



## REVIEW OF JUDICIAL IMPARTIALITY

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### AUSTRALIAN SURVEY OF SOCIAL ATTITUDES 2020 (AuSSA 2020): PRELIMINARY ANALYSIS

*Last updated 23 July 2021*

The text below is a preliminary analysis of data from the Australian Survey of Social Attitudes 2020 published online by the ALRC for interested stakeholders during the course of the Inquiry.

For final data and analysis see the Judicial Impartiality Final Report:

Without Fear or Favour: Judicial Impartiality and the Law on Bias (Report 138, December 2021)

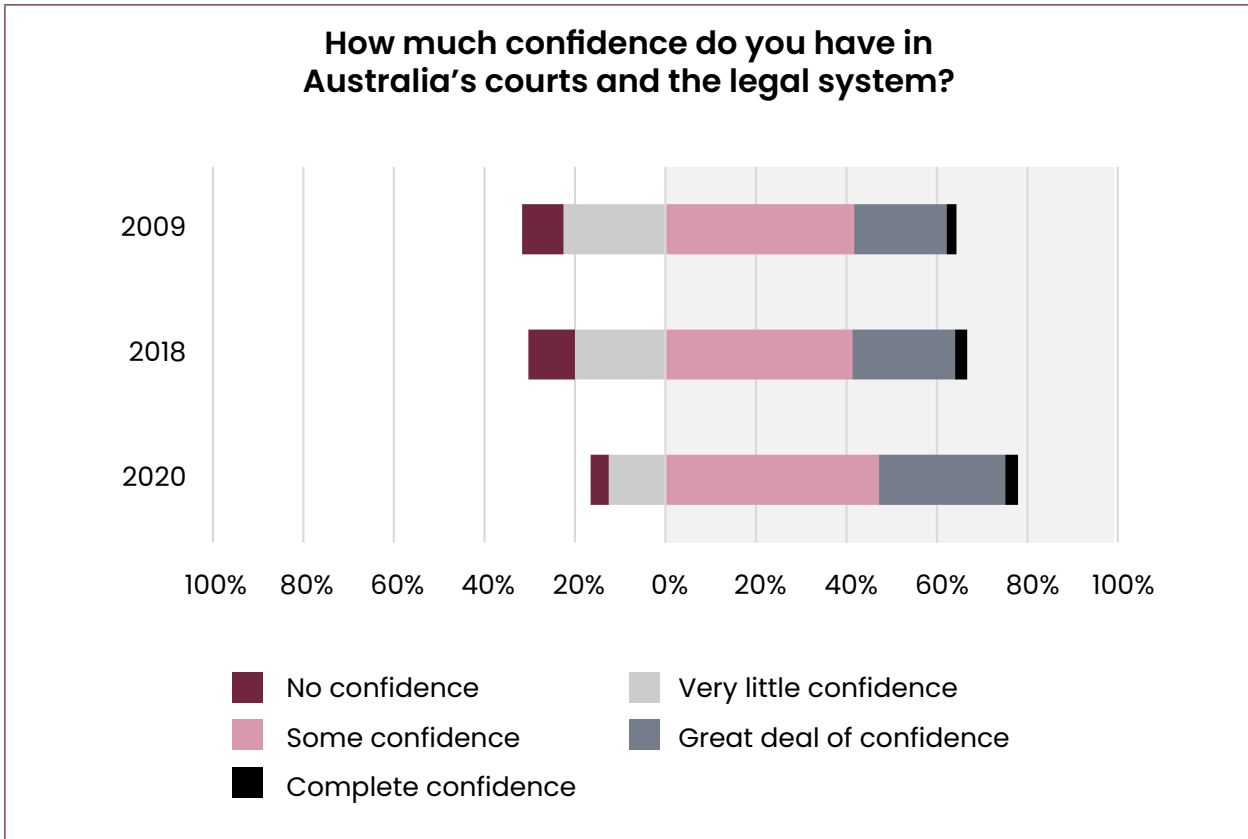
### Introduction

The Australian Survey of Social Attitudes (AuSSA) is a study conducted annually by the Australian Consortium for Social and Political Research Inc (ACSPRI) that considers the social attitudes and behaviours of Australian citizens. AuSSA is Australia's official survey in the International Social Survey Program. Participants are selected using a random sample from the Australian Electoral Roll, and are contacted by post.

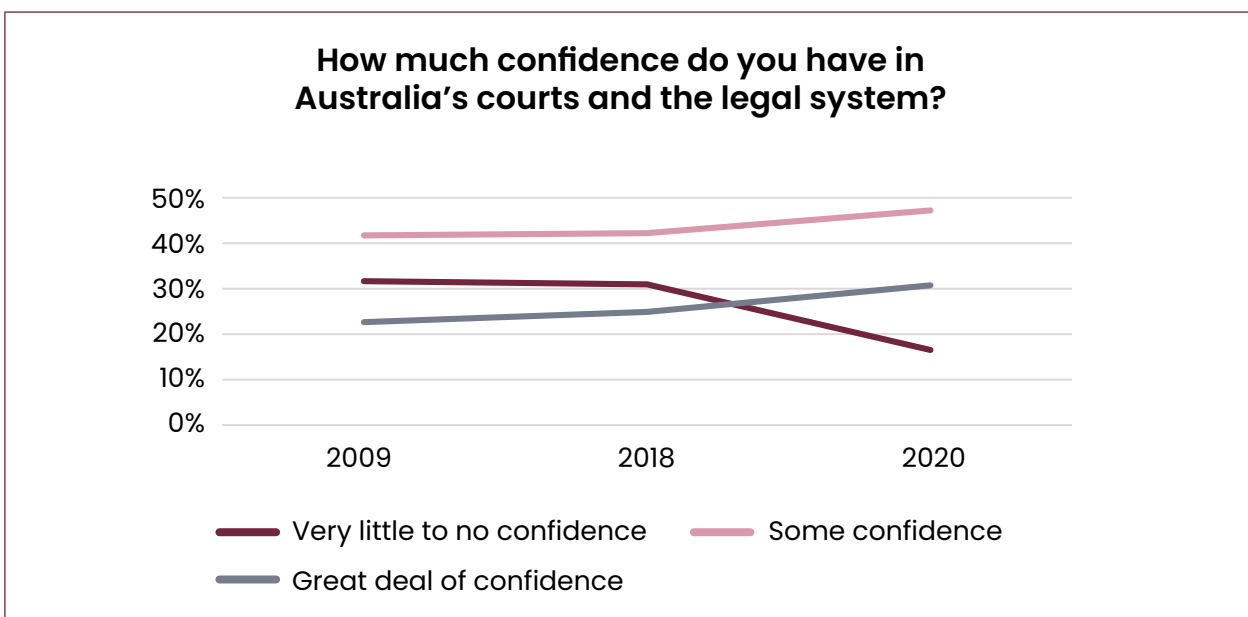
The ALRC included seven questions in the most recent 2020 AuSSA survey, to gain better insight into trends in public confidence in the courts and the legal system, and contact with the courts. The 2020 survey was sent to 5000 randomly selected Australian citizens (272 ineligible), with a response rate of 25% (n=1162). See below for full data citations.

## Confidence in Australia’s courts and the legal system

AuSSA 2020 asked respondents “How much confidence do you have in Australia’s courts and the legal system?” A preliminary analysis of the data from the 2009, 2018, and 2020 AuSSA surveys (which included the same question, with the same response scales) indicates that the level of confidence among those surveyed has increased over time.



This is also shown in the following chart (which combines responses marked ‘complete confidence’ and ‘great deal of confidence’, and ‘no confidence and very little confidence’ for ease of representation):



The percentage of total responses in each category for each relevant year is as follows:

	2009	2018	2020
<b>Complete confidence</b>	2.2	2.8	2.9
<b>Great deal of confidence</b>	21.1	22.1	28.8
<b>Some confidence</b>	42.9	42.2	48.9
<b>Very little confidence</b>	23.2	20.4	13.1
<b>No confidence</b>	9.4	10.5	4.3
<b>Cannot choose</b>	1.1	2.0	2.1

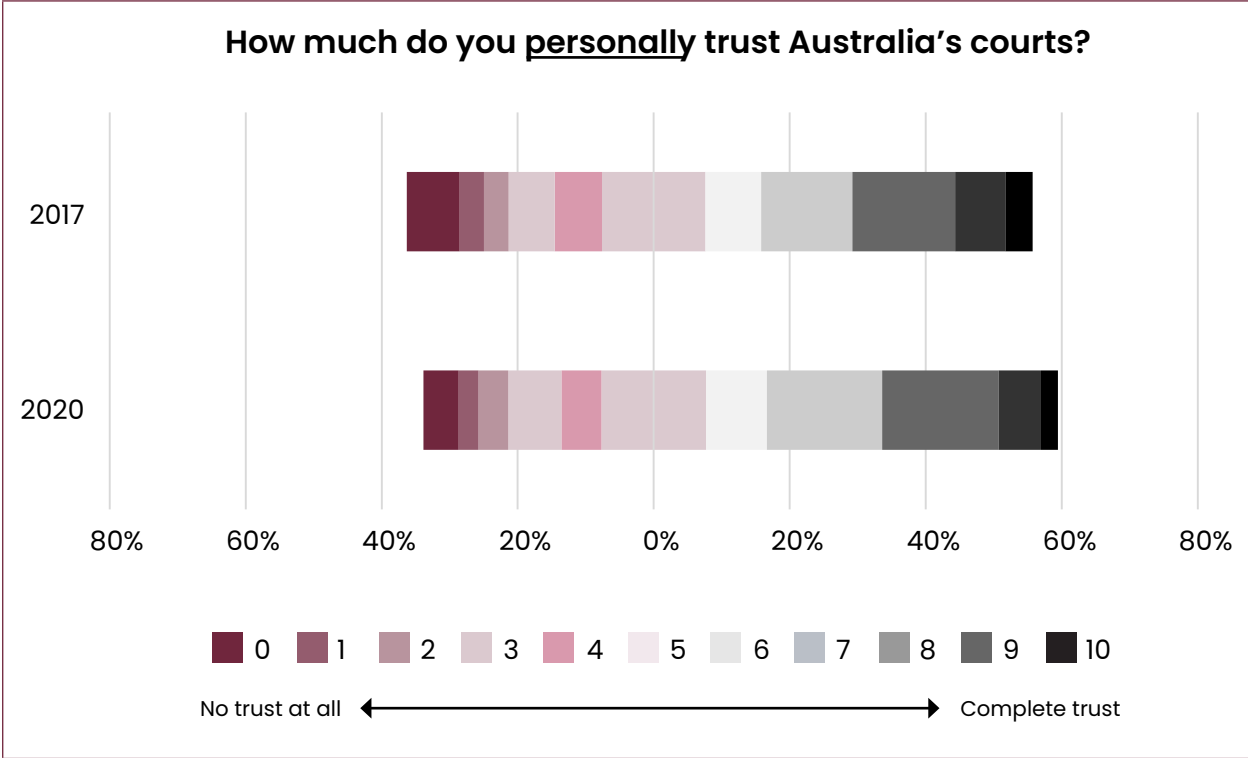
The total number of respondents in each of those years was as follows:

Year	2009	2018	2020
<b>Respondents</b>	1665	1261	1103

Note that the AuSSA 2011 and 2014 surveys included the same question, but with a different scale. In 2014 and 2011, respondents were asked to respond with one of the following responses: a great deal of confidence, quite a lot of confidence, not very much confidence, no confidence, and cannot choose. For that reason, the results have not been directly compared.

### Trust in Australia’s courts

The 2020 survey also asked “How much do you personally trust Australia’s courts?”, on a scale of 0 (no trust at all) to 10 (complete trust). This question had been asked in the AuSSA 2017 survey, and data from 2020 shows a small overall increase in trust.



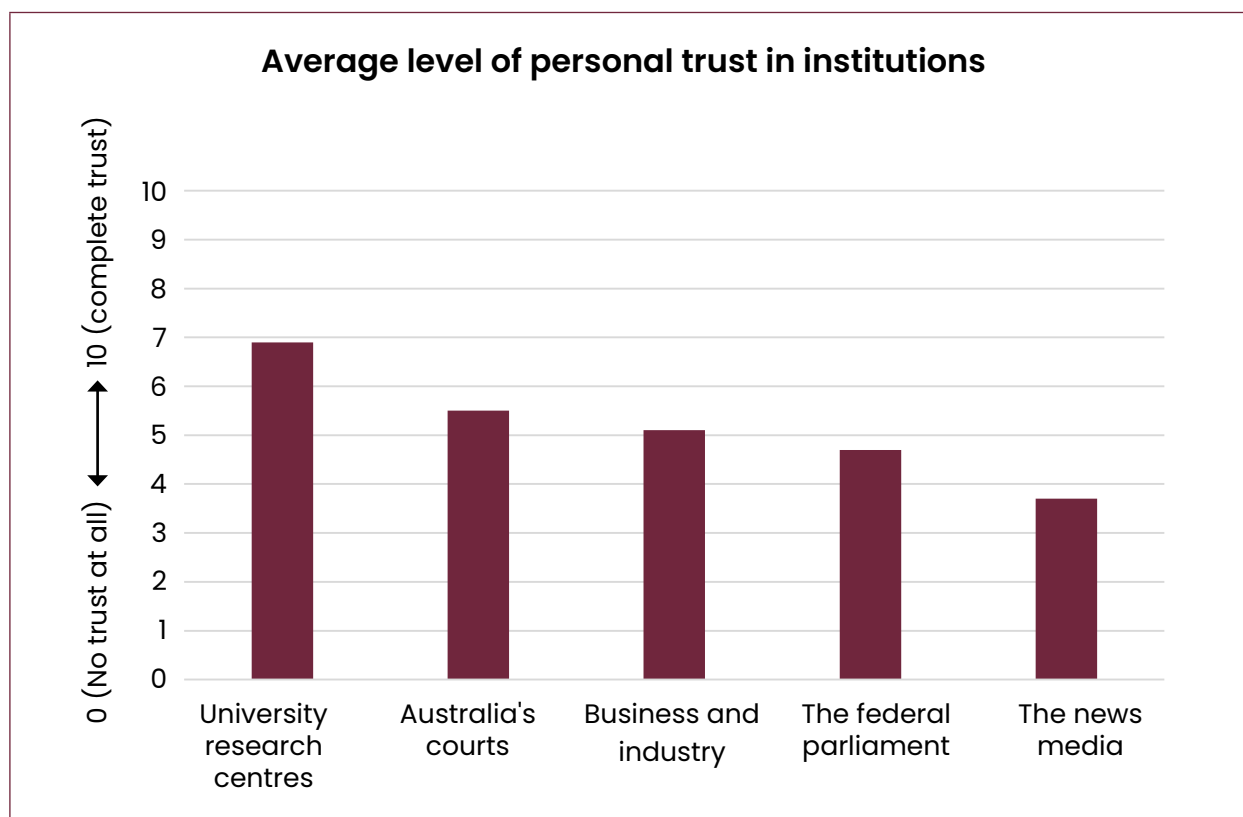
The percentage of total responses in each category for each relevant year is as follows:

	2017	2020
<b>0 (No trust at all)</b>	8.0	5.3
<b>1</b>	3.7	3.0
<b>2</b>	3.7	4.6
<b>3</b>	6.9	8.1
<b>4</b>	7.2	6.1
<b>5</b>	15.6	15.9
<b>6</b>	8.4	9.2
<b>7</b>	13.8	17.8
<b>8</b>	15.5	17.9
<b>9</b>	7.6	6.4
<b>10 (Complete trust)</b>	4.1	2.5
<b>Cannot choose</b>	5.5	3.2

The total number of respondents in each of those years was as follows:

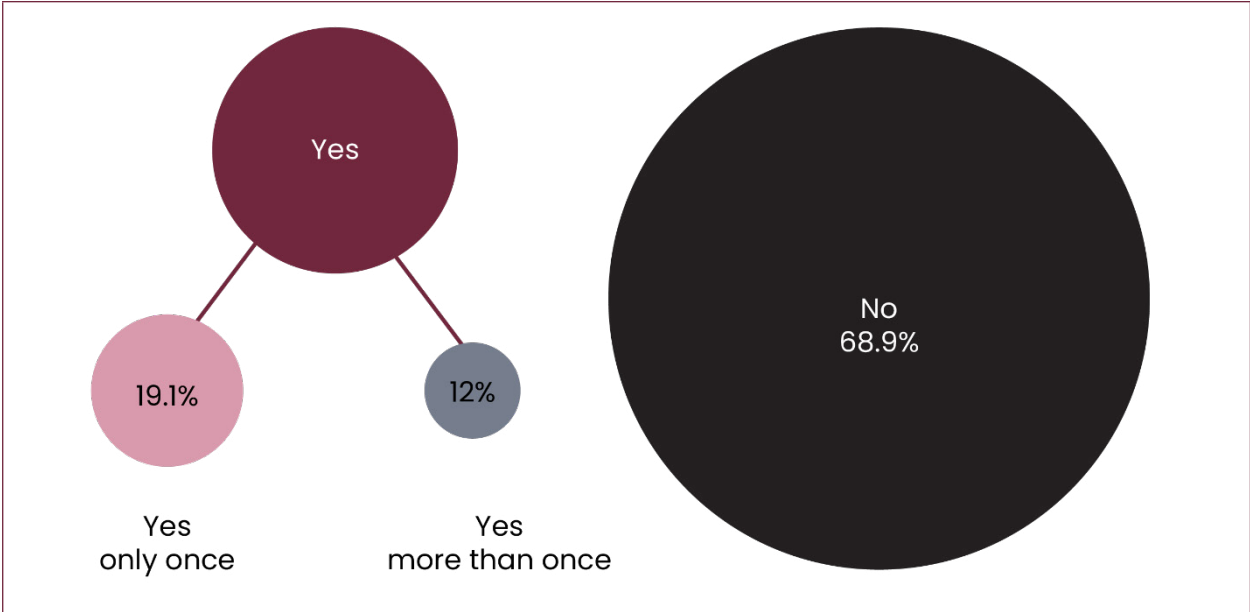
Year	2017	2020
<b>Respondents</b>	1282	1107

The average level of trust in the courts was the second highest level of institutional trust recorded in the AuSSA 2020 survey, ranking behind university research centres, but ahead of business and industry, the federal parliament, and the news media.



# Attendance at an Australian court in the past decade

The AuSSA 2020 survey asked “Have you been present at a court proceeding in Australia in any capacity within the past decade or so? This could include as part of your job, as a juror, in relation to your own case or a case concerning a family member or friend, or as a member of the public etc”.



The percentage of total responses for each category was as follows:

	2020
Yes, only once	19.1
Yes, more than once	12.0
No	68.9

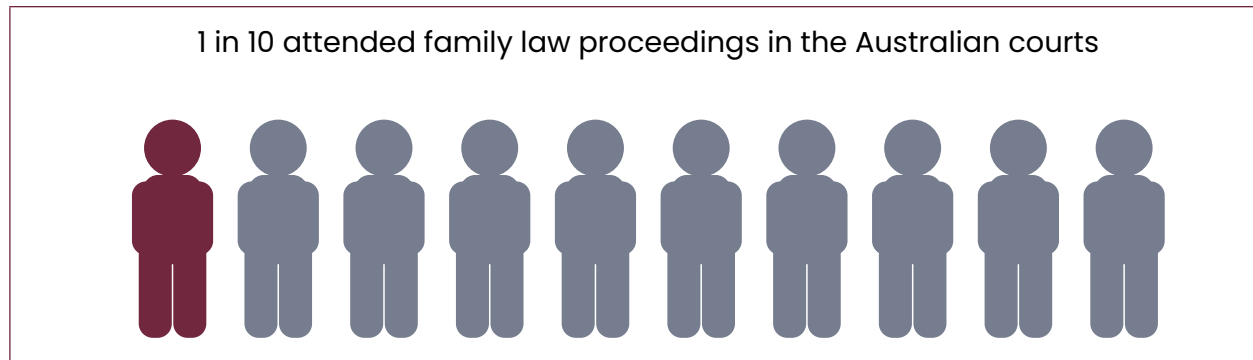
There was no statistically significant difference in the levels of trust in the Australian courts between those who had attended a court in the past decade and those who had not:

- Those who had not attended rated their trust in the courts (on a scale of 0 to 10) as 5.85 on average
- Those who had attended only once rated their trust in the courts (on a scale of 0 to 10) as 5.00 on average
- Those who had attended more than once rated their trust in the courts (on a scale of 0 to 10) as 5.47 on average

## Attendance at family law proceedings in the Australian courts in the past decade

Those who had attended an Australian court proceeding in the past decade were asked “Did any of those proceedings relate to family law (eg. questions of marriage and divorce, child custody/parenting orders, division of property, etc)?”

113 respondents, or (10.1% of the total respondents), answered that they had attended family law proceedings in the past decade. These proceedings may have been in either Commonwealth or state courts.



## Further data and analysis

The ALRC included further questions in AuSSA 2020 on skills and qualities considered important in the work of judges and magistrates, levels of confidence in judges to act in particular ways and to achieve particular outcomes, and the ways in which respondents were informed about Australia’s courts and judges. Further analysis of these questions, and more detailed analysis of relationships between different responses, and demographic data, will be included in the ALRC’s Final Report and inform its recommendations.

The above percentages have been rounded to one decimal place. As a result, the total percentage for each group may be close to, but not exactly, one hundred percent.

### Data sources:

The data cited above is sourced from:

- “Australian Survey of Social Attitudes 2020”, Australian Consortium for Social and Political Research Incorporated, V3
- Blunsdon, Betsy; Evans, Ann; McEachern, Steven; McNeil, Nicola, 2018, “Australian Survey of Social Attitudes, 2017”, [doi:10.26193/JZKRD8](https://doi.org/10.26193/JZKRD8), ADA Dataverse, V2
- Blunsdon, Betsy, 2017, “Australian Survey of Social Attitudes, 2014”, [doi:10.4225/87/LTVGMV](https://doi.org/10.4225/87/LTVGMV), ADA Dataverse, V1
- Evans, Ann, 2017, “Australian Survey of Social Attitudes, 2011”, [doi:10.4225/87/UNPXX2](https://doi.org/10.4225/87/UNPXX2), ADA Dataverse, V1
- Evans, Ann, 2017, “Australian Survey of Social Attitudes, 2009”, [doi:10.4225/87/IH68HQ](https://doi.org/10.4225/87/IH68HQ), ADA Dataverse, V1

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