



Aged Care Legislation Amendment (Transition Care) Instrument 2022

I, Anika Wells, Minister for Aged Care, make the following instrument.

Dated 7 November 2022

Anika Wells
Minister for Aged Care

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1 Name

This instrument is the *Aged Care Legislation Amendment (Transition Care) Instrument 2022*.

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	1 December 2022.	1 December 2022

Note: This table relates only to the provisions of this instrument as originally made.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) the *Aged Care Act 1997*;
- (b) the *Aged Care Quality and Safety Commission Act 2018*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Aged Care Quality and Safety Commission Rules 2018

1 Section 4 (definition of *flexible care place*)

After “restorative care”, insert “or transition care”.

2 Section 4 (paragraph (b) of the definition of *home service*)

After “restorative care”, insert “or transition care”.

3 Section 4 (paragraph (a) of the definition of *home service provider*)

After “restorative care”, insert “or transition care”.

4 Section 4

Insert:

transition care has the same meaning as in the *Subsidy Principles 2014*.

5 Section 50

Repeal the section, substitute:

50 Specification of aged care services

For the purposes of subparagraph 19(b)(ii) of the Commission Act, the following aged care services are specified:

- (a) flexible care services through which short-term restorative care is provided in a home care setting;
- (b) flexible care services through which transition care is provided in a home care setting by a person other than the approved provider in respect of the flexible care service, on the approved provider’s behalf, under a contract or arrangement entered into between the approved provider and the other person.

6 After paragraph 52(2)(b)

Insert:

- (ba) a flexible care service through which transition care is provided in a home care setting by a person other than the approved provider in respect of the flexible care service, on the approved provider’s behalf, under a contract or arrangement entered into between the approved provider and the other person;

7 At the end of section 60

Add:

- ; (c) flexible care services through which transition care is provided in a residential care setting;
- (d) flexible care services through which transition care is provided in a home care setting by a person other than the approved provider in respect of the

flexible care service, on the approved provider's behalf, under a contract or arrangement entered into between the approved provider and the other person.

Quality of Care Principles 2014

8 Section 4

Insert:

transition care has the meaning given by section 4 of the *Subsidy Principles 2014*.

9 At the end of subsection 18(1)

Add:

; (d) flexible care in the form of transition care.

Subsidy Principles 2014

10 Section 4 (definition of *home care setting*)

After "restorative care", insert "or transition care".

11 Section 4 (definition of *residential care setting*)

After "restorative care", insert "or transition care".

12 Section 7B

After "restorative care", insert "or transition care".

13 Section 70B

After "restorative care", insert "or transition care".