



# Office of the Interim First Nations Aged Care Commissioner

## Submission on the new Aged Care Act Rules – Release 4b

May 2025

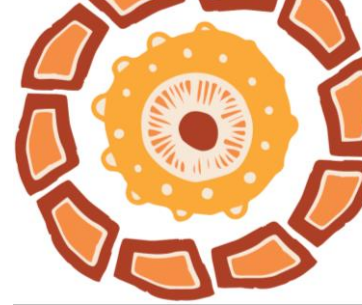
### Recognition of the unique needs of older Aboriginal and Torres Strait Islander people

#### ***Section 65-10 Eligibility requirements – service group home support***

- We are concerned that no criteria relate to a need for assistance to maintain social or cultural connection. We also note these factors are considered as compounding factors for classification purposes for home care support (Section 81-7), but not for residential aged care (Section 81-8).
- We recommend the department consider social and cultural factors within the eligibility requirements and compounding factors.
- This could be assessed as part of the roll out of the First Nations Assessments and in the trial of the Aboriginal and Torres Strait Islander Support at Home pathway, with lessons applied across aged care.

#### ***Section 87-5 Priority categories and eligibility criteria for the classification type ongoing***

- The Interim Commissioner's 2024 report to government recommended that older Aboriginal and Torres Strait Islander people be given priority access to assessments and aged care packages, including respite care (recommendation 25).
- The draft rules outline prioritisation criteria in Part 4 – Prioritisation – 87-5(2). This includes that people who are Aboriginal and Torres Strait Islander are allocated one point priority.
- We are concerned that the application of three other criteria for prioritisation may inadvertently act against older Aboriginal and Torres Strait Islander people being considered for priority access.
  - **Regional and remoteness** – One point is allocated for people who have been waiting for a package for more than six months and who live in areas designated MM5-7.
  - During consultations, the Interim Commissioner heard many examples of older Aboriginal and Torres Strait Islander people living in regional and remote areas who had been taken off the aged care waiting list, unbeknownst to them, because the department could not contact them. This criterion needs to take into account the length of time since a person first applied for aged care, to ensure older Aboriginal and Torres Strait Islander people are not disadvantaged.
  - **Living alone** – One point is allocated for people who live alone.



- Aboriginal and Torres Strait Islander older people are less likely to live alone than other older people because of multi-generational households. They are also more likely to have responsibility for caring for children.
- The criteria should take into account whether an older person has dependents.
- **Urgent access** – We note the criteria allow for two points to be allocated for a person who has a “need for urgent access”.
- Guidance should make clear whether older Aboriginal and Torres Strait Islander people who are supporting other family members, especially children and young people, should be considered for urgent access.

### Other feedback

#### Division 2 – Provision of information to individuals

- We consider that information about fee relief should be included as a standard item of information to be provided to older people.

#### Section 65-15 – Help to purchase assistive technology for people living in residential aged care

- We note that help to purchase assistive technology is not extended to older people living in residential aged care and recommend this be reconsidered.

#### Section 71-5 – Provides that National Aboriginal and Torres Strait Islander Flexible Aged Care Program providers have 30 days from the date of the first delivery of a service to obtain access approval.

- We are concerned that 30 days will not be sufficient time for assessments and system governor approvals to be completed given that NATSIFAC providers are overwhelmingly located in regional and remote areas.
- Flexibility should be allowed for agencies that can demonstrate best efforts to arrange timely assessments.