Agency Information Guide

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# Introduction

The Ageing and Disability Commission (ADC) is committed to ensuring that everyone can access information about us easily and at the lowest reasonable cost.

This Agency Information Guide (AIG) is published in accordance with section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act). The purpose of this AIG is to provide general information on the:

* structure and functions of the ADC
* ways in which the ADC’s functions affect members of the public
* arrangements that enable members of the public to participate in the formulation of the ADC’s policy and functions
* kinds of government information held by the ADC
* kinds of government information held by the ADC that is made public, and the manner in which this information is made public
* kinds of information that are publicly available free of charge, and those for which a charge is imposed.

This AIG is reviewed at least every 12 months and is available on the ADC [website](http://www.adc.nsw.gov.au/).

We value your feedback on this AIG to ensure that we achieve the highest levels of accessibility within the scope of our legislation. You can provide feedback to us by phone on(02) 4904 7500; by mail sent to the Right to Information Officer at PO Box 40, Parramatta NSW 2124; or by email to Commissioner@adc.nsw.gov.au.

# About the ADC

## **2.1 About us**

The ADC is an independent agency of the NSW Government.

We were established on 1 July 2019 under the [*Ageing and Disability Commissioner Act 2019*](https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-007) (the ADC Act), with the objectives of protecting adults with disability and older people from abuse, neglect and exploitation, and protecting and promoting their rights. The ADC is not subject to Ministerial direction or control in exercising its functions.

## **2.2 Functions**

The functions of the ADC are outlined in section 12 of the ADC Act, and include:

* responding to allegations of abuse, neglect and exploitation of adults with disability (18 years and over) and older people (65 years and over or, if Aboriginal or Torres Strait Islander, 50 years and over), including by providing advice, making referrals and conducting investigations
* taking further action that is necessary to protect the adult from abuse, neglect and exploitation
* raising awareness and educating the public about matters relating to abuse, neglect and exploitation of adults with disability and older people
* inquiring into and reporting on systemic issues relating to the protection and promotion of the rights, or abuse, neglect and exploitation, of adults with disability and older people
* administering the Official Community Visitor (OCV) scheme, relating to adults living in disability accommodation services and assisted boarding houses, and children and young people living in residential out-of-home care[[1]](#footnote-1)
* meeting other obligations as outlined in the ADC Act.

Handling reports about abuse, neglect and exploitation

The ADC’s Ageing and Disability Abuse Helpline handles enquiries and reports about older people and adults with disability who are subject to, or at risk of, abuse, neglect and exploitation. The Helpline delivers early intervention and assistance through providing information, advice, support, and referrals. In certain cases, the ADC takes further actions, including making inquiries, working with the adult and other parties to improve the adult’s safety and circumstances, and conducting investigations.

Building community capacity to prevent, identify and respond to abuse

A key role of the ADC is focused on raising awareness and educating the public about matters relating to the abuse, neglect and exploitation of adults with disability and older people in their family, home and community. We aim to build and strengthen the capability of individuals and communities to prevent, identify, and appropriately respond to abuse.

Inquiring into systemic issues and making recommendations to Government

We inquire into and report on systemic issues relating to the abuse, neglect and exploitation of adults with disability and older people, and/or the protection and promotion of their rights. The ADC can also consult with the Ageing and Disability Advisory Board, and provide advice and make recommendations to Government on these matters.

Coordinating the Official Community Visitor scheme

The ADC oversees and coordinates the NSW Official Community Visitor (OCV) scheme. OCVs are Ministerial appointees who visit people living in residential care in NSW. Their main role is to raise issues affecting residents with providers, the Minister and other appropriate bodies to enable timely resolution of the issues and improved outcomes.

The ADC works closely with government and non-government organisations to support information sharing and referral pathways to safeguard adults with disability and older people from abuse, neglect and exploitation, and to enable the effective operation of the OCV scheme.

As required by section 33 of the [*Privacy and Personal Information Protection Act 1998*](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1998-133), the ADC has a Privacy Management Plan, contained in our Privacy and Information Management Framework.

# Organisational structure

The ADC is a separate agency under Schedule 1 of the *Government Sector Employment Act 2013* (GSE Act). As the agency head, the Ageing and Disability Commissioner is responsible for the budget and general administration of the ADC.

The ADC has five business units that carry out its functions:

* NSW Ageing and Disability Abuse Helpline
* Community Supports and Investigations
* Communications and Engagement
* [Official Community Visitor Scheme](https://www.ageingdisabilitycommission.nsw.gov.au/about-us/official-community-visitors.html)
* Executive and Corporate Support.

Please refer to Appendix 1 for the organisation chart.

## **3.1 Contact details**

The ADC is located at:

Level 6, 93 George Street, Parramatta NSW 2150

You can also contact the ADC via:

Email: Commissioner@adc.nsw.gov.au

Mail: PO Box 40, Parramatta NSW 2124

Website: [www.adc.nsw.gov.au](http://www.adc.nsw.gov.au)

Telephone (general enquiries): (02) 4904 7500

The NSW Ageing and Disability Abuse Helpline is available for information, support or to make a report on 1800 628 221 (M-F, 9-4), or helpline@adc.nsw.gov.au.

# Stakeholder engagement

## **4.1 Public participation**

The ADC is committed to promoting public participation, and has established arrangements that support the public to participate in the formulation of policies, programs and in the exercise of our functions.

The ADC looks for opportunities to engage directly with the community to seek input on our work and important issues affecting older people and adults with disability, in particular their right to live free from abuse in their family, home and community.

Information about our public consultations is available on our website. To date, the ADC has conducted two public consultations – as part of our review of disability advocacy services in NSW; and to inform our proposed standing review to monitor, assess and report on the implementation of the National Disability Strategy in NSW.

## **4.2 Engagement channels**

The ADC actively engages with the community on a regular basis to share relevant information and updates about our work.

We use our [website](http://www.adc.nsw.gov.au), [Facebook](https://www.facebook.com/AgeingDisabilityCommission), [Twitter](https://twitter.com/NSWADC), and send regular newsletters to stakeholders voluntarily subscribed to our database. Information shared on these channels uses plain English, can be accessed via screen readers, and is often provided in Easy Read format.

## **ADC website**

The ADC [website](http://www.adc.nsw.gov.au) is used to provide the public with resources and information about our functions and activities, awareness campaigns, submissions, events, policies, news and training. Members of the public can use the Contact Us section of the website to get in touch with us and provide feedback on our work.

The website also has feedback widgets that provide a quick way for the public to provide feedback, including compliments, complaints and suggestions. The widgets are located on the right hand side of the front page, in a box titled ‘Your feedback’. Our website address is [www.adc.nsw.gov.au](http://www.adc.nsw.gov.au).

## **Social media**

The ADC [Twitter](x.com/nswadc?s=11&t=rZLbSx3wBWyMUdunruI35A) and [Facebook](https://www.facebook.com/AgeingDisabilityCommission) accounts are used to provide information about our latest news, information and events. Our social media accounts are monitored during office hours.

Members of the public can comment on our social media pages and join the conversation. However, we may not respond individually to all comments on posts that we receive via Twitter and Facebook.

## **NSW Have Your Say**

[Have Your Say](https://www.nsw.gov.au/have-your-say) is a website that enables NSW Government agencies to let the public known about their consultations. It provides a central place for the public to search for consultations that may be of interest to them. It enables the public to share their views and ideas on government plans to improve services and other matters in NSW. We use Have Your Say as an additional channel whenever we hold a public consultation.

## **Ageing and Disability Advisory Board**

An Ageing and Disability Advisory Board provides advice to the Ageing and Disability Commissioner, as required under section 29 of the ADC Act. Members of Board are appointed by the Commissioner and reflect the diversity of the community, including people with lived experience and knowledge of matters affecting adults with disability and older people.

Information about the Advisory Board is available on the About Us section of the ADC website, and in our annual reports.

## **ADC Reference Groups**

The ADC has six-monthly meetings with advocates, peak and representative bodies of people with disability and (separately) older people. The disability and ageing roundtable groups provide a regular forum for the ADC to provide key information about our work, and to obtain information and advice about issues affecting people with disability and older people.

The ADC also has an Expert Reference Group that we consult with on an as-needed basis to obtain advice and assistance in relation to our work to respond to reports of abuse, neglect and exploitation of adults with disability and older people.

## **Open data**

We regularly publish operational data on our website and in our annual reports, including data on calls, enquiries and reports to our Helpline. We proactively release open data for the public.

## **OpenGov NSW**

OpenGov NSW ([www.opengov.nsw.gov.au](http://www.opengov.nsw.gov.au)) allows NSW Government agencies to make information available to the public, including annual reports and open access information released under the GIPA Act. We use OpenGov NSW to publish our annual reports and to proactively release open access information for the public.

# Feedback and complaints

We welcome input and feedback on our work and publications. Feedback is important to us and helps to inform our policies and publications, and to improve our services.

We are committed to responding to feedback and complaints in accordance with our Complaints and Feedback policy.

All feedback and complaints are dealt with confidentially and personal information is managed in accordance with the privacy protection principles in the *Privacy and Personal Information Protection Act 1998* (PPIP Act). Further information about how we handle personal information is available in our Privacy and Information Management Framework.

You can make a complaint or provide feedback to us by phoning 1800 628 221 (or the relevant case officer) or emailing Commissioner@adc.nsw.gov.au.

# Information we hold

We hold a range of information, including:

* policy documents
* documents on the internal administration of the agency
* Annual Reports
* internal working papers of the agency
* documents relating to complaints, audits, reviews, inquiries and investigations conducted by the ADC
* submissions made by the ADC to parliamentary and other inquiries and reviews
* correspondence with NSW Government agencies
* correspondence with the public
* correspondence with other jurisdictions
* information resources for the community, public sector and private sector.

Some of this information can be accessed on our website. If you find that you are having difficulties reading our documents or other material, please contact us on (02) 4904 7500 during business hours.

# Information available to the public

Under the GIPA Act, certain information must be made easily available to the public. This is ‘open access information’ and it is made available unless it is not in the public interest to do so.

Open access information that we make available is generally via our website free of charge. This freely available information is generally provided through the following publications:

* this Agency Information Guide
* ADC and OCV scheme annual reports
* other documents tabled in Parliament concerning the ADC
* ADC Strategic Plan
* current ADC policy documents
* our disclosure log of access applications.

## **7.1 Our disclosure log**

When we receive valid access applications that are likely to be of interest to members of the public, we publish details of our response to the access application in a disclosure log on our website.

## **7.2 Register of government contracts**

Any contracts the ADC enters into with the private sector valued at $150,000 or more are recorded in the register of government contracts, which is published on the NSW Government eTendering [website](https://www.tenders.nsw.gov.au/).

## **7.3 Other information available**

The ADC seeks to make as much additional information about the work we do quickly and easily available through our website. This includes media releases, newsletters, resources for professionals and community, training information, and details of our events and consultations. We also provide information about our work through the Latest News section of our website.

# Information not available to the public

While we try to make as much information as possible publicly available, the work of the ADC involves highly personal and sensitive information.

Excluded information is information that relates to a function of an agency specified in Schedule 2 to the GIPA Act. Under Schedule 2, clause 2 to the GIPA Act, information relating to the ADC’s report handling, investigative and reporting functions (including any functions related to Official Community Visitors) is excluded information.

Under section 43 of the GIPA Act, an access application cannot be made to the ADC for access to our excluded information, and an application will not be valid to the extent that it seeks access to the excluded information of the ADC. Additionally, it is conclusively presumed that there is an overriding public interest against disclosure of the ADC’s excluded information unless we consent to disclosure.

# Accessing information

## **9.1 Making an informal request for information**

If the information you are looking for cannot be found on our website, you can request the information from us. We seek to respond to these requests informally, depending on the information requested.

We cannot informally release government information we hold if there is an overriding public interest against disclosure of the information. If we consider that it is in the public interest to release government information that we hold in response to an information request, we will make the information available free of charge.

An informal request for access to information can be made by contacting our Privacy Officer – see contact details at section 9.3.

## **9.2 Making a formal request for information**

Applicants who want to submit a formal access application can do so by contacting the Privacy Officer.

To do this, an access application must:

* be in writing and sent by email to Commissioner@adc.nsw.gov.au or by mail to PO Box 40, Parramatta NSW 2124
* clearly indicate that it is a formal access application made under the GIPA Act
* be accompanied by payment of the $30 application fee
* state the name of the applicant, and a postal or email address for correspondence in relation to the application, and
* include as much specific information as necessary to enable us to identify the government information you are requesting.

An applicant must disclose on their access application whether they have applied to another agency, at any time, for substantially the same information, and if so, they must identify the agency. However, an application will not be invalid if an applicant fails to make this disclosure.

We will let you know within 5 working days if your application is valid. Your application will not be valid if it asks for **excluded information** – which is information relating to our report handling, investigative, and reporting functions, including any functions in relation to Official Community Visitors (see section 8). You cannot make a formal access application to us for excluded information. If your application is not valid, we will let you know and refund your application fee.

For valid applications, we will let you know within 20 days if you are able to access the information you have asked for.

Under section 127 of the GIPA Act, the ADC can exercise its discretion to waive all fees or refund the charges associated with access applications.

If you're not satisfied with the outcome, you can request an internal review by the ADC. You can also request a review by the [NSW Information and Privacy Commission](http://www.ipc.nsw.gov.au/privacy/ipc_index.html) or the [NSW Civil and Administrative Tribunal](http://www.ncat.nsw.gov.au/).

For further assistance, you can contact our Privacy Officer.

9.3 ADC Privacy Officer

Our Privacy Officer can be contacted using the details below:

Privacy Officer, Ageing and Disability Commission

Post: PO Box 40, Parramatta NSW 2124

Email: Commissioner@adc.nsw.gov.au

Phone: 1800 628 221

Business hours: Monday to Friday, 9am to 4pm (excluding public holidays)

# The Information and Privacy Commission and the GIPA Act

Public access to government information is overseen by the NSW Information and Privacy Commission (IPC). The IPC’s role includes:

* promoting public awareness and understanding of the GIPA Act
* providing information, advice, assistance and training to agencies and the public
* dealing with complaints about government agencies
* investigating agencies' systems, policies and practices
* reporting on compliance with the Act to the Minister responsible.

You can find more information about the IPC on its [website](http://www.ipc.nsw.gov.au).

# Attachment 1 – ADC Organisation Chart



1. The ADC administers the residential out-of-home care part of the OCV scheme on behalf of the NSW Children’s Guardian. [↑](#footnote-ref-1)