Public Understanding of Law Survey

Short paper

Justice at a disadvantage: What we know now about legal need, capability and multiple disadvantage

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The office of Victoria Law Foundation is on the traditional lands of the Wurundjeri people of the Kulin Nation. We acknowledge their history, culture and Elders both past and present.

Contents

About the Public Understanding of Law Survey 2

Abstract 3

Introduction 4

Methodology 7

Findings 8

Experience of justiciable problems and disadvantage 8

Prevalence of any legal problem 8

Level of disadvantage and justiciable problems 10

Proportion of legal problems 11

Prevalence of legal problem types 12

Prevalence of multiple legal problems 13

Prevalence of severe legal problems 15

Adverse consequences of justiciable problems and disadvantage 16

Justiciable problem-solving behaviour, resolution, and disadvantage 18

Strategy in response to legal problems 18

Processes involved in resolution 19

Resolution of legal problems 20

Manner of resolution 20

Duration of legal problems 21

Unmet legal need, legal capability, and disadvantage 23

Whether legal needs were met or unmet by level of disadvantage 23

Legal capability and level of disadvantage 24

Summary and discussion 26

Summary of findings 26

Implications 28

Meeting legal need and capability 28

Legal capability and unmet legal need transcend disadvantage 30

Access to justice ecosystem 31

Effective services and systems 32

References 33

About the Public Understanding of Law Survey

The Public Understanding of Law Survey (PULS) is a state-wide survey exploring how Victorians experience, understand, and engage with the law.

Using a probability sample, 6,008 respondents from across Victoria were surveyed face-to-face about their personal experience of navigating the law.

The PULS explored questions relevant to:

- people's knowledge of the civil justice system and its Institutions
- people's experience of civil legal problems and how they respond to such problems
- how people see the law as relevant to their lives.

Reports and papers analysing the Public Understanding of Law Survey (PULS) dataset explore a range of family and civil legal needs, problem experience and its social patterning across the community.

Publications of headline findings are available in:

Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L. (2023). *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need*. Melbourne: Victoria Law Foundation.

Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L. (2024). *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability*. Melbourne: Victoria Law Foundation.

Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L. (2024). *The Public Understanding of Law Survey (PULS) Volume 3: A New Perspective on Legal Need and Legal Capability*. Melbourne: Victoria Law Foundation..

Reports and other papers from the PULS are available at victorialawfoundation.org.au/puls.

Abstract

The paper presents new analyses of the Public Understanding of Law Survey (PULS) dataset, examining relationships between legal need, legal capability, and disadvantage.

We have built on our previous analyses of the Legal Australia-Wide (LAW) Survey dataset using a new measure of levels of disadvantage. The analyses extend previous PULS findings concerning the interplay between justiciable problems, legal need, legal capability and demographics, and reveal consistent patterning by level of disadvantage. Justiciable problem prevalence, including most problem types and frequencies of problems, problem severity, adverse consequences, problem duration and unmet legal need, all increased with respondents' level of disadvantage. Problem resolution and composite legal capability were all negatively related to the level of disadvantage. The findings again demonstrate an additive effect, whereby an increasing level of disadvantage compounds legal and capability needs.

However, the findings further demonstrate how legal need and capability tend to transcend disadvantage. While higher disadvantage is associated with higher legal need and lower legal capability, legal capability is not synonymous with disadvantage. The findings demonstrate that although unmet legal need is not as high as the rates for the most disadvantaged group, rates of unmet legal need and lower legal capability amongst less disadvantaged groups nevertheless translate into substantial numbers of the population failing to get what they need from the legal and justice system.

Implications of the findings are discussed, including both the sufficiency of resources directed to the most disadvantaged members of the community, as well as provision to support access to justice in the broader community.

Introduction

Research shows problems and disputes potentially raising legal issues (also known as justiciable problems) are common and widespread.[1]

Justiciable problems often stem from common everyday experiences and are frequently bound up with wider legal, economic and social life. They can include problems such as disputes stemming from the purchase of goods and services, being incorrectly billed by a financial institution or utility service, unjustly fined, or incorrectly assessed for government payments, concessions, or entitlements. Justiciable problems can also be some of the most serious and transformative events in people's lives, including relationship breakdown, being unlawfully dismissed from employment, care and protection actions concerning a child, and catastrophic injury suffered in a motor vehicle or workplace injury. Research demonstrates that such problems are not experienced equally and are often 'inextricably linked to social disadvantage'.[2]

People and groups experiencing multiple or intersectional disadvantage have been widely shown to be at increased risk of experiencing a range of legal and related problems. McDonald and Wei (2013) previously noted how such groups have been variously described using overlapping concepts of 'poverty', 'disadvantage', 'deprivation', and 'exclusion', and how they were often distinguished by having multiple and complex needs as well as comparatively lower capabilities across a range of social indicators and measures.[3] In the intervening period, we have seen understanding of social inclusion, the capability approach to disadvantage, and intersectionality advance. This provides new perspectives on how institutions operate, how individuals experience law, and how disadvantage can intersect and intertwine with discrimination, such as those based on race, gender, age, disability, or sexual orientation, and create compounded experiences of marginalisation and exclusion.[4] For Australians experiencing vulnerability and financial disadvantage, Australian national legal assistance policy seeks to improve outcomes and keep the justice system accessible.[5]

1 Genn (1999) described problems or disputes that are 'justiciable' in that they have a potential for legal resolution, whether or not they were recognised as such, and irrespective of whether any lawyers were involved or there was any justice system action. These are the types of problems canvassed by a now well-established tradition of legal needs surveys, of which the PULS is a new version that also operationalises and measures legal capability in addition to justiciable problem experience, and met and unmet legal need. See further Balmer et al. (2022, 2023).

2 Balmer et al. (2023), p.9.

3 See, for instance, Jones (2010), McDonald and Wei (2013), Nussbaum (2011), Pleasence et al. (2014), Sen (1999), and Young and Billings (2023). It is also worth noting that Australia does not have a widely accepted national measure of poverty and disadvantage. While the Henderson Poverty line continues to be widely used, multidimensional measures that include a broader set of factors than income have been called for to both better understand the nature of poverty and disadvantage, its dimensions and intersections, and to better inform policy development and review. See, further Cigdem-Bayram et al. (2025).

4 See, for example, Balmer, Pleasence, Hagland & McRae (2019), Pleasence and Balmer (2019a), McDonald (2021), and Young and Billings (2023).

5 See *National Access to Justice Partnership* 25–30, p.6.

Consistent with findings from the Legal Australia-Wide (LAW) Survey and other overseas legal needs surveys,[6] the first volume of PULS reporting, Balmer et al. (2023), *Everyday Problems and Legal Need*, once again demonstrated a higher prevalence of justiciable problems amongst certain vulnerable or disadvantaged groups, often those socially, economically, and historically marginalised from key opportunities and institutions, such as legal services and the justice system.[7] As research continues to reveal, with legal and justice systems and institutions that continue to be equally accessible and responsive to all, there is inequity in access to and outcomes of these systems and institutions.

The PULS also found that people experiencing disadvantage also experienced multiple justiciable problems at higher rates, again, consistent with previous survey research in Australia and overseas.[8] For instance, the PULS showed how the proportion of people in vulnerable or disadvantaged groups increased as respondents reported higher numbers of problems.[9]

In previous analysis of the LAW Survey dataset, we found vulnerability to justiciable problems increased with an increasing level of disadvantage.[10] After developing a level of disadvantage measure based on a count of the indicators of disadvantage that a respondent had, we found that each additional indicator had an 'additive effect' that increased the average number of justiciable problems experienced. As experience of disadvantage became increasingly concentrated, vulnerability to multiple justiciable problems compounded. We also reported how legal problem-solving behaviour and outcomes were significantly shaped by the level of disadvantage.[11] The most disadvantaged LAW Survey respondents were significantly less likely to take action in response to their justiciable problems, and when they did, they were significantly less likely to use self-help resources and significantly more likely to use public legal assistance services compared to those less disadvantaged.

Further analysis revealed a clear association between a person's level of disadvantage and resolution of their justiciable problems.[12] Notably, the higher the level of disadvantage a person was experiencing, the less likely they were to have finalised justiciable problems, irrespective of whether they took some form of action or sought professional advice, and irrespective of problem type or severity. Analyses showed that finalisation of justiciable problems through negotiation and agreement with the other side decreased with an increasing level of disadvantage, and how formal dispute resolution processes and professional advisers played a more prominent role in finalisation for people experiencing higher disadvantage.

At the time, we drew on the developing concept of legal capability to explain the findings and pointed to access to justice policy implications. In particular, the importance of person-centred approaches to service provision and dispute resolution, to appropriately meet the diverse legal need and capability of the whole community.[13] We also noted that, while useful for explaining legal problem-solving behaviour, application of legal capability had reached a point where robust standardised measures were needed to develop, test and further operationalise interpretation.[14]

6 See, for example, Coumarelos et al. (2012), McDonald and Wei (2013), Pleasence et al. (2014), and OECD/Open Society Foundations (2019).

7 Where the PULS found 42 per cent of respondents had experience of one or more legal problems during the previous two years, more than half of the respondents in certain groups reported one or more problems. This included people who had experienced financial distress (73%), people with severe mental distress (66%), Aboriginal or Torres Strait Islander people (55%), people in a de facto relationship with and without children (55% and 51% respectively), people not working due to ill-health (54%), and people with a long-term illness or disability (51%).

8 PULS respondents who had experienced a justiciable problem commonly reported experiencing multiple problems. Amongst those reporting at least one problem, more than half (53%) reported multiple problems, with a mean (or average) number of three problems. The first volume of PULS reporting, *Everyday Problems and Legal Need*, Balmer et al. (2023), set out how problem experience, response, resolution, outcomes, duration, whether they gave rise to legal need, and whether that need was met or unmet were socially patterned.

9 For example, amongst people who had experienced financial distress, less than two per cent reported experiencing no problem, with nearly one in five (19%) reporting five or more problems. See Balmer et al. (2023), pp.75–83 for further details on those respondents who reported higher numbers of justiciable problems.

10 McDonald and Wei (2013).

11 McDonald and Wei (2016, 2018).

12 McDonald and Wei (2018).

13 See McDonald and Wei (2018), and Pleasence et al. (2014).

14 See, for example, Pleasence et al. (2014) and McDonald and Wei (2018). See also Balmer et al. (2019, 2022) and Pleasence and Balmer (2019b) concerning the development of a legal capability framework as well as legal confidence and other measures used in the PULS.

One of the major aims of the PULS was to develop and operationalise new measures of legal capability and then use those measures in statistical models of legal problem-resolving behaviour and outcomes. Volume two of the PULS reporting, Balmer et al. (2024a), *Understanding and Capability*, sets out in detail how the PULS legal capability measures were distributed across the Victorian community. In short, the findings demonstrated that just like vulnerability to justiciable problems, legal capability is not equally distributed across the community, with evidence of social patterning linked to disadvantage.[15] Overall, legal capability measures varied and were associated with certain population groups, including some population groups who were found to be more likely than others to have both low legal skills and confidence, and more negative attitudes towards law and lawyers. This included respondents in severe mental distress, financial distress, with lower than Year 12 educational achievement, and older respondents aged 65 years and over. Importantly, inequality of legal capability was seen to add another layer to inequality in access to justice.

The third volume of PULS reporting, Balmer et al. (2024b), *A New Perspective on Legal Need and Legal Capability*, found that legal capability was related to justiciable problem experience, handling, resolution and outcomes. Critically, capability asymmetry had a role in people taking different paths to justice and achieving different outcomes, and reinforcing demographic differences and social patterning. The findings showed legal capability operates independently and transcends disadvantage, influencing people's experience of justiciable problems, and what they do and achieve, regardless of other demographic characteristics.

The PULS again demonstrated the phenomena by which justiciable problems can cause justiciable problems, how experience of multiple problems is associated with disadvantage, and how problems cluster and have detrimental impacts. This dataset provides a unique opportunity to revisit previous analyses of the relationship between justiciable problem experience and level of disadvantage, including new PULS measures of problem duration and met and unmet legal need, and further extend analysis using PULS legal capability measures.

In what follows, we first detail features of the PULS methodology and the level of disadvantage measure used in this paper. Next, we set out the findings on the experience of justiciable problems by level of disadvantage, before turning to examine legal need and legal capability by level of disadvantage. Finally, we summarise the findings and discuss their implications.

15 The findings demonstrated a sizable minority of Victorians at the low end of different legal capability measures, and pointed to heightened capability needs. This included 23 per cent of the Victorian adult population that had low legal confidence, 23 per cent that had low perceived relevance of law, 18 per cent with marginal and concerning practical legal literacy, 23 per cent with high perceived inaccessibility of lawyers, and 26 per cent with low digital legal literacy and who were found to be likely to need major support to undertake legal problem resolution tasks online.

Methodology

The Public Understanding of Law Survey (PULS) was a large-scale survey conducted mostly face-to-face designed to explore how people understand, experience and navigate justiciable problems. The survey was administered in 2022 and 2023 to a probability sample of 6,008 adult respondents across Victoria, and findings can be extrapolated to the Victorian population with confidence.[16] The PULS questionnaire contained measures of legal need, including experience, characterisation, impact, and outcomes of justiciable problems; information and help seeking; dispute resolution processes; whether legal need was met or unmet; and demographics. The PULS was also designed to measure the legal capability of the Victorian community and assess how knowledge and understanding, skills, and attributes and attitudes affected legal problem experience, behaviour and outcomes.[17] To do so, the PULS developed measures of legal capability, including five knowledge, skills and confidence measures (and a composite knowledge, skills and confidence measure), three attitudes measures (and a composite attitudes measure), as well as a composite legal capability measure using all of the knowledge, skills and confidence and attitude measures.[18]

By including measures of both legal need and legal capability, the questionnaire was designed to yield new insights with practical applications to improve access to justice and inform legal assistance and justice processes, attuned to the legal need and capability of the Victorian community.[19]

Justiciable problems are described in PULS reporting as everyday legal issues, of which previous research demonstrates a high number of people commonly experience over the life course.[20] The PULS asked respondents about ten broad civil justice problem types: goods and services, housing, family, injury, employment, government payments, fines, government and public services, debt or money, and business or investment property. The survey measured civil legal problems that began or were ongoing in the two-year period prior to the interviews.

> **The aim of this paper was to examine the relationship between justiciable problem experience and level of disadvantage, and further extend understanding of the relationship between level of disadvantage and legal capability using PULS measures.**

For the analyses of this paper, we applied approaches used previously to measure level of disadvantage using a simple count of the number of indicators of disadvantage that each respondent had.[21] The following eight indicators of disadvantage were included in this measure: non-English main language and low English proficiency (i.e. did not speak English well or not at all); not working and looking for employment or not working due to ill-health or disability; single parent; low educational achievement (i.e. less than Year 12 or equivalent); long-term illness or disability; moderate or severe mental distress; low income (i.e. in the lowest annual household income quintile of $0 to $39,988); and financial stress (i.e. being unable to eat, heat or cool home because of a shortage of money).

In the analyses, the level of disadvantage measure is initially examined using a six-category measure (i.e. 0, 1, 2, 3, 4, 5+ indicators of disadvantage) before a simpler four-category measure (i.e. 0, 1, 2, 3+ indicators of disadvantage) is used for all other analyses.

16 For a detailed description of the PULS methodology, see Balmer et al. (2023) and Roy Morgan (2023).
17 The full PULS questionnaire, along with explanatory material, is available in Balmer et al. (2022), *The Public Understanding of Law Survey (PULS) Annotated Questionnaire*.
18 Details on the legal capability measures included in the PULS are set out in Balmer et al. (2022), and the second volume of PULS reporting, Balmer et al. (2024a), *Understanding and Capability*.
19 The third volume of PULS reporting, Balmer et al. (2024b), *A New Perspective on Legal Need and Legal Capability*, detailed how the legal need was related to legal capability.
20 The first volume of PULS reporting, Balmer et al. (2023), *Everyday Problems and Legal Need*, set out in detail findings from the PULS legal needs measures.
21 See, for example, McDonald and Wei (2013, 2016).

Findings

Experience of justiciable problems and disadvantage

Prevalence of any legal problem

Consistent with the LAW Survey and similar overseas surveys, previous PULS reporting documented distinct social patterning of justiciable problem experience, with higher legal problem prevalence amongst vulnerable and disadvantaged populations.[22] The LAW Survey analysis also found that legal problem prevalence increased with respondents' level of disadvantage.[23] Figure 1 shows a similar finding for the PULS, depicting how the proportion of PULS respondents who experienced at least one legal problem increased with their level of disadvantage.

> **The relationship is clearer for multiply disadvantaged respondents, with legal problem prevalence increasing with each additional indicator of disadvantage.**

Whereas only 38 per cent of respondents with none of the eight indicators of disadvantage reported a legal problem, amongst respondents with one or two indicators, the prevalence rate was around 42 per cent, the same rate as for all PULS respondents.[24] Figure 1 shows that legal problem prevalence rose to 45 per cent amongst respondents with three indicators of disadvantage, and rose further still to 52 per cent for respondents with four indicators of disadvantage, and rose further again for respondents with five or more indicators of disadvantage, with nearly two-thirds (66%) of these respondents experiencing one or more legal problems.

22 See Balmer et al. (2023), pp. 47–71 for details on the social patterning of justiciable problems.
23 McDonald and Wei (2013) and Pleasence et al. (2014).
24 Balmer et al. (2023).

Figure 1. Experience of one or more legal problems (of any type) by level of disadvantage (N=6,008 respondents)

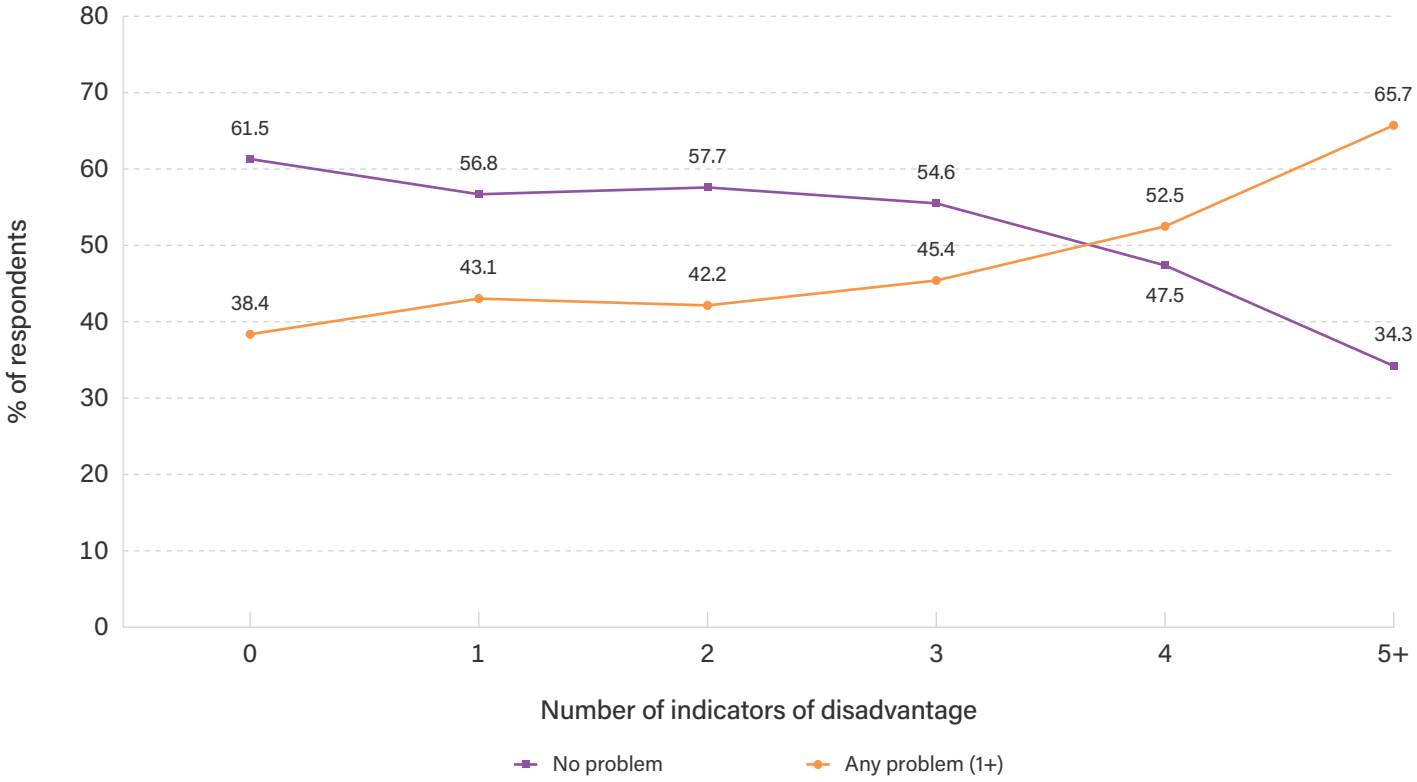


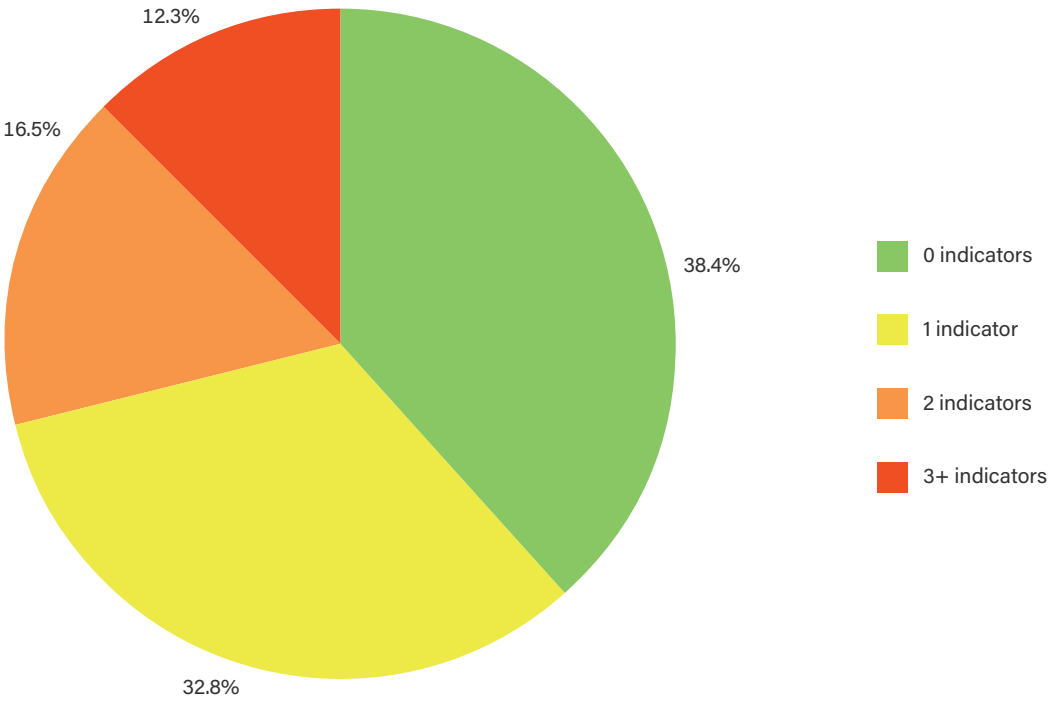
Figure 1 shows that an increasing number of indicators of disadvantage has an additive effect on legal problem prevalence, and consistent with our previous LAW Survey analysis, demonstrates a similar compounding effect where legal problem prevalence rises amongst people experiencing higher disadvantage.

The remainder of this paper uses the four-category level of disadvantage measure as set out in the Methodology.

Level of disadvantage and justiciable problems

The largest cohort of PULS respondents (38%) did not have any of the eight indicators of disadvantage in the level of disadvantage measure developed for this paper (see Figure 2). One-third (33%) had only one, and 29 per cent were multiply disadvantaged, including a sizable minority (12%) who had three or more indicators of disadvantage.

Figure 2. Number of indicators of disadvantage amongst PULS respondents (N=6,008 respondents)



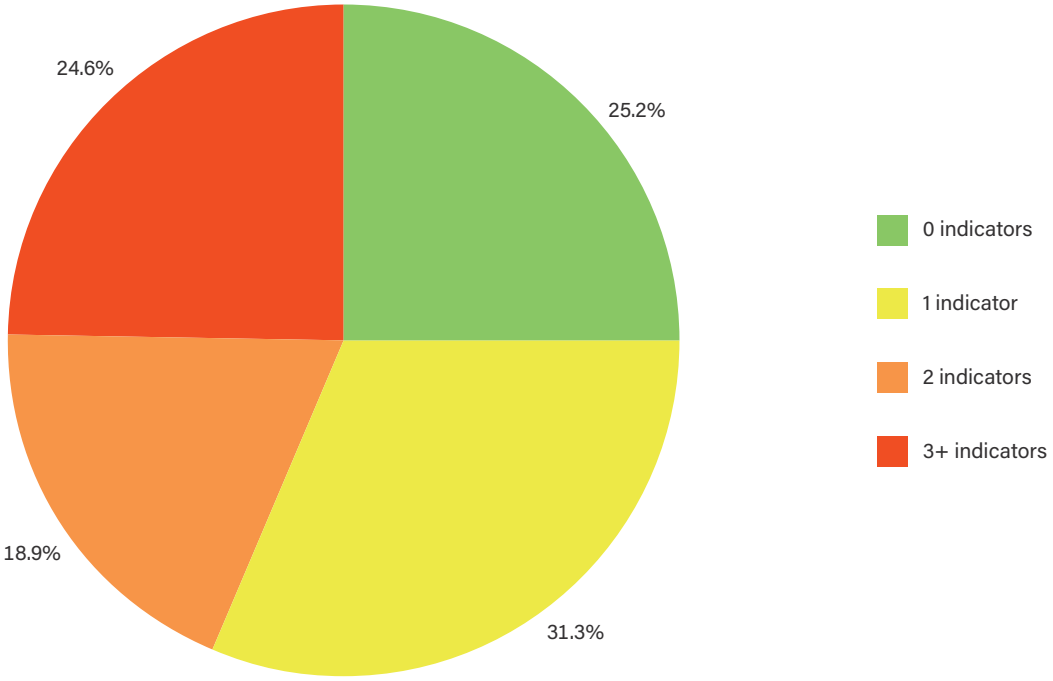
Based on 2024 figures of the estimated resident adult population of Victoria, this translates to 2,120,000 adult Victorians having no indicators of disadvantage examined here, 1,810,000 with one, 911,000 with two indicators, and 679,000 with three or more indicators. This puts the total number of multiply disadvantaged adult Victorians at more than 1.5 million, out of a total population of 5,520,000.[25]

25 The estimated resident adult population of Victoria was 5.5 million as at July 2024 (ABS 2024).

Proportion of legal problems

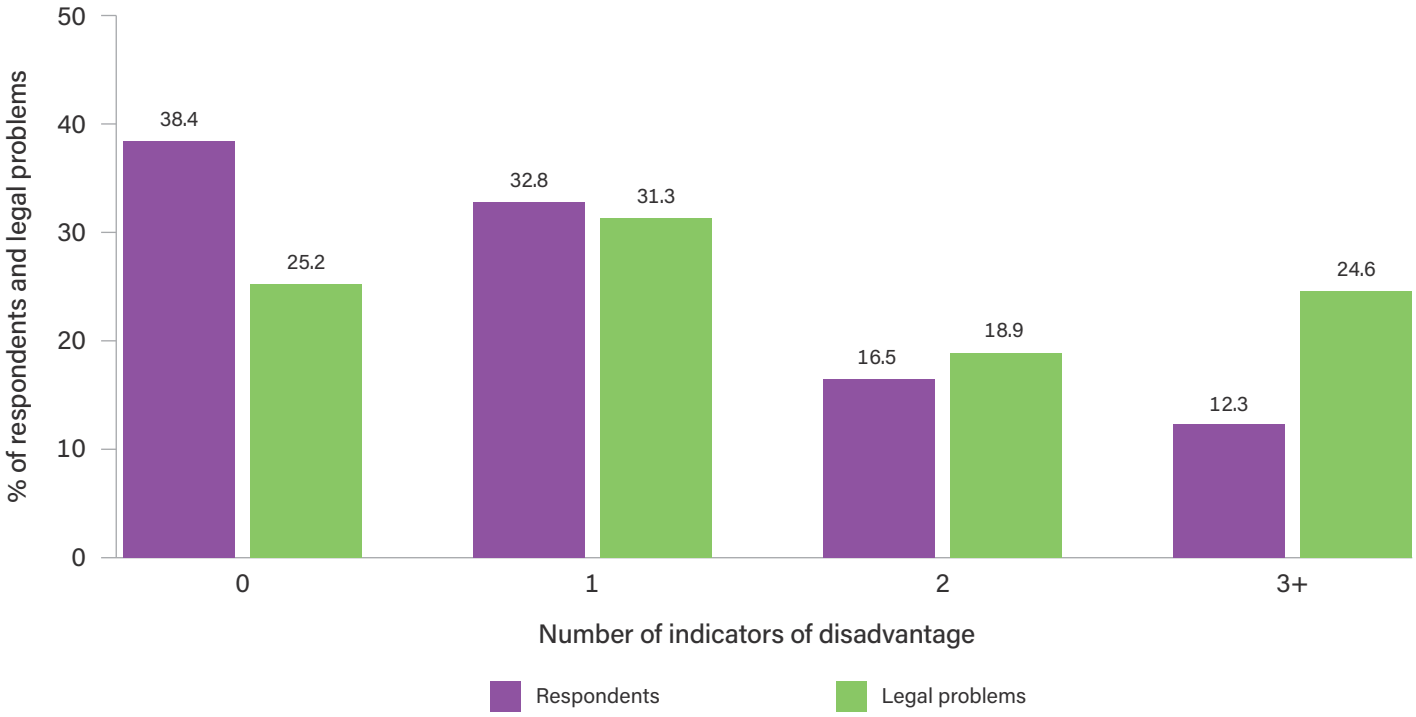
The 6,008 PULS respondents together reported a total number of 7,502 legal problems that had either started or continued within the two-year period prior to the interview. Figure 3 shows the proportion of legal problems by respondent level of disadvantage. While PULS respondents with three or more indicators of disadvantage comprised only 12 per cent of respondents, they accounted for nearly 25 per cent of the total number of reported legal problems.

Figure 3. Proportion of legal problems by respondent level of disadvantage (N=7,502 problems)



Examining the proportion of PULS respondents by level of disadvantage side-by-side with the proportion of total legal problems experienced, data shows how those with an increasing level of disadvantage account for an increasing proportion of legal problems (see Figure 4). Multiply disadvantaged respondents were 29 per cent of the total number of PULS respondents but experienced 44 per cent of the legal problems reported.

Figure 4. Proportion of respondents by level of disadvantage (N = 6,008) and proportion of legal problems (N = 7,502)



Prevalence of legal problem types

Analysis of the prevalence of different legal problem types by level of disadvantage revealed substantial patterning by level of disadvantage.[26]

Table 1 shows how problem prevalence clearly increased with the level of disadvantage for housing, family, injury or illness, government payments, government and public services, and debt or money problems, and often dramatically so.

Compared to respondents with no indicator of disadvantage, prevalence amongst those with three or more indicators of disadvantage was more than doubled for housing problems (8.5% v. 17.5%), tripled for government and public services problems (2.4% v. 7.3%), and increased between four-fold and seven-fold for injury or illness (2.2% v. 11%), family (2.6% v. 13.8%), debt or money (2% v. 11.2%), and government payment problems (1.9% v. 12.7%).

26 See Balmer et al. (2023).

Table 1. Prevalence of legal problems by type and level of disadvantage (N=6,008 respondents)

Broad problem type	Number of indicators of disadvantage				
	0 (%)	1 (%)	2 (%)	3+ (%)	All (%)
Goods and services	20.1	22.0	21.2	20.0	20.9
Housing	8.5	9.6	11.5	17.5	10.5
Fines	8.1	9.8	9.8	12.2	9.5
Employment	4.5	8.4	8.8	7.8	6.9
Family	2.6	4.2	6.2	13.8	5.2
Government payments	1.9	3.7	6.1	12.7	4.5
Debt or money	2.0	3.4	5.6	11.2	4.2
Injury or illness	2.2	3.1	4.0	11.0	3.9
Government and public services	2.4	3.0	4.9	7.3	3.6
Business or investment property	2.8	3.0	2.8	0.8	2.6

Prevalence of legal problems related to employment and fines also increased with the level of disadvantage, although the increase was not as dramatic, being higher amongst those with three or more indicators of disadvantage, compared to those with no indicators, by nearly 75 and more than 50 per cent, respectively.

The only types of legal problems that did not increase with the level of disadvantage were goods and services, and business or investment property problems. The prevalence of goods and services problems remained between 20–22 per cent irrespective of the level of disadvantage, while the prevalence of business or investment property problems remained around three per cent for respondents with one to two indicators of disadvantage, before dropping below one per cent for respondents with three or more indicators of disadvantage.

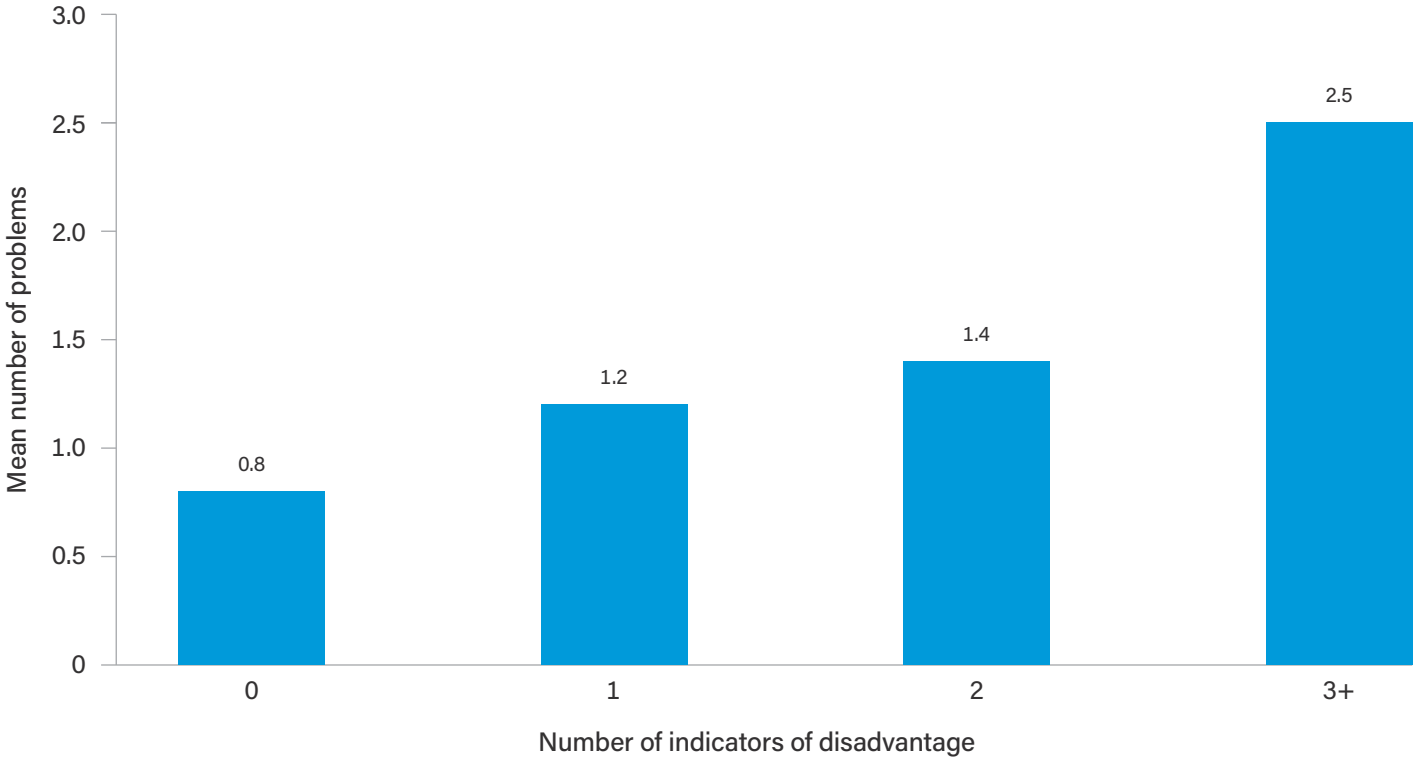
Prevalence of multiple legal problems

Balmer et al. (2023) previously demonstrated that the proportion of PULS respondents in vulnerable and disadvantaged populations increased as respondents reported more legal problems.[27] Analysis of the LAW Survey dataset showed how the mean number of legal problems experienced increased with respondents' level of disadvantage.[28]

Examining the mean number of legal problems experienced by PULS respondents' level of disadvantage once again showed how the number increased with level of disadvantage (see Figure 5).

27 See further Balmer et al. (2023), pp.75–83.
28 McDonald and Wei (2013).

Figure 5. Mean number of legal problems by level of disadvantage (N=6,008 respondents)



Looking at the number of legal problems PULS respondents experienced and their level of disadvantage from another way, Table 2 reports the percentage of respondents who experienced up to five or more legal problems by level of disadvantage. It shows the proportion of respondents who reported five or more legal problems increased with respondents' disadvantage level, more than doubling from zero to one indicator (i.e. 3% to 7%), and then more than doubling again from two to three or more indicators of disadvantage (i.e. from 8 to 16%).

Table 2. Respondents reporting 0 to 5+ legal problems by level of disadvantage (N=6,008 respondents)

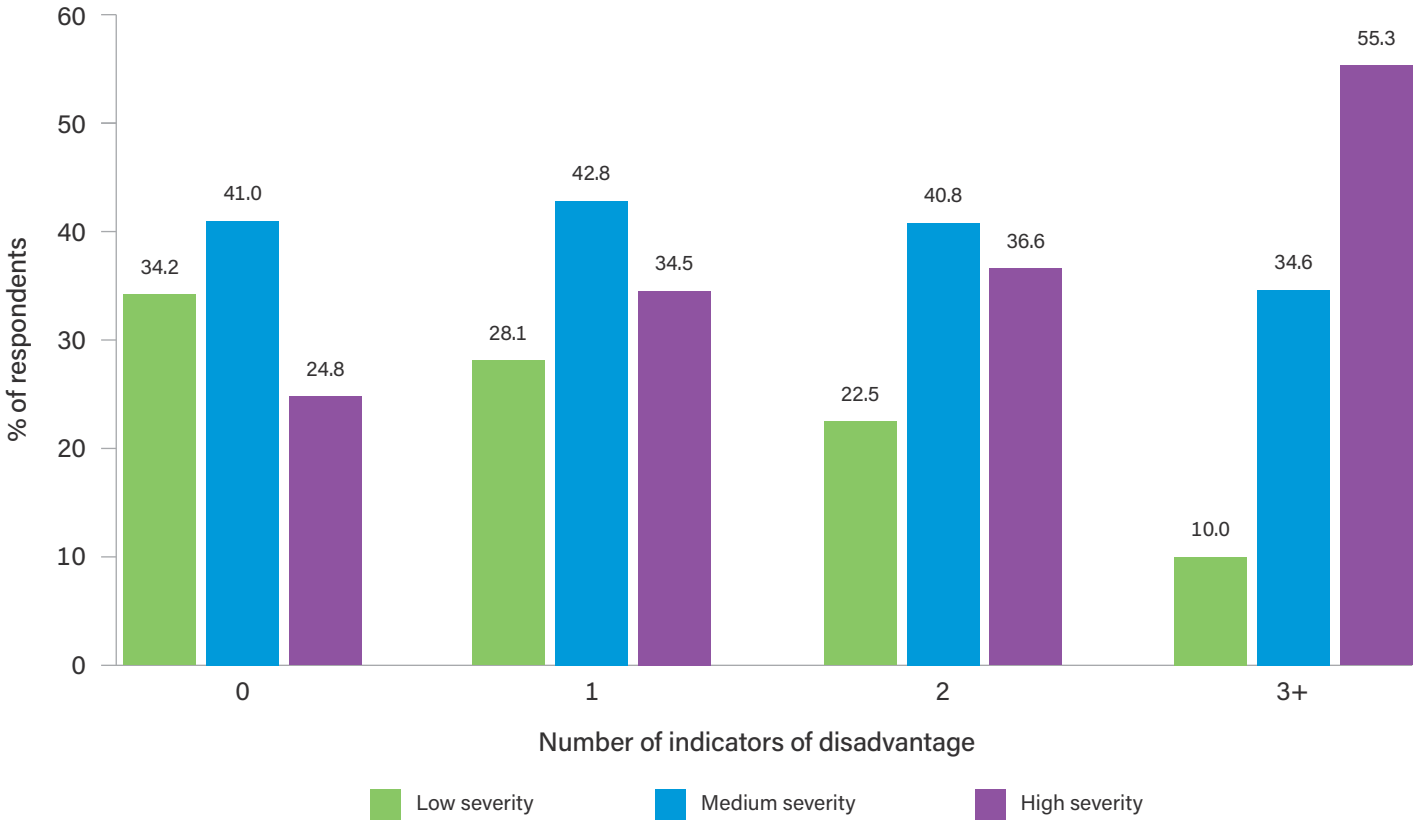
Number of legal problems	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
0	61.6	56.9	57.8	50.1
1	21.8	20.9	16.5	16.2
2	8.7	9.2	9.5	9.3
3	3.1	4.5	5.8	5.5
4	1.9	1.9	3.0	3.0
5+	3.0	6.6	7.5	15.8

Figure 5 and Table 2 again demonstrate how the experience of higher numbers of legal problems is associated with increasing disadvantage.

Prevalence of severe legal problems

Examining legal problem severity, and consistent with our previous analysis of the LAW Survey dataset and previously reported PULS analysis, Figure 6 shows that the proportion of respondents with high severity increased with the level of disadvantage, while the proportion of respondents with low severity legal problems declined as the level of disadvantage increased.[29] Compared to those with no indicator of disadvantage, the proportion of legal problems rated as high severity was more than doubled amongst the most disadvantaged group, while the most disadvantaged group also reported experiencing low severity problems at less than one-third the rate.

Figure 6. Legal problem severity by level of disadvantage (N=6,008 respondents)



29 McDonald and Wei (2013, 2016) and Balmer et al. (2023).

Adverse consequences of justiciable problems and disadvantage

Turning to adverse consequences, Table 3 shows that adverse consequences from legal problems increased with respondent disadvantage, and again, sometimes dramatically so.

> **Prevalence of every type of adverse consequence examined increased with disadvantage.**

The only type of adverse consequence that did not triple between respondents with zero and three or more indicators of disadvantage was stress. While stress was already a predominant adverse consequence of legal problems across all levels of disadvantage, it also increased with the level of disadvantage and was highest amongst the most disadvantaged group. Table 3 also shows that experiencing loss of confidence, being harassed, threatened and assaulted, and having employment and housing circumstances detrimentally affected by legal problems were all far more pronounced amongst respondents experiencing higher levels of disadvantage.

Table 3. Adverse consequences of legal problems by respondent level of disadvantage

Adverse consequence	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
Stress	56.9	66.8	80.4	87.9
Loss of confidence	18.3	33.5	42.7	63.8
Damage to a family relationship	12.2	13.6	22.2	38.4
Ill-health or injury	11.3	11.4	25.2	38.9
Being harassed, threatened and assaulted	11.0	11.4	20.4	41.3
Loss of employment	5.9	17.5	12.3	24.1
Having to move home	6.5	13.0	8.3	24.6

The association between the number of adverse consequences and disadvantage was maintained, with higher numbers of different types of adverse consequences increasing with the level of disadvantage. Table 4 reports the number of different types of adverse consequences reported by PULS respondents by their level of disadvantage. Most (57%) of the legal problems reported by the most disadvantaged respondents had three or more adverse consequences, while most (55–70%) of the legal problems that were reported by respondents who were not experiencing multiple disadvantage had, at most, one type of adverse consequence.[30]

Table 4. Number of adverse consequences of legal problems by level of disadvantage

Number of adverse consequences	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
0	38.7	29.5	17.5	10.0
1	31.1	25.3	25.9	14.7
2	14.8	19.0	22.7	18.3
3+	15.4	26.2	33.8	57.0

Tables 3 and 4 reflect the above findings and show that the prevalence and number of adverse consequences are another important aspect of how legal problem experience varies by level of disadvantage.

30 As was suggested by the findings in Table 3, further examination confirmed that stress was the most frequent type of adverse consequence reported by respondents who were not multiply disadvantaged.

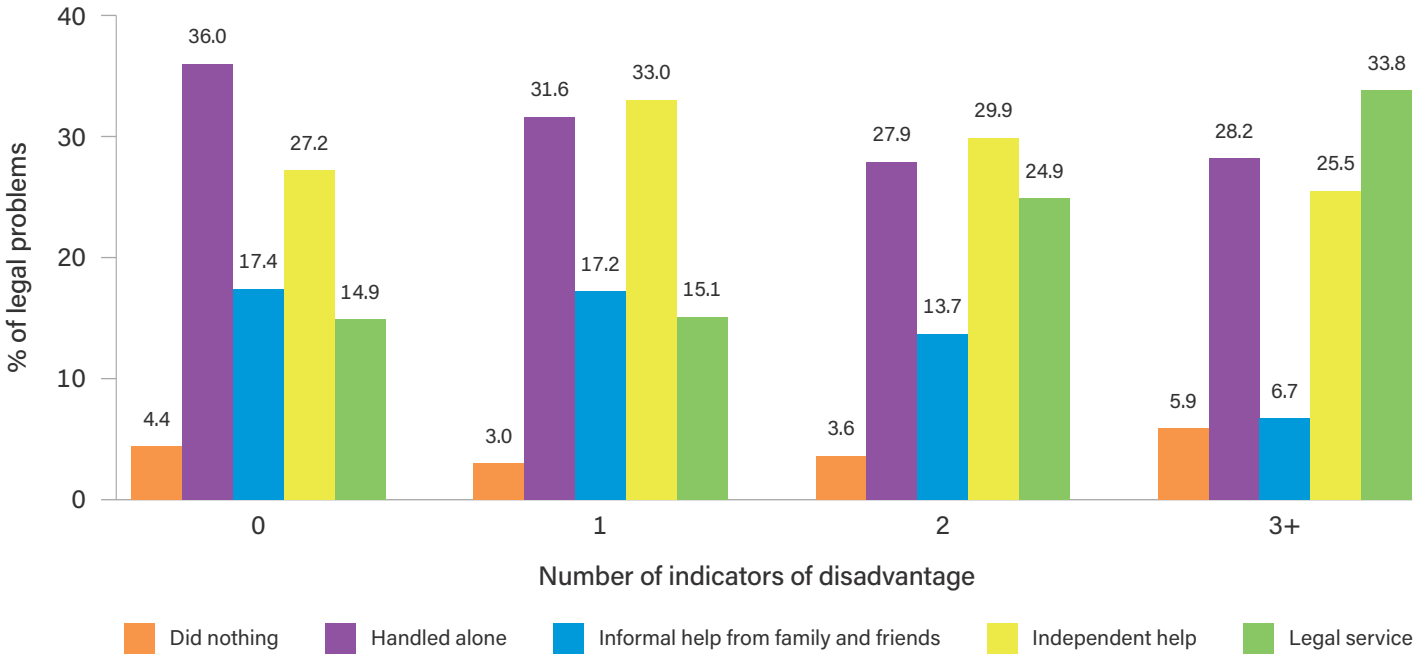
Justiciable problem-solving behaviour, resolution, and disadvantage

Strategy in response to legal problems

Analyses showed that the strategy PULS respondents adopted in response to their legal problems was patterned by level of disadvantage.[31] In raw percentage terms, Figure 7 reports how broad legal problem-solving strategy varied by PULS respondent level of disadvantage. It shows that the most disadvantaged group of PULS respondents did nothing in response to their legal problems at the highest rate (6% of legal problems) but got help from a legal service for the highest percentage of problems (34% of legal problems). Figure 7 shows that the rate at which legal services were used increased in response to legal problems as respondents' level of disadvantage increased.

> The findings further point to more disadvantaged respondents being less able to deal with problems themselves or with informal help from family and friends, and having relatively greater recourse to independent help and legal services.

Figure 7. Broad legal problem-solving strategy by level of disadvantage



31 Note that this measure reports the strategy adopted by the respondent at their highest level of action, from doing nothing in response to justiciable problems, handling the problem alone, with informal help, independent help, and independent help from a legal service or professional. See further Balmer et al. (2023).

Consistent with previous analyses noting how eligibility for public legal assistance affects their use, further analysis of the type of legal services used by PULS respondents showed use of public legal services, use of only public legal services, and use of both private and public lawyers, all increased with respondents' level of disadvantage (see Table 5).[32]

Table 5. Legal services use by level of disadvantage

Legal services use	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
Legal service (public or private)	14.9	15.1	24.9	33.8
Private lawyer	11.5	11.1	12.6	15.5
Private lawyer only	11.1	10.4	9.8	8.8
Public legal services	3.8	4.7	15.1	24.9
Public legal services only	3.4	4.0	12.3	18.2
Both private and public services	0.3	0.7	2.9	6.7

Processes involved in resolution

Separate from the legal problem-solving strategy adopted, the PULS also examined a wide range of formal and informal processes involved in the resolution of legal problems.

Table 6 shows that the processes involved in resolution markedly differed by respondent level of disadvantage, especially comparing the most and least disadvantaged PULS respondent cohorts. Apart from communication with the other party, the most disadvantaged respondents had the highest rates of involvement (or perhaps entanglement) of all other formal and informal processes.

Table 6. Process involved in the resolution of legal problems by level of disadvantage

Process	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
Communication with the other party	83.7	86.9	85.0	76.6
An internal appeal or formal complaint was made	22.1	17.7	22.7	33.3
Participation in formal mediation, conciliation or arbitration	9.7	13.4	9.6	25.7
Ombudsman, regulator or enforcement authority was contacted or involved	12.5	8.7	11.2	18.5
A court or tribunal was involved	10.9	9.6	6.6	19.0
Somebody contacted the police (or other prosecution authority)	6.9	4.7	9.6	20.3
A community leader or organisation was involved	3.9	6.5	4.5	19.9
A religious authority was involved	0.2	0.6	1.4	7.2
An Aboriginal-led meeting was used	0.2	0.1	1.3	7.2

32 See McDonald and Wei (2016, 2018).

Resolution of legal problems

The previous reporting by Balmer et al. (2023) found that most (54%) of the legal problems reported though the PULS had been resolved by the time of the survey interview, 29 per cent were ongoing, 13 per cent were described as ongoing despite all the parties having given up trying to resolve them, with the remainder (5%) seen as being too early to say. They set out how resolution status varied by legal problem type, with the highest resolution rate for goods and services (72%) and fines (71%) problems. Family problems (50%) and government and public services problems (46%) were the problem types that had the highest percentage of ongoing legal problems.[33]

Table 7 examines legal problem resolution by respondents' level of disadvantage. It shows that the percentage of resolved legal problems declined with increasing disadvantage. Where 61 per cent of problems reported by respondents with no indicator of disadvantage had resolved by the time of the PULS interview, only half (50%) of the problems of respondents with two indicators of disadvantage, and just over one-third (35%) of the problems of those with two, three or more indicators, had done so.

Table 7. Resolution of legal problems by level of disadvantage

Resolution	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
Ongoing	22.6	21.0	30.2	45.9
Too early to say	5.6	6.2	2.9	3.4
Problem persists, but all have given up trying to resolve	10.6	10.2	16.5	15.9
Problem resolved	60.9	62.6	50.4	34.9

Manner of resolution

Consistent with our previous LAW Survey analyses, the manner of resolution for legal problems reported in the PULS again varied by respondents' level of disadvantage. Table 8 shows that, on simple raw percentage terms, the most disadvantaged respondents had higher rates of resolution of legal problems by court or tribunal judgement, decision or intervention by another formal authority, and by moving away from the problem. Notably, the most disadvantaged PULS respondents were the group with the lowest rate of resolution through agreement between the parties.

33 For further details, see Balmer et al. (2023), p. 130.

Table 8. Manner of resolution by level of disadvantage

Manner of legal problem resolution	Number of indicators of disadvantage			
	0 (%)	1 (%)	2 (%)	3+ (%)
Court or tribunal judgment	4.3	4.3	4.1	14.8
Decision or intervention by another formal authority	4.1	1.9	4.0	7.1
Mediation, conciliation or arbitration	2.9	0.7	4.2	1.2
Action by another third party	5.6	6.1	4.6	5.3
Agreement between the parties	48.7	39.7	47.9	25.1
The other party independently doing what was wanted	10.4	13.0	12.0	8.4
Respondent independently doing what the other party wanted	8.3	5.6	7.9	3.7
Problem sorted itself out	12.0	17.0	12.0	13.1
Moved away from the problem (e.g. moved home, changed job)	3.7	11.8	3.2	21.3

Duration of legal problems

The PULS dataset provides a unique opportunity to examine, for the first time in Australia, the association between legal problem duration and level of disadvantage.

Balmer at el. (2023) have previously demonstrated how many civil justice problems resolve quickly, yet a sizable minority last far longer and are less likely to resolve the longer they persist.[34] Overall, about 40 per cent of all legal problems concluded within six months of their onset, and 55 per cent after a year. While around 70 per cent were found to have concluded after three years, just under 30 per cent were still ongoing after five years. Balmer et al. (2023) further found that legal problem duration varied by legal problem type, and social, demographic and geographic characteristics. Notably, legal problems tended to last far longer amongst respondents in vulnerable or disadvantaged cohorts.[35]

Figure 8 reports the percentage of legal problems that remained ongoing over time (or survived, in months) by respondent level of disadvantage. As disadvantage increased, the proportion of legal problems remaining across time also increased.

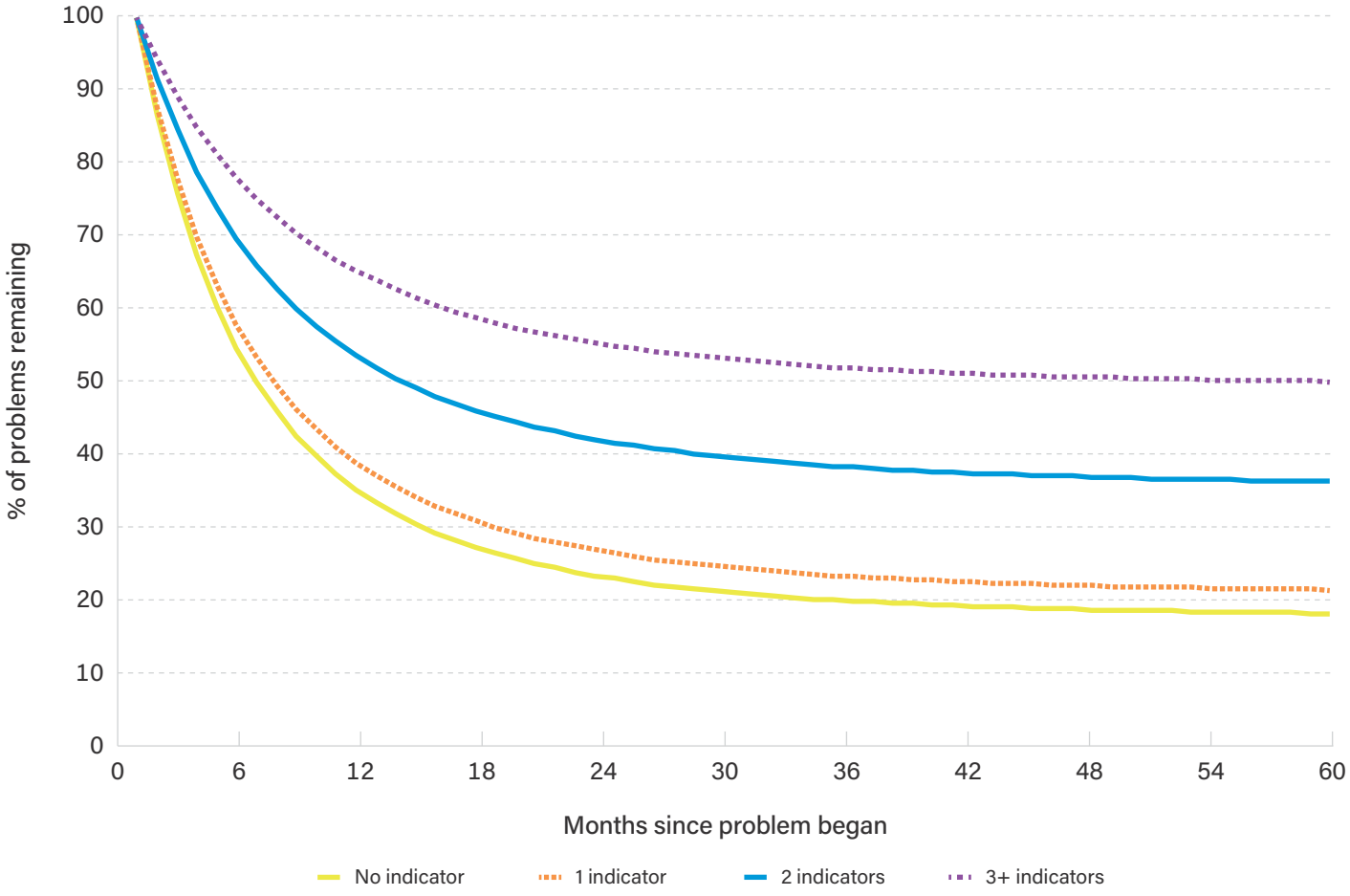
Problem duration started to vary by level of disadvantage almost immediately after onset, and remained patterned by level of disadvantage over time.

34 Balmer et al. (2023), p.133.

35 See further Balmer et al. (2023), pp.136–140.

The legal problems of multiply disadvantaged respondents persisted notably longer than respondents with up to one indicator of disadvantage, while problem duration was even higher amongst the most disadvantaged respondents. After 36 months, more than half of the legal problems of the most disadvantaged remained, compared to 20–23 per cent of respondents who were not multiply disadvantaged. Figure 8 shows little change in legal problem resolution three years after their onset.

Figure 8. Duration of legal problems by level of disadvantage



Given findings of markedly different experience, handling and resolution by respondents' level of disadvantage, in the final section of findings, we turn to examine PULS measures of legal capability, and met and unmet legal need, by level of disadvantage.

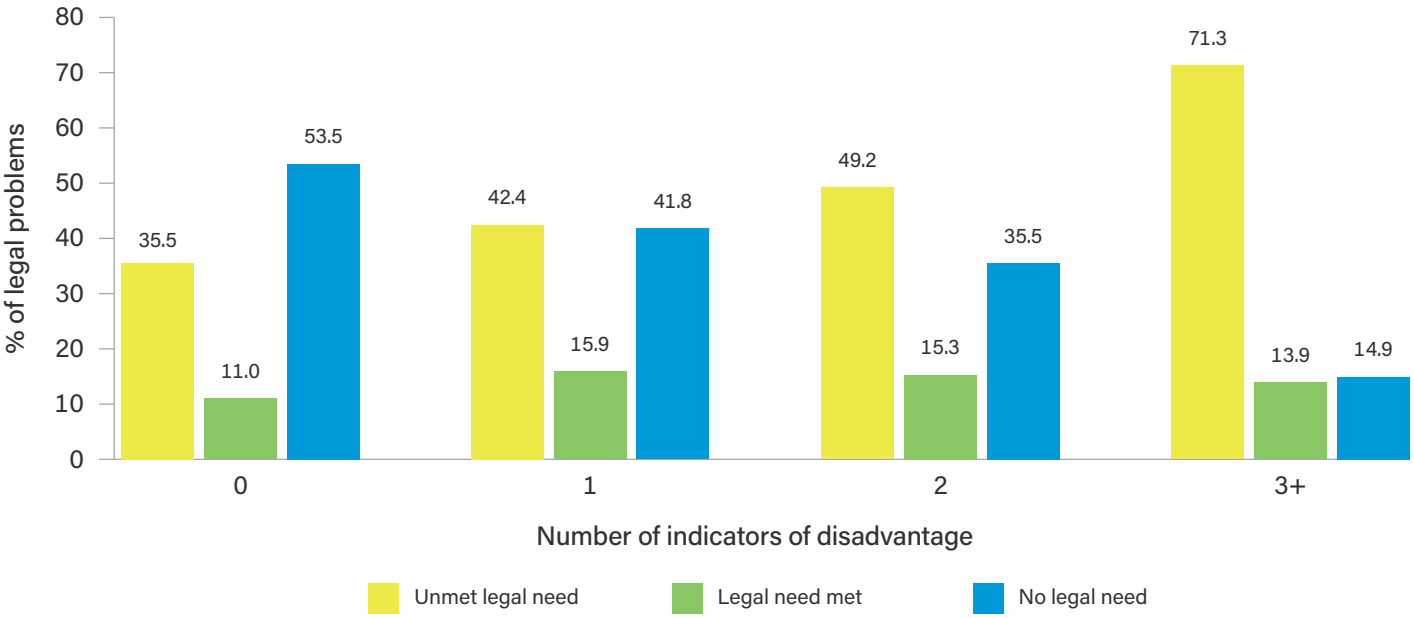
Unmet legal need, legal capability, and disadvantage

Whether legal needs were met or unmet by level of disadvantage

Balmer et al. (2023) examined whether problems reported through the PULS gave rise to legal need, and whether or not legal need was met.[36] They found, using the broad definition of expert legal help used for the calculation, that unmet legal need was the most frequent position for respondents, with 49 per cent of problems reported through the PULS having an unmet legal need, 14 per cent of problems where legal need was met, and the remaining 38 per cent of problems where there was no legal need.[37]

Figure 9 shows that the percentage of problems reported through the PULS that had an unmet legal need increased with respondents' level of disadvantage, that the percentage giving rise to no legal need decreased with increasing disadvantage, and that there was only slight variation in met legal need by level of disadvantage. Figure 9 shows that the rate of unmet legal need was doubled between the most disadvantaged PULS respondents and the least disadvantaged; those with none of the eight indicators of disadvantage examined in this paper.

Figure 9. Status of legal need by level of disadvantage



The final section of the findings turns to examine the association between legal capability and the level of disadvantage.

36 The PULS applied the OECD/Open Society Foundations (2019) guidance on conducting legal needs surveys and a framework for measurement of legal need. This recognises that not all justiciable problems give rise to legal need, and not all legal need is met by recourse to either legal practitioners or the justice system. See Balmer et al. (2023) for further details on how legal need was defined and measured in the PULS.

37 One of the components for determining legal help in the OECD/Open Society Foundations (2019) framework is expert legal help. The PULS included a narrow definition of legal help as help from legal services only, as well as a broad definition of expert help as help from an independent adviser, which includes legal services. These figures for unmet legal need reported here are based on the broad definition of expert legal help, and the same definition used for the purposes of this paper.

Legal capability and level of disadvantage

As noted in the Methodology, to examine how legal capability was associated with justiciable problem experience and resolution, the PULS applied eight measures of knowledge, skill, confidence and attitude dimensions of legal capability, and employed them in three composite legal capability measures.

Two volumes of PULS reporting have examined the distribution of legal capability across the Victorian adult community, and association with justiciable problem experience, handling, resolution and outcomes.[38] As noted above, legal capability measures were typically unequally distributed across the adult population, with vulnerable or disadvantaged populations tending to, but not always, exhibiting lower capability scores. Legal capability was also found to be significantly related to nearly all aspects of justiciable problem experience, resolution and outcomes examined by the PULS.[39]

For the purposes of this paper, we used the PULS composite legal capability knowledge, skill, confidence and attitude measure to examine the association of legal capability with the level of disadvantage (see Figure 10).

Figure 10. Composite legal capability scores by level of disadvantage

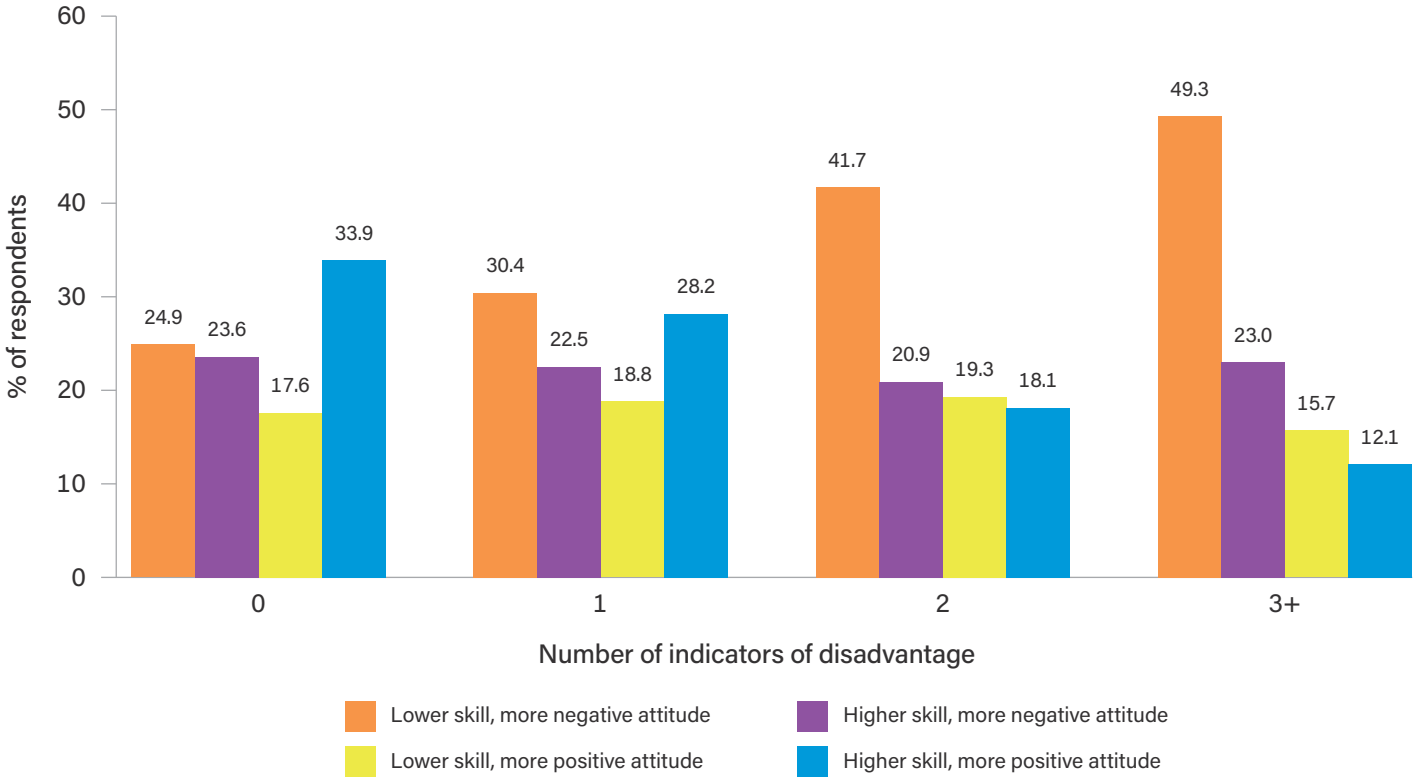


Figure 10 shows distinct patterning of composite legal capability by level of disadvantage in several important ways.

38 Full details are set out in Balmer et al. (2024a, 2024b).

39 See Balmer et al. (2024b).

First, the percentage of respondents in the 'lower skill, more negative attitude' group clearly increased with PULS respondents' level of disadvantage. The percentage almost doubled between respondents with no indicator of disadvantage (25%), and respondents with three or more indicators of disadvantage (49%). 'Lower skill, more negative attitude' composite legal capability became more pronounced as the level of disadvantage increased, pointing to a compounding effect between increasing disadvantage and poorer composite legal capability.

In fact, PULS respondents in the 'lower skill, more negative attitude' group comprised the highest proportion of PULS respondents for each group of respondents with one or more indicators of disadvantage. Each additional indicator of disadvantage appears to have a compounding effect, with an increasingly higher percentage of respondents falling into the 'lower skill, more negative attitude' group with each additional indicator of disadvantage.

The reverse was also the case. The proportion of respondents in the 'higher skill, more positive attitude' group declined with each additional indicator of disadvantage.

Third, notwithstanding clear patterning by level of disadvantage, it is also clear that 'lower skill, more negative attitude' composite legal capability scores were not synonymous with either disadvantage or higher disadvantage levels. One-half of the most disadvantaged respondents were found to have mixed composite legal capability scores, with a sizable minority (12%) recording composite legal capability scores that placed them in the 'higher skill, more positive attitude' group.

It is also important to note that one-quarter of the PULS respondents with no indicator of disadvantage had composite legal capability scores placing them in the 'lower skill, more negative attitude' group.

Table 9 translates Figure 10 into population figures. It uses estimates from the above findings to calculate the number of adult Victorians with varied composite legal capability by level of disadvantage. While Figure 10 demonstrated the percentage of PULS respondents with 'lower skill, more negative attitude' increased with increasing level of disadvantage, on absolute adult population figures, a higher number of adult Victorians with 'lower skill, more negative attitude' were in each of the less disadvantaged groups, as compared to the most disadvantaged PULS respondents. Overall, there were more than one million adult Victorians with up to one indicator of disadvantage in the 'lower skill, more negative attitude' legal capability group.

Table 9. Composite legal capability of Victorian adult population by level of disadvantage

Composite legal capability	Number of indicators of disadvantage			
	0	1	2	3+
	Number of adults			
Lower skill, more negative attitude	529,773	551,847	384,267	327,390
Higher skill, more negative attitude	502,183	407,851	192,827	152,597
Lower skill, more positive attitude	373,169	339,875	177,568	104,043
Higher skill, more positive attitude	719,981	510,507	166,470	80,460

Summary and discussion

Summary of findings

The findings demonstrate a clear relationship between experience and resolution of justiciable problems, unmet legal need, legal capability and level of disadvantage. Patterning by level of disadvantage was clear and often dramatic.

Justiciable problem prevalence, prevalence of most broad legal problem types (i.e. all except goods and services, employment, and business and investment property problems), number of problems, severity, adverse consequences and their number, use of legal services (and use of public legal services, only public legal services, and both private and public legal services), and the duration of problems all rose with respondents' level of disadvantage.

There were also other distinct patterns in findings by level of disadvantage. Problem resolution declined with respondents' level of disadvantage, reflecting higher problem prevalence and severity. The most disadvantaged respondent group were distinguished by having, other than communication with the other party, the highest level of involvement in all types of formal and informal dispute resolution processes measured by the PULS. This was also reflected in findings concerning the manner of problem resolution. The most disadvantaged respondent group had the highest level of resolution by courts and tribunals, and decision or intervention by another formal authority, and the highest level of resolution by moving away from the problem. Perhaps reflecting their relatively lower communication with the other party, the most disadvantaged respondent group also had the lowest level of resolution through agreement between the parties.

Legal need, and whether it was met, was also clearly patterned by the level of disadvantage. The proportion of justiciable problems where there was an unmet legal need increased with respondents' level of disadvantage, while the proportion with no legal need declined. While the findings make clear that unmet legal need was highest among the most disadvantaged respondent group, and double the rate of respondents with none of the indicators of disadvantage examined, the percentage of justiciable problems resulting in unmet legal need for less disadvantaged respondents still ranged from 25–42 per cent of problems.

> **Examining the relationship between legal capability and level of disadvantage for the first time, the findings revealed that composite legal capability scores were clearly patterned by level of disadvantage.**

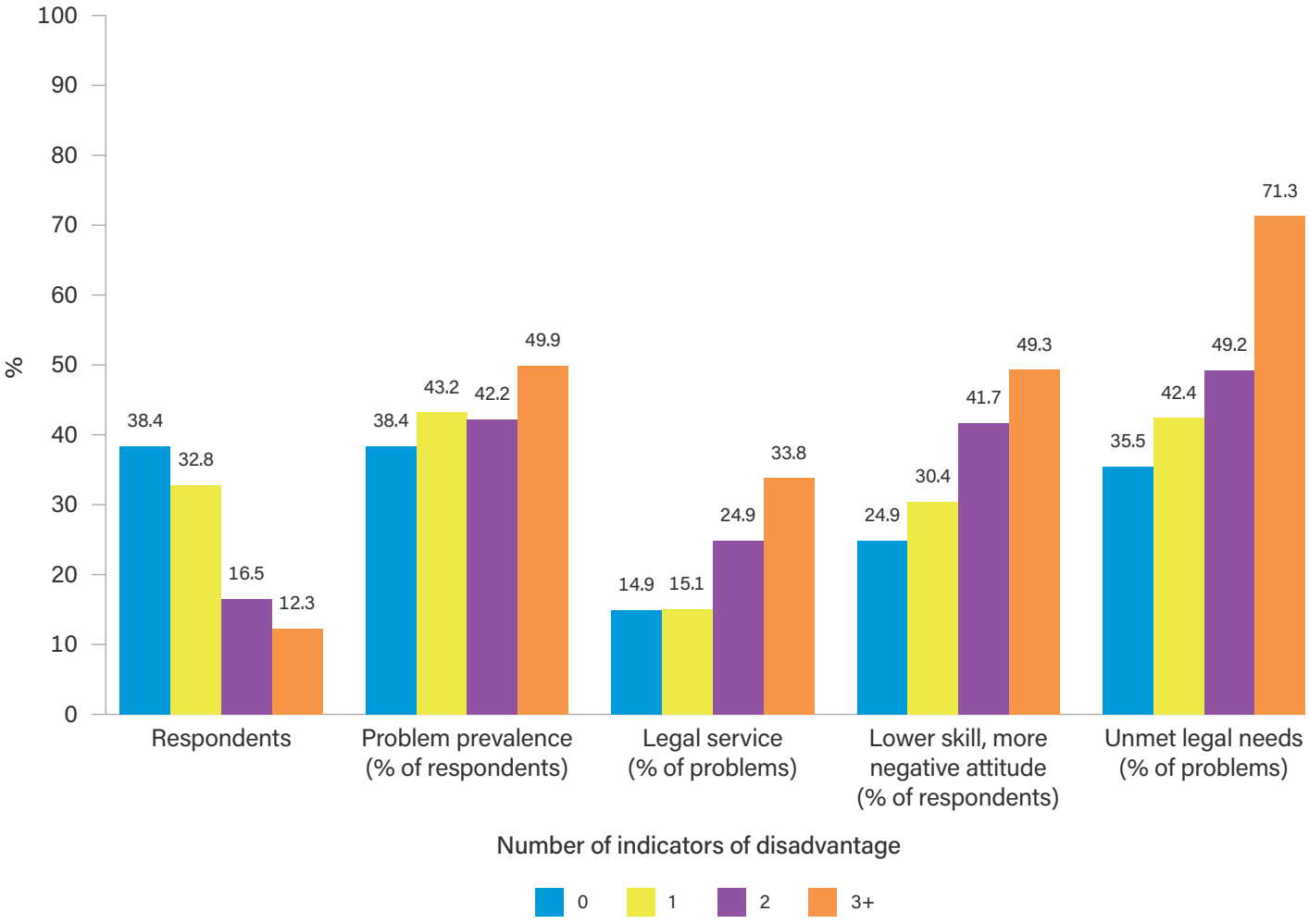
The proportion of respondents with 'lower skill, more negative attitude' composite legal capability scores increased with level of disadvantage, while the proportion with 'higher skill, more positive attitudes' decreased with level of disadvantage. These findings make clear that poorer or lower legal capability is not synonymous with higher disadvantage.

In fact, around half of the most disadvantaged respondents had more positive composite legal capability, with a sizable minority of 12 per cent in the 'higher skill, more positive attitude' group. Similarly, almost two-thirds of the respondents who did not have any of the eight indicators of disadvantage examined in this paper had more negative composite legal capability scores, with nearly one-quarter in the 'lower skill, more negative attitude' group.

In population figures, there were an estimated 711,657 multiply disadvantaged adult Victorians with 'lower skill, more negative attitude' composite legal capability, but still over one million (1,081,620) less disadvantaged adult Victorians with the same composite legal capability. This makes clear that while legal capability needs, associated with knowledge, skills, confidence and attitudes, tend to be greater amongst people experiencing higher disadvantage, lower legal capability is a feature of many more people across the Victorian community.

Figure 11 visualises the findings, setting out the percentage of respondents, justiciable problem prevalence, use of legal services, 'lower skill, more negative attitude' composite legal capability, and unmet legal need by level of disadvantage side by side.

Figure 11. Summary of compounding legal and capability needs by level of disadvantage



While these findings clearly point to an additive and compounding effect, where people experiencing higher disadvantage have extenuated or exacerbated legal and capability needs, unmet legal need and low legal capability was nevertheless widespread across the whole of the Victorian community. These findings have important access to justice policy and practice implications.

Implications

Meeting legal need and capability

These findings once again demonstrate the heightened legal and capability needs of the most disadvantaged members of the community. Based on justiciable problem prevalence, number of problems, problem severity, adverse consequences, and unmet legal need, it remains beholden for public legal assistance services and policy to continue to support access to justice for the most disadvantaged members of the community.

National legal assistance policy is squarely aimed at 'keeping the justice system accessible for people experiencing vulnerability and financial disadvantage, within available resources.'[40] Amongst other outcomes, this policy is intended to realise the National Strategic Framework for Legal Assistance with public legal assistance services focused on and accessible to people experiencing disadvantage, and with 'legal assistance services delivered in a client-centric manner in order to better consider people's legal needs and capabilities.'[41] PULS analyses on the nexus between justiciable problem experience, unmet legal need and legal capability underscore the importance of having access to justice policy focused on the needs and capabilities of more disadvantaged and vulnerable people. The findings therefore indicate that national legal assistance policy, by directing circumscribed expenditure on public legal assistance to those experiencing disadvantage, is broadly working.

Findings from the PULS, however, also further demonstrate substantial cause for concern. Notwithstanding the strategic direction and objectives of public legal assistance policy, the findings demonstrate that while use of legal services increases with the level of disadvantage, unmet legal need is nevertheless higher amongst those experiencing higher disadvantage. These findings again signal that many disadvantaged and vulnerable people fail to get the type of help they need to effectively meet their legal need and capability.

The first volume of PULS reporting, *Everyday Problems and Legal Need*, pointed out the mismatch between what people need and what they are getting.[42] The third volume, *A New Perspective on Legal Need and Legal Capability*, then demonstrated the role of legal capability in all aspects of justiciable problem experience, handling and resolution, including how legal capability is critical to whether or not people get the help they need.[43]

People with lower skill levels, less confidence and more negative attitudes towards law and lawyers were less able to handle problems themselves, obtain the help they needed, achieve satisfactory outcomes, and ultimately, meet their legal need.

> **Legal capability was often pivotal, with higher legal capability associated with more positive experiences, and lower legal capability with more negative ones, and shaping future action and behaviour.[44]**

The legal capability findings spotlight the importance of appropriately matching legal services and justice processes to need and capability.

40 See *National Access to Justice Partnership 2025–30*, clause 14.
41 See *National Access to Justice Partnership 2025–30*, clause 19.
42 Balmer et al. (2023).
43 Balmer et al. (2024b).
44 See Balmer et al. (2024b) for full details on analyses of the relationships between legal capability, legal need, and demographics.

The findings here make plain that this mismatch extends to and appears exacerbated for those experiencing higher levels of disadvantage. They further call into question the appropriateness of the available resources provided to support the access to justice of vulnerable and disadvantaged people. For many, while the justice system may be within reach, the extent of that reach is not sufficient to meet their legal need and capability.

More than a decade ago, the Productivity Commission's (2014) landmark inquiry *Access to Justice Arrangements* recommended that substantial increased funding of public legal assistance services. The *Independent Review of the National Legal Assistance Partnership* (Mundy, 2024), like numerous other reviews, inquiries and studies since the Productivity Commission inquiry, once again called for a substantial funding increase.[45]

While the *National Access to Justice Partnership 2025–30*, which commenced 1 July 2025, ushered in the largest increase in public assistance funding in the last twenty years, Balmer and McDonald (2025) recently drew on PULS data to demonstrate the stark relationship between household income and unmet legal need, with unmet legal need rising with decreasing income.[46] Haultain and Wei, using the PULS dataset to examine the relationship between health and justiciable problem experience, similarly found legal problem experience and unmet legal need increased with ill-health and disability, and was further heightened by mental distress.[47] Such empirical evidence provided by the PULS again questions the adequacy of public legal assistance funding for the most disadvantaged, and the need for public legal assistance policy and practice to tackle the demonstrated shortfall in effectively meeting legal need. In lieu of needs-based funding, policy choices about what needs should be met and difficult practice decisions need to be made about what and how best to meet legal and capability needs. Access to justice and legal needs research consistently points to the benefits of client and user-centred approaches to legal assistance service provision, just as it does in the design and operation of the dispute resolution processes that together comprise the broader justice system. Yet, successfully implementing client and user-centred approaches requires resources to practice and operate in different ways, and learn what works to successfully meet legal need and capability across the broad community.

PULS makes clear that properly funded public legal assistance, tailored to legal need and capability, is vital to the access to justice of the most disadvantaged members of the community. With the findings here, access to justice alarm bells ring louder and louder.

45 See, Law Council of Australia (2023), Millane, Jackson and Blane (2023), Mundy (2024), and Productivity Commission (2014) and the inquiries, reviews and studies cited within.
46 See Balmer and McDonald (2025), p.7.
47 Haultain and Wei (2025).

Legal capability and unmet legal need transcend disadvantage

Access to justice can play a critical role in alleviating disadvantage, avoiding its extension and entrenchment.[48] Its role in supporting inclusive economic development is also now well understood.[49] Yet, investment in access to justice services and strategies remains underdeveloped on such policy terms, with economic costs and benefits bound in with justiciable issues, and the role of timely access to effective legal assistance, remaining under appreciated.[50]

The findings here go much further and demonstrate that legal need and capability transcend disadvantage.[51] Lower legal capability and higher disadvantage, while related, are not synonymous. Legal needs and capability challenges compound and heighten with disadvantage, however, they nevertheless arise irrespective of disadvantage. The findings point to a justice system struggling in different ways for distinct groups of people. The mismatch between what the most disadvantaged need and what they are getting is demonstrated by their higher unmet legal need. There is also a mismatch demonstrated by the large numbers of people in the broader community experiencing unmet legal need, irrespective of disadvantage. On one hand, this points to failure of public legal assistance to meet the legal need of many of the most disadvantaged members of the community to whom their efforts are prioritised, and on the other, to a legal services market failing to meet the legal need and capability of a substantial proportion of the wider community.

Beyond important insights on unmet legal need provided by the PULS, a new understanding of how legal capability is distributed across the Victorian community signposts that more is needed to redress legal capability barriers and meet legal need across the community.

> **Unmet legal need and poorer legal capability, while heightened amongst the most disadvantaged members of the community, nevertheless extends across the whole community.**

In absolute terms, this is where a significant level of access to justice needs are, and where people are failing to get what they need from their legal and justice systems.

The dynamics of the traditional conception of the 'missing middle', or as further demonstrated by the PULS as the 'missing majority', are well understood.[52] Many people are unable to access the type of free or affordable legal services they need, failing to satisfy eligibility for the more intensive forms of services where means, merits, and matter scope guidelines apply.

Another well-understood dynamic of public legal assistance is the relationship between demand and supply. In the face of circumscribed, inelastic funding environments that are not sufficiently attuned and responsive to community need, rising demand and community need invariably increases service pressure. In such circumstances, one of the only policy levers available to public legal assistance service providers is to restrict the scope and eligibility of service. The result can be more people slipping to less intensive forms of legal help, such as legal information and education, and a process whereby eligibility for more intensive forms of legal help, such as casework and representation, becomes increasingly reified in terms of disadvantage. Put simply in the case of public legal assistance, this means a process whereby service eligibility shifts to people who are more disadvantaged and vulnerable.[53] Public legal assistance services have blunt policy levers to pull to manage rising demand. The consequence is excluding more people from the type of help they need.

48 See, for instance OECD (2019) and Pleasence et al. (2014).
49 OECD (2019).
50 One notable exception is the Victoria Government's Early Intervention Investment Framework, directed to invest in timely assistance for Victorians, such as health-justice partnerships or other forms of integrated legal assistance services, to improve life outcomes for individuals and reduce demand for acute services. For further details, see Department of Treasury and Finance (2022) and https://www.dtf.vic.gov.au/early-intervention-investment-framework.
51 See further Balmer et al. (2024b).
52 See Law Council of Australia (2021, 2023) and Szczepanska and Blomkamp (2020).
53 See, for example, McDonald et al. (2017).

Access to justice ecosystem

Balmer at al. (2024b) found that the PULS findings on legal need and legal capability raise challenges and opportunities for service providers, policy makers and regulators. Access to justice extends far beyond the purview and responsibilities of any single player. In Australia, it goes beyond any single parliament, government, court and tribunal, dispute and complaint resolution body, and legal service. Strings run deep through professional associations, civil society, the tapestry of community organisations, and overarching regulatory bodies.

> **Rather than one-size-fits-all strategies and solutions directed to particular legal service and justice institutions, growing empirical evidence and new legal need and capability insights make it clear that access to justice challenges and opportunities go well beyond conventional understanding and approaches.**

At its heart, access to justice is affected by and affects the whole of society. Knowledge, skill, confidence and attitude aspects of legal capability matter, yet the way they manifest is beyond the remit of public legal assistance policy and services. Access to justice policy must encompass more and extend to the broader community.

The new perspective provided by the PULS points to the need for policy to better recognise the roles of disparate institutions and their disparate powers, responsibilities and resources, and how they might come together to more systematically and collectively improve access to justice, as broadly conceived at a community level as well as for subpopulations with heightened needs.

Access to justice is more akin to an ecosystem of multiple interacting institutions than a singular justice system charged with and able to deliver access to justice. Without leadership, coordination and collaboration, access to justice risks falling through the cracks in a changing economic and technological environment, particularly in jurisdictions where there are checks and balances provided by separation of powers, and that are further separated constitutionally into federal, state, and territory responsibility.

The access to justice ecosystem includes an assortment of public and private information, legal and other human assistance services, formal and informal dispute-resolution, and referral networks. Hence, paths to justice extend beyond legal and justice bodies. At a system level, access to justice depends on having wide pathways, responsive gateways, effective diagnosis and referral to legal and related services that can help people to get what they need. This requires matching help to need. As such, it must mean that the quantum of 'available resources' provided by funding and policy is appropriately informed by and responsive to community legal need and capability.[54]

54 See again, footnote 40.

Effective services and systems

Notwithstanding long-running policy focus, successive waves of reform intended to provide better, quicker and cheaper access to justice, strategies ranging from public legal assistance, law reform and modernisation, legal plain language, minting alternative and additional complaint and dispute-resolution bodies, and integrated service designed to meet intersections of legal and related problems, stark inequality of access to justice remains. While inequality is compounded and heightened amongst those experiencing higher disadvantage and vulnerability, legal capability adds an additional layer of inequality affecting legal need, and problem-solving behaviour and outcomes. The PULS demonstrates that many across the whole community are at risk of experiencing legal need and getting poor outcomes. Justiciable problems can persist for long periods, notwithstanding contact with legal services and dispute-resolution processes.

One response to recurrent identification of access to justice crises is the call for 'systems thinking' and systemic solutions to what is a systemic, wicked policy question.[55] Insights provided by PULS legal capability measures now provide for a more nuanced understanding of access to justice, and perhaps go some way to explain why the impact and outcomes of access to justice reforms tend to be more muted than anticipated. New evidence concerning the way in which legal capability is unequally distributed across the community, and how legal capability needs can be expected to differ, adds another layer of inequality to the access to justice puzzle.[56]

PULS findings here, together with those reported in detail elsewhere, illustrate the need for further understanding and evidence to build more effective legal services and system responses to community legal need and capability. This includes not only consideration of how disadvantage affects legal need and capability, but also how legal need and capability transcend disadvantage and the role and contribution that different institutions make.

This requires oversight of community legal need and capability, and an effort to learn and share what is effective in meeting legal need and capability across the community. Access to justice policy, services, and systems must be conceived of broadly, and a legal capability lens sensitive to disadvantage but going far wider must be applied.

This places several important policy questions on the table. Where does responsibility for building legal capability, to better enable people to recognise, understand, and handle their legal situations effectively and with confidence, rest? Where and how can new information technology be most effectively harnessed to meet legal need and capability across the community? What is the role of broader education and human assistance services in building foundational legal capability and effective paths to justice?

The answers to these questions, and others, will shape community access to justice. Engaging with them and the findings of the PULS holds the promise of not only improved access to justice, but also improved access to just outcomes.

55 See Churchman (1967) and note that the term 'wicked' is not used to describe any evil or immoral quality, but rather problems that have been difficult to resolve.
56 See also Balmer et al. (2023).

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