

YOUR MONEY YOUR LIFE YOUR CHOICE

Caring for your assets as you age

family arrangements | formal agreements | accessing home and residential aged care





If you don't speak English

Translating and Interpreting Service, National (TIS)

13 14 50

To access an interpreter immediately, call TIS. Tell the operator the language you wish to speak and the name, phone number, and the organisation you wish to contact. TIS is available 24 hours a day, 7 days a week.

Please note for some situations there may be a cost. Check with the TIS provider, first.

Aboriginal Interpreting WA (AIWA)

1800 330 331

To access an Aboriginal language interpreting service call AIWA.

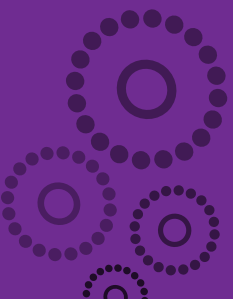
Centrelink Multilingual Phone Service

13 12 02

Centrelink's multilingual phone service lets you speak to someone in your own language. Services in some languages are available only by return call. If Centrelink is not able to speak to you in your own language they will use a telephone interpreter service.

If you are having trouble reading or understanding any content in this publication please contact us at Aged Care Advocacy Line: 1800 700 600.

Advocare acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of the land and water on which we live and work.



Contents

2

About Advocare

3

How this guide can help you

4

Family arrangements

- 5 Bank accounts
- 5 Centrelink nominee arrangements
- 6 Personal loans and gifts
- 7 Guaranteeing someone's loan
- 8 Adult children living at home or moving back home
- 9 Moving in with someone, including granny flats
- 10 Talking to family about moving in together
- 11 What to discuss with your family

12

Formal agreements

- 12 Formalising your arrangements with family to move in together
- 13 Appointing people to make decisions for you
- 13 Enduring Power of Attorney or Enduring Power of Guardianship
- 15 Making advance health decisions
- 16 Making a will
- 17 Your security
- 17 Scams
- 18 Things to consider before entering residential aged care
- 18 Accessing home and residential aged care services

20

Who to talk to

- 20 Advocacy, legal or dispute resolution services
- 21 Financial, aged care or other information services



About Advocare

Advocare is a leader in addressing the rights of older people and elder abuse. For close to 30 years, we have proudly helped older Western Australians access the right supports, information and protections available to them.

We are a not-for-profit organisation, completely independent from aged care providers.

Advocare is also the custodian of WA's Seniors Peak Body to amplify the voice of older people.

We are able to support and give a voice to:

- People who receive an aged care service such as residential care or support services in their own home
- People who are finding it difficult to live independently at home
- Older people who are being mistreated by their family or friends, or people in a position of trust.

We can help you by:

- Standing beside you and supporting you to work through an issue
- Looking at all the possible options
- Providing accurate information and linking you with suitable services
- In some circumstances speaking or negotiating on your behalf under your instruction.

Advocare's services also include an **Elder Abuse Helpline**. Elder abuse is abuse/bad treatment occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

If you or someone you know is experiencing elder abuse contact **Advocare**.



Advocare WA Elder Abuse Helpline

☎ 1300 724 679

Advocare

☎ 1800 700 600
(Aged Care Advocacy Line)

🌐 www.advocare.org.au

Legal Aid WA

☎ 1300 650 579

How this guide can help

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

As people age they might feel increasingly vulnerable. Health issues and loneliness are often important factors when deciding to make financial arrangements with those we trust.

This guide is for you if you are considering:

- giving or lending someone money
- selling your home and giving the money to someone who has agreed to care for you
- moving in with a relative
- having family move in with you
- transferring property to a friend or relative or sharing your bank account details.


Many older people will be surprised to learn that they have little or no legal protection when it comes to entering into financial arrangements with family and friends.




Advocare WA Elder Abuse Helpline

 1300 724 679

Advocare

 1800 700 600

(Aged Care Advocacy Line)

 www.advocare.org.au

This can leave you financially vulnerable. Some arrangements could affect your Centrelink pension or tax. There may also be important consequences if you need to move into residential care at some stage.

Lending or giving money away can also impact on possible income-tested fees for a home care package as well as residential care.

The information in this booklet is a guide to help you maintain your financial independence for as long as possible, and to access help if you need it. It will also help if you have already made any of these changes.

If you feel you're being pressured to move home, sign documents, change financial arrangements, lend or give money away, or if someone is taking your money without your approval, talk through your options with us at Aged Care Advocacy Line on 1800 700 600.



Help to guide others

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

If you know of an older friend, neighbour, client or family member in this situation, please support them to access the information in this guide and to seek help from **Advocare**.

If you think someone you know is affected by elder abuse, please encourage them to call the **Elder Abuse Helpline** 1300 724 679.

Family arrangements

Family arrangements can include many types of things:

- Giving personal loans and gifts, including agreeing to guarantee a loan
- Moving in with family or having them move in with you
- Renovating a family member's home to make room for you
- Paying off a family member's mortgage
- Buying a new house where all of the family can live together
- Building a granny flat or an extension to a home
- Transferring property, such as your house title.

These types of arrangements are very common and often involve an older person giving family, friends or neighbours money or property for some type of promised care or consideration.

These arrangements are very popular because of the trust placed in family and friends, an older person's desire to help their children financially, and because of a preference to be cared for at home by a family member.

Many families have entered into happy and successful arrangements (e.g. shared accommodation), however it is important to be aware of the potential consequences that can arise, both legal and financial.

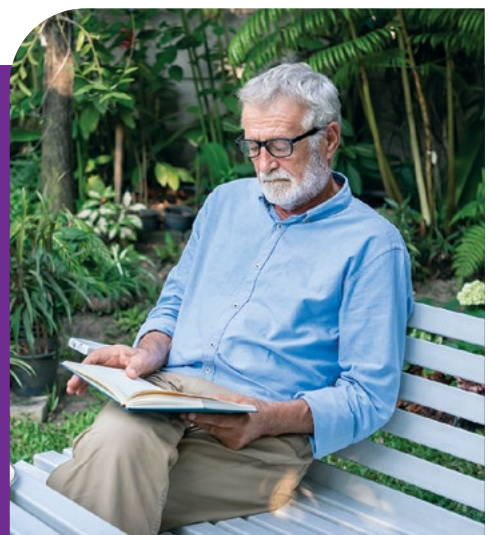
As unfair as it may sound, under existing law it might be presumed when an older person gives any property or money to a family member, it is a gift.

It is very difficult to recover the assets of an older person once they have been transferred, often leaving the older person to bear the burden of the loss.

There could also be Centrelink, taxation, aged care, and public housing implications that require serious consideration before entering into any type of family arrangement.

Frank's story

Frank and his son David consider themselves practical men. So after 80-year-old Frank had his third fall in a year, David told Frank it was time for him to move into an aged care home. Because Frank will have somewhere else to live, David thinks his dad should transfer the house into his name while he's alive. Frank's son says that because he's an only child the house will eventually be his one day anyway, so he can't see any problems.



“

Our advocates listen to concerns; present and discuss the client's options, and offer information, resources and strategies to enable the client to make their own decisions.

”

Bank accounts

Sometimes older people will entrust a person they know, like a family member or close friend, with their personal banking details such as their bank card and PIN number or internet banking password.

It can certainly make life easier to have someone help out with the shopping or pay the bills online, but sometimes they may take the older person's money for themselves.

If someone is taking your money without your permission, this could be considered as theft.

If you are worried someone is taking advantage of you financially, Advocare can provide help.

Centrelink nominee arrangements

A family member can arrange to be appointed as an older relative's Centrelink nominee. However, there are cases of family members collecting Centrelink payments without the person's permission. If you want to cancel nominee arrangements at any time, you can do this by contacting **Centrelink**.



Nancy's story

Nancy is 90 and lives independently, although her younger neighbour, Jenny, often helps her out. Jenny has Nancy's personal identification number (PIN) and often takes Nancy's banking card to buy groceries and pay her bills at the post office. Recently, Nancy found out Jenny had started taking extra money from the account.

When Nancy asked Jenny what was going on, Jenny said it was to pay herself back for the cost of petrol, parking and other out-of-pocket expenses when she helps out. Nancy never agreed to this and can't afford it, but feels it will spoil their relationship if she complains.



Advocare

☎ 1800 700 600
(Aged Care Advocacy Line)
🌐 www.advocare.org.au

Centrelink Financial Information Services (FIS)

☎ 13 23 00



Elvira's story

Elvira has always prided herself on her ability to plan for the future. She has a nest egg of \$2,000 tucked aside just in case the hot water system goes or she receives unexpected bills. Despite having a well-paid job, Elvira's daughter, Nadia, is always behind in her bills, owes a year's school fees for her two children, and the kids also require new sports equipment. Nadia accidentally sees her mum's bank statement and is surprised her mum has so much money. She asks her mum to loan her the money for the kids, and promises to pay it back when she can afford to.

Personal loans and gifts

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

When deciding to give someone money, be very clear about whether you intend the money to be a gift or a loan.

If it is a gift, then it is unlikely you will ever be able to get the money back if, for example, you change your mind.

If you are asked to lend money to family or friends and they agree to repay it, then it is a loan. Ensure you get any such agreement in writing, preferably by consulting a lawyer.

If you are arranging to borrow money to give to someone, you should get legal and financial advice first, as it may affect you now and in the future.

Banks and financial institutions also have a legal responsibility not to allow a loan if you cannot meet repayments and the bank is relying on your home as security. Such a loan could be seen as an unfair contract.

Loaning or gifting money could affect your Centrelink payments or contributions to any aged care services you may require in the future. It could also have tax implications for you or for the other person.

Make sure you get the information you need from Centrelink and the Australian Taxation Office, and see your own financial adviser or log onto the Australian Securities and Investments Commission Moneysmart website to find financial advisory services.




Centrelink Financial Information Services (FIS)

 13 23 00

Australian Taxation Office (ATO)

 13 28 61

Moneysmart

 www.moneysmart.gov.au

Guaranteeing someone's loan

Another type of gift is when you agree to be a guarantor for a family member or friend's personal loan or mortgage payments.

The mortgage or personal loan could be for a car, business, house or any number of things.

Think carefully before agreeing to any of these types of arrangements.

Helen's story

Wendy is a hairdresser who decided to open her own salon. Having very little money herself, Wendy asked her 70-year-old mother, Helen, to go guarantor for her \$400,000 mortgage so she could buy the business, promising to make all of the repayments. Wendy paid the first two loan repayments but then stopped, because the salon had not made any money.



The reason your friend or relative wants to have you as their guarantor could be that the bank or financial institution does not entirely trust the person to pay back the loan by themselves, or because the loan repayments will be cheaper if there is a guarantor.

If you sign a guarantee for someone, you are promising to pay back the entire loan if your friend or family member either can't or won't do so themselves.

What happens, for instance, if the person loses their job, goes through a divorce, or


can't make a success of the business? If the guarantee for them is secured against your home, you may end up losing it.

It is vitally important to get your own independent financial advice before agreeing to guarantee someone's loan.

Speak to your bank manager, or visit **Moneysmart** to find a financial advisor.



Moneysmart

 www.moneysmart.gov.au



Adult children living at home or moving back home

Some adult children want to move back in with their parents, or never leave home. This can also apply to grandchildren, nieces and nephews.

There are many reasons why adult children might want to live at home, including just wanting a bit of help.

However, other reasons can include financial stress, loss of employment, health issues, problems with addiction, divorce or other relationship issues they're experiencing.



My Aged Care

☎ 1800 200 422

🌐 www.myagedcare.gov.au

Advocare

☎ 1800 700 600

(Aged Care Advocacy Line)

🌐 www.advocare.org.au

Perhaps you think having your adult child move in or stay is your only option, because you are in need of more care.

There are services available to help you to keep living at home, even if you need care. The services can include cleaning, showering and other personal care, nursing services, and a range of support designed to help you stay in your home as long as possible.

You can talk to your doctor or call **My Aged Care** to speak about having an assessment to qualify for services.

An aged care assessment determines whether you are eligible for government-funded support and the right level of care for you. It can give you a greater variety of choices such as respite, home care and residential care.

If you are being pressured to let someone move in with you or, if you already have someone who has moved in and you are unhappy with the arrangement call us at **Advocare**.

Moving in with someone, including granny flats

If you are considering exchanging money or property to move in with someone, you need to think through how it will work in practice. Some living arrangements may be defined by Centrelink as 'granny flat' arrangements.

Centrelink has special rules about granny flats and their effects on pensions and assets, as well as any future residential aged care needs. Speak to a **Centrelink Financial Information Service Officer** regarding the impact this may have on your future finances.

Before exchanging money or property you should also consider things such as:

- Can you get your money back if things change?
- Should your name be on a property title?
- Can you claim an interest in the property or be compensated later for what you contribute?
- How can you make it clear that your contribution is not a gift?
- What changes may be needed to your, and possibly other family members' wills?
- Will it affect your pension or tax?

Centrelink Financial Information Services (FIS)

☎ 13 23 00

Australian Taxation Office (ATO)

☎ 13 28 61

Older People's Rights Service

☎ 08 9440 1663

Legal Aid

☎ 1300 650 579

Before you go any further it is important to find out up-front if your arrangement might have a bad effect on you.

Centrelink, the **Australian Taxation Office**, the **Older People's Rights Service**, **Legal Aid** and any authority relevant to your particular circumstances can provide you with information. You should also seek independent financial advice.

Ask what impact the agreement would have on your benefits, rights, obligations and entitlements.



Samira's story

Samira's son, Amit thinks his mum isn't coping too well at home by herself and she's getting a little forgetful. Amit tells his mum the best solution would be for her to sell her home and give him the money to build a nice little granny flat out of the back of his place. Amit and his wife could then look after her for the rest of her life. Samira loves living where she does, catching up for coffee with her neighbours and knowing where everything is at the local supermarket. But Samira wonders whether Amit is right and whether it is her best option?



Talking to family about moving in together

Families often suggest arrangements because they're concerned about an older family member's future security and safety. However, if you have doubts or concerns about what has been proposed, it can be very difficult to raise those concerns and discuss them openly with your family.

These can have significant impacts on you, so it is vital that all of the information is discussed. If potential problems are not talked about, you might be putting at risk the good relationships you have at the moment.

While it is very important to get independent legal and financial advice about how the proposed arrangements could affect you, and about possible alternatives, it is also in everyone's best interest for the whole family to talk through all of the issues.

For example, if you move in with your daughter and her family, what will happen if you develop a serious illness in the future? How will this be dealt with? Will you access independent support or will your family take on the role of caring?



Citizens Advice Bureau

☎ 08 9221 5711

Relationships Australia

☎ 1300 364 277

Aboriginal Mediation Services

☎ 08 9264 6150

Legal Aid

☎ 1300 650 579

Centrelink Financial Information Services (FIS)

☎ 13 23 00

Australian Taxation Office (ATO)

☎ 13 28 61

My Aged Care

☎ 1800 200 422

What to discuss with your family

Roles and responsibilities

- What care will be provided and by whom?
- Will the main carer get time off?
- What will happen at holiday times?
- What tasks such as cooking and cleaning will you do or share?
- Will you be expected to look after the grandchildren?

How much privacy and independence will you have?

- Will you have access to a car, or be able to be driven when you want to go?
- Will you be able to have a social life that is separate from the family, including having your own visitors?
- Will you have a separate mail address, telephone or internet access?
- Will you be able to have a pet or keep the pet you already have?

What are the likely expenses?

- How will the cost of food and utilities be shared?
- What will the family agreement cost to be prepared and who will pay?
- How will costs to the property and maintenance be divided?

What if there are problems?

- How will any disputes be resolved?
- What if someone breaks the agreement?
- Is there a need for separate legal and financial advisors?

What about the future?

- What will happen if your care needs increase? For example, because of health issues such as a stroke, incontinence, loss of mobility, dementia.
- What if your adult children divorce, re-partner, become bankrupt or fall ill?
- What if you re-partner or marry?
- What if your adult children move house or relocate interstate or overseas?

Clearly, there are many things to consider before you move in with family, and some of these topics can be very difficult to talk about or agree upon.

Sometimes it can be useful to have an independent person involved, such as a professional mediator, to help run family discussions. You may wish to contact the **Citizen's Advice Bureau**, **Relationships Australia** or **Aboriginal Mediation Services**.

Advocare can also help by providing information and strategies to help you feel supported and ensure you are listened to.

Remember to seek independent, financial advice and discuss the potential consequences of any arrangement with **Centrelink**, the **Australian Taxation Office** and **My Aged Care**.

It is then important you obtain legal advice to put your agreement in writing. Refer to the next section on 'Formal Agreements'.

Formal agreements

Formalising your arrangements with family to move in together

Once you have satisfied yourself about any potential tax, Centrelink and future residential care implications and have agreed upon everything in your family discussion, the next step is to draw up a formal family agreement. These are generally known as 'Deeds of Family Agreement', 'Granny Flat Agreements', 'Future Care and Accommodation Agreements' or 'Binding Financial Family Agreements'.

To be effective, your agreement will need to be able to prove that the parties intend to be legally bound by their agreement. Therefore, a lawyer is the only one qualified to prepare it for you.

The agreement should be prepared for you as an individual, not on behalf of the whole family. Other family members will need to access their own legal advice.

Having a lawyer draft an agreement can be costly, so few people will take this option. However, it could be your only protection if circumstances change or there is a disagreement about the arrangements.

It will also help to ensure any investment you have made is protected.



Older People's Rights Service

☎ 08 9440 1663

Legal Aid

☎ 1300 650 579

— “

Our approach is to empower and walk beside clients as they negotiate a pathway to a better outcome for their situation.

” —

Your lawyer should tell you how much they will charge before they start work, and negotiate how and when you will pay. They should find out what you want, organise an interpreter if necessary and make sure you can hear the discussion and see all the documents. They should use plain language and be satisfied you fully understand both your situation and their advice. The lawyer should also give you time to consider documents and not pressure you into signing paperwork.

You should also ask the lawyer for advice on matters such as:

- How will the agreement affect other family members?
- Do you need to draw up a new will after the agreement is made?
- Do other family members also need to change their wills?

If you do not understand what you are signing do not sign anything until you have asked more questions and feel satisfied you do.

Consult your own lawyer or contact the **Older People's Rights Service** or **Legal Aid**.



Appointing people to make decisions for you

Before thinking about appointing people to make decisions for you, you should think about your own decision making ability.

Decision making ability or ‘capacity’

The law states you are able to make your own decisions, unless proven otherwise. This is called having ‘capacity’.

Some people slow down mentally, or suffer some memory loss as they age, but this does not mean they have lost capacity. Capacity is linked to how well you understand information and how you apply that information. For instance, you may still have capacity to make decisions about medical treatment or where you want to live, but no longer understand your banking or property arrangements.

Your capacity can be temporarily affected by stress, anxiety, medication, illness or injury and then be regained when things improve.

Even if friends or family believe you are losing capacity, you should not be pressured to believe this. Capacity

can only be determined by specific assessments.

If you are worried you may be losing capacity speak to your GP, case manager, or health professional to arrange to have an assessment.

Enduring Power of Attorney or Enduring Power of Guardianship

You can appoint people to make decisions for you about your property, finances, and health. How you do this depends on what you want to authorise the person or persons to do.

Enduring Power of Attorney

This is a legal agreement that enables a person to appoint a trusted person or people to make financial decisions and/or property decisions on their behalf. You can choose when this starts, either immediately or only after loss of capacity is determined. You can limit what they are financially able to do for you, for example they can pay your accounts but not sell your home.

Enduring Power of Guardianship

This is a legal document that authorises a person or people of your choice to make important personal, lifestyle, or treatment decisions on your behalf.

It will only come into effect after you are no longer able to make reasonable judgements about these matters yourself. The person or people you appoint make lifestyle decisions for you, including where you live, who you associate with, where you go, and choices about health access and medication consultation.

The law says you must understand what you are doing when you create an Enduring Power of Attorney or an Enduring Power of Guardianship (you must have capacity), and that you do so of your own free will.

Unfortunately, sometimes a family member or friend will use a Power of Attorney to benefit themselves rather than the older person, for instance by accessing their bank account. It is for this reason you should consider appointing not one, but two, trusted family members or friends.

When thinking of who to choose for your Enduring Power of Attorney or Enduring Power of Guardianship ask yourself:

- Do you trust them?
- Are you confident this person will always act in your best interests and take your wishes into account?
- Are they free of any problems or issues with alcohol, drugs or gambling?

Iris' story

Iris is going into hospital for quite a serious operation and worries about who will pay her bills while she's there. Her daughters, Dorothy and Anna, can't do enough for their mum, but they do tend to squabble. Dorothy heard on the radio it would be a good idea for her mum to arrange an Enduring Power of Attorney document, and she wants to be the one her mum appoints. Anna thinks she should have her mum's Enduring Power of Attorney as everyone knows that Dorothy can be unreliable. Iris feels caught in the middle and finds it a bit overwhelming because she's so worried about her operation.

It is recommended you speak to a lawyer and have them draw up your agreement. They will make sure you are making it of your own free will, are appointing a person or people of your choosing, and that it will be of benefit to you.

If you believe you are being pressured into appointing someone to make decisions for you, or if you have an agreement that you think is being abused, please seek help.



Advocare

1800 700 600
(Aged Care Advocacy Line)
 www.advocare.org.au

Office of the Public Advocate

1300 858 455
 08 9278 7300

Older People's Rights Service

08 9440 1663



Making advance health decisions

An **Advance Health Directive (AHD)** is a legal document that enables you to make decisions now about treatment you would want, or not want, to receive if you ever became sick, injured or incapable of communicating your wishes. Treatments can include medical, surgical and dental procedures, palliative care and life sustaining measures. Your doctor or other health professional can provide you with advice about treatment or decisions. You must have capacity to make an Advance Health Directive.

For information, contact the **Department of Health**.

All of these types of arrangements (e.g. an Enduring Power of Attorney, an Enduring Power of Guardianship or an Advance

Health Directive) should be drafted by a lawyer, who can also answer any questions you may have.



If you already have any of these types of arrangements in place and are worried they may not be in your best interest, call us at **Advocare**.



Advocare

 1800 700 600
(Aged Care Advocacy Line)
 www.advocare.org.au

Department of Health

 08 9222 2300
 www.healthywa.wa.gov.au/Articles/J_M/Making-an-Advance-Health-Directive



Making a will

You don't need to have a lot of money or property to make it sensible for you to make a will. A will is a legal document that describes how you wish your assets to be distributed upon your death. If you don't have a will, your possessions and money may not go to the people you wish them to.

A will can be prepared by the **Public Trustee** or by a solicitor. You can also buy will forms at most newsagencies.


The Public Trustee runs the WA Will Bank, a community service that offers safe storage of your will to keep it safe from loss, theft or damage.

To make changes to your will you must have capacity and not feel forced into making changes under pressure from family or friends.

If you feel you are being pressured to make changes to your will, contact **Advocare**.



Public Trustee

 www.publictrustee.wa.gov.au

Your security

Advocare or community legal services such as the **Older People's Rights Service** can support you to take action to stop other people making transactions and decisions without your consent relating to your property and money. In some cases, they may be able to support you to get back your money or property.

Help is available:

- If you are sharing your home with and/or being cared for by a relative or friend and the arrangement is worrying you.
- If this person or persons may not be caring for you properly.
- If they are taking your money or making you pay their bills or buy them food against your wishes.
- If they are socially isolating you or abusing you physically or verbally.

These organisations can also help with:

- Ways to make your money more secure
- Accessing aged care support and linking you to other support agencies
- Finding ways to increase your security and safety at home
- Referring you to specialist services for a family member's drug and alcohol abuse, gambling, or mental health issues.

You can also access support to get a court order; a restraining order, which protects you from an abusive family member by placing restrictions on the person's actions and movements.

Talk to your solicitor, case manager or **Advocare** to find out more.

Scams

Scams come in all manner of forms – in emails, on the telephone and some even come knocking at your door. Some scams involve investment, romance, lotteries or charities, but scammers can also pretend they are from the Australian Taxation Office, the Federal Police or Centrelink.

To help protect yourself against scammers, look at the Department of Commerce's **WAScamNet**.

It contains useful advice to help you avoid falling for scammers. There are alerts to some of the latest scams and tips to protect your personal information and to avoid the traps. It also tells you what to do if you think you've been scammed.

If you are unsure about any approach that's made to you on the telephone, computer or face-to-face, it can also help to talk to your family and friends.

And remember, if you feel uncomfortable, never be afraid to hang up the telephone, disconnect from the computer or close the front door.



Advocare

☎ 1800 700 600
(Aged Care Advocacy Line)

Advocare WA Elder Abuse Helpline

☎ 1300 724 679

Older People's Rights Service

☎ 08 9440 1663

WAScamNet

🌐 www.scamnet.wa.gov.au

Things to consider before entering residential aged care

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.

If you have been assessed as eligible for residential care, you need to consider the following:

- Do you feel you are ready to move into residential care?
- How will it affect your life?
- Are you worried about your safety if you go on living at home?
- Are there alternatives to allow you to stay at home?
- How will your finances be affected? (It is important to note you will need to have an Income and Assets Assessment completed by **Centrelink** to decide your possible financial contributions towards your care. If this is not completed, then you could be charged at a higher rate.)

You should also get information about the financial aspects of moving into residential 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 the Residential Accommodation Deposit (RAD), or are there other options such as a rental type payment, or a combination of both?
- If you keep your home, how will this affect your pension entitlement, aged care fees, and future finances?

- What are the tax implications of the different options?
- Be clear on what is included in your contract and if unsure seek professional advice.

Accessing home and residential aged care services

The **My Aged Care** information line or website has information about services to help you stay at home, as well as a list of aged care facilities and their charges. The **Department of Human Services (DHS)**, also has information on eligibility, payments, choices, costs, and regulations regarding aged care.

You can also discuss these issues with a Financial Information Services Officer at **Centrelink**, or speak to an independent financial advisor or planner.

Also refer to the **Charter of Aged Care Rights** document for older people when entering into aged care services agreements. It provides you with important information on what your rights are when you access aged care services and accommodation.



My Aged Care information

1800 200 422

www.myagedcare.gov.au

Department of Human Services

www.humanservices.gov.au

Centrelink

13 23 00

Advocare

1800 700 600
(Aged Care Advocacy Line)

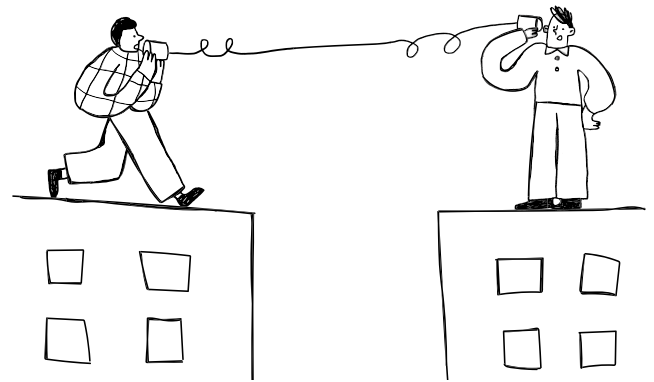
We're here to listen

Just sitting and talking to someone can help you organise your thoughts. Consider making a list of your concerns to help focus your discussions.

Advocare can assist by:

- Listening to you
- Explaining how you might be affected now and in the future
- Outlining how to protect your interests
- Helping you to find ways to resolve your concerns.

You are strongly encouraged to contact Advocare if you feel you're being pressured into agreeing to any financial or other arrangement against your will.



An Advocate will listen to you with 100% confidentiality to understand the particular circumstances of your situation. The Advocate will provide information about the options available to you and help you to access the right information and services. They will be on your side and help to support you through any difficult or emotional discussions. The Advocate's role is to help you to find ways to resolve your concerns and to stand up for your rights. They will not make you do anything you don't want to do.



Bob's story

Bob isn't in the best of health and lost his beloved wife last year. Since then his daughter, Pippa, has been calling in every day, helping him around the house, and cooking some of his meals. Lately, though, Pippa has been getting very cross whenever she comes around, grumbling about the time it takes to look after Bob and complaining how useless he is. One day, Pippa announces that the children held a family meeting and have decided the best thing would be for Bob to move into residential aged care.

Who to talk to

Advocacy, legal or dispute resolution services

Advocare

☎ **1800 700 600**
(Aged Care Advocacy Line)
🌐 **www.advocare.org.au**

Advocare WA Elder Abuse Helpline

☎ **1300 724 679**

Older People's Rights Service

☎ **08 9440 1663**
🌐 **www.nsclegal.org.au**

Northern Suburbs Community Legal Centre

☎ **Mirraboopa: 08 9440 1663**
☎ **Joondalup: 08 9301 4413**
🌐 **www.nsclegal.org.au**

Aboriginal Legal Service of WA

☎ **1800 019 900**
🌐 **www.als.org.au**

Office of the Public Advocate

☎ **1300 858 455 or 08 9278 7300**
🌐 **www.publicadvocate.wa.gov.au**

Legal Aid WA

☎ **1300 650 579**
🌐 **www.legalaid.wa.gov.au**

Aboriginal Mediation Services

☎ **08 9264 6150**
☎ **1800 045 577**
🌐 **www.dotag.wa.gov.au**

Public Trustee

☎ **1300 746 212**
🌐 **www.publictrustee.wa.gov.au**

The Law Society of WA

☎ **08 9324 8600**
🌐 **www.lawsocietywa.asn.au**

Relationships Australia WA

☎ **1300 364 277**
🌐 **www.relationshipswa.org.au**

Citizen's Advice Bureau

☎ **08 9221 5711**
🌐 **www.cabwa.com.au**

Acknowledgements

Advocare owes a debt of gratitude to the following for their kind assistance: The Law Society of WA Public Purposes Trust, Ann Canham (Advocare), Fran Ottolini (Older People's Rights Service), the Northern Suburbs Community Legal Centre, Dr Eileen Webb (Curtin University) and Dr Barbara Blundell (Curtin University). We also sincerely thank Seniors Rights Victoria for use of their publication 'Caring for your Assets' upon which this booklet is based.

Financial, aged care or other information services

Australian Taxation Office

📞 13 28 61

🌐 www.ato.gov.au

Centrelink Financial Information Service

📞 13 23 00

Department of Veterans' Affairs

📞 1800 555 254

🌐 www.dva.gov.au

ASIC Moneysmart

🌐 www.moneysmart.gov.au

My Aged Care

📞 1800 200 422

🌐 www.myagedcare.gov.au

WA Seniors Card Centre

📞 08 6551 8800

📞 1800 671 233 (Free Country Call)

🌐 www.seniorcard.wa.gov.au

The Department of Human Services

🌐 www.humanservices.gov.au

This publication is intended as a guide 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. Advocare Incorporated disclaims 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. Advocare Incorporated 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.

Advocare

 Perron Place
Suite 4/61 Kitchener Avenue
Victoria Park WA 6100

 Aged Care Advocacy Line: **1800 700 600**
WA Elder Abuse Helpline: **1300 724 679**

 rights@advocare.org.au

 www.advocare.org.au