

National Aboriginal and Torres Strait Islander Ageing and Aged Care Council

Submission

**Custom, Lore, and Law: Feedback on the
Draft National Plan to End Abuse and
Mistreatment of Older People 2024-2034**

February 2025



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National Aboriginal and Torres Strait Islander Ageing and Aged Care Council

About

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (**'NATSIAACC'**) is the national peak body for Aboriginal and Torres Strait Islander ageing and aged care. NATSIAACC works to ensure that Aboriginal and Torres Strait Islander Elders and Older people can access support and care that is culturally safe, trauma aware and healing-informed, and recognises the importance of their personal connections to community, Country and Island Home.

NATSIAACC is building a membership base of:

- Aboriginal and Torres Strait Islander community-controlled providers of ageing and aged care, and
- entities with an interest in culturally appropriate ageing and aged care services.

NATSIAACC's founding Directors are all leaders in Aboriginal and Torres Strait Islander ageing and aged care provision.

Our Vision

All Aboriginal and Torres Strait Islander people are thriving, healthy, strong, with ongoing cultural connections in their older years.

Our Purpose

NATSIAACC supports Aboriginal and Torres Strait Islander older peoples, their families, and communities to identify, engage in, advocate for, and lead systemic reform to embed culturally safe practices across the aged care and ageing sector.

With thanks

NATSIAACC thanks its Members, stakeholders and other peak bodies for their valuable contributions to this submission and for generously giving their time to support Older Aboriginal and Torres Strait Islander people.



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Funding

NATSIAACC is funded by the Commonwealth Department of Health and Aged Care (the Department). NATSIAACC has been in operation since 2022. In the context of the current aged care reforms and the need for extensive advocacy, input, and leadership in the sector, it will be necessary to provide additional funding to support NATSIAACC to provide the input and engagement required to ensure that the reforms deliver much needed support to Aboriginal and Torres Strait Islander Elders and Older people.

NATSIAACC Recommendations

Recognising Emotional Abuse, Cultural and Spiritual Abuse, and Neglect as Leading Critical Issues

- Expanding on the definition of Aboriginal and Torres Strait Islander Elders and Older people abuse to include emotional abuse and neglect in a cultural context.
- Invest in community-led outreach and mental health support programs to help Aboriginal and Torres Strait Islander Elders and Older people to manage family pressures and prevent social isolation.
- Invest funding into gathering more data on the different types of system and institutional failures experienced by Aboriginal and Torres Strait Islander Elders and Older people.
- Conducting research through yarning circles and storytelling to document lived experiences and develop culturally relevant responses. These traditional knowledge-sharing methods will provide qualitative insights into how emotional abuse and neglect manifest within First Nations communities.

Addressing Financial Poverty and Economic Contexts

- Government policies account for financial cultural distinctions to ensure cultural inclusion and to avoid misinterpretation.
- Ensuring financial abuse protections distinguish between coercion and cultural financial obligations.
- Developing culturally informed financial literacy programs that understand the concept of Aboriginal and Torres Strait Islander cultural financial sharing obligations.

Housing Insecurity as a Major Risk Factor

- The Federal Government to work with relevant State and Territory Governments to work towards closing the gap on access to housing, overcrowding and homelessness specifically for Aboriginal and Torres Strait Islander Elders and Older people.



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- Investing in appropriate aged care housing on Country/Island Home and expand affordable and secure housing options for Aboriginal and Torres Strait Islander Elders and Older people.
- Aged care services undergo a restructure of the services, processes, and protocols to ensure they are culturally safe, culturally informed and culturally appropriate.
- The community input creates the foundation for the restructure to include the needs of Aboriginal and Torres Strait Islander Elders and Older people.
- Conducting yarning circles for Aboriginal and Torres Strait Islander Elders and Older people in aged care facilities to ensure that inclusion of firsthand perspectives from lived experiences directly inform policies and protections in the final National Plan to End the Abuse and Mistreatment of Older People.

Barriers to Accessing Justice and Legal Protections

- Legal services, including law enforcement, should undergo annual training focused on cultural safety and informed by the unique perspectives and needs of Aboriginal and Torres Strait Islander Elders and Older persons, ensuring it is tailored to their experiences within the legal system.
- The government should allocate increased funding to Aboriginal Legal Services (ALS) to expand and enhance the range of support services available to Indigenous communities.

Call for Greater Research and Accountability Measures

- The final National Plan to End the Abuse and Mistreatment of Older People to include specific, measurable targets and accountability mechanisms, ensuring that government agencies and service providers are held responsible for improving protections and reducing the mistreatment of Aboriginal and Torres Strait Islander Elders and Older people.
- Undertaking research to understand the experiences of abuse and mistreatment of Aboriginal and Torres Strait Islander Elders and Older people to support informed policy making decisions and other government work.

Digital Literacy and Access to Government Information

- The Draft National Plan propose targeted strategies to address the lack of digital access, ensuring that information about Elder and Older people abuse prevention and services is accessible to remote communities.
- Provide free, culturally safe digital literacy training to service providers, enabling them to offer tailored support to Aboriginal and Torres Strait Islander Elders and Older individuals in building their digital literacy skills. This initiative aligns with NATSIAACC's



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recommendations and supports Closing the Gap Target 17, which aims to achieve equal levels of digital inclusion for Aboriginal and Torres Strait Islander peoples.

Face-to-Face Engagement, Over Phone or Internet-Based Services

- Government prioritises face-to-face engagement in Aboriginal and Torres Strait Islander aged care service delivery, rather than providing online directions.
- Aged care service providers are to ensure consistency by assigning the same worker to engage with Aboriginal and Torres Strait Islander Elders and Older individuals, fostering trust and rapport to enhance care outcomes.

Family and Domestic Violence

- Including a subsection to the Draft National Plan that outlines Family and Domestic Violence.

Illustrating Cultural Obligations Through Real-World Scenarios

- The final National Plan to End the Abuse and Mistreatment of Older People should include real-world scenarios and case studies that reflect the unique experiences of First Nations Elders and Older individuals in relation to Elder abuse and mistreatment. The current Draft National Plan includes only a three-page section dedicated to Aboriginal and Torres Strait Islander Elders and Older people. NATSIAACC believes this is insufficient to adequately address the cultural context surrounding abuse and mistreatment in these communities.
- A dedicated National Plan to End the Abuse and Mistreatment of Aboriginal and Torres Strait Islander Elders and Older people should be developed to specifically address the unique issues of abuse and mistreatment faced by these communities.

Beyond Co-Design: A First Nations Led Advisory Body for a Dedicated Plan

- Establish a First Nations Advisory body to help lead the drafting, oversight, and implementation of a separate Aboriginal and Torres Strait Islander Elder and Older persons abuse and mistreatment Plan.
- Guarantee First Nations-led organisations are embedded in government leadership and decision-making processes related to Elder mistreatment prevention, ensuring policies reflect cultural frameworks and community driven solutions.
- Provide formal recognition and structural support for the Advisory body, embedding it within the separate Aboriginal and Torres Strait Islander abuse and mistreatment Plan.



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Data Collection and Intersectionality

- Develop a First Nations specific data collection framework with detailed methodologies, governance structures, and clear performance indicators.
- Guarantee First Nations led organisations leadership in data collection, analysis and policy application.
- Mandate disaggregated data collection to capture nuanced experiences to inform targeted policy solutions.
- Ensure M&E and SMART frameworks are measurable, transparent and supported by detailed implementation guidelines.

Consultation and Engagement Process

- Establish a structured follow up process, ensuring those consulted are regularly updated precisely on how their input is actioned. This process must also require the government to formally notify relevant aged care providers, peak organisations (and anyone else involved in the consultation process) of the follow up process, its structure, and expected timelines in getting back.

Executive Summary

The National Aboriginal and Torres Strait Islander Ageing and Aged Care Council (NATSIAACC) welcomes the opportunity to respond to the Draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034. We acknowledge the Australian Government's commitment to addressing Elder and Older person abuse and mistreatment through a human-rights based approach and appreciate the efforts made to engage First Nations voices in its development.

As the national peak body advocating for Aboriginal and Torres Strait Islander Elder and Older persons in ageing and aged care policy and service delivery, NATSIAACC ensures that the perspectives of First Nations Elders, Older persons, community-led aged care providers and community-controlled organisations are central to any relevant policy discussions.

NATSIAACC commends the Draft Plan for recognising that Aboriginal and Torres Strait Islander Elders and Older persons face abuse in unique ways, with systemic barriers such as discrimination, racism, and the lasting effects of colonisation exacerbating these challenges.

The Draft Plan, while acknowledging the challenges faced by Aboriginal and Torres Strait Islander Elders and Older persons, lacks specific solutions that reflect their unique experiences. It addresses issues like financial abuse, housing insecurity, health disparities,



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remoteness, isolation, and justice barriers, but lacks culturally specific frameworks to accurately reflect their lived experiences.

While NATSIAACC acknowledges that the Draft Plan may not have intended to include detailed solutions at this stage, as the leading organisation for Aboriginal and Torres Strait Islander Elders and Older people, we would welcome the opportunity to provide the government with community-driven recommendations that truly meet the needs of our Aboriginal and Torres Strait Islander Elders and Older People.

This submission is informed by extensive consultations with NATSIAACC Members, Elders, Older persons, frontline service providers who have shared their lived experiences, insights and concerns about the gaps in the Draft National Plan. Through this submission, NATSIAACC will provide evidence-based recommendations that elevate First Nations perspectives, advocate for culturally appropriate solutions, and push for systemic changes that reflect self-determination and community leadership.

Two world view and emotional abuse and neglect

While the Draft Plan recognizes emotional abuse as one of the five main forms of abuse, it fails to acknowledge the unique emotional harm experienced by Aboriginal and Torres Strait Islander Elders and Older persons. The plan overlooks the significance of the “two-world view,” which shapes emotional wellbeing for First Nations peoples and is influenced by both cultural traditions and contemporary societal contexts. Although the plan acknowledges the unique experiences of First Nations Elders and Older people, it does not fully recognize the importance of this distinct worldview.

This submission calls for the recognition of the “two-world view” within the plan, alongside culturally informed definitions and responses to emotional abuse and neglect. Strategies to prevent and address emotional abuse and other forms of mistreatment should be tailored to the lived experiences of Aboriginal and Torres Strait Islander Elders and Older persons, ensuring their cultural and worldview context is fully acknowledged.



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Recognising housing insecurity as a core factor in elder mistreatment

Housing insecurity, manifested in overcrowding, displacement, and homelessness, disproportionately affects First Nations Elders and Older persons, making them more vulnerable to financial, emotional, and physical abuse¹.

Although the Draft Plan identifies housing challenges, it lacks clear commitments to policy reforms or investments in culturally aligned solutions. In our submission, we will call for structural reforms, targeted funding, and robust policy support to reduce housing-related risks and uphold Elders' and Older persons wellbeing.

Addressing the Mischaracterisation of 'Humbugging' and Ensuring Financial Abuse Protections Align with First Nations Economic Models

The Draft Plan discusses financial abuse and "humbugging" but fails to sufficiently differentiate between coercive exploitation and culturally embedded kinship-based wealth-sharing practices. Western economic frameworks often overlook the communal obligation to support extended family, which risks criminalising culturally legitimate practices, such as the sharing of resources within First Nations kinship networks.

Aboriginal and Torres Strait Islander Elders and Older persons face a dual threat: actual exploitation hidden within kinship systems and the misinterpretation of legitimate cultural practices as abusive.

NATSIAACC recommends that the final version of the plan distinctly differentiate "humbugging" from shared economic practices and clearly illustrate the "two-world view", acknowledging the difference between legitimate exploitation within kinship networks and the misrepresentation of cultural practices as abusive.

This distinction must be explicitly addressed to ensure Elders' and Older persons' rights, traditions, and economic systems are protected while safeguarding them from true exploitation.

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- ¹ Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap: Study Report*.



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Overcoming Digital Exclusion and prioritising of face-to-face engagement

While the Draft Plan acknowledges digital exclusion as a barrier when seeking and receiving help, it does not propose substantial solutions to address the limited internet infrastructure in remote areas or the cultural preference for in-person communication. Many Aboriginal and Torres Strait Islander Elders and Older persons prefer face-to-face engagement, particularly when discussing sensitive issues such as elder mistreatment, financial abuse, or aged care concerns.

Reliance on digital platforms can alienate Elders who either lack digital literacy by choice or distrust remote service delivery.

NATSIAACC will emphasise the need for government services and aged care programs to prioritise face-to-face interactions, ensuring Aboriginal and Torres Strait Islander Elders and Older people feel safe, supported, and culturally respected. At the same time, we advocate for investment in community-based outreach and the improvement of digital infrastructure where it aligns with local needs.

Shifting from a Rules-Based to a Relationship-Based Aged Care Model

Western institutional aged care models, characterised by rigid compliance frameworks, often clash with First Nations caregiving traditions that emphasise kinship, trust, and communal responsibility². Elders generally prefer to remain in community settings rather than move to mainstream facilities.

NATSIAACC will urge the government to consider the implementation of a relationship-based aged care model tailored specifically for Aboriginal and Torres Strait Islander Elders and Older persons.

Establishing a First Nations Elders and Older Persons Advisory Council

One critical gap in the Draft Plan is the absence of an Indigenous-led oversight body to ensure cultural safety, drive accountability, and guide implementation.

² **Australian Government Department of Health and Aged Care.** (n.d.). *Transforming aged care for Aboriginal and Torres Strait Islander people*. Australian Government. Retrieved February 14, 2025, from <https://www.health.gov.au/sites/default/files/2025-02/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people.pdf>



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NATSIAACC will advocate for the creation of a First Nations Elders and Older Persons Abuse and Mistreatment Advisory Council, comprising of NATSIAACC, NACCHO, and the EAAA, to oversee policy roll-out and uphold the integrity of culturally informed practice.

Call for Separate Aboriginal and Torres Strait Islander Abuse and Mistreatment National Plan

The current Draft National Plan allocates only a limited focus to the abuse and mistreatment of Aboriginal and Torres Strait Islander Elders and Older persons, which is insufficient to address the complexity of these issues. NATSIAACC members have highlighted that this approach does not provide the depth of policy engagement required to meaningfully address the needs of First Nations communities.

A dedicated, stand-alone National Plan is imperative to ensure these matters are comprehensively examined. This Plan must explicitly recognise and incorporate the "two-world view" regarding Elder and Older persons' abuse, acknowledging the distinct cultural frameworks and lived experiences of Aboriginal and Torres Strait Islander peoples, which diverge significantly from western perspectives.

Consultation Process Concerns

While NATSIAACC members were involved in the consultation process for the Draft National Plan, they feel their concerns were not adequately reflected, undermining trust and highlighting the need for more genuine two-way engagement.

NATSIAACC will call on the Government to adopt a more respectful, culturally safe approach in its interactions with First Nations service providers, Elders and Older persons, ensuring a more authentic and inclusive consultation process moving forward.

Context

The *Draft National Plan to End the Abuse and Mistreatment of Older People 2024–2034*, developed by the Attorney-General's Department, is a crucial step in addressing Elder and Older person abuse across Australia. It builds on previous initiatives, including the *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019–2023* and findings from the *Royal Commission into Aged Care Quality and Safety*^{3,4}. These efforts have underscored

³ Attorney-General's Department. (2019). *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019–2023*.



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the need for a national, coordinated response to Elder and Older persons mistreatment, with a particular focus on vulnerable communities, including Aboriginal and Torres Strait Islander Elders and Older persons.

NATSIAACC welcomes the opportunity to contribute to this consultation and acknowledges the government's commitment to protecting older Australians. The draft plan makes important progress by recognising the unique challenges First Nations Elders and Older persons face, such as financial abuse, social isolation, discrimination, and systemic barriers to culturally safe care. However, there remains significant room for improvement.

The plan does not yet provide the level of structural reform, self-determined governance, and targeted policy commitments needed to ensure First Nations Elders are fully protected.

The *Royal Commission into Aged Care Quality and Safety* identified that Aboriginal and Torres Strait Islander Elders and Older persons experience disproportionate challenges in accessing safe and culturally appropriate care. Ongoing impacts of colonisation, intergenerational trauma, and social disadvantage mean that many First Nations Elders and Older persons face heightened risks of financial exploitation, neglect, and mistreatment⁴. The *Productivity Commission's 2024 Review of the National Agreement on Closing the Gap* further highlights that current systems are failing to deliver tangible outcomes for First Nations communities, reinforcing the need for structural reform and genuine First Nations-led decision-making.⁵

While the draft plan acknowledges these systemic challenges, its proposed solutions remain broad and lack critical implementation detail. There are no clear commitments to First Nations-led governance, dedicated oversight, or measurable accountability mechanisms. Without these, there is a risk that First Nations Elders and Older persons will continue to be underserved by policies that do not reflect their cultural realities or specific needs.

Current Stage and Next Steps

The plan is currently in the consultation phase, with feedback being gathered before finalisation and approval by the Standing Council of Attorneys-General. The extent to which First Nations-led organisations are actively engaged in shaping the final version will determine whether this plan delivers meaningful change or remains another policy framework that falls short of real impact.

⁴ Royal Commission into Aged Care Quality and Safety. (2021). *Final Report: Care, Dignity and Respect*.

⁵ Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap: Study Report*.



Strengthening the Plan: Areas for improvement

Recognising Emotional Abuse, cultural and spiritual abuse and neglect as leading critical Issues

NATSIAACC emphasises that emotional abuse and neglect remain critical issues that are underrepresented in the Draft National Plan. The third commonly recognised form of abuse, 'Psychological or Emotional' abuse, fails to account for cultural context. For example, the term "grandparent alienation" does not consider kinship structures and other cultural relationships that are central to Aboriginal and Torres Strait Islander communities. An Aboriginal or Torres Strait Islander Elder or Older person may have informally cared for a non-biological child and still experience the effects of grandparent alienation.

Emotional abuse and neglect can stem from family pressures, social isolation, and systemic or institutional failures, all of which can negatively impact the wellbeing of Aboriginal and Torres Strait Islander Elders and Older individuals. Given that emotional abuse and neglect are often underreported, less visible, and difficult to quantify, it is essential for the National Plan to explicitly acknowledge and address these issues through dedicated policies, funding, and community-driven initiatives.

Furthermore, the limited research on emotional abuse and neglect in relation to Aboriginal and Torres Strait Islander Elders and Older people highlights the need for more targeted exploration and solutions. The failure to account for cultural context underscores the urgent need for a separate National Plan specifically focused on the abuse and mistreatment of Aboriginal and Torres Strait Islander Elders and Older persons, ensuring their unique experiences are adequately addressed.

NATSIAACC recommends:

- Expanding on the definition of Aboriginal and Torres Strait Islander Elders and Older people abuse to include emotional abuse and neglect in a cultural context.
- Investing in community-led outreach and mental health support programs to help Aboriginal and Torres Strait Islander Elders and Older people to manage family pressures and prevent social isolation.
- Allocating funding to gather more comprehensive data on the various system and institutional failures experienced by Aboriginal and Torres Strait Islander Elders and Older people.
- Conducting research through yarning circles and storytelling to document lived experiences, while developing culturally relevant responses in a culturally appropriate manner.



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Addressing Financial Poverty and Economic Contexts

Financial hardship in Aboriginal and Torres Strait Islander communities must be understood within the context of a shared economy, where financial resources are redistributed among kinship networks rather than viewed as individual wealth. Unlike western economic models, where financial resources are viewed as individual property, Aboriginal and Torres Strait Islander financial practices prioritise collective ownership and the redistribution of wealth within kinship networks. The sharing economy dates back thousands of years where Aboriginal and Torres Strait Islander people would make contributions to their communities and communities would gift to other communities in ceremonial exchanges ⁶.

The Draft National Plan outlines financial abuse as the fourth most recognised form of abuse and mistreatment however this characterisation does not align with Aboriginal and Torres Strait Islander cultural financial practices that can be viewed as integral traditions within communities. Members highlighted that the Draft National Plan fails to acknowledge the cultural concept of group ownership and the expectation of fulfilling obligations to one's community.

The Draft National Plan also misrepresents 'humbugging' without acknowledging the cultural significance of financial sharing within Aboriginal and Torres Strait Islander communities. While humbugging can occur in communities affecting Aboriginal and Torres Strait Islander Elders and Older people, it is important for government to make a clear distinction between humbugging and group ownership principles, and the cultural obligations associated with financial sharing when developing financial protections for Aboriginal and Torres Strait Islander Elders and Older people. Without proper cultural understanding, the government risks framing financial sharing as a negative practice, rather than recognising it as an integral part of Aboriginal and Torres Strait Islander cultural obligations.

NATSIAACC recommends:

- That government policies account for these cultural distinctions to ensure cultural inclusion and to avoid misinterpretation.

⁶ Catherine, Robertson, Boni, Cabraal, Anuja, Singh, S., & Research Online, G. (2006). *Cultural Identity and Financial Literacy: Australian Aboriginal Experiences of Money and Money Management Conference Title Financial Literacy, Banking and Identity Conference Rights statement Link to published version.* <https://research-repository.griffith.edu.au/server/api/core/bitstreams/7cb72a2e-710a-5501-94d4-7225d5ab3fbf/content>



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- Ensuring financial abuse protections distinguish between coercion and cultural financial obligations.
- Developing culturally informed financial literacy programs that understand the concept of cultural financial sharing obligations.

Housing Insecurity as a Major Risk Factor

According to data published by the Department of Health and Aged Care, Aboriginal and Torres Strait Islander Elders and Older people made up 1% of the residential care population in 2019⁷. Key findings from a report led by the Interim First Nations Aged Care Commissioner in 2024 highlights some of the barriers experienced when accessing aged care services⁸. These findings included services not being culturally safe, lack of flexibility to respond to Aboriginal and Torres Strait Islander Elders and Older people, a lack of culturally appropriate communications to support Aboriginal and Torres Strait Islander Elders and Older people's understanding, disconnection from Country or Island Home when accessing aged care services and impacts on stolen generation survivors when accessing aged care services.

The Draft National Plan lacks input from Aboriginal and Torres Strait Islander Elders and Older people residing in aged care facilities. Stories of aged care residents' experiences and perspectives on ageing, aged care services, and mistreatment are critical to creating an informed plan to react, respond and end the mistreatment and abuse of Aboriginal and Torres Strait Islander Elders and Older people however their input has not been sufficiently incorporated.

NATSIAACC recommends:

- The Federal Government to work with relevant State and Territory governments to work towards closing the gap on access to housing, overcrowding and homelessness specifically for Aboriginal and Torres Strait Islander Elders and Older people. Investing in appropriate aged care housing on country and expend affordable and secure housing options for Aboriginal and Torres Strait Islander Elders and Older people.
- Aged care services undergo a restructure of the services, processes and protocols to ensure they are culturally safe, culturally informed and culturally appropriate.

⁷ Australian Government. (n.d.). Fact sheet: Aboriginal and Torres Strait Islander peoples' use of aged care. In *GEN Aged Care Data Website*. <https://www.gen-agedcaredata.gov.au/getmedia/f0e30068-5416-4974-8dfa-a701532af1ae/Aboriginal-and-Torres-Strait-Islander-peoples-use-of-aged-care-services-2018-19.pdf>

⁸ Commissioner, I. F. N. A. C. (2024). Transforming Aged Care for Aboriginal and Torres Strait Islander people. In *Report*. <https://www.health.gov.au/sites/default/files/2025-02/transforming-aged-care-for-aboriginal-and-torres-strait-islander-people.pdf>



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- That community input creates the foundation for the restructure to include the needs of Aboriginal and Torres Strait Islander Elders and Older people.
- Conducting yarning circles for Aboriginal and Torres Strait Islander Elders and Older people in aged care facilities to ensure that inclusion of firsthand perspectives from lived experiences directly inform policies and protections in the final National Plan to End the Abuse and Mistreatment of Older People.

Barriers to Accessing Justice and Legal Protections

Aboriginal and Torres Strait Islander Elders and Older people continue to face significant barriers in accessing justice due to deep-seated mistrust in government services, stemming from intergenerational trauma caused by past government policies. Complex legal systems, misinterpretations of Aboriginal English, and systemic cultural insensitivity further alienate Elders from seeking legal support.

Cultural obligations also contribute to these challenges. Elders may refrain from reporting abuse due to traditions that frame certain issues, such as domestic violence, as 'men's business', leading to reluctance in engaging with law enforcement. Feelings of shame or fear of bringing dishonour to their family further prevent many from seeking help. Additionally, legal services often lack cultural competency, making them inaccessible or unwelcoming to Elders and Older persons in need.

NATSIAACC recommends:

- Legal services, including policing, should undergo annual culturally safe and informed training specific to the legal system to better support Aboriginal and Torres Strait Islander communities.
- The government should expand the support provided by Aboriginal Legal Services (ALS), which was established in 1970 to offer free legal assistance to Aboriginal and Torres Strait Islander people, to cover a broader range of legal matters, addressing current limitations in service provision.
- Government to provide more funding to ALS's so that they can expand on the type of supports they provide to communities.

Call for Greater Research and Accountability Measures

There was strong agreement between NATSIAACC members that the government must introduce specific targets and accountability mechanisms in the final National Plan to End the Abuse and Mistreatment of Older People to ensure that services and policies are delivering measurable improvements.



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NATSIAACC members have raised concerns about the substantial research gaps related to the abuse and mistreatment of Aboriginal and Torres Strait Islander Elders and Older people. The 2024 report from the First Nations Aged Care Commissioner underscores that a critical finding is the lack of specific data on Aboriginal and Torres Strait Islander communities, which hinders the development of informed policies and programs.

NATSIAACC recommends:

- The final National Plan to End the Abuse and Mistreatment of Older People include specific, measurable targets and accountability mechanisms, ensuring that government agencies and service providers are held responsible for improving protections and reducing the mistreatment of Aboriginal and Torres Strait Islander Elders and Older people.
- Undertaking research to understand the experiences of abuse and mistreatment of Aboriginal and Torres Strait Islander Elders and Older people to support informed policy making decisions and other government work.

Digital Literacy and Access to Government Information

NATSIAACC members recognise that the draft National Plan acknowledges digital literacy as a barrier. However, they emphasise the need for significantly greater efforts, particularly in addressing the challenges faced by communities in very remote areas.

Census data from 2021 shows that 18.5% of Aboriginal and Torres Strait Islander people live in outer regional Australia. Additionally, 14.5% of Aboriginal and Torres Strait Islander people live in remote and very remote areas, where access to essential services is further restricted⁹.

Aboriginal and Torres Strait Islander Elders and Older people living in remote communities, residing in remote communities face significant challenges in accessing the internet, navigating government websites, and obtaining information about their rights concerning abuse and mistreatment. In many of these areas, internet connectivity is either limited or unavailable, and some Elders and Older people do not own mobile phones or computers. This

⁹ *Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2021.* (n.d.). Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/census-population-and-housing-counts-aboriginal-and-torres-strait-islander-australians/latest-release#:~:text=In%202021%2C%20the%20majority%20of%20Aboriginal%20and%20Torres,118%2C205%20people%29%20lived%20in%20remote%20areas.%20This%20includes%3A>



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digital divide is attributed to various factors, including personal preference, a lack of trust in digital services, and a preference for face-to-face interactions.

NATSIAACC recommends:

- The Draft National Plan propose targeted strategies to address the lack of digital access, ensuring that information about Elder and Older people abuse prevention and services is accessible to remote communities.
- Provide free, culturally safe digital literacy courses to service providers, enabling them to offer these programs to Aboriginal and Torres Strait Islander Elders and Older people, supporting the development of their digital literacy skills. This aligns with Closing the Gap Target 17, which aims to achieve equal levels of digital inclusion for Aboriginal and Torres Strait Islander people.

Face-to-Face Engagement Over Phone or Internet-Based Services

NATSIAACC members expressed that Aboriginal and Torres Strait Islander Elders and Older people strongly prefer face-to-face interactions when seeking aged care and support services, rather than phone calls or online interactions. There is a widespread lack of trust in government representatives providing services over the phone, and many community, Elders and Older people feel uncomfortable discussing their aged care needs with unfamiliar people in this format.

NATSIAACC recommends:

- Government prioritises face-to-face engagement in Aboriginal and Torres Strait Islander aged care service delivery, rather than providing online directions.
- Aged care service providers should ensure consistency by assigning the same worker to engage regularly with an Aboriginal and/or Torres Strait Islander Elder or Older person, as this approach fosters rapport and trust.

Family and Domestic Violence

NATSIAACC acknowledges that the Draft National Plan outlines different forms of abuse and mistreatment throughout the plan. However, the Draft National Plan has not included Domestic and Family Violence as a considering factor in abuse and mistreatment of all older people.

Domestic and Family Violence is a key national issue that can affect anyone in society. The Federal Circuit and Family Court of Australia constitutes family violence by specific acts that have not been mentioned in the Draft National Plan, some of these examples include stalking,



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repeated derogatory taunts, intentionally damaging or destroying property, intentionally causing death or injury to an animal¹⁰.

NATSIAACC recommends:

- Including a subsection to the Draft National Plan that outlines Family and Domestic Violence.

Illustrating Cultural Obligations Through Real-World Scenarios

The Draft National Plan must go further in illustrating how cultural obligations and customs influence aged care experiences for Aboriginal and Torres Strait Islander Elders and Older people. Providing real-life case studies would allow non-Indigenous policymakers and service providers to better understand the cultural realities faced by First Nations Elders and Older people.

NATSIAACC recommends:

- The final National Plan to End the Abuse and Mistreatment of Older People should include detailed real-world scenarios and case studies that specifically highlight the unique experiences of First Nations Elders and Older people in relation to elder abuse and mistreatment.
- The current three-page section on Aboriginal and Torres Strait Islander Elders and Older people in the Draft National Plan is insufficient and does not provide enough cultural context. A dedicated National Plan to End the Abuse and Mistreatment of Aboriginal and Torres Strait Islander Elders and Older people should be developed to address the unique challenges and experiences faced by these communities, ensuring a targeted and culturally appropriate response.

Beyond co-design: A First Nations led advisory body for a dedicated plan

While the government has made efforts to consult First Nations communities in the development of the National Plan, consultation alone is insufficient. NATISAACC members believe that policies affecting the safety and wellbeing of First Nations Elders and Older individuals must be led by these communities themselves. The current approach risks replicating past failures, where decisions made by external policymakers without cultural expertise or lived experience fail to adequately address the needs of the community.

¹⁰ *Family violence: Overview | Federal Circuit and Family Court of Australia.* (n.d.).
<https://www.fcfcfa.gov.au/fl/fv/overview#:~:text=Section%204AB%20of%20the%20Family%20Law%20Act%201975,or%20causes%20the%20family%20member%20to%20be%20fearful>



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NATSIAACC advocates for the establishment of a dedicated First Nations Advisory body to collaborate with the government to develop a separate Aboriginal and Torres Strait Islander Elder and Older persons abuse and mistreatment plan.

This body comprising of senior leadership from NATSIAACC, the National Aboriginal Community Controlled Health Organisation (NACCHO) and the Elders and Aboriginal and Torres Strait Islander Aged Care Alliance (EAAA), must be formally recognised and appropriately resourced. It is essential that this body has the authority to lead policy recommendations, research, and implementation strategies, ensuring that First Nations organisations, alongside government, are directly accountable to their communities. Failure to adopt this approach would undermine the integrity of the Plan and diminish the government’s commitment to self-determination for Aboriginal and Torres Strait Islander peoples.

The absence of a formal First Nations led advisory body weakens the Plan’s credibility and fails to uphold self-determination principles. Policies developed without Aboriginal and Torres Strait Islander organisation leadership have historically failed to deliver meaningful outcomes¹¹. Without First Nations organisations’ governance guiding the final structure and implementation of the separate plan, the government risks producing another broad, ineffective framework that does not fully address the unique cultural, social and systemic factors affecting Elders and Older persons. Ensuring First Nations leadership in shaping the final plan is critical to its legitimacy, effectiveness, and long-term success. A First Nations Advisory body is critical to ensuring the separate plan is culturally appropriate, evidenced-based, and responsive to the lived experiences of First Nations Elders and Older people. Without it, accountability and implementation gaps will persist, allowing ineffective or politics to continue.

NATSIAACC recommends:

- Establish a First Nations Advisory body to help lead the drafting, oversight, and implementation of a separate Aboriginal and Torres Strait Islander Elder and Older persons abuse and mistreatment Plan.
- Guarantee First Nations-led organisations are embedded in government leadership and decision-making processes related to elder mistreatment prevention, ensuring policies reflect cultural frameworks and community driven solutions.

¹¹ *Closing the gap - Prime Minister’s Report 2017 | NIAA*. (n.d.). <https://www.niaa.gov.au/resource-centre/closing-gap-prime-ministers-report-2017#:~:text=The%202017%20report%20reveals%20important%20progress%20in%20key,individual%20stories%20of%20success%20from%20across%20the%20country.>



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- Provide formal recognition and structural support for the Advisory body, embedding it within the separate Aboriginal and Torres Strait Islander abuse and mistreatment Plan.

Data collection and Intersectionality

NATSIAACC welcomes the Draft National Plan's recognition of the need for improved data collection on First Nations Elders and Older persons and its acknowledgment of critical intersectional factors, including disability, gender, sexuality and geography. The commitment to providing First Nations communities with access to government held data is also a step in the right direction.

NATSIAACC appreciates the inclusion of Monitoring and Evaluation frameworks and SMART targets and recognises their potential to improve accountability and research integrity. NATSIAACC hopes that these frameworks will be clearly defined, structured and actionable, rather than broad and undefined. To be effective, the government must include strong levels of detail, outlining specific methodologies, performance indicators and evaluation criteria. Ensuring these mechanisms are concise, measurable and easily understood will be critical in tracking progress and delivering real outcomes out of this National Plan. NATSIAACC and its members look forward to these frameworks being shared to ensure they align with community needs and cultural integrity.

Policymakers need structured, First Nations-led data to prevent incomplete and unreliable interventions against elder and older person abuse. First Nations led organisations must be active participants in data governance, not just recipients of government-held data. The proposed accountability mechanisms need specificity to ensure actionable policies. The government must translate commitments into tangible action with transparent evaluation mechanisms.

Embedding First Nations-led oversight in data governance of its own people will ensure policies are built on accurate and culturally relevant data, creating real protections for Aboriginal and Torres Strait Islander Elders and Older persons. NATSIAACC urges the government to move beyond broad commitments and implement a data strategy that delivers measurable outcomes.

NATSIAACC recommends:

- Develop a First Nations specific data collection framework with detailed methodologies, governance structures, and clear performance indicators.
- Guarantee First Nations led organisations leadership in data collection, analysis and policy application, ensuring First Nations data reflects lived realities, not assumptions.



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- Mandate disaggregated data collection to capture nuanced experiences to inform targeted policy solutions.
- Ensure M&E and SMART frameworks are measurable, transparent and supported by detailed implementation guidelines.

Consultation and Engagement Process

The Government's consultation process, while described as 'First Nations-led', felt tokenistic and lacking in transparency. Members reported that engagement was a box-ticking exercise, with a lack of follow-up or accountability.

Without structured and ongoing engagement, the government risks producing yet another policy that ignores First Nations perspectives. If consultation does not translate into action, trust will continue to erode, and policies will remain misaligned with the lived realities of First Nations Elders and Older persons.

The lack of transparency in how feedback is incorporated into decision making raises serious concerns about the credibility of the consultation process. Government engagement must be continued, accountable and outcomes focused, not just a procedural exercise to claim First Nations inclusion. Providing clear response timelines to key stakeholders such as Elders, aged care providers and peak organisations creates transparency and prevents disengagement.

NATSIAACC recommends:

- Establish a structured follow up process, ensuring those consulted are regularly updated precisely on how their input is actioned. This process must also require the government to formally notify relevant aged care providers, peak organisations (and any anyone else involved in the consultation process) of the follow up procedure, its structure, and expected timelines in getting back.

Achieving policy objectives together: A collaborative approach

The Draft National Plan to end the abuse and mistreatment of older people 2024-2034, led by the Attorney General's Department, provides a national framework to address elder and older person abuse, but the First Nations section requires clearer commitments, accountability measures and direct engagement with First Nations-led organisations to be effective. NATSIAACC is committed to working with the Attorney General's Department to ensure Aboriginal and Torres Strait Islander Elders and Older persons are protected, not just acknowledged.

The Attorney General's Department has recognised the need for better data collection, improved service access and stronger community led responses for First Nations Elders and



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Older persons. However, these draft commitments lack implementation details, accountability measures and structured oversight. If these elements are intended for inclusion in the final report, NATSIAACC acknowledges this and welcomes further clarification. Ensuring these measures are clearly defined will be critical to delivering meaningful protections for First Nations Elders and Older persons.

As the National peak body for Aboriginal and Torres Strait Islander ageing and aged care, NATSIAACC is well-placed to support the Attorney General's Department in shaping protections, monitoring plan outcome and ensuring service providers are held accountable under this Plan. NATSIAACC represents First Nations led providers, as well as Elders and Older persons, with the expertise to ensure protections are practical, enforceable, and aligned with community needs. Partnering with NATSIAACC will help the Attorney General's Department strengthen the Plan's implementation and deliver culturally safe and effective solutions.

A structured follow up process between the Attorney General's Department, NATSIAACC and Aboriginal and Torres Strait Islander aged care providers will reinforce transparency, track progress and ensure commitments are met. By taking these steps, the Attorney General's Department has the opportunity to set a new standard for First Nations Elder and Older persons protection, ensuring that policies lead to real, measurable change. NATSIAACC stands ready to collaborate and help drive the implementation of solutions that will protect First Nations Elders and Older persons from abuse and mistreatment, now and in the future.

Conclusion

NATSIAACC acknowledges the Attorney General's Department's efforts in developing the Draft National Plan to end the abuse and mistreatment of older people 2024-2034 and its recognition of the unique challenges faced by aboriginal and Torres Strait Islander Elders and Older persons.

However, the current Plan lacks the depth, structure and accountability mechanisms needed to effectively prevent and respond to elder and older person abuse and mistreatment in First Nations communities. Key issues such as First Nations governance, cultural safety, housing insecurity, financial abuse and systemic barriers require stronger commitments and targeted solutions.

NATSIAACC firmly believes that expanding the First Nations section of the Plan and committing to a standalone Aboriginal and Torres Strait Islander Elder and Older persons abuse, and mistreatment National Plan is the only way, to ensure real, measurable progress.



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The government must work in true and direct partnership with First Nations led organisations, embedding self-determination, community control, and accountability at every stage of policy development and implementation.

Rather than simply applying a top-down, one-size-fits-all solution, NATSIAACC urges the Attorney General's Department to prioritise co-investment in culturally safe, First Nations led responses and solutions. This approach will prevent abuse, protect Aboriginal and Torres Strait Islander Elders and Older persons, and ensure that services are trusted, accessible and effective.

NATSIAACC welcomes the opportunity for ongoing engagement with the Attorney General's Department and Standing Council of Attorneys General to ensure that First Nations Elders and Older persons are not just acknowledged but also meaningfully protected under this National Plan.

For further discussion or collaboration, please contact the NATSIAACC policy team at: policy@natsiaacc.org.au.



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