

16 February 2017

The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001

E-mail: elder_abuse@alrc.gov.au

Dear Madam / Sir

The Tenants' Union of NSW represents the interests of residential tenants in NSW and has done so since 1976. We are a not-for-profit co-operative, a community legal centre specialising in residential tenancy law and the peak resourcing body for the state-wide network of Tenants Advice and Advocacy Services. We seek to represent the interests of all tenants in NSW, including social housing tenants.

On 2 September 2016 my organisation forwarded a submission to the Elder Abuse Inquiry of the Australian Law Reform Commission (ALRC). You subsequently posted this submission (numbered 176) on your website at:
https://www.alrc.gov.au/sites/default/files/subs/176_tenants_union_nsw_3.pdf

In our submission, we specifically referred to Questions 1 and 3 in the Issues Paper released by the ALRC on 15 June 2016. Question 1 covers the definition of 'elder abuse'. We submitted that a government policy, in itself, may constitute a form of elder abuse. Question 3 states: 'The ALRC is interested in hearing examples of elder abuse to provide illustrative case studies.' We submitted that the NSW Government's decision to relocate all the social housing tenants in the suburb of Millers Point, New South Wales is an example of systemic elder abuse.

On 12 December 2016 you released a Discussion Paper and invited further submissions by 27 February 2017, prior to finalisation of your final report. A perusal of Chapter 1 of the Discussion Paper under 'What is elder abuse' shows that it is silent on the matters raised in our submission. The Discussion Paper limits itself to 'elder abuse' being the abuse or neglect of older people *by family, friends and carers*. Nowhere under the sub-heading 'What is elder abuse?' is there a discussion that a definition of 'elder abuse' should be sufficiently broad to encompass the consequences of explicit government policy. We believe this is a major omission. We believe that the ALRC should acknowledge that this issue has been raised in submissions to it.

In March 2014, 579 tenant and household members were to be relocated. At today's date 546 tenant and household members have either vacated or are committed to moving. A further 33 are still uncommitted to moving. In our submission dated 2 September 2016 we drew to your attention the impact this decision had on the lives of these people. What we said has been reported elsewhere. In early August 2014 Ms Kim Boettcher, solicitor for the Aged Care Rights Service (now Seniors Rights Service) addressed the United Nations' Open-Ended Working Group on Ageing (5th session), and drew attention to the plight of tenants of social housing at Millers Point and The Rocks, and of other older persons. She told to the Working Group how one of the elderly residents said to relocate her away from her community is 'one step short of putting you up against a wall and shooting you because it's saying you are of no value to society. You are worthless.' You may read her full address [here](#).

The Tenants' Union of NSW's submission to the Issues Paper contains a link to the paper entitled 'A contemporary forced urban removal: The displacement of public housing residents from Millers Point, Dawes Point and the Sirius Building by the New South Wales Government' by Professor Alan Morris of the University of Technology Sydney. It was published by Shelter NSW and reported that, after two years, the residents were describing the impact on them as 'brutal'. Again, you can read the story about the report [here](#).

Accordingly, in its final paper, we ask that the ALRC take up the points that we have made around the definition of 'elder abuse' and cite the example provided as supportive of this. We are aware that another submission to the Elder Abuse Inquiry made similar points. This was the submission (number 178) from 'Friends of Millers Point' that you subsequently posted on your website at: http://www.alrc.gov.au/sites/default/files/subs/178_friends_of_millers_point_redacted.pdf Again, the Discussion Paper is silent on the matters raised by Friends of Millers Point.

Please don't hesitate to contact me at Email: julie.foreman@tenantsunion.org.au or Telephone Number 8117 3700 should you wish to discuss this submission.

I would appreciate an acknowledgement that you have received this submission.

Yours faithfully

Julie Foreman
Executive Officer