

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

**Organisation:** Law Society of NSW

**Date Received:** 31 May 2019

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THE LAW SOCIETY  
OF NEW SOUTH WALES

Our ref: ELCS:EEsh1732005

30 May 2019

The Hon Shayne Mallard MLC  
Chair, Standing Committee on Social Issues  
Legislative Council, Parliament of NSW  
Parliament House, Macquarie Street  
Sydney NSW 2000

By email: [committee.socialissues@parliament.nsw.gov.au](mailto:committee.socialissues@parliament.nsw.gov.au)

Dear Mr Mallard,

**Inquiry into the provisions of the Ageing and Disability Commissioner Bill 2019**

Thank you for the opportunity to comment on the *Ageing and Disability Commissioner Bill 2019* (NSW). The Law Society's Elder Law, Capacity & Succession Committee contributed to this submission.

The Law Society strongly supports the appointment of an Ageing and Disability Commissioner ("Commissioner") and largely supports the functions of the role as listed in Part 3 of the Bill. In relation to the Commissioner's functions we recommend:

- a) that the Commissioner have the power to take anonymous complaints and to investigate them independently of any other government role, agency or body;
- b) that the Commissioner have standing as an intervener in court and tribunal cases concerning adults with disabilities and older adults that raise issues of abuse, neglect and exploitation; and
- c) that the Commissioner have sufficient power to require production of documents and information in order to carry out his or her functions, together with appropriate exemptions such as the right to refuse on the grounds of privilege.

In our view it is vitally important that the Commissioner's powers and functions are underpinned by adequate and sustained funding which is not subject to the control of the Department of Family and Community Services and Justice.

If you have any further questions in relation to this letter, please contact  
Principal Policy Lawyer on or by email:

Yours sincerely,

Elizabeth Espinosa  
**President**

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