

31 August 2023

Position Statement



Legislation Reform

Background

The Aboriginal Health and Wellbeing sector is calling for the Victorian Government to reform the Health Services Act (1988) and the Public Health and Wellbeing Act (2008). These reforms involve strengthening Aboriginal self-determination by prioritising Aboriginal Community Controlled Health Organisations (ACCHOs) as culturally safe health service providers for Aboriginal people.

In accordance with Article 24 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Victorian Government has a legal obligation to ensure ACCHOs and Aboriginal Community Controlled Organisations (ACCOs) are entitled to facilitate services for Aboriginal people to live fulfilling lives. This reaffirms the principle of self-determination by ensuring that Aboriginal peoples “have an equal right to the enjoyment of the highest attainable standard” of health when accessing these services.

Introduction

The legislative amendments to the Health Services Act upholds the whole of government commitment to self-determination under the *Victorian Aboriginal Affairs Framework 2018-2023* (VAAF) by ensuring access to culturally safe health services for Aboriginal peoples living in Victoria. The amendments establishes accountability for mainstream services at the local level to ensure adequate and ongoing resources and funding are provided to ACCOs and ACCHOs. The transfer of resources are key enablers in achieving self-determination, required to address the health and wellbeing outcomes for Aboriginal peoples. In addition, the amendments will strengthen cultural safety for Aboriginal peoples accessing mainstream health services.

VACCHO Position

According to the *National Strategic Framework for Aboriginal People’s Mental Health and Social and Emotional Well-being 2017-2023*, the Federal Government is committed to upholding the UNDRIP principles of self-determination as a key enabler to improve health and wellbeing outcomes for Aboriginal peoples. Under the VAAF, the Victorian Government has made commitments to ensure Aboriginal people are the decision-makers when it comes to Aboriginal affairs. To improve health and wellbeing outcomes for Aboriginal people, the objectives and principles of the Health Services Act must incorporate the self-determination enablers that uphold the VAAF’s shared goals, which include:

- prioritising culture,
- addressing trauma and support healing,
- addressing racism and promoting cultural safety,
- transferring power and resources to Communities.’



VACCHO affirms these core principles of self-determination and advocates for them to be implemented across both the Health Services Act and Public Health and Wellbeing Act.

The lack of cultural safety and funding of ACCOs and ACCHOs excludes Aboriginal service providers, resulting in and entrenching systemic and structural racism in mainstream services. *Korin Korin Balit-Djak: Aboriginal Health, Wellbeing and Safety Strategic Plan 2017-2027*, highlights that cultural safety is essential in mainstream services as it builds cultural knowledge and capability of non-Aboriginal staff, by embedding culturally safe practices for Aboriginal staff and Aboriginal community members accessing services.

The 'transfer of resources and funding' allows ACCHOs and ACCOs access to Aboriginal people. This ensures culturally safe practices are used in mainstream services where the health outcomes for Aboriginal people are met accordingly.

The *Aboriginal and Torres Strait Islander Cultural Safety Framework* builds on the actions of *Korin Korin Balit-Djak* by highlighting accountability measures within mainstream services. When the Victorian Government enshrines accountability under s24 of the Public Health and Wellbeing Act, it will bring cultural awareness and cultural safety into action.

In practice, ACCHOs and ACCOs play a key role in monitoring standards of care delivered by non-Aboriginal staff and services. This ensures mainstream services are complying with Aboriginal frameworks, guidelines, and procedures when providing services to Aboriginal people.

The 2013 Australian Institute of Health and Welfare (AIHW) report on *Improving the Accessibility of Health Services in Urban and Regional Settings for Indigenous People*, highlights that ACCOs performed better in terms of best practice of care for Aboriginal people.

This culturally informed practice is framed by the shared values of trauma-informed approaches and understanding of culture, family, and community, and respecting the holistic nature of the individual. Self-determination in practice uses this holistic definition as a policy framework to design and provide health services by Aboriginal people themselves. VACCHO advocates for the Victorian Government to recognise and uphold the Aboriginal understanding of health in the Public Health and Wellbeing Act.

Recommendations

RECOMMENDATION 1: Amend the Health Services Act and the Public Health and Wellbeing Act to enshrine objectives and principles of self-determination in the legislation

RECOMMENDATION 2: Strengthen s18 of the Health Services Act to include self-determination requirements by nominating ACCOs and ACCHOs as priority service providers at a local level in place of mainstream services for Aboriginal people

RECOMMENDATION 3: Amend s 24 of the Public Health and Wellbeing Act so that the Victorian Government is empowered to hold local governments accountable in ensuring culturally safe practices are in place at mainstream services. This also includes funding ACCOs and ACCHOs through the funding streams outlined in Public Health and Wellbeing Act to deliver appropriate services for Aboriginal peoples

References

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