could contribute to this reduced capacity. First, this reduced capacity may reflect lower legal capability due to poor knowledge about legal rights and remedies, as identified by other research (Balmer et al. 2010). Second, the reduced capacity for finalisation may also reflect lower legal capability due to poorer literacy levels and communication skills, which are often issues for disadvantaged groups (ABS 2008a). Third, this reduced capacity may partly reflect that people with a disability have high rates of a broad range of often substantial legal problems. Facing many legal problems, often of a severe nature, concurrently or proximately, may strain their personal resources for solving each problem (Coumarelos et al. 2006). Finally, the health and other non-legal needs of people with a disability may also complicate the legal resolution process (ABS 2004a, 2004b). Whatever the reason, the reduced finalisation rates of people with a disability reinforce the conclusion that they may require considerable legal and non-legal support in order to address their legal problems effectively (Coumarelos et al. 2006; Coumarelos & Wei 2009). In addition, the possibility that they have poor legal knowledge suggests that they may benefit from information and education initiatives that help them to identify legal problems and direct them to relevant legal services.

The present finding that people with a disability were more likely to seek advice when they took action in some jurisdictions⁷² is in keeping with past surveys (Balmer et al. 2010; Currie 2007b). This finding may partly reflect that they have advisers whom they routinely consult about their health and other non-legal needs and, as a result, may turn to these established advisers when legal problems arise (Coumarelos & Wei 2009). However, it is also possible that they tend to seek advice for their legal problems precisely because they find it difficult to handle these problems alone,

⁷¹ As already noted, this finding was significant in Australia as a whole.

⁷² As already noted, this finding was significant in Australia as a whole.

without assistance. For example, Balmer et al. (2010) showed that disadvantaged groups that had poor legal knowledge, including people with a disability, tended to achieve poor outcomes when they handled their legal problems alone. The tendency of people with a disability to seek advice further underscores the value of this group being signposted to appropriate, quality legal and non-legal assistance in order to achieve satisfactory legal resolution.

Single parenthood

Single parents reliably had increased prevalence of legal problems according to a number of measures. Typically, single parents were more vulnerable to legal problems overall, substantial legal problems and multiple legal problems. They also had increased vulnerability to problems from at least a few problem groups in most jurisdictions, and, unsurprisingly, had particularly high prevalence of family problems in all jurisdictions. They had high levels of seeking advice when they took action and low levels of finalisation in a few jurisdictions. In Australia as a whole, single parents had significantly higher prevalence according to numerous measures, significantly higher levels of seeking advice when they took action and significantly lower levels of finalisation.

Past surveys have similarly found single parents to be among the demographic groups most vulnerable to legal problems, and meeting their legal needs has been identified as a priority (Buck et al. 2004; Currie 2007b; Dignan 2006; Moorhead et al. 2004; Pleasence 2006; Pleasence et al. 2010). Single parents, like people with a disability, have been identified as a group that often experiences multiple disadvantage, such as poverty, poor housing and disability (ABS 2004a, 2006a, 2010b; Australian Government 2009b; Buck et al. 2004; Hayes et al. 2008; Headey 2006; Vinson 2009). It has been argued that the changes in personal circumstances that result from family breakdown, such as changes in family, economic and housing circumstances, can leave lone parents particularly vulnerable to a range of further problems that constitute elements of social exclusion (Pleasence 2006). Given their multiple legal and non-legal problems, single parents are likely to benefit from a more holistic or client-focused approach, such as a coordinated response from both legal services and other human services.

The findings that single parents tended to have higher levels of seeking advice when they took action⁷³ and lower levels of finalisation⁷⁴ in a few jurisdictions suggest that they may sometimes have a reduced capacity for resolving their legal problems, particularly without recourse to external advice. This possibility further emphasises the benefit of good coordination between legal and non-legal services to ensure that this group can be provided with the broader support necessary to achieve complete solutions for their problems. This possibility also stresses the potential value of information and education initiatives that help to direct single parents to the most suitable services.

Unemployment

Unemployed people had high prevalence of legal problems overall, substantial legal problems and multiple legal problems in most jurisdictions. They also had high prevalence of problems from at least one problem group in each jurisdiction. In terms of the strategies used in response to legal problems, unemployed people had low levels of taking action in only one jurisdiction. However, when they took action, they had low levels of seeking advice and high levels of handling problems without advice in most jurisdictions. In Australia as a whole, unemployed people had significantly higher prevalence according to numerous measures, significantly lower levels of taking action and significantly lower levels of seeking advice when they took action. Employment status was generally

⁷³ As already noted, this finding was significant in Australia as a whole.

⁷⁴ As already noted, this finding was significant in Australia as a whole.

unrelated to finalisation levels. The only significant relationship was in Western Australia, where unemployed people had significantly lower levels of finalisation.

Unemployment, and especially long-term unemployment, is another demographic characteristic that is linked to multiple disadvantage (ABS 2004a; Cobb-Clarke & Leigh 2009; Gray et al. 2009). Furthermore, past legal needs surveys, and the present findings in Queensland and the Northern Territory, suggest that legal problems with employment can trigger further legal problems, such as credit and debt problems (Currie 2007b; Genn 1999; Pleasence 2006). Thus, unemployed people can face multiple legal and non-legal needs and may benefit from well-coordinated legal and non-legal services. In addition, the low levels of taking action and seeking advice found for unemployed people in some jurisdictions suggest that information and education initiatives may be beneficial in mobilising them to take action and in directing them to relevant advice services.

Disadvantaged housing

People living in disadvantaged housing had increased prevalence of substantial legal problems and multiple legal problems in most jurisdictions. They also had increased prevalence of legal problems overall in some jurisdictions and increased prevalence of problems from a few problem groups in each jurisdiction. In addition, they had low levels of finalisation in a few jurisdictions. However, housing type was not significantly related to strategy in any jurisdiction. In Australia as a whole, people living in disadvantaged housing had significantly higher prevalence according to numerous measures and significantly lower levels of finalisation.

Unemployed people and single parents are more likely than other people to live in disadvantaged housing (ABS 2004a), which suggests that people living in disadvantaged housing may sometimes have non-legal needs in addition to their legal needs. Again, coordinated legal and non-legal services may be beneficial for people living in disadvantaged housing. Their low levels of finalisation in a few jurisdictions suggest that they may require considerable support in order to achieve legal resolution and may benefit from initiatives that help to signpost them to the most relevant services. The findings also suggest that public housing authorities could be gateways to legal services for people living in disadvantaged housing. For example, public housing authorities could disseminate basic legal information, such as information on useful first ports of call for legal advice (cf. Clarke & Forell 2007).

Indigenous background

Although Indigenous status was generally unrelated to the prevalence of legal problems overall or substantial legal problems, Indigenous people had increased prevalence of multiple legal problems and problems from a few legal problem groups in most jurisdictions. The problem groups with elevated risk for Indigenous people in at least one jurisdiction were the crime, government, health and rights problem groups. Indigenous status was related to strategy only in the Northern Territory, where Indigenous people had lower levels of taking action. Furthermore, Indigenous people had lower levels of finalisation in Australia as a whole, but not in any state/territory. Thus, in most jurisdictions, there were usually no more than a few significant associations involving Indigenous status. In Australia as a whole, there were five significant associations involving Indigenous status. Indigenous people had high prevalence of multiple legal problems and government, health and rights problems. They also had low levels of finalisation.

It is well established that Indigenous people are among the most disadvantaged Australians, tending to suffer multiple disadvantage (ABS 2004a, 2009e; Cunneen & Schwartz 2008; Hunter 2009; SCRGSP 2007). The present increased prevalence of multiple legal problems for Indigenous

people and their reduced levels of taking action and achieving finalisation are consistent with their disadvantaged status. However, given their level of disadvantage, it is noteworthy that the present study did not find a greater number of significant associations involving Indigenous status. Various methodological issues may have reduced the ability to detect such associations. First, the small numbers of Indigenous respondents in most jurisdictions may have militated against obtaining significant results. However, this argument is less applicable to the Northern Territory, given the higher proportion of Indigenous respondents in the sample for this jurisdiction (12% versus 3% or less in other jurisdictions).⁷⁵ Second, the survey underestimated the level of Indigenous disadvantage, because it could not include the particularly disadvantaged Indigenous people who live without landline telephone access, such as many in remote communities (Hunter & Smith 2000; Papandrea 2010).⁷⁶ Underestimating Indigenous disadvantage is of heightened importance in the Northern Territory, given both the higher proportion of Indigenous people in the population (ABS 2007b) and the higher proportion of Indigenous people without landline telephone access in remote areas (Australian Communications and Media Authority 2008). Third, age may have masked relationships involving Indigenous status, given that Indigenous people have relatively shorter life spans than other Australians (ABS & AIHW 2010; SCRGSP 2007). Finally, culturally sensitive protocols for interviewing Indigenous people are sometimes used to enhance self-identification of Indigenous background, full disclosure and confidence in data quality (e.g. ABS 2011b; Hunter & Smith 2000). Unfortunately, it was beyond the scope of the LAW Survey to adopt such specialised interviewing protocols for Indigenous and other ethnic minorities, and, again, this may have affected the results.

Nonetheless, given their disadvantaged status and tendency to experience multiple legal problems in most jurisdictions,⁷⁷ Indigenous people are likely to benefit from a more holistic or client-focused approach to their problems, including a coordinated response across legal and other human services. Furthermore, the lower levels of finalisation for Indigenous people in Australia as a whole suggest that they may sometimes have a reduced capacity to achieve legal resolution and may require considerable legal and non-legal support to do so successfully. Given that methodological issues may be responsible for the failure to reach significance in some jurisdictions, the potential value of such initiatives in all jurisdictions is worth considering.

Finally, the high levels of inaction by Indigenous respondents in the Northern Territory suggest that they may benefit from initiatives that help to mobilise them to take action and encourage them to access appropriate legal and non-legal services. The high levels of inaction among Indigenous respondents in the Northern Territory were not due to low awareness of ALSs, suggesting that other constraints contributed to inaction. For example, the particular systemic, social, cultural and geographical disadvantages often experienced by Indigenous people make providing effective and culturally appropriate legal services a funding challenge (see Cunneen & Schwartz 2008; SLCRC 2004). Social pressure to handle legal problems within Indigenous communities has been argued to be one factor that contributes to the low use of Indigenous legal services across Australia (JCPAA 2005). Overcoming any social and cultural constraints to taking action within Indigenous communities may be assisted by information and education initiatives about the potential benefits of legal resolution, and also by initiatives that help to ensure Indigenous legal services are culturally appropriate. For example, the employment of Indigenous staff, cross-cultural education and wider

⁷⁵ These percentages are based on weighted numbers. The weighted sample proportion of Indigenous respondents in each jurisdiction was comparable to the Indigenous population proportion except in the Northern Territory, where it was comparable to the population proportion representing Indigenous people with a home landline telephone. For more details, see Appendix A2, 'Comparison of sample and population profile: Gender, age and Indigenous status' section in the LAW Survey report for each jurisdiction.

⁷⁶ Nationally, 34 per cent of all Indigenous households (including 29 per cent of those in non-remote areas and 61 per cent of those in remote areas) did not use a home landline telephone during a one-month period (ABS & AIHW 2010).

⁷⁷ As already noted, this finding was significant in Australia as a whole.

availability of Indigenous interpreters may enhance the cultural sensitivity of Indigenous legal services (see Cunneen & Schwartz 2008; Schetzer & Henderson 2003). Again, the value of similar Indigenous initiatives in all jurisdictions should not be ruled out, given that methodological factors may explain why the Indigenous finding for taking action was significant only in the Northern Territory. However, another possible explanation is that there may be differences in the Indigenous populations across Australia in terms of the legal problems experienced, the level of disadvantage, or other demographic or cultural characteristics. For example, there is evidence that Indigenous people in the Northern Territory are more disadvantaged than other Indigenous Australians in terms of education, labour force participation, household income, home ownership, and suicide and homicide rates (SCRGSP 2007).

Reducing multiple disadvantage for Indigenous people is a whole-of-government goal in Australia. For example, the National Integrated Strategy for Closing the Gap in Indigenous Disadvantage outlines targets for reducing disadvantage in the areas of life expectancy, early childhood, health, education and employment. A multitude of small-scale initiatives have been introduced at the national and state/territory level to address these targets (Department of Families Housing Community Services and Indigenous Affairs (FaHCSIA) 2011).⁷⁸ Although such initiatives often extend to disadvantage in access to justice, they tend to focus on criminal rather than civil justice, given the overrepresentation of Indigenous people in the criminal justice system (ABS 2011d; SCRGSP 2007; Snowball & Weatherburn 2006).⁷⁹ In fact, it has been observed that ALSs across Australia tend to focus on criminal law matters, and there is a paucity of Indigenous legal services for family and civil law (Cunneen & Schwartz 2008; JCPAA 2005; SLCRC 2004). The present results more firmly entrench civil and family legal needs among the multiple legal needs that should be addressed for Indigenous people. The results suggest that the scope of ALSs needs to be broad enough to comprehensively address criminal, family and civil law needs. They suggest that multidisciplinary initiatives that aim to reduce Indigenous disadvantage should also include the aim of increasing legal capability and effectively meeting legal needs in all areas of law, including civil and family law.

Low education levels

Unlike most other disadvantaged groups, people with low education levels tended to report *low rather than high* prevalence of legal problems. In all jurisdictions, they reported low prevalence of legal problems overall and low prevalence of problems from several problem groups. They also reported low prevalence of substantial legal problems and multiple legal problems in some jurisdictions. In addition, education was related to strategy. People with low education levels constituted one of the two disadvantaged groups that typically had high levels of inaction in most jurisdictions. Furthermore, they had low levels of seeking advice when they took action in some jurisdictions. In Australia as a whole, all of these prevalence and strategy effects were significant. Although people with low education levels had significantly lower levels of finalisation in Australia as a whole, education was not consistently related to finalisation status at the state/territory level.⁸⁰

⁷⁸ One notable initiative, the Northern Territory Emergency Response, is a broad-scale strategy that is funded by both the Australian and Northern Territory governments (Aboriginal and Torres Strait Islander Social Justice Commissioner 2008).

⁷⁹ These initiatives include specialised courts, non-custodial sentencing options, rehabilitation programs, juvenile early intervention programs and post-prison release programs (e.g. Allard, Stewart, Chrzanowski, Ogilvie, Birks & Little 2010; Joudo 2008; Marchetti & Daly 2007).

⁸⁰ The relationship between education and finalisation status was significant only in Australia, Western Australia and the Northern Territory. In addition, these relationships did not consistently show higher finalisation levels for post-school graduates — the group with the highest level of education. Compared to post-school graduates, people who had not finished school had significantly *lower* levels of finalisation in the Northern Territory and Australia as a whole, whereas people who had finished only Year 12 had significantly *higher* levels of finalisation in Western Australia. See Table 9.6 for a summary, and see Chapter 7 in each LAW Survey report for full details.

The present low reporting of legal problems by people with low education levels is consistent with past findings (Coumarelos et al. 2006; Currie 2007b; Pleasence 2006; van Velthoven & Klein Haarhuis 2010; van Velthoven & ter Voert 2004). The reason for these low reporting levels is unclear. First, these levels may accurately reflect low prevalence, due to less opportunity to experience certain problems, such as less opportunity to participate in various economic activities. Second, these levels may reflect a failure to recognise legal problems, due to poor legal knowledge or an unwillingness to admit to legal problems (see Balmer et al. 2010; Buck et al. 2008; Coumarelos et al. 2006; Currie 2007b; Genn & Paterson 2001). Thus, people with low education levels may benefit from information and education initiatives aimed at increasing their legal literacy, so that they can readily identify legal problems and relevant legal advice services. Third, it is also possible that people with low education levels tend to ignore their legal problems, because they have other more pressing needs. This possibility suggests that they may require broad legal and non-legal support to address all of their needs.

The high levels of inaction for people with low education levels in most jurisdictions⁸¹ are also consistent with past surveys (Currie 2007b; LSNJ 2009; Pleasence 2006; van Velthoven & ter Voert 2004). These findings reinforce the potential benefits of initiatives to increase legal capability within this disadvantaged group, and to empower this group to obtain legal assistance when it would be helpful to do so.

Non-English main language

Apart from people with low education levels, people with a non-English main language were the only other disadvantaged group that reported *low rather than high* prevalence of legal problems according to at least one measure in most jurisdictions. In addition, like education, main language was related to strategy. People with a non-English main language had high levels of inaction in most jurisdictions, and they occasionally had low levels of seeking advice when they took action. They also had low levels of finalisation in two jurisdictions. In Australia as a whole, people with a non-English main language had significantly lower prevalence according to most measures, and the findings for strategy and finalisation status were also significant.⁸² As noted earlier, NSW and Victoria had the greatest number of significant associations involving main language, and these were the two jurisdictions that had the largest proportions of LAW Survey respondents whose main language was not English.⁸³ Small numbers in other states/territories may have militated against a greater number of significant associations in these jurisdictions. Census data similarly suggest that NSW and Victoria have relatively high proportions of people from a non-English-speaking background.⁸⁴ The fewer significant relationships in the Northern Territory may also reflect the fact that the composition of the territory's non-English-speaking population is quite different from that of the other jurisdictions. The Northern Territory is the only state/territory where Indigenous people comprise a large proportion of the non-English-speaking population (ABS 2007a).⁸⁵

⁸¹ As already noted, this finding was significant in Australia as a whole.

⁸² In Australia as a whole, although people with a non-English main language had significantly lower prevalence according to numerous measures, they had significantly higher prevalence of health problems.

⁸³ Based on weighted sample numbers, this proportion was nine per cent in NSW and Victoria compared to 2–5 per cent in the other jurisdictions. A significance test was not conducted on this comparison.

⁸⁴ According to the census (ABS 2007a), the proportion of the population aged 15 years or over who speak a non-English language at home and do not speak English very well is 10 per cent in NSW and Victoria compared to only 2–6 per cent in all other states/territories except the Northern Territory. Like NSW and Victoria, the Northern Territory has a relatively high proportion at 11 per cent.

⁸⁵ People who speak a non-English language include 44 per cent whose main language is an Indigenous language in the Northern Territory compared to less than three per cent in the other states/territories (ABS 2007a). Thus, although, as noted above, the Northern Territory, NSW and Victoria all have a high proportion of people from a non-English-speaking background according to the census (ABS 2007a), only in the Northern Territory does this group include a relatively large percentage of Indigenous people.

Only a few past legal needs surveys, including two surveys in Australia, have specifically compared legal problem prevalence rates for English and non-English speakers. Like the present survey, these studies generally found low reporting levels for people from a non-English-speaking background (Coumarelos et al. 2006; Dale 2007; Fishwick 1992). Although past studies have generally not examined the specific relationship between strategy and main language, strategy has been linked to other measures of ethnicity. Consistent with the present findings, some past studies have found low levels of taking action or seeking advice for ethnic minority groups (Currie 2007b; Fishwick 1992; Pleasence 2006; Pleasence et al. 2004c).

Given that the present findings for people with a non-English main language were very similar to those for people with low education levels, the policy implications are also similar. Again, although the low reported levels of legal problems may accurately reflect low prevalence, they may instead reflect a failure to recognise legal problems, due to poor legal knowledge or an unwillingness to admit to legal problems (cf. ALRC 1992; Balmer et al. 2010; Buck et al. 2008; Cass & Sackville 1975; Coumarelos et al. 2006; Currie 2007b; Genn & Paterson 2001). Thus, non-English-speaking groups may benefit from information and education initiatives aimed at raising their levels of legal literacy, so that they can readily identify legal problems and can be directed to appropriate advice services. The possibility that non-English-speaking people tend to ignore their legal problems may reflect more pressing non-legal needs, which suggests that broad legal and non-legal support may be beneficial in addressing all of their needs. This possibility also suggests the potential benefits of initiatives to increase legal capability among non-English-speaking people and to empower them to obtain legal assistance when they need it. In addition, culturally sensitive services and the availability of language translation services or services in relevant languages are likely to reduce the barriers to obtaining advice for ethnic minority groups (Pleasence 2006). The failure to obtain significant findings in some jurisdictions for main language should not be taken to imply that initiatives aiming to assist non-English speakers with the identification and resolution of their legal problems would be of no value in these jurisdictions. This failure may often reflect the small sample numbers rather than any inherent differences in the needs of non-English-speaking groups between jurisdictions.

Government payments

Main income was not significantly related to the prevalence of legal problems overall in any jurisdiction. In addition, main language was not significantly related to the prevalence of substantial legal problems and multiple legal problems in most jurisdictions. However, in most jurisdictions, main income was related to the prevalence of problems from a few problem groups. These relationships indicated that people whose main source of income was government payments experienced different types of legal problems from other respondents. People on government payments tended to experience legal problems that appeared to reflect their socioeconomic disadvantage. These problems included family problems, government problems related to the receipt of government payments, health problems and rights problems related to discrimination and unfair treatment by police. In contrast, other respondents tended to experience legal problems that appeared to reflect higher rates of economic activity, economic independence and employment. These problems included consumer problems, employment problems, money problems related to business and investment, and work-related personal injury problems. Main income was generally unrelated to strategy. It was not significantly related to taking action in any jurisdiction, and it had only two significant relationships with seeking advice, which were inconsistent. Finally, people on government payments had low levels of finalisation in only two jurisdictions. In Australia as a whole, the prevalence effects for substantial legal problems and several problem groups were significant. The finalisation effect was also significant.

Like the LAW Survey results in most jurisdictions, past research has found that poorer people experience different types of legal problems from wealthier people, and these problems tend to reflect their disadvantaged status (Buck et al. 2005; Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence 2006). The present findings in most jurisdictions suggest that government agencies responsible for welfare payments, such as Centrelink and the Department of Veterans' Affairs, could be useful gateways to legal services for people on government payments. In addition, other government agencies that are frequently accessed by people on government payments, such as Medicare, have the potential to be used as gateways. For example, these agencies could be used to disseminate legal information on useful first ports of call for legal advice and on the types of legal problems typically faced by people on government payments (cf. Clarke & Forell 2007).

People on government payments may also have non-legal needs as a result of their multiple disadvantage (Australian Social Inclusion Board 2011; Butterworth 2003; McArthur, Thomson, Winkworth & Butler 2010). Thus, when they experience legal problems, they may benefit from coordinated responses from both legal and non-legal services. Their low levels of finalisation in a couple of jurisdictions further support this argument.

Living in remote areas

Although remote areas in Australia tend to be the most disadvantaged in the country (ABS 2008c), the LAW Survey findings did not reliably reflect greater legal need among people living in remote areas. In all jurisdictions, remoteness of residential area was not significantly related to strategy or finalisation status. In addition, the occasional significant relationships with prevalence did not always indicate higher prevalence for people living in less urban areas or remote areas. Similarly, none of the few significant relationships with favourability of outcome showed worse outcomes for people living in less urban or remote areas. As noted earlier, because Australian jurisdictions vary enormously in their geographical profiles, identical comparisons on remoteness could not be examined across jurisdictions.⁸⁶ The distinct geographical compositions of jurisdictions and the small numbers in certain categories of remoteness in some jurisdictions may have contributed to the inconsistent findings.⁸⁷ The few past studies that have examined prevalence according to remoteness or urbanisation have similarly produced inconsistent results (cf. Dignan 2006; GKA 2006; Gramatikov 2008; LASNSC 2005; Miller & Srivastava 2002).

Managing demand, resources and evaluation

The present findings indicate the value of a more holistic approach to justice in Australia that incorporates a variety of strategies to cater for the needs of different sections of the community, including integrated service provision for the most vulnerable groups. Implementing a more holistic, integrated approach to justice obviously requires a substantial injection of funding and resources (see Sackville 2011). The set-up and maintenance costs involved will depend on the type of service integration model adopted. Typically, service models involving greater levels of integration tend to require higher set-up costs (Fine et al. 2005). However, the cost of implementing new service delivery models needs to be considered in the context of the potential benefits and long-term savings that are likely to be achieved through earlier, more effective intervention. In the area of human

⁸⁶ In Queensland, South Australia, Western Australia and Australia as a whole, three categories of remoteness were compared: remote, regional and major city. In NSW and Victoria, major city areas were compared to a combined remote/regional category. In Tasmania and the Northern Territory, remote areas were compared to regional areas. Remoteness could not be examined in the ACT, because it is composed almost exclusively of major city areas.

⁸⁷ In Australia as a whole, people living in remote areas had significantly lower prevalence than people living in major city areas according to two measures. In addition, compared to people living in major city areas, those living in regional areas had both significantly higher and significantly lower prevalence according to various measures and significantly higher levels of favourable outcomes.

services, integrated service approaches are generally believed to have long-term cost benefits, although stringent evaluations of cost-effectiveness are not often conducted (Fine et al. 2005).

The strategies proposed on the basis of the present findings have the potential to enhance prevention and early intervention by more efficiently and comprehensively resolving legal and non-legal problems before they escalate, multiply and resonate in numerous life areas. For example, service delivery that more effectively addresses the needs of clients is likely to reduce the costs related to ineffectual contacts with legal and broader human services, and to reduce the need for expensive court litigation (see Balmer et al. 2010; Buck et al. 2010b; Coumarelos et al. 2006; Currie 2007b; Genn 1999; Macdonald 2005; Pleasence 2006). It is well established that litigation is an expensive and inefficient mechanism for resolving civil disputes (see Macdonald 2005).

However, it is important to realise that an almost certain consequence of initiatives that effectively increase access to justice is a corresponding increase in the demand for legal services. The LAW Survey demonstrates that the Australian public experiences many, often serious legal problems that do not reach the legal system. In addition, knowledge about some of the major not-for-profit legal services is poor. Thus, there are many cases where individuals are failing to access justice. As a result, there is a large 'dark figure' of hidden potential demand for legal services that will be activated by initiatives that successfully mobilise more people to seek legal resolution (see Genn 1999). Initiatives that increase legal knowledge and capability in the community are especially likely to affect the workload of agencies that provide initial legal information and advice, but there will also be flow-on effects to specialised services as people are directed to more specific, expert assistance. In particular, greater awareness of legal triage services and other useful first ports of call for legal information and advice would be likely to increase the demand for both generalist and specialist legal services, as would the more systematic use of non-legal professionals as gateways to legal services. Critically, any increase in demand needs to be properly managed through careful planning, monitoring, increased funding and expansion of legal services, as appropriate. The failure to suitably manage larger demand could result in unintended negative impacts on legal service delivery. For example, static capacity in the face of greater demand could result in a shift in the composition of the client group, such as an increased uptake by more capable groups effectively decreasing the capacity to assist particularly disadvantaged groups.

Many of the proposed strategies for a more holistic approach to justice require an integrated approach not only within the justice sector, but across government sectors and across both state/territory and federal governments. Thus, a more holistic approach to justice requires whole-of-government commitment. Although funding does not have to emanate only from the public sector, the effective coordination and targeting of resources are ultimately the responsibility of government (Coumarelos et al. 2006; Macdonald 2005; Pleasence 2006; Sackville 2011). The fragmentation of legal services and government across states/territories in Australia has been identified as an obstacle to implementing an integrated approach to justice (Sackville 2011). For example, Legal Aid and CLCs receive funding from both the state/territory and the federal governments. This fragmentation needs to be navigated successfully, with the federal government taking a leadership role, if a more integrated approach to justice is to be achieved (Sackville 2011).

A challenge for policy makers and service providers in developing a more holistic approach to service delivery is that resources and funding are often very limited. First, given that different sections of the community are likely to benefit from different types of strategies, careful consideration needs to be given to the optimal mix of these strategies to facilitate legal resolution throughout the community. For example, it has been argued that the level of integration needs to be carefully matched to the

particular needs of client groups. Intensively integrated service delivery is likely to be beneficial for disadvantaged people with multiple severe needs but unnecessarily rigid and expensive for people with less severe problems and high legal capability (see Fine et al. 2005; Leutz 1999).

Second, some thought needs to be given to the measures and resources required to facilitate the sustainability of new legal service initiatives. The success of legal service models depends not only on how well they meet clients' needs, but also on how well they are supported by policy, federal–state relationships, funding, infrastructure, interagency relationships, community readiness and local circumstances (see Wakerman et al. 2006).

Evaluation

Given limited resources, the proficient use of available resources is crucial if access to justice is to be maximised throughout the community. Evaluation is a valuable tool for guiding the efficient targeting of finite resources to facilitate access to justice. Rigorous evaluation of service initiatives performs a number of critical functions. In particular, quality evaluation can:

- determine the efficacy of programs in reaching relevant client groups and producing quality outcomes for clients
- inform the efficient targeting of resources to meet different types of needs
- inform the continued improvement of programs and the continued identification of further worthwhile service initiatives
- inform the ongoing accountability and cost-efficiency of legal service provision.

Evaluation cannot be an afterthought but must be built in at the design stage of new justice programs and initiatives. Once program implementation has begun, it is often impossible to collect appropriate baseline measures and hence to conduct appropriate evaluation (Weatherburn 2009). In addition, evaluation is necessary not only when an initiative is first implemented, but also in subsequent implementations. Numerous factors can affect whether an initiative will successfully 'translate' when rolled out or adapted to a different location, population group or area of law (see Hunter et al. 2009).

Thus, investment in rigorous evaluation of new access to justice initiatives is essential to ensure that limited resources are optimally allocated to meet the legal needs of the community on an ongoing basis. Ideally, all new legal service initiatives, including any adopted on the basis of the present findings, should be carefully evaluated. For example, initiatives to increase legal information, education and self-help strategies, and initiatives to increase the accessibility, integration and tailoring of legal and non-legal services, should all be informed by appropriately conceived evaluation. Sackville (2011, p. 235) argued that the numerous access to justice initiatives in Australia over recent decades have been undermined by a lack of a solid empirical foundation. He called for a more systematic approach to research and evaluation in order to 'fit the various parts of the access to justice jigsaw together'. As a result, new service initiatives should be carefully designed, monitored and evaluated, with a focus on meeting client needs, service sustainability and cost-effectiveness (cf. Hunter et al. 2007, 2009).

Conclusion

The LAW Survey represents the first comprehensive assessment of a wide range of legal needs on a representative sample of the Australian population. This current report on Australia as a whole is part of the first series of reports on the LAW Survey, which also includes a report on each state/

territory. The series presents a high-level overview of legal need and legal resolution in each jurisdiction. The findings are broadly similar across jurisdictions and are also consistent with past research. The findings highlight the value of a more holistic approach to justice that provides integrated and multifaceted service delivery across both legal and non-legal services in all jurisdictions.

The LAW Survey confirms that access to justice in Australia is fundamental to community well-being. People from all walks of life experience legal problems that can be severe and can have dramatic adverse impacts on a broad range of life circumstances. However, there is considerable diversity in the experience, handling and outcome of legal problems. Some people are resilient, while others experience multiple, severe legal problems. Some people achieve good outcomes by capably using self-help strategies, while others rely on expert advice. In some cases, people appear to have poor legal knowledge and poor legal capability, with some people leaving their legal problems unresolved. This diversity means that no single strategy will successfully achieve justice for all people. Rather, the approach to justice must be multifaceted and must integrate a raft of strategies to cater for different needs.

Importantly, the LAW Survey demonstrates that access to justice for disadvantaged people must remain a priority. Disadvantaged groups not only have non-legal needs by virtue of their socioeconomic status, but also are particularly vulnerable to a wide range of severe legal problems and are more likely to struggle with the problems they face. People with a disability are especially vulnerable to legal problems, although other disadvantaged sections of the community also have heightened vulnerability, including single parents, the unemployed, people living in disadvantaged housing and Indigenous people.

In addition, the LAW Survey indicates that integrated service delivery across legal and broader human services is critical, given that legal needs are often interconnected with non-legal needs. Non-legal professionals are routinely consulted by people with legal needs. Legal problems can cause a broad range of non-legal problems. Many people, most notably disadvantaged people, experience multiple interrelated legal and non-legal problems.

Thus, the LAW Survey stresses the value of a holistic approach to justice that is both multifaceted and integrated. It must be multifaceted in that it comprises multiple strategies to cater for the diverse needs of the whole community. It must also be integrated in that it provides more tailored, intensive assistance across both legal and other human services for disadvantaged people who have intertwined legal and non-legal needs. Specifically, the survey suggests that such an approach should include all of the following strategies:

- legal information and education
- self-help strategies
- accessible legal services
- non-legal advisers as gateways to legal services
- integrated legal services
- integrated response to legal and non-legal needs
- tailoring of services for specific problems
- tailoring of services for specific demographic groups.

Limited funding is a key challenge to developing a more holistic approach to justice that includes multiple strategies to address the diverse legal needs experienced by the general public. Setting legal

service priorities to optimise the mix of strategies necessary to facilitate legal resolution throughout the community is therefore crucial.

One important consideration in setting priorities is that the system of legal services must be able to deal effectively with all types of legal problems. The LAW Survey demonstrates that legal problems vary dramatically in their frequency, severity, adverse impacts, intractability and likely outcomes. Thus, legal services must be able to handle severe, complex legal problems that require considerable resources, time and expertise to resolve, such as various family problems. They must also be able to process high-volume legal problems, such as consumer and crime problems. Consequently, legal service delivery tailored to specific types of legal problems is likely to be a vital component of a holistic approach to justice.

In setting priorities for legal service provision, the LAW Survey also underscores the importance of balancing strategies that are likely to benefit the general public or large sections of the community with strategies that are more specifically tailored to the particular needs of the most vulnerable groups.

The LAW Survey highlights the role of information and education initiatives to raise the general level of legal knowledge and capability, not only among those who are most likely to experience legal problems, but also among the broader community who are often asked for informal advice in relation to legal problems. Respondents' awareness of some public legal services was low. Thus, the LAW Survey suggests the value of generic legal information and education, including information about useful first ports of call, such as generalist legal advice services and legal triage hotlines, and about the many pathways for accessing justice. It also suggests the value of more tailored legal information and education initiatives focused on the particular needs of different demographic groups. For example, such initiatives could be tailored for different age groups to address the legal problems typically faced at various life stages. They could also be tailored for the demographic groups that tend to ignore their legal problems. These demographic groups could be empowered to take action through information and education initiatives that help them to recognise their legal problems and direct them to appropriate advice and assistance. In Australia as a whole, the demographic groups that were less likely to take action included males, younger people, older people, people with low education levels, unemployed people and people with a non-English main language.

The LAW Survey suggests that legal information and education initiatives promoting self-help strategies are potentially useful if they are targeted at the demographic groups that have high levels of legal knowledge and capability. Many people successfully handled their legal problems without expert advice. Past findings have suggested that well-educated and articulate people often have high levels of legal knowledge and are most likely to achieve successful resolution when they handle problems alone. Thus, promotion of self-help strategies may strengthen the capability of these groups to successfully handle problems without recourse to expert advice.

However, self-help strategies are unlikely to be quality substitutes for legal advice and assistance when people have poor legal capability. According to past research, disadvantaged groups often lack knowledge of legal rights and remedies, and achieve poor outcomes when they handle problems alone. Thus, for disadvantaged groups, information and education campaigns that help them to identify their legal problems and signpost them to appropriate legal services are likely to be more relevant. The present findings in Australia as a whole suggest that older people, people with low education levels and people with a non-English main language may benefit from such initiatives, because their low levels of reporting legal problems and taking action may reflect a failure to recognise their legal needs and a lack of knowledge about the available pathways to legal resolution.

The LAW Survey emphasises that legal services could be made more accessible in order to meet the current demand. People often experienced difficulties in contacting advisers via telephone, making suitable appointments and receiving timely responses. In addition, people sometimes needed to travel large distances for face-to-face consultations, particularly in non-urban areas. Thus, extension of operating hours, telephone, internet and video conferencing services, local services in readily accessible locations, outreach services in rural and remote areas, and services in appropriate languages may all be useful.

The LAW Survey highlights the need for more holistic, integrated service delivery across legal and non-legal services, including more tailored and intensive support for the most vulnerable groups. First, the widespread use of non-legal advisers in response to legal problems confirms the potential benefits of using non-legal professionals as gateways to legal services. Non-legal professionals could be more formally trained and equipped to identify legal problems and to more systematically provide timely referral to legal information and advice services. In particular, non-legal professionals could provide people with a single, well-resourced contact point for legal referral, such as a generalist legal advice service or legal triage service. This simple strategy has the potential to provide timely legal referral without being overly onerous on non-legal workers, who have their own professional priorities.

Second, the findings that legal problems often clustered together and that disadvantaged groups frequently faced multiple concurrent legal problems also highlight the value of integrated legal service delivery. At present in Australia, legal service provision is often siloed by the type of legal problem and the legal jurisdiction, with different legal services providing specialised assistance for particular legal problems. The fragmented nature of legal service delivery is not ideal for providing comprehensive justice for disadvantaged people, who are vulnerable to a broad range of multiple, interrelated, serious legal problems. Rather, such people would be more likely to benefit from more holistic legal service provision, including not only more systematic legal triage and referral services, but also more intensive, tailored, client-centred or case management approaches, as required.

Third, the LAW Survey underlines the importance of more integrated responses across both legal and non-legal services for people who face interrelated legal and non-legal problems. The findings demonstrate that legal problems can have dramatic impacts on a broad range of life circumstances and can cause a variety of non-legal problems. In addition, the disadvantaged groups that are especially vulnerable to multiple legal problems also tend to have multiple non-legal needs, by virtue of their socioeconomic status. Thus, in addition to benefiting from a more intensive integrated response from legal services, these disadvantaged groups may sometimes require more holistic, client-centred or case management services involving a team of legal and non-legal service providers to achieve complete resolution. In each jurisdiction, at least a few disadvantaged groups experienced a broad range of legal problems, demonstrating increased prevalence of multiple legal problems or increased prevalence of problems from at least six of the 12 legal problem groups, or both. In Australia as a whole, these disadvantaged groups included Indigenous people, people with a disability, unemployed people, single parents and people living in disadvantaged housing. People with a disability stood out as the only disadvantaged group in all jurisdictions that had increased prevalence according to the measure of multiple legal problems or increased prevalence of problems from at least six problem groups, or both.

Finally, the LAW Survey findings on the finalisation of legal problems further reinforce the conclusion that disadvantaged groups may sometimes have reduced capacity for solving their legal problems and may benefit from more intensive assistance and support in order to achieve successful

legal resolution. In most jurisdictions, middle-aged and older people had lower finalisation levels, as did one or a few disadvantaged groups. People with a disability constituted the only disadvantaged group that had lower finalisation levels in most jurisdictions. However, in Australia as a whole, all of the disadvantaged groups except the unemployed and people living in remote areas had lower finalisation levels. That is, Indigenous people, people with a disability, people with low education levels, single parents, people living in disadvantaged housing, people whose main income was government payments and people with a non-English main language, as well as middle-aged and older people, had lower finalisation levels.

The multiple legal and non-legal problems faced by disadvantaged groups, their often poor legal capability, their sometimes reduced capacity for legal resolution and their often low economic status together indicate the necessity of effective low-cost services to meet their needs. Given that a large portion of the legal problems experienced by the community are concentrated within disadvantaged groups, quality public legal services constitute a critical component of a holistic justice system, providing the backbone infrastructure necessary to support integrated and multifaceted access to justice strategies.

Although a more holistic, integrated approach to service delivery across legal and broader human services has recently been placed on the national agenda, such service integration in Australia is in its infancy. The LAW Survey indicates that a more integrated approach to service delivery is likely to be beneficial in meeting the diverse legal needs of the community.

In conclusion, the LAW Survey highlights the value of a holistic approach to justice that includes multiple integrated strategies to address the diverse legal needs of the whole community. It underscores the importance of a holistic approach that integrates legal and non-legal service delivery for disadvantaged people who are especially vulnerable to multiple legal and non-legal problems. A holistic approach to justice requires overcoming the fragmentation across legal and non-legal services, across government sectors and across state/territory and federal governments. Thus, whole-of-government commitment, with effective coordination and leadership from the federal government, is essential. Although a more holistic approach to justice will involve considerable resourcing and reshaping of existing service delivery, it has the potential to produce long-term cost savings by enhancing prevention and early intervention through more streamlined, efficient and effective legal resolution.