

Victorian Government Response to the Public Accounts and Estimates Committee Report on the review of the Auditor-General's performance audit report – Services for people with an intellectual disability.

Summary of Recommendation	Government Response
<p>Chapter 2: - Planning for individuals and protecting their rights</p> <p>Recommendation 1 – Page 40: The Department of Human Services determine the underlying reasons for delays in completing eligibility assessments, as provided for in Part 3 section 7 (1-3) of the <i>Intellectually Disabled Persons' Services Act 1986</i>, and take action to reduce the time taken to complete assessments.</p>	<p>The Government has reduced the time taken to undertake eligibility assessments. In 2000, 32% were commenced within 30 days and by 2003-04, performance had improved to 94% commencing within 30 days.</p> <p>The average time taken to complete an eligibility assessment has reduced from 27 weeks at the time of the Auditor Generals report in 2000 to 9.85 weeks in 2003/2004.</p>
<p>Recommendation 2 – Page 40: The Department of Human Services disclose in its annual report the extent to which new strategies have been implemented and outcomes achieved in reducing the time taken to complete eligibility assessments.</p>	<p>The monitoring of the Department of Human Services performance in relation to the number of eligibility assessment completed per annum, eligibility assessments undertaken within 30 days and the total output costs for intake and assessment have been reported in its Annual Report since the 2001/2002 year.</p>
<p>Recommendation 3 – Page 40: The Department of Human Services urgently obtain an opinion from the Victorian Government Solicitor as to the interpretation of section 7(3) of the <i>Intellectually Disabled Persons' Services Act 1986</i>.</p>	<p>The Department of Human Services has internal advice that the principles of statutory interpretation provide that expressions in legislation are to be given their plain english meaning. The term undertaken in the dictionary means to commence a process or enter into. It does not mean to complete.</p> <p>In addition, words are to be construed within the broader context of the Act and the provision. This interpretation of undertaken is also supported by the rest of section 7 which uses both the term undertaken and the term completed. Section 7(5) uses the phrase "undertaken or completed". The fact that both words are used here, supports the view that the term undertaken does not also mean completed.</p> <p>The current process of legislative review will ensure that new provisions are clear.</p>
<p>Recommendation 4 – Page 41: The Government further investigate and implement the most appropriate option for an independent external complaints mechanism to promote the concerns of and protect people with an intellectual disability.</p>	<p>The Government is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>. The committee's recommendations will be considered in the development of the legislation.</p>

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<p>Recommendation 5 – Page 43: The Department of Human Services include in its annual report succinct explanations as to the relevance of each of the performance measures used to evaluate intake and assessment of services for people with an intellectual disability.</p>	<p>The Department of Human Services, Disability Services Division includes explanation of performance measures in annual Policy and Funding Plan which is available on www.dhs.vic.gov.au/disability (For Services Providers/Policy & Funding Plan)</p> <p>A note will be included in the Departments Annual Report referring people to the Policy and Funding Plan.</p>
<p>Recommendation 6 – Page 43: The Department of Human Services, as part of its ongoing review of disability services legislation, obtain legal advice as to whether the existing legislation is unambiguous and clearly reflects the parliamentary intention that eligibility assessments for services provided to people with an intellectual disability are completed as soon as possible within specified timeframes.</p>	<p>The Government agrees that the process for determining whether a person has a disability within the meaning of relevant legislation should be within specified relevant time frames. The Government is in the process of reviewing disability legislation and will include clear provisions in relation to this matter.</p>
<p>Recommendation 7 – Page 43: The Department of Human Services report as a key performance measure, the median time taken to complete eligibility assessments for people with an intellectual disability.</p>	<p>The Government will consider the most appropriate key performance measures for the process of determining eligibility following the Review of Disability Legislation. Performance outcomes are already reported in the Department of Human Services Annual Report.</p>
<p>Recommendation 8 – Page 44: The Department of Human Services give consideration to including a key performance indicator in the employment contracts of staff responsible for undertaking eligibility assessments, reflecting the extent to which assessments are completed within appropriate timeframes.</p>	<p>The performance of Regional Operations in relation to eligibility assessments undertaken within 30 days is already part of the Departments performance reporting system. The Department's Executive receives quarterly monitoring reports and initiates appropriate follow-up. Regional managers are accountable for a range of performance measures in the performance agreements.</p>
<p>Recommendation 9 – Page 54: The Department of Human Services, after a reasonable period of time, evaluate and report on the effectiveness of the individualised planning and support approach, against the principles contained in the <i>Intellectually Disabled Persons' Services Act 1986</i> and the State Disability Plan.</p>	<p>The recommendation is supported.</p> <p>The Government agrees that the individualised planning and support approach should be evaluated.</p> <p>An evaluation of the implementation of Support & Choice Initiative commenced in June 2004. The evaluation guidelines were defined within the context of the Victorian State Disability Plan 2002-2012 and are designed to guide the broader implementation of individual planning & support (IP&S). The findings and recommendations from the evaluation will be used to design a long term outcomes study that will evaluate the effectiveness of the IP&S approach.</p>

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<p>Recommendation 10 – Page 54: The Department of Human Services investigate the potential benefits of providing specialist independent support workers with the capability of working individually with a person with an intellectual disability to help identify and communicate the individual's needs, desires and decisions. The trained support worker should be independent of family, the Department of Human Services and government decision making processes.</p>	<p>This recommendation will be considered as part of the evaluation process of the Support and Choice initiative.</p>
<p>Recommendation 11 – Page 59: The Department of Human Services analyse the options for improving its ability to predict the needs of people with an intellectual disability and prevent crisis situations from occurring.</p>	<p>The recommendation is supported.</p> <p>The Government will continue to implement the State Disability Plan and the Department of Human Services will continue to work closely with individuals using the Individualised Planning and Support approach to plan the supports that they require. This will also be informed by the current evaluation of Support and Choice.</p> <p>The Department of Human Services is currently developing an improved Client Relationship Information system, which will enable disability workers to more effectively assist people with a disability to plan for their future needs.</p> <p>The Government has already implemented a number of early intervention strategies to prevent crisis such as the SignPosts initiative and increased funding for respite services. Other options will be considered as part of the ongoing development of support options.</p>

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<p>Recommendation 12 – Page 59: Data from the Client Relationship Information System be used to improve the Department of Human Services' planning for improvements to services for people with an intellectual disability.</p>	<p>The recommendation is supported.</p> <p>The development of the Client Relationship Information system (CRIS) is important in improving individual planning. CRIS will support improved practices by providing better links across the wide range of supports that are accessed by people with a disability and their families. CRIS will enable maximum flexibility for staff as they support people with a disability, whilst enabling accurate reporting of support options and periodic service data collection.</p>
<p>Recommendation 13 – Page 60: The Department of Human Services take into account the significance of General Service Plans in the delivery of quality services to people with an intellectual disability.</p>	<p>The Government acknowledges the importance of General Service Plans in planning funded services for people with an intellectual disability and the completion and review of GSP's is monitored on a monthly basis.</p> <p>However, the PAEC report does not reflect the change in the nature of planning, using an individualised planning and support approach which takes into consideration the individual's participation in the community, the development or maintenance of informal support and funded services. This approach will over time replace the less responsive and flexible General Service Plan. Individualised planning and support focuses on people with a disability having greater control in their lives and ensures that supports are provided based on people's needs, aspirations and choices over the short and longer term.</p> <p>To ensure that individualised planning achieves the best outcomes for people with a disability, the Government has proposed that the proposed legislation create a framework for planning, which is flexible and responsive to people's needs.</p>

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<p>Recommendation 14 – Page 67: The Victorian Government seek to renegotiate the Commonwealth State/Territory Disability Agreement with a view to obtaining increased funding for reducing the waiting lists for shared supported accommodation.</p>	<p>The current CSTDA expires in until June 2007. As with the current agreement, the Government will negotiate the best possible funding outcome to provide support for people with a disability in Victoria. Commonwealth funding opportunities also occur form time to time (both related to and unrelated to the CSTDA) and the Government will continue to pursue these opportunities.</p> <p>Opportunities to obtain additional Commonwealth funding outside of the CSTDA have also been successfully pursued:</p> <ul style="list-style-type: none"> • The Department of Human Services has worked with community organisations to access Commonwealth funding to move young people out of Aged Care facilities into more appropriate accommodation of their choice. • The Commonwealth has assumed funding responsibility for Futures for Young Adults clients whose needs are more appropriately met through Commonwealth Employment programs. • Additional Commonwealth funding to expand the Signposts for Better Behaviours early intervention program has been received (an anticipated \$2 million will be received in the future). • Additional funding for Respite for Older Carers is currently being finalised and will provide an additional \$17.4 M from the Commonwealth over 4 years to support older carers of adult children with a disability to continue their caring role.
<p>Recommendation 15 – Page 71: The Department of Human Services, for accountability purposes, record separately in its annual report the extent to which proceeds from the redevelopment of the Kew Residential Services (formerly Kew Cottages) site have been applied towards additional services for people with a disability, as distinct from other budget increases for disability services.</p>	<p>The Government supports the intent of the recommendation that any revenue from the proceeds of the redevelopment be returned to Disability Services be identified as distinct from other budget sources. The most appropriate method for reporting this will be considered.</p>

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<p>Recommendation 16 – Page 73: The Government confirm its commitment to the State Disability Plan by providing sufficient capital and recurrent funding for additional community residential units.</p>	<p>The Government agrees that opportunities for people requiring the support provided in community residential units should continue to be available. However providing additional Community Residential Units are not necessarily the most effective way to support people with a disability. A key commitment of the State Disability Plan is to support people with a disability to live in a range of settings that are best suited to their individual needs and wishes.</p> <p>Through the implementation of its Support and Choice initiative it is anticipated that 100 people will move out of community residential units in 2004 and 2005. This will provide opportunities for 100 people needing this form of support to move into community residential units. In addition 93 community residential units will have been constructed for the residents moving from Kew Residential Services on completion of the redevelopment.</p> <p>The Government has also provided \$10m for the establishment of a Disability Housing Trust, which will create 100 housing opportunities for people with a disability.</p>
<p>Recommendation 17 – Page 74: Residents in community residential units be assessed by the Department of Human Services as to whether alternative supported accommodation options would better suit their needs.</p>	<p>The Government will continue to make available opportunities for people who wish to move out of SSA to do so based on the wishes of the individual provided that this can be supported by parents and other important people in the individual's life. Providing opportunities based on choice is considered preferable to a mandatory assessment of all residents which may cause unnecessary concern to people living in community residential units and their families.</p>

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<p>Recommendation 18 – Page 74: The Department of Human Services develop a policy and associated strategies to address the changed needs of ageing clients in community residential units.</p>	<p>This recommendation is supported.</p> <p>Victoria is participating in the National Disability Administrators project, the aim of which is to provide advice in respect to appropriate, best practice, service and funding models for the range of services provided to meet the specific needs of people with disabilities who are ageing.</p> <p>The Government has committed some individualised funding packages to be linked with Commonwealth Aged Care funding through the Commonwealth Aged Care Innovative Pool (ACIP) 2 year pilot program. Under this initiative to deliver successful alternatives to nursing home admission, the Commonwealth will fund those support elements which are linked to the provision of nursing home care while the State meets the costs of accommodation and support. A further pilot will result in residents in State Funded Community Residential Units receiving Commonwealth support to enable them to remain in their existing accommodation.</p>
<p>Recommendation 19 – Page 74: The Department of Human Services develop and implement a ten year plan for identifying the projected growth in demand for services for people with an intellectual disability, the level of financial and other resources the department will be expected to provide and the implications for the future if demand is not met.</p>	<p>The Government has already developed a 10 year State Disability Plan.</p> <p>Detailed work has also been undertaken by the Departments of Human Services, Treasury and Finance and Premier and Cabinet to understand projected growth in demand for Disability Services within the context of the definition of disability in the Commonwealth, State and Territory Disability Agreement.</p>

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<p>Recommendation 20 – Page 74: The Department of Human Services finalise and implement, where appropriate, the recommendations of the consultancy report commissioned in 2003 which includes addressing the future options for children with a disability presently in permanent respite care.</p>	<p>The recommendation is supported.</p> <p>The Final Report of the project <i>Review and Redevelopment of Support for Children with a Disability and their Families</i> has been released. The Department of Human Services will progressively implement the proposals for redevelopment outlined in the Report. Proposals that specifically address issues of children and out-of-home care include:</p> <ul style="list-style-type: none"> • Further development of practice that is based on a commitment to practical family support (including respite, and flexible support packages), to reduce stress, enhance quality of life for family members, prevent placement and foster optimal development for the child with a disability; • Ensuring that children who are placed on a temporary basis in out-of-home care are the subject of prompt case planning early in the placement period, and in a systematic framework similar to the <i>Looking After Children</i> that is implemented by the Office of Children; • Developing a protocol between Child Protection and Disability Services to ensure coordinated planning for children with a disability and their families who are involved in both programs.
<p>Recommendation 21 – Page 78: The Department of Human Services examine the impact of resource constraints on the range of services needed in each region for people with an intellectual disability and their families.</p>	<p>The recommendation is supported.</p> <p>The Department of Human Services will implement a new client relationship Information System in 2005/2006. The system will improve the process of compiling statewide data of unmet needs of people with a disability more clearly reflecting the individual needs of each person. This data will improve the capacity for regional and statewide planning and further refine the response to demand in rural communities.</p>
<p>Recommendation 22 – Page 79: The Department of Human Services:</p> <ul style="list-style-type: none"> (a) examine the reasons some service providers are not preparing and updating Individual Program Plans for people with an intellectual disability, in accordance with departmental guidelines; and (b) take action to redress this situation. 	<p>The recommendation is supported.</p> <p>The Government agrees it is important that people with a disability have an individual plan, which reflects their choices and needs. The Department of Human Services will review the effectiveness of planning approaches following the current review of legislation and will develop strategies if required to improve the effectiveness of the individual planning process with people with a disability.</p>

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<p>Chapter 3: - Safeguarding individual rights</p> <p>Recommendation 23 – Page 87: The Department of Human Services put in place systems to ensure that community visitors have access to incident reports in all residential services provided for people with an intellectual disability.</p>	<p>This recommendation is supported.</p> <p>The Department of Human Services will develop a system that will ensure Community Visitors have improved access to incident reports in residential services provided for people with a disability.</p>
<p>Recommendation 24 – Page 87: The Department of Human Services:</p> <ul style="list-style-type: none"> (a) emphasise to service providers the importance of: <ul style="list-style-type: none"> (i) reporting incidents; and (ii) keeping records of incidents which can be used to analyse service delivery and ultimately to make improvements; and (b) review the current policy instruction which makes reporting category 3 incidents to Departmental Agency Liaison Officers and case managers, optional. 	<p>This recommendation is supported.</p> <p>The Department of Human Services has already strengthened the management and reporting of adverse events and will again emphasise the importance of reporting incidents and follow-up analysis to improve outcomes. The Department of Human Services will review the current policy instruction relating to Category 3 incident reports to determine if a change to the current practice is required.</p>
<p>Recommendation 25 – Page 91: The Department of Human Services give consideration to introducing a formal assistant decision maker, where appropriate, for each person with an intellectual disability. The role of the assistant would be to facilitate communication and participation by a person with an intellectual disability in the decision making process to ensure the person's rights are being advanced.</p>	<p>The Government is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>. The committee's recommendations will be considered in the development of the legislation.</p>
<p>Chapter 4: - Providing resources for services</p> <p>Recommendation 26 – Page 99: The Department of Human Services include in its annual report information on the regional allocation of funding for disability services and the progress made towards achieving notional equity shares across the department's regions.</p>	<p>This recommendation is not supported.</p> <p>The Department of Human Services Disability Services' Policy and Funding Plan (P&FP) already reports funding allocations for each DHS region. This is considered a more appropriate method of information provision for this type of information.</p> <p>Systems are in place to progressively improve regional funding equity.</p>

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<p>Recommendation 27 – Page 101: The Department of Human Services publish information on a quarterly basis for each region on the number of people with an intellectual disability on the Service Needs Register and the expected waiting time for access to services.</p>	<p>The information currently published on the number of people on the Service Needs Register is limited and is not an accurate reflection of individual support needs. The Government is developing a new Client Relationship Information System that will include a register that accurately reflects clients individual requirements for support. In response to this recommendation the Government has decided to release statewide data on a six monthly basis.</p>
<p>Recommendation 28 – Page 108: The Department of Human Services and non-government service providers undertake a review of the adequacy of unit costs, taking into consideration:</p> <ul style="list-style-type: none"> (a) the cost of different services provided by government and non-government service providers; and (b) the likely structural changes in service delivery over the life of the Victorian State Disability Plan and the standards of service required under the Victorian Disability Service Standards. 	<p>The Government supports the intent of these recommendations.</p> <p>The Department of Human Services allocates funds to service providers to ensure the most cost effective provision of services. It recognises that the ongoing sustainability of service provision is important. The Government considers that funding considerations, structural change and sustainability should be considered in the context of broader industry development. The Government has announced the establishment of an Industry Development Plan.</p> <p>Progress to date includes:</p> <ul style="list-style-type: none"> (a) Ensuring the Industry Development Plan identifies the key industry elements requiring development. The plan will subsequently generate a range of activities and strategies that will contribute to a sustainable and innovative sector, including issues of sustainable support development at an acceptable standard. (b) Establishing Disability Services Pricing Principles. The Department will continue to work in partnership with Disability peak bodies to implement Disability Services Pricing Principles that support pricing of disability supports provided by the non-government sector in the future. These pricing principles will clearly express the objectives of the State Disability Plan 2002-2012 and will operate within Government and Department funding policy and legislative and regulatory frameworks.

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<p>Chapter 5: - Quality and monitoring</p> <p>Recommendation 29 – Page 119: The Department of Human Services:</p> <ul style="list-style-type: none"> (a) make available to non-government service providers the training resources developed for the staff of government service providers; and (b) examine the effectiveness of current models of delivering and monitoring training provided to the staff of non-government service providers. 	<p>The Government supports the recommendations.</p> <p>The Department of Human Services (DHS) will continue to develop resources and learning and development tools that reflect the Department's Learning and Development Strategy, in particular training which is recognised as a part of the national competency framework. All these resources and learning tools will be available to non-government organisations either directly or via Disability In-service Training Support Service, which is consistent with the learning and development strategy.</p> <p>DHS will discuss learning and development strategies with representatives of the non government sector to determine the most effective and efficient approaches to training.</p>
<p>Recommendation 30 – Page 120: The Department of Human Services:</p> <ul style="list-style-type: none"> (a) examine current approaches to ensuring service providers comply with requirements to annually submit Organisational Quality Plans and Improvement Activity Reports; (b) determine the reasons for non-compliance; and (c) develop options to encourage compliance. 	<p>The Government supports the recommendations.</p> <p>DHS aims for full compliance and has developed procedures and protocols to maximise compliance with the Organisational Quality Plan & Improvement Activity Reporting process.</p> <p>DHS will:</p> <ul style="list-style-type: none"> • provide information and resources in a timely way, and in different formats; • monitor the reporting activities of service providers and follow up with timely reminders prior to the reporting due date and follow-up with non-complaint providers; and • offer assistance and advice as required to facilitate reporting compliance.
<p>Recommendation 31 – Page 121: Where government and non-government service providers need to dedicate specific resources to the new quality monitoring approaches that are in addition to current arrangements, the Department of Human Services make available the resources, training and the support required to implement them.</p>	<p>The recommendation will be considered in the development and articulation of an Integrated Quality Monitoring Approach (IQMA) for Disability Support.</p> <p>The Government currently requires government and funded non-government disability service providers to meet and report on compliance with the Victorian Standards for Disability Services. Resources, training and funding is currently structured to reflect this approach and will transition into the revised quality monitoring framework.</p>

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<p>Recommendation 32 – Page 122: The Department of Human Services ensure that arrangements in place for independent monitoring of services provided for people with an intellectual disability, include provisions that strengthen independence such as:</p> <ul style="list-style-type: none"> (a) an obligation on the department to report to the monitoring agency on instances where recommendations are not acted on within six months and publish the reasons recommendations were not accepted; (b) the monitoring agency having the power under legislation to enter service providers’ premises and review client files; and (c) reports of the quality monitoring agency being publicly available. 	<p>The recommendation will be considered in the development and articulation of an Integrated Quality Monitoring Approach (IQMA) for Disability Support.</p>
<p>Recommendation 33 – Page 132: The Department of Human Services revise performance measures in the Disability Services output group to ensure that they include quality and timeliness measures that focus on the outcomes of service delivery.</p>	<p>The Victorian Standards for Disability Services, are currently being revised and will incorporate systems and individual outcome measures against which support providers will be required to undertake a self-assessment to determine the quality of support provision. This information will be reported to the Department on an annual basis.</p> <p>Existing timeliness indicators reflect current legislative requirements but may be changed or augmented as part of the review of legislation.</p> <p>Performance measures will be reviewed following the completion of the revision of standards and the legislative review.</p>
<p>Recommendation 34 – Page 133: The Department of Human Services provide a consolidated report on services for people with a disability and report on the outcomes of the Victorian State Disability Plan. This report should:</p> <ul style="list-style-type: none"> (a) include a range of objective performance measures that relate to the outcomes of services provided (or not provided) to the department’s potential clients; and (b) be publicly released on an annual basis in conjunction with the tabling of the Department of Human Services’ annual report in Parliament. 	<p>The Government will release a report on progress in implementing the State Disability Plan for the period 2002–2005.</p> <p>The Department of Human Services’ Annual Report includes commentary and performance data relating to Disability Services.</p>

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<p>Chapter 6: - Review of Disability Legislation</p> <p>Recommendation 35 – Page 137: The Department of Human Services ensure that information provided to forums and focus groups as part of the review of the <i>Intellectually Disabled Persons’ Services Act 1986</i> and the <i>Disability Services Act 1991</i> are available in large print format and ‘easy English’ versions.</p>	<p>The Government supports the recommendations.</p> <p>It recognises the importance of providing information in accessible formats to enable the participation of people with disabilities in processes such as the review of disability legislation.</p> <p>The disability review process is designed to ensure maximum participation from as many people as possible. The review commenced with the release of a Discussion Paper and a subsequent three month period of public consultation. The Discussion Paper was available in a range of formats including large print and ‘easy English’.</p> <p>Public consultation included community forums and a series of focus groups which were held for people with a disability who may have needed additional support to provide input to the review. These groups included groups for people with an intellectual disability.</p> <p>Phase two of the review included the release of a report of recommendations for the future legislative framework and a further period of public consultation. The <i>Review of Disability legislation – Report of recommendations, October 2004</i> was released in a range of accessible formats including large print and ‘easy English’.</p> <p>Focus groups were held for people who may have needed additional support to provide input to the review. Six focus groups were held for people with an intellectual disability in both metropolitan and rural areas. Over 130 people with an intellectual disability participated in the focus groups. Information was provided in ‘easy English’ for these focus groups.</p>

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<p>Recommendation 36 – Page 141: The Department of Human Services ensure that the Office of the Senior Clinician is supported by multi-disciplinary staff which includes specialists from non-medical backgrounds who support a rights-based approach for people with an intellectual disability, as outlined in the Victorian State Disability Plan.</p>	<p>The Government supports this recommendation.</p> <p>The establishment of an Office of Senior Clinician is currently being considered as part of the legislation review.</p>
<p>Recommendation 37 – Page 142: The Government ensure that the external review body to evaluate and monitor the systemic use of restrictive practices across all disability services, such as VCAT, be appropriately resourced with staff and Panels that have suitable specialist skills, are accessible to all and are affordable to clients and their advocates.</p>	<p>The Government is responding to this recommendation.</p> <p>In line with the recommendations of the Victorian Law Reform Commission, the <i>Review of disability legislation Report of recommendations October 2004</i> proposes that the evaluation and systemic monitoring of restraint and seclusion is undertaken by the Office of the Senior Clinician¹. This recommendation was based on a recognition that the systemic monitoring of restraint and seclusion required staff with specialist skills.</p> <p>In relation to external review of a decision to use restraint and seclusion, the <i>Review of disability legislation Report of recommendations October 2004</i> proposed that review is undertaken by the Victorian Civil Administrative Tribunal (VCAT). VCAT has expertise in dealing with complex issues related to disability through the administration of the Guardianship List. Responses to the Report of Recommendations have been received and are being considered, as will the Committee's recommendations before this process is finalised.</p>
<p>Recommendation 38 – Page 144: The Government ensure that the proposed Disability Complaints Resolution Office has the power to initiate its own investigations.</p>	<p>The Government is currently considering the Committee's recommendations in the development of the legislation.</p> <p>Disability Services Division is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>.</p>
<p>Recommendation 39 – Page 144: The Government ensure that the complaints body, such as the proposed Disability Complaints Resolution Office, is independent of the Department of Human Services.</p>	<p>The Government is currently considering the Committee's recommendations in the development of the legislation.</p> <p>Disability Services Division is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>.</p>

¹ *People with Intellectual Disabilities as Risk: A Legal Framework for Compulsory Care Report*, Victorian Law Reform Commission November 2003

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<p>Recommendation 40 – Page 145: The Department of Human Services work closely with the Intellectual Disability Review Panel to ensure that all of the Panel's functions are transferred to other bodies and that a smooth transition process is established.</p>	<p>The Government accepts the recommendations.</p> <p>A smooth process is required to transfer functions of the Panel to other bodies. The nature of the transfer of functions will be finalised after policy decisions are made having regard to the community consultations on the <i>Review of Disability Legislation—Report of recommendations, October 2003</i>.</p>
<p>Recommendation 41 – Page 146: The Department of Human Services ensure that the new disability legislation gives people with an intellectual disability the right to seek an external review of their individual plans.</p>	<p>The Government is currently considering the Committee's recommendations in the development of the legislation.</p> <p>Disability Services Division is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>.</p>
<p>Recommendation 42 – Page 147: The Government ensure that the proposed Disability Complaints Resolution Office has the power to:</p> <ul style="list-style-type: none"> (a) examine the practices of service providers; and (b) interview people with an intellectual disability, their parents, families and carers about their satisfaction with the complaints handling process. 	<p>The Government is currently considering the Committee's recommendations in the development of the legislation.</p> <p>Disability Services Division is currently finalising its policy position having regard to the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>.</p>
<p>Recommendation 43 – Page 148: The Department of Human Services ensure that:</p> <ul style="list-style-type: none"> (a) a proposal to establish a number of review and regulation bodies relating to services for people with an intellectual disability does not lead to fragmentation of the system; and (b) service users and their families are provided with clear information as to the appropriate review or regulation body to deal with specific issues. 	<p>The Government supports the recommendation.</p> <p>Service users and their families are to be provided with clear information as to the appropriate review or regulation body to deal with their specific issues.</p> <p>The Government's intention is not to fragment processes of review and regulation and is currently finalising its policy position on these issues following the community consultation on the <i>Review of Disability legislation – Report of recommendations, October 2003</i>.</p>