

14 March 2025

**The Healing Foundation Submission: 2025 Progress Report on Implementation of Aged Care
Royal Commission Recommendations**

Office of the Inspector General of Aged Care

Via Email: royalcommision@igac.gov.au

To the Office of the Inspector General of Aged Care,

The Healing Foundation welcomes the opportunity to provide a submission to the Office of the Inspector-General of Aged Care to inform the 2025 Progress Report on the Commonwealth's implementation of the recommendations of the 2021 Royal Commission into Aged Care Quality and Safety.

The Healing Foundation is the national organisation that platforms and elevates the voices and lived experiences of Stolen Generations survivors, their families, and their communities. We work closely with survivors and communities to create environments for survivors to tell their stories and drive their healing.

Of relevance to the remit of the Australian Government Department of Health and Aged Care, most Stolen Generation survivors are aged over 50 years and therefore eligible for aged care services.

We know from research undertaken by the Australian Institute of Health and Welfare that there is a **'gap within the gap'** – Stolen Generations survivors and their descendants are more likely than the general Aboriginal and Torres Strait Islander population to experience poor social, social and emotional wellbeing, health, educational and economic outcomes, and are more likely to have negative experiences with the justice system, including higher rates of incarceration.

The Healing Foundation appreciates the focus of the Inspector General on examining whether the Government's reforms have been sufficient to drive meaningful and lasting change to the aged care system, and particularly welcomes the approach to explore 'more than just the amount of Government activity', but whether those activities have focused on the paradigm shift the Royal Commission called for, and their lasting impact.

The following responses have been informed by consultation with Stolen Generation survivors, their descendants, Stolen Generation Organisations and through participation in the Department of Health and Aged Care's (DoHACs) First Nations Aged Care Governance Group.

The information is shared with the intent to assist the Office of the Inspector-General in its mandate to provide independent oversight of the aged care system and drive accountability and positive change.

The Healing Foundation is available to discuss or expand upon any of the points raised in this submission. If required, please contact Sarah Davidson from the Foundation on 0492329558 or via email (Sarah.Davidson@healingfoundaiton.org.au) to arrange a suitable date and time.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Shannan Dodson', followed by a horizontal line.

Shannan Dodson,

Chief Executive Officer

1. What are your impressions of:

- Overall progress with implementation of the Royal Commission's recommendations?
- The state of the aged care systems since the Royal Commission's final report?
- Positive/negative changes to the aged care system following government reform?

As outlined in the final report of the Interim First Nations Aged Care Commissioner (February 2025), the aged care system was never designed with Aboriginal and Torres Strait Islander people in mind.

The extensive consultations led by the Interim Commissioner also found that 'not enough has changed' for Aboriginal and Torres Strait Islander people since the Royal Commission 4 years ago. The system has failed, and continues to fail, older Aboriginal and Torres Strait Islander people.¹

The Healing Foundation fully supports the findings and recommendations of the Interim Commissioner, and would like to take the opportunity to comment on the implementation status of a number of specific Recommendations, as well as some positive and negative reforms since the final report of the Royal Commission.

These are expanded on below:

Recommendation 47: Aboriginal and Torres Strait Islander aged care pathway within the new aged care system

- The Healing Foundation is an active member of DoHAC's First Nations Aged Care Governance Group (FNACGG) which was established in response to the 2021 Royal Commission. The ToR of the FNAGG acknowledges that that a number of the recommendations specific to Aboriginal and Torres Strait Islander people would require close engagement and co-design in accordance with the Priority Reforms under the National Agreement on Closing the Gap (2020). However, there has been significant concerns from members of the FNACGG regarding the Department's interpretation of, and response to

¹ <https://www.health.gov.au/resources/publications/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people?language=en>

Recommendation 47, with some stakeholders viewing the Department as having watered down the implementation of a defined Aboriginal and Torres Strait Islander pathway.

- Whilst there are a number of disparate budget measures and activities that have been reported against Recommendation 47 in the 2024 Inspector General Progress Report, older Aboriginal and Torres Strait Islander people, and survivors, are still not accessing aged care at a rate commensurate with their assessed health need, or at an equitable rate to the general population.
- The recently published Aboriginal and Torres Strait Islander Aged Care Framework, whilst a positive outcome has not been associated with any funding to implement the priorities or the establishment of an appropriate governance body to monitor implementation and progress of the framework actions.
- Survivors are an ageing population, and there needs to be a stronger sense of urgency with respect to a strategic, targeted aged care response.

Recommendation 48: Cultural Safety

"Well, if we say we are Aboriginal, I mean we should be able to do that. We should without any racism or whatever, but sometimes we probably don't say it."

-Survivor, Aged Care Yarning Circles (facilitated by Murawin) 2025

- As outlined by the final report of the Interim First Nations Aged Care Commissioner, many aged care services are still culturally unsafe for Aboriginal and Torres Strait Islander people.
- Mandatory culturally safety training for all aged care providers was clearly called for by the Royal Commission in 2021.
- The Healing Foundation is not aware of any progress to indicate the Government or System Governor has made progress against Recommendation 48(1)(b) i – ii.
- This is frustrating given that Aboriginal and Torres Strait Islander people continue to experience everyday and structural racism. This was reported directly to Interim Commissioner Kelly during her consultations, and is a key deterrent for older Aboriginal and Torres Strait Islander people not access aged care at rates commensurate with their assessed health and ageing needs.
- It is particularly important for the workforce to be prepared to care for Stolen Generations survivors – staff must understand the historical trauma of forced removals and training should be developed in partnership between government, aged care providers, Stolen Generations survivors and community-controlled organisations.
- Survivor focused content should be developed by Stolen Generations Organisations and The Healing Foundation.

Recommendation 49: An Aboriginal and Torres Strait islander Aged Care Commissioner

- The appointment of Ms. Andrea Kelly to the position of Interim First Nations Aged Care Commissioner in 2024 was a key milestone in fully implementing Recommendation 49, and the intensive engagement and consultation process completed by the Interim Commissioner in her first year is to be commended.
- In line with the intent of this recommendation, The Healing Foundation fully supports the establishment of a statutory, independent Aboriginal and Torres Strait Islander Aged Care Commissioner and supports the outline of model design principles for a permanent Commissioner outlined by Interim Commissioner Kelly in her final report to Government.

Recommendation 50: Prioritising Aboriginal and Torres Strait Islander organisations as aged care providers

- According the 2024 Progress Report of the Interim Inspector-General, the 2023-24 Budget committed \$8.2 million to support up to **10 ACCOs** to develop capacity and capability to provide aged care services. The 2024 Progress Report noted that *“engagement with key stakeholders had commenced to identify areas of greatest need.”*²
- However, as a member of the Department of Health and Aged Care’s First Nations Aged Care Governance Group (FNACGG), The Healing Foundation is not aware of any ACCO’s outside of the **3 ACCOS** located in Perth, Darwin and Western Sydney who have received funding under the 2023-24 Budget measure to receive capacity assistance to expand into the aged care system.
- This is a **significant disparity between the stated intent of supporting up to 10 ACCO’s and only delivering funding to 3**. This budget measure is due to terminate in June 2025, and has not been accompanied by any indication that further capacity building funding rounds or other financial assistance will be made to available.
- This is not due to a lack of ACCOs who have expressed aspirations to enter the aged system as providers, particularly to deliver services under Support at Home.
- The Healing Foundation has advised the Department that there are a number of Stolen Generation Organisations (who met the definition of being an ACCO) with existing expertise to deliver culturally safe and healing informed services to survivors as they age. However, these smaller organisations require support and assistance to enter the aged care system as accredited providers.

² <https://www.igac.gov.au/sites/default/files/2024-08/2024-progress-report-on-the-implementation-of-the-recommendations-of-the-royal-commission-into-aged-care-quality-and-safety.pdf>

- Despite there being a commitment under the National Agreement on Closing the Gap to build and strengthen the ACCO sector, there is a long way to go before Aboriginal and Torres Strait Islander people have a choice to access an ACCO for aged care services, or a mainstream provider.
- Investment to support Stolen Generation Organisations (SGO's) to become aged care providers would also support commitments outlined in the National Agreement to grow the Aboriginal Community Controlled Sector (Priority Reform 2) and would also address significant workforce shortages impeding health and care pathways, which are known to be culturally unsafe for Aboriginal and Torres Strait Islander people.
- The Healing Foundation is aware of a number of SGO's with aspirations to enter the system as providers, however there is an absence of a strategic policy intent demonstrated by the Department's to continue to assist Aboriginal and Torres Strait Islander organisations to expand into aged care service delivery, in line with the clear intent of Royal Commission Recommendation 50.
- This sentiment was also presented in the final report of the Interim First Nations Aged Care Commissioner, who noted that whilst the Department acknowledges the critical role of growing the number of ACCOs delivering aged care, there is a 'disconnect between this policy position and a strategic, evidence-based funding and governance support approach to support this policy intent'.³

Co-payments under Support at Home

- The Healing Foundation is particularly concerned by the current policy direction to introduce, for the first time, financial co-contributions under the new Support at Home program for essential supports such as housework, shopping, transport and meals which are those services older Aboriginal and Torres Strait Islander overwhelmingly rely upon to age well, independently at home.
- There is a data-validated consensus amongst experts and researchers that access to and use of aged care services by Aboriginal and Torres Strait Islander people does not reflect their assessed and health care needs. There is also extensive qualitative and quantitative evidence documenting that Aboriginal and Torres Strait Islander people overwhelmingly use home and community support services compared to residential services.

³ Transforming Aged Care for Aboriginal and Torres Strait Islander people
<https://www.health.gov.au/resources/publications/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people?language=en>

- It is particularly concerning that the policy design of co-payments under Support at Home has not been accompanied by any publicly available economic modelling to demonstrate Stolen Generation survivors have capacity to afford such payments.
- The Healing Foundation is concerned that the impact of such a change will see vulnerable survivors chose to go without essential support services because they are simply unaffordable.
 - If this risk is not addressed, there are likely harmful and costly consequences, both to ageing survivors and their families, and to the health and aged care system with older people ending up in more expensive acute tertiary health settings.
 - The introduction of co-payments, in the absence of clear modelling or accompanying equity measures, in a cost of living crisis appears contradictory to the intent of designing a fair and equitable aged care system, and contradictory to the intent of the National Agreement to advance equity and address systemic disadvantage.
- The assumptions underpinning the design of co-payments under Support at Home as presented in the Final Report of the Aged Care Taskforce (released 12 March 2024), particularly that ‘the majority of older people will have access to wealth, superannuation and home equity to enable them to make contributions for services to enjoy a dignified experience in aged care’ simply fail to account for the reality that Stolen Generation survivors experience.
- Survivors were systematically excluded from education, employment and home ownership opportunities and therefore have had structural barriers to intergeneration wealth creation, due to the ongoing impacts of forcible removal from their families, with many suffering abuse at the institutions they were placed.
- As a direct result of the trauma they have endured, survivors and their descendants can experience poorer health, and economic and social outcomes compared to other Aboriginal and Torres Strait Islander people of a similar age who were not removed.⁴
- It is alarming that the policy response to the recommendations of the Aged Care Taskforce has not been accompanied by robust safety-net and equity measures to account for the realities of older Aboriginal and Torres Strait Islander people and Stolen Generation survivors, and should be urgently reviewed.

⁴ <https://cdn.healingfoundation.org.au/app/uploads/2021/05/18121806/AIHW-Report-FINAL-May-2021.pdf>

Implementing the National Agreement on Closing the Gap (2020)

- The aged care system is also accountable to the requirements and commitments all levels of Government have agreed to under the National Agreement.
- However, as also reported by the Interim First Nations Aged Care Commissioner, with regards to aged care policy and programme reform, it appears that outside of a small number of NATSIFAC services, the consistent approach can be characterized as rigid, inflexible and not in line with the Priority Reforms articulated in the National Agreement. This is expanded on below.

2. Has the Government undertaken sufficient consultations in the development/implementation of its reform agenda? Has there been sufficient transparency around the Government's reforms? Is the level of support being provided enough to ensure an effective transition to a new system?

- It has been The Healing Foundation's experience, through our participation as a member of the First Nations Aged Care Governance Group, that there is insufficient consultation, co-design and transparency regarding the development of the reform agenda.
- To illustrate, there is no public or privately available information regarding what percentage of the billion dollars of investment into the aged care system to 'support once in a generation' reforms will be directly invested into measures for First Nations aged care, and more specifically, what investment will be quarantined to design a targeted response for Stolen Generation survivors.
- The lack of transparency and approach to engagement with Aboriginal and Torres Strait Islander stakeholders was also exemplified in a recent grants process: *Grant Opportunity 7396 Care Leavers, Stolen Generations and First Nations Forgotten Australians*.
- Despite being an active member of the FNACGG, officials with the Aged Care Group did not engage with, seek the advice of, or share information with the Healing Foundation as a key partner with deep experience, national remit and existing relationships with Stolen Generation survivors and organisations to ensure the best possible planning and design of this funding opportunity.
- As a direct result of concerns regarding the lack of engagement, transparency and design of the grant, the Healing Foundation did not apply for the opportunity despite our direct interest in advancing culturally safe, trauma-informed aged care for survivors.

- We would like to take this opportunity to highlight that in reasoning a withholding of information, **probity and the Commonwealth Procurement Rules should not be used by Departmental officials to justify avoiding reasonable discussions with suppliers during a tender process.**⁵
- Furthermore, the **Principles of Probity explicitly do not preclude officials within the Aged Care Group of DoHAC from taking reasonable actions to implement the Priority Reforms as required by all levels of government.** Reasonable actions include industry briefings, bringing relevant stakeholders together for negotiations and sharing Grant Opportunity Guidelines in draft form to actualize the rhetoric of co-design.

3. To what extent have the Government's reforms supported the establishment of a rights-based, person-centred aged care system? Will those reforms move the aged care system away from one focused primarily on providers to one that puts older Australians and their needs first? If not, what needs to happen to facilitate that change?

- The design of a new aged care Act provided a unique opportunity to ensure the establishment of a rights-based, person-centred aged care system.
- The Healing Foundation is aware that the inclusion of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) was raised and requested to be included alongside references to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Person's with Disabilities during First Nations consultations on the Exposure Draft.
- UNDRIP however, was not included in the Exposure Draft and the decision to exclude UNDRIP was not communicated to stakeholders or detailed in the Department's consultation report.⁶
- In practice, the application of UNDRIP within the aged care system could have strengthened the design of a new Act designed with respect to the rights of older Aboriginal and Torres Strait Islander people.

⁵ <https://www.finance.gov.au/government/procurement/buying-australian-government/ethics-and-probity-procurement>

⁶ <https://www.health.gov.au/sites/default/files/2024-05/a-new-aged-care-act-exposure-draft-consultation-feedback-report.pdf>

- Older Aboriginal and Torres Strait Islander people are still not able to exercise their sovereign cultural rights as Indigenous people to age in place, with services that respect their cultural worldviews and facilitate connection to country.

4. Have existing reforms been sufficient in creating an aged care system which can meet individuals' needs regardless of their backgrounds or circumstances?

- In line with the final report of the Interim First Nations Aged Care Commissioner, the Healing Foundation strongly urges for an equity based approach to feature more strongly in the current aged care reform trajectory to achieve equal access and outcomes for older Aboriginal and Torres Strait Islander people, particularly Stolen Generation survivors.
- The Healing Foundation reiterates that recommendations of the Interim Commissioner must be urgently acted on before it is too late for survivors.

5. Have new systems improved consumer understanding (eg. Star ratings) and timely access to aged care services (eg care finders)? Why/why not?

- The Healing Foundation understands there are positive stories and experiences regarding some survivors being able to access navigators through the Elder Care Support Program.
- There is an ongoing need to ensure the Commonwealth ensures the placement of Elder Care Support workers is based on a clear evidence based methodology reflecting where the highest number of eligible older Aboriginal and Torres Strait Islander people reside. This is predominantly in urban and regional locations – however the availability of workers in these locations does not necessary currently reflect need or projected population growth.
- Whilst the program is administered by NACCHO, the Commonwealth is still responsible for contract management and the funding agreement and as such, has a role to play in governance of the Elder Care Support program.
- It is our view, consistent with the Interim First Nation Aged Care Commissioner's report that consumer understanding amongst eligible First Nations populations is poor – this is not a reflection on the individual but a symptom of the lack of targeted, accessible and culturally relevant information on aged care provided by the Government and relevant Department's.
- At a recent aged care yarning circle, survivors collectively have expressed their confusion at where to even begin seeking access to aged care supports.