



Aged Care Legislation Consequential Amendments Regulations 2025

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2 October 2025

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Mark Butler
Minister for Health and Ageing

Released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

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Released under the Freedom of Information Act 1982 by the Department of Health, Disability and Ageing

1 Name

This instrument is the *Aged Care Legislation Consequential Amendments Regulations 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	At the same time as the <i>Aged Care Act 2024</i> commences.	1 November 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) *A New Tax System (Goods and Services Tax) Act 1999*;
- (b) *Electronic Transactions Act 1999*;
- (c) *Foreign Acquisitions and Takeovers Act 1975*;
- (d) *Healthcare Identifiers Act 2010*;
- (e) *Health Insurance Act 1973*;
- (f) *Human Services (Medicare) Act 1973*;
- (g) *Migration Act 1958*;
- (h) *National Consumer Credit Protection Act 2009*;
- (i) *National Health Act 1953*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Attorney-General

Electronic Transactions Regulations 2020

1 Clause 1 of Schedule 1 (table items 5 and 6)

Repeal the items.

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Schedule 2—Finance

Human Services (Medicare) Regulations 2017

1 Subsection 5(1)

Omit “(1) In this instrument”, substitute “In this instrument”.

2 Subsection 5(1)

Repeal the following definitions:

- (a) definition of *Aged Care Act*;
- (b) definition of *Aged Care Department*;
- (c) definition of *Aged Care Minister*;
- (d) definition of *Aged Care Secretary*;
- (e) definition of *Aged Care Transitional Act*;
- (f) definition of *reappraisal period*;
- (g) definition of *recoverable amount*.

3 Subsection 5(2)

Repeal the subsection (including the note).

4 Part 2

Repeal the Part.

5 At the end of Part 5

Add:

40 Things started but not finished under Part 2 before the commencement of the *Aged Care Legislation Consequential Amendments Regulations 2025*

(1) This section applies if:

- (a) before the commencement of the *Aged Care Legislation Consequential Amendments Regulations 2025* (the *amending regulations*), the Chief Executive Medicare started doing a thing in the performance of a function prescribed by Part 2 of this instrument, as in force before that commencement; and
- (b) immediately before that commencement, the Chief Executive Medicare had not finished doing that thing; and
- (c) the doing of the thing, after that commencement, is provided for by the *Aged Care (Consequential and Transitional Provisions) Act 2024* or an instrument made under that Act.

(2) Despite the repeal of Part 2 of this instrument by the amending regulations, the Chief Executive Medicare may, at and after the commencement of the amending regulations, finish doing the thing as though that repeal had not happened.

Schedule 3—Health, Disability and Ageing

Healthcare Identifiers Regulations 2020

1 Section 5 (definition of evidence of identity process)

Repeal the definition, substitute:

evidence of identity process means:

- (a) in relation to a healthcare provider organisation—the process to confirm the identity of the healthcare provider organisation's responsible officer and organisation maintenance officer undertaken by:
 - (i) if the responsible officer or organisation maintenance officer is an individual healthcare provider who is registered by a registration authority as a member of a health profession—the Australian Health Practitioner Regulation Agency established by the National Law; or
 - (ii) in any other case—the service operator; or
- (b) in relation to a healthcare support service provider—the process to confirm the identity of the healthcare support service provider's responsible officer, and organisation maintenance officer (if any), undertaken by one or more of the following:
 - (i) the Aged Care Department;
 - (ii) the National Disability Insurance Agency;
 - (iii) the service operator;
 - (iv) an entity prescribed for the purposes of column 1 of item 6 of the table in section 21 of the Act.

2 Paragraph 8(1)(b)

Repeal the paragraph, substitute:

- (b) whether the healthcare provider is represented by a professional body of a kind described in paragraph 9A(1)(b) of the Act and the status (such as conditional, suspended, cancelled or lapsed) of the credentials that are:
 - (i) provided through the professional body to the healthcare provider; and
 - (ii) required to practice the healthcare provider's healthcare profession;

3 After subsection 8(2)

Insert:

Identifying information—healthcare support service providers

- (2A) For the purposes of paragraph 7(2)(e) of the Act, the following information is identifying information of a healthcare support service provider:
 - (a) whether the provider has notified the service operator that the provider does not wish to use a healthcare identifier, either temporarily or permanently;
 - (b) if applicable, the provider's business name on the register established under section 22 of the *Business Names Registration Act 2011*;
 - (c) the type of healthcare or support service the provider provides to a healthcare recipient;

- (d) the name, date of birth and date of death (if applicable) of the provider's responsible officer and organisation maintenance officer (if any);
- (e) the work address, email address, telephone number and fax number of the provider's responsible officer and organisation maintenance officer (if any);
- (f) the identifying number assigned to the provider's responsible officer and organisation maintenance officer (if any) by the service operator;
- (g) whether an evidence of identity process has been undertaken for the provider's responsible officer and organisation maintenance officer (if any);
- (h) if an evidence of identity process is being undertaken for the provider's responsible officer and organisation maintenance officer (if any)—the name of the entity or service operator undertaking the process;
- (i) if an evidence of identity process has been undertaken for the provider's responsible officer and organisation maintenance officer (if any)—the name of the entity or service operator that undertook the process, the outcome of the process and when the process was undertaken;
- (j) the record that specifies the network address and technical requirements permitting electronic messages to be sent to the provider.

Note 1: Also see paragraph 7(2)(a) of the Act which states that the name of the healthcare provider is also identifying information.

Note 2: The following are examples of the type of support service a provider can provide:

- (a) a funded aged care service through the service group home support;
- (b) a service provided by a registered NDIS provider, such as behavioural intervention supports.

Note 3: Other identifying information may be required by the service operator from a healthcare provider—see section 7 of the Act.

4 At the end of subsection 8(3)

Add:

- ; (l) the name of the healthcare recipient's birth mother;
- (m) the date of birth of the healthcare recipient's birth mother;
- (n) the healthcare identifier assigned to the healthcare recipient's birth mother.

5 Section 10

Repeal the section.

6 Section 10A (heading)

Omit "individual healthcare provider information", substitute "healthcare provider and healthcare recipient information".

7 Subsection 10A(1)

Omit "subsection 25D(1)", substitute "subsections 20(1) and 25D(1)".

8 Subsection 10A(2) (table)

Repeal the table, substitute:

Schedule 3 Health, Disability and Ageing

Collection, use and disclosure of healthcare provider and healthcare recipient information in relation to health facilitation program				
Item	Column 1 Entity	Column 2 Permitted action	Column 3 Information	Column 4 Circumstances
1	healthcare provider	use disclose to an operator of a health facilitation program or the service operator	healthcare identifier of the healthcare provider healthcare identifier of a healthcare recipient identifying information of a healthcare recipient	the use or disclosure is for the purpose of: (a) determining the healthcare provider's eligibility to participate in a health facilitation program; or (b) registering the provider or the healthcare recipient to participate in a health facilitation program; or (c) the provider or the healthcare recipient participating in a health facilitation program; or (d) if the provider has provided healthcare to healthcare recipients through a healthcare facilitation program—supporting continuity of healthcare to the healthcare recipients
2	healthcare provider	collect use	healthcare identifier of another healthcare provider	the collection or use is for the purpose of: (a) supporting the other provider's participation in a health facilitation program; or (b) if the healthcare provider has provided healthcare to healthcare recipients through a healthcare facilitation program—supporting continuity of healthcare to the healthcare recipients
3	operator of a health facilitation program	collect from a healthcare provider use disclose to another healthcare provider or the service operator	healthcare identifier of a healthcare provider identifying information of a healthcare provider healthcare identifier of a healthcare recipient identifying information of a	the collection, use or disclosure is for the purpose of: (a) determining the healthcare provider's eligibility to participate in the health facilitation program; or (b) registering the provider or the healthcare recipient to participate in the program; or (c) managing the provider's or the healthcare recipient's participation in

Collection, use and disclosure of healthcare provider and healthcare recipient information in relation to health facilitation program				
Item	Column 1 Entity	Column 2 Permitted action	Column 3 Information	Column 4 Circumstances
			healthcare recipient	the program; or (d) supporting the other provider's participation in the program; or (e) if the provider has provided healthcare to healthcare recipients through the program—supporting continuity of healthcare to the healthcare recipients
4	service operator	collect from a healthcare provider or operator of a health facilitation program use disclose to an operator of a health facilitation program	healthcare identifier of the healthcare provider identifying information of the healthcare provider	the collection, use or disclosure is for the purpose of determining the healthcare provider's eligibility to participate in the health facilitation program
5	service operator	collect from a healthcare provider or operator of a health facilitation program use disclose to an operator of a health facilitation program	healthcare identifier of a healthcare recipient identifying information of a healthcare recipient	the collection, use or disclosure is for the purpose of: (a) registering the healthcare recipient to participate in the health facilitation program; or (b) managing the healthcare recipient's participation in the program
6	operator of a health facilitation program	collect from service operator use	healthcare identifier of a healthcare provider identifying information of a healthcare provider	the collection or use is for the purpose of determining the healthcare provider's eligibility to participate in the health facilitation program
7	operator of a health facilitation program	use disclose	healthcare identifier of a healthcare provider healthcare identifier of a healthcare recipient	the use or disclosure is for the purpose of evaluation, analysis or reporting relating to whether the program is supporting the delivery of adequate and appropriate healthcare to healthcare recipients, or a class of

Schedule 3 Health, Disability and Ageing

Collection, use and disclosure of healthcare provider and healthcare recipient information in relation to health facilitation program				
Item	Column 1 Entity	Column 2 Permitted action	Column 3 Information	Column 4 Circumstances
			identifying information of a healthcare recipient	healthcare recipients
8	entity to whom healthcare identifier of a healthcare provider, or healthcare identifier of a healthcare recipient, is disclosed for a purpose mentioned in column 4 of item 7	collect use disclose	healthcare identifier of a healthcare provider healthcare identifier of a healthcare recipient identifying information of a healthcare recipient	the collection, use or disclosure is for the purpose of evaluation, analysis or reporting relating to whether a health facilitation program is supporting the delivery of adequate and appropriate healthcare to healthcare recipients, or a class of healthcare recipients

9 Section 10B (heading)

Omit “an individual healthcare provider”, substitute “a healthcare provider or healthcare recipient”.

10 Subsection 10B(1)

Omit “subsection 25D(2)”, substitute “subsections 20(2) and 25D(2)”.

11 Subsection 10B(2)

Omit “an individual healthcare provider”, substitute “a healthcare provider”.

12 At the end of section 10B

Add:

- (3) An operator of a health facilitation program may adopt the healthcare identifier of a healthcare recipient for use as the operator’s own identifier for the purposes of the health facilitation program.

13 Part 3 (heading)

After “healthcare provider organisations”, insert “and healthcare support service providers”.

14 Before subsection 11(2)

Insert:

Healthcare provider organisations

15 At the end of section 11

Add:

Healthcare support service providers

- (4) A healthcare support service provider must not request the service operator to disclose a healthcare identifier to the provider, unless:
 - (a) the identity of the organisation's responsible officer and the identity of the organisation maintenance officer (if any) have been verified through an evidence of identity process; and
 - (b) information in relation to those officers of the kind mentioned in paragraphs 8(2A)(d) to (i) of this instrument has been given to the service operator; and
 - (c) the information is accurate, up to date and complete.
- (5) If:
 - (a) the service operator receives a request to disclose a healthcare identifier from a healthcare support service provider; and
 - (b) the request was made in contravention of subsection (4);
 the service operator must refuse to comply with the request.

16 Section 12

Repeal the section, substitute:

12 Identity of individual making request

- (1) This section is made for the purposes of subsections 20(4) and (5), and 25D(4) and (5), of the Act.

Information identifying individual making a request

- (2) If a healthcare provider or health administration entity requests the service operator to disclose a healthcare identifier to the provider or entity, the provider or entity must, if it is reasonably practicable to do so, give the service operator enough information to ensure the service operator can identify, by name, the individual making the request on behalf of the provider or entity without having to seek further information.

Note: For example, the information may be given as part of the data transmitted to the service operator from a healthcare provider or health administration entity's practice management software.

Keeping retrievable records

- (3) If it is not reasonably practicable to give the service operator the information mentioned in subsection (2) at the time the request is made, the healthcare provider or health administration entity must:
 - (a) keep a record of the identity of the individual who accessed the healthcare identifier for the provider or entity from the service operator; and
 - (b) keep that record for the retrieval period for that individual; and
 - (c) if, during the retrieval period for that individual, the service operator gives the provider or entity written notice requiring the provider or entity to identify the individual—identify the individual to the service operator by the end of the period of 14 days starting on the day after the notice is given.
- (4) Each of the following is a *retrieval period* for an individual:

- (a) any period during which the individual is authorised by the healthcare provider or health administration entity to access healthcare identifiers on the provider or entity's behalf;
 - (b) if the individual ceases to be authorised by the healthcare provider or health administration entity to access healthcare identifiers on the provider or entity's behalf—the period of 7 years starting on the day after the person ceased to be authorised.
- (5) A healthcare provider or health administration entity is liable to a civil penalty if the provider or entity contravenes subsection (2) or (3).

Civil penalty: 50 penalty units.

17 Section 15

Repeal the section.

18 At the end of the instrument

Add:

Division 3—Application of the Aged Care Legislation Consequential Amendments Regulations 2025

18 Use and disclosure of healthcare identifier of a healthcare provider disclosed before commencement

- (1) This section applies if a disclosure of the healthcare identifier of a healthcare provider is made to another entity under subsection 10(2) of this instrument, as in force before the commencement of this section.
- (2) Despite the repeal of section 10 of this instrument by the *Aged Care Legislation Consequential Amendments Regulations 2025*, subsection (3) of that section continues to apply to the other entity, in relation to the healthcare identifier of the healthcare provider, as if that repeal had not happened.

19 Use and disclosure of healthcare identifier of a healthcare provider or healthcare recipient

- (1) Section 10A, as amended by the *Aged Care Legislation Consequential Amendments Regulations 2025*, applies in relation to the use and disclosure of information on or after the commencement of that instrument, regardless of whether the information was collected before, on or after that commencement.
- (2) This section does not limit the application of section 10A.

20 Requests for disclosure of healthcare identifiers

Section 12, as substituted by the *Aged Care Legislation Consequential Amendments Regulations 2025*, applies in relation to a request made on or after the commencement of that instrument.

Health Insurance (General Medical Services Table) Regulations 2021

19 Clause 7.1.1 of Schedule 1 (definition of *care recipient*)

Repeal the definition, substitute:

care recipient means an individual who is accessing funded aged care services through the service group residential care (within the meaning of the *Aged Care Act 2024*).

20 Clause 7.1.1 of Schedule 1 (definition of *residential aged care facility*)

Repeal the definition, substitute:

residential aged care facility means a residential care home (within the meaning of the *Aged Care Act 2024*).

National Health (Pharmaceutical Benefits) Regulations 2017

21 Subsection 5(1)

Insert:

approved residential care home has the meaning given by the *Aged Care Act 2024*.

22 Subsection 5(1) (subparagraph (a)(i) of the definition of *electronic medication chart system*)

Omit “a residential care service at which the person is receiving residential care”, substitute “an approved residential care home in which the person is accessing funded aged care services through the service group residential care (within the meaning of the *Aged Care Act 2024*)”.

23 Subsection 5(1)

Insert:

funded aged care service has the meaning given by the *Aged Care Act 2024*.

24 Subsection 5(1) (definitions of *residential care* and *residential care service*)

Repeal the definitions.

25 Subparagraph 41(1)(a)(i)

Omit “a residential care service at which the person is receiving residential care”, substitute “an approved residential care home in which the person is accessing funded aged care services through the service group residential care (within the meaning of the *Aged Care Act 2024*)”.

26 Subparagraph 41(2)(b)(iii)

Omit “residential care service”, substitute “approved residential care home”.

27 Subparagraph 41(2)(b)(iv)

Repeal the subparagraph, substitute:

- (iv) if the patient is receiving treatment in or at an approved residential care home—the Residential Aged Care Service ID for the approved residential care home;

28 Paragraph 41(2)(g)

Omit “a residential care service”, substitute “an approved residential care home”.

29 Subparagraph 41(2A)(a)(iii)

Omit “a residential care service”, substitute “an approved residential care home”.

30 Paragraph 41(3)(b)

Omit “a residential care service”, substitute “an approved residential care home”.

31 Subsection 41(4)

Omit “a residential care service”, substitute “an approved residential care home”.

32 Paragraph 45(1)(a)

Omit “a residential care service”, substitute “an approved residential care home”.

33 Subsection 45(3)

Omit “a residential care service”, substitute “an approved residential care home”.

34 Paragraph 45(5)(b)

Omit “a residential care service”, substitute “an approved residential care home”.

Schedule 4—Home Affairs

Migration Regulations 1994

1 Regulation 1.03

Insert:

funded aged care service has the same meaning as in the *Aged Care Act 2024*;

registered provider has the same meaning as in the *Aged Care Act 2024*.

2 Paragraph 1.15K(a)

Omit “either or both”, substitute “any”.

3 Subparagraph 1.15K(a)(ii)

Repeal the subparagraph, substitute:

- (ii) an expense arising from the provision of an aged care service to the person, on or after 17 April 2019 and before 1 January 2020, by an approved provider of a kind mentioned in section 8-6 of the *Aged Care Act 1997* as in force immediately before 1 January 2020;
- (iii) an expense arising from the provision of an aged care service to the person, on or after 1 January 2020 and before the commencement of the *Aged Care Act 2024*, by an approved provider of a kind mentioned in section 63F of the *Aged Care Quality and Safety Commission Act 2018* as in force immediately before the commencement of the *Aged Care Act 2024*;
- (iv) an expense arising from the delivery of a funded aged care service to the person by a registered provider that is a government entity or a local government authority (within the meaning of the *Aged Care Act 2024*); and

4 Paragraph 2.87CA(2)(b)

Repeal the paragraph, substitute:

- (b) expenses arising from the provision of an aged care service to a person, on or after 17 April 2019 and before 1 January 2020, by an approved provider of a kind mentioned in section 8-6 of the *Aged Care Act 1997* as in force immediately before 1 January 2020;
- (c) expenses arising from the provision of an aged care service to a person, on or after 1 January 2020 and before the commencement of the *Aged Care Act 2024*, by an approved provider of a kind mentioned in section 63F of the *Aged Care Quality and Safety Commission Act 2018* as in force immediately before the commencement of the *Aged Care Act 2024*;
- (d) expenses arising from the delivery of a funded aged care service to a person by a registered provider that is a government entity or a local government authority (within the meaning of the *Aged Care Act 2024*).

Schedule 5—Treasury

A New Tax System (Goods and Services Tax) Regulations 2019

1 Section 38-7.01

Omit “(No. 2) 2020”, substitute “2021”.

2 After section 38-7.01

Insert:

38-25.01 Residential care etc.

- (1) For the purposes of paragraphs 38-25(1)(a), 38-25(2)(b) and 38-25(3)(b) of the Act, a service covered by a provision of Division 8 of the aged care service list is specified to the extent that the supplier of the service does not charge the person to whom the service is supplied a higher everyday living fee (within the meaning of section 284 of the *Aged Care Act 2024*) for the service.
- (2) For the purposes of paragraph 38-25(3)(c) of the Act, the following provisions of the aged care service list are specified:
 - (a) item 2 in the table in section 8-150;
 - (b) item 3 in the table in section 8-150;
 - (c) paragraphs (a), (b) and (c) of column 2 of item 5 in the table in section 8-150;
 - (d) paragraph (a) of column 2 of item 6 in the table in section 8-150;
 - (e) item 4 in the table in section 8-155.

38-30.01 Home care etc.

For the purposes of paragraph 38-30(3)(b) of the Act, the provisions of the aged care service list specified in paragraphs 38-25.01(2)(a) to (d) are specified.

3 At the end of Division 195 of Part 6-3 of Chapter 6

Add:

195-1.03 Serviced apartments

For the purposes of paragraph (a) of the definition of *serviced apartment* in section 195-1 of the Act, the provisions of the aged care service list specified in subsection 38-25.01(2) are specified.

Foreign Acquisitions and Takeovers Regulation 2015

4 Section 5 (definition of *residential care*)

Repeal the definition.

5 Subsection 38(5) (heading)

After “care”, insert “homes”.

6 Subparagraph 38(5)(a)(i)

Repeal the subparagraph, substitute:

- (i) a residential care home (within the meaning of the *Aged Care Act 2024*); or

7 Paragraph 43D(2)(b)

Repeal the paragraph, substitute:

- (b) a person (who may or may not be the foreign person) ordinarily occupying the dwelling as a residence was absent from the dwelling:
 - (i) to receive medical care; or
 - (ii) to receive residential care (within the meaning of the *Aged Care Act 1997* as in force immediately before the commencement of the *Aged Care Act 2024*); or
 - (iii) to access funded aged care services through the service group residential care in a residential care home (within the meaning of the *Aged Care Act 2024*);that is supported by evidence.

National Consumer Credit Protection Regulations 2010

8 Section 60 (heading)

Omit "1997", substitute "2024".

9 Section 60

Omit "an approved provider (within the same meaning as in the *Aged Care Act 1997*) to the extent that the approved provider", substitute "a registered provider (within the meaning of the *Aged Care Act 2024*) to the extent that the registered provider".

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