



LEGISLATIVE COUNCIL GENERAL
PURPOSE STANDING COMMITTEE NO.2

NSW Elder Abuse Inquiry Progress Report



Minister's foreword

As the Minister for Ageing I am pleased to provide an update on actions undertaken by the NSW Government and our community partners in addressing elder abuse.

The abuse of older people is a serious issue, and one that the Berejiklian Government is committed to addressing. Victims of elder abuse suffer a range of psychological, financial and physical effects, and the factors surrounding elder abuse are complex, and require both holistic and integrated responses. Across the Government, we are working together with community partners to raise awareness about elder abuse, help prevent it from happening, and respond effectively when it does occur.



One of my top priorities after being sworn in as Minister for Ageing was to learn more about the services that protect older Australians in NSW. I visited the Elder Abuse Helpline and Resource Unit to better understand the important work they do. I commend the staff there who provide valuable help and advice to older people, their families, carers and service providers concerned about abuse of older people.

I wish to acknowledge the work of the NSW Legislative Council's General Purpose Standing Committee No 2, which conducted the Parliamentary Inquiry into Elder Abuse and delivered its report on 24 June 2016. I also wish to thank all stakeholders and members of the public who made a submission or presented to the Inquiry.

The Government is taking the findings of the Inquiry very seriously. As the Government's response to the report was tabled in Parliament on 9 January 2017, I felt it timely to provide the community with an update on progress to date.

I am very pleased with our progress over the past year, in particular the NSW Government's partnership with the Federal Government on the national elder abuse research agenda. The agenda seeks to identify older Australians who need protection from abuse.

The Government has made substantial progress on all supported recommendations of the Inquiry, and is committed to building on these efforts into the future.

On 30 July 2017, the NSW Government also announced a four-point plan to improve retirement village living, which included:

1. A remake of the Retirement Villages Regulation, which included changes that require greater transparency around fees and charges in contracts;
2. The introduction of an online calculator that will help prospective residents better understand the estimated costs of living in a retirement village;
3. The execution of a compliance operation targeting NSW retirement villages; and
4. An inquiry led by Kathryn Greiner AO, who is also Chair of the Ministerial Advisory Council on Ageing (MACA), examining registered retirement villages and their compliance with the law.

The NSW Government is committed to putting the right protections in place to safeguard the financial, physical and psychological wellbeing of older people.

I look forward to collaborating with other governments and the community in delivering further action to protect older Australians.

Tanya Davies MP
Minister for Ageing

Introduction

On 1 September 2015, the NSW Legislative Council General Purpose Standing Committee No. 2 (the Committee) commenced the Parliamentary Inquiry into Elder Abuse in NSW. The Committee tabled its report on 24 June 2016.

The Committee's report included 11 recommendations to the NSW Government. The Government supported the majority of the recommendations, with four recommendations requiring further consideration due to concurrent inquiries and review. These include the NSW Law Reform Commission's Inquiry into guardianship laws, and the working group established by the Federal Attorney-General to consider national approaches to elder abuse. The NSW Government is awaiting the outcomes of these actions to ensure a well-integrated response across agencies, legislative frameworks and jurisdictions.

This progress report highlights the achievements made towards implementing the recommendations supported by the Government up until December 2017.

The NSW Government continues to work with the Federal Government and community partners to address elder abuse. Highlight actions to date include:

- **Delivered on the *Getting it in Black and White* campaign**, where over 30,000 people are now more aware of the importance of preparing a will, making a power of attorney, appointing an enduring guardian and discussing advance care planning
- Commenced **working with the Federal Attorney-General**, who announced a **national elder abuse research agenda**, which forms part of the Federal Government's \$15 million commitment to protect the rights of older Australians.
- Convened the **NSW Steering Committee for the Prevention of Elder Abuse**. The new committee has met three times.
- Commenced the **review of the NSW Interagency Policy for Preventing and Responding to Abuse of Older People**.
- **Extended funding for the Elder Abuse Helpline and Resource Unit** until 30 June 2019, as well as supported a business case for the service's case coordination trial.
- Supported and provided funding towards the **5th National Elder Abuse Conference**, hosted by the Seniors Rights Service. The NSW Government was the primary sponsor for this important event.
- Commenced development of an **online training module** to assist in identifying and responding to abuse of older people, which will be available to all NSW Health employees. The Elder Abuse Helpline and Resource Unit has also conducted 18 elder abuse identification and response **train-the trainer sessions** with health and welfare service providers to help them respond to elder abuse.

A considerable amount of work is underway at both a state and national level to address elder abuse. With the ageing of our population, the importance of this work is gaining pace. In cooperation with the Federal Government, we are working to develop strategic whole-of-government approaches, as well as targeted responses to address the needs of vulnerable older people across our state.

The NSW Government remains committed to strengthening the service system that assists members of our community experiencing elder abuse.

Recommendation	Gov. Response	Progress of Key Activities	Status
<p>Recommendation 1(i) The NSW Government embrace a comprehensive approach to elder abuse including: a rights based framework to empower older people</p>	Supported	<p>NSW Ageing Strategy 2016-2020 has been launched and specific actions are included in annual action plans.</p> <p>NSW Interagency Policy for Preventing and Responding to Abuse of Older People review is underway (see Recommendation 4).</p>	On track
<p>Recommendation 1(v) The NSW Government embrace a comprehensive approach to elder abuse including: an active commitment to building the evidence base for policy</p>	Supported	The NSW Government has supported and provided funding towards the National Elder Abuse Research Agenda: Stage 1.	On track

Other parts of Recommendation 1 are addressed at separate recommendations:

Recommendation 1(ii): Prevention - see Recommendation 2

Recommendation 1(iii): Legislative reforms - see Recommendation 7 and Recommendation 11

Recommendation 1(iv): Training on elder abuse - see Recommendation 5

Recommendation 1(vi): Role of the Elder Abuse Helpline & Resource Unit - see Recommendation 6

Recommendation	Gov. Response	Progress of Key Activities	Status
<p>Recommendation 2</p> <p>The NSW Government make a significant new investment of resources in the prevention of elder abuse</p>	<p>Supported in part</p>	<p>Annual funding of \$650,000 has been committed to the NSW Elder Abuse Helpline and Resource Unit to June 2019. Helpline received 2,120 calls directly related to abuse in 2016/17.</p>	<p>On track</p>
		<p>Justice Connect project provided with funding to improve outcomes for older people using a Health Justice Partnership model of integrating a lawyer in health care teams.</p>	<p>Completed</p>
		<p>Joint project between the NSW Ethnic Communities Council, Seniors Rights Service, Council On The Ageing NSW and the Elder Abuse Helpline and Resource Unit, funded by the NSW Government, to share knowledge, better understand barriers, and develop innovative ways to navigate pathways between service provision and people from culturally and linguistically diverse backgrounds with regard to elder abuse.</p>	<p>Completed</p>
		<p>Funding and support has been provided towards the delivery of the 5th Annual National Elder Abuse Conference, which was held in Sydney on 19 and 20 February 2018.</p>	<p>On track</p>
		<p>Funding has been provided towards a pilot project to develop an early detection and intervention of elder abuse for older people suffering from dementia.</p>	<p>On track</p>
		<p>The annual Legal Topics for Older People diary has been produced and distributed.</p>	<p>Completed</p>
		<p>The <i>Get it in Black and White</i> campaign has been delivered. Ongoing messaging is continued through 'Planning Ahead' initiatives.</p>	<p>Completed</p>

Recommendation	Gov. Response	Progress of Key Activities	Status
<p>Recommendation 3</p> <p>The NSW Steering Committee on the Prevention of Abuse of Older People meet at least quarterly</p>	Supported	<p>The Steering Committee on the Prevention of Abuse of Older People has been dissolved. Terms of Reference and membership for the new NSW Steering Committee for the Prevention of Elder Abuse were revised to support a more strategic approach to develop, implement and review measures aimed at tackling elder abuse. The Committee held meetings during July, August and November 2017.</p>	On track
<p>Recommendation 4</p> <p>Undertake a review of the NSW Interagency Policy on Preventing and Responding to Abuse of Older People</p>	Supported	<p>A review of the NSW Interagency Policy for Preventing and Responding to Abuse of Older People is underway. This process will be facilitated by the NSW Steering Committee for the Prevention of Elder Abuse and overseen by the Department of Family and Community Services.</p>	On track
<p>Recommendation 5</p> <p>Development and funding of a comprehensive elder abuse training plan</p>	Supported	<p>The Elder Abuse Helpline and Resource Unit continues to provide training, including train-the-trainer courses. NSW Health has established a Steering Committee to develop a statewide policy that enables staff in NSW Health settings to identify and respond appropriately to suspected and/or actual abuse of older people.</p>	On track
<p>Recommendation 6</p> <p>Expanding the role of the NSW Elder Abuse Helpline and Resource Unit</p>	Further consideration required	<p>Working group established by the Federal Attorney-General to assess national approaches to elder abuse. The findings of the group will be considered before making any decisions to expand or restructure the functions of the Elder Abuse Helpline and Resource Unit. A case coordination trial scoping study is underway.</p>	On track

Recommendation	Gov. Response	Progress of Key Activities	Status
<p>Recommendation 7 Amend the <i>Powers of Attorney Act 2003 (NSW)</i></p>	Further consideration required	Awaiting the outcomes of NSW Law Reform Commission's review of the <i>Guardianship Act 1987 (NSW)</i> . It is anticipated that the review will be finalised in 2018.	Under consideration
<p>Recommendation 8 Liaise with the Law Society NSW on professional development</p>	Supported	Work on this matter is underway by the Elder Law and Succession Committee of the Law Society. In 2017, four Continuing Professional Development sessions on mental capacity and decision making were held.	On track
<p>Recommendation 9 NSW Elder Abuse Helpline and Resource Unit to train financial institutions</p>	Supported	A review of the availability and uptake of current online training tools on financial abuse for staff of financial institutions is underway.	On track
<p>Recommendation 10 Establish Vulnerable Community Support Officer positions in each Police regional area command</p>	Further consideration required	The NSW Police Force continues to investigate this model in line with organisational changes.	Under consideration
<p>Recommendation 11 Establish a NSW Public Advocate with investigative powers</p>	Further consideration required	Awaiting the outcomes of NSW Law Reform Commission's review of the <i>Guardianship Act 1987 (NSW)</i> . It is anticipated that the review will be finalised in 2018.	Under consideration

Recommendations 1(i) and 1(v)

Recommendation 1(i)

That the NSW Government embrace a comprehensive, coordinated and ambitious approach to elder abuse with the following elements:

- I. A rights based framework that empowers older people and upholds their autonomy, dignity and right to self-determination
- II. A major focus on prevention and community engagement
- III. Legislative reform to better safeguard enduring powers of attorney and to establish a Public Advocate with powers of investigation
- IV. An ambitious training plan to enable service providers to identify and respond appropriately to abuse
- V. An active commitment to building the evidence base for policy
- VI. An enhanced role for the NSW Elder Abuse Helpline and Resource Unit.

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

Elder abuse has been identified as a critical issue in the *NSW Ageing Strategy 2016-2020*. The Strategy is the Government's response to the opportunities and challenges associated with an ageing population, and underpins all NSW policy, projects and supports related to ageing.

The actions of the Strategy include specific initiatives to address elder abuse, including implementing the recommendations of the Inquiry, such as:

- Funding of the Seniors Rights Service, a community legal centre that protects the rights of older people through providing telephone advice, advocacy, legal advice and educational services.
- Community education sessions to localise the *Get it in Black and White* message which encourages people to plan ahead to ensure their future financial, health and lifestyle decisions are respected. The campaign includes the Planning Ahead Tools website, which provides information on completing a will, power of attorney, enduring guardianship and advance care directive.
- Delivery of the *Taking Care of Business – Planning ahead for Aboriginal people in NSW* initiative. A tailored community education resource for Aboriginal people, which provides information on completing a will, power of attorney, enduring guardianship and advance care directive.
- Delivery of the annual *Legal Topics for Older People* diary, a free publication produced by Legal Aid NSW with information about the rights of older people.

- Delivery of the Ministerial Advisory Council on Ageing Media Awards, which seek to challenge the negative stereotypes towards older people by highlighting examples of balanced and realistic media reporting on older people and ageing.
- Development of a NSW Health policy on identifying and responding to elder abuse.
- Development of an online training module to support NSW Health workers to identify and respond to elder abuse.
- Review of the *NSW Interagency Policy for Preventing and Responding to Abuse of Older People*, which commenced in July 2017. For further information, please see Recommendation 4.

Recommendation 1(v)

That the NSW Government embrace a comprehensive approach to elder abuse including: an active commitment to building the evidence base for policy

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

The NSW Government has provided a funding contribution of almost \$200,000 to the Federal Attorney-General towards the National Elder Abuse Research Agenda, which includes a prevalence study. To complement NSW Government priorities, the Federal Government has agreed to focus our investment on culturally and linguistically diverse and Indigenous communities.

The National Elder Abuse Research Agenda: Stage 1 has commenced. The consortium engaged to conduct the research is being led by the Australian Institute of Family Studies. This project aims to: develop an Australian definition of elder abuse; develop test tools to measure elder abuse against this definition; and undertake analysis of existing data sets to answer key research questions on elder abuse.

Other parts of Recommendation 1 are addressed at separate recommendations:

Recommendation 1(ii): Prevention - see Recommendation 2

Recommendation 1(iii): Legislative reforms - see Recommendation 7 and Recommendation 11

Recommendation 1(iv): Training on elder abuse - see Recommendation 5

Recommendation 1(vi): Role of the Elder Abuse Helpline & Resource Unit - see Recommendation 6

Recommendation 2

That the NSW Government make a significant new investment of resources in the prevention of elder abuse. This must involve the development and funding of a new prevention framework that provides for:

- Substantially enhanced primary prevention, community education, awareness and engagement, carer support and later life planning initiatives
- Specific resources for strategies targeting culturally and linguistically diverse and Indigenous communities and engagement with Multicultural NSW and Aboriginal Affairs NSW.

Government Response: Supported in part

Lead Agency: Department of Family and Community Services

Activities and Progress:

The NSW Government continues to provide funding of over \$600,000 a year to the NSW Elder Abuse Helpline and Resource Unit. In 2016/17 the service took over 2,000 calls directly related to abuse in and provided training to over 1000 frontline staff.

Funding of \$114,000 was provided to Justice Connect through the Liveable Communities Grants program to improve outcomes for older people using a Health Justice Partnership model of integrating a lawyer into health care teams. The pilot has been operating within the St Vincent's Health Network, focusing on assisting patients who may have experienced elder abuse.

The NSW Government has provided support and a funding contribution of \$100,000 towards the Seniors Rights Service for the 5th National Elder Abuse Conference held in Sydney on 19 and 20 February 2018. This was the first time the conference was held in NSW.

Funding was provided to a joint Culturally and Linguistically Diverse (CALD) project between the NSW Ethnic Communities Council, Seniors Rights Service, Council on the Ageing NSW and the Elder Abuse Helpline and Resource Unit. The project's aim was to share knowledge, better understand barriers, and develop innovative ways to navigate pathways between service provision and people from culturally and linguistically diverse backgrounds with regard to elder abuse.

Funding was provided to the University of Newcastle for the development of a pilot project to improve early detection and intervention of elder abuse for older people with dementia.

The *Get it in Black and White* message will be localised through community education sessions with over 30,000 people now more aware of the importance of preparing a will, making a power of attorney, appointing an enduring guardian and discussing advance care planning. Legal Aid NSW, with the support of a range of organisations including the Department of Family and Community Services, produced the Legal Topics for Older People diary, which has been widely distributed.

Recommendation 3

That the NSW Steering Committee on the Prevention of Abuse of Older People meet at least quarterly in order to enhance accountability and drive the implementation of government policy.

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

The former Steering Committee on the Prevention of Abuse of Older People was dissolved, and a new committee, the NSW Steering Committee for the Prevention of Elder Abuse convened to bring together a group more representative of the actions required to address elder abuse, with the Terms of Reference and membership also revised. The new Steering Committee met in July, August and November 2017.

The Steering Committee is a sub-committee of the NSW Ageing Strategy Interdepartmental Committee, and it supports a broad, strategic approach to the development, implementation and review of measures aimed at tackling elder abuse in NSW. It oversees the implementation of the Government's response to the Elder Abuse Inquiry and provides a forum for continued cooperation and communication.

Members of the Committee represent the following agencies and organisations: Department of Family and Community Services, NSW Health, Department of Justice, NSW Police, NSW Trustee and Guardian, Education NSW, Multicultural NSW, Women NSW, Federal Department of Human Services, Federal Department of Health, Ministerial Advisory Council on Ageing, Seniors Rights Service, NSW Law Society, Legal Aid NSW and NSW Elder Abuse Helpline and Resource Unit.

Recommendation 4

That in undertaking the three-year review of the NSW Interagency Policy for Preventing and Responding to Elder Abuse of older people, the NSW Government:

- Explicitly consider the improvements to content recommended by stakeholders documented in our report, including with regard to duty of care, reporting requirements in respect of a crime, and privacy and confidentiality.
- Conduct further consultation with potential improvements with relevant government and non-government stakeholders.
- Develop a comprehensive strategy to ensure widespread promulgation of a revised policy.
- Ensure that service providers exercise their responsibilities under the policy.

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

The NSW Interagency Policy on Preventing and Responding to Abuse of Older People supports a rights-based approach to addressing elder abuse. The purpose of the Policy is to:

- Outline the commitment of the NSW Government to preventing and responding to the abuse of older people and to minimising the risk for those living in community settings
- Guide the conduct, accountability and ongoing development of the Elder Abuse Helpline and Resource Unit

Provide direction to government and non-government agencies and community organisations working with older people.

The Policy is subject to review every three years, and was last reviewed in 2014, with further minor changes made in November 2015.

The review of the Policy commenced in July 2017 and is being conducted through the NSW Steering Committee on the Prevention of Elder Abuse. Extensive consultation with agencies and the Federal and non-government partners are being conducted. The review will include consideration of stakeholders' suggested changes to the policy, and a comprehensive communications plan for ensuring government agencies and non-government service providers are aware of the policy and the principles for proactively responding to abuse of older people.

The Policy is available at www.elderabusehelpline.com.au/uploads/pdf/FACS-NSW-Interagency-Policy-updated-November-2015.pdf

Recommendation 5

That the Department of Family and Community Services and the NSW Ministry of Health develop and fund a comprehensive plan addressing the training needs of service providers, to enable better identification and responses to abuse. The plan should address:

- the role of the NSW Elder Abuse Helpline and Resource Unit and other potential training providers
- the needs of the full range of service providers including general practitioners and other health professionals
- the potential for mandatory training for some service providers.

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

The NSW Government continues to fund the NSW Elder Abuse Helpline and Resource Unit, which provides training, including train-the-trainer courses across NSW. Between July 2016 and June 2017, more than 2,300 participants attended, plus 50 training and information sessions were held across NSW.

NSW Health has established a Steering Committee to oversee the development of a departmental policy on identifying and responding to abuse of older people, and an online training module for health staff. Representatives from the Elder Abuse Helpline and Resource Unit and the Department of Family and Community Services are members of this Committee.

There is also a role for the Federal Government in ensuring service providers within the aged care sector and the national health system are able to access training on identifying and responding to elder abuse. Development of pilot training programs on elder abuse forms part of the Federal Government's \$15 million national research agenda on elder abuse, with training initially targeted towards frontline staff. The NSW Government will engage with the Federal Government to share training resources and help ensure broad coverage of professionals supporting older people across different levels of government.

Recommendation 6

That the NSW Government expand the role of the NSW Elder Abuse Helpline and Resource Unit to include:

- provision of case management and coordination
- consideration of Helpline operating hours, based on an assessment of demand
- adequate provision for culturally and linguistically diverse and Aboriginal clients.

Government Response: Further consideration required

Lead Agency: Department of Family and Community Services

Activities and Progress:

Established by the NSW Government in 2013 as an initiative of the NSW Ageing Strategy, the NSW Elder Abuse Helpline and Resource Unit provides a statewide, confidential, free-call service to the community, offering advice regarding abuse of older people, whether it is suspected or witnessed. Callers to the Helpline are frequently referred to government agencies, such as the Police, the Guardianship Tribunal and health services. To date, the Helpline has received over 7,900 calls, with more than 6,500 calls relating to suspected abuse. The Elder Abuse Helpline and Resource Unit also plays an important role in increasing awareness of elder abuse throughout the community. This includes training on the prevention and response to abuse for workers who support older people.

The NSW Government has provided funding to the Elder Abuse Helpline and Resource Unit to scope a case coordination trial. A proposal for funding to undertake a one-year trial is currently being considered.

The Government is awaiting the outcomes from the working group established by the Attorney-General into national approaches to consider any ongoing decisions to expand or restructure the functions of the Elder Abuse Helpline and Resource Unit.

Other Federal initiatives that should also be noted include the funding for the Knowledge Hub to provide information and training materials to professionals and the public, and the creation of a national peak body, Elder Abuse Action Australia (EAAA), to support the national coordination and advocacy of issues related to the prevention of elder abuse.

Recommendation 7

That the NSW Government, as a priority, introduce legislation to amend the *Powers of Attorney Act 2003* consistent with *Victoria's Powers of Attorney Act 2014*, thereby significantly enhancing safeguards in respect of Enduring Powers of Attorney.

Government Response: Further consideration required

Lead Agency: Department of Finance, Services and Innovation

Activities and Progress:

The NSW Attorney General requested the NSW Law Reform Commission to review and report on the desirability of making changes to the *Guardianship Act 1987 (NSW)*. The current draft proposals ahead of the final report allow a formal decision-maker to be appointed to make personal, financial and medical decisions for someone who is incapable of making those decisions because of a disability. It is anticipated that the review will be finalised in 2018.

Recommendation 8

That the NSW Government liaise with the Law Society of New South Wales to request that the Society include a unit on the assessment of mental capacity in respect of substitute decision making, wills and property transactions in its Continuing Professional Development Program for legal practitioners.

Government Response: Supported

Lead Agency: NSW Trustee and Guardian (Department of Justice)

Activities and Progress:

Work on this matter is underway by the Elder Law and Succession Committee of the NSW Law Society, which is responsible for organising and writing professional development programs for legal practitioners. These programs include guidance on checking mental capacity and the intersection of capacity with will drafting, powers of attorney and enduring guardianship appointments and other property transactions.

In 2017, four Continuing Professional Development sessions on mental capacity and decision making were held.

The Law Society has also joined the NSW Steering Committee on the Prevention of Abuse of Older People.

Recommendation 9

That the NSW Government fund the NSW Elder Abuse Helpline and Resource Unit to conduct information sessions with financial institutions to raise awareness of financial abuse and promote online training tools for staff such as Capacity Australia's training program to identify financial abuse.

Government Response: Supported

Lead Agency: Department of Family and Community Services

Activities and Progress:

The NSW Government is exploring the availability and uptake of current online training tools on financial abuse for staff of financial institutions.

The Elder Abuse Helpline and Resource Unit has a strategic approach to raising awareness of elder abuse throughout the community, to build understanding among key groups over time. This includes service providers supporting older people, people themselves and their friends and family, and other parts of the community such as businesses that provide services for older people. Under its four-year strategic plan for awareness raising of elder abuse, the Elder Abuse Helpline and Resource Unit will target financial institutions in 2018.

The Australian Bankers Association has issued an industry guideline – Protecting Vulnerable Customers from Potential Financial Abuse.

Recommendation 10

That the NSW Police Force establish a Vulnerable Community Support Officer in each Regional Command in NSW, with the position entailing training and support to frontline officers, police response, liaison with local service providers and other government agencies, community education, awareness and engagement.

Government Response: Further consideration required

Lead Agency: NSW Police Force (Department of Justice)

Activities and Progress:

The NSW Police Force continues to investigate this model in line with organisational changes.

It is noted that the NSW Police Force has a Corporate Sponsor for the Vulnerable Communities portfolio at Assistant Commissioner level, who is supported by Regional Sponsors. These senior officers are already in place across the regions. Further, the Police Area Command and Police District-based Domestic and Family Violence Officers, Crime Prevention Officers, Multicultural Liaison Officers and Aboriginal Community Liaison Officers are also responsible for responding to and supporting vulnerable people, including older people.

The NSW Police Force is currently developing an Elder Abuse education package for all police to complete.

Recommendation 11

That the NSW Government introduce legislation to establish a Public Advocate's Office along the lines of the Victorian model, with powers to investigate complaints and allegations about abuse, neglect and exploitation of vulnerable adults, to initiate its own investigations where it considers this warranted, and to promote and protect the rights of vulnerable adults at risk of abuse. Further, that the operation of the Office be reviewed after three years.

Government Response: Further consideration required

Lead Agency: Department of Premier and Cabinet

Activities and Progress:

The NSW Government acknowledges the underlying community concerns about elder abuse that prompted the Parliamentary Committee to make this recommendation. Further analysis is required of the appropriateness of the recommendation in the NSW context before this recommendation can be acted upon.

The NSW Law Reform Commission is currently conducting an inquiry into the broader NSW guardianship framework, which specifically includes consideration of establishing a NSW Public Advocate. The Terms of Reference of the Inquiry require a review and report on the potential for changes to the *Guardianship Act 1987 (NSW)*, with specific regard to recent developments in law, policy and practice by the Federal, states, territories and overseas. Legislative change in this area should be deferred until the recommendations of the Inquiry can be considered.



For more information visit
www.facs.nsw.gov.au/about/inclusion/ageing

Department of Family and Community Services
Inclusion and Early Intervention

Phone (02) 9248 0900

Fax (02) 9248 0999

Email ageing@facs.nsw.gov.au