

# Annual Report 2013 – 2014



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## Acknowledgment

TARS staff and Board gratefully acknowledge the Gadigal People of the Eora Nation and their Elders past and present. Our workplace is located on the grounds of these people and we thank them for the custodianship of this land. *Prior permission has been granted by each individual photographed for use in this document.*

## President's Report

TARS is a vital service for the approximate 1.1 million people aged over 65 in NSW. These are the age groups that are projected to grow the most by 2031. Even in the next 6 years we will see a 37% increase in the size of our target population. TARS sits in between funders or providers – we are non-partisan and are there for the current and future older NSW population.

TARS is there to support all vulnerable older people in NSW and their families. Vulnerability can come for many reasons. Despite our previous income level or current assets we can all face vulnerability – be it the family power dynamics we experience, the regional location where we live, abuse or being taken advantage of, our cultural diversity or a lack of knowledge of the legal and aged care system. We do this in a constrained funding environment. TARS is working hard to realign our services to provide greater reach and a wider response.

The increasing demands we face from an ageing population are evident already in the high projected growth rate of all populations aged 70 years and older. While the NSW population is expected to grow by 36% between 2011 and 2031 current predictors see the over 65 age group as growing by 65% and 90% in the same period depending on where you live in NSW. The fastest growth in the number of older people, however, is expected to be in Sydney with the number of people aged 65 or older projected to grow by 90 per cent between 2011 and 2031.

This is the context in which TARS works. The ageing population, recent reforms of the aged care sector, increasing exposure of underlying elder abuse and the legal parameters of managing your retirement means we are entering an ever more complex environment for older people and their families. As a health and social services professional I often find it hard to navigate the 'system'. What must it be like for our consumers and those outside the system?

Recent Commonwealth aged care reforms and state based legal findings and aged care strategy initiatives have promise. The need for TARS to update and adapt the information and advocacy we provide has never been more important. A focus on re-enablement through Consumer Directed Care packages, greater and more timely access to residential care, issues of elder financial and physical abuse, along with promoting a greater awareness of the needs of older people in NSW to get key legal documents in place are just a few of the emerging issues TARS has

been providing advice to older consumers and their families. These issues occur whether a person over 65 in NSW lives in their own home, in a Retirement Village or in a residential aged care facility. The guidelines and rights may change across the setting, but the experience and importance of the individual does not.

This is the strategic focus of the TARS Board. As the Board of TARS we see our role is to ensure TARS continues to grow and evolve as an organisation – to be responding to the contemporary needs of older people in NSW, to increase our reach so all 1.1million people over 65 in NSW know we're here for them and to advocate for individuals through our legal and other services. We do this mainly by providing the one on one support and advice needed for people negotiating retirement and the aged care system. Where TARS identifies trending issues applicable to the broader community we consolidate and communicate these to government ourselves and through our partner organisations such as COTA.

Across the organisation we have seen a 14% increase in the number of people contacting TARS in the last year, a 20% increase in the number of people we have provided support to in rural and regional areas and over 21,000 people in NSW hearing important information about their rights.

However, we know we need to do more. That's why the TARS Board developed and endorsed our new strategic plan in 2013-14. Our renewed vision is to "ensure every older person in NSW is treated with respect, is aware of their rights and is able to exercise them." To do this we are seeking to:

- Be the leader in the provision of high-quality advocacy, legal and education services regarding the rights of and services for older people in NSW
- Become a 'One stop shop' for older people in NSW for advice and support about their rights as an older person
- See that TARS is appropriately resourced to meet the increasing aged care demographic and demand and has security of funding
- Implement an improved brand and extended reach across NSW through increased awareness and profile of TARS and its services
- Promote organisational excellence and a culture that is respectful, promotes development and the extensive expertise of our staff



# President's Report ctd.

- Work in partnership to improve policy settings for older people and recognise rights at a systemic, organisation and individual level

I am very proud to have taken on the role of President of TARS this year. TARS has a team of extremely experienced and dedicated staff. The TARS Board is constantly appreciative of their efforts and commitments in this busy and evolving environment. Thank you to all of you in the TARS team!

This year has also seen a number of changes in the governance of TARS. Some of these have been challenging for us, others have been embraced with gusto. 2014 has seen Margaret Duckett, Patti Warn and Jacqueline Townsend joining the TARS Board, along with Amanda Terranova as a Board Associate. These dedicated professionals bring eons of public sector and aged care knowledge and expertise to TARS. I and the rest of the TARS Board express our appreciation for their insights, guidance and challenge. This has added to an already very capable Board and we are working collectively to take TARS to the next level.

Along with thanking the TARS staff I would like to further thank my fellow Board members, for their long term dedication and advice. In particular Barbra Squires the immediate and very able previous President. A lot has been achieved this year by Russell as TARS CEO and his team.... But our journey continues.

TARS's hope is that one day no one will require our services. We look to the day when all older people are respected and valued, they know their rights and they are fully able to enact their rights. But until that day, for when older people and their families do need our advice, information and support .... we're here to listen and to help!

Craig Gear  
President



# Chief Executive Officer's Report

The year 2012-13 has been part of an ongoing period of change at The Aged care Rights Service (TARS). With reform of aged care at the State and Commonwealth levels this means that TARS needs to keep abreast of these new policies so that it can assist and provide the correct advice to the thousands of callers each year. As aged care increasingly moves to home-based services TARS advocacy for individuals needs to be flexible and relevant to these new service types.

TARS remains the specialist among Community Legal Centres in NSW offering elder law services. As a result our solicitors travel the state providing Community Legal Education (CLE) to various community groups. Further, while travelling our solicitors work with staff at local CLCs to build their capacity in delivering legal services to older people in their local jurisdictions. Also TARS offers specialist advice and education to people living in retirement villages or thinking of moving to a retirement village.

Again, our general education on elder rights, the rights to advocate for reasonable service standards and legal services reach around 22,000 people each year. While our office is based in Sydney we ensure we get to every corner of the state as regularly as possible. Also, during the period of this report two staff members have moved and work remotely meaning they are able to quickly respond to needs on NSW's South Coast as well as the Mid-North Coast.

TARS is truly a statewide service reaching regional centres, rural and remote locations. TARS staff are constantly organising their work so that as much of NSW is reached each year while juggling the needs of clients in distress due to ill-treatment or abuse.

To improve our direct services to clients the organization undertook an independent study of how clients 'moved' through our services. As a result of this evaluation the organisation re-configured its Front of House and Administrative Services. TARS now has a dedicated Intake Officer freeing up our Reception area. Given the organisation receives 70 to 80 calls per day this means new clients can be immediately directed to Intake where their matter can be heard straight away and await a call back from either an advocate or solicitor depending on the nature of their call.

Further to this the evaluation identified the need for an improved telephone system. TARS has been upgrading

its infrastructure for the past three years. The telephone upgrade was already in place when this issue was reported. We now have a more enhanced phone system increasing our capacity to provide quality services to our clients.

In terms of infrastructure the organisation also embarked on building a new website and a new database. These two major projects will be up and running early in the 2014-15 year. Again, while staff will benefit by using more efficient systems so too will clients. We plan to integrate the phone system with the database so callers can be directed immediately to the staff member they were last dealing with. The website will also incorporate technology so that people from regional locations can interface with staff via broadband. We look forward to building an organisation that is ready for newer and better technologies in the coming years.

This year also saw the retirement of Rosalene Jones, previous Manager of Education and Promotion. Rosalene will be greatly missed as she had been in her position for around 10 years and executed her role seamlessly. The whole organization – both staff and Board – thank Rosalene for her dedication to TARS and her hard work over many years.

TARS continues to meet and exceed its deliverables to all its funders. We thank all our funders from both the State and Commonwealth levels. Without this support we would not be able to serve and improve the lives of the thousands of older people we currently reach.

Our aim is to streamline our work where we can and continue reaching people right across NSW. I encourage readers of this report to share it with service providers or potential clients. With our funding already used to serve our current client base it is challenging to extend our message so that all older people in NSW are aware of their rights. None-the-less TARS mission remains steadfast in trying to serve as many people as possible.

Russell Westacott  
Chief Executive Officer

# How Are We Travelling?

## TARS Dashboard: 2012–13 to 2013–14

2012–2013

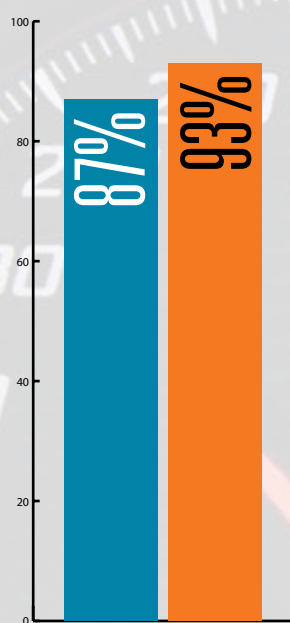
2013–2014

### TOP 3 LEGAL ISSUES BOTH YEARS

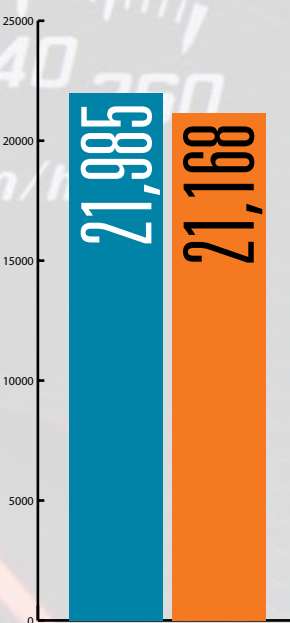
- GUARDIANSHIP
- POWER OF ATTORNEY
- WILLS AND ESTATES

2013–2016

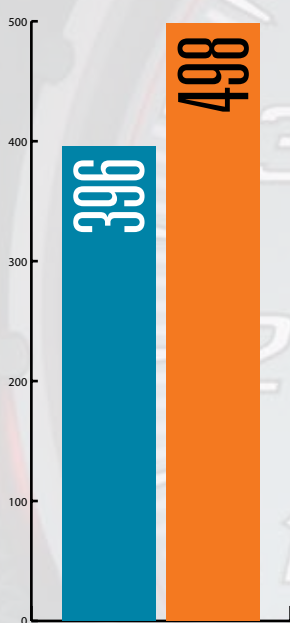
TARS ACCREDITED BY THE  
NATIONAL ASSOCIATION OF  
COMMUNITY LEGAL CENTRES



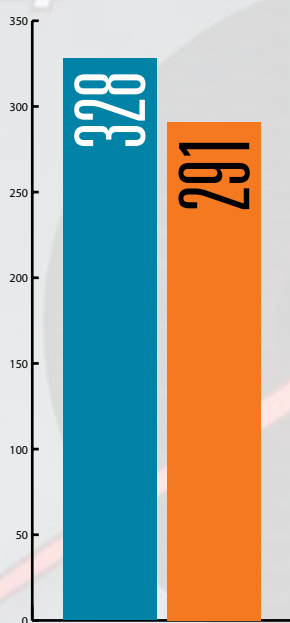
OVERALL CLIENT SATISFACTION



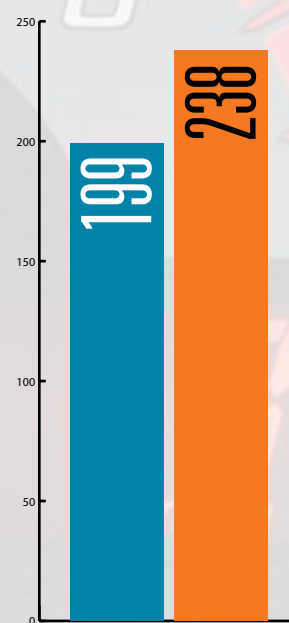
OVERALL CLIENTS REACHED IN EDUCATION



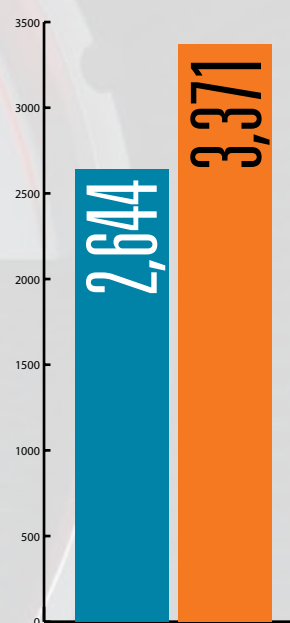
ADVOCACY REQUIRED IN RURAL SETTINGS



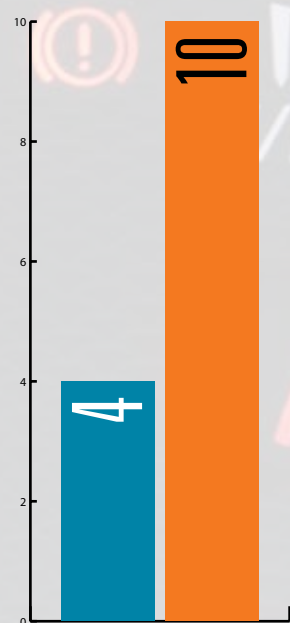
GREATEST ADVOCACY ISSUE: CARE PLANNING



REMOTE AND RURAL EDUCATIONS



LEGAL SERVICES PROVIDED TO OLDER PEOPLE



UPGRADE OF PHONE SYSTEM

### TOTAL OCCASIONS OF SERVICE\*

2011–12:  
29,824

2012–13:  
29,486

2013–14:  
33,673

\*DOES NOT INCLUDE RADIO, COMMUNITY NEWSPAPERS ETC

### 2013–2014 ACHIEVEMENTS

70 TO 80  
AVERAGE  
INCOMING CALLS  
EACH DAY

FUNDING FOR  
A SPECIFIC  
MULTICULTURAL  
PROJECT

FUNDING FOR  
A SPECIFIC  
LGBTI OUTREACH  
PROJECT



# Board and Staff

## Volunteer Board

Craig Gear – President  
MBA, BN, MN (Critical Care)  
CGA Consulting

Barbara Squires – Treasurer  
B.Soc.Studs (Hons)  
IRT Group

Sue Field – Vice President  
DNE, MEd Admin, BA, LLB  
University of Western Sydney

Dr Stan Bongers – Secretary  
Mpsych, PhD, MAPS  
Retirement Village Resident

Margaret Duckett  
BSc MSc (Med) MScSoc, UNSW  
FAIDC

Patti Warn  
BA. Uni of TAS

Jacqueline Townsend  
LLB, MEnvSciLaw

Amanda Terranova  
PMP, AIMM

**Administration**

Russell Westacott  
Chief Executive Officer

Sue Rogers – Harrison  
Receptionist/Administration Assistant

Stella She  
Financial Controller

Bernadette English  
Administration Assistant

TARS is built on the commitment and knowledge of its staff. We appreciate their input over the past 12 months.

### Acknowledgement and Thanks

We gratefully acknowledge and thank the following funders. Without the support of these funding bodies TARS would not be able to achieve its goals.

- Commonwealth Department of Social Services
- Department of Services, Technology and Administration / Fair Trading (NSW)
- Legal Aid (NSW)
- Human Services / Ageing, Disability and Home Care (NSW), Office for Ageing
- Commonwealth Attorney General's Department

## Retirement Village Legal Service

Nalika Padmasena  
Solicitor

Plus one additional  
part-time Solicitor

## Older Persons' Legal Service

Tom Cowen  
Manager Legal Service  
Principal Solicitor

Margaret Small  
Solicitor

Melissa Chaperlin  
Solicitor

Tim Tunbridge  
Solicitor

Robert Stoyef  
Solicitor (part-time)

## Education and Advocacy

Pat Joyce  
Manager Advocacy

Margaret Crothers  
Advocate/Education Officer

Jill McDonnell  
Advocate/Education Officer

Ray Horsburgh  
Advocate/Education Officer

Irene Turnbull  
Advocate/Education Officer (part-time)

Diana Bernard  
Coordinator Education and Promotion

# Legal Services Report

In the 2013-14 year the TARS Legal Team responded to a range of issues. Please see the graph at the end of this report. The three issues that TARS staff responded to the most were Wills and Estates, Power of Attorney and Guardianship Tribunal Issues. Interestingly these were the top three issues reported for last year as well. TARS will analyse these issues in greater degree to see if the organisation can be part of a policy shift that leads to alleviation of these three areas within the community.

The Legal Service provides assistance to older people across the breadth of NSW. Our core service is to provide legal advice by telephone. We have a free call number so that our clients who do not live in Sydney can contact us seeking assistance without running up a huge phone bill. This is important for our clients because we focus on disadvantaged older people. For older people living in remote or regional parts of the state their location may be a disadvantage in itself when legal assistance is needed. The disadvantage test does not take into account just a person's assets and income but also considers their social and health circumstances as well as their age and location.

On the scale of disadvantage, rural regional and remote clients are disadvantaged in seeking legal assistance compared to their city cousins for all sorts of reasons. A person living in Sydney may be able to attend our office for a face to face interview, bringing with them all their relevant documents. People living remotely do not usually have this option, though we have had clients travel some distance to come in to the office and on rare occasions and under exceptional circumstances, we have travelled to the rural residence of a client. However this is unusual and not usually possible. In recognising this disadvantage TARS legal service puts special effort in, to help our remote clients obtain the legal assistance they need.



### CASE STUDY

## Legal Case Study #1

In one case this year a TARS solicitor travelled to a regional country town to represent an older person at a Family Court property hearing between a husband and wife. In this case our client was the mother of the husband, and she was claiming an interest in the matrimonial property. The client discovered that she no longer held title to a property that she believed she had inherited from her late husband who had passed away some years earlier. The house was her home and she was living there. She was not sure how the property had come to be registered in her son's name but it appears to have happened following property transfers after her husband died. TARS had obtained a grant of legal aid to advise and represent this client but we were not able to find a solicitor in the regional town to act in the matter. The risk to the client of losing her home was quite high. We took the decision to represent the client at the hearing and seek leave for our client to intervene as a party in the property settlement proceedings. Our client's application was successful and title to the property was transferred back to our client. This story ended happily for our client. Without TARS' assistance the outcome may have been very different.



The whole of TARS staff undertakes education throughout NSW. The legal team’s attendance at remote rural and regional education sessions has to be managed carefully to maximise the benefit to clients. Thus we usually arrange for time for client advice sessions after the education sessions when we are visiting country towns. Over the past year solicitors delivered 18 community education sessions in remote, rural or regional areas.

Solicitors have also been actively engaged in the community. For example Nalika Padmasena one of our RV solicitors is the co-convenor of the Community Legal Education Working Group of the NSW CLC.

Because TARS is a State wide service our provision of services to Remote, Rural and Regional (RRR) areas is most important. Our solicitors regularly attend the RRR section of the Quarterlies (which are held every three months for all CLCs across the State to meet and discuss common issues and provide training and information that may be shared by all the members). Several Aboriginal workers attend this session. A solicitor from OPLS presented the paper on funeral planning, a topic that is becoming more popular with each passing year, and probably more acceptable because of the constant advertising on television that has helped people become de-sensitised to this issue. The audience was reminded that they would be better off planning for their funeral if they wanted to lift that burden from their loved ones in their time of grief.

TARS-OPLS conducted a remote rural and regional tour during the year. The Roadshow was held at Lismore and Murwillumbah and whilst we were in the area we took



the opportunity to fulfil a long held request to provide training to Ability Options at Alstonville.

In 2012, the coordinator of the Indigenous Women’s Program at The Women’s Legal Services NSW organised two Healing Retreats for older Aboriginal women in their communities and women active in their communities. The retreats included various specialist services which she believed would be best placed to provide legal and healing workshops. One of our solicitors, Meg Small, collaborated with Donna to deliver the law and justice component about abuse of older people. The content was delivered through a yarning circle.

When the National Community Legal Centre (CLC) Conference was being planned through a yarning circle with the title “Walk together, talk together – joining in journeys to healing and justice” both of these ladies submitted a joint synopsis to the selection committee that addressed issues that they believed made these retreats so successful. Their synopsis was selected and they presented their paper to a very full breakout session at the conference that was held in Cairns in July 2013.

TARS-OPLS solicitors, Melissa Chaperlin and Tim Tunbridge, have also provided many education sessions

in languages other than English to community groups using interpreters. Some of these groups included Tamil, Chinese, Japanese, Vietnamese and Arabic speakers. These groups have been particularly interested in education about planning ahead by learning about what to think about before preparing enduring powers of attorney, enduring guardianship and wills.

Law Access requested that we provide training by OPLS solicitors on different issues that highlighted the types of questions that arose on our advice line. The training focussed on powers of attorney, guardianship and wills, two of our solicitors, Melissa Chaperlin and Meg Small provided this training. The section on wills not only looked at the basic issues in relation to making a will but also included “the will maker’s duty to their executor” and special consideration that needed to be provided when advising Aboriginal people. The latter issues gave rise to questions about the ownership of ashes and a further training session was organised to present a further session on Funerals and Burials.

The Tenant’s Union requested a training session that focussed on the power to terminate a lease where the tenant has died or no longer has the capacity to do so themselves. Many of their clients do not have Powers of Attorney or wills so they do not have someone who is authorised to terminate the lease and the matter then

CASE STUDY

Legal Case Study #3

We were contacted by the attorney of an elderly gentleman. He and his sister had purchased burial plots side by side at a city cemetery. They had entered into contracts that provided for them to agree to “any future changes to the Rules and Regulations” of the Cemetery. His sister died and the funeral agency at the cemetery informed him that a plaque had to be provided for her grave by them at a highly inflated price. If he did not do this he could not be buried in his own plot. His attorney wrote to the providers challenging their decision. The providers refused to alter their stance. The attorney then contacted OPLS whereupon we wrote to the providers claiming that the contract was an unfair contract in breach of the criteria established in the Contracts Review Act. They then forwarded the letter onto their solicitors who agreed that it was an unfair contract. We requested that our client be provided with a letter to this effect and an undertaking that when he dies they will not attempt to take any action against his right to burial as otherwise set out in the contract.

Legal Case Study #2

OPLS has a case file where we acted for a client who entered a funeral plan in 1974. The company subsequently went into liquidation and sent a letter denying liability for the plan because it was entered into before the Funeral Funds Act. The client has made regular contributions to the plan to the old company and to the new company operating from the same business premises.

We advised the client to lodge a proof of debt with the liquidator for the company in liquidation. We advised that the client should cease making payments to the new company on the basis that there is no contract with the new company. We located a solicitor who specialises in liquidation matters for pro-bono assistance and further advice to assist this client.







CASE STUDY

Legal Case Study #4

OPLS has a regional client under a financial management order. She lives in her husband's house and has 3 investment properties with her frail husband who resides in a nursing home. Her estate has a rental income, much of which is used to pay her husband's accommodation fees, but she is not aware of what happens with the rest. Her son is the appointed financial manager and only releases \$140 per week in erratic payments. Although she was theoretically not income disadvantaged we considered the actual disadvantage and the vulnerability of this client and decided to provide further assistance. We opened a case. We advised the client on her options and she instructed us to write to her son on her behalf requesting the son place a specified sum of money into a bank account for her to manage. We reminded the son of his obligations under section 4 of the Guardianship Act 1987 for financial managers and guardians (as appointed by the Tribunal) to act in the best interests of the client, that their welfare is paramount, and to provide them with as much autonomy and participation in the general community as is practicable.

needs to go before the Residential Tenancies Division of the Tribunal for a formal order. This may take weeks and the property cannot be re-let until the lease is formally vacated. The session covered the making of inexpensive Powers of Attorney and wills through The Chamber Registrar of the Local Court or Legal Pathways (which is only available for older persons) and arranging funerals for people without means. Discussion also focussed on terminating a lease in the event of death or someone losing their capacity to do so without any of the formal documents. Our research showed that the Residential Tenancies Act NSW, provided that a " legal personal representative" could terminate a lease in the event of the death of a tenant and we suggested that advice be sought to see if "a next of kin" was sufficient under the circumstances to terminate a lease.

Nalika Padmasena has also been involved in mentoring NSW University law society students.

Following last year's successful intervention at the United Nations Open Ended Working Group on Ageing (OEWGA) (4th Session), seeking to develop a Convention of the Rights of the Older Person one of TARS solicitors and our CEO Mr Westacott attended the OEWGA (5th Session) at the United Nations Headquarters in New York. Both TARS representatives were given the opportunity to address this general assembly of the United Nations and they took the opportunity to discuss our work and

ATTENDANCES AT COMMUNITY LEGAL EDUCATION

SESSION POSTCODES	ALL	ADVOCACY	RETIREMENT VILLAGES	OTHER
Metropolitan	419	197	14	208
Remote	114	86	2	26
Rural/Regional	119	97	1	2
Unknown	7	4	1	2
TOTALS	659	384	18	257

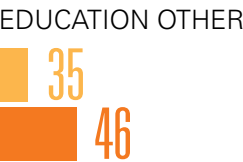
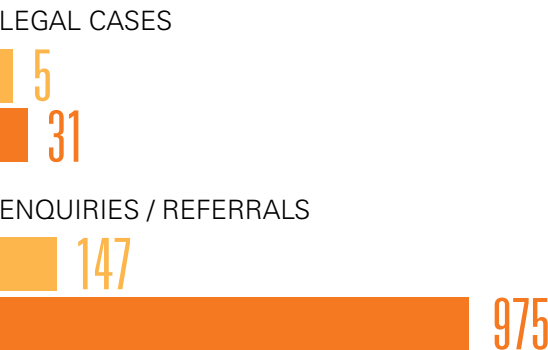
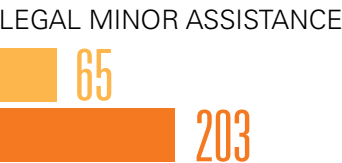
to advocate for a proposed Convention on the Rights of Older People. There have been many benefits derived from the United Nations work. We have connected with other non-government organisations across the globe who undertake work in the field of upholding the rights of older people. In doing so we have developed personal relationships with representatives of many other like-minded organisations in civil society. The profile of TARS has also been raised domestically and internationally as part of the process of being accredited for and attending the United Nations OEWGA A separate report of this meeting is provided elsewhere in this Annual Report. Congratulations to the participants in this important work.

TARS-OPLS volunteer program is now in full operation. We have had 7 volunteers working at TARS over the past year. Most are law students who engage in a variety of work assisting solicitors. TARS appreciates the work that they do and thanks all our volunteers this year.

TARS-OPLS has been working closely with the publishing house LexisNexis to develop a new loose leaf service covering the law relevant to older people. OPLS solicitors have drafted chapters on the law relevant to Powers of Attorney, Enduring Guardianship, Retirement Villages and privacy. We have been assisted in this project by Rodney Lewis and wish to thank him for his contribution to the project.

OPLS is an active member of the National Network of Community Legal Centres which specialises in law for older people. We have regular telephone conferences and meet face to face each year at the National Conference.

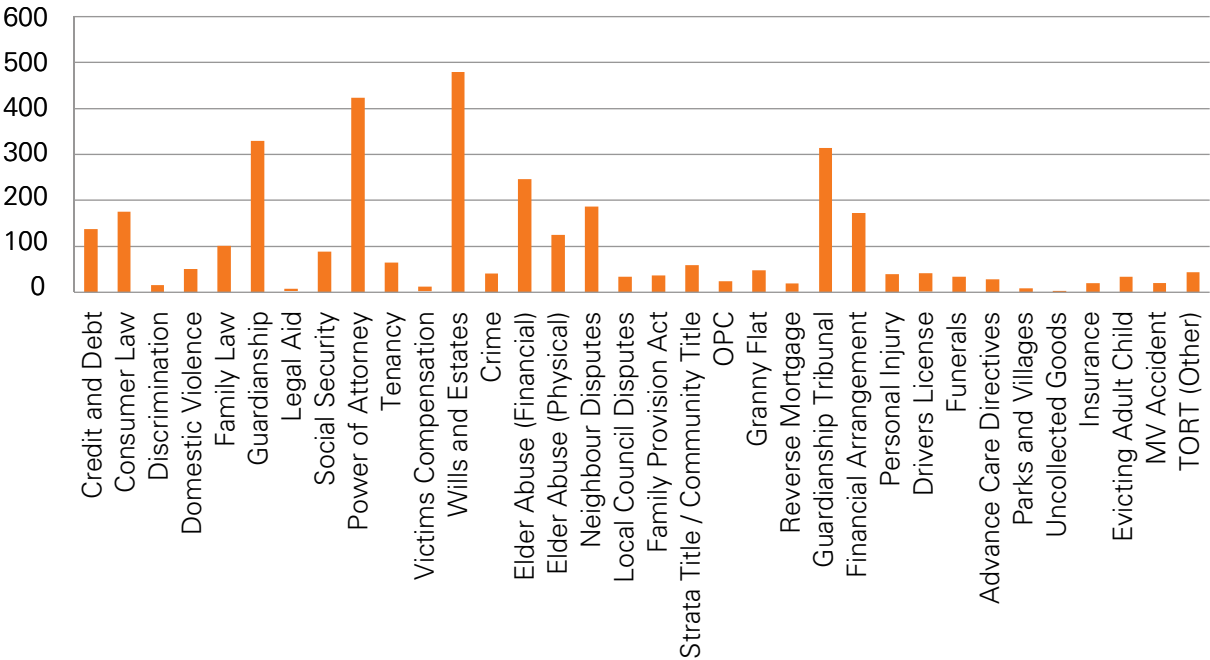
LEGAL SERVICE STATISTICS



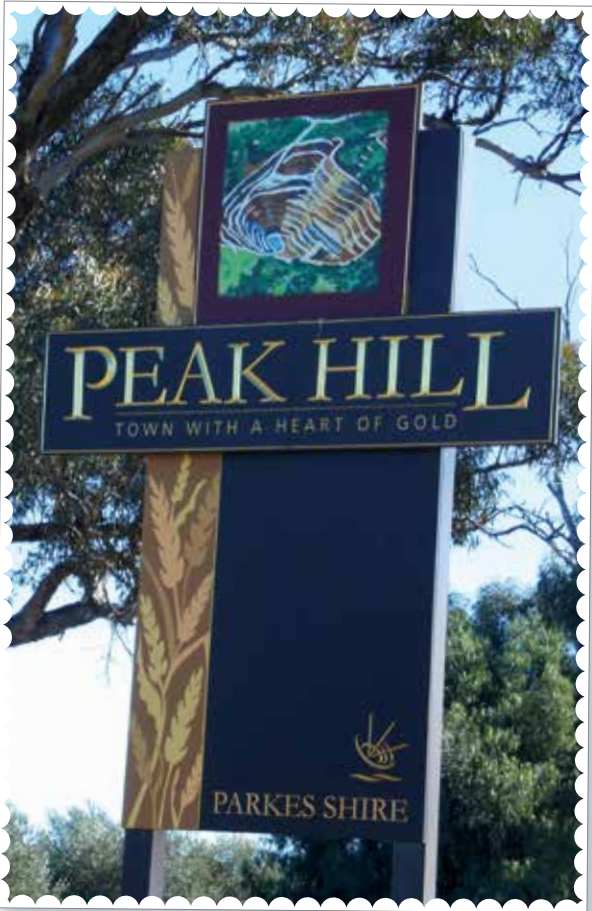
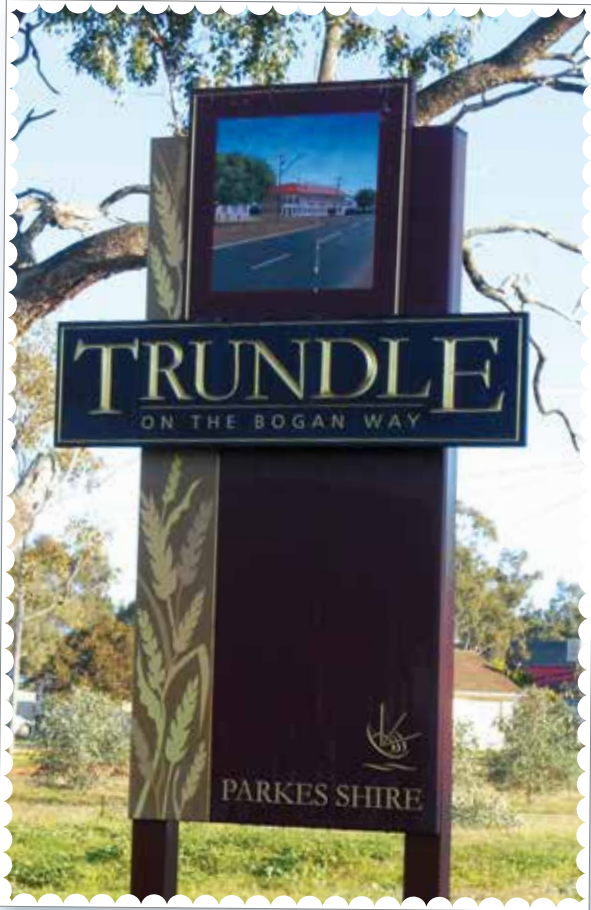
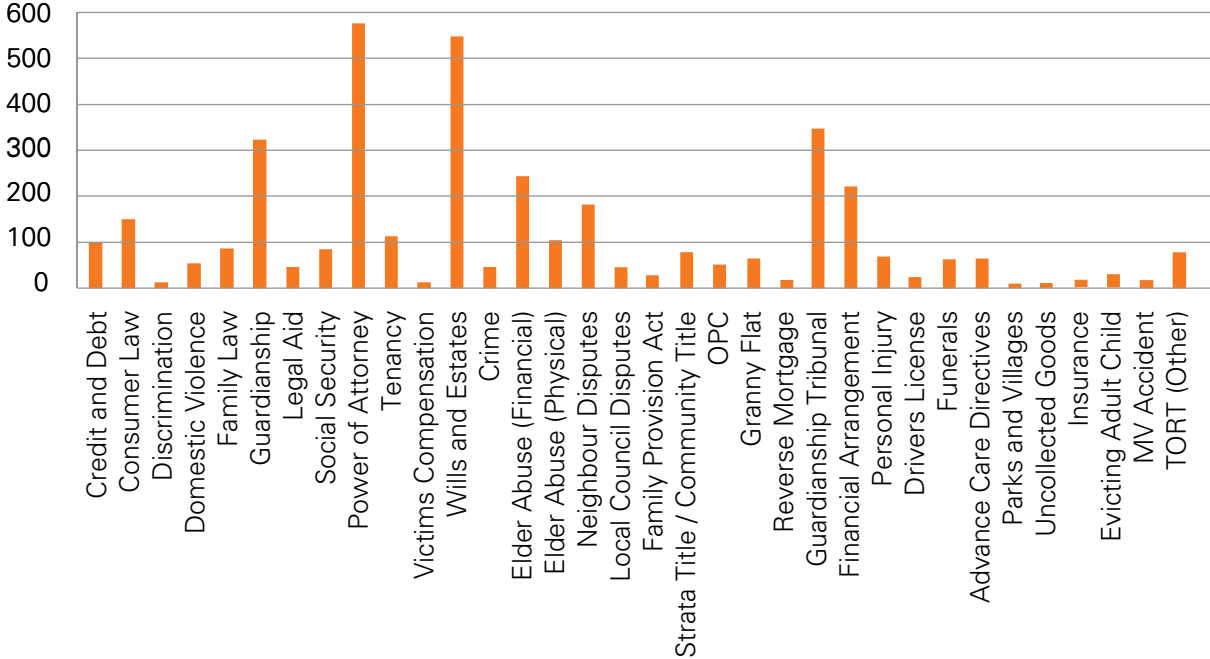


The legal issues most commonly raised by clients during 2013-14 were: Power of Attorney, Wills and Estates, Guardianship and Guardianship Tribunal matter (Now NCAT (Guardian Division)), Elder Abuse (Financial). This is consistent with the five most common issues in 2012-2013.

### ISSUES RAISED 1 JULY 2012 - 30 JUNE 2013



### ISSUES 1 JULY 2013 - 30 JUNE 2014





# Advocacy Report

We have really reached all corners of the state as well as across the metropolitan area throughout the past year. TARS' Advocates have assisted in 1899 general enquiries about aged care services, and dealt with 452 new and other open advocacy cases. There has been an increase in the number of calls concerning fees for aged care packages and home care, and the new process for entering aged care services following the recent changes to the Aged Care Act legislation.

The new My Aged Care website is helpful for general information, but we have identified a huge need for person to person interaction and individual explanations for the many older people who do not, and may not in the future, have access to computers and the internet. There is still much confusion about means testing as well as fees and charges for home care packages and residential aged care places. We encourage the older person to consider using accredited and approved aged care services to receive appropriate care which reflects their individual needs and preferences with so many older people coming from the identified special needs groups in the community. TARS reported a 50% increase in callers from Culturally and Linguistically Diverse (CALD) backgrounds, and an 85% increase from care issues relating to people with Dementia.

*TARS reported a 50% increase in callers from Culturally and Linguistically Diverse (CALD) backgrounds, and an 85% increase from care issues relating to people with Dementia.*

Although we have been able to access many people with special needs and provide education sessions to them, people from Aboriginal & Torres Strait Islander (ATSI), LGBTI (Lesbian, Gay, Bi-sexual, Transgender and Intersex), Care Leavers, Homeless and financially disadvantaged individuals



do not always identify themselves during our telephone advocacy work.

60% of callers were able to self-advocate for their concerns once the advocates explained clients' and residents' rights and the specified care and services they should expect as consumers and older people receiving aged care services. A further 30% were assisted by the advocates intervening on their behalf and contacting the aged care provider to have issues addressed. 100 serious or unresolved matters

*There was a 98% satisfaction rate recorded for the aged care advocacy service during the past year.*

were referred to the Aged Care Complaints Scheme. 32% of callers were the actual care recipient, and 67% represented the care recipient as either their carer or legal representative in advocacy matters. Carers accounted for 78% of enquiries. Following these findings, we propose to focus on reaching more carers to inform them of aged care recipients' rights and responsibilities, and to ensure they are aware of where to seek information, support and advocacy. This will ensure their loved ones receive quality individual care and an improved quality of life as a result of speaking up about any concerns they are experiencing. Advocates participated in face to face meetings with 15 care recipients to support them to raise their concerns.

There was a 98% satisfaction rate recorded for the aged care advocacy service during the past year.

## CASE STUDIES

### Advocacy Case Study #1

A resident had been living in an aged care home for ten years. When they chose to move to another location the new home asked for a bond of \$500,000 which was much higher than the original bond, and contrary to the Aged Care Act. TARS advocates were able to advise the client of their rights and the bond was reduced.

Many callers raised their concerns about being asked to pay a bond personally so that their parent could enter a low care facility, when the older person was a concessional resident. They were more concerned still when they were informed that the government had changed the legislation and that now they were also required to agree to elect to be guarantor that fees be paid. The resident's rights were explained. These clients were referred to the Aged Care Complaints Scheme to lodge a complaint about this practice.



Home and Community Care (HACC) clients have also contacted TARS' advocates from metropolitan, rural and remote areas across NSW. We have responded to 87 callers for enquiries and provided advocacy to another 22 HACC recipients. Issues raised by home care recipients included domestic assistance, financial hardship, service agreement, choice and decisions about the services they wanted.

*The TARS website has attracted 60,890 hits during the year.*

The TARS website has attracted 60,890 hits during the year. The majority of these hits have been in regards to advocacy assistance. It is presumed that web browsers are gaining sufficient information and are able to advocate on their own behalf in their aged care concerns.

NACAP advocates continued to seek out and build networks with organisations that work with older people receiving care and services. From our connections with 'Alzheimer's Australia' NSW, Partners in Culturally Appropriate Care (PICAC), local councils and members of parliament, and Forum Sentencing we have been able to contribute to improved policies and positive outcomes for many vulnerable older people. With our new multi-language translated brochure being launched as this report is published, we hope to increase calls from culturally and linguistically diverse older people.

## CASE STUDY

### Legal Case Study #5

We were contacted by an elderly Aboriginal woman who wanted assistance in tracking down lost superannuation. Her son had died and she was the sole beneficiary. Our caller did not think that his Super had been included in his estate. We were able to make a missing superannuation search and then make further enquiries with the solicitor who handled the estate and we were able to assist the caller in resolving this issue.

We were contacted by an Aboriginal woman living in rural NSW who had sold a property several years ago but did not believe that she had received the correct proceeds of the sale. We were able to obtain the relevant information and explain to her how the monies had been distributed.





### Feedback from Advocacy Cases

- I was very impressed. I was very concerned about the resident and family and the person I spoke to was extremely patient, helpful and courteous. Thank you for making this difficult time easier.
- The advocate I spoke to was very helpful and really prompt in getting information to me- very much appreciated.
- The legislative framework was succinctly explained by the representative. Thank you.
- The advice I received was accurate, considered and helped resolve what may have become a difficult situation for an aged friend.
- It was with a great sense of relief that I rang and spoke to an advocate about financial matters relating to \*\*\*\*. She rang them immediately and then rang me back. I am coping much better now as a result of this call. Thank you.
- The lady was very helpful and kind telling me about my rights I did not know I had. I was totally unaware of. I would not hesitate to use this service again.
- Problem solved! Thank you!
- Yes I was totally impressed with the service, the information and the manner of the lady who helped me. The assistance turned a potentially stressful situation into a positive one.
- TARS immediately understood my issue and provided clear advice. Thank you.

### Advocacy Case Study #2

Several older people receiving care packages were informed they were now required to have their hours of care reduced, and fees increased, and pressured to sign an interim agreement for this. They were all distressed that they would be unable to cope with fewer hours, and would be struggling financially if this happened. Each person was assisted to contact the service provider and ensure their agreed care and services was not reduced without consultation and all options explored to meet their assessed needs and preferences.

An 85 year old resident was in hospital for treatment. When he was ready for discharge the aged care home refused to take him back. The man had a diagnosis of dementia and he was already receiving a high level of care. Advocates supported the family and advised the Aged Care Assessment Team (ACAT) of his right to return under security of tenure. The home said they did not have staff trained to care for residents with dementia. The matter was referred to the Complaints Scheme.



#### CASE STUDIES

## ADVOCACY ISSUES 2013-2014

ASSESSMENT AND CARE PLANNING	291
FEES AND CHARGES / FINANCIAL HARDSHIP	246
BONDS	199
DUTY OF CARE	158
CARE AGREEMENTS	116
FINANCIAL ABUSE / NEGLECT / PHYSICAL ABUSE	100
SPECIFIED CARE AND SERVICES	200
SECURITY OF TENURE	99
STAFF SKILLS / TRAINING	79
BEHAVIOUR MANAGEMENT	33

### Legal Case Study #6

We were contacted by an elderly Aboriginal lady who lived on a farm property outside a rural town. She used her car to take her husband for medical assistance and to purchase household and farm provisions. She only drove locally and did not drive at night. She had had an eye condition for many years but this had not prevented her from renewing her licence in the past.

When she went to her local optometrist to have an associated test, it was carried out by someone who was not experienced in completing the form and her licence was cancelled. We were able to provide assistance to this lady and her licence was renewed for another couple of years. She rang us back to thank us.

#### CASE STUDY

## SPECIAL NEEDS GROUP

6  
19

15 ABORIGINAL & TORRES STRAIT ISLANDER (ATSI)

43  
39

82 FINANCIALLY DISADVANTAGED

46  
126

172 CULTURALLY AND LINGUISTICALLY DIVERSE (CALD)

29  
33

62 VETERANS

2  
3

5 LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX (LGBTI)

9  
180

189 OTHER DISABILITY

89  
409

498 RURAL

13  
8

22 YOUNGER PERSONS IN AGED CARE

2  
0

2 CARE LEAVERS

183  
333

516 DEMENTIA

■ ADVOCACY  
■ ENQUIRY  
■ TOTAL



# Education and Promotion Report

The theme for this year’s annual report is Regional, Rural and Remote NSW. This theme is embedded into our work focus and planning in order to reach more people around NSW. Planning such outreach involves examination of the previous year’s activities and ascertaining which areas needed to be prioritised in our three year plan.

Partnering with other groups and organisations enabled us to extend our reach into disadvantaged and marginalised groups providing greater access and equity. Our special project this year (Older LGBTI) is one example and other groups include culturally and linguistically diverse (CALD) and Aboriginal and Torres Strait Islander people (ATSI). Thank you to all those people and organisations who partnered with us this year.

Whilst Expos and Seniors Week require a large proportion of resources they provide another opportunity to engage with everyday seniors. At this time they are still a significant part of our activities.

Our advocacy and legal sessions encourage older Australians receiving community and residential aged care to know their rights and to access our Advocacy Service or advocate for themselves. It also facilitates their understanding of legal matters and when to seek legal advice from The Older Person’s Legal Service or our Retirement Village Legal Service.



One of our advocates Irene at the Sydney Retirement Expo

### Education session audiences include:

- Department of Social Services - residential care staff and residents
- Department of Social Services Community Aged Care Package, Extended Aged Care in the Home and Dementia staff and recipients
- NSW Home Care staff and recipients
- Community Workers
- Other professional groups such as Aged Care Assessment Teams (ACAT), hospital social workers and discharge planners, municipal councils, University and TAFE staff and students
- Community Groups including Probus Clubs, Rotary, War Widows Guild, Carer’s groups and Day Care centres

### Included amongst participants are the following Aboriginal and Torres Strait Islander groups:

- Good Service Mob Forums
- Kari Aboriginal Community Unity Day
- NAIDOC Information Day (Aboriginal Land Council)
- KARI Aboriginal resources - community day
- Yarn Up - Aboriginal Wills session

### And the following Multicultural groups:

- Vietnamese Seniors Association
- Maltese Seniors
- Co. As It Seniors (Italian)
- Eastern Sydney Multicultural Access
- Multicultural Communities Council Illawarra
- Macarthur Diversity Services
- Inner West Multicultural Dementia Group
- Multicultural Chinese Group
- Assyrian Group



One of our Retirement Village lawyers Nalika at EID Festival 9

### In Summary

NACAP advocates/educators and OPLS/RV solicitors have delivered 703 education sessions during the past 12 months, an increase of approximately 14% in the number of sessions.

### Media advertising/interviews/promotion included:

- DPS Guide - single advertisement (annual)
- The Senior Newspaper Monthly Advertisement
- Seniors Online - single (annual)
- Retirement Village Residents Association Brochure Listed (ongoing)
- Presentation ‘Rights of Older People’ International Federation on Ageing-12th Global Conference Hyderabad
- A TARS Solicitor UN Intervention for Open Ended Working Group on Ageing (OEWGA) 5th Session New York
- ABC 702 Interview on Millers Point Issues
- Russell Westacott Radio 702 Interview on TARS



### Legal Case Study #7

We were contacted by the attorney of an elderly gentleman. He and his sister had purchase burial plots side by side at a Sydney Cemetery. They had entered into contracts that provided for them to agree to “any future changes to the Rules and Regulations” of the Cemetery. His sister died and the Cemetery informed him that a plaque had to be provided for her grave by them at a highly inflated price. If he did not do this he could not be buried in his own plot. His attorney wrote to the providers challenging their decision. The providers refused to alter their stance. The attorney then contacted OPLS whereupon we wrote to the providers claiming that the contract was an unfair contract. They then forwarded the letter onto their solicitors who agreed that it was an unfair contract. We requested that our client be provided with a letter to this effect and an undertaking that when he dies they will not attempt to take any action against his right to burial as otherwise set out in the contract.

### Expos attended included:

- July 13 - Sydney Retirement and Lifestyle Expo Rosehill 3 days
- September 13 - Murwillumbah Aged Care
- February 14 - Mardi Gras Fair Day Sydney
- March 14 - Tweed Seniors Expo
- March - Seniors Week - Bondi, Sydney City, Eastwood, Campsie, Blacktown, Hurstville and Holroyd
- April - Parramatta Men’s Shed, Easter Show
- May - Law Week
- June - Reconciliation Week
- June - COTA Presentation



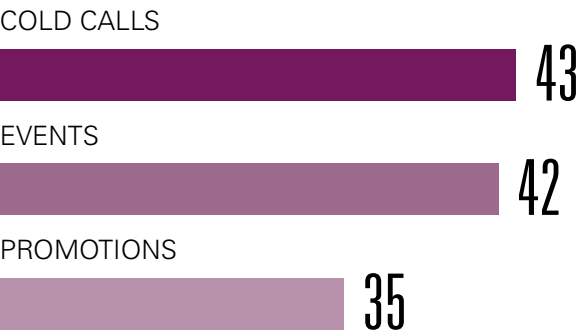


General EID Festival

**We also attended Regional Forums in:**

Wingecarribee, North Coast, Lithgow, Umina, Cardiff, Tumbi - Umbi, Coonabarabran, Braidwood, Mittagong, Kiama, Lismore, Walls End and

NAIDOC and Multicultural events noted above



**Funding applications/receipts by the Coordinator of Education and Promotion included:**

Due to the increased demand we always examine opportunities for additional funding and this year we applied for:

1. Multi- Cultural Advantage Grant-\$18,000 applied March received June 2014
2. Aged Care Service Improvement & Healthy Ageing Grant (ACSIHAG) \$150,000 applied June 2014

CASE STUDY

### Legal Case Study #8

Ms AB from a town in regional NSW, had been appointed as an attorney for her elderly father pursuant to an Enduring Power of Attorney [ EPOA ] which had been prepared, witnessed and certified by a Local Court Registrar. Ms AB sought legal advice about taking Court action on behalf of her father, against her brother to recover monies alleged to have been misappropriated from her father.

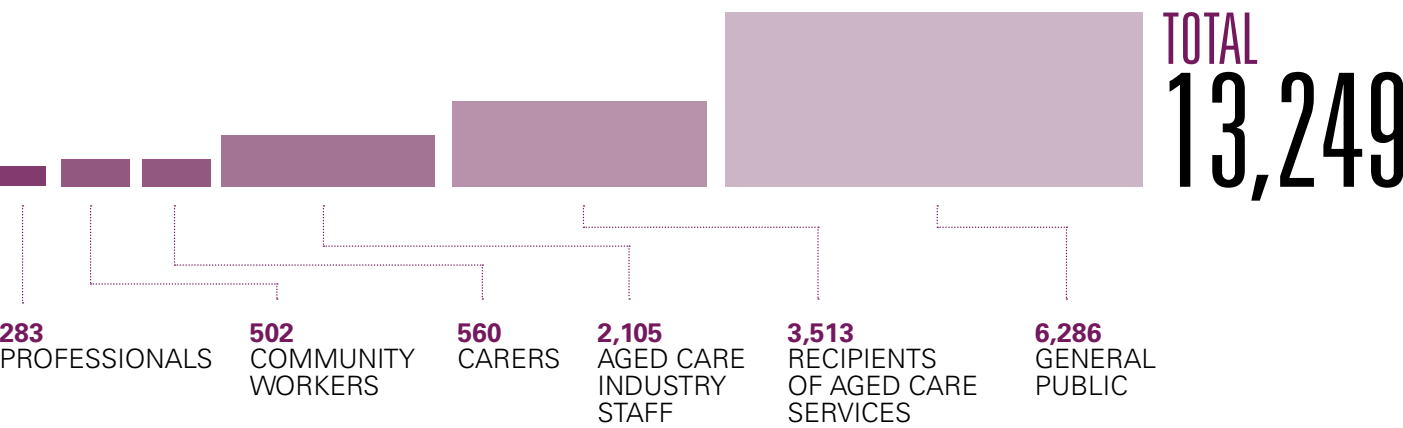
After Ms AB produced a copy of the EPOA to OPLS, it became apparent that the person who had prepared the document had deleted [perhaps unintentionally] the whole of the paragraph in the document which related to the powers of the attorney. OPLS advised that the EPOA could therefore not be used to authorise Ms AB to commence Court action on behalf of her father.

As the older person was said still to have capacity, OPLS referred Ms AB to solicitors to prepare a new and effective EPOA. We advised also that a time limit of 6 years applies to starting Court action for recovery of the monies, running from the date the monies were misappropriated.

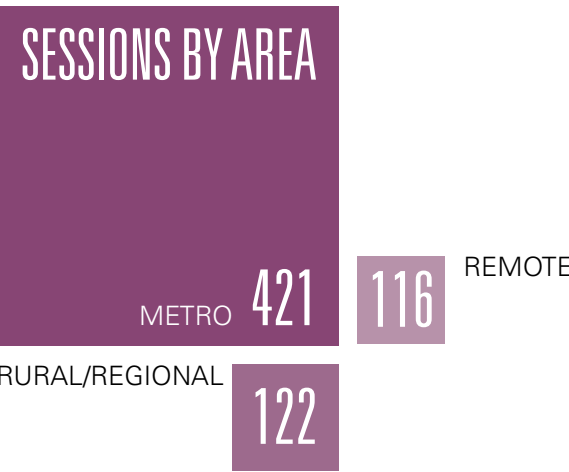
EDUCATION SESSIONS



AUDIENCES AT EDUCATION SESSIONS



ADVOCACY PROGRAM (NACAP)

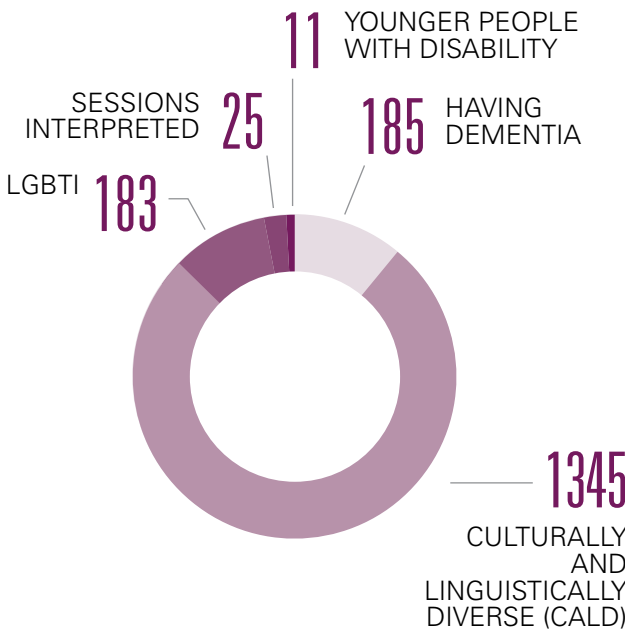


TOTAL AUDIENCES AT PROMOTIONAL EVENTS INCLUDING EXPOS

- 343 CARERS
- 298 RECIPIENTS OF AGED CARE SERVICES
- 71 PROFESSIONALS
- 184 AGED CARE INDUSTRY STAFF
- 590 COMMUNITY WORKERS
- 6,433 GENERAL PUBLIC

7,919

AUDIENCES INCLUDED PEOPLE IDENTIFIED AS



TOTAL OVERALL CONTACTS  
21,168



# Front of House and General Administration Report

When we are providing Information Sessions in rural communities many older people especially residents in aged care homes often ask us, “When we call you we don’t have to press a series of numbers to speak to a real person do we?”

Our immediate answer is “No”. TARS has installed a new phone system giving us more incoming lines, more telephone lines and greater flexibility. If we do not speak to a caller immediately the call will go to voicemail for the caller to leave us a message. Meanwhile Sue Rogers-Harrison our TARS Receptionist or Bernadette English our Administration Assistant will answer the phone or pass the message on. Alternatively callers may speak to Jenny Samuels our Intake Officer who listens to your issue and concerns and will pass you on to an aged care advocate, our Education Coordinator or one of our solicitors. In some instances our callers have a complex situation affecting them and on assessment require advice from more than one of our services.

The Administration Team also provides day to day support to the legal, education and advocacy teams with much “behind the scenes” but very important tasks being carried out by them. Some of these tasks include:

- General enquiries
- Website enquiries
- Making referrals to other organisations
- Taking referrals from other organisations
- Collating and posting publication and brochure requirements from phone enquiries or email requests
- Maintaining an extensive range of publications produced by TARS and other services including Legal Aid, Fair Trading and the National Aged Care Advocacy Program
- Recording the responses from Information Session Feedback forms.

## CASE STUDIES

### Legal Case Study #9

In 2007 Ms GR aged 67 was unable to service a mortgage of \$100,000 over her residence valued at \$500,000, and the bank obtained judgment for possession. Ms GR and her son entered into an oral agreement that her son would pay out the mortgage on the basis that the residence was transferred to her son for nil consideration and Ms GR could continue to live there for life. Ms GR did not obtain any independent legal advice. There has since been a falling out in their relationship and the son is threatening Ms GR [now aged 70] with eviction. TARS has assisted Ms GR by preparing and lodging a caveat over the title to the residence giving notice of her equitable interest and will assist her to obtain pro bono legal representation in order to take Supreme Court action.

In 2011 Ms OB, aged 71, sold her villa for \$300,000 and paid money to her daughter and son-in-law as a deposit on the purchase of a house and granny flat worth \$1.2 million. The verbal arrangement was that the title to the house would be put into the names of her daughter and son-in-law and that Ms OB could live in the granny flat for life. Ms OB did not obtain any independent legal advice. Ms OB says that she is now being bullied and the relationship is breaking down. She feels stressed and is worried that her daughter and son-in-law want her out of the granny flat. Ms OB has made an appointment to attend the TARS office for an interview with a view to lodging a caveat on the title giving notice of her equitable interest.

## Surveys Distributed

## Satisfaction Rates



138 ADVOCACY SERVICE

96%



117 OLDER PERSONS' LEGAL SERVICE

95%



121 RETIREMENT VILLAGE LEGAL SERVICE

97%



1311 EDUCATION (NACAP)

99%



1059 EDUCATION (COMMUNITY GROUPS)

93%



591 COMMUNITY LEGAL EDUCATION

88%



147 RETIREMENT VILLAGE EDUCATION

83%





# Special Project “Reaching Out”

This project was funded through an Aged Care Service Improvement and Healthy Ageing Grant (ACSIHAG). It was in the form of a ‘Roadshow’ which reached out to existing LGBTI populations across NSW where ACON (a designated partner) has metropolitan or regional offices. The TARS project coordinator facilitated education sessions in collaboration with a TARS solicitor or local community legal centre (CLC) solicitor for LGBTI audiences. The sessions covered elder rights, elder abuse, planning ahead documentation and advocacy in a range of session formats (small groups, larger community forums and panel discussions). The events also highlighted the legal service of TARS and its relevance for this marginalised, population to break down barriers of real and perceived discrimination and /or barriers to access.

The objectives were to create dialogue, empower, provide basic legal information, link and, provide a template for education to the LGBTI community able to be implemented anywhere in Australia (where CLCs and NACAP services exist). By partnering with ACON TARS was able to access an LGBTI recognised organisation and benefit from their connections in those communities (Sydney, Illawarra, Hunter and Northern Rivers). This was done within the historical context affecting older LGBTI including past discrimination, possible incarceration, poor experiences with services and organisations which rendered them less likely to disclose and/or access services or assert their rights.

We provided sessions from October 2013 to February 2014 in Newcastle, Wollongong, Lismore, Byron, Central Sydney, Bondi, Albury, Broken Hill and a special event as part of Mardi Gras.(240 participants ). We were also present at

Fair Day (440 contacts), City of Sydney LGBTI Film evening for Seniors week (100), Afternoon Delight ACON Film afternoon (150), Equal Love on the Border - Festival Expo (150) and Afternoon Delight Albury ACON Film event (19).

We also ran five sessions with aged care service providers from September 2013 to December 2013 with 150 participants.

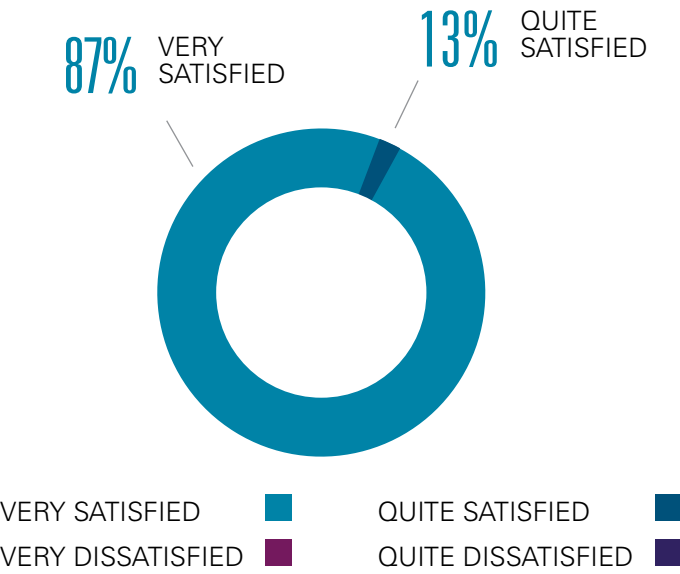
*“I liked the format. The questions from the floor were well managed. I felt able to ask questions and I had a couple of things I could ask, but there were enough constructive questions put forward.”*  
(Gay man)



## SUMMARY: PRE-TEST AND POST-TEST RESPONSES FROM FIVE LOCATIONS ARE AS FOLLOWS

	Right to not be discriminated against for gender identity or sexual preference (True)		If no will, de facto partner will automatically become a beneficiary (False)		If no will, de facto partner will automatically become a beneficiary (False)		NUMBER OF RESPONSES
	CORRECT	INCORRECT	CORRECT	INCORRECT	CORRECT	INCORRECT	TOTAL
ALL PRE POST	100	3	15	88	58	45	103
ALL POST	101	2	89	14	95	8	103

## SUMMARY OF PROCESS EVALUATION



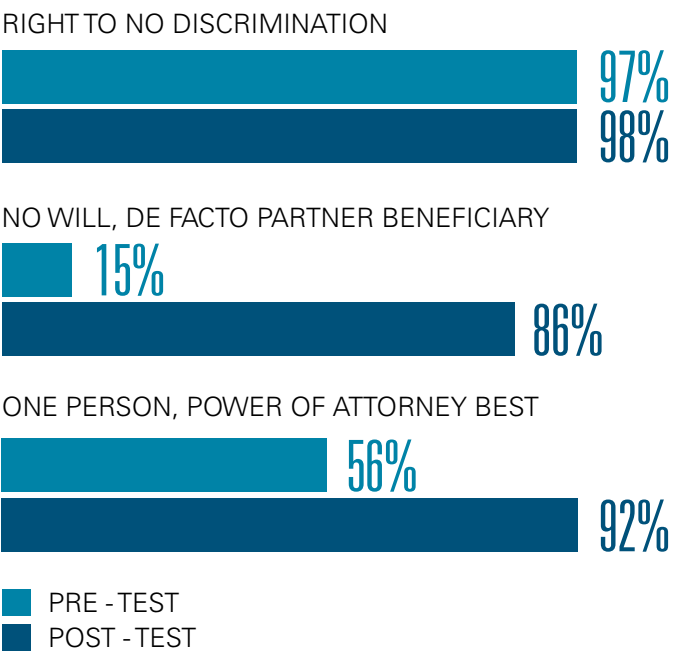
*“It was useful for giving general awareness of the importance of having a person to act for you and appropriate services for us... It was very, very positive for me. I have a lot of enthusiasm and it was for my benefit. Some of my personal issues (were addressed) and it will raise awareness.”*  
(Trans woman)

### Evaluation

Smaller sessions were evaluated by pre and post - test evaluation and larger sessions via process evaluations (satisfaction, content, style etc). The project also had an independent evaluation to collate quantitative (numbers) and qualitative (detailed responses) data.

### Participant feedback from the interactive education sessions and forum showed very clearly:

- high participant satisfaction
- that participants left with new information about their legal rights and steps they could take to protect their interests
- that there was substantial improvement on two specific key points of understanding
- that there was high perception of personal relevance and need to act
- that most had already taken some action, if only developing a plan, within three months of attending the forum
- that some had already spread the insights gained to friends.





KEY COMPONENTS OF THE REACHING OUT LGBTI PROJECT

TARGET	DESCRIPTION	ACTUAL / ESTIMATED NUMBER REACHED
WLGBTI	Participation in interactive information session or forum	240
	Less intensive interaction at stalls and brief presentations	740
LGBTI	Interview on community radio, notices and flyers in lgbti community press, including sx, sso, lotl and community group newsletter including tropical fruits or mailouts including mag (mature aged gays), own (older women's network)	180,000 Via LGBTI press 450 Via community groups Unknown reach via radio
	Notices and flyers in mainstream press	LGBTI proportion of 200,000
	Material on tars website and distribution of links through social media and other websites	Reach unknown
	Material on tars website and distribution of links through social media and other websites	Unknown, but potentially 4,000
SERVICE PROVIDERS	Aged care, legal and LGBTI community service providers attending presentations or consultations	700

Media

Media for these events included free editorials, radio interviews, articles in blogs and advertisements with LGBTI organisations or community groups and paid advertisements in LGBTI and mainstream press including articles in the:

- September 2013 - Newcastle Star Herald
- October 2013 - Illawarra Mercury
- October 2013 - Echo Northern Rivers
- October - Editorial Fruit Juice Northern Rivers & website promotion
- February 14 - Promotion Mature Aged Gays (MAG)
- February 14 - SX Magazine
- February 14 - Sydney Star Observer (SSO)
- February 14 - LOTL Editorial
- March 14 - Adele Horin Blog <http://adelehorin.com.au>
- May - DB Interview ABC Radio Broken Hill on 'Reaching Out'
- May - SX Special Issue editorial

"Clarification of a confusing legal topic."  
(Lesbian)

Legal Case Study #10

We provided legal advice to Mrs CD, an aged pensioner of a country town in NSW. In February 2014 Mrs CD loaned \$5000 in cash interest free to her brother on the basis of oral agreement that it would be paid back in 7 weeks. In April 2014 Mrs CD loaned a further \$3000 in cash on the same basis. Only \$700 has been repaid and her brother had become abusive and refused to repay balance. Mrs CD has received some text messages from her brother about the debt. OPLS advised Mrs CD to safeguard and make copies of the text messages from her brother as they would be evidence of the existence of the debt if court action was necessary. We advised our client to write a letter of demand to her brother seeking the balance owing be paid forthwith and keep a copy of letter. If no satisfactory response was received within a fortnight then Court action may be started in Local Court Small Claims Division to recover monies owing plus interest. We further advised that a time limit of 6 years applies to starting Court action running from the date the repayment of the debt was due. She could contact us again if she needed assistance commencing the court action.

"It was really very valuable. Three members of the panel knew a lot about the law and the rest were community reps, one of every colour and then the audience asking personal questions. I thought the questions to the lawyers bit was great."  
(Gay man)



Oral papers at conferences on this project have been given:

- LGBTI Elder Diversity - National Conference on Cultural Diversity in Ageing - Melbourne
- LGBTI Elder Rights - What's the Difference? National Community Legal Centres Conference Alice Springs

Resources developed during the project include:

- 1. LGBTI inclusive brochure
- 2. '10 most important legal questions' booklet LGBTI
- 3. Anti - Discrimination poster LGBTI
- 4. TARS Powerpoint on legal issues - working with LGBTI

All these resources have been developed with the agreement to their use by other community legal centres (CLCs) (200) and NACAP funded advocacy services (1 per state). They have been distributed and presented at a CLC National Working Group on LGBTI.

For further detailed information contact TARS to receive the full report.

Legal Case Study #11

OPLS has a regional client under a financial management order. She lives in her husband's house and has 3 investment properties with her frail husband who resides in a nursing home. Her estate has a rental income, much of which is used to pay her husband's accommodation fees, but she is not aware of what happens with the rest. Her son is the appointed financial manager and only releases \$140 per week in erratic payments. Although she was theoretically not income disadvantaged we considered the actual disadvantage and the vulnerability of this client and decided to provide further assistance. We opened a case. We advised the client on her options and she instructed us to write to her son on her behalf requesting the son place a specified sum of money into a bank account for her to manage. We reminded the son of his obligations under section 4 of the Guardianship Act 1987 for financial managers and guardians (as appointed by the Tribunal) to act in the best interests of the client, that their welfare is paramount, and to provide them with as much autonomy and participation in the general community as is practicable.





Are you **over 60**  
and lesbian, gay,  
bisexual, transgender  
or intersex?



Do you believe  
you have been  
**discriminated**  
**against**  
when dealing with  
aged-care and  
other services?

Contact  
**TARS**

Phone: **1800 424 079** Web: **www.tars.com.au**





## Legal Case Study #12

The client who is elderly lives in her own home in the outskirts of a rural area. Her son is her guardian appointed by an Enduring Guardian instrument (EG) and attorney appointed by an Enduring Power of Attorney (EPOA) instrument executed by his mother. The son, together with all other children (4 in all), arranged for an ambulance to come to the home and take her to a permanent place in a nursing home. Our client's three daughters were in agreement with their brother (one travelled from overseas). The client called us while the ambulance waited outside desperate for help to remain in her home. We could hear the son becoming agitated in the background.

We spoke to the client who appeared to have capacity although she showed signs of forgetfulness of the advice we provided. We then spoke to the son and sought confirmation that he had the authority to make the accommodation decisions for his mother. The son faxed documents to TARS including an Aged Care Assessment Team (ACAT) assessment setting out the challenges faced by our client, including experiencing a couple of falls, using a walker, medical problems with her shoulder and incontinence issues. ACAT recommended permanent aged care, respite or in home package 1 and 2. TARS also spoke to our client's long term solicitor, who had drawn up the instruments (EPOA in 1998 and the EG in 2010) who advised that he had noted deterioration in our client's capacity over last 2 months.

For instance she was contacting the Ombudsman about Commonwealth Bank investments she did not have, having seen an item on TV that the Financial Ombudsman was looking into the Commonwealth Bank. She had previously run her own construction company. She befriended a Macedonian man who was taking financial advantage of her. We advised the son that we could not provide him with legal advice as his mother was our client but we did give information to the son that where there was a dispute between an older person and their appointed guardian an application should be made to NCAT for declaration that, based on medical evidence, the authority to make decisions as a guardian had crystallised. Definition of disability under section 3 includes mental incapacity as well as physical frailty. This was a matter for NCAT to determine.

We advised our client she can get her own medical report supporting her position that she was able to cope at home with services in place. We noted the options that the ACAT assessment had arrived at as reasonable for her. She should present this to the Tribunal at the hearing. Alternatively she could trial respite at the aged care facility and see if it was better for her.

This case illustrates one of the difficulties faced by solicitors providing phone advice where it is difficult to assess the client's capacity and health circumstances. In this case the solicitor provided advice on the client's rights and how she could go about asserting those rights.



# Human Rights

Given TARS' Vision includes human rights for older people as outlined in the organisation's strategic plan, it is important to have input into human rights activities on a number of levels. This work enables TARS to help build and strengthen bridges within and across sectors to protect and strengthen the rights of older Australians at a local, state, national and international level. GAROP Australia is the grounding body for all Australian NGO's and for older Australians to get involved in this process. TARS is a foundation a member of GAROP Australia and also a member of the international GAROP.

A TARS Solicitor, attended the UN Open-Ended Working Group on Ageing (OEWG) 4th Session in New York from 12-15 August 2013. She was a delegate of the National Association of Community Legal Centres (NACLC). At the Session, she intervened as a member of civil society. Her intervention or address to the United Nations member states outlined the need for an international instrument protecting the human rights of older people. Secondly, she called for monitoring of member states to combat problems such as elder abuse and to improve national complaints bodies.

Before the Session, the solicitor conferred with all staff at TARS and as a result, her intervention was shaped by the contributions of solicitors and advocates based on their clients' experiences. In particular, the fact that TARS staff are uniquely aware of current, systemic issues affecting older people meant that the solicitor could convey these issues on the international level. It was noted by delegates time and

again at the United Nations that whilst high level policies, procedures and law reform are important, grassroots knowledge is just as important to inform high level advocacy by other members of civil society.

## Legal Case Study #13

A Legal Case was opened in June 2014 for a Mrs EF. The facts were that in 2009 Mrs EF and her husband ( who now has dementia) transferred a half share of their house ( which was their residence ) to their daughter and son in law for \$NIL. Mrs EF agreed to the transfer so that the house could be used by the Bank as security for a loan to the daughter and son in law for their business. Mrs EF and her husband received no benefit from the arrangement.

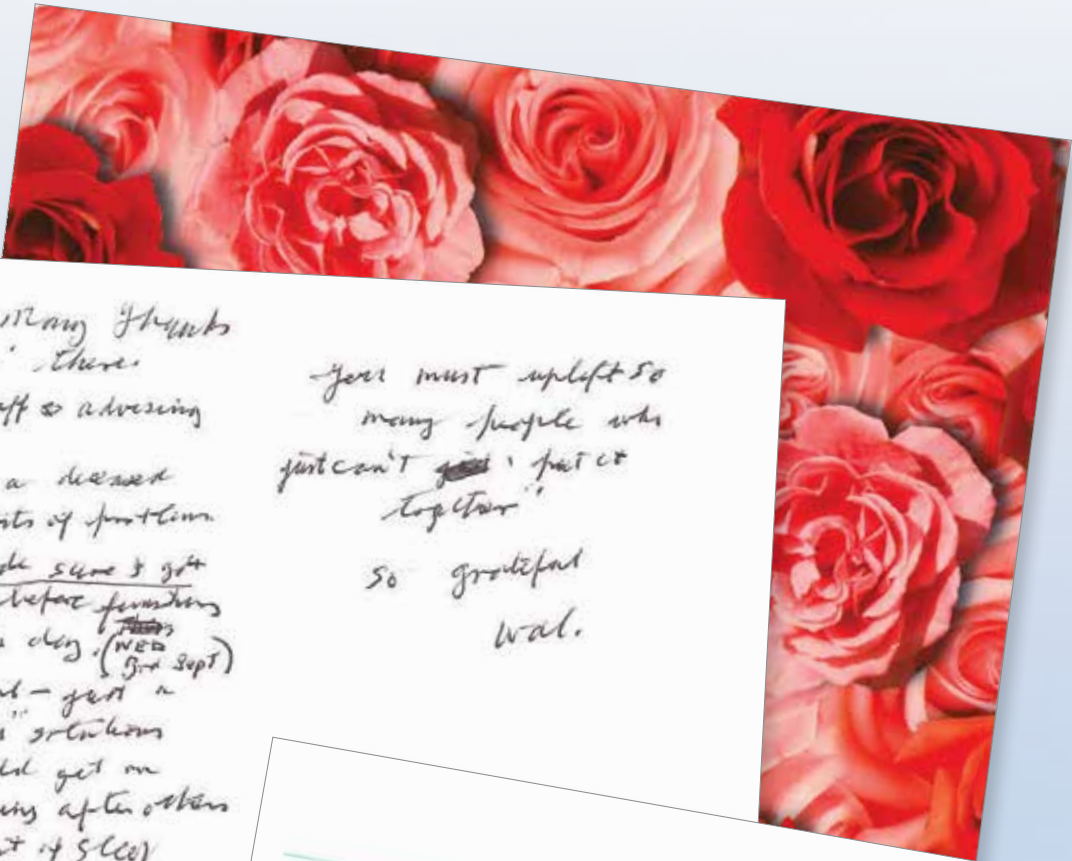
The marriage between their daughter and son in law broke down and family law property proceedings were started in which Mrs EF and her husband were joined as parties.

TARS/OPLS assisted Mrs EF by providing legal advice and by preparing an application for a grant of legal aid. Legal Aid was granted to Mrs EF on 25 June last to be represented in family law proceedings and to recover the half share of their house from the daughter and son in law.





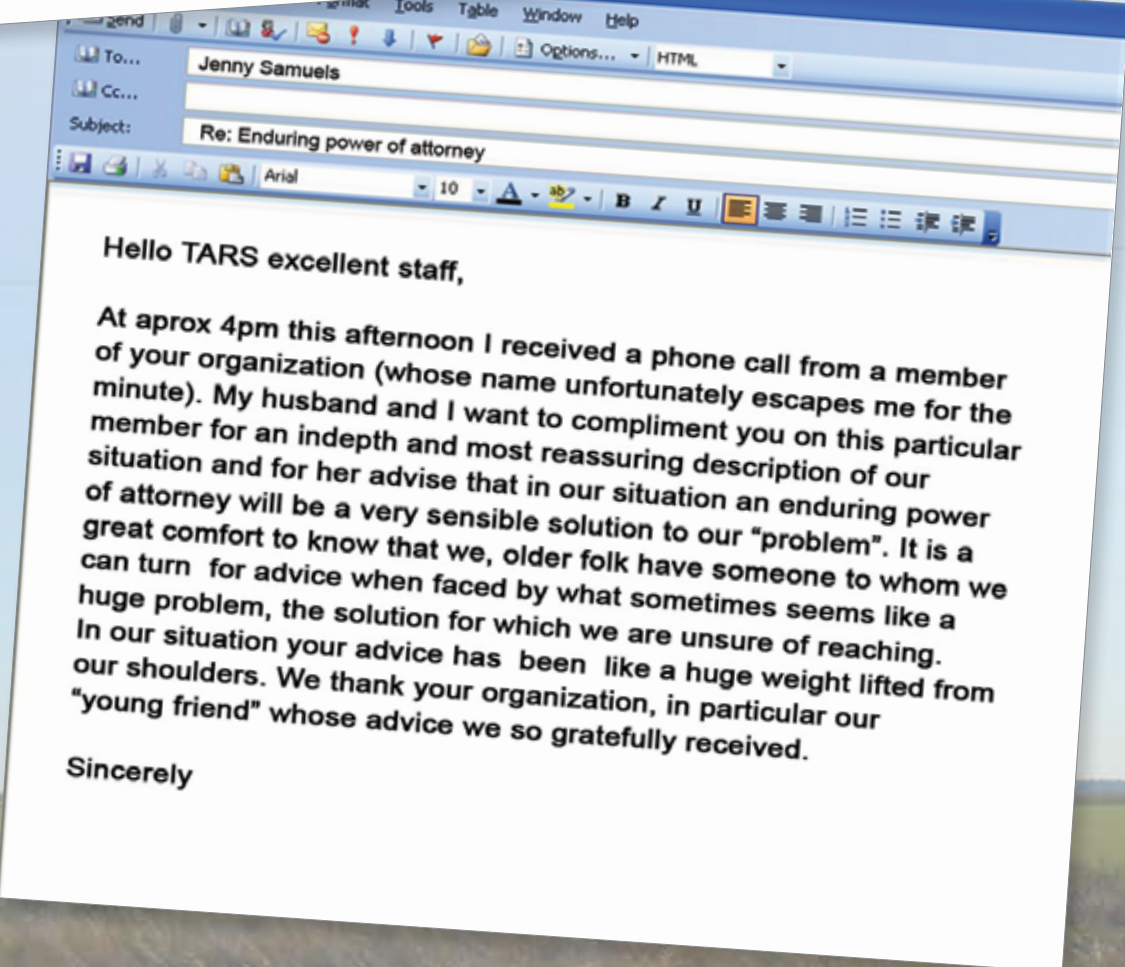
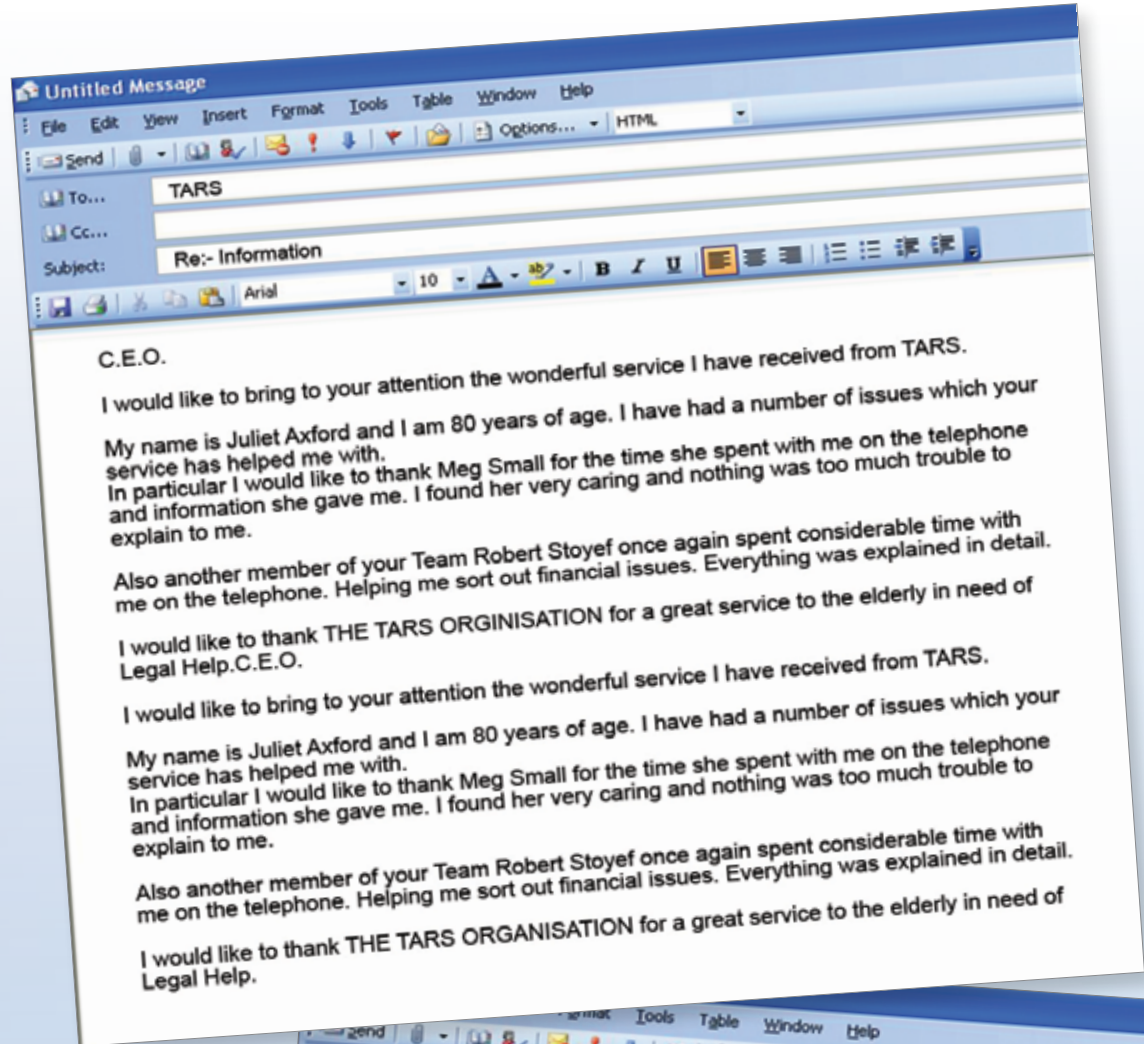
# Thank you TARS



Once again many thanks  
to the 'Team' there.  
Receiving staff & advising  
people.  
Just had a deceased  
(sister) lots of questions  
Someone made sure I got  
a call just before funeral  
time for the day. (Wed 3rd Sept)  
So grateful - just a  
few simple solutions  
so I could get on  
with looking after others  
- a bit of SLCs

You must uplift so  
many people who  
just can't get it  
together.  
So grateful  
Wal.

The Management & Staff  
J.A.R.B.  
Level 4 - 418A Elizabeth St.  
Sunny Hills  
Dear One & All, To the people  
who worked on my letter asking  
for help, it all came to a head  
very quickly & I am most  
gratefully grateful & would like  
to say "Thank-ll".  
With Regards  
Mrs. Shath







Ref: \_\_\_\_\_  
 Please address all  
 correspondence to the  
 SECRETARY

Rosalene Jones  
 Manager Education & Production Services  
 T.A.R.S

Dear Rosalene,

On behalf Canterbury Hurlstone Park R.S.L Sub Branch I would like to thank your service and in particular Mr. Tom Cowen for a most professional and informative session at our meeting 12<sup>th</sup> Nov 2013.  
 The members of our Sub Branch showed much appreciation on the excellent presentation by Tom. Thank you very much for your services. I have mentioned your services to other Sub Branches in the area and highly recommended that they look into calling on your services.

Yours Sincerely,

Ken McIntyre  
 Hon Secretary  
 CHPRSL S/Branch

## VAUGHAN VILLAGE RESIDENTS ASSOCIATION

Ms Nalika Padmasena,  
 TARS,  
 418a Elizabeth Street,  
 SURRY HILLS, 2010

7<sup>th</sup> March, 2014

Dear Nalika,

Thank you very much for coming out to explain the position and options for Vaughan Village as we face large changes.

I would like to apologise for my absence. I was waiting for a Community Nurse who very reliably visits before 9.30. Unfortunately she was sick and her replacement arrived only at noon. Luckily, a member of the Advisory Committee took an almost verbatim record which I have been able to distribute.

It is of great benefit to be able to perceive the situation so clearly. I think some of our fears have lessened even though we may expect changes.

Thank you again for your help,

Yours sincerely,

Maureen Hastings (Hon. Sec)

## Community Relations Commission

For a multicultural NSW

Our Ref: MM 6766  
 File Ref: W12/0010-02

Ms Nalika Padmasena  
 3/25 St Albans Road  
 SCHOFIELDS NSW 2762

Dear Ms Padmasena

### RE: NOMINATION FOR NEPEAN BLACKTOWN RAC

I am pleased to advise you that the Commission has approved your appointment as a member of the Nepean Blacktown Regional Advisory Council. The Council is established under the terms of Section 10 of the *Community Relations Commission and Principles of Multiculturalism Act 2000* (NSW). It is one of ten councils the Commission has established throughout NSW.

The Council advises the Commission on any matter relating to the Commission's functions that the Council considers appropriate or that the Commission refers to it for advice.

Your appointment will be for a term until 30 June 2015.

The following documents are attached for your reference:-

- *Community Relations Commission and Principles of Multiculturalism Act 2000*
- Guidelines for the Operation of Regional Advisory Councils

The Community Relations Report 2011-2012 can be accessed at  
[http://www.crc.nsw.gov.au/about\\_crc/annual\\_report/2011-2012](http://www.crc.nsw.gov.au/about_crc/annual_report/2011-2012)

Please note that as a community member of the Regional Advisory Council you are not appointed to represent the interests of your organisation, but the broader community interest.

A Commissioner chairs each meeting with secretarial support provided by the Commission. The Nepean Blacktown RAC Chairperson is Mr Felice Montrone.

The Acting Regional Services Coordinator, Madalena Mello, will be in touch with you shortly to discuss arrangements for the next meeting, which is scheduled for 25 November 2013.

Please accept the Commission's congratulations on your appointment.

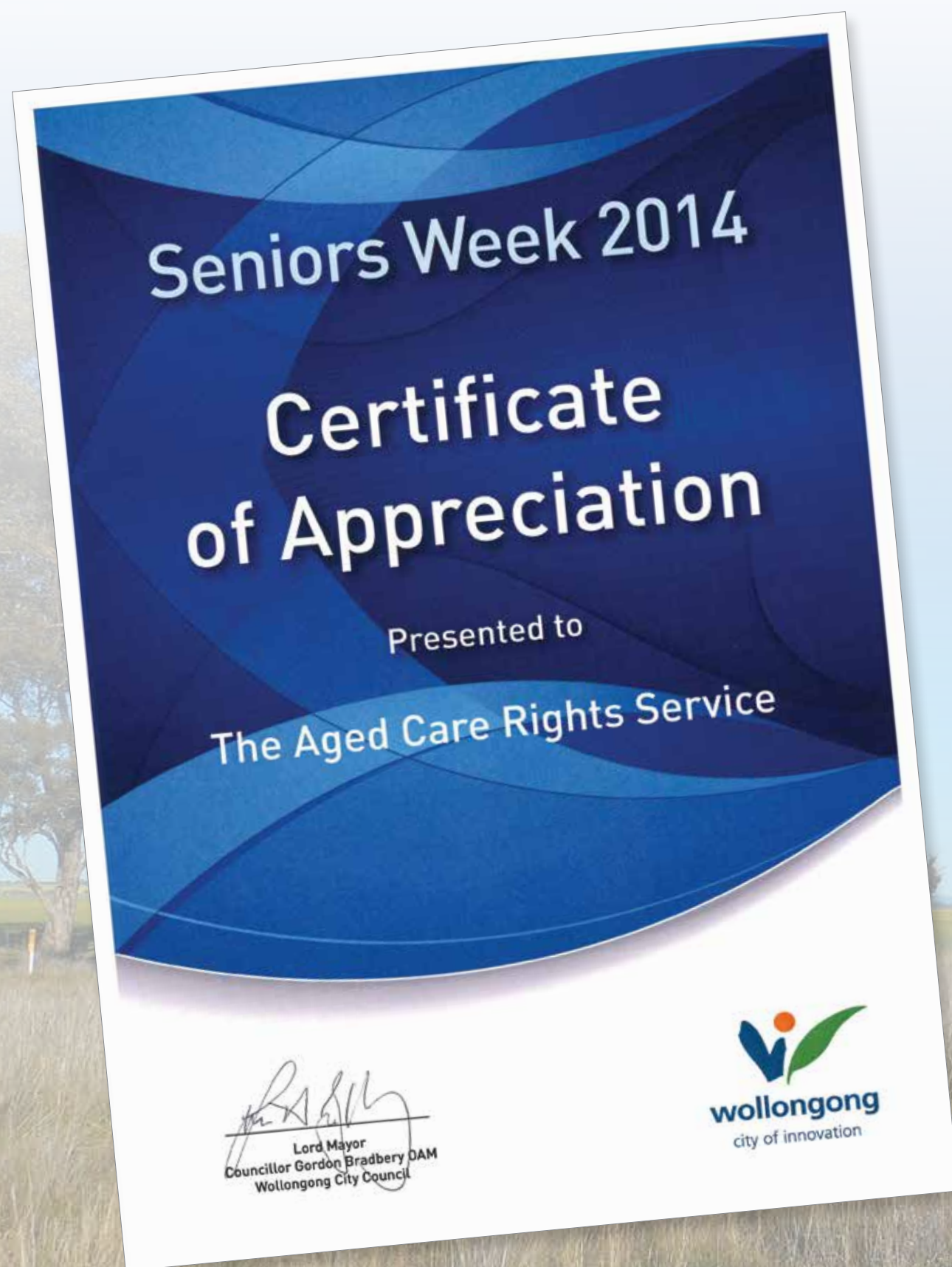
Yours sincerely

Stephan Kerkyasharian AO  
 Chairperson

Head Office  
 Level 8  
 175 Castlereagh Street  
 Sydney NSW 2000  
 PO Box A2618  
 Sydney South NSW 1235  
 Tel: (02) 8255 4747  
 TTY: (02) 8255 6758  
 Fax: (02) 8255 6868  
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 84 Crown Street  
 Wollongong NSW 2500  
 PO Box 363  
 Wollongong NSW 2520  
 Tel: (02) 4224 1922  
 Fax: (02) 4224 1933  
 Newcastle Office  
 Government Office Block  
 117 Bull Street  
 Newcastle NSW 2300  
 Tel: (02) 4929 4191  
 Fax: (02) 4929 7369  
 Website  
[www.crc.nsw.gov.au](http://www.crc.nsw.gov.au)  
 ABN 79 863 510 875













# Obituaries



The last few months – during the period of collating this Annual Report – TARS lost two key stakeholders. Both Jan Pritchett and Malcolm McKenzie from the Retirement Village Residents’ Association (RVRA) passed away. They held the positions of President and Secretary, respectively, on the RVRA Board.

Both Jan and Malcolm were fierce advocates, upholding the rights of residents in retirement villages across NSW. No place would be too far to travel to, or incident would be too small – if they saw a retirement village resident in NSW in distress they would do whatever they could to meet their needs.



I personally worked with both Jan and Malcolm when we met regularly. We didn’t always agree on every issue but they stood as champions for all residents in retirement villages across NSW and couldn’t be ignored.

Both Jan and Malcolm were passionate about their work and contributed to making retirement village living an easier maze to navigate for those choosing that lifestyle down the track.

TARS staff and Board join me in sending condolences to both families, their friends and their colleagues at the RVRA.

Two stars shine brighter in the night’s sky.

**Russell Westacott**  
Chief Executive Officer



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THE AGED - CARE RIGHTS SERVICE INCORPORATED (ABN 98 052 960 862)  
YEAR ENDED 30 JUNE 2014



# Management Committee Declaration

As detailed in Note 2 to the Financial Report, in Management’s opinion, the Organisation is not a reporting entity because there are no users dependent on general purpose financial reports. This is a special purpose Financial Report that has been prepared to meet the Organisation’s reporting requirements to the Members.

The Financial Report has been prepared in accordance with Accounting Standard APES 205 Conformity with Accounting Standards and other Australian Accounting Standards and mandatory professional reporting requirements to the extent described in Note 2 to the Financial Report.

The Management Committee declares that the Financial Report and Notes set out on pages 38 to 49:

- a) a) comply with Australian Accounting Standards and other mandatory professional reporting requirements as detailed above; and,
- b) b) give a true and fair view of the Organisation’s financial position as at 30 June, 2014 and of its performance as represented by the results of its operations and its cash flows for the financial year then ended.

In the Management Committee’s opinion, there are reasonable grounds to believe that the Organisation will be able to pay its debts as and when they become due and payable.

**Signed** in accordance with a resolution of the Committee.



**CRAIG GEAR**  
Committee Member - Treasurer



**BARBARA SQUIRES**  
Committee Member - Chairperson

Sydney  
15th October, 2014

# Auditor’s Report

## INDEPENDENT AUDITORS REPORT TO THE MEMBERS FOR THE YEAR ENDED 30 JUNE 2014

### Report on the Financial Report

We have audited the special purpose financial report of THE AGED – CARE RIGHTS SERVICE INCORPORATED (the organisation), which comprises the income statement, balance sheet, notes to the financial statements and management committee declaration for the year ended 30 June 2014 as set out on pages 38 to 49.

### Committee Members Responsibility for the Financial Report

The committee members are responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 2 to the financial statements, which form part of the financial report, are appropriate to meet the needs of the members. The committee members responsibility also includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

### Auditor’s Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 2, are appropriate to the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor’s judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee members, as well as evaluating the overall presentation of the financial report.

The financial statements have been prepared for distribution to members for the purpose of fulfilling the committee members financial reporting requirements under various funding agreements. We disclaim any assumption of responsibility for any reliance on this report, or on the financial report to which it relates, to any person other than the members, or for any purpose other than that for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements and the Corporations Act 2001. We confirm that the independence declaration provided to the committee members of The Aged - Care Rights Service Incorporated on 15th October 2014, would be in the same terms if provided to the committee members as at the date of this auditor’s report.

Audit Opinion

In our opinion, the financial report presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the organisation as at 30 June 2014.

- (a)

i) giving a true and fair view of the organisation’s financial position as at 30 June 2014 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 2; and

ii) complying with Accounting Standards in Australia, to the extent described in Note 2, and
- (b) other mandatory professional reporting requirements to the extent described in Note 2.

CCS PARTNERS  
Chartered Accountants

Emanuel P Calligeros  
Partner

Date: 15th October, 2014  
154 Elizabeth Street,  
SYDNEY NSW 2000

LEAD AUDITOR’S INDEPENDENCE DECLARATION

To the Members of **THE AGED - CARE RIGHTS SERVICE INCORPORATED.**

As lead engagement partner for the audit of **THE AGED - CARE RIGHTS SERVICE INCORPORATED** for the year ended 30 June 2014, I declare that, to the best of my knowledge and belief there have been:

- i. no contraventions of the independence requirements of the Corporations Act in relation to the audit; and

ii. no contraventions of any applicable code of professional conduct in relation to the audit.

CCS PARTNERS

Emanuel P Calligeros  
Partner

Sydney  
15th October, 2014



# Income Statement

	Note	2014 \$	2013\$
<b><u>ORDINARY ACTIVITIES</u></b>			
Revenue from Ordinary Activities		2,154,501	1,570,535
Transfer (to)/from Grants Unexpended (Net)	9	(307,808)	-
	6	1,846,693	1,570,535
Employee Benefit Expenses		(1, 170,586)	(1,071,152)
Depreciation & Minor Asset Acquisitions		(35,614)	(11,791)
Other Expenditure from Ordinary Activities		(670,227)	(485,027)
<b>Net Surplus (Deficit) from Ordinary Activities</b>		(29,734)	2,565
<b><u>Add/(Less):</u></b>			
Proceeds on Sale of Vehicles		-	-
Transfer (to)/from Reserve for Replacement Assets	3	-	-
Transfer (to)/from Provision - Contingent Liabilities		-	-
		(29,734)	2,565
<b><u>Add:</u></b>			
<b>RETAINED EARNINGS</b> – Balance 1 July, 2013		224,789	222,224
<b>RETAINED EARNINGS</b> – Balance 30 June, 2014		195,055	224,789

This Income Statement is to be read in conjunction with the Notes to the Financial Statements as set out on pages 38 to 49.

# Balance Sheet

	Note	2014 \$	2013 \$
<b><u>FUNDS &amp; PROVISIONS</u></b>			
Retained Earnings		195,055	224,789
Provision for Contingencies		-	-
<b><u>TOTAL FUNDS &amp; PROVISIONS</u></b>		195,055	224,789
Represented by:			
<b><u>CURRENT ASSETS</u></b>			
Cash at Bank & on Deposit		916,090	523,546
Other Debtors & Receivables		990	51,721
<b><u>Total Current Assets</u></b>		917,080	575,267
<b><u>NON-CURRENT ASSETS</u></b>			
Furniture & Equipment - at Cost		186,385	186,385
<b>Less</b> Amounts Expensed & Provision for Depreciation		(151,737)	(140,827)
<b><u>Total Non-Current Assets</u></b>		34,648	45,558
<b><u>TOTAL ASSETS</u></b>		951,728	620,825
<b><u>Less:</u></b>			
<b><u>CURRENT LIABILITIES</u></b>			
Payables		191,221	159,806
Provision for Staff Entitlements	5	229,644	208,230
Reserve for Replacement Assets	8	28,000	28,000
Grants in Advance & Unexpended	9	307,808	-
<b><u>Net Current Liabilities</u></b>		756,673	396,036
<b><u>NET ASSETS</u></b>		195,055	224,789

This Balance Sheet is to be read in conjunction with the Notes to the Financial Statements as set out on pages 45 to 47.



# Notes to the Financial Statements

## 1) ORGANISATIONAL STRUCTURE

The Organisation is incorporated under the Associations Incorporation Act 1984. Its main aim is to provide relief and services to the needs of older people in New South Wales who are vulnerable, socially or economically disadvantaged, exploited or abused. Funds are supplied to the Organisation in the form of Grants received from the Federal and State Governments and other interested bodies. The income and assets of the Organisation are applied solely towards the promotion of the aims for which it was established and no portion, thereof, is to be applied to the benefit of the members or to that of any interested person.

## 2) SIGNIFICANT ACCOUNTING POLICIES

a) a) The Organisation is not a reporting entity because, in the Management’s opinion, there are no users dependent on general purpose financial reports. This is a “special purpose” Financial Report that has been prepared for the sole purpose of the requirements to prepare and distribute a financial report to the Members and must not be used for any other purpose. Management has determined that the accounting policies adopted are appropriate to meet the needs of the Members. The Organisation has applied Accounting Standard APES 205 Conformity with Accounting Standards, which amended the application clauses of all standards existing at the date of its issue so that they now apply only to entities that qualify as reporting entities. However, the Financial Report has been prepared in accordance with Accounting Standard AASB 101: Presentation of Financial Statements and other applicable Australian Accounting Standards and Urgent Issues Group, Consensus Views, with the exception of the disclosure requirements in the following:

AASB 8 - Operating Segments

AASB 124 - Related Party Disclosures

The Financial Report has been prepared in accordance with the historical cost accounting convention. The accounting policies are consistent with those of the previous year.

### b) Fixed Assets & Depreciation

Fixed Assets are depreciated on the prime cost basis so as to write off the cost of the assets over their estimated useful lives.

# Notes to the Financial Statements

## 3) RESERVE FOR REPLACEMENT ASSETS20142013

Balance – 1 July, 2013	28,000	28,000
Add Transfer from Net trading	-	-
	-	-
Balance – 30 June, 2014	28,000	28,000

## 4) INCOME TAX

The Organisation has been recognised by the Australian Taxation Office as an Income Tax exempt charitable entity. No provision for taxation has been raised in the Financial Report.

## 5) PROVISION FOR STAFF ENTITLEMENTS

Provision for Relief Staff	-	-
Provision for Parenting Leave	24,311	23,187
Provision for Long Service Leave	111,936	104,208
Provision for Redundancy/Staff Payout	91,369	80,835
Government Parental Leave	2,028	-
	229,644	208,230

## 6) OPERATING RESULTS

The Surplus (deficit) of Income and expenditure for the year is arrived at:

- after crediting:

i) Grants Received - Recurrent	1,685,368	1,543,537
- One-off funding	136,500	
ii) Interest Received	24,066	26,678
iii) Other Income	759	320
Gross Revenue	1,846,693	1,570,535

- after charging:

iv) Auditor’s Remuneration (Refer to Note 7)	9,650	9,500
v) Fixed Assets acquired during the year expensed through the Income Statement	24,704	2,342
vi) Long Service, Annual & Sick Leave Provisions	19,634	39,367
vii) Depreciation of Non-Current Assets	10,910	11,791



# Notes to the Financial Statements

6) OPERATING RESULTS20142013

- and charging extra and one-off:

viii) Advertising	18,701	9,267
ix) Conference & Workshop Expenses	30,752	13,134
x) Legal, Consultants & Support Fees	61,931	5,117
xi) Office Equipment including Phone Upgrade	24,704	2,342
xii) Post, Printing including Research	46,392	28,600
Website & Computer Software Upgrades	35,617	90

7) AUDITOR’S REMUNERATION

Amounts received or due and receivable by the Organisation’s Auditor for Audit of the Financial

Report	8,350	8,200
Other Services	1,300	1,300

The Auditor received no other benefits from the Organisation.

8) RESERVE FOR REPLACEMENT ASSETS

Balance – 30 June, 2014	28,000	28,000
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9) GRANTS IN ADVANCE AND UNEXPENDED

Fair Trading (NSW) - 2014 Grant unexpended

Carried forward Grant for project to be conducted July 2014 to February 2015	307,808	-
--	---------	---

# Statement of Cash Flows

	2014 \$	2013 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Cash Received from Government Grants, etc	2,130,435	1,543,857
Cash payments for Operating Activities	(1,761,957)	(1,534,351)
<b>Net Cash Inflow from Operating Activities</b> (Note 2)	368,478	9,506
<b>CASH FLOWS FROM INVESTMENT ACTIVITIES</b>		
Interest Received	24,066	26,678
Proceeds on Sale of Vehicles	-	-
Payments for Plant & Leasehold Improvements	-	-
<b>Net Cash Inflow from Investment Activities</b>	24,066	26,678
<b>INCREASE (DECREASE) IN CASH HELD</b>	392,544	36,184
	-	-
<b>Cash Balance at Beginning of Year</b> (Note 1)	523,546	487,362
<b>CASH BALANCE AT END OF YEAR</b> (Note 1)	916,090	523,546
		-
<b>Note 1: Reconciliation of Cash</b>	<b>Cash at End of Year</b>	<b>Cash at End of Year</b>
Cash at Bank & on Short-Term Deposit	915,690	523,146
Cash in Hand	400	400
	916,090	523,546
<b>Note 2: Reconciliation of Net Cash Inflow from Operating Activities to Operating Surplus (Deficit)</b>		
Operating Surplus (Deficit) for the Year	(29,734)	2,565
<b>Add/(Less):</b>		
Depreciation	10,910	11,791
(Increase)/Decrease in Other Current Assets	50,731	(45,832)
(Increase)/Decrease in Fixed Assets	-	-
Increase/(Decrease) in Payables	31,414	34,351
Increase/(Decrease) in Provisions	21,415	33,309
(Increase) in Investment Activity	(24,066)	(26,678)
Increase/(Decrease) in Grants in Advance	307,808	-
<b>Net Cash Inflow from Operating Activities</b>	368,478	9,506



# Detailed Income & Expenditure Statement

	2014 \$	2013 \$
<b>INCOME</b>		
Grants Received - Recurrent	1,685,368	1,543,537
- One-off funding	136,500	-
Interest Received	24,066	26,678
Sundry Income	759	320
<b>Gross Income</b>	1,846,693	1,570,535
<b>Less EXPENDITURE</b>		
Accounting & Audit Fees	9,650	9,500
Advertising	18,701	9,267
Bank Charges	1,126	1,075
Bookkeeping	8,525	6,183
Conferences, Expos, Seminars & Workshop Expenses	30,752	13,134
Depreciation & Scrapped Assets	10,910	11,791
Insurances	3,473	4,833
Interest	-	11
Legal & Consultants Fees	61,931	5,117
Long Service, Annual & Sick Leave Provisions	19,634	39,367
Motor Vehicle Costs	8,806	8,869
Office Equipment Acquisitions	24,704	2,342
Office Expenses & Amenities	27,978	32,773
Postage, Printing, Stationery & Publication Costs	46,392	28,600
Reference Literature & Software etc	3,709	3,703
Rent & Outgoings	153,097	146,000
Repairs & Maintenance	39,454	35,782
Salaries - Permanent & Relief Staff (including Workers Compensation Insurance)	1,162,612	1,044,450
Solicitors' Expenses	4,380	4,080
Subscriptions	12,076	10,173
Superannuation	102,360	91,039
Telephone & Internet	18,995	19,924
Travel & Accommodation	56,982	25,651
Utilities (including Cleaning)	14,563	14,216
Website Expense	35,617	90
<b>Total Expenditure</b>	1,876,427	1,567,970
<b>Add/(Less):</b>	-	-
Transfer to Reserve		
<b>OPERATING SURPLUS (DEFICIT) for the Year</b>	(29,734)	2,565







**TARS - The Aged care  
Rights Service Inc.**

Level 4, 418A Elizabeth Street,  
Surry Hills NSW 2010

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