



**Government  
of South Australia**

## **FIFTH ANNUAL REPORT**

**by the**

**Minister for Education and Child Development**

**to the**

**Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission  
of Inquiry**

***A report into sexual abuse***

As required by section 11A of the *Commission of Inquiry (Children in State  
Care and Children on APY Lands) Act 2004*

November 2013

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### List of acronyms

<b>ALRM</b>	Aboriginal Legal Rights Movement
<b>AEW</b>	Anangu Education Worker
<b>AGD</b>	Attorney General’s Department
<b>AHW</b>	Anangu Health Worker
<b>Anangu</b>	People of the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands
<b>APY Lands</b>	Anangu Pitjantjatjara Yankunytjatjara (APY) Lands located in the far North West of South Australia
<b>CAA</b>	Courts Administration Authority
<b>CAMHS</b>	Child and Adolescent Mental Health Services (Women’s and Children’s Health Network)
<b>CARL</b>	Child Abuse Report Line
<b>CCSO</b>	Community Council Support Officer
<b>COAG</b>	Council of Australian Governments
<b>CPA</b>	Children’s Protection Act 1993
<b>CPC</b>	Child Parent Centre
<b>CPS</b>	Child Protection Services (Women’s and Children’s Health Network)
<b>CRJ</b>	Centre of Restorative Justice
<b>CYWHS</b>	Children’s, Youth and Women’s Health Service (changed to Women’s and Children’s Health Network)
<b>DASSA</b>	Drug and Alcohol Services South Australia
<b>DCSI</b>	Department for Communities and Social Inclusion (includes the Communities’ responsibilities of the former DFC)
<b>DECD</b>	Department for Education and Child Development (formerly DECS and includes Families SA and the Child and Family Health Service, Newborn & Children’s Hearing Services, Parenting SA and the Early Childhood Intervention Program)
<b>DECS</b>	Department for Education and Children’s Services (Education and Children’s Services now form part of DECD)
<b>DEEWR</b>	Department of Education, Employment and Workplace Relations

## Part 1 – Introduction

<b>DFC</b>	Department for Families and Communities (Families SA transferred to DECD and Communities to DCSI)
<b>DPC-AARD</b>	Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation Division
<b>DoHA</b>	Department of Health and Ageing (Commonwealth)
<b>FaHCSIA</b>	Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs
<b>MOU</b>	Memorandum of understanding
<b>MUNS funding</b>	Municipal Services funding
<b>Nganampa Health Council</b>	An Anangu controlled health service based in communities across the APY Lands
<b>NPY Women’s Council</b>	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women’s Council
<b>OATSIH</b>	Office for Aboriginal and Torres Strait Islander Health
<b>PYEC</b>	Pitjantjatjara Yankunytjatjara Education Committee
<b>RJRG</b>	Restorative Justice Reference Group
<b>SAPOL</b>	South Australia Police
<b>SCIB</b>	Sexual Crime Investigation Branch
<b>SHine SA</b>	Sexual Health Information Networking & Education SA
<b>STI/STD</b>	Sexually transmitted infection/disease
<b>TAFE SA</b>	Technical and Further Education South Australia
<b>WCHN</b>	Women’s and Children’s Health Network (formerly Children’s, Youth and Women’s Health Service)

<b>Community name in report</b>	<b>Also known as:</b>
<b>Pukatja</b>	Ernabella
<b>Kaltjiti</b>	Fregon
<b>Iwantja</b>	Indulkana

### Part 1 – Introduction

The Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry (the Inquiry) was established in June 2007. This Inquiry was established as an amendment to the *Commission of Inquiry (Children in State Care) Act 2004*.<sup>1</sup>

The Hon Ted Mullighan, QC, former justice of the Supreme Court, was appointed as Commissioner of the Inquiry. Two Assistant Commissioners were appointed to assist in the conduct of the Inquiry, Mr Andrew Collett and a senior Aboriginal woman, who chose not to be mentioned for personal reasons.

The terms of reference required the Inquiry to examine incidence of sexual abuse of children on the APY Lands, the nature and extent of that abuse, and to report on measures that should be implemented to prevent sexual abuse of the children and to address the consequences for the communities.

The Inquiry's report was tabled in Parliament on 6 May 2008. The report contains 46 recommendations covering the expansion of child protection services and other initiatives on the APY Lands, improvements to service standards, strategies to rebuild community confidence to protect children, stronger governance arrangements, and establishing infrastructure to support services and the housing needs of communities.

In July 2008, the South Australian Government tabled in Parliament its initial response to the Inquiry's recommendations. The Government accepted 45 of the 46 recommendations made by the Inquiry. The one recommendation not supported by Government was the construction of a corrections facility on the APY Lands (recommendation 46). The Government's view was that both the capital and recurrent costs of implementing this recommendation would be significant, and rejecting this recommendation would allow available resources to better target the enhancement of community safety and the protection of children on the APY Lands.

Since the tabling of the Inquiry's report in Parliament in May 2008, the Government has fully implemented its response to 43 of the Inquiry's recommendations. These important achievements are contributing to addressing issues relating to sexual abuse of Anangu children.

The ultimate goal of the Government's response to the Inquiry is to close the gap between the circumstances and life chances of vulnerable children on the APY Lands and those enjoyed by other South Australian children. An essential step to achieving this goal is the provision of an adequate service response that encompasses strategies to prevent abuse, provides support to children at risk through early intervention, investigates and assesses reports of suspected abuse, and supports victims to recover from the trauma experienced.

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<sup>1</sup> The *Commission of Inquiry (Children in State Care) Act 2004*. This Act was subsequently amended to include a separate inquiry into children on APY Lands and was renamed the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*.

There are complex issues surrounding the prevalence and prevention of child abuse on the APY Lands, and it is acknowledged that the Government's response requires a long-term commitment.

The Mullighan APY Taskforce has identified the APY Lands Steering Committee as a forum for the maintenance of strong interagency collaboration to provide for the safety of children on the APY Lands. This committee was established in September 2011 and comprises representatives from State and Australian Government agencies and the APY Executive.

The APY Lands Steering Committee will have a lead role in service planning and coordination in partnership with Anangu under the APY Lands Regional Partnership Agreement.

This is the Government's fifth and final annual report to Parliament. It summarises the progress the Government has made towards implementing its response over the five years from 2008 to 2013. It also reflects the changes in context for governance and service delivery on the APY Lands since the time the Inquiry took place.

There have been significant improvements over this time in the services provided on the APY Lands and implementation of recommendations has led to clear benefits, including the following:

- The introduction of Families SA Lands-based social workers in APY communities has resulted in improved communication between service providers and Families SA. These positions have provided an initial contact point for workers in the community who are concerned about a child's wellbeing.
- The increased presence of Police on the APY Lands has led to a stronger rapport with the community and increased visual presence and crime reporting.
- The work of Child and Adolescent Mental Health Service in responding to sexualised behaviour of children has resulted in a shift in the willingness of communities to recognise, acknowledge and respond to problem sexual behaviour.
- The building activity of Housing SA, supported by the National Partnership Agreement on Remote Indigenous Housing has led to a reduction in overcrowding, providing a safer environment for children.

There have been other benefits, resulting not only from the implementation of particular recommendations but reflecting the relationships that provide the successful foundation for implementation.

Over this time, government agencies have formed stronger partnerships in service delivery, mechanisms for community involvement in decision-making have been established, and government employees have developed stronger relationships with Anangu people. The importance of these relationships in establishing trust and goodwill cannot be underestimated.

## Part 1 – Introduction

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Despite the progress that has been made there is still much to be achieved in preventing sexual abuse of children on the APY Lands. Communities on the APY Lands still face many challenges that impact on the ability of community members to provide safe environments for children.

As governments and the Anangu people establish plans for the future under the APY Lands Regional Partnership Agreement, the need for a sustained focus on the safety of children must remain a high priority. The lessons learnt from implementation of the Inquiry's recommendations will help to inform the way forward both in the APY Lands and other remote communities in South Australia.

### Part 2 – Background

#### 2.1 The Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry (the ‘Mullighan APY Lands Inquiry’)

The Children on the APY Lands Commission of Inquiry was established on 26 June 2007 during the course of the Children in State Care Commission of Inquiry (CISC Inquiry). The CISC Inquiry received a considerable body of evidence of allegations that many Aboriginal children in communities had been sexually abused but those allegations did not come within the terms of reference of the CISC Inquiry because the children were not in State care.

Consequently, the South Australian Parliament amended the *Commission of Inquiry (Children in State Care) Act 2004* to include sexual abuse of children on the APY Lands and thereby established the Children on the APY Lands Commission of Inquiry. Commissioner, the Hon Ted Mullighan, QC, was constituted for both commissions which operated contemporaneously.

The purposes of the Inquiry were to:<sup>2</sup>

- select APY communities to form the focus of the Inquiry
- examine allegations of sexual abuse of children on the APY Lands
- assess and report on the nature and extent of sexual abuse of children on the APY Lands
- identify and report on the consequences of the abuse for the APY communities
- report on any measures that should be implemented –
  - to prevent sexual abuse of children on the APY Lands
  - to address the identified consequences of the abuse for the APY communities, (to the extent that these matters are not being addressed through existing programs or initiatives).

The Inquiry anticipated that there would be difficulty in obtaining disclosures from persons who had been sexually abused as children, or from children themselves. No such disclosures were made by any person.<sup>3</sup>

The Inquiry also anticipated that most of the evidence and information relevant of the terms of reference would be available on the APY Lands and not in Adelaide.<sup>4</sup>

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<sup>2</sup> *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* Schedule 2

<sup>3</sup> Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, A Report into *Sexual Abuse*, April 2008, Government Publishing SA, Adelaide, page XI

<sup>4</sup> Ibid, page XI

Five field trips were undertaken to the APY Lands visiting all of the main communities, conducting meetings and taking evidence from Anangu men and women, service providers and government staff.<sup>5</sup> During the course of the Inquiry, 147 meetings were held that involved 246 people and evidence was taken in Adelaide or meetings held on 23 occasions with evidence received from 70 witnesses.<sup>6</sup>

The Inquiry made 109 requests for records from government and non-government organisations and individuals, with a total of 346 records received and kept by the Inquiry. By issuing of summons, due to confidentiality issues, the Inquiry inspected 408 files of Nganampa Health Council.<sup>7</sup>

Even though no direct disclosures were made, the Inquiry received evidence of allegations of sexual abuse of children from other people, which enabled investigations to be undertaken, including the examination of records of various agencies.<sup>8</sup>

The final report of the Inquiry made 46 recommendations. The report and recommendations may be downloaded from [www.sa.gov.au/mullighaninquiry](http://www.sa.gov.au/mullighaninquiry).

### 2.2 The South Australian Government's response

The Government tabled its initial response to each of the 46 recommendations of the Inquiry in July 2008. At this time, the Government announced that it had accepted 45 of the 46 of the Inquiry's recommendations and set out the steps that it would take to implement its response. The Government subsequently tabled an 'implementation statement' in Parliament in October 2008 and an 'annual progress report' in December 2009, November 2010, November 2011 and November 2012.

Copies of these reports are available from [www.sa.gov.au/mullighaninquiry](http://www.sa.gov.au/mullighaninquiry).

### 2.3 Reporting obligations

Under the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, the Government is required to report to Parliament on its progress towards implementing its response to the recommendations of the Inquiry every year for five years.<sup>9</sup>

The report must state:

- the recommendations of the Commissioner that have been wholly or partly carried out in the relevant year and the manner in which they have been carried out

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<sup>5</sup> Ibid, page XI

<sup>6</sup> Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry, A Report into *Sexual Abuse*, April 2008, Government Publishing SA, Adelaide, page XII

<sup>7</sup> Ibid, page XII

<sup>8</sup> Ibid, page XII

<sup>9</sup> Section 11A(c)

- if, during the relevant year, a decision has been made not to carry out a recommendation of the Commissioner that was to be carried out, the reasons for not carrying it out
- if, during the relevant year, a decision has been made to carry out a recommendation of the Commissioner that was not to be carried out, the reasons for the decision and the manner in which the recommendation will be carried out.<sup>10</sup>

This is the Government's fifth and final annual progress report to Parliament.

### 2.4 Monitoring

Following the tabling of the Inquiry's report a taskforce was established to act as an advisory body in the implementation of the recommendations. The taskforce includes senior officers from the State and Australian Governments and key non-government agencies working on the APY Lands.

The Government also established a multi-agency working group in April 2009, comprising senior officers from key government departments. The working group was responsible for overseeing the continued implementation of the Government's response to this inquiry. Over time, the work of this group was undertaken by the taskforce and the working group ceased.

As this is the Government's final annual progress report to Parliament the taskforce will now cease.

The taskforce has identified the APY Lands Steering Committee as an appropriate forum for the maintenance of strong interagency collaboration to guide initiatives relating to the safety of children on the APY Lands. The APY Lands Steering Committee comprises representatives from State and Australian government agencies and the APY Executive.

The APY Lands Steering Committee will have a lead role in service planning and coordination in partnership with Anangu under the APY Lands Regional Partnership Agreement. The Regional Partnership Agreement between the Anangu Pitjantjatjara Yankunytjatjara Executive, the Commonwealth of Australia and the Government of South Australia seeks to align the efforts of community, regional Anangu organisations and governments towards meeting agreed priorities.

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<sup>10</sup> Ibid

### Part 3 – Progress report

In its annual report of November 2012, the South Australian Government reported that it had completed implementation of its response to 37 recommendations of the Inquiry.

A further six recommendations have now been completed bringing the total of completed recommendations to 43.

Two recommendations are listed as continuing. This relates to the ongoing nature of the implementation required to achieve desired outcome of the recommendation as well as operational challenges and cultural sensitivities.

Recommendation 31 – The Government’s response highlights programs that have been implemented that are targeted towards men and boys. However, there are significant cultural and gender sensitivities regarding the management and coordination of meetings with Anangu men and boys regarding sexual conduct.

Recommendation 36 – SAPOL has worked to establish night patrols in Amata and Mimili. The success of night patrols in Mimili has been hampered by expectations that volunteers will be paid for their time.

The Government’s response against each recommendation is summarised in numerical order below.

#### **Recommendation 1**

That any change to governance of communities on the Lands be implemented promptly so as to reduce the extent of dysfunction and possible corruption in the communities.

That the nature of any change should have regard to the empowerment of Anangu and enhancing confidence in disclosing child sexual abuse and implement measures to prevent the abuse and address its consequences.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

In 2007, Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation Division (DPC-AARD) drafted a consultation paper *Review of service delivery and governance on the APY Lands*, which provided options for the improvement of service delivery through the establishment of a local government-type body. Consultations with APY Lands communities were then held and written submissions responding to the paper received.

In July 2010, the APY Executive Board decided to undertake a review of their organisation, focusing on its structure, administration and operations. The functional review, funded by APY, was completed in September 2011 by Armstrong Muller Consulting. One of the key recommendations of the review was about establishing a partnership model. During discussions between the APY Executive, DPC-AARD and the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), this idea took shape as a Regional Partnership Agreement (RPA).

Work commenced on the development of the RPA for the APY lands with formal consultation sessions conducted in six communities in May 2012. Consultations and discussions between the Australian Government, the South Australian Government, the APY Executive Board, non-government organisations and Anangu, continued to progress a RPA that reflects the needs of the APY Lands communities.

The RPA was finalised in August 2013 and signed by the State Minister for Aboriginal Affairs and Reconciliation, the Federal Minister for Families, Community Services and Indigenous Affairs and the Chairperson of the APY Executive Board.

This significant agreement aligns the efforts of community, regional Anangu organisations and governments towards meeting agreed priorities. It also establishes a Regional

## Part 3 – Progress report

### Government response

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Partnership Authority to provide high-level oversight of the commitments entered into under the Agreement. The participants in the Agreement will work together to:

- develop a regional plan that examines the current levels of social and economic disadvantage faced by Anangu, assesses the effectiveness of current investment policies, sets out regional priorities agreed with Anangu, and provides a method to monitor the collaborative actions identified to address social and economic disadvantage in the APY Lands. The Regional Plan will formalise working and accountability relationships and provide a ‘whole-of-community and government’ response to priority issues, including the harnessing of opportunities for social and economic development
- improve the participation of Anangu in service delivery and policy decisions, through shared responsibility and involvement in policy planning and coordination. The Regional Plan will be developed and agreed with Anangu
- enhance regional governance through improvements in the transparency of administration and decision-making to ensure that decision-makers are held accountable to Anangu and their policy and funding partners. This will include establishing governance structures that enable planning at a regional level. Anangu and other participants under the Agreement need to be confident that decisions have been taken with informed consent.

The RPA is a three-year agreement, and in the third year of the agreement, the effectiveness of the agreement will be independently reviewed.

In order to further increase community capacity in the provision of administrative support services, a new community administration support model has been developed by DPC-AARD and FaHCSIA.

In 2010, capacity building in communities was strengthened with six Community Council Support Officer (CCSO) positions established in the Kaltjiti, Amata, Mimili, Pukatja, Iwantja, and Pipalyatjara/Kalka communities. Bungala provided a CCSO service in Nypari and Kanpi. The CCSO Officer program on the APY Lands was funded by the State Government.

In the new model, the CCSO positions are now referred to as Community Administration Support Officer (CASO) positions. These positions will undertake a number of key activities, namely:

- managing community business activities such as banking, postal services, emergency loans, internet access, travel arrangements, funerals and other miscellaneous tasks
- supporting the function of the community council, as the elected representative body to the community

## Part 3 – Progress report

### Government response

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- providing the point of contact for Government agencies and other organisations seeking to engage with the community.

A Community Management and Administration Support Officer (CMASO) has been appointed to provide support and supervision of the CASO positions. FaHCSIA has funded the CMASO position for a 12-month trial period (2013-14).

The South Australian Government through DPC-AARD and the Australian Government through FaHCSIA have given in principle support to jointly fund the seven CASO positions (Amata, Mimili, Pukatja, Kaltjiti, Kanpi / Nyapari, Iwantja and Pipalyatjara / Kalka) for the 2013-14 financial year.

#### **Recommendation 2**

That initiatives related to salary and conditions of Families SA staff on the Lands be frequently reviewed to ensure that Families SA is able to attract and retain appropriate professional staff to implement its strategies and programs dealing with child sexual abuse on the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA continues to pay staff that live and work on the APY Lands the maximum benefits allowed under State Government regulations in order to attract and retain suitably qualified staff. Locality-specific induction packages have been developed for staff recruited to positions on the APY Lands to help prepare them for living and working in these remote Anangu communities.

Permanent housing is available for the two child protection worker positions in Umuwa. Government housing is available for the Lands-based workers in Mimili, Kaltjiti (Fregon), Pukatja (Ernabella), Amata and Pipalyatjara. Although there is no housing available in Iwantja (Indulkana), alternative arrangements have been made at Marla, 54 kilometres from Iwantja (Indulkana), for the Iwantja Lands-based worker.

Families SA staff are appointed on a mix of ongoing and term contracts. This arrangement provides flexibility for both the individuals and Families SA to review on a regular basis their appointment to the Families SA Coober Pedy office and the APY Lands. Generally, positions on the APY Lands are advertised on a 12-month basis with the possibility of extension. Two of the Lands-

## Part 3 – Progress report

### Government response

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based workers have been recruited and remunerated under the administrative services stream, as they have considerable skill and required expertise if not an acceptable social work qualification.

Families SA provides attractive employment packages which include locality-specific allowances under the Commissioner's Standards issued pursuant to the *Public Sector Management Act 1995*, remote area salary attractions, work-based four wheel drive safety vehicle, satellite phone, laptop and mobile phone, training and development, professional support and supervision.

#### **Recommendation 3**

That the programs of Families SA to prevent child sexual abuse on the Lands continue to receive sufficient funding and, where possible, those programs be expanded.

That there be regular monitoring on the effectiveness of such programs and a regular review to determine if, and how, they may be improved or better co-ordinated to reduce the incidence of child sexual abuse on the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

During 2013, Families SA continued to provide programs designed to prevent child abuse through the work of its Lands-based workers and the programs provided by its outreach service from Coober Pedy. APY Lands-based workers continue to provide home-based family support services to the community.

In 2013 the Department for Communities and Social Inclusion (DCSI) has continued to provide programs through Family Centres or Family Wellbeing Centres and Youth Sheds. These programs vary slightly depending on the community and are delivered in Pipalyatjara/Kalka, Amata, Kaltjiti, Mimili, Pukatja (HACC services provided by Nganampa Health Council), and Iwantja (Youth Program delivered by Uniting Care Wesley, Port Pirie).

DCSI programs include:

- Home and Community Care (HACC), which provides services to support the frail aged and younger people with a disability. Services provided include a daily meal Monday to Friday, blanket washing and local transport

## Part 3 – Progress report

### Government response

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- disability programs, which include social and recreational activities as well as personal care for one client
- youth programs, which include diversional and recreational activities after school, on weekends and during school holidays for young people between the ages of 12-24, although younger children have also attended. DCSI partners with the NPY Women's Council to deliver school holiday activities
- the *Failure to thrive* program, which involves the provision of a daily meal to children identified by Nganampa Health and NPY Women's Council.

DCSI will manage the Family Wellbeing Centre at Mimili and provide services in Pukatja and Amata through the centres in those communities.

The Mimili facility is due to be handed over on 22 August 2013 and services should be in place by late September 2013. The Mimili Family Well Being Centre will provide a location to integrate family support, early childhood, youth, aged, disability and health services provided by various State and Australian government departments and funded non-government organisations.

The Amata Family Wellbeing Centre commenced operations in August 2012, with a range of programs and organisations operating from the centre. Services such as Child and Adolescent Mental Health Services (CAMHS), Home and Community Care and disability programs all utilise the centre. An executive committee consisting of community members has been established.

NPY Women's Council has leased office areas in the Family Wellbeing Centre in Amata, primarily to assist it in delivering its Intensive Family Support Service (funded by FaHCSIA) in this community. Amata is a delivery site for the Intensive Family Support Service (IFSS) in the APY Lands. Families SA is responsible for referrals to this service.

The Pukatja Family Wellbeing Centre comprises the Children and Family Centre (CFC) based within the Pukatja School and the newly relocated building from Mintabie, which has been refurbished.

The Children and Family Centre building has enabled agencies and organisations access to a facility to run programs during the preparation of the new building. Organisations that have used the CFC during recent months include the Cross Borders program, NPY youth programs, Family Relationship Centre Port Augusta, CAFHS and CAMHS.

Once the new Family Wellbeing Centre building is fully operational which is expected to be in October 2013, some of these programs will relocate into the new building.

Other agencies have indicated an interest including Housing SA, DCSI, Families SA – potential base for Lands-based worker, NPY Women's Council, SANFL Work Skills, Mental Illness Fellowship SA, and Pukatja community groups and interpreter service.

## Part 3 – Progress report

### Government response

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These Family Wellbeing Centres are proving to be a valuable way of delivering enhanced and holistic services.

#### **Recommendation 4**

That e-notification technology be further developed to allow mandatory notifiers on the Lands to fulfil their statutory obligations other than by use of the telephone.

That Families SA child protection staff be placed on the Lands to receive, assess, and respond promptly to mandatory reports concerning Anangu children as is discussed and recommended in Part IV Chapter 3.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

An e-notification system was established in May 2008. Registered users on the APY Lands including officers from the Department for Education and Child Development (DECD) and SA Police were able to access this e-notification system.

A new online child abuse reporting system commenced operation on 1 July 2013. As this is a new system, an accurate report on how many Lands-based registered users are on the new system is not yet available. Every effort has been made to inform mandated notifiers who previously used the old e-notification system that they could register and report with the new system. The message on the Child Abuse Report Line phone system was updated and an email was sent to mandated notifiers to inform them that they could register online.

More general information about the new online reporting system will be provided to mandated notifiers through 'child safe environments' training and other departmental communication strategies. Feedback from users about the new online child abuse reporting system has so far been very positive. User guides can be located at [www.reportchildabuse.families.sa.gov.au](http://www.reportchildabuse.families.sa.gov.au) and feedback can be provided to [feedback.carl@sa.gov.au](mailto:feedback.carl@sa.gov.au).

Families SA has funded two child protection worker positions located at Umuwa to provide immediate and responsive services to child protection notifications and matters. These positions are specialised positions in the investigation and assessment of child protection matters.

## Part 3 – Progress report

### Government response

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Both positions are currently vacant. One position has been vacant since August 2012 and the second position since December 2012. Every effort has been made by Families SA Coober Pedy office to fill both positions, however it remains difficult to attract suitably qualified and skilled social workers who are willing to live in a very remote area.

As an interim measure, child protection investigations on the APY Lands are being undertaken by Families SA Coober Pedy staff via a mobile protection service to different communities.

#### **Recommendation 5**

The initiative to place social workers on the Lands be expanded from the proposed three to at least six and some of them to be female.

That each of the six social workers be aligned to one school, so that each of the six major schools on the Lands has one dedicated social worker involved in early prevention strategies/training to help prevent child sexual abuse and to minimise its effects in the communities.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA has maintained its commitment to six Lands-based workers on the APY Lands. Currently all six Lands-based worker positions are filled. The team of Lands-based workers consists of five female workers residing in Iwantja, Kaltjiti, Amata, Pukatja and Pipalyatjara and one male worker in Mimili. The positions have been continuously filled since October 2009. The position of Supervisor to the team of workers on the APY Lands is based in the Families SA Coober Pedy office and has been filled since July 2012 in an ongoing capacity.

The Lands-based workers reside in the community on a full-time basis and are aligned to the school and other agencies in the community as outlined in the recommendation.

The Lands-based workers are key resource people for the community because they live in the community and therefore are able to establish relationships with members of the community. They are accepted because of their consistent presence in the community and are a valuable point of contact for other agencies.

## Part 3 – Progress report

### Government response

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Families SA Coober Pedy office has been very successful in the recruitment and establishment of Lands-based workers. The Lands-based workers have been and continue to be provided with access to departmental training.

#### **Recommendation 6**

That Nganampa and the State Government reach agreement to ensure that Nganampa provides to Families SA all information about a child who is the subject of a mandatory notification pursuant to the Children's Protection Act to enable Families SA to discharge its function under that Act.

That if such agreement is not possible the State Government consider legislation to achieve that objective.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The APY Lands *Child protection protocols for the investigation and assessment of suspected abuse and/or neglect* have been signed by all relevant parties and have been operational for three years. The review of the APY Lands *Child protection protocols for the investigation and assessment of suspected abuse and/or neglect* is anticipated to be completed by mid-2014.

Nganampa Health Council has, as required under section 8C of the *Children's Protection Act 1993*, filed a Child Safe Environments Compliance Statement, declaring that it has formal policies and procedures in place to ensure compliance with its responsibilities under the Act.

#### **Recommendation 7**

That CAMHS and Families SA review the protocols that govern their working relationship with a view to providing better assistance to children who have been, or may have been, sexually abused on the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA chaired the Child Protection on the APY Lands Working Group, which included Nganampa Health Council, NPY Women's Council, Department for Education and Children's Services (now Department for Education and Child Development), SA Health Women's and Children's Health Network (WCHN) – Child Protection Service (CPS) and Child and Adolescent Mental Health Service (CAMHS), Families SA and SA Police (SAPOL). This group developed *The APY Lands child protection protocols for the investigation and assessment of suspected abuse and/or neglect*. These protocols provide an ongoing framework for agencies to deliver strengthened responses to child abuse and neglect on the APY Lands through a multi-disciplinary and interagency approach.

As the protocols became operational in 2011, it was decided that a review would be conducted to identify any issues or changes required to improve their effectiveness.

The review commenced in October 2013 and will involve representatives from the signatories to the Child protection protocols: SA Health (WCHN), CAMHS, CPS, Nganampa Health, NPY Women's Council, SAPOL, Department for Communities and Social Inclusion (DCSI) and Department for Education and Child Development (DECD) and is anticipated to be completed by mid-2014.

#### **Recommendation 8**

That the necessary long-term funding be provided to allow Families SA to provide the required therapeutic services to children and young people on the Lands who have been sexually abused.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Under the COAG National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes, Women's and Children's Health Network (WCHN) Child and Adolescent Mental Health Service (CAMHS) was provided with funding to provide mental health services to children and young people on the APY Lands. Two Lands-based positions, based at Amata and Pukatja (Ernabella), were funded until June 2013 to provide mental health services to children and young people on the APY Lands. This service includes some children and young people who have been sexually abused. In addition, CAMHS provides a visiting service with two teams of clinical staff allocated to either the western or eastern communities once each school term for a week.

Between 2010 and 2012, CAMHS and WCHN Child Protection Service (CPS) received funding to carry out forensic and therapeutic interventions with children and families in one community on the APY Lands. CPS and CAMHS provided assessment and therapeutic services to a significant number of children and young people displaying sexualised behaviour. The response involved engaging and working with the community, families and children. Therapeutic approaches with individual and groups of children aimed to provide support, psycho-education and input in relation to protective behaviours. Consultation and training was provided to school staff and other workers.

Structures are being developed and will continue to be developed and reviewed to ensure continued communication, planning and system responses occur between SA Health, Department for Education and Child Development, and SA Police when therapeutic services are required for children and young people on the APY Lands who have been sexually abused.

In July 2013, CAMHS received new funding through the COAG National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes to provide mental health services to children and young people on the APY Lands for a further three years until June 2016.

In the 2013 State Budget, CAMHS and CPS also received additional funding for two years until June 2015 to continue to respond to the significant issues of sexual abuse allegations and

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sexualised behaviour in a number of the communities on the APY Lands. The funding provides additional 2.5 FTE staffing capacity for CPS to respond to requests for forensic interviews across the APY Lands for the period from July 2013 until June 2015. This work will occur in conjunction with Families SA, SA Police and other agencies, within the context of an expanded sexual abuse and sexualised behaviour assessment and treatment service by CAMHS in three communities on the APY Lands.

As at 5 August 2013, CAMHS has 217 cases open on the APY Lands with 108 referrals received in the past six months.

#### **Recommendation 9**

That the staff of the Children’s Protection Services at the Women’s and Children’s Hospital be increased to enable timely and effective investigation of allegations of sexual abuse of young children on the Lands.

That resources be provided to enable the training of sufficient Aboriginal medical practitioners, psychologists and social workers to undertake forensic assessments of Anangu children alleged to have been sexually abused.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

The Women’s and Children’s Health Service (WCHN) Child Protection Service (CPS) provides expert forensic medical and psychosocial assessment and therapeutic services for children who have experienced physical and sexual abuse, neglect and/or psychological maltreatment. CPS receives referrals from Families SA and SA Police and works very closely with Families SA managers and field staff and SA Police managers and investigating officers. CPS provides training, education, consultancy and support to relevant health service providers (including Nganampa Health Council) in forensic health services.

Between 2010-11 and 2011-12, Child and Adolescent Mental Health Service (CAMHS) and CPS were allocated additional funding to respond to a high level of notifications in one community on the APY Lands. A model was developed and implemented to provide more culturally appropriate forensic assessment and individual, family and community-focused therapeutic services. This model was reliant on strong relationships built by CAMHS over several years and provides

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integration of community education, interviewing and therapy by the same team of clinicians. Through this work, which is being evaluated, the whole community has gained an increased level of understanding children's behaviour and family and community levels of action required for child protection, safety and wellbeing.

Two 0.8 FTE CPS clinicians worked on the service from July 2011 until June 2012. The clinicians undertook three visits per school term in conjunction with CAMHS; the duration of each visit was six days. CPS developed a more culturally sensitive approach to interviewing Anangu children and young people. This unique and innovative approach is based on current literature and involves obtaining carer consent, conducting preliminary rapport building sessions, forensic interviewing and report writing. Video and audio recording equipment has been purchased that meets the evidentiary requirements of SA Police and is an acceptable interview process to the Anangu families, thereby increasing the likelihood of gaining parental consent to interviews.

In 2012, as a result of information arising from the work undertaken and information obtained as part of this joint service, CPS was also required to undertake forensic interviews of children in other communities. In addition, CPS received referrals from Families SA and provided direct services to other communities outside of the CAMHS/CPS joint response.

When the joint service response ceased in June 2012, clinical staffing was drawn from the general service clinical staff, which are permanently funded positions. During 2012-13, the service continued to respond to requests for services within capacity.

In the 2013 State Budget, additional funding was provided for two years for CAMHS and CPS to respond to the significant issues of sexual abuse allegations and sexualised behaviour in a number of the communities on the APY Lands. The 2013-2015 funding provides additional 2.5 FTE staffing capacity for CPS to respond to requests for forensic interviews across the APY Lands for the period from July 2013 until June 2015. This work will occur in conjunction with Families SA, SA Police and other agencies, within the context of an expanded sexual abuse and sexualised behaviour assessment and treatment service by CAMHS in three communities on the APY Lands.

Additional work will also be undertaken with the identified communities and other agencies to develop their knowledge of the contributing factors to problem sexualised behaviour, to assist them to take responsibility and develop Anangu supported child safety and wellbeing plans to address the ongoing safety issues, and build on existing Child Safe Environment training currently provided by agencies.

Referrals have continued to increase since 2009-10 with CPS participating in 143 strategy discussions in 2012-13, an increase of 22% over the previous year. CPS continues to provide services to children and young people in response to a Families SA or SA Police referral and

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following an interagency discussion as outlined in the *APY Lands Child protection protocols for the investigation and assessment of suspected abuse and/or neglect*.

There are currently no Aboriginal practitioners involved in the investigation process, however, CPS is actively working to develop a working relationship with a suitable interpreter service.

#### **Recommendation 10**

That a review to evaluate the effectiveness of a ‘multi-disciplinary’ team approach involving Families SA and other services providers on the Lands to disclose and detect child sexual abuse be undertaken by an independent consultant after such teams have been in place for 12 months.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

In 2010 the Australian Centre for Child Protection completed a report titled *Working Together: Multi-agency collaboration and child protection on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*.

The report included a literature review to identify best practice for working in multi-agency collaborations, a suggested evaluation framework, and possible indicators to monitor progress towards a best practice model.

To improve effectiveness of a ‘multi-disciplinary’ team approach, Families SA chaired the Child Protection on the APY Lands Working Group, which included Nganampa Health Council, NPY Women’s Council, Department for Education and Children’s Services (DECS), Child and Adolescent Mental Health Services (CAMHS), Child Protection Service (CPS), Families SA and SA Police. This group developed *The APY Lands child protection protocols for the investigation and assessment of suspected abuse and/or neglect* for inter-agency responses to child protection cases on the APY Lands.

These protocols provide a framework for agencies to deliver a ‘multi-disciplinary’ approach for responding to child protection notifications on the APY Lands.

A review of the APY Lands *Child protection protocols* has been initiated as outlined under Recommendation 7.

#### **Recommendation 11**

That adequate treatment and services, accommodation, supervision, and support for children removed from the Lands to Adelaide for child protection reasons and their parents or carers, be established and provided.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Families SA (as the statutory authority) facilitates treatment and services, accommodation, supervision, and support for children removed from the APY Lands to Adelaide for child protection reasons and to their parents or carers on an as needs basis.

Women's and Children's Health Network (WCHN) Child Protection Service (CPS) provides forensic medical assessment services, and forensic psychosocial assessments of children under 12 years of age. Sexual assault services for children 16 years and over are provided by the WCHN Yarrow Place Rape and Sexual Assault Service.

Child and Adolescent Mental Health Service (CAMHS) provides therapeutic services to children and young people based at the Wiltja accommodation project and children in care in Adelaide.

When children from the APY Lands have been placed in Adelaide, CAMHS APY metropolitan clinicians provide therapeutic support for the children and to support accommodation support staff and school staff. CAMHS has also facilitated video conference links between Adelaide and the APY Lands to assist children to maintain their connection with family.

#### **Recommendation 12**

That Families SA and NPY Women’s Council establish closer co-operation and develop an understanding as to the role which the Council is to play in supporting children who have been sexually abused, or are identified as at risk from sexual abuse.

That DFC develop relationships with elder men in the communities to exercise their cultural authority in condemning the sexual abuse of children on the Lands.

That DFC increase funding to NPY Women’s Council to enable increased support and advocacy for children who have been sexually abused.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA and the NPY Women’s Council have maintained regular contact during 2013 to share information and plan services. Families SA is working closely with NPY Women’s Council to provide an Intensive Family Support Service (funded by FaHCSIA) to improve the safety, health and wellbeing of families and children in the APY Lands.

The *APY Lands child protection protocols investigation and assessment of suspected abuse and/or neglect* has been operational since 2011 and NPY Women’s Council is committed to cooperating as appropriate in reporting and responding to child protection notification on the APY Lands.

Families SA, whilst providing individual casework services, has continued to engage with Anangu elder men to establish and strengthen the family and community’s capacity to protect children.

DCSI Housing SA, Homelessness Strategy has committed funding until June 30 2014 (in line with present Commonwealth and State funding agreements) to provide case management support services on the APY Lands. Homelessness Strategy provides funding for the transportation of women and children leaving the Lands when escaping violence.

The Cross Border Aboriginal Family Violence Service (NPY Women’s Council) has expanded its service to provide three case managers to support to women and children experiencing domestic or Aboriginal family violence on the APY Lands.

Domestic and Aboriginal Family Violence Services in Coober Pedy, Ceduna, Port Augusta, Cross Border (NPY Women’s Council) and two Adelaide-based Aboriginal Family Violence Services:

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Ninko Kurtangga Patpangga and Nunga Mi:Minar provide a safe response, including transport on and off the lands when escaping violence and when returning to the Lands when it is safe. This safe response is supported by a memorandum of understanding between these agencies, which ensures that women are provided with a consistent case management and support wherever they present throughout their journey.

#### **Recommendation 13**

That as a matter of urgency the housing construction program, with the assistance of Commonwealth Government funds, begins as soon as possible to construct houses that are appropriately designed for Anangu families and for houses to be built to be used by appropriate personnel of service providers on the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

A significant program to construct new properties and upgrade existing dwellings on the APY Lands has been funded under the National Partnership Agreement on Remote Indigenous Housing. The agreement is a 10-year funding agreement (2009-2018) to provide significant investment toward the construction and refurbishment of housing in remote Aboriginal communities across South Australia, including the APY Lands. The agreement also requires the implementation of public housing-like property and tenancy management across Aboriginal communities in South Australia.

As at 30 June 2013, 116 new houses have been constructed and 131 refurbished on the APY Lands. A further 22 new and 10 refurbished properties are planned for 2013-14. Five new dwellings have been constructed in Umuwa to house Anangu employees or trainees.

Property and tenancy management services are delivered across the APY Lands through Housing SA's Umuwa office. In August 2013 the staff complement of eight included a manager, program manager, maintenance coordinator, housing officer, assistant housing officers' and home living skills workers. Six of these positions are filled by Aboriginal workers, four of whom are local Anangu. In addition, casual positions are in place to employ local Anangu women to assist with the delivery of the *Home living skills* program.

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Housing officers have a structured weekly visit schedule to communities and undertake property and tenancy management including debt management, identifying maintenance issues and referring tenants to services such as income management.

The manager oversees the delivery of housing services, attends Community Council Meetings to discuss housing matters such as capital activity and policy changes. The manager also attends fortnightly Family Safety Meetings.

As new housing construction is completed, the Umuwa office allocates properties to families in greatest need, with criteria focused on the safety of children and overcrowding. Households are signed to new tenancy agreements with Housing SA that establishes a public housing standard of tenancy rights and responsibilities, including property maintenance and rent collection.

A multi-trade contractor undertakes maintenance on community houses. The three-year contract commenced on 1 October 2011 and represents an important step in improving maintenance services in remote Aboriginal communities.

The *Home living skills* program is a tenancy support service offered to tenants in Aboriginal communities when they enter into a tenancy agreement with Housing SA. The aim of the program is to improve tenant's ability to successfully maintain their tenancy, by providing information and support sessions whilst increasing knowledge of healthy living practices. During 2011-12 and 2012-13 the program has been delivered to 140 households in Amata, Mimili and Pukatja. The program is ongoing and will continue to be delivered in 2013-14.

Through the National Partnership Agreement on Remote Indigenous Housing, South Australia has committed to achieving a minimum 20% local Indigenous employment for capital construction projects. South Australia has consistently exceeded this target in the APY lands: in 2012-13 it achieved 32.6% local Indigenous employment on capital projects and 34.01% Indigenous employment across all capital works delivered through the agreement.

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) approved funding of \$2.025 million for DCSI-Housing SA to construct a 24-bed short stay accommodation facility to support the Department for Education and Child Development's Trade Training Centre located in Umuwa. The accommodation is currently under construction and completion is expected in October 2013.

A new National Partnership Agreement on Remote Indigenous Housing bilateral Implementation Plan for 2013-18 was negotiated and endorsed by State and Commonwealth Ministers in July 2013. The plan outlines capital and property and tenancy management activity under the agreement and performance benchmarks.

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Funding of \$48.479m has been approved by FaHCSIA to deliver a two-year capital works program, for years 2012-13 and 2013-14, and will deliver outcomes to remote Aboriginal communities across the whole of South Australia including the APY Lands. This funding is delivered in the form of progress payments made for both capital works and property and tenancy management.

#### **Recommendation 14**

That sufficient funds are provided to DFC to ensure that adequate temporary or permanent accommodation can be provided to Aboriginal people seeking medical, therapeutic and respite care who have left the Lands on account of child sexual abuse.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

In its response in 2008 the Government noted the services available to provide temporary accommodation for Aboriginal people seeking assistance who have left the Lands on account of child sexual abuse. Although the Government noted the need for accommodation in these circumstances has been infrequent, it committed to build and operate a safe house in Umuwa.

In 2009, the Government commissioned the NPY Women's Council to research possible models and locations for safe accommodation for women and children escaping violence or suspected child abuse. In its report, *Proposed preferred models for safe accommodation services for women and children from the APY Lands*, the NPY Women's Council did not support a safe house on the APY Lands. However, it did recommend that safe accommodation in Alice Springs be provided.

In 2010 the Housing SA, Homelessness Strategy committed additional funding (in accordance with Commonwealth and State funding agreements) to provide case management support services on the APY Lands. The agreements were due to end in June 2013 but have been extended to June 2014.

With the funding committed, the Cross Border Aboriginal Family Violence Service (NPY Women's Council) has been able to increase its service to include three case managers. Case managers provide support to women and children experiencing violence on the Lands. For the period 1 July 2012-30 June 2013, 290 clients were provided with at least one service relating to domestic and Aboriginal family violence support to women and their children who experienced domestic and or Aboriginal family violence on the APY Lands.

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In addition, Homelessness Strategy provides funding for transport to enable women and children to leave and return to the Lands when escaping violence.

Domestic and Aboriginal Family Violence Services in Coober Pedy, Ceduna, Port Augusta, Cross Border (NPY Women's Council) and two Adelaide-based Aboriginal Family Violence Services; Ninko Kurtangga Patpangga and Nunga Mi:Minar provide a safe response, including transport on and off the Lands when escaping violence and when returning to the Lands when it is safe.

This safe response is supported by a memorandum of understanding between these agencies. The MOU ensures that women and children are provided with consistent case management and support services wherever they present throughout their journey. Women and children are provided with support to access Regional Domestic Violence and Aboriginal Family Violence service accommodation in Alice Springs, Ceduna, Coober Pedy, Northern Adelaide, Port Augusta and Southern Adelaide. This includes a coordinated response and joint case management, including the sharing of relevant information.

The potential for the provision of safe accommodation in Alice Springs for women and children from the APY Lands has been the focus of discussions between the South Australian Government, represented by Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation Division, FaHCSIA and the Northern Territory Government since 2010.

In 2013 Housing SA began discussions with the NPY Women's Council to finalise a preferred service delivery model case management service for women and children from the APY Lands at a safe house in Alice Springs.

The funding available for the initiative was a once off allocation totalling \$230 000.

NPY Women's Council has made a decision not to proceed with this initiative because the cost of the service model exceeded available funds and because it could not identify a facility that provided adequate security.

The South Australian Government will continue to work with the NPY Women's Council to support the delivery of appropriate responses for women and children from the APY Lands.

Families SA will continue to provide services for children who leave the Lands on account of sexual abuse.

#### **Recommendation 15**

That Nganampa receive increased funding so that the number of general medical practitioners based on the Lands can meet the professionally accepted ratio of doctors to patients.

That the increased funding to Nganampa enables medical practitioners and nurses to receive salary and financial incentives sufficient to recruit such staff and retain them in service on the Lands.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Nganampa Health Council (NHC) is an incorporated Aboriginal Community Controlled Health Service primarily funded by the Australian Government Department of Health and Ageing (with the South Australian Government providing some funds for particular projects and programs). NHC provides primary health care services to all people living on the APY Lands.

The operations of NHC are controlled by the Anangu community through an elected Board of representatives from across the APY Lands.

The Australian Government Department of Health and Ageing has provided additional funding to assist Nganampa Health Council to increase its effective Medical Officer complement from three to four FTE, and these positions are currently filled.

#### **Recommendation 16**

That there be a substantial increase in services on the Lands for persons with mental health issues and for persons who have been sexually abused as children who require therapeutic services.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Country Health SA Local Health Network (CHSA LHN) continues to provide a range of Aboriginal mental health services on the APY Lands in collaboration with Nganampa Health Council.

Video conferencing capacity on the APY Lands for telemedicine/distance mental health consultations has progressed with connectivity established and new equipment now installed and operational at Umuwa and a further six Nganampa Health Council clinics throughout the APY lands (Amata, Kaltjiti, Iwantja, Mimili, Pipalyatjara and Pukatja) together with the CHSA LHN Amata Family Wellbeing Centre.

There are eight video conference units now established and operating effectively across the APY Lands. One of the units, Amata Family Wellbeing Centre, is being administered by CHSA LHN while the other seven units come under the administration of Nganampa Health Council. CHSA LHN will continue to provide maintenance and support for all eight units.

CHSA LHN will monitor usage of the one unit under its jurisdiction. To date it has been used for consultations with Rural and Remote Mental Health Service in Adelaide, a Guardianship Board meeting and a cardiology training session.

Service and funding discussion negotiations are currently underway by CHSA LHN to ensure that current levels of visiting psychiatrist services are maintained. These visits occur six times per year for four days each visit. This service is in addition to the two psychiatrists visiting six times per year each for four days through the *Medical Specialist Outreach Assistance Program (MSOAP)*.

Child and Adolescent Mental Health Services (CAMHS) has provided mental health services to children and young people on the APY Lands through the visiting service and Lands-based positions. As mentioned in the response to Recommendation 8, in July 2013, CAMHS was refunded through the COAG National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes to provide mental health services to children and young people on the APY Lands for three years until June 2016.

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Also as mentioned in the response to Recommendation 8, in the 2013 State Budget, CAMHS and Women's and Children's Health Network (WCHN) Child Protection Service (CPS) received additional funding for two years until June 2015 to continue to respond to the significant issues of sexual abuse allegations and sexualised behaviour in a number of the communities on the APY Lands. The 2013-2015 funding provides additional 2.5FTE staffing capacity for CPS to respond to requests for forensic interviews across the APY Lands for the period from July 2013 until June 2015. This work will occur in conjunction with Families SA, SA Police and other agencies, within the context of an expanded sexual abuse and sexualised behaviour assessment and treatment service by CAMHS in three communities on the APY Lands.

#### **Recommendation 17**

That the protocols of the Drug Rehabilitation Centre at Amata be altered to allow children access to the drug and rehabilitation program.

That the Drug Rehabilitation Centre at Amata be adequately funded in the long-term so as to allow appropriate services for children who require rehabilitation.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The former Drug and Alcohol Services South Australia (DASSA) Substance Misuse facility at Amata was transitioned to the management of Country Health SA Local Health Network (CHSA LHN) on 1 January 2012. The facility is now called the Amata Family Wellbeing Centre (Amata FWC).

Reconstruction of the site commenced in December 2012 and was finalised at the end of March 2013 with handover in April 2013.

The recommissioning of the former DASSA Substance Misuse facility as the Amata FWC represented the beginning of a period of reflection, reformatting, rebuilding and strengthening of family and community sentiment.

The handing over of the facility to CHSA LHN has enabled the Government to engage in a positive health dialogue and consequently was the beginning of a comprehensive and phased community engagement process within the Amata Community between November 2011 and August 2012 .

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The commencement of the Amata FWC as the first of three APY Lands Family Wellbeing Centres was the beginning of a process wherein CHSA LHN listened closely to Anangu wishes and in partnership constructed a plan to substantially remodel the building, establish an Anangu Executive leadership group, establish a broad social health action plan and assist the Amata Community Council in establishing a quarterly Anangu driven service provider consultation forum.

The community engagement process established a clear set of actionable priority areas contained within the Amata social health action plan as follows: 1) Community Safety, 2) Healthy Living – Promotion/ Activity/Nutrition 3) Enterprise Employment and Training 4) Education – Dealing with barriers to economic participation 5) Culture and Law – placing Culture and Law at the centre of all deliberations and dealing with negative behaviours and attitudes culturally and legally.

#### **Recommendation 18**

That in the case of babies born to children resident on the Lands, the payment of the Baby Bonus be given in instalments.

That in the case of a baby being removed from the mother, who is a child resident on the Lands, the balance of the Baby Bonus payment unpaid at the time of removal follow the baby and be paid to the person or persons who provide the care for the baby.

That the State and Commonwealth governments consider whether these arrangements can be implemented.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The Australian Government introduced changes to the Baby Bonus Payment from 1 January 2009 resulting in the Baby Bonus being paid in 13 fortnightly instalments for births or adoptions after that date.

The Australian Government has enacted the *Family Assistance and Other Legislation Amendment Bill*, which contains changes relating to the Baby Bonus scheme.

If a child is born or adopted on or after 1 July 2013, the Baby Bonus is either \$5 000 or \$3 000 depending on a person's circumstances.

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A \$5 000 payment will be made if the child is the first child a person or their partner have given birth to (excluding stillbirth), adopted, or had entrusted to a person's care within 26 weeks of birth. Otherwise, the \$3 000 payment is made.

The Baby Bonus continues to be paid over 13 fortnightly installments.

From 1 March 2014 the Baby Bonus will be replaced with a rate increase of Family Tax Benefit Part A for children who are born, taken into care for at least 13 weeks, or placed for adoption after 1 March 2014.

The extra Family Tax Benefit Part A payments for families will total \$2 000 for their first child and \$1 000 for subsequent children. It will be paid as an initial installment of \$500, with the remainder added to normal fortnightly payments over a three-month period.

#### **Recommendation 19**

That every positive result of a screening test for a sexually transmitted infection of a child on the Lands should be immediately notified to Families SA even if the person reviewing the result has not formed the relevant suspicion under section 11 of the *Children's Protection Act*.

That every such result also be immediately notified to the Department of Health.

That upon receipt of such a notification Families SA assess whether there is evidence that the child may have been sexually abused and refer the matter to the Child Protection Services of the Women's and Children's Hospital for assessment, investigation and, if required, appropriate therapy.

That the Child Protection Services of the Women's and Children's Hospital be adequately funded for that role.

If there is evidence that the child has been sexually abused Families SA must take whatever action is in the best interests of the child which may include referring the matter to SCIB of SA Police and informing Nganampa of what decisions have been made.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Information sharing between Nganampa Health Council, Families SA and SA Health relating to sexually transmitted infections in children was identified as a sensitive and complex issue. The Department of Health and Ageing pursued a resolution to issues relating to notification processes to be adopted by Nganampa Health Council in reporting positive results of screening tests for sexually transmitted infections. Women's and Children's Health Network (WCHN) Child Protection Service (CPS) has continued to provide a response to children referred by Families SA.

Families SA had developed a specific protocol for Child Protection Tier rating responses to both sexual abuse allegations and sexualised behaviour of children on the APY Lands, and all of these notifications are given a high priority response. Agency roles and responsibilities with respect to child protection matters on the APY Lands are clearly documented in the *APY Lands child*

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*protection protocols for the investigation and assessment of suspected abuse and/or neglect* (2010). The protocol includes procedures for investigation, assessment and case management. Nganampa Health Council is a signatory to the protocols and was closely involved in their development. The monitoring and review of the effectiveness of the protocols is considered in the context of Recommendation 19.

Nganampa Health Council has informed and trained all relevant staff in relation to their child safe environments and mandatory reporting requirements. Nganampa Health Council is required to operate in accordance with the legislative requirements of South Australian legislation as well as the medical practices that apply to other health care professionals in South Australia. Nganampa Health Council reports all reasonable suspicions of child abuse or neglect to Families SA, in line with the *Children's Protection Act 1993*. Sexually transmitted infections are one of many potential indicators of sexual abuse or sexual exploitation in persons under 18 years. Consistent with the practices of all other South Australian medical practitioners, Nganampa Health Council is not obliged to make a child protection notification for every positive result of a screening test for a sexually transmitted infection for children under the age of 18. Notifications to Families SA occur where there is reasonable suspicion of child abuse or neglect in line with the legislative provisions of the *Children's Protection Act 1993*.

Nganampa Health Council reports all instances of sexually transmitted infections to SA Health under the *Public Health Act 2011* (previously the *Public and Environmental Health Act 1987*). This includes certain specified sexually transmitted infections such as HIV, AIDS, AIDS related death, Hepatitis B, Hepatitis C, Hepatitis D, Chlamydia, Trachomatis (genital), Gonorrhoea, Syphilis and/or Donovanosis.

In accordance with best practice, upon receipt of a notification of sexually transmitted infections in children under the age of consent, SA Health routinely makes contact with the notifying medical practitioner to ensure that they have considered their child protection obligations. This practice provides an informal safety check and contributes, in part, to reinforcing the child safe requirements that apply to medical practitioners in South Australia under the *Children's Protection Act 1993*.

In 2012, there were 71 new notifications of chlamydia infection that were medically managed by Nganampa Health Service. Of these, 13 notifications were for children under the age of 18 years; one notification being for a child aged under 14 years.

There were 121 new notifications of gonococcus infection that were medically managed by Nganampa Health Service. Of these, 30 notifications were for children under the age of 18 years; there were no notifications for children below the age of 14.

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All new cases were medically reported to Communicable Disease Control Branch, SA Health by Nganampa Health Service.

Families SA will continue to work with Nganampa Health Council to ensure that issues associated with notifications and information sharing are managed locally, complementing the structural processes in place to support the practical implementation of Recommendation 19.

#### **Recommendation 20**

That Nganampa develop its own guidelines and procedures to ensure that all indicators of child sexual abuse are reported to Families SA.

That all Nganampa health workers receive regular training regarding their South Australian Mandatory reporting obligations.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Nganampa Health Council advises that it meets its statutory obligations in relation to the mandatory reporting of suspected child abuse and neglect (including suspected child sexual abuse) as detailed in the *Children's Protection Act 1993*.

Nganampa Health Council has, as required under section 8C of the Act, filed a Child Safe Environments Compliance Statement, declaring that it has formal policies and procedures in place (including mandated training) to ensure compliance with its responsibilities under the Act.

Nganampa Health Council was a significant partner in the development of the APY Lands *Child protection protocols*. As a signatory to these protocols, the Nganampa Health Council meets its obligations as contained therein.

This covers:

- Information sharing between agencies to ensure the protection of children
- Provision of training to Nganampa health workers regarding mandatory reporting
- Nganampa's procedures and guidelines for health workers regarding the reporting of indicators of sexual abuse to Families SA.

#### **Recommendation 21**

That section 11 of the Children’s Protection Act be amended to provide that it is an offence to prevent, obstruct or interfere with a person discharging or attempting to discharge the obligation of mandatory reporting pursuant to section 11(1) of that Act.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The *Children’s Protection Act 1993* was amended in December 2009 to provide that “a person must not threaten, intimidate, or cause loss, damage or disadvantage to, a person to whom section 11 applies because the person has discharged or proposes to discharge his or her duty as a mandated notifier.”

A contact point and website are available to assist organisations with enquires regarding ‘child-safe environment’ requirements. The *Guidelines for mandated notifiers* booklet forms part of a suite of resources available to trainers of the child-safe environment training package and members of the public. The *Child-safe environments: Guidelines for mandated notifiers and information for organisations* booklet has been updated and is now available in hard copy from Families SA (for a small fee). The electronic version is available to download free of charge from the Families SA child safe environments website [www.families.sa.gov.au/childsafes](http://www.families.sa.gov.au/childsafes).

All Families SA Lands-based workers on the APY Lands have completed the Child-safe environment program: Train the Trainer in May 2013.

Relevant organisations were provided information sessions about the training and child-safe environments training continues to be offered on the APY Lands.

A revised version of the booklet *Child-safe environments: Guidelines for mandated notifiers and information for organisations* will be available in 2014.

#### **Recommendation 22**

That Families SA be adequately resourced to respond effectively and in a timely manner to all mandatory reports from the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA Coober Pedy office has responsibility for administering Families SA services on the APY Lands. Services include investigation, assessment and case management support to children/young people and their families, and/or kinship care arrangements. The office also has a responsibility for anti-poverty services and financial literacy.

Approximately 90% of the workload of Families SA Coober Pedy office is centred on the APY Lands, with the remaining 10% covering Coober Pedy itself, Oodnadatta and surrounding areas.

Within the Coober Pedy Office there are 31 positions designated to undertake care and protection, kinship care, anti-poverty, customer service, management and administrative functions.

Case management is resource intensive requiring the engagement of interpreters, and at times, there is limited access to communities due to protocols relating to cultural business and road closures due to weather conditions. In order to adhere to cultural gender protocols, it is necessary to ensure the availability of female and/or male staff as required.

Recruiting, retaining and accommodating suitably qualified and skilled people willing to work in Coober Pedy and on the APY Lands is an ongoing challenge.

#### **Child protection**

All child protection staff are based at Coober Pedy (excluding the two positions based at Umuwa). The work undertaken by these staff includes the following:

- Conducting child protection investigations and assessments and developing and monitoring safety plans. Where required they conduct exploration and implementation of kinship care arrangements
- Engaging services to children and their families identified as ‘failure to thrive’
- Case management of children under Family Care Meeting Agreements and Guardianship of the Minister for Education and Child Development.

The Lands-based child protection worker positions based at Umuwa are currently vacant and recruitment efforts have commenced to fill these vacancies. Coober Pedy office is currently operating a mobile protection service across the APY Lands.

#### **Anti-poverty services and financial literacy**

The Families SA Coober Pedy office provides:

- budget planning for children and their families
- No Interest Loans Scheme (NILS) linked to ‘failure to thrive’ initiatives
- emergency financial assistance.

#### **Lands-based workers (Pukatja, Kaltjiti, Amata, Mimili, Pipalyjatjara and Iwantja)**

These workers do not undertake high-risk child protection investigations and assessments within their own communities, in order to protect the safety of workers from potential repercussions (payback). Acts of payback include verbal and physical abuse and property damage.

Tasks undertaken by these workers include the following:

- Development of programmatic responses to educate, inform and assist community to develop child safe environments
- When deemed appropriate, these workers may accompany primary workers conducting child protection investigations and assessments located in other communities
- Case-manage Family Care Meeting Agreements, kinship care arrangements and children under Guardianship within the local community.

In 2013 three training initiatives were conducted to improve the effectiveness of staff responding to child protection notifications. The training initiatives were in Child Protection Income Management (CPIM), Forensic Interviewing and Solution-Based Casework (SBC).

#### **Recommendation 23**

That Nganampa, DECS, Families SA and SA Police establish appropriate protocols, policies and guidelines for the management of disclosure, or detection of child sexual abuse, including what information is to be provided to the family and carers of the child and by whom.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA took immediate action in September 2008 by establishing and chairing the Child Protection on the APY Lands Working Group which included, Nganampa Health Council, NPY Women's Council, DECS, CAMHS, CPS, Families SA and SAPOL. The group developed *The APY Lands Child protection protocols investigation and assessment of suspected abuse and/or neglect* for interagency responses to child protection cases on the APY Lands.

The protocols, which have been operational since 2011, provide the framework for the response to child protection notifications on the APY Lands and identify and hold accountable each agency for their role in the provision of services to children/young people who have or who are at risk of being abused or neglected.

*The Information sharing guidelines for promoting the safety and wellbeing of children, young people and their families* were introduced in October 2008 and amendments to the *Child Protection Act 1993* effective since January 2011 include requirements relating to child safe environments. Families SA has provided training to government and non-government organisations on the APY Lands in respect to both initiatives.

When Families SA responds to a child protection notification, it is standard practice to present the reported concern to the parents or carers of the child or children and, when these concerns have been investigated, to inform parents or carers of the outcomes of the investigation and any actions to be taken.

A review of the APY Lands *Child protection protocols* commenced in October 2013 to identify any issues or changes required to improve their effectiveness.

#### **Recommendation 24**

That Nganampa develop policies and guidelines that address mandatory reporting of any activity that may indicate sexual activity of children, including STIs, requests for contraception, injuries, as well as underage pregnancy.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

The Government identified the intention to establish a memorandum of understanding with Nganampa Health Council that addresses the issues raised in the report of the Commission of Inquiry. Subsequently, the *APY Lands Child protection protocols for the investigation and assessment of suspected abuse and/or neglect*, a protocol for interagency responses to child protection cases on the APY Lands was developed. Nganampa Health Council was part of the interagency Child Protection on the APY Lands Working Group that developed the protocols and is a signatory to them.

On 1 January 2011, amendments to the *Child Protection Act 1993* came into effect that requires all organisations receiving State Government funding, including Nganampa Health Council, to demonstrate they meet the requirements of the Act.

The Act requires that prescribed organisations have appropriate policies and procedures in place for ensuring that appropriate reports of abuse or neglect are made as required under the Act.

The Act:

- requires organisations to lodge a statement of their policies and procedures established pursuant to section 8C with the Department for Families and Communities (now the Department for Education and Child Development); and
- enables the Department for Families and Communities (now the Department for Education and Child Development) to seek further information from organisations about their compliance with the requirements of section 8C.

Nganampa Health Council advises that it meets its statutory obligations in relation to the mandatory reporting of suspected child abuse and neglect (including suspected child sexual abuse) as detailed in the *SA Children's Protection Act 1993*. Nganampa Health Council has, as required under section 8C of the Act, filed a Child Safe Environments Compliance Statement,

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declaring that it has formal policies and procedures in place (including mandated training) to ensure compliance with its responsibilities under the Act.

Nganampa Health Council was a significant partner in the development of the APY Lands *Child protection protocols*. As a signatory to these protocols, the Health Council meets its obligations as contained therein.

#### **Recommendation 25**

That as a matter of urgency DECS continue to assess ways and means of ensuring that all children on the Lands of compulsory school age attend school and that adequate resources are provided for that assessment.

That DECS and DFC with the support of Anangu leaders in communities engage parents and carers as well as children, in activities to enable the provision of information to the communities about the value and importance of school for children including as a way of reducing the incidence of child sexual abuse.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The Department for Education and Child Development (DECD) continues to be fully committed to assessing and delivering practical ways and means aimed at ensuring, wherever possible, that all children on the APY Lands of compulsory school age attend school.

All school sites on the APY Lands have attendance plans in order to track and monitor school attendance. The Anangu coordinator and Principal at each of the schools visit families to discuss any issues or concerns regarding their child's attendance at school. Pitjantjatjara Yankunytjatjara Education Committee (PYEC) has 'attendance' as the highest priority of the PYEC Strategic Plan 2010-2012.

DECD has established that in general two out of seven students who are 'absent' from school are not physically in the community and the primary issue attributing to non-attendance by children is itinerancy. Older students have additional factors that impinge on their attendance at school such as traditional 'business' and relationships.

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In response to low attendance rates and concerns about child safety, DECD has been involved in ongoing consultation with PYEC around a possible new model of schooling. The new model would provide 48 weeks of continuous schooling and a 4 week structured holiday program on all Anangu communities, as well as a safeguarding mechanism through regular monitoring of child progress. This offers all students the opportunity to access their full entitlement of 200 school days consistent with children in other parts of the nation.

The new model acknowledges the cultural and family obligations of Anangu as well as the impacts of extended sorry business. By offering a continuous model of schooling students would be able to make up lost days. The curriculum would be tailored to meet the needs of individual school sites as well as providing a consistent pedagogical approach across the Lands.

The Year 8-Year 12 school retention rate on the APY Lands in 2012 was 62.2%. When viewed over a four-year period from 2008 with a retention rate of 36.8%, there is a 25.4% improvement over this time. Mobility of students and the increasing number of students accessing Year 12 at sites off the APY Lands are major contributing factors to the fluctuating apparent retention rate.

It is anticipated there will be a significant improvement in the retention of senior students with the 2013 commencement of a coordinated senior secondary strategy linked strongly to vocational education and trade courses offered through the Umuwa APY Trade Training Centre (APY TTC).

Since commencing operations in 2013 there have been 202 individual students who have benefited from participating in education and vocation programs run at the APY Trade Training Centre (APY TTC). The APY TTC addresses skills shortages in the traditional trades of housing and construction, agriculture, carpentry and joinery, cooking, metal fabricator, motor mechanic, pastry cook, tiler and landscape gardener. This assists in retaining and engaging students who are often at risk of not continuing in learning programs at school.

DECD has rolled out the *Keeping them safe* program and works collaboratively with SHine SA in delivering the program on the APY Lands. The program includes a focus on providing information to the communities about the value and importance of school for children and the associated benefit of providing a safe and caring environment for the child.

DECD has established a strong networking partnership with Child and Adolescent Mental Health Services, NPY Women's Council and Nganampa Health Council with respect to the care and welfare of children on the APY Lands.

PYEC and Anangu coordinators continue to follow up where carers are not functioning adequately in providing students with sufficient care.

With respect to food insecurity, an identified element in the children's environments that may reduce their participation in school, the South Australian Government has established the APY

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*Lands Food Security Strategic Plan 2010-2016.* The plan includes four key goals and identifies specific strategic actions that are being taken to improve food security against these goals.

The four strategic goals are:

1. Management of food security
2. Supply of healthy food
3. Consumption of healthy food
4. Better health and wellbeing for Aboriginal South Australians living in remote communities.

An APY Food Security Executive Action Team (APY-EAT) has been established and is responsible and accountable for the implementation of the strategic plan, the pursuit of new initiatives and the evaluation of outcomes. APY-EAT membership includes representatives from lead State and Australian government agencies and relevant non-government agencies. APY-EAT has agreed on seven priority action areas to guide activity under the strategic plan. DECD is a member of APY-EAT and is lead agency for the education priority action area.

A number of initiatives are in place at school sites:

- All school sites on the APY Lands have access to a 'breakfast program' supported by Australian Red Cross.
- School gardens are established and operating at Iwantja and Kenmore Park school sites, providing various fruit and vegetables suited to the environment, such as melons, beans and tomatoes. The produce is consumed as part of class and whole school food and nutrition programs, which include food preparation.
- At Pukatja Anangu School a small garden is continuing to be established with each class allocated a section of the garden bed. Produce will be used by each class for their food and nutrition program.
- At Amata Anangu School the Young Men's (Wati) class is developing a series of landscaped areas around the school site, which includes a small garden plot. School sites at Amata, Pukatja, Kaltjiti, Kenmore Park and Murputja all have extensive lunch programs.
- Mimili Anangu School is establishing a school canteen to provide food to students.
- Iwantja Anangu School has developed a kitchen facility to the Stephanie Alexander specifications and standards, completed at the end of 2012.

#### **Recommendation 26**

That DECS assess extending the school curriculum on the Lands to include increased study of information technology and appropriate computer based courses which can be accessed by children and young persons on the Lands to develop computer skills.

That consideration of the teaching of numeracy and literacy in a manner suitable to Anangu children continue to be assessed and implemented.

That DECS assess whether appropriate pre-vocational training for trade, home and family management skills should be introduced into the curriculum of the schools on the Lands.

That the principals and teachers at the schools on the Lands consult with senior Anangu and consider whether traditional Anangu skills and law should be introduced into the curriculum.

That adequate resources be provided to DECS for all these purposes.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

All learning bands at school sites on the APY Lands (junior primary, primary and secondary) focus on information communication technology (ICT) and its application in learning programs to increase student ICT skills. This is supported by a full-time ICT officer based at Port Augusta who provides ICT technical support to all school sites. Improved bandwidth of internet connection to school sites on the APY Lands has assisted in increasing access to a wider selection of on-line learning tools.

The benefits of wider course delivery and peer tutoring are provided by the utilisation of the POLYCOM videoconferencing system. This enables each school site to link principals, Anangu coordinators, teachers, Anangu education workers and students with each other. There have been upgrades to the bandwidth to ADSL2 capability at the school sites on the APY Lands. The upload and download speed of data has improved, however, the Kenmore Park School and Watarru School are still reliant on a satellite dish delivery platform at the present time.

The National Assessment Program – Literacy and Numeracy (NAPLAN) outcomes has showed limited improvement since 2008 when NAPLAN commenced, testing results across years 3, 5, 7

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and 9. However, during this time period there has been a 9% improvement in spelling in the Year 5 cohort.

*Accelerated literacy* (AL) program has been developed particularly for Aboriginal students and has been used successfully in APY Lands schools since 1998. AL is designed to accelerate the literacy skills of learners through a systematic teaching sequence and inclusive teacher-student interaction.

*Maths 300* is a *Curriculum corporation* project that aims to collect the very best mathematics lessons available globally and provides the resources for teachers to implement a 'working mathematically' curriculum in their classrooms. Anangu students are supported to achieve numeracy skills with a consistent structure to the learning activities. Learning is supported by explicit instructions, concrete materials, trial and error strategies and modelling.

Pre-vocation training is being carried out at school sites with a secondary student cohort that includes land management, food and hospitality, construction, and automotive trades. The manager of the APY Trade Training Centre (TTC) is currently working with all school sites, TAFE SA and employer groups to extensively in the delivery of courses in the above fields. This seeks to address skills shortages in the traditional trades of agriculture, carpenter and joiner, cook, metal fabricator, motor mechanic, pastry cook, tiler and landscape gardener.

The Pitjantjatjara Yankunytjatjara Education Committee (PYEC) is considering which aspects of traditional Anangu skills can be taught in the school context. There is no authority given by PYEC to teach traditional law (lore) in the school setting. This is not Piranpa (non-Anangu) business.

#### **Recommendation 27**

That priority be given to remedial teaching at schools on the lands for Anangu who have missed education as children.

That the benchmark testing of years 3, 5, 7 and 9 be monitored closely and that sufficient funding be provided to achieve the goal of bring the results of children on the Lands up to the respective averages of mainstream South Australian schools.

That making education more relevant to Anangu students, and recognising the importance of Anangu culture continue to be assessed.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation in principle.

The Department for Education and Child Development (DECD) 'one plan for one child' initiative brings together individual education plans (IEP), negotiated education plans (NEP) and individual learning plans (ILP) and links the documentation of individual learner needs with agencies, such as Child and Adolescent Mental Health Service (CAMHS).

Most school sites provide a one-to-one student tutoring by school support officers for students with identified learner needs. Literacy support is provided to staff and students by literacy intervention teachers and the accelerated literacy coordinator.

Each year benchmark testing of years 3, 5, 7 and 9 in the form of NAPLAN results are communicated to parents, school governing councils and the Pitjantjatjara Yankunytjatjara Education Committee (PYEC) to inform them of student achievement in comparison with national benchmarks and highlight the importance of regular student attendance at school. PYEC is very supportive and actively promote the value of student attendance in each of the communities.

DECD and PYEC are improving the coordination of efforts to improve the attendance rates of students with significant attendance issues.

The number of literacy materials in the vernacular language has increased in the period 2012 to 2013, with the publication of 49 new titles in the Pitjantjatjara language. The *Tjitjiku Inma* project is a joint initiative between DECD and Carclew Youth Arts Inc. recording traditional children's dances from each community on the APY Lands on high definition DVD. This encourages students to attend school and engage in literacy learning in both English and Pitjantjatjara languages.

#### **Recommendation 28**

That there be regular meetings of all staff of Nganampa, DFC including Families SA, DECS and SA Police working on the Lands to receive continuing education about child care and protection, to discuss the needs and problems of sexually abused children and the problems encountered by those service providers.

That such meetings should be held at least three times each year.

That they be initiated and managed by AARD rather than any one of the particular agencies.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

In 2013, regular meetings continued to occur between staff of Nganampa, Department for Education and Child Development (DECD), Department for Communities and Social Inclusion (DCSI), and SA Police (SAPOL) working on the APY Lands. These meetings provide the opportunity for continuing education about child care, domestic violence issues and child protection.

Meetings between agency staff on the APY Lands include one or more of the following agencies: Nganampa Health Council, DCSI, DECD and SAPOL, to discuss issues of individual family and community support, child protection and wellbeing matters.

Family Safety Framework meetings are held to coordinate a collaborative agency response to issues of domestic violence. Community safety meetings chaired by SAPOL continue to be held monthly across nine communities on the APY Lands.

The Mullighan APY Taskforce has continued to monitor progress towards the implementation of the Mullighan Inquiry recommendations including discussions on the needs and problems of sexually abused children and the problems encountered by service providers.

#### **Recommendation 29**

That a program to educate members of the communities on the Lands as to what is inappropriate sexual conduct, and its consequences, and the supports which are available for victims of sexual abuse (including children) be designed and implemented.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

A number of programs continue to operate to educate members of the communities on the Lands as to what is inappropriate sexual conduct, and its consequences, and to ensure communities are aware of the supports available to them.

Families SA staff are involved in discussions with families and communities regarding appropriate sexual conduct and the development of safety plans for children and their families.

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SA Police (SAPOL) has introduced the *Dangers of pornography for children* program and classification information across the APY Lands (with the exception of Pukatja who have asked for teenage girls to be spoken to about sexual conduct before they allow SAPOL to present). SAPOL consider themselves as having a role in talking with teenagers about sexual assault, what it is, what can be done to minimise the chances of becoming a victim of it, what can be done about it if they do become a victim of sexual assault, what the police can do, and provide explanations and an understanding of the judicial process.

The female police officers speak with the females in the communities, and there is a male officer of the police who will target and speak to the males of the communities. These talks have not been implemented yet as the female police officers are attending various rapport-building sessions through the schools. Officers have delivered general education sessions across the APY Lands to community groups at 10 different communities on issues such as 'sexting', exposure to pornography, sexual offending, bullying and domestic violence.

The SMART (Strategies for Managing Abuse Related Trauma) training program has a focus on supporting children and young people in a range of aspects such as responding to traumatised children, the impacts of trauma on memory, responding to Indigenous children and the impact of trauma on staff.

The *Strategies for managing abuse related trauma = educational reform* (SMART=ER) program has continued to support school sites to focus on implementing trauma-informed practice, with increased participation from secondary schools and Anangu Schools.

Amata Anangu School are participating in SMART=ER for a second year in 2013. SMART training has been delivered to all staff at Amata during visits in 2012 and 2013, which included work alongside teachers in classrooms. Pukatja Anangu School is also participating in the SMART=ER program during 2013, including a visit to deliver training and support for staff on site. Two Australian Childhood Foundation trainers have spent a week on the APY Lands during June 2013, delivering training in Coober Pedy prior to visits to communities and workshops in Mimili (also attended by staff from Iwantja) and Kaltjiti.

An extension of contract for services between the Minister for Education and Child Development and the Australian Childhood Foundation is being prepared for continued delivery of a state-wide SMART program in 2014. In response to requests for further training and continued support, it is intended that in 2014 the SMART=ER program will focus on providing support to all remote schools and communities on the APY Lands who express interest in participating.

Child and Adolescent Mental Health Service (CAMHS) has provided training regarding sexualised behaviour to staff in school sites at Amata, Mimili, Pukatja and Iwantja.

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The SHine SA *Yarning On* program – Aboriginal Focus Schools and Investing in Aboriginal youth program aims to build the capacity of teachers, Anangu education workers, community workers and key community members to deliver relationship and sexual health education and information to young people 12-24 years in and out of the school system.

Training is provided to Anangu education workers and teachers to deliver comprehensive, age and culturally appropriate relationships and sexual health education through the school-based curriculum with a strong emphasis on safety to students in years 5-10. The Pitjantjatjara Yankunytjatjara Education Committee (PYEC) has supported the development and implementation of the program.

In summary, the Aboriginal Focus Schools and Investing in Aboriginal youth program has trained 98 workers and/or community workers/members during the period of July 2012-June 2013 in six APY Lands communities: Amata, Pukatja, Kaltjiti, Iwantja, Mimili and Pipalyatjara.

The *Yarning on* program has received funding for a further period to continue the work in the APY Lands and other rural and remote Aboriginal communities. A meeting will be held in August 2013 with a number of agencies providing services on APY Lands to identify collaboration and co working opportunities.

#### **Recommendation 30**

That more resources be focused on education measures to better advise children, their parents and carers and the community on appropriate sexual behaviours, the law and their rights.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The Families SA Lands-based workers continue to work closely with and advise school staff, teachers and Anangu education workers, to improve student safety and wellbeing outcomes. The Lands-based workers support schools and provide advice in responding to problem sexual behaviour exhibited by children on the APY Lands.

Child and Adolescent Mental Health Service staff also work with school staff to improve wellbeing outcomes for students and provide advice in responding to problem sexual behaviour in children.

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The *Keeping them safe* curriculum and *Countering risky behaviours* curriculum continue to be a focus of Aboriginal Lands District Schools. All staff undertake the *Responding to abuse and neglect* training as part of the requirements for teacher registration in South Australia.

In 2012 SA Police (SAPOL) has completed the roll-out of the *Dangers of pornography for children* and the film classification information across the APY Lands (with the exception of Pukatja who have asked for teenage girls to be spoken to about sexual conduct before they allow SAPOL to present). SAPOL consider themselves as having a role in talking with teenagers about sexual assault, what it is, what can be done to minimise the chances of becoming a victim of it, what can be done about it if they do become a victim of sexual assault, what the police can do, and provide explanations and an understanding of the judicial process. Two female police officers will target and speak to the females in the communities, and there is a male police officer who will target and speak to the males of the communities. These talks have not been implemented yet as the female police officers are attending various rapport-building sessions through the schools.

Officers have delivered general education sessions across the APY Lands to community groups at ten different communities on issues such as 'sexting', exposure to pornography, sexual offending, bullying and domestic violence.

At the start of each year SAPOL roster in dates of community safety meetings in each community and this is an ongoing commitment. Safety meetings are for members of the local communities as well as service providers and the Anangu chairperson of each community also attends. These forums present an opportunity for issues to be raised that affect the community, which can include issues of child safety. The time that these are held is flexible if other events are happening in the community.

### **Recommendation 31**

That meetings with men and boys in communities with male Anangu elders and men from the agencies on the Lands regarding sexual conduct of men involving children and the consequences of such conduct be held without delay.

That such meetings be co-ordinated and managed by AARD.

### **Implementation of Government response continuing**

The South Australian Government supported this recommendation.

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Following the publication of the Commission of Inquiry's report, separate meetings were held in communities for men and women to explain the findings and recommendations of the report. In addition, the activities undertaken in the community to educate about sexual abuse contributed to men and boys improving their understanding of the issue of conduct with children and the consequences of it.

Community education activities have continued in 2013.

Boys in the community continue to receive school education programs that increase their sexual health understanding as part of the *Keeping them safe* child protection curriculum.

SHine SA has received funding for a further period to continue delivering the *Yarning on* program aimed at improving the sexual health literacy of Aboriginal young people and encourage positive and respectful relationships.

Specific programs have been designed for men regarding the law in respect to a number of issues including alcohol, driving, family violence and child abuse.

The Cross Borders Indigenous Family Violence Program for men offers a four-week course covering topics of Indigenous family violence, recognising and responding to anger-build up and calming down, motivation, change and how to protect children, how violence effects families and communities, violence and substance abuse, racism, reputation and how to change it, controlling behaviours, ngalkuni-ways of speaking and listening, trust, and fathers and fathering.

The *Indigenous family violence* program took place in several communities in 2012-2013 on the APY Lands, namely Amata, Iwantja, Pukatja and Mimili.

This financial year 2013-14 Cross Borders will deliver another seven men's and three women's programs across the NPY Lands in South Australia, Western Australia and the Northern Territory.

Child and Adolescent Mental Health Service (CAMHS) has coordinated regular group meetings with the senior boys class at Amata during school term time. These groups discuss issues relating to relationships, men's role in family, drugs and alcohol and sexually respectful relationships. In addition, in February 2013 CAMHS held a meeting for men at Iwantja where discussions relating to pornography and sexual offending against children and women took place. Approximately 40 men (aged 17-70) attended this meeting.

CAHMS received new funding in June 2013, securing on-going therapeutic services in response to problem sexual behaviour on the APY Lands for the next two years. Ongoing meetings with community members will provide education regarding problem sexualised behaviour, sex and the law. The meetings will be with the whole of community as well as with men and women only. At this stage CAMHS will provide therapeutic services to Amata, Pukatja, Mimili and Iwantja.

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SA Police (SAPOL) is continuing to work with the other agencies on the APY Lands in relation to sexual conduct. A specialist sex crime investigator and two victim management officers have been stationed on the APY Lands since 2011 and are due for review in 2014 to support the local police and provide specialist advice and investigational experience in the field of sexual crime and reports of child sexual abuse.

Investigators have taken an active role in developing and providing education sessions to community members across the APY Lands in relation to sexual offending, the issue of consent and the dangers of pornography. A high level of community confidence and trust has developed as a result.

Investigators have fostered working relationships with other agencies, including Child Protection Services (CPS), CAMHS, Department for Education and Child Development (DECD), Families SA and the NPY Women’s Council in order to provide coordinated support to victims and their families in accordance with established protocols.

It is to be acknowledged that there are significant cultural and gender sensitivities regarding the management and coordination of meetings with Anangu men and boys regarding sexual conduct. Notwithstanding, and pending progress of this recommendation, male SAPOL members on the APY Lands do engage informally with Anangu youth and men on the issue of sexual behaviour, when culturally appropriate opportunities arise.

#### **Recommendation 32**

That strategies to restrict access to pornographic material, by children in particular, be investigated.

That there be a community education campaign on the dangers of exposing children to pornography.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation and is committed to restricting access to pornographic material by children on the APY Lands.

SA Police (SAPOL) has included a focus on pornographic material as part of normal operational duties and lawful searches on the APY Lands.

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SAPOL conducted a comprehensive review of the Northern Territory intervention legislation. This review found that the relevant provisions of the Northern Territory legislation are covered within existing South Australian legislation under the *Classification (Publication, Films and Computer Games) Act 1995* and the *Summary Offences Act 1953*. Consequently, legislative amendments are not considered necessary.

SAPOL has conducted a number of systematic crime prevention security audits of premises and computers in Aboriginal communities across the APY Lands. Web protection software that blocks access to pornographic material has been loaded onto many computers and offered to other organisations operating on the APY Lands. SAPOL recognises that technology and equipment continues to change, and there is an ongoing commitment to ensure computers are protected.

SAPOL obtained information from the Northern Territory on the dangers to exposing children to pornography and has developed and produced a culturally appropriate 'story board' to assist with the delivery of appropriate messages through a structured community education campaign. Education sessions have now been delivered by SAPOL across the APY Lands to groups at 10 different communities. The sessions have been well attended and received.

Following the distribution of posters, stickers and web-blocking programs across the APY Lands by the Far North Police Crime Prevention Section in 2011, the only remaining community for distribution was Iwantja.

On 9 January 2012 posters were delivered to the Iwantja store, PYKU centre, and Nganampa Clinic. Software hyper-links were also provided. (Nganampa declined as they already have 'anti porn' software installed). The presence of 'anti porn' blocking software was also checked and found to be in place in Bungala premises and the Iwantja School.

In regard to the community education campaign, the Northern Territory 'story board' program was sourced and reviewed by the Australian Classification Liaison Scheme (NSW) and a number of changes were made. Copies of the revised story-board have been circulated by SA Police in support of their community education campaign across the APY Lands during 2012, alerting residents to the dangers of exposing children to pornography. Over 180 residents attended the community education sessions. Fact sheets from Parenting SA on 'role models' were also distributed across the APY Lands as part of the campaign.

Police on the APY Lands have received information that the use of private mobile telephones, tablets and laptop computers to access pornography, some using private wi-fi modems, is not uncommon.

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The application of porn-blocking software on publicly available computers within APY Lands communities is reportedly being circumvented through internet access via private wireless sources, whereby content restriction is problematic.

Enquiries by SAPOL have revealed that the Australian Communications and Media Authority (ACMA) has the authority to enforce content restrictions on Internet content hosted within Australia, and maintain a 'black-list' of overseas websites which is then provided for use in filtering software. The restrictions focus primarily on child pornography, sexual violence, and other illegal activities.

There are technical solutions to control the internet. Content filters also known as web-filters are widely deployed by government agencies, schools and private enterprises. Filters are also available for home-use. Web-filters rely on having a managed network and appropriate administration. This may not be the case with open wi-fi or in the case of internet access sharing by private individuals. Mobile broadband devices (typically pocket wi-fi) are particularly problematic whereby content-filtering of such unmanaged networks would require the cooperation of the service provider (typically TELSTRA) and ultimately the internet search engines (e.g. Google).

This is actually a global problem, not restricted to the APY Lands and therefore will require government intervention to affect changes to supply and is outside the control of SAPOL.

SAPOL will continue to provide a range of education sessions to communities across the APY Lands on issues of relevance. It is expected that such issues may include 'sexting', exposure to pornography, sexual offending, bullying, domestic violence and other issues identified as necessary and appropriate.

#### **Recommendation 33**

That AARD, with the assistance of DFC, establish safe houses for Anangu, particularly children who need short-term sanctuary from abuse, after consultation with Anangu leaders in communities, Families SA, Nganampa, DECS staff and SA Police.

That the State Government adequately resource the safe houses with suitable staff, services and facilities.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

In its response in 2008 the Government noted the services available to provide temporary accommodation for Aboriginal people seeking assistance who have left the Lands on account of child sexual abuse. Although the Government noted the need for accommodation in these circumstances has been infrequent, it committed to build and operate a safe house in Umuwa.

In 2009, the Government commissioned the NPY Women's Council to research possible models and locations for safe accommodation for women and children escaping violence or suspected child abuse. In its report, *Proposed preferred models for safe accommodation services for women and children from the APY Lands*, the NPY Women's Council did not support a safe house on the APY Lands. However, it did recommend that safe accommodation in Alice Springs be provided.

In 2010 the Housing SA, Homelessness Strategy committed additional funding (in accordance with Commonwealth and State funding agreements) to provide case management support services on the APY Lands. The agreements were due to end in June 2013 but have been extended to June 2014.

With the funding committed, the Cross Border Aboriginal Family Violence Service (NPY Women's Council) has been able to increase its service to include three case managers. Case managers provide support to women and children experiencing violence on the Lands. For the period 1 July 2012-30 June 2013, 290 clients were provided with at least one service relating to domestic and Aboriginal family violence support to women and their children who experienced domestic and or Aboriginal family violence on the APY Lands.

In addition, Homelessness Strategy provides funding for transport to enable women and children to leave and return to the Lands when escaping violence.

Domestic and Aboriginal Family Violence Services in Coober Pedy, Ceduna, Port Augusta, Cross Border (NPY Women's Council) and two Adelaide-based Aboriginal Family Violence Services, Ninko Kurtangga Patpangga and Nunga Mi:Minar provide a safe response, including transport on and off the Lands when escaping violence and when returning to the Lands when it is safe.

This safe response is supported by a memorandum of understanding between these agencies. The MOU ensures that women and children are provided with consistent case management and support services wherever they present throughout their journey. Women and children are provided with support to access Regional Domestic Violence and Aboriginal Family Violence service accommodation in Alice Springs, Ceduna, Coober Pedy, Northern Adelaide, Port Augusta and Southern Adelaide. This includes a coordinated response and joint case management, including the sharing of relevant information.

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The potential for the provision of safe accommodation in Alice Springs for women and children from the APY Lands has been the focus of discussions between the South Australian Government, represented by AARD, FAHCSIA and the Northern Territory Government since 2010.

In 2013 Housing SA began discussions with the NPY Women’s Council to finalise a preferred service delivery model case management service for women and children from the APY Lands at a Safe House in Alice Springs.

The funding available for the initiative was a once off allocation totalling \$230 000.

NPY Women’s Council has made a decision not to proceed with this initiative because the cost of the service model exceeded available funds and because it could not identify a facility that provided adequate security.

The South Australian Government will continue to work with the NPY Women’s Council to support the delivery of appropriate responses for women and children from the APY Lands.

#### **Recommendation 34**

That Families SA place two social workers on the Lands to respond to mandatory notifications of suspected sexual abuse of Anangu children on the Lands.

That Families SA review any policy about whether mandatory notifiers should be informed of the action which is taken following the making of the report.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Families SA established two child protection worker positions based at Umuwa to provide an immediate response to child protection concerns. These positions play a key role in the coordination of responses to child protection concerns between Families SA and other key agencies such as SA Police, Child Protection Service, Child and Adolescent Mental Health Service, Nganampa Health Council and NPY Women’s Council as required.

*The APY Lands Child protection protocols for the investigation and assessment of suspected abuse and/or neglect provides a framework for service delivery. A review of the APY Lands Child protection protocols will be completed by mid-2014.*

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The child protection worker positions based at Umuwa are currently vacant and recruitment efforts have commenced to fill these vacancies.

Families SA Coober Pedy office is currently operating a mobile protection service across the APY Lands.

'Child safe environments' training continues to be available for agencies to understand and implement their responsibilities as mandated notifiers. All Lands-based workers completed the 'Child safe environments' train the trainer program in 2013.

### **Recommendation 35**

That appropriate health, mentoring and counselling services be established for teaching and other education staff resident on the Lands.

That DECS arrange and resource adequate respite for teachers and other school staff resident on the Lands.

The principals of the schools on the Lands consider and report to DECS as to what is needed to enhance recruitment of teaching staff and retention rates.

### **Implementation of Government response complete**

The South Australian Government supported this recommendation in principle.

In response to this recommendation, additional support of teacher professional and personal resilience is provided at the school sites on the APY Lands.

There has been a strengthening of learning band networks for teachers in the early years, primary and secondary networks. There are learning band network meetings once each school term. This provides the opportunity to support teachers with professional development opportunities and collegiate collaboration.

The *Student practicum teaching* program has been carried out for the past 14 years with 227 tertiary students engaged in teaching practicum's ranging in length from two to eight weeks; of these 25% have taken up teaching appointments at the school sites.

In 2012, there were 25 student practicum placements at schools sites on the APY Lands. In November 2012, there was the inaugural 'APY Lands Field Trip' over a 10-day period involving 18

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### Government response

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education tertiary students. The field trip involved visiting the schools sites on the APY Lands, Yalata and Oak Valley to experience the unique teaching opportunities that the school sites present. In November 2013 a further field trip will take place with a larger cohort of 25 participants from all tertiary institutions in South Australia, in addition to four participants from the University of Melbourne.

A comprehensive eight-day induction program for all new staff occurs in January each year, prior to new staff taking up their teaching appointments at the school sites. This is further supported by a *Mentoring / induction recall* program for each teacher new to the APY Lands, who is matched with an experienced teacher from the Port Augusta group of schools. The *Mentoring / induction recall* program, in its third year of operation has all 15 early career teachers matched with a mentor for a 12-month period.

All teaching staff are able to access individual counselling and support through the *Employee Assistance Program*. This is in addition to the professional support and personal resilience provided at the school sites for teaching staff. Support structures are excellent, both at the school and the regional level. There are learning band network meetings scheduled each term, a biennial conference for all school sites and accelerated professional development in the teaching of literacy.

Support for teacher wellbeing includes study leave (one term paid leave after two years permanent service), Country Incentives Scheme, locality allowance and Special Zone B taxation rebates. The raft of support measures has contributed to a slight increase in the mean retention rate of teaching staff over the five-year period to 2012, from 2.75 years to 2.90 years.

#### **Recommendation 36**

That there be night patrols in each community on the Lands, initially in the presence of sworn police.

That people with cultural authority, sworn police and community professionals and residents assist in the training of people to participate in the patrols as is appropriate.

#### **Implementation of Government response continuing**

The South Australian Government supported this recommendation in principle.

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The Government recognised that in 2004 night patrols were initiated in a number of communities on the APY Lands, but were not successful and formally ceased in 2006. From that experience it became clear that, in order for night patrols to be successful, there must be substantial community commitment, support and involvement in the development and implementation of the endorsed model.

The National Partnership Agreement on Closing the Gap, Remote Service Delivery has identified the Amata and Mimili communities on the APY Lands in South Australia to develop local implementation plans (LIPS). The LIPS include the introduction of night patrols and in 2011-12 the Australian Government provided \$50 000 to establish night patrols in these two communities.

SA Police (SAPOL) implemented a night patrol trial in Amata in February 2012 for a period of six months. The model implemented consists of local community volunteers who provide a visible presence in the community of Amata with a focus on safety, early intervention and referral to appropriate support agencies. This model does not engage in law and order issues, rather encourages the reporting of incidents. Additional volunteers were trained in July 2012 to ensure the sustainability of this strategy, which is still in operation in Amata.

Night patrols now operate in both Amata and Mimili with participants receiving further 'on the job' training in October 2012 to ensure sustainability. Under the recommendations from the evaluation of Amata night patrols, SAPOL is managing and coordinating the program for the first twelve months during which time suitable local coordinators will be identified and trained for handover. This is expected to occur in October 2013.

Night patrols operate on the basis of community members volunteering to participate, undertaking training and volunteering their time to undertake patrol. The success of night patrols, particularly at Mimili has been hampered by the expectations that volunteers will be paid for their time.

If Amata and Mimili are successful, consideration will be given to introducing this night patrol concept to other communities if funding can be sourced. Only Amata and Mimili are being considered currently as both have police stations and funding is being provided through the *Remote service delivery* program.

### **Recommendation 37**

That a process of restorative justice for the resolution of disputes in communities on the Lands be developed, implemented and periodically assessed.

### **Implementation of Government response complete**

The South Australian Government supported this recommendation in principle.

Between 2004 and 2008 the Children in State Care Commission of Inquiry examined allegations of sexual abuse of children in state care and of criminal conduct that caused the deaths of such children. In 2007, a second concurrent inquiry was established to investigate child sexual abuse on the Anangu Pitjantjatjara Yankunytjatjara Lands. Both commissions made recommendations regarding the use of restorative justice.

The final report of the Children in State Care Commission of Inquiry recommended (#37):

That a panel of appropriately qualified people be formed to consider and establish a model for restorative justice in regard to complaints of child sexual abuse made by victims.

The final report of the APY Lands Commission of Inquiry recommended (#37):

That a process of restorative justice for the resolution of disputes in communities on the Lands be developed, implemented and periodically assessed.

The government's response to recommendation 37 of the Children in State Care final report was (in part) that:

The Government will establish a panel of appropriately qualified people to consider the issue of restorative justice for victims of sexual abuse whilst in State care and the appropriateness of an arrangement of restorative justice for victims of sexual abuse (and if so in which cases and in what circumstances). That panel will address the possible extension of its scope to other cases of child sexual abuse and provide advice on a suitable model for justice (if appropriate).

In reply to the APY Lands final report recommendation, the government referred to the commitment made in response to the Children in State Care final report to establish a panel of qualified persons and indicated that:

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### Government response

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The Government will request that the panel consider the issue of restorative justice for victims of child sexual abuse on the APY Lands, and will consider the report of the panel when it is presented.

The Restorative Justice Reference Group was established in late 2008 by the Attorney-General. Membership of the group included appropriately qualified people from the Attorney-General's Department, Department for Families and Communities, South Australia Police, Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation Division), Courts Administration Authority, Department for Correctional Services and the Commissioner for Victims' Rights.

Over a period of 12 months the reference group conducted an extensive literature review, obtaining information on relevant practices, processes and legislation in other jurisdictions. It also met with key people to obtain information on existing arrangements within the South Australian criminal justice system (including restorative justice practices) and views on the appropriateness of a restorative justice approach for victims of sexual assault.

The report highlighted concern about the dangers of using restorative justice processes for sexual offences, with the potential for secondary victimisation due to the power imbalances between the victim and offender. The reference group recommended a cautious approach for the handling of sexual offence cases through restorative justice programs.

As noted in the reference group report, the South Australian Government already delivers a range of programs that incorporate restorative justice elements, with conferences being the most common form of restorative justice offered in SA. These include the following:

- **Aboriginal Sentencing Conferences legislated under Section 9C of the *Criminal Law (Sentencing) Act 1988***

Aboriginal Sentencing Conferences provide an opportunity for Aboriginal defendants to have their voice heard in a culturally appropriate manner, and family members and support persons are encouraged to attend and speak directly to the court.

- **Port Lincoln Aboriginal Sentencing Conferences**

Port Lincoln Aboriginal Sentencing Conferences are offered by the Magistrates Court in the Port Lincoln area and involve adult Aboriginal defendants in a post-plea, pre-sentence conferencing process, where cultural facets of the incident are considered and defendants are provided with the opportunity to respond to the victim of the offence.

- **Family Conferences**

Under the *Young Offenders Act 1993*, any offence meeting the criteria for diversion under the Act may be referred to a family conference. A family conference allows the young

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person who has committed an offence to meet the victim of the offence and better understand the consequences of their offending behaviour.

The Restorative Justice Reference Group report does not support the blanket exclusion of sexual offences from restorative justice programs. However, the report notes the risks involved, particularly the potential for further harm to the victim, and the need for a cautious approach to the handling of sexual offences.

To apply restorative justice principles to the current system in a more holistic and consistent manner, the Restorative Justice Reference Group recommended that a restorative justice framework be developed for South Australia.

Given the higher priority attached to other government commitments, the Government does not support the development of a state-wide restorative justice framework at this time.

#### **Recommendation 38**

That all allegations of sexual abuse of children on the Lands, including the names and identifying particulars of alleged victims and perpetrators, the date, place and nature of the alleged abuse, any corroborating or confirming evidence and action taken, be accurately recorded.

That all such information be provided to the Sexual Crime Investigation Branch of SA Police.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

All information in relation to allegations of child sex abuse on the APY Lands, including the names and identifying particulars of alleged victims and perpetrators, the date, place and nature of the alleged abuse, any corroborating or confirming evidence and action taken, is accurately recorded on SA Police (SAPOL) computer systems. Principal police locations are connected to the central computer system enabling regular auditing of records at the Local Service Area and by the Sexual Crime Investigation Branch (SCIB).

All allegations of child sex abuse brought to the attention of SAPOL are thoroughly investigated. These investigations involve support being provided through the SCIB as required. The SCIB is provided with all relevant recorded information to assist with the investigations. The SCIB assesses all sexual offences and then offers consultancy and support as required ensuring all matters are properly investigated.

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### Government response

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SAPOL stationed a specialist sex crime investigator and two victim management officers on the Lands to support the local police with investigating sex related crime. That placement is due for review in mid-2014.

#### **Recommendation 39**

That fully operational police stations with an adequate number of personnel be established at all of the main communities on the Lands, namely Pipalyatjara or Kalka, Amata, Pukatja (Ernabella), Kaltjiti (Fregon), Mimili and Iwantja (Indulkana).

In the alternative that police stations be established at Amata, Pukatja and either Mimili or Iwantja.

That the police stations be established as a matter of urgency.

That the safety of communities where there is not a police station with a permanent police presence be kept under review and such police stations be established as is required to maintain safety in the communities.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

Three new police stations have been built on the APY Lands with funding of \$22 million being provided by the Australian Government to the South Australian Government. SA Police (SAPOL) took possession of the Mimili station on 18 December 2009, Amata on 20 February 2010 and Pukatja on 30 March 2010. Each station is staffed by a sergeant and three officers who provide reassurance and prompt response for the communities.

In total, there are 19 sworn officers dedicated to working across the APY Lands including a detective and two child and family violence/crime prevention officers. Police on the APY Lands are supported by additional six officers and an administrative officer stationed at Marla.

SAPOL is facilitating and chairing regular community safety meetings at Iwantja, Mimili, Kaltjiti, Pukatja, Amata, Murputja and Pipalyatjara/Kalka. These meetings are attended by community people including Elders and representatives from the Department for Education and Child Development.

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### Government response

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The increased police presence has led to a stronger rapport with the community and increased visual presence and crime reporting.

SAPOL members on the APY Lands are engaged in or have initiated a range of community based initiatives, to improve community education, support and interaction, including:

- development and delivery of road safety education, involving weekly classroom sessions with students using a driving simulator
- holding Blue Light Discos
- assisting with the coaching and training of sporting teams
- participation in overnight cultural camps and delivering talks on sexual assault and domestic violence issues, drugs and alcohol abuse
- providing community information sessions to female students, teachers, Aboriginal education workers and community elders on the subjects of child pornography, sexting, internet safety and the issue of sexual consent
- delivering talks to senior boys groups in relation to pornography, sexting, domestic violence and sexual crimes.

Police regularly visit communities on the APY Lands where there is no established police station, either in response to requests for police services, or as part of their general patrolling function.

#### **Recommendation 40**

That at least four sworn police officers be placed in each of the new police stations to be established on the Lands.

That the police officers be selected not only because of experience and ability but also because of suitability of personality and attitude.

That all police officers positioned in the permanent placements on the Lands, or otherwise working on the Lands, undertake cultural training specifically designed to facilitate their working with Anangu.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

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### Government response

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As reported against Recommendation 39, SA Police (SAPOL) now has 19 permanent sworn officers on the APY Lands. A specialised detective, two child and family/crime prevention officers and the senior sergeant officer in charge are at Umuwa. Mimili, Amata and Pukatja police stations are each staffed by four officers. Police on the APY Lands are supported by six officers and one administrative support officer stationed at Marla. There are currently three community constables on the Lands.

Position information documents (PIDs) for the APY Lands sworn uniform positions have been reviewed and amended to ensure regional specificity and cultural awareness. These PIDs, coupled with the corporate performance management system, provide criteria against which staff are selected and help identify any deficiencies within SAPOL selection processes for these sensitive roles.

Regionally and culturally specific online ready resources have been developed and posted onto the SAPOL intranet site to support local induction processes and staff in general to facilitate their working with Anangu.

The induction program for SAPOL members posted to the APY Lands has been updated to include cultural awareness training.

#### **Recommendation 41**

That whenever possible all allegations of child sexual abuse on the Lands be investigated by the Victim Management Service, Child Exploitation Investigation Service and Paedophile Task Force of SA Police, or the Far Northern Local Service Areas.

That members of SA Police required to investigate such allegations receive appropriate training regarding cultural, language and other communication matters concerning Anangu and sexual matters, and suitable techniques of investigation.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

SA Police (SAPOL) continually reviews processes to ensure best practice is maintained in the delivery of its services and in particular the reporting, recording and investigation of any instances

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of child abuse. All allegations of child sexual abuse reported to police are investigated by Far North Local Service Area in consultation with SAPOL's Sex Crimes Investigation Branch.

As reported against Recommendation 40, position information documents (PIDs) for the APY Lands sworn uniform positions have been reviewed and amended to ensure regional specificity and cultural awareness. These PIDs, coupled with the corporate performance management system, provide criteria against which staff are selected and help identify any deficiencies within SAPOL selection processes for these sensitive roles.

An induction education document has been developed and applied to all officers selected for positions on the APY Lands. Regionally and culturally specific on-line ready resources have been developed and posted onto the SAPOL intranet to support local induction processes and staff in general.

The induction program for SAPOL members posted to the APY Lands has been updated to include cultural awareness training.

Police on the APY Lands continue to work collaboratively with other agencies in response to reports and sexual crimes and child sexual abuse in accordance with the:

- *Interagency code of practice – Investigation of suspected child abuse or neglect*
- *APY Lands Child protection protocols for the investigation and assessment of suspected child abuse and/or neglect*
- *Family Safety Framework.*

#### **Recommendation 42**

That a training program for interpreters be developed by an established tertiary education organisation for Anangu and other persons with knowledge of Pitjantjatjara, Yankunytjatjara, Ngaanyatjarra and other languages used on the Lands as a matter of urgency.

That people undertaking the training also receive information about features of the child protection and the criminal justice system which are relevant to the role of interpreters.

That interpreters also be available to Families SA, DECS, Nganampa, ALRM and CRJ in the management and implementation of restorative justice on the Lands.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation.

The implementation of this recommendation continues to be an ongoing activity for the government in the provision of accessible and appropriate interpreter services to Aboriginal people.

Interpreter services have direct impact on the extent to which government is able to engage effectively with a significant proportion of the Aboriginal population on a variety of social, environmental and economic issues. The services provided by interpreters and translators also affect the accessibility and service levels of public sector programs and services.

A number of initiatives are in place or underway by both the South Australian and Australian governments to improve the way interpreters and translators are used by government departments and government service providers, and, also, to increase the number of interpreters and translators available, particularly in remote areas.

The *South Australian Aboriginal Languages Interpreter and Translator Policy Framework* has been developed across the South Australian Government.

The framework focuses on ensuring that State Government agencies and services understand their responsibilities to provide interpreters and translators for Aboriginal people where language and/or culture act as barriers to understanding. It also reminds agencies of the need to factor these services into programme and service delivery budgets.

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### Government response

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In addition to the obvious program and service benefits for Aboriginal people, the policy framework is expected to create additional employment opportunities for Aboriginal South Australians with language skills.

The policy framework will ensure that practical improvements are made to both 'demand side' and 'supply side' aspects of the interpreting and translating system. This will result in an increased use of interpreters and translators by government agencies and the creation of new employment opportunities for Aboriginal languages interpreters and translators.

To assist with the creation of new job opportunities, TAFE will continue to deliver the Diploma of Interpreting, which has to date produced 20 Aboriginal language graduates.

In parallel with the State Government's policy development, the Australian Government is leading the drafting of a National Framework for Indigenous Interpreters.

The national framework will coordinate and drive commitments from the Australian Government and participating jurisdictions, to make improvements in areas such as the training and accreditation of interpreters, investment in interpreting services, increasing the supply of interpreters and developing a 3-year action plan to support the framework's implementation.

The Australian Government has also committed \$900 000 to fund a trial program in 2013-14, which will extend interpreting services provided by the Northern Territory Aboriginal Interpreter Service into the APY Lands, as well as north-eastern parts of Western Australia.

This initiative will generate a variety of new employment opportunities for Aboriginal people on the APY Lands. Current estimates are that approximately six part-time interpreters and one or two higher-level coordinators will be employed for the APY Lands component of the trial.

It is considered that these major initiatives in the Aboriginal languages interpreting and translating area will lead to significant improvements in service delivery experience for government agencies and Aboriginal people alike. It is also envisaged that there will be a flow-on effect of an improved government approach to interpreting and translating leading to further service gains and job opportunities for Aboriginal South Australians in the non-government service sector.

#### **Recommendation 43**

That a liaison person be appointed in each case to assist alleged victims and witnesses with police and court processes, independent of police or prosecution.

That the NPY Women’s Council be requested to make the appointment and that all reasonable costs should be paid by the State Government.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

As reported previously there are current service providers that offer support to alleged victims and witnesses involved in court processes, including NPY Women’s Council, the Women’s Legal Service, the Victim Support Service based in Port Augusta, SA Police, the Court Administration Authority’s Aboriginal Justice Officers, and the Witness Assistance Service of the Office of the Director of Public Prosecutions (ODPP).

With particular reference to the assistance referred to in this recommendation, the ODPP provides services that are available for witnesses/victims generally as well as the Witness Assistance Service.

The Witness Assistance Service provides a service to ensure that all victims of crime and their immediate family have access to information and support services, and are aware of their rights and responsibilities when dealing with the criminal justice system.

The diverse range of services provided by Witness Assistance Officers to victims of crime and vulnerable witnesses includes the following:

- Providing information about the legal process, updates on the progress of a case, support services, and victim's rights and responsibilities
- Liaison with solicitors and prosecutors
- Court preparation and familiarisation tours
- Assessment and planning for special needs and support in preparation for the court process
- Attendance and support during meetings with solicitors and prosecutors

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- Co-ordination and provision of court companion support for victims/witnesses
- Assistance with the preparation and presentation of victim impact statements for the sentencing court
- Crisis counselling, intervention and debriefing in relation to the legal process
- Interagency liaison
- Community education and training and contribution to policy about victims' issues.

The Office of the Director of Public Prosecutions' *Statement of Prosecution* policy and guidelines stipulates that all children and young people under the age of 18 years, be referred to the Witness Assistance Service.

Ideally this referral should occur as early as possible in the legal process to ensure an adequate exchange of information and sufficient time to develop rapport and trust with the young person. The majority of referrals to the Witness Assistance Service are made by ODPP solicitors and prosecutors. Referrals may also come from victims and witnesses themselves or external agencies such as SA Police, Victim Support Service, or Yarrow Place Rape and Sexual Assault Service.

#### **Recommendation 44**

That the *Children's Protection Act* or regulations be amended to add a function of the Guardian for Children and Young People to act as an advocate of an Anangu child or young person who is not in State care but is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.

That in accordance with section 52B of the Act, the Guardian be provided with sufficient staff and resources to carry out the function.

#### **Implementation of Government response complete**

The South Australian Government supported this recommendation in principle.

It accepted the need to ensure that appropriate support and advocacy is provided to an Anangu child or young person who is the subject of a Family Care Meeting Agreement and who has made a disclosure of sexual abuse.

## Part 3 – Progress report

### Government response

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The arrangements for advocacy and support of children on the APY Lands were examined and found to address the intent of this recommendation.

The Conferencing Unit of the SA Youth Court convenes a Family Care Meeting when Families SA has formed the opinion that a child is at risk of ongoing abuse or neglect. The meeting provides an opportunity for family members to participate in making decisions about the future care and protection of a child.

Section 29(2) of the *Child Protection Act 1993* (the Act) requires that the coordinator of the Family Care Meeting must arrange for a suitable person to act as advocate for the child at the meeting, unless satisfied that the child has made an independent decision to waive his or her right to be so represented.

The child advocate is the voice of the child at the meeting and presents the child's views when the child is unable to do so on their own behalf, for example where they are too young to participate or do not wish to attend the meeting. If the child is too young to express their own views about their current situation, the child advocate speaks to the meeting from a developmental perspective.

Cultural representation at the Family Care Meeting is a requirement under section 31(h) of the Act when the child is of Aboriginal or Torres Strait Islander background. The cultural representative attends to assist the coordinator to facilitate the meeting in a culturally sensitive manner and to ensure that the cultural needs of the child, in the context of their family and community, are represented.

A Family Care Meeting Agreement may be established that outlines the course of action to be taken to secure the safety and protection of the child; it may also outline the support required by the child and family. On the APY Lands all children subject to a Family Care Meeting Agreement have a Families SA worker assigned to them and have the same resources available to them as if they were on a Care and Protection Order including financial support, *Rapid response* and an annual review.

In 2013 Family Care Meetings continue to be convened by the Conferencing Unit of the SA Youth Court for children and young people who Families SA considers may be at risk of ongoing abuse and/or neglect.

The Family Care Meeting coordinator arranges for a suitable person to act as a child advocate at the meeting. The coordinator also ensures all relevant family and community members are present at the meeting or have an avenue for their views to be represented.

The Guardian for Children and Young People regularly attends annual case reviews of children who are subject to Family Care Meeting Agreements.

#### **Recommendation 45**

That during the next 12 months the State Government consult with the Courts Administration Authority and interested agencies, to establish what services and facilities are required to enable the courts to operate effectively and efficiently on the Lands and that all reasonable resources be provided for that purpose to enhance safety on the Lands.

That court facilities are not established as part of police stations on the Lands.

#### **Implementation of Government response complete**

The South Australian Government noted this recommendation.

Since the initial Government response in July 2008, there have been significant improvements to facilities in the communities on the APY Lands easing the need for dedicated court facilities at Umuwa.

Court officers currently use PY Ku Network (rural transaction centres), the TAFE at Pukatja and the facilities provided in police stations at Amata, Pukatja and Mimili for court matters. Video-conferencing capability is being installed at the Pukatja police station and is being investigated at Iwantja and Pipalyatjara for the future. With these improvements in mind, CAA was mainly seeking accommodation for the Court party, which was to be included in the facilities at Umuwa.

It is considered that the intent of Recommendation 45 has been met and courts are operating effectively and efficiently on the APY Lands and that all reasonable resources have been provided for that purpose to enhance safety on the Lands.

The funds previously allocated by the Australian Government for the construction of the Umuwa Courts and Administration Centre are being redirected to establish three Family Wellbeing Centres on the APY Lands – in Mimili, Amata and in Pukatja.

#### Part 4 – Recommendations not implemented

The *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004* requires that “if, during the relevant year, a decision has been made not to carry out a recommendation of the Commissioner that was to be carried out, the reasons for not carrying it out [must be stated]”<sup>13</sup>.

In the 2013 reporting year, no decision has been made to not carry out a recommendation of the Commissioner that was to be carried out.

#### Recommendation 46

That a corrections facility be established on the Lands for prisoners on remand on a short-term basis.

That prisoners on remand for longer than short-term be removed from the Lands to the corrections facility at Port Augusta or elsewhere, as determined in the usual way by the Department for Corrections.

That the State Government arrange air travel for the removal of prisoners from the Lands and their return for court appearances.

#### Recommendation not implemented

The Government did not support this recommendation.

In consideration of the significant capital and recurrent costs associated with implementing this recommendation, it was determined that rejecting this recommendation would allow available resources to better target the enhancement of community safety and the protection of children on the APY Lands.