Data insights in justice

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Housing-related problems and enquiries to legal assistance services in NSW

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Understanding the characteristics of people who experience housing-related legal problems, such as their age, gender and Indigenous status, is important when planning legal assistance services. The LAW Survey and the Legal Assistance Service Data Digest are two sources of information which tell us who has housing problems, what types of problems they experience, and place of residence. This evidence can be used to inform service planning.

Key messages

- According to the LAW Survey, 13% of the NSW population aged 15 and over reported having experienced a problem in relation to housing in the previous 12 months.
- LAW Survey respondents in NSW sought formal advice for 51.3% of housing-related problems. This advice was sought from a not-for-profit legal assistance provider for 8.3% of housing-related problems.
- The Data Digest shows that just under 27,200 housing-related enquiries were made in 2016. This translates to a rate of 4.5 enquiries per 1,000 of the NSW population aged 15 and over.
- The distribution of housing *enquiries* by problem type presents a different pattern to that of *experienced* housing problems as found by the LAW Survey. Nearly half (48.6%) of enquiries were about tenancy issues but the majority of problems experienced were neighbour-related (69.4%).
- The rate of housing enquiries is highest for the 35 to 44 age group at 5.3 per 1,000. People aged 25 to 44 are more likely to enquire about tenancy than their older counterparts. Enquiries about neighbour-related problems are more prevalent among the older age groups.
- The rate of enquiries per 1,000 of the female population aged 15 and over (5.2) was higher than that of males (3.6), a finding that is consistent across all age groups and housing problem types.
- Indigenous clients made 5.8% of the housing-related enquiries in 2016. This translates to a rate of 11.1 per 1,000 of the Indigenous population compared to 4.3 per 1,000 for the non-Indigenous population. Compared with enquiries from non-Indigenous clients, there were higher numbers of eviction-related problems among Indigenous clients.

Introduction

Housing plays a major role in our health and wellbeing. Without the safety and protection of appropriate and affordable housing, it can be especially challenging for people to participate in the social, economic and community aspects of their lives.[1] The experience of housing-related problems can therefore have considerable impacts on people's lives. Recent trends analysis shows a slow but marked decline in levels of home ownership since the early 2000s, especially among younger people.[2] The current lack of affordable housing is likely to lead to an increase in the number of people experiencing housing stress and potentially requiring legal assistance.

This paper presents findings on housing-related problems from the Law and Justice Foundation's Legal Australia-Wide (LAW) Survey and the Legal Assistance Service Data Digest (Data Digest). The LAW Survey provided the first comprehensive measure across Australia of the *experience* of legal problems, the pathways to their resolution and how these vary for different demographic groups.[3] In the Data Digest, the Foundation collates aggregated client data on *enquiries* regarding legal problems received by Legal Aid NSW, LawAccess NSW and NSW community legal centres (NSW CLCs).[4] This data provides a picture of types of legal problems, clients characteristics, and variations in problem enquiries from these agencies across NSW.

The LAW Survey data provides insights into the *legal needs* of the population while administrative client data from the Data Digest provides an overview of the *services delivered* by three generalist public legal assistance services in NSW. Together, this data enables the Foundation to compile evidence that can be used to inform policy development and the **planning and delivery of services**.

The data

This paper presents findings on *experienced* housing problems from the Law and Justice Foundation's LAW Survey and housing *enquiries* from the Legal Assistance Service Data Digest (Data Digest). Together, this data provides a picture of types of legal problems, client characteristics, and variations in problem enquiries, across NSW in relation to housing.

For the purpose of this analysis, the term 'housing problem' is not restricted to legal issues pertaining to social housing but is used in a broader sense to include any legal problems in relation to accommodation, property and homes.

The types of housing-related legal problems measured by the LAW Survey include:

- neighbour-related problems (such as fences, trees, animals or noise)
- owned housing problems (such as mortgage payments, land ownership or strata title)
- rented housing problems (from any landlord type)
- other housing problems.

1 Australian Institute of Health and Welfare, *Housing assistance in Australia 2018*, cat. no. HOU 296, ABS, Canberra, 2018.

2 A Hall, *Trends in home ownership in Australia*, Parliament of Australia Research Paper Series, Canberra, 2017.

3 C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, R Iriana & S Ramsey, *Legal Australia-Wide Survey: legal need in Australia,* Law and Justice Foundation of NSW, Sydney, 2012a.

4 C Mirrlees-Black & S Ramsey, *The development of the Legal Assistance Service Data Digest and Data Digest Online*, Law and Justice Foundation of NSW, Sydney, 2014.

Housing-related legal problem enquiries in the Data Digest include enquiries about:

- neighbours
- owned property
- tenancy
- eviction
- other housing-related problems.[5]

It is worth noting that the precise classification of problems may differ between the data sources used in this analysis, and therefore one should use caution when making comparisons.

LAW Survey

Based on a representative sample of the general population, the LAW Survey provides information at the national and state/territory levels about the prevalence of legal problems in 2008 and whether or not legal assistance was sought. Due to the sampling methodology of the LAW Survey, it is not possible to distinguish between small geographic areas or subsets of people with rare characteristics. However, it provides a reliable snapshot of the types of legal problems experienced by the general population and the strategies used in response to those problems.

The LAW Survey was a national study with a sufficient sample for many findings at the state/territory level. This paper primarily focuses on findings for NSW, in line with the coverage of the Data Digest. Where the sample for NSW is insufficient, findings for all Australia are presented.

Legal Assistance Service Data Digest

Administrative client data is collected by services on the enquiries they receive. Within NSW, this information is collated by the Foundation from Legal Aid NSW, LawAccess NSW and NSW CLCs to compile the Data Digest.[6] While enquiries to other services or to private solicitors are not included, the Data Digest provides a comprehensive picture of the types of legal problems enquired about for which a service was provided by the three main public legal assistance services.[7]

The most recent data available is for services provided in 2016, trends analysis is included for the data period 2004 to 2016 where available.

5 See Table A2 in Appendix for more details on what is included in these categories. While both the *Tenancy* and *Eviction* categories relate to rented properties, they are reported separately in Data Digest analysis to provide a more refined picture.

6 The LawAccess NSW data covers information and advice services LawAccess provides over the telephone. The CLC data covers all the services provided by a CLC, other than information services, and includes both generalist and specialist centres. Data is only available for those CLCs who provided returns to the Community Legal Service Information System (CLSIS). Legal Aid NSW data only includes advice service data. Advice services account for 12.3% of all services provided by Legal Aid NSW (Legal Aid NSW, *Annual report 2017–2018*, Appendix 6). No details that would allow identification of clients are included in the data.

7 In practice one service provision could result in multiple problems enquired about. The term enquiry is not, therefore, the equivalent of one service provision; Mirrlees-Black & Ramsey, 2014.

Experience of housing problems

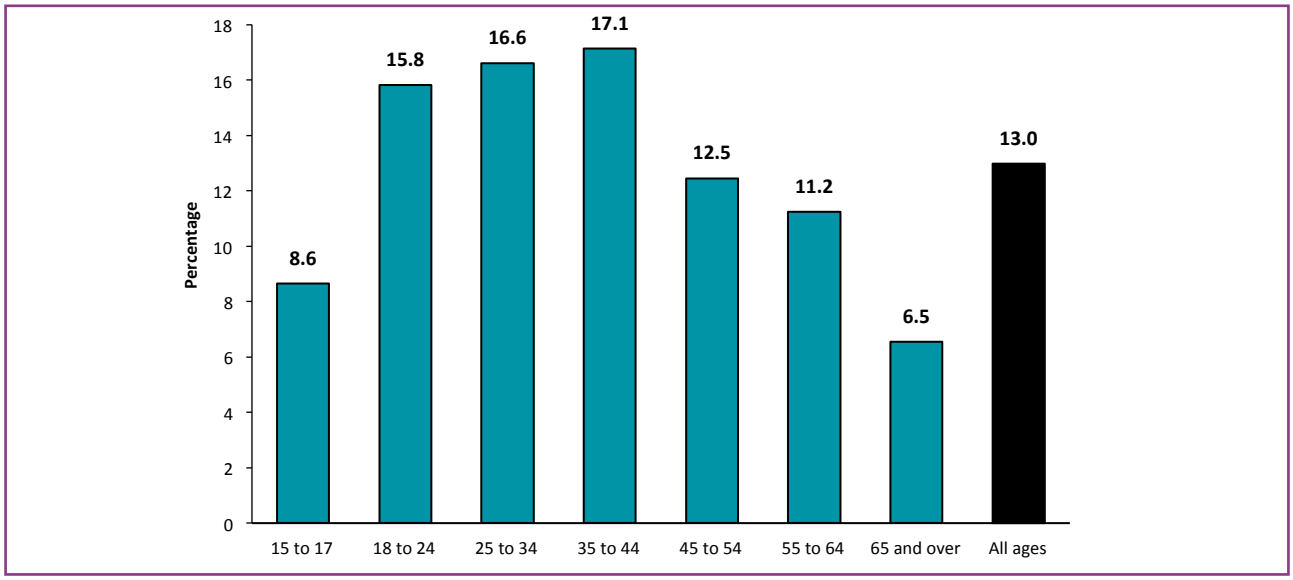
The LAW Survey provided the first comprehensive measure across Australia of the experience of legal problems, the pathways to their resolution and how these vary for different demographic groups.[8] Based on a representative sample of the population of NSW, the LAW Survey found that housing was the problem group with the third highest prevalence rate in NSW with 13% of NSW respondents having experienced a housing-related problem in the previous 12 months.[9]

Moreover, 6.2% of respondents reported having experienced a *substantial* housing problem, that is a problem that they rated as having a moderate or severe impact on their everyday life.[10]

Age and housing type were the strongest predictors of whether housing problems were experienced, followed by disability status, employment status and education.[11]

Figure 1 presents the prevalence of housing problems by age group in NSW. People aged 18 to 44 were more likely to experience a housing-related problem than those younger or older.[12] The highest prevalence was among the 35 to 44 age group, with 17.1% reporting they had experienced a housing-related problem in the previous 12 months.

Figure 1: Prevalence of housing problems in NSW by age group, LAW Survey



Source: Legal Australia-Wide (LAW) Survey new analysis. NSW: N=4,113 respondents.

As previously noted, the LAW Survey reports on four broad types of housing problems. The majority (69.4%) were neighbour-related issues, followed by problems in relation to rented housing (18.0%), then those related to owned housing (11.8%) and other housing problems (0.7%).[13]

8 Coumarelos et al., 2012a.

9 C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, R Iriana & S Ramsey, *Legal Australia-Wide Survey: legal need in New South Wales*, Law and Justice Foundation of NSW, Sydney, 2016b, Table 3.2.

10 Coumarelos et al., 2012b, Table 3.3.

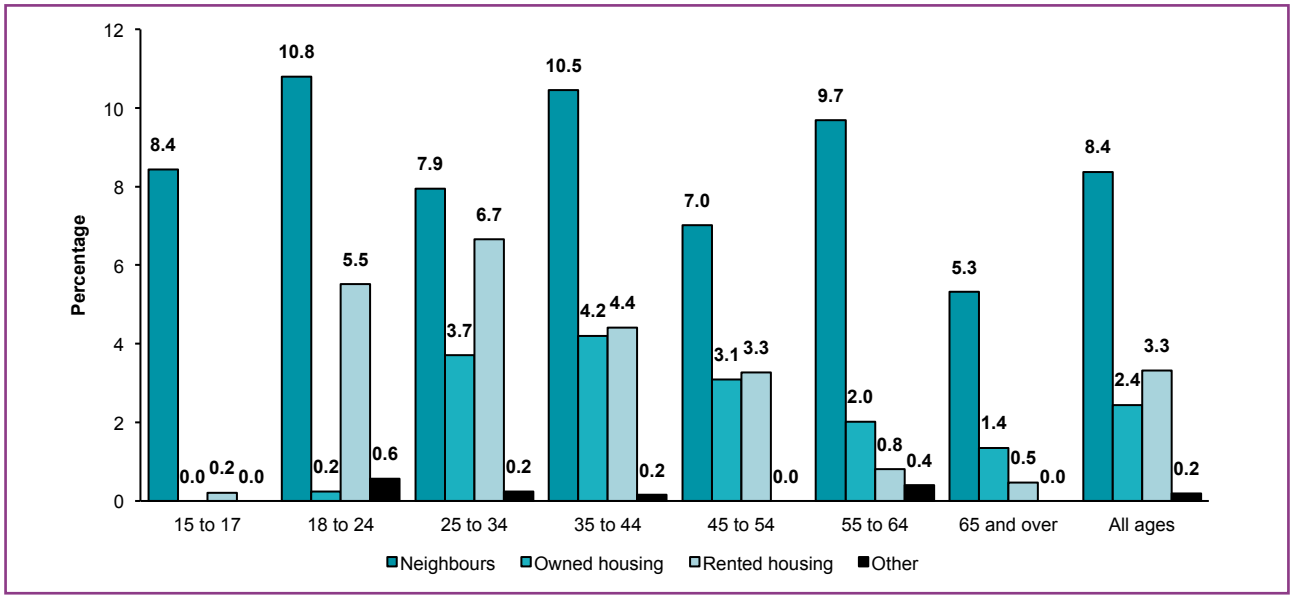
11 Coumarelos et al., 2012b, Table 3.9.

12 Coumarelos et al., 2012b, Table A3.12.

13 Percentages were calculated from numbers published in Coumarelos et al., 2012b, Table 3.2, NSW: N=1,570 housing problems.

Figure 2 shows that age is associated with the likelihood of experiencing specific types of housing problem. Neighbour-related issues remain the most prevalent type of housing problem across all age groups, fluctuating between 5.3% (for the 65 and over age group) and 10.8% (for the 18 to 24 age group). The prevalence of rented housing problems is highest for the 25 to 34 age group (6.7%) and decreases as the age of respondents increases, probably reflecting the decreasing proportion of renters among the older age groups.[14] The prevalence of owned housing problems presents a similar pattern peaking for the 25 to 44 age groups, coinciding with a stage of life when people are more likely to change housing arrangements and access the property market.[15]

Figure 2: Prevalence of housing problems in NSW by age group and problem type, LAW Survey



Source: Legal Australia-Wide (LAW) Survey new analysis. NSW N=4,113 respondents.

Looking at overall proportion by gender, 13.7% of men reported having experienced a housing problem in the previous 12 months, compared with 12.2% of women. There were no significant gender differences for each problem type.[16]

Response to housing problems

Not everyone who experiences a legal 'problem' will recognise it as such or take any action to resolve it. The LAW Survey found that no action was taken for 13.4% of housing problems in NSW, with a further 35.3% of housing problems handled without advice (Figure 3).[17]

14 2016 Census data on tenure type shows that the proportion of renters peaks for the 25 to 34 age group at 43% and declines steadily as age increases, down to 22% for the 45 to 55 age group and 11% of people aged 65 and over. Census TableBuilder Analysis, 2016 Census – Counting Persons, Place of Enumeration.

15 2016 Census data on tenure type shows that the proportion of home owners with a mortgage is highest for the 35 to 44 age group at 48% then decreases for the older age groups, especially for those aged 55 and over, as the proportion of people who own their home outright increases. Census TableBuilder Analysis, 2016 Census – Counting Persons, Place of Enumeration.

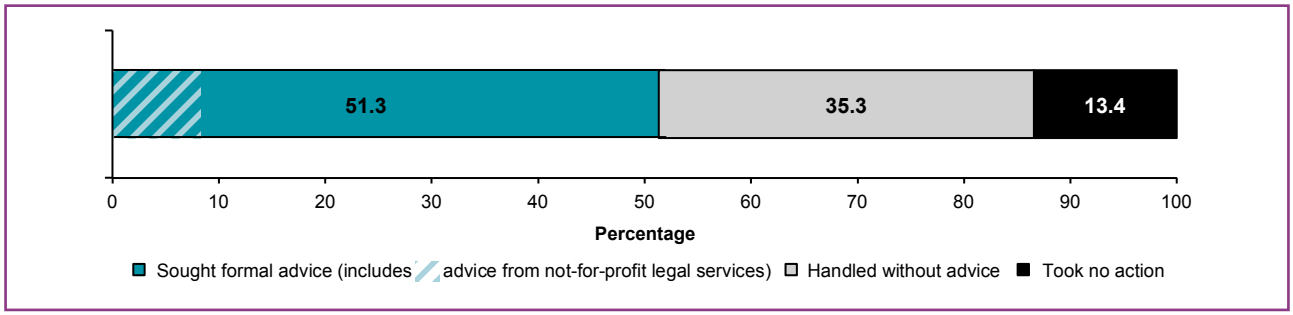
16 Coumarelos et al., 2012b, Table A3.12.

17 Coumarelos et al., 2012b, Table 5.7 & Figure 5.7.

Seeking formal advice was the strategy used in response to 51.3% of housing problems in NSW. Even if people do take action, they may not necessarily seek advice from legally qualified advisers. In NSW, a legal adviser was consulted for 22.4% of housing problems.[18]

When action is taken, people may not be aware of, or have access to, a not-for-profit provider, or may not qualify for support where services are restricted to those with limited financial resources or to those with specific socio-demographic characteristics. Therefore, legal matters dealt with by not-for-profit providers are a small proportion of legal problems experienced. Where a legal adviser was consulted, this advice was obtained from one of the not-for-profit legal assistance providers for 8.3% of housing problems.[19]

Figure 3: Strategy in response to housing problems, LAW Survey



Source: Legal Australia-Wide (LAW) Survey new analysis. NSW: N = 4,113.
Note: The strategy used in response to legal problems often involved more than one type of action. In this graph, the strategy was categorised according to the highest level of action used: (1) sought formal advice, (2) handled without formal advice and (3) took no action.

The Data Digest includes data on *enquiries* received by the three main not-for-profit legal assistance service providers: Legal Aid NSW, LawAccess NSW and NSW CLCs.[20] Each agency provides services to particular client groups and for particular types of legal problem. They also vary in their geographic coverage, with LawAccess NSW providing a statewide telephone-based service, generalist CLCs based in communities, specialist CLCs focusing on particular types of legal problem and/or client groups, and Legal Aid NSW prioritising criminal law and the most disadvantaged clients.

Assistance for housing-related legal problems is provided by all three agencies and, unless specified otherwise, data from all three agencies is combined. The term 'housing enquiries' hereafter refers to enquiries made to these agencies with regards to housing-related legal problems.

Just under 27,200 enquiries made to legal assistance services in 2016 about a housing-related legal problem are held in the Data Digest, which translates to a rate of 4.5 enquiries per 1,000 of the NSW population aged 15 and over.[21]

18 Coumarelos et al., 2012b, Table 6.3. A legal adviser was consulted for 43.8% of housing problems where formal advice was sought (N=231). Percentages were re-calculated as a proportion of all housing problems (N=451) to provide a broader picture.

19 Coumarelos et al., 2012b, Table 6.3. Not-for-profit legal services were consulted for 16.2% of housing problems where formal advice was sought (N=231). Percentages were re-calculated as a proportion of all housing problems (N=451) to provide a broader picture.

20 See FN 6 on what data from each agency is included in the Data Digest.

21 The basic unit of measurement reported here is the number of enquiries for each type of legal matter. One client enquiry may result in more than one matter, or problem type being recorded. Each matter is counted separately, regardless of whether it was recorded as primary or secondary. The same matter may be included more than once if separate enquiries were made about the same matter or if the client was referred to another agency about the same matter. See Figures A1 and A2 in Appendix for more detail on the breakdown of housing enquiries by agency.

Type of housing problems

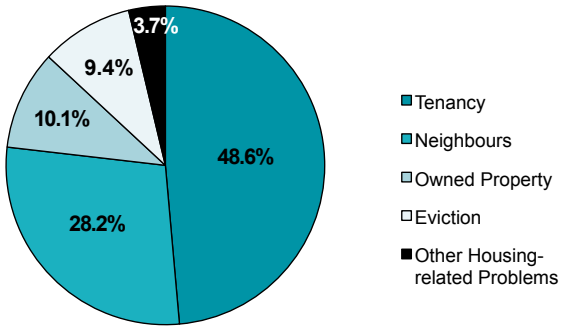
Housing enquiries have been grouped into five problem types:

- owned property (including enquiries about the sale or purchase of a property, body corporate or strata issues, etc)
- eviction
- tenancy
- neighbour issues (comprising fence, tree, animal or other neighbour disputes)
- other housing-related problems.

In 2016, nearly half (48.6%) of housing enquiries were in relation to tenancy with a further 9.4% in relation to eviction.[22] Neighbour issues were the second most common housing problem type enquired about, with 28.2% of enquiries, followed by those in relation to owned property (10.1%) (Figure 4a).

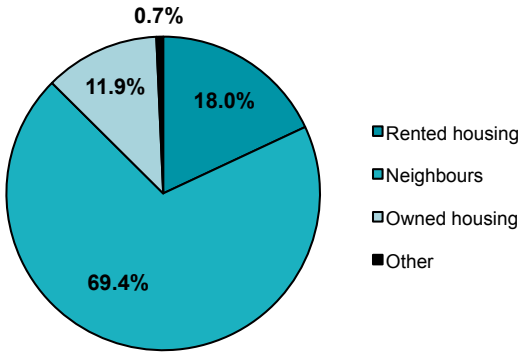
The distribution of problem type for housing enquiries presents a different pattern to that of experienced housing problems as found by the LAW Survey, with a higher proportion of enquiries in relation to rented housing (or tenancy) and a lower proportion of enquiries in relation to neighbour issues (Figure 4b).

Figure 4a: Percentage of *housing enquiries* by problem type, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Figure 4b: Percentage of *experienced housing problems* by problem type, LAW Survey



Source: Legal Australia-Wide (LAW) Survey new analysis. NSW: N=1,570 housing problems.

The difference in these findings is likely due to a number of factors, some of which are explored below. Firstly, as noted in the introduction, although broad categories of housing problems are similar, the precise classification of problems may slightly differ between the LAW Survey and agency data collection systems. Secondly, the LAW Survey provides a measure of *experienced* problems whereas service data records *actual enquiries* to not-for-profit legal assistance agencies. As previously mentioned, only 8.3% of experienced housing problems lead to seeking professional advice from a not-for-profit legal assistance service.

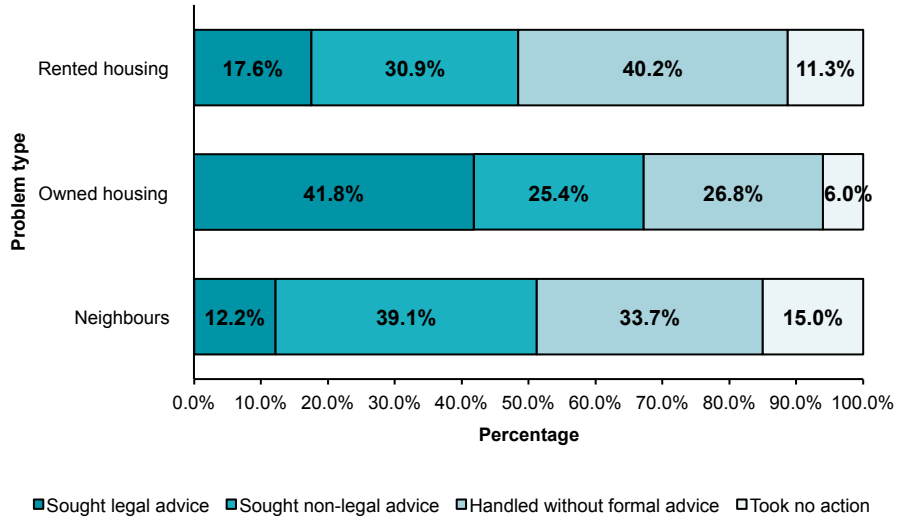
22 It is worth noting that tenancy-related matters account for a large proportion of matters brought to the NSW Civil and Administrative Tribunal. In 2015, tenancy matters accounted for more than half (51%) of matters finalised by the Consumer and Commercial Division (CCD), which is the largest of the four NCAT Divisions, dealing with over 80% of all NCAT matters. A further 26% of matters were lodged under the Social Housing list of the CCD. S Forell & C Coumarelos, *Data insights in civil justice: NSW Civil and Administrative Tribunal: Consumer and Commercial Division (NCAT Part 2)*, Law and Justice Foundation of NSW, Sydney, 2016.

Response by type of housing problems

Looking at the three main categories of housing problems, Figure 5 shows that, compared with other housing problems, those related to owned housing are more likely to trigger a response in the form of seeking legal advice. Similarly, people are more likely not to take any action in response to a neighbour problem.[23]

The LAW Survey found that *"the strategy used in response to legal problems was significantly associated with the type of problem*".[24] It is therefore not surprising that the subcategories of housing problems are also a factor in determining the type of action taken. The LAW Survey results also suggest that neighbour disputes are less likely to lead to a legal enquiry than other types of housing problems.[25]

Figure 5: Strategy in response to housing problems in Australia by problem type, LAW Survey



Source: LAW Survey new analysis. Australia: N=2,019 housing problems.
Note: The strategy used in response to legal problems often involved more than one type of action. In this graph, the strategy was categorised according to the *highest* level of action used: (1) legal advice, (2) non-legal advice, (3) handled without formal advice and (4) took no action.

Figure 6 presents a breakdown of adviser type by the three main types of housing problem in Australia.

When formal advice is sought in response to neighbour problems, a government adviser is most often the point of contact (82%). Government advisers were broken down into three main categories: local council/government, police and government department/agency.[26] The first two were more commonly contacted for neighbour problems whereas the latter was most often

23 There was a significant relationship between housing problem type and whether any action was taken in NSW ($p<0.03$) and Australia ($p<0.004$).

24 Coumarelos et al., 2012b, p. 99 & Table 5.7.

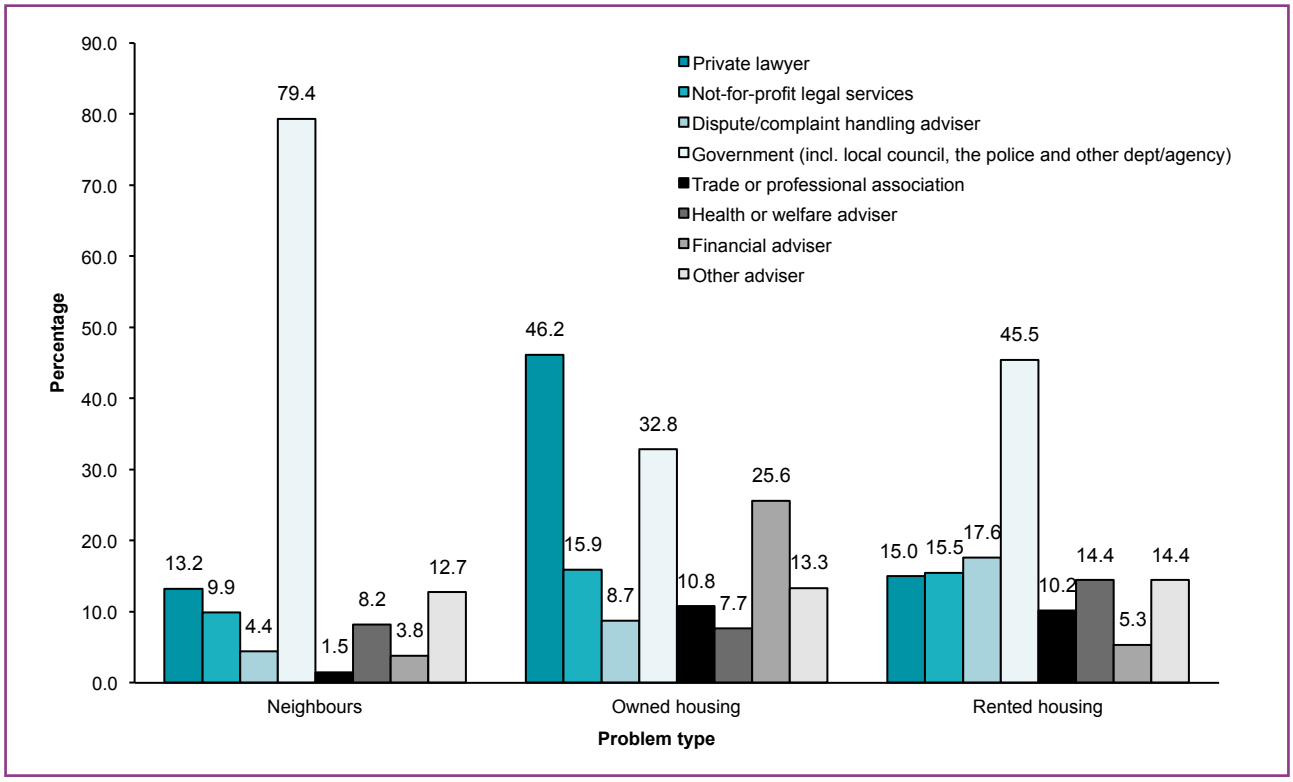
25 The LAW Survey analysis of responses to housing problems presented in this section (Figures 5 to 7) was based on Australia-wide results due to sample size considerations. Similar proportions were found for NSW, however sample sizes were sometimes too small to ascertain statistical significance.

26 The Government department/agency category includes Department of Fair Trading, Consumer Affairs, child welfare/support department/agency and other government department/agency.

contacted for owned housing or rented housing problems. It is perhaps not surprising to see that people contact local councils or the police for issues relating to fences, trees, noise or pets.

In contrast, advice was obtained from a private lawyer for 46.2% of owned property problems where formal advice was sought, and financial advisers were also commonly consulted for those problems. This is to be perhaps expected given that home owners are potentially more likely to be able to afford private services (though not always), or less likely to meet the financial criteria to qualify for public legal assistance. Government departments/agencies were the most common source of formal advice for rented housing problems, although Figure 6 shows that the range of advisers consulted was most varied for this problem.

Figure 6: Adviser type for housing problems in Australia by problem type, LAW Survey



Source: LAW Survey new analysis. Australia: N=1,070 housing problems where advice was sought.

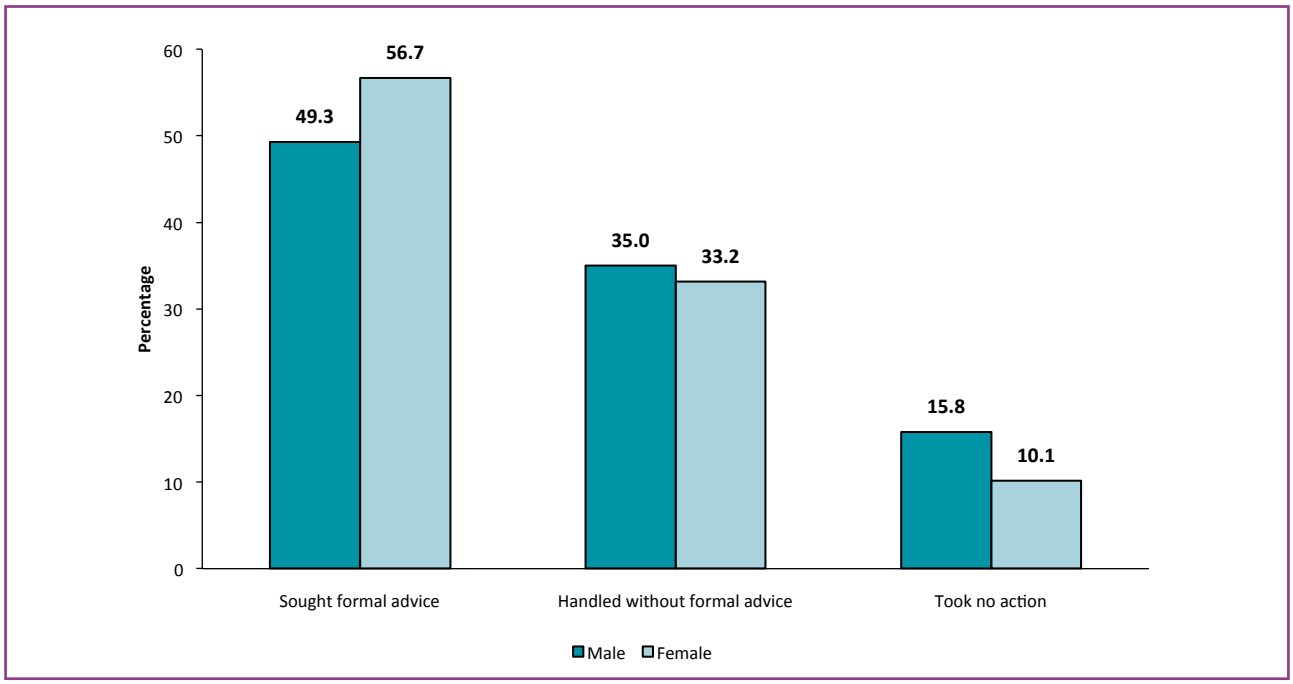
The LAW Survey also found that men were more likely than women not to take any action in response to their legal problems.[27] This is also true of housing problems, with 15.8% of men in Australia reporting not taking any action in response to their housing problem compared to 10.1% of women (Figure 7).[28]

The broad range of housing-related problems, the different strategies used in response to these problems and the different types of advisers consulted, and the demographic profile of clients are all factors that, among others, explain why housing enquiries made to legal assistance services not only represent a minority of experienced problems but also have specific characteristics, some of which are further described below.

27 Coumarelos et al., 2012b, Table 5.7.

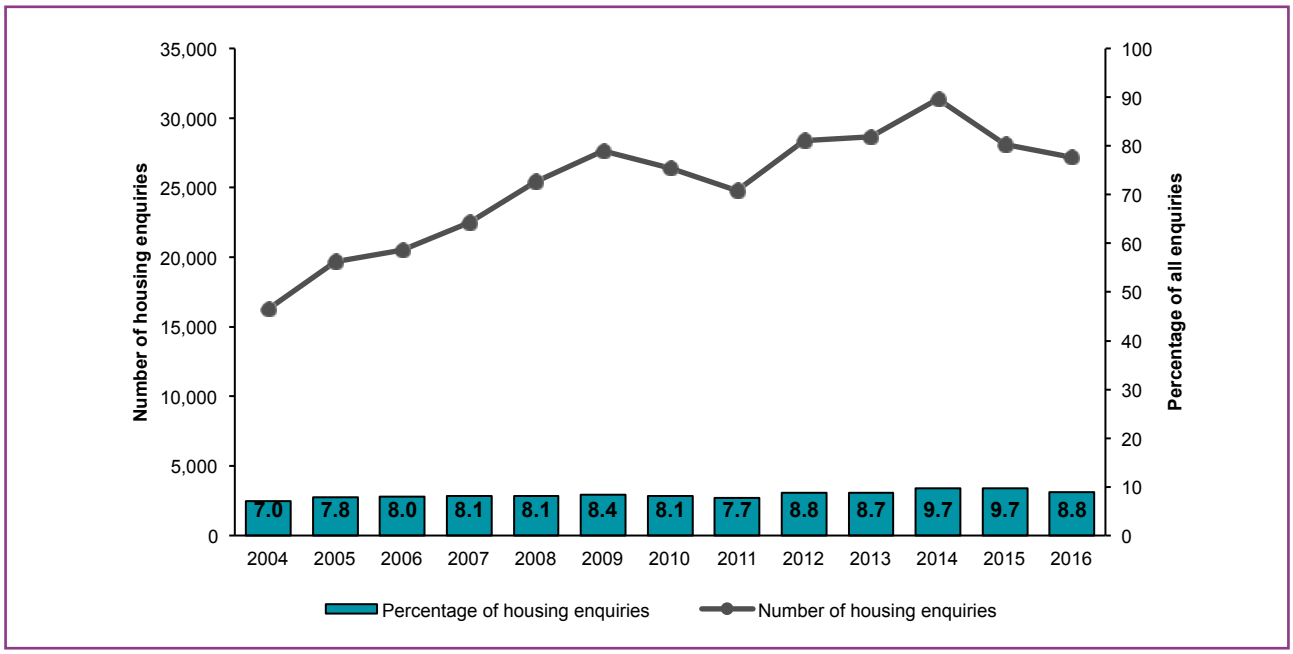
28 This difference is statistically significant ($p<0.05$).

Figure 7: Response to housing problems in Australia by gender, LAW Survey



Source: Legal Australia-Wide (LAW) Survey new analysis. Australia: N=2,019 housing problems.

Figure 8: Number and percentage of housing enquiries, 2004–2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2004-2016.

Enquiries to legal assistance services

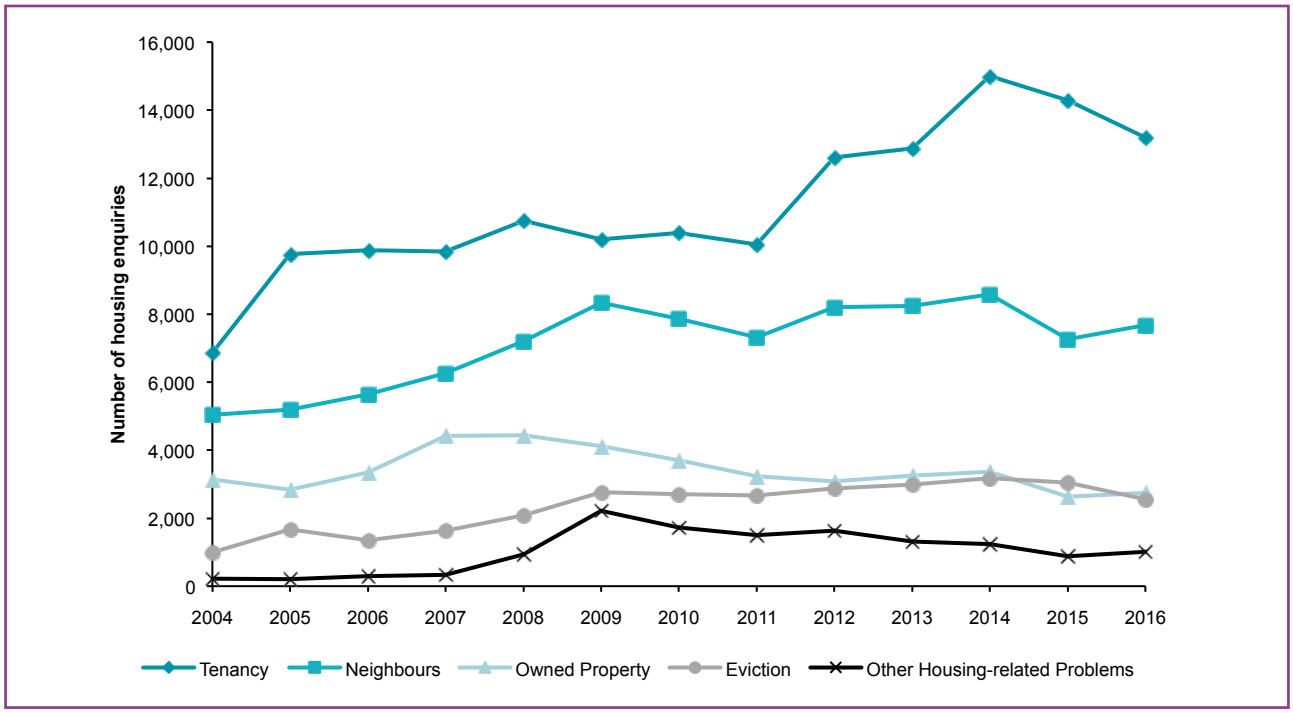
Trends in housing enquiries

The number of housing enquiries increased by 67% over the 13-year period, from about 16,300 enquiries in 2004 to just under 27,200 in 2016 (Figure 8). However, the proportion of housing enquiries remained reasonably stable at around 8% of all enquiries made to the three agencies combined, with a small increase in the last five years to an average of just over 9% of all enquiries between 2012 and 2016.

Looking at the distribution of housing enquiries by problem type over time in Figure 9, all problem types show an increase except enquiries related to owned property. Tenancy enquiries show a particularly sharp increase between 2011 and 2014, with a peak at 15,000 enquiries in 2014, followed by a slight decline in the following two years. Enquiries about neighbour issues increased between 2004 and 2009 and then fluctuated around 8,000 enquiries per year over the following seven years. The number of owned property enquiries was highest in 2008, with over 4,400 enquiries, and then slowly decreased over the period under review. In contrast, eviction enquiries were lowest in 2004 and have slowly increased throughout the period to 2,500 enquiries in 2016, on par with owned property enquiries.

The gap between tenancy and neighbour enquiries was not as marked in 2008, when the LAW Survey fieldwork was undertaken, as it was in 2016. The number of tenancy enquiries, however, remains higher than for any other problem type throughout the period under review.

Figure 9: Number of housing enquiries by problem type, 2004–2016



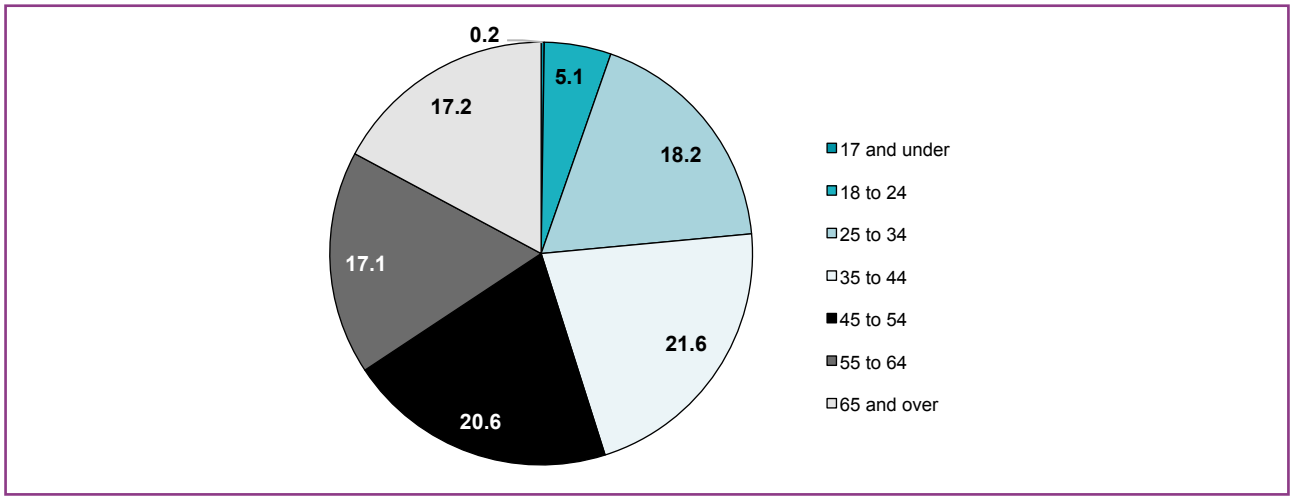
Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Age of clients

Figure 10 presents a breakdown of housing enquiries by age group. With the exception of the younger age groups who represent a small proportion of housing enquiry clients (0.2% and 5.1% for the under 18s and 18 to 24 age groups respectively), housing enquiries are reasonably evenly spread across all ages, with each age group accounting for between 17.1% and 21.6% of all housing enquiries.

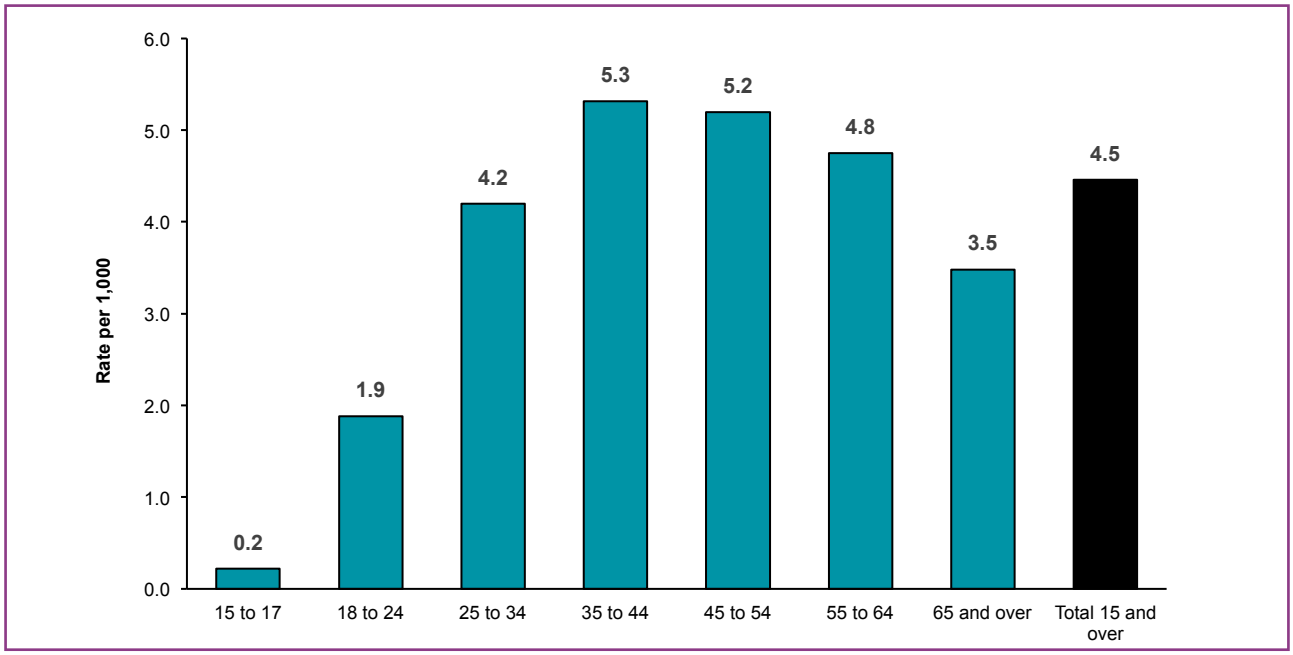
Taking into account the population in each age group, however, the rate of housing enquiries per 1,000 of the age group population is highest for the 35 to 44 age group at 5.3 per 1,000 and lower for the youngest and oldest age groups (Figure 11).

Figure 10: Percentage of housing enquiries by age group, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Note: 2,484 records where age is not recorded are excluded from this graph.

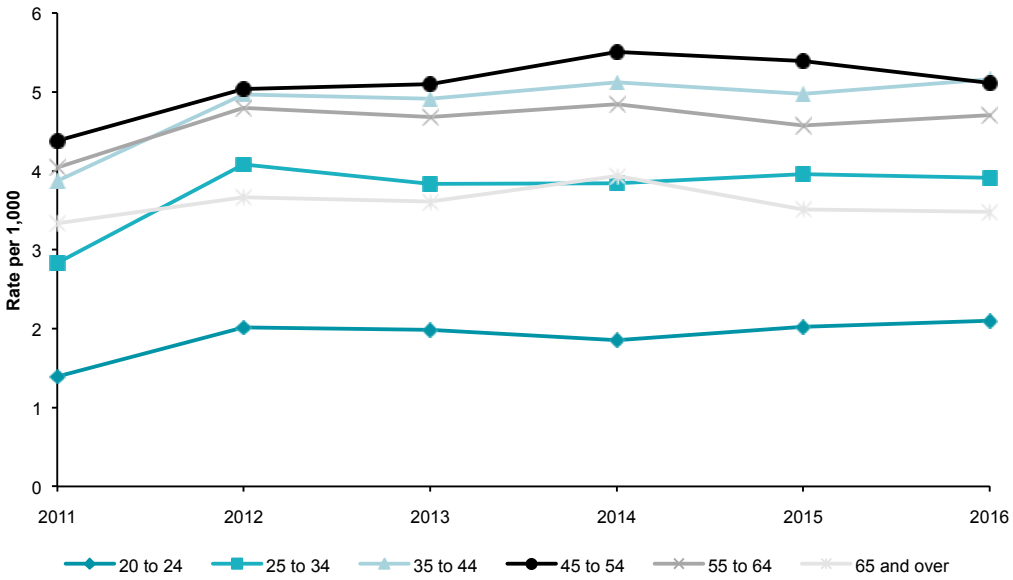
Figure 11: Rate of housing enquiries per 1,000 population by age group, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Trends over the last five years show that the rate of enquiries remains relatively stable, with the highest rates for the middle age groups (35 to 54 years) at around 5 per 1,000, followed closely by the 55 to 64 age group with rates averaging just over 4.5 per 1,000 (Figure 12). It was slightly lower for the 25 to 44 and the 65 and over age groups, and lower still for the 20 to 24 age group with a rate that remained stable at around 2 per 1,000 between 2012 and 2016.

Figure 12: Rate of housing enquiries per 1,000 age group population, 2011–2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016, ABS Annual Estimated Resident Population as at 30 June of the years 2011–2016.
Notes: 2,484 records where age is not recorded are excluded. The under 20 age group is not represented on this graph as the rates were less than 0.1 per 1,000 for all years. The youngest age group was modified to match ABS age group categories.

As was found in the LAW Survey, however, variations about the problem types enquired about exist between age groups. Figure 13 shows that tenancy enquiries are by far the most common problem type among the younger age groups with a rate that peaks at 2.8 per 1,000 for the 35 to 44 age group and then decreases for the older age groups. This is likely a reflection of the fact that younger people are more likely to rent their accommodation and therefore the rate of tenancy enquiries decreases as the proportion of tenants versus home owners shifts within each age group.[29] In contrast, the rate of neighbour-related problems is quite low for the younger age groups and increases steadily with age when it becomes the problem type with the highest rate for those aged over 55. The rate of eviction enquiries is highest for the 35 to 44 age group at 0.6 per 1,000.

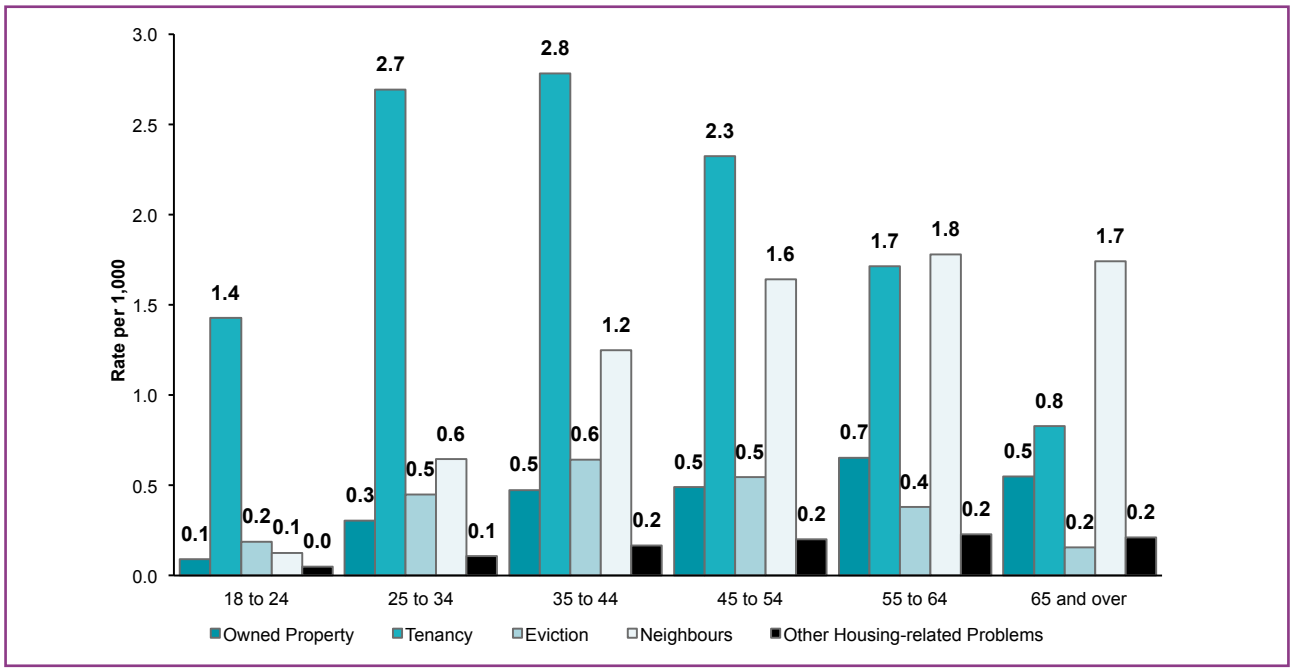
Gender of clients

Overall in 2016, more housing enquiries were made by women (60.4%) than men (39.6%). The rate of housing enquiries is also higher for women than men, with a rate of 5.2 per 1,000 of the female population aged 15 and over compared to 3.6 per 1,000 of the male population aged 15

29 2016 Census data on tenure type shows that the proportion of renters peaks for the 25 to 34 age group at 43% and declines steadily as age increases, down to 22% for the 45 to 55 age group and 11% of people aged 65 and over. Census TableBuilder Analysis, 2016 Census – Counting Persons, Place of Enumeration.

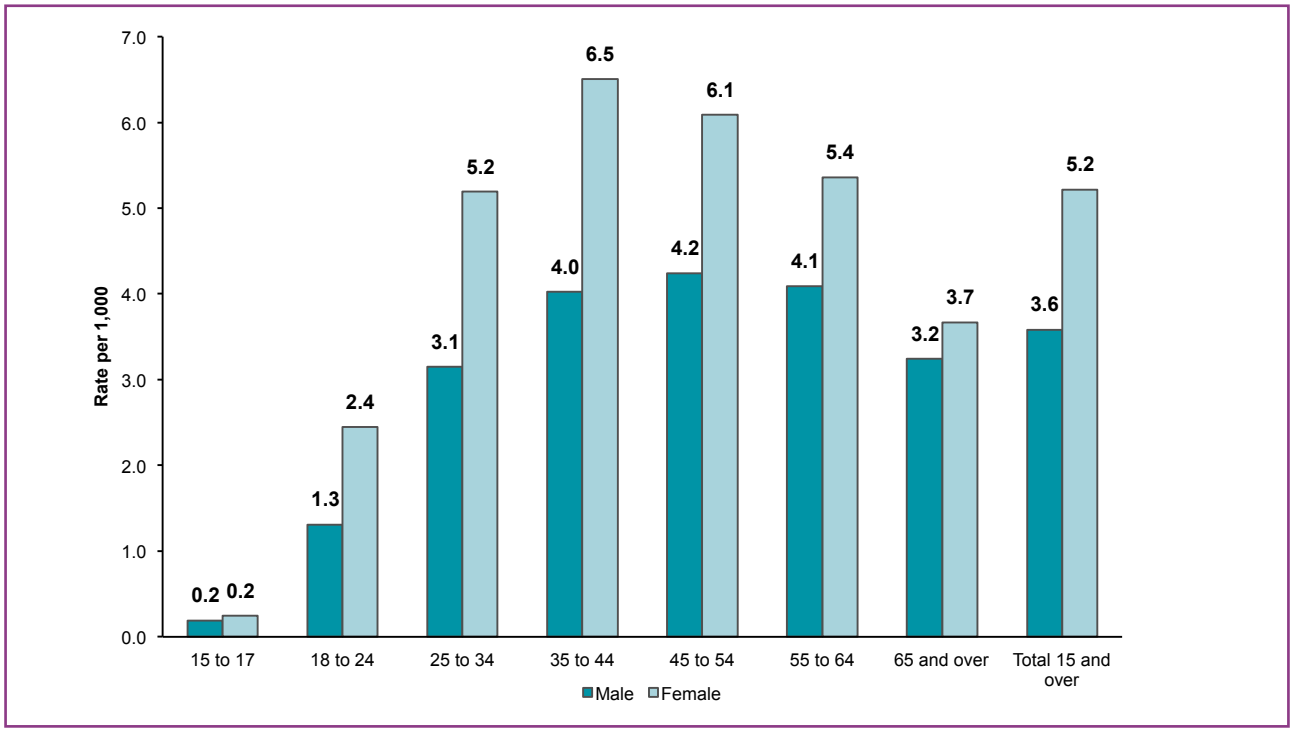
and over (Figure 14). This finding is consistent across all age groups, although the difference is more prominent among the 25 to 44 age group.

Figure 13: Rate of housing enquiries per 1,000 population by age group and problem type, 2016.



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Notes: 2,484 records where age is not recorded are excluded from this graph. The 17 and under age group is not shown as the rates were less than 0.05 per 1,000 for all problem types.

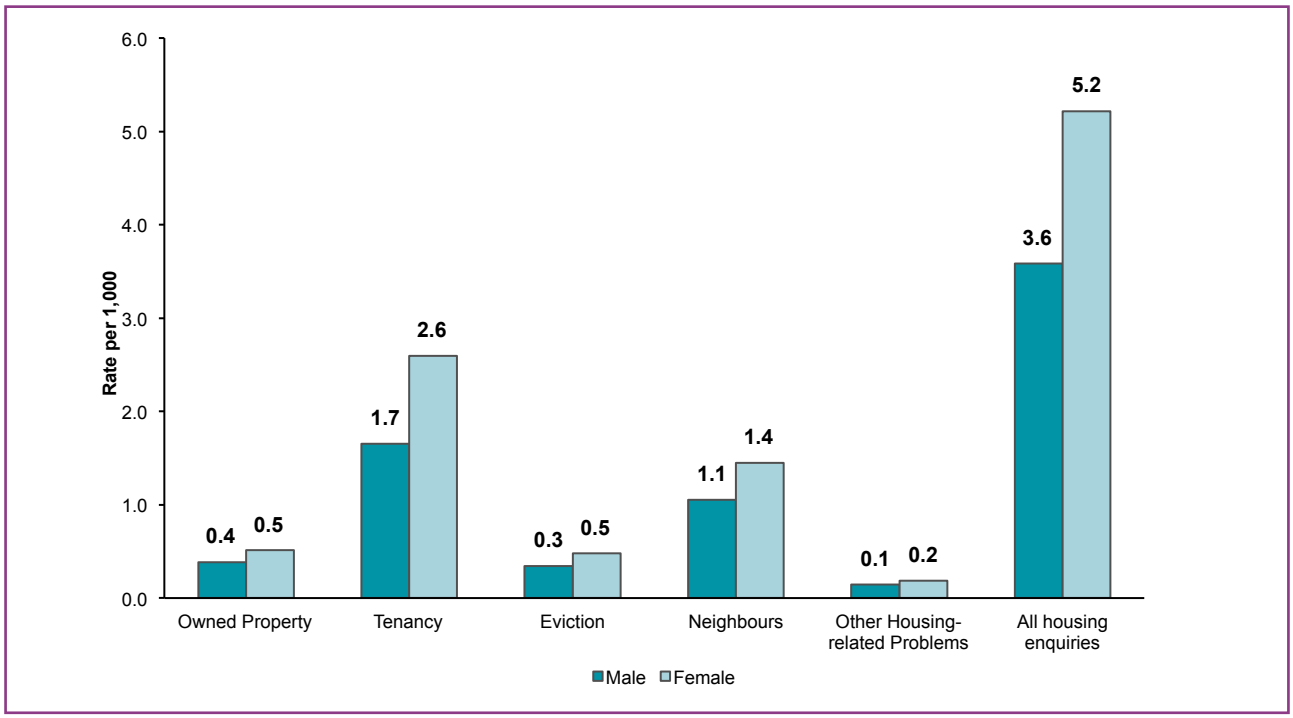
Figure 14: Rate of housing enquiries per 1,000 population by age group and gender, 2016.



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Notes: 241 records where gender is not recorded or not disclosed are excluded from this graph, 2,345 records where age is not recorded are included in the 'All ages' category only.

The higher rate of female enquiries is also apparent across all problem types (Figure 15), with the difference in rates by gender being highest for tenancy enquiries.

Figure 15: Rate of housing enquiries per 1,000 population aged 15 and over by problem type and gender, 2016.



Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Note: 241 records where gender is not recorded or not disclosed are excluded from this graph.

Indigenous status of clients

In 2016, nearly 1,600 housing enquiries were made to legal assistance services by people who identify as Aboriginal, Torres Strait Islander or both.

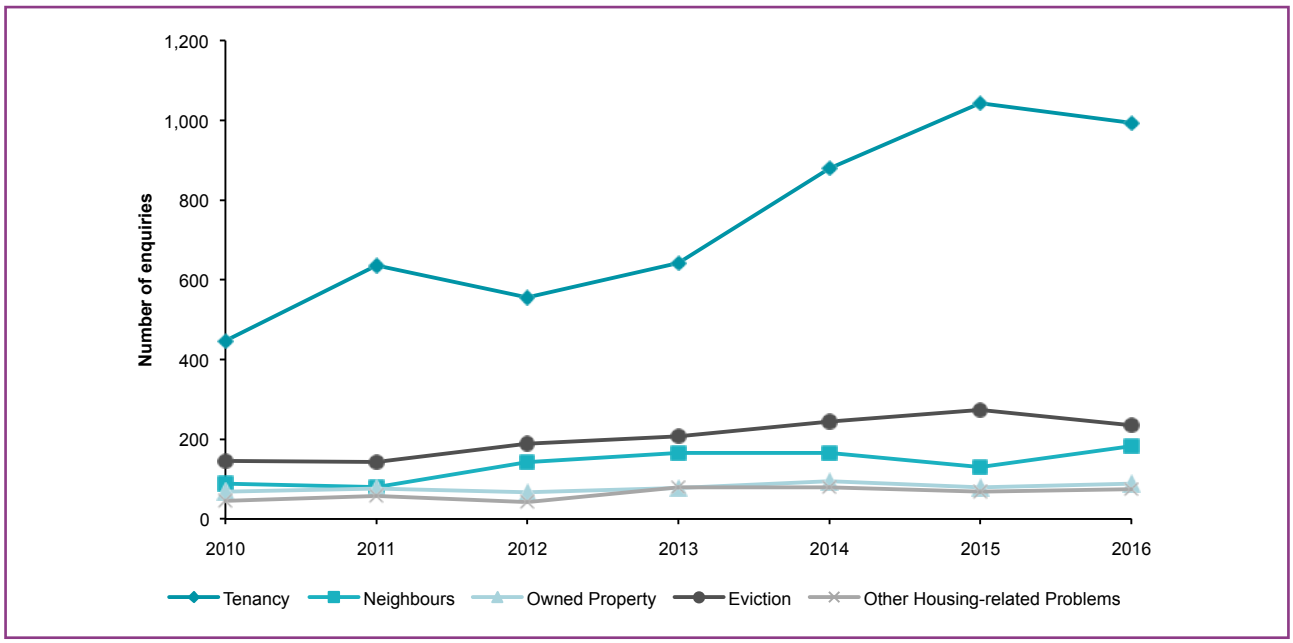
Housing enquiries made by Indigenous clients represent 5.8% of all housing enquiries. This translates to a rate of 11.1 per 1,000 of the Indigenous population aged 15 and over compared to 4.3 per 1,000 for the non-Indigenous population aged 15 and over.

Tenancy-related problems were by far the problem type most commonly enquired about, representing 63.2% of housing enquiries from Indigenous clients in 2016. The number of tenancy enquiries more than doubled between 2010 and 2016, with a particularly sharp increase between 2013 and 2015 (Figure 16).[30]

It is worth noting that, in contrast with the distribution of problem type for all clients (outlined in Figures 4a and 9), eviction was the problem type next most commonly enquired about by Indigenous clients, ahead of neighbour problems and owned property problems.

30 It is interesting to note that a recent study shows that although there has been a rise in Indigenous home ownership and a decrease in the proportion of Indigenous households experiencing mortgage stress between 2011 and 2016, the proportion of Indigenous households renting that is considered to be in rental stress has increased over the period. See Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander people: a focus report on housing and homelessness*, cat. no. HOU 301, ABS, Canberra, 2019.

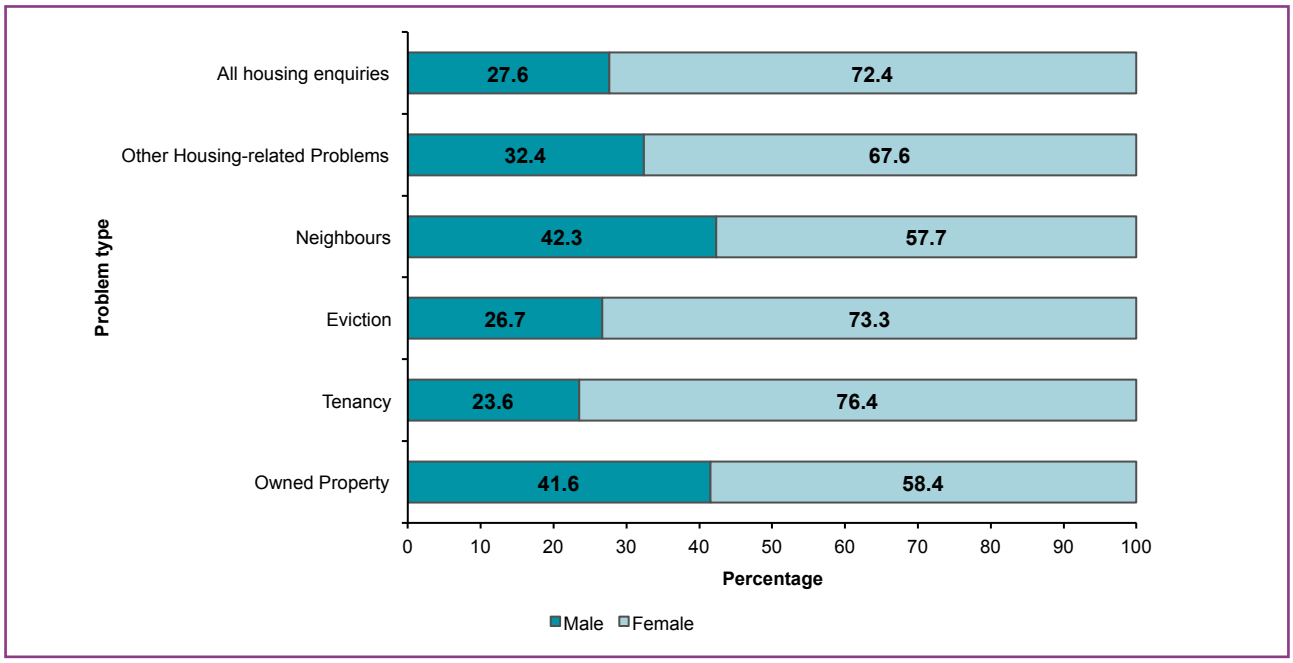
Figure 16: Number of housing enquiries made by Indigenous clients, by problem type, 2010–2016



Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

As was found for the general population, among Indigenous clients there were more enquiries made by women than men (Figure 17). With 72.4% of enquiries from women and 27.6% from men the difference is greater than that found in the general population, where 60.4% of enquiries were made by women and 39.6% by men. There are also greater variations by problem types: over three-quarters (76.4%) of tenancy enquiries were from Indigenous women whereas they made 57.7% of neighbour-related enquiries.

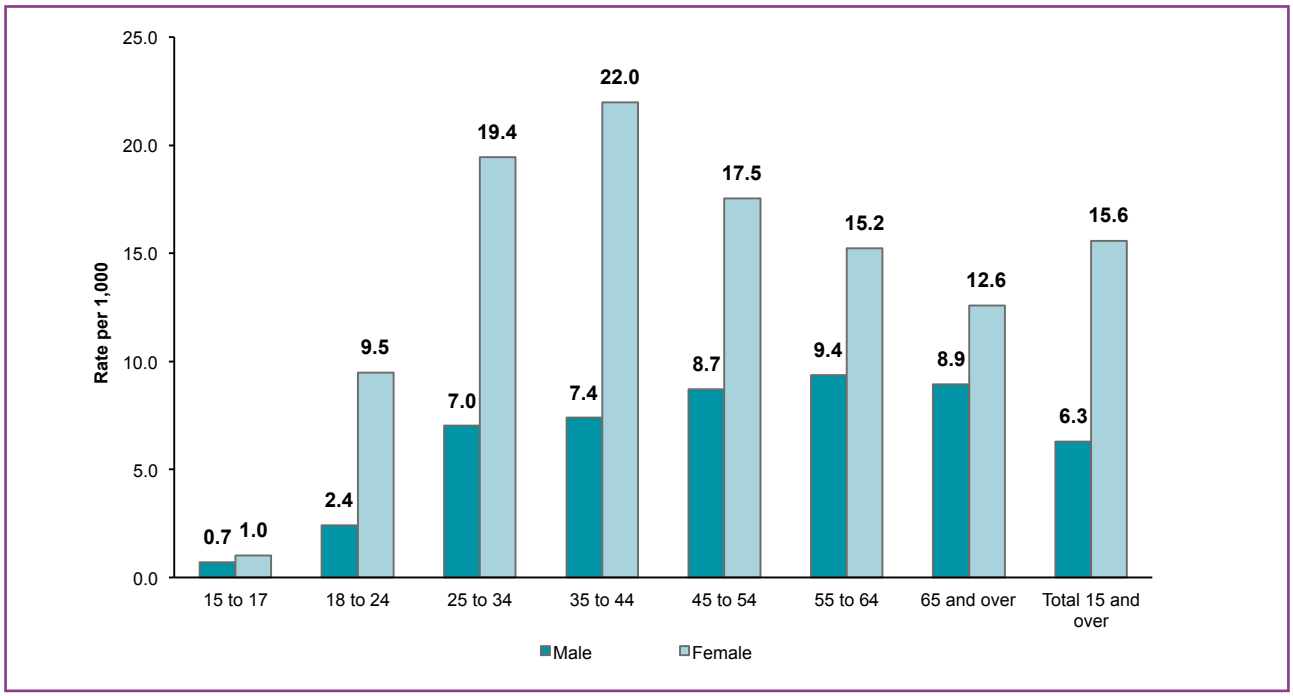
Figure 17: Percentage of housing enquiries from Indigenous clients by gender and problem type, 2016



Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Note: 241 records where gender is not recorded or not disclosed are excluded from this graph

Expressed as a rate per 1,000 of the male or female population aged 15 and over, the gender difference is also clearly visible, with a rate of enquiries at 15.6 per 1,000 for Indigenous women compared with 6.3 per 1,000 for Indigenous men (Figure 18). The highest rate for women is for the 35 to 44 age group where it reaches 22.0 per 1,000 or nearly three times that of men. The rate for Indigenous men is higher for the older age groups and peaks at 9.4 per 1,000 for the 55 to 64 age group.

Figure 18: Rate of housing enquiries from Indigenous clients per 1,000 population by gender and age group, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.
Note: Rates are based on the Indigenous population by age group and gender (ABS 2016 Census), 4 records where gender is not recorded or not disclosed are excluded from this graph.

Geographic location

Legal assistance service data can be aggregated at postcode and Local Government Area (LGA) levels to provide information on the place of residence of clients.

Figures 19 and 20 show the **number** of housing enquiries held in the Data Digest from 2016 by LGA, across NSW and the Sydney region, respectively. The LGA with the highest number of housing enquiries in 2016 was Sydney (2,087 enquiries), followed by Blacktown (1,606) and Wollongong (1,486).

Figures 21 and 22 show the **rate** of housing enquiries per 1,000 of the population aged 15 and over in NSW and the Sydney region, respectively. LGAs with the highest rates of housing enquiries were Bourke (13.4 per 1,000), Lachlan (10.9), Sydney (10.7), Brewarrina (9.5) and Eurobodalla (9.4).

The geographic distribution of problems will reflect many factors including variations in the availability of services and the socio-demographic profile of areas, the latter of which affects the prevalence of problems, and the extent to which people seek, can access and/or qualify for not-for-profit legal assistance.

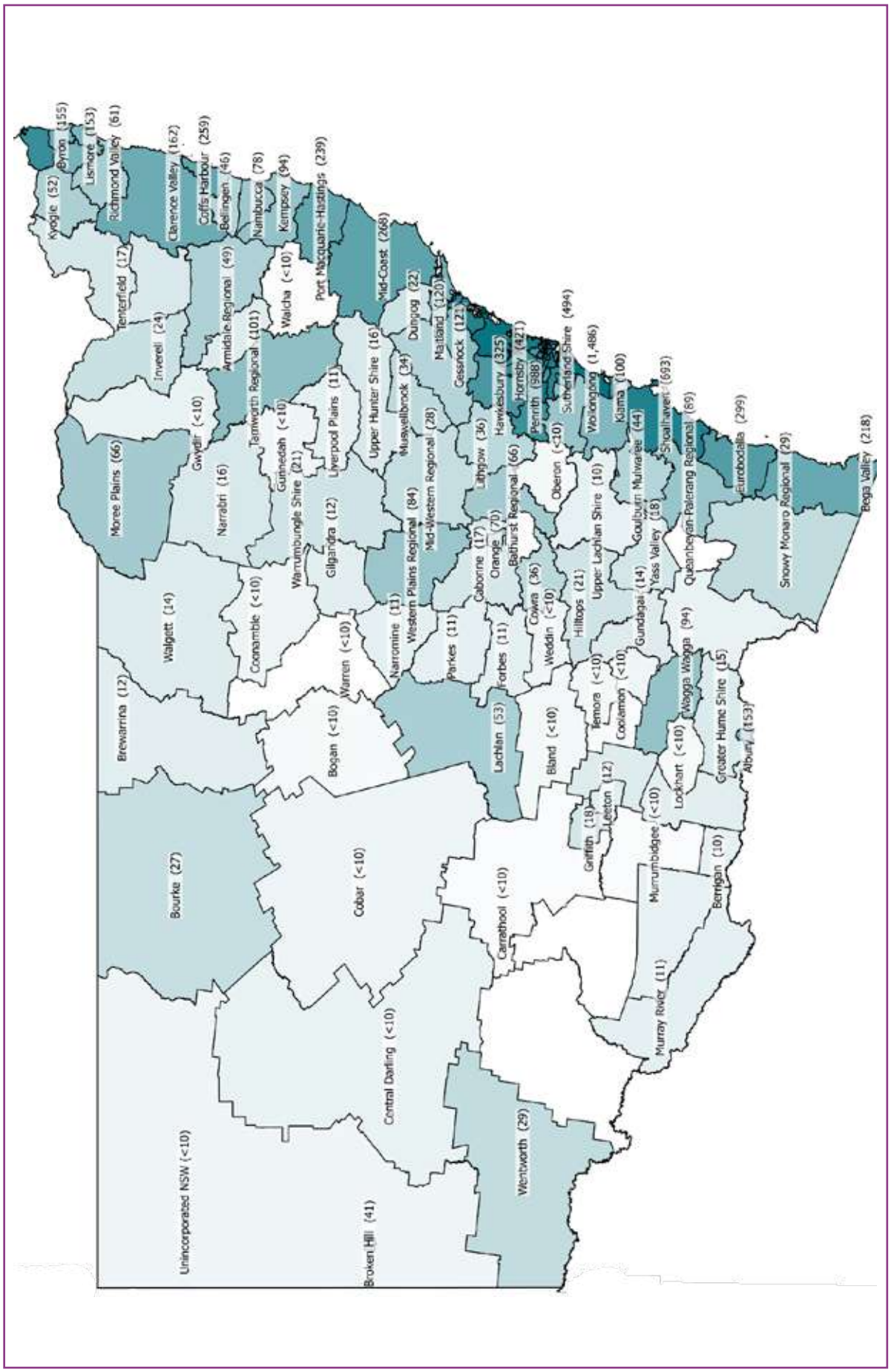


Figure 19: Number of housing enquiries in NSW by LGA, 2016

Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

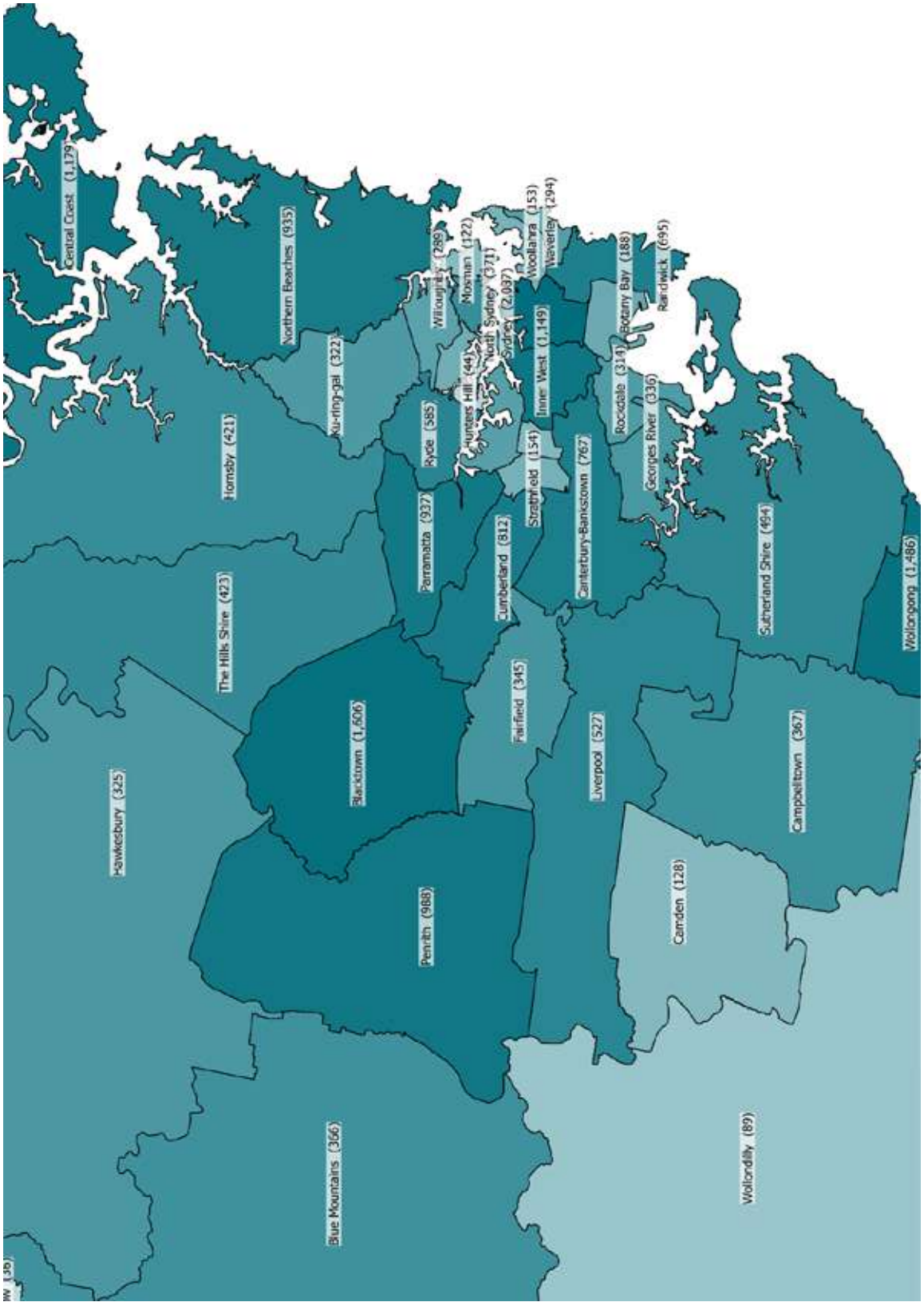


Figure 20: Number of housing enquiries by LGA, Sydney region, 2016

Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

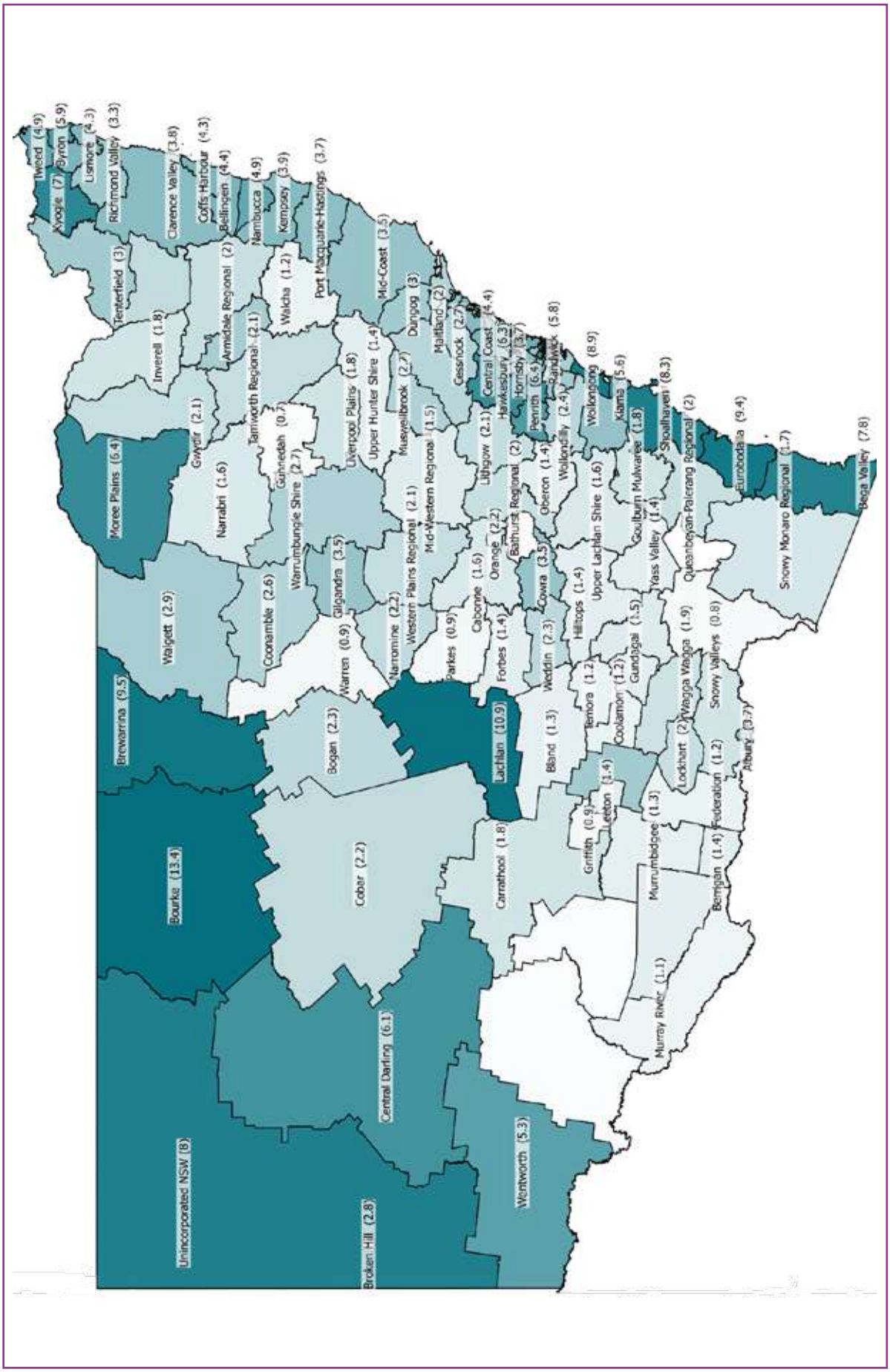


Figure 21: Rate of housing enquiries per 1,000 of the population aged 15 and over in NSW by LGA, 2016

Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016 & ABS 2016 Census of Population and Housing.

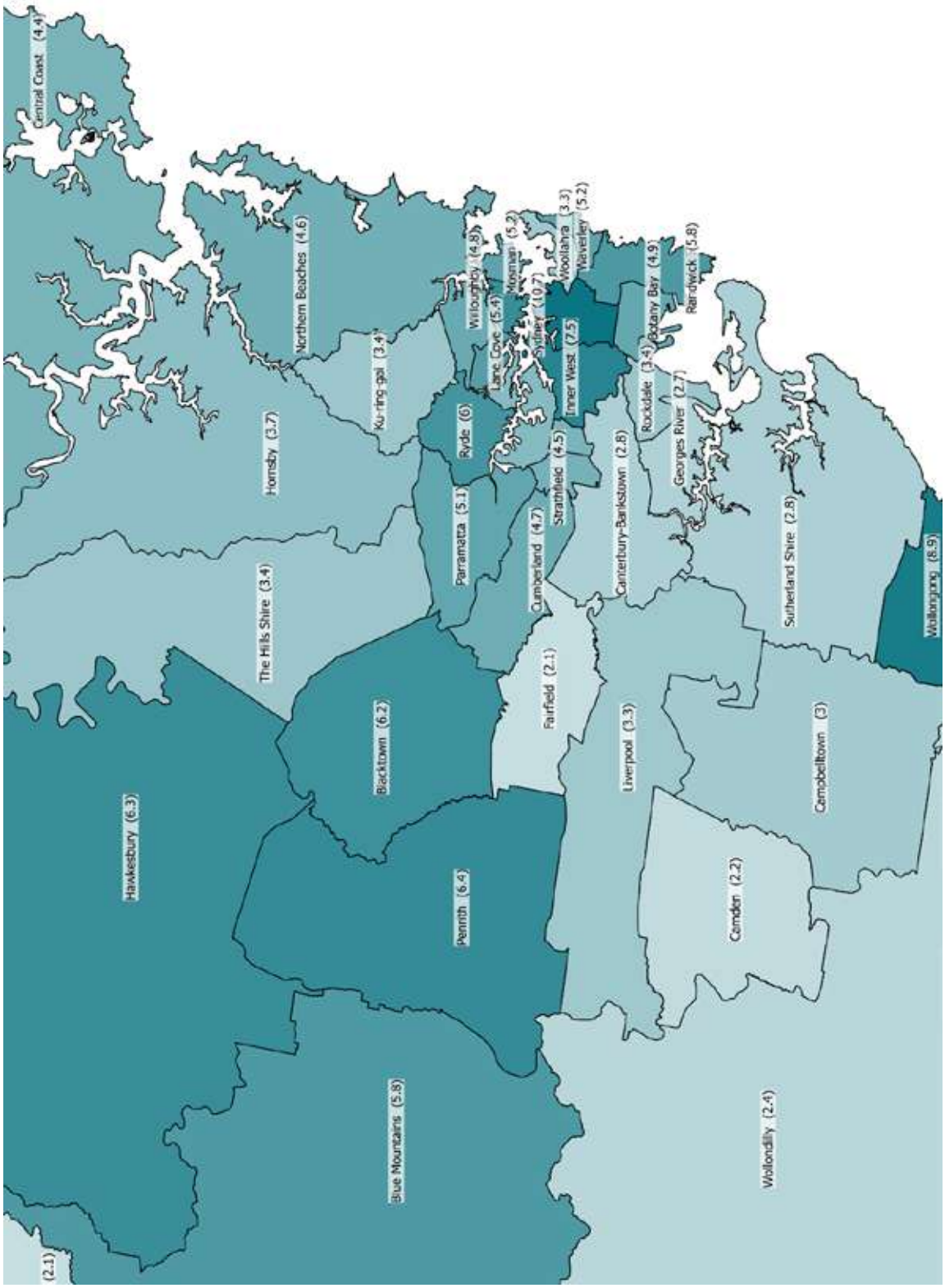


Figure 22: Rate of housing enquiries per 1,000 of the population aged 15 and over by LGA, Sydney region, 2016

Source: Foundation Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016 & ABS 2016 Census of Population and Housing.

Using data for service planning

Findings from the LAW Survey and the Data Digest enable the Foundation to report on the experience of legal problems, as well as the characteristics of people who received assistance for their legal problems. Together, this data enables the Foundation to compile evidence that can be used to inform policy development and the planning and delivery of services.

From the LAW Survey we know that 13% of respondents aged 15 and over in NSW experienced a housing-related problem within the previous 12 months, and assistance was obtained from a not-for-profit legal assistance provider for 8.3% of those problems. The 2016 Data Digest shows that the largest number of housing enquiries was received by LawAccess NSW (44.2%), closely followed by NSW CLCs (41.6%) and Legal Aid NSW (14.2%). As outlined, the overall distribution of services by provider is affected by the differences in the way the agencies provide services.

LAW Survey findings reveal that age and housing type are important characteristics for housing-related legal problems and that the specific type of problem experienced is a key factor in determining the strategy in response to this problem. Analysis of the Data Digest found that enquiries made to legal assistance services are most often tenancy-related. In a context of declining home ownership and rising rental costs, the potential need for legal assistance is likely to increase pressure on services.

The rate of housing-related problem enquiries was higher for women and for Indigenous clients. The characteristics of clients for different legal problems are important considerations to take into account when planning services.

In practice, the planning of legal assistance services is complex and takes place in the context of limited resources, existing services, strategic priorities, and political priorities. The LAW Survey and Data Digest are two valuable sources of information that can be used for planning legal assistance services alongside others, such as ABS Census data. The features of the local environment (such as existing services, infrastructure, public transport, shopping centres, hospitals, courts, prisons, etc.) which have an impact on the extent and nature of demand for services should also be taken into account alongside the existing evidence.

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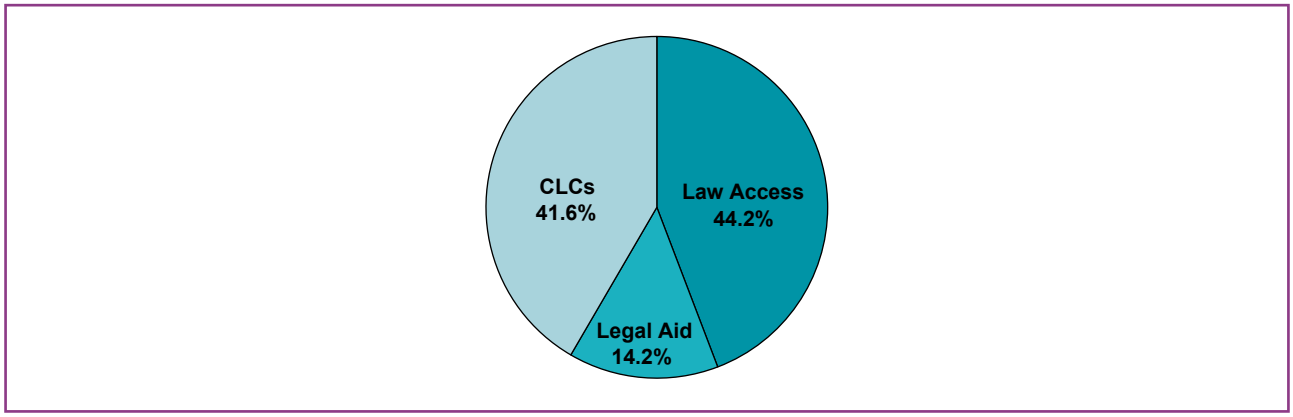
Appendix

Housing enquiries by agency and problem types

Just under 27,200 enquiries made to legal assistance services in 2016 about a housing-related legal problem are held in the Data Digest, with 44.2% of those made to LawAccess, 41.6% to a CLC and the remaining 14.2% to Legal Aid (Figure A1).

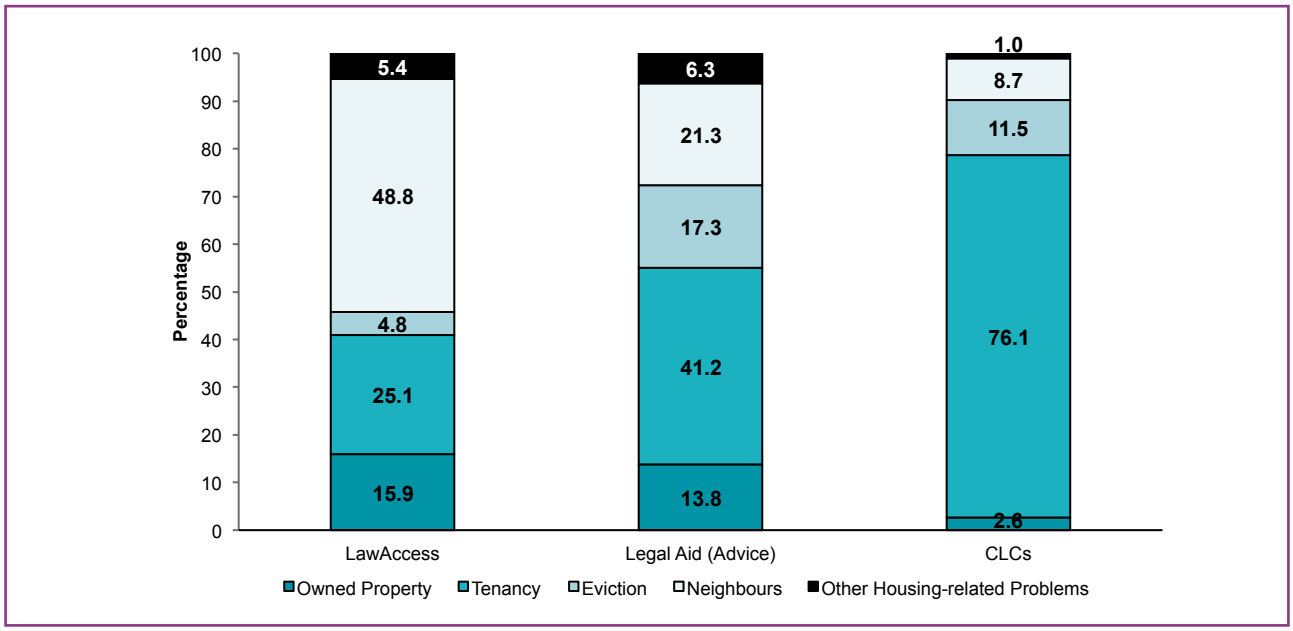
Figure A1: Percentage of housing enquiries by agency, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

In 2016, tenancy enquiries represented over three-quarters of housing enquiries made to CLCs, whereas LawAccess received a higher proportion of neighbour problem enquiries (Figure A2). This likely reflects the fact that some specialist services such as Tenants Advice and Advocacy Services (TAAS)[31] in NSW often operate as part of CLCs' programs.

Figure A2: Percentage of housing enquiries by agency and problem type, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

31 Tenants Advice and Advocacy Services are funded by NSW Fair Trading under the Tenants Advice and Advocacy Program with additional support from the Tenants' Union of NSW.

Table A.1: Number of housing enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by problem type (2004–2016)

Year	Owned Property	Tenancy	Eviction	Neighbours	Other Housing Problems	Total
	N	N	N	N	N	N
2004	3,139	6,870	997	5,039	217	16,262
2005	2,840	9,762	1,663	5,194	206	19,665
2006	3,338	9,889	1,342	5,646	304	20,519
2007	4,414	9,837	1,624	6,273	339	22,487
2008	4,447	10,740	2,085	7,212	942	25,426
2009	4,122	10,208	2,767	8,338	2,215	27,650
2010	3,700	10,382	2,712	7,859	1,735	26,388
2011	3,241	10,045	2,671	7,329	1,502	24,788
2012	3,080	12,606	2,869	8,203	1,635	28,393
2013	3,251	12,884	2,996	8,239	1,305	28,675
2014	3,371	14,997	3,175	8,574	1,241	31,358
2015	2,628	14,292	3,046	7,268	886	28,120
2016	2,740	13,204	2,547	7,674	1,009	27,174

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Table A.2: Number and percentage of housing enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by problem type and original problem enquiry, 2016

Problem type	Problem enquiry	Number	Percentage
Owned Property	Title/Sale/Purchase Dispute	404	1.5
	Equitable Interest/Caveat	169	0.6
	Other Real Property dispute	1,418	5.2
	Strata title	749	2.8
Tenancy	Private Tenancy	3,355	12.3
	Public Tenancy	1,119	4.1
	Boarder/Lodger/Licensee	130	0.5
	Tenancy Access	244	0.9
	Tenancy Agreement	192	0.7
	Tenancy Bond	731	2.7
	Tenancy Fees and Other Charges	133	0.5
	Tenancy General Rights & responsibilities	2,781	10.2
	Tenancy Notice	82	0.3
	Tenancy Privacy	68	0.3
	Tenancy Rent	698	2.6
	Tenancy Repairs	1,040	3.8
	Tenancy Security	28	0.1
	Tenancy Services	52	0.2
	Tenancy Share Accommodation	102	0.4
	Tenancy Termination by Tenant	345	1.3
	Tenancy – other	2,104	7.7
Eviction	Tenancy Ending Tenancy	163	0.6
	Tenancy Termination by Lessor	1,137	4.2
	Eviction – Aged care facility	<10	0.0
	Eviction – Private tenancy	750	2.8
	Eviction – Public tenancy	246	0.9
	Eviction – Residential park/caravan park	24	0.1
	Eviction – Retirement village	12	0.0
	Other Loss of Dwelling	212	0.8
Neighbours	Fences/Trees/Animals	5,310	19.5
	Neighbourhood Dispute	616	2.3
	Neighbour Dispute – other	1,748	6.4
Other Housing-related Problems	Aged Care Facility	51	0.2
	Retirement Villages	49	0.2
	Residential park/Caravan park	62	0.2
	Other housing dispute	730	2.7
	Property/Conveyancing/Body corporate/Squatting – other	117	0.4
Total		27,174	100

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Table A.3: Number and percentage of housing enquiries to LawAccess, Legal Aid NSW and NSW CLCs by gender, age group and problem type, 2016

Gender	Age Group	Owned Property		Tenancy		Eviction		Neighbours		Other Housing-related Problems		Total	
		N	%	N	%	N	%	N	%	N	%	N	%
Female	17 and under	<10	0.1	23	0.3	<10	0.2	<10	0.1	0	0.0	32	0.2
	18 to 24	29	1.9	630	8.9	80	5.9	48	1.1	20	3.6	807	5.4
	25 to 34	190	12.6	1,821	25.6	315	23.1	418	9.7	64	11.4	2,808	18.9
	35 to 44	286	19.0	1,787	25.2	398	29.2	744	17.2	94	16.8	3,309	22.3
	45 to 54	284	18.9	1,416	19.9	323	23.7	907	21.0	112	20.0	3,042	20.5
	55 to 64	336	22.4	882	12.4	155	11.4	965	22.4	108	19.3	2,446	16.5
	65 and over	376	25.0	546	7.7	87	6.4	1,229	28.5	163	29.1	2,401	16.2
	Total	1,503	100.0	7,105	100.0	1,361	100.0	4,315	100.0	561	100.0	14,845	100.0
Male	17 and under	<10	0.2	12	0.3	<10	0.4	<10	0.1	<10	1.0	26	0.3
	18 to 24	32	3.0	322	7.5	44	4.7	36	1.2	13	3.2	447	4.6
	25 to 34	135	12.5	1,040	24.2	164	17.4	268	8.9	50	12.1	1,657	17.0
	35 to 44	187	17.3	983	22.9	242	25.6	503	16.7	74	18.0	1,989	20.4
	45 to 54	194	17.9	843	19.6	211	22.3	695	23.1	84	20.4	2,027	20.8
	55 to 64	245	22.6	638	14.9	179	18.9	614	20.4	94	22.8	1,770	18.2
	65 and over	287	26.5	456	10.6	101	10.7	890	29.6	93	22.6	1,827	18.8
	Total	1,082	100.0	4,294	100.0	945	100.0	3,010	100.0	412	100.0	9,743	100.0

Note: 2,586 records are excluded from this table as either gender, age or both, were not disclosed or not recorded.
Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Table A.4: Number and percentage of housing enquiries from Indigenous clients to LawAccess, Legal Aid NSW and NSW CLCs by problem type, 2010-2016

Year	Owned Property		Tenancy		Eviction		Neighbours		Other Housing-related Problems		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
2010	68	8.6	447	56.2	145	18.2	89	11.2	46	5.8	795	100
2011	77	7.7	636	64.0	143	14.4	80	8.0	58	5.8	994	100
2012	67	6.7	556	55.8	189	19.0	142	14.3	42	4.2	996	100
2013	78	6.6	642	54.7	208	17.7	166	14.1	80	6.8	1,174	100
2014	94	6.4	879	60.0	245	16.7	166	11.3	80	5.5	1,464	100
2015	80	5.0	1,043	65.4	273	17.1	130	8.2	68	4.3	1,594	100
2016	89	5.7	994	63.2	235	14.9	182	11.6	74	4.7	1,574	100
Total	553	6.4	5,197	60.5	1,438	16.7	955	11.1	448	5.2	8,591	100

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Table A.5: Number and rate per 1,000 of the population of housing enquiries to LawAccess, Legal Aid NSW and NSW CLCs by Indigenous status, 2016

	Indigenous		Non-Indigenous		Total		Not disclosed
Problem type	N	Rate	N	Rate	N	Rate	N
Owned property	89	0.6	2,530	0.5	2,740	0.4	*121*
Tenancy	994	7.0	11,169	2.0	13,204	2.2	*1,040*
Eviction	235	1.7	2,195	0.4	2,547	0.4	*117*
Neighbours	182	1.3	7,322	1.3	7,674	1.3	*170*
Other housing-related problems	74	0.5	912	0.2	1,009	0.2	*23*
All problem types	1,574	11.1	24,128	4.3	27,174	4.5	*1,471*

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Topics for further research and analysis are invited.
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