



Victoria Government Gazette

No. S 218 Tuesday 4 June 2019
By Authority of Victorian Government Printer

**ELIZABETH THE SECOND, BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH:**

TO

The Honourable Ronald Sackville AO QC,
Ms Barbara Bennett PSM,
Dr Rhonda Louise Galbally AC,
Ms Andrea Jane Mason OAM,
Mr Alastair James McEwin, and
The Honourable John Francis Ryan AM

GREETING

WHEREAS the Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the *Constitution of the Commonwealth of Australia*, the **Royal Commissions Act 1902** (Cth) and every other enabling power, has by Letters Patent appointed you to be a Commission of inquiry to inquire into, and report upon, certain matters relating to people with disability.

AND the Governor-General has declared that you are authorised to conduct that inquiry in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission issued, or under any order or appointment made, by any of the Governors of the States or the Government of any Territory.

AND WHEREAS the Lieutenant-Governor of the State of Victoria, as the Governor's deputy, by and with the advice of the Premier, has deemed it expedient that a Commission should issue to you in the terms set out below.

RECOGNISING that people with disability are equal citizens and have the right to the full and equal enjoyment of all human rights and fundamental freedoms, including respect for their inherent dignity and individual autonomy.

AND that people with disability have the same rights as other members of Australian society to live and participate in safe environments free from violence, abuse, neglect and exploitation.

AND all forms of violence against, and abuse, neglect and exploitation of, people with disability are abhorrent.

AND Australia has international obligations to take appropriate legislative, administrative and other measures to promote the human rights of people with disability, including to protect people with disability from all forms of exploitation, violence and abuse under the Convention on the Rights of Persons with Disabilities.

AND to give effect to those obligations and broader responsibilities to all Australians, all Australian Governments provide funding and services for people with disability, and have implemented laws to protect and enhance the wellbeing of people with disability.

AND it is important that violence against, and abuse, neglect and exploitation of, people with disability in all settings and contexts are exposed and examined, including through the sharing of individual experiences.

AND it is important that people with disability are central to processes that inform best practice decision making on what all Australian Governments and others can do to prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

SPECIAL

NOW THEREFORE the Lieutenant-Governor of the State of Victoria, appointed as the Governor's deputy to exercise the powers and functions of the Governor of Victoria by instrument dated 21 May 2019 and entered in the Register of Patents Book 47 Page 70, by and with the advice of the Premier and acting pursuant to section 5 of the **Inquiries Act 2014** (Vic) and every other enabling power, appoints and constitutes you to be our Commissioners, and require and authorise you to inquire into the following matters:

- (a) what governments, institutions and the community should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- (b) what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- (c) what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- (d) any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that you believe is reasonably relevant to your inquiry.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) all forms of violence against, and abuse, neglect and exploitation of, people with disability, whatever the setting or context;
- (f) all aspects of quality and safety of services, including informal supports, provided by governments, institutions and the community to people with disability, including the National Disability Insurance Scheme (NDIS) and the NDIS Quality and Safeguarding Framework agreed by all Australian Governments in 2017;
- (g) the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability;
- (h) the critical role families, carers, advocates, the workforce and others play in providing care and support to people with disability;
- (i) examples of best practice and innovative models of preventing, reporting, investigating or responding to violence against, and abuse, neglect or exploitation of, people with disability;
- (j) the findings and recommendations of previous relevant reports and inquiries.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by the Royal Commission into Aged Care Quality and Safety, another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you, as you consider appropriate, having regard to the date by which you are required to submit your final report, to take (or refrain from taking) any action arising out of your consideration:

- (k) the need to establish accessible and appropriate arrangements for people with disability, and their families, carers and others, to engage with your inquiry, and to provide evidence and information to you about their experiences;
- (l) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual experiences and may need to make referrals to appropriate authorities;
- (m) the need to disclose information, or give any document or other thing to any person or body, in accordance with section 44 of the **Inquiries Act 2014** (Vic) or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences or assisting an inquiry on a related matter by the Royal Commission into Aged Care Quality and Safety;
- (n) the need to ensure that evidence that may be received by you that identifies particular individuals as having been subject to violence, abuse, neglect or exploitation is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (o) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses.

AND We appoint you, the Honourable Ronald Sackville AO QC, to be the Chairperson of the Commission.

AND We declare that you are a Royal Commission for the purposes of section 5 of the **Inquiries Act 2014** (Vic).

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment made, by the Governor-General of the Commonwealth, or the Governor of Victoria or Lieutenant-Governor of Victoria, as the Governor's deputy, or Governor of any other State, or by the Government of any Territory.

AND We declare that in these Our Letters Patent:

Convention on the Rights of Persons with Disabilities means the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006.

government means the Government of the Commonwealth or of a State or Territory or a local government.

people with disability means people with any kind of impairment, whether existing at birth or acquired through illness, accident or the ageing process, including cognitive impairment, and physical, sensory, intellectual and psycho-social disability.

Royal Commission into Aged Care Quality and Safety means the Royal Commission into Aged Care Quality and Safety issued by the Governor-General by Letters Patent on 8 October 2018 (and including any later variations of those Letters Patent).

AND We:

- (p) require you to begin your inquiry as soon as practicable; and
- (q) require you to make your inquiry as expeditiously as possible; and
- (r) require you to submit to Our Governor an interim report that you consider appropriate not later than 30 October 2020; and
- (s) require you to submit to Our Governor a report of the results of your inquiry, and your recommendations, not later than 29 April 2022.

IN WITNESS, We have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.

WITNESS Kenneth Douglas Lay, Officer of the Order of Australia, Lieutenant-Governor of the State of Victoria in the Commonwealth of Australia at Melbourne, and appointed by the Governor of Victoria as the Governor's deputy by instrument dated 21 May 2019 entered in the Register of Patents Book 47 Page 70, of this 4th day of June two thousand and nineteen.

(L.S.) KENNETH DOUGLAS LAY
By Her Excellency's Command
THE HON DANIEL ANDREWS MP
Premier of Victoria

Entered on the record by me in the Register of Patents Book No.47 Page No. 71 on the 4th day of June 2019.

CHRIS ECCLES AO
Secretary, Department of Premier and Cabinet

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