

Hearing briefing – NSW Ageing and Disability Commissioner Bill 2019

Statement

Good morning, members of the Committee, and thank you for inviting me to present today on behalf of Carers NSW.

Carers NSW is the peak non-government organisation for carers in New South Wales (NSW). A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Our vision is an Australia that values and supports all carers. 20M just over 900,000 12%

Carers NSW welcomes the establishment of the Ageing and Disability Commissioner because we acknowledge the important gap it is addressing in holding to account individuals who are responsible for the abuse, neglect and exploitation of vulnerable adults in community settings.

We have had the opportunity to provide feedback already on the Commissioner's functions through the consultation process led by FACS, and have been pleased to see carer support being referred to as a key consideration for the Commissioner by Members of Parliament and representatives of FACS.

Due to the short timeframe provided to prepare for today's hearing, Carers NSW has been unable as yet to seek direct feedback from carers about the specific content of the Bill. However, our involvement in a number of prior inquiries and consultations regarding elder abuse and disability safeguards at both state and national levels has enabled us to develop a clear understanding of some of the key issues for carers.

Our feedback on the Bill draws on this experience as well as our recent work with FACS on our joint Carer Rights & Complaints Network initiative, where we have been working with a range of complaints agencies to map carer rights and complaints pathways.

The main issues I want to raise today are in line with what we covered in our written submission:

- The scope of the Bill with regard to age and diagnosis
- The importance of carer inclusion and support
- The need for a robust education and communication strategy

The scope of the Bill with regard to age and diagnosis

One of the key concerns we have previously identified is that the Bill defines 'disability' with reference to the *NSW Disability Inclusion Act 2014*, which includes long-term psychiatric impairments but which may unintentionally exclude people living with shorter term or episodic mental illness who do not qualify as having a psychiatric disability. We believe all people living with mental illness and their carers should have access to the Commissioner, as they may not be adequately covered by mechanisms aligned to the *NSW Mental Health Act 2007*.

Some stakeholders have expressed concerns about the Bill's exclusive focus on adults. While Carers NSW is keen to ensure that vulnerable children and young people who are experiencing abuse have adequate pathways for redress, we also acknowledge that including children and young adults in the Commissioner's remit is not the only possible means of achieving this. Well-established referral pathways in partnership with the NSW Ombudsman, child protection system and other relevant agencies and mechanisms, along with a flexible internal approach to managing complaints regarding children and young people on a case by case basis, may be an alternative.

Carers NSW recommends that further consultation be undertaken with key stakeholders, including carers, with regard to how children and young people can best be supported by the Commissioner, without creating unnecessary duplication or confusion.

The importance of carer inclusion and support

Carers NSW also wishes to emphasise the need for a holistic and supportive approach to engaging with carers. We have previously been concerned that some discourse regarding elder abuse and disability safeguards more or less equates the terms 'carer' and 'abuser', even though in many cases the alleged perpetrator is in fact a family member or friend who is not in a caring role. In any case, it is our opinion that a person who is abusing is not really caring. *Majority of cases provide the care etc.*

While carers ~~can indeed~~ *may* be perpetrators of abuse, neglect and exploitation, they can also be victims, and are often reporters. The Commissioner therefore needs to ensure that its language is carer-inclusive to maximise carer engagement. Carers will be key stakeholders for the Commissioner and will assist in having these issues addressed in the community.

Another important point to note is that a carer who is an alleged perpetrator has not always acted deliberately or with awareness of the implications of their actions. Investigations should consider the impact of carer stress, lack of knowledge or lack of formal support, and referrals to carer support should be offered where appropriate. The Commissioner should also emphasise the importance of carer education and support in preventing abuse.

The establishment of the Commissioner will also coincide with the establishment of the Regional Delivery Partners for the Commonwealth funded Integrated Carer Support Service (ICSS), which will commence operations from September 2019. While it will not address all carers' needs, Carers NSW views the ICSS as a key referral pathway that should be embedded into the Commissioner's procedures.

The need for a robust education and communication strategy

Carers NSW is pleased that the functions of the Commissioner outlined in the Bill prioritise public education and awareness raising. It is critically important that carers and others in the community receive clear and practical information regarding the scope of the Commissioner, how to identify and report the abuse, neglect and exploitation of vulnerable adults, and alternative pathways and supports that are available in these situations.

Given the complexity of the complaints sector, it is also critical that the Commissioner embed a 'no wrong door' approach and clearly outline the other agencies it will refer to. Carers already navigate a range of complex systems and the last thing they need is one more phone number to choose from. The Commissioner should act as a first point of call for carers reporting abuse, warm referring them where the matter falls outside of its jurisdiction.

Closing

Thank you once again for the opportunity to attend today's hearing and for accepting our written submission. Carers NSW looks forward to working closely with the Commissioner in informing, educating and supporting carers.

If the Committee has any questions about the matters I have raised, I am more than willing to address these, noting, however, that given the short timeframe we had in preparing for today, I may need to take some on notice to provide an opportunity for us to consult with carers directly.

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2