

Response to the Office for Advocacy and Accountability in Aboriginal Affairs Consultation Discussion Paper

Introduction

The Aboriginal Health Council of Western Australia (AHCWA) is the Peak Body for the 22 Aboriginal Community Controlled Health Services (ACCHS) of Western Australia. For over 40 years, the ACCHS sector has led the way in delivering comprehensive primary health care and medical services to Aboriginal people and communities across the State.

ACCHS services and clinics are situated in over 77 locations across the State including metropolitan, regional, remote and very remote areas of Western Australia. ACCHS therefore, represent an extensive network of experts working in the delivery of Aboriginal primary health care services across the lifespan. Arguably, there is no better avenue for gaining an understanding of the range of life experiences, challenges, strengths and achievements of Aboriginal people and communities in Western Australia, than via the expertise held by the ACCHS extensive network.

Summary

AHCWA would like to congratulate the Hon. Minister for Aboriginal Affairs on this important initiative to establish an independent office for advocacy and accountability in Aboriginal Affairs in Western Australia (the office). AHCWA and our Member services appreciate the opportunity to provide a response to the Office for Advocacy and Accountability in Aboriginal Affairs in Western Australia (discussion paper).

The findings of the State Government's Service Priority Review (the Review) highlighted the cross-government systemic issues and barriers which impede the achievement of effective positive change and outcomes for Aboriginal people and communities in Western Australia. The Review underscored the need to adopt a different approach, for system-wide reform to adjust the systems and processes which act as inhibitors and continue to disadvantage Aboriginal people in Western Australia.

In many respects, the findings of the Review are unsurprising. The issues and information contained in the Review Report is not new to Aboriginal people or to the Aboriginal community controlled sector. Over many years, examples of inequity of access for Aboriginal people to the same standard of health care services as non-Aboriginal people, the structural and systemic barriers which impede the achievement of sustained health outcomes, and the lack of culturally secure process across government which continue to contribute to disadvantage for Aboriginal people and communities, are well-evidenced and well-documented.

It is therefore with some level of optimism and hope that AHCWA and our Member services welcome the opportunity to contribute to the planning and policy development process for establishing the proposed office. As highlighted by the Review, it is only through genuine engagement, involvement and dialogue with Aboriginal people that a truly independent

Office for Aboriginal Affairs will be achieved. If the new office is to achieve sustained, system-wide change and re-dress, Aboriginal people must be afforded self-determination generally, and in the processes to establish the new office in particular.

AHCWA appreciates that the discussion paper represents a component of the first-phase of the consultation process for the new office and calls for a further phase of consultation (phase-two). A phase-two consultation, informed by the findings of phase-one, should be conducted in a manner that reflects the principles of Aboriginal self-determination and community control.

That is, a phase-two consultation process resourced and supported by Government, that is devised, led and implemented by Aboriginal people, with and for Aboriginal people. This approach would ensure that the new office is built on principles of self-determination and founded on a strong, engaged, experienced and collective Aboriginal voice. Moreover, an Aboriginal controlled phase-two consultation would provide an avenue for greater representation across Aboriginal people and communities. Furthermore, adopting this approach at the outset would signify that the State Government is truly committed to ensuring that from its early beginnings the new office is responsive to the needs and priorities of Aboriginal people, provides a voice for Aboriginal people and will proactively work in meaningful ways to facilitate real and sustained change into the future.

Focus Questions

A. Function of the new office (refer pages 10 to 12)

- The proposal that the new office will 'hold Government accountable, and provide system-level advocacy, across Government activities affecting Aboriginal people' is a broad proposal.
- Notwithstanding the mechanisms, advanced at page 10 to facilitate these objectives, a greater level of specificity, including clearly articulated performance indicators, measures and evaluation mechanisms will be required to ensure that the new office delivers tangible and evidence-based outcomes.
- The office must have a focus on outcomes as well as accountability. Mechanisms to ensure that the Aboriginal voice is heard, from across all regions, is a key imperative for the new office in the view of AHCWA and Member services.
- Opportunities for the office to advocate for and advance the development of meaningful and genuine partnerships between governments, at all levels, and the Aboriginal Community Controlled sector should be a key function of the office.
- Devising and embedding system-wide culturally secure practices and policies to improve integration and access at all levels of the public sector service system, is a further recommendation for the functions of the office.
- As outlined earlier, central to developing the specific functions of the office is the need for an Aboriginal controlled phase-two consultation.

B. Business of the new office

- AHCWA acknowledges, as proposed at pages 10 and 11, that the new office is not intended to duplicate the activities of existing oversight bodies, such as the Ombudsman, Custodial Services or Crime and Corruption Commission.
- Rather, it is intended that the new office will work collaboratively with these existing bodies and entities.

- On the face of it, this is an appropriate approach to adopt and provides the capacity for shared resourcing and information exchange.
- However, a risk is posed that without the establishment, by the office, of formal and agreed principles and processes for culturally secure collaboration, across and between the office and other bodies/entities, and any future paths of collaboration will largely reflect existing approaches, which the Review highlighted, are not effective and have in many respects failed to achieve meaningful outcomes and change for Aboriginal people.
- The new office should be established with the necessary financial and human resources to ensure that culturally secure format and agreed principles and processes for collaboration can be developed and implemented with the oversight bodies and other agencies across the system of government.
- Further consideration is required to determine how the office will work to address the Close the Gap targets.
- Other functions of the office should examine how best to hold to account local and commonwealth government entities which have responsibility for, and involvement in, commissioning services or implementing policies which impact Aboriginal people and communities.
- Further matters for consideration of the office may include leading the process for a Treaty for Western Australia; promoting Aboriginal self-determination and control; Native Title and reconciliation.

C. Structures and powers of the new office

- AHCWA provides in principle support for the proposal outlined at pages 11 and 12 with respect to the structures and powers of the office.
- AHCWA strongly supports the proposition that the office holder is a duly elected Aboriginal person of Western Australia. Moreover, AHCWA urge the State Government to consider that 100% of positions held in the office are designated in accordance with Section 50(d), *Equal Opportunity Employment Act 1984 (WA)* (EOE Act), and an elected Aboriginal-controlled Board of Directors provides oversight of the office.
- For example, bodies such as the Western Australia Aboriginal Advisory Council and Aboriginal Lands Trust.
- Protocols and policies with respect to identifying, managing and documenting potential or real conflicts of interest and matters of pecuniary interest with respect to the office and other established Aboriginal membership entities are essential to integrity and confidence in the work of the office.

D. Name of the new office

- AHCWA supports the proposition that the name of the office is determined by Aboriginal people.
- Moreover, AHCWA content that implementing an Aboriginal controlled phase-two consultation process, as proposed earlier, will provide an appropriate mechanism for garnering name options from across a broader representation of Aboriginal people.
- Name options canvassed could then be considered and voted on by each of the seven regional panels (refer response to E), comprising representation from across all regions, to consider and vote on the names canvassed.

E. Appointment process for office holder

- AHCWA recommends that an Aboriginal community controlled process is established to determine the appointment of the office holder.
- This includes the establishment of seven Aboriginal controlled regional representative panels, comprising locally nominated and elected members drawn from Aboriginal community controlled organisations and Aboriginal communities.
- AHCWA and its Member services can provide guidance and assistance with respect to Aboriginal controlled Boards and panels.