



Hon Lizzie Blandthorn MP

Deputy Leader of the Government in the Legislative Council  
Minister for Children  
Minister for Disability

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BAC-BR-25809

Jennifer Jackson-Hall  
Disability Services Commissioner  
Level 30, 570 Bourke Street  
MELBOURNE VIC 3000

Dear Commissioner

I am writing to extend the Ministerial Referral relating to death reviews and incident reporting for a further 12 months from 1 July 2024 to 30 June 2025.

### **Continuation of the role of the Disability Services Commissioner**

The Disability and Social Services Regulation Amendment Bill 2024, which was to merge the functions of the Disability Services Commissioner into the Social Services Regulator, will not pass Parliament by 1 July 2024.

This reflects the extent of forecast change at a national level following the wide-ranging recommendations of both the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and the NDIS Review.

Given this, the Disability Services Commissioner will continue as an independent entity until legislation is passed.

The functions of the Disability Services Commissioner are critical functions that safeguard and improve services for state-funded disability service users. I am very pleased you have agreed to continue in your current role as the Disability Services Commissioner from 1 July 2024.

This means important arrangements for making, investigating and resolving complaints about Victorian Government-funded disability providers will continue.

The Social Services Regulator will commence as planned on 1 July 2024. It will regulate social services including state-funded disability services such as forensic disability services and disability providers with Transport Accident Commission and WorkCover clients. I understand that you and the Regulator, Jonathan Kaplan, have begun discussing how your organisations can best work together.

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

As the role of the Disability Services Commissioner will continue until legislation is passed, an extension of the Ministerial Referral is needed to ensure there are no gaps in the oversight of incidents of abuse, neglect and deaths of people accessing state-funded disability services.

This letter is a further extension of the referral under section 128I(2) of the *Disability Act 2006* (the Act) and replaces previous referrals except with respect to matters outstanding under those referrals. This referral is to take effect from 1 July 2024 to 30 June 2025.

In accordance with sub-sections 16(c) and 128I(2) of the Act, I request that the Disability Services Commissioner inquire into and, at your 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:

- 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 service at the time of their death), and major impact incidents (as defined by the department through its client incident management system policy guide) relating to abuse, 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 or 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(2) of the Act, I request that you as 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 comprehensive review of deaths that occur in services, and
- 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 Secretary of the department.

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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.

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

To discuss any issues related to the referral, please contact Allison Will, Executive Director, Regulation and Reform at the department at [allison.will@dffh.vic.gov.au](mailto:allison.will@dffh.vic.gov.au).

Yours sincerely



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26/6/24