

Regulatory Strategy 2025-26

Version 0.2 | Consultation draft



Australian Government

Aged Care Quality and Safety Commission

Engage
Empower
Safeguard



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1. Our regulatory purpose

1.1. Governance of the aged care system

The Australian Government-funded aged care system is jointly governed by the Aged Care Quality and Safety Commissioner (Commissioner), the Complaints Commissioner, and the Secretary of the Department of Health, Disability and Ageing (Department). The Aged Care Quality and Safety Commission (Commission) assists the Commissioner and Complaints Commissioner to perform their functions by regulating the delivery of aged care services.

The Commission and the Department govern the aged care system in collaboration, to support a transparent and sustainable aged care system which delivers high quality care and services for older people. To understand and support the sector, we use consultative forums to listen to older people and their supporters, providers, workers, peak and sector bodies. We ask for feedback and discuss emerging issues, including how we respond to non-compliance.

A [Memorandum of Understanding](#) supports our relationship with the Department. It explains our commitment to working together through joint stewardship and how we share information to uphold the rights of older people and support the sector.

Where appropriate we coordinate and align our regulatory approach with other care and support sectors to support better outcomes for older people. This includes seeking alignment with and cooperation from:

- [NDIS Quality and Safeguards Commission](#)
- [Australian Commission on Safety and Quality in Health Care](#)
- [Australian Health Practitioner Regulation Agency](#)
- [Fair Work Ombudsman](#)
- State and Territory Coroners and Police, and
- [State and Territory health complaint entities](#).

As partners in the governance of the aged care system, we remain accountable to the Minister for Aged Care and Seniors, the [Aged Care Quality and Safety Advisory Council](#) and the [Inspector-General of Aged Care](#).



Our legislative and self-initiating reporting informs government about emerging trends, issues or risks relating to the Health, Disability and Ageing portfolio.

1.2. Functions of the Commissioners

The Commissioners' functions are the powers and responsibilities assigned under the [Aged Care Act 2024](#) (the Act). They give the Commissioners and the Commission the authority to regulate the provision of aged care services and deliver government's strategic priorities for the aged care system. The Commissioners' functions include:

- **Safeguarding functions** to uphold the rights of older people and protect and enhance their safety, health, wellbeing and quality of life. We do this by promoting continuous improvement to build confidence and trust in the aged care system. We hold providers accountable for meeting their obligations. We do this through dealing with disclosures and serious incidents, risk-based monitoring, managing non-compliance and taking enforcement action. We protect continuity of care by monitoring providers' financial viability and sustainability and proactively managing financial risks.
- **Engagement and education functions** to learn from older people and build the capability of the aged care sector. We do this by listening to the experiences of older people, developing and promoting best practice models for how older people, providers and workers engage with each other, and educating providers, workers, older people and others on their rights and obligations.
- **Registration of providers functions** to manage who enters the funded aged care market and how they participate in the aged care system. We do this by registering providers to deliver aged care, and varying, suspending or revoking registration where providers do not have the capability, commitment or capacity to comply with their obligations and deliver quality and safe care.
- **Complaints functions** to uphold the rights of older people and resolve their complaints or concerns with meaningful and restorative outcomes. We do this by dealing with complaints and feedback about providers and workers, helping older people and their supporters to make complaints and give feedback, including by



working with independent aged care advocates. We promote best-practice complaint handling to build a culture of continuous improvement and open disclosure across the aged care sector.

1.3. Expectations for the Commission

We are a rights-based, risk-led regulator that supports government's objectives of ensuring the safety, dignity and wellbeing of every older person accessing funded aged care services. This means the rights of older people are at the centre of everything we do, focussing our regulatory attention on the issues that present the most risk to older people, and driving continuous improvement in the aged care sector.

You can expect the Commission to take an approach to regulation that promotes the development of a sustainable, resilient and trusted aged care system. We want to see providers upholding the rights of older people, being proactive and innovative in the care they provide, and supporting a skilled and caring workforce.

The [Statement of Principles](#) shapes how we perform our functions and regulate an aged care system that puts the safety and quality of care for older people first, recognises their rights and supports them to be autonomous and self-determined. You can expect us to use these principles to guide our performance of our functions, including through strengthening the capability of providers, supporting trained and qualified workers, promoting innovation and driving continuous improvement towards high quality care.

You can expect the Commission to work with providers and older people to understand the realities of delivering funded aged care services and the experience of receiving those services. We listen to complaints and feedback to drive continuous improvement, and support innovation by identifying best practice models and promoting them across the aged care sector.

We are committed to being a best-practice regulator, and will be fair, balanced and effective in our actions following best-practice regulatory principles. We are objective and transparent when we engage with older people, providers and workers and are committed to our [Service Charter](#). You can expect our decisions to be consistent, outcome-focused and evidence-based, and that we will be timely and proportionate in our responses to the risks faced by older people.



1.4. Expectations of the sector

We expect the aged care sector to use their aged care funding to deliver rights-based, safe, person-centred, quality care through a skilled and sustainable aged care workforce.

Providers must recruit, train, support and retain a skilled and dedicated workforce. We expect them to engage with, educate and learn from their workers.

Providers must uphold and empower older people to assert their rights. We expect them to listen to older people when they share what quality care means for them.

Providers must show us they are willing and able to comply with their obligations. We expect them to continuously improve toward delivering high quality care.

When things go wrong, we expect providers to:

- proactively **remedy** non-compliance
- be open with and listen to older people to **restore** their trust in the care they are receiving
- take steps to **prevent** non-compliance from happening again.



Providers understand and fix what went wrong.

Remedy



Providers listen to and partner with older people to restore their trust in care.

Restore



Providers take action to prevent the issue from happening again.

Prevent



Responsible persons must lead their organisations in a way that prioritises the rights and interests of older people. Responsible persons are also expected to proactively understand and control risks relevant to their operations and drive a culture of continuous improvement through effective governance and leadership.

Aged care workers deliver a great care experience when they support older people to maintain their dignity and autonomy by taking a person-centred, trauma-informed approach that recognises the diversity and different social, cultural and clinical needs of older people. We expect them to follow the [Code of Conduct](#), deliver rights-based care and speak up when they know providers are not meeting their obligations, or the health and safety of older people is at risk.

Digital platform operators are many people's starting point in the aged care system. We expect them to diligently check providers and workers presented on their platform. We also expect them to transparently and accurately publish information to help older people make informed choices about the care they receive, and comply with their reporting and record-keeping obligations.

1.5. Commitment to the public

Older people deserve an aged care system that:

- they can trust
- upholds their rights
- treats them with dignity and respect
- is sustainable
- is value for money.

Everyone should feel confident that when they need aged care, their rights and needs will be respected, and they will be treated as a unique individual.

Our commitment to the public is for an aged care system that people can trust by:

- regulating the aged care sector in a targeted, responsive and proportionate way
- supporting innovation and driving continuous improvement
- building a transparent and sustainable aged care system that puts older people first.



Older people entering the aged care sector should be able to choose their own providers and be confident every provider we have registered is suitable to deliver aged care. We recognise providers that are getting it right, share this with other providers, and encourage continuous improvement towards high quality care. We will supervise providers when they need to improve how they deliver safe and quality care and support them to do so. When they cannot show us they are suitable to deliver funded aged care services, we will remove them from the sector.

Older people should feel confident that when they speak up about care that is unsafe or does not meet their needs, [they will be listened to](#). When we find care that does not meet our expectations, we:

- work to understand what has caused the issue and how to fix it
- engage with everyone involved to find a meaningful resolution and restore trust.

Our approach to quality care is not about doing things for or to older people, but with them, to restore and maintain trust in the aged care system.

If providers or workers are not delivering safe and quality care, we will seek greater assurance beyond our usual monitoring that they are willing and able to meet their obligations. We do not accept significant risks to the health, safety, well-being or quality of life of older people. We will restrict or remove providers, responsible persons or workers from the aged care market if they:

- are not willing or able to meet the Quality Standards or comply with their obligations
- pose a serious or severe risk.



2. Our regulatory priorities

Our regulatory priorities are to:

- protect older people receiving funded aged care services
- drive continuous improvement in the aged care sector
- build public confidence and trust in the aged care system.

These priorities shape how we meet our regulatory purpose, perform our functions and make our decisions.

2.1. Protecting older people

Protecting older people involves recognising that every person is unique, with different aspirations, goals and needs. Older people must be afforded the dignity to take personal risks and make choices for themselves, just like anyone else. This does not reduce or limit their entitlement to quality and safe care, whatever their ability or level of autonomy.

We are careful not to limit older people's autonomy by making assumptions about their ability or frailty; where they cannot advocate for themselves, we respect older people's right to express whatever wishes and preferences they can, and rely on supported decision-making to fill in any gaps.

The aged care system should:

- support older people in their decisions and to maintain their independence
- protect older people at increased risk of harm who cannot advocate for themselves.

We regulate in a way that is led by, and in proportion to, risk to older people. We protect older people through prevention and response.

Through **prevention** we use data and regulatory intelligence to find risks early. We then base our engagement with the sector and our regulatory campaigns on reducing these risks. Our regulatory campaigns address risks or patterns of under-performance across the sector. During regulatory campaigns we use engagement, education and targeted monitoring to build sector capability and improve provider's capability to prevent harm to older people. If a regulatory campaign results in compliance and enforcement action, we



will use it as an example during education and engagement to highlight our expectations and build the sector's understanding of the consequences of non-compliance.

Through **response** we find risks to older people or failures in care during surveillance of providers and workers. We base our response to risk on our [Supervision Model](#) which:

- assesses a provider's ability to manage risk
- adjusts the intensity of our engagement to match the risk.

If a provider cannot show they are effectively managing risks or non-compliance, we increase our monitoring and supervision. We can use our functions and powers to make them change their behaviour and deliver quality and safe care. The Supervision Model allows us to use our influence and legislated powers to achieve good outcomes for older people quickly.

We have a range of regulatory tools to encourage or compel providers or workers to change their behaviour. Usually, we support them to comply with their obligations. But we have a low tolerance for providers or workers that are unwilling to mitigate risk, or respond poorly to our support. If we find serious or systemic failures, we can take enforcement actions, including fines or court orders. If a provider or worker's participation in the aged care system causes ongoing or significant risks to older people, we can remove them from the sector and ban them from delivering funded aged care services.

2.2. Continuous improvement

A successful aged care sector not only protects the safety, health, wellbeing and quality of life of older people, but continuously improves towards high quality care. High quality care means putting older people first and upholding their rights under the [Statement of Rights](#). The Commission is committed to continuously improving the way we deal with risks across the aged care sector, including through listening and learning from older people, their supporters and the regulated community.

All providers have an obligation to show they are committed to continuously improve towards high quality care. This involves:

- listening to older people as unique individuals with different care needs



- engaging with workers on what a great care experience means
- finding the root cause of serious incidents and complaints and making meaningful changes to prevent them from happening again
- restoring the trust and confidence of people receiving care when things go wrong.

We recognise residential providers who show their commitment to high quality care by awarding them an 'exceeding' audit grade. The exceeding grade celebrates residential care homes that go beyond just complying with their obligations. It encourages them to keep delivering excellent care as an example for the sector. We work with the Department to also recognise these providers through [Star Ratings](#) which are published on [My Aged Care](#).

Commission conformance outcomes

My Aged Care compliance rating

	Exceeding	
	Conforming	
	Minor non-conformance	
	Major non-conformance	



2.3. Public confidence and trust

Public confidence and trust in the aged care system begins with who is allowed to enter and participate in the government-funded aged care market. Through performing our [registration functions](#), we decide who enters the aged care market, and the conditions under which they enter. We will be rigorous when we register organisations and people by testing their commitment, capability and capacity to deliver funded aged care services.

For older people to have confidence in funded aged care services, they must trust that we will monitor providers and workers. We do this through our safeguarding functions. This includes monitoring providers' and workers' compliance with their obligations, including:

- [Aged Care Code of Conduct](#)
- [Aged Care Quality Standards](#)
- upholding the rights of older people under the Statement of Rights.

We also monitor the financial viability of providers so older people are confident the sector is sustainable and that they will receive continuity of care. We work with providers and the Department to manage financial risk through the [Financial and Prudential Standards](#).

Trust is built through transparent, respectful relationships. All providers have an obligation to have transparent, accessible, and responsive complaints and incident management systems. These systems must include older people and those supporting them in the resolution process, especially when things go wrong. Providers are accountable for these systems and how effective they are. At the same time, we build the trust and confidence of providers in the Commission through being transparent and fair in our regulatory approach.

Older people, aged care workers and others should feel confident to raise any issues or concerns. If we find people are victimised or face negative consequences for expressing their concerns, this is likely to be a breach of the [whistle-blower protections](#). We will take strong action against those responsible in line with our Managing Whistleblower Disclosures policy.

We promote confidence in the regulation of the aged care system by independently managing [complaints and feedback](#) about providers and workers. By dealing with



complaints and feedback in a way that is person-centred, timely, easy to use, and encourages restorative practices, we rebuild trust between complainants, providers and workers.

We build trust and confidence by being transparent and accountable about how we and the sector are performing. We do this by publishing:

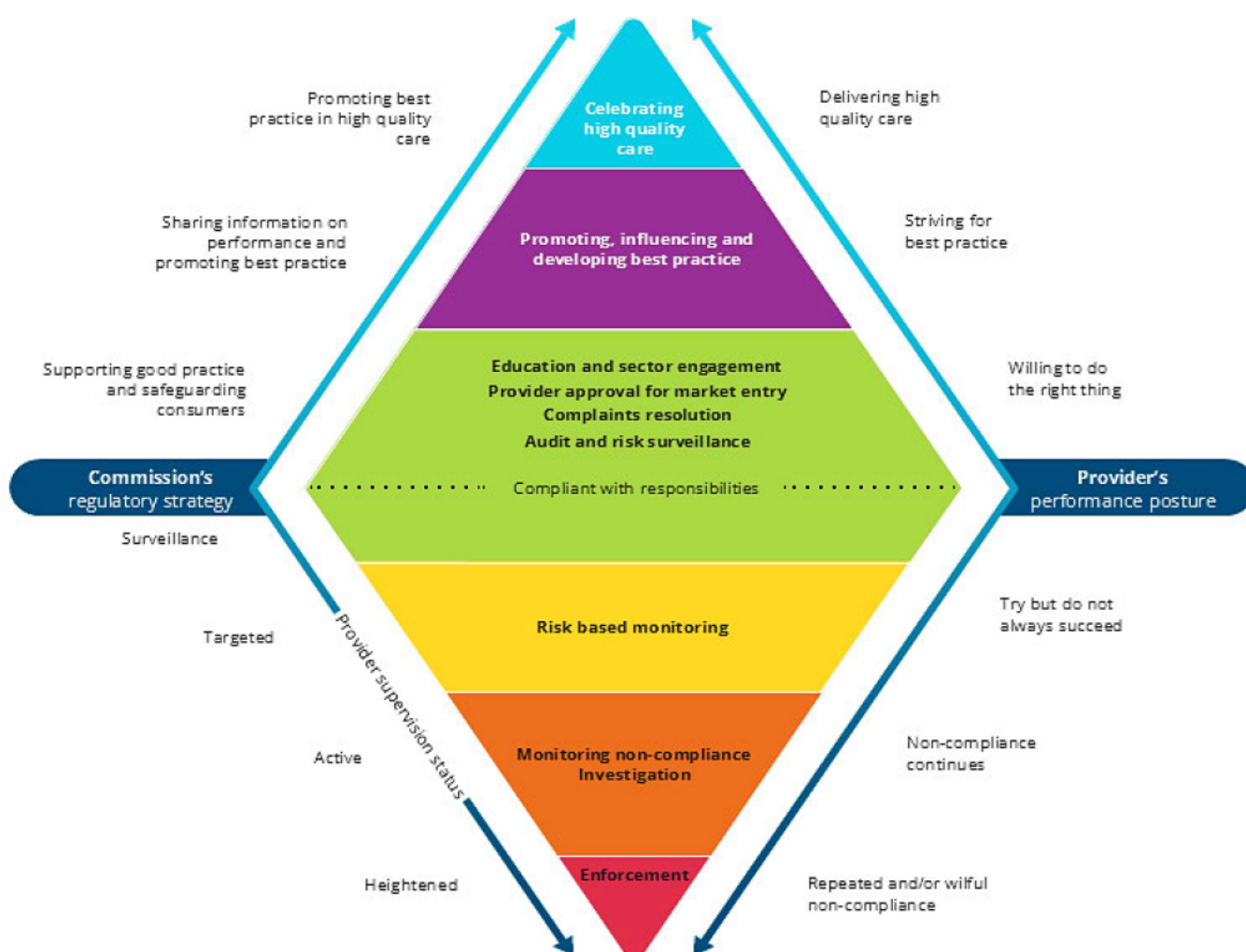
- [sector performance and insights reports](#)
- [annual reports](#) on our own performance,
- our [policies and guidance materials](#).

3. Our regulatory approach

Our regulatory approach describes how we will perform our functions and achieve our priorities. Our regulatory approach:

- is rights-based
- is risk-led and proportionate, and
- collaborates and partners with the aged care sector to get better outcomes for older people

Aged care regulatory diamond





The regulatory diamond is a summary of our approach. When providers are willing to do the right thing and strive for best practice, we support them to continuously improve and celebrate the delivery of high-quality care. When providers are not complying with their obligations and are not willing to change, we use our Supervision Model to coordinate monitoring, compliance and enforcement to encourage or compel them to improve.

3.1. Rights-based

The aged care system is designed to uphold the rights of older people under the Statement of Rights. This includes their right to:

- independence, autonomy, empowerment and freedom of choice
- equitable access
- quality and safe funded aged care services
- respect for privacy and information
- person-centred communication and the ability to raise issues without reprisal
- advocates, significant persons and social connections.

Rights are central to how we regulate the aged care sector and shape our approach. But rights mean different things to people as they age and their needs change. We know older people have spent a lifetime planning, organising and managing their own lives. When they start receiving care, we respect their autonomy by listening to them and empowering them to exercise their rights and make their own choices. If they are not able to do this on their own, we will be with them, to advocate for them, facilitate access to an independent aged care advocate and support the people who support them.

We expect providers to:

- work in partnership with older people to meet their needs, choices and preferences
- respect older people's identity
- treat older people with dignity across all aspects of their aged care experience.
- educate older people and supporters about the Statement of rights and facilitate access to independent aged care advocates to support complaints resolution processes.



When older people are prevented from exercising their rights, we use our safeguarding functions to encourage or compel providers to comply with their obligations. Our focus is always on supporting the rights of older people, protecting the quality and safety of their care and improving their care experience. Providers who are not willing or able to put practices in place to make sure their delivery of care is consistent with the rights of older people will be held to account.

A safe, accessible complaints process gives older people the confidence to tell us, or their providers, when they think their rights are not respected. It shows them we listen and work with them to find meaningful solutions towards restorative outcomes and build a better aged care system.

3.2. Risk-led and proportionate

We take a risk-led and proportionate approach to regulation. This means we focus on preventing issues that have a high risk of harm and responding where harm has already happened. The regulatory actions we take are in proportion to the level of risk faced by older people.

We have our 'eyes on' all providers and workers through risk surveillance. Every time we engage with older people, providers, people delivering care, independent aged care advocates and other agencies we develop regulatory intelligence. By analysing regulatory intelligence, we build risk-profiles to help us find providers or workers who require additional oversight. Risk-profiles help us to target our efforts, meaning we are not imposing additional burden on providers or workers that are doing the right thing.

Different sources of regulatory intelligence tell us different things, which we use for different purposes. Daily sources of intelligence give us real-time visibility of risks and issues as they happen. Quarterly and annual sources help us understand themes and trends from providers, and sector-wide or systemic risks. We focus information and data collection to confirm or better understand if a trend signifies provider or sector-wide risks.



Daily

- Enquiries and feedback
- Complaints
- Worker concerns
- Reportable incidents
- Media

Quarterly

- Financial
- Staffing
- Food and nutrition
- Quality Indicators (e.g. pressure injuries, physical restraint, unplanned weight loss, falls and major injury, medication management, activities of daily living, incontinence care, hospitalisation, workforce, consumer experience, quality of life)

Annually

- Financial statements
- Prudential compliance statement
- Consumer experience interviews
- Provider governance and operations information
- Provider governing body statement

As required

- Site audits
- Risk based monitoring
- Material changes
- Referrals from other agencies
- Research and publications

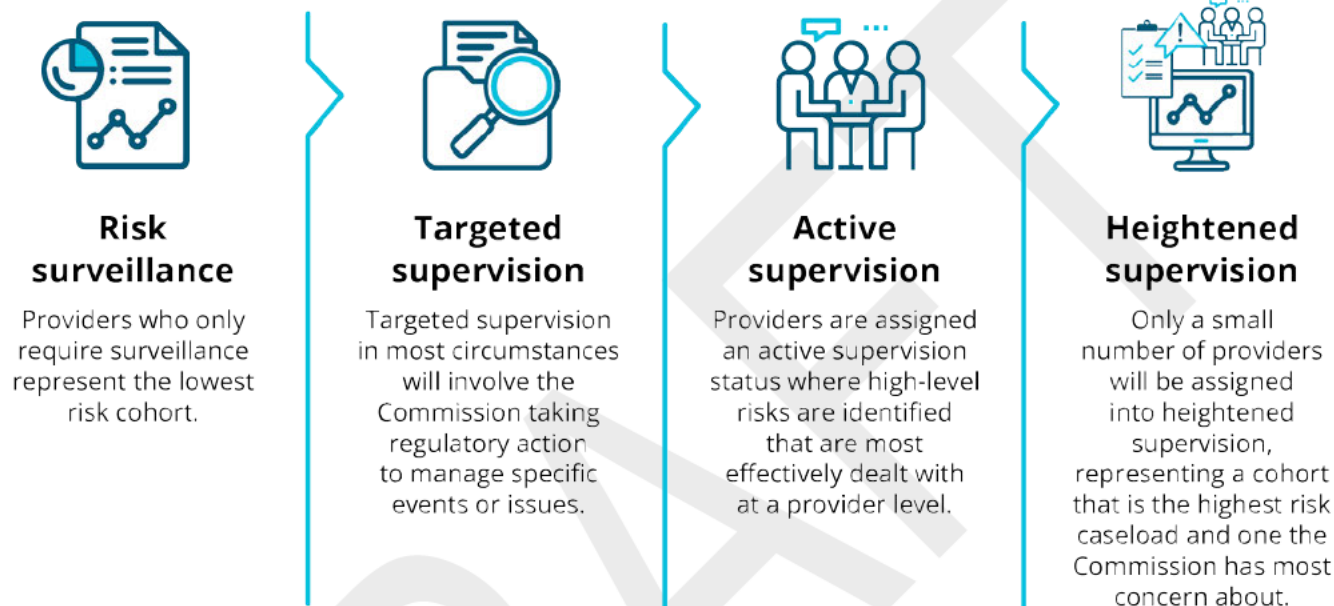


When we find risks, we engage with providers through our Supervision Model. This helps us take a proportionate approach to how we regulate. We adjust the intensity of our engagement based on how well providers can manage risks themselves. As the risk increases, or our confidence in the provider's ability to manage the risks decreases, we assign them a higher supervision status and increase our oversight of their operations.

The 4 levels of increasingly intense supervision are:

- risk surveillance
- targeted supervision
- active supervision
- heightened supervision.

Providers will be aware they are under a different level of supervision through our engagement with them. Supervision status can change at any time based on information we have, the level of risk and the provider's ability and willingness to manage that risk.



When we respond to a risk or issue, we have a range of monitoring, compliance and enforcement actions we can take following our [Compliance and Enforcement Policy](#). Our actions depend on the nature of the risk to older people, and how willing the provider or worker are to change. If they are using their best efforts and are committed to complying with their obligations, we will support them to improve and manage the risks through our engagement. If they are repeatedly or wilfully non-compliant or are putting older people at risk, we will compel (force) them to change their behaviour. We may also seek penalties to deter similar behaviour in the future or seek compensation on behalf of affected older people where serious failure in the providers conduct causing serious injury or illness.



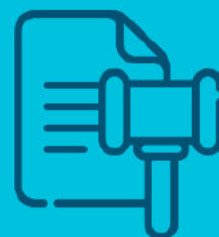
Monitoring

- Targeted enquiries
- Inspections
- Reviews
- Investigations



Compliance

- Requirements to take certain specified actions
- Compliance notices
- Enforceable undertaking
- Conditions of registration
- Suspension
- Injunctions



Enforcement

- Infringement notices
- Removing registration categories
- Removing residential care homes
- Court orders including penalties and compensation
- Revocation
- Banning orders

3.3. Collaboration and partnerships

We are more than just a regulator – we are a partner in rights-based care and collaborate with stakeholders to safeguard older people and improve the aged care system. A rights-based aged care sector is built on listening learning, and collaboration. It is built on partnerships with older people and their supporters, providers, aged care workers, sector peak bodies, health care providers, researchers and training organisations. We know everyone involved in delivering and receiving funded aged care services has an important point of view and role in upholding the rights of older people and continuously improving the sector. Establishing partnerships and collaborating across the aged care system helps us understand what's working well and what needs improvement, and this tells us where we need to focus our regulatory attention.



Every conversation we have, action we take and decision we make is an opportunity to listen to older people and their supporters. This helps us understand what is important to them, what they need from us and how we can improve their care experience.

We do this when we deal with complaints and as part of our audit, monitoring and compliance activities. We listen to older people and their supporters through the [Consumers and Families Panel](#). We also listen to and consult with groups that represent older people receiving aged care services and their supporters such as the [Older Persons Advocacy Network](#) and [Council for the Ageing](#).

We are committed to making sure quality, culturally appropriate and safe aged care is delivered to First Nations and culturally and linguistically diverse (CALD) older people. First Nations and CALD aged care reference groups are partners with us to ensure our regulatory approach and [resources](#) are meaningful, relevant and accessible for everyone.

We partner with providers to support them to deliver rights-based care. Building relationships with leaders and engaging with peak bodies helps us deliver targeted communication and education. Publishing insights shows the sector examples of good performance and lets providers compare themselves with others. We also ask for feedback on our resources and guidance through the [provider engagement register](#).

We engage with aged care workers to learn about the quality and safety of care, including when they make complaints or give us feedback about a provider or other aged care workers. We also engage with worker representatives and associations to raise awareness and discuss reforms impacting workers. We ask for feedback from workers through our [aged care worker engagement register](#). This gives us valuable insights on our policies, resources and education.

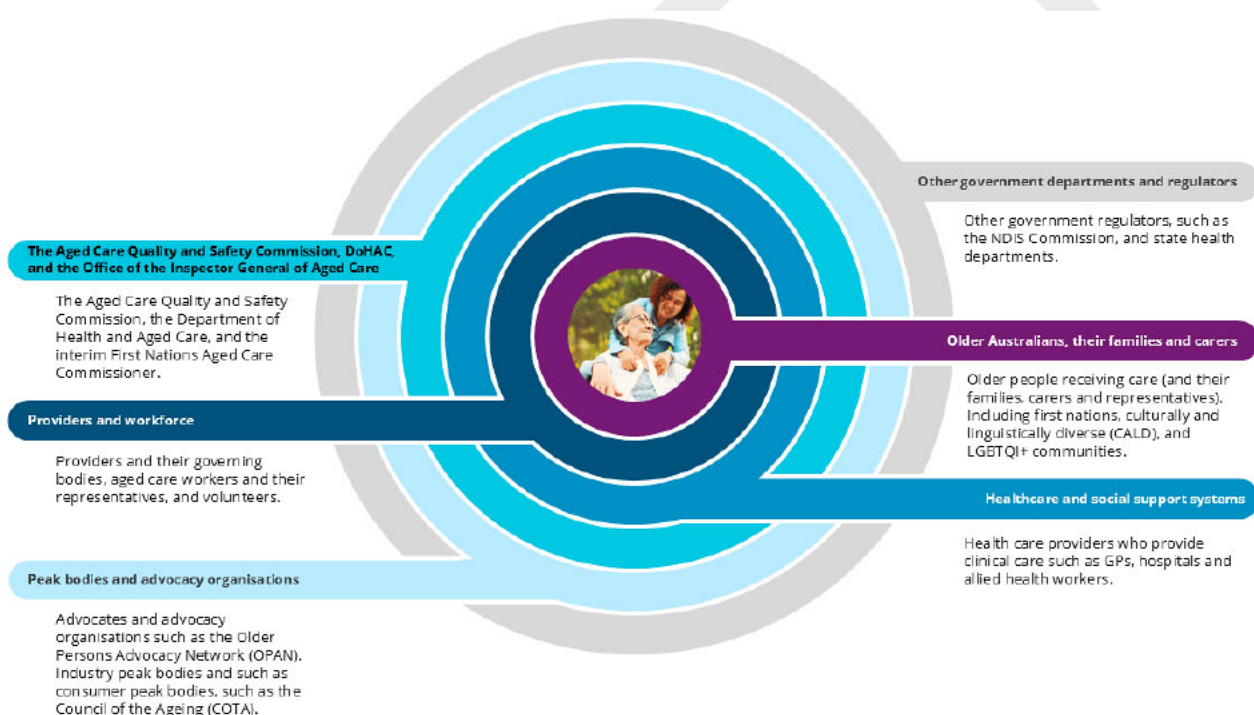
Our partnerships with other government agencies and regulators in the care and support economy helps us share information and collaboratively manage risks to people experiencing increased vulnerability. These arrangements have been formalised with partners across the care and support sector through [Memoranda of Understanding](#)

We work with the Department to monitor and evaluate the effectiveness of the regulatory framework, including through consultation with the sector and other stakeholders. We will



use the outcomes of these evaluation processes to drive continuous improvement in the aged care system. This includes identifying opportunities to refine the regulatory framework and building the capability of registered providers, responsible persons and aged care workers.

The Commission collaborates with registered providers and experts to tackle shared challenges, through sharing knowledge, intelligence and insights to gain a better understanding of sector risks and issues. Building on these partnerships to identify and promote innovative solutions to complex problems and develop best-practice guidance and education resources.



Working with our Chief Clinical Advisor, we foster partnerships with universities, state and territory governments, domestic and international research institutes, advisory bodies, government research programs, communities of practice and other experts. We also sit on advisory committees for research projects and boards. This allows the Commission to support innovative, evidence-based developments in policy and best-practice in the aged care sector, driving continuous improvement and better outcomes for older people.



4. Governance and accountability

As a national regulator, we are accountable to the public through the Parliament of Australia for our performance.

We must meet performance, transparency and reporting obligations. These are set out in the [Public Governance, Performance and Accountability Act 2013](#) and the Aged Care Act. We report our performance through our [Corporate Plan](#) and [Annual Report](#) to the Minister for Aged Care and Seniors, and to the Minister for Finance.

The Complaints Commissioner also has specific reporting obligations. These include an annual report about their complaints functions, and an in-depth account of their operations directly to the Minister.

Integrity is embedded into every aspect of our operations and central to our regulatory culture. Our integrity framework consists of:

- policies and procedures in line with the [Australian Public Service Code of Conduct](#)
- support and guidance for decision-makers
- evidence-based risk identification
- internal review and reconsideration for [providers, workers](#) and [anyone who makes a complaint](#).

We actively ask for feedback and welcome complaints about our operations. They are an opportunity for continuous improvement and to be more transparent and accountable. Anyone can raise a [complaint or offer feedback about our services](#) and the decisions we make. People can also make complaints to the [Commonwealth Ombudsman](#) about administrative actions we make. The Ombudsman can make findings that our actions were wrong, unjust, unlawful, discriminatory or unfair, but unmake or remake our decisions.

We continuously improve our transparency through publishing:

- [annual reports](#)
- [policies](#)
- [sector performance reports](#)
- [compliance management insight reports](#)



- [serious incident response scheme insight reports](#).

We are transparent about how we regulate, what guides our decisions and how we are performing. We build trust and confidence in our role by:

- being open to external scrutiny
- [undertaking quality assurance](#)
- focusing on consistency and fairness in how we make our decisions
- sharing information about our operations with the public.



5. Appendix: Key resources

Note: The Commission is continuing to publish more resources in the lead-up to the commencement of the *Aged Care Act 2024*. Links will be added and updated on this page in the final version of the Strategy.

Website resources

- [Code of Conduct for Aged Care resources](#)
- [Consumers and Families Panel](#)
- [First Nations hub](#)
- [Quality Standards Resource Centre](#)
- [Resource library](#)

Key policies and guides

- [Better practice guide to complaints handling in aged care services](#)
- [Compliance and Enforcement Policy](#)
- [Financial and Prudential Standards](#)
- [Provider Registration Policy](#)
- [Provider Governance Policy](#)
- Serious Incident Response Scheme (SIRS) self-service education pack for:
 - [Residential providers](#)
 - [Home care providers](#)
- [Supervision Model](#)

Website links

- [Sector performance reports](#)
- [SIRS insights reports](#)
- [Compliance management insights](#)
- [Regulatory bulletins](#)
- [Quality bulletins](#)



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