



Australian Government

Department of Health, Disability and Ageing



# The new Aged Care Act

Culturally safe care for older Aboriginal & Torres Strait Islander people.

Aged care is important. It gives older people the support they need to age well and stay at home for longer. The new Aged Care Act starts from 1 November 2025 and will help to make aged care better for Aboriginal and Torres Strait Islander people.

## **New laws to protect older people**

The Royal Commission into Aged Care Quality and Safety (the Royal Commission) found that the existing laws to protect older people in aged care were no longer working well.

The Royal Commission found these laws were written about providers and how to fund them – not the needs of older people who use aged care services.

A new Aged Care Act (the new Act) will replace these existing laws from 1 November 2025.



## Big changes on the way

The new Act will apply to services that are delivered in residential care homes, as well as care given to older people in their own home or community.

The new Act will:

- contain a Statement of Rights for all older people accessing aged care services
- make it easier to access aged care services
- increase options for culturally safe aged care assessments
- improve the rules around how aged care is set up to make sure that
- older people get better quality care
- enable connection to culture, including staying connected to community, Country and Island Home
- increase the government's ability to step in and act if services are not good enough or not running well.


The new Statement of Rights includes the rights for older people to:

- make their own decisions about their own life
- have their decisions not just accepted, but respected
- get information and support to help them make decisions
- communicate their wishes, needs and preferences
- feel safe and respected
- have their culture and identity respected
- stay connected with their community.

## What does the new Act mean for older Aboriginal and Torres Strait Islander people?

The new Act will give older people more choice and control when using aged care services. It will support them to choose what care and services they want and help them receive it.

Aged care providers will be required to deliver services that are high quality and culturally safe for older Aboriginal and Torres Strait Islander people.





## Cultural safety in aged care

The Statement of Rights recognises that older Aboriginal and Torres Strait Islander people have a right to access aged care services that are culturally safe, trauma aware and healing informed. An older person can work through the Statement of Rights with providers as part of their care plan to meet these needs.

Older Aboriginal and Torres Strait Islander people will also have the right to stay connected with their community, Country and Island Home. It also recognises that people have the right to have their identity, culture, spirituality and diversity valued and supported.

## Aboriginal and Torres Strait Islander Assessment Organisations

Under the new Act, older Aboriginal and Torres Strait Islander people can access Aboriginal and Torres Strait Islander aged care assessment organisations, if they are available locally. We are working closely with the sector to phase in these services.

Aged care assessments help older people understand what sort of services are right for them. Getting an assessment is the first step to accessing aged care services in Australia. Aboriginal and Torres Strait Islander assessment organisations will be rolling out in a phased approach from July 2025.

## National Aboriginal and Torres Strait Islander Flexible Aged Care (NATSIFAC) Program

The NATSIFAC Program funds flexible, culturally safe aged care services for Aboriginal and Torres Strait Islander people, mainly in remote and very remote locations. It helps older Aboriginal and Torres Strait Islander people to have their specific needs met, including being able to age well on Country.

When the new Act starts, all aged care providers, including NATSIFAC providers, will be regulated to ensure older people's culture and identity is respected when receiving aged care.

These changes will:

- ensure NATSIFAC service providers can continue to deliver flexible, culturally safe care to meet the individual needs of older people and local communities
- support the transition of clients in case they need to move or change providers.

## Funding for services

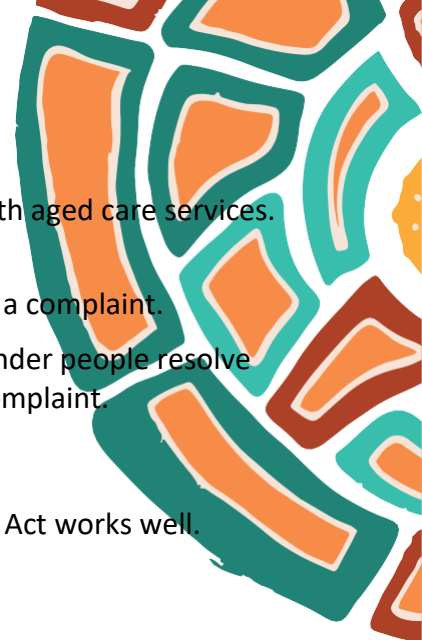
The new Act provides stronger funding for aged care services into the future.

The government will be spending more money to give all older people the care they deserve. Some older people will also be asked to pay some fees, along with their government funding. The amount a person will pay depends on how much money they have. This will make sure that older people don't have money troubles when accessing aged care services.

## Making a complaint

We're listening to what older people have to say. Under the new Act, the Aged Care Quality and Safety Commission will have a special Complaints Commissioner.

Anyone can make a complaint about aged care services without fear. Older people can contact the Aged Care Quality and Safety Commission if they want to have a yarn about poor quality care. The Aged Care Quality and Safety Commission will work with aged care providers to fix problems that are reported to them. They can step in and take action when a problem could cause harm to an older person.



The Older Persons Advocacy Network (OPAN) can also help to resolve issues with aged care services. OPAN offers a free and

private service to help older people, their families and representatives to make a complaint.

Elder Care Support workers can also help older Aboriginal and Torres Strait Islander people resolve issues with service providers and assist them or their families help to make a complaint.

## Community consultation

We have been consulting with people across the country to make sure the new Act works well.

We have listened to:

- older people, their families and carers
- the First Nations Aged Care Governance Group
- the National Aboriginal and Torres Strait Islander Ageing and Aged Care Council
- the National Aboriginal Community Controlled Health Organisation
- Interim First Nations Aged Care Commissioner
- the Aged Care Council of Elders
- aged care providers and workers
- peak aged care organisations
- consumer and sector reference groups.

## Get ready for the new Act

For more information:

The Department of Health, Disability and Ageing website has a range of resources about upcoming reforms to the aged care sector, including the new Act:



Make a complaint about aged care to the Aged Care Quality and Safety Commission:



The Elder Care Support Program provides advice to older Aboriginal and Torres Strait Islander people who want to access aged care services:



Ask for advice from the Older Persons Advocacy Service. Call 1800 700 600 or visit the OPAN website:



My Aged Care is the Government's portal to the aged care system. Call 1800 200 422 or visit the My Aged Care website:



Read about our previous and current consultation on the new Act:

