

**INQUIRY INTO PROVISIONS OF THE AGEING AND
DISABILITY COMMISSIONER BILL 2019**

Organisation: Public Service Association of NSW

Date Received: 30 May 2019



PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES

General Secretary Stewart Little
President Kylie McKelvie
ABN 83 717 214 309

In reply please quote: TW:vv

30 May 2019

Hon Shayne Mallard MLC
Committee Chair
Legislative Council's Standing Committee on Social Issues
Parliament of New South Wales

BY EMAIL : committee.socialissues@parliament.nsw.gov.au

Dear Mr Mallard,

The Public Service Association of New South Wales ("the Association") would like to thank you and the Committee for the opportunity to provide a submission to your inquiry into the *Ageing and Disability Commissioner Bill 2019* (NSW). As an industrial organisation with more than 2000 members employed in the sector, we have a significant interest in the functions and operation of this proposed office.

Unfortunately, due to time constraints our submission is by necessity somewhat brief, but we will be available to appear before the committee at the public hearing on Friday 31 May 2019.

It should be stated from the outset that the Association strongly supports the creation of the Commissioner. It is a positive development in light of some recently well-publicised incidents of abuse and neglect in the sector, and adds much-needed protection and oversight for some of our community's most vulnerable citizens.

That said, the Association is gravely concerned that the proposed powers of the Commissioner do not go far enough.

Clause 12 of the Bill provides the functions of the Commissioner which, broadly stated, all go towards the investigation and reporting on "allegations of abuse, neglect and exploitation" of adults with a disability and older adults.

Clause 12(1)€ does provide the Commissioner with the power to inquire into "systematic issues", but seemingly with the restriction that only where they pertain to matters subject to investigation, and without guidance as to how and when this would occur.

The Committee would be aware that the Legislative Council's Portfolio Committee No 2 - Health and Community Services tabled a report titled the "Implementation of the National Disability Insurance Scheme and the provision of disability services in New South Wales" only in December 2018. The report revealed wide ranging structural issues in the sector, which have understandably arisen as a result of the large shift in service delivery models that the NDIS has overseen.

The Bill's proposed powers of the Commissioner limits its jurisdictional functions to a narrower scope than that which would be required to examine and address any of the systemic issues the Committee identified in its work. Dealing with allegations of abuse and neglect is an important responsibility but not a proactive one. Further, it is arguable that the Commissioner's powers to critically examine the sector are even more limited than the Ombudsman it purports to supersede.

The Association believes it is in the community's interests for the Commissioner to have broader powers which would include the ability to investigate and make recommendations on matters such as:

- Service gaps, particularly in regional and rural New South Wales
- Delivery models of services to the aged and disabled
- Funding issues for services
- The proper administration and governance of service providers
- Any other sector-wide issues that may be identified.

The creation of this Commissioner is a game-changing initiative, but without adequate powers to properly play a role in monitoring an expanding and largely unregulated industry, it will represent a lost opportunity.

Yours sincerely

TROY WRIGHT
ASSISTANT GENERAL SECRETARY