

9. NSW findings in context

The current report series investigates the high-level patterns in legal need, response and resolution in each Australian jurisdiction. The present chapter compares the LAW Survey findings for NSW to those for the other seven states/territories and Australia as a whole. A generally consistent picture emerged across jurisdictions, suggesting broad similarities in the overall experience, handling and resolution of legal problems. The chapter also compares the LAW Survey findings to those from recent overseas surveys. The present results largely reinforce key international findings, confirming the widespread and often severe nature of legal problems, the particular vulnerability of disadvantaged groups, the considerable inaction in response to legal problems and the barriers to legal resolution. In addition, the present report series provides a stepping stone for more fine-grained analyses of legal need in subsequent reports using the large national dataset.

Although the present findings were broadly similar across jurisdictions, a greater number of significant results emerged at the national level, in keeping with the large national sample. Occasional significant differences between states/territories were also observed. Given the numerous analyses conducted, these differences may sometimes have occurred by chance and may not always represent fundamental differences in legal needs. In addition, any real differences in legal needs between jurisdictions may be due to a myriad of factors, and it can be difficult to pinpoint the precise factors at play. However, where jurisdictional disparity in the survey results may reflect differences in demographic profiles or service environments, this is noted.

Demographic differences between jurisdictions

Given the well-supported link between disadvantage and legal need in recent surveys, an overview is provided of the level of disadvantage in each Australian jurisdiction to assist with the interpretation of jurisdictional differences in LAW Survey findings.

The Socio-Economic Index for Areas (SEIFA; ABS 2006b) summarises the socioeconomic conditions of geographical areas within Australia and is based on multiple demographic indicators of advantage and disadvantage, including income, educational attainment and employment status. Appendix Table A9.1 summarises the SEIFA data for each jurisdiction and shows that states/territories differ in their overall levels of disadvantage (see ABS 2008c). According to the SEIFA, the Northern Territory is the most disadvantaged jurisdiction in Australia, with a sizeable proportion of its population living in areas of very high disadvantage. In addition, some of its remote areas are among the most disadvantaged areas in Australia.¹ Also according to the SEIFA, a considerable proportion of Tasmanians live in disadvantaged areas, as do a smaller, but still elevated, proportion of South Australians. On the contrary, the ACT is the most affluent jurisdiction in Australia, with a very low proportion of the population living in disadvantaged areas and a high proportion living in advantaged areas. NSW is the next most affluent state/territory, with an elevated proportion of the population living in advantaged areas. Based on the SEIFA, the overall levels of advantage and disadvantage in Victoria, Queensland and Western Australia are more similar to those across

¹ Remote areas of the Northern Territory represent 11 of the 20 most disadvantaged SLAs in Australia.

Australia. However, Queensland has some remote areas that are among the most disadvantaged areas in Australia.²

The levels of disadvantage and advantage in each jurisdiction may partly reflect the unique demographic profiles of each jurisdiction, including large geographical variations in degrees of remoteness. The Northern Territory, in particular, has a very distinct profile. Some notable differences in demographic profiles are as follows:

- The Northern Territory has a greater proportion of people who are young, are Indigenous, live in disadvantaged housing and live in remote areas (ABS 2000b, 2007a, 2009c; ABS & AIHW 2010). Indigenous people living in remote areas constitute a particularly high proportion of the population (ABS 2006c).³
- Tasmania has high proportions of people who did not finish school, whose main income is government payments and who reside in regional areas. It has a low proportion of people from a non-English-speaking background (ABS 2007a, 2009b, 2009c).
- NSW and Victoria have high proportions of people from a non-English-speaking background and small proportions of people living in remote areas (ABS 2007a).
- The ACT is composed almost entirely of major city areas and has larger proportions of younger people and smaller proportions of older people. Consistent with its affluence, it has greater proportions of people with post-school qualifications and high disposable incomes, and smaller proportions on government payments (ABS 2000a, 2007a, 2008e, 2009b, 2009c).

Prevalence of legal problems

Prevalence of legal problems overall

The LAW Survey findings reiterate that legal problems are ubiquitous. Within the one-year period examined, approximately half of the respondents in each jurisdiction experienced a legal problem. The prevalence rate in NSW was 50 per cent. As reported in Chapter 3, this prevalence rate translates to an estimated 2 825 000 people aged 15 years or over in the NSW population experiencing a legal problem within a one-year period.

The LAW Survey used a general population sample. The present prevalence rates of around 50 per cent were apparently higher than those of most other general population surveys in the UK, other parts of Europe and New Zealand, which have typically fallen below 40 per cent (19–51%; Dignan 2006; Genn 1999; Genn & Paterson 2001; Gramatikov 2008; HKDOJ 2008; Ignite Research 2006; Maxwell et al. 1999; Murayama 2007; Pleasence 2006). However, the present prevalence rates were appreciably lower than those of many of the surveys of disadvantaged samples, including the NSWLNS (69%; Coumarelos et al. 2006) and many US surveys. Most US surveys have produced prevalence rates above 40 per cent, with about half being above 60 per cent (33–87%; AAJC 2009; ABA 1994; CSRA 2003; Dale 2009; GKA 2006, 2008; LASNSC 2005; LSNJ 2009; Miller & Srivastava 2002; Schulman 2003, 2007; TALS 2004; Task Force 2003). Thus, the prevalence rates across surveys have been generally consistent with the level of disadvantage across samples. Populational differences unrelated to disadvantage (e.g. differences in culture, attitudes or geography) and jurisdictional differences (e.g. in legal service provision and redress) may also have contributed to differences in prevalence.

² Remote areas of Queensland represent nine of the 20 most disadvantaged SLAs in Australia.

³ The Northern Territory also has a smaller proportion of people whose main income is government payments, reflecting lower proportions on the age pension due to the territory's younger age structure (ABS 2000b, 2011a).

However, the prevalence rates obtained across studies may reflect methodological differences instead of, or in addition to, real differences due to disadvantage, other populational factors or jurisdictional factors. First, the higher prevalence for the LAW Survey compared to other general population surveys may be partly due to its more lenient triviality threshold, which did not filter out less serious, easy-to-solve legal problems, its fairly broad coverage of legal problems⁴ and the greater anonymity afforded by its use of telephone rather than face-to-face interviews⁵ (cf. Currie 2007b; Dignan 2006; Genn 1999; Genn & Paterson 2001; Gramatikov 2008; HKDOJ 2008; Ignite Research 2006; Pleasence 2006; Pleasence et al. 2010). Second, various methodological differences are also consistent with the lower prevalence rates in general population surveys, including the LAW Survey, when compared to disadvantaged sample surveys such as the NSWLNS and US surveys. The NSWLNS used an especially lenient triviality threshold, capturing non-problematic legal events as well as easy-to-solve problems. The US surveys captured problems experienced by entire households rather than problems experienced by one individual within each household. Furthermore, the NSWLNS and US surveys used telephone rather than face-to-face interviews, which may have contributed to higher reporting when compared to the overseas general population surveys. However, the reference periods used across studies cannot explain the variation in prevalence rates. The studies with the higher prevalence rates, such as the present survey, the NSWLNS and the US surveys, had reference periods of one year, which were shorter, not longer, than the 2–5 years used by the overseas general population surveys.

Although the LAW Survey revealed prevalence rates that were close to 50 per cent in all jurisdictions (47–55%), there were nonetheless significant albeit modest differences between these rates. Compared to average, the rates for the Northern Territory (55%) and Western Australia (52%) were significantly higher, while the rates for South Australia (47%) and Victoria (48%) were significantly lower.⁶ Although the reason for the somewhat elevated prevalence in Western Australia is unclear, the higher prevalence in the Northern Territory is consistent with the higher level of disadvantage in this jurisdiction (e.g. ABS 2008c). Regression analyses revealed that only some of the differences in state/territory prevalence rates are likely to be due to differences in demographic compositions.⁷ Other differences between jurisdictions may also have influenced the prevalence rates, such as differences in culture, attitudes, systems of law, legal services or social services.

Prevalence of different types of legal problems

The consumer (18–22% of respondents), crime (13–23%), housing (10–13%) and government (8–12%) problem groups were typically the most common problem groups in most jurisdictions. In NSW, the most common problem groups were the consumer (21% of respondents), crime (14%), housing (13%) and government (11%) problem groups. Notably, the Northern Territory was the only jurisdiction where crime was the most common problem group, and the percentage of Northern

⁴ The LAW Survey, like its predecessor, the NSWLNS, captured a broad range of problems extending to those related to owning a business, wills and estates, and general crime. Coumarelos et al. (2006) and Pleasence (2006) have noted that the broader coverage of problems by some surveys (e.g. by the NSWLNS and some US surveys compared to the UK surveys) may contribute to differences in prevalence.

⁵ The use of internet questionnaires in the Dutch survey (van Velthoven & ter Voert 2004), which employed a non-random sample, may similarly have afforded considerable anonymity that contributed to the high prevalence rate (67%).

⁶ $\chi^2=38.82$, $F_{7,144,629}=5.35$, $p=0.000$. See Appendix Figure A9.1.

⁷ The Australian regression model on overall prevalence (see Table 3.5 in the Australian LAW Survey report) was re-run with the addition of state/territory as a potential predictor variable or ‘fixed effect’. See Appendix Tables A2.8 and A2.9 (model 1b) for further details and Appendix Table A9.2 for the full results. The chi-square test examined prevalence given the states’/territories’ actual demographic profiles. In contrast, the regression estimated what the prevalence levels would be if states/territories had identical profiles on the demographic variables examined in the model. The regression showed significant differences in prevalence between states/territories after the demographic variables had been taken into account, so it is unlikely that the differences in prevalence are due solely to differences on these demographic variables. Compared to average, the odds of legal problems were lower in South Australia and the ACT, but higher in the Northern Territory.

Territory respondents experiencing crime problems (23%) appeared to be higher than the percentages in the other jurisdictions (13–19%). This Northern Territory finding is largely in keeping with official data showing high recorded offender rates and high crime victimisation rates in this jurisdiction (ABS 2009f, 2011d). Given the high Indigenous population in the Northern Territory, this finding is also consistent with the considerable overrepresentation of Indigenous people in the criminal justice system (Cunneen & Schwartz 2008; Steering Committee for the Review of Government Service Provision (SCRGSP) 2007). Personal injury, employment and credit/debt problems were also reported by sizeable proportions of LAW Survey respondents (5–8%) in all jurisdictions.

The LAW Survey findings on the prevalence of different types of legal problems are largely consistent with overseas surveys. For example, past surveys have often reported high rates of consumer and neighbours problems (ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Currie 2007b; Dale 2000, 2005, 2007, 2009; Dignan 2006; GKA 2006, 2008; Gramatikov 2008; HKDOJ 2008; Ignite Research 2006; LSNJ 2009; Murayama 2007; Pleasence 2006; Pleasence et al. 2010; Schulman 2003, 2007; van Velthoven & Klein Haarhuis 2010). Most of the housing problems for the LAW Survey were neighbours problems. Employment and money/debt problems have also been fairly frequent across surveys (ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Currie 2007b; Dale 2000, 2005, 2007, 2009; Dignan 2006; GKA 2006, 2008; Gramatikov 2008; HKDOJ 2008; Ignite Research 2006; LSNJ 2009; Murayama 2007; Pleasence 2006; Pleasence et al. 2010; Schulman 2003; van Velthoven & Klein Haarhuis 2010; van Velthoven & ter Voert 2004). In addition, although many past surveys have not focused or have not reported on crime problems, the present high rate of crime problems is consistent with that for the NSWLNS (Coumarelos et al. 2006).

Furthermore, the present very low rates of legal problems concerning mental health and immigration replicate past findings (e.g. ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Currie 2007b; Dale 2005, 2009; Dignan 2006; GKA 2006, 2008; Ignite Research 2006; Pleasence 2006; Pleasence et al. 2010; Schulman 2003, 2007). These rates tended to be under one per cent across jurisdictions in the present study.

The LAW Survey findings are in keeping with the notion that the incidence of different problem types reflects the defining circumstances necessary for different legal problems to arise. For example, there is considerable opportunity for consumer problems to arise, because consumer transactions are a routine activity for most people. However, there is only limited opportunity for immigration, citizenship or residency problems to arise, because relatively few people change their country of abode (Dignan 2006; Pleasence 2006).

Prevalence of multiple legal problems

The LAW Survey also reinforces existing evidence that the experience of multiple legal problems is common. In each jurisdiction, roughly one-third of respondents reported at least two legal problems in the 12-month period, with roughly one-quarter reporting problems that fell into different problem groups.

The present results confirm earlier findings that a minority of people are particularly vulnerable to multiple legal problems (e.g. Coumarelos et al. 2006). In each jurisdiction, approximately one-tenth of respondents accounted for around two-thirds of the problems reported. Some legal needs surveys have demonstrated an ‘additive effect’ of legal problems, whereby experiencing a legal problem increases the likelihood of experiencing an additional problem, with vulnerability continuing to increase as more problems are experienced (Currie 2007b; Gramatikov 2008; Pleasence 2006; Pleasence et al. 2004c). Pleasence et al. (2004c, p. 107) maintained that:

vulnerability to justiciable problems is ... cumulative. Each time a person experiences a problem the likelihood of experiencing an additional problem increases; not just as a consequence of initial vulnerability; but also as a consequence of the increased vulnerability brought about by the impact of initial problems.

Clustering of legal problems

The LAW Survey also supports past findings that the types of legal problems that people experience in combination are unlikely to be purely random. Cluster analyses resulted in considerable consistency in the legal problem groups that co-occurred across jurisdictions. In most jurisdictions, the following problem groups tended to occur in combination:

1. the consumer, crime, government and housing problem groups
2. the credit/debt, family and money problem groups
3. the employment, health, personal injury and rights problem groups.⁸

Although problem groups tended to co-occur in these three combinations, there was some variation across jurisdictions. First, some elements of these combinations were missing in some jurisdictions (see Table 9.1). Second, there was variation in whether or not each combination co-occurred with other problems. That is, in some jurisdictions, a given combination formed a whole, stand-alone cluster that was unrelated to other problems, while in other jurisdictions it formed a subcluster within a broader cluster of co-occurring problems. In Table 9.1, stand-alone clusters are marked with ‘*’, while subclusters are marked with ‘^’.⁹

The first combination, comprising the consumer, crime, government and housing problem groups, was particularly consistent, with all four of these problem groups combining to form either clusters or subclusters in all jurisdictions apart from the Northern Territory. In NSW, these four problem groups formed a subcluster within the first cluster.

The second combination, comprising the credit/debt, family and money problem groups, was dominated by ‘economic and family’ issues. Most jurisdictions had a cluster or subcluster that included at least two of these three problem groups. Note that the money problem group, by definition, included both problems with economic aspects and problems related to family relationships. Business, investment, wills, estates and power of attorney issues were categorised within this problem group. In NSW, credit/debt and money problems formed a subcluster within the first cluster. However, family problems were not part of this subcluster or of the broader first cluster. Thus, in NSW, this subcluster was more heavily concentrated on economic issues than on family issues.

The third combination, comprising the employment, health, personal injury and rights problem groups, was dominated by ‘rights and injury/health’ issues. Most jurisdictions had a cluster or subcluster that included at least two of these four problem groups. Note that work-related rights issues were categorised within the employment problem group, while rights issues unrelated to work were categorised within the rights problem group. In NSW, employment, health, personal injury and rights problems formed a separate cluster.

⁸ Across jurisdictions, accidents problems did not cluster strongly with other problem groups. Although accidents problems clustered with personal injury problems in the ACT, this relationship was weak. The finding that accidents problems tended to occur independently of other problems may reflect that, by definition, the accidents problem group consisted exclusively of injury-free motor vehicle accidents, which were typically reported as being minor problems (see Table 3.3). It is plausible that such typically minor accidents are largely chance events that are not often causally linked to other problems. Motor vehicle injuries were categorised within the personal injury problem group.

⁹ In addition, problem groups shown in brackets in Table 9.1 were not part of the subclusters shown but fell within the same larger cluster as these subclusters.

Table 9.1: Summary — clustering of problem groups, each jurisdiction

<i>Jurisdiction</i>	<i>Combinations of problem groups forming clusters* or subclusters^ across jurisdictions</i>			<i>Respondents N</i>
	<i>Combination 1</i>	<i>Combination 2</i>	<i>Combination 3</i>	
NSW	^	^	*	4 113
	consumer	credit/debt	employment	
	crime	money	health	
	government		personal injury	
	housing		rights	
Victoria	^	^	*	4 410
	consumer	credit/debt	employment	
	crime	money	health	
	government	(family)	personal injury	
	housing (family)		rights	
Queensland	^	*	^	2 020
	consumer	family	credit/debt	
	crime	health	employment	
	government		rights	
	housing (personal injury)		(personal injury)	
South Australia	^	^	*	2 041
	consumer	credit/debt	employment	
	crime	family	health	
	government	rights	personal injury	
	housing (money)	(money)		
Western Australia	^	*	^	2 019
	consumer	credit/debt	employment	
	crime	family	personal injury	
	government	money	rights	
	housing			
Tasmania	*	^	^	2 009
	consumer	credit/debt	health	
	crime	family	rights	
	government			
	housing employment personal injury			
Northern Territory	^	^	*	2 069
	consumer	credit/debt	health	
	crime	employment	personal injury	
	housing	government		
	rights (money)	(money)		

Table 9.1: Summary — clustering of problem groups, each jurisdiction (cont.)

	^	*	^	
ACT	consumer	credit/debt	employment	2 035
	crime	money	rights	
	government	health	(family)	
	housing			
	(family)			
Australia	*	*	*	20 716
	consumer	credit/debt	employment	
	crime	family	health	
	government		personal injury	
	housing		rights	
	money			

* Denotes a whole cluster.

^ Denotes subclusters of a larger cluster. For example, in NSW, the subcluster comprising consumer, crime, government and housing problems joined with the subcluster comprising credit/debt and money problems to form one cluster.

Note: N=20716 respondents. Problem groups shown in brackets were not part of the subclusters shown but fell within the same larger cluster as these subclusters. For example, in Victoria, family problems were part of neither the 'consumer, crime, government and housing' subcluster nor the 'credit/debt and money' subcluster but were part of the same larger cluster as these two subclusters. Shading indicates problem groups that were common within clusters/subclusters across jurisdictions.

As noted earlier, the co-occurrence of certain legal problems suggests the possibility that these problems may be connected in some way, because, for example:

- one of these problems may directly cause or trigger another
- these problems may arise from similar or identical defining circumstances
- certain individuals may be vulnerable to experiencing these types of problems (Pleasence et al. 2004c).

Past studies have not produced identical legal problem clusters. Nonetheless, like the present study, they have usually found clustering of 'family' and 'economic' issues, although these issues have not necessarily formed a single cluster (Coumarelos et al. 2006; Currie 2007b; Pleasence 2006; Pleasence et al. 2004c, 2010). For example, the NSWLNS and the CSJS both produced separate 'family' and 'economic' clusters (Coumarelos et al. 2006; Pleasence 2006; Pleasence et al. 2010). In addition, the present clustering of rights and health problems is somewhat similar to the clustering of discrimination and clinical negligence problems in the 2004 and 2006–2009 CSJS (Pleasence et al. 2010).

Different clustering patterns across studies are perhaps unsurprising, given their methodological differences. First, different populations may have differing vulnerabilities for certain groups of legal problems.¹⁰ Second, the coverage, definition and categorisation of legal problems may affect clustering. For example, the CSJS and NSWLNS categorised domestic violence issues into a separate problem type, which clustered with other relationship breakdown issues to form a 'family' cluster (Coumarelos et al. 2006; Pleasence 2006; Pleasence et al. 2010). In contrast, other past studies and the present study did not isolate domestic violence issues into a separate problem type but subsumed them within a broader category of problems (cf. Currie 2007b; Genn 1999; Genn & Paterson 2001; Pleasence 2006). Thus, these studies could not examine which problems specifically cluster with

¹⁰ The demographic groups in the present study that were especially vulnerable to experiencing particular types of problems are discussed in the next section, 'Predicting prevalence of legal problems'.

‘domestic violence’ per se. Third, the reference period used may have an impact. For example, clusters reflecting the long-term consequences of certain legal problems may be less evident with shorter reference periods. Finally, differences in the triviality thresholds used to capture legal problems may also affect clustering. For example, observation of the connections between problems may depend on the proportion of substantial problems captured.

Past evidence has suggested that some types of legal problems are especially likely to trigger or directly cause further problems. In particular, the evidence has been consistent with family, injury and employment problems often preceding and triggering money and debt problems (Currie 2007b; Genn 1999; Pleasence 2006). Trigger effects can have dramatic impacts on people’s lives. They can lead to a cascade of spiralling problems and downward mobility in a variety of life circumstances (Coumarelos et al. 2006; Currie 2007b; Genn 1999; Pleasence 2006; Pleasence et al. 2004c). Pleasence (2006) argued that the trigger effect of family problems such as divorce, separation and domestic violence is not surprising, given that they can lead to substantial changes in life circumstances, such as financial hardship, poorer housing, employment problems, difficulties as a single parent, and dependence on maintenance, child support and welfare benefits. The LAW Survey findings that family problems sometimes clustered with economic problems are consistent with the possibility that family problems may sometimes trigger legal problems with a financial impact.¹¹

Pleasence (2006) and Genn (1999) argued that personal injury problems can also have a dramatic impact on life circumstances, often as a result of causing unemployment, which in turn can lead to financial hardship. The *Paths to justice* surveys and the CSJS produced broad clusters including employment, personal injury, money and consumer problems (Pleasence 2006; Pleasence et al. 2010). The present results are partially consistent with these findings, given that personal injury and employment problems clustered in most jurisdictions.¹² However, the possible impact of personal injury and unemployment on financial hardship was evident only in Queensland and the Northern Territory, where employment and credit/debt problems clustered together. The shorter reference period in the present study compared to the UK studies may have been insufficient for the full impact of personal injury and employment problems on financial circumstances to become evident in all jurisdictions. Furthermore, the full impact of employment problems on financial hardship may occur more quickly for more disadvantaged people who have fewer savings and assets (Saunders et al. 2007). The present Northern Territory and Queensland results are consistent with this possibility. The top 20 most disadvantaged areas in Australia are remote areas within these jurisdictions, and, in addition, the Northern Territory is the most disadvantaged jurisdiction overall (e.g. ABS 2008c).

As discussed earlier, the co-occurrence of legal problems does not necessarily imply a meaningful connection between these problems in all cases. Legal problems may sometimes co-occur by chance — that is, without a connection due to trigger effects, defining circumstances or personal vulnerabilities. In particular, problem types that occur frequently in the population have more opportunity to coincide by chance. Consistent with this possibility, the first cluster or subcluster in the present study typically included the four most prevalent legal problem groups — that is, the consumer, crime, government and housing problem groups.¹³ In addition to clustering with each

¹¹ The strongest associations of family problems with credit/debt and/or money problems occurred in Australia as a whole, South Australia, Western Australia and Tasmania. As already noted, in NSW, the family problem group was not linked to any cluster. However, the money problem group, which included some problems related to family relationships, was linked to the credit/debt problem group.

¹² Except in the Northern Territory and the ACT, personal injury and employment problems were part of the same cluster.

¹³ The consumer, crime, government and housing problem groups were the four most prevalent problem groups in all jurisdictions apart from the ACT where they comprised four of the five most prevalent problem groups. These four problem groups dominated the first cluster/subcluster in all jurisdictions except the Northern Territory. The Northern Territory results were nonetheless similar: consumer, crime and housing problems dominated the first subcluster, and government problems still fell within the same broader cluster, although they fell within a different subcluster.

other, these four problem groups had a sizeable degree of co-occurrence with all problem groups across jurisdictions (see Table 4.9 in each LAW Survey report). Notably, past studies have often similarly found that one of the main clusters that emerges is dominated by high-frequency problem types.¹⁴

The chance co-occurrence of high-frequency legal problems may be more evident in studies using shorter reference periods, such as the present study and the Coumarelos et al. (2006) study. First, there is less opportunity with shorter periods to capture all of the legal problems that are likely to result from long-term causal effects. Second, shorter reference periods are likely to provide more accurate capture of legal problems that are high volume but ‘minor’, given that memory decay over longer periods tends to result in less salient problems being forgotten (Lynn et al. 2005; Pleasence et al. 2009; Sudman & Bradburn 1973; Tourangeau et al. 2000). Thus, both of these possibilities may work towards shorter reference periods producing greater visibility of high-volume minor problems that tend to coincide by chance rather than due to some sort of meaningful connection. Nonetheless, the possible chance coincidence of some legal problems in no way negates the potential difficulty that some people face when confronted with multiple problems. The present study, like past studies, makes clear that the occurrence of multiple legal problems is a common experience.

Predicting prevalence of legal problems

The LAW Survey replicates past findings that vulnerability to legal problems is not random but varies according to demographic characteristics. In each jurisdiction, regressions were conducted to examine the characteristics that are significantly related to three ‘general’ measures of prevalence:

- the prevalence of legal problems overall
- the prevalence of substantial legal problems (i.e. problems rated as having a ‘severe’ or ‘moderate’ impact on everyday life)
- the prevalence of multiple (i.e. a greater number of) legal problems.

Summaries of these models are presented in Tables 9.2–9.4.¹⁵ In addition to these three regressions, 12 further regressions were conducted in each jurisdiction to examine the significant predictors of each of the 12 legal problem groups.¹⁶

The results were similar across jurisdictions. However, not all of the demographic variables that were significant in each Australian model reached significance in all the corresponding state/territory models, as might be expected, given the larger national numbers. As detailed below, the regressions confirm past findings that different ages or life stages are significantly associated with different types of legal problems, and that disadvantaged or socially excluded groups have increased vulnerability.

¹⁴ The broad cluster in the Coumarelos et al. (2006) study was dominated by the four most prevalent problem types (i.e. general crime, housing, consumer and government problems), although it also included other problem types. One cluster in the Canadian study (Currie 2007a) exclusively comprised the three most frequent problem types (i.e. consumer, employment and debt problems). The broad cluster based on the data from the *Paths to justice* study included the two most frequent problem types (i.e. consumer and money problems) as well as other problem types (cf. Genn 1999; Pleasence 2006). The CSJS included a broad or economic cluster that was dominated by the four most prevalent problem types (i.e. consumer, neighbours, money/debt and employment problems), although it also included other problem types (Pleasence 2006; Pleasence et al. 2010).

¹⁵ In each jurisdiction, the model on overall prevalence was comparable to the NSW model shown in Table 3.5, the model on prevalence of substantial legal problems was comparable to the NSW model shown in Table 3.7, while the model on multiple legal problems was comparable to the NSW model shown in Table 3.8. Further details are provided in Appendix Tables A2.8 and A2.9 (models 1a, 2 and 3), while the full results are provided in the LAW Survey report for the relevant jurisdiction.

¹⁶ The models on the prevalence of each problem group in each jurisdiction were comparable to the NSW models shown in Table 3.9. Further details are provided in Appendix Tables A2.8 and A2.9 (models 4a–4l), while the full results are provided in the LAW Survey report for the relevant jurisdiction.

Table 9.2: Regression summaries — prevalence of legal problems overall, each jurisdiction

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Gender	Female male	<	<	>	<	=	<	<	=	<
Age	15–17 65+	>	>	>	>	>	>	>	>	>
	18–24 65+	>	>	>	>	>	>	>	>	>
	25–34 65+	>	>	>	>	>	>	>	>	>
	35–44 65+	>	>	>	>	>	>	>	>	>
	45–54 65+	>	>	>	>	>	>	>	>	>
	55–64 65+	>	>	>	>	>	>	>	>	>
Indigenous status	Indigenous other	<	>	<	>	>	>	>	>	=
Disability status	Disability no disability	>	>	>	>	>	>	>	>	>
Education	<Year 12 post-school	<	<	<	<	<	<	<	<	<
	Year 12 post-school	<	<	<	<	<	<	<	<	<
Employment status	Unemployed other	>	>	>	>	>	>	>	>	>
Family status	Single parent other	>	>	>	>	>	>	>	>	>
Housing type	Disadvantaged other	>	>	>	>	>	>	>	>	>
Main income	Government payment other	<	>	<	<	<	<	<	<	<
Main language	Non-English English	<	<	<	<	<	<	<	<	<
Remoteness^{abc}	Remote major city	= ^a	< ^a	=	<	<	= ^b	= ^b	<	<
	Regional major city		<	<	<	<	<	<	<	<

a Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.

b Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.

c Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of experiencing legal problems
- < significantly lower odds of experiencing legal problems
- > non-significant (higher) odds of experiencing legal problems
- < non-significant (lower) odds of experiencing legal problems
- = non-significant (equal) odds of experiencing legal problems

Table 9.3: Regression summaries — prevalence of substantial legal problems, each jurisdiction

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Gender	Female male	=	=	^	^	^	=	=	^	^
	15–17 65+	^	^	^	^	^	^	^	=	^
	18–24 65+	^	^	^	^	^	^	^	^	^
	25–34 65+	^	^	^	^	^	^	^	^	^
	35–44 65+	^	^	^	^	^	^	^	^	^
	45–54 65+	^	^	^	^	^	^	^	^	^
	55–64 65+	^	^	^	^	^	^	^	^	^
Indigenous status	Indigenous other	<	^	^	^	^	^	^	^	^
Disability status	Disability no disability	^	^	^	^	^	^	^	^	^
Education	<Year 12 post-school	<	<	<	<	<	<	<	=	<
	Year 12 post-school	<	<	<	<	<	<	<	<	<
Employment status	Unemployed other	^	^	^	^	^	^	^	^	^
Family status	Single parent other	^	^	^	^	^	^	^	^	^
Housing type	Disadvantaged other	^	^	^	^	^	^	^	^	^
Main income	Government payment other	^	^	^	^	^	^	^	^	^
Main language	Non-English English	<	<	<	<	<	<	<	=	<
Remoteness^{abc}	Remote major city	< ^a	< ^a	=	<	<	< ^b	< ^b	=	<
	Regional major city	=	^	^	^	^	^	=	=	^

a Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.
b Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.
c Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of experiencing substantial legal problems
- < significantly lower odds of experiencing substantial legal problems
- > non-significant (higher) odds of experiencing substantial legal problems
- < non-significant (lower) odds of experiencing substantial legal problems
- = non-significant (equal) odds of experiencing substantial legal problems

Table 9.4: Regression summaries — prevalence of multiple legal problems, each jurisdiction

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Gender	Female male	=	<	<	<	<	=	<	<	<
Age	15–17 65+	>	>	>	>	>	>	>	>	>
	18–24 65+	>	>	>	>	>	>	>	>	>
	25–34 65+	>	>	>	>	>	>	>	>	>
	35–44 65+	>	>	>	>	>	>	>	>	>
	45–54 65+	>	>	>	>	>	>	>	>	>
	55–64 65+	>	>	>	>	>	>	>	>	>
Indigenous status	Indigenous other	>	>	>	>	>	>	>	>	>
Disability status	Disability no disability	>	>	>	>	>	>	>	>	>
Education	<Year 12 post-school	<	<	<	<	<	<	<	<	<
	Year 12 post-school	<	<	<	<	<	<	<	<	<
Employment status	Unemployed other	>	>	>	>	>	>	>	>	>
Family status	Single parent other	>	>	>	>	>	>	>	>	>
Housing type	Disadvantaged other	>	>	>	>	>	>	>	>	>
Main income	Government payment other	=	>	=	>	>	=	=	>	>
Main language	Non-English English	=	>	>	>	>	>	=	>	=
Remoteness^{abc}	Remote major city	> ^a	= ^a	<	<	<	< ^b	< ^b	<	=
	Regional major city			>	>	=	=	=	<	>

a Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.

b Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.

c Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second. The first category has a:

- > significantly higher rate of experiencing legal problems
- < significantly lower rate of experiencing legal problems
- > non-significant (higher) rate of experiencing legal problems
- < non-significant (lower) rate of experiencing legal problems
- = non-significant (equal) rate of experiencing legal problems

Age

Past research has typically reported that age has a strong influence on the prevalence of legal problems, and that older people have the lowest prevalence rates (Buck et al. 2005; Coumarelos et al. 2006; CSRA 2003; Currie 2007b; Dignan 2006; GKA 2006, 2008; LASNSC 2005; LSNJ 2009; Maxwell et al. 1999; Miller & Srivastava 2002; Pleasence 2006; Pleasence et al. 2010; TALS 2004; van Velthoven & Klein Haarhuis 2010; van Velthoven & ter Voert 2004). The LAW Survey confirms these findings. In all jurisdictions, age was the strongest, or one of the strongest, predictors of prevalence. It was significantly related to all three general prevalence measures — that is, to the prevalence of legal problems overall, substantial legal problems and multiple legal problems. Respondents aged 65 years or over had significantly lower prevalence levels according to these measures when compared to some, and usually most, other age groups (see Tables 9.2–9.4). In most jurisdictions, the prevalence of legal problems overall was at peak or near peak levels at 35–44 years of age.¹⁷ According to the regression results in NSW, 35–44 year olds had the second highest levels of overall prevalence, and 18–24 year olds had the highest levels.

In keeping with past research, the LAW Survey also demonstrated that different types of legal problems tend to peak at different ages and appear to reflect people's changing life circumstances as they progress through different stages of life.

According to past studies, frequent legal problems in the younger age groups include problems related to criminal activity, accidents, personal injury and rented housing (Coumarelos et al. 2006; Currie 2007b; Maxwell et al. 1999; Pleasence 2006). The LAW Survey supports these findings. First, the odds of crime problems peaked at either 15–17 or 18–24 years across jurisdictions, and the odds of rights problems for these age groups were also elevated or at peak levels. Rights problems included some problems that are potentially related to criminal activity — namely, problems concerning unfair treatment by police and student bullying/harassment. These results are consistent with official court statistics and crime data, which show high rates of criminal offending and victimisation among younger adults, particularly young males (ABS 2011d; NSW Bureau of Crime Statistics and Research (NSW BOCSAR) 2011a). Second, the LAW Survey found that the odds of accidents and personal injury problems peaked at either 15–17 or 18–24 years in most jurisdictions. It is noteworthy that the LAW Survey categorised motor vehicle accidents within these two problem groups. The accidents problem group consisted solely of injury-free motor vehicle accidents, while the personal injury problem group included motor vehicle injuries. Thus, these results may reflect poorer driving skills and greater risk-taking behaviour among young adults (Coumarelos et al. 2006). Third, the percentages of rented housing problems were high among 18–24 year olds, although they tended to peak at 25–34 years in most jurisdictions.¹⁸ Problems with rented housing have been argued to reflect younger people's lower levels of economic independence and resultant lower standards of housing (Pleasence 2006).

In the late 20s and early 30s, high rates of legal problems related to credit and debt have been reported by past research and have been argued to echo increasing personal expenditure and use of debt as people become more economically independent and commence acquiring major assets such as motor vehicles and houses (Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence

¹⁷ 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. This tendency resulted in 35–44 year olds having the highest odds of legal problems overall in Victoria, Queensland, Western Australia, Tasmania and Australia as a whole.

¹⁸ The significance of this result was not examined, because, due to small numbers, regressions were not conducted on the prevalence of problem subgroups such as rented housing. A peak at 25–34 years in the percentages for rented housing was not evident in Tasmania, the Northern Territory and the ACT. In Australia as a whole, the prevalence rate of rented housing problems was five per cent for 18–24 year olds, six per cent for 25–34 year olds and less than four per cent for all other age groups.

2006). Similarly, the odds of credit/debt problems in the present study peaked at 25–34 years in most jurisdictions. In NSW, the peak was at 25–34 years, with particularly elevated odds also at 18–24 and 35–44 years, and still elevated odds at 45–64 years. In addition, the types of housing problems experienced by 25–34 year olds appear consistent with the notion that this age group is starting to become more economically independent and to enter into home ownership. While this age group had apparently high percentages of rented housing problems, it also had apparently high percentages of owned housing problems when compared to the group aged 18–24 years. Owned housing problems tended to remain elevated during middle age.¹⁹

Past research has found that family-related legal problems, such as divorce, relationship breakdown, problems ancillary to relationship breakdown and child-related problems, tend to be frequent in the late 30s to early 40s (Coumarelos et al. 2006; Dignan 2006; Pleasence 2006). Similar results were obtained by the LAW Survey. The odds of experiencing family problems peaked at 35–44 years in most jurisdictions. Most jurisdictions also showed elevated odds at 25–34 years and some also at 45–54 years. In NSW, the peak was at 35–44 years, with elevated odds also at 25–34 and 55–64 years. Again, these findings appear to reflect changing life circumstances whereby, by middle age, many people have chosen long-term partners and have dependent children.

The LAW Survey reinforces past results that most types of legal problems tend to decline significantly after middle age, from the mid 50s onwards (Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence 2006). Again, these findings are consistent with changes in life circumstances, such as retirement and grown children leaving home. Most obviously, the low odds of legal problems related to employment in the oldest age group across jurisdictions are likely to largely reflect the high retirement rates in this age group. Although most types of legal problems are less prevalent among older people, some types of legal problems are relatively common in this age group. In particular, past research has found that wills, estates and power of attorney issues are common in the older age groups (Coumarelos et al. 2006; Currie 2007b; Maxwell et al. 1999). The LAW Survey replicates these findings. Wills/estates issues were categorised within the money problem group in the present study.²⁰ The odds of experiencing a problem from this problem group tended to peak at 45–64 years in most jurisdictions and tended to reflect peak percentages of wills/estates problems.²¹

Gender

In Australia as a whole, gender was related to all three general prevalence measures: legal problems overall, substantial legal problems and multiple legal problems. Although significant, these relationships were not strong, and their direction was inconsistent. Males had higher prevalence of legal problems overall and multiple legal problems but lower prevalence of substantial legal problems. Gender was usually unrelated to the general prevalence measures in most states/territories, and, again, the few significant relationships were weak (see Tables 9.2–9.4).

Legal needs surveys have occasionally found differences in the types of legal problems experienced by males and females, although the particular problem types exhibiting gender differences have varied (Coumarelos et al. 2006; Currie 2007b; Pleasence 2006). The LAW Survey similarly found

¹⁹ The significance of these results was not examined, because, due to small numbers, regressions were not conducted on the prevalence of problem subgroups such as rented housing and owned housing. In Australia as a whole, as noted above, the prevalence of rented housing problems was five per cent for 18–24 year olds, six per cent for 25–34 year olds and less than four per cent for the other age groups. The prevalence of owned housing problems in Australia as a whole was less than one per cent for 18–24 year olds, three per cent for 25–44 year olds and two per cent or less for the older age groups.

²⁰ The money problem group also included business and investment problems.

²¹ In Queensland, money problems peaked at 35–44 years rather than 45–64 years. In the Northern Territory and the ACT, age was not significantly related to the prevalence of money problems according to the regression results. Across jurisdictions, consumer, government and health problems tended to show less obvious peaks according to age, and these types of problems were generally elevated for 18–54 year olds compared to those aged 65 years or over.

significant gender differences in the prevalence of some types of problems, and these relationships were most often in the direction of males having higher prevalence. However, again, these relationships between gender and prevalence were usually not very strong. In the Australian analysis, males had higher odds of problems from six of the 12 problem groups: consumer, credit/debt, crime, government, money and personal injury. Females had higher odds only of health problems. The state/territory analyses typically revealed gender differences for only a few legal problem groups. In addition, like the Australian results, the significant gender differences at the state/territory level usually showed elevated prevalence for males rather than females. Each of the six problem groups that was elevated for males in the Australian analysis was also elevated for males in at least a few states/territories. Males had elevated odds of credit/debt and personal injury problems in four states/territories, elevated odds of crime, government and money problems in three states/territories and elevated odds of consumer problems in two states/territories. In NSW, males had higher odds of legal problems overall, but gender was unrelated to the prevalence of substantial legal problems and multiple legal problems. Males also had higher odds of crime, employment, government, money and personal injury problems.

Disadvantaged groups

The LAW Survey supports existing evidence that many types of disadvantage increase vulnerability to legal problems. The 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.²² In particular, people with a disability stood out as the disadvantaged group with the greatest number of significant associations with increased prevalence of legal problems. In addition, the associations of disability with high prevalence were some of the strongest in the analyses. In all jurisdictions, significantly higher vulnerability was also evident according to some prevalence measures for other disadvantaged groups, such as single parents, people living in disadvantaged housing and the unemployed. The NSWLNS (Coumarelos et al. 2006) did not examine single parenthood, disadvantaged housing and unemployment. Thus, the LAW Survey provides fresh evidence within the Australian context of a link between these indicators of disadvantage and vulnerability to legal problems.

Like past surveys, the LAW Survey found that low levels of education and non-English main language, unlike most other indicators of disadvantage, tended to be related to *low rather than high* prevalence of legal problems when they were significant. Further details about disadvantage and vulnerability are provided below.

Disability

Disability status²³ was often one of the strongest significant predictors of prevalence. In addition, of all the disadvantaged groups examined, people with a disability had increased vulnerability to legal problems according to the greatest number of prevalence measures. In all jurisdictions, they had increased prevalence of legal problems overall (see Table 9.2) and substantial legal problems (see Table 9.3). Except in Western Australia and the Northern Territory, they also had high prevalence of multiple legal problems (see Table 9.4). Furthermore, people with a disability had high prevalence of problems from at least nine of the 12 problem groups in each jurisdiction. In particular, and perhaps unsurprisingly, they had very high prevalence of legal problems from the health problem group.

²² See Appendix A2, 'Comparison of sample and population profile: Other demographics' section and Appendix Table A2.8 for further details.

²³ The LAW Survey defined 'disability' as any long-term illness or disability that had already lasted, or was likely to last, at least six months, and included a wide range of sensory, intellectual, learning, mental health, neurological and physical conditions. See Appendix A2, 'Comparison of sample and population profile: Disability status' section, and Appendix Table A2.8 for further details.

In NSW, people with a disability had high prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from 10 problem groups. The exceptions were the accidents and family problem groups.

Past surveys have also found people with a disability to have increased vulnerability to legal problems (Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence 2006). Like the present survey, the NSWLNS identified people with a disability as the most vulnerable of the demographic groups examined (Coumarelos et al. 2006).

Single parenthood

Family status was related to prevalence according to a number of measures and, when significant, often had one of the strongest effects. Single parents²⁴ had high prevalence of legal problems overall and substantial legal problems in all jurisdictions (see Tables 9.2 and 9.3), and high prevalence of multiple legal problems in most jurisdictions (see Table 9.4). Single parents were the only disadvantaged group apart from people with a disability who had significantly higher vulnerability according to at least two of these three general prevalence measures in every jurisdiction. Single parents also had high odds of problems from eight of the 12 problem groups in Australia as a whole, and from at least a few problem groups in each jurisdiction. They had particularly high odds of family problems in all jurisdictions, and elevated odds of credit/debt, crime and rights problems in most jurisdictions. The high odds of family problems are not surprising, given that single parents have the defining circumstances necessary for the experience of both relationship breakdown problems and problems related to children. In NSW, single parents had high prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from six problem groups: credit/debt, crime, employment, family, government and rights.

Past surveys have similarly found single parents to be among the demographic groups most vulnerable to legal problems (Buck et al. 2004; Currie 2007b; Dignan 2006; Pleasence 2006; Pleasence et al. 2010).

Disadvantaged housing

Typically, housing type was significantly related to a number of prevalence measures and was often one of the strongest predictors of the prevalence of multiple legal problems. In most jurisdictions, people living in disadvantaged housing²⁵ had increased prevalence according to at least two of the three general prevalence measures of legal problems overall, substantial legal problems and multiple legal problems (see Tables 9.2–9.4). They also usually had increased odds of problems from at least a few of the 12 problem groups in each state/territory. Credit/debt, crime, employment, family, health, housing²⁶ and rights problems were elevated for people living in disadvantaged housing in at least five jurisdictions. In NSW, people living in disadvantaged housing had increased prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from seven problem groups: consumer, credit/debt, crime, family, health, housing and rights. Western Australia was the only jurisdiction where there was no significant relationship between housing

²⁴ The LAW Survey defined ‘single parents’ as people who, at the time of interview, were not living with a partner and had one or more children under 18 years, regardless of whether these children were living with them. See Appendix A2, ‘Comparison of sample and population profile: Family status’ section, and Appendix Table A2.8 for further details.

²⁵ The LAW Survey defined ‘disadvantaged housing’ as any of the following housing situations at any time during the previous 12 months: being homeless, living in emergency or basic accommodation (e.g. refuge, shelter, boarding house, caravan park, tent, motor vehicle, shed or barn), living with relatives or friends due to having nowhere else to live, or living in public housing. See Appendix A2, ‘Comparison of sample and population profile: Housing type’ section, and Appendix Table A2.8 for further details.

²⁶ Homelessness and/or living in emergency/basic/public housing led to membership in the disadvantaged housing demographic group but did not constitute problems within the housing problem group. Although living in public housing per se did not constitute a problem within the housing problem group, experiencing a problem with public renting (e.g. a problem with the rental agreement) did constitute a problem within the housing problem group (see Appendix A1, question P6).

type and any of the three general prevalence measures of legal problems overall, substantial legal problems and multiple legal problems. In Western Australia, people living in disadvantaged housing had significantly higher prevalence only of crime and housing problems. While it is not clear why there were fewer significant relationships in Western Australia, the section of the population living in disadvantaged housing may be slightly different. Western Australia has a low proportion of the population living in disadvantaged areas and also a somewhat lower than average proportion living in housing authority dwellings (ABS 2007a, 2008c).

Unemployment

Employment status was usually significantly related to a number of prevalence measures and was occasionally one of the strongest predictors. In most jurisdictions, unemployed people²⁷ had increased vulnerability to legal problems according to at least two of the three general prevalence measures of legal problems overall, substantial legal problems and multiple legal problems (see Tables 9.2–9.4). The relationship between employment status and the prevalence of problems from each problem group apart from the employment problem group was also examined. The employment problem group was not examined, due to its overlap with the employment status demographic variable.²⁸ Unemployed people had high odds of problems from eight of the remaining 11 problem groups in Australia as a whole and of problems from at least one problem group in each state/territory. Increased odds of credit/debt, government and rights problems for unemployed people were found in the majority of states/territories. In NSW, unemployed people had increased prevalence of legal problems overall and substantial legal problems, but not of multiple legal problems. They had increased prevalence of problems from four problem groups: credit/debt, government, housing and rights. In Tasmania, however, employment status was significantly related to prevalence according to only two measures. Unemployed people had increased odds only of credit/debt and rights problems. In fact, Tasmania was the only jurisdiction where unemployed people did not have significantly higher prevalence according to any of the three general prevalence measures of legal problems overall, substantial legal problems and multiple legal problems. The Tasmanian findings may reflect differences in the demographic composition of this state's labour force (i.e. people in the workforce or looking for work). For example, Tasmania has relatively high proportions of people on government payments, people in part-time work and people who did not finish school (ABS 2009a, 2009b, 2009c).

Government payments

Past surveys have not reliably found high overall prevalence of legal problems for people on low incomes or welfare benefits (e.g. Pleasence 2006; Pleasence et al. 2010; van Velthoven & Klein Haarhuis 2010). However, poorer respondents have tended to report *different types* of legal problems from wealthier respondents. Wealthier respondents have reported legal problems that appear to reflect their greater opportunity for economic activity, such as problems related to consumer activity, investments, home ownership, clinical interventions and stolen/vandalised property (Coumarelos et al. 2006; Pleasence 2006). In contrast, poorer respondents have reported legal problems that reflect their socioeconomic disadvantage, such as problems related to debt, domestic violence, family relationships, homelessness, mental health, rented housing, social services and welfare benefits (Buck et al. 2005; Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence 2006).

²⁷ The LAW Survey defined 'unemployment' as being out of work and actively looking for work at any time in the previous 12 months. See Appendix A2, 'Comparison of sample and population profile: Employment status' section, and Appendix Table A2.8 for further details.

²⁸ Being sacked or made redundant was a legal problem within the employment problem group. This legal problem would almost invariably have also resulted in a period of unemployment and, hence, membership within the unemployment demographic group. Due to this overlap, it was not possible to run reliable regressions on the prevalence of the employment problem group if the employment status demographic variable was included as a predictor.

The LAW Survey examined whether prevalence was related to receipt of government payments as the main source of income.²⁹ The results reinforce past findings. First, there were few significant relationships between main income and the three general measures of prevalence. More specifically, people on government payments did not have high overall prevalence of legal problems in any jurisdiction (see Table 9.2) or high prevalence of substantial legal problems or multiple legal problems in most jurisdictions (see Tables 9.3 and 9.4).³⁰ Second, in most jurisdictions, the LAW Survey found that the types of legal problems experienced by respondents on government payments were significantly different from those experienced by other respondents.³¹ People on government payments were more likely to experience legal problems reflecting socioeconomic disadvantage. They had increased odds of problems from the following problem groups in at least one or a few jurisdictions: family, government, health, housing and rights. The high levels of government problems were largely due to problems related to receipt of government payments. The rights problems included problems related to discrimination and unfair treatment by police. In contrast, respondents with other main sources of income were more likely to experience legal problems reflecting a greater opportunity for economic activity or greater economic independence. These respondents had higher odds of consumer, employment, money and personal injury problems in at least one jurisdiction. The money problems experienced often included problems with business or investment. The high levels of personal injury problems, which often involved work-related injuries, and the high levels of employment problems are consistent with higher rates of employment among this group. In NSW, main income was not related to any of the three general measures of prevalence. However, respondents on government payments had increased risk of family and government problems, whereas other respondents had increased risk of money and personal injury problems. In Queensland and the Northern Territory, main income was not significantly related to any measure of prevalence — neither to the three general prevalence measures, nor to the prevalence of problems from any problem group. The reason for the Queensland result is unclear, given that the proportion of people on government payments is similar to the Australian proportion (ABS 2009c). However, the Northern Territory finding may reflect this jurisdiction's unique demographic profile. It has a smaller proportion of people on government payments, reflecting lower proportions on the age pension, due to its younger age structure (ABS 2000b, 2011a).

Low education levels

Past studies have typically demonstrated that people with low levels of education have *lower rather than higher* rates of legal problems (Coumarelos et al. 2006; Currie 2007b; GKA 2006, 2008; LSNJ 2009; Maxwell et al. 1999; Pleasance 2006; van Velthoven & Klein Haarhuis 2010; van Velthoven & ter Voert 2004). The LAW Survey confirms these findings. People with low education levels³² had significantly lower overall prevalence of legal problems in all jurisdictions (see Table 9.2). They also had significantly lower prevalence of substantial legal problems in several jurisdictions and of multiple legal problems in two jurisdictions (see Tables 9.3 and 9.4). In addition, people with low education levels had lower odds of problems from at least four of the 12 problem groups in each jurisdiction, often including the accidents, consumer, crime, employment, government, housing

²⁹ The LAW Survey defined 'government payments' as means-tested government payments received on a fortnightly basis at any time during the previous 12 months. See Appendix A2, 'Comparison of sample and population profile: Main income' section, and Appendix Table A2.8 for further details.

³⁰ The relationship to prevalence of substantial problems was significant only in Victoria and Australia as a whole, and the relationship to multiple problems was significant only in Victoria and the ACT.

³¹ The crime problem group was an exception. Government payments were linked to higher odds of crime problems in Victoria and South Australia, but to lower odds of crime problems in Tasmania.

³² The survey measured the highest level of education completed at the time of the survey and categorised respondents into three groups — those who had not finished school, those who had finished only Year 12 and those with post-school qualifications. See Appendix A2, 'Comparison of sample and population profile: Education' section, and Appendix Table A2.8 for further details.

and money problem groups. Family and personal injury problems were not significantly related to education in any jurisdiction. In NSW, people with low education levels had decreased prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from 10 problem groups: accidents, consumer, credit/debt, crime, employment, government, health, housing, money and rights problems. As already noted, unlike people with low levels of education, most other disadvantaged groups tended to have increased prevalence of legal problems.

Ethnic minorities

Past studies have often found relationships between ethnicity and vulnerability to legal problems. However, some studies have found increased vulnerability, while others have found decreased vulnerability among ethnic minority groups (see Coumarelos et al. 2006; CSRA 2003; Currie 2007b; Dale 2000, 2005; LASNSC 2005; LSNJ 2009; Maxwell et al. 1999; Miller & Srivastava 2002; Pleasence 2006; TALS 2004). This variation across surveys may reflect the study of different ethnic groups, the use of different measurements of ethnicity and insufficient numbers of ethnic minority respondents within samples. The LAW Survey examined two ethnic minority groups: Indigenous Australians and people with a non-English main language.

Indigenous background

The NSWLNS by Coumarelos et al. (2006) did not find high rates of legal problems overall for Indigenous respondents but found high rates of credit/debt, employment and family legal problems. The LAW Survey similarly found no significant relationship between Indigenous status³³ and the overall prevalence of legal problems in each jurisdiction (see Table 9.2). With the exception of Tasmania, Indigenous status was also not significantly related to the prevalence of substantial legal problems (see Table 9.3). Notably, however, Indigenous people had significantly higher prevalence according to the measure of multiple legal problems in most jurisdictions, and sometimes these relationships were among the strongest for this prevalence measure (see Table 9.4).³⁴ Like the NSWLNS, the LAW Survey found significantly higher prevalence of one or a few types of legal problems among Indigenous respondents in most jurisdictions. The problem groups with elevated risk for Indigenous people in some jurisdictions were the crime, government, health and rights problem groups.³⁵ The crime problems experienced by Indigenous people included both offender and victim problems, and the government problems included problems related to fines and government payments.

With the exception of Western Australia, all jurisdictions had at least one significant association between Indigenous status and prevalence, although there were generally no more than a few significant associations in each jurisdiction (see Tables 9.2–9.4). In NSW, Indigenous status was not related to any of the three general measures of prevalence. However, Indigenous respondents had increased odds of health problems. Methodological issues, such as the small numbers of Indigenous respondents interviewed in many jurisdictions, may have militated against observing a greater number of significant associations with prevalence.³⁶

³³ For details about the measurement of Indigenous status, see Appendix A2, 'Comparison of sample and population profile: Gender, age and Indigenous status' section, and Appendix Table A2.8.

³⁴ The NSWLNS (Coumarelos et al. 2006) did not examine the predictors of substantial legal problems or multiple legal problems.

³⁵ Different problem groups had elevated prevalence for Indigenous respondents in the LAW Survey compared to the NSWLNS (Coumarelos et al. 2006).

³⁶ In unweighted numbers, the fewest Indigenous interviews were conducted in the ACT (26), Western Australia (31) and South Australia (35). See Appendix Table A2.7 in each LAW Survey report. See Chapter 10, 'Tailoring services for specific demographic groups: Indigenous background' section, for further discussion of the methodological issues potentially affecting the results for Indigenous status.

Non-English main language

The NSWLNS (Coumarelos et al. 2006) found that respondents born in a non-English-speaking country had low overall prevalence of legal problems and low prevalence of accident/injury, wills/estates and general crime problems. Similarly, the LAW Survey found significant relationships between prevalence and main language³⁷ in some jurisdictions, and these relationships generally indicated *lower* prevalence for people with a non-English main language.³⁸ More specifically, in about half the jurisdictions, this demographic group had low odds of legal problems overall (see Table 9.2) and low odds of problems from at least one of the 12 problem groups. In most jurisdictions, however, the prevalence of substantial legal problems and multiple legal problems was not significantly related to main language (see Tables 9.3 and 9.4). In NSW, people with a non-English main language had lower prevalence of legal problems overall, but not of substantial legal problems or multiple legal problems. They also had lower prevalence of problems from five problem groups: consumer, credit/debt, crime, government and money.

NSW and Victoria were the two states/territories that had the greatest number of significant associations between main language and prevalence. This finding may reflect differences between states/territories in the population from a non-English-speaking background. First, this demographic group is relatively large in NSW and Victoria compared to most other states/territories. The proportion of LAW Survey respondents with a non-English main language was nine per cent in NSW and Victoria compared to 2–5 per cent in the other states/territories, with Tasmania (2%) and Queensland (3%) having the lowest proportions.³⁹ The smaller numbers of respondents with a non-English main language in all states/territories other than NSW and Victoria may have militated against a greater number of significant associations in these other jurisdictions. Census data similarly indicate that NSW and Victoria have relatively large proportions of people from a non-English-speaking background, while Tasmania and Queensland have the smallest proportions (ABS 2007a).⁴⁰ Second, the composition of the demographic group from a non-English-speaking background also varies between states/territories. Most notably, according to the census (ABS 2007a), this demographic group in the Northern Territory is distinct from those in all other states/territories because Indigenous languages are far more common among the non-English languages spoken (ABS 2007a).⁴¹ As a result, the Northern Territory is the only state/territory where Indigenous people comprise a large proportion of the non-English-speaking population.⁴² The different composition of the non-English group in the Northern Territory may have contributed to the fewer significant relationships between main language and prevalence.

Given that ethnic minorities are often disadvantaged, the lower reporting of legal problems by these groups is notable, because it contrasts with the elevated reporting by other disadvantaged groups.

³⁷ Respondents with an Indigenous language as their main language were included in the non-English main language group. However, many Indigenous respondents were included in the English main language group. For further details about the measurement of main language, see Appendix A2, 'Comparison of sample and population profile: Main language' section, and Appendix Table A2.8.

³⁸ Increased prevalence for people with a non-English main language was found in only two instances. This group had increased odds of health problems in Australia as a whole and increased odds of housing problems in Tasmania.

³⁹ These sample percentages are based on weighted numbers. See Appendix A2, 'Comparison of sample and population profile: Main language' section, in each LAW Survey report for details on weighting. A significance test was not conducted on these data.

⁴⁰ 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 two per cent in Tasmania, four per cent in Queensland and 5–6 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.

⁴¹ 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).

⁴² 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. Note also that the LAW Survey estimate of the Northern Territory population with a non-English main language (5%) is likely to be an underestimate partly because the survey undersampled disadvantaged Indigenous people. See Chapter 10, 'Tailoring services for specific demographic groups: Indigenous background' section for further details.

Living in remote areas

The few studies that have examined prevalence according to remoteness or urbanisation have produced inconsistent results (cf. Dignan 2006; GKA 2006; Gramatikov 2008; LASNSC 2005; Miller & Srivastava 2002). Similarly, in the present study, remoteness of residential area was significantly related to the prevalence of legal problems only occasionally, and the direction was inconsistent. Thus, the present findings did not reliably reflect higher prevalence rates in remote areas, which tend to be the more disadvantaged areas across Australia (ABS 2008c). People living in major city areas had high overall prevalence of legal problems in Victoria, South Australia and Australia as a whole and high prevalence of substantial legal problems in Victoria and Western Australia, but low prevalence of multiple legal problems in NSW and Australia as a whole (see Tables 9.2–9.4). Remoteness of residential area was also not reliably related to the prevalence of different types of legal problems. It was not a significant predictor of any problem group in Western Australia, Tasmania and the Northern Territory. In the other jurisdictions, people living in major city areas in some cases had significantly higher prevalence and in other cases had significantly lower prevalence of problems from certain problem groups. As noted earlier, Australian jurisdictions vary enormously in their geographical profiles. As a result, identical comparisons on the remoteness variable could not be made across jurisdictions. For example, remoteness could not be examined in the ACT, because it comprises major city areas almost exclusively.⁴³ The geographical compositions of jurisdictions may have contributed to the inconsistent findings for remoteness.

Adverse consequences of legal problems

Prevalence of legal problems with a substantial impact

Legal problems often had considerable impacts on everyday life, including adverse consequences on health, financial and social circumstances. About half the legal problems in all jurisdictions (48–57%) were rated as being ‘substantial’ — that is, as having a ‘severe’ or ‘moderate’ impact on everyday life. In NSW, the percentage was 56. The present findings are consistent with past results. CSJS respondents in the UK reported spending all or most of their time worrying about almost 40 per cent of problems (Pleasence 2006). Canadian respondents reported that almost 60 per cent of problems made daily life somewhat to extremely difficult (Currie 2007b). In Northern Ireland, 40 per cent of problems were reported as having a severe impact (Dignan 2006).

The number of NSW LAW Survey respondents with a substantial legal problem is expressed above as a percentage of the respondents with legal problems. When this number is re-expressed as a percentage of all respondents (also including those without legal problems), 28 per cent of all NSW respondents experienced a legal problem of substantial impact. This percentage translates to approximately 1 586 000 people aged 15 years or over in the NSW population experiencing a substantial legal problem within a one-year period. Similarly, about one-quarter of all respondents in each jurisdiction experienced a substantial legal problem.

⁴³ In Queensland, South Australia, Western Australia and Australia as a whole, three categories were compared: remote, regional and major city. Due to insufficient weighted numbers in remote areas in NSW and Victoria, major city areas were compared to a combined remote/regional category. Due to there being no major city areas in Tasmania and the Northern Territory (ABS 2007a), remote areas were compared to regional areas. In addition, there were relatively small weighted numbers in the remote category for some jurisdictions (e.g. 58 in Tasmania) where this category was not combined with the regional category, which may have militated against significant differences. For further details about the measurement of remoteness of residential area, see Appendix A2, ‘Comparison of sample and population profile: Remoteness’ section in the LAW Survey report for each jurisdiction, and also see Appendix Table A2.8.

Types of adverse consequences of legal problems

The LAW Survey examined whether legal problems caused the following types of adverse consequences: stress-related illness, physical ill health, relationship breakdown, moving home, and loss of income or financial strain. In NSW, 47 per cent of the legal problems examined in depth caused at least one of these adverse consequences.⁴⁴ Similar percentages (40–47%) were obtained in each jurisdiction and in overseas surveys (38–52%; Currie 2007b; Dignan 2006; Pleasence 2006; Pleasence et al. 2010).⁴⁵

Across jurisdictions, the most common types of adverse consequences reported by LAW Survey respondents were income loss or financial strain (24–30%), followed by stress-related illness (16–22%) and physical ill health (16–20%). Relationship breakdown (7–12%) and moving home (4–7%) were also evident in each jurisdiction. International research has similarly reported that stress-related illness (22–29%), loss of income (13–26%) and physical ill health (10–24%) tend to be more frequent than relationship breakdown (4–16%) and moving home (4–10%; Currie 2007b; Dignan 2006; Ignite Research 2006; Pleasence 2006; Pleasence et al. 2010). However, while loss of income or financial strain was the most common impact for the LAW Survey, stress-related illness was the most common impact for the overseas surveys. This discrepancy may partly reflect measurement differences. Notably, the category of ‘loss of income or financial strain’ used by the LAW Survey was broader than the ‘loss of income’ category used by other surveys (Dignan 2006; Ignite Research 2006; Pleasence 2006). Higher endorsement of the broader category would be expected.

Adverse consequences of different types of legal problems

The LAW Survey confirms earlier findings that some types of legal problems are more severe⁴⁶ and have more adverse consequences.⁴⁷ Family problems were typically seen as the most severe, with the greatest number of adverse impacts. They comprised the highest proportion of substantial problems (69–80%) in most jurisdictions.⁴⁸ They also had the highest mean number of adverse consequences (1.5–2.2) in all jurisdictions.⁴⁹ Employment problems and legal problems from the health problem group, which included clinical negligence and mental health problems, also tended to have considerable impacts. While the personal injury problem group had a relatively high mean number of adverse consequences, it comprised a somewhat lower proportion of substantial problems. The CSJS in the UK similarly found that relationship breakdown, domestic violence, employment, clinical negligence, mental health and personal injury problems were particularly likely to result in at least one adverse consequence (Pleasence 2006; Pleasence et al. 2007b).

Like other surveys, the LAW Survey found that consumer problems tended to be less severe, with fewer adverse impacts (Currie 2007b; Dignan 2007; Ignite Research 2006; Pleasence et al. 2010). Across jurisdictions, only around two-fifths of the respondents with a consumer problem reported a substantial problem of this type, whereas, as already noted, more than two-thirds of those with a family problem reported a substantial family problem. Nonetheless, the sheer volume of consumer problems meant that substantial consumer problems were still quite prevalent. Across

⁴⁴ Up to three ‘most serious’ problems for each respondent were selected for in-depth examination (see Chapter 2, ‘Method: Survey instrument’ section). For convenience, these problems that were examined in depth are referred to as ‘all problems’ throughout the remainder of the report.

⁴⁵ The NSWLNS did not measure the adverse consequences of legal issues (Coumarelos et al. 2006).

⁴⁶ See Table 3.3 in each LAW Survey report for descriptive statistics on the prevalence of substantial problems by problem group.

⁴⁷ See Table 4.7 in each LAW Survey report for chi-square results on the number of adverse consequences of legal problems by problem group.

⁴⁸ In South Australia and the ACT, family problems comprised the second highest proportion of substantial problems.

⁴⁹ In the Northern Territory, family problems and personal injury problems had the equal highest mean number of adverse consequences.

jurisdictions, roughly 20 per cent of all respondents reported a consumer problem, and 7–10 per cent reported a substantial consumer problem, whereas 4–6 per cent reported a family problem and 3–5 per cent reported a substantial family problem. Similarly, the high volume of crime problems across jurisdictions meant that the prevalence of substantial crime problems was relatively high even though the majority of crime problems were minor.⁵⁰

Legal knowledge and capability

The LAW Survey demonstrated considerable gaps in legal knowledge about not-for-profit legal services in all jurisdictions. Although there was very high awareness of Legal Aid (87–91%), awareness of ALSs was usually more moderate and awareness of the other legal services examined was considerably lower. Across jurisdictions, 51–84 per cent of (Indigenous) respondents recognised ALSs, 32–40 per cent of respondents recognised CLCs, and 26–42 per cent of respondents recognised services provided by court registrars and court staff.⁵¹ In NSW, the recognition rates were 87 per cent for Legal Aid, 59 per cent for ALSs, 37 per cent for CLCs, 42 per cent for court services and 14 per cent for LawAccess NSW. There were significant differences between states/territories in the recognition of each legal service.⁵² Specifically, compared to average, the recognition rates for:

- ALSs were higher in the Northern Territory (84%) but lower in NSW (59%) and Tasmania (51%)
- CLCs were higher in Victoria (40%) and the Northern Territory (39%) but lower in Queensland (33%), South Australia (33%) and Tasmania (32%)
- court services were higher in NSW (42%) but lower in Victoria (29%), Western Australia (29%), South Australia (27%) and Tasmania (26%)
- Legal Aid were higher in Tasmania (91%), the Northern Territory (91%) and the ACT (90%) but lower in NSW (87%) and Victoria (87%).

Thus, NSW had a higher than average recognition rate for court services, lower than average recognition rates for ALSs and Legal Aid, and an average recognition rate for CLCs. The differences between states/territories in awareness of not-for-profit legal services may reflect differences in state/territory demographic compositions, differences in proximity to legal services (e.g. due to differences in urbanisation) or various other differences in legal or social service environments across jurisdictions. For example, the higher awareness of ALSs in the Northern Territory may to some extent reflect a greater visibility of these services, given the large proportion of Indigenous people in this jurisdiction. The higher awareness of court services in NSW may partially reflect jurisdictional differences in service provision, such as the long-established chamber service, which is a unique feature of NSW local courts.⁵³

Similarly, past studies have found substantial gaps in legal knowledge not only about legal services, but also more broadly about legal rights, legal remedies and the justice system (ABA 1994; Balmer et al. 2010; Cass & Sackville 1975; Fishwick 1992; HKDOJ 2008; Ignite Research 2006; LSC

⁵⁰ Many of the overseas surveys did not capture crime problems. The LAW Survey's accidents problem group included relatively minor problems, as, by definition, it comprised only injury-free motor vehicle accidents. Motor vehicle accidents resulting in injury were categorised within the personal injury problem group.

⁵¹ See Appendix Figures A9.2–A9.5. Note that it is possible that people sometimes incorrectly use the term 'legal aid' to refer to not-for-profit legal services such as ALSs and CLCs.

⁵² ALSs: $\chi^2=47.72$, $F_{6,123,225}=6.55$, $p=0.000$. CLCs: $\chi^2=76.08$, $F_{7,144,622}=10.45$, $p=0.000$. Court services: $\chi^2=287.04$, $F_{7,14,4615}=39.37$, $p=0.000$. Legal Aid: $\chi^2=59.49$, $F_{7,144,619}=8.13$, $p=0.000$. Bonferroni correction applied, significant if $p<0.013$. See Appendix Figures A9.2–A9.5.

⁵³ NSW is the only jurisdiction where many local court registries have a registrar or deputy registrar available by appointment to provide information and assistance to members of the public on local court procedures and applications. See <www.lawlink.nsw.gov.au/lawlink/local_courts/ll_localcourts.nsf/pages/lc_our_services>.

2007, 2009; Murayama 2007; Rush 1999; Scott & Sage 2001; Women's Legal Resources Centre 1994). It has been argued that rudimentary legal knowledge is an essential component of 'legal capability' — that is, an essential component of the personal characteristics and competencies that are necessary for an individual to achieve successful legal resolution (Balmer et al. 2010; Felstiner et al. 1981; Genn & Paterson 2001). People must first recognise that they have a problem that has legal aspects. They must also recognise that there are potential legal solutions, and they must have the personal resources or competence to be capable of pursuing a remedy effectively, including adequate literacy, communication skills and perseverance. Thus, like past findings, the present findings suggest that some people's poor legal knowledge may impede their ability to successfully resolve their legal problems.

Response to legal problems

The LAW Survey replicates past findings that people use a broad range of actions to try to resolve legal problems. Seeking legal advice or assistance is only one of the many responses to legal problems (e.g. Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Genn 1999; Genn & Paterson 2001; HKDOJ 2008; Murayama 2007; Pleasence 2006; Pleasence et al. 2010; van Velthoven & Klein Haarhuis 2010; van Velthoven & ter Voert 2004). Furthermore, people often use multiple actions, especially for severe problems. Across jurisdictions, the actions of LAW Survey respondents included:

- seeking advice from legal or non-legal professionals (for 49–53% of problems)
- communicating with the other side (34–39%)
- consulting relatives or friends (24–28%)
- using websites or self-help guides (17–24%)
- court or tribunal proceedings (8–12%)
- formal dispute resolution sessions (7–10%).⁵⁴

These actions were summarised into two broad strategies. The strategy of 'seeking advice' was used for about half the legal problems across jurisdictions (49–53%) and involved consulting a legal or non-legal professional, regardless of whether any other type of action was also taken. The strategy of 'handling without advice' was used for approximately three-tenths of problems (27–32%) and involved taking at least one type of action but not consulting a professional. A third broad strategy — 'taking no action' — meant that none of the above types of actions were taken. Approximately one-fifth of legal problems (16–21%) resulted in respondents taking no action.

There were some significant, but modest, differences in the use of strategies between jurisdictions. Specifically, no action was taken for a higher than average percentage of legal problems in the Northern Territory (21%) but a lower than average percentage in Queensland (16%).⁵⁵ In addition, when action was taken, there were higher than average rates of seeking advice for legal problems in South Australia (53%), but higher than average rates of handling legal problems without advice in Victoria (32%).⁵⁶ The higher rate of inaction in the Northern Territory, which is the most disadvantaged Australian jurisdiction, is consistent with past and present findings that disadvantaged groups within samples have elevated rates of inaction.⁵⁷ Regression analyses revealed that only some

⁵⁴ The percentages for court or tribunal proceedings included cases where court or tribunal proceedings had not yet taken place but were likely to take place. Similarly, the percentages for formal dispute resolution included cases where the respondent was likely to attend such sessions in relation to the problem.

⁵⁵ $\chi^2=24.31$, $F_{7,71839}=2.88$, $p=0.005$. See Appendix Figure A9.6 for details.

⁵⁶ $\chi^2=18.71$, $F_{7,63025}=2.24$, $p=0.028$. See Appendix Figure A9.6 for details. The percentages are based on all problems, whereas the chi-square is based only on problems where action was taken (i.e. sought advice or handled without advice).

⁵⁷ The demographic characteristics and indicators of disadvantage that predict responses to legal problems are discussed further in this chapter's 'Predicting strategy in response to legal problems' section.

of the differences in the choice of strategies between states/territories are likely to be due to different demographic compositions or the experience of different legal problems.⁵⁸ Other differences between jurisdictions may also influence the strategies used, such as differences in culture, attitudes, legal or social environments, and the provision of legal or social services.

Reasons for inaction

The substantial rates of inaction (16–21%) in response to legal problems found by the LAW Survey are consistent with the rates typically obtained by other surveys (e.g. 10–33%; ABA 1994; Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Gramatikov 2008; Maxwell et al. 1999; Pleasence 2006; Pleasence et al. 2004c, 2010). Past surveys have indicated that inaction often, but not always, constitutes unmet legal need. In some cases, people correctly decide that taking action is unnecessary. In other cases, they want to act to resolve a legal need but are constrained from acting (e.g. AFLSE 2007; Balmer et al. 2010; Consortium 1994; Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Fishwick 1992; Genn 1999; HKDOJ 2008; Ignite Research 2006; Pleasence 2006; Schulman 2003; van Velthoven & ter Voert 2004). The LAW Survey confirms past findings. If taken at face value, some of the common reasons for inaction across jurisdictions suggest that inaction may have been sensible and may not necessarily have constituted unmet legal need. For example, some common reasons were that:

- taking action would make no difference (56–60%)
- the problem was resolved quickly (52–60%)
- the problem was trivial or unimportant (39–48%)
- there was no dispute, or the respondent was at fault (24–32%).

However, it is unclear whether these judgements were accurate, because they were ultimately based on respondents' legal knowledge. Given the gaps in the legal knowledge of the general public, such lay judgements about the seriousness of legal problems, the party at fault and the available remedies will sometimes be erroneous and, thus, may sometimes constitute unmet legal need (Balmer et al. 2010; Buck et al. 2008; Genn 1999; Pleasence 2006).

Many of the other reasons for inaction in response to legal problems across jurisdictions more clearly signalled likely unmet legal need, suggesting that respondents wanted to act but were constrained from doing so. For example, such reasons were that:

- it would take too long (32–38%)
- the respondent had bigger problems (28–35%)
- it would be too stressful (26–31%)
- it would cost too much (19–29%)
- the respondent didn't know what to do (15–23%)
- it would damage the respondent's relationship with the other side (10–15%).

⁵⁸ The Australian logistic regression models on strategy (one model on taking action and a second model on seeking advice; see Table 5.7 in the Australian LAW Survey report) were re-run with the addition of state/territory as a potential predictor variable or 'fixed effect'. See Appendix Tables A2.8 and A2.9 (models 5b and 6b) for further details and Appendix Tables A9.3 and A9.4 for the full results. The chi-square tests examined taking action and seeking advice given states'/territories' actual demographic and problem profiles. In contrast, the regressions estimated the odds of taking action and seeking advice if states/territories had identical profiles in terms of the demographic and problem characteristics examined in the models. The regressions showed that there were significant differences in the odds of taking action and seeking advice between states/territories after their profiles had been taken into account, so it is unlikely that the differences in strategy are due solely to differences in these profiles. Compared to average, Victorian and Queensland respondents had higher odds of taking action, while Northern Territory respondents had lower odds of taking action. In addition, when they took action, South Australian respondents had higher odds of seeking advice.

Importantly, these reasons for inaction indicate that poor legal knowledge, other personal constraints and also systemic constraints can lead to a failure to take any action to try to resolve legal problems. Although cost was one factor constraining respondents from taking action, it was not ranked in the top six in any jurisdiction.

Predicting strategy in response to legal problems

In each jurisdiction, two regression models were conducted to examine the demographic and problem characteristics related to the strategies used in response to legal problems. The first regression examined the likelihood of taking action in response to legal problems and contrasted taking any type of action (i.e. seeking advice or handling problems without advice) with taking no action. The second regression included only respondents who took action for legal problems. It examined the likelihood of seeking advice and compared seeking advice for legal problems to handling legal problems without advice.⁵⁹ As already discussed, inadequate strategies in response to legal problems can often result in unmet legal need. While regression analysis can be used to show where relationships exist, it cannot explain any relationships. Nonetheless, the regressions on strategy help to signal the types of legal problems and demographic groups which may particularly benefit from initiatives that facilitate appropriate responses to legal problems. Table 9.5 provides a summary of these models on taking action and seeking advice for each jurisdiction. Findings were similar across jurisdictions, although, again, not all of the characteristics that were significant in the Australian model reached significance in each state/territory. Typically, the characteristics of legal problems were significantly related to the strategy adopted by respondents, with problem group in particular being a strong predictor of strategy. Demographic characteristics also significantly predicted the strategy used, although they were usually weaker predictors than problem group. Most notably, gender, age, disability status, education, employment status and main language predicted the strategies used in response to legal problems in most jurisdictions. The regression findings are further detailed below.

Legal problem characteristics

Like past surveys, the LAW Survey found that the type of strategy adopted in response to a legal problem was significantly and often strongly related to the problem's characteristics. First, the regressions showed that the type of legal problem strongly influenced strategy. In fact, in all jurisdictions, problem group was an important predictor of both taking action and seeking advice when action was taken. In addition, with only a few exceptions, problem group was the strongest predictor in these regressions across jurisdictions.⁶⁰ With the exception of the employment, health and rights problem groups, all other problem groups were significantly related to strategy in most jurisdictions (see Table 9.5).⁶¹ Specifically, in most jurisdictions, compared to all problems on average:

- accidents and crime problems resulted in lower odds of taking action and higher odds of seeking advice when action was taken
- consumer and credit/debt problems resulted in lower odds of seeking advice when action was taken

⁵⁹ The model on taking action and the model on seeking advice in each jurisdiction were comparable to the NSW models shown in Table 5.7. Further details are provided in Appendix Tables A2.8 and A2.9 (models 5a and 6a), while the full results are provided in the LAW Survey report for the relevant jurisdiction.

⁶⁰ The only exceptions were that problem group was the second strongest predictor of taking action in South Australia, the Northern Territory and the ACT.

⁶¹ Employment problems resulted in higher odds of taking action and of seeking advice when action was taken in a few jurisdictions. Health and rights problems resulted in lower odds of taking action and higher odds of seeking advice when action was taken in a few jurisdictions.

- family problems resulted in higher odds of taking action and of seeking advice when action was taken
- government and housing problems resulted in lower odds of seeking advice when action was taken
- money problems, which included business/investment and wills/estates problems, resulted in higher odds of taking action
- personal injury problems resulted in higher odds of seeking advice when action was taken.⁶²

A number of these findings are consistent with earlier surveys. For example, family breakdown, wills, estates, advance directives and personal injury problems have often produced high rates of taking action, seeking advice and using lawyers (ABA 1994; Cass & Sackville 1975; Coumarelos et al. 2006; Currie 2007b; Dale 2005, 2007; Dignan 2006; Fishwick 1992; Genn 1999; LASNSC 2005; Pleasence 2006; Pleasence et al. 2010; Rush 1999; Schulman 2003, 2007; Task Force 2003).⁶³ Consumer problems have tended to result in lower rates of seeking advice and either higher rates of inaction or higher rates of handling the problem alone (Cass & Sackville 1975; Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Pleasence 2006; Pleasence et al. 2010).⁶⁴ It is worth noting that the links between strategy and problem type may in part reflect the severity and adverse impacts of different types of problems.⁶⁵ For example, the present study showed that respondents tended to take action and seek advice for family problems,⁶⁶ and that family problems tended to be severe and have a greater number of adverse impacts. In contrast, respondents tended to handle consumer problems without advice,⁶⁷ and consumer problems tended to be less severe and have fewer adverse impacts.

Second, the regressions also revealed that the recency of legal problems significantly predicted the strategies used. However, consistently across jurisdictions, problem recency was a considerably weaker predictor than problem group. Problems that had persisted for at least seven months resulted in higher odds of taking action in most jurisdictions⁶⁸ and in higher odds of seeking advice when action was taken in all jurisdictions (see Table 9.5). These findings may reflect the possibility that more persistent problems tend to be more severe. However, these findings may also reflect the simple fact that it takes time to successfully determine and carry out appropriate actions and to successfully locate and consult with appropriate advisers.

Third, other types of statistical analyses showed that the severity of the legal problem guided strategy. According to chi-square analyses in each jurisdiction, respondents were significantly more likely to take action and more likely to seek advice when they took action for substantial legal problems than for minor legal problems.⁶⁹ These findings for problem severity support previous findings and indicate that people sensibly seek expert advice when legal problems are more important, complex or difficult to solve (Currie 2007b; Dignan 2006; Genn 1999; Pleasence et al.

⁶² All of the regression findings in the above list were significant in NSW.

⁶³ Coumarelos et al. (2006) found higher rates of seeking help for family law problems when compared to civil law and criminal law problems using a chi-square test. However, family problems did not result in significantly higher odds of seeking help in the regression on action taken.

⁶⁴ Past studies have also often reported high rates of inaction for problems related to discrimination, human rights and unfair police action (Coumarelos et al. 2006; Currie 2007a; Fishwick 1992; Pleasence 2006; Pleasence et al. 2010). The LAW Survey found high odds of inaction for rights problems in three jurisdictions.

⁶⁵ See Table 3.3 in each LAW Survey report for descriptive statistics on the prevalence of substantial problems by problem group, and see Table 4.7 in each LAW Survey report for chi-square results on the number of adverse consequences of legal problems by problem group.

⁶⁶ As noted above, in NSW, family problems resulted in significantly higher odds of taking action and of seeking advice when action was taken.

⁶⁷ In all jurisdictions, when action was taken for consumer problems, they resulted in significantly lower odds of seeking advice.

⁶⁸ The result for taking action was significant in all jurisdictions except Queensland, Western Australia, Tasmania and the ACT.

⁶⁹ See Figure 5.5 in the LAW Survey report for each jurisdiction for the full results.

Table 9.5: Regression summaries — strategy in response to legal problems, each jurisdiction

Variable	Categories compared																			
	Taking action ^a					Seeking advice														
	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia		NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia	
Problem recency	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Problem group	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
7+ months ≤6 months	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Accidents mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Consumer mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Credit/debt mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Crime mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Employment mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Family mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Government mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Health mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Housing mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Money mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Personal injury mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>
Rights mean	>	>	>	>	>	>	>	>	>		>	>	>	>	>	>	>	>	>	>

^a I.e. seeking advice or handling without advice.

Note: The symbols and shading indicate how the first category compares to the second.

For the regressions on taking action, the first category has:

- > significantly higher odds of taking action (than taking no action)
- < significantly lower odds of taking action (than taking no action)
- > non-significant (higher) odds of taking action (than taking no action)
- < non-significant (lower) odds of taking action (than taking no action)
- = non-significant (equal) odds of taking action (and taking no action)

For the regressions on seeking advice, the first category has:

- > significantly higher odds of seeking advice (than handling without advice)
- < significantly lower odds of seeking advice (than handling without advice)
- > non-significant (higher) odds of seeking advice (than handling without advice)
- < non-significant (lower) odds of seeking advice (than handling without advice)
- = non-significant (equal) odds of seeking advice (and handling without advice)

Table 9.5: Regression summaries — strategy in response to legal problems, each jurisdiction (cont.)

Variable	Categories compared																		
	Taking action ^a						Seeking advice												
	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia	
Gender	Female male	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Age	15–17 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
	18–24 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
	25–34 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
	35–44 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
	45–54 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
55–64 65+	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Indigenous status	Indigenous other	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Disability status	Disability no disability	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Education	<Year 12 post-school	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
	Year 12 post-school	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Employment status	Unemployed other	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Family status	Single parent other	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Housing type	Disadvantaged other	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Main income	Government payment other	=	>	=	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>
Main language	Non-English English	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<	<
Remoteness^{b,c,d}	Remote major city	> ^b	> ^b	=	=	< ^c	= ^c	= ^c	=	< ^b	= ^b	=	=	=	< ^c	> ^c	=	=	=
	Regional major city	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>	>

^a I.e. seeking advice or handling without advice.

^b Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.

^c Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.

^d Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second.

For the regressions on taking action, the first category has:

- > significantly higher odds of taking action (than taking no action)
- < significantly lower odds of taking action (than taking no action)
- > non-significant (higher) odds of taking action (than taking no action)
- < non-significant (lower) odds of taking action (than taking no action)
- = non-significant (equal) odds of taking action (and taking no action)

For the regressions on seeking advice, the first category has:

- > significantly higher odds of seeking advice (than handling without advice)
- < significantly lower odds of seeking advice (than handling without advice)
- > non-significant (higher) odds of seeking advice (than handling without advice)
- < non-significant (lower) odds of seeking advice (than handling without advice)
- = non-significant (equal) odds of seeking advice (and handling without advice)

2004c, 2010). Somers' analyses showed that, in each jurisdiction, substantial legal problems were also significantly more likely to result in a greater number of actions, such as using websites or self-help guides, consulting relatives or friends, communicating with the other side, and court, tribunal or formal dispute resolution processes.⁷⁰

The finding that the choice of strategy in response to a legal problem is guided by the characteristics of the problem is heartening. This finding suggests that the response to legal problems is not completely haphazard but is measured against the nature, perceived importance and likely impact of legal problems.

Age and gender

Past studies have usually reported a relationship between the strategies used in response to legal problems and age. Middle-aged or somewhat older people often have the highest rates of taking action or seeking advice. In contrast, the youngest, and sometimes also the oldest, age groups tend to have low rates (Coumarelos et al. 2006; Currie 2007b; Fishwick 1992; Genn 1999; Ignite Research 2006; Pleasence 2006; van Velthoven & ter Voert 2004). The present results support past findings (see Table 9.5). In each jurisdiction, age was a significant, strong predictor in at least one of the two regressions on strategy. Although age was usually a weaker predictor than problem group, age was often the strongest of the demographic predictors.⁷¹ In most jurisdictions, the two youngest and the oldest age groups tended to have the lowest percentages for taking action, while the middle age groups tended to have the highest. These percentages resulted in significantly higher odds of taking action for some of the middle age groups compared to the oldest group in four jurisdictions.⁷² In addition, when they took action, the youngest age groups were significantly less likely to seek advice and most likely to handle problems without advice in all jurisdictions apart from NSW and the Northern Territory.⁷³

The LAW Survey also found significant relationships between strategy and gender in most jurisdictions, although gender was generally not one of the strongest predictors.⁷⁴ Compared to males, females were significantly more likely to take action in most jurisdictions and to seek advice when they took action in a few jurisdictions (see Table 9.5). In NSW, females were more likely than males to take action, but females and males had similar odds of seeking advice when they took action. Although not all past studies have found a relationship between strategy and gender (Coumarelos et al. 2006; Currie 2007b; Genn & Paterson 2001; Miller & Srivastava 2002; van Velthoven & ter Voert 2004), those that have, like the present survey, reported higher rates of taking action or seeking advice for females (Genn 1999; Pleasence 2006; Pleasence et al. 2004c).

⁷⁰ See Table 5.1 in the LAW Survey report for each jurisdiction for the full results.

⁷¹ Age was the strongest demographic predictor of seeking advice when action was taken in NSW.

⁷² The regressions compared the oldest age group to each other age group. At least some of the middle age groups (i.e. 25–34, 35–44, 45–54 and 55–64 year olds) had significantly higher odds of taking action compared to the oldest age group in Western Australia, the Northern Territory, the ACT and Australia as a whole. The regressions did not directly compare the two youngest age groups (i.e. 15–17 and 18–24 year olds) to the middle age groups. Nonetheless, like the oldest age group, the two youngest age groups also had low percentages of taking action in most jurisdictions. In fact, 15–17 year olds had the lowest percentages of taking action in all jurisdictions except the ACT. However, there were a few jurisdictions where one of the two youngest age groups had significantly higher odds of taking action compared to the oldest age group: 15–17 year olds in the ACT had significantly higher odds of taking action, and 18–24 year olds in Tasmania and Australia as a whole had significantly higher odds of taking action.

⁷³ Compared to the oldest age group, 15–17 year olds or 18–24 year olds or both had significantly lower odds of seeking advice when they took action in all jurisdictions apart from NSW and the Northern Territory. In addition, 25–34 year olds had significantly lower odds of seeking advice when they took action compared to the oldest age group in Tasmania and Australia as a whole, but this comparison was not significant in the other jurisdictions. In most jurisdictions, when action was taken, the odds of seeking advice for 35–64 year olds were similar to those for the oldest age group with two exceptions: in NSW, 45–64 year olds had significantly higher odds of seeking advice, while in South Australia, 55–64 year olds had significantly higher odds of handling problems without advice.

⁷⁴ However, gender was the second strongest predictor of taking action in NSW.

Disadvantaged groups

Past studies have reported that certain disadvantaged groups tend to ignore their legal problems. Most consistently, the strategy used in response to legal problems has been associated with education and ethnicity. Less educated people and ethnic minorities more often fail to take action or seek advice (Coumarelos et al. 2006; Currie 2007b; Genn 1999; LSNJ 2009; Pleasence 2006; Pleasence et al. 2004c; van Velthoven & ter Voert 2004). Similarly, in most jurisdictions, the LAW Survey found that low levels of education and non-English main language were the indicators of disadvantage that tended to be linked with lower levels of taking action and lower levels of seeking advice when action was taken.

Education was significantly related to strategy in all jurisdictions apart from Tasmania (see Table 9.5). People with low levels of education had lower odds of taking action in most jurisdictions and lower odds of seeking advice when they took action in a few jurisdictions (see Table 9.5). In NSW, people with low levels of education had lower odds of taking action but average odds of seeking advice when they took action. Although it is unclear why Tasmania was the only jurisdiction where education was not significantly related to strategy, it is notable that Tasmania is the jurisdiction with the highest proportion of people who did not finish school (ABS 2009b).

Main language significantly predicted strategy in all jurisdictions apart from Queensland, Tasmania and the Northern Territory (see Table 9.5). When significant, it was usually one of the strongest predictors of strategy after problem group. In NSW, people with a non-English main language had lower odds of taking action but average odds of seeking advice when they took action. Small numbers in the non-English main language group may have militated against finding significant relationships between main language and strategy in Tasmania and Queensland. As noted earlier, according to both the survey and census data (ABS 2007a), Tasmania has the smallest proportion of people from a non-English-speaking background, and Queensland has the second smallest proportion.⁷⁵ In addition, although the Northern Territory did not have a particularly low proportion of survey respondents with a non-English main language (5%), the territory is different from other jurisdictions in that it is the only jurisdiction where Indigenous people comprise a large proportion of the non-English-speaking population (ABS 2007a).⁷⁶

As already discussed, people with low levels of education and people with a non-English main language were also the only two disadvantaged groups that tended to report low rather than high prevalence of legal problems.

The LAW Survey results for employment status were in a similar direction to those for education and main language but were less consistent across jurisdictions. Unemployed people had significantly lower odds of taking action in Australia as a whole and significantly lower odds of seeking advice when they took action in NSW, Western Australia, Tasmania, the ACT and Australia as a whole (see Table 9.5).

In contrast, people with a disability tended to have higher rather than lower odds of taking action. They also tended to have higher odds of seeking advice when they took action. One or both of these effects was significant in all jurisdictions apart from South Australia (see Table 9.5). Some past

⁷⁵ According to weighted data, the percentage of LAW Survey respondents with a non-English main language was two per cent in Tasmania, three per cent in Queensland and 4–9 per cent in the other states/territories. Similarly, 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 two per cent in Tasmania, four per cent in Queensland and 5–11 per cent in the other states/territories.

⁷⁶ Based on the census, 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).

surveys have similarly found higher rates of seeking advice for people with a disability and some other disadvantaged groups (Balmer et al. 2010; Currie 2007b).

The other indicators of disadvantage were less reliably related to strategy (see Table 9.5). Single parents had significantly higher odds of seeking advice when they took action in Victoria, the ACT and Australia as a whole, but family status was not significantly related to strategy in the other jurisdictions. Indigenous respondents had significantly lower odds of taking action in the Northern Territory, but Indigenous status was not significantly related to strategy in the other jurisdictions. The Northern Territory relationship between Indigenous status and strategy is consistent with the findings of the NSWNLS (Coumarelos et al. 2006).⁷⁷ It is also consistent with the territory having the most disadvantaged Indigenous population in Australia (SCRGSP 2007), although the small numbers of Indigenous respondents in other states/territories may have contributed to the failure to achieve significance in these jurisdictions.⁷⁸ Housing type and remoteness of residential area were not significantly related to strategy in all jurisdictions.

Like the CSJS (Plesence 2006), the LAW Survey found that the type of strategy adopted by people in response to a new legal problem is influenced by the strategies they have used in the past. In all jurisdictions, people who took no action in response to one legal problem were significantly more likely to do nothing in response to new legal problems. In addition, in most jurisdictions, when respondents took action, they were significantly more likely to seek advice rather than handle legal problems alone if they had sought advice previously.⁷⁹

Advice for legal problems

Use of a broad range of advisers

The LAW Survey verifies past findings that people who seek advice for their legal problems by no means limit themselves to lawyers or traditional legal services (e.g. Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Genn 1999; Genn & Paterson 2001; HKDOJ 2008; Plesence 2006; Plesence et al. 2010; van Velthoven & ter Voert 2004). Across jurisdictions, no more than one-third (23–33%) of the problems where advice was sought involved consulting a legal professional such as an ALS, CLC, court service, LawAccess NSW, Legal Aid, private lawyer or other legal professional, organisation or telephone line. In NSW, a legal adviser was consulted for 33 per cent of the problems where advice was sought. Given that respondents did not seek advice for approximately half of all problems, these percentages across jurisdictions translate to respondents seeking advice from a legal professional for less than one-fifth of all problems (12–17%).

There were significant differences between states/territories in the use of legal advisers, with legal advisers being consulted relatively more frequently than average in NSW and Tasmania and relatively less frequently than average in Western Australia and the Northern Territory.⁸⁰ These findings may merely reflect differences in the legal problems experienced but could also reflect other differences, such as in demographic profiles or legal service environments. The lower use of legal advisers in the Northern Territory is consistent with its greater disadvantage given that past studies have found low rates of seeking legal advice among disadvantaged groups (ABA 1994; Fishwick 1992; LSNJ 2009; Maxwell et al. 1999; Plesence 2006; Plesence et al. 2004c; Schulman 2003; TALS 2004). For

⁷⁷ Coumarelos et al. (2006) found that the type of legal problem, age, Indigenous status and education were predictors of whether action was taken, but that gender, country of birth, disability status and personal income were not.

⁷⁸ These possibilities are discussed further in Chapter 10, 'Tailoring services for specific demographic groups: Indigenous background' section.

⁷⁹ This regression finding was not significant in Victoria, the Northern Territory and Australia as a whole.

⁸⁰ $\chi^2=53.69$, $F_{7,72123}=6.04$, $p=0.000$. See Appendix Figure A9.7.

example, it may partly reflect the much higher proportion of Indigenous people in this jurisdiction. It has been noted that Indigenous people are less likely to use lawyers for family and civil law problems, due to social pressure to handle problems within Indigenous communities and to a paucity of Indigenous services for family and civil law problems relative to criminal problems (Cunneen & Schwartz 2008; Joint Committee of Public Accounts and Audit (JCPAA) 2005; Senate Legal and Constitutional References Committee (SLCRC) 2004).

In NSW, the non-legal advisers used included government advisers, such as government departments, local councils, the police and members of parliament (39% of problems where advice was sought); health or welfare advisers, such as doctors and psychologists (29%); financial advisers, such as accountants and insurance companies (22%); dispute resolution or complaint-handling bodies (7%); and trade unions or professional associations (7%). Similar proportions of these types of advisers were consulted in each jurisdiction.

Legal and non-legal help

The LAW Survey also found that the type of help received for legal problems from respondents' main adviser was not always 'legal'. That is, the help did not always aim to address the legal aspects of problems. Examples of legal help received by respondents included pre-packaged legal information; advice on legal rights or procedures; help with legal documents; help with court or tribunal proceedings or preparation; help with formal dispute resolution sessions, such as mediation or conciliation; negotiation with the other side; and referral to a lawyer or legal service. Across jurisdictions, in the overwhelming majority of cases (86–95%), legal advisers were reported to have provided at least one of these types of legal help. In NSW, legal advisers provided legal help for 92 per cent of the problems for which they were consulted.

Legal help was by no means the exclusive domain of legal advisers. Non-legal advisers provided some type of legal help in many of the cases where they were the main adviser. Nonetheless, in all jurisdictions, legal advisers had significantly higher rates of providing legal help than average, and, in fact, invariably had the highest rates. The types of non-legal advisers who had high rates of providing legal help were similar across jurisdictions. Typically, following legal advisers, the next highest rates of legal help were provided by trade unions or professional associations (78–91%) and dispute/complaint-handling advisers (66–91%). Next were government advisers (55–69%) and financial advisers (44–65%). In addition, health or welfare advisers provided legal help in a substantial percentage of cases where they were consulted (36–53%). In NSW, legal help was provided by trade unions or professional associations in 84 per cent of cases, dispute/complaint-handling advisers in 82 per cent, financial advisers in 61 per cent, government advisers in 60 per cent and health or welfare advisers in 47 per cent.⁸¹

Averaging across both legal and non-legal advisers, some type of legal help was received from the main adviser for roughly two-thirds of legal problems where advice was sought (60–71%) in each jurisdiction. The percentage was 67 per cent for NSW. The percentage obtained by Coumarelos et al. (2006) for the NSWLNS was substantially lower, at 25 per cent. However, this percentage is likely to be an underestimate. First, whether the help was legal or non-legal was not specified for a large proportion of problems in the NSWLNS (38%), and it is likely that some of these problems involved legal help. Second, the higher percentages in the present study are likely to reflect the improved measurement of help. The NSWLNS used a single open-ended question to capture all types of help, whereas the LAW Survey cued recall of numerous specific types of legal and non-legal help.

⁸¹ The legal help rates for different advisers are likely to be influenced by the problem types involved. Significance tests were not conducted.

However, the difference in legal help percentages may also partly reflect real differences between the samples surveyed, such as poorer choice of appropriate advisers in the NSWLNS due to the more disadvantaged nature of the sample.

Helpfulness of advisers

Past surveys have reported high rates of satisfaction with the help received for legal problems from advisers (Coumarelos et al. 2006; CSRA 2003; Currie 2007b; Dignan 2006; HKDOJ 2008; Pleasence 2006; Pleasence et al. 2010; Rush 1999; van Velthoven & ter Voert 2004). The LAW Survey reinforces these findings. Across all adviser types, about three-quarters (75–79%) were rated as ‘helpful’ (i.e. very helpful or fairly helpful) in each jurisdiction. However, there were some significant differences in helpfulness ratings according to adviser type in all jurisdictions apart from Queensland. Government advisers received the lowest helpfulness ratings in most jurisdictions, although even these advisers tended to be viewed as helpful in the majority of cases.⁸² In each jurisdiction, legal advisers were perceived as helpful in 75–84 per cent of cases. Across jurisdictions, helpfulness ratings for the main adviser for each legal problem were slightly higher (83–89%) in absolute terms than those for all the advisers examined.⁸³ Legal advisers who were the main adviser were perceived as helpful in 87–91 per cent of cases across jurisdictions. The variation in helpfulness ratings by adviser type may partly reflect differences in the nature of the legal problems handled by different advisers. The choice of adviser depended on the type of problem, and some types of problems were more likely to be severe and more difficult to resolve in the respondent’s favour.

Advice for different types of legal problems

The type of legal problem was a strong determinant of the type of adviser used⁸⁴ and the type of help obtained.⁸⁵ Across jurisdictions, family problems resulted in significantly higher rates of legal help. In addition, family problems were the most likely to involve legal advisers. These findings are likely to reflect the high level of severity of many family problems. The money problem group, which included wills, estates and power of attorney problems, was the second most likely problem group to result in the use of legal advisers in all jurisdictions. Money problems also had significantly higher rates of legal help in most jurisdictions. Past research has similarly found high rates of legal advice for problems related to family breakdown, wills, estates and advance directives (ABA 1994; Cass & Sackville 1975; Coumarelos et al. 2006; Currie 2007b; Dale 2005, 2007; Dignan 2006; Fishwick 1992; Genn 1999; Genn & Paterson 2001; HKDOJ 2008; LASNSC 2005; Pleasence 2006; Rush 1999; Schulman 2003, 2007; Task Force 2003).

In broad terms, the choice of adviser and the type of help obtained appeared to be appropriate to the type of legal problem. For example, across jurisdictions, health and personal injury problems were relatively more likely to involve health or welfare advisers, and medical advice or assistance. In all jurisdictions, accidents problems were relatively more likely to involve financial advisers, such as insurance companies, and money problems resulted in higher rates of financial advice. Thus, again, it appears that respondents were taking into account the nature of the problem when seeking advice.

Sourcing advisers

The LAW Survey examined how respondents sourced their main adviser when this adviser was a legal, dispute/complaint-handling or government adviser. These advisers were sourced through

⁸² Government advisers received the lowest helpfulness ratings in all jurisdictions apart from Queensland and the ACT.

⁸³ A significance test was not conducted on this comparison.

⁸⁴ See Table 6.3 in each LAW Survey report for descriptive statistics on adviser type by problem group.

⁸⁵ See Figure 6.7 in each LAW Survey report for chi-square results on legal help from main adviser by problem group.

respondents' own personal resources or networks in most cases across jurisdictions (74–81%). For example, respondents relied on their own knowledge, obtained referrals from relatives, friends or acquaintances, chose an adviser who was a relative or friend or whom they had used before, or used the telephone book or the internet. Sourcing the main adviser via referrals from other legal professionals (3–7%) or non-legal professionals (3–6%) occurred only in a minority of cases in all jurisdictions. However, legal advisers were significantly more likely than the other two adviser types to be sourced via referrals (from legal professionals, non-legal professionals and personal networks). In NSW, legal advisers were sourced via referrals through personal networks in 21 per cent of cases and via referrals from professionals in 18 per cent of cases.

Mode of communication with advisers

Across jurisdictions, both telephone communication (62–71%) and in-person communication (60–72%) with the main adviser used for legal problems were common. Email (14–23%) and postal communication (11–18%) with the main adviser were used less frequently. In addition, in most jurisdictions, in-person communication was a particularly important form of communication with main advisers who were legal advisers or health or welfare advisers. It was significantly more likely to be used for these types of main advisers than for all advisers on average.⁸⁶

Barriers to obtaining advice

Past surveys have identified various barriers to obtaining legal advice or assistance. Barriers to the accessibility of services have been commonly reported, although other barriers have included inadequate or unclear information, financial barriers and language barriers (ABA 1994; AFLSE 2007; Coumarelos et al. 2006; Dale 2000, 2005, 2007; Dignan 2006; Genn 1999; Genn & Paterson 2001; Ignite Research 2006; LASNSC 2005; LSNJ 2009; Miller & Srivastava 2001; Pleasence 2006; Schulman 2007; Task Force 2003). Similarly, the LAW Survey identified barriers to obtaining advice for legal problems from main advisers who were legal, dispute/complaint-handling or government advisers. At least one barrier was reported across jurisdictions for about two-fifths (37–43%) of problems where these advisers were used. In particular, a range of barriers to the accessibility of these advisers was endorsed by respondents. For example, in NSW, respondents reported difficulty getting through on the telephone (16%), the adviser taking too long to respond (15%), difficulty getting an appointment (7%) and inconvenient opening hours (7%). Similar percentages were obtained in each jurisdiction.

Another barrier to accessibility related to the physical location of advisers. In NSW, respondents who consulted their main adviser in person reported travelling more than 20 kilometres in 18 per cent of cases, including more than 40 kilometres in nine per cent of cases. In Tasmania and the ACT, it was not possible to examine whether the distance travelled to consult main advisers in person varied by remoteness, because Tasmania comprises largely regional areas and the ACT consists almost exclusively of major city areas. In all other jurisdictions, however, respondents in less urban areas travelled significantly further to consult their main adviser in person. NSW respondents living in remote or regional areas travelled more than 80 kilometres in eight per cent of cases. The corresponding percentage for major city areas was two per cent.

The distance to advisers was also explicitly reported as a barrier to obtaining help for some legal problems in all jurisdictions. In NSW, eight per cent of main advisers who were legal, dispute/complaint-handling or government advisers were reported to be too far away or too hard to get to.

⁸⁶ The higher rate of in-person communication with health or welfare advisers was significant in all jurisdictions. The higher rate of in-person communication with legal advisers was significant in all jurisdictions apart from Tasmania and the Northern Territory, although the trend was in the same direction in these two jurisdictions.

In addition, this barrier was significantly more likely than average to be reported for legal advisers in several jurisdictions.⁸⁷ This finding is likely to reflect, at least in part, the relatively greater use of face-to-face consultation with legal advisers.

The LAW Survey findings are also consistent with past findings that the cost of services can be a barrier to obtaining advice for legal problems, particularly from 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 all jurisdictions, cost was significantly more likely to be reported as a barrier in relation to legal advisers than to dispute/complaint-handling or government advisers. In fact, cost was the most frequent barrier to obtaining help from main advisers who were legal advisers in all jurisdictions apart from Tasmania, where it fell into a close second place. Cost was cited as a barrier in at least one-fifth of these cases across jurisdictions (20–27%). In contrast, cost was an infrequent barrier to obtaining help from main advisers who were dispute/complaint-handling (0–5%) or government (0–3%) advisers. In NSW, cost was a barrier for 23 per cent of cases where the main adviser was a legal adviser.

Also consistent with past research, LAW Survey respondents reported failing to obtain adequate, clear information in roughly one-tenth of cases across jurisdictions (Coumarelos et al. 2006; Dignan 2006; Ignite Research 2006; Pleasence 2006). The extent to which this finding reflects inadequacies within legal services rather than limitations in people's capacity to understand legal information is unclear.

Finalisation of legal problems

Manner of finalisation

The LAW Survey confirms previous findings that there is no 'rush to law' (Consortium 1994; Coumarelos et al. 2006; Dignan 2006; Genn 1999; Genn & Paterson 2001; HKDOJ 2008; Ignite Research 2006; Maxwell et al. 1999; Murayama 2007; Pleasence 2006; van Velthoven & ter Voert 2004). Less than 10 per cent of legal problems across jurisdictions were finalised via court or tribunal proceedings or via formal dispute resolution or complaint-handling processes. In each jurisdiction, the LAW Survey also replicates previous results that legal problems are more commonly finalised via agreement with the other side (27–32%), via the respondent not pursuing the matter further (28–31%) or via the decision or action of other agencies, such as government bodies, insurance companies or the police (13–17%; Currie 2007b; Dignan 2006; Genn 1999; Genn & Paterson 2001; Ignite Research 2006; Maxwell et al. 1999; Pleasence 2006; van Velthoven & ter Voert 2004).

According to chi-square analyses, the manner in which legal problems were finalised depended on their characteristics. First, problem severity was related to manner of finalisation. In most jurisdictions, substantial problems were significantly more likely than minor problems to be finalised via court or tribunal proceedings, and via formal dispute resolution or complaint-handling processes. Second, the type of legal problem influenced manner of finalisation. Like past surveys, the LAW Survey found that family problems were significantly more likely to conclude via court or tribunal proceedings, while consumer problems were significantly more likely to conclude via agreement with the other side (Dignan 2006; Genn 1999; Genn & Paterson 2001; Ignite Research 2006; Maxwell et al. 1999; Pleasence 2006; Sweeney Research 2011; van Velthoven & ter Voert 2004). To some extent, these findings appear to reflect the more serious nature of family problems compared to consumer problems (cf. Pleasence 2006).

⁸⁷ In NSW, this barrier was significantly more likely to be reported for legal advisers than for dispute/complaint-handling advisers and government advisers.

In addition, the strategy used in response to legal problems appeared to affect the manner of finalisation. In keeping with Pleasence (2006), there was a tendency across jurisdictions for problems involving advice to be finalised relatively more often via court or tribunal proceedings, and for problems handled without advice to be finalised relatively more often via agreement with the other side.⁸⁸ Problems involving advice also tended to be finalised relatively more often via formal dispute resolution or complaint-handling processes. Again, these findings may partly reflect the use of more formal resolution methods for more serious problems (Pleasence 2006).

Finalisation status

Across jurisdictions, roughly two-thirds of legal problems (62–68%) were finalised by the time of interview. The modest differences in the finalisation rates between jurisdictions were significant when analysed using a chi-square test. NSW had a lower than average finalisation rate, and the Northern Territory and the ACT had higher than average rates.⁸⁹ A regression analysis indicated that the lower finalisation level in NSW is unlikely to be due solely to differences in demographic profiles, the legal problems experienced and the strategies used to resolve these problems.⁹⁰ The lower NSW finalisation rate may additionally reflect factors such as differences in culture, attitudes, systems of law, and legal or social services. However, the regression found that the higher finalisation rates in the Northern Territory and the ACT can be explained by differences in demographics, problem profiles and strategies.⁹¹ For example, compared to the other states, both the Northern Territory and the ACT have a younger population (ABS 2007a, 2008e). In addition, the Northern Territory was found to have the highest prevalence of crime problems and a significantly higher rate of inaction. Typically, young people, crime problems and inaction were all significantly associated with high levels of finalisation, as will be discussed in the next section. In addition, it is worth noting that the similar finalisation rates in these two jurisdictions do not necessarily imply the use of similar resolution methods or similar levels of legal capability. In fact, there were some apparent differences in the reasons why respondents did nothing or abandoned attempts at resolution. Cost and not knowing what to do were less likely to be cited as reasons for doing nothing in the ACT, while cost was more frequently endorsed as a reason for doing nothing in the Northern Territory.⁹² These results are consistent with higher disadvantage in the Northern Territory and also with greater affluence and legal capability in the ACT.

Predicting finalisation status of legal problems

In each jurisdiction, a regression was conducted to reveal the legal problem characteristics, strategies and demographic characteristics related to lower levels of finalisation at the time of interview.⁹³ Although regression analysis can be used to show where relationships exist, it cannot explain any relationships. Nonetheless, the regressions on finalisation status help to pinpoint the types of problems and demographic groups which may particularly benefit from initiatives that facilitate

⁸⁸ A significance test was not conducted on these findings. See Chapter 7, 'Manner of finalisation' section, for further details.

⁸⁹ $\chi^2=38.17$, $F_{7,71,877}=4.30$, $p=0.000$. See Appendix Figure A9.8.

⁹⁰ The Australian logistic regression model on finalisation (see Table 7.7 in the Australian LAW Survey report) was re-run with the addition of state/territory as a potential predictor variable or 'fixed effect'. See Appendix Tables A2.8 and A2.9 (model 7b) for further details and Appendix Table A9.5 for the full results. The chi-square test examined finalisation rates given states'/territories' actual profiles in terms of demographics, problems experienced and strategies used. In contrast, the regression estimated the odds of finalisation if states/territories had identical profiles on the demographics, problem characteristics and strategies examined in the model. The regression showed that NSW still had significantly lower levels of finalisation once its profile had been taken into account according to the variables examined in the model.

⁹¹ The regression showed that the Northern Territory and the ACT no longer had significantly higher levels of finalisation after their profiles had been taken into account.

⁹² Significance testing was not conducted on these data.

⁹³ The model on finalisation status in each jurisdiction was comparable to the NSW model shown in Table 7.7. Further details are provided in Appendix Tables A2.8 and A2.9 (model 7a), while the full results are provided in the LAW Survey report for the relevant jurisdiction.

legal resolution, and they also help to identify the strategies to be encouraged. Table 9.6 provides a summary of these models. Consistently, the characteristics of legal problems were significantly related to their finalisation status, with problem group invariably being a strong predictor. The strategy used in response to legal problems was also a reliably significant and strong predictor of finalisation status. In contrast, with the exceptions of age and disability status, most demographic characteristics were not consistently related to finalisation status. In addition, when demographic characteristics were significant, they were usually weaker predictors than both problem group and strategy. The regression results on finalisation status are further detailed below.

Legal problem characteristics

The characteristics of legal problems were related to whether they had been finalised by the time of interview. First, the regressions revealed that problem group significantly predicted finalisation status in all jurisdictions (see Table 9.6) and was usually the strongest predictor. Most notably, family problems had significantly lower odds of finalisation in all jurisdictions and, in fact, had the lowest percentages of finalisation in each jurisdiction. Past surveys have similarly found low resolution rates for family problems (Coumarelos et al. 2006; Currie 2007b; Genn 1999; Ignite Research 2006; Pleasence 2006). In most jurisdictions, credit/debt, government and money problems also had significantly lower odds of finalisation, while accidents and crime problems had significantly higher odds of finalisation (see Table 9.6).⁹⁴

Second, the recency of legal problems predicted finalisation status in the regressions in most jurisdictions, although its effect was relatively weak. Problems that had persisted for at least seven months were significantly more likely than other problems to be finalised in all jurisdictions except Queensland, Tasmania and the Northern Territory (see Table 9.6).

Third, other types of statistical analyses showed that the severity of legal problems was also linked to finalisation status. Substantial problems invariably had lower finalisation rates, according to chi-square analyses in each jurisdiction.⁹⁵ In addition, legal problems that resulted in a greater number of adverse consequences had lower finalisation rates, according to Somers' d analyses in each jurisdiction.⁹⁶ Although Pleasence (2006) measured problem duration rather than rate of finalisation, he similarly showed that severe problems had longer durations.

Strategy

The strategy adopted in response to legal problems was consistently related to finalisation status in the regressions. In fact, after problem group, strategy was generally the next strongest significant predictor of finalisation status. In all jurisdictions, legal problems where no action was taken had the highest percentages of finalisation, followed by legal problems handled without advice and then by legal problems where advice was sought. These percentages produced significantly lower odds of finalisation for both seeking advice and handling problems without advice compared to taking no action in all jurisdictions (see Table 9.6). A few past studies have similarly found that problems handled without advice were finalised more quickly than those involving advice (Coumarelos et al. 2006; Genn 1999; Pleasence 2006). It has been argued that this link between problem duration and strategy may partly reflect problem severity. People may handle legal problems alone when they are less serious or complex but seek advice for legal problems that are important and difficult to resolve (Coumarelos et al. 2006; Pleasence 2006). However, seeking advice may also prolong finalisation

⁹⁴ All of these findings were significant in NSW, Victoria, Western Australia, the Northern Territory and Australia as a whole.

⁹⁵ See Figure 7.2 in the LAW Survey report for each jurisdiction for the full results.

⁹⁶ See Table 7.1 in the LAW Survey report for each jurisdiction for the full results.

for other reasons, including the simple fact that successfully locating, contacting and consulting with an appropriate adviser takes time.

The present high odds of finalisation for legal problems where no action was taken contrast with a few previous studies which have reported lower resolution rates for such problems (Coumarelos et al. 2006; Genn 1999; van Velthoven & ter Voert 2004). This discrepancy may partly reflect measurement differences. Unlike the LAW Survey, the previous surveys tended to focus on ‘resolution’ (e.g. via adjudication or agreement) rather than ‘finalisation’ and, thus, tended to exclude abandoned problems from their definition of resolved problems.⁹⁷ Differences in the type or severity of the problems captured, due, for example, to different triviality thresholds, may also have affected the level of finalisation/resolution where no action was taken.

Age, gender and disadvantaged groups

The regressions revealed some significant relationships between the finalisation status of legal problems and various demographic characteristics. However, unlike problem group and strategy, most demographic characteristics were not consistently related to finalisation status across jurisdictions, and their effects were usually weaker.

With the exception of Western Australia, gender was not significantly related to finalisation status (see Table 9.6). Age, however, was significantly related to finalisation status in most jurisdictions. In addition, when age was significant, it was the strongest of the demographic predictors, although it was consistently a weaker predictor than problem group and usually also a weaker predictor than strategy.⁹⁸ Generally, the two youngest age groups had the highest percentages of finalised legal problems. These percentages resulted in younger people having significantly higher odds of finalisation compared to the oldest age group in all jurisdictions apart from Western Australia, Tasmania and the Northern Territory (see Table 9.6). Similarly, a few past studies have found lower resolution rates for the middle or older age groups (Coumarelos et al. 2006; Genn 1999).

The indicators of disadvantage were also sometimes related to lower finalisation levels, although their effects were invariably weaker than problem group and strategy. In Australia as a whole, apart from unemployment and living in remote areas, all other indicators of disadvantage were linked to lower odds of finalisation. Indigenous respondents, people with a disability, people who had not finished school, single parents, people who lived in disadvantaged housing, people whose main source of income was government payments and people with a non-English main language all had significantly lower odds of finalisation. However, no more than a few indicators of disadvantage were significantly related to lower finalisation levels in each state/territory. In fact, in Queensland and South Australia, none of the indicators of disadvantage were significantly related to lower finalisation levels (see Table 9.6). As already noted, fewer significant findings at state/territory level were expected, due to the smaller sample sizes. People with a disability were the only disadvantaged group that had significantly lower finalisation levels in most jurisdictions (see Table 9.6). In NSW, people with a disability, people on government payments and people with a non-English main language had low odds of finalisation.⁹⁹

⁹⁷ Legal problems that were reported to be ‘now over’ as a result of either the other side or the respondent not pursuing the matter further were included within the category of finalised legal problems in the LAW Survey. See Appendix A1, questions A34 and A35.

⁹⁸ In NSW, problem group was the strongest predictor of finalisation status, followed by age and then by strategy.

⁹⁹ For education, compared to post-school graduates, people who had not finished school had significantly lower odds of finalisation in the Northern Territory and Australia as a whole, and people who had finished only Year 12 had significantly higher odds of finalisation in Western Australia. Although significance was not reached in other jurisdictions, the percentages showed similar trends in most jurisdictions. Specifically, in seven jurisdictions (with the exceptions of Western Australia and the ACT), people who had not finished school had the lowest percentages of finalisation. In addition, in eight jurisdictions (with the exception of the Northern Territory), people who had finished only Year 12 had the highest percentages of finalisation.

Table 9.6: Regression summaries — finalisation status of legal problems, each jurisdiction

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Problem recency	7+ months ≤6 months	>	>	>	>	>	>	>	>	>
	Accidents mean	>	>	>	>	>	>	>	>	>
Problem group	Consumer mean	>	>	>	>	>	>	>	>	>
	Credit/debt mean	<	<	<	<	<	<	<	<	<
Crime mean	Crime mean	>	>	>	>	>	>	>	>	>
	Employment mean	<	=	=	=	=	=	=	=	=
Family mean	Family mean	<	<	<	<	<	<	<	<	<
	Government mean	<	<	<	<	<	<	<	<	<
Health mean	Health mean	=	>	>	>	>	>	>	>	>
	Housing mean	<	<	<	<	<	<	<	<	<
Money mean	Money mean	<	<	<	<	<	<	<	<	<
	Personal injury mean	>	>	>	>	>	>	>	>	>
Rights mean	Rights mean	>	>	=	>	>	>	>	>	>
	Sought advice took no action	<	<	<	<	<	<	<	<	<
Strategy	Handled without advice took no action	<	<	<	<	<	<	<	<	<

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of finalisation
- < significantly lower odds of finalisation
- > non-significant (higher) odds of finalisation
- < non-significant (lower) odds of finalisation
- = non-significant (equal) odds of finalisation

Table 9.6: Regression summaries — finalisation status of legal problems, each jurisdiction (cont.)

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Gender	Female male	=	=	<	>	>	>	=	<	=
	15–17 65+	>	>	>	>	>	>	>	>	>
	18–24 65+	>	>	>	>	>	>	>	>	>
	25–34 65+	>	>	>	>	>	>	>	>	>
	35–44 65+	>	=	>	>	=	>	>	>	>
	45–54 65+	>	<	<	<	<	<	<	<	<
55–64 65+	>	<	<	<	<	<	<	<	=	
Indigenous status	Indigenous other	<	<	<	<	=	<	=	=	<
Disability status	Disability no disability	<	<	>	<	=	<	<	<	<
Education	<Year 12 post-school	=	<	<	<	=	=	<	=	<
	Year 12 post-school	=	>	<	>	>	=	<	=	=
Employment status	Unemployed other	>	>	<	<	<	>	=	=	=
Family status	Single parent other	=	<	<	<	<	<	=	<	<
Housing type	Disadvantaged other	=	<	<	>	>	<	<	<	<
Main income	Government payment other	<	=	<	=	<	<	=	=	<
Main language	Non-English English	<	<	<	<	>	<	=	<	<
Remoteness^{abc}	Remote major city	> ^a	= ^a	>	>	=	< ^b	< ^b	< ^c	=
	Regional major city			<	<	<	<	< ^b	< ^c	=

^a Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.

^b Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.

^c Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of finalisation
- < significantly lower odds of finalisation
- > non-significant (higher) odds of finalisation
- < non-significant (lower) odds of finalisation
- = non-significant (equal) odds of finalisation

The present finding that people with a disability were the disadvantaged group that most consistently had low odds of finalisation complements other findings from the present survey. As discussed earlier, people with a disability were also the disadvantaged group that most consistently had increased vulnerability to legal problems according to a wide variety of measures in all jurisdictions, and the disadvantaged group that tended to seek advice when they took action in some jurisdictions. The NSWNLS similarly found that people with a disability stood out as the most vulnerable of the disadvantaged groups investigated (Coumarelos et al. 2006).

Similarly, past surveys have provided some evidence of a link between disadvantage and resolution, but a significant link has not emerged in all studies or for all indicators of disadvantage. For example, a few studies have found a relationship between low resolution rates and low levels of education, low income, unpaid work or welfare benefits (Genn 1999; Maxwell et al. 1999; van Velthoven & ter Voert 2004). However, Genn and Paterson (2001) found no significant relationship between demographic factors and resolution in their regression,¹⁰⁰ and Coumarelos et al. (2006) found that disability was the only indicator of disadvantage related to lower resolution rates in their regression.

Outcome of legal problems

In all jurisdictions, LAW Survey respondents reported that about two-thirds of finalised legal problems (64–71%) had favourable outcomes. There were no significant differences in these rates between states/territories, according to both chi-square and regression analyses.¹⁰¹ Several past surveys have also found that most people perceive the outcomes of their legal problems as satisfactory (Coumarelos et al. 2006; Currie 2007b; Dignan 2006; Genn 1999), although some of the US surveys using disadvantaged samples found satisfaction rates below 50 per cent (Dale 2005, 2007; GKA 2008; Task Force 2003).

Predicting favourability of outcome of legal problems

In each jurisdiction, a regression was conducted to examine the legal problem characteristics, strategies and demographic characteristics related to achieving favourable outcomes for legal problems (see Table 9.7). Although regression analysis can be used to show where relationships exist, it cannot explain any relationships. Nonetheless, the regressions on favourability of outcome help to signal the types of problems and demographic groups which may benefit most from initiatives that aim to improve outcomes, and also help to identify the strategies to be encouraged. As discussed below, problem group and the strategy used in response to legal problems were invariably significant predictors of whether legal problems resulted in favourable outcomes. However, there were very few significant relationships between demographic characteristics and achieving favourable outcomes for legal problems.

Legal problem characteristics

Based on the regressions across jurisdictions, problem group was an important predictor of the types of outcomes achieved for legal problems (see Table 9.7). In fact, problem group was the strongest significant predictor in all jurisdictions apart from the ACT, where it was the second strongest predictor. In most jurisdictions, the outcomes of accidents and personal injury problems were

¹⁰⁰ However, Genn and Paterson (2001) noted that this regression result may have been due to the small numbers, given that chi-square analysis revealed a link between low educational attainment and low resolution.

¹⁰¹ $\chi^2=13.02$, $F_{7,71995}=1.59$, $p=0.134$. See Appendix Figure A9.9. The chi-square test compared state/territory rates of favourable outcomes given their actual demographic and problem profiles. The regression analysis examined the odds of favourable outcomes after differences in demographics, problems profiles and strategies used had been taken into account. This regression involved re-running the Australian model on favourable outcome (see Table 8.5 in the Australian LAW Survey report) with the addition of state/territory as a potential predictor variable or 'fixed effect'. See Appendix Tables A2.8 and A2.9 (model 8b) for further details and Appendix Table A9.6 for the full results.

significantly more likely to be rated as favourable, while the outcomes of crime and government problems were significantly less likely to be rated as favourable. Some past surveys have similarly found that the type of legal problem affects perceived outcomes. However, the types of problems linked to particular outcomes have varied across studies (Coumarelos et al. 2006; Currie 2007b; Genn 1999; Genn & Paterson 2001). Like the LAW Survey, the NSWLNS found higher satisfaction with the outcomes of accident/injury problems and lower satisfaction with the outcomes of government and general crime problems (Coumarelos et al. 2006).¹⁰²

In addition, other types of statistical analyses showed that the severity of legal problems was significantly related to the outcomes achieved. Substantial problems were less likely than minor problems to be perceived as having favourable outcomes, according to chi-square analyses in NSW, Victoria, South Australia, the Northern Territory and Australia as a whole.¹⁰³ Similarly, according to Somers' d analyses in all jurisdictions, legal problems that caused a greater number of adverse consequences were less likely to be perceived as having favourable outcomes.¹⁰⁴

Strategy

The present regressions confirm past results that the strategy used in response to a legal problem is a critical determinant of the outcome achieved (ABA 1994; AFLSE 2007; CEALS 2001; Coumarelos et al. 2006; Currie 2007b; Dale 2000, 2007, 2009; Dignan 2006; Genn 1999; LSNJ 2009; Maxwell et al. 1999; Miller & Srivastava 2002; Pleasence 2006). LAW Survey respondents who took no action in response to legal problems achieved the poorest outcomes.¹⁰⁵ In most jurisdictions, both seeking advice for legal problems (66–74%) and handling legal problems without advice (69–76%) were significantly more likely to result in favourable outcomes compared to taking no action (54–62%; see Table 9.7). Past surveys have similarly found that doing nothing, and trying but failing to obtain advice, result in poor outcomes (ABA 1994; Coumarelos et al. 2006; Currie 2007b; Dale 2009; Dignan 2006; Maxwell et al. 1999; Miller & Srivastava 2002; Pleasence 2006). For example, Coumarelos et al. (2006) found higher satisfaction with the outcomes of problems when help was sought than when no action was taken. Pleasence (2006) found that respondents were more likely to achieve their objectives if they obtained advice or handled problems alone rather than if they tried but failed to obtain advice.

Age, gender and disadvantaged groups

Like past surveys, the present survey found that the favourability of the outcomes achieved for legal problems was not consistently related to demographic characteristics in general or to disadvantage more specifically (Coumarelos et al. 2006; Genn 1999; Genn & Paterson 2001). In all jurisdictions, gender, Indigenous status, disability status, family status and main income were not significantly related to whether favourable outcomes were achieved for legal problems. Age, education, employment status, housing type, main language and remoteness of residential area were significantly related to the outcomes of legal problems in only one or a few jurisdictions, and these relationships were not always significant in Australia as a whole (see Table 9.7). In addition, when significant, demographic characteristics invariably had a weaker effect than problem group, and, with one exception, they also had a weaker effect than strategy. Thus, like past surveys, the present survey found that the type of legal problem and the strategy used were the main predictors of the

¹⁰² Coumarelos et al. (2006) found higher odds of satisfaction with the outcomes of accident/injury and wills/estates problems and lower odds of satisfaction with the outcomes of business, consumer, government and general crime problems.

¹⁰³ See Figure 8.3 in the LAW Survey report for each jurisdiction for full results.

¹⁰⁴ See Table 8.2 in the LAW Survey report for each jurisdiction for full results.

¹⁰⁵ Similarly, problems finalised as a result of respondents not pursuing the matter further also had poor outcomes.

Table 9.7: Regression summaries — favourability of outcome of legal problems, each jurisdiction

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia	
Problem group	Accidents mean	>	>	>	>	>	>	>	>	>	
	Consumer mean	>	>	>	>	>	>	>	>	>	
	Credit/debt mean	<	<	<	<	<	<	<	<	<	
	Crime mean	<	<	<	<	<	<	<	<	<	
	Employment mean	<	<	<	<	<	<	<	<	<	
	Family mean	>	>	>	>	>	>	>	>	>	
	Government mean	<	<	<	<	<	<	<	<	<	
	Health mean	<	<	<	<	<	<	<	<	<	
	Housing mean	>	>	>	>	>	>	>	>	>	
	Money mean	>	>	>	>	>	>	>	>	>	
	Personal injury mean	>	>	>	>	>	>	>	>	>	
	Rights mean	<	<	<	<	<	<	<	<	<	
	Strategy	Sought advice took no action	>	>	>	>	>	>	>	>	>
		Handled without advice took no action	>	>	>	>	>	>	>	>	>

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of a favourable outcome
- < significantly lower odds of a favourable outcome
- > non-significant (higher) odds of a favourable outcome
- < non-significant (lower) odds of a favourable outcome
- = non-significant (equal) odds of a favourable outcome

Table 9.7: Regression summaries — favourability of outcome of legal problems, each jurisdiction (cont.)

Variable	Categories compared	NSW	Victoria	Queensland	South Australia	Western Australia	Tasmania	Northern Territory	ACT	Australia
Gender	Female male	>	=	>	=	=	=	<	>	=
Age	15–17 65+	>	>	<	>	<	>	>	>	>
	18–24 65+	>	>	<	<	<	>	<	<	<
	25–34 65+	>	>	<	<	<	>	<	<	<
	35–44 65+	>	=	<	>	>	>	<	<	<
	45–54 65+	>	>	<	<	>	>	<	<	=
	55–64 65+	>	<	<	>	<	>	>	<	<
Indigenous status	Indigenous other	<	<	>	>	>	=	<	<	=
Disability status	Disability no disability	<	<	<	<	=	>	<	=	<
Education	<Year 12 post-school	=	<	=	<	<	>	<	<	<
	Year 12 post-school	=	<	<	<	=	=	>	>	=
Employment status	Unemployed other	<	<	>	=	<	<	<	<	<
Family status	Single parent other	>	>	>	=	<	<	>	>	>
Housing type	Disadvantaged other	<	>	<	>	>	>	=	>	=
Main income	Government payment other	>	>	>	>	>	>	<	<	>
Main language	Non-English English	<	>	>	>	>	>	<	<	>
Remoteness^{abc}	Remote major city	> ^a	> ^a	>	>	>	> ^b	< ^b	< ^c	=
	Regional major city	>	>	>	<	>	>	<	<	>

^a Due to insufficient numbers in remote areas, the NSW and Victorian models compared a combined remote/regional category to the major city (reference) category.

^b Given that Tasmania and the Northern Territory have no major city areas, the models for these jurisdictions compared the remote category to the regional (reference) category.

^c Remoteness was not included as a demographic variable in the ACT model, as this territory almost exclusively comprises major city areas.

Note: The symbols and shading indicate how the first category compares to the second. The first category has:

- > significantly higher odds of a favourable outcome
- < significantly lower odds of a favourable outcome
- > non-significant (higher) odds of a favourable outcome
- < non-significant (lower) odds of a favourable outcome
- = non-significant (equal) odds of a favourable outcome

favourability of the outcomes achieved for legal problems, and that demographic characteristics had comparatively little influence.

Summary: NSW findings in context

The LAW Survey results for NSW are largely consistent with those in other jurisdictions and with the international findings. Legal problems are widespread, with some people experiencing multiple, severe problems with substantial impacts on many life circumstances. Disadvantaged groups are particularly vulnerable to legal problems. A substantial proportion of people take no action to resolve their legal problems and consequently achieve poor outcomes. Most people who seek advice do not consult legal advisers and resolve their legal problems outside the formal justice system.