



Changes to the Ageing and Disability Commissioner Act

In 2022/23, an independent review of the Ageing and Disability Commissioner Act 2019 (the Act) was conducted by Alan Cameron AO to determine whether the policy objectives of the Act were still valid and whether the terms of the Act were appropriate to meet those objectives.

The review was informed by information received through a public consultation process, submissions, an online survey and focus groups. The final report with proposed changes to the Act was tabled in NSW Parliament in May 2023.

Following the independent review, amendments were made to the Act in April 2024. The changes to the Act will help to improve the operation of the Ageing and Disability Commission (ADC) and strengthen safeguards for adults with disability and older people in NSW.

Better targeting of referrals to complaint handling agencies

The ADC now has some discretion in the reports we refer to the NDIS Quality and Safeguards Commission, Aged Care Quality and Safety Commission, and Health Care Complaints Commission. The change from must refer to may refer enables the ADC to ensure that we continue to help people to get to the right agency for their concerns, while focusing our direct referrals on matters involving high risk or where the reporter needs more support.

Ability to uphold the wishes of the adult in some referrals to police

The ADC is required to refer reports to police that may provide evidence of the commission of a criminal offence. However, the changes to the Act provide for the ADC to not have to make the referral if we believe on reasonable grounds that the adult does not want the matter to be referred to police. It means that, in appropriate cases, we will be able to uphold the wishes of the adult not to report the matter to police.

Improved ability to gain access to the adult in response to a report

The ADC can now commence an investigation into an allegation of abuse, neglect or exploitation of an adult with disability or older person without their consent if we have been unable to gain access to them despite making reasonable efforts to do so. This helps to address those matters where a third party is preventing our access to the person.

Better information sharing with NGOs and private practitioners

A new section of the Act has been introduced to enable the ADC to share relevant information with a person or body that provides, or is able to provide, supports to adults with disability or older people (for example, disability and aged care services, private health care services). This change to the Act assists the ADC's handling of reports, including actions to improve the safety of the adult with disability or older person.



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Improved operation of the Official Community Visitor scheme

Under the Act, Official Community Visitors (OCVs) are independent Ministerial appointees who visit adults with disability and older people living in the full-time care of NDIS providers and people living in assisted boarding houses in NSW ('visitable services'). The ADC administers the OCV scheme.

To enable the ADC to maintain an accurate register of visitable services in NSW, NDIS providers and assisted boarding house operators ('service providers') are now required to provide information to the ADC about the locations of their visitable services. This information is required to be provided in relation to existing visitable services, and any new visitable services (within one month of the commencement of the service). Penalties apply to service providers who fail to comply with the requirements.

The Act has also been amended to provide greater scope for OCVs to provide information to the NDIS Quality and Safeguards Commission, including information about the conduct of visitable services, and matters affecting the welfare and interests of residents of visitable services.

For more information visit www.ageingdisabilitycommission.nsw.gov.au