



KNOWING YOUR RIGHTS

A Guide to the Rights of Older
South Australians

CONTENTS

Introduction.....	5	Consumer Rights	28
South Australian Charter of Rights and Freedoms of Older People.....	6	Door to door sales and telemarketing	28
Access and Equity	8	Online security.....	29
Access to Information and Services.	12	Equal Opportunity.....	30
Access to internet.....	12	Employment	30
Access to information.....	13	Financial Matters.....	32
Access to services to help you stay at home.....	13	Financial planning and advice	32
Accommodation	17	Reverse mortgages	33
Assistance with care and housing	18	Financial support	33
Living with family.....	18	Financial counselling.....	33
Family arrangements	18	Helping family.....	34
Retirement villages.....	20	Fitness to Drive	35
Rights of retirement village residents.....	21	Going to Court	37
Pension implications.....	21	Criminal matters.....	38
Aged care homes (residential aged care)	22	Civil matters	38
Rental accommodation.....	24	Family matters	38
Strata and community titles	24	Grandchildren.....	39
Age Discrimination.....	25	Caring for grandchildren.....	39
Centrelink.....	26	Contact with grandchildren	40
		Child safety	40
		Acting as a guardian.....	41

Health.....	42
Accessing records	42
Appropriate treatment.....	42
Choice.....	43
Confidentiality	43
Consent	43
Complaints.....	44
Neighbours	45
Planning Ahead	46
Advance care directives.....	47
Disputes	47
Enduring powers of attorney	48
Organ donation	49
Wills, estates and funerals	49
Funerals.....	50
Safeguarding your Rights	52
Keeping yourself and your home safe	53
Intervention orders	53
Veterans	55
Volunteering	56
Contacts	58



INTRODUCTION

Knowing Your Rights – a Guide to the Rights of Older South Australians is an initiative of the South Australian Government to help raise community awareness of the rights of older people. Legal Services Commission has developed this Guide in partnership with Office for the Ageing, and with the valued expertise of COTA SA's Peer Educators.

Knowing Your Rights – a Guide to the Rights of Older South Australians is aimed at older people of any age to help increase their understanding of their rights, especially at different times in their lives, and to recognise the laws that provide safeguards and protection.

Being informed about your rights and certain laws can support you or someone you know to live an active and independent life by staying connected, informed and in control. This resource includes services and websites where information, advice and support can be accessed depending on the concerns or circumstances.

Unpaid and paid carers, volunteers, neighbours, relatives, friends, or community services staff can use this resource to inform and support an older person who may not be aware of their rights or who may be unable to access information.

Knowing Your Rights – a Guide to the Rights of Older South Australians is a free community publication. Hard copies can be ordered from Legal Services Commission or Office for the Ageing.

To download this guide, visit:

Legal Services Commission website: www.lsc.sa.gov.au

South Australian safeguarding rights website:
www.sahealth.sa.gov.au/safeguardrights

The contents of this publication may be freely reproduced with due acknowledgment of the original source.

SOUTH AUSTRALIAN CHARTER OF THE RIGHTS AND FREEDOMS OF OLDER PEOPLE

Dignity and self-determination

1. Older people have the right to be treated with dignity and humanity and to be free to exercise personal self-determination.
2. Older people have the right to freedom of movement and to choose their place of residence. These rights shall only be restricted in accordance with law, where such restriction is necessary to protect public health, public order and the rights and freedoms of others.

Liberty and security of the person

3. Older people have the right to be free from torture or other forms of cruel, inhumane or degrading treatment.
4. Older people have the right to liberty and security and to be free from exploitation and physical, social, psychological, financial and sexual abuse. No person shall be deprived of their liberty except in accordance with procedures established by law.

Equality and non-discrimination

5. Older people have the right to exercise their rights free from all forms of discrimination, whether on the basis of age, sex, colour, sexual orientation, religion, political opinion, educational qualification, national origin or ethnicity.
6. Older people have the right to recognition before the law and to be treated equally before the law.

Standards of living and care	7. Older people have the right to food to nurture them nutritionally and emotionally, adequate clothing and shelter, adequate means and resources, to enjoy the highest attainable standards of physical and mental health and the right to a dignified death.
Privacy and family	8. Older people have the right to be free from arbitrary or unlawful interference with their privacy, family, home or correspondence. 9. Older people have the right to a family life and to have their family unit respected by others, including government agencies and officials.
Social and economic participation	10. Older people have the right to freely associate with others and to participate fully in the social, economic and cultural life of their community.
Freedom of thought, conscience, spirituality, religion and expression	11. Older people have the right to exercise freedom of thought, conscience, spirituality and religion. 12. Older people have the right to freedom of opinion and expression and to seek, receive and impart information and ideas, and to lifelong learning. Older adults have the right to seek, and be provided with, personal information about them held by government agencies or officials.

ACCESS AND EQUITY

It is against the law to discriminate against a person on the basis of culture, religion, appearance, gender identity, sexual orientation, or lifestyle choices. These rights do not change, nor does their value diminish as people age.

There are several South Australian and federal laws which make it against the law to discriminate against a person on the basis of age, association with a child (in customer service or accommodation), caring responsibilities, chosen gender, disability, marital or domestic partnership status, pregnancy, race (colour, descent or national or ethnic origin), religious appearance or dress (in work or study), sex, sexuality, or spouse or partner's identity.

Your background should not affect your participation in civic, economic and social activities, cultural and religious practices, and lifestyle choices. Importantly, you have the right to equally access information and services, and to be aware of your rights and entitlements when making decisions.

If you feel you have been unfairly treated, denied, refused, or restricted access to a service, information or employment, because of your background, the Australian Human Rights Commission and the South Australian Equal Opportunity Commission can provide more information about your rights, discuss your concerns, or help you lodge a complaint. Information is also available to help you understand age discrimination issues and how to prevent them.

If your concerns relate to an aged care service, most organisations have a process for dealing with issues and concerns. If you do not feel comfortable to do this, the Aged Rights Advocacy Service can provide confidential support and advice, and can assist you to raise concerns about your care, or can speak on your behalf.



OLDER ABORIGINAL PEOPLE

There are particular state laws and policies which protect and ensure social justice for Aboriginal people and their rights. For older Aboriginal people and their extended families it is important to respect and value connection to family, culture and country.

If you are an older Aboriginal person, the South Australian Government website has information about services which can help you. For more information about resources for Aboriginal people visit: <http://www.sa.gov.au/topics>

Seniors Information Service can provide information about aged care services for older Aboriginal people. For more information call 8168 8776.

If you are concerned about the rights, safety or wellbeing of an older Aboriginal person, the Aged Rights Advocacy Service Aboriginal Advocacy Program can be contacted on 8232 5377 for confidential advice and culturally appropriate support to older Aboriginal people who are:

- > users or potential users of community-based aged care services
- > residents of a residential aged care facility
- > at risk of, or who are experiencing, abuse by family and/or friends.

If you require legal advice, the Aboriginal Legal Rights Movement can be contacted for more information and support on 8113 3777 or visit www.alrm.org.au

CULTURAL AND LINGUISTIC DIVERSITY

South Australia has many ethnic and multicultural organisations which can support older people from culturally and linguistically diverse backgrounds to access information, services and programs.

Multicultural SA website provides a comprehensive list of services and programs available for migrants. Call 8207 075 or visit www.multicultural.sa.gov.au/new-migrants

You have the right to information that is provided to you in a way that is accessible and that you can understand. If English is not your first language, remember you can:

- > request access to interpreter services
- > ask if the service has translated resources or a worker who speaks your language
- > ask if the service can meet your cultural or religious needs
- > have someone accompany you to appointments and meetings
- > have someone to represent your views and interests
- > use the National Relay Service if you have a hearing or speech impediment.

Contact details for key multicultural agencies can also be found on page 57 of this booklet.

SEXUAL ORIENTATION, GENDER IDENTITY, INTERSEX STATUS, AND RELATIONSHIP STATUS

The *Sex Discrimination Act 1984* makes it against the law to treat a person or same-sex couples differently on the basis of sexual orientation, gender identity and intersex status. These protections apply to people who identify themselves as Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI).

Provisions under the *Aged Care Act 1997* also mean that it is against the law for aged care services to discriminate against older people who identify themselves as LGBTI.

If you are seeking information or services, you can ask whether a LGBTI worker is available or if there are resources which are culturally sensitive.

Seniors Information Service can provide further information on aged care services for older people who identify as being LGBTI. Call Seniors Information Service on 8168 8776.

Contacts:

Aboriginal Legal Rights Movement

> 8113 3777 or visit www.alrm.org.au

Aged Rights Advocacy Service

> 8232 5377 or visit www.sa.agedrights.asn.au

Australian Human Rights Commission

> 1300 656 419 or (02) 9284 9888 or visit www.humanrights.gov.au

Seniors Information Service

> 8168 8776 or visit: www.seniors.asn.au

South Australian Equal Opportunity Commission

> 8207 1977 or 1800 188 163 (country callers) or visit www.eoc.sa.gov.au



ACCESS TO INFORMATION AND SERVICES

You have a right to be able to access any service that is provided to the general public.

You have a right to access information that is provided to you in a way that is accessible, and that you can understand.

Service providers need to ensure they do not discriminate on the basis of age.

To assist you to access services, you can:

- > have someone accompany you to appointments and meetings
- > have someone to represent your views and interests
- > ask if the service has translated resources
- > request access to interpreter services
- > use the National Relay Service if you have a hearing or speech impairment.

ACCESS TO INTERNET

There are a number of organisations that provide access to the internet and offer training, support and resources to help you confidently use the internet and technology.

A list of options of where you can access the internet can be found in the Seniors Card Directory at: <http://seniorscard.sa.gov.au>

Public Libraries offer internet access and support from staff and volunteers. Contact your local council for more information.



The Seniors Information Service (SIS) provides an Internet lounge at its city location which is free to people over 50 years of age. This service is available from 10.00 am to 4.00 pm Mondays to Fridays with a maximum booking of 2 hours. Volunteers provide training (both group and individual) in the use of tablets. Bookings are essential.

To make bookings:

- > call 8168 8776 (country callers 1800 636 368)
- > email information@seniors.asn.au
- > visit in person: SIS, Ground floor, 149 Currie Street, Adelaide SA 5000.

ACCESS TO INFORMATION

Council on the Ageing – COTA SA – has over 17,000 members and is responsible for raising community awareness and promoting the rights, needs and interests of older South Australians.

For more information about becoming a member and the full range of activities and programmes contact:

- > COTA SA on 8232 0422 or 1800 182 324 (country callers)
- > visit www.cotasa.org.au
- > visit in person: COTA SA, 16 Hutt Street, Adelaide SA 5000.

ACCESS TO SERVICES TO HELP YOU STAY AT HOME

You have the right to access services to help you stay at home and maintain your independence (if this is your choice), and you have the right to choose where you live.

Australian Government subsidised aged care

The Australian Government subsidises a range of services for older people including help to stay at home, respite care for carers, and aged care homes. Services include assistance with daily activities, personal or nursing care, day therapy, home maintenance and modifications or transport options. If your personal circumstances allow, it is expected that you will contribute to the costs of your care if you can afford to do so.

Call My Aged Care on 1800 200 422 or visit the My Aged Care website www.myagedcare.gov.au for information about:

- > the different types of aged care services
- > eligibility for services
- > finding local services to meet your needs – you are able to select your own service provider
- > the cost of your aged care services, including fee estimators.

If you are considering a home care package, the **Five Steps to Accessing a Home Care Package** booklet, available in 18 languages, provides information to help consumers, and their family and carers, understand the process for taking up a home care package. The booklet explains how older people with a range of high care needs can access support in their home through a coordinated home care package. It helps explain your eligibility, how to find a Home Care Package provider, costs, and how to accept and start services.

To order your free booklet, contact National Mail and Marketing (NMM) on (02) 6269 1080 or email NMM directly dss@nationalmailing.com.au and quote the publication title and reference number (DSS1631.06.15).

All aged care subsidised by the Australian Government has strict regulations requiring service providers to act consistently with the Charter of Care Recipients' Rights and Responsibilities, under the *Aged Care Act 1997*. The Charter covers all aspects of your care, from matters affecting your personal safety, to personal preferences affecting your enjoyment of life.

For more information about the Charter contact My Aged Care or Aged Rights Advocacy Service.

Complaints

If you or someone you know has concerns about services subsidised by the Australian Government, you have the right to complain.

There are two ways you can make a complaint:

- > let your service provider know about your concerns
- > make a complaint to the Aged Care Complaints Commissioner (Complaints Commissioner).

For more information about how to lodge a complaint:

call the Aged Care Complaints Commissioner on 1800 550 552 or visit the website: www.agedcarecomplaints.gov.au

Most organisations and aged care services have a process for dealing with issues and concerns. If you do not feel comfortable to do this, the Aged Rights Advocacy Service can provide confidential support and advice, and can assist you to raise concerns about your care, or can speak on your behalf.

Contact Aged Rights Advocacy Service on 8232 5377 or visit www.sa.agedrights.asn.au

Consumer Directed Care (CDC)

Consumer Directed Care (CDC) has been introduced by the Australian Government to enable older people, or their carers, to make decisions about their care received at home. People eligible for a Home Care Package are now able to manage their care package, giving greater control and choice of the type of services received and who provides it.

For more information about what CDC means:

- > call My Aged Care on 1800 200 422
- > visit the My Aged Care Website: www.myagedcare.gov.au/aged-care-services/home-care-packages/consumer-directed-care-cdc

Careful consideration should be given before you commit to care arrangements provided by a relative or friend as this may have significant personal, emotional, and financial consequences.

For example:

- > maintain control of your CDC and decisions about your care for as long as you are able
- > make copies of your CDC care plan and share this with a person other than a family member, for example your general practitioner
- > communicate your wishes and future plans, especially for when your circumstances change
- > ensure you maintain regular communication with your service provider
- > nominate a trusted person to make decisions on your behalf if or when you are unable to do this yourself. You can do this by completing an Advance Care Directive and or a Financial Power of Attorney.

For advice and information about these documents:

- > call Legal Services Commission on 1300 366 424
- > visit the Legal Services Commission website: www.lsc.sa.gov.au

If you feel pressured

You should not be made to feel pressured to agree to care arrangements, nor to a family member staying with you or providing your care, to sign documents, nor to give someone access to your money.

If you have any concerns about family demands or expectations, support is available to help you make informed decisions about what is best for you and your wishes. For confidential support and advice call Aged Rights Advocacy Service 8232 5377 or visit:

www.sa.agedrights.asn.au

Private services

Home support services can also be purchased from privately owned and operated services. For more information about privately funded services contact Seniors Information Service or My Aged Care.

If you are a carer

The *Carers Recognition Act 2005* sets out the rights of carers and the requirements to ensure these rights are supported and respected.

If you're caring for someone at home, many services are available to help and support you in your caring role. There are things that you can do to make your home safer and more comfortable for the person you care for.

For assistance about services, programs and resources:

- > call Carers SA – Carer Advisory and Counselling Service (free call) 1800 242 636
- > visit Carers SA website: www.carers-sa.asn.au

Carer Gateway is a national telephone and online service that provides practical information and resources to support carers. The interactive service finder helps carers connect to local support services.

For more information:

- > call Carer Gateway on 1800 422 737 or visit www.carergateway.gov.au

Carers may be eligible for financial assistance provided by the Australian Government Department of Human Services. More information can be found at:

www.humanservices.gov.au/customer/subjects/payments-carers



Seniors Card

If you are aged over 60 years, a permanent resident of South Australia and work less than 20 hours per week, you may be eligible for a Seniors Card.

The Seniors Card provides eligible older South Australians with free and discounted public transport, and discounts and benefits from hundreds of businesses around South Australia and Australia.

A list of services, discounts and other Seniors Card benefits is provided in the Seniors Card Discount Directory, Your Lifestyle Guide. A copy of Your Lifestyle Guide will be sent to you within two to three weeks of your Seniors Card application. Copies can be collected at libraries and local councils, community centres, and your local MP's electorate office.

To apply for a Seniors Card:

- > complete an online application at: www.sa.gov.au/topics/seniors/seniors-card/apply-for-a-seniors-card
- > complete the Seniors Card application form and return by:
Fax: 8204 2430
Post: Seniors Card, PO Box 196, Rundle Mall SA 5000.

Application forms are available from:

- > Australia Post outlets or phone (free call) 1800 819 961
- > online version of the Seniors Card Discount Directory, Your Lifestyle Guide, at: <http://seniorcard.sa.gov.au>

ACCOMMODATION



You have the right to choose where you live, and to plan ahead to ensure your wishes are known and respected.

If you are thinking about moving or have future plans to live somewhere other than your current residence, there are many accommodation options available.

Contact Seniors Information Service on 8168 8776 or 1800 636 368 (country callers) or visit the Seniors Information Service website:

www.seniors.asn.au

You can find information about housing options at the South Australian Government website: www.sa.gov.au/topics/seniors/housing-and-help-at-home

My Aged Care has been established by the Australian Government to help you navigate the aged care system. My Aged Care can provide information about aged care homes.

- > call My Aged Care on 1800 200 422
- > visit the My Aged Care website: www.myagedcare.gov.au/aged-care-homes

Decisions you make about your future accommodation may impact on your pension entitlement, tax liability, aged care fees and future finances.

It is recommended that you seek independent legal and financial advice if you are planning to change where you live.

Centrelink's Financial Information Service provides free information about the financial implications of decisions about accommodation. You can get information over the phone in the first instance. Personal appointments can be made for more complex matters.

Assistance with care and housing

Some older people may be at risk of becoming homeless if they are renting and the tenancy comes to an end. There are a number of services funded across Australia to help older people facing eviction, or who are homeless or not in sustainable housing. If a person is already homeless these services can help link them with options to get back into accommodation.

If you have concerns about eviction, or may be at risk of becoming homeless, or if you need emergency housing, please contact:

Homelessness Gateway 1800 003 308 or visit Shelter SA website: www.sheltersa.asn.au

For information and advice about tenancy issues and your rights contact:

- > Consumer and Business Services on 13 18 82 or visit www.cbs.sa.gov.au
- > Tenants' Information and Advisory Service on 1800 060 462
- > Aged Rights Advocacy Service on 8232 5377.

LIVING WITH FAMILY

If you move in with your family, or if a family member moves in with you, you can have a simple agreement drawn up to prevent misunderstandings.

Family Arrangements

Your family can provide invaluable support to help you stay in your home and maintain your independence. You can make formal or informal financial arrangements in return for care and support.

For example, subsidising an extension of the family home, a granny flat, or purchasing a home where you can co-reside with family. Alternatively, a family member may offer to move in with you to help with your care, perhaps in return for a share in your home.

You should not feel pressured to agree to any proposed arrangements. Careful consideration should be given before you commit to informal or formal arrangements as they can have significant personal, emotional, and financial consequences.

For instance:

- > These and other similar arrangements come under what Centrelink calls 'granny flat' rules and 'gifting' rules.
- > You may need to consider changes to your Will.
- > If you have to move into aged care later, your aged care costs may be affected.

Centrelink's Financial Information Service can provide advice about the potential financial consequences of proposed arrangements. To speak to a Financial Information Service Officer, call 132 300 or visit Centrelink at: www.humanservices.gov.au/customer/services/financial-information-service

You may also need to consider:

- > whether you will get your money back if things change (for example, if you move out or remarry; if the person caring for you divorces, marries, or becomes ill)
- > whether you will have a legal interest if the property is sold.

If you do decide to live with relatives or friends, seek legal advice about what arrangements you can include in your agreement. It is recommended that you think about whether you will be able to maintain your current lifestyle, interests and activities, and the support you may require to continue these.

Moving in with family

In addition to financial consequences, living with family can have significant personal consequences. Whatever you agree to with your family can be put into a family agreement.

You may need to consider, for example:

- > how other family members may be affected
- > what care will actually be provided for you
- > how you will be able to manage your finances
- > whether you will be expected, or allowed, to cook, clean, or look after grandchildren

- > how household expenses will be shared
- > telephone and internet access
- > whether you can keep a pet
- > whether you can have visitors, go out, have your own television
- > what will happen if your care needs change.

Family moving in with you

If a family member moves in with you, it is important that you agree with:

- > the care they are providing for you and the way you are being treated
- > who is responsible for household tasks, including cooking and cleaning
- > the way costs and bills are shared and paid
- > your level of financial independence and the security of your money
- > the way family members behave.

Family agreements

Having a written family agreement is a practical way to clarify the financial, living and care arrangements you have agreed on with your family, and makes it easier to resolve any future disputes. A family agreement is often recommended by Centrelink as a way to protect your pension entitlements.

A lawyer can help you with a written agreement and give you advice about what else you can do to protect your interests. The cost of getting professional advice may save you much more money in the long term if things go wrong.

Working out what you want to include in the agreement and discussing this with everyone affected can be more difficult. Help with ideas on what may be relevant for you can be given by a lawyer and/or the Aged Rights Advocacy Service.

Mediation SA can facilitate family meetings to help you and your family discuss what would be appropriate to include in an agreement.

For more information call Mediation SA on 8350 0376 or visit: www.mediationsa.org.au

If you feel pressured

You should not be made to feel pressured to move out of your home, live with a family member or to agree to a family member staying with you, to sign documents, or to give someone access to your money.

If you have concerns about family demands or expectations, support is available to help you make informed decisions about what is best for you and your wishes.

For confidential support and advice call Aged Rights Advocacy Service 8232 5377 or visit: www.sa.agedrights.asn.au

RETIREMENT VILLAGES

Retirement villages are a popular accommodation option for people seeking alternative living and lifestyle arrangements.

Many retirement villages are independently owned and privately operated, and each one offers a range of lifestyle options and services. Your choice of retirement village will depend on your personal and financial circumstances, location, and whether you are happy with the terms and conditions of the agreement.

To enter a retirement village, you will need to sign a contract. As with any contract, understanding the terms and conditions of the contract is essential before you commit yourself. Important terms in a retirement village contract are:

- > the nature of your interest in the property (i.e. what you legally own)
- > ongoing fees and charges
- > services you will receive and their cost
- > selling and moving out.

Retirement villages factsheets are available from South Australian Government website: www.sa.gov.au/topics/seniors/housing-and-help-at-home/aged-care-and-retirement-housing

Rights of Retirement Village Residents

Did you know that as a resident of a retirement village, your rights are protected by law, and retirement village operators have a legal responsibility to ensure policies and practices comply with the law?

Retirement village residents have rights which are protected under specific legislation for retirement villages. Office for the Ageing is responsible for administering retirement village legislation and is able to provide general information and assistance on retirement village matters, clarify areas of concern and provide a mediation service to help resolve disputes between residents and administering authorities.

For more information:

- > call Office for the Ageing on 8204 2420
- > email retirementvillages@sa.gov.au

South Australia has a retirement village advocacy service which provides information and assistance for residents who may need help with residency rights and entitlements issues.

For further assistance:

- > call Aged Rights Advocacy Service on 8232 5377 or
- > visit Aged Rights Advocacy Service website: www.sa.agedrights.asn.au

Each retirement village must have its own dispute resolution process. If problems cannot be resolved within the village, an application to resolve the dispute can be made to the South Australian Civil and Administrative Tribunal.

Pension implications

The amount of entry contribution you pay to a retirement village can affect what will be included in your assets test. The Centrelink Financial Information Service can advise on the potential implications of any decisions you might make.



AGED CARE HOMES (RESIDENTIAL AGED CARE)

Did you know that after you move into an aged care home, your rights and decisions for the care provided to you are protected by law?

If you are considering moving into an aged care home, the **Five steps to entry in an aged care home booklet** gives a good overview of matters such as how to pick a home that suits your needs, eligibility criteria and assessment process, what you will need to pay, and what to expect living in an aged care home.

For copies of the Five steps to entry in an aged care home booklet:

- > call My Aged Care on 1800 200 422
- > download it from the My Aged Care Website: www.dss.gov.au/sites/default/files/documents/01_2015/5_steps_printable.pdf

It is important to be aware of the practical and financial issues that can arise and the responsibilities for you and your family. For example, will you need to sell your home to fund your move to an aged care home? What will happen to any house that you own? What will be done with your furniture and personal belongings? Or your pets?

You can apply to as many homes as you like. For more information about residential aged care:

- > call Seniors Information Service on 8168 8776
- > visit the Seniors Information Service website: www.seniors.asn.au

To start the process:

- > call My Aged Care on 1800 200 422
- > visit the My Aged Care website: www.myagedcare.gov.au

You may also seek aged care advice and financial planning services from private consultancy services to help you decide which options are best for you.

It is important that you are not pressured into decisions about your care or that you do not agree with. It can be difficult to discuss such matters with your family, particularly if there are differences of opinion. Relationships Australia and Mediation SA can facilitate family meetings to help you and your family discuss your future arrangements at no cost.

For further assistance:

- > call Relationships Australia on 1300 364 277 or visit www.rasa.org.au
- > call Mediation SA on 8350 0376 or visit www.mediationsa.org.au

Aged care homes subsidised by the Australian Government have strict regulations requiring service providers to act consistently with The Charter of Care Recipients' Rights and Responsibilities, under the *Aged Care Act 1997*. The Charter covers all aspects of your care, from matters affecting your personal safety, to personal preferences affecting your enjoyment of life.

The Charter can be accessed from:

- > My Aged Care website: www.myagedcare.gov.au
- > Aged Rights Advocacy Service website: www.sa.agedrights.asn.au

Complaints

You have the right to complain if you have concerns about the care or service you or someone you know receives from an aged care home subsidised by the Australian Government.

There are two ways you can make a complaint:

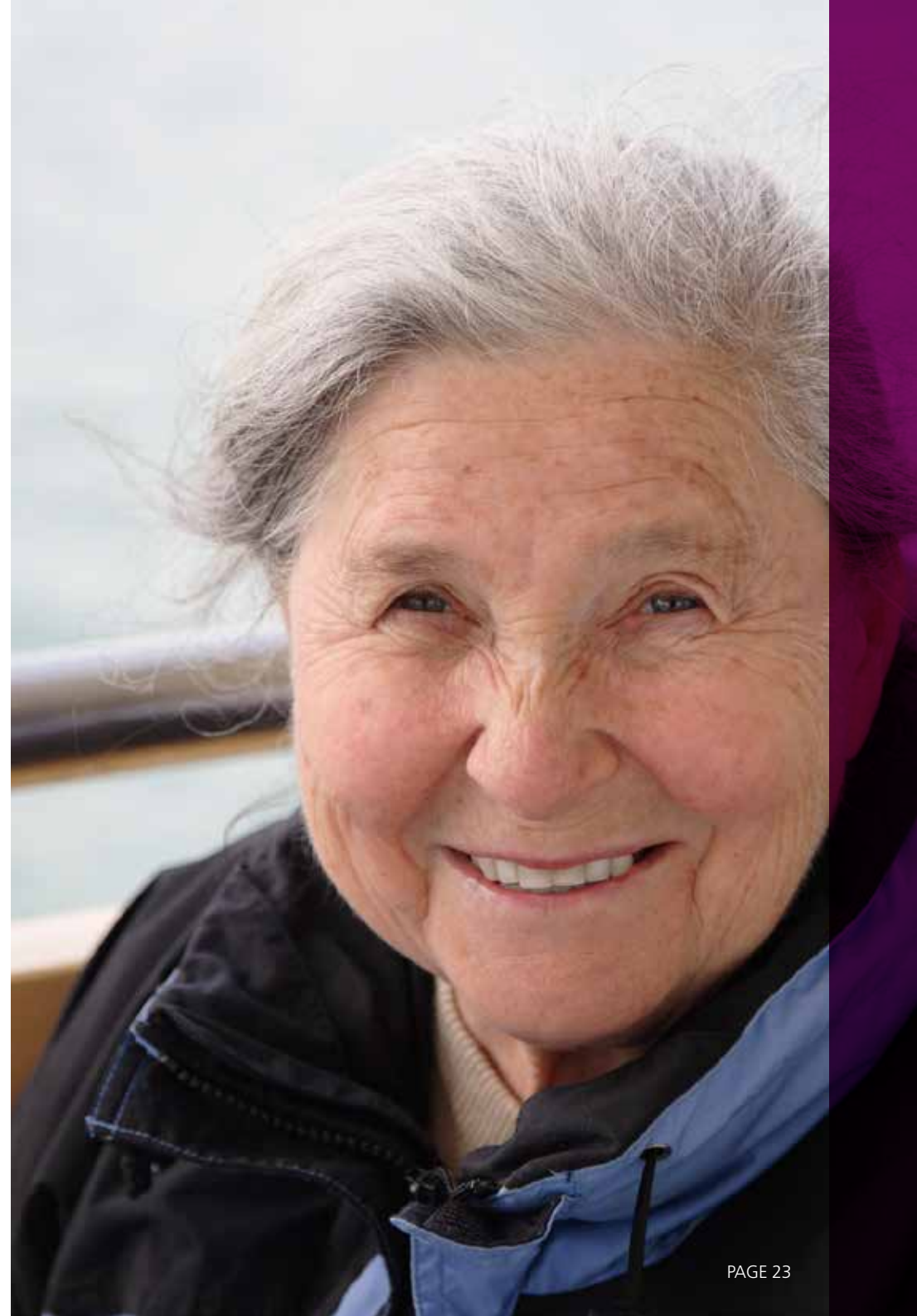
- > let your service provider know about your concerns
- > make a complaint to the Aged Care Complaints Commissioner (Complaints Commissioner).

For more information about how to lodge a complaint:

- > call the Aged Care Complaints Commissioner on 1800 550 552 or visit the website: www.agedcarecomplaints.gov.au

Most organisations and aged care services have a process for dealing with issues and concerns. If you do not feel comfortable to do this, the Aged Rights Advocacy Service can provide confidential support and advice, and can assist you to raise concerns about your care, or can speak on your behalf. Contact:

- > Aged Rights Advocacy Service on 8232 5377 or visit www.sa.agedrights.asn.au



RENTAL ACCOMMODATION

You cannot be refused rental accommodation or have your current rental contract terminated because of your age.

Rental agreements can relate to private housing, residential parks or rooming houses (boarding and lodging house). Different rules apply to each of these types of accommodation.

It is important to understand the rights and responsibilities that apply to you and your landlord, especially when varying or ending an agreement.

For information and advice on rental accommodation, contact:

- > Consumer and Business Services on 13 18 82 or visit www.cbs.sa.gov.au
- > Legal Services Commission on 1300 366 424 or visit www.lsc.sa.gov.au

Disputes about rental accommodation are dealt within the South Australian Civil and Administrative Tribunal.

STRATA AND COMMUNITY TITLES

If you are thinking of buying a strata or community title property (typically, a unit or apartment), be aware that owning such a property is different in many ways to owning a house. For example, there may be restrictions on the alterations you can make to your property and whether pets are allowed.

In a strata scheme, you must also make contributions to maintenance and insurance costs for all the units, not just your own.

Legal Services Commission can provide free information and advice about most legal problems regarding strata and community titles. Phone 1300 366 424.

AGE DISCRIMINATION



The *Age Discrimination Act 2004* and *Equal Opportunity Act 1984* make it against the law to treat people unfairly because of their age in different areas of public life, such as work, education and customer service.

If you feel you have been unfairly treated, denied, refused, or restricted access to a service, information or employment, because of your age, the Australian Human Rights Commission and Equal Opportunity Commission can provide more information about your rights, discuss your concerns, or help you lodge a complaint. Information is also available to help you understand age discrimination issues and how to prevent them.

It does not cost anything to contact the Commission or to lodge a complaint.

Complaints will need to be put in writing.

You can also have someone, such as a solicitor, advocate or trade union representative make a complaint on your behalf.

For more information:

- > call the free Australian Human Rights Commission National Information Service on 1300 656 419 or (02) 9284 9888 10.00am to 4.00pm, Monday to Friday
- > visit the Australian Human Rights Commission website: www.humanrights.gov.au

The South Australian Equal Opportunity Commission can also be contacted for concerns related to age discrimination. You may choose to make a formal complaint, or talk to the Equal Opportunity Commission to find out more information without making a formal complaint. You can choose to remain anonymous.

For more information:

- > call Equal Opportunity Commission on 8207 1977 or 1800 188 163 (country callers)
- > visit the Equal Opportunity Commission website:
www.eoc.sa.gov.au:
 - to make a formal complaint <http://www.eoc.sa.gov.au/eo-you/making-complaint>
 - for informal complaints use the online incident report
 - read **When is discrimination against the law**: <http://www.eoc.sa.gov.au/eo-you/what-discrimination/when-discrimination-against-law>
 - download **Age discrimination fact sheet**: <http://www.eoc.sa.gov.au/eo-resources/publications/fact-sheets>
- > visit the South Australian Equal Opportunity Commission in person:
Level 17, 45 Pirie Street, Adelaide SA 5000

CENTRELINK



You have the right to apply for income support from Centrelink and to challenge a decision which affects you.

Older Australians have the right to apply for income support as they age. Eligibility for payments is subject to meeting certain criteria. A person's age, residency in Australia and level of income and assets is taken into account in determining eligibility and the rate of payment. For couples, combined circumstances are usually taken into account.

The Department of Human Services website provides a comprehensive list of payments and services for older Australians at:
www.humanservices.gov.au/customer/themes/older-australians

If you are retired and past Age Pension age, you may qualify for the Age Pension, or a partial Age Pension, and other payments and supplements.

If you are caring for someone with a disability, medical condition, or who is frail aged, you may qualify for Carer Payment or Carer Allowance.

If you believe that Centrelink has made an incorrect decision about your entitlements you have the right to ask for a review the decision. Centrelink will review a decision to determine whether it was correctly made. Keep in mind that complaining about something is not the same as requesting a review.

If you want to apply for a review you should do it as soon as possible, at least within 13 weeks of Centrelink's decision, so that you can receive any back pay which you may be entitled to if you are successful.

The Legal Services Commission and the Welfare Rights Centre can assist you to challenge incorrect Centrelink decisions. They provide free advice on your rights and your legal entitlements.

For more information about Centrelink reviews:

- > call Legal Services Commission on 1300 366 424 or visit:
www.lsc.sa.gov.au
- > call Welfare Rights Centre on 8223 1338 or visit:
www.wrcsa.org.au

Information about Social Security policy and legislation can be found on the Department of Social Services website: www.dss.gov.au

CONSUMER RIGHTS



Consumer and Business Services has a useful guide (Savvy Seniors) on how to protect yourself against unscrupulous traders and retailers, and about your rights as a consumer. For a copy:

- > call Consumer and Business Services on 13 18 82
- > view it online at: http://www.cbs.sa.gov.au/assets/files/savvy_seniors_aug_2014.pdf

The Seniors Card Discount Directory also contains useful information for older consumers on topics such as online shopping, buying a car, home repairs and refunds.

An online version of the Seniors Card Discount Directory, Your Lifestyle Guide, can be found at <http://seniorscard.sa.gov.au>

DOOR TO DOOR SALES AND TELEMARKETING

There are simple measures you can take to protect yourself from being harassed by door to door salespeople or telemarketers.

You may say, 'No, thank you', and shut the door or hang up the phone. You can ask for the website to confirm the details of the service.

You are legally entitled to indicate you do not wish to receive door to door salespeople on your property by putting up a 'Do Not Knock' sticker or notice. These are available by contacting:

- > Legal Services Commission on 1300 366 424 or visit www.lsc.sa.gov.au
- > Consumer and Business Services on 13 18 82 or visit www.cbs.sa.gov.au

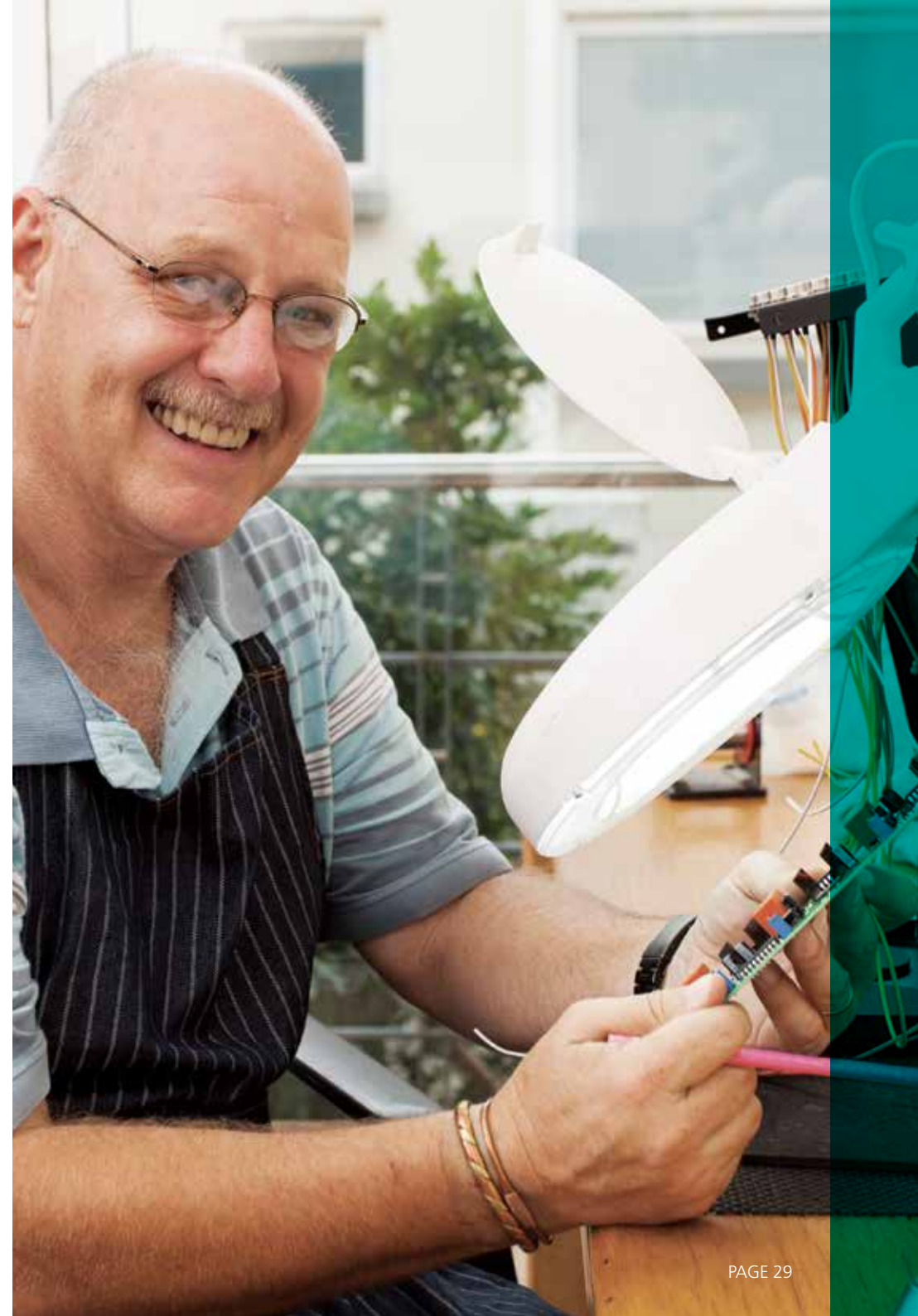
If you do not wish to receive unsolicited telephone marketing (telemarketing) calls you can register your phone number with the Do Not Call Register. Registration is free.

To register:

- > call the Consumer Contact Centre on 1300 792 958
- > visit the Do Not Call Register website: www.donotcall.gov.au

ONLINE SECURITY

Information is available to help you protect your computer and to go online safely at the Australian Government's Stay Smart Online website: www.communications.gov.au/what-we-do/internet/stay-smart-online



EQUAL OPPORTUNITY



The *South Australian Equal Opportunity Act 1984* and a number of other federal and state laws make it against the law to treat people unfairly across particular areas of public life on the basis of their age, disability, marital status, caring responsibilities, sexuality, or religious and racial background. These laws promote opportunity for all South Australians to participate equally in economic and community life.

EMPLOYMENT

The *Fair Work Act 2009* and the *Fair Work Regulations 2009* set out employee / employer rights regarding workplace relationships, minimum entitlements, flexible working arrangements, fairness at work, and prevention of discrimination against employees.

Several federal and state government bodies have different roles and responsibilities in Australia's Fair Work System to ensure workplace environments support these rights.

If you have concerns about your pay, leave, holiday entitlements, or that you are being treated unfairly at work, the Fair Work Ombudsman may be able to assist.

For more information:

- > call and speak to a Fair Work Infoline adviser on 13 13 94
- > visit the Fair Work Ombudsman website: www.fairwork.gov.au

If you believe you have been dismissed unfairly or unlawfully, contact the Fair Work Commission. You have only 21 days to lodge an application about an unfair dismissal or unlawful dismissal (including dismissal for discriminatory reasons).

For more information:

- > call the Fair Work Commission on 1300 799 675 or visit the website www.fwc.gov.au
- > email your inquiry online at www.fwc.gov.au/about-us/contact-us/inquiries

If you apply for a paid position, you cannot be refused work because you are 'too old' – if this happens to you, contact the Australian Human Rights Commission and South Australian Equal Opportunity Commission (see Age Discrimination page 21).

Not all forms of discrimination are against the law. If you think you have been unlawfully discriminated against, sexually harassed or victimised, or you need to find out if your concerns are covered by the *Equal Opportunity Act 1984*:

- > call Equal Opportunity Commission on 8207 1977 or 1800 188 163 (country callers)
- > visit the Equal Opportunity Commission website: www.eoc.sa.gov.au:
 - to make a formal complaint go to <http://www.eoc.sa.gov.au/eo-you/making-complaint>
 - for informal complaints use the online incident report

- > visit in person:
Level 17, 45 Pirie Street, Adelaide SA 5000

- > Download:
 - **When is discrimination against the law:** <http://www.eoc.sa.gov.au/eo-you/what-discrimination/when-discrimination-against-law>
 - **Age discrimination fact sheet:** <http://www.eoc.sa.gov.au/eo-resources/publications/fact-sheets>



FINANCIAL MATTERS

Did you know that you have the right to detailed information about any financial adviser you are considering seeing?

Financial matters are covered comprehensively on the Australian Securities and Investments Commission (ASIC) Money Smart website: www.moneysmart.gov.au

For further information about useful resources call the ASIC Infoline 1300 300 630.

FINANCIAL PLANNING AND ADVICE

Financial information to help you plan ahead can be obtained from a variety of places, depending on your situation. ASIC's **Financial Advice and You booklet** sets out the options available.

To order your copy:

- > call ASIC on 1300 300 630
- > visit the ASIC website: <https://www.moneysmart.gov.au/media/460600/financial-advice-and-you.pdf>

For further information on choosing a financial adviser see ASIC's Money Smart website: www.moneysmart.gov.au/investing/financial-advice/choosing-a-financial-adviser



Before choosing a financial adviser:

- > check the ASIC Financial Advisers Register: <https://www.moneysmart.gov.au/investing/financial-advice/financial-advisers-register>
- > request a copy of the **Financial Services Guide** from the adviser before you commence services.

You will then be able to check, for example:

- > an adviser's qualifications and experience
- > that an adviser does deal with the product areas you are interested in
- > fees
- > if an adviser has links to a financial product provider (which could affect the advice given).

REVERSE MORTGAGES

A reverse mortgage allows you to borrow money using the equity in your home as security. Beware that there are risks associated with this, and you should get independent financial and legal advice before entering into a reverse mortgage arrangement.

For more information on reverse mortgages:

- > visit the Australian Securities and Investments Commission's Money Smart website: www.moneysmart.gov.au/superannuation-and-retirement/income-sources-in-retirement/home-equity-release/reverse-mortgages

FINANCIAL SUPPORT

Financial counselling

If you are experiencing financial difficulties, a financial counsellor can provide information and support, and can advocate on your behalf in a range of situations. For example, a financial counsellor can:

- > assist you with budgeting and financial management
- > inform you of your consumer rights
- > give advice about options for managing debt
- > negotiate repayment arrangements with any creditors
- > help you deal with banks and other lenders
- > help you deal with an insurance company
- > check which Centrelink payments and state government concessions you may be eligible for
- > help you lodge a complaint with an ombudsman.

The Financial Counselling Hotline 1800 007 007 can put you in touch with a free and independent financial counsellor.

If you call the free Financial Counselling Hotline, you will automatically be transferred to the South Australian service and put in touch with a local financial counsellor. Financial counsellors are based in community organisations.



The South Australian Financial Counsellors Association has an online service to help find a financial counsellor at www.safca.org.au/get-help/find-a-financial-counsellor

Helping family

Helping family financially, while well-intentioned, may create conflict and expose your assets to risk. Each of the three common ways of helping family members financially can adversely affect your assets. You may be asked to:

- > act as a guarantor for a family member who is applying for a loan or credit
- > provide security in the form of a mortgage (or reverse mortgage) on your house
- > provide a loan or a gift of money.

If you are concerned about family pressure, for confidential support and advice:

- > call the Aged Rights Advocacy Service on 8232 5377
- > visit the Aged Rights Advocacy Service website: www.sa.agedrights.asn.au

FITNESS TO DRIVE



Did you know that your fitness to drive is assessed in accordance with the national guidelines “Assessing Fitness to Drive” published by Austroads?

The Registrar of Motor Vehicles has an obligation to ensure that all drivers are medically fit and able to drive competently and safely. You and your doctor are also required to report any medical condition that could affect your ability to drive a motor vehicle safely to the Registrar of Motor Vehicles.

Medical Assessments

You will be sent a **Certificate of Fitness** in the mail and asked to visit a medical practitioner for a medical assessment if:

- > you have a medical condition recorded against your driver's licence that is subject to a periodic review, or
- > you are aged 70 or older and hold a licence for a class of vehicle other than a car, e.g. heavy vehicle or motorbike.

Self Assessment

You will be sent a self assessment annually in the mail to complete from the age of 75 years if you hold a class “C” (car) licence only and you do not have a medical condition.

The self assessment enables drivers to self assess their fitness to drive. It is designed to be completed independently, however if you answer yes or are unsure of any of the questions you will need to visit a doctor to complete the assessment.



The self assessment will be sent to you around the time of your birthday and is designed to help you to think about your health and how it may impact on your ability to drive safely.

For information on fitness to drive assessment, or to report a medical condition please contact a Service SA customer service centre or call 13 10 84, or go to: <http://www.myllicence.sa.gov.au/road-rules/the-drivers-handbook/fitness-to-drive>

If your doctor determines that you do not meet the medical standards to hold a driver's licence, and advises the Registrar as required by law, your driver's licence may be suspended, pending a satisfactory medical report. If your doctor is unsure of your ability to safely operate a motor vehicle in an on-road environment, he or she may recommend that you undertake a practical driving assessment. If you are unsuccessful in the assessment, your licence may be suspended, pending a successful assessment.

In the event that your licence is suspended, or other action is taken, you have a right of review of the decision (section 98Z of the *Motor Vehicles Act 1959*). An Application for Review is available from Service SA.

If upon review, you are still dis-satisfied with the decision, you may lodge an appeal with the District Court. Information on the appeal process is provided when you are advised of the outcome of the review.

To find the nearest Service SA Customer Service Centre:

- > call 13 10 84
- > visit the South Australian Government website:
www.sa.gov.au/directories/customer-service-centres

GOING TO COURT

You have the right to legal advice and representation to help you make informed decisions appropriate to your circumstances.

Legal Services Commission provides free legal advice to any person on most legal matters. Call Legal Services Commission on 1300 366 424 or visit www.lsc.sa.gov.au

The role of the legal adviser is to identify the client's concerns, to inform the client of their rights and obligations and to help them understand what course(s) of action can be taken. The adviser may also draft letters for clients where appropriate.

Community legal services can also provide free advice on a wide range of court matters.

For details of community legal services, contact South Australian Community Legal Centres on 8342 1800 or visit the website: www.saccls.org.au

The Law Society of South Australia can assist you to find a private lawyer who can deal with your particular type of matter.

Contact the Law Society of South Australia on (08) 8229 0200 or visit: www.lawsocietysa.asn.au



CRIMINAL MATTERS

If you have been charged with a criminal offence and there is a likelihood of imprisonment, you may be eligible for legal aid to represent you in court – this will depend on your income and assets. Contact Legal Services Commission for initial advice and an application form.

In less serious criminal matters, such as traffic infringements or shoplifting, where there is no reasonable likelihood of imprisonment, Legal Services Commission can provide advice and assistance.

CIVIL MATTERS

Legal Services Commission can assist you to represent yourself in minor civil matters. Minor civil matters include car accident claims, consumer disputes, fencing disputes, strata title disputes and debts. Even though minor civil matters can involve claims up to \$25 000, lawyers are not normally permitted to appear so it is very important to get advice before attending court.

For more serious civil matters, you will need a private lawyer.

FAMILY MATTERS

Legal Services Commission, community legal services and some private lawyers can give advice about divorce, matters in relation to children under 18, property settlement, and domestic violence.

If you need to go to court in relation to children (or grandchildren), Legal Services Commission may be able to provide representation if you are eligible for legal aid.

If you need to go to court in relation to family property settlement, you will usually need to see a private lawyer. You can obtain initial advice from Legal Services Commission. If you need to seek an intervention order for your personal safety, (see Intervention Orders page 53).

Contacts

Legal Services Commission 1300 366 424 or visit: www.lsc.sa.gov.au

South Australian Community Legal Centres 8342 1800 or visit: www.saccls.org.au

Law Society of South Australia 8229 0200 or visit: www.lawsocietysa.asn.au

GRANDCHILDREN

You have the right to determine the role you might want to play to support the parents of your grandchild and in your relationship with your grandchild.

Grandparents in Australia provide more child care than other types of child care providers.

The importance of grandparents to children is recognised by law. Grandparents often play an important role in supporting their grandchild's parents, be it practically, financially or emotionally.

CARING FOR GRANDCHILDREN

You have the right to determine the role you might want to play to support the parents of your grandchild and in your relationship with your grandchild. You should not feel pressured to or agree to provide care that you don't want to. Being clear about what you can and can't do is the key and can help family agreements on child care arrangements.

For further assistance and information:

- > call Grandparents for Grandchildren on 8212 1937
- > visit Grandparents for Grandchildren website: www.gfgsa.com.au
- > South Australian Government website: <http://www.sa.gov.au/topics>
- > Raising Children website: <http://raisingchildren.net.au/grandparents/grandparents.html>



CONTACT WITH GRANDCHILDREN

If you are being prevented from spending time with or contacting your grandchildren, there may be steps you can take to change the situation.

If you need assistance to work through family issues with the parents of your grandchildren, Relationships Australia SA can be contacted for family mediation and resolution support:

- > call Relationships Australia SA on 1300 364 277 or 1800 182 325 (country callers)
- > visit the Relationships Australia SA website: www.rasa.org.au

If you cannot reach an agreement about contact arrangements, the next step is to seek advice, either from a private lawyer, Legal Services Commission or a community legal service.

CHILD SAFETY

It is not uncommon for grandparents to notice or become concerned about family issues. For more information or confidential advice:

- > call the South Australian parenting hotline on 1300 364 100
- > visit: <http://raisingchildren.net.au/grandparents/grandparents.html>

If you have urgent concerns about the safety of a grandchild, contact the police on 000 or if not urgent, visit the Families SA website for more information: www.families.sa.gov.au

If you have ongoing concerns about the welfare of a grandchild, you are under no legal obligation to take responsibility for their care. It is appropriate to contact Families SA.

If Families SA have concerns about the welfare of your grandchildren, you can ask to attend any Family Care Meeting that is arranged. Grandparents are usually encouraged to be involved in these meetings, where the family has an opportunity to discuss possible arrangements.

If you wish to take responsibility for a grandchild and if the parents agree, no formal arrangements need to be made.

ACTING AS A GRANDCHILD'S GUARDIAN

If you are acting as the guardian of a grandchild, it is advisable to complete an Informal Relative Caregiver's Statutory Declaration to avoid problems.

If you are acting as the guardian of a grandchild, you have the power, for example, to enrol the child in school or pre-school, to consent to the child going on excursions, and to consent to medical treatment for the child. Although you have these powers, it is sometimes difficult to convince an authority that you are the child's guardian. In this situation you may complete an Informal Relative Caregiver's Statutory Declaration.

The declaration has no impact on the legal rights of the parents; it simply identifies you as the child's carer. The declaration can be obtained from the South Australian Government website, Families SA, or Grandparents for Grandchildren.

Contacts

Families SA 24 hours Child Abuse Report Line 13 14 78 or

After Hours Crisis Care 13 16 11

visit www.families.sa.gov.au/department/families-sa-offices

Grandparents for Grandchildren 8212 1937 or visit

www.gfgsa.com.au

Relationships Australia SA 1300 364 277 or visit www.rasa.org.au



HEALTH

If you want support when making medical decisions, you can have a family member, friend or other support person attend appointments with you.

ACCESSING YOUR PERSONAL RECORDS

Under the *Freedom of Information Act 1991 (SA)*, the public have a right to access records held by government services. To apply, you will need to fill in a form, stating what documents you want. Fees may apply. Government services must provide access to personal records unless the disclosure of the information would have an adverse effect on the physical or mental health or the emotional state of the person making the request.

Medical records held by private health services are accessible, with some exceptions, under the Australian Privacy Principles. For more information about the principles, contact the Office of the Australian Information Commissioner

APPROPRIATE TREATMENT

The right to be treated with reasonable care and skill by a health care provider is recognised under South Australian law. In addition, the law acknowledges your right to have your privacy and dignity respected, and to be involved in decisions affecting your health and care.



CHOICE

- > You have the right to choose your general practitioner, dentist, and health service provider. You have the right to contact any locum service after hours.
- > You may change doctors or dentists. If you do so, your records should be transferred to your new doctor or dentist.
- > You may seek a second opinion on the advice you have been given.
- > If you return to your former doctor or dentist, you should not be refused treatment or treated unprofessionally.

CONFIDENTIALITY

Health professionals and services are under a strict ethical and legal duty to keep patient information confidential. Your medical details must be kept confidential, even from your spouse and family, unless you agree to share information.

An exception to this principle applies under the *Mental Health Act 2009*, which allows for the sharing of personal information between mental health professionals and carers provided that this is in the best interests of the person under their care. If the person is under an order, information that is reasonably required for the care, treatment or rehabilitation of the person can be shared without their consent.

There are some exceptions to confidentiality in situations where there may be a risk of harm to either you or to others.

Information Sharing Guidelines outline the circumstances for sharing information between service providers in more detail.

For more information visit: www.ombudsman.sa.gov.au/isg

CONSENT

If you have decision-making capacity, you have the right to make decisions which affect your life, health and welfare, and to decide what risks you are willing to take in receiving medical or dental treatment.

Before you can properly exercise the right either to consent to or refuse particular treatment, you need to understand what that treatment involves and the implications of having or not having it.

To make your own health care decisions you must be able to:

- > understand information about the decision
- > understand and appreciate the risks and benefits of the choices
- > remember the information for a short time
- > tell someone what the decision is, and why you have made the decision.

Therefore you should expect your treating doctor or dentist to provide sufficient information for you to understand any proposed treatment, any reasonable alternative treatments and potential risks.

COMPLAINTS

If you have concerns about how you have been treated in a hospital, health or community service you may:

- > contact the hospital's patient/consumer adviser
- > contact the Health and Community Services Complaints Commissioner for free confidential advice and support.

The Health and Community Services Complaints Commissioner can deal with complaints about any hospital, individual doctors and dentists, and other health and community service providers.

Contacts:

Health and Community Services Complaints Commissioner
8226 8666, or visit: www.hcsc.sa.gov.au

Office of the Australian Information Commissioner 1300 363 992
or visit: www.oaic.gov.au

Ombudsman SA 8226 8699 or 1800 182 150 (country callers) or
visit: www.ombudsman.sa.gov.au



NEIGHBOURS



If you have a dispute with a neighbour, Mediation SA may be able to assist. Mediation offers an alternative to going to court to resolve disputes.

Before attending mediation, it is advisable to be aware of the laws that apply to your situation. Legal Services Commission can provide information about neighbourhood matters.

If you are in rental accommodation, Consumer and Business Services can also be contacted for advice about your rights and obligations.

If you live in a retirement village, the village will have its own dispute resolution process. The Aged Rights Advocacy Service can be contacted if your concerns relate to a retirement village.

Be aware that if you live in a strata title or community title property, there are some matters that the corporation can get involved with, and other matters that must be resolved between you and your neighbour. Legal Services Commission can provide further information and publications about neighbourhood disputes in strata and community titles.

Contacts

Legal Services Commission 1300 366 424 or visit: www.lsc.sa.gov.au

Mediation SA 8350 0376 or 1300 850 650 (country callers) or visit: www.mediationsa.org.au

Consumer and Business Services 13 18 82 or visit: www.cbs.sa.gov.au

Aged Rights Advocacy Service 8232 5377 or visit: www.sa.agedrights.asn.au

PLANNING AHEAD

It is never too early to plan ahead and various tools are available to help you to protect your future rights, wishes, values and preferences.

To legally secure your rights and your future health, financial, legal and personal choices you can complete:

- > an Enduring Power of Attorney
- > an Advance Care Directive
- > a Will
- > organ donation registration.

To access these tools visit: www.sahealth.sa.gov.au/planningahead

These documents must be completed while you have legal capacity to make decisions. Giving an Enduring Power of Attorney simply means giving someone the authority to make decisions about your financial and legal affairs, even when you lose capacity to make these decisions for yourself. After your death, the Power of Attorney ceases automatically and your Will comes into effect.

A Power of Attorney does not give someone the right to make decisions about your welfare or medical treatment. It only deals with legal and financial matters. For non-financial matters you should complete an Advance Care Directive.

An Enduring Power of Guardianship, Medical Power of Attorney or Anticipatory Direction completed prior to 1 July 2014 is still legally effective. Or you can make a new Advance Care Directive to replace them.



For free legal information and advice:

- > call Legal Services Commission on 1300 366 424
- > visit the Legal Services Commission website: www.lsc.sa.gov.au

ADVANCE CARE DIRECTIVES

The *Advance Care Directive Act 2013* means that you can complete an Advance Care Directive to communicate your future needs and wishes should you lose the ability to do so yourself. An Advance Care Directive enables you to write down your preferences and instructions for your future health care, end of life, living arrangements and personal matters (for example, under what circumstances you would like to go into residential care, or who will care for your pets if you are unable to), and/or appoint one or more Substitute Decision-makers to make these decisions on your behalf if you are unable to make them for yourself.

There are ways you can complete an Advance Care Directive:

- > Visit the Advance Care Directive website: www.advancecaredirectives.sa.gov.au and:
 - download and print the form and kit (no cost)
 - complete an interactive form online which will guide you through the process (no cost).
- > Call Service SA on 13 23 24 during business hours to order a hard copy of the form and kit to be sent to a nominated address.

- > Seek a private lawyer to help you complete or witness an Advance Care Directive, for a fee.
- > Visit a Service SA Centre in person to purchase a hard copy. To locate your closest Service SA Centre visit: <https://www.sa.gov.au/directories/customer-service-centres>

DISPUTES

The Office of the Public Advocate can assist in various ways to help resolve disputes about existing Advance Care Directives. The Public Advocate may:

- > give preliminary assistance to help resolve the dispute
- > give advice to the parties
- > mediate between the parties
- > consider the case objectively and make a decision about how the concerns or dispute can best be resolved.

For further assistance:

- > call Office of the Public Advocate on 8342 8200 or 1800 066 969 (country callers)
- > visit the Office of the Public Advocate website: www.opa.sa.gov.au

If a dispute cannot be resolved, an application can be made to the South Australian Civil and Administrative Tribunal.

For more information contact:

- > South Australian Civil and Administrative Tribunal on 1800 723 767
- > or visit www.sacat.sa.gov.au

The Supreme Court may make an urgent review of the decision of a Substitute Decision-maker appointed under an Advance Care Directive. The review is limited to ensuring that the Substitute Decision-maker's decision is in accordance with the Advance Care Directive and the *Advance Care Directives Act 2013*.

In resolving disputes, the wishes of the person who completed the Advance Care Directive are of paramount importance.

For further information about Advance Care Directives visit the web site: www.advancecaredirectives.sa.gov.au

If you appoint a Substitute Decision-maker, that person can only make decisions for you when you do not have decision-making capacity.

ENDURING POWER OF ATTORNEY

An appointed Power of Attorney/Enduring Power of Attorney has legal responsibilities. They can only deal with your financial and legal affairs, and can have no authority or say over other types of decisions or parts of your life, unless you have appointed them to do so.

A Power of Attorney document gives a person you trust the power to act or to make decisions on your behalf in relation to financial matters. An Enduring Power of Attorney continues to operate even if the person giving the power becomes legally incapacitated, for example, loses decision-making capacity because of a stroke or dementia.

A Power of Attorney document provides proof of the power to act on your behalf. The person you appoint has a responsibility to show the document as evidence that they are acting on your behalf and in your best interest.

Giving a Power of Attorney does not mean you lose control over your affairs. You can still deal with whatever matters you choose while you have capacity and the person you have given the power to can only do the things that the form allows.

Unless you say otherwise on the form, an Enduring Power of Attorney gives the power to deal with all forms of property, including your family home. Therefore, be aware that giving a Power of Attorney to someone who is not absolutely trustworthy presents a major risk.

It is possible to build safeguards into the document. Suggestions are given in the Enduring Power of Attorney Kit available from Legal Services Commission. If you do not have someone you trust to act as your Enduring Power of Attorney, you can appoint the Public Trustee.

While completing an Enduring Power of Attorney form is strongly recommended to safeguard your legal and financial affairs, other less formal arrangements are available for you to nominate another person to deal with particular matters on your behalf, for example, your social security pension, or your bank account.

For more information about Enduring Power of Attorney Kits contact:

- > Legal Services Commission on 1300 366 424 or visit: www.lsc.sa.gov.au
- > Public Trustee on 8226 9200 or 1800 673 119 (country callers) or visit: www.publictrustee.sa.gov.au

ORGAN DONATION

As organ and tissue donation must occur a short time after death, it is essential that the intentions of the deceased are known to the next of kin. Decisions concerning organ and tissue donation, can be made in order of priority, by the person's:

- > spouse or domestic partner
- > son or daughter who has attained the age of 18
- > parent
- > brother or sister, who has attained the age of 18.

Consent for organ and tissue donation will be sought, in order of priority as above. Therefore any specific conditions about organ donation or should be made known to that person.

Your appointed power of attorney can only deal with your financial and legal affairs, and can have no authority or say over decisions related to organ donation.

People considering donating organs or tissues should:

- > discuss their wishes with their family, and/or have them documented when completing an Advance Care Directive or Will
- > register their wishes on the Organ Donor Register and carry their donor card with them to indicate they wish to donate their organs in the event of their death.

Currently in South Australia, organs and tissue can be accepted for donation only if death occurs under special circumstances in hospital.

WILLS, ESTATES AND FUNERALS

Making a valid Will is the most effective way for you to be sure that your property and possessions (your 'estate') are distributed according to your wishes after you die. You can also use a Will to make your wishes known about other matters such as who you would like to take care of your pets or your funeral arrangements.

The estate will usually be dealt with more quickly and cheaply if you have a Will.

To make a valid will

- > You must be at least 18 years of age.
- > It must be in writing (not verbal).
- > It must be signed by you and two witnesses over the age of 18 who must be present at your signing.
- > It must name an executor; this is the person who looks after your affairs when you die.
- > It must detail the distribution of your estate to your beneficiaries.

There are several options available for completing a Will.

- > **Seek legal advice.** There is no legal requirement that a lawyer must prepare a Will. However for peace of mind, it is best to have someone with legal knowledge to make a Will for you, such as a lawyer, the Public Trustee or a private trustee company. If you don't have a lawyer, the Law Society of South Australia has a free legal referral service that can give you the names of suitable lawyers
- > **Use a DIY Will Kit.** Will Kits can be purchased from Australia Post Offices or they can be downloaded from the internet:
www.legalkits.com.au
www.legalzebra.com.au
www.australianwillkits.com.au

It is not advisable to try to write your own will or use a Will kit without first thoroughly checking how to complete one. A Will must be completed according to strict legal rules. If it is not prepared properly it may be invalid and a court will have to decide how to distribute your estate. This could be very expensive and upsetting for your family.

Make sure you update your Will when your circumstances change, such as having children/grandchildren, separate, re-marry, or if there is a death in the family.

For more information about Wills:

- > call Legal Services Commission on 1300 366 424 or visit: www.lsc.sa.gov.au
- > download the Wills Fact Sheet at: http://www.lsc.sa.gov.au/cb_pages/publications.php#Factsheets

FUNERALS

You are under no obligation to pre-pay for your funeral.

Despite the many insurance schemes and payment plans available, you are under no obligation to pre-pay for your funeral. The law specifies that funeral costs will be taken from your estate before the distribution of any assets occurs, and so it is a matter of choice as to whether you wish to pay for your funeral 'in advance' or to have it dealt with as part of your estate.

There are many things to be mindful of when considering funeral insurance or payment plans, including whether you will be able to keep up the payments at a later date. For information about financing funeral costs visit the ASIC Money Smart website:

www.moneysmart.gov.au/life-events-and-you/over-55s/paying-for-your-funeral#super



SAFEGUARDING YOUR RIGHTS



Older South Australians have the right to be safe and be treated with dignity and respect. Decisions about their lives, finances, where they live, health care, lifestyle and relationships are important and older people have the right to make these decisions as they wish.

The South Australian Charter of the Rights and Freedoms of Older People helps you to understand what these rights are.

Every year, approximately 5% of older people will experience some form of mistreatment, abuse, or neglect by someone known and trusted to them. For every reported case, another five cases remain hidden and unreported.

Everyone can help prevent elder abuse by learning what it is, how to recognise the signs and what supports are available in the community.

If you feel unsafe or you have concerns about the way you are being treated, or you have concerns about how your finances or property are being managed, it is important that you speak up and talk to someone you can trust. For confidential advice and support:

- > Call the South Australian Elder Abuse Prevention Phone Line on 1800 372 310. Anyone can call if there are concerns about elder abuse.
- > Phone line staff can help callers find services, provide information about rights, and give advice about particular situations. The service is confidential and callers can remain anonymous.
- > Visit the South Australian Stop Elder Abuse website:
www.sahealth.sa.gov.au/stopelderabuse

The Aged Rights Advocacy Service (ARAS) can also help if a partner, relative, or friend is causing you to feel pressured to do things you don't want to do, distressed, or fearful for your safety. ARAS can find ways to help keep you safe and also suggest services to help the family member.

If you feel that you, your pets, your finances or your property are in immediate threat or danger, call the police on 000.

The most immediate concern of anyone who has been assaulted, had property damaged or experienced abusive behaviour is to get protection. This can be done by calling the police.

Police Emergency 000
Dial Triple Zero in an emergency.

Police Assistance 131 444
Dial 131 444 for non-urgent police assistance.

**Call the South Australian Elder Abuse Prevention
Phone Line on 1800 310 374**

KEEPING YOURSELF AND YOUR HOME SAFE

If you are concerned about your home security or personal safety, a police officer from the SAPOL Home Assist Program can visit your home and conduct a free security audit. You will be given a written document highlighting security issues that could be improved and links to other services which may be able to assist you to implement police suggestions.

For SAPOL Home Assist Program please contact 7322 3211.

INTERVENTION ORDERS

An Intervention Order is an order issued by either the police or the Court forbidding a person (the defendant) from behaving towards you (the protected person) in ways which may harass, threaten or abuse you or which may be violent. The other person may be ordered not to do various things, such as not to come to your home and place of work, not to follow or watch you, not to phone or send messages to you. The other person may be ordered to do certain things, such as move out of the house they may share with you.

An order can be made specifically for you and your situation.

There must be grounds for issuing an order. This means that the police or the Court must be of the view that you will be subject to an act of abuse by the other person, unless there is some intervention to help you.

There are many examples of what an act of abuse is for example:

- > physical injury
- > emotional or psychological harm
- > an unreasonable and non-consensual denial of financial, social or personal autonomy
- > damage to property owned, possessed or used by you.

In the first instance, always contact the police to ask them to seek an intervention order for you. The police can listen to your situation and tell you if it fits the grounds for an intervention order. If the police are unable to assist you, contact the Legal Services Commission or a community legal service.

If you have an Intervention Order in place, and the other person breaks any conditions of the order this is called a breach of the order. This is a criminal offence and the other person (defendant) can be charged. You should be careful not to do anything to cause the other person to breach the order. For example, if the other person is not allowed to contact you, then you should not visit them, or contact them.

For further information about intervention orders call police on 131444 or visit www.police.sa.gov.au/your-safety/intervention-orders

Contacts

Legal Services Commission 1300 366 424 or visit: www.lsc.sa.gov.au

South Australian Community Legal Centres 8342 1800 or visit: www.saccls.org.au

Law Society of South Australia 8229 0200 or visit: www.lawsocietysa.asn.au

Aged Rights Advocacy Service 8232 5377 or visit: www.sa.agedrights.asn.au

VETERANS



The Department of Veterans Affairs website provides a comprehensive list of benefits, entitlements, and services for eligible Veterans and war widows/widowers at www.dva.gov.au

Older veterans and war widows/widowers who wish to continue living at home may be eligible for home care and respite services provided through the Veteran's Home Care program of the Department of Veterans' Affairs (DVA).

Veterans of the Australian defence forces who have Gold or White Repatriation Health Cards and their war widows/widowers may be assessed for services. Services are provided on the basis of your assessed needs, available program resources and other factors.

For further information:

- > DVA general enquiries on 133 254 or 1800 555 254 (country callers)
- > DVA website: www.dva.gov.au
- > Veterans' Home Care Program Assessments on 1300 550 450
- > Veterans' Home Care website <http://www.dva.gov.au/health-and-wellbeing/home-and-care>
- > Factsheet Website: <http://www.dva.gov.au/health-and-wellbeing/home-and-care/veterans-home-care-vhc>

VOLUNTEERING



Volunteers Protection Act 2001 and various laws protect the rights of volunteers by setting out the responsibilities of Volunteer Involving Organisations and the way the environment ensures volunteers are supported to fulfil their roles. Although volunteers are not covered by awards or workplace agreements, you have the right to:

- > work in a healthy and safe environment
- > be interviewed and undertake your role in line with equal opportunity and anti-discrimination laws
- > be provided accurate and truthful information about the organisation you are working with
- > not do the work of paid staff
- > access a grievance procedure
- > have your confidential and personal information dealt with in line with the principles of the *Privacy Act 1988*.

Organisational policies and procedures should also support your role as a volunteer through:

- > reimbursement of out-of-pocket expenses
- > insurance
- > role descriptions and agreed hours
- > induction and training.

If you are a volunteer, or are thinking of becoming a volunteer, for more information:

- > call Volunteering SA&NT on 8221 7177 or 1300 135 545 (country callers)
- > visit: www.volunteeringsa-nt.org.au
- > visit in person:
Level 5, 182 Victoria Square Adelaide SA 5000
email: reception@volunteeringsa-nt.org.au



CONTACTS

Aboriginal Legal Rights Movement	321-325 King William St Adelaide SA 5000 8113 3777 (24 hour service for emergencies) or 1800 643 222 (SA only) www.alrm.org.au Email info@alrm.org.au
Aged Rights Advocacy Service	16 Hutt Street, Adelaide SA 5000 (08) 8232 5377 Country callers 1800 700 600 www.sa.agedrights.asn.au
Australian Human Rights Commission National Information Service	1300 656 419 or (02) 9284 9888 www.humanrights.gov.au
Australian Information Commissioner	1300 363 992 www.oaic.gov.au
Australian Securities and Investments Commission (ASIC) Infoline ASIC Financial Advisers Register ASIC Money Smart website	1300 300 630 www.moneySMART.gov.au/investing/financial-advice/financial-advisers-register www.moneySMART.gov.au
Carers SA	66 Greenhill Rd Wayville SA 5034 8291 5600 Carer Advisory and Counselling Service 1800 242 636 (free call) http://carers-sa.asn.au

Centrelink Centrelink Financial Information Service	132 300 – say Financial Information Service when prompted www.humanservices.gov.au/customer/dhs/centrelink
Consumer and Business Services	91-97 Grenfell St, Adelaide SA 5000 131 882 www.cbs.sa.gov.au
COTA SA	16 Hutt Street Adelaide SA 5000 8232 0422 www.cotasa.org.au
Department of Social Services	www.health.gov.au/ageing-and-aged-care
Department of Veterans' Affairs	133 254 or 1800 555 254 (country callers) Veterans' Home Care Program Assessments on 1300 550 450 DVA website: www.dva.gov.au Veterans' Home Care website www.dva.gov.au/health/homecare/mainvhc.htm
Do Not Call Register	1300 792 958 www.donotcall.gov.au
Ethnic Link Services	PO Box 3032 Port Adelaide SA 5015 8241 0201 or 1800 648 598 (Country callers) www.ucwpa.org.au

Fair Work Commission	1300 799 675 www.fwc.gov.au
Fair Work Ombudsman	131 394 www.fairwork.gov.au
Families SA	24 hours Child Abuse Report Line 131 478 After Hours Crisis Care 131 611 www.families.sa.gov.au/department/families-sa-offices
Family Dispute Resolution Services	www.fdr.ag.gov.au/Search.aspx
Financial Counselling Hotline	1800 007 007 9.30 am to 4 pm, Monday to Friday
Grandparents for Grandchildren	102/104 Wright St, Adelaide SA 5000 (08) 8212 1937 www.gfgsa.com.au
Health and Community Services Complaints Commissioner	4, 50 Grenfell St, Adelaide SA 5000 (08) 8226 8666 www.hcsc.sa.gov.au

Interpreting and Translating Centre	1800 280 203 Email itc@sa.gov.au www.translate.sa.gov.au
Legal Services Commission	159 Gawler Place, Adelaide SA 5000 1300 366 424 www.lsc.sa.gov.au
Mediation SA	175 Oaklands Rd, Warradale SA 5046 (08) 8350 0376 Country callers: 1300 850 650 http://mediationsa.org.au
Migrant Health Service SA	21 Market St Adelaide SA 5000 8237 3900
Migrant Resource Centre of South Australia	59 King William Street Adelaide SA 5000 8217 9500 Email: admin@mrca.com.au www.mrca.com.au
Multicultural Communities Council of South Australia	8345 5266 Email: mccsa@mccsa.org.au www.mccsa.org.au
Multicultural SA	www.multicultural.sa.gov.au/new-migrants

CONTACTS

My Aged Care	1800 200 422 www.myagedcare.gov.au
National Relay Service	http://relayservice.gov.au/
Office for the Ageing	Citicentre, 11 Hindmarsh Square (08) 8204 2420 Email: officefortheageing@sa.gov.au
Office of the Public Advocate	(08) 8342 8200 Country callers: 1800 066 969 www.opa.sa.gov.au Email: opa@agd.sa.gov.au
Private lawyers – contact the Law Society of South Australia	178 North Terrace, Adelaide SA 5000 (08) 8229 0200 www.lawsocietysa.asn.au
Public Trustee	211 Victoria Square, Adelaide (08) 8226 9200 www.publictrustee.sa.gov.au
Relationships Australia SA	161 Frome St, Adelaide SA 5000 1300 364 277 www.rasa.org.au
Seniors Information Service	149 Currie Street, Adelaide (08) 8168 8776 www.seniors.asn.au

Service SA	www.sa.gov.au/topics/seniors
South Australian Civil and Administrative Tribunal	4, 100 Pirie St, Adelaide SA 5000 1800 723 767 For urgent after hours calls about guardianship, mental health and administration cases: (08) 8342 8200 www.sacat.sa.gov.au
South Australian Community Legal Centres	(08) 8342 1800 www.saccls.org.au
South Australian Elder Abuse Prevention phone line	Phone Line: 1800 372 310 Freecall for country callers only 1800 700 600 www.sa.agedrights.asn.au
South Australian Financial Counsellors Association	Wellington Centre Suite 7, 2 Portrush Rd Payneham SA 5070 (08) 8337 0898 www.safca.org.au Financial Counselling Telephone Help Line 1800 007 007
South Australian Government website	www.sa.gov.au

Supreme Court	(08) 8204 0289 www.courts.sa.gov.au/OurCourts/SupremeCourt/Pages/default.aspx
Stay Smart Online	www.communications.gov.au/what-we-do/internet/stay-smart-online
Translating and Interpreting Service (TIS) National	131 450 www.tisnational.gov.au
Volunteering SA&NT	Level 5, 182 Victoria Square Adelaide SA 5000 (08) 8221 7177 or 1300 135 545 (country callers) Email: reception@volunteeringsa-nt.org.au www.volunteeringsa.org.au
Welfare Rights Centre	Level 5, 97 Pirie Street, Adelaide SA 5000 (08) 8223 1338 www.wrcsa.org.au





For more information:

Office for the Ageing

SA Health

Citi Centre

11 Hindmarsh Square

Adelaide SA 5000

Telephone: 8204 2420

Email: officefortheageing@sa.gov.au



www.ausgoal.gov.au/creative-commons

Public-I2-A1

© Department for Health and Ageing, Government of South Australia.
All rights reserved. ISBN 978-1-74243-818-4 FIS: 15134.3. June 2016.