

Draft Regulatory Strategy 2025–26

Public Consultation Report

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Australian Government
Aged Care Quality and Safety Commission

Engage
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Safeguard



Executive summary

The Aged Care Quality and Safety Commission (Commission) released the draft Regulatory Strategy 2025–26 (draft Regulatory Strategy) in August 2025. We asked stakeholders to give us feedback on the draft, in particular whether it clearly explained how we will regulate the delivery of quality and safe aged care.

Most of you told us the draft Regulatory Strategy was clear, well written and right for you. Some of you said we should make it shorter and more to the point.

Some of you wanted more information about:

- how we will apply, monitor and enforce the Statement of Rights, in practice
- how our complaints process will:
 - be open, honest and accessible
 - uphold the rights of older people
 - protect whistleblowers and other people who make complaints
- (for providers) how to meet your requirements in different situations
- how we assess risk and decide if we need to supervise you
- our audit approach – including the criteria, thresholds and evidence we use to give an ‘exceeding’ grade.

You liked how we explained our purpose, priorities and approach to regulating aged care in the draft Regulatory Strategy. Particularly our focus on:

- upholding the rights of older people
- using a risk-led and proportionate regulatory approach
- supporting continuous improvement.

Many of you wanted more information about how we will make sure providers uphold the Statement of Rights and meet their requirements under the Aged Care Act.

Many of you also wanted more of a focus on cultural safety, including:

- access to culturally safe services for Aboriginal and Torres Strait Islander peoples
- strengthened cultural safety in complaints processes
- open and honest continuous improvement outcomes
- a culturally safe audit approach.



Providers suggested that the Regulatory Strategy should recognise that for many of them, 2025–26 will be the first year we will regulate them under the new Aged Care Act, and this should be reflected in the Commission’s regulatory approach.

Many of you asked for more practical resources that explain how the Regulatory Strategy affects how we regulate.

We thank you for your feedback. We will use it to improve our Regulatory Strategy, including by developing additional resources to help you understand the principles that guide how we regulate.



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1. Background

The draft Regulatory Strategy builds on our Regulatory Strategy 2024–25 published in August 2024. Last year’s strategy showed what we were doing to make sure our regulatory approach supported the new Aged Care Act.

In the last strategy, we introduced:

- provider supervision
- new ways of assessing and analysing risk
- restorative engagement as part of the complaints process.

In our draft Regulatory Strategy 2025–26, we aimed to explain what we expect of ourselves and the aged care sector. We also wanted to show how our role has grown under the new Aged Care Act.

We explained how we will:

- uphold the rights of older people under the Statement of Rights
- support providers, responsible persons, aged care workers and digital platforms to uphold these rights, and meet their obligations
- make sure providers deliver safe, accessible complaints systems to support older people
- communicate with and educate the sector
- regulate providers through the registration process, and monitor workers – including working with them to bring them back to compliance if needed
- uphold whistleblower protections for people to make complaints and give feedback without fear of negative consequences
- respond proportionately to risk of harm
- support a sustainable, innovative, and continuously improving aged care sector.

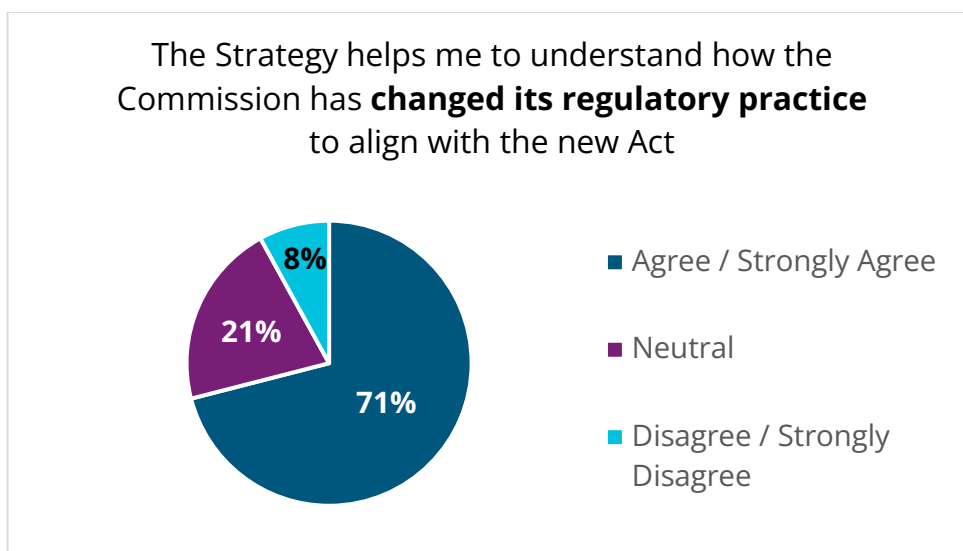


2. What we heard

We made the draft Regulatory Strategy available on our website from 11 August to 5 September 2025. We also published a brief survey asking for feedback. We received 111 survey responses and 14 written submissions.

3.2 Survey responses

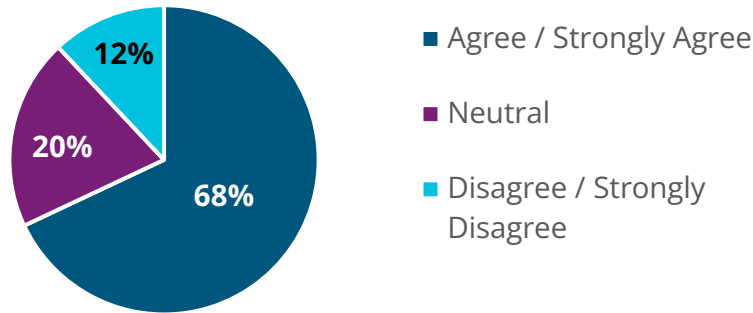
- 71% of people who responded agreed or strongly agreed that the draft Regulatory Strategy helped them to understand how we will change our regulatory practice under the new Aged Care Act.
- 21% were neutral.
- 8% disagreed or strongly disagreed.



- 68% agreed or strongly agreed that the draft Regulatory Strategy structure was easy to understand.
- 20% were neutral.
- 12% disagreed or strongly disagreed.

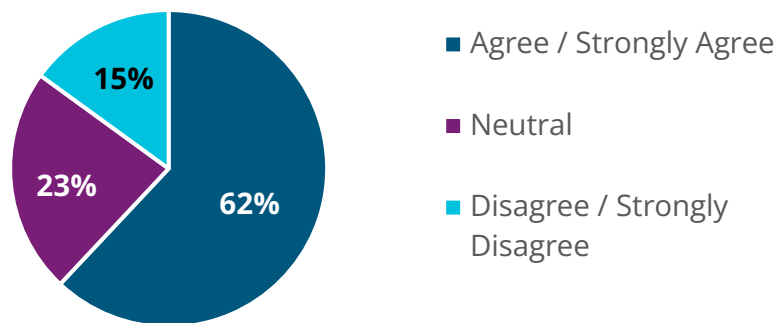


The structure of the Strategy makes it **easy to understand**

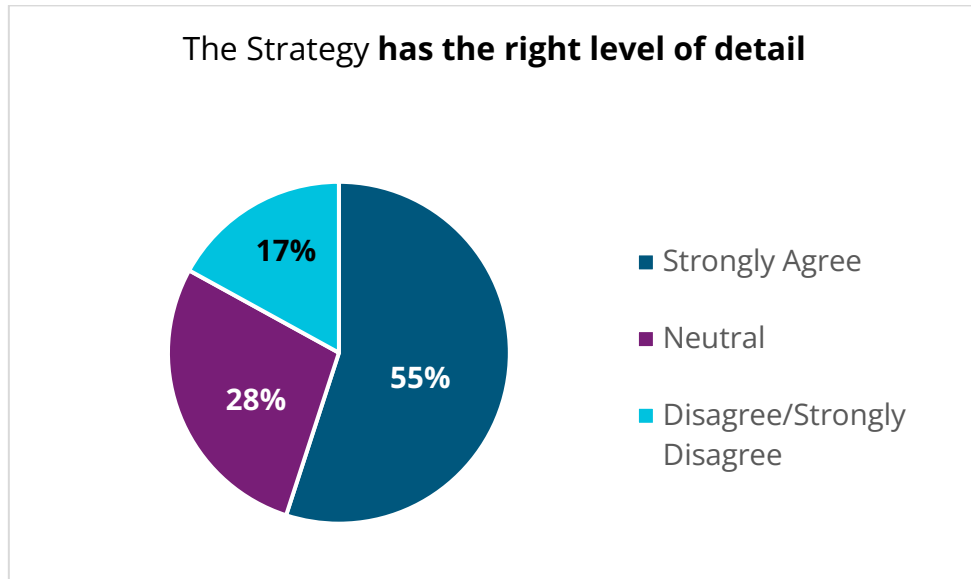


- 62% agreed or strongly agreed that the draft Regulatory Strategy provided them with the information they needed.
- 23% were neutral.
- 15% disagreed or strongly disagreed.

The Strategy **provides me with the information I need**



- 55% of providers agreed or strongly agreed that the draft Regulatory Strategy has the right level of detail to help them provide quality care.
- 28% were neutral.
- 17% disagreed or strongly disagreed.



3.2 Written submissions

Strengths of the Regulatory Strategy

Our stakeholders told us they appreciated the opportunity to comment on the draft Regulatory Strategy. You also said you thought the Strategy was important for:

- defining what we expect from aged care providers and workers
- explaining our regulatory functions.

Many of you thought the Strategy's focus, themes and goals were appropriate, including:

- upholding the rights of older people
- regulating in a risk-based and proportionate way
- supporting continuous improvement.

Providers and organisations representing providers thought the key strengths of the Strategy were:

- using a proportionate and risk-based approach and adjusting how intensely we regulate depending on the risk to older people
- different supervision levels (risk surveillance, targeted, active, heightened) that make our response to risk clear
- focusing on excellence and continuous improvement, including by celebrating high achieving providers and encouraging excellence and new ways of working
- a collaborative approach to engaging with providers to educate them on good practice and build the capacity and skills of the sector
- planning to publish more data and sector performance reports, to help the sector learn.



Ways to strengthen the Regulatory Strategy

You made the following suggestions to strengthen the Regulatory Strategy:

- Simplify the language, reduce repetition and develop a simplified, plain language or 'easy read' version.
- Include more graphics or illustrations, tables, flowcharts and case studies or examples to make the content simpler and help explain more complex ideas or situations.
- Add more information about upholding the Statement of Rights.
- Provide more clarity on how we use our powers under the Aged Care Act to uphold the Statement of Rights
- Recognise the challenges and effect of aged care reform on providers.

Some older people and their supporters told us the draft Regulatory Strategy was:

- too complex, too long, repetitive and possibly confusing when linking to external content
- too high level and lacking detail about how we will perform our functions in practice, and how we will deliver on our commitments
- unclear about how we will hold providers to account for providing quality services
- unclear about how we will enforce the Statement of Rights day to day, and how our regulatory approach will protect older peoples' rights (particularly around complaints).

Some providers also said the Regulatory Strategy should recognise that 2025–26 will be the first year they will work under the new Aged Care Act, and we should allow for this in our regulatory approach.

Aboriginal and Torres Strait Islander stakeholders said the Regulatory Strategy should increase the focus on diversity and cultural safety for older people in their communities. This should include:

- using a co-regulation approach with older Aboriginal and Torres Strait Islander people as decision-makers. For example, setting up formal co-design with Aboriginal Community-Controlled Organisations, peak bodies, advisory panels or joint working groups, so they can give input about ways to regulate cultural safety
- applying cultural safety principles to all our regulatory functions, including complaints handling, enforcement and provider supervision
- updating the regulatory approach section to include:
 - culturally safe approaches to performing our functions
 - cultural safety metrics in registration and audit tools
- adding a set of regulatory principles that include respect, cultural safety, and partnerships with Aboriginal and Torres Strait Islander people.



3.2 Themes

A rights-based regulatory approach

Stakeholders broadly supported our commitment to a rights-based regulatory approach, but you wanted more information about how we will put the rights into practice. You wanted to know more about how we will:

- regulate providers and workers acting compatibly with the Statement of Rights
- monitor how providers are meeting their obligations relating to the Statement of Rights
- make the Statement of Rights part of our regulatory approach and practice
- uphold the rights of Aboriginal and Torres Strait Islander older people to cultural safety, self-determination, and equitable access to aged care services
- implement supported decision-making, when there are also State/Territory government and clinical practice requirements to meet
- regulate volunteers.

Governance and accountability

Some of you wanted more detailed descriptions of aged care system governance. This included more information about how different care and support systems related to aged care (e.g. National Disability Insurance Scheme) will align their regulatory approach.

Risk-based and proportionate

Some stakeholders said the draft Regulatory Strategy did not describe well enough how we will tailor our regulatory response to different market segments – particularly for:

- Aboriginal and Torres Strait Islander providers
- smaller providers
- care provided in different settings (i.e. residential or home and community).

Collaboration and partnerships

You wanted more information in the Regulatory Strategy about how we will work with a broad range of older people and providers. In particular, you wanted the Regulatory Strategy to:

- acknowledge the unique context of rural and remote providers
- include commitments to codesign evaluation approaches and methods with key stakeholders.

Expectations of the Commission

Several stakeholders said the Regulatory Strategy should include a set of best-practice principles to guide our approach.



You wanted more information about our risk-led approach and supervision model. You also wanted to know more about how we will work with providers as they make changes to comply with the new Aged Care Act. This could include:

- definitions of the different levels of risk that lead to specific levels of supervision when we regulate
- what information we use to create provider risk profiles and how we weight different factors
- examples of situations that would cause us to change a provider's risk profile.

Complaints

You wanted more information about our complaint processes, and how restorative justice will work. You also wanted to know how we will:

- be transparent about managing complaints and resolving them in a timely way
- protect people who make complaints and whistleblowers from negative consequences (including how we will manage confidential or personal information and help people stay anonymous)
- make sure complaints processes are accessible and culturally safe
- use complaints information to drive improvement in the aged care sector.

Request for more resources

Stakeholders wanted more detailed resources to support the Regulatory Strategy. You asked for:

- fact sheets
- webinars
- videos for specific stakeholder groups, such older people or people from diverse communities.

Older people and their supporters asked for resources that explain the Statement of Rights in everyday language – for example posters, wallet cards and digital content. These resources would help older people learn about their rights, complaints processes and whistleblower protections. They could include visual guides about making a complaint and be translated into different languages.

Providers asked for more detailed resources about their requirements and our expectations and processes. These included:

- case studies with relevant scenarios and possible outcomes
- practical tools such as checklists, flowcharts and short guides for workers
- general and service-type fact sheets on specific requirements.



3. What we are doing

We will use your feedback to help us create the final version of our Regulatory Strategy, which we will publish on our website. We will add more content about:

- our complaints function and restorative practices
- what we expect from providers
- how we will work with providers who are having difficulty implementing the new Aged Care Act.

The Regulatory Strategy is our highest-level policy document and needs to apply to the whole aged care sector. However, in response to your feedback, we will publish more resources on the topics you want more information about or update existing ones. We will:

- **review our provider supervision policy** to make sure providers have enough information about how we identify and assess risk, and how we tailor our approach to the provider
- **publish our compliance and enforcement policy** to explain how and when we will use our regulatory tools
- **publish our complaints handling policy and guidelines** to be transparent and accountable about our complaints processes
- **work with key stakeholders to co-design specific guidance on** how we will apply the Regulatory Strategy to providers, responsible persons and workers providing aged care services to Aboriginal and Torres Strait Islander people, and how we will regulate in a culturally safe way
- **publish an easy-read version of the Regulatory Strategy** to provide this information in a more accessible format.

We thank everyone who took the time to complete the survey and provide feedback on the draft Regulatory Strategy. Your feedback will help us make sure our Regulatory Strategy is meaningful and fit-for-purpose and supports providing safe, high-quality aged care.