



Summary of key changes to the new Aged Care Rules

The new Aged Care Rules (Rules) will provide further detail and explanation on how the *Aged Care Act 2024* will work. We consulted on the draft Rules between September 2024 and May 2025. We have made changes to the Rules in response to the feedback we received.

Overview

This document provides a summary of key changes to the Rules following public consultations.

We received a significant amount of feedback on policy contained in the *Aged Care Act 2024* (the Act) as operationalised by the Rules. This feedback is being considered and may inform future legislative amendments.

We also received feedback on typographic and grammatical errors in the draft Rules, which will be corrected but are not addressed in the outline of key changes set out in this document.

Next steps

We expect to publish a final Exposure Draft of the Rules in the coming weeks. This release of the Rules would not be for further consultation but is instead to provide the sector and community with visibility of the consolidated Rules to support development of processes and systems in time for 1 November 2025 commencement of the Act.

Chapter 1: Introduction

Chapter 1, Part 2 – Definitions

We have amended some of the definitions in the Rules.

The definition of ‘representative’ has been removed noting that an older person will no longer need to nominate a representative to their aged care provider (or have one nominated for them) as they will have the choice to register their own supporter(s) via My Aged Care. Registered supporters can assist older people throughout their aged care journey.

The definition of allied health professionals (now ‘practitioners’ in the Rules) has also been amended to include practitioners who are regulated by the professional bodies with which they are registered. This change ensures that key segments of the aged care workforce are not excluded.

Chapter 1, Part 4 – Aged Care Service List

In response to public and sector feedback, the Government announced the removal of hourly caps on house cleaning and gardening services.

We have amended the Aged Care Service List to enable a new set of services within the assistive technology service types, ‘Loanable equipment and products’. This change enables access to the Assistive Technology Loan scheme.

Other changes to the Aged Care Service List include clarification that the list of allied health professionals is not a complete list of Assistive Technology and Home Modifications prescribers.

Chapter 4: Conditions on provider registration

Chapter 4, Part 4 – Delivery of funded aged care services

We have amended the Rules to now include a requirement for providers delivering services under the Transition Care Program to comply with starting and ceasing notification requirements set out in section 149 of the Rules. This requirement will not apply to other specialist aged care providers such as the Multi-Purpose Service Program.

The Rules now include a requirement for restorative care plans to include an exit strategy as part of an individual’s restorative care service plan.

In response to feedback received during consultation, the cooling off period for ongoing residential aged care has also been extended from 14 to 28 days and may extend beyond delivery of services having commenced.

Regarding ceasing of aged care services, we have made amendments so that the registered provider must ensure suitable alternative accommodation is available with an alternative registered provider or a place more suited to the individual’s long-term needs.

Chapter 4, Part 6 – Aged Care Workers

The Rules will now only cover provisions that take effect on 1 November 2025, excluding provisions related to the transitional and full implementation stages of worker screening. This change responds to sector feedback and is intended to maintain focus on the requirements for providers and workers that will apply on 1 November 2025. We have made additional editorial amendments to ensure alignment with current arrangements.

Chapter 4, Part 7 – Information and access

Amendments to the Rules provide for additional information to be provided to individuals including:

- monthly statements to include information about any changes in contribution amounts following a means testing determination
- for individuals with ongoing Support at Home, restorative care pathway or end of life classifications, the total number of units or hours delivered for the service type care management
- information about the management of refundable deposits, and an additional disclosure requirement to provide the record to the individual or estate when ceasing to access funded aged care services.

Chapter 4, Part 8 – Governance

We have amended the Rules to more closely align the way governance arrangements and obligations are described with language of the Co-operatives National Law.

Chapter 4, Part 10 – Management of incidents and complaints

In response to feedback received during consultation, we have amended the Rules regarding provider management of complaints and feedback to:

- include a requirement that training must be provided on the roles and functions of independent aged care advocates
- direct that accessible documents must include information about how to contact an independent aged care advocate
- include a requirement that for the resolution of issues raised in a complaint, the resolution approach must be consistent with the Statement of Rights and provide information about the availability of independent aged care advocates to assist with making a new complaint to the Complaints Commissioner.

Chapter 5: Registered provider, responsible person and aged care worker obligations

Chapter 5, Part 2 – Obligations relating to reporting, notifications and information

We have amended Section 166-520(2A) of the Rules to ensure consideration is given to impairments, other than cognitive impairments that inhibit an individual's ability to communicate their injury or discomfort when determining whether a reportable incident has occurred.

Section 166-700 of the Rules has been amended to align with the existing policy position, which exempts the National Aboriginal and Torres Strait Islander Flexible Aged Care Program and the Multi-Purpose Services Program from certain reporting obligations. This is to make sure current requirements relating to governing body statements are maintained.

Section 166-210(4)(a) of the Rules has been amended to clarify the requirement for reporting on complaints and feedback – that the report is to provide a summary of matters raised during the reporting period and not on each individual complaint or feedback.

To align with existing policy for Commonwealth Home Support Program providers, we have refined the Rules to clarify requirements to report on child safety compliance and annual wellness and reablement.

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Chapter 7: Funding of aged care services – Commonwealth contributions

Chapter 7, Part 2 – Subsidy for home support

We have now drafted the Rules relating to the rates of the Care Management Supplement. The supplement is to be equivalent to 3 hours of care management for a quarter, with care management being paid at \$120 per hour (noting no prices are detailed in the service list for the first 12 months of operation of the Act, but eventually the provision could point to that price point).

As such, the formula for this provision will need to be \$360 divided by the number of days in the applicable quarter.

Chapter 7, Part 5 – Fee reduction supplement for home support, assistive technology and home modifications

We have refined the Rules regarding the Support at Home fee reduction supplement to align with the Government's agreed policy position on the circumstances of applicability, period of determination, period of effect and notice of decision.

Chapter 7, Part 7 – Subsidy for residential care

We have amended the Rules to provide the subsidy calculators for individuals in the pre-2014 and post-2014 residential care contribution classes and make corrections to the accommodation supplement eligibility and calculation. Further changes clarify arrangements for fee reductions, including to list essential expenses, circumstances for applicability, period of determination, period of effect and notice of decision, and eligibility of provider-based supplements for individuals and providers.

Chapter 7, Part 11 – Grants

We have amended the Rules to prescribe an additional purpose under which the System Governor can enter into a grant agreement, to cover such things as providing information about healthy ageing.

Chapter 8: Individual fees and contributions

Chapter 8, Part 2 – Individual fees and contributions

In response to feedback received during consultation, we have amended the Rules regarding the operation of the Higher Everyday Living Fee (HELFF) to:

- ensure that a HELFF can only be entered into after an individual enters into a service agreement
- simplify arrangements enabling individual initiated terminations and variations of agreements
- allow aged care providers to recoup costs where an individual terminates the agreement with 28 days' notice but the costs to the provider extend up to and beyond the 28 days
- allow HELFF to be charged where a fee reduction supplement applies
- enable the bundling of services
- allow fee increases to existing Extra Service Fee and Additional Service Fee arrangements over the transitional period.

We have also amended this part of the Rules to enable the Assistive Technology Loan Scheme. Section 273(2) of the Act directs that the Rules should prescribe that for loanable Assistive Technology equipment and products listed under section 8(1) of the Act, the amount is 33.3 per cent of the cost of the service.

Other amendments to this part of the Rules include the drafting of subsidy calculators for the pre-2014 and post-2014 residential care contribution classes and an amendment to ensure providers refund any fees that are overpaid (for example, if the amount of fees payable changes and is backdated but were paid in advance by the individual).

Chapter 9: Funding of aged care services – accommodation payments and accommodation contributions

Chapter 9, Part 2 – Accommodation bonds and accommodation charges

This Part of the Rules includes minor technical amendments to ensure legacy payments (accommodation bonds, charges and entry contributions) continue to operate in the same way as under the *Aged Care Act 1997*.

Chapter 9, Part 3 – Accommodation payments and accommodation contributions

Paragraph 298(c) of the new Act establishes a new limitation on the maximum amount of daily accommodation contribution that may be charged to an individual. This works in conjunction with the other limitations provided for in paragraph 298(b), which have been carried across from the *Aged Care Act 1997*. The Rules now clarify that paragraph 298(c) will only apply to an individual in the post-2014 residential accommodation class when the individual moves to a new aged care home after the transition time. In all other cases, paragraph 298(c) will not apply to members of this class.

Chapter 10: Funding of aged care services – means testing

Chapter 10, Part 2 – Means testing

To ensure alignment with the agreed policy position, we have amended the Rules to enable splitting of the means testing thresholds into singles and couples, period of determination and periods of effect for variation of income or asset determinations.

Chapter 11: Governance of the aged care system

We have amended the Rules to strengthen review processes where the Complaints Commissioner is the original decision maker of a complaint's decision, to ensure independence and the availability of fair reviews. We have made other minor amendments to encourage the use of resolution processes, including alternative dispute resolution for complainants and entities against which a complaint has been made.

Find out more

Read more about the aged care legislative reforms, the Rules and our consultations by visiting the [department's website](#).

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