

# Best Years

EST. 1999. NUMBER TWENTY-EIGHT



## JAMES KELLY: Understanding your retirement and aged care accommodation options

Australia's ageing population is increasingly exploring retirement and aged care accommodation options.

However, many individuals on the cusp of such a transition are unaware of the hidden costs and potential financial quagmire associated with such a move, in the absence of appropriately structured legal and financial affairs.

"We have seen many people make mistakes which have cost them thousands. Potentially this figure could easily run into the millions across the country. They did not fully understand the lengthy documentation and costs associated with entry into retirement and aged care facilities. This is an extremely complex area and by not seeking specialist advice people are potentially doing themselves an injustice," said James Kelly.

"Today people are using Google as their first port of call for advice. However, specialised guidance regarding retirement and aged care accommodation options, the fine print implications of associated costs and appropriate asset structures for those individuals considering this move, are certainly not adequately addressed by an online search engine."

**A poorly constructed plan, or indeed no plan at all, could cost an individual's full entitlements in addition to considerably more cash.**



Margaret: "It all happened so quickly."

During the past 10 years fees have increased substantially. In 2000 bonds averaged between \$200,000 and \$500,000. Today these range between \$300,000 and up to \$1 million for the same aged care accommodation.

Mr Kelly added: "A poorly constructed plan, or indeed no plan at all, could cost an individual's full entitlements in addition to considerably more cash. A red flag indicator that asset planning is urgently

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## COVER: Retirement village and The Law go hand in hand!

FRANK MORRIS

The reputation and past performance of a village group (or sponsor) is an important criterion to consider when selecting retirement housing.

Not all retirement communities are successful. This is why a village's track record is a vital ingredient when it comes to making the final decision.

Some villages run into financial difficulties or have management problems that may make your investment a risk.

**KELLY, HOWARD - WHAT'S COMING, P2-3**

Remember, when you buy or rent into a retirement village you want to spend the rest of your life happy and contented.

Certain questions may assist in determining those facilities that are more 'substantial' in your mind than others.

**There are exceptions**

When was the project built? How long has the project been marketed? What is the history of management? Who is the sponsor of the village? Are they new to retirement housing or do they have many years of experience? What is the occupancy level of the village?

If a village community has been operating for, say, two years it should be at least 50 to 80 percent occupied. If it isn't find out the reason. Sometimes, there are exceptions.

There are numerous 'red flags' for consumers in the retirement community, a sales executive said. "It is neither an exhaustive list nor a fail-safe methodology. It is an initial attempt to better understand the nature of a problem and protect against it."

He pointed that overbuilding, low value

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## ■ DOMESTIC VIOLENCE

**40% of calls to police are domestic violence related.**

**Women are 70% of domestic violence victims.**

**Men are 70% to blame for domestic violence.**

**30,000 women are assaulted annually in NSW and domestic violence is one of the causes.**

**SEMINAR: OHL THROWS SOME LIGHT ON AGED CARE, P3**

## IS YOUR FAMILY'S FUTURE SECURED?

ROLF HOWARD

Two young children are living with their grandfather in a well-known and affluent inner suburb of Sydney.

A few years ago, their sole supporting mother died in tragic circumstances. Their grandmother died a few months ago.

Care is now solely the responsibility of the children's 58-year-old grandfather, who was forced to retire prematurely from work and not old enough to access his superannuation.

The family is struggling to live hand-to-mouth each day.

In 2013, this marks a nightmare for any child in Sydney – Australia's most expensive city and one of the most expensive in the world.

### Disaster can strike

Some grandparents experience more than just grief when they lose their child suddenly. What happens to the survivors when young parents die tragically and suddenly?

Natural disasters such as the Indian Ocean tsunami, Christchurch earthquake, Black Saturday bushfires and Grantham flash flood have changed the lives of innocent people without warning.

Fortunately, such terrible events are rare. But unthinkable things can happen to undeserving people of any age.

### Failing to prepare

For some older parents, grieving the loss of a child can be exacerbated by conflict over the care requirements of their surviving grandchildren. Some grandparents want to care for their grandchildren, but can't.

Others find themselves thrust into an argument with other friends and family about how, where and with whom the children should live. In the very worst of these cases, lawyers become involved to assist in a resolution.

The financial and legal problems these cases expose can be avoided by proper preparation. Failing to prepare is like preparing to fail.

Parents can't afford to fail to prepare, the stakes are too high. By preparing a comprehensive estate plan for the possibility of an unanticipated death, much of the pressure on family



For the protection of the surviving family children.

members that occurs in the months after a disaster can be alleviated.

### How an estate plan works

In the case of young parents - probably your children and grandchildren - an estate plan can be prepared with respect to the possibility of an unanticipated death, and how to adequately manage the risks.

An estate planning lawyer is best placed to assist in this process, as they have the skills to inquire into and assess the potential risks, and draft a plan to implement an appropriate management process.

### Benefits for grandparents

Usually, this plan will incorporate interaction with a financial adviser, to provide appropriate insurance. The plan will also require a will and testamentary trusts to appropriately dispense the proceeds of insurance for the protection of surviving family members, particularly children.

Because circumstances are different for every individual, and the future is unknown, document drafting can be fairly complicated to provide adequate security.

In line with this, preparing an estate plan, wills and testamentary trusts for young parents, can be far more expensive than wills for older people.

### Rolf Howard says . . .

The expense of estate planning is often a serious barrier to people battling with a range of pressing expenses, such as a mortgage, and perhaps only one household income for an extended period.

For this reason, estate planning can be a gift from grandparents that has long-term benefits in providing security in the event of a tragic death.

Implementing a comprehensive estate plan for young parents also has potential benefits for grandparents.

In many cases, it is the grandparents that will pick up the pieces if a tragedy occurs, so it can offer peace of mind to have circumstances already organised and funded for your children and grandchildren.

## Retirement and aged care accommodation

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needed is when an Aged Care Assessment Team is required."

Margaret Walker, aged 59 was faced with the daunting task of arranging the finances for herself and her husband after his Alzheimers disease dictated specialised residential care. Margaret said, "It all happened so quickly. My husband deteriorated quite rapidly and everything was left to me to organise, not only accommodation but all financial matters."

Josh Cratchley, a financial planner specialising in aged care from Plenary Wealth said: "I have seen several extremely unfortunate situations where people did not seek appropriate Aged Care advice and consequently did

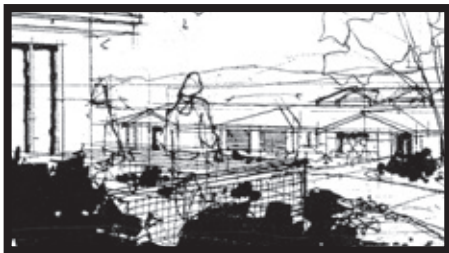
not consider all financial ramifications prior to acting. My own family went through this process recently and it proved to be a very costly mistake."

Four important recommendations before deciding on retirement accommodation include: **SEEK** specialised legal and financial advice prior to making any decision and signing any documents.

**ENSURE** estate planning is in order. Is there a Will and has a power of attorney or enduring guardian been appointed?

**BE PREPARED** for a change in circumstances. **DISCUSS** with elderly family members their different options while they are still cognizant of their surroundings.

- James Kelly, partner Owen Hodge Lawyers.



Important contracts for retirement villages.

## Standard contracts and disclosure documents

The NSW Government has prepared a standard contract that will be obligatory for retirement villages. These contracts must be entered into from October 2013.

There are also some new changes about what disclosure forms operators must provide before prospective residents sign a contract.

Why are these changes happening?

The Retirement Villages Regulation 2009 has been amended to take in new documents – Standard retirement village, General inquiry document and Disclosure statement.

“The aim is to make it easier for prospective residents to compare the costs and conditions between villages before signing a contract,” a spokesperson said.

## SAFETY IN SWIMMING

A home pool safety check-list for pool owners and occupiers is now available through the Division Swimming Pool Laws brochure. The brochure and check-list are available in 15 community languages. If you want to download it in another language log onto: [www.dlg.nsw.gov.au/dlg/dlghome](http://www.dlg.nsw.gov.au/dlg/dlghome)



Do you own your home?

Are you 65 years or over?

Would you like to free up some of the equity in your home for some worthwhile purpose such as a car, holiday, renovations?

If you answered “yes” to any of the above a ‘Reverse Mortgage’ may be the answer for you. With a reverse mortgage you are able to access equity in your home now, with payment of the loan not due until you sell your home or once you have passed away.

For further information and advice on whether this type of loan is suitable for you, please contact our lending expert Neil Lewis on 9570 7844 or email [ngl@owenhodge.com.au](mailto:ngl@owenhodge.com.au)

*Enjoy your retirement - after all you've earned it!*

## Have you planned for a possible or inevitable move into retirement or aged care accommodation?

### Are you aware of the many hidden financial and legal traps associated with this?

At two seminars, three experienced speakers will explore important issues from legal, financial and medical standpoints that need to be considered **before** moving into retirement or aged care accommodation.

- James Kelly, Elder Law Specialist, Owen Hodge Lawyers
- Joshua Cratchley, Aged Care Financial Planner, Plenary Wealth
- Aged Care Assessment Team representative

#### Seminar details:

**Seminar 1 – St George:** 5.30pm start, 10 September 2013  
Club Central, 2 Crofts Ave, Hurstville

**Seminar 2 – City:** 5.30pm start, 11 September 2013  
Sydney Masonic Centre, 66 Goulburn St, Sydney



The seminars are **FREE**. Bookings are essential as places are limited. Call or email Owen Hodge Lawyers TODAY to reserve your seat.

**1800 770 780 | [ohl@owenhodge.com.au](mailto:ohl@owenhodge.com.au)**



## COVER: TENNIS AND GOLFERS ELBOW: THE TREATMENT

**A**lmost everyone has had a minor elbow injury.

Maybe, you bumped your "funny bone" or maybe your elbow has become sore after a certain activity. Injuries can be minor or serious and may include symptoms such as pain, swelling, numbness, tingling and weakness – or a decrease in the range of motion.

Elbow injuries sometimes occur during sport or recreational activities, work related tasks, work or projects around the house – and falls.

Many times these injuries will gradually get better with time. However, as one gets older there is a higher risk for injuries and fractures due to loss of muscle mass and bone strength.

Tennis Elbow or Golfers Elbow is the resultant damage to the tendons that bend the elbow backward (Tennis Elbow), or bend the wrist toward the palm of the hand (Golfers Elbow).

## Annual loss in life and death

Cancer is the big killer but lifestyle illnesses are on the rise, said a newspaper study. Total deaths annually in Australia are 143,473. "It tells us as much about life as it does about death," the reporter said. "The ABS painted a death data of nearly 150,000 lives which ended in 2010. Some lingered, some disappeared."

### Vital statistics for 2010:

Cancers and tumours 43,298

Internal causes 9745

Circulatory system 45,499

Nervous system 6206

Respiratory system 11,949

Behavioural disorders 7030

Digestive system 5125

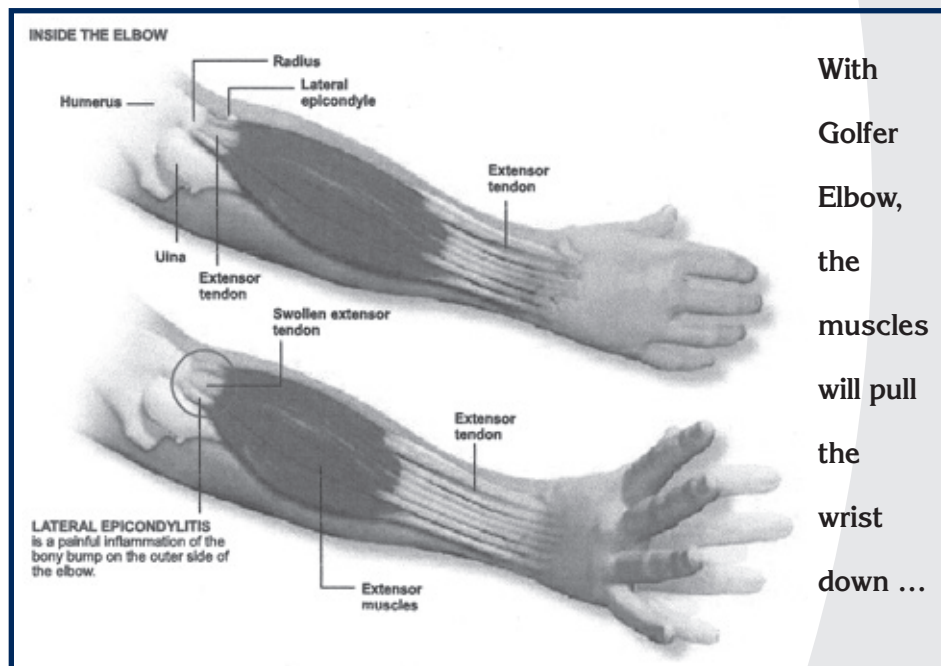
Traffic accidents 1484

Misadventure 77

Accidents and assaults 8918

Nutrition and metabolism 5704

Are you lately feeling ill with a complaint you are not sure about? It's about time you checked with your doctor.



With  
Golfer  
Elbow,  
the  
muscles  
will pull  
the  
wrist  
down ...

Elbow injuries often-times occur during sports. Tennis elbow – the muscles pull the wrist back.

The muscles that pull the wrist back, Tennis Elbow, are called the extensor muscles. These muscles are joined together and attach to a single tendon at the elbow. This tendon, called the common extensor tendon, attaches to the lateral epicondyle.

Now with Golfers Elbow, the muscles that pull the wrist down are the flexor muscles which join the common flexor tendon which are attached to the medial epicondyle.

The cause of damage and symptoms are nearly the same but, well, different. The treatment by your physician may change.

On the whole, the treatment will include rest, application of ice, anti-inflammatory medication, cross-friction massage and strengthening exercises. And surgery? In rare cases, there could be some surgery.

## Parkinson's stop-go freeze fix

Technology has come along to aid people with Parkinson's disease, says Senior's newspaper.

"An Australian-designed world-first visual cueing device called Agilitas helps people who experience mobility impairment such as freeze of gait (FoG)," the newspaper reported.

It can make it difficult to walk and undertake daily activities, the inventor said. "FoG can also lead to imbalance and falls and ultimately to a severe loss of independence for the sufferer."

■ **Agilitas is available for \$2199. Call 1800 913 141 or visit their website at [www.agilitas.com.au](http://www.agilitas.com.au)**

## COVER: Aussies sleeping less than they used to

**H**ow much do we really need? What's the impact on life and work when sleep is deprived?

A recent study showed that 1 in 5 working adults are chronically sleep deprived. And apart from feeling sleepy and grumpy the next day, these people are running a bigger risk of developing cardiovascular disease and diabetes.

With about a third of our workforce now working between the hours of 7pm and 7am, it's now emerging that night shift workers are putting themselves at risk of developing similar health problems to those who don't fall asleep.

Up to 1.2 million Australians suffer from a range of sleep disorders from insomnia to sleep apnoea.

With Australia in a parlous state over superannuation, employment and finance a little more than a third are losing sleep over the economy and personal financial matters.

This striking disparity in sleep patterns reveals health habits and quality of life between healthy and unhealthy Australians.

Lack of sleep creates dangerous problems on the roads. In 2009, a survey discovered two things: 54 per cent have driven when drowsy; and 28 per cent have nodded off when driving a vehicle.

Sleep disorders are often associated with other chronic diseases, like diabetes and hypertension. Both these complaints can add to the complexity, and even accelerate each other if untreated.

If you have any problems with sleeping, speak to your family doctor.

## Retirement Villages: Laws say "get the facts!"

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(particularly if it's a private village), insufficient and depleted financial reserves, poor marketing, financial and operational mismanagement have a poor effect on the building.

### New to the industry

"Management may be unable to pay its bills and consumers learn of these problematic



Don't let size fool you.

consequences the hard way," the executive said.

Instruct your accountant or solicitor to obtain the most recent audited financial statement – a necessary item for potential residents.

"Many developers or sponsors who are new to the industry are good at speculation," a builder said.

"The sponsor is involved in the initial planning of the project and may maintain a relationship with the complex because of either having a financial investment or a position on the board of directors.

"Whereas, the management personnel are often hired under contract."

■ Check to see if there have been any complaints filed against the village of your choice. Contact the NSW Department of Fair Trading.

## 'Forgotten people', plea for support!

Married life was going well until things started to go wrong.

The complaint took about a month to materialise – but it came as a shock.

It was Dennis's multiple sclerosis.

Admittedly, said Paula, his wife, the first few years weren't such a problem; just a steady progression from walking stick to callipers and coping with the fear of what would happen next.

"You don't choose to be a carer, it just happens. But carers are the forgotten people. As a carer I needed an education to help me in my caring role," Paula said.

Pole Depot Community Centre has about 540 people on its books and they get some carer relief. About 225 carers actively engage in the various carer programs offered.

■ Carers Week 2013 - Oct 13 to 19.

## THE AUTHORS

Eve Langley wrote the Pea Pickers in 1942. But Eve had a problem – she dressed like a man. She even adopted a man's name – Steve. But you couldn't stir me away from her prose. She died in 1974 and was not discovered for days. Next issue.

## Farewell the book

The nineteenth century essayist and philosopher Thomas Carlyle once remarked that "of things people can do or make . . . by far the most momentous, wonderful and worthy are the things that are called books!"

On the day that George Howe held a copy of the first book printed in Australia (more than) 200 years ago, that "typographical monument", what was he thinking?

We'll never know. Farewell the book. Not likely. Dilapidated or splendid the book has, for several centuries, been one of the cultural mainstays of our society.

Over the past decade, give or take a few months, legions of pundits and doomsayers have been opining in no uncertain terms that the book's days are numbered.

Granted the book's challenge, digital technology is spreading its tentacles in all directions. But the physical book refuses to die. At the 2000 Frankfurt Book Fair there was great euphoria over the electronic book.

It was reported that some publishers went as far as predicting that paper books would become "museum pieces" within a generation. When the curtain rose on last year's Book Fair the electronic book was still battling its expectations.

"There is no way of dodging the fact that the eBook IS the future. There is a revolution under way and it is going to transform the book as we know it forever. - FM.

## WARBIRDS OVER WANAKA

They're coming!

Across the crystal blue lake, in the backdrop of stunning scenery, comes all types of Warbirds.

It's an airshow which celebrates mankind's glory days of the past 100 years. On the flight over:

Wear spectacles or prescription sunglasses, avoid alcohol, drink lots of water, regularly leave your seat to stretch you legs.



WARBIRDS OVER WANAKA

## New Zealand's biggest aviation event!

8 Days from \$3084\* per person, twin share. Departs 16 April 2014.

13 Days from \$3984\* per person, twin share. Departs 11 April 2014.

Tours include airfares, taxes, accommodation, most meals plus a range of pre paid attractions.

Tour the South Island of New Zealand and experience the thrilling Warbirds Over Wanaka International Airshow on either the 13 Day South Island Getaway or the 8 Day South Island Escape. Witness flying acts with famous military fighter aircraft from the last 100 years, through to modern jets of today and experience NZ's most popular attractions.



Book by 30 September 2013 and receive \$100 discount per person PLUS a 400 page New Zealand Eyewitness Travel Guide.

For a 6 page brochure contact your local travel agent or Grand Pacific Tours on 1800 622 768 or visit our website at [www.grandpacifictours.com](http://www.grandpacifictours.com)



\*Conditions apply. Price valid for travel ex SYD and includes pre paid taxes (subject to change). Single supplement available. \*\*\$100 discount is per person. Book is one per household. No other special offers or discounts apply. Not valid on special group departures. Applies to new bookings only until 30 September 2013. Lic No 32046.





## WILLIAM ARNOTT – KING OF THE BISCUIT TRADE

REMEMBER WHEN . . .  
Frank Morris remembers!

William Arnott, born in Scotland in 1827, was apprenticed as a young lad and earned half a crown a week (25c). In Australia, the name Arnott is synonymous with biscuits.

Arnott set up a factory in Homebush, NSW.

When the young 20-year-old Arnott migrated to Australia he baked loaves and pastries for the goldminers until he had enough money to set up shop in West Maitland, NSW.

Soon he had a thriving business among the coal miners. But disaster struck and his business was ruined in a flood. A few months later his wife died. It seems like enough to stop many men, but not William Arnott.

He worked, scrimped and saved. "I'll start all over again," Arnott said.

In 1865, he opened his business in the heart of Newcastle. He married again, and his five sons learnt the baking trade, and later became partners in the business.

By 1870, William's biscuits were in such demand that he had to build a new factory. Time marches on. Now, all his plant was driven by mechanical power.

When the Newcastle to Sydney railway line opened in 1889, Arnott opened a depot in Sydney. Within five years a Sydney factory was opened.

William Arnott died, age 74, in 1901.

In 1908, the Homebush biscuit plant, the largest the Southern Hemisphere, was completed.

The company, Arnott Biscuits, was so successful as an Australian firm, that it was taken over by the American soup company, Campbell's, in 1997.

While many varieties of biscuits have been developed over the years, one of William Arnott's best-selling favourites was Milk Arrowroot. It still popular in Australia today - over 100 years since it was first baked.

## FACT OF LIFE



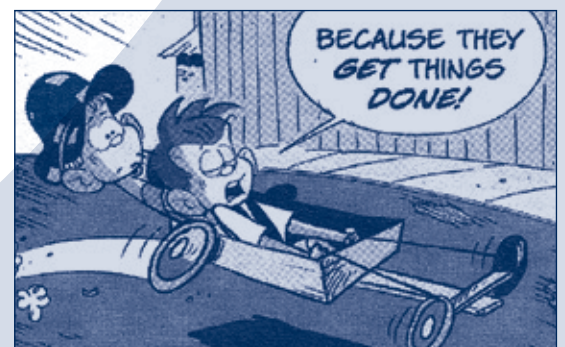
## THE GREAT WAR

This was the "war that would end all wars." Anyway, that's what the experts were telling our boys. They believed them. We went out to make sure that no measure was lost. We had an enthusiastic and patriotic ditty, which went like this: "No! No! No! Australia will be there, Australia will be there!" Next issue.

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**THROSBY TURNS 21.** Honey-voiced Margaret Throsby, a favourite of mine, celebrated her twenty-one-year stint with the ABC in champagne style. That was in 1988. As Ms Throsby walked into her studio to begin her morning program . . . it was overflowing with dozens of big names with whom she has worked since 1967. In 1975, she became the first woman to read the ABC news since World War II. She is still going strong.  
.....

## BILLYCART DERBY . . . I HAD TO MAKE SOME CHANGES!

Like Ginger Meggs, I was in love with my billycart. I used to ride up hill and down dale to where the races were on. My billycart was named Racing Beauty, a ballbearing racer. The lads were all there. All had billycarts, outfitted with ballbearing and fancy prams wheels. I raced against a kid who drove a speedster called Speedo. At the start, he left me for dead. Half way down he hit a bump and he and Speedo parted company. I realised I had to make some changes - ballbearing-wise.



Ginger Meggs: Because we get things done - just like at home! More about billycarts soon.



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