

Ageing and Disability Commission

Annual Report
2019–2020



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Ageing and Disability Commission

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27 October 2020

The Hon John Ajaka 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 FY 19/20

I am pleased to present the Annual Report for the NSW Ageing and Disability Commission for FY19/20, for tabling in NSW Parliament.

This report is presented to the Parliament in accordance with s25 of the *Ageing and Disability Commissioner Act 2019*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Fitzgerald'.

Robert Fitzgerald AM
Ageing and Disability Commissioner



From the Commissioner



As the first Ageing and Disability Commissioner for NSW, I am proud of what we have delivered in our inaugural year. This report highlights our work in 2019 – 2020 and our role in promoting the rights of older people and adults with disability to live free from abuse, neglect and exploitation in their family, home and community.

We successfully transitioned the Ageing and Disability Abuse Helpline

From July 1 2019, the Elder Abuse Helpline and Resource Unit seamlessly transitioned into the Ageing and Disability Abuse Helpline, ensuring calls were answered without any disruption to people in need across NSW.

Our work has had impact

In 2019-2020 we received 10,443 calls to the Ageing and Disability Abuse Helpline, representing a 64% increase in calls compared to the previous Elder Abuse Helpline and Resource Unit. We also handled over 3,800 matters, including 2,200 reports about abuse, neglect and exploitation of older people and adults with disability. You can read more about these matters from page 16.

The Ageing and Disability Commission also provides a general coordination and oversight role in relation to the Official Community Visitor (OCV) scheme, and supports OCVs on a day-to-day basis. In this reporting period, OCVs conducted 3,040 visits to 1,401 locations, and raised and worked on 5,844 issues. You can read more about the OCV scheme on page 46, and in their [separate annual report](#).

Community engagement propelled our awareness of frontline issues

In this reporting period, my office and I attended 65 community engagement talks, forums and events across metro and regional NSW. We met with service providers, advocates, government agencies, members of the Elder Abuse Prevention Collaboratives, and with multicultural and Aboriginal communities across NSW. We gained greater awareness of the issues and concerns, and how we can make a real difference to the lives of older people and adults with disability at risk of abuse, neglect and exploitation.

I also recognise the need to identify better strategies to improve engagement with Aboriginal and Culturally and Linguistically Diverse communities. This will be a key focus in our second year.

We advocated for systemic change for people with disability

I tabled our first report to NSW Parliament providing recommendations on how the State can deliver a more effective model of advocacy for people with disability in NSW.

We also established the Ageing and Disability Advisory Board with a panel of experienced and knowledgeable members who will support the ADC and influence further systemic change that can improve the lives and outcomes of older people, adults with disability, their families and informal carers.

Our work reminds us that we need to work together to safeguard everyone's right to live in safety

Every day, I am reminded that in order for older people and adults with disability to live free from abuse, we must work together. The COVID-19 pandemic has also had a significant impact on our lives, but has reminded us of the importance of humanity and community, particularly for older people and adults with disability who are dependent on the connections and support they receive outside their home and in their communities.

Finally, this is an opportunity for me to say thank you; to The Hon. Gareth Ward MP, Minister for Families, Communities and Disability Services and The Hon. Geoff Lee A/Minister for Seniors for your continued support and belief in our work; to the Department of Communities and Justice for your ongoing support and back office services, and to the many agencies, advocacy bodies and service providers within the disability and aged sectors who have championed our cause. And most importantly, thank you to the people with disability and older people for placing their trust in the work we do on their behalf.

Together, we have made great strides in a short space of time and I am constantly motivated by the drive and ambition we collectively share to make NSW a safer place for older people and adults with disability, so they can live free from abuse in their family, home and community.



Robert Fitzgerald AM
NSW Ageing and Disability Commissioner



Highlights from our First Year

Calls, reports and enquiries



10,443 calls received.

3,917 matters managed, comprising **2,302** reports about abuse, neglect and exploitation of an older person or adult with disability.

1,615 enquiries, including **889** general enquiries, and **726** abuse-related enquiries.



Reports relating to older people

1,777 

reports involved older people, including **282** reports relating to older people with disability.



Reports relating to adults with disability

525 

reports involved adults with disability, who were not older people.





Community engagement highlights



Participated in **65** community engagement events across NSW.

Hosted our first stall at the two-day Seniors Festival event, attracting **17,000** people.

Delivered information seminars with the Multicultural Disability Advocacy Association for Filipino, Chinese and Afghani communities.



Communications achievements



Worked with young adults with disability to support **International Day of People with Disability**.

Reached over 116,000 people via social media for **World Elder Abuse Awareness Day**.



Distributed approximately **25,500 brochures and flyers** throughout NSW.



Reached approximately 2,800,000 listeners across key radio networks in NSW, raising awareness about the signs of abuse, neglect and exploitation.



Published reviews and submissions



Tabled the Disability Advocacy Review on **19 December 2019**.

Made submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability on health care for people with cognitive disability (**February 2020**); group homes (**February 2020**); and the criminal justice system (**March 2020**).

Made submissions to reviews of the *Boarding Houses Act 2012* (**November 2019**), and the *Disability Inclusion Act 2014* (**April 2020**).

About the Ageing and Disability Commission



WHO WE ARE

The Ageing and Disability Commission (ADC) is an independent agency of the NSW Government that commenced on 1 July 2019.

The ADC was established against the background of a number of reports and inquiries that highlighted the need to fill critical gaps in relation to the response to allegations of abuse, neglect and exploitation of adults with disability and older people by family members, spouses, informal carers and members of the community.

In relation to these matters, prior to the establishment of the ADC:

- the **NSW Elder Abuse Helpline and Resource Unit** received and responded to concerns about the abuse of older people, but it did not have investigative functions or powers
- the **NSW Ombudsman** conducted a standing inquiry into the abuse and neglect of adults with disability in their home and community, but this was a temporary measure to fill an identified gap, and it also had significant limitations.

Multiple reports and inquiries – including by the NSW Parliament, NSW Ombudsman, Australian Law Reform Commission and NSW Law Reform Commission – recommended the establishment of an independent body to receive and respond to reports of abuse, neglect and exploitation of adults with disability and older people. The reports particularly highlighted the fact that, at that time, there was no agency with the powers to investigate allegations that did not reach a criminal threshold, and that could play a lead role to marshal a coordinated interagency response to address the critical issues.

In December 2018, the NSW Government announced the ADC would be established by 1 July 2019 to bring together and expand the work of the Elder Abuse Helpline and Resource Unit and the NSW Ombudsman’s standing inquiry to help protect older people and adults with disability in their family, home and community.



WHAT WE DO

The ADC has the objects of protecting and promoting the rights of adults with disability (18 years and over) and older people (65 years and over or, if Aboriginal and/or Torres Strait Islander, 50 years and over) and protecting them from abuse, neglect and exploitation.

We undertake community engagement and abuse prevention activities

Preventing and addressing abuse, neglect and exploitation of adults with disability and older people requires a whole-of-community response. 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 – to improve community actions to prevent, better identify, and provide a timely and effective response to abuse within the family, home and community.

We receive and respond to enquiries and reports

The ADC's Ageing and Disability Abuse Helpline handles enquiries and responds to reports of alleged abuse, neglect and exploitation of adults with disability and older people, including by providing information, support, advice and referrals. In certain matters, the ADC takes further actions in relation to the report, including conducting inquiries, working with the adult and other relevant parties to improve the adult's safety and circumstances, and conducting investigations.

We advise and inform Government

The ADC can inquire into and report on systemic issues relating to the abuse, neglect and exploitation of adults with disability and older people or the protection and promotion of their rights. The ADC can also advise and make recommendations to the Minister on these matters.

The ADC also administers the NSW Official Community Visitor (OCV) scheme. OCVs are Ministerial appointees who visit people with disability and additional needs, and children and young people living in supported accommodation services across NSW. Their key role is to raise matters of concern affecting residents with providers, other appropriate bodies and the Minister to improve outcomes for vulnerable residents.

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 coordinate and oversight the OCV scheme under both the ADC Act and the *Children's Guardian Act 2019*.

The ADC also contributes to the NSW Government's *Stronger Communities Cluster outcome – Active and inclusive communities*. The functions and purpose of the ADC has the support of NSW Cabinet and community stakeholders.



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

At the centre of the ADC's work are 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.

To support the exercise of our functions and improve outcomes for our key cohorts, we work with a wide range of stakeholders, including:

- Government and non-government agencies, including aged care and disability service providers and NSW Police
- 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

In 2019-20, the ADC developed a Strategic Plan for the next two years. Reflecting the recent commencement of the ADC, the Strategic Plan focuses on both work we will do to build and strengthen our organisation and practices to achieve the purpose of the ADC, and the work we will undertake with the community to improve prevention and early action on abuse, neglect and exploitation of adults with disability and older people in NSW in their family, home and community.

Ageing and Disability Commission - Strategic Plan 2020 - 2022

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 GUIDING PRINCIPLES



Be person-centred



Be effective



Be accountable and transparent



Be accessible and inclusive



Promote individual and community rights

1. **Be helpful and responsive** to improve outcomes
2. **Support engagement** with, and build awareness of, the ADC
3. **Champion rights and responsibilities**
4. **Strengthen systems** to deliver safe and empowering services
5. **Build a capable organisation** for impact and performance

Our work in 2019-2020

1. Establishment of the ADC

At the point that the ADC commenced on 1 July 2019, intensive set-up work undertaken by the Department of Communities and Justice (DCJ) provided the foundations for us to operate, including the ADC Act and Regulation; the Commissioner, support staff and the Ageing and Disability Abuse Helpline; accommodation; and information technology. The priority in the initial set-up was on the ADC being able to operate its core functions – particularly the Helpline – from Day 1.

The activities of the ADC in 2019-20 involved substantial work to build on these foundations, while concurrently carrying out our legislative functions.

1.1 Corporate governance and work arrangements

The Ageing and Disability Commissioner is appointed by the Governor, and is not subject to the control or direction of a Minister. The ADC is a statutory office and is recognised as a separate agency under Part 3 Schedule 1 of the *Government Sector Employment Act 2013*. 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. Staff are employed under a personnel service arrangement with DCJ.

In our first year of operation, we put in place a range of governance and operational arrangements to support our work and strengthen our independence, including establishing:

- the ADC Strategic Plan 2020-2022
- a 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
- governance mechanisms, including developing an *Audit and Risk Committee Shared Arrangements Agreement* with DCJ, establishing specific internal sub-committees (Audit and Risk, Finances, Information Management, and People and Culture) and holding regular ADC Executive meetings.

We have put in place a separate company environment for the ADC via a new independent financial company code, and we are progressively developing our own suite of governance policies and procedures in key identified areas, primarily related to work health and safety, people and culture, finance, audit and risk management and business continuity planning.

For the stated reporting period:

- **Internal Audit and Risk Management** – the ADC is in ‘transitional arrangements’ to become compliant with the eight core requirements set out in the Internal Audit and Risk Management Policy for the NSW Public Sector. This is further described in the attached Internal Audit and Risk Management Attestation Statement for 2019-2020 for the ADC (Appendix A3).
- **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 2019-2020 for the ADC (Appendix A3).

1.2 Staffing and support

The work of the ADC in 2019-20 was greatly assisted by the operation of the Helpline, transitioning from the Elder Abuse Helpline and Resource Unit (EAHRU) on 30 June, to the Ageing and Disability Abuse Helpline on 1 July. The ADC contracted Catholic Healthcare (who had been operating the EAHRU) to operate the ADC’s Helpline for 12 months. As a result, staff with pre-existing knowledge and expertise continued to provide advice, assistance, referrals and necessary support to people contacting us with concerns.

During the year, we undertook a range of activities to build our staffing establishment and strengthen our ability to carry out our functions, including:

- transferring key staff from the NSW Ombudsman’s office in mid-July (operational staff) and August (OCV team)

- co-locating the Helpline staff with the ADC in November 2019, and completing recruitment to incorporate the Helpline into the ADC on 1 July 2020
- progressively filling operational, communications, and administrative roles
- engaging temporary staff to assist us with set-up work, including development of governance arrangements and policies.

1.3 Incorporation of the OCV scheme

In mid-August 2019, the OCV scheme moved from the Ombudsman’s office to the ADC. The ADC worked with the Ombudsman’s office, DCJ and OCVs to coordinate a smooth transition of the scheme, with minimal impact on the work of the Visitors. Key activities related to the transfer of the OCV data system, OCV Online, and establishing new payroll, personnel and IT processes and equipment.

Ahead of the commencement of the Children’s Guardian Act in March 2020 (concerning the child-related part of the OCV scheme), the Commissioner and the Children’s Guardian agreed that the ADC would continue to administer the full OCV scheme until June 2022, at which time the arrangement would be reviewed. To support the work, we liaised with the OCG and OCVs to finalise an MOU, which includes information sharing arrangements.

1.4 Community engagement

Within this reporting period, the ADC attended 65 community engagement sessions. These sessions related to information sharing and awareness raising of the role of the ADC, as well as measures to better detect and respond to abuse, neglect and exploitation of older people and adults with disability in their family, home and community.

In addition to these engagements, the ADC distributed approximately 25,500 pieces of collateral relating to the rights of older people, adults with disability and promotion of the Ageing and Disability Abuse Helpline.

1.5 Advisory bodies

In 2019-20, we established the Ageing and Disability Advisory Board, as required by the ADC Act. One of the functions of the ADC is to consult with the Advisory Board on matters relating to abuse, neglect and exploitation of adults with disability and older people that the Commissioner considers appropriate. The Advisory Board is to advise the Commissioner on any matter that it considers appropriate, or that is referred to it by the Commissioner.

The Advisory Board is comprised of the Commissioner and 12 people with relevant knowledge and experience in matters relating to adults with disability and older adults. Details of the current Advisory Board membership are provided in Appendix 4. In 2019-20, the Advisory Board met twice, in March and June. During this reporting period, no Board members were removed.

We also commenced work to establish additional advisory bodies, to inform the work of the ADC and support effective engagement with ageing and disability sector representatives:

- a)** an Expert Reference Group – to consult with relevant experts to obtain advice and assistance in relation to the ADC’s work to respond to reports of abuse, neglect and exploitation of adults with disability and older adults
- b)** an Ageing Reference Group and a Disability Reference Group – to provide regular forums for the ADC to liaise with ageing and disability sector advocates, peak and representative bodies to provide key information about our work, and to obtain information and advice about issues affecting adults with disability and older people.

The reference groups will be established and commence meeting in 2020-21.

1.6 Data collection and reporting

The data system that was in place at the time of commencement of the ADC was focused on the operation of the Helpline – the initial handling of enquiries and reports. In 2019-20, we undertook extensive work to review, refine and build the database to:

- support our work in relation to enquiries, reports, complaints and reviews
- extend the options for people to make a report to the ADC, via a web form
- ensure that we are capturing critical data to inform our handling of reports, and for analytical and reporting purposes
- build reporting capability to (among other things) enable regular public reporting.

Significant changes were made to the database in December 2019 and July 2020.

2. Calls, enquiries and reports to the ADC

2.1 Calls to the Ageing and Disability Abuse Helpline

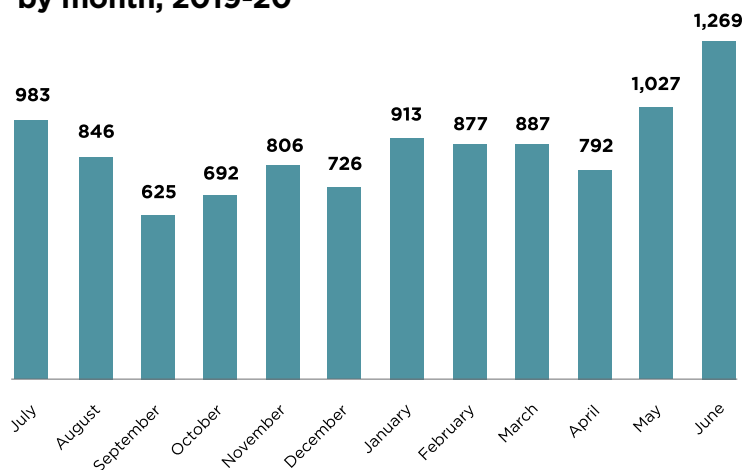
The majority of the requests for information, advice and assistance from the ADC go through our Ageing and Disability Abuse Helpline. Between 1 July 2019 and 30 June 2020, the Helpline received 10,443 calls.

While the number of calls to the Helpline remained largely steady during the COVID-19 lockdown, the number increased as restrictions began to lift. The numbers for May and June 2020 were the highest since the ADC commenced.

Over the 12 months, the Helpline received an average of 869 calls per month. The number of calls in May was 18% higher than the average; the number of calls in June was 46% higher than the average.

The ADC has received a significantly higher number of calls than the previous Elder Abuse Helpline and Resource Unit (EAHRU). In 2018/19, EAHRU received 6,376 calls. The 10,443 calls received by the ADC in 2019/20 represents a 64% increase in calls.

Figure 1: Number of calls received by the Ageing and Disability Abuse Helpline, by month, 2019-20



2.2 Enquiries and reports

Matters received by our office comprise either an enquiry or a report. In 2019-2020, we received 3,917 matters.

2.2.1 Enquiries

Enquiries are categorised as either:

- **a general enquiry** – such as a request for publications, or
- **an abuse enquiry** – where the contact relates to alleged abuse, neglect or exploitation, but it does not meet the criteria of a report – for example, because it is outside of our jurisdiction, or it does not contain sufficient identifying information for the ADC to take further action.

In 2019-20, the ADC received 1,615 enquiries.

Of these, there were:

889
general enquiries

726
abuse enquiries

2.2.2 Reports

Under section 13(1) of the *Ageing and Disability Commissioner Act 2019* (ADC Act), a person may make a report to the ADC about:

1. an adult with disability or older person if the person has reasonable grounds to believe the adult is subject to, or at risk of, abuse, neglect or exploitation
2. circumstances that the person has reasonable grounds to believe will result in the abuse, neglect or exploitation of an adult with disability or older person.

The ADC can also decide to deal with a matter as a report at its own initiative.

The scope of the ADC Act in relation to reports is deliberately broad, for reasons outlined in the second reading speech when the Ageing and Disability Commissioner Bill 2019 was before NSW Parliament:

‘The bill does not attempt to set parameters around who can make a report, about whom a report can be made and the type of conduct that is eligible for reporting because it reaches some defined threshold. This recognises that it is no easy task to determine who might be at risk and who might cause harm, nor, in all cases, to be sure that conduct is abusive, neglectful or exploitative. Abuse, neglect and exploitation can take many forms, both obvious and subtle, recurring or one-off. Opening the door wide to the making and receiving of reports ensures that no-one in need of protection is inadvertently excluded from the ambit of the bill.’¹

In 2019-2020, the ADC received 2,302 reports under section 13 of the ADC Act. Two of these matters were created at the ADC’s own initiative.

Figure 2 shows the number of matters (enquiries and reports) received by the ADC in 2019-2020, by month. Over the year, the ADC received an average of 326 matters per month. The number of matters received in June (538) was 65% higher than the average.

Figure 2: All matters received by the ADC, by month, 2019-2020

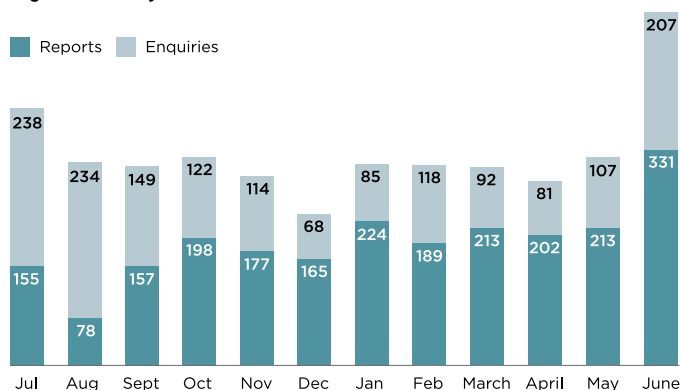


Table 1: Method of contact with the ADC, 2019-2020

Method	Number	Percentage
Phone	3,763	96.1
Email	144	3.7
Letter	7	0.2
Own motion	2	<1
In person	1	<1
Total	3,917	100

During the year, we developed an online reporting form, to enable anyone to make a report via our website at any time. The form was uploaded to our website in July 2020.

¹ Legislative Assembly, second reading speech, Ageing and Disability Commissioner Bill 2019, 8 May 2019.

3. Handling reports

In relation to reports, the ADC Act provides us with an intentionally broad scope, and enables the ADC to take a range of actions in response to a report, depending on the circumstances of the individual matter. The legislation enables us to:

- decline to take action on a report
- make a referral to another person or body
- conduct an investigation
- make preliminary inquiries to decide how to deal with a report
- 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.

In practice, reports are handled in the first instance by the Helpline. Where substantial further actions are required in relation to a report, the matter is assigned to our Community Supports and Investigations unit.

Handling of reports by the NSW Ageing and Disability Abuse Helpline

The majority of reports in 2019-20 (73%) were handled solely by the Helpline. Among other things, the Helpline:

- **takes early actions in response to immediate risk**, such as contact with emergency services
- **provides assistance to help to resolve concerns at an early point**, including through provision of advice, information, support, and referrals to appropriate agencies (such as legal advice)
- **provides 'early case coordination' assistance**, including building capacity in the adult with disability or older person to enable them to improve their safety and circumstances.

Generally, reports handled solely by the Helpline involve adults who are able to make informed decisions and have the ability to take steps to improve their safety and circumstances with support, or the reporter has the ability to take preventative and protective actions (and we are confident they will do so).

Handling of reports by the Community Supports and Investigations unit

The Community Supports and Investigations unit handles reports that are likely to require further work by the ADC to:

- **find out what is happening** for the adult
- **ascertain the adult's views** (linking to decision-making support where needed)
- **take necessary actions** to improve the adult's safety and outcomes – including, where relevant, conducting investigations into allegations, coordinating and monitoring actions to address issues and manage risks, and facilitating the provision of supports to the adult and/or family.

The matters handled by the Community Supports and Investigations unit tend to include reports that involve significant or serious risk of harm to the adult; reports that involve chronic or repeated issues or multiple reporters; and matters involving criminal allegations.

In the main, the further actions taken by the ADC in response to a report involve inquiries and community supports; referrals; and investigations.

- **Inquiries and community supports** – In the majority of reports that require further actions following the Helpline, the ADC makes inquiries and works with the adult with disability or older person and relevant other parties to uphold the adult’s rights and facilitate actions to improve their safety and circumstances. Our focus is on ascertaining the adult’s views and wishes, and coordinating supports and actions to address the concerns and reduce risks.
- **Referrals** – In addition to referrals made by the Helpline, the ADC makes a range of referrals in the course of handling reports, to ensure that appropriate agencies and supports are involved. Many of the reports involve referral to NSW Police, reflecting the nature of the allegations in matters that tend to require further actions by the ADC.
- **Investigations** – the ADC has a number of investigative powers, including the ability to require parties to attend a meeting and/or produce documents; the ability to apply for and execute a search warrant; and the ability to conduct public inquiries. The reports that lend themselves to investigation tend to include where there are significant allegations against an individual(s) that suggest intent, and criminal-related allegations that NSW Police has given clearance to the ADC to investigate.

3.1 Reports we handled and finalised in 2019-20

Of the 2,302 reports received in the financial year, we closed 2,051 (89%). As indicated in table 2, most of the reports (56%) were closed within seven days, reflecting the early assistance and intervention of the Helpline.

The ADC is currently introducing measures to improve the timeliness of its handling and appropriate closure of cases, including engaging additional staff and tracking performance against key indicators.

Table 2: Age of case at closure, reports received and closed 2019-2020

0-7 days	8-14 days	15-30 days	Over 31 days	Total
1,147	267	307	330	2,051

Table 3 outlines the primary action we took in response to reports that we received and closed this year. The ADC took action on the vast majority (98.4%) of reports; only 33 reports were declined at the outset.

Table 3: Primary action taken by ADC, reports received and closed 2019-2020

Primary action by ADC – reports	Number
a) Early intervention/resolution	1,765
a) Assistance and support provided	1,593
b) Referred externally	159
c) Early case coordination	13
b) Closed after preliminary inquiries	106
a) Appropriate actions underway to address/manage risks	68
b) No or low risk identified	31
c) Person has capacity and refused investigation/involvement	7
c) Community supports	92
• No or low risk identified	28
• Risk identified – risk removed or managed with intervention	51
• Risk identified – risk removed or managed prior to intervention	11
• Risk identified – risk remained	2
d) Referred to Police	41
e) Declined at outset	33
• Insufficient details to progress	32
• Premature/ actions underway	1
f) Consolidated into another matter	12
g) Investigations closed	2
• Risk identified – managed with intervention	1
• No or low risk identified	1
Total closed reports	2,051

3.1.1 Early intervention and resolution

In response to most of the reports (86%), we provided early intervention and resolution assistance through the Helpline, primarily through providing information, advice and support to the reporter and/or the involved adult.

In 13 cases closed last year, Helpline staff provided early case coordination assistance. In these matters, the Helpline works with the adult with disability or older person over a period of up to three months, to empower the adult to take actions to improve their safety and circumstances; provide practical strategies and guidance; link them in with supports; and coordinate early actions as needed to facilitate improvements. Case study 1 provides an example of the Helpline's work in providing early case coordination to improve outcomes for an older person.

CASE STUDY 1

The Ageing and Disability Abuse Helpline received a call from the friend of a woman in her 70s, raising concerns about the conduct of the woman's daughter. The woman had sold her house and built a granny flat at her daughter's house. The friend told us that the woman's daughter was exerting control over the woman, including controlling her bank account, tracking her car movements, and removing the gate-opener so the woman could not get out. The friend also advised that the daughter was verbally abusing the woman, and had threatened that she needed to move into a nursing home.

We spoke with the older person directly to understand what was happening and the outcomes she wanted. The woman told us that what she thought was caring behaviour on the part of her daughter was now proving to be something else. In addition to confirming the information provided to us by her friend, the woman said that she was not allowed to go into the main house, and she was only allowed to talk to her grandchildren when they were in the backyard. We discussed options and practical strategies for addressing the issues that the woman was comfortable to take at that point and agreed to maintain contact.



Over the course of eight weeks, we kept in regular contact with the woman and discussed progress with the agreed actions and further steps she felt comfortable with, additional emerging issues, her rights, available supports and services, and we modelled conversations she could have with her daughter in relation to the concerns. During the period, the woman faced additional challenges, with her daughter freezing her bank account due to concerns that she was giving her money away. Over the course of our discussions with the woman, she took steps to disable the tracking of her car; changed her bank accounts and

instructed her bank that her daughter no longer had any authority in relation to her accounts; changed her will; regained control of the gate-opener to enable free access to the community and her home; and became more assertive with her daughter and family. In the final conversation, the woman thanked the Helpline officer for providing support for her to be able to speak up for herself and change the situation.



3.1.2 Referrals to other agencies

Mandatory referrals

The ADC Act provides our office with a broad scope. However, it also recognises that other agencies have responsibilities in relation to the abuse, neglect and exploitation of adults with disability and older adults. In this regard, we are required under the legislation to refer certain matters to specific agencies. The ADC does not duplicate the work of other agencies.

In 2019-20, the ADC referred:

41

matters to the **Aged Care Commission**

24

matters to the **NDIS Commission**

13

matters to the **HCCC**

Referrals to complaint bodies

Where the ADC receives information in a report that could be the subject of a complaint to the Health Care Complaints Commission (HCCC), the Aged Care Quality and Safety Commission, or the NDIS Quality and Safeguards Commission, we must refer the information to that agency.²

Table 9 in Appendix A1 provides information on the outcomes of the above referrals.

Referral of criminal-related matters

Where the ADC receives information in a report that may provide evidence of a criminal offence, we must refer the information to NSW Police or the Director of Public Prosecutions (DPP).

In 2019-20, the ADC referred 128 matters to NSW Police.³ No matters were referred to the DPP. Case studies 2 and 3 provide examples of reports the ADC referred to NSW Police in 2019-20, which resulted in actions to safeguard the adults and to charge the family members who were the subjects of allegation.

² See section 13(9) of the ADC Act.

³ Note: while table 3 identifies 41 referrals to NSW Police, this reflects the number of reports in which the referral was the *primary* action taken by the ADC in the case. In the 87 other cases in which we referred the report/ part of the report to NSW Police, the referral was one of the actions taken by the ADC, but not the primary action.

CASE STUDY 2

We received a report from a neighbour of a woman in her 80s with progressing dementia, raising concerns about the conduct of the woman's daughter. The reporter told us that they had witnessed physical and verbal abuse of the woman by her daughter, and had captured one of these episodes of abuse on their mobile phone from their kitchen window. The neighbour also notified the woman's in-home support workers about the incident.

At the time the reporter raised the matter with us, they advised that similar conduct had been reported to police approximately seven months earlier, and police had attended but had said that they needed a complaint from the victim.

We reported this matter to NSW Police. Police subsequently arrested and charged the woman's daughter with common assault. Police also applied for and served an Apprehended Violence Order on the daughter to protect her mother.

With the guidance of their Aged Crime Prevention Officer, police liaised with the in-home service to ensure actions could be taken to safeguard the woman prior to police attending the premises and removing the daughter. The support service facilitated the woman having a social admission to hospital to enable health checks to be conducted while short-term accommodation was arranged. While the woman was in hospital, the hospital social worker convened a meeting with the woman's other children who had been living interstate, who took over arrangements for her care.

The daughter entered a guilty plea to the assault charge, and was sentenced to a 12-month conditional release order with conviction. The AVO was made into a final order, to be in place for two years.



CASE STUDY 3

We received a report about alleged abuse and neglect of a young man with intellectual disability by his mother. The concerns included alleged physical assault, sexual abuse, and an unhygienic home environment. Concerns were also raised with us that the young man was not receiving the prescribed dose of his required medication, and his mother was preventing him from accessing the community.

In response to the report, we prepared a brief and made a report to police, who conducted an investigation into the criminal-related allegations. We made inquiries with involved disability services and provided information to NCAT to support a guardianship application in relation to the young man. Services provided information that the young man's mother had refused additional support, including access to community activities and short-term accommodation (respite), despite the need for assistance and the restrictions this imposed on her son.

Following the appointment of the Public Guardian, the young man moved into supported accommodation, had a thorough medical review, reconnected with disability supports and the community, and became more communicative. NSW Police charged the young man's mother in relation to the physical assault. She received a conditional release order for two years without conviction, with the requirement to comply with Community Corrections supervision.

Table 7 in Appendix A1 provides information on the outcomes of the referrals to NSW Police.



Other referrals

In the course of responding to reports, we often make referrals to a range of other agencies. In some individual cases, we may make multiple referrals – such as for disability support, advocacy support, and legal advice.

In 2019-20, the ADC made 109 referrals to other agencies. Table 10 in Appendix A1 provides information on the agencies we made referrals to, and the outcomes of those referrals.

3.1.3 Inquiries and community supports

In relation to 198 reports in 2019-20, we conducted inquiries to inform our handling of the matter. In most of these cases (106), we closed the matter after identifying that there were appropriate actions underway; there were no or low risks for the adult; or the adult had capacity and did not want our involvement. In 92 reports, we took further steps after our inquiries to work with the adult and relevant other parties to examine the concerns and risks, and facilitate appropriate actions and support to improve the adult's safety and outcomes.

Our work in these cases reflects a key stated intention of the ADC Act to better safeguard adults with disability and older people, as highlighted in the second reading speech in NSW Parliament:

*'While the commissioner will have strong powers of investigation, we envisage that the commissioner will have an invaluable role in resolving core issues that gave rise to the abuse, neglect or exploitation, or allowed it to occur, and in assisting all parties involved—the vulnerable adult, carers and service providers—to better provide for the safety, welfare and wellbeing of the vulnerable adult.'*⁴

The following case studies from page 26 to 29 illustrate the inquiries and community supports work undertaken by the ADC on reports in 2019-20, resulting in improved outcomes for the involved adults.

⁴ Legislative Assembly, second reading speech, Ageing and Disability Commissioner Bill 2019, 8 May 2019.

CASE STUDY 4

The Ageing and Disability Abuse Helpline received a report from a service provider about potential neglect of a woman in her 80s. The woman lived with her adult daughter who has a cognitive impairment, her grandchildren, and her daughter's friend.

The service raised concerns with the ADC about the daughter's capacity to care for the woman; the lack of financial or other contribution by the daughter and her friend; emerging squalor; no functioning toilet in the house; and hazardous electrical issues.

While multiple services including aged care and family services were involved, there was no coordination of the supports, and the services were unaware of each other's involvement.

We spoke with the woman to gain her views and wishes, and engaged with service providers. As a result of the ADC's involvement:

- the woman received information, advice and referrals for legal advice in relation to her adult children leaving home
- services exchanged information, identifying roles and responsibilities to provide more coordinated support to the family
- the significant bathroom and plumbing issues were addressed
- a service provider arranged for electrical repairs on the home and a skip for a major clean-up with the woman's consent
- the woman's daughter was identified as having an inactive NDIS plan, and steps were subsequently taken to re-link her with NDIS supports.

CASE STUDY 5

We received a report from an NDIS support coordinator, raising concerns about the circumstances of a man in his 20s with an intellectual disability and autism spectrum disorder. We were told that the man had been living happily in supported accommodation, but his parents had coerced him into leaving the placement to live with them so that they could access his savings and disability support pension. He was also no longer attending his day program and had no contact with other services. As a result, there was no external scrutiny of his situation and very limited ability to be able to access the man to hear his views and wishes.

Following our contact with the NDIA in relation to this matter, the Agency appointed a complex support needs planner. We liaised with the planner, the support coordinator and day program to identify a practical and safe mechanism for facilitating our contact with the man. In this regard, the day program contacted the family to arrange a time for the man to attend the service so they could provide him with funds they were holding for him. We attended the service and were able to meet with the man without any family members being present. The man told us that he wanted to move into supported accommodation. With his agreement, we linked him in with an advocate to help him to implement his own choices and decisions.

Shortly afterwards, changes in the family's circumstances left the man in the house without any support. He was able to contact his support coordinator, who arranged short-term accommodation for him.

Once in the alternative accommodation, the man decided that he did not want his family to be notified of where he was living, did not want further contact with his family, and wanted to remain living where he was. His family was advised of his decisions.

The ADC continued to work with the providers supporting the man to ensure that he received continuing support to develop his decision-making capacity, and to develop and implement safeguarding strategies – including responses in the event that he is contacted by his family in the community and pressured to leave his accommodation. The man resumed participation in his day program and community activities.

However, he remained vulnerable to financial exploitation. Work undertaken by his advocate and financial counsellor unearthed a number of loans and contracts in the man's name of which he was unaware, and for which he was liable for thousands of dollars. Following discussion about additional safeguards for the man and his finances, and with his agreement, action was subsequently taken to obtain a financial manager for the man to reduce the risk of financial exploitation and to resolve the existing debts.



CASE STUDY 6

The Ageing and Disability Abuse Helpline received a report from a legal service about the alleged abuse of a man in his 80s and his wife by his step-daughter. The ADC spoke with the man, who advised that:

- His wife had been diagnosed with dementia, and soon afterwards her adult daughter had re-established contact after a period of estrangement.
- Without the man's knowledge, his step-daughter had arranged an Enduring Power of Attorney in relation to her mother and cancelled the in-home support services that had been in place.
- His step-daughter arranged for her mother's pension to be paid into a separate account, with no funds being provided towards her mother's care and expenses.
- The man and his wife were living solely on his part-pension of \$550 per fortnight.
- The man's step-daughter visited daily and forced him to go to the shed for the duration of her visits, due to her verbal abuse and threats.
- The man disclosed having to urinate into a bucket because he was not allowed inside.

Neighbours also advised the ADC that they had seen the man in the shed in all weathers, for many hours on some days.

At the time of the report to the ADC, the situation had been going on for three years. The man advised that he had been to police a number of times, but without success. The ADC reported the matter to NSW Police, who arranged a home visit the next day from an experienced Domestic Violence Liaison Officer. Police took a video statement and obtained an Apprehended Violence Order the same day, prohibiting the step-daughter from attending the home.

After discussion between the man and the ADC, in-home support services were restored. We also participated in an NCAT hearing in relation to a review of the Enduring Power of Attorney, which resulted in the step-daughter being removed from this role. Further actions are being taken in relation to the financial abuse.

CASE STUDY 7

We received a report from an NDIS provider, raising concerns about the adequacy of the care provided to a young woman with intellectual and physical disabilities by her mother (and primary carer). The provider told us that:

- the family home was squalid and infested with cockroaches, including in the young woman's wheelchair
- the in-home care provider had ceased providing personal care supports to the young woman due to the condition of the home and infestation
- the young woman showed ongoing signs of neglect, including attending her day program unwashed and in dirty clothes, and with multiple skin sores, lesions and rashes.

The reporter told us that the young woman and her mother were very close, and the situation may reflect carer stress and the need for additional support. We were told that the issues had previously been raised with the young woman's mother, but this had not resulted in improvements.

We met with the young woman at her day program; she relied on non-verbal expression to communicate and indicated that she was happy for us to meet with her mother at her home.

The home visit confirmed the concerns that had been raised about the state of the premises and infestation. The young woman's mother spoke openly about the challenges she was experiencing in trying to address the issues with limited resources, and indicated that she was open to having more services and support. We made inquiries and liaised with the social housing provider, the NDIA and Local Area Coordinator and the disability providers to coordinate the response to the concerns.

As a result of our involvement and actions in this matter:

- the housing provider funded a thorough pest control of the property
- a dumpster was hired and the Local Area Coordination service paid for a forensic clean of the property
- the in-home support provider resumed the provision of support and increased to two staff so they were no longer relying on a family member to assist with personal care
- the NDIA reviewed the young woman's NDIS plan and approved increased funding, including funding for support coordination
- an occupational therapy review was undertaken and new equipment was provided for personal care
- the new support coordinator commenced exploring the engagement of a speech pathologist to create a communication profile for the young woman, and worked with the family to enable regular access to short-term accommodation (respite) for her.

We closed the case following confirmation from parties that the young woman's situation had significantly improved and risks were being effectively mitigated.



3.1.4 Investigations

Between 1 July 2019 and 30 June 2020, the ADC commenced seven investigations.⁵ In five cases (71%), we commenced the investigation without the consent of the adult. Of the seven investigations:

- a)** in two cases, the adult provided consent to the ADC to investigate specific allegations
- b)** in three cases, the adult was unable to provide consent, despite receiving support to do so
- c)** in two cases, the adult was unable to provide consent as they had died shortly after the ADC received the report.

In four other cases, the ADC did not proceed with an investigation as the involved adults did not provide consent. No investigations were conducted by the ADC against the wishes of the adult.

In 2020-21, the ADC is undertaking work to review and strengthen its investigative practice, including to streamline and tighten internal processes, establish performance indicators, and develop external guidance.

3.1.5 Outcomes data

At the end of December 2019, we implemented changes to our database to enable us to capture and report on outcomes for adults and disability and older people that result from our handling of reports, as well as the actions taken in relation to the subjects of allegation.

In the six-month period of recording this data, the most common outcomes for the adult with disability or older person involved in the report related to:

- their will and preference being ascertained and upheld
- the adult receiving help to access supports and services
- police/ justice action.

The most common actions relating to the subject of allegation in the report involved them:

- being linked to or receiving more support
- receiving education and advice
- having their access to the adult with disability/ older person reduced or supervised.

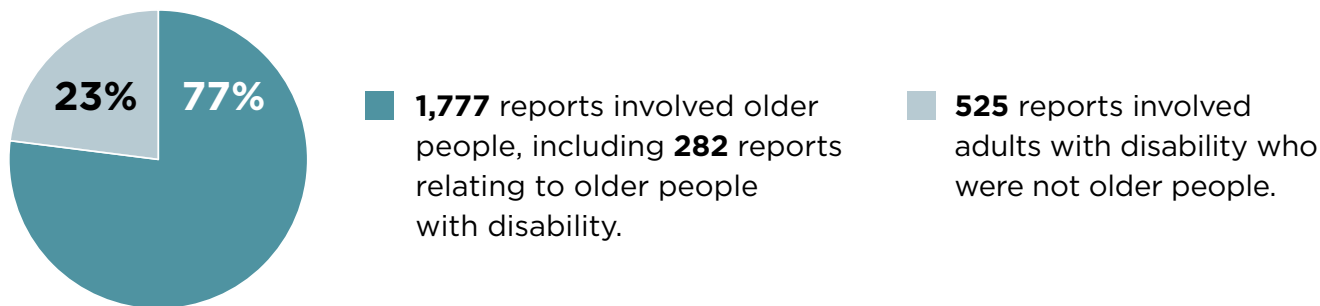
Tables 7 and 8 in Appendix A1 provide further details of the above outcomes data. The ADC is undertaking substantial work in 2020-21 to improve the reliability and completeness of its data capture.

⁵ The two investigations identified in table 7 reflect the investigations closed in 2019-20.

3.2 Data snapshot of reports to the ADC in 2019-20

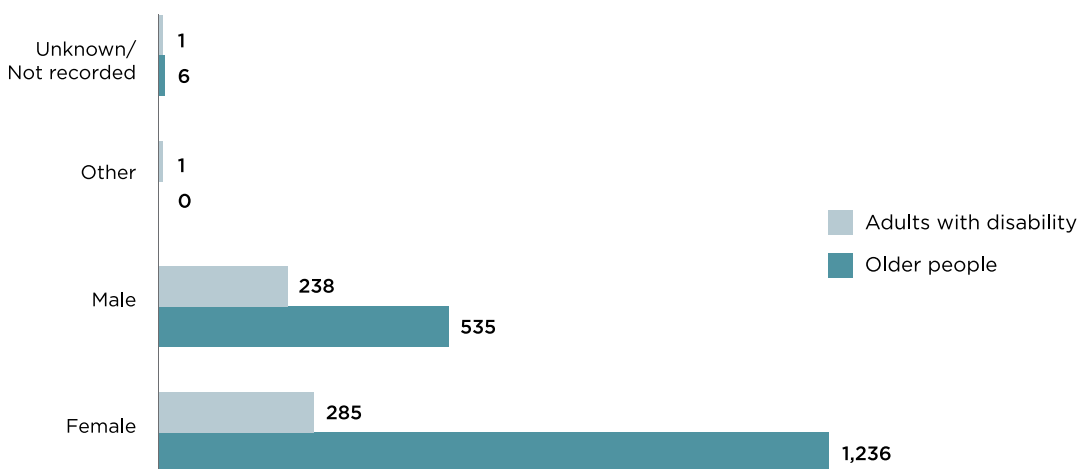
3.2.1 Status, gender and age of the adult

Of the 2,302 reports received by the ADC in 2019-20:



Over two-thirds (**69.6%**) of the reports to the ADC about older people involved older women. In relation to reports about adults with disability, just over half (**54.3%**) were about women with disability.

Figure 3: Gender of older people and adults with disability the subject of a report to the ADC, 2019-20



The largest proportion of reports about older people have related to people aged **80-84 years**. In relation to adults with disability, the largest proportion of reports have related to people aged **18-24 years**.

Figure 4: Age of older people the subject of a report to the ADC, 2019-20

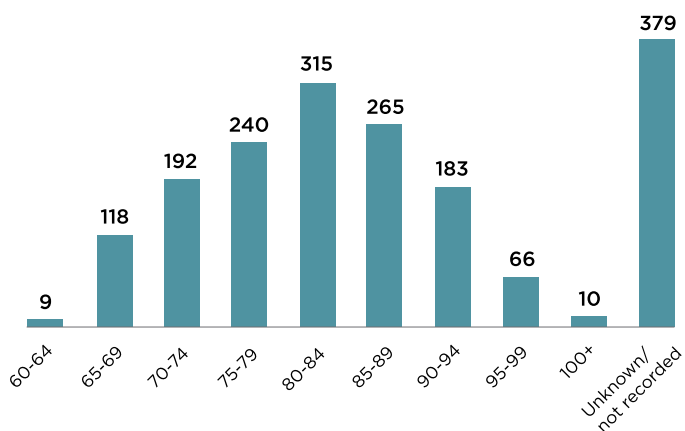
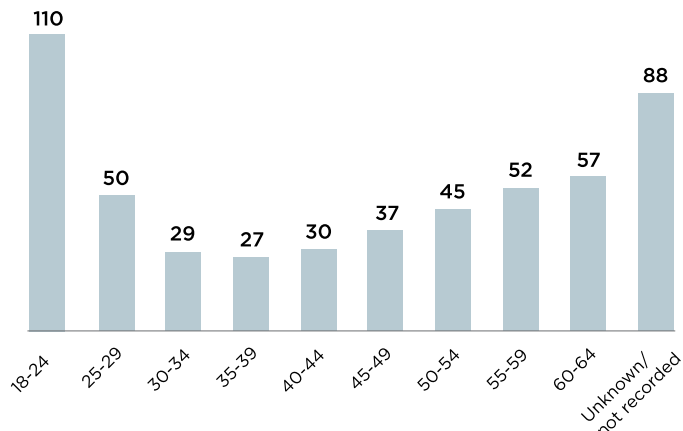


Figure 5: Age of adults with disability the subject of a report to the ADC, 2019-20



3.2.2 Reporters

Family members (mainly adult children) were the main source of reports to the ADC about older people, accounting for one-third (**32.5%**) of all reports received by the ADC about older people in 2019-20.

Paid workers were the main source of reports to the ADC about adults with disability; primarily staff of disability support services. Paid workers were the reporters in over half (**56.2%**) of all reports received by the ADC about adults with disability in 2019-20.

Figure 6: Relationship of reporter to the older person in reports to the ADC, 2019-20

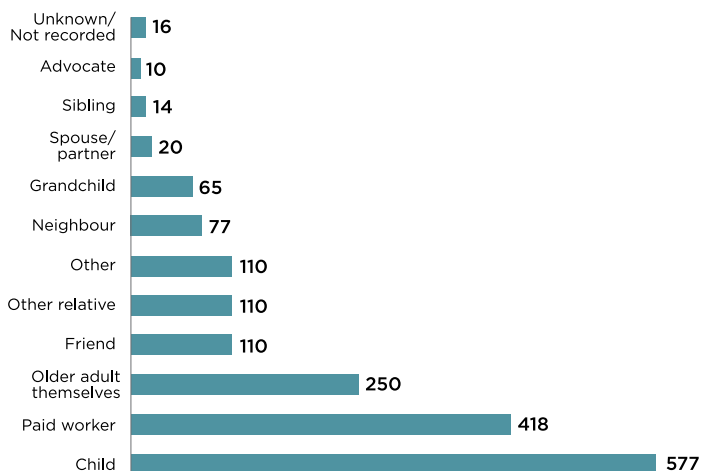
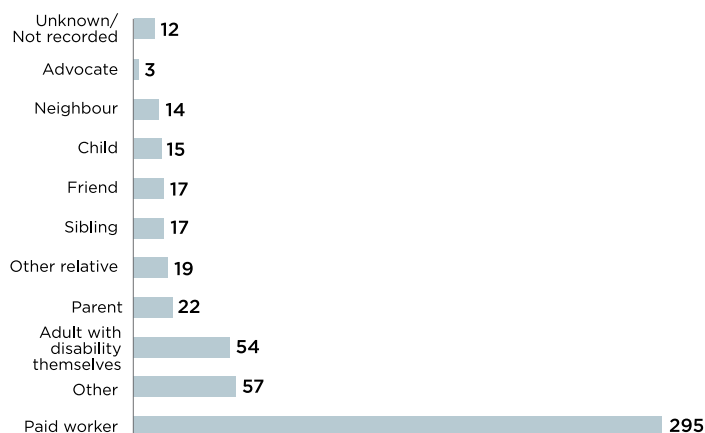


Figure 7: Relationship of reporter to the adult with disability in reports to the ADC, 2019-20



3.2.3 Subjects of allegation

Over half (56.7%) of all reports to the ADC about older people in 2019-20 pertained to the person’s adult children. All up, family members were the subjects of allegations in over two-thirds (67.3%) of the reports about older people. Allegations against a spouse or partner featured in 11.1% of the reports about older people.

In almost one-third (32.8%) of reports to the ADC about adults with disability in 2019-20, the allegations pertained to the adult’s parent(s). In 13.3% of matters, the adult’s spouse or partner was the subject of the allegations.

Figure 8: Relationship of the subject of allegation to the older person in reports to the ADC, 2019-20

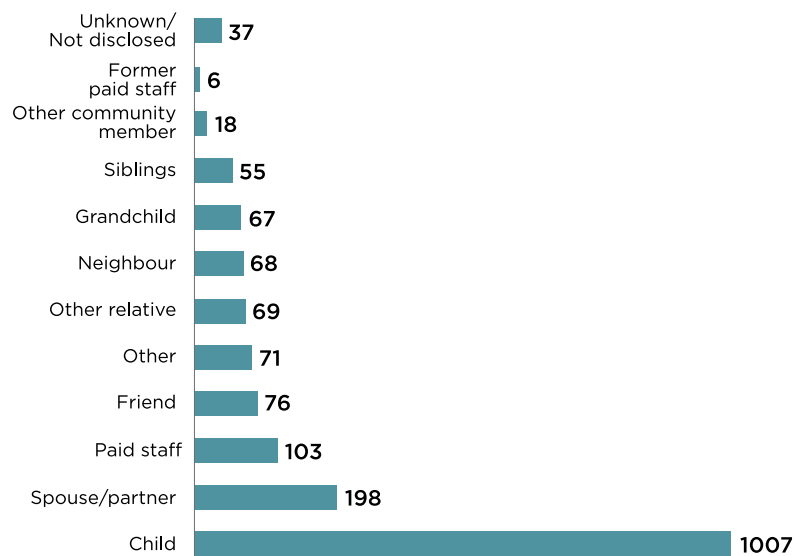
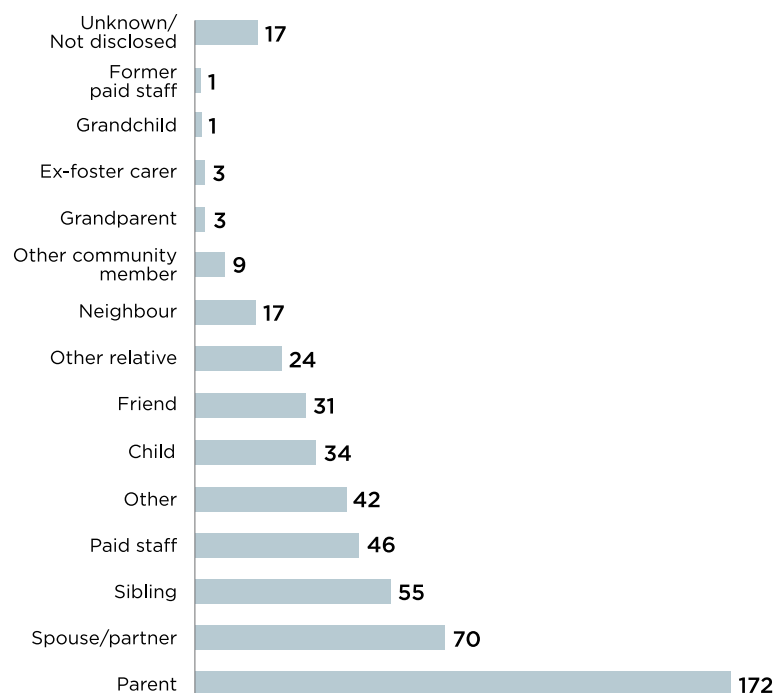


Figure 9: Relationship of the subject of allegation to the adult with disability in reports to the ADC, 2019-20



3.2.4 Type of alleged abuse

Most reports to the ADC involved more than one type of abuse. It is common, for example, for financial and psychological abuse to be reported together, noting that psychological abuse can be applied to gain access to a person’s finances.

The most commonly reported types of alleged abuse in relation to older people were psychological abuse and financial abuse. The most commonly reported types of alleged abuse in relation to adults with disability were psychological abuse and neglect.

Table 4: Type of alleged abuse against the older person in reports to the ADC, 2019-20⁶









Type of alleged abuse		No. of cases	% of all allegations
 Psychological	Mainly verbal abuse; and preventing or restricting access to family/others.	1021	35.8
 Financial	Mainly financial exploitation; theft; and misuse of Power of Attorney/ Enduring POA.	872	30.6
 Neglect	Mainly failure to meet the person’s support needs; medical neglect; and failure to provide adequate clothing and/or food.	524	18.4
 Physical	Mainly hitting/kicking/punching; and pushing/shoving/grabbing/shaking.	257	9.0
 Sexual	Mainly sexual assault.	19	0.7
Other		105	3.7
Not recorded		52	1.8

Table 5: Type of alleged abuse against the adult with disability in reports to the ADC, 2019-20⁶

Type of alleged abuse		No. of cases	% of all allegations
 Psychological	Mainly verbal abuse; preventing or restricting access to supports/services; and preventing or restricting access to family/others; and making excessive or degrading demands.	251	25.1
 Neglect	Mainly failure to meet the person’s support needs; medical neglect; and failure to provide adequate clothing and/or food.	204	20.4
 Financial	Mainly financial exploitation; preventing access to/withholding the person’s money; and theft.	168	16.8
 Physical	Mainly hitting/kicking/punching; and inappropriate restraint/use of force.	165	16.5
 Sexual	Mainly sexual assault; and indecent assault.	63	6.3
Other		131	13.1
Not recorded		19	1.9

⁶ The data captures all matters in which that type of abuse has been reported; in the majority of matters, more than one type of abuse is reported.

⁷ The data captures all matters in which that type of abuse has been reported; in the majority of matters, more than one type of abuse is reported.

3.3 Key issues from reports in 2019-20

There was a range of issues arising from our handling of reports in 2019-20 – many of which related to both adults with disability and older people. The following information outlines a number of those issues.

3.3.1 Involvement of the adult

The ADC Act has a clear focus on the rights of adults with disability and older people, including their right to exercise choice and control. Among other things:

- when exercising a function under the Act with respect to a particular adult with disability or older person, the ADC (or any other person) must have regard to the wishes of the adult
- the ADC must obtain the consent of the adult in order to conduct an investigation into an allegation (with specific exceptions).

However, it is not only at the point of investigation that we make contact with the adult. We seek to contact and ascertain the adult's views and wishes from an early point, including, where possible and safe, at the Helpline. Understanding the adult's views and wishes about their situation, their desired outcome, and necessary actions (including the involvement of the ADC) is vital for informing our response to the report.

Aged care and disability support legislation and standards also reflect a person-centred approach that is premised on the choice and control of the adult. However, our handling of reports in 2019-20 identified frequent instances in which this has not been reflected in practice. In many cases, this has exacerbated the risks for the adult and made it more difficult for them to change their situation. This includes:

- providers and agencies deferring to, or solely consulting with, a family member or spouse (the subject of allegation), despite the adult having capacity to make their own decisions
- a family member or spouse being made the adult's 'nominee' or 'representative' (for example for the NDIS, My Aged Care, or Services Australia) with no or minimal checks.

A significant part of our work has involved redirecting providers to the adult for decisions/ consent, not the family member or spouse. Case study 8 provides an example.

CASE STUDY 8

We received a report regarding alleged neglect of a young man with disability by his mother. The allegations included that his mother verbally abused him and had failed to ensure that his Trust was being used for his goals and benefit.

In response to the report, we made inquiries with relevant services and met with the young man in a safe space. We identified that, although the man had capacity to make his own decisions and there were no substitute decision-making orders in place, his mother was making all decisions about his Trust, accommodation, services and supports, and there was no indication that services had consulted with him in relation to these decisions. This was also the case despite the man's mother having a conflict of interest in relation to the decisions.

The man did not confirm the allegations of verbal abuse, but expressed a desire for greater independence.

As a result of our involvement, all services and administrators of the Trust began consulting with the man directly – some of these services had been involved for over 10 years and had not previously sought his views. He is now building his own home to live with greater independence.

In many cases, the impact on the adult of the actions of providers to engage or take direction solely with the family member of spouse has been significant. This has included:

- adults having their necessary ageing or disability supports reduced or stopped altogether in response to the decisions of the family member/spouse, despite this not being in line with the adult's wishes and the family member/spouse having no decision-making authority
- no or limited opportunity for the adult to communicate separately with the provider or agency about their wishes, the existing issues, and/or their concerns.

3.3.2 Coercive control

Coercive control is a form of domestic abuse. Coercive controlling behaviours can involve a range of behaviours perpetrators use as a means of control over their partner or other person in a domestic relationship, 'including frequent belittling and derogatory comments, monitoring of their whereabouts, interfering with their relationships and financial abuse.'⁸ The NSW Attorney-General indicated in March 2020 the intention to undertake consultations on new laws to criminalise coercive control.

Coercive control has been a significant feature of reports to the ADC about adults with disability and older people in 2019-20, including allegations about family members or intimate partners:

- verbally abusing the adult, including belittling or degrading comments and other verbal abuse intended to humiliate and intimidate the adult and erode their self-esteem
- preventing or restricting the adult's access to family and friends and access to the community
- preventing or restricting access to necessary services and supports (including ageing and disability supports)
- preventing or restricting access to necessary aids and equipment
- controlling the adult's access to money (including taking their bank card).

⁸ Australian Institute of Criminology (July 2020), Statistical Bulletin 28: 'The prevalence of domestic violence among women during the COVID-19 pandemic', p3.

The actions are intended to erode the adult's self-esteem and autonomy, isolate them, and increase their dependence on the family member or intimate partner. A range of the risks associated with coercive control have been magnified for many of the adults with disability and older people involved in these matters, noting significant pre-existing reliance on supports and extremely limited capacity to independently change the situation.

In a range of matters, we noted that the COVID-19 pandemic provided a 'legitimate' mechanism for the family member or intimate partner to control the adult's access to the community, services and external family and supporters, on the basis of preventing infection. However, examination of many of these cases identified that controlling behaviour and restrictions existed prior to the pandemic, and continued beyond the relaxing of restrictions in NSW.

These matters have highlighted the importance of the community, providers and agencies recognising and responding to coercive control in relation to adults with disability and older people at an early point. Information arising from our handling of these matters provides valuable insight into some of the particular features of coercive control in relation to adults with disability and older adults that we will be keen to feed into the consultations.

3.3.3 Recognition of domestic and family violence

As identified in some of the case studies in this report, a number of reports to the ADC involving domestic and family violence of adults with disability and older people in 2019-20 resulted in appropriate access to justice for the adult, including charges/convictions of the perpetrator.

However, we also noted broader systemic factors that adversely affected the criminal justice and other response to alleged domestic and family violence in matters reported to us. This has included matters in which the response was affected by:

- perceptions about the difficulty or 'burden' of being a carer
- the adult's disability and related support needs – for example, viewing alleged physical assault of an adult with behaviour support needs by a family member as 'chastisement'.

The ADC continues to undertake substantial work to change perceptions associated with these matters and facilitate an appropriate response. Our handling of these reports has highlighted the critical need to improve the recognition of violence against adults with disability and older people as domestic and family violence, and crimes.

4. Community engagement

In our first year of operation, the ADC worked with older people and adults with disability, frontline workers, service providers and the community to advise on our purpose and functions, promote the Ageing and Disability Abuse Helpline and to promote the rights of older people and adults with disability to live free from abuse, neglect and exploitation in their family, home and community.

4.1 Communicating with our stakeholders

The ADC is committed to maintaining ongoing communication with all of our stakeholder groups and the broader community. Communications are managed via the ADC website, social media and through our monthly newsletters, which has a database of 404 subscribers. A range of printed, accessible and easy to read resources were also developed, tested and distributed across NSW.

During the reporting period, the ADC published and distributed:



52
tweets



48
posts on
Facebook



16
newsletters



Approximately
25,500 flyers,
brochures and
fact sheets.

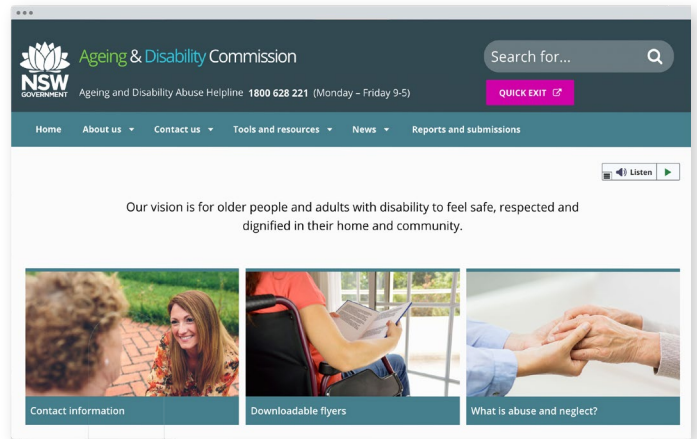


We also delivered
16 proactive
radio interviews
across metro and
regional NSW.



Website

The ADC [website](#) is the central communication and service channel for ADC stakeholders and the broader NSW community. The website houses a suite of online resources, including downloadable flyers in easy read format and in 26 different languages. The website is also used to promote submissions, reviews, significant campaigns and events.



During the first year of operation, the website received 103,708 visits.

The website meets all WCAG 2.0 accessibility requirements, and feedback has been provided on the ease of accessing resources and navigating through the simple layout. This is particularly important for the cohorts the ADC supports.




The website has been continually optimised to meet the needs of our stakeholders. An example of this is the development of an online resource order form ensuring stakeholders can more efficiently receive the resources they need about the ADC and how to support older people and adults with disability. The ADC will continue to review and implement improvements to the website on an ongoing basis.

Paid media campaign

Paid media activity ran across radio and Google search during this reporting period. The purpose of the campaign was to raise awareness about the signs of abuse, neglect and exploitation of older people and adults with disability, with a call to action to contact the Ageing and Disability Abuse Helpline.

Target audiences included people 25+ and 50+ across metro and regional NSW, as well as people from culturally and linguistically diverse communities, specifically Mandarin, Cantonese, Arabic, Persian (Farsi), Korean and Hindi languages.

Table 6: Results from paid media activity

Channel	Results	Achievements
 Metro and regional radio	Reached 2,800,000 listeners across the 2GB and regional radio networks aged 50+.	Regional stations delivered an additional 299 radio spots for free, indicating regional communities resonated with the key messages, in particular Lithgow, Coffs Harbour, Dubbo, Port Macquarie, Wollongong and Wagga Wagga.
 Spotify	Reached 292,500 listeners subscribed to the Spotify streaming service in the 25-34 age group. 100% completion rate of the audio message.	Delivered over 1.2M impressions on the display banner, meaning that the static message on the listener's device (predominantly iPhones) appeared over 1.2M times, adding to our awareness goal.
 Search	156 calls directly from the search engine through to the Ageing and Disability Abuse Helpline. Most popular search terms were <i>elder abuse hotline nsw</i> , <i>ageing disability commission</i> , <i>elder abuse NSW</i> .	The Ageing and Disability Abuse Helpline was easier to find when people were searching for 'elder and disability abuse support', because we appeared at the top of the search list.

COVID-19 communications

The ADC acknowledges the impact COVID-19 has had on older people and people with disability. Additionally, the ADC recognised the volume of information that was generated during this time aimed at informing older people and adults with disability about the risks associated with COVID-19.

The ADC worked to distribute and refine existing communications from official government sources in order to simplify access to information. We did this by:

- Producing a short video message from the Commissioner encouraging the community to look out for vulnerable older people and people with disability, and to not neglect their needs.
- Promoting an easy to follow fact sheet with tips on how to remain engaged and socially connected with older people and people with disability.
- Securing five ABC breakfast radio programs in Broken Hill, Mid North Coast, Central West, Newcastle, and New England North West to reinforce key messages of the importance of social connections for older people and adults with disability.
- Produced a weekly summary outlining key news and services to simplify the most current information available. This was distributed across our social media channels and with every Collaborative group.

Sponsorships

A sponsorship arrangement with the Radio for the Print Handicapped (2RPH) and the ADC was secured in the segment Ageing with Attitude, which focuses on topics and issues related to older people. This segment is the second highest performing program, and is targeted to people aged 70+ across Sydney and greater Sydney.

4.1 Speaking engagements

During 2019-20, the ADC participated in 65 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 Ageing and Disability Commissioner participated in 20 of these speaking engagements.



4.2 Supporting global initiatives

International Day of People with Disability

The ADC celebrated International Day of People with Disability (IDPwD) on 3 December 2019. IDPwD is a United Nations sanctioned day and aims to increase public awareness, understanding and acceptance of people with disability, and celebrate their achievements and contributions. The theme was leadership and inclusivity in the community and the workplace, and the ADC worked with four young adults with disability to hear their views on the importance of inclusion in the workplace. A short video was produced reaching 2,921 people on Facebook, and raised awareness about the rights of people with disability.

World Elder Abuse Awareness Day

World Elder Abuse Awareness Day (WEAAD) is a United Nations Sanctioned Day occurring on June 15 every year, and aims to raise awareness of the abuse of older people around the world. For the first time, the ADC led the development of a communications toolkit for stakeholders with tailored content that was distributed across NSW.

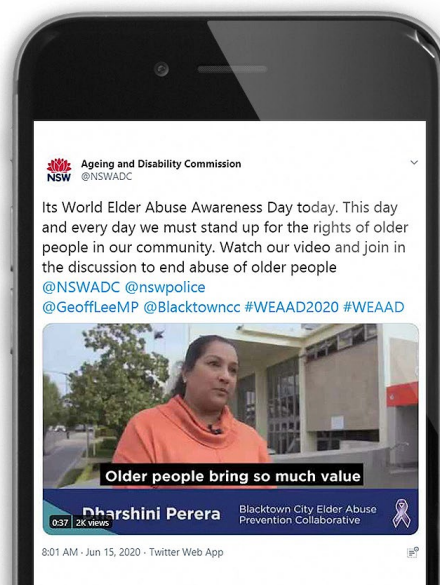
This toolkit included:

- Two short videos involving interviews with the Ageing and Disability Commissioner, A/Minister Lee Minister for Seniors, a NSW Police Aged Crime Prevention Officer and a representative from the Blacktown Collaborative for the Prevention of the Abuse of Older People.
- Social media tiles with suggested copy for Facebook and Twitter.
- A media release template.
- Ongoing communications for use post WEAAD.

The Ageing and Disability Commissioner also conducted six ABC Breakfast Radio interviews across Sydney and regional NSW, reaching over 110,000 listeners. The short videos were promoted across Facebook and Twitter, and reached over 116,000 people.

Other highlights include:

- Generating mass awareness through a paid radio campaign during 8 – 15 June 2020, highlighting WEAAD and the importance of promoting the rights of older people.
- A feature in the Blue Mountains Gazette and an interview with the Ageing and Disability Commissioner on Radio Blue Mountains 89.1.
- An interview with South West Sydney Elder Abuse Collaborative on C91.3.





4.3 Working with communities and organisations

Collaboratives for the Prevention of Abuse of Older People

As at June 30 2020, there are 17 formally established Collaboratives across NSW. Collaboratives provide a way of engaging local agencies to develop protocols, practice guidelines and communications activities that are aimed at responding to the issues, risk factors and circumstances that may lead to the abuse of older people and/or adults with disability. Collaboratives also support localised operations that bring together experts in abuse prevention, with a critical understanding of local issues and strategies that can assist the community to take action against abuse, neglect and exploitation. The ADC is committed to furthering the relationship with existing Collaboratives, and expanding the number of Collaboratives across NSW. Additionally, the ADC will have a focus on developing Collaboratives for the Prevention of Abuse of People with Disability.

Retirement Villages

The ADC contacted registered Retirement Villages in NSW to bring attention to new requirements outlined in Schedule 3A, Rule 10, of the Retirement Village Regulation 2019. This requirement outlines the role of Retirement Villages to implement an elder abuse response strategy on village premises.

The ADC sent a communications pack to 126 registered retirement village providers that included:

- an Elder Abuse Toolkit
- a checklist outlining the regulation requirement in relation to the strategic priority areas
- resources and flyers to use in the strategy, and on premises.

In 2020-21 we will be:

- ✓ evaluating all communication materials in relation to message, accessibility and purpose
- ✓ developing strategies to more effectively engage with Aboriginal and CALD communities
- ✓ developing strategies to more effectively engage with older people and adults with disability on their rights.

5. Improving information sharing

5.1 Developing information sharing arrangements

Section 14 of the ADC Act provides for the ADC to enter into information sharing arrangements with relevant agencies for the purposes of sharing or exchanging relevant information held by the ADC or the agency. To assist in the exercise of our functions, we finalised information sharing arrangements with a range of agencies in 2019-20, including:

- NSW Trustee and Guardian
- NSW Civil and Administrative Tribunal
- NDIS Quality and Safeguards Commission
- NSW Ombudsman
- National Disability Insurance Agency (finalised August 2020).

In 2020-21, we will finalise information sharing arrangements with NSW Police and other key relevant agencies.

5.2 Strengthening referrals and support

In the course of 2019/20, the ADC also developed or revised memoranda of understanding (MOUs) with non-government organisations, including Seniors Rights Service, and with Relationships Australia NSW in relation to a partnership with the Helpline to support the Let's Talk: Elder Support and Mediation Service.

Prior to the commencement of the ADC, the Elder Abuse Helpline and Resource Unit implemented a referral project with Justice Connect, funded by DCJ. The Streamlined Referral Pathway Project enabled older people experiencing abuse, and those supporting them, to obtain direct advice and support from Justice Connect's lawyers using Telehealth or a similar platform, and/or

referral to their network of pro bono lawyers. In 2019-20, following review of the project evaluation information, the ADC engaged Justice Connect to continue and extend the project. The project, which commenced on 1 July 2020, continues the pre-existing support for older people and, in line with the ADC's remit, expands the partnership to support referrals relating to adults with disability.

6. Projects and systemic work

6.1 Report about disability advocacy

The ADC Act included a requirement that, by 31 December 2019, the ADC needed to prepare, consult on, and table a report on the funding arrangements for independent specialist advocacy, information and representative organisations for people with disability in NSW.

The ADC engaged WestWood Spice to assist with the review. We met with over 70 people from 43 organisations across metropolitan and regional areas of NSW, as well as people with a lived experience of disability. We also released an issues paper for public comment, and received 43 written responses to the paper. On 19 December, we tabled the final report in Parliament.

In our report, we proposed a new funding program to deliver a more sustainable, equitable and high-quality advocacy service for people with disability in NSW, called the NSW Disability Advocacy Futures Program. The proposed program:

- offers a way to deliver more accessible and competent advocacy services for people with disability regardless of location, disability, age or background
- provides new resources to improve the advocacy sector's skills, capacity and capabilities

- enables organisations to function more sustainably through long-term funding arrangements with a clearer focus on systemic and individual advocacy and representative activities
- provides a streamlined process between the disability advocacy sector and the Government to inform public policy and deliver evidence-based solutions for people with disability.

In our report, we recommended provision by the Government of a budget allocation of \$13 million for 2020-21, and \$14 million for 2021-22.

We emphasised the importance of delivering a clear way forward for disability advocacy in NSW, because effective advocacy matters in the lives of people with disability. At the time of writing, the NSW Government is reviewing the report recommendations.

6.2 Informing inquiries and reviews

In 2019-20, the ADC made a number of submissions to relevant inquiries and reviews to provide key information arising from the work of the ADC and/or OCVs. Our submissions are available on our website.

We made submissions in response to issues papers by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability on the health care of people with cognitive disability; group homes; and the criminal justice system. In February, in partnership with an experienced OCV, we gave evidence at the Disability Royal Commission hearing into the health care of people with cognitive disability, drawing primarily on the experience of OCVs and the issues arising from their visits to people with disability in supported accommodation.

During the year, we also made submissions to the review of the *Disability Inclusion Act 2014* and the *Boarding Houses Act 2012*, identifying substantial gains that have been achieved through the introduction of both pieces of legislation, as well as opportunities for further advancements to improve outcomes for people with disability and additional needs. We also provided input to the revision by DCJ of the NSW Interagency Policy on *Preventing and responding to abuse of older people (Elder Abuse)*, released in June 2020.

In 2019-20, the ADC was also involved in a number of projects, working groups and consultative bodies relevant to our work, including:

- a working group of the NSW Law Society's Elder Law, Capacity and Succession Committee to develop guidance for solicitors on the abuse of older people
- regular interagency meetings convened by the Department of Premier and Cabinet (DPC) and other Departments on:
 - NDIS safeguarding arrangements
 - COVID-19 and people with disability
 - the authorisation of restrictive practices in relation to people with disability
 - the NSW Health Sexual Assault and Disability Access Project Committee.

6.3 Implementation of the National Disability Strategy in NSW

One of our functions in the ADC Act is to monitor, assess and report on the NSW implementation of the National Disability Strategy (NDS). The current NDS is due to end in 2020, and the Commonwealth Government is in the process of consulting with people with disability and other stakeholders on a position paper to inform the new Strategy.

To fulfil our function, the ADC will conduct a Standing Review into the implementation of the NDS in NSW. In 2019-20, we undertook scoping work and started developing a position paper outlining how we intend to undertake the review. People with disability and other stakeholders will have the opportunity to provide feedback on the position paper.

Given the current Strategy was due to end in 2020 but has now been extended, it is intended that the first review by the ADC will examine the implementation of the existing Strategy in the first half of 2021.

6.4 Making the most of our data holdings

The work of multiple previous and current inquiries have highlighted the paucity of data that exists in relation to abuse, neglect and exploitation of adults with disability and/or older people. We recognise the importance of the data that we hold – for informing our handling of reports, and for informing research, and policy and practice decisions within NSW, nationally and internationally.

In 2019-20, we undertook substantial work to:

- build our database to meet the above needs, implementing major additions and other changes in December 2019 and July 2020
- build data reports to enable timely data extraction, analysis and internal and external reporting.

During the year, we provided quarterly data reports to the Ageing and Disability Advisory Board.

We also provided data to support work in relation to the *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023*, including:

- In line with the MOU between the Commonwealth and the States and Territories in relation to the national elder abuse helpline (1800ELDERHELP), we provided quarterly data to the Commonwealth pertaining to reports to the ADC about abuse, neglect and exploitation of older people.
- We provided key data and information on our data fields to the Australian Institute of Health and Welfare (AIHW) to inform its work in relation to the development of a national elder abuse service-level data and reporting system.

In 2020-21, we will be:

- uploading a data dashboard to our website to make quarterly data publicly accessible
- making further minor changes to our database, primarily aimed at making it easier to analyse and report on key data, and to enable additional internal security controls
- examining options for enhancing our analytical and reporting capability, including to support identification of trends and patterns
- Liaising with universities and researchers to discuss potential partnerships and opportunities for ADC data to inform current and/or future research in relation to the abuse, neglect and exploitation of adults with disability and older people.

7. Official Community Visitor scheme

The activities of the Official Community Visitors (OCVs) are detailed in a separate annual report. The 2018-19 report is available on the ADC [website](#).

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

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
- assisted boarding houses.

Visitors provide a vital safeguard for vulnerable people and actively encourage the speedy resolution of issues at the local level. They report serious concerns to the Minister, the ADC, and to 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. Key activities of the ADC in relation to the OCV scheme in 2019-20 included:

- Facilitating and supporting the transfer of the OCV scheme – including Visitors, staff, data system and records – from the NSW Ombudsman's office to the ADC in August 2019. The ADC's focus in the transfer was to

ensure the continued effective operation of the OCV scheme, and the day-to-day work of the Visitors, throughout the process.

- Ahead of the child-related part of the OCV scheme moving from the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to the Children's Guardian Act in March 2020, reaching agreement with the Children's Guardian that the ADC would continue to administer the full OCV scheme until June 2022, to provide stability to the scheme.
- Developing an MOU with the Children's Guardian and OCVs, including clear information sharing and working arrangements, and finalising an information sharing arrangement between the NDIS Commission and OCVs.
- Planning the OCV annual two-day conference. The OCV conference was scheduled for May 2020, but was affected by the COVID-19 pandemic and restrictions. The conference will be held as early as possible in 2020-21.
- Putting in place arrangements to enable OCVs to continue their visiting role within the restrictions imposed by the COVID-19 pandemic. The ADC provided regular advice to OCVs and took action to maintain visiting during the pandemic shut down, including pivoting the OCV role to undertake 'virtual visits' via video-calls or telephone calls.
- Maintaining regular consultation with OCVs on OCV scheme practice, as well as facilitating specific consultations with OCVs on particular issues to inform ADC submissions, including to the Disability Royal Commission issues papers on the health care of people with cognitive disability and group homes.
- Recruiting four additional OCVs to fill gaps in target areas across NSW.

OCV scheme statistics

While a separate annual report will detail the work and activities of OCVs in 2019-20, the following provides a brief snapshot of OCV activities in the reporting period:

- **OCVs conducted 3,040 visits to 1,401 locations**
- **OCVs raised and worked on 5,844 issues**
- The top five issues raised by OCVs in their visit reports related to:
 1. Identified health, medical, dental, optical, auditory, nutritional, psychological and development needs were not addressed – **438 (8%)**
 2. Incidents were not recorded, appropriately managed, recommendations followed up and/or residents informed of outcomes – **326 (6%)**
 3. Appropriate furniture, fittings, amenities, heating and cooling were not provided and/or maintained in a reasonable state of repair and safe working order – **318 (5%)**
 4. Residents were not supported to access appropriate health and medical services and treatment as needed – **308 (5%)**
 5. Residents were not actively encouraged and supported to participate in their community in ways that are meaningful and important to them – **297 (5%)**.



8. 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 2019-20 Financial Statements include:

- 2019-20 is the first year of operation for the ADC; as such, there is no comparative data.
- 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 assets mainly associated with 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.

8.1 Economic or other factors

During this reporting period, the ADC has been in its establishment year (year 0, 2019-20 FY). This year involved the establishment of foundations and infrastructure, with its first full year of scaled operations to occur in 2020-21.

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 (given much of this was not at the time visible to government), and the conservative assumptions used as the basis for the costing.

Calls to the ADC did not spike during the peak lock-down period for COVID-19 in NSW (March/April). However, since the easing of restrictions (May/June), calls and requests for assistance from the ADC have significantly increased. This is likely due to the fact that most of the people who contact the ADC are not the adult with disability or older person themselves – they are typically service providers or family members. Both sources of reports had less contact with the involved adults during the restrictions. With the easing of restrictions, reporters have identified concerns and are bringing them forward. In some cases, the concerns relate to additional restrictions that have been placed on the adult with disability or older person by a family member(s), ostensibly associated with COVID-19 risks. The ADC will continue to monitor this data.

8.2 Summary Review of Financial Operations

Total operating expenses for the financial year was \$5.9 million. Major expenditure related to Personnel services \$3.09 million, operating expenses \$1.57 million and grant expenses \$1.16 million. Capital expenditure for the financial year was \$1.04 million.

ADC operating and capital expenditure was mainly funded through grant funding of \$6.89 million from the Department of Communities and Justice including \$1.04 million for capital expenditure.

2020-21 operating expenses is estimated at \$5.98 million.

8.3 Annual Financial Statement

The audited financial statement for the ADC is shown at Appendix A3 of this report.

8.4 Payment of Accounts

Accounts Payable tables for the ADC are shown at Appendix A3 of this report.

Appendix

A1. Referrals and outcomes

Table 7: Person outcomes, reports closed 1 January – 30 June 2020

Person outcomes – reports closed 1 January 2020 – 30 June 2020 (total = 1,266) ⁹	Number ¹⁰
1. Person involved	
a) Will and preference of Person ascertained	71
b) Will and preference of Person respected/upheld	52
2. Referral/ help to access supports	
a) Referral/help to access aged care supports	59
b) Referral/help to access other supports	43
c) Referral/help to access advocacy supports	42
d) Referral/help to access legal support	41
e) Referral/help to access health services	21
f) Referral/help to access disability supports	17
g) Referral/help to access support person	14
3. Police/justice action	
a) Other police/justice action	50
b) ADVO put in place	8
c) APVO put in place	1
4. Review/assessment of needs/supports	
a) Review/assessment of disability supports	32
b) Review/assessment of aged care supports	31
c) Review/assessment of health/medical needs	20
d) Review/assessment of decision-making capacity	12
e) Review/assessment of psychological/mental health needs	7
f) Review/assessment of behaviour support needs	2
g) Review/assessment of communication needs	1
5. Accommodation changed	
a) Change in accommodation	27
b) Person removed from premises	7
6. Supports/services provided or increased	
a) Aged care support provided/increased	24
b) Disability support provided/increased	19
c) Other supports/services provided/increased	14
d) Health/medical support provided/increased	12
e) Psychological/mental health support provided/increased	10
f) Victim support provided	8
g) Reduced/addressed social isolation	7
h) Improved community access	6

⁹ Data relates to reports received 1 July 2019 – 30 June 2020, and closed 1 January 2020 – 30 June 2020, as Person Outcomes data was only able to be entered when closing matters from 1 January 2020.

¹⁰ There can be multiple outcomes for a person.

Person outcomes – reports closed 1 January 2020 – 30 June 2020 (total = 1,266)⁹	Number¹⁰
i) Access to advocacy or decision-making support	5
j) Communication support provided/increased	4
7. Application to NCAT	
a) Guardianship application	19
b) Financial management application	11
8. Review/change to decision-making arrangements	
a) Guardian appointed	12
b) Guardianship order reviewed/changed	3
c) Trustee appointed or changed	3
d) Financial management order reviewed/changed	2
e) Power of Attorney changed	1
f) Power of Attorney/ Enduring Power of Attorney revoked	1
9. Review/ change to NDIS supports	
a) Other review/change to NDIS supports	8
b) Additional NDIS funding approved	7
c) Change to NDIS support coordination	5
d) NDIS plan management changed	1
10. Change of service	
a) Change of agency/service provider	

Table 8: Subject of Allegation outcomes, reports closed 1 January – 30 June 2020

Subject of Allegation outcomes – reports closed 1 January 2020 – 30 June 2020 (total = 1,266)¹¹	Number¹²
1. Support provided	
a) Linked to/received more support	27
2. Education or advice provided	
a) Education or advice provided	14
3. Access stopped or reduced	
a) Reduced/supervised access	12
b) Removed from premises	7
c) Prevented from access	7
4. Police/justice action	
a) ADVO put in place	8
b) Criminal charges	3
c) APVO put in place	1
5. Removal of PSOA as authority	
a) Removal as POA or EPOA	3
b) Removal of other authority	2
c) Removal as financial manager	1
d) Removal as enduring guardian	1
6. Removal/change to benefit	
a) Other removal/change to benefit	2

¹¹ Data relates to reports received 1 July 2019 – 30 June 2020, and closed 1 January 2020 – 30 June 2020, as Subject of Allegation Outcomes data was only able to be entered when closing matters from 1 January 2020.

¹² There can be multiple outcomes for an individual.

Subject of Allegation outcomes – reports closed 1 January 2020 – 30 June 2020 (total = 1,266) ¹¹	Number ¹²
b) Benefit removed	1
7. Action on worker check	
a) Worker clearance removed	1
b) Other action on worker check	1

Table 9: Number and outcome of referrals by ADC to mandatory agencies, 2019-2020

Outcome of referral ¹³	Referral made to				Total
	Health Care Complaints Commission	Aged Care Quality and Safety Commission	NDIS Quality and Safeguards Commission	NSW Police Force	
Agency accepted referral	6	24	10	19	59
Agency advised no further action	0	0	0	7	7
Agency advised will act on matter	6	9	6	19	40
Agency made inquiries – no further action	0	0	1	57	58
Agency made inquiries – taking/took further action	1	6	4	9	20
Agency investigated – no further action	0	0	0	3	3
Agency investigated – taking/ took further action	0	1	0	7	8
Agency did not advise	0	0	2	2	4
Other	0	1	1	5	7
Total	13	41	24	128	206

Table 10: Number and outcome of referrals by ADC to other person or body, 2019-2020

Referral made to	Outcome of referral ¹⁴	Number
Advocacy supports (including Disability Advocacy NSW, People with Disability Australia, Intellectual Disability Rights Service, Multicultural Disability Advocacy Association, Self-Advocacy Sydney, Seniors Rights Service)	Agency accepted referral	16
	Agency advised will act on matter	4
	Agency advised matter declined at outset	1
Aged care assessment and supports (including My Aged Care, Aged Care Assessment Teams)	Agency accepted referral	5
	Agency advised will act on matter	1
	Agency made inquiries and is taking/ took further action	3
Community support services (including Leichhardt Women’s Service)	Agency accepted referral	1
Disability supports (including Momentum Collective, Pathfinders, Spinal Cord Injuries Australia, St Vincent de Paul)	Agency accepted referral	4
	Agency advised will act on matter	3
Financial services (including banks)	Agency advised will act on matter	1

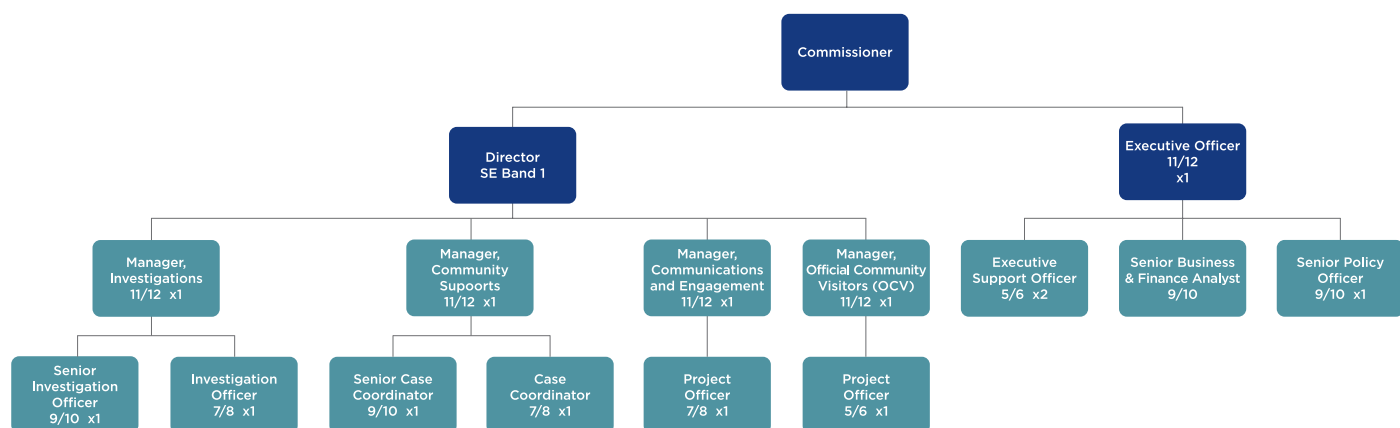
¹³ We capture the most detailed outcome level – eg: if an agency advises that it accepts the referral, and subsequently advises that it investigated and is taking further action, we record the latter action.

¹⁴ We capture the most detailed outcome level – eg: if an agency advises that it accepts the referral, and subsequently advises that it investigated and is taking further action, we record the latter action.

Referral made to	Outcome of referral ¹⁴	Number
Complaint bodies¹⁵ (including NSW Ombudsman, Office of the Legal Services Commissioner)	Agency accepted referral	3
	Agency advised will act on matter	2
Commonwealth Government agency (including National Disability Insurance Agency, Services Australia)	Agency accepted referral	1
	Agency advised with act on matter	
NSW Government agency (including Department of Communities and Justice, NSW Trustee and Guardian)	Agency accepted referral	3
	Agency advised will act on matter	1
	Other	1
Health services (including Older Person's Mental Health Service and medical practice)	Agency accepted referral	1
	Agency advised will act on matter	1
Immigration supports (including Settlement Services International)	Agency accepted referral	1
Legal supports (including Justice Connect, Seniors Rights Service, Legal Aid, Northern Rivers Community Legal Centre, Women's Legal Service)	Agency accepted referral	22
	Agency advised will act on matter	10
	Agency advised matter declined at outset	2
	Agency made inquiries, is taking/took further action	1
	Other	1
Mediation support (including Relationships Australia)	Agency accepted referral	12
	Agency advised will act on matter	2
	Agency advised matter declined at outset	1
Total		109

¹⁵ Excludes referrals to mandatory agencies (separately reported in table 9).

A2. Our people



A2.1 Senior Executive

As at 30 June 2020, we had two senior executives, including the Commissioner. One of the senior executives is woman. The Commissioner is a statutory officer.

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)

The details of the levels of our senior positions and their remuneration is shown below. Although the Commissioner is not subject to the GSE Act, he is included to make the table complete.

The tables below provide details of the levels of our senior positions and their remuneration. The Commissioner is included in these tables.

Table 11: Senior executive levels

	2019/2020	
	Male	Female
Band 4	0	0
Band 3	0	0
Band 2	1	0
Band 1	0	1
Total	1	1

Table 12: Senior executive remuneration

	2019/2020	
	Range	
Band 4	475 151 to 548 950	0
Band 3	337 100 to 475 150	0
Band 2	268 001 to 337 100	327 715
Band 1	187 900 to 268 000	218 687

The percentage of total employee-related expenditure in the reporting year that relates to senior executives is 17.6%.

A2.2 Staff

At 30 June 2020, we have 15 people working for us either full-time or part-time on an ongoing basis.

Table 13: Number of employees by employment category

Employment category	Number of employees
Grade 11/12	5
Grade 9/10	4
Grade 7/8	3
Grade 5/6	3

No exceptional movements in wages, salaries or allowances were made in the first year of operation. A personnel service arrangement between the ADC and DCJ has been established, which means ADC staff are employed by 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 the 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.

A3. Corporate Governance

Internal Audit and Risk Management Attestation



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 of Comprehensive Income for the year ended 30 June 2020, the Statement of Financial Position as at 30 June 2020, the Statement of Changes in Equity and the Statement of Cash Flows for the year then ended, notes comprising a Summary of Significant Accounting Policies and other explanatory information.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2020, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

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.

Other Information

The Office's annual report for the year ended 30 June 2020 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The NSW Ageing and Disability Commissioner is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by the NSW Ageing and Disability Commissioner.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

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 and the PF&A Act, and for 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 assumptions used in formulating the budget figures disclosed in the financial statements
- 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.

S Bond .

Sally Bond
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

14 October 2020
SYDNEY

Office of the Ageing and Disability Commissioner

[ABN 52 330 968 585]

Annual Financial Statements

for the year ended 30 June 2020

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Office of the Ageing and Disability Commissioner
STATEMENT BY THE NSW AGEING AND DISABILITY COMMISSIONER
for the year ended 30 June 2020

Pursuant to Section 45F of the Public Finance and Audit Act 1983, I state that:

- (a) The accompanying financial statements have been prepared in accordance with applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the requirements of the *Public Finance and Audit Act 1983* (the Act), the *Public Finance and Audit Regulation 2015* and Treasurer's Directions issued under the Act.
- (b) The financial statements exhibit a true and fair view of the financial position as at 30 June 2020 and financial performance of the Office of the Ageing and Disability Commissioner for the year then ended.
- (c) As at the date of this statement, there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Robert Fitzgerald, AM
NSW Ageing and Disability Commissioner
Office of the Ageing and Disability Commissioner

13 October 2020

Office of the Ageing and Disability Commissioner
STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2020

Start of audited financial statements

	Notes	Actual 2020 \$
Continuing operations		
Expenses excluding losses		
Personnel services expenses	2(a)	3,094,273
Operating expenses	2(b)	1,570,158
Depreciation and amortisation	2(c)	73,856
Grants and subsidies	2(d)	1,165,938
Total expenses excluding losses		5,904,225
Revenue		
Grants and contributions	3(b)	6,819,137
Acceptance by the Crown Entity for personnel services	3(c)	67,902
Total revenue		6,887,039
Net result		982,814
Other comprehensive income		
TOTAL COMPREHENSIVE INCOME		982,814

The accompanying notes form part of these financial statements.

Office of the Ageing and Disability Commissioner
STATEMENT OF FINANCIAL POSITION
as at 30 June 2020

	Notes	Actual 2020 \$
ASSETS		
Current assets		
Cash and cash equivalents	4	-
Receivables	5	67,259
Total current assets		67,259
Non-current assets		
Plant and equipment	6	182,108
Intangible assets	7	781,321
Total non-current assets		963,429
Total assets		1,030,688
LIABILITIES		
Current liabilities		
Payables	8	47,874
Total current liabilities		47,874
Total liabilities		47,874
Net assets		982,814
EQUITY		
Accumulated funds		982,814
Total equity		982,814

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 2020

	Notes	Accumulated funds	Total equity
		\$	\$
Balance at 1 July 2019		-	-
Changes in accounting policy		-	-
Restated balance at 1 July 2019		-	-
Net result for the year		982,814	982,814
Other comprehensive income		-	-
Total comprehensive income for the year		982,814	982,814
Transactions with owners in their capacity as owners		-	-
Balance at 30 June 2020		982,814	982,814

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 2020

	Notes	Actual 2020 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Payments		
Personnel services related		(3,072,799)
Suppliers for goods and services		(851,906)
Grants and subsidies		(1,282,532)
Total payments		(5,207,237)
Receipts		
Grants and other contributions		5,982,580
Reimbursements from the Crown Entity for personnel services		67,902
GST recoveries		194,040
Total receipts		6,244,522
NET CASH FLOWS FROM OPERATING ACTIVITIES	11	1,037,285
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of plant and equipment		(203,876)
Purchase of intangible assets		(833,409)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(1,037,285)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENTS		
Opening cash and cash equivalents		-
CLOSING CASH AND CASH EQUIVALENTS	4	-

The accompanying notes form part of these financial statements.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2020

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 2020 have been authorised for issue by the Commissioner on the recommendation of the Audit and Risk Committee on 13 October 2020.

(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 *Public Finance and Audit Act 1983 (Act)* and *Public Finance and Audit Regulation 2015*; and
- Treasurer's Directions issued under the Act.

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 one 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 period retained funds.

(f) Comparative information

No comparative information is provided as ADC was established on 1 July 2019. 2019-20 is the first year of operation of the ADC.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2020

1. Summary of significant accounting policies (continued)

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

i) Effective for the first time in 2019-20

The ADC applied AASB 15 *Revenue from Contracts with Customers*, AASB 1058 *Income of Not-for-Profit Entities*, and AASB 16 *Leases* for the first time. The nature and effect of the changes as a result of adoption of these new accounting standards are described below.

Several other amendments and interpretations apply for the first time in 2019-20, but do not have an impact on the financial statements of the ADC.

AASB 15 Revenue from Contracts with Customers

AASB 15 supersedes AASB 111 *Construction Contracts*, AASB 118 *Revenue* and related Interpretations and it applies, with limited exceptions, to all revenue arising from contracts with customers. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers and requires that revenue be recognised at an amount that reflects the consideration to which an ADC expects to be entitled in exchange for transferring goods or services to a customer.

AASB 15 requires entities to exercise judgement, taking into consideration all of the relevant facts and circumstances when applying each step of the model to contracts with their customers. The standard also specifies the accounting for the incremental costs of obtaining a contract and the costs directly related to fulfilling a contract. In addition, the standard requires relevant disclosures.

ADC adopted AASB 15 from 1 July 2019, the date of initial application of the Standard. The revenue recognised by the ADC in the current financial year does not include any revenue stream that falls under the scope of AASB 15. Therefore, the adoption of AASB 15 does not have any impact on the financial statements of the ADC.

AASB 1058 Income of Not-for-Profit Entities

AASB 1058 replaces most of the existing requirements in AASB 1004 *Contributions*. The scope of AASB 1004 is now limited mainly to contributions by owners (including parliamentary appropriations that satisfy the definition of a contribution by owners), administrative arrangements and liabilities of government departments assumed by other entities.

AASB 1058 applies to income with a donation component, i.e. transactions where the consideration to acquire an asset is significantly less than fair value principally to enable a not-for-profit entity to further its objectives; and volunteer services. AASB 1058 adopts a residual approach, meaning that entities first apply other applicable Australian Accounting Standards (e.g. AASB 1004, AASB 15, AASB 16, AASB 9, AASB 137) to a transaction before recognising income.

The ADC needs to determine whether a transaction is/contains a donation (accounted for under AASB 1058) or a contract with a customer (accounted for under AASB 15).

AASB 1058 requires recognition of receipt of an asset, after the recognition of any related amounts in accordance with other Australian Accounting Standards, as income:

- when the obligations under the transfer is satisfied, for transfers to enable an entity to acquire or construct a recognisable non-financial asset that will be controlled by the entity.
- immediately, for all other income within the scope of AASB 1058.

The ADC has adopted AASB 1058 from 1 July 2019, the date of initial application of the Standard.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

1. Summary of significant accounting policies (continued)

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

AASB 1058 Income of Not-for-Profit Entities (continued)

The effect of adopting AASB 1058 is as follows:

Impact on Statement of Comprehensive Income (increase/(decrease)):

Notes	30-Jun-20	30-Jun-20	30-Jun-20
	\$	\$	\$
	AASB 1058	Without adoption of AASB 1058	Impact of AASB 1058
Revenue			
Grants and contributions	6,819,137	6,047,439	771,698
Acceptance by the Crown Entity for personnel services	67,902	67,902	-
Expenses			
Personnel services expenses	3,094,273	3,094,273	-
Operating expenses	1,570,158	798,460	771,698
Depreciation and amortisation	73,856	73,856	-
Grants and subsidies	1,165,938	1,165,938	-
Net result	982,814	982,814	-

The adoption of AASB 1058 did not have an impact on Other Comprehensive Income, Statement of Financial Position and the Statement of Cash Flows for the financial year.

The nature of these adjustments is described below:

Grants and contributions include volunteer services of \$771,698 received from the Department of Communities and Justice (DCJ) for corporate services provided to the ADC by the DCJ. The volunteer service can be reliably measured based on the costing model disclosed in a Service Partnership Agreement between the ADC and the DCJ. The services would have been purchased if they had not been donated as the ADC does not have resources to perform financial, IT and HR functions.

AASB 16 Leases

AASB 16 supersedes AASB 117 *Leases*, Interpretation 4 *Determining whether an Arrangement contains a Lease*, Interpretation 115 *Operating Leases – Incentives* and Interpretation 127 *Evaluating the Substance of Transactions Involving the Legal Form of a Lease*. The standard sets out the principles for the recognition, measurement, presentation and disclosure of leases and requires lessees to recognise most leases on the balance sheet.

Lessor accounting

Lessor accounting under AASB 16 is substantially unchanged from AASB 117. Lessors will continue to classify leases as either operating or finance leases using similar principles as in AASB 117. Therefore, AASB 16 does not have a significant impact for leases where the entity is the lessor.

Lessee accounting

AASB 16 requires the entity to account for all leases under a single on-balance sheet model similar to the accounting for finance leases under AASB 117. As the lessee, the entity recognises a lease liability and right-of-use asset at the inception of the lease. The lease liability is measured at the present value of the future lease payments, discounted using the interest rate implicit in the lease, or the lessee's incremental borrowing rate if the interest rate implicit in the lease cannot be readily determined. The corresponding right-of-use asset is measured at the value of the lease liability adjusted for lease payments before inception, lease incentives, initial direct costs and estimates of costs for dismantling and removing the asset or restoring the site on which it is located.

The ADC does not have any contracts entered into as a lessee in 2019-20 and therefore there is no impact from the adoption of AASB 16.

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2020

1. Summary of significant accounting policies (continued)

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

ii) Issued but not yet effective

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

The following new AAS have not been applied and are not yet effective, as per NSW Treasury Circular TC 20-01:

- AASB 1059 *Service Concession Arrangements: Grantors*
- AASB 2018-5 Amendments to Australian Accounting Standards – *Deferral of AASB 1059*
- AASB 2018-7 Amendments to Australian Accounting Standards – *Definition of Material*
- AASB 2019-1 Amendments to Australian Accounting Standards – *References to the Conceptual Framework*
- AASB 2019-2 Amendments to Australian Accounting Standards – *Implementation of AASB 1059*
- AASB 2019-7 Amendments to Australian Accounting Standards – *Disclosure of GFS Measures of Key Fiscal Aggregates and GAAP/GFS Reconciliations.*

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

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

2 Expenses excluding losses

	2020
	\$
(a) Personnel services expenses	
Salaries and wages (including annual leave)*	2,642,113
Superannuation - defined benefit plans	2,572
Superannuation - defined contribution plans	177,778
Long service leave	65,190
Workers' compensation insurance	67,685
Payroll tax and fringe benefit tax	138,935
	3,094,273

* Employee related costs capitalised in fixed asset accounts are excluded from the above and totalled \$nil in 2019-20.

Recognition and measurement

The ADC does not directly employ staff, and therefore does not recognise employee related expenses and employee related provisions. 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 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.

(b) Expenses excluding losses	
Auditor's remuneration - external	24,000
Advertising and public awareness campaigns	339,758
Motor vehicle operating costs	2,651
Contractors and outsourced service	2,114
IT related costs	10,651
Legal and other professional fees	91,783
Fees for services	91,891
Printing	4,651
Repairs and maintenance*	4,726
Staff related costs	41,782
Postage and stationary	14,225
Telecommunication	15,586
Travel ^a	144,279
Volunteer services expenses ^b	771,698
Other operating expenses	10,363
	1,570,158

* Reconciliation - Total maintenance

Maintenance expense - contracted labour and other (non-employee related) as above	4,651
Total maintenance expenses included in Note 2(a) and Note 2(b)	4,651

(a) Travel mainly relates to activities for the Official Community Visitor (OCV) scheme.

(b) Volunteer services arise from the ADC's Service Partnership Agreement with the Department of Communities and Justice to provide corporate services free of charge.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

2 Expenses excluding losses (continued)

(b) Operating expenses (continued)

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.

(c) Depreciation and amortisation

	2020
	\$
Depreciation	
Plant and equipment	21,768
	<u>21,768</u>
Amortisation	
Intangible assets	52,088
	<u>52,088</u>
Total depreciation and amortisation	<u>73,856</u>

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

(d) Grants and subsidies

Grants for NSW ageing and disability abuse helpline service	1,165,938
Total	<u>1,165,938</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) Movement of Section 4.7 GSF Act - deemed appropriations

Opening balance	-
Add: additions of deemed appropriations	6,244,522
Less: expenditure charged against deemed appropriations	<u>(6,244,522)</u>
Closing balance	<u>-</u>

(b) Grants and contributions

Grants without sufficiently specific performance obligations:	
Recurrent grants from NSW Department of Communities and Justice	5,010,154
Capital grants from NSW Department of Communities and Justice	1,037,285
Volunteer services	771,698
	<u>6,819,137</u>

Recognition and measurement

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

Receipt of volunteer services is recognised when and only when the fair value of those services can be reliably determined and the services would have been purchased if not donated. Volunteer services are measured at fair value. The ADC receives corporate services free of charge from the Department of Communities and Justice in 2019-20.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

3 Revenue (continued)

(c) **Acceptance by the Crown Entity for personnel services**

	2020
	\$
The following liabilities and / or expenses have been assumed by the Crown Entity:	
Superannuation	2,572
Long service leave	65,190
Payroll tax	140
	67,902

4 Current assets - cash and cash equivalents

Cash at bank and on hand	-
	-

For the purpose of the Statement of Cash Flows, cash at bank and cash on hand is Nil as at 30 June 2020. Refer to Note 12 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

5 Current assets - receivables

Current receivables

Amount due from other government agencies	64,859
GST recoverable from the Australian Taxation Office	2,400
	67,259

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.

6 Plant and equipment

	Plant and equipment	Total
	\$	\$
At 1 July 2019 - fair value		
Gross carrying amount	-	-
Accumulated depreciation and impairment	-	-
Net carrying amount	-	-
At 30 June 2020- fair value		
Gross carrying amount	203,876	203,876
Accumulated depreciation and impairment	(21,768)	(21,768)
Net carrying amount	182,108	182,108

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

6 Plant and equipment (continued)

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	Total
	\$	\$
Year ended 30 June 2020		
Net carrying amount at start of year	-	-
Purchase of assets	203,876	203,876
Depreciation expense	(21,768)	(21,768)
Net carrying amount at end of year	182,108	182,108

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. The entity 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. As a not-for-profit entity, an impairment loss is recognised in net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

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 entity. 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 2020

7 Intangible assets

	Software	Total
	\$	\$
At 1 July 2019		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
Net carrying amount	-	-
At 30 June 2020		
Cost (gross carrying amount)	833,409	833,409
Accumulated amortisation and impairment	(52,088)	(52,088)
Net carrying amount	781,321	781,321

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:

	Software	Total
	\$	\$
Year ended 30 June 2020		
Net carrying amount at start of year	-	-
Additions	833,409	833,409
Amortisation expense	(52,088)	(52,088)
Net carrying amount at end of year	781,321	781,321

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 over a period of 8 years. 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.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

8 Current liabilities - payables

	2020
	\$
Personnel services payable to DCJ	21,474
Accrued expenses	26,400
	<u>47,874</u>

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 Commitment for expenditure

Capital commitments

The ADC has no capital expenditure commitments as at 30 June 2020.

10 Contingent liabilities and contingent assets

The ADC is unaware of any matters that may lead to disclosure of contingent liabilities or contingent assets.

11 Reconciliation of operating cash flows to net result

Net cash flows from operating activities	1,037,285
Depreciation and amortisation expense	(73,856)
Increase in prepayments and other assets	67,259
Increase in payables	<u>(47,874)</u>
Net result	<u>982,814</u>

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

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.

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.

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.

(a) Financial instrument categories

As at 30 June 2020 under AASB 9 Class	Note	Category	2020 Carrying Amount \$
Financial Assets			
Cash and cash equivalents	4	Amortised cost	-
Receivables ¹	5	Amortised cost	64,859
			64,859
Financial Liabilities			
Payables ²	8	Financial liabilities measured at amortised cost	47,874
			47,874

Notes

- 1. Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).
- 2. Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

(b) 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).

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2020

12 Financial Instruments (continued)

(b) Credit risk (continued)

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 2020 was nil.

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.

(c) 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. The entity'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.

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	Nominal Amount	Interest Rate Exposure			Maturity Dates		
			Fixed Interest Rate	Variable Interest Rate	Non-interest bearing	< 1 year	1 -5 years	> 5 years
		\$				\$	\$	\$
2020								
Payables	N/A	47,874			47,874	47,874	-	-
Total Financial Liabilities		47,874			47,874	47,874	-	-

(d) 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 2020. The ADC has no exposure to foreign currency risk and does not enter into commodity contracts.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

12 Financial Instruments (continued)

(d) Market risk (continued)

The effect on profit and equity due to reasonably possible change in risk variable is outlined in the information below, for interest rate risk and other price risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the ADC operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the Statement of Financial Position reporting date. This is the first year of analysis performed by the ADC.

(e) 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.

ADC has no interest rate exposure as it has no interest bearing financial assets and financial liabilities at 30 June 2020.

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

13 Related party disclosures

The ADC's key management personnel is the NSW Ageing and Disability Commissioner, during the year, and his compensation is as follows:

Short term employee benefits:

	2020
	\$
Salaries	307,751
Other monetary allowances	29,236
Total remuneration	336,987

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 the 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 transaction include:

- (i) Receipts of grant contributions, personnel and related services and volunteer services for corporate services from the Department of Communities and Justice
- (ii) Long Service Leave assumed by the Crown for personnel services provided by the Department of Communities and Justice

14 COVID-19 disclosures

COVID-19 did not materially affect the operations. 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 2020.

15 Events after the reporting period

No matter or circumstance has arisen since 30 June 2020 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.

Office of the Ageing and Disability Commissioner
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 30 June 2020

15 Events after the reporting period (continued)

ADC's personnel services expenses include a 3.2% salary escalation rate in calculating long service leave and 2.5% for annual leave expenses. The NSW government initiated action to suspend the annual increase from 1 July 2020. A decision was made by the Industrial Relations Commission on 1 October 2020 that the wage rise rates will be revised to 0.3%. The impact of this change is not considered to be material.

END OF AUDITED FINANCIAL STATEMENTS



24 August 2020

Cyber Security Annual Attestation Statement for the 2019-2020 Financial Year for the Ageing and Disability Commission

I, Robert Fitzgerald AM, am of the opinion that the Ageing and Disability Commission has managed cyber security risks, in conjunction with the Department of Communities and Justice, in a manner consistent with the Mandatory Requirements, as set out in the NSW Government Cyber Security Policy.

Governance is in place to manage the cyber security maturity and initiatives of the Ageing and Disability Commission.

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

For the stated reporting period, the Ageing and Disability Commission relied upon the cyber incident response plan of the Department of Communities and Justice, as well as their Information Security Management System (ISMS).

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

- Review, update and implementation of Information Management Policies to align with the ADC's requirements, in support of the NSW Cyber Security Policy:
 - ADC Access Control Policy;
 - ADC Data Privacy and Protection Policy;
 - ADC ICT Acceptable use Policy;
 - ADC Information Security Policy;
 - ADC Information Technology Security Policy
- Cyber Security Awareness Training through on-boarding induction, ongoing messaging and Cyber Security exercises (simulated phishing attacks etc)
- Systems- Data Store reviews to identify and implement correct data classifications and controls
- Participation in Whole of Government Cyber Security Forums and exercises.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Fitzgerald', is placed above the printed name.

Robert Fitzgerald, AM
Ageing and Disability Commissioner

Ageing and Disability Abuse Helpline
1800 628 221

Internal Audit and Risk Management Attestation

Internal Audit and Risk Management Attestation Statement for the 2019-2020 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 (ADC) is in *transitional arrangements*, described below, to becoming compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*, specifically:

Core Requirements	For each requirement, please specify whether compliant, non-compliant, or in transition
Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency	<i>In Transition</i>
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	<i>In Transition</i>
Internal Audit Function	
2.1 An internal audit function has been established and maintained	<i>In Transition</i>
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	<i>In Transition</i>
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	<i>In Transition</i>
Audit and Risk Committee	
3.1 An independent and Audit and Risk Committee with appropriate expertise has been established	<i>In Transition</i>
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	<i>In Transition</i>
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	<i>In Transition</i>

Membership

There was no Audit and Risk Committee for the financial year 1 July 2019 to 30 June 2020.

Departures from Core Requirements

I, Robert Fitzgerald, advise that the internal audit and risk management processes for the Office of the Ageing and Disability Commissioner depart from the following core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*:

- The departure from the core requirements is due to the agency implementing measures to achieve compliance with policy requirements consistent with the permitted transitional arrangements (page 13, TPP 15-03) for new agencies.
- NSW Government establishing the **new agency** effective 1 July 2019.
- On 10 June 2020 a Proclamation added the Office of the Ageing and Disability Commissioner to the *Public Finance and Audit Act 1983* as a **Schedule 3 Department** effective 1 July 2020.

Departure	Reason for departure and description of practicable alternative measures implemented/being implemented
In Transition	
<ul style="list-style-type: none"> • Core Requirement 1.1 • Core Requirement 1.2 • Core Requirement 2.1 • Core Requirement 2.2 • Core Requirement 2.3 • Core Requirement 3.1 • Core Requirement 3.2 • Core Requirement 3.3 	As above: <ul style="list-style-type: none"> • NSW Government establishing the agency effective 1 July 2019 • On 10 June 2020 a Proclamation added the Office of the Ageing and Disability Commissioner to the <i>Public Finance and Audit Act 1983</i> as a Schedule 3 Department effective 1 July 2020

Transitional Arrangements

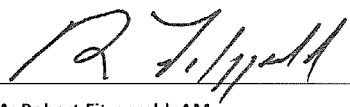
- Implementation of transitional arrangements by new agencies to comply with the Core Requirements of the Policy is permitted under *TPP 15-03 Internal Audit and Risk Management Policy for the NSW Public Sector*, page 13, within 24 months.
- The Office of the Ageing and Disability Commissioner plans to complete its transitional arrangements by December 2020.
- This will ensure full compliance with the Policy by 30 June 2021.

As required by TPP 15-03 I, Robert Fitzgerald, detail in this Attestation Statement, the steps the Office of the Ageing and Disability Commissioner will take to achieve 'compliance' with all Core Requirements.

I, Robert Fitzgerald, note I am not required to apply to the agency's Portfolio Minister for an exception from the Core Requirement(s) for this reporting period as the Office of the Ageing and Disability Commissioner is in transitional arrangements.

Transition Plan/Steps

- A "Principal Department Led Shared Arrangement" has been established through a formal arrangement letter. (*ARC Shared Arrangements Agreement - DCJ ADC*)
- A "Secretary Letter to Treasury - DCJ & ADC ARC Shared Arrangement" to inform NSW Treasury has been prepared.
- The "Principal Department Led Shared Arrangement" becomes effective September 2020 at its first formal Audit and Risk Committee meeting.
- The FY20 Financial Statements will be reviewed under a "governance arrangement letter" with the Principle Department's Audit and Risk Committee.
- The Office of the Ageing and Disability Commissioner will leverage off of the Department's frameworks, including systems, processes and procedures for appropriately managing audit and risk within the Office of the Ageing and Disability Commissioner.
- In preparation for the September 2020 start date the following artefacts have been agreed:
 - ADC Audit and Risk Committee Charter
 - ADC Internal Audit Charter
- The Office of the Ageing and Disability Commissioner has appointed a Chief Audit Executive (CAE). The Director, Audit from the principle department will fulfil this role to assist in establishing arrangements by the agency to comply with all Core Requirements of the Policy.
- The CAE will establish a fit-for-business internal audit function and will develop an agency specific Internal Audit Program for the Financial Year ending 30 June 2021 (FY21).
- It is planned that the Office of the Ageing and Disability Commissioner Audit and Risk Committee will have met four (4) times for the Financial Year ending 30 June 2021 (FY21).
- The Secretarial services will, as agreed, be provided by the principle department.
- Risk Management is being established by the Governance and Risk consultant engaged by the Office of the Ageing and Disability Commissioner.



Mr Robert Fitzgerald, AM
 Commissioner
 Ageing and Disability Commission

15/9/20

A4. 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 Ageing and Disability Commissioner on issues related to abuse, neglect and exploitation of older people and adults with disability. The members are:

- Eileen Baldry
- Elena Katrakis
- Irene Gallagher
- Jan Primrose
- Joan Hughes
- Justine O'Neill
- Kathryn Greiner
- Mark Grierson
- Maryanne Ireland
- Russell Westacott
- Wendy Morgan
- Zoe Brissett

Further information relating to the members can be accessed on the ADC [website](#).

A5. Legislative changes

There were no changes to the ADC Act during the year. However, there were changes to other legislation that affect the ADC.

1. On 1 July 2019, amendments to the Retirement Villages Regulation 2017 came into effect, including Schedule 3A Rules of Conduct for Operators of Retirement Villages. Rule 10 requires retirement village operators to prepare a strategy for the 'identification and prevention of any elder abuse in the retirement village'. Among other things, the strategy must include guidance for accessing the services and resources of the Elder Abuse Helpline and Resource Unit (now the Ageing and Disability Abuse Helpline) and the ADC.
2. On 1 March 2020, the Children's Guardian Act 2019 commenced. At that time, provisions relating to the Official Community Visitor scheme and children in residential out-of-home care moved from the Community Services (Complaints, Reviews and Monitoring) Act 1993 under the NSW Ombudsman, to the Children's Guardian Act. By way of agreement between the Ageing and Disability Commissioner and the Children's Guardian, the ADC is currently administering the full OCV scheme on behalf of both offices. This arrangement will be reviewed prior to 30 June 2022.

During the year, the ADC commenced discussions with DCJ's Legal Unit about proposed changes to our Regulation to improve the exercise of our functions and strengthen protections. In the main, the requested changes pertain to extending the agencies that are prescribed as 'relevant agencies' for the purposes of the ADC Act; prescribing Registered Nurses and speech pathologists as a 'relevant health practitioner' to accompany the ADC in the execution of a search warrant; and providing protections to parties who provide information to, or assist, the ADC. Further work on the proposed regulatory changes will be taken in 2020-21.

A6. Public access to our information

Under section 7(3) of the 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 to Parliament, and access to our monthly newsletter that is distributed to a database of 404 subscribed members. All flyers and fact sheets are available on our website for stakeholders to download or request.

Table 14: Publications released in 2019-20

Reports and submissions
<ul style="list-style-type: none">• A report to Parliament on our Disability Advocacy Review, under s26 of the ADC Act.• Submissions to the Disability Royal Commission on health care for people with cognitive disability; group homes; and the criminal justice system.• Submissions to reviews of the Boarding Houses Act 2012, and the Disability Inclusion Act 2014.
Newsletters
<ul style="list-style-type: none">• 16 newsletters were sent to our database, comprising 404 registered subscribers.
Fact sheets, brochures and printed collateral
<ul style="list-style-type: none">• Two fact sheets related to the rights of older people and adults with disability, and how to contact the Ageing and Disability Abuse Helpline.• One information card for service providers explaining the role of the ADC and support available from the Ageing and Disability Abuse Helpline• One pocket card designed for the NSW Police to detect and respond to concerns of abuse, neglect or exploitation of an older person or adult with disability.• One wellbeing checklist identifying indicators of abuse.• One brochure defining abuse, neglect and exploitation and the rights of older people and adults with disability.• Branded pens promoting the Ageing and Disability Abuse Helpline.
Overall, approximately 25,500 pieces of the above collateral were distributed.

A6.2 Statistical information about access applications

The ADC did not receive any formal requests for access to information under the Government Information (Public Access) Act 2009 (GIPA Act) during the reporting year. We received and responded to one informal request for access to information.

Statistical information about access applications made to our office during the reporting year is set out in the following tables.

Table 15: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Info not held	Info already available	Refuse to deal with application	Refuse to confirm/deny whether info 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
Members 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 16: Number of applications by type of application and outcome*

	Access granted in full	Access granted in part	Access refused in full	Info not held	Info already available	Refuse to deal with application	Refuse to confirm/deny whether info is held	Application withdrawn
Personal information applications**	0	0	0	0	0	0	0	0
Access applications (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 17: Invalid applications

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

Table 18: 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 19: 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 20: 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 21: 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 22: 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 23: 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

A7. Public interest disclosures

There were no public interest disclosures during the 2019-20 reporting year.

A8. Privacy and personal information

There were no internal reviews conducted under the *Privacy and Personal Information Protection Act 1998* (PPIPA) in 2019-20.

During the reporting period, we developed and provided internal guidance to operational staff on information sharing under the ADC Act and the intersection with PPIPA and the Health Records and Information Privacy Act 2002. In 2020-21, the ADC will prepare and implement a Privacy Management Plan.

A9. 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. In our first year of operation, we finalised and released our Complaints policy, including an Easy Read version; both versions are available on our website.

In 2019-20, we received one complaint about the actions of our staff, alleging that a staff member was unprofessional during a telephone call. We resolved the complaint within two days, including providing an apology to the complainant, discussing the matter with the staff member, and re-opening the report to make further inquiries.

We were contacted by one other person, raising concerns about the conduct of a staff member. When contacted, the person advised that they did not wish to make a complaint.

In 2020-21, we will be establishing mechanisms to obtain feedback from stakeholders, in line with our Strategic Plan.

A10. 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.) ref 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	Letters to the President and Speaker	5
6	Application for extension of time	N/A	-
7	Charter	About the ADC	10-12
8	Aims and Objectives	About the ADC	10-12
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 & structure	Appendix A2: Our People	54
11	Summary review of operations	Our work in 2019-20 Section 8: Financial Activities and Operations	13 48
12	Funds granted to non-government community organisations	Name of recipient organisation: Catholic HealthCare Amount of grant: \$1,282,532 Program area as per Budget paper: Ageing and Disability Helpline	-
13	Legal change	The ADC 2019 (No 7) Act - from 1 July 2019	83
14	Economic or other factors	Section 8: Financial Activities and Operations	48

15	Management and activities	Strategic plan Our work in 2019-20 A1: Referrals and outcomes	12 13 50
16	Research and development	N/A	-
17	Human Resources	Appendix A2: Our People	54
18	Consultants	Nil	-
19	Workforce Diversity	N/A - To be reported on a triennial basis	-
20	Disability Inclusion Actions Plans	N/A Note: the <i>Disability Inclusion Act 2014</i> 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 A9: Complaints about us	88
24	Payment of Accounts	Overview Financial Statements	59
25	Time for Payment of Accounts	Nil	-
26	Risk management and insurance activities	Appendix A3: Corporate Governance and Work Arrangements Appendix A3: Internal Audit and Risk Management Attestation Statement During 2019-20, ADC insurance coverage was provided through the DCJ insurance policies.	56
27	Internal Audit and Risk management policy attestation	Appendix A3: Corporate Governance and Work Arrangements Appendix A3: Internal Audit and Risk Management Attestation Statement	56
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	N/A - To be reported on a triennial basis	-
31	Agreements with Multicultural NSW	N/A - To be reported on a triennial basis	-
32	Work Health and Safety (WHS)	N/A - To be reported on a triennial basis	-
33	Budgets	N/A	-
34	Financial Statements	Section 8.3: Our financial performance	49
35	Identification of audited financial statements	Section 8.3: Our financial performance	49
36	Inclusion of unaudited financial statements	N/A	-
37	Additional matters - statement of the action taken to comply with the PPIP Act	Appendix A8: Privacy and personal information	87

+37	Additional matters – after balance date events having significant effect in succeeding on financial preparedness; other operations; clientele/community served	Section 8.3: Our financial performance	49
+37	Additional matters – total external costs incurred in the production of this annual report	External graphic designer costs: \$6,000	-
+37	Additional matters – the website/s at which the report may be accessed	www.adc.nsw.gov.au	-
38	Investment performance	N/A - 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	54
42	Implementation of price determination	N/A	-
43	<i>Government Information (Public Access) Act 2009</i>	Appendix A6: Public access to our information	81
44	Cyber Security Policy (CSP) Attestation	Appendix A3: Governance and Work Arrangements Appendix A3: Cyber Security Policy Attestation Statement	80
45	Public Interest Disclosures (PID)	Nil	-
46	Requirements arising from employment arrangements	Appendix A2: Our People	54
47	Form of annual reports - generally	Report has been delivered as per requirement	Pages 1 - 90
48	Submission of annual report to appropriate Ministers	31 October 2020	-
49	Submission of annual report to the Treasurer	31 October 2020	-
50	Submission of annual report to Parliament	31 October 2020	-
51	Annual Reports size-presentation to Parliament	ISO A4	-
52	Printing and distribution requirements	External printing costs: \$556.25	-
53	Public availability of annual reports	On the ADC website and as per requirements	-