



Prevalence of legal problems in Australia

Abstract: *This paper summarises findings from the Legal Australia-Wide (LAW) Survey concerning the prevalence of legal problems in Australia. Legal problems were widespread and often substantial. One-half of respondents reported experiencing at least one legal problem in the 12 months prior to interview, with just over one-fifth experiencing three or more legal problems. Furthermore, more than one-quarter of respondents experienced a substantial legal problem that had a moderate or severe impact on their everyday life. Some types of legal problems were more prevalent than others. Importantly, some demographic groups, including many disadvantaged groups, had increased vulnerability to legal problems.*

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 survey research in Canada, Japan, the Netherlands, New Zealand, the United Kingdom and the United States, amongst other countries, has demonstrated that legal needs are ubiquitous and have broad implications for physical, emotional and social well-being. The pervasive nature of legal needs arises to a large extent because the law permeates so many aspects of modern-day life. Many of the problems people commonly experience, such as consumer, debt, employment, family, health, housing and injury problems, are nested within legal rights and obligations.

Such surveys have found that although legal problems are common, they are not distributed uniformly within populations. The prevalence of legal problems varies with legal problem type as well as with demographic characteristics.

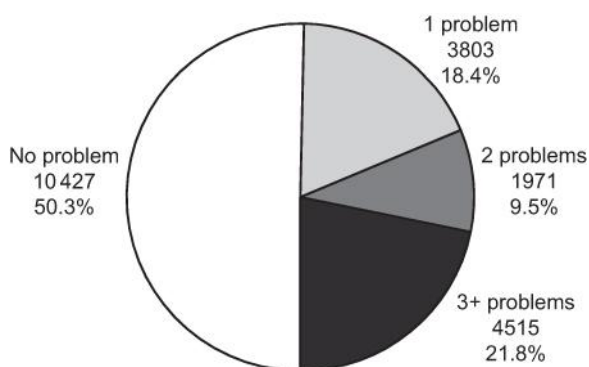
Prevalence of legal problems

A representative sample of 20 716 respondents across Australia aged 15 years or over were interviewed. The LAW survey examined 129 different types of civil, criminal and family law problems, which were further categorised into 12 problems groups — accidents, consumer, credit/debt, crime, employment, family, government, health, housing, money, personal injury and rights. Respondents were asked whether they had experienced each type of problem in the 12 months prior to interview.

As shown in Figure 1 (page 2), the overall prevalence of legal problems was considerable, with one-half of respondents experiencing at least one legal problem.

The experience of multiple legal problems (i.e. at least two legal problems) was also common. Multiple legal problems were reported by 31 per cent of respondents, with 22 per cent experiencing three or more legal problems.

Figure 1: Prevalence of legal problems, Australia



Note: N=20 716 respondents.

Applying these sample percentages to population numbers, it is estimated that 8 513 000 people aged 15 years or over in the Australian population experience a legal problem within a one-year period, including 1 631 000 who experience two legal problems and 3 736 000 who experience three or more legal problems.ⁱ

Some individuals were particularly likely to experience multiple legal problems. In fact, the majority of legal problems were concentrated among a minority of respondents. Only nine per cent of respondents accounted for 65 per cent of the reported legal problems, and only 22 per cent of respondents accounted for 85 per cent of the problems.

Prevalence of substantial legal problems

Respondents rated the severity of each legal problem in terms of its impact on their everyday life. More than one-quarter of respondents (27%) reported a 'substantial' legal problem – that is, a legal problem that had a 'severe' or 'moderate' impact on their everyday life. This percentage translates to an estimated 4 664 000 people experiencing a substantial legal problem within a one-year period.ⁱⁱ

Prevalence of different types of legal problems

There was considerable variation in the prevalence of different types of legal problems. The types of legal problems with the highest prevalence were consumer (21%), crime (14%), housing (12%) and government (11%) problems.

Predicting prevalence of legal problems

Regression analyses examined the types of legal problems and the demographic groups that had higher prevalence levels according to the following measures:

- overall prevalence of legal problems
- prevalence of substantial legal problems
- prevalence of multiple legal problems
- prevalence of problems from each of the 12 legal problem groups.

The regression results showed that the prevalence of legal problems was significantly related to the characteristics of the problems and the demographic characteristics of respondents.

Age was one of the strongest demographic predictors in most regressions. Compared to one or more of the younger age groups, the oldest age group had lower prevalence of legal problems overall, substantial legal problems, multiple legal problems and problems from all 12 legal problem groups. Different types of legal problems also tended to peak at different ages or stages of life.

Gender generally showed fewer and weaker relationships to the prevalence of legal problems. Males had higher prevalence of legal problems overall, multiple legal problems and problems from six problem groups. Females had higher prevalence of substantial legal problems and of legal problems related to health issues.

Regression analyses showed that a number of disadvantaged population groups had high prevalence of legal problems. People with a disability were the disadvantaged group with increased prevalence according to the greatest number of measures. However, single parents, people who had been unemployed and people who had lived in disadvantaged housing also had increased prevalence according to several measures.

Unlike most indicators of disadvantage, low education levels and non-English main language tended to be related to *low rather than high* prevalence according to several measures.

People whose main source of income was government payments, Indigenous people and people living in remote or regional areas had a few significant relationships with prevalence. For example, Indigenous people had high prevalence of multiple legal problems, and of legal problems related to government, health and rights issues.

Conclusion

Consistent with previous research, the LAW Survey reiterates that legal problems are encountered routinely by people from all walks of life. Many of the problems people commonly experience as a consequence of being consumers, borrowers of money, employers and employees, and so on, are nested within legal rights and obligations. Thus the LAW Survey reinforces the fundamental role of access to justice in promoting well-being throughout the wider community and highlights the importance of a justice system that facilitates effective resolution of the wide range of legal problems commonly experienced by the general public.

The LAW Survey also highlights that disadvantaged population groups are typically the sections of the community that are most vulnerable to legal problems, and often experience multiple and substantial legal problems. A small minority of people account for the majority of the legal problems experienced by the population, and disadvantaged people are particularly likely to fall into this minority group. People with a disability were the disadvantaged group that had increased vulnerability according to the most indicators. However, other disadvantaged groups, including single parents, unemployed people, people living in disadvantaged housing and Indigenous people, also had increased vulnerability to legal problems. Thus, the LAW Survey findings also underscore the value of tailoring access to justice in Australia to meet the legal needs of disadvantaged people.

Endnotes

- ⁱ These figures are based on estimated Australian population numbers as at June 2008.
- ⁱⁱ These figures are based on estimated Australian population numbers as at June 2008.