



Department of Health, Disability and Ageing



The new regulatory model

Guidance for NATSIFAC Program services providers

July 2025



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Purpose

This guidance outlines the regulatory changes affecting <u>National Aboriginal and</u> <u>Torres Strait Islander Flexible Aged Care (NATSIFAC)</u> Program service providers under the <u>new Aged Care Act</u> (new Act). The new Act introduces a <u>new regulatory</u> <u>model</u> from 1 November 2025 that will see NATSIFAC providers regulated under the Act for the first time. This means many of your obligations, conditions and reporting requirements will now be specified in law rather than in your grant agreement. This document is designed to help you understand what this means for your delivery of aged care services.

The guidance also outlines the roles of the <u>Department of Health</u>, <u>Disability and</u> <u>Ageing</u> (department) and <u>Aged Care Quality and Safety Commission</u> (ACQSC).

Further guidance about what NATSIFAC providers can expect under the new aged care reforms is available on the department's website:



Context

The <u>Royal Commission into Aged Care Quality and Safety</u> found that the current *Aged Care Act 1997* and related legislation, was no longer fit for purpose to support quality aged care delivery. Several reforms to the industry were delivered in response. The Royal Commission also found the aged care system, in its current form, does not ensure culturally safe care for older Aboriginal and Torres Strait Islander people. Without changes, the system would not be able to meet the growth in demand that will accompany the ageing Aboriginal and Torres Strait Islander population.

A <u>new Aged Care Act</u> (new Act), starting on 1 November 2025, will build on those reforms and around 60 <u>Royal Commission into Aged Care Quality and Safety</u> <u>recommendations.</u> The <u>new Act</u> seeks to reform the aged care system to make it simpler, fairer and safer for older people. For the first time, all aged care providers will be regulated under the same Act, including NATSIFAC providers.

The NATSIFAC will continue to be grant-funded and will not transition to the <u>Support</u> at <u>Home</u> program.

Overview of the new model

The <u>new regulatory model</u> sets out how all aged care providers will be required to operate under the <u>new Act</u>. It will include provider registration and obligations, monitoring and enforcement, and complaints and whistle-blower protections. The new model starts when the <u>new Act</u> starts.

The new model will introduce:

- **universal registration** a single registration for each provider across all aged care programs they deliver
- obligations that reflect the types of services delivered
- **more protections** that place the rights and needs of older people at the centre of aged care to help them feel confident about their care
- ways for providers demonstrating excellence to be recognised, such as longer registration periods and graded audits against the strengthened Aged Care Quality Standards.

The new model will make it easier for providers to operate across multiple aged care programs by simplifying the arrangements for entry to service types and more clearly articulating the obligations that are associated with those service types.

It is unlikely NATSIFAC Program providers will experience any material change in their obligations and responsibilities. However, the new regulatory model will strengthen the monitoring powers of the Aged Care Quality and Safety Commission (ACQSC). This will support the ACQSC to continue to respond proactively and address emerging issues in the sector.

Providers must be aware of their obligations under the new Act, including those specific to their relevant registration categories.

Transitioning to the new regulatory model

When the <u>new Act</u> starts, the <u>ACQSC</u> will register and regulate new aged care providers, including <u>NATSIFAC</u> providers. All existing providers will be automatically set up – or deemed – as registered providers. NATSIFAC providers will be deemed as a registered provider and allocated into registration category 1, 2, 3, 4, or 5 (or a combination of these) based on the services they are approved to deliver in their current grant agreement. That is:

- Registration categories 1, 2, 3, 4 and 5 if they have places allocated to provide home care services and/or
- Registration category 6 if they have places allocated to provide residential services.

Organisations delivering additional types of care, such as home care packages, will be deemed as a single provider, with registration covering services delivered across all programs. However, when accepting referrals from NATSIFAC Program clients, providers are only allowed to deliver the NATSIFAC services outlined in their funding agreement.

Providers are not required to deliver all services in the categories they are registered. However, providers should deliver at least one service in each category they are registered into and must notify the ACQSC of the service types they intend on delivering.

<u>Provider Registration Preview</u> was the opportunity for providers to review their registration details and proposed registration categories ahead of the new Act commencing. Providers will be deemed into the registration categories relevant to their service delivery. From 1 November, providers can use the process managed by the ACQSC to vary their registration to:

- register in a new registration category
- remove a registration category

- add or remove an approved residential care home from their registration
- vary or revoke a condition of registration added by the ACQSC.

Categories

The 6 registration categories

Category 1 – Home and community services

- Category 2 Assistive technology and home modifications
- Category 3 Advisory and support services

Category 4 – Personal care and care support in the home or community (including respite)

Category 5 - Nursing and transition care

Category 6 – Residential care (including respite)

Providers in all categories will be subject to monitoring under the ACQSC's supervision model and risk-based suite of responses.

As outlined in the ACQSC's <u>Regulatory Strategy</u>, all providers will be given a supervision status based on information the ACQSC has about their capability, capacity and commitment to meet their obligations and manage risks effectively to prevent harms, to help ensure providers uphold the rights in the Statement of Rights.

Specialist Aged Care Program

When the <u>new Act</u> starts, NATSIFAC will be referred to as a Specialist Aged Care Program. <u>Specialist Aged Care Programs</u> are government-funded programs where there is an agreement or arrangement, such as a grant, to provide aged care services. To deliver NATSIFAC services, you will need to be both registered in the relevant registration category and have a grant agreement in place to deliver the particular type of service.



Map of the transition to the new regulatory model across all aged care programs

Government agency functions

Regulation and oversight responsibilities for the Australian aged care system is split across different agencies. The following Australian Government agencies have functions under the <u>new regulatory model</u>:

Aged Care Quality and Safety Commission	Department of Health, Disability and Ageing
National regulator of aged care services.	,
 Until 31 October 2025: conducts all quality reviews of aged care services provided in both the community and residential settings to ensure they meet the Aged Care Quality Standards. From 1 November 2025: 	 Until 31 October 2025: The department has policy and program oversight of the aged care programs that support the aged care sector.
• Will register and monitor all aged care providers (including NATSIFAC) to make sure they meet their obligations under the <u>new Act</u> .	 From 1 November 2025: The department's Secretary will be the aged care System Governor.
• Will have strengthened powers to monitor provider compliance with obligations, including the Aged Care Code of Conduct and audit providers against the strengthened Quality Standards, where applicable, and other obligations	• The System Governor and the department will be responsible for the operations and oversight of the aged care system.

Learn more

Learn more

Overarching obligations of the new Aged Care Act

Under the <u>new regulatory model</u>, there will be core conditions that apply to all registered providers, including:

- Statement of Rights (replaces current Charter of Rights)
- <u>Aged Care Code of Conduct</u>
- workforce and worker registration requirements
- compliance with applicable laws
- protecting personal information (as is currently required under the Act)

Obligations for all providers registered in all registration categories include complying with their conditions of registration, having both a complaints management system and having an incident management system.

Other conditions or obligations will only apply to some providers, for example, providers who are registered in a specific registration category. This will help make sure obligations on providers are proportionate and address specific risks. The ACQSC will also have power to impose conditions on an individual provider's registration.

Providers operating across multiple aged care programs will have one set of consolidated obligations depending on the registration category, or categories, in which they are registered. This will help streamline interactions between providers and the ACQSC.

The <u>strengthened Aged Care Quality Standards</u> are one example of an obligation that will also apply to some providers, depending on the services they provide. Providers registered in categories 4-6 will need to comply with relevant sections of the <u>strengthened Aged Quality Standards</u> when delivering services in those categories and an audit against the Quality Standards will inform registration, renewal and variation decisions. The <u>strengthened Aged Care Quality Standards</u> <u>guidance</u> promotes best practice in service provision.

Read more about the key changes to the way providers operate and the obligations they must meet.

Summary of regulatory changes

The <u>new regulatory model</u> puts the safety, health, wellbeing and quality of life of older people first. It also seeks to create a culture of continuous improvement, to improve the quality and safety of aged care services. Many of the changes introduced, such as graded registration and renewal audits, public reporting, and the new Statement of Rights, are designed to provide incentives for positive change and promote a constructive working relationship with the ACQSC.

The following tables outline how your regulatory responsibilities and obligations will change as the program transitions to a Specialist Aged Care Program on 1 November 2025:

NATSIFAC Responsibilities	Codes of Conduct	
ACQSC Oversight	<u>Rights</u>	

Registration and Renewal	Incident Management and Complaints
Quality Standards	Worker Screening
Reporting	

NATSIFAC Program Responsibilities

	UNTIL 31 October 2025 (NATSIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Program principles	All providers must comply with all requirements outlined in the NATSIFAC Program Manual.	All providers must comply with all requirements outlined in the NATSIFAC Program Manual.
Industry standards and guidelines	All providers must comply with relevant codes of ethics, and industry quality standards and guidelines.	All providers must comply with relevant codes of ethics, and industry quality standards and guidelines, including clinical and scope of practice requirements where these apply.
Grant agreements	All providers must have a grant agreement and meet the requirements of their agreement.	All providers must have a grant agreement and meet the requirements of their agreement. Agreements will be drafted to avoid duplication with conditions of registration and obligations that apply under the new Act.

ACQSC Oversight

	UNTIL 31 October 2025 (NATSIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
		The <u>ACQSC</u> will register new NATSIFAC providers and consider applications for renewal of registration for current providers.
		This will include checking providers' compliance with the <u>Aged Care Code of</u> <u>Conduct</u> , worker screening, and other obligations.
Role of ACQSC	The <u>ACQSC</u> conducts quality reviews and assessment contacts of NATSIFAC home services against the <u>current Quality Standards</u> , at least	Only providers registered in categories 4, 5 and 6 will be audited against the <u>strengthened Aged Quality Standards</u> . The purpose of audit for those registered in categories 4-6 against the strengthened Quality Standards is to inform registration, renewal and variation decisions.
	once every two years.	Providers in categories 1-3 will be subject to monitoring by the ACQSC and may be investigated if there is a risk of harm. ACQSC will also respond to complaints and
		serious incident notifications, plus undertake its broader legislated education and engagement functions, for ALL providers.
		The ACQSC may impose conditions at any time to manage risks and for non- compliance.
	The department can respond to non- compliance by revoking grant funding.	The ACQSC can place conditions on a provider's registration in response to non-compliance with obligations.
Powers and		The ACQSC also has a number of compliance and enforcement options it can use if a provider is unable or unwilling to correct non-compliance.
impact on renewal		If the participation of a provider continues to present risk of harm, the ACQSC can revoke their registration and ban their delivery of some or all types of funded aged care services.
		Further information will be provided in the coming months.
Complaints	NATSIFAC providers must have complaints mechanisms in place.	NATSIFAC providers must have complaints mechanisms in place.
mechanisms	NATSIFAC providers must actively encourage their clients and carers to	NATSIFAC providers registered in categories 4-6 must also adhere to

	UNTIL 31 October 2025 (NATSIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
	provide feedback about services received.	complaints mechanisms in the strengthened Aged Care Quality Standards.
Incident management	Providers need to report under the <u>Serious Incident Response Scheme</u> .	Providers need to report under the <u>Serious</u> Incident Response Scheme.

Registration and Renewal

	UNTIL 31 October 2025 (NATSIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Registration process	NATSIFAC providers are not registered under the current Aged Care Act (<i>Aged Care Act 1997</i>). Funding arrangements through grants contracts are managed by the department.	NATSIFAC providers will be deemed as a registered provider and allocated into registration categories between 1-6 based on the services they are approved to deliver in their current grant agreement. New applicants must meet the <u>registration</u> requirements under the new Act. Only providers registered categories 4, 5 and 6 will be audited against <u>strengthened</u> <u>Aged Care Quality Standards</u> as part of registration/renewal audit.
Duration of registration	Duration of grant agreement is variable. Grant agreements are managed by the department.	 Each NATSIFAC provider will be given a registration renewal date by the <u>ACQSC</u> (up to three years), based on matters such as: risk regulatory intelligence workforce management recency of accreditation audits or contacts.
Revocation of provider status	Providers must contact the department directly at <u>NATSIFACP@health.gov.au</u> to provide notice of relinquishment of aged care services.	Providers must submit a request for the revocation of their approval status to the ACQSC if they no longer wish to deliver services. A provider's registration can only be revoked when the ACQSC is satisfied they have met certain requirements, including continuity of care for older people.

Aged Care Quality Standards

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Assessment against the Quality Standards	All approved providers must comply with relevant industry standards and guidelines, this includes <u>current</u> <u>Quality Standards</u> .	The <u>ACQSC</u> will assess services delivered in categories 4, 5 and 6 against the <u>strengthened Aged Quality Standards</u> as part of registration/renewal audit. The ACQSC will monitor providers in all categories based on the <u>Regulatory</u> <u>Strategy.</u>
Grading	Assessment – compliant/non- compliant against <u>current Quality</u> <u>Standards</u> .	Audit outcomes will be <u>graded</u> as major non-conformance, minor conformance, conformant or exceeding. This is designed to incentivise excellence, innovation, and continuous improvement for the sector.

Reporting

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
What to report	 NATSIFAC providers report information on their organisation and delivery of care. This includes information on: Care recipients and staff Visiting health professions Complaints Traditional events Care expenses and labour hours Finances Outbreak management expenditure data NATSIFAC providers also complete other mandatory aged care provider reporting, including the Serious Incident Response Scheme (SIRS), and reporting on vaccinations and food and nutrition. 	NATSIFAC providers will report information on their organisation and delivery of care according to their registration categories (unless the Rules that support the new Act exempt NATSIFAC providers from certain reporting obligations for certain registration categories). Reporting requirements will largely replicate what NATSIFAC providers have needed to report on before 1 November 2025.
Where to report	Most required reporting is done through biannual Service Activity Reports (SARs), also known as Performance Reports. These are submitted directly to the department.	NATSIFAC providers will gain access to the Government Provider Management System <u>GPMS</u> to report information about their organisation and personnel. Please note, access to GPMS is likely to be granted later

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
	Grant related reporting (including annual financial acquittals) is submitted to the Department of Social Services Community Grants Hub. Other mandatory aged care provider reporting is completed through alternative channels.	in the year rather than from 1 November 2025. Read more about the <u>digital changes under</u> <u>the new Act</u> . SARs and grant related reporting will continue through current arrangements until further notice.
My Aged Care ID	Not all NATSIFAC clients are registered in <u>My Aged Care</u> (MAC). These clients will therefore not have a MAC ID.	The department will create a MAC ID, and link services to this ID, for all people who have received NATSIFAC services in the 12 months prior to 1 November 2025. All new NATSIFAC clients will be required to register with My Aged Care to receive a MAC ID.

Codes of Conduct

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Aged Care Code of Conduct	Whilst the Aged Care Code of Conduct does not apply to <u>NATSIFAC</u> , these providers must still provide safe and respectful care in keeping with the Code.	As registered providers, NATSIFAC providers must comply with the Aged Care Code of Conduct.
		The Grantee Code of Conduct (the Grantee Code) sets out compliance requirements for individuals or organisations receiving a grant under subsection 265(1) of the new Act from 1 November 2025 for a purpose other than delivery of aged care services to individuals.
Grantee Code of Conduct	Not applicable.	The Aged Care Code of Conduct will apply to grantees receiving grants under s264 of the new Act for delivery of aged care services to individuals, as they will be required to be registered providers. However, this is not a requirement for recipients under subsection 265(1), which is why the Grantee Code has been introduced.
		This means the Grantee Code of Conduct does not apply for NATSIFAC 'operational' funding but may apply for other grants.

UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)	
	The Grantee Code of Conduct will not conflict with the Code of Conduct for Aged Care.	
	A draft of this code was included in release 2C of the draft rules.	

Rights

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Charter of Rights/ Statement of Rights	 <u>Charter of Rights.</u> All providers must: help people using aged care to understand their rights under the Charter. sign and give the person receiving care a copy of the charter (representatives can also receive a copy) keep a record of the Charter given to the person receiving care. 	Statement of Rights replaces the Charter. The Statement of Rights expands on the Charter to include the right to have quality and safe services delivered consistently with the requirements imposed by the <u>new</u> <u>Act</u> . It will be a condition of registration for providers to demonstrate an understanding of the rights of individuals under the <u>Statement of Rights</u> and have practices in place to ensure the delivery of aged care services that are compatible with those rights. When an older person (or someone connected to them) believes their rights have not been upheld, they can raise this with their provider and/or make a complaint directly to the <u>ACQSC</u> .

Incident Management and Complaints

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Complaints mechanisms	NATSIFAC providers must have incident and complaints mechanisms in place as required under the <u>current</u> <u>Quality Standards</u> . NATSIFAC providers must actively encourage their clients and carers to provide feedback about services received. All NATSIFAC clients have access to complaint mechanisms.	All providers must have an incident management and complaints process in place as a condition of registration. Please note, the obligation to have an incident management process does not apply to providers only registered in category 2.

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (NATSIFAC as a Specialist Aged Care Program)
Complaints reporting	Incident management and reporting under the <u>Serious Incident Response</u> <u>Scheme</u> .	Incident management and reporting under the <u>Serious Incident Response Scheme</u> . Updated guidance from the ACQSC on good complaints practice will be available soon.

Worker Screening

	UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (interim measures)	STARTING in 2026 (transitional period)	Full implementation (timing to be determined)
Background checks	NATSIFAC providers must be aware of any registration, accreditation, or licensing requirements for the professions from which they draw their workforce and must ensure their personnel (including any subcontractors approved by the department) comply with these requirements. NATSIFAC providers have a responsibility to ensure: 1. All staff members working with vulnerable people, volunteers and executive decision makers undergo police (or relevant) checks. 2. All staff, volunteers and executive	 NATSIFAC providers are required to ensure that aged care workers and responsible persons have either: a police certificate (not older than three years) that does not record certain offences NDIS worker screening clearance Providers must not retain or recruit an aged care worker if they have been: Convicted of an offence involving the death of a person; or In the five years prior to the date of the police certificate, convicted of, and sentenced to imprisonment for at least one year for a sex related 	 NATSIFAC providers will be required to ensure that aged care workers and responsible persons have either: a police certificate (not older than three years) that does not record certain offences Aged care / NDIS worker screening clearance Australian Health Practitioner Regulation Agency (Ahpra) registration As current police certificates expire (more than 3 years old), aged care worker screening unit in their jurisdiction for a clearance decision. 	The New Aged Care Worker Screening Check is expected to be in place. NATSIFAC providers will be required to ensure that aged care workers in risk- assessed roles and responsible persons have either: • Aged care / NDIS worker screening clearance • Australian Health Practitioner Regulation Agency (Ahpra) registration All risk-assessed role workers will be screened by the worker screening units as police certificates used for clearances in the interim period will have expired. See <u>Screening</u> requirements for aged care workforce for more information on

UNTIL 31 October 2025 (NASTIFAC current state)	FROM 1 November 2025 (interim measures)	STARTING in 2026 (transitional period)	Full implementation (timing to be determined)
decision makers working in NATSIFAC Program services are suitable for the roles they are performing. 3. That staff involved in service delivery, including sub- contractor staff meets the NATSIFAC Program Police Certificate Guidelines.	offence, including sexual assault against a child or adult, child pornography, or an indecent act involving a child; or an offence involving dishonesty that is not minor. For more information see <u>fact sheet for</u> <u>providers – Aged</u> <u>care worker</u> <u>screening from 1</u> <u>November 2025</u> .	 will be assessed for clearances by worker screening units in each jurisdiction. The current NDIS worker screening tests are likely to be replicated for aged care. Non-risk assessed roles will be subject to provider review of police certificates. Staff with the following precluding offences cannot be employed in non-risk assessed roles: convicted of murder or sexual assault convicted of, and sentenced to imprisonment, for any other form of assault. 	 the <u>future of</u> <u>screening checks.</u> Non-risk assessed roles will be subject to provider review of police certificates. Staff with the following precluding offences cannot be employed in non-risk assessed roles: convicted of murder or sexual assault convicted of, and sentenced to imprisonment, for any other form of assault.

GPMS

The <u>Government Provider Management System (GPMS)</u> is the portal where providers view and maintain some of their information about their organisation and personnel. GPMS will be used for information management by all aged care providers when the new Act starts.

In the months after the <u>new Act</u> starts, some NATSIFAC providers will gain access to <u>GPMS</u> for the first time.

The department will establish GPMS records in the lead up to 1 November 2025 and provide relevant guidance material and support to help you navigate its functionalities. You will have a first look at the information held about your organisation in this portal as part of the <u>Provider Registration Preview</u> completed in June 2025.

You can continue to update your organisational details by emailing <u>NATSIFACP@health.gov.au</u> until 1 November 2025 and will not be required to log on or complete reporting on GPMS before this time.

Learn more about the digital changes related to the new Aged Care Act

- For more information about NATSIFAC: <u>Health.gov.au/Our-Work/National-Aboriginal-and-Torres-Strait-Islander-Flexible-Aged-Care-Program</u>
- For more information about the new regulatory model: <u>Health.gov.au/Regulatory-Model</u>
- For resources about the new Aged Care Act: <u>Health.gov.au/Our-Work/Aged-Care-Act/Resources</u>
- Email: <u>NATSIFACP@health.gov.au</u>