

Pave the Way Newsletter

December 2007

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"While 'clarity' simply means to be clear, the process of becoming clear requires time, awareness of self, reflection and analysis and ultimately, willingness."

Working together well

Rolling Conversations – Getting it together, Working Together is a series of 2 hour sessions run over 5 weeks. These nights developed as a response to questions raised by people who have attended Pave the Way workshops over the past 3 years. People were seeking practical strategies and opportunities to explore the complexity and the components needed to ensure a positive experience when families invite people into their lives as a safeguarding strategy. Pave the Way works in a developmental way, and in keeping with this philosophy, this series provided us with both valuable experience and constructive feedback. One of the significant learnings was that families continue to demonstrate wisdom and given the opportunity to reflect and discuss issues with trusted others, they find that they have many strategies that work well in their lives. The topics offered included clarity, communication, roles/dynamics within groups and maintenance of relationships/circles over time.

Pave the Way promotes clarity about the person and the vision as the foundations for planning. Planning itself is a tool for clarity. Starting with a vision and understanding the aspects of life that will lead us to that vision assists us to develop the appropriate steps and actions. While "clarity" simply means to be clear, the process of becoming clear requires time, awareness of self, reflection and analysis and ultimately, willingness. Human beings are complex in their behaviours, their personalities, the roles they choose and the way they communicate to each other. Inviting other people in requires us to understand our own part in relationships, how we communicate and how we interact with others. Inviting others in can provide a significant safeguard for our family member. For this strategy to be effective, people need to feel welcome, appreciated and to have a role. Families are committed, and through necessity, have filled a number of roles extremely well in the past. This may prove to be a roadblock to the successful inclusion of others in the future if we are not aware and do not make space.

This series of conversations has enabled participants to peel back some of the layers of complexity. It has highlighted the need to take time and to hasten slowly. Change requires deliberate understanding, planning and actions. Inviting trusted others to join us requires a new way of thinking and a new way of being.



If you would like further information, please contact Sharon Bourke on (07) 3291 5800

Information Sheet 2 – Preparing a Will

Pave the Way's second Information Sheet, "**Preparing a Will: What to do before visiting your solicitor**", is now available. The document is designed to help think through some of the practical and more theoretical issues involved in preparing to meet with a solicitor. Sections include, *Financial Issues, Trusts, Roles (executor, trustee, guardian), Providing for beneficiaries* and *What to take to the solicitor*.

Lawyers specialising in the area of wills and estate planning are usually keen to work collaboratively with families and will most often have their own lists of documents they require people to bring with them. The Information Sheet expands on this type of preparation to suggest particular things to think about when there is a person with a disability in the family who may be more dependent than other family members on receiving an adequate share of any estate assets. In keeping with Pave the Way's beliefs about future planning, the document assists families to think through the importance of having a clear vision for the life of their son or daughter before any planning begins.

Pave the Way would like to acknowledge the research assistance provided by QUT student, Natalie Kennedy, during the preparation of this document and also the valuable advice offered by solicitors, Sharon Winn and Michele Sheehan. Ms Winn and Ms Sheehan are two solicitors on the Professional Panel of solicitors, accountants and financial planners convened by Pave the Way.

We trust that this Information Sheet will be helpful for families who are planning to make a will as part of their long term safeguarding strategy for their son or daughter with a disability, and for their whole family. We would welcome any feedback you have about the document. If you would like a copy of the Information Sheet please contact the Pave the Way office, alternatively the Information Sheet is also available on our new website!

PAVE THE WAY IS NOW ONLINE - www.pavetheway.org.au

Pave the Way is now in cyberspace. The website is part of our information strategy to reach families throughout Queensland. It is a basic text based site designed to offer access to our Information Sheets, Newsletters and other documents written by Pave the Way staff. It also provides information about our workshop program, including the calendar of events throughout the State.

We hope that the website will also be a way to share stories of how families work through the planning process to build secure futures for their sons and daughters. We would love to hear from you if you have a good story to tell.

We would also appreciate any feedback you have to the content and ease of access to the site. We look forward to hearing from you.

Careful planning and preparation before making a will can help ensure that what is written reflects what we hope for in the life of our son and daughter.

Check out our website
www.pavetheway.org.au



For further information, or to receive a copy of this Information Sheet, please contact Catherine Raju on 3291 5800

Special Disability Trusts – are they worth the trouble?

In our December 2006 Newsletter we wrote briefly about the Commonwealth Government's new laws which allow for the establishment of Special Disability Trusts. Special Disability Trusts can be established during our lifetime or in our wills. Their key purpose is to allow concessions from Centrelink assets and income tests. This means that if we set up a Special Disability Trust for our family members with disability, so long as certain requirements are met, their pension will not be affected. These requirements include:

- trust deed setting up a Special Disability Trust must meet certain requirements
- only one Special Disability Trust can be established per person (beneficiary)
- only funds to \$500,000 (indexed yearly – now \$516,500) attract concessions
- the beneficiary of a Special Disability Trust must have a "severe disability"
- trust funds can be used only for the beneficiary's "care and accommodation"
- assets put into a Special Disability Trust cannot be recovered
- unspent income from a Special Disability Trust is taxed at the highest rate.

In discussions with families, we have found that many see Special Disability Trusts to be of limited value. For some, their family member does not have a "severe disability", as defined, despite receiving a pension. All see the restriction that trust funds can be used only for "care and accommodation" as unnecessary and would require many families to set up two trusts. One parent said that the whole point of a trust was to cover the costs of holidays, clothing and household goods for their family member, none of which could be paid for from a Special Disability Trust.

One situation where families might find a Special Disability Trust of assistance could be where parents or other close relatives are seeking entitlement to a pension themselves. "Immediate family members" can gift up to \$500,000 (not indexed) into a Special Disability Trust and still be eligible for their own (e.g. aged) pension. Under Social Security gifting rules, a pensioner can gift only \$10,000 in a single year or \$30,000 over a five year period before the gifting rules apply.

It is particularly important to obtain specific legal and financial advice before deciding whether to set up a Special Disability Trust. A booklet on Special Disability Trusts is available from the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) by phoning 1800 050 009. Pave the Way also has copies available for families.

"In discussions with families, we have found that many see Special Disability Trusts to be of limited value."

For a discussion of Special Disability Trusts see the report "Succession Planning for Carers" on the FaCSIA website – www.facs.gov.au/carers

For further information, please contact Jeremy Ward on (07) 3291 5800

Pave the Way

Pave the Way assists families throughout Queensland to clarify their vision for their family member with a disability and to plan to implement that vision. We encourage planning which is vision driven, 'whole of life', developmental, outside service planning and which safeguards family members in the long term. We believe it is other people who keep people safe and support the development of personal networks, including Support Circles.

Contact us

Please contact us if you would like to be on our mailing list, or would like information or assistance developing a vision and plan or developing a support circle or similar network. If you are part of a group of families and would like us to come and talk about these issues, let us know.

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1300 phone number

Pave the Way now has a 1300 number, which allows you to contact us from anywhere in Queensland for the cost of a local call. The number is **1300 554 402**. This service has been introduced to assist those families who live outside the Brisbane area.

Upcoming events

"Planning for Now, Tomorrow and the Future" – Jeremy Ward

Brisbane 23 February 2008 (PTW)
Gold Coast 8 March 2008 (CASSI)

"Visions to Action Through Planning" – 6 Day Workshop

Townsville 7 – 9 March 08 & 13 – 15 June 08 (PTW)



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To book into one of the above workshops, please phone the relevant contact:
Pave the Way (07) 3291 5800 or 1300 554 402, CASSI (07) 5574 0955. Application forms for the 6 day workshop are available by phoning Michelle on (07) 3291 5800 or 1300 554 402.