



Office of the Commissioner
Our Ref: LHW2025-09-05

Ms Debbie Martin
Commissioner
Health and Community Services Complaints Commission
191 Pulteney Street
ADELAIDE SA 5000

Dear Commissioner Martin

Further to work that has been underway between the staff of our respective agencies, I am writing to initiate an exchange of letters to formalise our information sharing arrangements. I have outlined below the proposed process for referring information between our organisations, and other mechanisms for maintaining an ongoing relationship between us.

I trust the exchange of these letters will encourage information sharing between our staff and ensure that regulatory matters are managed by the most appropriate organisation. This in turn will ensure that older people using Commonwealth-funded (funded) aged care services are well cared for and protected and may also lead to improved complaints handling for both organisations.

The Aged Care Quality and Safety Commission (the Commission) is an Australian Government statutory authority within the Health, Disability and Ageing portfolio. The Commission is the national regulator of funded aged care services, and the primary point of contact for older people and providers in relation to quality and safety in funded aged care.

With the transition to the *Aged Care Act 2024* (Aged Care Act), the Commission will assist the Aged Care Quality and Safety Commissioner and Complaints Commissioner in the performance of their functions including continuing to regulate aged care providers, responsible persons, and aged care workers. For your reference in Appendix 1, I have added a list of my functions under the *Aged Care Quality and Safety Commission Act 2018* and *Aged Care Quality and Safety Commission Rules 2018*, which will continue to operate until the Aged Care Act 2024 commences.

Under the Aged Care Act, as the Aged Care Quality and Safety Commissioner, I am responsible for:

- upholding the rights of older people according to the Statement of Rights in the Aged Care Act.
- protecting and enhancing the safety and wellbeing of people accessing funded aged care services
- engaging with people accessing funded aged care services and their supporters and representatives to develop best practice models for registered providers and aged care workers
- registering providers to deliver funded aged care services
- monitoring and enforcing the obligations of entities under the Aged Care Act including registered providers, responsible persons, aged care workers and aged care digital platform operators.
- administering the Serious Incident Response Scheme (SIRS)
- building the capability of registered providers, responsible persons and aged care workers, and empowering older people accessing funded aged care services.

The Complaints Commissioner is responsible for dealing with complaints and feedback received by the Commission about the delivery of funded aged care services, including complaints about providers, responsible persons and aged care worker compliance with the Aged Care Act.

As our organisations are both involved in dealing with complaints about registered providers and aged care workers, it is likely there will be some overlap in our respective jurisdictions. This includes regulation of Australian Health Practitioner Regulation Agency (Ahpra) registered workers, including allied health professionals and nurses, who may be either working in aged care or directly employed by aged care providers. The Commission may receive information through our complaints function or other regulatory activities, which may indicate risk when professional obligations are not being met. As such, I invite you to provide me with details on your jurisdiction, including where this intersects with the responsibilities of Ahpra.

Information Sharing

I propose that an informal approach be taken to communication between our organisations. In determining whether information should be referred, or to determine the finer points of jurisdiction, I suggest that officers within our organisations are able to contact each other by telephone or email as necessary on a case-by-case basis. A low threshold for informal contact will promote a freer flow of information and will also ensure that referrals are made only where appropriate.

However, where formal referrals are being made, or information that is protected under relevant legislation is being released, I suggest this should occur via email to the nominated contact point below. The email should clearly indicate that the information is being shared as part of a referral for consideration of further action.

Contact details:

Customer Contact Team

Aged Care Quality and Safety Commission

P: **1800 951 822**

E: **info@agedcarequality.gov.au**

Where part of a referral or consultation constitutes sharing of information which is protected information under relevant legislation, I note there are restrictions on the use of that information. These restrictions mean that a person may be guilty of an offence if they make a record of, disclose or otherwise use protected information disclosed to them, and for the purpose for which the person records, discloses or uses the protected information is not for the purpose for which the information

was disclosed. Where restricted information is shared, the status of this information will be highlighted along with any relevant obligations associated with its management.

I trust that when protected information is released to your office that appropriate procedures are in place to ensure this information is protected against misuse and is not unlawfully disclosed. I undertake that any personal or sensitive information that your office provides to me will be protected against misuse, will not be unlawfully disclosed and will be managed in accordance with the Commission's Protected Information Policy and the Privacy Act 1988.

Ongoing relationship

I propose the Exchange of Letters shall commence on the date the Health and Community Services Complaints Commission provides the letter of confirmation.

I look forward to continuing to build upon the collegial relationship between our organisations and welcome any other thoughts you may have regarding the ongoing relationship between our two organisations.

Yours sincerely



Liz Hefren-Webb

Commissioner

17 September 2025

Appendix 1

This EoL has been developed in the context of the Aged Care Quality and Safety Commission's (ACQSC) transition to the *Aged Care Act 2024* (Aged Care Act). Until the Aged Care Act and the *Aged Care Rules 2025* commence, the ACQSC will continue its regulatory operations in accordance with the *Aged Care Quality and Safety Commission Act 2018* (Commission Act) and the *Aged Care Quality and Safety Commission Rules 2018* (Commission Rules). The below information describes the ACQSC's role and functions under the Commission Act and Commission Rules.

The ACQSC is an Australian Government statutory authority within the Department of Health, Disability and Ageing. The ACQSC is the national regulator of the providers of funded aged care services including residential care, home care, and flexible care (as defined in the *Aged Care Act 1997*).

The ACQSC's primary responsibility is to regulate the performance and compliance of approved providers and the workforce in accordance with the legislative frameworks, as applicable to the ACQSC's scope as the national regulator for aged care. The ACQSC receives and resolves complaints about aged care providers, services and workers. The ACQSC invests in education and engagement to empower older people who receive aged care services. It also supports providers to understand their obligations and responsibilities, holding them accountable for their performance.

As an independent regulator, the ACQSC performs its functions and exercises its powers as set out in the Commission Act and the Commission Rules), to protect and enhance the safety, health, wellbeing and quality of life of older people who receive care and services provided by funded aged care providers.

The ACQSC's functions under the Commission Act and the Commission Rules include:

- i. To protect and enhance the safety, health, wellbeing and quality of life of aged care consumers
- ii. Approving providers and ensuring they are compliant with their responsibilities under the Commission Act and *Aged Care Act 1997*
- iii. Ensuring approved providers, governing persons and aged care workers comply with the Aged Care Code of Conduct
- iv. Engagement with older people and their supporters
- v. Resolving complaints about aged care providers
- vi. Accrediting aged care services
- vii. Educating providers and informing older people and their supporters.

15 December 2025

Ms Liz Hefren-Webb

Commissioner

Aged Care Quality and Safety Commission

Dear Commissioner, Hefren-Webb

RE: Exchange of Letters

Thank you for your letter of 17 September 2025 proposing an Exchange of Letters to formalise information-sharing arrangements between the Aged Care Quality and Safety Commission (ACQSC) and the Health and Community Services Complaints Commission (HCSCC). A collaborative relationship between our agencies will be a welcome opportunity to strengthen and safeguard the rights, wellbeing, and safety of people receiving health, community, and aged care services.

I am pleased to confirm the HCSCC's agreement to the Exchange of Letters and the commencement of the arrangements outlined in our correspondence.

The HCSCC's Functions and Jurisdiction

The Health and Community Services Complaints Commissioner is an independent statutory office established under the *Health and Community Services Complaints Act 2004 (SA)*. The Commissioner's functions include:

- Receiving, assessing, resolving complaints about health and community services
- Improving the safety and quality of health and community services
- Identifying, investigating and reporting on systemic issues of concern in health and community services.
- Promoting good complaint handling
- Monitoring trends in health and community services complaints and recommending improvements
- Providing information, education and advice about:
 - Health and community service rights and responsibilities
 - HCSCC Charter of Health and Community Services Rights
 - Complaints and good complaint handling; and
 - Providing assistance to service providers with complaints

- HCSCC has a statutory relationship with the national health practitioner registration board through the Australian Health Practitioner Regulation Agency (Ahpra).

Through these functions, the HCSCC holds jurisdiction over both health and community service providers, including aged care services delivered within South Australia where they constitute a “health service” or “community service” under the Act. This includes matters involving nationally registered health practitioners working in aged care, for whom joint jurisdiction may exist with Ahpra.

Information Sharing and Regulatory Collaboration

I support the informal and flexible approach to information sharing proposed in your letter, as this is consistent with s.84 of the HCSCC Act relating to our office proceeding with as little formality and technicality as matters permit.

Our office will adopt the administrative processes set out in your letter for informal communication and formal referrals, including use of the central email contact point for formal referrals or the release of protected information. Please note our nominated contact point details below:

Contact Details

Health and Community Services Complaints Commission

CC: Info@hcsc.sa.gov.au

The HCSCC similarly undertakes to ensure that any information shared by the ACQSC is handled securely, used only for the purpose for which it is shared, and managed in accordance with the Act, the *Privacy Act 1988*, and any protected-information restrictions flagged by your office.

I welcome the opportunity to continue building a strong working relationship between our agencies, ensuring that complaints, regulatory risks, and matters affecting older people in South Australia are addressed collaboratively and efficiently. My office is available to participate in ongoing discussions to support implementation of the new *Aged Care Act 2024* and transitional arrangements as needed.

Please accept this letter as confirmation of HCSCC’s agreement to the Exchange of Letters, effective immediately.

Yours sincerely,



Debbie Martin

Interim Health and Community Services Complaints Commissioner