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GRNS--The Greens

LEGISLATIVE COUNCIL

Ageing and Disability Commissioner Bill 2019

First print

Proposed amendments

- No. 1 **Commissioner's functions**
Page 6, clause 12 (1) (d), line 17. Insert “, including referrals to independent advocacy services, where appropriate” after “older adults”.
- No. 2 **Commissioner's functions**
Page 6, clause 12 (1) (e), lines 18 and 19. Omit “regarding matters in relation to which the Commissioner may conduct investigations”. Insert instead “relating to the protection and promotion of the rights of adults with disability and older adults or the abuse, neglect or exploitation of adults with disability or older adults”.
- No. 3 **Commissioner's functions**
Page 6, clause 12 (1). Insert after line 25:
 (h) to monitor, assess and report on the New South Wales implementation of the National Disability Strategy (*NDIS*).
- No. 4 **Commissioner's functions**
Page 6, clause 12 (3), lines 29–32. Omit all words on those lines. Insert instead: “exercise of any of its functions.”.
- No. 5 **Reports**
Page 6, clause 13 (1), lines 34–36. Omit all words on those lines. Insert instead:
 (1) A person may make a report to the Commissioner about the following:
 (a) an adult with disability or older adult if the person has reasonable grounds to believe the adult is subject to, or at risk of, abuse, neglect or exploitation,
 (b) circumstances that the person has reasonable grounds to believe will result in the abuse, neglect or exploitation of an adult with disability or older adult.
- No. 6 **Reports**
Page 7, clause 13 (9), lines 20 and 21. Omit all words on those lines. Insert instead:
 (9) The Commissioner may conduct an investigation of a report that the Commissioner has referred to another person or body under subsection (8), including in consultation with the person or body, if the Commissioner is of

the opinion that conducting an investigation may be necessary to protect an adult with disability or older adult from abuse, neglect or exploitation.

No. 7 **Reports**

Page 7, clause 13 (10) (a), line 25. Insert “despite having been provided with the appropriate support for the purposes of making such a decision” after “consent”.

No. 8 **Reports**

Page 7, clause 13 (10) (b), line 26. Omit all words on the line. Insert instead:

- (b) it is not necessary to obtain consent due to the seriousness of the allegation or the risk to the personal safety of the adult, or

No. 9 **Information exchange**

Page 7, clause 14. Insert after line 36:

- (2) A relevant agency may provide relevant information to the Commissioner for the purposes of enabling or assisting the Commissioner’s exercise of its functions.

No. 10 **Information exchange**

Page 7, clause 14 (3), lines 41 and 42. Omit “that may be provided under this section, and to which an information sharing arrangement may relate”. Insert instead “or a relevant agency that may be provided under this section”.

No. 11 **Meetings**

Page 8, clause 16 (1) (a), line 39. Insert “and answer any questions” after “notice”.

No. 12 **Penalties**

Page 9, clause 16 (2), line 7. Omit “50”. Insert instead “100”.

No. 13 **Search warrants**

Page 9, clause 17 (3), line 43. Insert “(in circumstances where the adult has been provided with the appropriate support for the purposes of making such a decision)” after “concerned”.

No. 14 **Visitable service**

Page 11, clause 19, line 16. Insert “or older adult” after “disability”.

No. 15 **Appointment of Official Community Visitors**

Page 11, clause 20 (1), lines 24 and 35. Insert “or older adults” after “disability”.

No. 16 **Functions of Official Community Visitors**

Page 12, clause 21 (1) (h), line 26. Insert “independent” after “about”.

No. 17 **Protection against retribution**

Page 13, clause 23 (3) (e), line 18. Omit “community”.

No. 18 **Annual reports**

Page 14, clause 24, lines 10–12. Omit all words on those lines. Insert instead:

- (3) An annual report prepared under subsection (1) must include the following:
 - (a) any recommendations for administrative action or changes in the laws of the State that the Commissioner considers necessary,
 - (b) information on the number of reports made to, and actioned by, the Commissioner, and the number of referrals made elsewhere and to whom,

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- (c) the number of investigations held under section 13 (10) where consent was not given, including as a percentage of total investigations held,
 - (d) if a Board member has been removed under section 27 (9) during the reporting period, the reasons for removing the member.

No. 19 **Special reports**

Page 14, clause 25 (3), line 21. Omit "may". Insert instead "must".

No. 20 **Ageing and Disability Advisory Board**

Page 15, clause 27 (3), line 8. Omit all words on the line. Insert instead:

in consultation with the Commissioner who, in the opinion of the Minister and Commissioner, have relevant knowledge of and experience in

No. 21 **Ageing and Disability Advisory Board**

Page 15, clause 27, line 11. Omit all words on the line. Insert instead:

the community, and include the following:

- (a) 2 or more persons with disability,
- (b) a representative of independent specialist advocacy, information and representative organisations for people with disability in New South Wales,
- (c) a representative of independent specialist advocacy, information and representative organisations for older adults in New South Wales,
- (d) 1 or more persons representing persons employed in the provision of disability services or services for older adults.

No. 22 **Ageing and Disability Advisory Board**

Page 15, clause 27 (5), line 13. Insert "for a maximum of 2 terms" after "re-appointed".

No. 23 **Ageing and Disability Advisory Board**

Page 15, clause 27 (6), line 15. Insert "in consultation with the Commissioner" after "members".

No. 24 **Ageing and Disability Advisory Board**

Page 15, clause 27 (9), line 20. Insert "in consultation with the Commissioner" after "time".

No. 25 **Penalties**

Page 15, clause 29, line 41. Omit "50". Insert instead "100".

No. 26 **Penalties**

Page 16, clause 30, line 4. Omit "50". Insert instead "100".

No. 27 **Independent representative organisations**

Page 16. Insert after line 11:

32A Independent specialist disability advocacy, information and representative organisations

- (1) Parliament recommends the State provide financial assistance to independent specialist disability advocacy, information and representative organisations in New South Wales by grants of a minimum of \$20,000,000 per annum (adjusted annually for inflation), to be distributed as determined by the Commissioner.
- (2) The assistance recommended under subsection (1) is in addition to any other financial assistance to be provided by the Commonwealth.