

General Purpose Standing Committee No. 2

Inquiry into Elder Abuse in New South Wales

Supplementary Questions

Answers are to be returned to the Committee secretariat by 18 December 2015.

COTA NSW

1. Does your organisation support the establishment of a Working with Vulnerable People Check? Or some other increased assessment of workers / carers? Or are there other options or examples from other jurisdictions?

COTA NSW supports the establishment of a Vulnerable People Check. The determination of vulnerability of an individual must relate only to loss of capacity and not to frailty.

This check can relate to 'workers' but cannot relate to 'family' carers.

2. Does your organisation support increased training and assistance / support for carers? If so, what programs would be suitable, are there current programs that should be expanded or adapted?

COTA NSW supports increased training, assistance and support (respite) for family carers looking after older people.

Carers NSW may have general programs, but we are unaware of specific programs for family carers of older people.

3. Does your organisation have specific support services for Aboriginal and Torres Strait Islander people?

No.

4. Does your organisation support increased powers for NCAT for the resolution of disputes? And are there other areas of potential abuse or dispute that could be avoided by extending NCATs powers?

COTA NSW does not consider there to be major issues with the Guardianship Division of NCAT (and the Guardianship Act 1987) that prevent changes to an individual's substitute decision maker being considered and where necessary actioned.

The Guardianship Division of NCAT deals with disputes/problems after substitute decision makers have been appointed. Apart from far better education of individuals before appointing a substitute decision maker, or educating substitute decision makers about their responsibilities and obligations, NCAT does not have a practical role in prevention – avoiding abuse or disputes.

5. Does your organisation support the criminalisation of Power of Attorney breaches?

COTA NSW supports strengthening the obligations and responsibilities of substitute decision makers. It was suggested during the inquiry that the obligations and responsibilities set out for Trustees may be an appropriate start point for considering changes to legislation.

There needs to be legal ramifications for people who do not conduct the affairs of the older person for whom they have power of attorney or guardianship. The legal ramifications should be within the criminal jurisdiction.

Ian Day

CEO

COTA NSW

14th December, 2015