



**Ageing and  
Disability Commission**  
Annual Report 2020-2021



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# Tabling letter

26 October 2021

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

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

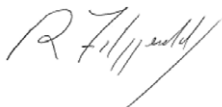
Dear Mr President and Mr Speaker

## **Ageing and Disability Commission Annual Report 2020/21**

I am pleased to present the Annual Report for the NSW Ageing and Disability Commission for 2020/21, 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



Robert Fitzgerald, AM  
**Ageing and Disability Commissioner**



# A message from our Commissioner



Over the past 12 months, we saw a significant increase in calls and reports relating to abuse, neglect and exploitation of older people and adults with disability.

Bill and Jane<sup>1</sup> were one of the 13,090 calls and 5,000 matters handled by the Ageing and Disability Commission (ADC) in 2020-21. I want to highlight their story because it demonstrates the complex family relationships we see in our work every day, and the dilemma many older people and adults with disability face; to protect the family members causing harm, or to do something to protect themselves.

This year's annual report tells many more stories and highlights the work we have done to uphold the rights of older people and adults with disability to live free from abuse in their family, home and community.

Across NSW, we experienced a seismic shift in our living and working arrangements. COVID-19 brought immense challenges for older people and adults with disability. Risk factors giving rise to abuse and neglect for vulnerable adults have been increasing during lockdowns and restrictions related to COVID-19, including increased carer stress, financial pressures, disrupted family relations and lack of access to in-home supports and services. In addition, concerns of increased social isolation, neglect and situations that can fuel abusive behaviours have been dominating many conversations.

Bill called the Ageing and Disability Abuse Helpline with concerns about his and his wife's living situation. He advised that a few weeks earlier, police had been called to their house as they were being physically assaulted by their adult daughter, Mary, who was living with them. Police calmed the situation and there had not been further incidents, but Bill advised that he and his wife Jane were being subject to continual physical and verbal abuse.

He said that he had been trying for years to find someone to help them. His daughter had a psychosocial disability and a history of trauma. Bill told us that he wanted his daughter to move out, but was not prepared to force her out or for her to live in temporary accommodation.

*“He was distressed and expressed hopelessness about the situation.”*

We helped Bill to link to a psychologist for counselling and emotional support, and liaised with NSW Police. While Bill and Jane indicated that they did not want police involvement, they agreed to a joint meeting with an Aged Crime Prevention Officer and the ADC, to ensure they were aware of their options.

We spoke with Mary and made referrals for her to access the NDIS, obtain advocacy support, and be reactivated on the priority housing list. Mary was supported by these services to move out of her parents' house and obtain necessary disability supports.

*“Bill and Jane are no longer at risk of physical abuse.”*

<sup>1</sup>Names have been changed.

As a result, we worked hard to continue raising awareness about the rights of older people and adults with disability, and delivered an uninterrupted service ensuring anyone in NSW could contact us throughout the year.

We made it easier for workers to support older people and adults with disability, by changing our legislation to provide protections for employees and contractors who assist the ADC; and where appropriate, to enable us to provide information to reporters and other relevant parties when finalising a report.

Bolstering these efforts, we launched our first training modules to build the capacity of our collective volunteer and paid workforce and organisational leaders, to better detect and respond to abuse and neglect in family, home and community settings.

We increased support to, and the presence of abuse prevention Collaboratives, establishing the first ever Disability Abuse Prevention Collaborative for the State, and participated in 71 community talks, events and consultations.

Additionally we have continued to administer the Official Community Visitor (OCV) scheme, which provides access to disability residential services, assisted boarding houses and residential out-of-home care services. We are very appreciative of the work of the OCVs who have had to adapt constantly to changing work practices due to visiting restrictions associated with COVID-19. The voices of residents must continue to be heard.

Finally, we continued to provide systemic advice and submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and the Royal Commission into Aged Care Quality and Safety. What we do each day in our frontline work informs our call for improvements and reforms in policies and service systems in NSW, and national

This is only year two. We've done a lot, and there's more to do.

I also recognise that the work we do is a collective effort, and I want to thank all of the abuse prevention Collaboratives, agencies, advocacy bodies and service providers within the disability and aged sectors who have campaigned for our cause and their community.

I want to personally acknowledge the input and advice of the Ageing and Disability Advisory Board, chaired by Professor Eileen Baldry and thank them for their commitment and encouragement. We are also indebted to the advice of our reference group and roundtables who provide ongoing sector and professional expertise.

To the Minister for Families, Communities and Disability Services Alister Henskens MP, and the Minister for Seniors Natalie Ward MLC thank you for your belief in the work we do. Thank you also to the Department of Communities and Justice for your ongoing support.

Bill and Jane's story, along with many others, reminds me that we need to be in this together and in doing so we will collectively uphold everyone's right to live free from abuse.



Robert Fitzgerald, AM  
NSW Ageing and Disability Commissioner

# Highlights



## Calls and reports handled

Overall, there was an increase in calls and reports handled in this reporting period, including:

**2,777**

reports about  
older people



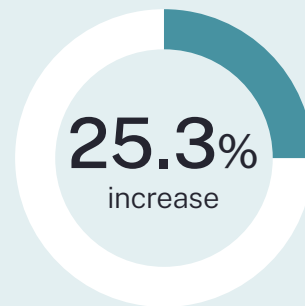
**789**

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



**13,090**

calls to the Ageing and  
Disability Abuse Helpline



**5,000** matters, including:

**3,566**

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





## Operational and legislative achievements

- Took over responsibility for operating the Ageing and Disability Abuse Helpline from Catholic Healthcare, facilitating a smooth transition and its continued effective operation.
- Provided an uninterrupted service to receive and respond to reports about abuse, neglect and exploitation of adults with disability and older people throughout the COVID-19 pandemic – including in-person visits to people at risk.
- Obtained changes to our legislation to provide protections for employees and contractors who assist the ADC, and to enable the ADC to provide information to reporters and other relevant parties when finalising a report (where appropriate).

## Strategic program highlights

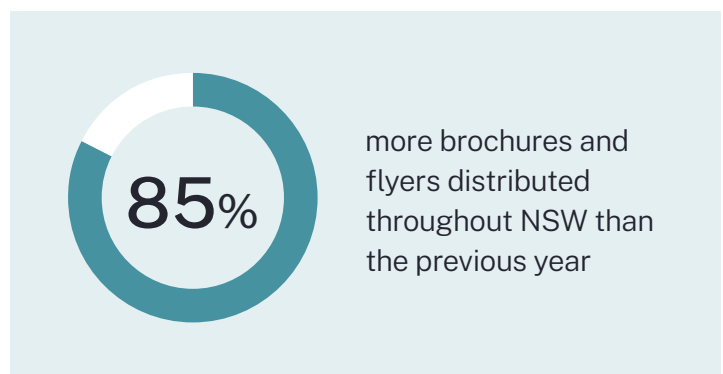
- Commenced key projects to support our engagement and work with key communities and stakeholders, including Aboriginal communities, culturally and linguistically diverse communities, and carers.
- Finalised a framework for our standing review of the implementation of the National Disability Strategy in NSW.

## Community engagement highlights

<p><b>71</b> community engagement events across NSW attended by our team</p>	 <p>We grew the number of abuse prevention Collaboratives, including establishing the first Disability Abuse Prevention Collaborative for NSW.</p>
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## Communications achievements

- We launched a new training program to improve the capacity of frontline workers to better detect and respond to abuse and neglect of older people and adults with disability.
- Delivered a successful media campaign reaching regional and remote NSW to promote the Ageing and Disability Abuse Helpline.



## Submissions to inquiries

We made submissions to Royal Commissions, inquiries, reviews and consultations on matters affecting adults with disability and older people, including aged care, coercive control, a National Register of Enduring Powers of Attorney, shared accommodation, a sexual assault disability access strategy, and NDIS support coordination.



# About the Ageing and Disability Commission

The Ageing and Disability Commission (ADC) is an independent agency of the NSW Government. We started on 1 July 2019 with the objectives of protecting adults with disability and older people from abuse, neglect and exploitation, and protecting and promoting their rights.

The ADC was established primarily to fill critical gaps in relation to the response to allegations of abuse, neglect and exploitation of adults with disability and older people in their family, home and community.

# What we do

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

## Handling reports about abuse, neglect and exploitation

Our Ageing and Disability Abuse Helpline handles enquiries and reports about 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 on reports, including conducting inquiries, working with the adult and other parties to improve the adult’s safety and circumstances, and conducting investigations. See page 10 for details of our work in 2020-21.

## Raising awareness and educating the public

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. We aim to improve community actions to prevent, better identify, and provide a timely and effective response to abuse in family, home and community settings. See page 52 for information on our communications and engagement activities this year.

## Inquiring into systemic issues and making recommendations to Government

We inquire into and report on systemic issues relating to the abuse, neglect and exploitation of adults with disability and older people, and/or the protection and promotion of their rights. The ADC can also consult with the Ageing and Disability Advisory Board, and advise and make recommendations to the Minister, on these matters. See page 64 for more information.

## Coordinating the Official Community Visitor scheme

The ADC 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. See page 68 for details of the work of the ADC’s OCV team in 2020-21.

## Reporting on implementation of the National Disability Strategy in NSW

We have responsibility for monitoring, assessing, and reporting on the implementation of the National Disability Strategy in NSW. See page 65 for information about our standing review.

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

# Our purpose

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

## Our stakeholders

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

We work with a wide range of stakeholders to support the exercise of our functions, including:

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



## Our strategic objectives

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

**Be helpful and responsive to improve outcomes**

**Support engagement with, and build awareness of, the ADC**

**Champion rights and responsibilities**

**Strengthen systems to deliver safe and empowering services**

**Build a capable organisation for impact and performance**

The full Strategic Plan is available on our [website](#). Our progress in implementing the plan in 2020-21 is reflected throughout this annual report, including:

- actions to develop public policy and practice frameworks to inform ADC and broader work to enable adults with disability and older people to live free from abuse in their family, home and community (see 5.1)
- established an expert reference group and two sector roundtables to inform our practices and impact using the best available experience and expertise (see page 61)
- progressing work to develop Easy Read and accessible resources to support our conversations with adults with disability and older people on abuse, neglect and exploitation and their rights (see 3.1)
- releasing two training modules for a) frontline staff and volunteers and b) service management on identifying and effectively responding to abuse, neglect and exploitation of adults with disability and older people in family, home and community settings (see 3.2)
- commencing work with expert agencies to develop our frameworks for effectively engaging with Aboriginal communities and culturally and linguistically diverse communities (see 3.5)
- providing information to aged care, coercive control, shared accommodation, and support coordination inquiries and reviews to highlight critical issues affecting adults with disability and older people (see appendix 5.2)
- commencing a project with UNSW and Carers NSW to inform and guide our work with, and develop targeted resources for, carers (see 5.4).



# Our work in 2020-2021

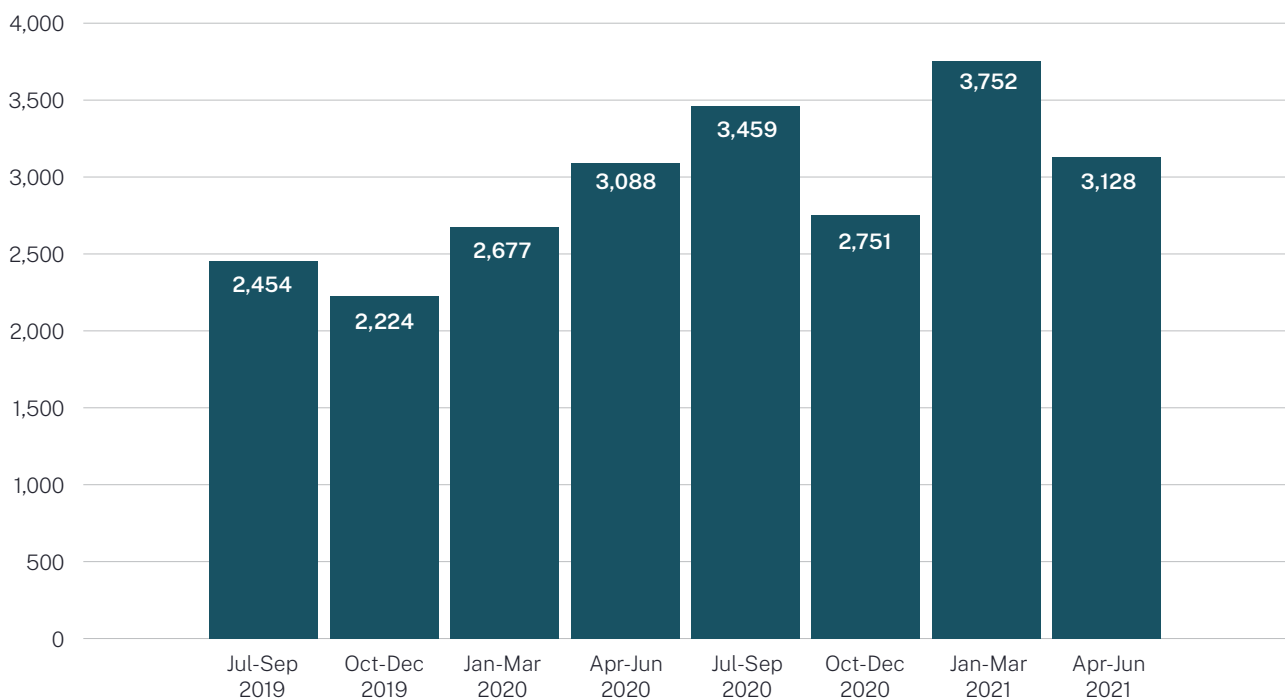
## 1. Calls, enquiries and reports to the ADC

### 1.1 Calls to the NSW Ageing and Disability Abuse Helpline

Our Ageing and Disability Abuse Helpline is the primary point of contact for requests for information, advice and assistance from the ADC. In 2020-21, the Helpline received **13,090** calls.

The number of calls to the Helpline this year was **25% higher** than the number of calls received in 2019-20 (10,443).

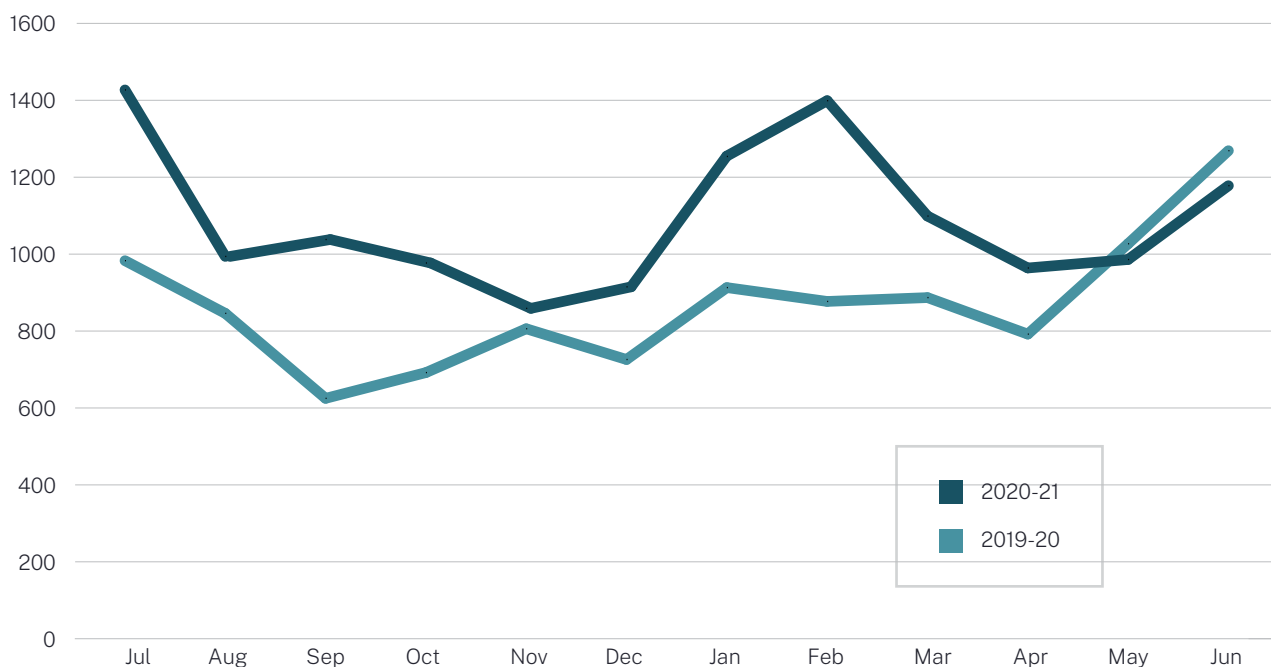
**Figure 1: Number of calls received by the Ageing and Disability Abuse Helpline, by quarter, July 2019 – June 2021**



The number of calls to the Helpline in 2020-21 was at its highest in July 2020. This was the tailend of a spike in calls following the easing of COVID-19 restrictions after the first lockdown in NSW. In large part, this was associated with the main reporters to the ADC (families and service providers) regaining contact with the adult with disability or older person and identifying concerns about their situation.

Similarly, the number of calls increased in January and February 2021, following the Christmas and New Year period. Among other things, the increase in calls was associated with families identifying concerns while seeing (or seeking to see) the older person or adult with disability during the holidays and subsequently contacting the Helpline; and increased family conflict and stress.

**Figure 2: Number of calls received by the Ageing and Disability Abuse Helpline, by quarter, July 2019 – June 2021**



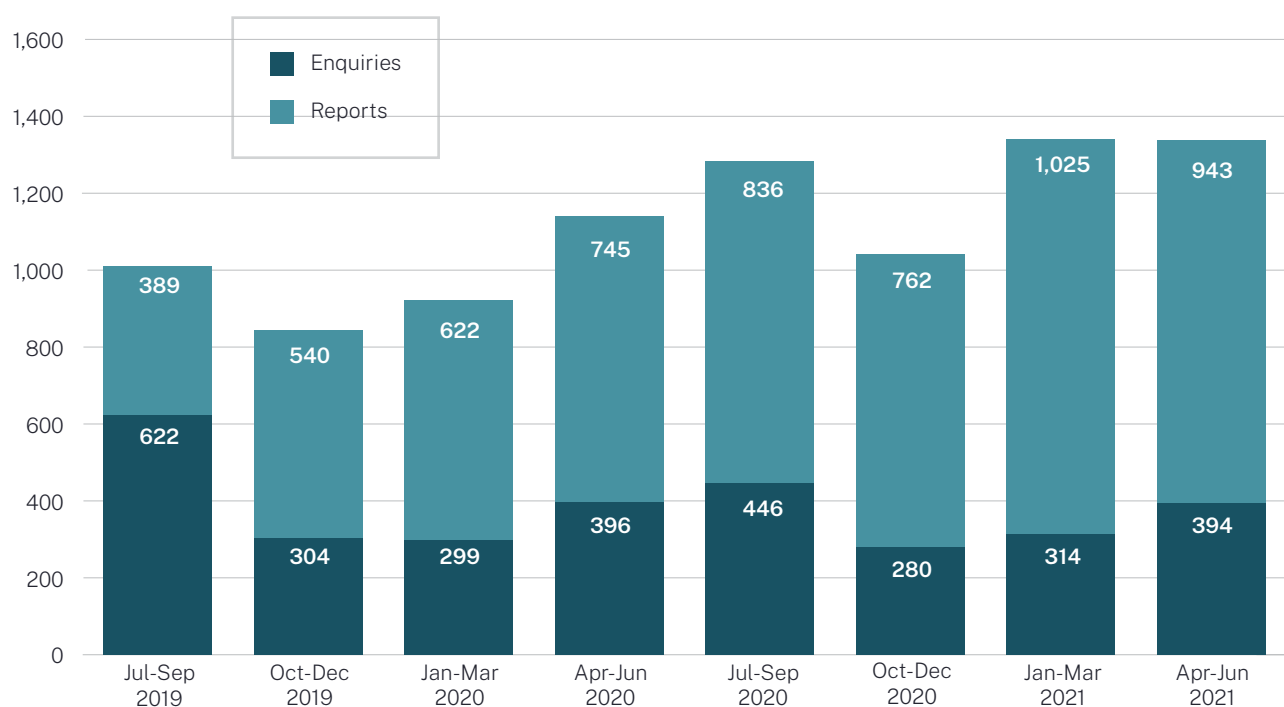
## 1.2 Number of reports and enquiries

In 2020-21, the ADC received 5,000 matters, comprising:

- 3,566 reports under section 13 of the *Ageing and Disability Commissioner Act 2019* (ADC Act)<sup>2</sup>
- 1,434 enquiries – involving 782 general enquiries<sup>3</sup>, and 652 abuse-related enquiries<sup>4</sup>.

The number of matters received this year was **27.6% higher** than 2019-20 (3,917).

**Figure 3: All matters received by the ADC, by quarter, July 2019 – June 2021**



Compared to 2019-20, the number of **reports increased by 55.3%**, and the number of **enquiries decreased by 11.5%**. The increase in reports and reduction in enquiries reflects:

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

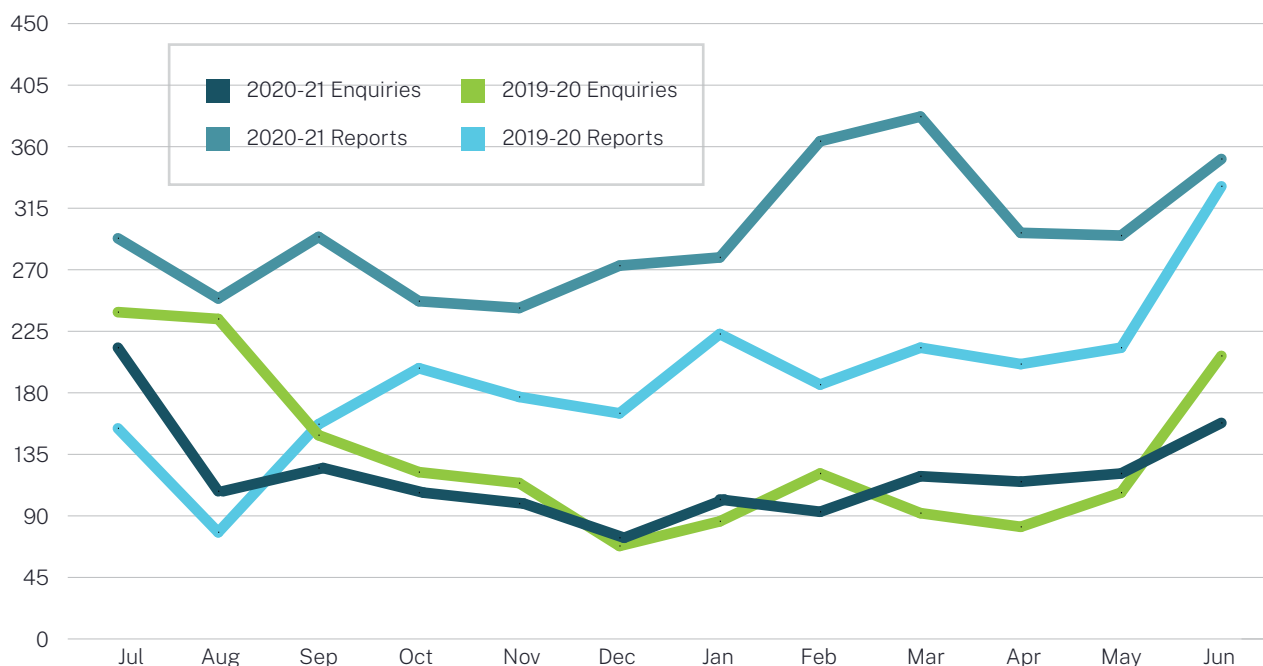
<sup>2</sup> Under section 13(1) of the ADC Act, a person may make a report to the ADC about an adult with disability or older adult if the person has reasonable grounds to believe that the adult is subject to, at risk of, or in circumstances that will result in, abuse, neglect or exploitation.

<sup>3</sup> General enquiries are contacts with the Helpline that do not relate to abuse, neglect or exploitation of an individual. They include, for example, queries about the role of the ADC, confirmation of the operating hours of the Helpline, and requests for publications.

<sup>4</sup> Abuse enquiries are contacts that relate to alleged abuse, neglect and exploitation, but do not meet the criteria of a report under the ADC Act. They include, for example, contacts about individuals who are younger than 18 years or who live interstate; and matters that do not contain any identifying information for the ADC to take further action.



**Figure 4: Enquiries and reports received by the ADC, by month, 2019-20 and 2020-21**



As indicated in table 1, the vast majority of contacts with the ADC are via the telephone to the Helpline, including 95% of all contacts in 2020-21.

This year, we introduced an online reporting form on our website, to make it easier to make a report at any time. The number of contacts via email significantly reduced following the introduction of the web form, dropping from 144 in 2019-20 to 41 this year.

**Table 1: Method of contact with the ADC, reports and enquiries, 2020-21**

Method	Number	Percentage
Telephone	4,764	95.3%
Web form	183	3.7%
Email	41	<1%
Own motion	5	<1%
Letter	4	<1%
In person	3	<1%
<b>Total</b>	<b>5,000</b>	<b>100</b>

## 2. Handling reports

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

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

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

### 2.1 Reports we handled and finalised in 2020-21

The ADC closed 3,502 reports in 2020-21. In two-thirds of the reports (2,335), the primary action taken by the ADC involved early steps by the Ageing and Disability Abuse Helpline to provide assistance and support to the caller, refer matters to other appropriate parties, and provide early case coordination to the adult.

In 30% of the reports closed this year (1,060), the primary action taken by the ADC involved further work on the report, including making inquiries; working with the adult and other parties to address risks and improve outcomes; referring the matter to NSW Police; and/or investigating.

Most of the reports (55%) were closed within seven days, reflecting the early assistance and resolution approach of the Helpline.

**Table 2: Age of case at closure, reports closed in 2020-21**

0-7 days	8 14 days	15 30 days	>30 days	Total
1,935	435	359	773	<b>3,502</b>

Table 3 outlines the primary action we took in relation to the reports we handled and finalised in 2020-21. The ADC took action on the vast majority of reports (96.9%); 107 reports were declined at the outset.

Table 3: Primary action taken by ADC, reports closed in 2020-21

Primary action by ADC	Number
<b>1. Early intervention/resolution (Helpline only)</b>	<b>2,335</b>
a) Assistance and support provided	1,992
b) Referred externally	277
c) Early case coordination	66
<b>2. Closed after preliminary inquiries</b>	<b>392</b>
a) Appropriate actions underway to address/manage risks	254
b) No or low risk identified	81
c) Person has capacity and refused investigation/involvement	57
<b>3. Community supports</b>	<b>379</b>
a) Risk identified – risk removed or managed with intervention	202
b) No or low risk identified	128
c) Risk identified – risk removed or managed prior to intervention	41
d) Risk identified – risk remained	8
<b>4. Declined at outset</b>	<b>107</b>
a) Insufficient details to progress	93
b) Premature/ actions underway	14
<b>5. Consolidated into another matter</b>	<b>110</b>
<b>6. Referred to Police</b>	<b>96</b>
<b>7. Referred externally (not at Helpline)</b>	<b>68</b>
<b>8. Investigation</b>	<b>15</b>
a) Risk identified – risk removed or managed with intervention	12
b) No/low risk identified	2
c) Risk identified – risk managed prior to intervention	1
<b>Total closed reports</b>	<b>3,502</b>

## 2.1.1 Early intervention and resolution

Our early intervention and resolution work in relation to reports is conducted by our Helpline. Of the 3,502 reports closed in 2020-21, 66.7% (2,335) primarily involved Helpline staff undertaking early intervention and resolution activities. In most of these cases (1,992), the actions involved providing information, assistance and support to the reporter and, wherever appropriate and possible, to the adult with disability or older person.

In 66 reports closed this year, Helpline staff provided early case coordination – involving repeated contact with the adult with disability or older person over a more extended period of time (up to 12 weeks). Actions typically include providing information, helping the adult to understand their options for improving their safety and situation, linking them to supports, providing practical guidance and strategies, and coordinating early actions as needed. In some cases, we make preliminary inquiries with relevant agencies to assess the adult’s safety and appropriate actions.

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

### Case study 1

The Helpline received a report about potential financial exploitation of a man with disability. We were advised that the man had signs of memory loss and confusion and there were concerns that he may be falling victim to romance scams. The man had reportedly withdrawn approximately \$12,000 and purchased iTunes vouchers, but could not remember conducting all of the transactions.

The Helpline contacted the man who told us that he had been ‘scammed’ by parties pretending to be seeking a relationship, but he had stopped communicating with them.

*“We talked with the man about some options for reducing the risk of financial exploitation, including having a safe person to talk to when someone online asks him for money.”*

He did not want his family involved, but agreed to us liaising with his NDIS Local Area Coordinator (LAC) about a safety plan.

We spoke with the LAC who advised that they would submit a change of circumstance request to the NDIA to enable funding for social support and would contact the man to discuss establishing a safety plan for his finances.



## Case study 2

The Helpline received a report from a hospital social worker about a woman in her 80s, who was being discharged from hospital. The woman had a mild vascular cognitive impairment; she was still able to make decisions for herself, but was vulnerable to influence. During the woman's hospital admission, staff had been approached by a man, who stated that he was her husband and carer, and required financial assistance.

It was difficult for hospital staff to get information from the woman, but they were advised by a friend of hers that the man had been living in the Philippines until the COVID 19 pandemic, at which time he had come back and moved in with her. They had been friends for 20 years, but the woman advised that he was not her husband, and was not her carer; he only helped her with shopping and did 'housemate type jobs'.

The woman's friend told social work staff that when the man moved in with the woman, he went to the solicitor with her and changed her Power of Attorney and Enduring Guardian instruments and Will, and tried to sell her house – with the plan to move to Brisbane with her, buy a property there and put it in his name.

*The social worker said that they were concerned that the man's plan was to put the woman into residential aged care.*

The woman's friend had been her Enduring Guardian and Enduring Power of Attorney before the man's actions. Following the change to the decision making instruments, the woman called the friend and told her. The woman and her friend then went back to the solicitor and changed them back.

The woman indicated that she felt safe to go home; the friend advised that she did not have concerns about this as long as the man did not have access to the woman's finances. The hospital had taken the step of not allowing the man to visit the woman in hospital; he had been calling to ask when she was returning home, identifying himself as her de facto and carer.

We advised the social worker that if the woman had capacity to make the decision to return home, and there was no evidence that she would be at risk in doing so, the social worker should let her know what her options were should she require help in the future. We were able to speak with the woman's friend, who confirmed that she understood the conditions of the enduring instruments (including when to invoke them), and she would be notified if the man re presented to the solicitor with the woman.

We discussed financial safeguarding options, including limiting the withdrawal amounts that were possible. The friend advised that there was not a lot of money in the woman's transaction account, and the financial risks associated with this account were low.

*We emphasised the need to ensure that the woman was encouraged and supported to maintain her independence, while also managing risks.*

## 2.1.2 Referrals to other agencies

### Referrals to complaint-handling agencies

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

In 2020-21, we referred:

- 104 reports to the Aged Care Quality and Safety Commission
- 84 reports to the NDIS Quality and Safeguards Commission
- 39 reports to the HCCC.

Table 10 and 11 in Appendix A1 provide information on the outcomes of the above referrals.

### Referrals to NSW Police

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

In 2020-21, the ADC referred 251 matters to NSW Police that involved potential criminal offences. We referred a further 57 matters to NSW Police that related to other matters – such as to obtain a welfare check on the adult, or to link the adult to crime prevention information and assistance.<sup>5</sup>

Table 10 in Appendix A1 provides information on the outcomes of the referrals to NSW Police.

Case studies 3, 4 and 5 provide examples of reports the ADC referred to NSW Police this year.

### Referrals to other agencies

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

In 2020-21, the ADC made 239 referrals to other agencies. Table 12 in Appendix A1 provides information on the agencies we made referrals to, and the outcomes of those referrals.

Case study 6 provides an example of a report that was referred to other agencies this year.

<sup>5</sup> Note: while table 3 identifies 96 reports that were referred to NSW Police, this reflects: a) reports that were closed in the reporting period; and b) the number of reports in which the referral was the *primary action* taken by the ADC in the case.





## Case study 3

The Helpline received a call from an older woman who advised that she feared for her safety due to the aggressive behaviour and verbal abuse of her grandson, who had moved in with her. The older person told the ADC that:

- her grandson had originally come to stay for a fortnight as he had nowhere else to go, but he had now been there five weeks and was refusing to leave
- her grandson was injecting steroids and was constantly verbally aggressive and demeaning – she felt she was ‘living on pins and needles’ due to fear of provoking him
- two to three weeks prior, the woman had hid her grandson’s steroids, and his behaviour became very escalated, including kicking furniture and kicking the back door off its hinges
- a neighbour called the police in relation to the above incident, who attended the home and spoke with the woman and her grandson about what happened – the woman said the police then left and had not provided assistance
- she did not want her grandson in her home, but she was too afraid to ask him to leave, and was having to keep hiding in her bedroom.

The ADC referred the matter to the police Aged Crime Prevention Officer (ACPO).

*“Following her discussions with the ACPO, the older person evicted her grandson from her property.*

She told her grandson that she had been speaking with police and they would be taking action if he didn’t move out. He moved out straightaway.

*“The older person told the ACPO that she felt encouraged to act, knowing that she had police and the ADC to back her up.*

The ACPO advised the ADC that they would make further checks on the older person.

## Case study 4

The ADC received a report about alleged financial abuse of a man with intellectual disability who lived in supported accommodation. The man's mother was the supporting signatory on his bank account, but when she became ill ahead of her death, she asked her daughter to become a signatory.

The man had an account with his bank in a regional area for over 20 years, and was well known to the bank.

*The bank noticed suspicious activities on the account and alerted a disability support worker when they accompanied the man on his weekly trip to the bank to withdraw his spending money.*

The disability service assisted the man to obtain two years of bank statements and, on review, found that the man's sister had consistently been using online banking to move his money to her daughter's business. The sister had left enough money in his account that it would not be immediately noticed. The disability service identified that approximately \$55,000 had been taken. The man had not provided consent to his sister taking his money as his family did not have contact with him.

After the disability service identified the issue, they provided the information to an independent advocate for the man. They did not notify NSW Police as they didn't know what to do – they didn't want to cause any problems for the man and his family, but wanted to protect his interests. The man indicated that he wanted steps taken to protect his money.

*We referred the matter to NSW Police, who commenced an investigation. The bank froze the man's account.*

We supported the advocate to initiate an NCAT application for financial management, and participated in the hearing. NCAT subsequently appointed NSW Trustee and Guardian to be the man's financial managers.

Police charged the sister, and she pleaded guilty to one count of fraud for the entire amount. At sentencing, she received a 16 month intensive correction order with supervision by community corrections and a requirement to abstain from alcohol and drugs for that period; and was ordered to pay the man compensation of \$54,629.



## Case study 5

We received a report raising concerns about the safety and welfare of a man with intellectual disability following an alleged attempt by his parents to cause physical harm to him and them.

*“The man sustained a broken rib and bruising and scratches to his body and face. There was also a reported history of financial abuse of the man and drug use in the home.*

The matter was reported to NSW Police. We spoke with the man and linked him to the Justice Advocacy Service to support him to talk with police. We referred further information to police regarding alleged threats by the man’s family to harm him, and liaised with the Aged Crime Prevention Officer, who assisted the matter to be investigated by police.

We liaised with disability support providers about sourcing alternative accommodation in line with the man’s wishes and wrote to the NDIA to assist in future planning.

*“The man received support to move away from his family, to change his bank cards, and to block his family’s phone number due to the negative contact and harassing calls.*

We submitted a guardianship application to NCAT, which resulted in the appointment of the Public Guardian for 12 months to make decisions in relation to the family’s access to the man, and other matters. Following multiple discussions with the man and his family, we submitted an access proposal to the Public Guardian, which was agreed.

We subsequently received information from the man’s disability support provider that his family had registered a car in his name to obtain a reduced registration fee, and had incurred a speeding fine that had been sent to the man. We made a report to NSW Police regarding alleged fraud, and subsequently made a further report regarding harassing phone calls to the man from his family, including pressure to sign the car over to his family.

We made an application to NCAT for a financial management order to protect the man. NCAT appointed NSW Trustee and Guardian as financial managers of his accounts, with the exception of the money he receives from his employment and from Centrelink.



## Case study 6

We received a report alleging that an older man was being financially abused by his son, who was not allowing him to have access to his own money or his identification. It was also alleged that the son was preventing his father from accessing medical treatment.

The older person only spoke Arabic and Assyrian. He had limited eyesight, and took medication for chronic health conditions.

Due to the man's inability to communicate in English and his poor vision, he was highly dependent on others to facilitate his contact with doctors and agencies, such as Centrelink. His son was his Centrelink nominee.

We met with the older man, with the assistance of the reporter. The man advised that he had been placed in a share house by his son who pays his rent but leaves him with only \$20 to \$30 a week. He did not have access to any identification.

*He said that his son had told the landlord to report to the son any contact that he had with others. He also said that his son yelled at him and in the past had slapped him in the face.*

The man told us that he was fearful of his son but did not want to get him in trouble with the authorities. It was agreed that alternative accommodation would be arranged before contact was made with Centrelink and Medicare to obtain his identification and reclaim control of his finances.

We made a referral to My Aged Care, and the Aged Care Assessment Team (ACAT) assessed him for assistance with accommodation and home care support. ACAT linked him in with an aged care service to provide assistance.

The son became aware of the ACAT visit, and told his father not to talk to anyone else. The reporter supported the man to go to police to report his situation and what was seen as a threat by his son. With the assistance of the police Multicultural Liaison Officer, the man was placed in hospital temporarily while the aged care service arranged new accommodation. Following the son's discovery of his father's new location, police took out an AVO against him, which excludes any contact for two years.

*The older person is now in a new location receiving regular supports through the aged care service. The aged care service and reporter also supported him to get a regular GP and to resume responsibility for his finances.*

## 2.1.3 Inquiries and community supports

In 392 reports closed in 2020-21 (11.2%), we closed the matter after making preliminary inquiries. We typically conduct inquiries with the reporter, the adult, and/or with other parties for the purposes of deciding how to deal with the report. In some cases, we close the report after making the inquiries – because there were already appropriate actions underway to address the concerns; there were no or low risks for the adult; or the adult had decision-making capacity and did not want our involvement.

In 379 reports closed in 2020-21 (10.8%), our primary action on the matter was to undertake a ‘community supports’ approach – typically comprising case coordination with the adult and relevant other parties to examine the issues and risks, and facilitate appropriate actions and support to improve the adult’s safety and outcomes.

Case studies 7, 8 and 9 provide examples of reports we handled this year that involved preliminary inquiries and/or a community supports approach to assess and resolve the concerns.





## Case study 7

The Helpline was contacted by a man in his late 70s, who raised concerns about the living situation of him and his wife.

*He advised that a few weeks earlier, police had been called to their house as the couple were being physically assaulted by their adult daughter, who was living with them.*

Police calmed the situation and there had not been further incidents, but the man advised that he and his wife were being subject to continual physical and verbal abuse. He said that he had been trying for years to find someone to help them.

His daughter had a psychosocial disability and a history of trauma. The man advised that he wanted his daughter to move out, but was not prepared to force her out or for her to live in temporary accommodation. He was distressed and expressed hopelessness about the situation.

We assisted the man to link to a psychologist for counselling and emotional support, and liaised with NSW Police. While the couple indicated that they did not want police involvement, they agreed to a joint meeting with an Aged Crime Prevention Officer and the ADC, to ensure they were aware of their options.

We spoke with the daughter and made referrals for her to access the NDIS, obtain advocacy support, and be reactivated on the priority housing list.

*She was supported by these services to move out of her parents' house and obtain necessary disability supports. The couple are no longer at risk of physical abuse.*





## Case study 8

The ADC received a report that raised concerns about alleged abuse of a woman with disability by her aunt. The concerns related to the woman being restricted from accessing the community, disability services and supports; and being prevented from accessing her own money. We were also advised that the aunt monitored all communication to and from the woman by controlling her access to a mobile phone.

We made preliminary inquiries with the woman's current and former NDIS services, and liaised with the providers to arrange for us to meet with her via FaceTime.

***During the meeting, the woman disclosed details of the restrictions and agreed to provide a copy of her bank statement. She advised that she didn't want to live with her aunt anymore and wanted assistance and advice about her options.***

Our inquiries identified that the aunt had been heard threatening to cancel all of the woman's NDIS supports because she went to a library instead of a park, which the aunt had tracked by the phone she had provided to the woman. In addition, a review of the woman's bank statements showed that her Disability Support Pension was consistently transferred to her aunt's account every fortnight.

We provided advice to the woman and her NDIS providers about how she could move, and assisted her to consider all associated factors – including for her to consider whether she wanted to: notify and maintain a relationship with her aunt; remove her aunt as her NDIS plan nominee; and visit a group home to understand what she was requesting.

After the woman confirmed the date of her relocation, and short term accommodation was identified, we liaised with local police to keep the peace during the relocation due to the concerns of the woman and service provider about the aunt's aggressive behaviour, and an alleged history of threatening behaviour by her brother, who lived locally.

***The woman successfully moved and changed her banking details, but was continually contacted by her aunt, who listed her as a missing person on Facebook to try to locate her.***

At the time of case closure, we advised the woman to speak with police about obtaining her passport back and engaging supports to negotiate with the aunt about retrieving her deceased mother's ashes.

## Case study 9

We received a report that raised concerns about neglect of an older person by her daughter, who was her primary carer. NSW Police and ambulance officers had attended the older person's property and taken her to hospital after finding that:

- she was laying on a mattress, covered in urine and faeces, and had been there for some time
- she had pressure sores on her back
- she was not orientated to time and place
- there was rotten and expired food in the fridge.

We liaised with hospital staff to ensure the older person's connection with a social worker, conducted inquiries with NSW Ambulance and the woman's two daughters, and viewed videos of the conditions of the older person's home.

We spoke with the daughter who was the primary carer, who advised that she had mental health concerns. The daughter agreed with the hospital recommendations that she was not able to provide her mother with the care she required.

*“The daughter provided us with information that indicated that she would likely never be able to provide the level of care her mother required, and our inquiries identified that she had refused formal supports when previous concerns of neglect had been raised with her.*”

We received copies of the older person's Enduring Guardian and Enduring Power of Attorney instruments, which appointed the daughter who was the primary carer. As the daughter was now making decisions that supported her mother's health and wellbeing, including transition to high level care, we considered that there was not a current need for those instruments to be reviewed.

At the time that we finalised the report, we were confident that:

- the older person would transition to high level residential aged care and there was no intention for her to return to the care of the daughter or other family member
- we had provided clear advice to the manager of the aged care facility and the older person's daughters that we would have concerns about the older person living with either family member given the evidence we had obtained
- we had provided advice to the manager of the aged care facility to make a new report to the ADC if there was any intention or attempts by the daughter to take the older person back into their care; and the point at which they may need to consider an NCAT application to review the decision making instruments
- the daughter was seeking assistance of her own accord for her mental health and housing needs.

## 2.1.4 Investigations

In 2020-21, the ADC commenced 35 investigations, including 20 investigations into reports about adults with disability, and 15 investigations into reports about older people.<sup>6</sup> The number of investigations in 2020-21 was a significant increase on the number of investigations commenced in the previous year (7).

As identified in table 4, in 20 cases (57%), we commenced the investigation without the consent of the adult – either because the adult was unable to provide consent (10), or because of the seriousness of the allegations or the risk to the personal safety of the adult (10).

**Table 4: Consent status in relation to investigations commenced in 2020-21**

	Adults with disability	Older people	Total
Consent obtained	8	7	15
Investigation commenced without consent – adult incapable of giving consent despite receiving support	5	5	10
Investigation commenced without consent – seriousness of the allegations/risk to adult’s personal safety	7 <sup>7</sup>	3 <sup>8</sup>	10
<b>Total</b>	<b>20</b>	<b>15</b>	<b>35</b>

Case study 10 provides an example of one of the investigations we commenced and finalised this year.

The ADC has undertaken work this year to review and expand the scope of investigations to include resolution-focused investigations, to better reflect the nature of our work and the focus of our legislation.

In 2021-22, we are developing a plain English public document that will communicate our work in relation to reports, including how we respond to reports and what informs our decisions about the actions we take.

<sup>6</sup> The 15 investigations identified in table 3 reflect the investigations closed in 2020-21. Some of these investigations commenced in 2019-20.

<sup>7</sup> One investigation was subsequently discontinued after we were able to have direct contact with the adult and they did not consent to an investigation.

<sup>8</sup> One investigation was subsequently discontinued after we were able to have direct contact with the adult and they did not consent to an investigation.



## Case study 10

The ADC received a report about financial abuse of an older person with dementia by their son. The older person had appointed her son as her Enduring Power of Attorney (EPOA), and he had started to act in this role after her decision making capacity became impaired.

We were advised that, in the previous two years, there had been 136 betting transactions on the older person's bank account, totalling over \$117,000; and 70 ATM withdrawals, totalling over \$55,000. Over \$55,000 in betting wins had been credited to the woman's account, in the name of her son.

We made a report to NSW Police. Police made inquiries with the older person and her son and advised that there was insufficient evidence to proceed with a fraud offence.

***We subsequently commenced an investigation into the alleged financial abuse and misuse of the older person's Enduring Power of Attorney instrument. The bank froze the older person's account and stopped the bank card so the son could not continue to access the account.***

As part of the investigation, we met with the older person and her son, and obtained relevant bank and other records. The son acknowledged that he had used his mother's funds to gamble, and told us that his mother didn't need much, and she would be leaving her money to him in the end anyway.

He advised that he was providing care to his mother and, while he was the sole beneficiary in her Will, he would share whatever money was left with his sister. In relation to the conditions of the EPOA and requirements on attorneys, the son said that he believed he read those at the time of appointment, but did not remember what they were.

***Our investigation confirmed the information that had been provided about the transactions on the older person's account and misuse of her finances by her Power of Attorney to fund his gambling activities.***

We submitted an application to NCAT to review the EPOA. As the EPOA had been developed interstate, NCAT was not able to revoke the instrument. However, the Tribunal appointed a financial manager (NSW Trustee and Guardian), which effectively suspends the operation of the EPOA on an indefinite basis. Our concerns about the son's exercise of his duties as the older person's EPOA were shared by the Tribunal, which noted the son's 'abject failure to fulfil his fiduciary duty as attorney'.

## 2.1.5 Outcomes

In relation to the 3,502 reports closed in 2020-21, key outcomes for the older people and adults with disability included that:

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

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

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

Tables 8 and 9 in Appendix A1 provide more details of the outcomes for adults and in relation to subjects of allegation in reports closed this year.

## 2.2 Data snapshot of reports to the ADC in 2020-21

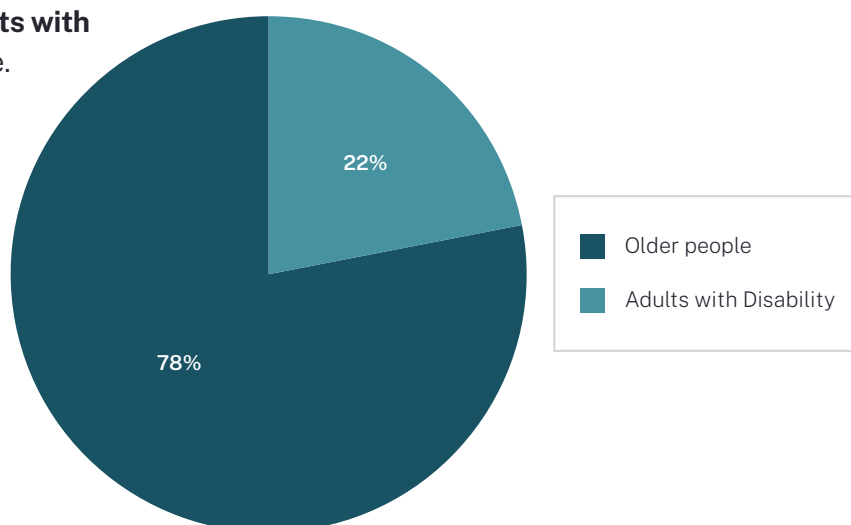
### 2.2.1 Status, gender and age of the adult

Of the 3,566 reports received by the ADC in 2020-21:

- **2,777 reports (77.9%) related to older people**, including 1,030 reports about older people with disability
- **789 reports (22.1%) related to adults with disability** who were not older people.

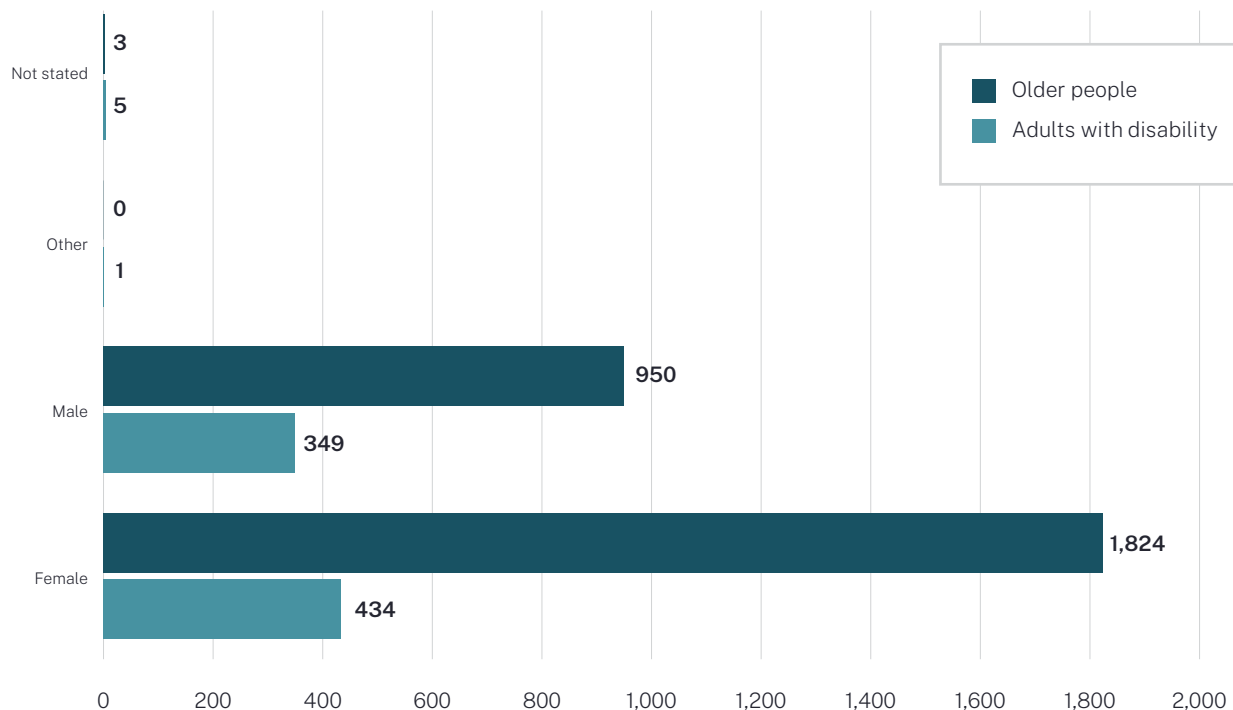
This is highly consistent with the previous year, where 77.4% of reports were about older people (1,776), and 22.6% of reports were about adults with disability (520).

Figure 5: All reports received by the ADC, by person status, 2020-21



From the start of the ADC, most reports have been about alleged abuse, neglect and exploitation of women. In 2020-21, the adults in 63.3% of the 3,566 reports to the ADC were female, including 65.7% of reports about **older people** (1,824), and 55% of reports about **adults with disability** (434).

**Figure 6: Gender of adults with disability and older people the subject of a report to the ADC, 2020-21**



The largest proportion of the 2,777 reports about older people in 2020-21 related to people aged 80-84 years (16.7%). The largest proportion of the 789 reports about adults with disability related to people aged 18-24 years (17%). These results are consistent with 2019-20.

**Figure 7: Age of older people the subject of a report to the ADC, 2020-21**

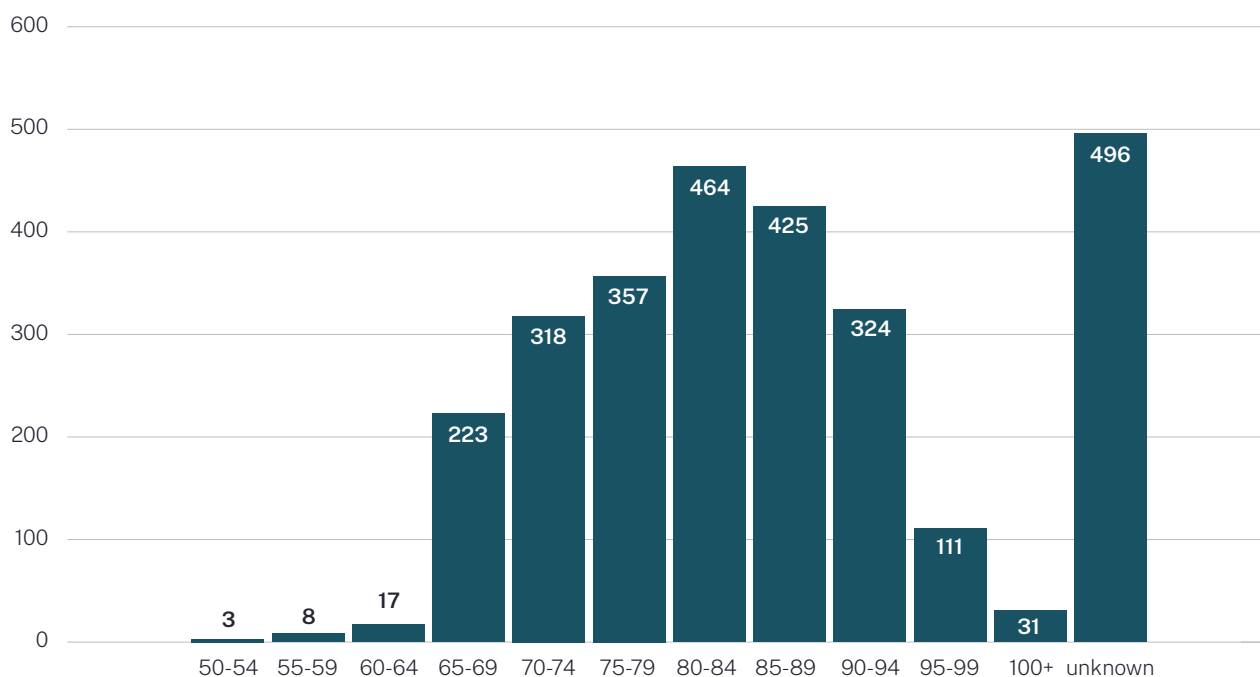
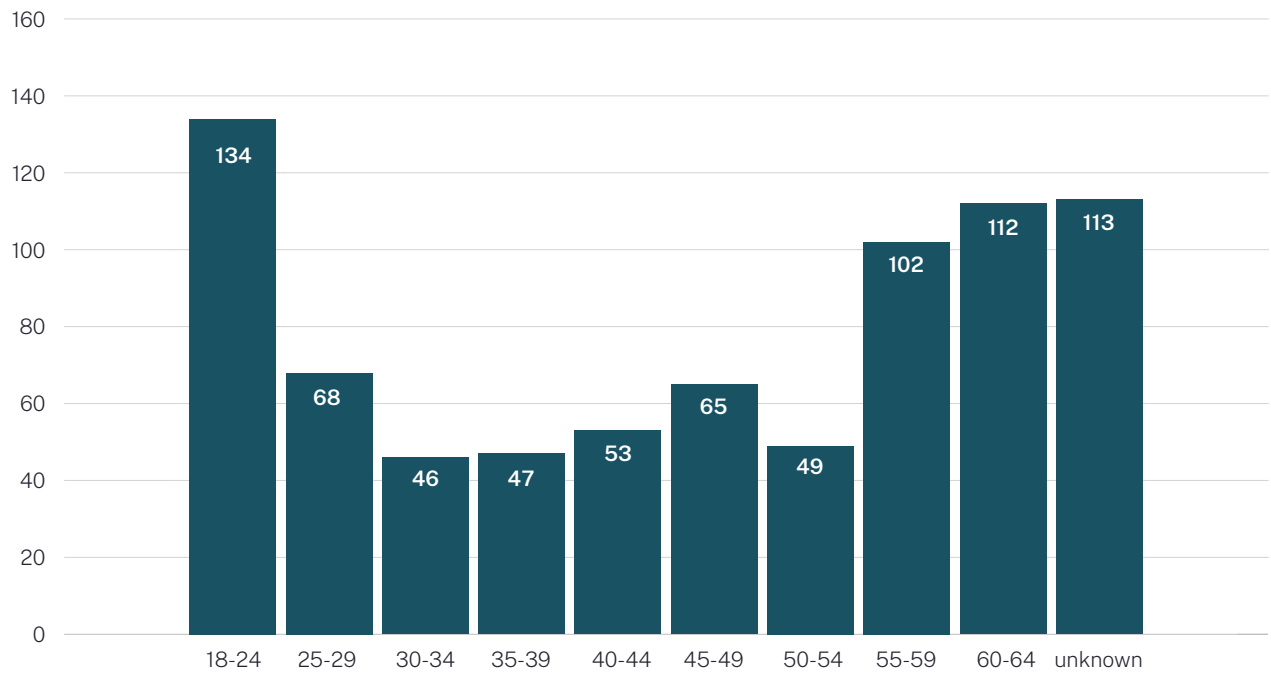


Figure 8: Age of adults with disability the subject of a report to the ADC, 2020-21





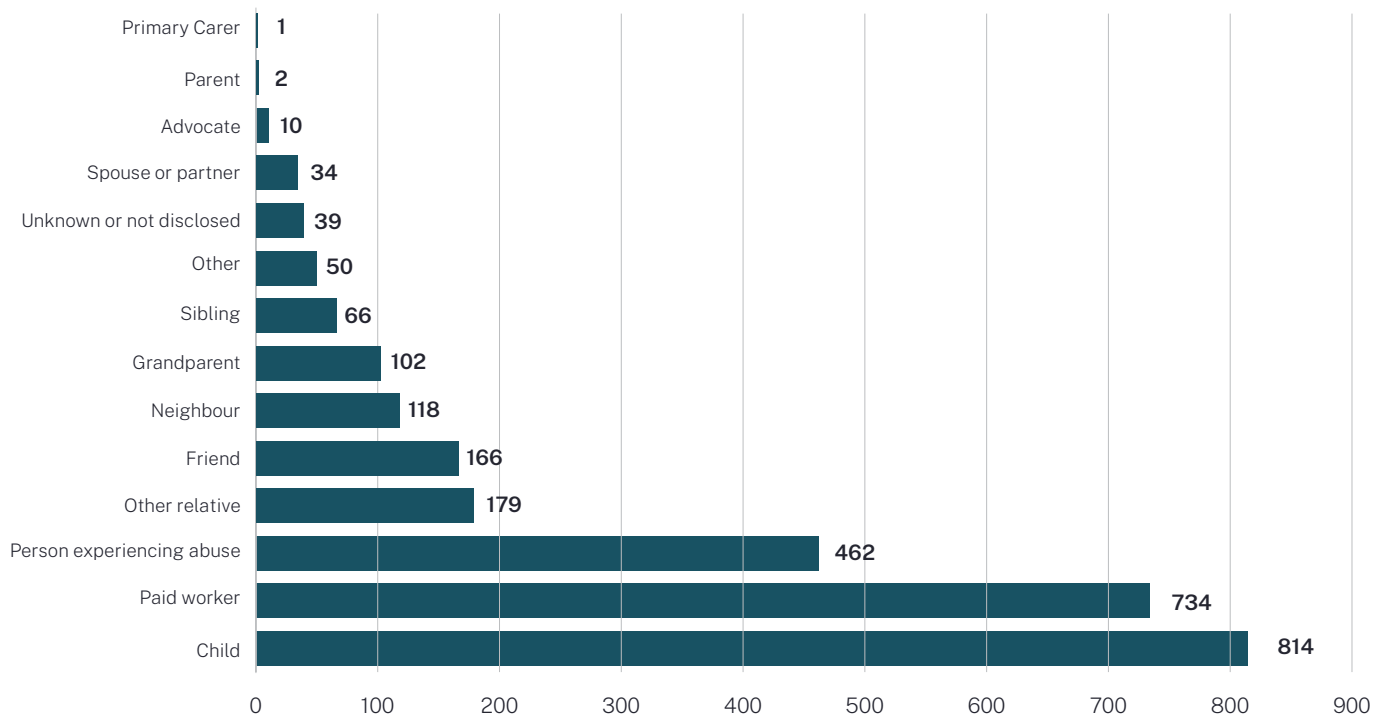


## 2.2.2 Reporters

Adult children were the main source of reports to the ADC about **older people** in 2020-21, accounting for 29.3% of the 2,777 reports. All up, family members were the reporters in 41.9% of reports about older people. Paid workers made over a quarter (26.4%) of the reports about older people, and the older person ('person experiencing abuse') was the reporter to the ADC in 16.6% of cases.

In comparison to the previous year, in 2020-21 the ADC received a slightly higher proportion of reports by paid staff (previously 23.5%) and older people themselves (previously 14.1%).

**Figure 9: Relationship of reporter to the older person in reports to the ADC, 2020-21**

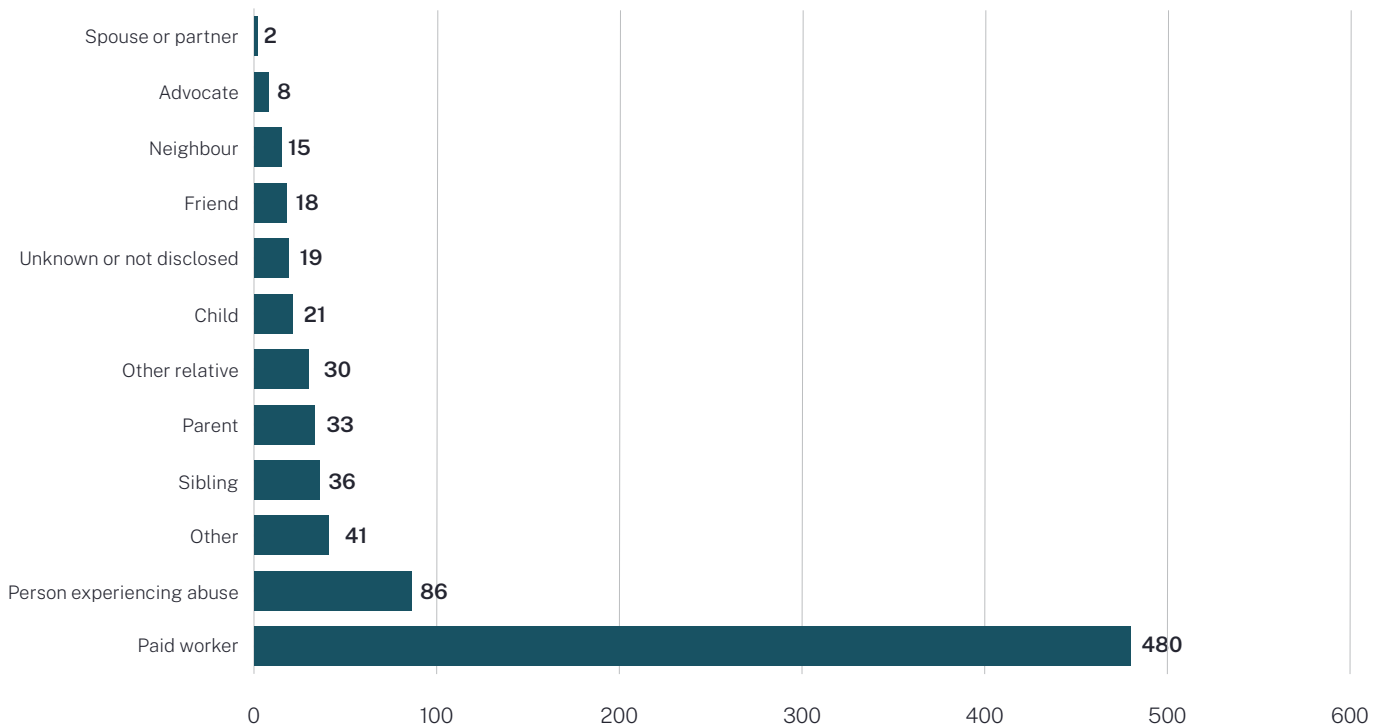




Paid workers were the main source of reports to the ADC about **adults with disability** in 2020-21, accounting for over half (60.8%) of the 789 reports about adults with disability in that period. Family members were the reporters in 15.2% of reports about adults with disability, and the adult with disability ('person experiencing abuse') was the reporter in 10.9% of cases.

In comparison to the previous year, a slightly higher proportion of reports about adults with disability in 2020-21 were made by paid staff (previously 56.2%).

**Figure 10: Relationship of reporter to the adult with disability in reports to the ADC, 2020-21**

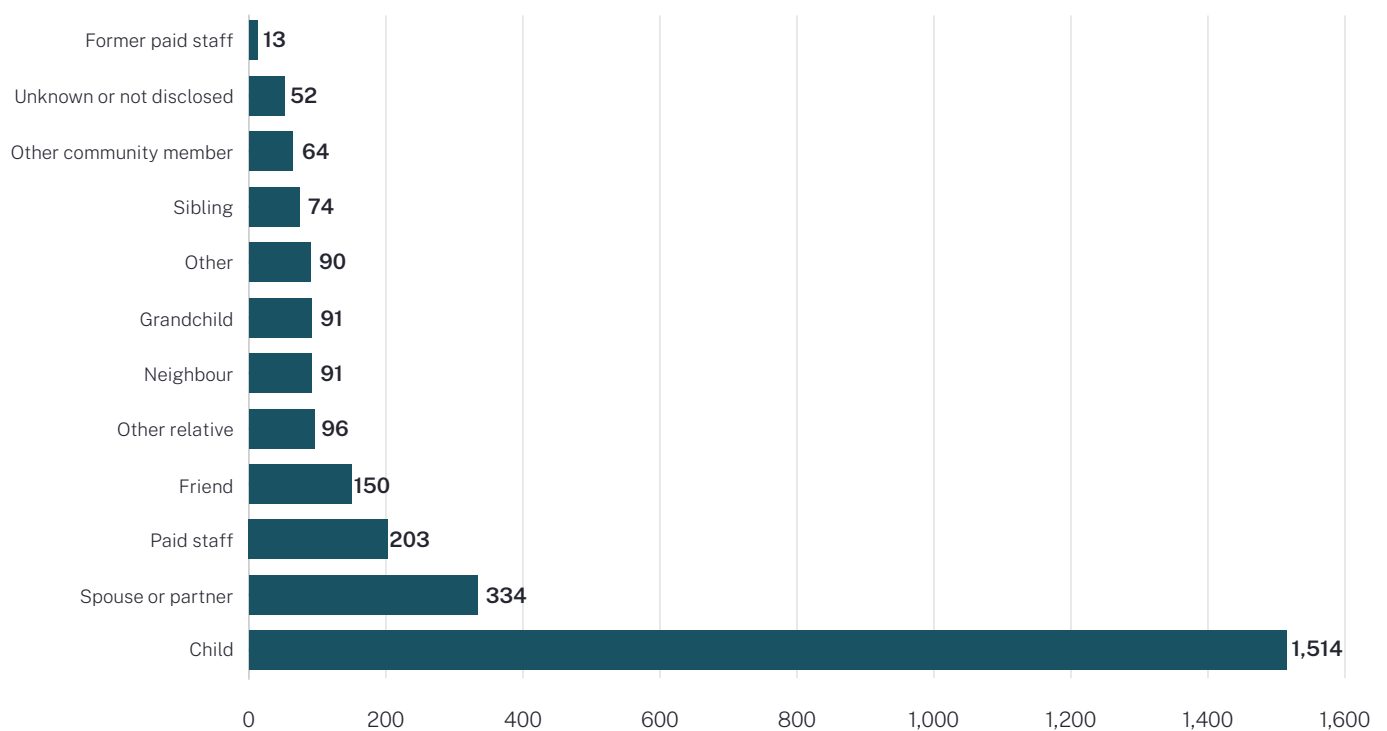


## 2.2.3 Subjects of allegation

The subjects of allegation in over half (54.5%) of the 2,777 reports to the ADC about **older people** in 2020-21 were the person's adult children. All up, relatives were the subjects of allegation in almost two-thirds (64%) of the reports about older people. Allegations against a spouse or partner (or ex-spouse/ partner) featured in 12% of the reports about older people.

In comparison to the previous year, the proportion of reports in 2020-21 involving allegations against paid staff (7.8%) increased by 2%.

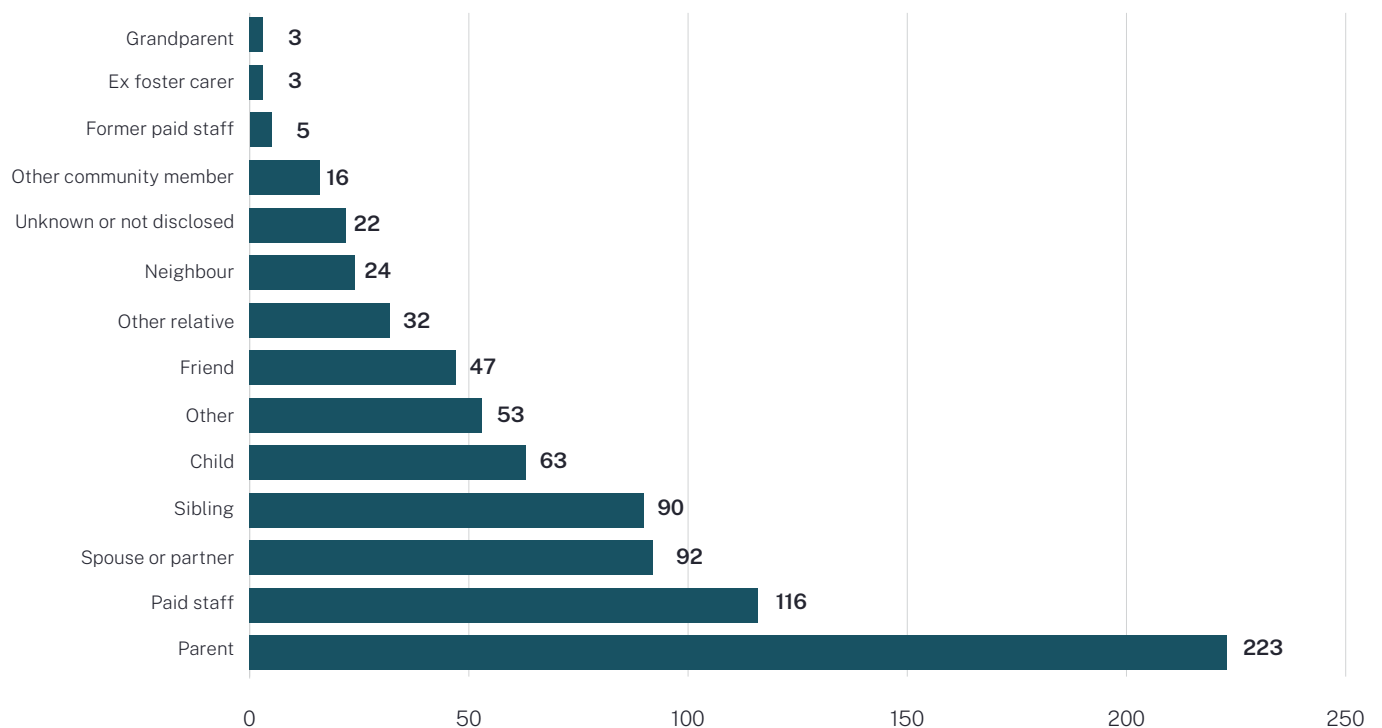
Figure 11: Relationship of the subject of allegation to the older person in reports to the ADC, 2020-21



In 28.3% of the 789 reports to the ADC about **adults with disability** in 2020-21, the allegations pertained to the adult’s parent(s). All up, relatives were the subjects of allegation in over half (52.1%) of the reports about adults with disability. In 11.7% of matters, the adult’s spouse or partner (or ex-spouse/partner) was the subject of the allegations.

In comparison with the previous year, the proportion of reports in 2020-21 involving allegations against paid staff (15.3%) increased by 6%.

**Figure 12: Relationship of the subject of allegation to the adult with disability in reports to the ADC, 2020-21**



## 2.2.4 Type of alleged abuse

Most reports to the ADC involve more than one type of abuse. For example, it is common 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** in 2020-21 were psychological abuse and financial abuse. The results for 2020-21 were highly consistent with 2019-20.

Figure 13: Number of allegations by type of abuse, reports to the ADC about older people, 2020-21

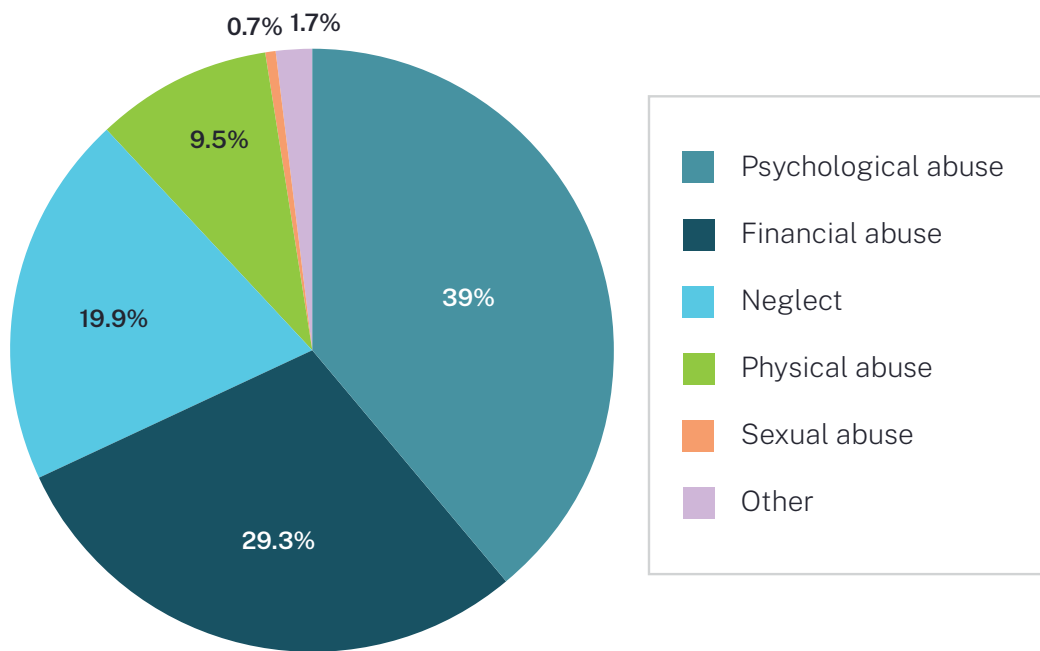


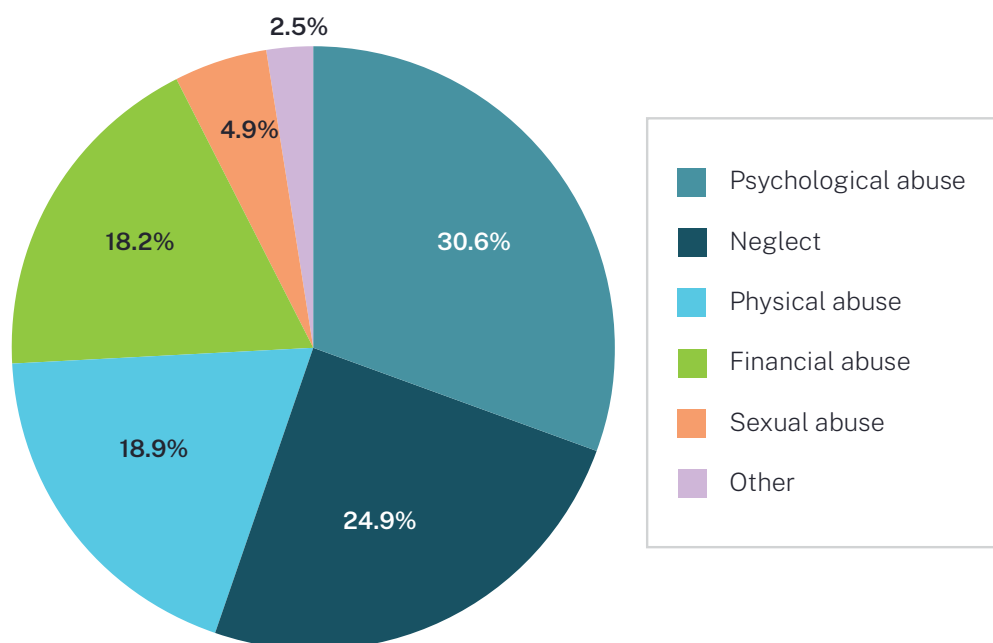
Table 5: Type of alleged abuse of the older person in reports to the ADC, 2020-21<sup>9</sup>

Type of alleged abuse	Number of allegations	% of all allegations in reports about older people
<b>Psychological abuse</b> (Mainly verbal abuse; preventing or restricting access to family/ others; and preventing or restricting access to supports/services)	1,619	39.0
<b>Financial abuse</b> (Mainly financial exploitation; misuse of Power of Attorney/ Enduring POA; and theft)	1,216	29.3
<b>Neglect</b> (Mainly failure to meet the person’s support needs; medical neglect; and inadequate clothing or food)	826	19.9
<b>Physical abuse</b> (Mainly hitting/kicking/punching; and pushing/shoving/grabbing/ shaking)	393	9.5
<b>Sexual abuse</b> (Mainly sexual assault and indecent assault)	30	0.7
<b>Other</b>	71	1.7
<b>Total allegations in reports about older people</b>	<b>4,155</b>	<b>100</b>

<sup>9</sup> 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.

The most commonly reported types of alleged abuse in relation to **adults with disability** in 2020-21 were psychological abuse, followed by neglect and physical abuse. This differs slightly to 2019-20, where financial abuse (16.8%) was the third most commonly reported type of abuse of adults with disability, slightly ahead of physical abuse (16.5%).

**Figure 14: Percentage of allegations by type of abuse, reports to the ADC about adults with disability, 2020-21**



**Table 6: Type of alleged abuse of the adult with disability in reports to the ADC, 2020-21<sup>10</sup>**

Type of alleged abuse	Number of allegations	% of all allegations in reports about adults with disability
<b>Psychological abuse</b> (Mainly verbal abuse; preventing or restricting access to family/others; and preventing or restricting access to supports/services)	416	30.6
<b>Neglect</b> (Mainly failure to meet the person’s support needs; medical neglect; and inadequate clothing or food)	339	24.9
<b>Physical abuse</b> (Mainly hitting/kicking/punching; and pushing/shoving/grabbing/shaking)	257	18.9
<b>Financial abuse</b> (Mainly financial exploitation; misuse of Power of Attorney/Enduring POA; and theft)	248	18.2
<b>Sexual abuse</b> (Mainly sexual assault and indecent assault)	66	4.9
<b>Other</b>	34	2.5
<b>Total allegations in reports about adults with disability</b>	<b>1,360</b>	<b>100</b>

<sup>10</sup> 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.



## 2.3 Key issues from reports in 2020-21

We identified a range of issues relating to our work on reports in 2020-21; the following information provides an overview of some of the key areas.

### 2.3.1 The value of police Aged Crime Prevention Officers

In November 2018, the NSW Government announced that each police command would receive a specialist elder abuse prevention officer, to occur over four years. At the time of the December 2018 announcement of the establishment of the ADC, the Government identified that we would be supported by the new specialist elder abuse officers. These roles were subsequently retitled as Aged Crime Prevention Officers (ACPOs), and they have a specific focus on older people, people with disability, and homelessness. To date, 12 ACPO roles have been established across NSW.

Since the commencement of the ADC, we have worked closely with the ACPOs. Their role and work is highly valued by our office and the community. Our work on reports this year has continued to show the important role that ACPOs play in improving police practice and outcomes for vulnerable adults, as well as supporting community-based abuse prevention collaboratives.

A range of the case studies in this annual report illustrate our work with ACPOs in 2020-21, and the outcomes they have helped to deliver (see, for example, case studies 3, 5 and 7).

In this context, this year we wrote to the Police Commissioner and the Police Minister to highlight the positive impact that has resulted from the ACPO roles, and to emphasise the need to continue to roll out these valued roles across all police commands. As these roles are a critical element of the abuse prevention and response framework for adults with disability and older people in NSW, we will continue to monitor the state-wide roll out of ACPOs in NSW Police.

## 2.3.2 Options for addressing financial abuse

In many cases, by the time the ADC receives a report about alleged financial abuse of an adult with disability or older person, the adult's money and assets (or a significant proportion) have already been taken or depleted. The ADC works with the adult and relevant other parties to protect the adult's remaining and future assets – such as taking steps to freeze and change accounts; review and revoke the decision-making authority (such as an Enduring Power of Attorney); and remove the subject of allegation as a nominee or account signatory.

We refer any matters that may provide evidence of the commission of a criminal offence to NSW Police. In some cases, the subject of allegation has subsequently been charged by police, convicted at court, and been ordered to repay the misappropriated funds (such as case study 4). However, for matters that are not pursued by police (because, for example, they are deemed not to meet a criminal threshold), there are limited options. While parties can pursue civil litigation – and the ADC has an arrangement with Justice Connect to link parties to legal services – this is not always an appropriate option for a range of reasons, including the reluctance or refusal of the adult with disability/older person to take legal action against a family member; and the sometimes limited capacity of the adult to give instructions.

In Victoria, the Supreme Court or Victorian Civil and Administrative Tribunal (VCAT) may order an attorney under an Enduring Power of Attorney to compensate the principal for a loss caused by the attorney contravening relevant legislation when acting under the power of attorney.

This applies even if the attorney is convicted of an offence in relation to the attorney's contravention; even if the principal has died; and even if the Enduring Power of Attorney is invalid or has been revoked.<sup>11</sup>

Currently, the NSW Civil and Administrative Tribunal (NCAT) does not have the equivalent ability to order compensation of the principal by loss caused by the attorney. NCAT is able to review and revoke a Power of Attorney/ Enduring Power of Attorney, and/or make a financial management order that overrides the existing instrument, but cannot order financial restitution of the affected party. Such a power would make a significant difference in many cases that are handled and investigated by the ADC (see, for example, case study 10). In our view, it would provide one pathway for addressing financial abuse and holding offending attorneys to account; and, more broadly, it would help to prevent financial abuse by providing a visible deterrent.

We will explore this issue and related matters, including the adequacy of existing laws, with relevant parties in 2021-22.

<sup>11</sup> Sections 77(1) and (2) of the *Powers of Attorney Act 2014* [Vic].



## 2.3.3 Decision-making support

From the start of the ADC, a key part of our work in responding to reports has related to decision-making. In particular, seeking to uphold the rights of the adult with disability or older person to make their own decisions and have those decisions heard, respected and followed.

Among other things, we frequently identify matters in which:

- adults with decision-making capacity are not being provided with opportunities to make decisions or support to do so (when needed)
- providers are defaulting to the adult's family or spouse to make decisions, or automatically upholding the decisions of the family/ spouse
- the adult's family/spouse has become their 'nominee' with government agencies (eg: NDIA, Centrelink) in questionable circumstances and without adequate rigor in the process. In this regard, in at least four of the reports we finalised in 2020-21, the subject of allegation was removed as the adult's NDIS nominee; in at least six other reports, the subject of allegation was removed as another nominee (such as the adult's Centrelink nominee).

In addition to the obvious adverse impact on the adult, the above issues also present challenges for the ADC in responding to reports. For example, in many cases the information provided to the ADC about the adult's decision-making capacity has been inaccurate; no mechanisms or supports have been put in place to assist the adult to express their views and be involved in decision-making; and there has not been a readily identifiable party who could fulfill the role of decision-making 'supporter'.

Inquiries by the Australian Law Reform Commission and the NSW Law Reform Commission in recent years have specifically examined the adequacy of decision-making laws and processes, and made comprehensive recommendations for improvement, including development of frameworks for supported decision-making.<sup>12</sup> However, there does not appear to have been substantial progress in implementing the recommendations in NSW. While Victoria has amended its guardianship legislation to include 'supportive' guardianship and administration orders,<sup>13</sup> there is currently no framework for supported decision-making in NSW.

Supported decision-making is also an identified priority of the Ageing and Disability Advisory Board. In conjunction with the Advisory Board, the ADC will pursue this issue with relevant governments in 2021-22.

<sup>12</sup> Australian Law Reform Commission (2014) 'Equality, Capacity and Disability in Commonwealth Laws'; and NSW Law Reform Commission (2018) 'Review of the Guardianship Act 1987'.

<sup>13</sup> Guardianship and Administration Act 2019 [Vic].

## 2.3.4 Abuse by former paid staff

The ADC typically does not handle reports about the conduct of paid staff, as these matters come under the remit of other agencies, such as the NDIS Commission, the Aged Care Commission, the Health Care Complaints Commission and the Office of the Children's Guardian. However, we fill gaps in regulatory arrangements. As a result, we tend to handle reports relating to the conduct of staff who were no longer engaged by the employer at the time of the report to us.

Case studies 11 and 12 highlight two reports we handled in 2020-21 about financial abuse and exploitation of older people by former aged care workers; one of which also involved the conduct of the older person's solicitor.

In both cases, the older people had substantial funds and had no or limited contact with family and friends. Their isolation and lack of social connections increased their vulnerability to the actions of the aged care workers to befriend them, develop trust, and then financially abuse and exploit them. In both cases, the older people had willingly given the aged care workers a certain amount – gifts/money and/or control over their bank account – but did not have direct line of sight over their accounts (such as bank statements) and were not aware of the financial abuse and fraud.

### Case study 11

The ADC received an anonymous letter containing allegations against a former employee of an aged care service in a regional area. The letter alleged that:

- the former aged care worker was continuing to work with an older man with dementia, who the worker had been financially abusing for two years
- the older man had bought the former worker a house worth \$600,000, and had provided her with large amount of cash, new furniture, holidays, and personal items
- the former worker had recently taken and sold the older man's car and pocketed the money.

The letter identified the former worker and their address, but did not contain any identifying information about the older person. We referred the matter to NSW Police, who commenced an investigation and provided us with the details of the older person. The ADC made initial inquiries with ACAT to identify any aged care or other supports connected to the man, and to clarify his support needs. We obtained clearance from police to undertake concurrent work to look into the man's supports and any financial protections.

The in home aged care provider clarified the man's support needs, including that he had short term memory loss but not dementia. We obtained a copy of his Enduring Guardianship and Enduring Power of Attorney (EPOA) authorities, both of which identified his solicitor as the authorised person.

The ADC provided the above information to police and sought clearance to conduct inquiries with the Enduring Guardian/EPOA. Police asked us not to pursue the inquiries as the solicitor had become a person of interest.

*The solicitor and former care worker had been identified as signatories to the man's bank account, and a substantial amount of money had been going in and out of the account.*

During the course of handling this matter, the man was admitted to hospital. The ADC, police and hospital social workers worked cooperatively and proactively together, and with the man, to support the police investigation and ensure concurrent actions to protect the man and uphold his rights, including:

- meetings with the man to gain information and ascertain his views/wishes, and manage his contact with the subjects of allegation in line with his wishes
- we liaised with the hospital social worker to assist the man to get his bank to cancel all authorised third parties to his accounts and internet and mobile banking, and to ensure appropriate supports while his accounts were frozen.

A geriatrician assessed that the man could make informed decisions about the enduring instruments. We worked with the man and the hospital social worker to link him up with an independent solicitor to revoke the enduring instruments and change his will.

*The man indicated that he had willingly given the former care worker money and gifts in the past, but was unaware that money was continuing to come out of his account. He was shocked by what was discovered about the amount of money and use of his funds.*

Police subsequently charged both the former care worker and the solicitor with dishonestly obtaining financial advantage by deception. The former worker allegedly transferred more than \$275,000 from the older man's account over a two year period. The solicitor allegedly altered the man's will to list themselves and the former care worker as beneficiaries to his estate, and assisted the former care worker with the purchase of a home, without the man's knowledge.

The two subjects of allegation stood to benefit from at least \$2.5 million each on the man's death, in addition to cash and gifts already received.





## Case study 12

The ADC received a report raising concerns about suspected financial abuse of an older person with dementia living in an aged care facility. The allegations related to a former employee of the aged care facility (registered nurse), who had worked with older person.

*At the time of the report, it was alleged that the former employee was informally managing the older person's finances but there was no specific information about missing funds or unpaid bills.*

The ADC met with the older person about the report. They advised that they had no bank records and the worker had started managing their funds while engaged as an employee in the aged care facility. The older person confirmed that they did not want the former worker to continue to manage their finances and they wanted the NSW Trustee and Guardian to take on this role.

The older person had not been able to go to the bank to change their arrangements due to COVID 19, and they could not recall their phone or internet bank passwords to enable the bank to verify their identity to make changes to their accounts or to request copies of their accounts.

*The ADC staff member attended the bank and spoke with the branch manager, alerting them that a person was alleged to be accessing the account against the wishes of their customer. In response, the bank put a hold on the older person's account and made arrangements to visit the person in the aged care facility to verify their wishes.*

The ADC liaised with the aged care facility in relation to an application to NCAT to appoint a financial manager. Given the nature of the allegations, we also made referrals to the Health Care Complaints Commission, the Aged Care Commission, and NSW Police. The ADC also sought information from the oversight bodies in relation to a risk to a class of older people who were in the care of the worker in other aged care facilities.

At the time of closing the report, NCAT had appointed the NSW Trustee and Guardian as the older person's financial manager; the nurse's registration had been suspended; and police were intending to charge the nurse in relation to use of the older person's funds.

## 2.3.5 Issues relating to COVID-19

We identified a range of COVID-19-related issues arising from our handling of reports about adults with disability and older people in 2020-21. The operation of the Helpline was unaffected and our Community Supports and Investigations Unit continued to undertake home visits throughout the pandemic and lockdown periods; however, there were aspects of the pandemic, including the closure of certain services, which tended to affect safeguarding activities in relevant cases.

### Among other things, we noted:

- **Restricted access to family and services** – we noted that some subjects of allegation used the pandemic as the basis for increasing their control and the adult’s isolation from family members and necessary supports, even when public health orders allowed visits under certain circumstances.
- **Reduced ability to put safeguards in place** – we found that the adults with disability/ older people in our reports had reduced ability, or were not comfortable, to do things to protect themselves. For example, they were unable to access their bank or solicitor. The pandemic similarly affected the ability of their supporters to put protective measures in place.
- **Restricted access to vaccination** – in some cases, we have noted subjects of allegation restricting the adult’s access to the vaccine, despite the adult’s wishes to be vaccinated. In some cases, the subject of allegation has then sought to restrict family contact, stating that the adult is vulnerable.
- **Increased financial vulnerability** – an increased number of calls to the Helpline noted that adults with disability or older people were giving their key card to others to purchase goods on their behalf.
- **Reduced access to alternative accommodation** – in a range of reports, we have identified reduced or lack of access to emergency or short-term (respite) accommodation options to enable the adult to improve their safety.
- **Reduced line of sight over the adult** – associated with:
  - the closure of community access and day program activities – this also reduced the options for the ADC to meet with the adult away from the subject of allegation
  - reduced in-person contact between the adult and certain support services (such as support coordinators and advocates) – this also reduced the ability of the adult to be able to speak safely
  - the necessary shift to ‘virtual visiting’ by Official Community Visitors during lockdown periods – this also adversely affected the ability of OCVs to view living conditions, inspect records, and raise issues affecting residents.





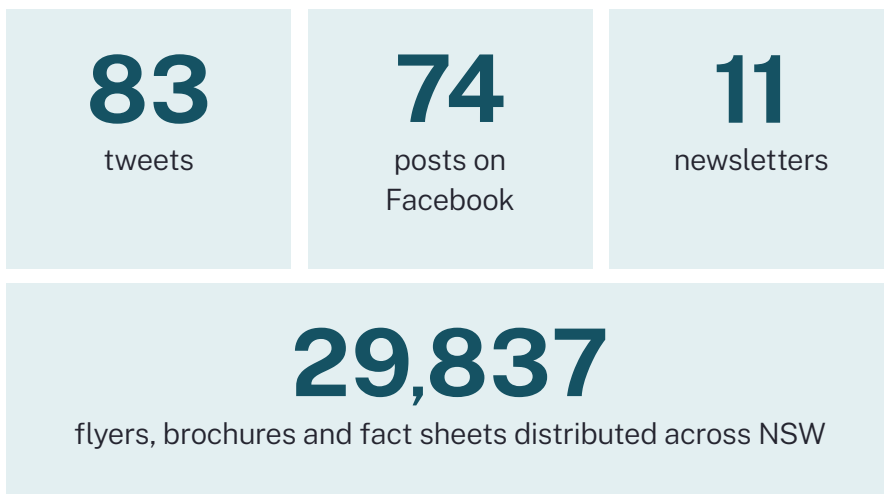
### 3. Community engagement

The ADC strengthened its communication and engagement in 2020-2021, reaching more frontline workers, service providers and older people and adults with disability in the community. We increased our messaging across all of our digital platforms, adjusted our work to continue to deliver talks and educational sessions during COVID-19 lockdowns and progressed important engagement projects to strengthen our work with Aboriginal and culturally and linguistically diverse communities.

#### 3.1 Communicating with our stakeholders

The ADC pushed more digital communications across social media and through our website than the previous reporting period. This was a concerted effort to ensure important communications were reinforced, including the continued operation of the Ageing and Disability Abuse Helpline throughout the COVID-19 pandemic and lockdowns.

During the 2020-21 reporting period the ADC published:



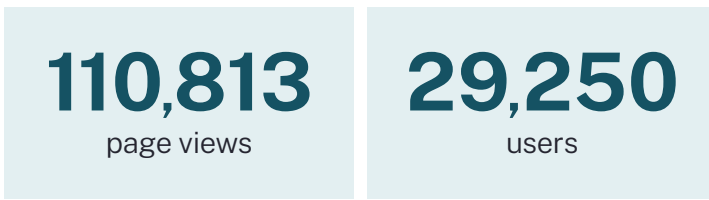
We also actively collaborated with government advisory councils, including the Ministerial Advisory Council on Ageing, Disability Council of NSW and the NSW Carers Advisory Council.



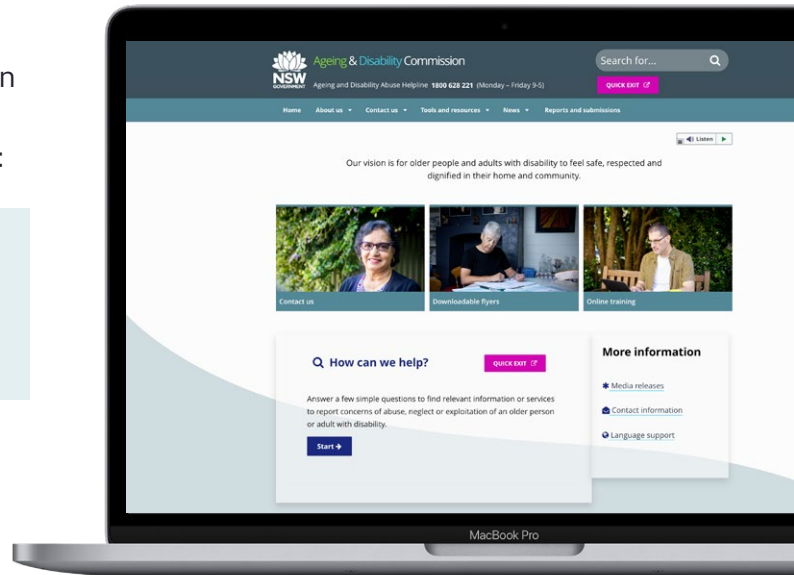


## Website

The [ADC website](#) remains the central communication and service channel for ADC stakeholders and the broader NSW community. This year the website had:



This means more people visited and interacted with our website, likely due to an increase in communications and engagement programs, including training.



## Paid media campaign

Paid media activity ran throughout this reporting period, which was an important element in raising awareness about abuse and neglect of older people and adults with disability. The campaign, titled **‘Know Your Rights’** raised awareness about the signs of abuse, neglect and exploitation of older people and adults with disability and ran across the 2GB network and in regional locations of Wagga Wagga, Central Coast, Wollongong (including the Illawarra and Shoalhaven), Newcastle and Hunter regions, Bathurst, Orange, Nowra, remote NSW, Tamworth, Armidale, Young, Cowra, Lithgow, Bathurst and the Blue Mountains.

Target audiences included people aged 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.

**Table 7: Results from paid media activity**

Channel	Results	Achievements
Metro and regional radio	Reached up to 1,056,000 listeners across the 2GB network.	Significant added value was achieved with the regional and remote radio activity. 399 radio spots were aired on regional and remote radio networks, with 81% of these delivered as bonus activity. This indicates that regional communities, in particular remote NSW, Newcastle and Hunter, Orange and Wagga Wagga, resonated with the messages.
Search	Most popular search terms were: <i>elderly abuse, disability support and disability abuse.</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.



## Supporting NSW Government COVID-19 communications

The ADC played a role in distributing important COVID-19 information to abuse prevention Collaboratives and across our own communications network. The ADC shared information relating to vaccinations, pandemic restrictions, where to access help and support and contact details of the Ageing and Disability Abuse Helpline.

## Providing accessible resources

The ADC has progressed a series of Easy Read and accessible resources to support our conversations with adults with disability and older people on abuse, neglect and exploitation and their rights. These resources will be consulted on with people with intellectual disability and become a publicly available resource.

## Sponsorships

A sponsorship arrangement with the Radio for the Print Handicapped (2RPH) and the ADC continued for this reporting period. The segment titled Ageing with Attitude ensured awareness of the Ageing and Disability Abuse Helpline was consistently promoted. The Commissioner also took part in interviews with the network raising awareness about the signs of abuse for older people, and the promotion of World Elder Abuse Awareness Day.

## 3.2 Training and education

### Online training

In this reporting period, the ADC launched the first online training module designed to improve the detection of, and response to abuse, neglect and exploitation of older people and adults with disability in their family, home and community.

**Module one – the 5 steps to detecting and responding to abuse** is targeted towards frontline staff, volunteers and community members who engage with older people or adults with disability. The learning outcomes include:

- identifying the different types of abuse, neglect and exploitation of older people and adults with disability in their family, home and community
- developing strategies on how to have a conversation with an older person or adult with disability
- exploring the process of recording accurate information and record keeping
- having confidence to raise concerns with your manager or organisation
- identifying appropriate parties to report to with your manager.

*Great work to the ADC for providing this training to practitioners! Thank you.*

**Senior Policy and Programs worker**

*It was clear and easy for everyone to understand.*

**Community Nurse RN**

*Great training. Now mandatory for every orientation within our organisation.*

**Team Leader Community Services**

*Training was the clearest Elder Abuse training I have completed in all the years I have worked in Aged Care. Thank you!*

**Home Support Assessor**

*I found the module very good - I come from the perspective of an ex NSW Detective with an interest in Elder Abuse having now worked in aged care and Retirement Living for some 18 years. I have seen numerous instances of virtually all forms of abuse of older persons during that time in the industry and this will hopefully mean that staff in RV's in particular will get that little more insight of what to do and who to inform.*

**Retirement Village Manager**

As a result of the efficacy of this module, a range of government and non-government agencies have adopted this training as part of their internal learning management programs, including:

- NSW Department of Communities and Justice
- Jewish Care
- Relationships Australia
- Live Better

**Module two – a service wide approach to responding to abuse and neglect** provides supervisors, managers, senior executives and senior staff in organisations with the skills to strengthen existing workplace practices, and better support staff to identify and respond to abuse, neglect and exploitation of an older person or adult with disability in their family, home or community.

## Capacity building with NSW Police

The ADC developed six training scenarios in accordance with the NSW Police Six Minute Intensive Training (SMIT) program. This program involves sample scenarios or topics that an officer may face while on duty, and facilitates a discussion within the Police Area Command about best practice responses, which considers the law, how to engage with the person, and relevant lines of inquiry that could be pursued.

The ADC provided NSW Police with SMITs on scenarios relevant to their role and the work of the ADC, including:

Scenarios relating to the abuse of older people	Scenarios relating to the abuse of adults with disability
Overview of elder abuse indicators Financial abuse Abuse of power of attorney	Financial abuse Physical abuse Restrictive practice



## Speaking engagements

During the 2020/21 reporting period, the ADC participated in 71 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. Commissioner participated in 21 of these speaking engagements, including a podcast with the Western Sydney Community Forum.

The ADC also attended important community events including the NSW Seniors Festival, speaking with members of the community about their rights, and promoting the Ageing and Disability Abuse Helpline.



## ADC staff capacity building

In the last reporting period, the ADC provided Aboriginal cultural awareness training for all staff. The training provided an opportunity to strengthen and improve our understanding of the history of Aboriginal communities in NSW and Australia, and better understand how to adapt our work and practice when engaging with Aboriginal communities.

## 3.3 Supporting global initiatives

### International Day of People with Disability

The ADC celebrated International Day of People with Disability (IDPwD) on 3 December 2020. IDPwD is a United Nations sanctioned day that increases public awareness, understanding and acceptance of people with disability, and celebrates their achievements and contributions.

This year the ADC partnered with the Australian Human Rights Commission's Disability Discrimination Commissioner Dr Ben Gauntlett to produce a range of videos based on the theme 'not all disabilities are visible.' Our campaign included people with a lived experience of disability, leaders and advocates and involved a short video and newsletter shared across social media, and to our distribution list.

**Collaborative to aid adult with disability**  
From page 1  
The Collaborative will comprise local disability service providers, a NSW Police Adult Crime Prevention Officer, the City of Canterbury-Bankstown and is supported by the Ageing and Disability Commission.  
"This is a significant day for adults with disability living in Canterbury-Bankstown."  
"They now have a dedicated group of professionals who have a critical understanding of local issues and can develop more tailored abuse prevention strategies that will better support them, and their community."  
"Having the first disability abuse prevention Collaborative is a great commitment by this Council, and will help to promote the rights of adults with disability within the community and strengthen local responses."  
"We want to see every Local Government Area across NSW establish a Collaborative for adults with disability and older people, because they are invaluable in the collective effort to ensure everyone lives free from abuse in their family, home and community."  
Mayor Khal Ashour said council is committed to improving outcomes for adults with disability and the Collaborative is part of its continued effort to support adults with disability.  
"We're dedicated to ensuring the rights of everyone in Canterbury-Bankstown are upheld by our community," Mayor Ashour said.

**Big change to bin pick-up**  
BIN collection days and times are about to change for seven out of 10 households in the final stage of the council reorganising waste services between the former Canterbury and Bankstown council areas.  
Mayor Khal Ashour said existing waste contractors and services of the former councils, were not working as efficiently as they could.  
"So, we've streamlined the services and brought the collections of red and yellow bins in-house. This means we will achieve better quality and consistency in the services we provide."  
"To help make this transition easier, we are offering a special one-off collection of all three bins (red, yellow and green) on residents' normal bin day in the week of February 22-23 so bins are empty and ready for the permanent changes beginning from March 1-5.  
There will also be changes to Clean Up collection services and Daily Waste site increases.  
Commercial properties in the former Canterbury Council area, continue to be provided with red and yellow bin collection services and will undergo the same changes as residences in these suburbs.  
However, those in the former Bankstown Council area, do not receive this service and are not impacted by the new services.  
The council has started mailing out property-specific calendars and putting stickers on red bins informing residents of their new collection days. Residents can also find their new bin day by calling Customer Service on 8707 9000 or typing their address into the new Bin Day Finder function at [city.cba.nsw.gov.au](http://city.cba.nsw.gov.au).

**Call to ensure safety of street works**  
TOO many major utility companies are ripping up our streets and footpaths to carry out their work, leaving a mess and taking months to restore sites to their original, safe condition - and Cr George Zahra says he has had enough.  
"He says everyone realises that utility companies carry out important work delivering services such as telecommunications, gas and electricity, but too often when they carry out these works they leave behind unsightly temporary restrictions."  
"This results in a big risk to our community," he said.  
"I have witnessed a member of the public fall and sustain an injury as a result of a poor safety restriction."  
"What is more, all too often, utility companies have come in after the council has completed new works, turning our hard work into a mess and subjecting the community to draw out and costly temporary restrictions."  
"Cr Zahra's request, the council has written to major utility companies requesting they maintain a safe and satisfactory condition during, immediately after and before, and up until death time as permanent restorations are completed, and restore, progressively, to a better standard to a condition equivalent to or better than they were prior to the works occurring."  
"Council staff are quick to make mess safe once we receive reports and there is a mechanism to remove costs, but it is not our responsibility," he said.

**First to fight abuse**  
Form 'Collaborative' to protect rights of adults with disabilities  
THE fight against the abuse, neglect and exploitation of adults with disability has been stepped up with the state's first disability abuse prevention Collaborative launched in Canterbury-Bankstown. It will bring together skilled frontline workers to develop local protocols, practice guidelines and communications aimed at responding to abuse, risk factors and circumstances that the abuse of adults with disability in the home and community. **Continued**

**From the team that lives, breathes and creates iconic retirement.**  
Under Construction  
Due for completion mid 2022.  
The OASIS Peakhurst is unprecedented, with a premium standard of facilities and architect-designed, retirement apartment living, right here. And there's a well loved and respected reason why.  
Already under construction, due for completion mid 2022, this game-changing apartment community comes from the local team, synonymous with quality retirement living: Beauty Point Retirement Resort in Padstow Heights.  
With a magnificent café/restaurant, indoor pool and gym, library and spectacular alfresco sky garden, you'll also enjoy unprecedented standard of service, attention and support delivered by the professional, family team you already know.  
Apartments from \$679,500 - \$1,005,500\* are selling quickly, so call Lisa on 8708 4700 and get in early to secure your preferred level, view and design layout, in the most stylish apartments in Peakhurst's skyline.  
64 Stanley Street, Peakhurst  
oasispeakhurst.com.au  
A Retirement Your Way community.

## World Elder Abuse Awareness Day

World Elder Abuse Awareness Day (WEAAD) is a United Nations sanctioned day occurring on June 15 every year, which raises awareness of the abuse of older people around the world.

This year, the ADC led a social media campaign focussed on the impact of negative ageist attitudes towards older people and highlighted how ageism can have a negative impact on how older people perceive their own ability, whether they feel they can exercise their own rights or express choice in decisions about their own life. A communications toolkit was distributed to all Abuse of Older People Prevention Collaboratives, the Minister for Seniors and our database comprising community leaders and workers. The communications toolkit included the videos, social media tiles and key messages to push a consistent message throughout the community.

The campaign saw over **159,000 engagements** across Twitter and Facebook, a **73% increase** from the 2020 WEAAD campaign. This means more users on social media saw our message, watched our video and engaged with our content.



## Other highlights include:

- Visiting the Orange, Shoalhaven and Wagga Wagga Abuse of Older Persons Prevention Collaboratives, supporting their events for World Elder Abuse Awareness Day.
- An article in the Australian Financial Review, in partnership with NSW Trustee & Guardian, about risks of financial abuse for older people.
- Utilising our paid media campaign to run messages from 6–14 June about World Elder Abuse Awareness Day.





### 3.4 Abuse Prevention Collaboratives

As at 30 June 2021, there were 18 established Abuse Prevention Collaboratives across NSW. The ADC is also proud to have supported the launch of the first Disability Abuse Prevention Collaborative, in the Canterbury-Bankstown local government area.

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 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.

#### Highlights:

- Working with the South West Sydney Elder Abuse Prevention Collaborative on an outdoor billboard at Macarthur Train Station. This station sees approximately 6,610 daily passengers, and 46,270 weekly passengers across their platforms, which achieved significant reach in awareness of the promoted message.
- Supporting Collaboratives to promote World Elder Abuse Awareness Day.



## 3.5 Strategic engagement programs

### Aboriginal communities

The ADC has engaged First Peoples Disability Network to support the development of a strategic framework that will drive effective and meaningful engagement with Aboriginal communities in NSW.

This program will help us to better understand how Aboriginal communities perceive and respond to abuse, neglect, and exploitation, including specific exploration of any cultural sensitivities that may affect communication and engagement activities, and broader ADC work. The program will be completed in 2021-22 and will help to inform our ongoing practices and frameworks.

### Culturally and linguistically diverse (CALD) communities

The ADC has engaged Cultural Perspectives to run a series of consultations with CALD community groups to inform the development of an engagement framework, and related communications.

This program will help to better understand cultural understandings of abuse, neglect, and exploitation including the specific exploration of any cultural sensitivities that may impact on communication and engagement activities, and broader ADC work.

The program will be completed in 2021-22 financial year and will have a positive, long term impact on our practices and frameworks.

### Consultative groups

In 2020-21, we formed and started meeting with three consultative and advisory groups to inform and support the work of the ADC, comprising:

- 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 about abuse, neglect and exploitation of adults with disability and older people
- Ageing and Disability Roundtables – to provide forums for the ADC to liaise with ageing and disability sector advocates, peak and representative bodies to discuss the work of the ADC and matters affecting people with disability and older people.

### In 2021-2022 we will:

- Finalise and launch a strategy to strengthen the work of local councils and their effort to better support older people and adults with disability at risk, or experiencing abuse, neglect or exploitation in their family, home and community.
- Establish a broader training program that continues to strengthen and build the capacity of workers and the community to detect and act on concerns of abuse and neglect.
- Proactively work to establish more abuse prevention Collaboratives in key locations informed by data and community needs.

## 4. Improving information sharing

### 4.1 Information sharing arrangements

This year, we finalised an MOU with NSW Police to facilitate the exchange of relevant information and provide clarity to Police and ADC officers about our joint working arrangements to enable consistent practice. The MOU includes Standard Operating Procedures (SOPs) to give guidance to police on responding to requests for information/ assistance and referrals from the ADC relating to alleged criminal conduct or concerns for welfare about adults with disability and older people.

The MOU also forms an agreement for the ADC's access to NSW Police information and systems – particularly its Computerised Operation Policing System (COPS). Under the arrangement, authorised users in the ADC with national security clearance have read-only access to COPS to obtain relevant information to assist our handling of reports, including our assessments of risk to the adult with disability or older person. In accordance with the MOU, we have implemented strict controls over the collection, handling and use of police information, which are supported by regular audits.

#### In 2020-21, we also:

- reached agreement with the HCCC on exchange of information arrangements relating to complaints we are required to refer to them under the ADC Act
- obtained changes to the ADC Act to:
  - enable us to disclose information about the outcome of a report to certain people in certain circumstances, including the reporter and people who are concerned for the welfare of the adult with disability or older person<sup>14</sup>
  - protect employees and contractors who assist, or propose to assist, the ADC with any function in relation to a report about the abuse, neglect or exploitation of an adult with disability or older person<sup>15</sup> (such as providing information in response to the ADC's inquiries)
- continued to pursue changes to our Regulation to extend the scope of 'relevant agency' to include other agencies we have substantial contact with in our work in relation to reports, including Services Australia, the Commonwealth Department of Health, and iCare. During the year, the proposed changes to the Regulation went to key stakeholders for consultation and comment. We expect the changes to be made in early 2021-22.

<sup>14</sup> Section 31A of the ADC Act.

<sup>15</sup> Section 15A of the ADC Act.



## 5. Projects and systemic work

### 5.1 Developing public policy and practice frameworks

In 2020-21, we have undertaken work to develop:

- a) an overarching public policy framework for preventing and responding to abuse, neglect and exploitation of adults with disability and older people
- b) an ADC practice framework to guide our response to reports about adults with disability and older people who are subject to, or at risk of, abuse, neglect and exploitation.

Among other things, the work is being informed by consideration of existing frameworks for preventing and responding to abuse – including in the context of child protection and domestic

and family violence systems; consultation with key internal and external stakeholders; and learnings from the evidence gathered by safeguarding bodies and relevant Royal Commissions and inquiries.

We engaged a consultant with substantial relevant experience and expertise, Maree Walk, to lead the development of the frameworks. The development of the public policy framework is one of the identified priorities of the Ageing and Disability Advisory Board, and has been the subject of discussion at three Advisory Board meetings to date.

### 5.2 Informing inquiries and reviews

In 2020-21, we made submissions and gave evidence to a number of inquiries and reviews, informed by our work and, in relevant cases, by OCVs. Submissions to inquiries are available on our website.

We made submissions and gave evidence at hearings of the Aged Care Royal Commission and an inquiry by NSW Parliament's Joint Select Committee on Coercive Control; and made a submission to the Commonwealth Government's consultations on a National Register of Enduring Powers of Attorney, following participation in a national roundtable.

Specifically in relation to people with disability, we provided input and feedback on the NSW Government's consultations on reforms to shared accommodation, the draft NSW Disability Inclusion Plan, and the NSW Health Sexual Assault and New Street Disability Access Strategy and Evaluation; and made a submission to the Commonwealth's consultations on NDIS

support coordination.

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

- NSW Health Sexual Assault and Disability Access Project Committee
- Assisted Boarding House Industry Advisory Group
- National Helplines meetings
- National adult safeguarding roundtables
- NSW Health COVID-19 Disability Community of Practice
- NSW Disability Stakeholders Forums
- NCAT Guardianship Division Consultative Forums.

## 5.3 National Disability Strategy standing review

Under the ADC Act, the ADC has responsibility for monitoring, assessing and reporting on the implementation of the National Disability Strategy (NDS) in NSW. In September 2020, we released a position paper that explored the background to the NDS and outlined our proposal to establish a standing review into the implementation of the NDS in NSW.

In September/October, we sought feedback from people with disability, their supporters and representatives, and local and State government agencies on the proposal, as well

as on the best methods of consulting with people with disability and the disability sector. During the year, informed by the feedback on the discussion paper, we finalised the standing review framework; and met with DCJ to clarify the existing reporting arrangements.

We are currently undertaking a desktop baseline review relating to the 2010-2020 NDS, with the intention of producing the first report in early 2022.





## 5.4 Carers project

Carers are vitally important to the lives of many adults with disability and older people, including in relation to their day-to-day support, health and wellbeing. The ADC recognises the importance of carers, and respects and seeks to preserve family and carer relationships wherever possible and appropriate.

At the same time, carers are the subjects of allegation in a range of reports to the ADC about abuse, neglect and exploitation of adults with disability and older people in their family, home and community. By virtue of the nature of our work, the ADC has a complex relationship with carers – depending on the individual case, the ADC needs to have a focus on ensuring that carers are adequately supported, while also holding offending carers to account. It is important that the ADC is able to tailor its actions and pitch its messages about carers in the context of its work.

Towards the end of this year, DCJ provided funding to the ADC under the NSW Carers Strategy: Caring in NSW 2020-2030 to enable us to commence a research project to analyse the ADC's data from reports involving carers to help inform (among other things):

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

The project aligns with key priorities of the NSW Carers Strategy, in particular Priority 1: Carers have better access to information and supports; and Priority 2: Carers will be recognised and empowered.

We have engaged the University of NSW's Social Policy Research Centre to undertake the project; key aspects of the project will also be undertaken with Carers NSW and in partnership with carers. The project includes a literature review, research report, and development of resources for carers, and is scheduled to be completed in November 2022.

## 5.5 Preventing and responding to financial abuse

As identified in section 2.2, allegations of financial abuse and exploitation consistently feature highly in reports to the ADC about older people and adults with disability. Reports encompass a range of allegations about the conduct of families and others that can have a devastating adverse impact on the adult's financial security, health and wellbeing, including (among other things):

- misuse of decision-making instruments, such as Powers of Attorney/Enduring Powers of Attorney, to provide financial benefit to the attorney at the expense of the older person/adult with disability
- actions to apply significant pressure, blackmail and guilt the adult into signing over their property, changing their Will, and providing money and other assets to family members and others
- actions by family members and others to take advantage of the trust and cognitive capacity of the older person/adult with disability to access their bank accounts and take their money.

This year, the ADC and the Ageing and Disability Advisory Board met with the Australian Banking Association (ABA) to discuss measures across the banking sector to prevent, identify and respond to financial abuse and exploitation of adults with disability and older people, including available guidance and training for staff; the ABA's national campaign to end elder abuse; and priority areas. The ADC also had a separate meeting with the ABA and representatives of 12 banks to discuss our role, options for making a report, and our actions in response to reports by banks.

We also commenced work with one of the Big Four banks to develop a standardised report template to provide a consistent approach for bank staff to make a report to the ADC about an adult with disability or older person, and to ensure we receive relevant key information at the outset.

## 5.6 Restrictive practices authorisation

Last year, we made a submission to the Disability Royal Commission in relation to the use of restrictive practices on people with disability; and participated in DPC-led interagency discussions on the proposed ongoing model for restrictive practice authorisation (RPA) for NDIS participants in NSW, providing input to the development of the draft Persons with Disability (Regulation of Restrictive Practices) Bill 2021. Among other things, the Bill proposes that the ADC would have responsibility for:

- operating the RPA model in NSW
- educating NSW Government agencies on following the restrictive practices principles
- reviewing decisions about the authorisation of restrictive practices.

This year, we have continued to have discussions with DCJ and other agencies about the proposed ongoing RPA model, and have co-located the DCJ Central Restrictive Practices team within the ADC office. The team continues to operate under DCJ; however, co-location assists in building relationships across ADC and RPA staff; and will support a smooth transition of the team and functions. The ADC previously successfully implemented a co-location approach with the Helpline in 2019-20, before they formally became part of the ADC this year.

## 6. Official Community Visitor scheme

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

OCVs are independent statutory appointees of the Minister for Families, 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, and
- assisted boarding houses.

OCVs provide a vital safeguard for vulnerable people and actively encourage the speedy resolution of issues at the local level.

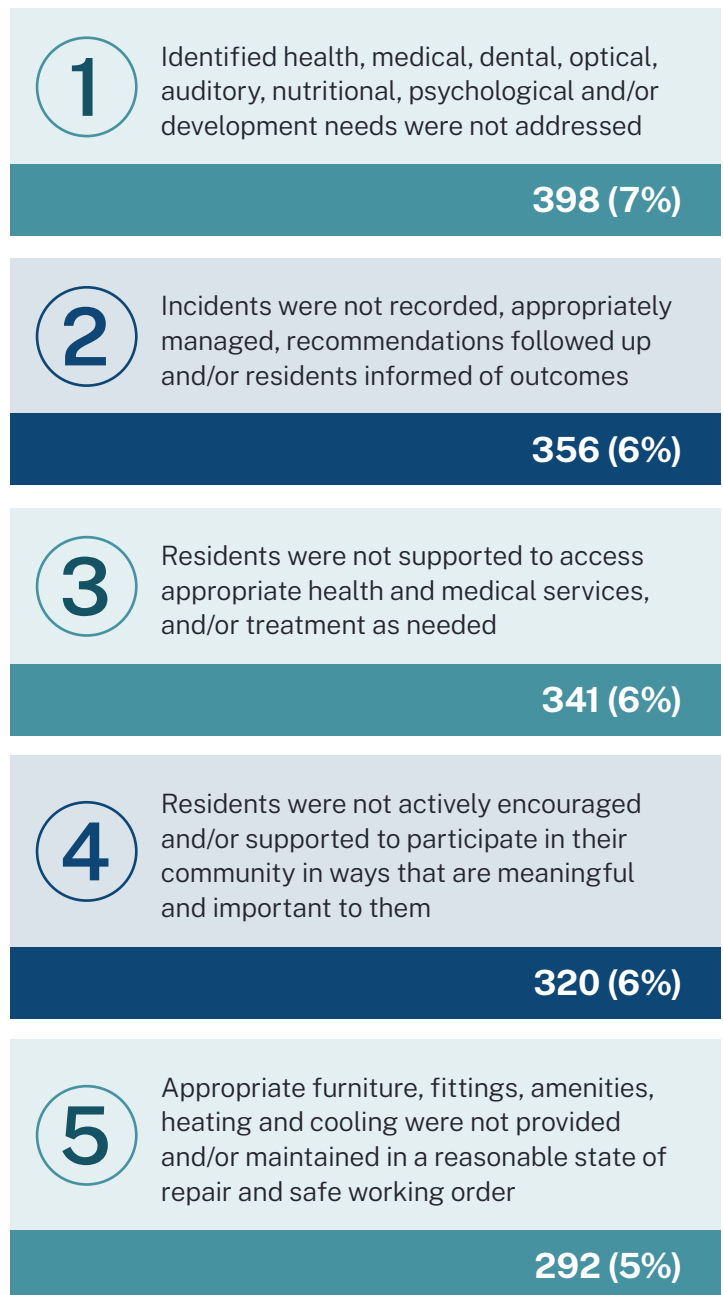
The Visitor’s role is to independently and impartially identify issues at the time of their visit, and raise those issues with the service provider in the first instance. They report serious concerns to the Minister, the ADC, and to the Children’s Guardian, and can also refer matters of concern affecting 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.

The scheme continues to provide an essential voice for residents and a localised means for getting issues resolved. However the scheme remains unsustainably funded, with no budgetary improvements provided for by the government at this stage.

A particular impact has been to reduce the percentage of disability residential services able to be visited. Further, OCVs have requested a review of their remuneration which has not been substantially adjusted in over a decade.

### The top five issues raised by OCVs in their visit reports in 2020-21 related to:







## Key activities of the ADC in relation to the OCV scheme in 2020-21 included:

- Facilitating and supporting the work of OCVs on a daily basis through the provision of advice, information, training, updates and technical support.
- Supporting OCVs through ongoing COVID-19 related challenges to meet their continued visiting responsibilities within the restrictions imposed by the public health orders.
- Maintaining regular consultations with Visitors on OCV scheme practice through consultation group meetings and regional meetings.
- Recruiting 11 additional OCVs to fill gaps in target areas across NSW.
- Providing training to OCVs to ensure the currency of their skills and knowledge of the visitable sector areas, including opportunities for peer support, discussion, and the sharing of skills and experiences.
- Organising regular meetings between OCVs, the Children’s Guardian and the Australian Childhood Foundation, with a focus on issues arising from visits to residential OOHC services.
- Sharing trend and pattern data relating to issues identified in OCV visits with the Children’s Guardian, NDIS Quality and Safeguards Commission, and the Minister.
- Facilitating and supporting OCVs with complaints and referrals of matters of concern to the NDIS Commission, the NDIA, the Children’s Guardian, NSW Trustee and Guardian, and the NSW Ombudsman.
- Facilitating professional supervision sessions for OCVs visiting residential OOHC services, to support Visitor wellbeing.
- Assessing and addressing complaints made by service providers about individual OCV practice.

While a separate annual report will detail the work and activities of OCVs in 2020-21, the following provides a brief snapshot of OCV activities in the reporting period:



**2,604**  
visits conducted

**1,281**  
locations visited



**5,552**  
issues raised and worked on by OCVs

## 7. Financial activities and operations

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

Key aspects for the ADC 2021-20 financial statements include:

- This reporting period being the second year of operation for the ADC (2020-21).
- That the ADC does not directly employ staff. Employees are staff of DCJ with a personnel service arrangement between the ADC and DCJ.
- The Commissioner is a statutory appointee whose remuneration is processed through DCJ, but the Commissioner is not a DCJ employee.

- The main source of revenue is through annual grants provided by DCJ. The ADC does not have cash generating assets.
- The ADC holds 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.

### 7.1 Economic or other factors

During this reporting period, the ADC has been in its second year (year 1, 2020-21 FY). This year involved the continued establishment of foundations and infrastructure, with the scale up of operations.

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.

COVID-19 heightened risks for older people and adults with disability associated with the impact of COVID-19 lockdowns. ADC saw an increase in the number of calls, reports and enquiries and is expected to continue. Any surplus is expected to be expended in the next financial year. 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 2021.

## 7.2 Summary review of financial operations

### Revenue

Total operating revenue for the year was \$7.3 million.

Note: Included in the revenue, was additional grant contributions received very late in the financial year resulting in a one off surplus. These will be fully expended in 2021/2022 resulting in a deficit for that financial year. The additional grants are:

- \$0.5 million for the establishment of the Restricted Practice Authorisation Team within the ADC, pending formalisation of new legislation. Due to delay in the legislation, RPA co-located with the ADC on 19 April 2021 for ease of preparatory work for strategic planning initiatives.
- \$0.2 million for the delivery of a project under the NSW Carers Strategy.

### Net result for the year

As a result, the net result for the year was a surplus of **\$1.0 million**.

### Expenses

Total operating expenses for the year were **\$6.29 million**, including Official Community Visitor (OCV) scheme expenses. Major expenditure related to Personnel services \$4.34 million, operating expenses \$1.79 million, depreciation 0.05 million and grant expenses \$0.11 million. There was no capital expenditure for the year.

### Assets

The total assets for the ADC as at 30 June 2021 were **\$2.3 million**.

### Liabilities

The total liabilities for the ADC as at 30 June 2021 were **\$1.0 million**.

## 7.3 Annual financial statement

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

# Appendix

## A1. Referrals and outcomes

Table 8: Person outcomes, reports closed in 2020-21

Person outcomes – reports closed in 2020 21 (n = 3,502)	Number
<b>1. Person involved</b>	
Will and preference of Person ascertained	637
Will and preference of Person respected/upheld	572
<b>2. Referral/ help to access supports</b>	
Referral/help to access aged care supports	127
Referral/help to access other supports	80
Referral/help to access legal support	79
Referral/help to access advocacy supports	70
Referral/help to access health services	60
Referral/help to access disability supports	55
Referral/help to access support person	40
<b>3. Supports/ services provided or increased</b>	
Aged care support provided or increased	122
Disability support provided or increased	87
Other supports/services provided or increased	52
Health/medical support provided or increased	44
Psychological/mental health support provided or increased	38
Reduced or addressed social isolation	32
Improved community access	25
Access to advocacy or decision-making support	17
Communication support provided or increased	13
Victim support provided	4
<b>4. Police/justice action</b>	
Other police/justice action	163
ADVO put in place	41
ADVO enforced	5
APVO put in place	1

Person outcomes – reports closed in 2020 21 (n = 3,502)	Number
<b>5. Review or assessment of needs/supports</b>	
Review or assessment of aged care supports	108
Review or assessment of disability supports	84
Review or assessment of health/medical needs	51
Review or assessment of psychological/mental health needs	38
Review or assessment of decision-making capacity	33
Review or assessment of behaviour support needs	16
Review or assessment of communication needs	6
<b>6. Accommodation changes</b>	
Change in accommodation	117
Person removed from premises	56
<b>7. Review or change to decision-making arrangements</b>	
Guardian appointed	39
Financial management order applied	26
Guardianship order applied	14
Trustee appointed or changed	14
Power of Attorney or Enduring Power of Attorney revoked	13
Power of Attorney changed	10
Guardianship order reviewed or changed	8
Other change to order	4
Financial management order reviewed or changed	3
Guardianship order revoked	1
<b>8. Review or change to NDIS supports</b>	
Additional NDIS funding approved	32
Other review or change to NDIS supports	31
Change to NDIS support coordination	18
NDIS plan management changed	7
<b>9. Application to NCAT</b>	
Financial management application	42
Guardianship application	42
<b>10. Change of service</b>	
Change of agency/service provider	16

Table 9: Subject of Allegation outcomes, reports closed in 2020-21

Subject of Allegation outcomes – reports closed in 2020 21 (n = 3,502)	Number
<b>1. Education or advice provided</b>	
Education or advice provided	105
<b>2. Support provided</b>	
Linked to/received more support	93
<b>3. Police/justice action</b>	
ADVO put in place	41
Criminal charges	20
Criminal conviction	6
APVO put in place	1
<b>4. Access stopped or reduced</b>	
Removed from premises	30
Reduced/supervised access	29
Prevented from access	25
<b>5. Removal as decision-making authority</b>	
Removal as Power of Attorney or Enduring Power of Attorney	17
Removal as Enduring Guardian	9
Removal of other authority	6
Removal as guardian	6
Removal as NDIS nominee	5
Removal as financial manager	4
Removal as trustee	1
<b>6. Removal or change to benefit</b>	
Benefit removed	6
Benefit changed	3
Other removal/change to benefit	2
<b>7. Action on worker check</b>	
Worker ban imposed	1
Other action on worker check	1

Table 10: Number and outcome of referrals by the ADC to mandatory agencies, 2020-21

Outcome of referral	Referral made to			
	Aged Care Quality and Safety Commission	NDIS Quality and Safeguards Commission	NSW Police Force (potential criminal offences)	NSW Police Force (other referrals <sup>16</sup> )
Agency declined matter	10	4	7	1
Agency accepted referral	73	66	28	20
Agency advised no further action	0	0	0	0
Agency advised will act on matter	10	8	8	8
Agency made inquiries – no further action	0	0	87	16
Agency made inquiries – taking/took further action	4	3	51	9
Agency investigated – no further action	0	0	20	2
Agency investigated – taking/took further action	0	0	37	1
Agency did not advise	2	0	6	0
Other	5	3	7	0
<b>Total</b>	<b>104</b>	<b>84</b>	<b>251</b>	<b>57</b>

Table 11: Number and outcome of referrals by the ADC to the HCCC, 2020-21

Outcome of referral to HCCC	Number of referrals
Declined matter	2
Accepted referral	12
Accepted as inquiry – information provided	9
Accepted as complaint – referral to resolution service	1
Accepted as complaint – referred for local resolution	2
Accepted as complaint – resolved during assessment	2
Accepted as complaint – discontinued	7
Accepted as complaint – current	4
<b>Total</b>	<b>39</b>

<sup>16</sup> Includes referrals for welfare checks and crime prevention assistance.

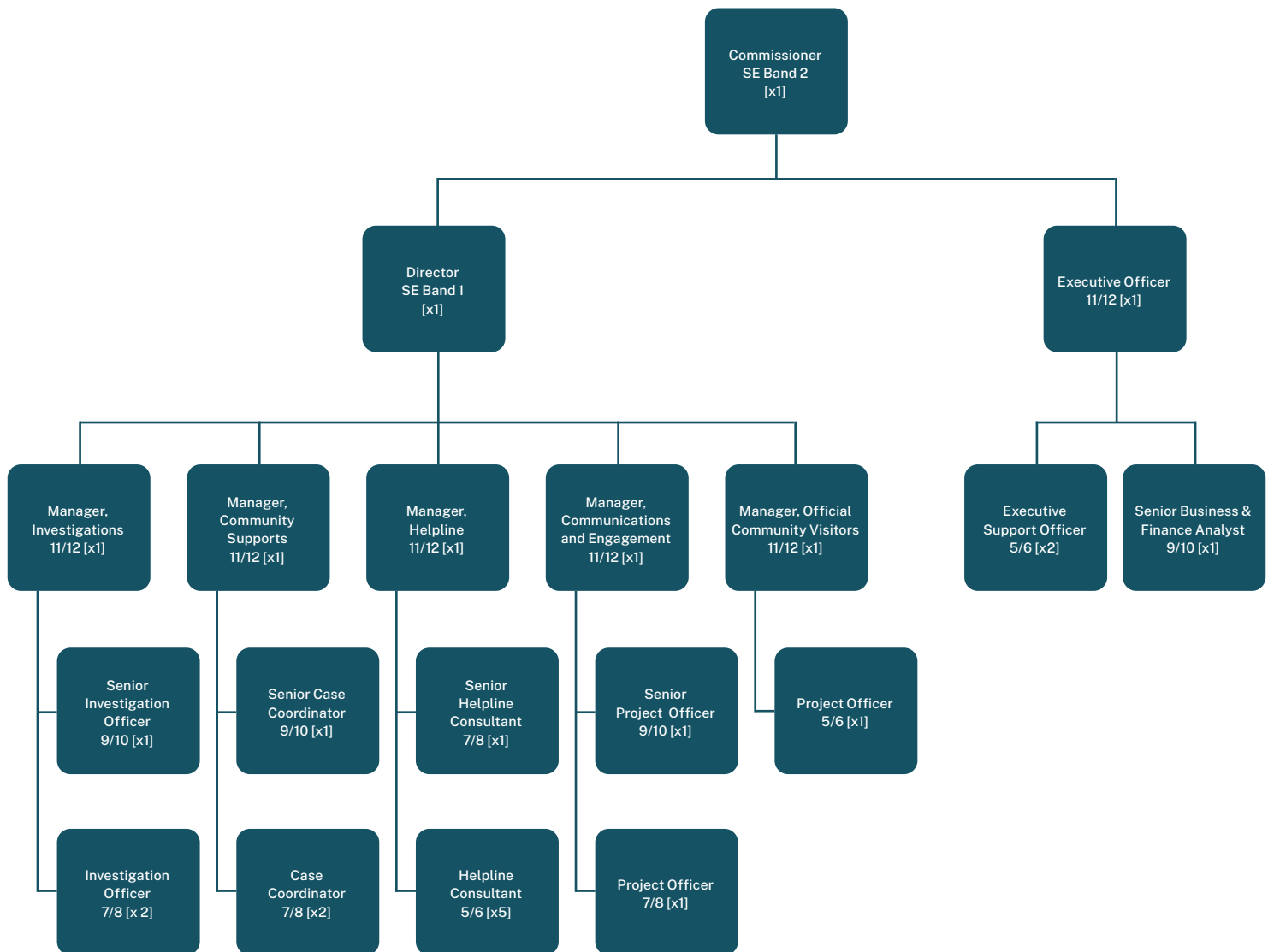
Table 12: Number and outcome of referrals by the ADC to mandatory agencies, 2020-21

Referral made to	Outcome of referral	Number of referrals
<b>Advocacy support services</b> (including Disability Advocacy NSW, Indigenous Disability Advocacy Service, Justice Advocacy Service, Multicultural Disability Advocacy Association, New England and Western Tenants Advice and Advocacy Service, Older Persons Advocacy Network, People With Disability Australia, Seniors Rights Service, South West Sydney Tenants Advice and Advocacy Service, Synapse)	Agency accepted referral	26
	Agency advised will act on matter	4
	Agency declined matter	3
	Agency did not advise	3
	Other	2
<b>Aged care assessment and support services</b> (including Aged Care Assessment Teams and My Aged Care)	Agency accepted referral	29
	Agency made inquiries – taking further action	5
	Agency advised will act on matter	1
	Agency made inquiries – not taking further action	1
<b>Carer and respite services</b> (including Carer Gateway)	Agency accepted referral	1
<b>Counselling services</b> (including Relationships Australia, Lifeline)	Agency accepted referral	30
	Agency advised will act on matter	2
	Agency declined matter	1
	Other	1
<b>Disability support services</b> (including Settlement Services International, St Vincent de Paul)	Agency accepted referral	4
<b>Emergency services</b> (including NSW Ambulance)	Agency accepted referral	2
	Agency investigated – taking further action	1
<b>Financial services</b> (including banks)	Agency accepted referral	1
<b>Complaint bodies</b> (including NSW Ombudsman)	Agency accepted referral	1



Referral made to	Outcome of referral	Number of referrals
<b>Commonwealth Government agencies</b> (including National Disability Insurance Agency)	Agency accepted referral	3
	Agency advised will act on matter	2
	Agency made inquiries – taking further action	2
	Agency did not advise	1
	Agency investigated – taking further action	1
<b>NSW Government agencies</b> (including NSW Fair Trading, NSW Trustee and Guardian, iCare, Department of Communities and Justice)	Agency accepted referral	8
	Agency advised will act on matter	1
	Agency did not advise	1
	Agency made inquiries – taking further action	1
	Other	1
<b>Health (including mental health) services</b> (including Local Health Districts, Mental Health Line, Being Supported, Older Person’s Mental Health Service, medical clinics)	Agency accepted referral	3
	Agency advised will act on matter	2
	Agency declined matter	2
	Agency made inquiries – not taking further action	2
	Agency made inquiries – taking further action	1
	Other	1
<b>Legal support services</b> (including Intellectual Disability Rights Service, Justice Connect, Legal Aid, Seniors Rights Service)	Agency accepted referral	63
	Agency advised will act on matter	7
	Agency declined matter	6
	Other	5
	Agency made inquiries – taking further action	3
	Agency did not advise	1
<b>Mediation services</b> (including Community Justice Centre)	Agency accepted referral	1
	Other	1
<b>Official Community Visitor scheme</b>	Agency accepted referral	1
<b>Other State/Territory Government agencies</b> (including Qld Elder Abuse Prevention Unit)	Agency accepted referral	1
<b>Total</b>		<b>239</b>

## A2. Our people



## A2.1 Senior Executive

As at 30 June 2021, we had two Senior Executives, including the Commissioner. The Commissioner is a statutory officer and the remuneration of statutory officers is aligned to the Public Service Senior Executive Remuneration Framework. The other executive is employed under the *Government Sector Employment Act 2013* (GSE Act) as a Public Service Senior Executive (PSSE).

### Robert Fitzgerald AM, Commissioner

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

### Kathryn McKenzie – Director, Operations

Bachelor of Education (Secondary – Humanities)

Executive gender and remuneration profiles during the year are represented in tables 13 and 14, including the Commissioner's position. The Commissioner is paid in accordance with the determinations of the Statutory and Other Officers Remuneration Tribunal. Of our employee-related expenditure, 14.3% was related to Senior Executives in comparison to 17.6% in 2019-20.

**Table 13: Senior Executive levels**

	2019 20		2020 21	
	Male	Female	Male	Female
Band 4	0	0	0	0
Band 3	0	0	0	0
Band 2	1	0	1	0
Band 1	0	1	0	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

**Table 14: Senior Executive remuneration**

	2019 20		2020 21	
	Range		Range	
Band 4	\$475,151 - \$548,950	0	\$488,463 - \$563,802	0
Band 3	\$337,100 - \$475,150	0	\$346,586 - \$491,784	0
Band 2	\$268,001 - \$337,100	\$327,715	\$275,509 - \$346,585	\$373,255
Band 1	\$187,900 - \$268,000	\$218,687	\$193,192 - \$275,508	\$249,621

## A2.2 Staff

At 30 June 2021, we had 22 people working for us, either full-time or part-time on an ongoing basis.

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

**Table 15: Number of employees by employment category**

Employment category	Number of employees	
	2019 20	2020 21
Grade 11/12	5	6
Grade 9/10	4	4
Grade 7/8	3	4
Grade 5/6	3	8

### Exceptional movements

In the ADC's second year of operation, there were no exceptional movements in wages, salaries or allowances. The ADC does not directly employ staff. Employees are staff of DCJ with a personnel service arrangement between ADC and the DCJ. The Commissioner is a statutory appointee whose remuneration is processed through DCJ but is not a DCJ employee. The ADC has a Service Partnership Agreement (SPA) with 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.

## Staff satisfaction

In 2020, staff participated in the first People Matter Employee Survey (PMES) for the ADC. Overall, staff satisfaction in the ADC was higher than the public sector average. Inclusion and diversity ranked slightly lower (4 percentage points) than the public sector average.

**Table 16: PMES 2020 results – comparison against the public sector average**

Satisfaction area	2020 ADC %	2020 public sector average %
Flexible working conditions	89	67
Communication and change management	81	62
Senior managers	80	58
Job satisfaction	79	70
Wellbeing, health and safety	79	76
Employee engagement	76	67
Autonomy and employee voice	75	71
Role clarity and support	73	66
Inclusion and diversity	70	74
Feedback and performance management	70	63
Learning and development	60	54

Following from the PMES results, this year the ADC's People and Culture Sub-Committee has focused attention on three key areas: Wellbeing; Change management; and Autonomy and employee voice. During the year, further consultations have been undertaken with staff on these areas, and an action plan for the immediate, short-term and longer-term is in development. The action plan will be implemented in 2021-22, and will be adjusted as needed in light of the 2021 PMES results.

## Performance and development

The ADC is focused on ensuring that staff have the knowledge and skills to perform their roles well, and are supported to extend their capabilities and meet their career goals. Learning and development activities in 2020-21 included:

- Rolling out the PDP process to all staff
- Providing core training for all staff:
  - Aboriginal cultural awareness training
  - Induction package for all new staff
  - Mandatory training via the Ignite platform on the Code of Ethical Conduct and Cyber Security Awareness
- Providing NSW Ombudsman in-house training in development areas identified by staff:
  - Fundamentals of complaint handling
  - Managing unreasonable complainant conduct
- Supporting professional qualifications, including:
  - supporting staff in leadership development programs
  - rolling out accredited government investigations training to relevant staff
  - supporting staff to attend training that contributes to their certified professional development (CPD) hours.

## Diversity and inclusion

During 2020-21, we:

- established protocols for Acknowledgement of Country
- provided training for all ADC staff on Aboriginal cultural awareness
- engaged with the Australian Network on Disability (AND) and Public Service Commission in relation to the Stepping Into Disability Internship program, and provided an internship in our Communications and Engagement team in 2020-21
- engaged with CareerTrackers and the Public Service Commission in relation to the Aboriginal Internship program (internship to commence in 2021-22).

The ADC is working to finalise its Disability Inclusion Action Plan, but has linked the following ADC actions to the new State Disability Inclusion Plan:

- delivering rights-based community engagement and education activities
- developing a person-centred practice framework
- helping local councils to assist their communities to better prevent and respond to abuse
- increasing community-based abuse prevention collaboratives
- training and supporting Official Community Visitors (OCVs) to identify and raise issues relating to the access of people in residential care to meaningful employment
- increasing the employment of people with disability in the ADC
- implementing effective referral arrangements for complaints about mainstream and specialist services
- undertaking a standing review of the implementation of the National Disability Strategy in NSW.

## Workplace health and safety

There were no reportable incidents or near misses in 2020-21. There were no worker's compensation claims during this period.

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

We also provide access to individual and group professional/clinical supervision and additional EAP assistance for Helpline, and Community Supports and Investigation Unit staff, recognising the sensitive and challenging nature of their work. Individual professional supervision is also provided to OCV scheme staff and some Visitors, noting the cumulative impact of visits to residential OOH services.

In relation to the COVID-19 pandemic, we developed a COVID-19 Workplace Safety Plan (CWSP). The ADC is a member of the DCJ Cluster Corporate Services Coordination Committee, which drives improved coordination of corporate activities across the Stronger Communities cluster, which includes identifying issues that affect how cluster entities interact, and develop and implement solutions. This includes all COVID-19 pandemic planning activities across the cluster.

## A3. Corporate governance

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

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

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

In our second year of operation, the ADC has had in place a range of governance and operational arrangements to support our work and strengthen our independence, including:

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

- a suite of relevant internal governance documents, guidance and policies
- information sharing arrangements with key government and non-government agencies
- ADC Audit and Risk internal sub-committee
- ADC Finance internal sub-committee
- ADC People and Culture internal sub-committee
- ADC Information Management internal working group
- ADC Executive meetings.

For the stated reporting period:

- **Internal Audit and Risk Management** – “*in transition*” to achieve compliance with the Core Requirement 3.2 - ensuring the Audit and Risk Committee has a Charter that is consistent with the content of the ‘model charter’ by October 2021. This is further described in the attached Internal Audit and Risk Management Attestation Statement for 2020-2021 for the ADC. (page 86).
- **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 2020-2021 for the ADC (see page 88).

### A3.1 Measuring our performance

We track our performance across key areas of our work, including individual case management, our systems and processes. We use data from our case management system and progress against tracking documents to monitor and identify where there may be issues, delays and scope for improvement. Our Executive team meets fortnightly to discuss progress against key areas of work; and our sub-committees on Audit and Risk, People and Culture, Finance, and Information Management monitor actions and progress in their identified areas of focus and report up to the Executive team.

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



## Internal Audit and Risk Management Attestation Statement for the 2020-2021 Financial Year for the Office of the Ageing and Disability Commissioner

I, Robert Fitzgerald am of the opinion that the Office of the Ageing and Disability Commissioner has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the six (6) of the seven (7) Core Requirements set out in the *Internal Audit and Risk Management Policy for the General Government Sector*, specifically:

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

### **Membership**

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

- Independent Chair, Carolyn Burlew, 1 August 2019 to 31 July 2022
- Independent Member 1, Christine Feldmanis, 1 August 2019 to 31 July 2022
- Independent Member 2, Abby Bloom, 1 August 2019 to 31 July 2022
- Independent Member 3, John Hunter, 25 October 2019 to 22 June 2021
- Independent Member 4, Garry Dinnie, 1 February 2021 to 31 March 2024
- Independent Member, Denise Aldous, 1 August 2019 to 31 December 2020

### **Shared Arrangements**

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

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

The resources shared include the Audit and Risk Committee, the Chief Audit Executive and the internal audit functions. The shared Audit and Risk Committee is a Principal Department Led Shared Audit and Risk Committee.

### 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 General Government Sector*:

- The departure from the Core Requirements is due to the agency implementing measures to achieve compliance with new policy requirements consistent with the permitted transitional arrangements.

Departure	Reason for departure and description of practicable alternative measures implemented/being implemented
<b>In Transition</b>	
▪ Core Requirement 3.2	<ul style="list-style-type: none"><li>▪ The Office of the Ageing and Disability Commissioner completed and submitted an Audit and Risk Committee Charter to Treasury in September 2020 which did not reflect all the Accountable Authorities in the Principal Department Led Shared Arrangements.</li><li>▪ A revised Audit and Risk Committee Charter has been completed and will be signed by all Accountable Authorities consistent with the 'model charter' and in compliance with the new policy requirements in September 2021. This step will ensure that all the Accountable Authorities will be compliant with Core Requirement 3.2 and be fully compliant by October 2021.</li><li>▪ I, Robert Fitzgerald, note I am not required to apply to the agency's Portfolio Minister for being "in transition" from Core Requirement 3.2 for this reporting period.</li></ul>

These processes, including the practicable alternative measures being implemented, demonstrate that the Office of the Ageing and Disability Commissioner has established and maintained frameworks, including systems, processes and procedures for appropriately managing audit and risk within the Office of the Ageing and Disability Commissioner.



---

Robert Fitzgerald  
Commissioner  
Office of the Ageing and Disability Commission  
29 September 2021

---

Sandra Langridge  
Audit and Risk Committee Secretariat  
Contact: 02 8061 9291

## Cyber Security Annual Attestation Statement for the 2020-2021 Financial Year for the NSW Ageing and Disability Commission (ADC)

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

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

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

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

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

- Enhanced governance and monitoring arrangements through the Audit and Risk Committee and establishment of an Information Management working group, which includes management of cyber security.
- Mandatory Cyber Security Awareness Training through on-boarding induction, ongoing messaging and cyber security exercises (including simulated phishing attacks).
- Implementing and monitoring specific access controls in relation to protected information.
- Reviewing and updating information management policies to align with ADC requirements, in support of the NSW Cyber Security Policy.



Robert Fitzgerald AM  
NSW Ageing and Disability Commissioner  
25 August 2021

# A4. Annual financial statements



Mr Robert Fitzgerald, AM  
Ageing and Disability Commissioner  
Office of the Ageing and Disability Commissioner  
PO Box 40  
PARRAMATTA NSW 2124

Contact: Chris Harper  
Phone no: 02 9275 7374  
Our ref: D2120311/1875

20 October 2021

Dear Mr Fitzgerald, AM

## STATUTORY AUDIT REPORT

for the year ended 30 June 2021

Office of the Ageing and Disability Commissioner

I have audited the financial statements of the Office of the Ageing and Disability Commissioner (the Office) as required by the *Government Sector Audit Act 1983* (GSA Act). This Statutory Audit Report outlines the results of my audit for the year ended 30 June 2021, and details matters I found during my audit that are relevant to you in your role as one of those charged with the governance of the Office. The GSA Act requires me to send this report to the Office's Accountable Authority, responsible Minister and the Treasurer.

This report is not the Independent Auditor's Report, which expresses my opinion on the Office's financial statements. I enclose the Independent Auditor's Report, together with the Office's financial statements.

My audit is designed to obtain reasonable assurance the financial statements are free from material misstatement. It is not designed to identify and report all the matters you may find of governance interest. Therefore, other governance matters may exist that I have not reported to you.

My audit is continuous. If I identify new significant matters, I will report these to you immediately.

### Audit result

I expressed an unmodified opinion on the Office's financial statements and I have not identified any significant matters since my previous Statutory Audit Report.

### Matters of governance interest

In July 2021, Treasury highlighted a potential issue associated with certain cross-cluster payments, which was based on advice received from the Crown Solicitor in January 2021. Where there is a cross-cluster payment, this does not meet the definition of a 'deemed appropriation' under the GSF Act, unless the payment is from an SDA or similar account outside of the consolidated fund. This means there is no corresponding increase in the Responsible Minister's appropriated expenditure limits to match the additional cross-cluster payments received.

After being made aware of the issue, the Audit Office has been working with Treasury officers to obtain further clarity on the potential implications. Discussions with Treasury officers and subsequently the Crown Solicitor have not fully resolved this issue. There remains uncertainty around how this matter might impact the total spending authority included in the summary of compliance disclosures in the Office's financial statements.

We plan to obtain advice from the Crown Solicitor's Office on this matter and will continue to work with Treasury officers on its resolution for the 2021–22 financial statements.

### **Misstatements in the financial statements**

Misstatements (both monetary and disclosure deficiencies) are differences between what has been reported in the financial statements and what is required in accordance with the Office's financial reporting framework. Misstatements can arise from error or fraud.

I have certain obligations for reporting misstatements:

- the Auditing Standards require matters of governance interest and significant misstatements identified during the audit to be communicated to those charged with governance
- statutory obligations require the Auditor-General to report misstatements resulting from or not detected because of failures in internal controls and/or systemic deficiencies which pose a significant risk to the Office.

The Appendix lists and explains the nature and impact of the misstatements contained in the financial statements.

- Table one reports the effect of changes in accounting policy
- Table two reports corrected monetary misstatement and disclosure deficiencies.

Based on my evaluation, none of the misstatements reported are due to fraud.

### **Compliance with legislative requirements**

My audit procedures are targeted specifically towards forming an opinion on the Office's financial statements. This includes testing whether the Office complied with key legislative requirements relevant to the preparation and presentation of the financial statements. The results of the audit are reported in this context. Other than the matter reported below, my testing did not identify any other reportable instances of non-compliance with legislative requirements.

#### **Delegations to incur expenditure**

As part of my audit procedures, I found the Office did not have a delegation to incur expenditure and therefore was non-compliant with section 5.5 of the *Government Sector Finance Act 2018* (GSF Act).

The *Annual Appropriations Act 2020* appropriated a sum to the Attorney-General and Minister for Families, Communities and Disability Services for the services of the Department of Communities and Justice (the Department) for 2020–21. The Department paid a cluster grant to the Office from their annual appropriation. The Office did not obtain a delegation from the Attorney-General to spend cluster grants received from the Department until 9 August 2021, after the end of the 2020–21 financial year.

### **Auditor-General's Report to Parliament**

The 2021 Auditor-General's Report to Parliament will incorporate the results of the audit.

### **Publication of the Statutory Audit Report**

I consider this Statutory Audit Report to fall within the definition of 'excluded information' contained in Schedule 2(2) of the *Government Information (Public Access) Act 2009*. Under Schedule 1(6) of this Act, please seek the Audit Office's consent before releasing this report publicly. Agencies are advised to also seek approval from the Minister(s) and the Treasurer before publishing this report.

## **Acknowledgment**

I thank the Office's staff for their courtesy and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Harper". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chris Harper  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

## APPENDIX

### Table one: Effect of changes in accounting policy

The table below summarises the effects of changes in accounting policy during the current year. Management believes they are significant enough to require restatement of the Office's previously published financial statements.

#### Nature and impact of the change in accounting policy

##### Accounting treatment of 'Configuration or customisation costs in a cloud computing arrangement' \*

In April 2021, the International Financial Reporting Standards Interpretations Committee (IFRIC) issued an agenda decision on 'Configuration or customisation costs in a cloud computing arrangement'.

The agenda decision requires almost all expenditure on configuring or customising the supplier's application software in a cloud computing arrangement to be expensed and not capitalised as an intangible asset.

The Office historically capitalised all costs related to cloud computing arrangements as intangible assets in the Statement of financial position.

The following adjustments were recorded because of the Office adopting the IFRIC agenda decision:

	Previously reported \$'000	Adjustments \$'000	As restated \$'000
<b>Statement of financial position</b>			
Intangible assets - 30 June 2021	677	(677)	--
Intangible assets - 30 June 2020	781	(781)	--
<b>Statement of comprehensive income</b>			
<b>Year ended 30 June 2021</b>			
Cloud computing expense	--	--	--
Depreciation	104	(104)	--
Impact to net result	104	(104)	--
<b>Year ended 30 June 2020</b>			
Cloud computing expense	--	833	833
Depreciation	52	(52)	--
Impact to net result	52	781	833

\* Misstatement identified by management.

## Table two: Corrected monetary misstatement and disclosure deficiencies

### Corrected monetary misstatement

Management corrected the following misstatement in the current year's financial statements. I agree with management's determination and confirm this treatment complies with Australian Accounting Standards.

Description	Assets	Liabilities	Net result	Other comprehensive income
Effect of correction	Increase/ (decrease)	(Increase)/ decrease	(Increase) / decrease	(Increase)/ decrease
	\$'000	\$'000	\$'000	\$'000
<b>Factual misstatement</b>				
The Office recorded 'volunteer services revenue' relating to office rental, management and corporate services provided free of charge by the Department.				
These transactions do not meet the definition of 'volunteer services' in Appendix B8 and B9 of AASB 1058 'Income of Not-for-Profit Entities' and should be recognised as other contributions.				
The comparative balances for 30 June 2020 were updated accordingly.			772 (772)	
<b>Subtotal</b>	--	--	--	--
<b>Total impact of corrected misstatement</b>	--	--	--	--



## Corrected disclosure deficiencies

Management corrected the following disclosure deficiencies in the current year's financial statements. I agree with management's determination and confirm this treatment complies with Australian Accounting Standards.

AASB reference	Disclosure title	Description of disclosure deficiency
AASB 124 'Related Party Disclosures'	Note 13 - Related party disclosures	The total remuneration for the year ended 30 June 2020 was changed from \$337,000 to \$330,000 to align the balance with the Department's related parties report.
AASB 1059 'Service Concession Arrangements: Grantors'	Note 1(g) - Changes in accounting policy, including new or revised Australian Accounting Standards	The Office clarified the accounting standard did not have an impact on its financial statements.
AASB 138 'Intangible Assets'	Note 1(g) - Changes in accounting policy, including new or revised Australian Accounting Standards	The disclosure was amended to include the effects of the Office's adoption of the IFRIC's decision on 'Configuration or customisation costs in a cloud computing arrangement'. Refer to <a href="#">Table one</a> above for details. *
AASB 101 'Presentation of Financial Statements'	Note 2(a) - Personnel services expenses	The narrative stating the Office does not recognise employee related provisions was removed.
AASB 7 'Financial Instruments: Disclosures'	Note 12 - Financial instruments	The Office disclosed its current year cash balance to make the interest rate risk disclosure more meaningful.
N/A	Various	Various minor amendments were made to the financial statements for formatting and clarity purposes.

\* Misstatement identified by management.



## INDEPENDENT AUDITOR'S REPORT

### Office of the Ageing and Disability Commissioner

To Members of the New South Wales Parliament

#### Opinion

I have audited the accompanying financial statements of the Office of the Ageing and Disability Commissioner (the Office), which comprise the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2021, the Statement of Financial Position as at 30 June 2021, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement of Significant Accounting Policies, and other explanatory information.

In my opinion, the financial statements:

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

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

#### Basis for Opinion

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

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

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

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

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

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

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

## **Other Matter**

As part of my audit procedures, I found the Office did not have a delegation from the responsible Minister of the Department of Communities and Justice to the NSW Ageing and Disability Commissioner to incur expenditure for the 2020-21 financial year and therefore was non-compliant with section 5.5 of the GSF Act.

My opinion is not modified in respect of this matter.

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

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

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

## **Auditor's Responsibilities for the Audit of the Financial Statements**

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://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.



Chris Harper  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

20 October 2021  
SYDNEY

# Office of the Ageing and Disability Commissioner

[ABN 52 330 968 585]

## Annual Financial Statements

*for the year ended 30 June 2021*

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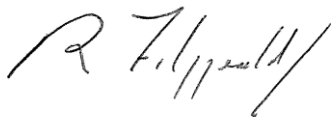
**Office of the Ageing and Disability Commissioner**  
**STATEMENT BY THE NSW AGEING AND DISABILITY COMMISSIONER**  
For the year ended 30 June 2021

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

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

Robert Fitzgerald, AM  
Commissioner

A handwritten signature in black ink, appearing to read 'R Fitzgerald', written in a cursive style.

18 October 2021

**Office of the Ageing and Disability Commissioner**  
**STATEMENT OF COMPREHENSIVE INCOME**  
For the year ended 30 June 2021

---

	Notes	Actual 2021 \$	Actual 2020 Restated \$
<b>Continuing operations</b>			
<b>Expenses excluding losses</b>			
Personnel services expenses	2(a)	4,343,198	3,094,273
Operating expenses	2(b)	1,793,011	2,403,567
Depreciation and amortisation	2(c)	50,088	21,768
Grants and subsidies	2(d)	105,966	1,165,938
<b>Total expenses excluding losses</b>		<b>6,292,263</b>	<b>6,685,546</b>
<b>Revenue</b>			
Grants and contributions	3(b)	6,654,197	6,819,137
Acceptance by the Crown in the right of the State of New South Wales (the Crown) for personnel services	3(c)	279,631	67,902
Other revenue	3(d)	392,231	-
<b>Total revenue</b>		<b>7,326,059</b>	<b>6,887,039</b>
<b>Net result</b>		<b>1,033,796</b>	<b>201,493</b>
<b>Other comprehensive income</b>		-	-
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>1,033,796</b>	<b>201,493</b>

*The accompanying notes form part of these financial statements.*

**Office of the Ageing and Disability Commissioner**  
**STATEMENT OF FINANCIAL POSITION**  
As at 30 June 2021

	Notes	Actual 2021 \$	Actual 2020 Restated \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	4	2,132,626	-
Receivables	5	33,571	67,259
<b>Total current assets</b>		<b>2,166,197</b>	<b>67,259</b>
<b>Non-current assets</b>			
Plant and equipment	6	132,020	182,108
Intangible assets	7	-	-
<b>Total non-current assets</b>		<b>132,020</b>	<b>182,108</b>
<b>Total assets</b>		<b>2,298,217</b>	<b>249,367</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	8	681,223	47,874
Provisions	9	373,309	-
<b>Total current liabilities</b>		<b>1,054,532</b>	<b>47,874</b>
<b>Non-current liabilities</b>			
Provisions	9	8,396	-
<b>Total non-current liabilities</b>		<b>8,396</b>	<b>-</b>
<b>Total liabilities</b>		<b>1,062,928</b>	<b>47,874</b>
<b>Net assets</b>		<b>1,235,289</b>	<b>201,493</b>
<b>EQUITY</b>			
Accumulated funds		1,235,289	201,493
<b>Total equity</b>		<b>1,235,289</b>	<b>201,493</b>

*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 2021

---

	<b>Accumulated funds Restated</b>	<b>Total equity Restated</b>
	\$	\$
<b>Balance at 1 July 2020</b>	982,814	982,814
Changes in accounting policy	(781,321)	(781,321)
<b>Restated balance at 1 July 2020</b>	<b>201,493</b>	<b>201,493</b>
<b>Net result for the year</b>	<b>1,033,796</b>	<b>1,033,796</b>
Other comprehensive income	-	-
<b>Total comprehensive income for the year</b>	<b>1,033,796</b>	<b>1,033,796</b>
Transactions with owners in their capacity as owners	-	-
<b>Balance at 30 June 2021</b>	<b>1,235,289</b>	<b>1,235,289</b>
<b>Balance at 1 July 2019</b>	-	-
Changes in accounting policy	-	-
<b>Restated balance at 1 July 2019</b>	<b>-</b>	<b>-</b>
<b>Restated net result for the year</b>	<b>201,493</b>	<b>201,493</b>
Other comprehensive income	-	-
<b>Total comprehensive income for the year</b>	<b>201,493</b>	<b>201,493</b>
Transactions with owners in their capacity as owners	-	-
<b>Balance at 30 June 2020</b>	<b>201,493</b>	<b>201,493</b>

*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 2021

	Notes	Actual 2021 \$	Actual 2020 Restated \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Personnel services related		(3,355,633)	(3,072,799)
Suppliers for goods and services		(1,095,958)	(1,685,315)
Grants and subsidies		(116,563)	(1,282,532)
<b>Total payments</b>		<b>(4,568,154)</b>	<b>(6,040,646)</b>
<b>Receipts</b>			
Grants and other contributions		5,947,358	5,982,580
Reimbursements from the Crown for personnel services		279,631	67,902
GST recoveries		81,560	194,040
Other revenue		392,231	-
<b>Total receipts</b>		<b>6,700,780</b>	<b>6,244,522</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	11	<b>2,132,626</b>	<b>203,876</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Purchase of plant and equipment		-	(203,876)
Purchase of intangible assets		-	-
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>-</b>	<b>(203,876)</b>
<b>NET INCREASE IN CASH AND CASH EQUIVALENTS</b>		<b>2,132,626</b>	<b>-</b>
Opening cash and cash equivalents		-	-
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	4	<b>2,132,626</b>	<b>-</b>

*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 2021

---

**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 2021 have been authorised for issue by the Commissioner on the recommendation of the Audit and Risk Committee on 18 October 2021.

**(b) Basis of preparation**

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

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

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

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

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

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

All amounts are rounded to the nearest 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 and prior period retained funds.

## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

---

#### 1. Summary of significant accounting policies (continued)

##### (f) Comparative information

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

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

###### i) Effective for the first time in 2020-2021

The ADC applied *AASB 1059 Service Concession Arrangements: Grantors* (AASB 1059) for the first time. It did not have an impact on the financial statements of ADC because ADC does not have an arrangement that meets the recognition criteria of AASB 1059.

Several other amendments and interpretations apply for the first time in 2020-21, but do not have an impact on the financial statements of the ADC.

###### ii) Issued but not yet effective

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

The following new Australian Accounting Standards have not been applied and are not yet effective, as per NSW Treasury Circular TC 20-08:

- *AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current*
- *AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date.*

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.

###### iii) International Financial Reporting Standards Interpretations Committee (IFRIC) final agenda decision adopted

In April 2021, the IFRIC issued a final agenda decision, *Configuration or customisation costs in a cloud computing arrangement*. The decision discusses whether configuration or customisation expenditure relating to cloud computing arrangements is able to be recognised as an intangible asset and if not, over what time period the expenditure is expensed.

The ADC's accounting policy has historically been to capitalise all costs related to cloud computing arrangements as intangible assets in the Statement of Financial Position. The adoption of this agenda decision is a change in the ADC's accounting policy and has resulted in a reclassification of these intangible assets to either a prepaid asset in the Statement of Financial Position and/or recognition as an expense in the Statement of Comprehensive Income, impacting both the current and/or prior periods presented.

The ADC has adopted a retrospective approach for the IFRIC agenda decision by remeasuring the intangible assets as at 30 June 2021. This is adjusted through accumulated funds and the respective comparative amounts are restated. Based on review of the ADC's material cloud computing arrangements, the impact is as follows:

Office of the Ageing and Disability Commissioner

NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

1. Summary of significant accounting policies (continued)

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

	2020 \$	2020 \$	2020 \$
	Original balance	Impact of IFRIC agenda decision	Restated balance
Impact on the Statement of Comprehensive Income (increase/(decrease)) for the year ended 30 June 2020 is as follows:			
<b>Expenses</b>			
Operating expenses	1,570,158	833,409	2,403,567
Depreciation and amortisation	73,856	(52,088)	21,768
<b>Total expenses excluding losses</b>	5,904,225	781,321	6,685,546
<b>Net result</b>	982,814	781,321	201,493
<b>TOTAL COMPREHENSIVE INCOME</b>	982,814	781,321	201,493
Impact on Statement of Financial Position (increase/(decrease)) as at 30 June 2020 is as follows:			
<b>Non-current Assets</b>			
Intangible assets	781,321	(781,321)	-
<b>Total non-current assets</b>	963,429	(781,321)	182,108
<b>Total assets</b>	1,030,688	(781,321)	249,367
<b>Net assets</b>	982,814	(781,321)	201,493
<b>Equity</b>			
Accumulated funds	982,814	(781,321)	201,493
<b>Total equity</b>	982,814	(781,321)	201,493
Impact on the Statement of Cash Flows (increase/(decrease)) for the year ended 30 June 2020 is as follows:			
<b>Cash Flows from Operating Activities</b>			
<b>Payments</b>			
Suppliers for goods and services	(851,906)	(833,409)	(1,685,315)
Total payments	(5,207,237)	(833,409)	(6,040,646)
<b>Net Cash Flows from Operating Activities</b>	1,037,285	(833,409)	203,876
<b>Cash Flows from investing Activities</b>			
Purchases of intangible assets	(833,409)	833,409	-
<b>Net Cash Flows from Investing Activities</b>	(1,037,285)	833,409	(203,876)

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

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**2. Expenses excluding losses**

	2021 \$	2020 \$
<b>(a) Personnel services expenses</b>		
Salaries and wages*	3,195,777	2,415,941
Superannuation - defined benefit plans	-	2,572
Superannuation - defined contribution plans	284,802	177,778
Annual leave and long service leave	557,550	291,362
Workers' compensation insurance	133,875	67,685
Payroll tax and fringe benefit tax	171,194	138,935
	<b>4,343,198</b>	<b>3,094,273</b>

\* Employee related costs capitalised in plant and equipment are \$nil in 2020-21 and in 2019-20.

**Recognition and measurement**

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

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

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

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

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**2. Expenses excluding losses (continued)**

	2021 \$	2020 Restated \$
<b>(b) Operating Expenses</b>		
Auditor's remuneration - external	26,000	24,000
Auditor's remuneration - internal	4,200	-
Advertising and public awareness campaigns	375,323	339,758
Motor vehicle operating costs	7,439	2,651
Cleaning	3,431	-
Contractors and outsourced service	258,741	2,114
IT related costs	77,340	10,651
Cloud computing expenses	-	833,409
Legal and other professional fees	52,871	91,783
Fees for services	387	91,891
Printing	2,866	4,651
Repairs and maintenance*	-	4,726
Staff related costs	39,532	41,782
Postage and stationery	12,575	14,225
Telecommunication	20,597	15,586
Travel <sup>(a)</sup>	130,506	144,279
Other operating expenses <sup>(b)</sup>	781,203	782,061
	<b>1,793,011</b>	<b>2,403,567</b>
* Reconciliation - Total maintenance		
Maintenance expense - contracted labour and other (non-employee related) as above	-	4,651
<b>Total maintenance expenses included in Note 2(a) and Note 2(b)</b>	<b>-</b>	<b>4,651</b>

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

<sup>(b)</sup> Other operating expenses includes the ADC's Service Partnership Agreement with the Department of Communities and Justice to provide corporate services of \$771,698 (2020: \$771,698).

**Recognition and measurement**

**Maintenance costs**

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

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

**2. Expense excluding losses (continued)**

**(c) Depreciation and amortisation**

	2021 \$	2020 Restated \$
<b>Depreciation</b>		
Plant and equipment	50,088	21,768
	<b>50,088</b>	<b>21,768</b>
<b>Amortisation</b>		
Intangible assets	-	-
	-	-
<b>Total depreciation and amortisation</b>	<b>50,088</b>	<b>21,768</b>

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
Grants for Justice connect	105,966	-
<b>Total</b>	<b>105,966</b>	<b>1,165,938</b>

**Recognition and measurement**

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

**3. Revenue**

**(a) Statement of Compliance and Deemed Appropriation**

<b>Total spending authority from parliamentary appropriations, other than deemed appropriations</b>	<b>5,947,358</b>	<b>5,982,580</b>
Own source revenue received during the year	753,422	261,942
<b>Total spending authority from parliamentary appropriations</b>	<b>6,700,780</b>	<b>6,244,522</b>
Less: total expenditure from parliamentary appropriations	(4,568,154)	(6,244,522)
<b>Variance</b>	<b>2,132,626</b>	<b>-</b>
Less: the spending authority from appropriations lapsed at 30 June	1,379,204	-
<b>Own source revenue balance carried forward to following years</b>	<b>753,422</b>	<b>-</b>



## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

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#### 3. Revenue (continued)

##### Recognition and measurement

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

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

##### (b) Grants and contributions

	2021 \$	2020 \$
Grants without sufficiently specific performance obligations:		
Recurrent grants from Department of Communities and Justice	5,882,499	5,010,154
Capital grants from Department of Communities and Justice	-	1,037,285
Other contribution from Department of Communities and Justice	771,698	771,698
	<b>6,654,197</b>	<b>6,819,137</b>

##### 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).

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

##### (c) Acceptance by The Crown in right of the State of New South Wales (the Crown) for personnel services

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

Superannuation	-	2,572
Long service leave	279,631	65,190
Payroll tax	-	140
	<b>279,631</b>	<b>7,902</b>

##### (d) Other Revenue

Acquittal from Catholic Healthcare	392,231	-
	<b>392,231</b>	<b>-</b>

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

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**4. Current assets – cash and cash equivalents**

Cash at bank and on hand	2,132,626	-
	<u>2,132,626</u>	<u>-</u>

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

**5. Current assets – receivables**

**Current receivables**

Amount due from other government agencies	-	64,859
GST recoverable from the Australian Taxation Office	33,571	2,400
	<u>33,571</u>	<u>67,259</u>

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

**Recognition and measurement**

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

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

**Subsequent measurement**

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

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
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**6. Plant and equipment**

	<b>Plant and equipment</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>
<b>At 1 July 2020 - fair value</b>		
Gross carrying amount	203,876	203,876
Accumulated depreciation and impairment	(21,768)	(21,768)
Net carrying amount	<b>182,108</b>	<b>182,108</b>
<b>At 30 June 2021 - fair value</b>		
Gross carrying amount	203,876	203,876
Accumulated depreciation and impairment	(71,856)	(71,856)
Net carrying amount	<b>132,020</b>	<b>132,020</b>

**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:

	<b>Plant and equipment</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>
<b>Year ended 30 June 2021</b>		
Net carrying amount at start of year	182,108	182,108
Depreciation expense	(50,088)	(50,088)
Net carrying amount at end of year	<b>132,020</b>	<b>132,020</b>

	<b>Plant and equipment</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>
<b>At 1 July 2019 - fair value</b>		
Gross carrying amount	-	-
Accumulated depreciation and impairment	-	-
Net carrying amount	-	-

<b>At 30 June 2020 - fair value</b>		
Gross carrying amount	203,876	203,876
Accumulated depreciation and impairment	(21,768)	(21,768)
Net carrying amount	<b>182,108</b>	<b>182,108</b>

**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:

	<b>Plant and equipment</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>
<b>Year ended 30 June 2020</b>		
Net carrying amount at start of year	-	-
Addition	203,876	203,876
Depreciation expense	(21,768)	(21,768)
Net carrying amount at end of year	<b>182,108</b>	<b>182,108</b>

## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

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#### 6. Plant and equipment (continued)

##### Recognition and measurement

##### Acquisition of plant and equipment

ADC's plant and equipment are considered non-specialised assets with short useful lives and are measured at depreciated historical cost, which for these assets approximates fair value. 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%

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**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

**7. Intangible assets**

	<b>Software Restated \$</b>	<b>Total Restated \$</b>
<b>At 1 July 2020</b>		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
<b>Net carrying amount</b>	<b>-</b>	<b>-</b>
<b>At 30 June 2021</b>		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
<b>Net carrying amount</b>	<b>-</b>	<b>-</b>

**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:

<b>Year ended 30 June 2021</b>		
Net carrying amount at start of year	781,321	781,321
Derecognition on initial application of IFRIC agenda decision on cloud computing cost	(781,321)	(781,321)
Additions	-	-
Amortisation expense	-	-
<b>Net carrying amount at end of year</b>	<b>-</b>	<b>-</b>

<b>At 1 July 2019</b>		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
<b>Net carrying amount</b>	<b>-</b>	<b>-</b>

<b>At 30 June 2020</b>		
Cost (gross carrying amount)	-	-
Accumulated amortisation and impairment	-	-
<b>Net carrying amount</b>	<b>-</b>	<b>-</b>

**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:

<b>Year ended 30 June 2020</b>		
Net carrying amount at start of year	-	-
Additions	833,409	833,409
Derecognition on initial application of IFRIC agenda decision on cloud computing cost	(833,409)	(833,409)
Amortisation expense	-	-
<b>Net carrying amount at end of year</b>	<b>-</b>	<b>-</b>

## 7. Intangible assets (continued)

### Recognition and measurement

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

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

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

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

### Software-as-a-Service (SaaS) arrangements

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

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

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

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

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

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

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

### Capitalisation of configuration and customisation costs in SaaS arrangements

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

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

**Office of the Ageing and Disability Commissioner**  
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For the year ended 30 June 2021

**8. Current liabilities - payables**

	2021 \$	2020 \$
Personnel services payable to Department of Communities and Justice	627,334	21,474
Accrued expenses	53,889	26,400
	<b>681,223</b>	<b>47,874</b>

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

**Recognition and measurement**

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

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

**9. Current/non current liabilities - provisions**

	2021 \$	2020 \$
<b>Current</b>		
<b>Employee benefits and related on-costs</b>		
Annual leave including oncost*	288,417	-
Long service leave including oncost*	84,892	-
<b>Total</b>	<b>373,309</b>	<b>-</b>
<b>Non-current</b>		
<b>Employee benefits and related on-costs</b>		
Long service leave including oncost	8,396	-
<b>Total</b>	<b>8,396</b>	<b>-</b>
<b>Aggregate employee benefits and related on-costs</b>		
Provisions – current	373,309	-
Provisions - non-current	8,396	-
Accrued salaries, wages and on-costs (Note 8)	627,334	-
	<b>1,009,039</b>	<b>-</b>
<b>* Expected settlement of current employee benefits and related on-costs</b>		
No later than 12 months	275,100	-
Later than 12 months	98,209	-
<b>Total</b>	<b>373,309</b>	<b>-</b>

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

## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

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#### 9. Current/non-current liabilities – provisions (continued)

##### Recognition and measurement

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

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

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

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

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

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

##### (ii) Long service leave

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

##### (iii) Consequential on-costs

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

#### 10. Contingent liabilities and contingent assets

The ADC is unaware of any matters that may lead to disclosure of contingent liabilities or contingent assets (nil as at 30 June 2020).

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

	2021	2020
	\$	Restated \$
Net cash flows from operating activities	2,132,626	203,876
Depreciation and amortisation expense	(50,088)	(21,768)
(Decrease) / Increase in prepayments and other assets	(33,688)	67,259
Increase in payables and provisions	(1,015,054)	(47,874)
<b>Net result</b>	<b>1,033,796</b>	<b>201,493</b>



## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

#### 12. Financial instruments

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

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

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

##### (a) Financial instrument categories

Class	Note	Category	2021 Carrying Amount \$	2020 Carrying Amount \$
<b>Financial Assets</b>				
Cash and cash equivalents	4	Amortised cost	2,132,626	-
Receivables <sup>1</sup>	5	Amortised cost	-	64,859
			<b>2,132,626</b>	<b>64,859</b>
<b>Financial Liabilities</b>				
Payables <sup>2</sup>	8	Financial liabilities measured at amortised cost	681,223	47,874
			<b>681,223</b>	<b>47,874</b>

##### 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) De-recognition of financial assets and financial liabilities

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

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

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

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

## **12. Financial instruments (continued)**

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

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

### **(c) Financial risks**

#### **i. Credit risk**

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

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

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

#### **Cash and cash equivalents**

Cash comprises cash on hand and bank balances. The cash balance as at 30 June 2021 was \$2,132,626 (\$nil as at 30 June 2020).

#### **Other financial assets - Amount due from other government agencies**

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

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

#### **ii. Liquidity risk**

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

During the current year, there were no defaults of borrowings. No assets have been pledged as collateral. 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.

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

**12. Financial instruments (continued)**

(c) **Financial risks (continued)**

ii. **Liquidity risk (continued)**

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

**Maturity analysis and interest rate exposure of financial liabilities**

	Weighted average effective interest rate	Interest Rate Exposure			Maturity Dates			
		Nominal Amount	Fixed Interest Rate	Variable Interest Rate	Non-interest bearing	< 1 year	1 -5 years	> 5 years
		\$			\$	\$	\$	\$
<b>2021</b>								
Payables	-	681,223	-	-	681,223	681,223	-	-
		<b>681,223</b>	-	-	<b>681,223</b>	<b>681,223</b>	-	-
<b>2020</b>								
Payables	-	47,874	-	-	47,874	47,874	-	-
		<b>47,874</b>	-	-	<b>47,874</b>	<b>47,874</b>	-	-

iii. **Market risk**

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The ADC's only exposure to market risk is interest rate risk on cash balances which is nil as at 30 June 2020. The ADC has no exposure to foreign currency risk and does not enter into commodity contracts.

iv. **Interest rate risk**

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

ADC has no interest rate exposure as it has no interest bearing financial assets and financial liabilities at 30 June 2021. The following table demonstrates the sensitivity to a reasonably possible change in interest rates:

	2021		2020	
	1.00%	-1.00%	1.00%	-1.00%
Net Result	21,326	(21,326)	-	-
Equity	21,326	(21,326)	-	-

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

## Office of the Ageing and Disability Commissioner

### NOTES TO THE FINANCIAL STATEMENTS

For the year ended 30 June 2021

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#### 12. Financial instruments (continued)

(c) **Financial risks (continued)**

ii. **Liquidity risk (continued)**

v. **Fair value measurement**

(i) **Fair value compared to carrying amount**

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

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

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

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

#### 13. Related party disclosures

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

**Short term employee benefits:**

	<b>2021</b>	<b>2020</b>
	<b>\$</b>	<b>\$</b>
Salaries	327,850	324,081
Other monetary allowances	5,527	5,435
<b>Total remuneration</b>	<b>333,377</b>	<b>329,516</b>

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

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

These transaction include:

- (i) Receipts of grant contributions, personnel and related services and other contributions 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

**Office of the Ageing and Disability Commissioner**  
**NOTES TO THE FINANCIAL STATEMENTS**  
For the year ended 30 June 2021

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**14. COVID-19 disclosures**

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

The pandemic may result in an interest rate change of higher than +/-1% in the future years, however this change cannot be reasonably ascertained by the ADC as at 30 June 2021.

**15. Events after the reporting period**

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

**END OF AUDITED FINANCIAL STATEMENTS**

## A5. Ageing and Disability Advisory Board

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

During the reporting period, the Board met on four occasions.

The appointed members are:

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

In 2020-21, Maryanne Ireland resigned from the Board. No Board members were removed.

During the year, the Board agreed on four priority

areas for its forward program in relation to the abuse, neglect and exploitation of adults with disability and older people:

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

In light of the known increased risks to people with disability and older people from COVID-19, the Board wrote to the Commonwealth and NSW Governments in July 2021 to highlight the need for an expedited roll out of the vaccination program to these priority populations, and to seek advice on progress.

## A6. Legislative changes

At the end of 2020-21, changes were made to the ADC Act to:

- Protect employees against retribution for assisting the ADC – under section 15A, it is an offence for any employer to take or threaten to take detrimental action against an employee or contractor for assisting or proposing to assist the ADC in relation to a report.
- Enable the ADC to disclose information about the outcome of a report in some circumstances – under section 31A, if the ADC considers disclosure of information about the outcome of a report is consistent with the objects and principles of the ADC Act, the ADC may disclose the information to the reporter, and/ or another person concerned for the welfare of the adult with disability or older person.

During the year, the ADC continued to pursue changes to our Regulation to extend the scope of 'relevant agency' to include other agencies we have substantial contact with in our work in relation to reports, including Services Australia, the Commonwealth Department of Health, and iCare. During the reporting period, the proposed changes to the Regulation went to key stakeholders for consultation and comment. We expect the changes to be made in early 2021-22.

## A7. Public access to our information

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

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

Our website provides information about our most recent publications and submissions, and access to our monthly newsletter that is distributed to a database of 527 subscribed members. All flyers and fact sheets are available on our website for stakeholders to download or request.

**Table 17: Publications released in 2020-21**

### **Reports and submissions**

- Submission to the NDIS discussion paper on support coordination
- Submission to the Joint Select Committee on Coercive Control
- Submission to the Royal Commission into Aged Care Quality and Safety
- Submission to the Joint Select Committee on Coercive Control (January 2021)
- Official Community Visitors Annual Report 2019-20 (December 2020)
- ADC Annual Report 2019-20 (October 2020)
- Submission to the NDIS discussion paper on support coordination (September 2020)
- Submission to the Royal Commission into Aged Care Quality and Safety (August 2020)

### **Newsletters**

- 11 newsletters were sent to our database comprising 527 registered subscribers.

### **Fact sheets, brochures and printed collateral**

- 29,837 pieces of collateral distributed.

## A7.1 Statistical information about access applications

The ADC did not receive any formal requests for access to information under the GIPA Act during the reporting period. We received and responded to two informal requests for access to information. Both of the informal requests were for information that was 'excluded information' (information relating to our report handling, investigative and reporting functions). For that reason, those applications were invalid under the GIPA Act, s 43.

**Table 18: Number of applications by type of applicant and outcome\***

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

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

**Table 19: Number of applications by type of application and outcome\***

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

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

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



**Table 20: Invalid applications**

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	2
Application is for excluded information of the agency (section 43 of the Act)	2
Application contravenes restraint order (section 110 of the Act)	0
<b>Total number of invalid applications received</b>	<b>2</b>
Invalid applications that subsequently became valid applications	0

**Table 21: 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	2
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 22: 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 23: Timelines**

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	2
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
<b>Total</b>	<b>2</b>

**Table 24: 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*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 25: 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 26: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)**

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

## A8. Public interest disclosures

There were no public interest disclosures during the 2020-21 reporting year.

## A9. Privacy and personal information

The ADC conducted one internal review under the *Privacy and Personal Information Protection Act 1998* (PPIPA) in 2020-21. The complaint related to the provision of personal information about the relative of the complainant to an external party in the course of handling a report about the relative. In light of our findings from the internal review, we advised the complainant that we would not be taking further action in relation to the matter. The suggestions of the Privacy Commissioner (to provide full details of how the complainant may seek a review from NCAT) were incorporated into the final report. The ADC met all legislative timeframes and requirements relating to the internal review.

In 2021-22, the ADC will complete the preparation of its Privacy Management Plan, and submit the plan to the Privacy Commissioner.

## A10. Complaints about us

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

In 2020-21, we received four complaints about the actions of our staff, including the tone and manner of a phone conversation; our handling of a report; the provision of information to NCAT; and no response to the submission of a web form report. We responded to all four complaints; one complaint was withdrawn, and three complaints were resolved without the need for further action.

# A11. Compliance with annual reporting requirements

No.	Requirement	Note Section # - refers to a dedicated section in the annual report that in part or in full addresses this area of compliance.	Page number (no.) ref in annual report
1, 2, 3, 4	<b>ADC annual reporting legislative requirements</b> 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	1
6	Application for extension of time	N/A	-
7	Charter	About the ADC	6
8	Aims and objectives	About the ADC	7
9	Access	<b>Address:</b> Level 6, 93 George Street Parramatta NSW 2150 <b>Telephone:</b> 02 4904 7500 <b>Business Hours:</b> Mon to Fri, 9AM to 5PM	
10	Management and structure	Appendix A2: Our People	80
11	Summary review of operations	Our work in 2020-21  Section 7: Financial activities and operations	12  75
12	Funds granted to non-government community organisations	<b>Name of recipient organisation:</b> Justice Connect <b>Amount of grant:</b> \$105,966 <b>Program area as per Budget paper:</b> Ageing and Disability Operations	-
13	Legal change	Appendix A6: Legislative changes	124
14	Economic or other factors	Section 8: Financial statements	
15	Management and activities	Strategic plan Our work in 2020-21 A1: Referrals and outcomes	
16	Research and development	Section 5.2: Carers project	68
17	Human resources	Appendix A2: Our People	80
18	Consultants	Nil	-
19	Workforce Diversity	N/A – To be reported on a triennial basis.	-
20	Disability Inclusion Action Plans	N/A	-
21	Land Disposal	N/A	-
22	Promotion (overseas visits)	N/A	-
23	Consumer Response	Appendix A9: Complaints about us	129
24	Payment of Accounts	Section 7: Financial activities and operations	75
25	Time for Payment of Accounts	Nil	

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
26	Risk management and insurance activities	Appendix A3: Corporate governance  Appendix A3: Internal Audit and Risk Management Attestation Statement  During 2020-21, ADC insurance coverage was provided through the DCJ insurance policies.	86
27	Internal Audit and Risk management policy attestation	Appendix A3: Corporate governance  Appendix A3: Internal Audit and Risk Management Attestation Statement	86 89
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 7: Financial activities and operations	72
35	Identification of audited financial statements	Appendix A4: Annual financial statements	90
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	-
+ 37	Additional matters – after balance date events having significant effect in succeeding on financial preparedness; other operations; clientele/community served	Section 7: Financial activities and operations	72
+ 37	Additional matters – total external costs incurred in the production of this annual report	External graphic designer costs: \$4,500	-
+ 37	Additional matters – the website/s at which the report may be accessed	<a href="http://www.adc.nsw.gov.au">www.adc.nsw.gov.au</a>	-
38	Investment performance	N/A – the ADC does not hold Investment or Borrowings	-
39	Liability management performance	N/A	-
40	Exemptions	Nil	-
41	Numbers and remuneration of senior executives	Appendix A2: Our People	-
42	Implementation of price determination	N/A	-
43	Government Information (Public Access) Act 2009	Appendix A6: Public access to our information	125

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
44	Cyber Security Policy (CSP) Attestation	Appendix A3: Corporate governance  Appendix A3: Cyber Security Policy Attestation Statement	48
45	Public Interest Disclosures (PID)	Appendix A7: Public interest disclosures	125
46	Requirements arising from employment arrangements	Appendix A2: Our People.	80
47	Form of annual reports - generally	Report has been delivered as per requirement	132
48	Submission of annual report to appropriate Ministers	26 October 2021	-
49	Submission of annual report to the Treasurer	26 October 2021	-
50	Submission of annual report to Parliament	26 October 2021	-
51	Annual Reports size-presentation to Parliament	ISO A4	-
52	Printing and distribution requirements	External printing costs: \$329.58	-
53	Public availability of annual reports	On the ADC website and as per requirements	-



