

Module	AGED CARE
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT
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Module Application

Does your organisation provide residential or home care services to customers/clients, and are you required to register as a provider under the Aged Care Act 2024?

Does your organisation provide funded aged care services? Have you/do you wish to apply for Commonwealth subsidies?

Does your organisation provide residential care services to people with physical, social, medical or psychological needs who are unable to care for themselves at home, on a permanent basis?

Does your organisation own or operate a retirement village and have obligations arising under the retirement villages legislation?

Module Scope

The Aged Care module has 4 sub modules:

- › Registered Aged Care Providers
- › Home Care*
- › Residential Care*
- › Retirement Villages

**Upon the commencement of the Aged Care Act 2024, requirements transition to their corresponding provisions covered in the Registered Aged Care Providers submodule where applicable.*

The AGED CARE module provides guidance to aged care providers on the necessary processes and procedures to ensure compliance with all legal obligations in the sector. These obligations are based on the following principles:

- › Inclusion, equity and access,
- › Empowerment and participation
- › Quality, safety and continuous improvement
- › Governance, transparency and accountability
- › Protection and safeguarding
- › Person-centred care

There are various service types to consider when providing an overview of the legal obligations of aged care service providers in Australia;

- › Residential care;
- › Retirement villages;
- › Home care services;
- › Assistive technology and home modifications providers;
- › Specialist aged care program providers.

There is considerable overlap between the obligations of aged care service providers operating residential care facilities and aged care service providers providing home care services. Both of these areas source core obligations from the same commonwealth legislative basis;

- › Aged Care Act 1997 (Cth);
- › Aged Care (Transitional Provisions) Act 1997 (Cth); and
- › Aged Care (Transitional Provisions) Principles 2014.

And both are regulated by the same commonwealth regulatory bodies;

- › The Department of Human Services (DHS);
- › The Department of Health (DOH);
- › Australia Aged Care Quality Agency;
- › The Aged Care Pricing Commissioner; and
- › The Aged Care Complaints Commissioner.

From 1 November 2025, the existing commonwealth legislation will be replaced by the Aged Care Act 2024 (Cth), **Aged Care Rules 2025 (Cth)**, and **Aged Care Financial and Prudential Standards 2025 (Cth)**. Specialist aged care programs, assistive technology providers and home modifications providers will also be regulated under this framework.

Under the new framework, the regulatory bodies are:

- › Aged Care Quality and Safety Commission
- › Complaints Commissioner
- › System Governor
- › Department of Health and Aged Care
- › Independent Health and Aged Care Pricing Authority

In contrast, the obligations of operators of retirement villages are derived from individual state-based legislation;

- › Each state and territory has a Retirement Villages Act;
- › Each state and territory has at least one Retirement Villages Regulations;
- › Some states and territories have a Code of Conduct applicable to the operators of retirement villages;

Each state and territory also has legislation which regulates the rights and obligations of operators and residents (consumers) of retirement villages in that state or territory that are not specific to retirement villages. Also relevant is commonwealth legislation that informs consumer rights and privacy provisions throughout Australia.

Registered Aged Care Providers

The Aged Care Act 2024 (Cth) introduces significant reforms to empower and improve the lives of older individuals accessing funded aged care in their homes, community settings, or approved residential aged care homes. The Aged Care Act 2024 (Cth) also introduces a new risk-based regulatory model to encourage delivery of high-quality funded aged care services and to increase accountability in the aged care sector.

The legislative and regulatory framework covered in this module includes:

- › Aged Care Act 2024 (Cth)
- › Aged Care Rules 2025 (Cth)
- › Aged Care Financial and Prudential Standards 2025 (Cth)

This module applies to registered providers of funded aged care services and includes approvals of residential care homes. It also covers obligations that apply to aged care workers and responsible persons of registered providers.

Key Compliance Focus Areas

- Registered Provider Obligations: Conditions of registration and key obligations to ensure that registered providers are suitable to deliver funded aged care services and have the capability and capacity to provide safe and quality care.
- Consumer Rights and Safeguards: Upholding the rights of older individuals accessing funded aged care under the Statement of Rights and Statement of Principles, supported decision-making for individuals with access to supporters and advocates, and complaints and feedback pathways for upholding rights of individuals without fear of reprisal.
- Care and Service Delivery: Compliance with Statement of Rights, Statement of Principles, Aged Care Code of Conduct, Aged Care Quality Standards, reducing the use of restrictive practices, and duty of care for registered providers and responsible persons
- Governance: Accountability for a registered provider's operations, including obligations to ensure the ongoing suitability of responsible persons, demonstrating continuous improvement towards high quality care, and the establishment of advisory bodies
- Financial Standards and Transparency: Compliance with Aged Care Financial and Prudential Standards for financial and prudential management, liquidity (including the requirement to maintain a minimum liquidity amount), investment management, and financial and prudential reporting
- Incident Management and Reporting: Obligations for incident management and prevention, and reporting of reportable incidents
- Workforce Conduct and Capability: Obligations for worker screening, workforce qualifications and training, Aged Care Code of Conduct compliance, and whistleblowers protections.
- Residential Care: Requirements for residential care homes and continuity of care

By adhering to the obligations outlined in this module, registered providers can ensure compliance with the strengthened aged care system that focuses on person-centred funded aged care, and avoid enforcement actions including criminal and civil penalties, loss of registration, banning orders, compensation orders, or reputational harm.

This module serves as a practical compliance guide for providers navigating the regulatory environment from 1 November 2025 onwards.

Home Care

The *HOME CARE* sub module focuses on obligations and regulations of aged care providers operating in the home care sector.

The *HOME CARE* sub module covers topics including:

- › The process to become an approved provider and appoint key personnel
- › Maintaining provider status through reviews
- › Application and approval of home care recipients
- › Changing home care providers
- › Eligibility and calculation of subsidies and supplements
- › Agreements with care recipients and payment of fees
- › Financial requirements for consumer-directed care
- › The charter of aged care rights
- › Care, support, and quality of clinical services
- › Assessment, planning, and review processes
- › Incident monitoring and management
- › Complaints handling and management systems
- › Human resources and governance
- › State and territory-specific requirements relating to capacity and decision-making
- › Record keeping and reporting

If a home services aged care provider fails to meet legal obligations, they may be required to inform affected parties and prevent future failures. Continued failure can lead to significant legal consequences, including fines and imprisonment for complicit individuals. The *HOME CARE* sub module provides remedial actions for compliance and avoiding breaches, and detailed penalties for non-compliance to enable providers to make informed compliance risk assessments.

There is significant overlap with the provision of aged care in residential facilities but aged care in residential facilities is not the focus of this module. This module also does not cover aged care in retirement villages.

Residential Care

The *RESIDENTIAL CARE* sub module informs the aged care service provider of their legislated legal obligations related to the provision of residential aged care in Australia.

The *RESIDENTIAL CARE* sub module covers topics including:

- › The process and criteria for becoming an aged care approved provider and appointing key personnel
- › Maintaining approved aged care provider status through a system of reviews
- › The application and allocation of residential places
- › The eligibility of residential care recipients and residential respite care recipients
- › The classification of new care recipients and the continuing status of care recipient's classification status
- › Eligibility, claims, reductions and calculations of subsidies, supplements and grants
- › Agreements with permanent residents, respite recipients, and continuing care recipients
- › Fees and payments applying prior to, and following changes, that came into effect on 1st July 2014
- › The management of refundable deposits
- › The charter of aged care rights
- › Specified and optional care and services that may attract additional fees
- › Ongoing assessment, planning and review
- › Safe service environment and daily living
- › The management of feedback and complaints, incidents, and record keeping
- › Human resources
- › The accreditation process
- › Organisation governance and clinical governance
- › State and territory-specific requirements relating to capacity and decision-making

The *RESIDENTIAL CARE* sub module provides comprehensive coverage of the legal obligations of aged care services providers. The module does not cover the procedures or processes to be followed by individuals, consumers or entities relying on aged care service providers who have suffered damages or losses due to breaches of obligations by residential aged care service providers.

The *RESIDENTIAL CARE* sub module covers obligations and regulations of aged care providers operating in the residential care sector. There is significant overlap with the provision of home services in aged care but home services in aged care is not the focus of this sub module. This sub module also does not cover aged care in retirement villages.

Retirement Villages

The *RETIREMENT VILLAGES* sub module focuses on obligations and regulations of aged care providers operating retirement villages. The module also provides practical assistance and guidance to ensure these obligations are complied with by demonstrating the establishment and maintenance of best practice processes. The module also covers potential exemptions to the obligations, where applicable, and how they may or may not apply in particular instances and circumstances.

The *RETIREMENT VILLAGES* sub module covers topics including;

- › The process and criteria for registering a retirement village
- › Information and marketing before contracts are agreed
- › Contracts for new residents and obligations arising from the signing of a contract
- › Termination of the contract by the resident or the operator
- › Entry payments, ongoing contributions and premiums
- › Village rules
- › Residents' rights
- › The provision of a safe and secure premises and facilities
- › Maintenance and improvements
- › General management and financial management
- › Non-residents living in the village
- › Dispute resolution procedures
- › Sale of premises or right to reside
- › Resident transfers and uncollected goods of former residents
- › Record keeping and accounting.

The focus of this sub module is the provision of aged care in retirement villages. There is significant overlap with the provision of aged care in residential facilities but aged care in residential facilities is not the focus of this sub module. This sub module also does not cover provision of home services in aged care.

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