



Ageing and Disability
Commission

Annual Report 2021-2022





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Tabling letter

21 November 2022

The Hon Matthew Mason-Cox MLC
President
Legislative Council
Parliament House
Sydney NSW 2000

The Hon Jonathan O'Dea MP
Speaker
Legislative Assembly
Parliament House
Sydney NSW 2000

Dear Mr President and Mr Speaker

Ageing and Disability Commission Annual Report 2021-22

I am pleased to present the Annual Report for the NSW Ageing and Disability Commission for 2021-22, for tabling in NSW Parliament.

This report is presented to the Parliament in accordance with section 25 of the *Ageing and Disability Commissioner Act 2019*.

Yours sincerely



Robert Fitzgerald AM
Ageing and Disability Commissioner



A message from our Commissioner

Demand for our work has never been higher than in the last financial year. We had an 11.5% increase in reports to the Ageing and Disability Commission (ADC), reflecting not only a growing need for our work but a better understanding about what we do, and how we can help older people and adults with disability live in safety.

We achieved this result through a lot of hard work.

We answered 12,561 calls and shared over 18,700 resources across NSW.

We actively sought to work as quickly as we could to resolve matters and improve safeguards for older people and adults with disability; most reports received over the last year to the Helpline were closed within 7 days and involved early assistance and case coordination, referrals and resolution (including providing information, assistance and support).

While we continue to see the majority of reports relate to older people and mainly involve allegations of psychological and financial abuse, we're starting to see an increase in reports about neglect.

Neglect featured in 23% of allegations involving older people, and 27% of allegations involving adults with disability over the past year. It's an important focus area for the next year for the ADC as we begin to identify gaps and areas for further work in preventing and responding to this critical issue.

Above all, I am proud of the great outcomes we have achieved for older people and adults with disability. These outcomes not only include gaining and respecting the views and wishes of the person in the report, but also significant changes to improve and maintain safeguards such as moving the adult into alternative accommodation, assisting them to access and receive aged care or disability supports, seek legal or advocacy support and working with police to check on their welfare or investigate criminal allegations.





We also reconnected with the community as COVID-19 restrictions eased.

Together with my staff we attended 57 events and spoke for the first time at the National Elder Abuse Conference in Hobart. We strengthened the capacity of local government with the launch of a new program, designed a bespoke online module for the NSW Police Force and had close to 5,000 users access our online training modules from our website.

The abuse prevention collaboratives delivered incredibly creative and innovative solutions to support their local communities become more aware of and act on concerns of abuse, and they continue to be an invaluable partner in our work.

We continued to administer the Official Community Visitor (OCV) scheme, which focuses on disability residential services, assisted boarding houses and residential out-of-home care services. The OCVs have an important role in ensuring the voices of residences in these services are heard, and I thank them all for their work over the past year.

I extend my gratitude and thanks to Eileen Baldry for steering the Ageing and Disability Advisory Board and their guidance on critical issues over the past twelve months. With new and reappointed members this Board continues to set a strong agenda that informs our work raising awareness about abuse and neglect of older people and adults with disability. I am also grateful for the advice from our reference group and roundtables who provide ongoing sector and professional expertise in all areas of our work.

To the Minister for Families, Communities and Disability Services, Natasha Maclaren-Jones MLC, and the Minister for Seniors, Mark Coure MP, thank you for your commitment and belief in the work we do. Thank you also to the Department of Communities and Justice for your ongoing support.

The results over the past year clearly demonstrate the need and critical role the ADC has in supporting older people and adults with disability, workers and the broader community. While our annual report shares many more achievements and areas that my office will lead over the coming year, I am deeply grateful for the support we have had from the community, advocacy organisations, government and non-government agencies and partners in helping us do the work we do.

Together, we have a genuine chance to continually safeguard older people and adults with disability from abuse in their family, home and community.



Robert Fitzgerald AM
NSW Ageing and Disability
Commissioner

Highlights

Calls, matters and reports handled



12,561

calls received by the
Ageing and Disability
Abuse Helpline



5,289

matters received

including

3,975

reports about adults with
disability and older people who
were subject to, or at risk of,
abuse, neglect and exploitation



11.5%

increase in reports



3,072

reports about older
people (10.6% increase)



903

reports about adults with
disability (who were
not older people)
(14.4% increase)

Training



Designed an online training module for police officers to improve the detection and response to the abuse of older people and adults with disability across the NSW Police Force.



Launched a new training program for service management on preventing and responding to abuse of older people and adults with disability in their family, home and community.



≈ 5,000

users accessed our online training modules
from our website.

Stakeholder engagement



Attended and participated in 57 community engagement and training events across NSW, working with the ageing, disability and community sectors.



Launched a program to better support local government in their responses to abuse, neglect and exploitation.

Strategic program highlights



Developed a public policy framework for safeguarding adults vulnerable to abuse.



Developed engagement frameworks for our work with Aboriginal and culturally and linguistically diverse communities.



Enabled research by UNSW and Carers NSW on reports to the ADC to inform strategies and resources to better support carers.



Conducted a review of Community Visitor schemes.



Completed research to inform proposals to strengthen safeguards relating to misuse of Enduring Powers of Attorney.

Communications



Led campaigns for International Day of People with Disability, and World Elder Abuse Awareness Day, reaching almost 36,000 users across social media.



18,732
resources sent across NSW.

Submissions

We made submissions to inquiries and reviews relating to matters affecting adults with disability and older people, including the NSW Treasury Women's Economic Opportunities Review and a NSW Legislative Council Inquiry into Homelessness amongst older people aged over 55 in NSW.



About the Ageing and Disability Commission

The Ageing and Disability Commission (ADC) is an independent NSW government agency that protects and promotes the rights of adults with disability and older people, and safeguards them from abuse, neglect and exploitation in their family, home and community.

What we do

Our functions are mainly focused on promoting and upholding the rights of, and improving safeguards for, adults with disability (aged 18 years and over) and older people (aged 65 years and over, or 50 years and over if Aboriginal and/or Torres Strait Islander). We also carry out some functions that have a slightly broader focus.

Handling reports about abuse, neglect and exploitation

The Ageing and Disability Abuse Helpline handles enquiries and reports about older people and adults with disability who are subject to, or at risk of, abuse, neglect and exploitation. The Helpline delivers early intervention and assistance through providing information, advice, support, and referrals. In certain cases, the ADC takes further actions, including making inquiries, working with the adult and other parties to improve the adult's safety and circumstances, and conducting investigations. See sections 1 and 2 for details of our work in 2021-22.

Building community capacity to prevent, identify and respond to abuse

A key role of the ADC is focused on raising awareness and educating the public about matters relating to the abuse, neglect and exploitation of adults with disability and older people in their family, home and community. We aim to build and strengthen the capability of individuals and communities to prevent, identify, and appropriately respond to abuse. See section 3 for our communications and engagement activities this year.

Inquiring into systemic issues and making recommendations to Government

We inquire into and report on systemic issues relating to the abuse, neglect and exploitation of adults with disability and older people, and/or the protection and promotion of their rights. The ADC can also consult with the Ageing and Disability Advisory Board, and provide advice and make recommendations to Government on these matters. See section 4 for more information.

Coordinating the Official Community Visitor scheme

The ADC oversees and coordinates the NSW Official Community Visitor (OCV) scheme. OCVs are Ministerial appointees who visit vulnerable people living in residential care in NSW. Their main role is to raise issues affecting residents with providers, the Minister and other appropriate bodies to enable timely resolution of the issues and improved outcomes. See section 5 for details of the work of the ADC's OCV team in 2021-22.

Reporting on implementation of the National Disability Strategy in NSW

We have a role to monitor, assess, and report on the implementation of the National Disability Strategy (now Australia's Disability Strategy) in NSW. See section 4 for more information.

The ADC administers the *Ageing and Disability Commissioner Act 2019* (ADC Act). By way of agreement with the NSW Children's Guardian, we carry out our responsibilities to administer the OCV scheme under both the ADC Act and the *Children's Guardian Act 2019*.





Our purpose

To protect the rights of older people and adults with disability so they can live free from abuse, neglect and exploitation in their family, home and community.

Our stakeholders

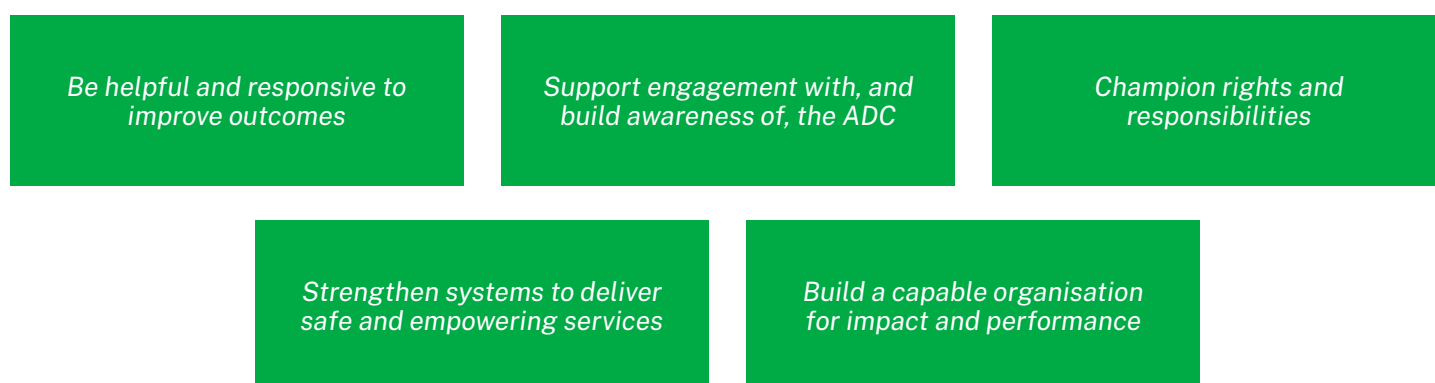
The focus of the ADC's work is on adults with disability and older people who are subject to, or at risk of, abuse, neglect and exploitation; and vulnerable adults and children living in the care of visitable services.

We work with a wide range of stakeholders to fulfil our role, including:

- government and non-government agencies, including NSW Police, aged care and disability service providers
- Official Community Visitors
- families and carers
- ageing and disability advocacy and peak organisations
- the Ageing and Disability Advisory Board
- private practitioners and agencies, including health, legal and financial services
- community members.

Our strategic objectives

Our Strategic Plan 2020-2022 focuses on key activities to:



The full Strategic Plan is available on our [website](#). Our progress in implementing the plan in 2021-22 is reflected throughout this annual report, including (among others):

Developing accessible information and communication tools for adults with disability and older people to understand the ADC and abuse, neglect and exploitation	See section 3
Establishing key consultative and advisory mechanisms, including a community of practice with other adult safeguarding agencies undertaking investigations	See section 3
Developing engagement frameworks for our work with Aboriginal and culturally diverse communities	See section 3
Developing public policy and practice frameworks	See section 4
Developing resources for carers to enable early intervention and support	See section 4
Highlighting and progressing work in relation to systemic issues affecting adults with disability and older people, and people living in residential care	See sections 4 and 5
Establishing and embedding wellbeing approaches for staff and OCVs	See Appendix A2.2

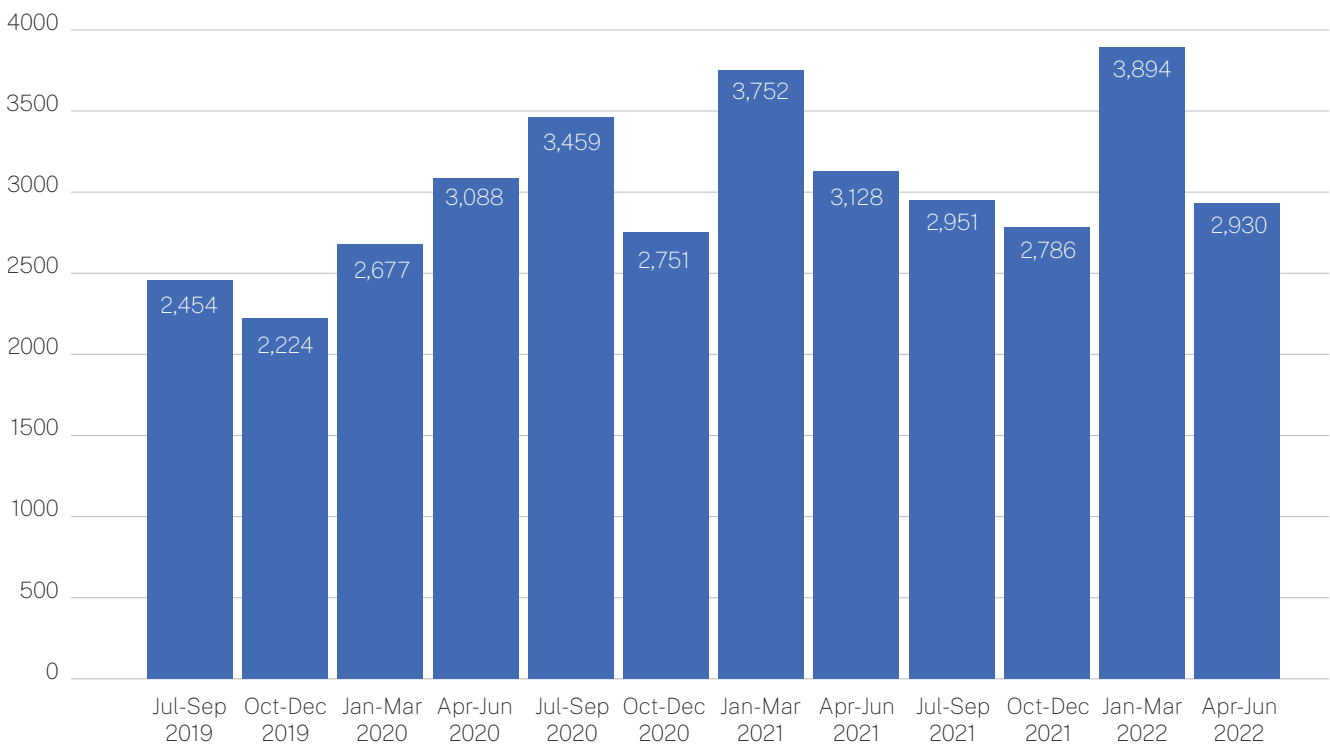
Our work in 2021-2022

1. Calls, enquiries and reports to the ADC

1.1 Calls to the NSW Ageing and Disability Abuse Helpline

Our Ageing and Disability Abuse Helpline is the central point of contact for requests for information, advice and assistance from the ADC. In 2021-22, the Ageing and Disability Abuse Helpline received **12,561 calls**. In comparison, the Helpline received 13,090 calls in 2020/21 and 10,443 calls in 2019/20.

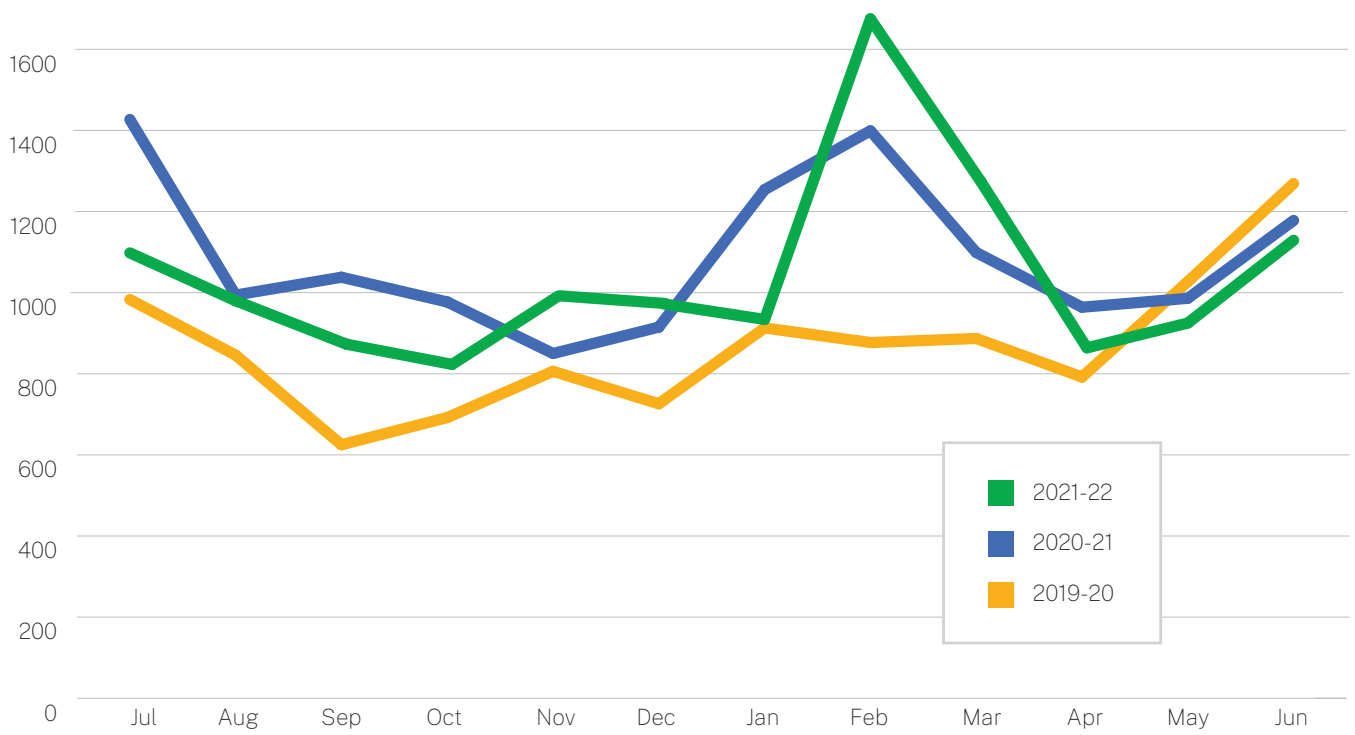
Figure 1: Number of calls received by the Ageing and Disability Abuse Helpline, by quarter, July 2019 – June 2022



Calls to the Helpline in 2021-22 declined during the COVID-19 lockdown in July – October 2021, and increased once the ‘stay at home’ orders were lifted. This was associated with the main reporters (family members and services) regaining contact with the adult and identifying concerns.

It was similar in February 2022 when calls increased after the Christmas/ New Year period. Among other things, calls increased as a result of increased family stress and conflict, and concerns arising while seeing (or trying to see) the adult during the holidays.

Figure 2: Number of calls received by the Helpline, by quarter, July 2019 – June 2022





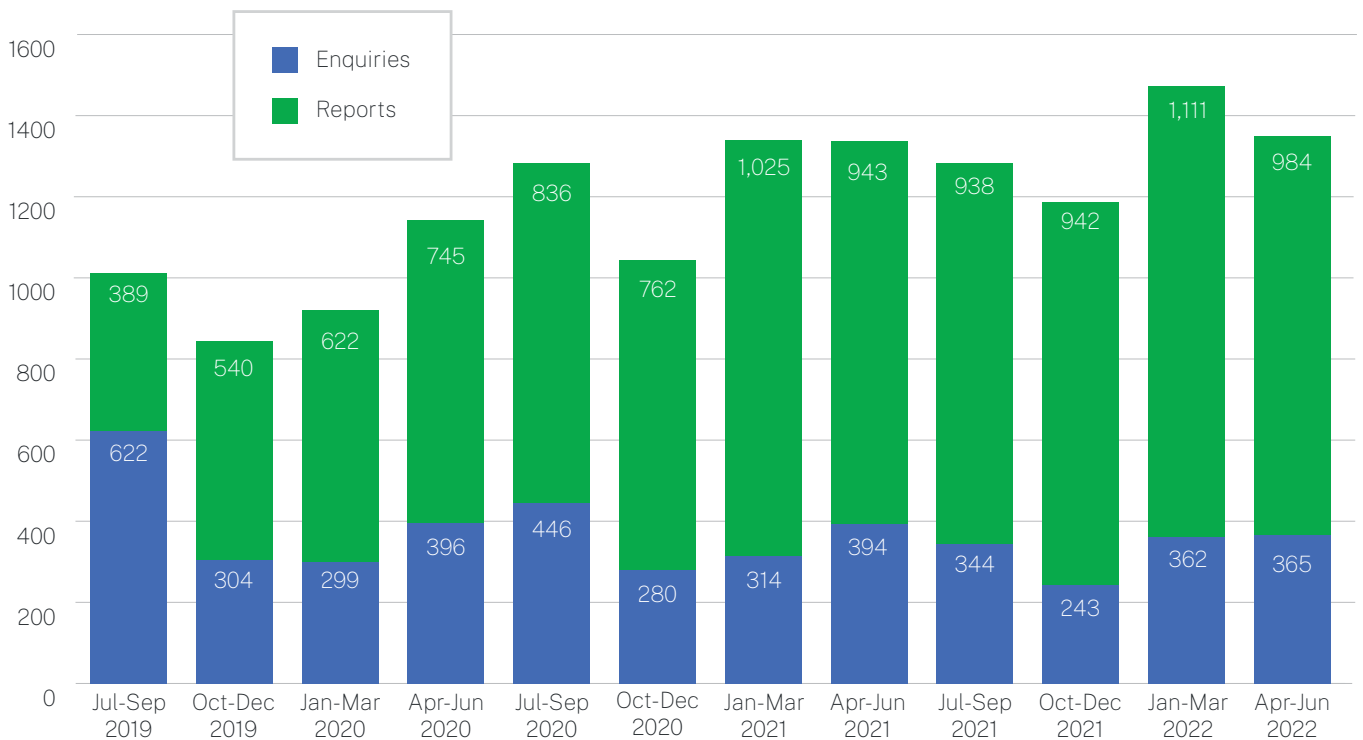
1.2 Number of reports and enquiries

In 2021-22, the ADC received **5,289 matters**, comprising:

- **3,975 reports** under section 13 of the *Ageing and Disability Commissioner Act 2019*¹
- **1,314 enquiries** – involving **622 general enquiries**², and **692 abuse-related enquiries**³.

The number of matters received in 2021-22 was **5.8% higher** than 2020-21 (5,000), and **35% higher** than 2019-20 (3,917).

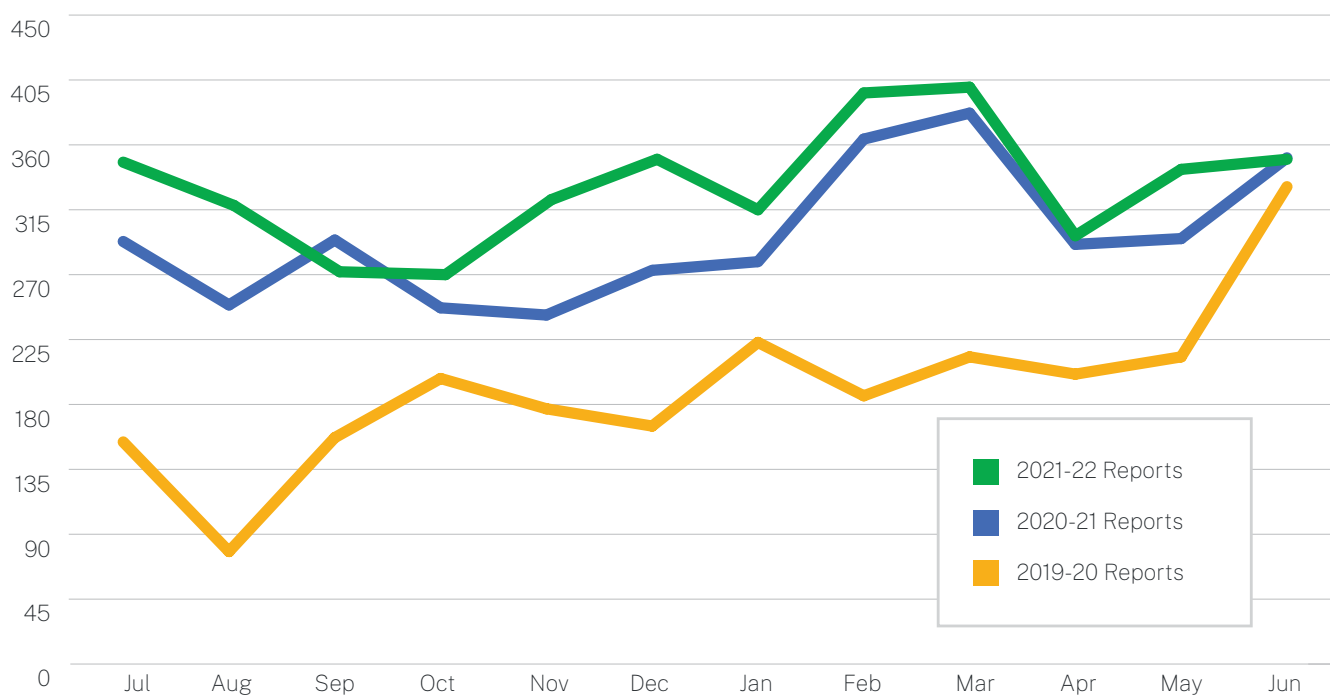
Figure 3: All matters received by the ADC, by quarter, July 2019 – June 2022



Compared to 2020-21, the number of **reports increased by 11.5%**, and the number of **enquiries decreased by 8.4%**. The increase in reports and reduction in enquiries reflects:

- increased demand
- a better understanding by reporters of the role of the ADC
- better classification of cases by the ADC (more accurate data capture).

Figure 4: Reports received by the ADC, by month, 2019-20 to 2021-22



1 Under section 13(1) of the ADC Act, a person may make a report to the ADC about an adult with disability or older adult if the person has reasonable grounds to believe that the adult is subject to, at risk of, or in circumstances that will result in, abuse, neglect or exploitation.

2 General enquiries are contacts with the Helpline that do not relate to abuse, neglect or exploitation of an individual. They include, for example, queries about the role of the ADC, confirmation of the operating hours of the Helpline, and requests for publications.

3 Abuse enquiries are contacts that relate to alleged abuse, neglect and exploitation, but do not meet the criteria of a report under the ADC Act. They include, for example, contacts about individuals who are younger than 18 years or who live interstate; and matters that do not contain any identifying information for the ADC to take further action.

Contact with the ADC

As shown in table 1, the majority of contact with the ADC is via telephone to the Helpline, including 93% of all contacts in 2021-22.

We received a higher proportion of contacts via our web form this year. Contact with the ADC via the web form comprised 6.3% of all contacts in 2021-22, compared with 3.7% in 2020-21 (when it was first introduced).

Table 1: Method of contact with the ADC, enquiries and reports received in 2021-22

Method	Enquiries	Reports	Total	Percentage
Telephone	1,281	3,651	4,932	93.3
Web form	26	307	333	6.3
Email	7	12	19	<1
Letter	0	2	2	<1
In person	0	2	2	<1
Own motion	0	1	1	<1
Total	1,314	3,975	5,289	100



2. Handling reports

The ADC Act enables us to take a range of actions in response to a report, depending on the circumstances of the individual case, including to:

- decline to take action on a report
- make a referral to another person or body
- make preliminary inquiries to decide to how to deal with a report
- conduct an investigation
- provide relevant information to a relevant agency to enable or assist the agency to provide a service to, make a decision or assessment, or take other action.

The majority of reports are handled solely by the Helpline, mainly through providing advice, information, support and making appropriate referrals. Where substantial further actions are required, the matter is assigned to our Community Supports and Investigations Unit.

Figure 1 identifies the main pathways used by the ADC in responding to reports, ranging from the early intervention and resolution approaches of the Helpline, through to investigations undertaken by our Community Supports and Investigations Unit. The following section provides more information about these pathways.

Figure 5: Main pathways used by the ADC in responding to reports





2.1 Reports we handled and finalised in 2021-22

The ADC closed 3,959 reports in 2021-22, an increase of 13% on the previous year. Three-quarters of the reports (3,054) were handled at an early point by the Ageing and Disability Abuse Helpline providing assistance and support to the caller, referring matters to other appropriate parties, and providing early case coordination to the adult.

In 19% of the reports closed this year (746), the primary action taken by the ADC involved further work on the report, including making inquiries; working with the adult and other parties to address risks and improve outcomes; referring the matter to NSW Police; and/or investigating.

Most of the reports (64%) were closed within seven days, reflecting the early assistance and resolution approach of the Helpline. Compared with 2020-21, a higher proportion of reports were closed within seven days (previously 55%).

Table 2: Age of case at closure, reports closed in 2021-22

0-7 days	8-14 days	15-30 days	>30 days	Total
2,524	431	422	582	3,959

Table 3 outlines the primary action we took in relation to the reports we handled and finalised in 2021-22. The ADC took action on the vast majority of reports (95.9%); 159 reports were declined at the outset.

Table 3: Primary action taken by ADC, reports closed in 2021-22

Primary action by ADC	Number
1. Early intervention/resolution (Helpline only)	3,054
a) Assistance and support provided	2,652
b) Referred externally	318
c) Early case coordination	84
2. Closed after preliminary inquiries	286
a) Appropriate actions underway to address/manage risks	186
b) No or low risk identified	69
c) Person has capacity and refused investigation/involvement	31
3. Community supports	208
a) Risk identified – risk removed or managed with intervention	114
b) No or low risk identified	74
c) Risk identified – risk remained	11
d) Risk identified – risk removed or managed prior to intervention	9
4. Declined at outset	159
a) Insufficient details to progress	138
b) Premature/ actions underway	21
5. Consolidated into another matter	122
6. Referred to Police	55
7. Referred externally (not at Helpline)	45
8. Investigation	30
a) Risk identified – risk removed or managed with intervention	20
b) No/low risk identified	8
c) Risk identified – risk remained	2
Total closed reports	3,959

Early intervention and resolution

Our early intervention and resolution work in relation to reports is conducted by our Helpline. Of the 3,959 reports closed in 2021-22, 77% (3,054) primarily involved Helpline staff undertaking early intervention and resolution activities. In most of these cases (2,652), the actions involved providing information, assistance and support to the reporter and, wherever appropriate and possible, to the adult with disability or older person.

In 84 reports closed last year, Helpline staff provided early case coordination – involving repeated contact with the adult with disability, older person, or service provider over a more extended period of time (up to 12 weeks) to

support them to take actions to reduce risks and improve the adult’s safety and circumstances. Actions typically include providing information about options for improving the adult’s safety and situation, linking the adult to supports, providing practical guidance and strategies, and coordinating early actions as needed. In some cases, we make preliminary inquiries with relevant agencies to assess the adult’s safety and appropriate actions.

Case studies 1, 2 and 3 provide examples of reports in which the Helpline undertook an early intervention and resolution approach.

Case study 1

Linked to supports

The Helpline received a report from the friend of an older woman, raising concerns about potential neglect. We were advised that the older person had Parkinson's disease with cognitive decline, was no longer able to verbally communicate, and her husband was her primary carer.

The reporter raised concerns that her friend did not appear to be receiving adequate support – she had lost a lot of weight, her clothes appeared to be dirty, she had a strong odour, and she did not have access to any in-home services. The reporter did not want to remain involved in the matter.

The Helpline made preliminary inquiries about links to aged care assessments and supports, and identified that the older person had been assessed as eligible for a home care package, respite care, and permanent care. At the time of the report, her husband had not yet engaged an aged care provider to deliver the home care, and no other services were involved. We clarified that the older person was regularly seeing her GP and there had been a recent decline in her functioning and confusion about her medications.

The Helpline liaised with the community social worker who had previously had contact with the couple, who agreed to re-establish contact and ascertain if they needed support. The social worker later contacted the Helpline to advise that they had visited the couple at home and spoken with the older person by herself – the older person's health had worsened and her husband had advised that he was 'not good' and could use some assistance.

The social worker facilitated the involvement of an occupational therapist to provide guidance to the husband about using the aids they had at home; arranged an aged care service to provide personal care and meals twice per week; and was arranging a respite stay for the older person following her agreement.

The social worker advised that she would continue to monitor the situation and would contact the Helpline if she had concerns in the future.





Case study 2

Upholding the views and wishes of the adult

The Helpline received a report from the daughter of an older couple, who was concerned that her parents were being pressured by her siblings to move into an aged care facility.

At the time of the report, the older couple were in hospital. The reporter advised that her parents had stated that they want to return home, but were being forced to go into residential aged care. The reporter was concerned that her siblings were working with the hospital to block her from helping her parents.

We made inquiries with hospital staff and clarified that the older couple were able to communicate and to make their own decisions. We were advised that the older man had indicated that he wanted to move into residential aged care as he could no longer manage at home, and his wife had decided that she wanted to go wherever he was. Hospital staff advised that the older man had indicated that he did not want his daughter (the reporter) to visit anymore as she was causing problems and pushing him to return home.

We rang and spoke directly with the older man who said that he had told everyone what he would like to do, and he wanted to move into residential aged care.

He advised the Helpline that his daughter had been trying to push him and his wife to return home, and had offered for them to live with her, which they did not want. He told us that their daughter was trying to push her point of view, but he had spoken with their treating team in hospital, and the team was assisting the couple to uphold their decision.

We closed the report, noting that the older couple were making their own decisions about their accommodation and who they wanted to have contact with, and there was no indication of undue influence.

Case study 3

Helping to build the capabilities of a provider

The Helpline received a report from the friend of an older woman who had advanced dementia. The reporter was concerned that her friend's husband and the private carer he had engaged were neglecting her care needs. The reporter was concerned that her friend was being fed inappropriately, was being left alone for long periods of time, and was being roughly handled when care was provided.

We made preliminary inquiries with the older person's service providers to ascertain risks and current supports. We identified that the older person had not seen a GP for four months as her regular doctor had left the medical clinic; since then, all consultations had been over the phone with her husband.

The older person's aged care provider also held concerns. They advised the Helpline that the older person was very underweight, was not being fed an appropriate diet, and was being fed in a rough manner with foods that cause her to choke and could lead to aspiration. The provider advised that the private carer was handling the older person roughly when providing care, and the private carer and the older person's husband had both declined offers of equipment and training, notwithstanding the concerns being raised with them by the service.

The Helpline worked closely with the service provider over the next few weeks to help build their capacity to assess and address risks to the older person. Immediate risks were reduced via an increase in services to provide daily personal care and feeding.

Urgent clinical and dietetic reviews were organised to gain insight into the clinical risks, and to obtain clear recommendations about required interventions and care. The Helpline then upskilled the service provider in how to have a conversation with the husband and private carer about the recommendations, their need to comply to keep the older person safe at home, and any support they required to comply with the recommendations.

The service provider reported back to the Helpline that, despite the conversation being difficult, the husband and private carer had reluctantly agreed to implement the recommendations. In the following days, the service advised that they had seen improvements in the care being provided by the private carer and had booked another clinical review to occur in two weeks.

When the service noted that the private carer was sometimes reverting to inappropriate care methods, we discussed with them the option for support workers to provide care to the older person in the presence of the private carer, with the aim to provide incidental training. The service later advised that the private carer responded well to this, and they would continue to work with her.



Referrals to other agencies

Referrals to complaint-handling agencies

The ADC Act requires us to refer certain reports to other agencies. In particular, if we receive a report (or part of a report) that could be the subject of a complaint to the Health Care Complaints Commission (HCCC), Aged Care Quality and Safety Commission, NDIS Quality and Safeguards Commission, or the Office of the Children’s Guardian, we must refer the information to the relevant agency.

In 2021-22, we referred:



Table 11 in Appendix A1 provides information on the outcomes of the above referrals.

Referrals to NSW Police

Where we receive a report (or part of a report) that may provide evidence of the commission of a criminal offence, we must refer the information to NSW Police or the Director of Public Prosecutions.

In 2021-22, the ADC referred 352 matters to NSW Police that involved potential criminal offences. We referred a further 54 matters to NSW Police that related to other matters – such as to obtain a welfare check on the adult, or to link the adult to crime prevention information and assistance⁴.

Table 11 in Appendix A1 provides information on the outcomes of the referrals to NSW Police.

Case studies 6, 7 and 8 provide examples of reports the ADC referred to NSW Police this year.

Referrals to other agencies

In the course of responding to reports, we often make referrals to a range of agencies. In some cases, we may make multiple referrals, such as for an aged care assessment, advocacy support, and legal assistance.

In 2021-22, the ADC made 169 referrals to other agencies. Table 13 in Appendix A1 provides information on the agencies we made referrals to, and the outcomes of those referrals.

Case studies 1, 4, 6, 7, 8 and 9 provide examples of reports that included referrals to other agencies this year.

4. Note: while table 3 identifies 55 reports that were referred to NSW Police, this reflects: a) reports that were closed in the reporting period; and b) the number of reports in which the referral was the primary action taken by the ADC in the case.

Inquiries and community supports

In 286 reports closed in 2021-22 (7.2%), we closed the matter after making preliminary inquiries. We typically conduct inquiries with the reporter, the adult, and/or with other parties for the purposes of deciding how to deal with the report. In some cases, we close the report after making the inquiries – because there were already appropriate actions underway to address the concerns; there were no or low risks for the adult; or the adult had decision-making capacity and did not want our involvement.

In 208 reports closed in 2021-22 (5.3%), our primary action on the matter was to undertake a ‘community supports’ approach – typically comprising case coordination with the adult and relevant other parties to examine the issues and risks, and facilitate appropriate actions and support to improve the adult’s safety and outcomes.

Case studies 4 and 5 provide examples of reports we handled this year that involved preliminary inquiries and/or a community supports approach to assess and resolve the concerns.

Case study 4

Coordinating supports for the older person to live safely at home

The ADC received a report that an older Aboriginal woman with terminal stage cancer and dementia was being neglected by her son, who was her primary carer.

The report raised concerns that the older woman was not being provided with the basic necessities for daily living. She was not receiving any medical attention, despite being advised that she was in the palliative stages of her disease and required high levels of care and monitoring. She was not receiving any medication as she did not see a GP. It was also reported that she was unkempt, was not showering, and was not receiving adequate nutrition.

The woman’s son had issues associated with alcohol and other drug use. He had moved in to live with his mother in her social housing accommodation, but was unable to provide care for his mother and assist her to attend appointments. He was also a barrier to personal care and other services coming into the house because of his behaviour towards service providers, which made them feel unsafe to attend the home.

The ADC made preliminary inquiries with relevant local services, and established that the older person wanted to continue to live at home with her son. We used a community supports approach to coordinate a response to the concerns, in connection with the Local Health District, the Aboriginal Home Care service, the Aboriginal Health Worker, Nurse Practitioner, Integrated Care Service, the hospital, general practitioner and an Indigenous health support service.

Through working together, these services were able to address the medical care and support needs of the older person. She was reconnected to a GP, her medication recommenced, she was able to get to her specialist appointments, and her personal care and domestic environment improved significantly. The woman was able to continue to live at home with her adult son, and have her support needs met.

Case study 5

Working with the older person to address financial abuse

The Helpline received a report from an older person that she had been subject to financial abuse by her daughter.

The older person told us that while she was in hospital, her daughter had used her role as Power of Attorney to withdraw or transfer over \$20,000 out of the older person's bank accounts without consent.

When the older person asked her daughter for the money back, the daughter was reported to have said “good luck” and then broke off all contact with her. The older person told us that she had reported the matter to police and her bank, and both parties had made inquiries but not taken further action as her daughter had the authority of the Power of Attorney. The older person had since removed her daughter as the attorney.

We met with the older person, who provided us with copies of her bank statements. The records confirmed that her daughter had accessed two of the older person's bank accounts and transferred over \$20,000 to her own account.

We spoke with the daughter, who confirmed that she had withdrawn the money, but said it was with her mother's consent. She said that she had asked her mother to lend her some money to enable her to pay off her debts and other bills as she was going through a very stressful time. She said that she had come to take care of her after she was admitted to hospital. The daughter told us that she had not used all of the money and planned to repay the funds. She also advised that some of the funds had been spent on her mother's expenses, such as aged care, cleaning and transport expenses, and she had kept bills and invoices for those expenses.

In light of this discussion, we proposed a resolution plan to the older person, in which her daughter would make regular payments to pay off the money she had borrowed and spent; return the unspent funds; and provide receipts or other evidence for the funds she spent on her mother's care. With the agreement of the older person, we confirmed the resolution plan with the daughter and indicated that we would monitor implementation of the plan.

The older person subsequently confirmed that her daughter had returned the unspent funds. She advised that she was happy with her daughter's intent to pay back the funds, and decided not to pursue the remaining funds or receipts for previous use of the funds. The older person was happy with the outcome and thanked the ADC for support in response to her report as she hadn't received resolution from her bank or police, and had not been hopeful of getting any of her money back.

We spoke with the older person about securing her financial future and appointing an Enduring Power of Attorney. At the time of case closure, she had made an appointment with her solicitor to finalise her will and put alternative financial arrangements in place.



Investigations

In 2021-22, the ADC commenced 42 investigations, including 16 investigations into reports about adults with disability, and 26 investigations into reports about older people⁵. The number of investigations in 2021-22 was a 20% increase on the number of investigations commenced in the previous year (35).

As identified in table 4, in 26 cases (62%), we commenced the investigation without the consent of the adult – either because the adult was unable to provide consent (20), and/or because of the seriousness of the allegations or the risk to the personal safety of the adult (6).

Table 4: Consent status in relation to investigations commenced in 2021-22

	Adults with disability	Older people	Total
Consent obtained	4	12	16
Investigation commenced without consent – adult incapable of giving consent despite receiving support	10	10	20
Investigation commenced without consent – seriousness of the allegations/risk to adult’s personal safety	2	4 ⁶	6
Total	16	26	42

Case studies 6, 7, 8, 9 and 10 provide examples of our investigations this year.

5. The 30 investigations identified in table 3 reflect the investigations closed in 2021-22. Some of these investigations commenced prior to 2021-22.

6. One investigation was subsequently discontinued after we were able to have direct contact with the adult and they did not consent to an investigation.

Case study 6

Addressing financial abuse and improving safeguards

The Helpline received a report about alleged financial abuse of an older woman. The woman lived in a retirement village with her adult son who had significant health concerns and was her carer. Concerns were raised with the ADC that the fees for the older woman's retirement village account were in arrears despite multiple attempts to help her to arrange a new direct debit. We were advised that frequent withdrawals had been made from the woman's bank account without her knowledge, totalling \$21,000. The woman had indicated to the reporter that she had not provided consent for money to be withdrawn.

The ADC made inquiries with the older woman's son and was advised he was unwell and was struggling to support his mother as her carer and with her finances. Neither the older woman nor her son were able to operate any electronic devices and required assistance using a home phone and understanding complex information. Our inquiries also identified that the woman's son had not provided assistance with her medical needs over the years and she had not had a recent medical review.

The ADC worked to understand the situation, and to facilitate safeguards and supports that would assist, including:

- visiting with the older woman to ascertain her views and obtain information
- linking the older woman with My Aged Care and obtaining an urgent aged care assessment
- providing support to safeguard the older woman's finances
- facilitating a change to the older woman's Centrelink nominee
- connecting the son with Carer Gateway to receive assistance with cleaning, shopping and transport and meals.

With the ADC's assistance, the older woman was assigned a case manager and social worker who coordinated and implemented support services, medical assessments and in-home support, including medication administration.

Our inquiries revealed that the older woman's granddaughter had offered her help with shopping and had been given access to the older woman's bank account for this purpose. At around the same time as the granddaughter was provided access, online banking had been set up on the older woman's account and daily transfers were being made into the granddaughter's bank account. The ADC made a report to NSW Police about the transfer of funds from the older woman's account, and provided all relevant information.

The community social worker made a referral to Legal Aid's Elder Abuse Service to assist with options for the older person to recoup her lost funds. The ADC provided evidence to Legal Aid about the older woman's finances, including money transferred and credit card debt in her name. Following actions taken by Legal Aid, the older woman's bank agreed to repay the full amount taken from the older woman's account and to waive the credit card debt that was accrued on her card, with no adverse credit listings recorded.

The community social worker made an application to NCAT for guardianship and financial management orders to safeguard the older person's assets and enable decisions to be made in relation to her accommodation and services. The older person's grandson was appointed as her guardian and financial manager.

Following the death of her son, the older person moved into residential aged care. At the time of case closure, she was reported to be making new friends, and her grandson and his family were visiting her regularly.

Case study 7

Coordinating a multiagency response to abuse

The ADC received a report about alleged abuse of a young woman with disability by her de facto male partner.

The concerns included that the young woman had been seen with facial bruising and she was being prevented from accessing medical and disability services. She was also suspected to be around seven months pregnant based on observations only. The young woman and her partner both had a history of being in care.

The ADC conducted preliminary inquiries with relevant agencies that had been in recent contact with the young woman and her partner, and obtained more information about her support needs and current risks. The information identified that the partner had a history of violence towards others, including pregnant women.

The information identified that the young woman was pregnant, and that it was highly likely she had not seen any medical practitioner during her pregnancy.

Due to the seriousness of the risks to the personal safety of the young woman and her unborn child, the ADC commenced an investigation. After multiple unsuccessful attempts to engage with the woman about her circumstances, and her partner, the ADC lodged an urgent guardianship application to NCAT. NCAT convened a confidential hearing and made an order appointing the Public Guardian for a six weeks.

The ADC coordinated and led a multiagency meeting with the Public Guardian, NSW Health, and the Department of Communities and Justice (DCJ) to develop a plan to engage with the young woman and transport her safely to hospital for medical assessment. As the young woman was located on the border of another State, the plan included strategies to have the guardianship orders registered in the neighbouring State and to establish links with their health services.

As part of the agreed plan, and to minimise risks to the young woman, the ADC worked with NSW Police to assist with the engagement and transport of the woman to hospital. She agreed to go to hospital, and was placed in a secure ward near the social work team; the hospital took security measures to manage risks in the event that her partner attended.

On admission, hospital staff and police observed multiple bruises (old and new) to the young woman's face and body, a cut to her neck, and a burn mark. She made disclosures to hospital staff of serious assaults against her by her partner, and consented to them taking photographs of her injuries.

The young woman also agreed to make a police statement and was linked with a support person to assist her. Police arrested and charged the man with multiple offences. He was subsequently convicted and is currently in prison. An AVO (with multiple conditions) was also put in place to protect the young woman.

After the woman's safety was secured, the ADC continued to work with the Public Guardian, NSW Health and DCJ to facilitate her access to appropriate supports and services to assist her with the significant changes in her life. This included:

- connection to a disability advocate to help her in the guardianship order review
- referral to her bank to take action in relation to suspicious transactions that had occurred on her account while she was in hospital
- referral to Victims Services, resulting in financial assistance of \$5,000
- referral to counselling supports
- connection to the NDIS
- information sharing and discussions with the NDIA and DCJ to enable her to access appropriate accommodation and parenting supports.



Case study 8

Using investigative powers to address abuse and neglect

We received a report about a young man with a disability who was alleged to be confined to his place of residence by a person who had fostered him informally as a child. The concerns included that he was not permitted to have access to others, including close family members; and was not permitted to engage in community activities.

We attempted multiple times to meet with the man and the subject of allegation, without success. We commenced an investigation and issued a notice requiring both parties to meet with us at their place of residence.

On meeting, we were able to establish that the man had the potential to live in the community with a high degree of independence. While he did not make explicit disclosures of abuse, he stated told the ADC that he aspired to having relationships with others, to work, and to spend time in the community.

We took steps to link the man with the NDIS and communicated his situation to the NDIA, who created an interim plan to enable him to access support. Despite repeated attempts, the NDIA and support services were unable to meet with the man, as the subject of allegation prevented access.

Through a family member, we established that the young man wanted to leave the home of the subject of allegation but felt he was prevented from doing so by her, and was fearful of her. We liaised with the family member to arrange a meeting with the ADC and the man on his own. On this occasion, the man made a range of disclosures, including that he had been subject to verbal and physical abuse, was confined to the house and unable to leave, and was provided minimal food and clothing. He confirmed that he did not want to return to the accommodation.

We supported the man to speak to police; he did not disclose any offences to them at that time. In collaboration with the man's family member, we assisted him to leave the accommodation and to engage with NDIS funded supports, including a range of skill development and therapeutic supports.

The man is now working on plans to obtain employment and live independently. We think there is a good prospect that he can be supported to develop the skills to live an independent life. He has indicated that he now views his life positively and looks forward to living a full life.





Case study 9

Responding to alleged neglect

We received a report alleging that a young woman with intellectual disability was not being provided with adequate care by her father, her primary carer. We were advised that the woman was screaming on a daily basis, was left at home unattended, was socially isolated, had an untreated skin condition causing infection, and may be subject to physical and sexual abuse.

The ADC made inquiries and identified that no disability support services were in place, despite evident need. We conducted a home visit and met with the woman and her father, who agreed to contact the Local Area Coordinator to gain NDIS supports, with ADC's assistance.

During the visit, we noted signs of neglect of the woman, including that she had matted hair, long black nails, and a skin infection. Due to concerns about the woman's health needs and lack of medical oversight, we made a referral to NSW Ambulance to assess the medical needs of the woman. The paramedics attended and conducted an assessment, provided advice to the woman's father, and concluded that urgent medical assistance was not required. They urged the father to make an appointment for the woman to see her GP.

As part of our investigation into the report, we liaised with the GP to ensure the woman obtained appropriate medical care. The GP made referrals to specialist medical practitioners, and we subsequently received information that medical treatment had been obtained and the advice had been complied with, including follow-up medical appointments and tests.

The ADC conducted a follow-up home visit and noted that the woman's appearance had improved. Her father demonstrated a willingness to work with us and other agencies to assist his daughter to receive disability and health supports.

We liaised with the Local Area Coordinator and the NDIA, and provided relevant information highlighting the barriers faced by the family in seeking to provide requested comprehensive documentation. The NDIA subsequently made contact with relevant parties and assessed the woman as being eligible for the NDIS.

The ADC continued working closely with the woman, her father, GP, specialists and Local Area Coordinator to facilitate a collaborative approach to support. At the time of writing, an NDIS plan had been approved, and support coordination was about to commence.



Case study 10

Neglect and financial abuse via misuse of Enduring Powers of Attorney

The ADC received a report of financial abuse and neglect of an older couple by their daughter, who was their primary carer and their appointed Enduring Guardian and Enduring Power of Attorney.

The concerns included that the couple was receiving inadequate support, including not having access to necessary medical assessments and treatment, sufficient food, or adequate personal care.

Concurrent to the report to the ADC, the reporter had contacted police after finding that the older couple's daughter had gone interstate for three days and left them alone, despite them needing full-time care. The older people were unable to contact anyone to obtain help as there was no home phone, and the daughter had taken their mobile phone.

Police and paramedics found the older couple in a poor state, and identified that there was no food in the house. The older couple was taken to hospital. Medical personnel raised serious concerns about the condition of the couple, including that they had untreated health issues; the older man's hair was so tangled and matted that it would need to be shaved; both were malnourished and soiled with incontinence; and the older woman had uncontrolled diabetes and had not received her insulin. Both of the older people had impaired decision-making capacity, but were clear that they did not want to return to the care of their daughter.

Concerns were also raised that the older couple did not have access to their own finances, and their money did not appear to be spent on their care. In addition, the older couple had received a large inheritance and their daughter was alleged to have been spending the money for own benefit.

The ADC conducted preliminary inquiries with the hospital social worker and the police Aged Crime Prevention Officer (ACPO), who was working with frontline police on the matter.

The ADC liaised with the ACPO about the range of concerns at play for the older couple and it was agreed that police would continue their inquiries into the alleged financial abuse and neglect of the older couple by their daughter, and the ADC would focus on safeguards for the older couple, including potential financial management and guardianship applications to NCAT. Shortly after

this, the ADC commenced an investigation into alleged financial abuse of the older couple by potentially multiple family members, and worked with the ACPO and social worker to freeze the couple's accounts.

The ADC obtained relevant records and information, including bank records, and liaised regularly with the hospital social worker regarding their assessments of the couple's medical conditions, support needs and capacity. Following the assessments, hospital staff lodged NCAT guardianship and financial management applications for the couple.

ADC and Police examination of the couple's financial records identified that large sums of money, including their recent inheritance, had been transferred to the daughter's account. Later into our investigation, we provided police with information relating to additional suspicious transactions that we had identified on the couple's account in 2018, after they had received funds from the sale of their property. The couple was known to be in the care of their daughter at the time of the property sale.

ADC inquiries with other family members of the older couple identified that their daughter had restricted their access to other family members for many years.

Police arrested and charged the daughter with multiple counts of fraud relating to hundreds of thousands of dollars taken from the couple's account. The ADC participated in the NCAT proceedings to provide relevant information from our investigation, in addition to evidence provided by the hospital. NCAT subsequently appointed NSW Trustee and Guardian and the Public Guardian to manage their finances and make certain decisions on their behalf.

The older couple chose to move into a couple's room in residential aged care, in a location close to other family members, who visit them regularly. The health of the couple has improved since their move.

Outcomes

In relation to the 3,959 reports closed in 2021-22, key outcomes for the older people and adults with disability included that:

- their views and wishes were ascertained and respected
- they moved to alternative accommodation
- they were assisted to access and received increased aged care or disability supports
- they received help to access legal and/or advocacy supports
- actions were taken by police to check on their welfare or look into criminal allegations.

Key outcomes in relation to the subjects of allegation in reports closed this year included that:

- they were provided with education and advice
- they were linked to/ received more support
- actions were taken to reduce or manage their contact with, and access to, the adult with disability or older person, including through an ADVO.

Tables 9 and 10 in Appendix A1 provide more details of the outcomes for adults and in relation to subjects of allegation in reports closed this year.

2.2 Data snapshot of reports to the ADC in 2021-22

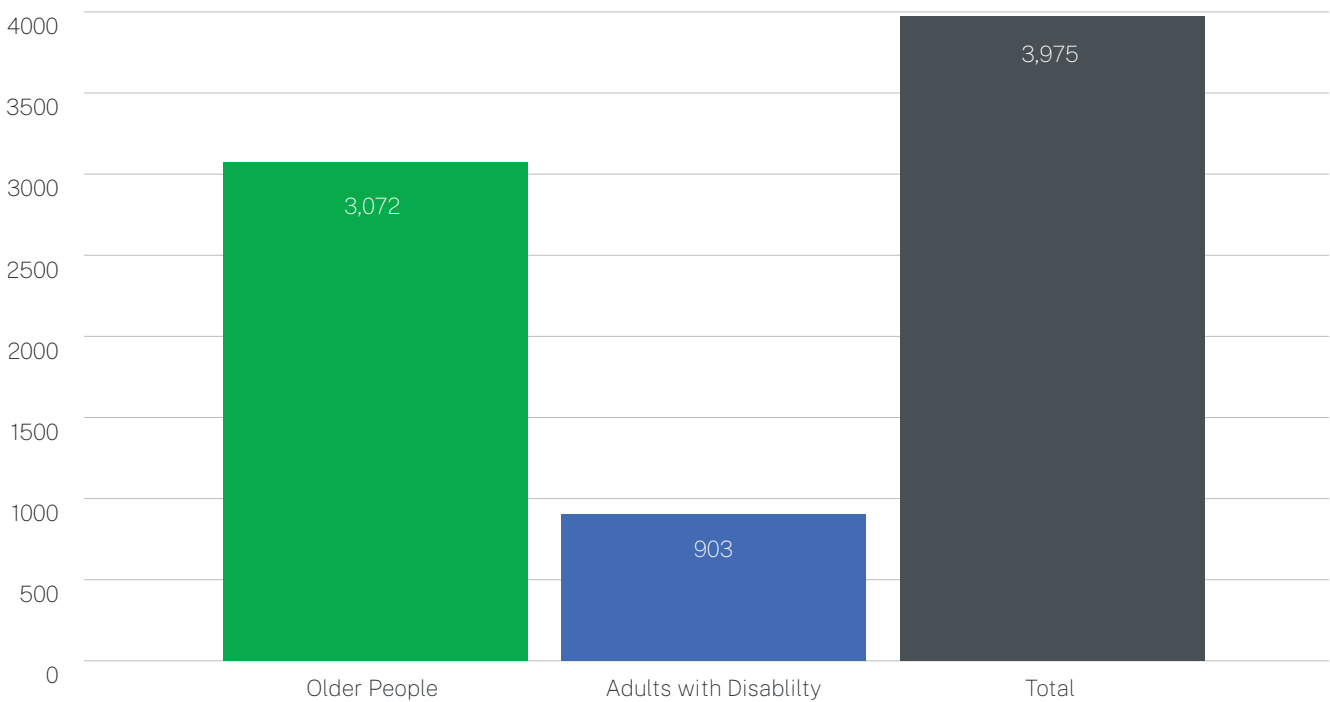
Status, gender and age of the adult

Of the 3,975 reports received by the ADC in 2021-22:

- **3,072 reports (77.3%) related to older people⁷**, including 950 reports about older people with disability
- **903 reports (22.7%) related to adults with disability⁸** who were not older people.

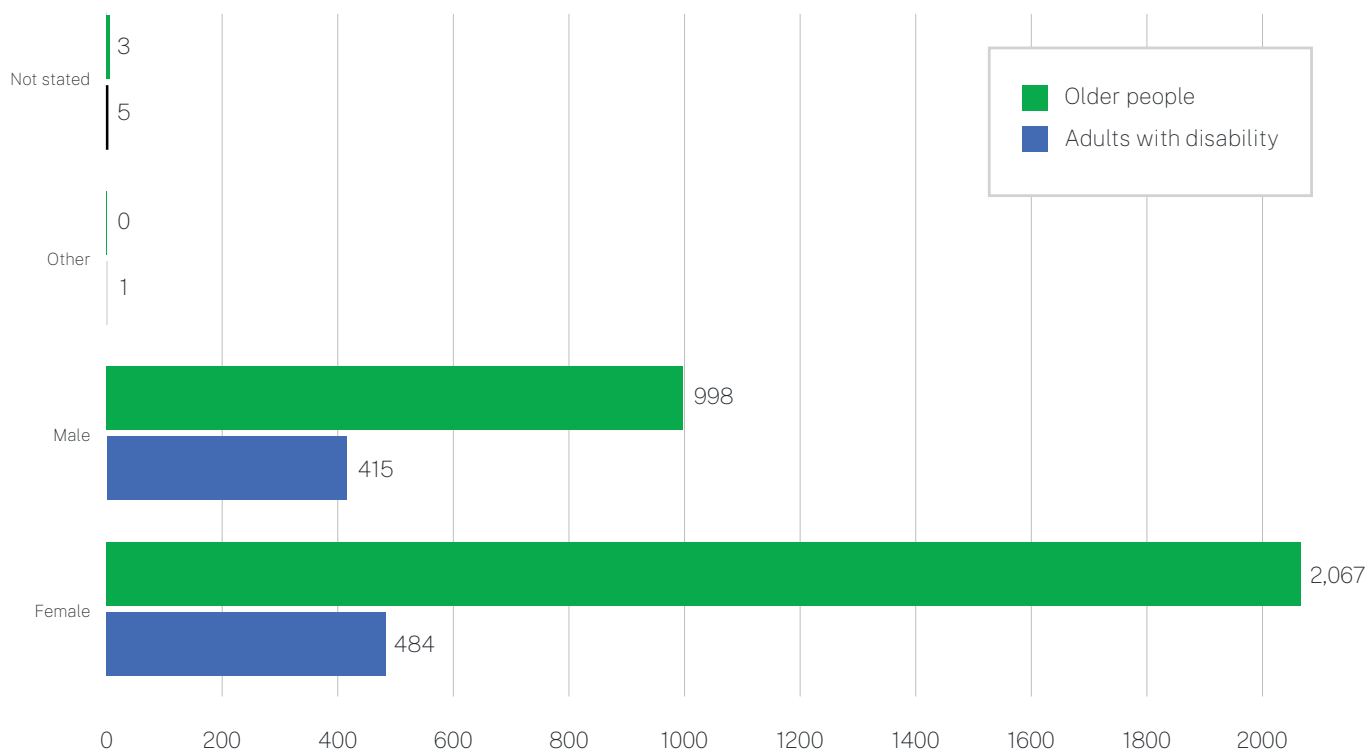
This is highly consistent with the previous year, where 77.9% of reports were about older people (2,777), and 22.1% of reports were about adults with disability (789).

Figure 6: All reports received by the ADC, by person status, 2021-22



From the start of the ADC, most reports have been about alleged abuse, neglect and exploitation of women. In 2021-2022, the adults in 64.2% of the 3,975 reports to the ADC were female, including 67.3% of reports about older people (2,067), and 53.6% of reports about adults with disability (484).

Figure 7: Gender of adults with disability and older people the subject of a report to the ADC, 2021-22



7. Adults aged 65 years and older, and Aboriginal and/or Torres Strait Islander adults aged 50 years and older.

8. Adults aged 18 years and older with a disability as defined in the *Disability Inclusion Act 2014*.

The largest proportion of the 3,072 reports about older people in 2021-22 related to people aged 80-84 years (17.7%). The largest proportion of the 903 reports about adults with disability related to people aged 18-24 years (17.8%). These results are consistent with previous years.

Figure 8: Age of older people the subject of a report to the ADC, 2021-22

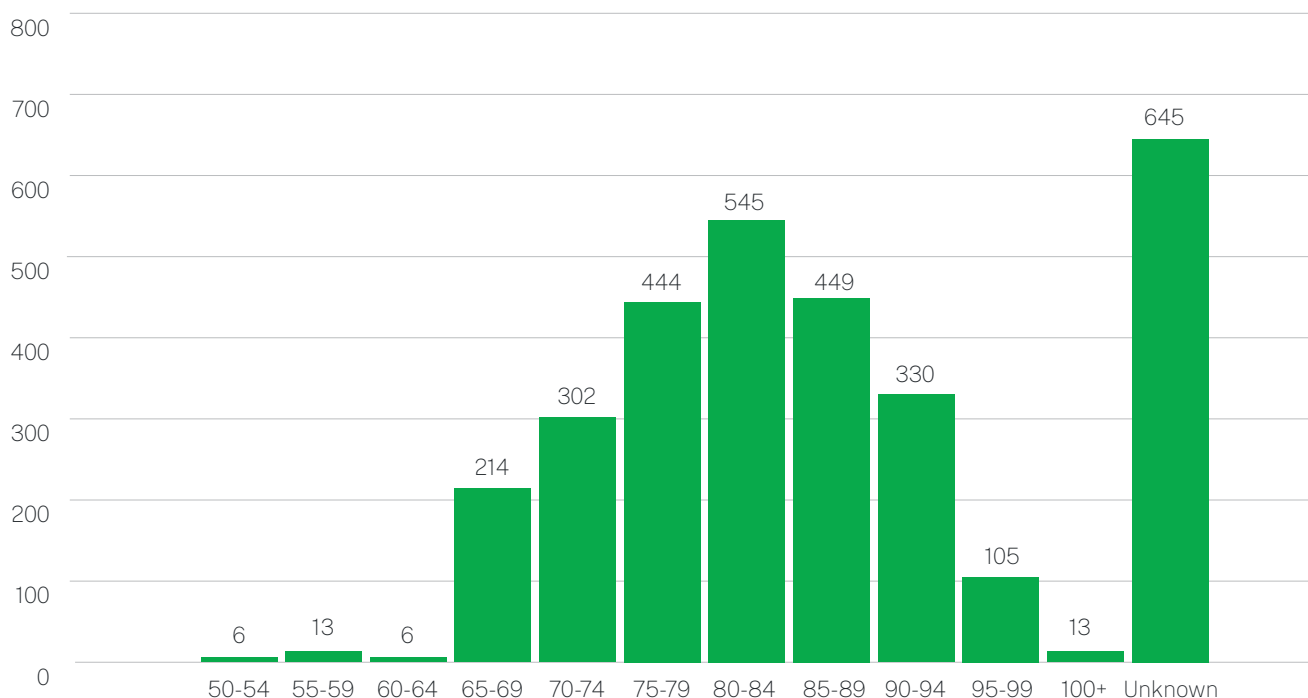
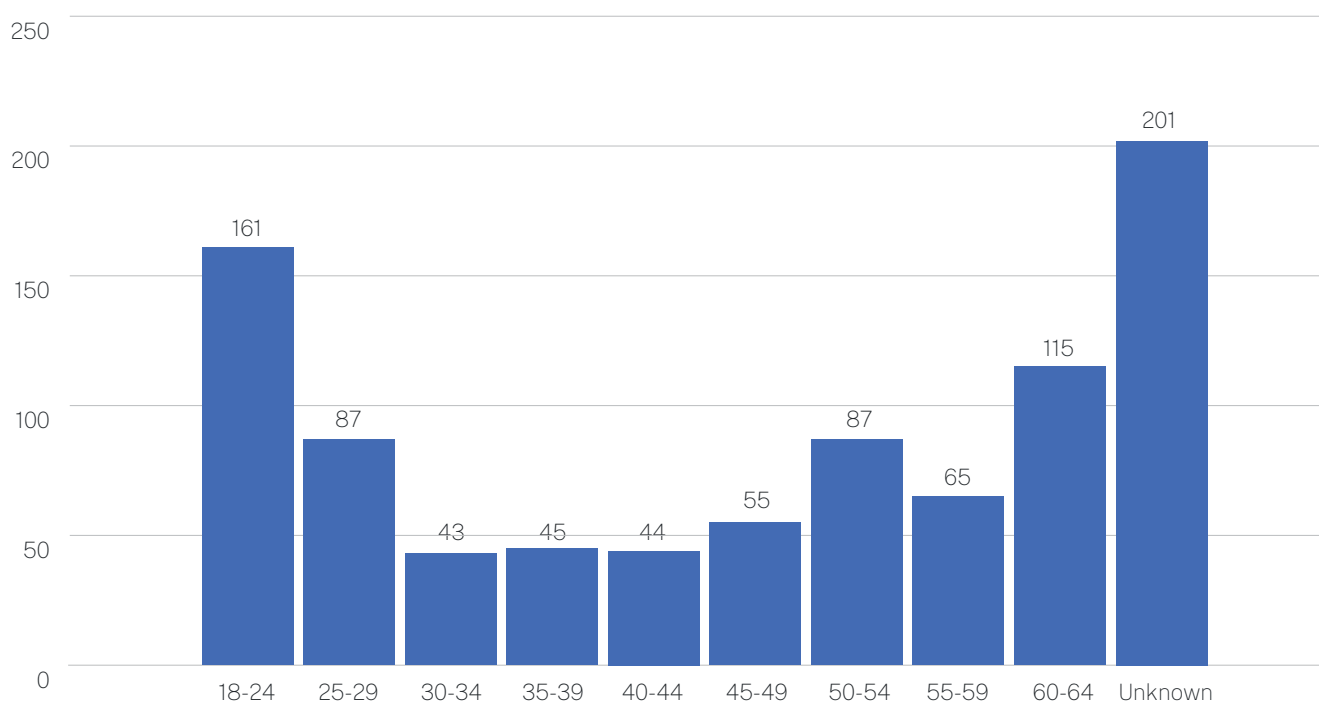


Figure 9: Age of adults with disability the subject of a report to the ADC, 2021-22



Cultural background

In 2.6% of reports to the ADC in 2021-22, the adult with disability or older person was identified as Aboriginal and/or Torres Strait Islander. This proportion was largely unchanged from the previous year (2.9%).

Table 5: Aboriginal and Torres Strait Islander status of person the subject of a report to the ADC, 2021-22

	Older people (n=3,072)	% of reports about older people	Adults with disability (n=903)	% of reports about adults with disability	All reports (n=3,975)	% of all reports
Person identified as Aboriginal and/or Torres Strait Islander	78	2.5	27	2.9	105	2.6

In 6.5% of reports to the ADC in 2021-22, the adult with disability or older person was identified as having a culturally and linguistically diverse (CALD) background. This was slightly lower than the proportion in 2020-21 (8.1%).

Table 6: CALD background status of person the subject of a report to the ADC, 2021-22

	Older people (n=3,072)	% of reports about older people	Adults with disability (n=903)	% of reports about adults with disability	All reports (n=3,975)	% of all reports
Person identified as having a CALD background	229	7.5	28	3.1	257	6.5

Italian and Greek were the most common culturally and linguistically diverse backgrounds of older people who were the subject of a report to the ADC in 2021-22. For adults with disability, the most common CALD backgrounds were Arabic and Vietnamese.

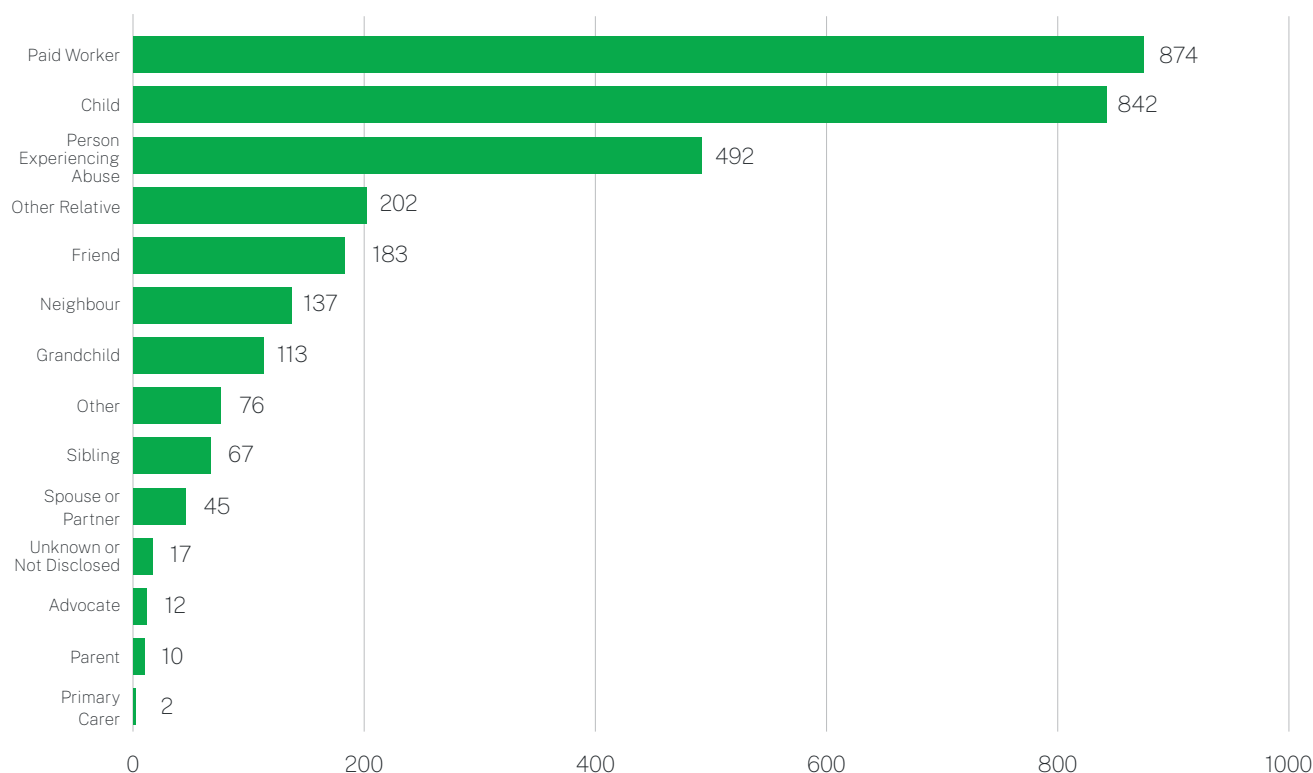
Reporters

Paid workers were the main source of reports to the ADC about older people in 2021-22, accounting for 28.5% of the 3,072 reports, just ahead of reports by adult children (27.4%). All up, family members were the reporters in 40.2% of reports about older people.

The older person ('person experiencing abuse') was the reporter to the ADC in 16% of cases.

In comparison to the previous year, in 2021-22 the ADC received a higher proportion of reports by paid staff (previously 26.4%).

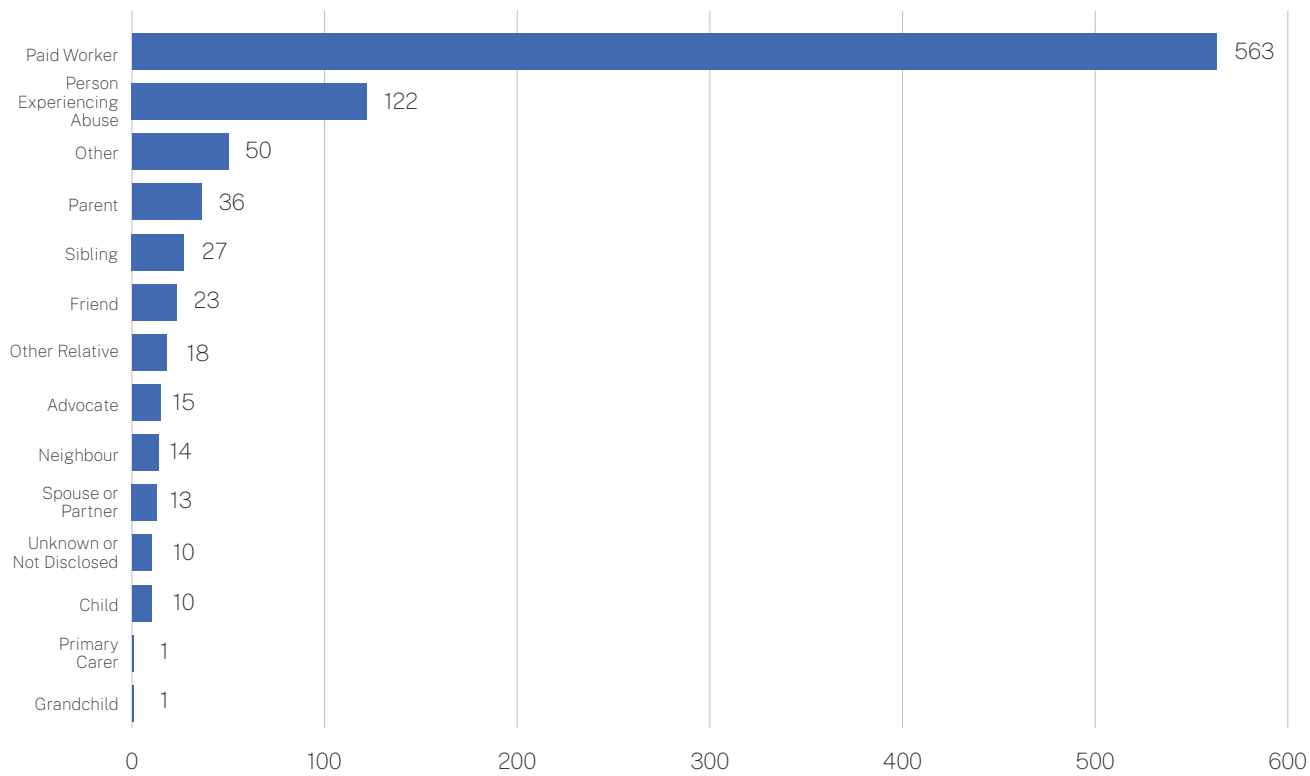
Figure 10: Relationship of reporter to the older person in reports to the ADC, 2021-22



Paid workers were the main source of reports to the ADC about adults with disability in 2021-22, accounting for almost two-thirds (62.3%) of the 903 reports about adults with disability. Family members were the reporters in 10.2% of reports about adults with disability, and the adult with disability ('person experiencing abuse') was the reporter in 13.5% of cases.

In comparison to 2020-21, a slightly higher proportion of reports about adults with disability were made by paid staff (previously 60.8%), and by the adult with disability (previously 10.9%).

Figure 11: Relationship of reporter to the adult with disability in reports to the ADC, 2021-22



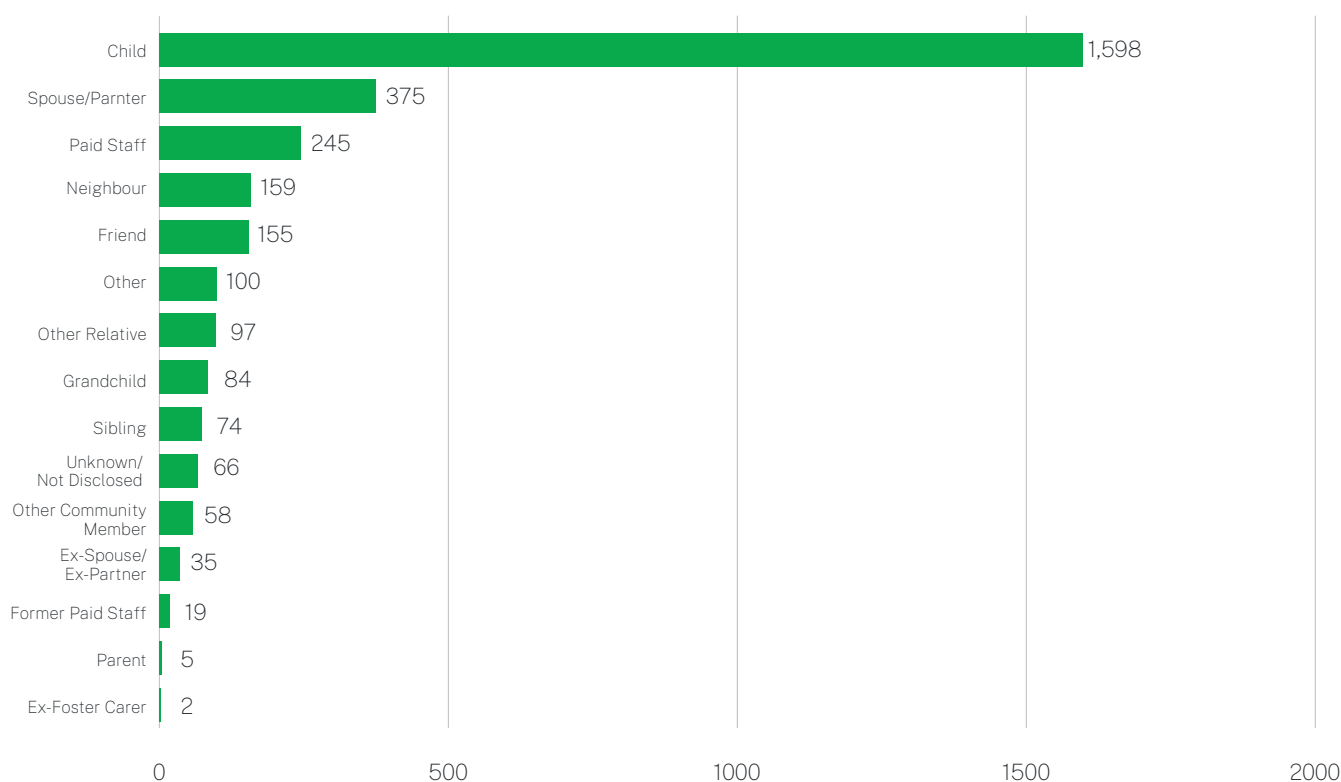


Subjects of allegation

The subjects of allegation in over half (52%) of the 3,072 reports about older people in 2021-22 were the person's adult children. All up, relatives were the subjects of allegation in almost two-thirds (60.5%) of the reports about older people. Allegations against a spouse or partner (or ex-spouse/ partner) featured in 13.3% of the reports about older people.

In comparison to the previous year, the proportion of reports in 2021-22 involving allegations against neighbours (5.2%) increased (previously 3.2%).

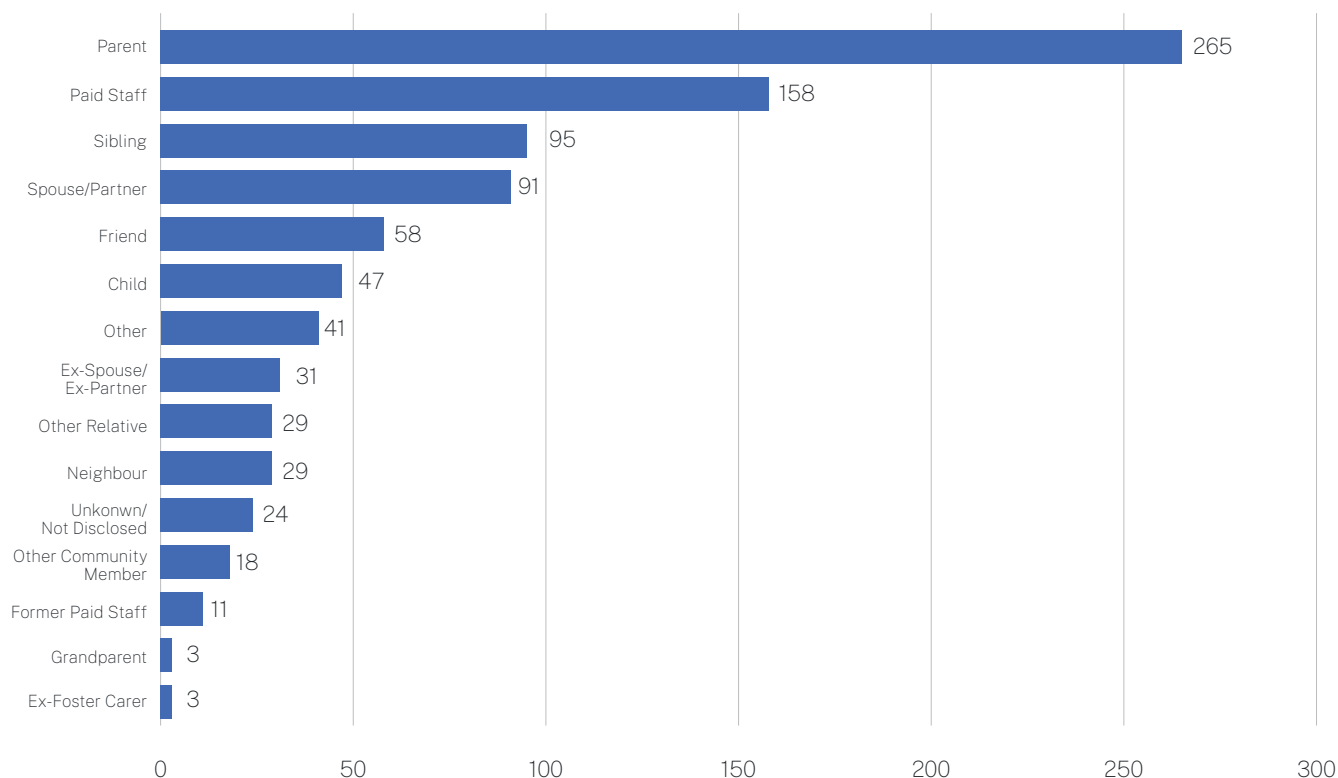
Figure 12: Relationship of the subject of allegation to the older person in reports to the ADC, 2021-22



In 29.3% of the 903 reports about adults with disability in 2021-22, the allegations pertained to the adult's parent(s). All up, relatives were the subjects of allegation in 48.6% of the reports about adults with disability. In 13.5% of matters, the adult's spouse or partner (or ex-spouse/ partner) was the subject of the allegations.

In comparison with 2020-21, the proportion of reports involving allegations against paid staff (17.5%) increased (previously 15.3%).

Figure 13: Relationship of the subject of allegation to the adult with disability in reports to the ADC, 2021-22



Type of alleged abuse

Most reports to the ADC involve more than one type of abuse. The most commonly reported types of alleged abuse in relation to older people in 2021-22 were psychological abuse and financial abuse. This is consistent with previous years.

In comparison to 2020-21, a higher proportion of allegations related to psychological abuse (previously 39%) and neglect (previously 19.9%).

Figure 14: Percentage of allegations by type of abuse, reports to the ADC about older people, 2021-22

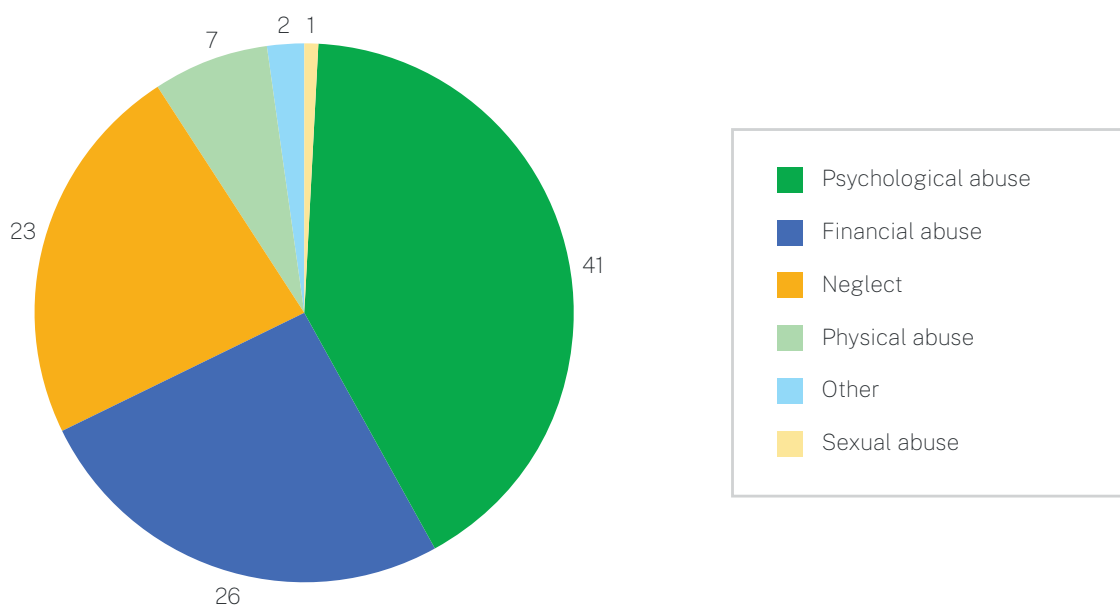


Table 7: Type of alleged abuse of the older person in reports to the ADC, 2021-22⁹

Type of alleged abuse	Number of allegations	% of all allegations in reports about older people
Psychological abuse Mainly verbal abuse; preventing or restricting access to family/others; and preventing or restricting access to supports/services	1,898	41
Financial abuse Mainly financial exploitation; misuse of Power of Attorney/ Enduring POA; and theft	1,208	26.1
Neglect Mainly failure to meet the person's support needs; medical neglect; and inadequate clothing or food	1,059	23
Physical abuse Mainly hitting/kicking/punching; threat of harm; and pushing/shoving/grabbing/shaking	336	7.3
Sexual abuse Mainly indecent assault and sexual assault	22	0.5
Other	103	2.2
Total allegations in reports about older people	4,626	100

The most commonly reported types of alleged abuse in relation to adults with disability in 2021-22 were psychological abuse, followed by neglect and financial abuse. In comparison with 2020-21, a higher proportion of allegations related to psychological abuse (previously 31%) and neglect (previously 25%).

Figure 15: Percentage of allegations by type of abuse, reports to the ADC about adults with disability, 2021-22

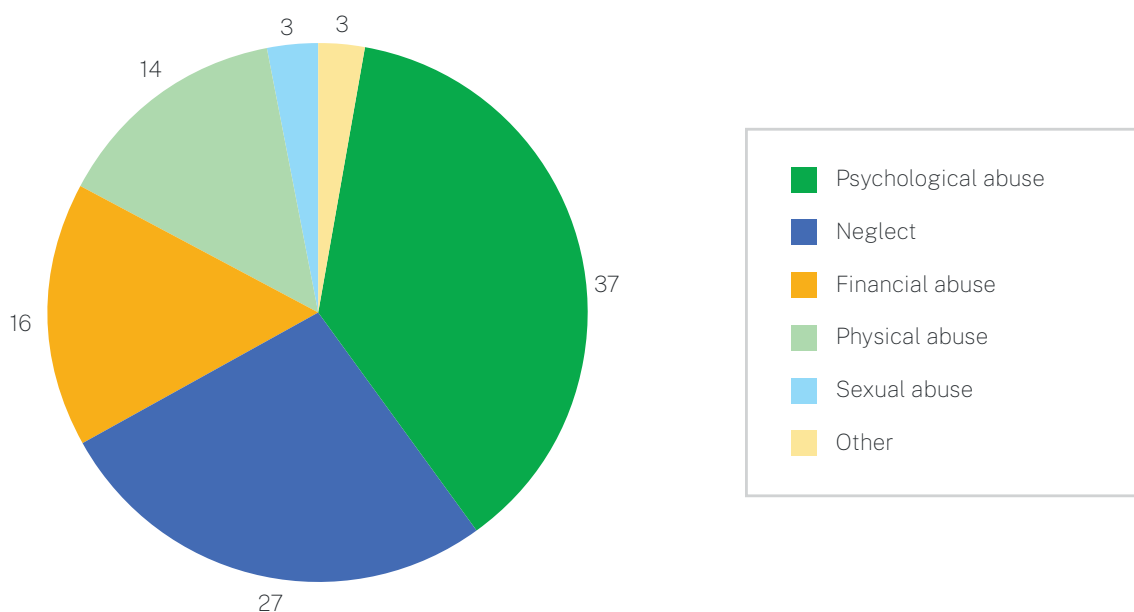




Table 8: Type of alleged abuse of the adult with disability in reports to the ADC, 2021-22¹⁰

Type of alleged abuse	Number of allegations	% of all allegations in reports about adults with disability
Psychological abuse Mainly verbal abuse; other psychological abuse; and preventing/restricting the person's access to supports/services	558	37.1
Neglect Mainly failure to meet the person's support needs; and medical neglect	399	26.5
Financial abuse Mainly financial exploitation; theft; and preventing access to/withholding the person's money	235	15.6
Physical abuse Mainly hitting, kicking, punching; pushing, shoving, grabbing, shaking; and inappropriate restraint/use of force	217	14.4
Sexual abuse Mainly sexual assault – taking advantage of cognitive impairment	49	3.3
Other	47	3.1
Total allegations in reports about adults with disability	1,505	100

9. The data captures all cases in which that type of abuse has been reported; in the majority of cases, more than one type of abuse is reported.

10. The data captures all cases in which that type of abuse has been reported; in the majority of cases, more than one type of abuse is reported.



2.3 Key issues from reports in 2021-22

We identified a range of issues through our work on reports in 2021-22. The following information provides an overview of some of the key areas.

Neglect

While neglect consistently features highly in reports to the ADC, in 2021-22 we received an increased number of allegations of neglect. As noted in section 2.2, neglect featured in 23% of allegations involving older people, and 27% of allegations involving adults with disability.

In particular, we received a range of reports of more substantial neglect of older people, including individuals who were in very poor health by the time they were admitted to hospital, and who died shortly afterwards.

Our work in relation to these matters identified the need to take a closer look at reports relating to neglect, to assist in:

- identifying gaps and areas for further work for the ADC and others in preventing and responding to neglect of vulnerable adults
- identifying areas, agencies and groups where the ADC and others may need to undertake targeted education, engagement and awareness activities.

- In the latter half of 2021-22, we commenced a project focused on neglect of older people and adults with disability. Work to date has involved considering key research and inquiries, and examining a selection of relevant reports handled by the ADC involving serious neglect to identify and explore relevant factors in these matters.

As part of the project, the ADC will also consider whether there is a need for specific work to better understand and communicate the criminal threshold of neglect. Under section 44 of the *Crimes Act 1900*, a 'failure to provide the necessities of life' is a criminal offence. In the experience of the ADC, there does not currently appear to be a consistent or shared understanding of the types of cases that meet the criminal threshold.

Support for adults with disability and older people to give best evidence

Our handling of reports has highlighted the substantial barriers faced by adults with disability and older people – particularly people with cognitive disability and/or communication difficulties – in seeking to engage with the criminal justice system on an equal basis with others, including participating in investigations and court proceedings. An effective response to abuse of vulnerable adults requires a coordinated and person-centred approach to maximise the involvement of the adult, and their ability to give best evidence.

In reports to the ADC, we often identify incorrect assessments by agencies about an adult with disability or older person's ability to communicate, and their ability to provide reliable and credible evidence. The views tend to be based on a superficial understanding of the adult and their functional capacity, negative assumptions, and inadequate awareness of available communication and other supports to enable the adult to participate. As a result, in many cases insufficient steps are taken to enable the adult to give best evidence, and they do not gain access to justice.

In our contact with police, we repeatedly hear that they want to take further action but do not know what they need to do to enable the adult to give best evidence, and do not have guidance or specialist skills in this area.

Currently, under Part 3 Division 3 of the Law Enforcement (Powers and Responsibilities) Regulation 2016 and section 306ZK of the *Criminal Procedure Act 1986*, adults who are 'vulnerable persons' (including people with cognitive impairment) may have access to a support person. However, the current arrangements do not adequately ensure that adults with cognitive impairment and/or communication difficulties have the assistance and adjustments they need to provide best evidence.

Witness intermediaries assess the communication needs of a victim/witness and inform police and the court about the best ways to communicate with the person so they can provide best evidence. Witness intermediaries are currently available in NSW for child victims of sexual offences, but are not available for adults in relation to any offences. Witness intermediaries are typically professionals with relevant skills, such as speech pathologists.

In January 2022, the Ageing and Disability Commissioner and the Chair of the Ageing and Disability Advisory Board wrote to the NSW Attorney General about the access of relevant adults to the witness intermediary scheme, and sought advice as to any current or planned actions by the NSW Government to extend the scope of the scheme to include adults who require that assistance, including people with cognitive disability and/or communication support needs. In June 2022, the Attorney General advised that the NSW Government is not considering expanding the scheme to other witness cohorts at this time.

It is vital that adults with disability and older people receive appropriate support to engage with the criminal justice system on an equal basis with others, including giving best evidence to police and at court. We strongly urge the extension of the witness intermediary scheme to include adults with cognitive disability and/or communication difficulties – or the extension of the Justice Advocacy Service to provide witness intermediaries – to enable effective and fair access to justice as a matter of priority.

Evicting abusive family members

For many reasons, adult children sometimes move back in with their parents. This tends to be prompted by a critical event affecting the adult child, such as divorce, loss of job, loss of accommodation, release from gaol, or a change in health. During the COVID-19 pandemic, a number of those events occurred at the same time.

In a range of reports handled by the ADC this year (and previous years), what was intended as a temporary arrangement had become ongoing, and the relationship between the adult child and the older person had become abusive. In particular, the older person was typically subject to psychological and financial abuse, and the impact on them was significant. Among other things, they experienced increased health problems due to prolonged stress; confined themselves to their bedroom; did not feel safe in their own home; had worsening mental health; and were living in fear of the adult child.

In most cases, the older person wants the adult child to leave and the abuse to stop, but does not want to upset the adult child or get them in trouble. Often, the abuse has been occurring for some time; contact with the ADC in these cases has tended to be prompted by an escalation in the abuse.

Where the adult child left the property following a report to the ADC, it tended to relate to police action (such as an exclusionary ADVO), the ADC linking the adult child with supports to facilitate access to alternative accommodation, or the older person reaching their tipping point and taking action to evict.

This year, we had discussions with Legal Aid's Elder Abuse Service and the Law Society of NSW about the difficulties experienced by older people who want to remove abusive family members from their property. The options available for older people to take are limited, and older people tend to be reluctant to take those steps – including issuing a written notice to vacate, calling police, and/or commencing Supreme Court proceedings.

The agencies were keen to explore potential civil law remedies that may make it easier to resolve the problem. To inform their next steps, we provided our analysis of relevant reports handled by the ADC to the Law Society, with de-identified data and other information.





Building the capability of service providers

Services providing support to adults with disability and older people play a critical role in helping to prevent, and better identify and respond to, abuse, neglect and exploitation in the adult's family, home and community.

Among other things, workers from aged care, disability and health services can be one of the few parties with line of sight over what is occurring in the adult's home; can have important early conversations with parties about supports that may be needed to help prevent abuse or neglect; and may receive disclosures of abuse from the adult. Importantly, service providers are also the gatekeepers to the adult accessing appropriate support and justice in response to alleged or suspected abuse – including in relation to the adult's contact with police, health/medical services, and psychological support.

Our handling of reports in 2021-22 highlighted the importance of service providers and the need to build the capability of staff and managers in relation to abuse, neglect and exploitation of adults with disability and older people in their family, home and community. In particular, we handled matters where:

- multiple staff had witnessed physical abuse of an adult by a family member over an extended period of time but had not reported it police or any other agency
- the direct service provider had advised staff not to report an alleged sexual assault to police, and to discuss with the family (including the alleged perpetrator)

- support staff had not written incident reports or kept other records relating to witnessed abuse and incidents
- providers withdrew their services to the adult at the same time they reported concerns to the ADC
- providers were continuing to defer to the decisions of the subject of allegation, despite the adult having capacity to make some decisions and the other party not having decision-making authority.

As noted in section 2.2, reports from paid staff increased in 2021-22 in relation to both adults with disability and older people. This is a positive trend, and one that we expect to continue as providers have greater exposure to the ADC. To help build the capability of providers and staff, this year we released a second training module for service providers, targeted at supervisors and organisational management; and we undertook outreach training to a range of providers in response to issues identified in reports. The Helpline also extended its 'early case coordination' approach to service providers, involving repeated contact with a provider over a period of time to guide and support them in their steps with the adult to respond to the abuse, and improve their safety and circumstances.

Towards the end of the year, we also met with representatives from peak and key aged care providers to better understand their current systems and staff capabilities for preventing and responding to abuse in family, home and community settings.

Preventing and responding to abuse of young adults with disability

Since the commencement of the ADC, the largest proportion of reports about adults with disability has consistently been young adults aged 18-24 years. In 2021-22, reports about people aged 18-24 years accounted for almost 20% of reports about adults with disability.

In our handling of these matters, we have identified a number of factors that appear to be relevant to the alleged abuse and neglect, including:

- the transition from childhood to adulthood can be a period of significant instability and change, including increased stress for the young adult and their family
- problems associated with family continuing to exert control over key aspects of the young adult's life despite their move to adulthood – including control over their finances, services, relationships, decision-making, and community and social connections

- inadequate transition planning and work with families and young adults to enable greater autonomy, choice and control, supported by safeguards
- poor leaving care planning – including young people returning to family once 18 and not receiving adequate support, or being left in unsustainable foster placements.

Our work on many reports about young adults has highlighted opportunities to prevent and reduce alleged and actual abuse, neglect and exploitation of this cohort in their family, home and community – including through targeted activities and education with young people, families and relevant agencies. Among other things, there is significant scope for early and coordinated actions to strengthen safeguards in informal financial management arrangements, and facilitate independent or supported decision-making.

Poor understanding of powers of attorney and enduring appointments

Through our handling of many reports about older people in 2021-22, we have identified the need for simple and clear guidance for the community on powers of attorney, enduring powers of attorney, and enduring guardianship arrangements. In our experience, there is very poor understanding in the community about the differences in these decision-making instruments, and what can and cannot be done by the appointed attorney or guardian.

In particular, we have noted repeated themes of:

- enduring guardians restricting contact between the principal (the older person) and their family/friends, despite not being authorised to make these decisions
- aged care facilities accepting the decisions of appointed parties, regardless of whether the appointment enables them to make those decisions

- appointed attorneys misusing their powers, including taking or using the older person's funds for their own benefit; taking out loans in the older person's name; and failing to keep the older person's finances separate from theirs
- parties not understanding how appointments can be revoked.

This year, we have commenced work to develop a series of simple fact sheets to provide clear information to older people and their prospective attorneys and guardians about the differences between the instruments; the responsibilities of attorneys; and how to revoke an appointment. (Further information is provided in section 4).





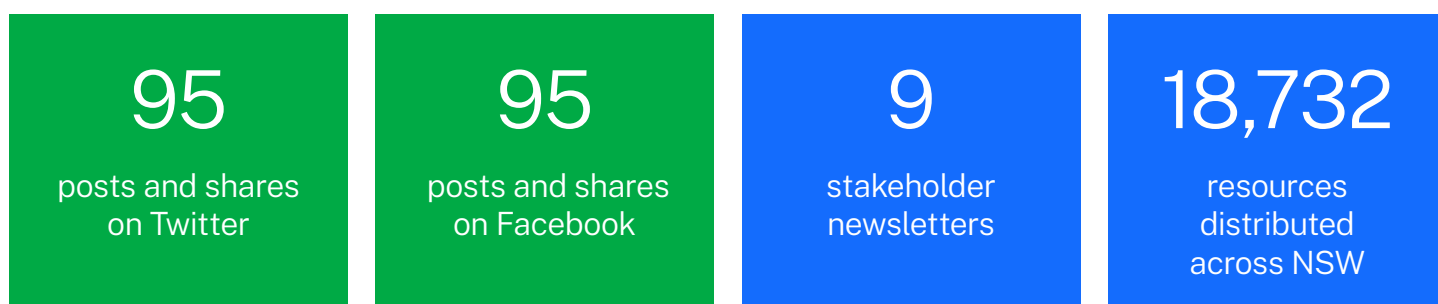
3. Community and stakeholder engagement

The ADC made a concerted effort to deliver more communication activity in 2021-2022 to connect frontline workers, service providers, and older people and adults with disability in the community with us.

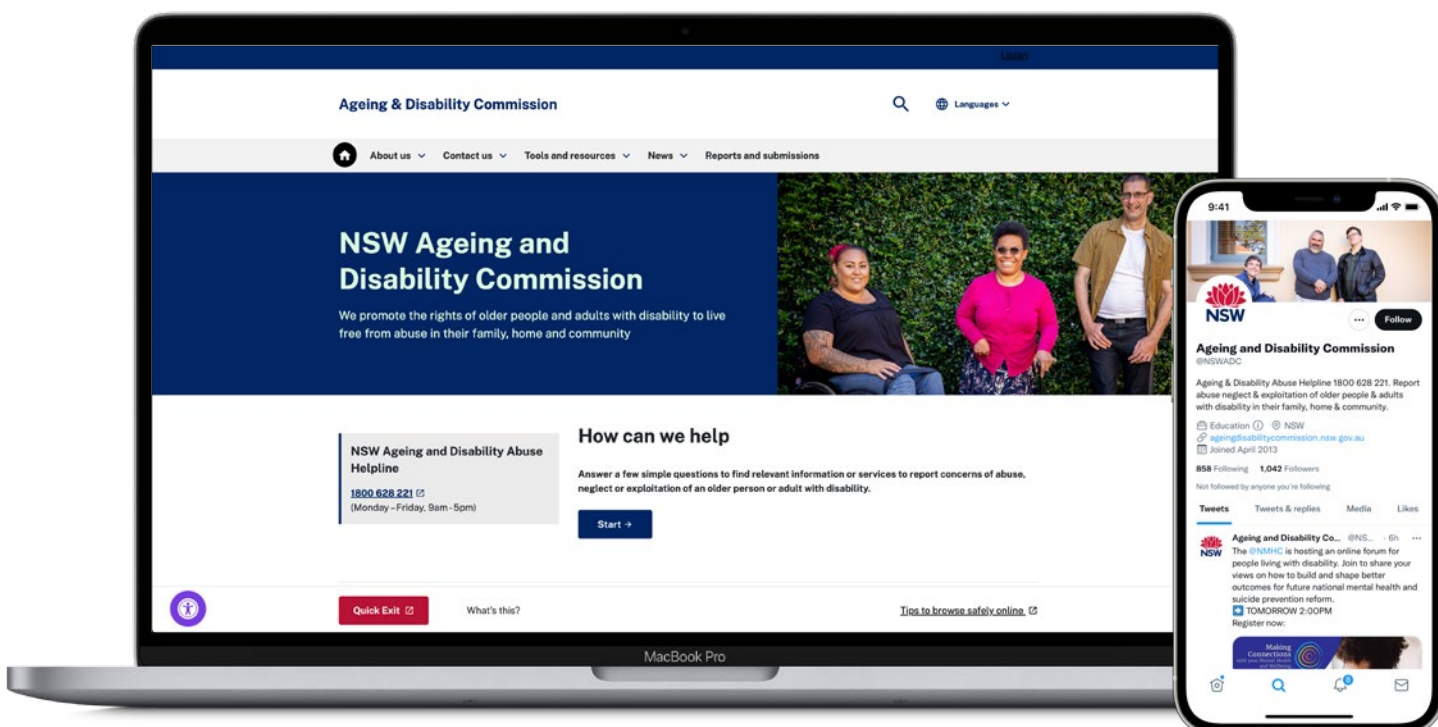
We increased the volume of messages shared across social media and delivered critical resources that will improve access to information about abuse for adults with disability, and for people from Aboriginal and culturally diverse backgrounds.

3.1 Communications

During the 2021-22 reporting period, the ADC focused on delivering more communications across our owned channels. We published:




The ADC website remains the central communication channel for stakeholders to access critical information. This year, **the website had 20,452 unique page views**, with users visiting our website to mainly access training, resources and general information about our work.



Paid media campaign

The ADC ran two paid media campaigns that commenced towards the end of 2021-22. Radio was the focus, targeting regional areas including Murrumbidgee, Central Coast and the Central Tablelands. We also used social media, targeting younger and older demographics (18-49 and 50-65+) with an estimated audience size of 4.8 million people across NSW. This activity continued into the new financial year.





Hitting or kicking is physical abuse.


Physical abuse also includes using physical force to intimidate and control another person, or harm the person.

It can show up as scratches, bruises or wounds, or someone appearing withdrawn and scared.

If you have concerns about yourself, an older person or adult with disability in their family, home or community, call the **NSW Ageing and Disability Abuse Helpline for information, support or to make a report**. Anyone can call, and you can be anonymous.

1800 628 221
(M-F, 9am-5pm)

Ageing and Disability Commission



Stopping someone from making their own choices is psychological abuse.

Everybody has the right to make decisions about their own life. Preventing this can be **psychological abuse**. It can look like making important decisions for someone else without permission, a lack of freedom, or preventing someone from attending appointments alone.

If you have concerns about yourself, an older person or adult with disability in their family, home or community, call the **NSW Ageing and Disability Abuse Helpline for information, support or to make a report**. Anyone can call, and you can be anonymous.

1800 628 221
(M-F, 9am-5pm)

Visit adc.nsw.gov.au for more info. In an emergency call 000.

Ageing and Disability Commission

Diverse and accessible resources

A key commitment in 2021-22 was to develop resources explaining rights, abuse, neglect and exploitation in formats appropriate for diverse audiences, including adults with disability. We finalised a series of fact sheets in Easy Read and accessible formats that clearly explain what different abuse types can look like, and how to speak up to get help.

These resources are a critical component to our work in educating the community and adults with disability about their right to live free from abuse.

Sponsorships

A sponsorship arrangement with the Radio for the Print Handicapped (2RPH) and the ADC continued in 2021-22. The segment titled Ageing with Attitude ensured awareness of the Ageing and Disability Abuse Helpline was consistently promoted.



3.2 Global campaigns

International Day of People with Disability

The ADC celebrated International Day of People with Disability (IDPwD) on 3 December 2021. IDPwD is a United Nations sanctioned day that increases public awareness, understanding and acceptance of people with disability, and celebrates their achievements and contributions.

The 2021 theme was 'Toward a disability-inclusive, accessible and sustainable post COVID-19 world'. We worked with three adults with disability and asked them what they think this means, and how we can all contribute to building a more inclusive and accessible community.

The video was published across our social media channels and distributed through our key stakeholders via a newsletter and through our Disability Abuse Prevention Collaborative, and had over 5,000 engagements across Facebook and Twitter.





We support
**World Elder Abuse
Awareness Day**
June 15 2022
Rights Don't Age



World Elder Abuse Awareness Day

This year's campaign for World Elder Abuse Awareness Day centred on the idea that 'Rights Don't Age!' to acknowledge the rights of every older person, including their right to make their own life decisions.

The campaign ran across radio and social media and through the elder abuse prevention Collaboratives, resulting in:

- 37 bonus radio spots across key regional markets that maximised the frequency of our message being heard in the Far West, Hunter, Central Tablelands, Murrumbidgee and Illawarra Shoalhaven regions.
- Almost 31,000 people saw and interacted with the campaign across Facebook and Twitter.

In March, we were shortlisted by the Ministerial Advisory Council on Ageing (MACA) MACA Media Awards for our 2021 World Elder Abuse Awareness Day campaign. With over 180 nominations – a record for the MACA Media Awards – it was humbling that our work was recognised by our peers.

3.3 Stakeholder engagement

Local council partnerships (EASI guide)

In November, the ADC launched a program supporting local councils to drive continued and sustainable actions to prevent and protect older people and adults with disability from abuse, neglect and exploitation in their local area.

The program, Ending Abuse through Simple Interventions (E.A.S.I.), provides localised data with an evidence based

guide to inform strategies that can assist their work to safeguard adults in their area, and that is relevant to their needs. The handbook includes strategies such as establishing an abuse prevention Collaborative, embedding formalised training for local staff, and developing localised communications strategies.



Ending Abuse through Simple Interventions (E.A.S.I)



Abuse Prevention Collaboratives

The ADC supports 18 abuse prevention Collaboratives across NSW. In 2021-22, the ADC secured a grant via Multicultural NSW to support Collaboratives to re-connect with their communities after the COVID-19 lockdowns, with a particular focus on those in the local government areas (LGAs) of concern during the COVID-19 lockdown.

As a result, many Collaboratives produced communication resources that helped to raise awareness of abuse and promote the Ageing and Disability Abuse Helpline. These included:

- translating an animation into key languages in the Canterbury-Bankstown area to promote the rights of people with disability and communicate what abuse is
- developing coasters for use in RSL clubs and other venues that promote the importance of choice
- a culturally informed Aboriginal wellbeing checklist
- translated wellbeing checklists
- outreach to pharmacies and hairdressers to promote wellbeing and the NSW Ageing and Disability Abuse Helpline.

The ADC also held two forums to bring all Collaborative leads together to share learnings and insights. These forums are helping inform best practice and promote shared resources.



My Wellbeing Checklist

- I know how much money I have in my bank account
- I have the freedom to spend my money
- I have the freedom to see family and friends when I want
- I attend social activities
- I receive medical attention when I need it, and have a say about my healthcare plan and treatment
- My personal care needs (showering, personal hygiene etc) are taken care of
- I am treated respectfully by my family and friends
- I feel safe at home

我的身心健康清单

- 我知道自己的银行账户有多少存款
- 我可以自由使用自己的金钱
- 我可以自由探访自己想见的亲友
- 我有参加社交活动
- 我得到所需的医疗照顾,也可以对自己的健康护理计划和治疗提出意见
- 我的个人护理需要(淋浴、个人卫生等)得到满足
- 家人和朋友都尊重我
- 在家里我感到安全

Artists: Lorraine Brown and Narelle Thomas

STOP THINK RESPECT

Can you answer YES to all of these questions?

- I know and agree with how my money is spent
- I can spend time yarning with family and friends
- My care needs are met
- I feel safe at home

If you answered NO, help is available.

Ageing and Disability Abuse Helpline
1800 628 221
Monday to Friday | 9am to 5pm

Think about your responses.

If you have any concerns about your situation, you may wish to talk to someone you trust such as a family member, friend, doctor, religious leader, or you can call the NSW Ageing and Disability Abuse Helpline.

1800 628 221
Mon-Fri 9am-5pm

Ageing and Disability Commission

Acknowledgment: adapted from the checklist produced by the Far North Coast Older Persons Wellbeing Collaborative.

想一想你的回答

如果你对自己的情况有任何担忧,可以找一位你信任的人士谈谈,例如家人、朋友、医生、宗教领袖,或者打电话给新州老年人及残疾人虐待求助热线(NSW Ageing and Disability Abuse Helpline)

1800 628 221
星期一至星期五 上午9时至下午5时

Ageing and Disability Commission

鸣谢: 内容改编自远北岸年长人士身心健康协会(Far North Coast Older Persons Wellbeing Collaborative)制作的清单



Multicultural initiatives

In 2021-22, we provided cultural awareness training for all staff to strengthen and improve our understanding of the diversity of communities in NSW and Australia, and better understand how to adapt our work and practice. This training will be refreshed on a regular basis to ensure we maintain a high awareness of, and connection to, issues for people from culturally diverse backgrounds.

We also ensure information is available in multiple languages and helps inform people from culturally and linguistically diverse communities on how the ADC can help them.

This year, the ADC progressed a significant cultural engagement strategy to inform our work and future communications with culturally diverse communities. We consulted with service providers, paid support workers and community members across Arabic, Assyrian, Cantonese, Greek, Italian, Mandarin, Spanish, Vietnamese speaking communities to better understand cultural perspectives about abuse, and how to better connect with these communities.

Aboriginal initiatives

The ADC recognises the importance of building sustainable relationships with people from Aboriginal communities in order to support and promote their right to live free from abuse. In this reporting period, the ADC progressed a longer term project to:

- better connect the ADC with organisations that can provide advice about our work and approach when working with Aboriginal communities
- create culturally-appropriate resources that explain abuse, neglect and exploitation
- develop a framework that informs our practice in Aboriginal communities.

The consultations concluded with useful insights to inform the next phase of work, comprising:

- a guide for service providers and organisations to build their capacity to understand abuse and provide improved supports/responses, and promote the ADC to CALD organisations
- updated translated resources explaining abuse in simple terms with easy to understand examples
- a series of translated social media tiles to be used for ADC paid communication activity.

We have consulted with the Aboriginal Regional Alliances, Aboriginal Affairs and staff at First People's Disability Network to inform the above approach and will continue to report on progress.

In addition, the ADC continues to provide cultural awareness training to all staff about Aboriginal culture and history, contributing to our broader values of encouraging diversity and inclusion in our work.

Meetings with advisory groups and a new Community of Practice

This year, we continued regular meetings with consultative and advisory groups to inform and support the work of the ADC, comprising:

- Ageing and Disability Roundtables – to provide forums for the ADC to liaise with ageing and disability sector advocates, peak and representative bodies to discuss the work of the ADC and matters affecting people with disability and older people. We met twice with each sector roundtable in 2021-22.
- Expert Reference Group – to consult with relevant experts to obtain advice and assistance in relation to the ADC's work to respond to reports about abuse, neglect and exploitation of adults with disability and older people. We met once with the group this year.

We also established a Community of Practice (COP) with agencies in other jurisdictions that have a role in investigating reports or complaints of abuse, neglect and exploitation of adults with disability and older people. The COP comprises the ACT Human Rights Commission, the Queensland Public Guardian, and the SA Adult Safeguarding Unit, and provides a forum for our agencies to consult and share information on common operational areas and issues; provide opportunities to share learnings; and support informed and consistent approaches in key areas. We held the first COP meeting in September 2021.



3.4 Training and education

Speaking engagements

In 2021-22, the ADC participated in 57 speaking engagements and community forums addressing the role of the ADC, the rights of older people and adults with disability, and how to make a report to the Ageing and Disability Abuse Helpline. The Commissioner participated in 12 of these speaking engagements.

Contributing to these engagements was a proactive outreach plan to disability and aged care providers to further awareness of our functions and reporting progress.

NSW Police

The ADC worked with NSW Police to design their first online training module to better respond to abuse of older people and adults with disability. The training will be available to all police officers, including Aged Crime Prevention Officers and general duties officers.

This is in addition to the Six Minute Intensive Training (SMIT) program where the ADC provided six training scenarios that may confront an officer while on duty to facilitate discussion within the Police Area Command about best practice responses.

ADC staff also attended two training days in Newcastle in May, and another in Homebush to increase NSW Police's understanding of abuse, how to effectively work with the ADC on matters relating to abuse and neglect, and how to enable police to best use their training in the field.

Aged care peak provider forum

In this reporting period, the ADC led a forum with key NSW aged care peaks and providers. The forum explored key topic areas that included:

- the role of home care services and safeguards for older people in their family, home and community
- building the capacity and confidence of home care staff in relation to abuse and neglect of clients in their family, home and community
- key learnings from COVID-19 in home care.

Insights from this forum will help further the work of the ADC in relation to our engagements with ageing providers and their work in safeguarding older people from abuse.

National Elder Abuse Conference

For the first time, the ADC attended and presented at the 7th National Elder Abuse Conference in Hobart. The conference provided a platform for the Commissioner to share our experience over the past three years, and how the ADC has taken a whole-of-community approach to strengthen NSW's response to abuse of older people as demand and awareness of this issue has increased, and shared learnings to help inform abuse response frameworks in other jurisdictions.



3.5 Information sharing arrangements

This year, changes were made to our Regulation to extend the scope of 'relevant agency' to include other agencies we have substantial contact with in our work in relation to reports, including Services Australia, the Commonwealth Department of Health, and iCare.

In 2021-22, we also:

- finalised an MOU with the Office of the Legal Services Commissioner
- developed a final draft MOU with NSW Health
- commenced quarterly meetings with the NDIS Commission, and discussions about our existing information sharing arrangements in light of changes to the NDIS legislation
- continued quarterly meetings with the NDIA to discuss existing information sharing arrangements and issues of concern
- held regular meetings with the Office of the Children's Guardian in relation to the operation of the OCV scheme.





4. Projects and systemic work

4.1 Addressing abuse via Enduring Powers of Attorney

As identified in section 2.2, financial abuse is the second most common form of abuse reported to the ADC in relation to older people, comprising 26% of reports in 2021-22. In a range of cases, the financial abuse was facilitated by misuse of an Enduring Power of Attorney (EPOA), including the example provided in case study 4. In many cases, by the time the ADC receives a report about alleged financial abuse by misuse of an EPOA, the adult's money and assets are already gone or have been seriously depleted.

This year, the ADC commenced work to explore options to improve safeguards and compensation options in relation to EPOAs.

Reducing the risk of misuse of an EPOA

Among other things, in a range of cases we have noted that misuse of the EPOA has been facilitated by the attorney not understanding their responsibilities. Currently, minimal information is provided to a prospective attorney, comprising one clause in the EPOA form.

In terms of preventative actions, we have identified a need to ensure the consistent provision of clear information to principals and their prospective attorneys about the differences between powers of attorney and enduring appointments; how to revoke an appointment; and the responsibilities of attorneys. As noted in section 2.3, we commenced work this year to develop this guidance, taking into account pre-existing resources.

Making it easier to obtain compensation for misuse of an EPOA

We also explored options this year to make it easier for the principal of an EPOA in NSW to be compensated for funds/assets lost through misuse of their EPOA by the attorney. We have looked into arrangements in place in Victoria that enable applications to be made to VCAT for compensation orders relating to misuse of an EPOA. From our examination of this model and discussions with key parties in Victoria, it appears to be a user-friendly and effective pathway for compensation that could serve to address an existing gap in NSW.

At the end of 2021-22, we met with our Expert Reference Group to discuss potential compensation and prevention options in relation to misuse of EPOA. The Group supported the proposals of the ADC, but emphasised the need for broader reforms in this area, including options to strengthen the *Powers of Attorney Act 2003* to make it an offence to dishonestly use an EPOA, and to amend the prescribed EPOA form to require attorneys to sign that they have understood and will comply with their responsibilities.

The ADC will undertake further work in relation to safeguards for EPOAs in 2022-23.

4.2 Supported decision-making

Advancing supported decision-making in NSW

Supported decision-making for adults with disability and older people who need that assistance is a priority for the ADC and the Ageing and Disability Advisory Board. In 2021-22, we wrote to the Commonwealth and NSW Attorneys General to ascertain any actions underway or planned to implement the recommendations of Australian and NSW Law Reform Commission inquiry reports that relate to implementation of supported (or assisted) decision-making.

The information provided in response referred primarily to Australia's Disability Strategy and intended consideration of the recommendations of the Disability Royal Commission in 2023.

In light of the response, the ADC met with the NSW Council for Intellectual Disability regarding potential options for advancing supported decision-making. We agreed that there would be merit in holding a targeted roundtable in NSW to identify and discuss actions that could be taken in the short-term to progress supported decision-making without requiring legislative change, and develop a plan for next steps. The roundtable is planned to occur in 2022-23.



Improving supports and safeguards for adults eligible for redress payments

Related to supported decision-making, concerns were raised with the ADC this year about the circumstances of some older survivors of institutional child abuse who have declining decision-making capacity associated with the onset of dementia. In particular, concerns were raised about:

- options for best supporting survivors with declining decision-making capacity who need to make decisions in relation to pursuing claims through civil litigation or the National Redress Scheme
- improving safeguards for survivors from financial abuse and exploitation.

In response, we held two roundtable forums with redress support services, legal services, financial services, advocates, and NSW Trustee and Guardian to explore the issues, discuss practical options for strengthening safeguards and mitigating risks, and consider opportunities for further action.

4.3 Carers project

In 2021-22, we continued work with the University of NSW (UNSW) and Carers NSW on our 'Carers Project', funded by DCJ as part of the NSW Carers Strategy: Caring in NSW 2020-2030. The project aims to analyse the ADC's data from reports involving allegations against carers to help inform (among other things):

- the handling of future reports
- ways to better support carers
- opportunities for early intervention and prevention of abuse, neglect and exploitation
- appropriate and effective communication with carers in the context of the ADC's work.

During the year, UNSW completed a literature review and analysis of data from 3,504 reports closed by the ADC in 2020/21, 33% of which (1,141 reports) involved allegations against a carer of the adult with disability or older person.

The research identified a range of key findings, including that access to, and previous experiences of, support services were significant relevant factors; and in many cases (20%) the carer was unaware that their actions constituted abuse. The researchers also found that the primary actions by the ADC were typically supportive not punitive, which is an important message for developing effective working relationships with carers.

The findings of the research will inform the next stage of the project, involving the development of resources for carers. The project is scheduled to be completed in November 2022.





4.4 Lessons from COVID

In meetings in 2021-22, Advisory Board members raised significant concerns about issues affecting adults with disability, older people and carers in NSW that have been exacerbated by the COVID-19 pandemic and that can contribute to, or prevent, actions to address abuse, neglect and exploitation. In particular (among other things):

- critical and ongoing staff shortages in disability support and aged care
- reduced community and social connections and supports
- loneliness
- increased reliance, and pressure, on informal carers.

While recognising the Commonwealth Government's lead on specialist disability supports and aged care, the Advisory Board noted that the impacts were being experienced at a State level, including on NSW services and communities. The Advisory Board and ADC identified the need to consider the collective learnings from the

pandemic in relation to adults with disability, older people and carers, and explore what may be needed to support a cohesive NSW strategy to address gaps and build on identified opportunities.

The Advisory Board agreed on work to develop a paper to bring together information on the impact of COVID on adults with disability, older people and carers and identify key gaps and opportunities. Following finalisation of the paper, consideration would be given to potentially holding a public forum to canvass the issues, responsibilities and necessary actions.

This year, we liaised with Carers NSW and DCJ, and reached agreement that Carers NSW would develop the paper, funding by previous resourcing provided by DCJ. This work is scheduled to be completed in September 2022.



4.5 Developing public policy and practice frameworks

During the year, we completed the final draft of a framework to help inform the development of public policy for preventing and responding to abuse, neglect and exploitation of adults with disability and older people, which included input from the Ageing and Disability Advisory Board. In 2022-23 we will undertake targeted consultation on the draft framework with key agencies prior to releasing it for broader community input and engagement.

We also progressed the development of an ADC practice framework to guide our response to reports about adults with disability and older people who are subject to, or at risk of, abuse, neglect and exploitation. We will complete this work in 2022-23.

4.6 Australia's Disability Strategy standing review

Under the ADC Act, the ADC has responsibility for monitoring, assessing and reporting on the implementation of the National Disability Strategy (NDS) in NSW. On 3 December 2021, the NDS was replaced by a new strategy: Australia's Disability Strategy 2021-2031 (ADS).

Earlier this year, we prepared a desktop baseline review of the NDS, with the intention of releasing a public report in early 2022. However, in light of the release of the ADS and feedback we received from stakeholders about the need to focus on the new Strategy, we reconsidered our approach.

In the latter part of the year, we commenced targeted meetings with key parties to gain input on constructive approaches for fulfilling our legislative obligations to monitor, assess and report on implementation of the Strategy in NSW. In particular, the discussions have focused on identifying potential approaches that do not duplicate the work of the Commonwealth or NSW Governments; enable a focus on the experience of people with disability in NSW; and add value.

4.7 Submissions and other input by the ADC

In 2021-22, we made submissions to a number of inquiries and reviews, informed by our work, including:

- the NSW Treasury Women's Economic Opportunities Review
- the NSW Legislative Council Inquiry into Homelessness amongst older people aged over 55 in NSW.

Our submissions are available on our website.

During the year, we participated in a range of relevant working groups, project committees and consultative forums, including:

- NSW Health Sexual Assault and Disability Access Project Committee
- Assisted Boarding House Industry Advisory Group
- National Helplines meetings
- National adult safeguarding roundtables
- NSW Disability Stakeholders Forums
- NCAT Guardianship Division Consultative Forums
- National Elder Abuse Research and Data Priorities working group.





5. Official Community Visitor scheme

The activities of the Official Community Visitors (OCVs) are detailed in a separate annual report, which can be found on the ADC website.

OCVs are independent statutory appointees of the Minister for Families and Communities and the Minister for Disability Services. They operate under Part 4 of the ADC Act and Part 9 of the *Children's Guardian Act 2019*. OCVs visit:

- accommodation services where residents are in the full-time care of the service provider – including children and young people in residential out-of-home care (OOHC), and people with disability living in supported accommodation, and
- assisted boarding houses.

OCVs provide a vital safeguard for vulnerable people and help to facilitate the early resolution of issues at the local level. The Visitor's role is to independently and impartially identify issues at the time of their visit, and raise those issues with the service provider in the first instance. They report serious concerns to the Minister, the ADC, and the Children's Guardian, and can also refer matters of concern affecting residents to other appropriate bodies. OCVs are independent from the services they visit and provide a critical point-in-time examination of service provision and support for residents.

The ADC has a general coordination and oversight role in relation to the OCV scheme, and supports OCVs on a day-to-day basis. The scheme continues to provide an essential voice for residents and a localised means for getting issues resolved. However the budget of the OCV scheme is unsustainable, noting no increase to the recurrent budget at the same time that the number of visitable services has continued to increase. As a result, the proportion of disability residential services able to be visited has markedly decreased.

In 2021-22, the scheme had the benefit of a one-off increase to its budget of \$400,000, to enable the first remuneration increase for Visitors in 11 years and a temporary increase in visiting.

Key activities of the ADC in relation to the OCV scheme in 2021-22 included:

- Facilitating and supporting the work of OCVs on a daily basis through the provision of advice, information, training, updates and technical support.
- Supporting OCVs through ongoing COVID-19 related challenges to meet their continued visiting responsibilities within the restrictions imposed by the public health orders.
- Maintaining regular consultations with Visitors on OCV scheme practice through consultation group meetings and regional meetings.
- Recruiting six additional OCVs to fill gaps in target areas across NSW.
- Holding the first in-person OCV conference since 2019.
- Providing training to OCVs to ensure the currency of their skills and knowledge of the visitable sector areas, including opportunities for peer support, discussion, and the sharing of skills and experiences.
- Sharing trend and pattern data relating to issues identified in OCV visits with the Children's Guardian, NDIS Quality and Safeguards Commission, and the Minister.
- Facilitating and supporting OCVs with complaints and referrals of matters of concern to the Children's Guardian, the NDIS Commission, and DCJ.
- Facilitating professional supervision sessions for OCVs visiting residential OOH services, to support Visitor wellbeing.

This year, we also undertook two additional areas of work:

- 1 We conducted a review of Community Visitor schemes across Australia, to better understand the different models, and to inform the future operation of the OCV scheme. The review will be completed in 2022-23.
- 2 We worked with OCVs to identify key systemic issues that they will have a focus on in their visits during 2022-23. The agreed areas focus on compatibility; involvement in meaningful activities, including skills development; and leaving care planning. (Please see the OCV annual report for more information).



6. Financial activities and operations

The ADC is a statutory authority controlled by the State of NSW. The ADC is a not-for-profit entity and it has no cash generating units.

Key aspects for the ADC 2021-22 financial statements include:

- This reporting period being the third year of operation for the ADC (2021-22).
- That the ADC does not directly employ staff. Employees are staff of DCJ with a personnel service arrangement between the ADC and DCJ.
- The Commissioner is a statutory appointee whose remuneration is processed through DCJ, but the Commissioner is not a DCJ employee.

- The main source of revenue is through annual grants provided by DCJ. The ADC does not have cash generating assets.
- The ADC holds fixed assets mainly IT hardware and intangibles.

The financial function of the ADC, including the preparation of annual financial statements, is performed by the Financial Management Services Group, which is part of the Corporate Services Division of DCJ. This function is provided by DCJ through the Shared Services group.

6.1 Economic or other factors

The ADC has now been operating for three years, and demand for its services has continued to grow, including handling an increasing number of reports about abuse, neglect and exploitation of adults with disability and older people.

The original budget submission to establish the ADC in 2019-20 was exclusive of increasing population and/or crisis driven demand, noting uncertainty about the number of cases the ADC would need to manage, and the conservative assumptions used as the basis for the core budget costing. In 2021-22, informed by data from two years of operation, the ADC submitted budget requests

based on demand funding models developed with DCJ Finance (for the ADC core budget and OCV scheme). The requests were not successful. The ADC's forward budget position after 2022-23 is unsustainable, and if unchanged will result in the agency and the OCV scheme being unable to fulfil all of its statutory obligations.

COVID-19 heightened risks for older people and adults with disability associated with the impact of lockdowns. ADC saw an increase in the number of reports and this is expected to continue. Any surplus is expected to be expended in the next financial year.

6.2 Summary review of financial operations

Revenue

Total operating revenue for the year was \$6.729 million.

As at 30 June 2022, total comprehensive income balance was \$1.360 million and closing cash and cash equivalents was \$2.764 million.

Expenses

Total operating expenses for the year were \$6.605 million, including Official Community Visitor scheme expenses. Major expenditure related to Personnel services \$4.801 million, operating expenses \$1.589 million, depreciation \$0.050 million, and grant expenses \$0.165 million. There was no capital expenditure for the year.

Assets

The total assets for the ADC as at 30 June 2022 were \$2.862 million.

Liabilities

The total liabilities for the ADC as at 30 June 2022 were \$1.502 million.

Net equity position for the year

As a result, the net equity position for the year was \$1.360 million.

6.3 Annual financial statement

Audited Financial statement for ADC are shown at appendix A4 of this report.

6.4 Payment of accounts

Accounts Payable tables for ADC are shown at appendix A4 of this report.

6.5 Application for extension of time

Under section 13 of the *Annual Reports (Statutory Bodies) Act 1984*, on 28 September 2022 the ADC sought from NSW Treasury an extension of time to submit the ADC's annual report following Audit Office advice that its audit opinion on the financial statements would be delayed. NSW Treasury granted the ADC an extension to 21 November 2022.



Appendix

A1. Referrals and outcomes

Table 9: Person outcomes, reports closed in 2021-22

Person outcomes – reports closed in 2021-22 (n = 3,959)	Number
1. Person involved	
Will and preference of Person ascertained	656
Will and preference of Person respected/upheld	590
2. Referral/ help to access supports	
Referral/help to access aged care supports	63
Referral/help to access other supports	63
Referral/help to access legal support	60
Referral/help to access disability supports	41
Referral/help to access advocacy supports	40
Referral/help to access health services	22
Referral/help to access support person	14
3. Supports/ services provided or increased	
Aged care support provided or increased	64
Disability support provided or increased	53
Other supports/services provided or increased	24
Health/medical support provided or increased	23
Reduced or addressed social isolation	20
Improved community access	16
Psychological/mental health support provided or increased	14
Access to advocacy or decision-making support	11
Communication support provided or increased	3
Victim support provided	3
4. Police/justice action	
Other police/justice action	64
ADVO put in place	32
ADVO enforced	6
APVO put in place	5
5. Review or assessment of needs/supports	
Review or assessment of disability supports	64

Person outcomes – reports closed in 2021-22 (n = 3,959)	Number
Review or assessment of aged care supports	62
Review or assessment of health/medical needs	25
Review or assessment of decision-making capacity	22
Review or assessment of psychological/mental health needs	17
Review or assessment of behaviour support needs	11
Review or assessment of communication needs	8
6. Accommodation changes	
Change in accommodation	64
Person removed from premises	26
7. Review or change to decision-making arrangements	
Guardian appointed	26
Financial management order applied	16
Guardianship order applied	9
Trustee appointed or changed	9
Power of Attorney or Enduring Power of Attorney revoked	9
Guardianship order reviewed or changed	5
Other change to order	4
Financial management order reviewed or changed	3
Guardianship order revoked	3
Power of Attorney changed	1
8. Review or change to NDIS supports	
Other review or change to NDIS supports	17
Additional NDIS funding approved	15
Change to NDIS support coordination	15
NDIS plan management changed	2
9. Application to NCAT	
Guardianship application	27
Financial management application	26
10. Change of service	
Change of agency/service provider	15

Table 10: Subject of Allegation outcomes, reports closed in 2021-22

Subject of Allegation outcomes – reports closed in 2021-22 (n = 3,959)	Number
1. Education or advice provided	
Education or advice provided	349
2. Support provided	
Linked to/received more support	73
3. Police/justice action	
ADVO put in place	30
Criminal charges	14
Criminal conviction	5
APVO put in place	5
4. Access stopped or reduced	
Prevented from access	24
Reduced/supervised access	16
Removed from premises	14
5. Removal as decision-making authority	
Removal as Power of Attorney or Enduring Power of Attorney	10
Removal as NDIS nominee	9
Removal of other authority	7
Removal as guardian	6
Removal as Enduring Guardian	5
Removal as financial manager	3
6. Removal or change to benefit	
Benefit removed	5
Other removal/change to benefit	1
7. Action on worker check	
Other action on worker check	2

Table 11: Number and outcome of referrals by the ADC to mandatory agencies, 2021-22

Outcome of referral	Referral made to			
	Aged Care Quality and Safety Commission	NDIS Quality and Safeguards Commission	NSW Police Force (potential criminal offences)	NSW Police Force (other referrals ¹¹)
Agency declined matter	4	3	6	0
Agency accepted referral	63	13	27	11
Agency advised no further action	0	0	0	0
Agency advised will act on matter	30	38	19	6
Agency made inquiries – no further action	18	4	53	6
Agency made inquiries – taking/ took further action	28	0	18	2
Agency investigated – no further action	1	7	17	0
Agency investigated – taking/ took further action	3	1	40	0
Agency did not advise	0	0	1	3
Other	3	3	7	0
Total	150	69	188	28

Table 12: Number and outcome of referrals by the ADC to the HCCC, 2021-22

Outcome of referral to HCCC	Number of referrals
Declined matter	1
Accepted referral	23
Accepted as inquiry – information provided	5
Accepted as inquiry – no further action	4
Accepted as complaint – referral to resolution service	0
Accepted as complaint – referred for local resolution	0
Accepted as complaint – resolved during assessment	0
Accepted as complaint – discontinued	0
Accepted as complaint – current	3
Other	3
Total	39

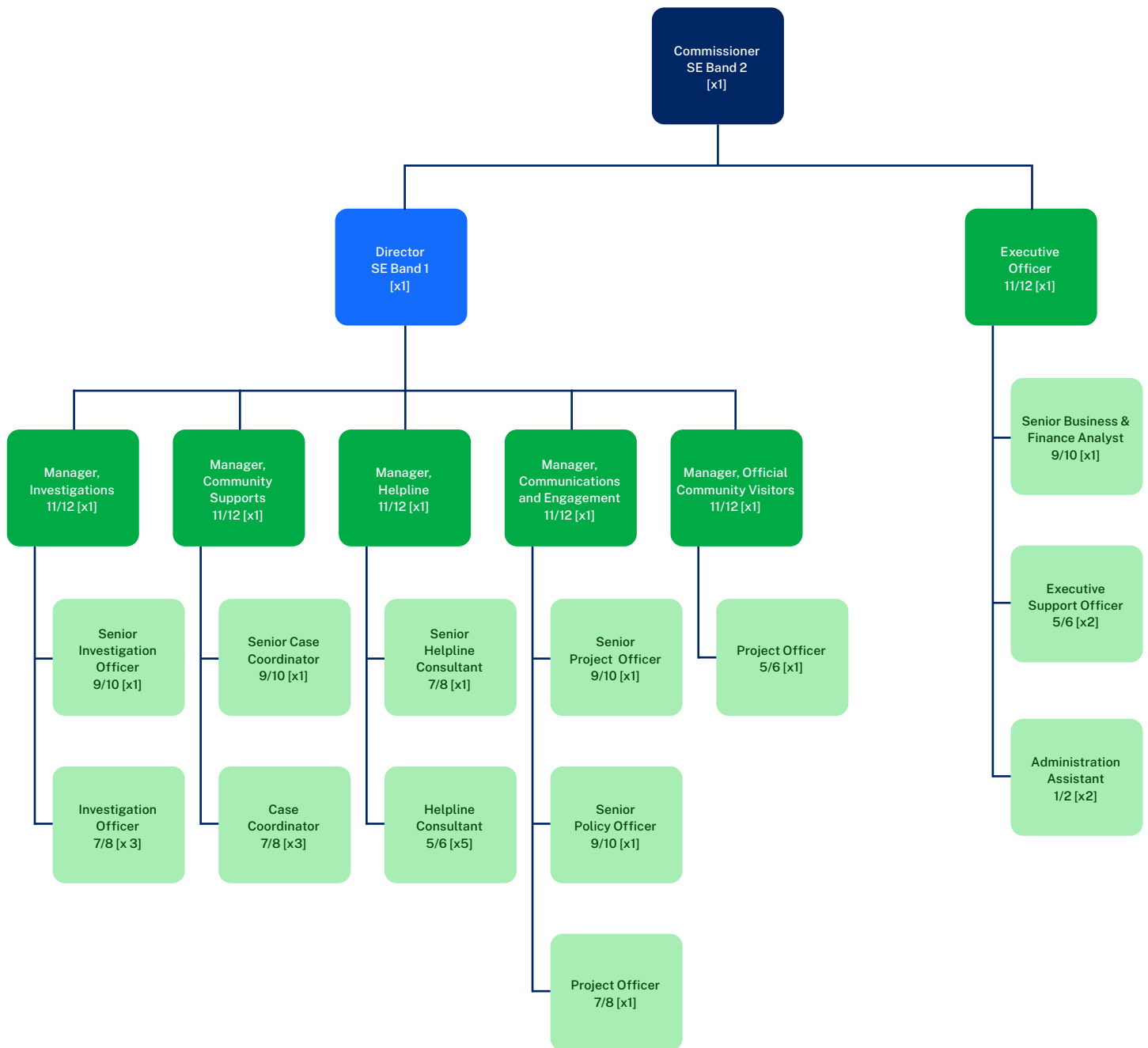
11. Includes referrals for welfare checks and crime prevention assistance.

Table 13: Number and outcome of referrals by ADC to other person or body, 2021-22

Referral made to	Outcome of referral	Number of referrals
Advocacy support services (including Disability Advocacy NSW, Illawarra Advocacy Service, Justice Advocacy Service, Multicultural Disability Advocacy Association, People With Disability Australia, Regional Disability Advocacy Service, Seniors Rights Service)	Agency accepted referral	12
	Agency advised will act on matter	3
	Agency declined matter	2
	Other	2
	Agency did not advise	1
Aged care assessment and support services (including Aged Care Assessment Teams and My Aged Care)	Agency accepted referral	1
	Agency made inquiries – taking further action	1
	Agency made inquiries – not taking further action	1
Carer and respite services (including Carer Gateway)	Agency accepted referral	2
Community centres/ support groups	Agency accepted referral	1
Counselling services (including 1800 Respect, NSW DV Line, Lifeline, Relationships Australia, Relationships and Private Stuff, Sydney Women’s Counselling Centre)	Agency accepted referral	19
	Other	2
	Agency advised will act on matter	1
	Agency declined matter	1
Disability support services (including Ability Options, Aruma, Path Inc, My Supports, St Vincent de Paul, Uniting)	Agency accepted referral	4
	Agency advised will act on matter	2
Emergency services (including NSW Ambulance)	Agency made inquiries – not taking further action	1
	Other	1
Financial services (including banks)	Agency accepted referral	1
	Agency investigated – taking further action	2
Commonwealth Government agencies (including National Disability Insurance Agency, Services Australia)	Agency accepted referral	4
	Agency made inquiries – not taking further action	4
	Agency advised will act on matter	2
	Agency made inquiries – taking further action	1
Commonwealth Government agencies (including National Disability Insurance Agency, Services Australia)	Agency accepted referral	11
	Agency advised will act on matter	1
	Agency did not advise	1
	Other	2
Health (including mental health) services (including Local Health Districts, Mental Health Line, Specialist Intellectual Disability Health Clinic, medical clinics)	Agency accepted referral	8
	Agency advised will act on matter	3

Referral made to	Outcome of referral	Number of referrals
Immigration and CALD support services (including Immigration Advocacy and Rights Centre, Settlement Services International, Welfare Rights Centre)	Agency accepted referral	2
	Agency advised will act on matter	1
	Agency made inquiries – taking further action	1
Information services	Agency advised will act on matter	1
Legal support services (including Intellectual Disability Rights Service, Justice Connect, Legal Aid, Seniors Rights Service)	Agency accepted referral	51
	Agency advised will act on matter	4
	Agency investigated – not taking further action	1
	Other	1
	Agency made inquiries – not taking further action	1
Mediation services (including Community Justice Centre)	Agency accepted referral	1
	Other	1
Other State/Territory Government agencies (including Qld Elder Abuse Prevention Unit)	Agency accepted referral	1
Total		162

A2. Our people



A2.1 Senior Executive

As at 30 June 2022, we had two Senior Executives, including the Commissioner. The Commissioner is a statutory officer and the remuneration of statutory officers is aligned to the Public Service Senior Executive Remuneration Framework. The other executive, Director Operations, is employed under the *Government Sector Employment Act 2013* (GSE Act) as a Public Service Senior Executive (PSSE).

Robert Fitzgerald AM, Commissioner

Bachelor of Commerce, Bachelor of Laws, Solicitor of the Supreme Court of NSW

Kathryn McKenzie – Director, Operations

Bachelor of Education (Secondary – Humanities)

Executive gender and remuneration profiles during the year are represented in tables 14 and 15, including the Commissioner's position. The Commissioner is paid in accordance with the determinations of the Statutory and Other Officers Remuneration Tribunal. Of our employee-related expenditure, 14.3% was related to Senior Executives in comparison to 17.6% in 2020-21.

Table 14: Senior Executive levels

	2019-20		2020-21		2021-22	
	Male	Female	Male	Female		
Band 4	0	0	0	0	0	0
Band 3	0	0	0	0	0	0
Band 2	1	0	1	0	1	0
Band 1	0	1	0	1	0	1
Total	1	1	1	1	1	1

Table 15: Senior Executive remuneration

	2020-21		2021-22	
	Range		Range	
Band 4	\$488,463 - \$563,802	0	\$500,675 - \$577,898	0
Band 3	\$346,586 - \$491,784	0	\$355,251 - \$504,079	0
Band 2	\$275,509 - \$346,585	\$326,593	\$282,397 - \$355,250	\$334,629
Band 1	\$193,192 - \$275,508	\$217,938	\$198,022 - \$282,396	\$223,388
Total	1	1	1	1

A2.2 Staff

At 30 June 2022, we had 28 people working for us, either full-time or part-time on an ongoing basis.

Our staff are employed under the provisions of the GSE Act, along with associated rules and regulations and the Crown Employees (Public Service Conditions of Employment) Award 2009. These industrial instruments set out the working conditions and entitlements offered to staff.

Table 16: Number of employees by employment category

Employment category	Number of employees		
	2019-20	2020-21	2021-22
Grade 11/12	5	6	6
Grade 9/10	4	4	6
Grade 7/8	3	4	7
Grade 5/6	3	8	8
Grade 3/4	0	0	0
Grade 1/2	0	0	1

Workforce diversity

The ADC is committed to promoting diversity and inclusion across all aspects of our work. Our recruitment practices, the diversity of our staff and our inclusion strategies support this commitment.

Table 17: Trends in workforce diversity groups

Workforce diversity group	Benchmark	2020	2021
Women ¹	50%	75.0%	79.2%
Aboriginal or Torres Strait Islander people ²	3.3%	5.0%	8.3%
People whose first language as a child was not English ³	23.2%	0.0%	4.2%
People with disability ⁴	5.6%	0.0%	0.0%
People with disability requiring work-related adjustment ⁵	N/A	0.0%	0.0%

Note 1: The benchmark of 50% for representation of women across the sector is intended to reflect the gender composition of the NSW community.

Note 2: The NSW Public sector Aboriginal Employment Strategy 2014 – 2017 introduced an aspiration target of 1.8% by 2021 for each of the sector's salary bands. If the aspirational target of 1.8% is achieved in salary bands not currently at or above 1.8%, the cumulative representation of Aboriginal employees in the sector is expected to reach 3.3%.

Note 3: A benchmark from the Australian Bureau of Statistics (ABS) Census of Population and Housing has been included for People whose First Language Spoken as a Child was not English. The ABS Census does not provide information about first language, but does provide information about country of birth. The benchmark of 23.2% is the percentage of the NSW general population born in a country where English is not the predominant language.

Note 4: In December 2017 the NSW Government announced the target of doubling the representation of people with disability in the NSW public sector from an estimated 2.7% to 5.6% by 2027.

Note 5: The benchmark for 'People with Disability requiring Work-Related Adjustment' was not updated.

Table 18: Workforce diversity actual and estimated staff numbers (non-casual headcount) as percentages

Remuneration level of substantive position	Total staff (Men, Women & Unspecified)	Respondents	Men	Women	Unspecified Gender*	Aboriginal and/or Torres Strait Islander People	People from Racial, Ethnic, Ethno-Religious Minority Groups	People whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Work-Related Adjustment
\$0 - \$50,479	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
\$50,479 - \$66,298	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
\$66,298 - \$74,117	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
\$74,117 - \$93,791	3	33.3%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
\$93,791 - \$121,288	15	33.3%	33.3%	66.7%	0.0%	6.7%	13.3%	13.3%	0.0%	0.0%
\$121,288 - \$151,609	9	22.2%	22.2%	77.8%	0.0%	0.0%	11.1%	0.0%	0.0%	0.0%
\$151,609 > (Non SES)	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
\$151,609 > (SES)	2	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	30	30.0%	30.0%	70.0%	0.0%					

*Note: Unspecified gender incorporates unknown, withdrawn, and indeterminate/intersex values.

Exceptional movements

There were no exceptional movements in wages, salaries or allowances in 2021-22.

The ADC does not directly employ staff. Employees are staff of DCJ with a personnel service arrangement between ADC and the DCJ. The Commissioner is a statutory appointee whose remuneration is processed through DCJ but is not a DCJ employee. The ADC has a Service Partnership Agreement (SPA) with DCJ, and DCJ personnel and industrial relations policies and practices apply to our employees.

Details of the DCJ's personnel and Industrial relations policies and practices can be obtained from the Department's annual report or website.

Staff satisfaction

In 2021, 79% of staff participated in the second annual People Matter Employee Survey (PMES) for the ADC. Overall, staff satisfaction in the ADC was higher than the public sector average.

Compared with 2020, satisfaction was higher in most areas. Results in relation to flexible working and pay were slightly down.

Table 19: PMES 2021 results – comparison against the public sector average

Satisfaction area	2021 ADC %	2021 public sector average %
Customer service	94	73
Job satisfaction	91	69
Job purpose and enrichment	90	72
Action on survey results	90	47
Health and safety	88	74
Risk and innovation	88	75
Decision making and accountability	88	62
Inclusion and diversity	86	74
Senior managers	85	59
Employee voice	85	69
Team work and collaboration	83	68

Following from the PMES results in 2020, the ADC's People and Culture Sub-Committee developed a roadmap for actions in relation to Wellbeing; Change management; and Autonomy and employee voice. In light of the results from the 2021 survey, we added in specific actions relating to flexible working arrangements, learning and development, and grievance handling.

The roadmap was finalised following consultation and input from staff, with agreed immediate, short-term and longer-term actions. We began implementing the roadmap actions this year, and our People and Culture Sub-Committee is tracking progress and regularly reporting back to staff.

Performance and development

The ADC is focused on ensuring that staff have the knowledge and skills to perform their roles well, and are supported to extend their capabilities and meet their career goals. Learning and development activities in 2021-22 included:

- Establishing an ADC intranet for staff to find and access the information they need, including programs for staff wellbeing and support.
- Supporting staff through the PDP process to achieve their goals and meet/build capabilities.
- Introducing monthly professional development sessions for staff, including information sessions, training and webinars.
- Providing core training for all staff:
 - Cultural awareness training
 - Induction package for all new staff
 - Mandatory training via the Thrive platform on the Code of Ethical Conduct and Cyber Security Awareness
- Supporting professional qualifications, including:
 - supporting staff in leadership development programs
 - rolling out accredited government investigations training to relevant staff
 - supporting staff to attend training that contributes to their certified professional development (CPD) hours.

Diversity and inclusion

During 2021-22, we:

- provided training for all ADC staff on cultural awareness
- engaged with CareerTrackers and the Public Service Commission in relation to the Aboriginal Internship program, and provided an internship in our Community Supports and Investigations Unit in 2021-22.

The ADC has committed to the following actions under the State Disability Inclusion Plan, and regularly reports on its progress with:

- delivering rights-based community engagement and education activities
- developing a person-centred practice framework

- helping local councils to assist their communities to better prevent and respond to abuse
- increasing community-based abuse prevention Collaboratives
- training and supporting Official Community Visitors (OCVs) to identify and raise issues relating to the access of people in residential care to meaningful employment
- increasing the employment of people with disability in the ADC
- implementing effective referral arrangements for complaints about mainstream and specialist services
- undertaking a standing review of the implementation of Australia's Disability Strategy in NSW.

Workplace health and safety

There were zero reportable incidents or near misses in 2021-22. There were zero worker's compensation claims during this period.

An Employee Assistance Program (EAP) is available to all staff. Information about the EAP was formally communicated to staff during the year, via induction, all-staff emails and all-staff meetings, and is accessible on the ADC intranet.

We also continued to provide access to individual and group professional/clinical supervision and additional EAP assistance for Helpline, and Community Supports and Investigation Unit staff, in light of the sensitive, complex and challenging nature of their work. Professional supervision is also provided to OCVs who visit residential OOHC services, recognising the cumulative impact of visits to these services.

In relation to the COVID-19 pandemic, we continued to implement and update the ADC's COVID-19 Workplace Safety Plan (CWSP). The ADC is a member of the DCJ Cluster Corporate Services Coordination Committee, which drives improved coordination of corporate activities across the Stronger Communities cluster, including COVID-19 pandemic planning activities. The ADC has been a regular and active participant in these committee forums.

A3. Corporate governance

As an independent body, we are accountable to the people of NSW through the NSW Parliament. The Commissioner is appointed by the Governor and is not subject to the direction or control of a Minister.

The ADC is a statutory office and is recognised as a separate agency under Part 3 Schedule 1 of the GSE Act. The Commissioner is responsible for ensuring that the ADC and its staff operate in accordance with all government sector requirements.

The ADC's activities are supported by the Audit and Risk Committee via an Audit and Risk Committee Shared Arrangements Agreement with DCJ.

The ADC has a range of governance and operational arrangements to support our work and independence, including:

- ADC Strategic Plan 2020-2022
- ADC Risk Register
- Audit and Risk Committee Shared Arrangements Agreement with DCJ
- COVID-19 Workplace Safety Plan (CWSP)
- Service Partnership Agreement (SPA) with DCJ relating to corporate services. Due to our small size and budget, we have arrangements in place with DCJ to support our work. In particular, the SPA outlines the services and support that DCJ will provide to the ADC, in relation to (among other things) Finance, Human Resources, Information and Communication Technology, and Infrastructure.
- A suite of relevant internal governance documents, guidance and policies
- Information sharing arrangements with key government

and non-government agencies

- ADC Audit and Risk internal sub-committee
- ADC Finance internal sub-committee
- ADC People and Culture internal sub-committee
- ADC Executive meetings
- ADC Managers' meetings.

For the stated reporting period:

- Internal Audit and Risk Management – to achieve compliance with the Core Requirement 3.2 - ensuring the Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'. This is further described in the attached Internal Audit and Risk Management Attestation Statement for 2021-22 for the ADC. (Appendix A3).
- Internal audit of the Helpline – during the reporting period, PwC completed an internal audit of the Helpline, with particular consideration of strategy and governance; operating model; people; process; and technology and data. The findings of the audit were positive, with identification of two low priority issues for improvement, relating to the recording of our quality assurance checks and training. The recommendations have been implemented.
- Cyber Security – the ADC has relied on the cyber incident response plan and Information Security Management System (ISMS) of DCJ. We have managed cyber security risks, in conjunction with DCJ, in a manner consistent with the Mandatory Requirements, as set out in the NSW Government Cyber Security Policy. This is further described in the attached Cyber Security Annual Attestation Statement for 2021-2022 for the ADC (see page 84)

A3.1 Measuring our performance

We track our performance across key areas of our work, including individual case management, our systems and processes. We use data from our case management system and progress against tracking documents to monitor and identify where there may be issues, delays and scope for improvement.

Our Executive team meets fortnightly to discuss progress against key areas of work; and sub-committees on Audit and Risk, People and Culture, and Finance monitor actions and progress in their identified areas of focus and report up to the Executive team.

The ADC contributes to the NSW Government's Stronger Communities Cluster outcome - Active and inclusive communities and contributes to the DCJ Cluster Outcomes and Business Plan.

Internal Audit and Risk Management Attestation Statement for the 2021-2022 Financial Year for the Office of the Ageing and Disability Commissioner

I, Robert Fitzgerald am of the opinion that the Office of the Ageing and Disability Commissioner has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the seven (7) Core Requirements set out in the *Internal Audit and Risk Management Policy for the General Government Sector*, specifically:

Core Requirements	For each requirement, please specify whether compliant, non-compliant, or in transition
Risk Management Framework	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency.	Compliant
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018.	Compliant
Internal Audit Function	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose.	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing.	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.	Compliant
Audit and Risk Committee	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.	Compliant
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'.	Compliant

Membership

The independent chair and members of the Audit and Risk Committee are:

- Independent Chair, Carolyn Burlew, 1 August 2019 to 31 July 2024
- Independent Member 1, Christine Feldmanis, 1 August 2019 to 31 July 2024
- Independent Member 2, Abby Bloom, 1 August 2019 to 31 July 2024
- Independent Member 4, Garry Dinnie, 1 February 2021 to 31 March 2024
- Independent Member 5, Ian Gillespie, 14 July 2021 to 13 July 2024

Shared Arrangements

I, Robert Fitzgerald advise that the Office of the Ageing and Disability Commissioner has entered into an approved shared arrangement with the following agencies:

- Department of Communities and Justice
- Crown Solicitor's Office
- Legal Profession Admission Board

Cyber Security Annual Attestation Statement for 2021-2022 for the NSW Ageing and Disability Commission (ADC)

I, Robert Fitzgerald AM, am of the opinion that the ADC has managed cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy.

Governance is in place to manage the cyber security maturity and initiatives of the ADC.

Risks to the information and systems of the ADC have been assessed and are managed.

For the stated reporting period, the ADC relied on the cyber incident response plan of the Department of Communities and Justice (DCJ), which has been tested during this period. The ADC has also relied on DCJ's Information Security Management System during the reporting period.

The ADC is doing the following to continuously improve the management of cyber security governance and resilience:

- addressing cyber security through governance forums, including the internal audit and risk sub-committee, and ADC Audit and Risk Committee
- mandatory Cyber Security Awareness Training through on-boarding induction, ongoing messaging and cyber security exercises (including simulated phishing attacks).
- implementing and monitoring specific access controls in relation to protected information
- reviewing and updating information management policies to align with ADC requirements, in support of the NSW Cyber Security Policy.



Robert Fitzgerald AM
NSW Ageing and Disability Commissioner

24 October 2022

A4. Annual financial statements



INDEPENDENT AUDITOR'S REPORT

Office of the Ageing and Disability Commissioner

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Office of the Ageing and Disability Commissioner (the Office), which comprise the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2022, the Statement of Financial Position as at 30 June 2022, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Office's financial position, financial performance and cash flows.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Office in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

The NSW Ageing and Disability Commissioner's Responsibilities for the Financial Statements

The NSW Ageing and Disability Commissioner is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulation and Treasurer's Directions. The NSW Ageing and Disability Commissioner's responsibility also includes such internal control as the NSW Ageing and Disability Commissioner determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the NSW Ageing and Disability Commissioner is responsible for assessing the Office's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Office carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Chris Harper
Director, Financial Audit

Delegate of the Auditor General for New South Wales

9 November 2022
SYDNEY

Office of the Ageing and Disability Commissioner

[ABN 52 330 968 585]

Annual Financial Statements

for the year ended 30 June 2022

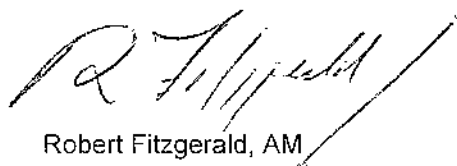
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Office of the Ageing and Disability Commissioner
STATEMENT BY THE ACCOUNTABLE AUTHORITY
For the year ended 30 June 2022

Pursuant to section 7.6 (4) of the *Government Sector Finance Act 2018* ("the Act"), I state that these financial statements:

- have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer's directions, and
- present fairly the Office of the Ageing and Disability Commissioner's financial position, financial performance and cash flows.



Robert Fitzgerald, AM
Commissioner

8 November 2022

Office of the Ageing and Disability Commissioner
STATEMENT OF COMPREHENSIVE INCOME
For the year ended 30 June 2022

	Notes	Actual 2022 \$000	Actual 2021 \$000
Continuing operations			
Expenses excluding losses			
Personnel services expenses	2(a)	4,801	4,343
Operating expenses	2(b)	1,589	1,793
Depreciation	2(c)	50	50
Grants and subsidies	2(d)	165	106
Total expenses excluding losses		6,605	6,292
Revenue			
Grants and contributions	3(b)	6,542	6,654
Acceptance by the Crown of employee benefits and other liabilities	3(c)	187	280
Other revenue	3(d)	-	392
Total revenue		6,729	7,326
Net result		124	1,034
Other comprehensive income		-	-
TOTAL COMPREHENSIVE INCOME		124	1,034

The accompanying notes form part of these financial statements.

Office of the Ageing and Disability Commissioner
STATEMENT OF FINANCIAL POSITION
As at 30 June 2022

	Notes	Actual 2022 \$000	Actual 2021 \$000
ASSETS			
Current assets			
Cash and cash equivalents	4	2,764	2,133
Receivables	5	16	34
Total current assets		2,780	2,167
Non-current assets			
Plant and equipment	6	82	132
Total non-current assets		82	132
Total assets		2,862	2,299
LIABILITIES			
Current liabilities			
Payables	8	952	682
Provisions	9	539	373
Total current liabilities		1,491	1,055
Non-current liabilities			
Provisions	9	11	8
Total non-current liabilities		11	8
Total liabilities		1,502	1,063
Net assets		1,360	1,236
EQUITY			
Accumulated funds		1,360	1,236
Total equity		1,360	1,236

The accompanying notes form part of these financial statements.

Office of the Ageing and Disability Commissioner
STATEMENT OF CHANGES IN EQUITY
For the year ended 30 June 2022

	Notes	Accumulated funds \$000	Total equity \$000
Balance at 1 July 2021		1,236	1,236
Net result for the year		124	124
Other comprehensive income		-	-
Total comprehensive income for the year		124	124
Transactions with owners in their capacity as owners		-	-
Balance at 30 June 2022		1,360	1,360
Balance at 1 July 2020		983	983
Changes in accounting policy	7	(781)	(781)
Balance at 1 July 2020		202	202
Net result for the year		1,034	1,034
Other comprehensive income		-	-
Total comprehensive income for the year		1,034	1,034
Transactions with owners in their capacity as owners		-	-
Balance at 30 June 2021		1,236	1,236

The accompanying notes form part of these financial statements.

Office of the Ageing and Disability Commissioner
STATEMENT OF CASH FLOWS
For the year ended 30 June 2022

	Notes	Actual 2022 \$000	Actual 2021 \$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Personnel services related		(4,447)	(3,356)
Suppliers for goods and services		(815)	(1,096)
Grants and subsidies	2(d)	(165)	(116)
Total payments		(5,427)	(4,568)
Receipts			
Grants and other contributions		5,770	5,947
Reimbursements from the Crown for employee related benefits	3(c)	187	280
GST recoveries		101	82
Other revenue		-	392
Total receipts		6,058	6,701
NET CASH FLOWS FROM OPERATING ACTIVITIES	11	631	2,133
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of plant and equipment		-	-
Purchase of intangible assets		-	-
NET CASH FLOWS FROM INVESTING ACTIVITIES		-	-
NET INCREASE IN CASH AND CASH EQUIVALENTS		631	2,133
Opening cash and cash equivalents		2,133	-
CLOSING CASH AND CASH EQUIVALENTS	4	2,764	2,133

The accompanying notes form part of these financial statements.

1. Summary of significant accounting policies

(a) Reporting entity

The Office of the Ageing and Disability Commissioner (the ADC) is a statutory authority controlled by the State of New South Wales and established under the *Ageing and Disability Commissioner Act 2019 No 7* on 1 July 2019.

The ADC is a not-for-profit entity and it has no cash generating units.

These financial statements for the year ended 30 June 2022 have been authorised for issue by the Commissioner on 8 November 2022.

(b) Basis of preparation

The ADC's financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Government Sector Finance Act 2018* (the Act); and
- Treasurer's Directions issued under the Act.

The ADC financial statements have been prepared on a going concern basis.

Plant and equipment and certain financial assets and liabilities are measured at fair value. Other financial statement items are prepared under the historical cost convention except where specified otherwise.

Judgements, key assumptions and estimations made by management are disclosed in the relevant notes to the financial statements.

Refer Note 14 for any significant judgements or management assumptions used which may be impacted by the COVID-19 global pandemic.

All amounts are rounded to the nearest thousand dollar and are expressed in Australian currency, which is the ADC's presentation and functional currency.

(c) Statement of compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Accounting for the goods and services tax (GST)

Income, expenses and assets are recognised net of GST, except that the:

- i) amount of GST incurred by the ADC as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and
- ii) receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of Cash Flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

(e) Equity and reserves

Accumulated funds

The category 'Accumulated Funds' includes all current and prior period retained funds.

1. Summary of significant accounting policies (continued)

(f) Comparative information

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

(g) Changes in accounting policy, including new or revised Australian Accounting Standards

i) Effective for the first time in 2021-2022

Several amendments and interpretations apply for the first time in 2021-22, but do not have an impact on the financial statements of the ADC.

ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Australian Accounting Standards have not been applied and are not yet effective, as per NSW Treasury Circular TPG 22-07:

- AASB 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current*
- AASB 2020-6 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date*
- AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*
- AASB 2021-6 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards.*

The ADC has assessed the impact of the new standards and interpretations issued but not yet effective where relevant and considers the impact to be not material.

(h) Superannuation on annual leave loading

The ADC has determined that it is not probable a liability arises to pay superannuation on annual leave loading. This position has been formed based on current inquiries, other information currently available to management, and after considering the facts from a decision in the Federal Court of Australia: *Finance Sector Union of Australia v Commonwealth Bank of Australia [2022] FedCFamC2G 409*. That decision confirmed that, in relation to the industrial agreement considered in that case, annual leave loading did not form part of ordinary time earnings and therefore, did not require superannuation contributions to be made under superannuation guarantee legislation because the obligation to pay annual leave loading was not referable to ordinary hours of work or to ordinary rates of pay. Rather, it was paid by reference to the period of annual leave, and for the purpose of compensating employees for their loss of opportunity to work additional hours at higher rates during this period.

This position will be re-assessed in future reporting periods as new information comes to light on this matter.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2022

2. Expenses excluding losses

	2022 \$000	2021 \$000
(a) Personnel services expenses		
Salaries and wages*	3,556	3,196
Superannuation - defined contribution plans	341	285
Annual leave and long service leave	525	558
Workers' compensation insurance	173	134
Payroll tax and fringe benefit tax	206	170
	<u>4,801</u>	<u>4,343</u>

* Employee related costs capitalised in plant and equipment are \$nil in 2021-22 and in 2020-21.

Recognition and measurement

Employees are provided by the Department of Communities and Justice (Department) to carry out the ADC's operating functions. The employment of the Commissioner is governed by a contract of employment between the Commissioner and the responsible Minister subject to the *Ageing and Disability Commissioner Act 2019*.

The Department recovers the ADC's employee related expenses (including entitlement and leave accruals) from the ADC. The employee related expenses paid or payable to the Department are classified as "Personnel Services" in the Statement of Comprehensive income, and are calculated by the Department using the following recognition and measurement criteria:

- (i) Salaries and wages (including non-monetary benefits), and annual leave expenses are recognised and measured at undiscounted amounts of the benefits in the period which the employees render the service.
- (ii) Superannuation – the expense for certain superannuation schemes (Basic Benefit and Aware Super (formerly known as First State Super)) is calculated as a percentage of the employees' salary. For other superannuation schemes (State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.
- (iii) On-costs, such as payroll tax, workers' compensation insurance premiums and fringe benefits tax, which are consequential to employment, are recognised as expenses where the employee benefits to which they relate have been recognised.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

2. Expenses excluding losses (continued)

	2022 \$000	2021 \$000
(b) Operating Expenses		
Auditor's remuneration - external	30	26
Auditor's remuneration - internal	8	4
Advertising and public awareness campaigns	242	375
Motor vehicle operating costs	17	7
Cleaning	15	3
Contractors and outsourced service	214	259
IT related costs ⁽²⁾	245	77
Legal and other professional fees	50	53
Fees for services	3	-
Printing	1	3
Staff related costs	56	40
Postage and stationery	10	13
Telecommunication	30	21
Travel ⁽¹⁾	112	131
Other operating expenses ⁽²⁾	556	781
	1,589	1,793

⁽¹⁾ Travel mainly relates to activities for the Official Community Visitors scheme.

⁽²⁾ Other operating expenses and IT related costs includes the ADC's Service Partnership Agreement with the Department to provide corporate services of \$ 771,698 (2021: \$771,698).

Recognition and measurement

Maintenance costs

Day-to-day servicing and maintenance costs are charged as expenses as incurred, except where they relate to the replacement or an enhancement of a part or component of an asset, in which case the costs are capitalised and depreciated.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2022

2. Expense excluding losses (continued)

	2022 \$000	2021 \$000
(c) Depreciation		
Plant and equipment	50	50
	<u>50</u>	<u>50</u>
Total depreciation	<u>50</u>	<u>50</u>

Refer to Note 6 for recognition and measurement policies on depreciation.

(d) Grants and subsidies		
Grants for Justice connect	106	106
Grants for Councils and Community groups – Micro Delta	59	-
Total	<u>165</u>	<u>106</u>

Recognition and measurement

Grants are generally recognised as an expense when the ADC transfers control of the contribution. Control is deemed to have transferred when the grant is paid or payable.

3. Revenue

(a) Statement of Compliance and Deemed Appropriation

The Appropriation Act 2021 (Appropriations Act) (and the subsequent variations, if applicable) appropriates the sum of \$17,991,622,000 to the Attorney General and the Minister for Prevention of Domestic and Sexual Violence out of the Consolidated Fund for the services of the Department for the year 2021–22. The spending authority of the Minister from the Appropriations Act has been delegated or subdelegated to officers of the Department and entities that it is administratively responsible for, including the ADC.

The responsible Minister for each GSF agency is taken to have been given an appropriation out of the Consolidated Fund under the authority s4.7 of the Government Sector Finance Act, at the time the GSF agency receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the GSF agency. The spending authority of the responsible Minister(s) from deemed appropriation money has been delegated or sub-delegated to officers of the ADC for its own services.

A summary of compliance is disclosed in the financial statements of the Annual Report of the Department. It has been prepared on the basis of aggregating the spending authorities of both the Attorney General for the services of the Department and the responsible Ministers for the services of the entities the principal department is administratively responsible for that receives or recovers deemed appropriation money. It reflects the status at the point in time this disclosure statement is being made. The ADC's spending authority and expenditure is included in the summary of compliance.

The delegation/sub-delegations for FY21/22 and FY20/21, authorising officers of the ADC to spend Consolidated Fund money, impose limits to the amounts of individual transactions, but not the overall expenditure of the ADC. However, as it relates to expenditure in reliance on a sum appropriated through an annual Appropriations Act, the delegation/sub-delegations are referable to the overall authority to spend set out in the relevant Appropriations Act. The individual transaction limits have been properly observed. The information in relation to the limit from the Appropriations Act is disclosed in the summary of compliance table included in the financial statements of the Annual Report of the Department.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

3. Revenue (continued)

Recognition and measurement

Income from Parliamentary appropriations, other than deemed appropriations, does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15 *Revenue from Contracts with Customers*. Therefore, appropriations (other than deemed appropriations) are recognised as income when the ADC obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

Deemed appropriation money is government money that ADC receives or recovers (including from the Commonwealth or another entity) or a kind prescribed by the regulation that is not appropriated under the authority of the Act.

(b) Grants and contributions

	2022	2021
	\$000	\$000
Grants without sufficiently specific performance obligations:		
Grants from the Department	5,620	5,882
Other contribution from the Department	772	772
Grants from Multicultural NSW – Micro Delta Grant	150	-
	6,542	6,654

Recognition and measurement

Income from grants without sufficiently specific performance obligations is recognised when the ADC obtains control over the granted assets (e.g. cash).

Other contributions from the Department comprise of corporate services, rent and outgoings and other services that are measured at fair value using the Service Partnership Agreement with the Department.

(c) Acceptance by the Crown of employee benefits and other liabilities

The following liabilities and / or expenses have been assumed by the Crown:

Long service leave	187	280
	187	280

(d) Other Revenue

Acquittal from Catholic Healthcare	-	392
	-	392

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

4. Current assets – cash and cash equivalents

	2022 \$000	2021 \$000
Cash at bank and on hand	2,764	2,133
	<u>2,764</u>	<u>2,133</u>

Refer to Note 12 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

5. Current assets – receivables

Current receivables		
GST recoverable from the Australian Taxation Office	16	34
	<u>16</u>	<u>34</u>

Details regarding credit risk of trade receivables that are neither past due nor impaired, are disclosed in Note 12.

Recognition and measurement

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Subsequent measurement

The ADC holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2022

6. Plant and equipment

	Plant and equipment \$000	Total \$000
At 1 July 2021 - fair value		
Gross carrying amount	204	204
Accumulated depreciation and impairment	(72)	(72)
Net carrying amount	132	132
At 30 June 2022 - fair value		
Gross carrying amount	204	204
Accumulated depreciation and impairment	(122)	(122)
Net carrying amount	82	82

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Plant and equipment \$000	Total \$000
Year ended 30 June 2022		
Net carrying amount at start of year	132	132
Depreciation expense	(50)	(50)
Net carrying amount at end of year	82	82

	Plant and equipment \$000	Total \$000
At 1 July 2020 - fair value		
Gross carrying amount	204	204
Accumulated depreciation and impairment	(22)	(22)
Net carrying amount	182	182
At 30 June 2021 - fair value		
Gross carrying amount	204	204
Accumulated depreciation and impairment	(72)	(72)
Net carrying amount	132	132

Reconciliation

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the current reporting period is set out below:

	Plant and equipment \$000	Total \$000
Year ended 30 June 2021		
Net carrying amount at start of year	182	182
Depreciation expense	(50)	(50)
Net carrying amount at end of year	132	132

6. Plant and equipment (continued)

Recognition and measurement

Acquisition of plant and equipment

ADC's plant and equipment are considered non-specialised assets with short useful lives and are measured at depreciated historical cost, which for these assets approximates fair value. ADC has assessed that any difference between fair value and depreciated historical cost is unlikely to be material. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to the asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent, i.e. deferred payment amount is effectively discounted over the period of credit.

Capitalisation threshold

Plant and equipment costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value, impairment can only arise in the rare circumstances where the costs of disposal are material.

Depreciation of plant and equipment

Depreciation is provided for on a straight-line basis so as to write off the depreciable amount of each asset as it is consumed over its useful life to the ADC. All material identifiable components of assets are depreciated separately over their useful lives.

The depreciation rates used for each class of assets are as follows:

Computer Equipment	25%
Office Furniture and Fittings	20%

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

7. Intangible assets

	Software \$000	Total \$000
At 1 July 2021		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
Net carrying amount	-	-
At 30 June 2022		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
Net carrying amount	-	-

Reconciliation

A reconciliation of the carrying amount of each class of intangible assets at the beginning and end of the current reporting period is set out below:

Year ended 30 June 2022		
Net carrying amount at start of year	-	-
Derecognition on initial application of IFRIC agenda decision on cloud computing cost	-	-
Additions	-	-
Amortisation expense	-	-
Net carrying amount at end of year	-	-
At 1 July 2020		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
Net carrying amount	-	-
At 30 June 2021		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
Net carrying amount	-	-

Reconciliation

A reconciliation of the carrying amount of each class of intangible assets at the beginning and end of the current reporting period is set out below:

Year ended 30 June 2021		
Net carrying amount at start of year	781	781
Derecognition on initial application of IFRIC agenda decision on cloud computing ⁽¹⁾	(781)	(781)
Additions	-	-
Amortisation expense	-	-
Net carrying amount at end of year	-	-

⁽¹⁾ The ADC adopted the International Financial Reporting Standards Interpretations Committee (IFRIC) agenda decision by remeasuring the intangible assets as at 30 June 2021. The ADC's accounting policy had historically been to capitalise all costs related to cloud computing arrangements as intangible assets in the Statement of Financial Position. The adoption of this agenda decision was a change in the ADC's accounting policy and had resulted in a reclassification of these intangible assets to expense in the Statement of Comprehensive Income.

7. Intangible assets (continued)

Recognition and measurement

The ADC recognises intangible assets only if it is probable that future economic benefits will flow to the ADC and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition.

Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the ADC's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses. All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite. The ADC's intangible assets are amortised using the straight-line method. The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than the carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

Software-as-a-Service (SaaS) arrangements

SaaS arrangements are service contracts providing the ADC with the right to access the cloud provider's application software over the contract period. As such the ADC does not receive a software intangible asset at the contract commencement date. A right to receive future access to the supplier's software does not, at the contract commencement date, give the customer the power to obtain the future economic benefits flowing from the software itself and to restrict others' access to those benefits.

Determination whether configuration and customisation services are distinct from the SaaS access

Implementation costs including costs to configure or customise the cloud provider's application software are recognised as operating expenses when the services are received.

Where the SaaS arrangement supplier provides both configuration and customisation services, judgement has been applied to determine whether each of these services are distinct or not from the underlying use of the SaaS application software. Distinct configuration and customisation costs are expensed as incurred as the software is configured or customised (i.e. upfront). Non-distinct configuration and customisation costs are expensed over the SaaS contract term.

Non-distinct customisation activities significantly enhance or modify a SaaS cloud-based application.

Judgement has been applied in determining whether the degree of customisation and modification of the SaaS cloud-based application is significant or not.

During the current financial year, the ADC recognised \$nil (2021: \$nil) as prepayments in respect of configuration and customisation activities undertaken in implementing SaaS arrangements which are considered not to be distinct from the access to the SaaS application software over the contract term.

Capitalisation of configuration and customisation costs in SaaS arrangements

In implementing SaaS arrangements, the ADC has not developed software code that either enhances, modifies or creates additional capability to the existing owned software. Accordingly, during the current financial year, the ADC recognised \$nil (2021: \$nil) intangible assets in respect of customisation and configuration costs incurred in implementing SaaS arrangements.

Judgement has been applied in determining whether the changes to the owned software meets the definition of and recognition criteria for an intangible asset in accordance with AASB 138 *Intangible Assets*, if any.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

8. Current liabilities - payables

	2022 \$000	2021 \$000
Creditors	6	-
Personnel services payable to the Department	814	628
Accrued expenses ⁽¹⁾	132	54
	952	682

⁽¹⁾Accrued expenses includes \$37,250 (2021: \$nil) to be paid to the Department for operating costs related to motor vehicle and mobile expenses.

Details regarding liquidity risk, including a maturity analysis of the above payables, are disclosed in Note 12.

Recognition and measurement

Payables represent liabilities for goods and services provided to the ADC prior to the end of the financial year and which are unpaid. Due to their short-term nature they are measured at amortised cost and are not discounted. The amounts are unsecured and are usually paid within 30 days of recognition.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

9. Current/Non-current liabilities - provisions

	2022 \$000	2021 \$000
Current		
Employee benefits and related on-costs		
Annual leave including oncost*	427	288
Long service leave including oncost*	112	85
Total	539	373
Non-current		
Employee benefits and related on-costs		
Long service leave including oncost	11	8
Total	11	8
Aggregate employee benefits and related on-costs		
Provisions – current	539	373
Provisions – non-current	11	8
Accrued salaries, wages and on-costs (Note 8)	814	628
	1,364	1,009
* Expected settlement of current employee benefits and related on-costs		
No later than 12 months	205	275
Later than 12 months	334	98
Total	539	373

The non-current provisions are long service leave and are expected to be settled after more than 12 months.

9. Current/Non-current liabilities - provisions (continued)

Recognition and measurement

(i) Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted).

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave as prescribed by TC21-03 Part B1) can be used to approximate the present value of the annual leave liability. The ADC has assessed the actuarial advice based on the ADC's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the ADC does not expect to settle the liability within 12 months as the ADC does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Some of the ADC's liabilities for long service leave are assumed by Crown and others are not.

(ii) Long service leave

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date in accordance with AASB 119 *Employee Benefits*. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using Commonwealth government bond rates at the reporting date.

(iii) Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of superannuation, payroll tax and workers' compensation insurance premiums.

10. Contingent liabilities and contingent assets

The ADC is unaware of any matters that may lead to disclosure of contingent liabilities or contingent assets (nil as at 30 June 2022).

11. Reconciliation of cash flows from operating activities to net result

	2022	2021
	\$000	\$000
Net cash flows from operating activities	631	2,133
Depreciation expense	(50)	(50)
(Decrease) in receivables	(18)	(34)
(Increase) in payables and provisions	(439)	(1,015)
Net result	124	1,034

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

12. Financial instruments

The ADC's principal financial instruments are outlined below. These financial instruments arise directly from the ADC's operations or are required to finance the ADC's operations. The ADC does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The ADC's main risks arising from financial instruments are outlined below, together with the ADC's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout the financial statements.

The ADC has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the ADC, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the ADC on a regular basis.

(a) Financial instrument categories

Class	Note	Category	2022 Carrying Amount \$000	2021 Carrying Amount \$000
Financial Assets				
Cash and cash equivalents	4	Amortised cost	2,764	2,133
Receivables ¹	5	Amortised cost	-	-
			<u>2,764</u>	<u>2,133</u>
Financial Liabilities				
Payables ²	8	Financial liabilities measured at amortised cost	952	682
			<u>952</u>	<u>682</u>

Notes

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7 *Financial Instruments: Disclosures*).

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7 *Financial Instruments: Disclosures*).

(b) De-recognition of financial assets and financial liabilities

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the ADC transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement and either:

- i) the ADC has transferred substantially all the risks and rewards of the asset; or
- ii) the ADC has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the ADC has transferred its rights to receive cash flows from an asset or has entered into a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership.

Where the ADC has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the ADC's continuing involvement in the asset. In that case, the ADC also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the ADC has retained.

12. Financial instruments (continued)

(b) De-recognition of financial assets and financial liabilities (continued)

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(c) Financial risks

i. Credit risk

Credit risk arises when there is the possibility that the counterparty will default on their contractual obligations, resulting in a financial loss to the ADC. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the ADC, including cash and receivables. No collateral is held by the ADC. The ADC has not granted any financial guarantees.

The ADC considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the ADC may also consider a financial asset to be in default when internal or external information indicates that the ADC is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the ADC.

Cash and cash equivalents

Cash comprises cash on hand and bank balances. The cash balance as at 30 June 2022 was \$2,762,045 (2021: \$2,132,626).

Other financial assets - Amount due from other government agencies

The ADC is not materially exposed to concentrations of credit risk to a single debtor or group of debtors.

The ADC has amount due from other government agencies. This is considered to be low credit risk and the provision for expected credit loss on amount due from other government agencies is not recognised unless there is a known dispute.

ii. Liquidity risk

Liquidity risk is the risk that the ADC will be unable to meet its payment obligations when they fall due. The ADC continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

During the current year, there were no defaults of borrowings. No assets have been pledged as collateral. ADC's exposure to liquidity risk is deemed insignificant based on current assessment of risk.

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in TC 11-12 *Payment of Accounts*. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the payment of simple interest is at the discretion of the Commissioner.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

12. Financial instruments (continued)

(c) Financial risks (continued)

ii. Liquidity risk (continued)

The table below summarises the maturity profile of the ADC's financial liabilities based on contracted undiscounted payments, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities

	Weighted average effective interest rate	Interest Rate Exposure				Maturity Dates		
		Nominal Amount	Fixed Interest Rate	Variable Interest Rate	Non-interest bearing	< 1 year	1 -5 years	> 5 years
		\$000			\$000	\$000	\$000	\$000
2022								
Payables	-	952	-	-	952	952	-	-
		952	-	-	952	952	-	-
2021								
Payables	-	682	-	-	682	682	-	-
		682	-	-	682	682	-	-

iii. Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The ADC's only exposure to market risk is interest rate risk on cash balances which is nil as at 30 June 2022. The ADC has no exposure to foreign currency risk and does not enter into commodity contracts.

iv. Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The ADC does not have exposure to interest rate risk through interest bearing liabilities. The ADC does not account for any fixed rate financial instruments at fair value through profit or loss or as at fair value through other comprehensive income. Therefore, for these financial instruments a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates (based on official RBA interest rate volatility over the last five years). The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility.

The ADC has no interest rate exposure as it has no interest bearing financial assets and financial liabilities at 30 June 2022.

The following table demonstrates the sensitivity to a reasonably possible change in interest rates:

	2022		2021	
	\$000		\$000	
	1.00%	-1.00%	1.00%	-1.00%
Net Result	28	(28)	21	(21)
Equity	28	(28)	21	(21)

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
For the year ended 30 June 2022

Refer to Note 14 for impact of COVID-19 on interest rate risk.

12. Financial instruments (continued)

- (c) **Financial risks (continued)**
 - v. **Fair value measurement**
 - (i) **Fair value compared to carrying amount**

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

The ADC does not hold financial assets and financial liabilities where the fair value differs from the carrying amount.

- (ii) **Fair value recognised in the Statement of Financial Position**

Management assessed that cash, trade receivables and trade payables approximate their fair values, largely due to the short-term maturities of these instruments. The ADC does not hold financial assets and liabilities that are valued at fair value using valuation techniques.

13. Related party disclosures

The ADC's key management personnel is the Commissioner and his compensation is as follows:

	2022	2021
	\$000	\$000
Short term employee benefits:		
Salaries	335	328
Other monetary allowances	5	6
Total remuneration	340	334

The ADC did not enter into any other transactions with key management personnel, their close family members and controlled or jointly controlled entities thereof.

During current and the prior year, the ADC entered into transactions with other entities that are controlled by the NSW Government. These transactions in aggregate are a significant portion of the ADC's rendering of services and receiving of services.

These transactions include:

- (i) Receipts of grant contributions, personnel and related services and other contributions for corporate services from the Department
- (ii) Long Service Leave assumed by the Crown for employee related benefits provided by the Department.

14. COVID-19 disclosures

COVID-19 heightened risks for older people and adults with disability associated with the impact of COVID-19 lockdowns. ADC saw an increase in the number of calls, reports and enquiries and is expected to continue. The ADC did not have any other significant financial impact to be disclosed apart from the below:

The pandemic may result in an interest rate change of higher than +/-1% in the future years, however this change cannot be reasonably ascertained by the ADC as at 30 June 2022.

15. Events after the reporting period

No matter or circumstance has arisen since the end of the financial year that has significantly affected, or may significantly affect the ADC's operations, the results of those operations, or the ADC's state of affairs in future financial years.

END OF AUDITED FINANCIAL STATEMENTS

A5. Ageing and Disability Advisory Board

The Ageing and Disability Advisory Board (Board) was established in March 2020. The purpose of the Board is to advise the Commissioner on matters relating to the abuse, neglect and exploitation of adults with disability and older people.

During the reporting period, the Board met on four occasions. As at 30 June 2022, 14 Board members were appointed:

- Eileen Baldry AO (Chair)
- Brian-John Attard
- Irene Gallagher
- Kathryn Greiner AO
- Mark Grierson
- Joan Hughes
- Elena Katrakis
- Rosemary Kayess
- Declan Lee
- Wendy Morgan
- Justine O'Neill
- Jan Primrose
- Violet Roumeliotis
- Russell Westacott

In 2021-2022, Zoe Brissett resigned from the Board. No Board members were removed.

During the year, the Board progressed work on its four priority areas in relation to the abuse, neglect and exploitation of adults with disability and older people:

- 1 Practice framework
- 2 Coercive control
- 3 Will and preference – law reform in decision-making support
- 4 Safeguards in home and community settings.

In progressing these matters, the Board:

- wrote to the Commonwealth and NSW Attorneys General to ascertain current or planned actions to implement the recommendations of Australian and NSW Law Reform Committees on developing supported (or assisted) decision-making frameworks
- informed and endorsed the ADC's submission to the NSW Legislative Council inquiry into homelessness amongst older people aged over 55 in NSW
- informed and endorsed the final draft Public Policy Framework for safeguarding adults vulnerable to abuse
- agreed on work to develop a paper on the 'Lessons from COVID' in relation to people with disability, older people and carers in NSW.

More information about the above activities can be found in section 4.

A6. Legislative changes

At the beginning of 2021-22, changes were made to the ADC Act and Regulation to:

- Extend the scope of 'relevant agency' to include additional agencies we have substantial contact with in our work in relation to reports, including Services Australia, the Commonwealth Department of Health, and iCare.
- Extend the scope of 'relevant health practitioner' to include registered nurses and speech pathologists, to enable them to accompany the ADC in relevant cases when we execute a search warrant.

Section 36 of our Act requires an independent review of the legislation to be conducted to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. At the time of writing, Alan Cameron AO has been appointed to conduct the review, which is scheduled to be completed in 2022-23.

A7. Public access to our information

Under section 7(3) of the *Government Information (Public Access) Act 2009 (GIPA Act)*, agencies must, at least every 12 months, review their program for the release of government information to identify the kinds of government information it holds that should in the public interest be made publicly available.

In line with GIPA principles, we make a range of information available on our website. We also use social media to provide information about our work and engage with stakeholders, including members of the public.

Our website provides information about our most recent publications and submissions, and access to our monthly newsletter that is distributed to a database of 620 subscribed members. All flyers and fact sheets are available on our website for stakeholders to download or request.

Table 20: Publications released in 2021-22

Reports and submissions

- Submission to the NSW Legislative Council Inquiry into Homelessness amongst older people aged over 55 in NSW
- Submission to the NSW Treasury Women's Economic Opportunities Review

Newsletters

- 9 newsletters were sent to our database comprising 620 registered subscribers.

Fact sheets, brochures and printed collateral

- 18,732 pieces of collateral distributed.

A7.1 Statistical information about access applications

The ADC did not receive any formal requests for access to information under the GIPA Act during the reporting period. We received and responded to one informal request for access to information. The informal request was for information that was 'excluded information'

(information relating to our report handling, investigative and reporting functions). For that reason, the application was invalid under the GIPA Act, s 43.

Table 21: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/ deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Member of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application.

Table 22: Number of applications by type of application and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/ deny whether information is held	Application withdrawn
Personal information application	0	0	0	0	0	0	0	0
Access application (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application

**A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table 23: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	1
Application is for excluded information of the agency (section 43 of the Act)	1
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	1
Invalid applications that subsequently became valid applications	0

Table 24: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Information about complaints to Judicial Commission	0
Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015	0
Information about authorised transaction under Land and Property Information NSW (Authorised Transaction) Act 2016	0

*More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application).

Table 25: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

*More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application).

Table 26: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table 27: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table 28: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Table 29: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications for review
Agency-initiated transfers	0
Applicant-initiated transfers	0

A8. Public interest disclosures

There were no public interest disclosures during the 2021-22 reporting year.

A9. Privacy and personal information

The ADC conducted one internal review under the *Privacy and Personal Information Protection Act 1998* (PPIPA) in 2021-22. The complaint related to the alleged provision of personal information to the relative of the complainant in the course of handling a report. In light of our findings from the internal review, we advised the complainant that we would not be taking further action in relation to the matter. The ADC met all legislative timeframes and requirements relating to the internal review.

In 2022-23, the ADC will complete the preparation of its Privacy Management Plan, and submit the plan to the Privacy Commissioner. This work was delayed in 2021-22.

A10. Complaints about us

The ADC takes complaints about our services and decisions seriously. We value complaints and the opportunity they provide to examine and improve our performance and the quality of our services. Our Complaints and Feedback policy (standard and Easy Read versions) is available on our website.

In 2021-22, we received seven complaints about the actions of our staff, including the tone and manner of phone conversations; our handling of reports; the provision of information to NCAT; and no response to a letter mailed to the ADC. We responded to each of the complaints:

- one complaint was withdrawn
- one complaint was resolved without the need for further action
- in three complaints, the complaint issues were not upheld and no further action was taken
- in one complaint, the complaint issues were not upheld but we provided an apology for any confusion on our part
- in one complaint, the complaint issues were not upheld but we noted areas for improvement in ADC practice in relation to communicating our work and processes.

A11. Compliance with annual reporting requirements

No.	Requirement	Note Section # - refers to a dedicated section in the annual report that in part or in full addresses this area of compliance.	Page number (no.) reference in annual report
1, 2, 3, 4	ADC annual reporting legislative requirements Ageing and Disability Act 2019 (No 7) Part 5, s25 – Annual reports to Parliament	Report here-in	
5	Letter of submission	Letter to the President and Speaker	2
6	Application for extension of time	N/A	69
7	Charter	Section 6.5: Application for extension of time	69
8	Aims and objectives	About the ADC	8
9	Access	Address: Level 6, 93 George Street Parramatta NSW 2150 Telephone: 02 4904 7500 Business Hours: Monday to Friday, 9AM to 5PM	-
10	Management and structure	Appendix A2: Our People	76
11	Summary review of operations	Our work in 2021-22 Appendix A4: Annual financial statements	12 85
12	Funds granted to non-government community organisations	Name of recipient organisation: Justice Connect Amount of grant: \$105,966 Program area as per Budget paper: Ageing and Disability Operations	-
13	Legal change	Appendix A6: Legislative changes	112
14	Economic or other factors	Section 6.1: Economic or other factors	68
15	Management and activities	Strategic plan Our work in 2021-22 A1: Referrals and outcomes	11 12 70
16	Research and development	Section 4.3: Carers project. Resources allocated: \$200,000 (DCJ grant)	62
17	Human resources	Appendix A2: Our People	76

No.	Requirement	Note Section # - refers to a dedicated section in the annual report that in part or in full addresses this area of compliance.	Page number (no.) reference in annual report
18	Consultants	Nil	-
19	Workforce Diversity	Appendix A2.2: Staff	78
20	Disability Inclusion Actions Plans	N/A Note: the Disability Inclusion Act 2014 requires public authorities to develop DIAPs. While the ADC is not a 'public authority' for the purposes of the Disability Inclusion Act, the ADC is reviewing a suite of governance policies and procedures, which may be applicable to the ADC, including a DIAP.	-
21	Land Disposal	N/A	-
22	Promotion (overseas visits)	N/A	-
23	Consumer Response	Appendix A10: Complaints about us	117
24	Payment of Accounts	Overview Financial Statements	85
25	Time for Payment of Accounts	Nil	
26	Risk management and insurance activities	Appendix A3: Corporate Governance Appendix A3: Internal Audit and Risk Management Attestation Statement During 2021-22, ADC insurance coverage was provided through the DCJ insurance policies.	82
27	Internal Audit and Risk management policy attestation	Appendix A3: Corporate Governance Appendix A3: Internal Audit and Risk Management Attestation Statement	83
28	Disclosure of Controlled Entities	The ADC has no controlled entities	-
29	Disclosure of Subsidiaries	The ADC has no subsidiaries	-
30	Multicultural Policies and Services Program	Section 3.3: Stakeholder Engagement	56
31	Agreements with Multicultural NSW	N/A	-
32	Work Health and Safety (WHS)	Appendix A2.2: Staff	78
33	Budgets	N/A	-

No.	Requirement	Note Section # - refers to a dedicated section in the annual report that in part or in full addresses this area of compliance.	Page number (no.) reference in annual report
34	Financial Statements	Appendix A4: Annual financial statements	85
35	Identification of audited financial statements	Appendix A4: Annual financial statements	85
36	Inclusion of unaudited financial statements	N/A	-
37	Additional matters – statement of the action taken to comply with the PPIP Act	Appendix A9: Privacy and personal information	117
+ 37	Additional matters – after balance date events having significant effect in succeeding on financial preparedness; other operations; clientele/ community served	Section 6: Financial activities and operations	68
+ 37	Additional matters – total external costs incurred in the production of this annual report	External graphic designer costs: \$4,500	-
+ 37	Additional matters – the website/s at which the report may be accessed	www.adc.nsw.gov.au	-
38	Investment performance	N/A - the ADC does not hold Investment or Borrowings	-
39	Liability management performance	N/A	-
40	Exemptions	Nil	-
41	Numbers and remuneration of senior executives	Appendix A2: Our People	77
42	Implementation of price determination	N/A	-
43	Government Information (Public Access) Act 2009	Appendix A7: Public access to our information	49
44	Cyber Security Policy (CSP) Attestation	Appendix A3: Corporate Governance Appendix A3: Cyber Security Policy Attestation Statement	48
45	Public Interest Disclosures (PID)	Appendix A8: Public interest disclosures	117
46	Requirements arising from employment arrangements	Appendix A2: Our People.	47
47	Form of annual reports - generally	Report has been delivered as per requirement	Pages 1 - 121

No.	Requirement	Note Section # - refers to a dedicated section in the annual report that in part or in full addresses this area of compliance.	Page number (no.) reference in annual report
48	Submission of annual report to appropriate Ministers	21 November 2022	-
49	Submission of annual report to the Treasurer	21 November 2022	-
50	Submission of annual report to Parliament	21 November 2022	-
51	Annual Reports size-presentation to Parliament	ISO A4	-
52	Printing and distribution requirements	External printing costs: \$329.58	-
53	Public availability of annual reports	On the ADC website and as per requirements	-

