



Legal need and main language across Australia

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Abstract: *People whose main language is not English are less likely to take action or seek advice to resolve their legal problems compared to other Australians. Knowledge of the socio-demographic characteristics of people whose main language is not English is essential for planning initiatives and services to assist and encourage them to resolve their legal problems. New analyses of the LAW Survey data showed that there are two very different groups of people whose main language is not English. One group speak only languages other than English and are more likely to be female, be older, be retired, have a disability and be less educated. The other group speak English as a second language and are more likely to be male, younger, students, well-educated and either working or unemployed. Both groups are more likely to have low incomes and live in major cities. Providing legal services for people whose main language is not English is therefore likely to require a variety of approaches to target the different groups of people involved.*

It is well accepted that disadvantaged people are susceptible to experiencing legal problemsⁱ (e.g. Coumarelos, Wei & Zhou 2006; Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Currie 2007; Pleasence 2006; Pleasence et al. 2010; van Velthoven & ter Voert 2004). Compared to others, disadvantaged people may also be more likely to do nothing about their legal problems and fail to seek assistance to resolve them (e.g. Coumarelos et al. 2006; Currie 2007; Pleasence 2006; van Velthoven & ter Voert 2004).

Ethnicity is a common measure of disadvantage. It is measured differently among studies, depending on the ethnic composition of the population being examined. One method to measure it is to use people's country of birth or main language (e.g. Coumarelos et al. 2006, 2012; Currie 2007; Dale 2007). In Australia, respondents born in a non-English speaking country (Coumarelos et al. 2006) and those with a non-English main language (Coumarelos et al. 2012) reported lower prevalence of legal problems than others. When people's responses to legal problems were analysed, Coumarelos et al. (2006) found that there was no difference in the strategy taken to resolve legal problems (i.e. seeking help versus handling alone or

doing nothing) between people born in a non-English speaking country and others. The more comprehensive Legal Australia-Wide (LAW) Survey, however, showed that people whose main language was not English were less likely to take action to resolve their legal problems than others, and, when they did take action, they were less likely to seek adviceⁱⁱ (Coumarelos et al. 2012).

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.net.au/publication

Aim

Although people whose main language was not English reported lower prevalence of legal problems than others, they had a lower likelihood of taking action and seeking advice for their legal problems (Coumarelos et al. 2012). Knowledge of the socio-demographic characteristics of people whose main language is not English is important for planning initiatives and services to assist and encourage them to resolve their legal problems. This paper examines data collected from the LAW Survey to provide detailed information about people whose main language was not English. Such information can be used to provide better targeted legal services for this disadvantaged group to assist them to take action and seek advice for their legal problems when necessary.

New analyses

To obtain an indication of their main language, respondents from the LAW Survey were asked which language they speak at home most often. Respondents were then divided into two language groups: English main language and non-English main language. For this paper, respondents from the non-English main language group were further divided into two groups to

create three groups in total: *English main language* (as per the LAW Survey), *English as a second language* and *only other languages*. The *English as a second language* group indicated they spoke a language other than English at home, but their English skills were sufficient to allow them to be interviewed in English. The *only other languages* group spoke very little or no English and were interviewed in one of the six languages offered to them - namely, Italian, Greek, Cantonese, Mandarin, Arabic and Vietnamese.ⁱⁱⁱ Table 1 presents a breakdown of the main language spoken by respondents in the two groups who did not speak English as their main language.^{iv}

The multilevel, multivariate logistic regressions conducted by Coumarelos et al. (2012) for prevalence of legal problems overall and for strategy taken in response to legal problems were repeated using the new main language variable with three groups. The results for the main language groups were similar to those reported in the LAW Survey: compared to respondents who spoke English as their main language, respondents in both the *English as a second language* and *only other languages* groups were less likely to experience legal problems overall, with respondents who spoke only other languages having lower odds of experiencing

Table 1: Percentage of respondents in each language group and their main language

Language	Only other languages	English as second language
Italian	10.7	2.1
Greek	19.1	2.4
Cantonese	17.6	7.4
Mandarin	27.6	10.1
Arabic	12.4	5.1
Vietnamese	12.0	4.3
German	0.0	2.3
Spanish	0.4	4.5
Hindi	0.0	9.4
Tagalog	0.0	2.6
Aboriginal	0.0	0.7
Other Northern European	0.0	3.2
Other Southern European	0.0	2.5
Other Eastern European	0.0	9.3
Other Southwest and Central Asian	0.0	5.1
Other Southern Asian	0.0	17.0
Other Southeast Asian	0.0	4.8
Other Eastern Asian	0.3	3.1
Other	0.0	4.0
Total	100.0	100.0
<i>N</i>	407	991

Note: Total N=20716 respondents. The number of respondents whose main language was English was 19318. One respondent whose main language was Spanish, but who also spoke Arabic, was interviewed in Arabic. One respondent whose main language was Wu Chinese (classified as other Eastern Asian) was interviewed in Mandarin.

a problem than those who spoke English as a second language (Appendix 1). The analyses also showed that compared to respondents who spoke English as their main language, respondents in both the *English as a second language* and *only other languages* groups were less likely to take action and seek advice for their legal problems (Appendix 2). Further, of the two non-English groups, the group who spoke only other languages had the lower odds of taking action and seeking advice.

More specifically, people who spoke English as their main language were about three times as likely to take action and twice as likely to seek advice than people who spoke only other languages. The English main language group was about one and a half times as likely to take action and one and a quarter times as likely to seek advice than people who spoke English as a second language.

To examine their awareness of free legal services, respondents were prompted with the names of three organisations that offer free legal services – ‘Legal Aid’, ‘Community Legal Centres (CLCs)’ and ‘Court Services’. Respondents who spoke only other languages had the lowest awareness of these services, followed by those who spoke English as a second language and finally, those whose main language was English (Figure 1). Compared to those who spoke English as a main language, respondents in both of the non-English main language groups had significantly lower awareness of the free legal services offered by Legal Aid organisations and Court Services.^v A similar pattern was evident for the awareness of CLCs, although the lower awareness of

CLCs for respondents who spoke English as a second language compared to those who spoke English as a main language was not statistically significant.

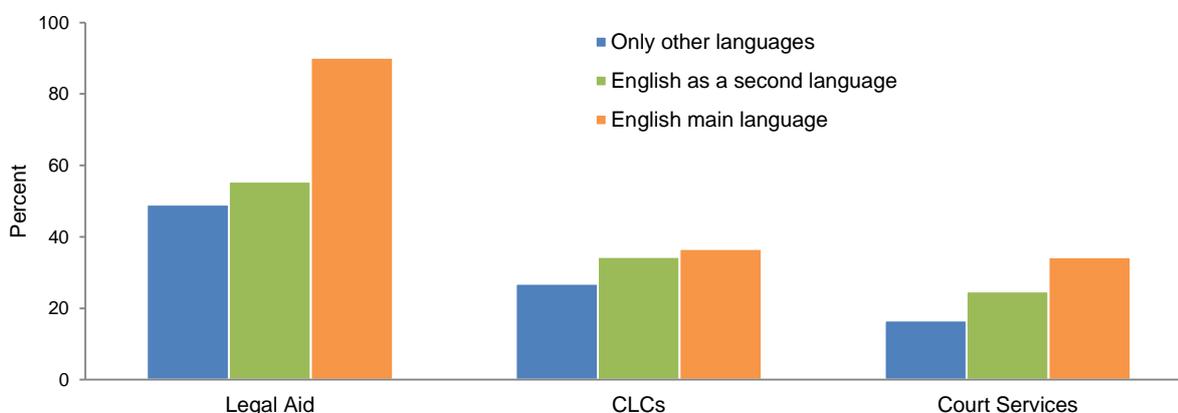
A detailed description of the socio-demographic characteristics of respondents in the three groups reveals that the groups differ substantially. As shown in Figure 2, compared to respondents whose main language was English, a larger proportion of those who spoke *only other languages* were:

- Female
- Older
- Disabled
- Less educated
- Retired
- Living with a partner, with or without children at home
- On a low incomes
- Living in major cities.

Figure 2 also shows that compared to respondents whose main language was English, a smaller proportion of those who spoke English as a second language had a disability, but a larger proportion of those who spoke *English as a second language* were:

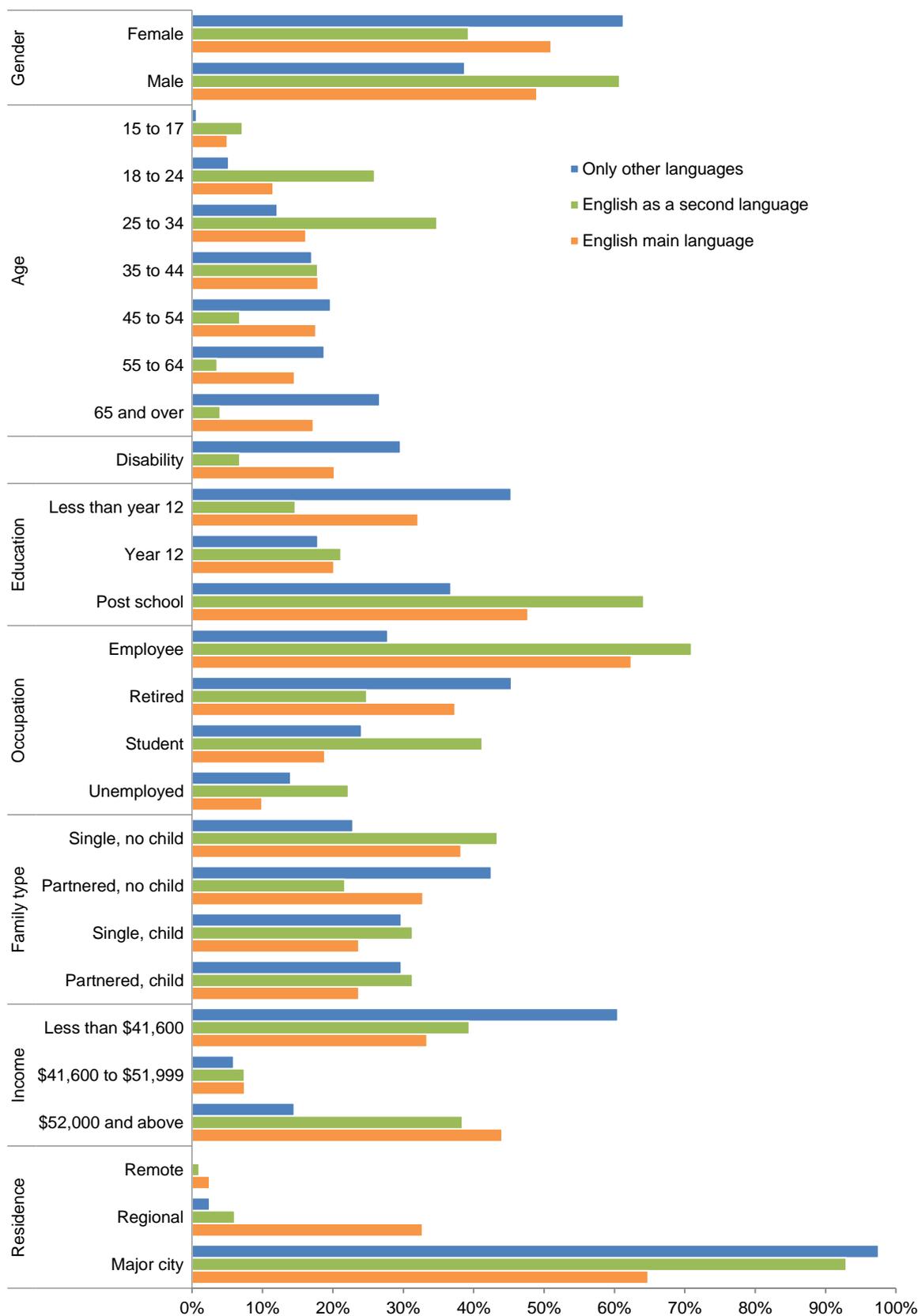
- Male
- Younger
- Educated with post-school qualifications
- Students
- Employees
- Unemployed
- On low incomes
- Living in major cities.^{vi}

Figure 1: Awareness of free legal services by language group



Note: N=20716 respondents for each type of free legal service. Legal aid: $\chi^2=1631.50$, $F_{2, 41424}=534.17$, $p=0.000$. CLCs: $\chi^2=18.04$, $F_{2, 41429}=5.87$, $p=0.003$. Court Services: $\chi^2=92.11$, $F_{2, 41429}=29.80$, $p=0.000$.

Figure 2: Percentage of respondents in the three language groups by socio-demographic characteristics



Note: N=20716 respondents, except for education n=20585, employee n=20601, retired n=11712, student n=20627, unemployed n=20596 and income n=1757

Conclusion

Although people who do not speak English as their main language, particularly those who speak only other languages, are less likely to experience legal problems, they are less likely to take action or seek advice for their problems than others. In addition, they have a lower awareness of free legal services.

There are two very different groups of people whose main language is not English. Compared to people whose main language is English, those who speak only other languages are more likely to be female, be older, be retired, have a disability and be less educated, while those who speak English as a second language are more likely to be male, younger, students, more educated and either working or unemployed. Both groups of people whose main language is not English are more likely to be living in major cities and on lower incomes than those who speak English as a main language.^{vii}

Providing legal services and increasing awareness of legal services for people whose main language is not English is therefore likely to require a variety of approaches to target the different groups of people involved. The information provided by this study regarding the socio-demographic characteristics of people who do not speak English as their main language can be used to ensure new and existing legal services and initiatives are appropriately targeted to meet their legal needs.

The particularly low levels of taking action and seeking advice for the *only other languages* group are consistent with the concept that good language and communication skills, specifically English language skills in Australia, are an important aspect of the capability of individuals to identify and address their legal needs (see Genn & Patterson 2001; Nheu & McDonald 2010). The low levels of accessing legal services for this group are also in keeping with their lower use of other human services in Australia, such as family dispute resolution services (Armstrong 2010) or early childhood healthcare (Ou, Chen, Garrett & Hillman 2011), which suggests that poor English language and communication skills are a common barrier to accessing services in general.

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Appendix 1

Table A1. Regression results – prevalence of legal problems

<i>Variable</i>	<i>Categories compared</i>	<i>B</i>	<i>SE</i>	<i>OR^a</i>
FIXED EFFECTS				
Main language	Only other languages v English	-0.517	0.155	0.60
	English as second language v English	-0.421	0.073	0.66
Gender	Female v male	-0.101	0.029	0.90
Age	15-17 v 65+	0.726	0.082	2.07
	18-24 v 65+	1.055	0.063	2.87
	25-34 v 65+	0.989	0.056	2.69
	35-44 v 65+	1.041	0.055	2.83
	45-54 v 65+	0.892	0.053	2.44
	55-64 v 65+	0.596	0.055	1.81
Indigenous status	Indigenous v other	-0.009	0.093	0.99
Disability status	Disability v other	0.81	0.042	2.25
Education	Year 11 or below v post-school	-0.418	0.036	0.66
	Year 12 v post-school	-0.306	0.038	0.74
Employment status	Unemployed v other	0.445	0.052	1.56
Family status	Single parent v other	0.672	0.06	1.96
Housing status	Disadvantaged v other	0.222	0.064	1.25
Main income	Government payment v other	-0.085	0.041	0.92
Remoteness	Remote v major city	-0.13	0.082	0.88
	Regional v major city	-0.114	0.042	0.89
Constant		-0.608	0.102	
RANDOM EFFECT				
State		0.126	0.101	

a An odds ratio (OR)>1.0 indicates that the first category had significantly higher odds of experiencing legal problems than the second category. OR<1.0 indicates that the first category had significantly lower odds. The size of the OR indicates the strength of the relationship. E.g. OR=2.0 means that the odds for the first category were twice those for the second category. OR=0.5 means that the odds for the first category were half those for the second category, or, in other words, that the odds for the second category were twice those (i.e. 1/0.5=2.0) for the first category.

Note: N=20716 respondents. Significant comparisons (at the 95% level) are presented in bold.

Appendix 2

Table A2: Regression results – strategy in response to legal problems: taking action versus no action, and seeking advice versus handling without advice

Variable	Categories compared	Taking action v no action			Seeking advice v handling without advice			
		B	SE	OR ^a	B	SE	OR ^a	
FIXED EFFECTS								
Main language	Only other languages v English	-1.358	0.161	0.26	-0.785	0.226	0.46	
	English as second language v English	-0.456	0.088	0.63	-0.254	0.106	0.78	
Problem recency	7+ months ago v ≤6 months	0.292	0.040	1.34	0.470	0.039	1.60	
Problem group	Accidents v mean	-0.513	0.060	0.60	0.581	0.080	1.79	
	Consumer v mean	-0.098	0.057	-0.10	-1.833	0.043	0.16	
	Credit/debt v mean	-0.327	0.078	0.72	-0.968	0.073	0.38	
	Crime v mean	-0.595	0.045	0.55	0.969	0.059	2.64	
	Employment v mean	0.246	0.083	1.28	0.165	0.073	1.18	
	Family v mean	0.822	0.102	2.28	0.567	0.093	1.76	
	Government v mean	0.131	0.065	1.14	-0.908	0.053	0.40	
	Health v mean	-0.404	0.101	0.67	0.316	0.114	1.37	
	Housing v mean	0.232	0.064	1.26	-0.464	0.054	0.63	
	Money v mean	0.919	0.107	2.51	0.030	0.074	1.03	
	Personal injury v mean	-0.062	0.071	0.94	1.415	0.115	4.12	
	Rights v mean	-0.349	0.074	0.71	0.135	0.086	1.14	
	Gender	Female v male	0.343	0.037	1.41	0.151	0.037	1.16
	Age	15-17 v 65+	0.037	0.114	1.04	-0.956	0.125	0.38
18-24 v 65+		0.190	0.087	1.21	-0.531	0.087	0.59	
25-34 v 65+		0.313	0.082	1.37	-0.202	0.082	0.82	
35-44 v 65+		0.339	0.080	1.40	0.022	0.079	1.02	
45-54 v 65+		0.294	0.083	1.34	0.076	0.081	1.08	
55-64 v 65+		0.152	0.088	1.16	0.083	0.085	1.09	
Indigenous status	Indigenous v other	-0.038	0.105	0.96	-0.169	0.107	0.84	
Disability status	Disability v other	0.312	0.049	1.37	0.204	0.045	1.23	
Education	Year 11 or below v post-school	-0.342	0.045	0.71	-0.093	0.050	0.91	
	Year 12 v post-school	-0.168	0.052	0.85	-0.126	0.051	0.88	
Employment status	Unemployed v other	-0.170	0.058	0.84	-0.257	0.059	0.77	
Family status	Single parent v other	-0.071	0.068	0.93	0.154	0.069	1.17	
Housing status	Disadvantaged v other	0.113	0.075	1.12	0.128	0.071	1.14	
Main income	Government payment v other	0.027	0.052	1.03	0.055	0.051	1.06	
Remoteness	Remote v major city	0.002	0.097	1.00	-0.010	0.089	0.99	
	Regional v major city	0.063	0.048	1.07	0.019	0.042	1.02	
Constant		1.123	0.079		0.689	0.077		
RANDOM EFFECTS								
State		0.019	0.009		0.004	0.003		
Person		0.003	0.001		0.002	0.001		

a An odds ratio (OR)>1.0 indicates that the first category had significantly higher odds of experiencing legal problems than the second category. OR<1.0 indicates that the first category had significantly lower odds. The size of the OR indicates the strength of the relationship. E.g. OR=2.0 means that the odds for the first category were twice those for the second category. OR=0.5 means that the odds for the first category were half those for the second category, or, in other words, that the odds for the second category were twice those (i.e. 1/0.5=2.0) for the first category.

Note: N= 19056 problems for taking action v no action, N = 15579 problems for seeking advice v handling without advice. Significant comparisons (at the 95% level) are presented in bold.

Endnotes

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- i 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).
 - ii In the LAW Survey and in this study, 'seeking advice' is defined as consulting advisers in a professional or formal capacity to try to resolve the problem.
 - iii Interviews were offered in the six most commonly spoken non-English languages across Australia. Quotas were set so that the non-English interviews were in proportion to people in the population who speak these languages and have poor English. In addition, quotas were set so that the English interviews with people who speak both English and a non-English language were also in proportion to population numbers. See Coumarelos et al. (2012) for details.
 - iv All data is weighted as described in the LAW Survey (Coumarelos et al. 2012), except data used in the regression analyses because the MCMC procedure used to run the model does not allow for weighting (Browne 2012; Rasbash, Steele, Brown & Goldstein 2009).
 - v Chi square tests with a second-order Rao-Scott correction were used to test for statistical differences (Rao & Scott 1984). Adjusted standard residuals were also calculated to determine which cells in the cross-tabulation contributed to the obtained significance.
 - vi The socio-demographic characteristics for people interviewed in the LAW Survey who spoke only other languages are comparable to those who speak no English at all across Australia (Australian Bureau of Statistics 2006). A similar comparison could not be made for people interviewed in the LAW Survey who spoke English as a second language because comparable data was not available.
 - vii The LAW Survey was unable to include people who were most disadvantaged with respect to their English speaking skills. Those with extremely poor English were unlikely to have reached the question where they were offered an interview in a different language, and those who spoke languages other than the six most commonly spoken non-English languages in Australia were unable to participate in an interview. Hence, the level of disadvantage with regard to ethnicity is likely to be underestimated, particularly for people who spoke little or no English. Further, because interviews could only be offered in the six most commonly spoken non-English languages, the data is representative of the majority of non-English speaking people in Australia, but it is not representative of the entire non-English speaking community.

