

Koori Health Rights Bulletin

Advancing people's health rights through education, awareness and conciliation

Volume 1, Issue 1, Summer 2003

Welcome to the first edition of the Koori Health Rights Bulletin

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Have a story to contribute or want to make suggestions for the next edition?

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Our first newsletter introduces you to the Health Services Commissioner's Office, focuses on what our health rights are and touches on the new privacy legislation in Victoria.

The Health Services Commissioner is an independent and impartial body set up to conciliate health complaints when they arise. It also seeks to improve the quality of health services through education and promotional activities.

Indigenous communities have specific needs and issues when it comes to receiving health



A Word from the Commissioner

When I became Health Services Commissioner in 1997 I was concerned that we were not accessible to indigenous communities and most had never heard of us. I approached the then Health Minister Rob Knowles who agreed to fund a full-time position for an Aboriginal Liaison Officer. As a result, we employed Melanie Fraser in this role and have established some important links with indigenous communities. We want to build on this during 2003 and I look forward to working closely with Mel and with you. I hope everyone had a peaceful and happy festive season and I'd like to share a greeting with you that was sent to me by a friend:

services and this is reflected in the types of enquiries and complaints we receive.

The majority of complaints we receive from Aboriginals and Torres Strait Islanders relate to problems accessing health services in the first place.

Another major issue is communication breakdowns, whether information is hard to understand, communicated rudely and insensitively or in a discriminatory fashion.

More often than not, the people who make these complaints are more concerned about how these issues affect their whole community, not just the individual – a focus not seen as often in the mainstream.

In the coming months, we'll be holding workshops aimed at health workers, consumers, advocates and carers as well as people who manage health information within their organisation. We'll also be visiting a large number of communities around the State during that time.

We hope you find the information in this bulletin helpful and encourage you to tell us your comments and suggestions or to contribute to the next edition.

"Hullo there Beth, may all the blessings fall upon you both and may all the spirits in their many manifestations be with you in this time of danger (otherwise known as 'The Festive Season'), All the best, Michael."

Best Wishes,
Beth Wilson



Know your health rights

Everyone in Victoria has health rights. When you visit a health professional you have the right to:

- be treated with respect, dignity and privacy.
- services that take into account your cultural and social needs, values and beliefs.
- services free from discrimination and sexual harassment.

However there are other health rights that not everyone knows they have:

Choice

You can choose a health professional you can understand, speak openly with and trust. You can ask for a male or female health professional, if one is available.

Information

You need to know what your diagnosis is and what treatment is available to you. You should be told the pros and cons of those treatments.

Information should be explained in language you can understand. Medical professionals can often use a lot of jargon and you shouldn't be made to feel stupid if you ask questions. Only then can you make an informed decision about what you want to do.

You can have a family member or friend with you for support. When we're sick or stressed or feel pressured, having a support person can help a great deal.

It can be helpful to ask the medical professional to write down important information like diagnosis and/or medication, so you can remember it later.

Refuse

You can refuse treatment, though there are some instances where you may not have this right, for example, if you are involuntarily detained under the Mental Health Act or in receipt of palliative care under the Medical Treatment Act.

Access to records

You also have the right to see or request a copy of your medical records from both public and private institutions and from your treating doctor.

There are a few things you can do if you feel you've been denied these rights.

Denied your health rights?

If you feel you've been denied these rights, it's best to raise them directly with the health professional. Sometimes this can be hard or impossible, depending on what has happened. If your complaint can't be resolved directly or you can't make a complaint for any reason, then you can contact the Health Services Commissioner.

FAQ: What is informed consent?

At a very basic level "informed consent" means that you, the patient, have agreed to a medical treatment after a health professional has given you:

- a diagnosis
- the treatment options available to you
- an explanation of what each treatment involves
- the pros and cons of each treatment
- answers to any questions you might have.

It does not mean that the medical professional decides which treatment is best for you.

Occasionally your consent may not be obtained before a procedure is done, for example, in an emergency where there's no time to get your consent. But generally, at every stage, you should be involved in making decisions about your own health care. We will focus on this issue in greater detail in an upcoming bulletin.

Please contact us if you have a health related issue you'd like us to address in our next FAQ.

Case study

A family were worried about the circumstances under which their father died in hospital.

Family members had been given conflicting information from hospital staff about what actually happened.

This led them to believe that the hospital had given their father substandard care and had been negligent in their treatment of him.

Privacy – It's your business

In the past we've been able to access information held about us in public hospitals and other Government organisations under Freedom of Information. Now we have the same right to health information held about us in the private arena.

Under the Health Records Act, you can ask for a copy of your health records created after 1 July 2002. This applies to health providers but also includes anyone who holds health information about you. This might include schools, childcare services, employers, gymnasiums etc.

If you want to access your health information, you can apply directly to the organisation that holds the records. It may take time for them to respond to your request, but under the Act it can't be any longer than 45 days.

People who hold health information need to make sure it is accurate, complete and up to date. If you believe there are inaccuracies or mistakes in your record, you can ask for it to be amended.

If you are having difficulties, you can complain to the Health Services Commissioner.

Please contact us on 03)8601 5217 if you require specific training on your rights and responsibilities under the Health Records Act.

Case study on privacy

A woman was concerned that a Koori Health Worker was breaching patient's confidentiality. When the worker would drive her to her appointments, she complained that they often spoke on the mobile phone to the health service about patients, their condition, when their appointments were, any special circumstances they had, as well as other personal information. She had concerns for her own privacy but also the privacy of her entire Community.

Workshops

We're holding these workshops in the coming months at our office and encourage everyone to attend. Register by completing and returning the form below or contact us on 8601 5222 or toll free on 1800 136 066.

19 March 2003

Dispute resolution in a health setting

A workshop aimed at giving Aboriginal Health Workers skills and confidence to resolve conflicts as they arise in the workplace.

9 April 2003

Health Records Act

Aimed at managers of health information systems or people who deal with health information requests in Aboriginal and/or Torres Strait Islander organisations. Is your organisation privacy aware?

23 April 2003

Health rights for Consumers

An open workshop for anyone interested in knowing more about their health rights in Victoria. Consumers, carers, advocates all welcome.

Workshop attendance and HSC information

FIRST NAME _____ SURNAME _____

ORGANISATION _____

ADDRESS _____

POSTCODE _____

TELEPHONE () _____ MOBILE _____ EMAIL _____

Please update me via email of upcoming events Yes No

I am interested in attending the following workshops

Dispute Resolution in a Health Setting Health Records Act Health Rights for Consumers

Please send me the following information (tick box)

HSC Brochure for ATSI's Qty. ____ HSC fridge magnets Qty. ____ Health Records Act brochure Qty. ____

HSC Annual Report Qty. ____ Conciliation notes for Aboriginals and Torres Strait Islanders Qty. ____ Further information regarding workshops

Complete and detach, then place in post box. **No stamp or envelope necessary.**



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Who wants to complain?

It's well known that Aboriginals and Torres Strait Islanders often don't make complaints, particularly when it comes to health care. When a complaint has been made, it's usually not about a minor thing and the person might have put up with it for a while hoping things will get better. Not only can there be a lot of stigma attached to making a complaint, but there can be a number of barriers put in front of you. Some of these barriers include:

- Little choice in who you see for a medical service, particularly if you're in a country town.
- You don't want to make waves or to make the situation any worse.
- You don't want to suffer any repercussions because you made a complaint.
- You might have to complain in writing.
- You don't want to get caught up in bureaucratic processes.
- It could take a lot of time and energy that you don't have when nothing would happen or change the situation anyway.

Unless these barriers are removed, people won't complain. Our Aboriginal Liaison Officer, Melanie Fraser, can help remove these barriers. Born in Melbourne and raised in Gippsland and Melbourne, Mel is a descendant of the Wotjobaluk People. She's a bit of the odd one out in her family who are mostly talented musicians and sportspeople. She has plenty of experience investigating and conciliating complaints having previously worked with the Equal Opportunity Commission.

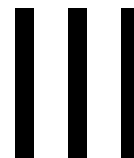
It can be helpful to speak confidentially with an independent person about your concerns, even if it's just to get some advice or some ideas on how to deal with the situation yourself. If you do decide to continue with a formal complaint, you will deal with the same person from the beginning through to Conciliation. Mel can be contacted on (03) 8601 5217 if you'd like her to come out and visit regarding a complaint or if you would like some training on health rights and responsibilities.

Aboriginal Liaison Officer, Melanie Fraser



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No stamp required
if posted in Australia



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