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## B Legal need

As noted in chapter 2, some people experience multiple and substantial legal needs. While the characteristics of this group vary, several themes have emerged from the literature, including links between the clustering and compounding of issues that require a legal resolution and disadvantage. This appendix provides an overview of this literature and is organised around the following questions:

- what type of legal problems tend to occur as multiple or clustered problems? (section B.1)
- what factors are associated with multiple legal needs? (section B.2)

This appendix also provides some greater detail around the informal dispute resolution mechanisms that could be used to satisfy unmet legal need (section B.3). It also provides detail around the characteristics of those with unmet legal need, and the incidence of unmet legal need of small businesses (sections B.4 and B.5). It draws heavily on unpublished data from the Law and Justice Foundation of NSW's *Legal Australia-Wide Survey (LAW Survey)* (Coumarelos et al. 2012).

### B.1 Clustering of legal problems

Studies of legal need reveal a clustering of issues that can contribute to legal problems or disputes. For example, analysis of results of the Civil and Social Justice Survey conducted in the United Kingdom showed evidence of clustering within the domains of family, economic and homelessness issues. The family issues cluster comprised divorce, domestic violence and relationship breakdown problems. The economic issues cluster included consumer, employment, money/debt, neighbour, owned housing, personal injury and rented housing problems. Legal problems most commonly arising from homelessness or temporary accommodation included problems with rental housing, welfare payments, and employment (Pleasence 2006).

A survey of legal needs of people living in disadvantaged regions of NSW undertaken in 2006 provided similar findings with evidence of a family cluster, an economic cluster and a broader cluster of legal need. The family cluster included legal issues related to domestic violence, education, family law and human rights. The economic cluster comprised business and credit/debt issues and the broad cluster consisted of accident/injury, consumer, employment, general crime, government, housing and wills/estates issues (Coumarelos, Wei and Zhou 2006).

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More recently, the results of the *LAW Survey* undertaken in 2008 showed patterns in the combinations of legal problems across Australia. For example, consumer, crime, housing and government problems tended to cluster with money problems. Similarly family problems tended to cluster with credit/debt problems (Coumarelos et al. 2012).

In some cases, clustering of legal problems occurs due to spiralling. For example, the experience of relationship breakdown, injury or employment problems can trigger other legal problems. In Canada, survey results showed divorce, domestic violence and relationship breakdown predated problems related to money/debt problems, consumer issues and rental accommodation (Currie 2007).

Similarly, in the United Kingdom divorce, domestic violence and separation were found to be initial triggers that preceded problems such as financial hardship, less suitable housing accommodation, difficulties in maintaining steady employment and dependence upon income support payments (Pleasence 2006). The same international studies also found personal injury which, in turn, impacted upon employment led to other problems related to welfare, consumer issues and debt.

In Australia, Coumarelos et al. (2013) found an interrelationship between the loss of employment and its impact on reduced income contributed to the non-payment of debts and difficulties in paying rent. In more extreme circumstances, these events may precipitate eviction from a rental property and possibly homelessness.

## **B.2 Factors associated with multiple legal need**

The Commission's analysis of unpublished *LAW Survey* data revealed that people who reported multiple legal problems were a heterogeneous group. For example, the data showed people who experienced multiple legal problems were fairly evenly spread across the personal income distribution.

Commission estimates based on unpublished *LAW Survey* data suggest that those on low, moderate and higher incomes who experience multiple legal problems face different types of legal problems. Individuals earning \$67 600 or more per annum were more likely to experience the combination of consumer, money and criminal legal problems while individuals near the bottom of the income distribution were more likely to experience the combination of consumer, government, housing and criminal problems.

### **Multiple legal problems and disadvantage**

While not all individuals who experience multiple legal problems are disadvantaged, the literature indicates that as disadvantage increases, so too does the likelihood of experiencing multiple and substantial legal problems (McDonald and Wei 2013). For example, people who are disadvantaged are less likely to be able to raise sufficient finances to cover housing and utility costs or meet larger debts at short notice

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(Saunders 2011; Scutella, Wilkins and Kostenko 2009). In particular, more disadvantaged individuals:

- are more likely to experience problems related to repaying debts or fines as a result of income deprivation
- may face issues related to public or private rented housing
- are more likely to experience a problem with agencies responsible for administering income support payments (Coumarelos et al. 2012).

A number of studies showed social exclusion (one measure of disadvantage) can be both a consequence and cause of legal problems. As Buck et al. noted:

Some justiciable problems may be a consequence, others a precursor to social exclusion. For example, a divorce problem might be the trigger to a spiral of problems which lead people into social exclusion. On the other hand, people who already experience a host of different circumstances associated with social exclusion, such as unemployment, poor skills and bad health, might experience justiciable problems due to their very circumstance of being excluded. (2005, pp. 318–319)

Disadvantage is also associated with the clustering and compounding of a range of non-legal problems. More persistent and deeper social exclusion can result from the compounding of a number of factors which can include:

- income deprivation
- low capabilities (resulting from low levels of educational attainment)
- tenuous attachment to the labour market (which contributes to income deprivation)
- lack of social connections
- concerns about personal safety (McLachlan, Gilfillan and Gordon 2013).

Lack of capabilities among disadvantaged individuals can contribute to a lack of awareness that some of the problems they are experiencing have a legal dimension. This can lead to legal issues becoming well established and more difficult to resolve when they are finally detected. The discovery of multiple legal problems for some disadvantaged individuals may result from the need to solve a single problem such as a health issue, a tenancy problem, suspension of an income support payment or the need to pay outstanding fines. This highlights the need for better links between legal and non-legal organisations to detect the presence of multiple legal problems of clients (chapter 5).

### **Factors associated with experience of multiple legal problems**

The results of international research confirm some groups are both more likely to experience multiple legal problems and more vulnerable to disadvantage than others.

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For example, while lone parents accounted for only six per cent of those experiencing one legal problem or more in England and Wales in the 18 months prior to 2009, they accounted for over a fifth of those experiencing multiple legal problems. Further, two fifths of those experiencing six legal problems or more had a disability, 60 per cent suffered a mental illness and a half were in receipt of income support (Pleasence et al. 2010).

People who are homeless and ex-prisoners are also vulnerable to multiple and substantial legal problems (Forell, McCarron and Schetzer 2005; Grunseit, Forell and McCarron 2008).

Australian studies of legal need also revealed that the characteristics of many of those who experienced multiple legal problems were similar to those who were disadvantaged. According to the *LAW Survey*, the characteristics that were most likely to be associated with experiencing multiple legal problems included: having a disability or long-term health condition, being a lone parent, being unemployed, and living in disadvantaged housing (Coumarelos et al. 2012).

### Having a disability

Having a long-term illness or disability is the strongest predictor of justiciable problems — stronger than family type (including being a lone parent), age and economic circumstances (Pleasence 2006).

People with a disability are vulnerable to a broad range of legal problems. Studies of legal need in the United Kingdom have revealed that people with a disability have a higher prevalence rate than other respondents for legal problems related to discrimination, employment, neighbours, owned housing, rented housing, homelessness, money/debt, welfare benefits, domestic violence, personal injury, medical negligence, mental health and unfair treatment by police (O’Grady et al. 2004).

As well as having a higher likelihood of experiencing a range of legal problems, people with a disability also have an increased likelihood of clustering of problems. For example, the results of the *LAW Survey* showed people with a disability had a high probability of experiencing multiple legal problems (1.6 times higher than respondents who did not have a disability) (Coumarelos et al. 2012).

People with a disability are also more likely to be deeply socially excluded. For example, Household, Income and Labour Dynamics in Australia Survey data showed that over 13 per cent of Australians aged 15 years plus with a long term health condition or disability experienced deep social exclusion<sup>1</sup> compared to the Australian average of just under 5 per cent in 2010 (McLachlan, Gilfillan and Gordon 2013).

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<sup>1</sup> Deep social exclusion was calculated by aggregating responses of individuals participating in the Household, Income Labour Dynamics in Australia Survey to indicators related to seven life domains including: material resources, employment, education and skills, health and disability, social connection, community and personal safety (McLachlan, Gilfillan and Gordon 2013).

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However, the direction of causality between legal problems, long term illness or disability and social exclusion is not always clear. As the results of the Periodic Survey of Legal Needs in the United Kingdom showed:

... it is not always the case that a respondent reporting certain demographic characteristics at the time of the survey had those characteristics at the time they experienced a justiciable problem. It may therefore be the case that the problem itself led to the respondent becoming, for example, long-term ill or disabled. For instance, personal injury, clinical negligence and domestic violence problems might often be causes, rather than consequences of a long-term illness or disability. Notwithstanding this, however, it remains clear that long-term ill or disabled respondents are still more vulnerable than others to experiencing a wide range of justiciable problems, many of which have clear and defined links to issues of social exclusion. (O'Grady et al. 2004, pp. 264–265)

### Lone parenthood

Lone parents are more vulnerable to multiple legal problems than other family types. According to the *LAW Survey*, single parents were 1.4 times more likely to experience multiple legal needs in 2008 than people in other living arrangements (Coumarelos et al. 2012). Lone parents were more likely to experience legal problems related to their children, domestic violence, mental health, money/debt, neighbours and rental accommodation (Buck et al. 2004; Pleasence et al. 2010).

International studies suggest that many lone parents — and in particular female lone parents — experience domestic violence. In many cases this situation has precipitated the disintegration of their relationship. Around 35 per cent of lone parents in the United Kingdom experienced domestic violence in their last relationship with three quarters of this group sustaining physical injuries (Marsh et al. 2001).

### Being unemployed

Unemployed Australians are a vulnerable group who have a higher likelihood of experiencing legal problems. Around 11 per cent of the *LAW Survey* sample had experienced unemployment at some time in the 12 months prior to the survey. The *LAW Survey* results revealed unemployed Australians had a greater prevalence rate (than the average for all Australians) for legal problems related to consumer issues, credit/debt, crime, family, government, health, housing and rights (Coumarelos et al. 2012). Unemployed people were 1.4 times more likely to experience multiple legal needs than people who were employed or not in the labour force (Coumarelos et al. 2012).

As with other vulnerable groups that face multiple legal problems, unemployed Australians are much more likely to be disadvantaged. Unemployed Australians have among the highest relative income poverty rates (63 per cent in 2010) and rates of deep social exclusion (31 per cent). The poverty rate for unemployed Australians is more than five

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times the national average and their rate of deep social exclusion is more than six times the rate for all Australians aged 15 years and older (McLachlan, Gilfillan and Gordon 2013).

### Living in disadvantaged housing

A series of legal needs surveys have established that homeless people and people living in basic housing conditions face a much higher probability of experiencing multiple legal problems than the general population. In Australia, the results of the *LAW Survey* showed people living in disadvantaged housing arrangements<sup>2</sup> were 1.5 times more likely to experience multiple legal problems than people in other types of housing (Coumarelos et al. 2012).

A qualitative study conducted in New South Wales also found evidence of different clustering of legal problems associated with different phases of homelessness. When people became homeless they were more likely to face family, domestic violence, debt and housing issues whereas people who experienced entrenched homelessness were more likely to face legal issues related to criminal activity and fines. According to this study, more than three quarters of respondents who were homeless experienced three or more legal issues (Forell, McCarron and Schetzer 2005).

## **B.3 Identifying informal dispute resolution mechanisms appropriate for particular problems.**

Section 2.5 of chapter 2 used a definition of unmet legal need and data from the *LAW Survey* to identify where there may be such unmet need for different types of problems. This section describes the incidence of unmet need in greater detail, as well as identifying some of the informal resolution mechanisms — which often incur a low or no cost to the user — that could be used to resolve them.

### **Consumer problems**

The largest number of instances of unmet legal need occurred in relation to consumer problems and disputes. These made up 29 per cent of instances of unmet legal need despite consumer problems accounting for only 21 per cent of problems.

Around 40 per cent of instances of unmet legal need in the consumer category related to telecommunications (including TV) services providers. There is an industry-specific ombudsman for telecommunications complaints — the Telecommunications Industry

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<sup>2</sup> Disadvantaged housing is defined in the *LAW Survey* as any of the following situations being experienced at any time in the previous 12 months: being homeless; living in emergency or basic accommodation (e.g. refuge, shelter, boarding house, caravan park, tent, motor vehicle, shed or barn); living with relatives or friends due to not having anywhere else to live; or living in public housing.

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Ombudsman — but there are relatively few instances of respondents seeking redress through an ombudsman service.

Problems relating to insurance and banking services accounted for 17 per cent of instances of unmet legal need in the consumer category. Two industry ombudsmen — the Financial Ombudsman Service and the Credit Ombudsman Service — provide avenues to address these disputes. However, as with the Telecommunications Industry Ombudsman above, there are relatively few instances of ombudsmen being used to resolve such problems.

Problems relating to buying faulty goods accounted for 15 per cent of cases of unmet legal need in the consumer category. These problems, based on the limited information from the LAW survey, may have a solution through complaints mechanisms such as the offices of fair trading in the relevant jurisdiction. Failing that, action through the relevant state or territory tribunal may also be a viable option.

Another area of unmet legal need related to problems and disputes with utilities providers, which made up 9 per cent of instances of unmet legal need within the consumer category. These, too, can be resolved through the relevant ombudsman.

The remaining instances of unmet legal need in the consumer category (18 per cent) related to problems or disputes involving lawyers, professionals and tradespersons, or some ‘other provider’. In the case of disputes with lawyers, there may be an avenue to address problems via the relevant legal services commission, but it is unclear that there is a clear pathway to address the remaining disputes. Depending on their nature, a more informal mechanism (relative to courts) could be to make a complaint to the relevant professional association or regulator (where available), use a tribunal, or approach offices of fair trading.

## **Government problems**

The next largest group of problems with unmet legal need relate to ‘government problems’, which comprise 13 per cent of instances of unmet legal need. Within this category of problems there are a range of disputes.

The most common problems associated within the government category were those associated with local government (29 per cent of instances of unmet legal need relating to government problems). These included problems relating to the services and amenities provided by local government, as well as objections to or problems with planning approvals. Generally, there is a state-based ombudsman to address complaints about local government, but some matters are exempt from their consideration. For these matters, redress may be available from a (relatively more costly) tribunal. For example, planning matters are exempt from consideration by the local government ombudsman in New South Wales while in Queensland there is an informal dispute resolution mechanism in the form of the *Building and Development Dispute Resolution Committees* (PC 2011). In the case of

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business regulation, disputes are often resolved in lower courts or tribunals (PC 2012), but this will generally involve a cost.

The next most common problem associated within the government category were those associated with receiving government payments (25 per cent of instances). A complaint around Australian Government payments can be reviewed by the Commonwealth Department of Human Services, which in turn can be appealed to the Social Security Appeals Tribunal — both of which do not charge users and where self-representation is the norm. The Commonwealth Ombudsman also provides another avenue to appeal, which also does not charge users as fee. There are further avenues of appeal — such as to the Administrative Appeals Tribunal and the Federal Court — but these can involve significant costs.

The third most common problem associated with unmet legal need in the government category related to tax assessments and tax debts (11 per cent of instances). The Australian Taxation Office offers the opportunity to review complaints about taxation assessments and decisions. The Australian Taxation Office also utilises alternative dispute resolution (ADR) once it exhausts direct negotiation opportunities. It also considers the use of ADR, where appropriate, during the earlier stages of disputes (sub 150, p. 13). Failing that, the Commonwealth Ombudsman can also hear some tax-related disputes. Further appeals — through the Administrative Appeals Tribunal — involve some cost to parties, depending on the individual's circumstances and nature of the dispute.

The next most common categories include fines — separated by those that have no further penalty (8 per cent of unmet legal need relating to government problems) and those that do lead to further penalty (7 per cent).<sup>3</sup> The former are often imposed by local government, while the latter are often imposed by the police. However, it is difficult to suggest an appropriate remedy without more information on the details of the fines.

The remaining instances of unmet legal need related to a wide range of problems including disputes around citizenship, residency or immigration (6 per cent), building works by home owners (6 per cent), freedom of information requests (3 per cent), building works by investors (3 per cent) and other issues not further defined (the remaining 2 per cent). Many of these problems could be addressed in the Migration Tribunal, Refugee Review Tribunal, Commonwealth Ombudsman or Information Commissioner as appropriate.

Another recourse for government problems is to contact the relevant elected representative, who may advocate on behalf of their constituent or direct them to the appropriate agency for review and assistance.

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<sup>3</sup> These are defined in the *LAW Survey* as fines that lead to court fines, loss of licence or registration, community service orders, property being seized or wage deductions (Coumarelos et al. 2012).



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## Housing problems

Housing problems accounted for 9 per cent of instances of unmet legal need. Most of the unmet legal need in housing problems (56 per cent) related to disputes with neighbours. Specifically, the survey questionnaire asked:

‘Have you had any problems or disputes with your neighbours over things like fences, trees, noise, litter or pets?’ (Coumarelos et al. 2012, p. 272)

Given the broad nature of this question, it is difficult to assess the nature of unmet legal need associated with those facing problems with their neighbours. For example, there are different dispute resolution mechanisms for matters involving boundary disputes and disputes over barking dogs. The appropriate dispute resolution mechanism will vary depending on the problem and jurisdiction. For example, the Dispute Settlement Centre of Victoria, NSW Community Justice Centres, the Dispute Resolution Branch of the Queensland Department of Justice and the Community Mediation Service of South Australia are all low or no fee ways to resolve many, but not all, neighbourhood disputes in each of those jurisdictions. The alternative is a tribunal, which may be costly for some disputes.

The next most common category of unmet legal need occurred with respect to ‘rented housing’ (26 per cent of instances of unmet need in the housing category). In turn, this mostly comprised of problems relating to renting privately (82 per cent), as opposed to renting public housing (12 per cent) and strata title issues (6 per cent). In some jurisdictions, there are government agencies that offer mediation in response to disputes around rented housing, but often these require all parties to voluntarily agree to engage in mediation. Beyond this, the relevant state- or territory-based tribunal is an option to resolve disputes around private renting, albeit at a cost. Disputes relating to public housing can be appealed to the relevant state or territory government department or ombudsman. Depending on the nature of the strata dispute, a resolution may be found through the appropriate office of fair trading.

There were also a number of instances of unmet legal need in the housing category relating to ‘owned housing’ (17 per cent of problems). Of these problems, 41 per cent were associated with mortgage payments or other mortgage issues, 29 per cent were some ‘other issue’, 27 per cent were about disputes over strata titles, and 3 per cent were to do with retirement villages. Disputes around mortgages are most likely addressable through the Financial Ombudsman Service and issues of strata title with the appropriate office of fair trading. Problems with retirement villages could be addressed through the Aged Care Complaints Scheme.

The ‘other issues’ were more difficult to describe, but there is information about the other party to the dispute. Common responses included disputes with tradesmen, neighbours, local government and private lawyers — the processes for which have been discussed, above.

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## Employment problems

Problems relating to employment comprised 9 per cent of all instances of unmet legal need. These included disputes around conditions (43 per cent), harassment or victimisation at work (24 per cent), work-related discrimination (including discrimination when seeking work) (19 per cent), and being dismissed or made redundant (13 per cent). The remaining 1 per cent of unmet need related to reviews of work performance and conduct.

In the case of employment conditions, most workers covered by enterprise agreements have a dispute resolution mechanism included in their agreement. Workers and small business operators can seek advice from unions and industry associations respectively and both can obtain information from various government agencies.

Once this avenue has been exhausted, employees can then use the Fair Work Ombudsman. Alternatively, the problem could be resolved by approaching Fair Work Australia or the relevant state or territory industrial relations commission, although these may involve greater costs to users. Also, depending on the nature of the discrimination or harassment, there may also be some recourse available through the human rights or anti-discrimination commission in the relevant jurisdiction.

## Family problems

Family problems and disputes accounted for 6 per cent of instances of unmet legal need. Within the category of family problems, 33 per cent of instances of unmet need related to child support, 32 per cent related to divorce or separation, and the remaining problems related to guardianship (including fostering and adoption), care and protection, custody and contact, and division of assets following a break-up.

In the case of child support, the services provided by the child-support agency (part of the Australian Government's Department of Human Services) can help by providing advice and determining the responsibilities of each party, with an avenue of appeal to the Commonwealth Ombudsman. In the case of separation, there are also family dispute resolution practitioners that can accommodate many of these other problem types. There are also tribunals that can be used in the area of guardianship matters.

## Rights problems

The majority of problems with unmet legal need in the 'rights' category occur with respect to matters of education (65 per cent). These included:

- student bullying or harassment of the respondent's child (30 per cent of unmet need in the rights category)
- student bullying or harassment of the respondent (12 per cent)
- unfair exclusion from education of the respondent's child (10 per cent)

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- unfair exclusion from education of the respondent (6 per cent)
  - student fees and results (the remaining 7 per cent).

Without further information, it is difficult to understand the nature of these cases and whether they can be solved using informal avenues. For example, it may make sense for those that are victims (or parents of victims) of bullying to contact the educational institution or state education department to make a formal complaint or seek a resolution through the education system. It may be that some disputes involve parties that are reluctant to make a complaint or that parties are unaware that many educational institutions have policies to deal with bullying. The data are insufficient to make suggestions with respect to bullying or unfair exclusion.

The other rights problems with unmet need included matters relating to unfair treatment by police (21 per cent), and discrimination outside of work (13 per cent). Other civil cases, which included matters of privacy, intellectual property, court processes and costs and complaints against independent bodies accounted for the remaining 2 per cent of instances of unmet legal need.

As with disputes around education, it is difficult to make suggestions around unmet need relating to unfair treatment by police without further information. There are mechanisms to make complaints about the actions of police, with the avenue of further referrals to the relevant ombudsman. Matters of discrimination, however, can be brought to the relevant human rights or anti-discrimination commission in a particular jurisdiction.

## **Credit and debt problems**

The problems associated with unmet legal need in the ‘credit and debt’ category were relatively diverse. These included problems or disputes related to:

- creditors taking or threatening to take action to recover unpaid bills or debts (33 per cent of credit and debt problems)
- the repayment of money owed to the respondent (27 per cent)
- credit ratings or refusals of credit (21 per cent)
- paying a loan or hire purchase agreement or guaranteeing someone else’s loan (15 per cent)
- other issues including repayment of money owed to the respondent and bankruptcy (the remaining 4 per cent of credit and debt problems).

Commission estimates based on *LAW Survey* data indicated that, for some of these problems, the type of unmet legal need can vary. For example, in the case of creditors threatening to take action to recover unpaid bills, most instances of unmet need occurred where respondents consulted the wrong adviser to try and resolve the problem (85 per cent of instances of unmet need). In cases relating to credit ratings and bankruptcies, however,

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the proportion of unmet need where respondents took no action at all was around 30 per cent. This indicates that for some credit/debt problems, a relatively high proportion of unmet need occurred because respondents may not have known who to contact to resolve the problem.

In many of the cases outlined above, the Credit Ombudsman Service may be an appropriate organisation to help resolve these problems.

## **Other selected issues**

There were relatively few instances of problems in the remaining categories — ‘money’, ‘accidents’, ‘health’ and ‘personal injury’ — which collectively comprised 11 per cent of instances of unmet need. One third of these problems occurred in the money category, around a quarter in each of the accidents and health categories, with the remainder in personal injury. At this level of disaggregation, it is difficult to form inferences around these types of problems because there were few observations (collectively 470 problems out of the 19 388 weighted problems detailed in the *LAW Survey*).

Nevertheless, there are mechanisms to deal with some of these categories of unmet need:

- those with money problems often have a state-based tribunal to approach
- those with nursing home or group home care problems can approach the Aged Care Complaints Scheme
- those with problems relating to health can consult the state- or territory-based health complaints commission, and those with mental health problems can seek redress through state-based mental health tribunals.

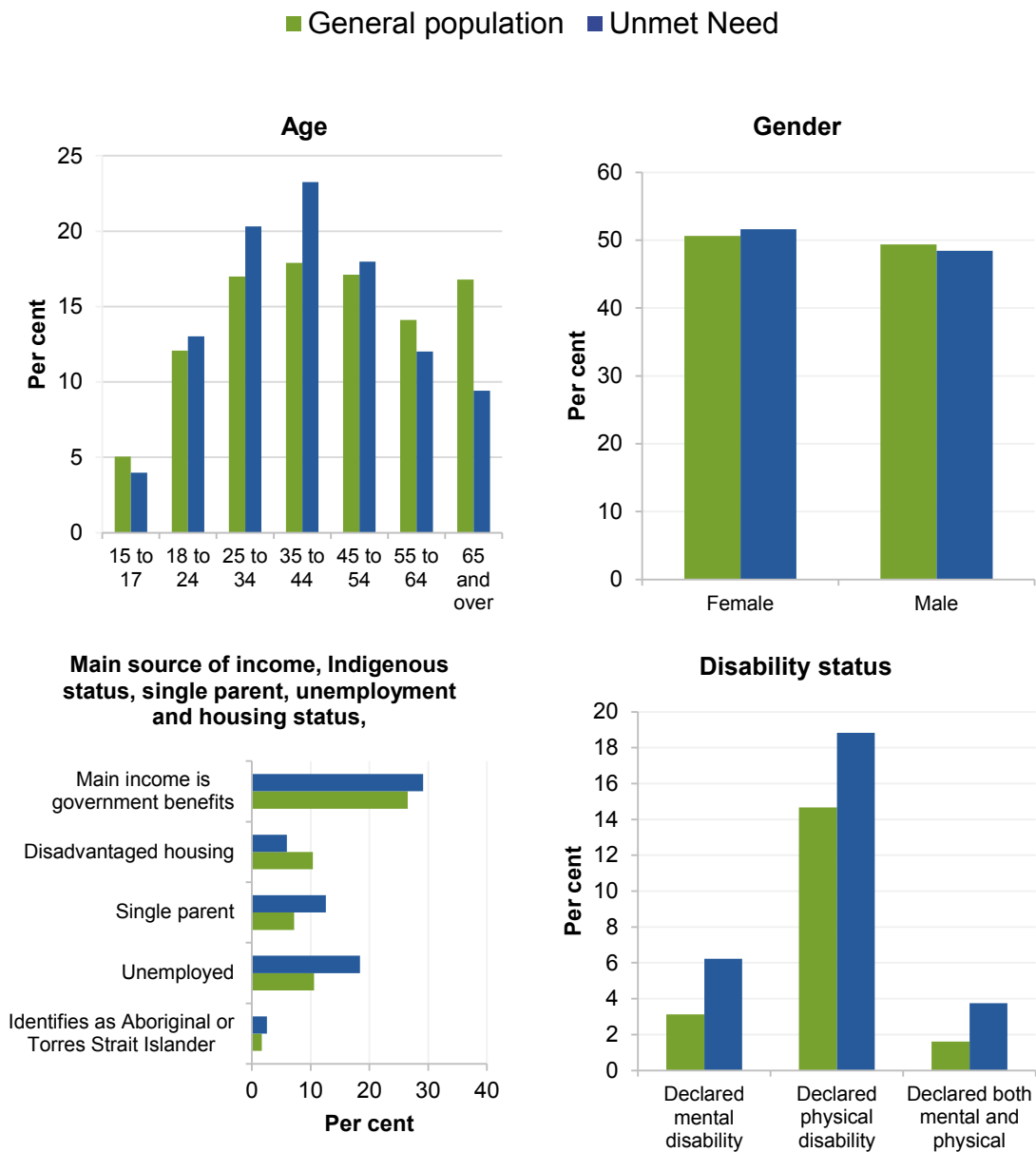
For some problems, however, the Commission was unable to identify an informal avenue to seek a resolution. These disputes included:

- those involving disability care, aid and equipment (although there may be some recourse through the disabilities commissioner, or the Administrative Appeals Tribunal in the case of National Disability Insurance Scheme decisions)
- access to health services and disputes around health care costs and entitlements
- there are few avenues, besides courts, through which to dispute matters around wills and powers of attorney
- there is no informal avenue to pursue matters around accidents — which comprised motor vehicle accidents without injuries — especially in cases where the other party is unknown. Nor are there formal avenues to pursue matters relating to personal injury outside the courts.

## B.4 Distribution and characteristics associated with unmet legal need

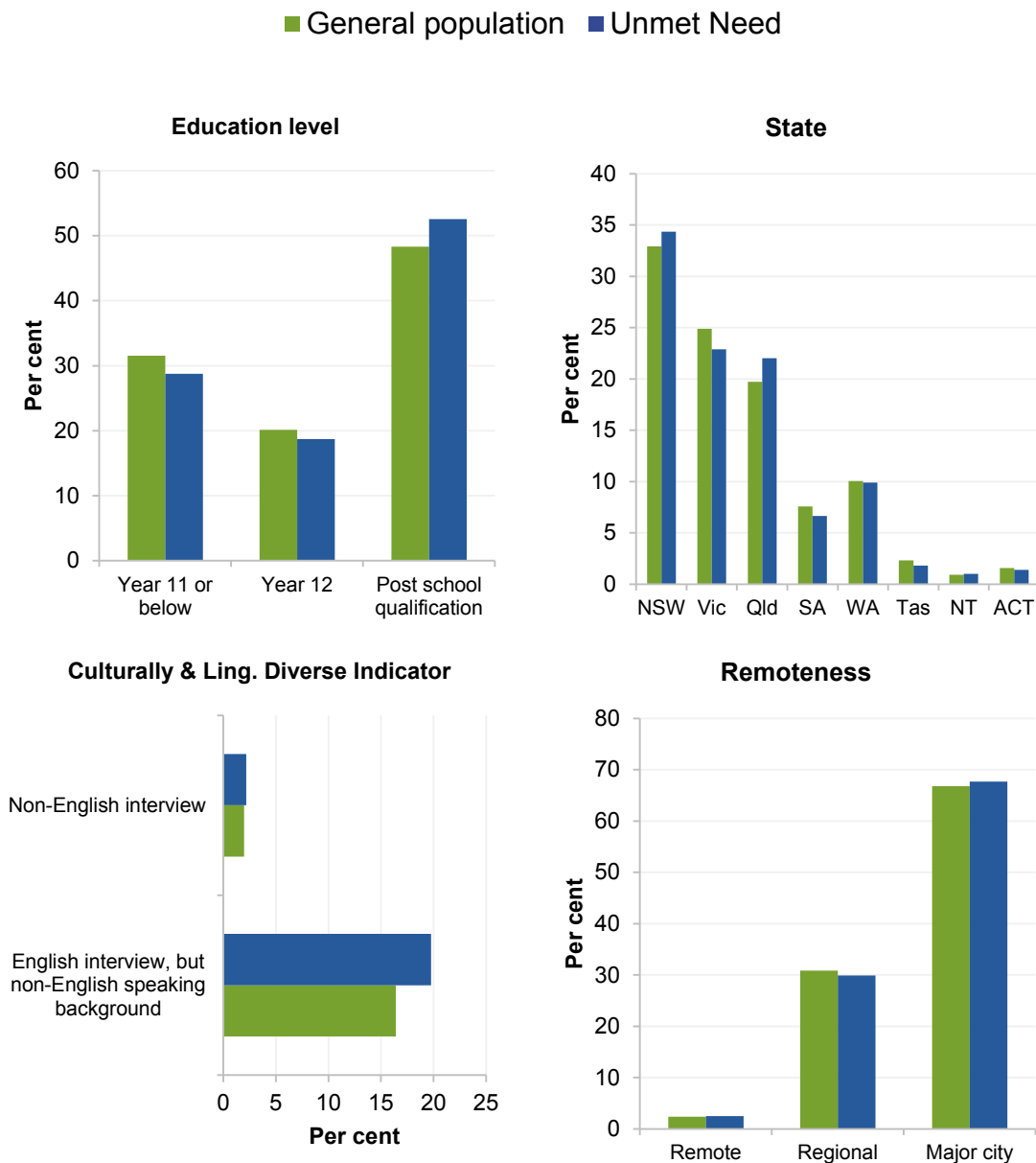
Figure B.1 compares Commission estimates of the distributions of various indicators based on *LAW Survey* data for the general population and those identified with unmet legal need.

Figure B.1 **Distribution of indicators<sup>a</sup>**  
Per cent



(continued)

Figure B.1 (continued)<sup>a</sup>



<sup>a</sup> Disadvantaged housing is defined as being homeless, living in emergency or basic accommodation (such as a refuge, shelter, boarding house, caravan park, tent, motor vehicle, shed or barn), living with relatives or friends due to having nowhere else to live, or living in public housing.

Source: Commission estimates based on unpublished *LAW Survey* data.

Table B.1 summarises the Commission’s logistic regression analysis (discussed in section 2.5) using unpublished *LAW Survey* data to determine the relative importance of various characteristics that may be associated with incidence of unmet legal need.

**Table B.1 Logistic regression results for unmet need<sup>a</sup>**

<i>Variable group and base category<sup>b</sup></i>	<i>Categories within variable</i>	<i>Odds ratio<sup>c</sup></i>
Age (relative to 15-17)	18 to 24	1.07
	25 to 34	1.30*
	35 to 44	1.51**
	45 to 54	1.26
	55 to 64	1.15
	65 and over	1.04
Gender (relative to female)	Male	0.88*
Income (relative to means tested government payments being main source of income)	Not means tested government payment	0.81**
Remoteness (relative to rural)	Regional	0.90
	Major city	0.86
Identifies as Aboriginal or Torres Strait Islander (relative to not identifying)	Does not identify Aboriginal or Torres Strait Islander	0.73*
Disability type (relative to no disability)	Mental only	1.27*
	Physical only	1.29**
	Mental & physical	1.66**
Unemployed (relative to unemployed)	Not unemployed	0.64**
Jurisdiction (relative to New South Wales)	Victoria	0.84
	Queensland	1.17*
	South Australia	0.80*
	Western Australia	0.88
	Tasmania	0.69**
	Northern Territory	0.89
	The ACT	0.90
Language of interview (relative to English interview with non-English speaking background)	Non-English interview	1.35
	English only	0.76**
Both criminal and civil problems (relative to those with civil problems only)	Both criminal and civil problems	1.91**
Family status (relative to single parent family)	Not a single parent family	0.89
Education (relative to less than completing year 12)	Year 12	0.94
	Post-school qualification	0.97
Housing type (relative to disadvantaged housing) <sup>d</sup>	Other than disadvantaged housing	0.68**

<sup>a</sup> This table shows the odds ratio implied by the logistic regression for individuals having unmet legal need, based on the sample of individuals with any civil legal problem. There were 9296 observations. <sup>b</sup> Defines the categories of dependent variables and the base category against which they are compared. <sup>c</sup> Odds ratio relative to the base category. For example, males are 0.9 times as likely, relative to females, to suffer from unmet legal need. Asterisks denote levels of significance: \*\* denotes 5 per cent level of significance; \* denotes 10 per cent level of significance. <sup>d</sup> Defined as being homeless, living in emergency or basic accommodation (such as a refuge, shelter, boarding house, caravan park, tent, motor vehicle, shed or barn), living with relatives or friends due to having nowhere else to live, or living in public housing.

Source: Commission estimates based on unpublished *LAW Survey* data.

## B.5 Incidence of unmet legal need for small business

Figure B.3 shows the combinations of responses from a survey commissioned by the Department of Industry, Innovation, Science and Research (DIISR 2010) into unmet legal need amongst businesses. Unmet need is based on satisfaction and whether firms felt more dispute resolution mechanisms were needed.

Figure B.2 **Analysis of unmet demand for dispute resolution mechanisms for small business<sup>a</sup>**

		Satisfied with available mechanisms			Avoided dispute escalation	No serious disputes
		<i>Satisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Dissatisfied</i>		
Whether respondent felt more mechanisms are needed	Yes	0.6% (fully met)	0.4% (partly met)	0.9% (unmet)	0.6% (partly met)	84.9%
	No	2.8% (fully met)	1.9% (fully met)	1.8% (partly met)	6.0% (fully met)	

<sup>a</sup> Shaded cells indicate the combinations that represent partially or fully unmet need. Number of respondents: 2007.

Source: Table 2 of DIISR (2010).