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Commissioner's briefing file

Dear Commissioner

Thank you for your letter of 17 September 2025 setting out arrangements for information sharing between the Victorian Disability Worker Commission (VDWC) and the Aged Care Quality and Safety Commission (the Commission) through an exchange of letters. Given the regulatory jurisdiction of our organisations, greater sharing of information will assist us to perform our respective statutory functions.

We are pleased to confirm the agreed process for information sharing and our commitment to sharing information in accordance with our mutual obligations. Below we outline information about the Disability Worker Regulation Scheme (the Scheme) and the responsibilities of the VDWC, the Victorian Disability Worker Commissioner (Commissioner) and the Disability Worker Registration Board of Victoria (the Board) to assist with that exchange.

The Disability Worker Regulation Scheme: scope

The Scheme was established by the *Disability Service Safeguards Act 2018* (Vic) (DSS Act) and involves the regulation of all disability workers in Victoria.

Under the DSS Act, 'disability worker' is defined broadly to mean those people who directly provide disability services to a person with a disability, including people who manage or supervise people who provide disability services. 'Disability services' are those that:

- involve more than incidental contact with a person with disability, and
- are specifically provided to a person with a disability for the principal purpose of caring for, treating, or supporting that person with specified activities.

This definition covers a wide range of workers and can include workers providing services to people with disability in various settings, including aged care.

All disability workers in Victoria, registered or not, are required to comply with the Disability Service Safeguards Code of Conduct (DSS Code of Conduct).¹ The DSS Code of Conduct is the same as the NDIS Code of Conduct, which promotes consistency in obligations for Victorian disability workers, regardless of whether they provide NDIS-funded services. I note

¹ The DSS Code of Conduct can be accessed at: <https://www.vdbc.vic.gov.au/disability-worker-code-of-conduct>

that there are also similarities with the Code of Conduct for Aged Care, which is based on the NDIS Code of Conduct.

The Scheme is administered by the Board, the VDWC and the Commissioner (together, the Scheme entities).

The Board administers the Scheme's voluntary registration function for individual disability workers and monitors registered workers' compliance with registration and practice standards. The VDWC and Commissioner regulate all disability workers in Victoria, with a complaints and mandatory notifications to support identification and action regarding worker conduct.

Disability Worker Regulation Scheme: Functions

To effectively regulate the Victorian disability workforce, the Board, the VDWC and the Commissioner have functions to:

- receive and assess complaints and notifications about registered or unregistered disability workers in Victoria, including about compliance with the DSS Code of Conduct
- conduct conciliations about complaints or otherwise resolve complaints and notifications through actions such as counselling and cautions
- conduct investigations into worker conduct, and
- take a range of regulatory actions, including requiring health or performance assessments, issuing prohibition orders or referring matters to the Victorian Civil and Administrative Tribunal.

Under the Scheme, the Board and VDWC also collect and provide data for disability workforce planning and system improvements.

Shared objectives and jurisdiction

The VDWC and the Commission share common objectives of promoting the safety and wellbeing of recipients of services in disability and aged care respectively through risk-based and proportionate regulation. Specifically, each entity has functions to regulate the conduct of workers in their respective jurisdiction.

As you note in your letter of 17 September, we may at times each have jurisdiction regarding the conduct of particular workers. Given the Scheme's broad definition of 'disability worker', workers who are subject to obligations and regulation under the DSS Act may also be subject to regulation by the Commission. In some circumstances, this will be because people who work in aged care provide support services to people with disability in those settings. In addition, we are aware that some disability workers also work in aged care, or work in both disability service and aged care settings, and any concerns about the conduct of workers may be relevant to us both.

The VDWC may also regulate health professionals who are regulated by Australian Health Practitioner Regulation Agency (Ahpra). Some Ahpra-registered health professionals are also 'disability workers' where they, in Victoria, directly provide defined 'disability services' to a person with disability, or supervise or manage those who do. Such persons can simultaneously be unregistered disability workers or registered disability workers under the Scheme, and be regulated by Ahpra as health professionals.

Sharing information under the DSS Act

The VDWC will share information with the Commission in accordance with the DSS Act and other statutory obligations.

The DSS Act facilitates information sharing by the VDWC and also sets out privacy and confidentiality obligations. The DSS Act (ss 238(2), 240 and 243), authorises the disclosure of 'protected information' only in certain circumstances, including to a 'relevant entity' if the provision of information is necessary for that entity and the entity ensures privacy in its collection, storage and use of protected information (s 241). A 'relevant entity' includes a Commonwealth or State entity having functions relating to the provision of disability services (s 241(2)(d)).

The VDWC will also comply with its obligations under the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic) that relate to the use and disclosure of personal and/or health information.

We recognise the Commission's privacy obligations. We undertake that protected information received from the Commission will be treated in accordance with our statutory obligations, handled securely and only used for the purposes for which it is obtained.

Process for sharing information

The VDWC agrees with the informal approach towards information sharing proposed in your letter of 17 September 2025 to enable officers to collaborate more effectively, identifying opportunities to share information and determining which matters are appropriate for referral.

We agree to officers making contact via email and phone to discuss potential referrals as necessary on a case-by-case basis.

The VDWC will send formal referrals and protected information to the Commission's Customer Contact Team using the details set out in your letter.

We kindly request that the Commission contact the VDWC for information and protected information using the contacts in the table below:

Table 1: VDWC Information sharing contacts

Information type	VDWC contact
Request for information about conduct of unregistered or registered disability workers Requests regarding regulatory action such as prohibition orders and statements of reasons	Manager, Complaints, Investigations & Compliance
Requests for information about registered workers (including applicants for registration)	Manager, Registration Operations and Development
Referring matters or concerns regarding conduct regarding disability workers	Manager, Complaints, Investigations & Compliance

When requesting information about a disability worker, please include the worker's full name and the purpose that the information will be used for. This will help the VDWC ensure it meets its statutory obligations in relation to the proper use and disclosure of confidential information.

Proactive referrals

If permitted by law, the VDWC will advise the Commission when it takes regulatory action in relation to a disability worker and is aware that the worker is or was providing services in an aged care setting. For example, this could arise where the Victorian Disability Worker Commissioner makes an interim prohibition order against a worker who provides disability services as part of their employment with an aged care provider.

The VDWC requests that the Commission notifies it when regulatory action is taken in respect of any aged care worker providing disability services in Victoria. The VDWC also requests that, in cases where the Commission has made a banning order, the Commission provide its statement of reasons in relation to that banning order to the VDWC.

Ongoing cooperation

We agree that this Exchange of Letters commences on the date of this letter.

We thank you for your commitment to working collaboratively to achieve our mutual objectives and look forward to continuing our productive relationship as co-regulators.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Stubbs', with a stylized flourish at the end.

Dan Stubbs

Victorian Disability Worker Commissioner

7/11/2025



Office of the Commissioner
Our Ref: LHW2025-09-07

Mr Dan Stubbs
Victorian Disability Worker Commissioner
Victorian Disability Worker Commission
Level 20, 570 Bourke Street
MELBOURNE, VIC 3000

Dear Commissioner Stubbs

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 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 both have functions to resolve complaints and regulate 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 1998*.

Ongoing relationship

I propose that this Exchange of Letters commences on the date the Victoria Disability Worker Commission provides a 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, well-being 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.