



Awareness of not-for-profit legal services in Australia

Abstract: *The Legal Australia-Wide (LAW) Survey found sizeable gaps in respondents' awareness of not-for-profit legal services. There was high recognition of 'Legal Aid' across all state and territory jurisdictions. Legal services for Aboriginal and Torres Strait Islander people (ALSs) had moderate recognition rates among respondents who self-identified as Indigenous. Other not-for-profit legal services, such as community legal centres and community legal services (CLCs) and services provided by courts, had lower recognition rates. Lack of awareness of not-for-profit legal services may contribute to and signal unmet legal need.*

Source

This paper is a simplified excerpt from the report, **Legal Australia-Wide Survey: Legal need in Australia** by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (Law and Justice Foundation of NSW, 2012).

About the LAW Survey

The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. It covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems.

With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The major findings were published in a series of nine reports, with a report on Australia as a whole and each state/territory. Some key findings were:

- legal problems are widespread and often have adverse impacts on many life circumstances
- disadvantaged people are particularly vulnerable to legal problems
- many people do nothing to resolve their legal problems and achieve poor outcomes
- most people resolve their legal problems without using lawyers or the formal justice system.

The nine LAW Survey reports are available at:

www.lawfoundation.net.au

Legal needs surveys in Australia and around the world typically indicate gaps in the general public's awareness of not-for-profit legal services. In Australia, an early survey by Cass and Sackville (1975) found widespread ignorance and confusion about eligibility for public legal services. Fishwick (1992) similarly found gaps in the general public's understanding of legal services in New South Wales. Survey research in New Zealand found high awareness of legal aid (85%), but lower awareness of community law centres (48%; Ignite Research 2006). Surveys of disadvantaged populations in a number of states in the the United States have shown that only 20–50 per cent of respondents were aware of free legal services and that sizable proportions of respondents (36–80%) did not realise they were eligible for legal aid (American Bar Association 1994; Legal Services Corporation 2007, 2009). In the United Kingdom, around two-thirds of respondents who experienced legal problems were unaware of their legal rights in relation to the problems and a similar proportion were unaware of the formal legal processes available to deal with their problem (Balmer, Buck, Patel, Denvir & Pleasence 2010).

LAW Survey

The LAW Survey examined 129 types of civil, criminal and family law problems. Legal problems were widespread. In Australia as a whole, 50 per cent of respondents experienced one or more legal problems in the 12 months prior to interview.

Respondents sought advice for 51 per cent of legal problems, handled 31 per cent of legal problems without advice and took no action for 18 per cent of legal problems. For 21 per cent of problems where

respondents took no action, they reported that they ‘didn’t know what to do’. When advice was sought, one or more legal advisers were used in only 30 per cent of cases, with a broad range of non-legal advisers being used in the remaining cases. Given the low use of legal advisers, it was of interest to examine the extent of respondents’ awareness of the free services offered by the main not-for-profit legal advice agencies.

Measuring awareness of not-for-profit legal services

The LAW Survey examined the extent to which respondents were aware of free legal services provided by the following not-for-profit advice agencies: ALSs, CLCs, court services, and Legal Aid. The LAW Survey measured awareness of these not-for-profit legal services via:

- uncued recall, where respondents were asked to name services they knew (i.e. ‘Can you name any legal services that provide free legal information, advice or assistance?’)
- cued recall, where respondents and asked if they recognised the name of certain services (e.g. ‘Have you heard of Legal Aid?’).

Given that the target client group for ALSs is Indigenous people, the cued recall for ALSs was

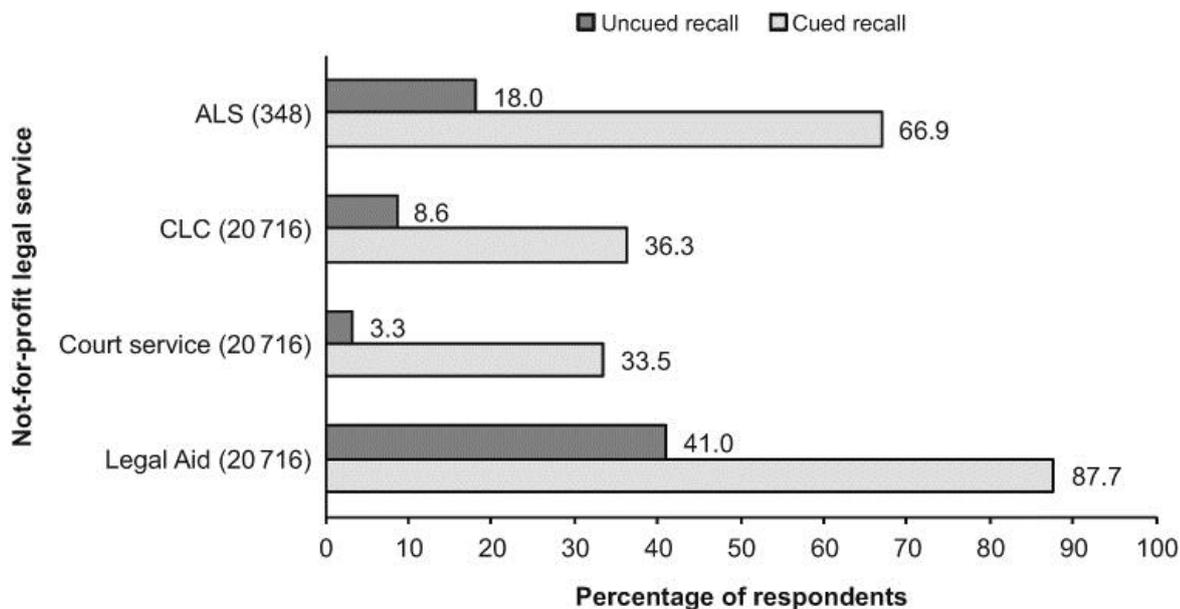
asked only of respondents who self-identified as being Indigenous.

Awareness of not-for-profit legal services

Figure 1 provides the uncued and cued recall rates of ALSs, CLCs, court services and Legal Aid. Note that the percentages for ALSs in Figure 1 are based on the total number of Indigenous respondents in the Australian sample whereas the percentages for the other legal services are based on all 20 716 Australian respondents.

As expected, the percentages for the cued recall of not-for-profit legal services was higher than for the uncued recall. Legal Aid had the highest awareness rates in absolute terms, with 41 per cent of respondents being able to name Legal Aid and 88 per cent of respondents recalling the name ‘Legal Aid’ when cued. ALSs had the next highest awareness rates, with an uncued recall of 18 per cent and a cued recall of 67 per cent amongst Indigenous respondents. Court services and CLCs had lower awareness levels. The uncued recall of these legal services was under 9 per cent, while the cued recall rate was 34 per cent for court services and 36 per cent for CLCs.ⁱ

Figure 1: Uncued and cued recall of not-for-profit legal services, Australia



N=348 Indigenous respondents for ALSs and N=20 716 respondents for other not-for-profit legal services.

In addition, when asked to name legal services that provide free legal services without being cued, 3 per cent of respondents named various private lawyers who provide pro bono services or free initial consultations. Other professionals or organisations – such as various legal organisations, telephone lines or websites, dispute/complaint-handling organisations, government departments or agencies, the police, trade unions, health or welfare professionals or organisations, and financial professionals or organisations – were named by another 10 per cent of respondents as providers of free legal services. In NSW, 14 per cent of respondents recalled the telephone service LawAccess NSW when cued.

Considerable gaps in the awareness of not-for-profit legal services were consistent across Australia. While there was very high awareness of Legal Aid in all states and territories (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.

Specifically, compared to average, the cued recall 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%).

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 court services in NSW may partially reflect jurisdictional differences in service provision, such as long-established chamber services.

Conclusion

Across jurisdictions, the LAW Survey findings indicate that awareness of some not-for-profit legal services was relatively and consistently low. These findings suggest the value of generic legal information and education, including information about the range of not-for-profit legal services available, and more broadly about useful first ports of call, such as generalist legal advice services and legal triage hotlines, and the many paths for accessing justice. Such legal information and education initiatives may help to decrease reliance on handling legal problems without expert advice or ignoring legal problems because people are unaware of the available legal services or because they ‘don’t know what to do’.

References

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Endnotes

ⁱ 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.

