



Hon Anthony Carbines MP

Minister for Disability, Ageing and Carers
Minister for Child Protection and Family Services

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BAC-BR-11008

Treasure Jennings
Disability Services Commissioner
Level 30, 570 Bourke St
MELBOURNE VIC 3000

Dear Commissioner ,

I write to extend the Ministerial Referral for a further 12 months from 1 July 2022 to 30 June 2023.

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

I refer to the letter to you dated 25 June 2021 from the former Minister for Disability, Ageing and Carers extending the Ministerial Referral under the *Disability Act 2006* (the Act) until 30 June 2022.

I acknowledge that you have indicated there will be outstanding investigations requiring completion, and referral of incidents beyond the term of the current Ministerial Referral.

In addition, in the lead up to commencement of the new Victorian Social Services Regulator anticipated for 2023, 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 you have outstanding under those referrals. This referral is to take effect from 1 July 2022 until 30 June 2023.

In accordance with sub-sections 16(c) and 128I(2) of the Act, I request that you inquire into and, at your discretion, investigate any matter relating to the provision of services¹ (including abuse or neglect in the provision of services) by service providers² identified in the following:

¹ 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.

² 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 you receive from the Department of Families, Fairness and Housing (the department), including all deaths (where the deceased was a person with a 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 you.
- Deaths referred to you by the State Coroner where the deceased was a person with a 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 128(4) of the Act, I request that you 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 you include in your 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 your 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 your inquiries or investigations under this referral to the department's Secretary, Ms Brigid Sunderland.

To support the continuation of your functions under the extended referral, the Disability Services Board will be re-appointed for a further 12-month term from July 2022.

I would like to take this opportunity to thank you and your team for the dedicated work on the death and incident investigations.

Please contact James MacIsaac, Executive Director, Disability to discuss any issues related to the referral and the ongoing functions of your Office.

Yours sincerely



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02/05/2022