



Consultation report: a new Legal Needs Survey

Widespread support for a new legal needs survey

Thank you for participating in our consultation with key decision makers, experts and sector representatives. The feedback demonstrated how critical the 2008 LAW Survey has been, and continues to be, in shaping access to justice policy and service provision. Importantly, there was widespread recognition that unlike other available methodologies, the legal needs survey is **the only way to get a sound and representative picture of the legal needs of Australians from their perspective** – the problems they faced over the previous 12 months, what they did in response to these problems, and what outcomes they achieved.

In the context of dramatic **population change** and **technological innovation** over the last decade, there is resounding support for a new survey. This would ideally deliver **state level findings** and, although not required annually, would be frequent enough – **every 2 to 5 years** – to monitor sector developments and assess **emerging trends** and **hot topics**. To ensure our policy and service delivery is most effectively targeted, making best use of available resources, Australia needs a regular assessment of **legal needs** and the **pathways** people follow when facing legal problems.

The survey fieldwork is best conducted in the first half of the calendar year to assist people recall the problems they have experienced during the previous year. The sooner funding is agreed, the more time we have to design a survey with a **quality questionnaire** and **sustainable methodology** that best meets your needs.

An opportunity to listen to the public

A new legal needs survey would give you the opportunity to hear direct from the public about the everyday legal problems that most matter to them and what they think would help in the prevention and resolution of these. Are Australians confident they can identify a legal problem and can access help when they need it?

What are your priority topics?

You said that all the groups identified in the LAW Survey remained high priority for a new legal needs survey. You also told us you wanted to know more about the needs of people with **disabilities**, those experiencing **family violence**, and those that had spent time in **out-of-home care**.

And although the vulnerable and disadvantaged people remain the focus of concern, there was interest in better understanding the ‘**missing middle**’: how they are utilising **online help** and the **costs and other barriers** they face in resolving their problems. There was also interest in better understanding the legal needs of **small business owners**.

You are interested in the **history** of problems; their **complexity**; the **triggers** to seeking help; the financial, health and wellbeing **impacts**; and the **costs** and other **barriers** associated with trying to **resolve** them. This means understanding the range of **actions** people take and the **outcomes** they seek compared to those they achieve. You want to know ‘**what works**’ in



problem resolution and how this varies by financial and legal [capability](#). But you also want to know more about the people [that choose to do nothing](#), and the extent to which this is an [informed decision](#) or not.

[Technology](#) was a consistent theme. Is the [gig economy](#) having an impact on legal problems? Are new technologies transforming [service awareness](#) and [online access](#); what is the impact of [disruptive technologies](#); and how important is the [digital divide](#) in the provision of legal assistance?

What other ideas did we hear?

Some of the current hot topics we heard about were the impact of the National Disability Insurance Scheme ([NDIS](#)); and whether the increasing number of [alternative dispute resolution](#) mechanisms, [ombudsmen](#) and [complaint handling bodies](#) are having the presumed impact of improving access to justice.

Not all the evidence gaps we heard about can be addressed by a legal needs survey. We have recorded these ideas and will look for other opportunities to address them. For instance, some groups are best researched through bespoke surveys, including [Indigenous communities](#), [prisoners](#), [rural and remote](#) communities and the [very elderly](#). Some 'what works' questions are also best addressed through targeted studies of the [experience](#) and [outcomes](#) of clients of legal assistance services, the courts and tribunals, and other dispute resolution services.

What next?

Because of their rigour and scale, legal needs surveys are expensive, and the Foundation will need substantial financial support to conduct and analyse such a survey. The cost depends on the size of the sample needed to examine key questions. It is clear from our consultation that your interest in small but important [vulnerable groups](#), in understanding the [impact](#) of legal assistance, and having survey [findings by state](#), means that we should aim for the largest feasible sample size. The fieldwork for an Australia-wide sample of 10,000 using dual mode telephone would cost up to \$2 million, with design, analysis and reporting costs adding up another \$1 million.

We will continue to discuss options for coordinating funding arrangements with the Attorney General's Department. We thank you for your assistance and support and will keep you informed of developments.

The Law and Justice Foundation of NSW

The Foundation is a statutory body and Australia's preeminent centre of excellence for access to justice research and analysis, with national and international influence. Our work supports the delivery of a client-focused justice system based on the highest quality evidence and has transformed understanding of the legal needs of the community. Our specialist research team combines a deep understanding of the Australian access to justice policy environment with the highly sophisticated technical expertise required to deliver a challenging project such as this. The Foundation is a world leader in this type of research and is linked in with global developments in legal needs surveys and their role in monitoring access to justice.