



CARE FOR YOUR ASSETS: MONEY, AGEING AND FAMILY.

Second (revised) edition 2017



IF YOU DON'T SPEAK ENGLISH...



TRANSLATING AND INTERPRETING SERVICE (TIS) NATIONAL

131 450

To access an interpreter immediately, call TIS. Tell the operator the language you wish to speak, and the name and phone number of the organisation you wish to contact. Telephone interpreting is a free service that operates 24 hours a day/7 days a week.

www.tisnational.gov.au/en/Interpreters

CENTRELINK MULTILINGUAL CALL

131 202

Centrelink's multilingual phone service lets you speak to someone in your own language. Service in some languages is available by return call. If Centrelink is unable to speak your language, they will use a telephone interpreter service to help you.

Will This Guide Help Someone You Know?

Older people often don't seek advice when they are considering a change to their living or housing arrangements. Sometimes this is because they don't know who to ask, and because their issues are so personal.

Please help your older friend, neighbour, client or family member to access the information in this guide and to contact Seniors Rights Victoria.

IS THIS GUIDE FOR YOU?

This guide is about the things that are important to everyone – family relationships, money and a place to live.

Many older people choose to move in with family members so they can get the care they need as they get older. These arrangements often work well for everyone involved, but at Seniors Rights Victoria we see many that have gone wrong. Usually it is the older people who suffer the consequences and often this is avoidable.

This guide is for you if you are thinking about:

- Selling your home and giving the money to someone who has agreed to care for you in the future.
- Moving in with a relative, or having a relative move in with you.
- Transferring property to a close relative or friend.
- Giving or lending money to someone.

The guide will help you think through the possible personal and legal outcomes of any new arrangements before you make changes. It provides information and lists services that offer confidential advice.

This guide will also help you if you have already made any of these changes.

Have you already made an arrangement that involves a property transfer?

If there is a disagreement about it, it is important to get legal advice as soon as you can. The law has time limits for certain types of legal action. If you delay getting advice, you may lose the chance to take steps to protect any legal interest you may have.



ABOUT SENIORS RIGHTS VICTORIA

Seniors Rights Victoria provides information, support, advice and education to help prevent elder abuse and safeguard the rights, dignity and independence of older people. Elder abuse is any act which causes harm to an older person and is carried out by someone they know and trust such as family or friends.

Our experienced advocates and lawyers provide a welcoming and respectful environment where older people can talk confidentially about their experiences and choose their preferred course of action.

Our services include a Helpline, specialist legal services, short-term support and advocacy for individuals, and community education. Seniors Rights Victoria also provides leadership on policy and law reform and works with organisations and groups to raise awareness of elder abuse.

If you or someone you know is experiencing elder abuse, contact our free, confidential Helpline on **1300 368 821** or visit www.seniorsrights.org.au

CONTENTS

IS THIS GUIDE FOR YOU?	1
<hr/>	
ABOUT SENIORS RIGHTS VICTORIA	2
<hr/>	
LOOKING AFTER YOUR RELATIONSHIPS & YOUR PROPERTY	
What to do if you are thinking about living with and being cared for by your family	4
JON IS THINKING ABOUT MOVING IN WITH HIS SON...	
Things you need to know about sharing money or property with family and about Centrelink rules	6
...BUT JON'S DAUGHTER WANTS HIM TO MOVE INTO AGED CARE	
Things to consider if you are thinking about residential aged care	8
JON AND HIS FAMILY THINK ABOUT A FAMILY AGREEMENT	
How to work towards a formal Family Agreement	10
FAMILY AGREEMENT CHECKLIST	
Issues to explore with your family prior to making a Family Agreement	12
<hr/>	
BEING CARED FOR AT HOME/SHARING YOUR HOME	
Getting support to keep living in your own home and to deal with a problem family member/someone who lives with you	14
<hr/>	
LENDING MONEY	
Things to be aware of if you are planning to give or lend a family member money, or use your home to raise money for them	17
<hr/>	
PLANNING AHEAD	
Information on decision-making capacity and appointing people to make decisions for you; information on making a will	19
<hr/>	
DO YOU NEED A LAWYER?	22
<hr/>	
WHERE TO GET HELP	23
<hr/>	



LOOKING AFTER YOUR RELATIONSHIPS & YOUR PROPERTY

If you are considering transferring part or all of your home to a family member or selling it and giving them the money, so that they can care for you in the future, it is very important that you:

- Think carefully, especially about how it will affect your relationships.
- Talk to all those involved.
- Talk to someone independent and get expert advice (see p. 22).
- Understand how it will affect your pension, tax and future aged care fees and charges.
- Protect your interests – for example, by having a formal Family Agreement (see p. 10).
- Put alternatives in place in case things go wrong.

It is important to take your time and not feel pressured to make a decision. You have the right to make your own decisions rather than have other people impose choices and decisions on you. You may be able to achieve the results you want without such dramatic change.

If you are being pressured to move, sign documents, or make new financial arrangements, or if someone close to you is helping themselves to your money, talk to someone as soon as possible.

TALKING TO SOMEONE

Just sitting and talking with family, friends or a service provider can help you to organise your thoughts and priorities. Make a list of your concerns to discuss with someone such as your aged care case manager, your doctor or Seniors Rights Victoria.

Seniors Rights Victoria will:

- Listen to you.
- Explain how you might be affected now and in the future.
- Outline how to protect your interests.
- Help you find ways to resolve your concerns.
- Support you in taking the time you need to make these important decisions.

You may also need independent financial advice about how the proposed arrangements could affect you, and about alternatives.

TALKING WITH FAMILY

Families often suggest these arrangements because they are concerned about an older person's future security and because family members trust each other.

This means that if you have doubts or concerns about what has been proposed, it can be very difficult to raise them and discuss them openly with your family. Yet because these kinds of arrangements involve such significant issues, it is vital to learn about and discuss with family what effect they might have on you all. If potential problems are not talked about, you might be putting at risk the good relationships you have now.

It will help if you explain that talking through the proposal in detail is in everyone's interests. Give examples: if you do move in with your son's family, what if there is a future serious illness to deal with? What if your dog and their garden won't work?

Sometimes it can help to involve an independent third party, such as a professional mediator, to help run a family discussion (see p. 11).

JON IS THINKING ABOUT MOVING IN WITH HIS SON...

Jon is 73 years old and lives independently in a unit he owns, but a recent bad cold has left him feeling frail and less able to cope on his own.

Jon and his four children have begun to consider options for his future such as community care, residential aged care or Jon moving in with one of them.

Bill, one of his sons, suggests Jon sell his unit and lend part of the proceeds to Bill and his wife to build an extension to their home where Jon will live. Bill says he will provide his father's daily care. Jon's other children feel anxious about this and see part of their inheritance going to Bill.

Jon is cautious. He wants to know more about how this new arrangement would work. He decides to move temporarily to his son's house until he feels better.

THINGS YOU NEED TO KNOW ABOUT SHARING ASSETS WITH FAMILY...

Families sometimes provide for the care of an older family member into the future by using the older person's savings or money from the sale of their home to:

- Build a flat or bungalow for the older family member to live in.
- Renovate or extend a family member's home to make room for the older family member.
- Pay off a family member's mortgage.
- Buy a new house where the family can all live together.

Or sometimes a family member moves in with the older person and cares for them; and in return they are given part or sole ownership of the house.

These are all called 'granny flat' arrangements by Centrelink.

If you are considering any of these arrangements, you need to think through how it will work in practice, and get advice on the following:

- Can you get your money back if things change?
- Can you claim a property interest or be compensated later for what you contribute?
- How can you make it clear that your contribution is not a gift?
- What changes will be needed to your and other family members' wills?
- How will it affect your pension and tax?
- If you move into aged care later on, what effect will the granny flat investment have on your aged care costs?

Centrelink has special rules on granny flats. If you pay no more than a 'reasonable' amount for your 'granny flat interest', it should not affect your pension entitlement.

Giving away money or other assets ('gifting') can affect your Centrelink payments. 'Gifting' more than what Centrelink allows may reduce your pension entitlement and affect the government assistance you receive for aged care accommodation fees. Centrelink also recommends you put your 'granny flat' arrangement into writing, otherwise it may treat your contribution as a gift to your family.

Information and guidance are available from Centrelink's Financial Information Service (see **Where to get help**, pp. 23–24).

RECOMMENDED RESOURCES

Centrelink information about Assets (including Gifting)
www.humanservices.gov.au/customer/enablers/assets

Centrelink fact sheet on 'Granny Flats'
www.humanservices.gov.au/customer/enablers/granny-flat-right-or-interest

...BUT JON'S DAUGHTER WANTS HIM TO MOVE INTO AGED CARE.

Jon goes back to his own home feeling well and rested. His other children are unsure about the proposal for Jon to move in with Bill and his family, and how it might affect things.

Jon's daughter Grace wants him to go into aged care where he will be safe and secure. His other children agree, and think he should just transfer the ownership of his home evenly amongst them all.

Grace has been talking to friends about aged care arrangements and costs. Some facilities require the payment of a bond, and people often sell their home to raise this money. She tells Jon they should find out whether he would need to pay a bond and how much it would be.

THINGS TO CONSIDER IF YOU ARE THINKING ABOUT RESIDENTIAL AGED CARE...

Entry into residential aged care is based on an assessment of your care needs by an Aged Care Assessment Service. If you have been assessed as eligible for residential care, you need to consider:

- Do you feel ready to move into an aged care facility?
- How will it affect your quality of life?
- Are you concerned about your safety if you go on living at home?
- Are there alternatives that will let you stay at home? (See p. 14.)

You have the right to stay at home with support and not be pressured to move into residential care if it is not what you want. Seniors Rights Victoria has expertise in residential and community aged care and can support you to explore all your options.

You may also need to get some information about the financial aspects of moving into aged care:

- What are the costs?
- Does owning your own home affect aged care accommodation arrangements?
- Will you need to sell your home to pay a bond? Are there other options?
- How will it affect your pension entitlement, aged care fees and future finances if you move into aged care but keep your home?
- What are the tax implications of the different options?

My Aged Care on 1800 200 422 has information about services to help you stay at home, as well as on aged care facilities and costs.

Some people sell or transfer property to try to maximise their Centrelink payments or to avoid an aged care accommodation bond. But these choices might not be in your best interests.

You can discuss these questions and options with a Financial Information Service Officer at Centrelink on 13 2300.

You might also need independent financial advice from a financial planner.

JON AND HIS FAMILY THINK ABOUT A FAMILY AGREEMENT.

Jon's health declines and he needs more support.

Jon loves all his children and knows they have his best interests at heart. He feels he cannot please all of them and do what is best for himself. He needs help to think things through but is reluctant to discuss these personal issues with a lawyer.

Instead, Jon goes to his club to talk about it. The men there share his background and understand his feelings. At their suggestion, Jon visits the local community centre. They put him in touch with Seniors Rights Victoria.

After discussing everything with a Seniors Rights Victoria lawyer and advocate, Jon decides to sit down with his family to discuss what is possible, and to work towards a Family Agreement.

WHAT IS A FAMILY AGREEMENT?

Your family member's offer to care for you and give you a home in exchange for money or property can be made into a formal, written Family Agreement that records the detail of arrangements between you.

Why is it important to put your agreement in writing?

Writing down your agreement shows that all of you intend it to be binding, and it makes clear the terms of the agreement. Then, if the arrangement goes wrong, it is easier to resolve any disagreement. It also makes it clear that your contribution of money or property is not a gift.

START WITH AN IN-DEPTH FAMILY DISCUSSION

Discussing what everyone wants and how the arrangement might work in practice is a necessary first step towards drawing up a workable formal agreement. Making sure everyone understands

what is proposed will also help you avoid future conflict. See pp. 12–13 for detailed discussion points.

The discussion should involve everyone likely to be affected by the agreement, not just the parties to the agreement.

WHO CAN HELP WITH WORKING TOWARDS A FAMILY AGREEMENT?

You may feel unsure or vulnerable in negotiations about your current and future living arrangements and reluctant to talk about property and money. Family members will often have very different and strongly felt points of view. They can also be overprotective and this can make your own concerns about your current and future needs even more difficult to express.

Help to order your thoughts, guide your early conversations with family and advice to help you negotiate can be given by Seniors Rights Victoria. You can also go to your own lawyer for this advice and guidance.

Other services can also help you discuss these complex issues with family. The Dispute Mediation Centre, FMC Mediation and Counselling, and Relationships Australia Victoria offer facilitated family meetings for older people and their families who want to discuss future living arrangements. These are confidential services. They offer experienced mediators and interpreters can be arranged. (See **Where to get help**, p. 23.)

An ethnic welfare agency or Migrant Resource Centre may also support you and your family through the process. (See p. 23.)

If, after discussing everything, you and your family decide that you want to go ahead with the proposed arrangement, it is important to get legal advice on whether your interests are protected and to have a lawyer prepare the written Family Agreement for you.

Take your time to consider all the details of any agreement. You might need independent financial as well as legal advice, for example, to understand tax and Centrelink implications.

FAMILY AGREEMENT CHECKLIST

Working through this checklist with your family before you move in together can help to avoid problems in the future and protect your interests.

What should you consider first?

- Is everyone prepared to be bound by the agreement?
- How will the agreement affect other family members? (Try to involve everyone who might be affected.)
- Do you need to draw up a new will?
- Do other family members also need to change their wills?

Roles and responsibilities

- What care will be provided and by whom?
- What respite is there for carers? What arrangements will there be for holidays?
- What household tasks such as cooking and cleaning will you have to do or share?
- Will you be expected to look after grandchildren?

How much privacy and independence will you have?

- Will you have access to a car, or be able to be driven when you need to go out?
- Will you be able to have a social life separate from the family's, including having visitors?
- Will you have a separate mail delivery, telephone or internet access?
- Will you be able to have a pet?

What are the likely expenses?

- How will the cost of food and utilities be shared?
- What will the family agreement cost to prepare?

What if there are problems?

- How will any disputes be resolved?
- What if someone breaks the agreement?

What of the future?

- What will happen if your care needs increase? For example, because of health problems such as stroke, incontinence, loss of mobility, dementia.
- Does the agreement contain a process for regularly reviewing and amending the arrangement, or for ending it? For example, what if your adult child and carer divorces their partner, becomes bankrupt or ill? What if you re-partner or marry?

Every family is different. You and your family will have additional or different questions and issues that have to be worked through.

You also have to work out and agree on the structure and financial elements of the agreement.

Seniors Rights Victoria can help you think through these issues and advise on the legal and social implications. The Dispute Settlement Centre, FMC Mediation and Counselling, or Relationships Australia Victoria can help you conduct a family meeting to work through the issues and negotiate an agreement (see **Where to get help**, p. 23). Interpreters are available.



BEING CARED FOR AT HOME/ SHARING YOUR HOME

Seniors Rights Victoria has assisted many older people whose living and care arrangements with family have led to loss of their home and money and damage to their relationships, without any transfer of money or property being involved.

Some of the more serious cases have involved:

- Adult children moving in, with problems such as addiction or debt.
- Older people who are frail or vulnerable and dependent on another person for care.
- Overprotective children making decisions for their parents.
- Neglect or inadequate care.
- Dementia.

DO YOU NEED SUPPORT TO KEEP LIVING IN YOUR OWN HOME?

There are services available to help you keep living at home even if you need care. They include low-cost home help, personal care services and nursing services; and respite services or day programs that provide transport and outings.

Talk to your doctor, your local community health centre or aged services staff at your local council about accessing these services. You may need to be referred for an aged care assessment to qualify for some services.

Some community agencies will appoint a case manager – someone to help you work out how you want your life to be organised and the support and services you need to reach this goal.

Aged Care Assessment Services

Assessment helps determine the right level of care and whether you are eligible for government-funded assistance such as community care packages. Assessment can give you a greater variety of choices such as respite, community care and residential care.

Having an aged care assessment does not mean that you have to use any of the services you are eligible for.

DO YOU NEED HELP TO DEAL WITH A FAMILY MEMBER?

You may already be sharing your home with and/or being cared for by a relative or a friend. If they are not caring for you properly, or are taking your money or making you pay for their bills and food, or are abusing you physically or in other ways, there are things that can be done to stop this. There is also advice and support available to help you deal with the situation.

If you find yourself in this situation, Seniors Rights Victoria and other community agencies can offer confidential advice and help with:

- Ways to make your money more secure – for example, arranging with your bank or through Centrepay to pay bills.
- Aged care and other housing alternatives.
- Finding ways to improve your security and safety at home.
- Developing strategies to deal with a problem family member.
- Linking you to other support agencies.
- Referring you to specialist services for a family member's drug and alcohol abuse, gambling or mental health issues.

Stopping financial or other abuse

Seniors Rights Victoria or another community legal service can take action to stop other people accessing your bank accounts, or making transactions and decisions relating to your money and property without your consent. In some cases they may be able to get back money or property for you.

They can also help you get a court order (an Intervention Order) that protects you from an abusive family member by placing restrictions on the person's actions and movements. The person can also be removed from your house if your safety requires this.

If you would like to talk about or think you might need an Intervention Order, contact:

- Seniors Rights Victoria
- your local Community Legal Centre (see **Where to get help**, p. 23)
- a local solicitor
- Safe Steps on (03) 9928 9600 or 1800 015 188
- your case manager if you have one.

These services can arrange interpreters if needed.

Changing Centrelink nominee arrangements

A family member can arrange to be appointed as an older relative's nominee. There are cases of family members collecting their relative's Centrelink payments without permission. If you want to cancel a nominee arrangement, you can usually do this at any time by contacting Centrelink.



LENDING MONEY

You may want to help other family members by giving or lending them money. It is your right to do so, but be careful not to put your home or your financial security and future wellbeing at risk.

A GIFT OR A LOAN?

It is important to be clear about whether you intend money to be a gift or a loan. If the money is a gift, you are unlikely ever to recover it if you change your mind later on. If you lend money to a family member or friend and you intend them to repay it, it is important to record this in writing. Before gifting or lending money to a family member or friend, it is best to obtain independent advice.

USING YOUR HOME TO RAISE MONEY FOR FAMILY

Older people sometimes agree to act as guarantor for a son or daughter's personal or business loan, using their own home as security. Or they agree to mortgage their home, giving a family member the use of the money on the understanding that that person will make the loan repayments. Or sometimes people use reverse mortgages, where repayment is deferred, or home reversion schemes, to raise money for family.

Each of these options has legal and financial implications and risks, and you need to consider:

- What are the costs?
- How will it affect your current and future finances?
- How will it affect your pension entitlement?
- What are the tax implications?
- What will happen if your family member does not repay the loan?

If you are arranging to borrow money from a bank or other financial service provider for the benefit of your son or daughter, or to guarantee a bank loan to them, you should get independent legal advice first and make sure you understand the bank's terms.

If you are being pressured to borrow money or guarantee a loan for a family member, or to give or lend them money, talk to Seniors Rights Victoria.

Banks and other financial institutions have lending responsibilities. A loan should not be allowed if you cannot meet the repayments and the bank is relying on your home as security. Such a loan might be considered to be an unfair contract.

If this happens, you should see a lawyer or contact the Financial Ombudsman Service on **1800 367 287**.

RECOMMENDED RESOURCES

Financial Ombudsman Service, *The FOS Approach to Financial Difficulty* (for people having difficulty making loan repayments)

fos.org.au/publications/our-approach

and *A Guide for Dealing with Financial Difficulty*

fos.org.au/custom/files/docs/publication_a_guide_for_dealing_with_financial_difficulty.pdf

The Money Smart website has information on home equity release. www.moneysmart.gov.au under Superannuation-and-retirement



PLANNING AHEAD

There are other things you can do to protect yourself and to try to ensure that your wishes now are carried out in the future:

- Give someone you trust your power of attorney so they can make the right decisions for you when you no longer have decision-making capacity.
- Make a will so you can choose who to leave your property and things of personal value to.

DECISION-MAKING ABILITY OR 'CAPACITY'

The law says you are able and entitled to make your own decisions unless proven otherwise. This is called having 'capacity'.

Many people slow down mentally and suffer some memory loss as they age - this does not mean they have lost capacity. Capacity is linked to how well you understand information and how you apply it. You might still have capacity to make decisions about medical treatment or where you want to live but not understand banking arrangements any more.

Your capacity can be temporarily affected by stress, anxiety, medication, illness, urinary tract infection or injury; and then regained

after a temporary illness or stressful situation passes. You might have better capacity earlier in the day when you are less tired. If you are worried you may be losing capacity, talk to your GP, case manager, aged care service provider, or local health centre.

If you need help to protect your right to go on making your own decisions, or your right to have your wishes taken into account by the person you have appointed to make decisions for you, speak to your lawyer or call Seniors Rights Victoria.

APPOINTING PEOPLE TO MAKE DECISIONS FOR YOU

You can use a document called a Power of Attorney to appoint someone else to make decisions on your behalf. The law says you must understand what you are doing when you create these powers, and must do so of your own free will.

'Enduring' Powers of Attorney allow others to make decisions for you when you no longer can. On 1 September 2015 a new form called the Enduring Power of Attorney Appointment form was introduced. This allows you to appoint both a Financial and Personal attorney, or only one of these. The Personal power replaces the previous Enduring Power of Guardianship.

Giving someone your Enduring Power of Attorney (Financial) means they can make financial and legal decisions for you. You can choose when this power starts and you can limit the attorney's powers, for example, you can withhold the power to sell your home.

Giving someone your Enduring Power of Attorney (Personal) means they can make lifestyle decisions for you, and giving someone your Enduring Power of Attorney (Medical Treatment) means they can make decisions about your medical treatment. Both these powers only start when you can no longer make these decisions yourself.

Powers of Attorney you made before 1 September 2015 are still valid. If you make a new Power of Attorney after 1 May 2017 then it will automatically revoke any previous powers you made.

Seniors Rights Victoria recommends you use a lawyer to draw up Enduring Powers of Attorney, especially your financial and personal power of attorney. See **Do you need a lawyer?** on p. 22.

Who should you choose?

You should appoint someone you trust to be your attorney or guardian. It does not have to be a family member. Attorneys must act in your best interests and avoid conflicts of interest. Their responsibilities include keeping accurate records of the transactions they make for you.

When choosing your attorney, ask yourself:

- Are you confident this person will act in your best interests and take your wishes into account?
- Do they have money-management skills?
- Are they free of any problems with alcohol, drugs or gambling?
- Are they likely to outlive you?

Can powers of attorney be changed or attorneys removed?

Yes, if you have capacity to make this decision.

If you don't have capacity, the Victorian Civil and Administrative Tribunal can remove an attorney if they are satisfied the attorney is not acting in your best interests. They can appoint an administrator to make financial and legal decisions for you.

The Office of the Public Advocate or the Victorian Civil and Administrative Tribunal (VCAT) can help when there is a dispute about powers of attorney.

The Office of the Public Advocate and Victoria Legal Aid have information about powers of attorney on their websites – see p. 23.

MAKING A WILL

You don't need a lot of money or property to make a will. If you don't have a will, your things may not go to the people you want.

If you have already given or lent money or transferred property to a family member, you can make or change your will to reflect this.

To make or change a will you have to have capacity.

RECOMMENDED RESOURCES

The Law Handbook – Wills, estates and funerals:

www.lawhandbook.org.au/handbook under Contents > Health, aged care and wills

DO YOU NEED A LAWYER?

Seeing a lawyer doesn't mean you don't trust your family, it means you will be better informed about any arrangements and your options.

A lawyer can:

- Help you understand what the arrangement will mean.
- Help protect your money and property.
- Try to get back any money or property you have lost.
- Talk to you about your will and suitable powers of attorney.
- Help you protect your safety if that is an issue.

A lawyer can also put into writing any agreement you and your family make to share financial and living arrangements.

A lawyer should give you independent legal advice that is suitable for you and your circumstances. Your family members need to get their own independent legal advice.

The lawyer should:

- Find out what you want.
- Organise an interpreter if needed. (To make sure the advice is independent, it is better not to use a relative as your interpreter.)
- Make sure you hear what is being said and that you can read any paper work they give you.
- Be satisfied that you fully understand your situation and the advice they give you.

Lawyers have to tell you about their charges before they start work, and you can negotiate how and when you will pay.

Remember, legal advice now may help you avoid losing money later if things go wrong. If you are not satisfied with your lawyer, you can change them.

Seniors Rights Victoria has lawyers who can help you. The Law Institute of Victoria can also help you find a lawyer (see p. 23).

WHERE TO GET HELP

LEGAL, ADVOCACY AND DISPUTE RESOLUTION SERVICES

Seniors Rights Victoria

1300 368 821

Free information and referral, legal advice, legal casework and individual advocacy services on elder abuse.

www.seniorsrights.org.au

Victoria Legal Aid

Legal Help

1300 792 387

See also Find Legal Answers section

www.legalaid.vic.gov.au

Community Legal Centres

03 9652 1500

Free legal service to the public. Conditions apply. See Getting legal help section at

www.fclc.org.au

Law Institute of Victoria – Legal Referral Service

03 9607 9311

Referral to private solicitors. Bilingual lawyers available. Information on choosing a lawyer, getting advice and costs under

Find a Lawyer at

www.liv.asn.au

Office of the Public Advocate (OPA)

1300 309 337

OPA protects and promotes the interests, rights and dignity of people with a disability, including dementia, and can help with Powers of Attorney and Guardianship issues.

www.publicadvocate.vic.gov.au

Mediation Services

FMC Mediation and Counselling

1800 639 523

Relationships Australia Victoria

03 9261 8700

Dispute Settlement Centre

Victoria (DSCV) **1300 372 888**

The DSCV is part of the Victorian Department of Justice and provides free dispute resolution services to all Victorians.

www.disputes.vic.gov.au

FINANCIAL AND OTHER INFORMATION SERVICES

Seniors Information Victoria

03 9654 4443

Free information on a wide range of issues of interest to older Victorians.

www.cotavic.org.au/info/siv/

WHERE TO GET HELP CONTINUED

Centrelink

13 2300

Information about pensions, retirement, carers, disability. Centrelink's Financial Information Service (FIS) can help you understand the effect on your pension and aged care fees of particular financial or living arrangements. You can ask to speak to someone in your own language. You can make inquiries anonymously but any information you provide is not confidential. www.humanservices.gov.au/

Centrelink Multilingual Call

13 1202

Centrelink's multilingual phone service lets you speak to someone in your own language.

National Debt Helpline (formerly MoneyHelp)

1800 007 007

Free, confidential, independent financial information and phone counselling service for people in financial difficulty. Can also find you a free financial counselling service in your area. www.ndh.org.au

MULTICULTURAL AND INTERPRETER SERVICES

Ethnic Communities' Council of Victoria Inc. (ECCV)

03 9349 4122

The ECCV is the peak body for ethnic and multicultural organisations in Victoria. ECCV can provide contact information for ethnic or multicultural services in your area.

www.eccv.org.au

Translating and Interpreting Service (TIS) National

13 1450

To access an interpreter immediately, call TIS. Tell the operator the language you wish to speak, and the name and phone number of the organisation you wish to contact. Telephone interpreting is a free service that operates 24 hours a day/7 days a week.

www.tisnational.gov.au/en/Interpreters

First published in 2012 by Seniors Rights Victoria
COTA Victoria.
03 9655 2129
info@seniorsrights.org.au
www.seniorsrights.org.au

© Seniors Rights Victoria/Council on the Ageing (Vic.) 2013, 2017
Second (revised) edition 2017
ISBN 978-0-9873184-3-5
ISBN (electronic) 978-0-9873184-4-2

This guide can be accessed in electronic form (as a PDF) at www.seniorsrights.org.au

Researched and written by Louise Kyle

Edited by Jennifer Lord

Revised 2017 by Carol Stuart

Design by The Luminus Collective

Printed by Rooster IMC

ACKNOWLEDGMENTS

We would like to acknowledge the contributions of:

Project Steering Committee: Jenny Blakey, David Davis, Belinda Evans, Dr Susan Feldman, Louise Kyle, Kate Ling, Sandra McCullough, Mary Milsom.

Project Focus Groups:

COTA Volunteers – Gail Thornthwaite, Ken Haley, Paul Oppy, Val McCormack, Jill Campbell.

COTA Peer Educators – Pamela Joy, Betty McDonald, Vivienne Lowe, Anita Fraile, Carol Smith, Mary Walsh, Geni Sexton.

Kate Duff and advocates from Alpine Aged Care Advocacy Services.

Kathy Day and Karyn Perry from Bellarine Community Health for sharing their expertise and organising a test read. Members of the Thursday Activity Group for participating in the test read.

Stelios Piakis and Tina Douvos of Australian Greek Welfare Society.

Ada Poon of Chinese Community Social Services Inc.

Karen Ivanka from COTA Victoria.

Legal Services BOARD
Funded through the Legal Services Board Grants Program

 **Victoria Legal Aid**



This CLC is funded and supported by
Victoria Legal Aid

This guide is part of a larger project funded by the Legal Services Board.
Revised edition funded by the Department of Health and Human Services.

This publication is intended as a guide to the law and should not be relied on as legal advice. While every effort has been made to ensure this information is as up-to-date and accurate as possible, the law is complex and constantly changing. Seniors Rights Victoria/Council on the Ageing (Victoria) Inc. disclaim all liability for errors or omissions of any kind, or for any loss or damage, in whole or in part, arising from any person relying on any information in this publication. This publication includes references to external websites. Seniors Rights Victoria does not control and accepts no liability for the content of those websites or for any loss or damage arising from the use or reliance on those websites.

Many older people choose to move in with family members so they can get the care they need as they age. These arrangements often work well for everyone involved, but at Seniors Rights Victoria we see many that have gone wrong. Usually it is the older people who suffer the consequences and usually this is avoidable.

This is why we have produced this guide. We hope you will find it useful in planning for your future.



Seniors Rights Victoria acknowledges the support of the Victorian Department of Health and Human Services, Victoria Legal Aid and the Commonwealth of Australia Attorney General's Department.

Seniors Rights Victoria is a program of COTA Victoria.



Helpline: 1300 368 821
Admin: (03) 9655 2129
Email: info@seniorsrights.org.au
www.seniorsrights.org.au

