



Aged Care (Dealing with complaints and feedback) Guidelines 2025

I, Treasure Jennings, Complaints Commissioner of the Aged Care Quality and Safety Commission, make the following notifiable instrument.

Dated 1 November 2025

Treasure Jennings
Complaints Commissioner

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Part 1—Preliminary

1 Name

This instrument is the *Aged Care (Dealing with complaints and feedback) Guidelines 2025*.

2 Commencement

This instrument commences at the same time as section 361 of the *Aged Care Act 2024* commences.

3 Authority

This instrument is made under subsection 361(3) of the *Aged Care Act 2024*.

4 Regard to principles

Consistent with subsection 361(4) of the *Aged Care Act 2024*, the Complaints Commissioner has had regard to the following principles in making these guidelines:

- (a) outcomes for individuals are improved when the processes for dealing with complaints made, or feedback provided, to the Complaints Commissioner:
 - (i) are person-centred, simple to access and easy to use;
 - (ii) are able to resolve complaints in a timely way;
 - (iii) promote use of restorative practices where appropriate;
- (b) processes for dealing with complaints made, or feedback provided, to the Complaints Commissioner are most effective when the processes are:
 - (i) supported by clear guidelines;
 - (ii) transparent about the effectiveness of those processes;
 - (iii) subject to robust quality assurance and review processes.

5 Definitions

Note: The following expressions used in this instrument are defined in the Act, including the following:

- (a) advocate;
- (b) Aged Care Code of Conduct;
- (c) Aged Care Quality Standards;
- (d) aged care worker;
- (e) Commission;
- (f) Commissioner;
- (g) Complaints Commissioner;
- (h) complaint determination;
- (i) complaints functions;
- (j) conduct;
- (k) decision maker;

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- (l) entity;
 - (m) feedback
 - (n) funded aged care service;
 - (o) independent aged care advocate;
 - (p) personal information;
 - (q) protected information;
 - (r) registered provider;
 - (s) service type;
 - (t) Statement of Principles;
 - (u) Statement of Rights;
 - (v) supporter.

In this instrument:

Act means the *Aged Care Act 2024*.

Affected older person means a person who is seeking or receiving funded aged care services and has been affected by issues raised in a complaint, whether or not they are the person who is making the complaint.

Complainant has the same meaning as in subsection 361-10(1) of the Rules.

Complaint means an expression of dissatisfaction with any aspect of a registered provider's, responsible person's or aged care worker's obligations that requires the Commission to facilitate resolution.

Representative means a person who represents an affected older person either as a substitute decision maker under a relevant law of a state or territory, as a registered supporter, as an aged care advocate, or as another person who has been given permission by the affected older person to receive information from the Commission or act on their behalf.

Restorative engagement means a voluntary process in which those directly involved in, or affected by, harm come together to acknowledge its impact, support learning and healing, and – where appropriate – repair relationships.

Rules means the *Aged Care Rules 2025*.

Statement of Rights refers to the Statement of Rights in section 23 of the Act.

Part 2—Purpose and principles

6 Purpose of this instrument

This instrument sets out guidelines for how the Complaints Commissioner will deal with complaints and feedback received in accordance with the Act about an entity's compliance with the Act.

7 Guiding principles

In addition to the principles in section 4 of this instrument, the Complaints Commissioner's processes for dealing with complaints and feedback received in accordance with the Act are underpinned by the following guiding principles:

- (a) Processes for dealing with complaints made, or feedback provided, to the Complaints Commissioner uphold the rights under the Statement of Rights when they are:
 - (i) independent; and
 - (ii) transparent; and
 - (iii) accountable; and
 - (iv) accessible; and
 - (v) safe; and
 - (vi) culturally safe; and
 - (vii) outcomes-focussed;
- (b) Processes for dealing with complaints made, or feedback provided, to the Complaints Commissioner, should improve the capability of:
 - (i) older people, their supporter, carer, family, or kin to pursue complaints and give feedback; and
 - (ii) registered providers, responsible persons and workers to adopt best-practice complaints handling principles.

Part 3—How complaints may be made and withdrawn, and how feedback may be given

8 How complaints may be made and feedback may be given

Making a complaint or giving feedback

- (1) Anyone can make a complaint or give feedback about aged care services to the Complaints Commissioner at any time.
- (2) Complaints and feedback can be communicated to the Complaints Commissioner in written form (including electronically) or orally.
- (3) Complaints can be made about:
 - (a) a registered provider, responsible person or aged care worker who is acting, or allegedly acting, in a way that is non-compliant with the Act
 - (b) a registered provider acting in a way that is incompatible with the Statement of Rights.
- (4) A complaint may be made about one or more of these entities. For example, a complaint may be made about a registered provider and a responsible person of that registered provider, or a complaint may be made about two or more aged care workers.
- (5) As necessary, the Complaints Commissioner will assist people to understand whether they would like to make a complaint or whether they would like to give feedback.
- (6) People who contact the Complaints Commissioner to make a complaint will be encouraged to provide their contact information so they can be involved in the complaints process, so that updates can be provided and to confirm that any proposed resolutions will meet their needs.

Confidential and anonymous complaints

- (7) If a complainant does not wish for a registered provider, responsible person or aged care worker to know who has made the complaint or feedback, then they can request that the Complaints Commissioner keeps their personal information confidential from those entities.
- (8) The Complaints Commissioner will keep information contained in a complaint or feedback confidential if the complainant wishes for certain information to be kept confidential.
- (9) People who contact the Complaints Commissioner to make a complaint or provide feedback can choose to remain anonymous.
- (10) The actions available to the Complaints Commissioner in response to an anonymous complaint or feedback will be limited to actions that do not require the identity of the complainant or person providing feedback.

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- (11) The Complaints Commissioner will not disclose information that a complainant has requested remains confidential without their consent or unless required to do so by law.

9 How complaints may be withdrawn

- (1) A person who makes a complaint to the Complaints Commissioner can withdraw it at any time either orally or in writing.
- (2) If a complaint is withdrawn, the Complaints Commissioner may consider the withdrawal as a reason take no further action in regards to a complaint or to end a resolution process.
- (3) If a complaint is withdrawn and the Complaints Commissioner decides to take no further action or end a resolution process, there will be no further communication or ongoing engagement with the complainant with respect to that complaint. The Complaints Commissioner will only contact the complainant to confirm the withdrawal of the complaint.
- (4) If a complaint is withdrawn, the Complaints Commissioner may still take the following actions if appropriate in the circumstances:
 - (a) respond to any risks or non-compliance identified in the withdrawn complaint;
 - (b) use the information gathered from the withdrawn complaint to assess the risk of a provider, responsible person or worker.

Part 4—Processes for dealing with complaints and feedback

Division 1—Support, acknowledgement and referral

10 Providing support and assistance

- (1) The Complaints Commissioner will provide support and assistance to any person who makes a complaint or gives feedback and any person(s) to whom complaints and feedback relate.
- (2) If required, the Complaints Commissioner will support access to advocates, interpreter services and/or the National Relay Service.
- (3) To understand and assess the risk related to a complaint and determine how a person can be supported through the complaints process, the Complaints Commissioner will collect the following information:
 - (a) the experience(s) of any older person involved in the complaint;
 - (b) the risks of harm to anyone receiving aged care services;
 - (c) the outcome(s) that the person or older person receiving care is seeking from the complaints process;
 - (d) the details of the complaint.
- (4) Anyone who provides the Complaints Commissioner with feedback and has reasonable grounds to suspect that a registered provider, responsible person or aged care worker's is not compliant with the Act will be protected under the whistleblower protections set out in the Act.

11 Acknowledging receipt of complaints and feedback

- (1) Upon receipt of a complaint or feedback, the Complaints Commissioner will provide the person who made the complaint or gave the feedback a written notice acknowledging the receipt of the complaint or feedback, unless:
 - (a) the complaint was made, or feedback was given, anonymously; or
 - (b) the person who made the complaint or gave feedback has requested to not be contacted further by the Complaints Commissioner; or
 - (c) for a complaint – the complaint has been withdrawn prior to the acknowledgement being provided by the Complaints Commissioner.
- (2) The written acknowledgement of the receipt of the complaint or feedback will be provided electronically unless the individual making the complaint or giving feedback requests an alternative method of notification.
- (3) The Complaints Commissioner will provide a written notice acknowledging the receipt of a complaint or feedback within 3 business days of receiving the complaint or feedback.

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- (4) If a person making a complaint or giving feedback wishes to remain anonymous, the Complaints Commissioner will not provide a written notice of acknowledgement.

12 Referral of complaints and feedback to other persons or bodies

- (1) When considering whether a complaint would be better dealt with by another person or body, the Complaints Commissioner will consider the following:
 - (a) whether the other person or body would be able to provide a better resolution for the complainant;
 - (b) whether the complainant consents to the complaint being referred to another person or body for resolution;
 - (c) the wishes of the complainant and the outcome sought through the complaints process;
 - (d) the health, safety and wellbeing of any affected older persons.
- (2) If the Complaints Commissioner believes that a complaint, or a part of a complaint, would be better dealt with by another person or body, the complainant will be contacted and advised that the Complaints Commissioner wishes to refer their complaint.
- (3) If a part of a complaint is referred to another person or body, the Complaints Commissioner may continue the complaints resolution in respect of the original complaint.
- (4) Before a referral is made, the Complaints Commissioner will explain to the complainant the reasons for their belief that the complaint is better dealt with by another person or body and will seek the complainant's agreement to the referral.
- (5) The Complaints Commissioner will not make contact with the complainant to explain the reasons for referral if the complainant has not provided relevant contact information or has made the complaint anonymously.
- (6) If a complaint, or part of complaint, is being referred to another person or body, a complainant may request that the Complaints Commissioner keep certain information confidential from the person or body receiving the referral.
- (7) When a complaint is referred to another person or body, the Complaints Commissioner will provide the complainant with a written notice of the referral. The written notice will contain the following information:
 - (a) the date on which the complaint was referred;
 - (b) the name of the person or body to whom the complaint was referred;
 - (c) the reason(s) that the Complaints Commissioner has referred the complaint.
- (8) The written notice of referral will be provided electronically unless the complainant requests an alternative method of notification.
- (9) A written notice of referral will not be provided in circumstances where the complainant has not provided relevant contact information or has made the complaint anonymously.

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- (10) The Complaints Commissioner will not make a referral to another person or body if that referral would be in contravention of the:
- (a) whistleblower protections in the Act
 - (b) Commission's information management requirements under the Act.

Division 2—Dealing with complaints

13 Phases in the complaints process

The Complaints Commissioner will undertake five phases in managing the complaints process:

- (a) **Collect and Triage** involves the Complaints Commissioner receiving a complaint, collecting and clarifying information, assessing the risk associated with the complaint and deciding on the priority of the complaint.
- (b) **Assess** involves the Complaints Commissioner gathering more information (including through contacting the complainant and other relevant parties) to understand the complaint and risk of harm to older persons, seeking specialist advice as required, and deciding what further actions are needed to resolve the complaint.
- (c) **Resolve** involves the Complaints Commissioner planning and taking action to respond to the complaint, including by engaging affected older person(s), the registered provider, responsible persons and aged care workers (as appropriate). The resolution process promotes restorative processes where appropriate, but will be guided by the wishes of the older person and may involve the Commission taking actions to address concerns or risks.
- (d) **Finalise** involves the Complaints Commissioner reaching an evidence-based decision, discussing outcomes with people involved in the complaints process, seeking commitments to ensure a restorative outcome is reached and providing a written complaint determination.
- (e) **Evaluate** involves the Complaints Commissioner assessing how effective the complaints handling approach was in achieving the intended outcomes, seeking feedback from those involved in the complaints process and developing strategies to improve future complaints processes.

14 Communicating with complainants, entities against which a complaint is made and other persons

- (1) Throughout the complaints process, the Complaints Commissioner will:
 - (a) treat everyone with respect;
 - (b) be open and clear about what people can expect from the Commission at each stage of the complaints process;
 - (c) explain why the Complaints Commissioner needs information from any person;
 - (d) explain any actions the Complaints Commissioner needs someone to take;

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- (e) listen to and acknowledge concerns;
 - (f) remain focused on the outcomes that complainant and older people are seeking.
- (2) The Complaints Commissioner will keep in regular contact with a complainant and their representatives (where applicable), and the older person(s) directly affected by the complaint (where different to the complainant, and that is their wish), to achieve the following:
- (a) help them understand their rights;
 - (b) hear their experiences;
 - (c) understand the outcomes that they are seeking;
 - (d) keep them informed of the progress of their complaint, understand any support and assistance they need during the complaints process.
- (3) The Complaints Commissioner will talk with complainants, affected older people and/or their registered supporter or advocate (where appropriate) about their preferred method and frequency of communication, and provide clear expectations about when and how often communication occurs.
- (4) The Complaints Commissioner will, as far as is reasonably practicable, respect the wishes of people involved in the complaint regarding how often they wish to be contacted, and in what manner.
- (5) If a complaint involves multiple affected older people, the Complaints Commissioner will consider the practicality of contacting every affected person and may determine that it is not appropriate to do so.
- (6) At any time during the complaints process, an affected older person can give the Complaints Commissioner permission to share information about their complaint or talk with other persons on their behalf.
- (7) The Complaints Commissioner will give any entity against whom a complaint is made written notice of the complaint as soon as practicable after the complaint has been made.
- (8) When contacting a registered provider, responsible person or aged care worker against whom a complaint is made, the Complaints Commissioner will work with that entity to:
- (a) understand their point of view and the facts of the matter as far as practical;
 - (b) ensure procedural fairness for all parties involved;
 - (c) give them information about the role of the Complaints Commissioner;
 - (d) obtain any information required for the complaints process;
 - (e) educate them on their legislative responsibilities, including the Statement of Rights and any other relevant obligations;
 - (f) decide how the Complaints Commissioner and the entity can work together to achieve restorative outcomes for any affected older people;
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- (g) build the capacity of registered providers to develop and deliver best practice complaints handling processes and a culture of continuous improvement, learning and innovation.
 - (9) If appropriate, the Complaints Commissioner will also contact any other person with knowledge about the issue(s) raised in a complaint in order to obtain any relevant information.
 - (10) However, the Complaints Commissioner will not communicate as described in this section if:
 - (a) regular communication with the complainant or providing a complaint determination would breach the Complaints Commissioner's information management obligations under the Act and/or the *Privacy Act 1998*
 - (b) the complainant cannot be contacted because of a request for confidentiality or because the complaint was made anonymously;
 - (c) the complainant has withdrawn the complaint;
 - (d) the complainant or an affected older person has asked not to be notified or receive further communication about the complaint;
 - (e) it would not be appropriate to communicate with the person (for example, if the complaint was made on behalf of a large number of individuals).

15 Complaint determinations and seeking feedback

Complaint determinations

- (1) In most cases, the Complaints Commissioner will deal with and resolve a complaint, and provide a written statement (***complaint determination***), within 90 days from the day the complaint is made.
- (2) The complaint determination will set out what action (if any) the Complaints Commissioner took to deal with and resolve the complaint, and what action (if any) should be taken (or has been taken) by another person to deal with and resolve the complaint. It will also include information relating to the review or reconsideration of decisions.
- (3) In some cases, the period will be 120 days from the day the complaint is made. This is where the Complaints Commissioner is satisfied that a longer period is needed to deal with the complaint and achieve a resolution. If the Complaints Commission needs to extend the period to 120 days, the reasons for the extension will be communicated to the complainant.

Note: For example, the Complaints Commissioner may extend the period to 120 days where specialist legal or clinical advice is required, or where additional information is needed to resolve the complaint.

- (4) In exceptional circumstances, the 120-day period may be further extended by one or more additional 30-day periods. In these circumstances, the Complaints Commissioner will take all reasonable steps to advise the complainant of the extension and the reasons for it at the earliest opportunity.

Note: For example, the Complaints Commissioner may extend the period beyond 120 days where:

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- (a) the complainant or older person has been hospitalised;
 - (b) external processes such as police or coronial investigations are preventing the resolution of a complaint;
 - (c) the matter is highly complex and requires extensive investigation and consideration by the Commission; or
 - (d) the matter is the subject of ongoing legal proceedings; or
 - (e) a resolution process (such as conciliation or restorative processes) is likely to take longer than 120 days to reach an outcome.
 - (5) The 120-day period may also be extended by one or more additional 30-day periods if this is requested or agreed to by the complainant.
 - (6) When considering whether the complaints process will require more than 90 days to complete, the Complaints Commissioner may determine that an extension of time is necessary based on the following factors:
 - (a) the wishes of the complainant and any affected older person(s);
 - (b) whether the outcome sought by the complainant and/or affected older person can be reasonably achieved within 90 days;
 - (c) any relevant restorative processes that may be undertaken as part of the resolution process;
 - (d) the time needed to get the necessary information to inform a resolution process;
 - (e) the procedural fairness afforded to an entity against whom the complaint is made;
 - (f) any other exceptional circumstances that may affect the Complaints Commissioner's ability to effectively deal with and resolve the complaint.
 - (7) When a complaint is ready to be finalised, and before the complaints determination is sent, the Complaints Commissioner will contact the complainant and their representative (where applicable), and entities subject to the complaint to:
 - (a) explain the complaint outcome, including:
 - (i) the actions taken to address the complaint;
 - (ii) the laws under which complaint will be finalised;
 - (iii) the reason(s) why the complaint will be finalised;
 - (b) advise that a complaint determination will be provided in writing;
 - (c) explain any review and reconsideration rights.

Seeking feedback

- (8) The Complaints Commissioner will seek feedback about how the complaint was dealt with and resolved from:
 - (a) the complainant;
 - (b) the affected older person(s) (if applicable/that is their wish);
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- (c) the affected older person's supporter, if the Complaints Commissioner has been communicating with the supporter in the course of dealing with and resolving the complaint;
 - (d) an independent aged care advocate who is providing support to the affected older person(s), if the Complaints Commissioner has been communicating with the advocate in course of dealing with and resolving the complaint;
 - (e) the registered provider, responsible person and/or aged care worker that is subject to the complaint.
 - (9) Any person can give feedback about the Commission and/or the Complaints Commissioner if they are not satisfied with how a complaint was dealt with or the outcome of a complaint.
 - (10) The Complaints Commissioner will undertake the following actions to identify continuous improvement opportunities for the Commission's complaints processes:
 - (a) monitoring key performance indicators;
 - (b) surveying complainants and entities subject to complaints to understand how satisfied they are with the complaints processes;
 - (c) quality assurance processes including audits and targeted activities;
 - (d) analysing and reporting on complaints trends or issues that may be systemic;
 - (e) identifying and applying lessons from independent reviews of complaints decisions, complaints about the Commission and the Complaints Commissioner, and seeking feedback from older people, registered supporters or advocates (where appropriate), providers, aged care workers and other government agencies.

16 Resolution process

- (1) The Complaints Commissioner's approach to resolving a complaint through a resolution process will:
 - (a) be person-centred
 - (b) be risk-led and proportionate
 - (c) be outcome-focussed
 - (d) prioritise restorative practices where appropriate.
- (2) In determining the appropriate complaints resolution process, the Complaints Commissioner will take into account the resources of the provider, insofar as considering the capacity of the provider to engage in a resolution process.
- (3) The Complaints Commissioner can take a range of actions as part of a resolution process, including:
 - (a) **provider-led resolution** – requiring the provider to try to resolve the complaint in collaboration with the complainant and report back to the Complaints Commissioner within a specified timeframe;

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- (b) **requiring specified actions** – requiring the provider, responsible person or aged care worker to take specified action within a specified timeframe (for example, requiring a provider to review or improve certain processes or systems, give an explanation to a complainant about what went wrong or about the cause of a particular issue or provide training or resources to their staff on a particular matter related to the complaint);
 - (c) **investigating** what caused the complaint, including:
 - (i) requiring the provider, responsible person or aged care worker to provide information or documents about the complaint;
 - (ii) visiting a residential care home or a home or community setting to gather further information about the complaint;
 - (d) **reviewing information and documents** to inform the resolution process;
 - (e) **discussing the complaint** with the complainant, the entity against whom the complaint is made and/or any other relevant person;
 - (f) **supporting a conciliation process** including by asking any of the people involved with the complaint to take part in a facilitated process to find a mutually acceptable outcome;
 - (g) **conducting a restorative engagement process** by requiring the provider participate in a process with the purpose of restoring relationships and trust with the complainant and any affected older person(s).
 - (h) **give a provider a Required Action Notice** to require the provider to undertake an investigation into a matter relevant to the complaint and report back to the Complaints Commissioner;
 - (i) **require a person to attend** before an authorised Commission officer to answer questions, or give information or documents relevant to the complaint;
 - (j) **escalating the complaint** where the risk is high, unresolved and/or requires further intervention, such as regulatory action, to address the concerns.
- (4) The Complaints Commissioner will undertake the most appropriate actions to resolve the complaint, focusing on the following:
- (a) reducing risk of harm to the affected older person(s);
 - (b) balancing the needs and preferences of the affected older person(s);
 - (c) confirming that the proposed outcome(s) are restorative and achieve meaningful outcomes for the affected older person(s);
 - (d) making sure the provider, responsible person or aged care worker against whom the complaint is made has met their obligations under the Act, including the Statement of Rights;
 - (e) building the capability of providers to develop and use effective and best practice complaints handling practices, including open disclosure;
 - (f) informing the complainant of the proposed outcome(s).
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17 Reasons for taking no further action or ending resolution processes

- (1) Before a complaints process is finalised, the Complaints Commissioner will:
 - (a) consider whether:
 - (i) the older person's desired outcome(s) have been achieved;
 - (ii) the entity against whom the complaint was made is meeting their legislative obligations;
 - (iii) any risks to the safety, health, wellbeing or quality of life of older person(s) have been reduced or eliminated;
 - (iv) there are legislative grounds to finalise the complaint.
 - (b) seek commitment from any relevant entities regarding actions to be taken to ensure a restorative outcome is reached;
 - (c) ensure the outcome meets the Complaints Commissioner's requirements under the Act and Rules;
 - (d) provide a proposed complaint determination to the complainant and the older person(s) directly affected by the complaint (or their substitute decision maker, where different to the complainant) and seek their views, unless:
 - (i) doing so would contravene the Commission's information management requirements under the Act; or
 - (ii) the complaint was made anonymously; or
 - (iii) the complainant has withdrawn the complaint; or
 - (iv) the complainant or older person has requested not to receive communication about the complaint.
- (2) Once a complaint is ready to be finalised, the Complaints Commissioner will make a determination that the complaint is resolved for one the following reasons:
 - (a) the complainant and the entity against whom the complaint was made have agreed on an outcome, and the entity has addressed the complaint to the satisfaction of the Complaints Commissioner;
 - (b) the complaint has been withdrawn;
 - (c) the complaint is more appropriately dealt with by another person or body (and is referred accordingly);
 - (d) the circumstances giving rise to the complaint cannot be determined;
 - (e) the complainant has been provided with an explanation in relation to the complaint and is satisfied with the explanation;
 - (f) the complaint is frivolous, vexatious or not raised in good faith;
 - (g) the complaint is, or has been, the subject of legal proceedings;
 - (h) the complaint is already being dealt with, or has already been dealt with under the Act or under the former complaints scheme set out in the *Aged Care Act 1997*;

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- (i) the complaint is better dealt with, or is already being dealt with, through a different process (for example, through the Commissioner's safeguarding functions or under Chapter 6 of the Act as part of a regulatory response);
 - (j) the circumstances giving rise to the complaint occurred more than one year before the complaint was made, and no longer exist;
 - (k) the complaint is subject to a coronial inquiry;
 - (l) an affected older person accessing funded aged care services who is identified in the complaint does not wish the complaint to be considered by the Complaints Commissioner;
 - (m) having regard to all the circumstances, no further action is required, or the continuation of the resolution process is not required.

Note: For example, such circumstances may include where the Commission has made repeated unsuccessful attempts to contact the complainant, and there is no indication the complainant wishes to continue to be involved in a resolution process.

18 How a complaint that is also a disclosure that qualifies for protection under section 547 (whistleblower protections) of the Act may be dealt with

- (a) Where an individual makes a disclosure that qualifies for protection under section 547 of the Act (*qualifying disclosure*), they may elect to have the qualifying disclosure dealt with as a complaint or as feedback.
- (b) Where the individual elects to have the qualifying disclosure dealt with as a complaint, the use and disclosure of information relating to the individual's identity will be in accordance with subsection 361-10 of the Rules.

Note: Subsection 361-10 of the Rules requires the Complaints Commissioner to take reasonable steps to, on request from a complainant or person giving feedback, keep the following information confidential:

- (a) the identity of the complainant or person giving feedback;
- (b) the identity of any other person identified in the complaint or feedback;
- (c) any other details included in the complaint or feedback.

- (c) Where the individual elects to have the qualifying disclosure dealt with as feedback, the use and disclosure of information relating to the individual's identity will be in accordance with section 550 of the Act.

Note: Section 550 of the Act prohibits disclosure of the identity of an individual who has made a qualifying disclosure, or information that may lead to their identification, unless certain authorisations apply such as the individual giving consent.

- (d) Nothing in this section prevents or limits sections 551 and 553 of the Act from continuing to apply to the qualifying disclosure.

Note: Section 551 prohibits victimisation of an individual because they made, or are believed or suspected to have made, a qualifying disclosure. Section 553 requires registered providers to take all reasonable steps to ensure their responsible persons and aged care workers comply with the whistleblower protections.

Part 5—Reconsideration of decisions to take no further action or to end resolution process

19 Requesting reconsideration of decisions

- (1) The Complaints Commissioner will accept a request for reconsideration of a decision to take no further action or to end a resolution process in relation to a complaint from the following entities affected by the decision:
 - (a) the complainant, unless:
 - (i) the complainant withdrew the complaint before the decision was made; or
 - (ii) the reason for the decision was that the complaint was frivolous, vexatious or not raised in good faith;
 - (b) a provider against whom the complaint was made;
 - (c) a responsible person or aged care worker against whom the complaint was made.
- (2) An entity that is affected by a decision of the Complaints Commissioner may make a request for reconsideration of that decision within 42 days (unless a longer period is specified) of receiving the complaint determination.
- (3) The request for reconsideration of a decision may be made orally or in writing and must include the reasons for the request.
- (4) The Complaints Commissioner will provide a written notice of acknowledgement to an entity that requests a reconsideration of a decision within 14 days of receiving the request.
- (5) An entity that is affected by a decision of the Complaints Commissioner may also ask the Complaints Commissioner for more information about the decision if they do not understand why the decision was made.

20 Withdrawing requests for reconsideration of decisions

- (1) An entity that is affected by a decision of the Complaints Commissioner who has made a request for a reconsideration of a decision may withdraw that request at any time after the request was made.
- (2) A request for a withdrawal of a reconsideration of a decision can be made in orally or in writing.
- (3) An entity's review rights in relation to the original reviewable decision are no longer enforceable once the request for withdrawal has been made.
- (4) Once a request for a withdrawal of a reconsideration of a decision is made, the Complaints Commissioner will provide the entity a written notice confirming the withdrawal and advising any other available review rights.

21 Undertaking reconsideration of decisions

- (1) An entity that makes a request for reconsideration will be provided procedural fairness.
- (2) The Complaints Commissioner will personally reconsider the decision or enable the decision to be reconsidered by a person:
 - (a) to whom the Complaints Commissioner has delegated the Complaints Commissioner's functions and powers;
 - (b) who was not involved in making the decision; and
 - (c) who occupies a position that is at least the same level as that occupied by the person who made the decision.
- (3) All reconsiderations will be undertaken by independent Commission review officers (***internal decision reviewers***) who were not involved in the complaints process that led to the original complaints decision for which reconsideration is requested.
- (4) After reconsidering the decision, the internal decision reviewer will make a ***reconsideration decision*** to:
 - (a) affirm the decision; or
 - (b) set the decision aside and:
 - (i) if the decision was to take no further action in relation to a complaint—make a new decision in relation to the complaint; or
 - (ii) if the decision was to end a resolution process in relation to a complaint—decide to undertake a new resolution process in relation to the complaint.
- (5) The internal decision reviewer will provide written notice of the reconsideration decision and the reasons for the decision to the entity that requested reconsideration 60 days from the day the reconsideration request is made (plus any additional periods where the Complaints Commissioner is satisfied that the additional period is required and has communicated this to the entity who requested the reconsideration).

22 Period for completing new resolution process

If the reconsideration decision is to:

- (a) make a new decision in relation to a complaint, and that new decision is to undertake a resolution process in relation to the complaint
- (b) undertake a new resolution process under this Division in relation to the complaint

the internal decision reviewer must complete the resolution process within 90 days from the day the reconsideration request was made, or within 120 days if the Complaints Commissioner is satisfied that there are reasonable grounds for a longer period and has communicated those grounds to the entity that requested the reconsideration. For

example, where a complaint is particularly complex or extensive further information is required to inform the resolution process.