

The Legal Needs Project

INFORMATION SHEET

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The Legal Needs Project aims to extend the understanding of legal needs faced by clients of the Australian legal assistance sector. Funded for three years by Macquarie University, the research examines the nature of legal need and the mechanisms that generate legal problems in the context of disadvantage. The study is motivated by three central questions:

1. What is the nature of legal need, and how do we define it?
2. How do we understand legal need in its interaction with disadvantage and other non-legal social problems?
3. In what circumstances is it more likely to arise, and for whom?

The project aims to deliver a new approach to understanding legal need across its social, political, legal and health dimensions, a causal explanation of why some people develop legal needs and others do not, and a list of priority actions for the legal assistance sector.

BACKGROUND

The law is part of our everyday life, embedded in and regulating commercial interactions, personal relationships, health, employment, housing, and our relationship with the government. Access to justice is a matter of equality, fairness, and respect for human rights. In practical terms, access to legal services protects and enhances other well-being factors. While legal problems affect most people at some point in life, the Australian justice system is increasingly unaffordable to non-wealthy people. Furthermore, those living at a socioeconomic disadvantage in Australia are more likely to experience legal problems and multiple legal problems. They also have increased difficulty accessing legal assistance due to financial and other barriers, including personal capacity and accessibility of services.

The legal assistance sector comprises organisations funded by the government to provide free and low-cost legal assistance to people unable to self-assist or afford private legal services. These organisations include Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services, Legal Aid Commissions and Family Violence Prevention Legal Services. Addressing legal need is integral to the mission and daily decision-making of the legal assistance sector as it seeks to improve the lives of the most disadvantaged and marginalised Australians.

WHY THIS PROJECT?

The available research offers only partial accounts of legal need and narrow definitions. It does little to explain the mechanisms of legal need's production, its interaction with disadvantage, or the cumulative and complex negative impacts on the lives of Australians. For these reasons, the sector does not have sufficient evidence to plan their service delivery and other activities to improve the well-being and outcomes of their clients. Also, current



'Untangling the balls of string': working with the complex legal and non-legal needs of clients

research does not offer a robust pathway to a methodology for measuring or predicting unmet legal need in communities.

The sector faces challenges as it seeks to facilitate pathways to justice for its clients in an environment of resource scarcity relative to need. A better definition and understanding of legal need are central to developing law reform and advocacy priorities, managing service delivery decisions, and articulating a sector theory of change and outcomes framework.

OUTCOMES

The Legal Needs Project has been designed to increase our knowledge of the nature and generation of legal need and develop strategic resources to the legal assistance sector. Materials and workshops developed through the project will increase the sector's confidence in the understanding of how legal need develops, for whom and in what contexts.

There is an urgent need for more research on legal need. Across the sector, there is a demand for an increased understanding of legal issues related to clients' broader

social and financial needs, personal circumstances, accessibility, capability, and level of economic and social deprivation. There is also a wish to distinguish the legal need stemming from systemic inequalities in the justice system, and other systems or social structures such as housing, welfare, domestic violence or entrenched disadvantage.

Understanding legal need better will give those working directly with clients an improved understanding of how problems cluster and intersect, empowering them to recognise the nature and dimensions of a person's situation and deliver services in the most appropriate ways and at the most effective times. The sector will have increased information to refine its strategies to manage service demand, ensuring it reaches vulnerable clients with the most complex legal needs. The research will enable service design and service models to inform better and be more responsive to the needs and contexts of clients.

With robust evidence of unmet legal need, the sector can argue for increased funding from government and non-government sources and advocate for law reform on behalf of their clients with increased evidence for legal need and how it is generated.

Services will gain a shared language and understanding of legal need, facilitating collaboration through the diversity of the sector and with other social and community services. A legal need-based framework for how their service fits into the broader service ecosystem will assist them to match the distribution of services to the community's needs.

In addition to the implications for service delivery and planning, a more clearly articulated definition of the 'problem' of legal need, will enable the sector to develop its 'theory of change', elaborating what the sector does, for whom, what outcomes they expect, why, and in what contexts. Related to this, the sector needs to develop an outcomes framework under the current National Legal Assistance Partnership funding agreement. The research will provide a foundation to develop a sector-wide framework to measure and track sector outcomes.

WORKING WITH THE SECTOR

The project is informed by knowledge translation principles which help bridge the gap between research (existing and new) and practice (implications for implementation in policy, strategic planning, and service delivery decision-making). These approaches seek to foster the alignment of the research with the needs of the sector.

Therefore, the sector is involved in the research design through a sector Reference Group. Existing and new research findings from the project will be shared with the sector as they develop, with feedback used to fine-tune later stages of the study. Towards the end of the project, a series of facilitated workshops will enable the sector to work together to translate the research findings into a list of critical implications and priority actions for implementation. These processes will create an environment where the research team and end-user communities are actively engaged in creating and making sense of new knowledge.



A focus on the translation of research findings into implications and priority actions for the legal assistance sector

BEHIND THE RESEARCH



The Legal Needs Project is led by [Dr Catherine Hastings](#), Research Fellow, Macquarie Law School. Catherine secured a three-year Macquarie University Research Fellowship to study the legal needs of clients of the Australian legal assistance sector.

She has over a decade's experience in academic and applied research settings, including 11 years running a social research and evaluation consultancy. Since 2011, Catherine has worked for community legal centres and their peaks on advocacy, policy, project management, data analysis and training projects. With Justin Finighan, she developed the National Legal Needs Assessment Toolkit and trained over 35 Community Legal Centres in its use. Catherine has a PhD in Sociology from Macquarie University.

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To find out more or be involved, please join the mailing list at www.legalneedsproject.org

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