

Legal Australia-Wide Survey (LAW Survey) Legal Need in Australia

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An overview of findings for Australia

The LAW Survey is the most comprehensive quantitative assessment of legal needs ever conducted in Australia. It interviewed 20,716 people across all states and territories about the legal problems they experience, the actions they take, where they go for advice and the outcomes they achieve. It measures not only how many people resolve their legal problems but also how many people fail to do so. Additionally, it provides evidence of the disadvantaged groups that are particularly vulnerable to legal problems.

Key points of interest from the findings:

- The LAW Survey reports that legal problems are widespread. Half of all respondents reported experiencing a legal problem in the 12 months prior to interview, with 22% experiencing three or more legal problems.
- Based on these findings the LAW Survey estimates 8,513,000 Australians experience a legal problem in a 12-month period, including 3,736,000 experiencing three or more legal problems.
- The most common legal problems reported included consumer (21% of respondents), crime (14%), housing (12%) and government (11%) problems.
- Importantly, the LAW Survey shows that some people are particularly vulnerable to legal problems—65% of legal problems were experienced by only 9% of respondents and 85% of problems were experienced by 22% of respondents.
- People with a disability and single parents were twice as likely to experience legal problems. The unemployed and people living in disadvantaged housing also had heightened vulnerability.
- Indigenous people were more likely to experience multiple legal problems including government, health and rights related problems.
- About one-quarter of the population experience a substantial legal problem each year. Financial strain was associated with 29% of problems, stress-related illness with 20%, physical ill health with 19%, relationship breakdown with 10% and having to move home with 5%. Legal problems related to family issues had the most adverse consequences.

- The LAW Survey highlights how Australians respond to their legal problems—while they sought advice for 51% of their legal problems, they handled 31% without advice and took no action for 18%. Although taking no action appeared to be appropriate in some cases, reasons for doing nothing were often related to stress (30%) cost (27%) or not knowing what to do (21%).
- Despite the high level of legal need in the community, and among various disadvantaged groups in particular, the LAW Survey revealed there is no 'rush to law'—most people resolve or attempt to resolve their legal problems without using lawyers or the formal justice system.
- Respondents consulted a wide variety of non-legal professionals to try to resolve their problems as well as friends and family. A legal professional was used for only a minority of problems—16% of all legal problems.
- Legal problems were only rarely finalised via formal legal proceedings in a court or tribunal (3%) or via formal dispute resolution or complaint-handling processes (3%).
- Taking no action to resolve legal problems was more prevalent among some disadvantaged groups including people with a non-English main language, people with low education levels and the unemployed.
- People taking no action achieved the poorest outcomes.

A holistic approach to justice

The LAW Survey shows there is considerable diversity in how people experience, handle and try to resolve legal problems. Some people experience many legal problems while others are more resilient. Some know what steps to take to address these problems, while others require considerable guidance and assistance.

Importantly, the survey demonstrates that access to justice for disadvantaged people must remain a priority. The research concludes that no single strategy will successfully achieve justice for all people. It calls for a 'holistic' approach to justice, comprising multiple, integrated strategies, to cater for the different needs within the community, and suggests tailored, targeted intensive assistance for people with complex legal and non-legal needs.

