VLSB+C Consumer Strategy Consultation Paper

Have your say!

Victorian Legal Services
BOARD + COMMISSIONER

We acknowledge the Wurundjeri Woi Wurrung People as the Traditional Custodians of Naarm (Melbourne), the land on which our office sits. We pay our respects to their Elders; past and present.

Published by order, or under the authority, of the Parliament of Victoria.

September 2026

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Introduction

The Victorian Legal Services Board and Commissioner (VLSB+C) is the independent regulator of the Victorian legal profession. It exists to maintain and enhance public trust and confidence in Victorian lawyers and support the rule of law. The VLSB+C regulates the legal profession by maintaining its professional standards, providing an independent, impartial and accessible system for managing complaints about lawyers, providing stewardship of the Public Purpose and Fidelity Funds and administering those funds to support legal regulation and access to justice.

Protecting and empowering legal consumers, improving legal ethics and practice, and increasing access to justice are our three strategic objectives. To support these, we are developing a Consumer Strategy as a key deliverable under our Strategic Plan 2026-2029.

The development of a Consumer Strategy will provide a framework for how we, as the legal profession regulator, can best support the legal profession to further understand and meet the changing needs of the Victorian communities they serve.

The purpose of this paper is to seek feedback from the Victorian community, legal sector, and community organisations to inform the development of the VLSB+C Consumer Strategy.

Why we are developing a Consumer Strategy

We are developing a Consumer Strategy to support the legal profession in its work by better understanding the needs and experiences of people who use legal services, and ensuring our regulatory approach supports improvements in the legal system. We are doing this work to support the lawyer-client relationship which, in turn, has benefits for public trust and confidence in the rule of law. We are also interested in how our strategy could support improved access to justice and address changing community expectations.

Supporting the lawyer-client relationship and the rule of law

Lawyers, and the way they provide legal services, play a critical role in supporting the rule of law. Legal problems often arise out of challenging life circumstances including financial hardship, family breakdown, injury, or loss. These can be emotional, stressful and hard to speak about.

Most people will not see the inside of a court room or have first-hand experience of the legal system. However, many people will rely on a lawyer for help at some stage during their lives. Therefore, the way a lawyer provides their service to a client will impact not only on their client's resolution of a legal problem, but it will also shape how they may then view lawyers, the law, and the legal system.

This is why the regulation of lawyers – including ensuring that lawyers are competent, ethical, supported and meet the needs of the community – is essential to the health and proper functioning of our legal system. The degree to which people trust their lawyer and the legal profession in turn affects public trust and confidence in the legal system and the rule of law.

Many of the complaints we receive from the community about lawyers arise from misunderstandings, poor communication and unmet expectations.[1] Our Lawyer Wellbeing research has shown that client interactions can be a significant source of stress for lawyers,[2] particularly where expectations are misaligned, communication is difficult, or matters involve emotional complexity. This evidence suggests an opportunity for our Consumer Strategy to create benefits for both consumers and practitioners through a renewed focus on supporting the lawyer-client relationship, including on how the legal sector recognises and responds to legal consumer need.

1 See, i.e. VLSB+C Annual Report 2024-25, page 27.

2 VLSB+C, Systems Theory of Change for Lawyer Wellbeing Project: Results from the Systems Effect Survey, page 25 in relation to 'clients with unrealistic expectations / difficult clients / clients' own misinformation or lack of understanding'. See also VLSB+C, Lawyer-Client Relationship Survey (2022).

Access to justice

By providing legal services, lawyers play a key role in access to justice. 'Access to justice' is often understood as whether people can recognise a legal problem, find the right legal help, afford that legal help, and achieve a fair outcome.[3] In Victoria, there is clear evidence that many people do not get that legal help when they need it. This is sometimes described as 'unmet legal need'. It can include situations where a person has a legal problem but does not seek legal help, cannot find suitable help, or gets help that does not resolve the problem effectively.

The Public Understanding of Law Survey (PULS), found that 42% of Victorians experienced civil legal problems,[4] and that unmet legal need was widespread and had a significant social impact. Another recent study, the Victorian Legal Understanding and Lawyer Use (V-LULU) Survey shows how less than two-thirds of legal consumers had their needs met when they engaged a lawyer for help with a legal problem.[5] This directly contributes to a state of widespread unmet legal need in Victoria, with as much as 78% of legal need unmet.[6]

In developing a Consumer Strategy, we will examine how we currently respond to some of the underlying reasons for the growing unmet legal need in our community and explore opportunities for improvement and innovation.

Changing community expectations

Over the last decade, people in Australia have come to expect more responsive, transparent and accessible professional services and regulatory oversight. This has been influenced by digital technology, social media, easier access to information, public concern about poor conduct by organisations, and broader changes in community expectations. These shifts, and in particular new technology such as Artificial Intelligence (AI), are changing how people find legal information and how lawyers work. It is also changing how people engage with lawyers and with us.

At the same time, technological changes are not being experienced equally, with 20.6% of Australians digitally excluded.[7] People's preferences and digital capabilities can differ by age, confidence, access and circumstance. For that reason, a technology-focused approach must still recognise that consumers need different kinds of support and communication channels.

As the legal services regulator, we want to ensure we acknowledge and respond to the different and changing needs of the Victorian community, including to these shifts.

3 VLSB+C, Policy Statement: Access to Justice (2023), page 1; Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L. (2024). The Public Understanding of Law Survey (PULS), Volume 3: A New Perspective on Legal Need and Legal Capability. Melbourne: Victoria Law Foundation.

4 Balmer, N.J., Pleasence, P., McDonald, H.M. & Sandefur, R.L., *PULS Volume 1: Everyday Problems and Legal Need Report Summary* (Victoria Law Foundation, 2024) (PULS Volume 1 Summary), page 2.

5 Pleasance, P., and Balmer, N.J., *Report of the Pilot Victorian Legal Understanding and Lawyer Use (V-LULU) Survey* (VLSB+C, 2025), 10.

6 PULS Volume 1 Summary, page 10.

7 Australian Digital Inclusion Index, at 30 June 2026.

Who we are and what we do

The VLSB+C is the regulator of lawyers in Victoria. This includes both solicitors and barristers.

Our strategic aims are to:

- protect and empower legal consumers
- maintain and enhance legal practice and ethics
- increase access to justice.

Our work includes:

- issuing and managing lawyers' practising certificates
- receiving and helping resolve complaints about lawyers, including costs disputes
- investigating whether lawyers were unethical or unprofessional and taking action when needed
- overseeing the trust accounts that lawyers keep their clients' money in during legal matters
- supporting access to justice by providing grants and public information
- supporting legal professional standards by issuing guidance to lawyers.

Our Consumer Strategy will focus on the actions we can take within our legislated roles and powers under our enabling legislation, the *Legal Profession Uniform Law Application Act 2014* (Vic).

Your voice is important, we'd like to hear from you

To help inform the development of our Consumer Strategy, we want to hear from the Victorian community, the legal sector, and community organisations on what is needed to ensure consumers of legal services receive the best possible legal services.

The Strategy will assist the VLSB+C in our roles as a regulator, funder and investor in the legal market to empower consumers, support legal service improvement and increase access to justice for Victorians. The Strategy will also provide the opportunity to build upon our existing work in this area.

We particularly want to hear from people who:

- use legal services in Victoria
- don't use legal services in Victoria but want to, or need to
- have been impacted (positively or negatively) by legal services in Victoria.

How to have your say

1. Read the consultation questions for the Consumer Strategy on pages 12-21.
2. You can provide feedback on **either** or **both**:
   a) Any (or all) the consultation questions in pages 12-21; and/or
   b) These high-level questions:
      i. What are the key challenges for legal consumers that a legal services regulator should be thinking about now, and over the next 3-5 years?
      ii. Do you have feedback on any other significant legal service market or legal consumer issues, risks or trends that should shape the development of the Consumer Strategy?
      iii. What experience, stories, data or research help explain your feedback?
3. If you can provide written feedback, please email this to consumerstrategy@lsbc.vic.gov.au before **5pm Friday 16 October 2026**.
4. If you want to provide feedback in a different way (like over the phone, or in person), email consumerstrategy@lsbc.vic.gov.au or call (03) 9679 8001 by **5pm Friday 02 October 2026** to discuss other feedback options.

We note that this process of consultation is to help inform the development of our Consumer Strategy. If you have an existing matter with our office or would like to raise an individual concern or complaint, please use our consumer or lawyer enquiry form on our website. Where a submission raises matters that are more appropriately dealt with via other parts of our office, they will be referred to the relevant team for consideration.

How we will use your responses

We will use your feedback to help inform the development of our Consumer Strategy. After this consultation process, we will publish a short, de-identified summary of the feedback we get, what we are considering, and our next steps. This consultation process has no impact on the current VLSB+C policy framework and any regulatory decisions made under it – it relates to future activity only.

We will treat your personal information in line with our Privacy Policy.

Consultation questions

1.0 Defining the language we use in the Consumer Strategy

2.0 Understanding legal consumer needs and experiences

3.0 Using our dispute resolution and other consumer focused powers to support good legal service outcomes

4.0 Ensuring a strategic and effective response to systemic issues

5.0 Responding to the opportunities and risks of new technologies

1.0 Defining the language we use in the Consumer Strategy

We want to use clear and agreed language in the Consumer Strategy because the words we use will help shape our priorities and improve communication. They will also support a shared understanding of who the Strategy is for and what it is trying to do.

We plan to use broad, plain language definitions for key terms.

Our proposed definitions are:

Legal consumers include people who:

- use, or have used, Victorian legal services
- don't use Victorian legal services but want to, or need to – this may be for reasons including cost, access barriers, not knowing the problem is legal, and distrust
- have been impacted, positively or negatively, by Victorian legal services.

Consumer protection means preventing or mitigating unfair, deceptive and/or unsafe legal service practices through laws, regulations, processes and systems, including access to redress when things go wrong.

Consumer empowerment means enabling consumers/clients of legal services to play a more active role in the legal service market. This includes giving them the tools, information, and opportunities they need to make informed decisions and take greater control of their interactions with legal services.

1.0	Consultation questions
1.1	What are your views about using a broad definition of 'legal consumer'?
1.2	What do you think we should include in our definitions of 'consumer protection' and 'consumer empowerment'?
1.3	What other terms or concepts should we define clearly in the strategy? Why should we define them? What do you think the definition should be?

2.0 Understanding legal consumer needs and experiences

It is important to us to have clear insights into what legal consumers need from the Victorian legal profession and from us as its regulator.

We already collect this information in several ways, including through the Legal Services Research Centre's annual Victorian Legal Understanding and Lawyer Use (V-LULU) Survey and through the complaints we receive about lawyers. V-LULU looks at how Victorians interact with the law, experience legal issues and use legal services, including how people use technology to solve legal problems, and how experiences change depending on what kind of legal problem you have.

We also draw on research including the Public Understanding of Law Survey (PULS), a large-scale Victorian study that explored how people understand, experience and navigate law and everyday life problems with a legal dimension. PULS looked at the scale of met and unmet legal need in Victoria, and the spread of legal capability across the Victorian community.

Both PULS and V-LULU show there is more that could be done to ensure that legal services across Victoria are accessible for all Victorians and responsive to the diverse needs of our community.

There may also be more that we could do to continue to build our understanding of legal consumer need. For example, we know there are people in the Victorian community who do not know about us and others who, for a range of reasons, do not raise their concerns about a lawyer with us. We want to better understand their needs and what we can do to help.

2.0 Consultation questions

2.1	**In your experience, how do legal consumers measure the quality of a legal service, or its value?**
2.2	**What would help legal consumers choose the best lawyer for them? What would help legal consumers understand what to expect when they engage a lawyer?**
2.3	**What makes legal services responsive and accessible for people with different needs and circumstances?**
2.4	**What would make it easier for people to understand, access and use legal services?**
2.5	**Which groups or communities are less likely to raise concerns or make complaints to us about lawyers? Why do you think that?**
2.6	**What kinds of engagement would you suggest we use to understand legal consumers' needs and experiences?**
2.7	**What relationships with the community and consumer representative organisations are important to have to better understand the legal consumer landscape? What suggestions do you have as to how we should do that?**
2.8	**If you are interested in participating in future engagement and relationship building activities with us, how would you want that to look?**

3.0 Using our dispute resolution and other consumer focused powers to support good legal service outcomes

The *Legal Profession Uniform Law Application Act 2014* (Vic) (the Act), and the Legal Profession Uniform Law (Uniform Law), gives us powers to receive and handle complaints about lawyers.

These include the power to resolve complaints against lawyers in 'consumer matters'. Consumer matters are complaints about 'the provision of legal services' to a person. These include issues about legal costs or service quality. Generally, only the lawyer's client can make these kinds of complaints.

We can help resolve 'consumer matter' complaints through mediation, settlement agreements and formal determinations. Through making formal determinations we can, for example, require a lawyer to pay compensation, apologise, or complete further training. The purpose of these powers is to help resolve disputes between lawyers and their current or former clients in a 'timely and effective' way and, where appropriate, support a constructive working relationship going forward.

We want to look at opportunities to enhance when and how we use our consumer matter powers and reflect on what kind of guidance and other information would help people navigate our process more easily and support fair outcomes.

3.0 Consultation questions

3.1 Our website information about how we handle complaints about lawyers, including 'consumer matters', is here. If you have had a chance to review it:

a) What was useful, and why?
b) What can we improve, and why?

3.2 What would help you, and others, to engage more confidently with us if you had a concern about a lawyer?

3.3 What kind of practical guides or information would be helpful? For example:

a) Information about common problems faced by legal consumers or complaint types, such as costs disputes, poor communication, delay or professional conduct concerns
b) common issues arising in areas of legal services, such as family law, probate or conveyancing
c) stages in a legal matter, for example mediation, settlement negotiation and formal determinations
d) a blend of these (for example, a guide about overcharging in family law cases).

3.4 How can we deliver our dispute resolution service to improve accessibility and support good legal service outcomes for all participants?

4.0 Ensuring a strategic and effective response to systemic issues

Systemic issues relate to the way one or more lawyers deliver services that adversely affect groups of legal consumers. Some examples of 'systemic issues' are identified in our Risk Outlook – they include lawyers' involvement in mortgage financing, and problematic practices in motor vehicle claims involving 'car-napping'.

We take a 'risk-based' approach to regulation, which means we aim to respond proportionately to the risk of harm.

Our approach is to:

- provide a streamlined response to low risk, recurring issues
- identify emerging issues using data and other intelligence and design programs
- prioritise and respond to serious, systemic issues that may risk causing harm to many consumers.

You can read more about our risk-based approach in our Regulatory Approach Statement. We also provide an overview of the key risks and opportunities facing the legal profession in our regular Risk Outlook.

We are keen to explore how a Consumer Strategy can enhance our risk-based response to systemic issues.

4.0 Consultation questions

4.1 What suggestions do you have for how we should communicate with the Victorian community about common and systemic issues in legal services?

4.2 How can we best support members of the Victorian community who may be at greatest risk of experiencing harm because of lawyers' conduct?

For organisations only:

4.3 What types of problems do you think commonly affect legal consumers?

4.4 What evidence can you provide to support your feedback or who should we talk to for further information?

4.5 Are there any emerging issues that affect legal consumers that you think we should keep monitoring? What are they and why?

5.0 Responding to the opportunities and risks of new technologies

New technologies, including artificial intelligence (**AI**), are changing how people find and use legal services. For example, most people now start by searching online when they have a legal problem. Twenty years ago, this wasn't common. However, not everyone can access or use digital services easily—around 20% of people in Victoria are still digitally excluded.

Many people now use AI tools to research their legal issue before they meet a lawyer. They may bring AI-generated information or ideas about how their case should be resolved to meetings with their lawyer. This can sometimes be helpful, but it may also create unrealistic expectations about their legal problem. There can also be risks if people have shared private or sensitive information with an AI chatbot.

Technology is also changing how lawyers do their work. There are now many AI tools available that can help lawyers work more efficiently, reduce costs, and make legal services more accessible. For example, some tools can provide free or low-cost legal information online.

At the same time, these technologies bring new risks. Lawyers still need to make sure they are protecting their clients' information and acting in a safe, responsible, and ethical way when using AI.

As technology becomes more common, some clients expect law firms to use it to provide faster and more efficient services. Clients also have a legitimate interest in understanding when AI is being used in their case, and in some situations, they may expect to be involved in decisions about how it is used.

Finally, technology is making it easier for people to deal with legal issues on their own, without a lawyer. While this can be empowering, it can also create challenges. Some courts and tribunals are seeing more applications and documents that are unclear or incorrect, which can cause delays and increase costs. There is also growing concern about AI being used to create false information, such as fake documents or case references. This can make it harder to know what is true, a process called 'truth decay' and may reduce trust in the legal system and public institutions more broadly.

We are interested in the extent to which our Consumer Strategy can help the profession to reflect and respond to the opportunities and risks presented by this complex and rapidly evolving area.

5.0 Consultation questions

5.1 **Have we left out any key benefits that technology creates for legal consumers? What are they, who will benefit from them most, and why?**

5.3 **Have we left out any key risks that technology creates for legal consumers? What are they? Who will those risks impact the most and why?**

5.3 **What suggestions do you have to help minimise technology-related risks that consumers face when seeking legal help or engaging with legal services?**

5.4 **How can we support the safe and responsible development and use of legal technology tools and services that benefit legal consumers and/or seek to enhance access to justice?**

5.5 **How can we reduce the risk of disadvantaging legal consumers who prefer, or need, non-digital ways of getting help?**

5.6 **In what other ways can technology affect consumer protection, consumer empowerment, or access to justice?**

Thank you

We thank you for thinking about improving legal services in Victoria and for any feedback you provide about the focus areas for our Consumer Strategy.

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