

## 6. Getting organised

### Legal options – Power of Attorney, Guardianship, and advance care planning

You may need to think ahead and make plans for the future, just in case there are changes in your health status or care arrangements. While facing these issues can be tough, having a plan in place can provide reassurance and peace of mind, rather than worrying about the ‘what ifs?’.

There are several legal options to consider, such as Power of Attorney, Guardianship, and advance care planning (also known as health care planning). These options can help ensure that your wishes and needs are respected and that appropriate care arrangements can be put in place if needed.

It’s also important that the people who care for you and support you (like family members), consider putting some of these arrangements in place for themselves. This can help ensure that there is a plan in place for your continued care and support in the event that something happens to them.

#### Power of Attorney

A “Power of Attorney” can be set up to authorise a person to make decisions about legal or financial matters with, or on behalf of, yourself.

An “Enduring Power of Attorney” can be established for a time in the future if you can no longer make decisions about your own legal or financial matters.

#### Guardianship

A “guardian” can be appointed to make decisions regarding your health affairs, living arrangements, and support services. Typically, guardians cannot make decisions about legal or financial matters. However, they can also apply for a Power of Attorney, which would then enable them to do so.

In the event that you lose the capacity to make your own decisions, or if your carer (for example, family member) becomes unexpectedly unavailable, a guardian can be appointed to act immediately or at a later point in time. The latter is known as an “enduring guardianship.”

These processes depend on understanding whether you still have the capacity to make your own decisions. A health professional can help assess this. Decision-making capacity includes being able to understand the nature and effects of a decision, make a decision freely and voluntarily, and communicate that decision.

#### How do you appoint a Power of Attorney or Guardian (and when to do it)?

It’s a good idea to consider making these arrangements before they’re needed. While they may not be necessary right now, being proactive could help prevent difficulties later on. Power of Attorney and Guardianship can be appointed to a person over the age of 18 who is trusted by yourself and your family/carers to make decisions in their best interests. This person is often a close relative or trusted friend. If there is no one available to take on these roles, the Office of the Public Advocate or Office of the Public Guardian may be appointed instead.

It’s important to note that there are different rules regarding Power of Attorney and Guardianship in every state and territory of Australia. To find out what you need to do, you can contact your local Legal Aid Commission. Their services are free, and they can provide guidance on the steps that you need to take:  
<https://carergateway.gov.au/legal-matters#legal>

## Advance care planning (also known as health care planning)

Advance care planning is an informal process carried out with yourself and others you consider significant in your life, to plan for your present and future health care needs.

Here is a helpful resource on advance care planning from Advance Care Planning Australia: <https://advancecareplanning.org.au/create-your-plan>

## Advance care directive

On the other hand, an advance care directive is a formal legal document. It is also referred to as a “living will.” An advance care directive details your preferences concerning your health care if you are unable to make decisions for yourself. Carers may also wish to consider making an advanced care directive for themselves.

For further information please see: <https://health.gov.au/topics/palliative-care/planning-your-palliative-care/advance-care-directive>



## Accessing extra support

### Why might you need extra support as you get older?

As you get older, you may start to experience some changes in your health, and find that it is not as easy for you to look after yourself at home anymore. In addition, the people who help support you at home, such as your family, may start to need more help with this. So that you can keep living at home as long as possible, there are several options for accessing extra support for:

- Personal care (like showering and dressing)
- Chores around the home (like cleaning and laundry), and shopping
- Getting meals delivered
- Making home modifications and accessing equipment to make life easier
- Improving living skills, such as money and household management
- Finding and maintaining suitable housing

### What kind of funding is available?

#### Insurance schemes

If you are covered by an insurance scheme (such as the National Disability Insurance Scheme (NDIS), Transport Accident Commission (TAC), icare, or other organisations listed under on *page 73*), you may be eligible for funding for these extra support services. It is best to speak to your insurance scheme to find out what is available to you.

## The aged care system

If you are aged 65 years or older (or 50 years or older for Aboriginal or Torres Strait Islander people) you may be eligible for support from the aged care system.

The aged care system can provide a range of support from:



- i) support at home (via the Commonwealth Home Support Program),



- ii) higher levels of care at home (the Home Care Packages Program), and



- iii) when living at home is no longer an option, moving into residential aged care (like a nursing home).

Other options are Transition Care (which provides up to 12 weeks of care and rehabilitation after being discharged from hospital, in your home, an aged care home or both), Short-Term Restorative Care (which provides up to eight weeks of services to improve well-being and function for people who have had a setback, such as a fall (but not a hospital stay)) and Respite Care (which is explained in the section for Carers on page 37).

## How do I know if I am eligible for funding?

To see if you are eligible for support from the aged care system, go to the My Aged Care website: <https://myagedcare.gov.au> or call 1800 200 422, to arrange an assessment.

If you are already covered by another insurance scheme, such as the NDIS, TAC or icare, there may be certain services that will be covered by your existing insurance scheme, and others that may be covered by the aged care system. Because it is quite complex, we recommend first speaking with your existing insurance scheme (where relevant) to find out the funding rules.

In general, you cannot receive funding for the same service from two different schemes at the same time. It is important to note that you can choose to remain on NDIS after you turn 65, if previously eligible. However, if you access permanent home care services with aged care funding, you must leave the NDIS.

## What if I am not eligible for funding?

If you are not eligible for funding via an insurance scheme or the aged care system, there may be options for accessing support via community health care providers or local councils. It is best to speak to your GP first to get a referral. There are also a number of options listed here for people who are not eligible for NDIS or aged care funding:

<https://ndis.gov.au/applying-access-ndis/how-apply/receiving-your-access-decision>

<https://myagedcare.gov.au/support-people-with-disability>

## Travel concessions

### Disability parking permits

You may be eligible to apply for a disability parking permit from your state government. These permits allow you park in disability parking spaces and access certain parking concessions.

You can apply for a permit on your state government's website. <https://dss.gov.au/our-responsibilities/disability-and-carers/programmes-services/for-people-with-disability/australian-disability-parking-scheme>

The website will have a checklist of things you will need before submitting your application. For example, you will need to get a medical report from your GP or a health professional that addresses your eligibility criteria.

### Public hospital concession parking

You may be eligible to apply for concessional car parking fees from public hospitals when you are going to the hospital for a scheduled appointment.

You can apply for parking concessions on some hospital websites or when you are at the hospital. Hospital websites will have eligibility criteria that will let you know if you are able to apply.

#### New South Wales:

<https://health.nsw.gov.au/Hospitals/parking/Pages/concessional-parking.aspx>

#### Queensland:

<https://health.qld.gov.au/system-governance/health-system/services/concessional-car-parking>

### Taxi subsidy schemes

You may be eligible for a taxi travel subsidy. These subsidy schemes are for people with a severe permanent disability who have issues with accessibility and mobility. In most states, these schemes provide a subsidy of 50% of a taxi fare (up to a maximum subsidy of \$25 to \$60 depending on the state). Wheelchair-accessible taxis are available.

Your state government's website will tell you how to apply. The website will have a checklist of things you will need before submitting your application. For example, you will need your GP or health professional to complete a section of the application form.

#### NSW taxi transport subsidy scheme:

<https://services.nsw.gov.au/transaction/apply-for-the-taxi-transport-subsidy-scheme>

#### Victorian multi-purpose taxi program:

<https://safetransport.vic.gov.au/on-the-road/multi-purpose-taxi-program/>

#### Queensland taxi subsidy scheme and lift payment:

<https://qld.gov.au/disability/out-and-about/subsidies-concessions-passes/taxi-subsidy>

#### Western Australian taxi uber subsidy scheme:

<https://transport.wa.gov.au/On-demandTransport/taxi-user-subsidy-scheme-tuss.asp>

#### South Australian taxi fare subsidy scheme:

<https://sa.gov.au/topics/driving-and-transport/disability/taxi-fare-subsidy-scheme>

#### Tasmanian taxi subsidy program:

[https://transport.tas.gov.au/public\\_transport/concessions/taxi\\_subsidy\\_program](https://transport.tas.gov.au/public_transport/concessions/taxi_subsidy_program)

