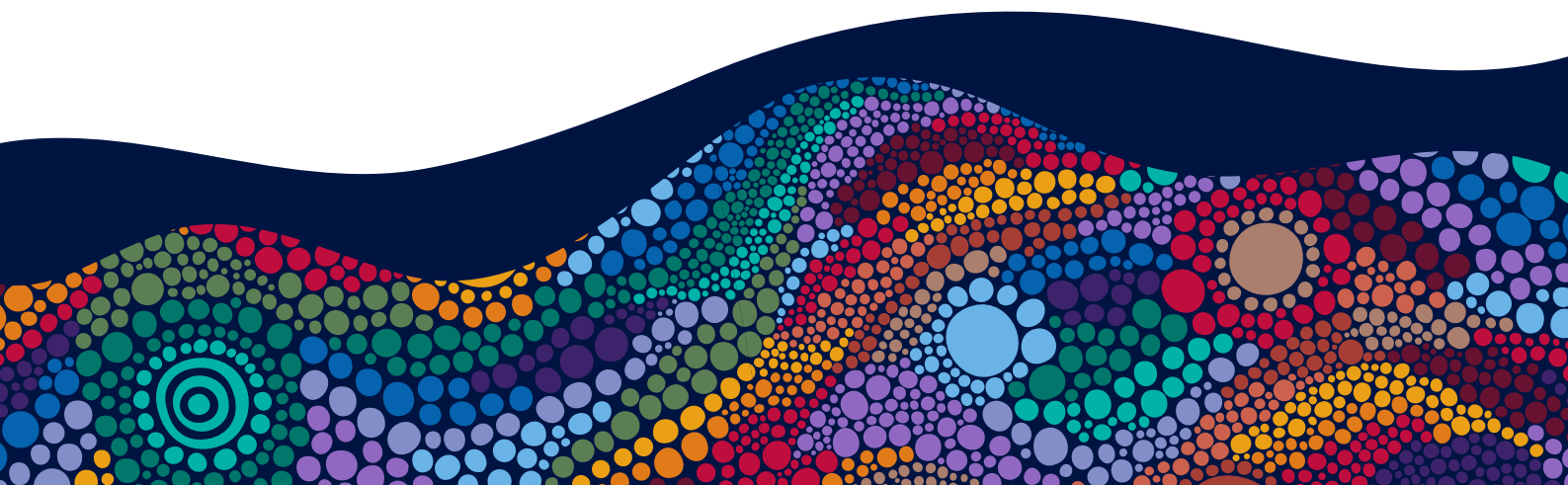


Aged Care Legislation Amendment (Aboriginal and Torres Strait Islander Aged Care Commissioner and Other Measures) Bill 2026

Submission to the Senate Community Affairs
Legislation Committee

July 2026



About NACCHO

NACCHO is the national peak body representing 148 Aboriginal Community Controlled Health Organisations (ACCHOs). We also assist several other community-controlled organisations.

The first Aboriginal medical service was established at Redfern in 1971 as a response to the urgent need to provide decent, accessible health services for the largely medically uninsured Aboriginal population of Redfern. The mainstream was not working. So it was, that over fifty years ago, Aboriginal people took control and designed and delivered their own model of health care. Similar Aboriginal medical services quickly sprung up around the country. In 1974, a national representative body was formed to represent these Aboriginal medical services at the national level. This has grown into what NACCHO is today. All this predated Medibank in 1975.

NACCHO liaises with its membership, and the eight state/territory affiliates, governments, and other organisations on Aboriginal and Torres Strait Islander health and wellbeing policy and planning issues and advocacy relating to health service delivery, health information, research, public health, health financing and health programs.

ACCHOs range from large multi-functional services employing several medical practitioners and providing a wide range of services, to small services which rely on Aboriginal health practitioners and/or nurses to provide the bulk of primary health care services. Our 148 members provide services from about 550 clinics. Our sector provides over 3.1 million episodes of care per year for over 410,000 people across Australia, which includes about one million episodes of care in very remote regions.

ACCHOs contribute to improving Aboriginal and Torres Strait Islander health and wellbeing through the provision of comprehensive primary health care, and by integrating and coordinating care and services. Many provide home and site visits; medical, public health and health promotion services; allied health; nursing services; assistance with making appointments and transport; help accessing childcare or dealing with the justice system; drug and alcohol services; and help with income support. Our services build ongoing relationships to give continuity of care so that chronic conditions are managed, and preventative health care is targeted. Through local engagement and a proven service delivery model, our clients 'stick'. Clearly, the cultural safety in which we provide our services is a key factor of our success.

ACCHOs are also closing the employment gap. Collectively, we employ about 7,000 staff – 54 per cent of whom are Aboriginal or Torres Strait Islanders – which makes us the third largest employer of Aboriginal or Torres Strait people in the country.

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Recommendations

NACCHO recommends

- 1 Aged Care Legislation and Rules align with and support the National Agreement and its four Priority Reform Areas
- 2 that the Office of the Aboriginal and Torres Strait Islander Aged Care Commissioner is adequately resourced to drive transformative change to *Close the Gap* in aged care
- 3 that the Aboriginal and Torres Strait Islander Aged Care Commissioner role has the authority and power to hold the Government and the aged care system to account for the changes and reforms that are needed
- 4 that the Government works in partnership with the Interim First Nations Aged Care Commissioner, and the permanent Aboriginal and Torres Strait Islander Aged Care Commissioner, when appointed, to design a specific Aboriginal and Torres Strait Islander aged care pathway.

Acknowledgements

NACCHO welcomes the opportunity to provide a submission to this Senate Inquiry into the Aged Care Legislation Amendment (Aboriginal and Torres Strait Islander Aged Care Commissioner and Other Measures) Bill. Our submission is provided in respect of delivering *aged care* within the Aboriginal Community Controlled sector. Our focus is on health and wellbeing for Aboriginal and Torres Strait Islander people and improving their ability to deliver and access culturally safe aged care.

This submission responds to specific aspects of the Aged Care Legislation Amendment (Aboriginal and Torres Strait Islander Aged Care Commissioner and Other Measures) Bill 2026. No assumption should be made about NACCHO's concurrence or otherwise, with those aspects of the Bill which we have not addressed below.

NACCHO supports submissions to this consultation made by our members and our state and territory affiliates.

National Agreement on Closing the Gap

Advocating for and securing the National Agreement on Closing the Gap was an historically significant act of Aboriginal and Torres Strait Islander self-determination. The National Agreement is evidence of a new era of engagement by and with Aboriginal and Torres Strait Islander people. It commits Australia to a new direction and is a pledge from all governments to fundamentally change the way they work with Aboriginal and Torres Strait Islander communities and organisations – to support self-determination and build the capacity of the community-control sector.

The reforms and targets outlined in the National Agreement seek to overcome the inequality experienced by Aboriginal and Torres Strait Islander people and achieve life outcomes equal to all Australians. Governments at all levels have committed to the implementation of the National Agreement's four Priority Reform Areas, which offer a roadmap to meaningfully impact structural drivers of poor health and social outcomes for Aboriginal and Torres Strait Islander people:

Priority Reform Area 1 – Formal partnerships and shared decision-making

This Priority Reform commits to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments, and to accelerate policy making that centres Aboriginal and Torres Strait Islander voices.

Priority Reform Area 2 – Building the community-controlled sector

Recognising that community-controlled services achieve better outcomes, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services, this Priority Reform commits to building Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.

Priority Reform Area 3 – Transformation of mainstream institutions

This Priority Reform commits to systemic and structural transformation of government organisations to identify and eliminate racism, embed and practice cultural safety, deliver services in partnership with Aboriginal and Torres Strait Islander people, support truth telling about agencies' history with Aboriginal and Torres Strait Islander people, and engage fully and transparently with Aboriginal and Torres Strait Islander people when programs are being changed.

Priority Reform Area 4 – Sharing data and information to support decision making

This Priority Reform commits to shared access to regional data and information to inform local decision making and support achievement of the first three Priority Reforms. This Priority Reform supports principles of

Indigenous Data Sovereignty.

Despite some progress, the need for fundamental systemic reform remains evident. In its first review of the National Agreement on Closing the Gap, the Productivity Commission found that governments are not adequately delivering on their commitments. Despite support for the Priority Reforms and some good practice, progress has been slow, uncoordinated, and piecemeal.

The Commission noted that to enable better outcomes, governments need to relinquish some control, share decision making and acknowledge that Aboriginal and Torres Strait Islander people know what is best for their communities. Aboriginal Community Controlled Organisations must be treated as critical partners rather than passive funding recipients, and trusted to design, deliver and measure government services in ways that are culturally safe and meaningful for their communities.

‘Too many government agencies are implementing versions of shared decision-making that involve consulting with Aboriginal and Torres Strait Islander people on a pre-determined solution, rather than collaborating on the problem and co-designing a solution’¹

NACCHO recommends Aged Care Legislation and Rules align with and support the National Agreement and its four Priority Reform Areas.

An Act that supports Aboriginal and Torres Strait Islander people

Aboriginal and Torres Strait Islander people do not currently have equitable access to aged care. Only 16% of those eligible receive aged care services; this compares with 30% of the eligible non-Indigenous population².

NACCHO supports full implementation of the Aged Care Royal Commission’s (ACRC) recommendations with respect to aged care for Aboriginal and Torres Strait Islander people.

We welcome regulatory and legislative frameworks for aged care that support:

- a person-centred approach, as this aligns with the ACCHO model of care³
- an aged care system where all services are centred around and culturally appropriate for the person receiving care
- aged care services that are free of discrimination and racism and delivered flexibly to optimise health outcomes for the person receiving care
- aged care services that respect and acknowledge the collective, holistic view of family, community, relationships with Elders, and connections with Country including the Torres Strait Islands or other islands as central to Aboriginal and Torres Strait Islander wellbeing
- an aged care system where Aboriginal community-controlled aged care providers are supported to determine and deliver an integrated model of care to meet the aged care, disability care and primary health care needs within their community.

¹ Productivity Commission, Review of the National Agreement on Closing the Gap, Study Report, Canberra, 7 Feb 2024 <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report>

² Department of Health and Aged Care, Roundtable Consultation on a new Aged Care Act, 5 February 2024.

³ NACCHO Core Services and Outcomes Framework <https://csof.naccho.org.au/>

NACCHO's members want care for Aboriginal Elders and older people in Aboriginal hands. NACCHO strongly supports legislating the role of the Aboriginal and Torres Strait Islander Aged Care Commissioner as an independent advocate for Aboriginal and Torres Strait Islander people that can hold the aged care sector accountable to the Priority Reforms of the National Agreement on Closing the Gap.

Schedule 1 - Aboriginal and Torres Strait Islander Aged Care Commissioner

NACCHO welcomes the amendment to the *Aged Care Act 2024* to establish the statutory office of the Aboriginal and Torres Strait Islander Aged Care Commissioner (the Commissioner). This acknowledges that Aboriginal and Torres Strait Islander people have different aged care needs, gives them an independent voice, and is a critical step towards achieving equity of access to culturally safe aged care.

The intention to legislate the Commissioner role provides Aboriginal and Torres Strait Islander people with hope for better aged care outcomes; knowing that their life circumstances and specific aged care needs are recognised and valued, and will be appropriately considered in regulatory, policy and system design and implementation decisions that will affect them as they age.

We welcome the decision to adopt our sector's preferred title for the position, 'Aboriginal and Torres Strait Islander Aged Care Commissioner', as identified in the Interim First Nations Aged Care Commissioner's *Transforming Aged Care For Aboriginal and Torres Strait Islander people*⁴ report (IFNACC Report).

However, the legislative amendment only aligns in part, with Priority Reform 1 of the National Agreement on Closing the Gap - building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments.

The IFNACC Report suggested a model, scope and ways of working for an Aboriginal and Torres Strait Islander Aged Care Commissioner which centred on three key principles, that is, that the Aboriginal and Torres Strait Islander Aged Care Commissioner should be:

- a permanent position enshrined in legislation
- filled for a specified term by statutory appointment
- independent of the Government, the Department of Health and Aged Care, and the Aged Care Quality and Safety Commission.

The Bill addresses the first two of these principles, but with the Commissioner role being under the ACQSC, it does not satisfy the third principle.

In his 1 July 2026 media release, the Minister for Aged Care and Seniors stated that "the Commissioner position is an independent statutory role within the Aged Care Quality and Safety Commission. That placement is deliberate; connecting an independent First Nations voice directly to the levers that regulate, upskill and build capacity within the sector, so advocacy turns into action on the ground."⁵

NACCHO acknowledges that access to the levers described above will support the Aboriginal and Torres Strait Islander Aged Care Commissioner to influence and implement structural change. We also acknowledge that that positioning the role within the ACQSC with the ability to exercise their functions and powers as a separate statutory office; including the ability to establish reference groups and stakeholder forums to guide their work, would provide some independence from direct political and government interference. However, it does not appear that it would provide the degree of independence or support the powers and authority of the role recommended by the IFNACC.

⁴ <https://www.health.gov.au/sites/default/files/2025-05/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people.pdf> (Accessed 16 July 2026)

⁵ <https://www.health.gov.au/ministers/the-hon-sam-rae-mp/media/new-commissioner-to-improve-culturally-safe-aged-care> (Accessed 16 July 2026)

Functions and scope

The Bill's outline of the Commissioner's functions is less authoritative, using softer language than as described in the IFNACC Report.

For example,

functions in the Bill are described as, 'provide guidance on...provide support on design of... provide advice to the System Governor...' compared with

functions in the Report being described as 'ensure improved outcomes... have the authority and power to hold the Government and the aged care system to account... ensure transformational change is embedded across the aged care system'.

The Aboriginal and Torres Strait Islander Aged Care Commissioner role should have the authority and power to hold the Government and the aged care system to account for the changes and reforms that are needed. This would include undertaking formal inquiries and developing recommendations to be implemented. The role should be responsible for implementing the four Priority Reforms of National Agreement on Closing the Gap in aged care.

Resourcing

A key concern raised by the Report's community-controlled Leadership Group was that the Aboriginal and Torres Strait Islander Aged Care Commissioner would not be able to undertake the scale of work needed to drive and hold the aged care system accountable for the required reforms.

Establishing the Commissioner's office within the ACQSC, means that it doesn't have its own budget. Whilst the Bill does not specifically mention resource allocation for the Aboriginal and Torres Strait Islander Aged Care Commissioner, the role will require sufficient resources to drive transformative change and hold the aged care system accountable for the scale of reform needed for culturally safe aged care and to close the gap in outcomes between Aboriginal and Torres Strait Islander people and other Australians.

We are unclear as to how monies will flow to the Aboriginal and Torres Strait Islander Aged Care Commissioner to adequately resource their work.

NACCHO recommends that the Office of the Aboriginal and Torres Strait Islander Aged Care Commissioner is sufficiently resourced to drive transformative change to *Close the Gap* in aged care.

Authority

NACCHO understands that having the role established inside the ACQSC gives the Aboriginal and Torres Strait Islander Aged Care Commissioner access to the ACQSC's administration and staffing capability, and independent advocacy, duty to represent the interests of Aboriginal and Torres Strait Islander Elders and older people, and direct influence over regulation including quality standards and compliance obligations. It is unclear however, what authority they will have over the implementation of the Aged Care Act, as determined by the Department of Health, Disability and Ageing, to ensure aged care systems and policies support and resource alignment with the four Priority Reforms of the National Agreement on Closing the Gap.

NACCHO recommends that the Aboriginal and Torres Strait Islander Aged Care Commissioner role has the authority and power to hold the Government and the aged care system to account for the changes and reforms that are needed.

Aboriginal and Torres Strait Islander aged care pathway

NACCHO welcomes the Government's recent response to the IFNACC's *Transforming Aged Care for Aboriginal and Torres Strait Islander people* report. We acknowledge the Minister's reference to the

Government's Aboriginal and Torres Strait Islander Aged Care Framework 2025 to 2035 as the document guiding its work to strengthen ACCOs, grow the ACCO sector workforce and codesign care.

However, to ensure more equitable access to high quality, culturally safe and inclusive aged care services for older Aboriginal and Torres Strait Islander people, NACCHO supports an Aboriginal and Torres Strait Islander aged care pathway, and the Interim First Nations Aged Care Commissioner's call for Government to develop a 10-year transformation plan,⁶ co-designed in genuine partnership with Aboriginal and Torres Strait Islander people. We concur with the sentiment from the Inspector General Aged Care, below.

*"This plan differs substantially from the Government's Aboriginal and Torres Strait Islander Framework. While the framework 'establishes a 2035 vision for older Aboriginal and Torres Strait Islander people to age well', it lacks any sense of a pathway or plan as to how that vision would be achieved. The government needs to adopt the transformation plan to drive the systemic change that both the Royal Commission and Aboriginal and Torres Strait Islander people view as imperative."*⁷

NACCHO recommends that the Government works in partnership with the Interim First Nations Aged Care Commissioner, and the permanent Aboriginal and Torres Strait Islander Aged Care Commissioner, when appointed, to design a specific Aboriginal and Torres Strait Islander aged care pathway.

⁶ Australian Government, Final report of the Aged Care Taskforce, Australian Government, March 2024, https://www.health.gov.au/sites/default/files/2024-03/final-report-of-the-aged-care-taskforce_0.pdf.

⁷ <https://www.igac.gov.au/resources/2025-progress-report-implementation-recommendations-royal-commission-aged-care-quality-and-safety> (Accessed 16 July 2026)