

## **New Aged Care Act will disproportionately affect Stolen Generations survivors**

The Healing Foundation has backed calls by the Inspector-General of Aged Care to urgently “pause and reorient” the current approach to mainstreaming aged care services for Aboriginal and Torres Strait Islander peoples.

The Inspector-General of Aged Care Natalie Siegel-Brown has called for urgent action to mitigate potential harm associated with the implementation of the new Aged Care Act. The Act is due to commence on 1 November.

The call was contained in her [\*2025 Progress Report on the Implementation of the recommendations of the Royal Commission into Aged Care Quality and Safety\*](#).

The Inspector-General's assessment is that the vision of the Royal Commission into Aged Care Quality and Safety has not been achieved and that the aged care reforms could cause harm.

The Healing Foundation Chair Professor Steve Larkin is extremely concerned about the impact of the new Aged Care Act on Stolen Generations survivors in its current form.

“Two issues require urgent attention: establishing strong equity measures for Stolen Generations survivors under the new Support at Home program, and the protection of Stolen Generations redress payments from aged care means testing,” Professor Larkin said.

The Healing Foundation has strongly advocated for the new Aged Care Act to protect the rights of Stolen Generations survivors to age with dignity, including through a submission to the Inspector-General's progress report.

## ***New Aged Care Act does not protect rights of Stolen Generations survivors***

The Healing Foundation's CEO Shannan Dodson said the Inspector-General warned that the introduction of co-payments may lead to vulnerable older Australians forgoing care.

“This is an especially high risk for the Stolen Generations survivors we work with,” Ms Dodson said.

“Survivors are the gap within the gap of disadvantage – due to the ongoing impacts of forced removal they often do not have the same access to financial resources to fund co-payments, such as superannuation and home equity,” she said.

“We know many Stolen Generations survivors wish to avoid residential care out of a fear of being (re)institutionalised. Yet, even full pensioners will have to pay for services that support their independence at home, like help with showering, cleaning and transport.”

The Inspector-General also called out the lack of recognition of the importance of emotional, social and spiritual supports to a culturally safe aged care system, within the new Act. This type of care is set to attract the highest level of co-payment.

“Co-payments are contrary to the Royal Commission's intent and our view is co-payments do not align with the whole of government commitment to address structural disadvantage through the National Agreement on Closing the Gap (2020),” Ms Dodson said.

Professor Larkin added that the co-payments actually widen the gap. “Research has shown that Stolen Generations survivors and their families represent a ‘gap within the gap’. As a direct result of their forcible removal, survivors and their descendants face poorer health, mental

health, social, and economic outcomes than other Aboriginal and Torres Strait Islander people – the central challenges the Closing the Gap framework seeks to transform,” he said.

“We are keen to work with the government to find a more equitable approach to support ageing survivors,” Mr Larkin said.

### **What is needed to support survivors**

The Interim First Nations Aged Care Commissioner outlined in the [2024 report](#) that ‘an equity approach is needed to achieve equal access and outcomes for older Aboriginal and Torres Strait Islander people’. The Interim Commissioner’s report cited the clear reality that Aboriginal and Torres Strait Islander people do not access aged care services at a rate commensurate with their assessed needs.

“We re-iterate calls for specific equity measures for Stolen Generations survivors as Support at Home is implemented,” Ms Dodson said.

“Establishing equity measures is not the same as having hardship provisions in place.”

Further, The Healing Foundation is calling for Stolen Generations redress payments to be exempted from aged care means testing under the new Act, in the same way that [National Redress Scheme](#) (NRS) payments will be.

The government announced in November 2024 that redress payments made under the NRS will not be subject to aged care 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 (ACT & NT) and to be established in Western Australia.

“Policies such as these are contrary to the establishment of a rights-based, accessible and culturally safe aged care system,” Ms Dodson said.

“Stolen Generations survivors should not face unintended adverse impacts of any payment they receive as part of redress, and this disparity must be addressed.”