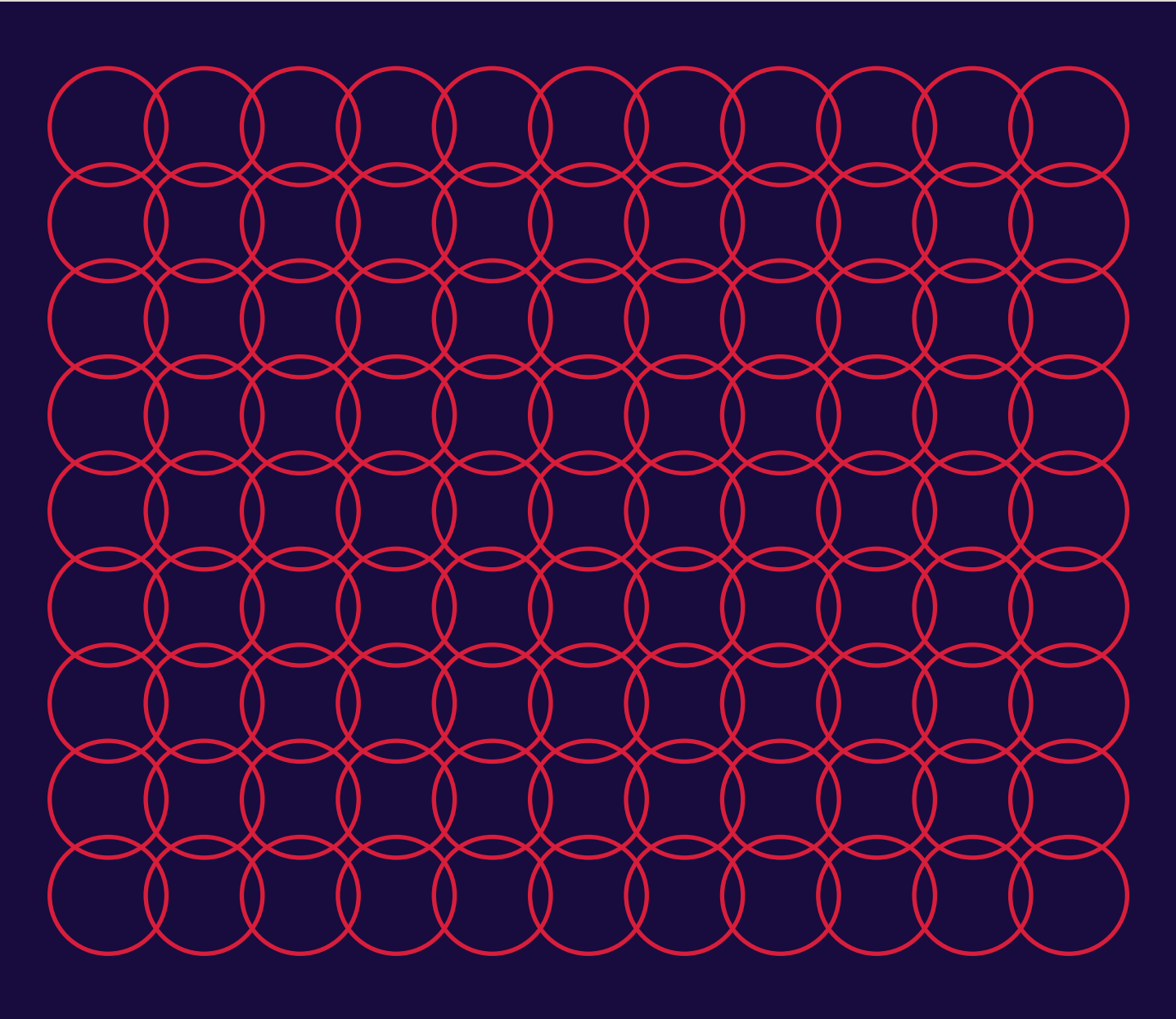


# Report of the Pilot Victorian Legal Understanding and Lawyer Use (V-LULU) Survey

Prof Pascoe Pleasence and Prof Nigel J Balmer

Legal Services  
Research Centre

Victorian Legal Services  
**BOARD + COMMISSIONER**





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- protect and empower consumers
- maintain and enhance legal practice and ethics; and
- improve access to justice.

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The Victorian Legal Services Board and Commissioner acknowledge Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the land, and pay respect to their Elders past and present.

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## Key findings

### The respondents and the issues they faced

Sixty-six per cent of 3,501 respondents to the pilot Victorian Legal Understanding and Lawyer Use (V-LULU) survey experienced one or more justiciable issue over the previous 2 years: 56% contentious issues, 33% non-contentious issues and 24% both.

Contentious issues concerning housing, employment and fines were among the most often reported. For non-contentious issues, housing and family issues were most often reported.

Forty-one per cent of contentious issues were reported to have involved discrimination, most often on the basis of age (12%), ethnicity (8%), sex (7%) and/or disability (7%).

Thirty-two per cent of concluded contentious issues concluded within 3 months, 55% within a year and 73% within 2 years. The median duration was 9 months. Ongoing issues tended to have lasted longer. Non-contentious issues tended to have been shorter.

Respondents felt they could deal with 75% of contentious issues on their own. Sixty-six per cent were confident about achieving a fair/good outcome. Sixty-nine per cent indicated that, when issues arose, they understood their rights and responsibilities. Sixty-seven per cent knew where to get good information/advice.

For non-contentious issues, 94% felt they could deal with issues on their own, 91% were confident about achieving a fair or good outcome, 93% indicated that, when issues arose, they understood their rights and responsibilities and 61% knew where to get good information or advice.

### Contentious issue resolution strategies

Excluding help from family and friends, 87% of followed-up contentious issues led to some form of independent information, advice or assistance being sought. In the great majority of cases, people went online to search for help. They rarely sought it exclusively offline.

In around one-fifth of these cases, people sought to fully delegate issue resolution. In around one-third the highest level of help sought was advice (i.e. personalised analysis and recommendations), in one-fifth personalised information (i.e. information and options tailored to situations), and in just under one-quarter generic information (i.e. information not tailored to respondents' situations). As the level of help sought increased, so too did offline activity.

The highest level of help sought increased with issue seriousness – though the most serious issues were among those for which help was least often sought for – and for issues characterised as legal.



Those least confident in dealing with the contentious issues they faced less often sought help than others, while those who were most confident they could deal with issues on their own were less likely to delegate resolution and more likely to make use of generic information. Those with the highest level of practical legal literacy and those requiring no support for digital tasks also more often sought only generic information.

Just under 80% of attempts to obtain help about contentious issues were successful, but 15% of those who sought help obtained none and a further 24% a lower level than sought. There was no great difference in levels of success for different types of help, or for online or offline help-seeking. Thirty-eight per cent of those who obtained help did so only online and 11% only offline.

Legal capability linked to success in obtaining help sought. A majority of those who had not known where to obtain good information or advice obtained less help than sought, with a similar story for those with less understanding of their rights and/or with lower confidence. Those with lower levels of general legal confidence were less likely to obtain the help they sought and were far more likely to obtain none of the help sought. Those who required major support for digital tasks more often obtained none of what they had sought than others. However, those with inadequate practical legal literacy more often obtained more than sought than others.

Twenty-seven per cent of contentious issues involved no help being obtained. Looking at the highest level obtained, 23% of contentious issues saw generic information obtained, 12% personalised information, 27% advice, and 12% issue resolution delegation.

Level of help increased with issue seriousness, though there were indications that most serious issues were among those most likely to see no help obtained and least likely to see assistance obtained.

Low issue-specific legal capability was associated with an increased tendency to not obtain help. In particular, confidence in being able to achieve a good outcome and knowing where to get help were important drivers of help being obtained. Similarly, general legal confidence was a significant driver of help being obtained.

The most common sources of independent help were government departments/authorities and local councils. Looking at legal services, 20% of respondents who obtained independent help did so from private solicitors, 20% from legal aid, 18% from Consumer Affairs, and 16% from a community legal centre (CLC). Use of other legal service types was rare.

Taken together, legal services provided help in relation to 53% of all contentious issues, a much higher figure than suggested by previous surveys. Over half of these cases involved advice or delegation, but a quarter involved only generic information.

### **Help for non-contentious issues**

Twenty-seven per cent of non-contentious issues saw no help obtained. In terms of highest level, 16% involved generic information, 15% personalised information, 29% advice, and 13% issue delegation. Private solicitors dominated service provision for non-contentious issues.

### **Adequacy of legal service provision**

Across concluded contentious issues, 37% of respondents didn't get the expert help needed. Around one-fifth of those who obtained advice or assistance from a legal service said this. Across concluded non-contentious issues, 96% of respondents got the expert help needed.

Using the OECD/OSF framework and a broad definition of legal need being met, 47% of contentious issues involved no legal need, 13% a met need, and 40% an unmet need. Excluding contentious issues in which no need arose (although need was unmet in the majority of cases), help was associated with a higher rate of need being met (30%, compared to 14%).

### **Experience of legal services and contentious issues**

Thirty-four per cent of contentious issue legal service users had previously received help from the service. Twenty-three per cent became aware of services through recommendations from friends or relatives. Fifty-nine per cent used the internet (including social media) to research services. Thirty-four per cent became aware of used services via the internet. Just under one-third found it difficult to research specific services.

The most frequently mentioned factor in choice of legal service was method of communication (47%), followed by skills and experience (47%), price (32%), and value for money (31%). Skills and expertise were most often mentioned in relation to private solicitors.

Provision of help fell short of expectations for all types of help provided.

Other than on likely outcome, fewer than 30% of contentious issue legal service users recalled specific types of information. Solicitors stood out as providing more information. Ninety-four per cent of paying users of private solicitors recalled information on prices, 65% cost estimates, and 33% potential additional costs. Seventy-seven per cent had an opportunity to ask about costs information.

Legal service users generally indicated they found information easy to understand. This was less so in relation to indemnity insurance, complaints and conflicts of interest.

While 56% of private solicitor clients reported paying the full cost of services, and a further 10% part of the cost, the figures were just 16% and 18% for other legal services.

The estimated median price personally paid was \$1,200. It was \$5,000 for private solicitors. Of those who provided estimates, 39% said the amount paid was more than expected.

### **Satisfaction with services for contentious issues**

Seventy-two per cent of contentious issue legal service users got what they needed, 73% what was asked for, and 78% what they were told they would get. Sixty-three per cent received all these, 8% received none.

Thirty per cent were very satisfied with services, 46% fairly satisfied, 12% fairly dissatisfied, and 4% very dissatisfied.

There were differences in satisfaction levels between legal service types, with levels higher for private solicitors. There was no difference between legal and non-legal services.

Eighty per cent of those who personally paid or part-paid for legal services in relation to contentious issues were satisfied with services received. Sixty-nine per cent said services provided good value.

The most common reason for dissatisfaction was that services had not done enough to help.

Seventeen per cent of those who used legal service in relation to contentious issues used guidance produced by the VLSB+C.

### **Legal services and non-contentious issues**

Solicitors were the most common source of independent help about non-contentious issues.

The internet played less of a role in finding and choosing services for non-contentious issues, though factors in choice were similar to those for contentious issues.

Users of services for non-contentious issues generally obtained much the same type and level of service they were expecting.

Eighty-four per cent of non-contentious issue legal service users reported they were provided with information about the service they would receive. It was generally easy to understand.

Sixty-nine per cent of users of non-contentious issue legal service users reported having paid the full cost of services they received. The median estimate of what was personally paid was \$1,500. Eleven per cent paid more than expected. Eighty-two per cent agreed services provided good value for money.

The great majority of non-contentious issue legal service users said they received everything they needed, asked for, and were told they would get. Satisfaction levels were high.

### **Manners of conclusion of contentious issues**

The most common form of conclusion of contentious issues was agreement between the parties (24%), followed by the parties giving up attempts at resolution (14%), issues sorting themselves out (12%), people moving away from issues (9%), action being taken by a third party (e.g. the police) (8%), and the other party doing what was wanted (7%).

Sixty-five per cent of those whose issues concluded by doing what the other party wanted, moving away, or giving up trying to find a solution, said this was the only way to move on.

### **Factors associated with manner of conclusion**

Different forms of conclusion were associated with different service types, contentious issue types, and levels of seriousness. For example, private solicitors were more often involved in issues that concluded through mediation, conciliation or arbitration, or court or tribunal decisions. People had more often moved away from issues concerning homelessness (33%), employment (27%), domestic abuse (19%), and rented housing (16%).

Agreement became less common as shortfall from the level of help sought increased.

Sixty-three per cent of conclusions were said to have been mostly fair to everybody involved, as were 65% of processes. Sixty-nine per cent of conclusions were the same or better than hoped for.

Just under half of those who had obtained independent help said this had resulted in a better outcome. Those who delegated issue resolution obtained much better outcomes than hoped for on 18% of occasions (9% for others). Those who sought help, but obtained none, obtained worse outcomes than hoped for on 65% of occasions (25% for others).

Compared to those with no legal need, those with unmet legal need more often obtained worse outcomes than hoped for and less often obtained much better. However, those with met legal needs were also more likely to obtain worse outcomes than hoped for.

### **Regrets and reasoning**

For concluded contentious issues, 69% of people wished they had done something differently (74% in the case of ongoing issues). Most commonly, they wished they had acted or got help sooner, or got more help, or been more resolved.

For those who faced contentious issues, 34% were unsure any services could help or, more generally, where to get help. Twenty-nine per cent did not think help would have made a difference, 15% were concerned about the difficulty of getting help, and 13% were concerned about the cost.

Of those who did not consider obtaining help from a private solicitor, the most common explanation was a solicitor would have been too expensive. Some believed solicitors could not help with their issue.

### **Manners of conclusion of non-contentious issues**

Eighty-four per cent of concluded non-contentious issues had concluded through completion of a process.

Almost 9 in 10 concluded non-contentious issues were described as easy to deal with, with the outcome of 96% being the same as (71%) or better than (25%) hoped for.

Forty-eight per cent of those who obtained independent help felt this resulted in a better outcome.

For concluded non-contentious issues, fewer than one-third of respondents wished they had done something different. Those that did generally wished they got help sooner or more help.

For those who did not consider a private solicitor in relation to non-contentious issues, the most common reason was cost. Some thought solicitors could not deal with their issue.

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## Summary

### About the survey

The Victorian Legal Services Board and Commissioner's (VLSB+C) pilot V-LULU survey explored when, why and how people use legal services, obstacles to service use, and alternative strategies to deal with justiciable issues. A broadly representative sample of 3,501 adult Victorians completed the survey.

This report is primarily focused on the experience of contentious issues identified and followed up through the pilot survey. Findings for a small sample of followed-up non-contentious issues are also presented for contrast.

### People's experience of justiciable issues

#### The big picture

Sixty-six per cent of respondents experienced one or more justiciable issues over the previous 2 years, 56% contentious issues, 33% non-contentious issues, and 24% both.

Forty-one per cent of respondents reported one or more housing-related issues, 28% family-related issues, and 45% another issue (excluding business issues, reported by 32% of business owners).

The types of contentious issues reported by the most respondents were those relating to goods or services (23%), housing (22%) – particularly neighbours (14%) – employment (12%), and fines (10%). The types of non-contentious issues reported by the most respondents were those relating to housing (20%) and family (19%).

In total, respondents reported 16,010 issues: 13,432 contentious and 2,578 non-contentious. Of those reporting issues, 19% reported one, 15% reported 2, 12% reported 3, and the rest reported 4 or more.

The most common objective of parties was to obtain/recover money or property (43% of issues), followed by recognition of rights or someone meeting their responsibilities (27%), and restoration of something to how it had been (20%). Objectives differed by issue type.

The highest mean seriousness scores were attributed to contentious issues concerning homelessness, domestic violence and divorce.

#### Issue characterisation

At the time contentious issues arose, respondents would have described just 29% as 'legal'. Issues concerning divorce (48%) were most often characterised as legal. Issues concerning government payments (4%) were least often characterised as legal.

### Discrimination

Forty-one per cent of contentious issues were reported to have involved discrimination, most often on the basis of age (12%), ethnicity (8%), sex (7%), and/or disability (7%).

Rates and types of discrimination varied considerably between issue types. Age discrimination was most common in the context of domestic violence (27% of contentious issues), discrimination on the basis of ethnicity in the context of immigration and residency (34%), and sex discrimination in the context of police action (34%).

### Duration

Just under 60% of followed-up contentious issues had concluded by the time of the survey. Thirty-eight per cent of issues had been resolved and just under 22% persisted, but the parties had reached agreement or given up trying to resolve them. For 12%, it was too early to say whether issues had concluded, leaving 29% definitively ongoing.

Thirty-two per cent of concluded contentious issues concluded within 3 months, 55% within a year, and 73% within 2 years. Median duration was 9 months. Ongoing issues tended to have lasted longer.

### (Issue-specific) legal capability

Respondents had felt they could deal with 75% of contentious issues on their own, though fewer (66%) had been confident they could achieve a fair/good outcome.

Sixty-nine per cent of respondents indicated that, at the time contentious issues arose, they understood their legal rights and responsibilities. Slightly fewer (67%) reported they had known where to get good information/advice.

### Non-contentious issues

Respondents more often described non-contentious issues as 'legal', particularly those relating to wills, probate or powers of attorney (77%). More than 80% of non-contentious issues had concluded. They tended to last less time than contentious issues. Ninety-four per cent of those facing non-contentious issues indicated they had understood their rights or responsibilities at the time issues arose and 91% had understood where to get good information or advice. Ninety-three per cent had been confident about achieving a fair outcome, but fewer (61%) about dealing with issues alone.

## Strategies adopted to resolve justiciable issues

### Information, advice and assistance-seeking

Excluding help from family and friends, 87% of followed-up contentious issues led to some form of information, advice or assistance being sought. In the great majority of cases, people went online to search for information, advice or assistance. Help was also commonly sought offline, though relatively rarely only offline. Most commonly, information or advice was sought concerning how to deal with the contentious issue being faced. This was followed by information or advice on rights or responsibilities, information or advice on services, and assistance dealing with issues.

Frequency and mode of help-seeking varied by issue type.

Just under 80% of attempts to obtain help were successful. There was no great difference in levels of success for different types of help, or for online or offline help-seeking.

Thirty-eight per cent of those who obtained help did so only online and 11% only offline.

### Level of independent help sought

Information, advice or assistance (excluding about services) was sought from sources other than friends or family members for 84% of contentious issues. In around one-fifth of these cases, people sought to fully delegate contentious issue resolution. In around one-third the highest level of help sought was advice (i.e. personalised analysis and recommendations), in one-fifth it was personalised information (i.e. information and options tailored to situations), and in just under one-quarter it was generic information (i.e. information not tailored to respondents' situations). As the level of help sought increased, so too did offline activity.

The highest level of help sought increased with issue seriousness – though the most serious issues were among those for which help was least often sought – and for issues characterised as legal. The level of help sought also varied by contentious issue type.

Level of help sought varied with issue-specific legal capability. Those who lacked confidence about outcomes less often sought help than others. Those who were most confident they could deal with issues on their own were less likely to delegate resolution and more likely to make use of generic information.

Level of help sought also varied with general legal capability. In simple bivariate terms, those with the lowest level of practical legal literacy most often sought help and, when they did, more often sought higher levels of help and more often delegated contentious issue resolution. However, multivariate analysis pointed to a more complex relationship between practical legal literacy and help-seeking, with low practical legal literacy associated with an increase in the use of personalised information. The same was found in relation to digital legal capability, with lesser capability here also associated with an increase in no help being obtained.

Those with the highest level of practical legal literacy and those requiring no support for digital tasks much more often sought only generic information.



The level of help sought also varied by respondents' demographic characteristics. For example, those not in work were also all associated with particularly low levels of help-seeking. They were also associated with low levels of seeking generic information as their highest level of help. In bivariate terms, help-seeking became less common as age rose, particularly among the oldest respondents. Also, the youngest respondents sought personalised information as their highest level of support more often than others. However, multivariate analysis painted a more nuanced picture.

### **Levels of success in obtaining independent help sought**

Most respondents who sought information, advice or assistance about contentious issues (excluding about services) from sources other than friends or family members obtained at least some help, although 15% obtained none and a further 24% a lower level than sought.

Success in obtaining help sought varied dramatically by issue-specific legal capability. Knowledge of sources of help was of particular importance. Indeed, a majority of those who had not known where to obtain good information or advice obtained less help than sought. Those lacking confidence about outcomes also fared worse than others, as did those who had believed they could not deal with issues alone.

Success in obtaining help sought in relation to contentious issues also varied significantly with general legal capability. For example, success in obtaining help sought varied considerably by level of general legal confidence. Those with lower levels of general legal confidence were less likely to obtain the help they sought and were far more likely to obtain none of the help sought. Those who required major support for digital tasks more often obtained none of what they had sought than others. However, those with 'inadequate' practical legal literacy more often obtained more than they had sought than others.

There was some variation in success in obtaining help sought by demographics, but they were generally modest, especially after controlling for other variables. For example, those with a long-term illness or disability more often obtained less than they sought than others.

### **Level of independent help obtained**

While 16% of contentious issues involved no help being sought, 27% involved no help being obtained. Looking at the highest levels, 23% of contentious issues saw generic information obtained, 12% personalised information, 27% advice, and 12% issue resolution delegation.

As with help-seeking, level of help obtained increased with issue seriousness. Again, the most serious issues were among the most likely to see no help obtained. Level of help obtained also linked to whether contentious issues were seen as legal – with independent help more likely if they had been – and issue type. For example, advice and assistance was particularly common for family-related issues.

There was a strong association between level of help obtained and issue-specific legal capability. Confidence in being able to achieve a good outcome and knowing where to get help were important drivers of help being obtained, with a similar picture also being evident in relation to respondents' confidence in being able to deal with issues on their own. In broad terms, low issue-specific legal capability was associated with a lesser likelihood of help being obtained.



Similarly, lower general legal confidence was associated with a lesser likelihood of help being obtained, as well as a lesser likelihood of generic information being the highest level of help obtained. Bivariate analysis suggested that all but one of the general capability measures was associated with level of help obtained, with those with lower general legal confidence less often obtaining help than others. However, the picture was far more nuanced when controlling for other variables.

Levels of help obtained also varied by demographics. For example, those on the highest incomes were more likely than others to delegate issue resolution, as were those who spoke a language other than English at home and those living in outer regional areas.

### Sources of independent help

Forty-three per cent of respondents who obtained independent help in relation to contentious issues obtained it from just one source. The most common sources were government departments/authorities and local councils. Looking at legal services,<sup>1</sup> 20% of respondents who obtained independent help obtained it from each of legal aid and private solicitors, 18% from Consumer Affairs, 16% from a CLC, and 2% from Aboriginal legal services. The percentages for other legal services were 2% for barristers, 2% for industrial advocates, 1% for conveyancers, 1% for family mediators, 1% for migration agents, 1% for parenting co-ordinators, 1% for patent attorneys, 1% for notaries, and less than 1% for trade mark attorneys.

Taken together, the various legal services provided help in relation to 71% of contentious issues involving help (53% of all contentious issues). This is a much higher figure than suggested by previous surveys. Taking together all instances where help was obtained from one or more legal service, while 57% of cases involved advice or delegation, 26% involved only generic information. The remaining 17% involved personalised information.

Different types of legal service were associated with different types of contentious issue. For example, private solicitors were the most common legal source of help for contentious issues relating to owned housing, divorce, wills, 'other' family matters and injuries. Legal aid was the most common legal source of help for issues relating to homelessness, domestic violence, debt and business. Consumer Affairs was the most common legal source of help for contentious issues relating to neighbours, rented housing, goods or services, employment, 'other' money matters, and public services.

The same was true of non-legal services. For example, government departments or authorities were associated, in particular, with issues concerning rented housing, 'other' family matters, fines, government payments and public services. In contrast, local councils were associated, in particular, with issues concerning neighbours and owned housing.

Only Aboriginal legal services were accessed only offline on a majority of occasions. In contrast, Consumer Affairs was accessed solely online on 69% of occasions.

1. Categorisation of legal and other services reflects functional distinctions, prioritising how individuals experience services when seeking assistance. It also seeks to align with approaches in previous legal needs surveys.

### **Levels of help associated with different sources of independent help**

Among the most commonly used legal services, Aboriginal legal services were most often associated with the provision of advice or assistance (88% of occasions), followed by private solicitors (70%), legal aid and CLCs (both 60%). High rates of advice or assistance were also associated with the small numbers of conveyancers, industrial advocates, barristers, notaries, family mediators, migration agents, and patent or trade mark attorneys mentioned in the content of contentious issues.

Within legal services, only Aboriginal legal services were associated with fewer than 20% of cases in which less help was obtained than sought. At the other end of the spectrum, 33% of cases in which help was obtained from Consumer Affairs saw less help obtained than sought.

### **Unsuccessful attempts to obtain help from a legal service**

Thirty-one per cent of those who had sought some help to deal with contentious issues reported having tried unsuccessfully to obtain help from at least one legal service, although the great majority found success somewhere. In all, 12% of respondents who sought help to deal with contentious issues tried unsuccessfully to obtain help from one or more private solicitors.

### **Help from friends and family members and other action taken to resolve contentious issues**

Sixty-six per cent of contentious issues involved help being obtained from friends or family members, with the most common form being information or advice on how to deal with issues (46%).

The next most common other form of action taken to resolve contentious issues was communication with the other party (63% of contentious issues), followed by obtaining or organising evidence (41%). Less common, though notable, were involvement in mediation (16%), involvement in court or tribunal processes (14%), reference to designated authorities (13%), insurance claims (7%), and reference to religious or community bodies (5%). These varied considerably by issue type.

### **Strategy as defined in previous surveys**

Overall, the pilot V-LULU survey indicated that legal help was obtained in relation to 53% of contentious issues, with other independent help being obtained in a further 21% of issues. People acted on their own or with the help of friends or family members in relation to a further 22% of issues, leaving just 4% of issues in which no action was taken. These findings indicate a far higher level of legal service usage than previously suggested, a consequence of the survey's greater attention to levels and channels of help.

Focusing only on people who obtained help from a legal service, 26% obtained only generic information, 17% obtained personalised information, 42% obtained advice and 15% delegated issue resolution.

### Help-seeking for non-contentious issues

Seventy-one per cent of non-contentious issues saw information, advice or assistance being sought from one or more independent source. Seventeen per cent of those who sought help did so only offline.

The great majority (94%) of those who sought information, advice or assistance (excluding about services) in relation to non-contentious issues, from sources other than friends or family members, managed to obtain some help.

Twenty-seven per cent of non-contentious issues involved no help being obtained. In terms of highest level of help, 16% involved generic information being obtained, 15% personalised information, 29% advice, and 13% issue delegation.

For non-contentious issues, private solicitors dominated service provision. In the majority of cases help was obtained from private solicitors only offline. In 7% it was obtained only online.

On 73% of occasions, respondents obtained all or more of the help they had sought from private solicitors in relation to non-contentious issues.

Fifty-two per cent of non-contentious issues involved help being obtained from friends or family members. In addition, 48% of cases saw respondents obtain or organise paperwork or other material, 44% involved communication with others involved with the issue, 8% saw reference to a designated authority, and 3% saw respondents involved with, or respond to, a court or tribunal.

## Adequacy of service provision and legal need

### Adequacy of legal service provision

Across 1,174 followed-up concluded contentious issues, 37% of respondents indicated they had not got all the expert help needed. The greater the shortfall between help sought and obtained, the greater the disagreement that adequate help had been obtained. However, even respondents who obtained the level of help they sought often indicated they had not obtained all help needed. Around 20% of those who obtained advice from, or even delegated contentious issue resolution to, a legal service felt they didn't get all the help they needed.

### Legal need and level of legal service provision

Using the OECD/OSF framework for the measurement of legal need, looking only at concluded contentious issues, and using a broad definition of need being met (i.e. adequate independent help obtained), 47% of issues involved no legal need, 13% a met need, and 40% an unmet need. Unmet legal need was highest for those who obtained no independent help but was common for all levels of help obtained (and increased with level of help obtained).

Commonly used legal services were associated with levels of unmet legal need broadly in line with the overall rate of 40%. Excluding contentious issues in which no legal need arose, although need was unmet in the majority of cases, legal help was nonetheless associated with a higher rate of need being met (30%, compared to 14%).

Using a narrow definition of need being met (i.e. adequate legal help obtained), 10% of concluded contentious issues involved a met need and 43% an unmet need. Again, if help was obtained, unmet need increased with the level of legal help obtained.

### **Adequacy of legal services and non-contentious issues**

Across all 276 followed-up concluded non-contentious issues, 96% of respondents agreed they had been able to get all the expert help they had needed; a very different picture to that painted for contentious issues.

## **The use of legal services**

### **Sources of help**

The pilot V-LULU survey asked about 1,462 sources of help for contentious issues, including 1,041 legal services. The most commonly asked about services were legal aid, CLCs, Consumer Affairs and private solicitors.

Different legal services were associated with different types of contentious issues. For example, family issues and issues concerning housing most often involved help from private solicitors. CLCs and legal aid were also common sources of help for family issues, along with issues concerning rented housing. Legal aid and Aboriginal legal services were common sources of help in relation to homelessness.

### **Finding and choosing services**

Thirty-four per cent of legal service users had previously received help from the same service. Twenty-three per cent first became aware of services through recommendations from friends or relatives.

Fifty-nine per cent of legal service users made use of the internet (including social media) to research services. Thirty-four per cent of users first became aware of services via the internet. Online searches were less common for users of private solicitors.

Most legal service users reported that they had little difficulty finding the information they had sought. However, just under one-third had found it quite or very difficult to research specific legal services (this excludes people who had not obtained any help).

Active referral, with help provided to schedule an appointment, was relatively rare.

The most frequently mentioned factor in choice of legal service was method of communication (47%), followed by skills and experience (47%), price (32%), and value for money (31%). Skills and expertise were most often mentioned in relation to private solicitors. Having an independent complaints procedure was mentioned relatively infrequently in relation to users of private solicitors (10%), but more often in relation to users of other legal services (33%).

### Methods of communication and the nature of service use

When asked how they would most liked to have communicated with services, telephone communication was the most popular response (32%), followed by face-to-face (30%), email (19%), and through a website or app (15%). Reflecting this, telephone communication was used in 55% of cases and was the main communication method in 34%. Email was used in 46% of cases (main method in 22%), face-to-face communication in 35% of cases (main method in 27%), and communication through a website or app in 31% of cases (main method in 19%). Other forms of communication were relatively rare.

The main method of communication varied by legal service type. For example, compared to other services, main communication with private solicitors was more often face-to-face (28% of cases), while with CLCs it was more often by telephone (44%). For non-legal services, the most common main method was face-to-face (32%), with telephone less common (25%).

Seventy-eight per cent of legal service users described help received for contentious issues as legal in nature (36% describing it as *entirely* legal). This was more common with private solicitors.

Provision of help fell short of expectations for all types of information, advice and assistance provided by legal services. The shortfall was greatest for those with specific expectations.

There were differences in expectations and delivery of practical support between legal service types. For example, Consumer Affairs was both expected to and provided practical support much less often than other legal services.

As with legal services, there was a shortfall between help sought and obtained by users of non-legal services.

### The substance of communication

Eighty-four per cent of those who obtained legal services in relation to contentious issues said that, at the outset, they had been provided with information about the service they would receive. However, other than likely outcome, fewer than 30% recalled specific types of information. This was not universal. Users of private solicitors more often recalled information about likely outcome (52%), cost (51%), case duration (44%), and who would deal with the matter (44%).

Users of Consumer Affairs were most likely to recall being informed about how to complain if things went wrong (34%). Users of Aboriginal legal services and CLCs were most likely to recall being informed about the VLSB+C (37% and 32%, respectively). They were also most likely to recall being informed about indemnity insurance (21% and 14%, respectively).

Legal service users generally indicated they found information easy to understand, though this was less so in relation to indemnity insurance, complaints and conflicts of interest.

Ninety-four per cent of paying users of private solicitors recalled information about pricing, 65% cost estimates, and 33% potential additional costs. Most said information was provided in writing, while some said it was provided verbally also. Seventy-seven per cent indicated they had been given an opportunity to ask about the costs information provided.

Non-legal service users less often recalled being provided with information about the service they would receive.

### **The cost of legal services**

Fifty-two per cent of legal services used in relation to contentious issues either charged no fees or fees could not be recalled. Twenty-two per cent of users reported having paid the full cost of services, 17% having paid part of the cost and 9% that they had to pay costs only in the event of success. While 56% of private solicitor clients reported paying the full cost of services, and a further 10% part of the cost, the figures were just 16% and 18% for other legal services.

For those who were able to provide an estimate of the total price they paid, estimates ranged from \$100 or less (9% of occasions) to \$100,000 or more (3% of occasions). The median amount was \$1,200. It was \$5,000 for private solicitors, but only just over \$800 for legal aid (if costs were paid). Of those who provided an estimate, 39% said the amount was more than expected. The median cost of paid-for non-legal services was just over \$700.

Most bills were regarded as either quite easy (41%) or very easy (29%) to understand.

### **Satisfaction with services**

Seventy-two per cent of legal service users said they got what they needed, 73% what they asked for, and 78% what they were told they would get. Overall, 63% of legal service users said they received all of these, while 8% said they received none.

Thirty per cent of legal service users were very satisfied with the service they received, 46% fairly satisfied, 12% fairly dissatisfied, and 4% very dissatisfied. The remainder were unsure. Satisfaction was strongly associated with receiving what was needed and asked for.

There were differences in satisfaction levels between legal service types, with levels higher for private solicitors. There was no difference between legal and non-legal services.

Of those who personally paid or part-paid for legal services in relation to contentious issues, 80% were satisfied with the service received and 69% thought it provided good value for money. There was little difference between legal and non-legal services.

The most common reason for dissatisfaction was that services had not done enough to help. Delays, poor communication and perceived poor value for money were also common reasons. Of the 80 dissatisfied legal service users who complained either directly or to a third party, 19 said they achieved nothing by complaining.

Dissatisfied non-legal service users more often indicated services hadn't done enough or been too slow. They less often made formal complaints or complained to third parties.

### VLSB+C guidance

Seventeen per cent of those who used legal service in relation to contentious issues also used guidance produced by the VLSB+C. Users of Aboriginal legal services, CLCs and legal aid did so more often than others, as did those who faced issues concerning compulsory assessment/treatment for mental health, child welfare, planning applications, public services, clinical negligence and respondent-owned.

The most common guidance used concerned rights and responsibilities, how to make complaints about lawyers and how to handle disputes.

Of those legal service users who contacted the VLSB+C or made use of VLSB+C guidance, 42% were aware of the 'Your Right to Ask' advertisements before contacting the VLSB+C or using the guidance. Separately, half of legal service users said they were aware that it was their right to ask their lawyer questions about anything to do with their case.

Just 8 non-legal service users who had faced contentious issues made use of VLSB+C guidance (2%).

### Non-contentious issues and the use of legal services

The pilot survey asked about 236 sources of help for non-contentious issues, of which 206 were legal. The pattern of service use was quite different to that seen for contentious issues. Notably, private solicitors were by far the most common source of independent help for non-contentious issues, with conveyancers the second most common.

Respondents had previously received help from services on 41% of occasions. Services had also often been recommended by friends or family (28%). The internet played a less significant role in finding and choosing services than in the case of contentious issues.

The factors legal service users facing non-contentious issues reported as important in their choice of service were similar to those for contentious issues.

Contrasting with contentious issues, those who said mode of communication was important in choice of service for non-contentious issues preferred face-to-face communication (49%), followed by email (32%), telephone (14%), and through a website or app (4%). Reflecting this, the main method of communication was most often face-to-face communication (35% of cases), followed by email (33%), telephone (22%), and through a website or app (10%).

Eighty-seven per cent of legal service users described the help they received in relation to non-contentious issues as legal in nature (65% as entirely legal). This was higher than for contentious issues.



More users of services for non-contentious issues thought they would be able to obtain practical assistance from services than users of services for contentious issues. In particular, many more expected to be helped with paperwork (60%, compared to 34%) or to delegate issue resolution (44%, compared to 30%).

Unlike in the case of contentious issues, users of legal services for non-contentious issues generally obtained much the same type and level of service they were expecting.

The great majority of non-contentious issues related legal service users (84%) reported they had been provided with information about the service they would receive. They also generally indicated that they had found the information easy to understand.

A substantial majority of users of legal services in relation to non-contentious issues (69%) reported having paid the full cost of the services they had received. This was more the case for private solicitors (92% of cases) than other legal services.

Of those able to provide an estimate of the price they paid, estimates ranged from \$100 (1% of occasions) to over \$30,000 (1%). The median was \$1,500. Eleven per cent paid more than expected.

The great majority of those who used legal services to help with non-contentious issues said they received everything they needed, asked for, and were told they would get by the service they used. Reflecting this, 60% were very satisfied and 35% fairly satisfied with the service received. Just 5% were dissatisfied.

Satisfaction levels were high for both private solicitors and other types of legal service across all aspects of non-contentious service delivery, including the quality of communications. Of those who had personally paid or part-paid for the legal service, 82% agreed that the service provided good value for money, 13% were not sure and 5% disagreed.

Just 4 of 206 respondents who used a legal service in relation to a non-contentious issue had made contact with the VLSB+C in connection with the issue at some point.



## What happened in the end

### Manners of conclusion

The most common form of conclusion of contentious issues was agreement between the parties (24%), followed by the parties giving up attempts at resolution (14%), issues sorting themselves out (12%), people moving away from issues (9%), action being taken by a third party (e.g. the police) (8%), and the other party doing what was wanted (7%).

Sixty-five per cent of those whose issues concluded by doing what the other party wanted, moving away, or giving up trying to find a solution, said this was the only way to move on, 14% said they ran out of time or (more often) money, 9% said they were advised to do so, and 5% said there was nothing more that could be done.

### Factors associated with manner of conclusion

Different forms of conclusion were associated with different types of contentious issue. For example, people were more likely to have given up trying to resolve issues concerning neighbours (24%), while they were more likely to have moved away from issues concerning homelessness (33%), employment (27%), domestic violence (19%), and rented housing (16%).

Different forms of conclusion were also associated with different legal services. For example, private solicitors were more often involved in contentious issues that concluded through mediation, conciliation or arbitration, or court or tribunal decisions, while CLCs were more often involved in contentious issues that concluded through ombudsman schemes. Non-legal services users more often gave up trying to resolve issues.

Different forms of conclusion were also associated with different levels of seriousness. For example, court or tribunal decisions were more common for more serious issues.

Agreements became less common as the shortfall in the level of independent help obtained by people increased, with people who obtained none of the help sought associated with a 12% settlement rate, people who obtained a lower level of help than sought a 24% rate, and people who obtained the precise level of help sought a 33% rate.

Sixty-three per cent of conclusions were said to have been mostly fair to everybody involved and 69% were described as having an outcome the same or better than hoped for. Sixty-five per cent of processes that led to conclusions were described as fair to everybody concerned.

Respondents who described contentious issues as having been 'very easy' to deal with were much more likely to have obtained outcomes that were 'better than hoped for'.

Just under half of those who had obtained independent information, advice or assistance felt that this had resulted in a better outcome. This benefit of advice was corroborated by the finding that those who obtained no help were significantly more likely than others to obtain worse outcomes than hoped for (47% of outcomes). Those who delegated resolution of contentious issues to an independent source of help were more likely to obtain much better outcomes (18%, compared to 9% for others). Even more starkly, those who sought help, but were unable to obtain any, fared worst of all. They obtained worse outcomes than hoped for on 65% of occasions, compared to 25% of occasions for others.

Those with an unmet legal need were significantly more likely than those with no legal need to obtain worse outcomes than hoped for and less likely to obtain much better outcomes. However, those with met legal needs (using the narrow definition) were also more likely to obtain worse outcomes than hoped for.

### **Satisfaction with the progress of ongoing issues**

Eight per cent of respondents facing ongoing contentious issues were very satisfied with how things were turning out, with 37% fairly satisfied. The remaining 55% were dissatisfied.

### **Regrets and reasoning**

Sixty-nine per cent of those who provided details of concluded contentious issues wished they had done something differently. The figure was 74% in the case of ongoing issues. The most common regret was not acting sooner, followed by not getting help sooner, not getting more help, and not being more resolved.

For those who faced contentious issues, but did not obtain independent help, just under 25% explained that the issue had resolved without the need for help. A similar number said the issue was not important enough to warrant getting help. However, 34% were unsure there were services that could help or, more generally, where to get help, while 29% did not think help would have made a difference, 15% were concerned about the difficulty of getting help, and 13% were concerned about the cost of help.

Of those who did not consider obtaining help from a private solicitor, the most common explanation (24% of cases) was that a solicitor would have been too expensive. This was followed by issues not being considered important enough to warrant instructing a solicitor and the belief that solicitors were not able to help with the issues concerned. Those who thought solicitors would not have been able to help with their contentious issues were more likely to have faced employment issues, issues concerning adoption/fostering or child welfare/protection, and issues relating to their businesses.

**Manners of conclusion of non-contentious issues**

The great majority of concluded non-contentious issues (84%) concluded through completion of a process. Two per cent concluded through a court order and a further 3% through another relevant authority.

Almost 9 in 10 concluded non-contentious issues were described as having been easy to deal with. However, only half of those facing ongoing non-contentious issues said the same.

Respondents described the outcomes of 96% of non-contentious issues as being the same as (71%) or better than (25%) had been hoped for.

Forty-eight per cent of those respondents who had obtained independent information, advice or assistance to help deal with non-contentious issues felt this had resulted in a better outcome.

Fewer than one-third of respondents who provided details of concluded non-contentious issues indicated they wished they had done something differently. If they did, they generally wished they had obtained help sooner or got more help.

For respondents who had not considered instructing a private solicitor in relation to ongoing non-contentious issues, the most common reason was cost (20% of cases). Other common reasons were believing that solicitors could not deal with their issues (13%), not needing help (12%), and not thinking issues important enough (12%).

## 01

# Introduction and methodology

This chapter introduces the pilot Victorian Legal Understanding and Lawyer Use (V-LULU) survey. It sets out the survey's purpose and explains how it builds on, yet also departs from, the approach of similar surveys conducted around the world in recent years. It explains how the changing nature of service delivery – across all sectors – is presenting both challenges and opportunities to consumers, service providers, regulators and policymakers. It details the new approach to monitoring consumer experience and behaviour taken by the pilot V-LULU survey; one that will better enable priorities for change to be identified and the impact of change to be understood. It also outlines the concepts and phenomena that are at the centre of the survey's design.

## New insights

The VLSB+C initiated the pilot V-LULU survey to underpin its efforts to improve the ability of Victorians to access effective and high-quality justice. The pilot survey drew heavily on a 2019 survey conducted by the Law Society and Legal Services Board of England and Wales,<sup>2</sup> designed to provide detailed insight into the public's experience of 'justiciable'<sup>3</sup> issues, and of choosing and using legal services. The 2019 survey, in turn, drew heavily on the Organisation for Economic Cooperation and Development (OECD) and Open Society Foundations' (OSF) guidance on the conduct of legal needs surveys and model survey questionnaire<sup>4</sup> and, in addressing decision-making around choice and use of legal service providers, the Legal Services Consumer Panel Tracker Survey (LSCPTS), a survey of English and Welsh legal service users conducted annually since 2011.<sup>5</sup>

Like the 2019 survey, the pilot V-LULU survey was a survey of the public's experience of, and efforts to deal with, justiciable issues. It was designed to map both the consumer journey to, decision-making around and experience of legal services and, equally importantly, efforts to deal with justiciable issues that involved no legal service.

Specifically, to investigate the operation of costs disclosure obligations across Australia, alongside the pilot V-LULU survey, the VLSB+C also initiated a pilot survey of legal service users, using the relevant sections of the pilot V-LULU survey questionnaire and a methodology similar to that of the LSCPTS. The survey of legal service users was conducted across all states and territories, except Victoria. Methodological details and findings of the pilot excluding Victoria Legal Understanding and Lawyer Use (X-LULU) survey are set out in a separate report.

The more expansive approach adopted for the Victorian survey was deemed important, as surveys of legal service users alone – while providing excellent insight into matters such as consumer perspectives on costs disclosure – cannot provide insight into the difficulties faced by those who try, but fail, to access legal services, those who obtain help from non-legal services, and those who rely on their own efforts and/or those of friends and relatives.

Also, as well as looking to provide similar insights to the 2019 survey in a Victorian context, the pilot V-LULU survey adopted a fundamental change of approach to enable important further (and unique) investigation into legal information and advice-seeking behaviour.

2. YouGov, *Legal Needs of Individuals in England and Wales* (The Law Society and Legal Services Board, 2020).
3. Defined by Hazel Genn as issues with a legal dimension, whether or not this is recognised by the relevant parties, and whether or not any action taken to deal with them involves the use of lawyers or legal processes. See Genn, *Paths to Justice: What People Do and Think About Going to Law* (Hart, 1999).
4. OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (OECD Publishing, 2019).
5. See Legal Services Consumer Panel, 'Research and reports', accessed 12 May 2025, <https://www.legalservicesconsumerpanel.org.uk/what-we-do/research-and-reports>.

The timing of the pilot V-LULU survey coincided with the coming to prominence of large language model (LLM) based generative artificial intelligence applications that offer the potential to revolutionise the delivery of ‘one-to-many’ (OTM) legal services. These applications promise to further blur the already cloudy threshold between generic and personalised forms of information and advice that marks whether services are restricted to ‘qualified entities’ under Section 10(1) of the Uniform Law.<sup>6</sup>

As Jennie Pakula, then Information and Consumer Engagement Manager at the VLSB+C, argued in an article in the August 2022 edition of the *Law Institute Journal*, the growth of OTM legal services presents a clear challenge to effective regulation: how to support legal service innovations that might potentially improve access to justice while maintaining practice standards and protecting consumers.<sup>7</sup> Outlining how the VLSB+C proposes to meet this challenge, she emphasised that the VLSB+C’s policy is to focus ‘on risk and harm’ and went on to set out the principles that should therefore guide OTM service development, referred to as the ‘4 Rs’: risk, reliance, representation and responsibility.<sup>8</sup>

To allow a first detailed investigation of the 4 Rs from the perspective of those needing or looking for legal help, the pilot Victorian survey departed from the core approach taken by previous similar surveys, as well as the approach of the OECD/OSF model legal needs questionnaire. While entailing that some findings from the pilot V-LULU survey cannot be directly compared to earlier surveys, including the recent Victorian Public Understanding of Law Survey (PULS),<sup>9</sup> the findings are far more pertinent to the regulatory challenge just outlined, set a baseline against which to measure changes in the reach and utility of legal services, and offer a completely new perspective on public engagement with legal services.

6. *Legal Profession Uniform Law Application Act 2014* (Vic), s10(1).
7. Pakula, ‘Advice or Information: Should It Matter?’, *Law Institute Journal*, August 2022, 32-35.
8. For more details, see the VLSB+C website at <https://lsbc.vic.gov.au/lawyers/practising-law/running-law-practice/tips-developing-digital-legal-self-help-tools>.
9. Balmer, Pleasence, McDonald & Sandefur, *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need* (Victoria Law Foundation, 2023); Balmer, Pleasence, McDonald & Sandefur, *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability* (Victoria Law Foundation, 2024a); Balmer, Pleasence, McDonald & Sandefur, *The Public Understanding of Law Survey (PULS) Volume 3: A New Perspective On Legal Need and Legal Capability* (Victoria Law Foundation, 2024b).

## New approach

The pilot V-LULU survey adopted and built upon approaches taken in 3 distinct types of survey.

### The legal needs survey approach

The first approach built upon was that of contemporary legal needs surveys, particularly in relation to justiciable issue identification, as detailed in the OECD/OSF's guidance. In accordance with the OECD/OSF guidance, the pilot V-LULU survey first sought to identify whether the survey's sample of individual Victorians had experienced justiciable issues within the previous 2 years. This was done by presenting respondents with descriptions of issues – in lay terms, and without reference to law, as far as this was possible<sup>10</sup> – and establishing how many, if any, such issues they had experienced within the past 2 years. In the case of potentially non-contentious issues, respondents were also asked whether (and, if necessary, how many) issues involved a dispute. If potentially non-contentious issues involved a dispute, they were categorised as contentious for the purposes of analysis. Again, following the OECD/OSF guidance for the sample issue that was followed up, respondents were asked what was being sought, how serious the issue was, whether and which formal or informal processes were used, when the issue commenced and, if concluded, when and how it concluded and what respondents thought about the process and outcome.

To allow more nuanced delineation of levels of assistance sought and obtained than provided by the traditional legal needs survey approach, and to future-proof the survey against likely changes in the way services are provided, the pilot V-LULU survey did not follow the OECD/OSF guidance when it came to identifying and categorising levels and sources of information and assistance. Instead of respondents being asked whether they obtained help ('information, advice or representation') from services and then, if they did, what level of help they had sought and/or obtained, pilot V-LULU respondents were asked whether they had sought help (including information, advice, documentation and/or practical assistance), then asked what level of help they had sought and/or obtained and then which services they had obtained help from. Throughout, respondents were also asked to detail whether seeking and/or obtaining had been online, offline or both, as well as which channel had predominated and how much reliance had been placed on different sources of help. The new approach taken prevented the picture of help-seeking being mediated by assumptions about the form and nature of sources of help. As a result, the pilot V-LULU survey generated a more comprehensive picture of what people were looking for to help them deal with justiciable issues, where and how they looked, and where and how they were successful.

10. It has been found previously that even passing references to law limit the recall of justiciable issues. See Pleasence, Balmer & Sandefur, 'Apples and Oranges: An International Comparison of the Public's Experience of Problems and the Methodological Issues Affecting Comparative Study', *Journal of Empirical Legal Studies* 13, no. 1 (2016): 50-93.

When asking about levels of help, the pilot V-LULU survey was careful to delineate between generic information (defined as ‘not tailored to you specifically’ and which ‘might set out, for example, the law and options for resolving disputes with employers’), personalised information (defined as ‘information and/or options tailored to your personal situation’, which would ‘explain the law and options available to someone in your specific circumstances’) and advice (defined as ‘personalised analysis and recommendations’, with reasoning about ‘what you should do’). Of course, these are not straightforward distinctions and not all respondents will have been sure about which category to pick. However, this approach was considered the best route to exploring penetration and changes in the way that OTM services are accessed and understood.

Finally, from the legal needs survey approach, respondents were asked about services they had unsuccessfully sought and other actions they had taken.

Despite the departures from the OECD/OSF guidance, the pilot V-LULU survey captured data for all elements of the OECD/OSF framework for the measurement of legal need, so that population estimates of the incidence of legal need, and met and unmet legal need, could be provided. The framework, represented in Figure 1.1, draws on approaches taken in Argentina, Colombia and New Zealand,<sup>11</sup> and reflects the working definition of legal need provided by the OECD/OSF guidance:

*‘Legal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with. A legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice.’<sup>12</sup>*

### **The 2019 English and Welsh Law Society/Legal Services Board survey approach**

The second approach built upon was that of the English and Welsh Law Society and Legal Services Board’s 2019 survey module, which explored consumers’ decision-making around, and experience of using, legal services. As with the 2019 survey, pilot V-LULU respondents who were found to have made use of a legal service were asked a lengthy series of questions concerning how they had looked for and chosen the service, how they had communicated with it, what they had wanted and received from it, how they had paid for it and, if they were dissatisfied with it, what they had done as a result and why.

Additional questions concerning costs information provided by legal services and prices paid by consumers were added to allow assessment of the operation of costs disclosure obligations. Questions were also added to ascertain respondents’ awareness and use of VLSB+C resources.

11. Ignite Research, *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services* (Legal Services Agency, 2006); La Rota, Lalinde & Uprimny, *Encuesta Nacional de Necesidades Jurídicas Análisis General y Comparativo Para Tres Poblaciones*, (Centro de Estudios de Derecho, Justicia, 2013); Ministry of Justice and Human Rights, *Unmet Legal Need and Access to Justice* (Ministry of Justice, 2016).

12. OECD/OSF (2019), 24.



Figure 1.1—OECD/OSF framework for the measurement of legal need

Duration	Seriousness	Legal awareness / understanding	Legal confidence	Process fairness	Expert help	Adequacy of support
Long	High / moderate / low	Yes / no	Yes / no	Yes / no	Yes/ no	Yes / no
Short / moderate	High	Yes / no	Yes / no	Yes	Yes	Yes
					No	No
				No	Yes	Not applicable
					No	Yes
				No	Yes	No
					No	Not applicable
	Moderate	Yes	Yes	Yes	Yes / no	Not applicable
				No	Yes	Not applicable
					No	Not applicable
				No	Yes	Not applicable
					No	Not applicable
			No	Yes	Yes	Yes
				No	Yes	No
					No	Not applicable
				No	Yes	Not applicable
					No	Not applicable
		No	Yes / no	Yes	Yes	Yes
				No	Yes	No
					No	Not applicable
				No	Yes	Not applicable
					No	Not applicable
	Low	Yes / no	Yes / no	Yes / no	Yes / no	Not applicable

■ No legal need    
 ■ Legal need    
 ■ Met legal need    
 ■ Unmet legal need

### The PULS approach

The third approach built upon was that of the recent Victorian PULS, which aimed at measuring legal capability – a concept that draws from economist Amartya Sen’s idea of capability as ‘the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles).’<sup>13</sup>

In recent years, various definitions of legal capability have been advanced, along with increasingly detailed accounts of its component dimensions.<sup>14</sup> However, a consensus is emerging, that accommodates Martha Nussbaum’s internal capabilities (described as people’s ‘trained or developed traits and abilities’<sup>15</sup>), external opportunities (which extend to the ‘political, social and economic environment’<sup>16</sup> and thus, for example, legal frameworks, institutions of justice and legal services) and the combined capabilities (that equate to Sen’s substantive freedom). As Ann-Katrin Habbig and Ingrid Robbins observed, the provision of legal support and fairness of legal systems are as much aspects of combined capability as legal knowledge, confidence and skill.<sup>17</sup> Thus, Nigel Balmer and colleagues defined legal capability as people’s ‘freedom and ability to navigate and utilise the legal frameworks that regulate social behaviour and to achieve fair resolution of justiciable issues.’<sup>18</sup> A summary of their earlier taxonomy of legal capability is set out in Table 1.1.

Drawing on the PULS, pilot V-LULU respondents were asked an extended (though less extended than the PULS) series of questions aimed at gauging levels of general legal capability.<sup>19</sup> Specifically, the pilot V-LULU survey incorporated the practical legal literacy, General Legal Confidence (GLC) scale, Perceived Inaccessibility of Lawyers (PIL) scale, and trust in personal lawyer questions used in the PULS.

The PULS found that, after controlling for problem type and demographic characteristics, levels of practical legal literacy, general legal confidence, perceptions of inaccessibility of lawyers and trust in personal lawyers were all strongly associated with the extent to which respondents agreed they got all the expert help they needed (which might sometimes be none) when dealing with justiciable problems.<sup>20</sup> Moreover, even when expert help was obtained, there was a suggestion that higher levels of skill led to a greater chance that it was seen as adequate, and adequate help being obtained seemingly also improved attitudes to lawyers. Levels of legal capability were also found to be associated with satisfaction with problem outcomes. Consequently, it was considered essential to include legal capability measures in the pilot V-LULU survey, to determine how it links to different types and levels of help-seeking, legal need, and effective access to and use of legal services.

13. Sen, *Development as Freedom* (Oxford University Press, 1999), 75.

14. See Balmer et al. (2024a).

15. Nussbaum, *Creating Capabilities: The Human Development Approach* (Harvard University Press, 2011), 21.

16. Nussbaum (2011), 20.

17. Habbig & Robeyns, ‘Legal Capabilities’, *Journal of Human Development and Capabilities* 23, 4 (2022): 611-629.

18. Balmer et al. (2023), 29.

19. General legal capability refers to legal capability measured without reference to the experience of a particular problem. The pilot V-LULU survey also asked a small number of questions to gauge elements of problem-specific capability, based on questions in the OECD/OSF model legal needs survey questionnaire.

20. Balmer et al. (2024b).

Table 1.1—A legal capability taxonomy (Balmer et al. 2024a, based on Balmer &amp; Pleasence 2019)

Stage	Knowledge	Skills	Attributes	Resources/ environment
Recognition of issues	Core legal concepts and principles (e.g. types of law and key concepts)	Recognise, for example, issues, culpability and relevance of law	Attitude to law, legal consciousness, open mindedness, etc.	Time
	Content of (substantive) law	Legal reasoning and analytical	Intelligence, etc.	
Information / assistance	Capability limitations, such as concerning knowledge, skills and attributes	Recognise capability limitations, such as ignorance and lack of skill	Self-awareness, self-esteem, etc.	Time, money, social capital, availability of services, etc.
	Sources of information, advice, representation, etc. For example, identity, location, cost, eligibility for legal assistance services, general advice services and issue-specific services	Information literacy (generic and more specific). For example, recognise when/what information required, locate information sources, and evaluate information	Open mindedness, patience, persistence, confidence in ability to acquire information, etc.	
		Digital literacy (technical, functional, social, etc.)	Confidence in technology use, attitude to technology, etc.	
		Communication (generic and more specific). For example, textual, verbal, non-verbal and comprehension	Adaptability, persistence, assertiveness, confidence to ask questions, attitude to law, etc.	
		Inter-personal, such as rapport building and conflict management	Emotional intelligence, empathy, self-esteem, etc.	
Resolution	Process and resolution options. For example, forms of process, legal/extra-legal institutions, location, cost, eligibility, participants and functions of participants	Legal reasoning, analytical, information, literacy, digital literacy, communication (including with other parties, arbitrators and mediators), etc.	Adaptability, empathy, fortitude, open-mindedness, readiness to act, self-awareness, self-esteem, trust in process, confidence to change behaviour, negotiate, advocate, attitude to accessibility, fairness, etc.	Time, money, social capital, availability of services, availability of processes, etc.
		Organisation, such as record-keeping and time management		
		Planning, such as goal-setting and forecasting		
		Dispute resolution, such as negotiation and advocacy		
		Problem-solving, such as creative and lateral thinking		
	Evidence. For example, forms, methods of obtaining and admissibility	Decision-making, such as recognition of options, recognition of risks and evaluation		
	Outcomes. For example, forms and means of enforcement			
Wider influence and law reform	Nature of law-making and regulatory process. For example, judicial precedent, origins of legislation, legislative process, and influences on legislative process	Legal reasoning, information, literacy, digital literacy, communication, problem-solving, negotiation, advocacy, conflict resolution, evaluation, etc.	Adaptability, assertiveness, empathy, fortitude, open, mindedness, assistance, readiness to act, self-awareness, self-esteem, social awareness, confidence, to enter public discourse, attitude to utility of process, etc.	Time, money, social capital, availability of services, availability of processes, etc.
	Institutions involved in law-making and regulatory process. For example, accessibility and internal process			
	Outcomes. For example, possibilities and impact			

In addition to the general legal confidence measures drawn from the PULS, the pilot V-LULU survey also collected a small amount of problem-specific legal capability data (subjectively assessed knowledge of the law relating to specific issues) and level of confidence about being able to obtain an appropriate outcome.

## Implementation

### The pilot V-LULU survey sample

The pilot V-LULU survey was administered to a broadly representative sample of 3,501 adult residents of Victoria, of whom 2,643 resided within the Greater Melbourne area and 858 across the rest of Victoria.

The respondents were drawn from the probability-based Roy Morgan Consumer Panel and the non-probability Pure Profile panel. A quota sampling approach was utilised, based on age, gender and geographical region. The demographic characteristics of the sample are set out in Table 1.2.

Just over 3% of Roy Morgan Consumer Panel members responded to the survey invitation. An equivalent figure is not available for Pure Profile panel members. The completion rate among those eligible to participate was 53%.

Prior to implementation, new and conceptually complex questions included in the survey were subjected to cognitive testing, with feedback used to refine their form. This was in addition to the full survey pilot, which had more of a focus on the technical aspects of the questionnaire and survey functioning.

The pilot V-LULU survey questionnaire was programmed and administered using Forsta (formerly Confront Horizons) platform and hosted on Roy Morgan's servers in Australia. Respondents drawn from both the Roy Morgan and Pure Profile panels were directed to the questionnaire via a unique and secure link. The survey ran between 6 March 2024 and 28 March 2024.

The average time taken by pilot V-LULU respondents to complete the questionnaire was 19.5 minutes, with an average of 21.4 minutes for those who reported contentious justiciable issues, 15.8 minutes for those who reported non-contentious issues, and 12.6 minutes for those who reported no issues.

Full details of the methodology are set out in a separate technical report.<sup>21</sup>

### The pilot V-LULU survey questionnaire

The pilot V-LULU questionnaire is set out in full in the survey technical report.<sup>22</sup> The questionnaire comprised a series of 11 distinct sections, as set out in Figure 1.2. Respondents were only presented with sections relevant to their experience, so 11 was the maximum, rather than normal, number of sections respondents completed. For example, respondents who experienced no justiciable issues within the survey's 2-year reference period completed only 3 sections.

21. Roy Morgan, *Consumer Experience Tracker Survey: Technical Report* (Victorian Legal Services Board + Commissioner, 2024).

22. Roy Morgan (2024).

Table 1.2—Demographic characteristics of the pilot V-LULU sample

Characteristic	Category	Number	%
Age	18-24	362	10.3
	25-34	644	18.4
	35-44	618	17.7
	45-54	509	14.5
	55-64	588	16.8
	65+	780	22.3
Gender	Man or male	1,663	47.5
	Woman or female	1,800	51.4
	Non-binary or another term	38	1.1
Region	Melbourne	2,643	75.5
	Rest of Victoria	858	24.5
Remoteness	Major city	2,705	77.3
	Inner regional	665	19
	Outer regional	122	3.5
	Remote	1	0.0
	No response	8	0.2
First Nation	Yes	3,434	98.1
	No	68	1.9
Main language spoken at home	English	2,966	84.7
	Another language	535	15.3
Family type	Single, no children	1,265	36.1
	Single, children	145	4.1
	Married, no children	923	26.4
	Married, children	648	18.5
	De facto, no children	339	9.7
	De facto, children	165	4.7
Whether in work	Yes	2,303	65.8
	No	1,198	34.2
Highest level of education	Before Year 12 or equivalent	385	11.0
	Year 12	448	12.8
	Trade / vocational certificate / diploma	933	26.6
	Degree or higher	1,701	48.6
Long-term illness or disability	Yes	912	26
	No	2,472	70.6
Gross household income	Quintile 1 - \$0 to \$39,988	608	17.4
	Quintile 2 - \$39,989 to \$70,564	705	20.1
	Quintile 3 - \$70,565 to \$110,292	690	19.7
	Quintile 4 - \$110,293 to \$165,256	559	16.0
	Quintile 5 - \$165,257 or more	493	14.1
	Prefer not to say	446	12.7
Unable to eat, heat or cool home	Yes	403	11.5
	No	2,982	85.2

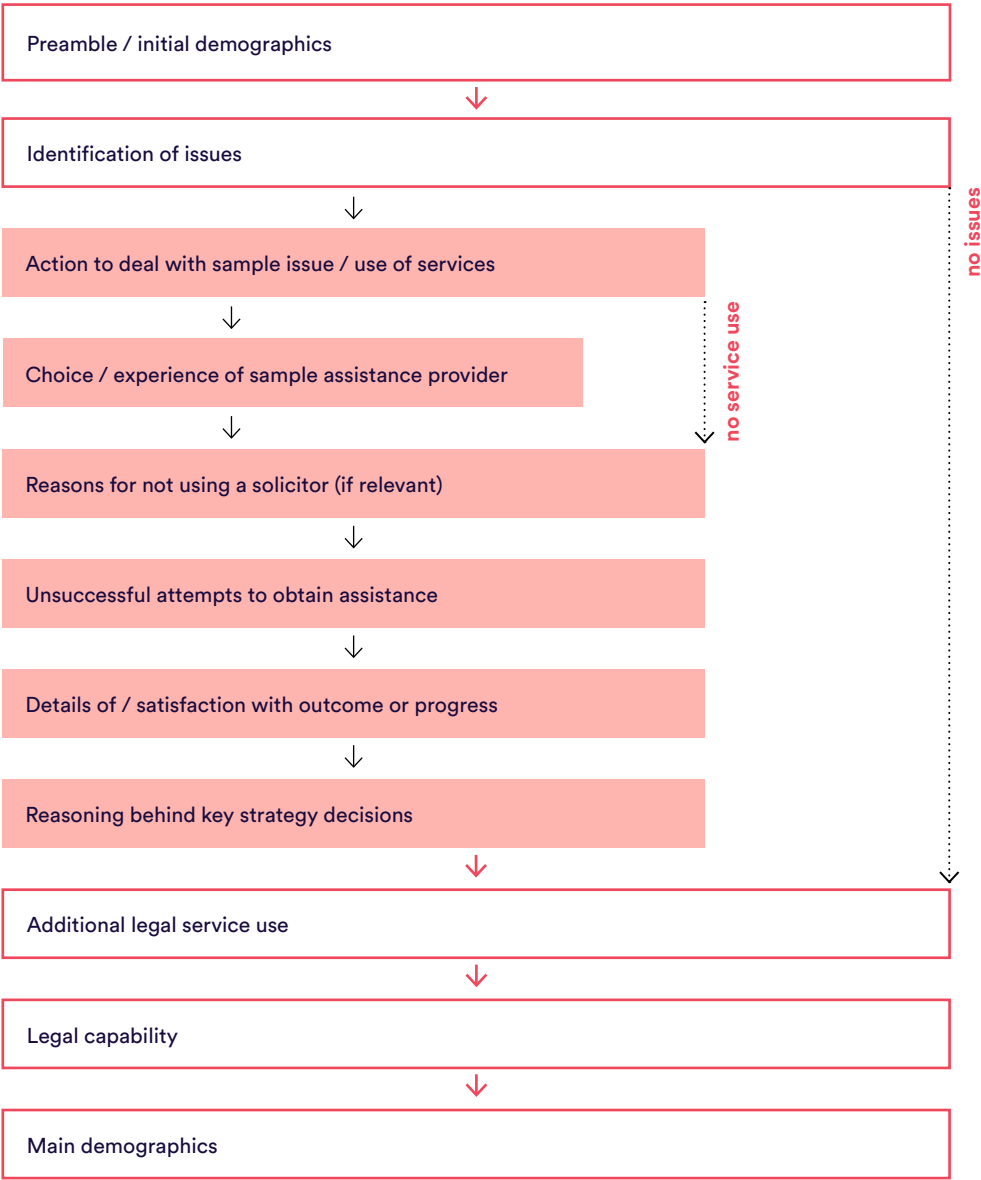
**Preamble/initial demographics**

The first section, shared with the pilot X-LULU survey, introduced the survey to respondents and asked a short series of demographic questions to determine eligibility for inclusion in the survey, break the ice and, for respondents who had owned businesses, inform later routing.

**Identification of issues**

The second section asked whether or not respondents had experienced one or more of 32 broad categories of justiciable issue (33 including business-related issues) and, for those issues that could be either non-contentious or contentious, established whether or not issues involved a dispute. Using the approach of the 2006 New Zealand *National Survey of Unmet Legal Needs and Access to Services*,<sup>23</sup> the 32 categories were presented – along with examples to indicate scope or meaning, if necessary – in 3 lists.

**Figure 1.2—Structure of the pilot V-LULU survey questionnaire**



23. Ignite Research (2006).

Previous research has suggested there are relatively subtle and issue-specific differences in the rate and nature of issues identified through the use of broad categories with provision of a few examples, broad categories with provision of a broader range of examples, and narrow categories equivalent to the examples. The use of broader categories has been found to slightly reduce issue reporting (as a result of the less specific prompting),<sup>24</sup> as well as to impact on the type of issues reported, though generally not to a great extent.<sup>25</sup> As the OECD/OSF guidance stipulates, the use of broad categories in issue identification can be justified in the cause of time efficiency, provided careful attention is paid to defining issue categories to ensure, as much as possible, that only justiciable issues are reported.

The 32 non-business-related categories included in the pilot V-LULU survey spanned 13 broad areas: housing, family, injuries or illness resulting from negligence, goods and services, employment, fines, debt, government payments, other money matters, immigration and residency, police action and compulsory assessment/treatment for mental health. The full list of narrow categories was made up of 8 types of issue that are often non-contentious and 24 that are invariably contentious. The first 8 narrow categories were:

- bought, sold or transferred a house/unit/land
- taken out a mortgage
- dealt with a planning application
- got a divorce or ended a de facto relationship
- made or changed a will or enduring power of attorney (or tried to do so)
- dealt with the estate of a deceased relative
- adopted, fostered or applied/registered to adopt or foster a child
- suffered injury caused by an accident on the road.

The remaining 24 categories were:

- injury or illness caused by an accident at work or working conditions
- injury or illness caused by negligent/wrong medical or dental treatment
- any other injury caused by someone else
- problems or disputes concerning
  - debt
  - the purchase of goods or services (e.g. defective goods or an issue with tradespeople, professionals and utility services)
  - employment (e.g. concerning payment, conditions, harassment, redundancy and unfair dismissal)
  - a landlord (e.g. concerning maintenance, rent and eviction)
  - a strata or owners' corporation
  - a housemate or sub-tenant
  - neighbours (e.g. noise and threatening behaviour)
  - homelessness (or threat of homelessness)
  - a tenant or squatter
  - something else concerning a property you own (e.g. rights of way and mortgage arrears)
  - Australian immigration or residency

24. Pleasence et al. (2016).

25. This was the conclusion of preliminary experimental research undertaken for the PULS and also in relation to an unreported Israeli experiment.

- divorce, de facto or other partner relationship (e.g. concerning children, property and payments)
- a care and protection order or assessment by a child welfare authority
- violence, harassment or financial abuse within the home
- a fine, penalty notice, or infringement notice that was disputed, thought to be incorrect or was difficult to pay
- government payments (including pensions) (e.g. concerning entitlement, amount and suspension)
- government or public services (e.g. access to health services or education and tax disputes)
- inheritance
- something else to do with money (e.g. insurance claim refusals and credit rating errors)
- being arrested or treated badly by the police
- compulsory assessment/treatment for mental health.

### *Action to deal with sample issue*

For those respondents who reported one or more justiciable issues, the third section asked about actions taken to deal with a *single* sample issue. If any contentious issues were identified, then a (random, if more than one) contentious issue was followed up. If only non-contentious issues were identified, then a (random, if more than one) non-contentious issue was followed up.<sup>26</sup> This approach to sampling issues was the same as that of the English and Welsh Law Society and Legal Services Board's 2019 survey. As the report of that survey explained, a consequence of this approach was that the number of contentious issues followed up was maximised, but at the expense of the sample of non-contentious issues not being random.<sup>27</sup> As with that report, this report has as its main focus people's experience of contentious issues 'with a discussion of non-contentious issues included as a supplementary comparison'.<sup>28</sup>

The third section contained most of the elements of innovation referred to above, most notably the radical shift from focusing on sources of help (with forms of help then investigated) to forms of help sought (with sources of help then investigated).

The third section commenced by asking further about the nature of problems and establishing levels of issue-specific legal capability (e.g. knowledge of relevant legal rights and responsibilities) for both the time issues began and ended. The remainder of the section was devoted to determining whether and what forms of assistance were sought – with careful distinction drawn between generic information, personalised information and advice – channels and sources through which assistance was sought, levels of reliance placed on assistance, unsuccessful attempts to access service providers, other actions taken and processes involved in issue resolution.

26. Weighting was used in issue selection to ensure that rarer issue types were better represented in the issue sample. Weighting was also used in analysis, when appropriate, to account for this.

27. YouGov (2020).

28. YouGov (2020), 6.



***Choice/experience of sample assistance provider***

The fourth section drew heavily on the 2019 English and Welsh survey and had as its focus people's choice of, experience of, and satisfaction with their main source of assistance. If more than one legal service provider was used, then a random provider was selected to be followed up. If just one legal service provider was used, then that provider was followed up. If no legal service provider was used, but a non-legal service provider was used, then the non-legal service provider was followed up.

The fourth section started by asking respondents about how they became aware of the followed-up service provider and the information sought and factors considered in choosing the provider. It then asked about the nature of the service sought and provided, the nature and ease of understanding of communication and any information provided, costs and sources of funding, the billing process, satisfaction with the service provided, the nature of any dissatisfaction, and steps taken to raise concerns/complaints.

The main changes from the 2019 survey involved the addition of questions designed to investigate the operation of costs disclosure obligations and questions exploring people's awareness and use of guidance produced by the VLSB+C.

***Reasons for not using a solicitor***

The fifth section briefly explored why respondents who had not obtained help from a solicitor had not done so.

***Unsuccessful attempts to obtain advice***

The sixth section asked about unsuccessful attempts to obtain assistance from legal and non-legal services. As well as asking why attempts were unsuccessful, the section also asked why respondents didn't persevere and, in the case of solicitors, about information and recommendations sought.

***Details of, and satisfaction with, outcome or progress***

In the case of concluded issues, the seventh section asked about the manner of their conclusion and satisfaction with the outcome and process through which it was brought about. In the case of ongoing issues, the seventh section asked about satisfaction with progress. In the case of both concluded and ongoing problems, respondents were also asked how easy they had found it to deal with issues and whether there were things they wish they had done differently.

***Reasoning behind key strategy decisions***

The eighth section asked for respondents' reasoning behind their key strategy decisions, such as why those who didn't obtain help from an independent adviser didn't do so. Respondents were also asked why their supplementary sources of help had not been their main sources of help.

***Additional legal service use***

The ninth section asked whether respondents had made any use of legal services outside of the context of any issue already followed up. As with issue identification, the reference period was 2 years.

### ***Legal capability***

The penultimate section, asked of all respondents, included a question to gauge respondent's level of awareness of different types of legal service, along with 3 measures of legal capability used in the PULS: the GLC scale, the PIL scale, and a measure of trust in personal lawyers. Two further measures of legal capability drawn from the PULS – of 'practical legal literacy' and 'digital legal capability' – were also included in the ninth section of the pilot V-LULU survey.

### ***General legal confidence***

The measure of general legal confidence used in the pilot V-LULU survey was the modified form of the GLC scale developed through the *Community Perceptions of Law Survey* for the PULS.<sup>29</sup> As detailed in the PULS reports, the GLC scale measures people's confidence in their ability to fairly resolve justiciable problems that escalate in a legalistic manner. The scale was developed using modern psychometric modelling techniques (Rasch analysis) and has good psychometric properties. The scale is comprised of 6 questions concerning a dispute at different points of escalation. The questions ask how confident respondents would be about achieving a fair outcome they would be happy with in a significant legal dispute, if:

- the disagreement is substantial
- the other side says they 'will not compromise'
- the other side will only speak to you through their solicitor
- a notice from court says you must complete certain forms, including setting out your case
- the problem goes to court, a barrister represents the other side, and you are on your own
- the court makes a judgment against you, which you see as unfair. You are told you have a right to appeal.

### ***Inaccessibility of lawyers***

The measure of perceived inaccessibility of lawyers used in the pilot V-LULU survey, the PIL scale, was developed through the *Community Perceptions of Law Survey* for the PULS.<sup>30</sup> As with the GLC scale, the PIL scale was developed using Rasch analysis and has good psychometric properties. The scale is comprised of 10 questions which ask about the extent respondents agree or disagree that lawyers in Victoria:

- are not people I'd be happy to use
- are the last people I would ever go to for help
- are not interested in the issues I face
- are not concerned with real people's lives
- are unapproachable
- are not geared up for ordinary people to use
- are slow
- are not worth the hassle
- don't take people like me seriously
- take too long to deal with issues.

29. Balmer & Pleasence, *Law... What is it Good For?* (Victoria Law Foundation, 2019), drawing on Pleasence & Balmer, 'Development of a General Legal Confidence Scale: A First Implementation of the Rasch Measurement Model in Empirical Legal Studies', *Journal of Empirical Legal Studies* 16, no. 1 (2019): 143-174.

30. Balmer & Pleasence (2019) drawing on Pleasence & Balmer (2019).

*Trust in lawyers*

The measure of trust in lawyers used in the pilot V-LULU survey comprised 6 questions: 3 framed explicitly in terms of trust and 3 in terms of expectations. The questions were designed to investigate trust from a variety of perspectives. As Volume 2 of the PULS report explained, the measure drew on the literature on trust and public perception of lawyers, with the questions focused ‘on trust and perception as mediated through the perspective of clients’.<sup>31</sup> The questions centred on client interest, client finance, lawyer skill, and lawyer/client commonality of purpose. The first set of 3 questions asked whether, if they used a lawyer, respondents would trust them to:

- act in my best interests
- not overcharge me
- be knowledgeable and skilled in their work.

The second set of 3 questions asked whether respondents would ‘expect’ their lawyer to:

- act ethically and within the law
- exploit loopholes in the law
- break the rules if needed.

*Practical legal literacy*

Practical legal literacy concerns the capability to obtain, understand and navigate information and services needed to deal with everyday justiciable issues. The measure of practical legal literacy used in the pilot V-LULU survey comprised 6 questions, derived from Lisa Chew et al.’s *Short Literacy Survey* (SLS) and Jolie Huan et al.’s BRIEF health literacy screening tool.<sup>32</sup> In contrast to the health tools, the practical legal literacy measures intentionally avoid reference to specific legal services or institutions, recognising that these might be unfamiliar to many respondents. Instead, the measure references ‘banks, the council, doctors, Centrelink, or government departments’ – places familiar to most people, where justiciable problems are commonly situated, and which are akin to legal services or institutions. The 6 questions asked whether, in dealing with such organisations, respondents:

- require someone to help them read letters, brochures or information
- have difficulty filling out forms for them by themselves
- find it difficult to understand written information from them
- find it difficult to understand what they say to them when discussing matters in person
- have difficulty finding the right person to speak to
- have difficulty raising problems.

31. Balmer et al. (2024a), 35.

32. Chew, Bradley & Boyko, ‘Brief Questions to Identify Patients with Inadequate Health Literacy’, *Family Medicine* 36, no. 8 (2004): 588-594; Haun, Luther, Dodd, & Donaldson, ‘Measurement Variation Across Health Literacy Assessments: Implications for Assessment Selection in Research and Practice’, *Journal of Health Communication* 17, no. 3 (2012): 141-159.

### *Digital legal capability*

The measure of digital legal capability comprised 8 questions that follow the approach of GoOnUK's Basic Digital Skills Assessment questions,<sup>33</sup> refined by the English and Welsh Legal Services Board in the context of the legal needs of small businesses. The questions asked respondents whether they have or could undertake a range of online skills/tasks of differing nature and complexity 'designed to be analogous to those involved in dealing with justiciable issues'.<sup>34</sup> The skills/tasks comprised:

- pay a bill using online banking
- send an email
- make a video call on a computer or laptop using Skype, Zoom or something similar
- find specific information (e.g. your eligibility for government payments)
- set up 2-step ID verification (also known as 2-factor authentication)
- do [a] tax return, claim a Centrelink benefit or similar
- save an online document onto [a] computer
- take a photo of your drivers' licence or another form of ID and upload it to a government website.

### *Main demographics*

The final section obtained detailed demographic data to complement the demographic data collected at the outset of the questionnaire. Drawing on data collected in the first and final sections, the demographic characteristics included in the analyses reported in this volume comprised:

- age
- gender
- geographical remoteness
- whether a First Nation person
- main language spoken at home
- family type
- whether in work
- highest education level
- long-term illness/disability
- gross annual household income
- whether unable to eat, heat or cool home owing to lack of money.

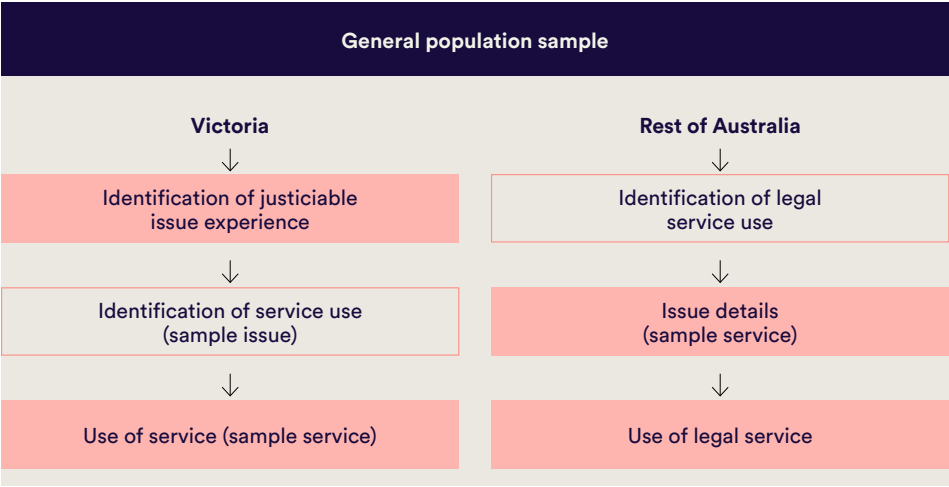
### **The pilot V-LULU survey and pilot X-LULU survey of legal service users compared**

As noted above, alongside the pilot V-LULU survey a pilot survey of ex-Victoria legal service users was conducted, with a specific focus on the operation of costs disclosure obligations. The pilot X-LULU survey used questions drawn from the pilot V-LULU survey questionnaire, but the structure of the pilot X-LULU survey questionnaire and sampling procedures were distinct and preclude simple comparison between the results of the 2 surveys.

33. Ipsos Mori, *Basic Digital Skills – UK Report* (Ipsos Mori, 2015).

34. Pleasence & Denvir, *The Legal Services Board's Small Business Legal Needs Survey: Researching Legal Capability, Legal Need and the Impact of Covid-19 and Exiting the European Union* (Legal Services Board, 2021), 15.

Figure 1.3—Structure of V-LULU and X-LULU survey questionnaires



Both surveys made use of a general population sample. However, as is illustrated in Figure 1.3, while the pilot V-LULU survey first identified issue experience, then explored legal service use in the context of sample issues, the pilot X-LULU survey first identified legal service use, then explored legal service use for a sampled legal service. So, as well as the legal services investigated by the pilot X-LULU survey not being limited to the range of issues included in the pilot V-LULU survey, the chance of a legal services being selected was, in any event, different between the 2 surveys.

The difference in the sampling approaches adopted for the 2 surveys reflects their different focus. While the pilot X-LULU survey was conducted to explore the operation of costs disclosure obligations, the pilot V-LULU survey was conducted to explore a broad range of issues, with a particular additional concern being the experience of people who might benefit from, but do not make use of, legal services.

While the technical differences between the 2 surveys complicate simple comparison between their results, there was, of course, much commonality between the composition of the 2 samples of legal services. The report of the pilot X-LULU survey therefore references the pilot V-LULU survey findings to highlight similarities and differences of note, though always noting the methodological differences that could potentially have had some bearing on them.

## Limitations

### Sampling issues

The sample used for the pilot V-LULU survey was drawn in part from a non-probability panel. Such panels are prone to sample bias, as non-probability panel members self-select membership of the panel. Quota sampling was employed to ensure a heterogeneous sample that matched the general population in relation to the quota characteristics (gender, age and geographical region).

In addition, online panel surveys give rise to coverage issues. Such surveys exclude those with limited digital literacy and/or internet access. As the 2019 English and Welsh survey report acknowledged in relation to its findings, 'due to the research having been conducted online, it is possible that the incidence of certain legal issues (e.g. having a home repossessed) could be understated as a result of limitations to internet access'.<sup>35</sup>

As noted above, the pilot V-LULU survey also imported from the 2019 survey a sampling limitation in respect of non-contentious issues, as such, issues were only followed up if respondents reported no contentious issues. This was done to maximise the number of contentious issues followed up for detailed data collection. There was no equivalent prioritisation for the pilot X-LULU survey. While the prioritisation of contentious issues will have impacted the nature of the sample of non-contentious issues that were followed up, it did not impact the recording of non-contentious issues, so the prevalence findings set out in Chapter 2 are not affected.

### The consumer perspective

While the pilot V-LULU survey was designed to provide the consumer perspective on the experience of justiciable problems and of support services, many aspects of justiciable problems, legal service use, and formal legal process are technical and may be misunderstood by those facing problems. While the OECD/OSF guidance was followed, and use of technical terms (including 'law') and references to technical matters were minimised, some degree of response error is inevitable.

One conceptually complex issue at the heart of the survey is the distinction between generic information, personalised information, and advice. As noted above, clear definitions were provided within the relevant questions, with the definitions and questions subjected to cognitive testing prior to the survey going live. Nevertheless, it is likely that the subtle distinctions will not always have been fully appreciated and/or the categories sometimes incorrectly applied.

### Proxy measures

The pilot V-LULU survey incorporated a number of measures of phenomena that cannot be directly assessed, such as the various dimensions of legal capability addressed. As far as possible, tested and validated measures were used, with care taken to promote validity across the survey.

### The new approach

As noted above, the approach of the pilot V-LULU survey to identifying and categorising the strategies employed and actions taken to deal with justiciable problems marks a radical departure from the approach of previous surveys. With all survey innovation comes the risk that unanticipated problems may arise with the data. While extensive development work and testing was undertaken to limit such problems, not every problem will yet have been ironed out.

35. YouGov (2020), 6.

### Comparability

Also, as noted above, the different sampling approaches of the pilot V-LULU and X-LULU surveys limit the comparability of the surveys. Beyond this, the new approach and elements of the pilot V-LULU survey limit the extent to which its findings can be compared to those of other surveys, such as the Australian LAW survey or PULS.<sup>36</sup> However, methodological differences – such as in the framing, mode of delivery and structure of other surveys – in any event also act to limit comparability.

### Analysis

A variety of forms of statistical analysis were used to produce the findings set out in this report, from simple descriptive to complex multivariate analysis. Relevant details are set out alongside findings. All analysis was undertaken using person-level data weighting, to account for design effects and best ensure the results accurately reflect the Victorian adult population. Analysis at the contentious issue level also used (trimmed) contentious issue level data weighting to correct for the under-representation of contentious issues sampled from respondents who reported multiple such issues, as well as to adjust the overall distribution of issue types to better reflect the totality of issues reported. However, when reporting findings in relation to individual problem types, only person-level data weighting was used. Also, only person-level data weighting was used in any multivariate analysis that incorporated problem type as an independent variable.

As non-contentious issues were not probability sampled for follow up, only person-level data weighting was used in analysis at the non-contentious problem level.

### Structure of this volume

The remainder of this report is comprised of 5 further chapters. Chapter 2 sets out the pattern of justiciable issues reported by pilot V-LULU respondents, their nature and factors associated with issue experience. It also sets out the nature of the issues sampled for follow up and respondents' perceptions of, and confidence about dealing with, them. Chapter 3 provides a detailed account of the actions that respondents took to deal with justiciable issues. It gives unprecedented insight into the level of help respondents sought and the information/communication channels and services that respondents made use of. Chapter 4 looks at adequacy of legal service provision and unmet legal need. Chapter 5 provides an account of respondents' experience of choosing and using legal services, including the cost of legal services. Chapter 6 sets out how issues concluded or, in the case of ongoing issues, the progress made at the time of the survey.

Throughout Chapters 3 to 6, the text is primarily focused on the random sample of contentious justiciable issues that were followed up. As noted above, the sample of non-contentious issues is not representative, but was included to provide a basic contrast and highlight where experience, behaviour and service use may differ markedly between contentious and non-contentious issues. Reflecting this focus, the main body of each of these chapters concerns only contentious issues, with a short summary of findings relating to non-contentious issues provided at the end of each chapter. While care has been taken to make clear that most of the text concerns contentious issues, for the avoidance of doubt, throughout Chapters 3 to 6 findings concerning non-contentious issues are confined to these summaries at the end of the chapters.

36. Coumarelos, Macourt, People, McDonald, Wei, Iriana, & Ramsey, *Legal Australia Wide Survey: Legal need in Australia* (Law and Justice Foundation of New South Wales, 2012); Balmer et al. (2023); Balmer et al. (2024a); Balmer et al. (2024b).

## 02

# The issues

This chapter introduces the pilot V-LULU survey. It sets out the survey's purpose and explains how it builds on, yet also departs from, the approach of similar surveys conducted around the world in recent years. It explains how the changing nature of service delivery – across all sectors – is presenting both challenges and opportunities to consumers, service providers, regulators and policymakers. It details the new approach to monitoring consumer experience and behaviour taken by the pilot V-LULU survey; one that will better enable priorities for change to be identified and the impact of change to be understood. It also outlines the concepts and phenomena that are at the centre of the survey's design.



## The big picture

### Prevalence

This chapter sets out the big picture of the Victorian public's experience of justiciable issues. In all, 2,302 of the 3,501 (66%) pilot V-LULU respondents reported having experienced one or more justiciable issues, contentious or non-contentious, over the previous 2 years.<sup>37</sup> Of the 2,302 respondents who reported having experienced issues, 1,975 (86%, equating to 56% of all respondents) reported one or more contentious issues and 1,160 (50% equating to 33% of all respondents) one or more non-contentious issues, with 833 (36%, equating to 24% of all respondents) of them having reported both contentious and non-contentious issues.<sup>38</sup> Excluding those issues that respondents faced that concerned businesses they owned, the figures were 1,970, 1,161 and 828 respectively.<sup>39</sup>

The 56% of respondents who reported contentious justiciable issues is higher than the equivalent PULS figure of 42%. However, the higher figure does not indicate justiciable problem prevalence has increased. The difference is largely a consequence of significant methodological differences between the 2 surveys. For example, the pilot V-LULU survey was conducted online, whereas the PULS was conducted face-to-face. Online legal needs type surveys typically suggest higher prevalence than offline surveys, particularly face-to-face surveys.<sup>40</sup> Also, the PULS used a different method of problem identification. As the OECD/OSF guidance on the conduct of legal needs surveys explained, small methodological differences can result in substantial differences in headline figures. Thus, unless being monitored through the same methodology, headline figures are generally less important than the patterns of experience and behaviour revealed. The pilot V-LULU survey was designed to complement the PULS, not to replicate it.

37. This includes both problems that started in the 2-year period or started before it but continued into it.

38. Of the respondents, 1,142 reported only contentious issues, and 327 reported only non-contentious issues.

39. If business-related issues were excluded, 1,142 respondents reported only contentious issues and 333 respondents reported only non-contentious issues.

40. For example, looking at prevalence rates across the 101 near identical surveys reported in the World Justice Project's *Global Insights on Access to Justice* Report, of which 78 were conducted face-to-face and 23 online, mean prevalence was 43% in the case of the face-to-face surveys, compared 63% in the case of the online surveys. Moreover, no online survey found prevalence below 50%, while 53 of the 78 face-to-face surveys did. It should be noted that the countries in which online surveys were undertaken were not a random selection. They were invariably richer countries. However, the 4 EU member states in which face-to-face surveys were undertaken reported prevalence of 35%, lower than the overall face-to-face figure. A similar pattern is also evident for the legal needs surveys referenced in the OECD/OSF guidance. See World Justice Project, *Global Insights on Access to Justice* (World Justice Project, 2019).

Table 2.1 sets out the rates at which respondents reported one or more of each of the 33 types of justiciable issues investigated by the pilot V-LULU survey, distinguishing between contentious and non-contentious issues and also aggregated to the 18 broader categories used for analysis throughout this report. The 18 categories include many that are (if non-contentious issues are excluded) broadly equivalent to categories used for PULS analysis. However, this report features multiple housing and family categories, to better reflect differences in populations affected and issue resolving behaviours. With the exception of business issues, the categories are listed in order of prevalence. Only business owners were asked about business-related issues.

As can be seen from Table 2.1, 41% of respondents reported one or more housing-related issues (with 17% reporting conveyancing issues and 14% reporting neighbours issues), 28% one or more family-related issues (with 22% reporting issues concerning wills, probate, inheritance or powers of attorney), 23% one or more goods or services-related issues, 13% one or more employment-related issues, 10% one or more injury-related issues, and 10% one or more fines-related issues. Issues concerning adoption or fostering, police action and immigration or residency were rare, being reported by fewer than 1% of respondents.

A number of the categories included in Table 2.1 comprise or include money-related issues. If those categories that wholly comprise money-related issues are taken together (i.e. issues concerning mortgages, fines, debt, government payments and 'other' money matters), the prevalence of money-related issues was 32%. Some issues, concerning like employment, landlords and probate, will also have concerned money. However, it is not possible to identify which did and which did not for the full sample of issues.

Looking only at contentious issues, issues concerning goods or services were reported by the highest percentage of respondents (23%), followed by housing-related issues (22%) – particularly with neighbours (14%) – employment-related issues (12%) and fines-related issues (10%). These categories were also found to be the most prevalent by the PULS and are routinely found to be among the most prevalent problems by legal needs surveys globally, including the 2019 English and Welsh survey.<sup>41</sup>

Turning to non-contentious issues, 20% of respondents reported housing-related issues, typically concerning conveyancing or mortgages, with a similar percentage reporting family-related issues – most often concerning wills, probate or powers of attorney.

41. See OECD/OSF (2019).

**Table 2.1—Number and percentage of respondents reporting one or more justiciable issues of each broad and constituent narrow justiciable issue category**

Type of issue	Respondents reporting no issues		Respondents reporting contentious issues only		Respondents reporting non-contentious issues only		Respondents reporting both	
	Number	%	Number	%	Number	%	Number	%
<b>Housing</b>	<b>2,069</b>	<b>59.1</b>	<b>755</b>	<b>21.6</b>	<b>355</b>	<b>10.2</b>	<b>321</b>	<b>9.2</b>
Housing (owned)	2,534	72.4	291	8.3	475	13.6	202	5.8
Conveyancing	2,921	83.4	107	3.1	443	12.7	30	0.9
Mortgage	3,051	87.1	77	2.2	357	10.2	16	0.5
Planning	3,306	94.4	54	1.5	117	3.4	24	0.7
Strata / owners' corp.	3,377	96.5	124	3.5				
Tenant / squatter	3,431	98.0	70	2.0				
Other	3,361	96.0	140	4.0				
Neighbours	3,013	86.1	488	13.9				
Housing (rented)	3,148	89.9	353	10.1				
Landlord	3,224	92.1	277	7.9				
Housemate / sub-tenant	3,404	97.2	97	2.8				
Homelessness	3,411	97.4	90	2.6				
<b>Family (all)</b>	<b>2,530</b>	<b>72.3</b>	<b>298</b>	<b>8.5</b>	<b>512</b>	<b>14.6</b>	<b>161</b>	<b>4.6</b>
Wills, probate, etc.	2,729	77.9	163	4.6	526	15.0	84	2.4
Will / power of attorney	3,070	87.7	55	1.6	368	10.5	8	0.2
Probate	3,093	88.4	106	3.0	272	7.8	30	0.8
Inheritance	3,410	97.4	91	2.6				
Divorce	3,296	94.2	139	4.0	53	1.5	12	0.3
Domestic violence	3,408	97.3	93	2.7				
Other family issues	3,415	97.5	63	1.8	15	0.4	8	0.2
Child welfare	3,437	98.2	64	1.8				
Adoption / fostering	3,473	99.2	5	0.1	21	0.6	2	0.1
<b>Other (excl. business)</b>	<b>1,916</b>	<b>54.7</b>	<b>1,525</b>	<b>43.6</b>	<b>13</b>	<b>0.4</b>	<b>46</b>	<b>1.3</b>
Goods and services	2,711	77.4	790	22.6				
Employment	3,066	87.6	435	12.4				
Injury	3,136	89.6	306	8.7	26	0.7	33	1.0
Work injury / illness	3,335	95.3	166	4.7				
Road accident injury	3,406	97.3	35	1.0	53	1.5	7	0.2
Clinical negligence	3,419	97.7	82	2.3				
Other	3,380	96.5	121	3.5				
Fines	3,154	90.1	347	9.9				
Debt	3,197	91.3	304	8.7				
Gov. payments	3,286	93.9	215	6.1				
Money (other)	3,291	94.0	210	6.0				
Public services	3,332	95.2	169	4.8				
Other issues	3,385	96.7	116	3.3				
Mental health	3,426	97.9	75	2.1				
Immigration / residency	3,475	99.3	26	0.7				
Police action	3,478	99.3	23	0.7				
<b>Business</b>	<b>348</b>	<b>68.0</b>	<b>164</b>	<b>4.7</b>				

### Number of issues reported

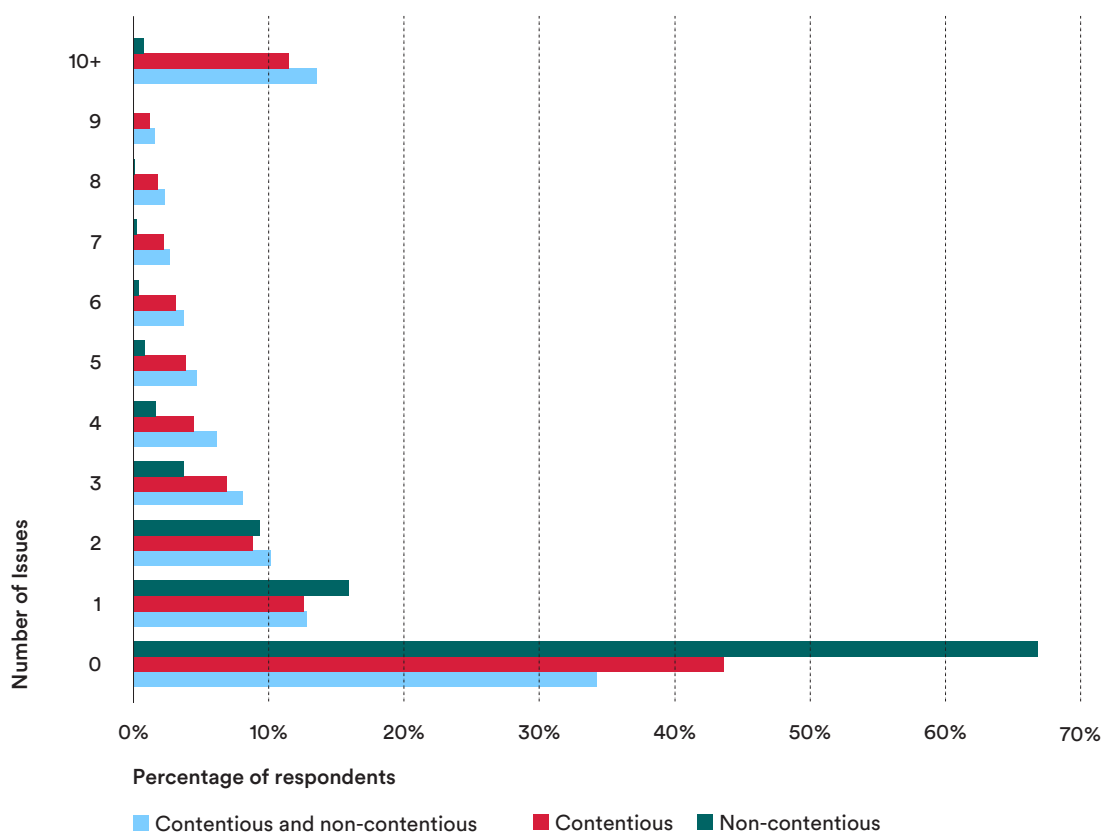
As illustrated by Figure 2.1, of those respondents who reported experiencing one or more issues over the previous 2 years, 19% reported just one issue (equating to 13% of all respondents), 15% reported 2 issues (10% of all respondents), 12% reported 3 issues (8% of all respondents), 9% reported 4 issues (6% of all respondents) and 7% reported 5 issues (5% of all respondents).<sup>42</sup> Underlining the ubiquity of justiciable issues, 21% of respondents (14% of all respondents) reported 10 or more issues. Looking only at contentious issues, the figures were 22% (13%), 16% (9%), 11% (7%), 8% (4%), 7% (4%), and 20% (11%).

Reflecting the lesser prevalence of non-contentious issues, of those who reported one or more non-contentious issue, 48% reported one (equating to 16% of respondents), 28% reported 2 (9% of respondents), 11% reported 3 (4% of respondents) and 5% reported 4 (2% of respondents). Just 2% of those who reported one or more non-contentious issues reported 10 or more.

In all, pilot V-LULU respondents reported 16,010 issues, of which 13,432 were contentious and 2,578 non-contentious. This equates to a mean of 4.6 issues per respondent. Excluding business-related issues, 15,677 issues were reported, 13,099 of which were contentious.

As can be seen from Table 2.2, housing-related issues accounted for over one-third of all issues reported through the pilot V-LULU survey, and over half of non-contentious issues. Looking in more detail at these issues, 44% (16% of all issues) concerned property that respondents owned. In contrast to other types of housing issue, the majority of issues concerning property that respondents owned were non-contentious, with conveyancing prominent among these. Conveyancing issues made up 24% of non-contentious issues.

Figure 2.1—Number of issues reported by pilot V-LULU respondents



42. Excluding those issues that respondents faced that concerned businesses they owned, 20% of respondents who reported issues reported just one issue (equating to 13% of all respondents).

**Table 2.2—Total number of issues reported (and column percentages)<sup>43</sup>**  
 (grey row categories used in detailed analysis)

Type of issue	All issues		Contentious issues		Non-contentious issues	
	Number	%	Number	%	Number	%
Housing (all)	5,847	36.5	4,486	33.3	1,361	52.8
Housing (owned)	2,586	16.1	1,225	9.0	1,361	52.8
Conveyancing	767	4.8	160	1.2	607	23.5
Mortgage	597	3.7	114	0.8	483	18.7
Planning	395	2.5	124	0.9	271	10.5
Strata / owners' corp.	323	2.0	323	2.4		
Tenant / squatter	162	1.0	162	1.2		
Other	342	2.1	342	2.5		
Neighbours	1,974	12.3	1,974	14.7		
Housing (rented)	1,059	6.6	1,059	7.9		
Landlord	689	4.3	689	5.1		
Housemate / sub-tenant	370	2.3	370	2.8		
Homelessness	228	1.4	228	1.7		
Family (all)	2,707	16.9	1,558	11.6	1,149	44.5
Wills, probate, etc.	1,543	9.6	500	3.7	1,043	40.4
Probate	900	5.6	276	2.1	624	24.2
Will / power of attorney	492	3.1	73	0.5	419	16.2
Inheritance	151	0.9	151	1.1		
Divorce	532	3.3	463	3.4	69	2.7
Domestic violence	458	2.9	458	3.4		
Other family issues	174	1.1	137	1.1	37	1.4
Child welfare	130	0.8	130	1.0		
Adoption / fostering	44	0.3	7	0.1	37	1.4
Other (excl. business)	7,144	44.5	7,075	52.7	69	2.7
Goods and services	1,946	12.1	1,946	14.5		
Debt	1,056	6.6	1,056	7.9		
Employment	949	5.9	949	7.1		
Injury	808	5.0	739	5.5	69	2.7
Work injury / illness	307	1.9	307	2.3		
Clinical negligence	175	1.1	175	1.3		
Road accident injury	116	0.7	47	0.3	69	2.7
Other	210	1.3	210	1.6		
Fines	577	3.6	577	4.3		
Money (other)	576	3.6	576	4.3		
Gov. payments	507	3.2	507	3.8		
Public services	468	2.9	468	3.5		
Other issues	257	1.6	257	1.9		
Mental health	152	0.9	152	1.1		
Police action	59	0.4	59	0.4		
Immigration / residency	46	0.3	46	0.3		
Business	333	2.1	333	2.5		

43. The figures in this table are rounded and so do not always sum to the totals in the text.

Issues concerning neighbours accounted for 34% of housing issues (equating to 15% of contentious issues and 12% of all issues), with issues concerning rented housing also common (18% of housing issues, equating to 8% of contentious issues and 7% of all issues).

Family-related matters made up 17% of all issues. Issues concerning wills, probate, inheritance or powers of attorney made up 57% of these family-related matters, with probate issues the most common. Probate issues made up 24% of all non-contentious issues. Divorce (including the ending of de facto relationships) and domestic violence each made up around 3% of all issues.

Outside of housing and family-related issues, issues concerning goods and services were most common, making up 15% of contentious issues and 12% of all issues.

Issues concerning money were also commonplace, with debt, fines, government payments and 'other' money-related issues together accounting for 17% of issues. With the addition of mortgage-related issues, this rose to 21%. As was noted in relation to issue prevalence, other categories of issue will also have included problems concerning money.

## The issues that were followed up

### Overview

For respondents who reported one or more issues, one was followed up for detailed study. As was described in the previous chapter, contentious issues were prioritised, with non-contentious issues followed up only if no contentious issues were reported. The category of the contentious issue that was followed up was selected at random, with the second most recent issue followed up if more than one issue was reported in a particular category.

The full profile of the issues that were followed up is set out in Table 2.3. The 4 columns in Table 2.3 set out the total number of contentious issues reported (as detailed also in Table 2.2), the number of contentious issues followed-up, after applying each of person-level weighting<sup>44</sup> (used for looking at problem types individually) and problem-level weighting (used for looking at all the followed-up problems together) and the number of non-contentious issues followed up. As the non-contentious issues do not represent a random sample, only person-level weighting was used in analyses.

The rows highlighted in grey represent the categories used for routine reporting in the remainder of this report. The rows highlighted in pink are included for reference, to allow Table 2.3 to be compared more easily to the tables above and to findings from other surveys, including the PULS. Categories featured in unshaded rows are reported on only where anomalous findings warrant comment.

As noted in the previous chapter, in the rest of this section and in the following chapters, the text is primarily focused on contentious issues, with findings relating to non-contentious issues presented only briefly at the end of chapters for comparison.

44. Slightly modified to ensure a mean weighting of 1 across the sample of contentious issues.

Table 2.3—Total number of issues followed up (and column percentages)<sup>45</sup>

Type of issue	Contentious issues (total reported)		Contentious issues followed up (person weight)		Contentious issues followed up (problem weight)		Non-contentious issues (person weight)	
	Number	%	Number	%	Number	%	Number	%
Housing (all)	4,486	33.3	625	31.8	694	35.3	157	48.1
Neighbours	1,974	14.7	145	7.4	229	11.7		
Housing (owned)	1,225	9.0	302	15.4	211	10.8	158	48.1
Strata / owners' corp.	323	2.4	54	2.7	59	3.0		
Tenant / squatter	162	1.2	46	2.3	30	1.5		
Conveyancing	160	1.2	56	2.8	25	1.3	70	21.3
Planning	124	0.9	49	2.5	23	1.2	21	6.3
Mortgage	114	0.8	48	2.5	17	0.8	67	20.5
Other	342	2.5	49	2.5	58	3.0		
Housing (rented)	1,059	7.9	127	6.5	188	9.6		
Landlord	689	5.1	75	3.8	88	4.5		
Housemate / sub-tenant	370	2.8	52	2.7	100	5.1		
Homelessness	228	1.7	51	2.6	65	3.3		
Family (all)	1,558	11.6	336	17.1	378	19.2	162	49.5
Divorce	463	3.4	89	4.5	100	5.1	15	4.5
Wills, probate, etc.	500	3.7	148	7.5	77	4.0	145	44.4
Probate	276	2.1	55	2.8	39	2.0	68	20.7
Inheritance	151	1.1	49	2.5	23	1.2		
Will / power of attorney	73	0.5	44	2.2	15	0.8	77	23.7
Domestic violence	458	3.4	48	2.4	152	7.7		
Family (other)	137	1.1	51	2.6	49	2.5	2	0.6
Child welfare	130	1.0	44	2.2	45	2.3		
Adoption / fostering	7	0.1	7	0.4	4	0.2	2	0.6
Other (excl. business)	7,075	52.4	963	48.6	828	42.2	8	2.4
Goods and services	1,946	14.5	166	8.4	90	4.6		
Debt	1,056	7.9	80	4.1	132	6.7		
Employment	949	7.1	107	5.4	82	4.2		
Injury	739	5.5	210	10.7	164	8.4	8	2.4
Work injury / illness	307	2.3	62	3.2	48	2.5		
Road accident injury	47	0.3	37	1.9	17	0.9	8	2.4
Clinical negligence	175	1.3	48	2.4	58	2.9		
Other	210	1.6	63	3.2	41	2.1		
Fines	577	4.3	90	4.6	46	2.3		
Money (other)	576	4.3	75	3.8	84	4.3		
Gov. payments	507	3.8	72	3.7	56	2.8		
Public services	468	3.5	59	3.0	74	3.8		
Other issues	257	1.9	96	4.9	100	5.1		
Mental health treatment	152	1.1	49	2.5	46	2.3		
Immigration / residency	46	0.3	26	1.3	12	0.6		
Police action	59	0.4	21	1.1	42	2.2		
Business	333	2.5	49	2.5	65	3.3		
<b>Total</b>	<b>13,432</b>	<b>100</b>	<b>1,965</b>	<b>100</b>	<b>1,965</b>	<b>100</b>	<b>327</b>	<b>100</b>

45. The figures in this table are rounded and so do not always sum to the totals in the text.

What was being sought

Pilot V-LULU respondents were asked what they or the other party was seeking in relation to the followed-up contentious issues. The most common response was money or property. As illustrated in Figure 2.2, money or property was being sought by one or other party to 43% of contentious issues. Recognition of rights or someone meeting their responsibilities was at the heart of 27% of contentious issues, and restoration of something to how it had been at the heart of 20% of contentious issues. In 16% of cases an apology was being sought, 15% of cases a change to a decision, and 9% of cases a change to the nature of a relationship (e.g. a divorce and adoption). Something other than the above was being sought in 23% of issues.

For around one-third of contentious issues, more than one thing was being sought. Overall, the main number of objectives per issue was 1.5, with the objective most commonly accompanied by further objectives being changing the nature of a relationship. Eighty-five per cent of contentious issues in which change to the nature of a relationship was being sought also involved other objectives (154 of 181 such issues), with money or property being sought in over half of cases (54%), and recognition of rights and/or meeting of responsibilities being sought in just under half of cases (45%). Apologies (31%), changes to decisions (25%) and restoration of something to how it had been before (25%) were also common parallel objectives. For one in 20 contentious issues, 4 or more objectives were specified. Again, change to the nature of a relationship was the most common objective falling into this category (30% of relevant issues), with apologies not far behind (26% of relevant issues).

As would be expected, what was being sought varied by issue type. As is shown in Table 2.4, while the most common objective associated with most categories of contentious issue was obtaining money or property, this was not always the case. Issues relating to domestic violence and ‘other’ family matters (i.e. issues concerning child welfare and adoption/fostering) most often had recognition of rights and/or meeting of responsibilities at their heart. Moreover, money and property did not feature as any of the top 3 objectives associated with contentious issues concerning neighbours.

‘Other’ family issues were associated with the highest mean number of objectives (at 1.9). Fewer than half such issues involved just one objective (43%). Issues concerning fines, debt and goods or services were associated with the lowest mean number of objectives (1.1 in all 3 cases).

Figure 2.2—What was being sought in contentious issues

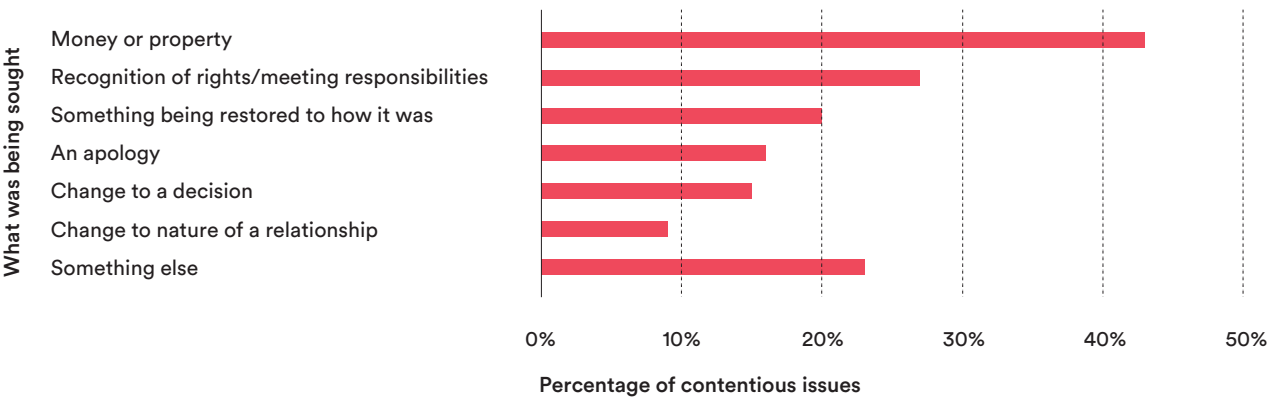




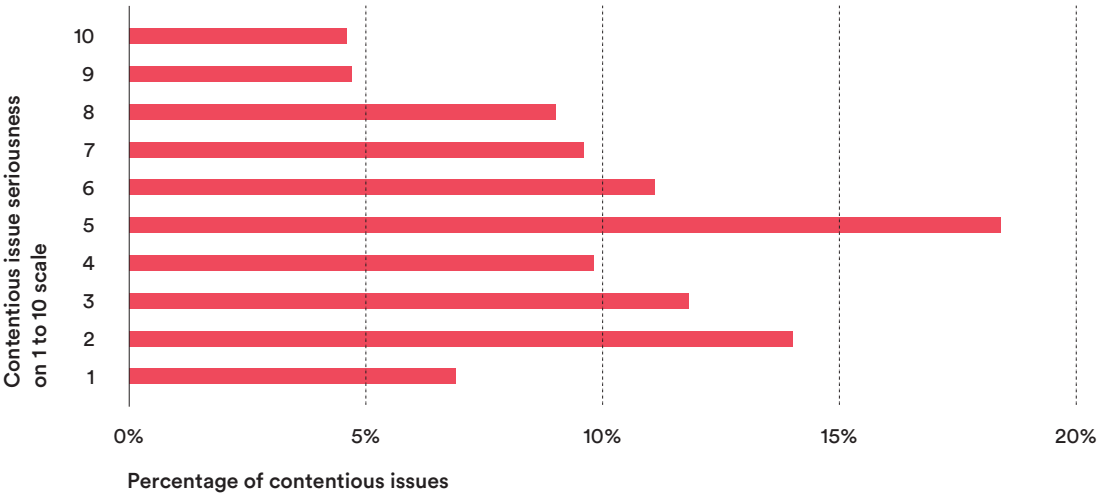
Table 2.4—Most common objectives by contentious issue category

Contentious issue category	Most common objectives		
	Most common	Second most common	Third most common
Neighbours	Something else (56%)	Rights recognition / meet responsibilities (21%)	Restoration of something (15%)
Housing (owned)	Money or property (40%)	Restoration of something (24%)	Rights recognition / meet responsibilities (22%)
Housing (rented)	Money or property (39%)	Restoration of something (36%)	Rights recognition / meet responsibilities (27%)
Homelessness	Money or property (41%)	Something else (32%)	Change of decision (13%)
Divorce	Money or property (59%)	Change to nature of relationship (39%)	Rights recognition / meet responsibilities (24%)
Wills, probate, etc.	Money or property (55%)	Change of decision (18%)	Something else (18%)
Domestic violence	Rights recognition / meet responsibilities (39%)	Change to nature of relationship (30%)	Money or property (36%)
Other family issues	Rights recognition / meet responsibilities (39%)	Money or property (38%)	Change to nature of relationship (36%)
Goods and services	Money or property (38%)	Restoration of something (27%)	Something else (25%)
Debt	Money or property (57%)	Something else (23%)	An apology (12%)
Employment	Money or property (38%)	Something else (32%)	Rights recognition / meet responsibilities (28%)
Injury	Money or property (38%)	An apology (25%)	Restoration of something (23%)
Fines	Money or property (42%)	Change of decision (33%)	Something else (17%)
Money (other)	Money or property (67%)	Restoration of something (26%)	Change of decision (13%)
Gov. payments	Money or property (43%)	Something else (27%)	Restoration of something (24%)
Public services	Money or property (34%)	Something else (23%)	Rights recognition / meet responsibilities (20%)
Other issues	Something else (34%)	Money or property (30%)	Rights recognition / meet responsibilities (27%)
Business	Money or property (65%)	Rights recognition / meet responsibilities (29%)	Change of decision (21%)

Seriousness

Pilot V-LULU respondents were asked about the seriousness of the followed-up contentious issues. A scale from 1 (least serious) to 10 (most serious) was used, with anchor points at 2 (purchasing a moderately, expensive electrical item that proves to be faulty) and 9 (becoming homeless and ending up sleeping rough). The mean seriousness score, across all followed-up contentious issues, was 4.96. The distribution of scores is illustrated in Figure 2.3. As can be seen, all points on the 1 to 10 scale are represented, with 61% of issues given a seriousness score between 1 and 5, and 49% a score between 6 and 10. In all, 7% of issues were given a score of just 1, while 5% of issues were given a score of 10.

Figure 2.3—Seriousness distribution of contentious issues



In decreasing order, the mean seriousness scores provided by respondents for each category of contentious issue were 6.6 for homelessness, 6.1 for domestic violence, 6.0 for divorce, 5.9 for 'other' family, 5.5 for 'other', 5.1 for injuries, 4.9 for business, 4.8 for employment, 4.7 for rented housing, 4.6 for debt, 4.6 for wills, probate or powers of attorney, 4.5 for public services, 4.4 for owned housing, 3.9 for government payments, 3.9 for money (other), 3.9 for neighbours, 2.7 for goods and services, and 2.6 for fines.

This does not mean that fines-related issues were all relatively unimportant. A small number of issues-related to fines (7%) were given scores of 7 or above, and one (of 90) was scored at 10. Similarly, 6% of issues concerning goods and services were given scores of 7 or above, and 2 (of 166) were scored at 10. In contrast, while 31 of the 51 issues concerning homelessness were given scores of 7 or above, 3 were given scores of just 1. Apart from government payments, every category of contentious issue saw one or more instances of every possible score. The highest score given to an issue concerning government payments was 8.

### Issue characterisation

At the time contentious issues arose, pilot V-LULU respondents would have described just 29% of them as being a 'legal problem'. The contentious issues most likely to be characterised as legal were those relating to divorce (48%), wills, probate or powers of attorney (46%), and businesses that respondents owned (41%). Also, looking within the 'other' issue category, contentious issues concerning police action (57%) and immigration or residency (50%) were particularly likely to be characterised as legal, although numbers were small. In contrast, contentious issues concerning government payments (4%), goods and services (8%), neighbours (14%) and homelessness (15%) were far less often characterised as legal.

## Discrimination

A significant minority (41%) of all followed-up contentious issues were reported to have involved discrimination. As is illustrated in Figure 2.4, the most common form of discrimination was age discrimination. Age discrimination was reported in relation to 12% of issues. This was followed by discrimination on the basis of ethnicity (8%), sex (7%) and disability (7%).

The majority of issues that involved discrimination were reported to have involved just one form of discrimination (62%, equating to 25% of all contentious issues). However, multiple forms of discrimination were common. Eight per cent of contentious issues were reported to have involved 2 forms of discrimination and 7% reported 3 or more.

Rates and types of reported discrimination varied considerably between types of contentious issues. So, while discrimination was reported in relation to 86% of issues concerning police action, 73% of issues concerning child welfare and 68% of issues concerning mental health, it was reported in relation to only 11% of issues concerning fines and 17% of issues concerning goods or services. Employment issues, a social and policy focus for discrimination over many years, were reported to involve discrimination on 53% of occasions (Figure 2.5).

Looking at the most common forms of discrimination. Age discrimination was most commonly reported in the context of domestic violence (27% of contentious issues), 'other' family issues (20%), immigration and residency (19%), and mental health (16%). Discrimination on the basis of ethnicity was most commonly reported in the context of immigration and residency (34%), businesses respondents owned (18%), and 'other' family issues (16%). Sex discrimination was most commonly reported in the context of police action (34%), domestic violence (19%), and employment (11%). Discrimination on the basis of disability was most commonly reported in the context of mental health (30%), police action (29%), and 'other' family issues (10%).

Figure 2.4—Involvement of discrimination in contentious issues

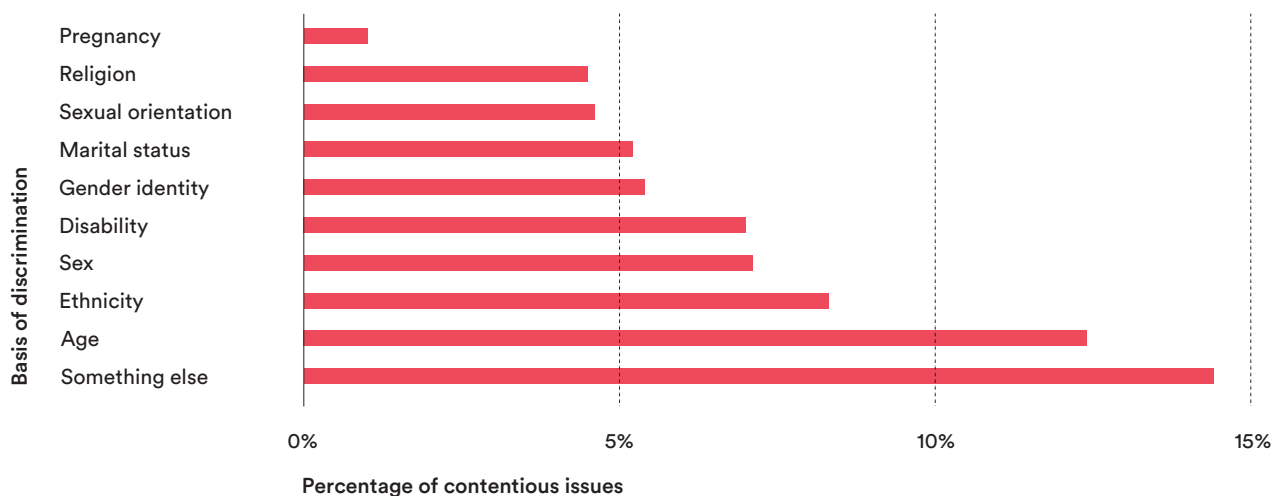


Figure 2.5—Involvement of discrimination in contentious issues, by type of issue  
 (business problems are coloured separately since refer to business entities rather than individuals and were assessed solely for business owners)

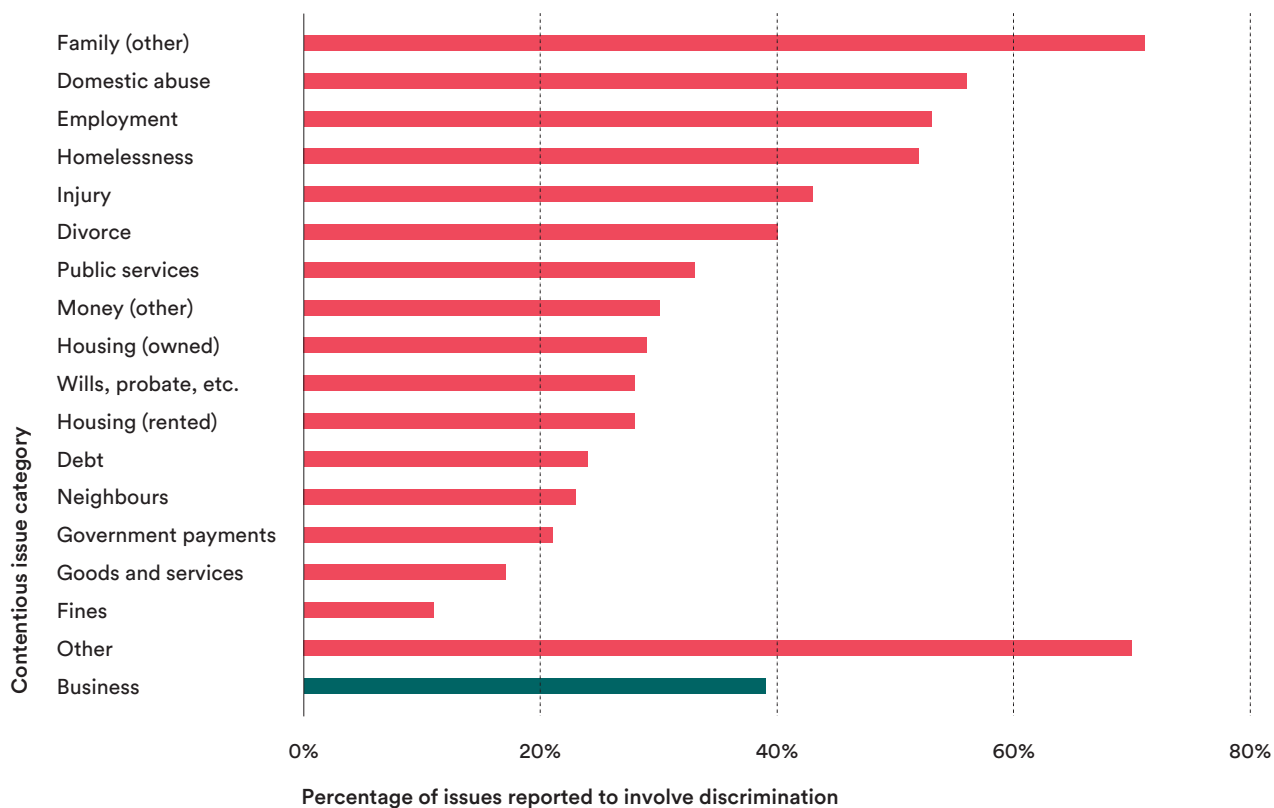


Table 2.5 sets out the 3 most common forms of discrimination reported in the context of each individual contentious issue category. Age discrimination was the most common form of discrimination in 14 of 18 categories of contentious issue.

As well as the forms of discrimination detailed in Table 2.5, gender identity and sexual orientation were also frequently mentioned in the context of 'other' family issues (12% in both cases).

### Duration

Just under 60% of contentious issues followed up in the pilot V-LULU survey had concluded by the time of the survey. These included 38% of contentious issues that were resolved and just under 22% of issues that persisted in some way, but the parties had reached agreement or given up trying to resolve them. For a further 12% of issues, it was too early to say whether they had concluded, leaving 29% of issues that were definitively ongoing.

The mean duration of concluded contentious issues was just over 2.5 years, although this was affected by a small number (3.8%) of extremely long-lasting issues that had commenced 10 years before or even earlier. To provide a better picture, 32% of issues were concluded within 3 months, 55% of issues within a year, and 73% of issues within 2 years. The median duration was 9 months.

Those issues that had not concluded (or about which it was too early to say whether they had concluded) at the time of the survey had been going on significantly longer, with a mean duration of almost 5 years. Again, the mean was affected by a relatively small (though greater than in the case of concluded issues) number of issues that had been ongoing for 10 years or more (11%). In this case, the median duration was just over 2 years, with only 24% of ongoing contentious issues having commenced within the past year, and only 11% within the last 3 months.

Combining concluded and ongoing contentious issues, the mean duration of issues at the time of the survey was just under 4 years. The median duration was 16 months.

Table 2.5—Most common forms of discrimination reported, by contentious issue category

Contentious issue category	Most common form of discrimination reported		
	Most common	Second most common	Third most common
Neighbours	Ethnicity (4%)	Ethnicity (4%)	Sex (4%)
Housing (owned)	Ethnicity (7%)	Ethnicity (7%)	Sex (4%)
Housing (rented)	Ethnicity (6%)	Ethnicity (6%)	Sex (3%)
Homelessness	Sex (8%)	Sex (8%)	Disability (8%)
Divorce	Religion (8%)	Religion (8%)	Disability (6%)
Wills, probate, etc.	Ethnicity (3%)	Ethnicity (3%)	Sex / disability (3%)
Domestic violence	Sex (19%)	Sex (19%)	Ethnicity (8%)
Other family issues	Religion (14%)	Religion (14%)	Disability (10%)
Goods and services	Sex (1%)	Sex (1%)	Disability (1%)
Debt	Ethnicity (3%)	Ethnicity (3%)	Disability (2%)
Employment	Sex (11%)	Sex (11%)	Ethnicity (5%)
Injury	Ethnicity (10%)	Ethnicity (10%)	Religion (7%)
Fines	Ethnicity (2%)	Ethnicity (2%)	Sex (1%)
Money (other)	Ethnicity (4%)	Ethnicity (4%)	Sex (3%)
Gov. payments	Ethnicity (4%)	Ethnicity (4%)	Religion (3%)
Public services	Age (8%)	Age (8%)	Ethnicity / religion (4%)
Other issues	Ethnicity (16%)	Ethnicity (16%)	Age (15%)
Business	Religion (14%)	Religion (14%)	Age (10%)

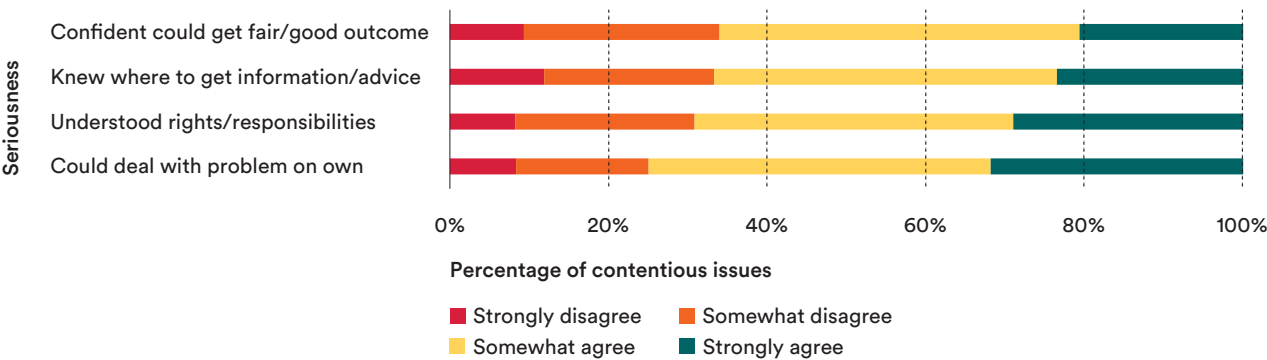
(Issue-specific) legal capability

Following the OECD/OSF guidelines, the pilot V-LULU survey included a small number of questions that were designed to give an idea of respondents’ perceived legal capability in relation to followed-up contentious issues. As is illustrated by Figure 2.6, when asked about the time contentious issues arose, three-quarters of respondents (75%) reported they had felt they could deal with problems on their own (with almost one-third of respondents agreeing strongly with this proposition), though fewer (66%) reported they had been confident they could achieve a fair/good outcome (with one in 5 respondents agreeing strongly with this proposition).

More than two-thirds (69%) of respondents reported they had understood their legal rights and responsibilities (with more than a quarter agreeing strongly with this proposition). Slightly fewer (67%) reported that they had known where to get information/advice (with just under a quarter agreeing strongly with this proposition).

By the time of interview, perceived knowledge levels were higher, with more than three-quarters (77%) reporting they now understood their rights and responsibilities in relation to followed-up contentious issues (with one in 5 respondents agreeing strongly with this proposition). Similarly, almost three-quarters (74%) were reporting they now know how to get good information/ advice (with a quarter agreeing strongly with this proposition).

Figure 2.6—Perceived legal capability in relation to followed-up problems





### Non-contentious issues

At the time non-contentious issues arose, pilot V-LULU respondents would have described 48% of them as being a 'legal issue'. This compares to just 29% in the case of contentious issues but reflects the inherently legal nature of many non-contentious justiciable issues. The non-contentious issues most likely to be characterised as legal were those relating to wills, probate or powers of attorney (77%), while the non-contentious issues least likely to be characterised as legal were those relating to injuries (13%) and owned housing (24%).

More than 80% of non-contentious issues had concluded and the average duration of concluded non-contentious issues was 11 months. This is much shorter than the corresponding duration of just over 2 and a half years for contentious issues. Ongoing non-contentious issues were reported to have had a mean duration, to the time of the survey, of just over 4 years, again shorter than the corresponding duration for contentious issues. Sometimes respondents abandoned non-contentious issues. Here, the mean duration was around 2 and a half years.

Finally, looking at the questions designed to give an idea of respondents' perceived legal capability, respondents were far more sure about non-contentious issues than contentious issues. For 94% of non-contentious issues respondents indicated they had understood their rights or responsibilities at the time issues arose. The figures for having known where to get good information or advice and for having been confident about achieving a fair outcome were 91% and 93%, respectively. Separate to this, for 61% of non-contentious issues, respondents felt they could deal with the issues on their own.

## 03

# The strategies

This chapter sets out the strategies pilot V-LULU respondents adopted to deal with justiciable issues. It reveals the complexity of help-seeking behaviour by showing, in detail, the level of help sought by Victorians facing issues – from generic information through to delegation of issue resolution – along with levels of success in obtaining help, channels and sources of help and reliance on help obtained. It also exposes the strong link between legal capability and both help-seeking strategies and their success. The findings set out in this chapter paint a somewhat different picture from that provided by previous surveys, such as the PULS. For example, they suggest far more people make use of legal services than previously indicated. The findings also confirm the important but complex role played by legal capability in the level of help sought and success in obtaining help.

## A new approach

This chapter sets out the strategies that pilot V-LULU respondents adopted to deal with justiciable issues. The approach taken to investigate these strategies was quite different to that taken by past surveys and that set out in the OECD/OSF guidance. Rather than first ask about sources of help people had recourse to, then about the nature of help sought from those sources, the pilot V-LULU survey first asked about the nature of help sought and obtained and the channel(s) through which it was sought and obtained (i.e. online, offline or both online and offline). Only then did it ask about the sources of the help obtained. There were a number of reasons for this change of approach. First and foremost, the new approach better ensures the picture of help-seeking behaviour provided is not distorted by assumptions about the form and nature of sources of help. The new approach also allows more nuanced delineation of levels of help sought and obtained than traditional approaches, allowing more nuanced insight into the behaviours of people facing justiciable issues, levels of service provision, the needs of people with different levels of legal capability and the ways in which needs are not met. Combined with the pilot V-LULU survey's extensive mapping of channels of help-seeking and service delivery, the new approach also facilitates monitoring of the reach, form and effectiveness of online OTM services. Great care was taken to ensure the pilot survey could best distinguish between generic information, personalised information (defined as 'information and/or options tailored to your personal situation', which would 'explain the law and options available to someone in *your specific circumstances*') and advice (defined as 'personalised analysis and recommendations', with reasoning about 'what you should do'). As noted in Chapter 1, the rapid development of generative AI technologies and potential reach of OTM services presents a clear challenge to effective regulation. Back in 2008, the Australian LAW Survey found that only just under one in 5 people used the internet in some way when dealing with justiciable problems.<sup>46</sup> The more recent PULS pointed to a majority of people doing so. As is detailed below, the pilot V-LULU survey indicates that the vast majority of people may now do so.<sup>47</sup>

46. Coumarelos et al (2012).

47. In this context, it is important to recognise that the pilot V-LULU survey was conducted online, so the sample will have some bias towards people who are more active online.

### Types of help-seeking

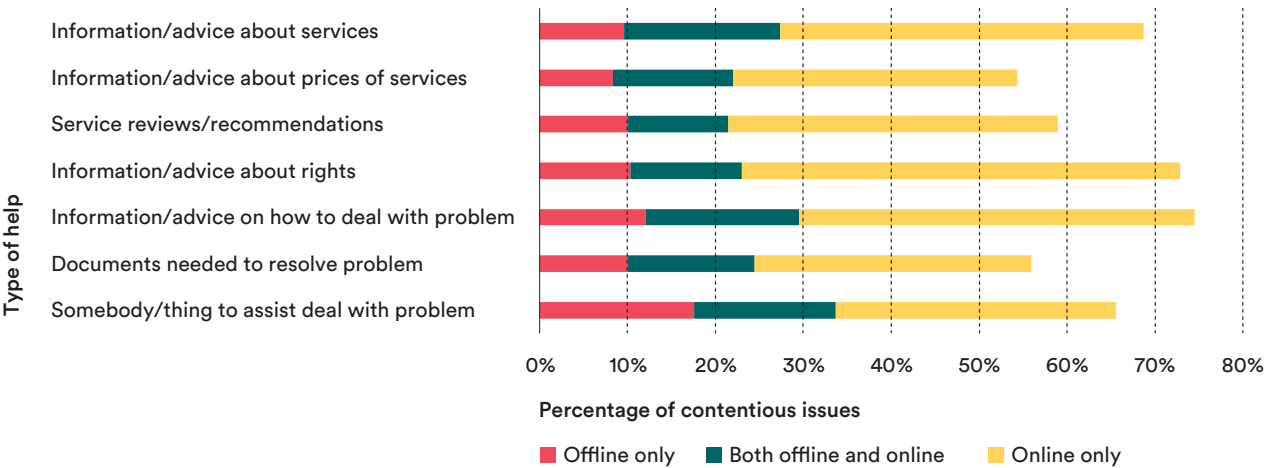
**Attempts to obtain information, advice or assistance**

The pilot V-LULU survey found that 1,737 of 1,965 contentious issues (87%) led to some form of information, advice or assistance being sought, whether in relation to services that might assist in dealing with issues or in relation to the issues themselves. This excludes help sought from friends or family members, unless they happened to be relevant professionals.<sup>48</sup>

In 82% of cases, respondents went online to search for information, advice or assistance, though help was also sought offline in a majority of these cases (57% of cases overall). Help was sought exclusively offline in just 5% of cases.

As can be seen from Figure 3.1, information or advice about rights or responsibilities, or about how to deal with the contentious issue being faced, were the most common types of help sought. Such help was sought in relation to 73% and 75% of contentious issues respectively. Information or advice about services that might help was also commonly sought (69% of contentious issues). The proportion of help-seeking that was done online and offline was broadly similar across the different types of help sought, though people seeking somebody/thing to assist in dealing with contentious issues were notably less likely to go online to do so (73% of cases, compared to 84% for other types of help).

Figure 3.1—Types of help sought, excluding from non-professional friends/family, by channel

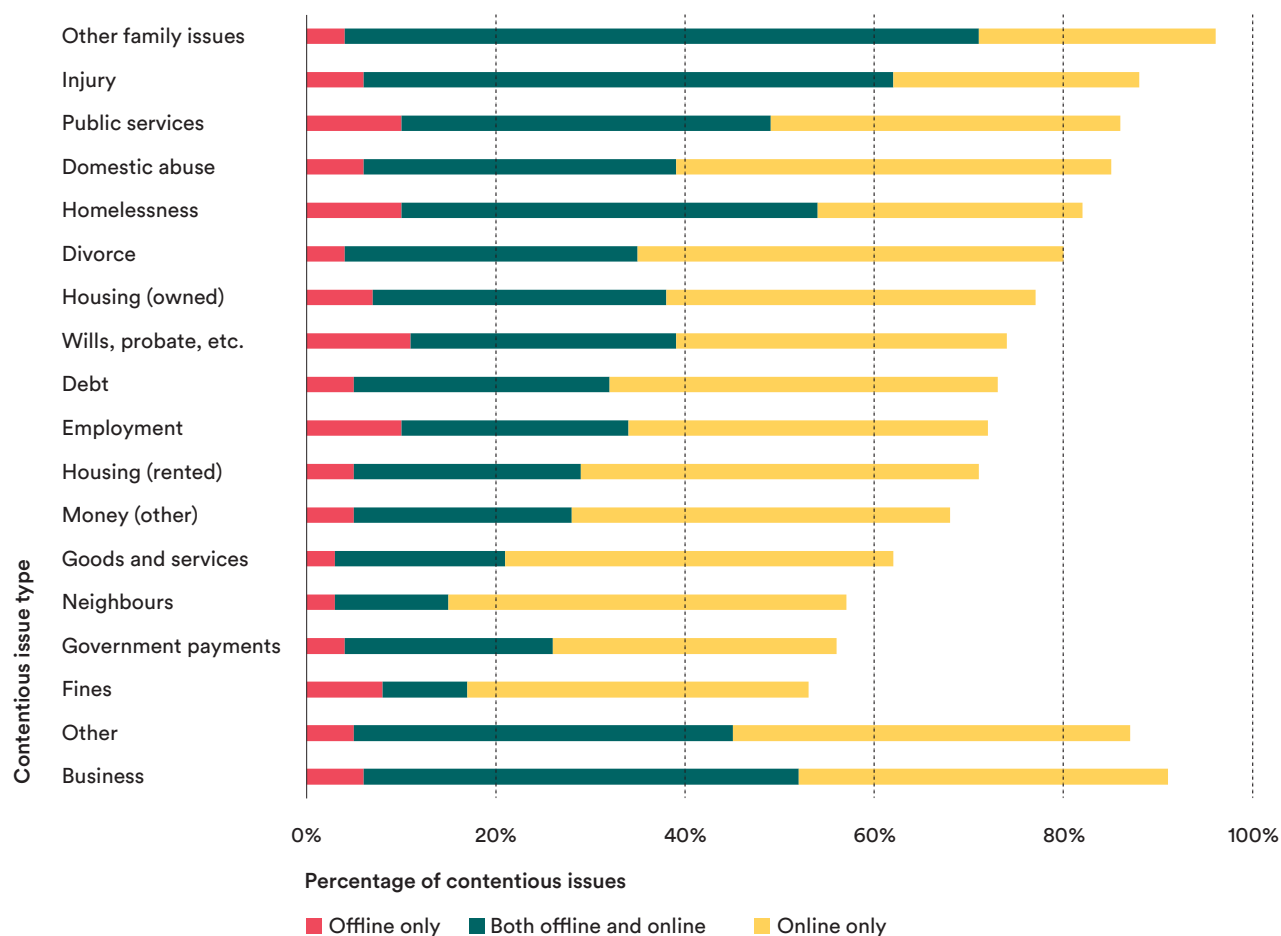


48. Help was obtained from friends or family members on 1,300 (66%) of occasions. Including friends or family, 92% of contentious issues (89%) involved help being sought.

Looking separately at information or advice being sought about services and information, advice or assistance being sought directly *about contentious issues*, the former was (as would be expected) less common than the latter (76%, compared to 85% of contentious issues). Figures 3.2 and 3.3 set out the pattern of both these aggregated types of help-seeking across different categories of contentious issues.

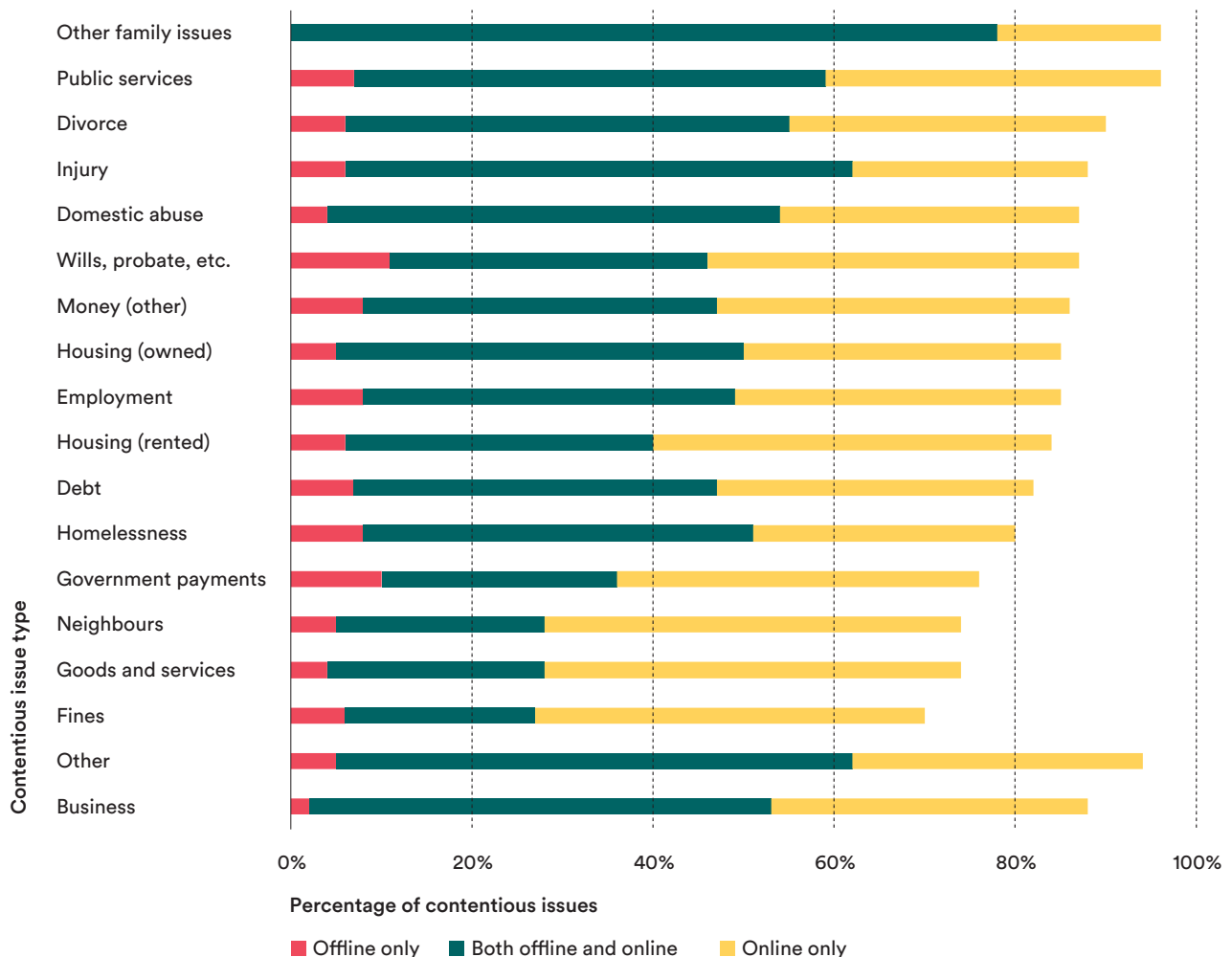
As is illustrated in Figure 3.2, contentious issues concerning ‘other’ family matters (i.e. issues concerning child welfare and adoption/fostering) most often led to information or advice *about services* being sought (96% of contentious issues), with contentious issues concerning injuries (91%), business matters (88%), ‘other’ matters (i.e. mental health, immigration or residency, or police action) (87%), public services (86%), domestic violence (85%) and homelessness (82%) also more likely than other issues to have led to such information or advice having being sought. Issues concerning ‘other’ family matters also most often led to information or advice about services being sought offline (74% of occasions), with contentious issues concerning injury (70%) and homelessness (66%) also both doing so on two-thirds or more occasions. At the other end of the spectrum, contentious issues concerning fines (53% of contentious issues), government payments (56%), neighbours (57%), and goods or services (62%) least often led to information or advice about services being sought. With the exception of government payments, these were also the categories of contentious issue that involved help-seeking about services proportionately least often being sought offline (and proportionately most often being sought online) (32%, 26% and 34%, respectively).

Figure 3.2—Channel of seeking information/advice about services, by contentious issue type



As is illustrated in Figure 3.3, information, advice or assistance about contentious issues was also most often sought in relation to ‘other’ family matters (96% of such contentious issues), with contentious issues concerning public services (95%), ‘other’ matters (94%) and divorce (including the ending of de facto relationships) (90%) also at this end of the help-seeking spectrum. Moreover, issues concerning ‘other’ family matters also most often led to such help being sought offline (74% of occasions), with contentious issues concerning injury (70%) and ‘other’ matters (66%) also both doing so on two-thirds or more occasions. At the other end of the help-seeking spectrum, contentious issues concerning fines (71% of contentious issues), goods or services (74%), neighbours (74%) and government payments (76%) least often led to such help being sought. These were also the categories of contentious issue that proportionately least often involved such help being sought offline (and proportionately most often being sought online) (39%, 38%, 38% and 46%, respectively).

**Figure 3.3—Channel of seeking help about contentious issues by contentious issue type**



Success in obtaining different types of help

Not everybody who sought help managed to obtain it. Across all different forms of help, just under 80% of attempts to obtain help were successful. As shown by Figure 3.4, there was relatively little difference in levels of success in obtaining the different types of help. Respondents were least often successful in obtaining somebody/thing to assist to resolve contentious issues (75% of attempts) and most often successful in obtaining information or advice about rights and responsibilities (83% of attempts).

Thirty-nine per cent of respondents who reported being unsuccessful in attempting to obtain a particular type of help, were unsuccessful in attempting to obtain just that one type of help, with 25% unsuccessful in attempting to obtain 2 types, 15% in attempting to obtain 3, 8% in attempting to obtain 4, and 13% in attempting to obtain 5 or more.

There was no clear pattern of whether online or offline attempts to obtain help were more successful, though recommendations were marginally more often successfully obtained online, and pricing information and information about how to deal with issues marginally more often successfully obtained offline.

As well as help obtained through attempts to obtain it, some respondents also reported obtaining help without having sought it. In all, 34 respondents (fewer than 2% of all respondents) fell into this category. For example, 5 people who sought information or advice on rights and responsibilities reported having obtained unsought information or advice on how to deal with their contentious issue. In mirror fashion, 5 people who sought information or advice on how to deal with their contentious issue reported having obtained unsought information or advice on their rights and responsibilities.

Figure 3.4—Success in obtaining help by type of help sought

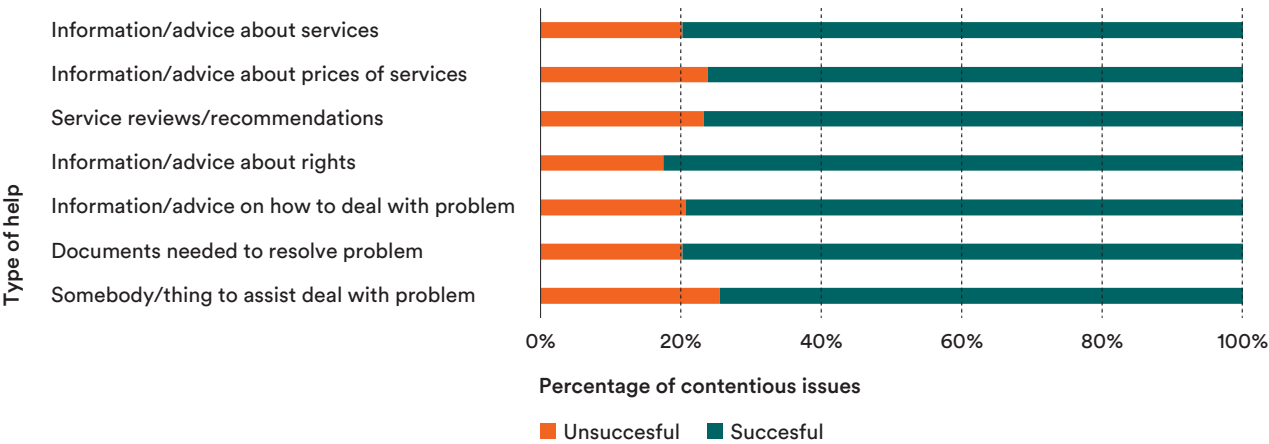
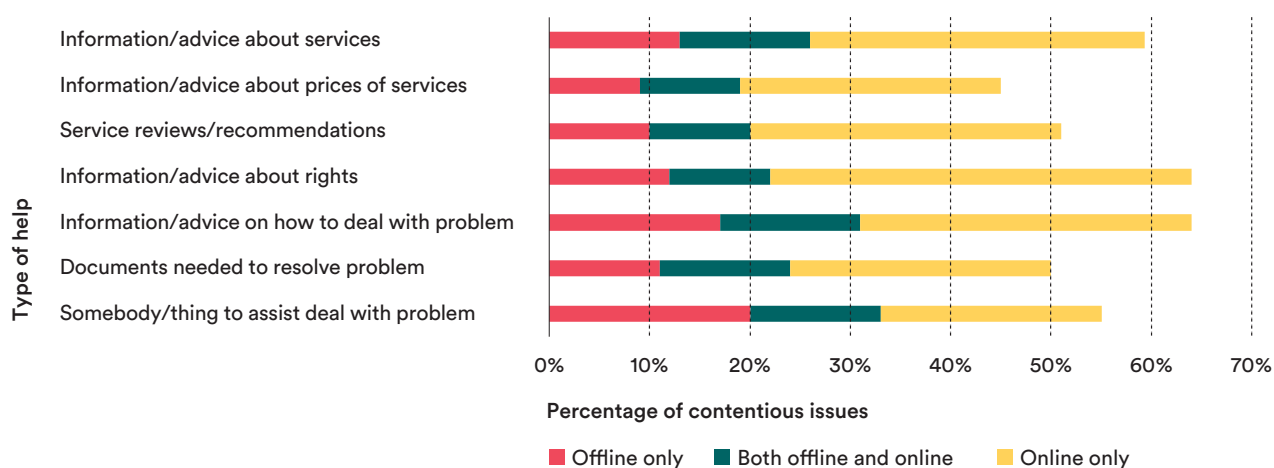


Figure 3.5 sets out the extent to which the different types of help were obtained, by channel. As can be seen, many people who only sought help online ended up obtaining it either online and offline, or solely offline. Those who sought information or advice on how to deal with contentious issues more often than others then went on to obtain such information or advice either online and offline, or solely offline. In this case, the online only channel reduced from 45% to 33% between seeking and obtaining, while the offline only channel increased from 12% to 17%.

**Figure 3.5—Types of help obtained, excluding from non-professional friends/family, by channel**

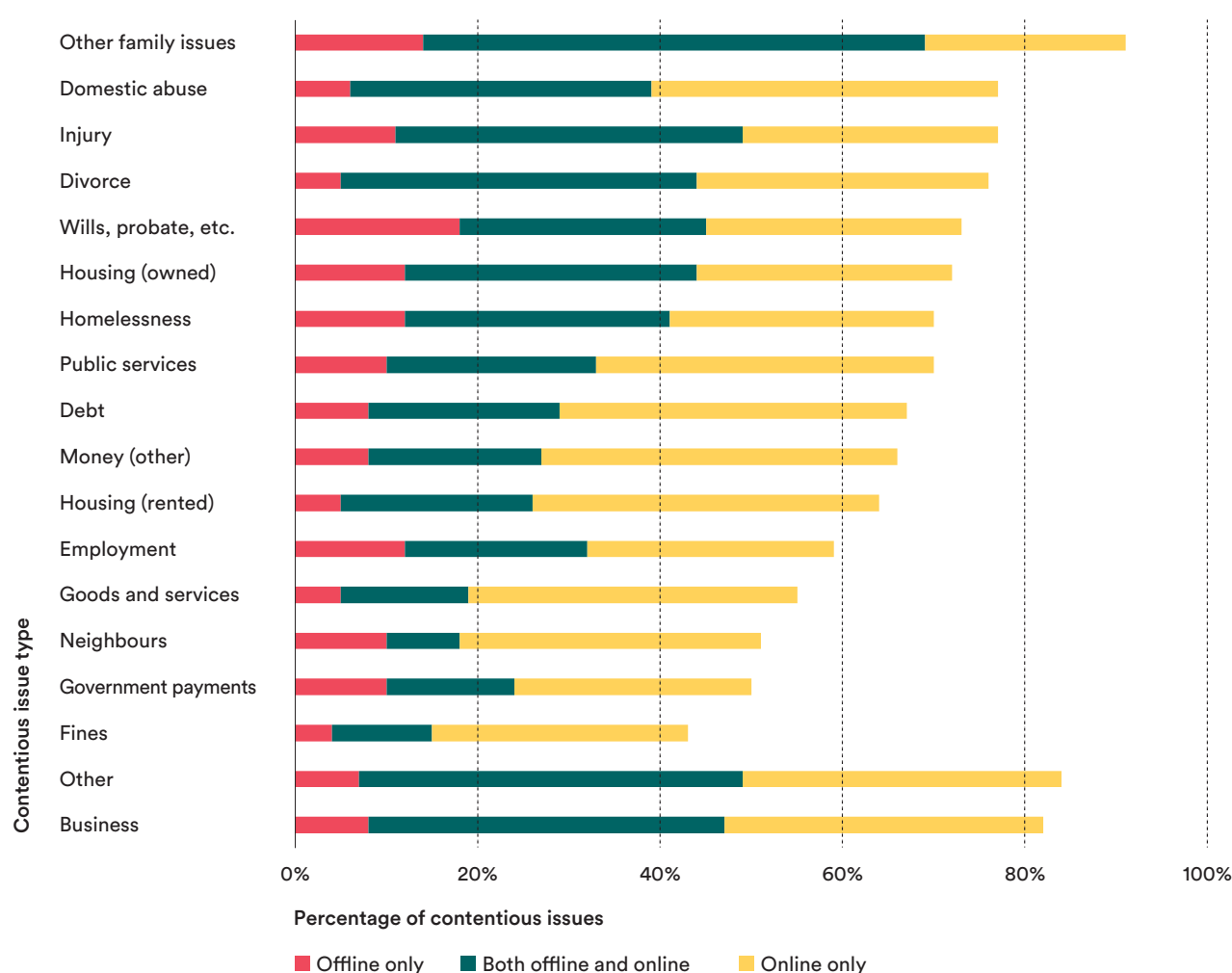




Figures 3.6 and 3.7 illustrate the pattern of information or advice being obtained *about services* and of information, advice or assistance being obtained *about contentious issues* by type of contentious issue. The patterns are broadly similar to those set out in Figures 3.2 and 3.3.

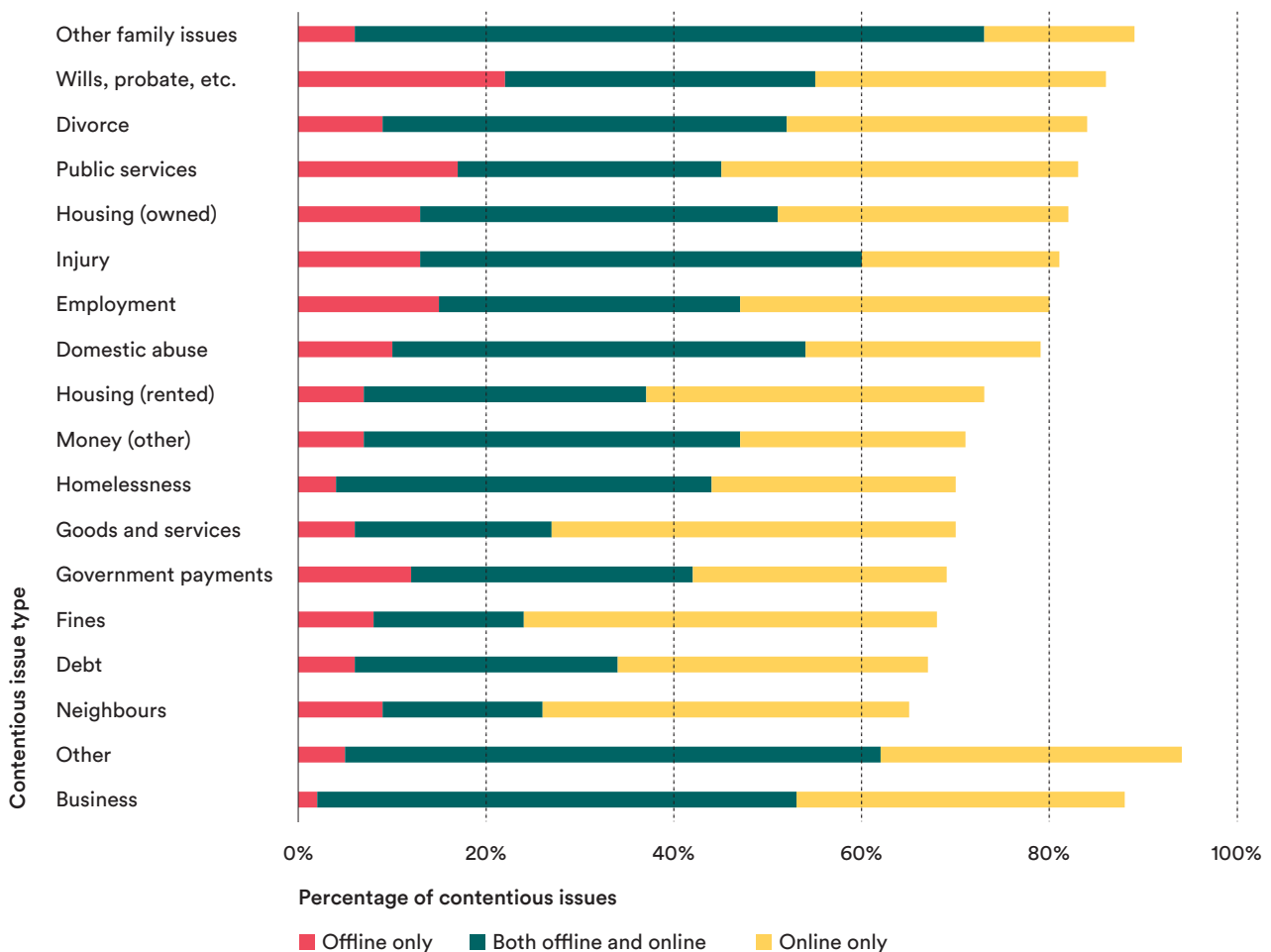
Looking first at information or advice *about services*, for every contentious issue type the percentage of respondents who obtained help is lower than that of respondents who sought help. The biggest drop offs were associated with contentious issues concerning public services (16% of such contentious issues), employment (13%), injuries (12%), homelessness (11%), and fines (10%). For 3 of these types of contentious issues (those concerning public services, injuries and homelessness), while the percentages of respondents who *sought* help about services either only online or only offline were similar to the percentages of respondents who *obtained* help about services either only online or only offline, the percentages of those who sought help both online and offline were substantially greater than the percentages of those who obtained help both online and offline (by 16%, 12% and 11%, respectively). This suggests the relatively high level of both online and offline help-seeking about services in the case of these types of contentious issues was driven by difficulties in finding what was being sought – a matter of some concern, given the nature of the issues.

Figure 3.6—Channel of obtaining information/advice about services, by contentious issue type



Turning to help *about contentious issues*, for every issue type other than those concerning business matters, the percentage of respondents who obtained help is again lower than that of respondents who sought help. The biggest drop offs were associated with contentious issues concerning ‘other’ money matters (15% of such contentious issues), debt (14%), public services (13%), rented housing (11%), homelessness (11%), and ‘other’ matters (i.e. concerning mental health, immigration or residency or police action) (10%). Similar to information and advice about services, for 3 of these types of contentious issue (those concerning public services, debt and ‘other’ matters), the drop offs were linked to the percentages of respondents who *sought* help about contentious issues both online and offline being substantially greater than the percentages of those who obtained help both online and offline (by 24%, 12% and 11%, respectively). Again, this suggests that multiple search channels were sometimes a product of difficulties in locating appropriate help. However, contentious issues concerning public services were also associated with help being obtained offline (Figure 3.7), only far more often than it was sought offline only (Figure 3.3).

Figure 3.7—Channel of obtaining help about contentious issues by contentious issue type



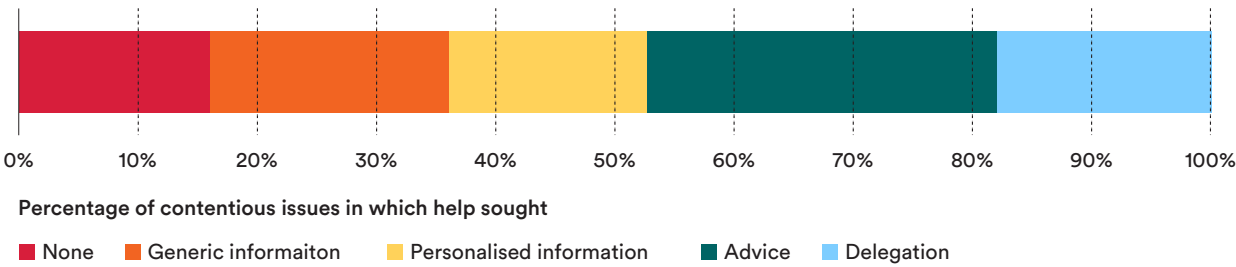
Level of help sought

Information, advice or assistance (excluding about services) was sought from sources other than friends or family members (unless relevant professionals) in relation to 84% of contentious issues. As illustrated in Figure 3.8, there was great variation in the level of help sought.

In 18% of cases respondents sought to fully delegate the resolution of contentious issues to someone/thing else, while in 29% of cases the highest level of help sought was advice (i.e. personalised analysis and recommendations), in 17% of cases it was personalised information (i.e. information and options tailored to respondents’ situations), and in 20% of cases it was generic information (i.e. information not tailored to respondents’ situations).

While pilot V-LULU survey data did not directly link service access channels to the level of help sought, it was clear that as the level of help sought increased, so too did offline activity. So, while 62% of those who sought only generic information did all their help-seeking online, the figure was just 35% for those who sought to delegate the resolution of contentious issues.

Figure 3.8—Highest level of help sought



### Level of help sought and problem characteristics

As can be seen from Figure 3.9, the highest level of help sought in relation to followed-up contentious issues broadly increased along with issue seriousness.<sup>49</sup>

As is illustrated by Figure 3.10, help and higher levels of help were also associated with contentious issues being characterised as legal.<sup>50</sup> If an issue was characterised as legal at the time it arose, then help was sought on 91% of occasions, with advice or delegation being sought on 56% of occasions. If not, the figures were 81% and 44%, respectively.

Figure 3.9—Highest level of help sought by contentious issue seriousness

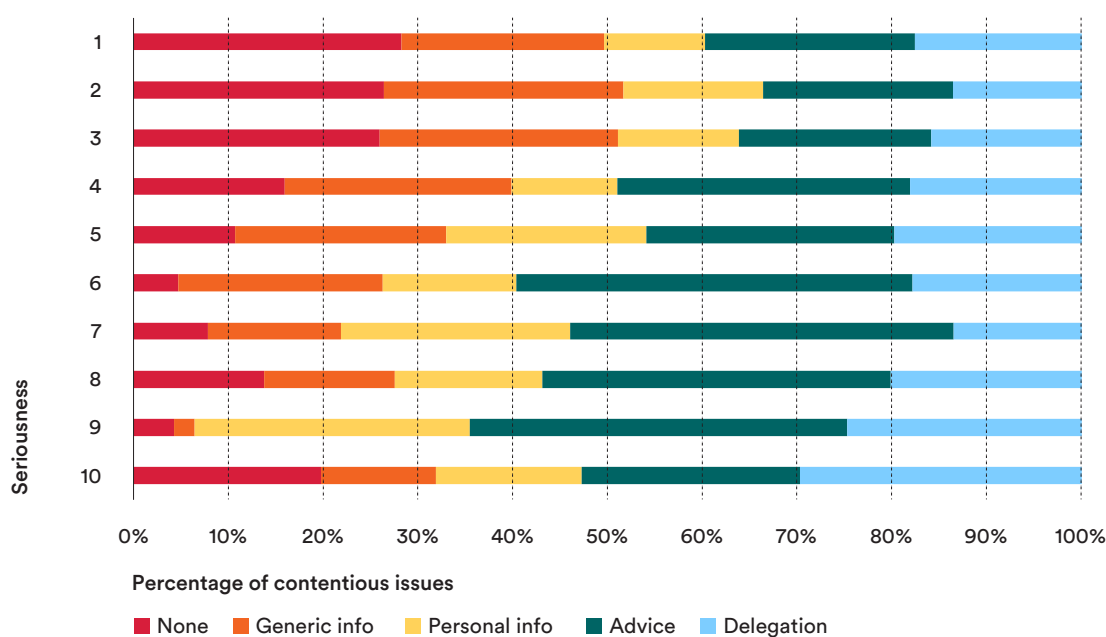
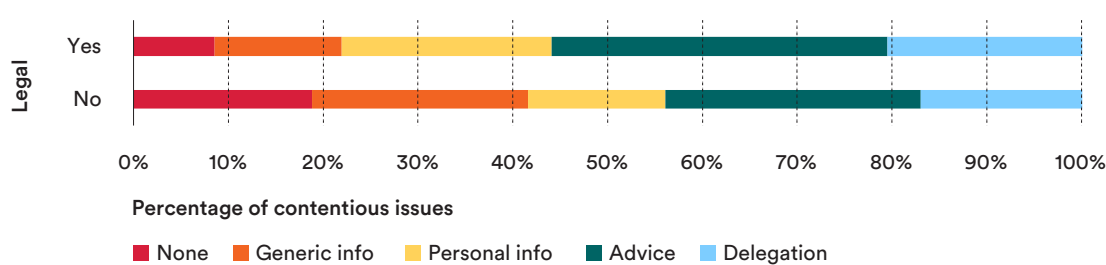


Figure 3.10—Highest level of help sought by whether contentious issues initially seen as legal

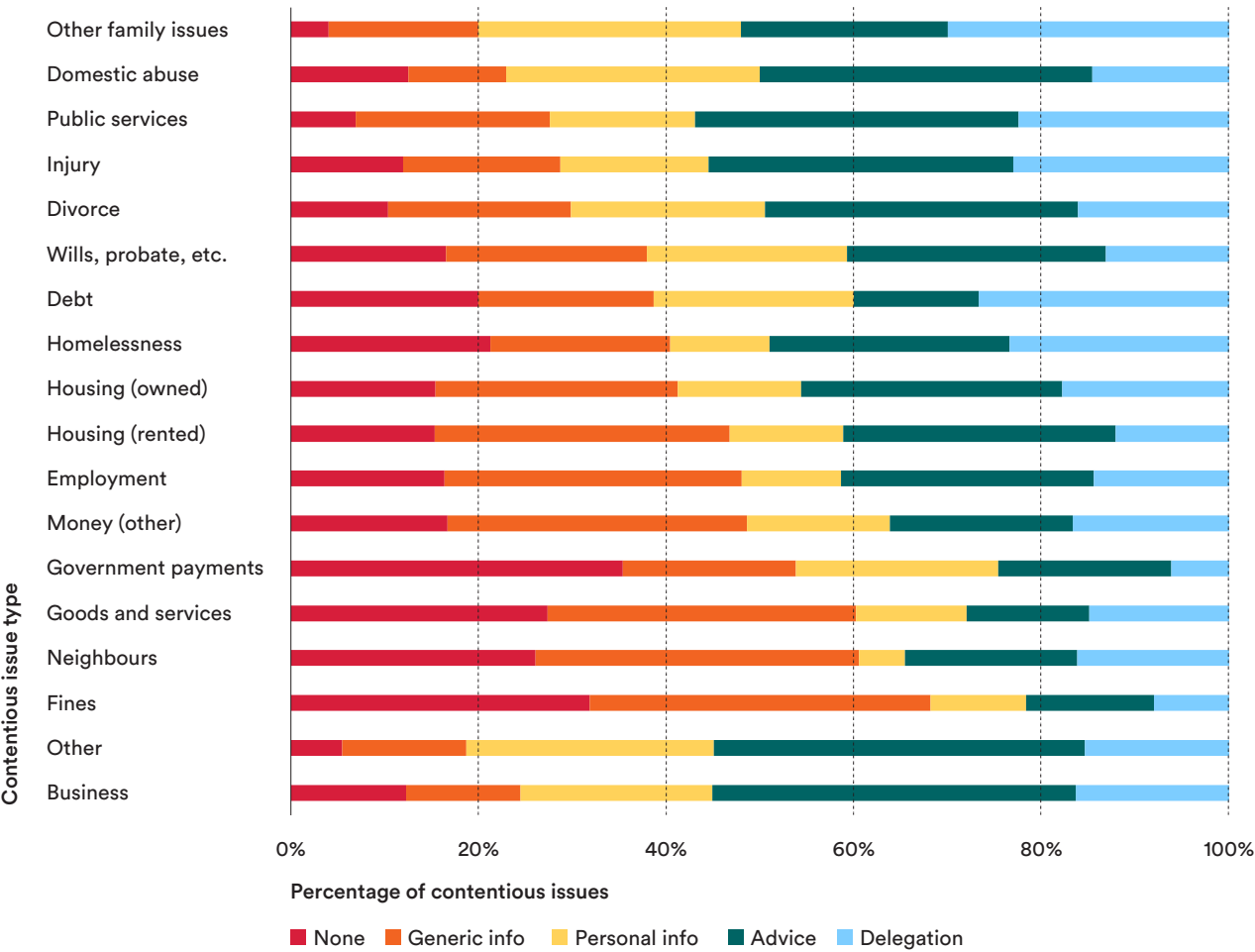


49.  $\chi^2_{36} = 207.42, p < 0.001$

50.  $\chi^2_4 = 69.16, p < 0.001$

As can be seen from Figure 3.11, there were also significant differences in levels of help-seeking associated with different contentious issue types.<sup>51</sup> For example, while contentious issues concerning divorce (and the ending of de facto relationships), domestic violence and ‘other’ family matters saw advice or delegation in half or more of cases, the same was true of fewer than a quarter of contentious issues concerning fines.

Figure 3.11—Highest level of help sought by contentious issue type



51.  $\chi^2_{68} = 223.9, p < 0.001$

### Level of help sought and legal capability

As can be seen from Table 3.1 and Figures 3.12 to 3.15, the level of help sought in relation to followed-up contentious issues varied with levels of issue-specific legal capability, although the relationships between levels of help sought and individual issue-specific legal capability domains were not always easy to characterise at a detailed level. For example, as can be seen from Figure 3.15, in simple bivariate and binary terms, respondents who had not understood their legal rights or responsibilities at the time contentious issues arose more often sought independent advice or delegation than those who had understood their rights or responsibilities (52% of contentious issues, compared to 45%).<sup>52</sup> Moreover, while those who strongly disagreed with the proposition that they had understood their rights or responsibilities least often sought independent information or advice, more generally those respondents who had not understood their legal rights or responsibilities more often did so.

A similar picture emerged in relation to self-reported knowledge of sources of good information or advice (Table 3.1 and Figure 3.13).<sup>53</sup> It was notable that a majority of those who strongly disagreed that they had understood their rights or responsibilities also strongly disagreed that they had known where to get good information or advice. Thus, the lower level of overall information and advice-seeking associated with both groups can be partly explained by their not knowing where to get good information or advice.

A further potential part explanation for those with the lowest understanding of their legal rights or responsibilities less often seeking information or advice could also be that they commonly lacked confidence they would be able to fairly resolve issues. Over 70% of those who strongly disagreed they had understood their rights or responsibilities also disagreed that they had been confident about achieving a fair/good resolution to their contentious issues (compared to 25% of those who strongly agreed they had understood their rights or responsibilities). As Table 3.1 and Figure 3.14 show, those who had lacked confidence in achieving a fair/good resolution to contentious issues significantly less often sought information or advice to assist with issue resolution.<sup>54</sup> Indeed, 25% of those who strongly disagreed that they had been confident about achieving a fair/good resolution sought no information or advice to assist with issue resolution, compared to 15% of others.<sup>55</sup>

Finally, in relation to problem-specific legal capability, as with the 3 domains of capability already discussed, those who least thought they could have resolved contentious issues they faced on their own least often sought information or advice (Table 3.1).<sup>56</sup> However, beyond this particularly inhibited group, the level of information, advice or assistance sought broadly decreased as belief in one's own ability to deal an issue increased.

52.  $X^2_4 = 12.88$ ,  $p=0.012$

53. For the binary capability measure,  $X^2_4 = 19.44$ ,  $p<0.001$

54. For the binary capability measure,  $X^2_4 = 23.38$ ,  $p<0.001$

55. Standardised Pearson residual = 3.0

56. Standardised Pearson residual = 3.3

**Table 3.1—Bivariate relationship between level of help sought and issue-specific legal capability<sup>57</sup>**

Legal capability		N=	Highest level of help sought (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
At time the contentious issue arose, I ...							
Understood my legal rights / responsibilities <sup>58</sup>	Strongly agree	549	16.2	17.9	18.0	30.1	17.9
	Somewhat agree	771	16.2	23.9	17.3	26.6	16.1
	Somewhat disagree	434	11.5	18.4	15.2	32.7	22.1
	Strongly disagree	160	23.8	13.8	13.1	31.9	17.5
Understood where to get good information / advice <sup>59</sup>	Strongly agree	452	16.4	16.6	19.2	27.4	20.4
	Somewhat agree	826	13.7	24.1	18.3	28.5	15.5
	Somewhat disagree	406	16.0	18.2	14.0	30.8	20.9
	Strongly disagree	230	22.6	15.7	10.4	33.9	17.4
Was confident I could achieve a fair / good outcome <sup>60</sup>	Strongly agree	394	15.7	20.6	16.0	31.7	16.0
	Somewhat agree	868	12.2	22.5	16.7	28.7	19.9
	Somewhat disagree	468	19.4	16.9	17.5	28.2	17.9
	Strongly disagree	181	24.9	15.5	16.0	30.4	13.3
Thought I could deal with the problem on my own <sup>61</sup>	Strongly agree	608	19.9	20.1	15.8	28.0	16.3
	Somewhat agree	823	12.4	24.9	17.9	30.1	14.7
	Somewhat disagree	324	12.0	12.0	19.8	29.6	26.5
	Strongly disagree	160	26.3	10.6	8.2	30.0	25.0

57. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

58.  $\chi^2_{12} = 34.54$ ,  $p < 0.001$

59.  $\chi^2_{12} = 40.56$ ,  $p < 0.001$

60.  $\chi^2_{12} = 33.54$ ,  $p < 0.001$

61.  $\chi^2_{12} = 87.35$ ,  $p < 0.001$

Figure 3.12—Highest level of help sought by whether understood legal rights/responsibilities

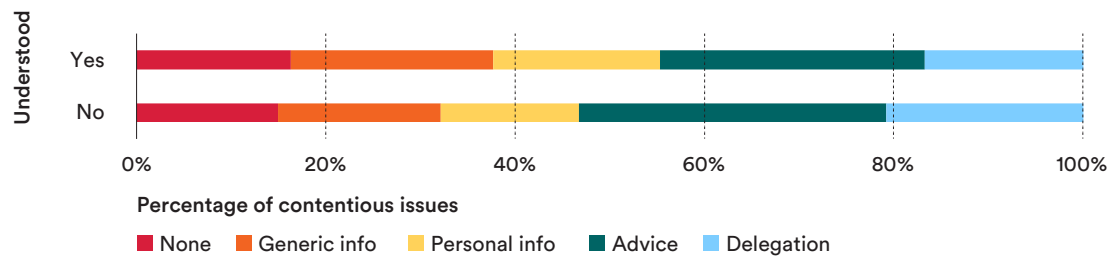


Figure 3.13—Highest level of help sought by whether knew where to get good information/advice

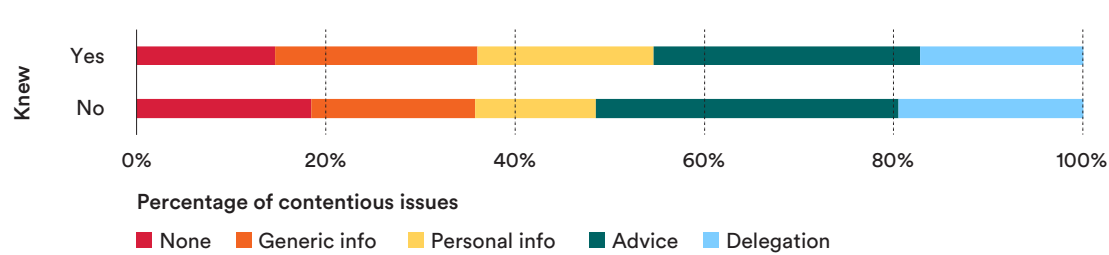


Figure 3.14—Highest level of help sought by whether confident could achieve a fair/good outcome

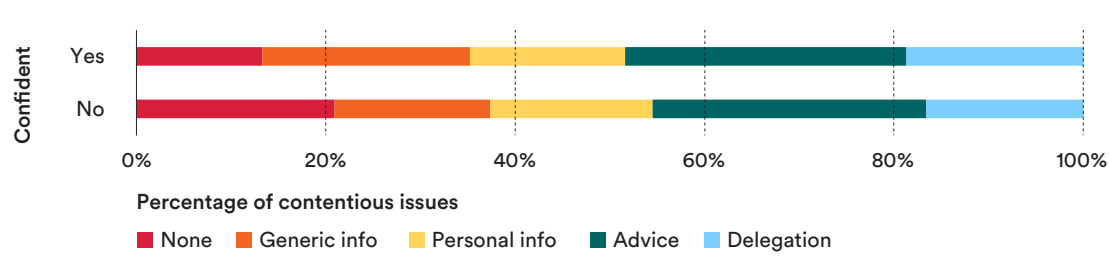
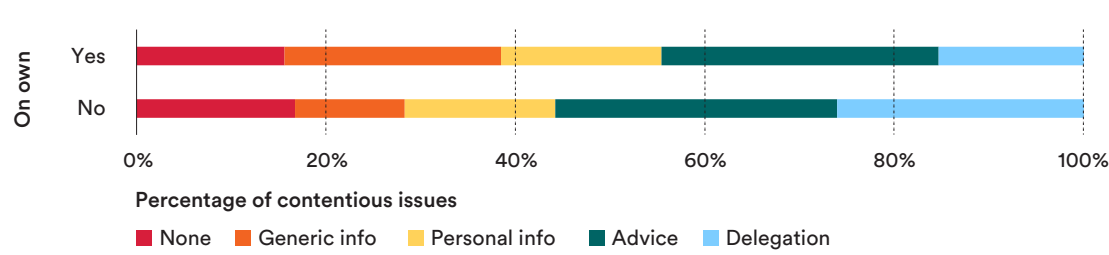


Figure 3.15—Highest level of help sought by whether thought could deal with problem on own





Turning to general legal capability, as can be seen from Table 3.2 and Figures 3.16 to 3.20, the highest level of help sought in relation to followed-up contentious issues varied significantly with levels of general legal capability.

**Table 3.2—Bivariate relationship between level of help sought and general legal capability<sup>62</sup>**

Legal capability		N=	Highest level of help sought (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
GLC strata <sup>63</sup>	Low	409	22.0	15.6	15.2	31.1	16.1
	Medium	784	18.1	22.3	13.4	25.6	20.5
	High	726	10.5	20.0	21.1	32.2	16.3
Practical legal literacy <sup>64</sup>	Inadequate	518	11.0	13.3	27.8	26.3	21.6
	Marginal	382	17.5	18.3	12.0	34.0	18.1
	Adequate (some issues)	803	18.8	23.2	14.2	29.4	14.4
	Adequate (no issues)	215	15.3	27.0	7.4	27.9	22.3
Digital legal capability <sup>65</sup>	Major support	418	19.9	12.2	23.7	21.8	22.5
	Minor support	552	15.2	20.3	18.1	29.7	16.7
	No support	949	15.0	23.3	12.6	32.3	16.8
PIL strata <sup>66</sup>	High	178	15.5	19.2	21.4	28.3	15.6
	Medium	906	15.7	21.5	13.7	29.2	19.9
	Low	833	20.8	16.3	9.0	34.8	19.1
Trust in lawyers <sup>67</sup>	Low	740	14.6	19.6	20.4	27.7	17.7
	Medium	957	17.8	21.5	14.8	28.5	17.3
	High	222	14.0	14.9	11.3	38.3	21.6
Full sample		1,919	16.1	20.0	16.7	29.3	18.0

62. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

63.  $\chi^2_8 = 56.22$ ,  $p < 0.001$

64.  $\chi^2_{12} = 107.6$ ,  $p < 0.001$

65.  $\chi^2_8 = 62.05$ ,  $p < 0.001$

66.  $\chi^2_8 = 34.19$ ,  $p < 0.001$

67.  $\chi^2_8 = 28.33$ ,  $p < 0.001$

As can be seen from Figure 3.16, those with lower GLC scale scores less often sought information about contentious issues, though levels of advice-seeking were broadly similar across GLC strata.

As can be seen from Figure 3.17, those with the lowest level of practical legal literacy most often sought independent help. Moreover, reflecting their greater needs, when they did seek help, they more often sought higher levels of help and were significantly more likely to delegate the resolution of contentious issues than others. In contrast, those with the highest level of practical legal literacy much more often made do with generic information about contentious issues. Those with no practical legal literacy issues sought such information as their highest level of support on 27% of occasions, compared to 13% for those with ‘inadequate’ practical legal literacy.

As can be seen from Figure 3.18, those requiring greater support for digital tasks less often sought generic information as their highest level of support. As with those respondents who had inadequate practical legal literacy, those respondents who required major support with digital tasks were significantly more likely to have sought to delegate the resolution of contentious issues.

Figure 3.16—Highest level of help sought by GLC strata

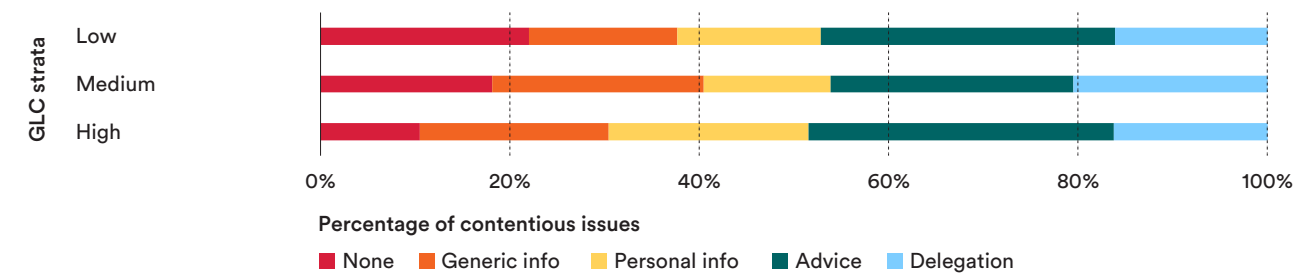


Figure 3.17—Highest level of help sought by practical legal literacy

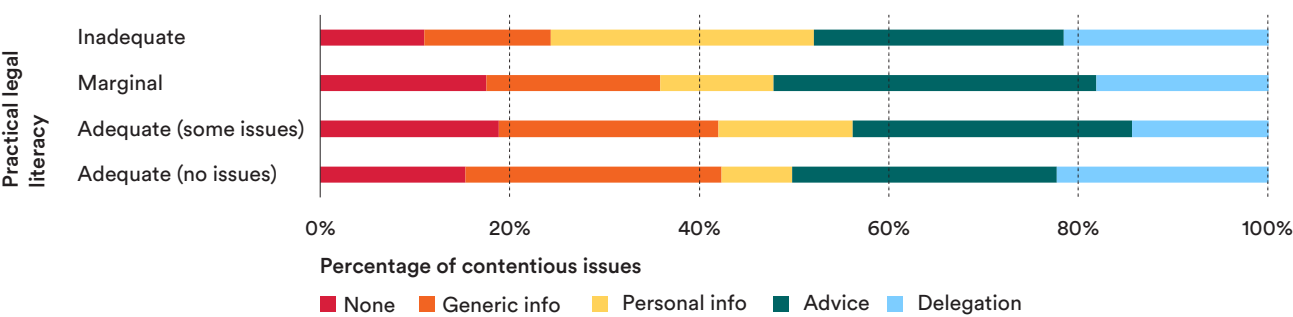
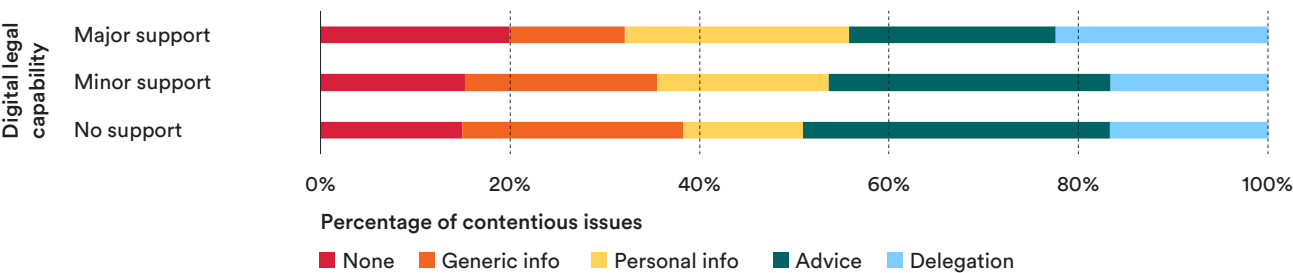


Figure 3.18—Highest level of help sought by digital legal capability



As shown by Figure 3.19, those respondents who saw lawyers as inaccessible (high PIL strata) more often sought information as their highest level of support, with fewer aiming to obtain advice or delegate the resolution of contentious issues.

A similar pattern emerged in relation to trust in lawyers (Figure 3.20), with those respondents who had least trust in lawyers more often seeking information as their highest level of support. Again, fewer aimed to obtain advice or delegate the resolution of contentious issues.

Figure 3.19—Highest level of help sought by PIL strata

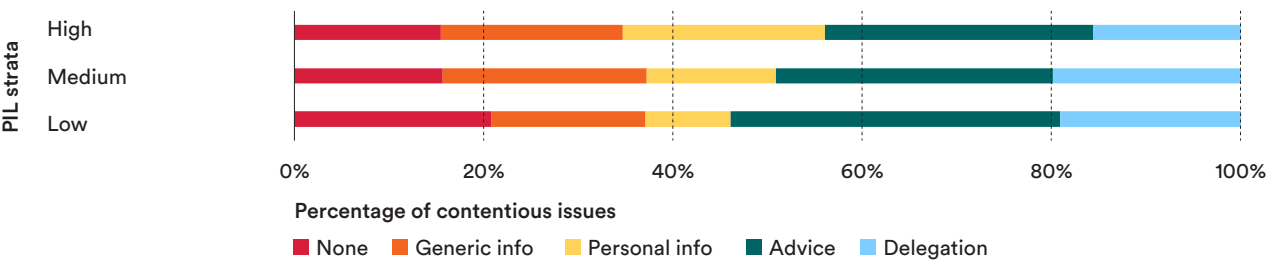
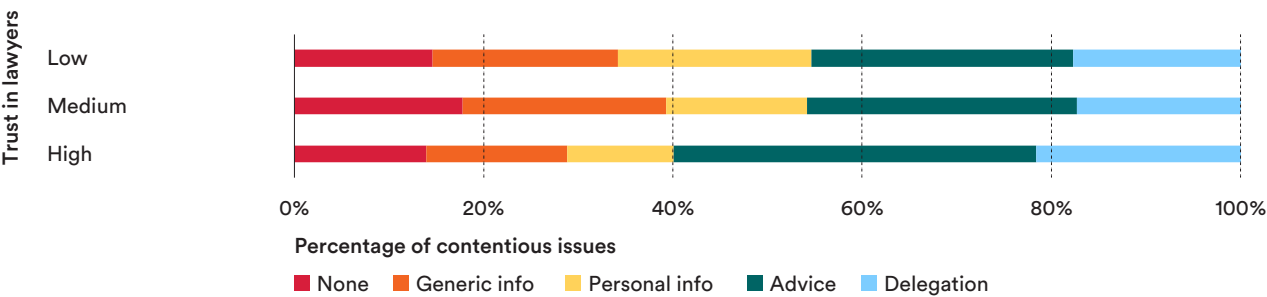


Figure 3.20—Highest level of help sought by level of trust in lawyers



Level of help sought and demographics

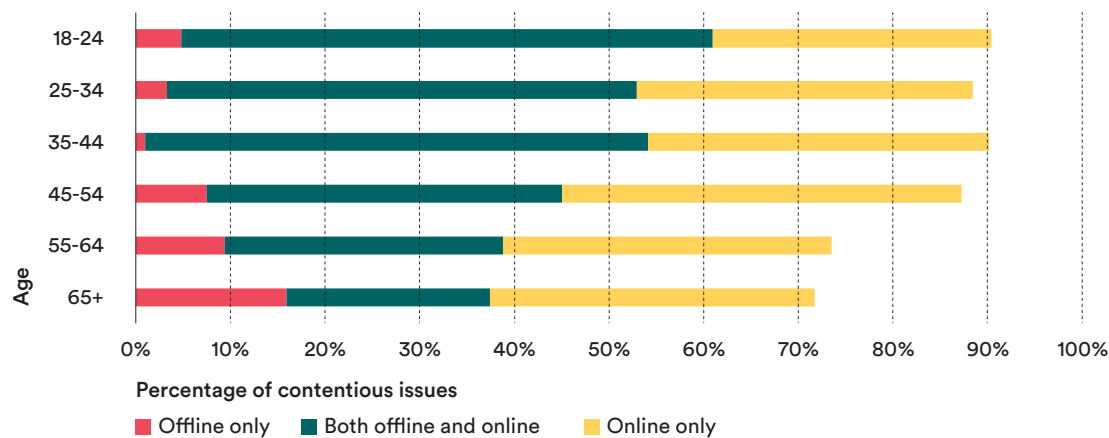
As can be seen from Table 3.3, the level of help sought in relation to followed-up contentious issues also varied by respondents’ demographic characteristics, although not always significantly and not always in a manner that allowed for clear interpretation of pilot V-LULU survey results.

There was a clear and strong bivariate relationship between age and help-seeking, with independent help-seeking becoming increasingly less common as age rose. For example, while just 10% of those in the youngest age group sought no information, advice or assistance to help resolve contentious issues, the figure rose to 31% for those in the highest age group. The youngest pilot V-LULU respondents also sought personalised information as their highest level of support much more often than others.

The lower rate of help-seeking associated with older respondents may in part link to their lesser use of digital channels for seeking information, advice and assistance. As is shown in Figure 3.21, older respondents far more often sought help only offline.

Also notable in Table 3.3, is that those not in work, those with the lowest level of education, and those in the lowest household income quintile were all associated with particularly low levels of independent help-seeking. They were also associated with low levels of seeking generic information as their highest level of help. This latter finding was also true of those who spoke a language at home other than English, those who reported a long-term illness or disability, and those who had, at some point over the past 12 months, had to go without meals or been unable to heat or cool their homes because of a shortage of money.

Figure 3.21—Level and channel of seeking help about contentious issues by age



**Table 3.3—Bivariate relationship between level of help sought and demographic characteristics<sup>68</sup>**

Demographic characteristics		N=	Highest level of help sought (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
Age <sup>69</sup>	18-24	306	9.8	20.3	23.5	32.0	14.4
	25-34	420	12.1	21.9	15.2	27.4	23.3
	35-44	388	10.3	23.5	16.8	33.8	15.7
	45-54	306	13.7	20.6	16.3	35.0	14.4
	55-64	261	27.6	11.1	14.9	27.2	19.2
	65+	238	30.7	19.3	12.6	17.2	20.3
Gender <sup>70</sup>	Male	874	15.9	22.0	18.3	27.6	16.2
	Female	994	16.5	18.8	14.6	30.5	19.6
	Other	50	10.0	10.0	28.0	36.0	16.0
Family status <sup>71</sup>	Married, C	354	11.6	21.5	18.4	33.6	15.0
	De facto, C	138	7.2	20.3	21.7	29.0	21.7
	Single, C	156	14.7	17.3	21.2	30.8	16.0
	Married, NC	362	22.4	16.9	14.1	20.7	26.0
	De facto, NC	201	11.4	25.4	10.0	39.8	13.4
	Single, NC	688	18.9	20.2	16.7	28.5	15.7
Work status <sup>72</sup>	In work	1,344	11.8	23.4	16.7	30.9	17.1
	Not in work	573	26.0	12.0	16.4	25.7	19.9
Highest level of education <sup>73</sup>	Before Y12	177	26.0	11.9	26.6	19.8	15.8
	Y12	256	16.8	18.4	21.1	26.6	17.2
	Trade / vocation	564	16.0	21.5	13.5	30.1	19.0
	Degree	895	14.1	20.6	15.3	32.2	17.9
Household income quintile <sup>74</sup>	Quintile 1	369	26.0	9.8	23.3	24.7	16.3
	Quintile 2	442	13.1	17.2	14.5	31.2	24.0
	Quintile 3	380	12.9	24.7	16.3	31.3	14.7
	Quintile 4	305	16.4	23.0	14.4	29.2	17.0
	Quintile 5	236	10.2	27.5	15.3	31.8	15.3
Region <sup>75</sup>	Major city	1,560	15.4	19.5	17.4	29.6	18.1
	Inner	297	18.9	21.2	13.5	29.6	16.8
	Outer / remote	58	20.7	27.6	12.1	19.0	20.7
First Nation <sup>76</sup>	No	1,769	16.4	20.5	15.6	29.6	17.9
	Yes	83	10.8	15.7	26.5	26.5	20.5
Language <sup>77</sup>	English	1,568	16.8	21.2	15.6	29.3	17.1
	Other	351	12.8	14.8	21.4	29.1	21.9
Illness / disability <sup>78</sup>	No	1,136	15.8	24.9	15.6	27.2	16.5
	Yes	703	17.1	12.9	15.9	33.6	20.5
Unable to eat, heat <sup>79</sup>	No	1,333	17.1	22.1	15.4	27.4	18.0
	Yes	499	13.8	14.8	18.4	35.1	17.8
Full sample		1,919	16.1	20.0	16.7	29.3	18.0

68. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

69.  $X^2_{20} = 131.9$ ,  $p < 0.001$

70.  $X^2_8 = 19.2$ ,  $p = 0.014$

71.  $X^2_{20} = 82.93$ ,  $p < 0.001$

72.  $X^2_4 = 81.77$ ,  $p < 0.001$

73.  $X^2_{12} = 47.43$ ,  $p < 0.001$

74.  $X^2_{16} = 95.77$ ,  $p < 0.001$

75.  $X^2_8 = 10.5$ ,  $p = 0.231$

76.  $X^2_4 = 8.84$ ,  $p = 0.065$

77.  $X^2_4 = 18.24$ ,  $p = 0.001$

78.  $X^2_4 = 40.86$ ,  $p < 0.001$

79.  $X^2_4 = 21.39$ ,  $p < 0.001$

### Drivers of level of help sought (results of multivariate analysis)

To investigate further the factors associated with different levels of help-seeking, multivariate analysis was undertaken to model level of help sought on the basis of contentious issue characteristics, legal capability dimensions, and demographic characteristics.<sup>80</sup> Specifically, a multinomial logistic regression model was fitted to explore determinants of the level of help respondents sought.<sup>81</sup> Having controlled for other variables, a number of variables were associated with level of help sought.

Having controlled for other variables, problems seriousness had a significant association with what respondents sought.<sup>82</sup> More serious problems were associated with a greatly reduced likelihood of seeking no help, a reduction in seeking generic information, and an increase in the likelihood of seeking personalised information, advice and delegation.

Similarly, if respondents characterised issues as legal, they were less likely to seek no help and less likely to seek only generic information, while being more likely to seek advice or delegation of issue resolution.<sup>83</sup>

There was also highly significant variation in the level of help sought between different problem types.<sup>84</sup> Employment problems and, particularly, problems concerning government payments and fines were associated with increased likelihood of respondents not seeking help, while problems concerning neighbours and public services were associated with increased likelihood of generic information being sought. Problems concerning debt, relationship breakdown and wills, probate or power of attorney were associated with increased likelihood of personalised information being sought. Meanwhile, family violence and business-related issues were characterised by a much greater likelihood of advice being sought, while problems concerning homelessness and 'other' family problems were associated with increased likelihood of delegation being sought.

80. Note that bivariate and multivariate analyses can give different results since multivariate analysis controls for relationships between predictor variables. This shows which factors remain important once other influences are accounted for. Differences between bivariate and multivariate results are useful rather than a matter for concern, since they help us understand which relationships are direct and which operate through other variables, giving a clearer picture of how different factors work together to influence outcomes.

81. With regard to problem characteristics, the model included problem seriousness, legal characterisation and problem type. For legal capability the model included both general and problem-specific measures, including GLC strata, Practical Legal Literacy (PLL) groups, Digital Capability for law groups, PIL strata, Trust in Lawyers groups, whether respondents felt they understood their rights, knew where to go for advice, were confident of a fair outcome, and felt they could handle the problem alone when it began. Social and demographic characteristics included were age group, gender, family status, whether respondents were working, highest educational qualification, income, geography, whether they were Aboriginal or Torres Strait Islander, whether English was the main language spoken at home, long-term illness or disability, financial distress, and business ownership. All variables were fitted as main effects only and analyses were weighted as for descriptive analyses. In all, 1,734 observations were included in the analysis, with a log pseudolikelihood of -2,217.08 and pseudo-R<sup>2</sup> of 0.18. Full model detail including syntax and output is available on request from the authors.

82. Testing the seriousness model terms together;  $X^2_4 = 16.90$ ,  $p = 0.002$

83. Testing the legal characterisation terms together fell marginally short of statistical significance;  $X^2_4 = 8.62$ ,  $p = 0.071$ . However, individual model terms were statistically significant. For example, when compared to the 'advice' base outcome, legal characterisation related to a decrease in seeking nothing;  $X^2_1 = 5.70$ ,  $p = 0.017$  and seeking generic information;  $X^2_1 = 4.47$ ,  $p = 0.035$

84. Testing the problem type model terms simultaneously;  $X^2_{68} = 146.81$ ,  $p < 0.001$

Having controlled for other variables, there were relatively few significant relationships between social and demographic characteristics and what respondents sought. However, there was a significant relationship between work status and what respondents sought,<sup>85</sup> with the most marked difference being in the tendency to seek nothing, which was almost twice as great for those who were not working (24.0% compared to 12.4%, controlling for other variables<sup>86</sup>). There was also some evidence of differences in what was sought by income quintile,<sup>87</sup> with less generic information and more personalised information more common for those in the lowest income quintile.

While the overall relationship between level and assistance sought and family status fell just short of statistical significance,<sup>88</sup> there were individual statistically significant model terms. Single respondents were somewhat more likely to seek a lower level of help. Single respondents with children were twice as likely to seek no help as married or de facto respondents with children. On the other hand, married couples with children were associated with a greater tendency to seek to delegate resolution.

Similarly, while the overall relationship between what was sought and educational qualifications fell short of significance<sup>89</sup> there were some differences for individual groups. For example, those with the fewest qualifications were most likely to seek no help or only personalised information and least likely to seek generic information, advice or delegation.

The relationship between whether or not respondents had a long-term illness or disability, and the level of help sought also fell short of significance overall,<sup>90</sup> though there was some tendency for those reporting an illness or disability to seek a higher level of help.

Differences in what was sought by different age groups was also non-significant overall,<sup>91</sup> and there was little evidence of any relationship between what was sought and geography, gender, whether respondents were Aboriginal or Torres Strait Islander, whether or not English was the main language spoken at home, whether or not respondents had difficulties eating, heating or cooling their homes, and whether or not respondents were business owners.

Turning to global legal capability measures, the overall relationship between practical legal literacy and the level of help respondents sought fell short of significance,<sup>92</sup> though there was some evidence that those with inadequate practical legal literacy were more likely to seek personalised information than other groups, and consequently were less likely to seek generic information or advice. Similarly, while overall differences in what was sought by digital capability fell short of statistical significance,<sup>93</sup> those requiring major support more often sought no help, more often sought personalised information, and less often sought generic information or advice. Also, while the overall relationship between what was sought and PIL strata fell short of statistical significance,<sup>94</sup> there were some individual differences. For example, those in the low inaccessibility stratum were characterised by seeking comparatively less generic information and delegation, and more personalised information.

85. Testing the work status model terms together;  $X^2_4 = 14.13$ ,  $p = 0.007$

86. Using margins within Stata.

87. Testing the income terms;  $X^2_{20} = 31.90$ ,  $p = 0.044$

88. Testing the family status terms simultaneously;  $X^2_{20} = 30.62$ ,  $p = 0.060$

89. Testing the educational qualification model terms together;  $X^2_{12} = 16.63$ ,  $p = 0.16$

90. Testing the illness or disability terms together;  $X^2_4 = 7.26$ ,  $p = 0.12$

91. Testing the model age terms together;  $X^2_{20} = 24.92$ ,  $p = 0.20$

92. Testing PLL model terms together;  $X^2_{12} = 16.29$ ,  $p = 0.18$

93. Testing the model digital capability for law terms together;  $X^2_8 = 13.50$ ,  $p = 0.096$

94. Testing the PIL terms together;  $X^2_8 = 12.91$ ,  $p = 0.11$

The overall relationship between what was sought and trust in lawyers fell well short of statistical significance,<sup>95</sup> and there was no evidence of a relationship between what was sought and GLC strata.<sup>96</sup>

For issue-specific legal capability measures, there was a significant relationship between level of help sought and both respondents' confidence in being able to achieving a fair/good outcome and confidence in being able to deal with the issue on their own.<sup>97</sup> For the former, confidence was associated with a decreased tendency to seek no help and an increased tendency to seek generic information or delegation. For the latter, confidence was associated with a greater tendency to seek generic information and lesser tendency to seek delegation. So, after controlling for other variables, just 14.2% of those who felt they could deal with issues alone sought to delegate issue resolution, the figure was 27.7% for others. The relationship between level of help sought and both whether respondents felt they knew their rights when issues arose and whether they felt they knew where to get information or advice were not statistically significant.<sup>98</sup>

### **Bivariate and multivariate analyses looked at together**

The results of multivariate analysis painted a somewhat similar picture to that of bivariate analysis, albeit one in which a number of associations were found to be more superficial than suggested by bivariate analysis. In broad terms, when controlling for other variables, more serious problems and those characterised as legal were less likely to see no help sought and were strongly associated with higher levels of assistance, such as advice or delegation. Problem type was also found to strongly affect help-seeking with, for example, family violence prompting higher level help-seeking. There was some evidence that practical legal literacy and digital legal literacy both influenced the level of help sought, with lower capability associated with more personalised help being sought, although, in the latter case, lower capability also being associated with a lesser likelihood of any help being sought. The relationship between PIL strata and level of help sought was nuanced and there was no apparent relationship between level of help sought and trust in lawyers or GLC strata. Turning to issue-specific legal capability, initial confidence in being able to resolve the issue alone and in being able to achieve a good outcome were significant predictors of level of help sought, with higher confidence linked to more generic information seeking. For those confident in being able to resolve issues alone, delegation was less common. In relation to demographics, the impact of work status and income was nuanced, and overall relationships with demographics were generally non-significant.

95. Testing the trust model terms simultaneously;  $X^2_8 = 9.87$ ,  $p = 0.27$

96. Testing GLC model terms;  $X^2_8 = 2.89$ ,  $p = 0.94$

97. Testing terms together;  $X^2_4 = 13.57$ ,  $p = 0.009$  and  $X^2_4 = 22.76$ ,  $p < 0.001$  respectively

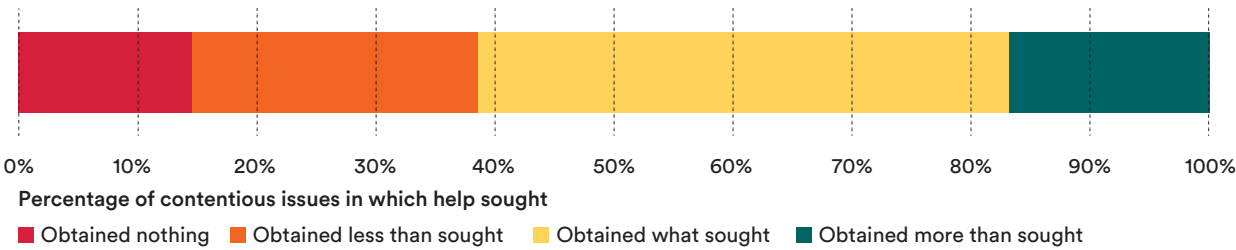
98. Testing terms together;  $X^2_4 = 5.06$ ,  $p = 0.28$  and  $X^2_4 = 3.47$ ,  $p = 0.48$  respectively



Level of success in obtaining help sought

Most pilot V-LULU respondents who sought information, advice or assistance (excluding about services) from sources other than friends or family members (unless relevant professionals) managed to obtain some help. However, as shown by Figure 3.22, 15% of respondents didn’t manage to obtain any of the help they had sought and a further 24% obtained a lower level of help than they had sought.

Figure 3.22—Level of success in obtaining help sought



Level of success in obtaining help sought and problem characteristics

As can be seen from Figure 3.23, the level of success respondents had in obtaining the level of help sought to help deal with contentious issues varied, though not neatly, by seriousness of issue.<sup>99</sup> With the evident exception of the most serious contentious issues, there was some suggestion that respondents more often obtained some of the help they sought as seriousness increased, though the pattern was far from clear. However, again with the exception of the most serious issues, while more serious contentious issues were also associated with a greater frequency of more help being obtained than was sought, the Goldilocks phenomenon of the amount of help obtained equalling the amount sought was notably squeezed by persistent shortfalls in what was sought. Indeed, at all levels of seriousness a significant percentage of respondents reported having obtained none or less of what they had sought (including in over one-third of the contentious issues in the top 3 seriousness deciles).

As is shown by Figure 3.24, the level of success respondents had in obtaining the level of help they sought also varied by whether or not contentious issues had been characterised as legal in nature.<sup>100</sup> Contentious issues characterised as legal were associated with a slightly better pattern of success in obtaining help that was sought.

Figure 3.23—Level of success in obtaining help sought by contentious issue seriousness

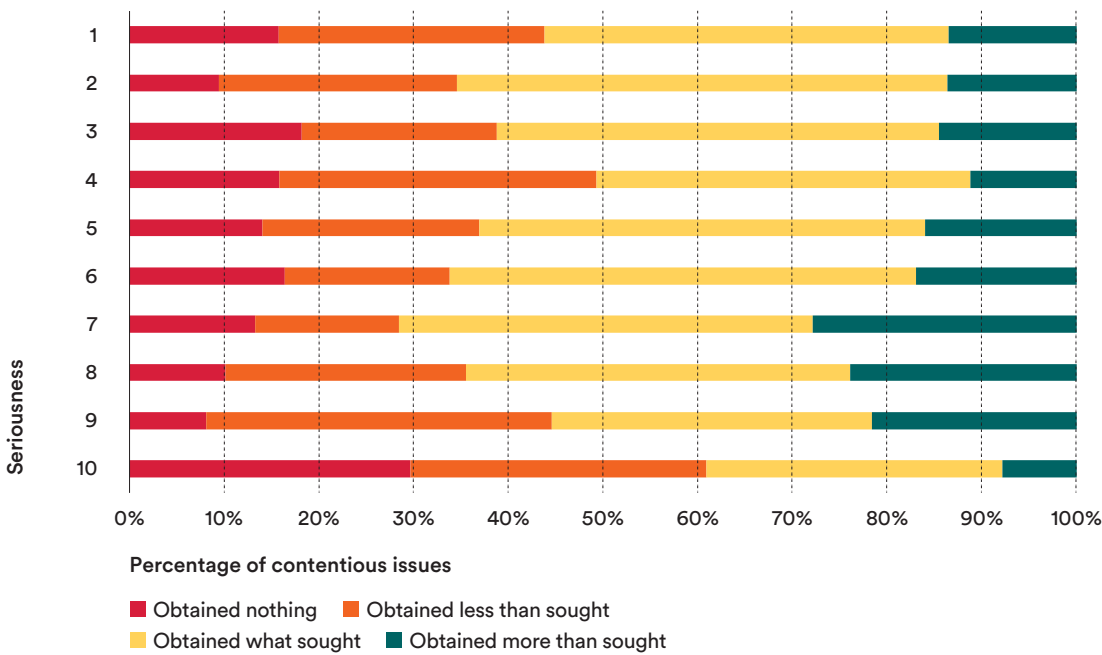
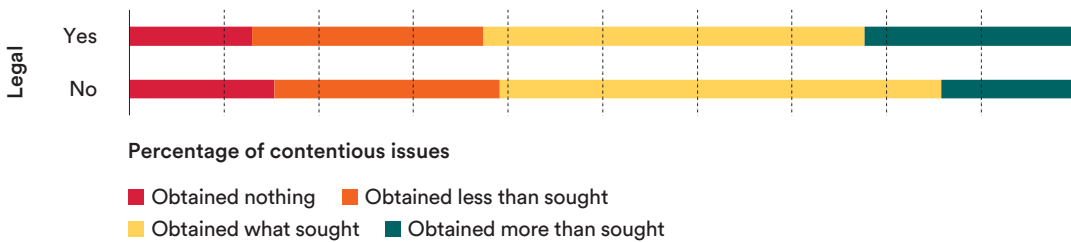


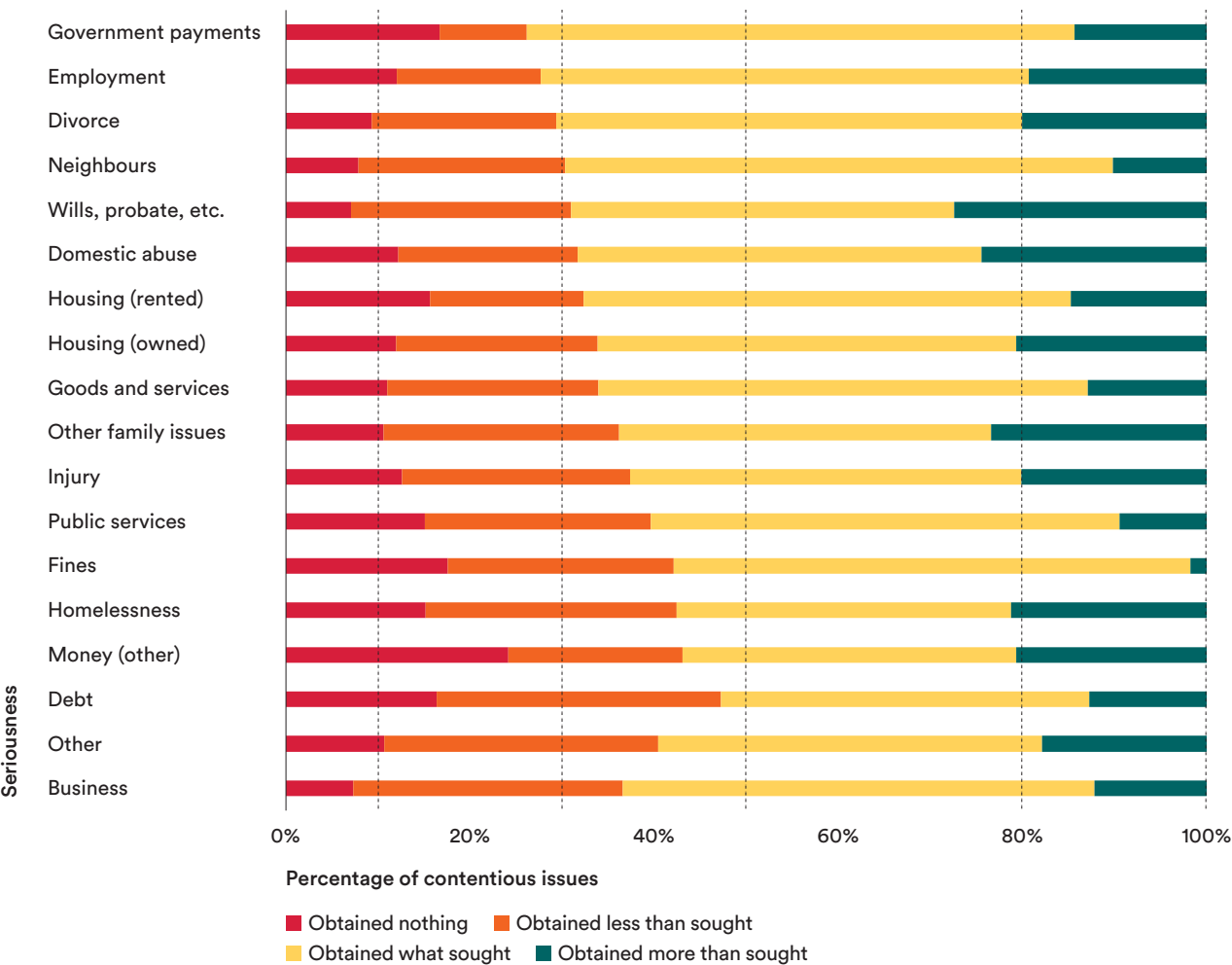
Figure 3.24—Level of success in obtaining help sought by whether contentious issues initially seen as legal



99.  $\chi^2_{27} = 77.14, p<0.001$   
100.  $\chi^2_3 = 17.47, p<0.001$

Similarly, as is shown by Figure 3.25, the level of success respondents had in obtaining the level of help they sought also varied by contentious issue type.<sup>101</sup> Of particular concern, some of the contentious issue types that were associated with lower levels of success were evidently serious. For example, more than 40% of those pilot V-LULU respondents who reported a contentious issue concerning homelessness obtained less help than they had sought. The same was also true of ‘other’ problem types, which concerned mental health, immigration/residency and police action. Issues concerning fines were least likely to have seen respondents obtain more help than they had sought, with issues concerning neighbours and public services not far behind. In contrast, contentious issues concerning wills, probate or power of attorney, most often saw respondents obtain more help than sought.

Figure 3.25—Level of success in obtaining help sought by contentious issue type



101.  $\chi^2_{51} = 69.2, p=0.046$

Level of success in obtaining help sought and legal capability

As can be seen from Table 3.4 and Figures 3.26 and 3.27, the level of success in obtaining help sought varied dramatically by level of issue-specific legal capability.

As shown by Figure 3.26, in simple bivariate and binary terms, respondents who had not understood their legal rights and responsibilities at the time contentious issues arose more often reported they obtained nothing of what they sought (23% of cases, compared to 11% for those that had understood their rights and responsibilities)<sup>102</sup> and, overall, a majority obtained less than they sought (51%, compared to 33%). Moreover, 33% of those who strongly disagreed with the proposition that they had understood their rights or responsibilities obtained nothing of what they sought.<sup>103</sup> Conversely, they only infrequently obtained more than they sought (10%, compared to 24% for those who strongly agreed with the proposition).<sup>104</sup>

A very similar picture emerged in relation to self-reported knowledge of sources of good information or advice (Table 3.4 and Figure 3.27).<sup>105</sup> Again, a majority of those who had not known where to obtain good information or advice obtained less help than they had sought (55% of cases, compared to 31%), with a staggering 56% of those who strongly disagreed with the proposition that they had known where to get good information or advice obtaining nothing of what they had sought (compared to just 4% of those who strongly agreed with the proposition).<sup>106</sup> Conversely, they very infrequently obtained more than they sought (5%, compared to 21% for those who strongly agreed with the proposition).<sup>107</sup>

Figure 3.26—Level of success in obtaining help sought by whether understood legal rights/responsibilities

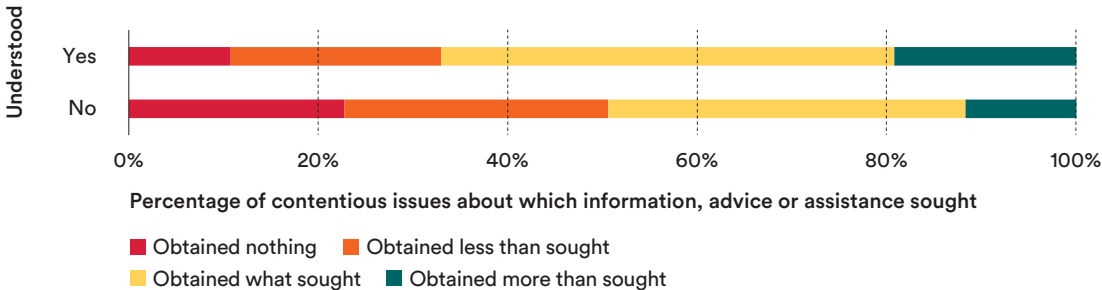
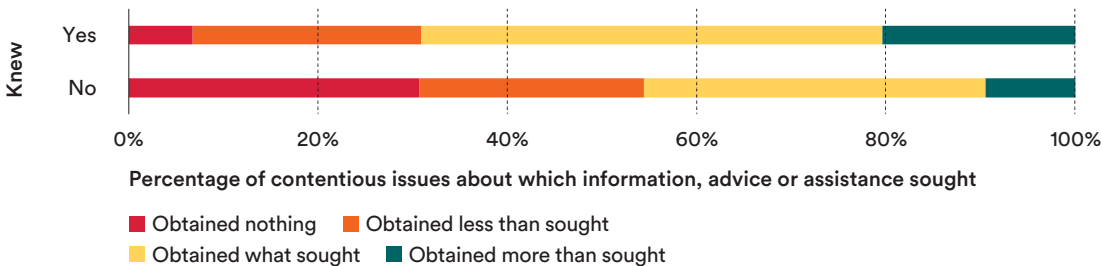


Figure 3.27—Level of success in obtaining help sought by whether knew where to get good information/advice



102.  $X^2_3 = 56.11, p=0.012$   
103. Standardised Pearson residual = 5.2  
104. Standardised Pearson residuals = -1.7 (strongly disagree), 3.5 (strongly agree)  
105. For the binary capability measure,  $X^2_3 = 56.11, p<0.001$   
106. Standardised Pearson residuals = 14.1 (strongly disagree), -5.1 (strongly agree)  
107. Standardised Pearson residuals = -3.6 (strongly disagree), 1.8 (strongly agree)

**Table 3.4—Bivariate relationship between level of success in obtaining help sought and issue-specific legal capability<sup>108</sup>**

Legal capability			What obtained, compared to what sought (%)			
Category	Sub-category	N=	Obtained nothing	Obtained less than sought	Obtained what was sought	Obtained more than sought
At time the contentious issue arose, I ...						
Understood my legal rights / responsibilities <sup>109</sup>	Strongly agree	432	6.5	21.8	47.9	23.8
	Somewhat agree	619	13.7	22.6	47.7	16.0
	Somewhat disagree	371	19.4	31.5	36.9	12.1
	Strongly disagree	115	33.0	15.7	40.9	10.4
Understood where to get good information / advice <sup>110</sup>	Strongly agree	355	4.2	21.7	53.2	20.8
	Somewhat agree	679	8.1	25.3	46.4	20.2
	Somewhat disagree	336	17.9	29.5	41.1	11.6
	Strongly disagree	168	56.0	12.5	26.2	5.4
Was confident I could achieve a fair / good outcome <sup>111</sup>	Strongly agree	322	6.8	23.3	49.4	20.5
	Somewhat agree	727	11.4	24.3	47.2	17.1
	Somewhat disagree	357	19.0	26.6	39.2	15.1
	Strongly disagree	134	38.1	17.9	32.8	11.2
Thought I could deal with the problem on my own <sup>112</sup>	Strongly agree	465	7.5	27.3	48.6	16.6
	Somewhat agree	688	16.1	20.6	42.9	20.3
	Somewhat disagree	270	17.8	26.3	43.0	13.0
	Strongly disagree	114	26.3	25.4	42.1	6.1

108. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

109.  $\chi^2_g = 94.45$ ,  $p < 0.001$

110.  $\chi^2_g = 306.98$ ,  $p < 0.001$

111.  $\chi^2_g = 92.11$ ,  $p < 0.001$

112.  $\chi^2_g = 53.38$ ,  $p < 0.001$

Turning to respondents’ confidence in being able to fairly resolve the contentious issues they faced, again those lacking confidence fared significantly worse than those who had confidence (Figure 3.28).<sup>113</sup> For example, more than twice as many of those who lacked confidence obtained nothing of what they sought (24% of cases, compared to 10%). Moreover, the findings were even starker in the case of those who strongly disagreed or agreed that they had been confident. The former failed to obtain anything of what they had sought more than 5 times as frequently as the latter (38% of cases, compared to 7%).<sup>114</sup>

Finally, in relation to problem-specific legal capability, as is illustrated by Table 3.4 and Figure 3.29, those respondents who had believed they could deal with contentious issues on their own were significantly more successful in obtaining the information, advice and assistance they sought.<sup>115</sup> As can be seen in Table 3.4, those who had the lowest level of belief were by far the least successful in obtaining any of the information, advice or assistance they sought,<sup>116</sup> with 52% of them having obtained less help than they had sought.

Figure 3.28—Level of success in obtaining help sought by whether confident could achieve a fair/good outcome

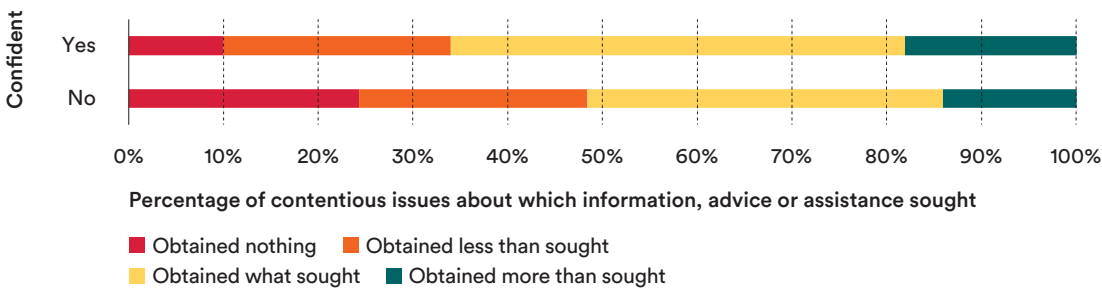
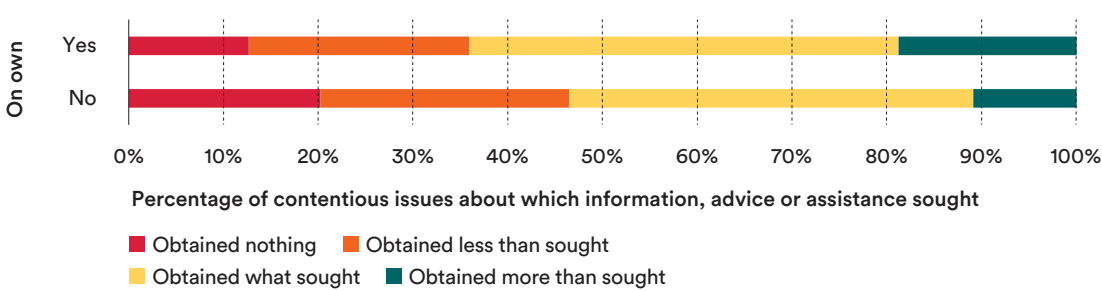


Figure 3.29—Level of success in obtaining help sought by whether thought could deal with problem information/advice



113. For the binary capability measure,  $\chi^2_{(3)} = 57.93$ ,  $p < 0.001$   
114. Standardised Pearson residuals = 7.1 (strongly disagree), -3.6 (strongly agree)  
115. For the binary capability measure,  $\chi^2_{(3)} = 23.65$ ,  $p < 0.001$   
116. Standardised Pearson residual = 3.3

Moving on to general legal capability, as can be seen from Table 3.5 and Figures 3.30 to 3.33, with the exception of level of trust in lawyers, success in obtaining help sought in relation to followed-up contentious issues varied significantly with general legal capability.

**Table 3.5—Bivariate relationship between level of success in obtaining help and legal capability<sup>117</sup>**

Legal capability		N=	What obtained, compared to what sought (row %)			
Category	Sub-category		Obtained nothing	Obtained less than sought	Obtained what was sought	Obtained more than sought
GLC strata <sup>118</sup>	Low	302	30.5	26.8	32.1	10.6
	Medium	627	15.0	22.3	48.0	14.7
	High	610	6.2	24.4	47.2	22.1
Practical legal literacy <sup>119</sup>	Inadequate	439	9.3	30.8	33.3	26.7
	Marginal	301	21.3	20.6	48.2	10.0
	Adequate (some issues)	622	13.8	21.1	50.5	14.6
	Adequate (no issues)	177	18.6	23.7	45.8	11.9
Digital legal capability <sup>120</sup>	Major support	313	18.8	28.1	34.2	18.8
	Minor support	438	10.7	22.6	44.5	22.1
	No support	788	15.0	23.2	48.7	13.1
PIL strata <sup>121</sup>	High	668	15.4	25.1	39.7	19.8
	Medium	732	14.3	22.8	47.1	15.7
	Low	139	11.5	25.2	54.7	8.6
Trust in lawyers <sup>122</sup>	Low	610	14.6	25.7	41.8	17.9
	Medium	742	15.0	23.2	46.1	15.8
	High	186	12.4	22.0	47.8	17.7
Full sample		1,539	14.6	24.0	44.6	16.8

117. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

118.  $X^2_6 = 115.43$ ,  $p < 0.001$

119.  $X^2_{12} = 88.17$ ,  $p < 0.001$

120.  $X^2_6 = 36.58$ ,  $p < 0.001$

121.  $X^2_6 = 19.49$ ,  $p = 0.003$

122.  $X^2_6 = 4.82$ ,  $p = 0.567$

As is illustrated by Figure 3.30, as general legal confidence increased, so too did levels of success on obtaining help sought. At one extreme, those in the low GLC stratum obtained nothing of what they sought almost 5 times as often as those in the high stratum. Conversely, those in the high stratum obtained more than they sought more than twice as often as those in the low stratum.

The picture was quite different for practical legal literacy as shown in Figure 3.31. Here, the balance of success was broadly similar across levels of capability. However, those who had ‘inadequate’ practical legal literacy were statistically more likely to have obtained more than they sought than others. While they did so on 27% of occasions, those with no practical legal literacy issues did so on just 12% of occasions. Perhaps the most likely explanation is not that those with greater skills had less capability to obtain what they sought, but that those with lesser skills were more persistent and/or were provided with more assistance.

Figure 3.30—Highest level of help sought by GLC strata

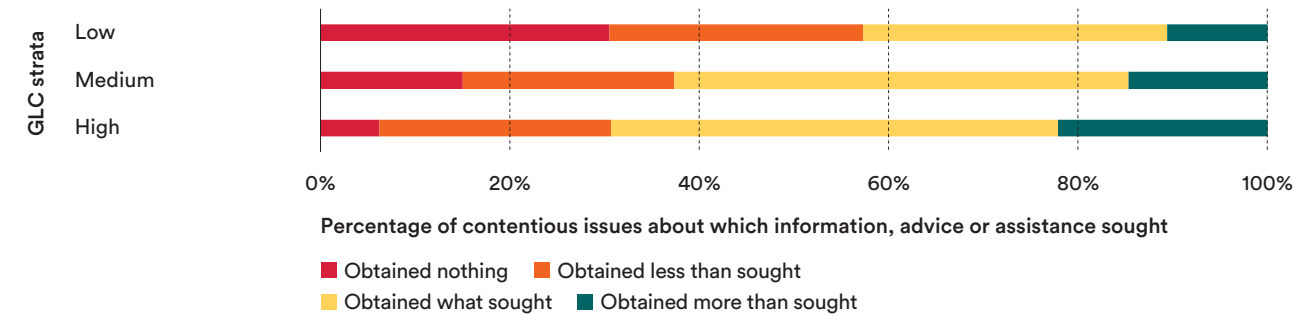
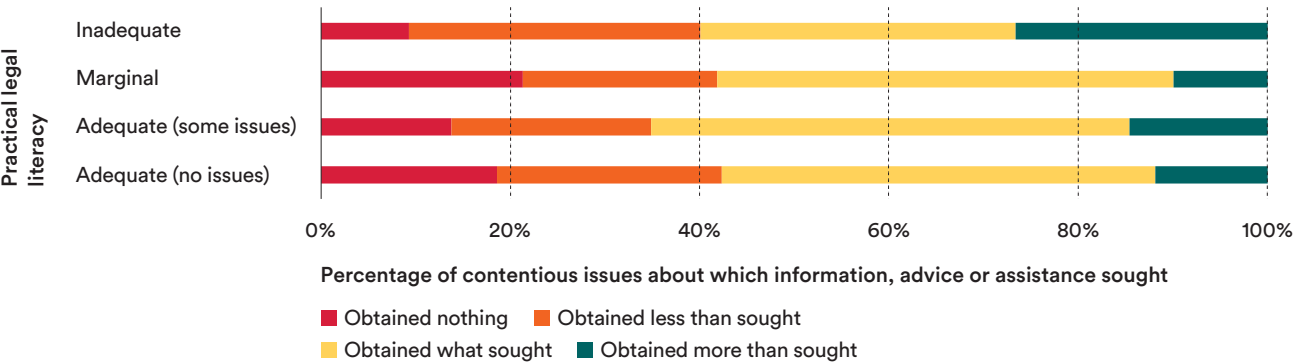


Figure 3.31—Level of success in obtaining help by practical legal literacy





Shifting focus to digital legal capability (Figure 3.32), those who required no support for digital tasks more often obtained more than they had sought than others. Conversely, those who required major support for digital tasks more often obtained none of what they had sought.

Finally, those with high PIL scale scores (who saw lawyers as most inaccessible), more often obtained more than they had sought, despite also more often obtaining less than they had sought or nothing at all (Figure 3.33).

Figure 3.32—Level of success in obtaining help by digital legal literacy

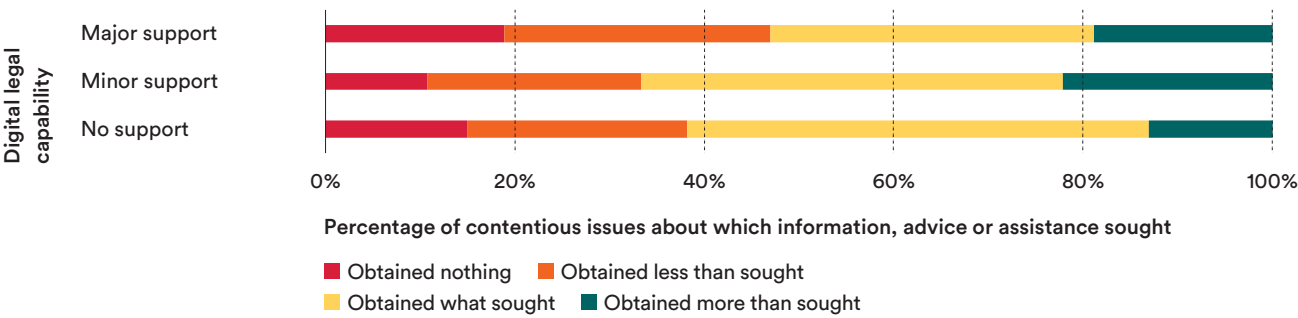
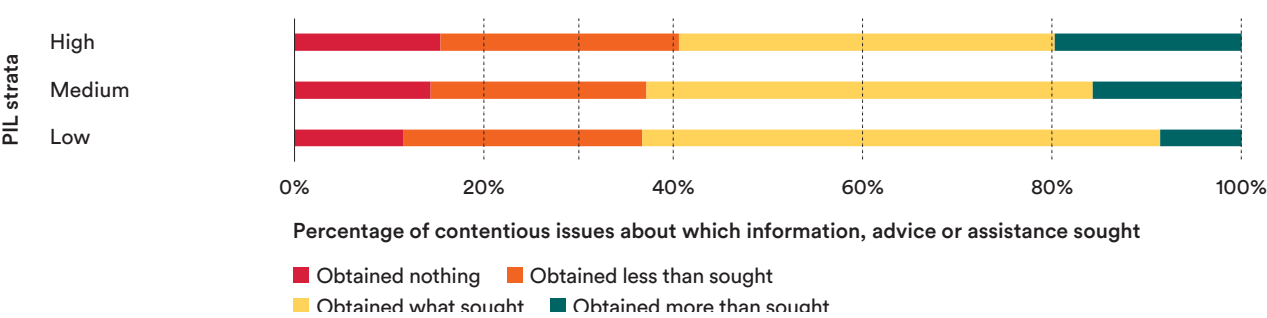


Figure 3.33—Level of success in obtaining help by PIL strata



### **Level of success in obtaining help sought and demographics**

As can be seen from Table 3.6, the level of success in obtaining help sought in relation to followed-up contentious issues was associated with some demographic characteristics, though far from all, and far from always, in a manner easy to interpret. The 2 main findings were that, in simple bivariate terms, the likelihood of obtaining nothing of what was sought increased with age, with the youngest pilot V-LULU respondents (who were also the most likely to have sought help) the most likely to have obtained at least some of what they had sought. While the oldest respondents obtained nothing they had sought in around one in 5 cases, for the youngest respondents it was nearer one in 20.

Women fared less well than men in help-seeking, with significantly more women obtaining nothing of what they had sought. Those not in work and those with a long-term illness or disability were more likely than others to have obtained less than they sought. Also, there was some suggestion that those with higher household incomes more often obtained something of what they sought.

**Table 3.6—Bivariate relationship between level of success in obtaining help and demographic characteristics**<sup>123</sup>

Demographic characteristics		N=	What obtained, compared to what sought (row %)			
Category	Sub-category		Obtained nothing	Obtained less than sought	Obtained what was sought	Obtained more than sought
Age <sup>124</sup>	18-24	264	5.3	26.1	40.9	27.7
	25-34	358	13.7	27.4	40.5	18.4
	35-44	337	13.6	18.7	54.0	13.6
	45-54	247	18.2	23.9	44.9	13.0
	55-64	181	21.0	24.3	42.0	12.7
	65+	152	21.1	23.7	42.8	12.5
Gender <sup>125</sup>	Male	701	12.0	21.5	49.2	17.3
	Female	796	17.2	25.9	40.3	16.6
	Other	43	7.0	30.2	48.8	14.0
Family status <sup>126</sup>	Married, C	302	11.3	22.8	48.0	17.9
	De facto, C.	126	19.0	22.2	47.6	11.1
	Single, C	123	19.5	18.7	39.8	22.0
	Married, NC	266	16.9	26.3	41.0	15.8
	De facto, NC	177	9.0	18.7	39.8	22.0
	Single, NC	529	14.0	25.1	43.1	17.8
Work status <sup>127</sup>	In work	1,145	13.8	21.9	47.8	16.5
	Not in work	394	16.8	30.2	35.3	17.8
Highest level of education <sup>128</sup>	Before Y12	115	16.5	27.8	42.6	13.0
	Y12	202	13.9	25.7	45.5	14.9
	Trade/Vocation	459	16.3	24.2	41.2	18.3
	Degree	739	12.4	23.3	47.6	16.6
Income quintile <sup>129</sup>	Quintile 1	254	18.5	28.0	32.3	21.3
	Quintile 2	360	16.4	25.0	43.6	15.0
	Quintile 3	320	11.9	26.9	45.0	16.3
	Quintile 4	252	17.5	15.5	46.0	21.0
	Quintile 5	202	7.4	25.2	51.0	16.3
Region <sup>130</sup>	Major city	1,265	15.2	24.7	43.1	17.0
	Inner	227	13.7	22.0	48.0	16.3
	Outer/remote	45	2.2	13.3	71.1	13.3
First Nation <sup>131</sup>	No	1,415	14.8	23.8	44.4	17.0
	Yes	68	17.6	19.1	42.6	20.6
Language <sup>132</sup>	English	1,249	15.5	23.5	45.7	15.3
	Another language	291	10.7	26.1	39.9	23.4
Illness / disability <sup>133</sup>	No	913	14.2	19.6	49.3	16.9
	Yes	562	15.8	31.0	36.3	16.9
Unable to eat, heat, cool <sup>134</sup>	No	1,064	15.7	21.3	46.2	16.7
	Yes	406	13.3	29.6	39.7	17.5
Full sample		1,539	14.6	24.0	44.6	16.8

123. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

124.  $X^2_{16} = 69.82, p < 0.001$

125.  $X^2_6 = 19.47, p = 0.003$

126.  $X^2_{20} = 23.63, p = 0.072$

127.  $X^2_3 = 20.66, p < 0.001$

128.  $X^2_9 = 9.46, p = 0.396$

129.  $X^2_{12} = 40.05, p < 0.001$

130.  $X^2_6 = 16.67, p = 0.011$

131.  $X^2_3 = 1.49, p = 0.685$

132.  $X^2_3 = 15.36, p = 0.002$

133.  $X^2_3 = 32.58, p < 0.001$

134.  $X^2_3 = 12.506, p = 0.006$

### Drivers of success in obtaining help sought (results of multivariate analysis)

To investigate further the factors associated with different levels of success in obtaining help sought, multivariate analysis was undertaken to model level of success on the basis of problem characteristics, legal capability dimensions and demographic characteristics. Specifically, a multinomial logistic regression model was fitted to explore determinants of respondent's success in obtaining the level of assistance they sought.<sup>135</sup> There were 4 success categories: obtained nothing, obtained something but less than sought, obtained what was sought, and obtained more than was sought.

Having controlled for other variables, several variables were associated with respondents' success in obtaining the assistance they sought. There was significant variation in success by problem type, and by whether respondents had a long-term illness or disability. Several measures of legal capability were also significant, particularly general legal confidence and knowing where to get information or advice. Conversely, most social and demographic characteristics, problem seriousness, and legal characterisation showed little relationship with success in obtaining assistance.

Having controlled for other variables, there was no evidence of a relationship between success and problem seriousness,<sup>136</sup> and despite legal characterisation being associated with a modest increase in obtaining more than was sought and a decrease in getting what was sought, overall differences were also non-significant.<sup>137</sup>

There was evidence of significant variation in success across problem types.<sup>138</sup> Having controlled for other variables, there was a low percentage obtaining nothing for homelessness, relationship breakdown, wills, probate or power of attorney, and other family problems (all less than 8%), especially when contrasted with problems related to goods and services (21.9%). Getting less than was sought was most common for a small number of fines (46.1%) and least common for a small number of problems relating to government payments (4.2%).<sup>139</sup> Government payments also had the highest percentage obtaining what was sought (60.2%), particularly compared to debt (31.2%), other money problems (29.1%) and fines (34.2%). Issues with wills, probate or power of attorney had the highest percentage of obtaining more than expected (30.8%), with the lowest percentage for business problems (6.1%) and fines (0.7%).

135. As for previous models, with regard to problem characteristics, the model included problem seriousness, legal characterisation and problem type. For legal capability the model included both general and problem-specific measures, including GLC strata, PLL groups, Digital Capability for law groups, PIL strata, Trust in Lawyers groups, whether respondents felt they understood their rights, knew where to go for advice, were confident of a fair outcome, and felt they could handle the problem alone when it began. Social and demographic characteristics included were age group, gender, family status, whether respondents were working, highest educational qualification, income, geography, whether they were Aboriginal or Torres Strait Islander, whether English was the main language spoken at home, long-term illness or disability, financial distress, and business ownership. All variables were fitted as main effects only and analyses were weighted as for descriptive analyses. In all, 1,360 observations were included in the analysis, with a log pseudolikelihood of -1,420.76 and pseudo-R<sup>2</sup> of 0.19. Full model detail including syntax and output is available on request from the authors.

136. Testing the seriousness model terms together;  $X^2_{(3)} = 0.59$ ,  $p = 0.90$

137. Testing the legal characterisation model terms together;  $X^2_{(3)} = 4.53$ ,  $p = 0.21$

138. Testing the problem type model terms simultaneously;  $X^2_{(51)} = 73.87$ ,  $p = 0.020$

139. Thirty fines and 34 problems related to government payments. These were the least common problem types included in the model and findings should be interpreted with some caution.

Differences in success by social and demographic characteristics were generally modest, though there were significant differences in success by whether or not respondents reported a long-term illness or disability.<sup>140</sup> Those with a long-term illness or disability were more likely to obtain less than they sought (46.9% vs 30.7%) and consequently, somewhat less likely to obtain what they sought, more than they sought, or nothing.

Differences in success by income fell marginally short of statistical significance,<sup>141</sup> though there was some evidence of those with the highest income being least likely to obtain nothing and those with the lowest income least likely to obtain the level of assistance they sought. Differences by business ownership were also short of statistical significance,<sup>142</sup> despite business owners having a slightly higher percentage obtaining more than sought, rather than less than sought.<sup>143</sup> Similarly, differences by respondents' geography fell short of statistical significance,<sup>144</sup> with apparent differences in success for outer regional respondents (principally an increased tendency to get what was sought when compared to others) were based on small numbers of respondents ( $n = 36$ ).

Having controlled for other variables, differences in success by whether or not respondents were in work, age group and by financial distress (difficulty eating, heating or cooling homes in the past year) were non-significant,<sup>145</sup> and there was no evidence of overall significant differences in success by respondent's gender, family status, highest educational qualifications, whether or not respondents were Aboriginal or Torres Strait Islanders, or whether or not English was respondent's main language.

Turning to global legal capability measures, there was a highly significant relationship between respondent's level of general legal confidence and their success.<sup>146</sup> In particular, low confidence respondents were far more likely to get nothing (25.3% compared to 14.0% for medium and 7.3% for high confidence respondents) and far less likely to get what they sought (32.4% compared to 46.2% for medium and 50.0% for high confidence respondents).<sup>147</sup>

There was also some difference in success by respondents' digital capability.<sup>148</sup> Those in the 'major support' group had the highest percentage obtaining nothing, with the lowest for the 'minor support group'. The 'no support' group had the highest obtaining what they sought, particularly when compared to 'major support', while obtaining more than was sought was least common for the 'no support' group.

The overall relationship between success and practical legal literacy fell marginally short of significance,<sup>149</sup> though those in the 'inadequate' group had a comparatively low percentage getting nothing or what they sought, and a slightly higher percentage obtaining either less than they sought or more than they sought. There was little evidence of a relationship between success and either perceived inaccessibility of lawyers or trust in lawyers.

140. Testing the long-term illness or disability model terms;  $X^2_3 = 8.17$ ,  $p = 0.043$

141. Testing the income model terms together;  $X^2_{15} = 24.17$ ,  $p = 0.062$

142. Testing the business owner terms simultaneously;  $X^2_3 = 6.39$ ,  $p = 0.094$

143. Comparing the 2 resulted in a significant model term;  $z = 2.32$ ,  $p = 0.020$

144. Testing the geography model terms together;  $X^2_6 = 10.25$ ,  $p = 0.11$

145. Testing the age group terms together;  $X^2_{15} = 18.85$ ,  $p = 0.22$ . Testing the financial distress terms together;  $X^2_3 = 4.11$ ,  $p = 0.25$

146. Testing GLC model terms;  $X^2_6 = 21.85$ ,  $p = 0.001$

147. There were little differences across GLC strata in percentage getting more than they sought, or less than they sought.

148. Testing digital capability for law model terms;  $X^2_6 = 13.69$ ,  $p = 0.033$

149. Testing PLL model terms together;  $X^2_9 = 16.29$ ,  $p = 0.062$

For issue-specific legal capability measures, there was a highly statistically significant relationship between level of success and whether respondents felt they knew where to get information or advice.<sup>150</sup> Where respondents agreed that they knew where to get information or advice, they were far less likely to get nothing (8.6% compared to 23.2%), somewhat more likely to obtain what was sought (47.0% compared to 41.5%), and considerably more likely to obtain more than they sought (20.3% compared to 9.9%).

The relationship between success and respondents' confidence in achieving a fair/good outcome fell marginally short of significance,<sup>151</sup> though there were individually significant model terms, with confidence associated with a decrease in getting nothing and increase in obtaining what was sought. Similarly, the relationship between level of success and whether or not respondents felt they could deal with the issue on their own fell short of significance,<sup>152</sup> though again there were individually significant model terms. In particular, those who felt they could deal with issues on their own had a somewhat higher percentage obtaining more than they sought (19.1% compared to 11.0%). There was little relationship between level of success and whether respondents felt they knew their rights when issues arose.<sup>153</sup>

### **Bivariate and multivariate analyses looked at together**

As with level of help sought, the results of bivariate and multivariate analyses painted a broadly similar picture. As with bivariate analysis, multivariate analysis indicated strong associations between legal capability (e.g. general legal confidence and knowledge of where to get information or advice) and success. Higher confidence and better knowledge were linked to better success in obtaining help sought. Both sets of findings also indicated that individuals requiring major digital support were less likely to succeed in obtaining help sought than those with minor or no digital support needs. Both sets of findings also highlighted variation in success by problem type. Issues such as wills or probate were associated with higher levels of success, while fines and homelessness were associated with lower success rates. Neither set of findings pointed to strong overall relationships between success and demographics, though both did point to certain group-specific trends. In terms of differences in the picture painted, seriousness was not found to be significant once other variables were controlled for, and findings were more nuanced in relation to other aspects of capability.

150. Testing the terms together;  $X^2_3 = 25.65$ ,  $p < 0.001$

151. Testing the terms together;  $X^2_3 = 7.04$ ,  $p = 0.071$

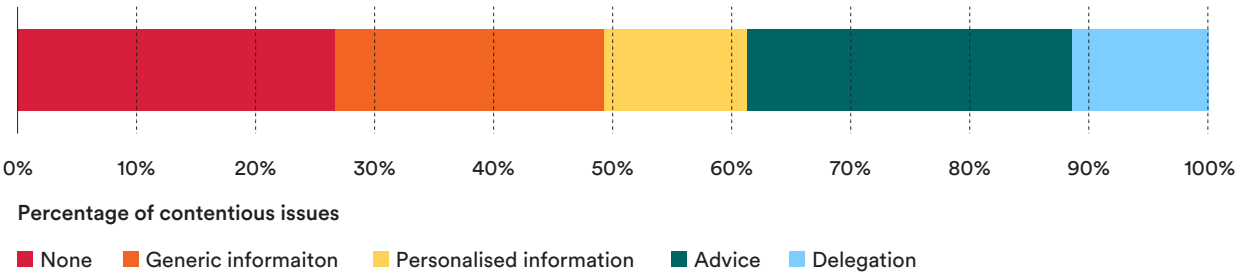
152. Testing the terms together;  $X^2_3 = 6.42$ ,  $p = 0.093$

153. Testing the terms together;  $X^2_3 = 2.01$ ,  $p = 0.57$

Level of help obtained

As revealed in the previous section, fewer pilot V-LULU respondents obtained information, advice or assistance (excluding about services) from sources other than friends or family members (unless relevant professionals) than had sought it. As can be seen from Figure 3.34, across all followed-up contentious issues, while 16% involved no such help being sought, 27% involved no help being obtained. A further 23% of contentious issues involved only generic information being obtained, 12% personalised information being obtained, 27% advice being obtained, and 12% issue resolution being delegated to someone else. Thirty-eight per cent of those who obtained help did so only online and 11% only offline. As would be expected, generic information was most often obtained online (93% of occasions), although on a third of these occasions it was also obtained offline. In contrast, advice and delegation were most often obtained offline, although on one in 8 of these occasions they were also obtained online. Moreover, they were also obtained exclusively online on 23% of occasions.

Figure 3.34—Highest level of help obtained



Level of help obtained and contentious issue characteristics

As with help-seeking, and as can be seen from Figure 3.35, the level of help obtained in relation to followed-up contentious issues broadly increased along with issue seriousness – although the most serious issues were among the most likely to see no help obtained and least likely to see assistance obtained.<sup>154</sup> The 32 contentious issues that scored 10 on the seriousness scale and involved no help being obtained were mostly ongoing and included 5 cases of domestic violence, 5 cases relating to police action, 5 cases concerning housemates or sub-tenants, 3 injuries, and 2 cases concerning homelessness.

As can be seen from Figure 3.36, the level of help obtained to deal with contentious issues also linked to whether issues had initially been seen as legal in character.<sup>155</sup> If they had been, then independent help, particularly advice and delegation, was more likely than if they had not. In the former case, around half of contentious issues involved advice or delegation. In the latter case, around one-third involved advice or delegation.

Figure 3.35—Highest level of help obtained by contentious issue seriousness

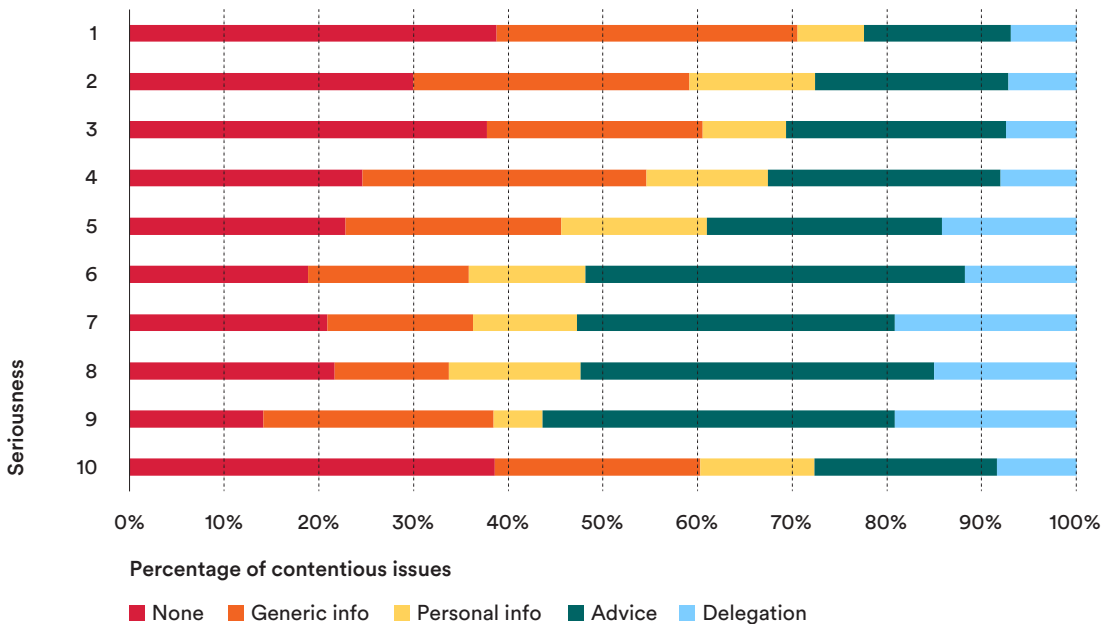
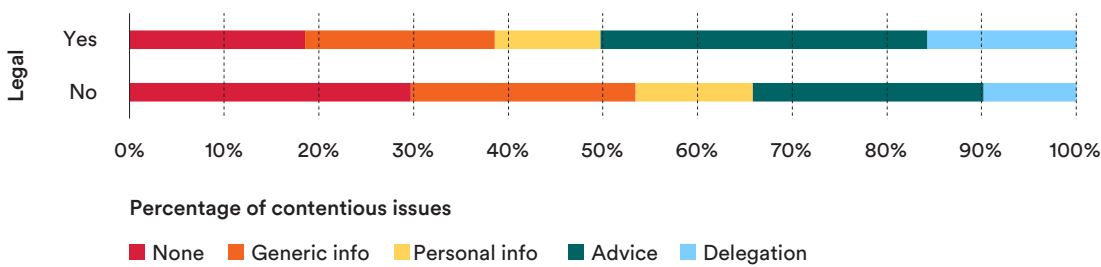


Figure 3.36—Highest level of help sought by whether contentious issues initially seen as legal



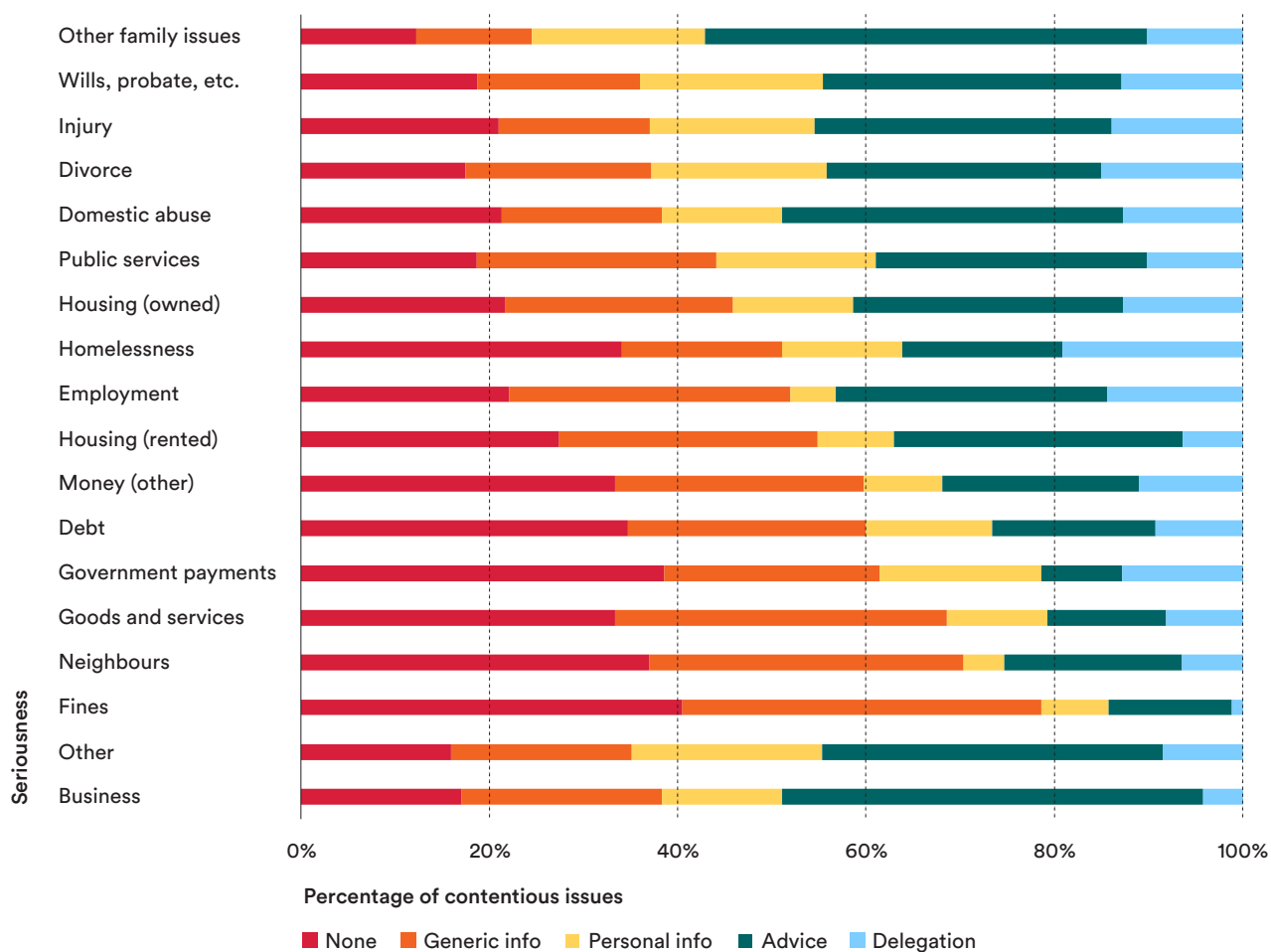
154.  $X^2_{36} = 150.6, p<0.001$

155.  $X^2_4 = 46.9, p<0.001$



As can be seen from Figure 3.37, the level of help obtained to deal with contentious issues also varied by problem type.<sup>156</sup> So, whereas contentious issues concerning fines, neighbours, goods or services and government payments commonly saw no information, advice or assistance obtained – or, if it was, often only generic information – issues concerning the wide array of family issues explored by the pilot V-LULU survey far more often involved help being obtained, with advice and assistance being much more common.

Figure 3.37—Highest level of help obtained by contentious issue type

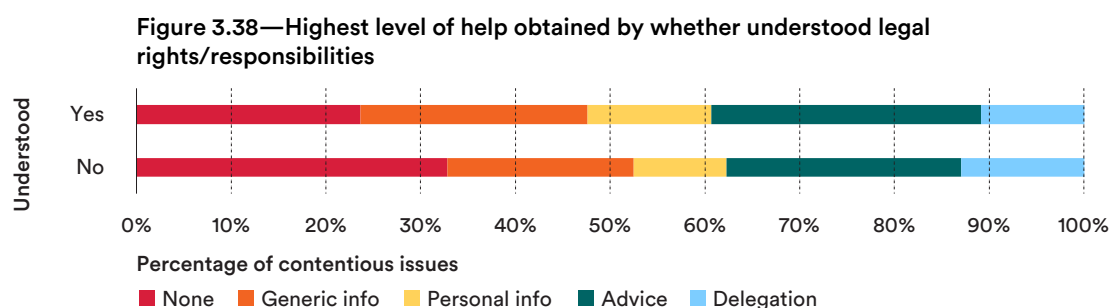


156.  $\chi^2_{68} = 201.6, p < 0.001$

### Level of help obtained and legal capability

Reflecting the findings set out in the previous 2 corresponding sections, there was a strong bivariate association between the level of information, advice or assistance obtained by respondents facing contentious issues and their reported level of issue-specific legal capability. As can be seen from Table 3.7, in the case of all 4 issue-specific legal capability measures, those scoring lowest were associated with very high levels of obtaining no independent information, advice or assistance, with those scoring highest generally associated with low levels of obtaining such help.

As can be seen from Figure 3.38, in simple bivariate and binary terms, despite more often obtaining no information, advice or assistance, respondents who had not understood their legal rights or responsibilities at the time contentious issues arose more often managed to delegate contentious issue resolution to someone else.<sup>157</sup> However, the percentage that did so was only 13% and, as well as almost a third of this group not obtaining any independent help, they also less often obtained generic information, personalised information or advice. Moreover, 49% of those who strongly disagreed with the proposition that they had understood their rights obtained no independent information, advice or assistance.<sup>158</sup>



157. Excluding friends or family, unless relevant professionals,  $X^2_4 = 23.47$ ,  $p < 0.001$

158. Standardised Pearson residual = 5.4

**Table 3.7—Bivariate relationship between level of help obtained and issue-specific legal capability<sup>159</sup>**

Legal capability		N=	Highest level of help obtained (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
At time the contentious issue arose, I ...							
Understood my legal rights / responsibilities <sup>160</sup>	Strongly agree	537	21.8	23.1	11.7	29.6	13.8
	Somewhat agree	760	25.0	24.6	13.9	27.6	8.8
	Somewhat disagree	432	27.1	22.5	12.0	25.7	12.7
	Strongly disagree	155	49.0	11.6	3.9	21.3	14.2
Understood where to get good information / advice <sup>161</sup>	Strongly agree	432	17.6	19.9	14.4	32.9	15.3
	Somewhat agree	812	18.7	27.3	13.2	31.3	9.5
	Somewhat disagree	413	29.8	24.0	11.9	19.9	14.5
	Strongly disagree	225	65.8	8.4	3.6	16.0	6.2
Was confident I could achieve a fair / good outcome <sup>162</sup>	Strongly agree	391	18.4	24.6	14.3	30.7	12.0
	Somewhat agree	847	21.6	22.3	13.0	30.6	12.5
	Somewhat disagree	461	32.3	24.1	9.5	22.8	11.3
	Strongly disagree	181	52.5	16.0	8.8	16.0	6.6
Thought I could deal with the problem on my own <sup>163</sup>	Strongly agree	599	24.9	27.5	10.9	26.5	10.2
	Somewhat agree	811	24.7	22.3	11.8	29.8	11.3
	Somewhat disagree	313	25.9	21.1	13.7	26.2	13.1
	Strongly disagree	158	43.0	8.9	14.6	19.0	14.6

159. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

160.  $\chi^2_{12} = 67.67$ ,  $p < 0.001$

161.  $\chi^2_{12} = 255.57$ ,  $p < 0.001$

162.  $\chi^2_{12} = 101.52$ ,  $p < 0.001$

163.  $\chi^2_{12} = 49.36$ ,  $p < 0.001$

Whether or not respondents had known where to get good information or advice was very strongly associated with the level of help that they obtained.<sup>164</sup> As can be seen from Figure 3.39, more than twice as many of those who had not known where to get independent help as those who had known where to get help failed to get such help. Moreover, as is shown in Table 3.7, a huge 66% of those who strongly disagreed with the proposition that they had known where to get good information or advice failed to get independent help.<sup>165</sup>

Similarly, 53% of those who were least confident they could fairly resolve contentious issues failed to get any independent help (Table 3.7).<sup>166</sup> As Figure 3.40 illustrates, lack of confidence was broadly associated with much lower levels of independent help being obtained, particularly advice and assistance.<sup>167</sup>

Finally, in relation to problem-specific legal capability, respondents’ belief that they could have resolved contentious issues they faced on their own was significantly associated with the level of independent help they obtained as shown in Figure 3.41.<sup>168</sup> However, unlike with confidence, those who did not believe they could resolve their contentious issues alone more often delegated the resolution of issues to someone else.

Figure 3.39—Highest level of help obtained by whether knew where to get good information/advice

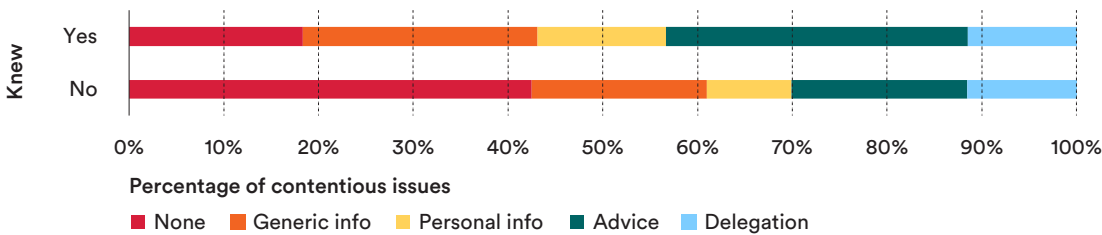


Figure 3.40—Highest level of help obtained by whether confident could achieve a fair/good outcome

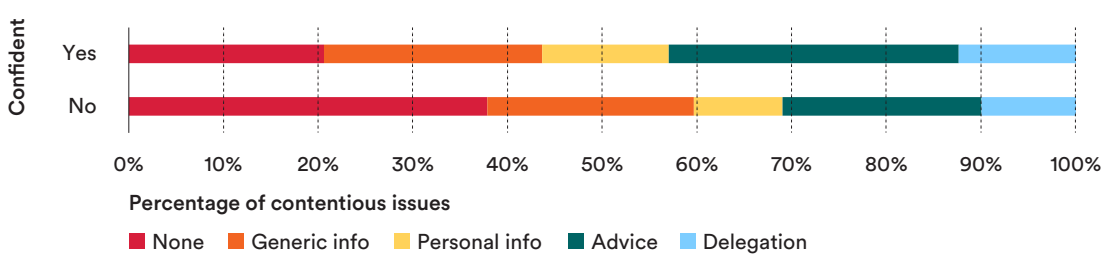
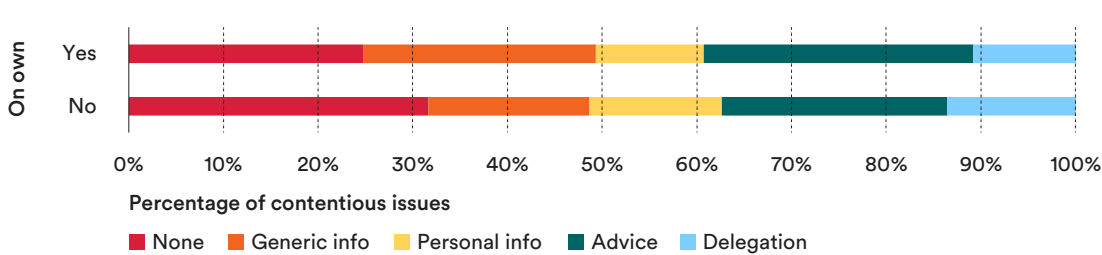


Figure 3.41—Highest level of help obtained by whether thought could deal with problem on own



164. For the binary capability measure,  $X^2_4 = 135.13$ ,  $p < 0.001$   
165. Standardised Pearson residual = 11.4  
166. Standardised Pearson residual = 6.8  
167. For the binary capability measure,  $X^2_4 = 69.89$ ,  $p < 0.001$   
168. For the binary capability measure,  $X^2_4 = 22.40$ ,  $p < 0.001$

Turning to general legal capability, as can be seen from Table 3.8 and Figures 3.42 to 3.45, the highest level of help obtained in relation to contentious issues was significantly associated with all but one of the general capability measures included in the pilot survey.

**Table 3.8. Bivariate relationship between level of help obtained and general legal capability<sup>169</sup>**

Legal capability		N=	Highest level of help obtained (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
GLC strata <sup>170</sup>	Low	407	45.9	17.9	10.1	17.2	8.8
	Medium	786	26.5	24.7	9.8	23.9	15.1
	High	694	15.7	22.9	15.6	36.9	8.9
Practical legal literacy <sup>171</sup>	Inadequate	501	18.4	17.8	16.6	32.1	15.2
	Marginal	375	33.3	20.5	9.1	25.6	11.5
	Adequate (some issues)	797	28.1	25.0	10.7	26.0	10.3
	Adequate (no issues)	211	29.4	28.4	11.4	23.7	7.1
Digital legal capability <sup>172</sup>	Major support	399	31.8	16.8	16.5	23.6	11.3
	Minor support	537	23.6	24.2	10.1	29.2	12.8
	No support	950	26.2	24.1	11.3	27.6	10.8
PIL strata <sup>173</sup>	High	819	28.3	19.9	11.6	29.3	10.9
	Medium	889	25.4	25.2	12.5	24.5	12.4
	Low	179	25.7	21.8	11.2	31.3	10.8
Trust in lawyers <sup>174</sup>	Low	741	25.9	21.7	14.0	30.0	8.4
	Medium	926	28.0	24.8	9.9	24.3	13.0
	High	220	24.1	15.9	13.6	30.5	15.9
Full sample		1887	26.7	22.6	12.0	27.2	11.5

169. Cells coloured pink indicate standardised Pearson residuals of -2 or less, while cells coloured grey indicate residuals of +2 or more.

170.  $\chi^2_8 = 162.61$ ,  $p < 0.001$

171.  $\chi^2_{12} = 60.77$ ,  $p < 0.001$

172.  $\chi^2_8 = 24.41$ ,  $p < 0.001$

173.  $\chi^2_8 = 13.12$ ,  $p = 0.108$

174.  $\chi^2_8 = 31.86$ ,  $p < 0.001$

As can be seen from Figure 3.42, reflecting patterns of help-seeking and success in obtaining help sought, those with lower GLC scale scores less often obtained information about contentious issues, and generally obtained less help than others. So, for example, whereas 46% of those in the high GLC stratum obtained advice or practical assistance with contentious issues, the figure was just 26% for those in the low GLC stratum.

As can be seen from Figure 3.43, those with the lowest level of practical legal literacy most often obtained independent help. Moreover, reflecting their greater needs, when they obtained help, they more often obtained higher levels of help (and were significantly more likely to delegate the resolution of contentious issues) than others. In contrast, those with the highest level of practical legal literacy much more often made do with generic information about contentious issues. Those with no practical legal literacy issues obtained such information as their highest level of support on 28% of occasions, compared to 18% for those with ‘inadequate’ practical legal literacy.

Figure 3.42—Highest level of help obtained by GLC strata

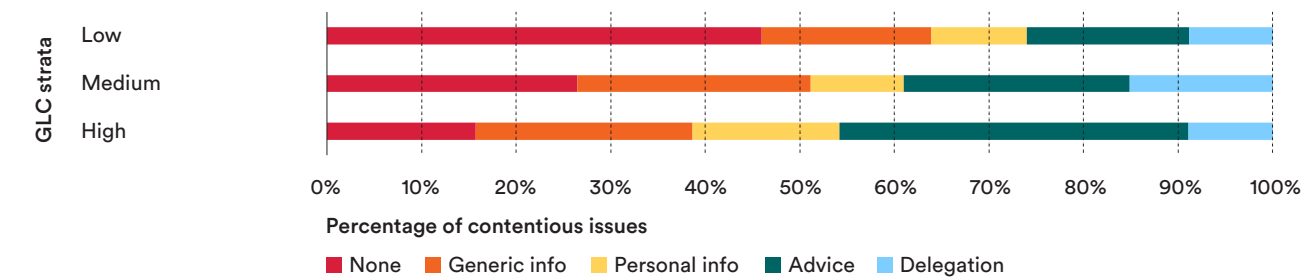
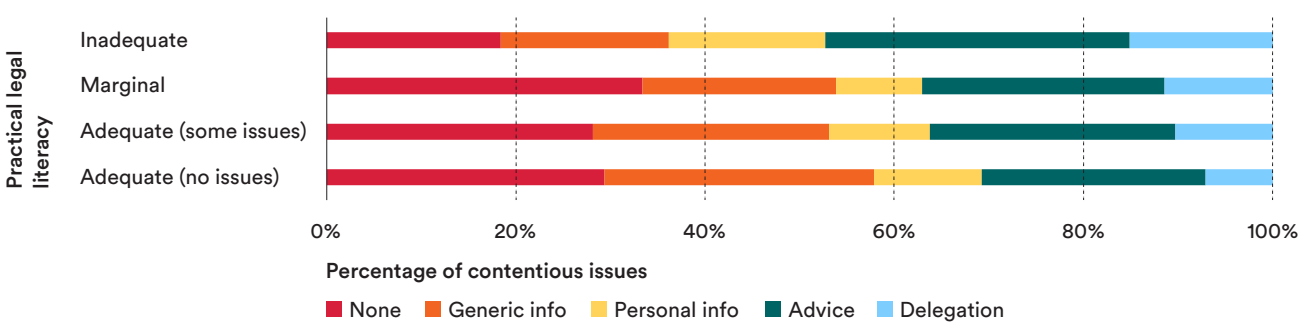


Figure 3.43—Highest level of help obtained by practical legal literacy



As can be seen from Figure 3.44, those requiring major support for digital tasks less often obtained independent help, less often obtained generic information, and more often obtained personalised information. While those respondents who required major support with digital tasks were significantly more likely to have sought to delegate the resolution of contentious issues, they were not more likely to have actually done so, reflecting their general lesser success in obtaining what they sought.

Finally, as regards capability, as illustrated by Figure 3.45, those respondents who had most trust in lawyers more often obtained advice or delegated resolution of their contentious issues. They least often obtained generic advice.<sup>175</sup>

Figure 3.44—Highest level of help obtained by digital legal capability

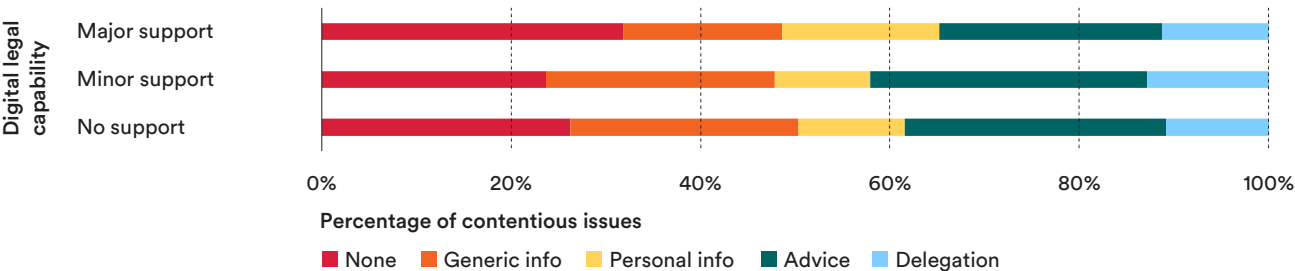
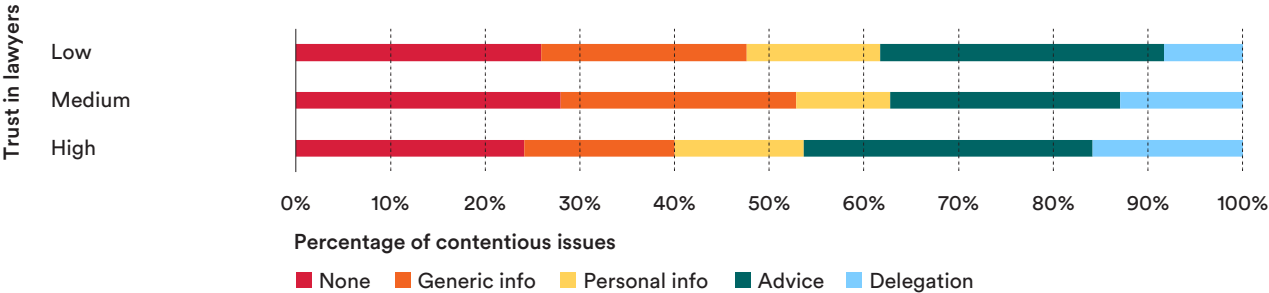


Figure 3.45—Highest level of help obtained by level of trust in lawyers



175. Standardised Pearson residual = -2.1

Level of help obtained and demographics

As with help-seeking, and as can be seen from Table 3.9, the level of help obtained in relation to pilot V-LULU survey sample contentious issues varied by respondents’ demographic characteristics.

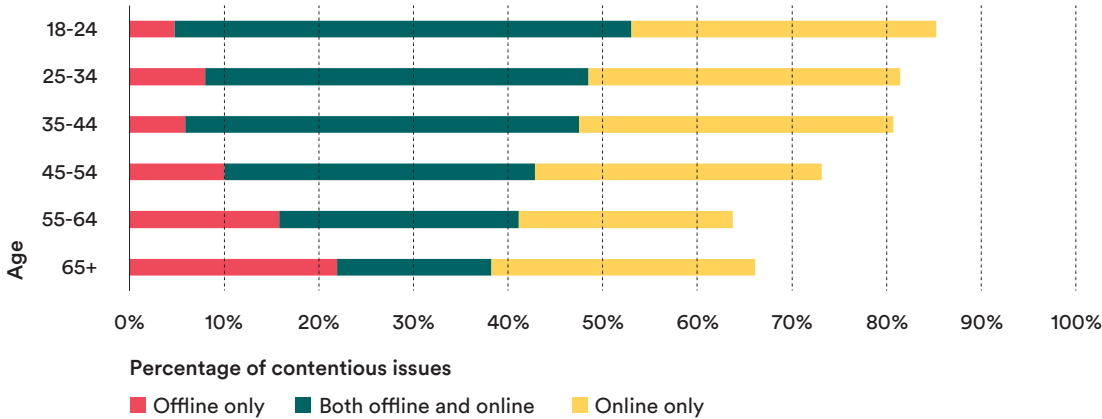
As can be seen clearly in Table 3.9, the rate at which independent help was obtained decreased dramatically with age. So, while 85% of those in the 18-24 year age range obtained information, advice or assistance, the figure was just 59% for those age 65 or higher. This reflects the patterns of help-seeking and success in obtaining help detailed above, and may link to the much lesser use of online services among older age groups (Figure 3.46).

Those not in work were less likely than those in work to have obtained help (64% of contentious issues, compared to 77%), with those in work more often having obtained advice (31%, compared to 19%), though less often delegating problems (10%, compared to 14%). This inversion of advice and delegation was also seen in relation to those with the lowest and highest levels of education.

Those in the lowest income quintile were also less likely than others, particularly those in the highest quintile, to have obtained help (60%, compared to 83% for those in the highest quintile).

There were also some significant differences in levels of help obtained for people in different types of family. However, there was no clear overall pattern.

Figure 3.46—Channel of obtaining help about contentious issues by age





**Table 3.9—Bivariate relationship between level of help obtained and demographic characteristics**

Demographic characteristics		N=	Highest level of help obtained (%)				
Category	Sub-category		None	Generic information	Personalised information	Advice	Delegation
Age <sup>176</sup>	18-24	301	15.3	24.6	15.9	34.2	10.0
	25-34	413	21.8	21.8	11.6	33.2	11.6
	35-44	382	22.3	20.7	12.8	30.9	13.4
	45-54	304	29.3	26.6	9.2	26.3	8.6
	55-64	256	39.5	19.1	8.6	19.5	13.3
	65+	231	40.7	22.5	13.4	11.3	12.1
Gender <sup>177</sup>	Male	855	24.2	23.6	11.7	29.6	10.9
	Female	981	29.3	21.3	11.9	25.0	12.5
	Other	48	18.8	29.2	18.8	31.3	2.1
Family status <sup>178</sup>	Married, C	352	19.6	24.7	9.1	37.2	9.4
	De facto, C	140	25.0	19.3	20.0	20.7	15.0
	Single, C	148	29.7	13.5	12.2	25.0	19.6
	Married, NC	353	34.0	21.0	11.0	23.2	10.8
	De facto, NC	203	16.3	27.1	14.3	30.0	12.3
	Single, NC	671	28.8	23.2	11.9	25.5	10.6
Workstatus <sup>179</sup>	In work	1,325	22.6	24.3	12.2	30.6	10.3
	Not in work	561	36.4	18.5	11.4	19.4	14.3
Highest level of education <sup>180</sup>	Before Y12	169	33.7	21.3	15.4	12.4	17.2
	Y12	251	28.3	18.3	17.1	26.3	10.0
	Trade / vocation	560	28.2	22.3	10.9	24.9	13.8
	Degree	880	23.2	24.7	10.6	32.4	9.2
Income quintile <sup>181</sup>	Quintile 1	358	39.7	15.9	12.6	20.3	11.5
	Quintile 2	425	25.4	22.4	9.2	29.4	13.6
	Quintile 3	374	21.1	27.0	13.1	32.4	6.4
	Quintile 4	313	29.4	14.4	13.1	29.1	14.1
	Quintile 5	229	16.6	33.2	11.4	27.9	10.9
Region <sup>182</sup>	Major city	1,534	27.2	22.7	11.1	28.1	10.8
	Inner	293	25.9	21.2	15.7	24.9	12.3
	Outer / remote	57	15.8	26.3	15.8	15.8	26.3
First Nation <sup>183</sup>	No	1,742	27.0	23.0	11.4	26.9	11.7
	Yes	78	26.9	12.8	14.1	35.9	10.3
Language <sup>184</sup>	English	1,564	27.7	23.9	11.3	26.4	10.7
	Other	339	22.1	16.5	15.3	31.0	15.0
Illness / disability <sup>185</sup>	No	1,113	26.1	24.3	11.2	27.7	10.6
	Yes	700	28.6	20.6	11.4	27.4	12.0
Unable to eat, heat <sup>186</sup>	No	1,315	27.8	22.2	11.9	27.2	10.9
	Yes	489	25.6	23.5	10.4	28.0	12.5
Full sample		1,887	26.8	22.5	12.0	22.7	11.5

176.  $\chi^2_{20} = 113.1, p < 0.001$ 177.  $\chi^2_8 = 18.2, p = 0.02$ 178.  $\chi^2_{20} = 74.63, p < 0.001$ 179.  $\chi^2_4 = 57.22, p < 0.001$ 180.  $\chi^2_{12} = 55.94, p < 0.001$ 181.  $\chi^2_{16} = 94.04, p < 0.001$ 182.  $\chi^2_{12} = 23.73, p = 0.003$ 183.  $\chi^2_4 = 6.23, p = 0.183$ 184.  $\chi^2_4 = 20.48, p < 0.001$ 185.  $\chi^2_4 = 4.39, p = 0.356$ 186.  $\chi^2_4 = 2.50, p = 0.645$

### Drivers of level of help obtained (results of multivariate analysis)

To investigate further the factors associated with different levels of help being obtained, multivariate analysis was undertaken to model level of help obtained on the basis of problem characteristics, legal capability dimensions, and demographic characteristics. Specifically, a multinomial logistic regression model was fitted to explore determinants of the level of assistance respondents sought.<sup>187</sup>

Having controlled for other variables, several variables were associated with the level of assistance respondents obtained. These included problem seriousness and legal characterisation, significant variation by problem type, income, business ownership, and geography. Several global and problem-specific measures of legal capability were also significant, particularly general legal confidence, trust in lawyers, knowing where to get help, and confidence in achieving a good outcome.

Having controlled for other variables, as for the model of what respondents sought, problems seriousness had a significant association with the level of assistance respondents obtained.<sup>188</sup> Again, more serious problems were associated with a greatly reduced likelihood of seeking nothing or seeking generic information and an increase in the likelihood of seeking personalised information, advice and delegation. There was also a significant relationship between whether or not problems were characterised as legal and what was obtained,<sup>189</sup> with legal characterisation associated with a reduction in the likelihood of obtaining personalised information, and particularly an increase in delegating responsibility (17.0% compared to 8.6% controlling for other variables).

Having controlled for other variables, there was significant variation in what was obtained between different problem types.<sup>190</sup> Problems with goods and services, employment, debt and particularly fines were characterised by a high percentage obtaining nothing, while generic information was most commonly obtained for problems with public services, fines and relationship breakdown. Personalised information was most commonly obtained for problems with debt, government payments and wills, probate or power of attorney. Wills, probate or power of attorney, along with other family problems, also had the highest percentage obtaining advice, while delegation was most commonly associated with problems with government payments, personal injury and homelessness.

187. As for the model of the level of assistance sought, with regard to problem characteristics, the model included problem seriousness, legal characterisation and problem type. For legal capability the model included both general and problem-specific measures, including GLC strata, PLL groups, Digital Capability for law groups, PIL strata, Trust in Lawyers groups, whether respondents felt they understood their rights, knew where to go for advice, were confident of a fair outcome, and felt they could handle the problem alone when it began. Social and demographic characteristics included were age group, gender, family status, whether respondents were working, highest educational qualification, income, geography, whether they were Aboriginal or Torres Strait Islander, whether English was the main language spoken at home, long-term illness or disability, financial distress, and business ownership. All variables were fitted as main effects only and analyses were weighted as for descriptive analyses. In all, 1,706 observations were included in the analysis, with a log pseudolikelihood of -2,072.08 and pseudo- $R^2$  of 0.20. Full model detail including syntax and output is available on request from the authors.

188. Testing the seriousness model terms together;  $X^2_4 = 16.01$ ,  $p = 0.003$

189. Testing the legal characterisation model terms together;  $X^2_4 = 16.23$ ,  $p = 0.003$

190. Testing the problem type model terms simultaneously;  $X^2_{68} = 106.43$ ,  $p = 0.002$

Turning to social and demographic characteristics, there were highly significant differences in the level of assistance obtained by respondent's income.<sup>191</sup> For example, those in the highest income quintile had the highest percentage delegating and obtaining generic information, and lower percentage obtaining advice or obtaining nothing. Those in the lowest quintile had the highest percentage obtaining nothing, and a lower percentage obtaining generic information or delegating.<sup>192</sup>

Interestingly, despite little difference in the previous analysis of what was sought, there were significant differences in the level of assistance obtained by whether or not respondents were business owners.<sup>193</sup> In particular, business owners were more likely than others to obtain advice (37.4% compared to 24.7%) and consequently, somewhat less likely to obtain nothing, obtain generic information, or delegate.

There were also significant differences in the level of assistance obtained by respondents' geography,<sup>194</sup> again, despite modest differences in the previous analysis of what respondents sought. The most noticeable differences were between outer regional respondents and those in major cities or inner regional areas. Numbers in outer regional areas were relatively small and findings should be treated with some caution, though outer regional respondents were comparatively less likely to obtain nothing and more likely to delegate.

There were some differences in what respondents obtained by the main language they spoke,<sup>195</sup> with those who spoke a language other than English comparatively more likely to obtain personalised information or to delegate, and somewhat less likely to obtain generic information or advice. There were also significant differences in the level of assistance obtained by whether or not respondents had been unable to eat, heat or cool their homes in the past 12 months,<sup>196</sup> again, despite little difference in what was sought in the previous analysis. Those reporting financial distress were slightly less likely to obtain nothing and more likely than others to obtain generic information.

While the relationship between whether or not respondents were working and the level of assistance they obtained was non-significant overall,<sup>197</sup> there was some indication of an increase in obtaining nothing and delegation among those not working.<sup>198</sup> Similarly, while the overall relationship between highest educational qualifications and level of assistance obtained fell very marginally short of significance,<sup>199</sup> there were individual significant model terms. Obtaining nothing was most common for those with the fewest educational qualifications, as was delegation, while obtaining advice was least common for those with fewest qualifications and most common for those with degrees or higher.

191. Testing the model income terms together;  $X^2_{20} = 50.60$ ,  $p < 0.001$

192. However, relationships were not consistent or linear across quintiles. To illustrate, quintile 4 had a comparable percentage obtaining nothing to quintile one, as well as the lowest [percentage obtaining generic information]. Personalised information was lowest for quintile 2 and delegation for quintile 3.

193. Testing the business owner model terms;  $X^2_4 = 16.46$ ,  $p = 0.003$

194. Testing the geography model terms simultaneously;  $X^2_8 = 18.99$ ,  $p = 0.015$

195. Testing the other language model terms;  $X^2_4 = 11.37$ ,  $p = 0.023$

196. Testing the financial distress terms;  $X^2_4 = 10.82$ ,  $p = 0.029$

197. Testing the work terms simultaneously;  $X^2_4 = 7.65$ ,  $p = 0.11$

198. When contrasted with the advice reference category, the not working term for obtaining nothing reached statistical significance;  $X^2_1 = 4.21$ ,  $p = 0.040$

199. Testing the educational qualifications terms simultaneously;  $X^2_{12} = 20.52$ ,  $p = 0.058$

For family status, while single parents were most likely to obtain nothing or to delegate, particularly compared to de facto respondents with children, overall differences between different family compositions were non-significant.<sup>200</sup> There was little evidence of a relationship between what respondents obtained and age group, gender, whether or not respondents were Aboriginal or Torres Strait Islander, or whether respondents reported a long-term illness or disability.

Turning to global legal capability measures, despite previous analysis indicating little relationship between general legal confidence and what respondents sought, there was a significant relationship with the level of assistance obtained.<sup>201</sup> Having controlled for other variables, low confidence respondents were less likely to obtain generic information, and advice, and in particular, more likely to obtain nothing (38.2% compared to 24.2% for medium and 20.5% for high confidence).

The relationship between trust in lawyers and the level of assistance obtained was also statistically significant,<sup>202</sup> with, for example, a lower percentage of high trust respondents obtaining generic information.<sup>203</sup>

The relationship between the level of assistance obtained and perceived inaccessibility of lawyers fell short of statistical significance,<sup>204</sup> though high inaccessibility respondents did have a somewhat higher percentage obtaining nothing and the lowest percentage delegating. The overall relationship between both practical legal literacy and digital capability, and the level of assistance respondents obtained was non-significant.<sup>205</sup>

For issue-specific legal capability measures, unlike the model of the level of assistance respondents sought, the relationship between whether respondents felt they knew where to get information or advice and what they obtained was highly statistically significant.<sup>206</sup> Disagreement was associated with a higher percentage obtaining nothing (37.7% compared to 20.2%) and a lower percentage for all other groups, but particularly for obtaining advice or delegating.

As with the model of what was sought, there was again a significant relationship between respondents' confidence in achieving a fair/good outcome and what they obtained.<sup>207</sup> Disagreement related to an increase in obtaining nothing (32.2% compared to 23.2%) and a lower percentage obtaining personalised information or advice.

The overall relationship between whether or not respondents felt they could deal with the issue on their own and the level of assistance obtained fell marginally short of significance.<sup>208</sup> As with the model of the level of assistance respondents sought, the overall relationship between whether respondents felt they knew their rights when issues arose and what they obtained was non-significant.<sup>209</sup>

200. Testing the family terms together;  $X^2_{20} = 25.93$ ,  $p = 0.17$

201. Testing GLC model terms;  $X^2_8 = 30.09$ ,  $p < 0.001$

202. Testing the trust model terms simultaneously;  $X^2_8 = 24.62$ ,  $p = 0.002$

203. There were also some more difficult to interpret findings associated with the medium trust group, who appeared comparatively less likely to obtain personalised information and advice, and somewhat more likely to delegate.

204. Testing the PIL terms together;  $X^2_8 = 12.04$ ,  $p = 0.15$

205. Testing PLL model terms together;  $X^2_{12} = 13.38$ ,  $p = 0.34$ . Testing the model digital capability for law terms together;  $X^2_8 = 8.27$ ,  $p = 0.41$

206. Testing the terms together;  $X^2_4 = 28.90$ ,  $p < 0.001$

207. Testing the terms together;  $X^2_4 = 14.03$ ,  $p = 0.007$

208. Testing terms together;  $X^2_4 = 8.95$ ,  $p = 0.062$

209. Testing the knowledge model terms;  $X^2_4 = 2.77$ ,  $p = 0.60$

### Looking at bivariate and multivariate analyses together

Again, the findings from bivariate and multivariate analyses shared key similarities, emphasising the influence of problem characteristics, legal capability, and demographics on the level of help obtained. Both analyses highlight that more serious problems, as well as issues of certain types, such as those concerning homelessness, are associated with higher help levels. In contrast, issues concerning fines and consumer disputes are associated with lower levels of help. Legal capability, particularly as it relates to confidence and knowing where to seek help, was consistently linked to the level of help respondents obtained, with lower capability correlating with obtaining no or a lower level of help. Demographic associations identified through both bivariate and multivariate analysis were relatively nuanced.

## Sources of help

### Number and nature of sources

For the sample contentious issues, pilot V-LULU respondents who obtained information, advice or assistance were asked whether they had mainly obtained it from a single source or more than one source. Overall, 43% of respondents indicated that they had mainly obtained help from one source, while the remaining 57% indicated they had mainly obtained help from more than one source.

Of those respondents who obtained help from more than one source, one in 5 indicated they were (all) sources of the same type. When help was obtained from 2 sources of help of the same type, this was most often from an 'other' source of help (47 of cases, 27% of multiple uses of the same source type). Of identified sources, when help was obtained from 2 sources of the same type, this was most often from a solicitor (21 cases, 12% of multiple uses of the same source type) or a local council (21 cases, 12% of multiple uses of the same source type).

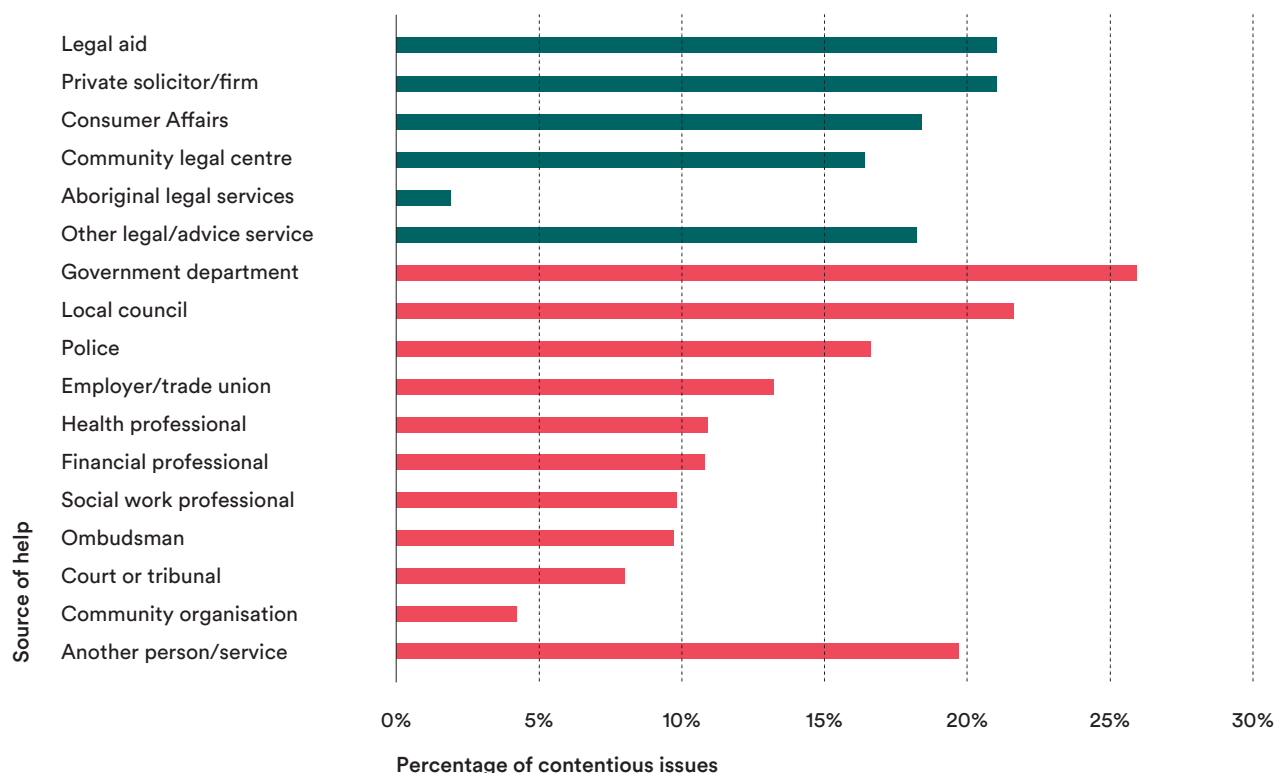
Just over 40% of those respondents who obtained help from more than one source, obtained help from just 2. However, a small number of respondents (10% of all those who obtained help) obtained help from 5 or more sources. The sources from which help was least often obtained in combination with other sources were private solicitors (77% of cases in which help was obtained from that source) and community organisations (including neighbourhood, religious and charitable organisations) (79% of cases in which help was obtained from that source). The sources from which help was most often obtained in combination with others were Aboriginal legal services (100% of cases in which help was obtained from that source) and courts or tribunals (97% of cases in which help was obtained from that source).

Figure 3.47 shows the percentage of contentious issues that involved each of 17 sources of help. As can be seen, government departments/authorities were the most common source of help (26% of contentious issues involving help, 19% of all contentious issues), followed by local councils (22% of contentious issues involving help, 16% of all contentious issues) and then legal aid and private solicitors (both 20% of contentious issues involving help, 16% of all contentious issues). The 'other' legal/advice services included (in descending order, barristers (2% of contentious issues involving help), industrial advocates (2%), conveyancers (1%), family mediators (1%), migration agents (1%), parenting co-ordinators (1%), patent attorneys (1%), notaries (1%), trade mark attorneys (<1%), and an array of 'other' services (12%).

Taken together, the various legal services (coloured green in Figure 3.47) provided help in 71% of contentious issues involving help (53% of contentious issues overall). This is a much higher figure than suggested by previous surveys, as it reflects the broader range of forms and channels of help that the pilot V-LULU survey recorded.

Breaking down all instances where help was obtained from one of the legal services included in Figure 3.47, while 57% of cases involved advice or delegation, 26% involved only the obtaining of generic information. The remaining 17% involved personalised information.

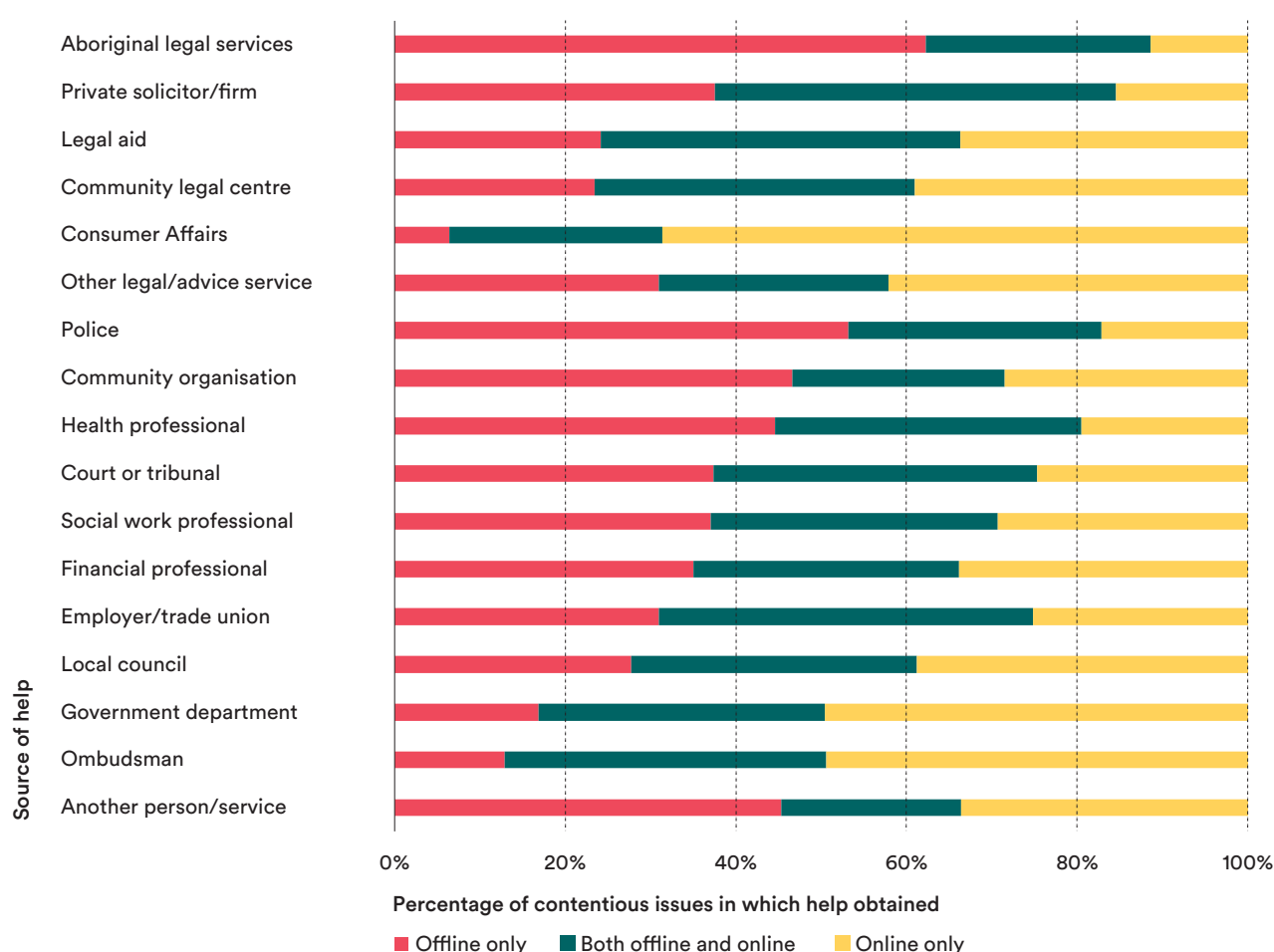
**Figure 3.47—Respondents' main sources of help (person weighted)**  
(green bars represent legal services)



### Service channels

Figure 3.48 illustrates the channel used to obtain help for each of the 17 sources of help. As can be seen, among legal services, Aboriginal legal services were least often accessed online and most often accessed solely offline. Along with the police, Aboriginal legal service were the only source of help that was majority accessed solely offline. Private solicitors were accessed only offline on 38% of occasions but were the second least likely source of help to be accessed solely online. In contrast, Consumer Affairs was accessed solely online on 69% of occasions and solely offline on just 6% of occasions. Legal aid and CLCs had a similar access pattern, with respondents reporting having accessed them exclusively offline on slightly under a quarter of occasions and exclusively online on a bit more than one-third of occasions.

Figure 3.48—Channel of obtaining help by source of help



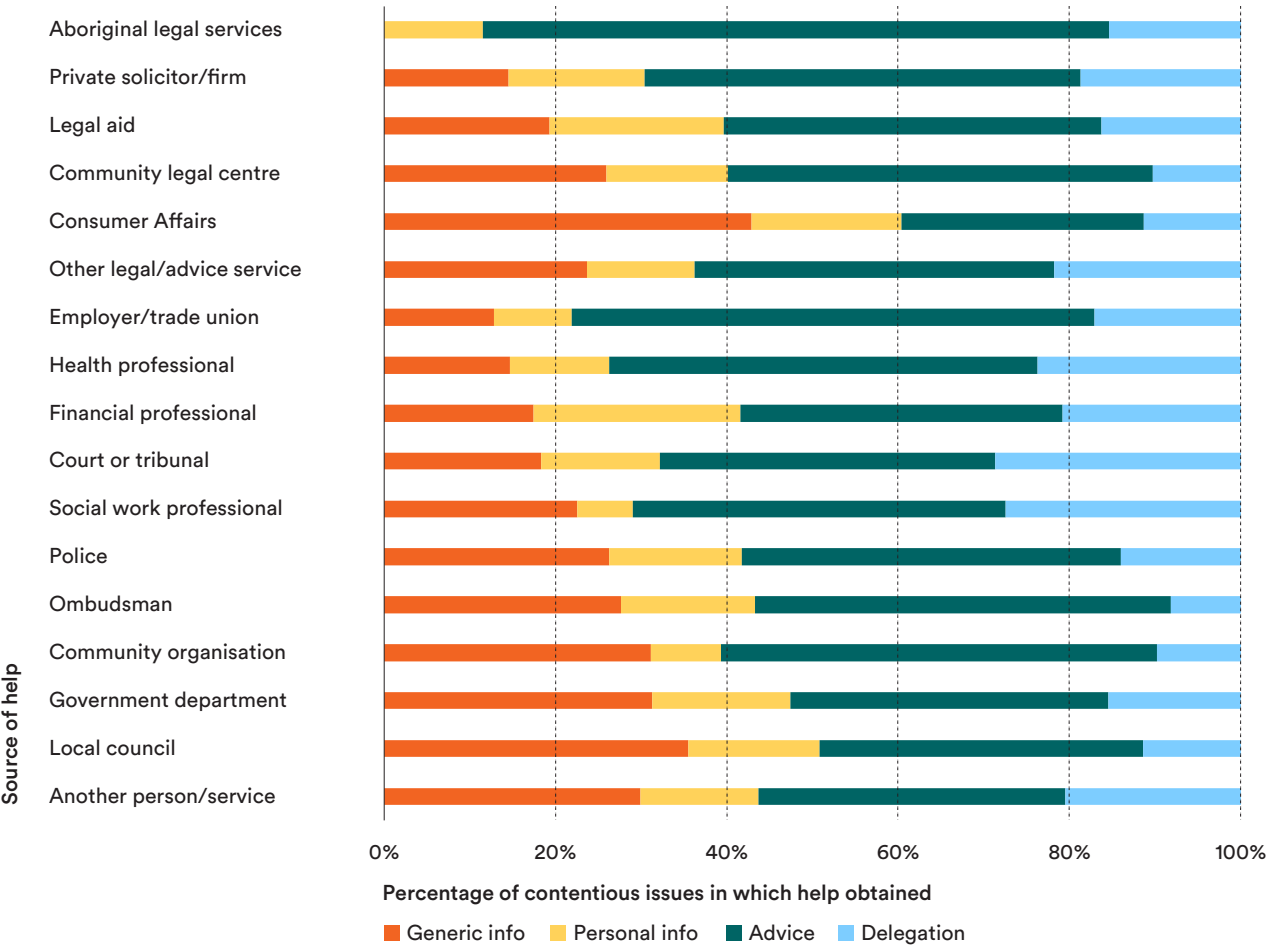
Levels of help

While it is not possible to definitively match levels of help, as described in previous sections, with sources of help it is possible to identify the highest level of help obtained by respondents who reported each source of help as a main source. Details are set out in Figure 3.49.

In interpreting Figure 3.49, it is important to bear in mind that some sources of help were invariably used in combination with other sources, and were most often used to provide a lower level of help than one or other sources of help. For example, help was often obtained from courts and tribunals as part of a series of sources of help that included help also being obtained from private solicitors (40% of occasions), legal aid (35% of occasions), Consumer Affairs (35% of occasions), CLCs (32% of occasions), or another legal service (23% of occasions). Thus, Figure 3.49 provides a rosier picture of the help obtained from each of the 17 sources than it would have if data had been available for each individually.

It is noteworthy that Aboriginal legal services were not associated with a single instance of provision of generic information, and with the provision of advice or assistance on 88% of occasions. Among legal services, private solicitors were associated with the next highest level of advice or assistance (70%) of occasions, followed by legal aid and CLCs (both 60%). Within other legal services, conveyancers were most often associated with advice or assistance (95%), followed by industrial advocates (84%), barristers (71%), notaries (71%), family mediators (67%), migration agents (67%), patent or trade mark attorneys (67%), and parenting co-ordinators (38%). The numbers for these other legal services were, though, very small.

Figure 3.49—Highest level of help obtained by reported main sources of help



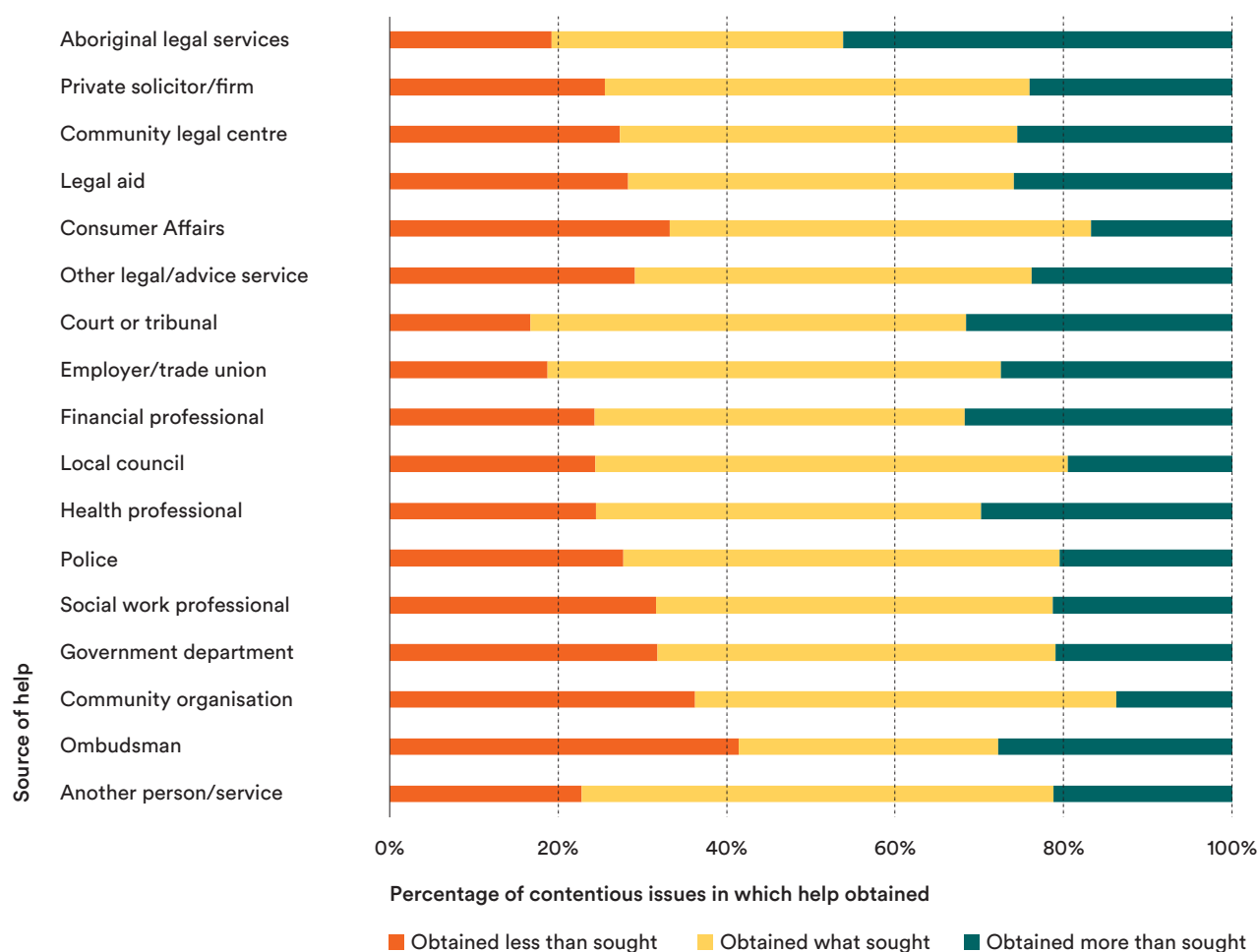


### Success in obtaining the level of help sought

Figure 3.50 sets out the pattern of success in obtaining the level of help sought by main sources of help. As with Figure 3.49, it is important to recognise that this represents the best possible picture. So, for example, while over 80% of users of Aboriginal legal service reported obtaining what they sought or (in 46% of cases) more than they had sought, the actual figures may be lower. Nevertheless, Aboriginal legal services were the source of help associated with the second most positive story, just behind courts or tribunals.

The sources of help most associated with a lesser level of help being obtained than had been sought were ombudsman schemes (41% of cases), Consumer Affairs (33%), government departments or authorities (32%), and social work professionals (32%). Within legal services, only Aboriginal legal services were associated with fewer than 20% of cases in which less help was obtained than sought.

Figure 3.50—Success in obtaining help by reported main sources of help



### Help by contentious issue types

As can be seen from Table 3.10, different types of legal service were associated with different types of contentious issue. For example, while 41% of contentious issues relating to divorce or the ending of a de facto relationship involved use of a private solicitor, as did 39% of contentious issues, relating to wills, probate or powers of attorney, just 3% of the former and 6% of the latter involved help being obtained from Consumer Affairs. Conversely, while 23% of contentious issues relating to rented housing involved help from Consumer Affairs or the Department of Fair Trading, as did 17% of contentious issues relating to public services, just 8% of the former and 3% of the latter involved help being obtained from a private solicitor.

**Table 3.10—Use of legal services by contentious issue type (problem weighted)**

Contentious issue type	N=	Legal service type (% of all contentious issues of type)					
		Private solicitor	Legal aid	Consumer Affairs	CLC	ALS	Other legal
Neighbours	145	3.4	5.5	6.2	4.8	0.0	9.7
Housing (owned)	302	23.5	8.9	14.9	8.3	1.7	11.3
Housing (rented)	127	7.9	8.7	22.8	16.5	0.0	12.6
Homelessness	51	3.9	19.6	9.8	5.9	2.0	15.7
Divorce	90	41.1	20.2	3.4	16.7	3.4	7.9
Wills, probate, etc.	148	39.2	15.5	6.1	10.1	1.4	10.1
Domestic violence	48	14.6	18.8	6.3	10.4	2.1	18.8
Other family	51	37.3	33.3	19.6	29.4	3.9	7.8
Goods / services	166	4.2	1.8	21.1	3.0	0.0	8.4
Debt	80	6.3	13.8	8.8	7.5	3.8	7.5
Employment	107	6.5	4.7	11.2	0.9	0.0	11.2
Injury	210	21.4	16.7	9.5	13.3	3.8	14.3
Fines	90	3.3	5.6	8.9	3.3	0.0	5.6
Money (other)	75	6.7	12.0	14.7	9.3	0.0	13.3
Gov. payments	72	4.2	5.6	4.2	5.6	0.0	11.0
Public services	59	3.4	8.5	16.9	8.5	0.0	15.3
Other issues	96	22.9	21.9	13.5	21.9	3.1	16.7
Business	49	24.5	31.3	16.7	20.4	0.0	16.3
<b>All</b>	<b>1,965</b>	<b>16.3</b>	<b>12.0</b>	<b>12.2</b>	<b>10.0</b>	<b>1.4</b>	<b>11.4</b>

In addition to the above, private solicitors were the most common legal source of help for contentious issues relating to owned housing, divorce, wills, probate and powers of attorney, 'other' family matters, injuries, and 'other' matters. Legal aid was the most common legal source of help for contentious issues relating to homelessness, domestic violence, debt and business. Consumer Affairs was the most common legal source of help for contentious issues relating to neighbours, rented housing, goods or services, employment, 'other' money matters and public services. CLCs and Aboriginal legal services were not the most common legal sources of help for any contentious issue types. However, CLCs were most commonly used in respect of contentious issues concerning rented housing, divorce, 'other' family matters, injuries, 'other' matters and business. Aboriginal legal services were most commonly used in respect of contentious issues concerning divorce, domestic violence, 'other' family matters, debt, injuries, and 'other' issues.

Table 3.11 shows the use of other sources of help by contentious issue type. As can be seen, respondents reported obtaining help from a very broad range of sources in relation to all types of contentious issues. Overall, outside of legal services, the most commonly utilised sources of help were government departments or authorities (associated, in particular, with contentious issues concerning rented housing, ‘other’ family matters, fines, government payments, public services and business), local councils (associated, in particular, with contentious issues concerning neighbours, owned housing and business), and employers or trade unions (associated, in particular, with contentious issues concerning employment, injuries and business).

The police were the most common port of call in relation to domestic violence, with health professionals and social workers also common sources of help. Health professionals were also common sources of advice in relation to contentious issues concerning injuries. Financial professionals were common sources of advice in relation to money matters.

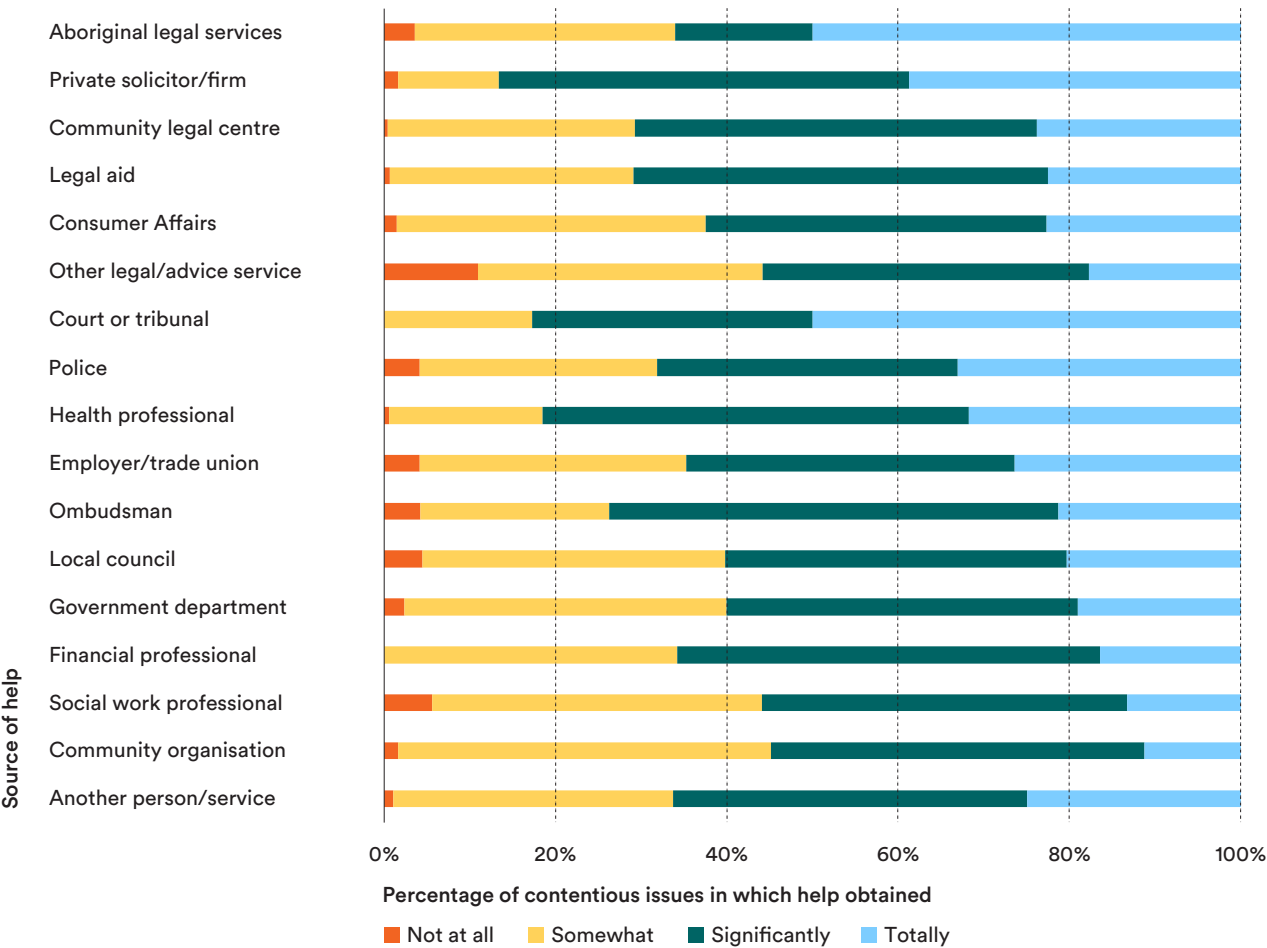
**Table 3.11—Use of other sources of help by contentious issue type**

Contentious issue type	N=	Service type (other services) (% of all contentious issues)										
		Government department	Local council	Police	Employer / TU	Health professional	Financial professional	Social worker	Ombudsman	Court or tribunal	Community organisation	Other
Neighbours	145	12.4	38.6	16.0	1.3	0.7	1.4	1.4	1.4	2.1	2.1	18.1
Housing (owned)	302	16.6	19.5	9.6	7.0	2.3	7.0	3.3	6.0	4.6	1.7	21.5
Housing (rented)	127	27.6	9.4	4.7	3.1	2.4	7.9	4.7	3.1	2.4	3.9	9.0
Homelessness	51	13.7	7.8	3.9	5.9	7.8	3.9	15.7	3.9	5.9	2.0	23.5
Divorce	90	20.2	7.8	16.9	15.7	14.4	10.1	7.9	4.4	12.4	3.4	6.7
Wills, probate, etc.	148	13.5	7.4	6.7	4.1	4.1	8.8	2.7	0.0	2.7	1.4	10.1
Domestic violence	48	16.7	8.3	25.0	4.2	18.8	10.4	18.8	4.2	8.3	4.2	12.5
Other family	51	33.3	7.8	19.6	17.6	15.7	11.8	21.6	6.0	11.8	9.8	3.9
Goods/services	166	6.6	3.6	0.6	1.8	1.2	4.2	1.8	7.2	1.2	1.8	23.5
Debt	80	13.8	8.8	1.3	8.8	7.5	11.3	2.5	6.3	1.3	3.8	18.8
Employment	107	14.0	4.7	0.0	27.1	5.6	1.9	7.5	8.4	1.9	0.9	22.6
Injury	210	17.6	13.3	14.3	19.0	19.0	3.8	3.8	8.6	6.2	2.4	11.4
Fines	90	23.3	12.2	6.7	2.2	0.0	0.0	2.2	5.6	1.1	3.3	18.9
Money (other)	75	12.0	8.0	8.0	12.0	2.7	16.0	4.0	8.0	5.3	1.3	14.7
Gov. payments	72	31.5	8.3	1.4	2.8	2.8	9.7	2.8	4.2	0.0	2.8	19.2
Public services	59	37.3	10.2	3.4	3.4	11.9	10.2	6.8	8.5	3.4	1.7	16.9
Other issues	96	19.8	14.6	15.6	20.8	17.7	7.3	8.3	9.4	7.3	3.1	15.6
Business	49	32.7	24.5	6.1	26.5	4.1	12.2	4.1	10.2	12.2	0.0	6.1
<b>All</b>	<b>1,965</b>	<b>18.2</b>	<b>13.1</b>	<b>8.8</b>	<b>9.6</b>	<b>6.9</b>	<b>6.7</b>	<b>5.0</b>	<b>5.7</b>	<b>4.4</b>	<b>2.4</b>	<b>16.0</b>

Reliance on help obtained

Pilot V-LULU respondents were asked about the extent to which they relied on help obtained from different sources. Figure 3.51 shows the extent of reliance placed on each of the 17 sources of help asked about. As can be seen, within legal services, all services were relied upon to a significant extent on the majority of occasions, with Aboriginal legal services and private solicitors the most likely to be relied upon totally. A similar picture was painted with sources of help more generally, with particular reliance being placed on help received from courts or tribunals, the police and health professionals. Of course, the nature of the help being relied on will often have been very different for different sources.

Figure 3.51—Extent of reliance on main sources of help



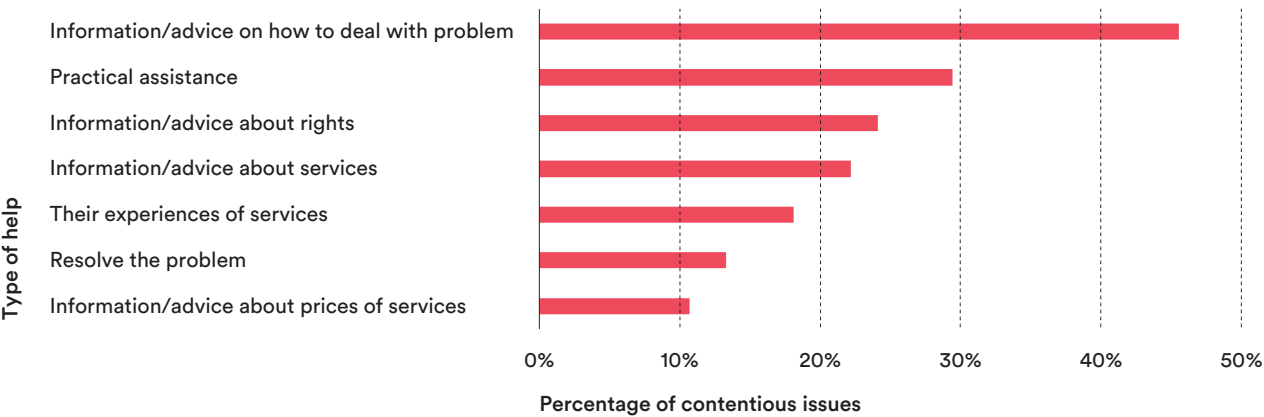
Additional help and unsuccessful attempts to obtain help

As well as asking about respondents’ main sources of help, the pilot V-LULU survey also asked whether respondents had obtained any additional help from elsewhere. In all, 28% (279) of those respondents who reported a legal service as a main source of help indicated they also obtained help from a further legal service. A small number (44) of respondents who had not reported a legal service as a main source of help also indicated they obtained help from a legal service. In addition, 31% of those respondents who had sought some help to deal with contentious issues reported having tried unsuccessfully to obtain help from at least one legal service, although around 4 in 5 did obtain help from one or more other legal services. Looking at particular legal services, 12% of those respondents who sought some help to deal with contentious issues tried unsuccessfully to obtain help from one or more private solicitors.

Help from friends and family members

As well as obtaining help from independent sources, many pilot V-LULU respondents also obtained help from friends and family members when dealing with contentious issues. Overall, 66% of contentious issues involved such help, with the most common form of help being information or advice on how to deal with the issue (46%). At the other end of scale, relatively few people obtained information or advice from friends or family about the prices of services (11%), slightly fewer than delegated the resolution of contentious issues to friends or family members. Figure 3.52 sets out all the different types of help provided by friends and family members.

Figure 3.52—Types of help obtained from friends or family members



Other action

To complete the picture of strategies adopted to deal with contentious issues, pilot V-LULU respondents were asked about other actions they took to do so (Figure 3.53). The most common form of other action was communication with the other party to a contentious issue (63% of contentious issues). Such communication was most common in relation to contentious issues concerning business (80% of contentious issues), rented housing (72%), and goods or services (71%). It was least common in relation to contentious issues concerning wills, probate or powers of attorney (43%), ‘other matters’ (48%), homelessness (47%), and domestic violence (51%).

Evidence was most often obtained or organised in relation to contentious issues concerning ‘other’ family matters (i.e. concerning child welfare or adoption) (51%), public services (48%), and domestic violence (47%). It was least often obtained or organised in relation to contentious issues concerning debt (22%), homelessness (27%), and neighbours (29%).

Mediation was common in relation to contentious family issues, though 33% of business-related contentious issues also involved mediation, along with 20% of ‘other’ contentious issues, 17% of contentious issues concerning employment, 17% of contentious issues concerning owned housing and 16% of injuries.

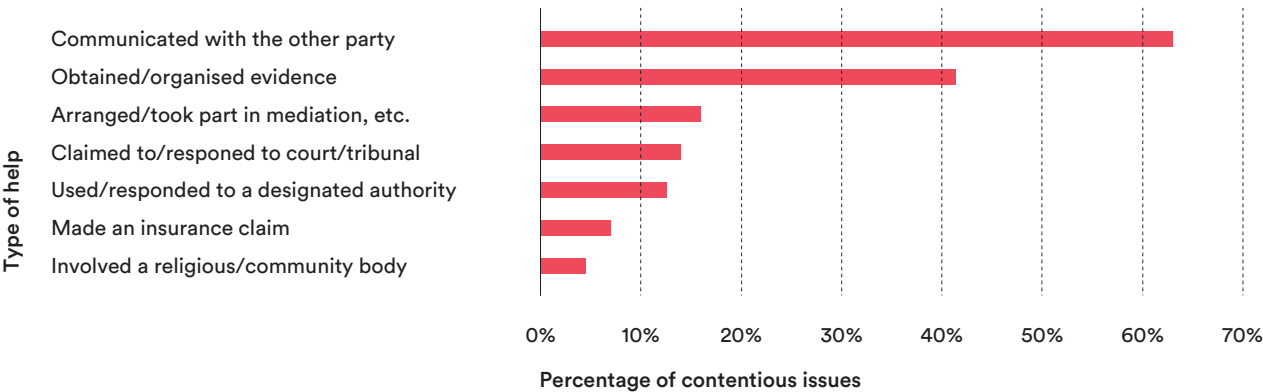
Courts and tribunals also mostly became involved in family or business-related contentious issues. For example, 25% of contentious issues concerning divorce or the ending of a de facto relationship and 22% of business-related contentious issues involved court or tribunal process. However, 26% of ‘other’ contentious issues also involved court or tribunal process.

Likewise, designated authorities (e.g. ombudsman schemes and regulators) were primarily associated with family and business-related contentious issues, though 18% of ‘other’ contentious issues also involved designated authorities, along with 17% of ‘other’ money issues, 13% of injuries, and 12% of contentious issues concerning owned housing.

Insurance claims were mostly filed in respect of injuries (20% of contentious issues) and contentious issues concerning ‘other’ money matters (16%) or business (10%).

Finally, religious or community bodies mostly became involved in business-related (12%), ‘other’ family (12%), and ‘other’ (12%) contentious issues.

Figure 3.53—Other action taken to deal with contentious issues



By putting together all the elements of contentious issue resolving behaviour outlined in this chapter, it is possible to provide a summary overview of resolution strategies in the traditional form adopted in reports of surveys, such as the PULS. Figure 3.54 illustrates strategies without distinguishing between any of the levels of help that the pilot V-LULU survey innovatively incorporated. This indicates a far higher level of legal service usage than previously suggested – a consequence of the survey’s switch from establishing levels of help following service identification to establishing levels of help prior to establishing the services that provided help. This is a small change yielding a dramatically different picture. The picture painted by the pilot survey is one in which some use is made of legal services in relation to the majority of contentious justiciable issues – even if much of this use is at a low service level.

Figure 3.55 then refines this picture to show how most of this use of legal services involves information rather than advice. As noted above, the highest level of help could not be directly attributed to particular services on all occasions. However, the basic picture is broadly indicative of behaviour.

Figure 3.54—Resolution strategies adopted in relation to contentious issues

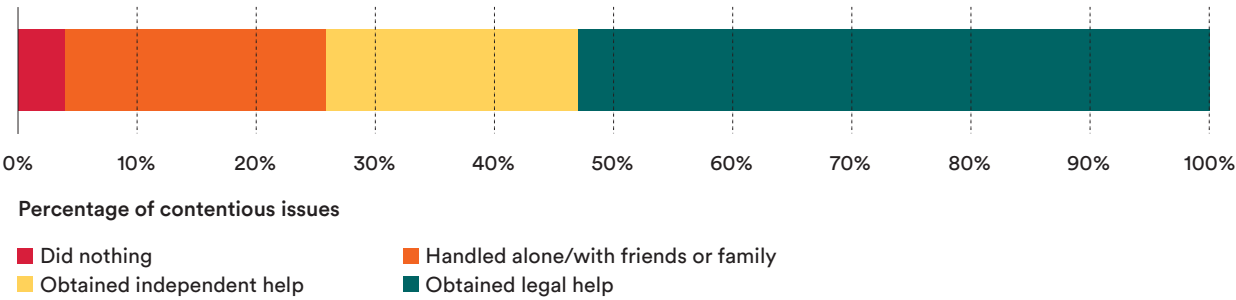
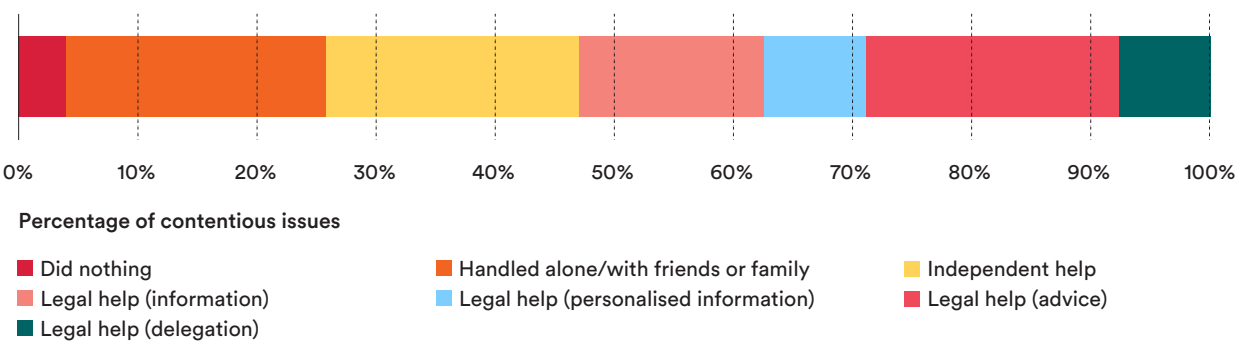


Figure 3.55—Resolution strategies adopted in relation to contentious issues



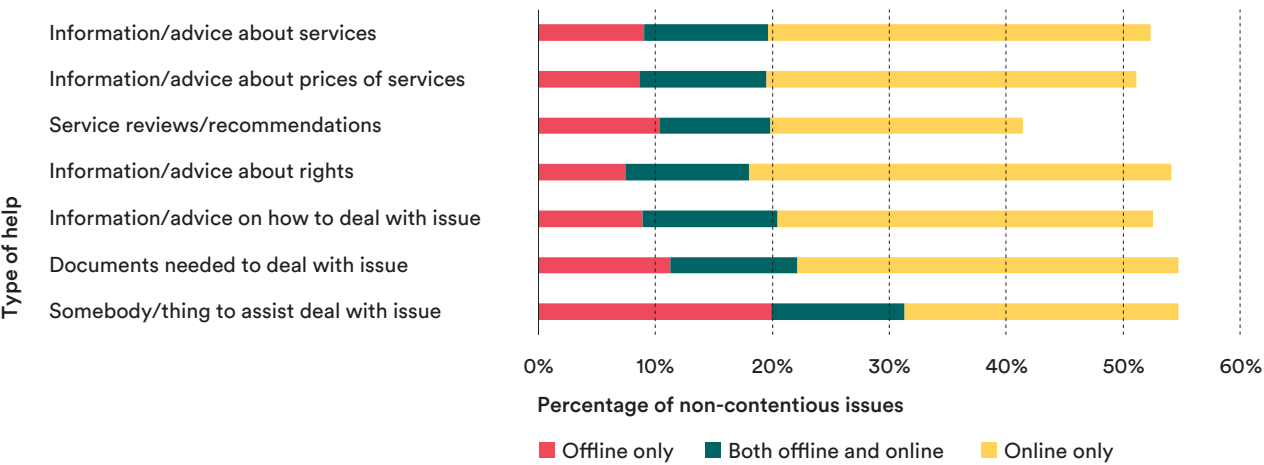
### Strategy and non-contentious issues

#### Types of help-seeking in relation to non-contentious issues

So far, this chapter has focused solely on contentious justiciable issues, but there were also 327 non-contentious justiciable issues followed up as part of the pilot V-LULU survey. Of these, 71% involved some level of help being sought (including about sources of help) from one or more independent source – a much lower figure than the 87% recorded for contentious issues. However, as Figure 3.56 illustrates, respondents similarly sought a broad range of types of help. The main difference between non-contentious and contentious issues was that more information/advice about rights and responsibilities and how to deal with issues was sought in the case of the latter. The proportion of non-contentious and contentious issues that involved respondents seeking, for example, help about service prices or documents needed to deal with issues was similar.

As with contentious issues, non-contentious issues more often involved help being sought online than offline. Of those who sought independent help, just 17% sought help only offline. Offline help-seeking was most common in relation to non-contentious issues concerning injuries (though numbers were very small). Elsewhere, family-related issues were more likely than housing-related issues to involve only offline searching.

Figure 3.56—Types of help sought, excluding from non-professional friends/family, by channel





Overall, some information, advice or assistance was obtained in 94% of non-contentious issues that involved an attempt to obtain independent help, with around an 85% success rate for obtaining each of the different types of help (other than service reviews, which were associated with a 77% success rate). These rates of success were a little higher than for contentious issues.

Figure 3.57 sets out the types of help obtained in relation to the followed-up non-contentious issues. As is evident, some people obtained types of help that they had not initially sought. Hence, a greater percentage of respondents obtained assistance with non-contentious issues than initially sought it.

### Levels of help-seeking in relation to non-contentious issues

Compared to contentious issues, non-contentious issues were less likely to involve independent help (excluding about services) being sought (66% of issues, compared to 84%) as shown in Figure 3.58.

This was largely attributable to a particularly low level of help-seeking in respect of wills, probate or powers of attorney. In the case of these non-contentious issues, 41% (55 of 134 issues) of issues involved no help-seeking. In the case of non-contentious housing issues, the figure was 28%, and for issues relating to divorce 14%.

Figure 3.57—Types of help obtained, excluding from non-professional friends/family, by channel

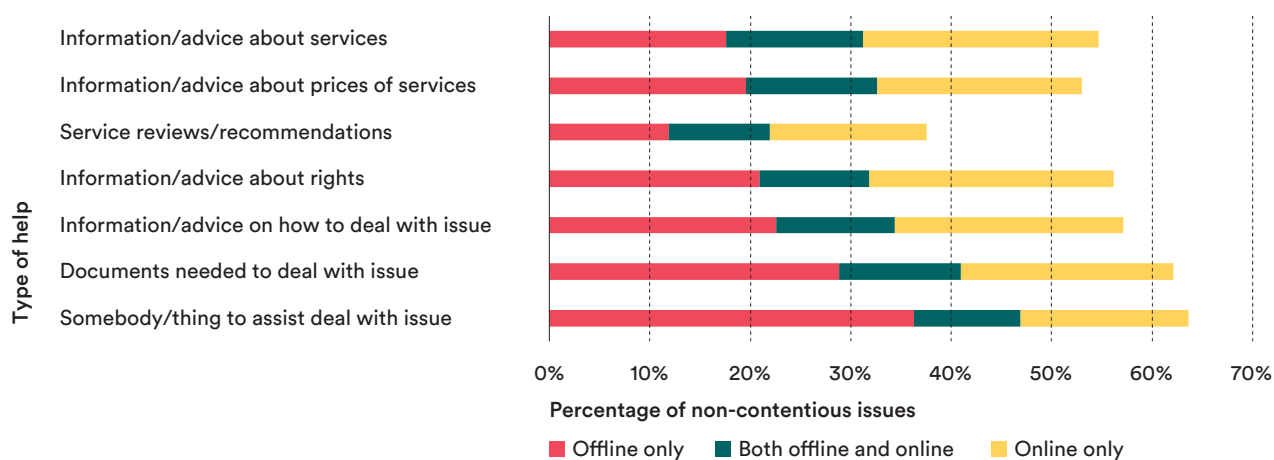
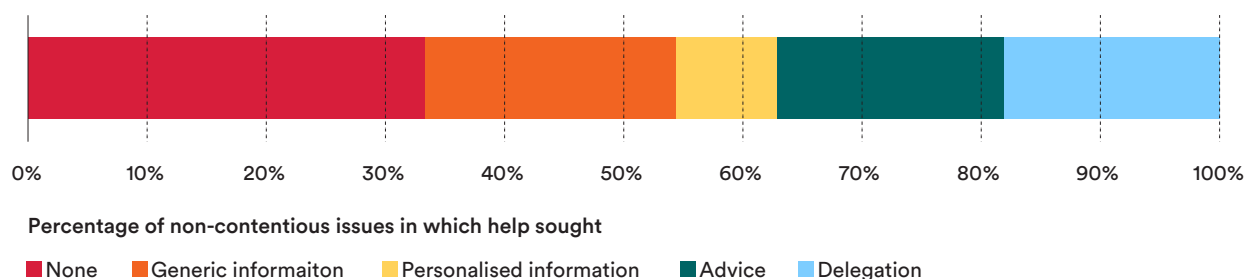


Figure 3.58—Highest level of help sought



Level of success in obtaining help sought in relation to non-contentious issues

The great majority of pilot V-LULU respondents who sought information, advice or assistance (excluding about services) in relation to non-contentious issues, from sources other than friends or family members (unless relevant professionals), managed to obtain some help. As shown by Figure 3.59, just 7% of respondents didn't manage to obtain any of the help they had sought. While 20% obtained a lower level of help than they had sought, both these figures were lower than for contentious issues (15% and 24%, respectively).

The contrast between non-contentious and contentious issues would have been greater still but for the large percentage of non-contentious issues concerning divorce or the ending of a de facto relationship that involved unsuccessful attempts to obtain help (5 of 12 cases), though numbers were very small.

Level of help obtained in relation to non-contentious issues

As can be seen from Figure 3.60, more people obtained independent help about non-contentious issues than sought it out. Across all followed-up non-contentious issues, while 34% involved no help being sought, just 27% involved no help being obtained. Of the remaining non-contentious issues, 16% involved only generic information being obtained, 15% personalised information being obtained, 29% advice being obtained, and 13% issue resolution being delegated to someone else. These last 2 percentages were very similar to those for contentious issues. As suggested by the previous paragraph, independent help was obtained relatively infrequently in the case of non-contentious issues concerning divorce or the ending of a de facto relationship. However, numbers were very small.

Figure 3.59—Level of success in obtaining help sought

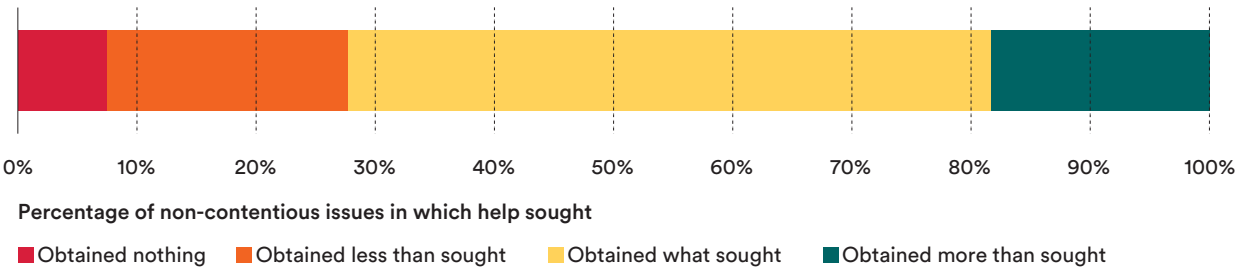
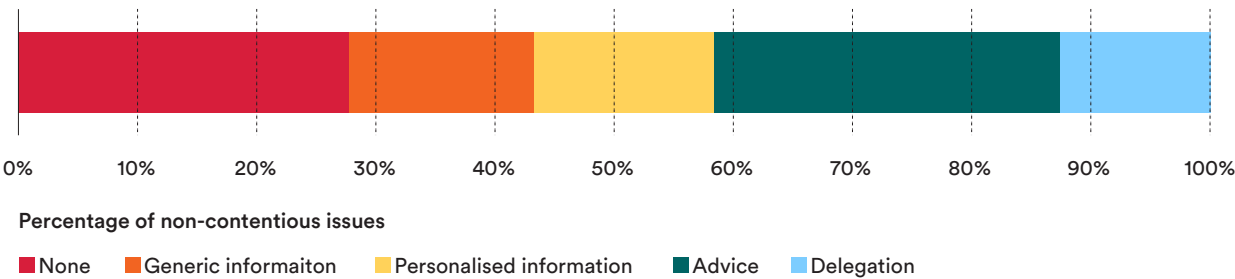


Figure 3.60—Highest level of help obtained



Sources of help in relation to non-contentious issues

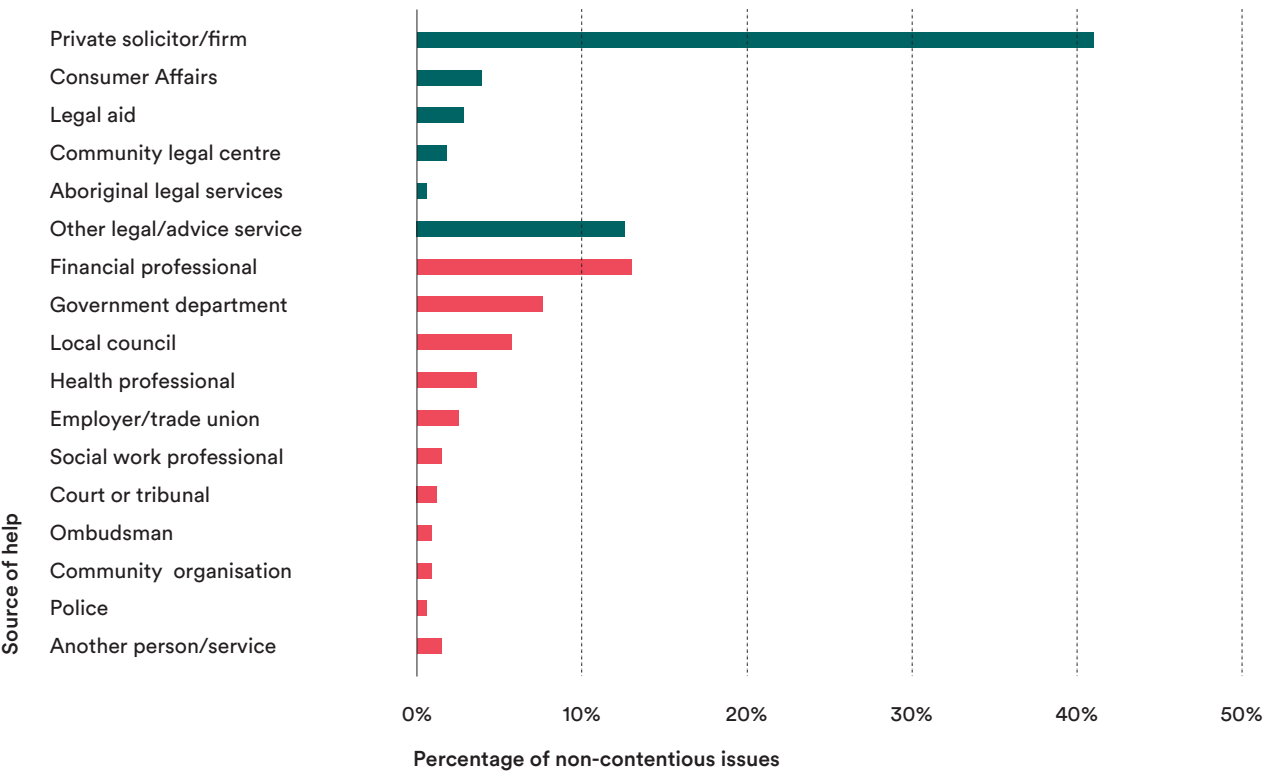
Pilot V-LULU respondents who obtained information, advice or assistance about non-contentious issues tended to obtain help from just one source. Overall, 58% of respondents indicated they had mainly obtained help from one source, while the remaining 42% indicated they had mainly obtained help from more than one source, with 14% obtaining help from 3 or more sources.

Figure 3.61 illustrates the main sources of help reported in relation to non-contentious issues. The pattern is very different to that reported in relation to contentious issues, with private solicitors dominating service provision, and only financial professionals, government departments or authorities, local councils and ‘other’ legal/advice services being reported in more than 5% of cases.

In the majority of instances (53%), help from private solicitors was obtained solely offline, and only online on just 7% of occasions. Offline help was also obtained from financial professionals in a relatively high percentage of cases (44% solely offline and a further 41% both offline and online). In contrast, help from government departments or authorities and local councils was generally obtained online. In the case of government departments or authorities, help was obtained offline on 35% of occasions, and exclusively offline on just 20% of occasions. The figures for local councils were 47% and 26%, respectively.

In 69% of cases, help obtained from financial professionals amounted to advice or delegation of issue resolution. The corresponding figure for solicitors was 60%. These were higher percentages than for the other common sources of help. The corresponding figures for government departments or authorities and local councils were 44% and 39% respectively.

Figure 3.61—Respondents’ main sources of help (green bars represent legal services)



On 73% of occasions, respondents obtained all or more of the help they had sought from private solicitors in relation to non-contentious issues.

The help provided by private solicitors in relation to non-contentious issues was focused on family (54% of cases) and housing (46%) issues. The help provided by financial professionals was focused in the same 2 areas, but mostly on housing issues (70%). Likewise, the help provided by government departments or authorities and local councils focused on these issues, again with housing issues predominant.

As with contentious issues, respondents placed great reliance on the help they received in relation to non-contentious issues. For example, when private solicitors were reported to be a main source of help, they were significantly or totally relied on in 90% of cases. For the other common sources of help, the figures were a little lower. For example, when financial professionals, government departments or authorities or local councils were reported to be a main source of help, they were significantly or totally relied on in 79%, 53% and 48% of cases, respectively.

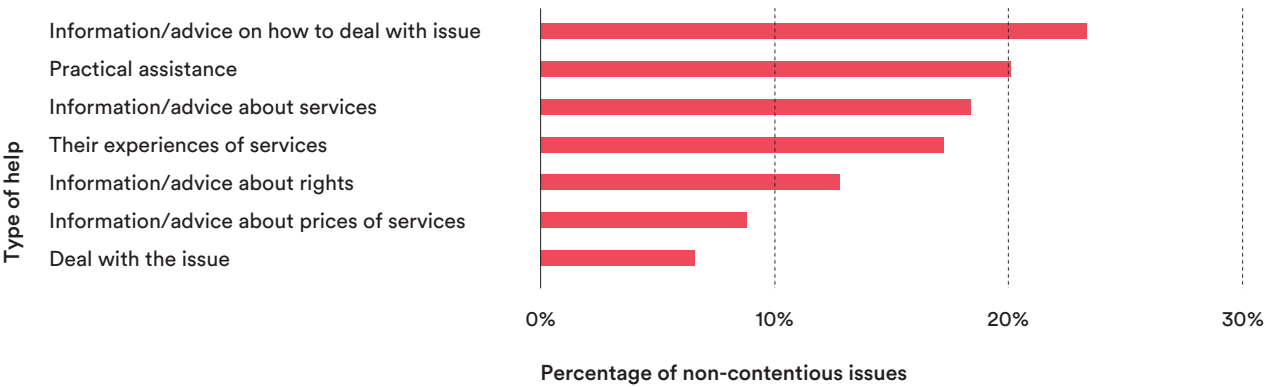
**Unsuccessful attempts to obtain help in relation to non-contentious issues**

Five per cent of those respondents who had sought some help to deal with non-contentious issues reported having tried unsuccessfully to obtain help from at least one legal service, although in 9 of these 11 cases respondents did obtain help from one or more other legal services. Looking at particular legal services, 2% of those respondents who sought some help to deal with contentious issues tried unsuccessfully to obtain help from one or more private solicitors.

**Help from friends and family members in relation to non-contentious issues**

As well as obtaining help from independent sources, pilot V-LULU respondents also obtained help from friends and family members when dealing with non-contentious issues. Overall, 52% of non-contentious issues involved such help – fewer than the 66% of contentious issues. As can be seen from Figure 3.62, the most common form of help obtained from friends or family members was information or advice on how to deal with the issue, with practical assistance also relatively common.

Figure 3.62—Types of help obtained from friends or family members



Other action in relation to non-contentious issues

To complete the picture of strategies adopted to deal with non-contentious issues, the other actions that pilot V-LULU respondents took to deal with non-contentious issues are detailed in Figure 3.63. The most common form of other action taken as obtaining or organising paperwork or other material (48% of cases), followed by communication with others involved with the issue (44%).

Overall strategy in relation to non-contentious issues

Figure 3.64 illustrates the overall strategies adopted by pilot V-LULU respondents to deal with non-contentious justiciable issues. The highest level of help could not be directly attributed to particular services on all occasions. However, as with the picture provided above for contentious issues, the basic picture is broadly indicative of behaviour.

Figure 3.63—Other action taken to deal with non-contentious issues

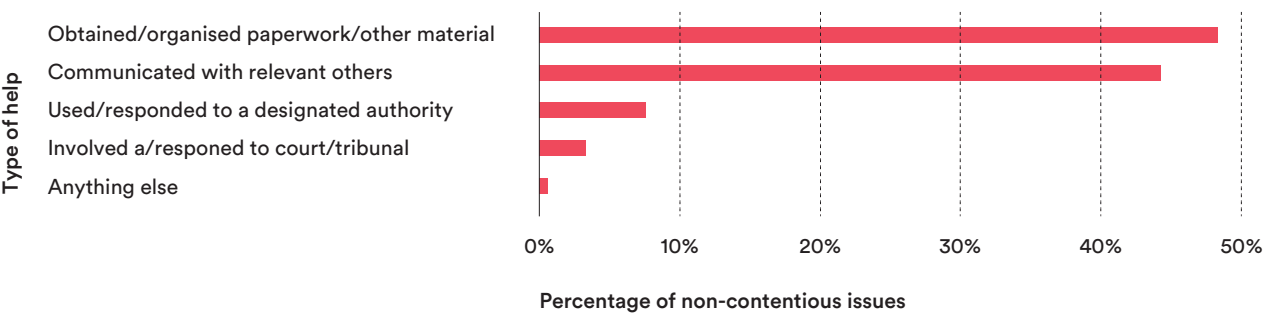
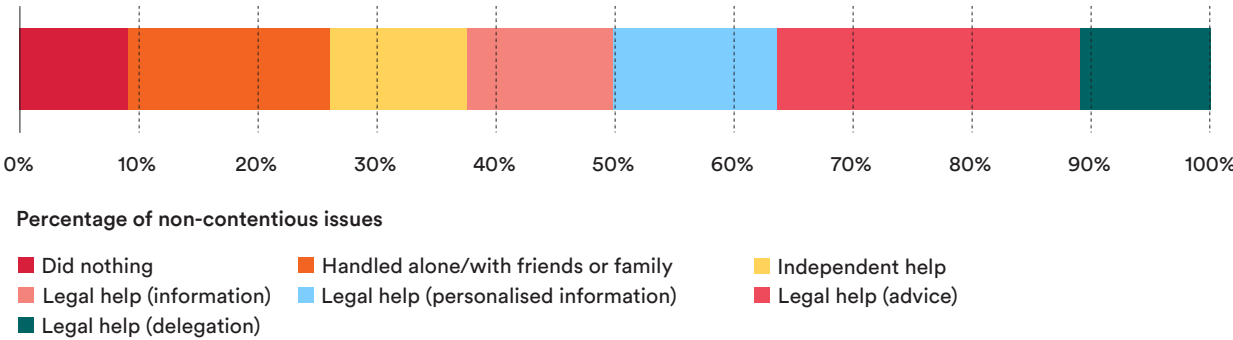


Figure 3.64—Resolution strategies adopted in relation to non-contentious issues



## 04

# Adequacy of services and legal need

This chapter sets out the OECD/OSF definition and framework for measuring legal need. It reveals the extent to which pilot V-LULU respondents obtained the help they needed. It then goes on to report levels of met and unmet legal need according to the OECD/OSF framework and how these varied by the level and type of help that respondents obtained. The chapter concludes by contrasting the pictures painted of contentious and non-contentious issues.

## To need or not to need, is that the question?

### Measuring legal need

The OECD/OSF guidance on the conduct of legal needs surveys provides a working definition of legal need:

*‘Legal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with. A legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice.’<sup>210</sup>*

Nevertheless, the concept of legal need remains contested, as the different elements of legal need, and when and how they can be met, remain contested. Thus, although the pilot V-LULU survey contained the OECD/OSF model survey questions needed to capture the different components of legal need and met/unmet legal need, according to the approach detailed in their framework for the measurement of legal need,<sup>211</sup> these questions only provide one (relatively blunt) of many possible ways in which need and met/unmet need could be assessed.

Table 4.1 details the pilot V-LULU survey questions that were used to determine legal need and whether or not it was met. As with the PULS report,<sup>212</sup> levels of legal need and met/unmet legal need are provided using both a narrow (help obtained from a legal service) and broad (any independent help obtained) measure. In addition, as the pilot V-LULU survey was able to distinguish between different levels of help across all sample issues, a further measure is reported, in which those respondents who successfully delegated the resolution of their sample issue to a legal service are automatically designated as having had any legal need met.

As process fairness is a component of legal need measurement, only concluded issues were included in the analyses set out in this chapter.

Also, as with other chapters, the main text of this chapter concerns contentious issues, with non-contentious issues addressed in summary in a separate section at the end of the chapter.

210. OECD/OSF (2019), 24.

211. The only departure from the guidance related to the new approach and structure of the pilot V-LULU survey around help-seeking, which – although it involved an expert help source identification of similar form to that recommended by the guidance – involved the framing and positioning of expert help source identification questions being novel.

212. Balmer et al. (2023).

**Table 4.1—Pilot V-LULU survey questions for OECD/OSF framework for the measurement of legal need**

Element of OECD/OSF framework	V-LULU question	Measure
Duration	PF4, 5 and 6 NF4, 5 and 6	Short / moderate = <25 months Long = >24 months
Seriousness	PF2 NF2	Low = 1-3 Moderate = 4-7 High = 8-10
Legal awareness / understanding	PF7a1.1 NF7a1.1	Yes = agree / strongly agree No = disagree / strongly disagree
Legal confidence	PF7a1.3 NF7a1.3	Yes = agree / strongly agree No = disagree / strongly disagree
Process fairness	O8 NO8	Fair = 'fair to everybody concerned' Not fair = 'Not fair'
Expert help	PF11, 16 and 18 NF11, 16 and 18	Narrow (P/NF16/18) = 1-6 Broad (P/NF16/18) = 7-17
Adequacy of support	PF7a2.3 NF7a2.3	Yes = agree / strongly agree No = disagree / strongly disagree

### *Elements of legal need*

As the report of the PULS stated:

*‘From a policy and practice perspective, very different types of intervention/innovation are appropriate to address problems associated with the different components of the legal need measurement framework.’<sup>213</sup>*

As it went on to explain, a routine failure of issues to be resolved within a reasonable timeframe or in a manner seen as unfair might suggest the need for process reform. Widespread deficits in legal knowledge and/or confidence might suggest community legal education initiatives (although the PULS report raised important questions about the focus and value of such initiatives), or greater provision of good quality and capability appropriate information and support, including legal support. Shortfall in the reach of legal services might suggest service innovation and/or expansion. Also, as the PULS report noted, the regulatory rules concerning who can provide legal services and what forms and levels of service amount to legal service provision have great bearing on the reach of legal services. Thus, shortfall in the reach of legal services might also suggest regulatory reform.

It is important to look not only at the headline figures of legal need set out in this chapter, but also the extent to which different elements of legal need and met/unmet legal need contributed to them. To help in this, the OECD/OSF framework is reproduced in Figure 4.6, along with an indication of how many pilot V-LULU survey issues fell within each element of it.

One of the elements of the OECD/OSF framework is also addressed separately before this chapter progresses to a detailed account of pilot V-LULU respondents’ levels of legal need and met/unmet legal need – namely, whether respondents felt they obtained all of the help they needed to deal with justiciable issues. This is, after all, perhaps the most burning question in the legal services sphere, both in the context of public legal assistance services and, more broadly, private (and even commercial) practice.

213. Balmer et al. (2023), 154.



### Adequacy of legal service provision

Across all 1,174 concluded contentious issues followed up by the pilot V-LULU survey, 63% of respondents agreed that, in the end, they had been able to get all the expert help they had needed (with 23% strongly agreeing with this proposition). Of those who disagreed with this proposition, around one-quarter (representing 9% of contentious issues overall) strongly disagreed with it.

As would be expected, there was a strong relationship between the highest level of independent help respondents obtained and whether or not they agreed they had got all the expert help they needed.<sup>214</sup> As illustrated by Figure 4.1, those who obtained no independent help were substantially less likely to agree they had got all the expert help they needed,<sup>215</sup> while those who obtained advice were more likely to agree with the proposition.<sup>216</sup>

Figure 4.2 shows the same, but for the highest level of help obtained from a legal service. The picture is broadly similar. More detailed comparison is imprudent, as there are many factors that influence whether help is obtained from a legal service rather than somewhere else, including type and seriousness of issue. However, it is notable that a significant proportion of those who had obtained advice from, or even delegated contentious issue resolution to, a legal service did not feel that, in the end, they got all the help they needed.

Figure 4.1—Whether or not sufficient expert help obtained by highest level of help obtained

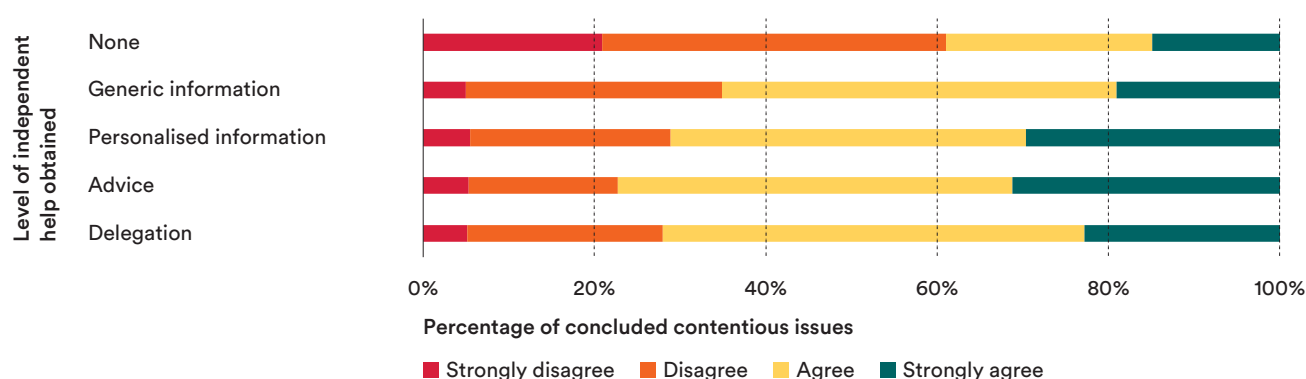
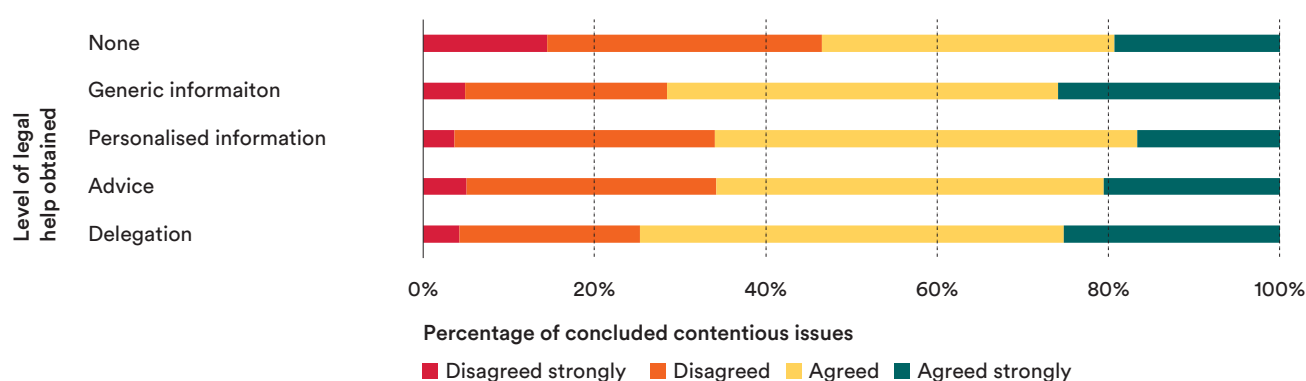


Figure 4.2—Whether or not sufficient expert help obtained by highest level of legal help obtained



214.  $\chi^2_{12} = 136.15, p < 0.001$

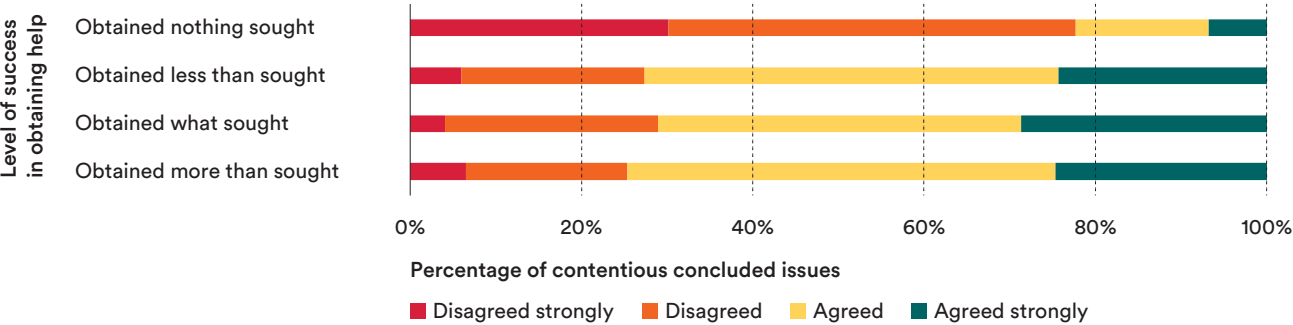
215. Standardised Pearson residuals = 6.5 (disagree strongly) and 4.2 (disagree)

216. For advice, standardised Pearson residuals = 3.0 (agree strongly) and 1.6 (agree)

Figure 4.3 illustrates how the difference between levels of advice sought and obtained related to whether respondents agreed that, in the end, they got all the expert help they needed.<sup>217</sup> As can be seen, those who had sought help, but obtained nothing, were hugely less likely to agree they obtained all the expert help they needed.<sup>218</sup> Moreover, there was an even greater disparity if only those who sought or obtained help from a legal service were included in analysis. In this case, 24 of the 25 respondents who obtained nothing of what they sought disagreed they obtained all the expert help they needed (compared to 103 of 897 respondents for the full sample).

Those who had obtained the level of help they sought nevertheless also often reported they had not obtained all the help they had needed (with the picture similar for legal services as well as in general). Pilot V-LULU survey findings therefore raise questions about not just the reach and quantity of service provision, but also about the adequacy and quality of service provision.

Figure 4.3—Whether or not sufficient expert help obtained by success in obtaining level of help sought



217.  $\chi^2 = 134.87, p < 0.001$

218. Standardised Pearson residuals = 8.0 (disagree strongly) and 4.4 (disagree)

Looking more closely at those respondents who obtained a lower level of help than sought, Figure 4.4 shows the extent to which respondents agreed they had obtained all the expert help they had needed by the degree of shortfall in help obtained against help sought.<sup>219</sup> As can be seen, the greater the shortfall, the greater the level of disagreement. For those who reported a shortfall of 3 or more levels, 69% disagreed that they had obtained all the help they had needed.

Finally, on the adequacy of legal service provision, Figure 4.5 shows that for all 4 of the most commonly used types of legal service for some people there is a shortfall between the level of help they received and the level of help they needed. Overall, this can be said of around 20% of legal service users, though the figure was higher for Consumer Affairs (36%).

Figure 4.4—Whether or not sufficient expert help obtained by level of success in obtaining help sought

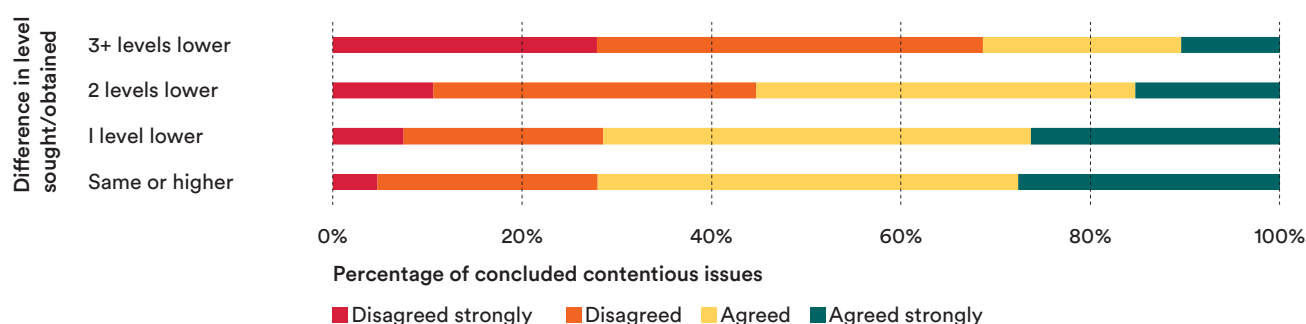
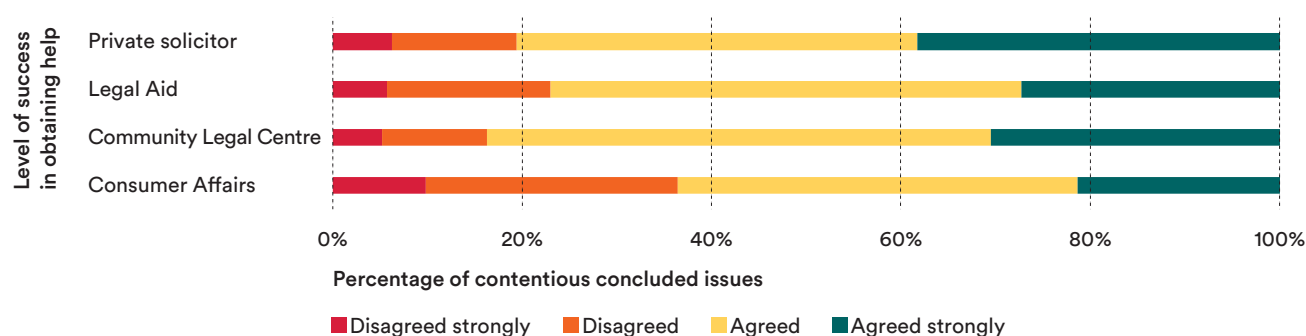


Figure 4.5—Whether or not sufficient expert help obtained by source of legal help



219.  $\chi^2_9 = 89.36, p < 0.001$

### Legal need and level of legal service provision

Using the OECD/OSF framework for the measurement of legal need, across all 1,802 contentious issues followed up by the pilot V-LULU survey for which sufficient data was available, 33% involved no legal need, 14% a need that had been met (broad definition – i.e. adequate independent help obtained), and 53% a need that had gone unmet.

Of course, for ongoing problems, there remains the possibility that needs might eventually be met. Looking only at the 1,092 concluded contentious issues for which sufficient data was available, 47% involved no legal need, 13% a need that had been met (broad definition), and 40% a need that had gone unmet. The percentage of concluded contentious issues in each element of the OECD/OSF framework is detailed in Figure 4.6. As can be seen, 58% of issue classifications derive from the long duration (26% of classifications and around two-thirds of all unmet need) and low seriousness (32% of classifications and around two-thirds of no legal need) elements. Around 15% of classifications derive from inadequacy of expert support.

As inadequacy of expert support is a key element of unmet legal need, inadequacy of expert help was strongly associated with unmet need. In fact, 95% of concluded contentious issues in which legal needs arose, and about which respondents reported not having got all the expert help they required, were classified as involving unmet legal needs (broad definition of met legal need). This equates to 66% of all concluded contentious issues about which respondents reported having not got all the expert help required. The figures for concluded contentious issues about which respondents felt they had got all the expert help they needed were 60% and 27%, respectively.

**Figure 4.6—OECD/OSF framework for the measurement of legal need, populated matrix with pilot V-LULU survey data (broad measure of met legal need, concluded contentious issues only)**

Duration	Seriousness	Legal awareness / understanding	Legal confidence	Process fairness	Expert help	Adequacy of support
Long: 26%	Any: 26%	Any: 26%	Any: 26%	Any: 26%	Any: 26%	Any: 26%
Short / moderate: 74%	High: 10%	Any: 10%	Any: 10%	Yes: 7%	Yes: 6%	Yes: 4%
					No: 2%	No: 2%
					No: <1%	N/A: <1%
				No: 3%	Yes: 2%	Yes: 1%
					No: 1%	No: 1%
					No: 1%	Any: 1%
	Moderate: 33%	Yes: 26%	Yes: 20%	Yes: 15%	Any: 15%	Any: 15%
				No: 5%	Yes: 4%	Any: 4%
				No: 1%	No: 1%	Any: 1%
				No: 6%	Yes: 2%	Yes: 1%
				No: 2%	No: 2%	No: <1%
				No: 3%	Yes: 2%	Any: 2%
		No: 7%	Any: 7%	No: 3%	Yes: 2%	Yes: 1%
				No: 1%	No: 1%	No: 1%
				Yes: 3%	Yes: 3%	Yes: 2%
				No: <1%	No: <1%	Any: <1%
				No: 4%	Yes: 2%	Yes: 1%
				No: 2%	No: 2%	No: 1%
				No: 2%	Any: 2%	Any: 2%
Low: 32%	Any: 32%	Any: 32%	Any: 32%	Any: 32%	Any: 32%	Any: 32%

■ No legal need

■ Legal need

■ Met legal need

■ Unmet legal need

Figure 4.7 illustrates the relationship between the level of independent help that respondents obtained in dealing with concluded contentious issues and legal need (broad definition of met legal need).<sup>220</sup> As can be seen, the highest level of unmet legal need was associated with respondents who obtained no independent help. For those who obtained help, while the level of unmet legal need rose along with the level of help obtained, this was largely a reflection of underlying legal need also rising along with level of help obtained. Looking only at cases in which legal needs arose, there was very little difference in the rate needs were met between different levels of help. When needs arose, 68% were unmet for all levels of help other than personalised advice, for which the figure was slightly lower, at 64%.

Using the narrow definition of met legal need (i.e. adequate help obtained from a legal service), 47% of concluded contentious issues involved no legal need, 10% a need that had been met, and 43% a need that had gone unmet. Figure 4.8 illustrates the relationship between the level of legal help that respondents obtained in dealing with concluded contentious issues and legal need.<sup>221</sup> The picture is broadly similar to that in Figure 4.7. However, there was some evidence that in cases in which legal needs arose unmet need increased with level of legal help obtained. For example, when personalised information was the highest level of help 68% of legal needs were unmet, rising to 74% for advice and, perhaps surprisingly, 82% when issue resolution was delegated to a legal service.

If delegation of the resolution of a contentious issue to a legal service is deemed to meet legal need, then rather than 43% of contentious issues having involved unmet legal need, the figure would have been 37%.

Figure 4.7—Legal need by highest level of help obtained (broad measure of met legal need)

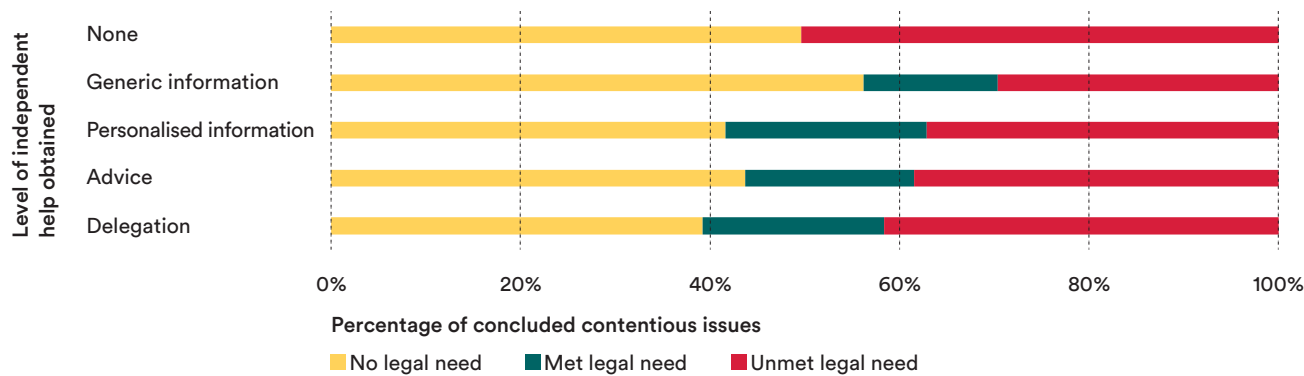
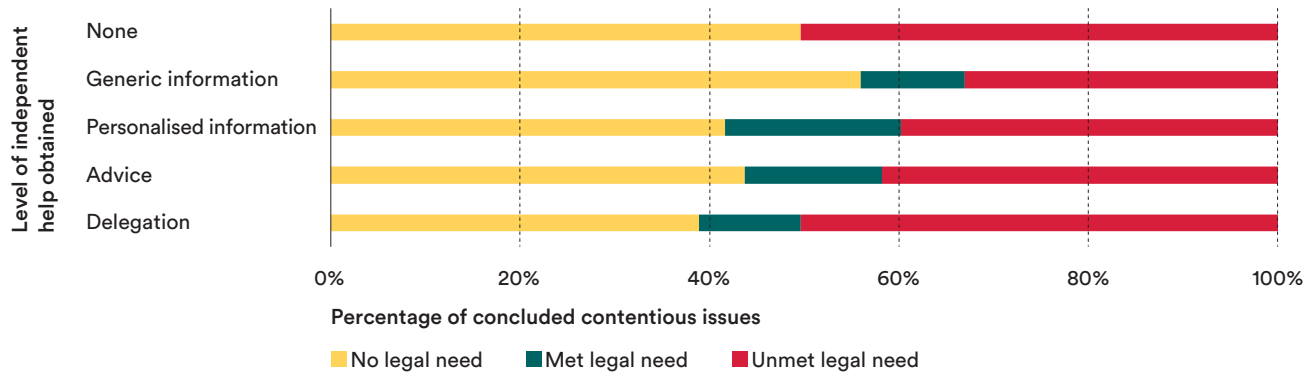


Figure 4.8—Legal need by highest level of legal help obtained (narrow measure of met legal need)



220.  $\chi^2_8 = 71.14$ ,  $p < 0.001$

221.  $\chi^2_8 = 59.34$ ,  $p < 0.001$

Figure 4.9 illustrates the relationship between the success respondents had in obtaining the help they sought and legal need (broad definition of met legal need).<sup>222</sup> Inevitably, the highest level of unmet legal need was associated with respondents who obtained nothing of what they sought. However, although the level of unmet legal need was lower among those who obtained what they had sought than among those who obtained less than they had sought, it was also lower than among those who obtained more than they had sought. A possible explanation is that those who obtained a higher level of help than sought had needs that were simply more difficult to meet.

Looking more closely at those respondents who obtained help, but a lower level of help than sought, Figure 4.10 shows that the greater the shortfall between level sought and obtained, the higher the rate of unmet legal need (broad definition of met legal need).<sup>223</sup> However, the pattern is a product of both level of need (1 level lower) and rate of needs being met (2+ levels lower), complicating interpretation.

Figure 4.9—Legal need by success in obtaining level of help sought

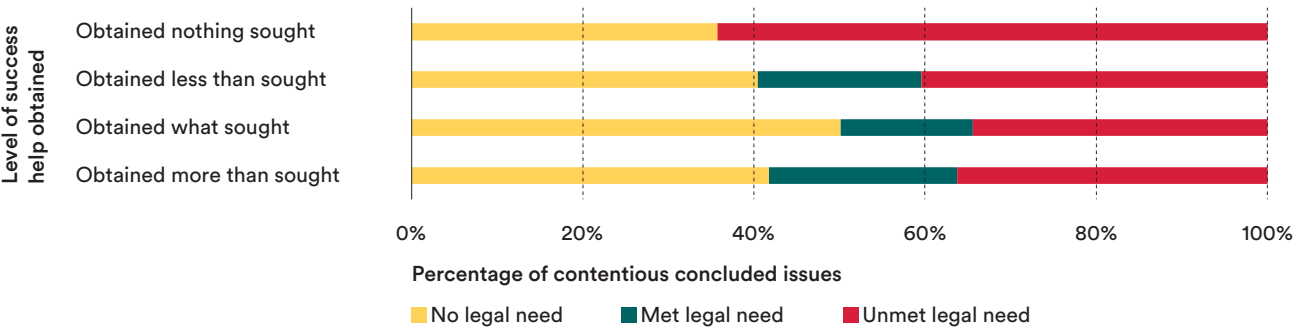


Figure 4.10—Legal need by level of success in obtaining help sought

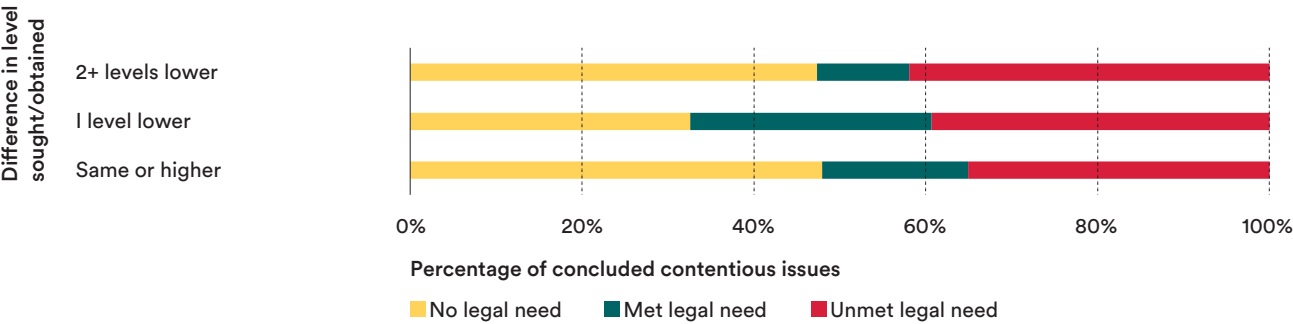
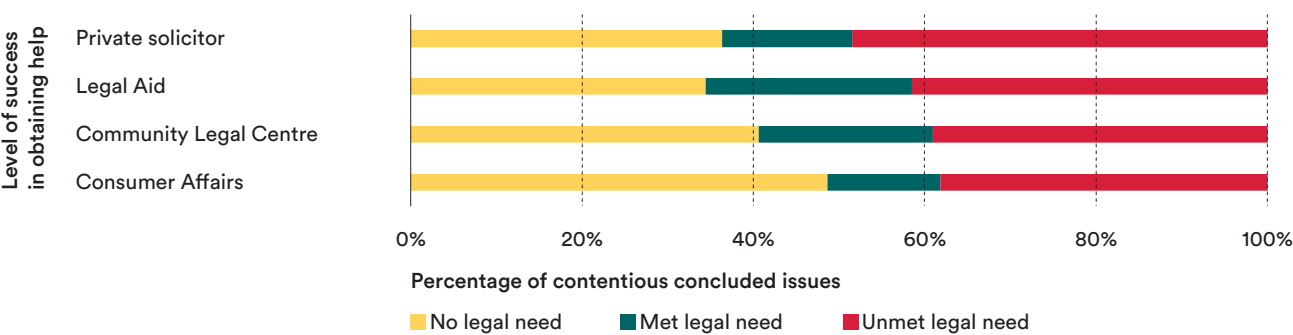


Figure 4.11—Legal need by source of legal help



222.  $\chi^2_6 = 44.25, p < 0.001$

223.  $\chi^2_4 = 13.92, p = 0.01$

Figure 4.11 shows that for most of the most commonly used types of legal service levels of unmet legal need (broad definition of met legal need) were broadly in line with the overall rate of 40%. While private solicitors were associated with a higher rate of unmet legal need, the rate at which private solicitors' users' needs were met was the same as for needs overall (at 76%).

Finally, looking at legal services in the round, those who obtained (any) help from a legal service were associated with a slightly higher (though not statistically significantly higher) level of unmet legal need. However, this was in the face of much higher levels of need.<sup>224</sup> Excluding contentious issues in which legal needs did not arise, legal help was associated with a significantly higher rate of needs being met (30%, compared to 14%). But the fact remains that the common perceived inadequacy of support provided by legal services still leaves the majority of needs unmet. This was so even if long duration contentious issues were also excluded from calculations. Including only moderate or high seriousness contentious issues that were resolved within 2 years, 66% of legal service users' needs were met; meaning one-third of legal service users' needs remained unmet.

### Adequacy of legal services and non-contentious issues

Turning to non-contentious issues, across all 276 concluded non-contentious issues followed up by the pilot V-LULU survey, 96% of respondents agreed that, in the end, they had been able to get all the expert help they had needed (with 60% strongly agreeing with this proposition). Of the 4% of respondents who disagreed with the proposition, none strongly disagreed with it. This is a very different picture to that painted for contentious issues.

Of the very small number of respondents who felt they had not got all the expert help they needed, none had delegated the issue to an independent source of help and half had obtained no help or only generic information. Also, half of those who felt they had not got all the expert help they needed obtained less help than they had sought, with most obtaining none of the help they had sought.

224.  $\chi^2_2 = 37.37$ ,  $p < 0.001$ . Standardised Pearson residual = -2.1 (no legal need)

05

# The use of legal services

This chapter sets out the experience of pilot V-LULU respondents who had used legal services to help deal with followed-up justiciable issues. It details the methods used to find services, the factors associated with choice of particular services, what was expected and received from services, communication preferences and modes of communication with services, information provided by services, the cost of services, satisfaction with services and methods used to raise complaints about services. It also details the extent to which respondents made use of guidance provided by the VLSB+C.



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## A new approach

This chapter describes the experience of pilot V-LULU respondents who used legal services to help deal with followed-up justiciable issues. It explains how respondents found services, respondents' considerations in choosing particular services, the details of what was expected and received from services, communication preferences and modes of communication with services, information provided by services, the cost of services, satisfaction with services, and methods used to raise complaints about services. It concludes by reviewing the extent to which respondents contacted and made use of guidance provided by the VLSB+C.

If help was obtained from just one legal service provider, then that provider was followed up. If help was obtained from more than one legal service provider, then a random provider was selected to be followed up. If no legal service provider was used, but a non-legal service provider was used, then the non-legal service provider was followed up. The focus of this chapter is on legal service providers, but key findings relating to non-legal services are included for comparison.

As with previous chapters, the focus of this chapter is on contentious issues. A section at the end of the chapter provides key findings relating to non-contentious issues.

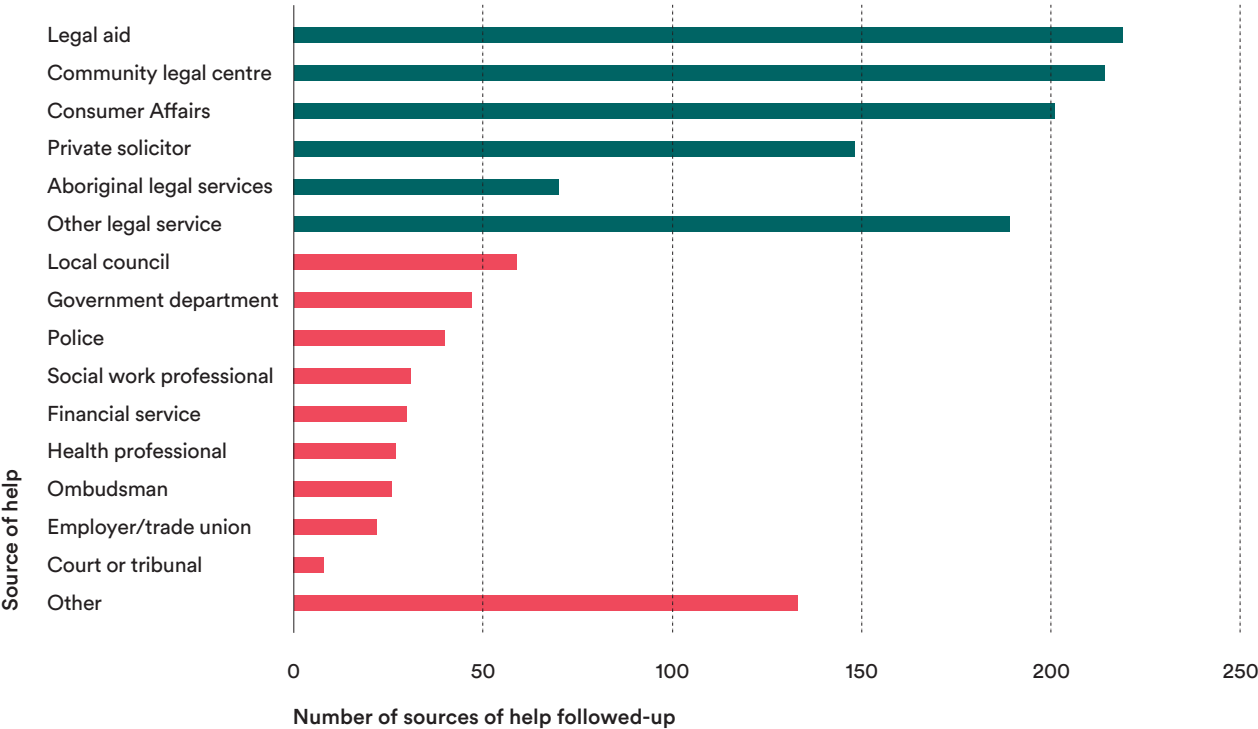
The sample of services

In all, 1,462 sources of help for contentious issues were asked about through the pilot V-LULU survey, of which 1,041 were reported to have been legal services. Figure 5.1 sets out all the sources of help followed up in detail through the pilot V-LULU survey.

As can be seen, with the exception of Aboriginal legal services, the main public legal assistance providers were all represented in the pilot V-LULU survey data to a similar extent. The most commonly followed-up service was legal aid (219 occasions), followed by CLCs (214), Consumer Affairs (201) and private solicitors (148). Use of Aboriginal legal services was followed up on 70 occasions, and ‘other’ legal services on the remaining 189 occasions. Of the ‘other’ services followed up, 11 were conveyancers, 9 barristers, 9 family mediators, 8 industrial advocates, 4 migration agents, 4 trade mark attorneys, and 3 parenting co-ordinators. The remainder were described only as an ‘other legal or advice professional/service’.

Among other sources of help, the most common were local councils (59 occasions), followed by government departments or authorities (47), the police (40), social workers (31), financial services (30), health professionals (27), ombudsman schemes (26), and employers or trade unions (22).

Figure 5.1—Sources of help followed up in detail through the pilot V-LULU survey (green bars represent legal services)



## Choice of services

### Issue type

Reflecting the findings set out in Chapter 3, different legal services were associated with different types of contentious issues. For example, followed-up private solicitors were most commonly used in relation to family issues (45% of occasions used) or issues concerning housing or other property respondents owned (17%). CLCs and legal aid were also often used in relation to family issues (29% and 22%, respectively), but, when it came to housing, their use was more likely to have related to issues concerning rented than owned housing (13% and 12%, respectively). Legal aid and Aboriginal legal services were also often used for issues concerning homelessness (9% and 7%, respectively) and rarely in relation to issues such as those concerning goods or services. The opposite was the case for Consumer Affairs.

The use of other services was often dictated by the remit of those services. So, for example, help was most often obtained from followed-up local councils in relation to issues concerning neighbours (63%) or owned housing (10%), while help was most often obtained from employers or trade unions in relation to employment issues (43%), social workers in relation to employment issues (26%) and domestic violence (23%), and ombudsman schemes in relation to money matters (23%) and owned housing (15%).

### Paths to services

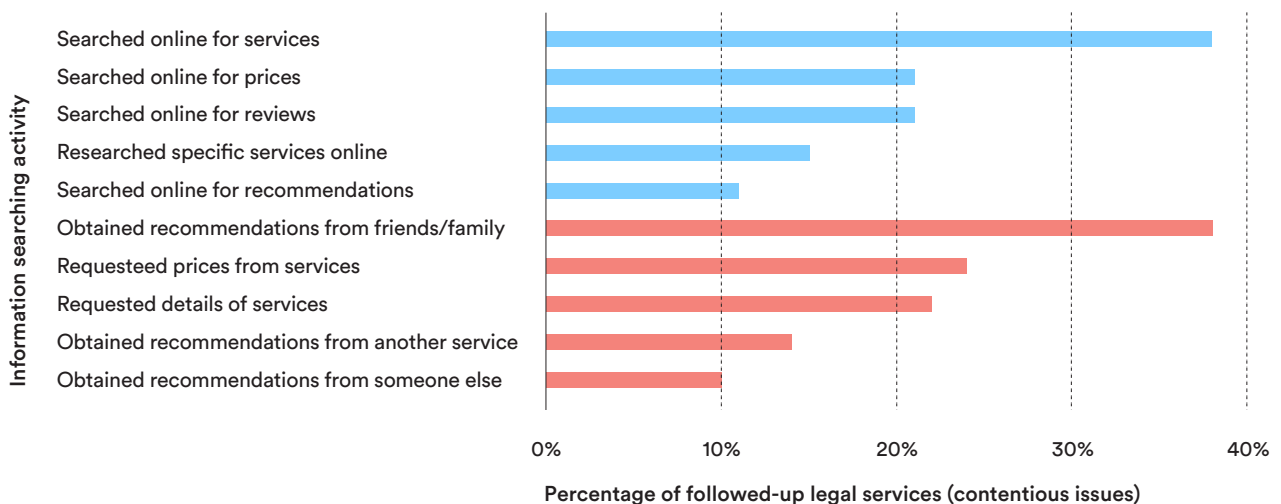
Of the 1,041 legal services followed up through the pilot V-LULU survey in relation to contentious issues, respondents reported having previously received help from the followed-up service in 34% of instances. There was little difference in the rate of repeat usage across the main public legal assistance providers. Respondents most often reported having used CLCs before (38% of occasions), followed by Aboriginal legal services (37%), private solicitors (36%), legal aid (36%), and Consumer Affairs (35%). Interestingly, respondents who made use of non-legal services more often reported having previously used them (44% of occasions). For example, only a minority of the small number of those respondents who obtained help from an ombudsman scheme were first time users.

Aside from prior knowledge, the internet played a significant role in finding and choosing between legal services. Overall, 59% of legal service users had made use of the internet (including social media) to research services. As can be seen from Figure 5.2, online research most often involved searching for services (38% of occasions of legal service use), but searching for prices (21%) and reviews (21%) were also common.<sup>225</sup> More generally, legal service users had often obtained recommendations from friends or relatives (38%), as well as requesting information directly from services, such as on costs (24%) or other aspects of service (22%).

Internet searches were less often reported by users of private solicitors (44%) than other legal services (62%), with the figure highest for CLCs (71%). Within this, online searches for service prices were most common for CLCs (36%) and legal aid (32%). Users of CLCs and legal aid were also the most likely to have requested details of prices from the services, suggesting they may have been the most price-sensitive legal service users. Conversely, recommendations from friends and family were more often reported by users of private solicitors (48%) than other legal services (36%). Aboriginal legal services and CLCs were most often recommended by other services.

For the 32% of legal service users who searched for or requested information about service prices (either online or offline), one in 20 failed to obtain any such information. More than half obtained price information for 2 or more services, with almost one in 10 doing so for more than 5 services. Just under one in 3 obtained price information for just one service. Similarly, for the 77% of legal service users who searched for or requested other information about services, just under one in 20 failed to obtain any information. About half obtained information for 2 or more services. Two in 5 obtained information about just one service. For those who obtained recommendations, the majority received more than one recommendation.

**Figure 5.2—Things done by legal service users to find or choose between legal services (blue bars represent exclusively online activity)**

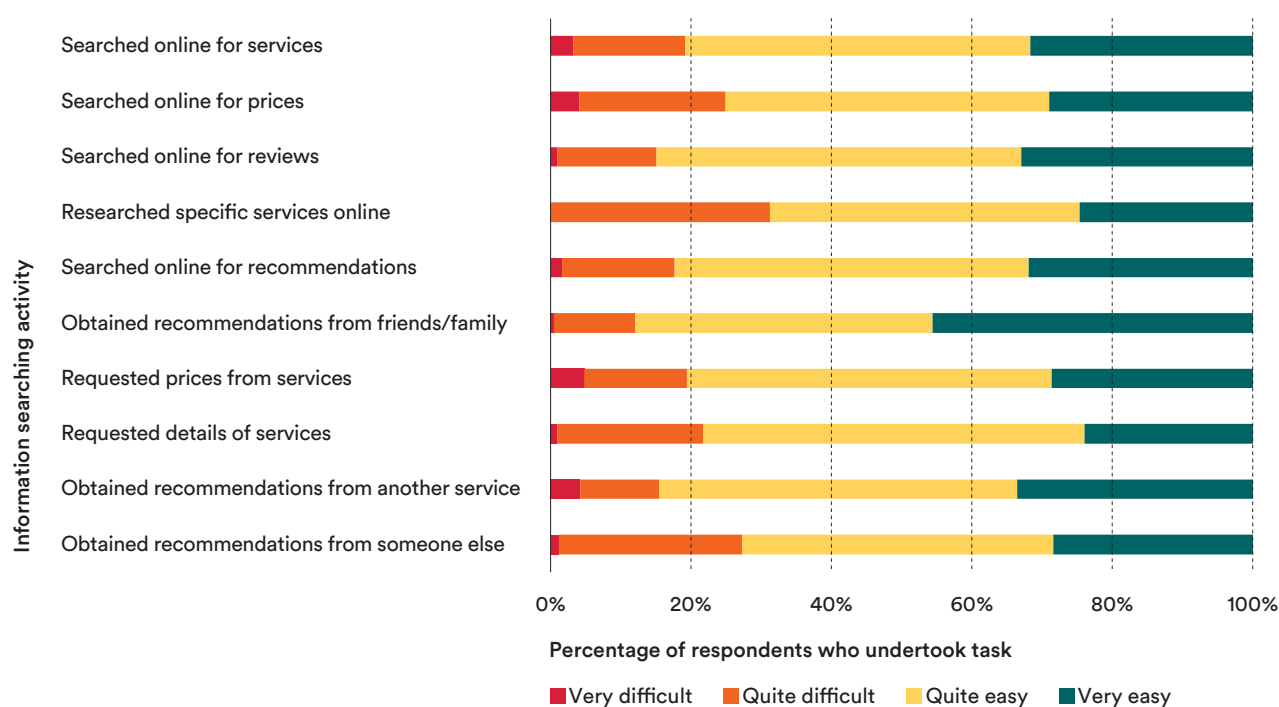


225. The most common route to finding reviews was a search engine (usually Google), though social media (usually Facebook) was occasionally mentioned, along with review websites (usually Trustpilot), discussion forums (such as Reddit), and legal services websites (usually legal aid). Apart from search engines and social media, a broad range of websites were mentioned, none of which were mentioned more than a few times.

Users of non-legal services were far less likely than users of legal services to have used the internet to research services (33% of occasions, compared to 59%).<sup>226</sup> This was particularly so in relation to service prices. Just 6% of non-legal service users reported searching online for service prices, with a similar number requesting pricing information directly from services. Unsurprisingly, searching for or requesting prices was most common for other professional services.

Figure 5.3 illustrates how easy pilot V-LULU respondents found it to undertake the different forms of information-gathering detailed in Figure 5.2. As is evident, most people had little difficulty finding what they were looking for, although just under one-third of legal service users had found it quite or very difficult to research specific legal services. Also, just over one-quarter of those undertaking online research experienced difficulty in relation to some of it. Moreover, it must be remembered that these questions were only asked of respondents who had successfully obtained help.

Figure 5.3—Things done by legal service users to find or choose between legal services



226.  $\chi^2_1 = 80.63$ ,  $p < 0.001$

Figure 5.4 shows how legal service users first became aware of the services they used. Reflecting the online searching behaviour of legal service users, 34% of users indicated they first became aware of services via the internet. Reflecting the reliance placed on friends and family, and confirming the importance of word of mouth in help-seeking, the next most common source of awareness was recommendation from friends or family (23%), with recommendations from work colleagues or clients also occasionally mentioned (1%). Aside from friends, relatives and work contacts, the most common signposters were other legal services, accountants and the police.

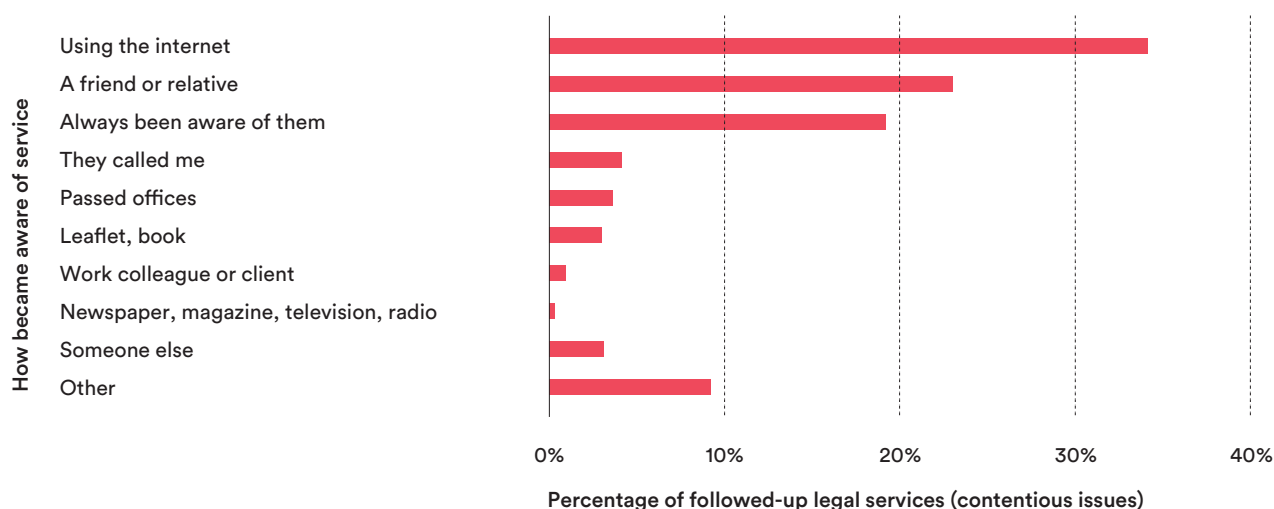
Confirming the importance of visibility of services, around one in 5 respondents indicated that they had always been aware of the service they used (19%). Unlike with surveys of the past, almost nobody mentioned newspapers, magazines, television or radio as sources of awareness (<1%).

Looking at particular types of legal service, users of private solicitors more often became aware of them through friends or family (33%), and less often through leaflets/books, while those who obtained help from Consumer Affairs most often indicated that they had always been aware of them (40%). Those who hadn't already heard of Consumer Affairs generally became aware of them via the internet (45%). Legal aid also had reasonable prominence in users' minds, with 23% of users indicating they had always been aware of them. Fewer users of Aboriginal legal services became aware of the service via the internet (21%), with the service also associated, along with legal aid and CLCs, with awareness through leaflets/books (14%, 5% and 5%, respectively).

Excluding friends or family, those providing legal service recommendations generally provided the name of a specific person or service for help and, on around one-third of occasions, provided contact details. Active referral, with help provided to schedule an appointment, was relatively rare (around one in 10 recommendations), as was an explanation of eligibility (less than one in 10 recommendations).

For non-legal services, while awareness again often came via the internet (29%), 40% of service users indicated that they had always been aware of the service, primarily as a result of this group of services including the police and local councils.

Figure 5.4—How legal service users became aware of services

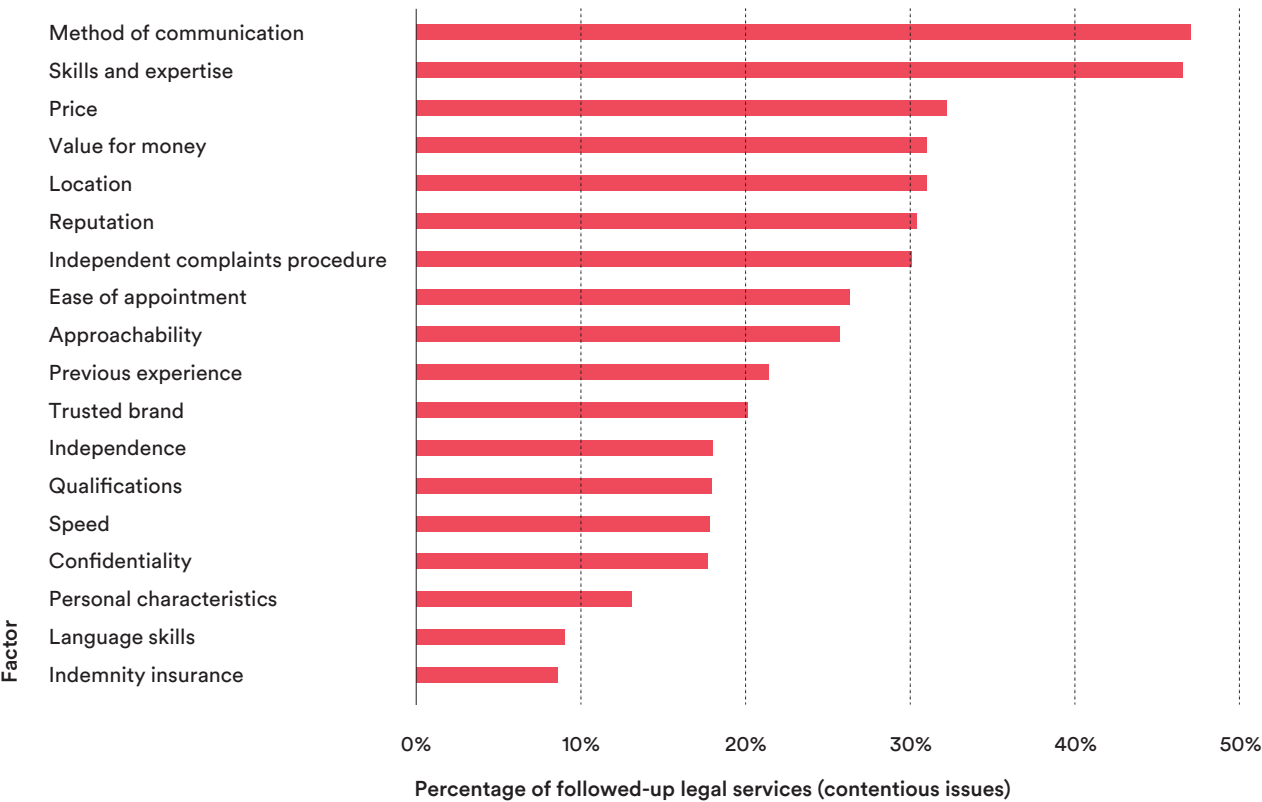


Factors influencing choice of service

Figure 5.5 shows the factors that legal service users facing contentious issues reported to have been important in their choice of service. As can be seen, although skills and experience were often mentioned as important factors, the most frequently mentioned factor (albeit by a small margin) was method of communication (47%). When asked how they would most liked to have communicated with services, legal service users who said that method of communication was an important factor in choice of service had a significantly different preference profile to those said it was not important, with telephone communication more often the preferred method for the former.<sup>227</sup> However, both groups had a broad range of preferences, with telephone communication most popular overall (32%, and 37% for those who said method of communication was important), followed by face-to-face (30%), email (19%), and through a website or app (15%). Apart from users of Aboriginal legal services, who less often mentioned method of communication as important (27%), there was little difference between users of different legal services in this regard.

Price and value for money were also commonly mentioned by legal service users as important factors in choice of service, and reflecting searching behaviour, they were more often mentioned in the cases of CLCs and legal aid (43% in each case) than private solicitors (25%). In contrast, skills and expertise were more often mentioned in relation to private solicitors (62%) than other legal services (44%), with these least often mentioned in relation to Aboriginal legal service (23%).

Figure 5.5—Factors important in choice of legal service provider



227.  $\chi^2_5 = 22.1$ ,  $p < 0.001$ . Standardised Pearson residual = 1.8 (2.4 for all services)

Having an independent complaints procedure was mentioned relatively infrequently in relation to users of private solicitors (10%), but relatively often in relation to users of other legal services (33%). Indemnity insurance was mentioned relatively infrequently in relation to legal services in general, including private solicitors (7%), though quite often in relation to Aboriginal legal services (33%).

Turning to non-legal services, method of communication (48% of occasions), and skills and experience (38%) were again the most commonly mentioned important factors influencing choice of service. However, price and value for money were much less often mentioned (12% and 14%, respectively), as were reputation, branding, independent complaints procedures, and indemnity insurance (18%, 12%, 11% and 1%, respectively).

## The nature of service use

### Methods of communication

Reflecting people's preferences, as detailed in the previous section, the most common method of communication with legal services mentioned by pilot V-LULU respondents facing contentious issues was the telephone. Telephone communication was used in 55% of cases and was the main method of communication in 34% of cases. Email was the next most common method of communication, being used in 46% of cases, though it was less often the main method of communication (22%). More common than email as a main method of communication was face-to-face communication (27%), which was also the third most mentioned method of communication used at any point (35%). Communication through a website or app was also common (31%) and the fourth most common main method of communication (19%). Post or other forms of communication were relatively rare, being mentioned in only 5% of cases, and the main form of communication in fewer cases still (3%).

The main method of communication with legal services varied greatly by legal service type.<sup>228</sup> Compared to other legal services, the main method of communication with private solicitors was more likely to be face-to-face communication (28% of cases) and less likely to be through a website or app (7%).<sup>229</sup> Communication with CLCs was more likely to be by telephone (44%).<sup>230</sup> Communication with Consumer Affairs was more likely to be through a website or app (40%) and much less likely to be face-to-face (3%).<sup>231</sup>

Users of non-legal services less often used the telephone as their main method of communication (25%), with face-to-face communication the most common main method of communication instead (32%).

### The substance of help

Of those legal services users who felt able to make a determination, 78% described the help they received in relation to contentious issues as legal in nature, with 36% describing it as entirely legal in nature. This was higher than the 61% of non-legal services users who described the help they received as legal in nature, and 31% who described it as entirely so. There was some variation by legal service type,<sup>232</sup> with users of private solicitors particularly likely to describe the help they obtained as legal (95%)<sup>233</sup> and users of Consumer Affairs more likely to describe help as not being at all legal in nature (22%).<sup>234</sup>

228.  $X^2_{25} = 149.38$ ,  $p < 0.001$

229. Standardised Pearson residuals = 2.2 (face-to-face) and -3.5 (website or app)

230. Standardised Pearson residual = 2.5

231. Standardised Pearson residuals = 6.8 (website or app) and -5.2 (face-to-face)

232.  $X^2_{15} = 108.47$ ,  $p < 0.001$

233. Standardised Pearson residual = 5.2

234. Standardised Pearson residual = 2.1. They were also more often unsure than users of other legal services.



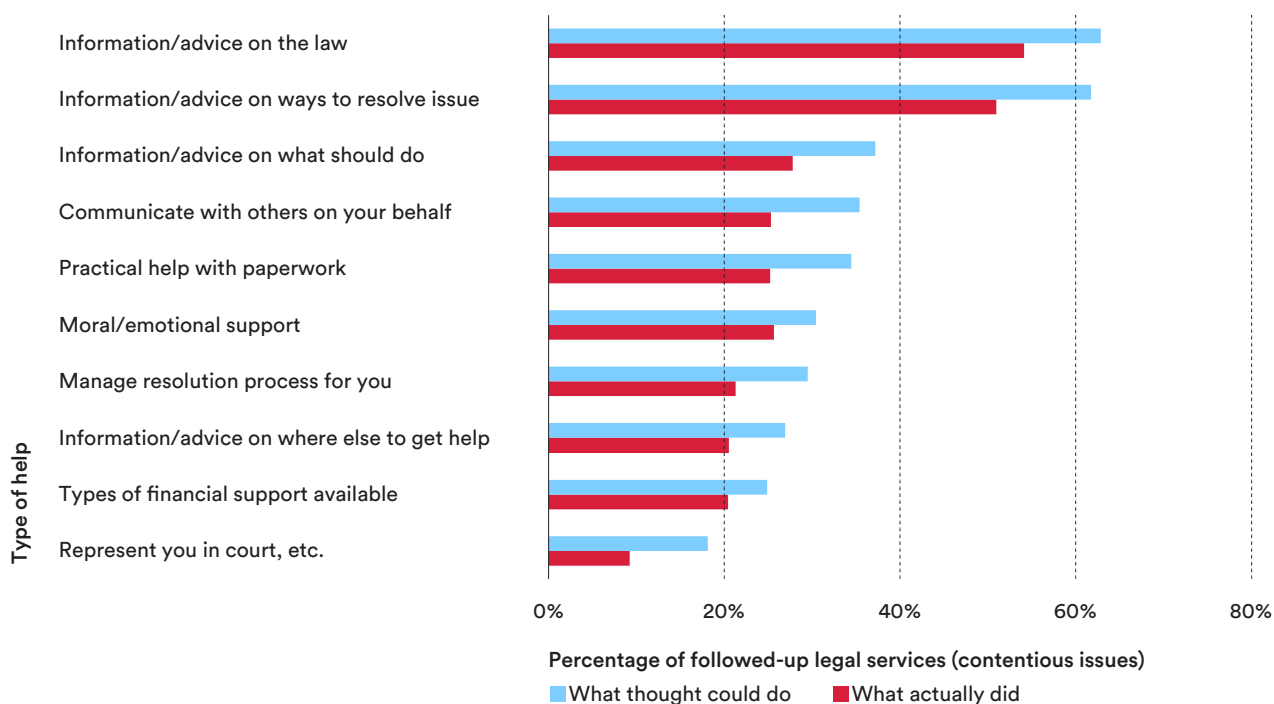
More than 90% of legal service users thought they would be able to obtain information or advice from the services they used to help resolve contentious issues, and 88% did so. However, those who obtained information or advice were not always those who expected to receive it. Only around 9 in 10 of those who expected to receive it did so.

A much smaller percentage of legal service users expected to receive practical assistance. Overall, 58% did so, while 47% actually received practical assistance. Again, those who obtained practical assistance were not always those who expected to receive it. Of those who expected to receive it, 3 in 10 did not actually do so.

Figure 5.6 sets out the different types of information, advice, practical assistance and other support users thought legal services could provide them to help resolve contentious issues, along with the types of help they actually received. The types of help most commonly expected from and provided by legal services were information or advice on legal rights and responsibilities, and on ways to resolve contentious issues. The most common form of practical assistance sought was communication with other people or organisations involved in contentious issues.

As can be seen, in all cases, actual provision of help fell short of help that was expected. And, for the reasons outlined in relation to information, advice and practical assistance more generally, the actual shortfall was greater for those who had specific expectations. For example, almost one-quarter of those expecting information or advice on the law did not obtain it. Moreover, more than half of those expecting legal services to manage the resolution of contentious issues did not receive that level of support, with an even greater shortfall for representation (e.g. in court), with the position not much different in relation to concluded or ongoing contentious issues.

Figure 5.6—Types of help users thought legal services could provide and help actually provided



There was no significant difference in the extent to which users expected different types of legal service to provide information or advice, or in the extent to which they did, in relation to contentious issues.<sup>235</sup> However, there were differences in expectations and delivery of practical support.<sup>236</sup> For example, Consumer Affairs was both expected to and provided practical support much less often than other legal services (38% and 18% of cases, respectively).<sup>237</sup> In contrast, private solicitors and Aboriginal legal service more often provided practical assistance to their users than other types of legal service (69% and 61%, respectively).<sup>238</sup> In terms of specifics, compared to other types of legal service, private solicitors more often communicated with others involved in contentious issues (37%), more often helped with paperwork (47%), more often managed the process of contentious issue resolution (37%), and more often represented users (e.g. in court) (23%).<sup>239</sup>

While there was no difference in the overall rates of provision of information or advice between legal services, there were differences in relation to specific forms of information or advice. For example, information or advice about the law was most often expected from Consumer Affairs (75% of cases) and least often from Aboriginal legal services (33%).<sup>240</sup> It was most often provided by CLCs (61%), Consumer Affairs (61%), and private solicitors (59%), and least often provided by Aboriginal legal services (21%).<sup>241</sup> Information or advice on ways to resolve contentious issues was most often expected from private solicitors (76%), who were also the most likely to provide it (63%).<sup>242</sup> Private solicitors and Aboriginal legal services were least often expected by users to provide information or advice on where else to get help.<sup>243</sup>

In addition to information, advice and practical support, a significant minority of legal services users expected and/or obtained moral or emotional support from services (30% and 26%, respectively). Moral or emotional support was more often expected from CLCs (41%), as well as being more often provided by them (41%).<sup>244</sup>

Turning to non-legal services, these were less often expected to be able to provide information or advice on the law (47%) and less often expected to provide practical support, though they were just as likely to be expected to provide guidance on options and how respondents should go about dealing with contentious issues. As with legal services, there was a shortfall between the help that respondents sought and obtained, particularly in relation to practical assistance. Nevertheless, non-legal services did manage the resolution of contentious issues for 13% of those who used them, provided practical support in 30% of cases, and information or advice in 77% of cases.

235.  $\chi^2_5 = 8.84$ ,  $p=0.116$ ,  $\chi^2_5 = 10.93$ ,  $p=0.053$

236.  $\chi^2_5 = 67.42$ ,  $p<0.001$ ,  $\chi^2_5 = 109.11$ ,  $p<0.001$

237. Standardised Pearson residuals = -3.7 and -6.0, respectively

238. Standardised Pearson residuals = -4.0 and 1.8, respectively

239.  $\chi^2_5 = 63.23$ ,  $p<0.001$ , standardised Pearson residual = 2.7 (communication),  $\chi^2_5 = 72.72$ ,  $p<0.001$ , standardised Pearson residual = 5.4 (paperwork),  $\chi^2_5 = 69.00$ ,  $p<0.001$ , standardised Pearson residual = 4.2 (management of process),  $\chi^2_5 = 54.93$ ,  $p<0.001$ , standardised Pearson residual = 5.5 (representation). In this last case, solicitors were also significantly more likely to be expected to represent users (e.g. in court):  $\chi^2_5 = 46.82$ ,  $p<0.001$ , standardised Pearson residual = 4.0

240.  $\chi^2_5 = 41.85$ ,  $p<0.001$ , standardised Pearson residuals = 2.2 (Consumer Affairs) and -3.2 (Aboriginal legal services)

241.  $\chi^2_5 = 43.07$ ,  $p<0.001$ , standardised Pearson residual = -3.7 (Aboriginal legal services). The other findings were not significant.

242.  $\chi^2_5 = 25.59$ ,  $p<0.001$ , standardised Pearson residual = 2.3 (expected),  $\chi^2_5 = 14.97$ ,  $p=0.01$ , standardised Pearson residual = 2.0 (actual)

243.  $\chi^2_5 = 27.24$ ,  $p<0.001$ , standardised Pearson residuals = -3.0 and -2.0, respectively

244.  $\chi^2_5 = 24.58$ ,  $p<0.001$ , standardised Pearson residual = 2.7 (expected),  $\chi^2_5 = 50.04$ ,  $p<0.001$ , standardised Pearson residual = 4.4 (actual)

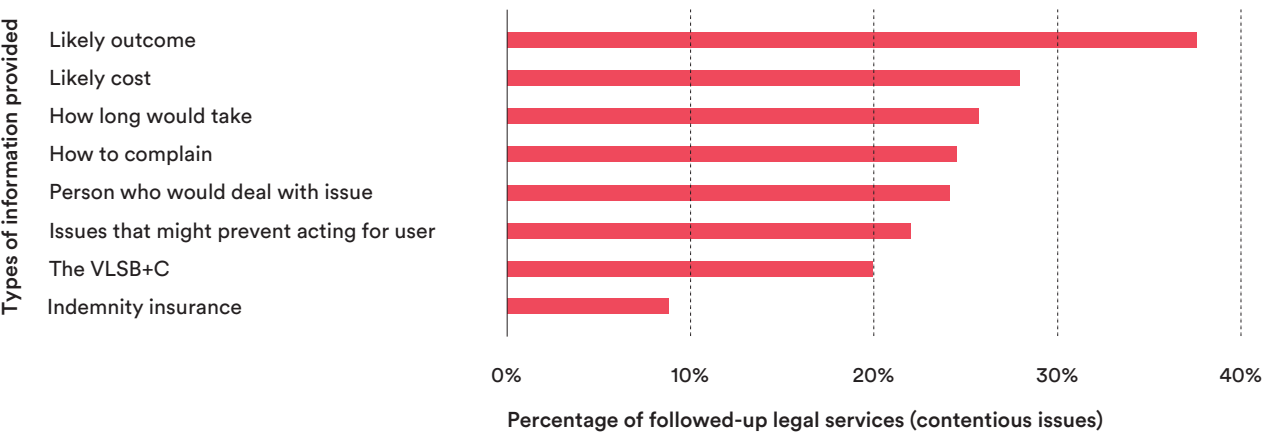
The substance of communication

The great majority of contentious issue related legal service users reported that they had been provided with information about the service they would receive at the outset of service use (84%). This was particularly so in the case of private solicitors (97%).<sup>245</sup>

Figure 5.7 shows the types of information that legal services users recalled were provided to them. As some types of information are quite technical and some more or less salient, the picture provided in Figure 5.7 should be treated with a degree of caution. Nevertheless, it is notable that, aside from likely outcome, fewer than 30% of legal service users recalled any of the types of information asked about. However, this was not a universal picture. Users of the followed-up private solicitors were more likely to have recalled being provided with information about the likely outcome of contentious issues (52%),<sup>246</sup> the likely cost (51%),<sup>247</sup> how long the matter would take (44%)<sup>248</sup> and who would be dealing with the matter (44%).<sup>249</sup> At the other end of the spectrum for all of these was Consumer Affairs, along with, in the case of likely outcome, Aboriginal legal services.

Users of Consumer Affairs were most likely to recall being informed about how to complain if things went wrong (34%).<sup>250</sup> Users of Aboriginal legal services and CLCs were most likely to recall being informed about the VLSB+C (37% and 32%, respectively).<sup>251</sup> They were also most likely to recall being informed about indemnity insurance (21% and 14%, respectively).<sup>252</sup>

Figure 5.7—Types of information provided to legal service users at outset of service use



245.  $X^2_5 = 56.69$ ,  $p < 0.001$ , standardised Pearson residual = 3.7  
246.  $X^2_5 = 30.89$ ,  $p < 0.001$ , standardised Pearson residual = 2.9  
247.  $X^2_5 = 88.21$ ,  $p < 0.001$ , standardised Pearson residual = 5.5  
248.  $X^2_5 = 45.70$ ,  $p < 0.001$ , standardised Pearson residual = 4.4  
249.  $X^2_5 = 57.95$ ,  $p < 0.001$ , standardised Pearson residual = 5.0  
250.  $X^2_5 = 16.33$ ,  $p < 0.01$ , standardised Pearson residual = 2.7  
251.  $X^2_5 = 68.77$ ,  $p < 0.01$ , standardised Pearson residuals = 3.2 and 3.9, respectively  
252.  $X^2_5 = 36.18$ ,  $p < 0.01$ , standardised Pearson residuals = 3.6 and 2.8, respectively

When asked how easy it was to understand the information that was provided about services, legal service users generally indicated that they had found the information quite or very easy to understand. Figure 5.8 provides the pattern of responses for each type of information. The types of information about which there was the least understanding concerned indemnity insurance, complaints and issues that might prevent services acting for a user. All of these are relatively technical matters.

Users of paid-for legal services were also asked about how costs information was provided. Figure 5.9 sets out the pattern of responses for the main such type of legal service, private solicitors. Insufficient data was available to provide a reliable picture for other paid-for legal services.

Just 6% of paying users of private solicitors didn't recall being told about pricing. Over 65% of users of private solicitors recalled being given an estimate of the cost of the service, with 33% receiving information about potential additional costs. Twenty-one per cent of users of private solicitors recalled being quoted a fixed price, 25% being given an hourly rate, and 24% a price list. More than 4 in 5 of paying users of private solicitors said costs information was provided in writing, with 2 in 5 saying it was provided verbally also. The remainder said it was provided verbally only.

Figure 5.8—Ease of understanding information provided by legal services

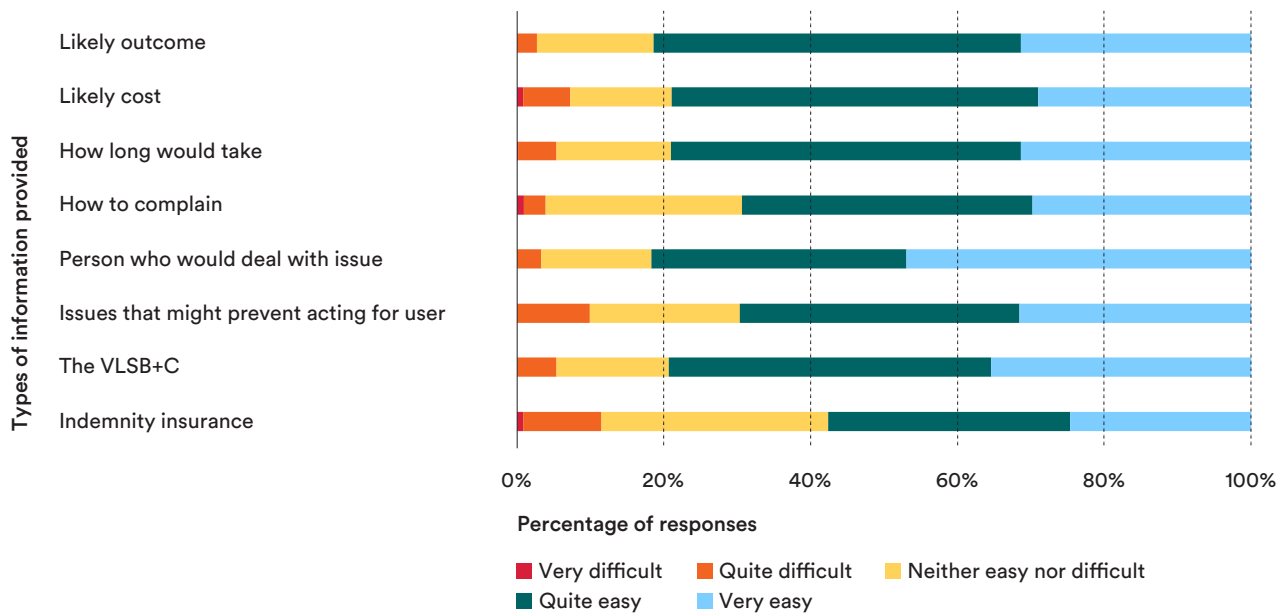
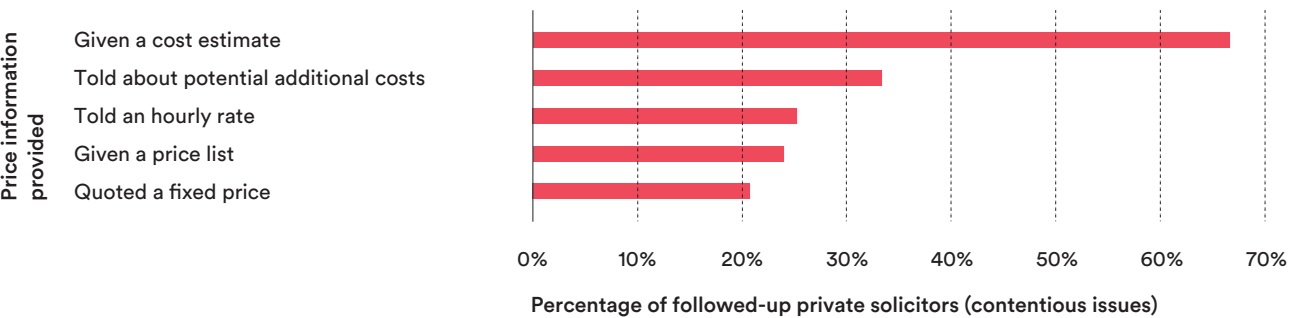


Figure 5.9—Types of information provided to legal service users at outset of service use



Of paying users of private solicitors, 77% indicated that they had been given an opportunity to ask about the costs information provided to them. Just 10% indicated that they had not been given such an opportunity. The remainder couldn't recall.

Users of non-legal services were less likely recall being provided with information about the service at the outset of service use (65% of occasions). Again, the likely outcome was the most common information recalled (27%), followed by how long the matter would take (16%), how to complain if things went wrong (15%), and who would be dealing with the matter (14%). Reflecting the nature of many of the sources of non-legal help, relatively few users of non-legal services recalled being informed about the cost of the service (7%), very few recalled being told about the VLSB+C (5%), and almost nobody recalled being told about indemnity insurance (<1%).

### The cost of services

Across all followed-up legal services used in relation to contentious issues, 52% either did not charge any fees or those respondents who used them could not recall being charged fees.<sup>253</sup> Just 22% of users reported having paid the full cost of the services they had received, with 17% having paid part of the cost and 9% reporting that they only had to pay costs in the event of successful resolution of contentious issues.

While 9% of users reported they had entered into a no win no fee agreement, this figure appears unreliable, as no win no fee agreements were reported in relation to almost all types of contentious issues. In fact, all the pilot V-LULU survey's findings concerning the cost of services should be treated with some caution, as there was clearly some confusion on the part of respondents about the nature and amount of costs involved. This is understandable. As well as some respondents reporting not having been told about or not finding it easy to understand information provided about service costs, the basis for cost determination can be quite technical. Victoria Legal Aid, for example, determines contributions according to a reasonably complex formula with the level of contributions sometimes also being subject to change. More generally, while lawyers might readily understand the difference between fees and disbursements, the distinction will be less clear to lay people.

The picture provided of costs for non-legal services was quite different, with respondents reporting that they had not been charged, or could not recall being charged, on 88% of occasions.<sup>254</sup>

The picture was also different for different types of legal service, with respondents far more likely to report having been liable for the cost of work provided by private solicitors than work provided by other legal services.<sup>255</sup> So, while 56% of all users of private solicitors reported paying the full cost of services provided, and a further 10% part of the cost, the figures were just 16% and 18% for other legal services.

253. 14% of respondents could not recall whether or not they were charged fees for legal services.

254. 9% of respondents could not recall whether or not they were charged fees for non-legal services.

255.  $\chi^2_5 = 166.22$ ,  $p < 0.001$ , standardised Pearson residual = 4.4 (any cost passed on)

If pilot V-LULU respondents reported having paid for services, they were asked for the total amount they had paid. Only just over half were able to provide an estimate, with estimates ranging from \$100 or less (9% of occasions) to \$100,000 or more (3% of occasions). The median amount was \$1,200. However, the median amount for private solicitors was \$5,000, compared to just over \$800 for legal aid (if costs were reported to have been paid). The median cost of paid-for non-legal services (the majority of which were professional services) was just over \$700.

Of those who were able to provide an estimate of the amount they had personally paid for the legal services they were provided with, 56% said the amount was the same or lower than they had expected. A further 5% couldn't recall, leaving 39% who ended up having to pay more than they had expected.<sup>256</sup>

A significant minority (40%) of legal service users who had paid or part-paid for services indicated that they had tried to negotiate on price, though half of them (21% overall) without success. Slightly fewer (37%) negotiated on the type or extent of service to be provided.<sup>257</sup>

Of those who paid or part-paid for legal services 80% drew on savings (66%) and/or income (36%), 21% needed to borrow from friends or family (13%), and/or take out a loan (10%) to do so, while 19% relied on the proceeds of taking action. A very small number relied on sales of property or inheritances or something else. Two-thirds drew on only one source of funds, while one in 7 drew on 3 or more sources.<sup>258</sup>

Of those who part-paid or didn't pay for legal services, 32% indicated that friends or family covered some or all of the cost, 23% referred to legal aid, 20% to a trade union or professional body, 16% to insurance, 12% to an employer, and 3% to the estate of a deceased person.<sup>259</sup>

Bills for legal services were commonly received on completion of service delivery (57% of services<sup>260</sup>), though sometimes service users billed on completion of service delivery had also been billed at the outset (9%) and/or during service delivery (14%). Just over 10% of legal service users were billed exclusively at the outset of service delivery.<sup>261</sup>

Private solicitors appeared to be more likely than other types of legal service to bill on completion of service delivery, doing so on 68% of occasions,<sup>262</sup> and much less likely to bill at the outset, doing so on only 8% of occasions.<sup>263</sup>

256. This is a higher figure than the 18% reported for non-legal services.

257. These were higher figures than for non-legal services. Paid for non-legal service users negotiated on price on just 12% of occasions and on the type or extent of service on 20% of occasions.

258. The pattern was similar for paid for non-legal services.

259. Numbers were very small for non-legal services, but friends and family were less often mentioned.

260. Sixty per cent if only concluded issues included in analysis.

261. Twelve per cent if only concluded issues included in analysis.

262.  $\chi^2_5 = 17.28$ ,  $p < 0.01$ , standardised Pearson residual = 1.5

263.  $\chi^2_5 = 22.22$ ,  $p < 0.001$ , standardised Pearson residual = -2.4. Equivalent numbers for non-legal services were very small, making sensible comparison impossible.

Most bills were regarded as either quite easy (41%) or very easy (29%) to understand, with only a small minority regarded as quite difficult (6%) or very difficult (<1%) to understand. The remainder (25%) were regarded as neither easy nor difficult to understand. Users of private solicitors were more likely than users of other legal services to both regard bills as easy (78%) or difficult (11%) to understand. Of the small number of bills provided by non-legal services (n=42), none were regarded as difficult to understand.

## Satisfaction with services

### Levels of satisfaction

While 63% of legal service users said they received everything they needed, asked for, and were told they would get by the service they used, 8% said they received none of these. Looking at these items individually, 72% of legal service users said they got what they needed, 73% what they asked for, and 78% what they were told they would get. The corresponding figures for non-legal services were a little lower, although the rate at which they reported receiving everything they needed, asked for, and were told they would get was similar, at 60%.<sup>264</sup>

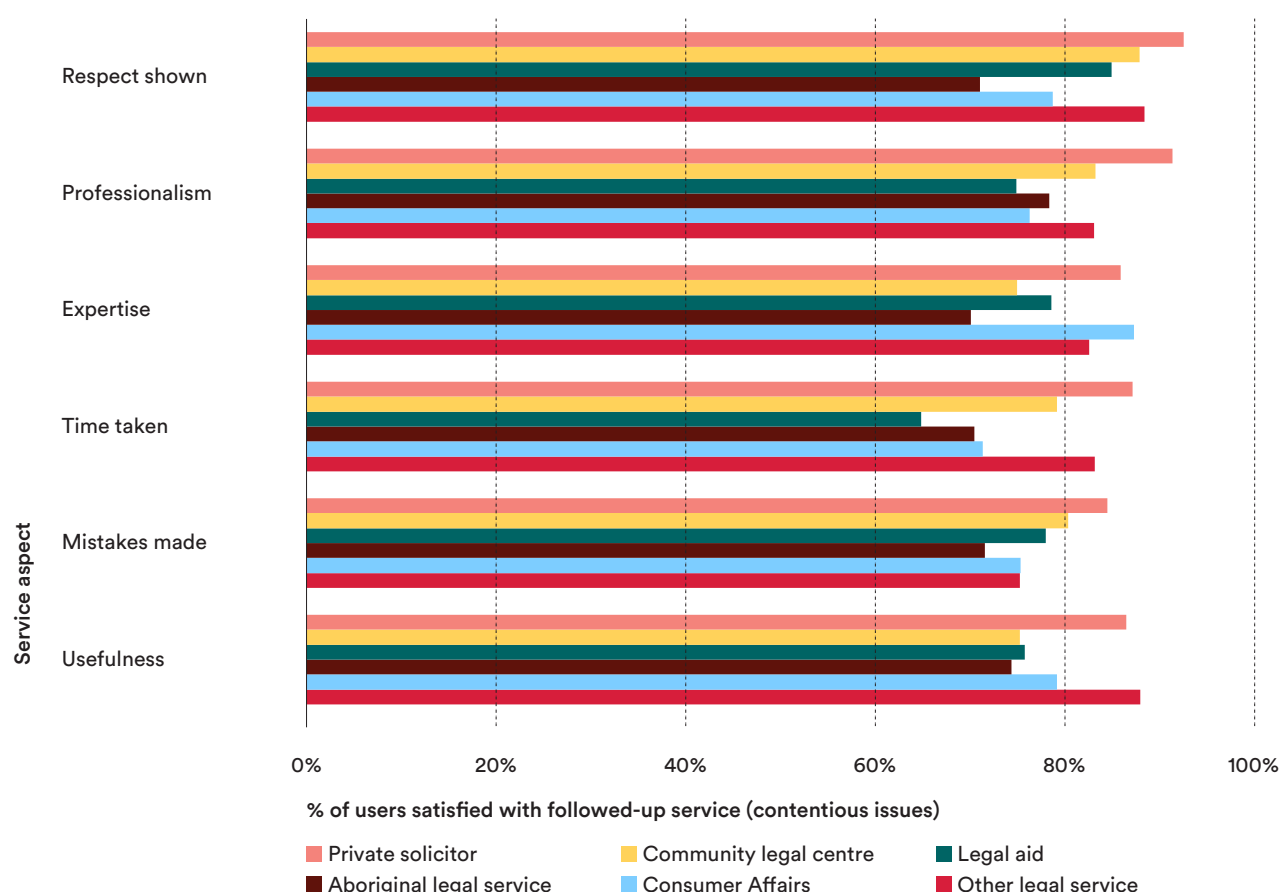
Overall, 30% of legal service users were very satisfied with the service they received, 46% fairly satisfied, 12% fairly dissatisfied, and 4% very dissatisfied. The remaining 8% were unsure. Unsurprisingly, satisfaction was strongly associated with whether or not legal service users got what they needed and asked for.<sup>265</sup> So, 93% of those legal service users who got everything they needed, asked for, and were told they would get were satisfied with the service they received. At the other end of the spectrum, 78% of those who got none of what they needed, asked for, or were told they would get were dissatisfied (56%) or unsure (22%).

264. Sixty-seven per cent of non-legal service users said they got what they needed, 67% what they asked for, and 75% what they were told they would get.

265.  $\chi^2_{12} = 467.97$ ,  $p < 0.001$

There were significant differences in overall levels of satisfaction with different types of legal service provider.<sup>266</sup> Satisfaction levels tended to be higher for private solicitors.<sup>267</sup> This was reflected in different levels of satisfaction for different types of legal service in respect of different aspects of service delivery (Figure 5.10). Overall, 85% of legal service users were satisfied with the respect they were shown, 81% with levels of professionalism, 80% with usefulness, 79% with levels of expertise, 78% with the level of mistakes made and 76% with the time taken to deliver services. However, users tended to be more satisfied with the respect shown to them by private solicitors (93%),<sup>268</sup> as well as their professionalism (91%),<sup>269</sup> their expertise (86%),<sup>270</sup> the time it took them to deal with issues (87%),<sup>271</sup> their level of mistakes (84%),<sup>272</sup> and their usefulness (86%).<sup>273</sup> Users also tended to be more satisfied with the respect shown to them by CLCs.<sup>274</sup> Users tended to be more dissatisfied with the level of respect shown to them by Aboriginal legal services (26%), the professionalism shown by legal aid (22%), and the speed of Consumer Affairs (22%).

Figure 5.10—Level of satisfaction with aspects of service by legal service type



266.  $\chi^2_{20} = 59.93$ ,  $p < 0.001$

267. Standardised Pearson residual = 2.5 (very satisfied)

268.  $\chi^2_{20} = 134.25$ ,  $p < 0.001$ , standardised Pearson residual = 2.8 (very satisfied)

269.  $\chi^2_{20} = 71.47$ ,  $p < 0.001$ , standardised Pearson residual = 2.7 (very satisfied)

270.  $\chi^2_{20} = 73.65$ ,  $p < 0.001$ , standardised Pearson residual = 3.1 (very satisfied)

271.  $\chi^2_{20} = 114.96$ ,  $p < 0.001$ , standardised Pearson residual = 2.7 (very satisfied)

272.  $\chi^2_{20} = 78.59$ ,  $p < 0.001$ , standardised Pearson residual = 2.9 (very satisfied)

273.  $\chi^2_{20} = 56.16$ ,  $p < 0.001$ , standardised Pearson residual = 2.4 (very satisfied)

274. Standardised Pearson residual = 2.0 (very satisfied)



There was no significant difference in the overall satisfaction of legal and non-legal service users. However, compared to legal service users, users of non-legal services reported very slightly lower levels of satisfaction with all the different aspects of service delivery.<sup>275</sup> Although numbers were small, government departments and authorities were seen in a poorer light than other non-legal sources of help, particularly in relation to perceived mistakes made. Forty per cent of those who received help from government departments or authorities were dissatisfied with the level of mistakes made, compared to fewer than 10% of those who received help from other non-legal sources.

Looking more closely at the quality of communication legal service users received, 79% were satisfied with communication about the service to be provided, 75% with communication about progress, 75% with communication about options, and 72% with communication about costs. In all cases, compared to users of other legal services, users of private solicitors much more often said they were very satisfied with communication, although this was largely at the expense of them being less often fairly satisfied.<sup>276</sup> Also, taking further shine off this finding, compared to users of other legal services, users of private solicitors more often said they were very dissatisfied with communication about costs (5%, compared to 2% for other legal services).<sup>277</sup> There was little difference in the pattern of responses between legal and non-legal service users, apart from in relation to communication about progress, about which just 66% of non-legal service users were satisfied. Again, government departments and authorities were an outlier, with a satisfaction level of just 38% for communication about progress.

Of the 405 pilot V-LULU respondents who said they had personally paid or part-paid for a followed-up legal service in relation to a contentious issue, 80% were satisfied with the overall service they received. This was higher than the 72% figure for those who had not personally paid for a legal service, although the difference between the figures was attributable not to greater dissatisfaction on the part of those who had not paid for service, but to their far greater likelihood of having been unsure (14%, compared to 2%). For the 44 non-legal services that were paid for, 82% of users were satisfied with the overall service they received.

Finally, 69% of legal service users who had paid or part-paid for a legal service agreed that the service provided good value for money, 24% were not sure, and 7% disagreed. Lying behind this, 8 in 10 of those who said they had got what they asked for from the service agreed it had provided good value for money, compared to just 3 in 10 of those who said they had not got what they asked for.<sup>278</sup> For non-legal services, 64% of users who had paid or part-paid for a legal service agreed that the service provided good value for money, 25% were not sure, and 11% disagreed.

275. Eighty-three per cent of non-legal service users were satisfied with the respect they were shown, 79% with levels of expertise, 76% with levels of professionalism, 76% with usefulness, 74% with the level of mistakes made, and 74% with the time taken to deliver services.

276.  $\chi^2_{20} = 116.15$ ,  $p < 0.001$ , standardised Pearson residual = 3.1 (service to be provided);  $\chi^2_{20} = 92.49$ ,  $p < 0.001$ , standardised Pearson residual = 3.4 (progress);  $\chi^2_{20} = 81.94$ ,  $p < 0.001$ , standardised Pearson residual = 2.5 (options);  $\chi^2_{20} = 141.82$ ,  $p < 0.001$ , standardised Pearson residual = 2.7 (costs)

277. Standardised Pearson residual = 2.0 (very dissatisfied)

278.  $\chi^2_2 = 67.14$ ,  $p < 0.01$ , standardised Pearson residual = -4.0 (not got what asked for). For comparison, 8 in 10 of those who said they had got what they needed from the service agreed it had provided good value for money, compared to just 4 in 10 of those who said they had not got what they asked for. Seven in 10 of those who said they had got what they needed from the service agreed it had provided good value for money, compared to half of those who said they had not got what they asked for.

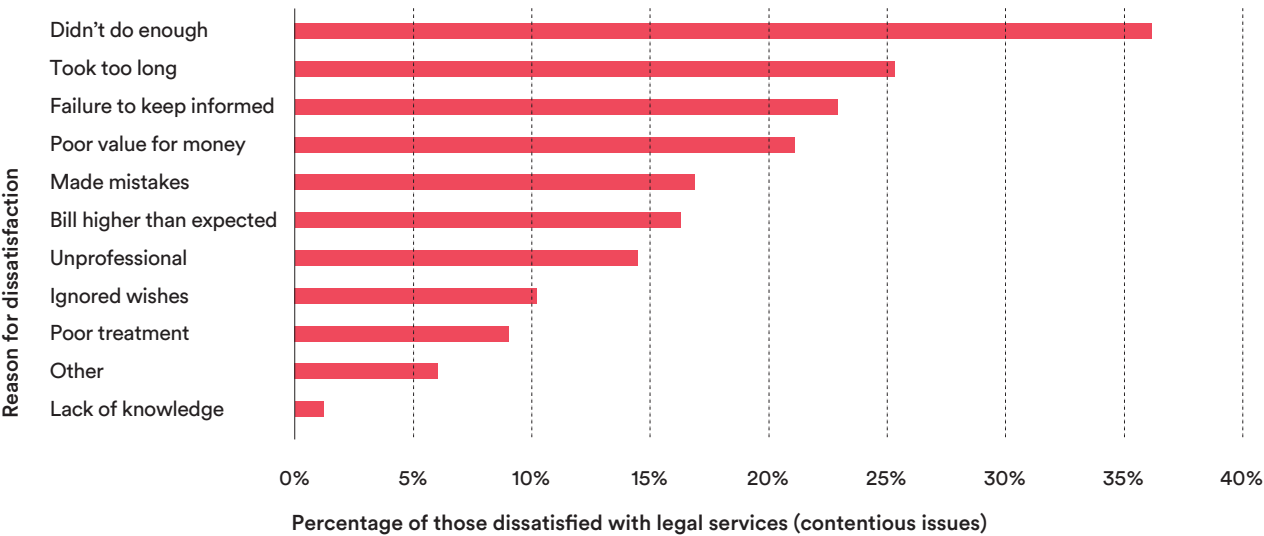
Reasons for dissatisfaction

For those 166 legal service users who had been dissatisfied with the overall service provided, Figure 5.11 shows the reasons they gave for their dissatisfaction. As can be seen, the most common reason provided was that services had not done enough to help, which links to the above finding that legal service users were much more often dissatisfied if they had not got what they needed, wanted or were told they would get. Delays and poor communication were also common sources of dissatisfaction. These reasons and perceived poor value for money were the only reasons mentioned on more than 20% of occasions.

The link between communication and satisfaction was starker than the above might suggest. Looking at those respondents who reported they received no information about services at the outset of service delivery for contentious issues, just 52% were satisfied with the service overall. Moreover, when looking at those respondents who reported being very dissatisfied with the information they received on the ‘services to be provided’, the figure was just 25%, with 42% ‘very’ dissatisfied. In contrast, for those who were very satisfied with this information, 96% were satisfied with the service overall and just one person (out of 375) was very dissatisfied. Similar, though not quite as stark, differences were also observed in relation to satisfaction levels with information concerning cost, options and progress made.

For dissatisfied non-legal service users, although the rank order of reasons provided was much the same, more dissatisfied non-legal service users indicated services hadn’t done enough (47%) or that progress had been too slow (36%). Poor value for money and perceived mistakes were mentioned less often, despite non-legal services more often saying they had been dissatisfied with these when asked about these matters individually (see above). However, those questions were asked of a differently composed sub-set of pilot V-LULU respondents and numbers were relatively small.

Figure 5.11—Reasons for dissatisfaction with legal services



Consequences of dissatisfaction

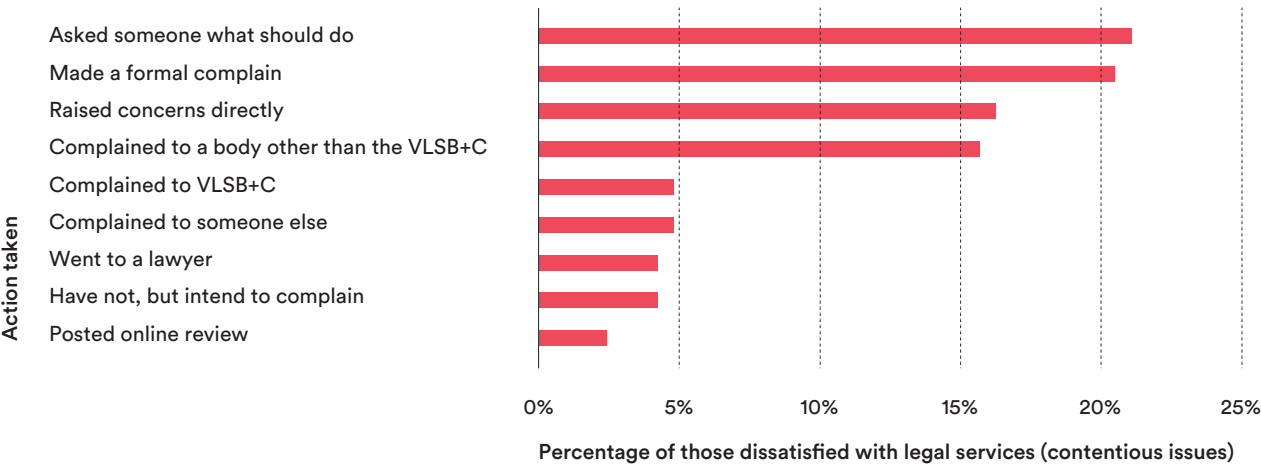
Those legal service users who were dissatisfied with the overall service they received were also asked if they had done anything as a result of their dissatisfaction. Figure 5.12 shows the different actions they took or intended to take. As can be seen, 21% of dissatisfied legal service users sought the advice of someone else about what to do. Of the 16% (27 people) who raised their concerns directly with the relevant service provider, a small number (2 people) also made a formal complaint. A further 15% of dissatisfied legal service users also did this, bringing the total to 16% in all. Separately, 24% of dissatisfied legal service users complained to a third party, with 5% (8 people) doing so to the VLSB+C. A small number of dissatisfied legal service users intended to complain but had not yet done so. Just 2% of dissatisfied legal service users posted online reviews.

Of the 80 dissatisfied legal service users who complained either directly or to a third party, 24 obtained an explanation for what had gone wrong, 20 received an admission of fault, 16 received an apology, 11 saw action taken against them, 7 received compensation, and 5 had their complaint addressed (i.e. the problem fixed). However, 19 of the 80 reported that they achieved nothing by complaining.

Of the 32 dissatisfied legal service users who complained to a complaint-handling agency or legal services complaints body, such as the VLSB+C, 21 were dissatisfied with how the complaint was dealt with and just one person was very satisfied. However, 5 of the 9 people who reported complaining to the VLSB+C indicated they were satisfied with how the VLSB+C dealt with their complaint.

Dissatisfied non-legal service users less often made formal complaints (5%) or complained to third parties (4%). A single dissatisfied non-legal service user, who had obtained help from a local council, made a complaint to the VLSB+C (1%). However, that person indicated they had been very dissatisfied with how the VLSB+C dealt with their complaint.

Figure 5.12—Reasons for dissatisfaction with legal services



## VLSB+C guidance

Across all 1,041 pilot V-LULU respondents who provided details of their use of a legal service in relation to a contentious issue, 201 (19%) indicated that they had made contact with the VLSB+C in regard to the issue at some point, with users of Aboriginal legal services, CLCs and legal aid particularly likely to have done so (41%, 31% and 27% respectively).<sup>279</sup> Contact with the VLSB+C was also more common in relation to contentious issues concerning compulsory assessment/treatment for mental health (49% of issues), child welfare (45%), planning applications (43%), public services (38%), clinical negligence (38%) and respondents' businesses (38%).<sup>280</sup>

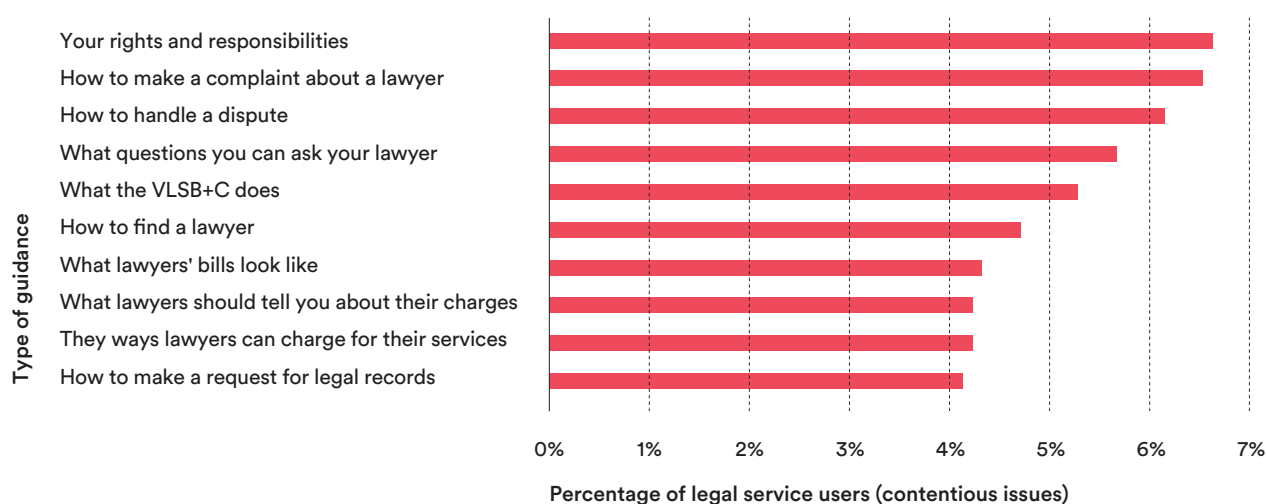
Of the 201 legal service users who indicated that they had made contact with the VLSB+C, 136 said they had used guidance produced by the VLSB+C, as did a further 42, giving a total of 178 (17% of legal service users). Again, users of Aboriginal legal services, CLCs and legal aid did so<sup>281</sup> and, again, so did those who faced contentious issues concerning compulsory assessment/treatment for mental health, child welfare, planning applications, public services, clinical negligence and respondents' businesses.<sup>282</sup>

Figure 5.13 shows the VLSB+C guidance that legal service users made use of. The most common guidance used concerned rights and responsibilities, how to make complaints about lawyers and how to handle disputes, all of which was used by more than 6% of legal service users. All the guidance asked about was used by at least 4% of legal service users.

Two-thirds of those who made use of VLSB+C guidance used guidance of more than one type, with one-quarter using 4 or more types of guidance.

Of those legal service users who contacted the VLSB+C or made use of VLSB+C guidance, 42% (110 people) were aware of the 'Your Right to Ask' advertisements before contacting the VLSB+C or using the guidance.

Figure 5.13—VLSB+C guidance used by legal service users



279.  $\chi^2_{10} = 139.28$ ,  $p < 0.001$ , standardised Pearson residuals = 4.2 (ALS), 3.8 (CLC), 2.4 (legal aid)

280.  $\chi^2_{64} = 224.25$ ,  $p < 0.001$ , standardised Pearson residuals = 4.0 (mental health), 3.6 (child welfare), 2.0 (planning application), 2.3 (public services), 2.7 (clinical negligence) and 2.9 (business). Note that numbers were quite small for some issue types, notably planning applications ( $n=14$ ).

281.  $\chi^2_{10} = 139.66$ ,  $p < 0.001$

282.  $\chi^2_{64} = 207.97$ ,  $p < 0.001$

Separately, exactly half of legal service users who had faced contentious issues said they were aware that it was their right to ask their lawyer questions about anything to do with their case.

Turning to non-legal service users who had faced contentious issues, in addition to the one complainant, 13 other non-legal service users made contact with the VLSB+C in regard to their contentious issue at some point. Altogether, one of them had obtained help from a financial service, 3 from local councils, 3 from health professionals, and 7 from the police. Eight non-legal service users said they had used guidance produced by the VLSB+C. One had obtained help from an employer or trade union, 3 from health professionals, and 4 from the police.

Just 8 non-legal service users who had faced contentious issues made use of VLSB+C guidance (2%). Half of them used guidance on rights and responsibilities, half of them used guidance on how to handle disputes, half of them used guidance on what questions you can ask lawyers, and some used guidance on the ways lawyers can charge for services and/or how to find a lawyer.

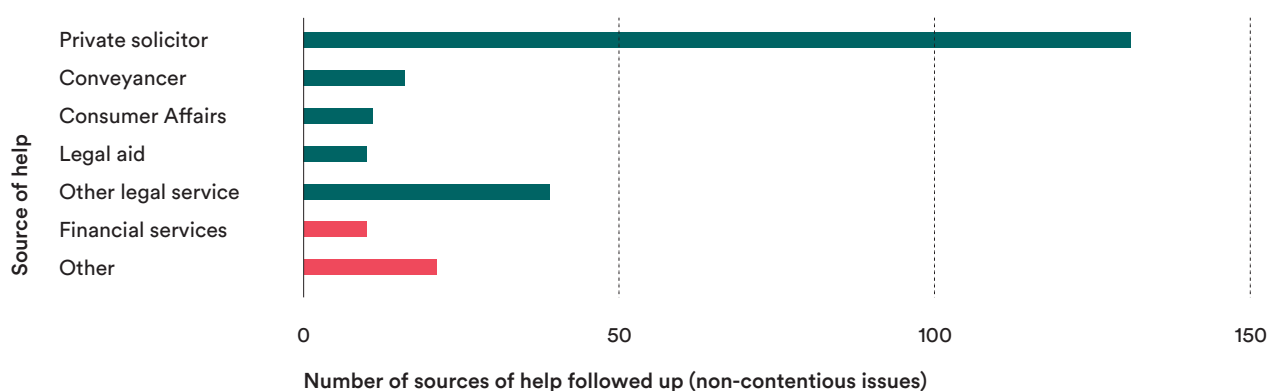
### Non-contentious issues

In all, 236 sources of help for non-contentious issues were asked about through the pilot V-LULU survey, of which 206 were reported to have been legal services. Figure 5.14 sets out all these sources of help. Reflecting the nature of non-contentious issues, the pattern of service use was quite different to that seen for contentious issues (Figure 5.1).<sup>283</sup>

Most notably, private solicitors were by far the most common source of independent help for non-contentious issues and, reflecting the far greater proportion of issues concerning respondents' owned housing or other property among non-contentious issues, conveyancers were the second most common source of help. In fact, 51% of non-contentious issues about which help was sought from followed-up sources of help concerned such property, with the great majority of the remainder (43% in all) concerning wills, probate or powers of attorney. Completing the picture, 3% concerned divorce and 3% injuries.

Given the small number of non-legal services followed up in relation to non-contentious issues, only legal services are discussed in the rest of this section.

**Figure 5.14—Sources of help followed up in detail through the pilot V-LULU survey (green bars represent legal services)**



283. It is important to note that the sample of non-contentious issues followed up through the pilot V-LULU survey was not a random sample. However, the pattern in Figure 5.14 gives an indication of differences in the nature of legal service use as between contentious and non-contentious issues.

### Paths to services

Of the 206 legal services followed up through the pilot V-LULU survey in relation to non-contentious issues, respondents had previously received help from the followed-up service in 41% of instances. This was particularly the case for private solicitors (48%).<sup>284</sup>

Perhaps reflecting this greater reliance on previous service use, the internet played a far less significant role in finding and choosing between legal service providers to help with non-contentious issues. Compared to the 59% of contentious issue related legal service users who sought information about services on the internet, just 28% of non-contentious issue related legal service users did so. When they did, it was most often to search for services (13%), reviews (9%) or prices (6%). More often, they sought recommendations from friends or family (32%) or sought information directly from services (31%).<sup>285</sup> The vast majority of those who sought information or recommendations about services from the internet, from friends or family, from services or elsewhere found it easy to do so. Fewer than 10% of non-contentious issue related legal services users found it difficult to find information about service prices online, and fewer than 5% found it difficult to find the same from services directly.

Overall, to help choose a service, around two-thirds of those using legal services in relation to non-contentious issues obtained details of particular services from one source or another. Of these, 38% obtained details of more than one service. Separately, 34% of users had obtained information about prices, with a similar proportion obtaining details of more than one service.

When asked how they first became aware of the legal services they used, those using legal services in relation to non-contentious issues were less likely to refer to the internet than those doing so in relation to contentious issues (19%, compared to 34%). Conversely, they slightly more often mentioned recommendations from friends or family (28%, compared to 23%) or that they had always been aware of the service (24%, compared to 19%). There was no difference between responses relating to private solicitors and other legal services.

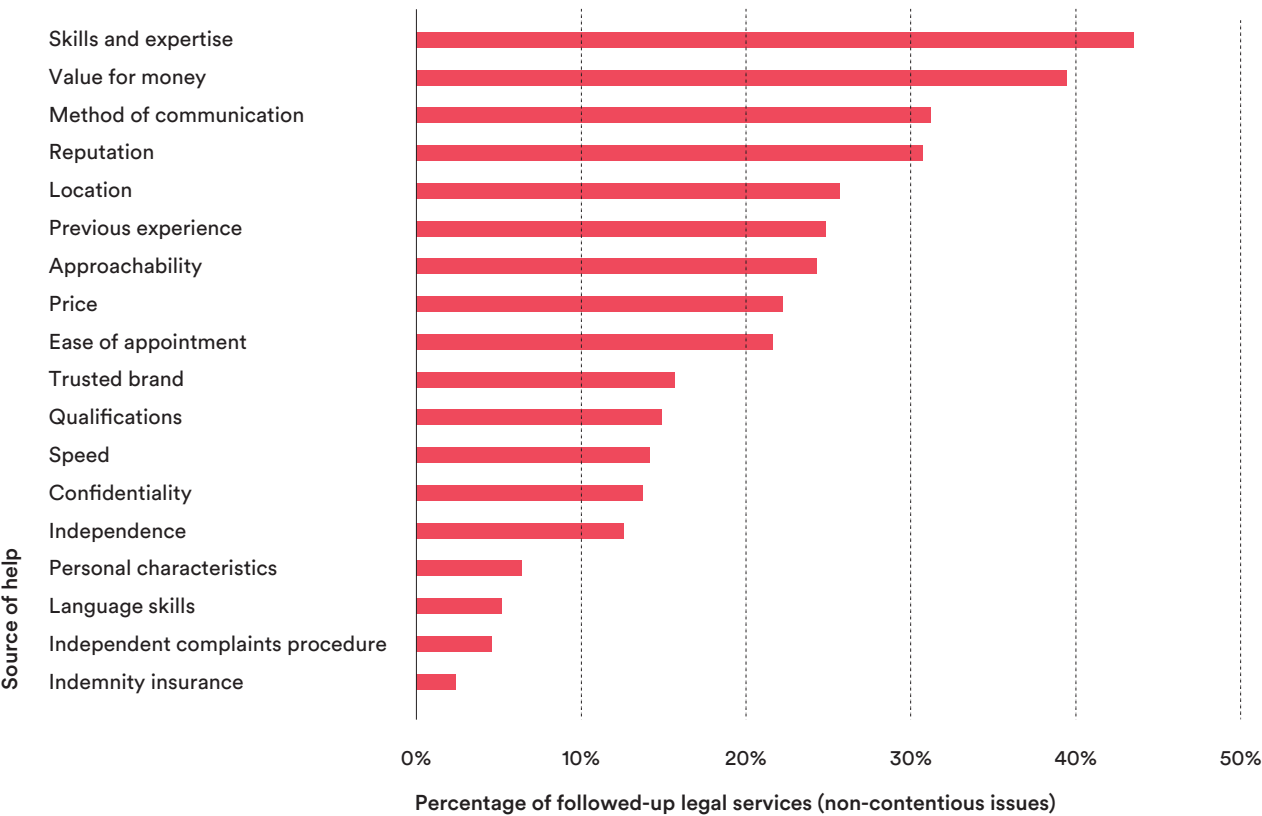
284.  $\chi^2_1 = 8.35$ ,  $p < 0.01$

285. Twenty-four per cent requested details of services, 19% requested details of prices.

Factors influencing choice of service

Figure 5.15 shows the factors that legal service users facing non-contentious issues reported to have been important in their choice of service. This pattern is similar to that shown in Figure 5.5 for contentious issues, with the main differences being that Figure 5.15 indicates greater interest in value for money (39%, compared to 31%) and less interest in the existence of an independent complaints procedure (5%, compared to 30%), method of communication (31%, compared to 47%), and price (22%, compared to 32%). Rather than method of communication, skills and expertise topped the list. However, method of communication was still clearly important.

Figure 5.15—Factors important in choice of legal service provider



### Methods of communication

When asked how they would most liked to have communicated with services, those who said method of communication was an important factor in choice of service preferred face-to-face communication (49%), followed by email (32%), telephone (14%), and through a website or app (4%). This was very different to the pattern of responses for contentious issues, about which telephone communication was preferred.

Reflecting preferences, the main method of communication with legal services reported by users facing non-contentious issues was most often face-to-face communication (35% of cases), followed by email (33%), telephone (22%), and through a website or app (10%). Beyond this, the telephone was used at some point in 66% of cases, email in 60% of cases, and face-to-face communication in 57% of cases. Where communication was through a website or app, it tended to be exclusively through the website or app. Preferences were generally reflected in practice, with the notable exception of telephone communication, which was the main method of communication for fewer than half of those who preferred telephone communication. Users were far less likely to communicate with private solicitors through a website or app as a main method of communication (2% of cases) but far more likely to do so with Consumer Affairs (7 of 11 users).<sup>286</sup>

### The substance of help

Of those legal services users who felt able to make a determination, 87% described the help they received in relation to non-contentious issues as legal in nature, with 65% describing it as entirely legal in nature (compared to 78% and 36%, respectively, in the case of contentious issues). There was considerable variation by legal service type.<sup>287</sup> Users of private solicitors were particularly likely to describe the help they obtained as entirely legal in nature (82%),<sup>288</sup> while users of Consumer Affairs were more likely to describe it as only partly legal in nature (64%).<sup>289</sup>

More users thought they would be able to obtain practical assistance from legal services used to help deal with non-contentious issues than legal services used to help resolve contentious issues (74%, compared to 58%), while fewer thought they would obtain moral or emotional support (13%, compared to 30%). However, there was little difference when it came to information or advice (86%, compared to 90%). In particular, many more legal service users expected to be helped with paperwork relating to non-contentious issues (60%) than paperwork relating to contentious issues (34%), with a similar difference also observed in relation to delegation of issue resolution (44%, compared to 30%).

286.  $\chi^2_{16} = 76.11$ ,  $p < 0.001$ , standardised Pearson residuals = -3.1 (solicitor) and 5.6 (Consumer Affairs)

287.  $\chi^2_{12} = 58.41$ ,  $p < 0.001$

288. Standardised Pearson residual = 2.4

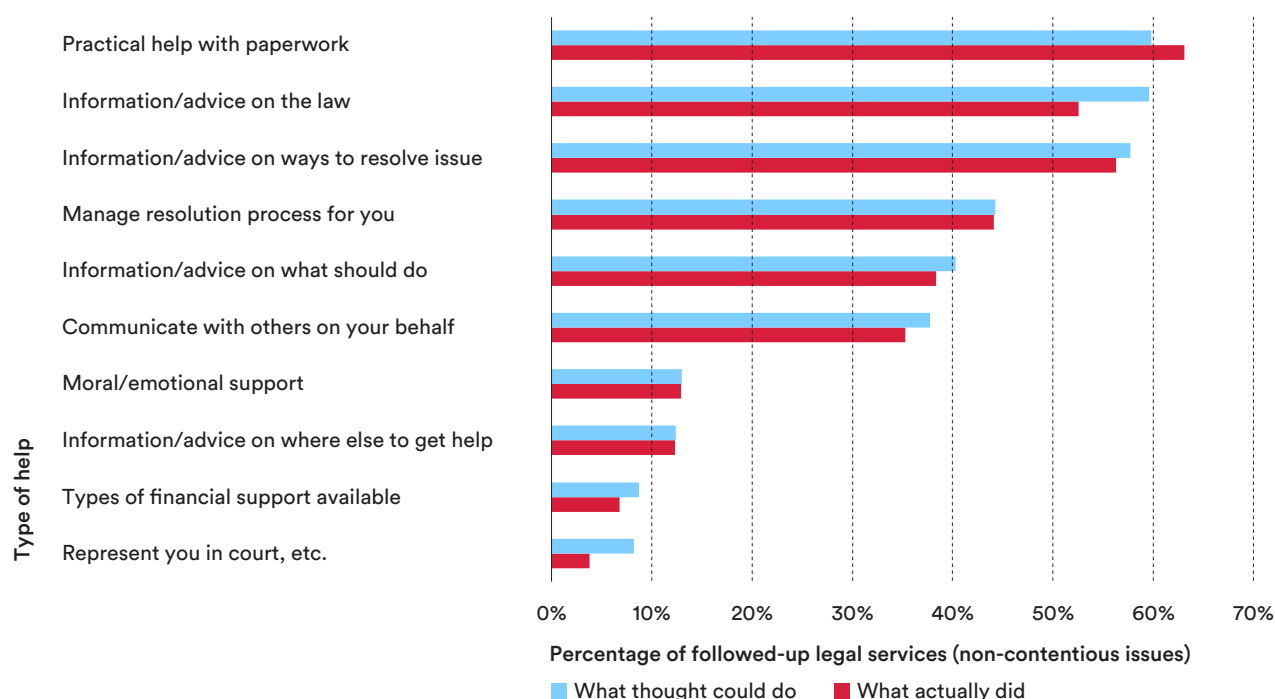
289. Standardised Pearson residual = 2.8.



As is illustrated by Figure 5.16, users of legal services for non-contentious issues obtained much the same types and levels of service they were expecting to obtain. This contrasts with use of legal service for contentious issues, which routinely fell short of what was expected.

There were significant differences in the extent to which users expected different types of legal service to provide practical assistance and in the extent to which they did, in relation to non-contentious issues.<sup>290</sup> For example, solicitors were more often expected to (86% of cases) and went on to (88%) provide practical assistance, while (although numbers were small) Consumer Affairs was less often expected to or went on to do so (2 and 3, of 11 cases, respectively).<sup>291</sup>

Figure 5.16—Types of help users thought legal services could provide and help actually provided



290.  $X^2_4 = 43.59$ ,  $p < 0.001$ ,  $X^2_4 = 49.14$ ,  $p < 0.001$

291. Standardised Pearson residuals = -2.2 and -1.8, respectively

The substance of communication

The great majority of non-contentious issue related legal service users reported they had been provided with information about the service they would receive at the outset of service use (84%). Figure 5.17 shows the types of information they recalled were provided to them. Compared to contentious issue related legal service users, they more often recalled receiving information about costs and who would be dealing with the issue. However, they less often recalled receiving information about how to complain, the VLSB+C or indemnity insurance. Private solicitors were more likely than other types of legal service to have been reported to have provided information on the likely cost of service (56%, compared to 40%)<sup>292</sup> and/or who would be dealing with the issue (43%, compared to 20%).<sup>293</sup> The vast majority of private solicitors provided information about prices (94%).

When asked how easy it was to understand the information that was provided about services, legal service users generally indicated that they had found the information quite or very easy to understand.

Figure 5.18 sets out the details of the costs information that paying users recalled being provided by private solicitors instructed in relation to non-contentious issues.

Almost 9 in 10 of those who did recall being provided with information indicated that they had been given an opportunity to ask about it. Just one in 20 paying users of private solicitors didn't recall being told about pricing.

Figure 5.17—Types of information provided to legal service users at outset of service use

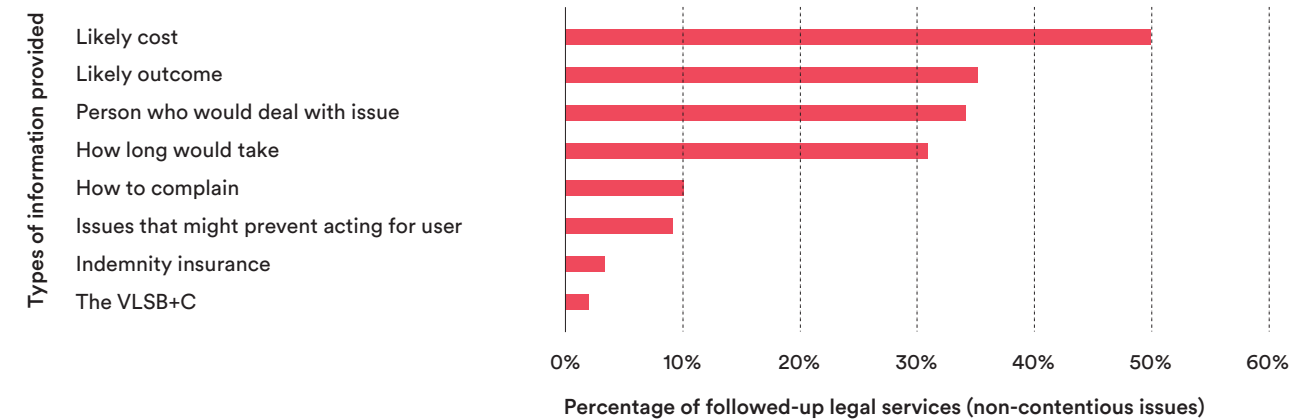
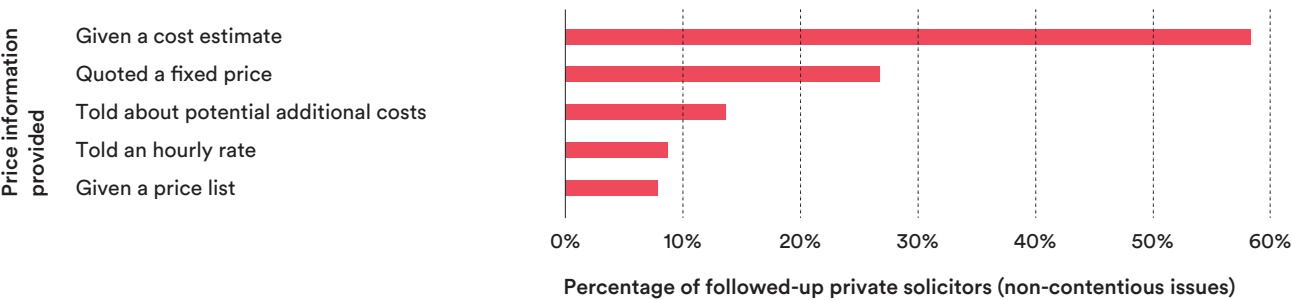


Figure 5.18—Types of information provided to legal service users at outset of service use



292.  $X^2_1 = 4.72$ ,  $p < 0.05$   
293.  $X^2_1 = 10.93$ ,  $p < 0.001$

### The cost of services

Across all followed-up legal services used in relation to non-contentious issues, 27% either did not charge any fees or those respondents who used them could not recall whether or not they were charged.<sup>294</sup> However, a substantial majority of users (69%) reported having paid the full cost of the services they had received, with the remainder (4%) having paid part of the cost. Evidently, full payment was much more common than in the case of contentious issues.

The picture was different for different types of legal service, with respondents far more likely to report having been liable for the cost of work provided by private solicitors (92% of cases) than work provided by other legal services.<sup>295</sup> The reverse was the case for Consumer Affairs and legal aid.

If pilot V-LULU respondents reported having paid for services, they were asked for the total amount they had paid. Only just over half were able to provide an estimate, with estimates ranging from \$100 (1% of occasions) to over \$30,000 (1% of occasions). The median amount was \$1,500.

Of those who were able to provide an estimate of the amount they had personally paid for the legal services they were provided with, 83% said the amount was the same or lower than they had expected. A further 6% couldn't recall, leaving 11% who ended up having to pay more than they had expected.<sup>296</sup>

Just 5% of those who had paid or part-paid for services indicated they had tried to negotiate on price. Only 3% reported any success. More (12%) had negotiated on the type or extent of service to be provided.

Bills for legal services were most commonly received on completion of service delivery (83% of services). Most bills were regarded as either quite easy (27%) or very easy (62%) to understand, with only a small minority regarded as quite difficult (3%) or very difficult (<1%) to understand. The remainder (8%) were regarded as neither easy nor difficult to understand.

294. Seven per cent could not recall whether or not they were charged fees for legal services.

295.  $\chi^2_3 = 58.74$ ,  $p < 0.001$

296. This is a higher figure than the 56% reported for contentious issues.

### Satisfaction with services

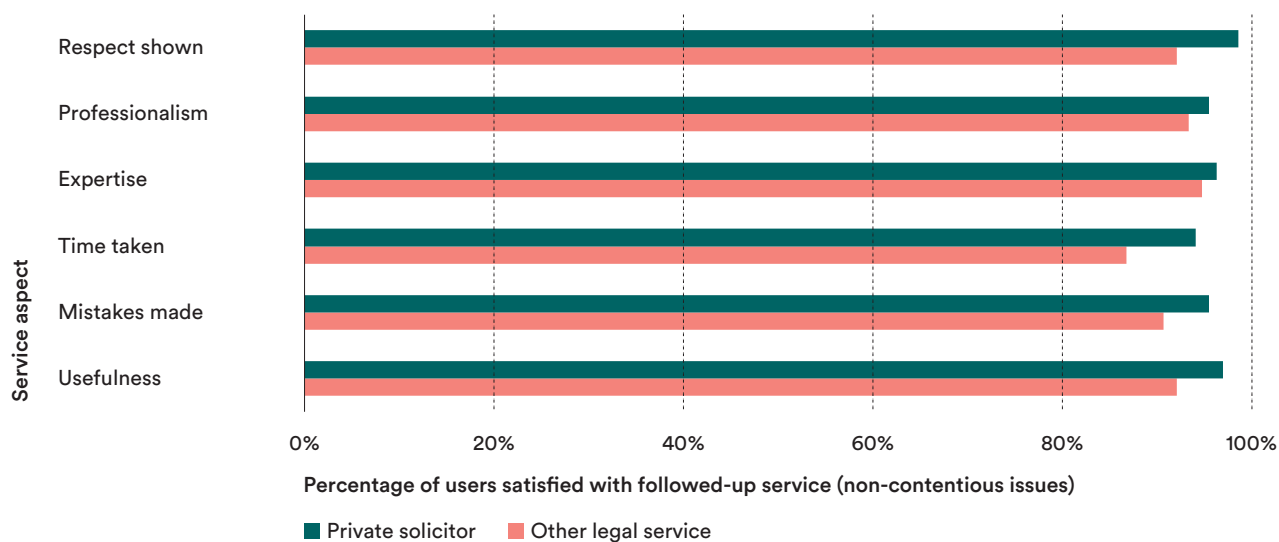
The great majority (91%) of those who used legal services to help with non-contentious issues said they received everything they needed, asked for, and were told they would get by the service they used. Individually, 95% of legal service users said they got what they needed, 94% what they asked for, and 96% what they were told they would get. Reflecting the level of service delivered, 60% of users were very satisfied with the service they received, 35% fairly satisfied, 4% dissatisfied, and 1% very dissatisfied.

As is evident from Figure 5.19, satisfaction levels were extremely high for both private solicitors and other types of legal service across all aspects of non-contentious service delivery. Turning to the quality of communication service users received, 91% were satisfied with communication about options, 91% with communication about progress, 90% with communication about the service to be provided, and 86% with communication about costs.

Finally, of the 150 pilot V-LULU respondents who said they had personally paid or part-paid for a followed-up legal service in relation to a non-contentious issue, 82% agreed that the service provided good value for money, 13% were not sure, and 5% disagreed.

Just 7 pilot V-LULU respondents were eligible to be asked about the reasons for their dissatisfaction with legal services used in relation to non-contentious issues and none said they had raised the issue with the relevant service or made a complaint to a third party. However, one had posted a review online, and one had switched to another solicitor.

Figure 5.19—Level of satisfaction with aspects of service by legal service type



**VLSB+C guidance**

Across all 206 pilot V-LULU respondents who provided details of their legal service use in relation to non-contentious issues, 4 indicated that they had made contact with the VLSB+C in connection to the issue at some point. Five, including 2 of those just mentioned, indicated they had made use of VLSB+C guidance, with guidance on rights and responsibilities the most used (3 of the 5), followed by guidance on questions lawyers can be asked (2), the ways lawyers can charge for services (2), and what lawyers should tell clients about charges (2). Of the 7 people who contacted the VLSB+C or made use of VLSB+C guidance, 4 had been aware of the ‘Your Right to Ask’ advertisement beforehand.

## 06

# What happened in the end

This chapter details the manner and quality of justiciable issue outcomes. It also details the progress made in those issues that were ongoing at the time of the pilot V-LULU survey. It draws on the previous chapters to explore how the manner and quality of issue outcome relates to the type of issue and type and level of help. It also details the extent to which respondents were satisfied with outcomes, along with regrets and reasoning about courses of action. As part of this it sets out the reasons those who did not obtain help from solicitors did not do so. It concludes by comparing the pictures painted of contentious and non-contentious issues.

A final piece of the picture

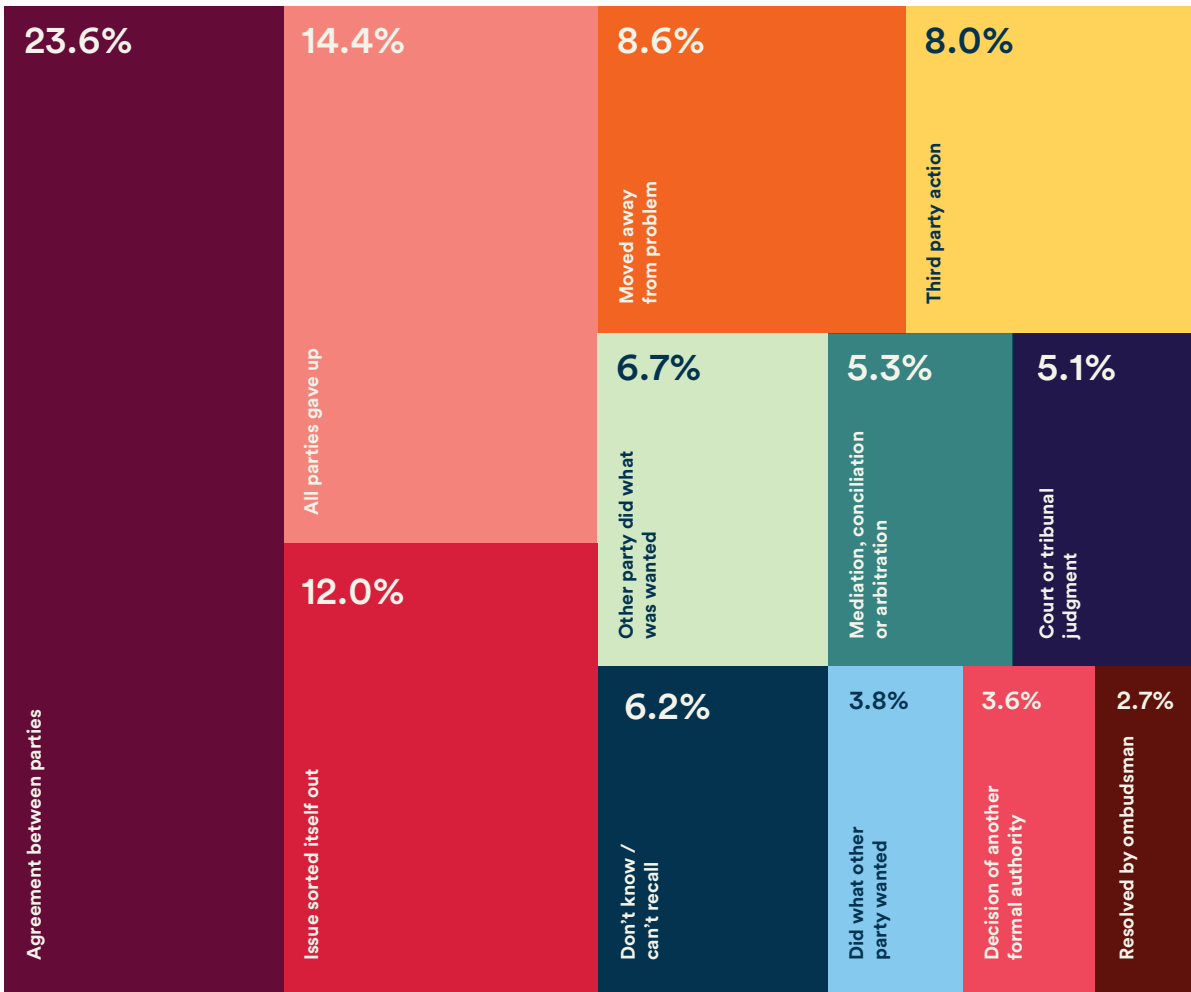
This chapter details the manner and quality of justiciable issue outcomes. It also details the progress made in those issues that were ongoing at the time of the pilot V-LULU survey. It draws on the previous chapters to explore how the manner and quality of issue outcome relates to the type of issue, and type and level of help.

Endings

Manners of conclusion

As was detailed in Chapter 2, just under 60% of followed-up contentious issues had concluded by the time of the pilot V-LULU survey, either through resolution (38%) or because, despite aspects persisting, all parties have reached agreement or given up attempts at resolution (22%). Figure 6.1 shows the manner of conclusion of these 1,174 issues.

Figure 6.1. Manner of conclusion of contentious issues



As can be seen, the most common form of conclusion was agreement between the parties (24%), followed by the parties giving up attempts at resolution (14%), issues sorting themselves out (12%), people moving away from issues (e.g. by leaving a job, moving home or leaving a relationship) (9%), action being taken by a third party (e.g. the police) (8%), and the other party doing what was wanted (7%).

In the case of contentious issues that respondents concluded by doing what the other party wanted, moving away from the problem or, along with the other party, giving up trying to find a solution, respondents were asked why this was so. Of the 315 people who responded, 65% said that it was the only way to move on, 14% said they ran out of time or (more often) money, 9% said they were advised to do so, and 5% said there was nothing more that could be done. A small number of respondents said they couldn't find the help they needed (2%), with a similar number saying the impact on their health was too great. A very small number pointed to the power imbalance behind the parties. Of particular concern, 5% (17 people) moved away from issues for their own or their children's safety.

In the case of contentious issues concluded through mediation, conciliation or arbitration, respondents were asked who had acted as intermediary. Of the 62 people who responded, 13 pointed to a professional mediator, 9 to a public organisation, 8 to a lawyer, 7 to a friend, 6 to a court or tribunal, and 3 to another professional. Six responses suggested that mediation may not have taken place.

In the case of contentious issues concluded through a court or tribunal decision, 37 of 60 respondents indicated that they had legal assistance 'all of the time', 8 'some of the time' and 15 (one-quarter of them) 'not at all'.

### Factors associated with manner of conclusion

Different forms of conclusion were associated with different types of contentious issue.<sup>297</sup> For example, agreements were more common for issues concerning respondents' businesses (41% of issues) and defective goods or services (38%).<sup>298</sup> The parties giving up was more common for issues concerning neighbours (24%).<sup>299</sup> Contentious issues concerning government payments were more likely to have sorted themselves out (26%).<sup>300</sup> Respondents were more likely to have moved away from issues concerning homelessness (33%), employment (27%), domestic violence (19%) and rented housing (16%).<sup>301</sup> The compliance of the other party was more common for issues concerning goods and services (20%) and government payments (17%).<sup>302</sup> Mediation was a more common route for the conclusion of issues concerning divorce (or ending of a de facto relationship) (14%) and mental health (19%).<sup>303</sup> Court or tribunal decisions were more common endings to issues concerning domestic violence (19%) and divorce (16%).<sup>304</sup>

297.  $X^2_{209} = 533.05$ ,  $p < 0.001$

298. Standardised Pearson residuals = 3.0 (goods and services) and 2.0 (business)

299. Standardised Pearson residual = 3.4

300. Standardised Pearson residual = 2.3

301. Standardised Pearson residuals = 6.9 (employment), 5.3 (homelessness), 3.6 (rented housing) and 2.3 (domestic violence)

302. Standardised Pearson residuals = 5.2 (goods and services) and 2.4 (government payments)

303. Standardised Pearson residuals = 2.9 (mental health) and 2.5 (divorce)

304. Standardised Pearson residuals = 3.6 (divorce) and 3.1 (domestic violence)



Different forms of conclusion were also associated with different types of legal service, in part because of their different areas of practice.<sup>305</sup> For example, private solicitors were more often involved in contentious issues that concluded through mediation, conciliation for arbitration (14% of cases), or court or tribunal decisions (11%).<sup>306</sup> CLCs were more often involved in contentious issues that concluded through ombudsman schemes (8%),<sup>307</sup> Consumer Affairs was more often involved in contentious issues that concluded through agreement (36%), as was legal aid (34%).<sup>308</sup> Non-legal services were more often involved in cases which all parties gave up trying to resolve (22%).<sup>309</sup>

Different forms of conclusion were also associated with different levels of contentious issue seriousness. For example, while none of the contentious issues ranked 1 on the 10-point seriousness scale ended in a court or tribunal decision, the percentage was 2% for those ranked between 2 and 4, 5% for those ranked between 5 and 7, and 21% for those ranked between 8 and 10.<sup>310</sup> Mediation, on the other hand, was associated with mid-level seriousness issues. So, while 13% of those ranked 6 concluded through mediation, the percentage reduced as issues became more or less serious. The most and least serious issues were rarely concluded through mediation.<sup>311</sup>

Also agreements became less common as the shortfall in the level of independent help obtained by people increased, with people who obtained none of the help they sought associated with a 12% settlement rate, people who obtained a lower level of help than they sought associated with a 24% settlement rate, and people who obtained the precise level of help they had sought associated with a 33% settlement rate. However, if more help was obtained than sought, agreements again became less common (18%).<sup>312</sup>

### Fairness and level of success

Looking only at concluded contentious issues, 63% were said by pilot V-LULU respondents to have been mostly fair to everybody involved, slightly fewer than the 69% they described as having an outcome that was the same or better than hoped for (41% and 29% respectively). The process that led to contentious issues concluding was described as fair to everybody concerned on 65% of occasions.

The 10% of respondents who described contentious issues as having been very easy to deal with were much more likely to have obtained outcomes that were better than hoped for (55% of issues) and less likely to have obtained outcomes that were worse than hoped for (6%). The opposite was the case for the 17% of respondents who described issues as having been very difficult to deal with, with the corresponding percentages being 11% and 69%.<sup>313</sup>

Just under half (46%) of those respondents who had obtained independent information, advice or assistance felt that this had resulted in a better outcome.

305.  $X^2_{66} = 174.63$ ,  $p < 0.001$

306. Standardised Pearson residuals = 2.7 and 1.8

307. Standardised Pearson residual = 3.2

308. Standardised Pearson residuals = 2.3 and 2.0, respectively

309. Standardised Pearson residual = 2.1

310.  $X^2_9 = 54.98$ ,  $p < 0.001$

311.  $X^2_9 = 27.25$ ,  $p < 0.001$ , standardised Pearson residual = 3.8 at point 6

312.  $X^2_7 = 24.62$ ,  $p < 0.001$

313.  $X^2_{12} = 453.95$ ,  $p < 0.001$ . To complete the picture, 42% described issues as fairly easy to deal with and 31% as fairly difficult to deal with.

This benefit of advice was corroborated by the finding that those who obtained no help were significantly more likely than others to obtain worse outcomes than hoped for (47% of outcomes) and as illustrated in Figure 6.2.<sup>314</sup> At the other end of the spectrum, those who delegated resolution of contentious issues to an independent source of help were more likely to obtain much better outcomes (18%, compared to 9% for others).<sup>315</sup> However, in interpreting these findings it is important to consider that the issues about which people seek (and obtain) help are different to those about which they do not. People tend to seek help more often for problems they find it harder to deal with without help. Even more starkly, those who sought help, but were unable to obtain any, fared worst of all.<sup>316</sup> They obtained worse outcomes than they had hoped for on 65% of occasions (Figure 6.3), compared to 25% of occasions for others.<sup>317</sup> Interestingly, there was not a great difference between the levels of success for those who obtained less, the same or more help than they had sought, although those who obtained less than they sought marginally less often obtained better outcome than hoped for and marginally more often worse outcomes than hoped for, although the differences were clearly not statistically significant.

Figure 6.2—Outcome by level of help obtained

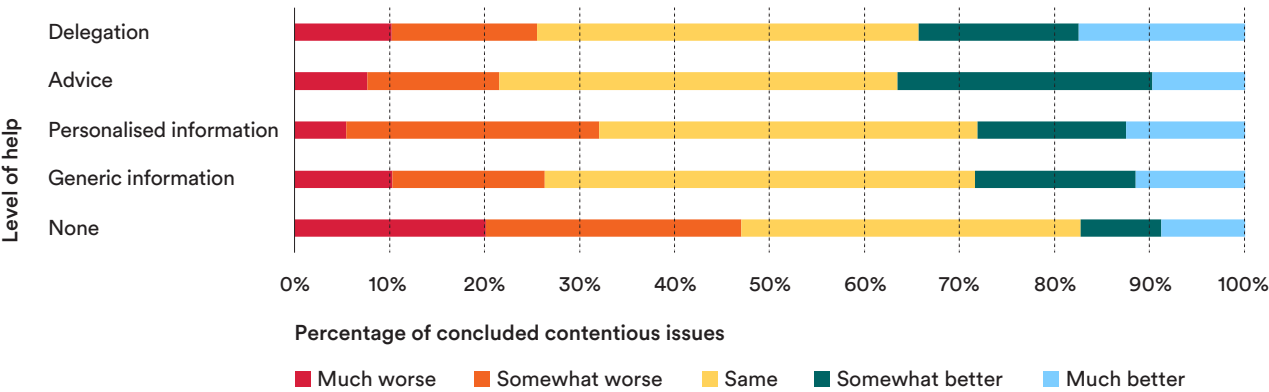
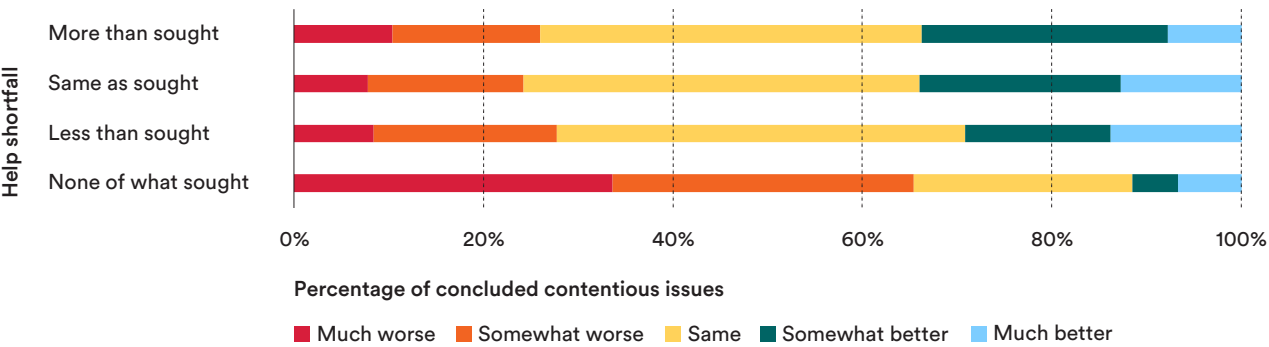


Figure 6.3—Outcome by shortfall in help obtained



314.  $\chi^2_4 = 55.52, p<0.001$ , standardised Pearson residuals = 3.0 (somewhat worse) and 4.1 (much worse)

315.  $\chi^2_{16} = 87.61, p<0.001$ , standardised Pearson residual = 2.2

316.  $\chi^2_{12} = 95.17, p<0.001$

317. Standardised Pearson residuals = 3.1 (somewhat worse) and 6.7 (much worse)

As illustrated in Figure 6.4, those with an unmet legal need were significantly more likely than those who experienced no legal need to obtain worse outcomes than hoped for (43% of outcomes) and less likely to obtain much better outcomes (7%).<sup>318</sup> However, those with met legal needs (using the narrow definition, requiring a legal service to be obtained) were also more likely to obtain worse outcomes than hoped for (41%). Those with no legal needs only relatively infrequently obtained outcomes that were worse than hoped for (17%).

### Other potential benefits of independent help

As well as respondents often reporting that independent help led to better contentious issue outcomes, independent help was also often said to have brought about associated life improvements. In all, 66% of respondents who obtained independent help in relation to a followed-up contentious issue said it led to such improvements. Figure 6.5 shows the types of improvements that were reported.

Figure 6.4—Outcomes by legal need

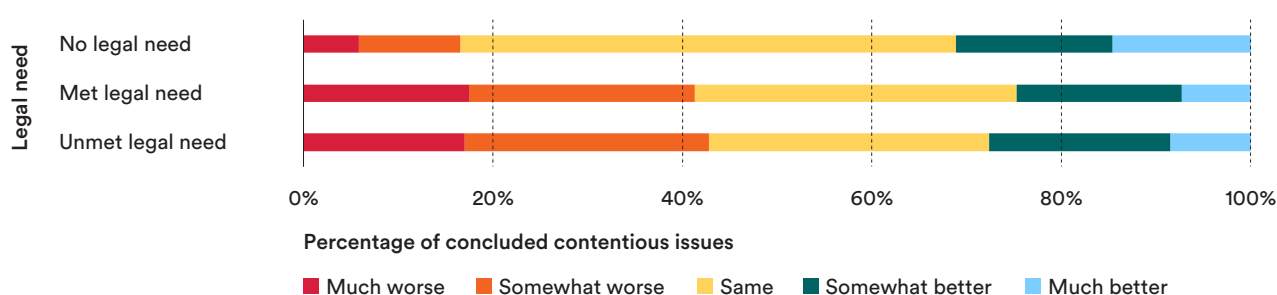
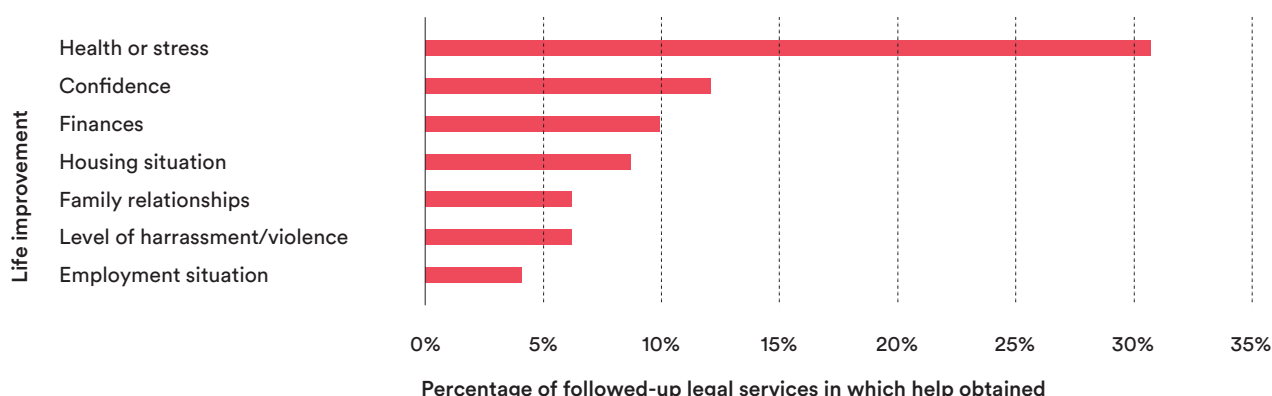


Figure 6.5—Life improvements attributed to independent help



318.  $\chi^2_8 = 106.24$ ,  $p < 0.001$ , standardised Pearson residuals = 3.6 (unmet legal need, somewhat worse), 3.1 (unmet legal need, much worse), -2.4 (unmet legal need, much better), 2.3 (no legal need, much better)

## Ongoing issues

### Satisfaction with progress

Pilot V-LULU respondents indicated that they were satisfied with the progress of only a minority of those followed-up contentious issues still ongoing at the time of the survey. In all, just 8% of respondents said they were very satisfied with how things were turning out, while 37% were fairly satisfied. The remaining 55% said they were either fairly dissatisfied (29%) or very dissatisfied (26%).

As with concluded contentious issues, this related to how easy respondents had found it to deal with issues. So, whereas 98% of those who had so far found it very easy to deal with issues were satisfied with how things were turning out, the figure was just 5% for those who had so far found it very difficult.<sup>319</sup> Also, again, those who had obtained none of the help they had sought were much less satisfied with progress. So, while they were satisfied with progress in relation to just 14% of issues, the figures were 45% for those who obtained something, though less than sought, 55% for those who had obtained the level of help they had sought, and 59% for those who had obtained more help than sought.<sup>320</sup>

### Regrets

When asked whether there was anything they wished they had done differently in trying to resolve contentious issues, 74% of those facing ongoing issues offered at least one regret. The most common regret was not acting sooner. This was mentioned by 34% of those respondents facing followed-up ongoing issues. Next came not getting help sooner (21%), not getting more help (19%), and not being more resolved (18%). Providing a different perspective, a small number of respondents (5%) regretted getting help and a similar number wished they had done less to try to resolve the issue. Of course, some people (14%) said they wished they had avoided the problem in the first place.

319.  $\chi^2_9 = 856.33$ ,  $p < 0.001$ . Respondents reported that 6% of ongoing contentious issues had been very easy to deal with so far, 28% quite easy, 35% quite difficult and 16% very difficult.

320.  $\chi^2_9 = 95.80$ ,  $p < 0.001$ , standardised Pearson residuals = -2.6 (obtained nothing, very dissatisfied) and -4.4 (obtained nothing, fairly dissatisfied)

Regrets and reasoning

Regrets

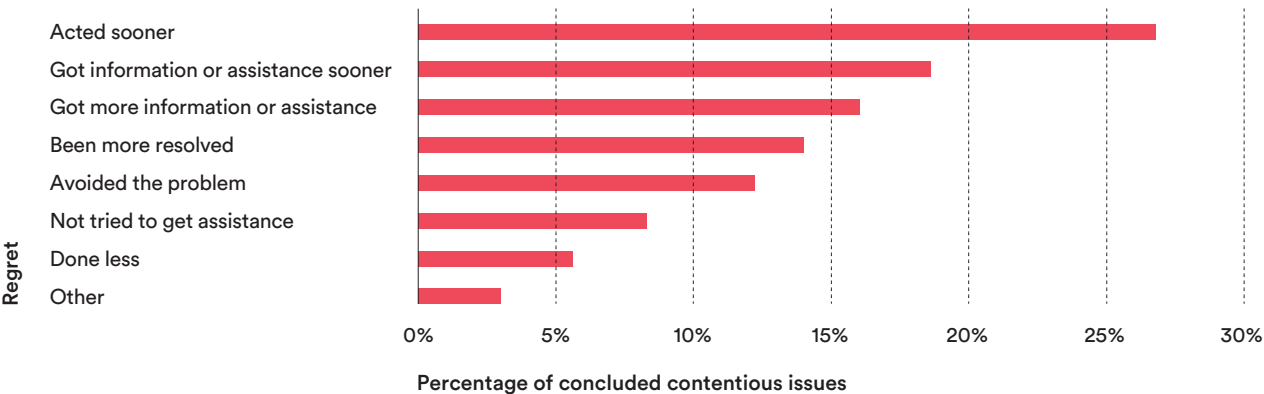
Those who provided details of concluded contentious issues through the pilot V-LULU survey also often wished they had done things differently, although slightly less often (69% of issues). Figure 6.6 sets out the different regrets. As can be seen, the pattern of responses for concluded and ongoing contentious issues was very similar.

Reasoning

Those respondents who took no action to resolve contentious issues provided a variety of reasons for not having done so. For some, the reason was simple. The issue resolved without the need for action. For others, it was more involved. The most common reason provided was that action would not have made a difference. This was followed by uncertainty around what to do, concerns about cost, and concerns about the difficulties of taking action. These are familiar reasons that have been reported through many legal needs surveys. However, they remain important to acknowledge, even though the number of people who took no action to resolve contentious issues reported through the pilot V-LULU survey was very small (4% of issues).

For those respondents who faced contentious issues, but did not obtain independent help, the reasons provided for not doing so were similar. Just under 25% explained that the issue had resolved without the need for help, and a similar number said the issue was not important enough to warrant getting help. Of potential concern, 34% of those who did not get independent help<sup>321</sup> were unsure there were services that could help with the type of problem they face or, more generally, where to get help. This was most common in the case of issues concerning rented housing, neighbours, employment, owned housing and homelessness. Separately, 29% of those who did not get independent help said that they did not think it would have made a difference, 15% were concerned about the difficulty of doing so, and 13% the cost.

Figure 6.6—Things respondents wished they had done differently (concluded issues only)



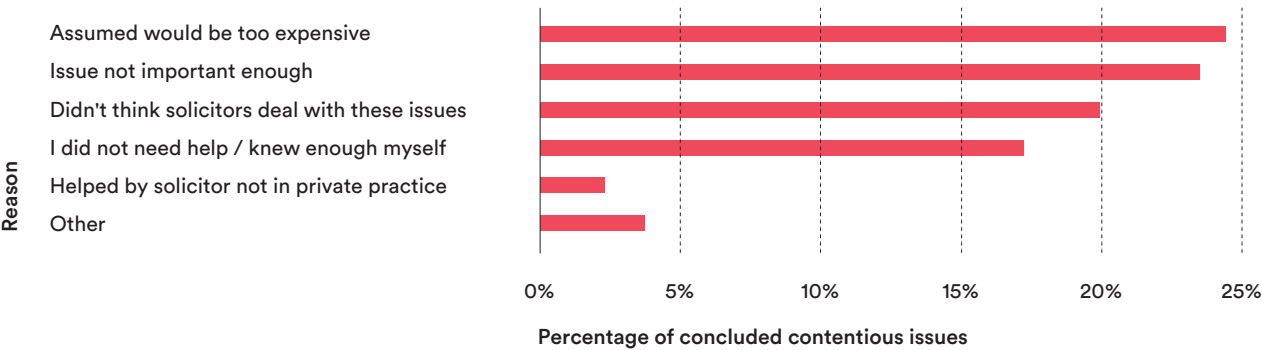
321. This amounted to 3% of all those facing contentious issues.

Not instructing solicitors

Figure 6.7 sets out the reasons provided by the 1,141 pilot V-LULU respondents who did not consider obtaining help from a private solicitor when dealing with a contentious issue for not having done so. A small number explained that help had been obtained by a solicitor, but not one in private practice. Of other reasons, the most common (24%, or 279 people) was the assumption that solicitors would be too expensive. This was followed by issues not being considered important enough to warrant instructing a solicitor (24%) and the belief that solicitors were not able to help with the issues concerned.

Those who thought solicitors would not have been able to help with their contentious issues were more likely to have faced employment issues, issues concerning adoption/fostering or child welfare/protection, and issues relating to their businesses.<sup>322</sup> However, apart from issues concerning fines, there were no issue types that did not elicit this reason on at least one occasion.

Figure 6.7—Reasons for not obtaining help from a private solicitor



322.  $\chi^2_{17} = 51.80$ ,  $p < 0.001$ , standardised Pearson residuals = 2.7 (business), 2.6 (employment), 2.5 (family - other)

## Non-contentious issues

### Manners of conclusion

Just under 85% of followed-up non-contentious issues had been concluded by the time of the pilot V-LULU survey, with 12% ongoing and 4% abandoned. The great majority of concluded non-contentious issues (84%) ended through completion of a process. Just 2% concluded through a court order, and a further 3% through another relevant authority. There was little difference in the manner of conclusion by broad issue type. For those issues that concluded through a court order, a majority of respondents indicated that they had legal assistance all of the time.

Almost 9 in 10 concluded non-contentious issues were described as having been very easy (34%) or fairly easy (54%) to deal with.

### Satisfaction with outcome

Looking only at concluded non-contentious issues, respondents described the outcomes of 96% as being the same as (71%) or better than (25%) had been hoped for. Similar to the above finding concerning contentious issues, 48% of those respondents who had obtained independent information, advice or assistance to help deal with non-contentious issues felt that this had resulted in a better outcome. A significant proportion also pointed to other life improvements that followed from receiving independent help, including improvements in confidence (19% of issues), finances (15%), housing situations (15%), health or stress levels (14%), and family relationships (9%).

Over two-thirds of respondents who provided details of concluded non-contentious issues indicated they did not wish they had done anything differently in dealing with issues. Those who did generally referred to getting information or assistance sooner, or getting more information or assistance.

### Ongoing non-contentious issues

Pilot V-LULU respondents more often reported finding it difficult to deal with ongoing non-contentious issues than concluded non-contentious issues. Just 54% of those facing ongoing non-contentious issues said the issues were quite easy (42%) or very easy (12%) to deal with. However, 77% were satisfied with how things were turning out. As with concluded non-contentious issues, the majority of respondents facing ongoing non-contentious issues indicated they did not wish they had done anything differently in dealing with issues.

### Reasoning

Those respondents who had not yet got independent help to deal with ongoing non-contentious issues most often indicated that they did not need help and knew enough about the issues themselves (21 of 58 respondents). The other main reasons provided were that it would not make any difference (16) or the issue was not important enough (11). Just 2 respondents mentioned cost.

However, for those respondents who had not considered instructing a private solicitor in relation to ongoing non-contentious issues, the most common reason offered was cost (20% of cases). Other common reasons offered were the belief that solicitors could not deal with their issues (13%), not needing help (12%), and not thinking issues important enough (12%).

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