



Aged Care Quality and Safety Commission Statement of Expectations

Ministerial Statements of Expectations provide greater clarity about the implementation of government policies and objectives relevant to the regulator in carrying out its statutory functions. As the Australian Government Minister responsible for Aged Care and Seniors, my responsibilities currently include administration of the *Aged Care Quality and Safety Commission Act 2018* (Commission Act), and the Aged Care Quality and Safety Commission Rules 2018. From their commencement, my responsibilities will include administration of the *Aged Care Act 2024* (Act) and Aged Care Rules.

As the national regulator for the aged care sector, the Aged Care Quality and Safety Commission (Commission) will play a pivotal role in the transition from the existing legislative framework to the Act, and thereafter in the ongoing regulation of the aged care sector. The Australian Government acknowledges this significant role. This statement sets out my expectations of the Commission in the transition to, and delivery of, the Act and Aged Care Rules from their commencement.

Overview

The Commission is an independent statutory agency pursuant to the Commission Act and *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The primary role of the Commission is to:

- inform older people in Australia accessing aged care and their supports about their right to quality and safe care and services
- regulate aged care providers and monitor the quality of care and services
- educate providers on their responsibilities to deliver safe and high-quality care
- monitor compliance with the Aged Care Code of Conduct and Quality Standards
- make and enforce financial and prudential standards
- deal with complaints or feedback given to the Complaints Commissioner
- deal with reportable incidents under the Serious Incident Response Scheme
- register providers of aged care, as well as renew and revoke registrations
- publish data and insights on sector and provider performance
- promote engagement with older persons about the quality of care and services, and
- promote confidence and trust in the provision of aged care.

I, as the Minister for Aged Care and Seniors, recognise and respect the independence of the Aged Care Quality and Safety Commissioner (Commissioner) appointed under the Commission Act, and their responsibility for the regulation of Commonwealth-funded aged care services, as set out in the Commission Act. I recognise and respect that, upon commencement of the Act and Aged Care Rules, this independent appointment and regulatory responsibility will continue under Chapter 5, Part 3 of the Act.

Regulatory Activities

I expect the Commission to undertake activities that support the Government's objective of ensuring safety, dignity, and wellbeing of every older person using Commonwealth-funded aged care services. The commencement of a new rights-based and person-centred Act marks the beginning of a new



regulatory model for registered aged care providers, including new Aged Care Quality Standards, conditions, obligations and detailed requirements under the Aged Care Rules.

I expect the Commission to recognise that some aged care providers will be subject to legislative requirements and the Commission's regulation for the first time once the Act commences. This will include aged care providers managed under funding agreements, such as Commonwealth Home Support Program (CHSP) and National Aboriginal and Torres Strait Islander Flexible Aged Care (NATSIFAC) providers. Existing aged care providers will have some new and changed regulatory obligations, arising from both changes to how services are categorised, and new bespoke requirements under the Act and Aged Care Rules.

I expect the Commission to acknowledge the significant effort from aged care providers to implement new policies and processes as they ready themselves to deliver the Act and for the Commission to support aged care providers to continue to deliver high-quality and safe care to aged care recipients during this transition period.

While providers must demonstrate dedication to complying with their legislative obligations, this should be secondary to the commitment to deliver high-quality and safe care. I expect the Commission to acknowledge that immediate compliance with the new requirements may be challenging for some aged care providers while maintaining operations.

In consideration of the above, I expect the Commission to take a risk-based, fair, proportionate, and balanced approach to responding to breaches of legislative obligations following commencement of the Act. During the transition period, aged care providers are expected to comply with all obligations, but the Commission should ensure its response to managing non-compliance is proportionate to the risk posed. For clarity, I do not consider the Commission's functions and responsibilities relating to the actual safety of individuals receiving aged care services to be something the Commission can defer its consideration of.

Where aged care providers are demonstrating a strong commitment to meeting registration conditions and obligations by making best efforts to achieve compliance, I expect the Commission's response to be collaborative and educative, assisting providers to achieve compliance within a reasonable timeframe while maintaining high-quality and safe care. The Department of Health, Disability, and Ageing (Department) will work with the Commission also in relation to registered providers delivering aged care services under grant arrangements, where non-compliance under the terms of providers grants arrangements.

Where providers demonstrate an unwillingness to achieve the expectations of registration, or where serious breaches have occurred placing aged care recipients at risk of harm, I expect the Commission to respond appropriately, as required, including swift and effective compliance and enforcement action. All regulatory responses should prioritise the safety of aged care recipients.

The Commission is expected to undertake its regulatory activities transparently and collaborate and engage with older people, Government, the aged care sector, and peak and industry bodies to transition to and implement the Act.

The Government's Policy Priorities and Objectives

The transition to and implementation of the Act and the new Support at Home program represents some of the most significant and critical work of the Commission, Department and the aged care



sector. I acknowledge the substantial amount of work undertaken by the Commission and Department to date to support implementation and expect this commitment to continue.

Engagement and readiness activity for the sector, jointly developed between the Department and Commission, must be prioritised to support transition to the Act. I will seek and consider advice from the Aged Care Transition Taskforce, of which the Commissioner is a member, about matters relating to Act implementation and expect the Commission to work alongside the Department in actioning relevant advice.

Operationalisation of the Act's new regulatory model is central to the transformation anticipated through implementation of the Act. I expect the Commission to continue to collaborate with the Department and sector to engender trust and transparency in the delivery of aged care services. I expect the Commission to ensure its Regulatory Strategy remains up-to-date to ensure consistency in decision-making, a fair, balanced and effective regulatory approach, and transparency in Commission policies, processes and engagement with stakeholders.

Relationship with Minister and Portfolio

The Commission plays an essential role in ensuring that the Government and I, as Minister for Aged Care and Seniors, are well-placed to respond promptly to any policy challenges and opportunities arising from the administration of aged care regulatory functions, or the regulation thereof. I expect timely information about any emerging trends, issues or risks relevant to the Commission's operations, particularly those that may impact on Government operations or policies.

The Department also provides accurate and timely policy advice on significant issues relating to aged care regulatory functions, in accordance with the Government's policy priorities and objectives. The Department considers the knowledge and expertise of the Commission when considering changes to policy and legislation that impact on quality, safety, and choice in aged care.

Accordingly, I expect the Commission to work collaboratively with the Department on significant issues relating to strengthening the aged care sector. The joint Memorandum of Understanding between the Department and the Commission, and other documentation such as the Financial Roles and Responsibilities for home services, are being updated to reflect operation of each agency under the Act and support ongoing cooperation and collaboration.

I will ensure the Commissioner is well informed of the Government's policy direction during the transition to the Act.

Accountability

As the Minister for Aged Care and Seniors, I recognise the enhanced role, including greater independence, of the Aged Care Quality and Safety Advisory Council, in the operation of the Commission, under Chapter 5, Part 4 of the Act.

Organisation Matters

The Commission operates as part of the Australian Government and is accountable to the Parliament of Australia, and the public, through me as the Minister for Aged Care and Seniors, the Parliamentary Committee process, and the tabling of the Commission's Annual Report.

In accordance with the PGPA Act, Commission Act and forthcoming Act, I expect that the Commission will integrate performance measures into the Commission's Corporate Plan and



subsequently report on outcomes against each measure in the Commission's Annual Report. As the Minister for Aged Care and Seniors, I will assess the Commission's performance against these measures as part of its oversight function in determining whether the Commission is successfully achieving its objectives.

To enable greater transparency and accountability, I expect the Commission to publish its Statement of Intent in response to this Statement of Expectations on its website and subsequently incorporate both in its Corporate Plan.