

13 September 2025

Commissioner Liz Hefren-Webb
Aged Care Quality and Safety Commission
Emailed: regulatorystrategy@agedcarequality.gov.au

Dear Commissioner

Draft Regulatory Strategy 2025-26

Ageing Australia welcomes the opportunity to comment on the Aged Care Quality and Safety Commission's Draft Regulatory Strategy 2025-26 (Strategy).

Ageing Australia is the national peak body for aged care, representing providers of retirement living, seniors housing, residential care, home care and community services. We advocate for our members, providing expert advice, resources and tailored services to ensure they deliver exceptional care to older Australians.

We thank the Commission for its engagement to date on the Draft Strategy and for accommodating preliminary feedback from Ageing Australia.

We acknowledge the significant effort that has gone into preparing a more concise and tailored account of the Commission's regulatory posture and approach at a pivotal time for the aged care sector and older people in Australia.

The strengths of the Strategy, as reported by aged care providers, include:

- a proportionate and risk-based approach that adjusts regulatory intensity based on providers' ability to manage risks, enabling those who demonstrate effective risk management to focus on delivering quality care
- recognition of exemplars of high-quality care, fostering a culture of excellence and innovation
- support for continuous improvement through the new audit conformance grading, celebrating providers who exceed compliance
- partnering with providers to deliver rights-based care, offering targeted communication, education, and feedback opportunities to assist providers in improving their services and aligning with best practice
- transparency, such as the Compliance and Enforcement Policy, Provider Governance Policy, and Supervision Model, fostering an understanding of how providers can meet their obligations.

These strengths collectively create an environment where providers are guided and recognised, enabling them to deliver high-quality, rights-based care to older people.

We provide our broad support for the Strategy and acknowledge its role in fostering trust and confidence in our aged care system.

Our recommendations for further improvement of the Strategy, and its implementation, focus on 2025-26 being the first year of implementation of the new Aged Care Act and optimising the Commission's regulatory role to support providers through transition.

Recognise year one of the Aged Care Act 2024

The commencement of the new Aged Care Act on 1 November 2025 will see Australia enter a new chapter in aged care, with rights-based legislation in place.

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Given the scale of reform required to regulate and deliver the new Aged Care Act, the Strategy should recognise the significance of this first year of implementation. Some provider groups may be substantially affected by significant reforms such as:

- residential care providers navigating financial and prudential standards and minimum liquidity standards
- home care providers moving to Support at Home, with substantial changes occurring concurrently
- CHSP providers under a new regulatory model for the first time
- smaller providers, including those who are in regional, rural and remote areas or specialisations with limited change management capacity.

Minister Rae's [Statement of Expectations to the Commission](#) 28 May 2025, acknowledges this context stating:

'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.'

Your [Statement of Intent](#) 11 June 2025, in response says:

'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.'

The Commission could be clearer in the Strategy about how it will address the Minister's expectations, possibly through acknowledging the anticipated challenges for providers and Commission practices to understand and address them.

Providers also need confidence that the Commission is setting itself up to manage the context of transition during year one of the new Act. Of note is significant provider interest in consistent implementation, including for activities such as audits. The Strategy is an opportunity for the Commission to showcase improvements in its capability to regulate the new Aged Care Act. This could include references in the Strategy to organisational structures and leadership, internal training and change management, practices such as escalation or internal review, and the coordinated scheduling of compliance activities.

R1 Include in the Strategy an acknowledgement that 2025–26 is the first year of the new Aged Care Act 2024, and outline how this context will shape the Commission's regulatory approach — consistent with the Minister for Aged Care's Statement of Expectations.

R2 Ensure consistency across the Commission for implementation of the Strategy (such as audits) and reference in the Strategy as to how this will be managed.

Provide clarity on sector-wide transition issues and compliance approaches

Many providers, even with demonstrable intent and planning to transition, will need time to adapt to the new Aged Care Act and its requirements. This will include addressing compliance matters arising from the Strategy.

The implementation of the Strategy should include clarification on the Commission's compliance intent for emerging sector-wide transition issues and risks. Such an approach will build capability and accelerate provider implementation.

Examples of potential sector-wide transition issues that would benefit from clarity on compliance approaches, particularly for Support at Home, include:

- service agreements not being signed
- co-contributions not being agreed but invoiced
- not all associate providers being reported
- a provider that ceases services due to a client not paying for 14 days post invoice, particularly if there is no service agreement in place.

Complaints and whistleblowers are also of concern among providers as a transition issue requiring clarity with respect to compliance approaches.

As advised by providers, there are several areas of opportunity to support transition. These opportunities include:

- offering clear, phased guidance to help providers transition smoothly
- providing transitional support, such as workshops, webinars, and FAQs, to address common challenges and clarify expectations
- actively engaging with providers, aged care workers, older people, and their supporters to gather feedback on the implementation process, ensuring the Strategy aligns with the realities of care delivery
- coordinating the implementation of the Strategy with other reforms in the aged care sector to avoid duplication and confusion
- collaborating with other regulatory bodies to ensure consistency and alignment across care and support sectors
- recognising during compliance monitoring the unique strengths and capabilities of the provider for implementing change and new systems.

A timely, proactive and transparent approach at the sector level will build trust with providers by demonstrating fairness, consistency, and a commitment to supporting continuous improvement.

R3 Develop a rolling series of Regulatory Bulletins (or other communication outputs) on new Aged Care Act transition issues that are likely to be wide-reaching to provide sector-wide updates on compliance approaches.

Continue to develop resources, guidance and support for providers in a planned and targeted manner

Ageing Australia recognises the substantial effort the Commission are investing in resources to support providers during 2025-26 and beyond. We commend the user-centric approach for providers to access resources.

Areas of opportunity for further development, as identified by aged care providers, include:

- providing more tailored training programs for providers and their workforce, focusing on practical implementation of rights-based care and compliance with the Aged Care Quality Standards
- expanding access to resources like the Serious Incident Response Scheme (SIRS) education packs to include more interactive and scenario-based learning

- offer more detailed examples and case studies on how to effectively manage risks and meet regulatory expectations
- facilitating more regular and structured forums for providers to share best practices, challenges, and innovative solutions
- developing more targeted resources and guidance for delivering culturally safe care to First Nations and culturally and linguistically diverse (CALD) older people, through partnering with practitioners to ensure resources are meaningful and accessible

It is important align the timing of compliance activities with the release of guidance. Examples include:

- timing of resumption of audits and support for providers who are found to still be adjusting to the new standards
- providing real-time feedback or support during heightened supervision to help providers address risks promptly
- scheduling of a 'targeted review on home care compliance' is mindful of the reform impost of Support at Home during 2025-26, as well as support for providers to meet requirements ahead of any reviews.

It is also imperative to consider the unique challenges faced by smaller, regional and specialist providers, such as limited resources and workforce shortages. Providing additional and tailored support to these providers will ensure equitable implementation of the Strategy across the sector.

R4 Include reference in the Strategy to a planned approach to the timing of compliance activity, and related provider supports.

R5 Continue to provide resources, guidance and support for the sector on implementation of the new Aged Care Act, and consider tailored approaches for smaller providers with limited change management capacity.

By addressing these recommendations, we believe that the Strategy and its implementation will better align with the operational realities of providers, enabling them to deliver high-quality, safe, and person-centred care to older people.

Thank you again for the opportunity to make a submission. If you would like to discuss this submission or have any questions, please contact Anne Liddell, Head of Strategic Policy, at Anne.Liddell@ageingaustralia.asn.au or Nick Elmitt, Head of Quality and Research, at Nick.Elmitt@ageingaustralia.asn.au .

Yours sincerely,

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