

Everyone deserves respect



A guide for seniors by the
Senior Assist elder abuse
prevention unit



Acknowledgement of Country

Tasmania Legal Aid acknowledges and pays our respect to the Palawa/Tasmanian Aboriginal people as the Traditional Custodians of the land and waters of Lutruwita/Tasmania, where we live and work.

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You have the right to:

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



About us

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

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

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

We can assist if you:

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

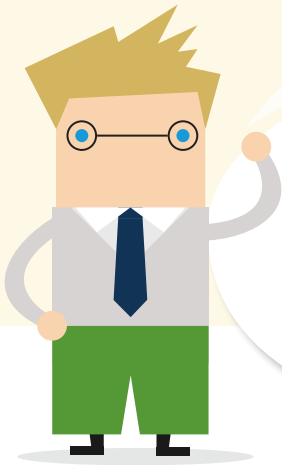
Senior Assist can:

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

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

Ask yourself...

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



Did you answer **'NO'** to any of these questions?

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

Call our Legal Help line on **1300 366 611**
and ask for Senior Assist.

Planning ahead

My Aged Care

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

Council on the Ageing (COTA) Tasmania

Council on the Ageing (COTA) Tasmania provides a range of aged care information and support services for individuals, families, groups, and service providers. They can talk to you about the different options and help you to get the services you need.

More information about these services can be found on page 22.

Wills

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

Tasmania Legal Aid has information about Wills:

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

Call us or visit our website for more information.

Enduring Power of Attorney

An Enduring Power of Attorney is a legal document that allows you to choose who will make decisions for you about financial and legal matters. You can choose when the Enduring Power of Attorney will start – that is, when the person(s) you nominate can make decisions for you. You can choose this to be from the time you register the Enduring Power of Attorney, or alternatively, you can decide that it only starts when a doctor says you can no longer make decisions about your financial and legal matters.

Making an Enduring Power of Attorney is a very important decision and you should appoint a person who is trustworthy, honest and will act in your best interest at all times.

The signed document must be registered with the Land Titles Office and there is a fee to do this.

What is an enduring guardian?

An enduring guardian is someone you appoint to make health and lifestyle decisions when you can't make these decisions yourself.

They can make decisions about things like where you live, who can visit you, which doctor you go to, your medical or dental treatment and other services you may need to support you. They need to discuss decisions with you to get your views and also support you to make decisions yourself if possible.

What is an Advance Care Directive?

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

You can include:

- Information about your values or wishes, which can guide a person making a decision about your healthcare

- Treatments you want or don't want and in what circumstances.

It is recommended that you discuss this with your doctor or a health professional and with family and close friends. Make sure that someone you trust knows you have an ACD and that they have a copy or know where to find it. You can register your ACD with the Tasmanian Civil and Administrative Tribunal (TASCAT) or upload to your My Health Record through myGov, so your wishes are known and can be followed in the case of an emergency. You can find more information about ACDs on the Advance Care Planning website on page 23.

Voluntary Assisted Dying ('Euthanasia')

Voluntary assisted dying is a process that enables a person who has a terminal medical condition to legally access a substance to end their life, with support and assistance from registered health practitioners. Speak to your GP for more information.

Planning for retirement

If you work, future planning should include your financial situation. Think about your income after you retire, e.g. the age pension, superannuation, savings, and investments. It is never too late to plan.

Services Australia (Centrelink) has some great information.



Talk to our Senior Assist team for more information about any of the topics listed here.

Planning ahead checklist

Think about these things when planning ahead

Your Will

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

Enduring Power of Attorney

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

Enduring Guardianship

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

Advance Care Directive (ACD)

- Discuss your future health and medical care wishes with people close to you and your doctor
- Ask your doctor to help you document your ACD
- Make sure your family and doctor knows you have an ACD and have a copy or know where it is kept
- Register your ACD with the Tasmanian Civil and Administrative Tribunal or upload to My Health Record through myGov.

Storing planning-ahead documents

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

Giving property or money to a loved one might impact your pension.

For more information and financial advice about pensions contact
Centrelink Older Australians Line:

132 300



Family, finance and your home

Many older people are asked to help their family financially.

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

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

This might include:

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

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

Sally's story

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

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

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

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

Jack is Sally's Enduring Power of Attorney.

Do you think this is OK for Sally?

You can call our Senior Assist team for more information on
1300 366 611



Elder abuse

Elder abuse happens to an older person when someone they know and trust (usually a family member) causes harm to them. Abuse can be physical, emotional, sexual or financial. It can also include neglect.

It is not okay if a trusted person:

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

The law can help protect you from abuse:

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

Family violence

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

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

In Tasmania, abuse by an adult child is not family violence, but it is elder abuse and our Senior Assist team can help you do something about it.

What if children are affected by family violence or elder abuse?

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

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

If you are concerned for the safety, or welfare of any children under the age of 18, call the Strong Families, Safe Kids – Advice and Referral Line on **1800 000 123**.

Elder abuse prevention

What can you do to prevent elder abuse?

- Plan for your future now rather than later (see the 'Planning ahead' section)
- Call our Legal Help line on **1300 366 611**, if you are not sure what to do
- Do not sign anything that you don't understand
- Only change your medication if advised to do so by your doctor or healthcare professional
- Make sure agreements reached with family or friends are put in writing and get legal advice before signing any legal or financial documents
- Keep your bank passwords and PIN numbers secret
- Check your bank statements to make sure no-one is taking your money without your permission
- Stay connected with your friends and community
- Get your own legal advice before you allow anyone to move in with you
- Get your own legal advice before you move in with family
- Get your own legal and financial advice before you lend or give money away (gifting money or property might affect your pension)
- When seeking legal advice, make sure you choose your own lawyer.

Safety planning

If you are worried about your safety you could:

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

Remember...

If you, or someone you know is experiencing, or at risk of, elder abuse – Tasmania Legal Aid's Senior Assist can provide information, legal help, support with safety planning, counselling and connect you to other services.

Our team can support you to make your own decisions.

Call our Legal Help line on:

1300 366 611

and ask to speak to Senior Assist.

If you would like to refer someone to our service or ask questions, you can email us at:

senior.assist@legalaid.tas.gov.au



Support services



Tasmanian Mental Health Helpline

1800 332 388

The Helpline:

- is a central point of entry to Mental Health Services for all Tasmanians
- is available 24/7



Suicide Call Back Service

1300 659 467

www.suicidecallbackservice.org.au

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



Lifeline

13 11 14

www.lifeline.org.au

Free 24-hour telephone crisis support service



Beyond Blue Support Service

1300 224 636

www.beyondblue.org.au

Free support service for mental health – 24/7 phone and online support. Chat forums.



1800RESPECT

1800 737 732

www.1800respect.org.au

National sexual assault, domestic or family violence counselling service.



kidshelpline
Anytime Any Reason

Kids Helpline

1800 551 800

www.kidshelpline.com.au

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



Open Arms

1800 011 046

www.openarms.gov.au

Counselling for Managing anger, recovery from trauma, building better relationships.



Mates4Mates

1300 4 MATES (462 837)

www.mates4mates.org

Support for wounded, injured or ill, current and ex serving Australian Defence Force personnel.



ReachOut.com

www.au.reachout.com

Specialist support for young people (25 years and under) towards better mental health.



QLife

1800 184 527

www.qlife.org.au

Free and anonymous peer-support and referral service run by LGBTIQ+SB people for LGBTIQ+SB people. 3pm – midnight 7 days.



MensLine Australia

1300 789 978

www.mensline.org.au

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

In an emergency call

000

(Police, Ambulance and Tasmania Fire Service).

Other services

Advocacy Tasmania

Advocacy, support and referral services.

1800 005 131 | www.advocacytasmania.org.au

Aged Care Residential Mental Health Program

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

03 6228 3344 | **1800 844 044**

Aged Care Quality and Safety Commission

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

1800 951 822 | www.agedcarequality.gov.au

Advance Care Planning

Information and the forms needed for advance care planning.

1300 208 582 | www.advancecareplanning.org.au

(Click on the 'Tasmania link' under 'Create your plan' tab.)

Carer Gateway

An Australian Government program providing free services and support for carers. Call this number for emergency respite.

1800 422 737 | www.carergateway.gov.au

Services Australia (Centrelink) Older Australians Line

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

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

Council On The Ageing (COTA) Tasmania

COTA offers many support services for older people.

03 6231 3265 | www.cotatas.org.au

Land Titles Office

Fact sheets and registration of signed Enduring Power of Attorney documents.

www.nre.tas.gov.au/land-tasmania

Migrant Resource Centre

Migrant support services Hobart.

03 6221 0999

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

My Aged Care

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

1800 200 422 | www.myagedcare.gov.au

Public Trustee Tasmania

Financial and estate planning options.

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

Relationships Australia - Tasmania

Includes mediation and counselling services.

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

Senior Assist, Tasmania Legal Aid

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

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

(Tasmanian) Elder Abuse Helpline

A helpline providing information and referrals about elder abuse.

1800 441 169 (9am – 5pm) | SMS: **0457 806 963**

www.elderabuse.tas.gov.au

Tasmanian Civil and Administrative Tribunal (Guardianship stream)

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

1800 657 500 | www.tascat.tas.gov.au/guardianship/publications_/factsheets

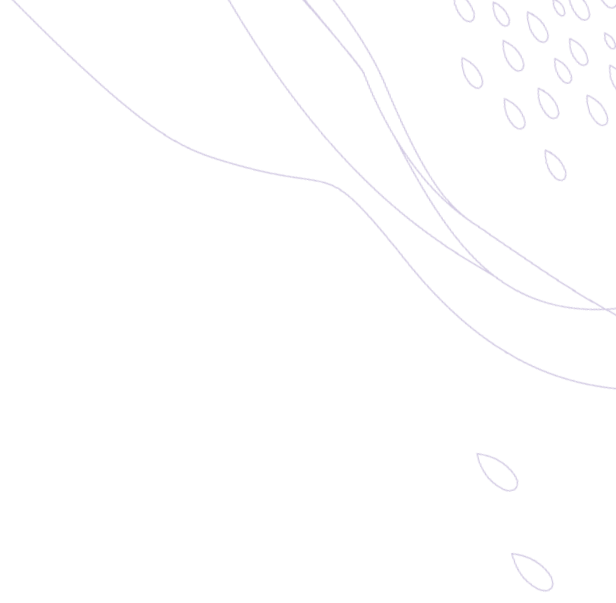
Tasmania Police

Non-urgent: **131 444**

Notes

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Disclaimer

This guide should not be used as substitute for legal advice.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on the information contained within this guide, or omitted from it.



1300 366 611

www.legalaid.tas.gov.au

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Tasmania
Legal Aid **A starting place**
for everything legal