



Indigenous people and legal problem resolution

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Abstract: *We know that in Australia legal problems are widespread and if they are not resolved, there are health, social and economic consequences. This paper examines the experience of Indigenous Australians in relation to the resolution of legal problems in comparison with non-Indigenous people. Using the Legal Australia-Wide (LAW) Survey national dataset, the findings show that Indigenous respondents were significantly more likely than others to have unresolved crime problems. Indigenous respondents who were multiply disadvantaged had the highest probability of unresolved crime problems. Finer-grained analysis revealed that Indigenous respondents had significantly higher rates of unresolved crime problems that concerned being charged, arrested or questioned by police, while multiply disadvantaged Indigenous respondents also had significantly higher rates of unresolved crime problems concerning domestic violence allegations.*

In general, Indigenous respondents were significantly more likely than others to finalise legal problems through court, tribunal or other formal dispute resolution processes, and significantly less likely to have problems finalised through another agency, such as a government body, insurance company or the police.

The findings signal that Indigenous Australians, particularly those who are multiply disadvantaged, experience barriers to legal problem resolution. The implications of the findings are discussed, including the need to better understand how the factors affecting the experience and resolution of crime problems, and the manner of finalisation of all types of legal problems, varies by Indigenous status. The findings make clear the need for accessible and responsive public legal assistance services that are appropriate to the legal needs and capability of Indigenous people, particularly those experiencing multiple disadvantage and facing crime offender problems.

Source

This paper presents new findings from the Legal Australia-Wide Survey (LAW Survey). The first major findings for Australia as a whole were published in *Legal Australia-Wide Survey: legal need in Australia* by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (2012).

About the LAW Survey

The LAW Survey provides a comprehensive assessment of a broad range of legal needs of a representative sample of the population. It covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. With 20,716 respondents across Australia, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The nine LAW Survey reports are available at www.lawfoundation.net.au/publications



Introduction

Legal needs studies demonstrate that legal problemⁱ characteristics are strong drivers of legal problem resolution.ⁱⁱ More severe legal problems, particular types of legal problems, such as family law matters, and taking particular actions, such as seeking professional assistance or being involved in formal legal proceedings, have been consistently found to be associated with longer problem durations or lower resolution rates, and increased adverse consequences (see Coumarelos et al. 2012; Pleasence et al. 2014).

The relationship between legal problem resolution and demographic factors, however, is somewhat complex, and the links with legal problem characteristics, legal problem-solving strategy and manner of finalisation is less established (see Coumarelos et al. 2012). Significantly lower resolution rates among those with low education, low income, and whose main income is welfare benefits, have been found in several overseas studies, while sociodemographic factors were not associated with resolution in others (see e.g. Genn 1999; Genn and Paterson (2001); van Velthoven & ter Voert 2004). The Legal Australia-Wide (LAW) Survey showed that several disadvantaged demographic groups, including people with a non-English main language, single parents and people with a disability, were significantly less likely than others to have finalised their legal problems. Indigenous Australians were also found to have significantly lower likelihood of legal problem finalisation than others (Coumarelos et al. 2012).

While Coumarelos et al. (2012) examined the relationship between Indigenous status and legal problem finalisation, they did not examine whether certain types of legal problems were less likely to be finalised by Indigenous people, nor if the manner of finalisation was related to Indigenous status.

This paper examines the relationship between Indigenous status, level of disadvantage, legal problem characteristics (i.e. type and severity) and legal problem resolution. Specifically, it uses LAW Survey data to answer the following:

1. How is finalisation of legal problems related to Indigenous status and legal problem characteristics?
2. Is Indigenous status related to legal problem finalisation independent of level of disadvantage, legal problem characteristics and broad problem-solving strategy?ⁱⁱⁱ

3. Does the way in which legal problems are finalised vary by Indigenous status?
4. Does the favourability of the outcome of legal problems and satisfaction with the outcome vary by Indigenous status?

New analyses

The LAW Survey measured the experience, handling and outcome of legal problems that started during or continued into the 12 months prior to interview (see Coumarelos et al 2012).^{iv} It then asked a series of in-depth follow-up questions about the handling, resolution and outcomes of up to three of respondents' most serious legal problems.^v To examine the relationship between Indigenous status and legal problem resolution, propensity score matching (PSM) was used to match Indigenous LAW Survey respondents to a subgroup of non-Indigenous respondents on gender, age and eight indicators of disadvantage.^{vi} Matching allows observed differences between the Indigenous and non-Indigenous subgroups to be identified and attributed to Indigenous status rather than differences in disadvantage, gender or age.^{vii}

In total, 524 of the 612 Indigenous LAW Survey respondents were matched to 524 non-Indigenous respondents on these indicators.^{viii} It is worth noting that the matched non-Indigenous subgroup, like the Indigenous subgroup, is comparatively more disadvantaged than the overall LAW Survey sample (cf. Wei & McDonald 2013; 2015).

The relationship between level of disadvantage and legal problem finalisation was examined via a composite measure based on the eight indicators of disadvantage measured by the LAW Survey. The Indigenous and non-Indigenous subgroups were both subdivided into three categories according to their level of disadvantage. Respondents were classified as having 'no disadvantage' if they had none of the eight indicators of disadvantage, 'only one type of disadvantage' if they had one indicator of disadvantage or 'multiple disadvantage' if they had two or more indicators of disadvantage (see Wei & McDonald 2013; 2015).

After PSM, adjusted chi-square analysis^{ix} was used to examine the relationship between legal problem finalisation and Indigenous status by level of disadvantage, legal problem characteristics, manner of finalisation and outcome favourability

and satisfaction. A multilevel binary logistic regression model was fitted to test the independent influence of Indigenous status, level of disadvantage, problem-solving strategy and problem characteristics on legal problem finalisation.^x Interactions between Indigenous status, level of disadvantage and legal problem type were included in the regression model to examine their joint effects on finalisation.^{xi}

In total, the subgroup of 524 Indigenous LAW Survey respondents reported 620 legal problems for which in-depth questions were asked about any actions they took to try to resolve the problem.^{xii} The corresponding number of problems followed up for the matched non-Indigenous subgroup was 624. This paper is based upon these 1,244 legal problems.

New LAW Survey findings

1. Legal problem finalisation, Indigenous status and legal problem characteristics

Finalisation rate overall

LAW Survey respondents were asked if the legal problems they reported experiencing in the previous 12 months had been finalised – that is, whether each of their problems was ‘now over’ or ‘still going’ (Coumarelos et al. 2012). As noted

above, Coumarelos et al. (2012) found that Indigenous LAW Survey respondents were significantly less likely than non-Indigenous respondents to have finalised their legal problems. After PSM, however, there was only a small, non-significant difference in the raw finalisation rate between matched Indigenous (61.4% of legal problems finalised) and non-Indigenous respondents (63.8% of legal problems finalised) (see Table 1 below). In other words, once respondents were matched in terms of their demographics and level of disadvantage, the difference in finalisation rate by Indigenous status was no longer statistically significant. This finding suggests that experience of disadvantage may be a stronger driver of legal problem finalisation status than Indigenous status per se, notwithstanding that, overall, Indigenous people may be relatively more disadvantaged than some other groups.

Legal problem characteristics

Examining legal problem finalisation by both Indigenous status and legal problem characteristics showed that, after PSM, there was no significant difference in finalisation rate between the matched Indigenous and non-Indigenous respondents in terms of problem severity^{xiii} nor in terms of any of the 12 broad legal problem groups other than crime problems (see Table 1).

Table 1: Legal problem finalisation status by Indigenous status and legal problem type

Problem type	Finalisation status			
	Indigenous % finalised	Non-Indigenous % finalised	Total % finalised	N
Accidents	86.2	84.2	85.1	57
Consumer	71.6	67.4	69.3	122
Credit/debt	54.5	47.9	51.1	47
Crime*	61.3	74.2	68.1	171
Employment	76.3	65.0	70.5	55
Family	35.2	39.6	37.4	40
Government	64.8	57.4	61.4	62
Health	67.9	60.0	64.6	31
Housing	43.9	51.7	47.8	55
Money	64.7	43.8	54.5	18
Personal injury	58.1	78.0	69.4	50
Rights	65.7	72.2	68.0	70
Total	61.4	63.8	62.6	778

Note: N=1,243 legal problems (N=619 problems for matched Indigenous respondents, and N=624 problems for matched non-Indigenous respondents). Data was missing for 1 problem. For accidents: $\chi^2=0.05$, $F_{1,66}=0.05$, $p=0.822$; consumer: $\chi^2=0.36$, $F_{1,153}=0.37$, $p=0.544$; credit/debt: $\chi^2=0.40$, $F_{1,85}=0.38$, $p=0.538$; crime: $\chi^2=4.80$, $F_{1,207}=4.07$, $p=0.045$; employment: $\chi^2=1.20$, $F_{1,69}=1.10$, $p=0.297$; family: $\chi^2=0.23$, $F_{1,85}=0.21$, $p=0.646$; government: $\chi^2=0.58$, $F_{1,93}=0.54$, $p=0.464$; health: $\chi^2=0.22$, $F_{1,44}=0.27$, $p=0.605$; housing: $\chi^2=0.71$, $F_{1,112}=0.68$, $p=0.411$; money: $\chi^2=1.46$, $F_{1,30}=1.46$, $p=0.237$; personal injury: $\chi^2=3.32$, $F_{1,69}=3.18$, $p=0.079$; rights: $\chi^2=0.46$, $F_{1,94}=0.43$, $p=0.515$.

* Significant difference.

While 74.2 per cent of the crime problems experienced by the matched non-Indigenous respondents had been finalised, only 61.3 per cent of the crime problems of the matched Indigenous

As level of disadvantage increases, Indigenous Australians are increasingly more likely than non-Indigenous Australians to have unresolved crime problems

respondents had been finalised. This means that after matching respondents by age, gender and eight indicators of disadvantage, Indigenous respondents were significantly more likely than others to have unresolved crime problems (see Table 1). Note

that while Table 1 shows that the finalisation rate varied by legal problem type, and that family (37.4%), housing (47.8%) and credit/debt (51.1%) problems had the lowest overall finalisation rates, none of the differences between the matched Indigenous and non-Indigenous respondents were statistically significant for these problem types.

Further analysis was undertaken to determine if the significant difference in finalisation rate for crime problems by Indigenous status was driven by particular types of crime problems. Crime problems were split into two subgroups – crime offender problems and crime victim problems. There was no significant difference in the finalisation rate between the matched Indigenous

and non-Indigenous respondents for either of these subgroups of crime problems. Examination of the problems within each subgroup, however, revealed one crime problem type where there was a significant difference in the finalisation rate by Indigenous status.^{xiv} Indigenous respondents had a significantly lower finalisation rate for problems associated with being ‘charged, arrested or questioned by police’ than did the matched non-Indigenous respondents (48.7% v. 77.8%).^{xv}

2. Finalisation, Indigenous status, level of disadvantage and problem-solving strategy

As noted above, after PSM, there was no significant difference in the overall finalisation rate based on all problems for the matched Indigenous and non-Indigenous respondents. However, after further controlling for the independent effects of legal problem characteristics (i.e. severity and type^{xvi}) and broad problem-solving strategy, regression analysis revealed a significant interaction between Indigenous status, level of disadvantage and problem type (see Table 2 and Appendix Table 1).

Note that problem severity, problem type and problem-solving strategy were all significant predictors of legal problem finalisation in the regression. To examine how the interaction between Indigenous status, level of disadvantage and problem type affected the finalisation of crime problems, estimated probabilities were calculated from the regression model (see Table 3).

Table 2: Summary of regression on finalisation of legal problems

SIGNIFICANT VARIABLES	Categories compared	Odds ratio
Problem severity (cf. minor)	Substantial	0.4
Problem type (cf. other)	Crime	2.3
Problem-solving strategy (cf. took no action)	Sought formal advice	0.4
	Handled without formal advice	0.4
Interactions		
(Indigenous status × level of disadvantage × problem type)	Indigenous × one disadvantage × crime problem	-
	Indigenous × multiple disadvantage × crime problem	0.4
NON-SIGNIFICANT VARIABLES Indigenous status, level of disadvantage		

Note: N=1,241 legal problems. Data was missing for 3 problems. Only significant odds ratios (ORs) are presented in the table. An OR>1.0 indicates that the non-reference category (e.g. sought formal advice) had significantly higher odds of finalisation than the reference category (e.g. took no action). An OR<1.0 indicates that the non-reference category had significantly lower odds. The size of the OR indicates the strength of the relationship. E.g. an OR=2.0 means that the odds for the non-reference category were twice those for the reference category. An OR=0.5 means that the odds for the non-reference category were half those for the reference category, or, in other words, that the odds for the reference category were twice those (i.e. 1/0.5=2.0) for the non-reference category.

Table 3: Estimated probability of finalisation of crime problems by Indigenous status and level of disadvantage

Indigenous status	Level of disadvantage		
	None	One	Multiple
	Estimated probability of finalisation		
Indigenous	0.79	0.70	0.58
Non-Indigenous	0.79	0.79	0.73

Note: Estimation was based on the logistic regression model on finalisation (see Appendix Table 1 for further details).

Respondents who were both Indigenous and multiply disadvantaged had the lowest probability of finalising their crime problems (0.58). In contrast, non-Indigenous respondents who were multiply disadvantaged had a similar likelihood of finalising their crime problems (0.73) as respondents who had no disadvantage or only one type of disadvantage (both 0.79). As level of disadvantage increases, Indigenous Australians are increasingly more likely than non-Indigenous Australians to have unresolved crime problems.^{xvii}

Further analysis was undertaken to examine whether the significant difference in finalisation rate between multiply disadvantaged Indigenous and non-Indigenous respondents was related to particular types of crime problems. Again, the crime offender and crime victim subgroups, and the problems within each subgroup, were

The findings signal some differences in the way Indigenous and non-Indigenous people resolve their legal problems

examined. There was no significant difference in finalisation rate for the crime victim subgroup, or any problem within this subgroup. Multiply disadvantaged Indigenous respondents were, however, found to have a significantly lower

rate of finalisation of crime offender problems than the matched multiply disadvantaged non-Indigenous respondents (43.5% v. 80.0%).^{xviii} Furthermore, finer-grained analysis showed that this significantly lower finalisation rate for multiply disadvantaged Indigenous respondents compared to multiply disadvantaged non-Indigenous respondents held for two crime problem types within the crime offender subgroup, namely ‘domestic violence allegations’ (35.5% v. 78.6%)^{xix} and ‘being charged, arrested or questioned by police’ (48.5% v. 80.0%).^{xx}

To examine whether use of legal advisers affected finalisation of crime offender problems involving domestic violence allegations and being charged,

arrested or questioned by police, further analyses were conducted. There was no significant difference in use of legal advisers for these crime offender problems between multiply disadvantaged Indigenous and non-Indigenous respondents.

3. Manner of finalisation and Indigenous status

The LAW Survey measured the way in which legal problems were finalised. Analysis using all the legal problems that had been finalised showed that, after PSM, there were significant differences in the manner of finalisation between Indigenous and non-Indigenous respondents (see Figure 1).

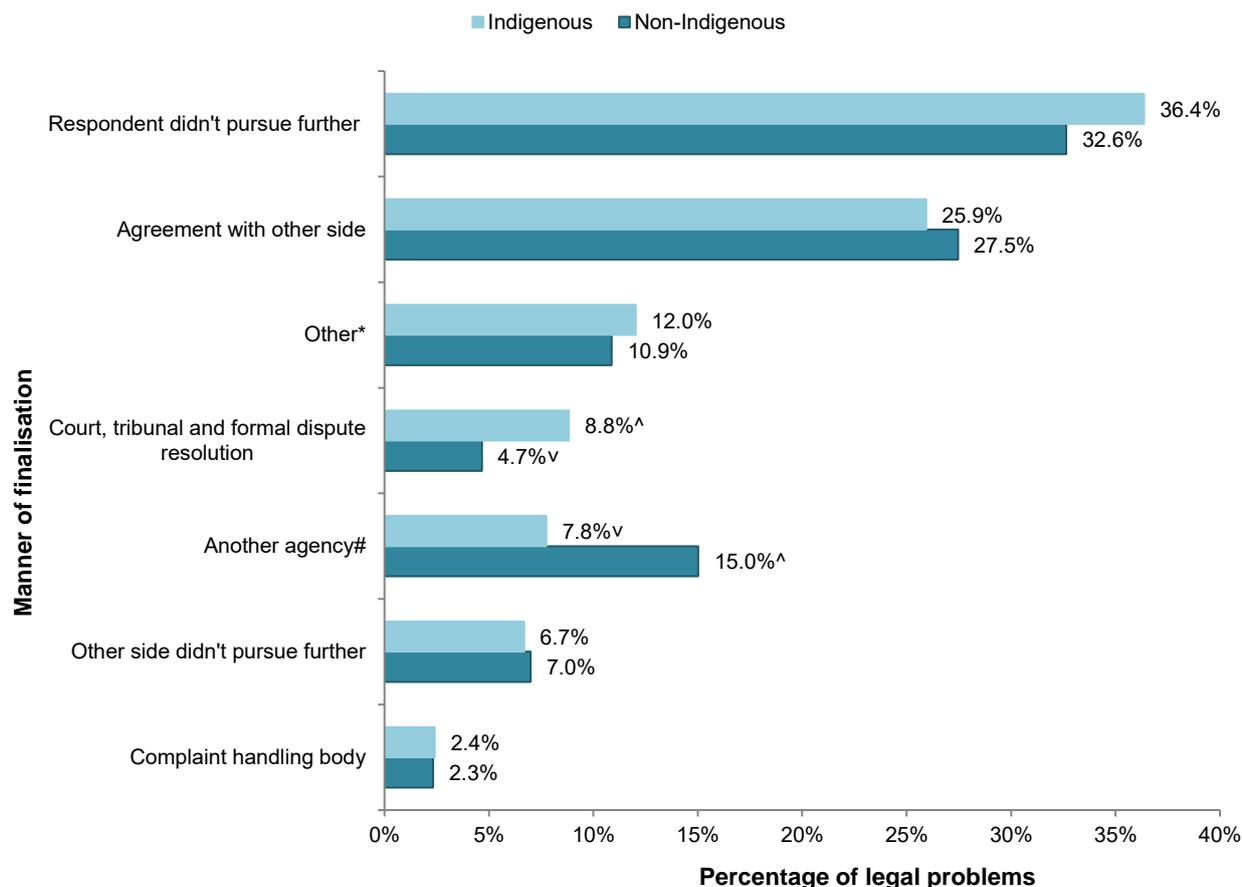
Matched Indigenous respondents were significantly more likely than others to report that their legal problems had been finalised through court, tribunal and formal dispute resolution process (8.8% vs. 4.7%). Matched Indigenous respondents were also significantly less likely to have finalised their problem through another agency such as a government body, insurance company or police than were others (7.8% vs. 15.0%).

The findings signal some differences in the way Indigenous and non-Indigenous people resolve their legal problems. This may, at least in part, reflect differences in legal capability and the nature of the legal problems experienced, as well as differences in the accessibility and involvement of different agencies and dispute resolution processes.

4. Outcome and Indigenous status

The LAW Survey also measured outcome favourability and satisfaction for finalised legal problems. After PSM, based on all legal problems finalised, there was no significant difference between the matched Indigenous and non-Indigenous respondents in the favourability of the outcomes they reported or in their satisfaction with the outcomes.^{xxi}

Figure 1: Manner of finalisation by Indigenous status



Note: N=760 legal problems (N=374 legal problems for Indigenous, and N=386 legal problems for non-Indigenous). $\chi^2=14.85$, $F(6,3488)=2.31$, $p=0.033$.

* E.g. lawyer's help, someone else's help or other unspecified.

E.g. government body, insurance company, police.

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

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

Indigenous respondents reported that 64.7 per cent of the finalised legal problems were mostly or somewhat resolved in their favour. The corresponding figure for the matched non-Indigenous respondents was 66.7 per cent. Indigenous and non-Indigenous respondents similarly reported they were satisfied to some extent (very or somewhat satisfied) with the outcomes of close to two-thirds of their finalised legal problems.

Regression analysis revealed that, even after controlling for level of disadvantage, legal problem characteristics and problem-solving strategy, there was still no significant difference in outcome favourability or satisfaction by Indigenous status. Consistent with other analyses of the LAW Survey dataset, legal problem-solving strategy, unsurprisingly, was significantly related

to both outcome favourability and satisfaction, with inaction being more likely to result in less favourable outcomes and lower satisfaction (see Coumarelos et al. 2012; McDonald & Wei 2016). More severe legal problems were also significantly more likely to result in lower satisfaction.

...when legal problems are finalised, Indigenous people report similar levels of outcome favourability and satisfaction to other respondents

These findings indicate that, when legal problems are finalised, Indigenous people report similar levels of outcome favourability and satisfaction to other respondents.

Implications and conclusion

This paper provides important new findings concerning Indigenous status and legal problem resolution:

1. There was no significant difference in finalisation rate between the matched Indigenous and non-Indigenous respondents for 11 of the 12 broad legal problem groups. Indigenous respondents were more likely than others to have unresolved crime problems.
2. Multiply disadvantaged Indigenous respondents were the most likely have unresolved crime problems.
3. Indigenous respondents were more likely to finalise their legal problems through court, tribunal and formal dispute resolution processes, and less likely to finalise their legal problems through another agency, such as government bodies, insurance companies or the police.
4. When legal problems were finalised, there were no significant differences in outcome favourability or satisfaction by Indigenous status.

The present findings demonstrating Indigenous respondents' elevated levels of unresolved crime problems and of finalising legal problems through court, tribunal and formal dispute resolution processes are generally in keeping with the widely demonstrated over-representation of Indigenous people in the criminal justice system, and in formal justice system processes.^{xxii} That multiply disadvantaged Indigenous Australians had the highest rate of unresolved crime problems, and reported significantly higher rates of unresolved problems associated with domestic violence allegations and being charged, arrested or questioned by police, signals differences in the experience and resolution of crime problems. Despite the lower resolution of crime problems, the findings further demonstrated that when legal problems are finalised, Indigenous Australians report similar rates of favourable and satisfactory outcomes as other Australians.

There are a number of possible explanations for these findings. One possibility is that experience and handling of legal problems varies by Indigenous status, and consequently affects the role played by courts, tribunals and formal dispute resolution processes vis-à-vis agencies such as government bodies and the police. The findings point to variation by Indigenous status and level

of disadvantage in experience of crime problems, policing and operation of the criminal justice system. This is broadly consistent with findings of other inquiries, reports and research (see e.g. ALRC 2017; Cunneen 2006; FPARC 2016). Finalisation via formal dispute resolution processes is typically associated with lower finalisation rates or longer problem duration (see Coumarelos et al. 2012; Pleasence et al. 2014). Thus, it may be that Indigenous Australians are subject to formal justice proceedings at relatively higher rates than others.

It is also possible that it takes relatively longer to investigate, determine charges and prosecute alleged offences by multiply disadvantaged Indigenous people. Lack of availability of interpreter services, heightened prevalence of hearing loss, and fraught relationships and cultural barriers between Indigenous communities and police are three reported factors that may impede timely disposal of criminal allegations. It may also be that multiply disadvantaged Indigenous people tend to face different cautioning, court proceedings or sentencing treatments, that might partly account for differences in finalisation status (ALRC 2017; Cunneen 2006).

Another possible explanation is difference in the perceived resolution of crime problems. Multiply disadvantaged Indigenous Australians may be relatively more likely than others to leave encounters with police with the view that the matter is ongoing, and further actions pending.

... it may be that Indigenous Australians are subject to formal justice proceedings at relatively higher rates than others

Communication barriers and consequently the need for more effective communication between police and Indigenous communities have been noted by successive inquiries, with recommendations including adequate provision of legal assistance services, community legal education, outreach workers, interpreters and a statutory custody notification service in each state and territory, to ensure Indigenous people receive effective legal assistance (see e.g. ALRC 2017; FPARC 2016).

The findings have several implications for policy. First, the link between multiple disadvantage and

lower finalisation of crime problems indicates that Indigenous Australians experience the criminal justice system differently from non-Indigenous Australians. However, it is unclear whether this reflects the objective nature of certain crime problems, the subjective experience of disadvantage and criminal justice processes, or perhaps, as is likely, some combination. Irrespective, the findings point to the need for accessible and responsive legal assistance services

for multiply disadvantaged Indigenous Australians. For instance, culturally appropriate assistance to help clarify the ongoing status of alleged offending.

Second, it is crucial that public legal assistance services adequately cater to the legal need and capability of Indigenous people, particularly those experiencing multiple disadvantage and facing crime offender problems. Aboriginal and Torres Strait Islander Legal Services provide legal assistance services to Indigenous people across Australia, and the findings here, once again, point to the continued need for accessible and culturally appropriate legal assistance services.

Finally, improved measures and ongoing monitoring is required to gauge the appropriateness and responsiveness of the Australian justice system as it operates for both Indigenous and other Australians. This is vital to improving the effectiveness and efficiency of legal assistance services policy and dispute resolution processes.

Indigenous people and legal problem resolution infographic

An infographic to accompany this paper is available to view or download here:
[LJF_Indigenous_resolution_infographic](#)



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Appendix

Appendix Table 1: Regression on finalisation of legal problems

		Finalisation		
		β	SE	OR*
FIXED EFFECTS				
Indigenous status (cf. Non-Indigenous)	Indigenous	-0.005	0.185	1.00
	Non-Indigenous			
Level of disadvantage (cf. None)	One	0.024	0.311	1.02
	Multiple	-0.411	0.278	0.66
Problem severity (cf. Minor)	Substantial	-1.010	0.159	0.36
Problem type (cf. Other)	Crime	0.827	0.279	2.29
Strategy (cf. Took no action)	Sought formal advice	-1.006	0.227	0.37
	Handled without formal advice	-0.866	0.238	0.42
Interactions	Indigenous × one disadvantage × crime	-0.567	0.693	0.57
	Indigenous × multiple disadvantage × crime	-0.854	0.406	0.43
Constant		2.249	0.341	
RANDOM EFFECTS				
Person		1.502	0.409	

Note: N=1,241 problems. Data was missing for 3 problems. Significant findings (at the 95% level) are presented in bold.

* Significant odds ratios (ORs) are presented in bold. A bolded OR>1.0 indicates that the non-reference category (e.g. sought formal advice) had significantly higher odds of finalisation than the reference category (e.g. took no action). A bolded OR<1.0 indicates that the non-reference category had significantly lower odds. The size of the bolded OR indicates the strength of the relationship. For example, bolded OR=2.0 means that the odds for the non-reference category were twice those for the reference category. Bolded OR=0.5 means that the odds for the non-reference category were half those for the reference category, or, in other words, that the odds for the reference category were twice those (i.e. 1/0.5=2.0) for the non-reference category.

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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 Legal needs survey research in Australia, Canada, England and Wales, Scotland, New Zealand and elsewhere has variously examined the relationship between legal problem characteristics, legal problem-solving strategy and legal problem resolution using Genn's (1999) 'justiciable' problem methodology (see e.g. Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Currie 2007; Genn 1999; Genn & Paterson 2001; Ignite Research 2006; Pleasence 2006; Pleasence, Coumarelos, Forell & McDonald 2014).
- iii In the LAW Survey, for each specific type of legal problem reported, respondents were asked to rate the severity of the problem in terms of the impact that it had on their everyday life, choosing from 'none', 'slight', 'moderate' and 'severe' impact. Problems rated as having no impact or only a slight impact on everyday life are described as 'minor problems', while problems rated as having a moderate or severe impact on everyday life are described as 'substantial problems'. Legal problem-solving strategy was defined broadly in terms of three strategies: sought advice, handled without advice, and took no action (see Coumarelos et al. 2012).
- iv The LAW Survey adopted the 'justiciable' problem methodology of Genn's (1999) *Paths to Justice* survey. A total of 129 specific types of legal

- problems, which were categorised into 12 broad problem groups (namely, accident, consumer, credit/debt, crime, employment, family, government, health, housing, money, personal injury, and rights problems), were examined, covering a broad range of civil, criminal and family law problems.
- v See Coumarelos et al. (2012) regarding the process used to determine the 'most serious' problems that were followed up in depth for each respondent. The follow-up questions included questions asked about the types of action taken in response to problems, whether or not problems were resolved, and the manner of finalisation for problems that had been resolved.
- vi Propensity score matching (PSM) with 1:1 case matching was used to control for the confounding influences of gender, age and the eight indicators of disadvantage used in the LAW Survey, namely, long-term illness or disability, disadvantaged housing, low personal income (i.e. less than \$400/week), low education level (i.e. Year 11 or below), having a non-English main language, living in a remote or outer regional area, single parenthood and unemployment within the last 12 months. PSM uses the predicted probability of group membership (i.e. membership in the Indigenous versus non-Indigenous subgroups), obtained from logistic regression, to match respondents on the distribution of selected covariates (see Wei & McDonald 2013).
- vii However, it should be noted that it is possible that covariates not included in the matching process (i.e. variables other than gender, age and the eight indicators of disadvantage) may in part account for any observed differences between the Indigenous and non-Indigenous subgroups, given that the PSM matching is only as good as the covariates used (Thoemmes 2011; Thoemmes & Kim 2011). PSM was conducted using IBM SPSS Statistics version 19.
- viii Data for matching was missing on one or more measures for 88 Indigenous respondents.
- ix Rao-Scott adjusted chi-square analyses, which accounted for the clustering of problems within respondents, were conducted using the Complex Samples module of IBM SPSS Statistics version 19. Adjusted standard residuals with an absolute value of at least 2 were used to indicate which cells contributed to the significance.
- x The model was implemented using MLwiN (Rasbash, Steele, Brown & Goldstein 2015). A three-level hierarchical structure, with legal problems nested within respondents, and respondents nested within states was fitted. As there was no significant effect at the state level, a two-level hierarchical structure, excluding state level, was fitted in the final model.
- xi A series of regression models were fitted to examine the relationship between Indigenous status, level of disadvantage and finalisation, controlling for problem characteristics and problem-solving strategy. Interaction terms were included in the regression to examine the joint effect of Indigenous status, level of disadvantage and problem types. The final model presents the best fit (Agresti 2002). The full set of predictors used is presented in Appendix Table 1.
- xii Data on finalisation was missing for one legal problem experienced by an Indigenous respondent.
- xiii For problem severity: $\chi^2=0.98$, $F_{1,466}=0.81$, $p=0.368$.
- xiv Note that for some problems within the crime subgroups there were too few problems to conduct analysis. Apart from being 'charged, arrested or questioned by police' there was no significant difference for any other problem in the crime offender subgroup or any problem in the crime victim subgroup. See Coumarelos et al. (2012, p.297-298) for details on the problems within the crime offender and crime victim subgroups.
- xv For 'charged, arrested or questioned by police' problems: $\chi^2=8.49$, $F_{1,42}=6.67$, $p=0.013$.
- xvi The regression specifically controlled for the significant difference observed in the finalisation rate for crime problems between the matched Indigenous and non-Indigenous respondents.
- xvii Note that crime problems did not have the lowest levels of finalisation overall. As shown in Table 1, finalisation rates varied by problem type and, overall, family, housing and credit/debt problems had the lowest finalisation rates.
- xviii For crime offender problems experienced by those with multiple disadvantage: $\chi^2=4.97$, $F_{1,32}=4.87$, $p=0.035$.
- xix For domestic violence allegation problems experienced by those with multiple disadvantage: $\chi^2=7.17$, $F_{1,15}=4.97$, $p=0.042$.
- xx For charge/arrest/questioning by police problems experienced by those with multiple disadvantage: $\chi^2=7.42$, $F_{1,37}=7.38$, $p=0.010$.
- xxi For satisfaction with outcome: $\chi^2=1.22$, $F_{1,592}=1.07$, $p=0.301$; For favourability of outcome: $\chi^2=0.33$, $F_{1,592}=0.28$, $p=0.597$.
- xxii The issues of Indigenous over-representation in incarceration and experience of law enforcement has been widely canvassed. See, for example the Australian Institute of Health and Welfare (2014), Australian Law Reform Commission (ALRC; 2017), Cussen & Bryant (2015); Family Law Council (2012); Finance and Public Administration References Committee (FPARC; 2016); Productivity Commission (2014, 2016).