

Memo

17 November 2015

To: Sean Bilton
Opal Aged Care

Subject: Fernleigh Facility - "high" level of residential care

Advice sought

You have asked us to consider whether there is any restriction under the Aged Care Act 1997 (Cth) (**Aged Care Act**) that would prevent Opal Aged Care Group from only accepting residents that require a "high" level of residential care at the residential aged care facility at 8-14 Sherbooke Road and 78-82 Mons Avenue, West Ryde (the **Fernleigh Facility**).

Advice

DPG Services Pty Ltd (the operating entity in the Opal Aged Care Group) is currently allocated 88 places at the Fernleigh Facility. The Fernleigh places were granted prior to 1 October 1997 (being the date of commencement of the Aged Care Act) at a time when places were allocated as either "Nursing Home", "Hostel" or "Community Aged Care Packages". The Fernleigh places would have been designated as "Nursing Home" and there would have been no distinction as to the level of residential care that could be provided at the facility. The commencement of the Aged Care Act and subsequent amendments since do not change this position. Accordingly, in respect of the current allocated places, it would be open to DPG Services Pty Ltd to only admit residents at the Fernleigh Facility that require a "high" level of residential care.

If DPG Services Pty Ltd seeks an allocation of further places at the Fernleigh Facility, under the current Aged Care Act, the approval for residential aged care should not be limited to a care level. Accordingly, in respect of any new allocated places, it would be open to DPG Services Pty Ltd to only admit residents at the Fernleigh Facility that require a "high" level of residential care.

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