



Office of Commissioner
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Our Ref: LHW2025-05-05

The Hon Sam Rae MP
Minister for Aged Care and Seniors

Dear Minister

Thank you for your letter of 28 May 2025 setting out your Statement of Expectations for the Aged Care Quality and Safety Commission. I am pleased to provide our Statement of Intent in response.

The Commission's priority is the safety, health, wellbeing, dignity and quality of life of older people receiving Commonwealth funded aged care services. As we transition to the new Act, older people will remain at the centre of everything we do. The Commission has made great strides to ensure our regulatory approach aligns with the rights-based and person-centred focus of the aged care reforms.

I recognise that from commencement, the *Aged Care Act 2024* (the new Act) will represent a significant change for the sector. The Commission will continue to provide practical support and guidance to providers, workers and older people to facilitate a smooth transition to the regulatory framework commencing under the new Act.

Under the new Act, some aged care providers will be regulated by the Commission for the first time, and existing providers will have obligations that are new or changed. The Commission's regulatory approach is set out in our Regulatory Strategy. We adopt a proportionate, fair and balanced response to risk, using the right mix of regulatory tools to get the best results for older people. Our approach recognises when providers demonstrate their commitment to meeting and exceeding standards, and are striving to deliver high quality care.

Overview

The Commission is an independent Statutory Agency. My responsibility for the independent regulation of Commonwealth-funded aged care services, as set out in the current *Aged Care Quality and Safety Commission Act 2018* (Commission Act), will continue under Chapter 5, Part 3 of the new Act. My functions under the new Act will include:

- **Safeguarding functions**, focussed on upholding the rights of older people under the Statement of Rights, ensuring providers, responsible persons, aged care workers and digital platforms comply with their obligations, protecting continuity of care (including financial viability), and promoting continuous improvement toward high quality care to build the confidence and trust of older people in the delivery of aged care services.
- **Engagement and education functions**, focussing on engaging with and empowering older people, learning from their experiences to develop and promote best-practice models, educating the aged care sector and older people on the rights under the Statement of Rights, the work of the Commission, and the obligations of providers, as well as building the capability of the aged care sector.
- **Registration of providers functions**, which focus on regulating the participation of aged care providers in delivering funded aged care services by regularly testing their suitability, capability, commitment and capacity.

Under the new Act I will also work alongside a Complaints Commissioner appointed by you, who will have **complaints functions**, including:

- Empowering older people and those supporting them by building their understanding of, and confidence in, their right to pursue complaints and give feedback.
- Upholding the rights of older people under the Statement of Rights and protecting and enhancing their health, safety, wellbeing and quality of life through maintaining processes to make complaints and give feedback to the Complaints Commissioner about registered providers, responsible persons and aged care workers.
- Working with complainants to resolve their complaints (including whistleblower disclosures), acknowledging and engaging with independent aged care advocates, and referring complaints or feedback to other bodies where appropriate.
- Engaging with older people, registered providers, responsible persons and aged care workers to develop educational materials and other supports that build capability and promote a culture of best-practice complaints handling in the aged care sector, including open disclosure and continuous improvement.

I will perform these functions consistent with the Statement of Principles to build an aged care system where:

- The safety, health, wellbeing and quality of life of individuals is the primary consideration in the delivery of funded aged care services
- The delivery of funded aged care services puts older people first, treats them as unique individuals, and recognises their rights under the Statement of Rights
- Older people are supported to exercise autonomy and self-determination, and to access safe, appropriate care regardless of their location, background or life experiences
- The capability of registered providers is strengthened, and supports funded aged care services being delivered by an appropriately trained and qualified workforce
- Regulation promotes innovation and continuous improvement toward high quality care, while also being responsive and proportionate to risk, with a focus on prevention and timely action

Regulatory Activities

I acknowledge that there are significant efforts already underway across the aged care sector to prepare for the new Act, and the Commission will continue to provide support through guidance, resources and ongoing consultation and engagement in preparation for the transition.

I recognise that, with the scale of change, immediate, strict compliance with new or changed legislative obligations may be challenging for some providers. The Commission's regulatory approach is, and will remain, risk-based, meaning we will pay greatest attention to, and expend greatest effort on, those issues that present risks to high quality and safe care. My expectation of registered providers, responsible persons, aged care workers and digital platforms is that they will comply with their legislative obligations, address areas of non-compliance proactively, and take a continuous improvement approach.

The Commission's regulatory approach will be consistent with our Regulatory Strategy. We will:

- always prioritise the health, safety, wellbeing and quality of life of older people receiving funded aged care and services, including by upholding their rights under the Statement of Rights

- promote transparency and accountability by being:
 - fair – we remain objective and transparent in our decision making as we engage with older people, providers and workers in the collaborative task of upholding older people's rights
 - balanced – our decisions and actions are consistent, based on assessed evidence and expert advice
 - effective - we take the right actions to hold providers and workers accountable and everything we do is focused on outcomes to improve care and uphold older people's rights
- recognise where providers are making efforts to comply with their legislative obligations, and engage these providers with an emphasis on continuous improvement toward the delivery of high-quality care
- recognise providers who are getting it right and exceeding expectations in the quality of the care they provide
- monitor compliance with obligations through supervision, incentivising providers to fix problems quickly and improve their performance.
- take swift and effective action, including enforcement actions, where a provider is unwilling to comply with their obligations or is putting older people at risk, to deter the provider from repeating the same behaviour in the future and to put other providers on notice that such conduct will not be tolerated

The Government's Policy Priorities and Objectives

The Commission will continue to work with the Department to support the sector to be ready for the new Act. We will engage with older people, aged care providers and workers, and peak and industry bodies to understand their needs.

The Commission currently engages, and will continue to engage, in extensive consultation and collaboration through a range of groups and oversight bodies, including the Aged Care Quality and Safety Advisory Council, the Aged Care Transition Taskforce, the Commission Consultative Forum, and our Consumers and Families Panel, Aged Care Providers and Workers Panel, and our Culturally and Linguistically Diverse and First Nations Reference Groups.

I intend to maintain and build on the Commission's existing transparency mechanisms, including our annual reporting, sector performance and insight reporting. The Commission will launch a revised Regulatory Strategy for the new Act to ensure consistency and transparency in our decision making and regulatory approach.

We will also continue to work toward regulatory alignment with other care and support sectors, where such alignment is appropriate and in the best interests of older people. This includes working with other agencies whose roles intersect with aged care sector, including the NDIS Quality and Safeguards Commission, the Australian Commission on Safety and Quality in Health Care, the Australian Health Practitioner Regulation Agency, the Fair Work Commission, and Commonwealth, State and Territory Work Health and Safety Regulators.

Relationship with Minister and Portfolio

The Commission will continue to keep you, as Minister for Aged Care and Seniors, informed in a timely manner about any emerging trends, issues or risks relevant to our operations and functions. We will also continue to work closely and collaboratively with the Department to develop and implement the Government's policy and reform initiatives relating to aged care.

Our interactions with the Department are and will continue to be enabled and supported by the updated Memorandum of Understanding (MoU) between the Commission and the Department.

The MoU confirms our strong shared commitment to collaborative engagement and outlines operational protocols for information and data sharing. The MoU will be updated to align with the new Act, and to support the Commission to continue fulfilling our commitment to the Government's aged care reform agenda.

Accountability

The Commission will continue to work collaboratively with the Aged Care Quality and Safety Advisory Council (Advisory Council), and I acknowledge their invaluable role in overseeing and supporting the Commission's performance of our functions.

Organisation Matters

I recognise that, as a national regulator, we are ultimately accountable to the public through the Parliament of Australia for our performance, and that this accountability is supported by the Commission's ongoing reporting and transparency obligations. We will continue to meet our performance and reporting accountabilities as set out in the PGPA Act and Commission Act (and subsequently the Aged Care Act), including through our corporate plan and annual report that is provided to you as the responsible minister, and to the Minister for Finance.

The Commission remains committed to fulfilling its purpose and making a significant positive contribution to the implementation of the Government's aged care reform agenda. Through our regulatory activities, we will continue to promote and improve confidence and trust in an Australian aged care system that delivers the best possible quality of care and outcomes for older people.

The Government's Statement of Expectations and this Statement of Intent will be published on our website, and will be incorporated in the Commission's corporate plans.

Yours sincerely

A handwritten signature in black ink, appearing to read 'LH Webb', written in a cursive style.

Liz Hefren-Webb

Aged Care Quality and Safety Commissioner

11 June 2025