



Indigenous people's experience of multiple legal problems and multiple disadvantage – a working paper

Zhigang Wei & Hugh M. McDonald

Abstract: *The Legal Australia-Wide (LAW) Survey found that Indigenous people who experience legal problems had an increased likelihood of experiencing multiple legal problems. New analyses using the LAW Survey national dataset show that compared to others, Indigenous people have higher vulnerability to particular types of legal problems, multiple legal problems and multiple substantial legal problems. Certain Indigenous subpopulations were found to experience an even higher number of legal problems and substantial legal problems. Compared to others, Indigenous people were also found to be more disadvantaged according to several indicators of disadvantage. Indigenous respondents were found to have a higher level of multiple disadvantage, and Indigenous background was found to heighten vulnerability to multiple legal problems independent of age, gender and level of disadvantage. Multiple disadvantage was found to have a 'compounding' effect on vulnerability to multiple legal problems and multiple substantial legal problems that appears to be stronger for Indigenous people than for others. These findings highlight the need to further consider how legal services can be better tailored to the legal needs of Indigenous people, and particularly those Indigenous subpopulations with heightened vulnerability to multiple legal problems.*

This paper presents **preliminary findings from new analyses** of the Legal Australia-Wide (LAW) Survey undertaken by the Law and Justice Foundation of New South Wales. The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. The first major findings for the whole of Australia were published as *Legal Australia-Wide Survey: Legal need in Australia* (2012) and authored by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey. Reports on each state/territory were published in the same year. To download the reports visit www.lawfoundation.net.au/publications

Legal needs surveys in Australia and around the world have established clear links between social and economic disadvantage and heightened vulnerability to multiple legal problems (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Currie 2007; Gramatikov 2008; Pleasence, Buck, Balmer, O'Grady, Genn & Smith 2004; Pleasence 2006).ⁱ It is also well established that Indigenous people are among the most disadvantaged Australians, tending to have complex needs and suffer multiple disadvantage (Australian Bureau of Statistics (ABS) 2004, 2009; Cunneen & Schwartz 2008, 2009; Hunter 2009; Steering Committee for the Review of Government Service Provision (SCRGSP) 2007). Indeed, the disadvantage suffered by Indigenous people is widely recognised as one of the so-called 'wicked' social problems, that are marked by complex multidimensional causes and interdependencies (see Head 2008; Hunter 2007, Rittel & Weber 1973). The LAW Survey found that Indigenous statusⁱⁱ was generally unrelated to the likelihood of experiencing a legal problem overall or the likelihood of experiencing a 'substantial' legal problem that has a 'severe' or 'moderate' impact on everyday life (Coumarelos et al. 2012). However, the survey found that Indigenous people who did experience legal

problems had an increased likelihood of experiencing multiple legal problems as well as increased prevalence of government, health and rights legal problems (Coumarelos et al. 2012). The increased prevalence of multiple legal problems for Indigenous people was independent of the effects of various other sociodemographic factors that also predicted multiple legal problems, namely age, disability status, housing type, family status, employment status, education, gender and remoteness of residential area.

The aim of this paper is to further explore differences in the experience of legal problems by Indigenous status. Specifically, the paper first examines the experience of different types of legal problems by Indigenous status. It then examines which subpopulations of Indigenous people experience higher numbers of legal problems, and whether or not the heightened vulnerability of Indigenous people to multiple legal problems can be explained by the extent of their socioeconomic disadvantage.

New analyses

The large LAW Survey national dataset provides a unique opportunity to undertake quantitative analysis to examine the experience of multiple legal problems within subpopulations of Indigenous people. This paper summarises findings from new analyses of the LAW Survey, comparing Indigenous and non-Indigenous respondents on their experience of:

- 24 types of legal problems
- multiple legal problems and multiple substantial legal problems
- different types of disadvantage and multiple disadvantage
- legal problems and substantial legal problems, after taking into account differences in gender, age and disadvantage.

Multiple disadvantage in the present study was examined using two new measures. The first new measure was a simple count of how many of the following eight indicators of disadvantage in the LAW Survey each respondent had: having a long-term illness or disability, living in disadvantaged housing, having a low income (i.e. less than \$400/week), having a low education (i.e. Year 11 or below), having a non-English main language, living in a remote or outer regional area, being a single parent, and having been unemployed within the last 12 months.ⁱⁱⁱ The second new measure of multiple disadvantage was based on the following

classification: respondents with none of the eight indicators of disadvantage were classified as having ‘no disadvantage’, respondents with any one of the eight indicators of disadvantage were classified as having ‘1 disadvantage’, and respondents with any two or more of the eight indicators of disadvantaged were classified as having ‘multiple disadvantage’.

Findings

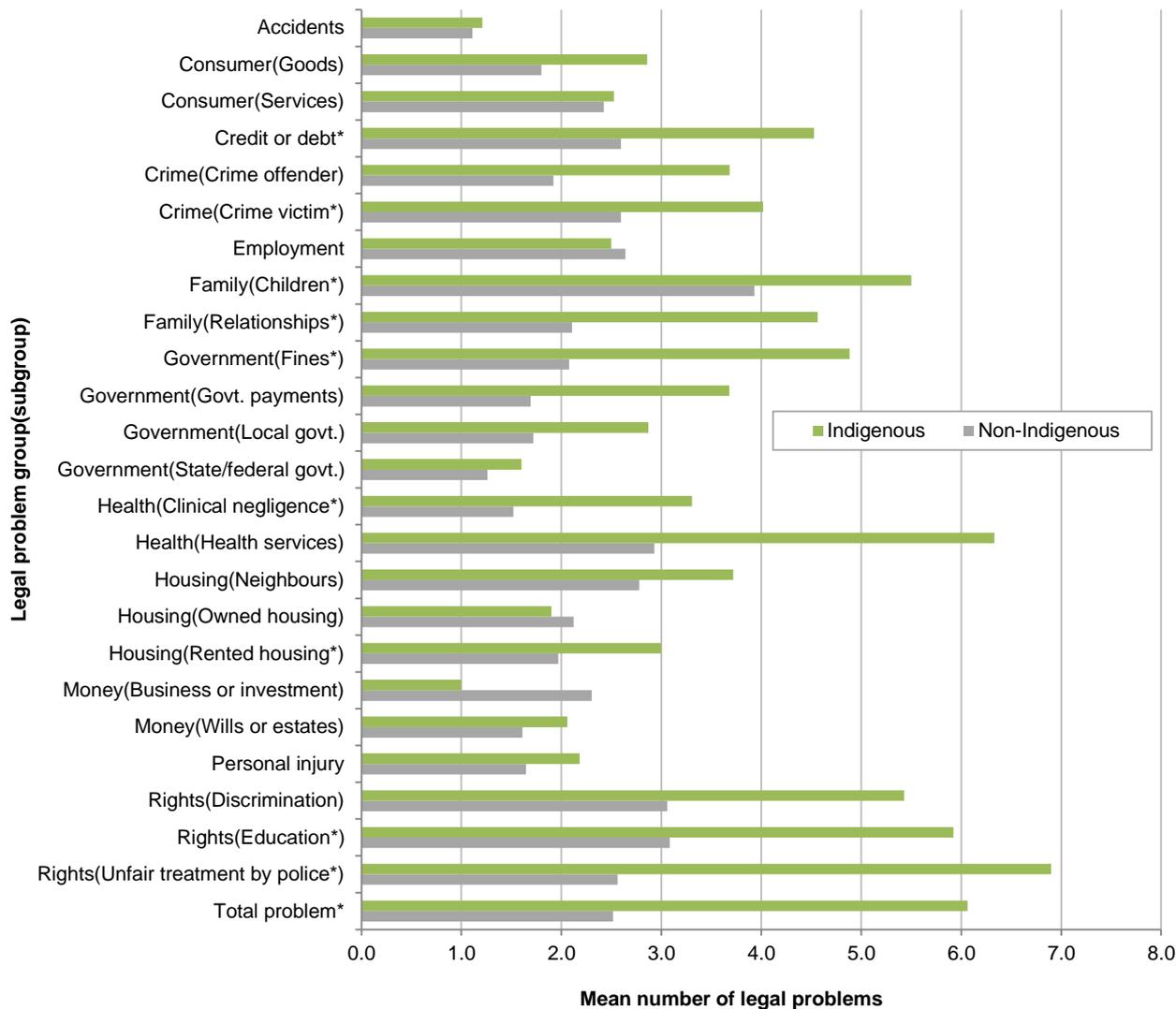
Indigenous status and legal problem subgroup

Figure 1 presents new analysis showing the average number of problems reported by LAW Survey respondents by 24 types of legal problem and Indigenous status.^{iv} As shown in Figure 1, a significantly higher total number of legal problems were reported by Indigenous respondents compared to other respondents.^v As shown in Figure 1, Indigenous respondents reported significantly higher numbers of nine of the 24 types of legal problems examined, namely, problems regarding credit or debt, crime victim, children, relationships, fines, clinical negligence, rented housing, education, and unfair treatment by police.

Indigenous status and gender

Table 1 shows the average number of legal problems and substantial legal problems by Indigenous status and gender. Indigenous respondents, compared to other respondents, reported a significantly higher number of legal problems (6.1 versus 2.5) and substantial legal problems (1.2 versus 0.6). It is notable that male Indigenous respondents reported a higher number of legal problems and substantial problems than female Indigenous respondents and other respondents. In fact, the mean number of legal problems reported by male Indigenous respondents was 7.9, compared to 4.6 for female Indigenous respondents, 2.7 for other male respondents, and 2.4 for other female respondents (see Table 1). Similarly, the number of substantial legal problems was higher for Indigenous males compared to other males (1.3 versus 0.6), and for Indigenous females compared to other females (1.2 versus 0.6).

Figure 1: Indigenous status by legal problem group and subgroup



Note: N=20,716 respondents (612 Indigenous respondents and 20104 non-Indigenous respondents). Legal problem subgroup is indicated by the brackets after the legal problem group.

* Significant difference ($p < 0.05$) on a Mann-Whitney U test in the number of legal problems reported by Indigenous and non-Indigenous respondents. For credit or debt $U=39495.50$, $p=0.021$; crime victim $U=117907.00$, $p=0.000$; children $U=17286.50$, $p=0.017$; relationships $U=2589.00$, $p=0.029$; fines $U=7866.00$, $p=0.002$; clinical negligence $U=4223.00$, $p=0.007$; rented housing $U=6967.00$, $p=0.027$; education $U=6404.50$, $p=0.000$; unfair treatment by police $U=2577.50$, $p=0.001$; total problems $U=5519575.00$, $p=0.000$.

Table 1: Mean number of legal problems and substantial legal problems by gender

Indigenous status and gender	Legal problems		Substantial legal problems		Total	
	Mean	S.E.	Mean	S.E.	%	N
Indigenous						
Female	4.6	0.629	1.2	0.147	55.1%	337
Male	7.9	1.718	1.3	0.195	44.9%	275
All Indigenous	6.1	0.849	1.2	0.119	100%	612
Non-Indigenous						
Female	2.4	0.089	0.6	0.020	50.6	10,166
Male	2.7	0.099	0.6	0.018	49.4	9938
All non-Indigenous	2.5	0.066	0.6	0.013	100%	20,104

Note: N=20,716 respondents. S.E. stands for standard error of the mean. Significant difference (p<0.05) on a Mann-Whitney U test in the number of legal problems and substantial problems reported by Indigenous and non-Indigenous respondents. For total problems U=5519575.00, p=0.000; for substantial problems U=5481916.50, p=0.000; for females with legal problems U=1546079.50, p=0.000; for males with legal problems U=1541013.50, p=0.000; for females with substantial problems U=1216358.50, p=0.003; for males with substantial problems U=1207979.00, p=0.000.

Table 2: Mean number of legal problems and substantial legal problems by age

Indigenous status and age	Legal problems		Substantial legal problems		Total	
	Mean	S.E.	Mean	S.E.	%	N
Indigenous						
15 to 17	2.7	0.602	0.5	0.120	10.8%	66
18 to 24	10.2	3.742	1.4	0.339	18.0%	110
25 to 34	6.3	1.229	1.3	0.200	23.7%	145
35 to 44	8.5	1.753	2.1	0.393	20.4%	125
45 to 54	4.9	1.555	1.2	0.256	11.9%	73
55 to 64	1.0	0.295	0.4	0.115	8.5%	52
65+	1.1	0.436	0.3	0.127	6.7%	41
All Indigenous	6.1	0.849	1.2	0.119	100%	612
Non-Indigenous						
15 to 17	2.0	0.228	0.3	0.030	4.9%	981
18 to 24	3.1	0.212	0.6	0.035	12.0%	2,407
25 to 34	3.2	0.176	0.8	0.039	16.9%	3,400
35 to 44	3.5	0.212	0.9	0.040	17.9%	3,592
45 to 54	2.6	0.163	0.7	0.034	17.2%	3,465
55 to 64	2.0	0.120	0.6	0.031	14.2%	2,855
65+	0.9	0.073	0.2	0.015	16.9%	3,403
All Non-Indigenous	2.5	0.066	0.6	0.013	100%	20,104

Note: N=20,716 respondents. S.E. stands for standard error of the mean.

Table 3: Indigenous status by indicators of disadvantage

Indicator	Indigenous		Non-Indigenous		Total	
	N	%	N	%	N	%
Disability	146	23.9	3,936	19.6	4,082	19.7
Disadvantaged housing	131	21.4	1,157	5.8	1,288	6.2
Low education	345	56.4	6,211	30.9	6,556	31.6
Low income	188	30.7	4,479	22.3	4,667	22.5
Non-English main language	44	7.2	1,368	6.8	1,412	6.8
Remote or outer regional area	330	53.9	2,416	12.0	2,746	13.3
Single parent	109	17.8	1,408	7.0	1,517	7.3
Unemployed	134	21.9	2,062	10.3	2,196	10.6
Total N	612		20,104		20,716	

Note: N=20,716 respondents. For disadvantaged housing $\chi^2=249.41$, $F_{1,20715}=239.56$, $p=0.000$; single parent $\chi^2=102.24$, $F_{1,20715}=99.30$, $p=0.000$; disability $\chi^2=6.86$, $F_{1,20715}=6.75$, $p=0.009$; unemployed $\chi^2=84.94$, $F_{1,20715}=82.69$, $p=0.000$; low income $\chi^2=25.29$, $F_{1,20715}=24.50$, $p=0.000$; low education $\chi^2=179.99$, $F_{1,20715}=177.09$, $p=0.000$; non-English $\chi^2=0.14$, $F_{1,20715}=0.14$, $p=0.711$; remote or outer regional area $\chi^2=907.12$, $F_{1,20715}=886.88$, $p=0.000$.

Indigenous status and age

As can be seen from Table 2, and consistent with the age profile of the Indigenous population (ABS 2007), Indigenous LAW Survey respondents tended to be younger than other respondents. Importantly, Table 2 shows that the peak experience of legal problems occurs at an earlier age for Indigenous respondents. The mean number of legal problems peaked at 18 to 24 years for Indigenous respondents (10.2), but at 35 to 44 years for other respondents (3.5). Indigenous respondents aged 18 to 24 years had more than three times as many legal problems, on average, as other 18 to 24 year olds. However, the mean number of substantial legal problems peaked at age 35 to 44 years for both Indigenous and other respondents.

Indigenous status and disadvantage

Table 3 compares the demographic profile of Indigenous and other respondents according to each of the eight indicators of disadvantage examined by the LAW Survey. It is notable that Indigenous respondents were significantly more disadvantaged according to each indicator of disadvantage except non-English main language. That is, a higher percentage of Indigenous than other respondents had low education (56.4% versus 30.9%), lived in remote or outer regional areas (53.9% versus 12.0%), had a low income (30.7% versus 22.3%), had a disability (23.9% versus 19.6%), had been unemployed (21.9% versus 10.3%), lived in disadvantaged housing (21.4% versus 5.8%), and were single parents (17.8% versus 7.0%).

Table 4 shows the experience of legal problems and substantial legal problems broken down by Indigenous status and the eight indicators of disadvantage. Indigenous respondents who had any additional type of disadvantage, other than living in a remote or outer regional area, reported, on average, higher numbers of problems than Indigenous respondents with no other type of disadvantage. For example, Indigenous respondents living in disadvantaged housing had higher average numbers of legal problems (14.4 versus 2.9) and substantial legal problems (2.7 versus 0.7) when compared to Indigenous respondents with no other indicator of disadvantage. In addition, Table 4 shows that, compared to non-Indigenous respondents, for each indicator of disadvantage, Indigenous respondents had higher numbers of legal problems and substantial legal problems. Finally, Table 4 shows that the types of disadvantage that were associated with the highest numbers of problems were disadvantaged housing, single parenthood, disability and unemployment.

Indigenous status and multiple disadvantage

Turning now to the two new measures of multiple disadvantage, the present study confirms that Indigenous people have relatively high levels of multiple disadvantage. First, Indigenous respondents experienced a significantly greater number of types of disadvantage (2.3) compared to other respondents (1.2).^{vi} Second, as the level of disadvantage increased, Indigenous respondents comprised a significantly higher proportion of all LAW Survey respondents. As shown in Figure 2, only 11.3 per cent of Indigenous respondents had no other indicator of disadvantage, compared to 35.4 per cent of non-Indigenous respondents, and a significantly higher percentage of Indigenous respondents had two or more types of disadvantage (67.5%) compared to non-Indigenous (32.6%).

Propensity score matching (PSM) was used to examine whether the greater number of legal problems experienced by the Indigenous respondents could be explained by their higher levels of multiple disadvantage. PSM was used to select a subgroup of other respondents who had identical profiles to the Indigenous respondents on the eight indicators of disadvantage, and on age and gender.^{vii} The legal problem experience of the matched other respondents was then compared to that of the Indigenous respondents, as shown in Figure 3. It can be seen that Indigenous respondents had higher mean numbers of legal problems compared to their non-Indigenous counterparts matched on level of disadvantage. For instance, the mean number of legal problems experienced was 8.3 for Indigenous respondents with multiple disadvantage compared to 4.8 for their non-Indigenous counterparts with multiple disadvantage. Thus, Indigenous background appears to heighten or ‘compound’ vulnerability to multiple legal problems independently of multiple disadvantage.^{viii}

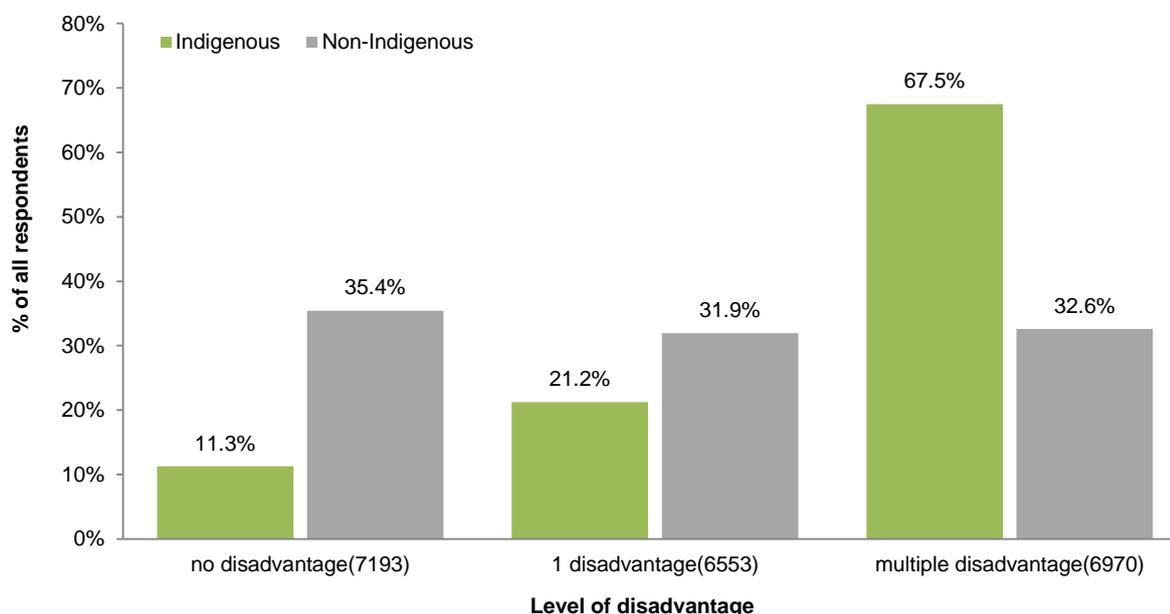
A similar pattern to that in Figure 3 for all legal problems can be seen in Figure 4 which examines substantial legal problems. Again, Indigenous background can be seen to increase the number of substantial legal problems experienced independent of level of disadvantage. For example, Indigenous respondents with multiple disadvantage were found to have a higher average number of substantial problems (1.5) than other respondents with multiple disadvantage (1.2).

Table 4: Mean number of legal problems and substantial legal problems by Indigenous status and indicators of disadvantage

Indicators	Legal problems		Substantial legal problems		Total N
	Mean	S.E.	Mean	S.E.	
Indigenous					
Disability	11.1	2.543	2.2	0.343	146
Disadvantaged housing	14.4	3.490	2.7	0.460	131
Low education	6.5	1.359	1.2	0.167	345
Low income	6.9	1.854	1.2	0.233	188
Non-English main language	6.5	2.629	1.6	0.707	44
Remote or outer regional area	5.6	1.056	1.1	0.149	330
Single parent	13.0	3.134	2.5	0.414	109
Unemployed	10.3	3.227	1.7	0.358	134
No other indicator of disadvantage	2.9	0.644	0.7	0.151	69
<i>All Indigenous</i>	<i>6.1</i>	<i>0.849</i>	<i>1.2</i>	<i>0.119</i>	<i>612</i>
Non-Indigenous					
Disability	4.2	0.206	1.2	0.044	3,936
Disadvantaged housing	5.4	0.456	1.4	0.101	1,157
Low education	2.3	0.128	0.6	0.022	6,211
Low income	2.4	0.147	0.6	0.030	4,479
Non-English main language	2.2	0.247	0.5	0.046	1,368
Remote or outer regional area	2.8	0.235	0.6	0.042	2,416
Single parent	5.7	0.379	1.6	0.091	1,408
Unemployed	4.8	0.298	1.1	0.060	2,062
No indicator of disadvantage	1.9	0.081	0.4	0.017	7,124
<i>All Non-Indigenous</i>	<i>2.5</i>	<i>0.066</i>	<i>0.6</i>	<i>0.013</i>	<i>20,104</i>

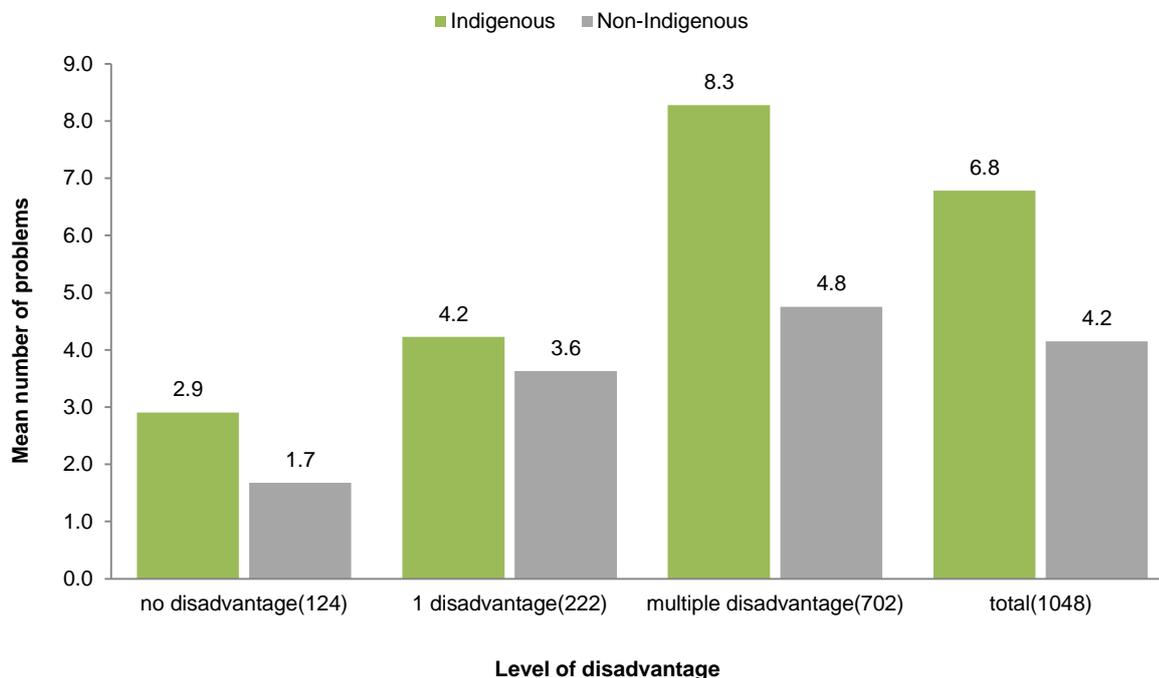
Note: N=20,716 respondents. S.E. stands for standard error of the mean.

Figure 2: Indigenous status by level of disadvantage



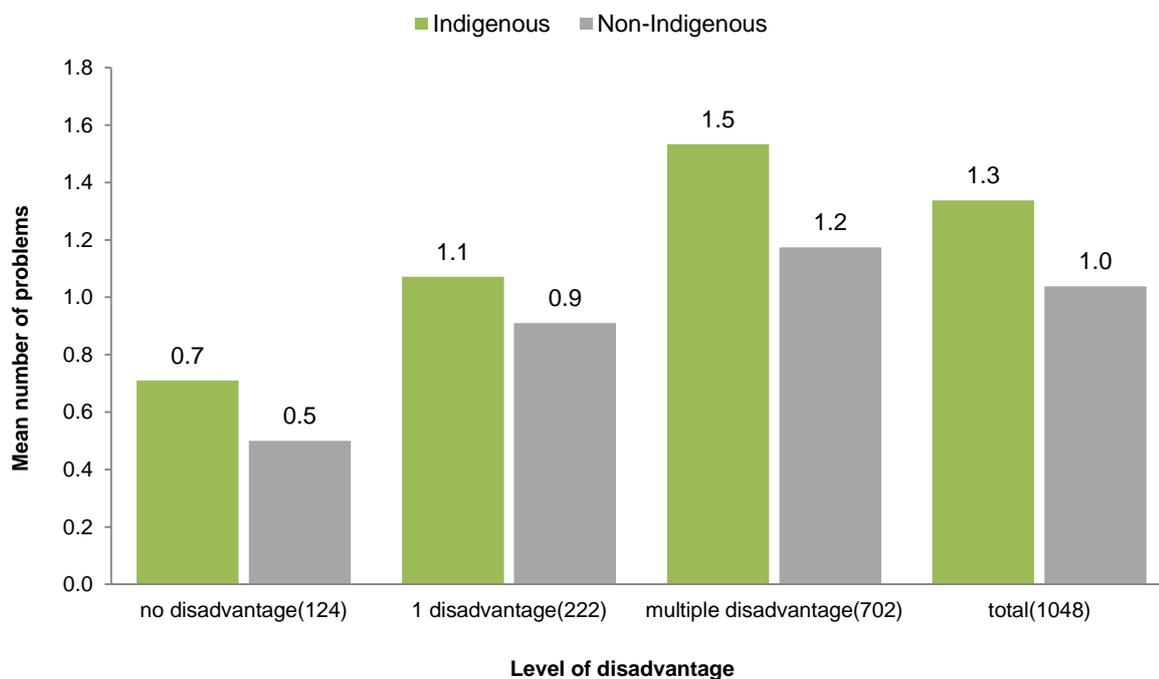
Note: N=20716 respondents. $\chi^2=335.99$, $F_{2,41429}=166.24$, $p=0.000$.

Figure 3: Mean number of legal problems by level of disadvantage, for Indigenous respondents and matched non-Indigenous respondents



Note: N=1048 respondents. Propensity score matched 524 Indigenous respondents and 524 non-Indigenous respondents. Data for matching were missing for 88 Indigenous respondents.

Figure 4: Mean number of substantial legal problems by level of disadvantage, for Indigenous respondents and matched non-Indigenous respondents



Note: N=1048 respondents. Propensity score matched 524 Indigenous respondents and 524 non-Indigenous respondents. Data for matching were missing for 88 Indigenous respondents.

Conclusions

The above findings show that Indigenous people have higher vulnerability to multiple legal problems and multiple substantial legal problems. PSM showed that Indigenous background heightens vulnerability to multiple legal problems independent of age, gender and level of disadvantage. Certain Indigenous subpopulations—namely, males, younger age groups, and those experiencing any of several types of disadvantage—experience an even higher number of legal problems and substantial legal problems. Importantly, the legal problems peak at an earlier age for Indigenous people than others and remain higher until middle age (i.e. 45 to 54 years).

While multiple disadvantage appears to have a 'compounding' effect on vulnerability to higher numbers of legal problems and substantial legal problems generally, this effect appears to be stronger for Indigenous people than for other people.

These findings highlight the need to further consider how legal services in general, as well as services specifically targeted to Indigenous people, can be tailored to better meet the heightened multiple legal needs of Indigenous people. Subpopulations of Indigenous people with heightened vulnerability to multiple legal problems are likely to benefit from the provision of better integrated and coordinated legal services, including services that use diagnostic tools to systematically identify and triage multiple legal need. The heightened vulnerability to multiple legal problems that occurs at an earlier age for Indigenous people, and continues through to middle age, may be yet another marker of the 'wicked' nature of Indigenous disadvantage in Australia. To the extent that this heightened vulnerability is produced by, and reproduces and further exacerbates, the relative disadvantage of Indigenous people, the 'holistic' approaches to legal service provision suggested by Coumarelos et al. (2012) will have a role in redressing Indigenous disadvantage in Australia. The findings of this working paper indicate that further research to examine Indigenous legal need in general, and the heightened vulnerability of certain Indigenous subpopulations in particular, is warranted.

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Endnotes

- i The term ‘legal problem’ is used throughout this paper for easy reference to a problem that is ‘justiciable’ in that it raises legal issues with the potential for legal resolution, regardless of whether the respondent recognised this or took any action involving the justice system (cf. Genn 1999).
- ii In the LAW Survey Indigenous status was self-defined using the question “Are you of Aboriginal or Torres Strait Islander origin?”. The LAW Survey had 20 716 respondents across each state and territory of Australia, of which 612 self-identified as being Indigenous and 20 104 were non-Indigenous. To obtain a representative sample for Australia as a whole weighting was used. In weighted numbers there were 348 Indigenous respondents and 20 368 non-Indigenous respondents (see Coumarelos et al. 2012). To maximise the numbers of Indigenous respondents for the present paper, weighting was not applied to Indigenous respondents, so there were 612 Indigenous respondents. The relative weightings were, however, retained for non-Indigenous respondents, but were adjusted to sum to 20 104 in order to maintain a total sample size of 20 716 respondents. The change of weighting used for this paper means that Indigenous people from some geographic areas are overrepresented (e.g. remote Northern Territory). However, as noted by Coumarelos et al. (2012), the LAW Survey is likely to have underestimated the level of Indigenous disadvantage as Indigenous people who were not accessible by landline telephone were not within the sample frame.
- iii Indigenous status was treated differently to other indicators of disadvantage used in the LAW Survey. For the purpose of this paper Indigenous status was used as a demographic indicator rather than an indicator of disadvantage.
- iv The classification of legal problems used by Coumarelos et al. (2012) involved 12 problem groups, which were further broken down into 27 problem subgroups. They examined the relationship between Indigenous background and each of the 12 problem groups. The present analyses examine this relationship at the subgroup level. However, only 24 of the 27 problem subgroups could be examined as a very small number of Indigenous respondents reported problems from three subgroups — namely, mental health, other housing and other civil.
- v The total number of legal problems reported was not normally distributed. As such, a non-parametric Mann-Whitney U test was conducted for each legal problem subgroup to examine the differences between Indigenous and non-Indigenous respondents.
- vi Somers $d = -0.06$, $SE = 0.003$, $p = 0.000$.
- vii PSM with 1:1 case matching was used to control for the confounding influences of gender, age and the eight indicators of disadvantage. PSM uses the predicted probability of group membership, obtained from logistic regression, to match respondents on the distribution of selected covariates. After matching of the Indigenous and non-Indigenous samples, it is assumed that any differences are attributable to Indigenous status. However, it is worth noting that it is possible that covariates not included in the analysis may in part account for differences between the samples, given that a propensity score can only be as good as the covariates available (see Thoemmes & Kim 2011). PSM was conducted in IBM SPSS Statistics version 19.
- viii Coumarelos et al. (2012) showed that Indigenous background increased the experience of multiple legal problems independently of various indicators of disadvantage, but did not use a composite measure of multiple disadvantage.

