



## Indigenous people, multiple disadvantage and response to legal problems

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**Abstract:** *This paper extends analysis of the Legal Australia-Wide (LAW) Survey national dataset by examining response to legal problems and barriers to obtaining advice by Indigenous status and level of disadvantage. The findings show that the strategy Indigenous people use in response to their legal problems depends on their level of disadvantage. Those with multiple disadvantage are significantly more likely to take no action. In addition, when they do take action, they are significantly more likely to use a not-for-profit legal service as their highest level of action, and significantly less likely to use a self-help resource as their highest level of action. These differences in strategy appear in part to reflect the particular types of legal problems that Indigenous people with multiple disadvantage experience and the more serious nature of these problems. There were also some differences in the advisers used and the barriers faced in response to legal problems according to Indigenous status and level of disadvantage. The findings highlight the need for legal services that are not only appropriate to the legal needs and capability of multiply disadvantaged Indigenous people, but also accessible and client-focused.*

### Source

This paper presents **new findings** from the Legal Australia-Wide Survey (LAW Survey). The first major findings for Australia as a whole were published in **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 2,000 in each state/territory, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The nine LAW Survey reports are available at [www.lawfoundation.net.au/publications](http://www.lawfoundation.net.au/publications).

### Introduction

**It is well established that Indigenous people are among the most disadvantaged Australians.**

Indigenous Australians tend to have complex needs and to suffer multiple types of socioeconomic disadvantage, including low income, chronic ill-health and disability, unemployment, disadvantaged housing and low educational attainment (Australian Bureau of Statistics 2009; Australian Institute of Health and Welfare 2011; Cunneen & Schwartz 2008; Hunter 2009; Steering Committee for the Review of Government Service Provision 2007).

The multiple disadvantage experienced by Indigenous people is critically relevant to their legal needs – both international and Australian research has demonstrated a strong link between disadvantage and vulnerability to legal problems<sup>1</sup> (see Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Coumarelos, Pleasence & Wei 2013; Currie 2007; Genn 1999; Pleasence 2006).



In Australia, the Legal Australia-Wide (LAW) Survey showed elevated experience of legal problems particularly for the following disadvantaged groups: people with a long-term illness or disability, people who had lived in disadvantaged housing, single parents and people who had been unemployed (Coumarelos et al. 2012).

Importantly also, the LAW Survey demonstrated that Indigenous people<sup>i</sup> have an increased prevalence of multiple legal problems, as well as increased prevalence of government, health and rights problems (Coumarelos et al. 2012). In further analysis of the LAW Survey data, Wei and McDonald (2013) found that Indigenous respondents' heightened vulnerability to multiple legal problems included multiple legal problems of a more substantial nature.<sup>ii</sup> In keeping with the broader literature, they also found that Indigenous LAW Survey respondents had a higher level of multiple disadvantage than other respondents. It was noteworthy, however, that their elevated vulnerability to multiple legal problems remained evident even when compared to non-Indigenous respondents who had a similar level of disadvantage. Furthermore, Wei and McDonald (2013) showed that multiple disadvantage had a 'compounding' effect on vulnerability to multiple legal problems and multiple substantial legal problems that was stronger for Indigenous people than for others. Compared to other Indigenous respondents, those experiencing multiple disadvantage (i.e. those having two or more types of disadvantage) experienced a significantly higher number of legal problems and substantial legal problems.

Indigenous people also face barriers to accessing legal services, which points to the need for accessible and culturally appropriate legal assistance services. For instance, Indigenous people often face access to justice barriers stemming from social exclusion and cross-cultural factors; poor literacy; English as a second language; poor knowledge of rights (particularly about family and civil law matters); and relatively low numbers of legal professionals from an Indigenous background (Australian Human Rights Commission 2009; Allison, Cunneen, Schwartz & Behrendt 2012; Family Law Council 2012).

The LAW Survey demonstrated that problem type and severity are strong drivers of legal problem solving strategy (Coumarelos et al. 2012). For example, respondents were more likely to seek professional advice when the legal problem they experienced was substantial rather than minor. Coumarelos et al. (2012) also found that some disadvantaged groups ignored their legal problems or faced difficulties trying to resolve them.<sup>iii</sup> Notably,

characteristics such as level of socioeconomic disadvantage and legal capability influence legal problem-solving behaviour (see Coumarelos et al. 2012; McDonald & People 2014; Pleasence, Coumarelos, Forell & McDonald. 2014).

Recent analyses of the LAW Survey revealed lower use of private lawyers and higher reliance on not-for-profit legal services by respondents with lower family incomes. It also showed that the reasons for inaction in response to legal problems depended on the characteristics of the problem and the person (McDonald & People 2014; Pleasence & Macourt 2013). The English and Welsh Civil and Social Justice Survey similarly demonstrated that, when action was taken in response to legal problems, disadvantage influenced the type of action taken. Disadvantaged groups were less likely to handle their problems alone and more likely to seek advice (Pleasence 2006; Balmer, Patel, Denvir & Pleasence 2010). Research in Canada found that people with a disability and those receiving welfare benefits were more likely than other respondents to seek legal advice (Currie 2007). Findings from Coumarelos et al. (2013) provided overwhelming support for the potential integration of legal, health and broader human services and a holistic approach to legal assistance to better meet legal need across the community (see also Pleasence et al. 2014).

There is also emerging evidence that responses to legal problems vary by Indigenous status. In their analysis of the LAW Survey, Coumarelos et al. (2012) showed that within the Northern Territory Indigenous respondents were more likely than non-Indigenous respondents to ignore their legal problems. However, this result was not significant in the other jurisdictions, possibly due in part to smaller numbers of Indigenous respondents and lower levels of disadvantage. In more recent, finer-grained regression analyses of the national LAW Survey data, Iriana, Pleasence and Coumarelos (2013) focused on the relationship between the response to legal problems and remoteness. One of their key findings was an interaction between Indigenous status and remoteness. Specifically, Indigenous respondents were less likely to take action and less likely to use lawyers when they did take action, but *only if* they lived in more remote areas. Multiple disadvantage was also associated with lower levels of taking action and using lawyers, with this effect being independent of remoteness and Indigenous status.

The initial LAW Survey reports by Coumarelos et al. (2012) did not examine legal problem-solving strategy by different levels of disadvantage. This paper therefore extends the analysis of the LAW

Survey national dataset by examining response to legal problems by both Indigenous status and level of disadvantage. Furthermore, this paper extends the work of Iriana et al. (2013) by using a different statistical technique to explore this issue (i.e. propensity score matching rather than logistic regression analysis). The present paper aims to answer the following three questions:

1. Does the strategy used in response to legal problems vary by Indigenous status and level of disadvantage?
2. Does the type of adviser used in response to legal problems vary by Indigenous status and level of disadvantage?
3. Do barriers to obtaining help from advisers vary by Indigenous status?

## New analyses

The LAW Survey asked respondents a series of in-depth questions about up to three of their most serious legal problems, including questions about any actions taken in response to the problem.<sup>iv</sup> For the purpose of this paper, six response strategies were defined, based on the types of action taken: (1) ‘not-for-profit legal service’, (2) ‘private lawyer’, (3) ‘non-legal adviser’, (4) ‘self-help resource’ (i.e. use of a website, book, leaflet or self-help guide), (5) ‘act without legal information or formal assistance’<sup>vi</sup> and (6) ‘no action’. The strategy measure used here is a hierarchical measure – that is, strategy was defined according to the highest level of action taken, regardless of whether or not any lower levels of action were also used.<sup>vii</sup>

In order to examine the effect of Indigenous status on strategy separately from the effect of disadvantage, propensity score matching was used to match the Indigenous LAW Survey respondents to a subgroup of non-Indigenous respondents on eight indicators of disadvantage, as well as on gender and age.<sup>viii</sup> In total, it was possible to match 524 of the 612 Indigenous LAW Survey respondents to (524) non-Indigenous respondents on these indicators.<sup>ix</sup> It is worth noting that the matched non-Indigenous subgroup, like the Indigenous subgroup, is comparatively more disadvantaged than the overall LAW Survey sample (cf. Wei & McDonald 2013). The matching allows observed differences between the Indigenous and matched non-Indigenous subgroups to be attributed to Indigenous status rather than to differences in disadvantage, gender or age.<sup>x</sup>

The effect of disadvantage on strategy was examined via a composite measure of disadvantage based on

the eight indicators of disadvantage measured by the LAW Survey. The Indigenous and non-Indigenous subgroups were both subdivided into three categories according to their level of disadvantage. Respondents were classified as having ‘no disadvantage’ if they had none of the eight indicators of disadvantage, ‘only one type of disadvantage’ if they had one indicator of disadvantage or ‘multiple disadvantage’ if they had two or more indicators of disadvantage. The subgroup of 524 Indigenous LAW Survey respondents reported 620 legal problems for which in-depth questions were asked about any actions to try to resolve the problem.<sup>xi</sup> The corresponding number of problems followed up for the matched non-Indigenous subgroup was 624. This paper is based upon these 1244 legal problems.

A series of adjusted two-way chi-square analyses<sup>xii</sup> were used to examine the relationships between Indigenous status and legal problem-solving strategy, type of adviser used, and barriers to obtaining help from the main adviser.<sup>xiii</sup> Further adjusted two-way chi-square analyses were used to investigate both strategy and adviser type by level of disadvantage of matched Indigenous and non-Indigenous respondents.

## Findings

### Responses to legal problems by Indigenous status and level of disadvantage

Figure 1 shows the highest-level strategy adopted in response to legal problems by the matched Indigenous and non-Indigenous respondents. There were no significant differences in terms of the strategy adopted by Indigenous status, with broadly similar proportions of matched Indigenous and non-Indigenous respondents using the various strategies.

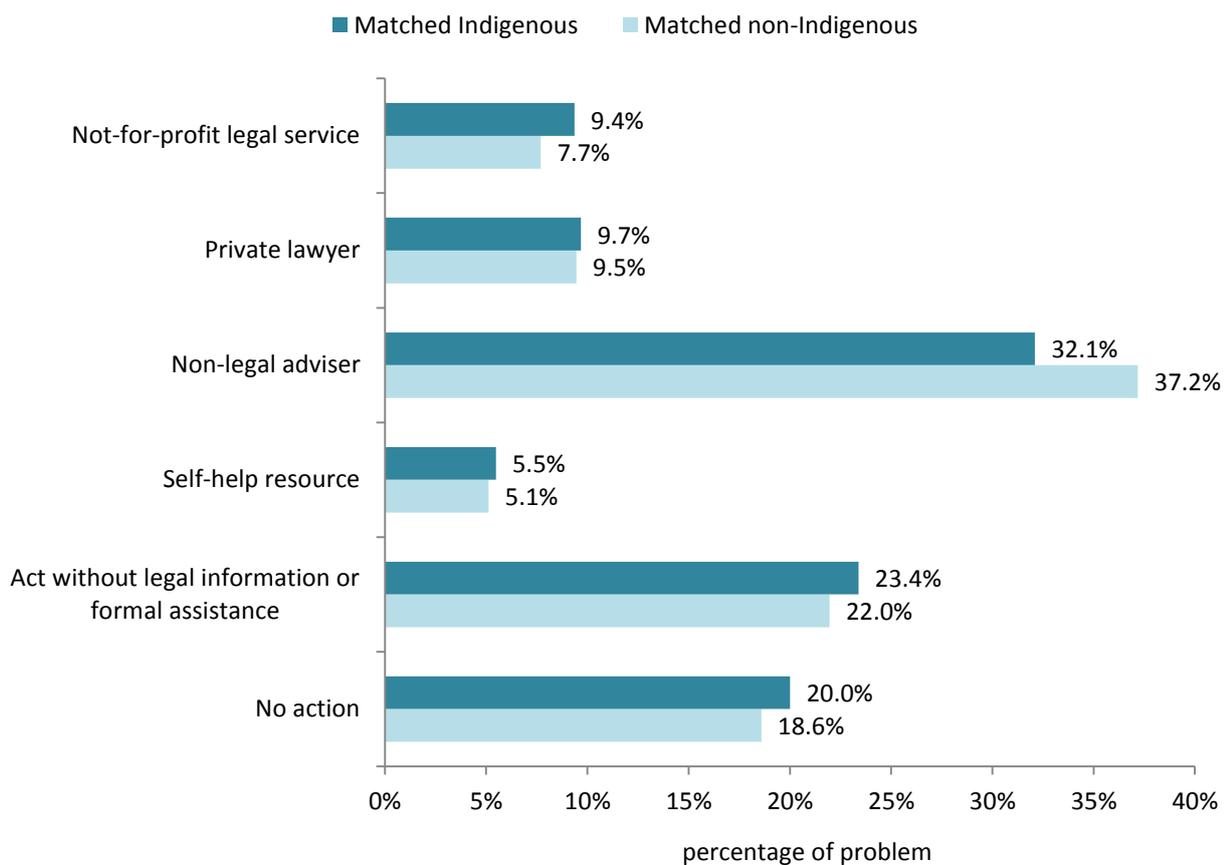
However, the strategy used by the matched Indigenous respondents was related to their level of disadvantage.

As Table 1 shows, among the matched Indigenous respondents, those with multiple disadvantage were:

- significantly more likely to take no action
- significantly more likely to seek advice from not-for-profit legal services as their highest level of action
- significantly less likely to use a self-help resource as their highest level of action.

In contrast, for the matched non-Indigenous respondents, no significant differences were observed by level of disadvantage in the strategy they used in response to legal problems (see Table 2).<sup>xiv</sup>

Figure 1: Strategy in response to legal problems by Indigenous status



Note: N=1244 legal problems (N=620 problems for matched Indigenous and N=624 problems for matched non-Indigenous respondents). Indigenous status by strategy:  $\chi^2=4.02$ ,  $F_{5,2937}=0.67$ ,  $p=0.648$ .

**Table 1: Strategy in response to legal problems by level of disadvantage for matched Indigenous respondents**

Strategy	Level of disadvantage				N
	None	One type	Multiple	Total	
	%	%	%	%	
<b>Not-for-profit legal service</b>	5.1	7.0	11.0 <sup>^</sup>	9.4	<b>58</b>
<b>Private lawyer</b>	7.6	13.4	8.8	9.7	<b>60</b>
<b>Non-legal adviser</b>	34.2	36.6	30.1	32.1	<b>199</b>
<b>Self-help resource</b>	13.9 <sup>^</sup>	6.3	3.5 <sup>v</sup>	5.5	<b>34</b>
<b>Act without legal information or formal assistance</b>	24.1	20.4	24.3	23.4	<b>145</b>
<b>No action</b>	15.2	16.2	22.3 <sup>^</sup>	20.0	<b>124</b>
<b>Total number of legal problems</b>	<b>79</b>	<b>142</b>	<b>399</b>		<b>620</b>

Note: N=620 legal problems experienced by matched Indigenous respondents. Level of disadvantage by strategy among matched Indigenous respondents:  $\chi^2=24.77$ ,  $F_{10,2826}=2.77$ ,  $p=0.019$ .

<sup>^</sup> A significantly higher than expected value for this cell (i.e. adjusted standard residual > 2.0).

<sup>v</sup> A significantly lower than expected value for this cell (i.e. adjusted standard residual < -2.0).

**Table 2: Strategy in response to legal problems by level of disadvantage for matched non-Indigenous respondents**

Strategy	Level of disadvantage				N
	None	One type	Multiple	Total	
	%	%	%	%	
<b>Not-for-profit legal service</b>	6.1	4.1	9.2	7.7	<b>48</b>
<b>Private lawyer</b>	9.1	9.6	9.5	9.5	<b>59</b>
<b>Non-legal adviser</b>	37.9	39.0	36.4	37.2	<b>232</b>
<b>Self-help resource</b>	6.1	6.8	4.4	5.1	<b>32</b>
<b>Act without legal information or formal assistance</b>	24.2	25.3	20.4	22.0	<b>137</b>
<b>No action</b>	16.7	15.1	20.1	18.6	<b>116</b>
<b>Total number of legal problems</b>	<b>66</b>	<b>146</b>	<b>412</b>		<b>624</b>

Note: N=624 legal problems experienced by matched non-Indigenous respondents. Level of disadvantage by strategy among matched non-Indigenous respondents:  $\chi^2=8.58$ ,  $F_{10,2782}=0.69$ ,  $p=0.731$ .

There are a few possible explanations of the finding that, within the matched Indigenous subgroup, those with multiple disadvantage were more likely to use not-for-profit legal services. Firstly, given that use of not-for-profit legal services is usually based on means testing, it is likely that eligibility for these services is higher for the more disadvantaged Indigenous respondents. However, this may not be the whole explanation given that, within the matched non-Indigenous subgroup, there was no corresponding higher use of not-for-profit legal services by those with multiple disadvantage.

Secondly, it may reflect the nature of the disadvantage experienced by multiply disadvantaged Indigenous respondents, and the nature of the intertwined legal and non-legal problems they face. It is possible that the more disadvantaged

Indigenous respondents have severe and complex non-legal needs, which affect how they respond to legal problems and impact on their ability to resolve the legal problems they face without recourse to expert legal advice.

Thirdly, the higher use of not-for-profit legal services by the matched Indigenous respondents who had multiple disadvantage may also reflect the nature of the legal problems they experienced. Notably, they experienced a significantly higher proportion of substantial problems (64.2%) compared to the other matched Indigenous respondents (see Appendix Table 1), which is consistent with a higher use of not-for-profit legal services. There were also significant differences in the types of problems experienced by the matched Indigenous respondents depending on their level of disadvantage (see Appendix Table 2).

For example, significantly higher percentages of the problems experienced by the multiply disadvantaged Indigenous respondents were family (11.1%), crime (21.6%) and rights (13.3%) problems.<sup>xv</sup> The raw percentages suggest that the result for crime problems for multiply disadvantaged Indigenous respondents was due to elevated levels of crime offender rather than crime victim problems.<sup>xvi</sup>

In contrast, among the matched non-Indigenous subgroup, there was no significant difference in the severity of problems they experienced by their level of disadvantage (see Appendix Table 1 and 2).<sup>xvii</sup>

### Indigenous status and adviser type

Turning to adviser type, LAW Survey respondents were asked to identify all of the legal and non-legal advisers they used in response to each legal problem followed up in depth. Coumarelos et al. (2012) reported that LAW Survey respondents sought advice from a legal or non-legal professional in response to 51 per cent of their legal problems. However, in the majority of cases where advice was

sought from a professional, only non-legal professionals were consulted. A legal professional was consulted for only 30 per cent of the problems where professional advice was sought.

Coumarelos et al. (2012) found that the most commonly used non-legal advisers by LAW Survey respondents included government advisers, such as government departments, local councils and the police (39% of problems where advice was sought); health or welfare advisers, such as doctors and psychologists (27%); financial advisers such as accountants and insurance companies (22%); dispute resolution or complaint-handling bodies (8%); and trade unions or professional associations (8%; see Appendix Figure 1).

As shown in Figure 2, the matched Indigenous and non-Indigenous respondents in the present study used each type of adviser<sup>xviii</sup> at broadly similar rates. That is, there was no significant difference by Indigenous status for any of the adviser types examined.

Figure 2: Adviser type by Indigenous status



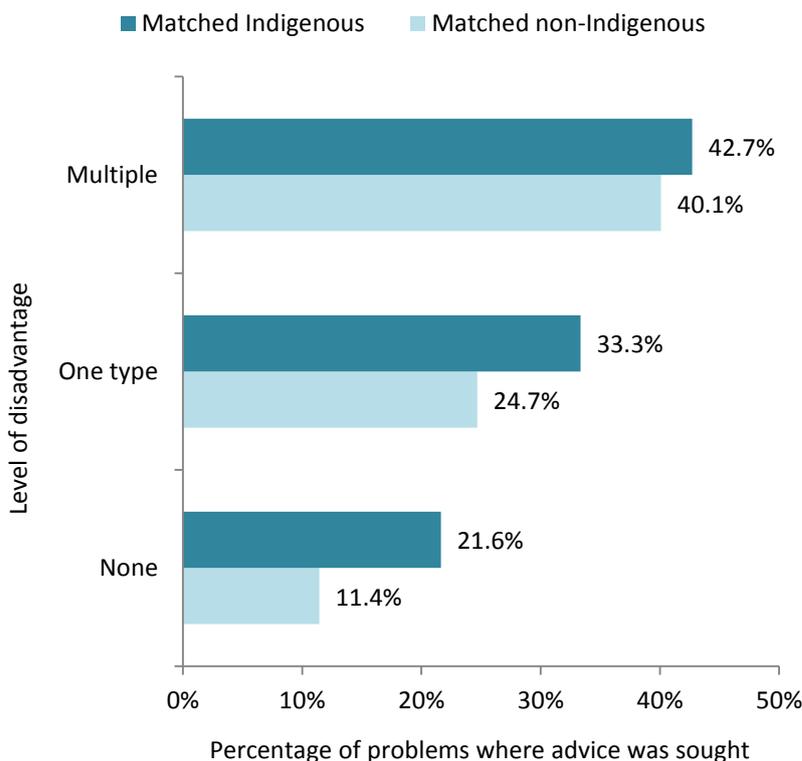
Note: N=317 problems for matched Indigenous respondents and N=339 problems for matched non-Indigenous respondents. Government adviser:  $\chi^2=0.14$ ,  $F_{1,415}=0.15$ ,  $p=0.701$ . Health/welfare adviser:  $\chi^2=1.28$ ,  $F_{1,415}=1.04$ ,  $p=0.309$ . Private lawyer:  $\chi^2=0.11$ ,  $F_{1,415}=0.08$ ,  $p=0.779$ . Other adviser:  $\chi^2=1.03$ ,  $F_{1,415}=1.02$ ,  $p=0.314$ . Financial adviser:  $\chi^2=3.72$ ,  $F_{1,415}=3.12$ ,  $p=0.078$ . Not-for-profit legal service:  $\chi^2=2.07$ ,  $F_{1,415}=1.70$ ,  $p=0.194$ . Dispute/complaint-handling adviser:  $\chi^2=0.05$ ,  $F_{1,415}=0.04$ ,  $p=0.835$ . Trade or professional association:  $\chi^2=0.03$ ,  $F_{1,415}=0.02$ ,  $p=0.963$ .

However, a comparison of Figure 2 with Appendix Figure 1 indicates that, in raw terms, both the matched Indigenous and non-Indigenous subgroups used some advisers at higher rates than the overall LAW Survey sample. Notably, both these subgroups used not-for-profit legal services at higher rates in raw terms than the overall sample (18.3% and 14.2% of problems where advice was sought, respectively, versus 9.9%). Similarly, both these subgroups used health or welfare advisers at higher rates in raw terms than the overall LAW Survey sample (37.9% and 33.6%, respectively, versus 27.2%). The apparently higher use of not-for-profit legal services for the matched Indigenous and non-Indigenous subgroups compared to the overall LAW Survey sample may reflect their higher level of disadvantage compared to the overall LAW Survey sample, their increased experience of substantial legal problems and other differences in the types of legal problems they experienced (see Wei & McDonald 2013).

In addition, we examined whether the advisers used by the matched Indigenous respondents varied according to their level of disadvantage. The only significant difference was for health or welfare advisers. As shown in Figure 3, multiply disadvantaged Indigenous respondents were significantly more likely than the other matched Indigenous respondents to use health or welfare advisers.

The equivalent analysis for the matched non-Indigenous subgroup similarly revealed that those with multiple disadvantage were also significantly more likely than the other matched non-Indigenous respondents to use health or welfare advisers. Again, this was the only adviser type which varied according to the level of disadvantage of the matched non-Indigenous respondents.

Figure 3: Use of health or welfare advisers by level of disadvantage and Indigenous status



Note: N=656 legal problems where advice was sought (N=317 problems for matched Indigenous and N=339 problems for matched non-Indigenous respondents). Two separate chi-square tests were conducted. Level of disadvantage by use of health/welfare adviser among matched Indigenous respondents:  $\chi^2=6.85$ ,  $F_{2,385}=3.29$ ,  $p=0.039$ . Level of disadvantage by use of health/welfare adviser among matched non-Indigenous respondents:  $\chi^2=14.74$ ,  $F_{2,423}=5.99$ ,  $p=0.003$ .

## Indigenous status and barriers

The LAW Survey examined any barriers in obtaining professional advice. Respondents were asked whether or not they had experienced specific barriers for the legal problems where the main adviser was a legal, dispute/complaint-handling or government adviser. The matched Indigenous and non-Indigenous subgroups were compared on the barriers they experienced in obtaining help from these advisers.<sup>xix</sup> Table 3 shows that there was no significant difference between the matched Indigenous and non-Indigenous subgroups in the percentage of problems for which no barrier was

reported – 56.7 and 55.9 per cent, respectively. By comparison, in raw terms, a greater proportion of the overall LAW Survey sample reported experiencing no barriers (59.2%; see Coumarelos et al. 2012). Significant differences between the matched Indigenous and non-Indigenous respondents were observed for one type of barrier examined. The Indigenous subgroup was significantly more likely than the non-Indigenous subgroup to report barriers concerning ‘inadequate or poorly explained advice’ (15.9% versus 8.6%).<sup>xx</sup>

**Table 3: Barriers to obtaining help from main adviser — legal, dispute/complaint-handling and government advisers only — by Indigenous status**

Barrier type	Indigenous		Non-Indigenous	
	N	%	N	%
<b>No barrier</b>	93	56.7	99	55.9
<b>1+ barriers<sup>a</sup></b>	71	43.3	78	44.1
Inconvenient opening hours	19	11.6	20	11.3
Difficulty getting through on telephone	32	19.5	36	20.3
Difficulty getting appointment	26	15.9	17	9.6
Took too long to respond	26	15.9	27	15.3
Too expensive	21	12.8	15	8.5
Too far away or too hard to get to	21	12.8	22	12.4
Inadequate or poorly explained advice *	26	15.9	15	8.6
Other barrier <sup>a*</sup>	29	17.7	16	9.0
<b>All problems with legal, dispute/complaint handling or government main adviser</b>	<b>164</b>		<b>177</b>	

Notes: N=341 problems with legal, dispute/complaint handling or government main advisers (N=164 problems for matched Indigenous and N=177 problems for matched non-Indigenous respondents).

<sup>a</sup> Combines the following categories from the LAW Survey: ‘didn’t cater for coming with young children’, ‘didn’t cater for people with disabilities’, ‘difficulty understanding because non-English speaker’ and ‘other barrier’.

\* Indicates statistically significant difference between the matched Indigenous and non-Indigenous respondents. No barrier:  $\chi^2=0.02$ ,  $F_{1,270}=0.02$ ,  $p=0.892$ . Inconvenient opening hours:  $\chi^2=0.00$ ,  $F_{1,270}=0.00$ ,  $p=0.935$ . Difficulty getting through on telephone:  $\chi^2=0.04$ ,  $F_{1,270}=0.03$ ,  $p=0.859$ . Difficulty getting appointment:  $\chi^2=3.02$ ,  $F_{1,270}=2.69$ ,  $p=0.102$ . Took too long to respond:  $\chi^2=0.02$ ,  $F_{1,270}=0.02$ ,  $p=0.883$ . Too expensive:  $\chi^2=1.69$ ,  $F_{1,270}=1.18$ ,  $p=0.278$ . Too far away or too hard to get to:  $\chi^2=0.01$ ,  $F_{1,270}=0.01$ ,  $p=0.923$ . Inadequate or poorly explained advice:  $\chi^2=4.38$ ,  $F_{1,270}=4.41$ ,  $p=0.037$ . Other barrier:  $\chi^2=5.55$ ,  $F_{1,270}=5.32$ ,  $p=0.022$ .

## Conclusions

This paper has demonstrated important new findings about the relationship between Indigenous people’s level of disadvantage and their response to legal problems, and the barriers they face in obtaining advice:

1. The strategy Indigenous people use in response to their legal problems depends on their level of disadvantage. Multiply disadvantaged Indigenous respondents were significantly more likely than other Indigenous respondents to take no action. When they did take action, multiply disadvantaged Indigenous respondents were significantly more likely to use a not-for-profit legal service as their highest-level strategy, and

significantly less likely to use a self-help resource as their highest-level strategy.<sup>xxi</sup>

2. The type of advisers Indigenous people use in response to their legal problems also varies by their level of disadvantage. Multiply disadvantaged Indigenous respondents were significantly more likely than other Indigenous respondents to use health or welfare advisers.<sup>xxii</sup>
3. Indigenous respondents were significantly more likely than non-Indigenous respondents to report the barrier of ‘inadequately or poorly explained advice’ when their main adviser was a legal, dispute/complaint-handling or government adviser.

The greater use of not-for-profit legal services by multiply disadvantaged Indigenous people who do take action in response to their legal problems appears to reflect in part the nature of the legal problems they experience. The present results showed that the more disadvantaged Indigenous respondents were more likely to report substantial problems and family, crime and rights problems. These findings are in keeping with previous research showing that people are more likely to use a lawyer for more serious problems (Coumarelos et al. 2012). The broader literature also shows that problems regarding family breakdown are often relatively serious problems that result in high rates of seeking legal assistance (see Coumarelos et al. 2012; Currie 2007; Pleasence 2006). In addition, the higher rates of crime problems for the multiply disadvantaged Indigenous respondents may also have contributed to higher use of not-for-profit legal services, given that Aboriginal and Torres Strait Islander legal services tend to have a greater focus on criminal law matters than other types of legal matters (Pleasence et al. 2014). However, it is also possible that the non-legal problems resulting from their greater disadvantage (which may be intertwined with their legal problems) may impact on their ability to resolve their legal problems without assistance.

The finding showing a higher use of health or welfare advisers in response to legal problems by (both Indigenous and non-Indigenous) respondents who were multiply disadvantaged is consistent with the high levels of chronic illness and disability for Indigenous people specifically and for people from lower socioeconomic backgrounds more generally. For example, Indigenous people have higher rates of both physical and psychological ill-health, as well as more severe levels of disability (Australian Indigenous HealthInfonet 2014; Australian Government 2012). This finding is also consistent with the results of Coumarelos et al. (2013), who examined the legal needs of people with different types of chronic illness and disability, and concluded that the neediest clients in the legal services sector tend to be the neediest patients in the health sector, and among the most disadvantaged people in society.

The findings further demonstrate the nexus between level of disadvantage and legal problem-solving behaviour. They are broadly consistent with previous studies focusing on Indigenous access to justice barriers (Allison et al. 2012; Australian Human Rights Commission 2009; Family Law Council 2012). The findings also demonstrate that amongst Indigenous people, legal problem-solving strategy is related to level of disadvantage. Moreover, the

finding that Indigenous people experience barriers concerning inadequate or poorly explained advice at significantly higher rates not only points to the need for legal services that are appropriate to the legal need and capability of multiply disadvantaged Indigenous people, but also points to a need for accessible legal assistance services that are client-focused and culturally appropriate (see Family Law Council 2012; Pleasence et al. 2014).

A number of policy implications arise from the findings. Critically, Indigenous people suffering higher disadvantage are less likely to use self-help as their highest action and are more likely to rely on not-for-profit legal services. It is therefore important that the scope of public legal services appropriately caters to the legal need and capability of Indigenous people – particularly those experiencing multiple disadvantage and likely to face multiple and substantial legal problems. The nature of the intertwined legal and non-legal problems that multiply disadvantaged Indigenous people experience may affect their legal capability (see Coumarelos et al. 2012). Higher levels of inaction and reliance on expert legal advice rather than reliance only on self-help both point to community legal education and dedicated legal assistance services as key strategies to address Indigenous unmet legal need. Caution is needed, however, against community legal education strategies being pursued as the means of effectively redressing the multiple and substantial legal problems that multiply disadvantaged Indigenous people typically experience. Rather, community legal education might be an integral part of a multifaceted and holistic approach intended to motivate appropriate action and signpost culturally accessible services (see Coumarelos et al. 2012; Pleasence et al. 2014; Wei & McDonald 2013). Legal assistance services that reach beyond criminal problems and are targeted and tailored to family and civil legal needs may be vital for redressing Indigenous unmet legal need and entrenched disadvantage (see Pleasence et al. 2014).

Moreover, given the increased prevalence of ill-health and disability among Indigenous people in general, and the higher use of health or welfare advisers among multiply disadvantaged Indigenous people in particular, the current findings re-confirm the potential utility of integrated legal, health and broader human services (Coumarelos et al. 2013; Pleasence et al. 2014).

The new findings in this paper also suggest that further empirical research to examine legal problem solving behaviour by Indigenous status and level of disadvantage is warranted.

## Appendix

**Appendix Table 1: Problem severity by Indigenous status**

Problem severity	Indigenous			Non-Indigenous			Total N
	Level of disadvantage			Level of disadvantage			
	None	One type	Multiple	None	One type	Multiple	
Substantial	39.2 <sup>v</sup>	52.1	64.2 <sup>^</sup>	45.5	52.7	58.3	<b>708</b>
Minor	60.8 <sup>^</sup>	47.9	35.8 <sup>v</sup>	54.5	47.3	41.7	<b>534</b>
<b>Total</b>	<b>79</b>	<b>142</b>	<b>399</b>	<b>66</b>	<b>146</b>	<b>412</b>	<b>1244</b>

Notes: N=1244 legal problems (620 for matched Indigenous and 624 for matched non-Indigenous respondents). Three separate chi-square tests were conducted. Indigenous status by problem severity:  $\chi^2=0.87$ ,  $F_{1,592}=0.64$ ,  $p=0.423$ . Level of disadvantage by problem severity among Indigenous respondents:  $\chi^2=19.67$ ,  $F_{2,593}=7.63$ ,  $p=0.001$ . Level of disadvantage by problem severity among non-Indigenous respondents:  $\chi^2=4.41$ ,  $F_{2,593}=1.65$ ,  $p=0.193$ .

<sup>^</sup> A significantly higher than expected value for this cell (i.e. adjusted standard residual > 2.0).

<sup>v</sup> A significantly lower than expected value for this cell (i.e. adjusted standard residual < -2.0).

**Appendix Table 2: Problem type by Indigenous status and level of disadvantage**

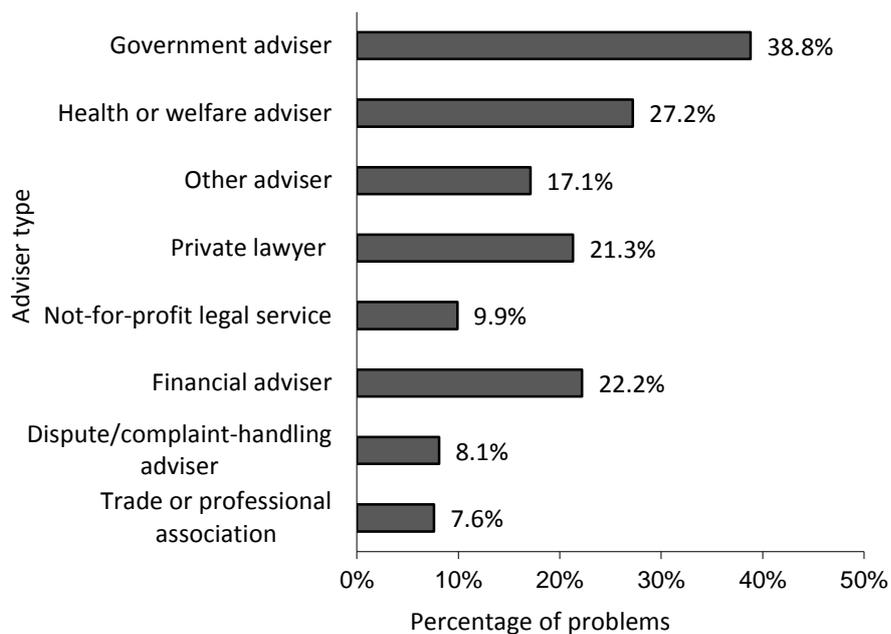
Problem type	Indigenous			Non-Indigenous			Total N
	Level of disadvantage			Level of disadvantage			
	None	One type	Multiple	None	One type	Multiple	
Accident	6.0	7.0	3.5	6.1	8.2	5.3	<b>67</b>
Consumer	20.3	18.3 <sup>^</sup>	9.8 <sup>v</sup>	22.7	24.0	10.9	<b>176</b>
Credit/debt	8.9	6.3	7.0	3.0	8.2	9.3	<b>92</b>
Crime	15.2	14.8	21.6 <sup>^</sup>	21.2	17.1	22.6	<b>251</b>
Employment	3.8	12.7 <sup>^</sup>	4.3 <sup>v</sup>	4.5	8.2	6.1	<b>78</b>
Family	2.5 <sup>v</sup>	5.6	11.1 <sup>^</sup>	0.0	6.8	10.4	<b>107</b>
Government	10.1	4.2	10.0	9.1	5.5	8.0	<b>101</b>
Health	2.5	4.9	4.8	3.0	2.1	3.6	<b>48</b>
Money	11.4 <sup>^</sup>	3.5	0.8 <sup>v</sup>	10.6	7.5	9.7	<b>115</b>
Housing	8.9	9.9	9.0	4.5	2.1	2.4	<b>33</b>
Personal injury	5.1	5.6	5.0	10.6	8.2	5.3	<b>73</b>
Rights	5.1 <sup>v</sup>	7.0	13.3 <sup>^</sup>	4.5	2.1	7.3	<b>103</b>
<b>Total</b>	<b>79</b>	<b>142</b>	<b>399</b>	<b>66</b>	<b>146</b>	<b>412</b>	<b>1244</b>

Notes: N=1244 legal problems (620 for matched Indigenous and 624 for matched non-Indigenous respondents). Three separate tests of statistical significance were conducted. Indigenous status by type of problem:  $\chi^2=15.52$ ,  $F_{11,6384}=1.34$ ,  $p=0.198$ . Level of disadvantage by type of problem among Indigenous respondents:  $\chi^2=76.23$ ,  $F_{20,5904}=3.59$ ,  $p=0.000$ . For level of disadvantage by type of problem among non-Indigenous respondents, there were insufficient numbers to conduct a chi-square test, but the Fisher's exact test was significant:  $p=0.003$ .

<sup>^</sup> A significantly higher than expected value for this cell (i.e. adjusted standard residual > 2.0).

<sup>v</sup> A significantly lower than expected value for this cell (i.e. adjusted standard residual < -2.0).

Appendix Figure 1: Adviser types used by LAW Survey sample



Note: N=9783 legal problems where advice was sought.

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## Endnotes

- i In the LAW Survey Indigenous status was self-defined using the question “Are you of Aboriginal or Torres Strait Islander origin?” The LAW Survey had 20 716 respondents across Australia, of which, 612 self-identified as being Indigenous and 20 104 were non-Indigenous.
- ii In the LAW Survey, for each specific type of legal problem reported, the respondent rated the problem’s severity in terms of its impact on their everyday life, choosing from ‘none’, ‘slight’, ‘moderate’ and ‘severe’ impact. Problems rated as having no impact or only a slight impact on everyday life are referred to as ‘minor problems’, and problems rated as having a moderate or severe impact on everyday life are referred to as ‘substantial problems’.
- iii For example, respondents with low education levels and people with a non-English main language had significantly higher levels of inaction.
- iv The pool of up to three of the ‘most serious’ problems for each respondent that were followed up in depth was determined as follows. The LAW Survey asked about 129 specific types of legal problems. Respondents who had experienced legal problems were asked to order the different specific types of legal problems they had experienced in terms of seriousness, and then to identify the worst instance of each specific type. The worst instance of the three most serious specific types of problems were then followed up in depth. Respondents who had experienced fewer than three specific types of problems were only asked about the worst instance of the (one or two) specific types they had experienced.
- v Note that ‘private lawyer’ includes a small number of other legal advisers who were not further specified, (e.g. ‘lawyer’, ‘barrister’, ‘QC’ etc.), as well as other organisations that were not further specified, such as legal services provided by an employer, union or insurance company. These other legal advisers were used for less than one per cent of the legal problems experienced by the matched Indigenous and non-Indigenous respondents.
- vi Communicating with the other side, consulting relatives or friends, having a case that involved or was likely to involve court, tribunal or formal dispute resolution processes, without consulting a legal or non-legal professional and without using a self-help resource.
- vii This measure of strategy expands on the measure used by Coumarelos et al. (2012), which classified actions into three broad strategies, ‘sought advice’, ‘handled without advice’ and ‘took no action’. The present paper breaks down the ‘sought advice’ category into ‘not-for-profit legal services’, ‘private lawyer’, and ‘non-legal adviser’, and breaks down ‘handled without advice’ into ‘self-help resource’ and ‘act without legal information or formal assistance’.
- viii Propensity score matching (PSM) with 1:1 case matching was used to control for the confounding influences of gender, age and the eight indicators of disadvantage used in the LAW Survey, namely, long-term illness or disability, disadvantaged housing, low personal income (i.e. less than \$400/week), low education level (i.e. Year 11 or below), having a non-English main language, living in a remote or outer regional area, single parenthood and unemployment within the last 12 months. PSM uses the predicted probability of group membership (i.e. membership in the Indigenous versus non-Indigenous subgroups), obtained from logistic regression, to match respondents on the distribution of selected covariates (see further Wei & McDonald 2013).
- ix Data for matching were missing for 88 Indigenous respondents.
- x However, it is important to note that it is possible that covariates not included in the matching process (i.e. variables other than gender, age and the eight indicators of disadvantage) may in part account for any differences observed between the Indigenous and non-Indigenous subgroups, given that the PSM matching can only be as good as the covariates used (Thoemmes 2011; Thoemmes & Kim 2011). PSM was conducted using IBM SPSS Statistics version 19.
- xi See endnote iv above regarding the process used to determine the ‘most serious’ problems that were followed up in depth for each respondent.
- xii Rao-Scott adjusted chi-square analyses, which accounted for the clustering of problems within respondents, were conducted using IBM SPSS Statistics version 19.
- xiii The main adviser was either the sole adviser consulted or was the adviser rated by the respondent as the most useful adviser when multiple advisers were consulted. For barriers to obtaining help, only main advisers who were legal, dispute/complaint-handling or government advisers were examined.
- xiv In raw terms, the percentage of matched non-Indigenous respondents with multiple disadvantage who used not-for-profit legal services was higher than the percentage of other matched non-Indigenous respondents (9.2% versus 4.1–6.1% of problems). However, this result did not quite reach significance, having a standardised adjusted residual of 1.90.
- xv These analyses, like all the analyses in this paper, were based on the ‘most serious’ problems for which in-depth questions regarding strategy were asked. See endnote iv above for further details.
- xvi More than one-quarter (26.7%) of the crime problems experienced by the multiply disadvantaged Indigenous respondents were offender rather than victim problems, whereas less than 10 per cent (4.8–8.3 %) of the crime problems experienced by the other matched Indigenous respondents were offender problems.
- xvii There were, however, significant differences in the problem types experienced by the matched non-Indigenous respondents depending on their level of disadvantage (see Appendix Table 2). This result was based on a Fisher’s exact test because there were insufficient numbers to conduct a chi-square test with adjusted standard residuals for each cell in the cross-tabulation. Consequently, it is not possible to draw firm conclusions about which particular problem types are significantly elevated for multiply disadvantaged non-Indigenous respondents.
- Note also that there were no significant differences in problem severity and problem type between the matched Indigenous subgroup as a whole (irrespective of level of disadvantage) and the matched non-Indigenous subgroup as a whole (see Appendix Tables 1 and 2).
- xviii In some cases, respondents consulted multiple advisers for the same legal problem.
- xix There were insufficient numbers to examine the barriers experienced in obtaining help broken down by both Indigenous status and level of disadvantage.
- xx The Indigenous subgroup was also significantly more likely to report barriers falling into the ‘other’ category (17.7% versus 9.0%), which included ‘didn’t cater for coming with young children’, ‘didn’t cater for people with disabilities’ and ‘difficulty understanding because non-English speaker’, as well as various other barriers. However, there were insufficient numbers to examine which of these ‘other’ barriers contributed to this significant difference.
- xxi Comparable findings by level of disadvantage were not evident for the matched non-Indigenous respondents.
- xxii This finding was also significant for the matched non-Indigenous respondents.