

# Aged Care in the continuum of care and services available to older persons

The following is a necessarily brief introduction to aged care, and some related but different offerings available to retired persons in Western Australia.

## WHAT IS AGED CARE?

Aged care, at least in a statutory sense, is care delivered by an approved provider and funded wholly or in part by the Commonwealth Government under the *Aged Care Act 1997 (Cth)*, which may take the form of:

- residential care (being personal care and/or nursing care, provided in a residential facility on a permanent or short term (respite) basis);
- home care (care consisting of a package of personal care services and other personal assistance provided to a person who is not being provided with residential care);
- flexible care (essentially a hybrid, provided in alternative ways to residential and home care).

So, depending on a person's needs, aged care may be delivered in a residential care facility ("RCF"), or in a person's home – whatever that may be.

Reported trends indicate that as a percentage of the population, fewer people are now moving into *residential* aged care. This is being seen as an end-of-life option, with the average age of entry around 83 and the average length of stay now only 2-3 years. Conversely, a rise in home care packages reflects the preference of most older Australians to age in place, longer.

Access to Commonwealth funded aged care is subject to availability, eligibility and assessment requirements. A critical step in determining eligibility is therefore an Aged Care Assessment Team ("ACAT") assessment.

Aged care can also be privately funded, but that is not the focus of this article.

## WHAT IS NOT AGED CARE?

Older persons have a range of options available to them as they enter their later years. Whilst there may be similarities, the following examples of seniors housing are not aged care within the meaning of the Aged Care Act:

- **Retirement villages** are regulated at a state and territory level. In Western Australia, a retirement village is a residential development, occupied predominantly by retired persons and governed by a regulatory framework established by the *Retirement Villages Act 1992 (WA)* and related legislation. 'Retired persons' are persons who are aged 55 or over, or retired from full-time employment, or the spouse or de facto partner of such a person.

- **Lifestyle villages** are governed by the *Residential Parks (Long-stay Tenants) Act 2006* (WA) and can be set up for groups sharing interests or qualities in common – including persons over a specified age.
- **Strata titled developments** can be restricted under the *Strata Titles Act 1985* (WA) to occupation by retired persons, similar to a retirement village. The difference is that residents are essentially buying a property asset.

## HOW DOES THIS ALL FIT TOGETHER?

A benefit of home care lies in its portability. It is portable in the sense that, first, funding follows the consumer. With the commencement of Aged Care Act reforms in 2017 all home care packages funded and provided under the Act must now be delivered as 'consumer directed care' (or "CDC"), meaning that the care recipient controls where and how their budgets are spent. The care recipient is not locked in to using any particular provider. Secondly, home care can be provided in a range of different home and home-like settings – including any of the seniors housing settings mentioned above.

Synergies need not be left to chance. Partnerships, service agreements and the like can and should be explored between developers and operators of seniors housing, and providers of home care. The end result is the facilitation of home care delivery into self contained communities of older persons – a beneficial outcome for all concerned. In some cases, quasi aged care communities can be created, which are in fact not RCFs within the meaning of the Aged Care Act.

If and when the time comes for a move to residential care, co-located retirement villages and RCFs (that is, attached or neighbouring facilities) may be a selling point, but an automatic allocation or right of transfer to an RCF cannot be guaranteed for the simple reason that RCFs are specifically regulated under the Aged Care Act. Entry to residential care is always subject to availability, eligibility and assessment. To emphasize the inherent absence of guaranteed placement, the retirement villages legislation in WA expressly requires prospective village residents to be notified of the point.

## CONTACT DETAILS

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