

Good afternoon Senate,

Thank you again for the opportunity for NATSIAACC to speak at the inquiry today into Aged Care Service Delivery.

As Senator Anander Raja requested, please see attached NATSIAACC's position statements listed below:

- Halt the Transition for Aboriginal and Torres Strait Islander Elders and Older People to the new Aged Care Act.
- Call to Amend the Aged Care Act 2024 to Ensure Cultural Appropriateness for Aboriginal and Torres Strait Islander Elders and Older People

In addition to this, I would also like to provide the Senate Committee with a copy of NATSIAACC's Cultural Safety in Aged Care Definition (attached) which will provide the Senate further clarification following Senator Cox's question.

Background: In 2023, NATSIAACC was engaged by the Department of Health, Disability and Ageing (formerly Department of Health and Aged Care) to develop a definition for cultural safety for Older Aboriginal and Torres Strait Islander People. NATSIAACC engaged Di Liz McEntyre to assist with consulting with Elders and Older People and to develop the definition in aged care informed by the consultations. The definition also incorporates the needs of those who have experience trauma by setting expectations for a trauma aware and healing informed approach.

NATSIAACC engaged The Healing Foundation to provide a discussion paper outlining the approach, impacts and resources available to support Stolen Generation Survivors.

Please let me know if you require any further information.

Kind regards

Cassara Hardie

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**We acknowledge the First Nations people, the traditional owners of the land, waterways and seas on which we live and work.**



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National Aboriginal & Torres Strait Islander  
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## Cultural Safety in Aged Care Definition

Cultural safety is essential to ensuring Aboriginal and Torres Strait Islander Elders and Older People receive Aged Care that recognises and respects their unique identities, lived experiences, histories and culture.

In 2023, the Department of Health, Disability and Aged Care engaged NATSIAACC to develop a definition of “Cultural Safety in Aged Care” for Aboriginal and Torres Strait Islander Elders and Older People. NATSIAACC worked with Dr Elizabeth McIntyre and The Healing Foundation to consult with our Aboriginal and Torres Strait Islander Aged Care Providers and Elders and Older People as well as providing a discussion paper that speaks to the approach, impacts, and resources available to support Stolen Generation Survivors.

The Cultural Safety in Aged Care definition is now included in the Explanatory Memorandum of the *Aged Care Act 2024*. This serves as a foundation for a culturally safe and responsive Aged Care system grounded in truth, respect, and self-determination.

### **NATSIAACC’s Cultural Safety in Aged Care Definition is:**

Cultural safety in aged care for older Aboriginal and Torres Strait Islander people, is understanding one’s own culture and the impact that your culture, thinking, and actions may have on the culture of others through ongoing critical self-reflection. Gaining such truthful insight about oneself is critical for ensuring access to a culturally safe, respectful, responsive and racism free aged care system providing for the optimal safety, autonomy, dignity, and absolute wellbeing of Aboriginal and/or Torres Strait Islander Elders and older people, and their families. Only the Aboriginal and/or Torres Strait Islander person who is the recipient of a service or interaction can determine whether it is culturally safe.

Aged care service providers and workers must take responsibility for building trust and relationships with Aboriginal and/or Torres Strait Islander service users, and their families, and for creating a new aged care system which centres on their living experience, cultural, and ageing needs, as determined by Aboriginal and/or Torres Strait Islander service users themselves. The implementation of a trauma aware, healing informed approach to professional practice, and facilitating a greater understanding and respect for individual and collective cultures, histories, knowledges, traditions, stories, and values of Aboriginal and/or Torres Strait Islander service users, and their families, will greatly support the delivery of a quality and culturally safe aged care system. Aged care service providers must also firmly commit to continuously measure and improve structures and behaviours necessary for cultural safety and quality support to remain embedded in the Australian aged care system.



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## **NATSIAACC's Position Statement: A Call to Amend the Aged Care Act 2024 to Ensure Cultural Appropriateness for Aboriginal and Torres Strait Islander Elders and Older People**

### **Introduction**

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (NATSIAACC) urges the Australian Government to amend the Aged Care Act 2024 to fully recognise and embed the cultural, social, and historical needs of Aboriginal and Torres Strait Islander Elders and Older People. This is not just a legislative necessity – it is a matter of justice, equity, and respect.

The Aged Care Act 2024, developed in response to the Royal Commission into Aged Care Quality and Safety, must deliver a culturally safe and responsive aged care system. Aboriginal and Torres Strait Islander Elders and Older People experience aged care differently and have long faced structural disadvantages. The legislation must respond to these lived realities and deliver meaningful change.

### **Our Position**

NATSIAACC recommends that the Aged Care Act 2024 be amended to ensure the full inclusion and protection of the rights, wellbeing, and cultural identities of Aboriginal and Torres Strait Islander peoples.

We call for:

1. **True Co-Design:** All legislative and policy reforms must be developed in genuine partnership with Aboriginal and Torres Strait Islander Elders and Older People, communities, and organisations, including through culturally informed community consultations.
2. **Embedding Cultural Safety as a Foundational Principle.**
3. **Inclusion of a dedicated funding model, oversight mechanisms, and workforce development pathways,** all tailored to the needs of our communities.

NATSIAACC presents three preferred options for how the Act can be amended to achieve this goal.

### **Preferred Options for Legislative Change**

#### **Option 1: A Dedicated Aboriginal and Torres Strait Islander Aged Care Act**

- A co-designed legislative framework grounded in self-determination.
- Tailored definitions of “Elder” and care models.
- Strong recognition of cultural sovereignty.

#### **Option 2: A Dedicated Chapter within the Aged Care Act 2024**

- Legally embedded principles specific to Aboriginal and Torres Strait Islander peoples.
- Enforceable mechanisms without structural separation from the broader aged care system.

#### **Option 3: Integration of Aboriginal and Torres Strait Islander Schedules Throughout the Act**

- Culturally responsive schedules linked to each section of the Act (e.g., governance, quality standards).
- Ensures visibility and inclusion without requiring full legislative separation.



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## Open to Alternative Approaches

While these three options represent NATSIAACC's preferred legislative pathways, we are open to working with the Australian Government to explore other viable models, provided that genuine reform is delivered. Any approach must be underpinned by true co-design, equity, and community voice. Symbolic gestures are not sufficient. The process must be Indigenous-led, collaborative, and grounded in the lived experiences of Elders and Older People.

## Key Requirements for Any Reform

Regardless of the legislative option adopted, the following must be embedded in the Aged Care Act:

- **NATSIAACC's Cultural Safety Definition:** Recognition of Cultural Safety in legislation, mandatory training for all workforce, and tailored care models for Stolen Generations survivors and end-of-life care.
- **Dedicated and Equitable Funding:** Long-term, block funding for community-controlled providers; support for infrastructure and cultural connection to Country/Island Home; full exemption from both income and assets means testing for all Redress payments; and the removal of co-contributions model.
- **Independent First Nations Oversight:** Establishment of the statutory, independent First Nations Aged Care Commissioner. The Commissioner would ensure that the recommendations from the Report *Transforming Aged Care for Aboriginal and Torres Strait Islander People* is fully adopted.
- **Expanded Access Pathways:** Care services must allow Elders and Older People to remain close to home, supported by culturally trained navigators and translated materials.
- **Workforce Development:** A national Indigenous aged care workforce strategy, including training targets and career pathways co-designed with NATSIAACC.

## Conclusion

Aboriginal and Torres Strait Islander Elders and Older People deserve more than recognition in the margins of national policy – they deserve central, protected, and enforceable rights in legislation. The Aged Care Act 2024 is a once-in-a-generation opportunity to get this right.

NATSIAACC stands ready to work in partnership with government – through meaningful, respectful, and resourced co-design – to ensure that the Aged Care system delivers for our communities, now and for future generations.

Cassara Hardie

Acting Chief Executive Officer

National Aboriginal and Torres Strait Islander Ageing and Aged Care Council



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## NATSIAACC's Position Statement: Halt the Transition for Aboriginal and Torres Strait Islander Elders and Older People to the New Aged Care Act

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (NATSIAACC) calls on the Australian Government to immediately halt the transition to the proposed new Aged Care Act.

As it stands, the proposed Act reflects a Western, mainstream framework that continues to marginalise and exclude Aboriginal and Torres Strait Islander Elders and Older People. The Act does not adequately recognise or respect our cultures, kinship systems, community obligations, or our concept of holistic wellbeing. It assumes a one-size-fits-all model of Aged Care, when in fact, our peoples' needs and ways of caring for our Elders and Older People are fundamentally different.

For Aboriginal and Torres Strait Islander Peoples, Aged Care is not just about services and systems – it is about dignity, community, cultural continuity, and respect for Elders and Older People as knowledge holders, leaders, and pillars of our families. These are not optional extras – they are essential rights that must be embedded in legislation, not retrofitted through policy add-ons.

We are deeply concerned that the government is proceeding with reforms that have been developed without meaningful and sustained engagement with our communities. The process has failed to uphold the principles of self-determination and free, prior, and informed consent. As a result, our Elders and Older People risk being placed into care environments that are culturally unsafe, alienating, and potentially harmful.

We assert the following:

1. **Our Elders and Older People do not fit into a Western, mainstream aged care system.** They require care that is grounded in Culture, Community, and connection to Country and/or Island Home.
2. **Cultural Safety is non-negotiable.** NATSIAACC's Cultural Safety in Aged Care definition must be enshrined in law, not mentioned in the Explanatory Memorandum.
3. **Self-determination must lead the way.** Aboriginal and Torres Strait Islander peoples must be at the centre of decision-making, design, and governance of any aged care reforms that affect our communities, as per Priority Reform One of the National Agreement to Closing the Gap.
4. The Government must **co-design a distinct, culturally safe pathway into Aged Care** for our Elders and Older People in genuine partnership with Aboriginal and Torres Strait Islander Organisations and Communities.

Until these fundamental rights are recognised and built into legislation itself, we call the Government to pause the transition to the new Aged Care Act for all Aboriginal and Torres Strait Islander Elders and Older People. NATSIAACC is ready to work collaboratively and constructively, but we will not accept reforms that disregard our voices and put our Elders and Older People at risk.

Our Elders and Older People deserve better. They deserve an aged care system that is designed for them, by them, and with them.

Cassara Hardie  
Acting Chief Executive Officer