



## Hon Lizzie Blandthorn MP

Deputy Leader of the Government in the Legislative Council  
Minister for Disability, Ageing and Carers  
Minister for Child Protection and Family Services

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BAC-BR-19586

Jennifer Jackson-Hall  
Assistant Commissioner  
Disability Services Commission  
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Dear Assistant Commissioner

I write to extend the Ministerial Referral for a further 12 months from 1 July 2023 to 30 June 2024 to the position of Disability Services Commissioner, noting the position is currently vacant.

### **Referral under section 128I(2) of the *Disability Act 2006***

I refer to the letter to the former Disability Services Commissioner dated 2 May 2022 from the former Minister for Disability, Ageing and Carers extending the Ministerial Referral under the *Disability Act 2006* (the Act) until 30 June 2023.

As you are aware, the role of the Disability Services Commissioner will continue until establishment of the new Victorian Social Services Regulator upon commencement of the *Social Services Regulation Act 2021* on 1 July 2024. A further extension to the referral will ensure there are no gaps in oversight of incidents of abuse, neglect and deaths of people accessing state funded disability services until the social services reforms commence.

This letter constitutes a further extension of the referral under section 128I(2) of the Act and replaces previous referrals except with respect to matters outstanding under those referrals. This referral is to take effect from 1 July 2023 until 30 June 2024.

In accordance with sub-sections 16(c) and 128I(2) of the Act, I request that the Disability Services Commissioner inquire into and, at their discretion, investigate any matter relating to the provision of services<sup>1</sup> (including abuse or neglect in the provision of services) by service providers<sup>2</sup> identified in the following:

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<sup>1</sup> In this referral, 'services' means 'disability services' and 'regulated disability services' provided by a service provider as each of those terms are defined in the Act.

<sup>2</sup> In this referral, 'service provider' means a 'disability service provider', 'regulated service provider', 'former disability service providers' and 'former regulated service providers' (to the extent that Division 6B of Part 6 of the Act applies to former disability service providers and former regulated service providers) as each of those terms are defined in the Act.

- Incident reports received from the Department of Families, Fairness and Housing (the department), including all deaths (where the deceased was a person with disability receiving services at the time of their death), and category one and major impact incidents (as defined by the department) relating to assault, injury and poor quality of care. The department will forward relevant incident reports to the Disability Services Commissioner.
- Deaths referred to the Disability Services Commissioner by the State Coroner where the deceased was a person with disability receiving services at the time of the person's death.
- Matters of abuse and neglect referred by the Community Visitors Board.

The purpose of these inquiries and investigations is to improve the services that are investigated, or to understand issues in the services being investigated to inform development of service improvements in response to those issues. When conducting an investigation under this referral, in accordance with section 128I(4) of the Act, I request that the Disability Services Commissioner consider any action that the service provider should take to improve the services provided by the service provider.

In accordance with sub-sections 19(1)(c) and 19(1)(d) of the Act, I request that the following is included in the Disability Services Commissioner's annual report:

- a) a comprehensive annual review of deaths that occur in services
- b) the number, type and outcomes of investigations conducted under this referral, and any related follow up investigations, as well as an overview of any practice or systemic issues identified.

Unless sub-sections 19(2) and 19(3) of the Act apply, the information included in the annual report must not identify a service provider or include any information by which they can be identified.

Please provide advice on practice or systemic issues related to inquiries or investigations under this referral to the department's Secretary, Peta McCammon.

I would like to take this opportunity to thank you for the difficult but important work that you do.

Please contact Carley Northcott, Executive Director, Disability Services Policy and Support at the department to discuss any issues related to the referral and the ongoing functions of the role of Disability Services Commissioner; email: [carley.northcott@dffh.vic.gov.au](mailto:carley.northcott@dffh.vic.gov.au) or phone: 0400 512 331.

Yours sincerely



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24 / 05 / 2023