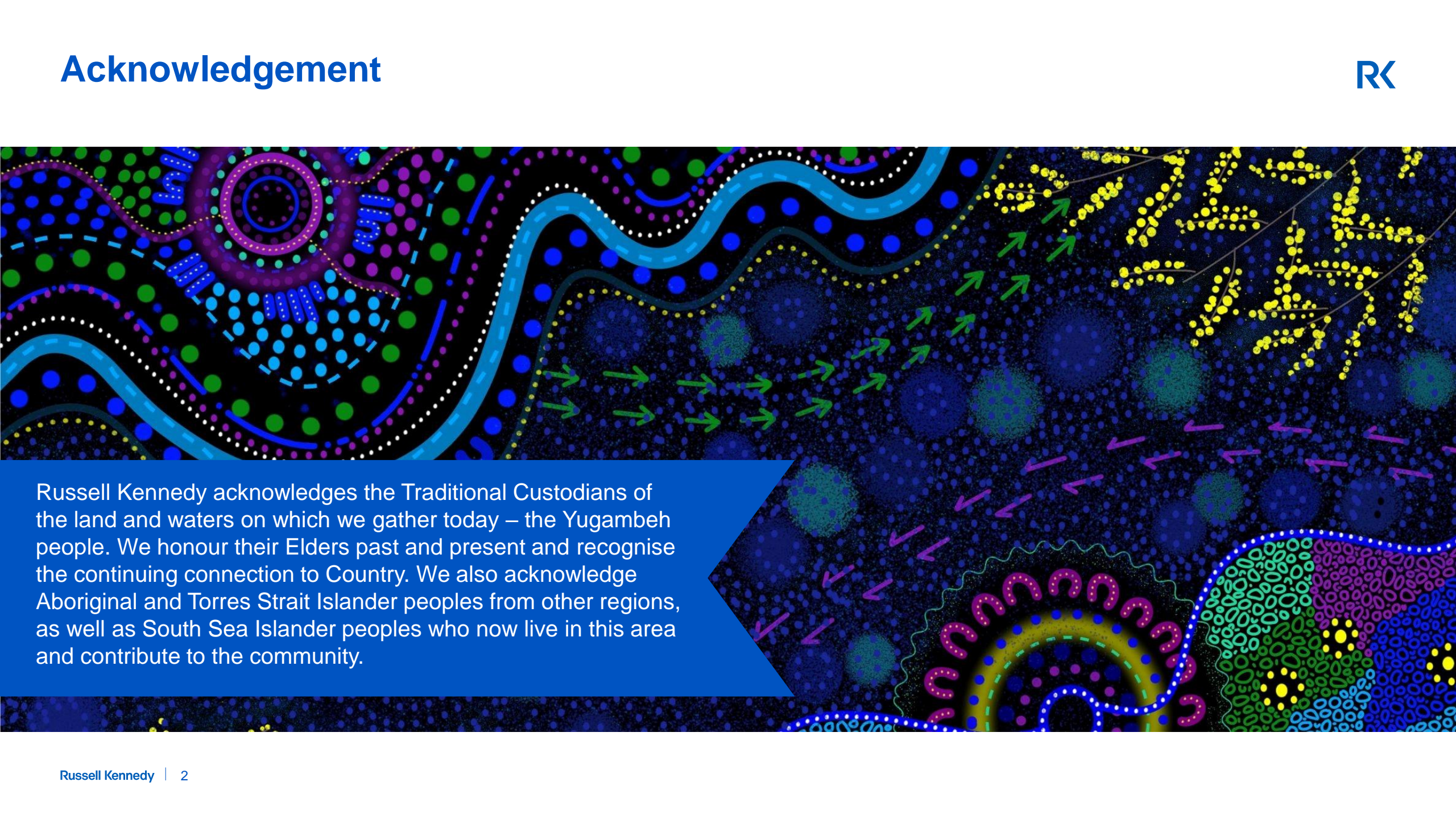


# Accommodation and Service Agreements – Getting into shape

Thursday 2 October 2025

Presenter: Solomon Miller, Principal

# Acknowledgement

The background of the slide is a vibrant Indigenous artwork. It features a dark blue base with various colorful patterns. On the left, there are concentric circles and wavy lines in purple, blue, and green, some filled with dots. In the center, a large, flowing blue wavy line is prominent. To the right, there are green arrows pointing upwards and yellow star-like patterns. At the bottom right, there are more concentric circles and wavy lines in purple, blue, and green, some filled with dots. The overall style is traditional Indigenous art with a modern, digital feel.

Russell Kennedy acknowledges the Traditional Custodians of the land and waters on which we gather today – the Yugambeh people. We honour their Elders past and present and recognise the continuing connection to Country. We also acknowledge Aboriginal and Torres Strait Islander peoples from other regions, as well as South Sea Islander peoples who now live in this area and contribute to the community.



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# Introduction

**Welcome to today's session on accommodation and service agreements in aged care.**

As the sector undergoes significant reform, providers must navigate new compliance requirements while maintaining clarity and fairness for residents.

This presentation will explore the evolving landscape of agreements, highlight key regulatory changes, and offer practical insights into how providers can prepare for and implement these reforms effectively.

# New Permanent Resident Experience



1 Published Prices

2 Supporting Information

3 Accommodation and  
Service Agreement

4 12 September Transitional  
“No Worse Off” Class

5 Agreed Variations

6 Higher Everyday Living  
Agreement

7 Supporting Documents

8 Assistance Understanding  
Material

9 Additional Supporting  
Security

# Existing Permanent Resident Experience



1 Transfer Agreement

3 Opt-in to the New Act

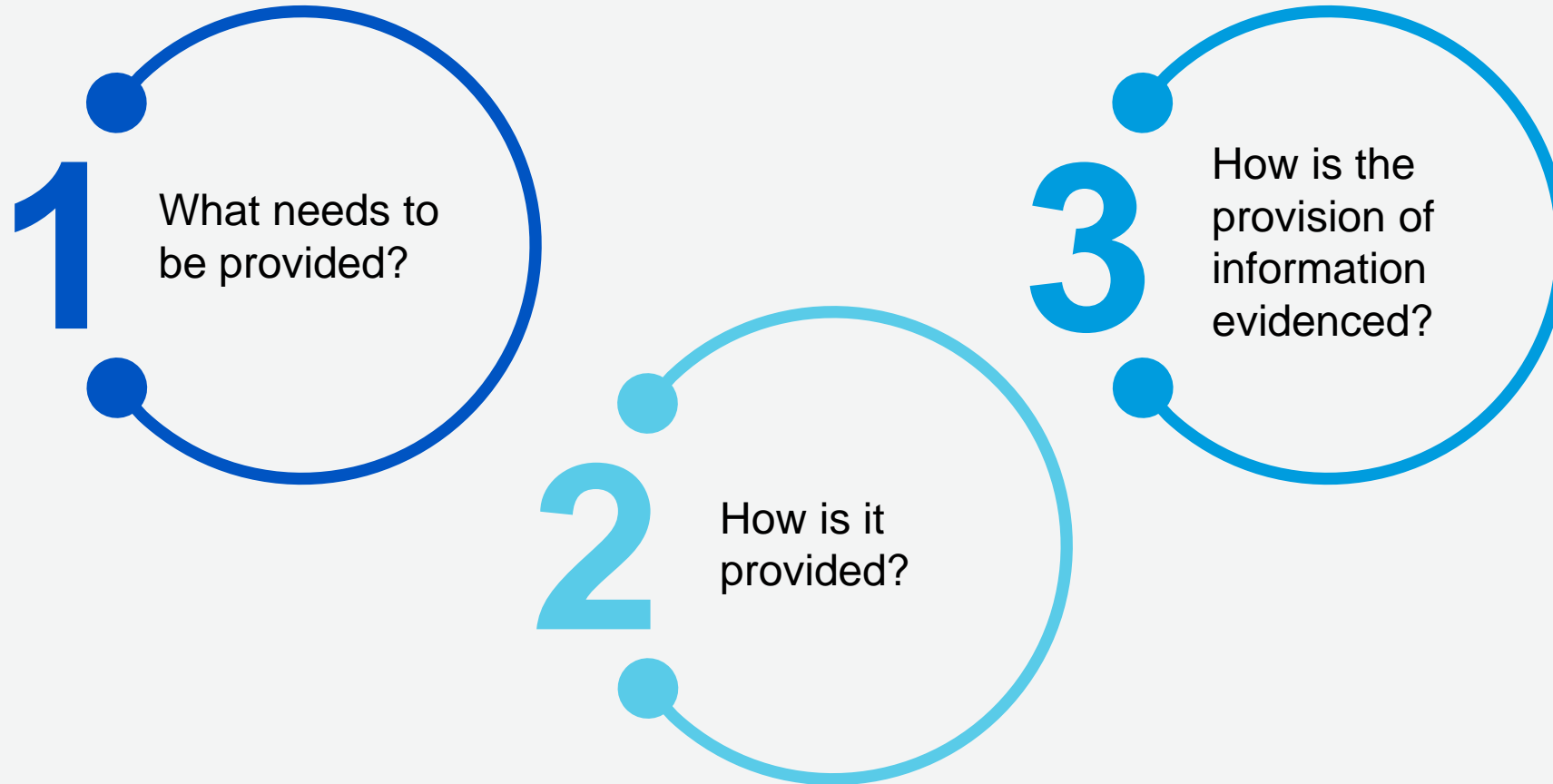
2 Fall Into New Act

4 Transition from AS to HELS

# What Constitutes a Compliant Agreement?

- Separate Accommodation and Service Agreement and Higher Everyday Living Agreement
- What's the Interplay between them?
- Accords with Pricing Approvals
- Includes Prescribed Elements
- Signed? Can't Sign? Witnessed?







# Some New, Some Similar Concepts



- Access Approval
- Supporters
- Published Price / Agreed Price
- Cooling Off Period
- Room Services
- Bed Reservation Fee
- RAD Retentions
- SOT Respite
- Change of Room Triggers
- Standing and Ad-hoc Higher Everyday Living Services
- Fee Indexation
- Supporting Policies
- 12-month Agreement Review

## Higher Everyday Living Agreement(s)

- Standing Offer (Not Mandatory)
- Standing Higher Everyday Living Services
- Ad-hoc Higher Everyday Living Services
- Cooling Off Right
- Establish Service Limitations
- Pick N Choose
- Establish Agreed Amounts
- Capacity to Benefit Assessment
- Bundling and Discounting
- Refunds and Set-off
- Recovery of Unavoidable Service Costs

## Typical Forms of Security



Guarantee



Caveatable interest

## Common Issues



Timing



Cost recovery



Jointly owned assets

## Be mindful of...

Broader considerations  
(beyond the Aged Care Act)



How transitioning  
residents could create a  
perception of 'unfairness'

# Key Takeaways



- **Clarity and Compliance:** Ensure agreements are clear, compliant, and reflect the prescribed elements under the new framework.
- **Resident Experience:** Tailor communication and documentation to support both new and existing residents through transitions.
- **Supporting Information:** Provide comprehensive, accessible supporting materials and evidence of provision.
- **Higher Everyday Living Agreements (HELA):** Understand the nuances of HELA, including service limitations, bundling, and refund mechanisms.
- **Security and Consent:** Be mindful of legal traps around security arrangements and consent documentation.
- **Review and Adaptation:** Regularly review agreements and policies to stay aligned with legislative updates and best practice.



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# Stay Ahead of the Changes – Be Ready for 1 November 2025



**RK DocsConnect** is an online platform developed by Russell Kennedy to help aged care providers get ready for the new Aged Care Act.

It offers practical, legally reviewed template documents, tools, resources and training offerings on subscription.

## Why choose RK DocsConnect?

- One-time purchase, multiple use
- Updated by aged care lawyers
- Built for providers
- Save time and money
- Practical

## How it works

- Subscription Model
- One-Off Purchase
- No Customisation via RK DocsConnect



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# Questions?



The information contained in this presentation is intended as general commentary and should not be regarded as legal advice.

Should you require specific advice on the topics or areas discussed please contact the presenter directly.

This presentation is intended for the delegates of the Ageing Australia National Conference 2025 only.

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