COLLABORATIVE PLANNING RESOURCE – SERVICE PLANNING

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Table of contents

Shortened forms iv

Section 1: Purpose of this resource 1

Section 2: The research evidence regarding legal need and capability 3

Section 3: Using research evidence in planning and establishing legal assistance services 9

Section 4: Who are priority groups for legal assistance services? 12

Section 5: General population (15 years or over) 15

Section 6: People with multiple disadvantage 19

Section 7: Older people (65 years or over) 24

Section 8: Youth (under 25 years) 29

Section 9: Indigenous Australians 34

Section 10: Single parents 38

Section 11: People experiencing or at risk of family violence 42

Section 12: People living in disadvantaged housing and homeless people 46

Section 13: Prisoners 50

Section 14: People living in remote and regional areas 53

Section 15: People from CALD backgrounds 58

Section 16: People with a disability or mental illness 63

Section 17: People with low education levels 68

Section 18: Financially disadvantaged people 71

Section 19: Unemployed people 75

Appendices 78

References 94

Endnotes 101

Shortened forms

ABS	Australian Bureau of Statistics
ARIA	Accessibility and Remoteness Index of Australia
ATSILS	Aboriginal and Torres Strait Islander Service
CALD	culturally and linguistically diverse
CLCs	community legal centres/services
CLE	community legal education
CLEI	community legal education and information
CLSD	Cooperative Legal Services Delivery
CPR-JD	*Collaborative Planning Resource – Jurisdictional Data*
CPR-SP	*Collaborative Planning Resource – Service Planning*
Foundation	Law and Justice Foundation of NSW
GP	general practitioner
HSS	Humanitarian Settlement Services
JI paper	*Justice issues* paper
LAW Survey	Legal Australia-Wide Survey
LGA	Local Government Area
MOSAIC	Migrant Outreach Service Advice Information and Community Education
NLAS	Need for Legal Assistance Services indicators
NPA	National Partnership Agreement on Legal Assistance Services
NPBRC	National Pro Bono Resource Centre
PIAC	Public Interest Advocacy Centre
QPILCH	Queensland Public Interest Law Clearing House
SA2	ABS Statistical Area Level 2
SEIFA	Socio-Economic Index for Areas
SFPARC	Senate Finance and Public Administration References Committee
SLCRC	Senate Legal and Constitutional References Committee
SGP	Settlement Grants Program
UJ paper	*Updating justice* paper
YouthLaw	Young People's Legal Rights Centre

Section 1: Purpose of this resource

The 2015 National Partnership Agreement on Legal Assistance Services (NPA) between the Commonwealth of Australia and the States and Territories provides the following objective:

> *a national legal assistance sector that is integrated, efficient and effective, focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.*[1]

The NPA lists collaborative service planning as one of several processes for achieving this objective, and directs that this planning should be evidence-based. Legal needs and access to justice research provides one key source of evidence that can inform service planning.

The Law and Justice Foundation of NSW (Foundation) has drawn together empirical research evidence in this *Collaborative Planning Resource – Service Planning* (CPR-SP) to help inform and support the planning of legal assistance services. The CPR-SP does not specify strategic service priorities but collates information that may assist collaborative service planning at jurisdictional, regional and local levels, as well as planning within individual legal assistance service organisations. Service priorities are likely to vary between and within jurisdictions, given differences in current service infrastructure, geography, demographics and the challenges faced. Nonetheless, the empirical evidence suggests that legal assistance services may be most efficient and effective when they are targeted, joined up, timely and appropriate to the legal needs and capability of intended users.[2]

The CPR-SP is provided to *complement* other evidence and information available to agencies for planning, including strategic and organisational frameworks and policies, administrative data, and other statistics and information relevant to the demand for legal assistance and the best ways to address this demand. Thus, this resource is not meant to be a stand-alone, comprehensive resource for planning legal assistance services, nor the sole source of relevant information.

The CPR-SP has been developed in tandem with the *Collaborative Planning Resource – Jurisdictional Data* (CPR-JD)[3] with part funding from a grant provided by the Commonwealth Attorney-General's Department in Australia.

The CPR-JD intends to assist jurisdictions in Australia to identify where potential clients are distributed across their jurisdiction. A version for each Australian state and territory is available on the Foundation website. The CPR-JD draws on Australian Census data to tabulate and map the location of people that are:

- in priority groups for legal assistance services, as identified by the NPA,[4] or
- likely to be in need of legal assistance services for financial or other reasons.

Although the CPR-SP is relevant across jurisdictions in Australia, it also has more general relevance for service planning within jurisdictions outside Australia. It outlines research evidence on:

- the vulnerability of priority groups to experiencing legal problems
- how priority groups respond to their legal problems, including the barriers they face in seeking help and their capability to resolve these problems
- the implications for designing legal service delivery to these groups, including pathways to assistance and service options appropriate to their needs and capabilities.

The CPR-SP draws on nearly 15 years of major research undertaken by the Foundation, together with other key legal needs and access to justice studies from across the globe. Two key Foundation reports informing this resource are:

Legal Australia-Wide Survey: Legal Need in Australia (LAW Survey)[5]

Reshaping legal assistance services: building on the evidence base.[6]

The CPR-SP is also informed by a number of research and evaluation studies conducted in Australia and overseas into the effectiveness of different legal assistance strategies. A feature of these studies is the insight and experience of practitioners who work day to day to improve access to justice for their disadvantaged clients.

Using this resource

Planning legal assistance services requires planners to consider how to use available resources to meet strategic service priorities. Planning services also requires consideration of questions relevant to the **'who', 'where', 'what'** and **'how'** of appropriate legal service delivery. The CPR-SP informs some of these questions, and, in particular, informs the design of appropriate legal services for specific priority groups.

Section 2 of the CPR-SP provides a brief summary of the research **evidence base** on legal need and its implications for planning legal assistance services.

Section 3 of the CPR-SP describes how the research evidence presented in the following sections can inform planning – which types of planning questions it can answer and examples of other relevant questions and information sources. Specifically, the CPR-SP provides valuable insights into 'who' priority clients are, 'what' type of services are appropriate to their legal needs and capabilities, and 'how' these services might be delivered. Section 3 also shows the place in the planning process of other data, such as the **CPR-JD**, which provides information on **'where'** priority clients are located.

Section 4 summarises **'who'** the priority groups are for legal assistance services.

Each of **Sections 5–19** focuses on a different priority or target group. Based on the research evidence, the legal needs and capabilities of the target group are outlined and considerations are provided for designing legal services to this group – the **'what'** and **'how'** of appropriate service delivery to this group.

Section 2: The research evidence regarding legal need and capability

Empirical research in Australia and overseas provides a clear picture of the nature and distribution of legal need, and the capability of different people to manage their legal issues. The following key conclusions have emerged from the research and have clear implications for the design of legal service delivery.[7]

Clear inequality in the experience of legal problems

Although the experience of legal problems is widespread throughout the population, some sections of the community are much more vulnerable than others. Less than one-tenth of people (9%) people account for approximately two-thirds (65%) of legal problems.[8]

Inequality links to socioeconomic disadvantage

Legal problems are particularly prevalent among socially disadvantaged groups, such as people with chronic ill-health/disability, single parents, the unemployed and people in disadvantaged housing.[9] Legal problems are especially elevated for people with multiple types of socioeconomic disadvantage.[10]

Socioeconomic disadvantage is linked to lower personal capability for resolving legal problems

Despite widespread legal need, there is no 'rush to law'. Many people ignore their legal problems, only a minority seek legal advice and few finalise their problems via the formal justice system. Sometimes these responses are appropriate and lead to successful resolution – for example, reflecting less serious problems or alternative avenues for resolution.

However, there are many barriers to accessing justice. Environmental, systemic and cultural factors can make justice inaccessible, including distance and scant services and infrastructure in remote areas, cost, and the fragmentation of the legal system.[11] People's personal circumstances and 'legal capability' can also constrain them from recognising and resolving their legal problems. They may lack the knowledge, self-help skills, motivation, finances and other resources to access help and may delay action until crisis hits.[12] Disadvantaged sections of the community often have lower legal capability.

Legal problems don't exist in isolation

Legal problems occur in defined 'clusters' and often coexist with 'everyday life' problems, including wider social, economic and health problems. Thus, legal needs often come hand-in-hand with non-legal needs. Legal needs can both result from broader problems and cause or reinforce socioeconomic disadvantage.[13]

Implications of the evidence base for legal assistance services

These findings indicate that to most efficiently and effectively assist those with the disproportionate amount of legal need, services should be increasingly client-focused, that is:

- **targeted** to reach those with the highest legal need and lowest capability
- **joined-up** with other services to address complex life problems
- **timely** to minimise the impact of problems and maximise the utility of services
- **appropriate** to the needs and capabilities of users.[14]

Targeted services

Targeting services to those who need them most is a key method for making justice more accessible and ensuring that limited public funds are used optimally. Disadvantaged groups can be marginalised from mainstream services. Outreach legal services are one way of proactively targeting and meeting the legal needs of marginalised groups. Although outreach legal services can face many challenges, they can also result in benefits that may not be achievable via mainstream services.[15]

The legal needs of the broader community should not be forgotten. Simplifying the gateways into mainstream legal services, more systematic use of non-legal professionals as legal problem noticers, and better legal diagnosis, triage and referral would facilitate access for the community at large.

Joined-up services

Some disadvantaged people who fail to access legal services may be connected to other human or support services. These human services can provide a gateway to legal assistance services for these groups. Joined-up services can facilitate swift, easy and seamless movement between legal and non-legal services to promote a holistic, comprehensive response to the full set of legal and associated non-legal needs faced by clients.

Joined-up services can take many forms, from simple referral between services to full integration. In general, as the level of joining-up increases, the level of autonomy decreases and the resources required to manage collaboration increase. The challenges to joining up services are many and complex. Thus, especially for more intensive joining up, the challenges need to be weighed against the benefits.[16]

Timely services

Traditionally, the concept of ‘early intervention’ legal assistance involves less intensive help, such as legal information and self-help, early in the legal process, with the aim of resolving problems sooner and at lower cost. However, this type of early intervention may not meet the needs of the most disadvantaged who are less capable of resolving their legal problems without more intensive assistance. Their problems often have long histories and unpredictable futures, and they may not seek assistance until crisis has hit – making ‘early intervention’ more challenging.

A more nuanced approach is to consider 'timely' legal assistance relative to the client's experience of problems and help-seeking. Timely services help people when they are ready and able to act, at whatever stage of the legal process this is. Ideally this is before problems further escalate, compound and become more costly to solve. Targeted and joined-up services offer opportunities to reach people before issues escalate. However, sometimes, the earliest intervention possible may be at crisis point, when people can no longer ignore their problem and are propelled into action.[17]

Appropriate services

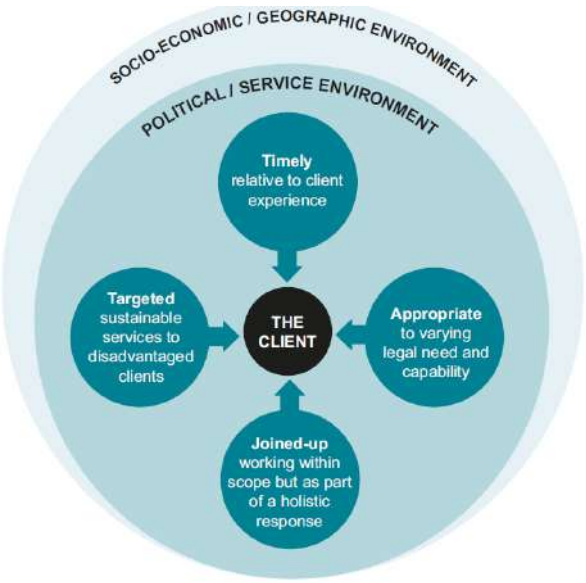
Appropriate services enable efficiencies by providing the least expensive services required to meet the legal needs and capabilities of particular clients. As noted above, disadvantaged people, who are a priority for public legal assistances services, often have low capability. People with low capability are generally less able to use self-help and unbundled services effectively and therefore may require more intensive assistance to resolve their legal problems. However, similarly intensive assistance may be unnecessary and wasteful for more capable sections of the community.

The provision of appropriate legal assistance relies on the ability to determine legal capability. Ideally, legal services would be appropriately matched to client capability from intake through to resolution and follow-up. Client assessment can occur via diagnostic triage and referral by non-legal workers (e.g. via legal health checks) and legal service eligibility criteria.[18]

Implementing service change in the existing context

The development of targeted, joined-up, timely and appropriate legal services must necessarily occur in the context of existing socioeconomic, geographic, political and service environments, with their attendant opportunities and constraints in terms of resources and infrastructure (see Figure 2.1).[19] Notably, in Australia, current fragmentation of accountability, policy, funding and delivery challenges system-wide changes in the public legal assistance sphere.

Figure 2.1: A framework for client-focused public legal service delivery



Source: Pleasence et al. (2014), p. 164.

Service planning typically occurs within pre-existing strategic frameworks and priorities (such as the NPA in Australia). In addition, limited funding can impose considerable constraints in planning and improving legal services. Thus, sometimes, change may only be possible through reconfiguring existing resources and ways of working (e.g. via service innovation, collaboration or efficiency).[20] Another challenge is that legal services rarely have the resources or jurisdiction to have primary carriage of inter-sector coordination, as other human services receive greater public funding and as the law often only becomes a first line response when crisis has hit.

A holistic approach to service delivery: one size does not fit all

The evidence suggests that there will be no single or 'ideal' model of service delivery. Rather, strategies are better 'made to measure' – appropriately matched to the diverse legal need and capability of clients, and informed by the existing service infrastructure and gaps across the community.

Within a jurisdiction, this holistic, multifaceted approach may include a raft of strategies, such as self-help strategies for more straightforward problems and more able sections of the community, together with more intensive assistance strategies for disadvantaged people who are less able to resolve problems alone. Similarly, technology-based legal service delivery has the potential to broaden access through opportunities of scale, capital and centralised service delivery, but may be less appropriate for the needs and capability of more marginalised sections of the community.[21] Thus, in any given jurisdiction, the suite of strategies which take account of differing need and capability may include:

- legal information and education strategies
- self-help tools
- accessible legal services

- community legal education and referral training for non-legal problem noticers, relevant to the legal problems of their clients
- integrated legal services (able to assist with a range of legal problem types)
- integrated responses to legal and non-legal needs, including networking and service partnerships
- tailoring of services for specific problems
- tailoring of services for specific demographic groups.[22]

Also relevant to service planning is geography and the existing infrastructure within a jurisdiction. For instance, in some rural areas, distance, poor public transport and fewer on-the-ground services may be relevant considerations in planning services. Conversely, population density and diversity, and complex human service environments, may influence planning in urban areas. In addition, there may be benefit in service providers considering their role within the broader system of available services. What gaps exist in service provision? How can these gaps be filled to successfully meet the needs and capabilities of clients, avoiding doubling up of services, and capitalising on relevant opportunities for networking and coordination of services?

While geography is important to service planning, services may also be planned in reference to *when* people experience legal problems (e.g. around crises such as family breakdown, loss of employment, sudden illness or death of a loved one), and the related pathways to legal help in these cases. Noting that people do not come directly to legal services as their first port of call,[23] strategies such as effective referral and outreach legal services may make legal services more accessible at these times.

Towards best practice service delivery

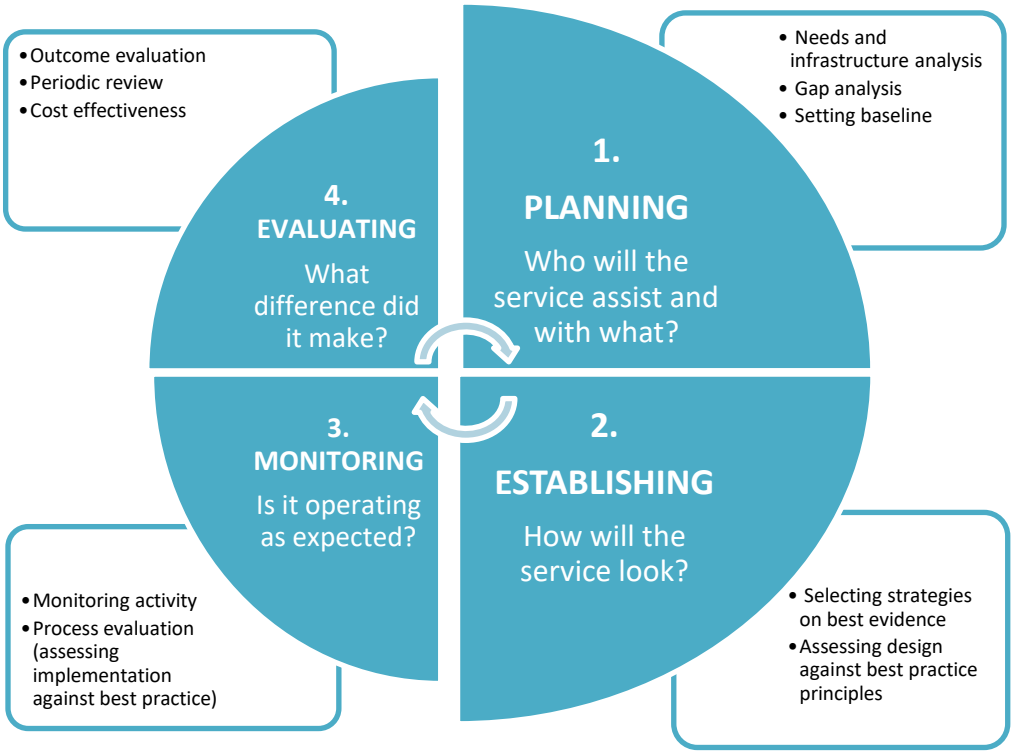
Implementing service change and working towards best practice service delivery involves not only planning and establishing services that reach relevant clients and are appropriately tailored to their legal needs and capabilities, but also integrating ongoing monitoring and evaluation into service provision to inform decision making. As Figure 2.2 illustrates, there are four main phases in delivering service change or reform, which together provide a cyclical learning process:

- At the **planning phase**, the problem and the desired outcomes are articulated
- At the **establishment phase**, strategies are selected and implemented, based on the best available evidence and resources
- At the **monitoring phase**, the success in implementing the strategies as planned is assessed and adjustments are made as lessons are learnt
- At the **evaluation phase**, assessment is made of what worked. However, this is a culmination of all the above: knowing the aims, designing the strategies to address these aims, implementing and adjusting these strategies as needed and then, finally, assessing what happened.

Monitoring and evaluation are ideally part of this cyclical learning process which commences with program or strategy planning. Although the CPR-SP focuses in particular

on the ‘planning’ and ‘establishing’ phases of service delivery, it is important to consider how monitoring and evaluation can be built in ‘at the front end’ when establishing or altering services.

Figure 2.2: Phases in delivering service change



Source: Adapted from Pleasence et al. (2014), p.175

Section 3: Using research evidence in planning and establishing legal assistance services

Research evidence is one of a number of factors to consider in ***planning*** and ***establishing*** legal service delivery at different levels.

Figure 3.1 describes the types of questions relevant to planning services that the legal needs research evidence presented in later sections of the CPR-SP can help inform. The figure also presents some other key considerations for planning and provides examples of other data and information relevant to these considerations. Note that the figure is not meant to provide an exhaustive list of questions nor information sources to be considered in planning, and the relevant considerations will vary depending on the level and type of planning and the specific context.

Importantly, as Figure 3.1 indicates, service planning is necessarily shaped by strategic priorities, available resources and the existing political, socioeconomic and service environment. Thus, strategic frameworks such as the NPA and other information about priorities, funding and the current service environment are key considerations for collaborative service planning. Other potentially useful data sources that are outlined in the 2015 NPA include data held by local councils and data contained in planning and research reports and toolkits.[24] On-the-ground knowledge held by local legal and human services, as well as other stakeholders, can also contribute usefully to planning legal services.

As shown in Figure 3.1, the research evidence summarised in the CPR-SP is one useful source for informing the following questions relevant to planning:

- 'who' the priority clients are, including their legal needs and capabilities
- 'what' type of service delivery would be accessible to these clients, and appropriate and proportionate to their needs and capabilities
- 'how' this type of service can be delivered, given the existing gaps in services and opportunities available for service reform or innovation.

As the question of 'where' priority clients are located is jurisdiction-specific, the CPR-JD provides data and maps identifying the location of priority clients within each jurisdiction.

Note that the CPR-SP does not provide information regarding gaps in existing legal assistance services. Again, this requires information that is specific to the jurisdiction or local area in question.

Figure 3.1: Questions relevant to planning and establishing legal assistance services

QUESTIONS	EXAMPLES OF RELEVANT INFORMATION SOURCES
Strategic priorities and resources	
Service priorities *What are the strategic service priorities?*	•National priorities (e.g. NPA priorities in Australia) •Jurisdictional/state plans and policies •Organisational plans and policies of individual service agencies
Resources and exisiting environment *What resources are available?* *What is the existing strategic, political, socioeconomic and service environment?*	•Commonwealth/national funding (e.g. NPA) •State funding •Other funding •Information on current legal services and other infrastructure
Who and where	
Priority clients *Who are the priority clients with high need for legal assistance services and where are they located?*	•**CPR-JD** or similar source on location of financially disadvantaged people with low capability •**CPR-SP:** Section 4 re groups with high need for legal assistance •Other census, sociodemographic and administrative data (e.g. from local councils, courts, legal and human services) •local knowledge of legal and human services and stakeholders
Legal needs *What are the legal needs of these priority groups?*	•**CPR-SP:** Sections 5–19 re legal problem experience of target groups • administrative data held by legal services • local knowledge of legal and human services and stakeholders
Legal capability *What is the capability of these priority groups and what access barriers do they face?*	•**CPR-SP :** Sections 5–19 re responses of target groups and the constraints they face • local knowledge of legal and human services and stakeholders
What and how	
Appropriate and accessible services *What services would be appropriate to the needs and capabilities of these groups?* *How can services be made accessible to these groups (i.e. via what modes of delivery)?*	•**CPR-SP:** Sections 5–19 re appropriate and accessible services for target groups • local knowledge of legal and human services and stakeholders
Proportionate services *What services to these groups would be proportionate, affordable and sustainable?*	•**CPR-JD** or similar resource • Funding sources relevant for these services • local knowledge of legal and human services and stakeholders
Gaps in existing services *What are the gaps in appropriate and accessible services to these groups?*	•Information from legal assistance services on: types of local legal services (e.g. specialist or generalist; in office or outreach by telephone, online video link) & types of assistance offered by these services (e.g. CLEI, advice, minor assistance, representation) •information from human services and other stakeholders
Service innovation *What are the opportunities to serve these groups, including ideas for new service delivery strategies?*	•**CPR-SP:** Sections 5–19 re appropriate and accessible services for target groups •Information on current legal services in the area • information on human services in the area •service innovation from other areas, jurisdictions, countries

An example of planning a service at the local level: legal outreach

Each phase of the process of service change requires thoughtful tailoring to the goals at hand. Appendix 1 outlines features of best practice when planning a **legal outreach** service, detailing the key steps involved. These steps are broadly applicable to planning other types of legal service delivery, as detailed in Figures 2.1 and 3.1 above, and include identifying:

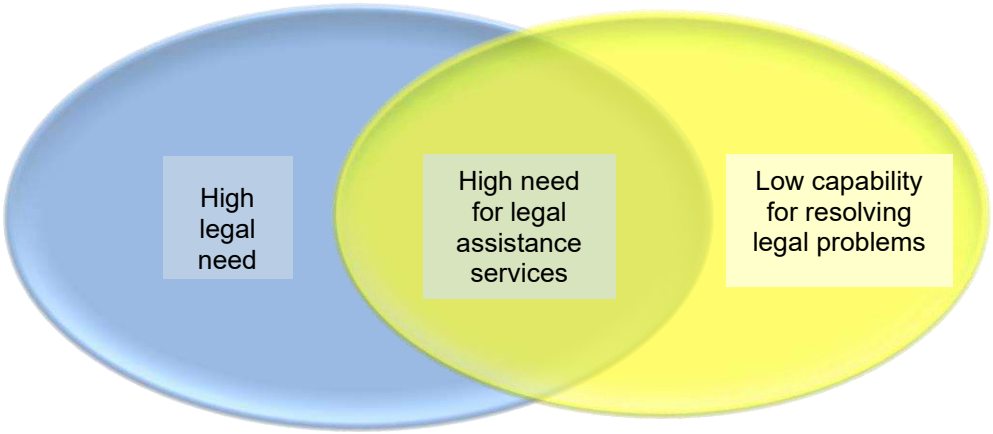
- the target client group, their legal and non-legal problems, capability and constraining factors
- the gaps in existing services to meet the needs and capabilities of the target group
- the relevant opportunities and barriers in the existing service infrastructure and broader environment
- appropriate methods of client engagement and access, and appropriate service delivery for the target client group
- appropriate administration, sustainability, monitoring and evaluation.

Section 4: Who are priority groups for legal assistance services?

As the research demonstrates, people who have the **highest need for legal assistance services** are those who have:

1. high legal need – that is, high experience of legal problems, such as multiple or substantial legal problems, and also
2. low legal capability to resolve these problems effectively – that is, they lack the personal capability in terms of knowledge, skills or psychological readiness to resolve their problems without intensive forms of legal assistance, and/or they lack the financial resources to use a private lawyer (see Figure 4.1).

Figure 4.1: Need for legal assistance services



The 2015 NPA between the Commonwealth of Australia and the states/territories directs legal assistance providers to focus their services on people experiencing **financial disadvantage**, and, where appropriate, to also target services to the following **priority groups**:

- older people (aged 65 years or over)
- youth (under 25 years)
- Indigenous Australians
- single parents
- people experiencing or at risk of family violence
- people experiencing or at risk of homelessness
- prisoners
- people living in rural and remote areas
- people who are culturally and linguistically diverse (CALD)
- people with a disability or mental illness
- people with low education levels.

All of these priority groups have been identified by research as having high legal need or low capability or both.

The CPR-JD provides data on where these priority groups are located within Australian jurisdictions. Firstly, it provides information on the distribution of the priority groups by area. It also defines and maps new proxy measures — Need for Legal Assistance Services indicators (NLAS) — showing the distribution of people who are:

- financially disadvantaged (as indicated by their low personal income) and also likely to have low legal capability (as indicated by their low education levels) – NLAS(capability)
- financially disadvantaged (as indicated by their low personal income) and identify as Indigenous – NLAS(Indigenous)
- financially disadvantaged (as indicated by their low personal income) and from CALD backgrounds other than Indigenous – NLAS(CALD).

Information provided on the priority groups in this resource

For each priority group identified by the NPA, the present resource summarises the key research evidence on this group's legal needs and capability and the implications for accessible and appropriate service delivery to this group. Similar information is presented for unemployed people as the research shows that they also have high legal need.

Furthermore, as there is considerable **overlap** between many of these priority groups (see Table A2.1 in Appendix 2), with target clients often falling into more than group as a result of their **multiple disadvantage**, similar information is provided for **people with multiple disadvantage**. Recent research indicates that people with multiple disadvantage are *particularly* likely to have high need for public legal assistance. They tend to have both elevated vulnerability to legal problems and low legal capability. In addition, many of the implications for service delivery to people with multiple disadvantage are also applicable to the individual priority groups.

Finally, before outlining the information on each priority group, a summary of the experience and resolution of legal problems in the **general population** is provided as an appropriate baseline for comparison.

A separate section is provided on each of the above groups as follows:

- general population (15 years or over) – Section 5
- people with multiple disadvantage – Section 6
- older people (aged 65 years or over) – Section 7
- young people (under 25 years) – Section 8[25]
- Indigenous Australians – Section 9
- single parents – Section 10
- people experiencing or at risk of family violence – Section 11
- people in disadvantaged housing or homeless people – Section 12
- prisoners – Section 13
- people living in remote and regional areas – Section 14

- people who are culturally and linguistically diverse (CALD) – Section 15
- people with a disability or mental illness – Section 16
- people with low education levels – Section 17
- financially disadvantaged people – Section 18
- unemployed people – Section 19.[26]

These sections on each target group are structured similarly, addressing the following questions:

1. How does the target group overlap with other priority groups?
2. What legal problems does this target group experience?
3. How does this target group respond to their legal problems?
4. What constrains this target group from accessing and using legal help?
5. How can services be more appropriate and accessible to this target group?[27]

A description of the data and information presented on each of these questions is outlined in Table A3.1 in Appendix 3. Thus, **Appendix 3 is a 'key' for understanding the present document** as it provides definitions of the information presented for each target group in the remainder of this resource (e.g. definitions of legal problem categories and categories of responses to legal problems).

The definitions of the priority groups as measured by the data sources used in the CPR-SP are presented in Table A4.1 in Appendix 4.[28]

Section 5: General population (15 years or over)

Overlap between different demographic groups

The general population of course includes all of the priority groups of interest, and there is considerable overlap between these groups. For example, of the group who are financially disadvantaged, 24% are from a CALD background and 18% have low education levels.[29]

What legal problems do people experience?

Legal problems are encountered routinely by people from all walks of life, including people of all ages and people from more affluent backgrounds. According to the LAW Survey, in a one-year period, of the population aged 15 years or over:

- half experience a legal problem
- more than one-quarter experience a substantial legal problem
- almost one-third experience multiple legal problems
- 21% experience a consumer problem, 14% experience a crime problem and 12% experience a housing problem (see Table 5.1).[30]

Table 5.1: Prevalence of legal problems – people aged 15 years or over, Australia

Legal problem category	All LAW Survey respondents %
Overall	49.7
Substantial	27.2
Multiple	31.3
Accidents	7.7
Consumer	20.6
Credit/debt	6.4
Crime	14.3
Employment	6.2
Family	5.0
Government	10.7
Health	3.3
Housing	11.8
Money	5.7
Personal injury	7.0
Rights	5.8

Note: N=20 716 respondents. See Appendix 3 for definitions.

How do people respond to their legal problems?

There is considerable diversity in the general public's responses to legal problems and the outcomes they achieve. People's responses depend particularly on the nature of the problem (severity and type), but also on their demographic characteristics and capability. Some people ignore their legal problems and achieve poor outcomes. Others have high levels of legal knowledge and capability, and ably use self-help strategies to achieve favourable solutions without seeking expert advice, particularly for more straightforward legal

problems. Many of those who seek expert advice consult only non-legal professionals and resolve their legal problems successfully without recourse to the formal justice system. Some people, however, require considerable assistance from both legal and non-legal services to address their multiple, serious and complex legal and non-legal needs.[31]

According to the LAW Survey, a legal adviser is consulted for only 16% of legal problems. People take no action for 18% of problems, handle the problem without consulting a legal or non-legal professional in 31% of cases, and consult a non-legal professional but not a legal professional in 36% of cases (see Table 5.2). Legal professionals are particularly more likely to be consulted for substantial problems and for money and family problems.[32]

In the United Kingdom, surveys show a steady increase in recent years in the proportion of legal problems for which respondents sought advice or information from the internet – from 4% in 2001 to 19% in the 2010.[33]

Table 5.2: Strategy used in response to legal problems – people aged 15 years or over, Australia

Strategy	All LAW Survey respondents %
1: Was any action taken?	
TOOK NO ACTION	**18.3**
TOOK ACTION	**81.7**
2: Did those who took action seek advice from a professional (legal or non-legal)?	
Handled without (professional) advice	**30.6**
Sought (professional) advice	**51.1**
3: Did those who sought professional advice use a legal professional?	
Non-legal adviser only	35.6
Legal adviser	15.5

Note: N=19 142 problems. See Appendix 3 for definitions.

What constrains people from accessing and using legal help?

Although ignoring legal problems is common, in some cases taking no action is appropriate or 'informed' and does not reflect unmet legal need. For example, people sometimes do nothing because the problem is not important enough or is resolved quickly or because they were at fault (see Table 5.3). However, people are also sometimes 'constrained' from taking action to resolve their legal problems, for reasons such as the time, stress or cost involved to resolve the problem, being worried about damaging relationships, having more pressing problems or not knowing the avenues for resolution (see Table 5.3).[34]

As noted earlier, environmental, systemic and cultural factors, including distance and scant resources in remote areas, cost, and the fragmentation of the legal system, can act as barriers to accessing justice. Systemic barriers can include location of services, opening hours, waiting times, cost, eligibility requirements and accessibility of dispute resolution bodies.

Legal capability

In addition, people's level of '**legal capability**' can act as a barrier to meeting legal needs, as can their broader personal circumstances, such as a lack of financial resources and social/personal networks.[35] Legal capability refers to the personal characteristics or competencies (knowledge, skills, psychological readiness, personal resources) needed to effectively resolve legal problems. The particular barriers experienced vary across the community, as does the level of legal capability. Disadvantaged people are more likely to experience difficulties in resolving their legal problems due to lower legal capability and other barriers. For example, they are less able to use legal information and self-help strategies and more dependent on expert advice to achieve satisfactory legal resolution. Appendix 5 provides further details on the nature of legal capability.[36]

Table 5.3: Reasons for taking no action in response to legal problems – people aged 15 years or over, Australia

Reason for no action	All LAW Survey respondents %
Constrained action	
Would take too long	35.4
Would be too stressful	29.6
Would cost too much	27.1
Would damage relationship with other side	12.7
Had bigger problems	31.1
Didn't know what to do	21.4
'Informed' action at face value	
Problem not very important	43.0
Problem resolved quickly	56.1
Would make no difference	56.2
Was at fault/no dispute	27.4
Didn't need information/advice	39.2

Note: N=3342 problems where no action was taken.

How can services be more appropriate and accessible for the general population?

Access to justice for the community at large can be facilitated by:

- simplifying the gateways into mainstream legal services
- more systematic use of non-legal professionals as legal problem noticers
- better legal diagnosis, triage and referral
- community legal education and information (CLEI), including digital CLEI.

Given the complexity and fragmented nature of current legal services in Australia, simple, well-signposted entry points are critical to facilitating broad community access.[37] LawAccess NSW[38] is an example of a statewide telephone information and referral service that refers callers to appropriate local legal assistance services as required.

A wide variety of non-legal workers are routinely the only points of contact with professionals for many people with legal needs. Thus, non-legal professionals can be ideally placed to act

as legal ‘problem noticers’ and to provide referrals to legal services. The capacity of non-legal professionals to do so is increased by training to perform this role, together with working relationships formed between legal and non-legal services.[39]

Noting the varying legal needs and capability within the general population and the need, due to limited resources, to target services, agencies may need to **triage** clients. Triage involves matching services to the severity, complexity and urgency of the legal problem and the capability (skills, knowledge, resources) of the client.[40]

Simplified entry into legal assistance services, together with effective legal diagnosis, triage and referral, are critical in avoiding ‘referral fatigue’, where people give up on trying to resolve their legal problem if they are continually referred on and do not reach the relevant adviser quickly.

CLEI may be used as a community-wide strategy (a) to inform people about the law and available legal assistance and (b) as a tool to assist clients ***who are able*** to self-help in addressing a specific, existing legal problem. CLEI is also used to support non-legal professionals who have clients facing legal problems. A clear and modest purpose and a clearly defined target audience for any CLEI resource will increase its utility, as will clear links to further assistance when clients reach a roadblock in progressing their issue.[41]

CLEI resources are increasingly being provided online. Overall internet use in Australia is high at 83%, and is at least 94% for those aged under 44 years, 89% for those aged 45 to 54 years, 78% for those aged 55 to 64 years and 46% for those aged 65 years or over. However, only 58% of users indicated that they used the internet to access government services.[42] Service planners should be aware of second and third digital divides, whereby users may not have the technical skill or the inclination to use the internet to search for and resolve legal problems. Consideration of how online tools can appropriately link to further assistance is also required.[43]

Strategies for providing legal services to the less capable members of the community are discussed in the next section, *People with multiple disadvantage*, given that the most disadvantaged tend to have the lowest legal capability.

Section 6: People with multiple disadvantage

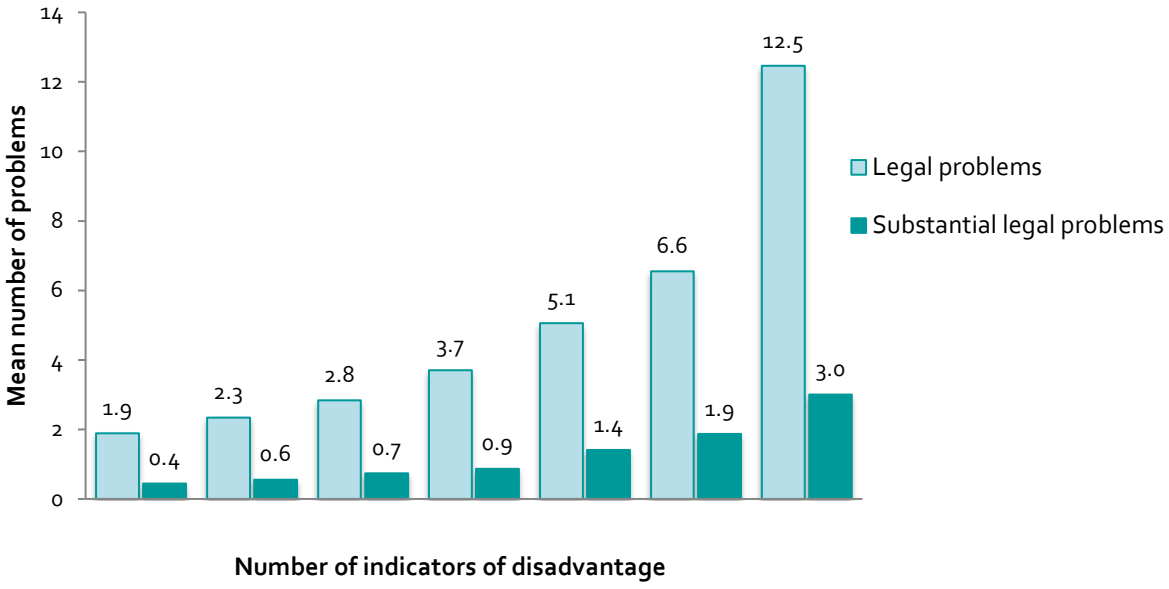
Overlap between different demographic groups

As already noted, there is considerable overlap between many of the priority groups for public legal assistance services, with target clients often experiencing **multiple disadvantage**.[44]

What legal problems do people with multiple disadvantage experience?

Despite the widespread experience of legal problems, a small minority of people (9%) account for the majority of the legal problems experienced by the population (65%).[45] Disadvantaged people are particularly likely to fall into this minority group. Disadvantaged people are not only more likely to experience large numbers of legal problems, but they are also more likely to experience a wide range of often substantial legal problems.[46] LAW Survey respondents with six or more types of disadvantage reported six times as many problems as those without any disadvantage in terms of both legal problems of any type and substantial legal problems (see Figure 6.1).[47] That is, on average, those with at least six types of disadvantage experienced 12.5 legal problems of any type and 3.0 substantial legal problems, while those without any disadvantage experienced only 1.9 legal problems of any type and only 0.4 substantial legal problems.

Figure 6.1: Mean number of legal problems and substantial legal problems by number of indicators of disadvantage, Australia



N= 20 716 LAW Survey respondents.

How do people with multiple disadvantage respond to their legal problems?

A number of the priority disadvantaged groups are significantly more likely to ignore their legal problems, and, when they do act, are more likely to act without the benefit of formal advice from a (legal or non-legal) professional. These groups include people with low education levels, unemployed people, people whose main language is not English, youth aged 15 to 17 years and older people aged 65 years or over.[48]

Recent analyses of the LAW Survey show that, compared to others, respondents with at least three types of disadvantage were significantly more likely to ignore their legal problems, significantly less likely to use self-help and significantly more likely to rely on assistance from not-for-profit legal services (see Table 6.1).[49]

The greater use of not-for-profit legal services by the most disadvantaged may partly reflect that public legal services target this group through their eligibility criteria.[50] It may also reflect targeting of legal outreach and duty services, as well as greater legal need, and more limited ability to successfully manage legal problems independently.

Table 6.1: Response to legal problems by level of disadvantage, Australia

Level of disadvantage	No action*	Act without professional information or advice	Self-help resource[v]	Non-legal adviser	Private lawyer	Not-for-profit legal service*
	%	%	%	%	%	%
None	16.5	58.1	21.7	45.7	10.7	3.1
1 or 2 types	18.8	57.8	19.6	45.0	10.8	5.3
3 or more types	20.3	59.6	14.9	45.7	11.4	8.5

* Significantly higher than average for the group with at least 3 types of disadvantage.
v Significantly lower than average for the group with at least 3 types of disadvantage.
Notes: N=19 142 legal problems. Row percentages may not sum to 100 because multiple actions are included.

What constrains people with multiple disadvantage from accessing and using legal help?

The disadvantaged tend to have lower legal capability that manifests in poorer legal problem-solving strategies.[51] Generally, disadvantaged people participate less in social, economic and political life, including use of the law and legal institutions to resolve legal problems and disputes.[52]

The following demographic groups are likely to have more limited legal capability: young people, older people, Indigenous people, people with a disability or mental illness, people with drug or alcohol addictions, homeless people, unemployed people, humanitarian arrivals, victims of family violence and sexual assault, prisoners and financially disadvantaged people.[53] However, legal need and capability still varies within and between groups, with personal circumstances heightening people's vulnerability to particular types of legal and non-legal needs.

The relationship between disadvantage and legal need also appears to be bi-directional — not only are disadvantaged people more vulnerable to a wide range of legal problems, but the experience of legal problems can further entrench disadvantage and heighten risk of further legal problems.[54]

Disadvantaged groups typically have poor knowledge of legal rights, remedies and the justice system, and can lack the skills, attitudes and psychological factors required to resolve legal problems. Notably, awareness of public legal assistance services (e.g. Aboriginal and Torres Strait Islander Service (ATSILS), community legal centres/services (CLCs) and legal aid) is lower among more disadvantaged groups — the very groups that these services are targeted to reach.[55]

Common barriers faced by disadvantaged people include poor literacy, language and communication skills, feelings of despair and hopelessness, being overwhelmed, feeling unworthy or undeserving of justice, and being afraid, intimidated and distrustful of the legal system. They may need to prioritise more pressing basic needs (e.g. accommodation, clothing, food and financial needs), leaving little time or energy for less immediate problems such as legal problems, which are often ignored until they reach crisis point.

Lower literacy is apparent among younger and older people, the unemployed, CALD people, low-income earners and people with low education levels. Those with multiple disadvantage are *less capable* of managing problems themselves, through self-help, unbundled strategies or purchasing private legal assistance, and more reliant on public legal services.[56] They appear to seek assistance from lawyers at higher rates precisely because they find it difficult to successfully handle their legal problems alone.[57] As already noted, disadvantaged groups are less likely to have knowledge of their legal rights and handle their problems alone.[58] Further, the most disadvantaged Australians are least likely to use (as their highest-level strategy) self-help resources, non-legal advisers and private lawyers, and least likely to be aware of free CLC and legal aid services.[59] And of particular concern, they are the most likely to act without the benefit of legal information or formal assistance. They are therefore the least likely to use independent problem-solving strategies such as self-help and private lawyers. Their higher vulnerability to a greater number of severe legal and non-legal needs may also limit their capability to manage their legal problems alone.

Inaction in low-income groups has been attributed to lack of psychological readiness to resolve legal problems, due to shame and embarrassment, insufficient power, fear, gratitude and frustrated resignation.[60] Not only can these psychological barriers undermine willingness to disclose problems, seek assistance or confront the other side, but they can also become pervasive and entrenched. Some disadvantaged people have learnt that trying to obtain help to solve legal problems is frustrating, and thus are resigned to tolerating or ‘lumping’ their legal problems. ‘Lumping’ may make them vulnerable to exploitation, and also to inadvertent administrative errors. For example, because disadvantaged people typically have more interactions with government authorities, they are also more vulnerable to regulatory mistakes and other errors that can have significant adverse consequences (e.g. Centrelink, utility and telecommunications administrative errors; incorrect credit and debt processing, etc.).

Research clearly demonstrates the critical role of public legal assistance services in providing access to justice to disadvantaged people who otherwise would not obtain any legal information or private legal assistance.[61]

How can services be more appropriate and accessible for people with multiple disadvantage?

Because personal and legal capability affect how people respond to legal problems, targeted and tailored assistance strategies are likely to be critical to realising access to justice for the most disadvantaged.

Strategies to **target** services to those facing multiple disadvantage include outreach to services relevant to the client group, such as homelessness and other welfare services, health services and hospitals, and community-based organisations.[62]

Services can **join -up** with non-legal and other legal services through a range of options from referral networks through to co-located services.

As disadvantaged groups are more likely to use health or welfare advisers and not-for-profit legal services,[63] health and welfare professionals are well placed to act as problem noticers and pathways to appropriate legal help.[64] However, health and welfare advisers have to be supported to successfully perform a 'paths to justice' role. Better integration and collaboration between health and legal services, such as medical-legal and health-justice partnerships, may therefore be a key strategy for the most disadvantaged. Joining-up between welfare and legal services has been shown to provide more accessible and appropriate legal assistance services to socially isolated and disadvantaged communities.[65]

Local coordination of services through models such as Cooperative Legal Service Delivery (CLSD) in NSW[66] can also make effective use of limited resources.

Legal services may consider the many roles that non-legal professionals play in improving access to justice for disadvantaged clients. Not only may non-legal workers link clients to legal assistance through information and referral, but they may provide a link or cultural bridge between communities and legal services (e.g. Aboriginal Field Officers, migrant resource centre workers), assist clients with procedural tasks (e.g. completing forms, raising complaints with government agencies) and support clients in legal processes (e.g. court support workers). There is increasing interest in Australian and overseas jurisdictions in the potential to better use para-legal support to improve access to justice.[67]

Timely services to those facing multiple disadvantage can involve assistance at sites and times of transition or crisis, which may be the only point of contact with professionals and an impetus for action (e.g. Family Law Duty Lawyer schemes, domestic violence list days, hospitals).[68] Community legal education (CLE) linked to outreach advice services can be used to help clients and workers identify certain issues as *legal* problems and to build awareness of, and trust in, legal services as a source of assistance for these problems.[69]

Services also need to be **appropriate**: intensive enough to assist clients with lower skills, knowledge and resources to resolve legal issues. Face-to-face assistance may be more appropriate for more disadvantaged client groups, compared to telephone or internet-based

options, due to the need to build trust, and to account for the higher number of barriers to action and problem resolution, including lower personal capability and resources.

Section 7: Older people (65 years or over)

All the data presented below for 'older people' are based on people aged 65 years or over. However, it is important to note that this group may not be a completely homogenous group. Legal needs may vary depending on where people fall within this age group. In addition, it should be remembered that the Australian Indigenous population has a younger age structure than the non-Indigenous population due to their lower life expectancy, with 'older' Indigenous Australians typically being described as 50 or 55 years and over.[70] Thus, some of the issues relevant to 'older people' may apply to some Indigenous people before 65 years of age.

Overlap between older people and other demographic groups

Older people can face other types of disadvantage, and overlap considerably with certain disadvantaged priority groups.[71] For example, 55% of those aged 65 years or over have low personal income and 18% have a disability.[72]

What legal problems do older people experience?

Older people report fewer legal problems. LAW Survey respondents aged 65 years or over had significantly lower levels of legal problems in 14 of the 15 problem categories examined, compared to all or most other age groups (see Table 7.1).

Table 7.1: Prevalence of legal problems – people aged 65 years or over, Australia

Problem category	LAW Survey respondents aged 65+ %		All other LAW Survey respondents %
Overall	30.7	v	42.6–58.3
Substantial	15.5	v	18.4–34.8
Multiple	14.6	v	27.5–39.4
Accidents	4.4	v	5.5–13.9
Consumer	12.7	v	10.8–26.2
Credit/debt	1.8	v	1.8–10.3
Crime	6.0	v	12.1–20.3
Employment	0.3	v	4.2–10.3
Family	1.5	v	2.0–9.2
Government	6.7	v	4.7–12.7
Health	3.0	v	1.0–4.1
Housing	6.9	v	9.5–15.4
Money	3.3	a	1.4–8.4
Personal injury	1.4	v	5.3–11.9
Rights	1.1	v	3.1–12.6

v Significantly lower odds for the 65+ group compared to all or most other age groups.
a For money problems, 65+ year olds had significantly lower odds than 35–64 year olds, but significantly higher odds than 15–24 year olds.
Notes: See Appendix 3 for definitions. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 3477 respondents aged 65+ years. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 1054 respondents aged 65+ years).

The reasons for the lower reporting of legal problems by older people are unclear.[73] Fewer reported problems may partly reflect changes in life circumstances in the older group, such

as retirement, fewer home mortgages and other loans, and grown children having left home. These circumstances provide fewer opportunities to experience certain types of legal problems, such as employment problems, certain debt problems and family problems.[74] Further, it is also possible that older people may be better able, through experience, to deal with some problems before they escalate. However, they may also report fewer problems through a failure to identify legal needs, or for reasons such as a decrease in the importance placed on problems or an increased ignorance of personal circumstances.[75] Regardless, older people can still experience serious legal issues and some of these issues are clearly linked to their stage of life, such as elder abuse, issues with residential care and being guarantors for loans.[76]

How do older people respond to their legal problems?

People aged 65 years or over are significantly more likely to ignore their legal problems compared to those aged 18 to 54 years. When LAW Survey respondents aged 65 years or over took some type of action, their likelihood of seeking advice from a (legal or non-legal) professional was similar to that of respondents aged 35 to 64 years, but significantly higher than that of the younger groups aged 15 to 34 years (see Table 7.2). When they consulted a professional, the older group's likelihood of including a legal professional among the professionals they consulted was similar to that of most age groups, but significantly lower than that of 34 to 54 year olds (see Table 7.2). These results may in part reflect differences in the specific characteristics and context of the problems experienced by the oldest age group, as described above.[77] However, they may also reflect lower levels of legal capability in some cases, such as lower awareness of legal rights and avenues for redress.[78]

Table 7.2: Strategy in response to legal problems – people aged 65 years or over, Australia

Strategy	LAW Survey respondents aged 65+ %		All other LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**19.7**	a	**15.9–31.4**
TOOK ACTION	**80.3**	a	**68.6–84.1**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**32.0**	b	**27.2–35.3**
Sought (professional) advice	**48.3**	b	**36.5–55.9**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	35.2	c	29.5–38.2
Legal adviser	13.2	c	7.0–18.8

a 65+ year olds had significantly lower odds of taking action (and significantly higher odds of taking no action) compared to 18–54 year olds, but similar odds compared to other ages.
b 65+ year olds had significantly higher odds of seeking professional advice (and significantly lower odds of handling problems without professional advice) compared to 15–34 year olds, but similar odds compared to other ages.
c 65+ year olds had significantly lower odds of using a legal adviser (and significantly higher odds of using only a non-legal adviser) compared to 35–54 year olds, but similar odds compared to other ages.
Notes: See Appendix 3 for definitions. Significance is based on three binary logistic regressions examining the likelihood of:
1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains older people from accessing and using legal help?

The legal needs and capability of older people appear to change with ageing.[79] For instance, older people can lack awareness of their legal rights, lack confidence in enforcing rights, be reluctant to take legal action and perceive the law as disempowering and unable to solve their problems.[80] They also may lack knowledge about some legal issues and associated services – including accommodation and housing issues; financial and consumer issues; discrimination issues (including in employment and the provision of services); elder abuse issues (including physical, psychological and financial abuse); grandparenting issues; and also health-related and end-of-life issues (such as advance care directives, wills and probate).[81]

Most people aged 65 years or over are retired and living on government and superannuation pensions. Thus, cost may prevent some older people from using private lawyers.[82] Other identified barriers to legal assistance include:

- physical incapacity and dependency on others
- diminished self-confidence
- lack of appropriately communicated legal information
- technological barriers (e.g. in accessing legal information websites or helplines)
- lack of awareness of where to obtain legal information and assistance
- stereotypes about older people
- lack of practitioner knowledge about the legal issues older people face
- lack of locally accessible specialist legal assistance services.[83]

Many older people have low awareness of sources of information, advice and assistance. Awareness is lower again among certain groups of older people, including Indigenous Australians, those with lower incomes, a disability, from CALD backgrounds, living in rural and remote areas, and also those dependent on care.[84] For example, older people living in rural and remote areas may face barriers associated with difficulties travelling and geographic disadvantage and comparatively smaller social networks. Many older people from CALD backgrounds may have more limited understanding of the legal system, and consequently may depend on family and friends, and organisations and professionals from their own cultural group, for legal information and assistance. Older Indigenous people also tend to rely on family and social networks and may not use mainstream legal institutions and services.[85]

Like many other groups, older people do relatively little information seeking when faced with a legal problem, and often only approach one source of advice for assistance. Legal information may be obtained from popular media and social networks fortuitously, rather than purposefully. Older people's advice seeking also tends to be delayed until the 'time is right'. For instance, they may:

- be reluctant to think about death and disabilities
- have low literacy levels
- lack confidence in enforcing their rights and approaching official agencies

- have had previous negative experiences with the law
- perceive the law as disempowering and being unable to solve their problems
- dislike and mistrust the legal and court system
- fear that lawyers may act against their interests.[86]

More generally, older people experience barriers that limit their use of complaint-handling procedures due to lack of awareness about whom to approach for help, how to make complaints, as well as reluctance to complain due to differences in the power relationship and fear of retribution.[87]

See the following sections for further discussion relevant to older people with multiple disadvantage: *Legal capability; People with multiple disadvantage; Financially disadvantaged people; People with a disability or mental illness; Indigenous Australians; People experiencing or at risk of family violence; People from CALD backgrounds;* and *People living in remote and regional areas.*

How can services be more appropriate and accessible for older people?

Pathways and problem noticers

Family, including adult children, are often the first point of contact for older people seeking advice regarding legal problems.[88] Other pathways include general practitioners, hospitals and other relevant health services, community-based aged care services including local council services, veterans' services and migrant resource centres for older people from CALD backgrounds.

Technology

Although the digital divide is being closed for many age groups in Australia, use of the internet remains lowest among older Australians. The internet is used by only 46% of people aged over 65 years living in private dwellings. Of those, 50% use the internet for 'accessing government services' (compared to 65% of those aged 25 to 44 years).[89]

While UK research indicates lower internet use for legal problem resolution among those over 60 years, those aged 55 to 64 appear more receptive to internet use than those over 65.[90]

Service delivery

Older people prefer face-to-face and telephone advice, rather than online services.[91] The physical access of older people to legal assistance services may be affected by access to public transport and/or parking, and mobility issues. Capability issues will change with ageing, such that adeptness with self-help strategies will tend to decline further as older people continue to age.

Multi-disciplinary strategies (e.g. lawyer-social worker partnerships) have better outcomes in addressing elder abuse issues than single discipline approaches, noting also that elder abuse interventions may best be led by other sectors (e.g. health, welfare) and *supported* by legal assistance services.[92] One factor reported to impact upon the uptake of legal

interventions for elder abuse is the reticence of some clients to take action against family members, including children and grandchildren. Multi-disciplinary approaches enable ongoing engagement with the client until and including when that client may be ready for legal assistance. [93]

Section 8: Youth (under 25 years)

Overlap between young people and other demographic groups

Some young people aged 15 to 24 years – namely those that are 'disengaged' – overlap considerably with certain other disadvantaged groups.[94] For example, 87% of disengaged youth are financially disadvantaged and 13% live in outer regional or remote areas. The corresponding percentages for the broader group of youth under 25 years are 25% and 12%, respectively. Further, a high proportion of disengaged youth aged 15 to 24 years are Indigenous.[95]

What legal problems do young people experience?

Young people aged 15 to 24 years are more vulnerable to legal problems than people aged 65 years or over (see Table 8.1). Compared to the oldest group, 15 to 17 year LAW Survey respondents olds had significantly higher levels of several problem categories, while 18 to 24 year olds had significantly higher levels of most problem categories (see Table 8.1).

Table 8.1: Prevalence of legal problems – youth under 25 years, Australia

Problem category	LAW Survey respondents aged 15–17 %		LAW Survey respondents aged 18–24 %		LAW Survey respondents aged 65+ %	LAW Survey respondents aged 25–64 %
Overall	42.6	*	54.9	*	30.7	47.0–58.3
Substantial	18.4	*	27.2	*	15.5	25.5–34.8
Multiple	27.5	*	36.6	*	14.6	28.1–39.4
Accidents	5.9	*	13.9	*	4.4	5.5–9.4
Consumer	10.8	–	19.5	*	12.7	20.2–26.2
Credit/debt	1.8	–	7.8	*	1.8	5.7–10.3
Crime	17.7	*	20.3	*	6.0	12.1–17.1
Employment	5.6	*	10.3	*	0.3	4.2–8.6
Family	2.0	–	2.7	*	1.5	3.6–9.2
Government	4.7	–	12.6	*	6.7	11.3–12.7
Health	1.0	–	2.8	a*	3.0	3.1–4.1
Housing	9.5	*	13.3	*	6.9	9.8–15.4
Money	1.4	v	2.4	v	3.3	4.8–8.4
Personal injury	11.5	*	11.9	*	1.4	5.3–7.9
Rights	12.6	*	7.7	*	1.1	3.1–8.6

* Significantly higher odds for this age group compared to the 65+ group.
v Significantly lower odds for the this age group compared to the 65+ group.
– No significant difference between this age group and the 65+ group.
a Despite a lower raw percentage, 18–24 year olds had significantly higher odds of experiencing health-related legal problems than 65+ year olds once the regression adjusted for other demographic differences between the two groups.
Notes: See Appendix 3 for definitions of categories, and definition 2 for children and youth under 25 years in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 1044 respondents aged 15–17 years and 2500 aged 18–24 years. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 444 respondents aged 15–17 years and 1371 aged 18–24 years).

However, youth under 25 years are not a homogenous group – the youngest group aged 15 to 17 years appear to have lower levels of problems than those aged 18 to 24 years. In fact, according to the LAW Survey, the youngest group aged 15 to 17 years was second only to the oldest group in having the lowest levels of problems overall, substantial problems and multiple problems (see Table 8.1).[96] In contrast, the levels of legal problems experienced by

youth aged 18 to 24 years were more similar to those of the middle age groups (see Table 8.1).[97]

Nonetheless, certain types of legal problems tend to peak in the younger age groups before 25 years of age – notably crime problems (including crime victim problems), rights problems (including student bullying and harassment) and personal injury problems. These problems may in part reflect stage of life, including greater risk-taking behaviour and greater opportunity to experience certain types of problems, such as motor vehicle accidents while driving skills are still developing and education-related problems.[98] Nonetheless, young people can experience a wide range of legal problems, including problems not related to juvenile justice or child welfare.[99] Further, the problems young people experience can be severe, resulting in considerable adverse consequences.[100]

Importantly, 'at risk' or 'disengaged' youth have increased vulnerability to legal problems compared to other young people. For example, those who have been homeless or in out-of-home care and those with a mental illness or physical disability have apparently higher levels of legal problems, including substantial legal problems.[101]

How do young people respond to their legal problems?

Youth aged 15 to 17 years are relatively likely to ignore their legal problems. According to the LAW Survey, their levels of taking action were not significantly different to those of people aged 65 years or over, but were the lowest of all age groups in raw percentage terms (see Table 8.2).[102] Youth aged 18 to 24 were significantly more likely to take action than the oldest group (see Table 8.2), and appeared to have levels of taking action that were higher than those of the youngest group and more similar to (if sometimes slightly lower than) those of people aged 35 to 64 years (see Table 8.2).[103]

When they do take action, youth under 25 years are significantly more likely to handle their problems without seeking professional advice from a (legal or non-legal) professional. Both the younger age groups of LAW Survey respondents had levels of seeking professional advice that were significantly lower than the oldest group (see Table 8.2) and lower in raw terms than those of all other age groups.[104] Furthermore, when youth aged under 25 years consulted a professional, although their levels of using a legal professional were similar to those of the oldest group, they were lower in raw terms than all other age groups (see Table 8.2).

Table 8.2: Strategy in response to legal problems – youth under 25 years, Australia

Strategy	LAW Survey respondents aged 15–17 %		LAW Survey respondents aged 18–24 %		LAW Survey respondents aged 65+ %	LAW Survey respondents aged 25–64 %
1: Was any action taken?						
TOOK NO ACTION	**31.4**	–	**21.6**	av	**19.7**	**15.9–18.2**
TOOK ACTION	**68.6**	–	**78.4**	a*	**80.3**	**81.8–84.1**
2: Did those who took action seek advice from a professional (legal or non-legal)?						
Handled without (professional) advice	**32.0**	b*	**35.3**	*	**32.0**	**27.2–32.7**
Sought (professional) advice	**36.5**	v	**43.1**	v	**48.3**	**50.1–55.9**
3: Did those who sought professional advice use a legal professional?						
Non-legal adviser only	29.5	–	34.2	–	35.2	34.2–38.2
Legal adviser	7.0	–	8.9	–	13.2	15.9–18.8

* Significantly higher odds for this age group compared to the 65+ group.
v Significantly lower odds for this age group compared to the 65+ group.
– No significant difference between this age group and the 65+ group.
a Compared to 65+ year olds, 18–24 years olds had significantly higher odds of taking action (and lower odds of no action) once the regression adjusted for other demographic differences between the two groups, despite a lower raw percentage for taking action (and a higher raw percentage for no action).
b Although both 15–17 and 65+ year olds handled 32% of the problems they experienced without professional advice, these problems represented a *significantly* higher proportion of the problems where some action was taken for 15–17 year olds (47%) than for 65+ year olds (40%). The regression was based only on the problems where action was taken and examined the likelihood that the action(s) involved seeking (versus handling without) professional advice.
Notes: See Appendix 3 for definitions of categories, and definition 2 for children and youth under 25 in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:
1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains young people from accessing and using legal help?

Noting that young people are not a homogenous group, young people experiencing various forms of socioeconomic disadvantage are likely to experience access to justice barriers as well as age-related barriers.

Many young people lack the independence, experience and skills to successfully resolve legal problems themselves. They may have poor knowledge of available avenues and assistance services, as well as reduced self-efficacy and diminished legal capability.[105] For example, young people aged 18 to 24 years were significantly more likely than people aged 65 years or over to take no action for legal problems because they 'didn't know what to do'.[106]

Identified barriers to obtaining legal assistance experienced by young people include:

- lack of specialist legal services for young people
- lack of awareness of rights and legal entitlements
- reliance on adults to mediate their access to legal services
- fear of being disbelieved or not taken seriously by service providers
- solicitors who lack skills in dealing with children and young people
- intimidating and formal atmosphere of many legal services
- lack of information strategies which specifically target children and young people.[107]

Young people are often developing cognitively and are particularly likely to rely on family and friends, people they know and trust, for help resolving their legal problems.[108] They prefer to obtain assistance from a familiar and easily accessible person or place, often seeking someone who will provide practical assistance and resolve the problem for them.[109]

Young people, particularly those from disadvantaged backgrounds, often lack the knowledge, skills and psychological preparedness to successfully deal with legal problems. For example, young people were found to have little knowledge about basic legal rights and entitlements and the civil justice system. Many were also found to lack verbal communication skills, which further undermined their ability to resolve law-related problems. Experience of violence and trauma also undermined willingness to seek assistance in some cases. Negative attitudes towards professionals, such as police and legal assistance services, affected use of advisers, and difficulty managing law-related issues was associated with increased feelings of helplessness.[110]

Although young people are widely thought to be avid users of information and communicative technology, online legal information does not necessarily improve the legal capability of young people aged 15 to 26 years.[111] For instance, young people may lack the ability to successfully obtain and apply online legal information in a meaningful way, and, as such, familiarity with technology may not in itself enhance legal capability.[112]

How can services be more appropriate and accessible for young people?

Pathways and problem noticers

Given that youth aged 15 to 17 years were less likely to take action to resolve their legal problems, information and education initiatives can provide an important *first step* (in terms of awareness of a problem as legal) towards young people addressing their legal needs. However, noting that young people aged 15 to 24 are the least likely to seek professional help[113] and are more likely to turn to family (parents) and friends, consideration should be given to broadly raising awareness of sources of legal help available to young people.

Schools are also a pathway for preventative programs relevant to legal issues faced by young people (e.g. information, education and referral programs).

Support and referral training for problem noticers, such as teachers and youth workers, may provide a more direct pathway between young people and appropriate legal services.

Marginalised young people may need to be reached via legal outreach through their trusted networks. These networks may include homelessness services, youth refuges, youth services, health services including maternal child health nurses (for young parents), housing and other community support services and networks, and health services including alcohol and other drug services.

Technology

While more than 96% of people aged under 24 years use the internet, far fewer use the internet to ‘access government services’ (26% of 15 to 17 year olds; 56% of 18 to 24 year olds).[114] Research also indicates **low use of the internet** to resolve legal problems.[115] Online services are even less appropriate for at risk young people (with lower educational

attainment), not only due to the challenges faced in using online legal assistance, but also due to the need for emotional and motivational support to engage with and to progress what may be confronting legal problems.[116]

Service delivery

Youth-specific services are appropriate, particularly for young people at risk. Young people at risk may be particularly overwhelmed by the law and lack trust that it can be used to assist them.[117] Warm and supported referral is important.

The emotional impact of legal problems, particularly family-related issues, may require non-legal forms of support to access appropriate legal assistance services and to engage in dealing with the legal issue. Young people at risk may be facing family law and domestic violence issues, both as parents and as children.

Section 9: Indigenous Australians

Overlap between Indigenous Australians and other demographic groups

Indigenous Australians often have high levels of multiple types of disadvantage, and overlap substantially with other disadvantaged priority groups.[118] For example, 49% of Indigenous Australians are financially disadvantaged, 35% have low education levels, 9% are unemployed, 13% are single parents, 7% have a disability and 43% live in outer regional or remote areas.[119] Further, they are more likely to live in disadvantaged housing.[120]

What legal problems do Indigenous Australians experience?

The likelihood of Indigenous and non-Indigenous LAW Survey respondents experiencing at least one legal problem in a 12-month period was not significantly different. However, Indigenous respondents were significantly more likely than others to experience a few particular types of legal problems – namely, government problems (such as problems with welfare benefits and fines), health-related legal problems and rights problems (see Table 9.1).

Table 9.1: Prevalence of legal problems – Indigenous Australians, Australia

Problem category	Indigenous LAW Survey respondents %		Non-Indigenous LAW Survey respondents %
Overall	54.4	–	49.6
Substantial	35.1	–	27.1
Multiple	39.4	*	31.2
Accidents	5.9	–	7.8
Consumer	20.9	–	20.6
Credit/debt	12.4	–	6.3
Crime	23.8	–	14.1
Employment	7.8	–	6.2
Family	8.0	–	5.0
Government	15.6	*	10.7
Health	7.9	*	3.3
Housing	13.9	–	11.7
Money	5.1	–	5.7
Personal injury	9.4	–	6.9
Rights	14.9	*	5.6

* Significantly higher odds for Indigenous respondents compared to non-Indigenous respondents.
– No significant difference between Indigenous and non-Indigenous respondents.

Notes: See Appendix 3 for definition of categories, and definition 2 for Indigenous people in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 348 Indigenous respondents. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 190 Indigenous respondents).

Importantly, Indigenous respondents who did experience a legal problem were significantly more likely than others to experience multiple legal problems (see Table 9.1). This elevated experience of multiple legal problems is not only due to the high levels of multiple disadvantage in sections of the Indigenous Australian community. When Indigenous and non-Indigenous respondents with similar levels of multiple disadvantage were compared, the Indigenous group had significantly higher levels of legal problems and substantial legal

problems. Thus, multiple disadvantage appears to have a 'compounding' effect on vulnerability to legal problems that is stronger for Indigenous people than others.[121]

How do Indigenous Australians respond to their legal problems?

Overall, Indigenous LAW Survey respondents took action in response to their legal problems at similar levels to non-Indigenous respondents, and, when they did take action, they had similar levels of seeking advice from (legal or non-legal) professionals (see Table 9.2). However, when they consulted a professional, Indigenous respondents were significantly more likely than others to include a legal professional among the professionals they consulted (see Table 9.2 below), which is consistent with their elevated experience of multiple legal problems.

However, the LAW Survey findings were different for Indigenous Australians *living in very remote areas* – they had significantly lower levels of both taking any type of action and using lawyers when they did take action.[122]

Indigenous Australians *with multiple disadvantage* also have significantly lower levels of taking action. When private lawyers were separated from not-for-profit public legal service lawyers, Indigenous LAW Survey respondents with multiple disadvantage were significantly more likely to use not-for-profit lawyers.[123]

These findings raise questions about the coverage of legal services in more remote areas, particularly legal services that are culturally appropriate for Indigenous people.

Table 9.2: Strategy in response to legal problems – Indigenous Australians, Australia

Strategy	Indigenous LAW Survey respondents %		Non-Indigenous LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**14.7**	–	**18.3**
TOOK ACTION	**85.3**	–	**81.7**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**36.5**	–	**30.5**
Sought (professional) advice	**48.8**	–	**51.2**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	28.2	v	35.8
Legal adviser	20.6	*	15.4

*Significantly higher odds for Indigenous respondents compared to non-Indigenous respondents.
v Significantly lower odds for Indigenous respondents compared to non-Indigenous respondents.
– No significant difference between Indigenous and non-Indigenous respondents.
Notes: See Appendix 3 for definitions of categories, and definition 2 for Indigenous Australians in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains Indigenous Australians from accessing and using legal help?

The barriers many Indigenous Australians face accessing legal services are well documented.[124] They are significantly less likely to finalise their legal problems, which appears to reflect the types of legal problems they experience, the legal problem-solving strategies they adopt and the nature of the socioeconomic disadvantage they experience.[125]

Public legal assistance providers often identify Indigenous communities as being the most educationally, financially, legally and medically disadvantaged community they serve.[126] Further, historic marginalisation from mainstream public services means that trust and rapport with Indigenous communities may be tenuous, and may need to be established before Indigenous people are willing to seek assistance.[127]

Many Indigenous people face particular systemic, social, cultural and geographic disadvantages that form interlocking access to justice barriers. In particular, social pressure to handle problems within communities, geographic isolation and lack of culturally appropriate and accessible legal services, particularly for many family and civil legal problems, suggest that the legal capability of many Indigenous people is often severely constrained.[128]

Identified barriers to obtaining legal assistance experienced by Indigenous people include:

- long-term distrust of the legal system
- formality of the legal system and its services
- lack of cultural awareness, sensitivity and compassion among service providers
- lack of Indigenous personnel in organisations which provide legal services
- intimidation in approaching legal services
- lack of services for Indigenous people in civil and family law
- lack of services for issues specific to Indigenous women and children.[129]

Cultural, communication and language factors may undermine legal service accessibility and effectiveness.[130] For instance, Indigenous people were significantly more likely to report 'inadequate or poorly explained advice' as a barrier to obtaining help from their main adviser.[131]

Indigenous people have also been found to under-utilise family law assistance services due to a lack of understanding of the family law system and fear of family law services.[132] The history of forced removal of Indigenous children and experiences with the criminal justice system and child protection agencies contribute to reluctance among many Indigenous people to voluntarily engage with government agencies and legal assistance services. [133]

See the following sections for further discussion relevant to Indigenous people with multiple disadvantage: *Legal capability; People with multiple disadvantage; Unemployed people; Financially disadvantaged people; People with a disability or mental illness; People with low education levels; People from CALD backgrounds;* and *People living in remote and regional areas.*

How can services be more appropriate and accessible for Indigenous Australians?

Pathways and problem noticers

Building meaningful and trusted connections between legal services and Indigenous communities is key to the effective provision of legal assistance. Options include service provision by Indigenous legal services, non-Indigenous legal services employing Indigenous solicitors, Aboriginal field workers and other Indigenous non-legal staff. It can also be important for services (including outreach services) to invest time in getting to know and be known by communities. Relationships and partnerships can be built with communities through elders and trusted services, including non-legal and other Indigenous services.[134]

Technology

In the 2011 Census, almost two-thirds (63%) of Aboriginal and Torres Strait Islander households reported having an internet connection (compared to 77% of other households). Around six in 10 (59%) Aboriginal and Torres Strait Islander people lived in a household with an internet connection compared to around eight in 10 (84%) non-Indigenous people.[135]

Service delivery

Building legal capability in Indigenous communities, through culturally appropriate CLEI, can raise awareness that the law can help resolve specific issues (e.g. debts, payday loans, consumer problems, fines, family problems, domestic violence) and can link clients to appropriate assistance with these issues.[136] However, it is also vital to build trust in the services offered.

Because ATSILS often focus on legal assistance for criminal matters, many Indigenous people have to use mainstream legal assistance services for family and civil issues.[137] As such, the cultural appropriateness of mainstream legal assistance services for Indigenous people is a key concern. Employing Indigenous staff, field officers respected and trusted by local communities, cross-cultural education, and use of Indigenous interpreters may all help to overcome social and cultural constraints to accessing legal assistance by enhancing the cultural appropriateness of mainstream legal assistance services.[138]

Joining up with local communities or Indigenous service providers to provide consistent and sustained legal services helps to address complex legal and other needs, by building on existing trust with communities and enabling culturally appropriate, integrated legal services.[139]

Improved coordination between Indigenous and mainstream legal services, and between legal and non-legal services, can improve access and uptake of mainstream services by Indigenous clients. One example is the employment of Aboriginal Field Officers by the Aboriginal Legal Service NSW/ACT, who link clients to civil and family law services provided by Legal Aid NSW.

Also note the role of local coordination, such as the CLSD model in NSW, in facilitating relationships between services in local areas.[140]

Section 10: Single parents

Overlap between single parents and other demographic groups

Single parents also face other types of disadvantage, overlapping considerably with other disadvantaged priority groups.[141] For example, 32% are financially disadvantaged, 26% have low education levels, 5% are unemployed, 7% have a disability and 5% are Indigenous.[142]

What legal problems do single parents experience?

Single parents have high vulnerability to experiencing legal problems. They were significantly more likely than other LAW Survey respondents to experience legal problems of any type (overall), substantial legal problems, multiple legal problems, and legal problems from 8 of the 12 different problem group types (see Table 10.1). In particular, single parents had elevated experience of family law problems (e.g. problems with division of assets, child support payments, child protection/custody/contact), being more than 10 times as likely as other respondents to experience these problems. They were also approximately twice as likely as other respondents to experience credit/debt, rights, crime[143] and substantial problems (2.0, 2.0, 1.7 and 2.1 times, respectively).[144]

Table 10.1: Prevalence of legal problems – single parents, Australia

Problem category	Single parent LAW Survey respondents %		Other LAW Survey respondents %
Overall	69.3	*	48.2
Substantial	48.7	*	25.5
Multiple	50.2	*	29.8
Accidents	8.5	–	7.7
Consumer	26.0	*	20.2
Credit/debt	14.4	*	5.8
Crime	24.3	*	13.5
Employment	9.9	–	5.9
Family	33.8	*	2.8
Government	16.5	*	10.3
Health	6.2	*	3.1
Housing	17.1	*	11.4
Money	5.9	–	5.7
Personal injury	9.0	–	6.8
Rights	14.8	*	5.1

* Significantly higher odds for single parents compared to other respondents.
– No significant difference between single parents and other respondents.
Notes: See Appendix 3 for definitions of categories, and definition 2 for single parents in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 1486 single parents. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 1029 single parents).

How do single parents respond to their legal problems?

Single parents had similar levels of taking action in response to their legal problems as other LAW Survey respondents. However, when single parents took some type of action, they

were significantly more likely to seek advice from a (legal or non-legal) professional, and also significantly more likely to include a legal professional among the professionals they consulted (see Table 10.2). These findings are consistent with the higher level of seeking legal advice for family problems and more serious problems.[145]

Table 10.2: Strategy in response to legal problems – single parents, Australia

Strategy	Single parent LAW Survey respondents %	Other LAW Survey respondents %
1: Was any action taken?		
Took no action	15.4-	18.6
Took action	84.6-	81.4
2: Did those who took action seek advice from a professional (legal or non-legal)?		
Handled without (professional) advice	23.0v	31.6
Sought (professional) advice	61.6*	49.8
3: Did those who sought professional advice use a legal professional?		
Non-legal adviser only	32.7v	36.0
Legal adviser	29.0*	13.8

*Significantly higher odds for single parents compared to other respondents.
v Significantly lower odds for single parents compared to other respondents.
–No significant difference between single parents and other respondents.
Notes: See Appendix 3 for definitions of categories, including definition 2 for single parents in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains single parents from accessing and using legal help?

Single parents are a diverse group and are likely to vary in legal capability and the access to justice barriers they experience. Female lone parents comprise nearly 85% of all lone parents with an income below $20 800, and women often experience poorer financial outcomes after relationship breakdown due to having a greater responsibility for caring for children, lack of access to affordable child care, and work-life strains and pressures.[146] Relationship breakdown can give rise not only to a range of further legal problems (e.g. housing, credit and debt), but can dramatically change personal circumstances, such as financial resources, emotional stability and psychological preparedness to take action, and ability to effectively manage legal disputes.[147] Relationship breakdown can also heighten risk to the onset and further entrenchment of disadvantage, particularly amongst Indigenous and CALD single parents, and those experiencing financial disadvantage.[148]

Single parents are also likely to vary in terms of their legal needs and capability, depending upon the recency and complexity of their relationship breakdown.[149] In particular, relationship breakdown involving **domestic violence** and **mental health issues** can negatively affect personal and legal capability consequent with having multiple, complex legal and non-legal problems.[150]

In particular, **disadvantaged women experiencing family violence** and relationship breakdown can face particular personal and systemic barriers to obtaining legal assistance, including:

- a fragmented, complex and continually changing family law, child protection and family violence system
- difficulty obtaining timely and specialist legal assistance, particularly for complex family disputes involving children
- lack of access to low-cost advice and dispute resolution services, particularly for small property disputes and other civil matters, and particularly in some regional, rural and remote areas
- prohibitive cost of legal representation in family law matters
- lack of knowledge about the legal system and the cost and availability of legal assistance services.[151]

See the following sections for further discussion relevant to single parents with multiple disadvantage: *Legal capability; People with multiple disadvantage; Indigenous Australians; Financially disadvantaged people; People from CALD backgrounds* and *People living in remote and regional areas.*

How can services be more appropriate and accessible for single parents?

Pathways and problem noticers

Noting that family breakdown can occur across the broader community, pathways and problem noticers may include friends and family, antenatal clinics, maternal child and family health services, hospitals, general practitioners (GPs), Centrelink, schools and other services available across the community.

Family relationship centres and other services for separating couples provide another pathway for issues that may accompany family breakdown (e.g. debt and housing).

Where family violence is involved, problem noticers may also include police officers, family violence services and refuge staff.

The provision of referral training and support to problem noticers may help link single parents to appropriate legal help for the range of issues experienced.

Technology

There is a high level of internet use in Australia for those aged under 44 years (at least 94%), but note the secondary digital divide, which may limit the use of the internet for help-seeking.[152] Web-based information, however, can signpost users to face-to-face assistance.

A recent review indicates that online resources on family law issues are among the most frequently viewed issues on the Legal Aid NSW website.[153]

Service delivery

Be aware of legal issues that commonly cluster with family breakdown, such as debt, money issues and domestic violence. Consider comprehensive legal diagnosis and triage (e.g. via legal check-up tools)[154] to identify co-occurring or likely legal issues, and joining -up services

to address this cluster of issues. Opportunities for joining up range from referral pathways to co-location.

While single parents will vary in legal capability, the impact of family breakdown on the emotional capacity to effectively resolve legal issues should be considered.

Section 11: People experiencing or at risk of family violence

Overlap between people experiencing or at risk of family violence and other demographic groups

Family violence can be experienced by both women and men and can occur across all ages, cultures and socioeconomic groups. Because much family violence goes unreported, it is difficult to determine the precise overlaps with other disadvantaged groups. However, the large majority of victims are women and the majority of perpetrators are men. There are also some indications that risk of family violence may be higher for younger women, women who are separated, pregnant women, women who had been victims of child abuse, Indigenous women, women living in rural and remote areas, women with disabilities, women from CALD backgrounds and women experiencing financial disadvantage or financial stress.[155]

What legal problems do people experiencing or at risk of family violence experience?

Due to underreporting, it is difficult to determine the true extent of family violence. It has been estimated that as few as 14–52% of victims report their victimisation to police.[156] It is thus not clear whether crime victimisation surveys similarly underestimate family violence victimisation. In Australia, the most recent large-scale survey measuring the prevalence of family violence is the ABS's Personal Safety Survey conducted in 2012. This survey found that 17% of women and 5% of men reported having experienced actual or threatened violence by a (current or previous) partner since the age of 15 years, with 0.6% of men and 1.5% of women reporting that they experienced such violence in the previous 12 months.[157]

Similarly, 0.8% of LAW Survey respondents stated that they had been the victim of actual or threatened assault or sexual assault by a family or household member in the previous 12 months, with 0.3% of men and 1.3% of women stating that they had experienced such victimisation.[158]

Table 11.1 presents the reporting of other types of legal problems by the LAW Survey respondents who acknowledged experiencing (actual or threatened) family violence. However, given the possible underreporting of family violence, the estimates provided in Table 11.1 for family violence victims should be treated with ***caution***.[159] Nonetheless, these data are consistent with the possibility that family violence victims may have high vulnerability to a broad range of other legal problems. Other research suggests that family violence is associated with heightened vulnerability to a cluster of legal problems associated with family breakdown, and closely linked ancillary issues concerning children.[160] For instance, family violence and relationship breakdown appears to be a leading trigger of first instance homelessness, with young people seeking assistance from specialist homelessness services commonly citing family violence and family breakdown as a reason for seeking crisis accommodation.[161] In addition, according to the LAW Survey, family-related legal problems often appear to co-occur with credit/debt problems.[162]

Table 11.1: Prevalence of legal problems – victims of (actual or threatened) family violence, Australia

Problem category	LAW Survey respondents who were victims of family violence %		Other LAW Survey respondents %
Accidents	9.1		7.7
Consumer	52.0	*	20.3
Credit/debt	30.5	*	6.2
Other crime [a]	50.3	*	13.5
Employment	27.3	*	6.1
Family	52.9	*	4.6
Government	38.2	*	10.5
Health	21.9	*	3.2
Housing	35.9	*	11.6
Money	17.6	*	5.6
Personal injury	25.5	*	6.8
Rights	34.9	*	5.6

* Significantly higher for family violence victims compared to other respondents.

a Coumarelos et al. (2012) include family violence victimisation as a crime problem. The 'other crime' category in the table is identical to Coumarelos et al.'s crime category except that it excludes family violence victimisation. Thus, 50.3% of those who had experienced this family violence victimisation had also experienced another type of crime problem, and 13.5% of other respondents experienced a crime problem that did not involve family violence victimisation.

Notes: N=20 716 LAW Survey respondents, including 171 respondents who had experienced (actual or threatened) family violence victimisation. Significance for each problem category is based on an adjusted version of the standard chi-square test, which applied a second-order Rao-Scott (Rao & Scott 1984) correction to accommodate weighting of the data. Accidents: χ^2=0.43, $F_{1,20715}$=0.29, p=0.593; Consumer: χ^2=103.86, $F_{1,20715}$=68.85, p=0.000; Credit/debt: χ^2=166.72, $F_{1,20715}$=110.19, p=0.000; Crime excluding family violence victimisation: χ^2=191.74, $F_{1,20715}$=127.17, p=0.000; Employment: χ^2=130.58, $F_{1,20715}$=82.55, p=0.000; Family: χ^2=831.12, $F_{1,20715}$=552.57, p=0.000; Government: χ^2=135.55, $F_{1,20715}$=88.04, p=0.000; Health: χ^2=183.47, $F_{1,20715}$=115.87, p=0.000; Housing: χ^2=96.86, $F_{1,20715}$=63.74, p=0.000; Money: χ^2=45.54, $F_{1,20715}$=30.26, p=0.000; Personal injury: χ^2=90.86, $F_{1,20715}$=57.81, p=0.000; Rights: χ^2=266.97, $F_{1,20715}$=171.28, p=0.000.

How do people experiencing or at risk of family violence respond to their legal problems?

Due to relatively small numbers, analyses using the LAW Survey have not been conducted on the strategies that family violence victims use in response to their family violence and other legal problems. However, the underreporting of family violence to police[163] suggests that victims may not always address their family violence problem and, similarly, may not always take appropriate action to address other (sometimes related) legal problems that they may experience.

What constrains people experiencing or at risk of family violence from accessing and using legal help?

Experience of family violence often erodes personal capability and exacerbates vulnerability to social disadvantage and other legal and non-legal problems.[164] People experiencing family violence often face personal and systemic barriers to obtaining legal assistance. Victims may face physical, sexual, emotional, psychological and financial forms of violence, which can inhibit psychological readiness and willingness to seek help and take action due to feeling fearful, emotionally overwhelmed, helpless and exhausted. They often have a range of concerns that undermine willingness to access and act on legal assistance, and are

less likely to take action when they are concerned or fearful of the possible consequences of taking action.[165] Other personal barriers include:

- reluctance to disclose family violence due to stigma and shame, particularly within some cultures and communities
- fear of and for the offender
- lack of access to ongoing support beyond the point at which violence occurs, eroding willingness to seek assistance and take action
- overriding concerns about the safety and wellbeing of children
- lack of knowledge about the legal system, sources of legal help and the cost and the availability of legal assistance services
- fearful of, mistrustful of, or feeling intimidated by the justice system
- previous negative experience or frustration seeking assistance, particularly negative encounters with police, that can result in a decision not to seek assistance at a later date.[166]

People experiencing family violence who are CALD, Indigenous, younger, older, or who live in regional and remote areas, or who have a disability or mental illness often experience additional barriers accessing culturally appropriate and affordable legal assistance and other services.[167] Other identified systemic barriers include:

- lack of timely, affordable and specialist legal advice and representation, particularly for complex family disputes involving children
- the burden of responding to violence falling on the victim
- prohibitive cost of legal representation in family law and violence matters, and lack of access to low-cost advice and dispute resolution services, particularly for small property disputes and other civil matters, especially in some regional and remote areas
- a fragmented, complex and continually changing family law, child protection and family violence system, including fractured responsibility among services delivering crisis and other support services
- lack of recognition, understanding and training across the legal system concerning the complex nature of family violence
- lack of access to affordable and appropriate housing
- lack of offender accountability and inadequate response to breach of protection or restraining orders
- limits of legal solutions for complex social problems such as family violence.[168]

See the following sections for further discussion relevant to people with multiple disadvantage experiencing family violence: *Legal capability; People with multiple disadvantage; Indigenous Australians; Financially disadvantaged people; People from CALD backgrounds; People with disability or mental illness, People living in remote and regional areas* and *People living in disadvantaged housing and homeless people.*

How can services be more appropriate and accessible for people experiencing or at risk of family violence?

Pathways and problem noticers

Family violence may come to the attention of a range of different services, at points of crisis and at other times. Pathways and problem noticers may include friends and family, antenatal clinics, maternal child and family health services, hospitals, GPs, mental health facilities, Centrelink, schools and other services available across the community. Police officers, court-based family violence services and refuge staff, family lawyers, family courts and family relationship centres may also provide a pathway to legal assistance and related support for a range of legal issues, particularly following a crisis situation. Particular consideration should be given to the problem noticers and pathways appropriate for Indigenous people and people from CALD communities (see relevant sections).

Technology

There is a high level of internet use in Australia for those aged under 44 years (at least 94%), and web-based information is widely available for women and men,[169] and can also signpost users to face-to-face assistance. However, note the secondary digital divide, which may limit the use of the internet for help-seeking by some users,[170] and in particular, the risks and restrictions to some women's access to and use of technology, in the context of controlling relationships.[171] Web-based information, advice and training services for community workers can help increase the capability of workers to assist clients and to identify sources of legal help for their clients experiencing family violence.[172]

Service delivery

CLE for problem noticers (about what legal services can do to assist their clients facing family violence and how to refer clients) can help safely link clients to legal assistance services. Consideration should be given to providing information and support to workers in places accessible to women who are subject to monitoring by violent partners (e.g. schools and GPs).

People experiencing family violence may present to legal services for issues other than violence, including family law issues, debt and housing issues. Services should be alert to this possibility and have the capacity to respond appropriately.[173] Be aware of and respect what clients experiencing family violence want from legal services and the justice system.[174] The common experience of family violence involving multiple legal and other needs, as well as the need to prioritise the ongoing safety of clients and any children involved, suggests the importance of joined-up or collaborative service provision.[175]

Section 12: People living in disadvantaged housing and homeless people

Overlap between people who live in disadvantaged housing or are homeless and other demographic groups

People who live in disadvantaged housing, are homeless or at risk of homelessness often face multiple types of disadvantage and overlap substantially with other priority groups. For example, adults who had been homeless in the last 10 years were more likely than others to be aged 18 to 34 years (55% versus 32%) and less likely to be aged 55 years or over (11% versus 32%). Homeless people also had lower educational attainment than others (33% versus 23%), were more likely to be unemployed (9% versus 3%) and were more likely to have household incomes in the lowest quintile (35% versus 18%). Further, nearly two-thirds of homeless people reported having a disability or long-term health problem, compared to just over one-third of other people.[176]

What legal problems do people who live in disadvantaged housing or are homeless experience?

LAW Survey respondents in disadvantaged housing circumstances, including those who were homeless, in basic or impoverished housing or in public housing, had high vulnerability to legal problems (see Table 12.1).

Table 12.1: Prevalence of legal problems – people living in disadvantaged housing, Australia

Problem category	LAW Survey respondents in disadvantaged housing %		Other LAW Survey respondents %
Overall	60.9	*	49.0
Substantial	42.5	*	26.2
Multiple	44.3	*	30.5
Accidents	7.2	–	7.8
Consumer	25.1	–	20.3
Credit/debt	14.1	*	5.9
Crime	24.8	*	13.6
Employment	10.7	*	5.9
Family	12.4	*	4.5
Government	15.1	–	10.5
Health	10.4	*	2.9
Housing	21.7	*	11.1
Money	5.4	–	5.7
Personal injury	9.5	–	6.8
Rights	13.2	*	5.3

* Significantly higher odds for respondents in disadvantaged housing compared to other respondents.
– No significant difference between respondents in disadvantaged housing and other respondents.
Notes: See Appendix 3 for definitions of categories, and definition 2 for people in disadvantaged housing in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 1235 respondents in disadvantaged housing. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 749 respondents in disadvantaged housing).

They were significantly more likely than others to experience legal problems of any type (overall), substantial legal problems, multiple legal problems, and legal problems from 7 of the 12 different problem group types (see Table 12.1). Notably, respondents in disadvantaged housing had elevated experience of credit/debt, health, housing, employment and rights problems, being around twice as likely to experience these problems compared to others (1.9, 1.9, 1.8, 1.7 and 1.7 times, respectively).[177]

How do people who live in disadvantaged housing or are homeless respond to their legal problems?

As a broad group, LAW Survey respondents in disadvantaged housing circumstances were similar to other respondents in the strategies they used in response to legal problems. They had similar levels to other respondents of taking some type of action, seeking professional advice when they did take action and using a legal professional when they sought professional advice (see Table 12.2).

Table 12.2: Strategy in response to legal problems – people living in disadvantaged housing, Australia

Strategy	LAW Survey respondents in disadvantaged housing %		Other LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**16.7**	–	**18.4**
TOOK ACTION	**83.3**	–	**81.6**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**28.0**	–	**30.9**
Sought (professional) advice:	**55.3**	–	**50.7**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	35.2	–	35.6
Legal adviser	20.1	–	15.1

–No significant difference between respondents in disadvantaged housing and other respondents.

Notes: See Appendix 3 for definitions of categories, and definition 2 for people in disadvantaged housing in Appendix 4.

Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains people who live in disadvantaged housing or are homeless from accessing and using legal help?

People's housing circumstances reflect their socioeconomic circumstances, and homeless people typically suffer various forms of social exclusion. Homelessness is also associated with relationship breakdown, family and domestic violence, mental illness, alcohol and drug abuse, and, overwhelmingly, homeless people are financially disadvantaged and struggle to maintain government benefits and other sources of income.[178]

Identified barriers to obtaining legal assistance experienced by homeless people include:

- having to prioritise more basic and pressing non-legal needs such as accommodation, food and caring for family
- limited available resources for legal and non-legal needs
- poor family relationships often marked by histories of violence
- fear of the legal system and a belief that their problems will just 'go away'
- feelings of despair and hopelessness, and that the law would not work to their benefit
- mental health and drug and alcohol issues
- poor literacy, numeracy and educational attainment
- lack of ability to identify issues as legal ones
- lack of knowledge of legal options
- failing to take action for legal problems until they have reached crisis point and become more complex and difficult to resolve
- having multiple, urgent and interrelated legal and non-legal problems.[179]

Homeless people are assisted by services that:

- are located in or accessible from places homeless people frequent
- have staff skilled in communicating with people with complex needs and who are sensitive to the issues homeless people face
- provide for longer appointment times
- have capacity to address or coordinate response to a range of legal issues
- have capacity to coordinate and cooperate with non-legal support services.

See the following sections for further discussion relevant to homeless people experiencing multiple disadvantage: *Legal capability; People with multiple disadvantage; People experiencing or at risk of family violence;* and *People with a mental illness*.

How can services be more appropriate and accessible for people who live in disadvantaged housing or are homeless?

Also see section on *People with multiple disadvantage.*

Pathways and problem noticers

Support services for people who are homeless, at risk of homelessness or who are in marginal accommodation include homeless services for rough sleepers, domestic violence related services, community, health, welfare and family support services, youth services, tenancy services and tenant advocacy groups and services for recently released prisoners.[180]

Service delivery

Information, support and referral training for these support workers may provide a pathway to legal assistance for homeless clients and those at risk of homelessness.

However, this is best complemented by:

- outreach or the co-location of legal services/clinics in places where homeless people go (e.g. welfare services, community health facilities and domestic violence services)
- having legal staff who are skilled in supporting people with complex needs
- consistent, timely, joined-up service delivery, which can address multiple and complex legal issues
- capacity for longer appointment times and more intensive assistance.[181]

Examples of outreach services to homeless people and those at risk of homelessness include pro bono legal clinics (e.g. services provided by Queensland Public Interest Law Clearing House (QPILCH), Public Interest Advocacy Centre (PIAC) (in NSW); Justice Connect (in Victoria); Welfare Rights (in South Australia)) and outreach services provided by public legal assistance services.[182]

Section 13: Prisoners

Overlap between prisoners and other demographic groups

A defining feature of the prison population is the concentration of socioeconomic disadvantage and experience of higher levels of mental illness, cognitive impairment and intellectual disability, financial disadvantage, poor educational attainment, unemployment, and history of alcohol and drug misuse.[183] Compared to the general population, the prison population has higher proportions of men (92% of prisoners), young people aged 18 to 24 years (18%) and people identifying as Indigenous (27%).[184] Four-fifths (81%) of prisoners left school before Year 12 and 26% were referred to mental health services on entry to prison.[185]

What legal problems do prisoners experience?

While all prisoners experience criminal law issues, they may also arrive in prison with unresolved family and civil law issues (e.g. debts, unpaid fines and housing issues) arising from chaotic lives and financial disadvantage commonly experienced prior to custody. Incarceration itself may lead to issues relating to housing, financial arrangements, employment, child custody and other family law issues, and the operation of any business. Issues particular to being a prisoner include bail, prison disciplinary action, classification and segregation issues, victims compensation restitution and the risk of deportation for non-citizens. As inmates leave prison they are vulnerable to issues relating to their parole, establishing identity to reconnect with services, discrimination in seeking housing and employment, and criminal law matters. At this point, released prisoners are also vulnerable to the impact of legal issues that remain unresolved from their time in or prior to custody.[186]

How do prisoners respond to their legal problems?

Prisoners' capacity to address their legal issues is strongly influenced by both individual capability (e.g. cognitive function, literacy and mental health) and the features of their physical environment (e.g. access to telephones, legal information sources, etc.). Both of these factors may change as prisoners move through the incarceration process. Levels of action may vary accordingly. Inmates may be less able to address civil and family law issues when they first arrive in prison as they may be more unstable, stressed and immediately focused on dealing with their criminal law issue than at later points in their prison stay. Relative to chaotic lives before and after prison, this is a period when, with assistance, prisoners may be able to address legal problems.[187]

What constrains prisoners from accessing and using legal help?

Prisoners have been identified as a group who tend to have more limited personal capability, such as lacking 'everyday life skills'.[188]

Other identified barriers to obtaining legal assistance experienced by prisoners include:

- negative beliefs about the utility of trying to use the legal system
- limited or interrupted education

- lack of understanding about how to obtain legal assistance
- length of time it takes to obtain legal information or advice
- restricted access to legal information
- lack of understanding or misunderstanding the outcomes of legal processes
- legal assistance services that are ill-suited to legal capability (e.g. provision of written information to prisoners with poor literacy, advice sessions being too short and complexity of information provided etc.)
- difficulty communicating with legal advisers
- features of the systemic service environment (e.g. legal, custodial and bureaucratic systems) that make it difficult for prisoners to access legal assistance.[189]

In particular, lack of personal capability associated with the following factors may undermine the ability of prisoners to identify and deal effectively with their legal issues:

- chaotic lives or lives that had been spiralling out of control prior to custody
- multiple criminal and civil legal issues
- limited awareness of documentation relevant to legal issues
- tendency to have made financial, family and other arrangements outside of formal legal processes
- lack of trust in and marginalisation from formal legal processes
- limited financial resources
- periods in custody decreasing confidence and skills
- tendency of those without the necessary skills or support to engage in maladaptive behaviour, including avoiding legal problems and help
- being too embarrassed, intimidated or overwhelmed to admit a lack of understanding or literacy skills.[190]

See the following sections for further discussion of barriers to legal assistance experienced by prisoners: *Legal capability; People with multiple disadvantage; People with a disability or mental illness; Financially disadvantaged people;* and *People with low education levels*.

How can services be more appropriate and accessible for prisoners?

Pathways and problem noticers

The cycle of imprisonment from arrest, remand, sentenced time, pre-release and post-release is relevant to the legal issues being experienced, the opportunities and capability of inmates to effectively address these issues and the pathways to legal service provision.[191]

Sources of assistance inside prisons commonly include visiting legal services provided by legal aid commissions and/or community legal centres and telephone-based advice services. While there may be scope for corrective service staff or programs (e.g. custodial, welfare and education) to provide information or support to inmates seeking legal assistance, this will vary from centre to centre and by jurisdiction. Post-release support and referral may be provided by parole, general and post-release welfare and support services.

Technology and service delivery

Examples of CLEI resources in prisons or for inmates include the Legal Information Portal in NSW correctional centres[192] and *Back on Track*[193]).

Prisoners may have access to lawyers for their criminal matters but little access to legal help for family and civil law issues. Civil and family law outreach services to prisons aim to bridge that gap (e.g. Justice Connect Debt and Tenancy Legal Help for Prisoners).[194]

Section 14: People living in remote and regional areas

Overlap between people living in remote and regional areas and other demographic groups

People living in remote or outer regional areas experience other types of disadvantage and overlap considerably with other priority groups.[195] For example, 37% of people living in remote or outer regional areas are financially disadvantaged, 23% have low education levels, 41% are under 25 years and 8% are Indigenous.[196]

What legal problems do people living in remote and regional areas experience?

Although more remote areas tend to be the more disadvantaged areas across Australia,[197] the LAW Survey did not reliably show higher levels of legal problems in these areas (see Table 14.1). Further, the few significant results were not all in the direction of elevated experience in remote or regional areas compared to major cities.[198]

Table 14.1: Prevalence of legal problems – people living in remote and regional areas, Australia

Problem category	LAW Survey respondents in remote areas %		LAW Survey respondents in regional areas %		LAW Survey respondents in major cities %
Overall	50.1	–	47.3	v	50.7
Substantial	25.1	–	26.6	–	27.6
Multiple	31.7	–	30.6	a*	31.6
Accidents	6.4	v	5.9	v	8.6
Consumer	19.0	–	19.4	–	21.2
Credit/debt	8.4	–	6.7	–	6.2
Crime	17.6	–	13.8	–	14.3
Employment	6.8	–	5.9	–	6.3
Family	4.7	–	6.0	*	4.6
Government	8.8	–	11.0	–	10.7
Health	3.9	–	3.2	–	3.4
Housing	8.6	v	10.6	v	12.4
Money	5.4	–	5.8	–	5.7
Personal injury	7.7	–	6.9	–	7.0
Rights	6.5	–	6.2	–	5.6

* Significantly higher odds for this group compared to respondents in major cities.
v Significantly lower odds for the this group compared to respondents in major cities.
– No significant difference between this group and respondents in major cities.
a Despite a lower raw percentage, respondents in regional areas had significantly higher odds of experiencing multiple legal problems compared to respondents in major cities once the regression adjusted for other demographic differences between the two groups.
Notes: See Appendix 3 for definitions of categories, and definition 2 for people living in remote and regional areas in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 491 respondents in remote areas and 6394 in regional areas. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 243 respondents in remote areas and 3009 in regional areas).

Similarly, further analysis of the LAW Survey showed that the level of disadvantage in an area (as measured by the Socio-Economic Index for Areas or SEIFA) was only weakly related to legal problem experience. An individual's personal experience of certain types of disadvantage was better at predicting that individual's likelihood of experiencing legal problems than was the level of disadvantage in their area of residence. One reason for this finding is that area-level measures of disadvantage provide the ***average*** level of disadvantage of ***all*** people within a geographic area, but not all individuals within a 'disadvantaged' area are necessarily disadvantaged. It was concluded that area-level measures of disadvantage such as SEIFA can be used as a starting point to identify areas of high or particular legal needs, but should not be used in isolation. Other information may also need to be considered to ensure that services are provided to those who are most at risk of legal problems and least able to resolve these problems successfully without assistance. Such information may include individual measures of disadvantage or other demographic data at a more local level, proxy measures of legal capability, and knowledge regarding the current service environment, along with any existing barriers to accessing services. Without these additional information sources, pockets of high disadvantage and legal need may well be missed while areas of lower need receive services.[199]

How do people living in remote and regional areas respond to their legal problems?

In broad terms, there were no significant differences according to remoteness in the strategies that LAW Survey respondents adopted in response to their legal problems. People living in remote areas, regional areas and major city areas had similar levels of taking some type of action, seeking professional advice when they did take action and using a legal professional when they sought professional advice (see Table 14.2).

Table 14.2: Strategy in response to legal problems – people living in remote and regional areas, Australia

Strategy	LAW Survey respondents in remote areas %		LAW Survey respondents in regional areas %		LAW Survey respondents in major cities %
1: Was any action taken?					
TOOK NO ACTION	**19.7**	–	**16.7**	–	**18.9**
TOOK ACTION	**80.3**	–	**83.3**	–	**81.1**
2: Did those who took action seek advice from a professional (legal or non-legal)?					
Handled without (professional) advice	**31.3**	–	**29.7**	–	**31.0**
Sought (professional) advice:	**49.0**	–	**53.6**	–	**50.1**
3: Did those who sought professional advice use a legal professional?					
Non-legal adviser only	38.0	–	35.8	–	35.4
Legal adviser	11.0	–	17.8	–	14.7

–No significant difference between this group and respondents in major cities.

Notes: See Appendix 3 for definitions of categories, and definition 1 for people living in remote and regional areas in Appendix 4.

Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

Despite these broad findings, finer-grained follow-up analyses of the LAW Survey revealed that living in more remote areas reduced the likelihood of taking action and seeking professional advice for *certain groups of people*, over and above disadvantage. Notably, Indigenous respondents were less likely to take action and use legal professionals if they lived in more remote areas. In addition, the low levels of using legal advisers by people with low awareness of free legal services was even more pronounced if they lived in more remote areas.[200]

What constrains people living in remote and regional areas from accessing and using legal help?

People living in outer regional and remote areas are likely to experience difficulties accessing and using legal assistance stemming from geographic distance and isolation, and a lack of available local services. In particular, remote areas are characterised by declining population, economic activity, and government, community and other services.[201] These areas also tend to have a greater level of financial disadvantage, lower educational attainment and a higher Indigenous population.

More than 12% of local government areas in NSW have no locally-based public or private legal practitioners, highlighting the challenge of providing an appropriate mix of legal assistance services to meet legal need and capability, particularly in those areas with declining populations where it may not be viable to sustain full-time services.[202] Identified barriers to accessing the legal system that are experienced by people living in rural, regional and remote areas include:

- lack of access to legal and other services due to remoteness and physical distance
- lower levels of literacy and numeracy
- difficulties in accessing legal information websites
- difficulties regarding privacy and confidentially in smaller rural communities
- experience of multiple legal and non-legal problems.[203]

Legal practitioners in regional, rural and remote areas have reported that people in these areas may experience barriers to legal assistance associated with:

- high levels of disadvantage
- limited financial means associated with the high cost of groceries, the expense of operating private vehicles and the high cost of transport or poor availability of public transport
- some private practitioners declining to take on legal aid work because they believe it would be too difficult to maintain their other work or they think that they have already undertaken a reasonable amount of pro bono work
- the cost of using private practitioners
- being referred to regional centres for legal assistance, which are often costly and time-consuming to attend
- being unable to obtain legal assistance from local legal practitioners due to ‘conflict’ of interest

- technology-based forms of legal assistance, including telephone and online services, being inappropriate for some disadvantaged clients, particularly when face-to-face services are needed to review client documents
- the need of some client groups, for example Indigenous clients, to trust legal service providers before they will use them and talk frankly
- lack of funding to provide legal services in some areas of law, particularly for civil law issues.[204]

Critically, outer regional and remote areas are not homogenous, but are marked by both inter-regional and intra-regional variation. Generally, the more remote the area, the greater the socioeconomic disadvantage and the smaller the ratio of lawyers to residents.

See the following sections for further discussion relevant to people living in remote and regional areas with multiple disadvantage: *Legal capability; People with multiple disadvantage; Financially disadvantaged people; People with low education levels;* and *Indigenous Australians*.

How can services be more appropriate and accessible for people living in remote and regional areas?

The findings demonstrating the high levels of inaction in more remote areas for Indigenous people and people who are unaware of free legal services raise questions about the coverage of legal services in more remote areas, particularly legal services that are culturally appropriate for Indigenous people. Outreach advice in such areas may be a viable method of service delivery.

Pathways and problem noticers

The per capita rate of lawyers in regional and remote areas is around three times lower than in NSW as a whole, with disadvantaged people in these areas having a greater reliance on public legal assistance services. Given the significant variation between different local government areas and within particular regional and remote areas, service strategies may have to be informed by specific contexts.[205]

Consider the role of local coordination such as the CLSD model in NSW,[206] and opportunities for joining -up with non-legal and other legal services. Outreach legal services are common in regional and remote areas.[207]

Technology

While 78–80% of people in remote and very remote Australia access the internet, only 53% of people in remote areas and 48% of people in very remote areas use the internet to access government services.[208]

Given the vast distances in Australia, there has been ongoing interest in the use of video conferencing as a way to provide some legal assistance services in remote locations. These strategies have had variable success, due to issues with broadband connectivity and the willingness of clients, support workers and lawyers to use this technology.[209] While technology is constantly improving and trials continue, services should identify recent

research and evaluation, and consult with other services using this technology, before embarking on these strategies.

Service delivery

Observations that people who were unaware of free legal services in very remote areas were less likely to use lawyers suggest the value of highly visible, well-connected outreach services to remote locations. To increase the impact of outreach services to remote communities with high legal needs, trust and reputation will often need to be established and maintained with these communities.

State-wide telephone and CLEI services may also need to consider how they develop and maintain awareness *and uptake* of their services by residents living in remote and regional locations.

Section 15: People from CALD backgrounds

Overlap between CALD people and other demographic groups

While there is diversity in the experiences of different ethnic communities within the Australian community, considered together, CALD people can face various types of disadvantage.[210] For example, 46% of CALD people are financially disadvantaged, 5% are unemployed and 6% have a disability.[211]

What legal problems do CALD people experience?

Like respondents with low education levels, and unlike most other disadvantaged groups, LAW Survey respondents with a non-English main language reported *significantly lower* levels of experiencing legal problems for most of the problem categories examined (see Table 15.1). However, they were significantly more likely to report health-related legal problems.

Table 15.1: Prevalence of legal problems – people with a non-English main language, Australia

Problem category	LAW Survey respondents with a non-English main language %		LAW Survey respondents with English as main language %
Overall	42.9	–	50.2
Substantial	24.7	–	27.2
Multiple	25.6	–	31.7
Accidents	7.1	v	7.8
Consumer	17.0	v	20.9
Credit/debt	4.2	v	6.6
Crime	9.9	v	14.6
Employment	6.5	–	6.2
Family	2.8	v	5.2
Government	7.8	v	11.0
Health	3.5	*	3.3
Housing	11.3	–	11.8
Money	2.6	v	5.9
Personal injury	6.1	–	7.0
Rights	6.7	–	5.7

* Significantly higher odds for respondents with a non-English main language compared to other respondents.
v Significantly lower odds for respondents with a non-English main language compared to other respondents.
– No significant difference between respondents with a non-English main language and other respondents.

Notes: See Appendix 3 for definitions of categories, and definition 2 for people from a CALD background in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 1398 respondents with a non-English main language. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 599 respondents with a non-English main language).

The reason for these low reporting levels is unclear. People with a non-English main language may actually have lower vulnerability to legal problems, due to their economic and other life circumstances providing less opportunity to experience certain problems, such as problems arising from various economic activities. However, their lower reporting levels may instead reflect a failure to recognise legal problems or an unwillingness to admit to legal

problems, due to low levels of legal capability, such as low levels of legal literacy or other more pressing needs.

How do CALD people respond to their legal problems?

LAW Survey respondents with a non-English main language were significantly more likely to ignore their legal problems, and when they did take some type of action, they were significantly less likely to seek advice from a (legal or non-legal) professional (see Table 15.2). However, when they consulted a professional, they did not differ from others in their likelihood of including a legal professional among the professionals they consulted (see Table 15.2).

More recent analyses of the LAW Survey compared people from a CALD background who spoke English as their main language to those who spoke only other languages, and showed considerable diversity between these groups.[212] Those who spoke only other languages were less likely to take action, and when they took action, were less likely to seek professional advice.[213]

Table 15.2: Strategy in response to legal problems – people with a non-English main language, Australia

Strategy	LAW Survey respondents with a non-English main language %		LAW Survey respondents with English as main language %
1: Was any action taken?			
TOOK NO ACTION	**29.7**	*	**17.6**
TOOK ACTION	**70.3**	v	**82.4**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**33.3**	*	**30.5**
Sought (professional) advice:	**36.9**	v	**51.9**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	26.7	–	36.1
Legal adviser	10.2	–	15.8

*Significantly higher odds for respondents with a non-English main language compared to other respondents.
v Significantly lower odds for respondents with a non-English main language compared to other respondents.
–No significant difference between respondents with a non-English main language and other respondents.
Notes: See Appendix 3 for definitions of categories, and definition 2 for people from a CALD background in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains CALD people from accessing and using legal help?

CALD people may be culturally distanced or marginalised from public institutions such as the legal system. Cultural barriers may be extenuated by limited personal resources and capability, particularly amongst recent humanitarian and other migrant arrivals, and for certain types of legal problems, particularly family and civil law problems.[214] Ignorance about Australian law and legal rights can further exacerbate access to justice barriers and, compared to others, they are also more likely to experience financial disadvantage and unemployment, and have poor English proficiency.

CALD people face particular access to justice roadblocks, including:

- lack of English language literacy and proficiency
- lack of knowledge of the legal system, legal rights and remedies, legal service providers and how to access legal help
- fear and mistrust of authority and the Australian legal system
- shame and fear associated with having a legal problem
- cultural and religious barriers that inhibit help-seeking outside the community, particularly for family law problems
- the perceived cost of legal services and a lack of financial resources for private legal services
- lack of effective referral between migrant and legal services
- difficulty accessing interpreter services and translated legal information material
- lack of awareness and sensitivity to the needs of diverse cultures among service providers, including newly emerging ethnic communities
- lack of availability of female interpreters for issues faced by CALD women
- visa dependency
- absence of a coordinated approach in access to justice strategies for CALD communities.[215]

While these personal and systemic barriers are common, some CALD minority groups may experience specific access to justice barriers associated with particular needs and the local service environment.

Fear and mistrust of government agencies is characteristic of some CALD communities, particularly new humanitarian arrivals who had negative experiences with government agencies prior to settling in Australia.[216]

See the following sections for further information relevant to CALD people experiencing multiple disadvantage: *Legal capability; Financially disadvantaged people;* and *Unemployed people.*

How can services be more appropriate and accessible for CALD people?

Noting the barriers above, legal information and education programs tailored to specific communities, particularly newly arrived communities, can address gaps in foundational knowledge about, and build trust in, the Australian legal system and processes.[217] Partnerships between legal and migrant services have also been successful in providing culturally appropriate and accessible legal outreach services.[218] In particular, with training and support, workers in migrant services can help to spot clients experiencing legal problems and to support and refer these clients to legal assistance. Cultural competency within legal assistance services will also be important, including awareness of the additional time that may be required for providing advice, noting language barriers and unfamiliarity with legal norms in Australia.

Consequently, building awareness and understanding of Australian law and rights, as well trust and rapport, may be prerequisites to extending access to justice to vulnerable and isolated CALD communities.

Non-English-speaking groups may benefit from information and education initiatives aimed at raising their understanding of the Australian law and legal system to increase their awareness of both legal rights and how to access legal assistance. Culturally appropriate and physically accessible legal assistance services may better reach more isolated migrant communities, particularly many newly arrived migrant communities. Culturally sensitive services and availability of language translation services have been shown to reduce access barriers for ethnic minority groups.

Pathways and problem noticers

For established communities, key pathways include migrant resource centres and other multicultural services, individual community networks and services.

For *recently and newly arrived communities,* also consider organisations funded under the Humanitarian Settlement Services (HSS) and the Settlement Grants Program (SGP).[219] Note the geographic clustering of some communities (see SBS Census explorer)[220] and relevant municipal and community services in those locations.

Technology

Face-to-face legal services are more appropriate for these client groups, though the use of visual formats to explain information may be advised.

Service delivery

The high levels of inaction for people with a non-English main language, and their low levels of seeking professional advice, reinforce the potential benefits of initiatives to increase awareness of issues as legal issues, to build trust in the support that is available and to link people with legal assistance when it would be helpful to do so.[221]

To be effective, CLE may need to be sufficiently tailored to the needs and capabilities of individual communities, and delivered in forms which are culturally appropriate to each client group. Be aware of low first language literacy in some arrived communities.

CLE may be best provided in community settings, such as migrant resource centres (e.g. legal assistance partnership between Legal Aid NSW and Settlement Services International,[222] and Justice Connect's Migrant Outreach Service Advice Information and Community Education (MOSAIC)).[223] CLE to problem noticers will also link clients to assistance services. Noting histories of trauma and abuse (including from government agents) in some source countries, it will be important to establish trust of the adviser.[224] For information about particular cultural sensitivities, see Legal Aid NSW factsheets on legal service provision to new and emerging communities.[225]

Integrated service strategy is advised, particularly for recently and newly arrived communities, with locally provided face-to-face CLE about Australian law and available sources of assistance, linking directly to advice and further assistance (e.g. through outreach

services). These groups may have connected legal and non-legal needs that require coordinated legal and non-legal support.

Section 16: People with a disability or mental illness

Overlap between people with a disability or mental illness and other demographic groups

People with a disability[226] can experience multiple types of disadvantage and overlap substantially with other priority groups.[227] For example, 67% of people with a disability aged 15 years or over are financially disadvantaged, 18% have low education levels, 7% are single parents, 59% are 65 years or over, 3% are Indigenous, 22% are from a CALD background and 11% have poor English proficiency.[228]

What legal problems do people with a disability or mental illness experience?

People with a disability or mental illness have high vulnerability to a broad range of legal problems. LAW Survey respondents with a 'disability' (e.g. chronic illness, physical disability or mental health problem)[229] had significantly elevated levels of all 15 of the legal problem categories examined (see Table 16.1). Of the disadvantaged groups examined, respondents with a disability stood out as the group with the highest levels of legal needs.[230]

Table 16.1: Prevalence of legal problems – people with a disability, Australia

Problem category	LAW Survey respondents with a disability %		Other LAW Survey respondents %
Overall	61.0	*	46.9
Substantial	41.7	*	23.6
Multiple	42.3	*	28.6
Accidents	7.5	a*	7.8
Consumer	27.7	*	18.9
Credit/debt	10.7	*	5.4
Crime	18.8	*	13.1
Employment	8.2	*	5.7
Family	7.5	*	4.4
Government	15.4	*	9.6
Health	10.8	*	1.5
Housing	15.9	*	10.7
Money	7.3	*	5.3
Personal injury	12.1	*	5.7
Rights	10.3	*	4.7

* Significantly higher odds for respondents with a disability compared to other respondents.

a Despite a lower raw percentage, respondents with a disability had significantly higher odds of experiencing accidents problems than other respondents once the regression adjusted for other demographic differences between the two groups.

Notes: See Appendix 3 for definitions of categories, and definition 2 for people with a disability (which includes mental illness) in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 4095 respondents with a disability. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 2481 respondents with a disability).

Further analyses of the LAW Survey confirmed the strong link between 'disability' and vulnerability to legal problems, and showed that the link strengthens as severity of the 'disability' increases. Further, the elevated experience of legal problems was particularly strong for mental impairment. However, associations for the different types of physical

impairment examined were also generally evident and sometimes strong, with the picture being highly context specific.[231]

How do people with a disability or mental illness respond to their legal problems?

The broad group of LAW Survey respondents with a 'disability' (e.g. chronic illness, physical disability or mental health problem) had significantly elevated levels of taking action, seeking advice from a legal or non-legal professional when they take action, and using a legal adviser when they seek professional advice (see Table 16.2).

Table 16.2: Strategy in response to legal problems – people with a disability, Australia

Strategy	LAW Survey respondents with a disability %		Other LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**15.7**	v	**19.2**
TOOK ACTION	**84.3**	*	**80.8**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**27.1**	v	**31.9**
Sought (professional) advice:	**57.3**	*	**48.9**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	38.6	av	34.5
Legal adviser	18.7	*	14.4

*Significantly higher odds for respondents with a disability compared to other respondents.
v Significantly lower odds for respondents with a disability compared to other respondents.
a Although the percentage of all problems involving a non-legal adviser but no legal adviser was higher for respondents with a disability (37%) than for other respondents (35%), these problems represented a *significantly* lower of proportion of the problems where professional advice was sought for respondents with a disability (67%) than other respondents (71%).The regression was based only on the problems where professional advice was sought and examined the likelihood that the advisers used included (or did not include) a legal adviser.
Notes: See Appendix 3 for definitions of categories, and definition 2 for people with a disability (which includes mental illness) in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

Further finer-grained analysis of the LAW Survey examined how people with different types of physical or mental 'disability' respond to their legal problems. A few of these groups with a 'disability' had significantly elevated rates of taking action or seeking professional legal or non-legal advice, while others of these groups had similar rates to those of people without a 'disability'.[232]

Given that people with a disability can face obstacles in accessing legal services (see below), their sometimes elevated levels of taking action and seeking professional help may reflect any or all of the following:

- greater need for help in dealing with legal problems, for whatever reason, possibly due to lower legal capability, a greater number of severe legal problems or their health and other non-legal needs
- access to the broad range of support services that exist for people with illness/disability, which may afford more opportunity for referral to legal services

- access to legal services that directly target or have a particular interest in helping those with certain types of mental or physical 'disability' or specialise in areas of law that specifically concern those with a disability.[233]

What constrains people with a disability or mental illness from accessing and using legal help?

People with a disability

There is a bi-directional relationship between legal problems and chronic illness or disability.[234] For example, a vicious circle of vulnerability has been identified involving health problems, inability or disruption to work, loss of income, non-payment of rent, eviction and homelessness, which may create and entrench disadvantage and reproduce and extend legal need.[235]

Ill-health and long-term disability can have cumulative adverse effects that reduce personal and legal capability, including reduced ability to access and act on advice and minor assistance.[236] Disability not only impedes personal legal capability, but can also make effective legal assistance complex and more challenging.[237]

While they have high levels of taking action for legal problems, and of seeking advice from professionals, they are also significantly less likely than others to have finalised their legal problems.[238] This reduced capacity to resolve legal problems signals the possibility of lower personal legal capability.

People with a disability are more likely to suffer multiple types of disadvantage. Thus, they may be more reliant on the provision of public services, and may depend on public legal services.

A number of factors may contribute to the lower personal legal capability of many people with a disability, including:

- poorer knowledge about legal rights and remedies
- poorer literacy and communication skills
- strained personal resources due to a broad range of complex and interconnected legal and non-legal problems
- fewer resources to avoid or mitigate problems
- health and other personal needs that present additional access to justice barriers.[239]

For example, many people with a disability have limited personal financial resources for private legal assistance. People with a disability who have poor legal knowledge tend to achieve poor outcomes when they handle their legal problems alone.[240]

See the following sections for further discussion relevant to people with a disability and multiple disadvantage: *Legal capability; People with* m*ultiple disadvantage; Older people (65 years or over); Financially disadvantaged people; Indigenous Australians;* and *People with low education levels*.

People with a mental illness

People with a mental illness are among the most vulnerable and disadvantaged in the community, and they can face many barriers to participating in everyday activities. Overall, people with mental illness have lower educational attainment, lower participation in employment and experience higher financial disadvantage.[241]

Severe forms of mental illness appear to both increase vulnerability to legal problems and impede personal legal capability, and mental illness has been identified as a key factor in interfering with ability to successfully obtain and use legal assistance.[242] In addition to experiencing legal problems directly related to their mental illness, people with a mental illness also experience legal problems related to their higher level of disadvantage.

People with a mental illness face a number of personal and systemic barriers to accessing and using legal assistance.[243] Personal barriers include:

- lack of awareness of their legal rights
- being disorganised, overwhelmed and mistrustful
- exhibiting difficult behaviour
- communication problems
- lack of mental health care and treatment.

Systemic barriers that can undermine their legal capability include:

- limited availability of affordable legal services
- time constraints placed on legal service provision
- lack of access to affordable legal services in remote, rural and regional areas
- service provider having difficulty identifying mental illness
- perceived lack of credibility
- physical service environment.

People with a mental illness also experience barriers to using legal assistance related to:

- stress and cognitive impairment
- problems with time management, managing documents and appointments
- communication problems, which may be exacerbated by poor English skills and lack of legal literacy
- features of court and alternative dispute resolution environments, especially where people with a mental illness are unrepresented and there is a power imbalance between parties
- lack of legal representation
- failure to recognise a person's mental illness.

See the following sections for further discussion relevant to people with a mental illness experiencing multiple disadvantage: *Legal capability; People with multiple disadvantage; People with a disability*; *Financially disadvantaged people;* and *People with low education levels*.

How can services be more appropriate and accessible for people with a disability or mental illness?

Pathways and problem noticers

Pathways particularly relevant to **people with a disability and/or chronic illness** include GPs, community health services and hospitals and, potentially, guardianship services. Also consider the needs of carers where appropriate.

Pathways particular to **people with a mental illness** include mental health services, community health services, and alcohol and other drug treatment and support services. Also consider the needs of carers where appropriate.

Also see section on *People with multiple disadvantage.*

Service delivery

Health-justice partnerships aim to integrate legal services into health settings with the shared aim of addressing the social determinants of health (which include legal issues).[244] Services can be provided as outreach or as integrated services.

For **people with a mental illness**, particular attention may be required concerning the timing of legal assistance, recognising the complexity of issues that may be facing individuals with mental illness, particularly if clients are not stable at that point in time.

Also see section on *People with multiple disadvantage.*

Section 17: People with low education levels

Overlap between people with low education levels and other demographic groups

People with low education levels also face other types of disadvantage, overlapping considerably with other disadvantaged priority groups.[245] For example, 41% of people with low education levels are financially disadvantaged, 5% are unemployed, 9% are single parents, 5% are Indigenous and 16% live in outer regional or remote areas.[246]

What legal problems do people with low education levels experience?

Like CALD respondents, but unlike most other disadvantaged groups, LAW Survey respondents with low education levels reported *low rather than high* prevalence of legal problems. Compared to LAW Survey respondents with post-school qualifications, both those who had not finished school and those who had finished only Year 12 had significantly lower likelihood of reporting almost all of the legal problem categories examined, including legal problems overall and substantial legal problems (see Table 17.1).

Table 17.1: Prevalence of legal problems – people with low education levels, Australia

Problem category	LAW Survey respondents with <Year 12 education		LAW Survey respondents with only Year 12 education		LAW Survey respondents with post-school qualifications
	%		%		%
Overall	43.2	v	47.9	v	54.8
Substantial	24.8	v	24.7	v	29.9
Multiple	27.0	–	30.0	v	34.8
Accidents	4.8	v	8.7	v	9.4
Consumer	15.2	v	19.1	v	24.8
Credit/debt	5.5	v	6.3	v	7.1
Crime	12.5	v	14.5	v	15.4
Employment	4.5	v	5.9	v	7.6
Family	5.3	–	4.5	–	5.1
Government	8.8	v	9.6	v	11.8
Health	3.2	v	2.8	v	3.6
Housing	10.0	v	10.6	v	13.5
Money	3.8	v	4.8	v	7.4
Personal injury	7.3	–	7.1	–	6.7
Rights	6.3	av	5.1	v	5.8

v Significantly lower odds for this group compared to respondents with post-school qualifications.
– No significant difference between this group and respondents with post-school qualifications.
a Despite a higher raw percentage, respondents with education below Year 12 had significantly lower odds of experiencing rights problems than respondents with post-school qualifications once the regression adjusted for other demographic differences between the two groups.
Notes: See Appendix 3 for definitions of categories, and definition 2 for people with low education levels in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 6494 respondents with <Year 12 education and 4146 with only Year 12 education. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 2803 respondents with <Year 12 education and 1988 with only Year 12 education).

The reason for these low reporting levels is unclear. People with low education levels may actually have lower vulnerability to legal problems, due to their economic and other life circumstances providing less opportunity to experience certain problems, such as problems

arising from various economic activities. However, their lower reporting levels may instead reflect a failure to recognise legal problems or an unwillingness to admit to legal problems, due to low levels of legal capability, such as low levels of legal literacy or other more pressing needs.

How do people with low education levels respond to their legal problems?

LAW Survey respondents with low education levels were significantly more likely to ignore their legal problems, and when they took some type of action, they were significantly less likely to seek advice from a (legal or non-legal) professional (see Table 17.2). However, when they consulted a professional, they were similar to others in their likelihood of including a legal professional among the professionals they consulted (see Table 17.2).

Table 17.2: Strategy in response to legal problems – people with low education levels, Australia

Strategy	LAW Survey respondents with <Year 12 education		LAW Survey respondents with only Year 12 education		LAW Survey respondents with post-school qualifications
	%		%		%
1: Was any action taken?					
TOOK NO ACTION	**22.0**	*	**19.6**	*	**15.9**
TOOK ACTION	**78.0**	v	**80.4**	v	**84.1**
2: Did those who took action seek advice from a professional (legal or non-legal)?					
Handled without (professional) advice	**28.2**	a*	**32.4**	*	**31.1**
Sought (professional) advice	**49.8**	v	**47.9**	v	**53.0**
3: Did those who sought professional advice use a legal professional?					
Non-legal adviser only	34.2	–	34.2	–	36.8
Legal adviser	15.6	–	13.8	–	16.1

* Significantly higher odds for this group compared to respondents with post-school qualifications.
v Significantly lower odds for this group compared to respondents with post-school qualifications.
– No significant difference between this group and respondents with post-school qualifications.
a Compared to respondents with post-school qualifications, respondents with <Year 12 education had significantly higher odds of handling problems without (professional) advice once the regression adjusted for other demographic differences between the two groups, despite a lower raw percentage for handling problems without (professional) advice.
Notes: See Appendix 3 for definition of categories, and definition 2 for people with low education levels in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:
1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains people with low education levels from accessing and using legal help?

People who have not completed high school were significantly more likely than those with post-school qualifications to cite that they 'didn't know what to do' as a reason for taking no action in response to a legal problem.[247] Other identified barriers to obtaining legal assistance experienced by people with low education levels include:

- complexity of the legal system

- ignorance of the availability of legal aid
- inability to recognise a problem as a legal problem
- ignorance of sources of legal information
- ignorance of rights
- inability to assess legal options
- inability to access information on legal information websites.[248]

See the following sections for further discussion relevant to people with low education levels experiencing multiple disadvantage: *Legal capability; People with multiple disadvantage; Older people (65 years or over); Indigenous Australians; Unemployed people; Financially disadvantaged people;* and *People living in remote and regional areas.*

How can services be more appropriate and accessible for people with low education levels?

Pathways and problem noticers

The high levels of inaction for people with low education levels, their low levels of seeking professional advice, and their lower legal capability suggest the value of supported referral to legal assistance services, and strategies that improve awareness of relevant legal services. The provision of referral training and support to problem noticers with whom these clients have more regular contact may help link people with low education levels to appropriate legal help. Pathways and service delivery strategies relevant to those facing multiple disadvantage are relevant to people with low educational levels. (See section on *People with multiple disadvantage.*)

Technology and service delivery

Unbundled forms of legal assistance are likely to be ill-suited to the legal needs and capability of many people with low education levels. In fact, provision of online and other forms of legal information may be better suited to more educated and articulate people with procedurally straightforward legal matters.[249]

The possibility that people with low education levels may have more pressing needs, consistent with multiple disadvantage, suggests that they may require broad legal and non-legal support to address all of their needs. These client groups benefit from targeted, timely and joined-up services, which are appropriate to their needs and capabilities.[250] (See section on *People with multiple disadvantage.*)

Section 18: Financially disadvantaged people

Overlap between financially disadvantaged people and other demographic groups

Financially disadvantaged people overlap substantially with other disadvantaged groups.[251] For example, 18% of financially disadvantaged people have low education levels, 8% are unemployed, 27% are 65 years or over, 10% have a disability, 3% are Indigenous, 24% are from CALD backgrounds, 6% have poor English proficiency and 12% live in outer regional or remote areas.[252]

What legal problems do financially disadvantaged people experience?

LAW Survey respondents whose main income was government payments did not have elevated levels of legal problems overall nor multiple legal problems (see Table 18.1). However, they had significantly higher likelihood of experiencing substantial legal problems compared to other respondents.

Table 18.1: Prevalence of legal problems – people whose main income is government payments, Australia

Problem category	LAW Survey respondents whose main income was government payments %		Other LAW Survey respondents %
Overall	45.7	–	51.1
Substantial	29.1	*	26.5
Multiple	29.8	–	31.8
Accidents	6.4	–	8.3
Consumer	18.1	v	21.5
Credit/debt	7.3	–	6.1
Crime	14.0	–	14.4
Employment	4.2	v	7.0
Family	7.5	*	4.1
Government	13.0	*	9.9
Health	5.6	*	2.5
Housing	12.4	–	11.6
Money	3.8	v	6.4
Personal injury	4.9	v	7.7
Rights	6.8	*	5.4

*Significantly higher odds for respondents whose main income was government payments compared to other respondents.
v Significantly lower odds for respondents whose main income was government payments compared to other respondents.
–No significant difference between respondents whose main income was government payments and other respondents.

Notes: See Appendix 3 for definitions of categories, and definition 2 financially disadvantaged people in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 5495 respondents whose main income is government payments. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 2489 respondents whose main income was government payments).

The types of legal problems experienced by respondents on government payments were significantly different from those experienced by others. Those on government payments tended to experience legal problems that reflected their socioeconomic disadvantage. LAW Survey respondents on government payments had significantly increased likelihood of

experiencing family, government, health and rights problems. The high levels of government problems were largely due to problems related to receipt of government payments. The rights problems included problems related to discrimination and unfair treatment by police. In contrast, other respondents tended to experience legal problems that appeared to reflect higher rates of economic activity, economic independence and employment. These respondents had significantly higher likelihood of experiencing consumer, employment, money and personal injury problems. The money problems experienced often included problems with business or investment. The high levels of personal injury problems, which often involved work-related injuries, and the high levels of employment problems are consistent with higher rates of employment among this group.

How do financially disadvantaged people respond to their legal problems?

LAW Survey respondents on government payments were similar to other respondents in the strategies they used in response to legal problems. They had similar levels to other respondents of taking some type of action, seeking professional advice when they did take action and using a legal professional when they sought professional advice (see Table 18.2).

Table 18.2: Strategy in response to legal problems – people whose main income is government payments, Australia

Strategy	LAW Survey respondents whose main income was government payments %		Other LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**17.9**	–	**18.4**
TOOK ACTION	**82.1**	–	**81.6**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**28.4**	–	**31.4**
Sought (professional) advice:	**53.7**	–	**50.2**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	35.5	–	35.6
Legal adviser	18.2	–	14.6

–No significant difference between respondents whose main income was government payments and other respondents.

Notes: See Appendix 3 for definitions of categories, and definition 2 for financially disadvantaged people in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:

1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains financially disadvantaged people from accessing and using legal help?

As noted above, financial disadvantage is a common experience of a number of disadvantaged groups. In fact, the most significant barrier to obtaining legal assistance experienced by people who are financially disadvantaged may be the cost of legal services[253] – particularly amongst people who do not meet eligibility criteria for public legal assistance, but cannot otherwise afford private practitioners. Although the LAW Survey

found that cost was a factor constraining action to resolve legal problems, it was not the most common constraint on action, given that most legal problems are handled outside the legal system. Cost was, however, the most frequently cited barrier to obtaining advice and assistance from legal practitioners, being reported for nearly one-quarter (23%) of these cases. Thus, cost can be a major barrier for many legal problems for which people wish to obtain expert legal advice.[254] Financially disadvantaged people are more pessimistic than others about their ability to use the law to solve their legal problems.[255]

The relationship between income and lawyer use is complex. In overall terms, lawyers appear to be most often used by those on higher incomes.[256] There is, however, also higher use of legal services by people in the lowest income group who are eligible for legal aid, making the relationship between income and use of lawyers appear 'U-shaped'. In fact, it appears that it is low- to middle-income people who fall above the eligibility for public legal representation services (i.e. the so-called 'missing middle'), and other low-income people who are unaware of public legal services or who have legal problems beyond the scope of public legal services, who are the least likely to use lawyers in response to legal problems.[257]

Analyses of the LAW Survey showed that in the case of problems for which low-cost or free assistance such as legal aid is available (i.e. family problems), the impact of cost is mitigated for those on the lowest incomes, with those on the lowest and highest incomes using lawyers at similar rates. Thus, public legal services are successful in broadening the accessibility of legal services for the most financially disadvantaged in these cases. Alternative funding mechanisms, such as 'no win, no fee' agreements (e.g. for personal injury problems) also appear to broaden accessibility to legal assistance to those on the lowest incomes.

People on the lowest incomes are also significantly more likely than those on the highest incomes to take no action for a legal problem because they thought it would cost too much.[258] Thus, the perceived cost of services from private lawyers (and of accessing and using the formal legal and dispute resolution system more broadly), as well as lack of awareness of the eligibility criteria for public legal services, are important access to justice barriers.

See the following sections for further discussion relevant to financially disadvantaged people with multiple disadvantage: *Legal capability; People with multiple disadvantage; Older people (65 years or over); Indigenous Australians; Unemployed people; People from CALD backgrounds;* and *People living in remote and regional areas.*

How can services be more appropriate and accessible for financially disadvantaged people?

Pathways and problem noticers

See also section *on People with multiple disadvantage.*

People who are financially disadvantaged may have more interaction with government services, such as Centrelink, the Department of Veterans' Affairs and the Department of Housing, as well as welfare services, health services and hospitals.

However, pathways and problem noticers may vary according to the reason for financial disadvantage. See the following sections for relevant pathways: *Unemployed people; Single parents;* and *People with a disability or mental illness*.

Technology and Service delivery

As legal need and capability will vary among those who are financially disadvantaged, services may benefit from the capacity to triage clients and provide services appropriate to identified need and capability.

Online community legal information may direct financially disadvantaged people to legal help, but note the risk that people are influenced in the online environment by information provided by predatory lenders and others. Consideration should be given to how credible legal information can be identified among less credible, and indeed, harmful material.[259]

Those facing multiple disadvantage and complex needs may benefit from coordinated responses from both legal and non-legal services. If there is particular stress or trauma associated with the sudden loss of income and associated issues, more supported legal assistance services may be appropriate.

Section 19: Unemployed people

Overlap between unemployed people and other demographic groups

Many unemployed people also face other types of disadvantage, overlapping considerably with other disadvantaged priority groups.[260] For example, 79% of unemployed people are financially disadvantaged, 24% have low education levels, 8% are single parents, 5% are Indigenous and 25% are from CALD backgrounds.[261]

What legal problems do unemployed people experience?

Unemployed people have high vulnerability to experiencing legal problems. LAW Survey respondents who had been unemployed in the previous 12 months (hereafter 'unemployed respondents') were significantly more likely than others to experience legal problems of any type (overall), substantial legal problems, multiple legal problems, and legal problems from 8 of the 12 different problem group types (see Table 19.1). In particular, unemployed respondents had elevated experience of credit/debt, rights and substantial problems, and were approximately twice as likely as other respondents to experience these problems (2.1, 1.8 and 1.8 times, respectively).[262]

Table 19.1: Prevalence of legal problems – unemployed people, Australia

Problem category	Unemployed LAW Survey respondents %		Other LAW Survey respondents %
Overall	63.5	*	48.0
Substantial	40.4	*	25.7
Multiple	46.6	*	29.5
Accidents	10.1	–	7.5
Consumer	25.4	*	20.0
Credit/debt	13.1	*	5.6
Crime	21.5	*	13.4
Employment	a		
Family	8.0	*	4.7
Government	17.8	*	9.9
Health	5.7	*	3.1
Housing	17.7	*	11.1
Money	4.3	–	5.9
Personal injury	11.3	–	6.5
Rights	13.6	*	4.9

* Significantly higher odds for unemployed respondents compared to other respondents

– No significant difference between unemployed respondents and other respondents.

a Due to co-dependence between the employment status predictor and the employment problem group, employment status was not used as a predictor in the model for the employment problem group.

Notes: See Appendix 3 for definitions of categories, and definition 2 for unemployed people in Appendix 4. Significance is based on 15 regression analyses, one for each problem category (see Coumarelos et al. 2012, pp.65–76). Except for the regression on multiple problems, N=20 716 LAW Survey respondents, including 2179 unemployed respondents. The regression on multiple problems was based on respondents who had experienced at least one problem (N=10 244 LAW Survey respondents, including 1375 unemployed respondents).

How do unemployed people respond to their legal problems?

Unemployed people are significantly more likely than others to ignore their legal problems. Unemployed respondents took no action for 22% of their legal problems, compared to 18%

for other LAW Survey resp0ndents. In addition, when they took action, they were significantly more likely than others to handle the problem without advice from a (legal or non-legal) professional. Unemployed respondents sought advice from a professional for only 45% of problems, compared to 52% for other respondents. However, when they consulted a professional, unemployed respondents were significantly more likely than others to include a legal professional among the professionals they consulted (see Table 19.2).

Table 19.2: Strategy in response to legal problems – unemployed people, Australia

Strategy	Unemployed LAW Survey respondents %		Other LAW Survey respondents %
1: Was any action taken?			
TOOK NO ACTION	**21.8**	*	**17.6**
TOOK ACTION	**78.2**	v	**82.4**
2: Did those who took action seek advice from a professional (legal or non-legal)?			
Handled without (professional) advice	**33.3**	*	**30.2**
Sought (professional) advice	**44.9**	v	**52.2**
3: Did those who sought professional advice use a legal professional?			
Non-legal adviser only	30.5	v	36.5
Legal adviser	14.4	a*	15.7

*Significantly higher odds for unemployed respondents compared to other respondents.
v Significantly lower odds for unemployed respondents compared to other respondents.
a Although unemployed respondents used a legal adviser for only 14% of all the problems they experienced compared to 16% for other respondents, these problems represented a *significantly* higher proportion of the problems where professional advice was sought for unemployed respondents (32%) than for other respondents (30%). The regression was based only on the problems where professional advice was sought and examined the likelihood that the advisers used included (or did not include) a legal adviser.
Notes: See Appendix 3 for definitions of categories, and definition 2 for unemployed people in Appendix 4.
Significance is based on three binary logistic regressions examining the likelihood of:
1. Taking action versus no action, based on all problems (N=19 056; see Coumarelos et al. (2012), pp. 99–106).
2. Seeking versus handling without advice, based on 15 579 problems where action was taken (see Coumarelos et al. (2012), pp. 99–106).
3. Using a legal adviser versus only a non-legal adviser, based on 9748 problems where advice was sought (see Appendix 6, Table A6.1).

What constrains unemployed people from accessing and using legal help?

Unemployment, and particularly longer-term unemployment, is associated with poorer educational attainment, higher disability and chronic illness and financial disadvantage, which can contribute to poorer strategies in response to legal problems, including lower levels of seeking professional advice.[263] Unemployed people were significantly more likely than others to report that they took no action for a legal problem because they 'didn't know what to do', and significantly less likely to achieve favourable outcomes.[264]

Unemployment is also a key transition point which can trigger and heighten vulnerability to legal problems and can lead to deeper and more persistent disadvantage.[265] For example, employment problems, such as harassment, bullying and discrimination, unfair dismissal, and the unlawful loss of entitlements, can not only extenuate financial disadvantage but can heighten vulnerability to associated credit and debt, health, and housing-related legal and non-legal problems.

See section on *Financially disadvantage people* for further discussion of income-related factors constraining unemployed people from accessing legal help and also sections on *People with multiple disadvantage* and *Legal capability* for further discussion relevant to longer-term unemployed people.

How can services be more appropriate and accessible for unemployed people?

Pathways and problem noticers

People facing **long-term unemployment** commonly have multiple disadvantage (see section on *People with multiple disadvantage*).

For **newly unemployed people**, widely known legal triage services (e.g. the LawAccess NSW telephone number or website) and internet-based community legal information resources may be a key pathway.

Information provided at Centrelink offices, through Centrelink staff and on the web portal,[266] may offer an opportunity to draw attention to the need to act quickly about employment issues, and could provide sources of legal help regarding loss of employment, other employment issues and co-occurring issues (e.g. debt, paying mortgage, etc.).

Technology

The low levels of taking action and seeking professional advice among unemployed people suggest that information and education initiatives may be beneficial in mobilising them to take action and find appropriate legal assistance. Communication strategies should take account of the fact that people do not necessarily know where to look for relevant legal information, but that they use search engines such as Google to find information and assistance.[267] Providers of legal information for those who are unemployed should consider how to make their material more visible and more readily findable in Google.

Service delivery

Employment issues often have tight time limits and require timely legal advice. As employment issues may affect people across the community, broad awareness of the need to seek help quickly for employment services is important, as is awareness of relevant legal assistance. The capacity of legal services to respond to large-scale retrenchments with targeted CLEI and advice services may also be valuable.

For services seeking to provide face-to-face services, the Labour Market Portal[268] provides information on unemployment rates and youth unemployment rates by region in each state and territory. Unemployment rates by LGA[269] may also be useful.

Appendices

Appendix 1: Planning legal outreach[270]

There is no one-size-fits-all model for legal outreach. Ideally, a framework for legal outreach services should not be based on a blanket approach within a jurisdiction, but should take into account regional and local differences. Any such framework should aim to identify and address the existing gaps in legal service provision and acknowledge that a variety of different types of outreach services are likely to be required to meet the needs and capabilities of different demographic groups in different geographical areas. In each case, legal outreach services need to be tailored to the particular population, legal needs and capabilities, gaps in services to address those legal needs, local service infrastructure (including available legal services, broader human services and community organisations), and must overcome any existing barriers to accessing services in those areas. In short:

> *outreach services should be grounded in a thorough assessment of the target population and area to ensure that they meet community needs and incorporate the most effective and appropriate accessibility options.*[271]

Thus, when embarking on legal outreach 'careful pre-planning and needs assessment is needed to ensure that the service will actually address the need'.[272] The key steps in planning legal outreach services are discussed below and summarised in Figure A1.1.

Identifying target clients

The first step in planning a new legal outreach service is identifying the target client group. Typically, the target client group will have high levels of legal need that are not being met by existing (mainstream or other outreach) legal services due to either a lack of local services or major personal, physical or systemic barriers to the accessibility of existing services. The target client group may be a specific disadvantaged group (e.g. homeless people, Indigenous people), a location frequented by people with legal need (e.g. a court or prison) or a particular geographic (e.g. RRR) area. Sources such as the CPR-JD and other sociodemographic data can be valuable in identifying the location of target client groups.

Understanding client needs, client demographics and infrastructure

The next major steps are developing a thorough understanding of both the target client group and the 'infrastructure' or 'environment' in which the client group is situated. These understandings form the building blocks for successful legal outreach. The particular legal needs of the client group, their level and type of disadvantage and social exclusion, their legal capability and other competencies, their cultural influences and the existing barriers they face to accessing legal assistance will ideally influence the legal outreach model that is established and its location. Similarly, the legal outreach service should be shaped by a consideration of the client group's environment, including the physical and geographic environment, existing legal and broader human services, other stakeholders and community leaders, and other potential facilitators and barriers to legal outreach. Thoroughly tapping into local intelligence can be invaluable in building a comprehensive understanding of the needs and capabilities of the target client group and the opportunities and barriers provided

by their existing environment. For example, one of the public service lawyers consulted as part of the fieldwork for the present study noted the importance of:

> *being careful when you're looking at putting in a service; speaking to a broad range of stakeholders and community agencies, not just targeting a couple because they might not be the ones to give you the total picture … in somewhat of your haste to put in a service you might short-cut it and you've really got to do the ground work first, otherwise you won't get a service that works.*[273]

However, it is also important to note that there may be existing data to draw on to help identify regional legal needs, demographic characteristics and gaps in services. Thus, it may not be necessary to conduct new needs, demographic and regional analyses from scratch each time an outreach program is designed. For example, a key strategy of the CLSD program in NSW is to conduct such analyses in each CLSD region when a CLSD partnership first commences in that region and biannually thereafter, drawing on Census data and legal service data. Consultants to a study by Forell, McDonald, Ramsey and Williams (2013), which reviewed Legal Aid NSW outreach services, identified CLSD partnerships and meetings as a key source of information about legal needs and existing legal and broader human services in their regions of NSW. Furthermore, legal outreach initiatives tailored to local need and service gaps have arisen from CLSD planning.[274]

Knowledge of the existing legal and non-legal service environment can help to avoid duplication of services, as well as to identify potential partners and avoid service providers 'acting like they're lone rangers'.[275] In addition, knowledge of the service environment can help assess the feasibility of outreach services in a location. While an area may be identified as high need with legal service gaps, it may not be a viable location for certain types of legal outreach (e.g. in person outreach) due to insufficient supporting infrastructure, such as lack of a host agency or inadequate local services to support a referral network.

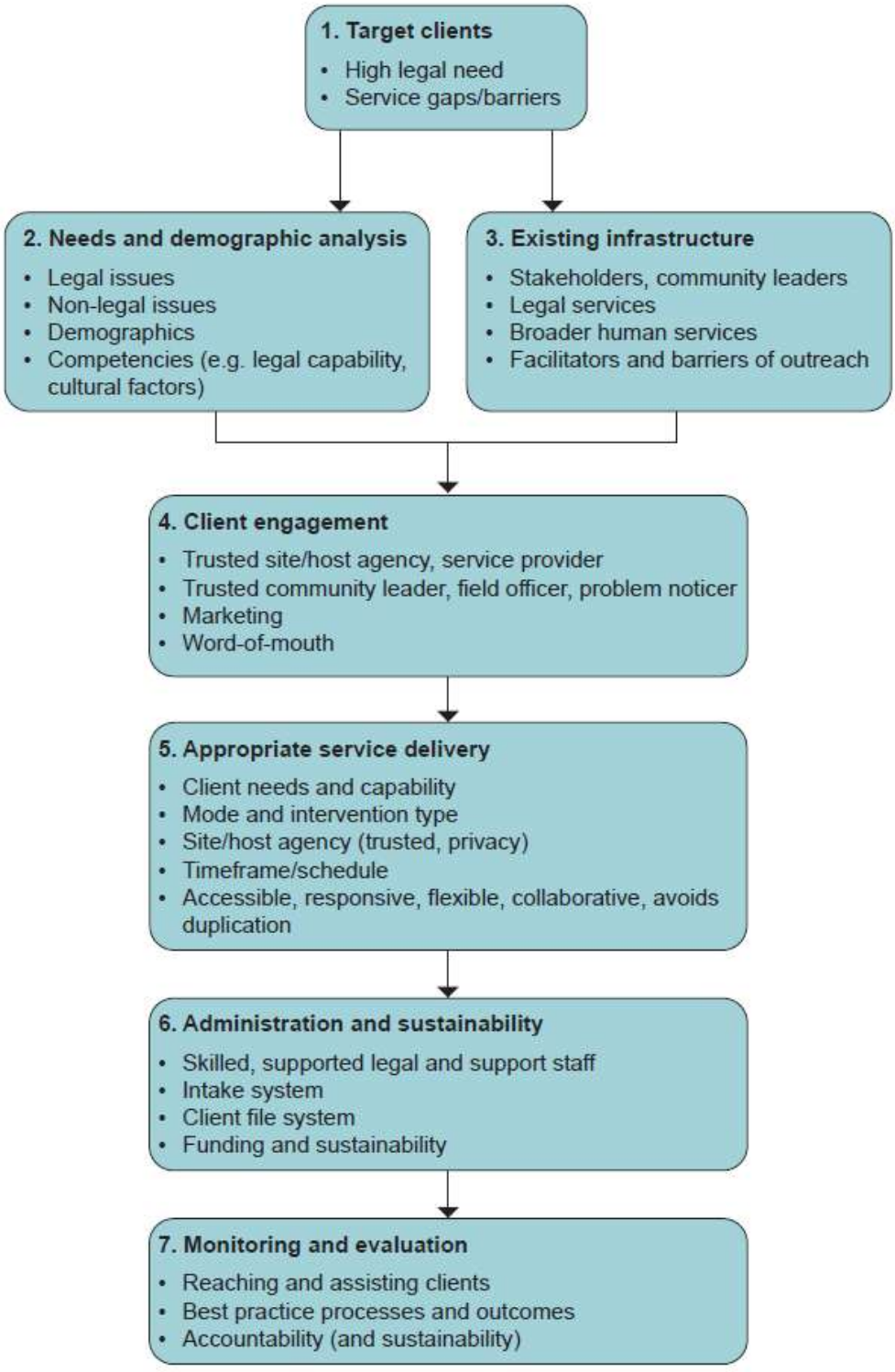
Engaging clients and designing service delivery

Armed with a comprehensive understanding of the target client group and the environment, the next steps, namely designing appropriate methods of engaging the target client group and appropriate legal outreach service delivery, can then be undertaken. For example, for some target client communities, there may be well-trusted community leaders or organisations that can be used as facilitators of community engagement. Such local community knowledge is 'like gold' and can be critical to developing a viable 'local place based solution'.[276] In other communities, solicitors may need to invest time in establishing this connection and trust.

In terms of providing appropriate legal service delivery, decisions may need to be made about which of the legal needs of the target client group it is feasible for the outreach service to focus on, and which legal issues may need to be referred elsewhere. In addition, decisions about the mode of service delivery and the type of intervention (e.g. information, advice, minor assistance, representation) will ideally take into account both client need and capability, but may also need to be considered in terms of what is practicable with the available resources. Some disadvantaged groups may be more suited to in person legal outreach rather than technology-based legal outreach and may require tailored, intensive, holistic assistance.

Identifying the right host site or agency is also a key strategy that can facilitate promotion of the service, accessibility of the service through a trusted agency, a cultural fit for the target client group, and good referral links to other legal and broader human services. Another important consideration in choosing the outreach site, particularly in RRR areas, is its accessibility via public transport.

Figure A1.1: Planning legal outreach



Source: Pleasence et al. (2014), p. 66.

Administration, sustainability, monitoring and evaluation

Once the type of outreach model and service delivery has been designed, it is also valuable to consider factors that are likely to enhance the efficient administration and sustainability of the outreach service, including the competencies required for legal staff and other staff; appropriate staffing levels; staff induction, training and support requirements; suitable outreach schedules; efficient client intake and client file systems; necessary equipment and facilities at offices and outreach sites; and funding requirements. It is worth noting that transport is also a crucial consideration when determining the schedule for outreach clinics, visits or other services. For example, holding outreach services in town at times when target clients in remote areas are able or more likely to travel into town (e.g. on the day that Centrelink benefits are paid) can facilitate accessibility.

Finally, as part of the planning of any new legal outreach service, it is important to consider appropriate monitoring and evaluation strategies. Ongoing monitoring and evaluation are key methods of demonstrating effective service provision in any area, including the area of legal outreach. Evaluation is critical not only in assessing whether target clients have been reached and successfully assisted, but can also be used to develop best practice in legal outreach, demonstrate accountability and facilitate ongoing funding and sustainability.

Appendix 2: Overlap between priority demographic groups

Table A2.1: Co-occurrence of sociodemographic groups, Australia

Priority group (age in years)	% of population	Financially disadvantaged 15+: personal income <$20,800/year	Low education 15–64	Unemployed 15+	Single parents 15+	Children and youth <25	Disengaged youth 15–24	People 65+	Disability <18	Disability 18–74	Disability 15+	Indigenous Australians <15	Indigenous Australians 15+	CALD people 15+	Poor English proficiency 15+	Outer regional/remote 15+
	Priority group (age in years)															
Financially disadvantaged 15+: personal income <$20,800/year	28.9	100.0	40.7	78.8	31.5	24.5	86.6	55.4	15.4	70.2	66.8	-	49.3	45.7	69.9	36.8
Low education 15–64	12.9	18.1	100.0	23.6	26.3	-	-	-	-	-	18.0	-	35.3	11.8	24.8	23.1
Unemployed 15+	2.8	7.6	5.1	100.0	5.2	3.0	-	0.2	0.7	1.9	1.2	-	8.7	4.6	3.9	3.2
Single parents 15+	4.2	4.6	8.6	7.8	100.0	0.6	2.5	4.0	0.1	7.0	7.3	-	12.6	5.0	8.7	5.0
Children and youth <25	32.6	27.7	-	35.6	4.4	100.0	-	-	-	-	-	-	-	-	34.1	41.4
Disengaged youth 15–24	0.5	1.5	-	-	0.3	-	100.0	-	-	-	0.2	-	2.8	0.4	0.2	0.7
People 65+	14.0	26.9	-	1.2	13.3	-	-	100.0	-	-	58.7	-	5.9	15.1	34.8	17.8
Disability <18	0.5	0.3	-	0.1	-	-	-	-	100.0	-	-	-	-	0.2	0.8	0.6
Disability 18–74	2.3	5.7	-	1.6	3.9	-	-	-	-	100.0	-	-	5.7	3.3	9.2	3.3
Disability 15+	4.3	9.8	6.0	1.8	7.4	-	1.9	17.8	-	-	100.0	-	6.8	6.2	19.8	5.4
Indigenous Australians <15	0.9	-	-	-	-	-	-	-	-	-	-	100.0	-	-	1.5	4.3
Indigenous Australians 15+	1.6	2.8	4.5	5.1	4.9	-	9.1	0.7	-	4.0	2.6	-	100.0	-	0.9	7.8
CALD people 15+	15.0	23.7	13.8	24.9	17.9	15.8	13.2	16.1	7.7	21.0	21.9	-	-	100.0	97.8	5.3
Poor English proficiency 15+	2.4	5.8	4.6	3.4	4.9	2.5	0.9	5.9	3.9	9.4	11.1	3.8	1.4	15.6	100.0	0.9
Outer regional/remote 15+	9.0	11.5	16.2	10.4	10.8	11.5	12.5	11.5	11.3	12.9	11.4	42.4	43.3	3.2	3.5	100.0
Total N ('000)	**21,508k**	**6,215k**	**2,767k**	**600k**	**902k**	**7,010k**	**107k**	**3,012k**	**101k**	**502k**	**915k**	**197k**	**351k**	**3,227k**	**514k**	**1,943k**

Notes: Population numbers are in 1000s. The priority group definitions used here align with those used in the CPR-JD (see definition 1 for each group in Appendix 4). A dash indicates that the two groups do not fully overlap in age range and so a measure of co-occurrence would be misleading. The CPR-JD measure of disability was restricted to people aged less than 75 years so that it did not become a measure of old age. For the purposes of identifying co-occurrence, a new group of disability aged 15+ years has been added here, to indicate the extent of co-occurrence of old age and disability.
Source: Census data (Australian Bureau of Statistics 2011).

Appendix 3: Data descriptions

Table A3.1: Description of empirical data and information on the legal problem experience and responses of each priority group

Overlap with other priority groups	
Census data presenting % overlap between the priority groups	
What legal problems does the group experience?	
% of the priority group experiencing each of the following categories of legal problems in the previous 12 months:	
1. Overall	Any type of legal problem
2. Substantial	Any substantial legal problem (i.e. having a moderate or severe impact on everyday life)
3. Multiple	2 or more legal problems
4. Accidents	Motor vehicle accident without injury
5. Consumer	**Consumer goods:** Buying faulty goods **Consumer services:** Inadequacy/cost (e.g. utilities/telecom./bank/trade/professional)
6. Credit/debt	Loan repayment; credit rating; creditor's threats/actions; bankruptcy
7. Crime	**Crime offender:** Charge/arrest/questioning by police about offence, domestic violence **Crime victim:** Victim of theft/robbery, vandalism, domestic/other assault or sexual assault
8. Employment	Sacking; redundancy; discrimination; harassment; work conditions
9. Family	**Children:** Child support, care, protection, custody/contact **Relationships:** Divorce/separation; division of money or property
10. Government	**Fines**: Payment/dispute/further penalty for fine/infringement/penalty notice **Local government**: Owner building works; local government services/amenities/works **Government payments**: Eligibility; amount; review **State/federal government**: Tax; freedom of information; citizenship/residency/immigration
11. Health	**Clinical negligence:** Inadequate/wrong treatment; consent re treatment **Health services:** service quality/access **Mental health:** inadequate/wrong treatment or detention for mental health
12. Housing	**Neighbours:** Noise; litter; fences; trees; pets **Owned housing:** Repossession; planning; rights of way **Rented housing**: Eviction; rental agreement; bonds; repairs
13. Money	**Business/investment**: Business payments/contracts/staff; investment property/income **Wills/estates**: Wills/estates/power of attorney; management of affairs/estate
14. Personal injury	Injury/illness due to motor vehicle accident, work accident, faulty product or other negligence
15. Rights	**Discrimination**: Discrimination outside work based on age, gender, race, disability, etc. **Education**: Suspension; exclusion; student fees/loans **Unfair treatment by police**: Assaulted/harassed by police; wrongful arrest/search

Notes: See Coumarelos et al. (2012) for further information on the categories used and for a copy of the LAW Survey instrument.

Table A3.1 Description of empirical data and information (continued)

How does this group respond to their legal problems? % of legal problems for which the priority group used for the following strategies	
TOOK NO ACTION	Took none of the following actions: 1. sought advice from a legal or non-legal professional[a] 2. communicated with the other side 3. consulted relatives or friends 4. website or self-help guide 5. court or tribunal proceedings (had occurred or were likely) 6. formal dispute resolution (had occurred or was likely).
TOOK ACTION	Took at least one of the actions listed above. Those who took action were categorised into either 'handled without advice' or 'sought advice' depending on the type of action(s) taken (see below).
Handled without advice	Did not seek advice from a legal or non-legal professional. Took at least one of the other actions listed above.
Sought advice	Sought advice from a legal or non-legal professional. May have taken other actions listed above. Those who sought advice were further categorised depending on whether or not they consulted a legal professional (see below).
Non-legal adviser	Sought advice from a non-legal professional.[a] Did not seek advice from a legal professional. May have taken other actions listed above.
Legal adviser	Sought advice from a legal professional. May have sought advice from a non-legal professional. May have taken other actions listed above.

What constrains this group from accessing and using legal help?

Evidence is summarised on:

- the types of systemic, environmental and personal barriers to accessing justice faced by the priority group
- the level of 'legal capability' that the priority group has to resolve legal problems, including their knowledge, skills, psychological readiness and personal/financial resources.

How can services be more appropriate and accessible to this group?

Drawing on the evidence regarding the legal problem experience of the priority group, their responses to legal problems, their legal capability and the barriers they encounter to seeking assistance, conclusions about appropriate and accessible service delivery are presented in terms of, for example:

- pathways to legal services
- type of service delivery (e.g. representation; other legal assistance/legal advice/legal information; client-focused on multiple legal and non-legal problems)
- mode of service delivery (e.g. face-to-face versus telephone, internet, video conference etc.)
- location of service delivery
- timing of 'early' intervention.

a Non-legal professionals examined included dispute resolution or complaint-handling bodies, government advisers, trade unions or professional associations, health or welfare advisers and financial advisers.

Notes: See Coumarelos et al. (2012) for further information on the categories used and for a copy of the LAW Survey instrument.

Appendix 4: Definitions of priority groups

Table A4.1 below shows the various definitions of the priority groups used in the CPR-JD and here in the CPR-SP. The CPR-JD definitions draw on the Census data. More than one definition is used for some priority groups within the CPR-SP, with some of these definitions based on the Census and others based on the LAW Survey. While similar, the Census definitions are not identical to the LAW Survey definitions.

Table A4.1: Priority group definitions

ABS Census (used in the CPR-JD and in Appendix 2 of the CPR-SP)	LAW Survey (Coumarelos et al. 2012)	LAW Survey follow-up papers: *Updating justice* (UJ) or *Justice issues* (JI) papers
People with multiple disadvantage		
Not examined.	Not examined.	***Definition 1 (e.g. UJ24) :*** For example, people falling into 2+ or 3+ of the following groups according to the definitions used Coumarelos et al. (2012), except for low income: 1. Indigenous Australians 2. People with a disability 3. People with low education levels 4. People who had been unemployed in the last 12 months 5. Single parents 6. People who had lived in disadvantaged housing in the last 12 months 7. People with low income (i.e. personal annual income of <$20,800 or combined annual income with a partner of <$41,600) 8. Non-English main language 9. People living in remote or outer regional area.s
Older people (65 years or over)		
Definition 1: Total count of persons aged 65+ years.	***Definition 2***: Respondents aged 65+ years.	
Youth (under 25 years)		
Definition 1: Total count of persons aged <25 years, including babies and children.	***Definition 2***: • Group 1: Respondents aged 15–17 years. • Group 2:Respondents aged 18–24 years.	
Disengaged youth		
Definition 1: Total count of persons aged 15–24 years who are unemployed and not currently a full-time or part-time student.	Not examined.	***Definition 2 (UJ 35):*** 'At risk' youth: Respondents aged 15–24 years who were homeless in the previous 12 months, had a mental illness or physical disability, were Indigenous, were in out-of-home care or were parents. Also includes 15–17 year olds who were not living with a parent or were not studying.

Table A4.1: Priority group definitions (continued)

Indigenous Australians		
Definition 1: Total count of persons classified as Aboriginal, Torres Strait Islander, or both Aboriginal and Torres Strait Islander using ABS. Separate count of Indigenous Australians aged under 15 years and Indigenous Australians aged 15+ years.	***Definition 2***: Respondents who self-identified as being of Aboriginal or Torres Strait Islander origin.	
Single parents		
Definition 1: Total count of persons aged 15+ years classified as male lone parent and female lone parent.	***Definition 2***: Respondents who, at the time of interview, were not living with a partner and had one or more children <18 years, regardless of whether these children were living with them.	
People experiencing or at risk of family violence		
Not examined.	Not examined.	Not examined.
People living in disadvantaged housing and homeless people		
Definition 1: A composite variable defined by the ABS using Census data. It counts persons (correcting for double counting): • with no address on Census night (i.e. rough sleeping or living in impoverished dwellings) • that are living in temporary lodgings (i.e. in hostels, bed and breakfasts and with income <$400/week and not in formal employment of any form) • living in severely overcrowded private dwellings • marginally housed in caravan parks (excluding persons who formally own or rent the caravan). The data here are computed for LGAs from SA2 level, using ABS population concordance data.	***Definition 2:*** **Disadvantaged housing group**: Homeless people were not examined separately, but were part of the 'disadvantaged' housing group, which included homeless people, people living in basic accommodation and people living in public housing. See Definition 3 for a description of each of these subgroups.	***Definition 3 (UJ 23)*** The disadvantaged housing group (see Definition 1) was divided into the following subgroups, according to their most disadvantaged type of housing in the 12 months prior to interview (with 'homeless' being the most disadvantaged, followed by 'basic housing' and 'public housing'). • **Homeless**: Respondents who at some point during the 12 months prior to interview squatted, slept rough, lived in emergency accommodation (e.g. refuge, shelter, tent or motor vehicle); or lived with friends or relatives because they had nowhere else to live). • **Basic housing**: Respondents who at some point during the previous 12 months lived in a caravan/residential park, boarding house, or other basic or impoverished accommodation (e.g. barn, shed or humpy). • **Public housing**: Respondents who at some point during the previous 12 months rented accommodation from a public housing authority.
Prisoners		
Not examined.	Not examined.	Not examined.

Table A4.1: Priority group definitions (continued)

People living in remote and regional areas		
Definition 1: Percentage of LGA residents aged 15+ years living in the ABS Statistical Areas classified as Outer Regional, Remote and Very Remote in the Accessibility and Remoteness Index of Australia (ARIA: ABS 2001). ARIA is an index of remoteness derived from measures of road distances between populated localities and service centres. These road distance measures are then used to generate a remoteness score for any location in Australia.	***Definition 2***: Two categories of non-major city areas according to the ARIA (ABS 2001) were used: • **Remote**: Respondents who lived in very remote areas or remote areas at the time of interview • **Regional:** Respondents who lived in inner or outer regional areas at the time of interview. The remaining respondents lived in major cities according to the ARIA at the time of interview.	***Definition 3 (UJs 26, 32)***: Four categories of non-major city areas according to ARIA (ABS 2001) were used: • **Very remote**: Respondents who lived in very remote areas at the time of interview • **Remote**: Respondents who lived in remote areas at the time of interview • **Outer regional**: Respondents who lived in outer regional areas at the time of interview • **Inner regional**: Respondents who lived in inner regional areas at the time of interview. The remaining respondents lived in major cities according to the ARIA at the time of interview.
People from a CALD background and people with poor English proficiency		
Definition 1: Two groups: • **CALD**: Total count of persons aged 15+ years who speak another language other than English at home, excluding an Australian Indigenous language. • **Poor English proficiency**: Total count of persons aged 15+ years whose English proficiency is classified as spoken 'not well' or 'not at all'.	***Definition 2***: **CALD**: Respondents who specified they speak a language other than English as their main language at home.	***Definition 3 (UJ 34)***: Respondents speaking a language other than English as their main language (see Definition 1) were divided into 2 groups: • **CALD but English proficient – 'the English as a second language group'**: Respondents spoke a language other than English at home, but their English skills were sufficient to allow them to be interviewed in English • **Poor English proficiency – 'the only other languages group':** Respondents 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.

Table A4.1: Priority group definitions (continued)

People with a disability (or needing care)		
Definition 1: Total count of persons classified as having a need for assistance with core activities. Separate counts for: • ages under 18 years • ages 18 to 74 years. People over 74 years were excluded from this measure as their inclusion skews the count to older people. Older people are represented by a separate priority group.	***Definition 2***: Respondents who reported having a long-term illness or disability during the previous 12 months that lasted, or was likely to last, at least six months. 'Long-term illness or disability' included a wide range of sensory, intellectual, learning, mental health, neurological and physical conditions.	The disability group (see Definition 2) was divided into further subgroups according to a number of categorisations. ***Definition 3 (JI 17, UJs 22 & 30)***: 3 broad types of disability: mental only; physical only; both. ***Definition 4 (JI 17, UJs 22 & 30)***: 3 severities of disability: low severity; moderate severity; or high severity. ***Definition 5 (JI 17, UJs 22 & 30)***: Broad type and severity of disability. Combines the above 2 definitions to produce 9 subgroups: • Mental – low • Mental – moderate • Mental – high • Physical – low • Physical – moderate • Physical – high • Both – low • Both – moderate • Both – high. ***Definition 6 (JI 17, UJs 22 & 30)***: Specific types of disability: • Mental only • Sensory only • Intellectual/neurological only • Circulatory only • Respiratory only • Mobility only • Other type only • Multiple types.
People with a mental illness		
Not examined.	Examined together with people who have a long-term physical illness or disability – see above.	See above.

Table A4.1: Priority group definitions (continued)

People with low education levels	
Definition 1: Total count of persons classified as: • Aged 15–64 years • Highest year of school below Year 12 • Not currently a full- or part-time student • No non-school qualification, such as a trade certificate or an academic qualification later in life. People aged 65+ years were not included, as leaving school early was previously more common and their inclusion skews the count to older people. Older people are represented by a separate priority group.	***Definition 2***: Two groups: • **<Year 12 education**: Respondents whose highest level of education at the time of interview was less than Year 12. Respondents may still have been continuing education at the time of interview. • **Only Year 12 education**: Respondents whose highest level of education at the time of interview was Year 12. Respondents may still have been continuing education at the time of interview.
Financially disadvantaged people	
Definition 1: • **Financially disadvantaged people – personal income:** People aged 15+ years with personal income of <$400/week or <$20,800/year. Personal income, rather than equivalised household income has been used for NLAS because it can readily be combined with other personal characteristics, such as educational and Indigenous status. Unlike household income, it 'counts' dependents who live in a relatively well-off household. However, some of these may not in practice have access to financial resources. Personal income also over-counts people living in larger households, who in practice may not qualify for legal assistance. • **Financially disadvantaged people – household income:** People aged 15+ years living in a household with equivalised household income <$400/week or <$20,800/year.	***Definition 2***: Respondents who received means-tested government payments as their likely main source of income for any period within the previous 12 months.
Unemployed people	
Definition 1: Total count of persons aged 15+ years classified as either unemployed and looking for full-time work, or unemployed and looking for part-time work.	***Definition 2***: Respondents who were unemployed and looking for work at any time within the previous 12 months.

Appendix 5: Legal capability

Description of legal capability

Legal capability refers to the personal characteristics or competencies needed to effectively resolve legal problems. Enhancing legal capability is an important means of increasing access to justice to successfully overcome poor strategies in response to legal problems, such as entrenched inaction where people may flounder with each new problem they face.[277]

Legal capability is unevenly distributed across the community. Some people can ably use legal information, self-help strategies and unbundled services to solve their legal problems. The less capable can be so traumatised by their problems that they are paralysed and do nothing, or wait until crisis has hit, and require considerable assistance and support to successfully meet their legal needs.[278] Notably, the most disadvantaged sections of the community tend to have the lowest legal capability.[279] Personal competencies fall into three main areas — knowledge, skills and psychological readiness to act.

Knowledge and awareness

Rudimentary or foundational legal awareness is required to characterise a problem as being 'legal', to recognise that one's legal rights or entitlements may have been violated, to identify possible courses of action, information, advice and assistance, and to perceive the legal system as a possible solution.[280] People with knowledge of their legal rights are more likely to take some action to try to resolve their legal problems.[281]

However, there are large gaps in the legal knowledge of the general public, with even larger gaps for certain demographic groups. This includes gaps in knowledge about the law and legal rights, the available formal legal processes, the legal component of certain problems and the availability and eligibility for public legal assistance services.[282]

Poor legal capability appears to be a critical factor in producing poor outcomes when people either do nothing or self-help. However, obtaining expert legal advice typically negates the adverse effects of poor legal capability, enhancing positive outcomes.[283]

While some legal knowledge may be *necessary*, it will often not be *sufficient* for appropriate action, given the other potential barriers already noted.[284] For instance, LAW Survey respondents rarely cited that they 'didn't know what to do' as the only reason for inaction in response to legal problems. Rather, lack of knowledge clustered with concerns over stress, time, cost, damaging relationships and having bigger problems, which together formed complex and inter-locked barriers to action.[285]

Skills

People must also have the necessary skills to pursue legal resolution effectively, including adequate literacy, language, communication and information-processing skills. For instance, successfully using community legal information requires sufficient literacy skills to locate, understand, apply and act on that information in a problem-solving and goal-orientated way.[286]

More specific skills may also be required. For instance, effective use of unbundled forms of legal assistance—such as legal information, advice and minor assistance—may require the

ability to make decisions, write letters, keep track of calls and correspondence, and manage resolution tasks competently. Typically, more unbundled forms of legal assistance require greater client capability to achieve a good outcome.[287]

Psychological

Legal capability also requires the psychological readiness and preparedness to act and persevere until legal resolution is achieved. Individuals must have sufficient confidence and determination, as well as emotional or psychic fortitude, to see problems through to satisfactory conclusions. Preparedness to seek legal assistance requires particular attitudes towards legal advisers and the legal system, as well as the willingness to get into a dispute with the other party and to risk damaging this relationship.

Other personal circumstances

Resources are another key component of legal capability. Lack of access to financial resources and communications technology, and poor personal and social networks, can also limit personal legal capability and tend to be associated with heightened socioeconomic disadvantage.

People with lower financial resources are more pessimistic about their ability to use the law to solve their problems and less likely to use lawyers.[288] People who have a greater financial safety net have greater opportunity to make an informed decision about the type of legal assistance options they want to obtain (e.g. self-help materials, private legal services, etc.).[289]

Being time-poor also undermines legal capability, particularly for disadvantaged people who may have to work longer hours for less money to meet basic clothing, shelter and food needs, and may have less flexibility to expend time on legal problem-solving activities.[290]

Ill-health and long-term disability can also limit legal capability by negatively impacting on ability to take action, and to seek, participate and act upon advice.[291] In particular, cognitive impairment and mental disorders have been identified as undermining client capability and making legal service provision more complex. Clients caught in a cycle of despair and hopelessness may not be able to successfully take action or complete tasks to ameliorate their legal problems themselves, and may require more intensive forms of assistance to do so (e.g. minor assistance, case work and representation).[292]

The onset of health problems, such as mental illness or dementia, may be an important transition point, not only heightening vulnerability to legal problems, but also marking a decline in legal capability. Other events and circumstances, such as emotional turmoil, experience of violence or trauma, or an episode of depression, may periodically erode personal legal capability. Thus, legal capability can be dynamic, and affected by wider personal and legal problem circumstances.

Legal capability framework

Table A5.1 sets out the aspects of capability required to successfully characterise a problem as being legal (name), seek and obtain help (seek), and apply or use that information to act to try to resolve the legal problem (claim). Table A5.2 sets out minimum or foundational

capabilities (i.e. knowledge, skills, psychological capability and resources) necessary to be legally capable.[293]

Table A5.1: Legal capability framework

Perceive and characterise (name)	Seek and obtain appropriate help or assistance (seek)	Apply/use (claim)
Perceive legal dimensions of problems and situations	Aware of sources of appropriate legal information or advice	Able to comprehend and follow information or advice
Recognise that may have a 'legal' right or responsibility (i.e. characterisation)	Able to find specific information relevant to problem or situation	Able to determine relevance of information or advice, and to apply it to the circumstances
Aware of the basic justice system, and of potential to use law and dispute resolution processes to solve some problems	Willingness to seek assistance from an adviser (e.g. family or friends, colleague, community service, legal service)	Assess, determine and follow a strategy to resolve the problem
Psychological readiness to act, personal efficacy; confidence in (broader) justice system	Know when and how to obtain appropriate or expert legal assistance	Able to complete required procedural steps
Able to frame a 'need' (i.e. describe a problem, or recognise what it is that need help with)	Resources, time and ability to seek and obtain appropriate information or advice (e.g. make and keep appointments etc.)	Personal efficacy in ability to make a claim, deal with problem or situation
Able to communicate and explain the 'need'		Personal attributes and resources to see through to resolution (e.g. plan, manage, emotional fortitude, persistence, etc.)
Know to act in a timely manner to comply with procedural requirements		Communication and negotiation skills; prepared to have and resolve a dispute
Able to perceive a just outcome		Able to determine a favourable or satisfactory settlement or outcome in the circumstances

Source: Pleasence et al. (2014), p. 136, Table 6.1.

Table A5.2: Foundational legal capability framework

	Knowledge	Skills	Attitude	Resources
Foundational capabilities	Basic knowledge of legal system, areas of law. Basic awareness of rights and responsibilities. Sufficient knowledge to characterise problems as potentially 'legal' and that law and the (broader) justice system might provide a solution. Basic awareness of sources of legal information and advice (i.e. public and private).	Basic cognitive, communication, and functional literacy skills to seek and obtain appropriate legal information or advice.	Willingness and preparedness to act. Personal efficacy. Trust and confidence in the (broader) justice system. Psychological preparedness to have and resolve a dispute.	Available time, financial and other resources to expend on problem-solving.
Situation-specific capabilities	Rights and responsibilities in the particular situation or area of law. Options and implications of different courses of action for that problem.	Comprehend, apply and follow appropriate specific information and advice.	Resilience and emotional fortitude to see problem through to resolution.	Resources necessary to obtain assistance or take procedural steps (e.g. fees etc.).

Source: Pleasence et al. (2014), p. 137, Table 6.2.

Appendix 6: Regression on type of adviser

Table A6.1: Logistic regression results – use of legal adviser in response to legal problems (compared to only non-legal adviser), Australia

Variable	Categories compared	β	SE	p	Odds ratio (95% CI)
FIXED EFFECTS					
Problem recency	7+ months | ≤6 months	0.561	0.057	**0.000**	**1.8** (1.6–2.0)
Problem group	Accidents | mean	-1.478	0.182	**0.000**	**0.2** (0.2–0.3)
	Consumer | mean	-0.301	0.084	**0.000**	**0.7** (0.6–0.9)
	Credit/debt | mean	0.592	0.100	**0.000**	**1.8** (1.5–2.2)
	Crime | mean	-0.565	0.058	**0.000**	**0.6** (0.5–0.6)
	Employment | mean	-0.309	0.117	**0.008**	**0.7** (0.6–0.9)
	Family | mean	1.714	0.090	**0.000**	**5.6** (4.7–6.6)
	Government | mean	0.156	0.080	0.051	1.2 (1.0–1.4)
	Health | mean	-0.787	0.136	**0.000**	**0.5** (0.3–0.6)
	Housing | mean	0.188	0.099	0.058	1.2 (1.0–1.5)
	Money | mean	1.438	0.062	**0.000**	**4.2** (3.7–4.8)
	Personal injury | mean	-0.307	0.112	**0.006**	**0.7** (0.6–0.9)
	Rights | mean	-0.342	0.115	**0.003**	**0.7** (0.6–0.9)
Gender	Female | male	-0.180	0.047	**0.000**	**0.8** (0.8–0.9)
Age (years)	15–17 | 65+	-0.221	0.175	0.207	0.8 (0.6–1.1)
	18–24 | 65+	-0.034	0.143	0.812	1.0 (0.7–1.3)
	25–34 | 65+	0.205	0.118	0.082	1.2 (1.0–1.5)
	35–44 | 65+	0.266	0.100	**0.008**	**1.3** (1.1–1.6)
	45–54 | 65+	0.200	0.097	**0.039**	**1.2** (1.0–1.5)
	55–64 | 65+	0.194	0.105	0.065	1.2 (1.0–1.5)
Indigenous status	Indigenous | other	0.479	0.112	**0.000**	**1.6** (1.3–2.0)
Disability status	Disability | no disability	0.151	0.060	**0.012**	**1.2** (1.0–1.3)
Education	<Year 12 | post-school	-0.014	0.057	0.806	1.0 (0.9–1.1)
	Year 12 | post-school	0.007	0.059	0.906	1.0 (0.9–1.1)
Employment status	Unemployed | other	0.224	0.060	**0.000**	**1.3** (1.1–1.4)
Family status	Single parent | other	0.378	0.071	**0.000**	**1.5** (1.3–1.7)
Housing type	Disadvantaged | other	0.027	0.071	0.704	1.0 (0.9–1.2)
Main income	Government payment | other	0.108	0.076	0.155	1.1 (1.0–1.3)
Main language	Non-English | English	-0.151	0.144	0.294	0.9 (0.6–1.1)
Remoteness	Remote | major city	-0.105	0.108	0.331	0.9 (0.7–1.1)
	Regional | major city	0.074	0.047	0.115	1.1 (1.0–1.2)
Constant		-1.501	0.127	**0.000**	
RANDOM EFFECTS					
State		0.043	0.021	**0.041**	
Person		0.078	0.027	**0.004**	

Notes: N=9748 problems where sought (professional) advice. Data were missing for 35 problems. Significant comparisons are presented in bold.

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Endnotes

1 <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/NationalPatnershipAgreementOnLegalServices.pdf>.
2 Pleasence, Coumarelos, Forell & McDonald (2014).
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4 <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/NationalPatnershipAgreementOnLegalServices.pdf>.
5 Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey (2012).
6 Pleasence et al. (2014).
7 Pleasence et al. (2014).
8 Coumarelos et al. (2012).
9 Coumarelos et al. (2012); Coumarelos & People (2013); Coumarelos, Pleasence & Wei (2013).
10 McDonald & Wei (2013); Wei & McDonald (2014).
11 Coumarelos et al. (2012); Pleasence et al. (2014).
12 Coumarelos et al. (2012); McDonald, Forell & People (2014a); McDonald & People (2014); Pleasence et al. (2014).
13 Coumarelos et al. (2012).
14 Pleasence et al. (2014).
15 Pleasence et al. (2014).
16 Pleasence et al. (2014).
17 Pleasence et al. (2014).
18 Pleasence et al. (2014).
19 Pleasence et al. (2014). See pp. 157–160 for discussion on intake and warning-light systems.
20 Pleasence et al. (2014).
21 Pleasence et al. (2014).
22 Coumarelos et al. (2012); Pleasence et al. (2014).
23 Coumarelos et al. (2012); Pleasence et al. (2014).
24 <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/NationalPatnershipAgreementOnLegalServices.pdf>.
25 Due to a paucity of quantitative data, information on disengaged youth is not presented separately, but is included in Section 8 together with the broader group of young people.
26 Although unemployed people are not identified as a priority group in the NPA, they are included in the present resource given the empirical evidence that they have elevated experience of legal problems (e.g. Coumarelos et al. 2012).
27 Note that quality empirical evidence is more comprehensive for some groups than others.
28 Note that both Census and LAW Survey data are used in the CPR-SP and, while similar, the definitions of some priority groups are not identical for the two data sources.
29 See Table A2.1 in Appendix 2 and definition 1 for each priority group in Table A4.1 in Appendix 4.
30 See also Coumarelos et al. (2012).
31 Coumarelos et al. (2012).
32 Coumarelos et al. (2012).
33 Denvir, Balmer & Pleasence (2014), p. 688.
34 Coumarelos et al. (2012); McDonald, Forell, Wei & Williams (2014b); McDonald & People (2014).
35 Coumarelos et al. (2012); Pleasence et al. (2014).
36 In addition, for a full discussion, see Pleasence et al. (2014).
37 Pleasence et al. (2014), pp. 33–34.
38 <http://www.lawaccess.nsw.gov.au/>.
39 Forell & McDonald (2015); McDonald et al. (2014b); Pleasence et al. (2014), pp. 34–35.
40 Pleasence et al. (2014), pp. 150–153.
41 Forell & McDonald (2015).
42 Australian Bureau of Statistics (ABS) (2014a).
43 Smith & Paterson (2013).
44 See Table A2.1 in Appendix 2.
45 Coumarelos et al. (2012).
46 Coumarelos et al. (2012); McDonald & Wei (2013).
47 Pleasence et al. (2014).
48 Coumarelos et al. (2012); McDonald & Wei (forthcoming).
49 McDonald & Wei (forthcoming).
50 Council of Australian Governments (2010).
51 Coumarelos et al. (2012); McDonald & Wei (forthcoming); Pleasence et al. (2014).
52 Pleasence et al. (2014).
53 Coumarelos et al. (2012); Forell, McCarron & Schetzer (2005); Grunseit, Forell & McCarron (2008); Karras, McCarron, Gray & Ardasinki (2006); Nheu & McDonald (2010); Pleasence et al. (2014); Sandefur (2007).
54 Coumarelos et al. (2012); Pleasence et al. (2014); Pleasence et al. (2004).
55 McDonald & Wei (forthcoming).
56 Coumarelos et al. (2012); McDonald & Wei (forthcoming).
57 Balmer et al. (2010).
58 Balmer et al. (2010); Coumarelos et al. (2012).
59 McDonald & Wei (forthcoming).
60 Sandefur (2007).
61 McDonald & Wei (forthcoming); Pleasence & Balmer (2012).
62 Pleasence et al. (2014).
63 McDonald & Wei (forthcoming).
64 McDonald & Wei (forthcoming).
65 Forell, McDonald, Ramsey & Williams (2013); McDonald et al. (2014b); Pleasence et al. (2014).

66 Legal Aid NSW (2015).
67 Sandefur & Clarke (2015).
68 Pleasence et al. (2014); Forell & Cain (2012).
69 See McDonald et al. (2014b) for an example.
70 Australian Bureau of Statistics & Australian Institute of Health and Welfare (2010); Australian Institute of Health and Welfare (2011).
71 See Table A2.1 in Appendix 2.
72 See definition 1 for each demographic group in Appendix 4.
73 Coumarelos et al. (2012).
74 Coumarelos et al. (2012).
75 Coumarelos et al. (2012); Pleasence (2006).
76 Ellison, Schetzer, Mullins, Perry & Wong (2004).
77 The results are based on regression analyses which adjusted for differences between age groups in the broad type of problem experienced, but not for the more specific nature and context of the problem.
78 Ellison et al. (2004).
79 Coumarelos et al. (2012).
80 Ellison et al. (2004).
81 Edwards & Fontana (2004).
82 Edwards & Fontana (2004).
83 Edwards & Fontana (2004); Ellison et al. (2004); Schetzer & Henderson (2003).
84 Edwards & Fontana (2004); Ellison et al. (2004).
85 Edwards & Fontana (2004).
86 Edwards & Fontana (2004); Schetzer & Henderson (2003).
87 Edwards & Fontana (2004).
88 See Denvir et al. (2014), p. 677.
89 ABS (2014a). Note that residential care dwellings were excluded from the sample.
90 Denvir et al. (2014).
91 Denvir et al. (2014) p. 676.
92 Rizzo, Burnes & Chafley (2015). See also Alon & Berg-Warman (2014).
93 Rizzo, Burnes & Chafley (2015). See also Alon & Berg-Warman (2014).
94 See definition 1 in Table A4.1 in Appendix 4 for definition of disengaged youth, and see Table A2.1 in Appendix 2 for overlap with other groups.
95 See definition 1 for each demographic group in Appendix 4.
96 Also see Coumarelos et al. (2012); Macourt (2013).
97 Also see Coumarelos et al. (2012); Macourt (2013).
98 Coumarelos et al. (2012).
99 Macourt (2013).
100 Macourt (2014).
101 See definition 2 for disengaged youth in Table A4.1 in Appendix 4; and see Macourt (2013).
102 Also see Coumarelos et al. (2012).
103 Also see Coumarelos et al. (2012).
104 Also see Coumarelos et al. (2012).
105 Denvir (2014).
106 McDonald & People (2014).
107 Schetzer & Henderson (2003).
108 Parle (2009).
109 Denvir (2014); Parle (2009).
110 Parle (2009).
111 Denvir (2014).
112 Pleasence et al. (2014).
113 Coumarelos et al. (2012).
114 ABS (2014a).
115 Denvir, Balmer & Pleasence (2011); Denvir et al. (2014).
116 Denvir et al. (2011); Denvir et al. (2014); Youth Access (2009).
117 King (2015).
118 See Table A2.1 in Appendix 2.
119 See definition 1 for each demographic group in Appendix 4.
120 Coumarelos et al. (2012).
121 Wei & McDonald (2014).
122 Iriana, Pleasence & Coumarelos (2013).
123 Wei, McDonald & Coumarelos (2015).
124 Coumarelos et al. (2012); Cunneen & Schwartz (2008, 2009, 2011); Family Law Council (2012a); Senate Legal and Constitutional References Committee (SLCRC) (2004).
125 Coumarelos et al. (2012); Wei & McDonald (2014); Wei et al. (2015).
126 Pleasence et al. (2014).
127 Pleasence et al. (2014).
128 Coumarelos et al. (2012).
129 Schetzer & Henderson (2003).
130 Coumarelos et al. (2012); Cunneen & Schwartz (2008, 2009, 2011).
131 Wei et al. (2015). The analyses examined barriers experienced in relation to legal, dispute and complaint-handling advisers.
132 Family Law Council (2012a).
133 Family Law Council (2012a).
134 Cunneen & Schwartz (2008); Family Law Council (2012a); Forell et al. (2013).
135 ABS (2012b).
136 See Family Law Council (2012a) for examples.
137 Coumarelos et al. (2012); Cunneen & Schwartz (2008); Senate Legal & Constitutional References Committee (2004).

138 Coumarelos et al. (2012); Cunneen & Schwartz (2008); Forell et al. (2013).
139 Cunneen & Schwartz (2009); Schwartz, Allison & Cunneen (2013), p. 15–16.
140 Legal Aid NSW (2015).
141 See Table A2.1 in Appendix 2.
142 See definition 1 for each demographic group in Appendix 4.
143 Crime problems included crime victimisation problems related to domestic violence.
144 Coumarelos et al. (2012).
145 Coumarelos et al. (2012).
146 ABS (2011); Productivity Commission (2014b); Skinner & Pocock (2014).
147 Pleasence et al. (2014).
148 McLachlan, Gilfillan & Gordon (2013); Pleasence et al. (2014).
149 Pleasence et al. (2014).
150 Pleasence et al. (2014).
151 Family Law Council (2012a, 2012b); Productivity Commission (2014a); Schetzer & Henderson (2003).
152 ABS (2014a).
153 Forell & McDonald (2015).
154 Examples include <http://lacextra.legalaid.nsw.gov.au/PublicationsResourcesService/PublicationImprints/Files/528.pdf> and <http://www.womenslegaltas.org.au/uploads/booklets/Legal_Health_Checkup.pdf>.
155 Angus (2015); Phillips & Vandenbroek (2014).
156 Angus (2015).
157 ABS (2013); Phillips & Vandenbroek (2014).
158 See Question P33.4, Appendix 1, p. 277, Coumarelos et al. (2014).
159 Due to smaller numbers, the statistical significance testing presented for family violence victims was based on bivariate analyses, whereas that for other priority groups was based on regression (multivariate) analyses. Thus, significant results for family violence victims indicate elevated levels of legal problems, but cannot comment on whether these elevated levels are due to being a family violence victim or due to other types of disadvantage that they may experience.
160 Pleasence et al. (2014).
161 McLachlan et al. (2013).
162 Coumarelos et al. (2012).
163 Angus (2015); Phillips & Vandenbroek (2014).
164 McLachlan, Gilfillan & Gordon (2013); Pleasence et al. (2014).
165 Pleasence (2006).
166 Family Law Council (2012a, 2012b); George & Harris (2014); Neilson & Renou (2015); Productivity Commission (2014a); Schetzer & Henderson (2003); Senate Finance and Public Administration References Committee (SFPARC) (2015).
167 Family Law Council 2012a, 2012b; George & Harris (2014); Pleasence et al. (2014); Schetzer & Henderson (2003); SFPARC (2015).
168 Australian Law Reform Commission & New South Wales Law Reform Commission (2010); Family Law Council (2012a, 2012b); George & Harris (2014); Neilson & Renou (2015); Productivity Commission (2014a); Schetzer & Henderson (2003); SFPARC (2015).
169 E.g. Men's Referral Service <http://mrs.org.au/>.
170 ABS (2014a).
171 <http://www.dvrcv.org.au/knowledge-centre/technology-safety>.
172 See Pleasence et al. (2014). Examples include Women's Legal Services' Ask Lois website <http://www.asklois.org.au/> and Women's Legal Service Victoria training services <http://www.womenslegal.org.au/training.html>.
173 Legal Aid NSW (2014).
174 Legal Aid NSW (2014); Lodden Campaspe CLC (2015).
175 Family Law Council (2012a); Legal Aid Queensland (2012); Lodden Campaspe CLC (2015).
176 ABS (2012a).
177 Coumarelos et al. (2012).
178 Forell et al. (2005).
179 Forell et al. (2005); Schetzer & Henderson (2003).
180 Forell et al. (2005), p. xvi.
181 Forell et al. (2005), pp. xxi–xxii.
182 For examples see PIAC, NSW <http://www.piac.asn.au/projects/homeless-persons-legal-service/introduction>; Justice Connect, Victoria <http://www.justiceconnect.org.au/our-programs/homeless-law/get-help>; QPILCH <http://www.qpilch.org.au/cms/details.asp?ID=7>; Welfare Rights, South Australia <http://www.wrcsa.org.au/page3.html>.
183 Grunseit et al. (2008).
184 ABS (2014b).
185 Australian Institute of Health and Welfare (2013).
186 Grunseit et al. (2008).
187 Grunseit et al. (2008).
188 Pleasence et al. (2014), p. 125.
189 Grunseit et al. (2008).
190 Grunseit et al. (2008).
191 Grunseit et al. (2008).
192 See portal at <http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/related-links/library/legal-info-portal.aspx>.
193 <http://www.legalaid.nsw.gov.au/what-we-do/workshops/back-on-track>.
194 <http://www.justiceconnect.org.au/our-programs/homeless-law/get-help/debt-and-tenancy-legal-help-for-prisoners>.
195 See Table A2.1 in Appendix 2.
196 See definition 1 for each demographic group in Appendix 4.
197 Coumarelos et al. (2012); Pleasence et al. (2014).
198 Overseas studies that have examined the prevalence of legal problems according to remoteness or urbanisation have similarly produced inconsistent results (see Coumarelos et al. 2012).
199 People, Karras, Coumarelos, Mirrlees-Black & Ramsey (2012).
200 Iriana et al. (2013).
201 Cain, Macourt & Mulherin (2014a).

202 Cain et al (2014a).
203 Cain et al. (2014a); Schetzer & Henderson (2003).
204 Cain et al. (2014a).
205 Cain, Marcourt, Mulherin & Forell (2014b).
206 Legal Aid NSW (2015).
207 Forell et al. (2013); Pleasence et al. (2014).
208 ABS (2014a, 2014b).
209 Forell, Laufer & Digiusto (2011).
210 See Table A2.1 in Appendix 2.
211 See definition 1 for each demographic group in Appendix 4.
212 People (2013).
213 People (2013).
214 McDonald et al. (2014b).
215 Family Law Council (2012b); McDonald et al. (2014b); Schetzer & Henderson (2003).
216 Family Law Council (2012b).
217 Family Law Council (2012b); Ferrari & Costi (2011).
218 Family Law Council (2012b); McDonald et al. (2014b).
219 <https://www.dss.gov.au/our-responsibilities/settlement-and-multicultural-affairs/programs-policy/settlement-services/settlement-services-locator>.
220 <http://www.sbs.com.au/censusexplorer/>.
221 Coumarelos et al. (2012).
222 McDonald et al. (2014).
223 <http://www.justiceconnect.org.au/our-programs/mosaic> .
224 McDonald et al. (2014).
225 See Legal Aid NSW resources at <http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/working-with-new-and-emerging-communities-resources-and-references>.
226 See definition 1 for people with a disability in Appendix 4.
227 See Table A2.1 in Appendix 2.
228 See definition 1 for each demographic group in Appendix 4.
229 See definition 2 in Appendix 2.
230 Coumarelos et al. (2012). Note, however, that some disadvantaged groups were not specifically examined by Coumarelos et al. (2012). Homeless people, for example, were not examined as a separate group but have very high levels of legal problems (see Coumarelos & People 2013).
231 Coumarelos et al. (2013). See definitions 3 to 6 for disability in Appendix 4.
232 Pleasence, Wei & Coumarelos (2013).
233 Coumarelos et al. (2012); Pleasence et al. (2013).
234 Coumarelos et al. (2013); Coumarelos & Wei (2009); Pleasence et al. (2004).
235 Coumarelos et al. (2013); Pleasence et al. (2014).
236 Smith, Buck, Sidaway & Scanlan (2013).
237 Pleasence et al. (2014).
238 Coumarelos et al. (2012).
239 Coumarelos et al. (2012); Coumarelos et al. (2013).
240 Balmer et al. (2010).
241 Karras et al. (2006).
242 Buck et al. (2010); Coumarelos et al. (2013); Pleasence et al. (2014); Smith et al. (2013).
243 Karras et al. (2006).
244 For examples, see <http://www.justiceconnect.org.au/our-programs/seniors-law/get-help/health-justice-partnership>; <https://healthjusticecop.wordpress.com/2015/01/29/health-justice-partnerships-community-of-practice/>.
245 See Table A2.1 in Appendix 2.
246 See definition 1 for each demographic group in Appendix 4.
247 McDonald & People (2014).
248 Schetzer & Henderson (2003).
249 Pleasence et al. (2014).
250 Coumarelos et al. (2012); Pleasence et al. (2014).
251 See Table A2.1 in Appendix 2.
252 See definition 1 for each demographic group in Appendix 4.
253 Schetzer & Henderson (2003).
254 Coumarelos et al. (2012).
255 Gramatikov & Porter (2010); Pleasence et al. (2014).
256 Pleasence & Balmer (2012); Pleasence et al. (2014); Pleasence & Macourt (2013).
257 Pleasence & Balmer (2012); Pleasence et al. (2014).
258 McDonald & People (2014).
259 Forell & McDonald (2015).
260 See Table A2.1 in Appendix 2.
261 See definition 1 for each demographic group in Appendix 4.
262 See Coumarelos et al. (2012).
263 Coumarelos et al. (2012).
264 Coumarelos et al. (2012); McDonald & People (2014).
265 Pleasence et al. (2014).
266 <http://www.humanservices.gov.au/customer/subjects/self-service>.
267 Forell & McDonald (2015).
268 <http://lmip.gov.au/default.aspx?LMIP/DownloadableData/LabourForceRegionLFR>.
269 <https://employment.gov.au/small-area-labour-markets-publication>.
270 Appendix 1 is based on Pleasence et al. (2014). See Chapter 3 in Pleasence et al. (2014) for further discussion of issues relevant to planning legal outreach, including the challenges and potential benefits.
271 Long & Beveridge (2004).

272 National Pro Bono Resource Centre (NPBRC) (2013).
273 Pleasence et al. (2014).
274 Forell et al. (2013).
275 Forell et al. (2013).
276 Forell et al. (2013).
277 Coumarelos et al. (2012); Pleasence et al. (2014); Productivity Commission (2014a).
278 Coumarelos et al. (2012); Genn & Paterson (2001); McDonald & People (2014); McDonald & Wei (forthcoming); Pleasence et al. (2014).
279 McDonald & Wei (forthcoming).
280 Coumarelos et al. (2012).
281 Balmer, Buck, Patel, Denvir & Pleasence (2010); Coumarelos et al. (2012).
282 Coumarelos et al. (2012); Pleasence et al. (2014).
283 Balmer et al. (2010); Coumarelos et al. (2012); Pleasence et al. (2014).
284 McDonald et al. (2014).
285 McDonald et al. (2014).
286 Pleasence et al. (2014).
287 Pleasence et al. (2014).
288 Gramatikov & Porter (2010); Pleasence & Balmer (2012); Pleasence et al. (2014).
289 Pleasence et al. (2014).
290 Pleasence et al. (2014).
291 Pleasence et al. (2014).
292 Pleasence et al. (2014).
293 For further detail on legal capability, see Pleasence et al. (2014).