National Anti-Racism Framework

Submission to the Australian Human Rights Commission

February 2022

ABOUT NACCHO

NACCHO is the national peak body representing 144 Aboriginal Community Controlled Health Organisations (ACCHOs). We also assist a number of other community-controlled organisations.

The first Aboriginal medical service was established at Redfern in 1971 as a response to the urgent need to provide decent, accessible health services for the largely medically uninsured Aboriginal population of Redfern. The mainstream was not working. So it was, that over fifty years ago, Aboriginal people took control and designed and delivered their own model of health care. Similar Aboriginal medical services quickly sprung up around the country. In 1974, a national representative body was formed to represent these Aboriginal medical services at the national level. This has grown into what NACCHO is today. All this predated Medibank in 1975.

NACCHO liaises with its membership, its eight state/territory affiliates, governments, and other organisations on Aboriginal and Torres Strait Islander health and wellbeing policy and planning issues and advocacy relating to health service delivery, health information, research, public health, health financing and health programs.

ACCHOs range from large multi-functional services employing several medical practitioners and providing a wide range of services, to small services which rely on Aboriginal health practitioners and/or nurses to provide the bulk of primary health care services. Our 144 members provide services from about 550 clinics. Our sector provides over 3.1 million episodes of care per year for over 410,000 people across Australia, which includes about one million episodes of care in very remote regions.

ACCHOs contribute to improving Aboriginal and Torres Strait Islander health and wellbeing through the provision of comprehensive primary health care, and by integrating and coordinating care and services. Many provide home and site visits; medical, public health and health promotion services; allied health; nursing services; assistance with making appointments and transport; help accessing childcare or dealing with the justice system; drug and alcohol services; and help with income support. Our services build ongoing relationships to give continuity of care so that chronic conditions are managed, and preventative health care is targeted. Through local engagement and a proven service delivery model, our clients 'stick'. Clearly, the cultural safety in which we provide our services is a key factor of our success.

ACCHOs are cost-effective. In 2016, a cost-benefit analysis of the services provided by Danila Dilba to Aboriginal and Torres Strait Islander people in the Greater Darwin region was undertaken by Deloitte Access Economics. The findings demonstrated that each dollar invested in the health service provides $4.18 of benefits to society. ACCHOs are also closing the employment gap. Collectively, we employ about 7,000 staff – 54 per cent of whom are Aboriginal or Torres Strait Islanders – which makes us the third largest employer of Aboriginal or Torres Strait people in the country.

Enquiries about this submission should be directed to:
NACCHO
Level 5, 2 Constitution Avenue
Canberra City ACT 2601
Telephone: 02 6246 9300
Email: policy@naccho.org.au
Website: naccho.org.au

Recommendations

1. **Align the Anti-Racism Framework with the *National Agreement on Closing the Gap* (National Agreement).** The Framework should adopt the National Agreement's principles of self-determination, community-led co-design and long-term partnerships with Aboriginal and Torres Strait Islander communities in the development of programs and policies that affect them. The Framework should be explicitly aligned with the National Agreement's:

    a. Priority Reform 1 – Formal Partnerships and Shared Decision-Making

    b. Priority Reform 2 – Building the Community-Controlled Sector

    c. Priority Reform 3 – Transforming Government Organisations

    d. Priority Reform 4 – Shared Access to Location Specific Data and Information at a Regional Level

2. **Recognise the *impact* of racism on the health and wellbeing of Aboriginal and Torres Strait Islander people.** The Framework's *National Outcome 4* should also extend to understanding the *impact* of racism.

3. **Principles** Redraft Principles 1 and 2 to give greater emphasis to the need for Aboriginal and Torres Strait Islander self-determination and truth-telling about colonisation.

4. **Outline specific initiatives for Aboriginal and Torres Strait Islander people.** The Framework should outline actions and strategies specific to Aboriginal and Torres Strait Islander communities as distinct from those designed for migrant, refugee and faith-based communities.

5. **Incorporate truth-telling.** The Framework's *National Outcome 8* should more clearly reflect Aboriginal and Torres Strait Islander people's experiences of historical and ongoing systemic racism.

6. **Embed cultural safety.** The Framework's *National Outcome 7* should include an additional action that aims for all Commonwealth and state hospital agreements to: use accreditation standards to embed culturally safe care; increase the number of staff who have undertaken cultural capability and anti-racism training; and adopt validation tools led by Aboriginal and Torres Strait Islander people, which regularly assess workforce cultural capability as part of broader institutional racism assessments.

Introduction

NACCHO welcomes the development and adoption of an Anti-Racism Framework and the invitation from the Australian Human Rights Commission to comment on the current draft.

NACCHO would like to acknowledge the valuable input received from our Affiliate, the Aboriginal Health Council of Western Australia (AHCWA) in this submission.

Racial discrimination is an important social determinant of health, and accounts in large part for the disparity in health outcomes between Aboriginal and Torres Strait Islander people and other Australians. This disparity is the result of a process of systemic racism that has been experienced by Aboriginal and Torres Strait Islander people over many generations, beginning with colonisation and dispossession of land and culture. While Aboriginal and Torres Strait Islander culture is increasingly valued and recognised, this has not translated into national land rights, recognition in Australia's Constitution, or meaningful negotiations on a treaty or declaration of reconciliation. There remains the need for a cultural shift towards greater inclusiveness, a shift away from a single narrative, and towards a reassessment of the place of Indigenous people within settler societies.[1]

In 2020 Aboriginal and Torres Strait Islander people's pursuit of recognition and self-determination made significant progress through the signing by all governments of Australia of the National Agreement. The National Agreement comprises the following 4 Priority Reform Areas:

1. recognising that Aboriginal and Torres Strait Islander communities must be central to the development of all policies, programs and strategies affecting them;
2. building the Aboriginal community-controlled sector;
3. transforming mainstream institutions through identifying and eliminating racism, embedding and practicing meaningful cultural safety; and
4. sharing access to location specific data and information in order to assist Aboriginal and Torres Strait Islander communities and organisations achieve the first three Priority Reforms:

The National Agreement recognises that truth telling is an important part of addressing racism. It requires confronting uncomfortable historical facts, including that Australia was 'invaded' not 'settled', Aboriginal people were 'massacred' not 'dispersed', children were 'stolen' not 'removed' for their own good, and that 'generations' not 'some' Aboriginal people and children have suffered from the impact of 'colonisation' not 'settlement'.[2] Truth-telling is needed for racism to be fully understood and eliminated and is required if reconciliation and healing is to take place.

NACCHO supports the draft Framework's call for greater community understanding of the different dimensions of racism and racial inequality, especially in regard to institutionalised forms of racial discrimination, systemic issues, and the lack of cultural diversity in leadership across government and business.

However, more work is needed to ensure the Framework recognises the unique history and structural form of the racism experienced by Aboriginal and Torres Strait Islander people. Our recommendations are discussed below.

Responses to the consultation questions

1. What are the issues/areas on which the Framework can best provide guidance?

Developing formal partnerships and shared decision making with Aboriginal and Torres Strait Islander people

The Framework should be explicitly aligned with the National Agreement's *Priority Reform 1* by clearly articulating the need for formal partnerships and shared decision making with Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander people have experienced systemic racism over many generations, beginning with colonisation and dispossession of land and culture, and continuing with exclusion from decision making on matters affecting them. The disparity in health outcomes between Aboriginal and Torres Strait Islander people and other Australians is the result of ongoing, systemic racism.

Ending the systemic racism experienced by Aboriginal and Torres Strait Islander people means granting self-determination in the writing and implementation of government policies and programs that affect Aboriginal and Torres Strait Islander people's lives. Aboriginal and Torres Strait Islander people must determine, develop and lead priorities and strategies for health, housing and other economic and social programs.

Aboriginal and Torres Strait Islander people must be parties to equal partnerships in joint planning with government and other organisations at the local level and at the national, state and territory levels. Partnerships must be accountable and representative. In these partnerships, the voices of Aboriginal and Torres Strait Islander people, communities and organisations must hold as much weight as those of governments. This partnership approach should be reflected in the writing of the Anti-Racism Framework.

The draft Framework's *National Outcome 5 ('All sectors of society commit to countering racism and preventing racism, and community partnerships are formed)* should clearly define what is meant by 'partnerships' in relation to Aboriginal and Torres Strait Islander people. It should state that anti-racism measures supporting Aboriginal and Torres Strait Islander people must be built on the principle of self-determination, and through equal partnerships and shared decision making around social programs in the terms set out by the National Agreement. It should recognise that unique experiences of dispossession and paternalism mean Aboriginal and Torres Strait Islander people require different measures to those relating to migrant, refugee and faith-based communities.

The draft Framework's *National Outcome* 6 *('All sectors of society commit to ensuring communities vulnerable to racism and racial discrimination are adequately represented and have effective participation in all areas of public life'*) should define more clearly its concept of 'adequate representation' and 'effective participation' in regard to government undertakings with Aboriginal and Torres Strait Islander people. The proposal that Aboriginal and Torres Strait Islander people and multicultural communities be 'central' to the development of policies affecting them also needs greater clarity.

Building the community-controlled sector

The Framework should be explicitly aligned with the National Agreement's *Priority Reform 2 – Building the community-controlled sector*.

Addressing health inequities is a key issue for Aboriginal and Torres Strait Islander people as recognised through the National Agreement. Colonisation is recognised as having a fundamental impact on disadvantage and health among Indigenous peoples worldwide, through social systems that maintain disparities.[3] Aboriginal and Torres Strait Islander people have poor health outcomes relative to the non-Indigenous population.[4] A key determinant of this disparity is the racism Aboriginal and Torres Strait Islander people experience. The gap in health outcomes is a fundamental marker of racism.

Racism takes two forms, interpersonal and structural. Interpersonal discrimination can activate stress and lower self-esteem, which can contribute to mental and physical ill health.[5] Structural or institutionalised racism can lead to unequal, sub-optimal or inappropriate health-service provision.[6] Our people may be misdiagnosed, have symptoms dismissed or not get the culturally appropriate care they need.[7] This can make Aboriginal and Torres Strait Islander people less likely to seek care and it can contribute to higher rates of early discharge from services.[8] Both interpersonal and structural racism can lead to increased exposure to risk factors for poor health, such as unemployment and/or homelessness.

For these reasons, the draft Framework's *National Outcome 4 ('There is a broad-based community understanding of racism and racial discrimination and how to counter it')* should also extend to understanding the *impact* of racism. In particular, the impact it has on the health and wellbeing of Aboriginal and Torres Strait Islander people.

The National Agreement recognises that Aboriginal and Torres Strait Islander community-controlled organisations achieve better results for Aboriginal and Torres Strait Islander people, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services. Community-controlled organisations allow Aboriginal and Torres Strait Islander people to bypass mainstream institutions where racism exists.

National Outcome 6 should include an action in relation to building the community-controlled sector and acknowledge that this is essential if Aboriginal and Torres Strait Islander people are to have a measurable and accountable means of 'effective participation in all areas of public life'.

The systemic and structural transformation of mainstream government organisations

The Framework should be explicitly aligned with the National Agreement's *Priority Reform Area 3 – Transforming government organisations,* which delineates a range of actions needed for the systemic and structural transformation of mainstream government organisations, to eliminate racism.

Many government departments and agencies operate on a deficit model. Assumptions of deficit have characterised relations between Aboriginal and Torres Strait Islander and other Australians since colonisation, with non-Indigenous 'truths' underpinning notions that Aboriginal and Torres Strait Islander people are a 'problem to be solved'.[10] Governments must continue in their efforts to move to strength-based policy reforms.

While NACCHO commends the draft Framework's introductory statements on the need for *'measures that address systemic and structural barriers to the full participation of culturally diverse groups',* we note that this aim has not manifested in more concrete National Outcomes in the draft Framework.

NACCHO supports feedback[9] to date on the draft Framework arguing that strategies should emphasise the responsibility of organisations, institutions and Australians who do not experience racial discrimination to address racism, rather than seeing it as the responsibility of victims/survivors of racism. NACCHO supports feedback arguing that there should be standards in cultural safety and culturally responsive, anti-racist service provision and business operations.

Cultural safety is about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person. Cultural safety is met through actions from the majority position that recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.

Effectively addressing racism will require widespread systemic reform aligned with the National Agreement. NACCHO recommends actions around improving cultural safety in mainstream organisations, and where mainstream services are funded by governments to provide culturally competent care, there is a need for strong governance and accountability measures. The Queensland Aboriginal and Torres Strait Islander Health Equity Framework[11] provides an excellent example of such an approach.

NACCHO welcomes the draft Framework's *National Outcome 3 ('All Australian Governments commit to eradicating racism and racial discrimination through their actions'*) and *National Outcome 7 ('All Australian Governments commit to addressing racial inequality and adopt targeted and appropriate measures to address it').* However, aligning this with *Priority Reform 3* will allow the Framework to delineate more explicit pathways required to achieve these aims.

Access to data

The Framework should also be explicitly aligned with the National Agreement's *Priority Reform Area 4 – Shared access to location specific data and information at a regional level.*

NACCHO commends the draft Framework's *National Outcome 1 ('The nature, prevalence, and incidence of racism in Australia is understood').* However, if inequality and discrimination are to be addressed, data on a much wider range of key social indicators is equally important. To address structural racism, and achieve the National Agreement's other Priority Reform Areas, Aboriginal and Torres Strait Islander people must have access to all data relating to them. Parties to the National Agreement agreed that disaggregated data and information is needed by Aboriginal and Torres Strait Islander organisations so that they can obtain a comprehensive picture of what is happening in their communities and make informed decisions about their futures.

The draft Framework's *National Outcome 1* should align with the National Agreement's *Priority Reform Area 4* and acknowledge that an understanding of racism informed by data should extend to all data about Aboriginal and Torres Strait Islander people being made available to Aboriginal and Torres Strait Islander people.

2. Are there best practice stories of anti-racism, social inclusion, social cohesion, and diversity and inclusion initiatives to share?

The National Agreement should be highlighted in the Framework as a model anti-racism initiative. It pioneers a best-practice method of achieving equality and social inclusion for Aboriginal and Torres

Strait Islander people, and for improving societal cohesion. Though the signatures of its parties have barely dried, it is already bringing change.

Case Study – Bringing change to Aboriginal and Torres Strait Islander mental-health services

In seeking to improve the quality and accessibility of mental health and suicide-prevention services for Aboriginal and Torres Strait Islander people, it is essential that program design and implementation aligns with the National Agreement and its 4 Priority Reforms. This approach ensures government and communities in Australia work towards significant and sustained reduction in the rate of suicide of Aboriginal and Torres Strait Islander people towards zero (Target 14). In May 2021, the Australian Government Federal Budget included funding for the delivery of Regional Suicide Prevention Networks, culturally competent aftercare services and Indigenous mental-health first-aid training in the workplace. NACCHO identified an integrated funding approach, aligned with the National Agreement, to establish a holistic program that is reflective of the ACCHO model of care, builds sustainable capability across the sector, maximises funding for service delivery and has cultural authority. The program facilitates improving the way Aboriginal and Torres Strait Islander people access support for mental-health and emotional-wellbeing after a suicide attempt or suicidal crisis, by improving co-ordination within and between mainstream and community-controlled services. The program is a positive example of how governments can work with the community-controlled sector to align program design and implementation with the National Agreement to create meaningful and sustainable change.

---

3. How can we embed evaluation and accountability measures within the Framework?

NACCHO supports the feedback to date[9] provided on the draft Framework to the AHRC that argues the Framework should: adopt strong transparency, accountability, regular reporting and nationally consistent evaluation measures for government initiatives; undertake mapping of government funded services, projects, and initiatives to address anti-racism across all Australian states and territories, to identify gaps and good practice; and incorporate existing commitments and reporting under the National Agreement, to minimise duplication in reporting and ensure that existing Framework commitments are met.

The Framework should where possible, utilise existing evaluation and accountability measures such as those within the National Agreement. These should include publicly accessible data, annual public reports and updates, and comprehensive independent reviews.

4. What principles should guide the Framework?

While NACCHO broadly agrees with the draft Principles, we also support the feedback provided to date[9] that argues the Framework should: focus on truth-telling about Australia's settler colonial structures and the way in which they reproduce systemic discrimination; be led by principles of Aboriginal and Torres Strait Islander sovereignty and self-determination; and that Principles 1 and 2 should be redrafted to give greater emphasis to Aboriginal and Torres Strait Islander sovereignty, social equity and truth-telling.

It must be recognised that Aboriginal and Torres Strait Islander people's historic and current experiences of colonisation sets our experience of racism apart from that of other culturally and linguistically diverse communities in Australia. This is not to trivialise the migrant experience of racism. However, throughout the Framework, there is a need to separate initiatives for Aboriginal and Torres Strait Islander communities from those designed for migrant, refugee and faith-based communities.

Addressing racism towards Aboriginal and Torres Strait Islander people requires an end to a reading of history that allows racism to be continued by denying past wrongs. Truth-telling promotes awareness of the historical and ongoing impact of the past and has long been used in the international sphere as a starting point for healing, for coming to terms with a period of conflict, upheaval or injustice in order to move forward.

The National Agreement's Priority Reform 3e states that *'government organisations identify their history with Aboriginal and Torres Strait Islander people and facilitate truth-telling to enable reconciliation and active, ongoing healing'*.

For these reasons, the draft Framework's *National Outcome 8 ('Measures to address racism, racial discrimination and racial inequality complement measures to strengthen multiculturalism, social inclusion, and Indigenous reconciliation')* should more clearly reflect the unique Aboriginal and Torres Strait Islander experience of racism.

NACCHO further recommends the current iteration of Principles 1 and 2 in the draft Framework, which state:

1. *Acknowledge and recognise Australia's Indigenous peoples, celebrate their cultures and histories, and champion their rights.*
2. *Acknowledge and recognise Australia's British and migrant heritage, and the complex nature of the cultural diversity of modern Australia.*

be recast as:

1. *Acknowledge and celebrate Australian Aboriginal and Torres Strait Islander culture, knowledge and resilience. Acknowledge and recognise their history of colonisation and dispossession, and the need to embed structural reforms that ensure Aboriginal and Torres Strait Islander people can meaningfully participate in, and have control over, the policy and legislative decision-making that affects them.*
2. *Acknowledge and recognise Australia's colonial and migrant heritage and encourage truth-telling about the complex nature of the cultural diversity of modern Australia.*

5. What outcomes and strategies are necessary for the Framework to create change?

The 4 Priority Reforms outlined by the National Agreement aim to create systematic, structural changes. Adopting them into the Framework will address the institutionalised racism experienced by generations of Aboriginal and Torres Strait Islander people.

NACCHO commends the draft Anti-Racism Framework's introductory statement that:

> *The national framework should also be guided by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This requires that mechanisms and structural reforms be in place to guarantee that Aboriginal and Torres Strait Islander people can meaningfully participate in, and have control over, the policy and legislative decision-making that affects them (see Article 18 and Articles 19, 3 and 4). This is particularly relevant to ensuring the national framework can tackle experiences of systemic discrimination against Indigenous peoples.* (p.12)

However, action items relating to *National Outcome 2 ('Australia has an effective legal framework to protect people from racial discrimination and racial hatred')* should also reflect this statement.

*6. **What is your vision for a more inclusive, equal and harmonious future in Australia?***

NACCHO's vision for a more inclusive, equal and harmonious future in Australia is one in which Australian governments act on their acknowledgment of the disproportionate burden of disease on Aboriginal and Torres Strait Islander people. In which governments institute systemic reforms driven by their commitment to the National Agreement. In which they prioritise partnerships and shared decision-making with our people; build the community-controlled sector; transform their organisations to be culturally safe and free from racism; and support Indigenous data sovereignty.

Our vision is one in which the targets set out in the National Agreement are met and Aboriginal and Torres Strait Islander people enjoy long, healthy lives centred in culture, with access to services that are prevention-focused, culturally safe and responsive, equitable and free of racism.[12]

Bibliography

1.   D Casey. Culture wars: museums, politics and controversy. Open Museums J. 2003;6.

2.   D Casey. Refugees in our own country. In: Langton M, Davis M, editors. Its our country: Indigenous arguments for meaningful constitutional recognition and reform. Melbourne: Melbourne University Publishing; 2016.

3.   Australian Institute of Health and Welfare. Aboriginal and Torres Strait Islander Health Performance Framework 2020 summary report. Canberra: Australian Institute of Health and Welfare; 2020.

4.   Productivity Commission. Closing the Gap - Annual Data Compilation Report July 2021. Canberra: Australian Government; 2021.

5.   N Awofeso. Racism: a major impediment to optimal Indigenous health and health care in Australia. Aust Indig Heal Bull. 2011;11.

6.   S Artuso, M Cargo, A Brown, M Daniel. 'Factors influencing health care utilisation among Aboriginal cardiac patients in central Australia: a qualitative study. BMC Health Serv Res. 2013;13.

7.   M Coory, W Walsh. 'Rates of percutaneous coronary interventions and bypass surgery after acute myocardial infarction in Indigenous patients. Med J Aust. 2005;182:507–12.

8.   C Shaw. An evidence-based approach to reducing discharge against medical advice amongst Aboriginal and Torres Strait Islander patients. Deeble Inst Issues Br. 2016;14.

9.   Australian Human Rights Commission. National Anti-Racism Framework Submission guide. Canberra: Australian Government; 2021.

10.   M Dodson. The Wentworth Lecture. The end in the beginning: Re(de)finding Aboriginality. Aust Aborig Stud. 1994;1:2–13.

11.   Queensland Health. Making Tracks Together—Queensland's Aboriginal and Torres Strait Islander Health Equity Framework. Brisbane: Queensland Government; 2021.

12.   Department of Health. National Aboriginal and Torres Strait Islander Health Plan 2021-31 . Canberra: Australian Government; 2021.