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# Victoria Legal Aid: Community Research

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# Executive summary

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## Background and methodology

As part of informing development of the new Victoria Legal Aid (VLA) strategic plan, VLA commissioned the Social Research Centre to undertake community research to better understand Victorians' awareness of legal aid, perceptions about priority access to services, and expectations of government funded legal aid.

The provision of publically funded legal aid services can be an emotive topic with community expectations evolving alongside societal norms of morality and ethics. Access to legal representation naturally invokes discussion of guilt and innocence together with a fundamental right to justice, transparency and privacy. Managing these perceptions and expectations in emotionally charged environments such as family, civil and criminal law can be challenging.

The target audience for this research was Victorian adults aged 18 years and older. A mixed-mode (desktop, qualitative and quantitative) research design was employed comprising a contextual literature review, two formative focus groups (to inform the design of the survey), a total of 1,500 online surveys and six post-survey focus groups (to explore some further issues of interest that emerged from the quantitative survey data). The research was carried out between June and August 2014.

For the eight focus groups, participants were selected to ensure coverage of the key groups of interest (covering different ages, gender, location and so forth). Survey respondents were members of an existing online panel of community members, and were invited to participate in the online survey. This methodology was selected as the most efficient for this purpose given available resources with the final sample profile being broadly representative of Victorian adults based on age, gender and location (metropolitan and regional). It should be remembered that an online panel is a non-probability sample, meaning that not all target audience members (Victorians aged 18 years of age and older) have an equal chance of selection; that is, not all adult Victorians are members of the online research panel. This said, it is a timely and cost effective way to reach a relatively large sample of the community with coverage across key demographic groups such as gender and location. The current research was a first step to inform a greater level of understanding of general community views, perceptions and expectations as opposed to a key performance measure of a mature topic. The online panel methodology is very appropriate in the early stages of researching a new topic and in this way was a fit-for-purpose approach for the current study.

It is noteworthy that this is the first time that VLA has consulted with the general community to this extent and on these issues. The research revealed a complexity of views and perceptions about legal aid, the role of VLA and issues around, for example, the definition and prioritisation of groups most 'in need' of legal aid support, the protection of individual privacy (against the need for transparency and openness) and value judgements about the kinds of crimes that should or should not be 'eligible' for legal aid support. In some instances, therefore, the research findings suggest a limited understanding of the complex legislative environment in which VLA operates. As such, the research should be viewed as the beginnings of a more evidence based understanding of community awareness, perceptions, values and expectations about legal aid in Victoria.

## Awareness and experiences with legal aid

Research participants demonstrated a high level of net (prompted or unprompted) awareness of VLA and a good appreciation of the nature of the work that VLA does. Awareness was comparatively higher for people with a disability than for members of culturally or linguistically diverse (CALD) communities and significantly higher in regional Victoria compared to metropolitan locations. Around a quarter of research participants had previous experience with legal aid services, most being with VLA. There was, however, some confusion concerning VLA's specific roles, the types and level of services provided and in particular eligibility for these services. The role of VLA as a provider of education and purpose of legal aid as a 'safety net' or in providing legal services was widely understood by respondents. There was less awareness of VLA having broader responsibilities as an 'agent of social change, even though approximately half of the survey respondents were aware of VLA's role in this area.

The key points to note are:

- Partial or full awareness of VLA's roles was greatest in terms of 'providing legal services' (96 percent) and 'providing a safety net for those who cannot afford their own advice or representation' (94 percent).
- Partial or full awareness of VLA's roles was lowest in terms of 'holding government organisations accountable for decisions' (51 percent) and being an 'advocate to government to improve laws' (51 percent).
- A high level of confusion was apparent from the qualitative and quantitative phases of this research in terms of eligibility for services and the sorts of services likely to be provided by VLA.

*I don't understand how broadly they go. Is it just for people who are in trouble or is it for other services that poor people need help on such as if they buy a house they need transferring, conveyancing. I don't know whether it goes that far or whether it's just court "I'm in trouble, I'm going to go to jail, help me stop it." (General Community)*

- Generally, significant differences in awareness and understanding were only detected for people with a disability or from a culturally or linguistically diverse background, who demonstrated higher and lower levels of awareness respectively.
- Eighteen percent of respondents had prior contact with VLA, five percent with a Community Legal Centre (CLC) and three percent had contact with both organisations.

## Importance and value of legal aid

The vast majority of participants recognised the value and importance of a government-funded legal service for those who cannot afford their own advice or representation. Reflecting the general understanding of VLA, research participants cited social benefits around the provision of a safety net, protecting people's rights, increasing access to justice for the community, and assisting those who may 'slip through the cracks'. Appreciation of the value and importance of legal aid was highest among respondents with a disability and living on a low income but differed little by other target audience groups. When asked generally about the legal system, research participants reported moderate satisfaction with the justice system representing their own needs and as comparatively poor at meeting the needs of disadvantaged people.

Most respondents perceived that VLA funded lawyers would provide services of comparable quality to a privately funded lawyer. Many respondents perceived that lawyers working at VLA would be choosing NOT

to work in private sector and see work in the community sector as a vocation. Respondents on higher incomes, however, rated VLA funded lawyers as providing lower quality services. This perception was driven primarily by government agencies having more limited resources than their privately funded counterparts and that one essentially 'gets what [services] they pay for'. Focus group participants elaborated on this view in that they would expect a comparable level of professionalism from VLA and privately funded lawyers, albeit they perceived VLA lawyers would be less experienced.

The key points to note are:

- Ninety-two percent of respondents believed that it was important or very important for a government-funded legal aid service to exist to help those who cannot afford their own advice or representation. Participants in the focus groups all agreed that it was of fundamental importance that a government-funded legal aid service was provided to the community.
- Focus group participants cited social benefits around the provision of a safety net, protecting people's rights and increasing access to justice for those who may 'slip through the cracks'.
- The most commonly cited benefits of VLA services were the provision of a safety net (81 percent), protection of rights (67 percent) and access to justice (66 percent), with 92% of respondents believing that legal aid services were either of moderate or high value to the community.

*No matter how bad or less harsh or un-harsh the case is, whatever it is, people still deserve to receive... the help from VLA (Young People)*

*For me, it's a philosophy or a concept about how society is judged by how it looks after its poorest, sickest, and weakest. So, in my view a society that is doing reasonably well – like Australia for example, has a bit of a right to provide medical, legal, mental health services, free to people who are first in need and don't have the money to be able to access them themselves. And, to me it says something about the strength of your society that you do it, and so Legal Aid comes under that to me. I expect a country that can afford it to provide it to the people who can't (Metro Mid-high SES Females)*

- Around four in ten survey respondents were satisfied or very satisfied with the current justice system representing their own needs (45 percent) and the needs of society broadly (40 percent). The system was not perceived, however, to cater as well to the needs of those who are disadvantaged as evidenced by only 33 percent of respondents expressing satisfaction with this aspect.
- Fifty-nine percent of respondents rated VLA funded services as being on par with those of a privately funded lawyer; this finding was supported by data from the focus groups.

*I would like to think that they would be the same standards that you're getting, the same across the board regardless whether you're paying or not. I mean even if you're paying your lawyer tends to string you on just to get more money out of you. I don't know, I would like to think you're still getting the same level of care and representation – they're all qualified lawyers that work for Legal Aid so I don't see why they shouldn't (Metro Mid-high SES Females).*

- Appreciation of the importance and value of legal aid was highest among respondents with a disability and living on a low household income but differed little by other target audience groups.

## Views on prioritisation of service provision

There was broad agreement amongst survey respondents for the need of legal aid services to be prioritised to those experiencing or at risk of family violence and those living on a low income. Benevolence was high among focus group participants and survey respondents, with the majority expressing a desire for legal aid to be available to “anyone who needed it”. It was recognised, however, that VLA must make sometimes difficult choices in allocating resources and providing services. Significant tensions existed for research participants when considering situations or cases that were deemed as ‘not deserving’ of legal aid, with these conversations presenting moral conundrums for most people. Participants grappled with a range of value judgements including ‘obvious guilt’, violent crimes, recidivism and extraneous personal circumstances; which were constantly underpinned by a desire to preserve all people’s right to a fair hearing. When asked about specific legal problems, across all groups survey respondents consistently ranked family/domestic violence, discrimination and family breakdown as the priority services for VLA.

When asked the future priorities of legal aid, respondents assigned the highest priority for VLA to help people resolve their legal issues before court. Respondents from a culturally or linguistically diverse background were significantly more likely to cite ‘educating the community’, ‘providing general legal advice’, ‘representing people for family disputes’, and ‘representing people for civil disputes’ as requiring priority services. Respondents with a disability and those who speak a language other than English at home were both significantly more likely to cite ‘advocating to improve laws’, ‘promoting their services to the community’, and ‘advising government on changes to the law’ as requiring priority services

The key points to note are:

- Priority access to legal aid services should be given to people living on a low income (79 percent), experiencing or at risk of family violence (73 percent) or living with a disability (72 percent).
- The qualitative and quantitative components of this research found widespread support for the broad provision of legal aid services to those who cannot afford legal advice or representation. There were, however, some caveats with 54 percent stating that legal aid should NOT be provided in some situations or cases such as violent crimes, for career criminals and when people are ‘obviously guilty’ (expanded in greater detail in the body of the report).

*But then if we say, you know, they shouldn't receive that, do we then say people commit more serious crimes, they shouldn't get legal aid as well? Because when you look at it, everyone who murders people or, you know, rapes people, whatever, you know, should they not receive legal aid because they've done the wrong thing? Like it's kind of a hard question to answer. Because, at the end of the day, most people who go to court end up having a lawyer whether they've done the right or wrong thing, do you know what I mean? When they're on either side it's hard (Young People)*

## Accountability, privacy and transparency

There was widespread confidence in the honesty and integrity of VLA to ‘self-manage’ and ‘get on with the job’, however, the notion of ‘accountability’ and being transparent resonated strongly none-the-less. Within the focus groups, accountability was defined as being about information provision including eligibility for services and operational performance. Focus group participants, and survey respondents, were unanimous in their view that privacy of VLA clients should be protected. Though participants spontaneously claimed privacy was paramount, participants could invoke scenarios in which privacy should not be protected and these almost exclusively related to the example of cases that they perceived should not receive legal aid to



begin with. Regardless the community expected VLA lawyers would operate under the same expectations and provision for confidentiality and privacy as their private sector counterparts.

Generally speaking there was a consistent relationship between survey respondents' perceptions of the importance of VLA protecting the privacy of its users and other socially-minded matters. Those who believed it important for VLA to protect client privacy also held corresponding views on the importance of providing a government-funded legal aid service to the community, the value of legal aid to society broadly and especially for those at most disadvantage; and provision of legal aid regardless of the situation or case.

The key points to note are:

- Ninety percent of respondents considered that it is important or very important for VLA to protect the privacy of people who use its services.
- Forty one percent of respondents believed, however, that there were times when the privacy of people who used VLA services should not be protected. Examples notably included perpetrators of violent crime.
- Nineteen percent of respondents felt that VLA should make no information at all publically available.
- Research participants expected VLA to be accountable and this meant honesty, openness, transparency, trust and responsibility. This also extended to clarity around eligibility for and access to services.

*I don't know how accountable they are right now but I think maybe annually they've got to front the bar and say "We took \$150 million or whatever it is of your money Mr Taxpayer, this is how we spent it, this is the result we've got" and they probably do this already but, again, it probably needs to be put into the papers a bit more (General Community)*

## **Stakeholder and community engagement**

The qualitative and quantitative research found that strong expectations existed for VLA to collaborate with other government agencies and stakeholders by way of educating the community and advancing the understanding of justice for all Victorians. While focus group participants and survey respondents demonstrated moderate interest in VLA engaging more in the community the findings indicated that engagement was best-channelled to target audience groups, as opposed to being broadly applied across the community. Survey respondents with a disability, from a culturally or linguistically diverse background and living in households with a low income were among those groups who expressed greatest appetite for VLA to engage with them more. In the focus groups, some participants suggested collaboration with organisations such as Centrelink and other organisations (such as beyondblue and Relationships Australia) to refer people to VLA for legal assistance should they need it. A wide range of communication methods were suggested by respondents, including local newspapers, telephone hotlines, community information seminars, and social media platforms.

The key points to note are:

- Sixty four percent of respondents strongly agreed (17 percent) or agreed (47 percent) to wanting to know more about VLA and its priorities. When it came to actually wanting their views considered in decisions about VLA's future priorities, however, total agreement decreased to 54 percent.

- More than eight in ten respondents agreed or strongly agreed that VLA should work with government, private and community organisations to improve the services VLA provides (81 percent) and be involved in educating the community about the law so people know their legal rights (81 percent). In contrast, comparatively fewer respondents (64 percent) expressed agreement that VLA should advise government on changes to the law.

*There's a risk that you're going to do decision by committee, which normally results in great intentions, bad implementations. So I would advocate that they are experts in what they do and what they deliver. (General Community)*

- People with a disability, from a culturally or linguistically diverse background and living in households with a low income were among those groups who expressed greatest appetite for VLA to engage more.
- Survey respondents made a number of suggestions for how VLA could engage with the community. Commonly cited options included 'community meetings and forums' (14 percent) which were of an unspecific nature and 'community education and awareness raising' (13 percent) which were targeted to a specific topic.
- In the focus groups, some participants suggested collaboration with organisations such as Centrelink and other organisations (such as *beyondblue* and Relationships Australia) to refer people to VLA for legal assistance should they need it.

## Future expectations

VLA is regarded by respondents as the organisation that provides legal services to those who cannot afford their own advice or representation – this is perceived as a central component of VLA's service offering and an important role to continue to provide. That said, there were strong expectations that VLA monitor their effectiveness and collaborate with other organisations as part of managing their financial viability and ensuring their services get to those most in need. Strong expectations were also expressed that VLA be accessible and clearly communicate to people what services they are eligible for and why. As the research progressed, in the context of both the focus groups and online survey, people demonstrated a higher level of appreciation for the role that VLA can play in the community as an agent of social change.

The key points to note are:

- Research participants articulated their general expectation that VLA be professional and trustworthy, and to deliver services in the most effective, economic and efficient manner possible. There were strong mentions of accountability, transparency and ensuring that the most disadvantaged were able to gain priority access to legal aid services.

*Providing fair and equitable service to people that can't access legal services [is a key expectation] (Aboriginal and Torres Strait Islanders)*

- Advocacy and social change was certainly perceived as relevant areas in which VLA should operate but some focus group members believed this should not be the expense of their role to deliver legal aid to those most disadvantaged and who cannot afford their own advice or representation.

*I don't think they should start venturing out in doing other things. Their sole purpose is for Legal Aid, focus on that. There are other areas that the government help people with and all that sort of stuff... (Metro Mid-high SES Females)*

- More than eight in ten respondents agreed or strongly agreed that VLA should ensure that eligibility to their services is easy to understand (86 percent), work with individuals to help resolve matters before they end up in the court system (85 percent) and target services to those most in need (81 percent).
- More than eight in ten respondents agreed or strongly agreed that VLA should provide services that are good value for the money spent (83 percent) and evaluate and improve the effectiveness of the services it provides (81 percent).

### **Future strategic considerations arising from the research**

The evidence from the survey and the qualitative discussions with community members highlighted the following priorities from a community perspective:

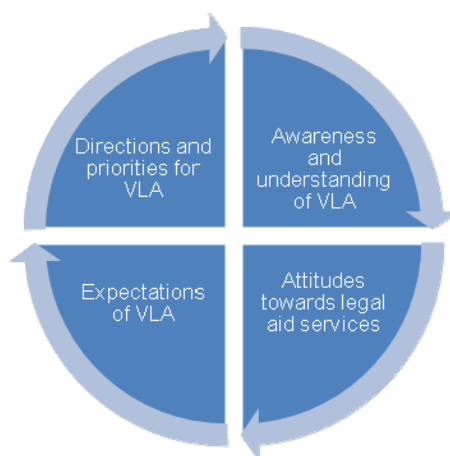
- To retain VLA's focus on supporting those who are most in need and the most vulnerable community members (identified by respondents as particularly people on low incomes, people at risk of or experiencing family violence and people with disabilities).
- Continued collaboration with other organisations that can support VLA in delivering its services around prevention, advice, support, legal education and advocacy.
- Maintenance of current levels and sources of information about VLA and its services. While focus group participants felt that in the main those who are in need of help would be able to access information about VLA with relative ease there was also moderate interest in knowing more about VLA's priorities more generally.
- Channelling information to target audience groups. While focus group participants and survey respondents demonstrated moderate interest in VLA engaging more in the community the findings indicated that engagement was best-channelled to target audience groups, as opposed to being broadly applied across the community. In the focus groups, some participants suggested collaboration with organisations such as Centrelink and other organisations (such as *beyondblue* and Relationships Australia) to refer people to VLA for legal assistance should they need it. A wide range of communication methods were suggested by respondents, including local newspapers, telephone hotlines, community information seminars, and social media platforms
- Transparency in how eligibility for VLA services (particularly legal representation) is determined and the kinds of criteria that are considered. While most people felt that the decision making expertise resided within VLA, there existed an expectation as a public sector agency that VLA always be transparent.
- The validity and usefulness of community perspectives on legal aid could be further enhanced through dialogue and education, which would in turn lead to more informed opinion. This was evident in the shifting views during the focus groups: as participants discussed, and hence became more informed, on topics such as eligibility for legal representation they were better able to recognise the complexity of the legal aid landscape and provide informed responses (rather than a 'knee-jerk' public reaction).

# 1. Introduction

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## 1.1. Background

Victoria Legal Aid (VLA) is an independent statutory authority established under the *Legal Aid Act 1978*. VLA provides free legal information and education to disadvantaged community members, with a focus on prevention and early resolution of legal problems. Although VLA receives funding from the Commonwealth and Victorian governments it operates independently of government. As VLA has finite funds and is unable to provide legal assistance to everyone who needs it, it must manage its finances responsibly, effectively and appropriately to meet community justice needs. As a consequence, VLA must make decisions about who gets assistance and who does not. VLA seeks to make these decisions in a professional and ethical manner by ensuring that its services are appropriate, proportionate and targeted to the needs of its clients.



VLA's current (2011 – 2014) strategic plan will expire this year and VLA is currently developing its new strategy for 2015 onwards. The strategic plan is an important document as it shapes the overall strategic direction and priorities for VLA and directly impacts the services provided to the Victorian community. To inform development of the new strategic plan, VLA commissioned the Social Research Centre to undertake community research to seek to better understand Victorians' understanding of legal aid, perceptions about target audiences and priority access to services; and expectations of a government funded legal aid service.

## 1.2. Research objectives

The purpose of this research is to inform VLA's approach to engaging the Victorian community on legal aid issues, and to generate a well-developed understanding of the level of community awareness, understanding and support for legal aid.

Specifically this research needs to provide VLA with a line-of-sight to the community's consciousness about legal aid to assist them in understanding the role that the community sees that VLA plays in society, their expectations of the sorts of areas they should engage in or services they provide, and permission to stretch or retract these boundaries.

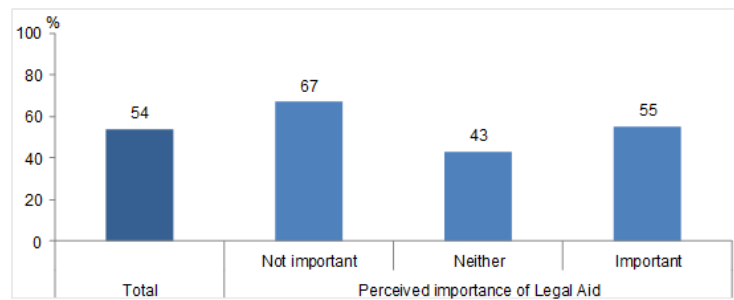
The detailed objectives of this research were to understand:

1. Awareness and understanding of VLA's role, including:
  - Unprompted and prompted awareness.
  - Previous experience and use of VLA services.

- Awareness of the roles of VLA (and legal aid).
2. Attitudes towards legal aid services, including:
- Perceived importance of the provision of free legal information and education to the Victorian community.
  - Perceived value of legal aid and how legal aid services benefit the community.
  - Alignment of VLA's values, principles and priorities with community values and priorities in relation to legal aid services.
  - What is the role played by VLA in the delivery of legal aid services? How important is this?
3. Expectations of VLA, including:
- The audiences or groups that should be able to receive legal aid as a priority.
  - The community's expectations of VLA in terms of:
    - Developing and delivering legal services.
    - Educating the community about legal issues.
    - Reforming laws.
  - Expectations of VLAs services to:
    - Promote fair legal processes.
    - Intervene early or prevent escalation of legal problems.
    - Build the capacity of clients to resolve their future problems without legal assistance.
    - Deliver a wide benefit to the community.
4. Priorities for strategic direction 2015 and beyond
- Satisfaction with the justice system.
  - Desire for community engagement

### **1.3. Guide to reading this report**

Discussions held among the project team throughout this research study often reflected upon perceptions of the 'importance of legal aid to the community'. This theme also resonated throughout all phases of the data collection. Given this importance the charts contained in this report illustrate survey responses at a total level but are also separated by respondents' perceptions regarding the importance of legal aid (defined as B1 *'How important or not important do you think it is to have a government-funded service that helps people who can't afford their own legal advice or representation?'*). Ratings of 'important' and 'very important' are aggregated and presented as 'important' while ratings of 'not important' and 'not at all important' are grouped and presented as 'not important'.



As demonstrated in the example at right 54 percent of respondents may say 'yes' to a particular question. Splitting this result by perceptions of the importance of legal aid, however, illustrates that 67 percent of those who rate legal aid as 'not important' or 'not at all important' hold this same view.

In this way the charts provide the total response as well as the breakdown by perceptions of the importance of legal aid.

Tables are used to provide a detailed breakdown by the following target audience groups:

- People with a disability (PWD) (defined as DEM10 *'Do you have any long-standing illness, disability or impairment that reduces your ability to carry out day-to-day activities? By 'long-standing' we mean anything that has troubled you over a period of at least 12 months or that is likely to affect you over a period of at least 12 months'*).
- Culturally or linguistically diverse (CALD) (defined as DEM5 *'Do you usually speak a language other than English at home?'*)
- Income (lower income defined as less than a total annual household pre-tax income of \$40,000 and higher income as \$40,000 or more).
- Regional location (based on post code).
- Education – (lower education defined as pre-secondary school education and higher education defined as secondary school education or greater).

Example:

Column 'A'	Column 'B'
95%	5%

In tables, cell colouring is used to indicate the presence of significant differences in column proportions between the two groups (at the 95% level of confidence). As demonstrated in the example to the right, colouring indicates a significant difference where green highlights the larger number.

Qualitative findings from the two formative and six post-survey focus group discussions are presented and described throughout the report. Notably, where findings are drawn from the qualitative discussions, these will be attributed to 'focus group participants'; findings from the quantitative survey are attributed to 'survey respondents'.

All discussions were digitally recorded (with consent) and the recordings were used for analysis purposes. Verbatim quotations from across the research have been included in this report to illustrate these findings. Where words are shown in square brackets [as such] this denotes the author's additional words, included to make a sentence clearer.

## 2. Literature review

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This report begins with a summary of the current available literature on the provision of government-funded legal aid services to the community. The literature review was a critical first step in this research project. At a holistic level it enabled a detailed synopsis to be compiled on historical and current thinking around legal aid provision and its place in society. At a pragmatic level it enabled the research to build from a more mature position based on what was currently known rather than starting from a lower conceptual base level of understanding.

### 2.1. Community Awareness of Legal Aid

In Australia, research suggests that general awareness of legal aid services is relatively high compared to other countries. The Legal Australia-Wide Survey found there was high recognition of 'legal aid' across all states and territories, with 88% of respondents being able to recognise Legal Aid when prompted (Law and Justice Foundation of NSW, 2012). However, the study found awareness of Community Legal Centres (CLCs), Aboriginal and Torres Strait Islanders legal services (ASLs) and court services was significantly lower than for legal aid. Despite this high awareness of legal aid services amongst the Australian population, few respondents had sought help from legal advisers or legal services when they experienced a legal problem. Instead, more respondents chose to either seek help from other professionals, handle the problem alone, or take no action rather than seeking advice from a legal professional.

Despite this overall high awareness, evidence also suggests that awareness of legal aid services is generally quite low amongst Aboriginal and Torres Strait Islander (ATSI) groups; a reported major ramification of this low community awareness is that civil problems often escalate to become criminal issues (Cuneen and Schwartz, 2008). Similar findings are evident in Schwartz, Allison and Cuneen's (2013) research into legal needs for Victorian Aboriginal and Torres Strait Islanders, where problems arising in relation to housing, social security and other civil issues were found to contribute to other social problems, including criminal matters. The report also suggested that there is a large gap in knowledge and understanding about civil legal remedies and pathways in ATSI populations, meaning that many do not exercise their rights.

Research in New Zealand also found recall of Legal Aid services high (82%), but lower for other legal services, such as CLCs (Ignite Research, 2006). In other countries, awareness of legal aid appears to be lower. For example, in the United States, research indicated that only half of respondents recognised the existence of a civil legal aid service, but that a majority (60%) of these respondents could not name the program (Belden Russenello and Stewart, 2000). Studies into awareness of legal aid in Scotland found that over three fifths (61%) recognised seeing the Legal Aid logo but only two fifths (39%) were able to name the service (Scottish Legal Aid Board, 2005). In the UK, a study into people's experiences of the legal system found that when looking back on the process, people professed an initial lack of awareness as to where to go for advice and information, and that they were unfamiliar with the existence of free advice (Balmer, Buck, Patel, Denvir and Pleasence, 2010).

Word of mouth has been found to be one of the most common ways people come to access legal aid services, followed by friends and family (Hunter, Di Simone and Whitaker, 2006; Scott, 2010).



## 2.2. Attitudes towards legal aid services

Research suggests a general reluctance among some to seek out legal assistance for legal problems, but an underlying belief that access to legal aid services for those that need them most is important. Research by the Law and Justice Foundation of New South Wales (Clarke and Forell, 2007) found that only a small number of socially or economically disadvantaged people with legal problems sought help from legal services (12% approached a legal service), with the remaining seeking assistance from non-legal services like friends or family, government agencies or published documents (i.e. via the internet). Reasons for this include unfamiliarity with the legal service and accessing assistance that was more accessible or convenient. Coumarelos and Zhou's research (2006) found respondents in disadvantaged areas were likely to do nothing in one-third of legal incidents – the common belief being that taking action would make no difference. This was more prevalent in consumer and human rights issues.

The Centre for Innovative Justice (2013) explored the idea that access to legal services of any kind is attainable only for those who are highly disadvantaged and eligible for public legal aid, or those with the greatest economic resources at their disposal to meet private legal fees, with a suggestion that those in the 'sandwich class' (neither affluent nor disadvantaged) are being increasingly left out of accessing legal services and advice.

Scott (2010) found that the opinion amongst staff members in the Central Sydney Legal Aid New South Wales office was that advice services should be made available to everyone; there was little support for means testing with advice service clients, from both a practical and philosophical perspective. Other research conducted in Australia about attitudes to the accessibility of the legal system found that most supported legal aid for everyone except for 'the rich' (Denniss, Fear and Millane, 2012). A quarter felt that legal aid should be accessible to only the very poor (26%), and a fifth (19%) agreed that legal aid should be accessible to everyone, regardless of wealth.

Legal Action Group (UK) conducted an opinion poll on what legal issues services should be given priority for state funding, and for whom. There existed a strong culture of "fair play" in respect to legal rights and accessing legal services (Legal Action Group, 2010); the majority (84%) believed that legal advice should be free for everyone who earned less than £25,000 (approximately \$45,000AUD).

In Belden Russonello and Stewart's report (2000), American support for legal aid was high (89%) but this support dropped slightly when the program is described as government funded (82%). Values behind the support for legal aid included:

- Fairness (correcting injustices)
- Responsibility to help others (compassion to assist people in need); and
- Responsibility to community (helping solve community problems to create stronger communities).

This research also found that respondents were most sympathetic to legal aid services that benefited children, older people and women.

The evidence is mixed with regard to attitudes towards legal aid services among Aboriginal and Torres Strait Islander groups.

In addition to low levels of awareness of Legal Aid and ALSs among these groups, stakeholders and organisations representing ATSI groups emphasised that because Legal Aid is not an Aboriginal organisation its community do not see Legal Aid offices as catering to them (Cuneen and Schwartz, 2008).

Other usage issues have emerged from more recent research, including concerns among these groups about privacy and confidentiality, especially in smaller towns (Schwarz, Allison & Cuneen, 2013).

### **2.3. Expectations of Legal Aid**

Studies have found that clients have certain expectations of legal aid services, resulting in dissatisfaction with the service (Scott, 2010). Some of the issues reported in this New South Wales study included:

- waiting time for appointments being between five to six weeks
- disappointment over the little face-to-face time and amount of advice they were given, and
- expectations that solicitors would know everything about the law (Scott, 2010).

Some of these above points are consistent with data found from the Client Satisfaction Surveys of Legal Aid in Victoria (2013) and Legal Aid NSW (2011). Nevertheless, the 2013 VLA Client Satisfaction Survey indicated that almost all (84%) of civil law clients would recommend the VLA advice service to others.

Research conducted in the US aimed at building public support for civil legal services for low-income people (Belden, Russonello and Stewart, 2000) uncovered some potential challenges to support for legal aid services. These included:

- cost and potential abuse of a government program
- over-use of a legal system that is already 'abused' with trivial lawsuits, and
- it being unfair that legal aid is only offered to low-income

There is also some support for early legal advice and information. The Department of Constitutional Affairs UK (2006) found that for vulnerable people, giving advice can help to minimise the impact of ongoing legal issues which can snowball from the original problem, but legal aid services need to be people-focussed rather than issue-focussed. The report highlighted that if vulnerable people did not receive good advice to begin with they are "left with twice as many unresolved problems than those who get it" (p 3).

### **2.4. Priorities for future legal aid services**

Research indicates consistent support for earlier intervention in legal issues, and for integrated service provision.

Integrated services – where legal advice centres are incorporated with medical service and community health centres – have been trialled in a number of places around the world (Noone, 2009), although there is limited evidence to assess their effectiveness or impact.

A case study with the West Heidelberg Community Legal Centre and Banyule Community Health (in Victoria) provides evidence of successful integration. The case study found that in recognising the existence of a relationship between poverty, health and legal issues, having a service that provides support, referral systems and easy access to a range of services can address a variety of issues and builds a sense of trust in the service as a whole. One of the key components to the success and sustainability of integrated legal services is the way in which the community connects with the service and how that integrated service adapts to the expectations and needs of the individual (Noone, 2012). Victorian ATSI groups also supported the idea of having holistic service delivery, as a 'one-stop shop' for problems and questions can be an effective solution to minimise confusion and uncertainty on where to go (Schwarz, Allison and Cuneen, 2013).

These findings are also supported by a report by the Department for Constitutional Affairs UK (2006) who recommended that the Legal Services Commission should work in partnership with local authorities (like the police) and other government departments so that there is a single, widely known, independent advice service that is recognisable and accessible to everyone. Feedback from legal assistance providers has suggested that investing in information, advice and community education is highly beneficial as it reduces the pressure of costs on other intensive services. Balmer et al's (2010) research highlighted that a lack of efficiency between services became a frustrating experience for clients when they were obtaining advice, often resulting in 'referral fatigue' where people give up. Streamlining services for individuals who require help from a number of different agencies was recommended from participants in Balmer's research.

Research suggests that people from disadvantaged groups often have more complex legal issues, that often recur or co-occur (Coumarelos and Zhou, 2006; Schwarz, Allison & Cuneen, 2013). For example, the complexity of legal issues for ATSI groups is interwoven with other issues relating to disadvantage, such as learning disabilities, physical abuse, mental illness and substance abuse (Cuneen and Schwartz, 2008; Schwarz, Allison & Cuneen, 2013). ATSI stakeholders, community members and organisations identified key priority areas that Aboriginal people need in relation to their legal issues (Cuneen & Schwarz, 2008; Schwarz, Allison & Cuneen, 2013). These included:

- housing
- discrimination
- credit and debt; and
- family law (care and protection).

The Productivity Commission's 'Access to Justice' Report (2014) suggests that people who have utilised legal assistance have illustrated how early access to information and advice can lead to earlier resolution to legal issues. They also acknowledge that the evidence base is somewhat limited with regard to the effectiveness of early interventions. However, the provision of legal education and early intervention strategies for marginalised or disadvantaged groups (including migrants and Aboriginal and Torres Strait Islander groups) does appear to be particularly advantageous (Ferrari and Costi, 2012; Schwarz, Allison and Cuneen, 2013).

### 3. Summary profile of survey respondents and focus group participants

This chapter provides profiling information on the two formative and six post-survey focus group discussions and 1,500 Victorian adults who participated in the online survey. The final sample profile was broadly representative of Victorian adults based on age, gender and location (metropolitan and regional). Full details of the methodology are provided in Appendix A.

#### 3.1. Focus group discussions

A total of eight focus groups were held, totalling 63 participants (Table 1). The first two formative focus groups were held in June 2014 and the six post-survey focus groups were held in July 2014.

**Table 1. Focus group composition**

	Gender		SES	Age range
	Female	Male		
General Community 1	4	4	Mix	29-70
General Community 2	4	4	Mix	24-63
Regional	-	7	Low-Mid	20-57
Regional	8	-	Low-Mid	27-59
Metropolitan	-	8	High-Mid	18-54
Metropolitan	8	-	High-Mid	25-60
Aboriginal & Torres Strait Islander	4	4	Mix	23-38
Young people	4	4	Mix	17-24
<i>Total</i>	32	31		

#### 3.2. Online survey

The quantitative component utilised the i-Link Research Solutions online research panel. Victorian members were invited to participate in the online survey between 18 June and 1 July 2014. This section provides a detailed breakdown of the online survey respondents in terms of their personal and household demographic characteristics.

Table 2 illustrates the unweighted personal demographic profile of respondents including target audience groups. The small proportion of the completed surveys with respondents of an Aboriginal or Torres Strait Islander background prompted their inclusion in the post-survey focus group design.

**Table 2. Unweighted respondent personal demographics (%)**

Personal Demographics	n=	%
<b>Gender</b>		
Male	750	50.0
Female	750	50.0
<b>Age</b>		
18-34	473	31.5
35-54	539	35.9
55-64	245	16.3
65+	243	16.2

<b>Personal Demographics</b>	<b>n=</b>	<b>%</b>
<b>Location</b>		
Metropolitan	1119	74.6
Regional	381	25.4
<b>Education</b>		
Primary School	6	0.4
Year 7 to Year 9	22	1.5
Year 10	116	7.7
Year 11	88	5.9
Year 12	298	19.9
Trade/apprenticeship	77	5.1
Other TAFE/Technical Certificate	233	15.5
Diploma	204	13.6
Bachelor Degree	319	21.3
Post-Graduate Degree	130	8.7
Other	3	0.2
Don't know / Prefer not to say	4	0.3
<b>Employment</b>		
Employed	793	52.9
Unemployed	95	6.3
Retired or on a pension	290	19.3
Student	86	5.7
Home duties	160	10.7
Long term sick	19	1.3
Long term disabled	35	2.3
Other	6	0.4
Don't know / Prefer not to say	16	1.1
<b>Occupation</b>		
Manager	101	12.7
Professional	210	26.5
Technicians and Trade Worker	56	7.1
Community/Personal Service Worker	62	7.8
Clerical/Administrative Worker	182	23.0
Sales Worker	65	8.2
Machinery Operator/Driver	31	3.9
Labourer	58	7.3
Other	10	1.3
Don't know / Prefer not to say	18	1.2
<b>ATSI</b>		
No	1466	97.7
Yes – Aboriginal	8	0.5
Yes – Torres Strait Islander	1	0.1
Don't know / Prefer not to say	25	1.7
<b>Disability</b>		
Yes	374	24.9
No	1074	71.6
Don't know / Prefer not to say	52	3.5

The final achieved sample was broadly representative of the Victorian adult community based on general demographic characteristics such as age, gender and location. Quotas were in place to help ensure appropriate coverage across demographic characteristics and data were weighted to Victoria population statistics for age, gender and location (metropolitan and regional) – see Appendix A for further details.

It should be remembered that an online panel is a non-probability sample, meaning that not all target audience sample members (Victorians aged 18 years of age and older) have an equal chance of selection; that is, not all adult Victorians are members of the online research panel. This said, it is a timely and cost effective way to reach a relatively large sample of the community with coverage across key demographic groups such as gender and location. The current research was to inform a greater level of understanding of general community views, perceptions and expectations as opposed to being the sole basis of government decision making around a mature topic. The online panel methodology is very appropriate in early stages of researching a new topic and in this way is a fit-for-purpose approach.

Table 3 illustrates the unweighted household demographic profile of respondents including people from culturally or linguistically diverse communities, parental status and lower income earners.

**Table 3. Respondent Household demographics (%)**

Household Demographics	n=	%
<b>CALD</b>		
Yes	210	14.0
No	1271	84.7
Don't know / Prefer not to say	19	1.3
<b>Children aged 0-17</b>		
None	1023	68.2
One	200	13.3
Two	176	11.7
Three	47	3.1
Four or more	8	0.5
Don't know / Prefer not to say	46	3.1
<b>Parents or Guardians</b>		
Yes	372	86.3
No	59	13.7
<b>Annual Household Income</b>		
Less than \$20,000	103	6.9
\$20,000 to less than \$40,000	277	18.5
\$40,000 to less than \$60,000	235	15.7
\$60,000 to less than \$80,000	207	13.8
\$80,000 to less than \$100,000	188	12.5
\$100,000 to less than \$150,000	174	11.6
\$150,000 or more	62	4.1
Don't know / Prefer not to say	254	16.9

## 4. Awareness of and experiences with legal aid

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This chapter presents an overview of survey respondents' level of awareness of VLA in an unprompted sense and when prompted with a detailed description. To provide additional context for these data, information is also presented about respondents' knowledge of VLA's roles and their previous experiences with using VLA services.

The online survey introduced the research as being conducted on behalf of a Victorian government agency and did not identify VLA until the prompted awareness section of the questionnaire. Focus group participants were also recruited to the qualitative phases based on a similar understanding. This approach ensured as best as possible that a measure and understanding of respondents' unprompted awareness of VLA could be collected as separate to their prompted level of awareness.

### **Overview of findings**

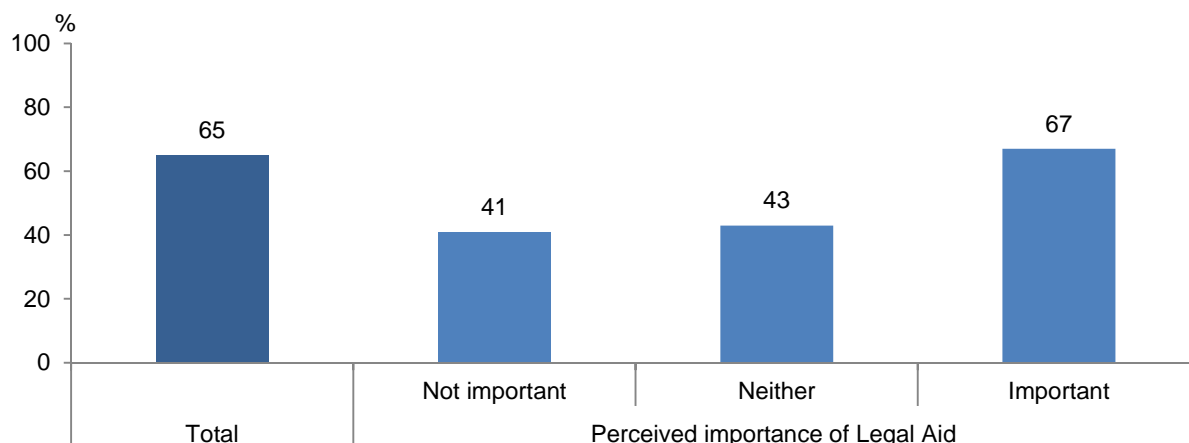
Research participants demonstrated a high level of net (prompted or unprompted) awareness of VLA and a good appreciation of the nature of the work that VLA does. Awareness was comparatively higher for people with a disability than for members of culturally or linguistically diverse communities and significantly higher in regional Victoria compared to metropolitan locations. Around a quarter of research participants had previous experience with legal aid services, most being with VLA. There was, however, some confusion concerning VLA's specific roles, the types and level of services provided and in particular eligibility for these services. The role of VLA as a provider of education and purpose of legal aid as a 'safety net' or in providing legal services was widely understood by respondents. There was less awareness of VLA having broader responsibilities as an 'agent of social change, even though approximately half of the survey respondents were aware of VLA's role in this area.

## 4.1. Unprompted awareness

All survey respondents were asked “if they were aware of a Victoria-wide legal aid service provided to the community” by way of measuring unprompted awareness of VLA. As shown in Figure 1:

- Sixty-five percent of respondents were aware, in an unprompted sense, of VLA.
- Unprompted awareness was significantly higher among respondents who perceived legal aid to be important or very important (67 percent) than those who believed that it was not important at any level (41 percent) or who could not commit either way (43 percent).

**Figure 1. Unprompted awareness of legal aid (%)**



Base: All (n=1,500).

A1 Are you aware of a Victoria-wide legal aid service provided to the community?

Respondents from a culturally or linguistically diverse background were significantly less likely to be aware of VLA (53 percent as compared to 68 percent); however, respondents with a disability were significantly more likely to be aware (72 percent as compared to 62 percent).

Respondents who stated that they were aware of a Victoria-wide legal aid service provided to the community were then asked to nominate the name of this service. Analysis of the open ended responses indicated that approximately three quarters of respondents (76 percent) nominated a variation of the name “legal aid” with around 12 percent correctly stating “Victoria Legal Aid” or a similar phrasing.

### 4.1.1. Unprompted awareness in the focus groups

When participants in the focus groups were asked about whether they had heard of legal aid, unprompted awareness was generally quite high. Most participants tended to be aware of the existence of VLA with a familiarity of the organisation’s name (although some were more familiar with ‘legal aid’ rather than Victoria Legal Aid), but they tended not to have an in-depth knowledge of VLA’s roles and responsibilities. A few participants, across all of the groups, had never heard of Victoria Legal Aid before attending the focus groups.

*I’d heard of the name and not much else about it, other than it helps you out if you can’t afford to provide your own lawyer. (Young people)*

*I’m very vague about who can go and what the requirements are and how that all works, but I know it’s there. (Regional, Low-mid SES Females)*

*I knew it existed but I agree with one of the two ladies over there who mentioned earlier on, I never see it anywhere, I never see it advertised on TV, I never see anything online. (Metro, Mid-high SES Females)*



It was a common understanding amongst the focus group participants that VLA assisted people on low incomes or who could not afford a private lawyer to provide legal aid. Only a few participants stated that the name 'Victoria Legal Aid' inferred that it was available for residents of Victoria only.

*I thought it was for people who couldn't afford the services of their own solicitor. They would seek some help from a service that would be relatively cheap, if not free. (General Community)*

*My understanding was it was always a service there for people that really can't afford the high price of solicitors. (Metro, Mid-high SES Males)*

*Well I know it's for [Victorians] because the name's probably for all Victoria. It's a state thing, so people within that state. (Regional, Low-mid SES Females)*

It was highlighted by one respondent that a possible reason for not having more knowledge or awareness of VLA was due to not requiring their services in the past and therefore not needing to know about them.

*I was going to say maybe some of us aren't aware of the services because we haven't needed them ...but we just don't know because we don't need it right now. (General Community)*

Some participants who were familiar with legal aid reported that they had heard of VLA through media sources, namely television news reports and articles in newspapers.

*I don't know a lot about legal aid but ...I regularly read in the paper how much over budget they spend. (General Community)*

*That it appears on the news regularly... Someone being charged with some offence and being represented by Legal Aid. That would be about the only context I've struck it. (Regional, Low-mid SES Males).*

#### **4.2. Prompted awareness**

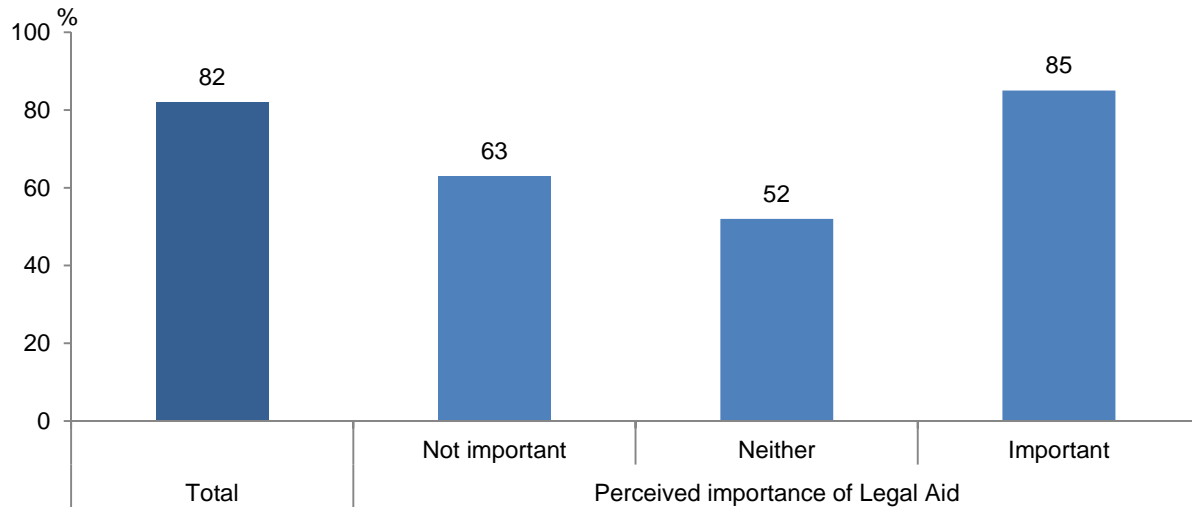
To measure prompted awareness, all survey respondents were then provided with the following detailed description of VLA: "Victoria Legal Aid (VLA) is an independent Victorian Government Agency which helps people with their legal problems. Victoria Legal Aid focuses on protecting the rights of Victorians and representing those who need it the most, such as those who are poor or otherwise disadvantaged". Based on this description, respondents were asked if they had heard of Victoria Legal Aid with respondents answering as follows:

- Yes, but only as Legal Aid (57 percent).
- Yes, as Victoria Legal Aid (22 percent).
- Yes, but only as VLA (3 percent).

As shown in Figure 2:

- Eighty-two percent of Victorian's who responded were aware of VLA when prompted with this detailed description.
- Prompted awareness was significantly greater among those who perceived legal aid to be important or very important (85 percent) as compared to those who did not think it was important at any level (63 percent) or could not commit to a rating (52 percent).

**Figure 2. Prompted awareness of legal aid (%)**



Base: All (n=1,500).

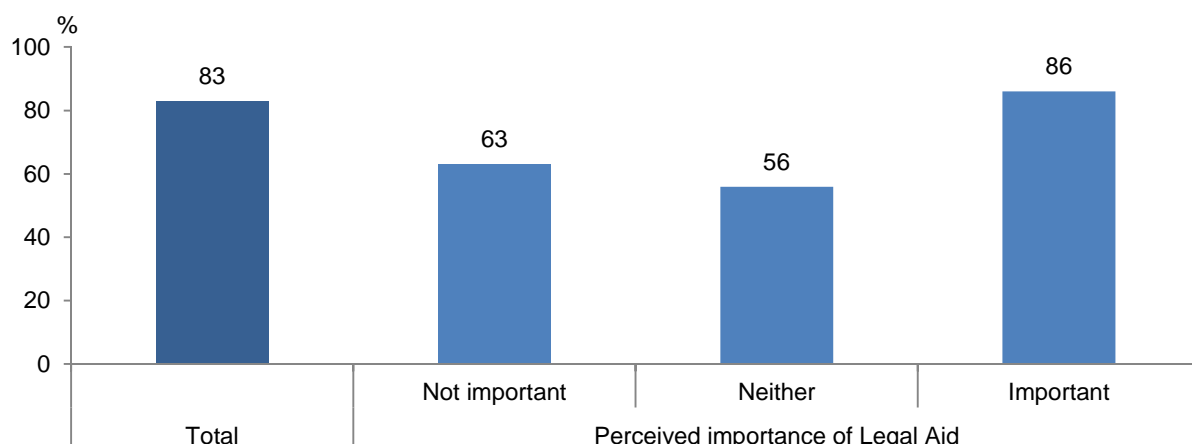
A3 Victoria Legal Aid (VLA) is an independent Victorian Government Agency which helps people with their legal problems. Victoria Legal Aid focuses on protecting the rights of Victorians and representing those who need it the most, such as those who are poor or otherwise disadvantaged. Based on this description, have you heard of Victoria Legal Aid before today?

### 4.3. Net awareness

Taken together, the unprompted and prompted questions allow for the calculation of a net level of awareness of VLA. The net awareness metric represents respondents who reported that they were aware of VLA based on the general conceptual question or once prompted with the detailed description of VLA. As shown in Figure 3:

- Eighty-three percent of respondents stated that they had heard of VLA in either an unprompted or prompted sense.
- Net awareness was significantly greater among respondents who perceived legal aid to be important at some level (86 percent) as compared to those who did not (63 percent) or those who felt that it was neither important nor not important (56 percent).

**Figure 3. Net awareness of legal aid (%)**



Base: All (n=1,500).

A1 Are you aware of a Victoria-wide legal aid service provided to the community?

A3 Victoria Legal Aid (VLA) is an independent Victorian Government Agency which helps people with their legal problems. Victoria Legal Aid focuses on protecting the rights of Victorians and representing those who need it the most, such as those who are poor or otherwise disadvantaged. Based on this description, have you heard of Victoria Legal Aid before today?

Table 4 provides a breakdown of awareness by target audience group and shows that:

- Unprompted, prompted and net awareness were significantly higher among respondents with a disability (72 percent, 92 percent and 92 percent respectively) as compared to respondents who did not report living with a disability (62 percent, 79 percent and 80 percent respectively).
- Unprompted, prompted and net awareness were significantly lower among respondents from a culturally or linguistically diverse background (53 percent, 72 percent and 75 percent respectively) as compared to those who do not speak a language other than English at home (68 percent, 84 percent and 85 percent respectively).
- Prompted and net awareness were also significantly higher among respondents living in a regional location (87 percent and 88 percent respectively) as compared to those in metropolitan locations (81 percent and 82 percent).

**Table 4. Awareness of legal aid by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Unprompted awareness	72%	62%	53%	68%	70%	65%	64%	69%	64%	66%
Prompted awareness	92%	79%	72%	84%	84%	82%	81%	87%	81%	83%
NET Awareness	92%	80%	75%	85%	86%	83%	82%	88%	82%	84%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

A1 Are you aware of a Victoria-wide legal aid service provided to the community?

A3 Victoria Legal Aid (VLA) is an independent Victorian Government Agency which helps people with their legal problems. Victoria Legal Aid focuses on protecting the rights of Victorians and representing those who need it the most, such as those who are poor or otherwise disadvantaged. Based on this description, have you heard of Victoria Legal Aid before today?

Respondents who reported that they had heard of VLA by the names of 'Legal Aid', 'VLA' or 'Victoria Legal Aid' were asked to indicate how they had first heard about this organisation. Just over three in ten respondents (31 percent) stated that they did not remember where they had first heard of VLA, while those who could recall most commonly cited word of mouth (22 percent) or the media (18 percent) including radio, television or newspapers.

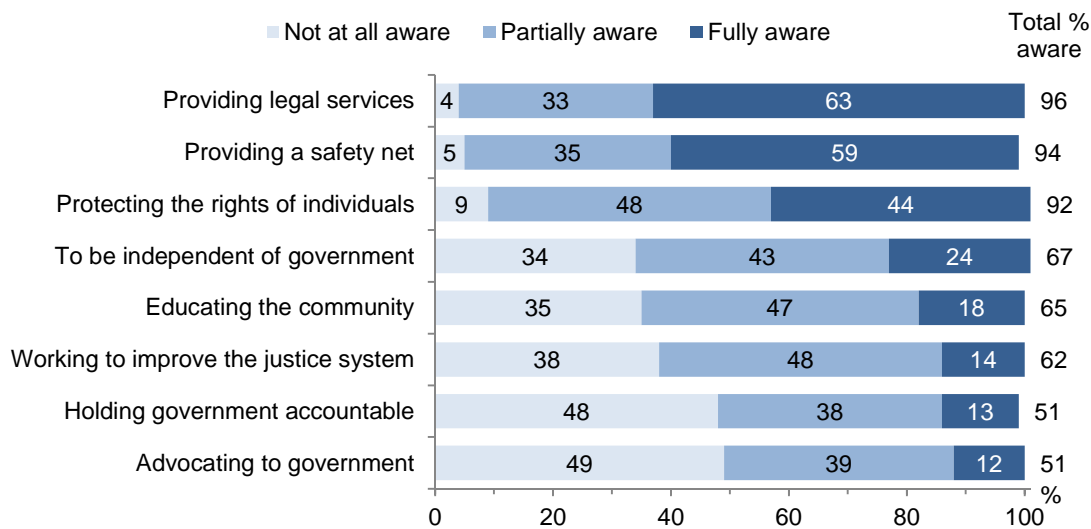
#### 4.4. Awareness of roles of VLA

The next section of this report describes respondents' level of awareness of certain roles which VLA undertakes. Respondents who were aware of 'Legal Aid', 'VLA' or 'Victoria Legal Aid' were presented with a series of roles and asked to indicate the extent to which they were aware that VLA undertook these functions using a response scale of 'not at all aware', 'partially aware' and 'fully aware'.

While there was a relatively consistent level of 'partial awareness' across all roles that were presented (varying 15 percentage points), the extent to which respondents were 'fully aware' varied from 12 percent to 63 percent. As shown in Figure 4, partial or full awareness was:

- greatest in terms of VLA's 'safety net' functions to:
  - Provide legal services (96 percent).
  - Provide a safety net for those who cannot afford legal services (94%).
  - Protect the rights of individuals (92%).
- followed by their 'independent and educative' role to:
  - Be independent of government and its actions (67 percent).
  - Educate and inform the community about the law (65 percent).
- and to a far lesser extent, VLAs function to be an 'agent of social change', that is, to:
  - Work with government and legal areas to improve the justice system (62 percent).
  - Hold government organisations accountable for decisions (51 percent).
  - Advocate to government to improve laws (51 percent).

**Figure 4. Level of awareness of the roles of VLA (%)**



Base: Those who have ever heard of VLA or legal aid (n=1,238).

A11 What is your level of awareness of the following roles of Victoria Legal Aid?

Table 5 presents survey respondents' level of awareness of VLA's roles by target audience group. These data show that respondents from a culturally or linguistically diverse background demonstrated a significantly higher level of awareness of the 'independent and educative' and 'social change' roles of VLA than other respondents. Their level of awareness of the 'safety net' function of VLA, however, was similar to respondents who did not report speaking a language other than English at home. Metropolitan respondents were also significantly more aware of VLA's role to hold government accountable than respondents from regional locations.

**Table 5. Level of awareness of the roles of VLA by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (341)	No (858)	Yes (149)	No (1079)	<40,000 (327)	≥40,000 (710)	Metro (906)	Regiona l (332)	Secondary or below (436)	Post secondary (800)
	A	B	C	D	E	F	G	H	I	J
Educating the community	63%	65%	84%	62%	66%	67%	66%	61%	61%	68%
Providing legal services	97%	96%	94%	97%	98%	95%	96%	96%	96%	96%
Protecting the rights of individuals	90%	92%	94%	91%	91%	93%	92%	90%	92%	91%
Advocating to government	52%	51%	65%	49%	54%	51%	53%	46%	50%	52%
Working to improve the justice system	63%	62%	73%	60%	68%	62%	63%	59%	64%	60%
Holding government accountable	51%	51%	67%	49%	55%	51%	54%	46%	55%	50%
Providing a safety net	94%	95%	92%	95%	95%	96%	94%	95%	95%	95%
To be independent of government	69%	66%	78%	65%	71%	67%	67%	65%	66%	67%

Base: Those who have ever heard of VLA or legal aid (n=1,238). Don't know and refused excluded from base for analysis.

A11 What is your level of awareness of the following roles of Victoria Legal Aid?

#### 4.4.1. Qualitative understanding of the role and purpose of VLA (focus groups)

Across all focus groups, participants had a different range of unprompted knowledge and views of the role of VLA; overwhelmingly this demonstrated a relatively low level of knowledge about what VLA's role is.

However, it was generally believed across the majority of focus groups that VLA had a role to assist people with their legal issues who were vulnerable or at risk, including those on low-incomes, pensioners and people with a disability.

*My understanding is if you're on a higher income, it's probably not the best place to go. But if you're on a lower income and have like a concession card, they're probably the best place to go to for legal advice. (Aboriginal and Torres Strait Islanders)*

*I'm assuming it probably isn't means tested, because most people that can afford it would probably go with their own lawyer that they trust, or their own barrister that they trust, as opposed to those who can't, which will take any legal representation or advice that they can receive. (General Community)*

*My perception is it must be means tested or something but I don't know how it works. (General Community)*

However, there were a few participants who perceived that the role of VLA was to provide services available to everyone in the community.

*I thought it was for anyone. (Metro Mid-high SES Males)*

*I would have thought it's open to anyone. I think they might means test your access to it, but I don't think it's restricted because of your condition. (General Community)*

Similar to this finding, some participants thought that the general advice service would be available to any person in the community who sought assistance from them, but eligibility criteria would determine whether or not VLA can provide further, ongoing legal support.

*I think initial access wouldn't be denied, but then you'd be advised that you don't qualify because of a range of criteria that you'd have to meet before you could get ongoing assistance. (General Community)*

### **Understanding of services provided**

Responses within the focus groups varied across the spectrum of services available through VLA, with many stating that VLA provided all types of legal services.

*I think it's all legal services not just if you have to go to court. I think if you even just need some advice. I think, I'm not sure, but I have a feeling it was anything legal related that you couldn't afford, so if you had to go to court or you needed some advice. (Metro Mid-high SES Females)*

*I would have thought they (VLA) could do anything a lawyer could do for you if you couldn't afford a lawyer. (Metro Mid-high SES Females)*

Others were under the impression that their role was more aligned to specific areas of law and a few thought that VLA's role was more specific. This included perceptions of VLA being just a legal advice centre, or only providing court representation for their clients.

*I'm not sure if they do this, but do they offer just general advice? If anyone were to come in to see whether they had a case or anything like that? To see, yeah, if they should take it further. (Young People)*

*I was thinking of it as barrister services, Court case services where you have to show [up] and you can either represent yourself or have a barrister represent you. (General Community)*

*I don't understand how broadly they go. Is it just for people who are in trouble or is it for other services that poor people need help on such as if they buy a house they need transferring, conveyancing. I don't know whether it goes that far or whether it's just court "I'm in trouble, I'm going to go to jail, help me stop it." (General Community)*

The role that VLA plays in taking on certain types of cases also generated a variety of responses from focus group participants. Contrasting views were expressed over whether they dealt with small legal issues or their role was explicitly more complex legal issues, like family and criminal law.

*I might be wrong but my idea is that they look after smaller cases, I didn't think that if it was a bigger case maybe they wouldn't be involved in that. (Metro Mid-high SES Females)*

*You wouldn't get commercial law. You don't get any private, civil matters. It would be, you know, Family Law, Criminal Law sort of stuff. (General Community)*

*The perception I have is they often assist people who are known to be very bad and I wonder why tax payer's money is used to do that. (General Community)*

VLA's role particularly in dealing with family law cases had many conflicting responses across the focus groups. Some participants were aware that VLA took on family law cases, whilst others were not aware that this area of law was a part of their role.

*I thought it was for domestic problems or divorce or things like that. (General Community)*

*They don't do family law, I don't think (Metro Mid-high SES Females)*

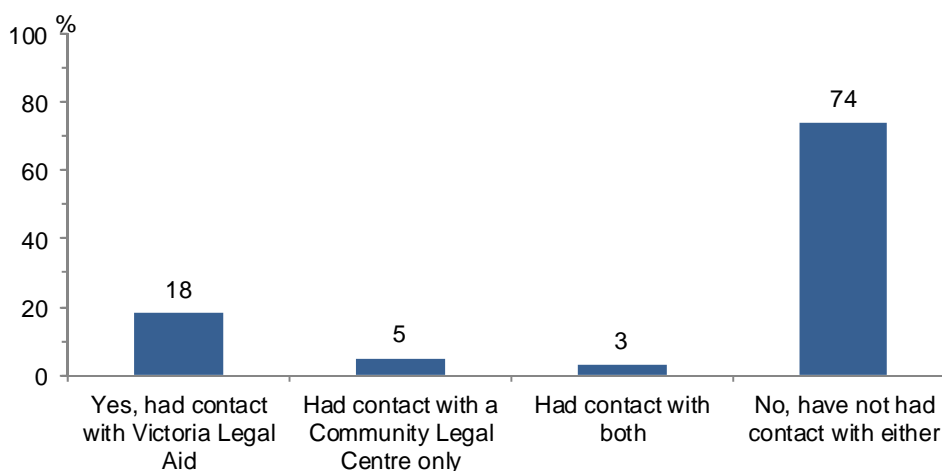
*I would've thought that (divorce) would've been family law, which is run by the Commonwealth. (Regional Low-mid SES Females)*

#### 4.5. Previous contact with VLA

All survey respondents who stated that they were aware of 'Legal Aid', 'VLA' or 'Victoria Legal Aid' were asked if they had ever had contact with VLA and what the name or address of the VLA office was. Evidence from VLA, the formative focus groups and the cognitive testing showed that some confusion exists in the community regarding the difference between VLA and Community Legal Centres (CLCs) so clarification questions were included in the survey to ensure that respondents were only asked about their previous contact with VLA.

As shown in Figure 5 just over two in five respondents (21 percent) confirmed that they believed they had previous contact with VLA either as an individual agency (18 percent) or in addition to a CLC (3 percent). Five percent of respondents stated that they had contact with a CLC only while the majority (74 percent) reported that they had not had contact with either VLA or a CLC. Around a third of those respondents (29 percent) who have had contact with VLA reported having had some contact within the last 12 months. The name or address of the VLA office was also provided by way of validating data presented at Figure 5.

**Figure 5. Extent of prior contact with VLA (%)**



Base: Those who had ever heard of VLA or legal aid (n=1,238).

A5 Have you EVER had contact with Victoria Legal Aid, including visits to the website? Please note, Victoria Legal Aid is different to Community Legal Centres which operate independently of Victoria Legal Aid.



Table 6 presents data for prior contact with VLA by target audience groups. Demographic differences were identified for people with a disability (26 percent) and those on a low income (25 percent) in which these respondents were significantly more likely to have reported having had contact with VLA than either non-disabled respondents or those living in a higher income household (15 percent and 15 percent respectively).

**Table 6. Extent of prior contact with VLA by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (341)	No (858)	Yes (149)	No (1079)	<40,000 (327)	≥40,000 (710)	Metro (906)	Regional (332)	Secondary or below (436)	Post secondary (800)
	A	B	C	D	E	F	G	H	I	J
Yes, had contact with VLA	26%	15%	25%	17%	25%	15%	17%	21%	18%	18%
Had contact with a CLC only	8%	3%	5%	5%	8%	4%	6%	3%	4%	5%
Had contact with both	4%	3%	4%	3%	4%	4%	4%	1%	3%	4%
No, have not had contact	62%	79%	66%	75%	63%	77%	73%	75%	75%	73%

Base: Those who had ever heard of VLA or legal aid (n=1,238). Don't know and refused excluded from base for analysis.

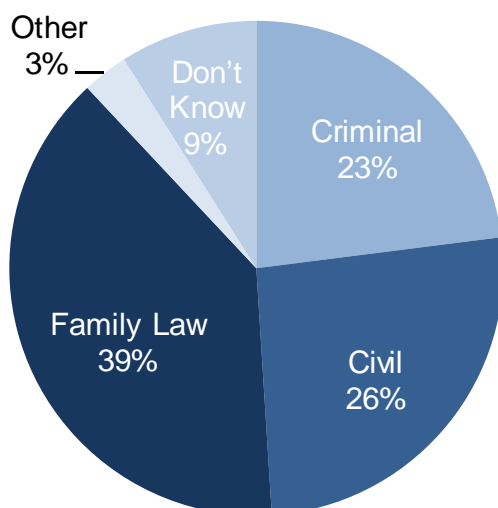
A5 Have you EVER had contact with Victoria Legal Aid, including visits to the website? Please note, Victoria Legal Aid is different to Community Legal Centres which operate independently of Victoria Legal Aid.

The questionnaire also collected data around the relative use of different channels by which respondents have contacted VLA and the type of legal matters for which they have sought assistance.

Six in ten respondents (60 percent) reported that their most recent contact with VLA was in person, followed by phone (36 percent) and accessing the website (18 percent). Analysis by age identified that a significantly greater proportion of younger people (18-34 years) cited using the website to contact VLA in comparison to all other age groups. Respondents in regional locations were significantly more likely to have contacted VLA in person (76 percent) in comparison to their metropolitan counterparts (54%). There were no significant differences by disability status or respondents from a culturally or linguistically diverse background.

As shown in Figure 6, respondents most commonly cited contacting VLA for family law issues (39 percent) with civil (26 percent) and criminal (23 percent) matters represented to a lesser degree. Internal VLA data presents a different distribution with the majority of services being delivered in criminal law. Twelve percent of respondents could not recall what the matter was about or reported that they had contacted VLA for another legal issue.

**Figure 6. Matter for which the contact was about (%)**



Base: Those who had ever contacted VLA (n=258).

A8 Was this contact for a criminal, civil or family law matter

Table 7 shows that respondents with a disability (49 percent) were significantly more likely to have reported contacting VLA for assistance with a family law matter than people who did not report a disability (33 percent). Civil law was cited significantly more by respondents who lived in a metropolitan location (33 percent) than regional respondents (8 percent). There were no significant differences in terms of contacting VLA for a criminal law matter.

**Table 7. Matter for which the contact was about by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (107)	No (141)	Yes (41)	No (216)	<40,000 (95)	≥40,000 (126)	Metro (193)	Regional (65)	Secondary or below (83)	Post secondary (174)
	A	B	C	D	E	F	G	H	I	J
Criminal	23%	22%	15%	24%	21%	29%	21%	26%	28%	19%
Civil	22%	29%	25%	26%	20%	32%	33%	8%	21%	29%
Family Law	49%	33%	44%	38%	49%	34%	37%	46%	35%	41%
Other	2%	4%	6%	3%	4%	2%	3%	3%	6%	2%
Don't know	4%	11%	10%	9%	6%	3%	6%	17%	9%	9%

Base: Those who had ever contacted VLA (n=258). Don't know and refused were excluded for analysis purposes.

A8 Was this contact for a criminal, civil or family law matter

Table 8 presents data for respondents who contacted VLA for different legal matters by the services that they reported using. This table shows that people who contacted VLA for criminal matters were significantly more likely to use a duty lawyer (40 percent) or casework (34 percent) than legal information (17 percent). In terms of civil matters, people were significantly more likely to use legal information (31 percent) and legal advice (41 percent) than casework (15 percent).

**Table 8. Type of service used**

	Legal information A	Legal advice B	Casework C	Duty Lawyer D	Family mediation E	Not eligible for services F	Other G
Criminal	17%	22%	34%	40%	-	-	35%
Civil	31%	41%	15%	9%	7%	32%	-
Family Law	37%	30%	43%	47%	59%	68%	9%

Base: Those who had ever contacted VLA (n=258).

A9 Which of the following services did you use for this matter?

## 5. Importance and value of legal aid

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This chapter provides an overview of respondents' attitudes towards the provision of legal aid services, in particular their perception of the importance and worth of these services, and their experiences with the justice system.

### **Overview of findings**

The vast majority of participants recognised the value and importance of a government-funded legal service for those who cannot afford their own advice or representation. Reflecting the general understanding of VLA, research participants cited social benefits around the provision of a safety net, protecting people's rights, increasing access to justice for the community, and assisting those who may 'slip through the cracks'.

Appreciation of the value and importance of legal aid was highest among respondents with a disability and living on a low income but differed little by other target audience groups. When asked generally about the legal system, research participants reported moderate satisfaction with the justice system representing their own needs and as comparatively poor at meeting the needs of disadvantaged people.

Most respondents perceived that VLA funded lawyers would provide services of comparable quality to a privately funded lawyer. Many respondents perceived that lawyers working at VLA would be choosing NOT to work in private sector and see work in the community sector as a vocation. Respondents on higher incomes, however, rated VLA funded lawyers as providing lower quality services. This perception was driven primarily by the perception that government agencies have more limited resources than their privately funded counterparts and that one essentially 'gets what [services] they pay for'. Focus group participants elaborated on this view in that they would expect a comparable level of professionalism from VLA and privately funded lawyers, albeit they perceived VLA lawyers would be less experienced.

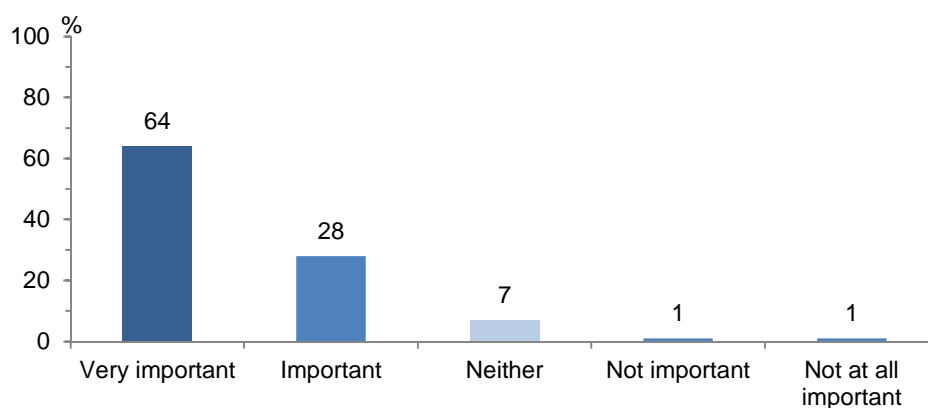
## 5.1. The importance of legal aid

All respondents were asked to rate how important they felt it was to have a government-funded service that helps people who can't afford their own legal advice or representation.

Survey respondents used a five point rating scale from 'not at all important', 'not important', 'neither important nor not important' through to 'important' and 'very important'.

As shown in Figure 7, the vast majority (92 percent) of respondents believed that it was important or very important for a government-funded legal aid service to exist to help those who cannot afford their own advice or representation.

**Figure 7. Perceptions of IMPORTANCE of legal aid services (%)**



Base: All (n=1,500).

B1 How important or not important do you think it is to have a government-funded service that helps people who can't afford their own legal advice or representation?

In the qualitative groups, participants were asked to discuss their perceptions and attitudes towards the presence and provision of legal aid services in the community. These conversations explored issues relating to concepts of justice, perceptions of the value and importance of legal aid services in light of these concepts, and the primary roles of such a service within the justice system and community as a whole.

Focus group participants were also asked to share their views on the extent to which a service such as VLA was valuable and important to the functioning of society. At the core of these conversations was the theme of justice; and individuals' conceptualisation of what constituted the just and fair functioning of the legal system.

Participants in the focus groups all agreed that it was of fundamental importance that a government-funded legal aid service was provided to the community. Participants reasoned that this was the case because of certain rights that needed to be upheld in order to maintain the just functioning of the legal system – in other words that everyone has a right to a defence, and that people are innocent until proven guilty (although in later discussions in many of the focus groups, this fundamental principle was often overlooked when discussing prioritisation and who VLA should be helping).

Connected to these concepts of justice and fairness were notions of equality, and an acknowledgement of disadvantage.

*No matter how bad or less harsh or un-harsh the case is, whatever it is, people still deserve to receive... the help from VLA (Young People)*

*For me, it's a philosophy or a concept about how society is judged by how it looks after its poorest, sickest, and weakest. So, in my view a society that is doing reasonably well – like Australia for example, has a bit of a right to provide medical, legal, mental health services, free to people who are first in need and don't have the money to be able to access them themselves. And, to me it says something about the strength of your society that you do it, and so Legal Aid comes under that to me. I expect a country that can afford it to provide it to the people who can't (Metro Mid-high SES Females)*

As the concept of justice was further explored in the focus group discussions, participants commonly exhibited an increased awareness of the complexities of VLA's role, given their finite levels of funding and operational requirements.

*It's a terrible thing, but can we afford ideal justice for everyone? (General Community)*

Returning to the quantitative data, Table 9 shows perceptions of the importance of legal aid services by target groups. Target audience groups in which significant differences were recorded were:

- Respondents with a disability – 76 percent rated it very important in comparison to 60 percent of respondents who did not report living with a disability, and
- Those with a household income of less than \$40,000 per year – 72 percent rated it very important in comparison to 60 percent of those with a higher household income.

**Table 9. Perceptions of IMPORTANCE of legal aid services by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Not at all important	-	1%	1%	1%	2%	-	1%	-	1%	1%
Not important	-	1%	-	1%	1%	1%	1%	1%	-	1%
Neither important nor not important	3%	8%	9%	6%	4%	8%	7%	6%	8%	6%
Important	21%	30%	28%	28%	22%	31%	27%	30%	24%	30%
Very important	76%	60%	61%	65%	72%	60%	64%	63%	67%	62%

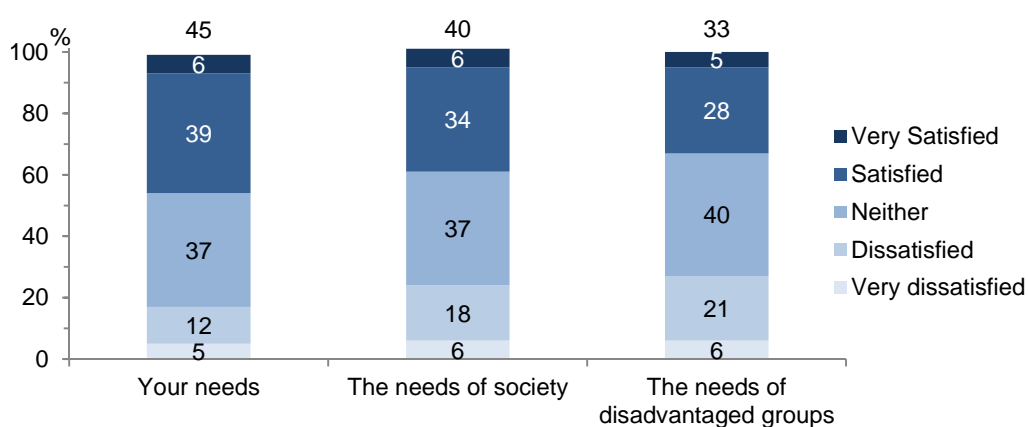
Base: All (n=1,500). Don't know and refused excluded from base for analysis.

B1 How important or not important do you think it is to have a government-funded service that helps people who can't afford their own legal advice or representation?

All respondents were asked about their experiences with the justice system and in particular their level of satisfaction or dissatisfaction with the current justice system representing their needs, the needs of disadvantaged people and society broadly. Up to seven percent of respondents could not offer an opinion to each of these three aspects and have been excluded from analysis. Of those respondents who could offer an opinion, there was a high level of ambivalence with between 37 percent and 40 percent of respondents stating that they were neither satisfied nor dissatisfied with individual aspects (Figure 8). Despite relatively consistent levels of ambivalence to each aspect, clear differences emerged regarding the proportion of respondents who were satisfied or very satisfied with the current justice system representing:

- Their own needs (45 percent)
- The needs of society broadly (40 percent), and
- The needs of disadvantaged groups (33 percent).

**Figure 8. Satisfaction with the justice system (%)**



Base: All (n=1,500). Don't know excluded from base for analysis (Your needs, n=1,414; Society, n=1,421; Disadvantaged, n=1,397).

D5 Now thinking about the current justice system. How satisfied or dissatisfied would you say you are with the current justice system representing:

Table 10 presents the breakdown in total satisfaction with the three aspects enquired by target audience group. Data show that a significantly smaller proportion of respondents with a disability were satisfied or very satisfied with the justice system representing their needs (36 percent), society (29 percent) or the needs of disadvantaged groups (28 percent) in comparison to respondents not living with a disability (50 percent, 44 percent and 36 percent respectively).

**Table 10. Satisfaction with the justice system by target groups**

	PWD		CALD		Income		Location		Education	
	Yes	No	Yes	No	<40,000	≥40,000	Metro	Regional	Secondary or below	Post secondary
	A	B	C	D	E	F	G	H	I	J
Your needs	36%	50%	54%	44%	41%	50%	46%	45%	43%	47%
The needs of society	29%	44%	55%	36%	33%	46%	41%	34%	33%	43%
The needs of disadvantaged groups	28%	36%	43%	32%	27%	39%	35%	31%	31%	36%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

D5 Now thinking about the current justice system. How satisfied or dissatisfied would you say you are with the current justice system representing?

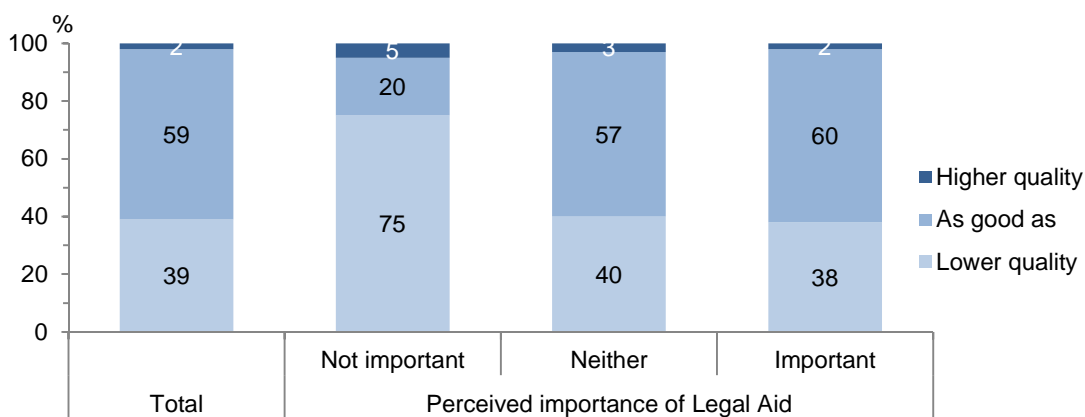
## 5.2. Community perceptions of worth (as defined as quality, value and benefits)

This section provides an overview of perceptions regarding the relative worth of a government-funded legal aid service. Aspects investigated in the research included perceptions of quality, value and benefits to the community.

All survey respondents were asked how they thought that the services provided by a legal aid lawyer would compare to those of a privately funded lawyer using a rating scale from ‘lower quality’, ‘as good as / about the same’ to ‘higher quality’ (Figure 9):

- Almost six in ten Victorian’s who responded (59 percent) rated VLA funded services on par with those of a privately funded lawyer. That said, only two percent thought VLA services were better.
- Perceptions of quality of legal aid services differed little by attitudes regarding the importance of legal aid. That said, three quarters (75 percent) of respondents who perceived the provision of legal aid services to be unimportant rated VLA services to be lower quality. It is important to note, however, that this proportion is based off a sample size of less than 30 completed surveys and should be treated with some caution.

**Figure 9. Perceptions of QUALITY of legal aid services (%)**



Base: All (n=1,500).

B2 How do you think the services provided by a legal aid lawyer compare or would compare to those of a privately funded lawyer?  
Do you think a legal aid lawyer provides services that are... ?



Table 11 presents a breakdown in perceptions of quality by target audience groups. The largest percentage point difference within groups was with respect to income. Respondents in higher income households (\$40,000 or more each year) were significantly more likely (43 percent) to rate VLA services as lower quality than a privately funded lawyer when compared to respondents in lower income households (33 percent).

**Table 11. Perceptions of QUALITY of legal aid services by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Lower quality than a privately funded lawyer	37%	39%	39%	39%	33%	43%	40%	37%	37%	40%
As good as / about the same as a privately funded	62%	58%	56%	60%	65%	55%	58%	62%	61%	58%
Higher quality than a privately funded lawyer	1%	3%	5%	2%	2%	2%	3%	1%	2%	2%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

B2 How do you think the services provided by a legal aid lawyer compare or would compare to those of a privately funded lawyer? Do you think a legal aid lawyer provides services that are...

A follow-on question asked respondents to explain why they perceived the quality of legal aid services to be higher, lower or about the same (relative to their previous response). Thematic analysis of the open ended responses indicated the following broad categories for ratings of VLA being higher and lower:

- VLA quality is HIGHER:
  - It's a vocation for VLA lawyers to work on the side of government-funded assistance.
- VLA quality is LOWER:
  - One gets what they pay for.
  - More limited resources among government agencies.

The issue of comparative quality of service from VLA and from privately funded lawyers was also discussed in the focus groups. The general view was that in terms of the quality of service, VLA would provide a good standard of professionalism (as opposed to a lower quality) albeit perhaps with less experienced or more recently qualified staff.

*You wouldn't get a Queen's Counsel through Legal Aid. You might get a junior solicitor. Not substandard, but there'd be a basic level of service provided (General Community)*

In a few groups, it was suggested that VLA staff may be particularly committed to legal aid work, having chosen to work there rather than at a private practice, and as such, it being a 'vocation' for them. Regardless the community expected that VLA lawyers were bound to keep details about client cases confidential in the same way as lawyers working in the private sector.

One suggestion was that legal staff at VLA would have greater specialist expertise in the type of work undertaken by VLA, which would be beneficial to clients.

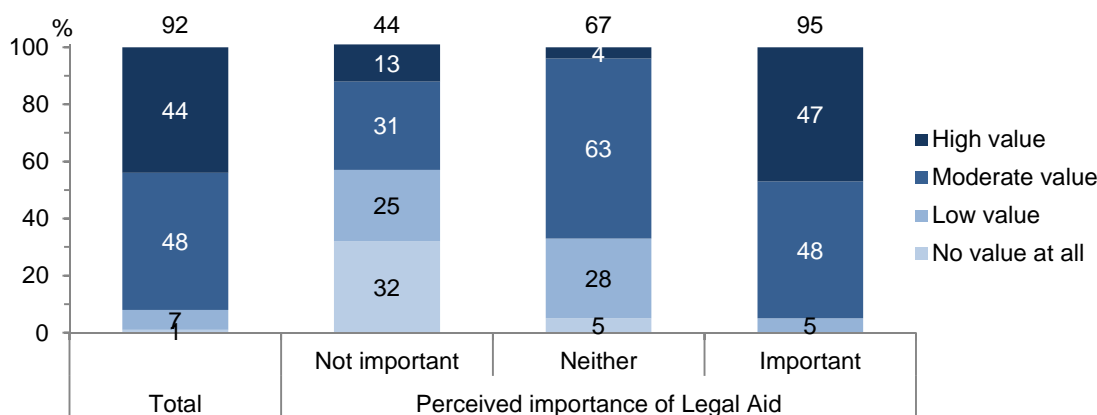
*I reckon that they'd have more practice in that type of work so they'd see more of that sort of work come through so they'd be more attuned to what's going on in the court system, so they'd probably know the system quite well (Metro Mid-high SES Males)*

*I would like to think that they would be the same standards that you're getting, the same across the board regardless whether you're paying or not. I mean even if you're paying your lawyer tends to*

*string you on just to get more money out of you. I don't know, I would like to think you're still getting the same level of care and representation – they're all qualified lawyers that work for Legal Aid so I don't see why they shouldn't (Metro Mid-high SES Females).*

In the survey, all respondents were asked to rate the value that they perceive legal aid services provide to the community using a response scale of 'no value at all', 'low value', 'moderate value' to 'high value'. As shown in Figure 10, more than nine in ten survey respondents believed that legal aid services provide moderate (48 percent) or high (44 percent) value to the community. Perceptions of value were significantly greater among respondents who also believed in the importance of legal aid (95 percent) as compared to respondents who provided lower ratings.

**Figure 10. Perceptions of VALUE of legal aid services (%)**



Base: All (n=1,500).

B4 Overall, what level of value do you think the provision of legal aid services provides to the community?

While the majority of respondents reported that they value legal aid services, its value was most pronounced for those with a disability or living in households with a comparatively lower income, consistent with perceptions of the importance of a government-funded legal aid service.

Table 12 shows that significantly higher proportions of people with a disability (54 percent) and those living in households with an income of less than \$40,000 per year (50 percent) believed that there was a high level of value to the community in the provision of legal aid. In contrast, significantly higher proportions of people without a disability (52 percent) and those in households earning higher incomes (52 percent) rated the value as moderate only.

**Table 12. Perceptions of VALUE of legal aid services by target groups**

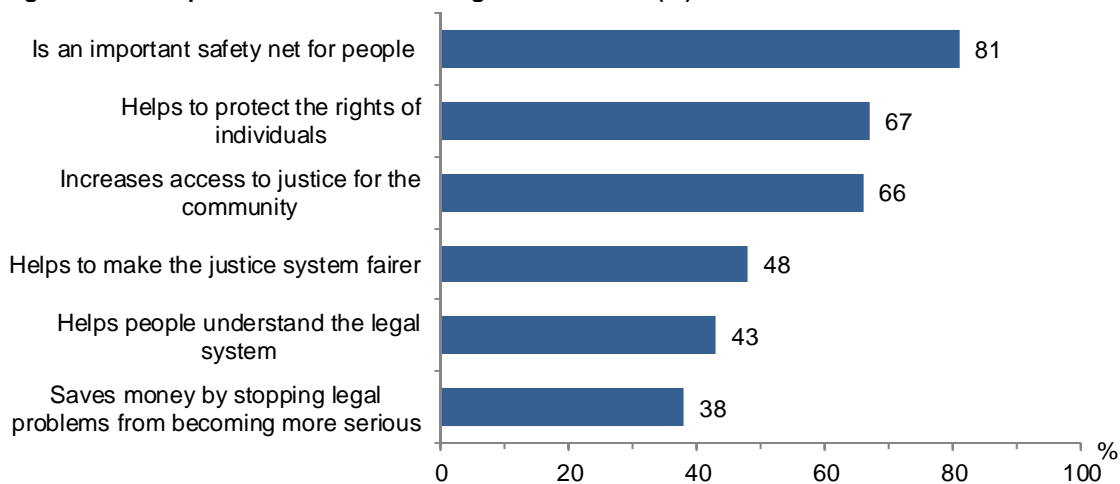
	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
No value at all	1%	1%	3%	1%	1%	1%	1%	-	-	1%
Low value	8%	6%	7%	7%	7%	7%	7%	7%	7%	7%
Moderate value	37%	52%	52%	48%	42%	52%	48%	48%	50%	48%
High value	54%	40%	38%	45%	50%	40%	43%	45%	43%	44%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

B4 Overall, what level of value do you think the provision of legal aid services provides to the community?

Those respondents who rated the provision of legal aid services to the community as being of low, moderate or high value were asked what they perceived the benefits of legal aid services to be. Figure 11 is filtered for those who believed legal aid services provide at least moderate value and shows that the provision of a safety net (81 percent), protection of rights (67 percent) and access to justice (66 percent) were the most commonly reported benefits.

**Figure 11. Perceptions of BENEFITS of legal aid services (%)**



Base: Those who rated legal aid services as moderate to high value (n=1,376).

B5 What would you say are the main benefits of the provision of legal aid services to the community? Legal aid...

Analysis conducted by target audience group and presented at Table 13, found that a significantly greater proportion of people living with a disability (compared to those not disabled) believed that legal aid services provide:

- An important safety net for people (88 percent as compared to 78 percent).
- Increased access to justice for the community (74 percent as compared to 63 percent).
- Financial savings by stopping legal problems from becoming more serious (46 percent as compared to 35 percent).

A significantly greater proportion of respondents living in households on less than \$40,000 per year (87 percent) also believed that legal aid is an important safety net for people as compared to those whose household income was greater (79 percent).

**Table 13. Perceptions of BENEFITS of legal aid services by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (370)	No (1064)	Yes (205)	No (1262)	<40,000 (375)	≥40,000 (861)	Metro (1106)	Regional (379)	Secondary or below (528)	Post secondary (953)
	A	B	C	D	E	F	G	H	I	J
Is an important safety net for people	88%	78%	75%	82%	87%	79%	80%	83%	80%	81%
Helps people understand the legal system	46%	42%	48%	43%	50%	43%	44%	42%	43%	43%
Helps to protect the rights of individuals	68%	67%	69%	67%	69%	66%	67%	67%	67%	67%
Helps to make the justice system fairer	49%	48%	55%	47%	53%	49%	47%	49%	47%	48%
Increases access to justice for the community	74%	63%	62%	67%	68%	67%	67%	65%	63%	69%
Saves money by stopping legal problems from becoming more serious	46%	35%	43%	38%	41%	37%	39%	36%	40%	37%

Base: Those who rated legal aid services as low to high value (n=1,485). Don't know and refused excluded from base for analysis.

B5 What would you say are the main benefits of the provision of legal aid services to the community? Legal aid...

A follow on question asked respondents to explain why they rated legal aid services as having no value at all or low value. Thematic analysis of the open ended responses identified approximately 10 percent of respondents stated that they didn't know why they gave that rating. Of those who did provide a valid reason, common themes included hearsay, difficulties in satisfying eligibility criteria, getting what you pay for and perceptions that VLA provides services to too many undeserving situations or cases.

## Views on prioritisation of service provision

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This chapter provides an overview of community expectations about which types of situations or cases should be prioritised for receiving VLA services. The types of legal issues and areas which are perceived to be most important are also discussed.

### Overview of findings

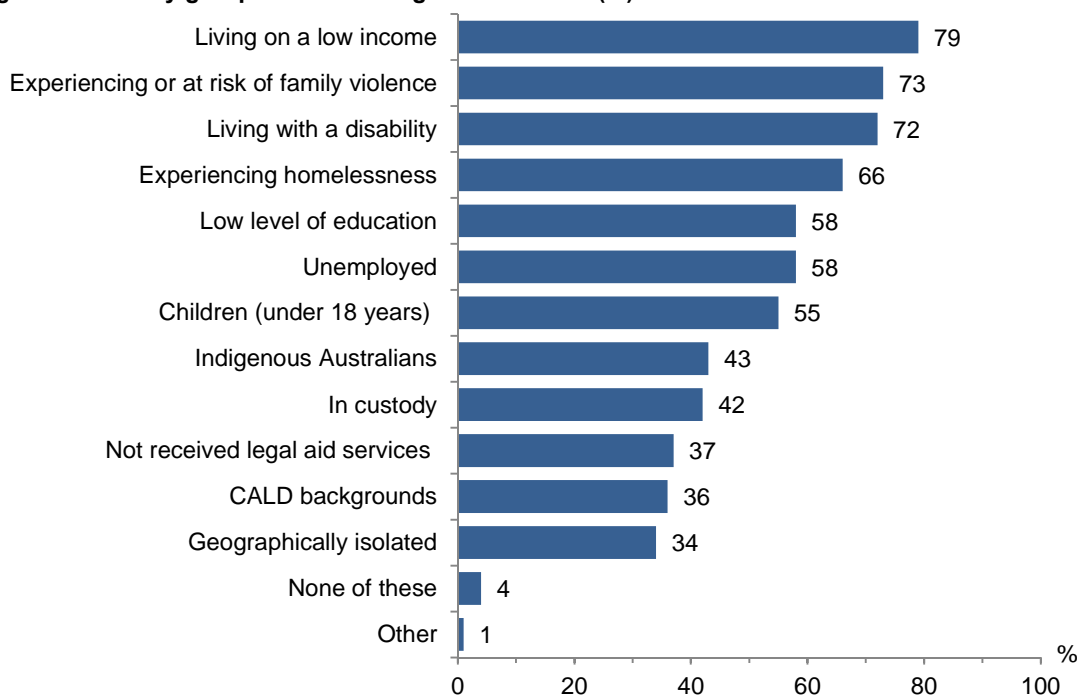
There was broad agreement amongst survey respondents for the need of legal aid services to be prioritised to those experiencing or at risk of family violence and those living on a low income. Benevolence was high among focus group participants and survey respondents, with the majority expressing a desire for legal aid to be available to “anyone who needed it”. It was recognised, however, that VLA must make sometimes difficult choices in allocating resources and providing services. Significant tensions existed for research participants when considering situations or cases that were deemed as ‘not deserving’ of legal aid, with these conversations presenting moral conundrums for most people. Participants grappled with a range of value judgements including ‘obvious guilt’, violent crimes, recidivism and extraneous personal circumstances; which were constantly underpinned by a desire to preserve all people’s right to a fair hearing. When asked about specific legal problems, across all groups survey respondents consistently ranked family/domestic violence, discrimination and family breakdown as the priority services for VLA.

When asked the future priorities of legal aid, respondents assigned the highest priority for VLA to help people resolve their legal issues before court. Respondents from a culturally or linguistically diverse background were significantly more likely to cite ‘educating the community’, ‘providing general legal advice’, ‘representing people for family disputes’, and ‘representing people for civil disputes’ as requiring priority services. Respondents with a disability and those who speak a language other than English at home were both significantly more likely to cite ‘advocating to improve laws’, ‘promoting their services to the community’, and ‘advising government on changes to the law’ as requiring priority services.

### 5.3. Audiences and target groups (eligibility)

All respondents were presented with a list of audience groups who could be perceived as disadvantaged and asked to nominate which should be prioritised to receive legal aid services. As shown in Figure 12, more than seven in ten respondents believed that priority access to legal aid services should be given to people living on a low income (79 percent), experiencing or at risk of family violence (73 percent) or living with a disability (72 percent). In contrast, comparatively smaller proportions of respondents believed that people of an Aboriginal or Torres Strait Islander background (43 percent), in custody (42 percent), from a culturally or linguistically diverse background (36 percent) or geographically isolated (34 percent) should receive priority access to legal aid.

**Figure 12. Priority groups to receive legal aid services (%)**



Base: All (n=1,500).

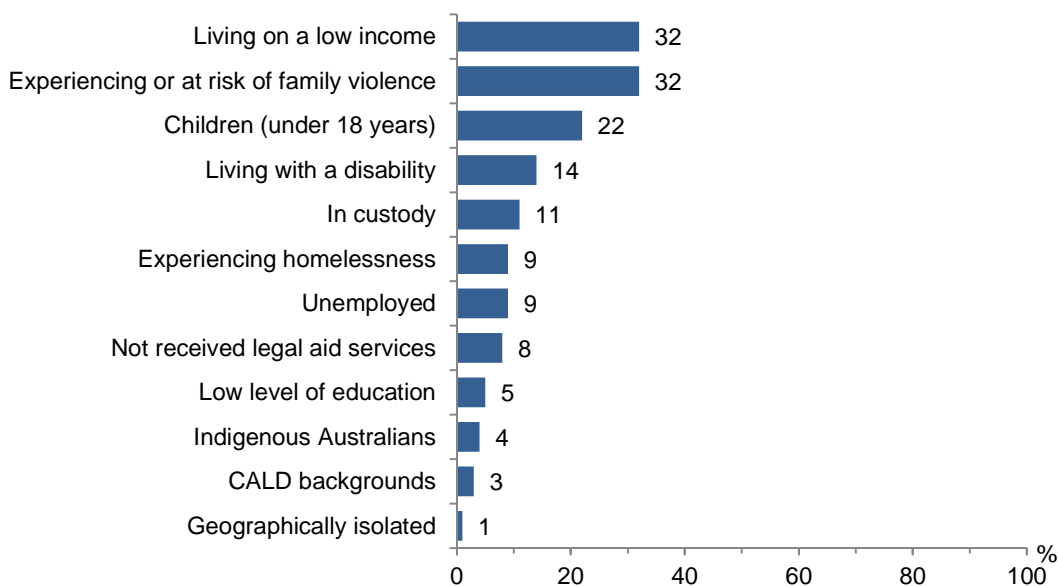
C2 Victoria Legal Aid has a fixed budget with a responsibility to manage its resources effectively and to prioritise its services. Given that Victoria Legal Aid cannot help everyone who requires legal services, which of the following groups do you feel should be prioritised to receive legal aid services?

Perceptions of priority access to legal aid services was analysed by target audience groups. Some in-group identification existed, such as respondents living on lower incomes or from culturally or linguistically diverse backgrounds reporting that unemployed people and those with diverse backgrounds, respectively, should be given priority access. Apart from these isolated examples, however, there were few differences or patterns by group.

Those respondents who nominated more than one priority audience at the previous question were then asked to rank the selected groups in order of priority.

**Figure 13** illustrates the proportion of respondents to rank each audience group as most important, that is, first in their list. The highest priority groups were people living on a low income (32 percent) or those experiencing or at risk of family violence (32 percent) as being most in need of priority access to legal aid services. Children (under 18 years of age) and those living with a disability were nominated by comparatively smaller proportions of respondents (22 percent and 14 percent) as being most in need.

**Figure 13. Ranked most important: priority groups to receive legal aid services (%)**



Base: Those who nominated at least one priority group (n=508 to n=1174 depending on priority group).

C3 Please rank the following groups in order of priority with 1 being the highest priority and <INSERT NUMBER OF ASPECTS SELECTED AT C2> being the lowest priority.

The proportion of priority groups to be highest ranked were analysed by target audience groups but no significant differences were displayed.

### 5.3.1. Qualitative views on target groups and priority cases (focus groups)

In the qualitative discussions, participants were asked their views on whether and how VLA should prioritise their provision of services for particular groups of people, and for particular situations or cases. This component of the discussions began as an unprompted enquiry into participants' initial thoughts regarding the issues of access, eligibility, and prioritisation. As the discussions progressed, more complex ideas relating to funding and resource limitations (and the resulting need for a system of prioritisation) were raised (and in the six post-survey focus groups, data was also provided from the survey findings), thus prompting participants to share their views on how and why VLA should go about making decisions around the targeting of their service provision.

As discussed earlier in this report, participants were generally in agreement that VLA existed to assist individuals who could not financially afford the services of a private lawyer, and thus their services should be available only to those who meet that criteria. Aside from this factor, participants' *initial*, unprompted view was often that there should be no further prioritisation of service provision – that everyone should be treated equally, and have a right to access VLA's services.

*I feel like if anyone is approaching VLA, they deserve – yeah, everything. They're doing it for a reason. It's not for us to judge their situation (Young People)*

*It's one of those things, where do you mark the cut off, where do you draw the line? Do you say, "No we can't help you," or do we say no to that person? (Regional Low-mid SES)*

However, as the discussions progressed and participants became more engaged in the topic, almost everyone across all groups acknowledged that, given VLA's limited funding, the issues of prioritisation and the targeting of services was one that VLA had to consider and enact with fairness, as part of their role. It was evident across all groups that, as the issues were teased out through further contemplation and discussion, participants realised the complexity of the issues at hand, and often struggled to reach personal conclusions regarding what was and was not fair and just in decisions about the prioritisation and allocation of resources and targeting of services.

*It's a really hard situation because you might have say \$100,000 in the budget, so do you help someone whose court case is going to go for six months or do you help 75 people whose court case is only going to go for a couple of days? (Regional Low-mid SES Males)*

*It is a moral conundrum (Regional Low-mid SES Males)*

Once some contextual information was provided regarding VLA's need to make decisions around the prioritisation of groups in the community (in other words, it was made clear to participants that VLA was not able to service the needs of all those who requested it), participants were asked to share their views on how the organisation should define their eligibility and target audience criteria. Factors relating to one's eligibility that arose across the groups included:

- income/ability to pay
- victims/those at risk – child abuse, family violence and so forth, and
- vulnerable groups – including people from culturally or linguistically diverse backgrounds, migrants, people with disabilities and homeless people.

### **Prioritisation of low income groups**

It was generally agreed across all groups that low income earners who could not afford to pay for private legal assistance should, in most cases, be prioritised by VLA over those who could. That is, almost all felt certain that there was a need for VLA to conduct some type of means testing of applicants.

*Well, I think low income's got to be first, don't they? (Aboriginal and Torres Strait Islanders)*

*I think income will definitely come into play because you wouldn't want to waste all the government funded lawyers on people that can afford lawyers when there's other people that need them who can't afford the lawyers (Metro Mid-high SES Males)*

*It would be funny if the CEO of a major company went to Legal Aid where there's someone – say a 16 year old which was part of life, you know, domestic violence and things like that. Like they should get the priority... definitely levels of need (Young People)*

Nevertheless, many participants acknowledged that the issue was not straightforward, and that there were often complex factors at play when deciding whether an individual was financially able or otherwise, for instance, those who are asset-rich, but income-poor. Similarly, it was mentioned by several that there were troublesome issues related to having a cut-off point of eligibility based on income, in particular, that middle-income earners could potentially miss out despite not being able to afford private legal assistance.

*It might also be with the eligibility criteria there might be a lot of people out there that are asset rich but income-poor. Might be an elderly lady that's living in Malvern in a three million dollar house but has no money and all the rest so how do you actually determine that? (General Community)*



*Because that's the thing with – nowadays, the middle income earner often misses out (Aboriginal and Torres Strait islanders)*

*Say you were just above the healthcare levy, you're earning too much for that, but you're struggling. Sometimes people whose income is just above the healthcare are worse off than a person who's on the healthcare card, because they don't get all those discounts (Regional Low-mid SES Females)*

### **Prioritisation of vulnerability and 'at risk'**

Over and above low income, there was much discussion around the notion that certain groups in the community should or should not be prioritised by VLA based on their particular circumstances. Before being prompted by the results of the quantitative survey, participants most commonly asserted that, aside from financial capability, those who were victims of crime or at risk of being so should be prioritised. Generally, the most vulnerable here were thought to be women affected by family violence, and children. Indeed, most agreed with the results of the survey – those at risk of family violence or abuse were to be given priority by VLA.

*I would be happy to put the domestic violence stuff up high on the priority list given recent things in Australia with parents killing their children (Metro Mid-high SES Females)*

Sentiment regarding the potential prioritisation of other groups was more evidently divided. Some participants, in particular those in the Young People and Aboriginal and Torres Strait Islander groups, expressed the idea that migrant groups and refugees should in many cases be considered vulnerable, and thus in need of VLA's prioritisation. Conversely, several participants in a few of the other groups felt that it was not VLA's responsibility to prioritise them, given that they had chosen to move to Australia, and because there were other organisations and support services aimed at assisting those groups. Interestingly, in the Young People group it was mentioned that, in regards to the survey results, Australians were probably less likely to prioritise the needs of migrant and culturally diverse groups, given that the media often portrays them in a negative light (whereas issues relating to family violence and child abuse received more sympathetic coverage).

*CALDS, like the – what's the word now? Culture and linguistic... Like they don't – you know, they're new to Australia and have – and their justice system is like 360 degrees different to what ours is, and there's a language barrier. So I think that they need help with that as well. Just to help them understand the Australian justice system and also that they can have a voice as well (Aboriginal and Torres Strait Islanders)*

*You come to Australia and if you don't speak the language then you know there's going to be disadvantages (Metro, Mid-high SES Males)*

*But there are a lot of other services that provide similar support, I think. For example, refugees, I think there are a lot of organisations that do deal with that anyway, so maybe you can steer those ones there and concentrate on another area that's not well represented by other organisations (Metro Mid-high SES Females)*

*When you're talking about the immigrant – migrants and all that, there's TV shows about border protection and that kind of thing. The public side is against it. So where it's a lot more in our face against it and when you put it up next to the bigger issues, with the family violence and – it doesn't seem as important (Young People)*

A few participants commented that people experiencing homelessness, or those with a disability should be considered in need of extra assistance and thus should be prioritised for eligibility by VLA. Likewise, a few participants felt that geographic isolation often correlated with vulnerability and increased need for support; however, many agreed with the survey results that there was no need for people to be prioritised by VLA due to their geographic location.

*I'm thinking homeless people because the legal situation that they're in might have direct or indirect influence on their homelessness (Metro Mid-high SES Females)*

*Or people with disabilities as well (Metro Mid-high SES Females)*

*I'm concerned country Victoria would probably be on the lower end of the income scale so I thought that they'd probably need the services more. (Metro Mid-high SES Males)*

*That puts some people at more risk, doesn't it – being isolated? (Aboriginal and Torres Strait islanders)*

### **Prioritisation on the basis of outcomes**

In a few cases, participants also gave some consideration to whether VLA made prioritisation decisions to take on particular cases through consideration of whether or not VLA had the ability to affect change and/or win the case.

*They would only take on cases though that they're pretty sure you've got a strong case. It's not just any case (General Community)*

*The question is probably less about whether they're going to lose and more about can the service I provide make a difference to the result, and the result not necessarily being black and white or win or lose (General Community)*

A few participants mentioned consideration of the 'severity' of potential outcomes for those involved, for example, if someone is facing jail, or homelessness.

*I think it all goes back to prioritising. Like when you think about – you're talking about people facing imprisonment or homelessness or family violence and all that. They're going to want them defended a lot more than people that can get a fine or something along those lines (Young People).*

### **Low prioritisation**

Participants in the focus groups also discussed whether they felt certain cases should not be prioritised. Such cases highlighted by participants (mirroring views reported earlier about prioritisation of groups) included traffic offences, serial offenders, those attempting to make multiple appeals, and non-Australian citizens. Again, as the discussions progressed, the complexity of these ideas became apparent to many.

*I think if you've brought it upon yourself so you're the aggressor, you're the drink driver... mate, you did it – suck it up (Metro Mid-high SES Males)*

*Maybe excessive appeals I probably have a problem with (General Community)*

*So the only thing I would add is serial abusers again I suppose, but it's hard to determine what that is (General Community)*

*They've sought legal aid and they've been convicted of rape or being a paedophile, they've gone out, reoffended, and there are other people - I can see how I would prioritise a case before those people (Regional Low-mid SES Females)*

Some participants discussed the possibility of there being a "cap" on services provided for people who are seeking to make multiple appeals, or who have reoffended. Again, there was an understanding that for VLA to make such calls would be arbitrary and thus questionable in light of how the legal system works, and the rights that individuals are afforded in accordance with it.

*I think talking about things like capping appeals – that fundamentally starts getting into the structure of the legal system. The legal system's structured in a way to allow people to appeal, because there are situations where the appeal is necessary to get to the correct result (General Community)*

*I just always think in my head, that innocent person that might be caught up in this and is missing out. So I'd rather it wasn't capped (General Community)*

*Generally, and I said right at the beginning, I think the preferable is a case by case basis, but as a general rule I think if you've already been convicted of the crime and you're becoming just a vexatious litigant appealing for the sake of it, I don't want you to get Legal Aid anymore, I want you to be cut off, I don't want you to get anything really. But you're in the process or there is even the slightest possibility that you're innocent then maybe I do, and that could be the deciding factor for me in jail. If you haven't actually been convicted yet, so you need help to support the possibility that you don't get convicted or didn't do it (Metro Mid-high SES Females)*

In response to the presentation of the survey findings relating to VLA providing services for migration situations, as discussed earlier in the report, participants in the Young People group expressed a view that the messages portrayed in the Australian media most likely had an effect on the views of the community in general. That is, an apparently generally negative media portrayal of migrants had influenced survey respondents to rank their issues as a lower priority compared to some others. Likewise, participants in the Aboriginal and Torres Strait Islander group commented that the low ranking of migrant and refugee issues by survey respondents expressed a level of racist thinking in the Australian population.

*I think the migration and immigration thing comes back to the media. Could be. I'm not saying it's a big problem, but a lot of the media publicise immigration in a negative way (Young People)*

#### **5.4. Service provision priorities**

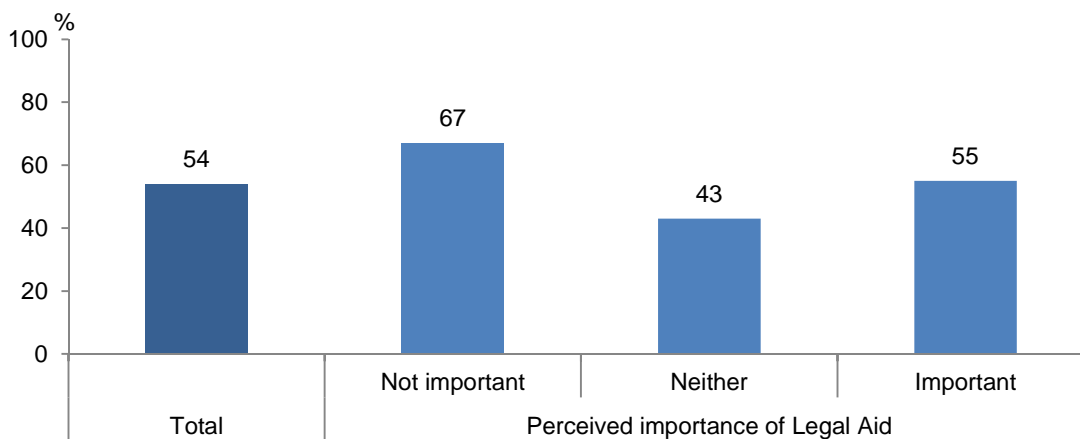
The qualitative and quantitative components of this research found widespread support for the broad provision of legal aid services to those who cannot afford legal advice or representation. Further the concept of support for all people without prejudice and protection of privacy was well established in the quantitative and qualitative findings. There were, however, some caveats to respondents' benevolence as described in the following section of this report.

All respondents were asked if they felt that there were situations or cases in which legal aid services should NOT be provided.

Figure 14 illustrates that survey respondents were almost evenly divided with 54 percent stating that legal aid should NOT be provided in some situations or cases. Examples of these situations or cases included:

- Violent crimes including murder, rape and sex crimes, child abuse and domestic violence.
- Career criminals and those making repeated appeals from jail.
- When people are “obviously guilty”.

**Figure 14. Perception of situations or cases that should not receive legal aid (%)**



Base: All (n=1,500).

B7 In your view, are there situations or cases that should NOT receive legal aid?

Similar themes initially emerged in the focus groups, although during discussions, the issue of case prioritisation proved to be a highly complex one that participants often struggled to make clear judgements on, given the numerous factors involved. Participants generally understood and agreed that, it was extremely difficult to assess and decide on a ranking of importance when it came to a range of different situations and cases. Participants in the ‘Young People’ group in particular expressed an understanding that in light of accepted truths regarding justice (everyone deserves representation; innocent until proven guilty) the prioritisation of VLA’s service provision was a difficult thing to calculate.

*But then if we say, you know, they shouldn’t receive that, do we then say people commit more serious crimes, they shouldn’t get legal aid as well? Because when you look at it, everyone who murders people or, you know, rapes people, whatever, you know, should they not receive legal aid because they’ve done the wrong thing? Like it’s kind of a hard question to answer. Because, at the end of the day, most people who go to court end up having a lawyer whether they’ve done the right or wrong thing, do you know what I mean? When they’re on either side. It’s hard (Young People)*

*Before I actually knew what – before today, I would’ve been disgusted. Thinking about it now, I’m just – I’m still torn... because as we were saying before, the only way I think I can find myself accepting that everyone deserves to be defended or whatever is if I or someone I was close with was in the same situation. That’s the only way I’m finding myself, morally, being able to accept it (Young People)*

A number of different variables were mentioned as potentially influencing VLA’s take-up of the case. Most commonly, focus group participants felt that the severity of the case and its consequences needed to be taken into account when deciding on the provision of services. That is, the case brought by the *victim* of a violent crime was considered a high priority, however, an individual *accused of committing such a crime* was often thought not to deserve VLA’s assistance, or at least not be a high priority.

*Although when we mentioned family violence being of high priority we did say that it was coming with imminent violence of some kind, so although I agree with you that emotional and other abuse is horrible we were saying that we wanted to prioritise the ones where there might actually be harm or death (Metro Mid-high SES Females)*

*Respondent 1: Especially family violence because a lot of women haven't got the income sometimes to go see someone about it.*

*Respondent 2: Any violence.*

*Respondent 3: I agree, any violence (Metro Mid-high SES Males)*

As with the survey respondents, participants in the focus groups commonly expressed the idea that those accused of serious crimes, such as rape, murder, or child abuse, should not benefit from VLA's services, as funded by the tax-payer. Once again, within these conversations was an acknowledgement that such judgements tended to contradict commonly held notions of justice. It is important to note, however, that several participants worked on the assumption that someone who had been accused of a crime had most likely committed it (in other words, there was little unprompted talk around the possibility of someone being falsely accused, except in the Young People group).

Likewise, several participants noted that people who have '*undoubtedly*' committed a crime, for example having been seen by many others in public or who were captured on camera, should not receive services from VLA – '*guilty beyond all reasoning*' (Regional Low-mid SES Females).

Returning to the quantitative survey findings, analysis by target audience group shows some differences in attitudes about whether and how VLA services should be prioritised. Table 14 highlights significantly higher proportions of respondents living with a disability (64 percent) or in a regional location (64 percent) believed that there are situations or cases in which legal aid should not be provided. The largest percentage point difference within analysis groups was in terms of cultural and linguistic diversity; a significant 26 percentage point difference separated respondents who usually speak English at home (58 percent) from those who did not (32 percent) in their belief that there were situations in which legal aid should not be provided.

**Table 14. Perception of situations or cases that should not receive legal aid by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Yes, there are situations or cases where people should not receive legal aid	64%	51%	32%	58%	56%	54%	51%	64%	55%	54%

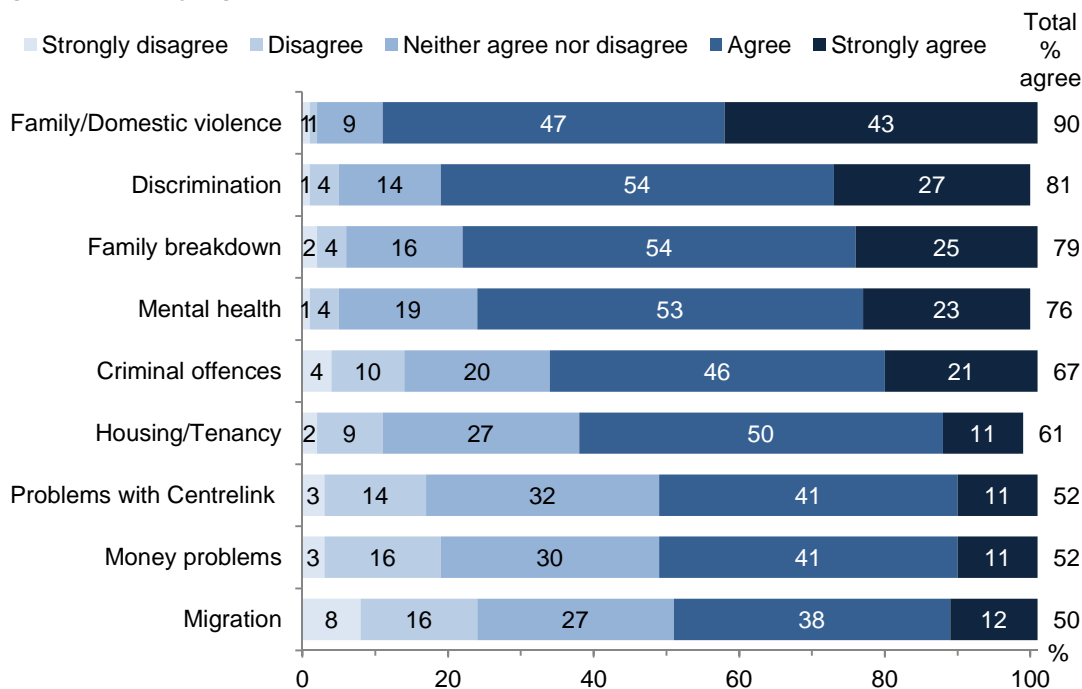
Base: All (n=1,500). Don't know and refused excluded from base for analysis.

B7 In your view, are there situations or cases that should NOT receive legal aid?

All respondents were asked the extent to which they agreed (or disagreed) that VLA should provide services in a range of legal areas. Figure 15 shows significant levels of support for VLA providing services in family and domestic violence (90 percent), discrimination (81 percent) and family breakdown (79 percent), which mirrors the qualitative findings.

Comparatively smaller proportions of respondents agreed at any level that VLA should provide services relating to Centrelink problems (52 percent), money problems (52 percent) or migration issues (50 percent).

**Figure 15. Priority legal services for VLA (%)**



Base: All (n=1,500).

D1 Do you agree or disagree that Victoria Legal Aid should provide services in the following areas?

A breakdown in responses to this question by target audience group is presented at

Table 15 and illustrates some of the perceived need among certain audience groups. Mostly it shows that respondents from a culturally or linguistically diverse background were significantly more likely to cite the following areas are requiring priority services:

- Money problems (63 percent as compared to 50 percent).
- Discrimination (87 percent as compared to 80 percent).
- Migration (63 percent as compared to 37 percent).
- Problems with Centrelink (62 percent as compared to 50 percent).

A logistic regression analysis was also undertaken to explore the significance of the relationship between perceptions of priority services and demographic and attitudinal characteristics. Even after accounting for differences in respondents' attitudinal and demographic characteristics, respondents from a culturally or linguistically diverse background were approximately twice as likely as others to agree or strongly agree that VLA should provide services in the above mentioned areas.

**Table 15. Priority legal services for VLA by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Money problems	52%	52%	63%	50%	52%	52%	54%	45%	51%	53%
Discrimination	83%	80%	87%	80%	79%	81%	82%	77%	76%	83%
Migration	42%	52%	63%	47%	46%	52%	51%	45%	46%	51%
Problems with Centrelink	56%	50%	62%	50%	53%	50%	52%	50%	49%	53%
Housing/Tenancy	60%	62%	63%	61%	62%	62%	61%	63%	59%	64%
Family breakdown	80%	78%	74%	79%	78%	79%	77%	82%	78%	79%
Family/Domestic violence	90%	91%	85%	91%	92%	89%	90%	89%	89%	90%
Mental health	77%	76%	73%	76%	74%	78%	77%	72%	75%	76%
Criminal offences	65%	67%	66%	67%	63%	70%	67%	64%	64%	68%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

D1 Do you agree or disagree that Victoria Legal Aid should provide services in the following areas?

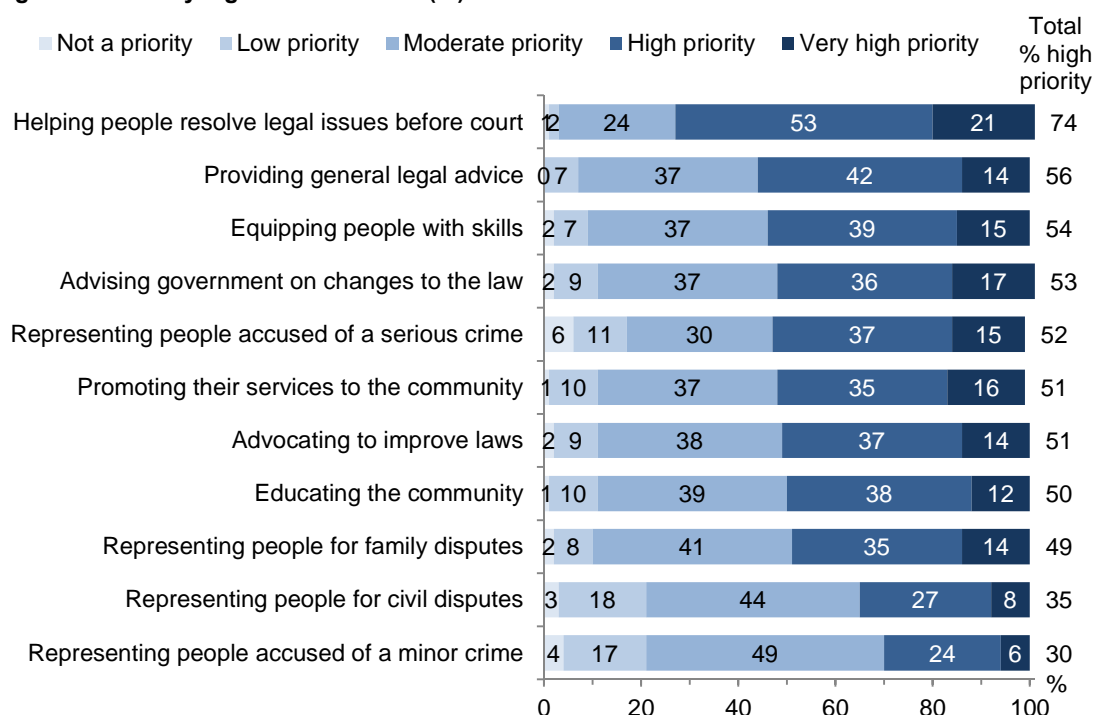


### 5.5. Future priority areas

All respondents were presented with a list of areas that VLA could engage in over the next 12 months and asked to assign a level of priority from ‘not a priority’, ‘low priority’, ‘moderate priority’, ‘high priority’ to ‘very high priority’. Figure 16 presents the breakdown in responses and while there is a degree of consistency across most areas, there are two points to note:

- Respondents assigned highest priority for VLA helping people to resolve legal issues before court (74 percent).
- Lowest priority was given for VLA to represent people for civil disputes (35 percent) and those accused of minor crimes (30 percent).

**Figure 16. Priority legal areas for VLA (%)**



Base: All (n=1,500).

D2 What level of priority should the following areas have for Victoria Legal Aid in the next 12 months?

Table 16 illustrates some of the perceived need among certain audience groups. Mostly it shows that respondents from a culturally or linguistically diverse background were significantly more likely to cite the following areas as requiring priority services:

- Educating the community (61 percent as compared to 48 percent).
- Providing general legal advice (63 percent as compared to 54 percent).
- Representing people for family disputes (60 percent as compared to 47 percent).
- Representing people for civil disputes (51 percent as compared to 32 percent).

Respondents with a disability and those who speak a language other than English at home were both significantly more likely to cite:

- Advocating to improve laws (60 percent and 60 percent as compared to 48 percent and 50 percent).
- Promoting their services to the community (58 percent and 65 percent as compared to 49 percent each).

- Advising government on changes to the law (63 percent and 61 percent as compared to 49 percent and 51 percent).

**Table 16. Priority legal areas for VLA by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Equipping people skills	56%	54%	62%	53%	58%	54%	54%	55%	54%	55%
Educating the community	55%	48%	61%	48%	53%	49%	51%	47%	49%	51%
Representing people accused of a serious crime	54%	52%	51%	52%	50%	53%	53%	51%	54%	51%
Representing people accused of a minor crime	35%	29%	34%	30%	24%	32%	32%	24%	27%	32%
Providing general legal advice	59%	54%	63%	54%	58%	54%	57%	52%	57%	54%
Representing people for family disputes	49%	49%	60%	47%	52%	48%	49%	48%	45%	51%
Representing people for civil disputes	34%	34%	51%	32%	36%	35%	36%	31%	32%	36%
Advocating to improve laws	60%	48%	60%	50%	56%	48%	52%	48%	51%	52%
Promoting their services to the community	58%	49%	65%	49%	55%	48%	52%	49%	54%	49%
Helping people resolve their legal issues	81%	71%	74%	73%	80%	72%	72%	77%	75%	73%
Advising government on changes to the law	63%	49%	61%	51%	57%	51%	54%	49%	52%	53%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

D2 What level of priority should the following areas have for Victoria Legal Aid in the next 12 months?

## 6. Accountability, privacy and transparency

This chapter provides an overview of views on VLA's accountability, attitudes towards privacy, and the perceived tensions that exist in how VLA should respond to pressures to disclose information and demonstrate transparency in their actions.

### Overview of findings

There was widespread confidence in the honesty and integrity of VLA to 'self-manage' and 'get on with the job', however, the notion of 'accountability' and being transparent resonated strongly none-the-less. Within the focus groups, accountability was defined as being about information provision including eligibility for services and operational performance. Focus group participants, and survey respondents, were unanimous in their view that privacy of VLA clients should be protected. Though participants spontaneously claimed privacy was paramount, participants could invoke scenarios in which privacy should not be protected and these almost exclusively related to the example of cases that they perceived should not receive legal aid to begin with. Regardless the community expected VLA lawyers would operate under the same expectations and provision for confidentiality and privacy as their private sector counterparts.

Generally speaking there was a consistent relationship between survey respondents' perceptions of the importance of VLA protecting the privacy of its users and other socially-minded matters. Those who believed it important for VLA to protect client privacy also held corresponding views on the importance of providing a government-funded legal aid service to the community, the value of legal aid to society broadly and especially for those at most disadvantage; and provision of legal aid regardless of the situation or case.

### 6.1. Accountability

In the focus group discussions, participants were asked their views on whether and how VLA should be 'accountable' in their actions and decision-making, and if so, to whom. Related to this, participants were asked to explain what they thought accountability meant in this context.

Common themes that emerged related to accountability were honesty, openness, transparency, trust and responsibility – these terms and concepts were often used interchangeably within the focus groups to relate to:

- how VLA spent their budget and used their resources
- VLA representing people to the best of their ability (and people having trust in that representation)
- VLA being clear and open about how they determine who is eligible for their services, and
- VLA being honest and providing correct information to their clients.

Typical interpretations related to being open and clear (transparent) about how VLA used their budget (in other words, what kind of cases they funded and so forth), and being responsible and doing '*the right thing*'.

*I don't know how accountable they are right now but I think maybe annually they've got to front the bar and say "We took \$150 million or whatever it is of your money Mr Taxpayer, this is how we spent it, this is the result we've got" and they probably do this already but, again, it probably needs to be put into the papers a bit more (General Community)*

*I want to know where the money is going - as in resources, the percentages, so 50% is this area, the types (Metro Mid-high SES Females)*

Discussions about accountability also led to discussions about public trust in VLA, in terms of feeling confident that VLA would do as they set out to do, in relation to supporting and representing their clients to the best of their ability.

In relation to *who* VLA should be accountable to, the general consensus was that first and foremost they should be accountable to the government, as that is where their main source of funding came from.

*It's probably the government, because that's where their funding comes from, so they've got to be accountable to them (Young People)*

However, some participants also recognised that as with any public body, VLA should also be accountable to the community as a whole.

*Well they're accountable to the public. They can't give misleading or incorrect information... (Regional Low-mid SES Females)*

In a few cases, participants suggested that VLA was also accountable to the clients they represented (to do the best for them and for the client to have some kind of redress).

*For me it's really about being able to hold the person who is supposedly representing me, to have an avenue to say, "Hang on a minute I'm not happy with what you're doing," and being able to then have a process to go further into that system to say, "I'm not happy," and have things changed (Regional Low-mid SES Males)*

Across all groups, there was considerable confusion around what and how eligibility was determined by VLA, and many participants commented that it was important the general community have a better understanding of the processes by which individuals came to be accepted or refused.

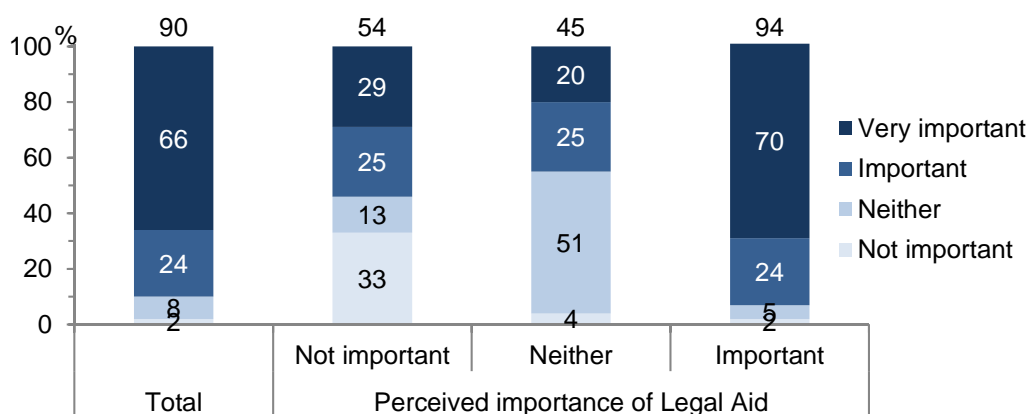
*They say here eligibility. I don't understand how that starts and finishes (General Community)*

## 6.2. Views on client privacy

All survey respondents were asked a series of questions regarding their perceptions of the importance of privacy and their expectations of VLA in responding to and protecting the privacy of its users including public release of information. Figure 17 shows that more than nine in ten respondents (90 percent) considered that it is important or very important for VLA to protect the privacy of people who use its services. Respondents who rated the provision of legal aid services as important or very important were significantly more likely to perceive it as very important that VLA protect their client’s privacy (70 percent), in comparison to those who felt it was not important or not important at all (29 percent).

A logistic regression analysis confirmed the significance of perceptions of legal aid provision to perceptions that VLA should protect client’s privacy. Even after accounting for differences in respondents’ attitudinal and demographic characteristics, respondents who rated the provision of legal aid as important or very important were almost 15 times more likely to also state that it was important or very important that VLA protect the privacy of people who use its services.

**Figure 17. Importance of VLA protecting privacy (%)**



Base: All (n=1,500).

C6 How important or not important is it that Victoria Legal Aid protects the privacy of the people who use its services?

Table 17 highlights the significantly higher proportion of respondents who have a disability (77 percent) or who live on a lower household income (71 percent) to have rated VLA protection of client privacy to be very important. There were no significant differences by location or education level.

**Table 17. Importance of VLA protecting privacy by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Very important	77%	62%	60%	67%	71%	63%	66%	66%	70%	64%
Important	15%	27%	28%	23%	20%	27%	24%	25%	21%	26%
Neither important nor not important	5%	9%	10%	7%	6%	8%	8%	8%	7%	8%
Not important	3%	2%	2%	2%	3%	2%	2%	2%	3%	2%

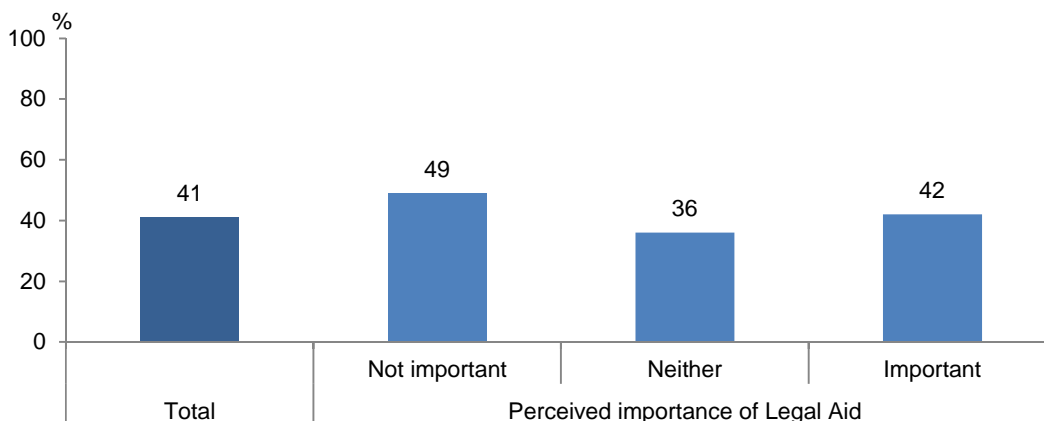
Base: All (n=1,500). Don’t know and refused excluded from base for analysis.

C6 How important or not important is it that Victoria Legal Aid protects the privacy of the people who use its services?

While the importance of privacy was well established, the research also sought to understand if any tensions existed between this more philosophical position and the realities of legal aid provision in society. All respondents were asked if there were any situations or cases where they believed that VLA should NOT protect the privacy of people who used its services.

As shown in Figure 18, just over four in ten respondents (41 percent) believed that there were times when the privacy of people who used VLA services should not be protected. Even among those respondents who rated the provision of legal aid services to be important or very important, 42 percent reported that VLA should NOT protect client privacy in some situations.

**Figure 18. Perception of situations or cases where VLA should not protect privacy (%)**



Base: All (n=1,500).

C7 In your opinion, are there any situations or cases where you feel that Victoria Legal Aid should NOT protect the privacy of a person who uses its services?

Table 18 presents a breakdown in responses by target audience group and shows that a significantly greater proportion of respondents with a disability (47 percent) stated that they believed there were situations or cases in which VLA should not protect client privacy in comparison to those without a disability (39 percent). No other significant differences by target audience group, however, were recorded.

**Table 18. Perception of situations or cases where VLA should not protect privacy by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Yes, there are situations or cases where VLA should not protect privacy	47%	39%	41%	42%	43%	41%	40%	45%	40%	42%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

C7 In your opinion, are there any situations or cases where you feel that Victoria Legal Aid should NOT protect the privacy of a person who uses its services?

Those respondents who stated that there are situations or cases in which VLA should not protect the privacy of people who use its services were asked to provide examples of these instances. Thematic analysis of the verbatim responses showed significant parallels with situations or cases which should not receive legal aid.

People commonly referred to the following examples as being 'exempt' from privacy:

- Violent crimes including murder, rape and sex crimes, child abuse and domestic violence.
- Career criminals and those making repeated appeals from jail.
- When people are "obviously guilty".



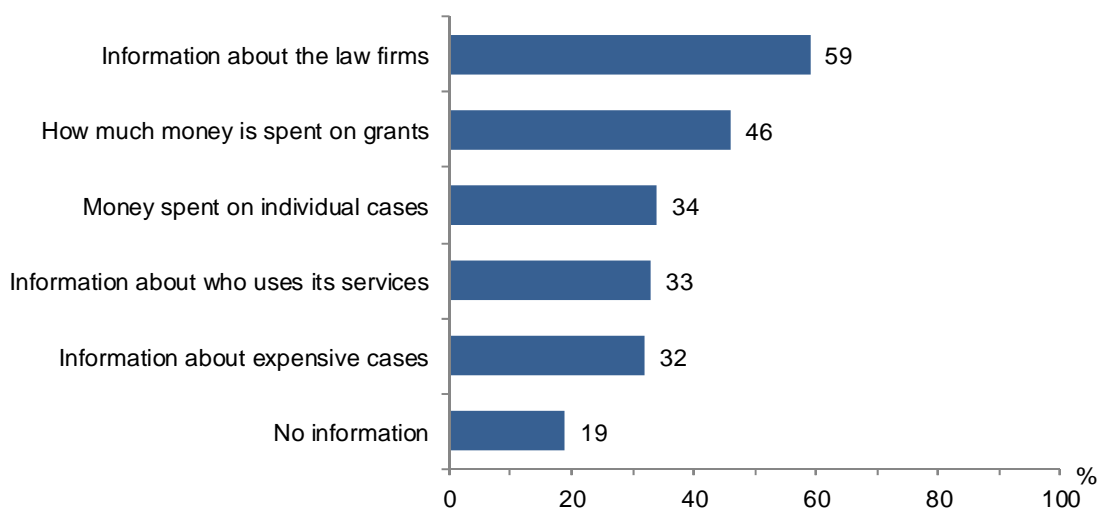
This apparent contradiction was noted by participants; there was acceptance that it was a difficult topic, and one that by their own admission challenged some participants' initial belief that everyone was entitled to privacy once they began to think and discuss certain types of criminal activity. Others, however, considered that privacy should be across the board, and that VLA should not disclose personal client information in any circumstances. These participants made reference to other professions (such as medical) and private law practice where they would also be duty-bound not to disclose personal confidential information.

*I think they've got to protect privacy because you can't just go out and start defaming people left right and centre, even if they've done the crime you can't go and publicly broadcast their names (Metro Mid-high SES Males).*

### 6.3. Disclosure of information

This section of the survey finished by presenting all respondents with a list of possible details for disclosure and asking them to nominate which, if any, should VLA make publically available. Figure 19 shows the high level of interest in information about the law firms which are conducting legal aid work (59 percent). That said, it is important to note that almost one fifth (19 percent) of respondents felt that VLA should make no information at all publically available. A significantly greater proportion of respondents who felt that VLA should always protect client privacy (25 percent) stated that VLA should not publish any information in comparison to those who believed privacy was dependent on the situation or case (9 percent).

**Figure 19. Details that VLA should disclose (%)**



Base: All (n=1,500). Note responses may sum to greater than 100 percent due to the question allowing multiple responses.

C9 Which of the following details should Victoria Legal Aid make publically available?

The relative levels of interest in VLA making different details publically available were analysed by target audience groups, however, few differences or patterns by group existed.



## 7. Stakeholder and community engagement

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This chapter provides an overview of respondents' expectations of VLA to collaborate with other agencies and organisations as well as engage with the community. In particular this chapter describes the community's appetite for engagement with VLA including examples of how this could be operationalised. This chapter concludes with some cautionary notes reflecting the exposure, and requirement for risk and expectation management associated with community engagement.

### Overview of findings

The qualitative and quantitative research found that strong expectations existed for VLA to collaborate with other government agencies and stakeholders by way of educating the community and advancing the understanding of justice for all Victorians. While focus group participants and survey respondents demonstrated moderate interest in VLA engaging more in the community the findings indicated that engagement was best-channelled to target audience groups, as opposed to being broadly applied across the community. Survey respondents with a disability, from a culturally or linguistically diverse background and living in households with a low income were among those groups who expressed greatest appetite for VLA to engage with them more. In the focus groups, some participants suggested collaboration with organisations such as Centrelink and other organisations (such as *beyondblue* and Relationships Australia) to refer people to VLA for legal assistance should they need it. A wide range of communication methods were suggested by respondents, including local newspapers, telephone hotlines, community information seminars, and social media platforms.

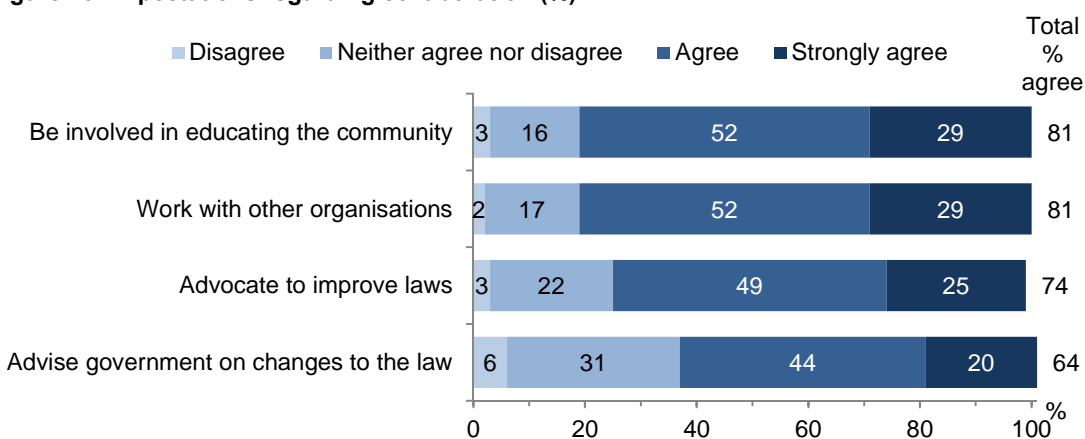
### 7.1. Collaboration with other organisations

All survey respondents were asked their level of agreement with a list of items representing possible models of collaboration between VLA and its stakeholders. Respondents used a five point response scale from ‘strongly agree’, ‘agree’, ‘neither agree nor disagree’, ‘disagree’ to ‘strongly disagree’.

Figure 20 shows that:

- More than eight in ten respondents (81 percent) agreed or strongly agreed that VLA should work with government, private and community organisations to improve the services that VLA provides and be involved in educating the community about the law so people know their legal rights.
- Almost three quarters (74 percent) of respondents agreed at some level that VLA should advocate to improve laws.
- In contrast, comparatively fewer respondents (64 percent) expressed agreement that VLA should advise government on changes to the law.

**Figure 20. Expectations regarding collaboration (%)**



Base: All (n=1,500).

C1 We are interested in your expectations of Victoria Legal Aid. Please tell us how strongly you agree or disagree with the following statements. Victoria Legal Aid should...(g – j)

Community expectations regarding VLA collaborating with other organisations were analysed by target audience groups. A significantly greater proportion of respondents with a disability (81 percent) agreed to some extent that VLA should advocate to improve laws in comparison to those without a disability (72 percent). No other significant differences or patterns by group existed.

Participants in the focus groups also suggested that VLA strengthen its linkages with other organisations, facilitating a cross-referral and signposting system. Centrelink was suggested as one possible organisation that could refer people to VLA for support and services.

*Respondent 1: Would someone like Centrelink direct certain people if they've got problems or financial to get legal aid...?*

*Respondent 2: That linkage would be pretty good (General Community)*

Similarly, it was suggested that a link with organisations such as *beyondblue* and Relationships Australia would be useful for directing people to VLA, were they in need of legal assistance. Some participants noted that this type of referral or signposting system could potentially reduce the demand placed on VLA to service all clients.

*...a strong network with those places like Beyond Blue and Relationships Australia, where if people go to those as a first point of contact, they help them to direct them to those avenues (Regional Low-mid SES Females)*

*I'm happy for the advice line people to just say, "There's Workplace Relations, you can call about that. There's this you can call about that." They can just refer you... (Metro Mid-high SES Females)*

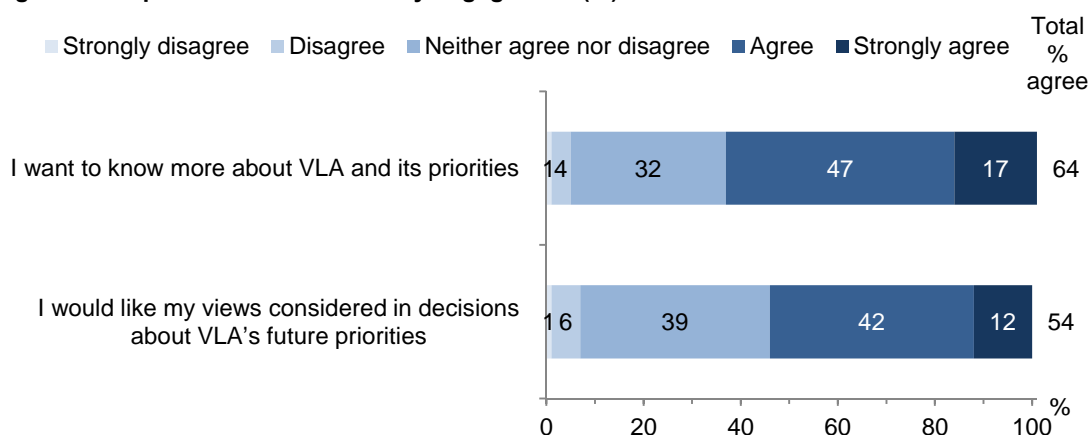
## 7.2. Appetite and permissions for community engagement

All survey respondents were asked to rate the extent to which they agreed or disagreed with each of the following statements:

- "As a community member I want to know more about Victoria Legal Aid and its priorities".
- "As a community member I would like my views considered in decisions about Victoria Legal Aid's future priorities".

Figure 21 shows that 17 percent of respondents strongly agreed to wanting to know more about VLA and its priorities while an additional 47 percent agreed. When it came to actually wanting their views considered in decisions about VLA's future priorities, however, total agreement decreased 10 percentage points.

**Figure 21. Expectations of community engagement (%)**



Base: All (n=1,500).

D3 Please tell us how strongly you agree or disagree with the following statements.

The importance of VLA sharing information with the community to increase transparency and accountability was also a common theme raised in focus groups. Participants had some ideas of models that could be used by VLA to further develop transparency and accountability, such as publishing reports on their activities and productivity.

*They could use something like RACV as a template in terms of placement. There's a board, there's an annual general meeting, the results are printed, and that way they've got that transparency, but we don't meddle in the RACV affairs on a daily basis, but at least it's accountable (Regional Low-mid SES Males)*

*In terms of budgeting you would want to know how the money is being spent, the general community would be interested in that (Metro Mid-high SES Females)*

Participants were asked to discuss their views on the possibility of the community having involvement in VLA's decision-making, and how it functions as an organisation. Some participants felt that VLA should take into account the opinion of community members for key organisational decisions.

*It would be good to do an online survey for them to take in when they're making these decisions, so that then they're getting the community's feedback while making decisions (Regional Low-mid SES Females)*

*Of course we have a right, we're paying taxes, we're paying for them and their funding whether we need it or not, so why shouldn't we also be able to have a say if we want (Regional Low-mid SES Males)*

However, this opinion was not shared by all participants. Indeed, some felt that VLA should not be consulting with the general population as part of its organisational decision-making, and that this could become a cumbersome and potentially fruitless approach given the general public lacks the relevant expertise. These participants tended to feel that the public should have an opportunity to provide feedback but not be a key feature of decision-making processes.

*There's a risk that you're going to do decision by committee, which normally results in great intentions, bad implementations. So I would advocate that they are experts in what they do and what they deliver. I go to a butcher to buy meat, I don't go there to buy bread. So don't ask us to tell them what their strategic direction should be (General Community)*

*Respondent 1: No. I think it would be up to the professionals within the organisation.*

*Respondent 2: I agree entirely. As you can see, we're ignorant on what really goes on and what's needed (Regional Low-mid SES Females)*

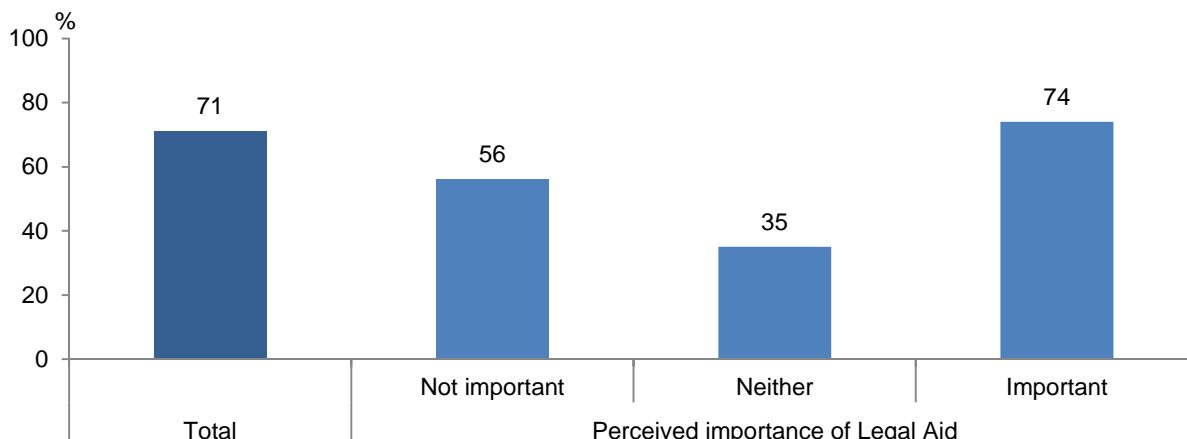
*Respondent 1: I don't think they need to be – like listen and actually act or be accountable to it. But there should be the opportunity to say something.*

*Respondent 2: Yeah, like they don't have to act on what these people are saying, or the community's saying. They can just think about it. You know, obviously, if it's stupid, they're not going to take that into consideration (Young People)*

In the survey data analysis, the proportion of respondents who agreed or strongly agreed to wanting to know more about VLA and wanting their views considered in VLA decisions were then combined to create a net ‘engagement metric’. This metric is presented at Figure 22 and shows that:

- Seventy-one percent of respondents agreed or strongly agreed that they wanted to know more about VLA AND wanted their views considered in decisions about VLA’s future priorities.
- Net engagement was significantly higher among respondents who perceived the provision of legal aid services to be important or very important (74 percent) than those who did not (56 percent) or could not commit either way (35 percent).

**Figure 22. Net engagement: expectations of community engagement (%)**



Base: All (n=1,500).

D3 Please tell us how strongly you agree or disagree with the following statements.

As shown in Table 19, a significantly greater proportion of respondents with a disability expressed agreement with wanting to know more about VLA (69 percent) and having their views considered (62 percent) than those without a disability (62 percent and 51 percent respectively). Likewise, significantly more culturally or linguistically diverse respondents wanted to know more about VLA (77 percent) and have their views considered (63 percent) than those who did not speak a language other than English at home (62 percent and 53 percent respectively).

**Table 19. Expectations of community engagement by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
I want to know more about VLA and its priorities	69%	62%	77%	62%	69%	62%	65%	61%	60%	66%
I would like my views considered in decisions about VLA’s future priorities	62%	51%	63%	53%	56%	54%	55%	51%	52%	56%
NET Community Engagement	77%	69%	83%	69%	77%	70%	72%	69%	67%	74%

Base: All (n=1,500). Don’t know and refused excluded from base for analysis.

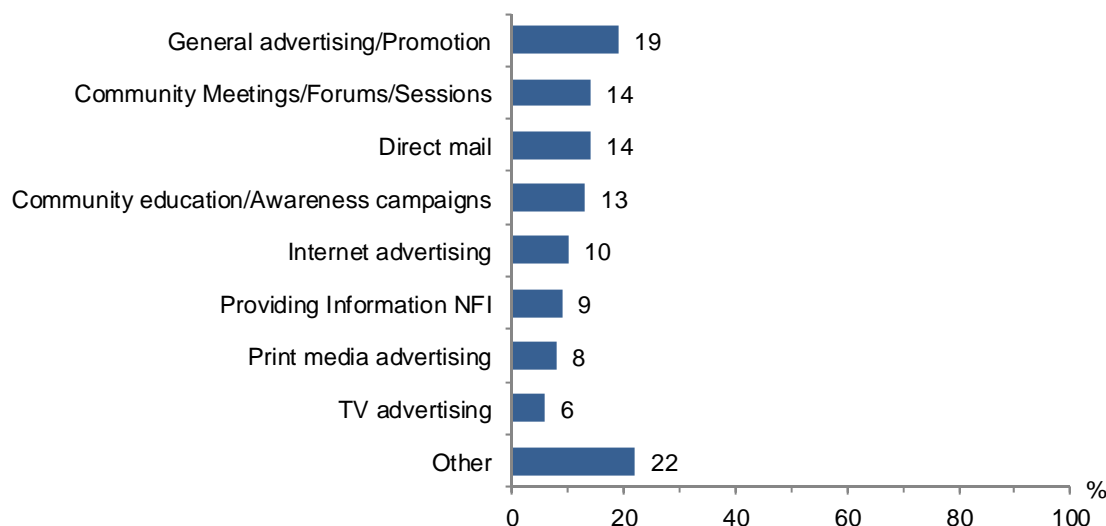
D3 Please tell us how strongly you agree or disagree with the following statements.

### 7.3. Forms of community engagement

Respondents who agreed to some extent that they wanted to know more about VLA or have their views considered in decisions about VLA's future priorities were asked in an open-ended sense, how VLA should engage the community more. Verbatim responses were coded into quantitative categories and are presented at Figure 23. It should be noted that because respondents could nominate several suggestions and be coded to multiple categories, that the proportions will sum to greater than 100 percent.

While the most prevalent suggestion was for general advertising and promotion (19 percent), community meetings and forums (14 percent) and community education and awareness raising (13 percent) were also commonly mentioned. The principal difference between these two categories is that 'community meetings and forums' was of a non-specific nature where-as 'community education and awareness raising' was targeted to a specific topic. The 'other' category represented 22 percent and is made up of seven discreet themes, each with a very small proportion of mentions. There were no differences of note by target audience group.

**Figure 23. How VLA should engage the community (%)**



Base: Those who expressed desire to be engaged by VLA (n=1,066). Note responses may sum to greater than 100 percent due to the question allowing multiple responses.

D4 How should Victoria Legal Aid engage the community more?

Coded responses for how VLA could engage more with the community were analysed by target audience groups but no significant differences were observed.

In the qualitative discussions, there was general consensus that VLA should further develop its engagement with the community. Given that there was an overall low level of awareness of VLA's role in providing information and advice to the public, most participants felt that VLA should increase its publicity and advertising so as to better communicate the breadth of services and support that VLA provides.

*And it is the kind of service I think, you don't need it till you need it, so having the opportunity to be aware of it before you get to the going where you need it and you might be able to make your own decision to intervene earlier and go, well I'm going to go get some advice because I know it's available, just in case something gets to a point, as opposed to leaving it (General Community)*

*Pushing that so more it's clearer to the public when they want to use their services that they're the services that are available (Metro Mid-high SES Males)*

A wide range of communication methods were suggested by participants: information kits, leaflets and telephone hotline; community information seminars and events; education programs; and media coverage and publicity, including social media platforms.

### **7.3.1. Information kits, leaflets, and telephone hotline**

Participants suggested some of the more traditional forms of community engagement approaches, including printed leaflets, information kits, and an information hotline.

*Respondent 1: Did you say they have a hotline? Someone said they had a – that's a good thing.*

*Respondent 2: I was going to say, it sounds familiar. I think that's a great thing (General Community)*

With regards to printed materials, one respondent suggested there be printed materials available in public spaces for people to access, for instance at train stations, Centrelink offices, police stations, and libraries.

*So again, if I had situations where rather than taking a Court lawyer I could go, well can I provide some of my own services but with better advice or more kits or something? Like conveyancing for example (General Community)*

### **7.3.2. Community information seminars and events**

Free community information seminars were suggested on common topics of interest and relevance to community members, such as divorce. This approach was seen as a good way to build a public face for VLA, particularly with senior citizens.

*I think also community sessions because if they spent x amount of time walking through someone on the phone for whatever it may be, divorce issues, they could hold, at the community centres there's 50 community centres, a weekly session on don't know, whatever it might be, like a free service (General Community)*

*My mum goes to this senior thing at Windaroo and from time to time, they'll have a guest speaker, and it might be a solicitor about making wills or a power of attorney or something like that. And yeah, that sort of exposure with senior citizens would be good, because those people don't necessarily have access to computers (Regional Low-mid SES Females)*

Others suggested that VLA develop a presence at community events and venues, in the form of information booths and stalls at places such as community festivals, shopping centres, and childcare centres.

### **7.3.3. Education programs**

Some participants suggested that VLA could pursue initiatives, with the assistance of other organisations, to educate students about the legal system and legal aid as part of the wider education system.

*Possibly, if they went into schools and started things at the grass root of how - I know in a lot of schools they teach problem solving, which we never learnt, I never learnt. And that can carry them right through life if they learn that everybody can solve every problem, but it does help you with a lot of things that if you nipped it in the bud in the first place, it wouldn't have got out of hand and wouldn't have ended up in court (Regional Low-mid SES Females)*

*Maybe work with universities to get law students more involved with VLA to run school programs (Metro Mid-high SES Females)*

### **7.3.4. Media coverage and publicity**

Several participants suggested developing a greater media presence, using positive stories to boost VLA's public image. According to participants, media publicity could be developed through television, radio, newspaper, social media, and smart phone apps.

*Respondent 1: Put stories in local newspapers, in the paper, from time to time rather than us hearing the bad ones like I started earlier on with the controversy; two things, they've overspent their budget, secondly they seem to use our money defending people who we don't like. Maybe we need to see more positive stuff.*

*Respondent 2: Maybe even obviously depending on what their budget allows, commercials will obviously be expensive but maybe even radio announcements, you know, a lot of people listen to the radio in the car (General Community)*

*I also rely on the local newspaper, I read it every week inside out so I know exactly what's going on in my community. (General Community)*

*Yeah, social media. Because a lot of young people on social media. Bless 'em, they probably have to deal with a lot of youth (Aboriginal and Torres Strait Islanders)*



## 8. Future expectations

This final chapter provides an overview of respondents' perceptions of what kind of organisation VLA should be and expectations of what VLA should be focussing on given their role in the community. The findings draw on both survey and focus group data.

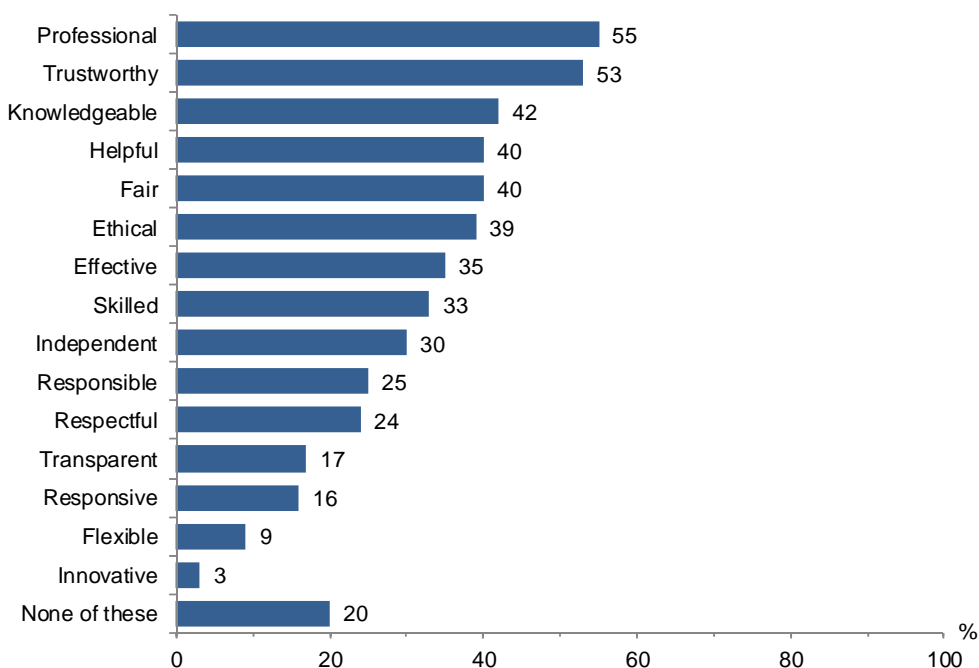
### Overview of findings

VLA is regarded by respondents as the organisation that provides legal services to those who cannot afford their own advice or representation – this is perceived as a central component of VLA's service offering and an important role to continue to provide. That said, there were strong expectations that VLA monitor their effectiveness and collaborate with other organisations as part of managing their financial viability and ensuring their services get to those most in need. Strong expectations were also expressed that VLA be accessible and clearly communicate to people what services they are eligible for and why. As the research progressed, in the context of both the focus groups and online survey, people demonstrated a higher level of appreciation for the role that VLA can play in the community as an agent of social change.

### 8.1. VLA as an organisation

All survey respondents were presented with a list of 15 words (randomised) and asked to select five that best described to them what they thought VLA should be. As shown in Figure 24 the most commonly selected words were 'professional' (55 percent) and 'trustworthy' (53 percent). (Note that as this question was multiple response the reported proportions will sum to greater than 100 percent). Other commonly cited words, albeit slightly less so, were 'knowledgeable' (42 percent), 'helpful' (40 percent), 'fair' (40 percent) and 'ethical' (39 percent).

**Figure 24. Selection of words that describe what VLA should be (%)**



Base: All (n=1,500).

C4 From the following list of words, please select UP TO five words that best describe what you think Victoria Legal Aid should be.

The proportion of word selections were analysed by target audience groups but no significant differences were observed.

## 8.2. Qualitative views on role of VLA in the community

Participants in the focus groups were asked their perceptions and expectations regarding the role/s that VLA should fulfil in the community, in terms of the services and functions they undertake. In order to prompt the discussions, participants were presented with a list of objectives that VLA aimed to fulfil; these were:

- to provide legal aid in the most effective, economic and efficient manner;
- to manage its resources to make legal aid available at a reasonable cost to the community and on an equitable basis throughout the state;
- to provide to the community improved access to justice and legal remedies; and
- to pursue innovative means of providing legal aid directed at minimising the need for individual legal services in the community

There was general agreement amongst focus group participants that VLA should fulfil the role of delivering fair and equitable legal services to those in the community who require it. As discussed earlier, it was felt that VLA's value lay in their ability to provide a safety net and assistance to those who were vulnerable or disempowered. It was agreed by all that, at the very least, VLA should be able to provide accurate and helpful information, advice, and potentially referrals for all who seek it.

*Providing fair and equitable service to people that can't access legal services (Aboriginal and Torres Strait Islanders)*

*Advice on what your decisions and conditions could be. If you don't know you can't tell. So remember our system is innocent until proven guilty, so their role there is to advocate on your behalf on your innocence. Whether they agree or disagree with that is immaterial... and if you are guilty, okay you're holding a smoking gun and you did do it, it's then a condition of what punishment you will receive and what conditions you will receive, and then arguing for the best possible outcome. Can't do that on your own. You can only do that with people providing advice (General Community)*

*Or even just to direct you. They have different types of lawyers. How do you know which one you want? I don't know, I'll ring up and someone can help me, direct me even to someone else (General Community)*

Furthermore, in regards to the services provided by VLA, participants were asked their views on if and how VLA could or should provide the following services to the community:

- Delivery of legal services.
- Educating the community.
- Advocacy for the vulnerable and disadvantaged.

Feedback from participants was mixed regarding the need for VLA to fulfil such roles, beyond the provision of legal services. For example, some participants felt that it would be a wasteful stretch of VLA's resources were they to commit themselves to fulfilling the role of 'educator' in the wider community, or attempting to advocate and bring about social change regarding issues of justice in the community.

*I don't think they should start venturing out in doing other things. Their sole purpose is for Legal Aid, focus on that. There are other areas that the government help people with and all that sort of stuff... (Metro Mid-high SES Females)*

### **Advocacy**

When the notion of VLA fulfilling an advocacy role in the community was raised, it was apparent that participants had little understanding of what the term referred to. Some participants provided explanations such as standing up for a cause or individual, and speaking on someone's behalf. A brief definition was also provided – "VLA is a voice for the community/clients/vulnerable people who are potentially affected by the law in a way that is unfair". In this regard, participants agreed that the role of advocacy was an important one for VLA to fulfil.

*It's either advocating or promoting a philosophy or principle, so essentially you have a cause and you say, "This is the cause that I need to get out there," so you stand for it (Regional Low-mid SES Males)*

*Speak on another's behalf (Metro Mid-high SES Males)*

### **Social change and law reform**

When participants were presented with the notion that VLA could or potentially should fulfil the role of agents for social change and law reform, there was generally very little understanding of what or how this would be undertaken. That is, it was evident that participants had not considered it as a potential role of the organisation prior to the focus group discussion; nevertheless, it did seem to some participants like a valuable role for VLA to fulfil, given their in-depth knowledge of the justice system and the needs of the most vulnerable or disempowered in society.

*Respondent 1: Definitely because they're in touch with it every day, they're the ones that actually dealing with the community, they know what's actually happening out there.*

*Respondent 2: And also, on the other side, they're in touch with the justice department, the court processes and all of that so, yes, they're in a very good position to be a voice.*

*Respondent 1: Yes, you'd hope that they would speak up if they were to see things that weren't being, you know, even if it's laws that are being manipulated or things that aren't working correctly, to be that voice (General Community)*

### **Educative role**

Participants were asked what they thought of the notion that VLA could or should fulfil the role of educating the general community about the legal system. Several participants noted that increasing the level of education and knowledge regarding legal rights and issues in the community could assist in both minimising the instances of situations that require legal services, and increasing individuals' abilities to manage such situations if they arose. Thus, peoples' levels of knowledge and agency could be increased, while in the long run, the pressure put on VLA to service the community could be reduced.

*Well maybe if they were helping to provide information about your rights on certain things it might prevent some stuff going to needing a lawyer. Do you know what I mean, if there was some education involved then maybe I would get a bit of education and go, "Oh, I don't need legal advice, I know what I've got to do now." (Metro Mid-high SES Females)*

*Because that saves money too, in the long run... it might save dragging out like a problem. Like get it nipped in the bud, sort of thing, before going to court (Aboriginal and Torres Strait Islanders)*

*I think even, like educating the community that this is actually available. I mean, half of us didn't even know that this existed or what they did. I think educating people, like the community, that this existed – it would help a lot more as well. So they know that they can go there for advice and representation, if they need it, instead of just being lost (Young People)*

*Going back to what [respondent's name] was saying I think the one thing that comes out of that is empowerment that maybe legal aid needs to look at how do we empower Victorians to become better educated, better informed so that those what can be quite a small issue, minor issue, doesn't escalate and become something... (General Community)*

This issue of VLA as an educator also led some participants to suggest that VLA needed to more stringently define their roles within the community, so as to better utilise their available funding. For instance, it was suggested that perhaps VLA should curtail their provision of advice and information, so as to free up resources for legal representation. Likewise, it was suggested that certain cases be rejected if they were too costly or unlikely to be won.

*But again it comes back to the scope of services. If you've got a defined scope of what you're actually providing to your consumer right. We were talking about family breakdown, I mean things like that you know that okay yes it's going to take some time, it's not going to cost a lot. But you get into a murder case you know that that's going to go for months and months and going to suck up all your money and things like that. I just think that's what they should be looking at, they should be looking at the scope of the services they're giving and narrowly define it to say yep we'll represent everyone but for these services only (Metro Mid-high SES Males)*

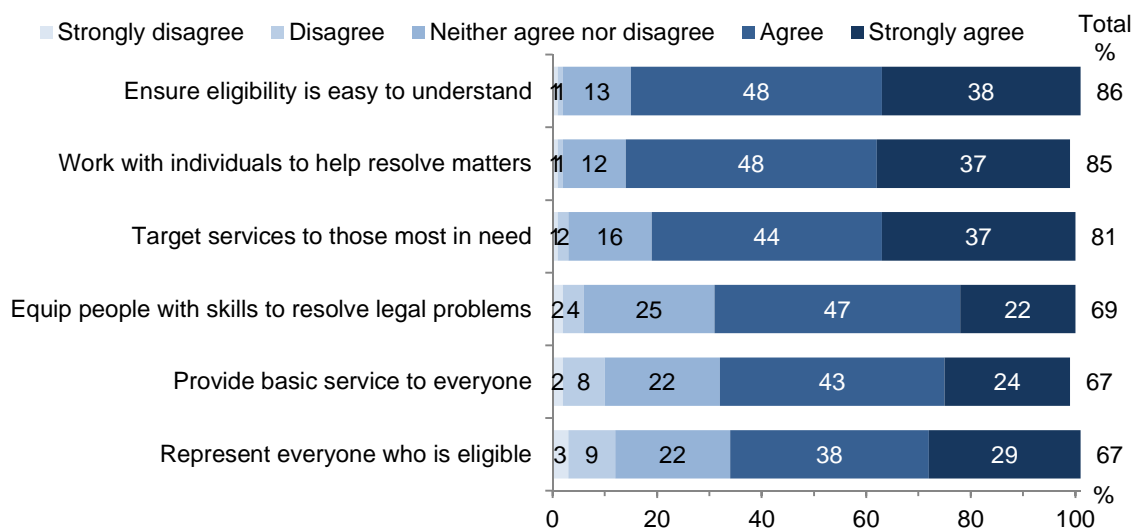
### Expectations of VLA’s relationship with the community

All respondents were asked their level of agreement with a list of items describing how VLA can be inclusive and facilitate access. Respondents used a five point response scale from ‘strongly agree’, ‘agree’, ‘neither agree nor disagree’, ‘disagree’ to ‘strongly disagree’.

These findings convey an expectation that VLA will direct services to those most in need and make it easy for those people to gain access to legal aid. While the community’s views are clear that not all need is equal there remains an expectation to provide a broad level of base assistance and access to services to help those with less critical needs. Figure 25 shows that:

- More than eight in ten respondents agreed or strongly agreed that VLA should ensure that eligibility to their services is easy to understand (86 percent), work with individuals to help resolve matters before they end up in the court system (85 percent) and target services to those most in need (81 percent).
- Almost seven in ten respondents agreed at some level that VLA should equip people with the skills to resolve legal problems with less reliance on legal assistance (69 percent), provide some basic levels of service to everyone (67 percent) and represent everyone who are eligible regardless of the legal matter (67 percent).

**Figure 25. Expectations regarding access and inclusion (%)**



Base: All (n=1,500).

C1 We are interested in your expectations of Victoria Legal Aid. Please tell us how strongly you agree or disagree with the following statements. Victoria Legal Aid should...(a – f)

Community expectations regarding access and inclusion were analysed by target audience groups. A significantly greater proportion of respondents from a culturally or linguistically diverse background (78 percent) agreed to some extent that VLA should provide some basic level of service to everyone. Few further significant differences or patterns by group existed.

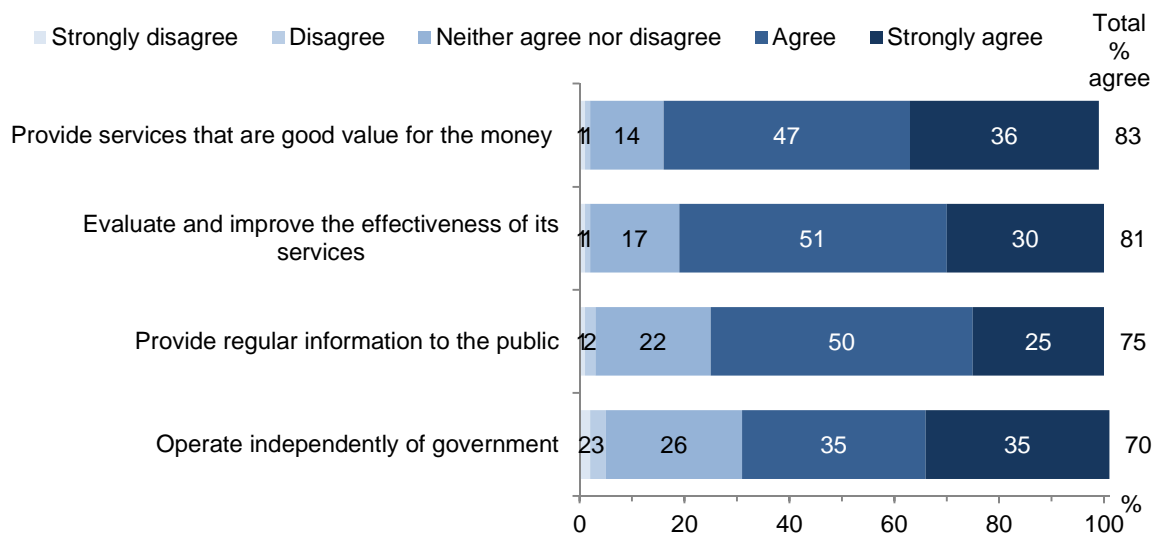
All respondents were asked their level of agreement with a list of items describing expectations of VLA in terms of their operational effectiveness. Respondents used a five point response scale from 'strongly agree', 'agree', 'neither agree nor disagree', 'disagree' to 'strongly disagree'.

Figure 26 shows that similarly high proportions of respondents agreed or strongly agreed that VLA should:

- Provide services that are good value for the money spent (83 percent).
- Evaluate and improve the effectiveness of the services it provides (81 percent).
- Provide regular information to the public about its services and performance (75 percent).
- Operate independently of government (70 percent).

The data clearly showed that respondents expect a high level of accountability, ongoing value and due diligence in VLA's operations. These expectations were significantly greater among respondents who rated the importance of legal aid provision and protection of client privacy as important or very important.

**Figure 26. Expectations regarding organisational responsiveness (%)**



Base: All (n=1,500).

C1 We are interested in your expectations of Victoria Legal Aid. Please tell us how strongly you agree or disagree with the following statements. Victoria Legal Aid should...(k – nj)

**8.2.1. Focus group views about independence from government**

Prompted discussions about the importance (or otherwise) of operating independently from government also took place in the focus groups. Participants were asked to provide their views on the value of VLA being independent from government, as a way to ensure that they can act as a check/balance against excessive government power. Examples of this role in practice were provided to participants to prompt discussion, including: helping people who might have problems with a government department such as Housing, or Centrelink; helping people who have complaints against police; and, ensuring prosecutions are run fairly and according to the law, through providing a defence.

All participants agreed that VLA's independence from government, and their ability to act as a check against government power for the community was both important and valuable. It was generally felt that there was a need for such a role in order to maintain the just and fair functioning of society, and to ensure that the rights of individuals were upheld as effectively as possible.

*In that sense you'd hope that it would be really fair system I suppose, thinking about it more now, that there's no conflict of interest type thing, being independent makes them fairer (General Community)*

*To put it in layman's terms, someone's got to watch the watchman. So without someone checking that the police are doing the right job kind of thing, you don't know about any brutality that could go on, or anything along those lines (Young People)*

*Well yeah definitely, because if you were dealing with another government department you wouldn't want them to say you said that Centrelink or the DHS, you wouldn't want to think that Legal Aid was being swayed by any relationship behind the scenes (Metro Mid-high SES Females)*

However, amongst a few participants there was some scepticism about VLA's ability to operate as a truly independent body, given that their funding came directly from the government.

*Like if a government body who ultimately controls the police controls the same VLA, if you even try and go up against the police well you're going to get knocked down every single time (Regional Low-mid SES Males)*

Table 20 shows that a significantly greater proportion of respondents with a disability agreed to some extent that VLA should provide regular information to the public (81 percent) and operate independently of government (75 percent) than those who did not report living with a disability (73 percent and 68 percent respectively). While there was a broad expectation for VLA to evaluate and improve the effectiveness of its services it was most pronounced among respondents with a post-secondary school education (84 percent).

**Table 20. Perceptions regarding organisational responsiveness by target groups**

	PWD		CALD		Income		Location		Education	
	Yes (374)	No (1074)	Yes (210)	No (1271)	<40,000 (380)	≥40,000 (866)	Metro (1119)	Regional (381)	Secondary or below (530)	Post secondary (966)
	A	B	C	D	E	F	G	H	I	J
Evaluate and improve the effectiveness of its services	82%	81%	78%	81%	84%	81%	80%	83%	77%	84%
Provide regular information to the public	81%	73%	74%	75%	76%	75%	76%	71%	73%	76%
Operate independently of government	75%	68%	70%	70%	69%	71%	69%	72%	68%	71%
Provide services that are good value for the money	85%	83%	80%	84%	84%	85%	83%	84%	82%	85%

Base: All (n=1,500). Don't know and refused excluded from base for analysis.

C1 We are interested in your expectations of Victoria Legal Aid. Please tell us how strongly you agree or disagree with the following statements. Victoria Legal Aid should...(k – nj)

## 9. Conclusion and recommendations

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### 9.1. Concluding comments

This research was designed to inform VLA's approach to engaging with the community on legal aid issues, by providing insights on community members' awareness, understanding and support for legal aid and their expectations of the role of VLA in society. Related to this was the need for the research to provide evidence to VLA to help them to shape the overall strategic direction and priorities for VLA in the future. This was the first time VLA had consulted this extensively among the community, providing a wealth of 'baseline' data which helps VLA to begin to understand community awareness, knowledge and perceptions around legal aid and the role of VLA in the provision of legal aid services to the Victorian community.

Findings suggest that there is overwhelming support for legal aid services, which were viewed as an essential 'safety net' for those who are most in need of legal help. Whilst there was a widespread awareness of Victoria Legal Aid, the research revealed a limited understanding of the services and support VLA offered, and how these were prioritised for those who were most in need. It was recognised that prioritisation was necessary, with a high value placed on supporting those on a low income, those at risk of (or having experienced) violence and people with a disability. However, significant tensions were evident between having a benevolent legal aid system for those most in need, and providing legal aid for groups or individuals who were perceived by the community as less 'deserving' – including people accused of serious crimes and recidivists. Related to this was the issue of privacy, with an initial consensus that the privacy of all clients should be maintained by VLA, but with an emergent apparently contradictory view that in some cases (notably, for those who were perceived as 'guilty' of serious crimes) that this right should be waived.

Accountability, strong governance, independence (from government), transparency (in operations, in decision-making, and in the allocation of resources), efficiency and integrity were all themes that emerged strongly from the research, in relation to the type of organisation VLA should be. Implicitly, it was assumed that VLA already conformed to these values – certainly there was no evidence from the community to suggest otherwise.

There were community expectations of collaborative work with other organisations and stakeholders working in the area of public support, advocacy and representation, and a view that there was the potential for increasing the role of such agencies in advocacy, and education about law and the justice system, which would enable VLA fulfil these roles and still concentrate its efforts on service and representation for those most in need (thus utilising its expertise efficiently and effectively).

Community engagement was also explored in the research, including in relation to the extent to which there was an appetite among community members for engagement in VLA's governance. Whilst most supported a collaborative model of community engagement, and a greater transparency of information about VLA, there was moderate enthusiasm for direct involvement in VLA's governance or priority setting; most people felt that expertise was required for this to be meaningful or beneficial, suggesting a general willingness to leave this to the 'experts' within VLA.

In summary, therefore, VLA was regarded as playing a pivotal role in the provision of legal services for those who cannot otherwise afford to access advice or representation. Nevertheless, there was evidence of contrary views about who should be eligible and why; respondents often displayed some degree of confusion



about priorities, and held on to dichotomous notions of 'guilty' and 'innocent' when attempting to rationalise priority-setting and notions of people who were perceived as 'deserving' or 'undeserving' of help.

Finally, of particular interest was the evolution of the depth of discussion in the focus groups. In all of the groups, it became apparent that the more engaged participants became in the discussion topics covering legal aid, the more they recognised the challenges VLA faced in delivering its services and the tensions and contradictions evident in people's beliefs, attitudes and values around the justice system and legal aid. This suggests that future research consultations may benefit from taking a more deliberative approach with community members, to enable them to provide more considered and informed views on topics or issues of importance to VLA. In a wider sense, this suggests that if communities' views can be based on informed knowledge, gained through education and dialogue, they are likely to become more aligned to the reality of the complexity of the legal aid environment.

## 9.2. Strategy considerations

The evidence from the survey and the qualitative discussions with community members highlighted the following views, priorities and expectations with regard to VLA's role and future direction. Consideration of these points ensures that VLA's strategy continues to incorporate community perspectives:

- **Community views support retaining VLA's focus on what they perceive as a central component of VLA's service offering:** findings indicate the desire for a central component of VLA's offering to be focused on service and representation for those who are most in need – providing a 'safety net' for those who cannot afford legal services.
- **Community members expect collaborations with other services and agencies:** there is an expectation from the community that VLA collaborate with other services and that they should continue to do, in order to support VLA in delivering its services of prevention, advice and support.
- **Community members reflected on the role of other organisations in delivering legal aid services:** whilst community members saw a central component of VLA's offering as service and representation for those who are most in need, legal education and advocacy were also highlighted by the community as important but not necessarily an activity that should be delivered by VLA alone.
- **Community members indicated a general desire for VLA to focus on supporting the most vulnerable community members:** research respondents and participants overwhelmingly prioritised people on low incomes, victims of family violence and people with disabilities as those who VLA should be supporting.
- **Community members suggested that the current information available about VLA was adequate but there existed some appetite for more amongst select audiences:** whilst many survey respondents and focus group participants displayed limited knowledge about VLA and its services, there was a strong indication that the current levels of information should be maintained (for example, via the website and associated publications), believing that those who need support would be able to access information with relative ease. In the focus groups, participants expressed concern that increasing community awareness of legal aid services could increase demand for an already constrained service – a demand that may not always be possible to meet.

- **Community members are at times unclear, about how decisions were made on who is eligible for VLA services (particularly legal representation):** there was some demand from research participants for there to be transparency in how eligibility is determined and what kinds of criteria are considered. However, most people also felt that the decision making expertise resided within VLA and as a public sector agency there existed a commitment to transparency.

In terms of evidence gaps and potential future research needs, the following suggestions are offered:

- **Community perspectives on VLA's policy and practice challenges:** there was a perhaps unsurprisingly lack of detailed understanding of VLA's role and the decision-making process (for example, in consideration of who is eligible for legal aid, how and why individual privacy is protected and so forth). Further general community research on specific policy and practice challenges for VLA, which could take the form of deliberative events (whereby participants become sufficiently informed on a topic to enable them to make informed decisions or judgements) may provide an 'informed' community perspective.
- **Explore tension in priority access to services:** greater understanding around the community perceptions and expectations of the need for services within the context of different situations and cases could be useful. This could be achieved via a trade-off type methodology where respondents are presented with paired scenarios made up of different characteristics and asked to nominate which should have priority.

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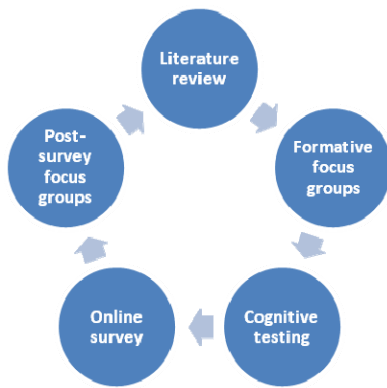
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# Appendix A: Methodology

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## Research design



This study employed a mixed-method (qualitative and quantitative) research design as illustrated below.

The qualitative and quantitative components served different purposes and ensured that the research objectives were fully addressed and that representation was maximised from particularly hard-to-reach demographic groups.

The research was structured as follows:

- Formative literature review to conduct a rapid assessment of existing research in this area around public perceptions of legal aid as well as existing validated survey questions which could be incorporated into the research design. The literature review ensured that we commenced the research on the basis of existing knowledge rather than starting from the premise of nothing being known.
- Two mixed community exploratory focus group discussions to explore overall awareness/knowledge and to inform the survey content. These discussions served to also understand the language, phraseology and terminology for the questionnaire.
- Online survey with 1,500 Victorian adults (including cognitive testing with five Victorians). Quotas were instated for age, gender and location (metropolitan and regional) to ensure representation across the Victorian community.
- Six post-survey groups were conducted to explore issues among subgroups, and to unpack some of the survey findings:
  - Aboriginal and Torres Strait Islanders (Shepparton).
  - Young people mixed (metro).
  - Low-mid Socio Economic Status (SES) females (Ballarat).
  - Low-mid SES males (Ballarat).
  - Mid-high SES females (metro).
  - Mid-high SES males (metro).

## Target audience and sample

Eligible focus group participants and survey respondents were Victorian adults aged 18 years of age and older.

Participants in the qualitative component were recruited using a specialist respondent recruitment agency – Matter of Opinion – who comply with industry standards (ISO 20252) and are full members of the Australian

Market and Social Research Society. Participants were given \$75 to thank them for their participation and to cover travel costs to attend the focus groups.

The quantitative component utilised the i-Link Research Solutions online research panel. The panel currently has over 280,000 members and is exclusively used for market and social research; meaning no direct marketing activity is undertaken through this panel, unlike some panels in the market. i-Link Research is a specialist online research company and abides by industry standards and guidelines as prescribed by the Australian Market and Social Research Society (AMSRS) and the world association of research professionals (ESOMAR).

### **Questionnaire development and survey measures**

The development of the survey questionnaire was a collaborative exercise between VLA and the Social Research Centre. The near final version of the questionnaire was cognitively tested with five Victorian adults to help inform the questionnaire design by exploring the cognitive response process (question comprehension, retrieval, judgement and response).

The final questionnaire (included at Appendix B) contained the following sections:

- Participant screening and introduction

The purpose of the screening and introduction was to confirm the target audience (that is, Victorians 18 years and older), introduce the survey to the respondent and to inform them that the survey:

- Was being conducted on behalf of a Victorian government agency.
- Was conducted in accordance with the Australian Privacy Principles and market and social research industry privacy provisions.
- Could be completed at any time, was voluntary and confidential.

- Section 1: Awareness and understanding of Victoria Legal Aid

This section measured unprompted and prompted awareness of VLA, ascertained respondents' previous experiences with VLA, and collected information around the level of understanding of VLA and the role of legal aid in the community. Further, a key focus was to understand the level of knowledge of VLA's roles, the types of services it provides and how VLA is different from other legal service providers.

- Section 2: Attitudes towards legal aid services

This section collected data around attitudes towards VLA, perceptions of quality and the services they provide. Further, it provided information on whether legal aid was viewed as important to the community, the relative value and benefits to the community of providing legal aid services and whether there were situations or cases which should not receive legal aid.

- Section 3: Expectations of Victoria Legal Aid

This section investigated perceptions and expectations of VLA in terms of:

- Being inclusive, collaborative and responsive.
- Priority groups for access to legal aid services.
- How the privacy of people who use its services should be treated and desire for more information on VLA's activities.



- Section 4: Directions and priorities for the future

The section collected information about satisfaction with the current justice system, gauged expectations that VLA provide services in certain areas and explored the appetite for VLA to engage more with the community.

- Section 5: Demographics

This section collected socio-demographic data to describe the range of respondents and to enable the analysis of differences in responses across different demographic groups. These questions allowed for the identification of some of VLA's target audience groups which are presented in the data tables in this report.

## Data collection and analysis

A total of two formative focus group discussions, 1500 online surveys and six post-survey focus group discussions were undertaken with Victorian adults (18 years or older). Data collection was conducted between the following dates:

- Formative focus group discussions: 21 – 24 May
- Online surveys: 18 June – 1 July, and
- Post-survey focus group discussions: 10 – 15 July.

The formative and post-survey metropolitan focus group discussions were conducted on site at the Social Research Centre and were viewed by VLA staff. The regional post-survey groups were conducted in local community venues. All focus group discussions were recorded (with consent) for analysis purposes, transcribed and thematically coded using the NVivo qualitative analysis software to manage the coding process.

Quantitative data was analysed using the SPSS statistical package.

## Multiple regression analysis

The data tables presented show differences between key groups of respondents on selected questionnaire items. Although the results for the target groups are presented together in one table, each group is considered separately from the others. Some demographic characteristics are likely to be related, (such as income and education, for instance), so it is useful to see how demographic characteristics might jointly relate to the answers provided by a respondent.

For this purpose, multiple regression analysis (using the logistic regression technique) was used to determine how well questionnaire responses could be predicted from combinations of demographic and attitudinal characteristics. In particular, logistic regression was used to calculate the relative likelihood of respondents choosing certain rating scale categories after differences in characteristics were taken into account. For example, logistic regression may show that male respondents were N times more or less likely than females to have stated that they had used legal aid services. The variables included in the models were as follows: perceptions of importance of legal aid (B1), perceptions of importance in protecting client privacy (C6), gender, age group, location, education, employment status and occupation, Indigenous status, culturally and linguistically diverse status, number of children in the household, household income, disability status and Socio-Economic Indexes for Areas (SEIFA) quintile.

## Data outputs

### Coding

Code frames for Question D4 'How should Victoria Legal Aid engage the community more' were developed in conjunction with, and approved by VLA. All verbatim responses were provided in an MS Excel spreadsheet with a unique identifier to link to the quantitative data set.

### Data checking and preparation

An unweighted data file and frequency counts of responses to each question were produced initially in draft format, after the first day of interviewing had been completed. These were used to check structure and logic.

### Presentation of results and significance testing

Significance testing has been conducted at the 95 percent confidence interval using the effective base sizes. This means that when a difference is described as being 'significant' one can be 95 percent confident that the difference is real and not due to random sampling variation. The effective base is designed to reduce the likelihood of the statistical tests producing significant results because of the adjustments made by weighting; the effective base takes these adjustments into account.

### Weighting

Data were weighted to Victoria population statistics, available from the Australian Bureau of Statistics (ABS), for age, gender and location (metropolitan and regional). Adjusting for the sample characteristics via weighting reduces any biases in the data due to the under or over-representation among respondents.

The weights were calculated using matrix weighting to Victorian population statistics using the 2011 ABS census data. Table 21 provides the target and achieved numbers of surveys.

**Table 21. Final targets and completes achieved**

Time lost cohort	Quota Target	Achieved
<b>Total</b>	1,500	1,500
<b>Gender</b>		
Male	750	750
Female	750	750
<b>Age</b>		
18-34	525	473
35-54	525	539
55-64	225	245
65+	225	243
<b>Location</b>		
Metropolitan	1,125	1,119
Regional	375	381

### Rounding

Figures presented in the tables and graphs in this report have generally been rounded to the first decimal place. Consequently, slight discrepancies may occur between the sums of component items when calculated manually from the rounded figures and the total shown.

## Appendix B: Questionnaire

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