



Australian Government
Department of Health, Disability and Ageing
and
Aged Care Quality and Safety Commission

Memorandum of Understanding

between

Department of Health, Disability and Ageing
and
Aged Care Quality and Safety Commission

December 2025

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GENERAL AGREEMENT

Part 1 - Introduction

- 1.1. This Memorandum of Understanding (MoU) has been jointly developed and endorsed by the Department of Health, Disability, and Ageing's (the Department) Ageing and Aged Care Group (AACG) and the Aged Care Quality and Safety Commission (the Commission). It recognises and supports both the separate roles and responsibilities of each agency, and the many linked functions and responsibilities of both agencies.
- 1.2. The purpose of this MoU is to support both agencies working together to advance the Australian Government's aims relating to the aged care portfolio with a shared intention and purpose.
- 1.3. The success of this MoU will be evidenced through improved collaboration and improved clarity in relation to individual and shared responsibilities.
- 1.4. As defined in section 7 of the *Aged Care Act 2024* (the Act), the Secretary of the Department is the System Governor of the aged care system. The Department supports the System Governor's functions, outlined in section 339 of the Act, through policy and program management and assurance responsibility for the aged care sector. This includes developing and supporting the legislative and regulatory framework and supporting funding arrangements (and proper use of funds by providers) for Commonwealth funded aged care services. The Department also supports the stewardship and delivery of aged care and health programs through a strong network of regional offices.
- 1.5. The Commission is an independent statutory agency pursuant to the Act and the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The Act establishes the Appointed Commissioner (defined in section 7 as the Commissioner or Complaints Commissioner) as a statutory position and confers specific functions on each position.
 - 1.5.1. The Commissioner is the accountable authority for the Commission and the Head of the Statutory Agency and is responsible for the administration and management of the Commission. The Commissioner's functions under section 348 of the Act include safeguarding individuals accessing funded aged care services (including through undertaking regulatory action), educating and engaging with older people and regulated entities, as well as the registration of providers.
 - 1.5.2. The Complaints Commissioner is primarily responsible for the complaints function as per section 358 of the Act. This includes dealing with complaints and feedback received by the Commission about the compliance of regulated entities with their

obligations under the Act, or about registered providers acting in a way that is incompatible with the Statement of Rights.

- 1.5.3. A more detailed account of the Appointed Commissioners' functions can be found at Schedule 3 of this Agreement.
- 1.6. The Commission's function is to support the Appointed Commissioners in the performance of their respective functions.
- 1.7. This MoU recognises the important roles that the Department and the Commission play in providing assurance for service quality, protecting the interests and safety of older people receiving Commonwealth funded aged care, identifying and managing risk, and working together on the implementation of the reforms. Both agencies recognise that following commencement of the Act, much of the reform agenda will transition to business as usual (BAU) practice and operations for both agencies.
- 1.8. This MoU builds on the work supported by both the Department and the Commission through earlier agreements.
- 1.9. This MoU describes the way that both agencies will work together in accordance with legislative requirements and administrative arrangements. Current respective responsibilities are set out in the Act and its subordinate legislation.
- 1.10. This MoU is not legally binding but represents the jointly agreed expectations and arrangements for engagement, as well as exchanging information to ensure each agency is able to discharge their responsibilities effectively. It aims to build on an existing strong foundation of communication between the two agencies.

Part 2 - Structure

- 2.1. This MoU consists of:
 - a) Part 1 - the General Agreement which includes the purpose of the MoU and the principles that govern its operation, and
 - b) Part 2 - Schedules to the General Agreement which set out specific operational arrangements across four areas of shared responsibility

Part 3 - Purpose and Guiding Principles

- 3.1. The MoU's purpose is to support the Department and the Commission to undertake their statutory functions effectively through establishing clarity of respective scope, arrangements

for the exchange of information and regular engagement.

3.2. This MoU will achieve this by:

- a) clearly articulating roles and responsibilities in relation to strategic and operational arrangements,
- b) supporting timely engagement and liaison between the Department and the Commission to support these roles,
- c) clearly describing arrangements for collaboration on communication and sector education activities,
- d) describing broad data and information exchange protocols necessary to effectively undertake respective functions, and
- e) providing avenues for resolution of difficulties or any conflicts of interest that may arise.

3.3. The guiding principles for this MoU are that the Department and the Commission will:

- a) prioritise a positive and collaborative inter-agency relationship with mutually observed behavioural expectations of respect, openness and transparency, accountability, understanding and recognition of the role of each agency consistent with the Australian Public Service Values,
- b) use experience to inform and support continuous improvement and a commitment to learning,
- c) ensure all staff recognise and respect the strategic context and operating pressures of each agency,
- d) always have regard to their legislative and authorising environment, and
- e) support the timely exchange of information and establish processes that support the Department and the Commission to undertake their statutory functions effectively, and to understand emerging risks.

3.4. This MoU does not prohibit either agency from engaging or developing further short-term partnership agreements, linkages or projects external to this MoU. Both agencies recognise that teams across agencies will have or may develop individual agreements and processes specific to their programs of work.

3.4.1. Where short-term, individual agreements or projects are established externally to the MoU, it is a joint expectation of both agencies that the guiding principles described by this Part also apply to such agreements or projects.

Part 4 - The Agreement

4.1. The Department and the Commission agree that:

- a) communication and information exchange are based on the principle of openness and transparency to achieve shared aims within the aged care portfolio
- b) communication will occur at a national and regional level
- c) information exchange will be consistent with the applicable law or policies pertaining to protection of information, handling, secrecy, confidentiality and privacy
- d) communication of changes to policy, legislation, technology and personnel that could affect the way in which functions may be undertaken will be provided in a timely way
- e) coordinated advice to government will be timely. Where information cannot be shared in accordance with the MoU principles due to restrictions in secrecy or privacy legislation, or if a conflict of interest or sensitive matter arises, each agency will inform the other about why information is not able to be shared
- f) each agency will, wherever possible, avoid duplicating the other's resources and efforts, and will refer to each other for information and data in their respective areas of expertise, and,
- g) legal advice regarding the interpretation of each other's legislation will take place in accordance with the Legal Services Directions 2017.

4.2. The Agreement will be overseen by the Joint Strategic Committee (JSC) including processes for review, implementation, and escalated issues resolution.

Part 5 - Protocols for Communication

5.1. This MoU supports the timely and ongoing communication between the Department and the Commission to optimise outcomes for older people in Australia.

5.2. Cross-agency communication will occur:

- a) nationally at a strategic level to discuss issues, exchange information and report on trends and emerging issues through the monthly JSC meetings, and
- b) at the regional, state or territory level to facilitate engagement and information exchange,
- c) operationally, as required, to facilitate exchange of information and coordinated resolution of shared risks of the delivery of aged care.

- 5.3. For ongoing project and policy development activities, joint governance structures such as Project Boards will be established with mutually agreed Terms of Reference. At a minimum, Project Boards will be approved by a Senior Executive Officer from both agencies. Following the establishment of a Project Board, advice will be provided to the JSC.
- 5.4. Communication teams from both the Department and the Commission agree to communicate regularly and work together to ensure that communication and engagement activities are aligned and consistent where appropriate for the sector and older people. This approach will be guided by the key principles of this MoU and may include sharing draft materials for review and amendment, providing advance notice of release dates and working together wherever possible on joint communication activities.
- 5.5. The Department and the Commission agree to work collaboratively to respond to enquiries when the recipient would benefit from content from both agencies or if there are shared responsibilities referenced. This Agreement extends to the preparation of ministerial and parliamentary documentation (see Schedule 2 for public communication and Schedule 4 for parliamentary procedures).
- 5.6. Detailed operational requirements for communication are outlined in Schedule 2.

Part 6 - Protocols for the Exchange of Information and Data

- 6.1. The Department and the Commission agree that:
 - a) all information requests will be considered with the intention and presumption of facilitating any request as completely and quickly as possible, and
 - b) an online information sharing and collaboration platform will be developed to support the sharing of information and data. This will be hosted on the Department's network and comply with all legal and privacy requirements.
- 6.2. Detailed operational requirements are outlined in Schedule 1.

Part 7 - Roles and Functions of the Department and the Commission

- 7.1. Both agencies acknowledge that the full realisation of this MoU is dependent on a clear understanding and respect for the functions that each is individually and jointly responsible for.
- 7.2. The Department's primary responsibility is to support the System Governor's functions through policy development, legislation, program management and assurance, workforce matters, and market strategy. This includes ensuring equitable access, diversity of providers

in the market, and maintaining continuity of care for older adults. Key activities include providing stewardship, leading budget and parliamentary processes, managing grant arrangements, assuring proper use of program funds by providers, assuring the integrity of self-reporting by providers, maintaining ICT infrastructure for the sector and older people and supporting key ministerial advisory groups such as the Council of Elders and the National Aged Care Advisory Council. In leading this work the Department commits to consulting and engaging with the Commission on activities related to implementation, regulatory practice and compliance practice.

- 7.3. The Commission is a listed entity consisting of the Commissioner, the Complaints Commissioner, and the staff of the Commission. The Commission is an independent statutory agency. Both the Commissioner and Complaints Commissioner report to the Minister.
- 7.4. The Commission's primary responsibility is to support the Appointed Commissioners' performance of their functions, through:
 - monitoring and, where necessary, investigating the compliance of registered providers, responsible persons, aged care workers and aged care digital platform operators against their obligations under the Act, including in relation to incident management, the quality and safety of aged care service delivery, and financial viability and sustainability
 - developing educational products for, and engaging with, the aged care sector to empower older people and support regulated entities. This includes undertaking regulatory campaigns, establishing partnerships and collaborating across the care and support sector, publishing online learning resources and guidance, and conducting webinars, conferences and other engagements
 - dealing with complaints and feedback, including through resolving issues or concerns about the compliance of regulated entities with their obligations under the Act or registered providers acting inconsistently with the Statement of Rights, in a way that is meaningful and (where appropriate) restorative for the parties involved
 - assessing the suitability, capability, commitment and capacity of applicants for registration or renewal, including through undertaking audits of registered provider' operations against the Aged Care Quality Standards
 - developing and publishing the regulatory strategy, notifiable instruments, operational policies and regulatory bulletins to guide the use of powers and decision making.
- 7.5. The Department supports the Minister in the development of the Statement of Expectation

including consulting with the Commissioner prior to submission to the Minister for consideration. Both agencies are committed to fulfilling their respective roles and responsibilities in accordance with the Minister's Statement of Expectations, and the Commission in accordance with the Commissioner's Statement of Intent.

- 7.6. Both agencies support the independence of the Aged Care Quality and Safety Advisory Council (Advisory Council). The functions of the Advisory Council broadly include:
 - a) monitoring the performance of the Commission's functions,
 - b) providing advice and recommendations to the Commissioner, the Complaints Commissioner and the Minister in relation to the Commission's functions, as well as potential or apparent risks,
 - c) supporting the Commission in developing its strategic objectives, and
 - d) engaging widely with relevant stakeholders to inform the development of advice.
- 7.7. The Advisory Council can seek access to relevant data and available information, from the Commission or the Department, for the purposes of their functions under section 383 of the Act, to support the development of advice and recommendations.
- 7.8. The Department and the Commission engage in a broad range of strategic and operational matters through the JSC. This committee was established based on a recommendation (Rec 4.2) from the Independent Capability Review. The JSC comprises of senior executives (Band 2) from both agencies and convenes bi-monthly. The JSC focuses on building and sustaining relationships between the Department and Commission at a senior level and ensuring challenges and emerging risks are identified promptly. As part of the JSC, the Department stands up a Budget Sub-committee which convenes to ensure open communication about budget contexts.
- 7.9. Both agencies also acknowledge their responsibilities in respect to Closing the Gap and the importance of enhancing agency and cultural capability within our workplaces and with all our stakeholders.
- 7.10. This MoU acknowledges that while both the Department and the Commission have separate and well-defined roles and responsibilities, both agencies operate within the broader care and support sector including disability, veterans care and health systems. The Department and the Commission work to achieve shared objectives of the care economy sector.

Part 8 - Schedules to this Agreement

- 8.1. The Schedules to the General Agreement (Part 2 of the MoU) set out specific operational protocols between the two agencies.
- 8.2. The MoU contains four Schedules as follows:
 - a) Schedule 1: Data and information sharing
 - b) Schedule 2: External communication, sector engagement and education
 - c) Schedule 3: Collaborating to manage issues and risk
 - d) Schedule 4: Parliamentary mechanisms.

Part 9 - Application of this MoU

- 9.1. This MoU will be read in conjunction with the MoU Implementation Plan.
- 9.2. The Department and the Commission agree that monitoring and evaluating the MoU is a shared responsibility. These activities will be undertaken in accordance with regular reviews (per Part 10 of this Agreement).
- 9.3. The Assistant Secretary, Strengthening Providers Branch of the Department and the Assistant Commissioner, Regulatory Strategy and Policy Group of the Commission should be approached in the first instance if the MoU is perceived by either agency as not working as intended.

Part 10 - Variation or Review of General Agreement or a Schedule

- 10.1. The MoU, comprising of the General Agreement and Schedules, is to be reviewed annually by the JSC.
- 10.2. The MoU can also be reviewed at the request of either agency or as a result of changes of circumstances such as legislative amendment, machinery of government changes or other matters requiring the MoU to be reviewed or amended. It is intended by the agencies that any variations as a result of a review under this paragraph are to be jointly agreed in writing by the Deputy Secretary of the Department and the Commissioner and approved by JSC.
- 10.3. Other amendments to a Schedule (that is, separate to amendments made as a result of annual review or substantial policy changes mentioned above) can be considered and approved by agreement of an Assistant Secretary of the Department and an Assistant Commissioner of the Commission, with JSC being informed and given the opportunity to

provide feedback at the next meeting.

- 10.4. Other amendments will be documented in a letter of variation and jointly agreed in writing by the Department and the Commission.

Part 11 - Issues Resolution

- 11.1. Early and constructive resolution of issues is expected between staff of both agencies with support from their relevant managers. If the matter cannot be resolved effectively and efficiently it will be escalated by taking the following steps:
 - a) identifying the suitable governance forum where the matter can be further considered (for example a project or program board meeting or other interagency meetings), discussed and resolved. If no formal governance structure exists, the relevant teams involved will convene a meeting of all relevant agencies including a senior decision maker from each agency to discuss and resolve the matter,
 - b) if the matter remains unresolved after following the steps in paragraph 11.1.a), it is to be referred to the relevant Assistant Secretary of the Department and Assistant Commissioner of the Commission for discussion and resolution, and
 - c) if the matter remains unresolved after following the steps in paragraph 11.1b), it is to be escalated to the relevant First Assistant Secretary and Deputy Commissioner. All matters escalated to this level will be brought to the attention of the JSC.
- 11.2. Each agency will make an appropriate record of any issues and the corresponding resolution.

Part 12 - Term of MoU

- 12.1. This MoU comes into effect on signing by both parties if on or after 1 November 2025.
- 12.2. The MoU will remain in effect until both agencies jointly agree in writing that it is to be terminated.

Part 13 - Signatories

Signed by the Commissioner of the Aged Care Quality and Safety Commission in the presence of:



Signature of Liz Hefren-Webb

Date 18/12/25



Signature of witness

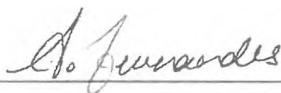
Date 18/12/25

Signed by the Deputy Secretary of Ageing and Aged Care, Department of Health, Disability and Ageing in the presence of:



Signature of Sonja Stewart

Date 15/12/2025



Signature of witness

Date 15/12/2025