



the benevolent society | initiating change

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Committee Secretary
Inquiry into Older People and the Law
House of Representatives Legal and Constitutional Affairs
PO Box 6021
Parliament House
CANBERRA ACT 2601

Submission No. 82

Date Received

Dear Committee Secretary

Inquiry into Older People and the Law

Thank you for the opportunity of providing input into this Inquiry.

The Benevolent Society is Australia's oldest non profit organisation. Since 1813 we have identified key social challenges and worked to meet them head on. We aim to tackle social inequality by building caring and inclusive communities. We endeavour to achieve our mission by delivering leading edge programs and services, finding innovative solutions to complex social challenges and by calling for a more just society. Our strength lies in our expertise across the lifespan, delivering key services for children and families, older people and in women's health, community based and residential care, community development and social leadership programs. As part of our approach we produce a number of resources that provide practical information and advice to assist people make important decisions, advocate on their own behalf and protect themselves from abuse and exploitation. We operate in New South Wales.

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Our work with older people over the years has highlighted a gap in easily accessible straightforward information that could assist people to plan ahead for future decision making about financial, health and lifestyle decisions, and draw their attention to the advantages of doing so.

Your Future Starts Now: A Guide for the over 50s

The Benevolent Society's booklet, *Your Future Starts Now: A Guide for the over 50s*, helps people take control of later life decisions. It provides information about the steps people can take ahead of time to protect their interests and make sure that things will be done the way they want should they become unable to make their own decisions.

While the information it contains is applicable to people of any age it is particularly aimed at people in middle and older age.

Your Future Starts Now is currently in its second edition and was produced in partnership with the Public Trustee NSW. The legal information it contains is based on current New South Wales legislation. Over 20,000 copies have been distributed free of charge by us and by the Public Trustee. It can also be downloaded from our website (www.bensoc.org.au). ~~It has been distributed~~ direct to individual older people and key organisations in contact with older people such as aged care assessment teams, hospitals, lawyers, community care providers, GPs and nursing homes. The demand for it has been constant since it was first released in March 2005, and the demand is greater than we can supply.

In 1999 The Benevolent Society was co-author with the Centre for Education and Research on Ageing of a discussion paper, *Taking Charge; Making Decisions for Later Life*, for the then NSW Committee on Ageing (available online at <http://www.maca.nsw.gov.au/discussionpapers.htm>). It identified gaps in policy, practice, community education and training of frontline staff that needed to be addressed, in order to maximise the quality of life and choices available to people seeking to make decisions about their future lifestyle, health care and financial arrangements. Since then the guardianship legislation in NSW has been amended to fill some of these gaps. However, notwithstanding the efforts of a number of bodies in NSW that provide information to the public about the issues and legal mechanisms covered in *Your Future Starts Now*, it is clear to us from our work with older people that there is a continuing need for increased community education in this area.

Older people's access to legal services

There are considerable barriers that prevent older people with capacity from accessing legal advice about steps they might take to protect their future interests. These include:

- the cost of legal advice
- limited availability through community legal centres
- perceptions that legal advice is very expensive
- inexperience in dealing with lawyers, especially among older women
- practical difficulties of accessing legal advice independent of one's family members, when dependent on them for assistance with transport etc
- cultural norms and expectations within families in some communities about the decision-making in relation to older family members' assets, and
- language barriers.

The Benevolent Society would be pleased to provide further advice to the Committee if needed.

Your sincerely

Barbara Squires
Director, Centre on Ageing