

Submission to consultation on the next NSW Government strategy for seniors, July 2020

The Tenants' Union of NSW is the peak body representing the interests of tenants in New South Wales. We are a Community Legal Centre specialising in residential tenancy law and policy, and the main resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs) in New South Wales. We have long-standing expertise in renting law, policy and practice.

Thank you for the opportunity to provide comments regarding the NSW Government strategy for seniors. We focus on three key issues: ageing in place, the precarious situation of 'older renters' in the private rental market, and the adequate resourcing of Tenants Advice and Advocacy Services and a 'Home-at-Last' service.

These issues fall under 'Housing Choices': Questions 18 to 22 of your survey.

Question 18: How important do you think the following is?

Being able to 'age-in-place'

The Family and Community Services' *NSW Ageing Strategy 2016-2020*¹ (pp 26-28) identifies older people's ability to live in affordable, accessible, adaptable and stable housing as a priority of the NSW Government. It asserts:

'older people increasingly prefer to "age in place" and grow older in their own communities – close to friends, family and services'.

NSW Department of Communities & Justice (2018), *NSW Ageing Strategy Research Report*² at page 130, states:

Most older people want to stay in their current community for as long as possible; with retirement villages seen as being for the old and frail. Across all age cohorts, most want to stay in their current community for as long as possible, and agree

¹ Viewed at: <https://www.facs.nsw.gov.au/download?file=382829>

² Viewed at: <https://www.facs.nsw.gov.au/download?file=631888>

that it is important they have a wide range of housing options available to them in the future.

However, the NSW Government does not have an explicit 'ageing-in-place' policy. The progress report of Year 3 of the *NSW Ageing Strategy 2016-2020* also makes no reference to an 'ageing-in-place' policy. Nevertheless, a number of significant documents commissioned as part of the *NSW Ageing Strategy 2016-2020*, such as the above report, refer to it.

A basic principle underlying it is that older people know what is best for their own lives and have the right to make decisions on their own behalf. An 'ageing-in-place' friendly policy provides the incentives for individuals to remain living in a community to which they have a strong attachment, either in their existing residence or alternate accommodation, with service supports.

Yet, over the life of the NSW Ageing Strategy 2016-2020, the NSW Government continued to evict older residents from the inner Sydney suburb of Millers Point. This was in total conflict with the principle of ageing-in-place. The redevelopment of old public housing estates poses real hardships for many older tenants. The forced relocation of residents of Millers Point in inner Sydney highlights the failings of Government in delivering practical outcomes and supports towards 'ageing-in-place'. In 2015 and 2017 the Tenants' Union of NSW made submissions to Elder Abuse Inquiries of the NSW Legislative Council³ and the Australian Law Reform Commission (ALRC).^{4 5} We argued that a government policy, in itself, may constitute a form of elder abuse and that the NSW Government's decision to relocate all the social housing tenants in the suburb of Millers Point was an example of systemic elder abuse.

The Tenants' Union NSW believes it is important that any future strategy include an explicit policy on 'ageing-in-place' and establish benchmarks against which wider Government policies can be measured regarding consistency.

In order to ensure public housing tenants are fully consulted in future redevelopment projects and that no repetition of what transpired in Millers Point occurs, in 2017 Shelter NSW, Tenants' Union of NSW and City Futures Research Centre at the University of NSW consulted widely with public housing tenants and produced a report entitled '*A Compact for Renewal: What tenants want from Renewal.*'⁶ The findings were presented to Government and community sector agencies with the intention of seeking their feedback

³ Viewed at:

<https://www.parliament.nsw.gov.au/committees/DBAssets/InquirySubmission/Body/53723/0039%20Tenants%20Union%20of%20New%20South%20Wales.pdf>

⁴ Viewed at: <https://files.tenants.org.au/policy/2016-09-14-ALRC-elder-abuse-inquiry.pdf>

⁵ Viewed at: <https://files.tenants.org.au/policy/2017-02-16-ALRC-elder-abuse-inquiry.pdf>

⁶ Viewed at: <https://www.tenants.org.au/resource/compact-renewal-what-tenants-want-renewal>

on the extent to which those agencies believe they could deliver what tenants want. A meeting was held with the then Department of Family and Community Services in February 2019 to work through the details of the draft principles for engagement document. Negotiations on this have currently stalled, which is unfortunate given the importance of such principles and guidance during the development of a masterplan for Waterloo.⁷ Many of the residents at Waterloo are ageing, as they were in Millers Point.

We recommend that:

1. As part of the review into the NSW Ageing Strategy 2016-2020, NSW Government ***both*** implement an explicit policy on 'ageing-in-place' ***and*** establish benchmarks against which wider Government policies can be measured regarding consistency.
2. NSW Government liaise with the sector to develop a document similar to 'A Compact for Renewal' referred to above.

Having enough supply and good design of affordable and accessible housing

Many older renters in the private rental market experience a precarious housing situation. Various words have been used to describe their plight: overlooked, a distinct financial disadvantage, condemned, vulnerable and financial stress.⁸

Anwen Crawford focusing on older women and housing vulnerability captured this well in her 2016 essay 'Nowhere to go – older women and housing vulnerability':

The number of older women who are rental tenants in Australia is growing, and these women ... are increasingly vulnerable to poverty and homelessness ... Housing affordability and security for rental tenants will only become a more pressing issue as Australia's population continues to age. And with more people unable to afford to buy a home, changes to housing policy now will help to determine the living conditions of tenants in the future.⁹

The 2016 Census found a significant increase in the number of people renting in New South Wales. Indeed, there was a slight shift away from home ownership towards renting. There were 826,922 renter households at the 2016 Census, which was 83,870 more than there were in 2011. This is double the increase we saw between 2006 and 2011.¹⁰ It also

⁷ Viewed at: <https://www.planning.nsw.gov.au/Plans-for-your-area/State-Significant-Precincts/Waterloo>

⁸ Viewed at: <https://www.tenants.org.au/blog/longer-lease-life-issues-older-renters>

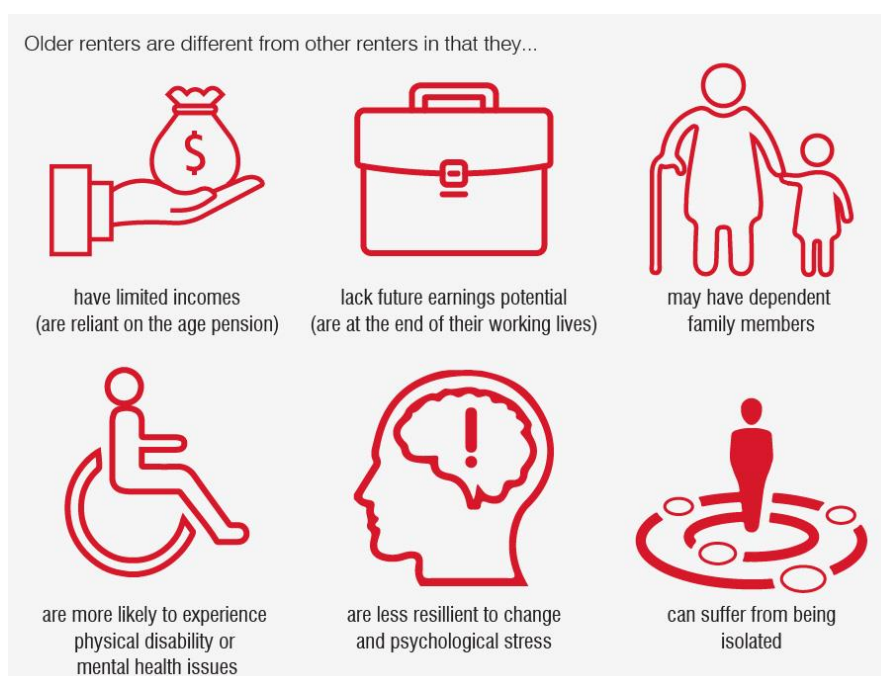
⁹ Viewed at: <http://rightnow.org.au/essay/sydney-housing-affordability-crisis/>

¹⁰ Viewed at: <http://tunswblog.blogspot.com/2012/06/tenants-at-census.html>

means our renting population has gone up in percentage terms since 2011 too - from 30.1% to 31.8% in 2016. It also means that more people are renting for longer.

In addition, Australia's population is ageing. Those aged 65 years and over now account for 16% of the total population, compared to 14% in 2011. The median age has increased to 38 years, after remaining at 37 years for the past decade.

The *Australian Housing and Urban Research Institute (AHURI)*¹¹ provides an excellent analysis of the situation facing older low income tenants in the private rental sector in their 2018 Report. We recommend this to you.

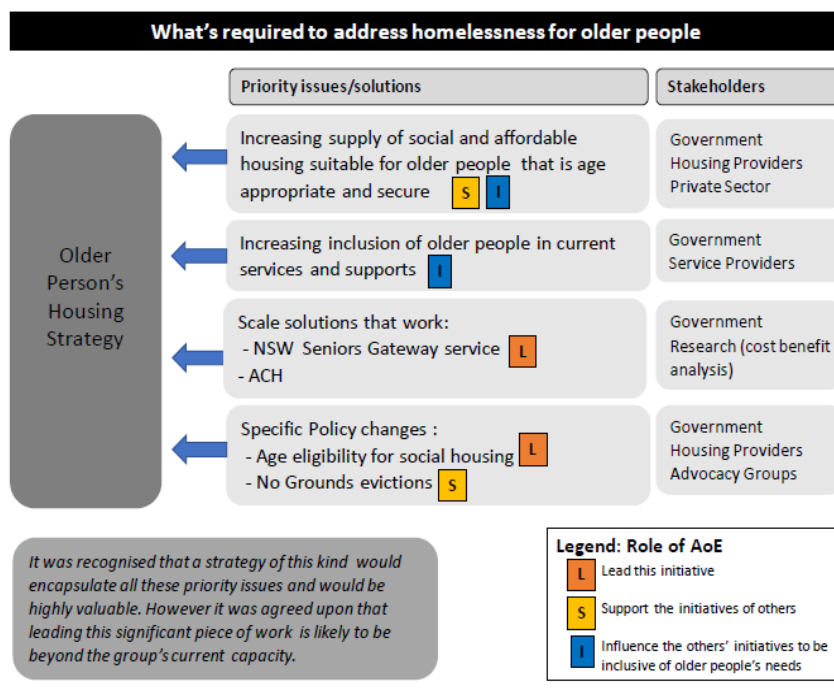


We also recommend to you the 'Ageing on the Edge' report released in November 2017.¹² It contains thirteen recommendations towards addressing the needs of older renters. The Tenants' Union of NSW is part of the deliberations of the 'Ageing at the Edge' Working Group in NSW.

The 'Ageing at the Edge' Working Group in NSW has reconvened as the 'Ageing on the Edge NSW Forum'. Below we reproduce 'What's required to address homelessness for older people', pulled together by the 'Ageing on the Edge NSW Forum'.

¹¹ Viewed at: https://www.ahuri.edu.au/policy/policy-analysis/supporting-older-lower-income-tenants-in-the-private-rental-sector?utm_source=website&utm_medium=homepage&utm_campaign=slider1

¹² Viewed at: https://drive.google.com/file/d/19umOhyI3IRyQpMLF_U0DE30Q2Lkgfq9z/view



In its pre-budget submission 2020/21, the Ageing on the Edge NSW Forum advocated for 'Housing justice for older people in NSW'. The Tenants' Union of NSW concurs with its recommendations which follow:

- Provide at least 5,000 additional social housing dwellings in 2020-21 (as part of a long-term plan to increase social housing stock)
- Improve access of older people to appropriate social and affordable housing by:
 - lowering the qualifying age for priority social housing under 80 years
 - increasing supply of social and affordable housing tailored to the needs of older people in terms of design, size and location
- Establish a state-wide housing information and support service for older people to provide a central point of contact for older people at immediate risk of homelessness and those who wish to plan for their retirement housing futures (based on the Victorian 'Home at Last' model and discussed above)
- Increase security of tenure for renters

Other: Housing information - Tenants Advice and Advocacy Services and 'Home-at-Last' service

The *NSW Housing Strategy* Discussion Paper ¹³ at page 48 states:

Improve housing options for older people: Helping older people to stay in their local area may require accessibility supports – physical or virtual healthcare or lower maintenance in their own home – and a greater mix of choices near easy-to-access places for people seeking to downsize. The NSW Housing Strategy could consider specialist housing for seniors, including encouraging this development in regional areas. Retirement living or high care facilities must be well located and integrated into communities, so that people can retain family, community and cultural connections.

The NSW Housing Strategy could consider universal design to make housing suitable for all potential residents, planning provisions that will help to create housing appropriate for older people, or innovative options such as home sharing platforms and digital technology to enable more people to live independently.

This strategy is silent on the need for timely advice and support services which are the key to its success. It focuses exclusively on the physical design and location of housing. Accordingly, its scope is limited, because it overlooks the real life experiences of older persons who are homeless or at risk of homelessness. They find it very challenging to navigate complex housing and aged care systems.

The fifteen generalist and four Aboriginal Tenants Advice and Advocacy Services spread across New South Wales are at the coal face of older persons struggling with the issues of homelessness, housing affordability and security of tenure. They are key players when older renters experience problems in their accommodation.

Tenants' Advice and Advocacy Services are funded under the NSW Fair Trading Tenants Advice and Advocacy Program, which uses monies from the Rental Bond Board Interest Account and the Property Services Statutory Interest Account. Except for special projects, there has been no significant increase in real dollar funding for these services, other than extra funds to cover inflation, for nearly two decades. The exception is one-off situations, such as the COVID-19 crisis. Yet, the work load of these services has increased dramatically, including for many years an expanded role as duty advocates at the New South Wales Civil and Administrative Tribunal (NCAT). Increasing funding for these services is a no-brainer. We ask that the NSW Ageing Strategy support an increased level of funding for the Tenants' Advice and Advocacy Services to reflect their increased workload.

¹³ Viewed at: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/A-Housing-Strategy-for-NSW>

The Tenants' Union of NSW is a member of the 'Ageing on the Edge NSW Forum'. We support the 'Home at Last' service model in Victoria being replicated in New South Wales. *Uniting* has indicated its willingness to put funds aside for such a services, but it also would require funding from the NSW Government. The Tenants' Union of NSW is supportive of this. It resources the Tenants' Advice and Advocacy Services and these services would work closely with a 'Home at Last' service.

We restate the 'ask' of 'Ageing on the Edge NSW Forum' here:

An increasing number of older people are at risk of and experiencing homelessness. The proportional increase in older people experiencing homelessness is greater than for any other group in NSW. Older single women are the group experiencing the fastest growth in homelessness.

Our ask: we want the NSW government to fund the establishment of a specialist housing support service to improve housing outcomes for financially disadvantaged older people so that they can age well in appropriate and affordable housing.

The **Home at Last service model** in Victoria demonstrates that better housing outcomes can be achieved for financially disadvantaged older people. Older people in a housing crisis are provided with one-on-one support to 'navigate the service system' and access appropriate and affordable housing. Older people are encouraged to access help earlier and plan for their housing future before reaching crisis point.

Key to the success of this model:

- **One-on-one engagement with clients** (including face-to-face) to assist them to understand and navigate the service system and provide them with tools to access the right support
- **Flexible responses in terms of duration and type of support** provided and the ability to provide a continuum of service options that can be best tailored to meet individual needs.
- **Deep knowledge of the sector** both in terms of the sector players and the services available
- **Specialist expertise** on the issues that older people face, particularly in accessing safe, affordable and appropriate housing
- **Embedding the voice of people with lived experience to deliver a more tailored and relevant program.** For example, using peer educators to deliver community information and development sessions
- **Targeted, tailored support** and engagement with different groups, such as, CALD and LGBTI people

We believe that this is an initiative that the NSW Ageing Strategy might also support.

Question 22: What could be done to make improvements?

1. As part of the review into the NSW Ageing Strategy 2016-2020, NSW Government *both* implement an explicit policy on 'ageing-in-place' *and* establish benchmarks against which wider Government policies can be measured regarding consistency.
2. The NSW Government liaise with the community housing sector to develop a document similar to 'A Compact for Renewal', referred to in the body of our submission.
3. Provide at least 5,000 additional social housing dwellings in 2020-21 (as part of a long-term plan to increase social housing stock).
4. Improve access of older people to appropriate social and affordable housing by:
 - lowering the qualifying age for priority social housing under 80 years, and
 - increasing supply of social and affordable housing tailored to the needs of older people in terms of design, size and location
5. Legislative action that increase security of tenure for renters.
6. The NSW Ageing Strategy support an increased level of funding for the Tenants' Advice and Advocacy Services which reflects their dramatically increased workload.
7. Establishment of a state-wide housing information and support service for older people to provide a central point of contact for older people at immediate risk of homelessness and those who wish to plan for their retirement housing futures (based on the Victorian 'Home at Last' model and discussed above).

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