



Dispute Resolution in Victoria: Community Survey 2007

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Table of Contents

Executive Summary	i
1. Background and Objectives	1
1.1 Introduction.....	1
1.2 Research Objectives	1
1.3 What is ADR?.....	2
1.4 ADR Service Providers.....	2
2. Research Findings - All Disputes	3
2.1 Incidence of Disputes	3
2.2 Community Recognition of ADR Services.....	10
2.3 Community Access to ADR Services	15
2.4 Enablers of Using ADR Services	19
2.5 Barriers to Using ADR Services	22
3. Research Findings - Serious Disputes	26
3.1 Introduction.....	26
3.2 Serious Consumer Disputes with Business	26
3.3 Serious Disputes with Family, Neighbourhood & Associations.....	31
3.4 Estimated Cost of Dispute Resolution.....	36
3.5 Time Spent on Dispute Resolution.....	40
3.6 Emotional Cost of Dispute Resolution.....	41
Appendix A: Research Methodology.....	44
A.1 Questionnaire Design.....	44
A.2 Telephone Survey Sample Selection	45
A.3 Response Rate.....	46
A.4 Calculations and Weightings.....	47
Appendix B: Sample Characteristics	50
Appendix C: Survey Questionnaire	54



Executive Summary

Purpose and Method

In October 2006, Ipsos was commissioned by the Department of Justice to conduct a survey about dispute resolution in Victoria. This survey was conducted in two parts, the one reported herein involving 502 telephone interviews with Victorians aged 18 years or more; the second being with 500 owners or operators of Victorian small businesses. Both surveys were designed to be representative of the populations of Victorian adults and small businesses.

All figures in this report have been weighted to represent the Victorian population aged 18 years or more. Weighting is a well established and widely used approach in market and social research. By weighting the sample data, results are extrapolated to the broader population thereby ensuring representativeness of the broader population.

This community survey sought to reliably and validly measure recognition of, attitudes to, and experiences of alternative dispute resolution (ADR) schemes operating in Victoria.

The key findings, extrapolated to the Victorian population, are summarized below.

Incidence of Disputes

Of all Victorians, 35% had at least one dispute in the last 12 months, while 65% had no disputes.

There were around 3.3 million disputes among Victorians, of which:

- 1.8 million involved business or government
- 1.5 million involved family, neighbourhood or the community.
- the most prevalent dispute categories were ‘electricity, water, gas or phone’ (8%), ‘family’ (6%) and ‘neighbours’ (5%).

Attempts at Dispute Resolution

The majority of all disputes (2 million or 65%) were resolved without the obtaining help from a third party, while around 15% (484,000) involved a third party in an attempt to achieve resolution. Nearly one quarter (24% or 805,000) of all disputes was not resolved at the time of the survey.

Of all unresolved disputes with business or government (404,000), 35% or 143,000 involved third party help.

Of all family, neighbourhood or association disputes that remained unresolved (401,000), 32% or 129,000 disputes involved a third party.

Action Taken to Resolve Serious Disputes

Respondents were asked to select up to three disputes that were serious for them or difficult to resolve. Respondents were then asked a series of questions about:

- the action taken to resolve each dispute
- third party involvement in dispute resolution
- the estimated cost and time of dispute resolution.

Actions most frequently taken to resolve serious disputes with business were:

- tried to return or exchange the faulty goods (25%)
- took the matter up with the seller or supplier of the goods or services (53%)
- obtained information from Consumer Affairs Victoria (5%)
- obtained information from an Ombudsman or Commissioner (4%).

Actions most frequently taken to resolve serious family, neighbourhood and association disputes were:

- sought information or advice from Community Legal or Support Service (8%)
- sought information from a government agency (7%)
- went to the police (15%) or lawyers (8%),
- went to courts (5%) or VCAT (4%)
- lodged a complaint or sought mediation service from a third party agency such as 'Relationships Australia' (1%) or a Community Legal or Support Services (2%)

The action that most helped to resolve a serious family, neighbourhood or association dispute was the police (8%).

Experience with third parties had a positive effect on Victorians for both consumer disputes and family, neighbourhood and association disputes. The majority of those that have used a third party to resolve their disputes believe they got a better outcome than they could have achieved on their own.

Cost and Time Involved in Dispute Resolution

The total cost to Victorians of resolving disputes was estimated at \$2.7 billion, including the amount of dollars and number of hours spent.

The total cost to Victorians of resolving disputes, excluding those with government, was estimated at \$2.5 billion.

The total cost to Victorians of resolving consumer disputes with business was slightly lower than the cost of disputes with family, neighbourhood and association - 47% or \$1.2 billion compared with 53% or \$1.4 billion.

On average, fewer dollars were spent per consumer dispute than on family, neighbourhood or association disputes (\$1,154 per serious dispute compared with \$2,010).

The total cost to Victorians who used a third party to resolve a serious dispute was \$1.3 billion, similar to the cost (\$1.2 billion) when no third party was used.

Notably, the total cost to Victorians of unresolved serious disputes was slightly higher relative to the cost of resolved disputes - \$1.4 billion compared with \$1.2 billion.

The total number of hours spent on resolving serious business disputes and family, neighbourhood or association disputes was 30.5 million hours, which is valued at an estimated \$1 billion.

Victorians spent 2.6 million hours (9% of all hours spent on serious disputes) dealing with or responding to a third party, with time spent on consumer disputes and disputes with family, neighbourhood or associations equally split (50% each).

The reported emotional cost of dispute resolution is quite high among Victorians, with most (91%) of those who had disputes with business rating the cost as *high* or *very high* and most (87%) of those with family, neighbourhood or association disputes rating the emotional cost as *high* or *very high*.

The emotional cost of disputes involving third parties was higher with 41% rating the emotional costs as *very high* (41%), compared with 28% of those who did not use a third party (28%).

Community Recognition of ADR Services

Prompted recognition of ADR service providers was high for Consumer Affairs Victoria, Victorian Equal Opportunity and Human Rights Commission, Ombudsman Victoria, and Telecommunications Industry Ombudsman; however, low proportions of Victorians have ever contacted an ADR service relative to the number of disputes.

A second group of ADR services has quite low levels of recognition and in most cases low levels of usage.

Overall, 15% of disputes involving Victorians involved a third party in an attempt to reach resolution. The proportion of Victorians contacting ADR suppliers was low with the exception of for Consumer Affairs Victoria which was contacted by more than 11% of Victorians.

Survey findings suggest that the key factors in influencing Victorians to make greater use of ADR services include relative cheapness and speed of resolution when compared with the courts, and access to subject or industry experts.

In contrast, the survey revealed that perceptions of the cost and effort involved in dispute resolution discourage some Victorians from using ADR services.

It is noteworthy that 59% of Victorians did not see any advantage in taking a dispute to court or a tribunal such as VCAT.

1. Background and Objectives

1.1 Introduction

The Victorian Department of Justice (DOJ) commissioned Ipsos to conduct a *Dispute Resolution in Victoria User Survey*. This survey sought to reliably and validly measure recognition of, attitudes to, and experiences of alternative dispute resolution (ADR) schemes operating in Victoria. The survey has been conducted in two parts – the first with a representative sample of persons from the general community and the second with Victorian small businesses (defined as businesses with fewer than 20 employees). This report concerns only the findings from the general community survey.

The survey is one element of a broader project which aims to improve and strengthen ADR service delivery to Victorians by the public and private sectors. The overarching project encompasses other research.

At present, available data and information about ADR services, practices and performance, as well as public recognition of and attitudes to ADR services, is poor. The survey was used to collect data to assist in filling this knowledge gap about the ADR market. For the purposes of this survey, “a dispute” is defined as:

A conflict or disagreement between two or more people, businesses or organisations. Disputes may have been resolved by the persons themselves or have involved someone like a mediator, lawyer or ombudsman to help sort it out.

1.2 Research Objectives

Ipsos was commissioned to design and conduct a sample survey of Victorians. The overall aim of the survey was to reliably and validly measure recognition of, attitudes to, and experiences of alternative dispute resolution (ADR) schemes operating in Victoria.

Specific research objectives were to determine:

- the incidence of disputes among Victorians across dispute types (a) those involving business or government and (b) those involving family, neighbourhood or association
- the types of third parties being used to resolve disputes
- the actions being taken in an attempt to resolve serious or difficult disputes
- the cost of dispute resolution to Victorians (not including the cost to government)
- attitudes to ADR
- recognition of and access to ADR services.

1.3 What is ADR?

For the purposes of this project, ADR refers to a process for resolving a broad range of disputes without recourse to the courts. ADR services comprise negotiation, mediation, conciliation and arbitration. ADR schemes aim to:

- minimise the costs of disputes
- provide informal and quickly achieved resolution of disputes
- provide non-adversarial processes
- provide a forum for resolving disputes that are unlikely to proceed to litigation
- reduce the number of disputes that proceed to litigation – which in turn reduces the courts' workloads.

The growth of the ADR sector has been driven by its accessibility, adaptability to different types of disputes, timeliness and cost advantages.

1.4 ADR Service Providers

The DOJ and agencies within the Justice portfolio that provide ADR services include:

- Consumer Affairs Victoria
- Dispute Settlement Centre of Victoria
- Victorian Equal Opportunity & Human Rights Commission
- Victorian Privacy Commissioner

DOJ also has a key role in ensuring that ADR services are operating fairly and effectively. In Victoria, dispute resolution assistance is accessible through public and private ADR service providers.

Those falling within the scope of this project, because of their widespread use, include:

- statutory and government agencies and regulatory bodies with an ADR role
- industries that have in place their own dispute resolution schemes
- community dispute resolution service providers
- ADR processes operated by courts and tribunals
- commercial ADR service providers such as lawyers and members of the Institute of Arbitrators & Mediators who charge fees for their services.

2. Research Findings - All Disputes

2.1 Incidence of Disputes

Of all Victorians, 35% have had at least one dispute in the last 12 months, while 65% have not had any disputes.

The total number of disputes among Victorians was 3,294,000 of which 1,845,000 involved business or government and 1,449,000 were family, neighbourhood and association disputes. The most prevalent dispute categories were:

- electricity, water, gas or phone (8%)
- family members (6%)
- neighbours (5%).

Almost two-thirds (65%) of all disputes (2,141,000) were resolved without getting help from a third party. Around 15% (484,000) of disputes involved a third party in an attempt to achieve resolution. Almost one-quarter of all disputes (24% or 805,000) was not resolved at the time of the survey.

It is estimated that of all unresolved disputes with business or government (404,000), 35% (143,000) involved a third party. Similarly, of all unresolved family, neighbourhood and association disputes (401,000), 32% or 129,000 disputes involved a third party.

Table 1: All Disputes with Business, Government, Family, Neighbourhood & Community

	Q1/Q6. Had dispute	Q2/Q7. Number of disputes	Q3/Q8. Number resolved without help	Q4a/Q9. Number with 3rd party help	Q5/Q10. Number not resolved
Dispute categories	n=502	n=174	n=174	n=174	n=174
<i>Consumer Disputes with Business</i>					
Electricity, water, gas, or phone	8%	477,000	366,000	35,000	70,000
Credit, debt, banking, finance or insurance	4%	204,000	163,000	13,000	21,000
Electronics or electrical goods	4%	184,000	108,000	20,000	69,000
Transport incl public transport, fuel, buying, hiring or repairing a vehicle	3%	162,000	89,000	32,000	47,000
Building, renovations, repairs or maintenance of your home	3%	131,000	81,000	43,000	27,000
Tenancy or accommodation involving a landlord	2%	61,000	43,000	19,000	6,000
Estate agents services such as buying, selling or letting a home	2%	62,000	50,000	-	12,000
Clothing, footwear, cosmetics or other personal products	1%	73,000	55,000	-	12,000
Recreation and leisure, including holiday travel	1%	42,000	42,000	-	-
Information privacy	1%	36,000	13,000	-	14,000

	Q1/Q6. Had dispute	Q2/Q7. Number of disputes	Q3/Q8. Number resolved without help	Q4a/Q9. Number with 3rd party help	Q5/Q10. Number not resolved
Dispute categories	n=502	n=174	n=174	n=174	n=174
Food or drink	1%	58,000	58,000	-	-
Health care	1%	45,000	23,000	16,000	23,000
Education	1%	29,000	21,000	7,000	-
Other consumer disputes with business	2%	96,000	60,000	21,000	28,000
<i>Total - Consumer Disputes with Business</i>	<i>34%</i>	<i>1,660,000</i>	<i>1,172,000</i>	<i>206,000</i>	<i>329,000</i>
Disputes with Government					
The imposition of a fine by government	2%	82,000	44,000	-	14,000
A planning decision by government	1%	53,000	6,000	28,000	41,000
Other disputes with government	1%	50,000	15,000	14,000	20,000
<i>Total - Disputes with Government</i>	<i>4%</i>	<i>185,000</i>	<i>65,000</i>	<i>42,000</i>	<i>75,000</i>
TOTAL - All Disputes with Business & Government:	109%*	1,845,000	1,237,000	248,000	404,000
Disputes with Family, Neighbourhood & Association					
Family members - over a relationship, parenting, money, goods borrowed etc	6%	297,000	173,000	59,000	104,000
Neighbours - over trees, fences, noise, pets, parking etc	5%	304,000	170,000	93,000	76,000
At your workplace - over unfair dismissal, discrimination, unfair treatment etc	4%	267,000	93,000	49,000	139,000
Friends - over behaviour, money owed, goods borrowed etc	3%	98,000	76,000	-	22,000
At a school or kindergarten - over the behaviour of students, school policy etc	2%	115,000	109,000	-	6,000
People you share a house with e.g. over housework, payment of shared bills, rent, etc	1%	213,000	207,000	-	7,000
At a club or sporting group - over the way the club is run or the behaviour of other members etc	1%	54,000	46,000	-	7,000
Body corporate - over joint property, fees, management etc	Less than 1%	18,000	18,000	-	-
Other Disputes with Family, Neighbourhood & Association	Less than 1%	16,000	-	16,000	-
<i>Total - Disputes with Family, Neighbourhood & Association (excl. local planning issues)</i>	<i>22%</i>	<i>1,382,000</i>	<i>892,000</i>	<i>217,000</i>	<i>361,000</i>
Local community - over local planning issues, the environment etc	2%	67,000	12,000	19,000	40,000
<i>Total - local planning issues</i>	<i>2%</i>	<i>67,000</i>	<i>12,000</i>	<i>19,000</i>	<i>40,000</i>
No - had no disputes with family, neighbourhood & association	82%	-	-	-	-
TOTAL - All Family, Neighbourhood & Association Disputes:	106%*	1,449,000	904,000	236,000	401,000
GRAND TOTAL - ALL DISPUTES	-	3,294,000	2,141,000	484,000	805,000

Base: Respondent bases vary for each question presented in this table. Respondent bases are indicated in brackets at the top of each column i.e. (n=...)

*Note: The total does not add up to 100% due to multiple responses allowed for this question

2.1.1 Incidence of Disputes with Business & Government

Of all Victorians, 25% have had one or more disputes in the last 12 months with business or government, while 75% did not have any.

The five categories with highest incidence of disputes with business were:

- Electricity, water, gas or phone (8% or 477,000 disputes)
- Credit, debt, banking, finance or insurance (4% or 204,000 disputes)
- Electronics or electrical goods (4% or 184,000 disputes)
- Transport including public transport, fuel, buying, hiring or repairing a vehicle (3% or 162,000 disputes)
- Building, renovations, repairs or maintenance of your home (3% or 131,000 disputes).

Relatively low proportions of Victorians had disputes related to ‘the imposition of a fine by government’ (2%) or ‘a planning decision by government’ (1%).

Overall, a relatively low proportion of disputes with business involved a third party (12%, i.e. 185,000 out of 1,564,000 disputes).

In the top five categories of disputes with business, third party involvement was as follows:

- ‘Electricity, water, gas or phone’ – in 7% of disputes (i.e. 35,000 involved a third party from a total of 477,000 disputes)
- ‘Credit, debt, banking, finance or insurance’ - in 6% of disputes (i.e. 13,000 000 involved a third party from a total of 204,000 disputes),
- ‘Electronics or electrical goods’ – in 11% of disputes (i.e. 20,000 000 involved a third party from a total of 184,000 disputes),
- ‘Transport including public transport, fuel, buying, hiring or repairing a vehicle’ – in 20% of disputes (i.e. 32,000 000 involved a third party from a total of 162,000 disputes); and
- ‘Building, renovations, repairs or maintenance of your home’ - in 33% of disputes (i.e. 43,000 000 involved a third party from a total of 131,000 disputes).

Table 2: Disputes with Business by Category

Dispute categories	Q1. Had dispute	Q2. Number of disputes	Q3. Number resolved without help	Q4a. Number with 3rd party help	Q5. Number not resolved
	n=502	n=174	n=174	n=174	n=174
Consumer Disputes with Business					
Electricity, water, gas, or phone	8%	477,000	366,000	35,000	70,000
Credit, debt, banking, finance or insurance	4%	204,000	163,000	13,000	21,000
Electronics or electrical goods	4%	184,000	108,000	20,000	69,000
Transport incl public transport, fuel, buying, hiring or repairing a vehicle	3%	162,000	89,000	32,000	47,000
Building, renovations, repairs or maintenance of your home	3%	131,000	81,000	43,000	27,000
Tenancy or accommodation involving a landlord	2%	61,000	43,000	19,000	6,000
Estate agents services such as buying, selling or letting a home	2%	62,000	50,000	-	12,000
Clothing, footwear, cosmetics or other personal products	1%	73,000	55,000	-	12,000
Recreation and leisure, including holiday travel	1%	42,000	42,000	-	-
Information privacy	1%	36,000	13,000	-	14,000
Food or drink	1%	58,000	58,000	-	-
Health care	1%	45,000	23,000	16,000	23,000
Education	1%	29,000	21,000	7,000	-
Other consumer disputes with business	2%	96,000	60,000	21,000	28,000
Total - Consumer Disputes with Business	34%	1,660,000	1,172,000	206,000	329,000

Base: Respondent bases vary for each question presented in this table. Respondent bases are indicated in brackets at the top of each column i.e. (n=...)

*Note: The total does not add up to 100% due to multiple responses allowed for this question

Q1. In the last 12 months have you had any disputes with a business or government agency about any of the following types of goods, services or issues?

Q2. How many different disputes have you had over Q1 in the past 12 months?

Q3. How many of these disputes over Q1 were you able to resolve without getting help from a third party such as a mediator, lawyer or ombudsman?

Q4a. Did you involve a third party in an attempt to resolve any of these disputes? a) IF YES ASK – For which dispute was that?

Q5. How many of these disputes were not resolved, either because you haven't been able to reach agreement or because you didn't try to?

Table 3: Disputes with Government by Category

Dispute categories	Q1. Had dispute	Q2. Number of disputes	Q3. Number resolved without help	Q4a. Number with 3rd party help	Q5. Number not resolved
	n=502	n=23**	n=23**	n=23**	n=23**
<i>Disputes with Government</i>					
The imposition of a fine by government	2%	82,000	44,000	-	14,000
A planning decision by government	1%	53,000	6,000	28,000	41,000
Other disputes with government	1%	50,000	15,000	14,000	20,000
<i>Total - Disputes with Government</i>	<i>4%</i>	<i>185,000</i>	<i>65,000</i>	<i>42,000</i>	<i>75,000</i>

Base: Respondent bases vary for each question presented in this table. Respondent bases are indicated in brackets at the top of each column i.e. (n=...)

*Note: The total does not add up to 100% due to multiple responses allowed for this question

**Note: Respondent bases for this question are very small and results should be treated with caution and as indicative only.

Q1. In the last 12 months have you had any disputes with a business or government agency about any of the following types of goods, services or issues?

Q2. How many different disputes have you had over Q1 in the past 12 months?

Q3. How many of these disputes over Q1 were you able to resolve without getting help from a third party such as a mediator, lawyer or ombudsman?

Q4a. Did you involve a third party in an attempt to resolve any of these disputes? a) IF YES ASK – For which dispute was that?

Q5. How many of these disputes were not resolved, either because you haven't been able to reach agreement or because you didn't try to?

2.1.2 Incidence of Disputes with Family, Neighbourhood & Association

Of all Victorians, 18% have had one or more disputes in the last 12 months with family, neighbourhood and association, whereas 82% have not had any.

The five categories of disputes with family, neighbourhood and association with the highest incidence were:

- 'Family members - over a relationship, parenting, money, goods borrowed etc' (6% or 297,000 disputes),
- 'Neighbours - over trees, fences, noise, pets, parking etc' (5% or 304,000 disputes),
- 'At your workplace - over unfair dismissal, discrimination, unfair treatment etc' (4% or 267,000 disputes);
- 'Friends - over behaviour, money owed, goods borrowed etc' (3% or 98,000 disputes);
- 'At a school or kindergarten - over the behaviour of students, school policy etc' (2% or 115,000 disputes).

Overall, a relatively low proportion of with family, neighbourhood and association disputes involved a third party (16%, i.e. 401,000 out of 1,449,000 disputes).

In the top five dispute categories of disputes with family, neighbourhood and association, involvement of third party help was as follows:

- ‘Family members - over a relationship, parenting, money, goods borrowed etc’ – in 20% of disputes (i.e. 59,000 involved a third party from a total of 297,000 disputes),
- ‘Neighbours - over trees, fences, noise, pets, parking etc’ – in 31% of disputes (i.e. 93,000 involved a third party from a total of 304,000 disputes),
- ‘At your workplace - over unfair dismissal, discrimination, unfair treatment etc’ – in 18% of disputes (i.e. 49,000 involved a third party from a total of 267,000 disputes);
- ‘Friends - over behaviour, money owed, goods borrowed etc’ – in 0% of disputes; and
- ‘At a school or kindergarten - over the behaviour of students, school policy etc’ – in 0% of disputes.

It is noteworthy that of all family, neighbourhood and association dispute categories, disputes with ‘neighbours’ involved third party help the most (31%), while disputes with friends or at kindergarten did not involve any third party resolution.

Overall, more than one quarter of all disputes with family, neighbourhood and association in the last 12 months was not resolved (28%, i.e. 401,000 out of 1,449,000 disputes). Looking at the top five dispute categories with family, neighbourhood and association, incidence of unresolved disputes was as follows:

- ‘Family members - over a relationship, parenting, money, goods borrowed etc’ – in 35% of disputes (i.e. 104,000 unresolved out of a total of 297,000 disputes);
- ‘Neighbours - over trees, fences, noise, pets, parking etc’ – in 25% of disputes (i.e. 76,000 unresolved out of a total of 304,000 disputes);
- ‘At your workplace - over unfair dismissal, discrimination, unfair treatment etc’ – in 52% of disputes (i.e. 139,000 unresolved out of a total of 267,000 disputes);
- ‘Friends - over behaviour, money owed, goods borrowed etc’ – in 22% of disputes (i.e. 22,000 unresolved out of a total of 98,000 disputes); and
- ‘At a school or kindergarten - over the behaviour of students, school policy etc’ – in 5% of disputes (i.e. 6,000 unresolved out of a total of 115,000 disputes).

Table 4: Disputes with Family, Neighbourhood & Association by Category

Disputes with Family, Neighbourhood & Association	Q6. Had dispute	Q7. Number of disputes	Q8. Number resolved without outside help	Q9a. Number with 3rd party help	Q10. Number not resolved
	(n=502)	(n=93)	(n=93)	(n=93)	(n=93)
Family members - over a relationship, parenting, money, goods borrowed etc	6%	297,000	173,000	59,000	104,000
Neighbours - over trees, fences, noise, pets, parking etc	5%	304,000	170,000	93,000	76,000
At your workplace - over unfair dismissal, discrimination, unfair treatment etc	4%	267,000	93,000	49,000	139,000
Friends - over behaviour, money owed, goods borrowed etc	3%	98,000	76,000	-	22,000
At a school or kindergarten - over the behaviour of students, school policy etc	2%	115,000	109,000	-	6,000
People you share a house with e.g. over housework, payment of shared bills, rent, etc	1%	213,000	207,000	-	7,000
At a club or sporting group - over the way the club is run or the behaviour of other members etc	1%	54,000	46,000	-	7,000
Body corporate - over joint property, fees, management etc	Less than 1%	18,000	18,000	-	-
Other disputes with family, neighbourhood & association	Less than 1%	16,000	-	16,000	-
Total - Disputes with Family, Neighbourhood & Association (excl. local planning issues)	22%	1,382,000	892,000	217,000	361,000
Local community - over local planning issues, the environment etc	2%	67,000	12,000	19,000	40,000
Total – local planning issues	2%	67,000	12,000	19,000	40,000
No	82%	-	-	-	-
GRAND TOTAL - All Family, Neighbourhood & Association Disputes:	106%*	1,449,000	904,000	236,000	401,000

Base: Respondent bases vary for each question presented in this table. Respondent bases are indicated in brackets at the top of each column i.e. (n=...)

*Note: The total does not add up to 100% due to multiple responses allowed for this question

Q6. In the last 12 months have you had any disputes with family members, neighbours, club members, at your workplace or in the local community such as...

Q7. How many different disputes have you had over Q6 in the past 12 months?

Q8. How many of these disputes over Q6 were you able to resolve without getting help from a third party such as a mediator, lawyer or ombudsman

Q9a. Did you involve a third party in an attempt to resolve any of these disputes? a) IF YES ASK – For which dispute was that?

Q10. How many of these disputes were not resolved, either because you haven't been able to reach agreement or because you didn't try to?

2.2 Community Recognition of ADR Services

A list of ADR services was read out to respondents and they were asked to indicate whether they have heard of any of them as a body that can help with a dispute. Additionally, respondents were asked whether they have ever contacted these services to help them handle a dispute.

The survey revealed that several ADR services have a high recognition among Victorians, including Consumer Affairs Victoria, The Victorian Equal Opportunity & Human Rights Commission, Ombudsman Victoria, and Telecommunications Industry Ombudsman. More specifically:

Relatively higher recognition was noted for:

- Consumer Affairs Victoria - CAV (92%)
- The Victorian Equal Opportunity & Human Rights Commission (89%)
- Ombudsman Victoria (73%)
- Telecommunications Industry Ombudsman (65%).

Relatively lower recognition was found for:

- Dispute Settlement Centre Victoria (16%)
- Financial Industry Complaints Service (25%)
- Relationships Australia (37%)
- Energy and Water Ombudsman Victoria (42%).

As discussed previously, a number of ADR services were found to have a relatively higher recognition among Victorians. However, recognition for each of these services was found to differ significantly among various groups, with some groups reporting significantly higher recognition compared to other groups, as shown below.

Consumer Affairs Victoria - Significantly higher recognition was found among those that were:

- Aged 50-59 years (98%) compared with 20-29 years and 30-39 years (87% and 93%, respectively);
- Employed full-time or self-employed (95%) compared with those that were retired and employed part-time (88% and 89%, respectively);
- With weekly income of \$500-\$999 and \$2,000 or more (98% and 96%, respectively) compared with those in the lower income group (\$1-\$499) (89%); and
- Not holding a Concession card¹ (94%) compared with those holding a Concession card (84%).

The **Victorian Equal Opportunity & Human Rights Commission** - Significantly higher recognition was found among those that:

¹ For the purposes of this report, a Concession card means a Pensioner Concession Card or a Centrelink Health Care Card.

- Have used a third party (97%) compared with those that have not used a third party (88%);
- Were aged 50-59 year (91%) compared with those aged 20-29 years (79%); and
- Were employed full-time or self-employed (92%) compared to those unemployed or students (82%).

Ombudsman Victoria - Significantly higher recognition was found among those that were:

- Aged 30-39 years, 40-49 years, 50-59 years and 60 or more years (72%, 77%, 83% and 87%, respectively) compared to those aged 20-29 years (49%);
- Retired (88%), compared with those that were employed full-time or self-employed, part-time, and unemployed (72%, 72%, and 65%, respectively); and
- Living in regional Victoria (80%) compared to those living in Melbourne (71%).

Telecommunications Industry Ombudsman Victoria - Significantly higher recognition was found among those that were:

- Males (72%) compared with females (59%);
- Aged 30-39 years, 40-49 years, 50-59 years and 60 or more years (67%, 70%, 71% and 72%, respectively) compared to those aged 20-29 years (48%); and
- Full-time or self-employed, part-time, and retired (71%, 67%, and 68%, respectively) compared to those that were unemployed or students (51%);
- TAFE (68%) and university qualified (69%), compared with those that have completed secondary school (54%); and
- Non-holders of a Concession card (69%), compared with holders (57%).

As shown previously, a number of ADR services were found to have a relatively lower recognition among Victorians. However, recognition for each of these services was found to differ significantly among various groups, with some groups reporting significantly lower recognition compared to other groups, as shown below.

Dispute Settlement Centre Victoria - Significantly lower recognition was found among those that were:

- Aged 30-39 years (8%) compared with those aged 20-29 years (18%), 50-59 years (19%) and 60 or more years (20%);
- With highest education level being secondary school (11%) compared with those that were TAFE qualified (23%).

Financial Industry Complaints Service - Significantly lower recognition was found among those:

- Aged 20-29 years, 30-39 years and 40-49 years (18%, 16%, and 20%, respectively) compared with 50-59 years and 60 or more years (37% and 36%, respectively).

Relationships Australia - Significantly lower recognition was found among:

- Males (30%) compared with females (44%);
- Aged 20-29 years and 60 or more years (29% and 29%, respectively) compared with 30-39 years and 40-49 years (47% and 44%, respectively);
- Retired (20%) compared with those employed full-time or self-employed, part-time, and unemployed or students (44%, 43%, and 34%, respectively);

- Living in Melbourne (34%) compared with those living in regional Victoria (47%);
- With a weekly income of \$1-\$499 and \$2,000 or more (32% and 34%, respectively) compared with those with a weekly income of \$500-\$999 (48%); and
- Holders of a Concession card (30%) compared with non-holders (40%).

Energy and Water Ombudsman Victoria - Significantly lower recognition was found among Victorians:

- Aged 20-29 years (24%), compared with those aged 60 or more years (60%);
- Employed full-time or self-employed, part-time, and unemployed or students (42%, 40%, 33%, respectively), compared with those that are retired (59%);
- Living in Melbourne (40%) compared with those living in regional Victoria (49%); and
- With a weekly income of \$1000-\$1999 and \$2000 or more (39% and 31%, respectively), compared with those earning \$500-\$900 per week (54%).

Table 5: Recognition of dispute resolution services

Dispute resolution services	Heard Of	Not Heard of
Consumer Affairs Victoria	92%	8%
Victorian Equal Opportunity & Human Rights Commission	89%	11%
Ombudsman Victoria	73%	27%
Telecommunications Industry Ombudsman	65%	35%
Banking & Financial Services Ombudsman	61%	39%
Victorian Privacy Commissioner	53%	47%
Insurance Ombudsman	52%	48%
Small Business Commissioner	51%	49%
Public Transport Ombudsman	51%	49%
Legal Services Commissioner	49%	51%
Health Services Commissioner	48%	52%
Energy & Water Ombudsman Victoria	42%	58%
Relationships Australia	37%	62%
Financial Industry Complaints Service	25%	75%
Dispute Settlement Centre Victoria	16%	84%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q23 Now I'll read a list of dispute resolution services.

a) Firstly I'd like you to tell me whether you have heard of any of them as a body that can help with a dispute

Table 6: Recognition of dispute resolution services by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Dispute resolution services	Heard Of		Not Heard of	
	Hold Concession Card	Don't Hold Concession Card	Hold Concession Card	Don't Hold Concession Card
	A	B	C	D
Consumer Affairs Victoria	87% b	94%	13% d	6%
Victorian Equal Opportunity & Human Rights Commission	85%	91%	15%	9%
Ombudsman Victoria	76%	72%	24%	28%
Telecommunications Industry Ombudsman	57% b	69%	43% d	31%
Banking & Financial Services Ombudsman	59%	62%	41%	38%
Victorian Privacy Commissioner	52%	53%	48%	47%
Insurance Ombudsman	50%	53%	50%	47%
Small Business Commissioner	57%	48%	43%	52%
Public Transport Ombudsman	55%	50%	45%	50%
Legal Services Commissioner	59% b	45%	41% d	55%
Health Services Commissioner	51%	47%	49%	53%
Energy & Water Ombudsman Victoria	46%	41%	54%	59%
Relationships Australia	30% b	40%	69% d	60%
Financial Industry Complaints Service	27%	25%	73%	75%
Dispute Settlement Centre Victoria	17%	16%	83%	84%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Note: Each column is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B, C & D, E & F) at the 95% confidence level. How to interpret the percentages with letters next to them in the above table? Example: The results for 'Consumer Affairs Victoria' in columns A and B should be interpreted as: Recognition of 'Consumer Affairs Victoria' is significantly lower among Victorians who hold a Concession Card (87%) compared with Victorians who don't hold a Concession Card (94%). This is the principle used in all tables with significance testing done in this report.

Q23 Now I'll read a list of dispute resolution services.

a) Firstly I'd like you to tell me whether you have heard of any of them as a body that can help with a dispute

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

The survey found that in general, relatively low proportions of Victorians have contacted ADR services to help them handle a dispute. The majority of services were contacted by 4% or less of Victorians, while Consumer Affairs Victoria was contacted by 11%.

Table 7: Level of contact of dispute resolution services

Dispute resolution services	Ever contacted
Consumer Affairs Victoria	11%
Ombudsman Victoria	4%
Relationships Australia	4%
Telecommunications Industry Ombudsman	3%
Banking & Financial Services Ombudsman	3%
Victorian Equal Opportunity & Human Rights Commission	3%
Legal Services Commissioner	3%
Energy & Water Ombudsman Victoria	2%
Insurance Ombudsman	1%
Small Business Commissioner	1%
Public Transport Ombudsman	1%
Health Services Commissioner	1%
Financial Industry Complaints Service	1%
Dispute Settlement Centre Victoria	1%
Victorian Privacy Commissioner	0%

Base: All Respondents (n=502)

Q23 Now I'll read a list of dispute resolution services.

b) whether you have ever contacted them to help you to handle a dispute

For the majority of ADR services, the level of contact was not significantly different between Victorians who hold a Concession card and those who do not hold a card. Contact with 'Legal Services Commissioner' was significantly higher among Victorians who hold a Concession card compared to those who do not hold a card (5% vs. 1%).

Table 8: Level of contact with ADR services by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Dispute resolution services	Ever contacted	
	Hold Concession Card	Don't Hold Concession Card
	E	F
Consumer Affairs Victoria	9%	12%
Ombudsman Victoria	5%	3%
Legal Services Commissioner	5% f	1%
Relationships Australia	4%	4%
Banking & Financial Services Ombudsman	3%	3%
Telecommunications Industry Ombudsman	2%	4%
Victorian Equal Opportunity & Human Rights Commission	2%	3%
Health Services Commissioner	2%	1%
Dispute Settlement Centre Victoria	2%	1%
Public Transport Ombudsman	2%	-
Energy & Water Ombudsman Victoria	1%	2%
Insurance Ombudsman	1%	1%
Small Business Commissioner	1%	1%
Victorian Privacy Commissioner	1%	-
Financial Industry Complaints Service	-	1%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Note: Each column is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B, C & D, E & F) at the 95% confidence level. How to interpret the percentages with letters next to them in the above table? Example: The results for 'Consumer Affairs Victoria' in columns A and B should be interpreted as: Recognition of 'Consumer Affairs Victoria' is significantly lower among Victorians who hold a Concession Card (87%) compared with Victorians who don't hold a Concession Card (94%). This is the principle used in all tables with significance testing done in this report.

Q23 Now I'll read a list of dispute resolution services.

b) whether you have ever contacted them to help you to handle a dispute

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

2.3 Community Access to ADR Services

Respondents were asked a number of questions concerning access to ADR services. These questions asked respondents whether they believe that the government has a responsibility to provide ADR services; preferred approaches to dispute resolution; preferred ways of finding ADR services; and perceived barriers and enablers of using ADR services.

Respondents were asked an open-ended question about the perceived reasons why Government has responsibility to provide services other than courts and tribunals. Through this question, respondents' spontaneous perceptions were gauged and they were not lead or prompted to respond in any way. Responses were then coded and presented in the table below, using descriptive labels.

The majority of Victorians (79%) believe that Government has a responsibility to provide ADR services to help resolve disputes. The main reasons why Government has responsibility to provide services other than courts and tribunals include:

- Cost (37%), mainly cheapness compared to courts - particularly among Victorians who do not hold a Concession card compared to those who do (40% vs. 28%, respectively)
- Time and efficiency (35%), mainly quicker, easier and less stressful dispute resolution - particularly among Victorians who do not hold a Concession card compared to those who do (37% vs. 26%, respectively); and
- The belief that it is the government's duty to provide ADR services (20%), particularly a broader range of services (15%).

Table 9: Reasons why Government has responsibility to provide services other than courts and tribunals

Reasons why Government has responsibility to provide services other than courts and tribunals - All mentions	Total
Nett 'Cost'	37%
To save money / avoid costly fees / cheaper than court / more affordable system	16%
Average person can't afford legal help / court system / provide cheaper option /financial help to those who cannot afford	11%
We pay taxes / use our taxes to fund dispute resolution services	8%
Reduce cost of legal system to the Government	2%
Nett 'Time & Efficiency'	35%
To save time / resolve disputes quicker / less delays	11%
To ease / take pressure off court system	11%
In need of more efficient / effective / simpler / easier system	8%
Most people want to avoid court / formalities of court / stressful	5%
Other Reasons	
The Governments job / duty of care / community obligation / cover welfare / maintain orderly society	20%
Government should provide broader range of alternative dispute resolution services / avenues of help	15%
Need to resolve disputes without going to court / before dispute escalates	13%
To provide assistance / advice / support / guidance / what services are available	9%
Courts not deal with minor disputes / only major criminal cases	7%
Provide third party / mediation services / resolve dispute at lowest level	5%
Provide less intimidating / adversarial / antagonistic options	4%
Average person not educated in way of law / complexity of law system / conflict resolution /Confusing	4%
Make it equal / impartial / fair for everyone	3%
Need protection from large / wealthy organisations	3%
Provide local council service for local / minor disputes	1%
Current services Government provides are good / sufficient	1%
Disputes need to be resolved otherwise family problems / violence etc	1%
Provide service that encourages harmony / conciliation / good health	1%
Readily available services / accessible service	1%
Provide reputable / accountable services / all parties protected	1%
No answer	17%
Don't Know	4%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q28 Do you believe that Government has a responsibility to provide services, other than courts and tribunals, to help Victorians to resolve disputes?

Table 10: Reasons why Government has responsibility to provide services other than courts and tribunals by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Reasons why Government has responsibility to provide services other than courts and tribunals - Top 3 mentions	Total	Hold Concession Card	Don't Hold Concession Card
		A	B
Nett 'Cost'	37%	28% b	40%
Nett 'Time & Efficiency'	35%	26% b	37%
Government should provide broader range of alternative dispute resolution services / avenues of help	20%	24%	18%

Base: All Respondents (n=502)

Note: The total do not add up to 100% because only the top three mentions are presented in this table.

Note: Each column is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B) at the 95% confidence level.

Q28 Do you believe that Government has a responsibility to provide services, other than courts and tribunals, to help Victorians to resolve disputes?

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

The majority of Victorians (89%) indicated that they would always or mostly try and resolve a significant dispute by themselves, while 51% would always or mostly seek information from family or friends, and only 23% would seek information from an external agency.

Notably, just over a quarter of Victorians (27%) indicated that they would never seek information from an external agency. These were more likely to be holders of a Concession card (33%), educated at a lower level (i.e. completed secondary level and less than secondary level, 32% and 40%, respectively), older (i.e. 60 years or more, 34%), and retired (35%).

Table 11: Approaches to dispute resolution

When you have a significant dispute with another person or organisation do you USUALLY:	Always	Mostly	Sometimes	Occasionally	Never	Don't Know
Try to resolve it your self	56%	33%	6%	3%	2%	-
Seek information from family or friends to help you to resolve the dispute	29%	22%	24%	13%	11%	-
Seek information from an external agency to help you to resolve the dispute	12%	11%	26%	24%	26%	1%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q21 When you have a significant dispute with another person or organisation do you USUALLY:

Table 12: Approaches to dispute resolution (netted) by whether hold a Pensioner Concession Card or Centrelink Health Care Card

When you have a significant dispute with another person or organisation do you USUALLY:	Always / Mostly		Sometimes / Occasionally		Never	
	Hold Concession Card	Don't Hold Concession Card	Hold Concession Card	Don't Hold Concession Card	Hold Concession Card	Don't Hold Concession Card
	A	B	C	D	E	F
Try to resolve it your self	85%	90%	11%	8%	4%	2%
Seek information from family or friends to help you to resolve the dispute	47%	54%	42%	34%	11%	11%
Seek information from an external agency to help you to resolve the dispute	22%	24%	43%	53%	33% f	23%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Note: Each column is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B, C & D) at the 95% confidence level.

Q21 When you have a significant dispute with another person or organisation do you USUALLY:

2.3.1 Ways of Finding ADR Services

Respondents were asked an open-ended question about how they would go about finding a service if they needed help to resolve a dispute. Through this question, respondents' spontaneous perceptions were gauged and they were not lead or prompted to respond in any way. Responses were then coded and presented in the table below, using descriptive labels. The most frequently mentioned approaches were 'ask friends/family' (44%), 'look on the internet' (42%), and 'look in telephone directory or ask directory assistance' (33%), while the least popular approaches included 'Citizens Advice Bureau' (1%), 'Legal Aid' (2%), 'Consumer Affairs Victoria' (2%) and Ombudsman Victoria (3%).

Interestingly, Concession card holders (i.e. Pensioner Concession Card or a Centrelink Health Care Card) were significantly less likely to 'look on the internet' for dispute resolution services (24% vs. 49% who do not hold a card). This could be explained by the likely lower levels of internet access of disadvantaged and socially marginalised people.

It could be concluded that when in need of a dispute resolution service Victorians are much less likely to approach established ADR service providers such as Consumer Affairs Victoria and Ombudsman Victoria, relative to indirect means of finding services such as asking friends and family, searching the internet and telephone directory. As this study has found, the majority of ADR service providers are being contacted by a very small proportion of Victorians (11% or less) when they have needed help to handle a dispute.

Table 13: Ways of finding dispute resolution services

If needed help to resolve a dispute, how would go about finding a service - All mentions	Total
Ask friends / family	44%
Look on the internet	42%
Look in telephone directory or ask directory assistance	33%
Solicitor / Lawyer / legal advice	15%
Ask local government	14%
Contact a relevant Government Department	7%
Work colleagues / business associates / workplace	3%
Police	3%
Ask Ombudsman Victoria (Ombudsman for Victorian Government)	3%
Ask Consumer Affairs Victoria / ACCC	2%
Local newspaper / newspaper	2%
Legal Aid	2%
Citizens Advice Bureau	1%
Other	11%
Don't Know	5%
None of the above	1%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q22 If you needed help to resolve a dispute of any kind how would you go about finding a service to help you?

Table 13: Sources of finding dispute resolution services by whether hold a Pensioner Concession Card or Centrelink Health Care Card

If needed help to resolve a dispute, how would go about finding a service - Top 3 mentions	Total	Hold Concession Card	Don't Hold Concession Card
		A	B
Ask friends / family	44%	41%	46%
Look on the internet	42%	24% b	49%
Look in telephone directory or ask directory assistance	33%	32%	34%

Base: All Respondents (n=502)

Note: The total does not add up to 100% due to multiple responses allowed for this question

Note: Each column except the 'Total' is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B) at the 95% confidence level.

Q22 If you needed help to resolve a dispute of any kind how would you go about finding a service to help you?

2.4 Enablers of Using ADR Services

Respondents were asked an open-ended question about the factors that might encourage them to use ADR services. Through this question, respondents' spontaneous perceptions were gauged and they were not lead or prompted to respond in any way. Responses were then coded and presented in the table below, using descriptive labels.

The top three factors mentioned were:

- Cheaper than court procedure/ legal advice/ VCAT or tribunal procedure (37%);
- Easier than going to court/ handling myself/ easily accessible services (24%); and

- Quicker than taking it to court/ handling myself (16%).

Victorians who do not hold a Concession card were more likely to indicate that the above factors might encourage them to use ADR services.

Other factors that could encourage Victorians to use ADR services included:

- Expert agencies are well placed to understand my dispute/specialised /relevant service (12%)
- Not being able to resolve dispute / work it out myself / reach agreement (12%)

Table 14: Factors that might encourage use of dispute resolution service

Factors that might encourage use of dispute resolution service - All mentions	Total
Nett 'Cheaper'	37%
Cheaper than Court procedure	18%
Free service / Low cost in service	9%
Cheaper than getting legal advice	6%
Cheaper than VCAT / tribunal procedure	3%
Cost factor / financial position (general)	1%
Nett 'Easier'	24%
Easier than going to Court	9%
Easier than handling it myself	4%
Simple procedures/less intrusive procedures	3%
Easily accessible / easy to contact / find & use	3%
Less stressful / emotional / aggressive / confrontational	3%
Easier than going to VCAT / tribunal	2%
Nett 'Quicker'	16%
Quicker than taking it to Court	13%
Quicker than handling it myself	2%
Quicker than taking it to VCAT / tribunal	1%
Other mentions	
Expert agencies are well placed to understand my dispute/ specialised / relevant service	12%
Not being able to resolve dispute / work it out myself / reach agreement	12%
If I had exhausted all other avenues	9%
If I knew more about them/had more information about the services	7%
Based on recommendations / reputation / knowledge of service	5%
Depends of seriousness / magnitude of dispute / how much money involved	5%
Prefer mediation / conciliatory / calm / amicable resolution	4%
More likely to get a good outcome for me	4%
Other party may be more likely to be willing to reach agreement	3%
Helpful service / helpful staff	3%
Privacy issues / too much information revealed in court	2%
Fair / Impartial service	2%
Other party may be more likely to adhere to agreement / follow through as agreed	1%
Location / local service	1%
Other	1%
None of the above	9%
Don't Know	9%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q24 What factors might ENCOURAGE you to use a dispute resolution service to help you to resolve a dispute?

Table 15: Top 3 factors that may encourage use of ADR service by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Factors that might encourage use of dispute resolution service - Top 3 mentions	Total	Hold Concession Card	Don't Hold Concession Card
		A	B
Nett 'Cheaper'	37%	24% b	41%
Nett 'Easier'	24%	17% b	29%
Nett 'Quicker'	16%	10% b	19%

Base: All Respondents (n=502)

Note: The total do not add up to 100% because only the top three mentions are presented in this table

Note: Each column except the 'Total' is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B) at the 95% confidence level.

Q24 What factors might ENCOURAGE you to use a dispute resolution service to help you to resolve a dispute?

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

Respondents were asked an open-ended question about the perceived the benefits of taking a dispute to court or tribunal. Responses were spontaneous, respondents were not lead or prompted. Responses were coded and are presented below using descriptive labels.

The top five advantages mentioned were related to the perception that these authorities will produce a final and quick outcome, as shown below:

- Final resolution (6%)
- Used if other options fail (6%)
- Depends on extent of dispute (serious disputes / when a lot of money involved) (5%)
- Quicker resolution (5%)
- Legally binding (4%)

Table 16: Advantages in taking a dispute to court or tribunal such as VCAT

Advantages in taking a dispute to court or tribunal such as VCAT - All mentions	Total
Final resolution	6%
Used if other options fail	6%
Depends on extent of dispute (serious disputes / when a lot of money involved)	5%
Quicker resolution	5%
Legally binding	4%
If cannot be resolved / settled / agreement reached	4%
Fair / independent decision / unbiased	3%
If strong case / going to win / if certain / guaranteed outcome	3%
Enforceable decision / outcome / have to comply	2%
Less expensive / cheaper	2%
Higher authority / more power	1%
Formal proceedings / set process	1%
For setting precedent / precedent set in law	1%
Recorded outcome / for public disclosure	1%
Financial payout / reimbursement / restitution	1%
Less stressful / emotional / intimidating	1%
Level of specialised expertise / knowledge / gives options	1%
Established record / resolves disputes successfully	1%
No	59%
Other specify	-
Don't Know	7%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q26 Do you see particular advantages in taking a dispute to court or a tribunal such as VCAT?

2.5 Barriers to Using ADR Services

Respondents were asked an open-ended question about the factors that might deter them to use ADR services. Through this question, respondents' spontaneous perceptions were gauged and they were not lead or prompted to respond in any way. Responses were then coded and presented in the table below, using descriptive labels.

The most frequently mentioned deterrents were 'likely cost' (20%) and 'time involved in dealing with an outside agency' (13%). More specifically:

- **Likely cost** was mentioned by a significantly higher proportion of Victorians that:
 - Have had at least one dispute in the last 12 months (26%), compared to those that have not had any disputes (16%);
 - Were younger, i.e. 20-29 and 30-39 years (23% and 17%, respectively), compared with those that are older, i.e. 60 or more years (10%);
 - Were employed full-time or self-employed (22%), compared to those that are retired (11%); and
 - Were university qualified (26%), versus those that have some secondary education or lower (12%).
- **Time involved in dealing with an outside agency** was mentioned by a significantly higher proportion of Victorians that were:
 - Younger, i.e. 20-29 years (23%), compared with those that are older, i.e. 60 or more years (3%);
 - Employed full-time or self-employed, part-time, and unemployed or students (17%, 12%, 15%, respectively), compared with those that are retired (2%)
 - University qualified (18%), versus those that have some secondary education or lower (7%);
 - Living in Melbourne (16%), versus those living in regional Victoria (5%); and
 - In the higher income group (i.e. \$2,000 or more per week) compared to those in the lower income group (i.e. \$1-\$499 per week) (22% vs. 5%).

Table 17: Factors that might deter use of dispute resolution service

Factors that might <u>deter</u> use of dispute resolution service - All mentions	Total
Likely cost	20%
Time involved in dealing with an outside agency	13%
The dispute might not justify the time / effort involved	9%
Difficulty in finding the right agency to help	8%
Poor reputation / publicity / negative comments / previous bad experience	5%
Possible poor outcome / not likely to be successful / added complications	5%
Concerns about enforceability / whether the agreement will be followed	4%
Form filling or other bureaucratic requirements	4%
Concerns about partiality / bias / fairness	3%
Degree of seriousness / legal complexity / amount of money involved	3%
Lack of customer service / assistance / contactability	3%
Privacy or confidentiality concerns	3%
Emotional cost / stress involved	2%
Lack of expertise / knowledge of situation	2%
Prefer to resolve disputes myself	2%
Location / distance from home	2%
Other	1%
Don't Know	7%
None of the above	34%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q25 What factors might DETER you from using a dispute resolution service to help you resolve a dispute?

Table 18: Top 3 factors that might deter use of dispute resolution service by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Factors that might <u>deter</u> use of dispute resolution service - Top 3 mentions	Total	Hold Concession Card	Don't Hold Concession Card
Likely cost	20%	14%	22%
Time involved in dealing with an outside agency	13%	9%	15%
The dispute might not justify the time / effort involved	9%	8%	9%

Base: All Respondents (n=502)

Note: The total do not add up to 100% because only the top three mentions are presented in this table

Q25 What factors might DETER you from using a dispute resolution service to help you resolve a dispute?

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

Furthermore, respondents were asked an open-ended question about the perceived disadvantages in taking a dispute to court or tribunal such as VCAT. Through this question, respondents' spontaneous perceptions were gauged and they were not lead or prompted to respond in any way. Responses were then coded and presented in the table below, using descriptive labels.

The most frequently mentioned disadvantages were related to the perceived cost and time involved in going to court (52% and 37%, respectively). More specifically:

- Cost to go to court (52%) – this disadvantage was mentioned by a higher proportion of Victorians who were:

- University qualified (65%), versus those that have some secondary education or lower (34%); and
- In the higher income group (i.e. \$2,000 or more per week) compared to those in the lower income group (i.e. \$1-\$499 per week) (67% vs. 45%).
- Time factor (37%) - this disadvantage was mentioned by a higher proportion of Victorians who were:
 - University qualified (48%), versus those that have some secondary education or lower (21%);
 - Living in Melbourne (41%), versus those living in regional Victoria (26%);
 - In the higher income groups (i.e. \$1,000-\$1,900, 47% and \$2,000 or more per week, 45%) compared to those in the lower income group (i.e. \$1-\$499 per week, 24%); and
 - Holders of a Concession card (42%), compared with non-holders (26%).

Table 19: Disadvantages in taking a dispute to court or tribunal such as VCAT

Disadvantages in taking a dispute to court or tribunal such as VCAT - All mentions	Total
Cost to go to court	52%
Time factor	37%
Could have solved dispute through mediation / dispute resolution before going to court / reached compromise	9%
Uncertainty of outcome / might lose / no guarantees	8%
Stressful / emotional / traumatic	7%
Effort / inconvenience / formalities / procedures / preparation	6%
Creates disharmony / social disruption / relationship breakdown / possible escalation of situation	5%
Court / legal costs awarded against you	4%
Lawyers / solicitors costs	4%
Privacy compromised / publicity / in the public eye	3%
Only one party wins / final decision / binding	3%
Lack of faith in judicial system / may not get fair go	3%
Confrontational / adversarial / hostile / intimidating environment	3%
Have to deal with / involve legal profession / legal representation concerns	2%
Loss of wages	1%
Be on public record / could work against you in future	1%
VCAT concerns (general)	1%
No	20%
Other specify	1%
Don't Know	5%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q27 Do you see particular disadvantages in taking a dispute to court or tribunal such as VCAT?

Table 17: Disadvantages in taking a dispute to court or tribunal such as VCAT by whether hold a Pensioner Concession Card or Centrelink Health Care Card

Disadvantages in taking a dispute to court or tribunal such as VCAT - Top 3 mentions	Total	Hold Concession Card	Don't Hold Concession Card
		A	B
Cost / expensive / costly to go to court	52%	44%	55%
Time factor / time consuming / time delays	37%	26% b	42%
Could have solved dispute through mediation / dispute resolution before going to court / reached compromise	9%	10%	8%

Base: All Respondents (n=502)

Note: The total do not add up to 100% because only the top three mentions are presented in this table

Note: Each column, except the 'Total' is labelled with a letter. In the data cells, letters next to percentages indicate statistically significant differences between two columns (i.e. A & B) at the 95% confidence level.

Q27 Do you see particular disadvantages in taking a dispute to court or tribunal such as VCAT?

3. Research Findings - Serious Disputes

3.1 Introduction

Respondents were asked to select up to three disputes that were serious for them or difficult to resolve.

Respondents were then asked a series of questions about:

- the action taken to resolve each dispute
- third party involvement in dispute resolution
- the estimated cost and time of dispute resolution.

Findings related to these questions are presented below. Note that the data in this section is based on disputes identified by respondents as serious or difficult.

3.2 Serious Consumer Disputes with Business

Looking at the consumer disputes with business²:

- one quarter (25%) of those that had a serious dispute tried to return or exchange the faulty goods
- just over one-half (53%) took the matter up with the seller or supplier of the goods or services
- a very small proportion got information from Consumer Affairs Victoria (5%) or an Ombudsman/Commissioner (4%)
- a small proportion used third party agencies to lodge a complaint, seek mediation service or took other action such as involving police.

² Consumer disputes with business include all dispute categories in Q1 of the questionnaire (refer to Appendix B), except 'a planning decision by government' and 'the imposition of a fine by government'.

Table 20: Actions taken to resolve consumer disputes with business - no third party used

Actions taken to resolve disputes - no third party used	Q12 Action taken
Q12a Tried to return or exchange goods	
Yes	25%
Q12b Got information or advice from anyone	
A government agency	4%
Community Legal / Support Service	1%
Consumer Affairs Victoria / ACCC	5%
Ombudsman/Commissioner	4%
Other	20%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	53%
The government agency involved	12%
Head office of the seller or supplier	7%
Manufacturer / distributor / carrier	10%
Other	9%

Base: Respondents who had at least one serious dispute with Business

Q12 Thinking about these disputes, what actions did you take to try to resolve them?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12b. Did you get information or advice from anyone?

Q12c. Did you take the matter up with anyone?

Table 21: Actions taken to resolve consumer disputes with business - third party used

Actions taken to resolve disputes - third party used	Q12 Action taken
Q12d Lodged a complaint with anyone	
Consumer Affairs Victoria / ACCC	3%
Industry / Professional Association	2%
Ombudsman/Commissioner	4%
Small Business Commissioner	-
Other	-
Q12e Sought mediation, negotiation, conciliation service from anyone	
Consulted solicitor / lawyer	5%
Ombudsman/Commissioner	3%
Consumer Affairs Victoria (CAV)	2%
Community Legal or Support Service	-
Other	2%
Q12f Other action involving the police or courts have you taken to try to resolve this dispute	
Involved the police	5%
Took the matter to a court	1%
Took the matter to VCAT / a tribunal	1%
Other	-
None	31%

Base: Respondents who had at least one serious dispute with Business

Q12 Thinking about these disputes, what actions did you take to try to resolve them?

Q12d Did you lodge a complaint with anyone?

Q12e Did you seek mediation, negotiation, conciliation service from anyone?

Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Respondents were asked to nominate the action that most helped to resolve their dispute with business. Of all actions, ‘the seller or supplier of the goods or services’ was cited most (27%), while third party agencies such as Consumer Affairs Victoria and Ombudsman /Commissioner, played a limited or no role.

Table 22: Actions most helped to resolve consumer disputes with business – no third party used

Actions most helped to resolve disputes - no third party used	Q13 Most helped to resolve
Q12a Tried to return or exchange goods	
Yes	6%
Q12b Got information or advice from anyone	
A government agency	-
Community Legal / Support Service	-
Consumer Affairs Victoria / ACCC	2%
Ombudsman/Commissioner	1%
Other	22%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	27%
The government agency involved	3%
Head office of the seller or supplier	4%
Manufacturer / distributor / carrier	3%
Other	13%

Base: Respondents who had at least one serious dispute with Business
 Q13. Which ONE of these actions MOST helped to resolve the dispute?
 Q12a. Thinking about these disputes, what actions did you take to try to resolve them?
 Q12b. Did you get information or advice from anyone?
 Q12c. Did you take the matter up with anyone?

Table 23: Action that most helped to resolve consumer disputes with business – third party used

Actions most helped to resolve disputes - third party used	Q13 Most helped to resolve
Q12d Lodged a complaint with anyone	
Consumer Affairs Victoria / ACCC	-
Industry / Professional Association	-
Ombudsman/Commissioner	3%
Small Business Commissioner	-
Other	10%
Q12e Sought mediation, negotiation, conciliation service from anyone	
Consulted solicitor / lawyer	1%
Ombudsman/Commissioner	1%
Consumer Affairs Victoria (CAV)	-
Community Legal or Support Service	-
Other	4%
Q12f Other action involving the police or courts have you taken to try to resolve this dispute	
Involved the police	-
Took the matter to a court	1%
Took the matter to VCAT / a tribunal	-
Other	1%
None	33%

Base: Respondents who had at least one serious dispute with Business
 Q13 Which ONE of these actions MOST helped to resolve the dispute?
 Q12d Did you lodge a complaint with anyone?

Q12e Did you seek mediation, negotiation, conciliation service from anyone?

Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Table 24: Actions also helped to resolve consumer disputes with business – no third party used

Actions also helped to resolve disputes - no third party used	Q14 Also helped to resolve
Q12a Tried to return or exchange goods	
Yes	10%
Q12b Got information or advice from anyone	
A government agency	1%
Community Legal / Support Service	1%
Consumer Affairs Victoria / ACCC	2%
Ombudsman/Commissioner	1%
Other	11%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	10%
The government agency involved	2%
Head office of the seller or supplier	-
Manufacturer / distributor / carrier	1%
Other	7%

Base: Respondents who had at least one serious dispute with Business

Q14. Which other of these actions ALSO helped to resolve the dispute?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12b. Did you get information or advice from anyone?

Q12c. Did you take the matter up with anyone?

Table 25: Actions also helped to resolve consumer disputes with business – third party used

Actions also helped to resolve disputes - third party used	Q14 Also helped to resolve
Q12d Lodged a complaint with anyone	
Consumer Affairs Victoria / ACCC	1%
Industry / Professional Association	-
Ombudsman/Commissioner	1%
Small Business Commissioner	-
Other	2%
Q12e Sought mediation, negotiation, conciliation service from anyone	
Consulted solicitor / lawyer	-
Ombudsman/Commissioner	2%
Consumer Affairs Victoria (CAV)	2%
Community Legal or Support Service	-
Other	4%
Q12f Other action involving the police or courts have you taken to try to resolve this dispute	
Involved the police	-
Took the matter to a court	-
Took the matter to VCAT / a tribunal	-
Other	1%
None	81%

Base: Respondents who had at least one serious dispute with Business

Q14 Which other of these actions also helped to resolve the dispute?

Q12d Did you lodge a complaint with anyone?

Q12e Did you seek mediation, negotiation, conciliation service from anyone?

Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Importantly, experience with third parties has a positive effect on Victorians when it comes to resolving consumer disputes.

The majority (79%) of Victorians who used a third party in an attempt to resolve their consumer disputes believe the help they got achieved a better outcome for them than they could have achieved on their own. Furthermore, the majority (77%) felt more confident or better able to deal with a similar dispute in the future, as a result of their experience of using a third party.

Table 26: Whether better outcome was achieved for dispute with business with outside help with dispute with business

Whether better outcome achieved with third party involved	Consumer Disputes with Business n=37**
Yes	79%
No	35%
Don't Know / Not Sure	3%

Base: Respondents who had at least one serious dispute with Business and used a third party.

***Respondent bases for this question are very small and results should be treated with caution and as indicative only.*

Q15. Thinking of how you now feel about how the dispute was handled, do you think that the outside help you got achieved a better outcome for you than you could have achieved on your own? [RECORD AND REPEAT FOR EACH dispute]

Table 27: Whether confidence in dealing with future disputes is affected by outside help with dispute with business

Effect on confidence of using a third party to resolve dispute	Consumer Disputes with Business n=37**
More confident / able	77%
Neither more or less confident / able	29%
Less confident / able	9%

Base: Respondents who had at least one serious dispute with Business and used a third party.

***Note: Respondent bases for this question are very small and results should be treated with caution and as indicative only.*

Note: The total does not add up to 100% due to multiple responses allowed for this question, i.e. one respondent could have mentioned more than one dispute with business or family

Q16 How do you think the experience of using a third party to resolve a dispute has affected your confidence or ability to deal with a similar dispute in the future?

3.3 Serious Disputes with Family, Neighbourhood & Associations

Looking at disputes with family, neighbourhood and association³, small proportions of those that had a serious dispute sought information or advice from anyone, with 8% seeking information from ‘Community Legal or Support Service’ and 7% from, ‘a government agency’ (7%).

In terms of using third parties to lodge a complaint, seek mediation or take other action such as involving police, the police was used most frequently (15%), followed by lawyers (8%), ‘took the matter to a court’ (5%) and ‘took the matter to VCAT’ (4%). However, a very small proportion used third party agencies such as ‘Relationships Australia’ (1%) and ‘Community Legal or Support Service’ (2%) to lodge complaint or seek mediation.

Table 28: Actions taken to resolve disputes with family, neighbourhood and association - no third party used

Actions taken to resolve disputes - no third party used	Q12 Action taken
	Disputes with family, neighbourhood and association
Q12b Got information or advice from anyone	
A government agency	7%
Community Legal / Support Service	8%
Consumer Affairs Victoria / ACCC	-
Dispute Settlement Centre Victoria	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Other	5%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	2%
The government agency involved	4%
Head office of the seller or supplier	3%
Manufacturer / distributor / carrier	-
Other	12%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association

Q12 Thinking about these disputes, what actions did you take to try to resolve them?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12b. Did you get information or advice from anyone?

Q12c. Did you take the matter up with anyone?

³ In this section of the report, disputes with family, neighbourhood and association include all dispute categories in Q6 of the questionnaire (refer to Appendix B) except ‘local community – over local planning issues, the environment, etc.’

Table 29: Family, Neighbourhood & Association Disputes - Actions Taken To Resolve Disputes Where Third Party Used

Actions taken to resolve disputes - third party used	Q12 Action taken Disputes with family, neighbourhood and association
<i>Q12d Lodged a complaint with anyone</i>	
Industry / Professional Association	1%
Small Business Commissioner	-
Other	-
<i>Q12e Sought mediation, negotiation, conciliation service from anyone</i>	
Consulted solicitor / lawyer	8%
Consumer Affairs Victoria (CAV)	-
Community Legal or Support Service	2%
Relationships Australia	1%
Dispute Settlement Centre Victoria (DSCV)	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Environment Protection Authority (EPA)	-
Other	2%
<i>Q12f Other action involving the police or courts have you taken to try to resolve this dispute</i>	
Involved the police	15%
Took the matter to a court	5%
Took the matter to VCAT / a tribunal	4%
Other	1%
None	65%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association

Q12 Thinking about these disputes, what actions did you take to try to resolve them?

Q12d Did you lodge a complaint with anyone?

Q12e Did you seek mediation, negotiation, conciliation service from anyone?

Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Respondents were asked to indicate the action that most helped to resolve their dispute with family, neighbourhood and association. The action cited by a the highest proportion of respondents (although still at a low level) was the police (8%), while third party agencies such as ‘Relationships Australia’ and ‘Community Legal or Support Service’ were not mentioned at all.

Table 30: Family, Neighbourhood & Association Disputes - Actions most helped to resolve disputes where no third party used

Actions <u>most helped</u> to resolve disputes - no third party used	Q13 Most helped to resolve
	Disputes with family, neighbourhood and association
Q12b Got information or advice from anyone	
A government agency	-
Community Legal / Support Service	1%
Consumer Affairs Victoria / ACCC	1%
Dispute Settlement Centre Victoria	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Other	25%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	2%
The government agency involved	-
Head office of the seller or supplier	-
Manufacturer / distributor / carrier	-
Other	29%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association

Q13. Which ONE of these actions MOST helped to resolve the dispute?

Q12a. Thinking about these disputes, what actions did you take to try to resolve them?

Q12b. Did you get information or advice from anyone?

Q12c. Did you take the matter up with anyone?

Table 31: Family, Neighbourhood & Association Disputes - Actions most helped to resolve disputes where third party used

Actions <u>most helped</u> to resolve disputes - third party used	Q13 Most helped to resolve
	Disputes with family, neighbourhood and association
Q12d Lodged a complaint with anyone	
Industry / Professional Association	1%
Small Business Commissioner	-
Other	4%
Q12e Sought mediation, negotiation, conciliation service from anyone	
Consulted solicitor / lawyer	1%
Consumer Affairs Victoria (CAV)	-
Community Legal or Support Service	-
Relationships Australia	-
Dispute Settlement Centre Victoria (DSCV)	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Environment Protection Authority (EPA)	-
Privacy Commissioner	-
Other	5%
Q12f Other action involving the police or courts have you taken to try to resolve this dispute	
Involved the police	8%
Took the matter to a court	2%
Took the matter to VCAT / a tribunal	1%
Other	-
None	39%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association
 Q13 Which ONE of these actions MOST helped to resolve the dispute?
 Q12d Did you lodge a complaint with anyone?
 Q12e Did you seek mediation, negotiation, conciliation service from anyone?
 Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Table 32: Family, Neighbourhood & Association Disputes – Actions that also helped to resolve disputes where no third party was used

Actions also helped to resolve disputes - no third party used	Q14 Also helped to resolve Disputes with family, neighbourhood and association
Q12b Got information or advice from anyone	
A government agency	2%
Community Legal / Support Service	1%
Consumer Affairs Victoria / ACCC	-
Dispute Settlement Centre Victoria	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Other	9%
Q12c Took the matter up with anyone	
The seller or supplier of the goods or services	-
The government agency involved	-
Head office of the seller or supplier	1%
Manufacturer / distributor / carrier	-
Other	16%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association
 Q14. Which other of these actions ALSO helped to resolve the dispute?
 Q12a. Thinking about these disputes, what actions did you take to try to resolve them?
 Q12b. Did you get information or advice from anyone?
 Q12c. Did you take the matter up with anyone?

Table 33: Actions also helped to resolve disputes with family, neighbourhood and association – third party used

Actions <u>also helped</u> to resolve disputes - third party used	Q14 Also helped to resolve Disputes with family, neighbourhood and association
Q12d Lodged a complaint with anyone	
Industry / Professional Association	-
Small Business Commissioner	-
Other	4%
Q12e Sought mediation, negotiation, conciliation service from anyone	
Consulted solicitor / lawyer	1%
Consumer Affairs Victoria (CAV)	-
Community Legal or Support Service	-
Relationships Australia	-
Dispute Settlement Centre Victoria (DSCV)	-
Victorian Equal Opportunity & Human Rights Commission	-
Work Cover	-
Environment Protection Authority (EPA)	-
Privacy Commissioner	-
Other	3%
Q12f Other action involving the police or courts have you taken to try to resolve this dispute	
Involved the police	1%
Took the matter to a court	1%
Took the matter to VCAT / a tribunal	1%
Other	1%
None	80%

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Association

Q14 Which other of these actions also helped to resolve the dispute?

Q12d Did you lodge a complaint with anyone?

Q12e Did you seek mediation, negotiation, conciliation service from anyone?

Q12f What other action involving the police or courts have you taken to try to resolve this dispute?

Importantly, experience with third parties has a positive effect on Victorians when it comes to resolving disputes with family, neighbourhood and association. The majority (63%) of those that have used a third party to resolve their disputes with family, neighbourhood and association believe the help they got achieved a better outcome for them than they could have achieved on their own. Furthermore, the majority (73%) feel more confident or able to deal with a similar dispute in the future as a result of their experience of using a third party.

Table 34: Whether better outcome achieved with outside help / third party by type of dispute

Whether better outcome achieved with third party involved	Disputes with family, neighbourhood and association n=36**
Yes	63%
No	39%
Don't Know / Not Sure	3%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association **and** used a third party.
 **Note: Respondent bases for this question are very small and results should be treated with caution and as indicative only.
 Q15. Thinking of how you now feel about how the dispute was handled, do you think that the outside help you got achieved a better outcome for you than you could have achieved on your own? [RECORD AND REPEAT FOR EACH dispute]

Table 35: Whether confidence in dealing with future disputes is affected by type of dispute

Effect on confidence of using a third party to resolve dispute	Disputes with family, neighbourhood and association n=36**
More confident / able	73%
Neither more or less confident / able	21%
Less confident / able	11%

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association **and** used a third party.
 **Note: Respondent bases for this question are very small and results should be treated with caution and as indicative only.
 Note: The total does not add up to 100% due to multiple responses allowed for this question, i.e. one respondent could have mentioned more than one dispute with business or family
 Q16 How do you think the experience of using a third party to resolve a dispute has affected your confidence or ability to deal with a similar dispute in the future?

3.4 Estimated Cost of Dispute Resolution

Respondents were asked to estimate the cost they incurred in resolving their serious disputes. These costs included the amount of money and time, and emotional costs. Presented next are analyses of each cost type (i.e. actual dollars, time and emotional cost) at the total level and also by type of dispute. In addition, presented is a ‘total cost of dispute resolution’ which has been calculated by combining the amount of money and an estimate of the value of the time spent, as described in *Appendix A - Research Methodology*.

Please note that the estimated costs presented in this report relate to costs incurred by Victorians and do not include the cost to government of operating ADR services.

Total Cost of Dispute Resolution

The total cost of attempting to resolve serious disputes with business, government, family, neighbourhood and associations was estimated at \$2,705,112,000 – this includes the amount of dollars spent and the number of hours applied. The total cost of resolution of disputes with business, family, neighbourhood and association (excluding government) to Victorians was estimated at \$2,534,592,000. The discussion below focuses on the cost of the disputes with business, family, neighbourhood and association only that is disputes with government are excluded unless stated otherwise.

The total cost of disputes with business was slightly lower than the cost of disputes with family, neighbourhood and association (47% or \$1,180,985,000 vs. 53% or \$1,353,607,000). On average fewer dollars were spent per consumer dispute than per dispute with family, neighbourhood and association (\$1,154 vs. \$2,010).

Table 36: Total cost of dispute resolution - including disputes with government

Total Cost of Dispute Resolution (Serious Disputes Only)	TOTAL Cost of Dispute Resolution (all disputes) n=284
Total cost of dispute resolution	\$2,705,112,000

Table 37: Total cost of dispute resolution by type of dispute - excluding disputes with government

Total Cost of Dispute Resolution (Serious Disputes Only)	Consumer Disputes with Business n=113	Disputes with family, neighbourhood & association n=85	TOTAL Cost of Dispute Resolution (consumer disputes & disputes with family, neighbourhood & association combined) n=198
Average cost per dispute (\$)	\$1,154	\$2,010	-
Total cost of disputes (\$)	\$1,180,985,000	\$1,353,607,000	\$2,534,592,000
Proportion of total cost (%)	47%	53%	-

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Community Q17. Can you estimate in dollars how much you spent on this dispute for...?

Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

The total cost to Victorians who used a third party to resolve a serious dispute with business was \$610,552,000, similar to the cost when no third party was involved \$570,432,000.

Table 38: Total cost of dispute resolution by whether used third party or not

Total Cost of Dispute Resolution (Serious Disputes Only)	Consumer Disputes with Business		
	Third Party Used	No Third Party Used	TOTAL Cost of Dispute Resolution (3rd party & no third party combined)
	n=34	n=118	n=152
Average cost per dispute (\$)	\$2706	\$715	-
Total cost of disputes (\$)	\$610,552,000	\$570,432,000	\$1,180,985,000
Proportion of total cost (%)	52%	48%	-

Base: Respondents who had at least one serious dispute with Business **and** have used a third party

Q17. Can you estimate in dollars how much you spent on this dispute for...?

Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

The total cost to Victorians who used a third party to resolve a serious dispute with family, neighbourhood and association was \$690,881,000, similar to the cost when no third party was involved \$662,726,000.

Table 39: Total cost of dispute resolution by whether used third party or not

Total Cost of Dispute Resolution (Serious Disputes Only)	Disputes with family, neighbourhood and association		
	Third Party Used	No Third Party Used	TOTAL Cost of Dispute Resolution (3rd party & no 3rd party combined)
	n=36	n=69	n=105
Average cost per dispute (\$)	\$3112	\$1468	-
Total cost of disputes (\$)	\$690,881,000	\$662,726,000	\$1,353,607,000
Proportion of total cost (%)	51%	49%	-

Base: Respondents with at least one serious dispute with Family, Neighbourhood & Association & have used a 3rd party

Q17. Can you estimate in dollars how much you spent on this dispute for...?

Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

The total cost to Victorians when their serious disputes with business were resolved was \$629,739,000, similar to the cost when no resolution was achieved (\$551,246,000).

Table 40: Total cost of dispute resolution by whether resolved or not by type of dispute

Total Cost of Dispute Resolution (Serious Disputes Only)	Consumer Disputes with Business		
	Resolved Disputes	Not Resolved Disputes	TOTAL Cost of Dispute Resolution (resolved & unresolved combined)
	n=121	n=31	n=152
Average dollars spent per dispute (\$)	\$782	\$2524	-
Total dollars spent on disputes (\$)	\$629,739,000	\$551,246,000	\$1,180,985,000
Proportion of total dollars spent (%)	53%	47%	-

Base: Respondents who had at least one serious dispute with Business

Q17. Can you estimate in dollars how much you spent on this dispute for...?

Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

The total cost to Victorians when their serious disputes with family, neighbourhood and association were resolved was \$553,724,000, slightly less than the cost when no resolution was achieved (\$799,883,000).

Table 41: Total cost of dispute resolution by whether resolved or not by type of dispute

Total Cost of Dispute Resolution (Serious Disputes Only)	Disputes with family, neighbourhood and association		
	Resolved Disputes	Not Resolved Disputes	TOTAL Cost of Dispute Resolution (resolved & unresolved combined)
	n=74	n=29	n=103
Average cost per dispute (\$)	\$1114	\$4534	-
Total cost of disputes (\$)	\$553,724,000	\$799,883,000	\$1,353,607,000
Proportion of total cost (%)	41%	59%	-

Base: Respondents who had at least one serious dispute with Family, Neighbourhood & Association

Q17. Can you estimate in dollars how much you spent on this dispute for...?

Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

Cost of Dispute Resolution by Type of Dispute

The cost to individuals of resolving disputes with business and disputes with family, neighbourhood and association, including legal advice, other expert advice and out-of-pocket expenses but not including personal time spent is estimated at \$1,572,256,000.

Overall, 'out of pocket expenses' constituted the single largest cost item at \$984,326,000 or 63%, followed by 'legal advice' (\$518,046,000 or 33%); the cost of 'Other expert advice' was relatively low at \$69,884,000 or 4%.

Of the \$1,572,256,000 spent (excluding time spent):

- \$750,535,000 or 48% were spent on resolving disputes with business
- \$821,721,000 or 52% were spent on resolving disputes with family, neighbourhood and associations.

The average cost of 'legal advice' per dispute was higher for disputes with family, neighbourhood and associations compared to disputes with business (\$3,167 vs. \$2,233).

However, the average cost of 'other expert advice' and 'out-of-pocket expenses' was lower for disputes with business compared with disputes with family, neighbourhood and associations (other expert advice: \$521 vs. \$2,362, and out-of-pocket expenses: \$1,219 vs. \$1,901).

Table 42: Amount spent on serious disputes by type of dispute

	Disputes with Business			Disputes with family, neighbourhood and association			TOTAL \$ Spent on Disputes n=203
	n=118			n=85			
	No. of disputes	Ave \$ spent per dispute	Total \$ spent on dispute	No. of disputes	Ave \$ spent per dispute	Total \$ spent on dispute	
Legal advice*	76,000	\$2,233	\$168,659,000	110,000	\$3,167	\$349,387,000	\$518,046,000
Other expert advice**	43,000	\$521	\$22,307,000	20,000	\$2,362	\$47,577,000	\$69,884,000
Out of Pocket Expenses 8**	459,000	\$1,219	\$559,569,000	223,000	\$1,901	\$424,757,000	\$984,326,000
TOTAL:	578,000	-	\$750,535,000	353,000	-	\$821,721,000	\$1,572,256,000

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Community

* Average cost of legal advice per dispute when legal advice was sought.

** Average cost of other expert advice per dispute when other expert advice was sought.

*** Average cost of out of pocket expenses per dispute when out of pocket expenses were incurred. Does not include personal time spent.

Q17. Can you estimate in dollars how much you spent on this dispute for...?

3.5 Time Spent on Dispute Resolution

In total, 30,489,000 hours were spent by Victorians on resolving disputes with business and a family, neighbourhood and association dispute, which is equivalent to \$962,335,000 - this dollar value was calculated by multiplying the number of hours spent by the weekly income of Victorians who have had a dispute (see *Appendix A - Research Methodology* for explanation).

In total, 14,354,000 hours were spent by Victorians resolving disputes with business, which is equivalent to \$430,450,000. The total number of hours spent by Victorians on resolving disputes with family, neighbourhood and association was 16,135,000 hours, which is equivalent to \$531,885,000.

On average, more time was spent per dispute on disputes with family, neighbourhood and associations (25 hours) compared with disputes with business (14 hours).

Of the total number of hours (30,489,000), Victorians spent 9% (2,604,000 hours) on dealing with or responding to a third party. Time spent on disputes with business versus disputes with family, neighbourhood and associations was equally split (50% / 50%).

The total time spent on dealing with or responding to a third party for disputes is equivalent to approximately \$80,119,000.

Table 43: Time spent on resolving disputes by type of dispute

Overall number of hours spent on dispute resolution	Disputes with Business	Disputes with family, neighbourhood & association	Total Hours Spent on Consumer & Disputes with family, neighbourhood & association
	n=113	n=85	n=198
Average time spent per dispute (hours)	14	25	-
Total time spent on disputes (hours)	14,354,000	16,135,000	30,489,000
Proportion of total time spent (%)	47%	53%	-
Total time spent on disputes in dollar value (\$)	\$430,450,000	\$531,885,000	\$962,335,000

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Community.
 Q18. Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

Table 44: Number of hours spent dealing or responding to third party for dispute by type of dispute

Hours spent dealing with third party	Consumer Disputes with Business	Disputes with family, neighbourhood and association	Total Hours Spent on Disputes
	n=34**	n=36**	n=70
Average time spent per dispute (hours)	5	6	-
Total hours spent on dispute (hours)	1,308,000	1,296,000	2,604,000
Proportion of total time spent (%)	50%	50%	-
Total time spent on disputes in dollar value (\$)	\$39,188,000	\$40,931,000	\$80,119,000

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Association.

**Note: Respondent bases for this question are small and results should be treated with caution and as indicative only.

Q19. Approximately how many of those hours did you spend dealing with or responding to the third party for dispute?

3.6 Emotional Cost of Dispute Resolution

After or during the experience of dispute resolution, consumers may feel a range of emotions such as annoyance, frustration, disappointment and stress. Respondents were asked to indicate the level of emotional overhead their experience had caused them.

The reported emotional cost associated with dispute resolution is quite high among Victorians. The majority (91%) of those who had a dispute rated the emotional cost as *high* or *very high*. Notably, a higher proportion of Victorians who used a third party rated their emotional costs as *very high* (41%), compared with those who did not use a third party (28%).

Table 45: Emotional cost associated with disputes by type of dispute

Rating of emotional cost	Consumer Disputes with Business	Disputes with family, neighbourhood and association
	n=118	n=85
Very Low	11%	2%
Low	10%	13%
Neutral	19%	17%
High	56%	40%
Very High	35%	47%

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Association **and** used a third party.

Note: The total does not add up to 100% due to multiple responses allowed for this question, i.e. one respondent could have mentioned more than one dispute with business or family

Q20. Disputes can cause people to feel annoyed, stressed or disappointed. How would you rate the emotional costs associated with ... (REPEAT FOR EACH DISPUTE)?

Table 46: Emotional cost associated with dispute(s) by third party involved & no third party involved

Rating of emotional cost	Consumer Disputes and Disputes with Family, Neighbourhood and Association Combined	
	Third party involved	Third party not involved
	n=65	n=220
Very Low	5%	6%
Low	3%	10%
Neutral	13%	17%
High	37%	38%
Very High	41%	28%

Base: Respondents who had at least one serious dispute with Business, Family, Neighbourhood & Association **and** used a third party.

Note: The total does not add up to 100% due to multiple responses allowed for this question, i.e. one respondent could have mentioned more than one dispute with business or family

Q20. Disputes can cause people to feel annoyed, stressed or disappointed. How would you rate the emotional costs associated with ... (REPEAT FOR EACH DISPUTE)?

Appendix A: Research Methodology

A.1 Questionnaire Design

The questionnaire was drafted in collaboration with the staff of the Department of Justice. It was then subjected to cognitive testing by a group of respondents to identify components that required clarification or further development.

Cognitive Testing

Cognitive testing is a process by which a small sample of target respondents is asked to complete a proposed questionnaire. These sessions are conducted in small groups. The researcher observes and records any problems associated with question interpretation, questionnaire layout, wording, ease of completion, question order, etc. Participants are also asked whether they would have realistically completed the survey had they been cold-called.

The cognitive testing sessions for this survey checked to ensure that:

- questions could be understood by in terms of what type of answer was required
- instructions were clear
- there was no missing information or incorrect 'skips'
- the questionnaire did not take too long to complete.

It was also an objective to see if the participants were willing to complete the survey given the:

- subject matter
- data was being collected on behalf of the Department of Justice.

Twenty participants in total were tested in group interviews of about one hour's duration each and conducted by two interviewers. Four groups were tested over two nights (21 and 22 February 2007); with each group comprising around 5 persons of varying ages and socio-economic backgrounds. Genders were equally represented.

Cognitive Testing Results and Recommendations

Each of the cognitive testing sessions revealed a number of problems Ipsos felt would adversely affect data quality and survey response rate. Key issues raised include:

- Survey length - Most participants felt that the survey was too long, and they would not be able to afford the time required to complete it if called for survey purposes. The introduction was also considered too long; participants said that they would want to know only the essential information, in a few sentences.

- Difficulty in recalling disputes - Many participants commented on the difficulty they had in trying to recall disputes they had experienced in the past 12 months, which was often hard to do 'on the spot'. Costing these disputes was even harder, with suggestions made to introduce response categories, where respondents could choose one of a series of cost ranges (e.g. \$1,000-\$5,000).
- Survey structure - Participants found that the survey did not flow well. It was frustrating for many to have to move back and forth between questions, and suggestions were made to better structure the questionnaire, for instance, addressing one dispute at a time rather than switching between disputes at different points in the survey.

Upon review of participants' feedback, a series of improvements were made to the questionnaire, most notably a significant reduction in interview duration.

Pilot Testing

The questionnaire was converted to accommodate Computer Aided Telephone Interviewing (CATI) which would reduce complexity for respondents and improve data quality.

Pilot testing was conducted for the telephone methodology to ensure respondent comprehension and enable a revision of appropriate 'skips'.

Australian Fieldwork Solutions (AFS) was the field agent used for the survey. Nine respondents were interviewed on the 14 March 2007. These interviews were conducted in the presence of Ipsos's project manager. Any issues to do with the final survey questions, wording etc. were resolved during this session ready for final implementation.

A.2 Telephone Survey Sample Selection

Data collection was carried out between 14 March and 3 April 2007.

To source the sample, approximately 9000 numbers were drawn from AoD – an electronic listing of the White Pages. Numbers were randomly sourced from (a) Metropolitan Melbourne and (b) the remainder of Victoria. A list of all phone numbers in the specified areas was generated, and then the required number of sample items was randomly selected from these listings. This listing was then randomized again to ensure that the sample was loaded non-sequentially.

Target quotas, based on Victorian population statistics were set as per Table 1 below. An equal split was sought between males and females and between employed and not employed persons. Target respondents were aged 18 years and over.

The survey resulted in a completed sample of 502 people, 352 recruited from the Melbourne metropolitan area and 150 recruited from regional Victoria.

Employed persons include those in any form of paid employment. Not employed include retirees, unemployed, students and those occupied in unpaid domestic labour.

A.3 Response Rate

The overall response rate was calculated at 16%.

The response rate for regional areas was the same as the overall average (22%) while metropolitan participants were slightly lower than the overall average (15%).

The response rate is expressed as the total number of completed interviews as a percentage of valid numbers dialled.

Formula: Completed interviews / Valid numbers (as defined below) = Response rate.

Valid numbers are all numbers dialled except the following:

- Disconnected numbers
- Places of business
- Persons that qualified but were not needed due to quota requirements

Table 1: Quota Summary Tally

Quota Summary Tally	
Quota Description	Cell Size
Total Interviews (Main)	502
Melbourne Metro	352
Rest Vic. Non Metro	150
Male	231
Female	271
18 -19 years	21
20 – 24 years	43
25 – 29 years	45
30 – 34 years	50
35 – 39 years	51
40 – 44 years	45
45 – 49 years	45
50 – 54 years	57
55 – 59 years	37
60+ years	108

The average interview duration across the 502 respondents was 17.5 minutes.

A.4 Calculations and Weightings

All comparisons and analysis within the report have been made at the 95% confidence level.

Data based on sample sizes of less than 30 have to be treated with caution and interpreted as indicative only.

The survey data was weighted based on aggregated population statistics for Metro and Rural/Regional areas in Victoria. Data was also weighted by employment status (employed/unemployed) and gender. All weightings were based on Australian Bureau of Statistics data and classifications for regional and metropolitan areas⁴.

Illustration of weightings:

Table 2: Metro Victoria Weighting Categories

Metro (Vic Aggregated)			
Male		Female	
Employed	Unemployed	Employed	Unemployed

Table 3: Regional Victoria Weighting Categories

Regional (Vic Aggregated)			
Male		Female	
Employed	Unemployed	Employed	Unemployed

There are eight weighting ‘cells’ overall, see Table 4 below.

Table 4: ‘Weighting Cells’

Cell	Description
1	Metro Male Employed
2	Metro Female Employed
3	Metro Male Unemployed
4	Metro Female Unemployed
5	Regional Male Employed
6	Regional Female Employed
7	Regional Male Unemployed
8	Regional Female Unemployed

Unless otherwise specified, all survey data presented in this report is weighted to the Victorian population. In other words, the findings of this research are extrapolated to all-

⁴ Data reference: Census data, CDATA 2001 table B22

Victorians aged 18 years and over, rather than being limited only to the respondents who participated in the survey.

Cost of Personal Time

A dollar figure was allocated to quantify the cost of individuals' personal time in dealing with disputes. These costs are based on the respondents' stated (individual) income before tax (Question 37). An hourly rate was derived then multiplied by the number of hours spent dealing with the dispute (Question 18).

Cost values were imputed in cases where respondents refused to disclose income details. These values are based on average incomes by employment status, before tax, as per Australian Bureau of Statistics data. Refer to Table 5 for imputed incomes.

Table 5: Cost of Personal Time

Employment Status	Income per week (before tax)
Self Employed	\$810
Employed for wages, salary or payment in kind	\$810
Unemployed	\$187
Engaged in home duties	\$187
A student	\$163
Retired	\$125
Unable to work	\$200
Other/DK/Refused	\$810

The formula used for calculating the cost of personal time to Victorians was:

$$\text{Personal Time Cost} = \text{Q18 (Total Hours)} \times \text{Midpoint of Q18 (or use imputed values where Q18 is DK/Refused)}.$$

The midpoint of Question 18 is literally the value that lies in the middle of the income range nominated by the respondent. For example, if the respondent stated their income was between \$300 and \$499 per week, the midpoint would be calculated at $(300 + 499) / 2 = \$400$ (rounded) per week.

Total Cost of Dispute Resolution

In order to calculate the total cost of dispute resolution, a dollar figure was allocated to quantify the cost of individual's personal time in dealing with disputes. These costs are based on the respondents' stated (individual) income before tax (Question 37). An hourly rate was derived then multiplied by the number of hours spent dealing with the dispute (Question 18). Then, the cost reported in Q17 was added to the dollar figure representing the time spent.

The formula used for calculating the total cost of dispute resolution to Victorians was:

Personal Time Cost = Q17 (\$) + Q18 (Hours) x \$ per hour (or use imputed values where Q18 is DK/Refused).

Appendix B: Sample Characteristics

Presented below are tables which show the characteristics of the survey sample by:

- gender
- age
- current employment situation
- whether respondents held a Pensioner Concession Card or Centrelink Health Care Card
- whether respondents spoke a language other than English
- highest level of education achieved
- annual household income before tax.

In summary, the sample consisted of:

- an almost equal split between males and females (49% vs. 51%)
- even distribution in terms of age - 50% of respondents were aged less 44 years and 50% were aged over 45 years
- just over half (59%) were employed in some capacity, while 17% were retired, 9% were students and 15% were unemployed
- less than one third (29%) who were holders of a Concession Card and 71% who were non-holders
- just over one fifth (22%) who had completed secondary education, and 56% who had achieved TAFE or university qualifications
- in terms of household income -
 - nearly one fifth (19%) were in the \$1-\$500 per week group
 - a similar proportion (19%) were in the \$500-\$999 group
 - 31% were in the \$1,000-\$1,999 group
 - 19% were earning \$2,000 and more

Table 1: Gender

Gender	
Male	49%
Female	51%

Base: All Respondents (n=502)
Q29 Record Respondent's Gender

Table 2: Age

Age Groups	
18-24 years	14%
25-34 years	19%
35-44 years	19%
45-54 years	20%
55 or more years	30%

Base: All Respondents (n=502)
Note: The total may not add up to 100% due to rounding error
Q30 What is your age?

Table 3: Current employment situation

Current employment situation	
Employed full-time for wages, salary or payment in kind	31%
Employed part-time or casually for wages, salary or payment in kind	17%
Retired	17%
Self employed	11%
Engaged in home duties	9%
Student	9%
Unemployed	3%
Unable to work	3%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q31 Which of these best describes your current employment situation?

Table 4: Hold a Pensioner Concession Card/Centrelink Health Care Card

Hold a Pensioner Concession Card/Centrelink Health Care Card	
Yes	29%
No	71%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card?

Table 5: Speak a language other than English

Speak a language other than English	
Yes	12%*
No	88%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

The main languages spoken were reported to be Italian, Greek, Macedonian, Arabic, Croatian, Spanish, German and Hindi

Q33 Do you speak a language other than English at home? If Yes – ask: Which language is that?

Table 6: Highest level of education achieved

Highest level of education achieved	
Completed primary	1%
Some secondary	21%
Completed secondary	22%
TAFE or other vocational Certificate/s / Diploma	20%
University/Postgraduate studies	36%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q34 What is the highest level of education you have achieved?

Table 7: Annual household income before tax

Annual household income before tax	
\$1-\$299 pw (less than \$15,600 p.a.)	8%
\$300-\$499 pw (\$15,600-\$25,999 p.a.)	11%
\$500-\$699 pw (\$26,000-\$36,399 p.a.)	9%
\$700-\$999 pw (\$36,400-\$51,999 p.a.)	10%
\$1,000-\$1,499 pw (\$52,000-\$77,999 p.a.)	17%
\$1,500-\$1,999 pw (\$78,000-\$103,999 p.a.)	14%
\$2,000 - \$2,999 pw (\$104,000 - \$155,999 p.a.)	10%
\$3,000 pw or more (\$156,000 p.a. or more)	9%
Don't Know / Refused	13%

Base: All Respondents (n=502)

Note: The total may not add up to 100% due to rounding error

Q37 Before tax is taken out, which of the following ranges best describes your approximate household income, from all sources, over the last 12 months?

Appendix C: Survey Questionnaire

INTRODUCTION

Good evening, my name is [---], I'm calling from Ipsos, a research company. We are doing a study for the Victorian Department of Justice on disputes between people, businesses and organisations. The information will be used to give Victorians more options for resolving disputes quickly and cheaply. The survey is anonymous and confidential. Would you be able to help us out now - it will take about 20 minutes or would you like us to make an appointment time to call you back?

[Date: _____ Time: _____]

[IF REFUSED] "Thank you for your time..." [END CALL]

[IF YES PROCEED WITH INTERVIEW]

QA Firstly, I need to ask if you are at least 18 years old.

[IF NO IE IF LESS THAN 18 YEARS OF AGE] "Thank you for your time, could I please speak to someone who is home now, who is 18 years or older?"

[IF ANOTHER PERSON COMES ON THE LINE REPEAT INTRODUCTION]

[IF YES REPEAT INTRODUCTION AND CONTINUE.]

[ASK ALL]

Record Respondent's Gender

Male

Female

What is your age? [DO NOT READ]

18 -19 years

20 – 24 years

25 – 29 years

30 – 34 years

35 – 39 years

40 – 44 years

45 – 49 years

50 – 54 years

55 – 59 years

60+ years

Refused

First I am going to ask some questions to identify any disputes that you may have had that are relevant to this survey. For this survey "a dispute" occurs where there is a conflict or disagreement between you and another person, business or organisation. You may have resolved the dispute yourself or you have involved someone like a mediator, lawyer or ombudsman to help sort it out.

DISPUTES WITH BUSINESS & GOVERNMENT

1 In the last 12 months have you had any disputes with a business or government agency about any of the following types of goods, services or issues
[READ OUT, PROMPT FOR OTHERS & RECORD MULTIPLE RESPONSES]

Electricity, water, gas, or phone

Health care

Education

Credit, debt, banking, finance or insurance

Transport inc public transport, fuel, buying, hiring or repairing a vehicle

Clothing, footwear, cosmetics or other personal products

Food or drink

Electronics or electrical goods

	Q1 HAD DISPUTE	Q2 NUMBER OF DISPUTES	Q3 NUMBER RESOLVED WITHOUT HELP	Q4A NUMBER WITH 3 RD PARTY HELP	Q4B WHICH 3 RD PARTY INVOLVED	Q5 NUMBER NOT RESOLVED

- Recreation and leisure, including holiday travel
- Building, renovations, repairs or maintenance of your home
- Estate agents services such as buying, selling or letting a home
- Tenancy or accommodation involving a landlord
- A planning decision by government
- The imposition of a fine by government
- Information privacy
- Other [SPECIFY]
- No [DON'T READ]
- Can't recall [DON'T READ]
- Refused [DON'T READ]

IF NO DISPUTES AT Q1 GO TO Q6

- 2 How many different disputes have you ad over Q1 in the past 12 months?
[RECORD NUMBER OF TIMES IN SECOND COLUMN ABOVE.
- REPEAT FOR EACH DISPUTE MENTIONED IN Q1 - BE SURE THAT THE NUMBER OF INCIDENCES RECORDED ARE 'SEPARATE' INCIDENCES & NOT COMPONENTS OF ONE DISPUTE]
- 3 How many of these disputes over Q1 were you able to resolve without getting help from a third party such as a mediator, lawyer or ombudsman [RECORD NUMBER OF TIMES IN THIRD COLUMN ABOVE]?
- 4 Did you involve a third party in an attempt to resolve any of these disputes?
a) IF YES ASK – For. which dispute was that? [RECORD NUMBER OF TIMES IN FOURTH COLUMN ABOVE]
b) IF YES ASK – B. who did you go to for help? [WRITE IN CODE FROM Q23A]
No – (for none of the disputes)
Not sure
- 5 How many of these disputes were not resolved, either because you haven't been able to reach agreement or because you didn't try to [RECORD NUMBER NOT RESOLVED IN COLUMN FIVE ABOVE]?

DISPUTES WITH FAMILY, FRIENDS, COMMUNITY

- 6 In the last 12 months have you had any disputes with family members, neighbours, club members, at your workplace or in the local community such as [READ OUT, PROMPT FOR OTHERS; RECORD MULTIPLE RESPONSES]
- Family members - over a relationship, parenting, money, goods borrowed etc
- Neighbours - over trees, fences, noise, pets, parking etc
- At your workplace - over unfair dismissal, discrimination, unfair treatment etc
- At a club or sporting group - over the way the club is run or the behaviour of other members etc

	Q6 HAD DISPUTE	Q7 NUMBER OF DISPUTES	Q8 NUMBER RESOLVED WITHOUT OUTSIDE HELP	Q9A INVOLVED 3 RD PARTY	Q9B WHICH 3 RD PARTY INVOLVED	Q10 NUMBER NOT RESOLVED

At a school or kindergarten – over the behaviour of students, school policy etc

Body corporate - over joint property, fees, management etc

People you share a house with e.g. over housework, payment of shared bills, rent, etc

Friends - over behaviour, money owed, goods borrowed etc

Local community – over local planning issues, the environment etc

Other [SPECIFY]

No [DON'T READ]

Can't recall [DON'T READ]

Refused [DON'T READ]

IF NO DISPUTES IDENTIFIED AT Q1 AND Q6 GO TO Q21

IF DISPUTES IDENTIFIED AT Q6 GO TO Q7

- 7 How many different disputes have you ad over Q6 in the past 12 months? [RECORD NUMBER OF TIMES IN SECOND COLUMN ABOVE.
- REPEAT FOR EACH DISPUTE MENTIONED IN Q1 - BE SURE THAT THE NUMBER OF INCIDENCES RECORDED ARE 'SEPARATE' INCIDENCES & NOT COMPONENTS OF ONE DISPUTE]
- 8 How many of these disputes over Q6 were you able to resolve without getting help from a third party such as a mediator, lawyer or ombudsman [RECORD NUMBER OF TIMES IN THIRD COLUMN ABOVE]?
- 9 Did you involve a third party in an attempt to resolve any of these disputes?
 a) IF YES ASK – For. which dispute was that? [RECORD NUMBER OF TIMES IN FOURTH COLUMN ABOVE]
 b) IF YES ASK – B. who did you go to for help? [WRITE IN CODE FROM Q23A]
 No
 Not sure
- 10 How many of these disputes were not resolved, either because you haven't been able to reach agreement or because you didn't try to [RECORD NUMBER NOT RESOLVED IN COLUMN FIVE ABOVE]?

IDENTIFY DISPUTES FOR FURTHER DISCUSSION

- 11 IF 1-3 DISPUTES MENTIONED IN Q1 & Q6 PROGRAM TO AUTOMATICALLY INSERT CODE EG FOR Q1 "HEALTH CARE". IF MORE THAN THREE DISPUTES MENTIONED SAY:
Would you select 3 disputes that were serious for you or difficult to resolve?
 [DISPUTES INVOLVING THIRD PARTIES PREFERRED. PERMIT MULTIPLE DISPUTES IN A SINGLE CATEGORY ONLY IF THERE ARE NO DISPUTES IN OTHER CATEGORIES.]
 Label for dispute 1
 Label for dispute 2

13 Which ONE of these actions MOST helped to resolve the dispute?
[RECORD ABOVE. REPEAT FOR EACH DISPUTE]

14 Which other of these actions ALSO helped to resolve the dispute?
[RECORD ABOVE. RECORD MULTIPLE RESPONSES. REPEAT FOR EACH DISPUTE]

15 **IF USED 3RD PARTY IN Q12 CODES 7/11 OR 20/30 OR 31/34 – OTHERWISE GO TO Q19**
Thinking of how you now feel about how the dispute was handled, do you think that the outside help you got achieved a better outcome for you than you could have achieved on your own? [RECORD AND REPEAT FOR EACH DISPUTE]

- Yes
- No
- Don't Know / Not Sure
- Refused

Dispute 1	Dispute 2	Dispute 3

16 How do you think the experience of using a third party to resolve a dispute has affected your confidence or ability to deal with a similar dispute in the future?

- More confident / able
- Neither more or less confident / able
- Less confident / able
- Don't know / Refused

Dispute 1	Dispute 2	Dispute 3

17 Can you estimate in dollars how much you spent on this dispute for:

- Legal advice
- Other expert advice
- Out of Pocket Expenses – not including your personal time

Dispute 1	Dispute 2	Dispute 3
\$	\$	\$
\$	\$	\$
\$	\$	\$

18 Altogether, approximately how many hours would you say you spent trying to resolve this dispute?

Dispute 1	Dispute 2	Dispute 3
hrs	hrs	hrs

19 **IF USED 3RD PARTY IN Q12 CODES 7/11 OR 20/30 OR 31/34 – OTHERWISE GO TO Q20**
Approximately how many of those hours did you spend dealing with or responding to the third party for dispute?

Dispute 1	Dispute 2	Dispute 3
hrs	hrs	hrs

20 Disputes can cause people to feel annoyed, stressed or disappointed. How would you rate the emotional costs associated with ... (REPEAT FOR EACH DISPUTE)?

- Very Low
- Low
- Neutral
- High
- Very High
- Don't Know / Can Say

Dispute 1	Dispute 2	Dispute 3

About Alternative Dispute Resolution

21 When you have a significant dispute with another person or organisation do you USUALLY: [READ OUT]

- Try to resolve it your self
- Seek information from family or friends to help you to resolve the dispute
- Seek information from an external agency to help you to resolve the dispute

Always	Mostly	Sometimes	Occasionally	Never	Don't Know

- Other party may be more likely to adhere to agreement / follow through as agreed
 Other [SPECIFY]
 Don't Know
 Refused
- 25 What factors might DETER you from using a dispute resolution service to help you resolve a dispute? [DO NOT READ - PROBE FOR MULTIPLE RESPONSES]
 Difficulty in finding the right agency to help
 Privacy or confidentiality concerns
 Concerns about partiality / bias / fairness
 Concerns about enforceability / whether the agreement will be followed
 Emotional cost / stress involved
 Likely cost
 The dispute might not justify the time / effort involved
 Time involved in dealing with an outside agency
 Form filling or other bureaucratic requirements
 Other [SPECIFY]
 Don't Know
 Refused
- 26 Do you see particular advantages in taking a dispute to court or a tribunal such as VCAT? [DO NOT READ OUT]
 Yes [PROBE FOR REASONS & WRITE IN]
 No
 Don't Know
 Refused
- 27 Do you see particular disadvantages in taking a dispute to court or tribunal such as VCAT? [DO NOT READ OUT]
 Yes [PROBE FOR REASONS & WRITE IN]
 No
 Don't Know
 Refused
- 28 Do you believe that Government has a responsibility to provide services, other than courts and tribunals, to help Victorians to resolve disputes?
 Yes [PROBE FOR REASONS & WRITE IN]
 No
 Don't Know
 Refused

PERSONAL & HOUSEHOLD INFORMATION

Thank you for answering those questions. Finally, just a few questions about yourself and your household to ensure we have a good cross-section of people in our sample.

- 31 Which of these best describes your current employment situation? [READ OUT]
 Self employed
 Employed full-time for wages, salary or payment in kind
 Employed part-time or casually for wages, salary or payment in kind
 Engaged in home duties
 Student
 Retired
 Unemployed
 Unable to work

- Other [SPECIFY]
- Don't Know
- Refused
- 32 Do you hold a Pensioner Concession Card or a Centrelink Health Care Card? [DO NOT READ OUT]
- Yes
- No
- Not Sure
- 33 Do you speak a language other than English at home? IF YES – ASK: Which language is that? [WRITE IN SPACE OPPOSITE]
- No
- 34 What is the highest level of education you have achieved? [READ OUT]
- No formal education
- Some primary
- Completed primary
- Some secondary
- Completed secondary
- TAFE or other vocational Certificate/s / Diploma
- University/Postgraduate studies
- Other [SPECIFY]
- Refused
- 35 What is the postcode where you live?
- Postcode [WRITE IN]
- Don't Know [ASK FOR SUBURB, TOWN OR LOCALITY & RECORD]
- 36 At how many different residential addresses have you lived in the past 5 years? [RECORD]
- 37 Before tax is taken out, which of the following ranges best describes your approximate HOUSEHOLD income, from all sources, over the last 12 months? [READ OUT]
- \$1-\$299 pw (less than \$15,600 p.a.)
- \$300-\$499 pw (\$15,600-\$25,999 p.a.)
- \$500-\$699 pw (\$26,000-\$36,399 p.a.)
- \$700-\$999 pw (\$36,400-\$51,999 p.a.)
- \$1,000-\$1,499 pw (\$52,000-\$77,999 p.a.)
- \$1,500-\$1,999 pw (\$78,000-\$103,999 p.a.)
- \$2,000 - \$2,999 pw (\$104,000 - \$155,999 p.a.)
- \$3,000 pw or more (\$156,000 p.a. or more)
- Don't Know / Refused
- 38 The Department of Justice may be undertaking further research into dispute resolution, are you willing to be contacted again?
- Yes – THEN ASK
- Could you tell me your first name and confirm your phone number so that you can be contacted again [WRITE IN]?
- No [GO TO CLOSE]

CLOSE: That's the end of the survey. I would like to thank you on behalf of the Department of Justice and Ipsos for your help with this survey. We realise that we have asked you some difficult questions and appreciate the time and effort you have given.

If respondents ask about obtaining a copy of the report on the survey, advise

