

14 June 2018

NSW Law Reform Commission  
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**Preliminary submission: Access to digital assets upon death or incapacity**

Carers NSW would like to thank the NSW Law Reform Commission for the opportunity to make a preliminary submission to the review of access to digital assets upon death or incapacity in NSW.

Carers NSW is the peak non-government organisation for carers in NSW and a member of the National Network of Carers Associations. Our vision is an Australia that values and supports all carers, and our goals are to work with carers to improve their health, wellbeing, resilience and financial security; and to have caring recognised as a shared responsibility of family, community, and government.

As noted in the Commission's background article, a person's digital assets (e.g. photos, videos, emails and online banking accounts) can have personal, sentimental and financial value, however family members and other beneficiaries can encounter significant challenges in acquiring access to these valuable assets after a person's death or incapacity.

Carers NSW has heard from several carers regarding the difficulties they have experienced accessing important documents, recovering passwords and administering accounts and assets in the event of a loved one's passing or loss of capacity, causing considerable stress at an already difficult time. Clear pathways and information regarding legal rights and administrative processes in this area will be critical as more and more services move online, and as our population ages.

Carers NSW looks forward to future opportunities to provide more detailed feedback on this important topic. The recently established Carer Rights & Complaints Network, a joint initiative between Carers NSW and the NSW Department of Family and Community Services, may in particular contribute valuable contextual information to the review. This Network is currently mapping carers' legal rights and avenues for redress across a range of service systems.

Should you require any further information about this submission, please contact [REDACTED] or call (02) 9280 4744.

Yours sincerely,

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