

# **National Aboriginal and Torres Strait Islander Ageing and Aged Care Council**

## **Submission**

**Aged Care and Other Legislation  
Amendment Bill 2025 & Aged Care  
(Accommodation Payment Security)  
Levy Amendment Bill 2025**

**August 2025**

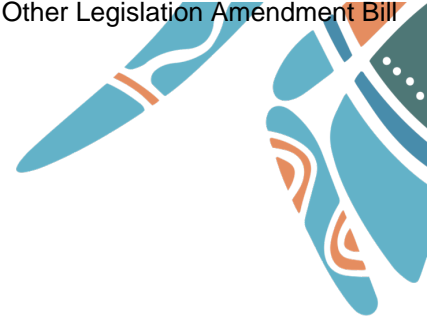


**NATSIAACC**



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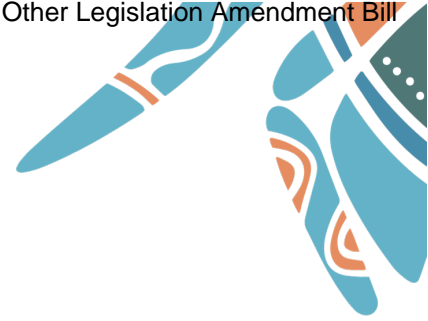
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## Acknowledgement of Country

NATSIAACC acknowledges the Traditional Owners of the lands and waters on which we work, live and gather, as well as Country throughout Australia, and their enduring connections to land, sea and community. NATSIAACC acknowledges that these lands and waters were never ceded, and we acknowledge the sovereignty and self-determination of the Traditional Owners.

NATSIAACC pays its deepest respects to Elders past and present and recognise the continued cultural and spiritual connection to Country and/or Island Home, community, culture and knowledge.

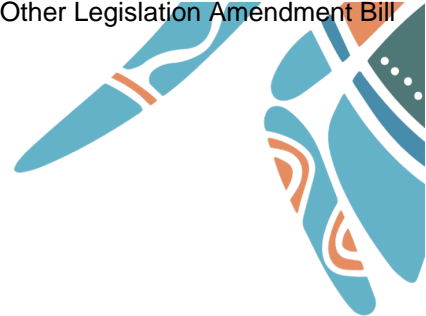
NATSIAACC thanks them for their wisdom and courage, and for sharing their ways of knowing, being and doing – teachings that guide us to cherish and protect our Elders and Older People.

This always was, and always will be Aboriginal Land.



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## National Aboriginal and Torres Strait Islander Ageing and Aged Care Council

### About

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (NATSIAACC) is the national peak body for Aboriginal and Torres Strait Islander ageing and aged care. NATSIAACC works to ensure that Aboriginal and Torres Strait Islander Elders and Older People can access support and care that is culturally safe, trauma aware and healing-informed, and recognises the importance of their personal connections to community, Country and/or Island Home.

NATSIAACC is building a membership base of:

- Aboriginal and Torres Strait Islander community-controlled providers of ageing and aged care, and
- Entities with an interest in culturally appropriate ageing and aged care services.

NATSIAACC's founding Directors are all leaders in Aboriginal and Torres Strait Islander ageing and aged care provision.

### Our Vision

All Aboriginal and Torres Strait Islander people are thriving, healthy, strong, with ongoing cultural connections in their older years.

### Our Purpose

NATSIAACC supports Aboriginal and Torres Strait Islander older peoples, their families, and communities to identify, engage in, advocate for, and lead systemic reform to embed culturally safe practices across the aged care and ageing sector.

### With thanks

NATSIAACC thanks its members, stakeholders, and other peak bodies for their valuable contributions to this submission and for generously giving their time to support older Aboriginal and Torres Strait Islander people.

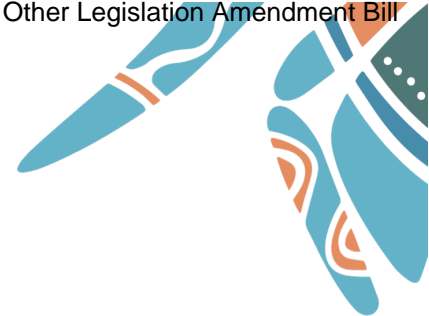
### Funding

NATSIAACC is funded by the Commonwealth Department of Health, Disability and Ageing (the Department). NATSIAACC has been in operation since 2022. In the context of the current aged care reforms and the need for extensive advocacy, input, and leadership in the sector, it will be necessary to provide additional funding to support NATSIAACC to provide the input and engagement required to ensure that the reforms deliver much needed support to Aboriginal and Torres Strait Islander Elders and Older People.



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## NATSIAACC Recommendations

### Schedule 1 – Amendments to the Aged Care Act 2024

- To add a new sub-definition under “high quality care” stating: “includes care that is culturally safe and promotes the cultural, spiritual, social and emotional wellbeing of Aboriginal and Torres Strait Islander Elders and Older People.”
- The System Governor must ensure that at least one Aboriginal and Torres Strait Islander-led organisation is co-leading each review and that the review includes consultation with Aboriginal and Torres Strait Islander Elders and Older People and service providers.
- ‘Delivery of service’ must be applied with flexibility to accommodate the delivery of care by Aboriginal and Torres Strait Islander kinship carers and cultural advisors in community-led settings.
- To amend section 152(2): “Worker screening requirements must provide for Aboriginal and Torres Strait Islander-led assessment processes for determining eligibility of workers in risk-assessed roles, particularly where criminal history is a factor.”
- All reportable incident requirements must be accompanied by cultural safety guidelines and discretion for Aboriginal and Torres Strait Islander providers to manage incidents through restorative or community-led processes where appropriate.
- To include disaggregated data on Aboriginal and Torres Strait Islander service recipients and demonstrate how cultural safety is being operationalised within the workforce, service delivery, and governance structures.
- To include the Quality Standards, along with a cultural safety standard co-designed by Aboriginal and Torres Strait Islander Organisations.

### Schedule 2 — Amendments to the Aged Care (Consequential and Transitional Provisions) Act 2024

- To use and disclosure of data relating to Aboriginal and Torres Strait Islander people must comply with principles of Aboriginal and Torres Strait Islander Data Sovereignty, including governance by Aboriginal and Torres Strait Islander-led organisations.
- The Minister must consult with Aboriginal and Torres Strait Islander representatives, including NATSIAACC, when exercising transitional rule-making powers that impact Aboriginal and Torres Strait Islander-specific service delivery.

### Schedule 3 — Amendments to Other Acts

- Where healthcare identifiers are used for Aboriginal and Torres Strait Islander people, culturally safe, community-delivered communication must accompany the implementation to ensure informed understanding and consent.

### Embedding Cultural Safety and Governance

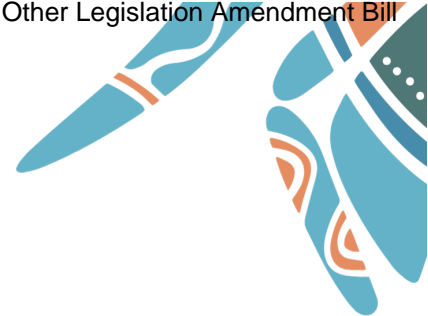
- To embed NATSIAACC’s definition of cultural safety into the Aged Care Quality Standards.
- To establish a permanent Aboriginal and Torres Strait Islander Aged Care Advisory Body to oversee implementation and evaluation.
- To embed the principle of self-determination, ensuring Aboriginal and Torres Strait Islander community-controlled organisations are integral to governance, co-design, and review processes for aged care services.





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- To embed the Closing the Gap outcomes and formal partnerships with Aboriginal organisations in all legislative and regulatory mechanisms.

## Equity in Access and Transition

- To include explicit funding and operational protections for NATSIFAC and Aboriginal and Torres Strait Islander-led aged care services.
- To require culturally responsive transition plans co-designed with Aboriginal and Torres Strait Islander providers.
- To require all communication and navigation supports (including automated and digital systems) to be translated and interpreted through a cultural lens, with Aboriginal and Torres Strait Islander Liaison Officers present at all system touchpoints.
- To sustain and expand funding for Aboriginal and Torres Strait Islander-specific flexible aged care services in remote and regional locations.

## Data Sovereignty and Transparency

- To insert clauses that require adherence to Aboriginal and Torres Strait Islander data sovereignty principles and protocols developed in consultation with Aboriginal and Torres Strait Islander communities, ensuring consent, governance, and benefit-sharing in information management.
- To embed Maïam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Principles into Schedule 2.
- To add a clause to mandate disaggregated data collection, cultural safety reporting, and Aboriginal and Torres Strait Islander workforce metrics.
- To require co-stewardship of aged care data with Aboriginal and Torres Strait Islander communities.

## Workforce Screening and Regulatory Risk

- To establish Aboriginal and Torres Strait Islander Elder-led review panels and tailored screening pathways for Aboriginal and Torres Strait Islander workers in high-risk roles.
- To introduce culturally tailored screening and exemption guidelines within the Rules.
- To prioritise Aboriginal and Torres Strait Islander workforce development and protection from structural discrimination.

## Digital Automation and Exclusion

- To embed Aboriginal and Torres Strait Islander Trusted Navigators and community advocates into the new model to ensure human review pathways and prevent unjust service denial.
- To fund culturally safe system navigation support services.

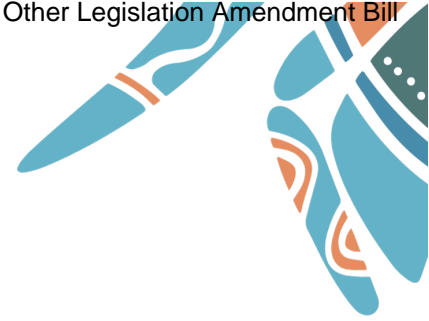
## Consumer Protection and Bond Misuse Penalties

- To require all incidents involving Aboriginal and Torres Strait Islander residents to be subject to independent cultural review.
- To ensure that the Aged Care Quality and Safety Commission is required to publish annual data on outcomes, complaints, and compliance affecting Aboriginal and Torres Strait Islander Elders and Older People.
- To develop culturally safe financial literacy and consent frameworks for bond-related decisions.



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## Rights, Preferences and Kinship Recognition

- To clarify that 'will and preferences' include cultural and community context for Aboriginal and Torres Strait Islander Elders and Older People, as interpreted by community and not solely by individual or appointed supporters.
- To arrange supports for culturally appropriate advocacy and supported decision-making for Aboriginal and Torres Strait Islander Elders and Older People.
- To Include in the Bill recognition that Aboriginal and Torres Strait Islander families and communities may have extended, non-Western decision-making and caregiving structures, and these should be respected and supported.
- Recognise Aboriginal and Torres Strait Islander kinship roles and structures in care planning.

## Executive Summary

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (NATSIAACC) welcomes the opportunity to contribute to the Aged Care and Other Legislation Amendment (ACOLA) Bill 2025 & Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025. As the national peak body for Aboriginal and Torres Strait Islander Ageing and Aged Care, NATSIAACC advocates for reforms that embed cultural safety, respect self-determination, and support community-led service delivery.

Our vision is to ensure that all Aboriginal and Torres Strait Islander Elders and Older People can access culturally safe, trauma-aware, healing-informed care that is grounded in their connection to community and Country and/or Island Home.

NATSIAACC's policy and advocacy work is guided by *Our Care, Our Way, Our Future*, our five-year strategic plan which prioritises eight key areas to transform aged care for our people. These priorities include expanding community-led services, growing the Aboriginal and Torres Strait Islander aged care provider and workforce base, embedding trusted community-based navigators, and strengthening culturally appropriate assessment services.

While NATSIAACC supports many of the transitional and regulatory intentions of the Bill, we raise significant concerns regarding its cultural responsiveness, equity protections, and the inclusion of Aboriginal and Torres Strait Islander governance, voice, and data rights in both design and delivery.

The Bill facilitates the transition to a risk-based, rights-focused aged care system under the new Aged Care Act 2024, aiming for higher quality and more accountable care for all older Australians. This submission critically analyses the Bill through the lens of Aboriginal and Torres Strait Islander Elders and Older People, with recommendations to ensure their rights, culture, and unique needs are respected and advanced.

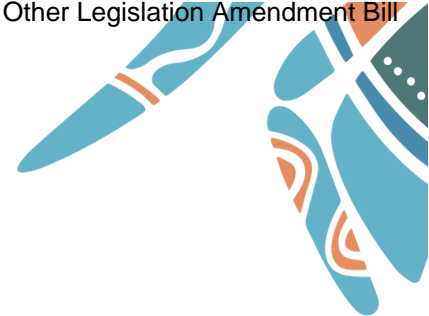
This submission offers specific analysis and recommendations aligned to key clauses and schedules in the Bill, including:

- Embedding cultural safety and Aboriginal and Torres Strait Islander co-design in legislation.
- Upholding data sovereignty, privacy, and Aboriginal and Torres Strait Islander control over aged care data.
- Ensuring culturally appropriate worker screening, employment pathways, and Elder-led risk assessments.



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- Addressing digital exclusion by mandating human oversight and culturally safe access mechanisms.
- Enhancing financial protections and culturally competent consent processes.
- Recognising kinship systems and cultural decision-making structures in guardianship models.
- Guaranteeing transitional equity and operational continuity for Aboriginal Community-Controlled Aged Care Organisations (ACCOS).
- Aligning the Bill with Closing the Gap Target 14: equal access to aged care that is culturally safe and responsive.

## Schedule 1 - Amendments to the Aged Care Act 2024

Many definitions have been updated, including concepts like “available balance,” “high quality care,” and “funded aged care service.” Cultural safety must be defined as a component of “high quality care” under Section 20, explicitly referencing care that is safe, respectful, trauma-aware, and responsive to cultural identity and connection to Country and/or Island Home.

5-Year Reviews of Quality Standards (Item 24, Section 15) states periodic review is required every five years, but there is no mandated Aboriginal and Torres Strait Islander involvement. The Act must mandate Aboriginal and Torres Strait Islander co-leadership in all reviews of the Aged Care Quality Standards.

Definition of “deliver a service” and subsidy reimbursement (Item 23) Reimbursement is allowed when a participant purchases a service/good and the provider reimburses. However, fails to acknowledge flexibility for culturally preferred models of care, including self-management and kinship carer involvement, especially in rural and remote settings.

Worker Screening and Risk Assessment (Item 66–67, Section 152) Worker screening rules are clarified, with powers for the Commissioner to identify “risk assessed roles.” Embedding a culturally appropriate workforce exemption process that allows Elders and Aboriginal community panels to assess applicants with criminal history in a strengths-based, community-informed way is recommended.

Incident Reporting (Section 165A–166A) Reporting requirements are extended to various bodies, but risks of over-reporting in Aboriginal and Torres Strait Islander services are real. Culturally appropriate safeguards must be built in to prevent disproportionate regulatory burden or cultural misunderstanding leading to adverse compliance actions against Aboriginal and Torres Strait Islander providers.

Clause 166 – Provider Reporting Obligations allows the Commissioner to request reports on matters including workforce, complaints, and service delivery. Nonetheless, the clause enables but does not mandate culturally specific data collection or reporting by Aboriginal and Torres Strait Islander status. Here, disclosing how they are meeting cultural safety obligations is required.

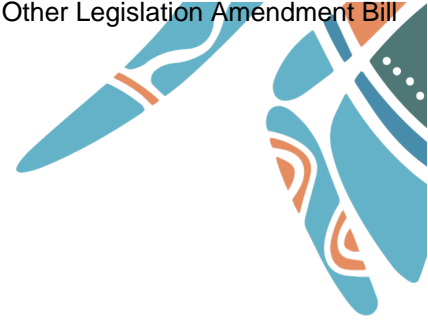
The Bill *mandates 5-year reviews of the Aged Care Quality Standards*, however, it does not require Aboriginal and Torres Strait Islander co-leadership in those reviews nor embeds cultural safety or trauma-aware care as core quality indicators.





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## NATSIAACC recommends:

- To add a new sub-definition under “high quality care” stating: “includes care that is culturally safe and promotes the cultural, spiritual, social and emotional wellbeing of Aboriginal and Torres Strait Islander Elders and Older People.”
- The System Governor must ensure that at least one Aboriginal and Torres Strait Islander-led organisation is co-leading each review and that the review includes consultation with Aboriginal and Torres Strait Islander Elders and Older People and service providers.
- ‘Delivery of service’ must be applied with flexibility to accommodate the delivery of care by Aboriginal and Torres Strait Islander kinship carers and cultural advisors in community-led settings.
- Amendment to section 152(2): “Worker screening requirements must provide for Aboriginal and Torres Strait Islander-led assessment processes for determining eligibility of workers in risk-assessed roles, particularly where criminal history is a factor.”
- All reportable incident requirements must be accompanied by cultural safety guidelines and discretion for Aboriginal and Torres Strait Islander providers to manage incidents through restorative or community-led processes where appropriate.
- To include disaggregated data on Aboriginal and Torres Strait Islander service recipients, and demonstrate how cultural safety is being operationalised within the workforce, service delivery, and governance structures.
- To include the Quality Standards, along with cultural safety standard co-designed by Aboriginal and Torres Strait Islander Organisations.

## Schedule 2 — Amendments to the Aged Care (Consequential and Transitional Provisions) Act 2024

Use of historical data and personal information (Schedule 2) Allows the transfer of data collected under old legislation into the new system. Inserting a Data Sovereignty Clause that ensures Aboriginal and Torres Strait Islander people’s data is handled in accordance with Aboriginal and Torres Strait Islander governance principles is firmly required here.

*Minister’s transitional rule-making powers (2 years post commencement)* empowers Minister to make rules to address issues in transition. This power must be used in consultation with NATSIAACC and community Elders and Older People when affecting Aboriginal and Torres Strait Islander-specific programs or policies.

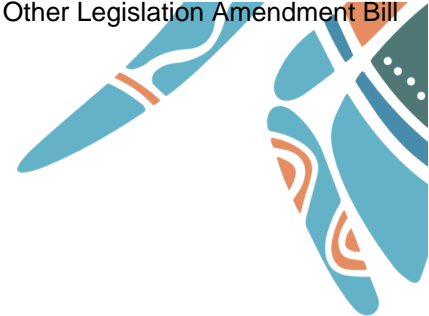
## NATSIAACC recommends:

- To use and disclosure of data relating to Aboriginal and Torres Strait Islander people must comply with principles of Aboriginal and Torres Strait Islander Data Sovereignty, including governance by Aboriginal and Torres Strait Islander-led organisations.
- The Minister must consult with Aboriginal and Torres Strait Islander representatives, including NATSIAACC, when exercising transitional rule-making powers that impact Aboriginal and Torres Strait Islander-specific service delivery.



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## Schedule 3 — Amendments to Other Acts

Healthcare Identifiers Act (Section 3, Schedule 3) expands use of healthcare identifiers across aged, disability and health care. Healthcare identifiers must be implemented with informed consent and culturally safe communication, especially in regions with low digital access or language barriers.

### NATSIAACC recommends:

- Where healthcare identifiers are used for Aboriginal and Torres Strait Islander people, culturally safe, community-delivered communication must accompany the implementation to ensure informed understanding and consent.

## Embedding Cultural Safety and Governance

The ACOLA Bill does not embed cultural safety as a statutory principle nor mandate Aboriginal and Torres Strait Islander co-design in rulemaking, regulatory mechanisms, or quality reviews. This absence risks entrenching a mainstream aged care system that continues to marginalise Elders and Older People.

NATSIAACC was commissioned by the Department of Health, Disability and Aged Care to define "Cultural Safety in Aged Care" following extensive consultation with communities, Elders, Older People, organisations, and aged care providers. The definition states:

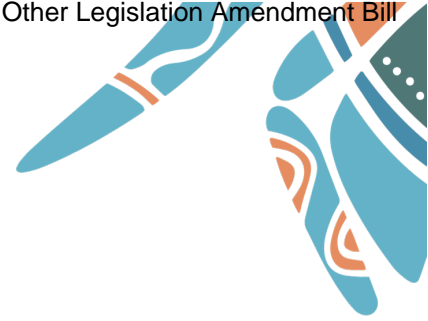
*"Cultural safety in aged care for older Aboriginal and Torres Strait Islander people, is understanding one's own culture and the impact that your culture, thinking, and actions may have on the culture of others through ongoing critical self-reflection. Gaining such truthful insight about oneself is 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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Following this definition, true cultural safety involves:

- Embedding Aboriginal and Torres Strait Islander governance and leadership across all levels of aged care design, delivery, and evaluation.
- Supporting and uplifting cultural identity, self-determination, and community-led decision-making.
- Employing and empowering an Aboriginal and Torres Strait Islander workforce.
- Ensuring services are responsive to cultural determinants of health, including kinship, spirituality, and cultural practices.
- Actively addressing institutional and interpersonal racism in aged care systems and services.

Cultural safety is essential for delivering equitable, high-quality aged care. It must be continuously reflected upon, measured through the voices and experiences of Elders and Older People, and upheld through strong accountability frameworks.

Despite the findings of the Royal Commission into Aged Care Quality and Safety, and the Federal Government's own commitments to Closing the Gap, the ACOLA Bill does not legislate for cultural safety or Aboriginal and Torres Strait Islander-led governance.

## NATSIAACC recommends:

- To embed NATSIAACC's definition of cultural safety into the Aged Care Quality Standards.
- To establish a permanent Aboriginal and Torres Strait Islander Aged Care Advisory Body to oversee implementation and evaluation.
- To embed the principle of self-determination, ensuring Indigenous community-controlled organisations are integral to governance, co-design, and review processes for aged care services.
- To embed the Closing the Gap outcomes and formal partnerships with Aboriginal and Torres Strait Islander organisations in all legislative and regulatory mechanisms.

## Equity in Access and Transition

The Bill supports 'no worse off' transition of subsidies and flexible transitional rules but is silent regarding barriers Aboriginal and Torres Strait Islander Elders and Older People face in accessing and navigating care (language, remoteness, intergenerational trauma, and historic mistrust).

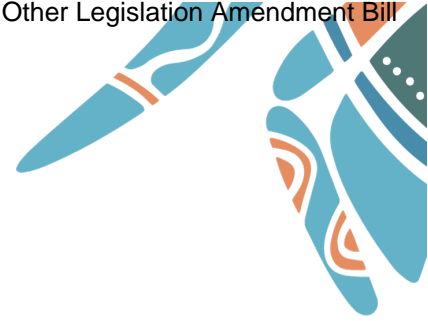
There is no mention of outreach, culturally appropriate information, interpreters, or dedicated liaisons.

There is no mention in the Bill of closing the significant access gap between Aboriginal and Torres Strait Islander Elders and Older People and non-Indigenous Australians. With less than 16% of eligible Aboriginal and Torres Strait Islander Elders and Older People currently accessing aged care (compared to 26% of non-Indigenous people), and a known preference for community-led and on-Country and/or Island Home care, it is critical that transition mechanisms protect and improve access pathways. The Bill preserves continuity for services under the old Act (Schedule 2) yet does not safeguard Aboriginal Community-Controlled Aged Care Organisations (e.g., NATSIFAC providers). This creates a risk of service closure or



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restructuring due to compliance, funding uncertainty, or inflexible transition design. No commitment has been shown towards the culturally safe transitional planning either.

## NATSIAACC recommends:

- To include explicit funding and operational protections for NATSIFAC and Aboriginal and Torres Strait Islander-led aged care services.
- To require culturally responsive transition plans co-designed with Aboriginal and Torres Strait Islander providers.
- To require all communication and navigation supports (including automated and digital systems) to be translated and interpreted through a cultural lens, with Aboriginal and Torres Strait Islander Liaison Officers present at all system touchpoints.
- To sustain and expand funding for Indigenous-specific flexible aged care services in remote and regional locations.

## Data Sovereignty and Transparency

The Bill permits the reuse of personal and compliance data from the previous aged care system within the new legislative framework yet fails to acknowledge or incorporate Aboriginal and Torres Strait Islander data sovereignty or governance. This omission raises significant concerns regarding privacy, trust, and the rights of Aboriginal and Torres Strait Islander peoples to self-determination in the management of their information. The absence of a legislative framework to support Aboriginal and Torres Strait Islander governance over data collection, sharing, and use exacerbates the risk of culturally unsafe and non-consensual data practices. Given the historical misuse, erasure, and harm caused by inadequate data protections in Aboriginal and Torres Strait Islander communities, it is critical that any expansion of data use be guided by Aboriginal and Torres Strait Islander-led frameworks. The Bill appears misaligned with the [Maiam nayri Wingara Indigenous Data Sovereignty Principles](#), which emphasise control, accountability, and the cultural integrity of Aboriginal and Torres Strait Islander data. Without embedding these principles, the legislation risks further marginalising communities and undermining efforts to build culturally safe and trustworthy aged care systems.

## NATSIAACC recommends:

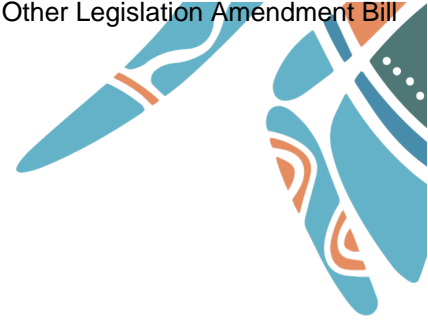
- To insert clauses that require adherence to Aboriginal and Torres Strait Islander data sovereignty principles and protocols developed in consultation with Aboriginal and Torres Strait Islander communities, ensuring consent, governance, and benefit-sharing in information management.
- To embed Maiam nayri Wingara Aboriginal and Torres Strait Islander Data Sovereignty Principles into Schedule 2.
- To add a clause to mandate disaggregated data collection, cultural safety reporting, and Aboriginal and Torres Strait Islander workforce metrics.
- To require co-stewardship of aged care data with Aboriginal and Torres Strait Islander communities.





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## Workforce Screening and Regulatory Risk

While the ACOLA Bill clarifies risk-based worker screening, it does not include provisions for culturally appropriate exemptions or assessments. This may lead to the exclusion of Aboriginal and Torres Strait Islander carers due to past justice involvement or systemic bias. Aboriginal carers and support workers must not be unfairly excluded from caring roles in their own communities.

### **NATSIAACC recommends:**

- To establish Aboriginal and Torres Strait Islander Elder-led review panels and tailored screening pathways for Aboriginal and Torres Strait Islander workers in high-risk roles.
- To introduce culturally tailored screening and exemption guidelines within the Rules.
- To prioritise Aboriginal and Torres Strait Islander workforce development and protection from structural discrimination.

## Digital Automation and Exclusion

Automation of decisions around means testing and subsidies (by Services Australia) is intended to reduce red tape. However, this decisions risks Aboriginal and Torres Strait Islander Elders and Older People to often face digital exclusion, mistrust of government portals, or lack of access to MyGov and Medicare accounts, especially in remote areas. Automated decision-making may lead to unintended service denials, especially without culturally competent human oversight.

### **NATSIAACC recommends:**

- To embed Aboriginal and Torres Strait Islander Trusted Navigators and community advocates into the new model to ensure human review pathways and prevent unjust service denial.
- To fund culturally safe system navigation support services.

## Consumer Protection and Bond Misuse Penalties

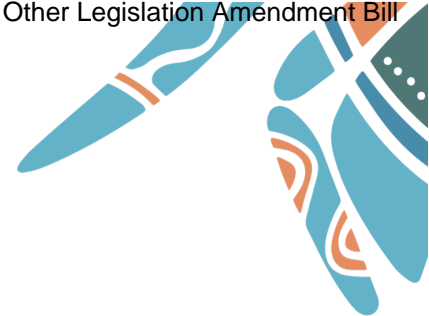
The Bill strengthens penalties for misused accommodation bonds and creates new reporting requirements and compliance flexibilities. The strengthened provisions protecting against misuse of accommodation bonds are welcomed. However, there is a need to complement these provisions with culturally appropriate education and financial literacy support for Aboriginal and Torres Strait Islander Elders and Older People, many of whom are wary of entering residential care settings. Aboriginal and Torres Strait Islander Elders and Older People may face unique risks in institutional settings, including over-medication, abuse, and cultural insensitivity, but the Bill does not explicitly strengthen cultural oversight or complaint avenues for these risks.





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## NATSIAACC recommends:

- To require all incidents involving Aboriginal and Torres Strait Islander residents to be subject to independent cultural review.
- To ensure that the Aged Care Quality and Safety Commission is required to publish annual data on outcomes, complaints, and compliance affecting Aboriginal and Torres Strait Islander Elders and Older People.
- To develop culturally safe financial literacy and consent frameworks for bond-related decisions.

## Rights, Preferences and Kinship Recognition

Amendments (e.g., to section 27) shift language from “with the consent of the individual” to “in line with the individual’s will and preferences”. This aligns assistance and advocacy with known wishes.

However, there are no direct references to Aboriginal and Torres Strait Islander Elders and Older People concepts of health, wellbeing, or decision-making, nor recognition of the importance of family, community, and cultural protocols.

The amendments are grounded in a Western nuclear model of family and guardianship, with limited space for kinship and customary roles in decision-making or care.

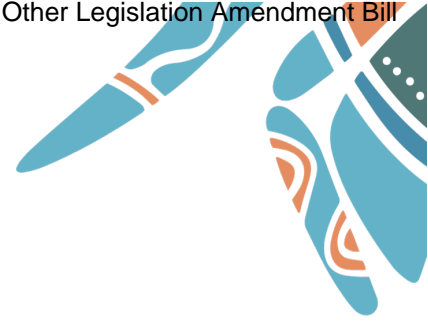
## NATSIAACC recommends:

- To clarify that ‘will and preferences’ include cultural and community context for Aboriginal and Torres Strait Islander Elders and Older People, as interpreted by community and not solely by individual or appointed supporters.
- To arrange supports for culturally appropriate advocacy and supported decision-making for Aboriginal and Torres Strait Islander Elders and Older People.
- To Include in the Bill recognition that Aboriginal and Torres Strait Islander families and communities may have extended, non-Western decision-making and caregiving structures, and these should be respected and supported.
- Recognise Aboriginal and Torres Strait Islander kinship roles and structures in care planning.



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## Conclusion

The Aged Care and Other Legislation Amendment Bill 2025 (ACOLA Bill) is a significant legislative milestone in the transformation of the aged care system. However, without explicit recognition of the cultural, historical, and social contexts in which Aboriginal and Torres Strait Islander Elders and Older People, this reform risks repeating the very systemic failures it intends to resolve.

The Royal Commission into Aged Care Quality and Safety found that Aboriginal and Torres Strait Islander Elders and Older People face disproportionately poor access to aged care, low levels of trust in services, and culturally unsafe environments. These inequities are the legacy of colonisation, discrimination, and policies that excluded Aboriginal and Torres Strait Islander voices from decision-making. The ACOLA Bill must not perpetuate this legacy.

NATSIAACC urges the Senate to:

- Embed cultural safety as a legislated, measurable quality standard, defined by Aboriginal and Torres Strait Islander people.
- Require Aboriginal governance and co-design at all stages of policy development, implementation, and review.
- Ensure continuity and protection of Aboriginal Community-Controlled Aged Care Organisations and culturally specific programs like NATSIFAC.
- Enshrine Aboriginal and Torres Strait Islander Data Sovereignty, kinship-based care models, and culturally safe workforce screening and advocacy.

This Bill must reflect the Closing the Gap Outcome 14 commitment: that Aboriginal and Torres Strait Islander Elders have access to aged care services that are effective, high-quality, and culturally safe. These are not supplementary features — they are essential for justice, equity, and wellbeing.

We urge the Senate to adopt the legislative amendments outlined in this submission. Let this reform be a turning point, not just in aged care law, but in the recognition of Aboriginal and Torres Strait Islander rights, governance, and dignity in later life.

Legislative reform must not only be technically sound, but culturally just. The Senate has the opportunity to embed truth-telling, healing, and self-determination into the future of aged care. NATSIAACC stands ready to assist in this process.



**NATSIAACC**