

# Aged Care Quality and Safety Commission (Commissioner) Delegation (No. 6) 2022

I, Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the Aged Care Quality and Safety Commission Act 2018:

- 1. REVOKE all previous instruments of delegation made under those subsections;
- 2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item; and
- 3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this 21st day of March 2022.

J. M. Anderson

Janet Anderson Commissioner

<sup>&</sup>lt;sup>1</sup> NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

### **SCHEDULE 1**

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	Ag	ed Care Act 199	7
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
2	Request a provider to give information relevant to the provider's suitability to be a provider of aged care	Subsection 9-2(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
3	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	• SES Band 1 • EL 2
4	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
	Aged Care Quality	and Safety Com	mission Act 2018
	Information sharing	<i>y y</i>	
5	Giving information to the Secretary in certain circumstances (also see Division 2 of Part 8 of the Rules)	Subsections 56(1), 56(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
	Making information public	ly available	
6	Making information about an aged care service publicly available	Section 59	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
7	Making information about a Commonwealth funded aged care service publicly available	Section 59A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Column 1	Column 2	Column 3		
Item	Description of power or	Power or function	Delegate		
	function				
	Protected information	T			
8	Disclosure of protected	Section 61	• SES Band 1		
	information		• EL 2		
			• EL 1		
	Application for approval as provider of aged care				
9		_			
9	Approve form of application for approval as	Paragraphs 63B(2)(b),	• SES Band 1		
	provider of aged care,	63B(2)(c),	• EL 2		
	specify documents and	63B(2)(d)			
	information to accompany	03 <b>D</b> (2)( <b>u</b> )			
	application and specify fee				
	for application				
10	Request a person who has	Section 63C	SES Band 1		
	applied for approval to give		• EL 2		
	further information within a		• EL 1		
	specified period and extend				
	the period within which				
	person is to provide				
	information				
11	Decision as to whether to	Section 63D	SES Band 1		
11	approve a person as a	Section 03B	• EL 2		
	provider of aged care				
	provider or ages out		• EL 1		
12	Notify a person who has	Section 63E	• SES Band 1		
	applied for approval of		• EL 2		
	decision relating to				
	approval				
	Cessation and revocation of	f annroyal			
13	Decide whether to revoke	Section 63H	SES Band 1		
13	approval when requested	2001011 0011	• EL 2		
	by provider, notify provider				
	of decision and give				
	Secretary a copy of notice				
14	Approve form of request	Paragraphs	• SES Band 1		
	for revocation by approved	63H(2)(b),	• EL 2		
	provider, specify	63H(2)(c),			
	information or documents	63H(2)(d)			
	to accompany request and				
	specify fee				
1.5	Decide to revoke approval	Section 63J	SES Band 1		
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	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		TIV 0
	matters (no application by provider required)		• EL 2
	provider required)		
16	Notify provider that	Section 63K	SES Band 1
	revocation is being		• EL 2
	considered		
17	Notify provider that their	Section 63L	SES Band 1
	approval has been revoked		• EL 2
	or limited and notify of the		222
	revocation day		
	Imposition of sanctions by	 the Commissioner	
18	Decide to impose sanctions	Section 63N	SES Band 1
	and notify the provider of		• EL 2
	the decision		
19	Specify a day revocation	Section 63P	SES Band 1
1)	must take effect (in certain	Section 031	• EL 2
	circumstances)		EL Z
20	Specify a day when	Section 63Q	• SES Band 1
	revocation or suspension of allocation of places is to		• EL 2
	take effect		
	Notices that must, or may b		
21	Notify provider of intention	Section 63S	• SES Band 1
	to impose sanctions on the provider		• EL 2
	provider		
22	Require a provider to give	Section 63T	SES Band 1
	Commissioner an		• EL 2
	undertaking about		
	remedying non-compliance		
23	Approve form of	Paragraph	SES Band 1
	undertaking	63T(3)(b)	• EL 2
	D	0 6377	
24	Require a provider to agree	Section 63U	• SES Band 1
	to certain actions if revocation of approval is		• EL 2
	being considered		
	<i>G</i>		
25	Approve form of	Paragraphs	• SES Band 1
	application to lift sanction,	63V(2)(b),	• EL 2
	specify documents or		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	information to accompany application and specify fee	63V(2)(c), 63V(2)(d)	
26	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	• SES Band 1 • EL 2
27	Decide whether to lift sanction imposed on provider	Section 63X	• SES Band 1 • EL 2
28	Notify provider of a decision on whether to lift sanction imposed on provider	Section 63Y	• SES Band 1 • EL 2
	Powers of authorised office	rs in relation to pren	nises
29	Consider it necessary for an authorised officer to enforce powers under Division 2, Part 8 for the purpose of making a decision on an application for approval	Paragraph 64A(1)(b)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
30	Consider it necessary for an authorised officer to exercise powers under Division 2, Part 8 for the purpose of resolving a complaint or dealing with information about provider responsibilities	Paragraph 65(1)(b)	• SES Band 1 • EL 2 • EL 1
	Powers of regulatory officia	als in relation to pre	nises
31	Consider it necessary for a regulatory official to enter any premises and exercise search powers for regulatory purposes	Subsection 68(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	Identity cards		
32	Identity card to be issued to a person who is a quality	Subsections 74(1), 74(2)	• SES Band 1 • EL 2
	assessor		• EL 1
			• APS 3-6
	Compliance notices		
33	Compliance notices  Issue a written compliance	Section 74EE	SES Band 1
33	notice (or vary or revoke	Section /4EE	
	the compliance notice)		• EL 2
	Notice to attend to answer	uuestions etc.	
34	Require a person to attend	Section 74F	SES Band 1
51	before an authorised officer	Section 7 11	• EL 2
	to answer questions or give		● EL Z
	information or documents		
35	Issue a notice requiring	Section 74GA	SES Band 1
33	information or documents	Section 74GA	
	(and extend the time of the		• EL 2
	notice)		• EL 1
	notice)		
	Reconsideration and review		
36	Reconsider reviewable	Section 74L	• SES Band 1
	decision on request and		• EL 2
	give notice of decision		• EL 1 (item 1 in the
			table in section 74J
			only)
37	Reconsider reviewable	Section 74M	SES Band 1
	decision on own initiative		• EL 2
			•
	Miscellaneous		
38	Appoint an authorised	Subsections	SES Band 1
20	officer	75A(1), 75A(2)	
	officer	7371(1), 7371(2)	• EL 2
			•
39	Give a direction to	Subsection 75A(3)	• SES Band 1
	authorised officers		•

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	Aged Care Quality and Safety Commission Rules 2018		
	Dealing with complaints an	d provider responsib	pility information
40	Decide to take no further action in relation to the issue under section 14	Paragraph 13(1)(a)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
41	Take appropriate action to resolve the issue or decide to undertake a resolution process in relation to the issue under section 15	Paragraphs 13(1)(b), 13(1)(c)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
42	Decide to take no further action in relation to an issue raised in a complaint and give relevant written notices of decision	Section 14	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
43	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
44	Give notice to provider of decision to undertake a resolution process	Section 16	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
45	Decide to end a resolution process and give notice	Section 17	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
46	Give information about resolution process to person or body with sufficient interest	Section 18	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Directions		
47	Give directions to relevant providers	Section 19	<ul><li>SES Band 1</li><li>EL 2</li></ul>
48	Give notice of intention to give directions to relevant providers	Section 20	<ul><li>SES Band 1</li><li>EL 2</li></ul>
49	Give a notice of failure to comply with direction	Subsection 21(2)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
	Accreditation of residential	aged care services	
50	Approve form of application and require other information or documents to be accompanied with an application	Paragraphs 28(1)(b), 28(1)(d)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
51	Specify a fee for an application for accreditation or reaccreditation	Paragraph 28(1)(e)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
52	Decide whether to accredit a commencing service or re-accredit a recommencing service and decide whether there are areas of improvement (if the service is accredited or re- accredited)	Section 29	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
53	Give notice of a decision to accredit a commencing service or re-accredit a recommencing service	Subsection 30(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
54	Give an approved provider of a commencing service that obtains accreditation a certificate of accreditation for the service	Subsection 30(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
55	Give notice of a decision not to accredit a commencing service or re- accredit a recommencing service and a copy of any information given to the	Section 31	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

56	Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service  Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re- accreditation and give the assessment team any information or documents that accompanied the application for re- accreditation	Section 32	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
57	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
58	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	• SES Band 1
59	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
60	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
61	Prepare a performance report about a residential service and give a copy to the provider of the service	Section 40A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
62	Decide whether to re- accredit a residential service	Subsection 41(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

63	Decide the further period for which the service is accredited	Subsection 41(3)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
64	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
65	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
66	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
67	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
68	Give to an approved provider a reminder notice about the end of accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be reaccredited	Section 46	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
69	Publish decisions relating to accreditation	Section 48	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Quality reviews of services		
70	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
71	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
72	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
73	Give directions to the assessment team for a quality audit	Subsection 54(1)	• SES Band 1
74	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
75	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service and publish the report on the Commission's website	Section 57	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
76	Conduct quality review of Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines	Section 58	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Plans for continuous impro		
77	Request that approved providers o provide a copy of the plan for continuous improvement for the service	Section 63	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

78	Direct the provider to revise plan for continuous improvement and give the Commissioner a copy of the revised plan.	Section 63A	<ul> <li>Quality Assessor (member of staff of the Commission)</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Assessment contacts by reg	ulatory officials	
79	Make an assessment contact with the approved provider of an accredited service or a previously accredited service, or the home service provider of a home service in accordance with notified arrangements or at any other time (with or without notice)	Subsection 64(1)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
80	Give written notice of the arrangements for assessment contacts with the provider	Section 65	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
81	Before a visit to the premises of the service is made, give the:  • Approved provider of an accredited service or a previously accredited service a poster to inform the consumers of the service, and the nominated representatives of those consumers, about the assessment contact  • Home service provider of a home service written notice of the form of words to be used to tell the aged care consumers of the service, and the	Subsections 66(2), 66(4)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>

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	nominated representatives of those consumers, about the assessment contact		
82	Request information or documents relating to the purpose of assessment contact	Subsection 67(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
83	Prepare an assessment contact report.	Subsection 68(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
84	Give a copy of the assessment contact report prepared after an assessment contact to the provider	Subsection 68(5)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
85	Prepare a performance report, give a copy of the report to the provider and publish the report on the Commission's website	Section 68A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Review audits of accredited	services	
86	Arrange for a review audit of an accredited service to be conducted	Section 70	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
87	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
88	Give to an approved provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
89	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)	SES Band 1

90	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
91	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
92	After giving a performance report, decide whether to revoke the accreditation of the service.  If revoking, decide the date the revocation is to take	Subsections 77(1), 77(3), 77(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	effect.  If not revoking, decide whether to vary the service's period of accreditation.		
93	If revoking, give to the approved provider of the service a written notice	Section 78	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
94	Give notice of a decision not to revoke accreditation of accredited service to the approved provider of the service	Subsection 79(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
95	Provide the approved provider of the service a new certificate of accreditation for the service that states the varied period of accreditation	Subsection 79(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS4-6</li> </ul>
96	Publish, at the appropriate time, decisions relating to accreditation and performance reports	Section 80	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Monitoring of Aboriginal a		nder services
97	Monitor an Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines.	Section 86	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Registration of quality asse	ssors	
98	Approve the form of the application for registration as a quality assessor, specify any information or documents to be included and specify a fee	Paragraphs 89(2)(b), 89(2)(d), 89(2)(e)	• SES Band 1 • EL 2
99	Register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(1), 90(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
100	Refuse to register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(3), 90(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
101	Approve the form of the application to be reregistered as a quality assessor, specify any other information or documents to be included in the application and specify fee	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	• SES Band 1 • EL 2
102	Determine whether to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(1), 92(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
103	Refuse to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(3), 92(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
104	Decide to cancel a quality assessor's registration, and give written notice of the cancellation and reasons for the cancellation	Section 94	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Reportable incidents		
105	Powers relating to notices about reportable incidents	Section 95C	<ul><li>SES Band 1</li><li>EL 2</li></ul>

			<ul><li>EL 1</li><li>APS 6</li><li>APS 5</li></ul>
106	Decide certain reportable incidents not required to be notified	Section 95D	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
107	Require final report on reportable incident	Section 95E	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
108	Approve the form for the purposes of Division 4 of Part 4B of the <i>Quality of Care Principles 2014</i>	Section 95F	<ul><li>SES Band 1</li><li>EL 2</li></ul>
109	Actions in dealing with reportable incidents	Paragraphs 95G(1)(a), 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
110	Actions in dealing with reportable incidents – require a provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	• SES Band 1
111	Actions in dealing with reportable incidents – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
112	Actions in dealing with reportable incidents – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

113	Conduct an inquiry in relation to reportable incidents	Section 95H (referred to in paragraph 95G(1)(e))	<ul><li>SES Band 1</li><li>EL 2</li></ul>
114	Reconsider a complaints reviewable Commissioner decision (note restrictions on delegate selection in subsection 100(1))	(note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 100(1))	• SES Band 1 • EL 2 • EL 1
115	Reconsider a regulatory reviewable Commissioner decision (note restrictions on delegate selection in subsection 101(1))	Section 101  (note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 101(1))	• SES Band 1 • EL 2 • EL 1
116	Reconsideration of a regulatory reviewable decision on own initiative (note restrictions on delegate selection in subsection 102(1))	(note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 102(1))	• SES Band 1 • EL 2 • EL 1

117	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Information sharing and co	onfidentiality	
118	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
119	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
120	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or well-being is at risk	Section 111	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Regulatory Powers (S	Standard Provisi	ons) Act 2014
121	-	Subsections 35(1), 35(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>
122	Must take reasonable steps to return seized things under Part 3 in certain circumstances	Section 66	<ul><li>SES Band 1</li><li>EL 2</li></ul>

		T	<u></u>
123	Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018  Apply to issuing officer for an order permitting the retention of a thing seized under Part 3	Section 67	<ul><li>SES Band 1</li><li>EL 2</li></ul>
	Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018		
124	Dispose of a thing seized under Part 3 in certain circumstances  Note: the powers in Part 3 are	Section 68	SES Band 1
	triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018		
125	Issue an identity card to an authorised person  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Subsections 76(1), 76(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>
126	Issue an infringement notice as an infringement officer  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 103	• SES Band 1 • EL 2
127	Relevant chief executive may extend the period of time to pay the amount in an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 105	SES Band 1

128	Relevant chief executive may withdraw of an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 106	• SES Band 1
129	Accept an enforceable undertaking as the authorised person  Note: the powers in Part 6 are triggered by section 74EC of the Aged Care Quality and Safety Commission Act 2018	Section 114	<ul><li>SES Band 1</li><li>EL 2</li></ul>

### **SCHEDULE 2**

	Column 1	Column 2
Item	Power or function	Delegate
1	Powers and functions under Part 7B of	SES Band 1 or EL 2 officers in the
	the Aged Care Quality and Safety	branch responsible for Aged Care
	Commission Act 2018 as they relate to	Funding Instrument (ACFI)
	the enforcement of an aged care	compliance in the Department of
	responsibility referred to under	Health.
	paragraph 63-1(1)(a) or (h) of the	
	Aged Care Act 1997	



# Aged Care Quality and Safety Commission (Commissioner) Delegation (No. 7) 2022

I, Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the Aged Care Quality and Safety Commission Act 2018:

- 1. REVOKE all previous instruments of delegation made under those subsections;
- 2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item; and
- 3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this 30/11/2022 | 16:40y AFDT 2022.

Janet Anderson

Commissioner

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<sup>&</sup>lt;sup>1</sup> NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

#### **SCHEDULE 1**

	Column 1	Column 2	Column 3		
Item	Description of power or function	Power or function	Delegate		
	Aged Care Act 1997				
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	• SES Band 1 • EL 2		
2	Approve form of notification of certain events relating to key personnel of an approved provider and specify information to accompany application	Paragraphs 9-2A(2)(b), 9-2A(2)(c), 9-2A(2)(d), 9-2A(2)(e)	• SES Band 1 • EL 2		
3	Request an approved provider to give information relevant to the suitability of an individual who is a key personnel of the approved provider to be involved in the provision of aged care.	Subsection 9-2(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>		
4	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	• SES Band 1 • EL 2		
5	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul><li>SES Band 1</li><li>EL 2</li></ul>		
6	Determine whether an individual who is one of the key personnel of an approved provider, is suitable to be involved in the provision of aged care	Section 10A-2	<ul><li>SES Band 1</li><li>EL2</li><li>EL1</li></ul>		

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
7	Request to give	Subsections 52N-3(1),	SES Band 1
	information or	52N-3(3)	• EL2
	documents relating to		
	the use of refundable		
	deposit or		
	accommodation bond to		
	make a loan		
8	Determine certain	Section 63-1E	SES Band 1
	responsibilities relating		• EL 2
	to the governing body		• EL 1
	of an approved provider		
	do not apply		
9	Approve form for	Paragraphs	SES Band 1
	requesting a	63-1E(2)(b)	• EL 2
	determination that	63-1E(2)(c)	
	certain governance	63-1E(2)(d)	
	responsibilities do not		
	apply, specify		
	documents and		
	information to		
	accompany application		
	and specify fee for		
	application		
10	Decide to vary or	Section 63-1F	SES Band 1
	revoke a determination		• EL 2
	made under subsection		
	63-1E(3) on the		
	Commissioner's own		
	initiative regarding		
	governance		
	responsibilities		
	exemptions		
	*	ity and Safety Comm	ission Act 2018
	Information sharing	ny ana Dajery Comm	issiuii Alli 2010
1 1		Subsections 56(1) 56(0)	- CEC D 11
11	Giving information to	Subsections 56(1), 56(2)	• SES Band 1
	the Secretary in certain		• EL 2
	circumstances (also see		• EL 1
	Division 2 of Part 8 of		• APS 4-6
	the Rules)		
	Making information pu	l blicly available	
12	Making information	Section 59	SES Band 1
	about an aged care		• EL 2
	service publicly		
	available		• EL 1

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
13	Making information	Section 59A	• SES Band 1
	about a Commonwealth		• EL 2
	funded aged care		• EL 1
	service publicly		
	available		
	Protected information		
14	Disclosure of protected	Section 61	SES Band 1
1	information		• EL 2
			• EL 1
		l as provider of aged care	
15	Approve form of	Paragraphs 63B(2)(b),	• SES Band 1
	application for approval	63B(2)(c), 63B(2)(d)	• EL 2
	as provider of aged		
	care, specify documents		
	and information to		
	accompany application and specify fee for		
	application		
	аррисанон		
16	Request a person who	Section 63C	SES Band 1
	has applied for approval		• EL 2
	to give further		• EL 1
	information within a		
	specified period and		
	extend the period within		
	which person is to		
	provide information		
17	Decision as to whether	Section 63D	SES Band 1
1	to approve a person as a		• EL 2
	provider of aged care		• EL 1
			- 111
18	Notify a person who has	Section 63E	• SES Band 1
	applied for approval of		• EL 2
	decision relating to		
	approval		
	Cessation and revocation	n of approval	<u> </u>
19	Decide whether to	Section 63H	SES Band 1
	revoke approval when		• EL 2
	requested by provider,		- 1112
	notify provider of		
	decision and give		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	Secretary a copy of notice		
20	Approve form of request for revocation by approved provider, specify information or documents to accompany request and specify fee	Paragraphs 63H(2)(b), 63H(2)(c), 63H(2)(d)	• SES Band 1 • EL 2
21	Decide to revoke approval if satisfied of certain matters (no application by provider required)	Section 63J	• SES Band 1 • EL 2
22	Notify provider that revocation is being considered	Section 63K	• SES Band 1 • EL 2
23	Notify provider that their approval has been revoked or limited and notify of the revocation day	Section 63L	• SES Band 1 • EL 2
	<b>Imposition of sanctions</b>	by the Commissioner	l
24	Decide to impose sanctions and notify the provider of the decision	Section 63N	• SES Band 1 • EL 2
25	Specify a day revocation must take effect (in certain circumstances)	Section 63P	• SES Band 1 • EL 2
26	Specify a day when revocation or suspension of allocation of places is to take effect	Section 63Q	• SES Band 1 • EL 2
		ay be given, before sanction	ons are imposed
27	Notify provider of intention to impose	Section 63S	<ul><li>SES Band 1</li><li>EL 2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	sanctions on the provider		
28	Require a provider to give Commissioner an undertaking about remedying non-compliance	Section 63T	• SES Band 1 • EL 2
29	Approve form of undertaking	Paragraph 63T(3)(b)	• SES Band 1 • EL 2
30	Require a provider to agree to certain actions if revocation of approval is being considered	Section 63U	• SES Band 1 • EL 2
31	Approve form of application to lift sanction, specify documents or information to accompany application and specify fee	Paragraphs 63V(2)(b), 63V(2)(c), 63V(2)(d)	• SES Band 1 • EL 2
32	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	• SES Band 1 • EL 2
33	Decide whether to lift sanction imposed on provider	Section 63X	<ul><li>SES Band 1</li><li>EL 2</li></ul>
34	Notify provider of a decision on whether to lift sanction imposed on provider	Section 63Y	• SES Band 1 • EL 2
	Powers of authorised of	ficers in relation to premises	5
35	Consider it necessary for an authorised officer to enforce powers under	Paragraph 64A(1)(b)	<ul><li>SES Band 1</li><li>EL 2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function	, and the second	
	Division 2, Part 8 for		• EL 1
	the purpose of making a		
	decision on an		
	application for approval		
	officered to the control of		
36	Consider it necessary	Paragraph 65(1)(b)	SES Band 1
	for an authorised officer		• EL 2
	to exercise powers		
	under Division 2, Part 8		• EL 1
	for the purpose of		
	resolving a complaint or		
	dealing with		
	information about		
	provider responsibilities		
	Powers of regulatory of	 ficials in relation to premise	es
37	Consider it necessary	Subsection 68(1)	SES Band 1
	for a regulatory official		• EL 2
	to enter any premises		• EL 1
	and exercise search		▼ EL I
	powers for regulatory		
	purposes		
	purposes		
	<b>Identity cards</b>		
38	Identity card to be	Subsections 74(1), 74(2)	SES Band 1
	issued to a person who		• EL 2
	is a quality assessor		• EL 1
			• APS 3-6
	Compliance notices	<u>I</u>	<u> </u>
39	Issue a written	Section 74EE	SES Band 1
	compliance notice (or		• EL 2
	vary or revoke the		
	compliance notice)		
	1		
	Notice to attend to answ		
40	Require a person to	Section 74F	• SES Band 1
	attend before an		• EL 2
	authorised officer to		
	answer questions or		
	give information or		
	documents		

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
41	Require a person to attend before an authorised officer to answer questions or	Section 74FA	<ul><li>SES Band 1</li><li>EL2</li></ul>
	give information or documents relevant to compliance with the Code of Conduct of Aged Care		
42	Issue a notice requiring information or documents (and extend the time of the notice)	Section 74GA	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Banning orders		
43	Make a banning order prohibiting or restricting an individual who is or was an aged care worker, or who is or was a governing	Subsections 74GB(1), 74GB(2)	<ul><li>SES Band 1</li><li>EL2</li></ul>
	person, of an approved provider		
44	Make a banning order prohibiting or restricting an individual who has not previously been an aged care worker, or a governing person, of an approved provider	Subsections 74GB(3), 74GB(4), 74GB(5), 74GB(6)	• SES Band 1 • EL2
45	Give an individual a notice of banning order and specify applications of the banning order	Section 74GC	<ul><li>SES Band 1</li><li>EL2</li></ul>
46	Notify individual that a banning order is being considered	Section 74GE	<ul><li>SES Band 1</li><li>EL2</li></ul>
47	Decide, on own initiative, to vary or revoke a banning order made against an individual	Section 74GF	• SES Band 1 • EL2
48	Approve form of application for variation or revocation of a banning order, and	Paragraphs 74GG(2)(b), 74GG(2)(c)	<ul><li>SES Band 1</li><li>EL2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function	, and the second	
	require other documents		
	or information to be		
	accompanied with an		
	application		
49	Decide, on an	Subsection 74GG(3),	SES Band 1
	individual's application,	74GG(4), 74GG(5),	• EL2
	whether to vary or	74GG(6), 74GG(7)	
	revoke a banning order		
	made against the		
	individual		
50	Approve form of	Paragraphs 74GH(2)(b),	• SES Band 1
	application for variation	74GH(2)(c)	• EL2
	or revocation of a		
	condition to which a		
	banning order is		
	subject, and require		
	other documents or		
	information to be		
	accompanied with an		
	application		
51	Decide, on an	Subsection 74GH(3),	<ul> <li>SES Band 1</li> </ul>
	individual's application,	74GH(4), 74GH(5),	• EL2
	whether to vary or	74GH(6), 74GH(7)	
	revoke a condition to		
	which a banning order		
	is subject		
52	Establish and maintain a	Section 74GI	• SES Band 1
	register of banning		• EL2
	orders		• EL1
	Reconsideration and rev		
53	Reconsider reviewable	Section 74L	• SES Band 1
	decision on request and		• EL 2
	give notice of decision		• EL 1 (item 1 in
			the table in
			section 74J
			only)
			Omy)
54	Reconsider reviewable	Section 74M	SES Band 1
	decision on own		• EL 2
	initiative		•
	Miscellaneous		
55	Appoint an authorised	Subsections 75A(1),	SES Band 1
	officer	75A(2)	• EL 2

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
56	Give a direction to authorised officers	Subsection 75A(3)	• SES Band 1
	Aged Care Qualit	y and Safety Commiss	sion Rules 2018
		and provider responsibility	
57	Decide to take no further action in relation to the issue under section 14	Paragraph 13(1)(a)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
58	Take appropriate action to resolve the issue or decide to undertake a resolution process in relation to the issue under section 15	Paragraphs 13(1)(b), 13(1)(c)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
59	Decide to take no further action in relation to an issue raised in a complaint and give relevant written notices of decision	Section 14	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
60	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
61	Give notice to provider of decision to undertake a resolution process	Section 16	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
62	Decide to end a resolution process and give notice	Section 17	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
63	Give information about resolution process to person or body with sufficient interest	Section 18	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Directions		
64	Give directions to relevant providers	Section 19	<ul><li>SES Band 1</li><li>EL 2</li></ul>
65	Give notice of intention to give directions to relevant providers	Section 20	• SES Band 1 • EL 2
66	Give a notice of failure to comply with direction	Subsection 21(2)	• SES Band 1 • EL 2
	Taking action in relation to	Code of Conduct functions	L
67	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care	Paragraphs 23BD(1)(a), 23BD(1)(b), 23BD(1)(c)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 4-6</li></ul>
68	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – carry out an investigation	Paragraph 23BD(1)(d)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
69	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – refer information about the compliance to another person or body	Paragraph 23BD(1)(e)	• SES Band 1 • EL 2
70	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – take any other action that the Commissioner considers reasonable in the circumstances	Paragraph 23BD(1)(f)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
71	Require action by approved providers – require provider to carry out an internal investigation into the compliance and give a written report on the investigation	Paragraph 23BD(3)(a)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
72	Require action by approved providers – require provider to engage an appropriately qualified and independent expert to	Paragraph 23BD(3)(b)	SES Band 1

		Г	
	carry out an investigation		
	into the compliance and		
	give a written report on		
	the investigation		
73	Require action by	Paragraph 23BD(3)(c)	<ul> <li>SES Band 1</li> </ul>
	approved providers –		• EL 2
	require provider to		• EL 1
	undertake specified action		▼ EL 1
	in relation to the		
	compliance		
74	Require an individual to	Subsection 23BD(4)	SES Band 1
, .	undertake specified action		• EL 2
	in relation to the		• EL Z
	compliance		
75	Refer information about	Subsection 22DD(5)	- CEC D 1 1
75		Subsection 23BD(5)	• SES Band 1
	the compliance to the		• EL 2
	approved provider and		• EL 1
	require the provider to		
	take appropriate action in		
	relation to the compliance		
76	Take any other action to	Section 23BE	<ul> <li>SES Band 1</li> </ul>
	deal with the outcome of		• EL 2
	an investigation, as		• EL 1
	appropriate		
	Doing other things in relation	n to Code of Conduct function	ns
77	Give written notice	Section 23BH	<ul> <li>SES Band 1</li> </ul>
	setting out the outcomes		• EL 2
	of an investigation carried		• EL 1
	out by the Commissioner		· LL 1
	that is closed		
	Register of banning orders		
78	Consider that further	Section 23CB	SES Band 1
	information is necessary		• EL2
	to identify an individual		• BLZ
	and include that		
	information in the register		
	of banning order		
79	Consider that information	Section 23CF	SES Band 1
19	included in the register of	Section 23C1	
	banning orders in relation		• EL2
	to an individual is		• EL1
	inaccurate, out-of-date,		
	incomplete, irrelevant or		
	misleading, and correct		
	the information		
	Publication of register of ba	1	
80	Consider that publication	Subsection 23CG(3)	<ul> <li>SES Band 1</li> </ul>
	of a part of the register of		• EL2
	banning orders would be		
	contrary to public interest		

		<u> </u>	
	or the interests of one or		
	more care recipients	-11	
0.1	Accreditation of residentia		GEG D 11
81	Approve form of	Paragraphs 28(1)(b),	• SES Band 1
	application and require other information or	28(1)(d)	• EL 2
	documents to be		• EL 1
	accompanied with an		
	application		
82	Specify a fee for an	Paragraph 28(1)(e)	SES Band 1
02	application for		• EL 2
	accreditation or re-		
	accreditation		
83	Decide whether to	Section 29	SES Band 1
	accredit a commencing		• EL 2
	service or re-accredit a		• EL 1
	recommencing service		221
	and decide whether there		
	are areas of improvement		
	(if the service is		
	accredited or re-		
	accredited)		
84	Give notice of a decision	Subsection 30(1)	SES Band 1
04	to accredit a commencing	Subsection 30(1)	
	service or re-accredit a		• EL 2
	recommencing service		• EL 1
85	Give an approved	Subsection 30(2)	SES Band 1
	provider of a commencing	` /	• EL 2
	service that obtains		• EL 1
	accreditation a certificate		• APS 4-6
	of accreditation for the		A154-0
	service		
0 -		G 21	A75
86	Give notice of a decision	Section 31	• SES Band 1
	not to accredit a		• EL 2
	commencing service or		• EL 1
	re-accredit a		
	recommencing service		
	and a copy of any information given to the		
	Commissioner by the		
	Secretary that was taken		
	into account in making		
	the decision to the		
	approved provider of the		
	service		
L		I	I

87	Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re-accreditation and give the assessment team any information or documents that accompanied the application for re-accreditation	Section 32	• SES Band 1 • EL 2 • EL 1
88	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality              Assessor             (member of staff of the Commission)</li> </ul>
89	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	SES Band 1
90	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
91	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
92	Prepare a performance report about a residential service and give a copy to the provider of the service	Section 40A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
93	Decide whether to reaccredit a residential service	Subsection 41(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
94	Decide the further period for which the service is accredited	Subsection 41(3)	• SES Band 1 • EL 2

			• EL 1
95	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
96	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
97	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
98	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
99	Give to an approved provider a reminder notice about the end of accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be reaccredited	Section 46	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
100	Publish decisions relating to accreditation	Section 48	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Quality reviews of service	<u> </u>	
101	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
102	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
103	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
104	Give directions to the assessment team for a quality audit	Subsection 54(1)	• SES Band 1
105	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
106	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service and publish the report on the Commission's website	Section 57	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
107	Conduct quality review of Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines	Section 58	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality              Assessor             (member of staff             of the</li></ul>
	Plans for continuous impr	rovement	
108	Request that approved providers o provide a copy of the plan for	Section 63	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	continuous improvement for the service		• Quality Assessor (member of staff of the Commission)
109	Direct the provider to revise plan for continuous improvement and give the Commissioner a copy of the revised plan.	Section 63A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Assessment contacts by re	gulatory officials	
110	Make an assessment contact with the approved provider of an accredited service or a previously accredited service, or the home service provider of a home service in accordance with notified arrangements or at any other time (with or without notice)	Subsection 64(1)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
111	,	Section 65	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
112	Before a visit to the premises of the service is made, give the:  • Approved provider of an accredited service or a previously accredited service a poster to inform the consumers of the service, and the nominated representatives of those consumers, about the assessment contact  • Home service provider of a home service written notice of the form of words	Subsections 66(2), 66(4)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>

	to be used to tell the aged care consumers of the service, and the nominated representatives of those consumers, about the assessment contact		
113	Request information or documents relating to the purpose of assessment contact	Subsection 67(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
114	Prepare an assessment contact report.	Subsection 68(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
115	Give a copy of the assessment contact report prepared after an assessment contact to the provider	Subsection 68(5)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
116	Prepare a performance report, give a copy of the report to the provider and publish the report on the Commission's website	Section 68A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Review audits of accredite	ed services	
117	Arrange for a review audit of an accredited service to be conducted	Section 70	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
118	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
119	Give to an approved provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

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120	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)	• SES Band 1
121	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
122	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
123	After giving a performance report, decide whether to revoke the accreditation of the service.	Subsections 77(1), 77(3), 77(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	If revoking, decide the date the revocation is to take effect.		
	If not revoking, decide whether to vary the service's period of accreditation.		
124	If revoking, give to the approved provider of the service a written notice	Section 78	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
125	Give notice of a decision not to revoke accreditation of accredited service to the approved provider of the service	Subsection 79(1)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
126	Provide the approved provider of the service a new certificate of accreditation for the service that states the varied period of accreditation	Subsection 79(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS4-6</li> </ul>
127	Publish, at the appropriate time, decisions relating to accreditation and performance reports	Section 80	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	Monitoring of Aboriginal	and Torres Strait Islander	services
128	Monitor an Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines.	Section 86	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Registration of quality ass	Sessors	
129	Approve the form of the application for registration as a quality assessor, specify any information or documents to be included and specify a fee	Paragraphs 89(2)(b), 89(2)(d), 89(2)(e)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
130	Register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(1), 90(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
131	Refuse to register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(3), 90(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
132	Approve the form of the application to be reregistered as a quality assessor, specify any other information or documents to be included in the application and specify fee	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
133	Determine whether to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(1), 92(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
134	Refuse to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(3), 92(4)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

135	Decide to cancel a quality assessor's registration, and give written notice of the cancellation and reasons for the cancellation	Section 94	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Reportable incidents		
136	Require specified information about reportable incidents of an approved provider	Section 95C	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
137	Decide certain reportable incidents not required to be notified by an approved provider	Section 95D	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
138	Require final report on reportable incident of an approved provider	Section 95E	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
139	Approve the form for the purposes of Division 4 of Part 4B of the <i>Quality of Care Principles 2014</i>	Section 95F	• SES Band 1 • EL 2
140	Actions in dealing with reportable incidents of an approved provider – referral to police or body or person with responsibility	Paragraphs 95G(1)(a), 95G(1)(aa)	• SES Band 1 • EL 2
141	Actions in dealing with reportable incidents of an approved provider	Paragraphs 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
142	Actions in dealing with reportable incidents – require an approved provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	SES Band 1

143	Actions in dealing with reportable incidents of an approved provider – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul><li>SES Band 1</li><li>EL 2</li></ul>
144	Actions in dealing with reportable incidents of an approved provider – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
145	Conduct an inquiry in relation to reportable incidents of an approved provider	Section 95H (referred to in paragraph 95G(1)(e))	<ul><li>SES Band 1</li><li>EL 2</li></ul>
146	Actions in dealing with reportable incidents of an approved provider – if an final report is required under subsection 95E(1), take any action in response to the report, as appropriate	Subsection 95E(3)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
147	Require specified information about reportable incidents of a service provider	Section 95L	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
148	Require final report on reportable incident of a service provider	Paragraph 95M(2)(e)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
149	Actions in dealing with reportable incidents of a service provider – referral to police or body or person with responsibility	Paragraphs 95(M)(2)(a), 95(M)(2)(b)	<ul><li>SES Band 1</li><li>EL 2</li></ul>

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150	Actions in dealing with reportable incidents of a service provider	Paragraphs 95M(2)(c), 95(M(2)(d), 95M(2)(f)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
			• APS 6
	Actions in dealing with reportable incidents of a service provider – if an incident is investigated under paragraph 95M(2)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95M(4)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
152	Actions in dealing with reportable incidents of a service provider – if a final report is required and given under paragraph 95M(2)(e), take any action in response to the report, as appropriate	Subsection 95M(5)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Reconsideration and revi	iew of decisions	
	Reconsider a complaints reviewable Commissioner decision (note restrictions on delegate selection in subsection 100(1))	(note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 100(1))	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
154	Reconsider a regulatory reviewable Commissioner decision (note restrictions on delegate selection in subsection 101(1))	(note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 101(1))	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
155	Reconsideration of a regulatory reviewable	Section 102	• SES Band 1

	decision on own initiative (note restrictions on delegate selection in subsection 102(1))	(note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 102(1))	• EL 2 • EL 1
156	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Information sharing and o	confidentiality	
157	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
158	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
159	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or wellbeing is at risk	Section 111	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality              Assessor             (member of staff             of the</li></ul>

	Regulatory Powers (	Standard Provisions	) Act 2014
160	Issue an identity card to an authorised person  Note: the powers in Part 2 are triggered by section 74B of the Aged Care Quality and Safety Commission Act 2018	Subsections 35(1), 35(2)	<ul><li>SES Band 1</li><li>EL 2</li><li>EL 1</li><li>APS 3-6</li></ul>
161	Must take reasonable steps to return seized things under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 66	• SES Band 1 • EL 2
162	Apply to issuing officer for an order permitting the retention of a thing seized under Part 3  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 67	• SES Band 1 • EL 2
163	Dispose of a thing seized under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 68	• SES Band 1
164	Issue an identity card to an authorised person  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Subsections 76(1), 76(2)	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>

165	Issue an infringement notice as an infringement officer  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 103	<ul><li>SES Band 1</li><li>EL 2</li></ul>
166	Relevant chief executive may extend the period of time to pay the amount in an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 105	• SES Band 1
167	Relevant chief executive may withdraw of an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 106	• SES Band 1
168	Accept an enforceable undertaking as the authorised person  Note: the powers in Part 6 are triggered by section 74EC of the Aged Care Quality and Safety Commission Act 2018	Section 114	• SES Band 1 • EL 2

## **SCHEDULE 2**

	Column 1	Column 2
Item	Power or function	Delegate
1	Powers and functions under Part 7B of	SES Band 1 or EL 2 officers in the
	the Aged Care Quality and Safety	branch responsible for Aged Care
	Commission Act 2018 as they relate to	Funding Instrument (ACFI)
	the enforcement of an aged care	compliance in the Department of
	responsibility referred to under	Health.
	paragraph 63-1(1)(a) or (h) of the	
	Aged Care Act 1997	



## Aged Care Quality and Safety Commission (Commissioner) Delegation (No.8) 2024

I, Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the Aged Care Quality and Safety Commission Act 2018:

- 1. REVOKE all previous instruments of delegation made under those subsections;
- 2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item; and
- 3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this 17/2/2024 | 21:18 独臣的T 2024.

Janet Anderson

Commissioner

<sup>&</sup>lt;sup>1</sup> NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

## **SCHEDULE 1**

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	1	Aged Care Act 1997	
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
2	Approve form of notification of certain events relating to key personnel of an approved provider and specify information to accompany application	Paragraphs 9-2A(2)(b), 9-2A(2)(c), 9-2A(2)(d), 9-2A(2)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
3	Request an approved provider to give information relevant to the approved provider's suitability to be a provider of aged care.	Subsection 9-2(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
4	Request an approved provider to give information relevant to the suitability of an individual who is one of its key personnel, to be involved in the provision of aged care.	Subsection 9-2(1A)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
5	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
6	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul><li>SES Band 2</li><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
7	Determine whether an individual who is one of	Section 10A-2	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

·	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	the key personnel of an		• EL2
	approved provider, is		• EL1
	suitable to be involved		
	in the provision of aged		
	care		
8	Request to give	Subsections 52N-3(1),	• SES Band 2
	information or	52N-3(3)	<ul> <li>SES Band 1</li> </ul>
	documents relating to		• EL2
	the use of refundable		
	deposit or		
	accommodation bond to		
	make a loan	G / CO 1E	gpg 5 1 5
9	Determine certain	Section 63-1E	• SES Band 2
	responsibilities relating		• SES Band 1
	to the governing body		• EL 2
	of an approved provider		• EL 1
10	do not apply	Do no ononli-	GEG D 12
10	Approve form for	Paragraphs	• SES Band 2
	requesting a determination that	63-1E(2)(b)	• SES Band 1
		63-1E(2)(c)	• EL 2
	certain governance responsibilities do not	63-1E(2)(d)	
	apply, specify		
	documents and		
	information to		
	accompany application		
	and specify fee for		
	application		
11	Decide to vary or	Section 63-1F	SES Band 2
_	revoke a determination		• SES Band 1
	made under subsection		• EL 2
	63-1E(3) on the		
	Commissioner's own		
	initiative regarding		
	governance		
	responsibilities		
	exemptions		
	Aged Care Ouali	ity and Safety Comm	ission Act 2018
	Information sharing	<i>yyy</i>	
12	Giving information to	Subsections 56(1), 56(2)	SES Band 2
	the Secretary in certain		• SES Band 1
	circumstances (also see		• EL 2
	Division 2 of Part 8 of		• EL 2
		1	
	the Rules)		
	the Rules)		• APS 4-6

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
13	Making information	Section 59	• SES Band 2
	about an aged care		• SES Band 1
	service publicly		• EL 2
	available		• EL 1
14	Making information	Section 59A	• SES Band 2
14	about a Commonwealth	Section 39A	
	funded aged care		• SES Band 1
	service publicly		• EL 2
	available		• EL 1
	Protected information		T
15	Disclosure of protected	Section 61	• SES Band 2
	information		• SES Band 1
			• EL 2
			• EL 1
	Application for approve	l as provider of aged care	
16	Approve form of	Paragraphs 63B(2)(b),	SES Band 2
10	application for approval	63B(2)(c), 63B(2)(d)	• SES Band 1
	as provider of aged		• EL 2
	care, specify documents		▼ EL 2
	and information to		
	accompany application		
	and specify fee for		
	application		
17	Paguast a narsan who	Section 63C	a CEC Dand 2
17	Request a person who has applied for approval	Section osc	• SES Band 2
	to give further		• SES Band 1
	information within a		• EL 2
	specified period and		• EL 1
	extend the period within		
	which person is to		
	provide information		
		a	
18	Decision as to whether	Section 63D	• SES Band 2
	to approve a person as a		• SES Band 1
	provider of aged care		• EL 2
			• EL 1
19	Notify a person who has	Section 63E	SES Band 2
17	applied for approval of	Section OJL	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
	applied for approval of		SES Dang 1

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	decision relating to		• EL 2
	approval		
	Cessation and revocatio	n of approval	
20	Decide whether to	Section 63H	SES Band 2
	revoke approval when		• SES Band 1
	requested by provider,		• EL 2
	notify provider of decision and give		
	Secretary a copy of		
	notice		
21	Annrova form of	Davagraphs 6211(2)(h)	2 CEC D 12
21	Approve form of request for revocation	Paragraphs 63H(2)(b), 63H(2)(c), 63H(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
	by approved provider,	0311(2)(0), 0311(2)(0)	• SES Band 1 • EL 2
	specify information or		♥ EL Z
	documents to		
	accompany request and		
	specify fee		
22	Decide to revoke	Section 63J	SES Band 2
	approval if satisfied of		• SES Band 1
	certain matters (no		• EL 2
	application by provider required)		
	required)		
23	Notify provider that	Section 63K	SES Band 2
	revocation is being		• SES Band 1
	considered		• EL 2
24	Notify provider that	Section 63L	SES Band 2
	their approval has been		• SES Band 1
	revoked or limited and		• EL 2
	notify of the revocation day		
	uay		
	Imposition of sanctions		1
25	Decide to impose	Section 63N	• SES Band 2
	sanctions and notify the provider of the decision		• SES Band 1
	provider of the decision		• EL 2
26	Specify a day	Section 63P	SES Band 2
	revocation must take		• SES Band 1
	effect (in certain		• EL 2
	circumstances)	1	İ

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
27	Specify a day when revocation or suspension of allocation of places is to take effect	Section 63Q	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Notices that must, or ma	ay be given, before sanction	s are imposed
28	Notify provider of intention to impose sanctions on the provider	Section 63S	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL1</li> </ul>
29	Require a provider to give Commissioner an undertaking about remedying non-compliance	Section 63T	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL1</li> </ul>
30	Approve form of undertaking	Paragraph 63T(3)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
31	Require a provider to agree to certain actions if revocation of approval is being considered	Section 63U	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
32	Approve form of application to lift sanction, specify documents or information to accompany application and specify fee	Paragraphs 63V(2)(b), 63V(2)(c), 63V(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
33	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
34	Decide whether to lift	Section 63X	• SES Band 2
	sanction imposed on		• SES Band 1
	provider		• EL 2
35	Notify provider of a	Section 63Y	• SES Band 2
	decision on whether to		• SES Band 1
	lift sanction imposed on		• EL 2
	provider		
	Powers of authorised of	licers in relation to premise	26
36	Consider it necessary	Paragraph 64A(1)(b)	• SES Band 2
50	for an authorised officer	1 aragraph 0473(1)(0)	
	to enforce powers under		• SES Band 1
	Division 2, Part 8 for		• EL 2
	the purpose of making a		• EL 1
	decision on an		
	application for approval		
37	Consider it necessary	Paragraph 65(1)(b)	SES Band 2
	for an authorised officer		SES Band 1
	to exercise powers		• EL 2
	under Division 2, Part 8		• EL 1
	for the purpose of		
	resolving a complaint or		
	dealing with		
	information about		
	provider responsibilities		
	Powers of regulatory of	icials in relation to premis	
38	Consider it necessary	Subsection 68(1)	• SES Band 2
20	for a regulatory official	2300000000(1)	• SES Band 1
	to enter any premises		• EL 2
	and exercise search		
	powers for regulatory		• EL 1
	purposes		
	_		
	T1 (*/		
2.0	Identity cards	0.1 (* 74/1) 74/2)	ana n
39	Identity card to be	Subsections 74(1), 74(2)	• SES Band 2
	issued to a person who		• SES Band 1
	is a quality assessor		• EL 2
			• EL 1
			• APS 3-6

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	Compliance notices		
40	Issue a written	Section 74EE	• SES Band 2
	compliance notice (or		• SES Band 1
	vary or revoke the		• EL 2
	compliance notice)		• EL 1
	NT 40 4 44 N4		
4.1	Notice to attend to answ		GEG D. 10
41	Require a person to	Section 74F	• SES Band 2
	attend before an		• SES Band 1
	authorised officer to		• EL 2
	answer questions or		
	give information or documents		
	documents		
42	Require a person to	Section 74FA	• SES Band 2
	attend before an		• SES Band 1
	authorised officer to		
	answer questions or		• EL2
	give information or		
	documents relevant to		
	compliance with the		
	Code of Conduct of		
	Aged Care		
43	Issue a notice requiring	Section 74GA	• SES Band 2
	information or		<ul> <li>SES Band 1</li> </ul>
	documents (and extend		• EL 2
	the time of the notice)		• EL 1
	<b>D</b>		
1 1	Banning orders  Make a banning order	Cubacations 74CD(1)	and by 10
44	Make a banning order	Subsections 74GB(1),	• SES Band 2
	prohibiting or restricting an individual	74GB(2)	• SES Band 1
	who is or was an aged		• EL2
	care worker, or who is		
	or was a governing		
	person, of an approved		
	provider		
45	Make a banning order	Subsections 74GB(3),	SES Band 2
	prohibiting or	74GB(4), 74GB(5),	• SES Band 1
	restricting an individual	74GB(6)	• EL2
	who has not previously		▼ LLZ
	been an aged care		
	worker, or a governing		
	person, of an approved		
	provider		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
46	Give an individual a notice of banning order and specify applications of the banning order	Section 74GC	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
47	Notify individual that a banning order is being considered	Section 74GE	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
48	Decide, on own initiative, to vary or revoke a banning order made against an individual	Section 74GF	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
49	Approve form of application for variation or revocation of a banning order, and require other documents or information to be accompanied with an application	Paragraphs 74GG(2)(b), 74GG(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
50	Decide, on an individual's application, whether to vary or revoke a banning order made against the individual	Subsection 74GG(3), 74GG(4), 74GG(5), 74GG(6), 74GG(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
51	Approve form of application for variation or revocation of a condition to which a banning order is subject, and require other documents or information to be accompanied with an application	Paragraphs 74GH(2)(b), 74GH(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
52	Decide, on an individual's application, whether to vary or revoke a condition to which a banning order is subject	Subsection 74GH(3), 74GH(4), 74GH(5), 74GH(6), 74GH(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
53	Establish and maintain a register of banning orders	Section 74GI	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
			• EL1
	Reconsideration and rev	view of decisions	
54	Reconsider reviewable	Section 74L	SES Band 2
	decision on request and		SES Band 1
	give notice of decision		• EL 2
			• EL 2
			the table in
			section 74J only)
55	Reconsider reviewable	Section 74M	SES Band 2
	decision on own		SES Band 1
	initiative		• EL 2
			222
	Miscellaneous		
56	Appoint an authorised	Subsections 75A(1),	SES Band 2
	officer	75A(2)	• SES Band 1
		· /	• EL 2
			LL 2
57	Give a direction to	Subsection 75A(3)	SES Band 2
37	authorised officers	Buosection 7311(3)	• SES Band 2
	Aged Care Qualit	y and Safety Comn	uission Rules 2018
	Dealing with complaints		
58	Decide to take no	Paragraph 13(1)(a)	• SES Band 2
	further action in relation		• SES Band 1
	to the issue under		• EL 2
	section 14		• EL 1
59	Take appropriate action	Paragraphs 13(1)(b),	SES Band 2
	to resolve the issue or	13(1)(c)	• SES Band 1
	decide to undertake a	. / . /	• EL 2
	resolution process in		• EL 1
	relation to the issue		
	under section 15		• APS 4-6
60	Decide to take no	Section 14	SES Band 2
	further action in relation		• SES Band 1
	to an issue raised in a		• EL 2
	complaint and give		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	relevant written notices of decision		• EL 1
61	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
62	Give notice to provider of decision to undertake a resolution process	Section 16	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
63	Decide to end a resolution process and give notice	Section 17	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
64	Give information about resolution process to person or body with sufficient interest	Section 18	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

	Directions		
65	Give directions to relevant providers	Section 19	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
66	Give notice of intention to give directions to relevant providers	Section 20	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
67	Give a notice of failure to comply with direction	Subsection 21(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Taking action in relation to	<b>Code of Conduct functions</b>	I
68	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care	Paragraphs 23BD(1)(a), 23BD(1)(b), 23BD(1)(c)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
69	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – carry out an investigation	Paragraph 23BD(1)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
70	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – refer information about the compliance to another person or body	Paragraph 23BD(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
71	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – take any other action that the Commissioner considers reasonable in the circumstances	Paragraph 23BD(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
72	Require action by approved providers – require provider to carry out an internal investigation into the compliance and give a written report on the investigation	Paragraph 23BD(3)(a)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

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73	Require action by	Paragraph 23BD(3)(b)	• SES Band 2
	approved providers –		<ul> <li>SES Band 1</li> </ul>
	require provider to engage		
	an appropriately qualified		
	and independent expert to		
	carry out an investigation		
	into the compliance and		
	give a written report on		
	the investigation		
74	Require action by	Paragraph 23BD(3)(c)	• SES Band 2
	approved providers –		<ul> <li>SES Band 1</li> </ul>
	require provider to		• EL 2
	undertake specified action		• EL 1
	in relation to the		
	compliance		
75	Require an individual to	Subsection 23BD(4)	• SES Band 2
	undertake specified action		<ul> <li>SES Band 1</li> </ul>
	in relation to the		• EL 2
	compliance		
76	Refer information about	Subsection 23BD(5)	• SES Band 2
	the compliance to the		<ul> <li>SES Band 1</li> </ul>
	approved provider and		• EL 2
	require the provider to		• EL 1
	take appropriate action in		▼ EL I
	relation to the compliance		
77	Take any other action to	Section 23BE	• SES Band 2
	deal with the outcome of		<ul> <li>SES Band 1</li> </ul>
	an investigation, as		• EL 2
	appropriate		• EL 1
			• EL I
	Doing other things in rel	ation to Code of Conduct fur	nctions
78	Give written notice	Section 23BH	• SES Band 2
	setting out the outcomes		<ul> <li>SES Band 1</li> </ul>
	of an investigation carried		• EL 2
	out by the Commissioner		• EL 2
	that is closed		
	Register of banning orde	ers	
79	Consider that further	Section 23CB	• SES Band 2
	information is necessary		• SES Band 1
	to identify an individual		• EL2
	and include that		▼ LL2
	information in the register		
	of banning order		
80	Consider that information	Section 23CF	SES Band 2
	included in the register of		• SES Band 1
	banning orders in relation		
	to an individual is		• EL2
	inaccurate, out-of-date,		• EL1
	incomplete, irrelevant or		
		<u> </u>	

	misleading, and correct the information		
	Publication of register of bar	nning orders	
81	Consider that publication of a part of the register of banning orders would be contrary to public interest or the interests of one or more care recipients	Subsection 23CG(3)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
	Accreditation of residentia	al aged care services	
82	Approve form of application and require other information or documents to be accompanied with an application	Paragraphs 28(1)(b), 28(1)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
83	Specify a fee for an application for accreditation or reaccreditation	Paragraph 28(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
84	Decide whether to accredit a commencing service or re-accredit a recommencing service and decide whether there are areas of improvement (if the service is accredited or re- accredited)	Section 29	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
85	Give notice of a decision to accredit a commencing service or re-accredit a recommencing service	Subsection 30(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
86	Give an approved provider of a commencing service that obtains accreditation a certificate of accreditation for the service	Subsection 30(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
87	Give notice of a decision not to accredit a commencing service or re-accredit a recommencing service	Section 31	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

	and a convert con-	I	
	and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service		
88	Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re-accreditation and give the assessment team any information or documents that accompanied the application for re-accreditation	Section 32	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
89	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
90	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
91	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
92	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
93	Prepare a performance report about a residential	Section 40A	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

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	service and give a copy to the provider of the service		• EL 2 • EL 1
94	Decide whether to reaccredit a residential service	Subsection 41(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
95	Decide the further period for which the service is accredited	Subsection 41(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
96	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
97	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
98	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
99	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
100	Give to an approved provider a reminder notice about the end of	Section 46	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be reaccredited		• EL 1
101	Publish decisions relating to accreditation	Section 48	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Quality reviews of service		ı
102	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
103	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
104	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
105	Give directions to the assessment team for a quality audit	Subsection 54(1)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
106	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
107	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service	Section 57	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	and publish the report on the Commission's website		
108	Conduct quality review of Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines	Section 58	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Plans for continuous impr	ovement	
109	Request that approved providers o provide a copy of the plan for continuous improvement for the service	Section 63	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
110	Direct the provider to revise plan for continuous improvement and give the Commissioner a copy of the revised plan.	Section 63A	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Assessment contacts by re	gulatory officials	
111	Make an assessment contact with the approved provider of an accredited service or a previously accredited service, or the home service provider of a home service in accordance with notified arrangements or at any other time (with or without notice)	Subsection 64(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
112	Give written notice of the arrangements for assessment contacts with the provider	Section 65	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
113	Before a visit to the premises of the service is made, give the:	Subsections 66(2), 66(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	• Approved		•	EL 1
	provider of an		•	APS 6
	accredited service			
	or a previously			
	accredited service			
	a poster to inform			
	the consumers of			
	the service, and			
	the nominated			
	representatives of			
	those consumers,			
	about the			
	assessment contact			
	<ul> <li>Home service</li> </ul>			
	provider of a			
	home service			
	written notice of			
	the form of words			
	to be used to tell			
	the aged care			
	consumers of the			
	service, and the			
	nominated			
	representatives of			
	those consumers,			
	about the			
	assessment contact			
114	Request information or	Subsection 67(1)	•	SES Band 2
	documents relating to the		•	SES Band 1
	purpose of assessment			EL 2
	contact			
			•	EL 1
			•	APS 6
115	Prepare an assessment	Subsection 68(2)	•	SES Band 2
	contact report.	, ,	•	SES Band 1
	*			EL 2
			٠	
			•	EL 1
			•	APS 6
116	Give a copy of the	Subsection 68(5)	•	SES Band 2
	assessment contact report	\ /	•	SES Band 1
	prepared after an		_	
	assessment contact to the		•	EL 2
	provider		•	EL 1
117	Prepare a performance	Section 68A	•	SES Band 2
	report, give a copy of the		•	SES Band 1
	report to the provider and		•	EL 2

	publish the report on the Commission's website		• EL 1
	Review audits of accredite		
118	Arrange for a review audit of an accredited service to be conducted	Section 70	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
119	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
120	Give to an approved provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
121	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
122	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
123	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
124	After giving a performance report, decide whether to revoke the accreditation of the service.	Subsections 77(1), 77(3), 77(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	If revoking, decide the date the revocation is to take effect.		
	If not revoking, decide whether to vary the		

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	service's period of accreditation.		
125	If revoking, give to the approved provider of the service a written notice	Section 78	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
126	Give notice of a decision not to revoke accreditation of accredited service to the approved provider of the service	Subsection 79(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
127	Provide the approved provider of the service a new certificate of accreditation for the service that states the varied period of accreditation	Subsection 79(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS4-6</li> </ul>
128	Publish, at the appropriate time, decisions relating to accreditation and performance reports	Section 80	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	<b>Monitoring of Aboriginal</b>	and Torres Strait Islander	r services
129	Monitor an Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines.	Section 86	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Registration of quality ass	sessors	
130		Paragraphs 89(2)(b), 89(2)(d), 89(2)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
131	Register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(1), 90(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

122	Defuse to register ::	Cubactions 00(2) 00(4)	GEG D 12
132	Refuse to register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(3), 90(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
133	Approve the form of the application to be reregistered as a quality assessor, specify any other information or documents to be included in the application and specify fee	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
134	Determine whether to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(1), 92(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
135	Refuse to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(3), 92(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
136	Decide to cancel a quality assessor's registration, and give written notice of the cancellation and reasons for the cancellation	Section 94	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Reportable incidents	T	
137	Require specified information about reportable incidents of an approved provider	Section 95C	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
138	Decide certain reportable incidents not required to be notified by an approved provider	Section 95D	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

139	Require final report on reportable incident of an approved provider	Subsections 95E(1) and (2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
140	Actions in dealing with reportable incidents of an approved provider – if an final report is required under subsection 95E(1), take any action in response to the report, as appropriate	Subsection 95E(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
141	Approve the form for the purposes of Division 4 of Part 4B of the <i>Quality of Care Principles 2014</i>	Section 95F	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
142	Actions in dealing with reportable incidents of an approved provider – referral to police or body or person with responsibility	Paragraphs 95G(1)(a), 95G(1)(aa)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
143	Actions in dealing with reportable incidents of an approved provider	Paragraphs 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
144	Actions in dealing with reportable incidents – require an approved provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
145	Actions in dealing with reportable incidents of an approved provider – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

146	Actions in dealing with reportable incidents of an approved provider – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
147	Conduct an inquiry in relation to reportable incidents of an approved provider	Section 95H (referred to in paragraph 95G(1)(e))	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
148			•
149	Require specified information about reportable incidents of a service provider	Section 95L	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
150	Require final report on reportable incident of a service provider	Paragraph 95M(2)(e)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
151	Actions in dealing with reportable incidents of a service provider – referral to police or body or person with responsibility	Paragraphs 95(M)(2)(a), 95(M)(2)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
152	Actions in dealing with reportable incidents of a service provider	Paragraphs 95M(2)(c), 95(M(2)(d), 95M(2)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
153	Actions in dealing with reportable incidents of a service provider – if an incident is investigated under paragraph 95M(2)(d), take any	Subsection 95M(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

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157 Reconsideration of a Section 102 • SES Band 2	157		Section 102	
regulatory reviewable  • SES Band 1				• SES Band 1
decision on own initiative (note: powers in • EL 2			_ · · _ •	• EL 2
(note restrictions on legislation are to be		•		• EL 1
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			subsection 102(1))	

158	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Information sharing and o	confidentiality	
159	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
160	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
161	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or wellbeing is at risk	Section 111	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Regulatory Powers (	Standard Provisions	s) Act 2014
162	0 ,	Subsections 35(1), 35(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>

162	Must talza rassanabla	Section 66	l _	GEG D 10
163	Must take reasonable steps to return seized things under Part 3 in certain circumstances	Section 66	•	SES Band 2 SES Band 1 EL 2
	Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018			
164	Apply to issuing officer for an order permitting the retention of a thing seized under Part 3  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 67	•	SES Band 2 SES Band 1 EL 2
165	Dispose of a thing seized under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act	Section 68	•	SES Band 2 SES Band 1
166	Issue an identity card to an authorised person  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Subsections 76(1), 76(2)	•	SES Band 2 SES Band 1 EL 2 EL 1 APS 3-6
167	Issue an infringement notice as an infringement officer  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 103	•	SES Band 2 SES Band 1 EL 2
168	Relevant chief executive may extend the period of	Section 105	•	SES Band 2

	time to pay the amount in an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018		•	SES Band 1
169	Relevant chief executive may withdraw of an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 106	•	SES Band 2 SES Band 1
170	Accept an enforceable undertaking as the authorised person  Note: the powers in Part 6 are triggered by section 74EC of the Aged Care Quality and Safety Commission Act 2018	Section 114	•	SES Band 2 SES Band 1 EL 2

### **SCHEDULE 2**

	Column 1	Column 2
Item	Power or function	Delegate
1	Powers and functions under Part 7B of	SES Band 1 or EL 2 officers in the
	the Aged Care Quality and Safety	branch responsible for Aged Care
	Commission Act 2018 as they relate to	Funding Instrument (ACFI)
	the enforcement of an aged care	compliance in the Department of
	responsibility referred to under	Health.
	paragraph 63-1(1)(a) or (h) of the	
	Aged Care Act 1997	



## **Aged Care Quality and Safety Commission** (Commissioner) **Delegation** (No.9) 2024

I, Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the Aged Care Quality and Safety Commission Act 2018:

- 1. REVOKE all previous instruments of delegation made under those subsections;
- 2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item; and
- 3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this Thursday day of 11 July 2024.

J. M. Anderson
Janet Anderson

Commissioner

DocuSigned by:

<sup>&</sup>lt;sup>1</sup> NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

#### **SCHEDULE 1**

	Column 1	Column 2	Column 3			
Item	Description of power or	Power or function	Delegate			
	function					
	Aged Care Act 1997					
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>			
2	Approve form of notification of certain events relating to key personnel of an approved provider and specify information to accompany application	Paragraphs 9-2A(2)(b), 9-2A(2)(c), 9-2A(2)(d), 9-2A(2)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>			
3	Request an approved provider to give information relevant to the approved provider's suitability to be a provider of aged care.	Subsection 9-2(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>			
4	Request an approved provider to give information relevant to the suitability of an individual who is one of its key personnel, to be involved in the provision of aged care.	Subsection 9-2(1A)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>			
5	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>			
6	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul><li>SES Band 2</li><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>			
7	Determine whether an individual who is one of	Section 10A-2	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>			

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	the key personnel of an		• EL2
	approved provider, is		• EL1
	suitable to be involved		
	in the provision of aged		
	care		
8	Request to give	Subsections 52N-3(1),	• SES Band 2
	information or	52N-3(3)	<ul> <li>SES Band 1</li> </ul>
	documents relating to		• EL2
	the use of refundable		
	deposit or		
	accommodation bond to		
	make a loan		
9	Determine certain	Section 63-1E	• SES Band 2
	responsibilities relating		• SES Band 1
	to the governing body		• EL 2
	of an approved provider		• EL 1
	do not apply		
10	Approve form for	Paragraphs	• SES Band 2
	requesting a	63-1E(2)(b)	<ul> <li>SES Band 1</li> </ul>
	determination that	63-1E(2)(c)	• EL 2
	certain governance	63-1E(2)(d)	
	responsibilities do not		
	apply, specify		
	documents and		
	information to		
	accompany application		
	and specify fee for		
	application		
11	Decide to vary or	Section 63-1F	• SES Band 2
	revoke a determination		<ul> <li>SES Band 1</li> </ul>
	made under subsection		• EL 2
	63-1E(3) on the		
	Commissioner's own		
	initiative regarding		
	governance		
	responsibilities		
	exemptions	100	
		ity and Safety Comm	ission Act 2018
	Information sharing	T	T
12	Giving information to	Subsections 56(1), 56(2)	• SES Band 2
	the Secretary in certain		• SES Band 1
	circumstances (also see		• EL 2
	Division 2 of Part 8 of		• EL 1
	the Rules)		• APS 4-6
			▼ AFS 4-0
	Making information pul	hlicly available	•

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
13	Making information about an aged care service publicly available	Section 59	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
14	Making information about a Commonwealth funded aged care service publicly available	Section 59A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Protected information		
15	Disclosure of protected information	Section 61	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Application for approva	l as provider of aged care	
16	Approve form of application for approval as provider of aged care, specify documents and information to accompany application and specify fee for application	Paragraphs 63B(2)(b), 63B(2)(c), 63B(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
17	Request a person who has applied for approval to give further information within a specified period and extend the period within which person is to provide information	Section 63C	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
18	Decision as to whether to approve a person as a provider of aged care	Section 63D	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
19	Notify a person who has applied for approval of	Section 63E	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	decision relating to		• EL 2
	approval		
	Cessation and revocatio		
20	Decide whether to	Section 63H	• SES Band 2
	revoke approval when		• SES Band 1
	requested by provider,		• EL 2
	notify provider of decision and give		
	Secretary a copy of		
	notice		
21	Approve form of	Paragraphs 63H(2)(b),	SES Band 2
	request for revocation	63H(2)(c), 63H(2)(d)	• SES Band 1
	by approved provider,		• EL 2
	specify information or documents to		
	accompany request and		
	specify fee		
	1 ,		
22	Decide to revoke	Section 63J	• SES Band 2
	approval if satisfied of certain matters (no		• SES Band 1
	application by provider		• EL 2
	required)		
23	Notify provider that	Section 63K	SES Band 2
23	revocation is being	Section 031x	• SES Band 2 • SES Band 1
	considered		• EL 2
			• EL Z
24	Notify provider that	Section 63L	• SES Band 2
	their approval has been revoked or limited and		• SES Band 1
	notify of the revocation		• EL 2
	day		
	•		
25	Imposition of sanctions	Section 63N	o GEG D = 10
25	Decide to impose sanctions and notify the	Section 0314	• SES Band 2
	provider of the decision		• SES Band 1
			• EL 2
26	Specify a day	Section 63P	• SES Band 2
	revocation must take		• SES Band 1
	effect (in certain		• EL 2
	circumstances)		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
27	Specify a day when revocation or suspension of allocation of places is to take effect	Section 63Q	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Notices that must, or ma	ay be given, before sanctions	s are imposed
28	Notify provider of intention to impose sanctions on the provider	Section 63S	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL1</li></ul>
29	Require a provider to give Commissioner an undertaking about remedying non-compliance	Section 63T	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL1</li> </ul>
30	Approve form of undertaking	Paragraph 63T(3)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
31	Require a provider to agree to certain actions if revocation of approval is being considered	Section 63U	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
32	Approve form of application to lift sanction, specify documents or information to accompany application and specify fee	Paragraphs 63V(2)(b), 63V(2)(c), 63V(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
33	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
34	Decide whether to lift	Section 63X	• SES Band 2
	sanction imposed on		• SES Band 1
	provider		• EL 2
35	Notify provider of a	Section 63Y	SES Band 2
	decision on whether to		• SES Band 1
	lift sanction imposed on		• EL 2
	provider		
	Powers of authorised of	ficers in relation to premis	es
36	Consider it necessary	Paragraph 64A(1)(b)	SES Band 2
	for an authorised officer		SES Band 1
	to enforce powers under		• EL 2
	Division 2, Part 8 for		• EL 1
	the purpose of making a		
	decision on an		
	application for approval		
37	Consider it necessary	Paragraph 65(1)(b)	SES Band 2
	for an authorised officer		• SES Band 1
	to exercise powers		• EL 2
	under Division 2, Part 8		• EL 1
	for the purpose of		
	resolving a complaint or		
	dealing with		
	information about		
	provider responsibilities		
		icials in relation to premis	
38	Consider it necessary	Subsection 68(1)	• SES Band 2
	for a regulatory official		• SES Band 1
	to enter any premises		• EL 2
	and exercise search		• EL 1
	powers for regulatory purposes		
	Parposes		
	Identity cards		
39	Identity card to be	Subsections 74(1), 74(2)	SES Band 2
	issued to a person who	(1), (1)	• SES Band 1
	is a quality assessor		• EL 2
			• EL 1
			• APS 3-6

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	Compliance notices		
40	Issue a written	Section 74EE	• SES Band 2
	compliance notice (or		SES Band 1
	vary or revoke the		• EL 2
	compliance notice)		• EL 1
	Notice to attend to answ	er questions etc.	
41	Require a person to	Section 74F	SES Band 2
	attend before an		SES Band 1
	authorised officer to		• EL 2
	answer questions or		
	give information or		
	documents		
42	Require a person to	Section 74FA	• SES Band 2
	attend before an		SES Band 1
	authorised officer to		• EL2
	answer questions or		- DD2
	give information or		
	documents relevant to		
	compliance with the		
	Code of Conduct of		
	Aged Care		
43	Issue a notice requiring	Section 74GA	• SES Band 2
	information or		<ul> <li>SES Band 1</li> </ul>
	documents (and extend		• EL 2
	the time of the notice)		• EL 1
	Banning orders	T	T
44	Make a banning order	Subsections 74GB(1),	• SES Band 2
	prohibiting or	74GB(2)	• SES Band 1
	restricting an individual		• EL2
	who is or was an aged		
	care worker, or who is		
	or was a governing		
	person, of an approved		
	provider		
45	Make a banning order	Subsections 74GB(3),	• SES Band 2
	prohibiting or	74GB(4), 74GB(5),	• SES Band 1
	restricting an individual	74GB(6)	• EL2
	who has not previously		
	been an aged care		
	worker, or a governing		
	person, of an approved		
	provider		

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
46	Give an individual a notice of banning order and specify applications of the banning order	Section 74GC	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
47	Notify individual that a banning order is being considered	Section 74GE	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
48	Decide, on own initiative, to vary or revoke a banning order made against an individual	Section 74GF	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
49	Approve form of application for variation or revocation of a banning order, and require other documents or information to be accompanied with an application	Paragraphs 74GG(2)(b), 74GG(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
50	Decide, on an individual's application, whether to vary or revoke a banning order made against the individual	Subsection 74GG(3), 74GG(4), 74GG(5), 74GG(6), 74GG(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
51	Approve form of application for variation or revocation of a condition to which a banning order is subject, and require other documents or information to be accompanied with an application	Paragraphs 74GH(2)(b), 74GH(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
52	Decide, on an individual's application, whether to vary or revoke a condition to which a banning order is subject	Subsection 74GH(3), 74GH(4), 74GH(5), 74GH(6), 74GH(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
53	Establish and maintain a register of banning orders	Section 74GI	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
			• EL1
	Reconsideration and rev	view of decisions	
54	Reconsider reviewable	Section 74L	SES Band 2
	decision on request and		• SES Band 1
	give notice of decision		• EL 2
			• EL 1 (item 1 in
			the table in
			section 74J only)
			section 743 only)
55	Reconsider reviewable	Section 74M	• SES Band 2
	decision on own		• SES Band 1
	initiative		• EL 2
	Miscellaneous		
56	Appoint an authorised	Subsections 75A(1),	SES Band 2
30	officer	75A(2)	• SES Band 1
		, , , , , , , , , , , , , , , , , , , ,	• EL 2
			• EL Z
57	Give a direction to	Subsection 75A(3)	• SES Band 2
	authorised officers		• SES Band 1
	1 1 0 0 11		. D. I. 2010
	Aged Care Quality	y and Safety Commis	sion Rules 2018
<b>5</b> 0		and provider responsibilit	
58	Decide to take no further action in relation	Paragraph 13(1)(a)	• SES Band 2
	to the issue under		• SES Band 1
	section 14		• EL 2
	SCHOII 17		• EL 1
			• APS 6
59	Take appropriate action	Paragraphs 13(1)(b),	SES Band 2
	to resolve the issue or	13(1)(c)	• SES Band 1
	decide to undertake a		• EL 2
	resolution process in		
	relation to the issue		• EL 1
	under section 15		• APS 4-6
60	Decide to take no	Section 14	SES Band 2
	further action in relation		• SES Band 1

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	to an issue raised in a complaint and give relevant written notices of decision		<ul><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
61	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
62	Give notice to provider of decision to undertake a resolution process	Section 16	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
63	Decide to end a resolution process and give notice	Section 17	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
64	Give information about resolution process to person or body with sufficient interest	Section 18	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>

	Directions		
65	Give directions to relevant providers	Section 19	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
66	Give notice of intention to give directions to relevant providers	Section 20	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
67	Give a notice of failure to comply with direction	Subsection 21(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Taking action in relation to	Code of Conduct functions	
68	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care	Paragraphs 23BD(1)(a), 23BD(1)(b), 23BD(1)(c)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
69	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – carry out an investigation	Paragraph 23BD(1)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
70	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – refer information about the compliance to another person or body	Paragraph 23BD(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
71	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – take any other action that the Commissioner considers reasonable in the circumstances	Paragraph 23BD(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
72	Require action by approved providers — require provider to carry out an internal investigation into the compliance and give a written report on the investigation	Paragraph 23BD(3)(a)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

73	Require action by approved providers – require provider to engage an appropriately qualified	Paragraph 23BD(3)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
	and independent expert to		
	carry out an investigation		
	into the compliance and		
	give a written report on		
	the investigation		
74	Require action by	Paragraph 23BD(3)(c)	• SES Band 2
	approved providers –		<ul> <li>SES Band 1</li> </ul>
	require provider to		• EL 2
	undertake specified action		• EL 1
	in relation to the		22 1
7.	compliance	C-14: 02DD(4)	ana n
75	Require an individual to	Subsection 23BD(4)	• SES Band 2
	undertake specified action in relation to the		• SES Band 1
	compliance		• EL 2
76	Refer information about	Subsection 23BD(5)	• SES Band 2
/0	the compliance to the	Subsection 23DD(3)	
	approved provider and		• SES Band 1
	require the provider to		• EL 2
	take appropriate action in		• EL 1
	relation to the compliance		
77	Take any other action to	Section 23BE	• SES Band 2
	deal with the outcome of		• SES Band 1
	an investigation, as		• EL 2
	appropriate		• EL 1
		ation to Code of Conduct fur	
78		Section 23BH	• SES Band 2
	setting out the outcomes		<ul> <li>SES Band 1</li> </ul>
	of an investigation carried		• EL 2
	out by the Commissioner		• EL 1
	that is closed		
	Register of banning orde		
79	Consider that further	Section 23CB	• SES Band 2
	information is necessary		• SES Band 1
	to identify an individual and include that		• EL2
	information in the register of banning order		
80	Consider that information	Section 23CF	• SES Band 2
00	included in the register of	Section 25C1	
	banning orders in relation		• SES Band 1
	to an individual is		• EL2
	inaccurate, out-of-date,		• EL1
	incomplete, irrelevant or		
		1	

	misleading, and correct		
	the information		
0.1	Publication of register of bar		
81	Consider that publication of a part of the register of banning orders would be contrary to public interest or the interests of one or more care recipients	Subsection 23CG(3)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
	Accreditation of residentia	al aged care services	•
82	Approve form of application and require other information or documents to be accompanied with an application	Paragraphs 28(1)(b), 28(1)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
83	Specify a fee for an application for accreditation or reaccreditation	Paragraph 28(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
84	Decide whether to accredit a commencing service or re-accredit a recommencing service and decide whether there are areas of improvement (if the service is accredited or re- accredited)	Section 29	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
85	Give notice of a decision to accredit a commencing service or re-accredit a recommencing service	Subsection 30(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
86	Give an approved provider of a commencing service that obtains accreditation a certificate of accreditation for the service	Subsection 30(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
87	Give notice of a decision not to accredit a commencing service or re-accredit a recommencing service	Section 31	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

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	and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service		
88	Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re-accreditation and give the assessment team any information or documents that accompanied the application for re-accreditation	Section 32	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
89	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
90	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
91	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
92	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
93	Prepare a performance report about a residential	Section 40A	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

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	service and give a copy to the provider of the service		• EL 2 • EL 1
94	Decide whether to reaccredit a residential service	Subsection 41(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
95	Decide the further period for which the service is accredited	Subsection 41(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
96	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
97	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
98	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
99	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
100	Give to an approved provider a reminder notice about the end of	Section 46	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

101	accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be reaccredited  Publish decisions relating	Section 48	• EL 1  • SES Band 2
101	to accreditation		<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
102	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
103	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
104	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
105	Give directions to the assessment team for a quality audit	Subsection 54(1)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
106	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
107	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service	Section 57	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

	and muhliah the man at a		
	and publish the report on the Commission's website		
	the Commission's website		
108	Conduct quality review of	Section 58	SES Band 2
	Aboriginal and Torres		• SES Band 1
	Strait Islander services in		• EL 2
	accordance with the		• EL 1
	Quality Review		Quality Assessor
	Guidelines		(member of staff
			of the
			Commission)
100	Plans for continuous impr		T
109	Request that approved	Section 63	• SES Band 2
	providers o provide a copy of the plan for		• SES Band 1
	continuous improvement		• EL 2
	for the service		• EL 1
	191 010 801 1100		<ul> <li>Quality Assessor</li> </ul>
			(member of staff
			of the
			Commission)
110	Direct the provider to	Section 63A	SES Band 2
	revise plan for continuous		SES Band 1
	improvement and give the		• EL 2
	Commissioner a copy of		• EL 1
	the revised plan.		LL I
	A	l-4	
111	Assessment contacts by re		- CEC D 10
111	Make an assessment contact with the approved	Subsection 64(1)	• SES Band 2
	provider of an accredited		• SES Band 1
	service or a previously		• EL 2
	accredited service, or the		• EL 1
	home service provider of		• APS 6
	a home service in		
	accordance with notified		
	arrangements or at any		
	other time (with or		
112	without notice)	Section 65	- GEG D 12
112	Give written notice of the arrangements for	Section of	• SES Band 2
	arrangements for assessment contacts with		• SES Band 1
	the provider		• EL 2
	mo provider		• EL 1
113	Before a visit to the	Subsections 66(2), 66(4)	SES Band 2
	premises of the service is		SES Band 1
	made, give the:		• EL 2
		<u> </u>	

	<ul> <li>Approved provider of an accredited service or a previously accredited service a poster to inform the consumers of the service, and the nominated representatives of those consumers, about the assessment contact</li> <li>Home service</li> </ul>		• EL 1 • APS 6
	provider of a home service written notice of the form of words to be used to tell the aged care consumers of the service, and the nominated representatives of those consumers, about the assessment contact		
114	Request information or documents relating to the purpose of assessment contact	Subsection 67(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
115	Prepare an assessment contact report.	Subsection 68(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
116	Give a copy of the assessment contact report prepared after an assessment contact to the provider	Subsection 68(5)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
117	Prepare a performance report, give a copy of the report to the provider and	Section 68A	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	publish the report on the Commission's website		• EL 1
	Review audits of accredite	ed services	
118		Section 70	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
119	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
120	Give to an approved provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
121	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
122	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
123	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
124	After giving a performance report, decide whether to revoke the accreditation of the service.	Subsections 77(1), 77(3), 77(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	If revoking, decide the date the revocation is to take effect.		
	If not revoking, decide whether to vary the		

	service's period of		
	accreditation.		
125	E , E	Section 78	• SES Band 2
	approved provider of the		• SES Band 1
	service a written notice		• EL 2
			• EL 1
			· LL I
126	Give notice of a decision	Subsection 79(1)	• SES Band 2
	not to revoke		SES Band 1
	accreditation of		• EL 2
	accredited service to the		
	approved provider of the		• EL 1
	service		
127	Provide the approved	Subsection 79(2)	SES Band 2
	provider of the service a		SES Band 1
	new certificate of		• EL 2
	accreditation for the		• EL 1
	service that states the		
	varied period of		• APS4-6
	accreditation		
128	Publish, at the appropriate	Section 80	SES Band 2
	time, decisions relating to		SES Band 1
	accreditation and		• EL 2
	performance reports		
			• EL 1
	<b>Monitoring of Aboriginal</b>	and Torres Strait Islander	r services
129	Monitor an Aboriginal	Section 86	SES Band 2
	and Torres Strait Islander		SES Band 1
	services in accordance		• EL 2
	with the Quality Review		
	Guidelines.		• EL 1
	Registration of quality ass	sessors	ı
130		Paragraphs 89(2)(b),	SES Band 2
	application for	89(2)(d), 89(2)(e)	• SES Band 1
	registration as a quality		
	assessor, specify any		• EL 2
	information or documents		
	to be included and specify		
	a fee		
	·· <del></del>		
131	Register an applicant as a	Subsections 90(1), 90(2)	SES Band 2
	quality assessor and give	(-),,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	• SES Band 1
	written notice to the		
	applicant of the decision		• EL 2
	Tr		• EL 1

132	Refuse to register an applicant as a quality	Subsections 90(3), 90(4)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
	assessor and give written		• EL 2
	notice to the applicant of the decision		• EL 1
133	Approve the form of the application to be re-	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
	registered as a quality	- (-)(-), - (-)(-)	• EL 2
	assessor, specify any other information or		
	documents to be included		
	in the application and specify fee		
134	Determine whether to	Subsections 92(1), 92(2)	SES Band 2
	register an applicant as a quality assessor for a		<ul><li>SES Band 1</li><li>EL 2</li></ul>
	further period and give		• EL 2
	written notice of the decision to the applicant		
	rr ·····		
135	Refuse to register an	Subsections 92(3), 92(4)	SES Band 2
	applicant as a quality assessor for a further		• SES Band 1
	period and give written		<ul><li>EL 2</li><li>EL 1</li></ul>
	notice of the decision to the applicant		
136	Decide to cancel a quality assessor's registration,	Section 94	• SES Band 2
	and give written notice of		<ul><li>SES Band 1</li><li>EL 2</li></ul>
	the cancellation and reasons for the		• EL 1
	cancellation		
	Reportable incidents		
137	Require specified	Section 95C	• SES Band 2
	information about reportable incidents of an		• SES Band 1
	approved provider		• EL 2 • EL 1
			• APS 6
			• APS 5
138		Section 95D	• SES Band 2
	incidents not required to be notified by an		<ul><li>SES Band 1</li><li>EL 2</li></ul>
	approved provider		• EL 2

139	Require final report on reportable incident of an approved provider	Subsections 95E(1) and (2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
140	Actions in dealing with reportable incidents of an approved provider – if an final report is required under subsection 95E(1), take any action in response to the report, as appropriate	Subsection 95E(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
141	Approve the form for the purposes of Division 4 of Part 4B of the <i>Quality of Care Principles 2014</i>	Section 95F	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
142	Actions in dealing with reportable incidents of an approved provider – referral to police or body or person with responsibility	Paragraphs 95G(1)(a), 95G(1)(aa)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
143	Actions in dealing with reportable incidents of an approved provider	Paragraphs 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
144	Actions in dealing with reportable incidents – require an approved provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
145	Actions in dealing with reportable incidents of an approved provider – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

146	Actions in dealing with reportable incidents of an approved provider – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
147	Conduct an inquiry in relation to reportable incidents of an approved provider	Section 95H (referred to in paragraph 95G(1)(e))	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
148			•
149	Require specified information about reportable incidents of a service provider	Section 95L	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
150	Require final report on reportable incident of a service provider	Paragraph 95M(2)(e)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
151	Actions in dealing with reportable incidents of a service provider – referral to police or body or person with responsibility	Paragraphs 95(M)(2)(a), 95(M)(2)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
152	Actions in dealing with reportable incidents of a service provider	Paragraphs 95M(2)(c), 95(M(2)(d), 95M(2)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
153	Actions in dealing with reportable incidents of a service provider – if an incident is investigated under paragraph 95M(2)(d), take any	Subsection 95M(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

	action to deal with the		
	outcome of the		
	investigation, as		
	appropriate		
154	Actions in dealing with	Subsection 95M(5)	<ul> <li>SES Band 2</li> </ul>
	reportable incidents of a		<ul> <li>SES Band 1</li> </ul>
	service provider – if a		• EL 2
	final report is required		
	and given under		• EL 1
	paragraph 95M(2)(e), take		
	any action in response to		
	the report, as appropriate		
	Reconsideration and revi	ew of decisions	
155	Reconsider a complaints	Section 100	• SES Band 2
133	reviewable Commissioner		
	decision (note restrictions	(note: nowers in	• SES Band 1
	on delegate selection in	(note: powers in legislation are to be	• EL 2
	subsection 100(1))	exercised by an 'internal	• EL 1
	subsection 100(1))	•	
		reviewer'. However,	
		this instrument treats	
		powers as Commissioner	
		powers to be delegated	
		as expressed in	
		subsection 100(1))	
156	December of months and	Section 101	GEG D. 10
130	Reconsider a regulatory	Section 101	• SES Band 2
	reviewable Commissioner		<ul> <li>SES Band 1</li> </ul>
	decision (note restrictions	(note: powers in	• EL 2
	on delegate selection in	legislation are to be	• EL 1
	subsection 101(1))	exercised by an 'internal	
		reviewer'. However,	
		this instrument treats	
		powers as Commissioner	
		powers to be delegated	
		as expressed in	
		subsection 101(1))	
157		Section 102	• SES Band 2
	regulatory reviewable		<ul> <li>SES Band 1</li> </ul>
	decision on own initiative	(note: powers in	• EL 2
	(note restrictions on	legislation are to be	• EL 1
	delegate selection in	exercised by an 'internal	
	subsection 102(1))	reviewer'. However,	
		this instrument treats	
		powers as Commissioner	
		powers to be delegated	
		as expressed in	
		subsection 102(1))	
		102(1))	

158	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Information sharing and o	confidentiality	
159	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
160	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
161	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or wellbeing is at risk	Section 111	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Regulatory Powers (	Standard Provisions	s) Act 2014
162	Issue an identity card to an authorised person  Note: the powers in Part 2 are triggered by section 74B of the Aged Care Quality and Safety Commission Act 2018	Subsections 35(1), 35(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>

4.50		I a		
163	Must take reasonable steps to return seized things under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 66	•	SES Band 2 SES Band 1 EL 2
164	Apply to issuing officer for an order permitting the retention of a thing seized under Part 3  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 67	•	SES Band 2 SES Band 1 EL 2
165	Dispose of a thing seized under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 68	•	SES Band 2 SES Band 1
166	Issue an identity card to an authorised person  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Subsections 76(1), 76(2)	•	SES Band 2 SES Band 1 EL 2 EL 1 APS 3-6
167	Issue an infringement notice as an infringement officer  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 103	•	SES Band 2 SES Band 1 EL 2
168	Relevant chief executive may extend the period of	Section 105	•	SES Band 2

	time to pay the amount in an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018		•	SES Band 1
169	Relevant chief executive may withdraw of an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 106	•	SES Band 2 SES Band 1
170	Accept an enforceable undertaking as the authorised person  Note: the powers in Part 6 are triggered by section 74EC of the Aged Care Quality and Safety Commission Act 2018	Section 114	•	SES Band 2 SES Band 1 EL 2

#### **SCHEDULE 2**

	Column 1	Column 2
Item	Power or function	Delegate
1	Powers and functions under Part 7B of the Aged Care Quality and Safety Commission Act 2018 as they relate to the enforcement of an aged care responsibility referred to under paragraph 63-1(1)(a) or (h) of the	SES Band 1 or EL 2 officers in the branch responsible for Aged Care Funding Instrument (ACFI) compliance in the Department of Health.
	Aged Care Act 1997	



# Aged Care Quality and Safety Commission (Commissioner) Delegation (No.10) 2025

I, Elizabeth Hefren-Webb, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the Aged Care Quality and Safety Commission Act 2018:

- 1. REVOKE all previous instruments of delegation made under those subsections;
- 2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item;<sup>1</sup> and
- 3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this

21

day of January

2025.

Elizabeth Hefren-Webb

Commissioner

<sup>&</sup>lt;sup>1</sup> NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

## **SCHEDULE 1**

	Column 1	Column 2	Column 3		
Item	Description of power or function	Power or function	Delegate		
	Aged Care Act 1997				
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>		
2	Approve form of notification of certain events relating to key personnel of an approved provider and specify information to accompany application	Paragraphs 9-2A(2)(b), 9-2A(2)(c), 9-2A(2)(d), 9-2A(2)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>		
3	Request an approved provider to give information relevant to the approved provider's suitability to be a provider of aged care.	Subsection 9-2(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>		
4	Request an approved provider to give information relevant to the suitability of an individual who is one of its key personnel, to be involved in the provision of aged care.	Subsection 9-2(1A)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>		
5	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>		
6	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>		
7	Determine whether an individual who is one of	Section 10A-2	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>		

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	the key personnel of an		• EL2
	approved provider, is		• EL1
	suitable to be involved		
	in the provision of aged		
	care		
8	Request to give	Subsections 52N-3(1),	• SES Band 2
	information or	52N-3(3)	<ul> <li>SES Band 1</li> </ul>
	documents relating to		• EL2
	the use of refundable		
	deposit or		
	accommodation bond to		
	make a loan		
9	Determine certain	Section 63-1E	• SES Band 2
	responsibilities relating		• SES Band 1
	to the governing body		• EL 2
	of an approved provider		• EL 1
	do not apply		- 1111
10	Approve form for	Paragraphs	• SES Band 2
	requesting a	63-1E(2)(b)	• SES Band 1
	determination that	63-1E(2)(c)	• EL 2
	certain governance	63-1E(2)(d)	LLZ
	responsibilities do not		
	apply, specify		
	documents and		
	information to		
	accompany application		
	and specify fee for		
	application		
11	Decide to vary or	Section 63-1F	• SES Band 2
	revoke a determination		• SES Band 1
	made under subsection		• EL 2
	63-1E(3) on the		
	Commissioner's own		
	initiative regarding		
	governance		
	responsibilities		
	exemptions		
	Aged Care Qual	ity and Safety Commi	ission Act 2018
	Information sharing		
12	Giving information to	Subsections 56(1), 56(2)	• SES Band 2
	the Secretary in certain		• SES Band 1
	circumstances (also see		• EL 2
	Division 2 of Part 8 of		• EL 2
	the Rules)		
			• APS 4-6
	Making information pu	l blicly available	1
	Transing mivimation pu	viicij availabic	

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
13	Making information about an aged care service publicly available	Section 59	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
14	Making information about a Commonwealth funded aged care service publicly available	Section 59A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Protected information		
15	Disclosure of protected information	Section 61	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
	Application for approva	l as provider of aged care	
16	Approve form of application for approval as provider of aged care, specify documents and information to accompany application and specify fee for application	Paragraphs 63B(2)(b), 63B(2)(c), 63B(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
17	Request a person who has applied for approval to give further information within a specified period and extend the period within which person is to provide information	Section 63C	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
18	Decision as to whether to approve a person as a provider of aged care	Section 63D	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
19	Notify a person who has applied for approval of	Section 63E	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	decision relating to		• EL 2
	approval		
	Cessation and revocatio		
20	Decide whether to	Section 63H	• SES Band 2
	revoke approval when		• SES Band 1
	requested by provider,		• EL 2
	notify provider of decision and give		
	Secretary a copy of		
	notice		
21	Approve form of	Paragraphs 63H(2)(b),	SES Band 2
	request for revocation	63H(2)(c), 63H(2)(d)	• SES Band 1
	by approved provider,		• EL 2
	specify information or documents to		
	accompany request and		
	specify fee		
	1		
22	Decide to revoke	Section 63J	• SES Band 2
	approval if satisfied of		• SES Band 1
	certain matters (no application by provider		• EL 2
	required)		
	,		
23	Notify provider that	Section 63K	• SES Band 2
	revocation is being		• SES Band 1
	considered		• EL 2
24	Notify provider that	Section 63L	SES Band 2
	their approval has been		• SES Band 1
	revoked or limited and		• EL 2
	notify of the revocation day		
	•		
27	Imposition of sanctions	ı	GEG D 12
25	Decide to impose	Section 63N	• SES Band 2
	sanctions and notify the provider of the decision		• SES Band 1
	provider of the decision		• EL 2
26	Specify a day	Section 63P	SES Band 2
	revocation must take		• SES Band 1
	effect (in certain		• EL 2
	circumstances)		

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
27	Specify a day when revocation or suspension of allocation of places is to take effect	Section 63Q	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Notices that must, or ma	y be given, before sanctions	s are imposed
28	Notify provider of intention to impose sanctions on the provider	Section 63S	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL1</li></ul>
29	Require a provider to give Commissioner an undertaking about remedying non-compliance	Section 63T	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL1</li></ul>
30	Approve form of undertaking	Paragraph 63T(3)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
31	Require a provider to agree to certain actions if revocation of approval is being considered	Section 63U	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
32	Approve form of application to lift sanction, specify documents or information to accompany application and specify fee	Paragraphs 63V(2)(b), 63V(2)(c), 63V(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
33	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
34	Decide whether to lift sanction imposed on provider	Section 63X	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
35	Notify provider of a decision on whether to lift sanction imposed on provider	Section 63Y	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Powers of authorised of	ficers in relation to premise	s
36	Consider it necessary for an authorised officer to enforce powers under Division 2, Part 8 for the purpose of making a decision on an application for approval	Paragraph 64A(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
37	Consider it necessary for an authorised officer to exercise powers under Division 2, Part 8 for the purpose of resolving a complaint or dealing with information about provider responsibilities	Paragraph 65(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Powers of regulatory of	ficials in relation to premise	es
38	Consider it necessary for a regulatory official to enter any premises and exercise search powers for regulatory purposes	Subsection 68(1)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Identity cards		
39	Identity card to be issued to a person who is a quality assessor	Subsections 74(1), 74(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
	Compliance notices		
40	Issue a written	Section 74EE	• SES Band 2
	compliance notice (or		• SES Band 1
	vary or revoke the		• EL 2
	compliance notice)		• EL 1
	Notice to attend to answ	er questions etc.	
41	Require a person to	Section 74F	• SES Band 2
	attend before an		• SES Band 1
	authorised officer to		• EL 2
	answer questions or		
	give information or		
	documents		
	D ·	G 4' ZAFA	ana n
42	Require a person to	Section 74FA	• SES Band 2
	attend before an		• SES Band 1
	authorised officer to		• EL2
	answer questions or		
	give information or documents relevant to		
	compliance with the Code of Conduct of		
43	Aged Care Issue a notice requiring	Section 74GA	SES Band 2
43	information or	Section 74GA	
	documents (and extend		• SES Band 1
	the time of the notice)		• EL 2
	the time of the notice)		• EL 1
	Banning orders		
44	Make a banning order	Subsections 74GB(1),	SES Band 2
-	prohibiting or	74GB(2)	• SES Band 1
	restricting an individual		• EL2
	who is or was an aged		LL2
	care worker, or who is		
	or was a governing		
	person, of an approved		
	provider		
45	Make a banning order	Subsections 74GB(3),	SES Band 2
	prohibiting or	74GB(4), 74GB(5),	SES Band 1
	restricting an individual	74GB(6)	• EL2
	who has not previously		- 1/1/2
	been an aged care		
	worker, or a governing		
	person, of an approved		
	provider		

	Column 1	Column 2	Column 3
Item	Description of power or	Power or function	Delegate
	function		
46	Give an individual a notice of banning order and specify applications of the banning order	Section 74GC	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
47	Notify individual that a banning order is being considered	Section 74GE	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
48	Decide, on own initiative, to vary or revoke a banning order made against an individual	Section 74GF	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
49	Approve form of application for variation or revocation of a banning order, and require other documents or information to be accompanied with an application	Paragraphs 74GG(2)(b), 74GG(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
50	Decide, on an individual's application, whether to vary or revoke a banning order made against the individual	Subsection 74GG(3), 74GG(4), 74GG(5), 74GG(6), 74GG(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
51	Approve form of application for variation or revocation of a condition to which a banning order is subject, and require other documents or information to be accompanied with an application	Paragraphs 74GH(2)(b), 74GH(2)(c)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
52	Decide, on an individual's application, whether to vary or revoke a condition to which a banning order is subject	Subsection 74GH(3), 74GH(4), 74GH(5), 74GH(6), 74GH(7)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
53	Establish and maintain a register of banning orders	Section 74GI	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>

	Column 3	Column 2	Column 1	
	Delegate	Power or function	Description of power or	Item
			function	
	• EL1			
		view of decisions	Reconsideration and rev	
d 2	SES Band 2	Section 74L	Reconsider reviewable	54
	• SES Band 1		decision on request and	٠.
.u i	• EL 2		give notice of decision	
1				
	• EL 1 (item 1 the table in			
4J only)	section 74J or			
nd 2	• SES Band 2	Section 74M	Reconsider reviewable	55
nd 1	SES Band 1		decision on own	
	• EL 2		initiative	
			Miscellaneous	
nd 2	SES Band 2	Subsections 75A(1),	Appoint an authorised	56
	• SES Band 1	75A(2)	officer	50
10 1	• EL 2			
	• EL 2			
	• SES Band 2	Subsection 75A(3)	Give a direction to	57
ıd 1	• SES Band 1		authorised officers	
2010	zion Prolog 20	d Cafeta Commis	Anad Cana Oranii	
2010	sion Kules 20	y and Safety Commiss	Agea Care Quality	
	• SES Band 2	and provider responsibility Paragraph 13(1)(a)	Decide to take no	58
			further action in relation	20
1 <b>u</b> 1	• SES Band 1			
			section 14	
	• APS 6			
nd 2	SES Band 2	Paragraphs 13(1)(b),	Take appropriate action	59
		13(1)(c)	to resolve the issue or	
			decide to undertake a	
			resolution process in	
			relation to the issue	
	• APS 4-0		under section 15	
nd 2	• SES Band 2	Section 14	Decide to take no	60
nd 1	• SES Band 1		further action in relation	
nd 1	<ul> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> <li>SES Band 2</li> </ul>		Take appropriate action to resolve the issue or decide to undertake a resolution process in relation to the issue under section 15  Decide to take no	

	Column 1	Column 2	Column 3
Item	Description of power or function	Power or function	Delegate
	to an issue raised in a complaint and give relevant written notices of decision		<ul><li>EL 2</li><li>EL 1</li><li>APS 6</li></ul>
61	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
62	Give notice to provider of decision to undertake a resolution process	Section 16	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
63	Decide to end a resolution process and give notice	Section 17	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
64	Give information about resolution process to person or body with sufficient interest	Section 18	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>

	Directions		
65	Give directions to relevant providers	Section 19	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
66	Give notice of intention to give directions to relevant providers	Section 20	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
67	Give a notice of failure to comply with direction	Subsection 21(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
	Taking action in relation to	Code of Conduct functions	
68	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care	Paragraphs 23BD(1)(a), 23BD(1)(b), 23BD(1)(c)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
69	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – carry out an investigation	Paragraph 23BD(1)(d)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
70	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – refer information about the compliance to another person or body	Paragraph 23BD(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
71	Actions in dealing with compliance with the provisions of the Code of Conduct of Aged Care – take any other action that the Commissioner considers reasonable in the circumstances	Paragraph 23BD(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
72	Require action by approved providers — require provider to carry out an internal investigation into the compliance and give a written report on the investigation	Paragraph 23BD(3)(a)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

72	D ' ' 1	D 1 22DD(2)(1)	GEG D. 10
73	Require action by	Paragraph 23BD(3)(b)	• SES Band 2
	approved providers –		<ul> <li>SES Band 1</li> </ul>
	require provider to engage		
	an appropriately qualified		
	and independent expert to		
	carry out an investigation		
	into the compliance and		
	give a written report on		
	the investigation		
74	Require action by	Paragraph 23BD(3)(c)	<ul> <li>SES Band 2</li> </ul>
	approved providers –		<ul> <li>SES Band 1</li> </ul>
	require provider to		• EL 2
	undertake specified action		• EL 1
	in relation to the		
	compliance		
75	Require an individual to	Subsection 23BD(4)	<ul> <li>SES Band 2</li> </ul>
	undertake specified action		<ul> <li>SES Band 1</li> </ul>
	in relation to the		• EL 2
	compliance		- DD 2
76	Refer information about	Subsection 23BD(5)	• SES Band 2
	the compliance to the		<ul> <li>SES Band 1</li> </ul>
	approved provider and		• EL 2
	require the provider to		• EL 1
	take appropriate action in		▼ LL I
	relation to the compliance		
77	Take any other action to	Section 23BE	<ul> <li>SES Band 2</li> </ul>
	deal with the outcome of		<ul> <li>SES Band 1</li> </ul>
	an investigation, as		• EL 2
	appropriate		• EL 1
			- LL I
	Doing other things in rel	ation to Code of Conduct fur	octions
78	Give written notice	Section 23BH	<ul> <li>SES Band 2</li> </ul>
	setting out the outcomes		<ul> <li>SES Band 1</li> </ul>
	of an investigation carried		• EL 2
	out by the Commissioner		• EL 1
	that is closed		▼ LL I
	Register of banning orde	ers	
79	Consider that further	Section 23CB	• SES Band 2
	information is necessary		• SES Band 1
	to identify an individual		• EL2
	and include that		- L/L/L
	information in the register		
	of banning order		
80	Consider that information	Section 23CF	• SES Band 2
	included in the register of		• SES Band 1
	banning orders in relation		• EL2
	to an individual is		
	inaccurate, out-of-date,		• EL1
	incomplete, irrelevant or		

	misleading, and correct the information		
	Publication of register of bar	nning orders	
81	Consider that publication of a part of the register of banning orders would be contrary to public interest or the interests of one or more care recipients	Subsection 23CG(3)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL2</li></ul>
	Accreditation of residentia	al aged care services	
82	Approve form of application and require other information or documents to be accompanied with an application	Paragraphs 28(1)(b), 28(1)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
83	Specify a fee for an application for accreditation or reaccreditation	Paragraph 28(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
84	Decide whether to accredit a commencing service or re-accredit a recommencing service and decide whether there are areas of improvement (if the service is accredited or re- accredited)	Section 29	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
85	Give notice of a decision to accredit a commencing service or re-accredit a recommencing service	Subsection 30(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
86	Give an approved provider of a commencing service that obtains accreditation a certificate of accreditation for the service	Subsection 30(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 4-6</li> </ul>
87	Give notice of a decision not to accredit a commencing service or re-accredit a recommencing service	Section 31	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

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	and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service		
88	Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re-accreditation and give the assessment team any information or documents that accompanied the application for reaccreditation	Section 32	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
89	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
90	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
91	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
92	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
93	Prepare a performance report about a residential	Section 40A	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>

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	service and give a copy to the provider of the service		• EL 2 • EL 1
94	Decide whether to reaccredit a residential service	Subsection 41(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
95	Decide the further period for which the service is accredited	Subsection 41(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
96	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
97	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
98	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
99	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
100	Give to an approved provider a reminder notice about the end of	Section 46	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

101	accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be reaccredited		• EL 1
101	Publish decisions relating to accreditation	Section 48	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
102	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
103	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
104	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
105	Give directions to the assessment team for a quality audit	Subsection 54(1)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
106	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
107	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service	Section 57	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>

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	and publish the report on the Commission's website		
108	Conduct quality review of Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines	Section 58	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
	Plans for continuous impr	ovement	
109	Request that approved providers o provide a copy of the plan for continuous improvement for the service	Section 63	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>
110	Direct the provider to revise plan for continuous improvement and give the Commissioner a copy of the revised plan.	Section 63A	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
	Assessment contacts by re	gulatory officials	
111	Make an assessment contact with the approved provider of an accredited service or a previously accredited service, or the home service provider of a home service in accordance with notified arrangements or at any other time (with or without notice)	Subsection 64(1)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
112	Give written notice of the arrangements for assessment contacts with the provider	Section 65	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
113	Before a visit to the premises of the service is made, give the:	Subsections 66(2), 66(4)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

	<ul> <li>Approved provider of an accredited service or a previously</li> </ul>		•	EL 1 APS 6
	accredited service a poster to inform the consumers of the service, and the nominated representatives of those consumers, about the assessment contact  • Home service provider of a home service written notice of the form of words to be used to tell the aged care consumers of the service, and the nominated representatives of those consumers, about the assessment contact			
114	Request information or documents relating to the purpose of assessment contact	Subsection 67(1)	•	SES Band 2 SES Band 1 EL 2 EL 1 APS 6
115	Prepare an assessment contact report.	Subsection 68(2)	•	SES Band 2 SES Band 1 EL 2 EL 1 APS 6
116	Give a copy of the assessment contact report prepared after an assessment contact to the provider	Subsection 68(5)	•	SES Band 2 SES Band 1 EL 2 EL 1
117	Prepare a performance report, give a copy of the report to the provider and	Section 68A	•	SES Band 2 SES Band 1 EL 2

	publish the report on the Commission's website		• ]	EL 1
	Review audits of accredite	ed services	I .	
118	Arrange for a review audit of an accredited service to be conducted	Section 70	• [	SES Band 2 SES Band 1 EL 2 EL 1
119	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	• ;	SES Band 2 SES Band 1 EL 2 EL 1
120	provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	• ;	SES Band 2 SES Band 1 EL 2 EL 1
121	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)		SES Band 2 SES Band 1
122	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	• 5	SES Band 2 SES Band 1 EL 2 EL 1
123	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	• ;	SES Band 2 SES Band 1 EL 2 EL 1
124	After giving a performance report, decide whether to revoke the accreditation of the service.	Subsections 77(1), 77(3), 77(4)	• 5	SES Band 2 SES Band 1 EL 2 EL 1
	If revoking, decide the date the revocation is to take effect.			
	If not revoking, decide whether to vary the			

	service's period of		
10.7	accreditation.		
125	G. G	Section 78	• SES Band 2
	approved provider of the		• SES Band 1
	service a written notice		• EL 2
			• EL 1
			22 1
126	Give notice of a decision	Subsection 79(1)	• SES Band 2
	not to revoke		SES Band 1
	accreditation of		• EL 2
	accredited service to the		• EL 1
	approved provider of the		▼ LL I
	service		
127	Provide the approved	Subsection 79(2)	• SES Band 2
	provider of the service a		• SES Band 1
	new certificate of		• EL 2
	accreditation for the		• EL 1
	service that states the		
	varied period of		• APS4-6
	accreditation		
128	Publish, at the appropriate	Section 80	• SES Band 2
	time, decisions relating to		<ul> <li>SES Band 1</li> </ul>
	accreditation and		• EL 2
	performance reports		• EL 1
			▼ LL I
	<b>Monitoring of Aboriginal</b>	and Torres Strait Islander	r services
129		Section 86	SES Band 2
	and Torres Strait Islander		SES Band 1
	services in accordance		• EL 2
	with the Quality Review		
	Guidelines.		• EL 1
	Registration of quality ass	sessors	
130		Paragraphs 89(2)(b),	SES Band 2
	application for	89(2)(d), 89(2)(e)	• SES Band 1
	registration as a quality		• EL 2
	assessor, specify any		EL Z
	information or documents		
	to be included and specify		
	a fee		
	-		
131	Register an applicant as a	Subsections 90(1), 90(2)	SES Band 2
	quality assessor and give	(2)	• SES Band 1
	written notice to the		
	applicant of the decision		• EL 2
	11		• EL 1

132	Refuse to register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(3), 90(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
133	Approve the form of the application to be reregistered as a quality assessor, specify any other information or documents to be included in the application and specify fee	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
134	Determine whether to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(1), 92(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
135	Refuse to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(3), 92(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
136	Decide to cancel a quality assessor's registration, and give written notice of the cancellation and reasons for the cancellation	Section 94	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
137	Reportable incidents Require specified	Section 95C	• SES Band 2
137	information about reportable incidents of an approved provider	Section 73C	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
138	Decide certain reportable incidents not required to be notified by an approved provider	Section 95D	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

139	Require final report on reportable incident of an approved provider	Subsections 95E(1) and (2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
140	Actions in dealing with reportable incidents of an approved provider – if an final report is required under subsection 95E(1), take any action in response to the report, as appropriate	Subsection 95E(3)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>
141		Section 95F	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
142	Actions in dealing with reportable incidents of an approved provider – referral to police or body or person with responsibility	Paragraphs 95G(1)(a), 95G(1)(aa)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
143	Actions in dealing with reportable incidents of an approved provider	Paragraphs 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
144	Actions in dealing with reportable incidents – require an approved provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	<ul><li>SES Band 2</li><li>SES Band 1</li></ul>
145	Actions in dealing with reportable incidents of an approved provider – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>

146	Actions in dealing with reportable incidents of an approved provider – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li><li>EL 1</li></ul>
147	Conduct an inquiry in relation to reportable incidents of an approved provider	Section 95H (referred to in paragraph 95G(1)(e))	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
148			•
149	Require specified information about reportable incidents of a service provider	Section 95L	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> <li>APS 5</li> </ul>
150	Require final report on reportable incident of a service provider	Paragraph 95M(2)(e)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
151	Actions in dealing with reportable incidents of a service provider – referral to police or body or person with responsibility	Paragraphs 95(M)(2)(a), 95(M)(2)(b)	<ul><li>SES Band 2</li><li>SES Band 1</li><li>EL 2</li></ul>
152	Actions in dealing with reportable incidents of a service provider	Paragraphs 95M(2)(c), 95(M(2)(d), 95M(2)(f)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 6</li> </ul>
153	Actions in dealing with reportable incidents of a service provider – if an incident is investigated under paragraph 95M(2)(d), take any	Subsection 95M(4)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>

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]	action to deal with the		
	outcome of the		
	investigation, as		
	appropriate		
154	Actions in dealing with	Subsection 95M(5)	• SES Band 2
	reportable incidents of a	` ^	SES Band 1
	service provider – if a		• EL 2
	final report is required		
	and given under		• EL 1
	paragraph 95M(2)(e), take		
	any action in response to		
	the report, as appropriate		
	Reconsideration and revi	iew of decisions	
155	Reconsider a complaints	Section 100	SES Band 2
133	reviewable Commissioner	Section 100	
		(nata, na====::::	• SES Band 1
	decision (note restrictions	(note: powers in	• EL 2
	on delegate selection in	legislation are to be	• EL 1
	subsection 100(1))	exercised by an 'internal	
		reviewer'. However,	
		this instrument treats	
		powers as Commissioner	
		powers to be delegated	
		as expressed in	
		subsection 100(1))	
156	Reconsider a regulatory	Section 101	• SES Band 2
	reviewable Commissioner		SES Band 1
	decision (note restrictions	(note: powers in	• EL 2
	on delegate selection in	legislation are to be	• EL 1
	subsection 101(1))	exercised by an 'internal	• EL I
		reviewer'. However,	
		this instrument treats	
		powers as Commissioner	
		-	
		l •	
157	Reconsideration of a	Section 102	• CEC Dand 2
13/		SCCHOII 102	
		(note: novvens in	
		•	• EL 2
	· ·		• EL 1
	_	•	
	subsection 102(1))		
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		powers as Commissioner	
		powers to be delegated	
		powers to be delegated as expressed in	
		<del>-</del>	
157	Reconsideration of a regulatory reviewable decision on own initiative (note restrictions on delegate selection in subsection 102(1))	powers to be delegated as expressed in subsection 101(1))  Section 102  (note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats	

158	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>	
	Information sharing and o	confidentiality		
159	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>	
160	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> </ul>	
161	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or wellbeing is at risk	Section 111	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>Quality Assessor (member of staff of the Commission)</li> </ul>	
	Regulatory Powers (Standard Provisions) Act 2014			
162	Issue an identity card to an authorised person  Note: the powers in Part 2 are triggered by section 74B of the Aged Care Quality and Safety Commission Act 2018	Subsections 35(1), 35(2)	<ul> <li>SES Band 2</li> <li>SES Band 1</li> <li>EL 2</li> <li>EL 1</li> <li>APS 3-6</li> </ul>	

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163	Must take reasonable steps to return seized things under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 66	•	SES Band 2 SES Band 1 EL 2
164	Apply to issuing officer for an order permitting the retention of a thing seized under Part 3  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 67	•	SES Band 2 SES Band 1 EL 2
165	Dispose of a thing seized under Part 3 in certain circumstances  Note: the powers in Part 3 are triggered by section 74D of the Aged Care Quality and Safety Commission Act 2018	Section 68	•	SES Band 2 SES Band 1
166		Subsections 76(1), 76(2)	•	SES Band 2 SES Band 1 EL 2 EL 1 APS 3-6
167	Issue an infringement notice as an infringement officer  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 103	•	SES Band 2 SES Band 1 EL 2
168	Relevant chief executive may extend the period of	Section 105	•	SES Band 2

	time to pay the amount in an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018		•	SES Band 1
169	Relevant chief executive may withdraw of an infringement notice  Note: the powers in Part 5 are triggered by section 74EB of the Aged Care Quality and Safety Commission Act 2018	Section 106	•	SES Band 2 SES Band 1
170	Accept an enforceable undertaking as the authorised person  Note: the powers in Part 6 are triggered by section 74EC of the Aged Care Quality and Safety Commission Act 2018	Section 114	•	SES Band 2 SES Band 1 EL 2

## **SCHEDULE 2**

	Column 1	Column 2
Item	Power or function	Delegate
1	Powers and functions under Part 7B of	SES Band 1 or EL 2 officers in the
	the Aged Care Quality and Safety	branch responsible for Aged Care
	Commission Act 2018 as they relate to	Funding Instrument (ACFI)
	the enforcement of an aged care	compliance in the Department of
	responsibility referred to under	Health.
	paragraph 63-1(1)(a) or (h) of the	
	Aged Care Act 1997	