



# Office of the Interim First Nations Aged Care Commissioner: Submission to the Independent Aboriginal and Torres Strait Islander-Led Review of Closing the Gap

April 2025

The Office of the Interim First Nations Aged Care Commissioner welcomes the opportunity to make this submission to the Independent Aboriginal and Torres Strait Islander-Led Review.

## Summary

Despite the recommendations of the Royal Commission and the 4 Priority Reforms under the National Agreement on Closing the Gap (National Agreement) providing an Aboriginal and Torres Strait Islander aged care pathway, the necessary changes to the aged care system have not been made. Rather than carve out a specific aged care pathway within a new aged care system with dedicated funding cycles and program streams, as recommended by the Royal Commission, older Aboriginal and Torres Strait Islander people and providers have been rolled into broader aged care reforms.

The Interim Commissioner commends the National Agreement and closing the gap infrastructure that has made a practical and positive difference for Aboriginal and Torres Strait Islander people across many key outcome areas. However, the closing the gap framework must explicitly recognise Elders, older Aboriginal and Torres Strait Islander people and the aged care system if it is to overcome existing barriers and meet the current and emerging needs of older Aboriginal and Torres Strait Islander people.

The Interim Commissioner calls for the introduction of a new dedicated Target into the National Agreement, which is focused on Aboriginal and Torres Strait Islander Elders and Older People and their right to culturally safe aged care. However, a new Target alone will not close the gap in aged care access and outcomes. It will require commitment, genuine partnership, adequate resourcing, and innovative policy and program design.

Consistent with the recommendations made in her 2024 report *Transforming Aged Care for Older Aboriginal and Torres Strait Islander people*, the Interim Commissioner calls on the Government to commit to co-designing and developing in partnership with Aboriginal and Torres Strait Islander people, a 10-year transformation plan that articulates how it will:

- achieve the new target set in the National Agreement
- embed the Priority Reforms outlined in the National Agreement
- make the necessary transformational reform needed to the aged care sector
- ensure the system can respond to the needs of older Aboriginal and Torres Strait Islander people now and into the future.



## Introduction

In January 2024, the Minister for Aged Care appointed Ms Andrea Kelly as Interim First Nations Aged Care Commissioner (Interim Commissioner) with a mandate to:

- lead extensive public consultations with Aboriginal and Torres Strait Islander older people and communities, and other relevant stakeholders, about the design and functions of the permanent Commissioner; and
- understand the experiences of older Aboriginal and Torres Strait Islander people accessing and receiving aged care, and what are necessary to improve outcomes and ensure Aboriginal and Torres Strait Islander people have access to culturally safe, trauma-aware and healing informed aged care services.

Between 5 February 2024 and 21 June 2024, the Interim Commissioner travelled over 70,000km to urban, regional, remote and very remote communities, listening to older Aboriginal and Torres Strait Islander people, their families, peak bodies, representative bodies, providers and advocacy organisations.

Sadly, the aged care system was never designed with older Aboriginal and Torres Strait Islander people in mind. The Interim Commissioner's consultations revealed that not enough has changed for Aboriginal and Torres Strait Islander people since the Royal Commission into Aged Care Quality and Safety (Royal Commission) more than 4 years ago. The aged care system has failed, and continues to fail, older Aboriginal and Torres Strait Islander people. The system is still not providing culturally safe care and is poorly placed to meet projected growth in demand of aged care services for older Aboriginal and Torres Strait Islander people.

Feedback received in consultations was as broad and diverse as the communities the Interim Commissioner met with. However, while some community concerns were context-specific, there were broad themes that arose across all the conversations. Primarily, there was disappointment with the lack of a clearly articulated strategy to realise the transformational change called for in the National Agreement and the recommendations of the Royal Commission. The resounding message shared with the Interim Commissioner was a version of 'nothing will change for us unless the Government actions these recommendations and takes its own commitments seriously.'

This is consistent with the assessment of the Productivity Commission's first review of the National Agreement and the Office of the Inspector-General's 2024 Progress Report. Both reports highlight that government action has fallen short of the paradigm shift that is needed.

## The Gap in Aged Care access and outcomes for Aboriginal and Torres Strait Islander people

As a result of the impacts of colonisation and ongoing discrimination, Aboriginal and Torres Strait Islander people have higher rates of disability, lower life expectancy and an increased likelihood of requiring aged care services at a younger age than non-Indigenous people. In recognition of this, Aboriginal and Torres Strait Islander people can access aged care at a younger age than other population groups. Despite this, because of a range of barriers that



disproportionately affect older Aboriginal and Torres Strait Islander people, they do not access aged care at an equitable rate, or at a rate commensurate with their level of need. For example:

- Approximately 20% of eligible Aboriginal and Torres Strait Islander people access the aged care system compared to approximately 31% of non-Indigenous Australians
- Only 1.6% of eligible Aboriginal and Torres Strait Islander people access residential aged care compared to 5.5% of eligible non-Indigenous Australians.

These statistics show an unacceptably low rate of access, which is representative of the reality that the aged care system is not designed with older Aboriginal and Torres Strait Islander people in mind. The system does not account for their context or cater to their unique needs. It does not speak to the lived experiences of older Aboriginal and Torres Strait Islander people or operate in ways to ensure they are specifically included.

Understanding the gap in aged care access and outcomes, the Royal Commission provided a 'blueprint for significant change to Aboriginal and Torres Strait Islander aged care.' This was in recognition of the projected rapid growth of the Aboriginal and Torres Strait Islander population, and an acknowledgement that the system does not currently cater to the needs of older Aboriginal and Torres Strait Islander people, and without significant change, the system will be incapable of responding to the increasing demand.

Between 2011 and 2021, the number of older Aboriginal and Torres Strait Islander people aged 65 years and over almost doubled. Over the following decade, the number is expected to increase by another 67%. The challenge to provide culturally safe, trauma-aware and healing informed aged care is becoming more pressing as the number of older Aboriginal and Torres Strait Islander people increases. This makes the lack of an Aboriginal and Torres Strait Islander aged care strategy particularly concerning as reforms to the aged care system must address current barriers and become a system for the future, not just for the now.

The gap in aged care access and outcomes persists while the Government marches on with its sweeping aged care reforms, with no strategy or plan for how it will proactively close the aged care gap in the context of an ageing Aboriginal and Torres Strait Islander population with more complex aged care needs. The current aged care system was not designed to meet the unique needs of older Aboriginal and Torres Strait Islander people and the Government's new once in a generation reforms risk being designed and implemented based on a one size fits all approach that Aboriginal and Torres Strait Islander people need to fit into, rather than ensuring the system is designed to meet their needs.

### The need for a Closing the Gap Target focused on Aged Care

The goal of the National Agreement is to achieve self-determination for Aboriginal and Torres Strait Islander people. This requires an ongoing process of ensuring that Aboriginal and Torres Strait Islander people can make decisions about matters that affect their lives. Vital to achieving self-determination are the essential elements of choice, participation and control. In short, this requires governments to include, listen to, invest in and give power to Aboriginal and Torres Strait Islander people to make decisions on systemic reform, policy design, service delivery, evaluation and funding.



As part of its 2024 review of the National Agreement, the Productivity Commission found that:

*‘Progress in implementing the Agreement’s Priority Reforms has, for the most part, been weak and reflects tweaks to, or actions overlayed onto, business as usual approaches. The disparate actions and ad hoc changes have not led to improvements that are noticeable and meaningful for Aboriginal and Torres Strait Islander people.’*

This is consistent with feedback Aboriginal and Torres Strait Islander people and providers have shared with the Interim Commissioner about the Department’s *Aboriginal and Torres Strait Islander Aged Care Framework 2025-2035* (Framework), which was published in February 2025. The Framework purports to establish a 2035 vision for older Aboriginal and Torres Strait Islander people to age well and articulate a series of reforms to achieve that vision. However, as there is no financial commitment or strategy with a theory of change driving the current state to a future state, stakeholders have shared that this is more of a collated list of existing actions or Government commitments.

We are at a critical juncture for aged care reform. The changes coming under the new Aged Care Act, which will come into effect from 1 July 2025, represent some of the most significant policy and legislative changes to the aged care system in decades. While there has been consultation on the reforms, including with the Aboriginal and Torres Strait Islander Community-controlled (ACCO) sector, these have been described as rushed, ad hoc, not well promoted and one-sided. Far from shared power or joint decision-making, participants in these consultations feel like they have been invited to be told about changes coming, rather than to be genuinely engaged with or heard from about the impact of proposed changes.

Many representatives from the ACCO sector have faced significant workload pressures in the lead up to the 1 July 2025 commencement of the new Aged Care Act, including reading and responding to consultations on the legislative rules and participating in multiple other forums. However, they persevere and emphasise the need to work hard and engage often or risk missing this opportunity to achieve real and lasting change for older Aboriginal and Torres Strait Islander people – despite feeling like they do not hear if or how their feedback has or will be received.

A dedicated, measurable Target is required to demonstrate the need for commitment and concerted effort; innovative and iterative reforms based on data; targeted investment and the transformative elements of the Priority Reforms to understand, address and close the gap in Aboriginal and Torres Strait Islander people’s aged care access and outcomes. This would emphasise the important role played by Aboriginal and Torres Strait Islander Elders and older people. It would also show that it is a national priority that the aged care system meets the rights, needs and aspirations of older Aboriginal and Torres Strait Islander people, where culture is protected, and older people are supported to age with dignity and respect.

### The need for a 10-year transformation plan aligned with the Priority Reforms

As discussed above, the introduction of a dedicated Target will not be enough to transform the system. The Interim Commissioner calls for a 10-year transformation plan to be developed immediately. The plan, its commitments and activities, must be appropriately resourced. A long-term plan and commitment reflects the dedicated effort and time it will take to transform



the aged care system from its current form, to a strong aged care system led by the ACCO sector. The focus and priorities included in the plan must be agreed between the Government

and ACCO sector, be informed by relevant data and evidence, and be guided by the ambitions and lived experiences of older Aboriginal and Torres Strait Islander people.

### Priority Reform 1 – Formal Partnerships and Shared Decision-Making

The first of the 4 Priority Reforms is shared decision-making. This is a commitment from governments to share decision-making authority with Aboriginal and Torres Strait Islander people on the policies and programs that impact them. This is a fundamental shift in the way governments work with Aboriginal and Torres Strait Islander people and is crucial to achieving self-determination.

However, throughout the Interim Commissioner's travels, she heard consistent criticism of the way the department engages with Aboriginal and Torres Strait Islander people. She heard that the default approach is for reforms and policies to be internally focused and department led. Engagement feels limited, tokenistic and lacks transparency. There is confusion around how feedback has been captured or incorporated, and the sense that consultations take place after decisions have already been made. Rather than feeling empowered as equal partners, Aboriginal and Torres Strait Islander people spoke about feeling a lack of trust from Government in the ability of the sector to make decisions and deliver services for their communities.

There needs to be a fundamental change in the way Government partners and shares decision-making powers with Aboriginal and Torres Strait Islander people. The Government needs to relinquish some control to enable genuine partnerships and shared decision-making. The department must engage more transparently to ensure it is clear how feedback is incorporated, and decisions are made, and provide guaranteed, adequate and sustainable resourcing for partnerships, including with the Aboriginal and Torres Strait Islander aged care peak body NATSIAACC.

The strategy to improve the way Government partners and shares decision-making authority should be clearly articulated in the 10-year transformation plan. Furthermore, this commitment should be demonstrated in the way Government partners to co-design and develop the 10-year transformation plan itself.

The Government must enter into formal partnerships with community-controlled representatives on policies and programs. Mainstream aged care providers with Aboriginal and Torres Strait Islander residents or clients need to establish partnerships with local ACCOs, or Local Aboriginal Land Councils to enhance culturally safe care and connection. There are good examples of where these have occurred organically, however that is due to the people investing in those community relationships.

At a minimum, the 10-year transformation plan should include tailored models, resources, and supports to enhance the capacity of ACCOs and mainstream organisations to deliver high-quality, culturally responsive aged care services for older Aboriginal and Torres Strait Islander people. To support this, the Government should:





- Collaborate with experts in the ACCO and aged care fields to devise a model that complements the existing ACCO structure
- Partner with relevant stakeholders to develop resources and supports specifically designed for the ACCO sectors to facilitate financially sustainable and compliant aged care operations
- Engage with the ACCO sector to assist in delivering a comprehensive range of culturally sensitive support services to improve access to appropriate services for community members and create employment opportunities in the care sector.

### Priority Reform 2 – Building the Community-Controlled Sector

In its Review of the National Agreement, the Productivity Commission said that ‘Governments are not adequately recognising that ACCOs have knowledges, expertise and connection to community that governments do not have. This means that ACCOs are often better placed than governments to design and deliver high quality, holistic and culturally safe services.’

While it is promising that the department is developing a framework for capacity building for the community-controlled sector, it appears that this project is being designed and led as an internal departmental process, rather than partnering with the sector. This is reflective of the need for more formal partnerships and shared decision-making.

It is concerning that the focus of building the ACCO sector is based largely on building the capacity of the sector to deliver aged care services within existing settings. There are some initiatives that are being considered to increase the Aboriginal and Torres Strait Islander workforce and increase the number of organisations delivering services to older Aboriginal and Torres Strait Islander people. However, this again is ad hoc and insufficient to appropriately embed Priority Reform 2.

The crucial stronger community-controlled sector elements that are missing are a dedicated funding model that is suitably flexible, reliable and consistent to ensure services are delivered to meet the unique needs of older Aboriginal and Torres Strait Islander people. There is also insufficient opportunity for ACCOs to use their knowledge and expertise in the design of aged care reforms, policies and programs.

What sets ACCOs apart is that they are embedded in communities and have strong cultural understanding and knowledge of how communities’ function. Currently, even where services are shifted from mainstream providers to ACCOs, governments still impose ‘generic, pre-existing models of service and program design, and require reporting against narrow key performance indicators, instead of allowing ACCOs to design services and measure outcomes in ways that are most meaningful to communities.’

The 10-year transformation plan needs to focus on ensuring that more ACCOs are not only involved in delivering services to older Aboriginal and Torres Strait Islander people but also play a role in designing services and informing government policy and investment frameworks that govern them.

To help build and strengthen the ACCO sector, the Government should seek to bring ACCOs together, to share insights and best practice and to foster a cohesive approach among ACCOs delivering aged care services to:



- Enhance collaboration among ACCOs involved in aged care, fostering a unified approach to service delivery
- Create a comprehensive dataset on the needs of ACCOs, to inform and support the development of a tailored and effective aged care model
- Have a collective and unified voice to advocate for policies and resourcing that aligns with the community-controlled sector's values, ensuring services meet the community's needs.

The Government should also support ACCOs to develop and strengthen their understanding of aged care service delivery, and expand their services through:

- Simplifying access and utilisation of allocated packages, aligning with ACCO's ethos of providing comprehensive care
- Developing and refining models for ACCOs new to aged care, including building ACCO-specific frameworks
- Providing training and resources to ensure effective costings and alignment with existing programs
- Valuing and investing in holistic ACCO models
- Enhancing understanding of the aged care sector, compliance requirements, and the financial implications of service delivery
- Supporting ACCOs to access training and support to develop plans to expand services, anticipate demand, plan for capital works, and adapt to legislative changes.

### Priority Reform 3 – Transforming Government Organisations

The National Agreement provides 6 transformation elements to deliver on Priority Reform 3, these include: identify and eliminate racism; embed and practice meaningful cultural safety; deliver services in partnership with Aboriginal and Torres Strait Islander organisations, communities and people; increase accountability through transparent funding allocations; support Aboriginal and Torres Strait Islander cultures; and improve engagement with Aboriginal and Torres Strait Islander people. To effectively deliver on these elements, governments need to move away from disparate, piecemeal changes and funding for existing programs and commit to systems level reforms.

As part of the 10-year transformation plan, the Government should work with Aboriginal and Torres Strait Islander people to articulate a vision for transformation, including a theory of change. This should inform a strategy to realise that vision and commit to a series of actions to achieve that strategy. The plan should be outcomes focused with built in accountability mechanisms to determine the success of the plan.

The Royal Commission made 7 specific recommendations relating to aged care for Aboriginal and Torres Strait Islander people, which made up its blueprint for transformational change. These included:

1. Recommendation 47: Aboriginal and Torres Strait Islander aged care pathway within the new aged care system
2. Recommendation 48: Cultural safety
3. Recommendation 49: An Aboriginal and Torres Strait Islander Aged Care Commissioner



4. Recommendation 50: Prioritising Aboriginal and Torres Strait Islander organisations as aged care providers
5. Recommendation 51: Employment and training for Aboriginal and Torres Strait Islander aged care
6. Recommendation 52: Funding cycle
7. Recommendation 53: Program streams.

The blueprint and recommendations provided by the Royal Commission should be used to inform the outcomes and actions to be included in the 10-year transformation plan. It is now incumbent on the Government to engage with key stakeholders across the community-controlled sector, other levels of government, and advisory groups to ensure there is a sustainable funding model that supports ACCOs delivering aged care services nationwide to be financially viable.

#### Priority Reform 4 – Shared Access to Data and Information at a Regional Level

A significant issue raised in consultations with the Interim Commissioner was the lack of available data, which inhibits the ability of governments and communities to make informed, context-specific decisions. Much of what is available is taken from census data, which means that it becomes quickly outdated and lacks the necessary nuance to inform community-level decision-making.

Engaging with the department to understand and relay feedback on policies and programs designed for older Aboriginal and Torres Strait Islander people, the Interim Commissioner has observed a lack of data and evidence being used to inform decision-making. This is brought into stark focus when considering the lack of Indigenous-specific data, which is necessary to appropriately inform policy and program design targeted at an underrepresented cohort of people.

Many decisions are being made for and about older Aboriginal and Torres Strait Islander people without proper consultation to gain community perspectives and input, and without adequate data and evidence to rely on. This means that the Government applies non-Indigenous perspectives to its policies, which results in Indigenous-specific programs being little more than minor tweaks to broad mainstream programs, rather than being designed with and for older Aboriginal and Torres Strait Islander people.

Recommendation 30 of the Royal Commission's Final Report called for the department to undertake a national audit of the regional and local variations in levels of service from people of diverse backgrounds and then commission arrangements to address deficits in meeting these needs. The same recommendation called for the formulation of a data collection mechanism and analysis of said data for the purpose of understanding the experiences of older people seeking or receiving aged care to improve equity of access and use of aged care. This recommendation should be actioned as a priority, if the Government is to achieve its policy

intent of ensuring older Australians can access aged care that meets their specific needs, where and when they need it.





In addition to this, the 10-year transformation plan should prioritise and adequately fund data collection that can be shared and disaggregated to inform decision-making by regions. This should include improving access to existing data, investing in First Nations data infrastructure and developing a strategy for building data capability for ACCOs and Government. This must be guided by the principles of Indigenous Data Sovereignty and support the practice of Indigenous Data Governance.

## Conclusion

Despite the various frameworks and recommendations put to the Government, there remains a significant gap in the rates of access and experiences of older Aboriginal and Torres Strait Islander people interacting with the aged care system. While the National Agreement and closing the gap framework have led to significant progress in key outcome areas, it has fallen short of its promise from an aged care perspective.

While there have been a series of frameworks, pathways, strategies and visions put to the Government, there is still not an overarching plan that articulates how Aboriginal and Torres Strait Islander aged care policy will move from its current state to one that is rights-based and capable of meeting the unique and increasingly complex aged care needs of older Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander people described the current aged care system as being largely culturally unsafe, not supportive of their cultural wellbeing and needs, alienating, difficult to understand and challenging to access. However, there is significant opportunity at this time to leverage the aged care reforms currently underway and reconsider what is called for, captured and reported on in the National Agreement.

It is crucial that action is taken to formally recognise and address the gap in aged care access and outcomes between Aboriginal and Torres Strait Islander people compared with other older Australians. The best starting point to achieve this important change is to introduce a new dedicated Target, supported by the development of a 10-year transformation plan to articulate the aspirations of older Aboriginal and Torres Strait Islander people, with a clear vision for what transformation looks like, and a strategy to achieve that vision. This plan should contain a real dollar investment, as well as underpinning data to inform decision-making and accountability for delivery.