



Submission to the new Aged Care Act

Introduction

Housing for the Aged Action Group (HAAG) is member-based, community organisation specialising in the housing needs of older people. The organisation has over 850 members across the country actively campaigning for housing justice. Established nearly 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 the country. During the 2022-23 financial year, HAAG supported over 1,500 older people, and assisted about 170 older people into long term, affordable housing. We support a large proportion of older people from diverse backgrounds at risk of or experiencing homelessness.

In 2016, HAAG was funded by the Wicking Trust 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 project produced a number of reports on the housing issues of older people.¹ HAAG was funded in 2020 for a further four years to continue this work.

HAAG welcomes the opportunity to provide input into 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 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.

Recommendations

The Commonwealth Government should -

- Maintain the diversity characteristics in the new Aged Care Act (currently referred to as *special needs groups* in the 1997 Act) and explicitly articulate the fundamental rights that an older person of any background, situation or income should expect will be respected by the aged care system.
- Recognise the impact of housing and homelessness on Aged Care service system on individuals and at a systemic level and ensure there is increased funding for early intervention and support for older people to assist with their housing issues.

¹ See further: Housing for the Aged Action Group, Ageing on the Edge National Action Project, accessible at: <https://www.olderrenters.org.au/ageing-edge-national-action-project>

- Ensure that there is better collaboration, information sharing and coordination between parallel policy areas such as housing, homelessness, mental health, disability and other relevant policies both at the Federal and State and Territory levels.
- Fund 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.

Importance of maintaining diversity characteristics

HAAG is concerned about not including the protections that are currently in the *Aged Care Act 1997* (the Act) under 'people with special needs'. These protections are critical in ensuring all older people have equitable access to services and supports. The Act defines 'people with special needs' as -

- Aboriginal and Torres Strait Islander peoples, including those from stolen generations;
- people from culturally and linguistically diverse backgrounds;
- people who live in rural, remote, or very remote areas;
- people who are financially or socially disadvantaged;
- veterans;
- people who are experiencing, or at risk of, homelessness;
- care-leavers including Forgotten Australians and former child migrants placed in orphanages;
- parents separated from their children by forced adoption or removal;
- lesbian, gay, bisexual, transgender and intersex people;
- aged care recipients with a disability and those with mental health problems or mental illness.

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. Even with this legislative intervention, many older people we support are not receiving the supports they need.

Case Study

Craig* is an older man and he is the primary carer of his partner John* who has an aged care support package. Craig found the assessment processes for aged care challenging and unnecessarily complicated. Once John was approved, Craig started ringing services to find appropriate providers. When inquired from one service whether they have 'rainbow accreditation' the staff member from the service was dismissive of the question stated that "we support all older people and those accreditations do not mean anything".

**Names have been changed for confidentiality*

The Royal Commission into Aged Care Quality and Safety final report clearly identifies the critical need to maintain these diversity characteristics. The report highlights that failing to appreciate the

vast diversity within older people in care can make people feel like one of many in a homogenous group of 'care recipients' or 'consumers'. It is dehumanising.²

It further states, many people who come from diverse backgrounds and have had varied life experiences have problems accessing aged care services that meet their particular needs. This includes people from culturally and linguistically diverse backgrounds, veterans, people who are homeless or at risk of becoming homeless, care leavers, and people from the lesbian, gay, bisexual, transgender and/or intersex (LGBTI) communities. The existing aged care system is not well equipped to provide care that is non-discriminatory and appropriate for people's identity and experience.³

The report further states that the aged care system needs to be sufficiently accommodating and flexible to meet the diverse needs and respect the particular life experiences of all older people. **The new Act will enshrine a set of rights for older people, which are designed to enunciate the fundamental rights that an older person of any background, situation or income should expect will be respected by the aged care system.**⁴

The report further stated that diversity should be core business in aged care. Recommendation 30 of the report on Designing for diversity, difference, complexity and individuality further elaborates on this key point.⁵

This clearly demonstrates that the intention behind the new Aged Care Act envisaged by Royal Commission into Aged Care Quality and Standards emphasised the need for an Act that recognised the needs of older people from diverse backgrounds, situations or income levels. Therefore, it is critical that the new Aged Care Act include the diverse characteristics similar to the 1997 Act.

Housing as a human right

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.

Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises right to adequate housing. Australia signed ICESCR in 1973 and ratified it without reservations in 1975.⁶ Despite the international commitments, Australia has not recognised housing as a human right yet.⁷ Recognising housing as a human right at the federal level would create an

² 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

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ 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>

⁷ 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>

imperative for people in Australia to be provided access to affordable and secure housing and prevent evictions into homelessness.⁸

Intersection between Aged Care system and housing and homelessness

The Royal Commission into Aged Care Quality and Safety final report stated 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.⁹

Cost of living pressures, mainly due to skyrocketing rent, coupled with the significant inadequacy of Age Pension and Jobseeker payment are pushing older renters into severe housing stress and poverty. The rental market is particularly challenging for older people who are on low-incomes or relying on government income support payments as their main source of income. Even before the current rental crisis, Retirement Income Review Final Report found that renters and involuntary retirees experience higher levels of financial stress and poverty than the working-age population.¹⁰

According to census data, about 700,000 people aged 55 and older rented from a private landlord, a 73% increase in ten years. There are at least 220,000 older people over 55 renting privately, paying unaffordable rents.

In particular, our research identified 150,000 people over 55 renting privately in the lowest income households, earning on average, approximately \$650 a week. Affordable rent for this cohort is around \$200 per week. There are no market-based rental solutions that are affordable for this cohort. They are also less likely to find alternative income streams to increase their household income or supplement their income support payments.

In 2019-2020, there were about 120,000 older people in the lowest two income quintiles who were paying affordable rent. Since then, there was an 'unusually strong pace of growth in rent values nationally from late 2020, where the estimated median weekly rent value across Australian dwellings increased by \$115 through to the end of April 2023'.¹¹ Therefore, these older renters are now likely to be in significant rental stress and are unable to focus on their ageing related needs.

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.

⁸ Justice Connect, Housing should be a human right, 2021, accessible at:

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

⁹ 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

¹⁰ The Department of Treasury, Retirement Income Review Final Report, 2020, accessible at:

https://treasury.gov.au/sites/default/files/2020-11/p2020-100554-00bkey-observations_0.pdf

¹¹ Core Logic, Housing Affordability Report: Reflections on the Pandemic and the Rental Market, 2023, accessible at: <https://www.corelogic.com.au/news-research/reports/housing-affordability>

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*

As demonstrated above, for those who are homelessness or at risk of homelessness, having an aged care package will be of little use. Older people are unlikely to be focusing on their aged care services when they are forced to find affordable accommodation. Therefore, it is imperative that the Commonwealth Government invest in public and community housing with a proportion of it ringfenced for older people.

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. There are clear intersections between these policy areas and therefore, must have better coordination and collaboration between different departments as well as different layers of government. 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'.¹² The development of the new Act 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

¹² 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

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 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 our elders 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.