



Are renters worse off? The legal needs of public and private tenants

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Abstract: *International legal needs research has revealed that people who live in rented accommodation are particularly vulnerable to experiencing legal problems. This paper uses LAW Survey data to address the legal needs of renters in Australia. Reflecting the findings from the international research, LAW Survey respondents living in rented accommodation were more likely to experience legal problems than were others. Renters also reported a higher rate of adverse consequences resulting from their legal problems. LAW Survey respondents that had rented both publicly and privately in the previous 12 months were particularly vulnerable to legal problems. This vulnerability concerned not only housing-specific legal problems, but a broad range of different types of legal problems. These findings suggest that, in setting priorities for the provision of legal services to tenants, this group of renters may require specifically targeted input to meet their high level of legal need.*

This paper presents **new findings** from the Legal-Australia Wide (LAW) Survey. The first major findings for Australia as a whole were published in **Legal Australia-Wide Survey: legal need in Australia** by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey (Law and Justice Foundation of NSW, 2012).

About the LAW Survey

The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. It covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey allows for in-depth analysis at both the state/territory and national level. The major findings were published in a series of nine reports, with a report on Australia as a whole and each state/territory. The nine LAW Survey reports are available at www.lawfoundation.net.au/publications

Introduction

International legal needs research reveals that people who live in rented accommodation are particularly vulnerable to experiencing legal problems. In the UK, research using the Civil and Social Justice Survey (CSJS) reported that people who lived in rented accommodation were more likely than others to report legal problems (Pleasence, Buck, Balmer, O'Grady, Genn & Smith 2004). Renters were also more likely to report certain types of problems, including those relating to debt and welfare benefits (Pleasence 2006). Similarly, the Northern Ireland Legal Needs Survey revealed that living in rented accommodation significantly increased the likelihood of reporting legal problems. Public renters were more likely to report neighbours problems and private renters were more likely to report consumer and employment problems (Dignan 2006). In New Jersey, Miller and Srivastava (2002) demonstrated that people who lived in rented accommodation were more likely to experience legal problems than others.

People's housing tenure has also been linked to the strategies people take to address their legal problems and the consequences they experience. Using CSJS data, renters were found to be overrepresented among those who failed to obtain advice for their legal problems and then suffered adverse consequences (Balmer, Buck Patel, Denvir & Pleasence 2010).

Recent research in Australia has found strong relationships between the type of housing people live in and the experience of legal problems. Initial findings from the Legal Australia-Wide Survey showed that people living in disadvantaged housing were not only more likely to report legal problems, but were also more likely to report substantial legal problems and multiple legal problems (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012). To date, however, LAW Survey data have not been used to specifically examine relationships between housing tenure and the experience of legal problems.

New findings from the LAW Survey

The current paper will set out new findings from the LAW Survey exploring the legal needs of people who live in rented accommodation. Comparing the experience of public renters, private renters and non-renters, it will address:

- the prevalence of legal problemsⁱ
- the adverse health and social consequences of legal problems
- the strategy taken to resolve legal problems
- barriers to obtaining formal assistance for legal problems.ⁱⁱ

Each of the above points will be addressed by looking first at ‘all problems’ reported by LAW Survey respondents, and then at two types of housing-specific problems relevant to renters, ‘neighbours problems’ and ‘tenancy problems’.

Profile of LAW Survey renters

All LAW Survey respondents were asked whether they had rented accommodation either publicly or privately in the previous 12 months. Of 20,716 respondents, 623 (3.0%) reported that they had rented publicly, 4,445 (21.5%) that they had rented privately, and 127 (0.6%) that they had rented both publicly and privately. The remaining 15,521 (74.9%) were non-renters. These proportions are reflective of national estimates produced by the ABS Survey of Income and Housing (ABS 2013).

The gender profile for each of the tenure categories was similar to that of the population with the exception of the public renters category. Almost two-thirds of public renters were female (64.2%) compared to about one-half of the respondents in each of the

remaining categories. The ABS Survey of Income and Housing also indicates that females form a higher proportion of public housing tenants than do males (ABS 2013).

The age profile of LAW Survey respondents that had rented both publicly and privately tended to be younger than that of other public renters. While 68.9 per cent of respondents that had rented both publicly and privately were aged under 45 years, this was the case for only 43.9 per cent of public renters. Private renters also tended to be younger with 69.7 per cent aged under 45 years. Non-renters tended to be older with 47.1 per cent aged under 45 years.

The disadvantaged status of each of the tenure categories was assessed using a composite indicator that reflected the nine indicators of disadvantage examined in the initial LAW Survey reports.ⁱⁱⁱ Public renters, and respondents that had rented both publicly and privately, reported higher levels of disadvantage. Multiple indicators of disadvantage were reported by 93.0 per cent of public renters and 85.9 per cent of respondents that had rented both publicly and privately. In contrast, multiple indicators of disadvantage were reported by 31.2 per cent of private renters and 31.4 per cent of non-renters.

Long term health conditions were reported more often by public renters than they were by other respondents. Overall, 15.3 per cent of public renters reported a mental illness, as did 11.6 per cent of respondents that had rented both publicly and privately, 6.2 per cent of private renters and 3.8 per cent of non-renters. Long term physical ill health was also highest for public renters (41.1%) compared to respondents that had rented both publicly and privately (25.3%), private renters (13.6%) and non-renters (15.9%).

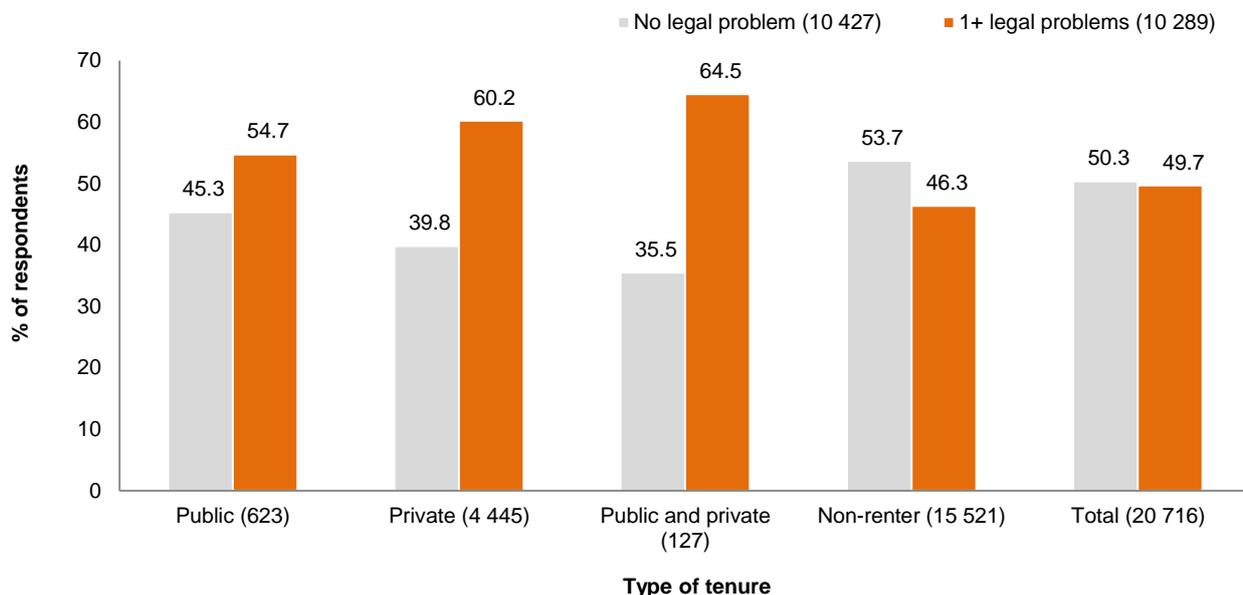
Further details of the profile of LAW Survey respondents are provided in Appendix Table A1.

Prevalence of legal problems

All problems

LAW Survey respondents were asked about legal problems they had experienced in a 12-month period. This included a broad range of civil, family and criminal law problems.

Figure 1: Prevalence of legal problems by type of tenure



Note: N=20 716 respondents. $\chi^2=284.63$, $F_{2,62116}=63.30$, $p=0.000$.

Figure 1 presents the proportion of respondents that reported experiencing legal problems broken down by the four categories of housing tenure. Overall, half of all LAW Survey respondents (49.7%) reported experiencing a legal problem in a 12-month period.

The overall prevalence of legal problems was significantly related to the type of tenure. Respondents that had rented both publicly and privately during the previous 12 months had a significantly higher rate of reporting legal problems (64.5%) than did private renters (60.2%) or public renters (54.7%). The prevalence rate for non-renters was lowest (46.3%).

The average number of legal problems reported by LAW Survey respondents overall was 2.6 problems. The average was highest for the group of respondents that had rented both publicly and privately (8.2) and lowest for the group of non-renters (2.1). Public renters reported an average of 4.5 legal problems and private renters an average of 3.6.

By definition, all respondents that had rented both publicly and privately had moved home during the previous 12 months. However, the data are not able to confirm whether the high rate of legal problems reported by these people is related to this experience.

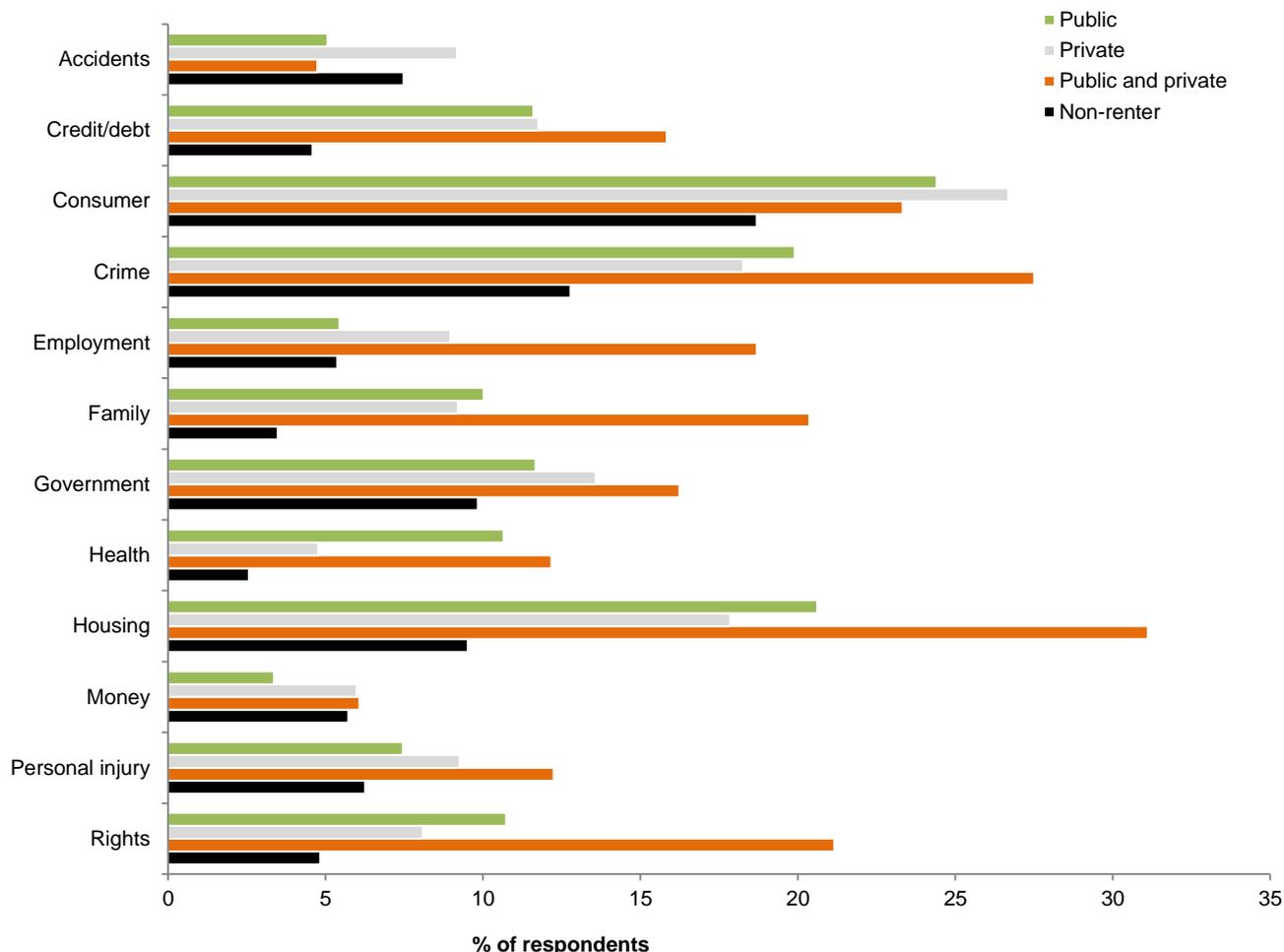
The LAW Survey did not specifically ask all respondents if they had moved home, and where respondents reported only a single renting tenure, it is not clear if they had moved home or not. Where respondents reported having to move home as a specific consequence of a legal problem, this is addressed later in the report.

Different types of problems

The LAW Survey measured the prevalence of 129 specific types of legal problems. These 129 problem types were categorised into 12 broad problem groups. Figure 2 presents the reported prevalence of each of these problem groups broken down by the four categories of housing tenure. Further details of the data are provided in Appendix Table A2.

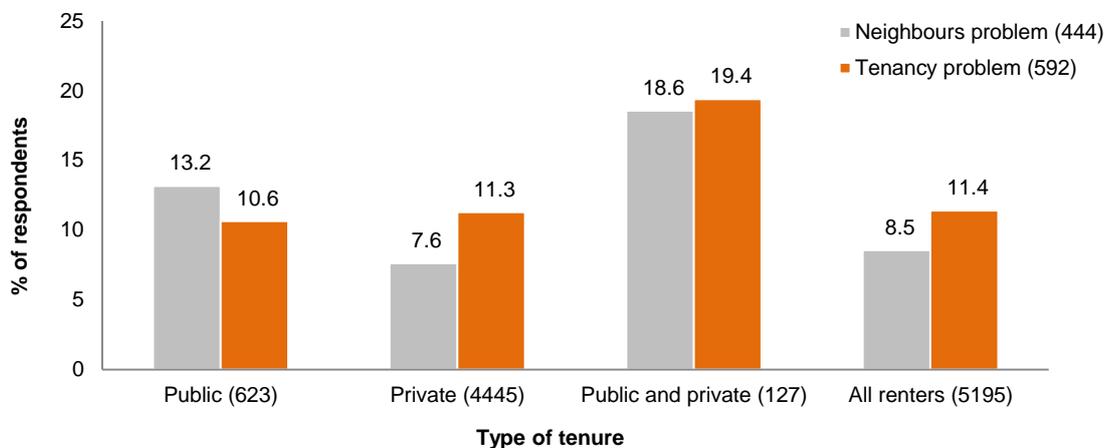
There was a significant relationship between the type of tenure and the prevalence of each of the problem groups examined, with the exception of money problems. Respondents that had rented both publicly and privately during the previous 12 months had a significantly higher rate of reporting credit/debt, crime, employment, family, health, housing and rights problems.^{iv} Private renters had the highest rate of reporting consumer problems and ‘injury-free’ motor vehicle accidents.

Figure 2: Prevalence of each problem group by type of tenure



Note: 20 716 respondents. Accidents: $\chi^2=22.20$, $F_{2,61693}=5.19$, $p=0.001$. Credit/debt: $\chi^2=344.67$, $F_{2,62064}=77.67$, $p=0.000$. Consumer: $\chi^2=141.11$, $F_{2,62130}=30.78$, $p=0.000$. Crime: $\chi^2=120.73$, $F_{2,62024}=26.93$, $p=0.000$. Employment: $\chi^2=111.15$, $F_{2,61444}=25.04$, $p=0.000$. Family: $\chi^2=337.37$, $F_{2,61948}=72.92$, $p=0.000$. Government: $\chi^2=55.02$, $F_{2,62033}=12.13$, $p=0.000$. Health: $\chi^2=191.34$, $F_{2,62074}=42.72$, $p=0.000$. Housing: $\chi^2=326.56$, $F_{2,62103}=71.00$, $p=0.000$. Money: $\chi^2=7.06$, $F_{2,62085}=1.63$, $p=0.180$. Personal injury: $\chi^2=53.51$, $F_{2,61893}=10.96$, $p=0.000$. Rights: $\chi^2=152.23$, $F_{2,61900}=32.82$, $p=0.000$.

Figure 3: Prevalence of neighbours problems and tenancy problems by type of tenure (renters only)



Note: N=5195 respondents that rented accommodation. Neighbours problems: $\chi^2=38.17$, $F_{2,10380}=12.32$, $p=0.000$. Tenancy problems: $\chi^2=8.48$, $F_{2,10369}=2.68$, $p=0.069$.

Neighbours problems and tenancy problems

All LAW Survey respondents were asked whether, in the previous 12 months, they had experienced any problems or disputes with their neighbours, for example, over things like fences, trees, noise, litter or pets ('neighbours problems'). Respondents that indicated they had been renting during the previous 12 months were asked questions specifically about whether they had problems or disputes relating to their tenancy, for example, about rental agreements, payments, bonds, repairs, maintenance, security, sub-letting or eviction ('tenancy problems').

Further details of the types of housing problems reported by all LAW Survey respondents, including the survey questions used to capture these problems, are provided in Appendix Table A3.

Figure 3 presents the reported prevalence of neighbours problems and tenancy problems broken down by the three categories of housing tenure that related to renting. Overall, 8.5 per cent of renters reported a neighbours problem and 11.4 per cent of renters reported a tenancy problem.

The likelihood of reporting a neighbours problem was significantly related to the type of tenure. Respondents that had rented both publicly and privately had a significantly higher rate of reporting neighbours problems (18.6%) than public renters (13.2%) or private renters (7.6%). Although not shown in Figure 1, the prevalence rate for respondents that did not rent was 7.7 per cent, a similar rate to that of private renters.

The likelihood of reporting a tenancy problem was not significantly related to the type of tenure.

The adverse health and social consequences of legal problems

LAW Survey respondents provided information on five different types of adverse consequences experienced as a result of their legal problems: stress-related illness, physical ill health, relationship breakdown, moving home, and loss of income or financial strain. This section examines relationships between these adverse consequences and the type of tenure. Initially, it will address the adverse consequences that resulted from 'all problems', it will

then address the adverse consequences that resulted from neighbours problems and tenancy problems.

All problems

Table 1 shows the rate with which each adverse consequence was reported for 'all problems' broken down by the four categories of housing tenure. Note that 'all problems' includes the full range of civil, family and criminal law problems reported by LAW Survey respondents.

Overall, respondents reported that their legal problems caused stress-related illness in 19.7 per cent of cases, physical ill health in 18.5 per cent, relationship breakdown in 10.1 per cent, having to move home in 5.4 per cent, and loss of income or financial strain in 28.9 per cent.

For 'all problems', there was a significant relationship between each of the five adverse consequences considered and the type of tenure.

Public renters, and those that had rented both publicly and privately, had significantly higher rates of reporting that their legal problems caused stress-related illness. Public renters reported that their legal problems caused stress-related illness in 37.6 per cent of cases. A similar percentage (37.5%) was reported by respondents that had rented both publicly and privately. In contrast, private renters reported that their legal problems caused stress-related illness at a lower rate (22.5%). The lowest rate was reported by non-renters (17.4%).

As noted earlier, public renters, and those that had rented both publicly and privately, had higher rates of reporting mental illness. In the UK, Pleasence and Balmer (2007; 2009) found that people with a mental illness were especially likely to report stress-related ill health as a result of their legal problems. This raises the possibility that legal problems may play a part in bringing about or exacerbating existing mental illness, or that existing mental illness may increase the likelihood that legal problems will have stressful consequences.

Public renters, and those that had rented both publicly and privately, also had significantly higher rates of reporting legal problems that caused

Table 1: Adverse consequences of all legal problems by type of tenure

Adverse consequences	Type of tenure									
	Public		Private		Public and private		Non-renter		Total	
	N	%	N	%	N	%	N	%	N	%
Stress-related illness	262	37.6	1 196	22.5	71	37.5	2 257	17.4	3 786	19.7
Physical ill health	209	30.0	1 076	20.2	60	31.3	2 203	17.0	3 548	18.5
Relationship breakdown	113	16.3	654	12.3	38	19.9	1 126	8.7	1 931	10.1
Moving home	53	7.6	566	10.6	25	13.0	399	3.1	1 043	5.4
Loss of income or financial strain	232	33.3	1 878	35.3	61	32.0	3 380	26.0	5 551	28.9
All problems	696		5 326		190		12 991		19 203	

Note: N=19 203 problems. Percentages do not sum to 100 because not all problems had adverse consequences and multiple adverse consequences were reported for some problems. Stress-related illness: $\chi^2=252.42$, $F_{3,30812}=31.87$, $p=0.000$. Physical ill health: $\chi^2=114.78$, $F_{3,30867}=16.10$, $p=0.000$. Relationship breakdown: $\chi^2=107.20$, $F_{3,30812}=15.89$, $p=0.000$. Moving home: $\chi^2=450.68$, $F_{3,30958}=73.00$, $p=0.000$. Loss of income or financial strain: $\chi^2=165.99$, $F_{3,30863}=27.77$, $p=0.000$.

physical ill health. Public renters reported that their legal problems caused physical ill health in 30.0 per cent of cases, 20.2 per cent for those that had rented both publicly and privately. Private renters reported that their legal problems caused physical ill health at a lower rate, 20.2 per cent. This rate was also lowest for non-renters (17.0%).

The rate of reporting relationship breakdown as a consequence of legal problems was highest for people that had rented both publicly and privately (19.9%). Again, this rate was lowest for non-renters (8.7%).

The rate of moving home as a consequence of legal problems was again highest for people that had rented both publicly and privately (13.0%) and lowest for non-renters (3.1%). As noted earlier, by definition, all respondents that reported renting both publicly and privately during the previous 12 months had moved home during this period. However, the particular proportion reported here reflects only those that reported having to move home as a specific consequence of their legal problems.

The highest rate of reporting loss of income or financial strain as a consequence of legal problems was that of private renters (35.3%) while the lowest rate was that of non-renters (26.0%).

Due to small numbers in some of the subsequent analyses, respondents that indicated they had rented both publicly and privately are categorised within the public renters group. Their experience of legal

problems tended to be more similar to that of public renters than private renters or non-renters.

Neighbours problems

Table 2 shows the rate with which each adverse consequence was reported for problems concerning neighbours, broken down by three categories of housing tenure. Note that in some instances the percentages are based on small numbers of problems.

Overall, respondents reported that neighbours problems caused stress-related illness in 14.4 per cent of cases, physical ill health in 9.7 per cent, relationship breakdown in 6.9 per cent, having to move home in 2.8 per cent, and loss of income or financial strain in 7.4 per cent.

For neighbours problems, there was a significant relationship between reporting stress-related illness, physical ill health or moving home, and the type of tenure.

Public renters had a significantly higher rate of reporting that their neighbours problems caused stress-related illness. While 37.2 per cent of public renters reported that their neighbours problems caused stress-related illness this was so for only 16.8 per cent of private renters and 12.3 per cent of non-renters.

Table 2: Adverse consequences of neighbours problems by type of tenure

Adverse consequences	Type of tenure							
	Public		Private		Non-renter		Total	
	N	%	N	%	N	%	N	%
Stress-related illness	27	37.2	39	16.8	122	12.3	188	14.4
Physical ill health	18	25.6	29	12.4	79	7.9	126	9.7
Relationship breakdown	8	11.0	15	6.2	67	6.7	90	6.9
Moving home	2	3.5	17	7.1	17	1.7	36	2.8
Loss of income or financial strain	3	4.6	18	7.8	76	7.6	97	7.4
<i>All neighbours problems</i>	<i>72</i>		<i>236</i>		<i>998</i>		<i>1305</i>	

Note: N=1305 neighbours problems. Percentages do not sum to 100 because not all problems had adverse consequences and multiple adverse consequences were reported for some problems. As a result of rounding weighted data, some numbers and percentages do not sum precisely (see initial LAW Survey reports, Chapter 2, 'Weighting' section for further details (Coumarelos et al. 2012)). Stress-related illness: $\chi^2=35.91$, $F_{2,2623}=11.94$, $p=0.000$. Physical ill health: $\chi^2=27.70$, $F_{2,2623}=9.07$, $p=0.000$. Relationship breakdown: $\chi^2=2.08$, $F_{2,2617}=0.67$, $p=0.510$. Moving home: $\chi^2=20.53$, $F_{2,2377}=8.51$, $p=0.000$. Loss of income or financial strain: $\chi^2=0.81$, $F_{2,2589}=0.29$, $p=0.747$.

Table 3: Adverse consequences of tenancy problems by type of tenure

Adverse consequences	Type of tenure					
	Public		Private		All renters	
	N	%	N	%	N	%
Stress-related illness	23	38.7	59	17.6	81	20.7
Physical ill health	15	25.4	42	12.5	56	14.4
Relationship breakdown	11	18.3	25	7.4	35	9.0
Moving home	3	4.8	85	25.6	88	22.5
Loss of income or financial strain	18	30.0	92	27.5	109	27.9
<i>Total tenancy problems</i>	<i>58</i>		<i>334</i>		<i>392</i>	

Note: N=392 tenancy problems. Percentages do not sum to 100 because not all problems had adverse consequences and multiple adverse consequences were reported for some problems. As a result of rounding weighted data, some numbers and percentages do not sum precisely (see initial LAW Survey reports, Chapter 2, 'Weighting' section for further details (Coumarelos et al. 2012)). Stress-related illness: $\chi^2=12.33$, $F_{1,367}=8.07$, $p=0.005$. Physical ill health: $\chi^2=6.16$, $F_{1,367}=4.08$, $p=0.044$. Relationship breakdown: $\chi^2=6.59$, $F_{1,367}=3.18$, $p=0.075$. Moving home: $\chi^2=11.48$, $F_{1,367}=7.48$, $p=0.007$. Loss of income or financial strain: $\chi^2=0.15$, $F_{1,367}=0.11$, $p=0.747$.

The rate of reporting physical ill health as a consequence of neighbours problems was also significantly higher for public renters (25.6%) than it was for private renters (12.4%) or non-renters (7.9%).

While only a small number of respondents reported moving home as a consequence of a problem with their neighbours (N=36), this rate was highest for private renters (7.1%). The two public renters that reported moving home were respondents that had rented only publicly during the previous 12 months.

Tenancy problems

Table 3 shows the rate with which each adverse consequence was reported for tenancy problems, broken down by two categories of renting tenure. Note that in some instances the percentages are based on small numbers of problems.

Overall, respondents reported that tenancy problems caused stress-related illness in 20.7 per cent of cases, physical ill health in 14.4 per cent, relationship breakdown in 9.0 per cent, having to move home in 22.5 per cent, and loss of income or financial strain in 27.9 per cent.

For tenancy problems, there was a significant relationship between reporting stress-related illness, physical ill health or moving home, and the type of tenure.

Tenancy problems caused stress-related illness for 38.7 per cent of public renters compared to only 17.6 per cent of private renters. Rates of physical ill health were also considerably higher for public renters (25.4%) than they were for private renters (12.5%).

While only a small number of public renters reported moving home as a consequence of a tenancy problem (N=3), this rate was much higher for private renters (25.6%). Two of the three public renters that reported moving home were respondents that had rented publicly and privately during the previous 12 months.

The strategy taken to resolve legal problems

The LAW Survey asked respondents about the types of actions they took in attempting to resolve their legal problems. The current paper considers four broad overall strategies: taking no action, handling without formal advice, handling with formal advice from a non-legal adviser, and handling with formal advice from a legal adviser.^v This section examines the relationship between the strategy taken in response to legal problems and the type of tenure. It will address ‘all problems’, neighbours problems and tenancy problems.

All problems

Figure 4 shows the strategy taken to address ‘all problems’ broken down by four categories of housing tenure. Overall, respondents reported that they took no action for 18.3 per cent of their legal problems, they handled 30.6 per cent without formal advice, 35.6 per cent with formal advice from a non-legal adviser and 15.5 per cent with formal advice from a legal adviser.

The strategy used in response to legal problems was significantly related to the type of tenure. Non-renters had the highest rate of taking no action to address their legal problems (19.2%). Private renters had the highest rate of handling their problems without formal advice (32.2%). Respondents that had rented both publicly and privately had the highest rate of

handling their problems with formal advice from a legal adviser (29.3%).

Neighbours problems

Figure 5 shows the strategy taken to address neighbours problems broken down by three categories of housing tenure. Overall, respondents reported that they took no action for 15.0 per cent of their neighbours problems, they handled 33.7 per cent without formal advice, 39.1 per cent with formal advice from a non-legal adviser and 12.2 per cent with formal advice from a legal adviser.

The strategy used in response to neighbours problems was not significantly related to the type of tenure. This indicates that the broad strategy taken in response to neighbours problems was similar for each of the three tenure types.

Tenancy problems

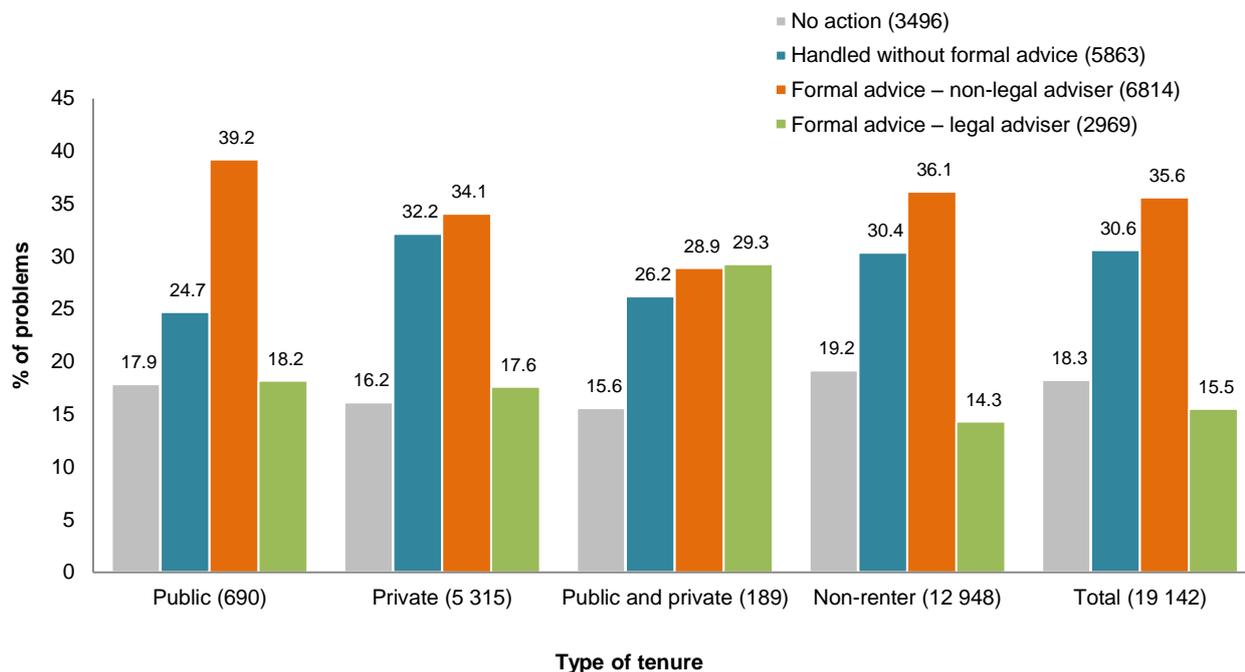
Figure 6 shows the strategy taken to address tenancy problems broken down by two categories of housing tenure. Overall, respondents reported that they took no action for 11.5 per cent of their tenancy problems, they handled 40.9 per cent without formal advice, 30.5 per cent with formal advice from a non-legal adviser and 17.1 per cent with formal advice from a legal adviser.

The strategy used in response to tenancy problems was significantly related to the type of tenure. Public renters had a higher rate of taking no action to address their tenancy problems (22.0%) than did private renters (9.6%). Private renters had a higher rate of handling their tenancy problems without formal advice (44.4%) than did public renters (21.0%). Public renters used formal advice from a legal adviser at a higher rate (24%) than did public renters (15.9%).

Barriers to obtaining formal assistance for legal problems

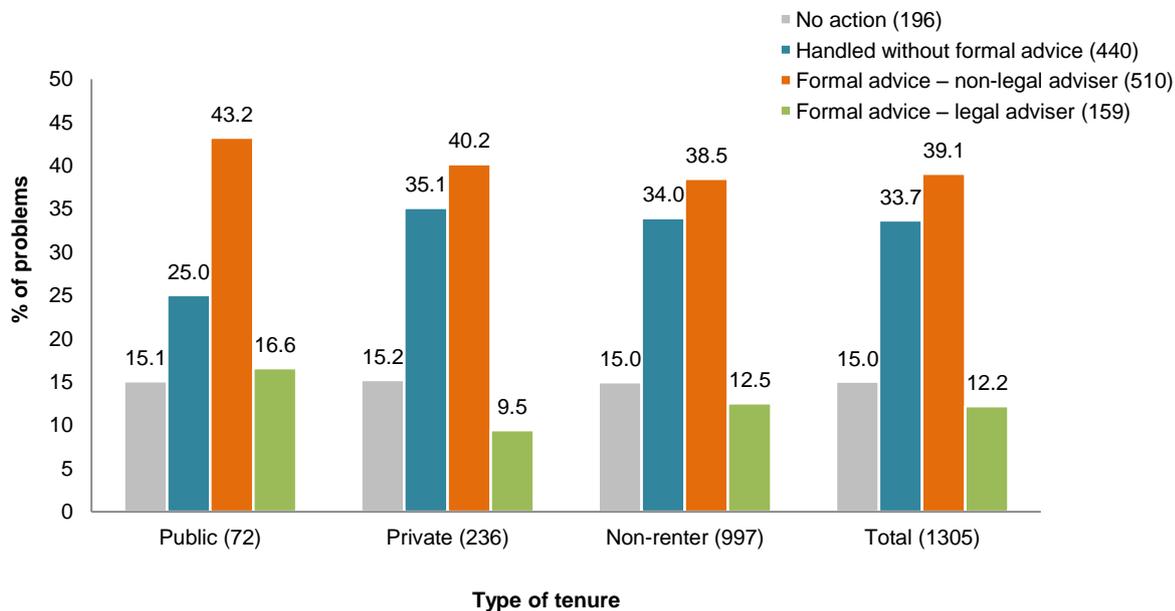
LAW Survey respondents who obtained formal advice for their legal problems were asked to identify the type of main adviser used. For problems where the main adviser was a formal legal adviser, a dispute or complaint handling adviser, or a government adviser, respondents were asked whether they had

Figure 4: Strategy in response to all problems by type of tenure



Note: N=19 142 problems. $\chi^2=96.60$, $F_{9,174787}=7.04$, $p=0.000$.

Figure 5: Strategy in response to neighbours problems by type of tenure



Note: N=1304 neighbours problems. $\chi^2=4.93$, $F_{6,7860}=0.54$, $p=0.780$.

experienced any barriers in trying to obtain help from this adviser.

This section addresses the barriers reported for ‘all problems’, neighbours problems and tenancy problems. For ‘all problems’ this information is broken down by type of tenure. For neighbours problems and tenancy problems a breakdown by type of tenure is not undertaken due to the small numbers of problems concerned. Note that in some instances, the percentages are based on only small numbers of problems. Appendix Table A4 provides further details of the data.

All problems

Table 4 shows that at least one barrier was reported for 40.8 per cent of ‘all problems’ where the main adviser was a formal legal adviser, a dispute or complaint handling adviser, or a government adviser. Respondents that were public renters were significantly more likely to experience at least one barrier (54.8%) than were private renters (44.1%) or non-renters (38.3%).

Compared to private renters and non-renters, public renters had the highest rate of experiencing 10 of the 11 different types of barriers. Private renters had the highest rate of reporting that their adviser was ‘too expensive’.^{vi}

Neighbours problems

Table 4 shows that at least one barrier was reported for 40.7 per cent of neighbours problems where the main adviser was a formal legal adviser, a dispute or complaint handling adviser, or a government adviser.

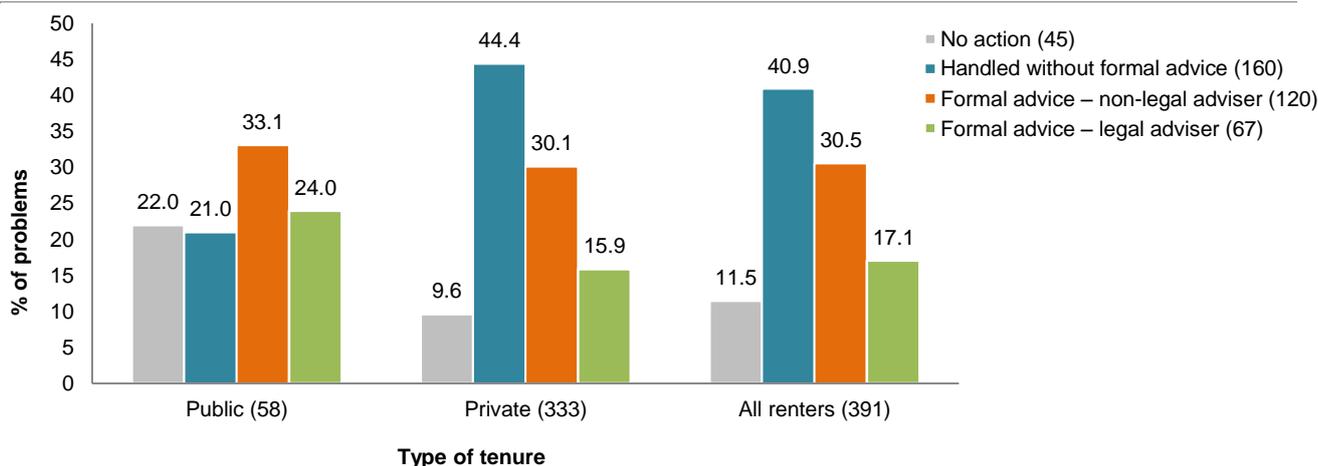
Many of the barriers were reported at a similar rate for neighbours problems as they were for ‘all problems’. However, respondents reported that their adviser was ‘too expensive’ for 5.2 per cent of neighbours problems compared to 10.8 per cent of ‘all problems’. This was the rate for neighbours problems that was most different than that for ‘all problems’.^{vii}

Tenancy problems

Table 4 shows that at least one barrier was reported for 35.7 per cent of tenancy problems where the main adviser was a formal legal adviser, a dispute or complaint handling adviser, or a government adviser.

Respondents reported that the advice was ‘inadequate or poorly explained’ for 3.9 per cent of tenancy problems compared to 10.1 per cent of ‘all problems’. This was the rate for tenancy problems that was most different than that for ‘all problems’.^{viii}

Figure 6: Strategy in response to tenancy problems by type of tenure



Note: N=391 tenancy problems. $\chi^2=14.15$, $F_{3,1084}=2.94$, $p=0.033$.

Table 4: Barriers to obtaining advice from main adviser for ‘all problems’ by tenure type, neighbours problems and tenancy problems — legal, dispute/complaint-handling or government advisers only

Barrier type	All problems					
	Neighbours problems	Tenancy problems	Type of tenure			
			Public	Private	Non-renter	Total
	%	%	%	%	%	%
<i>At least one barrier</i>	40.7	35.7	54.8	44.1	38.3	40.8
Inconvenient opening hours	9.4	10.7	9.0	8.7	6.9	7.5
Difficulty getting through on phone	17.0	20.4	27.6	18.3	14.9	16.5
Difficulty getting appointment	7.3	6.5	10.2	8.8	6.3	7.2
Took too long to respond	17.8	8.5	18.9	13.8	13.7	14.0
Too expensive	5.2	7.5	10.2	13.0	9.9	10.8
Too far away or hard to get to	3.9	6.7	11.0	9.2	7.0	7.9
Inadequate or poor explained advice	13.9	3.9	13.7	8.7	10.5	10.1
Difficulty understanding (non-English main speaker)	0.0	5.2	1.5	0.4	0.1	0.3
Didn't cater for people with disabilities	0.8	0.9	6.3	1.1	1.0	1.3
Didn't cater for coming with young children	1.8	1.4	5.4	3.8	1.2	2.2
Other barrier	4.3	1.3	7.3	4.7	3.8	4.2
<i>All problems with legal, dispute/complaint-handling or government adviser (N)</i>	<i>529</i>	<i>130</i>	<i>248</i>	<i>1387</i>	<i>3190</i>	<i>4825</i>

Note: N=4825 problems (including 529 neighbours problems and 130 tenancy problems) with legal, dispute/complaint-handling or government main advisers. Percentages do not sum to 100, because multiple barriers were reported for some problems. All problems with at least one barrier: $\chi^2=28.26$, $F_{2,620642}=7.82$, $p=0.000$.

Conclusion

The appropriate provision of legal services in any jurisdiction requires a thorough understanding of the legal problems people experience and their responses to these problems. While the tenants’ advice services in each state of Australia are well placed to understand the nature of legal need ‘expressed’ within their specified jurisdiction, they cannot necessarily estimate legal need that remains ‘unexpressed’ or which is addressed through other service providers. Such legal need can only be estimated from representative surveys of the population, such as the LAW Survey.

The current paper uses LAW Survey data to provide an overview of the legal needs of renters. It has addressed the prevalence of legal problems, the adverse consequences of legal problems, strategies taken to resolve legal problems, and barriers to obtaining formal assistance. It also considers whether the legal needs of some types of renters are

different from those of others, and if they are different from those of non-renters.

Reflecting findings from other international legal needs surveys, LAW Survey respondents living in rented accommodation were more likely to experience legal problems than were others. Renters also reported a higher rate of adverse consequences resulting from their legal problems. While renters reported the highest rates of handling their legal problems with formal advice from legal advisers, they also reported the highest rates of experiencing barriers when they tried to obtain advice. Private renters had the highest rate of reporting that their advisers were too expensive.

LAW Survey respondents that had rented both publicly and privately in the previous 12 months were particularly vulnerable to legal problems. This vulnerability concerned not only housing-specific legal problems, but a broad range of different types of legal problems. The reason for this finding is unclear. This vulnerability may simply reflect the

unstable tenure of this group of people. Like other public renters, this group had a high level of disadvantage, however, this group tended to be younger than other public renters. This may indicate that this group were yet to establish themselves within a single housing tenure. This may be because of personal choices or may reflect other reasons, such as the poor availability of the required housing stock, or their having been evicted from their chosen housing tenure. Nonetheless, these findings suggest that, in setting priorities for the provision of legal services to tenants, this group of renters may require specifically targeted input to meet their high level of legal need.

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Appendix

Appendix Table A1: Demographic profile of LAW Survey respondents by type of tenure

	Type of tenure									
	Public		Private		Public and private		Non-renter		Total	
	N	%	N	%	N	%	N	%	N	%
<i>Gender</i>										
Female	400	64.2	2 188	49.2	63	49.5	7 841	50.5	10 491	50.6
Male	223	35.8	2 257	50.8	64	50.5	7 681	49.5	10 225	49.4
<i>Age</i>										
Under 45 years	274	43.9	3 099	69.7	88	68.9	7 309	47.1	10 769	52.0
45 years or over	349	56.1	1 345	30.3	40	31.1	8 213	52.9	9 947	48.0
<i>Number of indicators of disadvantage</i>										
No or 1 indicator	43	7.0	3 059	68.8	18	14.1	10 644	68.6	13 764	66.4
2 or more indicators	579	93.0	1 386	31.2	109	85.9	4 877	31.4	6 952	33.6
<i>Long term health conditions</i>										
Mental illness	95	15.3	274	6.2	15	11.6	591	3.8	975	4.7
Physical ill health	256	41.1	604	13.6	32	25.3	2464	15.9	3357	16.2
All respondents	623	100.0	4 445	100.0	127	100.0	15 521	100.0	20 716	100.0

Note: N=20 716 respondents. Gender: $\chi^2=49.68$, $F_{3,62094}=11.01$, $p=0.000$. Age: $\chi^2=740.81$, $F_{3,62114}=165.65$, $p=0.000$. Indicators of disadvantage: $\chi^2=1187.63$, $F_{3,62096}=254.82$, $p=0.000$. Mental illness: $\chi^2=217.37$, $F_{3,62105}=49.26$, $p=0.000$. Physical ill health: $\chi^2=316.80$, $F_{3,62112}=70.85$, $p=0.000$.

Appendix Table A2: Prevalence of each problem group by type of tenure

	Type of tenure – respondents with problems									
	Public		Private		Public and private		Non-renter		Total	
	N	%	N	%	N	%	N	%	N	%
Accidents	31	5.1	408	9.2	6	4.7	1 160	7.5	1 605	7.7
Credit/debt	72	11.6	523	11.8	20	15.8	712	4.6	1 327	6.4
Consumer	152	24.4	1 186	26.7	30	23.3	2 901	18.7	4 269	20.6
Crime	124	19.9	812	18.3	35	27.5	1 983	12.8	2 954	14.3
Employment	34	5.4	399	9.0	24	18.7	833	5.4	1 290	6.2
Family	62	10.0	409	9.2	26	20.4	540	3.5	1 037	5.0
Government	73	11.7	603	13.6	21	16.2	1 527	9.8	2 224	10.7
Health	66	10.7	212	4.8	15	12.2	397	2.6	691	3.3
Housing	128	20.6	793	17.8	40	31.1	1 477	9.5	2 439	11.8
Money	21	3.4	266	6.0	8	6.1	889	5.7	1 183	5.7
Personal injury	46	7.5	411	9.2	16	12.2	971	6.3	1 444	7.0
Rights	67	10.7	359	8.1	27	21.2	749	4.8	1 202	5.8
All respondents	623		4 445		127		15 521		20 716	

Note: 20 716 respondents.

Appendix Table A3: Prevalence of housing problems of different types

Survey question number	Housing problems	Respondents with problems	
		N	% of all respondents
P5	Neighbours problems	1639	7.9
	Tenancy problems	599	2.9
P6	Renting public housing	85	0.4
P7	Renting privately	475	2.3
P7*	Renting–holiday accommodation	4	0.0
P8a-02	Strata title–tenant	49	0.2
P9a-02	Retirement village–tenant	2	0.0
P11	Nursing or group home–tenant	1	0.0
	Owned housing problems	414	2.0
P4.1	Home owner–mortgage payments	116	0.6
P4.1*	Home owner–other mortgage issue	1	0.0
P4.3	Home owner–other issue	216	1.0
P4.3*	Land ownership/use issue	6	0.0
P8a-01	Strata title–owner	91	0.4
P9a-01	Retirement village–owner	3	0.0
P8	Other housing (i.e. strata title–nfs)	18	0.1
	All housing problems	2439	11.8
	All respondents	20 716	

Note: N=20 716 respondents. Percentages do not sum to 100, because multiple problems were experienced by some respondents. Problems marked with * were not specifically asked about in the survey but were captured as open-ended responses to question P40 (which asked about 'any other legal problems or disputes' in the previous 12 months). The question number in the table next to each open-ended response indicates the closed-ended question which captured problems that were most similar to the open-ended response. A copy of the survey instrument is provided in Appendix A1, p. 261, of the LAW Survey report for Australia (Coumarelos et al. 2012).

Appendix Table A4: Barriers to obtaining advice from main adviser for 'all problems' by tenure type, neighbours problems and tenancy problems – legal, dispute/complaint-handling or government advisers only

Barrier type	Neighbours problems		Tenancy problems		All problems								
					Type of tenure								
	N	%	N	%	Public		Private		Non-renter		Total		
				N	%	N	%	N	%	N	%	N	%
Inconvenient opening hours	50	9.4	14	10.7	22	9	120	8.7	219	6.9	362	7.5	
Difficulty getting through on phone	90	17	27	20.4	68	27.6	254	18.3	475	14.9	797	16.5	
Difficulty getting appointment	39	7.3	9	6.5	25	10.2	122	8.8	200	6.3	348	7.2	
Took too long to respond	94	17.8	11	8.5	47	18.9	191	13.8	437	13.7	675	14	
Too expensive	27	5.2	10	7.5	25	10.2	181	13	316	9.9	522	10.8	
Too far away or hard to get to	21	3.9	9	6.7	27	11	128	9.2	224	7	379	7.9	
Inadequate or poorly explained advice	74	13.9	5	3.9	34	13.7	120	8.7	335	10.5	489	10.1	
Difficulty because non-English main speaker	0	0	7	5.2	4	1.5	6	0.4	5	0.1	14	0.3	
Didn't cater for people with disabilities	4	0.8	1	0.9	16	6.3	15	1.1	33	1	64	1.3	
Didn't cater for coming with young children	10	1.8	2	1.4	13	5.4	52	3.8	39	1.2	104	2.2	
Other barrier	23	4.3	2	1.3	18	7.3	65	4.7	121	3.8	204	4.2	
<i>All problems with legal, dispute/complaint-handling or government adviser</i>	529		130		248		1387		3190		4825		

Note: N=4825 problems (including 529 neighbours problems and 130 tenancy problems) with legal, dispute/complaint-handling or government main advisers. Percentages do not sum to 100, because multiple barriers were reported for some advisers.

Endnotes

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- ⁱ The term 'legal problem' is used throughout this paper for easy reference to a problem that is 'justiciable' in that it raises legal issues with the potential for legal resolution, regardless of whether the respondent recognised this or took any action involving the justice system (cf. Genn 1999).
- ⁱⁱ Where indicated in the text, statistical testing was undertaken to examine the relationship between a number of measurements and the type of tenure. An adjusted version of the standard chi-square test was used which applied a second-order Rao-Scott correction to accommodate weighting, and clustering of the data where appropriate (Rao & Scott 1984). Significance of the relationships was examined at the 0.05 level ($p < 0.05$). The adjusted standard residuals were calculated to assist with interpretation. The 'significant' differences between categories of variables described in the text are based on these residuals.
- ⁱⁱⁱ The LAW Survey addressed the disadvantaged status of its respondents using multiple indicators: Indigenous status, disability status, education, employment status, family status, housing type, main income, main language and remoteness of residential area. Further details of the disadvantaged indicators are provided in Chapter 2: The present study, p. 46 of the LAW Survey report for Australia (Coumarelos et al. 2012).
- ^{iv} In addition to these seven problem types, respondents that had rented both publicly and privately also had the highest rate of reporting government problems and personal injury problems. However, for these problem types the difference between the rate for these respondents and that of the other tenure categories was not statistically significant.
- ^v The strategy used in response to legal problems often involved more than one type of action. In the current paper, strategy was categorised according to the *highest* level of action used: (1) 'legal adviser', (2) 'non-legal adviser', (3) 'handled without advice' and (4) 'took no action'. The first two categories mean that a professional was consulted in a formal capacity, regardless of whether other actions were used. 'Legal adviser' denotes that the professional(s) included a lawyer or legal service, while 'non-legal adviser' denotes that the professional(s) were only non-legal. 'Handled without advice' means that a professional was not consulted, but some other action was used (i.e. used website or self-help guide, consulted relatives or friends informally, communicated with the other side, court or tribunal hearings had occurred or were likely, formal dispute resolution had occurred or was likely). 'Took no action' means that neither a professional nor other action was used.
- ^{vi} Note that a statistical test was used to examine the relationship between housing tenure and the likelihood of experiencing 'At least one barrier'. However, statistical tests were not performed in relation to any of the specific barrier types.
- ^{vii} Note that statistical tests were not performed in relation to any of the specific barrier types.
- ^{viii} Note that statistical tests were not performed in relation to any of the specific barrier types.

