

Thank you for the opportunity to provide feedback into the *Aged Care Rules 2025 2b*.

In relation to the previous *Aged Care Rules 2024* version, in particular *Section 314CA (b) Amounts to be disregarded (p43), Subdivision C—Valuing an individual's assets, Division 1—Means testing in a home or community setting, Part 2—Means testing, Chapter 10—Funding of aged care services—means testing*; this has been deleted from the *Aged Care Rules 2025* version. This needs to be re-introduced into the *Aged Care Rules 2025* version. In particular S314CA (b) “any redress payment paid to the individual, or to an administrator for the individual, under section 48 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*”, needs to be re-instated and expanded to include individuals who have received a compensation payout from the institutions concerned via a civil claim.

Payments received by individuals through the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* or payments for child sexual abuse received directly from Institutions via a civil claim should also be included in *Division 2 – Means Testing in Approved Residential Care Homes, Subdivision D – Working out an individual's total assessable income – excluded amounts* of the *Aged Care Rules 2025*.

These payments have been received by individuals in recognition of traumatic childhood experiences and consequential life-long impacts they have experienced. The payments are an attempt to assist victims to heal and recover from this abuse, but however by the *Aged Care Rules 2025* not recognising and excluding these amounts from total assessable income means testing will effectively cause individuals disadvantage in the form of increased costs of aged care services. These payments also lead the Australian Government to earning a discount on its funding of the individual's aged care, which is unfair and unequitable in comparison to individuals who have not experienced institutional child sexual abuse. Effectively the Australian Government is taking advantage of individuals who have received this type of compensation. This is problematic and contrary to the new Aged Care Act which claims it recognises survivors of institutional child sexual abuse as people whose life experiences warrant special consideration in the delivery of aged care services.ⁱ

This is also not in the spirit of the *Royal Commission Inquiry into Institutional Responses to Child Sexual Abuse*, who particularly recommended ensuring justice for victims through the provision of redress by institutionsⁱⁱ, and I note that the recommendations of the *Royal Commission Inquiry into Institutional Responses to Child Sexual Abuse* were agreed to by the Australian Government. It therefore is contrary for the Australian Government to then take away part of this redress in funding the individual's aged care and does not create a level playing field in comparing other people who have not had to endure the same traumatic experiences which the compensation aims to provide individual recovery from. These individuals should have the full right to use their payments however they choose. These payments should not be regarded as assessable income or assets and should be specifically excluded from means testing.

Thank you for the opportunity to provide this feedback.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ⁱ *Aged Care Bill 2024* Subsection 22(4) in the draft Aged Care bill states the principle that: The Commonwealth aged care system offers accessible, culturally safe, culturally appropriate, trauma-aware and healing-informed funded aged care services, if required by an individual and based on the needs of the individual, regardless of the individual's location, background or life experiences. The note to this says: This may include individuals who: ... (g) are adult survivors of institutional child sexual abuse ...

ⁱⁱ <https://www.childabuseroyalcommission.gov.au/redress-and-civil-litigation> "(d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services."