

EXPOSURE DRAFT

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Inserts for

Aged Care Amendment (Aboriginal and Torres Strait Islander Aged Care Commissioner and Other Measures) Rules 2026: Aged Care Assessment Escalation Pathway

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Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Schedule 2, Part 1	The later of: (a) the day after this instrument is registered; and (b) the day Schedule 4 to the <i>Aged Care Legislation Amendment (Aboriginal and Torres Strait Islander Aged Care Commissioner and Other Measures) Bill 2026</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made.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.

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Schedule 2—Aged care assessment escalation pathway and manual

Part 1—Aged care assessment escalation pathway

Aged Care Rules 2025

20 After Part 4 of Chapter 2

Insert:

Part 4A—Additional review process for certain classification decisions and priority category decisions

90A-5 Decisions subject to additional review

- (1) For the purposes of subsection 90A(3) of the Act, this section prescribes the conditions which a decision by the System Governor for an individual must meet for that subsection to apply to the decision.

Classification decision for ongoing home support based on classification assessment carried out in prescribed circumstances

- (2) If the decision is a decision mentioned in paragraph 90A(2)(a) of the Act (classification decision for ongoing home support), it is a condition that the decision is not based on a classification assessment carried out under subparagraph 76(1)(a)(ii) or (b)(ii) of the Act (classification assessments carried out in circumstances prescribed by the rules).

90B-5 When request for additional review may be made

- (1) For the purposes of paragraph 90B(2)(b) of the Act, this section prescribes the circumstances in which a request for review under Part 4A of the Act of a prescribed entry decision for an individual may be made under section 90B of the Act.

Information must be completed in full, accurate, etc.

- (2) All of the following relating to the prescribed entry decision have been completed in full, accurately and consistently with any documentation provided by the individual for the purposes of the individual's aged care needs assessment:
 - (a) the Integrated Assessment Tool;
 - (b) the aged care needs assessment report provided under section 63 of the Act;
 - (c) the classification assessment report provided under section 77 of the Act;
 - (d) if the decision is a decision under subsection 86(1) of the Act about the individual's priority category—the prioritisation report provided under section 85 of the Act.

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Decision must be the most recent decision of that kind

- (3) A more recent decision of that kind has not been made for the individual.

Decision must not be concurrent with hospital transition classification decision

- (4) The System Governor did not, at the same time as making the prescribed entry decision, do any of the following for the individual under subsection 78(1) of the Act:
- (a) establish the classification level HS HT class, for the classification type hospital transition for the service group home support;
 - (b) establish the classification level AT HT class, for the classification type hospital transition for the service group assistive technology;
 - (c) establish the classification level RC HT class, for the classification type hospital transition for the service group residential care.

90B-10 Requirements for the request

- (1) For the purposes of paragraph 90B(3)(b) of the Act, this section prescribes the requirements with which a request for review under Part 4A of the Act of a prescribed entry decision for an individual must comply.
- (2) The request must be accompanied by the following documents:
- (a) all the reports mentioned in subsection 90B-5(2) that are relevant to the decision;
 - (b) any other document that is needed to ensure that the accompanying documents address each applicable matter (if any) prescribed for the purposes of paragraphs 90E(3)(c) and (d) of the Act.

Note: Documents that merely address the following matters will not generally suffice to meet this requirement:

- (a) limited availability of community services or registered providers in the local area;
- (b) high service costs;
- (c) the individual's financial circumstances;
- (d) general dissatisfaction with the individual's expected wait time.

90B-15 Period for giving the request

For the purposes of paragraph 90B(4)(a) of the Act, the period of 14 days is prescribed.

90E-5 Period for additional review

For the purposes of subsection 90E(2) of the Act, the period of 28 days after the request is received is prescribed.

90E-10 Matters to which the entry decision reviewer may have regard

- (1) For the purposes of paragraph 90E(3)(c) of the Act, this section prescribes matters to which an entry decision reviewer may have regard in reviewing a prescribed entry decision for an individual and making a decision under subsection 90E(2) of the Act.

- (2) The entry decision reviewer may have regard to any of the following material that the entry decision reviewer considers relevant:
- (a) material contained in reports mentioned in subsection 90B-5(2);
 - (b) material obtained or produced in the course of preparing those reports;
 - (c) a notice in the approved form relating to the prescribed entry decision;
 - (d) any other clinical material or information (including material or information that has become available since the decision was made).

90E-15 Requirements for decision on additional review

- (1) For the purposes of paragraph 90E(3)(d) of the Act, this section prescribes requirements in accordance with which an entry decision reviewer must act in reviewing a prescribed entry decision for an individual and making a decision under subsection 90E(2) of the Act.

Classification decision for ongoing home support

- (2) For a prescribed entry decision that is a decision mentioned in paragraph 90A(2)(a) of the Act (classification decision for ongoing home support), the entry decision reviewer may decide, under subsection 90E(2) of the Act, to change the prescribed entry decision only if satisfied that:
- (a) there is evidence to indicate that the individual's circumstances are not adequately reflected in one or more of the criteria for the individual's classification level; and
 - (b) the individual's circumstances are therefore significantly different from other individuals with the same classification level; and
 - (c) the individual is at risk of significant harm without a higher level of care.

Note: Guidelines may be made by the System Governor relating to the matters set out in this section: see subsection 90E(7) of the Act.

Priority category decisions

- (3) For a prescribed entry decision that is a decision mentioned in paragraph 90A(2)(b) of the Act (priority category decisions), the entry decision reviewer may decide, under subsection 90E(2) of the Act, to change the prescribed entry decision only if satisfied that there is evidence to indicate that:
- (a) the individual's circumstances are not adequately reflected in one or more of the eligibility criteria for the individual's priority category; and
 - (b) the individual's priority category does not adequately reflect a time-critical requirement for access, including extreme old age or a significant and life-limiting medical condition; and
 - (c) there is a risk of significant harm to the individual if the individual is not assigned a different priority category; and
 - (d) the individual is unable to access stable and formal alternative or supplementary supports, including the health system and other aged care programs like ongoing or short-term residential care.

Note: Guidelines may be made by the System Governor relating to the matters set out in this section: see subsection 90E(7) of the Act.

- (4) However, if the entry decision reviewer decides to change a prescribed entry decision mentioned in paragraph 90A(2)(b) of the Act (priority category

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decisions), the priority category established by the entry decision reviewer must be standard, medium or high.