

Transitional Rules

The Transitional Rules align to the Chapters in the *Aged Care Act 2024* and will deal with matters not addressed by the *Aged Care (Consequential Amendments and Transitional Provisions) Act 2024*. The Transitional Rules are mechanical in nature and will seek to ensure a seamless transition between the existing legal framework and the new framework with a focus on ensuring continuity of care for older people.

The Transitional Rules are being developed concurrently with the new Aged Care Rules and some matters may be addressed in those rules where doing so is more appropriate. The list below provides an overview of matters which may be addressed in the Transitional Rules as they relate to the Chapters of the *Aged Care Act 2024*. This remains subject to change.

| Aged Care Act 2024 Chapter | Topic | Overview of content |
|---|---|--|
| 1 – Introduction | Supporters | Mechanical provisions to transition existing arrangements for supported decision making as they apply to the new Act |
| 2 – Entry to the Commonwealth Aged Care System | Eligibility determination | Mechanical provisions to maintain eligibility for aged care for those currently accessing services |
| | Conditions on approvals | Mechanical provisions to provide for conditions on approvals as required for transitional cohorts of individuals (if required) |
| | Classification levels for transitioning individuals | Mechanical provisions to provide for classification levels associated with approvals for transitional cohorts of individuals |
| | Priority categories for transitioning individuals | Mechanical provisions to provide for prioritisation associated with approvals for transitional cohorts of individuals |
| | Places for transitioning individuals | Mechanical provisions to provide for places allocated to individuals associated with approvals for transitional cohorts of individuals |
| | Places to providers | Mechanical provisions to provide for places allocated to specialist aged care programs |
| 3 – Registered providers, aged care workers and | Registration period for deemed providers | Mechanical provisions which allocate initial registration periods to transitioning approved providers |

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| aged care digital platforms | Registration categories | Mechanical provisions which allocate registration categories to transitioning approved providers to reflect services provided |
| | Residential care homes and total beds | Mechanical provisions which attach existing homes to transitioning approved providers' registrations and reflect permitted operating capacity |
| | Deemed registered providers and residential care homes | Determinations to transition grant-funded providers to the new legislative framework |
| | Conditions of registration | Mechanical provisions which will apply general conditions of registration (if required) to transitioning approved providers |
| | Delivery of funded aged care services | Mechanical provisions which recognise existing agreements and care plans between individuals and providers where possible |
| | Starting and ceasing services | Mechanical provisions which recognise notifications that persons have started or ceased receiving services from a provider not yet actioned at the transition time |
| 4 – Funding of aged care services | It is intended that the <i>Aged Care Rules 2024</i> will address funding matters for transitional cohorts though some residual matters such as retrospective claims may be addressed in the Transitional Rules | |
| 5 – Governance of the aged care system | It is intended that Part 4 of the <i>Aged Care (Consequential Amendments and Transitional Provisions) Act 2024</i> address matters within this Chapter comprehensively | |
| 6 – Regulatory mechanisms | It is intended that Part 4 of the <i>Aged Care (Consequential Amendments and Transitional Provisions) Act 2024</i> address matters within this Chapter, however, mechanical provisions could be included in the Transitional Rules to ensure continuity of regulatory activities on foot at the transition time if required | |
| 7 – Information management | Protected Information | Provisions to ensure that information which falls within the protected information framework is transitioned to the new framework (if required) |
| 8 – Miscellaneous | Reviewable decisions | Mechanical provisions which ensure continuity of reviewable decisions processes |