

Legal topics for older people

# DIARY 2021



Legal Aid ACT

# ACKNOWLEDGEMENTS

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**Legal Aid** ACT

**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.

If you think you need legal advice, or if you wish to provide feedback about this diary, please contact the Older Persons ACT Legal Service (OPALS):

**A 2 Allsop Street, Canberra ACT**

**P 1800 353 374 or (02) 6243 3436**

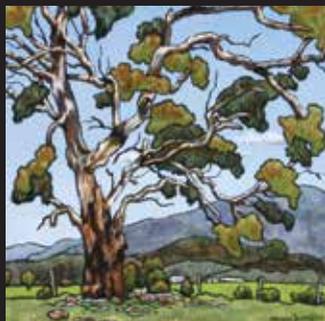
**E [opals@legalaidact.org.au](mailto:opals@legalaidact.org.au)**

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Legal Aid ACT acknowledges the traditional owners of Country throughout Australia and their continuing connection to land, culture and community. Legal Aid ACT pays our respects to elders past and present.



Cover artwork:  
**'Still Standing Tall, Lanyon'**  
by **Judi Power Thomson**

I have been painting all my life. Following a career as a commercial interior designer I retired 18 years ago to paint full time and have since won many prestigious awards and first prizes including the Brindabella Art Prize at the Tuggeranong Art Centre. Last year, as part of an Artist in Residence programme at Lanyon Homestead, Tharwa, I created eight paintings of the homestead, the gardens and the country around Tharwa.

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# Foreword

## FROM THE ACT ATTORNEY-GENERAL

I am very pleased to present the 2021 Legal Topics for Older People diary.

The ACT Government strongly supports Canberra's development as an age friendly city and is committed to protecting and promoting the rights of older people in our community.

The Legal Topics for Older People diary is an innovative and accessible resource to assist seniors understand their legal rights and navigate the justice system.

The diary covers a range of legal topics relevant to seniors, such as scams, elder abuse, age discrimination, wills, powers of attorney and aged care. It also offers tips for anyone considering to support their adult children financially.

The diary will keep readers up to date with special events throughout the year and contains a range of helpful hints, useful contacts and ACT Government initiatives.

I would like to thank Legal Aid ACT for this exciting initiative and all the services supporting older people access justice in the ACT.

Wishing you a safe and healthy 2021.

**Shane Rattenbury, MLA**





# OPALS

## **ABOUT THE OLDER PERSONS ACT LEGAL SERVICE (OPALS)**

The Older Persons ACT Legal Service (OPALS) is a specialist service within Legal Aid ACT that offers flexible legal assistance to older people.

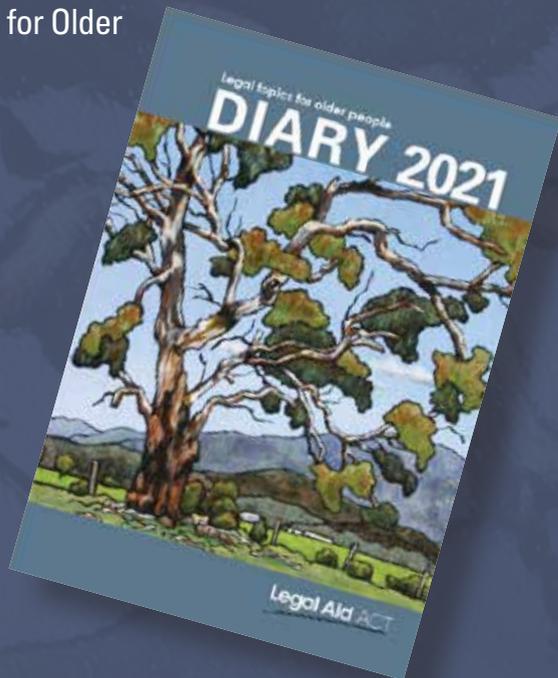
OPALS can help in many situations, such as if you:

- have concerns about your safety
- are being pressured to change your living arrangements, sign documents, or provide details of your finances
- are having money taken from you without your permission
- owe money and are not sure how you will pay
- are being abused, threatened or bullied
- are being denied access to grandchildren, other members of your family or support services
- are being discriminated against because of your age.

OPALS has a strong community legal education component and provides information and referral services to concerned family, friends and workers. OPALS draws on the expertise of other practices in Legal Aid ACT when providing advice and representation services.

OPALS is a free service and all cases are treated in confidence. We can also help make referrals to other specialist services if you choose not to take legal action.

It is with great pleasure that we introduce the Legal Topics for Older People Diary 2021.



# Where to find legal help

These services provide free, confidential legal help in the ACT

## Older Persons ACT Legal Service (OPALS)

**A specialist service within Legal Aid ACT which aims to provide flexible legal assistance for issues that affect older people in the ACT. We can meet at your home, local coffee shop or anywhere you feel comfortable. Call 1800 353 374 or (02) 6243 3436 or visit <https://legalaidact.org.au/opals>**

## Legal Aid ACT

Legal Aid ACT helps people in the ACT with their legal problems, especially people who are socially or economically disadvantaged. We can help in criminal law, family law and some civil law matters. Call 1300 654 314 or visit <https://legalaidact.org.au/>

## Aboriginal Legal Service (NSW/ACT)

An Aboriginal community organisation that provides information, referrals, legal advice and court representation to Aboriginal and Torres Strait Islander people with criminal law matters. Call 1800 765 767 for police charges and court matters or 1800 733 233 for care and protection and family matters or visit <https://www.alsnswact.org.au/>

## Canberra Community Law

Canberra Community Law is a community legal centre providing legal services to people on low incomes or facing other disadvantage in Canberra and its region. It provides legal services in the area of human rights, disability discrimination, social security law and housing law. It also runs the Dhurrawang Aboriginal Human Rights Program and Night Time Legal Advice Service. Call (02) 6218 7900 or visit [www.canberracommunitylaw.org.au](http://www.canberracommunitylaw.org.au)

## **The Consumer Law Centre of the ACT**

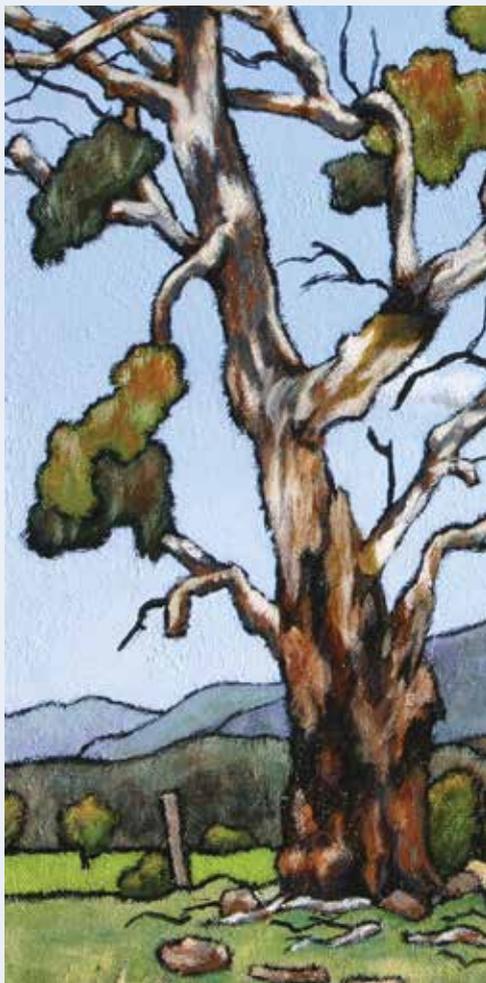
This service provides free information, advocacy and legal advice in the areas of consumer law, credit and debt, telecommunications and fair trading matters. Call (02) 6143 0044 or visit <https://www.carefcs.org/consumer-law-centre>

## **The ANU Postgraduate and Research Students' Association (PARSA)**

Service available to ANU students only. Advice and limited representation. Provides advice on employment, migration, tenancy, motor vehicle accidents, discrimination and other areas. Call (02) 6125 4187 or visit <https://parsa.anu.edu.au/aboutparsa/>

## **The Environmental Defender's Office ACT**

Provides free legal advice on environment and planning law. Contact [canberra@edo.org.au](mailto:canberra@edo.org.au) or visit <http://www.edoact.org.au/contact>



## The ACT Law Society

The ACT Law Society has two services to help the community:

- **ACT Law Society Legal Advice Bureau**

If you have a legal problem and you don't know what to do or you think you have a legal problem but you are not sure, you can make an appointment to discuss it free of charge with a solicitor. The service operates between 12.30pm and 2pm on weekdays. Call (02) 6274 0300 or go to <https://www.actlawsociety.asn.au/>

- **Pro Bono Clearing House**

A referral service that connects clients with Community Legal Centres and law firms offering pro bono assistance. To receive assistance, clients will need to lodge an application and satisfy eligibility criteria. Call (02) 6274 0300 or go to <https://www.actlawsociety.asn.au/>

## Tenancy Advice Service ACT (Division of Legal Aid ACT)

Provides free advice, advocacy and referrals to tenants in private residential and residents living on campus, boarding and lodging properties. Call 1300 402 512 or email [TAS@legalaidact.org.au](mailto:TAS@legalaidact.org.au)

## Women's Legal Centre ACT

A specialist legal service based in Canberra, providing legal and non-legal support to Canberra's most vulnerable women. It provides free advice and representation to women on family law, employment and discrimination matters. Call (02) 6257 4377 or visit <http://womenslegalact.org>.

# 2020 CALENDAR

## January

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
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## February

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## March

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## April

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## May

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

## June

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## July

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## August

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## September

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## October

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## November

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## December

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# 2022 CALENDAR

## January

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## February

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## March

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## April

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## May

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## June

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## July

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## August

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## September

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## October

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## November

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## December

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# 2021 CALENDAR

## January

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## February

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## March

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## June

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## July

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19	20	21	22	23	24	25
26	27	28	29	30	31	

■ Public holidays   ■ School holidays

# My information

Name

Address

Telephone

Email

## In case of emergency please notify

Name

Relationship to me

Telephone

Doctor's name/ phone

Medical conditions to note

## Legal

My will is stored

Executer's name and phone

Attorney's name and phone

Advance Care Plan

Appointed Guardian/ Financial Manager name and phone

## Other information

# 2021

## Important dates

January

February

March

April

May

June

July

August

September

October

November

December

# January

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



## Telemarketers

There are rules about how and when telemarketers can contact you, such as not calling you on Sundays or public holidays. 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 <https://www.donotcall.gov.au/> for more information.

## Door-to-door sales

Door-to-door salespeople must give you a 10 day 'cooling off' period to cancel a contract you have entered into if you change your mind. The 'cooling off' period can be extended in certain circumstances. 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.

If a salesperson has ignored your Do Not Knock sticker, you can report it to the Australian Competition and Consumer Commission (ACCC) using their online consumer complaint form.

Find out more and how to get a sticker at <https://www.accc.gov.au/publications/door-to-door-do-not-knock-sign> or call 1300 302 502.

## 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 card 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 freely contribute to the unauthorised transaction, 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 must:

- a. be provided with reasonable care and skill
- b. give the results that you care about
- c. 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 Access Canberra on 13 22 81, the Consumer Law Centre of the ACT on (02) 6143 0044 or OPALS on (02) 6243 3436 for information and advice about your rights.

### **Gas, electricity and water providers**

All energy retailers must give you time to pay your bill and offer you a payment plan. If you are having difficulty paying, they should 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 Care Financial Counselling on 1800 007 007 or the ACT Civil & Administrative Tribunal (ACAT) on (02) 6207 7740. ACAT deals with energy and water issues if you have been disconnected, are having trouble paying your bills or are having a dispute with your utility company.

### **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 Care Financial Counselling on 1800 007 007.

## 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 the No Interest Loans team at Care Financial Counselling on 1800 007 007 or the Salvation Army on 0437 723 863.

### 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) on 1800 931 678.

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 ACT Human Rights Commission (HRC) on (02) 6205 2222. The HRC is an independent body that deals with complaints about health services in the ACT.

### Scams

Scams are designed to trick or persuade you to give away your personal details or your money. They can be done by phone, mail, in person or 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. You can protect yourself from scams. A good rule of thumb is: 'if it sounds too good to be true—it probably is'.

## 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 have never met and don't 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 and may 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 pretending to offer an inheritance, travel prize, lottery win, shopping voucher or compensation money.

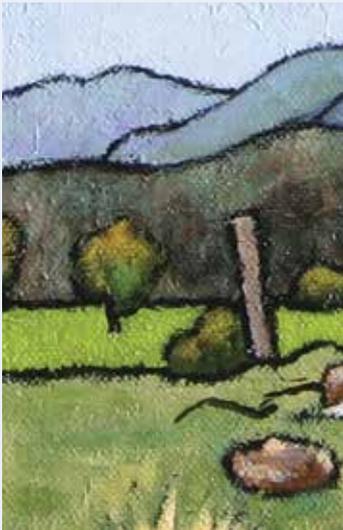
Phishing is where an attacker masquerades as a trusted business e.g. a bank, to try to get your bank account numbers and passwords. They may ask you to click on a link to reset a password or a trusted organisation calling to verify customer information. Don't respond or attempt to unsubscribe, and don't 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

See page 5 for where to find legal help.

### Insurance Law Service

A national information, advice and referral service that can help with questions about insurance. Call 1300 663 464 or go to [www.insurancelaw.org.au](http://www.insurancelaw.org.au)



### Australian Competition and Consumer Commission (ACCC)

The ACCC is Australia's competition regulator and national consumer law champion. Call 1300 302 502 or visit <https://www.accc.gov.au/>

### Access Canberra – Fair Trading

Fair Trading enforces the Australian Consumer Law in the ACT. Fair Trading assists and protects the community through the administration of consumer laws and provides information to consumers to ensure they are informed and confident when making purchases. Call 13 22 81 or visit <https://www.accesscanberra.act.gov.au/app/home/fairtrading>

### ACT Civil & Administrative Tribunal (ACAT)

ACAT offers a free, fair and independent dispute resolution service for energy and water customers in ACT. If you can't sort out a problem with your energy or water provider contact ACAT on (02) 6207 1740 or visit <https://www.acat.act.gov.au/>

## **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. Call 1800 931 678 or visit <https://www.afca.org.au/>

## **Care Financial Counselling**

Care Financial Counselling provides free and confidential financial counselling information and referral services to consumers on credit, debt, utility and banking issues. It also offers information and advocacy for people in financial stress. Call 1800 007 007 or visit <http://www.carefcs.org/>

## **Consumer Law Centre of the ACT**

A community legal centre that specialises in the areas of consumer credit, banking, debt recovery and insurance. Call (02) 6143 0044 or visit <http://www.carefcs.org/>

## **ACT Human Rights Commission**

The ACT Human Rights Commission promotes the human rights and welfare of all people living in the ACT. Call (02) 6205 2222 or visit <https://hrc.act.gov.au/>

## **Telecommunications Industry Ombudsman (TIO)**

A free dispute resolution service for customers who have a complaint about their telephone or internet service. Call 1800 062 058 or visit <https://www.tio.com.au/>

## **The ACT Law Handbook**

The ACT Law Handbook is an explanation of laws in the ACT, and how they apply in practice. The Law Handbook can be accessed online at <http://austlii.community/foswiki/ACTLawHbk/ACTLawHandbook>.

## Be Connected

Be Connected is an Australia wide initiative empowering all Australians to thrive in a digital world. It has online learning resources as well as a network of community partners who offer in-person support so you can develop your digital skills and confidence. Visit <https://beconnected.esafety.gov.au/>

## MoneySmart

Australian Security and Investment Commission's website has information about investment, superannuation, managed funds, financial information and money management. Visit <https://www.moneysmart.gov.au/>

## Scamwatch

Scamwatch provides information about how to recognise, avoid and report all types of scams. Call the ACCC on 1300 302 502 or visit <https://www.scamwatch.gov.au/get-help/advice-for-older-australians>

## The Little Black Book of Scams

This resource 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. Call 1300 302 502 or visit <https://www.accc.gov.au/publications/the-little-black-book-of-scams>



# December 2020

DECEMBER **28**  
**MONDAY**

SCHOOL HOLIDAYS

DECEMBER **29**  
**TUESDAY**

SCHOOL HOLIDAYS

DECEMBER **30**  
**WEDNESDAY**

SCHOOL HOLIDAYS

DECEMBER **31** New Year's Eve  
**THURSDAY**

SCHOOL HOLIDAYS

# January 2021

1

New Year's Day Public Holiday

**FRIDAY**

SCHOOL HOLIDAYS

2

**SATURDAY**

SCHOOL HOLIDAYS

3

**SUNDAY**

SCHOOL HOLIDAYS

## DID YOU KNOW?

The ACT provides a range of discounts to those who may be struggling to pay their bills due to a crisis or emergency. Visit <https://www.act.gov.au/assistance> and use their Savings Finder to be directed to a range of schemes that may offer financial relief, or call 13 22 81.

# January 2021

4

MONDAY

SCHOOL HOLIDAYS

5

TUESDAY

SCHOOL HOLIDAYS

6

WEDNESDAY

SCHOOL HOLIDAYS

7

THURSDAY

SCHOOL HOLIDAYS



**8**

**FRIDAY**

SCHOOL HOLIDAYS

**9**

**SATURDAY**

SCHOOL HOLIDAYS

**10**

**SUNDAY**

SCHOOL HOLIDAYS

### **DID YOU KNOW?**

The ACT Environment and Planning Directorate provides rebates and subsidies for the purchase of energy efficient appliances. You may be able to save money on bills and new appliances. Visit <https://www.actsmart.act.gov.au/energy-saving/rebatessubsidies> to see the range of subsidies available and check your eligibility.

# January 2021

11

MONDAY

SCHOOL HOLIDAYS

12

TUESDAY

SCHOOL HOLIDAYS

13

WEDNESDAY

SCHOOL HOLIDAYS

14

THURSDAY

SCHOOL HOLIDAYS



# 15

**FRIDAY**

SCHOOL HOLIDAYS

# 16

**SATURDAY**

SCHOOL HOLIDAYS

# 17

**SUNDAY**

SCHOOL HOLIDAYS

## **DID YOU KNOW?**

There are numerous computer clubs and training courses for seniors across the ACT. To find programs that might assist you can go to the ACT Community Services Computer Access and Support page at [https://www.communityservices.act.gov.au/wac/seniors/ACT\\_Seniors\\_Directory/computer\\_access\\_and\\_support](https://www.communityservices.act.gov.au/wac/seniors/ACT_Seniors_Directory/computer_access_and_support)

# January 2021

**18**

**MONDAY**

SCHOOL HOLIDAYS

**19**

**TUESDAY**

SCHOOL HOLIDAYS

**20**

**WEDNESDAY**

SCHOOL HOLIDAYS

**21**

**THURSDAY**

SCHOOL HOLIDAYS



**22**

**FRIDAY**

SCHOOL HOLIDAYS

**23**

**SATURDAY**

SCHOOL HOLIDAYS

**24**

**SUNDAY**

SCHOOL HOLIDAYS

**NOTES**

# January 2021

**25**

**MONDAY**

SCHOOL HOLIDAYS

**26**

Australia Day Public Holiday

**TUESDAY**

SCHOOL HOLIDAYS

**27**

**WEDNESDAY**

SCHOOL HOLIDAYS

**28**

**THURSDAY**

SCHOOL HOLIDAYS



**29**

**FRIDAY**

SCHOOL HOLIDAYS

**30**

**SATURDAY**

SCHOOL HOLIDAYS

**31**

**SUNDAY**

SCHOOL HOLIDAYS

**NOTES**

# February

## Discrimination

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 in many areas of public life such as employment, education, accommodation and in the provision of goods and services.

Sometimes the unfair treatment is obvious, for example if you apply for a job and are told that you are too old to be considered even though you have the skills. But sometimes the discrimination is less obvious. A rule or policy may look fair because it applies to everybody but in practice it has an unfair or unreasonable effect on older people. For example, an employer might ask all employees pass a fitness test, but the level of fitness they require is not necessary for the job. This would unfairly disadvantage older people. This is called indirect discrimination.

Compulsory retirement at 65 years was abolished many years ago. Employers can no longer force a person to retire. They may be able to ask you when you intend retiring but if they keep asking you and pressuring you to retire this could amount to age discrimination.

## What can you do about discrimination?

You can make a complaint about discrimination on the grounds of age to the ACT Human Rights Commission, Australian Human Rights Commission or Fair Work Commission.

There are strict time limits for doing this, so you should talk to a lawyer if you have concerns about your situation.

## Where to find more information

See page 5 for where to find legal help.

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

- ACT Human Rights Commission. Call (02) 6205 2222 or visit [www.hrc.act.gov.au](http://www.hrc.act.gov.au)
- Australian Human Rights Commission. Call 1300 369 711 or visit [www.humanrights.gov.au](http://www.humanrights.gov.au)
- Fair Work Commission. Call 1300 799 675 or visit [www.fwc.gov.au](http://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](http://www.fairwork.gov.au)
- The ACT Law Society has a search function to find lawyers with particular areas of practice. They can also find solicitors that speak particular languages. Call (02) 6274 0300 or go to <https://www.actlawsociety.asn.au/law-firms-directory>

# February 2021

1

**MONDAY**

2

**TUESDAY**

3

**WEDNESDAY**

4

**THURSDAY**



**5**

**FRIDAY**

**6**

**SATURDAY**

**7**

**SUNDAY**

**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.

# February 2021

8

**MONDAY**

9

**TUESDAY**

10

**WEDNESDAY**

11

**THURSDAY**



**12**

**FRIDAY**

**13**

**SATURDAY**

**14**

**SUNDAY**

**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 Services Australia. Visit <https://www.servicesaustralia.gov.au/>

# February 2021

15

**MONDAY**

16

**TUESDAY**

17

**WEDNESDAY**

18

**THURSDAY**



**19**

National Multicultural Festival (19–21)

**FRIDAY**

**20**

**SATURDAY**

**21**

**SUNDAY**

**DID YOU KNOW?**

If you earn \$450 or more per month before tax 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. Call 132 861 or visit [www.ato.gov.au](http://www.ato.gov.au)

# February 2021

**22**

**MONDAY**

**23**

**TUESDAY**

**24**

**WEDNESDAY**

**25**

**THURSDAY**



**26**

**FRIDAY**

**27**

**SATURDAY**

**28**

**SUNDAY**

### **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. To find out if you have worked long enough to get long service leave contact the Long Service Leave Authority on (02) 6247 3900 or visit <https://actleave.act.gov.au/>

# March

## 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 to someone.

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 and that your debts including tax are paid. 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?

Although you can make a will yourself, 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.

## Who can help you prepare a will?

Legal Aid ACT does not draft wills as part of its practice. The ACT Law Society can refer you to a solicitor who can prepare your will. Solicitors' fees vary and can depend on how complex the will is.

The ACT Public Trustee & Guardian (PTG) or a trustee company can prepare your will for a fee. PTG will prepare your will for free if you are 60 years of age or older or 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). PTG can only make a will for you if you appoint PTG as an executor.

If you choose a professional executor, such as a solicitor or PTG, to be executor of your will, they will charge fees to administer your estate when you die. A private executor may charge a commission approved by the Court.

## 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 and changes in your personal circumstances (such as births, deaths, marriages or divorces in the family) or change in your financial circumstances (such as, if you acquire new property or dispose of any property which you have mentioned in your will).

PTG advises that a will should be updated every three to five years.

## 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 and to nominate who will be the executor.

Your estate will be distributed according to a formula set out by the law and people may miss out

or not get what you intended them to have. There are also additional costs and delay. 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, 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 tribunal to have someone appointed to make decisions for you.

However, you can plan ahead by deciding who you would like to make decisions for you. You can do this by making an 'Enduring Power of Attorney'.

### **What is an Enduring Power of Attorney?**

An Enduring Power of Attorney is a legal document whereby a person appoints another person (or people) or PTG to act on their behalf to make decisions for them if they lose decision making capacity. These decisions can be about property (including financial), personal care, health care and medical research matters. It is always a good idea to seek legal advice before preparing an Enduring Power of Attorney Document

Some examples of property matters include managing bank accounts, paying bills, and buying or selling property. Some examples of personal care matters include decisions about where you live, who you live with and any services you receive.

Some examples of health care matters include consenting to lawful medical treatment necessary for your wellbeing and withholding or withdrawal of medical treatment.

### **Who should I choose?**

This is a very important decision. The person you appoint should be someone you trust to do the right thing by you, and must be willing and able to take on the responsibilities of being appointed an attorney. You can appoint one or multiple attorneys but it is important not to let anyone pressure you into signing a power of attorney form.

If you don't know anyone you feel would be suitable, you can appoint an independent trustee company or PTG as your attorney, but fees will usually be charged for these services.

### **Things your attorney can and cannot do**

There are a number of obligations an enduring attorney must comply with. These include keeping accurate records of all dealings and transactions made under an Enduring Power of Attorney and keeping their property separate from the principal's property unless the property is owned jointly.

### **Ending a power of attorney**

If your attorney is not acting in your best interests or is doing wrong by you (such as taking your property without permission) you can remove them and appoint a new attorney if you have decision making capacity.

However, if you have impaired decision-making capacity, you will not be able to remove your attorney on your own and someone with an interest in your welfare will have to step in on your behalf. This person can apply to the ACT Civil and Administrative Tribunal (ACAT)

to have the attorney's actions reviewed and, if appropriate in the circumstances, overturned. There are a number of processes to go through and legal advice should be obtained before an application is filed with ACAT.

### **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.

## **Where to find more information**

**See page 5 for where to find legal help.**

### **ACT Civil & Administrative Tribunal (ACAT)**

ACAT can make a range of orders about guardianship and property management. Call (02) 6207 1740 or visit <https://www.acat.act.gov.au/>

### **Advance Care Planning Australia**

Explains the steps you can take to plan ahead for your future health care. Call 1300 208 582 or visit <https://www.advancecareplanning.org.au/>

### **Dementia ACT**

Dementia ACT is the peak body representing the interests of people affected by dementia. Call 1800 100 500 or visit <https://www.dementia.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 <https://moneysmart.gov.au/>

## Public Trustee & Guardian

Prepares wills, powers of attorney, trusts and enduring guardianship appointments. You can also appoint the PTG as your independent executor and attorney. Call (02) 6207 9800 or visit <https://www.ptg.act.gov.au/>

The Power to Choose is a useful publication produced by PTG which includes a form for making an EPA and guidelines to assist you to complete the form.

You can obtain a copy of the publication by calling PTG (02) 6207 9800 or visiting <https://www.ptg.act.gov.au/images/pdf/ptg-power-to-choose.pdf>

## The Law Society of the ACT

Can assist you to find a private lawyer who specialises in estate planning. Call on 02 6274 0300 or visit <https://www.actlawsociety.asn.au/>

## Your rights in retirement

“Your Rights at Retirement: A guide to making decisions and navigating your entitlements in later life” produced by the Australian Human Rights Commission can help you think about the decisions you should be making for the future. Download it at <https://www.humanrights.gov.au/our-work/age-discrimination/publications/your-rights-retirement-2019>.

# March 2021

1

**MONDAY**

2

**TUESDAY**

3

**WEDNESDAY**

4

**THURSDAY**



**5**

**FRIDAY**

**6**

**SATURDAY**

**7**

**SUNDAY**

**DID YOU KNOW?**

Many Australians have lost, destroyed or damaged an important original document—like a will or passport. Wills prepared by the Public Trustee and Guardian are retained in safe keeping free of charge.

# March 2021

8

Canberra Day Public Holiday

International Women's Day

**MONDAY**

9

**TUESDAY**

10

**WEDNESDAY**

11

**THURSDAY**



**12**

**FRIDAY**

**13**

**SATURDAY**

**14**

**SUNDAY**

**DID YOU KNOW?**

If your partner or someone else you were financially dependent on died without leaving enough for you in their will, a claim for family provision in the ACT must be made within six months after the date that probate or letters of administration is granted, unless the court is prepared to grant an extension of time.

# March 2021

15

ACT Seniors Week (15–21)

**MONDAY**

16

**TUESDAY**

17

**WEDNESDAY**

18

Seniors Expo

**THURSDAY**



**19**

**FRIDAY**

**20**

**SATURDAY**

**21**

Harmony Day

**SUNDAY**

**DID YOU KNOW?**

If you have not appointed an attorney, and there is a need for someone to make decisions on your behalf and your capacity has become impaired, ACAT can appoint a guardian or financial manager to make decisions for you.

# March 2021

**22**

**MONDAY**

**23**

**TUESDAY**

**24**

**WEDNESDAY**

**25**

**THURSDAY**



**26**

**FRIDAY**

**27**

**SATURDAY**

**28**

**SUNDAY**

**NOTES**

# April

## **Legal issues for older Aboriginal and Torres Strait Islander people**

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

### **Child protection and grandchildren**

If Child and Youth Protection Services (CYPS) contact your family about your grandchildren and you want to help, consider:

- talking to your family and find out what CYPS is worried about
- contacting CYPS and ask to speak with the case worker who contacted your family
- telling the CYPS caseworker who you are and give them your contact details
- asking the CYPS caseworker for their name and contact details
- checking what they are worried about and ask how you can help your family
- making 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 ACT Children's Court gives you responsibility for the care of a child or young person.

### **What if Child and Youth Protection Services takes action?**

If CYPS 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 CYPS 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 CYPS and the magistrate that you want to care for your grandchildren
- get legal advice.

### **Where to find more help about child protection**

Legal Aid ACT can help Aboriginal and Torres Strait Islander families with care and protection and family law matters and advocacy around receiving financial assistance as a carer. Call 1300 654 314 to speak with Legal Aid's Care and Protection Duty Service lawyer or Aboriginal and Torres Strait Islander Liaison Officers.

Mulleun Mura Aboriginal and Torres Strait Islander Women's Access to Justice Program is a service within Women's Legal Centre for Aboriginal and Torres Strait Islander women that can help with care and protection and family law. Call (02) 6257 4377 to speak with the Mulleun Mura team.

## 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
- an institution was responsible for bringing you into contact with the person who abused you
- you were born before 30 June 2010
- at the time you apply you are an Australian citizen or permanent resident.

Your application may be processed differently if you:

- were abused in an institution that hasn't joined the National Redress Scheme
- are under 18 years of age
- have ever been sentenced to more than five years in jail
- have already received a payment related to the abuse.

You cannot apply if you are serving a sentence in jail, but can apply once released or when in 'exceptional circumstances'. 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.

## National Disability Insurance Scheme

The National Disability Insurance Scheme (the NDIS) is a new way to help people under 65 with a disability to 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 <https://www.ndis.gov.au/applying-access-ndis/am-i-eligible>

An NDIS 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 or advocate about this.

## Funerals

You can find lots of information about funerals in the May topic in this Diary—Facts about funerals on page 68.

## Consumer leases

Many 'rental' places allow you to rent electrical appliances or other household goods like fridges and washing machines if you are unable to pay for them upfront. Although these fortnightly payments may seem cheap and you get the goods straight away, you could end up paying up to five times more than the retail price of the goods by the time your lease ends. You also do not automatically own the goods at the end of the lease. Before entering into a rental agreement, you should compare the total cost of the rental with what it would cost to purchase the same product outright.

You can use ASIC's consumer lease calculator to do this on Moneysmart's website at <https://moneysmart.gov.au/other-ways-to-borrow/consumer-leases>.

If you are struggling to keep up with these repayments, or repayments on other loans, see a financial counsellor or get legal advice. The credit provider may have unlawfully entered into a contract with you and you may have the right to challenge it.



## Tips about services that may help older Aboriginal and Torres Strait Islander people

### Money issues

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 <https://www.ato.gov.au/>

The MoneySmart website has information for Aboriginal and Torres Strait Islander 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 <https://moneysmart.gov.au/indigenous>

## Where to find more information

See page 5 for where to find legal help.

### Other assistance

- Legal Aid ACT has Aboriginal and Torres Strait Islander Liaison Officers that can help with using legal services. Call the Legal Aid ACT Helpline on 1300 654 314 or visit <https://www.legalaidact.org.au/Community-Liaison-Unit>
- The A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS) provides help and support to people with disabilities, the elderly and their carers. ADACAS also can help people with their application forms for the National Redress Scheme. Call (02) 6242 5060 or visit <http://www.adacas.org.au/>
- Carers ACT offers free services and programs to help carers. Call (02) 6296 9900 or visit <http://www.carersact.org.au/>
- Care Financial Counselling provides free and confidential financial counselling information and referral services to consumers on credit, debt, utility and banking issues. Call 1800 007 007 or visit <http://www.carefcs.org/>
- Gugan Gulwan is an Aboriginal youth centre located in the ACT suburb of Wanniasa. Call (02) 6296 8900 or visit <http://www.gugan-gulwan.com.au>
- The Public Trustee & Guardian prepares wills, powers of attorney, trusts and enduring guardianship appointments. You can appoint the Public Trustee & Guardian as your independent executor and attorney. Call (02) 6207 9800 or visit <https://www.ptg.act.gov.au/>
- Winnunga Nimmityjah AHS is an Aboriginal community controlled health and community service, operated by the Aboriginal community. Call (02) 6284 6222 or visit <https://www.winnunga.org.au/>

# April 2021

MARCH 29  
MONDAY

MARCH 30  
TUESDAY

MARCH 31  
WEDNESDAY

1  
THURSDAY



**2**

Good Friday

**FRIDAY**

**3**

Easter Saturday

**SATURDAY**

**4**

Easter Sunday

Daylight savings time ends

**SUNDAY**

### **DID YOU KNOW?**

The Australian Securities & Investments Commission can give Aboriginal and Torres Strait Islander people information and take complaints about financial service providers, including funeral insurers. Call 1300 365 957 or go to [www.moneysmart.gov.au/](http://www.moneysmart.gov.au/)

# April 2021

5

Easter Monday

**MONDAY**

SCHOOL HOLIDAYS

6

Heritage Festival (6–26 April)

**TUESDAY**

SCHOOL HOLIDAYS

7

**WEDNESDAY**

SCHOOL HOLIDAYS

8

**THURSDAY**

SCHOOL HOLIDAYS



9

**FRIDAY**

SCHOOL HOLIDAYS

10

**SATURDAY**

SCHOOL HOLIDAYS

11

**SUNDAY**

SCHOOL HOLIDAYS

### **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 Care Financial Counselling on 1800 007 007 or the Salvation Army on 0437 723 863.

# April 2021

12

MONDAY

SCHOOL HOLIDAYS

13

TUESDAY

SCHOOL HOLIDAYS

14

WEDNESDAY

SCHOOL HOLIDAYS

15

THURSDAY

SCHOOL HOLIDAYS



**16**

**FRIDAY**

SCHOOL HOLIDAYS

**17**

**SATURDAY**

SCHOOL HOLIDAYS

**18**

**SUNDAY**

SCHOOL HOLIDAYS

### **DID YOU KNOW?**

Access Canberra has a Funeral Assistance Program that considers assisting Aboriginal and Torres Strait Islander people where it is culturally required to be transported to their homelands for burial. Contact 13 22 81 or visit [https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1610/~/-/funeral-assistance](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1610/~/-/funeral-assistance)

# April 2021

**19**

**MONDAY**

**20**

**TUESDAY**

**21**

**WEDNESDAY**

**22**

**THURSDAY**



**23**

**FRIDAY**

**24**

**SATURDAY**

**25**

ANZAC Day

**SUNDAY**

**NOTES**

# April 2021

**26**

ANZAC DAY Public Holiday

**MONDAY**

**27**

**TUESDAY**

**28**

**WEDNESDAY**

**29**

**THURSDAY**

APRIL **30**  
**FRIDAY**

**1**  
**SATURDAY**

**2**  
**SUNDAY**

**DID YOU KNOW?**

The manner and cause of death of persons who die or who are suspected to have died in certain circumstances, such as deaths in custody, people who have not seen a doctor in some time, accidental deaths, deaths in unknown circumstances, and certain health-care related deaths, must be reported to the coroner.

# May

## 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.

## **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 safekeeping
- 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.

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.

### **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:

- Department of Veteran's Affairs (if the person was a veteran). The Department has a factsheet at <https://www.dva.gov.au/factsheet-mrc17-funeral-expenses>
- Victim Support ACT (if the person was a victim of a crime) visit <https://www.victimsupport.act.gov.au/>
- 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

See page 5 for where to find legal help.

**Paying for Funerals** gives you helpful questions to ask an insurance company if you are thinking about buying funeral insurance. Visit <https://www.moneysmart.gov.au/> and look under 'Life events & you > Over 55s > paying for your funeral'.

### Australian Capital Territory Public Cemeteries Authority (Canberra Cemeteries)

For information about member cemeteries and crematoria and information about the funeral process, including frequently asked questions. You can access this at <http://www.canberracemeteries.com.au/>

### ACT Law Handbook

This has information about Wills, Estates and Funerals. You can find the ACT Law Handbook

on the austlii website at <http://austlii.community/foswiki/ACTLawHbk/ACTLawHandbook>.

### Australian Financial Complaints Authority (AFCA)

AFCA can help resolve complaints about insurance products, including life and funeral insurance. Call 1800 931 678 or visit <https://www.afca.org.au/>

### Centrelink

For information about a bereavement payment or other help after a loved one dies. Call 13 23 00 or visit <https://www.servicesaustralia.gov.au/individuals/centrelink>

### Insurance Law Service

A national information, advice and referral service that can help with questions about funeral insurance. Call 1300 663 464 or visit <https://insurancelaw.org.au/>

# May 2021

**3**

**MONDAY**

**4**

**TUESDAY**

**5**

**WEDNESDAY**

**6**

**THURSDAY**



# 7

**FRIDAY**

# 8

**SATURDAY**

# 9

Mother's Day

**SUNDAY**

## **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.

# May 2021

**10**

**MONDAY**

**11**

**TUESDAY**

**12**

**WEDNESDAY**

**13**

**THURSDAY**



# 14

**FRIDAY**

# 15

**SATURDAY**

# 16

**SUNDAY**

## **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 <https://www.servicesaustralia.gov.au/individuals/centrelink>

# May 2021

**17**

**MONDAY**

**18**

**TUESDAY**

**19**

**WEDNESDAY**

**20**

**THURSDAY**



**21**

**FRIDAY**

**22**

**SATURDAY**

**23**

**SUNDAY**

**NOTES**

# May 2021

# 24

**MONDAY**

# 25

**TUESDAY**

# 26

National Sorry Day

**WEDNESDAY**

# 27

National Reconciliation Week (27 May–3 June)

**THURSDAY**



**28**

**FRIDAY**

**29**

**SATURDAY**

**30**

**SUNDAY**

**NOTES**

# June

## Elder abuse

Everyone has the right to live in a respectful and safe environment. However, people may not feel safe if they are experiencing abuse from a partner, a family member or another person who lives in their home, such as an adult child. It is important to remember there are things you can do to protect yourself from violence or abuse.

### What is elder abuse?

Elder abuse is any act that causes harm or distress to an older person by someone they trust. It can include:

- physical violence such as slapping, hitting, pushing, sexually abusing or restraining you
- calling you names, threatening you, intimidating you, swearing and shouting at you or humiliating you
- pressuring you to hand over money, taking control of your money or property, or forcing you to sign things you don't understand
- refusing to let you go out and do things and stopping contact with your family, friends or support services
- not giving you proper food, clothing or personal care—intentional or unintentional.

Elder abuse can happen to anyone. No matter how financially secure you currently are, circumstances can change quickly. It is important you recognise the signs and seek help early.

### **The law can also protect you**

Some abusive behaviour, such as physical or sexual assault, is a crime. That type of behaviour can be reported to the police and the person who is violent towards you can be charged with a criminal offence.

From April 2021 abusing, neglecting and failing to protect a person over 60 with a vulnerability will be a criminal offence in the ACT. As with all other criminal behaviour, police are the appropriate people to talk to in the first instance.

Some types of behaviour, such as taking money from your bank account without

your consent or forging your signature on a document, are also crimes and the person can be charged with theft or fraud.

Other behaviours, such as insisting on having access to your identity documents or the certificate of title to your property, can put you at risk of losing money and even your home.

Also, Family Violence Orders (FVO) can be made by a Court to prohibit or restrict the person from abusing you. If you are successful in getting a FVO, the person can sometimes be made to move out of the home you share, if that is what you want.

If you want them to stay, they will have to change their behaviour towards you or they can be charged with breaching the FVO, which can be a criminal offence.

## Getting help

Legal Aid ACT can help through our Older Persons ACT Legal Service (OPALS) by providing advice and information about:

- how to set up an enduring power of attorney that will work best for you
- information about a guardian and financial manager
- how an “assets-for-care” arrangement may affect you
- what options you have if you find yourself being abused.



## Steps you can take to improve your personal safety

Call the Domestic Violence Crisis Service on 02 6280 0900 (24 hours/7 days)

- Consider getting a personal safety alarm
- Ask neighbours to be alert for any signs of a problem
- Make a code-word to signal neighbours or friends that they need to call 000
- Keep a list of up-to-date telephone numbers
- Think about supportive people in your circle of friends and family that you can call on if you feel you need to talk. Ask if you can leave spare keys, clothes and copies of essential documents with them
- Contact Dementia Australia ACT on 1800 100 500 for support if your partner is becoming or is violent as a result of dementia.

## Steps you can take to improve your financial safety

- Review who has access to your bank accounts and to your Centrelink pension or other investments
  - Seek independent legal advice before transferring property or assets or signing a Power of Attorney
  - Avoid keeping cash in the house, or lock it up along with other valuables
  - Open your own bank account that only you can access
  - Set up direct debits or Centrepay so that bills are automatically deducted in affordable, regular amounts
  - Save a bit of money if possible in case of an emergency
- Seek financial support from a reputable advisor. You can receive free financial counselling from CARE Financial Counselling on 1800 007 007.





## **Where to find more information**

**See page 5 where to find legal help.**

**Emergency '000' information in the person's own language ([www.triplezero.gov.au](http://www.triplezero.gov.au))**

### **Domestic Violence and Personal Protection Unit**

Legal advice and assistance in applying for family violence or personal protection orders. Call Legal Aid ACT on 1300 654 314 or visit <https://www.legalaidact.org.au/>

### **Carers ACT**

Free services and programs to help carers. Call (02) 6296 9900 or visit [www.carersact.org.au](http://www.carersact.org.au)

## **Conflict Resolution Service**

Provides mediation services in the ACT. Call (02) 6189 0590 or visit <https://crs.org.au/>

## **COTA (ACT)**

Peak organisation for issues relating to older ACT citizens. Call (02)6282 3777 or visit <https://www.cotaact.org.au>

## **Dementia Australia ACT.**

Peak body for dementia in the ACT. Call 1800 100 500 or visit [www.dementia.org.au/contact-us/act](http://www.dementia.org.au/contact-us/act)

## **Domestic Violence Crisis Service**

24 hours/7 days crisis Intervention service. Call (02) 6280 0900 or visit <https://dvcs.org.au>

## **Lifeline**

Support in a crisis and suicide prevention. Call 131 114 or visit [www.lifeline.org.au](http://www.lifeline.org.au)

## **Relationships Australia**

Elder Relationships Service. counselling and mediation service. Call (02) 6122 7100 or visit <https://www.relationships.org.au/>

## **ACT Disability, Aged and Carer Advocacy Service (ADACAS).**

Help and support to people with disabilities and the elderly and their carers. Call (02) 6242 5060 or visit [www.adacas.org.au](http://www.adacas.org.au)

## **Women's Legal Centre**

Free legal advice for women concerning family and employment Call (02) 6257 4377 or visit [www.womenslegalact.org](http://www.womenslegalact.org)

## **1800 RESPECT**

24 hours/7days Sexual assault, domestic and family violence counselling service. Call 1800 737 732 or visit [www.1800respect.org.au](http://www.1800respect.org.au)

# June 2021

MAY **31**

Reconciliation Day Public Holiday

**MONDAY**

**1**

**TUESDAY**

**2**

**WEDNESDAY**

**3**

**THURSDAY**



**4**

**FRIDAY**

**5**

**SATURDAY**

**6**

**SUNDAY**

**DID YOU KNOW?**

Did you know that Relationships Australia Canberra offers a free counselling service for older Australians? They can help you to discuss difficult transitions, resolve or prevent family conflict, plan for the future and make decisions that protect your rights and safety. Call them on (02) 6122 7100 to make an appointment today!

# June 2021

**7**

**MONDAY**

**8**

**TUESDAY**

**9**

**WEDNESDAY**

**10**

**THURSDAY**



**11**

**FRIDAY**

**12**

**SATURDAY**

**13**

**SUNDAY**

**DID YOU KNOW?**

Residents aged 70 years or over are entitled to free travel on Canberra transport.

# June 2021

**14**

Queen's Birthday Public Holiday

**MONDAY**

**15**

World Elder Abuse Awareness Day

**TUESDAY**

**16**

**WEDNESDAY**

**17**

**THURSDAY**



**18**

**FRIDAY**

**19**

**SATURDAY**

**20**

**SUNDAY**

**DID YOU KNOW?**

The ACT Human Rights Commission now has the power to investigate complaints about the abuse of older people or vulnerable adults. Call the Commission on (02) 6205 2222 or visit [hrc.act.gov.au](http://hrc.act.gov.au)

# June 2021

**21**

**MONDAY**

**22**

**TUESDAY**

**23**

**WEDNESDAY**

**24**

**THURSDAY**



**25**

**FRIDAY**

**26**

**SATURDAY**

**27**

**SUNDAY**

**NOTES**

SCHOOL HOLIDAYS SCHOOL HOLIDAYS SCHOOL HOLIDAYS

# July

## Grandchildren and adult children

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.

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.

### Having a grandchild in your care

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.

## When you have a grandchild in your care

As a grandparent, you may find yourself looking after your grandchild if the parent/s of that child cannot care for that child. This may occur because the parents:

- have mental health problems
- have drug/alcohol problems
- are in jail
- are working/studying away from home
- have had the child removed from their care.

A parent may wish to take a child back into their care, after you have been the primary caretaker for your grandchild.

## What you can do?

### Formal arrangements

If you are caring for a child, you may wish to have this relationship formalised. You may need this if evidence of care is required for Centrelink or to consent to medical treatment for your grandchild.

### Consent orders

Consent orders are one way of formalising an agreement. They can be filed with the Court. This option gives the parties some protection if the agreement is broken by one of them. The orders can then be enforced.

Consent orders may be used if you have any concerns about one of the parents sticking to the agreement you have with them about your grandchild.

### Parenting plans

Parenting plans put parents' agreements in writing. The plan states, in writing, the living and care arrangements for their child. Parenting plans can be changed by agreement if future arrangements for the child change.

You may prefer this option if you feel more comfortable having a written agreement with the parents about your grandchild's living and care arrangements.

### Verbal or informal agreements

When parents separate, they will often come to an agreement about how they will parent a child. This includes who the child will live with, how each parent will spend time with the child, and covers other areas of the child's life such as school and medical treatment.

This can be done informally, without signing any documents. It can also be done by going to court.

You may be able to come to an agreement with the parents of your grandchild about your involvement in the child's care arrangements. This option works well if everybody involved can talk well and trusts each other.

### Child support

It may be possible to get child support from your grandchildren's parents. It is important to get legal advice about this before you apply.

### Child protection and grandchildren

If the Child and Youth Protection Services (CYPS) think your grandchildren need care and protection, it must take action to make sure they are safe and well looked after. If CYPS contacts your family about your grandchildren and you want to help, you should:

- talk to your family and find out what CYPS is worried about
- contact CYPS and ask to speak with the case worker who contacted your family
- tell CYPS the caseworker who you are and give them your contact details
- ask the CYPS contact person 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 from Legal Aid ACT 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.



## Where to find more information

See page 5 for where to find legal help.

### Carers ACT

The peak body for carers in the ACT. Call (02) 6296 9900 or go to <https://www.carersact.org.au/contact-us/>

### Centrelink

For government payments contact Centrelink on 136 150 or go to <https://www.centrelink.gov.au/>

### Medicare

For medicare benefits contact Medicare on 132 011 or go to <https://www.servicesaustralia.gov.au/individuals/medicare>

### Relationships Australia

Mediation and counselling services to support families with aging issues. Call (02) 6122 7100 or go to <https://www.relationships.org.au/what-we-do/services/senior-relationship-services>

# July 2021

JUNE 28  
MONDAY

SCHOOL HOLIDAYS

JUNE 29  
TUESDAY

SCHOOL HOLIDAYS

JUNE 30  
WEDNESDAY

SCHOOL HOLIDAYS

1  
THURSDAY

SCHOOL HOLIDAYS



**2**

**FRIDAY**

SCHOOL HOLIDAYS

**3**

**SATURDAY**

SCHOOL HOLIDAYS

**4**

NAIDOC Week (4–11)

**SUNDAY**

SCHOOL HOLIDAYS

### **DID YOU KNOW?**

Services Australia has Grandparent advisers who can help grandparents who have fulltime caring responsibility for their grandchildren access payments and services.

# July 2021

**5**

**MONDAY**

SCHOOL HOLIDAYS

**6**

**TUESDAY**

SCHOOL HOLIDAYS

**7**

**WEDNESDAY**

SCHOOL HOLIDAYS

**8**

**THURSDAY**

SCHOOL HOLIDAYS



9

FRIDAY

SCHOOL HOLIDAYS

10

SATURDAY

SCHOOL HOLIDAYS

11

SUNDAY

SCHOOL HOLIDAYS

### DID YOU KNOW?

You can call Council on the Ageing ACT (COTA ACT) to get information for grandparents, relatives and kinship carers about services, networks, tips, stories and what support is available. Call (02) 6282 3777 or go to <https://www.cotaact.org.au/services/>

# July 2021

**12**

**MONDAY**

**13**

**TUESDAY**

**14**

**WEDNESDAY**

**15**

**THURSDAY**



**16**

**FRIDAY**

**17**

**SATURDAY**

**18**

**SUNDAY**

**DID YOU KNOW?**

Marymead has a Grandparent's Group that supports grandparents who are preparing to be or who are the primary carer for their grandchildren aged 0–18 years. Call (02) 02 6162 5800 or go to <http://www.marymead.org.au/>

# July 2021

**19**

**MONDAY**

**20**

**TUESDAY**

**21**

**WEDNESDAY**

**22**

**THURSDAY**



**23**

**FRIDAY**

**24**

**SATURDAY**

**25**

**SUNDAY**

**NOTES**

# July 2021

**26**

**MONDAY**

**27**

**TUESDAY**

**28**

**WEDNESDAY**

**29**

**THURSDAY**



**30**

**FRIDAY**

**31**

**SATURDAY**

AUGUST

**1**

**SUNDAY**

**NOTES**

# August

## 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 are sometimes asked to:

- 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.

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.

### **Family agreement checklist**

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

### **What should you consider first?**

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

### **Roles and responsibilities**

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

### How much privacy and independence will you have?

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

### What are the likely expenses?

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

### What if there are problems?

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

### What of the future?

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

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

## Where to find more information

See page 5 for where to find legal help.

### Centrelink

Centrelink's Financial Information Service (FIS) can help you understand the effect on your pension and aged care fees. Call 132 300 or visit <https://www.dss.gov.au/our-responsibilities/seniors/programs-services/financial-information-service>

### Conflict Resolution Service (CRS)

CRS 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. CRS can also help you resolve disputes if the arrangements break down. Call (02) 6189 0590 or visit <https://crs.org.au/about-crs/contact-us/>

### Financial Planning Association of Australia

Find a planner tool to help locate an advisor in your area. Visit <https://fpa.com.au/>

### Relationships Australia Seniors Relationships Service

Counselling and mediation service to support families who need help negotiating complex issues related to ageing. Call (02) 6122 7100 or go to [www.relationships.org.au/](http://www.relationships.org.au/)

# August 2021

**2**

**MONDAY**

**3**

**TUESDAY**

**4**

**WEDNESDAY**

**5**

**THURSDAY**



6

FRIDAY

7

SATURDAY

8

SUNDAY

### **DID YOU KNOW?**

Permanent residents of the ACT aged 60 years or over who work less than 20 hours per week in paid employment can apply for an ACT Seniors Card. This card entitles you to concessions and discounts. Call ACT Seniors Card on (02) 6282 3777 or visit <https://www.actseNIorscard.org.au/> for more information and to apply for a Seniors Card.

# August 2021

9

**MONDAY**

10

**TUESDAY**

11

**WEDNESDAY**

12

**THURSDAY**



# 13

**FRIDAY**

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# 14

**SATURDAY**

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# 15

**SUNDAY**

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### **DID YOU KNOW?**

If a parent gives money to a family member, including children and grandchildren, the law typically 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, you should put it in writing and both of you sign that agreement. Without anything in writing it can be hard to prove the money was a loan.

# August 2021

16

**MONDAY**

17

**TUESDAY**

18

**WEDNESDAY**

19

**THURSDAY**



**20**

**FRIDAY**

**21**

**SATURDAY**

**22**

**SUNDAY**

**NOTES**

# August 2021

**23**

**MONDAY**

**24**

**TUESDAY**

**25**

**WEDNESDAY**

**26**

**THURSDAY**



**27**

**FRIDAY**

**28**

**SATURDAY**

**29**

**SUNDAY**

**DID YOU KNOW?**

As a part of a trial, eligible senior and concession MyWay card holders travel for free between 9am and 4.30pm and after 6pm weekdays, plus all day Saturday, Sunday and on public holidays.

# September

## Your home: Renting, owning and neighbours

### Renting

If you are renting your home you have rights under the law which sets out rules including:

- starting a tenancy
- rent and bond
- repairs
- privacy, access and security
- ending your tenancy
- eviction.

If you have a dispute about your tenancy you can lodge a complaint in the ACT Civil and Administrative Tribunal (ACAT). It's a good idea to get some legal advice before you do so.

The Tenancy Advice Service has a website where you can find information about:

- tenants' rights and obligations under ACT 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 about rent
- increases, repairs, power, water and council charges and many others
- how ACAT can deal with disputes between landlords and tenants
- boarders and lodgers, social housing tenants and residential park tenants.

Visit <http://www.legalaidact.org.au/tasact/> for information about all these issues.

## DID YOU KNOW?

Access Canberra has free guides on buying and selling residential property in the ACT. 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 Reality Check: A real estate guide for buyers and sellers in the ACT at <https://www.accesscanberra.act.gov.au/app/home> and searching "Reality Check" in the search box at the top right of the screen.

## Owning

### 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. 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 pass away. 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.

## Neighbourhood disputes

Neighbourhood disputes can arise over many issues and can be very stressful to try to resolve.

Neighbourhood disputes can be about:

- noise-complaints
- pets
- fence problems
- burning off
- privacy.

It is important to try to take care of any problems as soon as they come up by talking to your neighbour or seeking advice. By taking action early, it can prevent the issue from becoming much worse and causing more conflict.

## What can I do to resolve a neighbourhood dispute?

1. Negotiate – Try talking to your neighbour about ways to resolve the dispute
2. Mediation – If talking to your neighbour doesn't work you can try mediation. This involves consulting a neutral third party to help resolve the issue.
3. Legal Advice – If you are unsure about your rights or confused about the law, contact Legal Aid ACT for free legal advice.

## Disputes about...

### Noise

There are laws about residential and commercial noise limits in the ACT.

Limits exist for noise from things such as loud music, air conditioning units and power tools. Excessive noise is not allowed before 7am and after 8pm or 10pm (depending on the area and type of noise).

### Overhanging branches

Both you and your neighbour can trim any branches that overhang onto your property. It is advisable that you check with each other before doing so.

A tree may be protected by law. It is an offence to remove or damage a protected tree. Contact Access Canberra on 13 22 81 to ask if the tree is protected.

### Animals

Neighbourhood pets are not allowed onto your property without permission. If an animal does this, please call their owner to come and remove it. If this does not work, contact ACT Domestic Animal Service by calling Access Canberra on 13 22 81 or visiting <https://www.accesscanberra.act.gov.au/>

### Permission

Your neighbour is not allowed on your land unless you give them permission, or if they have a right of way over your land. A right of way will be written in your land title documents and cannot be changed unless you both agree.

If you do not give permission and/or you withdraw permission for your neighbour to be on your land, they must leave immediately. If they refuse to do so, they are trespassing and can be removed by the police. You should not try to remove them yourself.

If any damage is caused by your neighbour, you may be able to sue for trespass. If the problem continues, you may need to apply for a Personal Protection Order (PPO) in the ACT Magistrates Court. PPOs aim to protect you from someone who causes you to fear for your safety.

If you want to chat to someone about your prospects in obtaining a Personal Protection Order, you can call the Legal Aid ACT Helpline on 1300 654 314.

## Fences

You and your neighbour will usually have to share the costs for building a dividing fence or fence repairs. First you should quote for the cost of the building/repairs and discuss this with your neighbour. If your neighbour does not agree, write them a letter setting out the cost and other details. If you still cannot agree, try mediation, and then apply to the ACAT.



## Where to find more information

See page 5 for where to find legal help.

### The Tenancy Advice Service

The Tenancy Advice Service helps tenants and occupants in the ACT. Visit <http://www.legalaidact.org.au/tasact>.

The Tenancy Advice Line (phone) operates: 8.30am to 7.00pm Monday to Thursday and 8.30am to 5.00pm Friday

### Access Canberra

Call 13 22 81 or visit <https://www.accesscanberra.act.gov.au/app/home>

For rates assistance information visit [www.assistance.act.gov.au](http://www.assistance.act.gov.au).

## **ACT Civil and Administrative Tribunal**

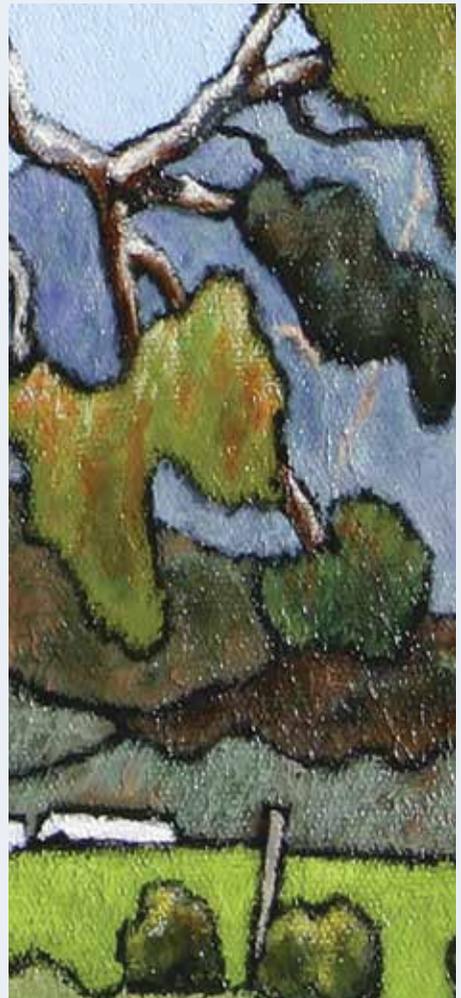
Contact ACAT on (02) 6207 1740 or visit <https://www.acat.act.gov.au/>

## **ACT Law Handbook**

The Law Handbook has more extensive information on all legal issues relevant to ACT residents. The 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 <http://austlii.community/foswiki/ACTLawHbk/ACTLawHandbook>

## **Conflict Resolution Service (CRS)**

CRS can also help you resolve neighbourhood disputes. Call (02) 6189 0590 or visit <https://crs.org.au/>



# September 2021

AUGUST **30**  
**MONDAY**

AUGUST **31**  
**TUESDAY**

**1**  
**WEDNESDAY**

**2**  
**THURSDAY**



**3**

**FRIDAY**

**4**

**SATURDAY**

**5**

Father's Day

**SUNDAY**

### **DID YOU KNOW?**

The National Public Toilet Map has information about more than 16,000 publicly available toilets across Australia, including accessibility and opening hours. It also helps you plan a trip so you know where to find those toilets. Visit [www.toiletmap.gov.au](http://www.toiletmap.gov.au)

# September 2021

6

**MONDAY**

7

**TUESDAY**

8

**WEDNESDAY**

9

**THURSDAY**



**10**

**FRIDAY**

**11**

**SATURDAY**

**12**

**SUNDAY**

**DID YOU KNOW?**

If you're a home owner in the ACT and receive a Commonwealth Government pension with entitlement to a Pensioner Concession Card, a Department of Veterans' Affairs or a War Veteran's pension, you may be eligible for a rates rebate.

# September 2021

13

**MONDAY**

14

**TUESDAY**

15

**WEDNESDAY**

16

**THURSDAY**



17

FRIDAY

18

SATURDAY

19

SUNDAY

SCHOOL HOLIDAYS

SCHOOL HOLIDAYS

### DID YOU KNOW?

If you're 65 or over and you own at least 75 per cent equity in your home, you can indefinitely defer your rates charges until such time as your property is sold.

# September 2021

20

MONDAY

21

TUESDAY

22

WEDNESDAY

23

THURSDAY

SCHOOL HOLIDAYS

SCHOOL HOLIDAYS

SCHOOL HOLIDAYS

SCHOOL HOLIDAYS



# 24

**FRIDAY**

SCHOOL HOLIDAYS

# 25

**SATURDAY**

SCHOOL HOLIDAYS

# 26

**SUNDAY**

SCHOOL HOLIDAYS

## **DID YOU KNOW?**

There have been changes in many areas of the law during the COVID pandemic and may be some more during 2021, including in the areas of tenancy, employment and Centrelink payments. If you are unsure contact Legal Aid ACT Helpline on 1300 654 314.

# October

## Your pension

Centrelink is the Australian Government agency responsible for providing income support and access to a range of concessions for eligible older Australians. If you meet the age and residence requirements, Centrelink will calculate how much Age Pension you can get, depending on your income, assets and other circumstances

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. It is your responsibility to notify Centrelink of any changes that may affect your pension.

Centrelink can be contacted on 132 300 or <https://www.servicesaustralia.gov.au/individuals/older-australians>

If you receive a pension from the Department of Veteran's Affairs (DVA) further information can be obtained from DVA on [www.dva.gov.au](http://www.dva.gov.au) or telephone 1800 838 372.

When contacting DVA you should have a DVA reference number which will need to be provided to obtain specific advice.

## 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
- 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 five years, without it affecting your pension. Centrelink will treat any amount you give away over these limits as an assessable asset for five years, and also treat 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?**

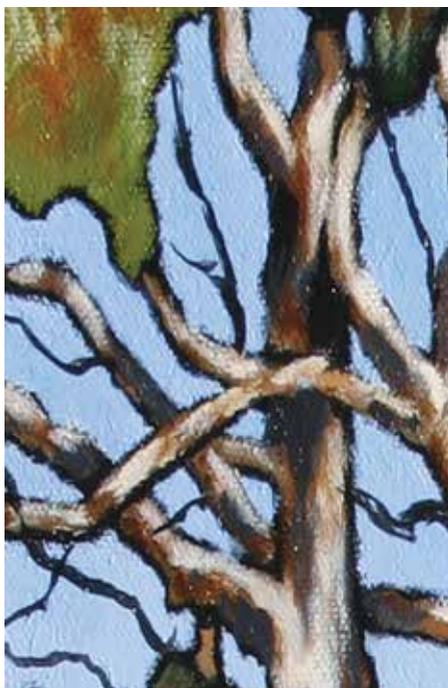
If someone who owes you money pays you back, or if you get compensation as part of a court case, you must tell Centrelink. Any kind of lump sum of money you receive may affect your pension—depending on where the money is from and why it was paid to you. For example, some ex gratia payments from the Department of Veteran's Affairs (DVA) may not be counted as income.

### **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.



## Where to find more information

See page 5 for where to find legal help.

### Canberra Community Law

Free legal advice and help to older people about pension issues. Call Canberra Community Law on (02) 6218 7900 or visit [www.canberracommunitylaw.org.au](http://www.canberracommunitylaw.org.au)

### 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. Visit <https://www.servicesaustralia.gov.au/individuals/services/financial-information-service>

- Centrelink has factsheets with information about different financial issues including gifting and granny flats. Call 132 300 or visit <https://www.servicesaustralia.gov.au/individuals/older-australians>
- Centrelink can also give you information about benefits for carers. Call 132 717.



# September 2021

SEPTEMBER

27

MONDAY

SCHOOL HOLIDAYS

SEPTEMBER

28

TUESDAY

SCHOOL HOLIDAYS

SEPTEMBER

29

WEDNESDAY

SCHOOL HOLIDAYS

SEPTEMBER

30

THURSDAY

SCHOOL HOLIDAYS



# October 2021

**1**

International Day of Older Persons

**FRIDAY**

SCHOOL HOLIDAYS

**2**

**SATURDAY**

SCHOOL HOLIDAYS

**3**

Daylight savings time starts

**SUNDAY**

SCHOOL HOLIDAYS

## 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. Once you change you generally can't change back again. You should discuss your situation with Centrelink before you reach Age Pension age.

# October 2021

4

Labour Day Public Holiday

**MONDAY**

5

**TUESDAY**

6

**WEDNESDAY**

7

**THURSDAY**



**8**

**FRIDAY**

**9**

**SATURDAY**

**10**

**SUNDAY**

### **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 claim the insurance that came with your super (even if it's been a long time since you worked).

# October 2021

11

**MONDAY**

12

**TUESDAY**

13

**WEDNESDAY**

14

**THURSDAY**



**15**

**FRIDAY**

**16**

**SATURDAY**

**17**

**SUNDAY**

**DID YOU KNOW?**

ACT Gambling Counselling and Support Service is a free counselling service for people experiencing problems as a result of gambling. Gambling related financial counselling is also available. Call 1800 858 858 or visit <https://www.gamblinghelponline>.

# October 2021

**18**

**MONDAY**

**19**

**TUESDAY**

**20**

**WEDNESDAY**

**21**

**THURSDAY**



**22**

**FRIDAY**

**23**

**SATURDAY**

**24**

**SUNDAY**

**NOTES**

# October 2021

**25**

**MONDAY**

**26**

**TUESDAY**

**27**

**WEDNESDAY**

**28**

**THURSDAY**



**29**

**FRIDAY**

**30**

**SATURDAY**

**31**

Grandparent's Day

**SUNDAY**

**NOTES**

# November

## Aged care and retirement villages

### 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.

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 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!

It is also 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. You can contact the ACT Law Society on (02) 6274 0300 to get a list of lawyers with expertise in this area.

## What costs and charges will I have to pay?

You will probably pay an ingoing contribution when you move in. When you leave, the retirement village will usually 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 usually pay recurrent charges, maintenance levies, monthly charges or rent.

## Your rights

Retirement villages in the ACT are regulated by the *Retirement Villages Act 2012 (ACT)*. The Act sets out things such as what a prospective resident must receive before signing a village contract; how much time prospective residents have to consider the village contract before signing it; the settling-in period and residents' rights; responsibilities in terms of maintenance; how a village contract can be terminated; and how disputes are resolved.

For more information about your rights, call Access Canberra on 13 22 81 or you can download a printable version of its Retirement Villages Handbook at <https://www.accesscanberra.act.gov.au/ci/fattach/get/140099/1491536925/redirect/1/filename/Retirement+villages+handbook.pdf>

### 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](http://www.myagedcare.gov.au) 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).

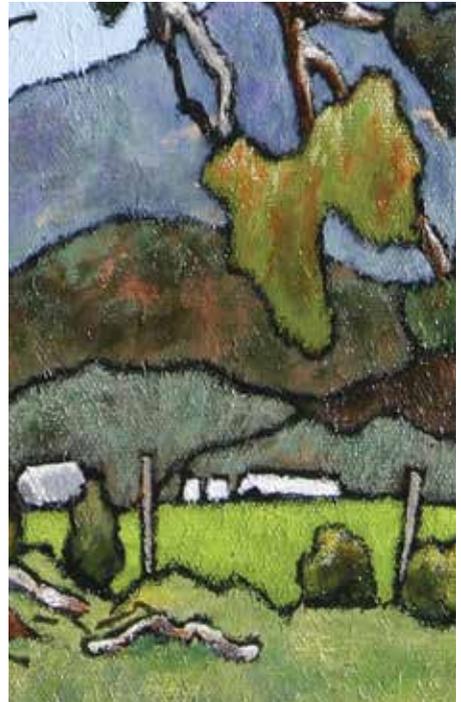
## Residential aged care

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.

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 ACAT. ACAT 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](http://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.



## **Where to find more information**

**See page 5 for where to find legal help.**

The ACT Law Society can refer you to lawyers with expertise in retirement village and aged care contracts. Call (02) 6274 0300 or visit <https://www.actlawsociety.asn.au/>

## **Where to find more information**

The publication 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](http://www.moneysmart.gov.au) or call 1300 300 630.

## **My Aged Care**

My Aged Care is the entry point for aged care services in Australia. It has information about available aged care services, assessment and access to services, and what to do if you have concerns about aged care issues. It also has an online estimator. Call 1800 200 422 or visit [www.myagedcare.gov.au](http://www.myagedcare.gov.au)

## **Aged Care Quality and Safety Commission**

The Aged Care Quality and Safety Commission assesses and monitors the quality of care and services. Its role is to protect and enhance the safety, health, well-being and quality of life of people receiving aged care. Call 1800 951 822 or visit the website [www.agedcarequality.gov.au](http://www.agedcarequality.gov.au)

## NDIS

You can apply to be in the NDIS if you are under 65 years. Call 1800 800 110 or visit <https://www.ndis.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 <https://www.nps.org.au/medicines-line>

## Retirement villages

For a list of retirement villages in the ACT visit <https://www.accesscanberra.act.gov.au/ci/fattach/get/49007/1437019222/redirect/1/filename/Retirement+villages+in+the+ACT.pdf>

For more information about the retirement villages download a copy of Retirement Villages Handbook at [https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/2124/~/-retirement-villages-responsibilities-and-guidance-material](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2124/~/-retirement-villages-responsibilities-and-guidance-material).

## 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](http://www.dva.gov.au)



# November 2021



**1**

**MONDAY**

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**2**

**TUESDAY**

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**3**

**WEDNESDAY**

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**4**

**THURSDAY**

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**5**

**FRIDAY**

**6**

**SATURDAY**

**7**

**SUNDAY**

**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](http://www.humanrights.gov.au).

# November 2021



**8**

**MONDAY**

**9**

**TUESDAY**

**10**

**WEDNESDAY**

**11**

Remembrance Day

**THURSDAY**



# 12

**FRIDAY**

# 13

**SATURDAY**

# 14

**SUNDAY**

## **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.

# November 2021



**15**

**MONDAY**

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**16**

**TUESDAY**

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**17**

**WEDNESDAY**

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**18**

**THURSDAY**

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# 19

**FRIDAY**

# 20

**SATURDAY**

# 21

**SUNDAY**

## **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 <https://www.beyondblue.org.au/> or call 1300 224 636.

# November 2021



**22**

**MONDAY**

**23**

**TUESDAY**

**24**

**WEDNESDAY**

**25**

International Day for the Elimination of Violence Against Woman

**THURSDAY**



**26**

**FRIDAY**

**27**

**SATURDAY**

**28**

**SUNDAY**

**NOTES**

# December

## **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.

## **Licences for older drivers**

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.

Licence holders who are 70 years of age or older that hold a public vehicle licence are required to have an annual commercial medical assessment and provide a passed driving assessment relating to the authorisation they hold, e.g. taxi, bus etc.

## Driving offences and fines

For most traffic and driving offences the penalty is a fine and/or loss of driving points. 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 you can:

- pay the fine in total
- dispute liability
- apply to pay the fine by installments
- ask for more time to pay
- ask for the fine to be withdrawn or waived
- see if you are eligible to get a Work and Development Order.

For more information on fines see Canberra Community Law's factsheets on Traffic and Parking Fines at <https://www.canberracommunitylaw.org.au/fact-sheets-brochures/street-law-fact-sheets.html>

## Have you been in a car accident?

At the scene

1. **STOP:** Drivers involved in a motor vehicle accident are required to stop.
2. **IS ANYONE INJURED?** The first priority is to determine if someone was injured. If so, you need to phone an ambulance and the Police.

You must call the Police if a motor vehicle involved in the accident needs to be towed.

In the ACT, Police will not attend accidents unless there are serious injuries or motor vehicles which require towing.

3. **EXCHANGE PERSONAL DETAILS:** You and the other driver must exchange personal details. This includes the names and addresses of both drivers as well as vehicle registration numbers.

If you are not the owner of the vehicle involved in the accident, you should provide the name and address of the owner.

You should also ask if the other driver is insured, and exchange insurance details.

4. Never admit liability for the incident or enter into any negotiations without discussing the situation with your insurance provider or a lawyer. This means do not say that it was your fault or say that you are sorry for what happened.

5. Before you continue your journey, assess the damage and decide if it is safe to drive.

You should also

**Take pictures of the accident:**

Using a phone is a good way to do this. Remember that you should not endanger yourself or others whilst doing this.

**Identify possible witnesses:**

Make sure to get their names and contact details.

**Contact your insurance company:**

There will be steps for you to take to lodge a claim, and it is best to get advice regarding insurance as soon as possible.

In the ACT, you must report the incident to the Police within 24 hours, unless the police attended the scene.

**Claiming damages**

If you are not insured and you believe the other driver is at fault, send a letter of demand requesting payment. You can contact Legal Aid ACT on 1300 654 314 if you need assistance drafting a letter of demand.

**Received a letter of demand?**

If you receive a letter of demand you should, if you are insured, provide a copy of the letter to your insurer. Do not respond to such a letter without the approval of your insurer. If you are uninsured for property damage, you should consider obtaining legal advice.

If you decide to respond to such a letter, always write 'without prejudice' on any correspondence that is addressed to the owner of the other car.

This limits the letter of demand being used in court if the matter ends up in court without everyone coming to an agreement.

### Negotiation

It is usually best to try to reach agreement by negotiation or use a mediator such as the Conflict Resolution Service (CRS) to avoid the cost of litigation.

### Going to Court

If negotiations fail, you can file a claim in the ACT Civil and Administrative Tribunal (ACAT) if your claim is less than \$25,000. If your claim is more than \$25,000 you should bring your claim in the ACT Magistrates Court.

### 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 <https://www.afca.org.au/>

## Where to find more information

See page 5 for where to find legal help.

### Insurance Law Service

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

Call 1300 663 464 or visit <https://insurancelaw.org.au/>

### Information

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 <https://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 <https://www.afca.org.au/>

### Conflict Resolution Service (CRS)

CRS can also help you resolve neighbourhood disputes. Call (02) 6189 0590 or visit <https://crs.org.au/>

**Other resources from Legal Aid ACT  
available online from:**

<https://www.legalaidact.org.au/opals>



# December 2021

NOVEMBER

29

MONDAY

NOVEMBER

30

TUESDAY

1

WEDNESDAY

2

THURSDAY



**3**

International Day of Persons with Disabilities

**FRIDAY**

**4**

**SATURDAY**

**5**

**SUNDAY**

**DID YOU KNOW?**

The Community Bus Service provides bus services for ACT seniors who are socially isolated because of lack of transport options. Visit for more information [https://www.communityservices.act.gov.au/wac/community/community\\_bus\\_services](https://www.communityservices.act.gov.au/wac/community/community_bus_services)

# December 2021

**6**

**MONDAY**

**7**

**TUESDAY**

**8**

**WEDNESDAY**

**9**

**THURSDAY**



**10**

International Human Rights Day

**FRIDAY**

**11**

**SATURDAY**

**12**

**SUNDAY**

**DID YOU KNOW?**

Holders of a current Centrelink Pension or DVA Concession Card or DVA Gold Card are entitled to 100% fee discount upon issue or renewal of provisional, full or national heavy vehicle licence.

# December 2021

**13**

**MONDAY**

**14**

**TUESDAY**

**15**

**WEDNESDAY**

**16**

**THURSDAY**



**17**

**FRIDAY**

**18**

**SATURDAY**

**19**

**SUNDAY**

SCHOOL HOLIDAYS

**DID YOU KNOW?**

Holders of a current Centrelink Pension Concession card or DVA Pension Concession card are entitled to 100% discount on registration.

# December 2021

**20**

**MONDAY**

SCHOOL HOLIDAYS

**21**

**TUESDAY**

SCHOOL HOLIDAYS

**22**

**WEDNESDAY**

SCHOOL HOLIDAYS

**23**

**THURSDAY**

SCHOOL HOLIDAYS



**24**

Christmas Eve

**FRIDAY**

SCHOOL HOLIDAYS

**25**

Christmas Day

**SATURDAY**

SCHOOL HOLIDAYS

**26**

Boxing Day

**SUNDAY**

SCHOOL HOLIDAYS

**NOTES**

# December 2021

**27**

Christmas Day Public Holiday

**MONDAY**

**28**

Boxing Day Public Holiday

**TUESDAY**

**29**

**WEDNESDAY**

**30**

**THURSDAY**

# January 2022

**31** New Year's Eve

**FRIDAY**

SCHOOL HOLIDAYS

**1** New Year's Day

**SATURDAY**

SCHOOL HOLIDAYS

**2**

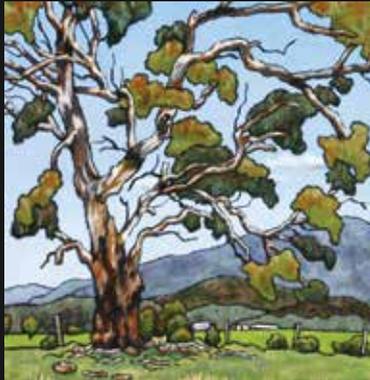
**SUNDAY**

SCHOOL HOLIDAYS

**NOTES**

Older Persons ACT Legal Service

**Legal Aid** ACT



**1800353374**