



New South Wales

Ageing and Disability Commissioner Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to implement a number of recommendations arising from an independent statutory review of the *Ageing and Disability Commissioner Act 2019* (the *principal Act*).

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Ageing and Disability Commissioner Act 2019 No 7**

Schedule 1[1] replaces the definition of *Board* to correct a cross-reference and inserts definitions of *Department* and *NDIS Commissioner* for the purposes of the principal Act. **Schedule 1[4] and [9]** make consequential amendments.

Schedule 1[2] updates a reference to a Commonwealth strategy.

Schedule 1[3] provides that the Ageing and Disability Commissioner (the *Commissioner*) has a discretion whether to make referrals to certain agencies.

Schedule 1[5] permits the Commissioner to not make a referral to the Commissioner of Police or the Director of Public Prosecutions of a report that may provide evidence of the commission of a criminal offence if the relevant adult with disability or older adult is opposed to the referral.

Schedule 1[6] requires the Commissioner to obtain the consent of an adult with disability or older adult before conducting an investigation into an allegation of abuse, neglect or exploitation of the adult, except in certain limited circumstances.

Schedule 1[8] enables the Commissioner to give information to entities that are not relevant agencies, but only if the information is about the safety of an adult with disability or older adult. The Commissioner is also able to receive information from the entities in relation to the Commissioner's functions. **Schedule 1[7]** makes a consequential amendment.

Schedule 1[10] and [11] include the Secretary of the Department of Communities and Justice and the NDIS Commissioner as persons to whom an Official Community Visitor may provide advice and information about certain matters.

Schedule 1[12] requires a service provider to give certain information to the Commissioner about the provider and about the visitable services of the provider.

Schedule 1[13] omits a redundant provision.

Schedule 1[14] inserts a missing comma.

Schedule 1[15] requires the Commissioner to ensure that the composition of the Ageing and Disability Advisory Board (the **Board**) reflects the diversity of the community.

Schedule 1[16] corrects a grammatical error.

Schedule 1[17] requires the composition of the Board to include 2 or more older adults.