



# Submission to the Aged Care Exposure Draft

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## About Housing for the Aged Action Group (HAAG)

Housing for the Aged Action Group (HAAG) is a member-based, community organisation specialising in the housing needs of older people. The organisation has over 850 members across the country actively working towards achieving housing justice. Established over 40 years ago as a grassroots movement, the organisation has developed a robust service delivery arm in Victoria and has a strong presence in advocacy for older people experiencing housing and homelessness related issues across Australia. During the 2022-23 financial year, HAAG supported close to 1,550 older people in Victoria.<sup>1</sup>

In 2016, HAAG was funded by the Wicking Trust (a philanthropic organisation) to conduct research in every state and territory to understand the depth and breadth of housing and homelessness issues of older people. In consultation and engagement with services, people with lived experience, advocates and peak advocacy bodies across Australia, the research project produced a number of reports on the housing issues of older people.<sup>2</sup> HAAG was funded in 2020 for a further four years to continue this work.

HAAG welcomes the opportunity to provide input into the development of the new Aged Care Act. This submission is based on our experience delivering housing and related support services to older people, research and lived experiences of older people experiencing housing stress or homelessness in Australia. We especially acknowledge the contributions to this submission made by members of HAAG's lived experience advisory groups including National Alliance of Seniors for Housing, Retirement Accommodation Action Group (RAAG), LGBTQIA+ reference group and culturally and linguistically diverse (CALD) reference group and NSW Lived Experience Advocacy Group (LEAG).

HAAG endorses the joint-submission made by Council on the Ageing (COTA) Australia and Older Person's Advocacy Network (OPAN) to the Aged Care Act Exposure Draft.

## Recommendations

- Elevate and strengthen protections for the diverse population groups identified in Statement of Rights within the Act with clear responsibilities and requirements on government, service providers and other stakeholders to ensure equitable access for all older people.
- Recognise housing as a human right in the Statement of Rights inline with Australia's obligations under Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- Ensure subordinate legislation to this Act include funding additional, tailored specialist housing support services for older people by increasing funding and geographical availability of services such as Care finder, and ensure that the focus of Care finder remains on assisting people at risk of homelessness with care and housing.

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<sup>1</sup> Housing for the Aged Action Group, Annual Report 2022-2023, accessible at: [https://www.older tenants.org.au/sites/default/files/annual\\_report\\_2021-22.pdf](https://www.older tenants.org.au/sites/default/files/annual_report_2021-22.pdf)

<sup>2</sup> See further: Housing for the Aged Action Group, Ageing on the Edge National Action Project, accessible at: <https://www.older tenants.org.au/ageing-edge-national-action-project>

## **Elevate diversity characteristics**

HAAG welcomes the provision that states Commonwealth aged care system offers accessible, culturally safe, culturally appropriate, trauma-aware and healing-informed funded aged care services, if required by an individual and based on the needs of the individual, regardless of the individual's location, background and life experiences. It is also encouraging to see these categories expanded in the new Act.

Although it is not seamless, this clear recognition of challenges older people with various intersecting vulnerabilities or disadvantages experience provides a framework for service providers and other stakeholders to ensure these cohorts of older people are not left behind.

Therefore, it is critical that the protections for diverse population groups are elevated in the Act with tangible requirements on government, service providers and other stakeholders rather than in the Statement of Principles or Statement of Rights (in Section 22). These requirements to support diverse population groups should be supported in legislation with clear actions and consequences for failing to meet the requirements.

It is imperative that the Government builds on the existing frameworks including the Aged Care Diversity Framework and the Aged Care Diversity Framework action plans. However, the government is yet to release the Homelessness Strategy that was developed in collaboration with various stakeholders. As the other Frameworks were developed a number of years ago, HAAG recommends updating the existing frameworks to be in line with the current changes to Aged Care sector.

In addition to a strengthened and elevated section on protections for diverse population groups through the Act, the new legislation should incorporate need for culturally appropriate, trauma informed care throughout the Act and ensure the protections of diverse groups are applicable to all aspects of the implementation of the new Act. This is particularly important for older people who are or have experienced homelessness and housing challenges, those who are from diverse cultural backgrounds, LGBTIQ+ older people and other diverse cohorts.

The reference to culturally appropriate service delivery is encouraging. However, there is no clear definition or clarity in relation to what 'culturally appropriate' services and supports entail. The subordinate legislation or implementation guidelines of the Act should include further details on broad statements such as 'culturally appropriate' services and how those would be implemented, reported on and monitored.

## **Housing recognised in Statement of Rights**

HAAG supports basing legislation on a human rights framework. However, we reiterate that this framework should ensure strengthening rights of older people who are experiencing disadvantage explicitly.

The entire Act is predicated on the premise that older people will receive their supports in residential aged care, in their home or in community. Having a stable home is not the reality for a significant proportion of older people. In 2021, the Australian Bureau of Statistics (ABS) estimated

that 19,372 people aged 55 and older were experiencing homelessness.<sup>3</sup> In addition, it was estimated that approximately 14,000 people aged 55 and older were in marginal housing (mainly in the form of overcrowded dwellings and caravan parks).

Census data from 2021 indicates that approximately 700,000 people aged 55 and older rented from a private landlord; a 73% increase relative from the 2011 Census.<sup>4</sup> Private rental is one of the most insecure forms of tenure in Australia and many older people in private rental properties are one rent increase, health incident or negative life event away from having to vacate their rental property, likely into homelessness.

The Royal Commission into Aged Care Quality and Safety final report states that ‘there is a need to increase the availability of accessible social housing throughout Australia, so that an increased number of older people, including people experiencing homelessness and those at risk of homelessness, can age and receive aged care services at home. Unsuitable and insecure housing poses greater risks of falls, injury and immobility, as well as the prospect of unanticipated or early entry into residential aged care.’<sup>5</sup>

#### Case Study

Arnold\* is a 69 year old male with physical and mental health issues including Dementia, chronic pain and uses a walking stick. Arnold’s wife is his full-time carer. She manages her own health issues as she is not eligible for My Aged Care services because of her age.

After the Arnold was assessed, he was approved for a Level 4 Home Care Package but they reported difficulty navigating and selecting a suitable provider due to experiencing housing stress and now homelessness.

The couple had been privately renting for several years before receiving a Notice to Vacate. They spent months searching for another suitable rental but were not approved for any. The majority of rentals had a shower over the bath which is unsuitable for Arnold's mobility needs. By the time they were expected vacate the property, the couple had no place to call home and stayed with a friend for a week before moving to a motel. They have exhausted all their savings and now face living on the street. Arnold's Home Care Package L4 approval expires in 30 days, and the couple do not know what to do next.

*\*Names have been changed for confidentiality*

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right to adequate housing. Australia signed ICESCR in 1973 and ratified it without

<sup>3</sup> W. Stone et al., Ageing in a housing crisis: Older people’s insecurity and homelessness in Australia, 2023, accessible at: <https://www.older tenants.org.au/publications/ageing-in-a-housing-crisis-older-peoples-housing-insecurity-homelessness-in-australia>

<sup>4</sup> W. Stone et al., Ageing in a housing crisis: Older people’s insecurity and homelessness in Australia, 2023, accessible at: <https://www.older tenants.org.au/publications/ageing-in-a-housing-crisis-older-peoples-housing-insecurity-homelessness-in-australia>

<sup>5</sup> Royal Commission into Aged Care Quality and Safety, Final Report: Care, Dignity and Respect, 2021, accessible at: [https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-3a\\_0.pdf](https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-3a_0.pdf)

reservations in 1975.<sup>6</sup> Despite the international commitments, Australia has not recognised housing as a human right yet.<sup>7</sup> Recognising housing as a human right at the federal level would create an imperative for people in Australia to be provided access to affordable and secure housing and prevent evictions into homelessness.<sup>8</sup>

Although there are multiple references to several articles in these international instruments, there is no reference to the right to housing in the new Act. Considering the cost saving to the government if older people did not prematurely enter aged care and are supported to age in place, HAAG recommends incorporating housing into the Statement of Rights in the Act.

There is also a clear need to end the siloed approach to different policy areas such as housing, aged care, disability, health and mental health. This point was also reiterated in the final report of the Royal Commission into Aged Care Quality and Safety which states ‘we note that there is currently no discernible connection between the Australian Government aged care program and any Australian Government or State or Territory Government housing program. This must change’.<sup>9</sup> The development of the new Act and the implementation guidelines should ensure that there is collaboration, information sharing and coordination between these parallel policy areas.

## Care finder program

Currently, Care finder program funded through Commonwealth Department of Health supports older people who are at risk of homelessness. As part of efforts to streamline navigation services for aged care, the previous Assistance with Care and Housing (ACH) services has transitioned out of the Commonwealth Home Support Programme (CHSP) and into the new Care finder program from January 2023.

The ACH service was a vital housing support program that assists and prevents older people from experiencing homelessness by assisting them to find appropriate, affordable and long-term housing options. As highlighted above, some older people may not access mainstream services due to a variety of reasons such as lack of awareness, stigma and access to digital platforms. Although this program supports people at risk of homelessness, the new focus of the Care finder program has broadened to assistance to link with ‘aged care and other services’, rather than predominantly focussing on housing. Without affordable and secure housing, aged care services in the home are difficult to provide, even if older people at risk of homelessness were to be ‘linked’ with them.

“The Care Finder service is a welcome additional tool for older people trying to get supports to live independently but they can’t do this if their housing is inadequate, inappropriate and unaffordable or owned by individuals or providers who refuse to approve and or install the

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<sup>6</sup> International Covenant on Economic, Social and Cultural Rights, accessible at:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>7</sup> Australian Human Rights Commission, Housing, Homelessness and Human Rights, accessible at:

<https://humanrights.gov.au/our-work/rights-and-freedoms/projects/housing-homelessness-and-human-rights>

<sup>8</sup> Justice Connect, Housing should be a human right, 2021, accessible at:

<https://justiceconnect.org.au/fairmatters/housing-should-be-a-human-right/>

<sup>9</sup> Royal Commission into Aged Care Quality and Safety, Final Report: Care, Dignity and Respect, 2021,

accessible at: [https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-3a\\_0.pdf](https://agedcare.royalcommission.gov.au/sites/default/files/2021-03/final-report-volume-3a_0.pdf)

modifications that they need ... There needs to be a bigger and better focus on housing in the aged care system.”

HAAG’s Care Finder team member

As demonstrated above, housing and care are inextricably intertwined and should be seen as two parts of a holistic framework that needs to be put in place to support older people to age in place and prevent premature admission into a residential facility. Therefore, Federal Government should fund additional, tailored specialist housing support services for older people by increasing funding and geographical availability of services such as Care finder. It is also critical to ensure that the focus of Care finder remains on assisting people at risk of homelessness with care and housing.