

# Ageing and Disability Commission

Level 6, 93 George Street Parramatta NSW 2150  
PO Box 40, Parramatta NSW 2124  
02 4904 7500  
[www.adc.nsw.gov.au](http://www.adc.nsw.gov.au)



Budget Estimates Secretariat  
Upper House Committees  
Parliament of New South Wales  
T (02) 9230 3067  
E [BudgetEstimates@parliament.nsw.gov.au](mailto:BudgetEstimates@parliament.nsw.gov.au)

Dear Parliamentary Committee

## **Budget Estimates – Ageing and Disability Commission correspondence**

I refer to questions directed at Minister Lee as part of the Inquiry into Budget Estimates 2019-2020 for Sport, Multiculturalism, Seniors and Veterans portfolios.

I was appointed as NSW's first Ageing and Disability Commissioner on 1 July 2019 under the (NSW) *Ageing and Disability Commissioner Act 2019* (the Act). The Act also ensures that I am independent and not subject to Ministerial direction and control in exercising my functions.

Please see attached my response to:

- Supplementary questions – Budget Estimates - Minister Lee
- Question on Notice – Budget Estimates – Minister Lee

If you have any questions please contact

Warm regards,

Robert Fitzgerald AM  
**Ageing and Disability Commissioner**

9 April 2020

## **AGEING AND DISABILITY COMMISSION - CORROSPONDENCE**

Questions directed at Minister Lee as part of the Inquiry into Budget Estimates 2019-2020 for Sport, Multiculturalism, Seniors and Veterans portfolios.

### **SUPPLEMENTARY QUESTIONS**

#### **Question 7 - How is the Ageing and Disability Commissioner providing support to vulnerable adults and their families or carers following an investigation?**

The Ageing and Disability Commission provides support to adults with disability, older people and their families/carers (where appropriate) at multiple points - not only following an investigation. This includes:

- Advice, support and referrals provided at the outset by the Ageing and Disability Abuse Helpline.
- Work by the Ageing and Disability Commission's Community Supports and Investigations team with the adult, service providers and other relevant agencies to, among other things, enable access to appropriate support; alternative accommodation; assistance to provide evidence to police; and actions to protect the adult's finances.

In a range of cases, we take actions to support the adult and reduce risks while we conduct an investigation: including:

- seeking a financial management order to protect the person's finances
- liaising with agencies/ providers to increase in-home and other support
- working with providers to facilitate actions to improve the person's safety, including access to mobile phone and repairing locks.

#### **Question 8 - What support options will be available?**

The support options depend on the particular circumstances of the case, including the needs, will and preferences of the adult with disability/ older person. Supports to date include (but are not limited to):

- increased in-home and other disability or ageing support
- access to short-term or ongoing accommodation options
- coordinating the provision of support from the Justice Advocacy Service and other parties for the adult to provide evidence to police
- linking the adult to advocacy support
- facilitating steps to improve the adult's safety, including access to mobile phone, Vital Call, equipment, etc.
- action to facilitate the appointment of a substitute decision-maker when required, eg: for accommodation decisions, or financial management.

#### **Question 9 - What is the budget for this support?**

The Ageing and Disability Commission does not have a specific budget for provision of support. The focus of the Ageing and Disability Commission is on working with the adult, appropriate disability and/or ageing services, and mainstream agencies, to enable access to supports to reduce risks to the adult, meet their needs, and improve their safety and wellbeing.

To date, the Ageing and Disability Commission has primarily had a positive response by providers and agencies, who have worked cooperatively and in collaboration to assist the adult (and, where appropriate, their family/ carers).

### Question 155 - How many staff are employed by the Ageing and Disabilities Commissioner?

In addition to the Commissioner, the Ageing and Disability Commission has:

- 14 staff in ongoing roles
- 7 Helpline staff (under contract to Catholic Healthcare until 30/6/20)
- 9 staff in temporary roles (to assist with the establishment of the Ageing and Disability Commission)
- 31 Official Community Visitors (independent Ministerial appointees; coordinated/supported by the Ageing and Disability Commission)

### Question 156 - How many complaints have been made to the Commissioner since the office commenced?

Between 1 July 2019 and 31 March 2020 (inclusive), the ADC received 2,775 matters, comprising:

- 1,416 reports (per s13 of the *Ageing and Disability Commission Act 2019*)
- 1,359 enquiries - including 635 abuse-related enquiries, and 724 general enquiries.

### Question 157 - How many of these cases pertain to:

**(a) Aged care?**

**(b) Elder abuse?**

**(c) Health facilities for the aged?**

**(d) Housing for the aged?**

**(e) Discrimination against the aged?**

**(a) Aged care** - The Ageing and Disability Commission is required to refer any report (or part thereof) to the Aged Care Commission if the issues could be the subject of a complaint to that agency. In December 2019, the Ageing and Disability Commission made changes to its database to accurately capture referrals to the Aged Care Commission, and is in the process of remediating data for referrals made prior to December. Between December 2019 and March 2020 (inclusive), the Ageing and Disability Commission made 28 referrals to the Aged Care Commission. Complete data on the Ageing and Disability Commission's referrals will be reported in its annual report.

**(b) Elder abuse** - Of the 1,416 reports received by the Ageing and Disability Commission, 1,068 (75%) related to an older person (Note: to be a report, it must relate to abuse, neglect or exploitation). Of the 635 abuse-related enquiries, 452 (71%) related to an older person.

**(c) Health facilities for the aged** - The Ageing and Disability Commission captures the alleged abuse, neglect and exploitation that is reported in relation to the adult, but does not currently routinely capture all other issues. The Ageing and Disability Commission has a watching brief on systemic issues relating to older people and adults with disability, and is finalising changes to its database to systematically identify these issues and the related matters. Note: complaints about health services are referred to the HCCC, and complaints about aged care providers are referred to the Aged Care Commission.

**(d) Housing for the aged** - The Ageing and Disability Commission captures the alleged abuse, neglect and exploitation that is reported in relation to the adult, but does not currently routinely capture all other issues. The Ageing and Disability Commission has a watching brief on systemic issues relating to older people and adults with disability, and is finalising changes to its database to systematically identify these issues and the related matters. The Ageing and Disability Commission is aware that a number of matters have identified systemic issues relating to housing for older adults, including the availability of options for older people in poor socioeconomic circumstances outside of aged care facilities.

**(e) Discrimination against the aged** - Matters relating to discrimination against older people are typically handled by the Australian Human Rights Commission and/or the NSW Anti-Discrimination Board.

**Question 158 - What is the total amount of funding allocated to funding awareness of elders abuse in NSW?**

In FY19/20, \$280,000 has been allocated to fund awareness of abuse of older people and adults with disability in NSW. This funding has delivered over 25,000 brochures that have been distributed across NSW, and supported attendance at key events, including Seniors Fest.

The funding will also deliver radio advertising across regional and metro NSW (May - July 2020), support and promote World Elder Abuse Awareness Day (June 15th), provide information videos, and online search activity directing people to the Ageing and Disability Commission website.

**Question 159 - Since it commenced, how many calls has the NSW Elder Abuse Helpline & Resource Unit received in relation to concerns about Enduring Power of Attorney arrangements?**

In December 2019, the Ageing and Disability Commission made improvements to its database to provide a greater level of specificity to the allegations reported to the ADC. Since that time (and to 31 March 2020), the ADC has received 34 reports relating to alleged misuse of Power of Attorney or Enduring Power of Attorney in relation to an older person.

**Question 160 - How many of these cases have been investigated?**

To date, none of the cases have been the subject of an investigation by the Ageing and Disability Commission. Specifically:

- In 12 cases, appropriate action had already been taken to lodge an NSW Civil and Administrative Tribunal application.
- In 12 cases, the Ageing and Disability Commission provided advice and assistance to the reporter and/or adult regarding options to address the concerns.
- Six matters are currently open with the ADC.
- In the other cases, the Ageing and Disability Commission made preliminary inquiries into the issues and found that there was no or low risk; or referred relevant issues to the Aged Care Commission.

**Question 161 - How many of these investigations has led to criminal actions?**

One case was referred to NSW Police; police made inquiries and determined that no further action was required.

**Question 162 - How many calls has the NSW Elder Abuse Helpline received in each month since it opened?**

Calls to the NSW Ageing and Disability Abuse Helpline July 2019 - March 2020 inclusive:

Month	Calls
July 2019	983
August 2019	846
Sept 2019	625
Oct 2019	692
Nov 2019	806

Dec 2019	726
Jan 2020	913
Feb 2020	877
March 2020	887

**Question 163 - What is the rate of elder abuse identified in each metropolitan, regional and remote area of NSW?**

The Ageing and Disability Commission is undertaking work prior to end June 2020 to improve its data holdings and analytical capability to enable this type of reporting.

**Question 164 - What is the rate of elder abuse per socio-economic division within NSW?**

The Ageing and Disability Commission is undertaking work prior to end June 2020 to improve its data holdings and analytical capability to enable this type of reporting.

**Question 165 - How many FTE staff are currently employed in the NSW Elder Abuse Helpline & Resource Unit?**

As at April 2020, the Ageing and Disability Abuse Helpline employs 4.9 FTE staff.

**Question 166 - What assistance has been provided, and by which government departments, to victims of elder abuse in aged care facilities and in the general community?**

Matters relating to abuse of older people by employees of aged care facilities are required to be referred by the Ageing and Disability Commission to the Aged Care Commission.

In relation to reports to the Ageing and Disability Commission concerning alleged abuse of older people by other parties (not paid staff), assistance has been provided by a wide range of government agencies. This includes (but is not limited to):

- NSW Police Force - crime prevention assistance and response by Aged Crime Prevention Officers, Crime Prevention Officers, Multicultural Community Liaison Officers, and investigators.
- Department of Community and Justice (Housing) - assistance to support the older person to obtain alternative accommodation.
- Centrelink - advice and assistance to remove the alleged perpetrator as the 'carer' and/or decision-maker.
- NSW Health - assistance from Aged Care Assessment to assess and make recommendations for increased or alternative support and/or accommodation; actions by social workers to make referrals for supports, applications to NSW Civil and Administrative Tribunal, obtain multidisciplinary assessments; provision of community nursing support.
- NSW Civil and Administrative Tribunal - actions to review Power of Attorney/ Enduring Power of Attorney and other arrangements; appointment of substitute decision-makers re accommodation/support and financial management.
- NSW Trustee and Guardian (including Public Guardian) - assistance to enable protections to be put in place, including alternative accommodation and additional supports.

**Note:** many of the above agencies, together with local councils and NGO service providers, form locally-based Abuse of Older People Collaboratives. The collaborative model was established by the (then) Elder Abuse Helpline and Resource Unit. There are currently 16 collaboratives, supported by the Ageing and Disability Commission.

## QUESTION ON NOTICE

### Question – transcript page 54

**The ACTING CHAIR:** *Is there a distinct role being given to the Ageing and Disability Commissioner in the establishment of this Ageing Strategy that is distinct from the previous one because it is a new position?*

**Mr COUTTS-TROTTER:** *Well, the Commissioner is a new feature and was not on the field.*

**The ACTING CHAIR:** *Which is why I am asking.*

**Mr COUTTS-TROTTER:** *Obviously the Commissioner will have a distinct role because the Commission exists, the Commissioner's role exists. I am happy to see what we can provide by way of response on notice to the kind of consultation that is going on with the Commissioner.*

**The ACTING CHAIR:** *I would have assumed that the Commissioner would have been leading the development of the strategy. That was my assumption, which is why I asked.*

**Mr COUTTS-TROTTER:** *The Commissioner is a very, very significant presence here but there will be powerful and important contributions from Health, from Transport, from Planning and a whole range of other agencies.*

**The ACTING CHAIR:** *So it is not being led by the Commissioner is your understanding.*

**Mr COUTTS-TROTTER:** *I would need to check on that and I will do so in our responses to the Committee.*

The Department of Communities and Justice is leading the review of the current Ageing Strategy and development of the new Strategy.

The Ageing and Disability Commissioner is actively involved in discussions on the review and the development of the new Ageing Strategy.