REPORT ON PROCEEDINGS BEFORE

COMMITTEE ON AGEING AND DISABILITY

REVIEW OF THE 2023 - 2024 ANNUAL REPORTS OF THE AGEING AND DISABILITY COMMISSION

At Macquarie Room, Parliament House, Sydney on Friday 15 August 2025

The Committee met at 3:00 pm

PRESENT

The Hon. Cameron Murphy (Chair)

Legislative Council	Legislative Assembly
	Mr Nathan Hagarty (Deputy Chair)
	Mr Geoff Provest
	Mr Tri Vo

PRESENT VIA VIDEOCONFERENCE

Legislative Council	Legislative Assembly
Ms Abigail Boyd	Ms Sonia Hornery
The Hon. Natasha Maclaren-Jones	

The CHAIR: Good afternoon, everyone. I begin by acknowledging the Gadigal people of the Eora nation, who are the traditional custodians of the land on which we meet today here at Parliament. I also pay my respects to Elders past and present, and extend that respect to other Aboriginal and Torres Strait Islander people who are either present here or viewing the proceedings online.

Welcome to today's public hearing of the Committee on Ageing and Disability's review of the Ageing and Disability Commission's 2023-24 annual reports. I'm Cameron Murphy and I'm Chair of the Committee. I'm joined by my fellow Committee members, Mr Nathan Hagarty, the Deputy Chair and member for Leppington; Ms Abigail Boyd, a member of the Legislative Council, who's online; Ms Sonia Hornery, the member for Wallsend, who's online; the Hon. Natasha Maclaren-Jones, a member of the Legislative Council, who's online; Mr Geoff Provest, the member for Tweed; and Mr Tri Vo, the member for Cabramatta. I'd like to thank the Commissioner and senior staff of the Ageing and Disability Commission for appearing before the Committee today. The Committee appreciates your input into its review. I declare the hearing open.

Commissioner JEFF SMITH, Commissioner, NSW Ageing and Disability Commission, affirmed and examined

Ms KATHRYN McKENZIE, Director, Operations, NSW Ageing and Disability Commission, affirmed and examined

Ms CECILIA COX, Manager, Community Supports, NSW Ageing and Disability Commission, affirmed and examined

Ms ANNA GAUCI, Manager, Communications and Engagement, NSW Ageing and Disability Commission, sworn and examined

The CHAIR: I welcome our witnesses. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the Legislative Assembly's social media pages. Please inform the Committee staff if you object to having photos and videos taken. Can you please confirm that you've been issued with the standing orders that relate to the examination of witnesses?

JEFF SMITH: Yes, we have.

The CHAIR: Do you have any questions about that information?

JEFF SMITH: No, not from me.

The CHAIR: Would any of you like to make an opening statement before we begin?

JEFF SMITH: I'd love to, if I may.

The CHAIR: Certainly.

JEFF SMITH: Thank you, Mr Chair. Thank you for the opportunity to appear before you today to make an opening statement. We're delighted to talk to you about the Ageing and Disability Commission—we can call it the ADC from here on in—and to answer any questions you have about our important work. I am excited to be working at the ADC and helping older people and adults with disability live safer and better lives. I note that I am new to the ADC, having started in late April 2025 and also having taken some longstanding pre-planned leave since that time. For the purposes of the terms of reference today, the annual report 2023-24, Kathryn McKenzie was Acting Commissioner during most of that time. I am a person with disability myself, and the ADC's focus on impact, problem-solving and practical solutions is something that attracted me to the role. The ADC has a wonderful track record and is a much-beloved institution. I have heard this time and time again during the short time I've been here. I'm keen to play my part in maintaining and building our reputation.

When I was appointed Commissioner, I identified several priorities: first, to listen and learn. Having worked in the disability sector, I was particularly keen to hear firsthand about the issues in the ageing sector, especially as 78 per cent of reports made to the ADC are about older people, including older people with disability. But I also wanted to hear firsthand from the disability stakeholders regarding the specifics in New South Wales. Although I've been working at a national level over the past few years, I was born and bred in Newcastle, and focusing on issues in New South Wales resonates strongly with me, including those in regional and remote New South Wales. Secondly, and given our functions, I was and remain keen for the ADC to explore issues impacting both older people and adults with disability—like coercive control, loneliness, and rural, regional and remote disadvantage. This doesn't mean losing sight of the issues specific to those cohorts but instead recognising the considerable overlap that exists. One issue emerges almost as a golden thread through much of our work: Domestic, family and sexual violence informs many of the matters that come before us.

Finally, I'm passionate about helping to maintain the ADC's reputation as the model for adult safeguarding in Australia, while addressing the rising demand for our services. In the six years since the ADC's establishment, calls have increased by 67 per cent and statutory reports have risen sharply, increasing by over 150 per cent since we started in July 2019, and 22 per cent from last year alone. In June 2025, the Government announced a welcome enhancement of our baseline to $7.2 million, an increase of $2 million over each of the next four years. This enhancement is wonderful news and is greatly appreciated. It gives us surety, certainty and confidence and allows us to plan more strategically. It does not, however, fix the issues around demand, as DCJ has been topping up our funds since we opened our doors. Ever-increasing demand will continue to cause us difficulties and limit our ability to base our work program on early intervention and prevention.

Not surprisingly, the reasons for the increase in demand are complex. They include the establishment of the ADC itself and growing awareness of our services. That is an undeniably good thing, but it also includes more intractable issues like an ageing population, the cost of living, housing and so-called inheritance impatience and inheritance preservation. At the ADC, we are forever working hard and innovatively to deal with the demand

issues within our control. I can assure the Committee we are not in the business of simply admiring the problem. We use education, awareness raising, capacity building and constant administrative, technological and operational changes to deal with the demand for our services. Where the drivers of demand are outside our control, we will continue to work with the Government on a budgetary model that is both fit for purpose and builds our reputation as a safeguarding model for other States and Territories in Australia.

The CHAIR: Thank you for that opening statement. We will now move to questions from the Committee. Before we do that, I just wish to inform you that you may take a question on notice and provide the Committee with an answer in writing. For the first question, I will pass over to Ms Boyd.

Ms ABIGAIL BOYD: Thank you to our witnesses for appearing this afternoon. I just wanted to pick up on that point in relation to domestic, family and sexual violence, and particularly coercive control. I know that the ADC, along with so many advocates, has been quite disappointed that our current domestic and family violence laws around coercive control do not apply outside of the intimate partner relationship. Coercive control occurs within a variety of settings when it comes to people with disability and also when it comes to elder abuse. How many reports are you seeing relating to coercive control, and what are the challenges being created by having these two separate laws, depending on the context in which the coercive control occurs?

JEFF SMITH: I'll start, and I'm sure Kathryn will add to my answer. Coercive control is, as you've identified, endemic in the reports to the ADC. In many of the matters that we deal with, the persons the subject of accusations are family members, of course, and they go outside that domestic relationship and do go more broadly to other family members. We have been and are on record, as I understand it, as being supportive of a broader approach that includes other domestic relationships beyond those intimate relationships. We have made changes to our data systems to better capture and report on those matters around coercive control, and we've been doing some work in the area and have some resources to be finalised in November 2025. I might hand to Kathryn at this stage.

KATHRYN McKENZIE: You've said it all, Jeff. That's good. Yes, we would be supportive of the offence being extended to broader domestic relationships beyond intimate partner, and we are on the record in relation to that already. I think, though, in terms of handling the matters involving coercive control, the offence is just one part of it for us. To be honest, we're working from such a low base with the awareness of coercive control in relation to adults with disability and older people that we are—and Cecilia and her team do fantastic work to identify, at an early point, matters involving potential coercive control, doing work to collate evidence to work with, obviously, the adults themselves but also agencies in collating the evidence to get to police in relevant matters.

But the way that we deal with the coercive control matters is consistent with how we deal with broader ones, which is that we come from a starting point of supporting the person, understanding what their views and wishes are about what's happening for them and what involvement they want from us, and, moving forward on that basis, how do we best uphold their rights, and how do we work with them to improve their safety and to improve their circumstances? Really the offence is one part—Cecilia, you can correct me if I'm wrong—but working with the offence for some areas and the offence not applying in others doesn't really adversely affect our work at this stage.

Ms ABIGAIL BOYD: Just before you continue answering, one of the aspects of the question I asked that was lost, unfortunately, in one of my other questions was what the reporting rate was looking like when it comes to coercive control. Do you keep data? I'm interested if there's an increased awareness of people knowing that they're being subjected to coercive control in terms of those complaints coming to your office.

KATHRYN McKENZIE: Yes, I think we kind of answered it because we know from handling the matters that it's incredibly prevalent—it's in the majority of the matters that come to the ADC for both adults with disability and older people—but it's only in the recent data enhancements that we've made where we now have the ability to specifically capture whether a matter involves coercive control. Prior to that we used text fields to capture whether a matter involves coercive control. Part of the work that we're doing ahead of the review of the coercive control offence is really being able to then use that data to collate what the matters are that, if the offence existed, would be relevant for that pathway as well as—as you've noted, Ms Boyd—to be able to do some comparative work to look at the level of awareness or the nature of the matters coming through to us, particularly those raised with us directly by an adult with disability or older person, prior to us doing the more intensive work around awareness-raising on coercive control and the broader use of the resources that we're currently developing, and what that looks like after we've rolled those out. So the data will be a key piece for us but it's been a work in progress.

Ms ABIGAIL BOYD: Thank you, that's really useful. Sorry, it's very hard being online; I don't know if the Chair is allowing me to ask one more question.

The CHAIR: You can have one more.

Ms ABIGAIL BOYD: Thank you. I'll ask one more and then I will mute myself. One of the recommendations from the Disability Royal Commission was around the introduction of dedicated disability liaison officers for the police. I understand that the New South Wales Government has said that they don't intend to implement that recommendation because they already have six specialist victim liaison officers which support all vulnerable cohorts, including older people and people with a disability. Do you think that that's a sufficient response to the recommendation? Should we be trying to do something a bit more than those six broader victim liaison officers? Do you have any experience engaging with the police and with those victim liaison officers to ensure that they have the skills required to do that job effectively with older people and people with disability?

KATHRYN McKENZIE: Thanks very much for that question. When the ADC started, we were really pleased that at the same time that we commenced, New South Wales police received money to roll out what were then called aged crime prevention officers—one in each command. Police got to rolling out 12 of those positions in different areas of the State. Our experience with those officers was incredibly positive. We found that they added really enormous value—not that it's all about us—to the work that we do. Really importantly, in our experience they did really great work directly with frontline officers providing that touchpoint around key issues for them to be aware of, providing information that would assist them in handling matters involving adults with disability and older people, as well as obviously bringing matters directly to us that may warrant our involvement.

We had and continue to have involvement with the remaining officers in relation to that. We've spoken to police many times about our preference to continue those roles. We do training with New South Wales police on an ongoing basis, including with the crime prevention officers, which New South Wales police have pointed to as being the roles that they are keen to upskill across the board to be able to more appropriately respond to matters involving adults with disability, and older people. Our position is still that there's enormous value in having more specialist officers. But we deliver an enormous amount of training on an ongoing basis including, more recently, to detectives in New South Wales police. Cecilia might be able to talk to our experience working with some of those specialist officers.

CECILIA COX: Yes. Aged crime prevention officers have been extremely valuable as a touchpoint, especially for concerned family members who are able to come to the Commission, but we can also connect them with aged crime prevention officers. They have that specialist understanding of the specific issues impacting older people and older people with disabilities, including all the issues that we've talked about—inheritance impatience and inheritance conservation—as well as coercive control. Unfortunately at a broader level we do have a challenge in that the wishes of adults with disability and older people are often not heard or not listened to, but those aged crime prevention officers are really alert to those issues of the voice of the person not being heard, or being drowned out by other voices that are louder or more vocal. They add enormous value in the cases that we deal with, particularly the complex financial matters that we deal with.

Mr GEOFF PROVEST: Thank you so much, and thanks for coming in. So, just for my information, somebody rings the Commission with a complaint, then you investigate it and then you refer it to other agencies. Is that it, roughly?

KATHRYN McKENZIE: I'm going to provide that really unhelpful answer of: It depends. Generally the experience would be everyone comes through the helpline. Everyone comes through that pathway. For people that are just looking for information and advice, the helpline will seek to do that in the initial contact, so we seek to kind of resolve those matters—

Mr GEOFF PROVEST: So they could be friends or relatives?

KATHRYN McKENZIE: Most of the people that contact the helpline are not the adult with disability or older person themselves. Most of the reports and most of the contact that we have with the helpline comes from paid staff that are supporting adults with disability or older people, and seeing things that they think are not right or that they've got concerns about. Or it's family members ringing to raise concerns about what's happening for their parent or their sibling or their family member. Usually we're very reliant on third parties raising issues with us. Some are just ringing to get advice, to run matters by us, to check whether there's anything further that needs to be done or to be assisted to link in to other appropriate organisations. For matters, though, that are more serious or that involve higher risk, or that require active involvement by the ADC, they go across to our Community Supports and Investigations team, where Cecilia works, where one of the options is to investigate.

Usually we would look at that matter. For every matter that comes in, we do risk and priority assessment and we triage those matters, so every matter gets that kind of triage approach. The matters that go to our Community Supports and Investigations team—usually we would do some initial inquiries to get a bit more information about that matter, see whether we can get in direct contact with the adult themselves to find out what's

happening for them, and what level of involvement or what assistance they would like. One of the options is that we can investigate. Usually with the matters that the Community Supports and Investigations unit are dealing with, typically we would seek to go and do a home visit to the adult. At times there are some challenges with that; we cover the entire State and we have 10 people that are handling those matters. There really isn't a replacement for us getting out in person and meeting directly with the adults themselves and seeing, in relevant circumstances, their living environment and talking to them directly. A lot of the people that are the subject of a report to the ADC may not use telephone and may rely on alternative methods of communication.

Mr GEOFF PROVEST: So there is a crossover. Do you cross over with NDIS?

KATHRYN McKENZIE: We do a lot of work with the NDIS Commission and the NDIA. But we make it very clear and we do a lot of work to make sure that the ADC don't duplicate the work of any other agency. If the matter relates to concerns about potential abuse by an NDIS worker, generally we don't deal with those matters. We make sure that that matter gets to the NDIS Commission to deal with.

Mr GEOFF PROVEST: How many cases would you do? You've got 10 workers out there. That sounds like not many.

KATHRYN McKENZIE: We've got 10 workers that are doing handling and doing those visits and doing investigations. We've got two staff members handling the triage part of those matters and we've got about eight people on our helpline. It's a small agency and it's a small number of staff that are dealing with those matters. Apologies, I've forgotten the initial question.

Mr GEOFF PROVEST: How many would you deal with?

KATHRYN McKENZIE: At the moment, we have what is over 5,000—almost 6,000—reports. The vast majority of them are dealt with solely by the helpline. There are around 21 per cent of the matters, I think, in the last financial year, in which we do other action. That can range from doing those preliminary inquiries to get more information through to investigations and other work.

Mr GEOFF PROVEST: How do the staff handle it? Is there burnout? Is there staff turnover?

KATHRYN McKENZIE: We're extremely conscious of the psychosocial risk to our staff from that combination of the volume of the matters, the nature of the matters that they're dealing with and the increasing risk of the matters that we're seeing come through the door. We've got a number of strategies that we use with staff. We've just done a wellbeing review to actually look at what more we can do to assist our staff. Importantly, we have professional supervision for staff.

Mr GEOFF PROVEST: They can get counselling if they put their hand up?

KATHRYN McKENZIE: They have access to individual and group professional supervision. We have also been undertaking and still are doing—and the Commissioner referred to this earlier—a lot of actions to streamline our work as much as possible, gain as much efficiency as we can, reduce the administrative load involved in handling reports, really focus on the matters where we're the only agency that can respond to those, and focus on, wherever possible, upskilling and building capability in providers, families et cetera.

Mr GEOFF PROVEST: So there is not a great staff turnover.

KATHRYN McKENZIE: We're incredibly fortunate. You would expect that there would be, and there hasn't been.

Mr GEOFF PROVEST: My last question, through the Chair, is to the Commissioner. Having sat in here for a lengthy period of time, we passed the coercion laws and a lot of those abuse laws. If you were in my spot, do you think the laws are strong enough? What would you suggest to tighten them up or to support your agency's work?

JEFF SMITH: It's a great question. Thank you for the question as well.

Mr GEOFF PROVEST: We've got an election in two years—500 days or something like that.

JEFF SMITH: The Commission is young, as you know. We were established in July 2019. We've already had a review of our operations. There was, if you like, a phase one where we identified some changes that would really help the work that we have being doing. That has been implemented. Notwithstanding that, there are a range of reforms that we would be supportive of. Those reforms are, essentially, reforms for our legislation and reforms for like legislation in New South Wales, and also there are some administrative things that could be done that could quite substantially improve abuse, neglect and exploitation. I'm happy to go into some of that, if you would like.

Mr GEOFF PROVEST: We'll probably take that one on notice because that could be long. I've got one last question. My electorate borders Queensland. How are we comparing to the other States and Territories across Australia? Are we in front or behind?

JEFF SMITH: In terms of numbers?

Mr GEOFF PROVEST: With what we're doing. Do they have the equivalent?

JEFF SMITH: There is no exact equivalent of the ADC in other jurisdictions. The closest would be in South Australia, where they have legislation which broadly mirrors the approach that we have in New South Wales. But there is no doubt—and the Disability Royal Commission mentioned this—that the ADC is the safeguarding model for other States and Territories around Australia, and that's really what we want to hold on to. We want to maintain and build that reputation. What we have under our legislation is essentially a multidisciplinary approach. We have that ability to deal directly with matters of abuse, neglect and exploitation. We have the ability to raise awareness and education around New South Wales that this is going on, and this is what it looks like, and that we are here as one of the responses.

Mr GEOFF PROVEST: Do you get a surge after you do those advertisements and things like that? Do you get a surge in people coming and saying, "Hey, I've just seen it on the TV or read about it"?

JEFF SMITH: Let me answer it this way. Part of the demand issue for us, of course, is that in our initial phase—we were established in 2019—we went out and quite rightly told New South Wales that we were here, and so people came. That was a very deliberate and understandable approach in that first phase. What it did, though—you know, there is enormous confusion in the community generally about the demarcation between our work, the NDIS Commission, the Aged Care Commission and the Health Care Commission, for example. In the early days, we were getting a lot of calls that weren't quite hitting the mark. So we've moved our communications and our website, for example, to try to more accurately identify, "If you've got a problem that looks like this, this is where you can go." By that, we are not trying to send people away from us; we're trying to very accurately determine the audience for the work that we do.

Mr TRI VO: Thank you, Commissioner, and Ms McKenzie, Ms Cox and Ms Gauci for attending today. I understand the Commissioner and Ms McKenzie have spoken already. I have few questions for the other two witnesses. Can you provide the Committee with an update on how the Commission has progressed its engagement with First Nations and multicultural communities during the reporting period, including outcomes or lessons learned from this work?

ANNA GAUCI: Thank you for your question. Is it okay for me to take this one?

JEFF SMITH: Of course.

ANNA GAUCI: I'll start with Aboriginal communities. Since 2021 we've had an Aboriginal outreach worker who is based in Dubbo, who has been doing a lot of engagement and connecting work with Aboriginal organisations and Aboriginal-led service providers in central and Central West New South Wales. That includes Dubbo, Walgett and those kinds of areas. I think the importance of that has been building not just the understanding of the role of the ADC but also establishing that trust as well with service providers, and also with the communities there. Given we're a government organisation, we're also very mindful of the cultural issues there. There have also been yarning circles that have focused or been built on resources that the ADC has—the yarning booklet and the elder wellbeing checklist—to also support those engagements as well. In the next steps, we'd be looking at the next stage: furthering that engagement with regional, rural and remote communities, but also metropolitan areas as well. Our data will very much inform that. For instance, Western Sydney would be a community area that we'd definitely focus on, but also other regional and remote areas for Aboriginal communities too. We're in that planning stage for that work.

Similarly, with multicultural communities, we have a multicultural working group that the ADC uses as a consultation group. That was established in February last year—February 2024—and it has Multicultural NSW, DCJ, Multicultural Disability Advocacy Association and other NGO providers on there who are working with multicultural groups. That group has been really important to inform the ADC's work about the best way for us to connect with multicultural groups, especially since they are a lower reporting area in terms of the reports that the ADC receives. The first step there—we utilised the advice of the group to look at the resources that the ADC has and what were the best resources that we could use and languages we could translate too to make sure we could get that message out. We utilised their networks and our other stakeholder networks to disseminate that information.

Our next step now is looking at how we can best connect with intermediaries. Those intermediaries would be community organisations and service providers who are working with CALD communities. The reason that

we're focusing on that is that's a big piece of advice that we've got from the working group but also our advisory board and also from—as Jeff and Kathryn have mentioned, those groups are our number one reporters, so we're really wanting to work with them to uplift their capability to identify, prevent and respond to abuse, neglect and exploitation of older people and adults with disability. But we're also focusing on them because they're such a trusted group who are working with older people and adults with disability. We want to harness their knowledge, that trust that they have with their communities and their expertise, and use that as a way also not just to educate and uplift their capability but also the information that we give to their communities so that they can be a portal for that information as well. Then, as we go in to different stages of that project, we'll be looking at working with faith leaders and religious leaders and also directly with communities as well.

Mr TRI VO: You mentioned it's an ageing population and especially with the communities—they have English and cultural barriers and all that. How is the Commission progressing with—you probably mentioned part of it already—implementing its workforce diversity strategies? What actions have been taken during the reporting period to support a more inclusive workplace?

ANNA GAUCI: The ADC's workplace?

Mr TRI VO: Yes.

JEFF SMITH: At the ADC? I'm not sure that we have the data around that. I know we've got some data around that. We're a small organisation. As we were saying when we were in the corridor, you have 10 per cent of the agency staff here today. We're about 35 full-time equivalent staff in our staffing profile. I'm just trying to find the detail. I think we have seven people with disability on staff and three of those are identified positions. But I don't think we have data on other diversity that I'm aware of.

KATHRYN McKENZIE: Our report publishes the data and publishes the percentage of staff in the last—in the reporting period, we increased the percentage of staff with disability but we also increased the percentage of staff from multicultural backgrounds in our organisation. As the Commissioner mentioned, it's a very small organisation, but we're very conscious about ensuring that we've got lived experience staff working with us. It's an ongoing challenge, though, in ensuring that we've got that diversity across a small staffing cohort. We've got one Aboriginal employee at the moment. Ideally we want to increase those numbers. But we, in the last reporting period, increased our representation across all of the indicators.

Mr TRI VO: Can you tell us more about the Official Community Visitors scheme?

KATHRYN McKENZIE: Yes. The Official Community Visitors scheme has been operating—this year it's 30 years of operation. It focuses on people living in residential care in New South Wales. The scheme covers disability supported accommodation, children and young people in residential out-of-home care and people living in assisted boarding houses in New South Wales. We manage the scheme. There are 35 Official Community Visitors that cover the State at the moment, and they cover around—I think we've got around 4,000 visitable locations. The purpose of the scheme is kind of premised on a local and early resolution approach.

The role of visitors is that they go and do visits to the accommodation services, primarily unannounced visits, so they're turning up without notice and they're seeing what's happening on the ground in those services at the point of time of the visit. There's no time for services to prepare for the community visitors turning up. Their primary role is to talk to the residents about anything that's happening to them, what their experience is like in the service, what day-to-day life is like for them and any issues that they're having that the visitor could raise and seek to resolve on their behalf. They talk to staff, they look at records and they have a look at the environment. After their visit, they provide a report to the provider that identifies any issues that that they've identified and seeks a response from the provider.

Really it's all premised on trying to raise issues as early as possible, to best assist the service to be able to resolve those issues as quickly and locally as possible. But the legislation also provides that if the visitor isn't satisfied with the actions taken by the provider, they can then refer those matters elsewhere, and we assist the visitors to do that. The visitors make complaints, and we facilitate them doing that, to the NDIS Commission in relevant cases, to the Ombudsman's office and to other relevant parties. That's the nature of the scheme. It's a small number of visitors covering a very large number of visitable services. Similar to the broader ADC, that's also an area that has ongoing growth—really high levels of growth that are outside of our control—so the number of visitable services increases every year. There are challenges, obviously, in allocating visitors to enough services.

Mr TRI VO: To follow on from that question, you mentioned there are 35 visitors and something like 4,000 places to visit. Also, these days, there's an increase in demand and more complaints to the ADC. Has the Commission ever been prevented from adequately investigating matters due to staffing and resourcing constraints?

KATHRYN McKENZIE: I guess I would say that in terms of the Official Community Visitors scheme, we obviously can only operate within the budget that we have. There is no way that we can allocate a visitor to every visitable service, so we do a lot of work to identify which are the services that we need to prioritise for visiting. We have a prioritisation and allocation policy that we follow, with a bit of a risk matrix attached to it. That enables us to make those difficult decisions about which service will get a visitor for the next six-month period, and we regularly make those. Every six months we make those decisions, and it's really informed by the information that we receive about relative risk in services.

For the ADC, we seek to respond to every matter that comes in but, again, we apply a different risk and prioritisation tool and do triage of every matter. There are definitely matters that we don't have capacity to investigate, and we can't take as much action on them as we would like to take, or that we need to close at an earlier point than what we would like to, because of the limited resources. That's definitely a factor for us and will be on an ongoing basis with the existing funding. As the Commissioner mentioned earlier, we use a number of tools to try to maximise the use of our resources, including that risk and priority assessment and triage mechanisms, with the changes we've made to increase our efficiency, but there are still absolutely challenges in being able to respond in the way, and in as timely a way, that we would like.

Mr TRI VO: I have one last question. I think you mentioned part of it, but how does the Commission monitor compliance with its internal audit and risk management—you've mentioned a little bit already risk management—obligations? What improvements have you made in this area over the past year?

KATHRYN McKENZIE: Is there a particular area you would like in terms of audit or compliance activity?

Mr TRI VO: Just overall management. When you do your internal audit and risk management, where have you implemented a strategy of management and you can see improvements, which you would like to improve on, or continue, so we can improve the system?

KATHRYN McKENZIE: Sure. I might provide an example. There are quite a few areas where we've done work over the last period and continue to do some work. The community visitors scheme is a good example. I think we reported in the annual report that we did an internal audit of the community visitors scheme, excluding the financial—because there'd been a previous audit in relation to management of the finances—but really looking at the operations, governance of the scheme, day-to-day operation, a whole range of different things related to that scheme. We engaged KPMG to do that internal audit. They identified, I think, seven key areas for us to focus on. One of those was they identified at that point that some of the decisions or the way that we were determining the services to prioritise for allocation didn't match what we had in the existing policy on the internal guidance, and recommended review of that guidance and our approach.

That, along with the other recommendations, has informed an action plan. We've since developed a prioritisation and allocation policy that has that risk matrix within it that we're ensuring that we're following in some detail. We've provided a copy of that policy also to—there's a review that's currently underway into community visitor schemes across Australia to inform how to gain greater alignment between the schemes, or move towards national consistency. We've fed in that information arising from the practice improvement steps that we've taken following that internal audit to help inform potential approaches outside of New South Wales also. But there's a number of other steps that we've taken following on from that internal audit, including a broader review of our policies and procedures and practice guidance for OCVs. We're about to commence a broader review of our policies and procedures for OCVs. There's a whole range of internal activities that we're doing off the back of that audit and we're tracking progress and reporting through to our internal audit and risk subcommittee.

The Hon. NATASHA MACLAREN-JONES: In relation to the OCV, and in particular you mentioned visiting boarding houses and resicare, I'm just interested in, on average, how many properties your visitors can visit in any 12-month period.

KATHRYN McKENZIE: Thank you for the question. It very much varies, and varies according to the number of visitable services that are out there. What we call the "allocation rate" has been declining for a number of years because there has been significant growth in visitable services. Before I come to the most recent allocation rates, I'll just flag that we have, within the existing budget, made a number of changes to seek to increase the allocation rate within the budget that we have. One of those changes that we trialled a couple of years ago, and have since moved to adopt on an ongoing basis, is to move to include one-off visits.

Historically, the OCV scheme has worked on a premise of at least two visits. Disability accommodation services have had at least two visits a year. Out-of-home care have had at least four visits a year, and similar with assisted boarding houses. We've introduced one-off visits for some services, taking the position that it's better to have a visit than no visit. We found it to be quite an effective strategy. For the one-off visits, we prioritise those

services that have never been visited at all—some of those newer services—or have never been visited for an extended period of time. It's proven to be an effective model. We've also started working with existing levers—the limited levers that we have—to increase the allocation rate for some residential out-of-home care services. Instead of having four visits a year, having three visits a year. That then enables us to allocate another service to be picked up for visiting.

With that introduction, I'll just say the most recent allocation rate. For the last financial year, overall, we allocated 62 per cent of all of the visitable services. For disability accommodation services, we allocated 59 per cent of the 3,364 services. For out-of-home care, we allocated 74 percent of the 587 services. For assisted boarding houses, we were able to allocate 84 per cent of the 24 services. That was an increase in the allocation rate compared to the previous year, which was about 55 per cent of allocation rate overall. We've managed to increase that rate by those changes that I mentioned before, including one-off visits and adjusting, for some services, the number of visits that they get in a 12-month period.

The Hon. NATASHA MACLAREN-JONES: That's good. Well done in stretching what resources you have. In relation to that, what have you found are some of the trends or challenges that some of the services are experiencing, particularly where you then need to refer it on to further investigation or reporting?

KATHRYN McKENZIE: The matters that we generally focus on referring on are where there is a clear impact on the residents. Of the issues that have been identified, they do vary quite a bit. We have a number, for example, in residential out-of-home care that have been referred where the visitor has identified that the young people are away from placement for extended periods of time. In the view of the visitor, the service isn't taking adequate action to support the young person out of placement. They're not taking adequate action to support them to return to placement.

We have others where the visitors have had—again, in out-of-home care, where the concerns have been about providers using police as a behaviour management strategy instead of more actively using internal mechanisms to better support the paid support needs of some of the young people that they're supporting not being in school. Adequacy of support to support young people to engage with school and return to school is a really common theme. It was one of the systemic issues that visitors had a focus on in the last financial year.

For disability services, it really varies. There tends to be a lot of issues relating to access to health care and the adequacy of actions to support people to gain effective access to health care and to have their health-need recommendations followed up and acted on. There's a range of issues around compatibility—essentially the placement decisions that are made by providers, including the introduction of new residents into an established group home and the work with residents and whether they've been involved in those decisions or not. Leaving-care planning in relation to children and young people in out-of-home care is frequently identified as an issue by community visitors. There are a lot more issues that the OCVs identified, including the adequacy of staff training to support the needs of the residents that they're supporting.

But, to be honest, a key piece of work that we've been doing with community visitors and are still doing is that, in our view, visitors don't refer enough matters on to other agencies. We've been doing a piece of work with the visitors to better assist them to identify, at an early point, the matters that we need to be getting to some of the regulators or the oversight bodies for them to look into those matters. We're about to do some work with some of those complaint-handling agencies and oversight bodies to develop with them some decision tree guidance for visitors, to better assist them to identify the types of matters that they should be considering referring on, and the point at which they should be making that decision, to try to make it as easy as possible for them to make that call and let us know about the matters that we that we need to assist them to refer on. We have increased, in the past 18 months, the number of referrals that have been made to other agencies by OCVs. But, even with that, we know that there are a lot more that would warrant referral on and it's just getting the visitors to bring those matters to our attention, to get them to the right place.

The Hon. NATASHA MACLAREN-JONES: Moving to the next question, around that threshold, is there a clear threshold across the different sectors to know when they need to refer on, or is that still something that's a work in progress?

KATHRYN McKENZIE: That's been part of the challenge and why we've held off developing that type of guidance for OCVs. We don't want it to be so prescriptive that visitors will look at a list and say, "Well, it's not on that list so I won't refer it." It's trying to get that balance and not necessarily at a particular threshold. It's really looking at what the nature of the issue is and what the impact on that resident or that group of residents is. It's their view about the adequacy of the actions that have been taken by that provider or the importance of addressing that issue that really should be the catalyst for them sending it on. Because visitors are allocated very few hours to do the work that they need to do within the existing budget, we take on a lot of the administrative part of that.

All we ask visitors to do is to let us know where they've got concerns about a particular response that we then work through with them, including whether that is a matter that needs to be referred on.

It's usually rare for us to say, "No, let's hold off referring that." Usually that would be where, for example, the actions of the provider are reasonable and we consider that the visitor can check at the next time they visit whether the actions that they've said they're going to take have actually been fulfilled. But, in the main, the issues that visitors are raising with us are appropriate matters to refer on. We're just seeking, with the guidance that we're about to develop for OCVs, to get that balance of trying to make it easier for them to make the decision, "I need to flag this matter with the ADC", without it being, "Does it fit this specific criteria and, if it doesn't, I don't raise it." We want them to be saying, "I've got concerns about this matter. I've got concerns about the residents", and then contacting us to talk about getting it to another place.

The Hon. NATASHA MACLAREN-JONES: I might move on to another area, particularly looking at perpetrators of elder abuse and also abuse of people with disability. Is there a particular cohort that the majority target, whether it's seniors or people with disability? You referred to coercive control which is beyond intimate partnership. Are you looking at families? Are you looking at young people? You did mention in your report about neighbours. I'm interested in any particular trends around different types of groups that are perpetrators.

KATHRYN McKENZIE: It's really consistent data that we see. We just met with our advisory board this morning. We're looking at the latest 12 months of data, and it is really consistent data from year to year, in particular in relation to the subjects of allegations. In the main, the allegations relate to the conduct of family members, so relatives more broadly. For older people, it's primarily their adult children. Over 50 per cent of the reports in relation to older people relate to conduct by their adult children. For adults with disability, it's parents—again, relatives but, in the main, parents. There's been a lot of consistency on that front. The other larger area is intimate partners. While we were saying before that coercive control is not just intimate partner, we get a range of reports that involve alleged conduct by intimate partners. Around 15 per cent to 17 per cent of the reports relate to alleged abuse, neglect or exploitation by intimate partners.

The Hon. NATASHA MACLAREN-JONES: In your report you say that your cases are becoming more complex and obviously require more time. That's been reported in a number of the annual reports. Have you done any work around why that is? Is it purely because of awareness or is it cost-of-living pressures? Is something leading to this?

KATHRYN McKENZIE: What we're seeing come through is that increasing complexity, but also that increased risk of the matters coming in. Just so you get a break from my voice, I might ask Cecilia to talk to you about her views about the matters and why that is.

CECILIA COX: Sure. Looking at the perpetrator level, or the people allegedly engaging in the abusive conduct, even though the data is very consistent—very often adult children towards their parents or parents towards adult children with disabilities—hidden in there is the diversity of the different types of abuse that we're seeing and the different typologies of abuse. We get intentional and unintentional abuse. It could be an adult child who is physically assaulting and harming their parent, who is neglecting their needs and leaving them in a terrible situation, or it could be an adult child with an untreated mental health condition and that's leading to circumstances that cause concerns and real harm to the older person. Hidden in that data are a lot of different stories, and the response to those cases are all different depending on the typology of the abuse.

In terms of the complexity, we are often dealing with multigenerational circumstances of people who are really underserved in our community. That's impacting on the capacity of the agency to give a response or to engage other providers to come together to provide a response in line with the wishes of the older person or the adult with disability. The nature of getting to the people we need to hear from can present real challenges for the Commission. Many of the people we are here to serve and listen to haven't been asked their opinion in a really long time or haven't been listened to for a very long time. Getting in the door is one of the big challenges we have sometimes, because almost always in the circumstances we're dealing with the carer is the alleged perpetrator of the abuse. So there's a whole range of complexity and challenges there that we manage on a case-by-case basis.

The Hon. NATASHA MACLAREN-JONES: In your report, under "Neglect" on page 28, you talk about identifying gaps and areas for further work to prevent and respond to neglect of older people and adults with disability. In my final question, I'm interested to know what that body of work is. Is there a time frame for that report?

KATHRYN McKENZIE: Yes, it's a timely question. We were just talking to the advisory board this morning about that piece of work. It's a research project that we've been doing for 18 months, or a couple of years now, that's focused on—it has got a few different elements to it, but the bulk of it is really focused on analysis of de-identified data relating to reports involving alleged neglect of adults with disability and older people that have

been raised with the ADC, so about 1,500 reports over a two-year period. The more detailed analysis, though, focuses on 474 cases handled by our Community Supports and Investigations unit, including about a third of those 474 matters involving really serious neglect, so people that have died and their deaths are linked to neglect or that have been in really serious life or death situation at the time that the report was made to the ADC.

We have the final draft report for that piece of research from—we engaged the University of New South Wales and commissioned them to do that analysis for us. We've got the final draft. We'll get the final version of that report next week. We'll move forward to publish that report as soon as possible. But the next steps, really, for us with that project is that we will convene an advisory group to provide advice to us or work with us to provide guidance on next steps—strategies and resources et cetera—that we need to focus on to better prevent, and recommendations around better preventing and responding to, matters involving neglect of adults with disability and older people.

We're biased, obviously, but in our view it's a really important piece of work, and neglect is a really complex area. A lot of different factors are involved in it, some of which picks up what Cecelia was mentioning before. A lot of that can be unintentional neglect, whether the carer or the subject of allegation doesn't know what to do or is experiencing carer stress or doesn't have access to the necessary supports. To be honest, also a fair proportion of the matters that we've examined is where the subject of allegation is blocking the person's access to support, where the neglect is actually arising from coercive control and other instances of domestic and family violence. We're pretty close to the release of that report. The project itself is due to be completed at the end of November.

The Hon. NATASHA MACLAREN-JONES: Thank you very much. That concludes my questions. I want to say thank you to the Commissioner and your team and also to your visitors for what you do across the State.

KATHRYN McKENZIE: Thank you.

Mr NATHAN HAGARTY: I think we've touched on some of this stuff. There are some case studies in the report. Clearly a lot of the work that you're dealing with is pretty heavy, harrowing stuff. I want to touch on staff welfare and any programs you have in place to ensure that people and your staff—and you four—are getting the care and support you need when working through some of this stuff.

JEFF SMITH: As Kathryn has already identified, we have just gone through a process of a review of our wellbeing framework, and that was widely participated in by staff at the Commission. There were a number of recommendations which we can take forward that really traverse the whole ambit of the work of the Commission, right through from how can we effectively and efficaciously deal with matters and the demand for our services at the helpline level and what kind of levers can we do or change there, to an assessment of what structure we might have at the Commission and through to more prosaic things that we can do in our daily lives to make sure that people's wellbeing is front and centre.

Because, as you've identified, a lot of the work is difficult work. We are acutely conscious of that in the way that we design the structure of the organisation, the programs and our response to the work that we do. That piece of work has just been completed. We will be looking at the recommendations—I think there were upwards of 30 recommendations—and we'll be setting up an internal group to go through it and make sure that we have an organisation that, on the one hand, has wellbeing as a priority and, on the other hand, ensures that we can equip our statutory responsibilities and try to bring those things into balance.

The CHAIR: If we can go back to research and development, when is the criminal risk behaviour study that UTS is doing likely to be completed or how far along is it? It doesn't have an end time in the annual report.

KATHRYN McKENZIE: That was probably because we weren't sure about when that was expected to be completed. That work has been done, and I understand UTS has published a paper in relation to that. We can certainly provide an update in the next annual report or take that on notice to give you more information on that work.

The CHAIR: If you could.

KATHRYN McKENZIE: There's actually a couple of different papers that have spawned from that same piece of research that UTS has undertaken, in relation to similar issues relating to criminal risk involving people with dementia.

The CHAIR: Is most of the research and development done in partnership with external agencies or with universities—do you provide the data and they do the research? How does that operate? Do you have your own internal team that works on research?

KATHRYN McKENZIE: We are very conscious that we have data that is rich, certainly, in some areas, but also is pretty unique. We've taken the position since the start of the ADC that we will publish and make as much data public as possible. From an early point in the ADC, we've published quarterly and annual data. We've published also, more recently, five-year data snapshots. There's a piece that we do internally. We engaged in the last year a data analyst to help us beef up our capability to make the most of the important data that we have.

There's some that's done internally, including that we've just started some work to take a closer look at and examine our data by abuse type to look at, for example, in relation to financial abuse, the demographic information relating to adults with disability and older people in those matters, what the subjects of the demographic and other characteristics of the subjects of allegation in those matters are, and some of the factors that are relevant to those matters; to use our data as much as possible to look at, again, all of it with the aim of identifying how do we best prevent and respond to these matters. We've just started that work. At this stage, it's an internal piece of work.

But in other areas we really have sought to—we're quite an opportunistic agency. We take advantage of where there are funding opportunities available. DCJ has assisted us in the past. We've just done a piece of work with the Women's Safety Commissioner, similarly, where they've provided the resources and we've provided the data and other information in relation to that. It's a mixed approach at the moment. We do communicate to research bodies, though, that we are open to sharing, obviously, de-identified data to inform research. We want our data and the information to be used as much as possible to further our aims. As a small agency, there's only so much that we can do ourselves and there are people with expertise that can take it further.

The CHAIR: Is there any thought that in future you might produce your own publications, or is it just that you'll be working in partnership with those other organisations? Or is it a resourcing question?

KATHRYN McKENZIE: It has very much been a resourcing question and taking advantage of where there's external expertise that can further what we're doing. One of our key functions is to inquire into and report on systemic issues. We've done that primarily, at the moment, via taking advantage of where there are inquiries into particular issues that we can feed into as part of that, but we have not yet done that piece of conducting an inquiry and reporting on those matters, purely for resourcing purposes. We've sought to link in with other organisations and people with other expertise. I'll stop talking so that Jeff can—

JEFF SMITH: I was just going to add that Kathryn is absolutely right insofar as it has been a resourcing question and that we have engaged in those partnerships. But it's also the case that those partnerships and those collaborations have been really rich exercises and we did so intentionally for the right reasons. It's really a tribute to those partnerships, and the results speak for themselves.

The CHAIR: Thanks for that. They're the only questions I had. I might just see if any of the Committee members have any follow-up questions. Anyone online? I'll go to Ms Boyd first and then Mr Vo.

Ms ABIGAIL BOYD: I just have a final question. In the annual report, table 30 on page 80 lists the referrals made by the ADC to the New South Wales police. It seems like a lot of those don't lead to further action. Can you explain why not and what's going on there?

KATHRYN McKENZIE: There can be a number of reasons for that. One of the requirements in our legislation is that if a report or part of a report may provide evidence of the Commission of a criminal offence, we must refer it to New South Wales police. The only carve-out that we have, the only area of discretion that we have, is where the adult themselves does not want us to report it to police. Even then, in high-risk matters we would still typically report it, but we do at least have some discretion not to and to uphold the person's wishes. But a number of the matters that we send across to New South Wales police—in some cases, there'll be a number of inquiries made and no further action taken. In some cases, the adult themselves doesn't want to provide a statement and doesn't want to participate in the inquiries or the investigation. In other cases, the witnesses don't want to provide a statement or assist the police. The police can only move forward where they have or they feel like they have sufficient evidence to do so.

I would say, though, that a key part of the work that we do—we do a lot of work in collaboration with police. We have a good relationship with many areas of New South Wales police. I think the police would be the first to say it, but there's more work to be done by them around lifting their understanding and their practice in relation to matters involving adults with disability and older people. There's a range of matters, for example, where there's alleged abuse and where the subject of allegation is also the primary carer of the person. We've made referrals involving alleged domestic and family violence where the conversation takes place with the subject of allegation, the carer, and there's not necessarily conversations that take place with the adult with disability or the older person, in part due to communication challenges or due to perception that the person won't be able to provide good evidence or reliable evidence. That's an ongoing area of work for us to build the capability of police on that front.

There's a number of reasons why a matter may not proceed or police may not take further action on our matters. But I would say that we have seen some real improvements over the course of the six years, in particular in relation to matters involving alleged criminal neglect. We've seen some really significant improvements by police in taking forward the matters that we raised with them relating to that. In fact, we've got staff giving evidence at court today in relation to a matter where charges have been laid in relation to criminal neglect. But we've also seen some progress around where there has been misuse of an enduring power of attorney in relation to older people. Historically, the response would be, "That's a civil matter. That's not a matter for police." There's still some of that.

But I would say we've done a lot of work with police—and we do see a range of matters—and some really good work done to kind of look at the fraud offences and to take relevant matters forward. I would also say we do a lot of work to gather evidence as part of our investigations and to provide as thorough a brief as possible that we can to police to assist them to take further actions. But there's a range of reasons why police may not take further action on our matters. Cecilia, I don't know whether there were key things that I've missed that you wanted to add.

CECILIA COX: I don't think so. I think that the nature of the legislation means that we are sending the matters across where there's evidence of a potential criminal offence and it just might not reach the threshold. Also I think we have to be very mindful that the vast majority of reporters to the Commission aren't the victim-survivors themselves, so they might be coming to our attention at a time when they're not really contemplating that they are a victim of abuse or neglect or exploitation and might not be ready to take that step to make a report to the police or make a statement to the police. I think it would be quite a different scenario if they were the people making the reports to us, and then we can support and empower them to have full access to the criminal justice system. It's quite a different circumstance when other people are raising the concerns and the person themselves may not be ready to take that step. Our job is just to support them and make sure that they're fully aware that, if and when they do want to take that step, we're there to support them and what supports are available to them to make their statements to the police. In any case, our report to the police will be on the police system as a contemporaneous record of the concerns that were raised at the time, which is a good thing.

Ms ABIGAIL BOYD: It sounds like this is incredibly important work and an incredibly important part of what you're doing that didn't used to get done by anybody in a similar sort of position—that sort of government agency direct through to police role that you have and that supporting role. I'm really glad to hear that the ADC is doing that. I'm very conscious of your funding limitations. Presumably if you were funded on a more demand basis rather than your current funding model, then you could do even more of that sort of work as well.

KATHRYN McKENZIE: Yes.

JEFF SMITH: Yes, absolutely. As I said in my introductory comments, the statutory model that we have is an amazing one and the people that we have within the ADC are also amazing. We have the ability to improve the lives of and reduce abuse, neglect and exploitation for people in New South Wales, and by extension more resources to do that would go a long way.

Mr TRI VO: This is a follow-on question. You mentioned a lot of the victims are children and a lot of them are children with disabilities. How does the Commission ensure it operates within the limits of its statutory powers, particularly when responding to reports or initiating investigations without an adult's consent?

KATHRYN McKENZIE: That's a really good question. We have internal processes. Any decision to investigate without the consent of the adult, all of those decisions are made by managers within our office and there's a process that we go through. As you would know, there are a few different provisions within our legislation to be able to investigate without the consent of the adult. Again, I'm obviously biased, but I think we have good systems internally for ensuring on our database that we're recording the reason why we're investigating without consent, and not just the reason why we're doing that but more information about that. For example, we have the ability to investigate without the consent of the adult where we form the view that they're unable to provide consent despite receiving support to do so. Our basis of commencing an investigation on that basis—our staff are required to document that that's the provision of the legislation that we're using, the manager has agreed to that approach and that we're detailing the support that was provided to the adult with disability or older person to be able to make that decision, to maximise their ability to make that decision about investigation before we've made the call that they will be unable to do so.

Mr TRI VO: I have one question, maybe for Ms Gauci. At page 9 of the report it indicates that the Commission ran a targeted, paid media campaign to raise awareness about abuse of older people and adults with disability and to promote the NSW Ageing and Disability Abuse Helpline. Was the media campaign effective in raising awareness of the Commission's role and functions, and in encouraging individuals and service providers to report abuse or to seek support?

ANNA GAUCI: It was. With media campaigns like that, we work with the Government's media partner, OMD, and they provided a report to us about the effectiveness of the campaign. They did highlight to us that that campaign performed strongly. It achieved exceptional reach across all kinds of channels, especially on radio. It also performed really well with CALD communities too. Their recommendation was that we continue that campaign. They also recommended more digital media as well. For the ADC, something we have to balance in terms of considering if we are going to do media is the impact that it can have.

As one of the Committee members mentioned, when you do media, we do get an influx of calls to our helpline. A future consideration will be: How can we make sure that any media and public information that we provide is also giving people an action? So, for instance, if we're targeting older people, giving them information about how they can safeguard themselves, what actual steps they can take—is it about making sure that they're looking at their finances, or appointing someone as an enduring power of attorney, or getting legal advice before they go into a family agreement? They are really our considerations for ongoing media campaigns. But yes, it did perform well.

Mr TRI VO: When you say it performed well with CALD communities, was it in different languages on the radio?

ANNA GAUCI: I'd have to take on notice specifically what it was. I think it was print. But if it's okay, I'll take that on notice.

The CHAIR: Thank you for appearing before the Committee today. You'll be provided with a copy of the transcript of today's proceedings for corrections, and Committee staff will email you any questions taken on notice from today and any supplementary questions that the Committee might have. We ask that you return answers to questions taken on notice and supplementary questions within 14 days of the date on which the questions are sent to you. That concludes today's public hearing. I want to thank my fellow Committee members, Committee staff, Hansard, AV staff and staff of the Department of Parliamentary Services for their assistance in the conduct of today's hearing.

The Committee adjourned at 16:30.