



## Awareness of legal services and responses to legal problems in remote Australia

A working paper

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**Abstract:** *New findings from the Legal Australia-Wide (LAW) Survey suggest that, overall, the use of legal advisers decreases with remoteness. In very remote areas, respondents who were not aware of various free legal services were less likely to use legal advisers. These findings raise questions about the coverage of legal services in very remote areas, particularly in the context of public understanding of legal resources.*

**Previous studies of ‘Access to Justice’ recognise the difficulties remote communities may encounter in resolving legal problems.**<sup>i</sup> The lack of lawyers in remote areas and of nearby in-person services hinder people in remote areas from quickly resolving their legal problems (Cohl & Thomson 2008; Coverdale 2011; Forell, Cain & Gray 2010). Low levels of vehicle ownership and public transport, along with the cost of transport, present further obstacles to obtaining professional advice (Rosier & McDonald 2011). In the United Kingdom, people living in relatively more isolated areas with no access to a vehicle have been found to be more likely to take no action to resolve their legal problems (Patel, Pleasence & Balmer 2008). Effective use of technology can help address many of the barriers experienced by those in remote areas. But, despite improvements in technology, distance continues to be reported as a key barrier to obtaining legal assistance (Cohl & Thomson 2008; Coverdale 2011; Reid & Malcolmson 2008).

Initial findings from the Legal Australia-Wide (LAW) Survey indicated that, when faced with legal problems, people living in regional/remote areas had to travel further than those in major city areas to consult their main adviser face-to-face (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012).

However, initial analysis revealed no difference in the problem resolution strategies used according to remoteness of residential area. That is, remoteness was not related to whether action was taken or whether any action taken involved seeking formal advice.

### New findings from the LAW Survey

This short paper presents preliminary findings of further analyses exploring the geographical dimensions of problem resolution behaviour. The analyses examined five types of strategy in response to legal problems<sup>ii</sup> and five levels of remoteness.<sup>iii</sup> Figure 1 presents the proportion of problems that resulted in each of the five strategies. There was a significant association between strategy and remoteness. With the exception of major cities, as residential areas became more remote, the proportion of problems involving the use of legal advisers decreased, as did the proportion involving self-help, while the proportion resulting in taking no action or action without help increased.<sup>iv</sup> So, while 17.7 per cent of problems resulted in the use of legal advisers in inner regional areas, the figure was just 10.6 per cent in very remote areas. There was also a slight increase in the use of informal help with remoteness.

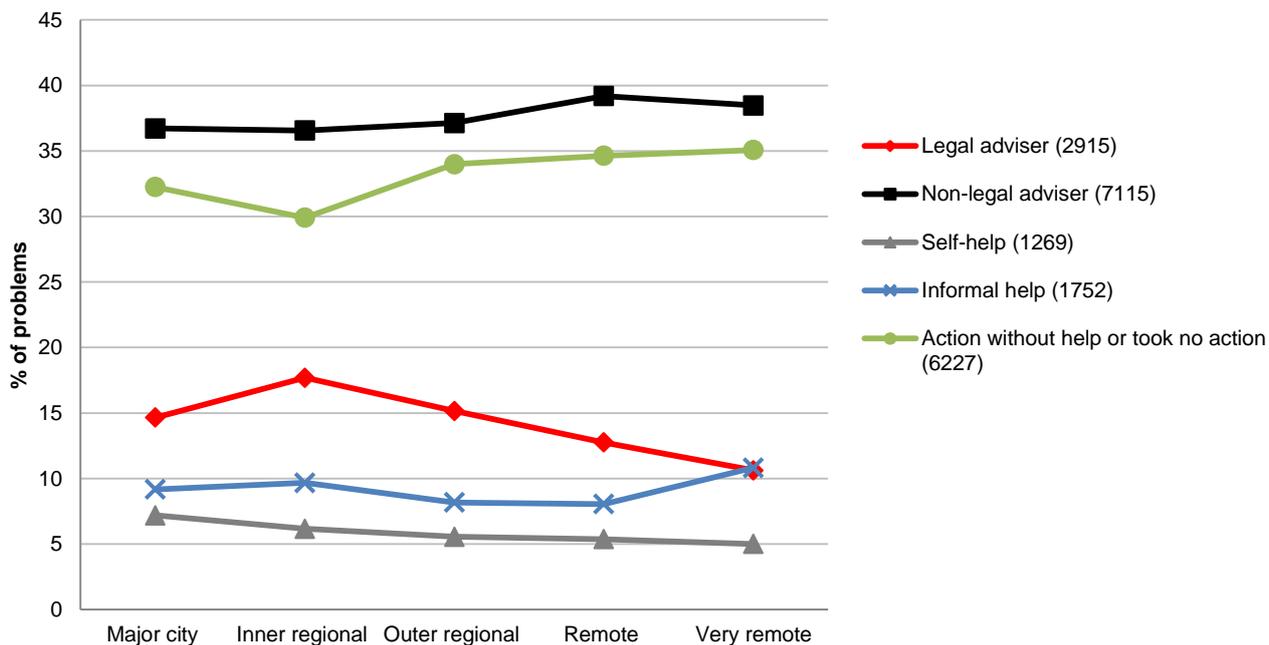
This paper presents **preliminary findings from new analyses** of the Legal Australia-Wide (LAW) Survey undertaken by the Law and Justice Foundation of New South Wales. The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey 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. The first major findings for the whole of Australia were published as *Legal Australia-Wide Survey: Legal need in Australia* (2012) and authored by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey. Reports on each state/territory were published in the same year. To download the reports visit [www.lawfoundation.nsf.au/publications](http://www.lawfoundation.nsf.au/publications)

When awareness of free not-for-profit legal services was included in the analysis, the average percentages of problems where respondents took no action and took action with informal help were significantly higher for those who were not aware of various free legal services than those who were aware (37.2% versus 29.4% and 10.8% versus 8.0% respectively).<sup>v</sup> Conversely, the average percentage of problems where respondents sought formal advice from a legal adviser was significantly lower for those who were not aware of

various free legal services than those who were aware (9.1% versus 18.8%).<sup>vi</sup>

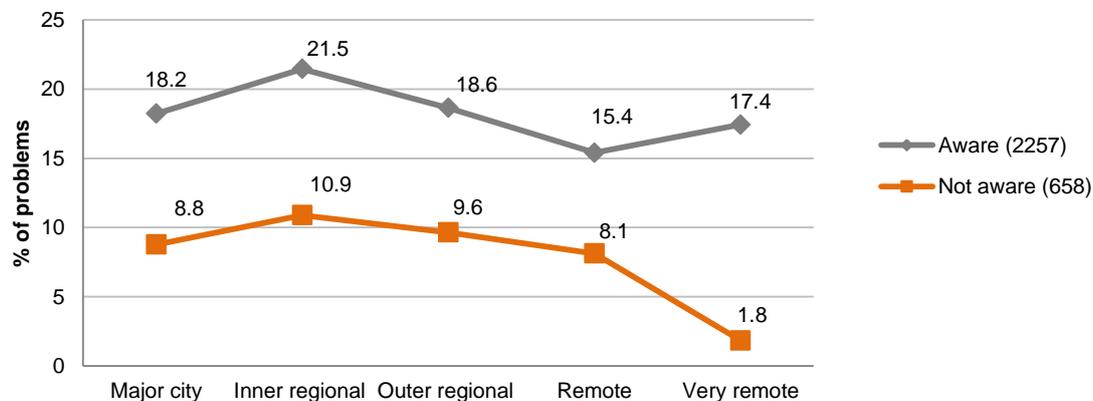
As shown in Figure 2, the percentages of problems resulting in the use of legal advisers in each region type were consistently lower for respondents who were not aware of various free legal services. Legal advisers were least likely to be used in response to legal problems when respondents were not aware of various free legal services and lived in very remote areas (1.8% of problems).

Figure 1: Strategy in response to legal problems by remoteness



Note: N= 19 278 problems (unweighted). Data were missing for 191 problems.  $\chi^2=62.97$ ,  $F_{16,163302}=3.45$ ,  $p=0.000$ .<sup>vii</sup>

Figure 2. Use of legal advisers by awareness of not-for-profit legal services and by remoteness



Note: N= 2915 problems (unweighted).

Turning to modes of communication with the main adviser for each problem,<sup>viii</sup> it can be seen from Figure 3 that the proportion of main advisers consulted via telephone decreased with remoteness. Respondents in major cities were most likely to use the telephone, while those in inner and outer regional areas were most likely to consult main advisers face-to-face. However, it is to be noted that the data related only to the main adviser for each problem. A different pattern of communication may be associated with advisers more generally, as there is a significant association between helpfulness of advisers and mode of communication.

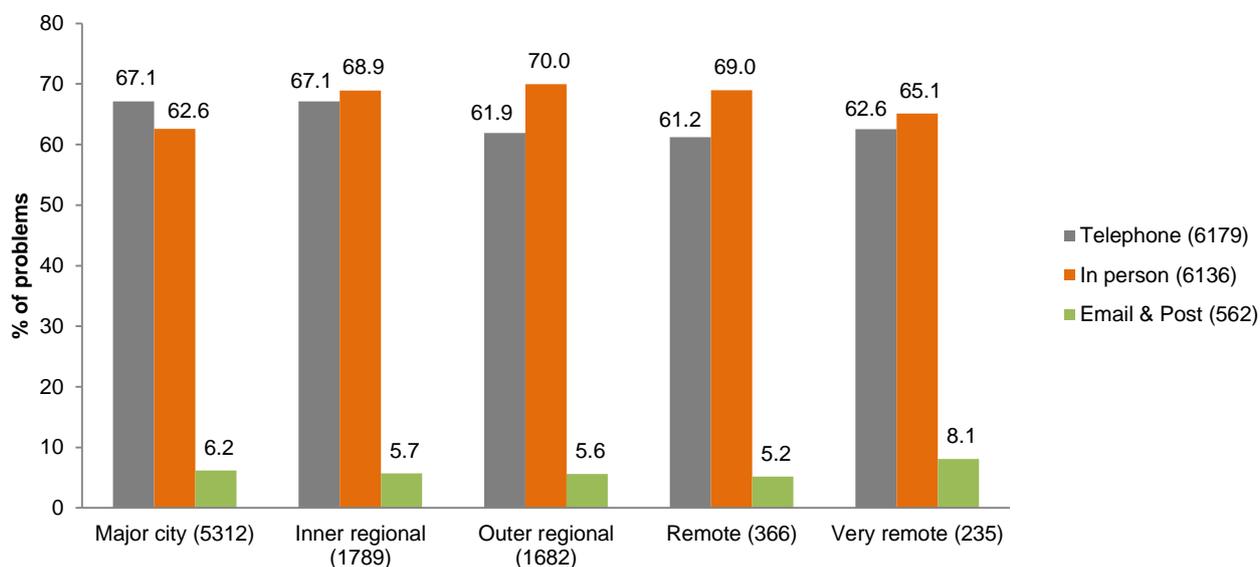
Finally, respondents were asked if they had experienced any difficulties when trying to get information or advice from their main adviser. Respondents in outer regional and very remote areas were more likely to report that advisers were too far away or hard to get to (11.8–31.6% versus 8.3% of problems on average).<sup>ix</sup> Respondents in very remote areas were also more likely to have had difficulty getting through on the telephone (25.6%

versus 16.9% of problems on average). Respondents who lived in outer regional, remote and very remote areas and reported that the main adviser was too far away were more likely to communicate with their main adviser by phone and have no face-to-face contact with this adviser (16.2–42.9% versus 10.2% of problems on average).

### Implications

The above findings raise questions about the coverage of legal services in very remote areas, particularly in the context of public understanding of legal resources. The findings tie in with concerns around the quality, recruitment, retention and availability of lawyers in some remote areas (Forell, Cain & Gray 2010). Also, while it is evident that telephone advice may assist those who reported advisers being too far away (Balmer, Smith, Denvir & Patel 2012), a high proportion of people in remote areas reported barriers related to accessing telephone advice services, raising questions about adequacy of service provision.

Figure 3. Mode of communication with main adviser by remoteness



Note: N= 9384 problems where sought advice (unweighted). Data were missing for 433 problems. Telephone:  $\chi^2=21.56$ ,  $F_{4,41211}=4.64$ ,  $p=0.001$ ; In person:  $\chi^2=46.18$ ,  $F_{4,41252}=10.12$ ,  $p=0.000$ ; Email & Post:  $\chi^2=3.32$ ,  $F_{4,41086}=0.62$ ,  $p=0.647$ .

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## Endnotes

- <sup>i</sup> The term 'legal problem' is used throughout this paper for easy reference to a problem that is 'justiciable' in that it raises legal issues with the potential for legal resolution, regardless of whether the respondent recognised this or took any action involving the justice system (cf. Genn 1999).
- <sup>ii</sup> The strategy used in response to legal problems often involved multiple types of action. Strategy was thus categorised into five levels according to the highest level of action used, regardless of whether lower levels of action were also used: (1) 'legal adviser', (2) 'non-legal adviser', (3) 'self-help', (4) 'informal help' and (5) 'took no action or action without help'. The first two categories mean that advice was sought from a professional in a formal capacity. 'Legal adviser' denotes that the professional(s) included a lawyer or legal service, while 'non-legal adviser' denotes that the professional(s) were only non-legal. 'Self-help' means that a professional was not contacted directly, but a website or self-help guide was used. 'Informal help' means that relatives or friends were consulted informally, but professionals and self-help were not used. 'Action without help or took no action' means that professionals, self-help and informal help were not used, however: communication with the other side had occurred; or court or tribunal hearings had occurred or were likely; or formal dispute resolution had occurred or was likely; or none of these actions was used. The classification of strategy in these analyses built on that used by Coumarelos *et. al.* 2012 (pp. 92–96). However, there were minor differences due, for example, to slightly different treatment of missing values.
- <sup>iii</sup> The five categories of remoteness of residential area used were 'major city', 'inner regional', 'outer regional', 'remote' and 'very remote', and were based on the Accessibility/Remoteness Index of Australia or ARIA (ABS, 2001).
- <sup>iv</sup> There are likely to be various contributing factors to the counter-trend observed for major cities, including, perhaps, more decentralisation of legal services in major cities when compared to inner regional areas and a greater availability of solicitors in inner regional areas.
- <sup>v</sup> Being 'aware' of various free legal services means that the respondent actually provided the name of a free legal service they knew about (uncued recall). 'Not aware' means that the respondent did not provide the name of any free legal service. Note that it is possible that awareness of free legal services may to some extent be a proxy for the availability of such services. Thus, some respondents may have reported that they were 'not aware' of free legal services due to a paucity of such services in their local area.
- <sup>vi</sup>  $\chi^2=407.33$ ,  $F_{4,41113}=87.94$ ,  $p=0.000$ .
- <sup>vii</sup> An adjusted version of the standard chi-square test was used, which applied a second-order Rao-Scott correction to accommodate clustering of the data, but not weighting. Due to insufficient weighted numbers in very remote areas, unweighted data were used.
- <sup>viii</sup> When multiple advisers were used for a problem, the main adviser was the adviser nominated by the respondent as the most useful. When only one adviser was used for a problem, this sole adviser was deemed to be the main adviser for analysis purposes. The survey examined which modes of communication were used with the main adviser, but did not examine the frequency with which each mode of communication was used.
- <sup>ix</sup> Difficulty getting through on the phone:  $\chi^2=12.77$ ,  $F_{4,41151}=2.75$ ,  $p=0.027$ . The adviser being too far away:  $\chi^2=122.76$ ,  $F_{4,41163}=27.35$ ,  $p=0.000$ .

