

Inquiry into homelessness amongst older people aged over 55 in New South Wales

Parliamentary Legislative Council Standing Committee on Social Issues

Thank you for providing an opportunity for Seniors Rights Service to highlight some important issues contributing to homelessness or the threat of homelessness for people over the age of 55 years. Seniors Rights Service is a rights-based community organisation that has been providing services to older people across New South Wales for over 35 years. Our submission focuses on the experience of our service users—older people who are vulnerable and/or disadvantaged—who come to our service seeking advice and support and this submission highlights some of the causal factors of homelessness that we see on a daily basis. It is our contention that unless the causes of homelessness or the threat of homelessness—elder abuse, family and domestic violence and poverty and disadvantage—are dealt with effectively, the number of older people experiencing homelessness will continue to grow and will represent an unacceptable social emergency.

Background

Our submission addresses only those questions in the *Terms of Reference* that are most relevant to the experience of our clients and addresses the factors affecting the causes of homelessness. In particular, our focus is on older women who are experiencing or at risk of elder abuse and/or family or domestic violence, as it is in these circumstances that we see most commonly the threat or actuality of homelessness arise. Indeed, elder abuse and family violence are the two most frequent precursors to homelessness in our female clients and unless the causes of elder abuse and family violence are addressed, the crisis of homelessness will only deepen.

Seniors Rights Service provides free legal advice services, aged care advocacy support and community education on the rights of older people. We have a strong record of supporting disadvantaged and vulnerable communities, people who live in regional, rural and remote locations, who are from Culturally and Linguistically Diverse Backgrounds, Aboriginal or Torres Strait Islander Peoples, and those who identify as LGBTIQ+. Our vision is for a society that recognises and upholds the rights of older people, and our services aim to empower and support older people to have agency and to enact their own rights. Last year we responded to over 9300 enquiries from older people, their families and carers. Many of these enquiries involved older people who were experiencing abuse including financial abuse and/or family and domestic violence. During the past two and a half years Seniors Rights Service has also been at the forefront of the community's response to the COVID-19 pandemic. Both the health and social burden of the pandemic has disproportionately impacted older people. The pandemic has created enormous distress for many older Australians and their families and has generated thousands of enquiries to our organisation. We have seen the call on our services not only increase, but the issues that we are helping clients to deal with have become much more complex and multi-faceted. Not only a health crisis, issues raised in the pandemic have involved the breakdown of social relations, increasing isolation, economic hardship, mental health issues and homelessness. The stress caused by the pandemic on every aspect of older peoples' lives has been significant and we predict, these negative effects will continue to play out over a number of years to come.

Factors effecting the incidence of homelessness

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At Seniors Rights Service we see many vulnerable people who present with multiple issues that are intricately interwoven. Homelessness, or the threat of homelessness, is one of the issues that is becoming increasingly prevalent both in its own right, and as a result of other stressors and circumstances. Unless these causal factors are dealt with, homelessness, or the threat of homelessness, will remain a major factor affecting the quality and safety of many older people's lives and in particular, older women's lives.

Lower socio-economic status of older single women

Studies from over fifteen years ago warned of the increasing poverty of older women, and in particular older single women ([It Could Be You 2010](#)). Although we are not a housing service provider, we frequently hear from our clients who are no longer able to afford to stay in the private rental market and who come to us to seek advice about their aged care options. Unfortunately, for many older people especially in regional areas, aged care options are limited due to a shortage of available places in their areas. For example, Marianna* an 85-year-old woman who has been renting privately on her own contacted our service recently because she had been told her lease was not going to be renewed. Given property prices, her place was going to be sold. Marianna urgently needed help to find a place to live that she could afford. She said she was feeling overwhelmed by the idea of moving on her own, at her age and in a pandemic. She said that she had been feeling very alone since the pandemic hit and she kept thinking about 'just jumping out the window' as it all seemed too hard. She clearly needed immediate help and we spent time working through her issues, were able to link her into a local housing support service and discussed with her other options, including entering an aged care facility. However, her options were extremely limited particularly in the short term, as there were not many options available for a woman in her circumstances.

Increasing the amount of social housing and emergency accommodation that is suitable for older women must be a priority so that women like Marianna have options if the private rental market fails them. In these circumstances, women cannot sit on waiting lists for years, they need suitable and affordable accommodation options immediately, or they will end up homeless and on the streets. As was documented in the *It Could Be You* report, many of the supported accommodation options are not suitable for older women and they would not feel comfortable or safe in many boarding houses or hostels that are predominantly populated by older men.

Recognising that older women are often economically disadvantaged with lower superannuation amounts if any at all, and often with few resources to their name, in these circumstances, housing options are going to be extremely limited.

Elder abuse

Elder abuse has been found to be a significant problem in Australia. Elder abuse is defined as an act that causes harm to an older person that is carried out by someone they trust. Elder abuse can take the form of financial abuse, physical abuse, sexual abuse, psychological abuse (otherwise known as emotional abuse), coercive controlling behaviour and/or neglect. A recently published prevalence study into elder abuse in Australia ([AIFS 2021](#)) found that 1 in 6 older Australians had suffered some form of elder abuse in the past 12 months. This represents almost 15% of older people living in our community (rather than in residential care settings). The study also found that perpetrators were mostly family members, with adult children the most likely to commit abuse, making up almost one fifth of perpetrators.

The Ageing and Disability Commission's data reports that elder abuse, including all forms of abuse,

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accounted for 79% of its complaints in the last quarter of 2021, two thirds of which concerned older women and over half these allegations pertained to adult children. Our own service experience is that clients often disclose patterns of psychological and emotional abuse by a family member, usually one upon whom they rely for care. This can make taking action even more complicated for older people and fear of the consequences of taking action, including becoming homeless, prevents them taking steps to get out of their situation. Instead, they stay living in abusive relationships with very negative consequences for their quality and enjoyment of life.

The intersectional factors of being older can significantly increase a person's vulnerability to abuse and exploitation and older women represent over 70% of all older victims of abuse in Australia (Australian Institute of Health and Welfare 2019). This abuse is not solely intimate partner abuse but can involve one or more members of a family. Helpline data has found that over 65% of elder abuse is perpetrated by a son or daughter of that person (National Ageing Research Institute 2015).

Over the past 35 years Seniors Rights Service has built expertise in the issues surrounding elder abuse including those concerning the misuse of Powers of Attorney and Guardianship, poorly constructed or non-existent family agreements, and the psychological pressures placed on older people by family members wanting access to financial resources. Our service has found that often, homelessness or the threat of homelessness is directly linked to an older person's experience of elder abuse. For example, we regularly advise and act for clients in family provision claims, often where a person has died and has not adequately provided for their partner in their will. The surviving spouse may not be able to afford to pay ongoing rent in their home or the family home may have been left to children or grandchildren in whole or in part, and this puts an immediate strain on the surviving spouse's housing circumstances.

Other cases of financial abuse that can lead to homelessness involve what is referred to as inheritance impatience where an older person might be residing on their own in their family home, but the children or grandchildren are wanting the house for themselves, or wanting the house to be sold and the proceeds to be split between them. In some circumstances older people are often pressured into an arrangement called assets for care, or a granny flat arrangement, where they agree to hand over their houses or property in return for an undertaking that the children will look after them indefinitely. In the absence of a formal agreement, these arrangements can break down and lead to the older person losing their home to family members, and being asked to move elsewhere, with few assets to help them find suitable alternative accommodation. By way of example, Connie* a 78-year-old woman sought our help as she was facing homelessness after she had agreed to transfer her house into her son's name in return for her being able to live in the house with her son's family with the understanding that they would take care of her. Unfortunately, the son's marriage disintegrated, and he and his wife decided to sell the house and to separate. Connie was facing homelessness and there was no intention by the son to give her any of the proceeds from selling the house.

Sadly, we see many instances of where these sorts of informal arrangements fail and in the absence of a formally documented agreement, the older person is left highly vulnerable to poverty and homelessness. This form of financial abuse is increasingly common and there needs to be much more information and education for older people about the necessity of ensuring any assets for care or granny flat arrangements are well documented and protect the older person in situations where these arrangements break down.

For First Nations Peoples the issue of financial abuse has been referred to as humbugging, meaning when someone demands money from someone else, with no intention of repaying it. This has become a significant

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issue for older First Nations Peoples who have been awarded significant amounts of money under various reparation schemes. Being forced to hand over any savings can leave an older person with no resources to support their own needs, including their housing needs. As an example of this situation, we recently supported Aunt Pat* who was being humbugged and placed into a situation against her best interests. Pat recently received reparation payments, including the Stolen Generation Redress Scheme, totalling \$225,000.00. Prior to receipt of these payments, she and her daughter were estranged for a lengthy period, and it was not until the daughter found out that her mother had come into the money that they started talking once more.

Pat's daughter pushed her to move out of her Department of Housing apartment in rural NSW, and instead forced her to build a granny flat in the daughter's backyard. If Pat did not do as the daughter wished, she would be blocked from seeing her grandchildren. At this point Pat came to our service for assistance, and we made her aware of the issues around granny flats and property rights. We explained the risks especially in the absence of a contract and the real possibility of finding herself homeless. Pat already knew that her daughter was planning to sell her house at some point in the future and had no intention of splitting the proceeds with Pat. In this case Pat saw the potential harm that could come to her and decided to keep her reparation payments and her Department of Housing apartment.

Family or domestic violence

In 2010, [*It Could Be You*](#) a study into older women and homelessness found that 'The experience of domestic violence has been the entry point for women into supported accommodation, and has tended to define women's experience of homelessness in Australia'. Over ten years later, this is still the experience of the women who come to us who are the victims of family or domestic violence.

Family or domestic violence does not simply stop once a woman reaches the age of 65 years. Indeed, many studies have shown that family or domestic violence and abuse can continue into a woman's later years and be perpetrated by adult children or grandchildren (NARI and SRV 2015).

An example of this ongoing family violence is provided by the case of Heda*, a 78-year-old woman who lives in her home with her husband of many years and who came to us distraught and frightened, not knowing what to do. Heda migrated from the Middle East in the 1950s and settled in Sydney. Her marriage was arranged by people in her village back home. Heda stated that her husband got very angry with her very quickly, he would lash out at her with his walking stick and yell and scream at her. She said he had always been this way but that lately he was getting worse. She shared that he is getting dementia and was accusing her of taking money and sleeping with other people. Heda contacted our service and talked about the stress of living with her husband and how the way he treats her is affecting her own health. She was not sleeping and things were getting her down. This abuse had been going on for a very long time, and she was also abused by her father. Heda said that this was the first time she had felt safe to tell someone about her abuse. She didn't know if she and her husband could continue to live together but she also didn't know what to do or where to go. Heda learnt from us that she had options and could be linked into specialised domestic violence services to explore more help. Heda agreed to a referral for ongoing case management and counselling at her local women's health centre. She was already worried about what she would do once her husband could no longer stay living in the home with her and how she would be able to afford to stay living in her house, as well as paying for her husband's aged care needs. She was also linked into our aged care navigator service to explore her options for getting some home care help and respite care, and also to investigate any residential aged care options for her husband.

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The National Plan to Reduce Violence against Women and their Children identified older women as a priority area of need with specialist support required for older women victims, yet little is being done to address their specific situations. Many older women, and in particular women who are isolated or who come from Culturally and Linguistically Diverse communities, have lived through an era with few supports and avenues to leave an abusive relationship in the past. Abuse may have become an entrenched part of their life. The impact of this abuse on an older woman's health, including mental health and subsequently their life span, is significant. Contemplating leaving a family home is just something that is culturally unacceptable to many, particularly if there is no suitable and affordable alternative accommodation to move to.

Seniors Rights Service is aware that there are significant barriers for older people to disclose abuse by an adult child or grandchild and that they require considerable psychological and practical support to do so, and to take legal steps. They may be reliant on the abusive family member for housing and for care and they may fear consequences for themselves if they challenge the perpetrator or take action against them. They may fear losing access to grandchildren for example, or to their housing. They may not have knowledge of or access to money, mobile phones, ATMs or OPAL cards. This is especially the case for older women living in regional and remote areas where there are limited services and in particular, limited alternative housing options.

Cultural norms and arrangements can be additional barriers for older women from diverse backgrounds (NARI and Seniors Rights Victoria 2015) leaving the family home and an abusive relationship. Older women have limited access to services, and this is compounded for regional women and those from culturally diverse backgrounds. For many older women retreating to a women's refuge is not an appropriate option, and often there are cultural factors that prevent them from feeling comfortable to seek housing in a women's refuge. Older women escaping family or domestic violence are an increasingly large cohort that needs specialist attention and housing support. Their needs and circumstances are not the same as those of young women with children. Most women's refuges are set up to accommodate younger women and children and they do not necessarily provide appropriate facilities or housing for older women. Providing more housing that is responsive to older women's diverse needs, particularly in regional areas, is urgently needed if older women are to be able to leave abusive relationships and not become homeless.

The COVID-19 pandemic

Seniors Rights Service has been at the forefront of responding to the COVID-19 pandemic given the greater impact of COVID-19 on older people. Many in the community acknowledge that there has been an increased risk of abuse during the pandemic, and in particular a risk to older people ([Australian Institute of Health and Welfare](#)). The [NSW Department of Health](#) itself has highlighted the increased likelihood of older people being abused during the pandemic. Evidence exists that financial abuse of older people is being exacerbated by the impact of Covid-19 and the attendant recession where adult children are having to return home because they might have lost their job and can no longer afford to pay rent, or parents are being forced to move in with their children (see [Respect Victoria](#)). Anecdotal evidence suggests older women and isolated elderly people in regional or rural areas are more likely to be affected by this form of abuse ([Older Women's Network NSW](#)). Many in the [legal profession](#) are warning about potential dangers from a surge in family members applying to the courts for control over ageing parents' physical welfare, property and financial assets during the pandemic. As noted above, this can be the result of inheritance impatience or simply that children who are struggling economically look to their parents' assets to meet their survival needs.

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We believe it is important to understand the negative fiscal impact the COVID-19 pandemic has had and continues to have on many older people including on their access to safe, affordable and appropriate housing. Our organisation is deeply concerned that older people will experience an increase in financial abuse brought about by these negative social drivers that family members are experiencing due to the pandemic, and this will lead to increasing homelessness or the threat of homelessness that keeps older people in unsafe and abusive circumstances. We note that as we enter the winter season in 2022, various new and strong COVID-19 strains are still prevalent in our community. In these circumstances the potential for the abuse of older people and consequent threat of homelessness will continue to occur.

Opportunities for early intervention to prevent homelessness

Seniors Rights Service proposes that it is essential to deal with the causes of homelessness for older people, particularly older women. This includes elder abuse, and family and domestic violence. Recognising the increased risks that the COVID-19 pandemic has placed on older people, we make the following recommendations:

1. Develop stronger measures to identify and prevent elder abuse such as supporting and funding public education campaigns that can assist older people to identify what elder abuse is, and better understand what they can do to either prevent or deal with it. Ensuring any education campaign is respectful and inclusive of diversity is fundamental to any community measures that are developed.
2. Provide community and legal education to ensure that older people understand what is involved in passing on their property to a family member, and how they can protect themselves through a formal family agreement in circumstances where family relationships break down.
3. Develop a community education campaign about older women and domestic violence that raises awareness with allied health professionals, community organisations, social support workers and other relevant services including police to better understand the nature of domestic and family violence as it manifests for older women and their families. Education resources and information should be produced in a number of community languages and recognise the cultural diversity of older people in our community.
4. Urgently provide more affordable social housing specifically allocated to older women that caters to the needs of older people, particularly older single women and those living in regional areas.
5. Temporary accommodation locations provided for older women must address their health and safety needs, such as the provision of lifts, safe floor coverings, and privacy. Boarding house regulations, standards and design must meet the safety and security requirements of older women.

*Names in case studies have been changed to provide anonymity and protect the client's privacy.

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