

Seniors Team
Department of Communities and Justice
Locked Bag 5000
PARRAMATTA NSW 2124

Sent by email: seniors@facs.nsw.gov.au

Dear Seniors Team,

Formal submission – ADC Act Independent Review

The NSW Carers Advisory Council (the Council) writes to you regarding the independent review of the Ageing and Disability Commissioner (ADC) Act 2019.

The Council provides advice to the NSW Government on legislation, policy and other matters relating to carers. For more information, about the Council and our members, the majority of whom are carers, please visit our website at www.facs.nsw.gov.au/inclusion/advisory-councils/carers.

Following are the Council's responses to the questions in the Discussion paper.

Discussion Paper Questions	CAC feedback
1. Are the objects outlined in section 4 of the Act still valid? What changes, if any, should be made?	
2. What do you think about the principles? Are they appropriate for older adults and adults with disability?	
3. Are there any changes required to the appointment process or the status of the Commissioner?	No
4. Are the functions of the Commissioner suitable and appropriate to achieve the objectives of the Act?	Yes
5. Should the Commissioner have discretion in deciding which reports to refer to the bodies in sections 13(8) and 13(9) of the Act?	The Commissioner should have discretion in deciding which reports to refer to in sections 13(8) and 13(9).
6. In what circumstances should the Commissioner be able to investigate an allegation without the consent of the relevant adult?	There are definitely circumstances where the Commissioner should be able to investigate allegations without the consent of the relevant adult. A Council member knows of situations where a family member or a person who has (by coercion) obtained

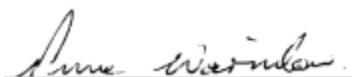
Discussion Paper Questions	CAC feedback
	Power of Attorney and was fraudulently using the relevant adult's finances for the benefit of the family member/PoA (not the relevant adult). If permission was sought from the relevant person they would not agree as they were reliant on that person for help. This would certainly be the case in a situation of coercive control.
7. Should an exemption from the requirement to obtain consent, similar to the one in South Australian legislation, be included in the Act?	
8. Are the Commissioner's information sharing powers appropriate and sufficient to achieve the objectives of the Act?	The Commissioner should have broader powers to share information with the organisations listed if they are relevant to support the person with a disability or who is aged.
9. Should the Act enable the Commissioner to share information with the organisations and individuals listed in paragraph 3.28? Are there any others?	The Commissioner should share information with the relevant person's Power of Attorney and/or Guardian and concerned family members and carers.
10. Are the Commissioner's investigation and public inquiry powers appropriate and sufficient to achieve the objectives of the Act?	It appears the investigation powers are sufficient as long as they apply to individuals as well as organisations.
11. Should the Act clarify the scope of the Commissioner's authority to manage the performance of OCVs and the grounds of removal for OCVs?	
12. Should OCVs be permitted to provide advice and information to the NDIS Commission and Department of Communities and Justice, to improve regulation of the disability services sector and assisted boarding houses?	Yes
13. Should disability service providers be required to give information about new or changes to existing visitable services they operate to the ADC? If so, what information should the providers be required to give?	Yes
14. Should the ADC Act be amended to provide flexibility for alignment of the NSW OCVs with a nationally consistent CVS which may be subsequently agreed by the Disability Reform Ministers' Council, including the potential for volunteer visitors as per some other state schemes?	<p>The Act should be amended to provide flexibility to align the NSW OCV scheme with a nationally consistent scheme.</p> <p>However Council has concerns about including volunteers as part of the scheme. It seems from the information provided that there are already some concerns with the quality of paid OCVs. Using volunteers could exacerbate this problem as there is sometime limited quality control when a person is a volunteer.</p>

Discussion Paper Questions	CAC feedback
15. Are the matters the Commissioner is required to include in their annual reports appropriate?	
16. Should the Commissioner be required to continue reporting on the outcome of each referral to other agencies?	
17. Is the role and membership of the Ageing and Disability Board appropriate and sufficient to achieve the objectives of the Act?	
18. Do you have any other comments about the Act that you would like to raise?	

On behalf of the Council and carers across NSW, I ask that you review our feedback taking into consideration needs and the role of carers. We also give permission for our submission to be published.

If you wish to discuss this further, please contact me on the contact details below.

Yours sincerely,



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