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Committee Secretary

Senate Standing Committee on Community Affairs

Via email: community.affairs.sen@aph.gov.au copy seniorclerk.committees.sen@aph.gov.au

August 2025

Dear Senate Inquiry Members,

The Healing Foundation welcomes the opportunity to provide this brief submission to the *Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025* and *Aged Care and Other Legislation Amendment Bill 2025*.

The Healing Foundation is the national Aboriginal and Torres Strait Islander body for Stolen Generations survivors and the incredible Stolen Generations organisations that tirelessly support survivors. We provide expert advice on the needs of ageing survivors, support survivor-led healing projects, and help educate future generations about the continuing impacts of Australia's Stolen Generations history. We are governed by an Aboriginal and Torres Strait Islander Board and Executive, guided in our work by Stolen Generations Organisations to support survivors to tell their stories and drive their healing. We work with government, policy makers, organisations and workforces to understand and take accountability for their role in meeting the needs of Stolen Generations Survivors and intergenerational healing.

Founded in 2009, following national consultation and the landmark Bringing Them Home report, the Healing Foundation was established to implement its key recommendation: that healing must be integrated into services for survivors.

Recent research by the Australian Institute of Health and Welfare (AIHW) unequivocally demonstrates that Stolen Generations survivors face poorer health, economic, and social outcomes than other Aboriginal and Torres Strait Islander people because of their experience of forced removal from their loving families, communities, and culture. Today, many survivors are elderly and in pain and live with multiple complex and overlapping needs. Most survivors are eligible for aged care, yet we know survivors are not accessing the services they need due to fear of re-traumatisation.

The Healing Foundation is calling on all governments to lead a comprehensive National Healing Package for Stolen Generations survivors that includes 17 essential recommendations, each contributing to the systemic, culturally informed healing across Aboriginal and Torres Strait Islander communities.

Access to fully subsidised trauma-informed aged care that meets survivors complex needs is critical.

Stolen Generations survivors' redress payments are currently not exempt from aged care means testing under the New Aged Care Act.

- As announced in November 2024, redress payments made under the National Redress Scheme (NRS) will not be subject to aged care means testing.¹
- Specifically this means survivors redress payments under the National Redress Scheme are exempt from both *income and assets* means testing.
- However, under the new Act's Rules, the same exemptions **do not apply** to Stolen Generations redress schemes – including those currently open in Victoria, the Territories and the recently announced scheme in Western Australia (WA).
- The decision to exempt redress payments from means testing for one cohort of survivors under the NRS whilst not extending this same exemption to recipients of redress payments for Stolen Generation survivors is grossly inequitable.
- Discriminatory policies such as these are contrary to the establishment of a rights-based, accessible, and culturally safe aged care system and serve to exacerbate the already significant gap in aged care access and outcomes for older Aboriginal and Torres Strait Islander people, particularly Stolen Generation survivors.
- **It is our firm position that Stolen Generation survivors should not face unintended adverse impacts of any payment they receive as part of redress.**
- During consultations on the draft rules in February 2025, Aboriginal and Torres Strait Islander peak bodies and other stakeholders have consistently recommended to the Department's Aged Care Group that the government amend the new Act Rules (*Release 2b – Funding related to other aged care programs, Section 330-10 Other Amounts*) to ensure all redress payments are exempt from aged care means testing.
- This feedback has not been actioned yet in a timely manner and will result in Stolen Generation's redress payments being subject to asset testing, whilst survivors under the National Redress Scheme are exempt.
- The Healing Foundation has raised this issue formally with the National Indigenous Australian's Agency (NIAA) and consistently through the First Nations Aged Care Governance Group (FNACGG) which is co-chaired by First Assistant Secretary, Market and Workforce Division, Ageing and Aged Care Group.

¹ The Hon Amanda Rishworth MP Joint with The Hon Anika Wells MP (11 November 2024). *Redress payments exempt from aged care services means testing* [Media Release]. <https://ministers.dss.gov.au/media-releases/16696>

- The Healing Foundation has not received communication from within the Aged Care Group to outline what actions are being actively taken to address this issue.
- We are disappointed to see that payments made under the Territories Stolen Generations Redress Scheme continue to be identified as an asset for the aged care means assessment in the *Aged Care (Accommodation Payment Security) Levy Amendment Bill 2025* and *Aged Care and Other Legislation Amendment Bill 2025*, under **Compensation**.
- It is also unclear what limitations have prevented decisive action being taken by officials within the Ageing and Age Care Group when the Department was first made formally aware of this matter as early as February 2025.

If urgent action is not taken to rectify this inequity, Stolen Generation survivors who are already vulnerable will face additional financial disadvantage from 1 November 2025 when the new Aged Care Act comes into effect.

The Healing Foundation recommends that a critical amendment is made to ensure payments received under any Stolen Generations redress scheme are exempt from aged care means testing, in line with exemptions in place for the National Redress Scheme (NRS).

The Healing Foundation welcomes the opportunity to discuss our concerns further and if further information is required Please contact Sarah Davidson via phone 0492 329 558 or email Sarah.Davidson@healingfoundation.org.au

Yours faithfully,



Shannan Dodson

Chief Executive Officer

The Healing Foundation