

## Response Summary:

The NSW Government asked Mr Alan Cameron AO to independently review the Ageing and Disability Commissioner Act 2019 (the Act). Your comments will be submitted to the Department of Communities and Justice. Your information will be stored electronically, consistent with the department's Records Management Policy and you have the right to request access to, and correction of, your personal information held by the department.

Further information is available on [DCJ Privacy Policy](#).

**Q1. Are the objects outlined in section 4 of the Act still valid? What changes, if any, should be made?**

N/A

**Q3. What do you think about the principles? Are they appropriate for older adults and adults with disability?**

The principles are appropriate, however, could go further. The principles could capture details of what supports / services a person should receive to live a full life, and meet the principles of choice and control.

**Q4. Are there any changes required to the appointment process or the status of the Commissioner?**

The Commissioner selection should be determined by a panel of eminent individuals. The term length is long, many changes can occur in service provision in ten years. I would suggest reducing to 3-4 years per term.

**Q5. Are the functions of the Commissioner suitable and appropriate to achieve the objectives of the Act?**

I think the functions are suitable and appropriate. If the matter is criminal then other organisations could include law enforcement.

**Q6. Should the Commissioner have discretion in deciding which reports to refer to the bodies in sections 13(8) and 13(9) of the Act?**

Reporting requirements should be clear and unequivocal, not discretionary.

**Q7. In what circumstances should the Commissioner be able to investigate an allegation without the consent of the relevant adult?**

If a criminal act as occurred, or a breach of the Act's principles.

**Q8. Should an exemption from the requirement to obtain consent, similar to the one in South Australian legislation, be included in the Act?**

Unsure

**Q9. Are the Commissioner's information sharing powers appropriate and sufficient to achieve the objectives of the Act?**

Powers need to be enhanced so that matters of a seriousness are mandatorily reported.

**Q10. Should the Act enable the Commissioner to share information with the organisations and individuals listed in paragraph 3.28? Are there any others?**

Yes

**Q11. Are the Commissioner's investigation and public inquiry powers appropriate and sufficient to achieve the objectives of the Act?**

They should be strengthened to enable the Commissioner to achieve the objectives of the Act. These could include raising systemic issues through the prescribed forums.

**Q12. Should the Act clarify the scope of the Commissioner's authority to manage the performance of OCVs and the grounds of removal for OCVs?**

Yes, clear scope is required.

**Q13. Should OCVs be permitted to provide advice and information to the NDIS Commission and Department of Communities and Justice, to improve regulation of the disability services sector and assisted boarding houses?**

Definitely, yes, and any other body that has a regulatory oversight.

**Q14. Should disability service providers be required to give information about new or changes to existing visitable services they operate to the ADC? If so, what information should the providers be required to give?**

Definitely, OCVs can't operate effectively without this information. Resident movements, residential closures, significant service changes, and organisational structural changes.

**Q15. Should the ADC Act be amended to provide flexibility for alignment of the NSW OCVs with a nationally consistent CVS which may be subsequently agreed by the Disability Reform Ministers' Council, including the potential for volunteer visitors as per some other state schemes?**

It is not required to amend Act to align nationally. The Act needs to be fit for purpose and capture the key national principles. The OCV model needs review so it can maximise its effectiveness, which includes appropriate remuneration, this could be in line with paying OCVs under the SCHADS award. The award those in the sector are paid under. The recruitment of Volunteer visitors could undermine the effectiveness of the scheme, by not managing and identifying issues of concern with the same vigour as a paid OCV. I believe the ADC team should be increased to include more regional full time staff, who can provide direct supervision, and support to the OCV.

**Q17. Are the matters the Commissioner is required to include in their annual reports appropriate?**

Yes

**Q18. Should the Commissioner be required to continue reporting on the outcome of each referral to other agencies?**

Yes

**Q19. Is the role and membership of the Ageing and Disability Board appropriate and sufficient to achieve the objectives of the Act?**

OCV status should be reviewed to make role more attractive, to encourage interest, and improve retention rates.

**Q20. Do you have any other comments about the Act that you would like to raise?**

The OCV scheme is very successful at improving outcomes for vulnerable people. Organisation's take OCV reports seriously and actions accordingly. The scope of the OCV has increased significantly over time. Perhaps the government could mandate a levy of organisations to assist with the cost of operation. This is a service that is important to the whole sector. It assists in keeping individuals safe by assisting to keep organisations accountable.

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**Embedded Data:**

N/A

