**Ministerial Ref: UN Independent Expert - Call for contributions: the right to adequate housing of older persons**

* Seniors and Ageing are WA representatives on the Global Network of Age-friendly Cities and Communities and received this request through that forum.
* Questions are numbered one to 11, and answers are provided below each question.

1. **What are the local and national legal, policy and institutional frameworks protecting and promoting the right to adequate housing of older persons? Please identify both existing or planned legal frameworks such as constitutional provisions, laws, regulations, or decrees.**

* There are limited additional stipulated human rights protections for older people. If older people feel they have been discriminated against because of age, they can make a complaint to the Australian Human Rights Commission under the federal Age Discrimination Act 2004 (Cth) (ADA).
* Through this mechanism they can complain about discrimination in employment, education, accessing accommodation, accessing goods and services or in the administration of Commonwealth government laws and programs.
* Alternatively, they could make a complaint under state or territory anti-discrimination laws. However, the federal ADA does not protect an older person from age discrimination if it is:
  + done by a voluntary body – for example when offering membership or providing benefits, facilities and services to members
  + done in direct compliance with certain other laws (this can include aspects of taxation and superannuation laws).
* Also, unlike other anti-discrimination laws, relatives and people who are carers of older people are not protected from discrimination.[[1]](#endnote-1)

1. **What are the existing local and national action plans, development plans and support programmes for advancing the right to adequate housing for older persons? If available, please specify the budget allocated for their implementations.**

* All three levels of government in Australia (Commonwealth, State, Local) provide housing assistance programs and instruments but with little coordination. Government has tended to approach housing policy separately as either a social or an economic asset.
* An Australian Housing and Urban Research Institute report comments on the ability of government to respond: “there is almost no coordination between different housing policy instruments nor a conceptual framework through which the role and purpose of these instruments is identified”.
* Response to the need for housing has largely been left to the market.
* As there are three tiers of government in all Australian jurisdictions, and multiple plans and programs, it is not possible to outline the budget allocated for implementation.
* In WA, Ageing with Choice is the State Government’s response to support older Western Australians to access affordable, manageable and stable homes so they can age well in their community of choice.
* It includes a five-year plan to support older Western Australians, particularly those on low to moderate incomes, to access affordable, manageable and stable homes so they can age well in their community of choice. It commits to:
  + delivering an increased proportion of homes that can support ageing in place
  + trialling innovative housing options for people on low to moderate incomes
  + developing targeted responses for vulnerable groups
  + improving information and tools so older people can better understand and compare their housing choices.

1. **How are older persons involved and participating in the development of action plans, policies or legislation related to housing?**

* Due to the complexity of providing a national response, this response will be limited to WA.
* Ageing with Choice was informed by extensive consultation with older people, all levels of government, industry and the community sector.
* The directions established in Ageing with Choice has also informed the development of the [WA Housing Strategy 2020-2030](https://www.wa.gov.au/government/document-collections/wa-housing-strategy-2020-2030).
* In 2019, Communities led the development of the State’s first ever 10-year Strategy on Homelessness. All Paths Lead to Home: Western Australia’s 10-Year Strategy on Homelessness 2020-2030 (the Strategy) was co-designed with State and local Government agencies, community service providers and local communities. This whole-of-community Strategy creates the foundation for a significant shift in homelessness policy in Western Australia, moving from managing to aspiring to end homelessness.
* The Strategy prioritises evidence-based models of housing and support, recognising older people, in particular older women, as a priority cohort. Highlighting the need for targeted strategies that focus on early intervention rather than crisis responses to help older people maintain or access housing appropriate to their individual needs.
* Communities is working in partnership with private enterprise and Community Housing Organisations to deliver innovative housing options and targeted responses under the priority. One such initiative is the My Home Project, delivering high quality, architect-designed movable homes on vacant, state government-owned land to house people who have experienced homelessness. Set to for completion in late 2022, the initial My Home project will assist women over 55, who are the fastest-growing cohort experiencing homelessness in Australia.

1. **What challenges, barriers and forms of discrimination are faced by older persons in fulfilling their right to adequate housing? Please also include any existing legislation, policy or practice. Please also state how it impacts older persons’ enjoyment of other human rights.**

* With more people living longer, many will experience higher rates of chronic conditions and will require a greater level of care and support.[[2]](#endnote-2) At the same time, a growing number of older people do not own their own home or are reaching retirement age with a mortgage. Between 2006 and 2016, the number of people aged 55 to 64 with a mortgage increased nearly 80 per cent to over 95,000.
* Australia’s Age Pension settings assume most people will own their own home after retirement. With pension rates not keeping pace with rising housing costs, the private market is struggling to respond. This is creating increased demand for affordable homes that can support ageing in place.
* People’s housing needs change with age. While housing affordability affects everyone, older people are especially impacted because of their reduced earning and borrowing capacity and their specific housing needs.
* Many older people have insufficient superannuation and housing assets to meet their housing needs. A 2016 WA household survey found nearly half of older households could not afford an entry level apartment ($345,000).[[3]](#endnote-3)

1. **How do other factors (i.e., gender, sex, race, ethnicity, indigenous identity, disability, sexual orientation, gender identity, religion, social status, place of origin and immigration status) intersect and impact the enjoyment of older persons’ right to adequate housing?**

* In 2016, 45 per cent of private renters aged 65 or over were experiencing housing stress.
* The number of homeless older people aged 55 to 74 is increasing. Between 2011 and 2016, the number of homeless women aged 65 to 74 increased nearly 27 per cent (more than any other age group).
* Cost of living pressures are hitting low-income households the hardest. Since 2012, the cost of living for pensioners has increased by 12 per cent.
* Older people aged 65 or over make up 34 per cent of main tenants in public housing. With the ageing population, demand will continue to outstrip supply. Social housing alone is not a sustainable response.
* Older single women are more likely to be renting than couples or men and generally have lower levels of savings and superannuation.
* Indigenous people are less likely to own their own home. More than half of those 50 or over are renting. Many who want to remain on country struggle due to limited housing and support.
* Many older people in regional communities find it hard to age in place due to a lack of appropriate homes and services. Lower house prices in some regions mean that people who need to relocate from their community may not be able to afford to do so, even if they own their home outright.
* Older people who are dependent on others are more vulnerable to financial abuse and homelessness, especially those who have transferred assets to family in return for care. Vulnerability may be heightened among people from culturally and linguistically diverse backgrounds due to cultural expectations, social isolation, language barriers and lack of understanding of their legal rights.

1. **What impact has the COVID-19 pandemic had on older persons’ right to adequate housing in your country (e.g., has the pandemic caused any policy shift away from institutions and more emphasis on community supports)? What measures have been taken to minimize its impact?**

* Alongside the physical health impacts of contracting the disease itself, other measures that have been put in place to stop the spread of COVID-19 have had a substantial effect on the mental health and wellbeing of older people.
* These include the restriction of visitors to residential aged care facilities and other self-isolation measures.
* Social isolation of the older person, as well as stress and financial pressures on behalf of perpetrators, are some of the drivers of elder abuse in the community. As more people are at home, and more people are facing financial pressure, there is a risk of increased levels of elder abuse.[[4]](#endnote-4)
* Responses vary across Australia according to local policy settings, COVID conditions and other economic and social factors.
* Information on the most significant WA based policy response please see: <https://www.commerce.wa.gov.au/consumer-protection/residential-tenancies-covid-19-response>

1. **What alternative housing strategies for older persons, other than care homes and state institutions, exist in your country? What policies/programmes are in place to enable older persons to live independently in their communities as they age? Please provide detailed information.**

* Please see: [Commonwealth Home Support Programme (CHSP) | My Aged Care](https://www.myagedcare.gov.au/help-at-home/commonwealth-home-support-programme)

1. **What are the new and sustainable housing strategies for older persons considering the current concerns of the impacts of climate change?**

* Department of Communities, along with all WA Government Departments, are currently formulating actions that adapt and/or mitigate the impacts of climate change.
* This includes determining what actions are required in differing regions to reduce distress due to temperature extremes.
* The Department of Communities is preparing a Climate Action and Sustainability Strategy and Emissions Reduction Plan to provide a framework for provide resilient and sustainable public housing, including for older persons.
* Communities is collaborating with the Federal Government and other State Governments to trial a rating of rental properties for thermal performance under the Trajectory for Low Energy Buildings.

1. **How does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their right to adequate housing have been violated?**

* Depending on the nature of the issue, an older person may seek remedy through the [State Administrative Tribunal (SAT) (justice.wa.gov.au)](https://www.sat.justice.wa.gov.au/)

1. **What are the lessons learned from advocacy, legal, and policy actions undertaken to combat ageism and to access of adequate and affordable housing by older persons?**

* Information gleaned through these forums has helped to inform Ageing with Choice and other operational practices of the Department.

1. **Data:**
2. **Does your country collect data on older persons’ living conditions in your country? If yes, please provide any available and disaggregated figures and statistics (e.g., number of older persons: in institutions, living alone, living with family, or living in urban and rural areas).**
3. **Is data on older persons broken-down into groups of different ages over 65 years to plan and address each specific age group’s needs in terms of housing?**

* There are a range of datasets collected at a Commonwealth level, with the assistance of States and Territories. These include:
  + [Report on Government Services - Dataset - data.gov.au](https://data.gov.au/data/dataset/report-on-government-services)
  + [Housing Decisions of Older Australians - Dataset - data.gov.au](https://data.gov.au/data/dataset/housing-decisions-of-older-australians)
  + [National Aged Care Data Clearinghouse - Australian Institute of Health and Welfare (aihw.gov.au)](https://www.aihw.gov.au/about-our-data/our-data-collections/national-aged-care-data-clearinghouse)
  + <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>

1. [HRA\_older.pdf (humanrights.gov.au)](https://humanrights.gov.au/sites/default/files/content/letstalkaboutrights/downloads/HRA_older.pdf) [↑](#endnote-ref-1)
2. Australian Institute of Health and Welfare, 2018, *Older Australians at a glance*, web report, September 2018, <<https://www.aihw.gov.au/reports/older-people/older-australia-at-a-glance/contents/healthy-ageing>>. [↑](#endnote-ref-2)
3. Ageing with Choice [↑](#endnote-ref-3)
4. https://humanrights.gov.au/sites/default/files/2020-10/older\_persons\_-\_australias\_third\_upr\_2021.pdf [↑](#endnote-ref-4)