



Aged Care Quality and Safety Commission (Commissioner) Delegation (No. 6) 2022

I, Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, under subsections 76(1) and 76(1A) of the *Aged Care Quality and Safety Commission Act 2018*:

1. REVOKE all previous instruments of delegation made under those subsections;
2. DELEGATE to each person from time to time holding, or performing the duties of, a position at a classification level or described by a position title or other description in the Aged Care Quality and Safety Commission mentioned in Column 3 of an item in Schedule 1, my powers or functions under the provisions mentioned in Column 2 of the item;¹ and
3. DELEGATE to each person from time to time holding, or performing the duties of, a position in the Department of Health mentioned in Column 2 of an item in Schedule 2, my powers or functions under the provisions mentioned in Column 1 of the item.

Dated this 21st day of March 2022.

J. M. Anderson

Janet Anderson
Commissioner

¹ NOTE: the description of the power or function in Column 1 of an item in the Schedule is for information purposes only. The correct reference for identifying a power or function in an item is the provision, or provisions, mentioned in Column 2 of the item.

SCHEDULE 1

	Column 1	Column 2	Column 3
<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
<i>Aged Care Act 1997</i>			
1	Approve form of notification for change of circumstances materially affecting approved provider's suitability.	Subsection 9-1(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
2	Request a provider to give information relevant to the provider's suitability to be a provider of aged care	Subsection 9-2(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
3	Request a current or former provider to give information relating to refundable deposits, accommodation bonds, entry contributions etc.	Subsection 9-3A(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
4	Request a provider to give information about ability to refund balances	Subsections 9-3B(2), 9-3B(3)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
<i>Aged Care Quality and Safety Commission Act 2018</i>			
Information sharing			
5	Giving information to the Secretary in certain circumstances (also see Division 2 of Part 8 of the Rules)	Subsections 56(1), 56(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 4-6
Making information publicly available			
6	Making information about an aged care service publicly available	Section 59	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
7	Making information about a Commonwealth funded aged care service publicly available	Section 59A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

	Column 1	Column 2	Column 3
<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
Protected information			
8	Disclosure of protected information	Section 61	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Application for approval as provider of aged care			
9	Approve form of application for approval as provider of aged care, specify documents and information to accompany application and specify fee for application	Paragraphs 63B(2)(b), 63B(2)(c), 63B(2)(d)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
10	Request a person who has applied for approval to give further information within a specified period and extend the period within which person is to provide information	Section 63C	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
11	Decision as to whether to approve a person as a provider of aged care	Section 63D	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
12	Notify a person who has applied for approval of decision relating to approval	Section 63E	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Cessation and revocation of approval			
13	Decide whether to revoke approval when requested by provider, notify provider of decision and give Secretary a copy of notice	Section 63H	<ul style="list-style-type: none"> • SES Band 1 • EL 2
14	Approve form of request for revocation by approved provider, specify information or documents to accompany request and specify fee	Paragraphs 63H(2)(b), 63H(2)(c), 63H(2)(d)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
15	Decide to revoke approval if satisfied of certain	Section 63J	<ul style="list-style-type: none"> • SES Band 1

	Column 1	Column 2	Column 3
<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
	matters (no application by provider required)		<ul style="list-style-type: none"> • EL 2
16	Notify provider that revocation is being considered	Section 63K	<ul style="list-style-type: none"> • SES Band 1 • EL 2
17	Notify provider that their approval has been revoked or limited and notify of the revocation day	Section 63L	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Imposition of sanctions by the Commissioner			
18	Decide to impose sanctions and notify the provider of the decision	Section 63N	<ul style="list-style-type: none"> • SES Band 1 • EL 2
19	Specify a day revocation must take effect (in certain circumstances)	Section 63P	<ul style="list-style-type: none"> • SES Band 1 • EL 2
20	Specify a day when revocation or suspension of allocation of places is to take effect	Section 63Q	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Notices that must, or may be given, before sanctions are imposed			
21	Notify provider of intention to impose sanctions on the provider	Section 63S	<ul style="list-style-type: none"> • SES Band 1 • EL 2
22	Require a provider to give Commissioner an undertaking about remedying non-compliance	Section 63T	<ul style="list-style-type: none"> • SES Band 1 • EL 2
23	Approve form of undertaking	Paragraph 63T(3)(b)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
24	Require a provider to agree to certain actions if revocation of approval is being considered	Section 63U	<ul style="list-style-type: none"> • SES Band 1 • EL 2
25	Approve form of application to lift sanction, specify documents or	Paragraphs 63V(2)(b),	<ul style="list-style-type: none"> • SES Band 1 • EL 2

	Column 1	Column 2	Column 3
<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
	information to accompany application and specify fee	63V(2)(c), 63V(2)(d)	
26	Request provider to give further information about an application under subsection 63V(1) and extend period for giving information	Section 63W	<ul style="list-style-type: none"> • SES Band 1 • EL 2
27	Decide whether to lift sanction imposed on provider	Section 63X	<ul style="list-style-type: none"> • SES Band 1 • EL 2
28	Notify provider of a decision on whether to lift sanction imposed on provider	Section 63Y	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Powers of authorised officers in relation to premises			
29	Consider it necessary for an authorised officer to enforce powers under Division 2, Part 8 for the purpose of making a decision on an application for approval	Paragraph 64A(1)(b)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
30	Consider it necessary for an authorised officer to exercise powers under Division 2, Part 8 for the purpose of resolving a complaint or dealing with information about provider responsibilities	Paragraph 65(1)(b)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Powers of regulatory officials in relation to premises			
31	Consider it necessary for a regulatory official to enter any premises and exercise search powers for regulatory purposes	Subsection 68(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

	Column 1	Column 2	Column 3
<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
Identity cards			
32	Identity card to be issued to a person who is a quality assessor	Subsections 74(1), 74(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 3-6
Compliance notices			
33	Issue a written compliance notice (or vary or revoke the compliance notice)	Section 74EE	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Notice to attend to answer questions etc.			
34	Require a person to attend before an authorised officer to answer questions or give information or documents	Section 74F	<ul style="list-style-type: none"> • SES Band 1 • EL 2
35	Issue a notice requiring information or documents (and extend the time of the notice)	Section 74GA	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Reconsideration and review of decisions			
36	Reconsider reviewable decision on request and give notice of decision	Section 74L	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 (item 1 in the table in section 74J only)
37	Reconsider reviewable decision on own initiative	Section 74M	<ul style="list-style-type: none"> • SES Band 1 • EL 2 •
Miscellaneous			
38	Appoint an authorised officer	Subsections 75A(1), 75A(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 •
39	Give a direction to authorised officers	Subsection 75A(3)	<ul style="list-style-type: none"> • SES Band 1 •

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<i>Item</i>	<i>Description of power or function</i>	<i>Power or function</i>	<i>Delegate</i>
<i>Aged Care Quality and Safety Commission Rules 2018</i>			
Dealing with complaints and provider responsibility information			
40	Decide to take no further action in relation to the issue under section 14	Paragraph 13(1)(a)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
41	Take appropriate action to resolve the issue or decide to undertake a resolution process in relation to the issue under section 15	Paragraphs 13(1)(b), 13(1)(c)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 4-6
42	Decide to take no further action in relation to an issue raised in a complaint and give relevant written notices of decision	Section 14	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
43	Decide to undertake resolution process and perform actions arising from that decision	Section 15	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 4-6
44	Give notice to provider of decision to undertake a resolution process	Section 16	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 4-6
45	Decide to end a resolution process and give notice	Section 17	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
46	Give information about resolution process to person or body with sufficient interest	Section 18	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

	Directions		
47	Give directions to relevant providers	Section 19	<ul style="list-style-type: none"> • SES Band 1 • EL 2
48	Give notice of intention to give directions to relevant providers	Section 20	<ul style="list-style-type: none"> • SES Band 1 • EL 2
49	Give a notice of failure to comply with direction	Subsection 21(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
	Accreditation of residential aged care services		
50	Approve form of application and require other information or documents to be accompanied with an application	Paragraphs 28(1)(b), 28(1)(d)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
51	Specify a fee for an application for accreditation or re-accreditation	Paragraph 28(1)(e)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
52	Decide whether to accredit a commencing service or re-accredit a recommencing service and decide whether there are areas of improvement (if the service is accredited or re-accredited)	Section 29	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
53	Give notice of a decision to accredit a commencing service or re-accredit a recommencing service	Subsection 30(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
54	Give an approved provider of a commencing service that obtains accreditation a certificate of accreditation for the service	Subsection 30(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 4-6
55	Give notice of a decision not to accredit a commencing service or re-accredit a recommencing service and a copy of any information given to the	Section 31	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

	Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service		
56	Appoint one or more quality assessors to form an assessment team to conduct a site audit of a service that has applied for re-accreditation and give the assessment team any information or documents that accompanied the application for re-accreditation	Section 32	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
57	Give to an approved provider who has applied for re-accreditation the form of words and poster to be used to tell consumers about site audit	Section 33	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • Quality Assessor (member of staff of the Commission)
58	Give directions to an assessment team conducting a site audit	Paragraph 36(1)(b)	<ul style="list-style-type: none"> • SES Band 1 •
59	Give relevant information to an assessment team [this is in addition to any information given under paragraph 32(1)(b)]	Paragraph 36(2)(d)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
60	Give a copy of the site audit report to the approved provider of the residential service	Subsection 40(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
61	Prepare a performance report about a residential service and give a copy to the provider of the service	Section 40A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
62	Decide whether to re-accredit a residential service	Subsection 41(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

63	Decide the further period for which the service is accredited	Subsection 41(3)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
64	Give notice of a decision to re-accredit a commencing service and certificate of accreditation	Section 42	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
65	Give notice of decision not to re-accredit a service and a copy of any information given to the Commissioner by the Secretary that was taken into account in making the decision to the approved provider of the service	Section 43	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
66	Decide to revoke the accreditation of an accredited service that the Commissioner decided not to re-accredit and decide the day on which the revocation is to take effect	Subsections 44(1), 44(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
67	Provide written notice to an approved provider of a residential service that was not re-accredited and whose accreditation has been revoked	Section 45	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
68	Give to an approved provider a reminder notice about the end of accreditation and form of words/ a poster to inform care recipients and representatives of the site audit to be conducted should the provider wish the service to be re-accredited	Section 46	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
69	Publish decisions relating to accreditation	Section 48	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

Quality reviews of services			
70	Determine that it is appropriate to conduct a quality review of two or more services of the same provider at the same time	Subsection 52(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
71	Appoint quality assessors to form an assessment team and give them any relevant information or documents	Section 53A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
72	Give the home service provider of the home service a written notice of the quality audit and the day or days on which it will be conducted at the premises	Section 53B	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
73	Give directions to the assessment team for a quality audit	Subsection 54(1)	<ul style="list-style-type: none"> • SES Band 1 •
74	Give a copy of the quality audit report to the home service provider	Subsection 56(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
75	Prepare a performance report about the quality audit of a home service and give that report to the provider of the service and publish the report on the Commission's website	Section 57	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
76	Conduct quality review of Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines	Section 58	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • Quality Assessor (member of staff of the Commission)
Plans for continuous improvement			
77	Request that approved providers provide a copy of the plan for continuous improvement for the service	Section 63	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

			<ul style="list-style-type: none"> • Quality Assessor (member of staff of the Commission)
78	Direct the provider to revise plan for continuous improvement and give the Commissioner a copy of the revised plan.	Section 63A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Assessment contacts by regulatory officials			
79	Make an assessment contact with the approved provider of an accredited service or a previously accredited service, or the home service provider of a home service in accordance with notified arrangements or at any other time (with or without notice)	Subsection 64(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 6
80	Give written notice of the arrangements for assessment contacts with the provider	Section 65	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
81	<p>Before a visit to the premises of the service is made, give the:</p> <ul style="list-style-type: none"> • Approved provider of an accredited service or a previously accredited service a poster to inform the consumers of the service, and the nominated representatives of those consumers, about the assessment contact • Home service provider of a home service written notice of the form of words to be used to tell the aged care consumers of the service, and the 	Subsections 66(2), 66(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 6

	nominated representatives of those consumers, about the assessment contact		
82	Request information or documents relating to the purpose of assessment contact	Subsection 67(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 6
83	Prepare an assessment contact report.	Subsection 68(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 6
84	Give a copy of the assessment contact report prepared after an assessment contact to the provider	Subsection 68(5)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
85	Prepare a performance report, give a copy of the report to the provider and publish the report on the Commission's website	Section 68A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Review audits of accredited services			
86	Arrange for a review audit of an accredited service to be conducted	Section 70	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
87	Appoint two or more quality assessors to form an assessment team to conduct a review audit	Section 71	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 •
88	Give to an approved provider of an accredited service a poster to inform consumers and nominated representatives about the audit	Section 72	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
89	Give directions to the assessment team for a review audit of an accredited service	Paragraph 73(1)(b)	<ul style="list-style-type: none"> • SES Band 1

90	Give a copy of a review audit report to an approved provider after reviewing it	Subsection 76(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
91	Prepare a performance report after receiving a review audit report and give a copy of the report to the provider of the service	Section 76A	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
92	<p>After giving a performance report, decide whether to revoke the accreditation of the service.</p> <p>If revoking, decide the date the revocation is to take effect.</p> <p>If not revoking, decide whether to vary the service's period of accreditation.</p>	Subsections 77(1), 77(3), 77(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
93	If revoking, give to the approved provider of the service a written notice	Section 78	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
94	Give notice of a decision not to revoke accreditation of accredited service to the approved provider of the service	Subsection 79(1)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
95	Provide the approved provider of the service a new certificate of accreditation for the service that states the varied period of accreditation	Subsection 79(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS4-6
96	Publish, at the appropriate time, decisions relating to accreditation and performance reports	Section 80	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Monitoring of Aboriginal and Torres Strait Islander services			
97	Monitor an Aboriginal and Torres Strait Islander services in accordance with the Quality Review Guidelines.	Section 86	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

Registration of quality assessors			
98	Approve the form of the application for registration as a quality assessor, specify any information or documents to be included and specify a fee	Paragraphs 89(2)(b), 89(2)(d), 89(2)(e)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
99	Register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(1), 90(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
100	Refuse to register an applicant as a quality assessor and give written notice to the applicant of the decision	Subsections 90(3), 90(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
101	Approve the form of the application to be re-registered as a quality assessor, specify any other information or documents to be included in the application and specify fee	Paragraphs 91(2)(b), 91(2)(e), 91(2)(f)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
102	Determine whether to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(1), 92(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
103	Refuse to register an applicant as a quality assessor for a further period and give written notice of the decision to the applicant	Subsections 92(3), 92(4)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
104	Decide to cancel a quality assessor's registration, and give written notice of the cancellation and reasons for the cancellation	Section 94	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Reportable incidents			
105	Powers relating to notices about reportable incidents	Section 95C	<ul style="list-style-type: none"> • SES Band 1 • EL 2

			<ul style="list-style-type: none"> • EL 1 • APS 6 • APS 5
106	Decide certain reportable incidents not required to be notified	Section 95D	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
107	Require final report on reportable incident	Section 95E	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
108	Approve the form for the purposes of Division 4 of Part 4B of the <i>Quality of Care Principles 2014</i>	Section 95F	<ul style="list-style-type: none"> • SES Band 1 • EL 2
109	Actions in dealing with reportable incidents	Paragraphs 95G(1)(a), 95G(1)(b), 95G(1)(c), 95G(1)(f)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 6
110	Actions in dealing with reportable incidents – require a provider to engage an appropriately qualified and independent expert to undertake and investigation and provide a report	Paragraph 95G(1)(d)	<ul style="list-style-type: none"> • SES Band 1
111	Actions in dealing with reportable incidents – carry out an inquiry in relation to the incident in accordance with section 95H	Paragraph 95G(1)(e)	<ul style="list-style-type: none"> • SES Band 1 • EL 2
112	Actions in dealing with reportable incidents – if an incident is investigated under paragraph 95G(1)(c) or 95G(1)(d), take any action to deal with the outcome of the investigation, as appropriate	Subsection 95G(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

113	Conduct an inquiry in relation to reportable incidents	Section 95H (referred to in paragraph 95G(1)(e))	<ul style="list-style-type: none"> • SES Band 1 • EL 2
Reconsideration and review of decisions			
114	Reconsider a complaints reviewable Commissioner decision (note restrictions on delegate selection in subsection 100(1))	Section 100 (note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 100(1))	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
115	Reconsider a regulatory reviewable Commissioner decision (note restrictions on delegate selection in subsection 101(1))	Section 101 (note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 101(1))	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
116	Reconsideration of a regulatory reviewable decision on own initiative (note restrictions on delegate selection in subsection 102(1))	Section 102 (note: powers in legislation are to be exercised by an 'internal reviewer'. However, this instrument treats powers as Commissioner powers to be delegated as expressed in subsection 102(1))	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1

117	Publish reconsideration decisions and any site audit report or review audit report considered in making the decision on the Commission's website, publish notices stating that a reconsideration decision is subject to review by the Administrative Appeals Tribunal, and publish decisions of the Tribunal	Section 104	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
Information sharing and confidentiality			
118	Provide in writing information about the failure by an Aboriginal and Torres Strait Islander service to comply with the Quality Review Guidelines to the Secretary	Section 108	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
119	Provide in writing information about the failure by a home support service to comply with the Aged Care Quality Standards to the Secretary	Section 109	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1
120	Disclose protected information based on belief, on reasonable grounds, that not disclosing would place an aged care consumer's safety, health or well-being is at risk	Section 111	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • Quality Assessor (member of staff of the Commission)
<i>Regulatory Powers (Standard Provisions) Act 2014</i>			
121	Issue an identity card to an authorised person <u>Note:</u> the powers in Part 2 are triggered by section 74B of the <i>Aged Care Quality and Safety Commission Act 2018</i>	Subsections 35(1), 35(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 3-6
122	Must take reasonable steps to return seized things under Part 3 in certain circumstances	Section 66	<ul style="list-style-type: none"> • SES Band 1 • EL 2

	<p><u>Note:</u> the powers in Part 3 are triggered by section 74D of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>		
123	<p>Apply to issuing officer for an order permitting the retention of a thing seized under Part 3</p> <p><u>Note:</u> the powers in Part 3 are triggered by section 74D of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 67	<ul style="list-style-type: none"> • SES Band 1 • EL 2
124	<p>Dispose of a thing seized under Part 3 in certain circumstances</p> <p><u>Note:</u> the powers in Part 3 are triggered by section 74D of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 68	<ul style="list-style-type: none"> • SES Band 1
125	<p>Issue an identity card to an authorised person</p> <p><u>Note:</u> the powers in Part 3 are triggered by section 74D of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Subsections 76(1), 76(2)	<ul style="list-style-type: none"> • SES Band 1 • EL 2 • EL 1 • APS 3-6
126	<p>Issue an infringement notice as an infringement officer</p> <p><u>Note:</u> the powers in Part 5 are triggered by section 74EB of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 103	<ul style="list-style-type: none"> • SES Band 1 • EL 2
127	<p>Relevant chief executive may extend the period of time to pay the amount in an infringement notice</p> <p><u>Note:</u> the powers in Part 5 are triggered by section 74EB of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 105	<ul style="list-style-type: none"> • SES Band 1

128	<p>Relevant chief executive may withdraw of an infringement notice</p> <p><u>Note:</u> the powers in Part 5 are triggered by section 74EB of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 106	<ul style="list-style-type: none"> • SES Band 1
129	<p>Accept an enforceable undertaking as the authorised person</p> <p><u>Note:</u> the powers in Part 6 are triggered by section 74EC of the <i>Aged Care Quality and Safety Commission Act 2018</i></p>	Section 114	<ul style="list-style-type: none"> • SES Band 1 • EL 2

SCHEDULE 2

	Column 1	Column 2
<i>Item</i>	<i>Power or function</i>	<i>Delegate</i>
1	Powers and functions under Part 7B of the <i>Aged Care Quality and Safety Commission Act 2018</i> as they relate to the enforcement of an aged care responsibility referred to under paragraph 63-1(1)(a) or (h) of the <i>Aged Care Act 1997</i>	SES Band 1 or EL 2 officers in the branch responsible for Aged Care Funding Instrument (ACFI) compliance in the Department of Health.