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Aged Care Quality and Safety Commission

# Compliance and Enforcement

Sector webinar

20 May 2025







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# Acknowledgement of Country

Artwork by Dreamtime Creative



# Speakers

## Host

Liz Hefren-Webb – Commissioner, Aged Care Quality & Safety Commission

## Panel

- Mel Metz – Deputy Commissioner
- Peter Edwards – Executive Director, Compliance and Enforcement
- Amanda Innes Brown – Director, Compliance and Enforcement
- Paul Heinemann – A/g Executive Director, Risk Intake and Inspectorate
- Scott Rumbold – Senior Director, Compliance and Enforcement
- Tim Davies – Senior Director, Enforcement







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# Mel Metz

Deputy Commissioner, Sector Capability and  
Regulatory Strategy

*Topic: Overview of the Commission's Regulatory  
Strategy under the new Aged Care Act*



# New Act and the role of the Commission

- The new Act sets out the functions of the Commission which include safeguarding, engagement and education.
- This means:
  - protecting the safety and well-being of older people
  - promoting quality care
  - engaging with stakeholders (this includes educating providers on their responsibilities and working with them to improve care standards).





# A flexible regulatory model

- The new aged care regulatory model sets out how the aged care sector will operate when the new Act starts.
- The regulatory model under the new Act is designed to operate flexibly.
- The Commission will have a range of regulatory responses available to address incidents and risk.
- These regulatory tools align with the powers available to other Commonwealth Regulators under the Regulatory Powers (Standard Provisions) Act.



# Regulation – our framework and strategy

Our regulatory approach and strategy has been built on:

- Recommendations from the **Royal Commission into Aged Care Quality and Safety** (as does the new regulatory model)
- Modern regulatory principles including the **Australian Government's *Regulator Performance Guide*** and best practice principles





# Regulation – our approach and strategy

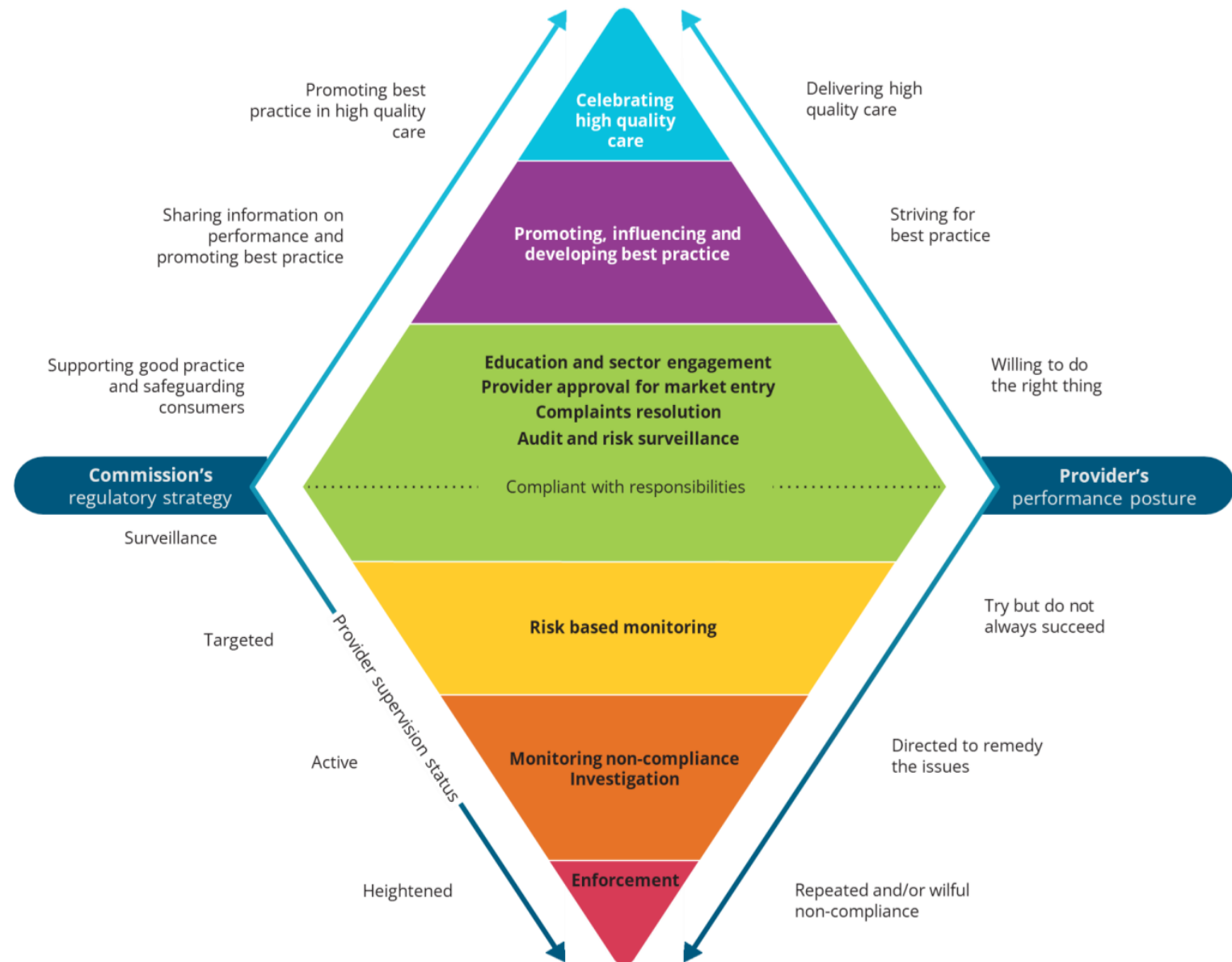
The guide sets expectations for regulator performance and reporting using 3 principles of best practice:

- **Continuous improvement and building trust**
- **Risk based and data driven**
- **Collaboration and engagement**



# The Regulatory Diamond

We adopt a proportionate, fair and balanced response to risk when providers are willing and able to do the right thing and we can see that they strive to deliver high-quality care.



# Regulation – our approach and strategy

- **Relational regulation is at the heart of our approach**
- We seek to build trust-based, respectful relationships with providers
- Intervention includes dialogue, shared understanding and support

While we will act decisively when needed, we also want providers to see the Commission as a partner in delivering safe, high-quality aged care - not just a compliance body.







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# Peter Edwards

Executive Director, Compliance and  
Enforcement

*Topic: Supporting providers to meet their obligations  
and manage compliance risks*



# Our primary objective

To create an environment in which providers are **suitably incentivised** and **equipped** to **actively work to meet their obligations**.

When they fall short, **we want them equally committed to investing in fixing those compliance issues**.



# Word of the day: assurance

Our aim is to equip providers with the **guidance and tools** to assure:

- themselves that they are **meeting their obligations**
- us that they have a **suitable plan to manage a compliance risk** when we detect it
- us that this **plan is implemented**.

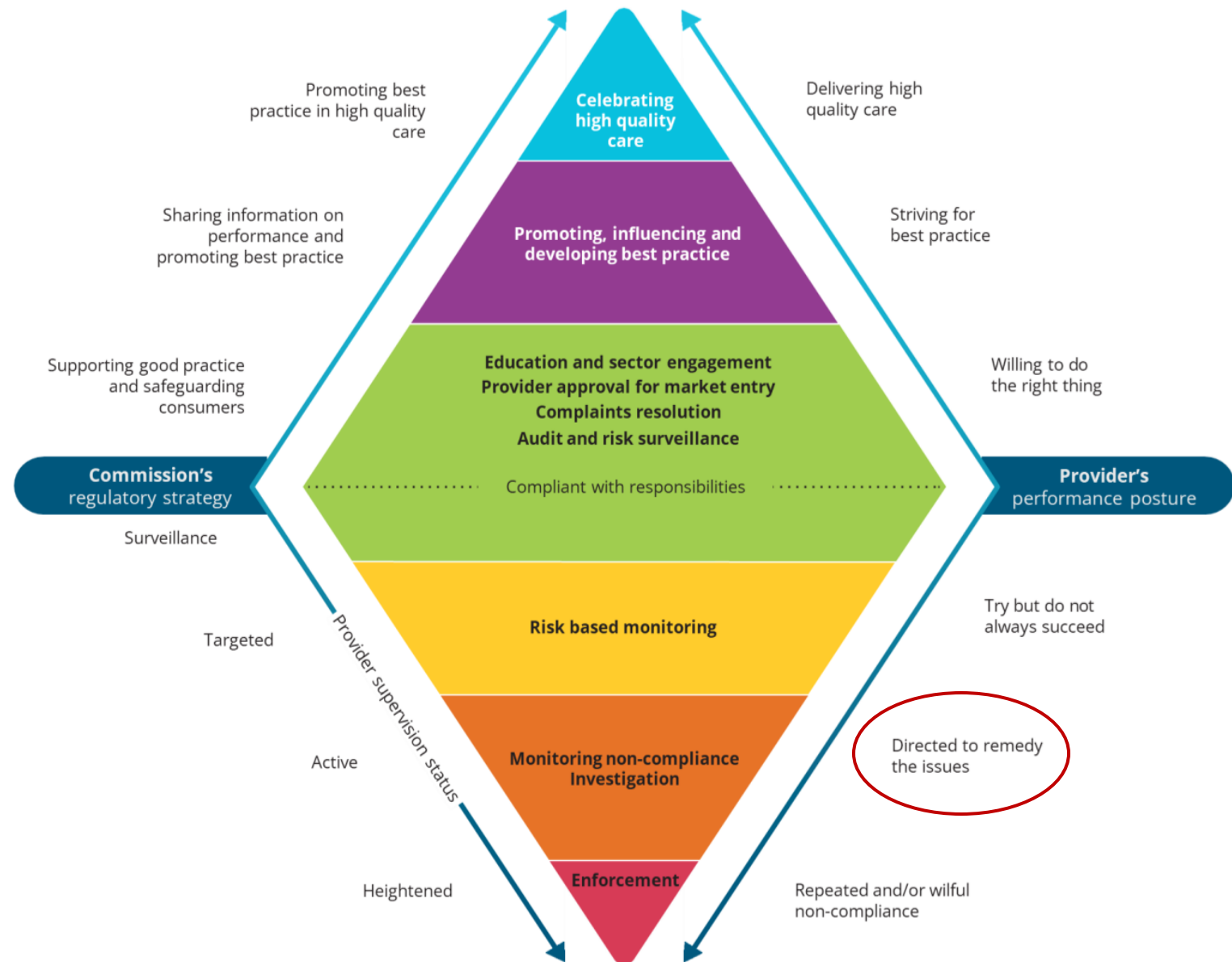
Failure to give the Commission adequate assurance is from where all other regulatory action tends to flow.





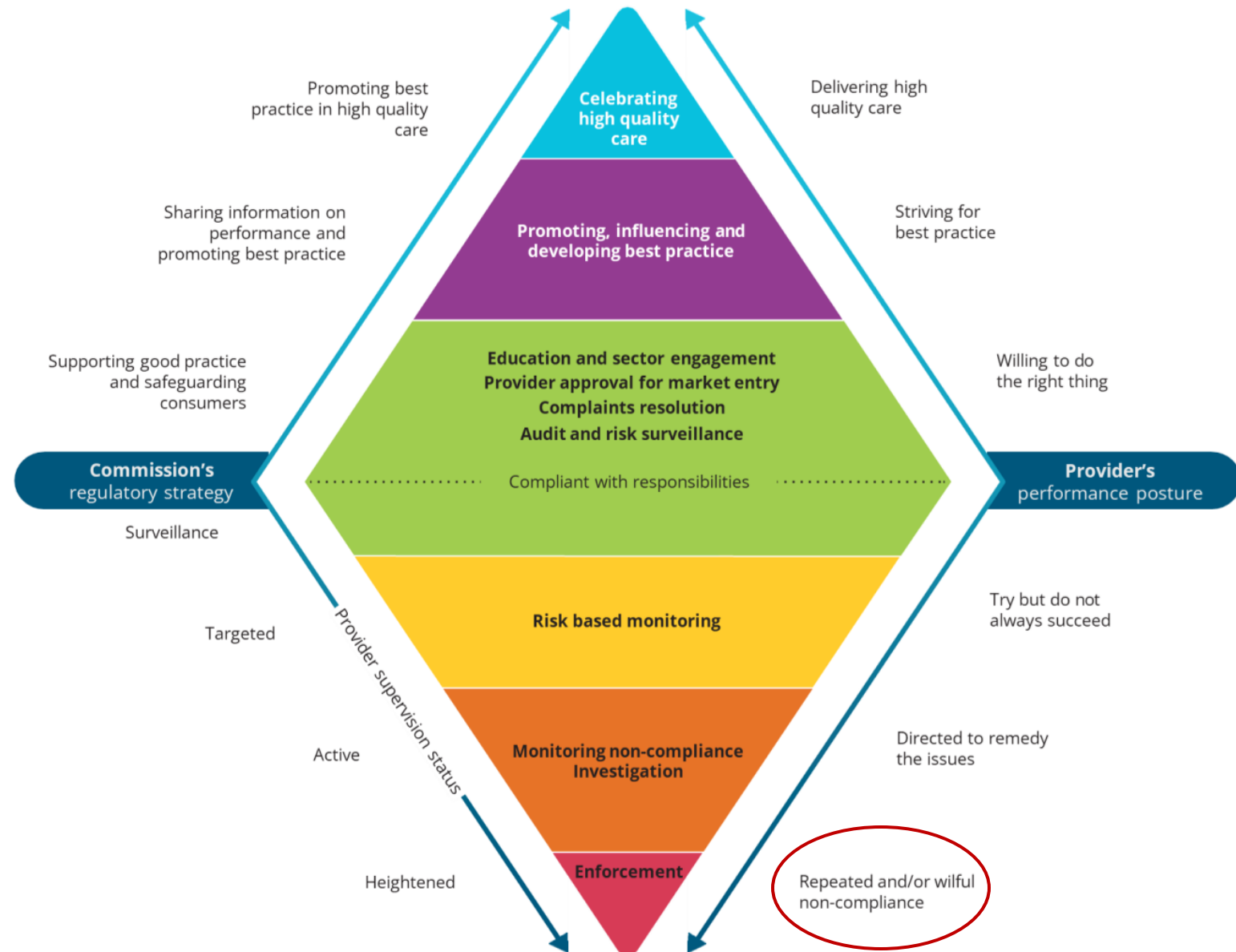
# When we detect a compliance risk

- There is a **window of opportunity** for a provider to show their willingness and ability to **manage the risk**.
- The size of that window of opportunity will depend on the level of risk the non-compliance poses to people receiving care.



# When we detect a compliance risk

- Failure to manage the risk will result in the Commission **forcing the provider to comply** with their obligations or face a **penalty**.



# Use the window of opportunity to assure us

Providers that successfully manage compliance risks:

- deliver **safe, high-quality services** to older people in their care
- avoid being subjected to a Commission investigation for **breaching the Code of Conduct** or a **condition of registration**, which attract **court-imposed consequences**
- avoid other **enforcement** penalties, including **sanctions**.



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## Regulatory Strategy 2024-25

Version 2.0 | August 2024



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Engage  
Empower  
Safeguard





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# Amanda Innes-Brown

Director Risk Intake and Analysis





### **Surveillance**

Providers who only require surveillance represent the lowest risk cohort.



### **Targeted supervision**

Targeted supervision in most circumstances will involve the Commission taking regulatory action to manage specific events or issues.



### **Active supervision**

Providers are assigned an active supervision status where high-level risks are identified that are most effectively dealt with at a provider level.



### **Heightened supervision**

Only a small number of providers will be assigned into heightened supervision, representing a cohort that is the highest risk caseload and one the Commission has most concern over.



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# Paul Heinemann

Acting Executive Director, Risk Intake and  
Inspectorate

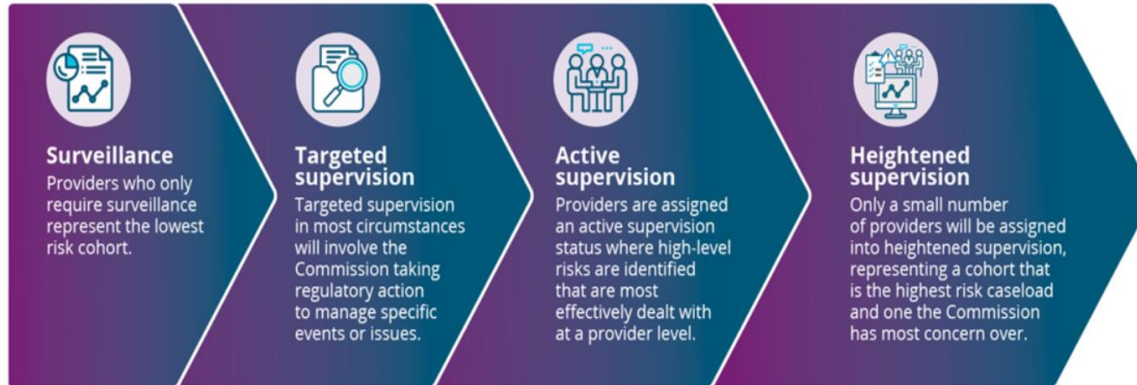
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# Inspectorate



**Our primary verification arm**  
to prevent & respond to heightened risks and/or risk of harms



**Timely and consistent** monitoring and engagement responses with providers



**Collaborative regulation** working across teams for optimal outcomes

## Why we need it

- Brings together 'like' functional teams into a single function
- Provides an effective pathway to engage with providers and workers where an escalated response is required to identified risk in a timely way
- Does responsive and preventative forms of regulation
- Ensuring provider risk controls are functioning properly
- Monitoring and managing non-compliance

## What it will do

- Educate providers & workers
- Analyse, monitor and restore risk controls
- Utilise regulatory powers to collect evidence where required
- Scope includes:
  - Quality and safety monitoring, including incident management systems
  - Financial, prudential and governance monitoring
  - Worker conduct monitoring

## How it will operate

- Take incoming assessed and prioritised risks as an input
- Use monitoring methods to dig deeper, manage and restore risk controls
- Hold providers accountable to take actions to remedy risks and will use compliance tools within the functions scope
- Collaborate with RIA, risk committees, response oversight managers and SMEs

## Monitoring Methodologies

### Targeted Enquiry

Requesting more information

### Inspection

Monitoring a provider / worker

### Targeted Review

Monitoring a cohort (sector risk)

## Modes

### Field based / Onsite

Involves site visits

### Desk Based

No site visits, but may incorporate online meetings, telephone calls



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# Scott Rumbold

Senior Director Compliance



# Case management

A key part of the Supervision Model is case management

## **Case management is used to engage with providers to:**

- Establish a shared understanding of the causes of non-compliance and risks to older people in the provider's care.
- Set clear expectations for improvement
- Set incentives for taking quick and effective action to address issues and deliver sustainable improvements.
- Monitor progress and continuously check the level of risk to older people and determine any additional actions required.



# Compliance Actions

- Encourage and support providers and workers to meet their obligations and deliver best practice aged care services.
- Focus on providers assuring the Commission they remedy non-compliance and take steps to prevent the non-compliance from reoccurring.
- Aimed at fixing non-compliance
- Formal compliance action where providers or workers don't respond quickly or appropriately to non-compliance, or repeatedly fail to meet their obligations







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# Tim Davies

Senior Director Enforcement

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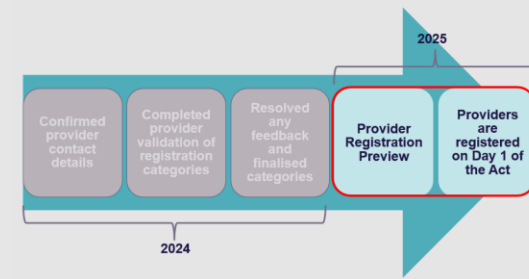
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# Questions





# Deeming



## Provider Registration Preview

- **Early April** - Provider Registration Preview email sent.
- **April - 1 June** - Providers to review PDF. You have until **5pm AEST 1 June** to update your details:
  - If information is correct – do nothing!
  - If information incorrect – Detailed instructions for all potential changes will be in the provider registration preview PDF
- **2 – 30 June** - Provider details are fixed and cannot be changed during this time.

## Providers are registered on Day 1 of the Act

- **1 July** - Providers will be deemed ready for commencement of the new Act.





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