



19 December 2022

Department of Communities and Justice Seniors Team  
Locked Bag 5000  
Parramatta NSW 2124

**By Email: [seniors@facns.nsw.gov.au](mailto:seniors@facns.nsw.gov.au)**

Dear Seniors Team,

**RE: Independent Review of the *Ageing and Disability Commissioner Act 2019* (NSW)**

Multicultural NSW (“**MNSW**”) welcomes the opportunity to submit a response to the independent review of the *Ageing and Disability Commissioner Act 2019* (NSW) (“**the Act**”), conducted by Mr Alan Cameron AO (“**the Review**”).

Under the *Multicultural NSW Act 2000* (NSW), our agency is committed to promoting the rights of people from religiously, culturally, and linguistically diverse backgrounds. This includes promoting access to government and community services that is equitable and has regard for the linguistic, religious, and ancestral diversity of the people of New South Wales.<sup>1</sup>

***Introduction – the diverse state of NSW***

NSW has one of the most culturally, linguistically, and religiously diverse populations in the country. According to 2021 Australian Census information, 29.3% of NSW residents were born overseas, 50.3% of NSW residents have at least one parent born overseas, and 26.6% of people speak a first language other than English in NSW. Additionally, there are approximately 284 languages spoken and 139 religions practiced across NSW communities.

This pattern of cultural diversity is also reflected in the older population. The 2021 Australian Census (“**Census**”) data also showed that:

- **35.9%** of people in NSW who are 65 years and older were born overseas,
- **20.6%** of people in NSW (65 years and older) speak a language other than English, and
- **1.8%** of people in NSW (50 years and older) are of Aboriginal and/or Torres Strait Islander origins.

The Census data highlights the diversity of our state, and as such, the communities we serve. While MNSW recognises the provisions of the Act provides supports, protections and recognition of older adults and adults with disability from diverse backgrounds, MNSW holds the view that there is scope to explore a strengthening of certain elements to ensure they are nuanced to the needs of diverse groups.

---

<sup>1</sup> *Multicultural NSW Act 2000* (NSW), s12(d).

As such, this submission seeks to propose general principles to be considered in the Review of the Act. We have also directly answered selected questions posed in the Discussion Paper.<sup>2</sup>

## **General Principles**

### **Older adults and/or adults with disability from CALD backgrounds face compounded barriers to accessing government supports and services**

While abuse can affect anyone, a recent National Elder Abuse Prevalence Study (“**Study**”) conducted a survey of a representative sample of 7,000 community dwelling people aged 65 and over. The Study found the prevalence of elder abuse in its culturally and linguistically diverse (“**CALD**”) sample did not differ significantly from the overall sample.<sup>3</sup>

The indication that older people from CALD backgrounds in Australia also experience abuse is important to note given that CALD cohorts may be more vulnerable to barriers impacting access to government supports and services, such as those provided by the Ageing and Disability Commissioner (“**the Commissioner**”).

Another important point to note is that people from CALD backgrounds in general are not a homogenous group.<sup>4</sup> Accordingly, when seeking to ensure the rights and needs of people from diverse backgrounds are recognised in legislation, it is important to acknowledge that diversity exists across each group, in terms of languages spoken, religions practiced, lived experiences and socio-political backgrounds, which all contribute to how an individual interacts with, and engages, support services.

Some common barriers faced by cohorts from diverse cultural, religious and linguistic backgrounds when accessing government supports include:

- language and communication barriers such as accessing interpreter services and material translated from English to other languages;<sup>5</sup>
- lack of awareness of supports<sup>6</sup> and rights;<sup>7</sup>
- lack of access to information;<sup>8</sup>
- privacy concerns;<sup>9</sup> and
- lack of culturally appropriate services.

Some additional barriers faced by older adults and/or adults with disability from CALD backgrounds include:

- negative cultural perceptions of disability;<sup>10</sup>

---

<sup>2</sup> NSW Department of Communities and Justice, *Independent Review of the Ageing and Disability Commissioner Act 2019 – Discussion Paper*, November 2022.

<sup>3</sup> Qu, L., Kaspiew, et al, Australian Institute of Family Studies, *National Elder Abuse Prevalence Study: Final Report*, 2021, page 2 and page 53, <[National Elder Abuse Prevalence Study: Final Report \(aifs.gov.au\)](https://aifs.gov.au/national-elder-abuse-prevalence-study-final-report)>.

<sup>4</sup> Bray J, *Scope of Current Elder Abuse Awareness/Prevention Strategies targeted to CALD Communities*, 2018, page 4, <[BRAY CALD Models 5th National Elder Abuse Conference.pdf \(jennybray.com.au\)](https://jennybray.com.au/bray-cald-models-5th-national-elder-abuse-conference.pdf)>.

<sup>5</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Experiences of culturally and linguistically diverse people with disability Issues paper*, November 2021, page 8, <[Overview of responses to the Experiences of culturally and linguistically diverse people with disability Issues paper \(royalcommission.gov.au\)](https://royalcommission.gov.au/overview-of-responses-to-the-experiences-of-culturally-and-linguistically-diverse-people-with-disability-issues-paper)>.

<sup>6</sup>Ibid, page 6.

<sup>7</sup> AMPARO Advocacy inc’s *Response to the Issues Paper from the Royal Commission into Violence, Neglect, Abuse and Exploitation of People with Disability*, page 5, <[The experiences of culturally and linguistically diverse people with disability \(amparo.org.au\)](https://amparo.org.au/the-experiences-of-culturally-and-linguistically-diverse-people-with-disability)>.

<sup>8</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Experiences of culturally and linguistically diverse people with disability Issues paper*, November 2021, page 6.

<sup>9</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Experiences of culturally and linguistically diverse people with disability Issues paper*, November 2021, page 6.

<sup>10</sup> Ibid, pages 4 and 5.

- stigmatisation<sup>11</sup> and taboos<sup>12</sup> around elder abuse topics; and
- limited English skills which may contribute to social isolation, increase dependence on family members, and in turn increase vulnerability to exploitation and abuse.<sup>13</sup>

Additionally, people living with disability who are from refugee backgrounds, or who are seeking asylum, face significant obstacles to accessing government services including language barriers, visa status,<sup>14</sup> arriving in Australia with pre-existing disabilities but with no service history,<sup>15</sup> and lack of knowledge about what the Australian disability service system can provide.

### **Community consultation and engagement may help to inform strategies to improve accessibility to supports and disseminate information to diverse communities**

Effective consultation and engagement with older people and people with disability from CALD backgrounds may help inform strategies to overcome service access barriers. This is important where people from CALD backgrounds may not always access mainstream services for a variety of reasons.

Research conducted in areas of disability services in Australia indicate that direct engagement with peak culture-based organisations can be a way to gain trust within CALD communities and overcome some of the stigma associated with topics such as disability. Engagement with peak, culture-based organisations can also provide a mechanism to disseminate information to community members who may encourage individuals to pursue support options.<sup>16</sup>

One key role of engaging and consulting with diverse communities is to understand specific challenges faced by those at risk of abuse, neglect or exploitation. For example, understanding particular barriers to disclosing or reporting abuse. Some suggested risk factors that act as a barrier to reporting include:

- a person's primary language,
- dependence on family members for social interactions,
- the potential for conflict from the different expectations of care in different generations,
- culture-specific gender roles,
- lack of familiarity with legal systems, and
- avenues of support and cultural norms prohibiting discussing family dysfunction or conflict.<sup>17</sup>

This is important to consider given the recent Ageing and Disability Commission's Annual Report 2021-2022 suggests there has been no increase, or in some cases a slight decrease, in reporting from the previous year for the following cohorts:

- In 2.6% of reports in 2021-2022, the adult with disability or older person was identified as Aboriginal and/or Torres Strait Islander (largely unchanged from the previous year of 2.9%);<sup>18</sup> and

<sup>11</sup>General Purpose Standing Committee No 2, 'Elder Abuse in NSW – Report 44', June 2016, page 10, <[Report \(nsw.gov.au\)](#)>.

<sup>12</sup> Bray J, 'Scope of Current Elder Abuse Awareness/Prevention Strategies targeted to CALD Communities', 2018, pages 3 and 4.

<sup>13</sup> Australian Law Reform Commission, 'Elder Abuse – A National Legal Response Final Report', ALRC Report 131, May 2017, page 46, <[elder\\_abuse\\_131\\_final\\_report\\_31\\_may\\_2017.pdf \(alrc.gov.au\)](#)>.

<sup>14</sup> Hirsch, A et al, 'The changing face of disability and refugee services and policy in Australia: Implications for social work', March 2019, page 9, <[The changing face of disability and refugee services and policy in Australia: Implications for social work | Social Work & Policy Studies: Social Justice, Practice and Theory \(sydney.edu.au\)](#)>.

<sup>15</sup> FECCA, et al, 'Barriers and Exclusions: The support needs of newly arrived refugees with a disability', February 2019, page 13, <[Barriers and Exclusions: The support needs of newly arrived refugees with a disability \(refugeecouncil.org.au\)](#)>.

<sup>16</sup> Heneker, K et al, Australian Centre for Community Services Research, Flinders University, 'Engaging CALD communities in the NDIS', December 2017, page 55, <[NDIS-CALD-Report-FINAL-2017.pdf \(anglicaresa.com.au\)](#)>.

<sup>17</sup> NSW Department of Communities and Justice, 'Preventing and responding to abuse of older people (Elder Abuse) NSW Interagency Policy', June 2020, page 13, <[NSW-Interagency-Policy-Abuse-of-Older-People.pdf](#)>.

<sup>18</sup> Ageing and Disability Commissioner's 'Annual Report 2021-2022', page 37, <[2021-22 Annual Report \(nsw.gov.au\)](#)>.

- In 6.5% of reports in 2021-2022, the adult with disability or older person was identified as having a CALD background. This was lower than the previous year of 8.1%.<sup>19</sup>

### **Importance of *targeted* awareness campaigns play to increase knowledge and accessibility to essential services**

MNSW makes reference to the important role of targeted awareness campaigns in supporting accessibility to essential services to those who need it most.

In 2021, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability ('**the Royal Commission**') published an issues paper on the experiences of people with disability from CALD backgrounds. The responses to that issues paper indicated that:

- a lack of awareness of necessary services and supports was identified as a common barrier for people with disability from CALD backgrounds,<sup>20</sup>
- people from CALD backgrounds may lack rights awareness or not know how to report mistreatment,<sup>21</sup> and
- people from CALD backgrounds may be unaware of what constitutes abuse.<sup>22</sup>

General awareness campaigns may therefore require a more tailored approach to target people from CALD cohorts. For example, a 2018 Scoping Project of elder abuse awareness strategies<sup>23</sup> indicated that translations of generic elder abuse awareness kits were not effective because dominant cultural values about independence, empowerment, individualism were embedded within such awareness strategies, and the underlying values could diverge from those of individuals from CALD backgrounds.<sup>24</sup>

Outreach and education that is targeted towards people with disability from CALD backgrounds is also important to enable them to identify abuse and neglect.<sup>25</sup> This is particularly important where interpretation of concepts such as 'abuse, neglect or exploitation' vary widely between cultures and contexts.<sup>26</sup> For CALD cohorts, cultural expectations relating to family responsibilities may inform the way in which abuse is experienced and understood in different communities. For example, cultural expectations around family privacy may prevent older people from recognising and/or reporting abuse, particularly when it is perpetrated by family members.<sup>27</sup>

### ***Discussion Paper Questions***

In the context of the general principles outlined above, we have also prepared responses to a number of the questions contained in the Discussion Paper – please find them below.

#### **Question 2: What do you think about the principles? Are they appropriate for older adults and adults with disability?**

#### ***Consideration of a principles-based approach to provisions relating to specific cohorts that may face additional challenges***

<sup>19</sup> Ibid.

<sup>20</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, '*Overview of responses to the Experiences of culturally and linguistically diverse people with disability Issues paper*', November 2021, page 7.

<sup>21</sup> Ibid, page 20.

<sup>22</sup> Ibid, page 20.

<sup>23</sup> Bray J, '*Scope of Current Elder Abuse Awareness/Prevention Strategies targeted to CALD Communities*', 2018.

<sup>24</sup> Ibid, page 13.

<sup>25</sup> AMPARO Advocacy inc's '*Response to the Issues Paper from the Royal Commission into Violence, Neglect, Abuse and Exploitation of People with Disability*', page 6.

<sup>26</sup> Ibid, page 2.

<sup>27</sup> Australian Law Reform Commission, '*Elder Abuse – A National Legal Response Final Report*', ALRC Report 131, May 2017, page 46.

MNSW recognises section 4(3) of the Act identifies specific groups of adults with disabilities or older adults that may face additional challenges, including:

- women,
- Aboriginal and Torres Strait Islander adults,
- gay, lesbian, bisexual, transgender and intersex communities,
- adults from culturally and linguistically diverse backgrounds, and
- adults living in regional and remote areas.

While MNSW recognises the utility of this provision acknowledging specific barriers faced by certain cohorts, we make note of the principles-based framework of the *Disability Inclusion Act 2014* (NSW) at sections 5(3)(b) and 5(3)(c).

In summary, those sections<sup>28</sup> go further to state that supports and services provided to people with disability from culturally and linguistically diverse backgrounds are to be provided in a way that:

- **addresses** barriers to providing supports and services, and the needs of those people with disability; and
- is informed by **consultation** with their communities.

As previously mentioned, MNSW's objective is to promote access to government and community services that is equitable and that has regard to the linguistic, religious and ancestral diversity of the people of NSW. On this basis, MNSW encourages Mr. Cameron to consider a similar principles-based approach in the Review of the Act that relates specifically to older adults and/or adults with disability from CALD backgrounds. This is due to the multiple barriers that cohort faces, the need to address those barriers, and the importance of engaging and consulting with CALD communities.

MNSW would also like to acknowledge and commend the Commissioner for already demonstrating the importance of community engagement by consulting with service providers, paid support workers and community members across Arabic, Assyrian, Cantonese, Greek, Italian, Mandarin, Spanish, and Vietnamese speaking communities to better understand cultural perspectives about abuse, and how to better connect with these communities.<sup>29</sup> It is also pleasing to see that the Commissioner's consultation began with a focus on those communities who, according to Census data, speak languages that fall within the top ten community languages in NSW.

#### **Question 4: Are the functions of the Commissioner suitable and appropriate to achieve the objectives of the Act?**

##### *Consistent development of targeted awareness campaigns*

The functions of the Commissioner include raising awareness and educating the public about matters relating to the abuse, neglect and exploitation of adults with disability and older adults.<sup>30</sup> We commend the Commissioner for exercising this function, having previously run the 'Know Your Rights' campaign to raise awareness about the signs of abuse, neglect and exploitation with target audiences that included people from CALD backgrounds.

To strengthen the reach of awareness campaigns, MNSW encourages consistent development of targeted awareness campaigns. MNSW welcomes the opportunity to consult with the Commissioner on

---

<sup>28</sup> *Disability Inclusion Act 2014* (NSW), sections 5(3)(b) and 5(3)(c).

<sup>29</sup> Ageing and Disability Commissioner's 'Annual Report 2021-2022', page 56.

<sup>30</sup> *Ageing and Disability Commissioner Act 2019* (NSW), s12(1)(c).

future initiatives to ensure this function of the Commissioner is exercised as effectively and far-reaching as we hope for.

**Question 17: Is the role and membership of the Ageing and Disability Board appropriate and sufficient to achieve the objectives of the Act?**

*Clear representation of the diversity of NSW in board membership*

There is a growing awareness of broadening the composition of boards so that they are more effective and responsive to the needs of a multicultural society. Broadly, the advantages of diversity in organisations may include better identification of consumer needs, understanding and monitoring the cultural and linguistic profile of the community served, adaptability, and innovation.<sup>31</sup>

It is positive to see that section 29 of the Act requires the Minister to ensure that the composition of the Ageing and Disability Advisory Board reflects the “*diversity of the community*”. Nonetheless, MNSW encourages Mr Cameron to consider whether section 29 of the Act could be strengthened with more prescriptive language to include members that reflect CALD and indigenous backgrounds. As an example, other legislation such as section 11(3)(b) of the Victorian *Disability Act 2006*, uses more prescriptive language to ensure membership of its Victorian Disability Advisory Council reflects the cultural and indigenous backgrounds of persons with a disability.

MNSW commends the NSW Government for conducting the independent Review of the *Ageing and Disability Commissioner Act 2019* (NSW) and allowing agencies to provide valuable feedback.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J. La Posta', with a stylized flourish at the end.

**Joseph La Posta**  
Chief Executive Officer

---

<sup>31</sup> FECCA, ‘*Cultural Competence in Australia – A Guide*’, page 6 and 10, <[Cultural-Competence-in-Australia-A-Guide.pdf \(fecca.org.au\)](https://www.fecca.org.au/Cultural-Competence-in-Australia-A-Guide.pdf)>.