Memorandum of Understanding

between

Department of Health

and

Aged Care Workforce Industry Council

August 2019
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Part 1 – General Agreement

1. Introduction

This Memorandum of Understanding (MoU) has been jointly developed and endorsed by the Department of Health’s (the Department) Ageing and Aged Care Group and the Aged Care Workforce Industry Council (the Council). It recognises and supports linked functions and responsibilities across the two organisations.

The Department has policy responsibility for aged care, including legislation, funding of aged care services, approval of aged care providers, compliance functions and the regulatory framework that underpins aged care safety and quality. The Department collaborates with the Council in the implementation of actions under the Aged Care Workforce Strategy (the Strategy).

The Council is a public company limited by guarantee with the objective to improve aged care in Australia by improving the workforce to ensure that:
- The workforce delivers aged care and services to assist in meeting the needs of older Australians now and into the future; and
- Older Australians have equitable access to aged care and the dignity to age well irrespective of setting.

This MoU recognises the important roles that the Department and the Council play in supporting the implementation of the Strategy in the spirit of:
- Common agenda so that both parties strive towards the same goals
- Common progress measures
- Mutually reinforcing actions so that government and industry expertise is leveraged as part of the overall outcome, and
- Communications that support a culture of real collaboration.

This MoU is not legally binding, but represents agreed expectations and approaches to engaging with each other and referring and exchanging information to ensure each party is able to discharge their responsibilities effectively. It aims to build a foundation of communication between the two organisations.

2. Objectives and Guiding Principles

The MoU’s key objective is to support the Department and the Council to undertake their functions effectively through the exchange of information and regular engagement.

This MoU will achieve these objectives by:
a) supporting timely engagement and liaison between the Department and the Commission;
b) clearly describing communication and data exchange protocols necessary to effectively undertake respective functions; and
c) providing avenues for resolution of difficulties or any conflicts of interest that may arise.

The guiding principles for this MoU are that the Department and the Council will:
a) have regard to their legal and authorising environment at all times;
b) exchange relevant information and establish processes that support the Department and the Council to undertake their functions effectively and to understand emerging risks; and
c) behave in a responsible manner – to be impartial, accountable, respectful and ethical.

This agreement does not affect the core business of each organisation, nor does it prohibit either party from engaging or developing further partnership agreements, linkages or projects external to this agreement.
3. The Agreement
The Department and the Council agree that:

a) communication and information exchange is based on the principle of openness and transparency
b) advice to government will be timely
c) communication will occur between the Chair of the Council and the First Assistant Secretary, Aged Care Reform and Compliance Division (or delegated officer) as required and between the Council, Assistant Secretary, Aged Care Portfolio Oversight Branch (ACPOB), and Director, Workforce Reform Section, at least monthly.
d) information exchange will be consistent with the applicable law or policies pertaining to information-handling, secrecy, confidentiality and privacy;
e) where either organisation sees a conflict of interest or a reason not to disclose information within the scope of this MoU, they will advise each other of this issue;
f) communication of changes to policy, constitution or personnel that may affect the way in which functions may be undertaken will be provided in a timely way;
g) each organisation will, wherever possible, avoid duplicating the other’s resources and efforts and will look to each other for information and data in their respective areas of expertise; and
h) legal advice regarding the interpretation of each other’s legislation/constitution will take place in accordance with the Legal Services Directions 2017.

4. Term of MoU
This MoU comes into effect from August 2019 and confirms the arrangements that exist between the Department and the Council from that date. The MoU will remain in effect until it is terminated or a new MoU is signed.

5. Variation or review of General Agreement
The MoU (General Agreement) will be reviewed at the request of either party or as a result of substantial policy changes that impact the relationship between the Department and the Council.

Amendments to the MoU can be approved by the Deputy Secretary Ageing and Aged Care Group and the Council Chair.

6. Issues Resolution
Early and constructive resolution of issues is expected between the Department and the Council. If the matter cannot be resolved effectively and efficiently it will be escalated by taking the following steps:

- operational issues should wherever possible be resolved by the Chair and the relevant Director in the Department. These parties will discuss the matter to resolve the issues.
- if the matter is still unresolved at this level, or if the issue is of significance due to public interest, significant risk, exposure, or policy implications it is to be referred to the First Assistant Secretary, Aged Care Reform and Compliance Division of the Department and the Chair of the Council.

Each organisation will make an appropriate record of any issues and the corresponding resolution.

7. Key Contacts
Each organisation will keep the other informed of key personnel changes in a timely matter.
Signatories

David Hallinan
Acting Deputy Secretary
Ageing and Aged Care Group
Department of Health

Date:

Mr Ian Hardy
Interim Chair
Aged Care Workforce Industry Council

Date: