



Aged Care (Consequential and Transitional Provisions) (Deeming of Registered Providers) Determination 2025

I, Blair Comley, System Governor, make the following determination.

Dated

October 2025

Blair Comley
System Governor

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1 Name

This instrument is the *Aged Care (Consequential and Transitional Provisions) (Deeming of Registered Providers) Determination 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
Provisions	Commencement
1. The whole of this instrument	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Note: This table relates only to the provisions of this instrument as originally made.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 subitems 6(1) and 7(1) of Schedule 2 to the *Aged Care (Consequential and Transitional Provisions) Act 2024*.

Note: A determination under subitem 6(1) or 7(1) of Schedule 2 to the *Aged Care (Consequential and Transitional Provisions) Act 2024* is not a legislative instrument: see subitems 6(6) and 7(6) of that Act.

4 Definitions

- (1) In this instrument:

CTP Act means the *Aged Care (Consequential and Transitional Provisions) Act 2024*.

- (2) An expression used in a provision of this instrument and defined in subitem 1(1) of Schedule 2 to the CTP Act has the same meaning in that provision as it has in that Schedule.

Note: The following expressions used in this instrument are defined in subitem 1(1) of Schedule 2 to the CTP Act:

- (a) new Act;
- (b) new law;
- (c) old Act;
- (d) old law;
- (e) transitional rules;
- (f) transition time.

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- (3) An expression used in a provision of this instrument and in the new law has the same meaning in that provision as it has in the new law, subject to subsection (4).
 - (4) An expression used in a provision of this instrument and in the old law has the same meaning in that provision as it had in the old law to the extent that:
 - (a) the use of the expression in that provision relates to an event that occurred, or a state of affairs that existed, under the old law before the transition time; or
 - (b) the provision has the effect that a provision of the old law continues to apply despite the repeal of the old law.

5 Deemed registered providers

For the purposes of subitems 6(1) and (2) of Schedule 2 to the CTP Act, an entity specified in Column 1 of the table in Schedule 1 to this instrument is taken to be a registered provider under paragraph 105(1)(a) of the new Act at the transition time.

6 Deemed conditions

For the purposes of paragraph 6(1)(g) of Schedule 2 to the CTP Act, the conditions to which an entity specified in Column 1 of the table in Schedule 1 to this instrument is subject are every condition to which the entity will be subject to under section 142 of the new Act after the transition time.

7 Reasons for making the determination

For the purposes of paragraph 6(2)(b) and subitem 6(3) and paragraph 7(2)(d) of Schedule 2 to the CTP Act, this instrument is made to ensure that the provision of certain types of care under the old Act, or services delivered under an agreement between an entity and the Commonwealth, may continue as funded aged care services under the new Act that correspond as nearly as possible to those types of care or services.

8 Deemed decisions to allocate places—TCP and MPSP

For the purposes of paragraph 6(2)(h) of Schedule 2 to the CTP Act and the transitional rules, an entity specified in Column 1 of the table in Schedule 2 to this instrument is taken to have been allocated, at the transition time:

- (a) the number of places for delivering funded aged care services under the TCP as specified in Column 3 of that table; or
- (b) the number of places for delivering funded aged care services under the MPSP in or from an approved residential care home, as specified in Column 4 of that table.

9 Deemed approval of residential care homes

For the purposes of subitems 7(1) and (2) of Schedule 2 to the CTP Act, each of the places identified in Column 3 of the table in Schedule 3 to this instrument is taken to be approved as a residential care home (within the meaning of the new

Act) in relation to the registered provider identified in Column 1 of that table at the transition time.