

**Everyone
deserves
respect**

**A booklet
for seniors in
Tasmania**



**Legal
Aid**

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Tasmania Legal Aid acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners, and continuing custodians of the land and waters of this island, Lutruwita (Tasmania), where we live and work.

DID YOU KNOW?

You have the right to:

- make your own choices
- have access to food, shelter and medical care
- feel safe and comfortable in your own home
- be treated with respect
- know how your money is being spent
- see your family and friends when you want to.



About us

Tasmania Legal Aid's Senior Assist is a team of lawyers and case managers providing free legal advice, assistance and support to seniors who are experiencing elder abuse.

We can help with information and planning to prevent elder abuse.

We can visit you in your home or a safe place.

We can assist if you:

- live anywhere in Tasmania
- are aged 65+
- are aged 50+ (for people who are Aboriginal or Torres Strait Islander)
- are experiencing, or at risk of elder abuse.

Senior Assist can:

- help you understand your rights
- support you to make your own decisions
- give legal advice and support
- help you to report matters to police or other agencies
- provide emotional support, and
- refer you to support services.

Tasmania Legal Aid can also help with other legal questions you might have.

Contact us

Call our Advice and Legal Services number on **1300 366 611**.

If you would like to refer someone to our service or ask questions you can also email us at senior.assist@legalaid.tas.gov.au

Think about your answers to these questions:

- Do you know how much money you have in your bank account ?
- Do you have the freedom to spend your money?
- Do you have contact with your family and friends?
- Do you attend the social activities you want to?
- Do you receive medical attention when you need it, and have a say about your healthcare and treatment?
- Are your personal care needs (showering, personal hygiene etc.) taken care of?
- Are you treated respectfully by your family and friends?
- Do you feel safe at home?
- Have you planned ahead for your care needs?
- Do you know where your legal documents are?

Did you answer 'no' to any of these questions?

If you have any concerns about your situation, you can talk to us.

Call **1300 366 611** and ask for Senior Assist.

Planning ahead

My Aged Care

My Aged Care can help to get you in-home support, access to residential respite care and help if you want to move to residential aged care (a nursing home) to live.

More information can be found here:

www.myagedcare.gov.au or phone **1800 200 422**.

Council on the Ageing (COTA) Tasmania provides a range of aged care information and support services for individuals, families, groups, and service providers. They can talk to you about the different options and help you to get the services you need: www.cotatas.org.au/programs/aged_care_support or phone **(03) 6231 3265**.

Wills

A Will is an important written document where you state what happens to your assets after you die. Making a Will allows you to make choices about this. It also allows you to choose an executor to make sure your wishes are met.

Tasmania Legal Aid has fact sheets about Wills:

- How to make a Will
- What happens if you die without a Will
- Following a Will after someone has died

Visit our website – www.legalaid.tas.gov.au/factsheets/wills – or call **1300 366 611** for more information.

Enduring Power of Attorney

An Enduring Power of Attorney is a legal document that allows you to choose who will make decisions for you about financial and legal matters. It starts when you can no longer make these decisions for yourself. This is a very important decision and you should appoint a person you trust to act in your best interests. For this reason it is wise to seek legal advice about how to protect yourself. Visit our website – www.legalaid.tas.gov.au/factsheets/enduring-power-of-attorney – or call **1300 366 611** for more information.

The signed document has to be registered with the Land Titles Office. You can find fact sheets and forms here: www.dpipwe.tas.gov.au

What is an enduring guardian?

An enduring guardian is who you appoint to make health and lifestyle decisions when you can't make these decisions yourself. These decisions are things like where you live, who can visit you, which doctor you go to, your medical or dental treatment and other services you may need to support you.

Visit our website www.legalaid.tas.gov.au/factsheets/enduring-guardianship or www.guardianship.tas.gov.au/forms2 You can also call us on **1300 366 611** for more information.

What is an advance care directive?

An Advance Care Directive (ACD) allows you to decide what healthcare and treatment you want and don't want in the future, if you are unable to make and communicate these decisions yourself.

You can include:

- Information about your values or wishes, which can guide a person making a decision about your healthcare
- Treatments you don't want and in what circumstances.

It is recommended that you discuss this with your doctor or a health professional and with family and close friends. Make sure that someone you trust knows you have an ACD and that they have a copy or know where to find it.

You can find more information about ACDs here:

www.advancecareplanning.org.au. Make sure you click on the Tasmania link. You can also call Advance Care Planning Australia on **1300 208 582**.

Voluntary Assisted Dying ('Euthanasia')

It is important to note that the law has recently changed in Tasmania. Speak to your GP or call Tasmania Legal Aid for more information or legal advice.

DID YOU KNOW?

Each state and territory has their own laws covering Powers of Attorney, Guardianship, Advance Care Directives and voluntary assisted dying. Make sure you get information from Tasmanian sites. Seek legal advice if you have a document from another state or territory.

Planning for retirement

If you work, future planning should include your financial situation. Think about your income after you retire, e.g. the age pension, superannuation, savings, and investments. It is never too late to plan. Services Australia (Centrelink) has some great information on their website:

www.servicesaustralia.gov.au/individuals/subjects/age-pension-and-planning-your-retirement or call **132 300**.

Planning ahead checklist

Think about these things when planning ahead:

Your Will

- I have a Will
- My Will reflects my wishes
- I trust my Executor.

Enduring Power of Attorney

- I have an Enduring Power of Attorney
- I trust my Attorney to manage my money and make decisions in my best interests
- I chose my Enduring Power of Attorney and was not pressured to appoint them.

Enduring Guardianship

- I have an Enduring Guardian
- My Guardian is aware of my wishes and directions about what healthcare and accommodation I want in the future
- I trust my Guardian will make decisions in my best interests and knows what I want.

Advance Care Directive

- ❑ Discuss your future health and medical care wishes with people close to you and your doctor
- ❑ Ask your doctor to help you document your Advance Care Directive
- ❑ Make sure your family and doctor knows you have an Advance Care Directive and have a copy or know where it is kept.

Storing planning-ahead documents

- ❑ Store your documents somewhere safe
- ❑ Consider giving a copy to a trusted person (e.g. a lawyer or your Doctor)
- ❑ Tell a trusted person where these are kept.

DID YOU KNOW?

Giving property or money to a loved one might impact on your Pension. For more information and financial advice about Pensions contact Centrelink Older Australians Line on:

132 300



Family, finance and your home

Many older people are asked to help their family financially.

They often agree to do this by using or sharing their home or assets.

Families sometimes make arrangements like this in return for care, or there might be an expectation that the money is repaid.

This might include:

- Giving money to a family member/s
- Giving money to family from the sale of your property
- Allowing your home to be used as security for someone's loan
- Being a guarantor for a loan for someone else
- Transferring your home into your child's name
- Paying for a granny flat for you to live in
- Allowing an adult child to move into your home or a rental property.

These arrangements can work well and are often well-intentioned, but sometimes don't work out. We recommend getting independent legal and financial advice before making a decision. Putting the agreement in writing can provide clear expectations, set out what will happen if things go wrong and reduce the chance of costly disagreements.

Sally's story



Sally is an 82 year old woman. Her son, Jack, moved into Sally's home after his divorce. Jack became Sally's carer.

Jack helps about the house and supports his mother with her medical appointments.

Sally gives Jack her bank card to do the shopping. Jack never shows her the shopping receipts when she asks.

Jack also pays bills on-line for Sally and she does not get bank statements in the post anymore.

Jack is Sally's Enduring Power Of Attorney.

Do you think this is ok for Sally ?

What would you do if Sally was your friend and talked to you about her situation?

DID YOU KNOW?

You can call the Tasmanian Elder Abuse helpline for confidential advice on:

1800 441 169

Elder abuse

Elder abuse happens when someone in a relationship of trust with an older person hurts, neglects, abuses or takes advantage of the older person. Often the person causing harm is an adult child or close relative. Abuse can be physical, emotional, sexual or financial. It can also include neglect.

It is not okay if a trusted person:

- hurts you physically – e.g. slapping, hitting pushing, sexually abusing or restraining you
- calls you names, threatens or intimidates you, swears and shouts at you or humiliates you
- refuses to let you go out or do the things you like, or have contact with your friends
- is meant to take care of you but doesn't give you enough food, clothing, shelter or personal care
- pressures you to give them money, takes control of your money or property, or forces you to sign things you don't want to sign or don't understand.

Call the Tasmanian Elder Abuse helpline for information, advice and support on: **1800 441 169**.

The law can help protect you from abuse:

- Some types of behaviours are crimes (for example, assault, theft or fraud) and can be reported to the police
- A Restraint Order can protect you from the person who makes you fear for your safety. A Restraint Order can also make someone leave your home
- You may be able to recover money or property from the person who took it
- You may be able to get compensation for loss or harm.

Contact us for legal advice

Call our Advice and Legal Services number on **1300 366 611**.

Family violence

Family violence is abuse or threats of abuse from a partner or ex-partner. Family violence is not just physical violence. It includes emotional abuse, financial abuse and stalking.

Tasmania Legal Aid can help you if you are experiencing Family Violence with our Safe at Home program. Phone Tasmania Legal Aid on **1300 366 611** for advice.

In Tasmania, elder abuse isn't 'family violence' except where the abuse is from your partner or ex-partner.

DID YOU KNOW?

If there is a risk of harm to you or any person right now – call **000**

For non-urgent matters call the Tasmania Police assistance line on: **131 444**

What if children are involved?

Where there are immediate concerns about the safety of children call Tasmania Police on 000.

All adults have legal

requirements to report suspected or actual child abuse. In Tasmania it is mandatory for some service providers and professionals to report suspected or actual child abuse.

If you are concerned for the safety, or welfare of any children under the age of 18, call the Advice and Referral line on **1800 000 123**.

Elder abuse prevention

What can you do to prevent elder abuse?

- Plan for your future while you can make informed decisions (see the 'planning ahead' section)
- Call the elder abuse helpline if you are not sure what to do
1800 441 169
- Do not sign anything that you don't understand
- Only change your medication if advised to do so by your doctor or healthcare professional
- Make sure agreements reached with family or friends are put in writing
- Keep your bank passwords and PIN numbers secret
- Check your bank statements to make sure no-one is taking your money without your permission
- Get your own legal advice before signing any legal or financial documents
- Stay connected with your friends and community
- Get your own legal advice before you allow anyone to move in with you
- Get your own legal advice before you move in with family
- Get your own legal and financial advice before you lend or give money away (gifting money or property might affect your pension)
- When seeking legal advice, make sure you choose your own lawyer.

Safety planning

If you are worried about your safety consider:

- Talking to someone you trust
- Getting legal advice about your legal documents listed in the planning ahead section
- Ring the Elder Abuse helpline **1800 441 169**
- Getting a personal alarm (talk to My Aged Care)
- Asking a neighbour to look out for signs of trouble
- Keeping a list of up-to-date telephone numbers handy; including trusted people, police and medical services
- Think about where you could go if you needed to leave your house quickly
- Keep important documents somewhere safe. Can you give a copy to someone you trust or provide copies to your lawyer?
- Stay connected with other people
- If you need to have contact with someone causing you harm: what is the safest way? Phone, email, mail or in the company of someone else?
- If you don't want contact, you can block calls and social media
- Do you need a lock on your letterbox?
- Do you need to change the locks to your house?
- Do you need to stop nominee arrangements with Centrelink or access to your bank accounts?
- Can you carry a mobile phone with you so you can get help if you need it?

DID YOU KNOW?

If you, or someone you know, is experiencing or at risk of elder abuse, Legal Aid's Senior Assist team of lawyers and case managers can provide information, legal advice, support with safety planning, counselling and link you to other services. Our team will support you to make your own decisions.

Call Tasmania Legal Aid on

1300 366 611



Emergency contacts

In an emergency call 000 (Police, Ambulance and Tasmania Fire Service).



Suicide Call Back Service

1300 659 467

www.suicidcallbackservice.org.au

Free telephone, online, video counselling for depression, anxiety, those thinking of suicide, bereaved by suicide and those who support them.



Lifeline

13 11 14

www.lifeline.org.au



Beyond Blue Support Service

1300 224 636

www.beyondblue.org.au

24/7 phone, online support.
Chat forums.



1800RESPECT

1800 737 732

www.1800respect.org.au

National sexual assault, domestic family violence counselling service.



Kids Helpline

1800 551 800

www.kidshelpline.com.au

Free, confidential, 24/7 phone and online counselling 5 – 25 years.



Open Arms

1800 011 046

www.openarms.gov.au

Veterans and veteran's families.



Mates4Mates

1300 4 MATES (462 837)

www.mates4mates.org

Support for wounded, injured or ill, current and ex serving ADF personnel.



ReachOut.com

www.au.reachout.com

Internet information advice service for under 25 years old.



QLife

1800 184 527

www.qlife.org.au

Telephone and online chat support service for lesbian, Gay, bisexual, trans, and/or intersex (LGBTI) communities. 3pm – midnight 7 days.



Tasmanian Mental Health Helpline

A free call: **1800 332 388**



The Helpline:

- is a central point of entry to Mental Health Services for all Tasmanians
- is a 24 hours a day, seven days a week phone line

MensLine Australia

1300 789 978

www.mensline.org.au



24/7 help, support, referrals
and counselling for men via phone, online and video.

Other contacts

Advocacy Tasmania

Advocacy, support and referral services.

1800 005 131 | www.advocacytasmania.org.au

Aged Care Residential Mental Health Program

Provides mental health counselling to people living in Residential Aged Care Facilities.

03 6228 3344 | www.rft.org.au

Aged Care Quality and Safety Commission

Receives complaints from people getting aged care services including in their own home and residential aged care facilities. They aim to protect the safety, health, well-being and quality of life of people receiving aged care.

1800 951 822 | www.agedcarequality.gov.au

Carer Gateway

Call Carer Gateway for support and services on **1800 422 737** (Mon–Fri 8am–5pm). Also call this number if you need emergency respite.

www.carergateway.gov.au

Centrelink Older Australians Line

Information about the Age Pension and other payments for older people.

132 300 | <https://www.servicesaustralia.gov.au/individuals/older-australians>

Council On The Ageing (COTA)

COTA offers many support services for older people.

03 6231 3265 | www.cotatas.org.au/

(Tasmanian) Elder Abuse Helpline

A helpline providing information about elder abuse.

Phone: **1800 441 169** (9am – 5pm)

Text: **0457 806 963** | www.advocacytasmania.org.au/i-need-some-help/

Department of Veterans Affairs Open Arms Counselling

Individual, couples and family counselling for serving or retired service men and women in the Navy, Army or Air force).

1800 011 046 | <https://www.openarms.gov.au/>

Guardianship and Administration Board of Tasmania

The Board decides whether an adult with a decision-making disability needs a substitute decision maker; such as a person to make decisions about finances or health care.

6165 7500 | www.guardianship.tas.gov.au

(Tasmania) Legal Aid

Legal advice and assistance for other legal problems.

1300 366 611 | www.legalaid.tas.gov.au

Mental Health helpline Tasmania

Mental health help.

1800 332 388 | www.health.tas.gov.au/service_information/services_files/mental_health_services/mental_health_service_helpline

Migrant Resource Centre

Migrant support services

Hobart **6221 0999**

Talk to us with an interpreter. Phone TIS on **131 450** and tell them your language. | www.mrctas.org.au

My Aged Care

Gateway to in- home support, residential respite care and residential aged care.

1800 200 422 | www.myagedcare.gov.au

Public Trustee Tasmania

Financial and estate planning options.

1800 068 784 | www.publictrustee.tas.gov.au

Relationships Australia - Tasmania

Includes mediation and counselling services

1300 364 277 | www.tas.relationships.org.au/locations/

Senior Assist, Tasmania Legal Aid

Legal advice and assistance for people at risk of or experiencing elder abuse.

1300 366 611 | www.legalaid.tas.gov.au/need-help/senior-assist/

Tasmania Police

non urgent: **131 444**

Some of the material in this publication is reproduced from the Legal Aid NSW publication 'Legal Topics for Older People Diary'. Tasmania Legal Aid would like to thank Legal Aid NSW for permission to reproduce and modify its publication.

This publication is a general guide to the law. You should not rely on it as legal advice and we recommend that you talk to a lawyer about your situation. At the time of printing, the information is correct, but it may change.

If you think you need legal advice, or if you wish to provide feedback about this booklet, please contact Tasmania Legal Aid, Senior Assist.

Senior Assist:

P 1300 366 611 or (03) 6236 3800

E senior.assist@legalaid.tas.gov.au

W www.legalaid.tas.gov.au

Developed September 2021

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