

**Seventh Session of OEWG on Ageing
12-15 December 2016, UN Headquarters, New York**

**Application Form for Accreditation to the Open-ended Working
Group on Ageing (OEWGA)**

Accreditation is a **one-time process** by which not previously accredited non-governmental organizations become eligible to participate as observers in the Open-ended Working Group on Ageing. Accreditation is granted to organizations and not to individuals.

Application- Seniors Rights Service

Level 4, 418 A Elizabeth St, Surry Hills, NSW Australia www.seniorsrightsservice.org.au

Australian Business Number: 98 052 960 862

Chief Executive Officer: Mr Russell Westacott RWestacott@seniorsrightsservice.org.au

a. The purpose of the organization

Seniors Rights Service is a non-governmental, rights-based specialist service advocating for and asserting the rights of older people in New South Wales, Australia. The purpose of Seniors Rights Service is to act as a provider of information and advocacy for older people and/or their representatives across New South Wales, Australia.

b. Information as to the programmes and activities of the organization in areas relevant to the human rights of older persons;

Our attorneys provide free telephone advice to all older people who call regarding consumer rights, human rights and elder abuse, financial exploitation and planning for later life. Our advocates are funded by the Australian government to provide advice and assistance to residents and their carers who receive government residential aged care and aged community care.

Our advocates and attorneys also deliver education seminars throughout the state on a rolling basis to aged care homes, retirement villages and community groups. We have received state and federal government grants to increase access for special

needs groups via consultation, education and discussion in culturally appropriate ways. These have the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) communities and culturally and linguistically diverse (CALD) communities in relevant urban & regional areas.

We also draft law reform submissions in relation to matters affecting older peoples' human rights to state and federal government and our staff present at national and international conferences. Most recently, Seniors Rights Service provided a written submission to the [New South Wales Parliamentary Inquiry into Elder Abuse \(2015\)](#) and also the [Australian Law Reform Commission Inquiry into Elder Abuse \(2016\)](#). In 2013 and 2014 our CEO and a staff member attended the United Nations Open-ended Working Group on Ageing in New York. On each occasion, they both contributed with interventions as part of Civil Society.

It is very important to our organisation that we continue to present to the United Nations working groups the systemic issues affecting our clients. Our independent legal centre has the ability to provide unique insights to the Member States due to our daily contact with vulnerable, older people.

c. Confirmation of the activities of the organization at the national, regional or international level;

Our Principal Solicitor, Mr Thomas Cowen, is a Director of NSW Community Legal Centres (NSW CLC), the umbrella body representing thirty six (36) community legal centres throughout the state. Other national and regional activities include:

- Co-Chair of Global Alliance on the Rights of Older People Australia- www.rightsofolderpeople.org.au
- OPAN (Older Persons' Advocacy Network Australia), providing feedback to the Australian Government on older people's advocacy issues
- National Aged Care Alliance, a peak sector body that interfaces with government
- Global Alliance on the Rights of Older People - www.rightsofolderpeople.org
- Diversity Council of Australia
- International Federation of Ageing
- Aged and Community Care Liaison Group
- Quality Agency Liaison Group
- National Aged Care Complaints Commissioner (OACQC) quarterly meeting
- Aids Council of NSW Ageing Working Group
- Alzheimers Australia- NSW Elder Abuse Working Group
- NSW Community Care issues Forums across the state

Our presence as a leading specialist and advocate for the human rights of older people reaches state, national and international levels.

- d. Copies of the annual or other reports of the organization with financial statements, and a list of financial sources and contributions, including governmental contributions;

Our Annual Report is attached at Annexure 'A'.

- e. A list of members of the governing body of the organization and their countries of nationality;

The list of Members of our Management Committee is below. All Members of the governing body are Australian by nationality.

Craig Gear (Chair)

Barbara Anderson

Margaret Duckett

Amanda Terranova

Paolo Totaro AM

Jacqueline Townsend

Patti Warn

Elaine Leong (Associate Member)

- f. A description of the membership of the organization, indicating the total number of members, the names of organizations that are members and their geographical distribution;

There are 79 individual Members of the organisation and there are no organisational members. The Members' geographical distribution is mainly metropolitan with 10% membership in regional and country New South Wales.

- g. A copy of the constitution and/or by-laws of the organization.

A copy of the Constitution is attached at Annexure 'B'.

Contact: Ms Kim Boettcher Email: KBoettcher@seniorsrightsservice.org.au

'A'

The Aged-care Rights Service
Annual Report 2014-2015

**YOUR RIGHTS
YOUR VOICE**
**LEGAL
ADVOCACY
EDUCATION**

TARS
THE AGED-CARE RIGHTS SERVICE INC
including Older Persons' Legal Service



**YOUR RIGHTS
YOUR VOICE
LEGAL
ADVOCACY
EDUCATION**

We're Changing...

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ACKNOWLEDGMENTS:

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. Mid North Coast: Macquarie/Hastings (Birpal), Kempsey (Dhungutti), Greater Taree (Birpal), Coffs Harbour (Gumbayngirr), Clarence Valley and Tweed (Bundjalung). South Coast: Tharawal (South Coast Northern) and Yuin (South Coast Southern).

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Seniors Rights Service

The Aged-care Rights Service is changing. From late November 2015 the organisation will be trading as Seniors Rights Service.

The Seniors Rights Service has operated under several names over its long history - 'The Accommodation Rights Service', 'The Aged-care Rights Service', 'Older Persons' Legal Service and most recently 'TARS'. The organisation was established in 1986 in response to concerns regarding the abuse of older people in NSW. A coalition of community and service organisations came together around these issues. The coalition included the Social Welfare Action Group, the Combined Pensioners Association, Redfern Legal Centre, the Australian Consumers Association, Disabled Persons International, NSW Council of Social Service and NSW Ethnic Communities Council.

The coalition established a substantial body of evidence detailing extreme and systemic abuse including the neglect of residents in aged-care facilities. This was presented to the NSW Legislative Council Enquiry on Nursing Homes and Private Hospitals. Subsequently a range of user rights and measures were incorporated into NSW and national laws. The need for an advocacy service to provide legal advice and education to the community, as well as the aged-care industry, was recognised by both NSW and Commonwealth Governments through their contribution of funding.

Our name and remit has changed several times over the years, our support of older people never has. Now in 2015, following extensive consultations with all stakeholders, the organisation has adopted the trading name of Seniors Rights Service. This signals our intent to meet the challenges of serving the diverse needs of a changing population. Our aim is to provide an effective, integrated and client-centred service for all older people.

Our Purpose...

The purpose of the Seniors Rights Service is to foster communities where older members of society are aware of, actively exercising and defending their individual rights, in a society that respects and values older people and promotes and upholds their rights.

We provide three distinct areas of focus: Legal, Advocacy and Education. Our new logo highlights these aspects of our services that ensure older people understand their rights and have a voice.

President's Report



TARS is there to support all vulnerable older people in NSW and their families. Vulnerability can come for many reasons. Despite our success in life, previous income level or current assets we can all face vulnerability - be it the family power dynamics we experience, the region or location where we live.

Consumer law, legal rights and other entitlements need to be maintained and defended. Too often TARS clients have been provided with inadequate advice and information in relation to their rights leading to them being disadvantaged in aged-care, commercial and other relationships. The Elder Abuse National Annual Report (2014) indicates 4.6% of older people across Australia may experience elder abuse. The report states: "The figures show a demonstrated need to raise the profile of elder abuse, to reach more vulnerable older people".

Abuse and taking advantage of older people is unacceptable in whatever form it takes. TARS legal, advocacy and education teams work tirelessly to counter these challenges.

However, important to me is the way in which our work is conducted. TARS, and as it is soon to be Seniors Rights Service, has a long history of providing information, advice and representation in a manner which promotes the older person and their family to advocate for themselves. We walk alongside people to provide the knowledge and confidence for the individual to stand up for their own rights. At the same time we work on behalf of the individual when this is what they want and need. We also work with aged-care, legal and

other stakeholders to increase their understanding of choice, entitlements and rights when interfacing with older people. In this manner we help set people up for a future where they are 'knowledgeable defenders' of what they are entitled to under legal and government requirements - in the end fairness, equity and respect.

I'm proud of what TARS and its dedicated staff have achieved over its long history and particularly in the last year. 2014/15 has seen the organisation grapple with reaching, and where needed supporting, the estimated 1.1 million people in NSW over 65. Our name change and five year strategic plan are first steps in this process. The need for older people to know who we are and what we stand for is now clearer. 'Your Rights, Your Voice' captures perfectly what TARS, and now Seniors Rights Service, does.

The process of change is never easy and I thank the staff, board, funders and older people stakeholders who have inputted to this process. This year has also seen a continuing journey to strengthen our governance and processes. We have targeted hard to reach older people, particularly older people from culturally and ethnically diverse backgrounds.

Our work to support older people continues. The size of our target population continues to grow as more people in NSW and Australia age. Reform and enhanced consumer choice within aged-care and the complexity of consumer, retirement village and other laws means the Seniors Rights Service is needed now more than ever.



I thank the staff and board of TARS for their continuous commitment to older people and their rights. I look forward to Seniors Rights Service and our stakeholders taking their passion and commitment to the next level in the coming years.

Craig Gear
President, TARS

Chief Executive Officer's Report

The Aged-care Rights Service is changing. Over the past few years the organisation has embarked on infrastructure upgrade, constitutional change, programmatic reform, funding diversification and now a name and re-branding change. While many of the organisation's changes have been outlined in previous reports it is significant to focus on the re-branding of the organisation in this report.

At the time of writing this report the organisation's legal entity and trading name is The Aged-care Rights Service. By the time this report goes to print the organisation will be trading as the Seniors Rights Service. In mid-2015 the organisation entered into an extensive consultation exercise. By engaging an independent, external social researcher the organisation consulted with around 70 stakeholders. This included staff, board members, potential new clients, external stakeholders and funders. While clearly there were a range of views the general consensus as reported to us by the independent researcher was that Seniors Rights Service connected best with clients and also better described the full suite of services offered by the organisation.

Clearly the organisation's name - The Aged-care Rights Service - came about from the advocacy work the organisation has delivered to recipients of Commonwealth funded aged-care services over the last quarter century. However the organisation now offers services to residents of retirement villages, legal services to older people and education around the state in regards to the rights of older people and how

older people can access our services and other relevant services.

The organisation has changed. With this backdrop in mind the people who were consulted in our 'brand review' held the general consensus that the Seniors Rights Service more aptly describes the services provided by the organisation in 2015. Furthermore, by changing our trading name to Seniors Rights Service signals to the external world that our organisation wants to continue to change and wants to be able to deliver an even broader suite of services to older people in regards to their human rights. We look forward to building new partnerships, strengthening existing ones and working in collaboration where possible to improve the rights of older people.

Over the last few years The Aged-care Rights Service has played a strong role in working with all organisations in each state and territory that implement the Commonwealth's National Aged Care Advocacy Program (NACAP) in their respective jurisdictions. The organisations across Australia have formed a unified group known as the Older Persons' Advocacy Network (OPAN). The role of OPAN is to ensure that older persons advocacy organisations across the country work in unison with each other and act as a central conduit to the Commonwealth. OPAN also places our respective organisations on a stronger footing when re-negotiating our aged-care advocacy programs.

In late 2014 our organisation was informed that the funding we receive from the Commonwealth, through the Department of Social Services,

"WE ARE PROUD THAT OUR OVERALL CLIENT SATISFACTION RATING IS 95% FOR THE 2014/15 YEAR"

to conduct advocacy services for recipients of aged-care services across NSW was to be reviewed. All counterpart advocacy organisations in each state and territory are also undergoing the same review. Clearly, our organisation has been extremely active in this process. We have worked under the OPAN umbrella to put a strong case to the Commonwealth. From our point of view advocacy services for those in aged-care is paramount and needs to remain independent from general aged-care service provision. Further, we believe that any review of advocacy funding needs to consider population size, geographic spread and population diversity in each jurisdiction.

In the 2014/15 year the Commonwealth government implemented one of the largest reforms in aged-care in recent decades in Australia. The shift in focus of service delivery to Consumer Directed Care (CDC) has resulted in thousands of Commonwealth funded aged-care recipients receiving services under this new framework. On the whole our organisation supports policy moves that empower consumers of aged-care services. Nonetheless policy shifts on such a large scale often result in confusion and questions from the consumers themselves. As these changes started

to take effect during this reporting period our organisation played a central role in educating and listening to the concerns of consumers. As a result our organisation saw a peak in advocacy services to older people directly impacted by these changes.

We have worked closely with our counterpart advocacy organisations in each state and territory to ensure aged-care reform advocacy is provided equitably and to the same standards of organisations around the country. It is. We look forward to being able to advocate for older people in NSW as Commonwealth reform of aged-care services continues in the years ahead.

In the lead up to the May 2015 federal budget there was a lot of media attention that focused on the prospect of funding cuts to the community legal sector. The sector as a whole advocated strongly to the Commonwealth Attorney-General to ensure those cuts did not take place. Unfortunately the Commonwealth has signalled that cuts of around 25% to the community legal sector will occur the fiscal year beginning July 2017. Our organisation is already looking at administrative efficiencies that will minimise the effects of these cuts.

Our organisation is nimble and efficient. On a relatively small budget of about \$1.8 million the organisation manages to exceed the deliverables asked by our funding bodies. The reports throughout this document on the whole demonstrate that point. We look forward to executing this work and new service types into the future for our growing ageing population.

Russell Westacott
CEO, TARS



Our Staff...



"OUR ORGANISATION IS BUILT ON THE COMMITMENT AND KNOWLEDGE OF ITS STAFF AND VOLUNTEERS. WE APPRECIATE THEIR INPUT OVER THE PAST 12 MONTHS."

TARS Staff

Administration

Russell Westacott
Chief Executive Officer

Sue Rogers-Harrison
Receptionist/Administration Assistant

Stella She
Financial Controller

Bernadette English
Administration Assistant

Diana Bernard
Manager Education, Promotion
& Special Projects

Retirement Village Legal Service

Nalika Padmasena
Solicitor

Kim Boettcher
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)

Advocacy

Pat Joyce
Manager Advocacy

Margaret Crothers
Advocate/Education Officer

Jill McDonnell
Advocate/Education Officer

Ray Horsburgh
Advocate/Education Officer

Jenny Samuels
Advocate/Education Officer

Irene Madden
Advocate/Education Officer

Jannette Fitzgerald
Intake Officer



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

Legal, Advocacy & General Volunteers

Robert Lollbach

Sumaiya Lockhart

Christine Ali

Antonina Pilat

Rosalie Gibson

Vasylyna Ivaniuk

Sandra Clark

Gareth Johnson

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

Legal Aid (NSW)

Human Services / Ageing, Disability and Home Care (NSW), Office for Ageing

Department of Services, Technology and Administration / Fair Trading (NSW)

Commonwealth Attorney General's Department

Community Relations Commission, NSW

Our Reception & Intake...



OUR RECEPTION/INTAKE RECEIVES AROUND 76 CALLS PER DAY

CALL MATTERS INCLUDE:

- ELDER ABUSE • FINANCIAL ISSUES
- COMPLAINTS REGARDING CARE SERVICES
- GUARDIANSHIP AND POWERS OF ATTORNEY
- WILLS • LEGAL MATTERS

Our Reception

The reception area of our organisation is – in many instances the first port-of-call for many of our clients and external stakeholders.

It is a busy hub answering calls, diverting callers to respective staff members, referring some clients to other agencies and responding to emails sent to the organisation's generic email address.

Reception works closely with our Intake position and ensures new clients are given immediate attention by calls being transferred to this vital role within the organisation.

Reception also acts in a 'meet and greet' capacity for when clients visit us in our office. Also, given the organisation now has off-site staff on the Mid-North Coast and South Coast of NSW Reception ensure these staff members are included in call uptake, patching them into all staff meetings and sharing information in relation to staff that emerges in our Sydney office.

Our organisation receives an average of 76 calls per day. It is a busy part of our office. New volunteers in the past year have ensured that some administrative tasks in the reception area are able to be supported.

Our Intake Service

Our Intake service receives scores of calls each day. Callers are triaged and referred to the appropriate service within the organisation. Callers that are seeking a service that we cannot assist them with are referred to the appropriate external service.

Many callers are often distressed in regards to their situation. New clients who are accessing our services are given quick and simple advice. If our advocates, legal and retirement village advice staff are busy with other calls we aim to contact our new client within 24 hours.





**OUR LEGAL
SERVICES
YOUR RIGHTS
YOUR VOICE**

Our Legal Services...



This year has been a year of consolidation and achievement for the legal service. The staff remain unchanged but we have commenced a program of Volunteer intake which has been heavily demanded. We have had 3 solicitor volunteers and many law student volunteers helping TARS legal service throughout the year; a very special thank you to all our volunteers who are always ready to do more than is asked of them.

The Older Persons' Legal Service (OPLS) and the Retirement Village Legal Service (RVLS) core services are to provide phone advice to disadvantaged clients. This year we have exceeded all client centred targets. We also provided additional assistance by way of legal minor assistance and legal casework in certain limited circumstances.

Community education continues to go from strength to strength. Over 600 education sessions were provided across the state. Both solicitors and advocates are actively engaged in education and travel to remote, rural and regional centres to educate the state's seniors about their rights and to support them to make their own life decisions. Solicitors provided 78 education sessions across the state to a wide range of diverse cultural groups on topics such as planning ahead, consumer issues and estate matters. One of the interesting developments this year has been the Legal Health Check.

The Legal Health Check has been designed as an educational tool to allow seniors to assess the security of their own financial and estate planning arrangements. Once they have made this assessment they can seek further advice from our solicitors as they need it.

We have also expanded our community education service to a wider range of culturally and linguistically diverse groups. Worthy of particular mention is the development of radio broadcasts in a variety of languages on the themes of planning ahead and becoming a financially aware consumer. Broadcasts have been developed with Arabic, Macedonian and Croatian older people in mind.

Legal service staff have travelled as far as the Far South Coast, Yass, Orange, Broken Hill and the Mid North Coast to deliver legal education sessions to remote and rural communities. Several education sessions on Planning Ahead were also conducted in Bathurst and Lithgow areas and Glenbrook areas of the Blue Mountains. TARS solicitors presented Planning Ahead Education sessions specifically for Aboriginal elderly women in Young and in Glebe.

We should mention that the legal service also provides legal advice to residents in aged care. We have attended aged care homes to interview residents for the purpose of conducting capacity assessments and meeting with a Director of Nursing to clarify issues facing the resident concerning financial management.

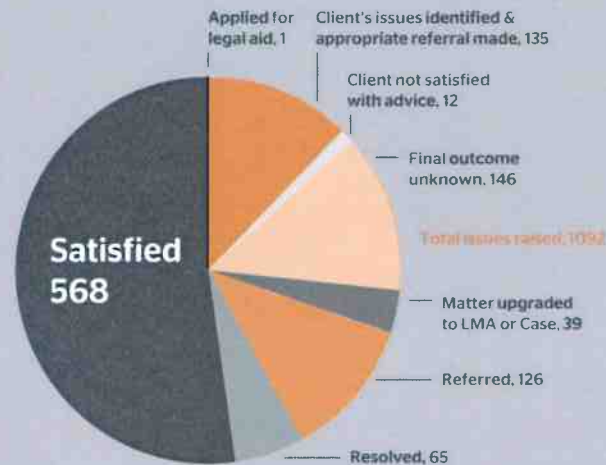
Another area where our legal service has been very active is in developing law reform submissions.

Many of these are in response to government departments' calls for input from stakeholders. TARS has developed expertise in promoting reforms that promote the rights of the older person. To this end TARS was a founding member of the Global Alliance of the Rights of Older People (GAROP) Australia (www.rightsofolderpeople.org.au). We have made submissions to the United Nations Working Group on developing a Convention on the Rights of the Older Person and also contributed to the GAROP Australia submission as part of the 2015 Universal Periodic Review NGO Shadow Report.

We have held meetings with the Office of Fair Trading, one of our major funders, in preparation for a 2016 review of the regulations of the NSW Retirement Village Regulation. We are also active participants in the NSW Civil and Administrative Tribunal Forums. We made submissions on the racial vilification laws in terms of its effects on the older person.

Every year OPLS conducts a client satisfaction survey. In previous years this had been conducted in one month of the year but low survey return numbers prompted us to conduct the survey for 3 months so that the data returned was more statistically valid. Even with a 3 month survey period only a touch over a third of surveys we sent out were returned and they were still trickling in some 4 months after the survey ended. We do appreciate clients who take the time to write comments on the survey be they praising or critical comments. We read them all carefully and adjust our service appropriately where needed.

Outcomes of legal issues Jan - June 2015



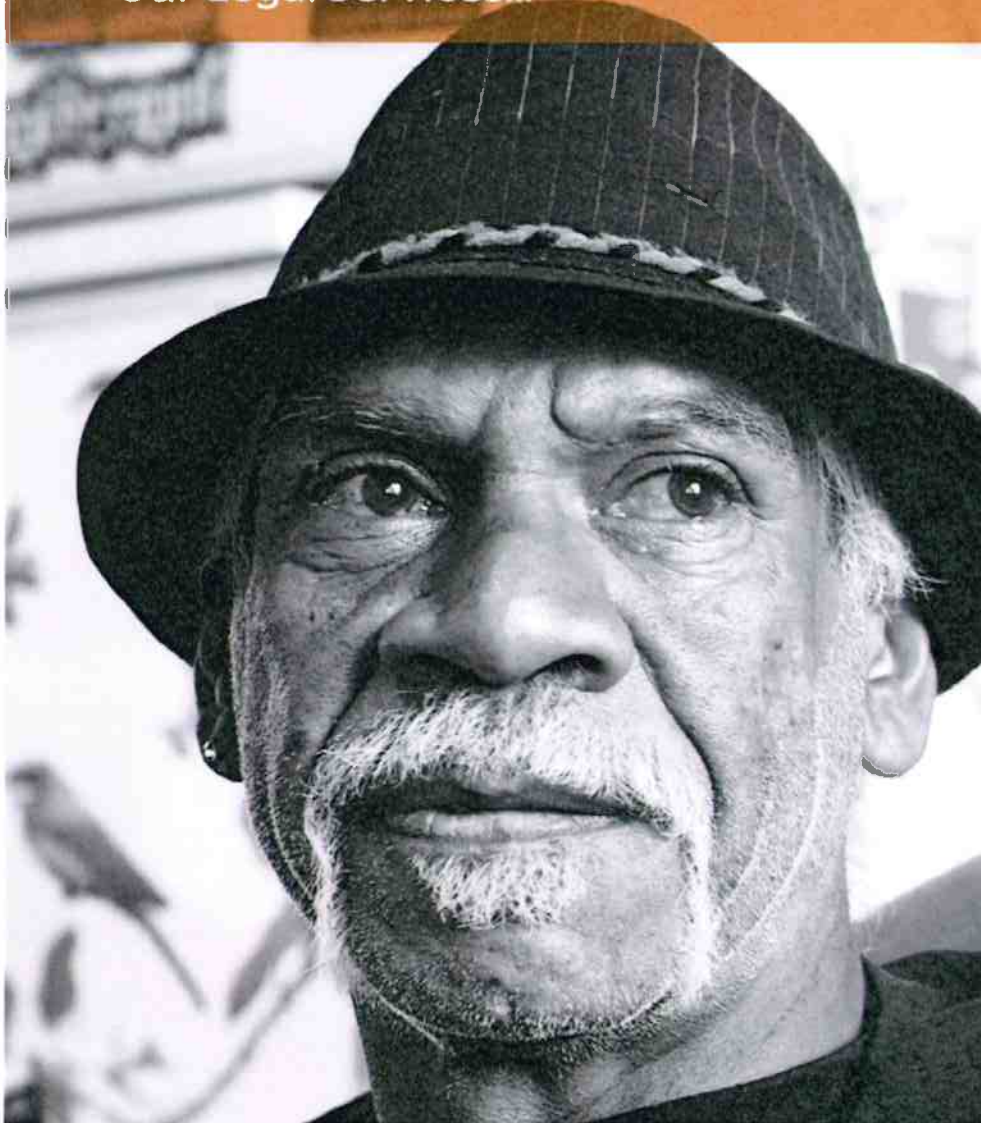
The above chart covers 6 months of data showing the reported outcomes of clients and the issues that they raised with TARS Legal Service. The Outcomes are arrived at by asking the clients and by the professional judgment of the legal staff. Not all Outcomes for all issues are known - solicitors will provide legal advice to a client but whether that advice is acted on or a different course of action is taken by the client may not be reported back. Clients may not be satisfied with the advice for a variety of reasons including advice that indicates their preferred course of legal action has little merit. The relatively small number of clients who were not satisfied with the legal advice is indicative of the professional way that the legal service staff go about their duties.

Where our clients live. Legal enquiries by type and location Jan - May 2015



Clients seeking TARS assistance for the different types of legal assistance that we provide. As you might anticipate more clients live in the metropolitan area but TARS rural regional and remote reach means that we do service very high numbers of clients from those areas. We have used the Commonwealth Department of Health and Ageing definition to define the metropolitan area as being bounded by Newcastle Wollongong and the Blue Mountains.

Our Legal Services...



OPLS continues to develop relationships with other organisations delivering services to older people. We have met regularly with the Legal Aid Older Persons Legal Education Unit to further our joint aims. We have also developed joint submissions with Council on the Ageing (COTA) on the NSW Residential Parks legislation and its particular impact on older people. Another example is TARS working collaboratively with Hunter CLC to assist an elderly client involved in a domestic violence dispute with their daughter and son in law.

TARS is an active member of the National Network of Community Legal Centres Older Person's Network. We contribute to regular telephone conferences and present papers and submissions at the Annual Conference each year. Last year the network met in Alice Springs.

This year TARS has developed a joint project with TAFE and Auburn City Council to present an education forum on elder abuse and to further develop a TAFE teaching package for assisting older residents, particularly victims of elder abuse.

One of the big changes this year has been the introduction of a new database service tailored to suit TARS requirements. This has been a massive project requiring real adjustment by all staff to the traditional way of doing things. Although it has been an uphill learning curve the staff have risen to the challenge. The new database allows for more accurate description of work done, more detailed presentation of issues that arise with our clients and better analysis of the services that TARS provides. One of the benefits of the new database has been that it allows us to easily track trends over time. Of particular interest is the way the issues that clients bring to us for advice evolve over time. Elsewhere in this report we have comparative charts of the scope and range of issues that clients raised over the past year. Although TARS Legal Service is fundamentally a legal advice phone service we have, in very special and exceptional circumstances, represented clients in Court. In the past year we have represented clients in the Local Court, the Supreme Court, the Land and

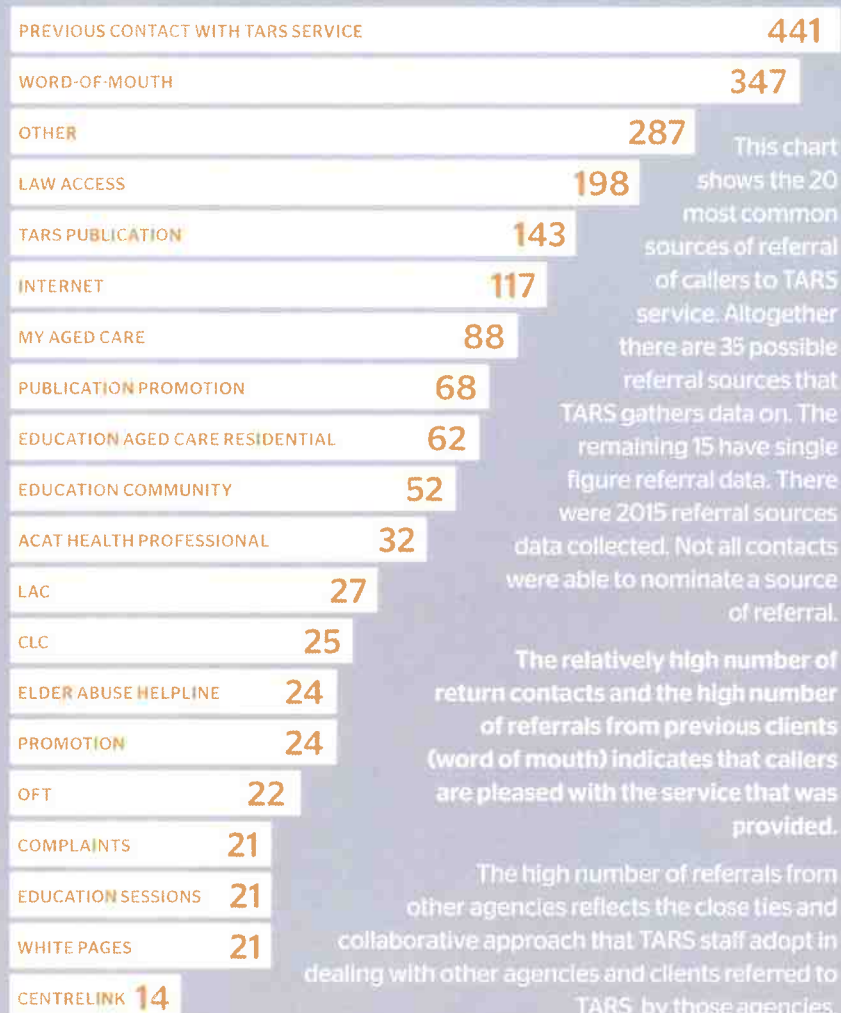
Environment Court, the Federal Circuit Court (Family Law Division) and of course NCAT - Guardianship Division, Retirement Villages Division and Consumer Division. Over the course of the year we have dealt with 44 cases.

All solicitors have achieved their own goals for the year and have kept up to date on developing law by attending well over the mandatory hours for legal training required by the Legal Profession Act. Solicitors have undertaken Continuing Professional Development training in Domestic Violence, Affidavit Evidence, Enduring Powers of Attorney, Dispute Resolution and Planning Ahead in accordance with Education Plans.

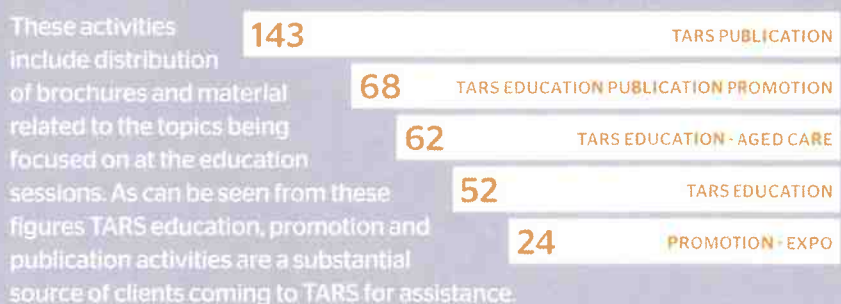
All solicitors in our legal service have undertaken the Diploma of Management and have completed the College of Law Practice Management Course, a requirement for holding an unrestricted Practising Certificate. TARS is fortunate to have very experienced and professional staff.

Tom Cowen
Manager Legal Services

Source of referrals to TARS - 01 Jan 15 - 30 Jun 15



Source of referral to TARS from education material



Legal Case Studies...



LEGAL CASE STUDY 1

Mrs DEF is a tenant in NSW. For the past 23 months her apartment has had a severe problem with water ingress coming from walls and ceiling. At one stage the ceiling collapsed and her lounge suite and other furniture were ruined. The owner replaced the ceiling but despite numerous inspections they have not been able to find the cause of the problem. The apartment is constantly damp and the build-up of mildew has made Mrs DEF's asthma condition much worse and her health is deteriorating. Mrs DEF's doctor has provided a medical certificate recommending an urgent move to alternate accommodation.

The owners say they are still waiting for alternate accommodation to be available. The situation has become so bad that Mrs DEF has had to vacate.

TARS advised that the owners are likely to be in breach of its obligations under the residential lease and are likely to be in breach of section 52 of Residential Tenancies Act 2010 which imposes an obligation on landlords that premises must be in "habitable condition." TARS advised that Mrs DEF is likely to have a reasonable cause of action in damages against the owner in NCAT Consumer and Tenancy Division. We referred Mrs DEF to Tenants Union NSW for expert advice and further assistance.

LEGAL CASE STUDY 2

The caller to TARS is living in the family home. Her husband Mr GHI has Dementia and is in a metropolitan nursing home. The house is in joint names but it needs necessary repairs. The gutters need replacing and a wooden patio has rotted in places and is dangerous.

The caller has not been appointed Mr GHI's attorney under an Enduring Power of Attorney. She is contemplating obtaining finance of about \$10K to do repairs.

The caller also recognises that the house may be sold at a later time for her to go into care and the better condition the house the better the sale price.

We advised that she would need to apply to the Tribunal for financial management of her husband and if successful she would be supervised by the NSW Trustee and this carries reporting responsibilities and accountability which can be quite onerous. Moreover the NSW Trustee might not approve encumbering the house as it is potentially a conflict of interest.

TARS advised that we do not provide financial advice but there were a variety of options she could explore. She should obtain financial advice on each option as well as legal advice about the choices she is contemplating. The caller was referred to Centrelink to enquire about its loan options.

LEGAL CASE STUDY 3

Mrs PQR entered into a Funeral Plan in 1974 with a funeral director for \$300. She continued to make periodic contributions of about \$5 every 3 months until the end of 2014.

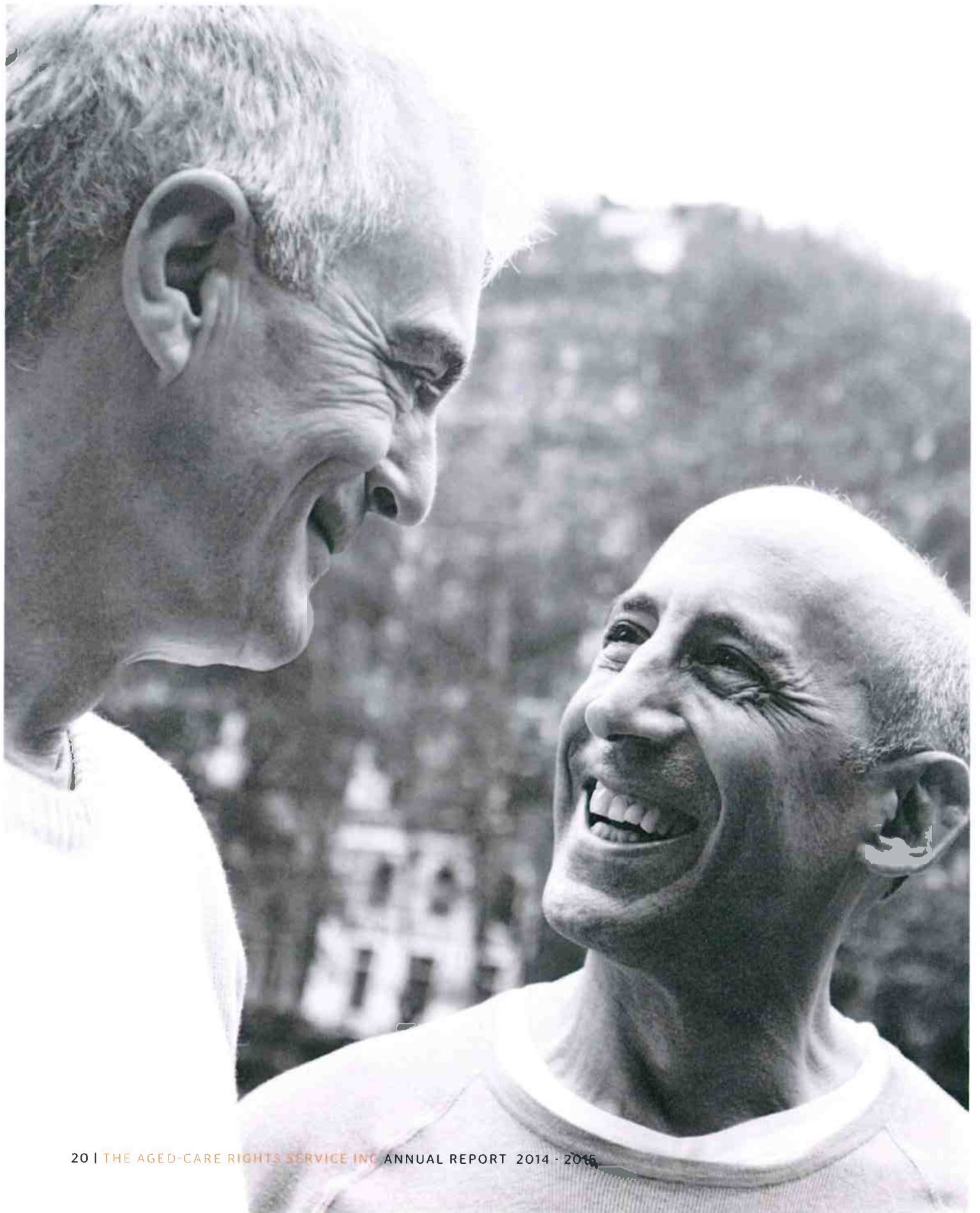
However The funeral director was deregistered in 1996 and a company, who subsequently went into liquidation took over and operated from the same premises and continued to accept payments. The solicitors for the liquidator initially wrote to Mrs PQR and denied liability for the funeral plan on the basis the funeral plan was entered into before the commencement of the Funeral Funds Act and there was no evidence that payments had been made to the liquidated company. TARS solicitors persevered.

Mrs PQR was disadvantaged in that she was in her late 80s with deteriorating health issues.

She faced the issue that her plan was not protected by the Funeral Funds Act and she was being denied a funeral or alternatively reimbursement for payments made over a period of some 35 years. A settlement was reached with the liquidator based on evidence of repayments. As it turned out the liquidator was eventually able to identify more funds than Mrs PQR had estimated that she had paid.

WE PROVIDED NEARLY
200
LEGAL MINOR ASSISTANCES

Legal Case Studies...



LEGAL CASE STUDY 4

Mrs VWX, a very elderly lady, transferred the title in her home to her daughter in return for a right to live there for life. Centrelink were notified. The daughter developed a new relationship and the boyfriend moved into the house. They both took up a drug habit and their behavior towards Mrs VWX was abusive and erratic. The police wanted to help Mrs VWX take out an Apprehended Domestic Violence Order but she was very distressed about doing this. She was sleeping in the car. She was advised she could put a caveat on the title and bring a Supreme Court action claiming a constructive trust over the property. She declined to take further action as her daughter had started to be nice to her again and she did not want to "rock the boat".

LEGAL CASE STUDY 5

An 87 year old client, Mr MNO who lives in a regional retirement village, bought a scooter online from China. The purpose of the scooter is to ride around the village and on a dedicated walkway to the medical centre near the village. The scooter takes two passengers and is slightly larger than normal. The Commonwealth Vehicle Imports office (part of Cth Dept of Infrastructure and Regional Development) has informed Mr MNO that he must obtain consent from the relevant state authority and the retirement village management and obtain an engineer's report before import approval will be granted. We assisted Mr MNO to navigate the tortuous pathways of multiple government departments to obtain the necessary consents because Mr MNO is unable to return the scooter.

LEGAL CASE STUDY 6

Mr ABC aged 88 and in poor health owned a house with his daughter as tenants in common in equal shares. Our client's daughter had been diagnosed with a mental illness and her affairs were managed by the NSW Trustee. The daughter wanted to sell the house and engaged real estate agents to sell the property. The NSW Trustee never approved the sale on behalf of the daughter. Mr ABC signed the agency agreement after undue pressure by his daughter and the agent. Before the auction took place the agency agreement was terminated and the agent sued Mr ABC and the daughter in the Local Court for \$6,000 for expenses incurred. OPLS acted for Mr ABC and defended the claim on the basis that the agency agreement was unjust under the Contracts Review Act, and was void and unenforceable under NSW Trustee and Guardian Act. Further, the agent had been advised verbally by Mr ABC and by his former wife that the daughter's affairs were under management. Additionally, the agent had received the draft Contract for Sale to which was attached the title search and a copy of Caveat lodged by NSW Trustee giving notice of the management order. The agent was obliged under the Property Stock and Business Agents Act to NOT market the property until the draft Contract for Sale was received. Sadly, Mr ABC died before the date listed for the hearing, as a consequence TARS-OPLS could no longer take instructions and withdrew from representing our client. We have advised the Other Party and the NSW Trustee/Guardian.

LEGAL CASE STUDY 7

An elderly woman, Mrs STU was admitted to hospital for treatment and gave her Bank Card and PIN to her daughter to buy her necessities. The daughter then absconded with two to three thousand dollars out of the bank account. This was all of Mrs STU's savings as she was on the age pension. Mrs STU did not pursue the return of the funds until after her admission into aged care. She wanted to relocate to an aged care facility interstate and had the mental capacity to make such a choice, although not physically mobile. She needed funds to finance the relocation. The problem was that she had left it too long for debt recovery action and she was also upset about going to Court against her daughter. She had hoped a letter of demand might settle the matter but the daughter ignored the letter of demand.

LEGAL SERVICES PROVIDED
TO OLDER PEOPLE IN 2015

5,571

Legal Case Studies...



LEGAL CASE STUDY 8

Ms YZA said that in June 2008 she was involved in a car accident on a NSW country road. She suffered personal injury and started Court action for damages alleging that the driver of the other car was negligent. Police report said it was a "no fault" accident.

The accident happened at night. Ms YZA said that the car travelling some distance ahead of her in the same direction collided with a sheep. The car ahead of her then stopped facing sideways in the middle of the road. Ms YZA then collided with the stationary car.

Ms YZA said that her vision was affected by the bright headlights on high beam of another car facing her and stopped on the opposite side of the road.

She said that solicitors in a regional town acted for her on "no win no pay" basis and started action in the District Court. The Defendant denied liability and in January 2014 the Court ordered a verdict for the Defendant plus costs. Ms YZA has not appealed and the Defendant served an itemised Bill for his legal costs claiming \$97,000.

Ms YZA said her only asset is her house worth about \$270,000 subject to mortgage of \$180,000 leaving net amount of equity at about \$90,000. She has tried to borrow more money from a Bank but they will lend only an extra \$36,000. She has a job and can pay some extra money by regular instalments. Her previous solicitor has suggested voluntary bankruptcy.

TARS advised that legal costs claimed by the Defendant may be referred to an independent costs assessor for assessment on what is a reasonable

amount. Application for costs assessment must be filed through the Law Society to the Manager, Costs Assessment within 28 days of service of an itemised Bill of Costs.

We advised that the Defendant is unlikely to accept a repayment plan by instalments and Court Registrar is unlikely to order such payments where a debt of over \$50,000 would take many years to pay off. We further advised that Ms YZA would do well to avoid bankruptcy, and to take control of the sale of house herself in order to ensure that a sale at reasonable market value is achieved.

The salutary lesson of this matter is advising on the risk associated with taking court action in anticipating of winning but instead losing. Legal advice needs to give the possibility of losing (the other side of the coin to the prospects of success) and the consequences that might flow from such a loss due emphasis. The client had probably been lured into a false sense of security by the "no win no fee" agreement with the law firm representing her.

LEGAL CASE STUDY 9

A legal representative (attorney/guardian) contacted TARS insisting their principal had an issue with the Retirement Village in which she lived. However, after talking to the client we determined that she actually lived in an aged care unit. We were able to explain to her the difference between RV and ACF. Even though the entire complex was called an RV, the client is receiving low care services. The client never lived in the RV. Within the TARS team we were able to provide the client with assistance to resolve her problem. A clear explanation and the assistance to resolve her matter was provided by the Advocacy team.

SOME OF THE ACHIEVEMENTS OF OUR
LEGAL AND RETIREMENT VILLAGE SERVICES:

OVER 2,070 TELEPHONE ADVICES
OVER 150 FACE-TO-FACE INTERVIEWS
NEARLY 2,700 LEGAL REFERRALS
AND NEARLY 700 LEGAL INFORMATIONS
WE OPENED 66 CASES AND CLOSED 41





**OUR ADVOCACY
SERVICES
YOUR RIGHTS
YOUR VOICE**

Our Advocacy Services...

The past year has required a steady focus from all advocates to keep abreast of the many changes especially in relation to home care packages. Advocates were available with up to date information and were able to inform and protect the rights of many older people who voiced concerns. The Department of Social Services has provided many forums and updates via web and email to inform clients and service providers of the new changes to aged care service provision. All advocates attended the briefings and network meetings and asked questions from the floor.

Advocate/Education Officers were able to reach many care recipients, their families and also staff in the planned education sessions in metropolitan, rural and remote areas of this vast state. Our two regional workers were able to attend more network meetings and provide information sessions leading to partnerships and collaborations with many community groups. These services now understand the extent of the work TARS does in advocacy and legal support to older people across NSW. In turn, these community networks have elevated the presence of TARS in their areas.

Our advocates have assisted 920 recipients or carers with advocacy matters, dealing with issues of security of tenure in their aged care home, quality of care, specified care and services, staff skills, fee disputes and communication systems. This is an increase of 452 advocacy cases from the previous year. Another 1327 people including other family members, ACAT and concerned professionals, including aged care managers caring for clients, have been assisted to access information on aged care rights and standards of care. These calls are 572 more than we responded to last year.

In the area of home care, as well as being strong advocates for low income older people who have experienced a reduction in service hours (up to 50%) and an expectation they would be able to contribute more to the costs (also 50% increase), we have assisted aged care service providers to develop clearer lines of communication and involve the older person in choosing and planning their own care, which is a different concept to how they have been operating in the past.

We have been integrating a new data system this year so the reported statistics may appear to contrast greatly with previous years. Advocates have endeavoured to meet with clients face to face as much as possible to provide support and clear communication about issues and options available to the older person. Again, with our regional workers, and advocates, being at the right place at the right time has meant that both rural and metropolitan clients have had the benefit of individual advocacy in their familiar environment. Advocates have attended meetings with clients from residential, home care and HACC (now Commonwealth Home Support Program) clients and their service providers and been able to resolve issues early. We continue to receive repeat calls from those people we have assisted over the years, and our information brochures and now our website are providing vital links to advocacy support to many older people and their families.

Over the year we have met on several occasions with the Department of Social Services (DSS) and re-initiated quarterly meetings with DSS State Office and the Aged Care Complaints Scheme. We have been discussing advocacy issues, specifically the transition to Consumer Directed Care, rights and agreements, fees and hours of service as we have received a significant number of calls from older people who feel disadvantaged by the changes.

The advocates have had many interactions with My Aged Care and possibly influenced the need to introduce the CDC Transition Hotline to address irregularities in fees and retention of the services older people

need to remain in their homes and avoid early admission into residential aged care.

We have continued to seek to identify callers in Special Needs Groups: Aboriginal and Torres Strait Islanders, Culturally and Linguistically Diverse (CALD), War Veterans, Dementia, Rural, Care-leavers, Lesbian, Gay, Bisexual, Transgendered, Intersex (LGBTI) and have been pleased to report we have reached our targets for these most vulnerable people in society. Our efforts will continue to support these groups with targeted projects and building relationships in communities.

Commonwealth Home Support Program (CHSP) clients have been slow to contact us over the last year. Advocates provided advocacy for 45 clients from this group, and assisted another 12 people with enquiries about home support. Advocates delivered 186 community education sessions which comprised of older people some of whom were home support recipients, or potential recipients. We also attended 10 community service meetings where home support staff were made aware of the advocacy and legal roles that TARS provides.

My sincere thanks goes to the Advocacy Team, and the Legal Team for collaboration in complex issues, and our Administration staff and volunteers, and of course our CEO and Board for their ongoing commitment and professionalism in a very busy year.

Pat Joyce
Manager Advocacy

Our Advocacy Work - Quick facts

Education	274 sessions to residents 155 sessions to residential staff 49 to home care recipients 65 sessions to home care staff	Total 10,990 participants (406 total education sessions whole service)
Education in regions	Metro Regional/rural Remote	288 96 12
Advocacy	920	Self advocacy 624 Assisted to advocate 252 Face to face 15
Enquiries	1327	
Information resources posted	607	
Who made contact	Recipient Carer Allied health worker Industry/staff Other	779 562 40 64 55
Geographic area all contacts	Metro 1200 Regional 452 Remote 30	Advocacy metro 434, rural 102, remote 10 Advocacy/Enquiry metro 766, rural 350, remote 30
Issues	Agreements/Bonds/Deposits Financial Fees Access to appropriate care Info/consumer rights Assessment/care planning Security of Tenure Medication/care issues Choice/decision making Complaints system Staffing Alternative decision making Abuse Equipment Behaviour management Social interaction Other environment/falls/critical incidents	446 279 204 181 148 148 112 111 78 73 67 59 56 50 26 19 17
Referrals to Complaints Scheme	Residential care Home Care packages	146 36
Referrals to	My Age Care ACAT	110 77
Referred by	Word of mouth TARS publication TARS webpage Education aged care and community Complaints Scheme Community Legal Centres incl OPLS ACAT/Health Elder Abuse Helpline	592 549 255 238 49 71 69 45

Our Advocacy on the Mid-North Coast



Jill McDonnell.
Mid-North Coast Area Regional
Advocate/Educator

The Mid North Coast and the Northern Rivers regions of NSW are popular “sea and tree change” destinations for retired people. The area has a significantly higher proportion of people aged 65 at 20% compared to the NSW average of 15%. The percentage of people aged 65+ is forecast to increase to 30% by 2031 compared to the NSW average of 20%. Within the region there are also higher concentrations of Aboriginal and Torres Strait Islander people aged 50+ particularly in Port Macquarie/Hastings (Birpai), Kempsey (Dhungutti), Greater Taree (Birapai), Coffs Harbour (Gumbayngirr), Clarence Valley and Tweed (Bundjalung). (Source: NSW North Coast Ageing Strategy)

In terms of CALD populations the Mid North Coast has a high percentage of Australian-born residents of

which each local LGA having at least 80%. The small percentage of CALD residents are mainly from German, Dutch, Italian and South African backgrounds.

In particular Port Macquarie-Hastings has been known as “God’s Waiting Room” with 32% of the population aged over 60 years. One of the villages in this council has the oldest population per capita in Australia; and the area has the third highest prevalence of Dementia in NSW. Port Macquarie-Hastings is made up of 34 different communities with a population of 76,563 people in a 3700 square km area including Port Macquarie the largest regional town, beach-side communities, small villages, and rural properties.

Consequently the opportunity for TARS to have Advocate/Education Officer, Jill McDonnell, based on the Mid North Coast is both fortuitous and significant for the current reach and future growth of the organisation.

233 ADVOCACY SERVICES PROVIDED
53 EDUCATION SESSIONS DELIVERED

During the last year in the region I have ensured TARS presence with:

Interagencies & Networking:

- DVA Community Support Service
- HEAPN - Hastings Elder Abuse Protection Network
- Mid Coast Communities - Regional Council for Social Development
- Northern Rivers Social Development Council
- Mid Coast Interagency - Taree
- Upper Mid North Coast Elder Abuse Interagency Collaborative
- Port Macquarie Welfare Network
- Kempsey Nambucca CLSD Network
- Legal Aid Port Macquarie
- Port Macquarie Neighbourhood Centre
- Wauchope Neighbourhood Centre
- Kempsey Nambucca CLSD Network

Expos:

- Coffs Harbour - Ageing Well Expo
- Newcastle Family and Carers Expo
- Hastings Community Connect Day
- Sensational Seniors' Expo Port Macquarie
- Port Macquarie NAIDOC Week Expo

Symposiums & Conferences:

- North Coast Ageing Symposium
- "Mid Coast Community Care Conference"
- DSS Forum - Aged Care Changes Briefing
- Dying with Dignity Forum Port Macquarie
- The Big Chat about Creative Ageing Seminar Port Macquarie - Mid North Coast Ageing Strategy Workshop

Presentations & Information Sessions:

- In excess of 60 presentations to aged care home residents and staff, community groups, professionals, senior citizens and carers organisations.

News publications:

- Articles: "Wauchope Gazette", "The Independent - Port Macquarie"
- Articles: Wauchope Neighbourhood Centre Newsletter

The Hastings Elder Abuse Prevention Network was formed in 2012 as a collaborative interagency of a diverse group of legal, health, advocacy and aged care organisations on the Mid North Coast of NSW who are concerned about elder abuse in their client groups and the wider community. I have had the permission and privilege of coordinating the network since March 2015.

"I acknowledge the Traditional Owners, Custodians and Elders, past and present, of the Mid North Coast land on which I live and work."

Our Advocacy on the South Coast



Margaret Crothers.
Southern NSW Area Regional
Advocate/Educator

Networking:

Prior to my relocation to the South Coast TARS had no staff representatives on any of the local networks or interagency groups. Now TARS is represented at all of the following and the list is expanding as new relationships are forged. This networking has been very successful and now TARS is being invited to participate in events.

- HACC Regional Forums - attend meetings at Dapto, Nowra, Queanbeyan/Batemans Bay
- Member of the Ulladulla Community Resource Centre
- Networking with South Coast Community Legal Centre - Nowra
- Joined the South Illawarra Interagency - Meet at Ulladulla monthly. I have had information

about TARS services placed on the Ulladulla Community Resources Information/ Contacts sheet

- Eurobodalla Aged Care Interagency - meet at Moruya monthly
- Joined the Network Providers Meeting at Nowra which involves senior staff from the major aged care providers in the region.
- Joined the Eurobodalla Dementia Network

Presentations/Expos/Forums:

Prior to my relocation to the South Coast TARS staff were only able to visit the 3 regions of Shoalhaven, Eurobodalla and Bega for a one week Education and Information trip once every three years. Now I am available to meet the requests for information sessions, forums, symposiums and expos when invited to participate.

Information sessions on the South Coast:

- Ongoing bookings with the aged care homes located from Kiama to Eden in order to meet the NACAP guidelines
- Information sessions with community groups, seniors groups, special interest groups as requested

I have provided 104 information Sessions this financial year to aged care residents and staff and community groups across all the South Coast regions. Previously TARS staff would have only been able to provide 15-20 sessions in one of the regions.

Education and Information Trips to:

- Wagga/Lockhart - from a request by HACC, Retirement Village residents and the local Mental Health Unit at Wagga Base Hospital
- Central Western NSW planned NACAP trip to Junee, Coolamon, Temora, Condobolin, Lake Cargelligo and Hillston
- Albury/Holbrook & Henty - Information sessions requested by local Retirement Village residents and aged care providers:
- Albury/Greater Hume and Corowa - NACAP requirements
- Retirement Villages: Wagga/Albury
- TARS Presentation in conjunction with Fair Trading in Cowra at a Community Workers Forum
- South Coast Community Legal Education (CLE) trip with Meg Small TARS solicitor - Planning Ahead talks for Seniors in Batemans Bay, Bega, Merimbula,

Moruya, Ulladulla, Nowra and Berry

- Working with the Northcott Organisation in Queanbeyan to provide CLEs on Planning Ahead to Grandparents as Carers in Batemans Bay and Bega.

Forums Symposiums and Expos:

- Shoalhaven Professional Aged Care Symposium 2015 "Building Partnerships in Aged care" - Presentation
- Batemans Bay Alzheimer's NSW Symposium 170 participants - TARS had a promotional stand at the venue
- Seniors Expos in Nowra and Ulladulla - TARS was invited to provide an Information Stand
- Attended the Aged Care Changes Forum in Canberra
- Attended the AAG & ACS Regional Forum in Batemans Bay

Other Activities:

- **Training:** LGBTI Aged care training - one day training for workers in the aged care sector to promote a better understanding of the needs of LGBTI people and provide staff with more confidence to deliver an inclusive, best practice service
- **Advocacy:** Daily Intake Duty taking phone calls and follow up advice to clients

Note: regional advocates still operate as if they were working in the TARS Office when it comes to Intake calls. Calls are put through to us from the office and we deal with them as we have always done. - callers are not aware that they are talking to an advocate

in a regional area. Advocates are rostered on 5 days a week am/pm either as first call recipient or back up person. Follow up advocacy and casework is completed as required by the NACAP Guidelines.

If face to face advocacy is required for clients living in our local area then callers are referred to the relevant regional advocate.

- **Face to face advocacy:** the introduction of CDC Home care packages has required face to face meetings with clients to assist them to understand the new changes.

Website:

- Add NEWS items and photographs to the TARS website/daily.

Future activities:

- Meeting with the South Coast CLC, Mission Australia Nowra and the Bay & Basin Community Resources Group with a view to working more collaboratively on outreach to local regional clients.
- Research and networking for new funding applications - to work with Medicare Locals providing information sessions to local Doctors' Surgeries and Medical Centres.

98 ADVOCACY SERVICES PROVIDED

99 EDUCATION SESSIONS DELIVERED

Advocacy Case Studies...



ADVOCACY CASE STUDY 1

Many clients who are transitioning from Community Care Packages to Consumer Directed Care have been raising concerns that they had been forced to sign interim agreements reducing their hours and increasing fees. Advocates were able to explain the new guidelines and reassure clients who only receive a pension that they are protected by a grand-parenting clause. Following consultation with the Department of Social Services they have sent letters to transitioning clients stating that their package of care will not be affected. In response to information from advocacy bodies and many referrals to the Aged Care Complaints Scheme, a CDC Transition Hotline has been established to deal with the many concerned older people who faced early admission to a residential care facility if they could not manage at home with reduced care and higher fees.

ADVOCACY CASE STUDY 6

A woman from a culturally and linguistically diverse background had been approved to receive a Consumer Directed Care package. Her son contacted TARS advocates as he felt the administration fee of \$500 per month service fee was added to, and not part of, the fee account. Also a case management fee of \$400 per month. The client felt she did not need a case manager. The advocate explained the woman's rights and suggested her son speak with the service provider, and if not satisfied, had a right to make a complaint with the Aged Care Complaints Scheme.

ADVOCACY CASE STUDY 2

Advocates assisted a son in his mother's health assessment issues. Nothing was resolved following a face to face meeting at the aged care home. There had been a change in management in that time. Advocates wrote a letter to the new manager and she contacted us and addressed all the health assessment issues immediately. The son was extremely pleased and wrote a letter of thanks to TARS. The manager expressed her thanks for TARS' assistance for this family in this matter.

ADVOCACY CASE STUDY 5

An eighty one year old man had not paid his home care fees for several months and was now faced with a large debt. A TARS advocate assisted the man to approach the aged care service provider to seek assistance from the NSW Trustee and Guardian for financial management to ensure the man is not denied service due to his debt. The advocate also advised the man about making a financial hardship application if his circumstances were beyond his control.

ADVOCACY CASE STUDY 4

A man receiving home care since 2011 has transitioned to a CDC Home Care package Level 2. His fees have increased from \$150 per week to \$350 per week. He has decided to move to a private service which is much more affordable for him. He was also referred to the CDC Transition Hotline to provide feedback to them of his experience.

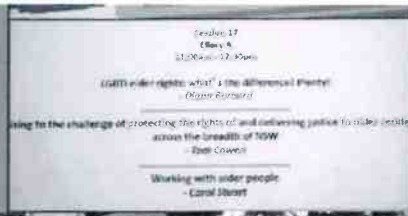
ADVOCACY CASE STUDY 3

The Public Guardian contacted TARS with an issue of heating and cooling. The Guardian had received an account for installation of air conditioners for 10 clients who lived in aged care homes. The advocate explained the guidelines on Specified Care and Services and Residential Agreements and the Guardian was able to advocate for her clients. The Guardian was also encouraged to contact the Complaints Scheme as this was a systemic issue and needed to be reported to the government.

ADVOCACY CASE STUDY 7

A woman had been receiving care and services from an EACH package for the last 5 years. Since transitioning to Consumer Directed Care, she has been charged for rental of a commode chair - \$30 per month. The woman argued that it was not fair as she had been provided with equipment under the previous agreement, and no mention of equipment hire was made in her CDC agreement. She made enquiries and a new commode chair can be purchased for \$150. The advocate wrote a letter to the service provider on the client's behalf and when no answer followed, was referred to the CDC Transition Hotline to make a complaint.

**GREATEST
ADVOCACY ISSUES:
AGREEMENTS, BONDS
& ACCOMMODATION
DEPOSITS**



**OUR EDUCATION,
PROMOTION,
& SPECIAL PROJECTS
SERVICES
YOUR RIGHTS
YOUR VOICE**

General Education and Promotion...

Our organisation continued to provide education to older people who are recipients of Commonwealth funded aged-care services, residents of retirement villages, community groups (such as Lions and bowling clubs). Our education is also delivered to staff of Community Legal Centres and staff of aged-care facilities and home care service providers. Our reach this year exceeded targets we have with our funders. Our staff have travelled around the state to ensure our service and the rights of older people are understood. This body of work is core business of our organisation but in addition to this we have also worked on special projects to enhance our reach with marginalised communities.

The theme this year has been change: for Education that has included attempts to expand our reach further to other high needs groups. Last year we engaged with the lesbian, gay, transgender and intersex (LGBTI) community after recognising their lower access rates.

This year we focused on culturally and linguistically diverse communities (CALD) as another low access, high needs group. We applied for and received extra funding via two grants for special projects in this area and increased our general and legal community education for CALD people across NSW.

Ongoing service quality improvement has also been a goal with the editing of presentations in regard to style and the development of several new resources to better reflect our organisation and the broad population it aspires to reach. This has included updated LGBTI and CALD brochures and inserts.

We developed a new website and data collection system which has resulted in significant change for staff as we try to gain a more accurate picture of our day to day activities. The website has had increased 'hits' and we are able to post items of significant interest including training in a more accessible way. We have updated news (added daily) and events and pictures posted as they arise.

We have advertised in different mediums including community radio (SBS and several others - see Special Projects) and diversified the publications in which we advertise

(Regional papers, Veterans Magazine/online, Bowls Plus) to broaden our reach.

Whilst we still participate in major Seniors Expos and events such as the Sydney Retirement & Lifestyle Expo and the Royal Easter Show we have cut down on the more general expos to concentrate our efforts in areas where evidence tells us we are effective. Seniors Week events are often a better arena to capture our target audience. Multicultural partner events expand our reach with those organisations and their understanding of how we could partner to the advantage of both organisations.

Diana Bernard,
Manager of Education and Promotion

OCCASIONS OF
SERVICE DELIVERED
ACROSS OUR
ORGANISATION
WAS TO MORE THAN
35,000
PEOPLE
THROUGHOUT NSW



TOTAL VISITORS TO WEBSITE FY 14/15

51,132

OF THOSE
77.3%
WERE NEW VISITORS

NEW WEBSITE

POTENTIAL REACH OF OUR PROMOTIONAL EFFORTS FOR OUR SERVICES JULY 2014/ JUNE 2015

Medium	Location	Potential Reach
Sydney Royal Easter Show	Sydney	-1,500 visited stand
Sydney Retirement Expo	Sydney	17,350 in attendance
EID Arabic Festival	Western Sydney	-5,000 in attendance
Legal Topics Diary (partnership w/ Legal Aid, NSW)	NSW	120,2014
Radio 2CH	Sydney	310,000 listeners; 80 broadcasts
The Senior newspaper - ads plus one editorial	NSW/ACT	1.3 million per month
The Retiree newspaper - ads plus one editorial	Australia wide	508,000; eight issue per annum
The Last Post newspaper	Veterans across Australia	50,000; print plus e-newsletter
Go 55s newspaper	NSW	35,000; four issues per annum
Bowls Plus	NSW	110,000
Local Independent	Hastings Region	52,000; advertised twice
The Muslim Times - ad plus editorial	Sydney	70,000
Playing cards with educational messages in Arabic	NSW	1,600 estimated card players
TARS branded brochures, booklets, posters, pens etc.	NSW	>73,000 items distributed
Afternoon Delight - LGBTI Seniors' Film Festival	Sydney	-400 attendees
Rural Seniors - ad and editorial	NSW	55,000; advertised once
Sutherland Shire Services Directory	Shire, Sydney	4,000; advertised once
Young At Heart Film Festival - ad before each screening	Sydney	-8,900; annual event

Activity, Sessions & Attendees...



NALIKA PADMASENA RECEIVES THE HARMONY AWARD FROM PREMIER, MIKE BAIRD FOR SERVICES TO MULTICULTURAL COMMUNITIES
SEE OTHER KEY GENERAL ACHIEVEMENTS ON THIS PAGE

Staff presented our work at several conferences. Some examples include:

Conference presentations provide an opportunity for stakeholders to see our skills and TARS to broaden our profile which assists in the development of future collaboration and referral.

1. National Community Legal Centres Conference - Diversity in Aged Care Alice Springs August 2014 (Manager Education/ Principal Solicitor)
2. National LGBTI Conference - LGBTI Elders what's the difference - Melbourne November 2014 (Manager Education)
3. Community Leaders Forum presentation (DSS) for Multicultural Community Leaders - TARS work and CALD specific work - Western Sydney April (Manager Education and Manager Advocacy)
4. CALDWAYS Conference organised by PICAC - Overview of TARS work in general and CALD specific - Western Sydney June (Advocate)
5. Third International Conference on Ageing in a Foreign Land - Flinders University - 'Reaching Out - Culturally responsive legal rights information' - Adelaide June 2015 (Manager Education)
6. Inclusion, Innovation and Diversity Conference June 2015 - Legal aspects of privacy for carers (Solicitor)
7. Shoalhaven Professional Aged Care Symposium - Building Partnerships in Aged care - (Advocate)

Other key general education achievements

- i) One of our solicitors received the Stepan Kerkyasharian Harmony Award this year for services to multicultural communities presented by Mike Baird the Premier of NSW. The award was for recognition of education of migrant women's legal rights while providing a safe environment. This solicitor is also a member of the Regional Multicultural Advisory Council of NSW where she has raised the issue of the requirement for interpreters in aged care, the care needs of CALD elders and the mandatory sensitivity training required for CALD aged care staff.
- ii) Another of our solicitors travelled to Shoalhaven, Eurobodalla and Bega where she provided joint education sessions with one of our advocates which was aimed at Aboriginal and Torres Strait Islander Elders, Carers and Grandparents caring for young/disabled children on legal and advocacy issues pertinent to these groups. The sessions were well received.
- iii) We also provided education sessions for other community legal centres at the CLC Quarterlies.

EDUCATION SESSION
ATTENDEES FY 14/15
22,146

General Education audiences include:

- Department of Social Services – aged care services residents and residential care staff
- NSW Home Care staff and care recipients
- Retirement Village residents
- A great diversity of community groups including TAFE students, professionals, Probus Clubs, Seniors groups, Multicultural Resource Centres, Councils and many more.

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

Multicultural Groups

Arab Council of Australia groups, Italian, Pacific Islander and Indian groups, Vietnamese Seniors Association, Maltese Seniors, Co. As It Seniors (Italian), Eastern Sydney Multicultural Access, Multicultural Communities Council Illawarra, Macarthur Diversity Services, Multicultural Expo Eastwood, Inner West Multicultural Dementia Expo, Multicultural Chinese, Vietnamese and Assyrian.

SUMMARY OF EDUCATION SESSIONS FOR JULY 2014/ JUNE 2015

Activity	Sessions	Attendees	Location	Sessions
Residential Aged care	274 for residents ACF	3879	Regional/ Rural	267
	155 for staff ACF	2890	Remote	29
Home Care	49 for recipients HC	773	Metro	313
	65 for staff HC	461		
Older Persons Legal Service	33	450		
Retirement villages	17	500		
Community workers	21	706		
Hospital staff	6	198		
Carers	22	710		
Projects	8	580		
Events Seniors Week	11	790		
Expos	10	2400		
Professionals	32	428		
Students	8	287		
General Public		5089		
Total		22,146		

Identified as in sessions	Attendees
CALD	2005
LGBTI	454
Dementia	192
ATSI	28
Young People with Disabilities	11

33 sessions were interpreted

Our Special Projects... Multicultural Advantage Grant

Our organisation is always looking for project funding so that we can reach and provide services to more people. During this reporting period our organisation received funding to conduct services to people of culturally and linguistically diverse backgrounds. We showcase these projects in this section of our report.



This project was funded for one urban and one rural location to inform participants on the rights of older people and elder law issues that may impact them.

We chose Griffith where 14.35% of the population are CALD and Western Sydney where 40% of the population are CALD (2011 Census).

Griffith

The CALD groups reached were older people from the three main cultural groups in that community including Italian, Indian, and Pacific Islander and some other smaller, diverse nationalities such as Afghani. The project consulted with local community leaders, service providers and local interpreters to reach the audience.

- We ran a legal workshop for Italian, Indian & Pacific Islanders with a panel of their cultural leaders, interpreters and local service providers
- Lunch was provided with local food from the 3 communities
- Case studies were used on screen to stimulate discussion
- The cases included issues around financial gifting and borrowing as local leaders had suggested these were of concern
- Sessions were evaluated for new knowledge and understanding via tick box with assistance from an interpreter
- We then participated in a Multi-Cultural festival with 500 people from various cultures in the community
- We had a stall with brochures and a lawyer answering legal queries

GRIFFITH WORKSHOP EVALUATION FORM

Nationality - Italian 29, Indian 8, Pacific Islander 4

Response to the following statements:	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I found the workshop useful	31	8	1	-	-
I found the facilitators presented well	34	6	-	-	-
I found there was good opportunity for discussion	26	12	2	-	-
I found the workshop was well organized	37	2	1	-	-
I liked the examples of cases	31	6	1	-	-

What was the most valuable thing you learned at today's workshop?

"I like the format, the stories and discussion" "It was good to bring community together to discuss" "The lawyer was good and questions from the people" "I did not know about losing the pension" "I will think before signing" "The importance of getting advice" "Explaining of confusing topic"

Western Sydney

- Initially we participated in an EID Festival to gain contacts
- We partnered with the Arab Council of Australia to provide sessions with seniors from Iran, Iraq, Lebanon, Egypt and Syria that were already involved with the Arab Council seniors groups
- We examined wills, gifting, granny flats, elder abuse & other issues of concern to participants with the use of an Arabic interpreter
- Case studies/stories were used on screen with key questions handed around regarding the cases/stories
- Sessions were evaluated with tick box due to literacy/language considerations with the interpreter
- All participants evaluated positively in terms of usefulness and comprehension
- We catered a light Halal lunch to allow for further discussion

EVALUATION ARABIC GROUPS

Response to the following statements:	Yes	A little	No
I knew about TARS before	0	4	64
I knew about the things we talked about today	3	8	57
The discussion was easy to understand	57	11	0
I could talk about these things with family/friend now	30	30	4
I know where to go for help	54	14	0
I liked the examples of stories	63	5	0

What was the most valuable thing you learned at today's workshop?

"Stories good" "Explaining the things" "Don't always trust family" "Be careful amount of money you give" "Get information before sign" "I like explaining about the will" "I learn to be more careful" "Where you can go"

Anything else you would like to know?

"Some written resources" "What to do with property from overseas"

Summary

In its project work TARS has attempted to deliver outcomes which support the goals of the National Aged Care Strategy for People from CALD backgrounds of 2012-2017 including:

Goal 2 "achieving a level of knowledge, systems capacity and confidence for older people from CALD backgrounds, their families and carers to exercise informed choice" and

Goal 3 "that older people from CALD backgrounds are able to have the confidence to access and use the full range of ageing and aged care services"

As well as the goals of the NSW Ageing Strategy which aspires to:

- Provide up to date information for seniors
- Provide support for vulnerable older people
- Provide consumer protection
- Increase the number of people completing legal documentation

The projects' outcomes have been presented at 2 conferences to promote the activities, the organisation and facilitate partner knowledge and reach.

Resources developed as a result

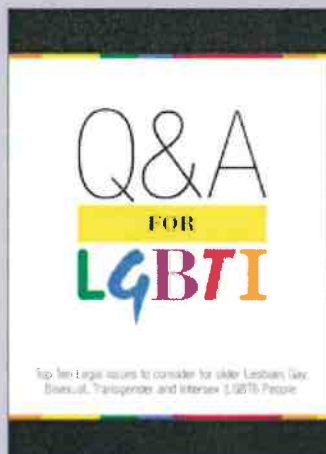
We **developed** a new CALD brochure during this project combining the **languages** most frequently requested.

We also **developed** a set of Arabic and English Playing Cards with legal tips as we were told this was a favoured option for a resource in terms of **information dissemination**. These can be **translated** into other languages if required.



Our Special Projects...

LGBTI Inclusive Service Delivery in Community Legal Centres



At the last National Community Legal Centres Conference in 2014 a small group of interested CLCs including the TARS Education Manager formed a sub-committee to further community legal centre LGBTI inclusivity.

We developed the project via Teleconferences between the 5 representatives across Australia.

Five community legal centres participated in the pilot project (Northern Rivers, ICLC, Caxton, Darebin and Darwin).

We provided webinar training after an audit of inclusiveness, a pre survey, a post survey, and an interview 6 weeks after the training.

Work materials for participants to use in their practices (including references, visuals and intake forms) were collated from existing sources into a drop box.

The project was presented at the National CLC Conference and the group will examine whether funding can be obtained from the National Association NACLCL or other bodies for a roll out of the process to all community legal centres in Australia.

Our work with LGBTI communities builds on last year's work of targeted resources and campaign material as well as a number of LGBTI forums around the state.

Our Special Projects...

Borrowers Beware A Partnership Grant from Legal Aid

This Project was to work with Arabic and South Eastern European Elders (Macedonian, Serbian & Croatian) as Legal Aid DATA indicated that 25% Arabic and 16% of South Eastern European people predominated amongst cases involving financial products.

The aim was to raise awareness of the issues and for elders to make more informed decisions.

The information was to cover the risks of entering into financial arrangements including gifting, mortgages and guarantees secured against people's homes.



**BORROWERS BEWARE TEAM
TARS AND LEGAL AID**

- The project was guided by a Steering Group
- The Manager of Education then consulted broadly with a range of providers including Multi Cultural Resource Centres, Arab Councils, Diversity Services, and CALD Community Welfare organisations. It also engaged community leaders
- Following consultations with the community it was decided to provide information via community radio broadcasts as it was suggested community radio would be the most effective medium for this age group
- We consulted with Community Radio stations including SBS, Croatian National radio, 2 RRR, Beo Group (Serbian), 2SSR (Macedonian), Radio 2000 (Multilingual) and Voice of Charity (Arabic)
- Four advertisements were developed targeting elders in these communities and their adult children and were aired in August and September which we shall report on in the next financial year
- Evaluation is both quantitative (number of broadcasts, number reached, language, station etc) and qualitative. The qualitative evaluation will look at how the partners found the process, the actual advertisements and stories, the effect on their clients and advantages and disadvantages of our process. We will also be asking the community radio stations to comment in this manner
- We anticipate some immediate impact and some longer term outcomes



Our International Work...

Global Alliance of the Rights of Older People Australia (GAROP Australia)

TARS is a founding member of the Global Alliance of the Rights of Older People Australia (GAROP Australia). This alliance of organisations representing older people and advocating for older people was formed in February 2014. Its first meeting was held at the offices of the Australian Human Rights Commission, with the strong support of The Hon Susan Ryan AO, Age Discrimination Commissioner. GAROP Australia was formed as a result of recommendations made in the Chairman's report from the UN Open-ended Working Group on Ageing (4th Session), New York, 2013 to form regional 'circles of friends.'

TARS delegates attended both the 2013 and 2014 United Nations Open-ended Working Groups in New York. In 2013, TARS representative Kim Boettcher was a delegate of the National Association of Community Legal Centres (NACLC). In 2014 TARS was successfully accredited by the UN Open-ended Working Group to attend in its own right, and two TARS staff (including the CEO Russell Westacott) attended the Session. On each occasion the delegates were able to speak at the General Assembly of Member States as part of Civil Society and importantly, we were able to discuss issues affecting our clients. Our interventions proved valuable, as we were about to convey our first-hand knowledge of these issues.

Our human rights work as part of GAROP Australia continues to grow with the alliance, and our connections with colleagues in both the Pacific and across the world have strengthened.

We look forward to further exchange of ideas between our staff and legal colleagues, gerontologists, academics, community workers and most importantly older people in our region.

The purposes of GAROP Australia are as follows:

- Build and strengthen bridges within and across sectors to protect the rights of older Australians
- Advocate for the implementation of an international convention on the rights of older people
- Provide a forum for civil society engagement on this issue
- Strengthen current and future advocacy efforts nationally and regionally
- Gather and disseminate educational resources on older people and human rights.

The founding members of GAROP Australia include:

Australian Seniors Computer Clubs Association, Older Women's Network (OWN), COTA Australia and COTA Victoria, National Association of Community Legal Centres, Federation of Ethnic Communities Council of Australia (FECCA), and The Aged-care Rights Service (TARS).

THE AGED-CARE RIGHTS SERVICE INCORPORATED FINANCIAL REPORT YEAR ENDED 30 JUNE 2015

Contents:	Page	
Management Committee Declaration	45	MANAGEMENT COMMITTEE DECLARATION
Auditor's Report	46	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.
Lead Auditor's Independence Declaration	47	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.
Income Statement	48	
Balance Sheet	49	
Notes to the Financial Statements	50-51	The Management Committee declares that the Financial Report and Notes set out on pages 48-53:
Statement of Cash Flows	52	a) comply with Australian Accounting Standards and other mandatory professional reporting requirements as detailed above; and,
Detailed Income and Expenditure Statement	53	b) give a true and fair view of the Organisation's financial position as at 30 June, 2015 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 - Chairperson



MARGARET DUCKETT
Committee Member

Sydney
21st October, 2015

INDEPENDENT AUDITORS REPORT TO THE MEMBERS FOR THE YEAR ENDED 30 JUNE 2015

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 2015 as set out on pages 45-53.

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 21st October 2015, 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 2015.

- (a)
- i) giving a true and fair view of the organisation's financial position as at 30 June 2015 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: 21st day of October, 2015

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
2015, 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

Chartered Accountants



EMANUEL P CALLIGEROS

Partner

Sydney

Dated: 21st October, 2015

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2015

	NOTE	2015 \$	2014 \$
ORDINARY ACTIVITIES			
Revenue from Ordinary Activities		1,861,805	2,154,501
Transfer (to)/from Grants Unexpended (Net)	9	(45,515)	(307,808)
	6	1,816,290	1,846,693
Employee Benefit Expense		(1,303,652)	(1,170,586)
Depreciation & Asset Acquisitions		(28,883)	(35,614)
Other Expenditure from Ordinary Activities		(506,515)	(670,227)
Net Surplus (Deficit) from Ordinary Activities		(22,760)	(29,734)
Add/(Less):			
Proceeds on Sale of Vehicles		-	-
Transfer (to)/from Reserve for Replacement Assets	3	-	-
Transfer (to)/from Provision - Contingent Liabilities		-	-
		(22,760)	(29,734)
Add:			
RETAINED EARNINGS - Balance 1 July, 2014		195,055	224,789
RETAINED EARNINGS - Balance 30 June, 2015		172,295	195,055

This Balance Sheet is to be read in conjunction with the Notes to the Financial Statements as set on pages 50-51.

BALANCE SHEET FOR THE YEAR ENDED 30 JUNE 2015

	NOTE	2015 \$	2014 \$
FUNDS & PROVISIONS			
Retained Earnings		172,295	195,055
Provision for Contingencies		-	-
TOTAL FUNDS & PROVISIONS		172,295	195,055
Represented by:			
CURRENT ASSETS			
Cash at Bank & on Deposit		593,348	916,090
Other Debtors & Receivables		450	990
Prepayments		4,954	-
Total Current Assets		598,752	917,080
NON-CURRENT ASSETS			
Furniture & Equipment - at Cost		203,426	186,385
Less Amounts Expensed & Provision for Depreciation		(164,872)	(151,737)
Total Non-Current Assets		38,554	34,648
TOTAL ASSETS		637,306	951,728
Less:			
CURRENT LIABILITIES			
Payables		155,081	191,221
Provision for Staff Entitlements	5	236,415	229,644
Reserve for Replacement Assets	8	28,000	28,000
Grants in Advance & Unexpended	9	45,515	307,808
Net Current Liabilities		465,011	756,673
NET ASSETS		172,295	195,055

This Balance Sheet is to be read in conjunction with the Notes to the Financial Statements as set on pages 50-51.

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) 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.

3) RESERVE FOR REPLACEMENT ASSETS

	2015 \$	2014 \$
Balance - 1 July, 2014	28,000	28,000
Add Transfer from Net trading	-	-
Balance - 30 June, 2015	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.

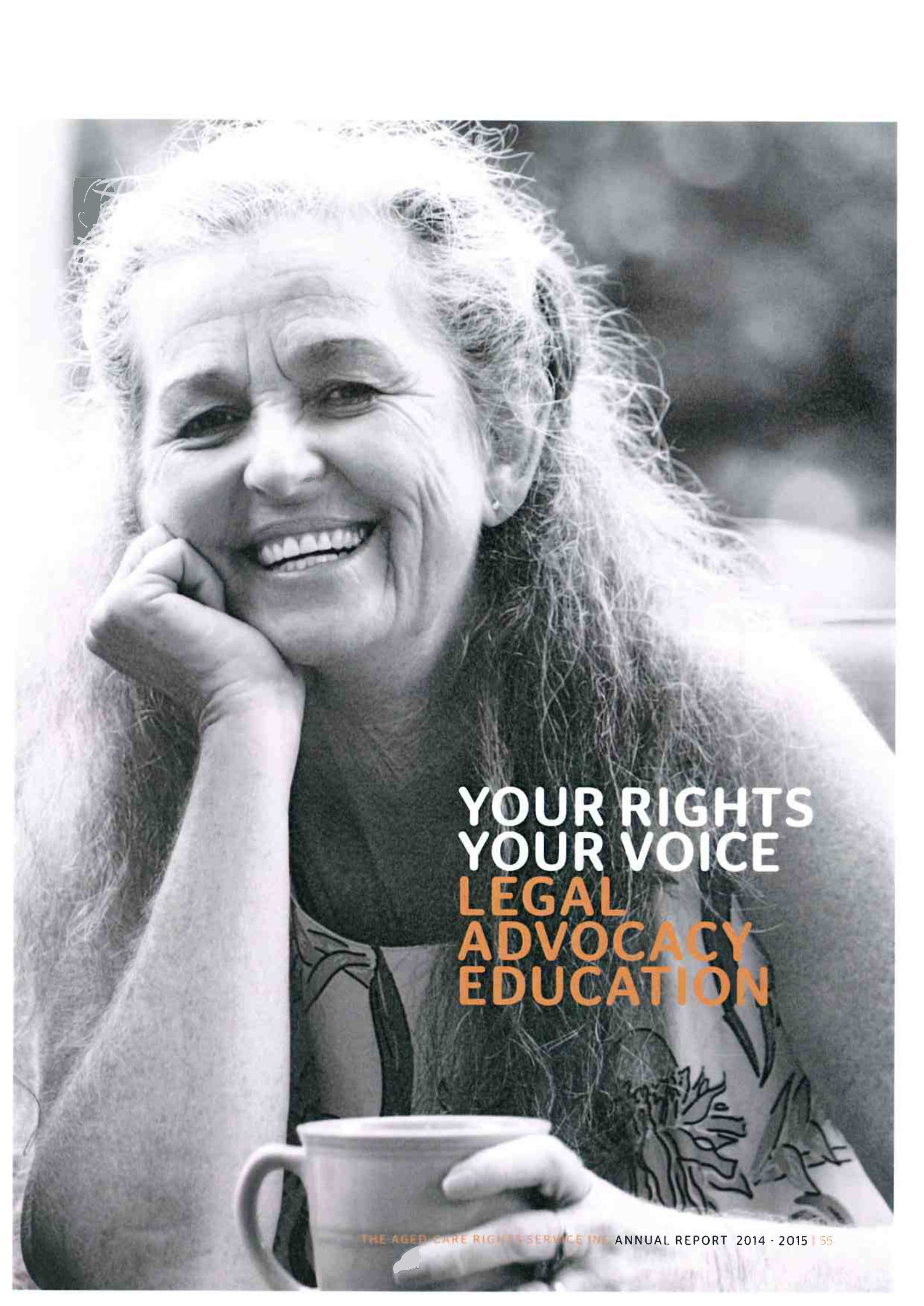
NOTES TO THE FINANCIAL STATEMENTS (CON'T)

	2015 \$	2014 \$
5) PROVISION FOR STAFF ENTITLEMENTS		
Provision for Relief Staff	-	-
Provision for Parenting Leave	25,792	24,311
Provision for Long Service Leave	129,811	111,936
Provision for Redundancy/Staff Payout	80,812	91,369
Government Parental Leave	-	2,028
	236,415	229,644
6) OPERATING RESULTS		
The Surplus (deficit) of Income and Expenditure for the year is arrived at:		
- after crediting:		
i) Grants Received - Recurrent	1,746,936	1,685,368
- One-off funding	43,000	136,500
ii) Interest Received	26,245	24,066
iii) Other Income	109	759
Gross Revenue	1,816,290	1,846,693
- after charging:		
iv) Auditor's Remuneration (Refer to Note 7)	12,310	9,650
v) Fixed Assets acquired during the year expensed through the Income Statement	8,521	24,704
vi) Long Service, Annual & Sick Leave Provisions	3,353	19,634
vii) Depreciation of Non-Current Assets	20,362	10,910
- and charging extra and one-off		
viii) Advertising	22,903	18,701
ix) Conference & Workshop Expenses	22,322	30,752
x) Legal, Consultants & Support Fees	34,513	61,931
xi) Office Equipment including Phone Upgrade	8,521	24,704
xii) Post, Printing including Research	52,688	46,392
xiii) Website & Computer Software Upgrades	25,533	35,617
7) AUDITOR'S REMUNERATION		
Amounts received or due and receivable by the Organisation's Auditor for Audit of the Financial Report	10,810	8,350
Other Services	1,500	1,300
The Auditor received no other benefits from the Organisation.		
8) RESERVED FOR REPLACEMENT ASSETS	28,000	28,000
9) GRANTS IN ADVANCE AND UNEXPENDED		
Fair Trading (NSW) - 2014 Grant unexpended - Carried forward	-	307,808
Grant for project conducted July 2014 to February 2015	-	-
Ageing, Disability & Home Care (ADHC) - 2015 Grant unexpended - Carried forward	20,515	-
Grant for project July 15 to September 15	-	-
Legal Aid (NSW) - One-off funding: "Borrowers Beware" -2015 Grant unexpended - Carried forward	25,000	-
Grant for project July 2015 to November 2015	-	-
Net movement for the year	45,515	307,808

STATEMENT OF CASH FLOWS		
	2015 \$	2014 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash Received from Government Grants, etc	1,835,559	2,130,435
Cash payments for Operating Activities	(2,160,278)	(1,761,957)
Net Cash Inflow from Operating Activities (Note 2)	(324,719)	368,478
CASH FLOWS FROM INVESTMENT ACTIVITIES		
Interest Received	26,245	24,066
Proceeds on Sale of Vehicles	-	-
Payments for Plant & Leasehold Improvements	(24,268)	-
Net Cash Inflow from Investment Activities	1,977	24,066
INCREASE (DECREASE) IN CASH HELD	(322,742)	392,544
Cash Balance at Beginning of Year (Note 1)	916,090	523,546
CASH BALANCE AT END OF YEAR (Note 1)	593,348	916,090
Note 1: Reconciliation of Cash	Cash at End of Year	Cash at End of Year
Cash at Bank & on Short-Term Deposit	592,948	915,690
Cash in Hand	400	400
	593,348	916,090
Note 2: Reconciliation of Net Cash Inflow from Operating Activities to Operating Surplus (Deficit)		
Operating Surplus (Deficit) for the Year	(22,760)	(29,734)
Add/(Less):		
Depreciation	20,362	10,910
(Increase)/Decrease in Other Current Assets	(4,413)	50,731
(Increase)/Decrease in Fixed Assets	(24,268)	-
Increase/(Decrease) in Payables	(36,140)	31,414
Increase/(Decrease) in Provisions	6,770	21,415
(Increase) in Investment Activity	(1,977)	(24,066)
Increase/(Decrease) in Grants in Advance	(262,293)	307,808
Net Cash Inflow from Operating Activities	(324,719)	368,478

DETAILED INCOME & EXPENDITURE STATEMENT

	2015 \$	2014 \$
INCOME		
Grants Received - Recurrent	1,746,936	1,685,368
- One-off funding	43,000	136,500
Interest Received	26,245	24,066
Sundry Income	109	759
Gross Income	1,816,290	1,846,693
Less EXPENDITURE		
Accounting & Audit Fees	12,310	9,650
Advertising	22,903	18,701
Bank Charges	1,272	1,126
Bookkeeping	2,925	8,525
Conferences, Expos, Seminars & Workshop Expenses	22,322	30,752
Depreciation & Scrapped Assets	20,362	10,910
Insurances	5,801	3,473
Interest	-	-
Legal, Consultants & Support Fees	34,513	61,931
Long Service, Annual & Sick Leave Provisions	3,353	19,634
Motor Vehicle Costs	9,033	8,806
Office Equipment Acquisitions	8,521	24,704
Office Expenses & Amenities	28,864	27,978
Postage, Printing, Stationery & Publication Costs	52,688	46,392
Reference Literature & Software etc	4,179	3,709
Rent & Outgoings	160,717	153,097
Repairs & Maintenance	29,572	39,454
Salaries - Permanent & Relief Staff (including Workers Compensation Insurance)	1,192,516	1,162,612
Solicitor's Expenses	2,160	4,380
Subscriptions	13,510	12,076
Superannuation	111,136	102,360
Telephone & Internet	24,192	18,995
Travel & Accommodation	35,761	56,982
Utilities (including Cleaning)	14,907	14,563
Website & Computer Expenses	25,533	35,617
Total Operating Expenditure	1,839,050	1,876,427
Add/(Less):		
Transfer to Reserve	-	-
OPERATING SURPLUS (DEFICIT) for the Year	(22,760)	(29,734)



**YOUR RIGHTS
YOUR VOICE**
**LEGAL
ADVOCACY
EDUCATION**

YOUR RIGHTS YOUR VOICE LEGAL ADVOCACY EDUCATION



Level 4, 418A Elizabeth St. Surry Hills NSW 2010
P (02) 9281 3600 P 1800 424 079 F (02) 9281 3672
info@seniorsrights.org.au www.seniorsrights.org.au

The Aged-care Rights Service Inc. trading as Seniors Rights Service. ABN 98 052 960 862

We look forward to working with you in the years ahead



Seniors Rights Service

'B'

Constitution

The Aged-care Rights Service Incorporated trading as Seniors Rights Service

ABN 98 052 960 862

an incorporated association
incorporated under the Associations Incorporation Act 2009 (NSW)

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Preamble

Aged care is an essential support for the most vulnerable and dependent in the Australian community unable to care for themselves or rely on the assistance of unpaid family members. From its origins in the large indoor-relief institutions that developed from 1815 with the creation of the Benevolent Society of New South Wales, systems have been needed to provide support services, to make them accessible to those who need them and to regulate their operation to ensure that they are fit to the task. In practice the reality often falls well short of the ideal. Without legal support for care recipients and specialised educational and other interventions, there can be no guarantee of the quality of care, the rights of individual residents or protection and recognition for staff.

From the 1950s residential aged care in NSW came to be provided by nursing homes and homes for the aged, or hostels as the large hospitals that had hitherto provided long-term care for older patients began to focus on acute care and specialised medical practice. In 1962 nursing homes became eligible for subsidy from the Commonwealth government, leading to a rapid expansion of poorly regulated institutions. Alongside homes run by the State government and by church-based and charitable institutions, a significant number of homes were opened as businesses. As the for-profit sector soon became the largest sector in the State, the economics and quality of care often appeared to be in conflict. Both funding and staffing were at low levels. Despite being formally regulated under NSW legislation originally intended for private hospitals, the adequacy and quality of these homes varied greatly.

Although the Commonwealth funded residential facilities provided for the sequestration of long-term care, public attention was drawn to them from time to time as scandals involving abuse and neglect drew media attention. Under the banner of SWAG, the Social Welfare Action Group, a group of social workers, academics and student activists held a major public conference at the University of Sydney in 1981 that helped focus attention on the systemic nature of these problems. This was followed by a well-publicised phone-in on the 'Abuse of the Elderly' in March 1982, involving collaboration between SWAG, the Combined Pensioners Association, Redfern Legal Centre and the Australian Consumers Association, and provided with a small subsidy by the NSW government. The phone-in received over 500 calls in a single weekend, the overwhelming majority of them identifying neglect, physical abuse, financial abuse, sexual and emotional abuse in aged care facilities and boarding houses. These allegations and stories were produced in a report titled 'Prisoners of Neglect' published by SWAG.

Over the following three years campaigning continued for counter-measures to be taken. The Aged Care Coalition was formed to identify a means of improving the quality of life for older people living in supported accommodation. The coalition was comprised of seven organisations: Redfern Legal Centre; Social Welfare Action Group; Disabled Persons International; NSW Council of Social Service; NSW Combined Pensioners Association; Ethnic Communities Council; and the Australian Consumers Association. Members of the Coalition started visiting aged care organisations to follow up on complaints that kept coming in after the phone-in. Evidence of the abuse noted in the phone-in was provided to the Senate Enquiry on Nursing Homes and Private Hospitals and taken up in national policy debates, over time leading to a range of user rights measures being incorporated into State and later national laws.

This activity clearly demonstrated the need for a permanent resource that would fight for the rights of older residents of aged care. The Coalition went on to undertake further research which was auspiced by the Australian Consumers Association and published in the report 'If Only I'd Known'. Funding from the NSW and Commonwealth governments was finally negotiated for an independent advocacy service to offer legal advice and education to the aged care industry and the community. This struggle constituted the birth of TARS, launched in March 1986 by Frank Walker, then NSW Minister for Community Services.

This preamble has been included for the purpose of recording the history of the association. This preamble is not intended to grant any legal right, create any liability or be used as an aid to statutory interpretation of the constitution or any other law.

Part 1 – The association

1. Nature, Purpose, Powers

- (1) The name of the association is The Aged-care Rights Service Incorporated.
- (2) The association is an incorporated association.
- (3) The principal purpose for which the association is established 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.
- (4) Solely for the purpose of furthering the principal purpose, the activities the association may undertake are:
 - (a) to provide pro bono legal advice, assistance, referral and education to older people who are vulnerable, socially or economically disadvantaged, exploited or abused;
 - (b) to provide pro bono and confidential support and education to older people who are recipients of care and to promote the rights of older people to aged care service providers;
 - (c) to promote, advocate for and defend the rights of older people in general and to promote, foster and pursue a community where older people are treated with dignity and respect and do not experience discrimination;
 - (d) to raise money to further the principal purpose and to secure sufficient funds for the principal purpose;
 - (e) to receive any funds and to distribute these funds in a manner that best attains the principal purpose; and
 - (f) such other incidental or ancillary activities it considers supportive of the principal purpose.
- (5) The principal purpose is charitable.
- (6) The association is to be established, operated and have a physical presence in New South Wales and, to that extent, incur its expenditure and pursue its principal purpose in New South Wales.
- (7) Subject to rules 1(8) and 1(9):
 - (a) the income and property of the association must be applied solely towards the principal purpose; and
 - (b) no portion of the profits, income or property of the association may be paid or transferred directly or indirectly to members by way of dividend, bonus or otherwise.
- (8) Payment may be made in good faith to any firm of which a member is a partner, or to a company of which a member is a director:
 - (a) in return for any services actually rendered to the association; or
 - (b) for goods supplied in the ordinary and usual way of business.
- (9) A Board member may not be paid fees for serving as a Director but payments may be made to Board members for the payment of out of-pocket expenses incurred in carrying out the duties of a Board member and the amount payable is approved by a resolution of the Board.

- (10) No Board member can be appointed to any salaried office of the association and no holder of such an office can be appointed to the Board.
- (11) (a) If the association is endorsed as a deductible gift recipient and the endorsement is revoked, the following assets remaining after satisfying the association's liabilities and expenses must be transferred to such other institution or institutions in Australia to which income tax deductible gifts may be made:
- (i) Gifts of money or property for the principal purpose (**Gifts**);
 - (ii) Contributions made to an eligible fundraising event for the principal purpose (**Contributions**); and
 - (iii) Money received by the association as a consequence of those Gifts or Contributions.
- (b) The identity of the institution or institutions will be decided by the members by ordinary resolution as near as practicable following receipt of a notice of revocation from the Commissioner of Taxation. If the members fail to decide, the institution will be determined by application to the Supreme Court in the State of New South Wales.
- (12) (a) Where on the winding up or dissolution of the association, there is a surplus of assets after satisfying all the association's liabilities and expenses, the surplus:
- (i) must not be paid or distributed to members; and
 - (ii) will be given or transferred to such other institution in Australia to which income tax deductible gifts may be made which:
 - (A) has a similar principal purpose to that of the association as described in this constitution, and
 - (B) prohibits the distribution of income, profit or assets to its members.
- (b) Such other institution will be determined by members by ordinary resolution on or before the time of such winding up or dissolution or in default of determination and consent such institution as determined by application to the Supreme Court in the State of New South Wales.
- (13) A member has no liability as a member except as set out in this rule 1(13) and rule 9.
- (14) Funds raised by means of a fundraising appeal or by any other means must be raised and maintained in accordance with the law of the Commonwealth and NSW.

Part 2 - Membership

2. Membership generally

- (1) The members in office at the time of adoption of this constitution continue in office subject to this constitution.
- (2) A person is eligible to be a member of the association if:
 - (a) the person is a natural person, and
 - (b) the person has been nominated and approved for membership of the association in accordance with rule 3.

3. Nomination for membership

- (1) A nomination of a person for membership of the association:
 - (a) must be made by a member of the association in writing in the form set out in Appendix 1 to this constitution, and
 - (b) must be lodged with the secretary of the association.
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the Board which is to determine whether to approve or to reject the nomination. The Board may decline any nomination for membership and is not bound to give reasons why the nomination was not accepted.
- (3) As soon as practicable after the Board makes that determination, the secretary must:
 - (a) notify the nominee, in writing, that the Board approved or rejected the nomination (whichever is applicable), and
 - (b) if the Board approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts referred to in rule (3)(b) within the period referred to in that provision, enter or cause to be entered the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association.

4. Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under rule 8(2) within 3 months after the fee is due, or
- (e) is absent from the annual general meeting without prior notification to the president.

5. Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6. Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the Board may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under rule 6(1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7. Register of members

- (1) The public officer of the association must establish and maintain a register of members of the association specifying the name, postal or residential address, facsimile address, if any, and electronic address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

8. Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the Board, that other amount.
- (2) In addition to any amount payable by the member under rule 8(1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the Board, that other amount:
 - (a) except as provided by rule 8(2)(b), before 1 July in each calendar year, or
 - (b) if the member becomes a member on or after 1 July in any calendar year - on becoming a member and before 1 July in each succeeding calendar year.

9. Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 8.

10. Resolution of disputes

- (1) In the event of a dispute arising between members (in their capacity as members), or between a member or members and the association, or between a member or members and the association, the following procedure will apply.
- (2) Each party to the dispute must nominate a representative who is not directly involved in the dispute. Those representatives must then attempt to settle the dispute by negotiation.
- (3) Should the nominated representatives be unable to resolve the dispute within 14 days (or such other period as they may agree upon) the dispute must be referred to a person, firm or company mutually agreed upon for mediation or, in the event that no person, firm or company can be agreed upon to mediate the dispute, a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (4) If a dispute is not resolved by mediation within 3 months of the referral, the dispute is to be referred to arbitration.
- (5) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

11. Disciplining of members

- (1) A complaint may be made to the Board by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The Board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Board decides to deal with the complaint, the Board:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The Board may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved on the balance of probabilities and the expulsion or suspension is warranted in the circumstances.

- (5) If the Board expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Board for having taken that action and of the member's right of appeal under rule 12.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 12, whichever is the later.

12. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the Board under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under rule 12(1), the secretary must notify the Board which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under rule 12(3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the Board and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

Part 3 - The Board

13. Powers of the Board

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the Board:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of the affairs of the association.

14. Composition and membership of Board

- (1) The Board members in office at the time of adoption of this constitution continue in office subject to this constitution.
- (2) The Board is to consist of:
 - (a) the office-bearers of the association, and
 - (b) at least 3 ordinary Board members, each of whom is to be elected at the annual general meeting of the association under rule 15.
- (3) The minimum number of Board members is to be 4 and the maximum number of Board members is to be 7.
- (4) The office-bearers of the association are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary.
- (5) A Board member may hold up to 2 offices (other than both the president and vice-president offices).
- (6) Each member of the Board is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

15. Election of Board members

- (1) Nominations of candidates for election as ordinary Board members:
 - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

- (3) If insufficient further nominations are received, any vacant positions remaining on the Board are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of Directors of the Board is to be conducted at the annual general meeting in such usual and proper manner as the Board may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary Board member of the association must:
 - (a) be a member of the association; and
 - (b) not have held a salaried position with the association in the preceding 2 years.

16. Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the Board, and
 - (b) the names of members of the Board present at a Board meeting or a general meeting, and
 - (c) all proceedings at Board meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

17. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

18. Casual vacancies and cessation of Board membership

- (1) In the event of a casual vacancy occurring in the membership of the Board, the Board may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the next annual general meeting following the date of the appointment.
- (2) A person ceases to be a Board member and a casual vacancy in that office of the member of the Board occurs if that Board member:
 - (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or

- (d) subject to rule 18(3), resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under rule 19, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the Board from 3 consecutive meetings of the Board, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for at least 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.
- (3) A Board member may resign from office by first giving to the secretary written notice of at least one month (or such other period as the Board may determine) of the Board member's intention to resign and, on the expiration of the period of notice, the Board member ceases to be a Director.
- (4) Each Director shall, subject to this Constitution, hold office for a period of three (3) years until the conclusion of the third Annual General Meeting following the date of the director's election and shall be eligible for re-election.
- (a) At each Annual General Meeting one third (or if that is not a whole number, the whole number nearest to one third) of the Directors; must retire from office and are eligible for re-election.
 - (b) The Directors who must retire under rule 18 (4) (a) are those who (in the following order):
 - (i) would, if that director remained in office until the next Annual General Meeting, have held that office for more than 3 years since last being elected or appointed; or otherwise
 - (ii) have held office the longest since last being elected or appointed. If 2 or more Directors have been in office for the same period, those Directors may agree which of them will retire. If they do not agree, they must draw lots to decide which of them must retire.
 - (c) A director's retirement under rule 18 (4) (a) takes effect at the end of the relevant Annual General Meeting unless the director is re-elected at that meeting.
- (5) The office bearers of the Board shall be elected annually (from among the members of the Board) by the Board in such manner as the Board may determine. Such elections shall be held immediately following each Annual General Meeting
- (a) A Director may be re-elected as an office bearer following an Annual General Meeting and may be re-elected to the same position as previously held.
 - (b) A person may not be an office bearer for a period exceeding the tenure of their directorship as per rule 18 (4)

19. Removal of Directors

- (1) The association in general meeting may by resolution remove any member of the Board from the office of member before the expiration of the member's term of

office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

- (2) If a member of the Board to whom a proposed resolution referred to in rule 19(1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

20. Board meetings and quorum

- (1) The Board must meet at least 3 times in each period of 12 months at such place and time as the Board may determine.
- (2) Additional meetings of the Board may be convened by the president or by any member of the Board.
- (3) Oral or written notice of a meeting of the Board must be given by the secretary to each member of the Board at least 48 hours (or such other period as may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under rule 20(3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Board members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 5 members of the Board constitute a quorum for the transaction of the business of a meeting of the Board.
- (6) No business is to be transacted by the Board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Board:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the Board as may be chosen by the members present at the meeting is to preside.
- (9) (a) Subject to the consent of all Board members, the Board may employ any suitable technology to assist the efficient operation and conduct of a meeting. This technology may include linking of Board via telephone or other electronic means such as video streaming. Consent of a Board member under this rule may be standing consent and consent may only be withdrawn within a reasonable time before the Board meeting.
 - (b) All the rules of this constitution relating to Board meetings apply, as far as they can and with any necessary changes, to Board meetings by telephone or other electronic means. If there is a sufficient number of Board members simultaneously linked together by telephone or other electronic means to meet a quorum a Board meeting will be constituted.

- (c) Any Board meeting held by telephone or other electronic means must ensure that:
 - (i) each Board member present has a reasonable opportunity to participate in the meeting, including any vote taken by Board members; and
 - (ii) the president is aware of the proceedings in each place where Board members are present.
 - (d) Any Board member participating in a meeting by telephone or other electronic means will be taken as having been present in person at that meeting.
 - (e) Any meeting conducted by telephone or other electronic means will be taken as having being held at the place specified by the president. At least one Board member must have been present at that place for the entirety of the meeting.
 - (f) If a technical problem occurs:
 - (i) preventing one or more Board members from joining the meeting; and/or
 - (ii) causing one of more Board members to cease from participating in the meeting,
 the Chairperson may adjourn the meeting until the problem is fixed or continue with the meeting if a quorum is present.
 - (g) A Board member is deemed to be present and form part of the quorum throughout the entirety of the meeting. If a Board member wishes to cease participating in a meeting held by telephone or other electronic means, he/she must seek the president's prior consent.
 - (h) If certified as correct minutes by the president, minutes of a meeting held by telephone or other electronic means which comply with this rule 9 is sufficient evidence of such proceedings and that all necessary formalities have been complied with.
 - (i) This rule 9 also applies to the conduct of meetings of a sub-committee of the Board constituted in rule 21.
- (10)(a) Subject to rule 10(c), the Board may pass a resolution without holding a Board meeting, if all Board members entitled to vote on the resolution, sign a document stating they favour the resolution on the terms set out in the document.
- (b) For the purposes of rule 10(a):
 - (i) the resolution is considered passed on the date the last Board member signs;
 - (ii) separate copies of the document containing identical wording may be used for signing by the Board members;
 - (iii) a signature of a Board member transmitted by electronic means is sufficient evidence of signatures
 - (c) Rule 10(a) does not apply to a resolution to remove an auditor or Board member.
 - (d) A document signed in accordance with this rule 10 is to be taken as a minute of the passing of the resolution.
- (11)(a) If:
- (i) a Board member has a direct or indirect interest in a matter being considered or about to be considered at a Board meeting, and

- (ii) the interest appears to raise a conflict with the proper performance of the Board member's duties in relation to the consideration of the matter, the Board member must, as soon as possible after the relevant facts have come to the Board member's knowledge, disclose the nature of the interest at a Board meeting.
- (b) A disclosure by a Board member at a Board meeting that the Board member:
 - (i) is a member, or is in the employment, of a specified company or other body, or
 - (ii) is a partner, or is in the employment, of a specified person, or
 - (iii) has some other specified interest relating to a specified company or other body or to a specified person,
 is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under rule 11(a).
- (c) Particulars of any disclosure made under this rule must be recorded by the Board in a book kept for that purpose and that book must be open at all reasonable hours to inspection by any member of the association on payment of the fee determined by the Board (but not exceeding the maximum fee prescribed by the Regulation).
- (d) The book must be kept at the same address as the register of Board members.
- (e) After a Board member has disclosed the nature of an interest in any matter, the Board member must not, unless the Board otherwise determines:
 - (i) be present during any deliberation of the Board with respect to the matter, or
 - (ii) take part in any decision of the Board with respect to the matter.
- (f) For the purposes of the making of a determination by the Board under rule 11(e), a Board member who has a direct or indirect interest in a matter to which the disclosure relates must not:
 - (i) be present during any deliberation of the Board for the purpose of making the determination, or
 - (ii) take part in the making by the Board of the determination.
- (g) A contravention of this rule does not invalidate any decision of the Board.

21. Delegation by Board to sub-committee

- (1) The Board may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the Board thinks fit) the exercise of such of the functions of the Board as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the Board by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule 21 may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

- (3) A delegation under this rule 21 may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule 21, the Board may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule 21 has the same force and effect as it would have if it had been done or suffered by the Board.
- (6) The Board may, by instrument in writing, revoke wholly or in part any delegation under this rule 21.
- (7) A sub-committee may meet and adjourn as it thinks proper.

22. Voting and decisions

- (1) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board are to be determined by a majority of the votes of members of the Board or sub-committee present and entitled to vote at the meeting.
- (2) Each member present at a meeting of the Board or of any sub-committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the Board may act despite any vacancy on the Board.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Board or by a sub-committee appointed by the Board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Board or sub-committee.

Part 4 - General meetings

23. Annual general meetings - holding of

- (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

24. Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the Board thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the Board reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary Board members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

25. Special general meetings - calling of

- (1) The Board may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The Board must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Board fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in rule 25(4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Board.

26. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under rule 26(1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27. Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting. For the purpose of determining whether a quorum is present,
 - (a) a person attending as a proxy is to be counted;
 - (b) if a member has appointed more than one proxy, only one of them is to be counted;
 - (c) if a person is attending as a member and as proxy, they are to be counted twice, once as a Member and once as a proxy.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

28. Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.

- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

29. Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in rules 29(1) and 29(2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

31. Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act.

32. Voting

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age or if the member has been suspended.

33. Proxy votes permitted

- (1) For those members not in attendance, a proxy form will be honoured as allowed for in rules 33(2) and 33(3).
- (2) A member may appoint another person (whether a member or not) as proxy to attend in the member's place at the meeting. A proxy has the same right as the member to speak and vote at the meeting and may be appointed in respect of more than one meeting and for more than one member.
- (3) To be effective, an instrument appointing a proxy under this rule 33, together with any evidence of non-revocation the Board members require, must be received by the association at least 48 hours before the meeting.
- (4) The instrument appointing a proxy may be in any form that makes it clear that a proxy has been appointed provided that it shall be signed by the member making the appointment and contain at least the following information:
 - (a) the member's name and address;
 - (b) the Association's name;
 - (c) the proxy's name or the name and address;
 - (d) the meetings at which the appointment may be used; and
 - (e) if the member wishes to make a specific direction to the proxy as to how the proxy must vote on a particular matter then the manner in which the vote must be exercised

34. Postal ballots

- (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under rule 12).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 - Miscellaneous

35. Insurance

The association may effect and maintain insurance.

36. Funds - source

- (1) The funds, revenue and income of the association shall be derived from membership, other fees, subscriptions, special levies, grants, donations and such other revenue raising and financing activities or sources as the Board determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

37. Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the Board determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Board or employees of the association, being members or employees authorised to do so by the Board.

38. Change of name, objects and constitution

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a Board member.

39. Custody of books etc

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

40. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) register of members,
 - (b) records, books and other financial documents of the association,
 - (c) this constitution,
 - (d) minutes of all Board meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in rule 40(1) on payment of a fee of not more than \$1 for each page copied.

41. Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or

- (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

42. Financial year

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Part 6 – Dictionary and Interpretation

43. Definitions

(1) In this constitution:

Board means the governing body of directors of the Association in office for the time being however described or any number of directors assembled at a meeting of the board transacting business in accordance with this Constitution, being not less than a quorum, and as set out in Part III and who may, for the internal purposes of the Association, be cited (collectively) as the “Directors” who shall be construed as referencing the Board unless the context requires otherwise. The board shall have the same meaning as “committee” and be subject to s.28 of the NSW Associations Incorporation Act 2009

Director means an eligible natural person pursuant to rule 16.2 duly appointed or elected to the board pursuant to rules 19 and 16.6; and may for the purposes of this document and the internal purposes of the Association be referred to (individually) as a “member of the board” or a “Board member”. A director shall have the same meaning as “committee member” pursuant to s.28.2 of the NSW Associations Incorporation Act 2009. For the avoidance of doubt a reference to a Director includes an Office Bearer, unless otherwise expressly stated.[Note: An office bearer is first and foremost a director, who also holds an additional delegated board position (with corresponding delegated authority) as well as their director role. A reference to an office bearer is to that position and that position ONLY. A reference to a director is to ALL directors (office bearers included).]

Director-General means the Director-General of the Department of Services, Technology and Administration.

ordinary Board member means a member of the Board who is not an office-bearer of the association.

principal purpose has the same meaning of that term as defined in rule 1(3).

secretary means:

(a) the person holding office under this constitution as secretary of the association, or

(b) if no such person holds that office - the public officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2010*.

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

(4) If there is any inconstancy between a rule of this constitution and the Act, the Act prevails to the extent of such inconsistency.

- (5) A reference to notification in writing includes a reference to notification using any electronic means.
- (6) A reference to Australian dollars, dollars, A\$ or \$ is a reference to the lawful currency of Australia.

Appendix 1

APPLICATION for MEMBERSHIP

I
(full name of applicant)

of
(address)

.....
(occupation)

apply to become a member of THE AGED-CARE RIGHTS SERVICE INCORPORATED trading as Seniors Rights Service (the **association**).

CONTACT DETAILS

NAME	
ORGANISATION <i>(if applicable)</i>	
Preferred mailing address	
Phone	
Fax	
Email	

OPTIONAL

Skills/time I have that I can contribute to the organisation: _____

Other memberships I have: _____

I am available for consideration for appointment to the Board:
NO / YES / FUTURE

In the event of my admission as a member, I agree to:

- pay the entrance fee of \$1 and the annual membership fee of \$2; and
- be bound by the constitution of the association for the time being in force.

Signature: DATE:

I,

[full name]

a member of the association, nominate the applicant for membership of the association.

.....
Signature of proposer *Date*

I,

[full name]

a member of the association, second the nomination of the applicant for membership of the association.

.....
Signature of seconder *Date*