

Resident leaving a village to go into aged care

It may be necessary for a resident to move out of a retirement village to go into an aged care facility. Section 30 of the *Retirement Villages Act 2016* (SA) (the Act) contains provisions relating to a resident who leaves a village for aged care. Where a resident meets eligibility requirements, they can apply to have the operator make payments to the aged care facility on their behalf. These payments can be deducted from the exit entitlement.

Eligibility requirements

To be eligible for payments to be made, the resident must fulfil the following criteria:

- > be approved under the *Aged Care Act 1997* of the Commonwealth to enter into residential care at an aged care facility provided by an approved provider under that Act
- > choose to pay a refundable accommodation deposit under that Act
- > not have ready access to funds to make the payment, or their personal finances would be seriously affected by any such payment
- > will be entitled, on conditions specified in the residence contract being fulfilled or otherwise in accordance with section 27, to payment of an exit entitlement.

Under Regulation 8 the operator is entitled to request evidence of the value of the resident's income and assets as determined in accordance with the *Aged Care Act 1997* (Commonwealth) - for example, Centrelink's income and assets assessment.

Requesting the payment

Section 30 of the Act requires the resident to make the application for payment within 60 days of being approved for entry into a facility or of leaving the village, whichever is the later. Office for Ageing Well provides a Notice of Intention to Vacate form which can be used by the resident to provide notice that they will vacate and that they are seeking aged care payments.

Within 30 days of receiving an application, you must commence making payments to the aged care facility for the daily accommodation payment applicable to the resident. You must continue to make payments until the resident's exit entitlement is paid to the resident or payments have reached 85% of the operator's reasonable estimate of the exit entitlement. It is an offence to fail to make payments as required under section 30.

Disclaimer: In developing this information sheet, every effort has been made to ensure that the information reflects the intent of the legislation and/or represents examples of best known practice. The information contained in these resources does not constitute legal advice. Office for Ageing Well recommends that you seek your own legal advice should you require interpretation of the legislation.

For more information:

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