

ALRC Judicial Impartiality Inquiry - Court User Survey

Start of Block: INTRODUCTION

Q1 The Australian Law Reform Commission (ALRC) would like to hear the perspectives of people who have attended court proceedings (in person or online) in Australia in the past ten years. This includes people who have attended in any capacity - whether in relation to their own case or the case of someone they know, as part of their job, or as an observer (but excluding practising lawyers). We would like to know how you felt about those proceedings as we consider whether there is a need to make certain changes to the law.

The survey has a number of initial screening questions, and if you qualify, should take between 5 to 10 minutes to complete.

Participation in the survey is entirely voluntary. Individual responses are completely anonymous, strictly confidential, and the ALRC will not receive any identifying information. The statistical analyses and reporting of responses will not be able to identify any particular respondent.

Click the Next button to start the survey

Page Break

End of Block: INTRODUCTION

Start of Block: Screening lawyers

Q178 Have you worked as a lawyer (eg. barrister or solicitor) in Australia in the past ten years?

- Yes (1)
- No (2)
- Unsure (3)

Skip To: End of Block If Have you worked as a lawyer (eg. barrister or solicitor) in Australia in the past ten years? != No

End of Block: Screening lawyers

Start of Block: Screening attendance at court

Q4

Have you attended a court proceeding (online or in person) in any capacity within the past decade or so?

Note: This would not include attending a case at a Tribunal (eg. Civil and Administrative Tribunal, Industrial Relations Commission, Administrative Appeals Tribunal, etc)

- Yes - only once (1)
- Yes - more than once (4)
- No (2)
- Don't know / can't remember (5)

Skip To: End of Block If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = No

Skip To: End of Block If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Don't know / can't remember

End of Block: Screening attendance at court

Start of Block: Screening criminal

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - only once

Q5

What were the court proceedings about?

Please select all that apply

- Family Law (7)
- Domestic Violence Order / Apprehended Violence Order (or similar) (1)
- Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed, such as a fine, community service, or jail) (4)
- Something else (5)

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - more than once

Q180 Approximately how many times have you attended a court proceeding in Australia (online or in person) in the past decade or so?

- 2-3 times (1)
- 4-10 times (2)
- More than 10 times (3)

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - more than once

Q179

What were the court proceedings about?

Please select all that apply

- Family Law (7)
- Domestic Violence Order / Apprehended Violence Order (or similar) (1)
- Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed such as a fine, community service, or jail) (4)
- Something else (5)

End of Block: Screening criminal

Start of Block: Most recent court hearing

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - more than once

And What were the court proceedings about? Please select all that apply != Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed such as a fine, community service, or jail)

Q181 The next questions ask about the most recent time you attended a court hearing.

Display This Question:

If What were the court proceedings about? Please select all that apply = Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed such as a fine, community service, or jail)

Q182 The next questions ask about the most recent time you attended a court hearing for a non-criminal case.

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - only once

Q195 Thinking about when you attended the court hearing.

Q183 Did you attend the hearing in person (physically in the court room) or online?

In person (1)

Online (3)

Q184 Approximately how long ago was the hearing?

Within the past year (1)

One to five years ago (2)

More than five years ago (3)

Q186 What State or Territory were the proceedings held in?

▼ Australian Capital Territory (1) ... Norfolk Island (10)

Display This Question:

If What State or Territory were the proceedings held in? = Australian Capital Territory

Q185 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (19)
- Supreme Court / Court of Appeal (ACT) (4)
- Magistrate's Court (6)
- Galambany Court (15)
- Family Violence Court (ACT) (16)
- Other specialist court (eg. Coroner's Court, Children's Court, Industrial Court) (7)
- Unsure (17)

Display This Question:

If What State or Territory were the proceedings held in? = New South Wales

Q188 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (20)
- Supreme Court / Court of Appeal (NSW) (4)
- District Court (6)
- Local Court (7)
- Other specialist court (eg. Children's Court, Coroner's Court, Land and Environment Court, Court of Disputed Returns, Court of Marine Inquiry, Warden Court) (8)
- Unsure (17)

Display This Question:

If What State or Territory were the proceedings held in? = Northern Territory

Q189 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (21)
- Supreme Court / Court of Appeal (NT) (4)
- Local Court (7)
- Other (please specify) (8) _____
- Unsure (20)

Display This Question:

If What State or Territory were the proceedings held in? = Queensland

Q190 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (29)
- Supreme Court / Court of Appeal (Queensland) (4)
- District Court (7)
- Magistrate's Court (22)
- Murri Court (25)
- Domestic and Family Violence Specialist Court (26)
- Other specialist court (eg. Planning and Environment Court, Land Appeal Court, Land Court, Coroner's Court, Children's Court, Mental Health Court, Industrial Court) (21)
- Unsure (20)

Display This Question:

If What State or Territory were the proceedings held in? = South Australia

Q191 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (36)
- Supreme Court / Court of Appeal (South Australia) (4)
- District Court (7)
- Magistrate's Court (30)
- Other specialist court (eg. Environment, Resources and Development Court, Youth Court, Warden's Court, Coroner's Court) (29)
- Unsure (35)

Display This Question:

If What State or Territory were the proceedings held in? = Tasmania

Q192 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (37)
- Supreme Court (Tasmania) (4)
- Magistrate's Court (30)
- Other (please specify) (38) _____
- Unsure (35)

Display This Question:

If What State or Territory were the proceedings held in? = Victoria

Q193 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Family Court of Australia (1)
- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (37)
- Supreme Court (Victoria) (4)
- County Court (30)
- Magistrates' Court (38)
- Other specialist court (eg. Children's Court, Coroner's Court) (39)
- Unsure (35)

Display This Question:

If What State or Territory were the proceedings held in? = Western Australia

Q194 What court were the proceedings in? If you are not sure, tick 'unsure'.

- Federal Circuit Court of Australia (2)
- Federal Court of Australia (3)
- High Court of Australia (37)
- Supreme Court (Western Australia) (4)
- Family Court of Western Australia (40)
- District Court (30)
- Magistrates' Court (38)
- Other specialist court (eg. Children's Court, Coroner's Court) (39)
- Unsure (35)

Page Break

Q201 In a few words please describe what the proceedings were about:

Q255 Did the proceedings you attended involve an appeal against an earlier decision by a court or tribunal? If unsure, tick 'unsure'.

- Yes (1)
- No (2)
- Unsure (3)

End of Block: Most recent court hearing

Start of Block: Capacity in which attended court and representation

Q196 Why did you attend the court proceedings?

Please select all that apply.

- My case was being heard by the court (1)
- A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court (2)
- I was supporting someone whose case was being heard by the court (11)
- As a witness (3)
- As an expert witness (4)
- As a student observing proceedings (5)
- As a member of the public observing proceedings (6)
- As a journalist (7)
- I am employed by the court (9)
- Other (please specify) (8) _____

Display This Question:

If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

And Why did you attend the court proceedings? Please select all that apply. != A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

Q197 Did you have a lawyer representing you at the proceedings or were you representing yourself?

- I had a lawyer (1)
- I represented myself (2)
- Unsure (3)

Display This Question:

If Why did you attend the court proceedings? Please select all that apply. != My case was being heard by the court

And Why did you attend the court proceedings? Please select all that apply. = A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

Q199 Did your company have a lawyer representing it at the proceedings?

- Yes (1)
- No (2)
- Unsure (3)

Display This Question:

If Did your company have a lawyer representing it at the proceedings? = No

Q254 Were you representing your company in the proceedings?

- Yes (1)
- No (2)
- Unsure (3)

Display This Question:

If Why did you attend the court proceedings? Please select all that apply. = A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

And Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

Q198 In relation to the aspects of the case concerning you, did you have a lawyer representing you in the proceedings, or were you representing yourself?

- I had a lawyer (4)
- I represented myself (5)
- Unsure (3)

Display This Question:

If Why did you attend the court proceedings? Please select all that apply. = I was supporting someone whose case was being heard by the court

Q200 Did the person you were supporting at court have a lawyer representing them at the proceedings?

- Yes (4)
- No (5)
- Unsure (3)

End of Block: Capacity in which attended court and representation

Start of Block: Experience of proceedings

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - more than once

And What were the court proceedings about? Please select all that apply != Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed, such as a fine, community service, or jail)

Q230 Please indicate your level of agreement with the following statements in relation to the most recent court proceedings you attended:

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - more than once

And What were the court proceedings about? Please select all that apply = Criminal law (related to deciding if someone is guilty of a crime and/or deciding the punishment that should be imposed, such as a fine, community service, or jail)

Q231 Please indicate your level of agreement with the following statements in relation to the most recent non-criminal court proceedings you attended:

Display This Question:

If Have you attended a court hearing (online or in person) in any capacity within the past decade or so = Yes - only once

Q232 Please indicate your level of agreement with the following statements in relation to the court proceedings you attended:

Q233 I feel that, in the proceedings, the judicial officer (judge or magistrate):

Display This Choice:

If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

Or Were you representing your company in the proceedings? = Yes

Display This Choice:

If Did you have a lawyer representing you at the proceedings or were you representing yourself? = I had a lawyer

Or In relation to the aspects of the case concerning you, did you have a lawyer representing you in... = I had a lawyer

Display This Choice:

If Did your company have a lawyer representing it at the proceedings? = Yes

Display This Choice:

If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

Or Why did you attend the court proceedings? Please select all that apply. = A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

Display This Choice:

If Why did you attend the court proceedings? Please select all that apply. != My case was being heard by the court

And Why did you attend the court proceedings? Please select all that apply. != A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

	Strongly agree (24)	Somewhat agree (25)	Neither agree nor disagree (27)	Somewhat disagree (28)	Strongly disagree (29)	N/A (30)
listened with an open mind to all sides (13)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><i>Display This Choice:</i></p> <p><i>If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court</i></p> <p><i>Or Were you representing your company in the proceedings? = Yes</i></p>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
treated me professionally and respectfully (10)						

Display This Choice:

If Did you have a lawyer representing you at the proceedings or were you representing yourself? = I had a lawyer

Or In relation to the aspects of the case concerning you, did you have a lawyer representing you in... = I had a lawyer

treated my lawyer professionally and respectfully (3)

Display This Choice:

If Did your company have a lawyer representing it at the proceedings? = Yes

treated my company's lawyer professionally and respectfully (12)

Display This Choice:

If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

Or Why did you attend the court proceedings? Please select all that apply. = A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

**treated the other participants in the proceedings professionally and respectfully
(8)**

Display This Choice:

If Why did you attend the court proceedings? Please select all that apply. != My case was being heard by the court

And Why did you attend the court proceedings? Please select all that apply. != A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

treated all people professionally and respectfully (11)

did not favour one side over the other (4)

appeared to understand the circumstances of, and challenges facing, people who appeared in the courtroom (5)

was not biased (7)

Display This Question:

If I feel that, in the proceedings, the judicial officer (judge or magistrate): = did not favour one side over the other [Somewhat disagree]

Or I feel that, in the proceedings, the judicial officer (judge or magistrate): = did not favour one side over the other [Strongly disagree]

And If

I feel that, in the proceedings, the judicial officer (judge or magistrate): != was not biased [Somewhat disagree]

And I feel that, in the proceedings, the judicial officer (judge or magistrate): != was not biased [Strongly disagree]

Q234 What made you feel the judicial officer favoured one side over the other?

Display This Question:

If I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Strongly disagree]

Or I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Somewhat disagree]

Q235 What made you feel the judicial officer was biased?

End of Block: Experience of proceedings

Start of Block: Bias issues - represented

Display This Question:

If I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Strongly disagree]

Or I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Somewhat disagree]

Q236 Have you raised the issue of bias with your lawyer at any time during the case?

Yes (1)

No (2)

Unsure (3)

Display This Question:

If Have you raised the issue of bias with your lawyer at any time during the case? = No

Q237 Why haven't you raised the issue of bias with your lawyer?

Display This Question:

If Have you raised the issue of bias with your lawyer at any time during the case? = Yes

Q238 Are you happy with the way your lawyer dealt with the issue of bias?

- Yes (4)
- No (5)
- Unsure (6)

Display This Question:

If Are you happy with the way your lawyer dealt with the issue of bias? = No

Q239 Why not?

Display This Question:

If I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Somewhat disagree]

Or I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Strongly disagree]

Q245 Has your lawyer raised the issue of bias with the judicial officer at any point during the case?

- Yes (4)
- No (5)
- Unsure (6)

Display This Question:

If Has your lawyer raised the issue of bias with the judicial officer at any point during the case? = Yes

Q247 Are you happy with how the judicial officer dealt with the issue of bias?

- Yes (4)
- No (5)
- Unsure (6)

Display This Question:

If Are you happy with how the judicial officer dealt with the issue of bias? = No

Q248 Why not?

End of Block: Bias issues - represented

Start of Block: Bias issues - Unrepresented

Display This Question:

If I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Strongly disagree]

Or I feel that, in the proceedings, the judicial officer (judge or magistrate): = was not biased [Somewhat disagree]

Q226 Have you raised the issue of bias with the judicial officer at any time during the case?

- Yes (1)
- No (2)
- Unsure (3)

Display This Question:

If Have you raised the issue of bias with the judicial officer at any time during the case? = No

Q227 Why haven't you raised the issue of bias with the judicial officer?

Display This Question:

If Have you raised the issue of bias with the judicial officer at any time during the case? = Yes

Q228 Are you happy with the way the judicial officer dealt with the issue of bias?

- Yes (4)
- No (5)
- Unsure (6)

Display This Question:

If Are you happy with the way the judicial officer dealt with the issue of bias? = No

Q229 Why not?

End of Block: Bias issues - Unrepresented

Start of Block: Fairness of proceedings

Q240 In relation to the most recent court proceedings I attended, I feel the way in which they were handled was fair.

- Strongly agree (13)
- Somewhat agree (14)
- Neither agree nor disagree (15)
- Somewhat disagree (16)
- Strongly disagree (17)

Page Break

Q241 What, if anything, gave you a positive impression about the court proceedings?

Q242 What, if anything, would you like to see changed about the court proceedings?

Page Break

Display This Question:

If Why did you attend the court proceedings? Please select all that apply. = My case was being heard by the court

Or Why did you attend the court proceedings? Please select all that apply. = A case involving an organisation or business that I own, lead, manage, or work for was being heard by the court

Q243 Regardless of the outcome, I feel the way in which the case as a whole has been handled has been fair.

- Strongly agree (13)
- Somewhat agree (14)
- Neither agree nor disagree (15)
- Somewhat disagree (16)
- Strongly disagree (17)

Display This Question:

If Regardless of the outcome, I feel the way in which the case as a whole has been handled has been... = Strongly disagree

Or Regardless of the outcome, I feel the way in which the case as a whole has been handled has been... = Somewhat disagree

Q249 Why do you think the way in which the case has been handled was not fair?

Select all that apply

- Unfairness in the law (1)
- The way the judicial officer(s) dealt with the case in court (2)
- The way the lawyers dealt with the case (3)
- Lack of legal representation (4)
- Cost (5)
- Not enough time for the hearing (6)
- It has taken too long (7)
- Decisions made in the case were not fair (8)
- Other (please specify) (9) _____

Page Break _____

Q251 How much confidence do you have in Australia's courts and the legal system?

- Complete confidence (1)
 - A great deal of confidence (2)
 - Some confidence (3)
 - Very little confidence (4)
 - No confidence at all (5)
 - Can't choose (6)
-

Q244 Do you have any further comments about your experiences attending court proceedings?

End of Block: Fairness of proceedings

Start of Block: DEMOGRAPHIC QUESTIONS

Q41

Finally, we would like to ask you a few questions about yourself.

Q42 What is your age?

- Below 20 (1)
 - 20 to 30 (2)
 - 31 to 40 (3)
 - 41 to 50 (4)
 - 51 to 60 (6)
 - 61 and older (8)
 - Prefer not to answer (9)
-

Q43 How do you describe your gender?

- Female (1)
 - Male (2)
 - Non-binary (3)
 - I use a different term (please specify) (4)
-
- Prefer not to answer (5)
-

Page Break

Q45 Do you identify as:

- Aboriginal (1)
 - Torres Strait Islander (2)
 - Aboriginal and Torres Strait Islander (3)
 - None of the above (4)
 - Prefer not to answer (5)
-

Q44 Do you speak a language other than English at home?

▼ No, English only (1) ... Prefer not to answer (8)

Page Break



Q46 What region/s best describe your ancestry? *Please select up to two responses*

- Oceania (1)
 - North Africa and the Middle East (4)
 - Africa - Sub-Saharan (9)
 - Asia - North-East (6)
 - Asia - South-East (5)
 - Asia - Southern and Central (7)
 - Europe - North-West (including Britain and Ireland) (2)
 - Europe - Southern and Eastern (3)
 - Americas (8)
 - Prefer not to answer (10)
-



Q47 In which country were you born?

▼ Afghanistan (1) ... Zimbabwe (1357)

Page Break

Q48 Do you identify as LGBTIQ+?

- Yes (1)
 - No (2)
 - Prefer not to answer (3)
-

Q49 Do you identify as a person with disability?

- Yes (1)
 - No (2)
 - Prefer not to answer (3)
-

Q50 What is your religion (if any)?

▼ No religion (1) ... Prefer not to answer (15)

End of Block: DEMOGRAPHIC QUESTIONS

Start of Block: Block 11

Q252 What is your highest level of education?

- Primary school (1)
 - Secondary school (2)
 - Trade / Diploma / Certificate (3)
 - University degree (4)
 - Prefer not to answer (5)
-

Q253 What is your household income?

- Less than \$50,000 per year (1)
- \$50,000-\$80,000 per year (2)
- \$80,000-\$120,000 per year (3)
- More than \$120,000 per year (4)
- Prefer not to answer (5)

End of Block: Block 11
