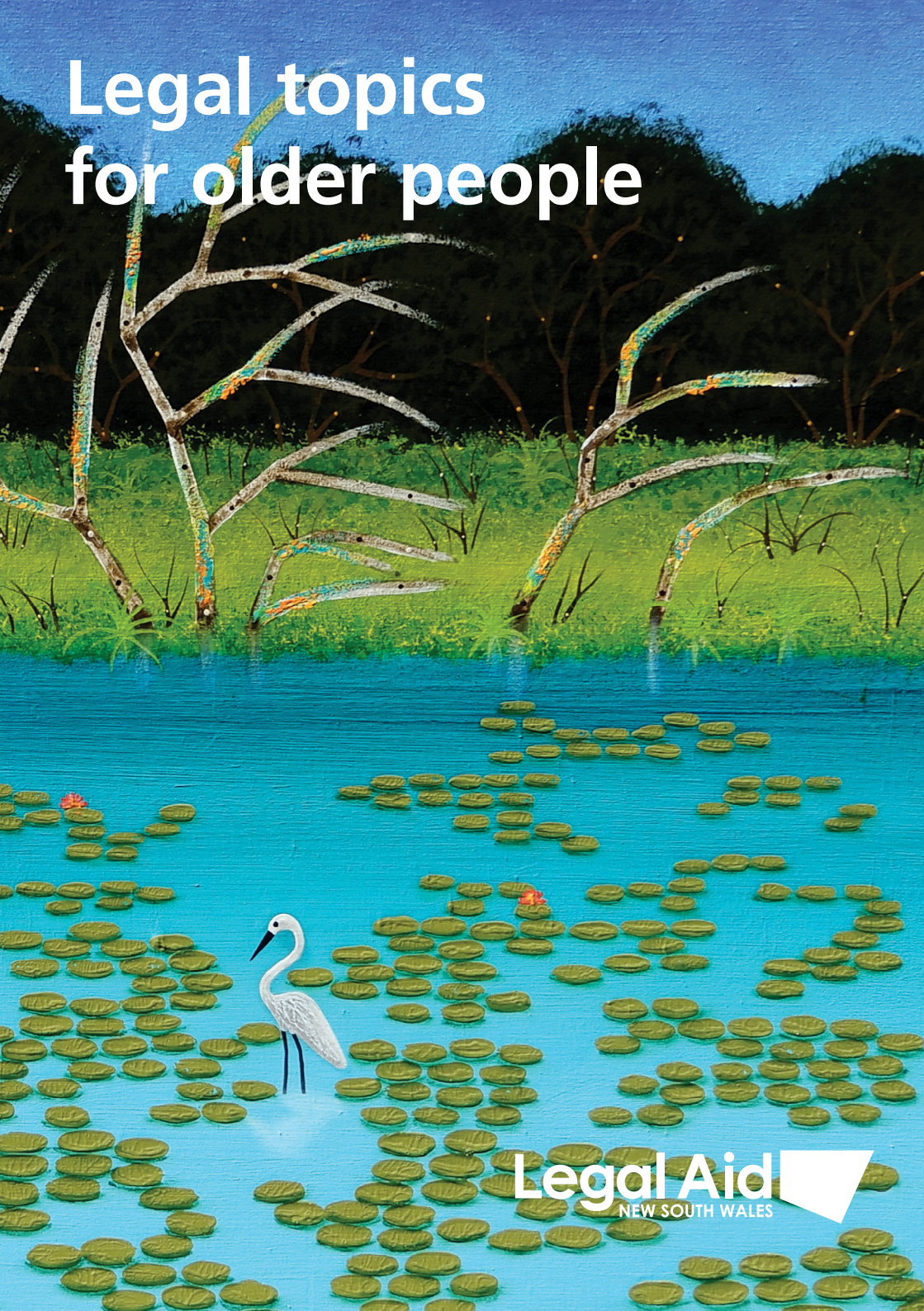


Legal topics for older people



Legal Aid
NEW SOUTH WALES

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.



Legal Aid NSW 2018

You may copy, print, distribute, download or use this work for a non-profit purpose as long as the original meaning is kept and Legal Aid NSW is acknowledged as the owner. To reproduce or modify the work for any other purpose, you need to request permission from Legal Aid NSW.

Cover artwork by
www.peteroadart.com.au

Graphic design by etc
www.leadinghand.com.au

November 2018

CONTENTS

Where to get legal help	4
Your rights as a consumer and scams	6
Discrimination: age and carers	16
Wills and other ways to plan ahead	22
Legal issues for Aboriginal older people	34
Facts about funerals	50
Elder abuse	56
Adult children and grandchildren	60
Family, finance and your home	64
Your home: owning, renting and neighbours	68
Your pension	74
Retirement villages and aged care	78
On the road	86

WHERE TO GET LEGAL HELP

These services provide free, confidential legal help in NSW.



LawAccess NSW

LawAccess NSW is a government telephone service that provides free legal information, referrals and in some cases, advice for people who have a legal problem in NSW. Call 1300 888 529 or visit www.lawaccess.nsw.gov.au

Community Justice Centres

Legal problems don't always need legal solutions, nor do they have to go to court. Community Justice Centres (CJC) offer free mediation services to help people talk about the issues they are in dispute about and negotiate solutions that everyone can live with. Call 1800 990 777 or visit www.cjc.justice.nsw.gov.au



Legal Aid NSW

Legal Aid NSW provides free legal

advice to people across NSW and representation in some cases.

To find a Legal Aid NSW advice service call LawAccess NSW on 1300 888 529 or visit www.legalaid.nsw.gov.au



Community Legal Centres (CLCs)

Community Legal Centres (CLCs) are independent, not-for-profit community organisations that provide legal information, advice, referrals and casework. CLCs work for the public interest and focus on disadvantaged people in their communities. To find a CLC near you call LawAccess NSW on 1300 888 529 or visit www.clc.org.au



Seniors Rights Service

Seniors Rights Service provides free and confidential legal advice, advocacy and rights-based education for older people. Call 1800 424 079 or visit www.seniorsrightsservice.org.au



Aboriginal

Legal Service (NSW/ACT)

The Aboriginal Legal Service (ALS) is an Aboriginal community organisation that provides information, referrals, legal advice and court representation to Aboriginal and Torres Strait Islander people in criminal and family law and children's care and protection matters. Visit www.alsnswact.org.au or call 1800 765 767 for criminal law or 1800 733 233 for family law or care and protection.



Find Legal Answers at your public library

Your local public library can help you find easy to understand information about the law. Contact your local public library or find legal information at www.legalanswers.sl.nsw.gov.au



The Law Society of New South Wales

The Law Society of NSW has two services to help the community:

- The Solicitor Referral Service can give you a list of three private law firms near where you live that may be able to help you with your legal problem. Call 02 9926 0300 or email ereferral@lawsociety.com.au
- The Pro Bono Scheme can put you in touch with law firms willing to provide their legal services for free or for a reduced fee. Call 02 9926 0364 or visit www.lawsociety.com.au/probonoscheme

YOUR RIGHTS AS A CONSUMER AND SCAMS

As a consumer it is important to know your rights. Telemarketing, online shopping and online banking have brought many benefits for consumers, but also some risks. Dodgy salespeople and businesses may use email, telephone, mail and door-to-door sales to take advantage of you. They may also use high-pressure, misleading and confusing sales tactics to get you to sign contracts you don't understand. This means that you can be locked into contracts you

DID YOU KNOW?



NSW Fair Trading

has Aboriginal customer service officers to help resolve disputes. You can call 1800 500 330 and ask to speak with an Aboriginal customer service officer. Or you can make a complaint online at www.fairtrading.nsw.gov.au or at any Service NSW Centre.

can't pay for and may become involved in legal action.

Telemarketers

There are rules about how and when telemarketers can contact you. You can find these rules at www.cma.gov.au under Industryacma > Marketers > Do not call register > Telemarketing standard > Telemarketing rules. If you don't want telemarketers to call you, you can add your number to the **Do Not Call Register**. Call 1300 792 958 or visit www.donotcall.gov.au

You can also find out more about telemarketers' obligations and how to make a complaint at www.fairtrading.nsw.gov.au—look under Buying products and services > Guarantees, contracts and warranties > Unsolicited consumer agreements.

Door to door sales

Door-to-door salespeople must give you a 10 day 'cooling off' period to cancel the contract if you change your mind. If you don't want salespeople to visit your house you can display a **Do Not Knock** sticker next to your door or on the front gatepost of your house. They can be fined if

they refuse to leave your home if you ask them to or if they ignore a Do Not Knock sticker. Find out how to get a sticker You can also make a complaint. Find out more and how to get a sticker at www.donotknock.org.au or cut out the sign on page 203.

Electronic banking

Never share your PIN or passwords with anyone. Keep them in a safe place, separate from your debit or credit cards. If your debit or credit card is lost or stolen or if someone makes an unauthorised online withdrawal from your account, tell your bank immediately. Most banks will not make you pay for unauthorised transactions that happen after you have notified them—as long

as you didn't contribute to the theft, for example, by telling someone your PIN or password.

Goods and services

When you buy goods they come with a guarantee that they will be of acceptable quality. This means they must be safe, free of faults and do all the things you would normally expect them to do.

Services you buy must be provided with acceptable care and skill, give the results that you and the business agreed to and be delivered in a reasonable time. If they don't, you may have a right to have the thing you bought repaired or replaced, get a refund, cancel the contract or get compensation. You can contact **NSW Fair Trading** for help. Call 13 32 20 or visit www.fairtrading.nsw.gov.au

DID YOU KNOW?

If you are on Centrelink or a low income you may be able to get a no interest loan from the **No Interest Loans Scheme (NILS)** to pay for essential goods and services—such as fridges, washing machines or car repairs. Call 13 64 57 or visit www.nils.com.au

DID YOU KNOW?

The Energy Accounts Payment Assistance (EAPA)

Scheme helps people who have trouble paying their electricity or gas bill because of a crisis or in an emergency. Visit www.powertosave.nsw.gov.au and search for EAPA, or call Service NSW on **13 77 88** to find out more.

Gas, electricity and water providers

Energy and water providers must send you a Customer Charter that explains your rights and responsibilities. All energy retailers must give you time to pay and offer you a payment plan. If you are having difficulty paying, they must offer to refer you to their hardship program for support. Talk to your energy or water provider as soon as you have a problem to avoid disconnection. If you are having difficulties with your energy or water provider contact the **Energy & Water Ombudsman NSW (EWON)**. Call 1800 246 545 or visit www.ewon.com.au

EWON offers a free, fair and independent dispute resolution service.

Financial hardship

If you can't pay your bills you may be experiencing financial hardship. Rather than taking out a high cost loan—often called 'payday loans'—you can ask your bank and utility provider for a hardship arrangement to pay off your bills. You can also get free help through **Financial Counselling Australia**. Call 1800 007 007 or visit www.financialcounsellingaustralia.org.au

DID YOU KNOW?



The MoneySmart

website has information for Aboriginal people about 'book up', buying a car, household rentals, help with money, door-to-door sales, mobile phones and other topics. It also has an Indigenous Outreach Team that provides support to Aboriginal and Torres Strait Islanders. Contact the **Indigenous Help Line** on 1300 365 957 or visit www.moneysmart.gov.au

Insurance

If your insurance company rejects your claim, there are things you can do. You can ask for an internal review of the decision. If you are still unhappy with their decision, you can make a complaint to the **Australian Financial Complaints Authority (AFCA)**. Call 1800 931 678 or visit www.afca.org.au

Insurers shouldn't make you pay your excess upfront if you can't afford it. If this happens to you, ask to speak to your insurer's financial hardship section.

Health care

If you have concerns about your doctor or other health care professional's practice, you should talk to them first. If your concerns are not resolved, you can contact the **Health Care Complaints Commission (HCCC)**. The HCCC is an independent body that deals with complaints about health services in NSW. Call 1800 043 159 or visit www.hccc.nsw.gov.au

Scams

Scams are designed to trick or persuade you to give away your personal details or your money. They can be done by phone,

DID YOU KNOW?

There are many computer clubs and training courses for seniors across NSW. They encourage and educate seniors to use and explore computer technology. Visit www.ascca.org.au

The **Tech Savvy Seniors** program offers low cost or free training so older people can learn to use computers, tablets and smart phones. Visit www.telstra.com.au/techsavvy-seniors

mail, in person and online. The internet has given new life to old scams and created new ones.

Anyone can be the victim of a scam, but some scams target older people because they tend to have more savings, or scammers see them as less internet savvy. You can protect yourself from scams. A good rule of thumb is: 'if it sounds too good to be true—it probably is'.

RECENT SCAMS TO WATCH OUT FOR

If you get a call from someone claiming to be from the **Australian Taxation Office** accusing you of tax fraud, or claiming to be from the **Commonwealth DPP** telling you about an arrest warrant, it could be a scam. Don't give them your details, just hang up.

Also, watch out for calls from people who want to talk to you about **binary options trading**, or who ask you to pay things like taxes, hospital or utility bills or bail money with an **iTunes gift card**. The scammer will ask you to pay by telling them the 16-digit code on the back of the card. If you do your money will be gone and you will never get it back.

Watch out for scammers pretending to be from the **NBN**. They try to con victims out of their money and personal information by 'connecting' victims to the NBN network for a low price, and often demand that you pay with an iTunes gift card.

Also be cautious of **missed calls from international numbers** you do not recognise. It may be a scammer hoping you will call back and keep you on the line for a long time charging your call at a premium rate. If you get a missed call from an international number and don't recognise the number, just ignore it.

Investment scams

These scams try to seduce you with a 'not-to-be-missed' financial opportunity. The scammer might claim to be a stock broker or portfolio manager. They usually offer a low-risk opportunity with high financial returns and may encourage you to invest

overseas. The offers look like the real thing, with professional looking emails and websites. They may give you logins to view fake investment balances and growing returns. Be suspicious of anyone offering easy money. Don't be pressured into anything. Do your own research on a company and get

independent advice before you accept an offer.

Dating and romance scams

These usually happen on official dating or social networking websites where scammers create fake profiles to take advantage of people looking for companionship. They play on your emotions and put time and effort into gaining your trust before asking for money. They will often pretend the money is for a personal or family emergency. Never send money, credit card details or online account details to anyone you don't know or trust, no matter how you feel about them. Be careful about how much personal information you share online. Scammers use information and pictures to target you with scams or even blackmail you if you have shared personal pictures or videos.

Spam mail and phishing

Spam is electronic junk mail—like an unexpected email, SMS text or messaging app promising money and prizes. Scammers want you to send personal information or pay an upfront

fee before you can claim an inheritance, travel prize, lottery win, shopping voucher or compensation money.

They also use phishing messages to try to get your bank account numbers and passwords and usually pretend to come from legitimate businesses—like your bank asking you to click on a link to reset a password or a trusted organisation calling to verify customer information. Don't respond or attempt to unsubscribe, and don't click on any links or call a phone number. The best thing to do is delete it. If you are not sure who is calling you, use publicly available information to call them back instead.

Where to find more information

Seniors Guide to consumer rights in NSW is a free publication with information on door-to-door sales and telemarketing, unordered goods, unsolicited services, direct marketing, internet and television shopping, scams, building and renovating, buying a car, health complaints and shopping. Download or order a copy at www.fairtrading.nsw.gov.au or call 13 32 20.

The Law Handbook

Has chapters on credit, banking, superannuation, debt, insurance and consumer issues generally. You can find the Law Handbook at your local library or at www.legalanswers.sl.nsw.gov.au

The little black book of scams highlights popular scams and has tips on how to protect yourself from scams, what you can do if you do get scammed and how to report a scam. Download or order it at www.accc.gov.au or call 1300 302 502.

NSW Department of Planning and Environment has information about customer's

rights, understanding energy bills, getting financial help with energy bills, energy rebates and reducing your energy costs. Visit www.powertosave.nsw.gov.au

MoneySmart

A government website with information about investment, superannuation, managed funds, financial advice or insurance scams, as well as other types of scams and what to do if you have been scammed. Call 1300 300 630 or visit www.moneysmart.gov.au

Credit and Debt Hotline

Provides financial counselling information, advice and referral services to consumers on credit, debt and banking issues. Call 1800 007 007 or visit www.financialrights.org.au

Energy & Water Ombudsman NSW (EWON)

EWON offers a free, fair and independent dispute resolution service for all residential and small business energy customers in NSW and some water providers. If you can't sort out a problem with your energy or water provider contact EWON

on 1800 246 545 or visit www.ewon.com.au

The website has factsheets, event information and an online complaint form.

Australian Financial Complaints Authority (AFCA)

AFCA is an independent external dispute resolution scheme. AFCA offers individuals and small businesses a free, fair and flexible solution for resolving complaints about financial products and services.

AFCA is a not-for-profit, non-government organisation that resolves complaints quickly and efficiently, providing a cheaper alternative than going to court.

AFCA can deal with financial problems such as:

- errors in everyday banking transactions and default listings
- difficulty repaying loans, credit cards and short-term finance
- denial of an insurance claim (such as car, home and contents, pet, travel, income protection and trauma insurance)

- inappropriate investment advice
- a superannuation trustee's decision about the distribution of a benefit.

Call 1800 931 678 or visit www.afca.org.au

Telecommunications Industry Ombudsman (TIO)

A free dispute resolution service for small business and residential customers who have a complaint about their telephone or internet service. Call 1800 062 058 or visit www.tio.com.au

Scamwatch has information about how to recognise, avoid and report all types of scams. Call the Scamwatch ACCC Infocentre on 1300 795 995 or visit www.scamwatch.gov.au

Australian Tax Office (ATO)

has information on tax scams. You can also verify and report tax scams to the ATO. Call 1800 008 540 or visit www.ato.gov.au

Australian Cybercrime Online Reporting Network

is an online system to securely report cybercrime. It also has advice on recognising and avoiding common types of cybercrime. Visit www.acorn.gov.au

Australian Communications and Media Authority enforces Australia's anti-spam laws. For more tips on how to protect yourself and to report spam call 1300 850 115 or visit www.acma.gov.au

Stay Smart Online has simple advice on how to keeping your computer secure and protecting your personal information while you are online. Visit www.staysmartonline.gov.au

DID YOU KNOW?

It is against the law to discriminate against someone because of their age when they buy goods or services. See the **Discrimination: age and carers** chapter for where to get legal help.

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Legal Aid NSW

Free face-to-face legal advice and help to older people about consumer issues. Call LawAccess NSW on 1300 888 529 for a referral to your closest Legal Aid NSW office or visit

www.legalaid.nsw.gov.au

The Financial Rights Legal Centre

A community legal centre that specialises in in the areas of consumer credit, banking, debt recovery and insurance. It also offers advice and advocacy for people in financial stress.

Call 1800 007 007 or visit

www.financialrights.org.au

DID YOU KNOW?

You can try to find lost or unclaimed money from bank accounts, life insurance policies, superannuation, company shares, salaries and wages, rent and rental bonds, trust money, royalties, and other money held by the government at www.moneysmart.gov.au

DID YOU KNOW?

Clothes dryers, heaters or air conditioners use more power in winter and energy bills can come as a shock. For tips on how to save energy and water visit the **Energy & Water Ombudsman NSW** website at www.ewon.com.au

The **Office of Environment & Heritage** also has an Appliance Replacement Offer program. You may be able save money on bills by replacing old fridges and TVs. Visit www.powertosave.nsw.gov.au/appliance for more information.

DISCRIMINATION: AGE AND CARERS

Australians of all ages have the right to be treated fairly and to enjoy the same opportunities as others. Anti-discrimination laws protect people from being discriminated against because of their age or their carer's responsibilities in many areas of public life—including employment, education, accommodation and when they are given goods and services.

We know that older people often experience discrimination because of their age when it comes to getting work, or when they are at work. Some studies show that workers as young as 45 experience age discrimination.

Many carers who give ongoing, unpaid support to family members who have a disability, chronic illness, mental illness, dementia or are frail also need to work. The law protects you from being discriminated against at work if you care for a person with a disability or an immediate family member, like a child, parent, sibling or grandparent.

What is age discrimination?

It is against the law to treat an older worker differently to a younger worker because of their age. Some types of unfair treatment could include being:

- dismissed from work
- forced to retire
- made redundant
- offered fewer shifts
- overlooked for a promotion or other benefit
- prevented from going to training
- excluded, ignored or isolated in the workplace

What is discrimination against someone with carers responsibilities?

It is against the law for employers to treat you unfairly because you have carer's responsibilities, or because they think you have carer's responsibilities.

The discrimination can also be indirect. For example, if an employer makes a rule that is harder for someone with carer's responsibilities to meet than someone who doesn't have these

responsibilities. This could happen if your employer says all workers must start and finish work at a set time or attend meetings outside of business hours.

What can you do about discrimination?

If you are treated unfairly because of your age, or because of your carer's responsibilities, you may be able to make a complaint to the **Australian Human Rights Commission**, the **Anti-Discrimination Board of NSW** or **Fair Work Commission**.

There are time limits for doing this. Depending on where you decide to make your complaint, you must do it no later than 21 days, 6 months or 12 months after the discrimination happened. It can be complicated to decide what to do, so you should talk to a lawyer about the best action to take in your case.

What can I do if I am having difficulty finding a job?

It is against the law for an employer not to hire you because of your age or your carer's responsibilities. Jobs, apprenticeships and traineeships should be open to people of all

ages, and job advertisements should not state that they are looking for people in a particular age group.

If you think you did not get a job because of your age or carers responsibilities you should get legal advice. You can also contact the **Australian Human Rights Commission**, the **Anti-Discrimination Board of NSW** or **Fair Work Commission**.

Can I be asked when I'm going to retire?

Yes. But if your employer keeps asking you when you are going to retire or pressures you to retire, this could be discrimination.

DID YOU KNOW?

There are payments you can get if you are a full-time carer and can't work because of your caring responsibilities. You can find information about payments and what other help is available for carers from the **Department of Human Services**. Visit **www.humanservices.gov.au**

What should I know before I ask my employer for flexible working arrangements?

You can ask your employer for flexible working arrangements if you:

- are 55 or older
- have a disability
- are a carer for school age children or a person with a disability
- are experiencing family violence, or
- giving care or support to an immediate family member who is experiencing family violence from another family member.

Flexible working arrangements include things like being able to start work late or finish early, work part-time, job-share with someone else, work your hours over fewer days or work from home some days.

You need to have been employed for at least 12 months before you can ask for flexible working arrangements. If you are a casual worker you can ask for flexible working arrangements if you regularly work for your employer and

expect to continue to work for them in the future.

You must tell your employer in writing what change you want to make to your work arrangements and why you are asking for that change.

What can I do if my employer won't give me flexible work arrangements?

Your employer doesn't have to agree to give you flexible working arrangements, but they must have a good reason to say no. They must tell you in writing what these reasons are. If you have asked for flexible working arrangements and your employer hasn't agreed to it, you should get legal advice.

DID YOU KNOW?

As a carer you may worry about what will happen if you are no longer able to care for your family member or friend. The **Planning Ahead Tools** website has information that can help you plan ahead for the future. Visit www.planningaheadtools.com.au

Where to find more information

You can get more information about discrimination and how to make a complaint from the:

- **Australian Human Rights Commission**
Call 02 9284 9600 or 1300 369 711 or visit www.humanrights.gov.au
- **Anti-Discrimination Board of NSW**
Call 02 9268 5544 or 1800 670 812 or visit www.antidiscrimination.justice.nsw.gov.au
- **Fair Work Commission**
Call 1300 799 675 or visit www.fwc.gov.au

Fair Work Ombudsman Can give you information and advice about your workplace rights and obligations. Call 13 13 94 or visit www.fairwork.gov.au

icare workers insurance Provides insurance and care services to people with injuries under the NSW Workers Compensation Scheme. Call 13 44 22 or visit www.icare.nsw.gov.au

DID YOU KNOW?

If you can't do your normal job because you are injured at work, or for some other reason, but you want to keep working, you should talk to a private lawyer who specialises in workers compensation law.

You can also get more information about making a workers compensation claim if you are injured at work from **icare workers insurance**. Call 13 44 22 or visit www.icare.nsw.gov.au

DID YOU KNOW?

If you earn over \$450 per month your employer should pay superannuation for any work that you do. If you are not sure whether your employer has paid your superannuation, you can check with the **Australian Taxation Office**. You can also use their online superannuation guarantee contributions calculator. Call 13 10 20 or visit www.ato.gov.au

NSW Industrial Relations

For information about conditions of employment (like pay, leave, workplace flexibility, starting or leaving work).

Call 131 628 or visit

www.industrialrelations.nsw.gov.au

Carer Gateway

An online and phone service that provides practical information and resources for carers. The interactive service finder helps carers connect to local support services. Call 1800 422 737 or visit www.carergateway.gov.au

Carers NSW

Provides information, support and counselling for carers. It has an Aboriginal and Torres Strait Islander Carer Program, and information to help carers better understand the National Disability Insurance Scheme (NDIS). Call 9280 4744 or 1800 242 636 or visit www.carersnsw.org.au

Family and Community Services (FACS)

You can find information and resources for carers in the individual, family and carers section on the FACS website.

Visit www.adhc.nsw.gov.au/individuals

My Aged Care

The website has a section on Caring for someone with links to useful information, resources and services. Call 1800 200 422 or visit www.myagedcare.gov.au/caring-someone

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Private lawyers

The Law Society of NSW's Solicitor Referral Service can refer you to a private lawyer who specialise in workers compensation.

Call 02 9926 0300 or email ereferral@lawsociety.com.au

DID YOU KNOW?

Transport for Health

provides transport and travel help for people who can't use or have difficulty using public transport or who are disadvantaged by distance. The **Isolated Patients Travel and Accommodation Assistance Scheme (IPTAAS)** can help with travel and accommodation costs if someone needs to get specialist treatment. Call 1800 478 227 or visit www.health.nsw.gov.au and search for Transport for health.

DID YOU KNOW?

If you retire, your employer should pay you any money they owe you for wages, bonuses and commissions that you have earned. They should also pay you for any unused annual leave, but they don't have to pay you for unused sick leave.

If you were employed for over ten years they should also pay you your long service leave. If you were employed for more than five years and you resigned for medical reasons or a reason called a 'domestic or other pressing necessity', you may be able to be paid some of your long service leave. To find out if you have worked long enough to get long service leave contact **NSW Industrial Relations**. Call 131 628 or visit www.industrialrelations.nsw.gov.au

WILLS AND OTHER WAYS TO PLAN AHEAD

Wills

A will is a legal document that sets out how you want your assets—called your estate—to be distributed after you die. This can include real estate, artwork, money and even items of sentimental value that you want to give someone. You can also say in your will who you want to care for your pet and what kind of funeral you want.

You must appoint an executor in your will. Your executor is responsible for making sure that your estate is distributed as set out in your will. It is important to choose an executor who has the financial and taxation skills to carry out the role.

How do I make a will?

You can make a will yourself with a do-it-yourself will kit. However, it is best to talk to a professional to make sure your will is legally valid and reflects your wishes. A will must follow strict legal requirements and be properly signed and witnessed. A solicitor or NSW Trustee

& Guardian can help you make your will.

What does it cost to make a will?

Solicitors' fees vary and can depend on how complex the will is. It is a good idea to shop around and compare fees.

NSW Trustee & Guardian

can prepare your will for a fee of \$330. You can have your will and power of attorney prepared together for a fee of \$440 (a discount of \$110).

They will prepare your will and power of attorney for free if you are eligible for a full Centrelink Age Pension (or if you receive another government benefit—such as a Department of Veterans' Affairs Pension—but you would otherwise be eligible for a full Centrelink Age Pension).

If you are updating a will or power of attorney you have made before with NSW Trustee & Guardian you will get a discount.

If you choose a professional executor, such as a solicitor or NSW Trustee & Guardian, to be executor of your will, they will charge fees to administer your estate when you die.

How often should I review my will?

Your will expresses your wishes at a particular point in time. You should review your will regularly to make sure it accurately reflects your current wishes.

You may want to update your will when:

- you marry
- you separate or divorce
- you welcome children or grandchildren into your family
- your executor becomes ill, is unable to handle the responsibility or dies
- a beneficiary named in the will dies
- your partner or spouse dies
- you want to change the amount of money you left someone when you made your last will
- you retire—retirement is a good time to do your estate planning and possibly look at setting up tax effective arrangements through your will
- buy or sell assets—people often leave assets to someone

in their will and then sell them before they die. This could mean that some beneficiaries receive nothing, while others get more than you intended.

What will happen if I die without a will?

If you die without a will this is called dying 'intestate'. If you die intestate you lose the opportunity to have a say in how you want your assets and sentimental items to be distributed. Your estate will be distributed according to a formula set out by the intestacy laws and people may miss out or not get what you intended them to have. It is better to plan ahead and have a valid and up-to-date will in place.

Other ways to plan ahead

What would happen to your personal, financial and business affairs if you were no longer able to make decisions for yourself because of illness or injury?

If you don't have planning ahead documents in place and you lose the capacity to make decisions for yourself, your family and friends may not know what you would have wanted to do about your financial, health, and

lifestyle needs. They may have difficulty paying bills from your bank account. If a decision needs to be made about selling your home to pay for you to move into residential aged care or a home that is more suitable for you, they would have to go to a court or tribunal to have someone appointed to make decisions for you.

People you have not chosen could end up managing your money or making decisions for you. They could decide where you live, what happens to your home, if you are placed in aged care or what medical treatment you receive.

However, you can plan ahead while you're fit and healthy by deciding who you would like to make decisions for you. You can do this by making a will and two other documents called an **Enduring Power of Attorney and Enduring Guardianship** appointment.

What is an enduring power of attorney?

An enduring power of attorney is a legal document that appoints a person or organisation you choose to make decisions for you

about property, financial and legal affairs—like managing your bank accounts, paying bills, and buying or selling property.

What is an enduring guardian?

An enduring guardian is someone you appoint to make personal and lifestyle decisions for you—like where you live, which doctor you go to, what medical or dental treatment and other services you get. It only covers decisions about lifestyle and health. A power of attorney covers legal and financial decisions.

What is an advance care directive?

An advance care directive records your instructions for doctors and health care workers about the treatment you want or don't want in the future. It's a good idea to discuss your wishes about your future health care with your doctor, family, friends and enduring guardian, so if the time comes when they need to make decisions for you, they will know what you would have wanted.

Unlike an enduring power of attorney and enduring guardianship appointment, there

is no standard form you need to use for an advance care directive. You can find links to some tools that may help you at www.planningaheadtools.com.au

Planning for retirement

Because we are living longer and healthier lives, many of us will have a longer retirement too. Planning for the future should also involve taking stock of your financial situation and thinking about your income sources after you retire—such as the age pension, superannuation, savings, and investments. The earlier you prepare for retirement, the more control you will have over your options. However, it is never too late to plan. It is a good idea to talk to an expert about financial and retirement planning.

Planning for children with disability

Families of people with disability, especially older parents, often worry about what will happen to their child when they are no longer able to care for them. You can use your will to make sure your child will be looked after when you die, often by setting up a trust. This is a complex area

and you should get specialist legal advice about your options.

The **Department of Social Services** has produced two booklets to help families plan for the future care of family members with high support needs, and with how they can use Special Disability Trusts to look after them financially. Download the **Planning for the Future: People with disability** and **Special Disability Trusts: Getting things sorted** booklets at www.dss.gov.au or call **1300 653 227**.

Organ donation

You can donate some of your organs and tissue after you die, but you should tell your family and other people close to you because they will need to agree to it before it can happen. Even if you have already recorded your donation wishes somewhere else—for example by ticking a box on a driver licence renewal form—you can register as a donor through the **National Organ Donor Register**. You can cancel or change your decision at any time. Call 1800 777 203 or visit www.humanservices.gov.au

Where to find more information

The **Planning Ahead Tools** website has information, tools and resources about wills, powers of attorney, enduring guardianship and advance care planning in NSW. Visit www.planningaheadtools.com.au

Your Rights at Retirement: A guide to making decisions and navigating your entitlements in later life is produced by the Australian Human Rights Commission. It can help you think about the decisions you should be making for the future, from setting up a retirement budget to options for aged care. Download it at www.humanrights.gov.au or call 02 9284 9600.

The **Representing Yourself** section at www.lawaccess.nsw.gov.au has practical self-help information about how to deal with an estate after someone dies. It includes information about funerals, gathering information about the estate, applying for probate and administration, distributing the estate family provision claims and more.

Legal Aid NSW

Legal Aid NSW has a number of brochures on wills and planning ahead.



Who will decide for you if you can't decide for yourself?

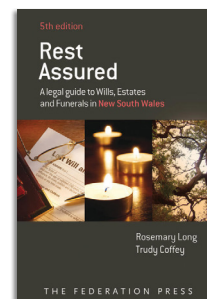


Speaking for myself: planning ahead for later life decision making.

Download copies or order free printed copies at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

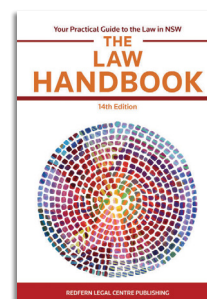


Why make a will?



Rest assured: a legal guide to wills, estates and funerals in NSW

An online guide to making, changing, revoking, or challenging a will, rights of creditors and beneficiaries to a will, probate and intestacy and legal fees. Get it at your local library or visit www.legalanswers.sl.nsw.gov.au



The Law Handbook

Has information about wills, estates and funerals. You can find the Law Handbook at your local library or at www.legalanswers.sl.nsw.gov.au

DID YOU KNOW?

The **Advance Care Planning Workbook** can help you think about what health care decisions you may need to make and how to discuss your wishes with your carers, family and health care teams. Visit www.cclhd.health.nsw.gov.au and search for Advance Care Planning.

DID YOU KNOW?

A third of Australians have lost, destroyed or damaged an important original document—like a will or passport. To protect your planning ahead documents **NSW Trustee & Guardian** has a Will Safe storage service. You need to pay a deposit and you can retrieve your documents easily when you need them. NSW Seniors Card holders also get a discount off the deposit fee. Call 1300 364 103 or visit www.tag.nsw.gov.au/willsafe

DID YOU KNOW?

If your partner or someone else you were financially dependent on died without leaving enough for you in their will, you may be able to make a Family Provision Claim in the Supreme Court. You must make the claim within 12 months of the date of the person's death and you should get legal advice first.

Legal Pathways (Council on the Ageing NSW)

Prepares wills, enduring power of attorney and guardianship documents for people on the age pension. To make a booking call 02 9286 3860 or 1800 449 102 or visit www.cotansw.com.au for more information.

NSW Trustee & Guardian

Prepares wills, powers of attorney, trusts and enduring guardianship appointments. You can also appoint NSW Trustee & Guardian as your independent executor and attorney. Call 1300 364 103 or visit www.tag.nsw.gov.au to find to find your local branch,

and to find their brochures and booklets about planning ahead documents, the role of executors and administering estates.

You can also start your will or power of attorney online with NSW Trustee & Guardian. Visit www.tag.nsw.gov.au/portal

Private Guardian Support Unit

Provides a free and confidential service to help legally appointed guardians in their role. Call 02 8688 6060 or 1800 451 510 or visit www.publicguardian.justice.nsw.gov.au

Financial Services Council

The peak representative body for Australia's trustee companies. Trustee companies charge for preparing wills. To find a list of trustee companies call 02 9299 3022 or visit www.fsc.org.au

MoneySmart

A website with information about managing your money, superannuation and retirement, investing and how to go about getting the right financial advice. Visit www.moneysmart.gov.au or call 1300 300 630.

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Private lawyers

The Law Society of NSW Solicitor Referral Service can refer you to a private lawyer who can do your will for you. Call 02 9926 0300 or 1800 422 713 or www.ereferral@lawsociety.com.au or lawsociety.com.au

Seniors Rights Service

Provides free legal advice and assistance for older people and also free education and community forums on planning ahead and preparing for later life. Call 1800 424 079 or www.seniorsrightsservice.org.au for more information or to book a talk.

DID YOU KNOW?

You can leave instructions in your will for your executor to deal with your digital assets—like social media accounts, loyalty programs such as frequent flyer points or online businesses—after you die. If you don't, your digital assets may not be treated in the way you would have wished and your loved ones may not know that they even exist. To learn about planning for your digital assets with a free webinar or to order a copy of the **Guide to Social Media Afterlife** call 1300 364 103 or visit www.tag.nsw.gov.au

PETS PAGE

Can I include my pet in my will?

You can say in your will how you want your pet to be taken care of. You can:

- leave money to an animal charity with a legacy program
- set up a trust and appoint a trusted carer to care for your pet, or
- leave money in your will to a friend or family member so they can look after your pet.

The Companion Animals

Law Guide has an overview of the day-to-day legal issues for pets and pet owners in NSW. It covers the law about barking dogs, injuries caused by dogs, things you need to know about owning a pet and other issues. You can download the guide at www.lawsociety.com.au

Keeping pets in strata schemes is a free guide to help tenants, agents and owners understand the laws in NSW about keeping pets in strata schemes. You can download this guide at www.lawsociety.com.au



DID YOU KNOW?

Pets of Older Persons helps people 65 or older with their pets in times of crisis. It can arrange temporary boarding for pets if you need medical treatment, respite or other assistance. It also offers veterinary treatment, help with pet grooming and basic pet care.

Call 02 9782 4408 or visit www.rspcansw.org.au for more information.

DID YOU KNOW?

If you are a pensioner or on a low income and can't afford to have your pet desexed the **National Desexing Network** can help you find a vet in your area who will do it for a reduced fee. Call 1300 368 992 or visit www.ndn.org.au

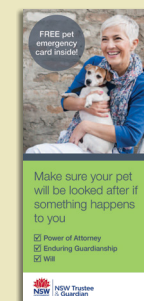
Also, some local councils offer free microchipping days for your pet. Check your local council website for more details.



DID YOU KNOW?

Each year NSW Trustee & Guardian hears of pets left alone when people die without a will or when they have health issues that make it difficult to communicate with others and tell them about the pets they can no longer take care of.

The **pet emergency card** is a simple way of helping to make sure a pet can be looked after when its owner is not able to. It is small enough to be carried in a wallet and contains space to write the pet's name and who to contact in an emergency.



The card comes attached to a brochure that explains how you can include your pet in your will, power of attorney and enduring

guardianship documents. Email tagenquiries@tag.nsw.gov.au or call 1300 364 103 to order your pet emergency card.

PLANNING AHEAD CHECKLIST

This NSW Trustee & Guardian checklist can help you with what to think about before planning ahead.

Your Will

- ☐ What assets do you have?—for example, property, superannuation and investments
- ☐ Who are your beneficiaries?—the people who will receive your assets
- ☐ What specific gifts you want to make—for example, do you want to leave a bequest to a charity?
- ☐ Who should be your executor?
- ☐ What funeral arrangements do you want?

Enduring Power of Attorney

- ☐ Who should be your attorney?—the person or trustee organisation you want to make property and financial decisions for you
- ☐ Arrange to sign your Power of Attorney before a specially qualified witness and have your attorney accept the appointment

Enduring Guardianship

- ☐ Who should be your guardian—the person you want to make health and lifestyle decisions for you?
- ☐ What decisions will your guardian make for you?
- ☐ Do you have any specific directions you would like to give your guardian?
- ☐ Arrange for you and your guardian to sign the enduring guardianship appointment before a specially qualified witness

Advance Care Planning and Directives

- ☐ Discuss your future health and medical care wishes with your family and doctor
- ☐ Ask your doctor to document your Advance Care Plan in your medical records
- ☐ Write down any specific health care wishes you may have about your treatment

Storage of your planning ahead documents

- ☐ Decide where to store your planning ahead documents. Visit www.tag.nsw.gov.au/willsafe for more information.
- ☐ Advise loved ones of their location so they can be easily found.

LEGAL ISSUES FOR ABORIGINAL OLDER PEOPLE

Older Aboriginal people have the same issues as any other older person. But some issues may affect Aboriginal older people more than other older people because of history, culture and the disadvantage some Aboriginal people may face in many areas of life. This topic covers some of the main things it is good for older Aboriginal people to know about.

Reparations for Stolen Generations survivors

The NSW Stolen Generations Reparations Scheme started on 1 July 2017 and finishes on 30 June 2022. Reparations are a payment from the government to recognise the hurt caused when you were forcibly removed from your natural family and community.

You can get reparations if before **20 March 1969** you:

- were removed by, or
- came under the care of, the Aborigines Protection or Welfare Boards.

You could get:

- a payment of \$75,000
- \$7,000 to help pay for your funeral costs.

How can I apply?

To get the application form:

- call Aboriginal Affairs on 1800 019 998. They can send it to you and help you fill it out, or
- download it at www.aboriginalaffairs.nsw.gov.au/healing-and-reparations/stolen-generations/reparations-scheme

DID YOU KNOW?

The **MoneySmart** website has information for Aboriginal people about how to budget, save and manage a big windfall of money. It also has an Indigenous Outreach Team which provides support to Aboriginal and Torres Strait Islanders. Contact the Indigenous Help Line on 1300 365 957 or visit

www.moneysmart.gov.au/life-events-and-you/indigenous

Where to find more help about the Stolen Generations scheme?

Talk to a lawyer at Legal Aid NSW or your local Community Legal Centre. This is free and confidential.

You can call:

- LawAccess NSW to find your local Community Legal Centre on 1300 888 529, or
- Legal Aid NSW on 1800 793 017

The lawyer can also tell you about other things you might need to think about. For example, if you have any debts or fines you should speak to a lawyer before you apply.

Payments for sexual abuse survivors

Because of the Royal Commission into Institutional Responses to Child Sexual Abuse there is now a National Redress Scheme for some people to get compensation. The scheme will finish on 30 June 2027.

You can apply to the National Redress Scheme for counselling, payments (between less than \$10,000 to \$150,000) and an apology if:

- you were sexually abused when you were under 18 years and
 - it happened before 1 July 2018, and
 - an institution was responsible for bringing you into contact with the person who abused you
- you were born before 30 June 2010, and
- you are an Australian citizen or permanent resident.

You can call:

- the National Redress Scheme on 1800 737 377 for more information
- Knowmore on 1800 605 762 for free, confidential, independent and culturally appropriate advice.

You can get this compensation as well as any Stolen Generations payment you get.

DID YOU KNOW?

The Australian Tax Office (ATO) want to make tax and super as easy as possible for Aboriginal and Torres Strait Islander people. You can get free help from their trained volunteers at tax time if you're on a low income. Call the ATO Indigenous Helpline on 13 10 30 or visit **www.ato.gov.au/General/Aboriginal-and-Torres-Strait-Islander-people**

DID YOU KNOW?

Are you sick or injured or living with a disability? Since 1992, if you had a job your employer has to pay you super. Lots of people have insurance with their super that they don't know about. A lawyer can tell you if you can make a claim on the insurance that came with your super (even if it's been a long time since you worked). Call LawAccess NSW on 1300 888 529.

DID YOU KNOW?

You may be able to get extra compensation if you suffered harm **after** you were removed.

Private lawyers are helping some people get compensation from the NSW government. They can tell you if you have a case. The amount of money you may get depends on the injury you suffered and what evidence you have.

A lawyer at Legal Aid NSW or your local Community Legal Centre can help you find the right private law firm. This is free and confidential.

You can call:

- LawAccess NSW to find your local Community Legal Centre on 1300 888 529, or
- Legal Aid NSW on 1800 793 017

Child protection and grandchildren

If the **Department of Family and Community Services (FaCS)** (sometimes still called 'DOCS') think your grandchildren need care and protection, it must take action to make sure they are safe and well looked after. If FaCS contacts your family about your grandchildren and you want to help, you should:

- talk to your family and find out what FaCS is worried about
- contact FaCS and ask to speak with the case worker who contacted your family
- tell the caseworker who you are and give them your contact details
- ask them for their name and contact details
- check what they are worried about and ask how you can help your family
- make a note of the phone call, who you spoke to and what you talked about.

You can get advice about becoming a guardian of your grandchildren. Guardianship

is an arrangement where the Children's Court gives you responsibility for the care of a child or young person.

When will FaCS take kids from their parents?

FaCS will only do this if kids need to be protected from a risk of serious harm. They will apply for a care order in the Children's Court if they want to remove your grandchildren. If FaCS goes to court about your grandchildren and you or someone else in your family or community wants to care for them, you should:

- let the FaCS case worker know as soon as possible
- find out when the case is in court next
- either be at court or get someone else to be there to tell FaCS and the magistrate that you want to care for your grandchildren
- get legal advice.

There is another area of law that deals with caring for kids. This is called family law. You may be able to use family law even if FaCS is already involved. You

should talk to a lawyer about your family's situation to work out the best thing to do.

Where to find more help about child protection

Legal Aid NSW has a brochure called



Caring for kids in Aboriginal families

for grandparents, aunties, uncles and other relatives who care for children or who are worried about children's safety. It also talks about how you can use family law instead of FaCS. Download or order a copy at

www.legalaid.nsw.gov.au/publications or call **02 9219 5028**.

Legal Aid NSW also has a brochure called



Being a guardian for a child or young person

It tells you what to think about when you decide if you want to be a guardian for a child.

Legal Aid NSW Early Intervention Unit

Legal Aid NSW can help Aboriginal and Torres Strait Islander families with care and protection and family law matters. Call 1800 551 589 or visit www.legalaid.nsw.gov.au

Wirringa Baiya Aboriginal Women's Legal Centre NSW

A free legal service for Aboriginal women that can help with care and protection and family law.

Call **02 9569 3847**

or **1800 686 587** or visit

www.wirringabaiya.org.au

DID YOU KNOW?

Family Group Conferencing

is a good way to sit down with your family and FaCS to make a plan about how to keep your grandchildren safe and well looked after. FaCS can arrange the conference. For more information about Family Group Conferencing 1800 000 164 or visit

www.community.nsw.gov.au

DID YOU KNOW?

Some FaCS offices are working with local Aboriginal communities on child protection. Local Aboriginal communities can participate in decision-making about the care and protection of Aboriginal children through Local Advisory Groups. Visit www.facs.nsw.gov.au and search under 'Grandmothers Against Removal'.

Aboriginal Legal Service (NSW/ACT)

The Aboriginal Legal Service helps Aboriginal and Torres Strait Islander people with care and protection and family law cases. Call 1800 733 233 or visit www.alsnswact.org.au

Women's Legal Service NSW has an Indigenous Women's Legal Contact Line. Call 1800 639 784 or 8745 6977

Some **Community Legal Centres** can also give specialist care and protection advice. Call LawAccess NSW on 1300 88 529 to find your closest service.

Child Protection Helpline

If you think your grandchildren are at risk of harm you report this to the Child Protection Helpline on 132 111. It is open 24 hours, 7 days a week. They keep callers' details private.

National Disability Insurance Scheme

The National Disability Insurance Scheme (the NDIS) is a new way to help people under 65 with a disability get care and support to achieve their goals and live strong. This could include being more independent, participating in family and community activities and connecting with culture.

To check if you are eligible call NDIS on 1800 800 110 or visit www.ndis.gov.au/ndis-access-checklist

If you get on the NDIS a planner will help you do your first plan. This is where you work out the supports you need—like transport, equipment and linking you and your family with support services.

If you are unhappy with the supports you are given or you are told you cannot join the NDIS you can challenge those decisions. You should speak to a lawyer about this.

Where to find more help about NDIS

Carers NSW has an Aboriginal and Torres Strait Islander Carer Program and information to help carers better understand the NDIS. Call 9280 4744 or 1800 242 636 or visit www.carersnsw.org.au

The NSW Office of Fair Trading may be able to help you if you have a complaint about goods or services you bought through the NDIS. They have a service and resources for Aboriginal people. Visit www.fairtrading.nsw.gov.au/help-centre/aboriginal-and-torres-strait-islanders

The NDIS Quality and Safeguards Commission (NQSC)

You can complain to your service provider if you are not happy with the quality or safety of the services you get under the NDIS. If that doesn't fix your complaint you can complain to the NQSC. Call 1800 035 544 or visit www.ndiscommission.gov.au/participants/complaints

DID YOU KNOW?

The **National Disability Insurance Scheme (NDIS)** gives services and supports to people with permanent and significant disability. You can apply to be in the NDIS if you are under 65 years. However, if you are accepted in the NDIS you can choose to stay in the scheme for your lifetime.

To apply to join the NDIS you should contact the National Disability Insurance Agency (the NDIA). The NDIA will decide if you can join the NDIS and what services and supports they will pay for. Call 1800 800 110 or visit www.ndis.gov.au

DID YOU KNOW?

If you are in the NDIS and you are unhappy with a decision of the National Disability Insurance Agency (NDIA), you can challenge the decision. You must first ask the NDIA to review the decision. You have 3 months to do this. If you are still not happy after they review the decision you can appeal to the Administrative Appeals Tribunal. You must do this no later than 28 days.

Working With Children Checks

If you work or volunteer with kids or if you are an authorised carer you need a Working With Children Check clearance. These checks aim to help keep kids safe by stopping a person from working with or caring for kids if they might be a risk to them.

To apply for a Working With Children Check call 02 9286 7219 or visit www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check

Your employer, the organisation you volunteer with or FaCS can help you apply.

The Children's Guardian will look at your full criminal history—convictions, charges and juvenile records—to make their assessment.

The Children's Guardian will either give you clearance to work with children or not allow you to work with kids.

The date your Check will end will be in the email you got when your WWC number was given

to you. If you don't have this email anymore, you can find your WWC number and the date it ends at www.kidsguardian.nsw.gov.au/check/apply

What happens if I get knocked back?

Sometimes the Children's Guardian will put an 'interim bar' to you working with kids in place while they investigate your application more fully. If the Children's Guardian knocks you back you can't work or volunteer with kids or be an authorised carer.

You can ask the NSW Civil and Administrative Tribunal to review most decisions the Children's Guardian makes. You need to apply to the Tribunal no later than 28 days after the Children's Guardian makes their final decision. Visit

www.ncat.nsw.gov.au

Where to find more help about Working With Children Checks

Legal Aid NSW can give advice about Working With Children Checks and represents people in the Tribunal in some cases. You can call:

- LawAccess NSW to find your closest Legal Aid NSW office on 1300 888 529, or
- Legal Aid NSW on 1800 793 017.

The Office of the Children's Guardian has information about Working With Children Checks. Visit www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check

DID YOU KNOW?

There are special **Aboriginal and Torres Strait Islander Principles** for when FaCS is involved with your family. This means that Aboriginal and Torres Strait Islander families, kinship groups, and communities should have a say in decisions about their children—including where they live. Legal Aid NSW has a brochure about these principles called **Kids in Care: Aboriginal and Torres Strait children and care**. Download or order a copy at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

Trouble paying energy bills?

Contact your energy or water provider if you are having problems paying a bill. They must offer you a payment plan. If your problems paying go on for a long time they must refer you to their hardship program for longer term care and support. They must offer you this help before they disconnect your power. Talk to your energy or water provider as soon as you have a problem to avoid costly disconnection fees.

Contact your energy provider to make sure you are on the best rate. And check your energy bills to make sure you are getting energy rebates if you have a concession or health care card, and water rebates if you have a pensioner concession card.

Some families, concession card holders and customers using approved medical equipment may also be able to get energy rebates to pay their energy bills. Visit www.energysaver.nsw.gov.au/households/rebates-and-discounts

The **Energy Accounts Payment Assistance (EAPA) Scheme** helps people who have trouble paying their electricity or gas bill because of a crisis or emergency. EAPA vouchers can help you to catch up with your bills. For more information or to find your local EAPA provider, call Service NSW on 13 77 88 or visit www.powertosave.nsw.gov.au

If you have problems with your energy or water provider call **Energy & Water Ombudsman NSW (EWON)**. EWON employs an Aboriginal Engagement officer who can help you. Call 1800 246 545 or visit www.ewon.com.au

Wills

A will is a written document that says who you want your things—your money, property and your belongings—to go to when you die.

Making a will may stop fights about what should happen to your stuff, and where you would like to be put to rest after you pass away. It also makes it easier and cheaper for your family to sort things out after you die.

If you die without a will, your things may not go to who you want. The law says who will get your stuff and some people you want to give things to could miss out.

If you don't have a will, your things usually go to your husband, wife or partner, and if you have a lot of money, to your kids as well. You might want to leave stuff to other people you raised or to your grandchildren, nieces, nephews or other family members or people you look after—to do this you need to make a will.

Planning to make a will?

Legal Aid NSW and Community Legal Centres work with private law firms to hold free will-making days in some Aboriginal communities in NSW. To find out if there is a free wills day coming up in your community or to organise one for your community, call 1800 793 017.

The **NSW Trustee and Guardian** also hold Plan Ahead Days in towns and suburbs across NSW every year so people can make or update their Wills and Powers of Attorney. To find out more call 1300 364 103 or visit www.planningaheadtools.com.au

You can find lots of information about wills in the March topic in this diary—**Wills and other ways to plan ahead** on page 46

DID YOU KNOW?

Your will can include Aboriginal paintings, art pieces you have collected and copyright to artwork you painted. You may be able to use a will as a way of passing on cultural knowledge after you die. You'll need to talk to a lawyer if you want to do this.

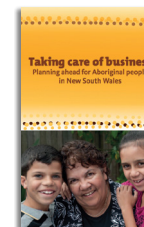
DID YOU KNOW?

The Arts Law Centre of Australia's **Artists in the Black** service can give Indigenous artists information and legal advice about their rights. You can fill in a Legal Query Form at www.aitb.com.au or call 1800 221 457 and leave a message and they will call you back.

Where to find more help about wills

Legal Aid NSW has a brochure called

Who gets my stuff after I die? Why wills are important for Aboriginal people.



Download or order copies at www.legalaid.nsw.gov.au/ publications or call 02 9219 5028

Taking care of business—planning ahead for Aboriginal people in NSW is a practical booklet for Aboriginal people on planning ahead with a will, power of attorney, enduring guardianship and an advance care plan. Download it at www.tag.nsw.gov.au/aboriginal-planning-ahead.html or call 1300 554 791.

Funerals

You can find lots of information about funerals in the May topic in this Diary—**Facts about funerals** on page 90.

Here are some things about funerals that may help Aboriginal older people:

Transport for NSW Aboriginal has a **Funeral Transport 'Sorry Business'**

project that can help with transport for Aboriginal people in NSW to attend funerals of friends or community members if you can't get there any other way. Call 1300 361 787.

NSW Fair Trading has **Aboriginal Enquiry Officers** who can give you information about funeral products, or help you make a complaint about a funeral director, cemetery or crematorium. Call 13 32 20 or 1800 500 330

The Australian Securities & Investments Commission has an **Indigenous Outreach Program** that can give Aboriginal and Torres Strait Islander people information and take complaints about financial service providers, including funeral insurers. Call 1300 365 957 or visit **www.moneysmart.gov.au/life-events-and-you/indigenous**

DID YOU KNOW?

The NSW Aboriginal Land Council (NSWALC) may be able to help Aboriginal people in NSW with funeral costs. You must complete a claim form and provide other documentation. To find out if you are eligible and for a claim form call 02 9689 4444 or 1800 647 487 or visit **www.alc.org.au**

Where to find more help with funerals

Legal Aid NSW has a service for Aboriginal people—the **Civil Law Service for Aboriginal people**—that can help with questions about funeral insurance and problems with paying for funerals. Call 02 9219 5057 or 1800 793 017 or visit **www.legalaid.nsw.gov.au**

DID YOU KNOW?

The **Aboriginal Community Benefit Fund (ACBF)** is a company that provides funeral insurance to Aboriginal people. ACBF is not an Aboriginal company. Like other insurance, you could end up paying ACBF more than what your family gets after you die.

FACTS ABOUT FUNERALS

If you need to arrange a funeral for a family member or a friend, or you want to plan ahead to pay for your own funeral, it can be hard to know where to start.

It's important to know your rights. It is also important to know what responsibilities funeral providers or insurance companies have, and how to protect yourself from things that can go wrong.

How much does a funeral cost?

Most of us only find out about funeral costs when we need to arrange the funeral of a family member or friend.

Funerals can cost from \$4,000 for a basic cremation to around \$15,000 for a more elaborate casket, burial and flowers.

Typical things you need to pay for when you arrange a funeral are:

- funeral director fees
- transport
- coffin
- death certificate

- permits
- burial or cremation
- cemetery plot
- other expenses, like a religious or secular celebrant, flowers, newspaper notices and the wake.

Planning ahead—what are my options?

If you want to plan ahead for your funeral, you can:

- save money in a high interest bank account
- arrange a funeral bond—these can be arranged through a funeral director
- arrange a pre-paid funeral—talk to a funeral director about the options and check that your money is being put in a 'registered fund' for safe-keeping
- rely on your superannuation or life insurance death benefit payment which may cover your funeral costs
- take out funeral insurance—there is more information about this below.

What should I know about funeral insurance policies?

Funeral insurance policies may be attractive if you want to spare your loved ones from paying for your funeral. However, some funeral insurance policies are risky or a waste of money. Advertising for funeral insurance can be confusing and misleading, so you should check all the details before you sign up.

The premiums in funeral insurance policies may start low, but can rise steeply as you age and can quickly become unaffordable for people living on the pension. If you can't keep up the payments you may lose your cover, plus all the money you have already paid towards the insurance.

If you've paid premiums for a long time, many policies will pay out much less for the funeral than what you paid over the period you were insured for. Funeral insurance is really only worth it financially for people who hold the policy for 5-10 years before they die. If you are young and healthy, it can be very expensive over your lifetime.

Some funeral insurance policies are 'capped' so you never pay more than the benefit your family will get. Or if you keep paying, your family will get the extra money that you paid. These policies can be a better option than policies where you keep paying more than the benefit you will receive, and policies where you have to keep paying until you pass away.

What other funeral products are there?

Funeral insurance is possibly not the best option if you want to plan ahead while you are still relatively young and healthy. Savings, prepaid funerals, funeral bonds, and life insurance are more cost-effective options for covering your funeral costs.

DID YOU KNOW?

Funeral directors must follow an 'information standard' or be fined or prosecuted. They must give you a 'basic funeral notice' that tells you the cost of their basic funeral option (if they have one) and what this covers. Before they enter into a funeral arrangement with you they must give you an itemised quote. And before they accept final payment they must give you an itemised statement of the goods and services they provided. You can find out more information about the standard at www.fairtrading.nsw.gov.au

DID YOU KNOW?

The executor of your will is responsible for organising your funeral and paying for it from your estate. If someone else hires a funeral director to run your funeral they will have to pay the cost—unless the executor agrees to pay those costs.

Can I get help to pay for a funeral?

If you are looking for ways to pay for a funeral after the death of a loved one, these places may be able to help:

- The **NSW Aboriginal Land Council** (for Aboriginal people being buried in NSW, or members of a local Aboriginal Land Council who are being buried anywhere in Australia)
- **NSW Victims Services** (if the person was a victim of crime)
- **Department of Veteran's Affairs** (if the person was a veteran).

The death benefit payment from the person's superannuation or life insurance policy may also be used to pay for a funeral. If they worked since 1992 they might have superannuation.

Other sources of funds at this difficult time may include:

- bereavement payments from Centrelink
- organisations with which you or your loved one is associated, for example trade unions, clubs and charities.

Where to find more information

Paying for Funerals gives you helpful questions to ask an insurance company if you are thinking about buying funeral insurance. Visit

www.moneysmart.gov.au and look under 'Life events & you>Over 55s>paying for your funeral'. The website also has information about paying for funerals ahead of time, and the pros and cons of different funeral products.

Seniors guide to consumers' rights in NSW has a chapter called 'Planning ahead' which includes a useful checklist of things to think about when planning a funeral. Call 13 32 20 or visit www.fairtrading.nsw.gov.au

- **Rest assured: a legal guide to wills, estates and funerals in NSW** is an online practical guide with information about funeral funds. You can find it at www.legalanswers.sl.nsw.gov.au under the 'Wills, estates and planning ahead' section, or under the 'Books online' tab.

The Law Handbook has information about Wills, Estates and Funerals. You can find the Law Handbook at your local library or at www.legalanswers.sl.nsw.gov.au

The **Representing Yourself** section at www.lawaccess.nsw.gov.au has practical self-help information about how to deal with an estate after someone dies, including notification of death, funerals, gathering information about the estate, what to do with the estate, small estates, applying for probate, applying for administration, distributing the estate, and family provision claims.

There is a checklist to help you prepare a will and plan ahead on page 56 of the Diary.

Australian Financial Complaints Authority (AFCA)
AFCA can help resolve complaints about insurance products, including life and funeral insurance. Call 1800 931 678 or visit www.afca.org.au

NSW Department of Births, Deaths and Marriages

For information about registration of deaths and to see if a will is registered. Call Service NSW on 13 77 88 or visit www.bdm.nsw.gov.au

Centrelink

For information about a bereavement payment or other help after a loved one dies. Call 13 23 00 or visit www.humanservices.gov.au



Centrelink also has an Indigenous Phone Service. Call 1800 136 380

Australian Funeral Directors Association

To find a funeral director near you. Call 03 9859 9966 or 1300 888 188 or visit www.afda.org.au

Cemeteries and Crematoria Association of NSW

For information about member cemeteries and crematoria and information about the funeral process, including frequently asked questions. Call 02 9264 2000 or visit www.ccansw.org.au

NSW Fair Trading For information about funeral products, or to make a complaint about a funeral director, cemetery or crematorium. Call 13 32 20 or 1800 500 330

You can also get information about funerals at www.fairtrading.nsw.gov.au—look under 'Buying products & services > Buying services > Funerals'. Avoid a Funeral Rip-Off at www.youtube.com/watch?v=No9gGobH45I

DID YOU KNOW?

Deaths that are unnatural, unexpected, sudden or suspicious must be reported to the Coroner. There is information on the **Coroners Court** website to help families and friends of someone whose death is being investigated by the Coroner. Visit www.coroners.justice.nsw.gov.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Insurance Law Service

A national information, advice and referral service that can help with questions about funeral insurance.

Call 1300 663 464 or visit www.insurancelaw.org.au

DID YOU KNOW?

The **State Library of NSW** website has information on a range of legal topics for older people in the 'Health and ageing' section, including nursing homes and age discrimination. Visit www.legalanswers.sl.nsw.gov.au

DID YOU KNOW?

The NSW Government offers a range of energy rebates, including rebates for low income households, for medical and life support equipment and for gas. The Federal Government also offers rebates. To find out if you are eligible for rebates or other help call the **Energy & Water Ombudsman NSW** on **1800 246 545** or visit www.ewon.com.au

DID YOU KNOW?

Centrelink exempts the money you spend on a burial plot, a prepaid funeral or funeral bond from the assets test for pensions, within certain limits. Search for 'funeral bonds and prepaid funerals' at www.humanservices.gov.au

ELDER ABUSE

Elder abuse means the abuse of an older person. The term 'elder abuse' is used to describe a situation where someone in a relationship of trust with an older person—like a partner, adult child, close relative, neighbour or carer—hurts, neglects, abuses or takes advantage of the older person.

Elder abuse can be physical, psychological, sexual or financial. It can be intentional, or it can be unintentional neglect. It can be abuse if someone:

- hurts you physically by 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, family members or support services
- is meant to take care of you but doesn't give you adequate food, clothing 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.

DID YOU KNOW?

Financial abuse is when someone you know or trust uses your money or property improperly. For example, they may:

- pay for their personal expenses with your money
- force you to change your will
- sell your belongings without your permission
- misuse your Power of Attorney
- prevent you from using or controlling your own money.

In some situations the law can protect you from elder abuse and help you after the abuse has happened:

- Some types of behaviours are crimes (for example, assault, theft or fraud) and can and should be reported to the police
- An Apprehended Violence Order (AVO) can protect you from the person who makes you fear for your safety, and can include an order that they leave your home
- You may be able to take legal action against the person who took your money or property to get it back
- You may be able to get compensation—this can include money or counselling, or both.
- You don't have to deal with elder abuse on your own. There are many free and confidential services that can help you. See **Where to find more information** for details.

My Wellbeing Checklist

- ☐ I know how much money I have in my bank account
- ☐ I have the freedom to spend my money
- ☐ I have regular contact with my family
- ☐ I attend social activities
- ☐ I receive medical attention when I need it, and have a say about my healthcare plan and treatment
- ☐ My personal care needs (showering; personal hygiene etc.) are taken care of
- ☐ I am treated respectfully by my family and friends
- ☐ I feel safe at home

Think about your responses. If you have any concerns about your situation, you may wish to talk with someone you trust such as a family member, friend, doctor, religious leader, or you can call the NSW Elder Abuse Helpline & Resource Unit.

If you need an interpreter, please call TIS on 13 14 50 first.

Acknowledgement: adapted from the checklist produced by the Far North Coast Older Persons Wellbeing Collaborative

1800 628 221



Where to find more information

Legal Aid NSW has produced two brochures called



Are you experiencing violence or abuse? You can make it stop



and **Adult children living at home. What to do if you want them to leave?**

Download or order free copies at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

NSW Elder Abuse Helpline and Resource Unit

A confidential helpline offering information, support and referrals for people who have experienced, witnessed or suspect the abuse of an older person living in the community in NSW. Anyone can make the call. Call 1800 628 221 or visit www.elderabusehelpline.com.au

Australian Financial Complaints Authority (AFCA)

AFCA can help resolve complaints about loans, reverse mortgages, guarantees, account transactions and potential misuse of powers of attorney. Call 1800 931 678 or visit www.afca.org.au

AFCA has guidelines for banks to follow when there is a family breakdown and financial abuse. Visit www.afca.org.au

Domestic Violence Hotline

Free and confidential counselling, advice and help for people experiencing violence from partners. Call 1800 656 463 (24 hours a day, 7 days a week).

Women's Domestic Violence Court Advocacy Services (WDVCAS)

For help with Apprehended Domestic Violence Orders (ADVOs), accommodation, financial assistance, counselling and legal issues. Call 1800 WDVCAS or 1800 938 227 for a referral to your closest WDVCAS.

1800RESPECT

A national sexual assault, domestic and family violence counselling service. Counsellors can give you information and

referrals to other support services. Call 1800 737 732 (24 hours, 7 days) or visit www.1800respect.org.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Seniors Rights Service

Provides free and confidential legal advice, advocacy and education about elder abuse. Call 1800 424 079 or go to www.seniorsrightsservice.org.au

Wirringa Baiya Aboriginal Women's Legal Centre NSW

Free legal service for Aboriginal women. It can help in the areas of family violence, sexual assault and victims compensation. Call 02 9569 3847 or 1800 686 587 or visit www.wirringabaiya.org.au

Family Violence Prevention Legal Services

Provide specialist, culturally safe legal services and supports to



Aboriginal and Torres Strait Islander victims-survivors of family violence and sexual assault and their partners and carers in rural and remote places in NSW. To find a service go to www.familyrelationships.gov.au Click on 'Legal Assistance Programs' and then 'Family Violence Prevention Legal Services'.

DID YOU KNOW?

The **Australian Banking Association (ABA)** has guidelines to help banks prevent financial abuse and fact sheets for consumers about protecting themselves from abuse. Visit www.ausbanking.org.au and look under Customers > Financial abuse prevention

ADULT CHILDREN AND GRANDCHILDREN

Families in Australia are diverse. More and more grandparents are responsible for caring for their grandchildren. Some grandparents have difficulty seeing their grandchildren because the parents have separated. Many older people live with someone who has adult children from a previous marriage. And many older people find that their adult children are staying at home for longer, or come back to live with them again.

DID YOU KNOW?

Grandparents don't have an automatic right to have a relationship with their grandchildren. Anyone who is concerned with the care, welfare or development of a child (including grandparents) can apply to court for Parenting Orders that would allow them to spend time or communicate with the child. The court will decide what will happen, based on the child's best interests.

All of these situations can lead to conflict in families and can cause difficulties for older people. It is important to be aware of what you can do to avoid conflict and what action you can take to protect your interests.

Grandparents

Legal Aid NSW has produced a brochure called



Are you a grandparent? Your legal questions answered.

It covers:

- family law and care and protection law
- what financial assistance is available to help grandparents raising and caring for children
- what you can do if you have been caring for your grandchildren and the parents want them back in their care
- what you can do if you have concerns for your grandchild's welfare or safety

- what you can do if you are stopped from having a relationship with your grandchildren
- contact information for legal and other services that can help you.

Adult children living at home

There are many reasons older people find themselves sharing their home with an adult child. It is not unusual for older people to decide they want this arrangement to end, but they are not sure how to make this happen.

Legal Aid NSW has produced a brochure called



Adult children living at home. What do you do if you want them to leave?

It gives you practical and legal options to consider if you are no longer happy with the situation and want your child to leave the home. It also has information about services that can help you and your child in this situation.

Staying in your home if your partner dies

Many older people live in homes that are owned by their partner and find that when their partner dies, adult children from their partner's previous relationship want them out of the home. This can happen if your partner has left a will that leaves the home to those children.

Legal Aid NSW has produced a brochure called



They want me to leave.

It has information about steps you can take to make sure that your interests are protected without other people losing out on their inheritance.

Download or order copies of these Legal Aid NSW brochures at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

Where to find more information

Independent Children's Lawyer. Deciding whether you should help with supervision is an online publication that explains what supervision is, the role of a supervisor and things to think about when you decide if you want to play this role.

Download it at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

Best for Kids

This website has information and resources about family law, care and protection, domestic violence, mediation and disputes over property. It has specific information and help for grandparents. Visit www.bestforkids.org.au and then click on the blue Grandparents bubble.

Council on the Ageing NSW (COTA NSW)

COTA NSW has information for grandparents, relatives and kinship carers about services, networks, tips, stories and what support is available. Call 02 9286 3860 or 1800 449 102 or visit www.cotansw.com.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

DID YOU KNOW?

The NSW Government offers a range of energy rebates, including rebates for low income households, for medical and life support equipment and for gas. The Federal Government also offers rebates. To find out if you are eligible for rebates or other help call the **Energy & Water Ombudsman NSW** on 1800 246 545 or visit www.ewon.com.au

DID YOU KNOW?

The Department of Human Services has **Grandparent Advisers** who can help grandparents with full-time caring responsibility for their grandchildren access payments and services. Contact a Grandparent Adviser by calling 1800 245 965 or visit www.humanservices.gov.au

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 assets—usually their property. They may do this in return for a promise or expectation that the family member they are helping will care for them in the future.

For example, older people may:

- give family members money from the proceeds of the sale of a property
- allow their home to be used as security for a loan
- be a guarantor for a loan
- transfer their home into their child's name in return for staying in the home for life
- pay for an extension to their child's home in exchange for living there and being looked after by them. These are often called 'granny flat arrangements'.

While these arrangements can work well for some people, and are often well-intentioned, they can also work out very differently from what you expected. They can even turn out very badly if you don't anticipate some of the things that could go wrong and if you don't know your rights.

DID YOU KNOW?



The Seniors Rights Service has produced playing cards. Each card displays a simple legal message or tip about finances and older people, including what to know about giving money as gifts and being a guarantor for family members. They have been produced in a few languages. Call Seniors Rights Service on 1800 424 079 or www.seniorsrightsservice.org.au

Sometimes mixing family and finance in this way can result in you losing your money or even your home. It can also mean losing the relationship with your family member.

These are some of the things that can happen:

- Your pension or tax can be affected
- You may not be able to pay for aged care in the future
- The bank could repossess your home if your family member can't repay the loan.
- If you don't have a written agreement, it can be hard to prove how much money you contributed and to get it back if the arrangement breaks down.

You should always get independent legal and financial advice before you decide to help your family financially.

DID YOU KNOW?

If a parent gives money to a family member, such as a child, the law treats this as a gift. So if you lend money to a family member and you intend that they will pay you the loan back at some time, you should put it in writing and both of you should sign that agreement. Without anything in writing it can be hard to prove the money was a loan and not a gift.

Where to find more information

Legal Aid NSW has produced three brochures with information about the risks of mixing family and finance, and the steps you can take to protect your interests. They are—



Helping your family financially? Understand the risks



Moving in with the family? Make sure you protect your interests



Your home and the age pension. What you need to know

Download or order copies at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

If you are on the pension, or if you might receive the pension in the future, you should arrange a face-to-face meeting with a Centrelink Financial Information Service Officer (FISO) to discuss the proposed arrangement and work out how it will affect your pension.

Visit www.humanservices.gov.au/individuals/services/financial-information-service

DID YOU KNOW?

You are eligible for a Seniors Card when you turn 60 if you are a permanent resident of NSW and are retired or work less than 20 hours a week. This card entitles you to NSW Government transport concessions, travel and business discounts. Call Service NSW on 13 77 88 or visit www.service.nsw.gov.au for more information and to apply for a Seniors Card.

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Legal Aid NSW

Provides legal advice and help to older people about financial abuse and pension issues.

Call LawAccess NSW on 1300 888 529 for a referral to your closest Legal Aid NSW office or go to www.legalaid.nsw.gov.au

Seniors Rights Service

Provides free and confidential legal advice, advocacy and education about financial abuse. Call 1800 424 079 or go to www.seniorsrightsservice.org.au

Community Justice Centres (CJC)

CJC can help family members negotiate the arrangements when a parent decides to help someone financially, so that everyone is clear about what they are agreeing to and what is expected in return. CJC can also help you resolve disputes if the arrangements break down. It's a good alternative to going to court. Call 1800 990 777 or go to www.cjc.justice.nsw.gov.au

DID YOU KNOW?

The NSW Government's **Cost of Living Service** is designed to improve access to and awareness of government rebates and refunds. You can access the service at your local Service NSW centre. Visit www.service.nsw.gov.au/campaign/cost-living or call 13 77 88.

YOUR HOME: OWNING, RENTING AND NEIGHBOURS

Renting, boarding and lodging

Private tenants, social housing tenants, boarders and lodgers have rights and responsibilities under the law.

You also have legal rights and responsibilities if you live in a residential park, caravan park, manufactured home estate, mobile home village or relocatable home park.

Tenants NSW has a website where you can find information about:

- tenants' rights and obligations under NSW law
- how to deal with common tenancy issues, including eviction, ending a tenancy, repairs and maintenance, rent and bonds, and access and privacy
- sample letters to landlords or real estate agents on common tenancy issues including rent increases, repairs, power, water and council charges and many others

- how the NSW Civil and Administrative Tribunal (NCAT) can deal with disputes between landlords and tenants
- boarders and lodgers, social housing tenants and residential park tenants
- tenancy issues for people who want to leave a domestic violence situation, and
- a range of other issues.

Visit www.tenants.org.au for information about all these issues.

There are laws that deal with antisocial behaviour

There are laws that deal with tenant's antisocial behaviour in social housing—such as playing loud music or hosting wild parties. A landlord can give you a 'strike' notice if you do any of these things. If you get two strikes and then you engage in anti-social behaviour again in the next 12 months, the landlord can apply to the NSW Civil and Administrative Tribunal to evict you.

If you get a strike notice and you don't agree with it, you must get legal advice quickly.

You can find more information about antisocial behaviour and

strike notices by searching under 'antisocial behaviour' at www.housing.nsw.gov.au

Strata schemes

If you own a unit in a strata scheme you will share ownership and responsibility for 'common property'—for example, external walls, windows, roof and driveways. You will also be a member of the owners' corporation, which has responsibility for the common property. As a member of a strata scheme you have legal rights as well as responsibilities.

The owners' corporation must have an administrative fund (to pay for day-to-day expenses and regular expenses such as insurance premiums) and a sinking fund (to cover more expensive one-off expenses for common property, such as painting, replacement of guttering and lift repairs). It must also collect levies from owners. If money is needed for something that was not budgeted for in either fund, owners can agree to a special levy at a general meeting. Decisions to increase levies or ask owners to pay special levies can cause difficulties for people on fixed incomes, like pensioners. If

DID YOU KNOW?

The **Law Society of NSW** has two free guides on buying and selling residential property in NSW. They have useful information on buying a property at auction, buying a strata title property, how to prepare a contract for sale, how the conveyancing process works, and more. Download **Your Guide to Buying a Property** and **Your Guide to Selling a Property** at www.lawsociety.com.au

you are concerned about rising costs you could try to negotiate paying in instalments. If you think the levies are really too high, you can apply for a mediation with **NSW Fair Trading** to try to work out a solution.

Reverse mortgages

A reverse mortgage is a loan usually offered to people who have no mortgage or other debt against their home. It allows you to use some of the equity in your home by borrowing against it. Reverse mortgages are

also known as 'equity release' products. A reverse mortgage can mean older people who are 'asset rich but income poor' can access money for things they need, like renovations, travel or other expenses. You pay back the loan when your house is sold—when you downsize, move into long-term aged care or die.

Reverse mortgages have their risks. You can end up owing more than you had planned, and you may not have enough left for aged care accommodation or future medical expenses. There may be other options that would suit you better. Reverse mortgages are complex financial products. You should get independent financial and legal advice first.

Dealing with your neighbours

For tenants and home owners, living close to others means you can sometimes have problems with neighbours—for example, about trees, fences, noise and animals. If you and your neighbours can't sort out these issues together, they can become unpleasant disputes.

If you have a problem with your neighbour it's best to try to talk it through with them first. The way you approach the problem can make all the difference. Your neighbour may not know that something is bothering you, or how much. Try to express yourself respectfully, calmly and clearly.

- Say what the problem is and how it is affecting you. For example: 'I'm not sure if you are aware, but your tree is dropping leaves on my pathway and I'm worried about slipping over in this wet weather. I find it hard to clear away the leaves myself'.
- Suggest a solution. For example: 'Would it be possible for you to trim the tree branches on my side of the fence? I'm hoping this will reduce the number of leaves that drop onto the footpath.'
- Listen to what your neighbour has to say so you can understand their point of view and respond to any concerns they raise.
- Try and negotiate an outcome which meets everyone's needs.

You may not get a solution as quickly as you had hoped because there may be other things your neighbour needs to think about.

Using the law to resolve disputes can be expensive, time-consuming and stressful. You will probably need to have an ongoing relationship with your neighbour, and taking legal action is likely to make it worse.

If you and your neighbour have tried to resolve the issue between you and you still can't agree, **Community Justice Centres (CJC)** may be able to help you come to a solution that you both feel happy with. CJC is a free service that can help people resolve their disputes issues in a safe and informal environment.

DID YOU KNOW?

If your neighbour has assaulted or threatened you or damaged your property you can report the behaviour to the police. They may be charged with a criminal offence or you may be able to get an Apprehended Personal Violence Order (APVO) against them. APVOs aim to protect you from someone who causes you to fear for your safety. The **Representing Yourself** section of the LawAccess NSW website has more information about APVOs. Visit www.lawaccess.nsw.gov.au

DID YOU KNOW?

Keeping Pets in Strata Schemes is a free guide to help tenants, agents and owners understand the laws in NSW about keeping pets in strata schemes. You can download and print this guide at www.lawsociety.com.au

Where to find more information

Tenants Advice and Advocacy Services and



Aboriginal Tenants Advice and Advocacy Services

help private tenants, social housing tenants, boarders and lodgers, and residential park residents. To find your local service, visit www.tenants.org.au click 'Contact us' and then type in your postcode, suburb or town.

Or you can call:

- Tenants Union's Tenants Advice Line (Mondays only) on 1800 251 101
- Tenants Union's Boarding House Hotline on 1800 767 126.

You can also find information about your rights and responsibilities as a tenant and about residential park living from:

- **NSW Fair Trading** on 13 32 20 or visit www.fairtrading.nsw.gov.au
- **Housing NSW** (for public housing tenants) on 1800 422 322 or visit www.housing.nsw.gov.au

Tenants' Rights Manual: a practical guide to renting in NSW is available online at www.legalanswers.sl.nsw.gov.au.

You can also get copies of this book at your local public library.

Neighbours and the law is an easy to understand guide to the laws that cover neighbourhood issues. You can find a copy at your local library or at www.legalanswers.sl.nsw.gov.au

The Law Handbook has a chapter on renting, shared houses, boarding houses, residential parks, social housing and buying a home.

It also has a chapter about fences, boundaries, trespass, nuisance and other issues affecting neighbours. You can find the Law Handbook at your local library or at www.legalanswers.sl.nsw.gov.au

The Companion Animals Law Guide has an overview of the day-to-day legal issues for pets and pet owners in NSW. It covers the law about barking dogs, injuries caused by dogs, things you need to know about owning a pet and other issues. You can download the guide at www.lawsociety.com.au

The **NSW Fair Trading** website has information about strata schemes. The free booklet **Strata living** covers residents' and owners' responsibilities, repairs, maintenance, owners' corporation meetings, disputes and hearings at NCAT. Download or order a copy at www.fairtrading.nsw.gov.au or call 13 32 20.

The **Representing Yourself** section of the LawAccess NSW website has practical self-help guides and information about the law on dividing fences and boundary disputes. Visit www.lawaccess.nsw.gov.au

The **NSW Environment Protection Authority (EPA)** has resources about **Dealing with neighbourhood noise** and **Dealing with barking dogs**. You can also contact the EPA to report pollution and other environmental incidents. Call 131 555 or 02 9995 5555 or visit www.epa.nsw.gov.au

Land and Environment Court Deals with disputes between neighbours about the removal of trees or hedges or damage to property caused by trees on a neighbour's land. You can find out

about how the Court deals with tree and hedge disputes at www.lec.justice.nsw.gov.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Seniors Rights Service

Has a Strata Collective Sales and Advocacy Service that gives legal advice to people over 60 who are owners of a strata unit or townhouse and affected by the new laws on the collective sale and redevelopment of strata schemes. Call 1800 424 079 or 02 9281 3600 or www.seniorsrightsservice.org.au.

The Legal Aid NSW Tenants' Appeal Advice Line

Gives advice to tenants who want to challenge a decision made by NCAT. There are strict time limits for appealing, so call as soon as you can. Call 02 9219 5800

YOUR PENSION

Centrelink has rules about what you can own (the assets test) and how much income you can receive (the income test) before you can get a full or part pension. If your assets and income change after you get the pension then your pension may be stopped or reduced.

Your home and the pension

Centrelink doesn't count your home as an asset when it works out your pension. However your pension may be affected if you:

- transfer the title in your home to someone else, even if you continue to live there
- take out a loan using your home as security and the loan money is for someone else's benefit—for example, a son or daughter
- guarantee a loan for someone else and that person can't or doesn't repay the loan and your house is sold to pay back the loan
- sell your home to a friend or relative for less than its market value

- move out of your home into other accommodation, or
- sell your home and put the money in the bank.

Money you lend someone may affect your pension

Centrelink will treat any money you lend to family or others—and this includes money you borrow for someone else's benefit using your home as security for the loan—as an assessable asset (something that they can look at when working out your pension) until it is repaid to you or until Centrelink regards it as impossible to recover. This will affect your pension.

Gifts you give to someone may affect your pension

Centrelink rules allow you to give away \$10,000 each financial year, with a limit of \$30,000 over 5 years, without it affecting your pension. Centrelink will treat any amount you give away over these limits as an assessable asset for 5 years, and also treats that amount as earning income for you. Both of these things will affect your pension.

Will my pension be affected if someone pays back a loan or I get compensation?

If someone who owes you money pays you back, or if you get compensation as part of a court case, you must tell Centrelink. Any kind of lump sum of money you receive may affect your pension—depending on where the money is from and why it was paid to you.

If I am separated from my partner due to illness—what happens to my pension?

If you can't live with your partner because one or both of you has an illness or is unwell, each of you may be able to get the single pension rate. However your combined income and assets will be used to work out what pensions you get.

What do I need to tell Centrelink?

By law you must tell Centrelink no later than 14 days if there has been any change that may affect your pension. This includes taking out loans, gifting assets or moving out of your home. Centrelink can take action against you to get back any money they overpaid you

because you did not tell them of your change in circumstances.

If you have any doubt about if you should report something to Centrelink or if something you are planning to do may affect your pension, you should talk to a **Financial Information Service (FIS) Officer** at Centrelink.

DID YOU KNOW?

It may or may not be a good idea to move from a Carer Payment or Disability Support Pension to the Age Pension, depending on your situation. For example, if you receive a Carer Payment and change to the Age Pension, you would no longer be entitled to your annual Carer Payment Supplement. Once you change you generally can't change back again. You should discuss your situation with Centrelink before you reach Age Pension age.

Where to find more information

Legal Aid NSW has a brochure called



Your home and the age pension. What you need to know.

It covers how your pension can be affected when you downsize, sell or give your home to someone else for less than market value, make a 'granny flat' arrangement or move into residential aged care. Download or order a copy at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

DID YOU KNOW?

The **Office of Environment & Heritage** has an Appliance Replacement Offer program. You may be able save money on bills by replacing old fridges and TVs. Call 1300 601 795 or visit www.powertosave.nsw.gov.au/appliance

Getting help from Centrelink

- **Customer Service Advisors** can help explain your pension entitlements. Call 132 300.
- **Financial Information Service (FIS)** officers can help you understand the consequences of any financial decisions you are thinking about making. This is not legal advice. See www.humanservices.gov.au/individuals/enablers/financial-information-service-officers
- Centrelink has factsheets with information about different financial issues including gifting and granny flats. Call 13 23 00 or visit www.humanservices.gov.au and look under the 'Older Australians' tab.
- Centrelink can also give you information about benefits for carers. Call 132 717.

DID YOU KNOW?

Centrelink matches its information about its customers with the Australian Tax Office (ATO) data. If you have assets that generate income and you have declared that income to the ATO, Centrelink may find out about it. If Centrelink didn't know about this, they may have overpaid you and you may owe them a debt. You should tell Centrelink about all your income sources and any assets to avoid this happening

DID YOU KNOW?

Gambling Help is a free confidential service that helps problem gamblers and their families. You can find a range of counselling and self-help options by phone, online and face to face. Call 1800 858 858 or visit www.gamblinghelp.nsw.gov.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Legal Aid NSW

Free face-to-face legal advice and help to older people about pension issues. Call LawAccess NSW on 1300 888 529 for a referral to your closest Legal Aid NSW office or visit www.legalaid.nsw.gov.au

Legal Aid NSW has a **Veterans' Advocacy Service** that gives free legal advice and help to veterans and their dependents about rights and entitlements under the Veterans' Entitlements Act 1986.

Call 02 9219 5148 (reverse charges accepted) for legal advice or to make an appointment at our Sydney office or in a regional area.

Welfare Rights Centre

Free legal advice and assistance on pension issues. Call 02 9211 5300 or 1800 226 028 or visit www.welfarerights.org.au

RETIREMENT VILLAGES AND AGED CARE

Retirement villages

You can move into a retirement village if you have retired, are over 55 and can live independently. Moving into a retirement village is an individual lifestyle decision.

Retirement villages have self-contained homes for people who can live independently. Some have 'assisted living apartments' where meals, cleaning and other services are provided. And some have both types of accommodation, so you can move from one to the other if you need to.

Larger retirement villages may have Commonwealth-funded aged care facilities attached to them, but moving into a retirement village does not guarantee that you will be able to transfer to its aged care facility.

Retirement villages may be run by churches, charitable organisations, community groups, individual developers or corporations. They may offer different services and facilities such as a swimming pool, hairdresser or bus service.

If you move into a retirement village, you will have a 90 day settling-in period. This means that if you don't like it there, you can move out without having to pay any charges under the contract. You will and only have to pay market rent for the time that you were there (as well as a reasonable administration fee and any repairs).

What should I do before I move in?

It's a good idea to visit the village and ask to speak to residents or the residents' committee so that you can ask them questions. Don't just read the glossy brochures!

All retirement village operators must first give you the General Inquiry Document, which has information about their village, and then a Disclosure Statement that gives you information about the unit you may want to buy.

They must also give you a copy of the contract. They can't ask you to sign the contract until after 14 days have passed since they gave you the Disclosure Statement.

There is a standard contract for

retirement villages. Even though you will get a standard contract, they can be for different types of arrangements and there will be special conditions at the back—so it is very important to read the contract and get independent legal advice from a lawyer with experience in retirement villages law before you sign the contract. Your lawyer can ask the village operator to clarify any questions you have.

What costs and charges will I have to pay?

Look at the 'Financial Terms' listed at the front of your standard contract. You will probably pay an ingoing contribution when you move in. When you leave, the retirement village will keep some of this money as a departure fee. They will refund the rest to you, based on what type of arrangement you have agreed to in your contract. Residents also pay the operating costs of the village—they are called recurrent charges, maintenance levies, monthly charges or rent. These charges are to cover repairs and maintenance of the village

and form the proposed annual budget. The budget should be given to residents 60 days before the financial year starts for their consent.

It is important to know your rights under retirement villages laws. Once you are a resident, your right to live there is protected by law and an operator of a village can only end your contract if they get an order from the NSW Civil and Administrative Tribunal (NCAT).

What can I do if I have an issue that I can't resolve?

Most retirement villages will have an internal dispute resolution procedure that you can follow if you have a dispute with another resident or the operator. Check your contract or the village rules.

If your disagreement is with another resident, and the internal dispute resolution procedure doesn't resolve the problem, you can ask **Community Justice Centres** for help. If you feel uncomfortable about participating in a mediation by yourself you can ask a support person to be there with you. Call 1800 990 777 or visit www.cjc.justice.nsw.gov.au

DID YOU KNOW?

The **Australian Human Rights Commission** has an Age Positive site that promotes positive stories about older people. It recognises the important and diverse contribution of older Australians to society, and aims to counter stereotypes about ageing. Join in the discussion at www.humanrights.gov.au

It also has a Power of Oldness site. Visit www.powerofoldness.com for the video and information about discrimination.

If your dispute is with the village operator and you can't sort it out using the internal dispute resolution procedure, you can apply to the **Consumer and Commercial Division of NCAT** to have your dispute resolved. You should get legal advice before you go to NCAT. Call 1300 006 228 and choose Option 1 or visit www.ncat.nsw.gov.au

Aged care

Support to stay at home

The Australian Government subsidises a range of aged care services for older people who are still able to stay in their own homes (including retirement villages). These services can be:

- help with housework
- help with personal care such as bathing and dressing
- help with meals and preparing food
- help with staying physically active
- social support and activities
- help with transport
- nursing care
- allied health support such as physiotherapy
- home maintenance and modification
- equipment to help you
- community visitors

Services are provided in two ways:

- **Commonwealth Home Support Program (CHSP)**

To get support from this program you need to be assessed by the Regional Assessment Service.

Call 1800 200 422 or visit www.myagedcare.gov.au or call for more information.

- **Home Care Packages**

If you have more complex needs, a Home Care Package can give you co-ordinated services that are tailored to your needs (including your cultural needs). To get a Home Care Package you need to be assessed by the Aged Care Assessment Team (ACAT). Home Care Packages are delivered on a Consumer Directed Care (CDC) basis. You can get more information about what CDC means at www.myagedcare.gov.au or call 1800 200 422.

Residential aged care

If it is not possible for an older person to stay at home, they can stay in aged care homes for short periods of respite or for permanent care. Residential

aged care homes provide accommodation, nursing care, personal care, meals, cleaning, furniture, equipment and recreational activities for people who can no longer manage in their own homes.

To move into an aged care home, you need to be assessed by the Aged Care Assessment Team (ACAT). ACATs based at hospitals or Regional Assessment Teams will assess your long term needs and will help you find a suitable home. **My Aged Care** is the way to access all aged care services in your area. It has information about assessments and costs of all aged care services. Call 1800 200 422 or visit www.myagedcare.gov.au

When you move into an aged care home, your income and assets will be assessed to work out the fees and charges you will need to pay. You may need to pay a Refundable Accommodation Deposit, a Daily Accommodation Payment, or a combination of both. The **My Aged Care** website has a fees estimator so you can work out what aged care will cost.

DID YOU KNOW?



Through their Aboriginal Home Care service, **Australian Unity** provides specialised and culturally appropriate home care services to Aboriginal people with a disability and older Aboriginal people (45 or over) to help them stay independent in their own home. Call 1300 160 170 or visit www.australianunity.com.au/home-services

DID YOU KNOW?

You can use the **Retirement village calculator** to help you work out the cost of retirement village living. Visit rvcalculator.fairtrading.nsw.gov.au

DID YOU KNOW?



My Aged Care has information about government-funded aged care services for Aboriginal and Torres Strait Islander people aged 50 and older. You can find an animated video about aged care options for Aboriginal people and brochures and audio information in Arrernte, Pitjantjatjara, Torres Strait Creole (Yumplatok) and Warlpiri. Visit www.myagedcare.gov.au/eligibility-diverse-needs/aboriginal-andor-torres-strait-islander-people

DID YOU KNOW?

The type and availability of Home Care Packages may differ depending on where you live and the resources that are available. You should still be able to get government funded services even if you can't pay fees.

Where to find more information

Financial Decisions at Retirement can help you identify the financial issues you need to consider when you make a lifestyle or accommodation change. Download it or order a copy at www.moneysmart.gov.au or call 1300 300 630.

NSW Fair Trading Has information about retirement villages. Visit www.fairtrading.nsw.gov.au and look under Housing & property > Strata and community living > Retirement villages.

Their free publication **Moving Into a Retirement Village?** has a good overview of retirement village contracts and laws, including the rights and obligations of residents and operators.

Download and print this information, or order this publication at www.fairtrading.nsw.gov.au or call 13 32 20.

The Retirement Village Residents Association

A not-for-profit association that represents retirement village residents' interests in NSW. Call 1300 787 213 or visit www.rvra.org.au

My Aged Care

The Department of Social Services is the entry point for aged care services in Australia. It has information about available aged care services, assessment and access to services, what to do if you have concerns about aged care issues and also has an online estimator to work out fees. Call 1800 200 422 or visit www.myagedcare.gov.au

Aged Care Complaints Commission

A free service for anyone with a concern about the quality of care and services being delivered to people receiving Government-subsidised aged care services, including residential care and supported home care packages. Call 1800 550 552 or visit www.agedcarecomplaints.gov.au

Medicines Line

Gives consumers information about prescription, over-the-counter and complementary medicines. Call 1300 633 424 to speak with an experienced registered nurse. For more information visit www.nps.org.au/medicines-line

Veterans' Home Care Program

Provides low level home care services to eligible veterans and war widows and widowers. Call 1300 550 450 to arrange an assessment for services or visit www.dva.gov.au

DID YOU KNOW?

Local Councils play an important role in providing community care services and other activities that help older people stay in their own homes and stay active in the community. You can find the contact details of all councils at www.olg.nsw.gov.au You can find the contact details of all councils at www.olg.nsw.gov.au

DID YOU KNOW?

Beyondblue, an independent, not-for-profit organisation that aims to increase awareness of depression, anxiety and related disorders, has a free booklet called **Anxiety and depression in older people**. Download or order copies at www.beyondblue.org.au or call 1300 224 636.

Where to find legal help

See pages 10 and 11 for where to get legal help.

These specialist legal services can also help you:

Seniors Rights Service

Has a Retirement Village Legal Service that provides free and confidential legal advice and assistance to residents of retirement villages in all aspects of retirement village law, including disputes with retirement village management, or interpretation of contracts.

It also runs seminars to educate residents about their rights and responsibilities and the services Seniors Rights Service provides. Call 1800 424 079 or 02 9281 3600 or www.seniorsrightsservice.org.au.

DID YOU KNOW?

Residential aged care providers, including services run by religious organisations, must not discriminate in the way they provide their services. This means that they can't discriminate against gay, lesbian, bisexual, transgender and intersex people. If you do experience discrimination you can make a complaint to the **Australian Human Rights Commission**. Call 02 9284 9600 or 1300 656 419 or visit www.humanrights.gov.au

DID YOU KNOW?

A retirement village operator cannot charge you more than \$50.00 to prepare your retirement village contract.

ON THE ROAD

Driving can be an important way to stay mobile and independent. Many older people drive safely because they have years of experience behind the wheel. However driving can also be a challenge when age starts to affect vision, hearing, memory and physical ability. Failing health can also make us more vulnerable in car accidents.

Licences for older drivers

What you need to do to get a licence and what type of licence you can have will depend on your age and the type of car you drive.

When you turn 75 you need to have a medical examination every year to keep your licence, no matter what type of licence you have.

When you turn 85 you will need to decide if you will get a modified licence or an unrestricted licence. A modified licence lets you keep driving under certain conditions—for example, in your local area where you are familiar with the roads. If you want to keep your unrestricted licence, you will need to pass a practical driving assessment every two years.

Driving offences and fines

For most traffic and driving offences the penalty is a fine.

There are two types of fines:

- Penalty notices given by an 'authorised officer' such as a parking inspector or ranger.
- Court fines from a judge or magistrate.

What you can do depends on what type of fine you get

You can get a penalty notices for lots of different offences. Common examples are speeding and parking offences, or driving without a licence. For more serious driving offences, your licence can be suspended or you can be charged with an offence and have to go to court, or both.

If you get a fine, the sooner you do something about it the better. If you don't pay a fine

Revenue NSW can:

- charge extra fees
- suspend your driver licence and cancel your car registration
- take your property or money from your bank account.

Even if you have a lot of fines, there are things you can do to stop Revenue NSW taking further action against you. You can:

- pay the fines by instalments
- ask for more time to pay
- ask them to review a penalty notice if you don't think you deserved it or if there were special circumstances—for example, if you were taking someone who needed urgent medical attention to the hospital, or if you had a clear driving record for the last 10 years.
- dispute a penalty notice by going to court (or appeal a court fine to a higher court). You should get legal advice first.
- apply to have the fines written off if you have serious financial, medical or personal problems
- see if you are eligible to get a Work and Development Order.

- A Work and Development Order (WDO) allows people who are eligible for one to clear up to \$1,000 a month off their fines through approved activities or treatment programs. For more information:
- visit www.legalaid.nsw.gov.au/wdo
- see the Legal Aid NSW brochure **Work and Development Orders: Help for people who can't pay their fines**. Download or order a copy at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

Car accidents

If you have a car accident you will need to decide what to do after the accident—including if you should contact your insurance company.

It is not always easy to decide who was at fault. Sometimes both drivers are at fault. Even if the police don't charge you with a driving offence, you can still be responsible for paying for the damage.

When should I call the police?

You should call the police if:

- someone is injured or trapped
- police are needed to direct traffic or deal with hazards
- anyone involved in the accident hasn't exchanged their details
- you believe a driver is under the influence of alcohol or drugs
- a car needs to be towed.

What should happen after the accident?

You should get the other driver's details. Take down the other car's registration number and ask the other driver to show you their licence so you can take a photo of it, or write down their name, contact details, and licence number. Get the name and contact numbers of any witnesses to the accident. Make notes about what happened while it is fresh in your mind. Take photographs of the damage and the scene of the accident.

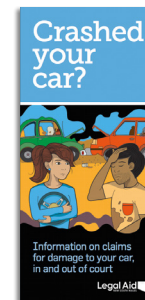
Car insurance

If you are insured, you can choose to claim on your insurance policy. If you make a claim, you may have to pay an excess if you were at fault and may lose your no-claim bonus.

There are two types of insurance for property damage:

- Comprehensive insurance covers damage to your own car and damage to other cars and property—whether you caused the accident or not.
- Third party property insurance—usually only covers damage you do to another car or property. However, if the other driver is at fault and is not insured, you can also claim (often up to around \$5000) for damage to your car under the little known Uninsured Motorist Extension (UME) term of your third party property policy.

If the insurance company rejects your claim you can ask them for an Internal Review of the decision. If you can't resolve the dispute with your insurer, you can lodge a complaint with the **Australian Financial Complaints Authority (AFCA)**. Call 1800 931 678 or visit www.afca.org.au



Have you crashed your car?

This Legal Aid NSW brochure takes you through the steps you need to take if your car is damaged in a car accident. Download it or order a copy at www.legalaid.nsw.gov.au/publications or call 02 9219 5028.

DID YOU KNOW?

If you decide to stop driving you can hand in your licence to a Service NSW centre, or post it to Roads and Maritime Services with a short covering letter telling them of your decision.

If you still need photo identification you can apply for a NSW Photo Card. There is no charge for a NSW Photo Card if you are handing in your driver licence.

DID YOU KNOW?

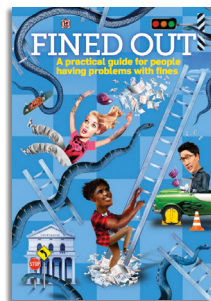
It is usually a term of your insurance not to admit any responsibility for either the accident or how much damage was caused.

Where to find more information

Roads and Maritime Services (RMS) has lots of information for older drivers, including a **Guide to older driver licensing**.

You can find these resources at www.rms.nsw.gov.au/roads/licence/older-drivers or any Service NSW Centre or call 13 22 13.

On the road 65Plus is a guide produced by the NSW Centre for Road Safety. It has tips on how to drive safely and advice about how changes to your health can affect your driving. It also has information on the NSW licensing system and other transport options. Download it from www.roadsafety.transport.nsw.gov.au or get a copy at a Service NSW Centre.



Fined Out

is a free handbook that helps people deal with fines and how to ask for a review of a penalty notice. It also has links to Revenue NSW forms, other resources and information about where you can get more help. It also has sample letters you can use. Download or order copies at www.legallaid.nsw.gov.au/publications or call 02 9219 5028.

The **Representing Yourself** section at www.lawaccess.nsw.gov.au has practical self-help information about what to do after a car accident or if you have been fined or charged with a driving offence. It has sample forms and letters you can use.

The **Motor Vehicle Accident Problem Solver** is an easy to use online tool for people who have been involved in an accident. You answer a few simple questions and it gives you

information about what to do in your situation. You can get a sample letter to send to the other driver or an insurer. Visit www.mva.financialrights.org.au

Australian Financial Complaints Authority (AFCA)

AFCA can help individual and small businesses resolve complaints about a range of financial products and services, including car insurance. Call 1800 931 678 or visit www.afca.org.au

Roads and Maritime Services

has produced a number of resources for older drivers, including the older driver licensing system, road rules, driving offences and penalties. Call 13 22 13 or visit www.rms.nsw.gov.au.

Revenue NSW has fact sheets on paying fines, asking for penalty notice reviews, going to court, disputing fines, writing off fines and Work and Development Orders. Visit www.revenue.nsw.gov.au

Where to find legal help

See pages 10 and 11 for where to get legal help.

DID YOU KNOW?

Mobility scooters are used by less mobile people to help them get around. You don't need a licence to use one, but you must follow the NSW Road Rules for pedestrians. Your health and medication can affect your ability to use a mobility scooter safely. Check with your doctor before riding one. Visit www.roadsafety.transport.nsw.gov.au for more information.

