



## Victorian Aboriginal Legal Service Co-operative Ltd.

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30th January 2006

Dr Robert Hall  
Director Public Health and Chief Health Officer  
Department of Human Services  
GPO Box 1670N  
Melbourne VIC 3001

Dear Dr Hall,

**Re: Review of the Health Act 1958**

Thank you for the opportunity to comment on the draft policy paper for the review of the Health Act 1958 (November 2005).

VALS endorses the submission of the Victorian Aboriginal Community Controlled Health Organisation to the Department of Human Services in response to the Review of the Health Act 1958 (Act), sent in 2005.

VALS agrees with VACCHO that the Act:

- should contain a set of guiding principles”, such as principles that result in the realisation of human rights.
- should establish a role and structure for the establishment of a Health Commissioner.
- should establish “responsible relationships between the State and Local governments and the communities which they serve including a process for the engagement of local Aboriginal communities and their participation in the operation of the Act”.
- should “address questions of nuisance in a sensitive manner. This should include the abolition of the crime of public drunkenness and the definition of nuisance in a broader based definition of nuisance in terms that incorporates community input”. VALS has produced the following submissions advocating the decriminalisation of public drunkenness that are available on the VALS website ([www.vals.org.au](http://www.vals.org.au)):
  - VALS Submission to Scrutiny of Acts and Regulations Committee: Response to 'Discrimination in the Law' Inquiry (2004)
  - VALS Submission to Crime Prevention Victoria: response to 'A Good Night For All'- Options for Improving Safety and Amenity in Inner City Entertainment Precincts Discussion Paper (2005) - sent 3 May 2005

VALS argues that the powers of the Secretary need to be contained by checks and balances and VALS is concerned about the impact of the powers on disadvantaged Australians if such checks and balances are not put in place. VALS supports calls of the HIV Sector for the need for specific legislation that relates to HIV.

VALS urges the Government to engage with VACCHO and the Indigenous Australian community about the further development of the Act, such as data collection.

**Yours Sincerely**

**Victorian Aboriginal Legal Service Co-operative Limited**

**Frank E. Guivarra**  
**Chief Executive Officer**