



Government  
of South Australia

## **FOURTH 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 2012

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### List of acronyms

<b>ALRM</b>	Aboriginal Legal Rights Movement
<b>AEW</b>	A <sub>n</sub> angu Education Worker
<b>AGD</b>	Attorney General's Department
<b>AHW</b>	A <sub>n</sub> angu Health Worker
<b>A<sub>n</sub>angu</b>	People of the A <sub>n</sub> angu Pitjantjatjara Yankunytjatjara (APY) Lands
<b>APY Lands</b>	A <sub>n</sub> angu 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 (now titled DECD)

## Part 1 - Introduction

<b>DEEWR</b>	Department of Education, Employment and Workplace Relations
<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 and 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>	Tertiary 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 which 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 is 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 37 of the Inquiry’s recommendations. These important achievements are contributing to addressing issues relating to sexual abuse of Anangu children.

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

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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*.

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. 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, is an essential step to achieving this goal.

Community confidence in the Government's response will take time to achieve given the normalisation of child sexual abuse/sexual assault in some communities, the alleged use of intimidation by some community members, and the level of trust regarding Government services.

This is the Government's fourth annual report to Parliament. It summarises the progress the Government has made towards implementing its response and also sets out priorities relating to the continued implementation of the recommendations of the Inquiry.

### 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:<sup>2</sup>

- to select APY communities to form the focus of the Inquiry; and
- to examine allegations of sexual abuse of children on the APY Lands; and
- to assess and report on the nature and extent of sexual abuse of children on the APY Lands; and
- to identify and report on the consequences of the abuse for the APY communities; and
- to report on any measures that should be implemented –
  - to prevent sexual abuse of children on the APY Lands; and
  - 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 and in November 2011.

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

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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.



### 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; and
- 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; and
- 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 fourth 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 Commonwealth Governments and key non-government agencies working on the APY Lands.

The Government established a multi-agency working group in April 2009, comprising senior officers from key Government departments. The working group is responsible for overseeing the continued implementation of the Government's response to this inquiry.

During 2013, the Taskforce and working group will continue to meet on a regular basis to monitor progress towards implementing the Government's response.

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

<sup>10</sup> Ibid.

### Part 3 – Progress Report

#### 3.1 Implementation: Government response completed by November 2011

In its annual report of November 2011, the South Australian Government reported that it had completed implementation of its response to 26 recommendations of the Inquiry. These responses are summarised below.

Detailed information about the Government's response to these recommendations is available in its previous reports to Parliament.<sup>11</sup>

#### **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**

Families SA continue 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 now available for the two Child Protection Worker positions in Umuwa. Government housing is now available for the Lands Based Workers in Mimili, Kaltjiti (Fregon), Pukatja (Ernabella), Amata and Pipalyatjara. Although there is no housing available in Iwantja, alternative arrangements have been made at Marla, 54 kilometres from Iwantja (Indulkana), for the Iwantja Lands Based Worker.

Families SA has conducted a review of conditions for staff on the APY Lands.

Families SA staff are currently appointed on a mix of ongoing and term contracts. This arrangement provides flexibility for both the individuals and DECD - 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.

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<sup>11</sup> Previous responses are available from [www.sa.gov.au/mullighaninquiry](http://www.sa.gov.au/mullighaninquiry).

Families SA provides attractive employment packages which include loyalty specific allowances, remote area salary attractions, maximum remote locality conditions under the Commissioner's Standards issued under the *Public Sector Management Act 1995*, work based four wheel drive safety vehicles, satellite phones, laptops and mobile phones, 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**

During 2012, 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.

In 2012, DCSI has continued to run programs through the Family Centre's and Youth Sheds. Programs vary slightly depending on the community, and are delivered in Indulkana, Mimili, Fregon, Pukatja, Amata and Pip and Kalka. DCSI programs include:

- Home and Community Care (HACC) which provides meals, blanket washing and local transport
- 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.

The Amata wellbeing centre commenced operations in August 2012, with a range of programs and organisations operating from the centre. Services such as CAMHS,

## Part 3 – Progress Report Government Response

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drug and alcohol, Home and Community Care and disability programs all utilise the centre. An executive committee consisting of community members has been established and is one way to ensure the community voice is heard with regard to planning and program delivery within the centre. Having all services operate from the one centre is proving to be valuable to enhanced service delivery and staff are able to work closely to provide an holistic service.

It is intended that by mid-2013, new Family Wellbeing Centres will be in place and operational in Mimili and Pukatja on the APY Lands. These centres will improve child, family and community wellbeing and provide access to a suite of family support programs and other 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**

There are currently 36 registered users of the E-Notification system on the APY Lands; this represents 6.1% of all registered users (the number of users state-wide is now 590). Phone and fax based notification systems can still be used in addition to the E-Notification system.

Two Child Protection Worker positions are now 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.

### **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**

Families SA has maintained its commitment to six Lands Based Workers on the APY Lands and at the time of preparing the report all six positions are filled with each of the workers aligned to one school on the Lands. The position of Supervisor to the team of workers on the APY Lands has been filled since July 2012 in an ongoing capacity.

### **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 APY Lands Child Protection Protocols; for the investigation and assessment of suspected abuse and/or neglect have been operational since January 2010 in various iterations as the agencies progressed to the final formal sign off in October and November 2011.*

Nganampa Health Council has, as required under s8C 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 Children’s Protection 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**

Over the past few years, the Women’s and Children’s Health Network, Child and Adolescent Mental Health Service (CAMHS) has been an integral part of the working party to develop the *APY Lands Child Protection Protocols: for the investigation and assessment of suspected abuse and/or neglect*. This protocol is the guiding framework for responding to child protection notifications on the APY Lands and has now been finalised, endorsed and operationalised.

CAMHS and Families SA use the APY Lands Child Protection Protocol to govern their working relationship. Strategy meetings are held with regard to notifications of sexual abuse where respective agency roles are negotiated.

Ongoing planning and service development continues to occur in relation to interagency collaboration and the development of ongoing governance structures between agencies on the APY Lands including CAMHS and Families SA. During 2012 this has included a proposal for Families SA and the Women’s and Children’s Health Network to review the protocols.

A review of *APY Lands Child Protection Protocol* would provide the opportunity to ensure that practices by health, policing and welfare agencies are being efficiently and effectively implemented to ensure investigative, restorative, educational and therapeutic processes are balanced to achieve child, family and community safety, health and wellbeing.

### **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 Women's and Children's Health Network, Child Protection Service (CPS) has internally redirected existing resources to provide an increased level of response to child protection on the APY Lands. When a child is removed from the APY Lands to Adelaide for child protection reasons, CPS responds by making practitioners available in a timely manner.

Families SA is the statutory agency responsible for the removal of children for child protection reasons. Families SA 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 as required.

CPS provides forensic medical assessment services, and forensic psychosocial assessments of children under 12 years of age, and provides medical and therapy services as required. Sexual assault services for children 16 years and over are provided by the Women's and Children's Health Network, Yarrow Place Rape and Sexual Assault service.

The Women's and Children's Health Network, Child and Adolescent Mental Health Service metropolitan based clinicians also provide therapeutic services to children and young people based at the Wiltja accommodation project and children in care in Adelaide.

### **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**

Families SA and the NPY Women’s Council have maintained regular contact during 2012 to share information and plan services. *The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* has been operational for two years 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 has continued to engage with Anangu Elder men as appropriate in this area.

In addition, Housing SA, Homelessness Strategy has committed funding until 30 June 2013 (in accordance with present Commonwealth and State funding agreements) to provide case management support services on the APY Lands. With this funding the Cross Border Aboriginal Family Violence Service (NPY Women's Council) has increased its service to include three case managers who provide support to women and children experiencing violence on the Lands.

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.



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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.

### **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**

Nganampa Health Council (NHC) is an incorporated Aboriginal Community Controlled Health Service primarily funded by the Commonwealth 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.

An APY Lands Joint Steering Committee was established in September 2011 to work collaboratively across State and Commonwealth Governments to *Close the Gap* in Indigenous disadvantage within Aboriginal communities on the APY Lands. Membership includes State Government agencies – Department of the Premier and Cabinet, Department for Education and Child Development, SA Police, Department for Communities and Social Inclusion, SA Water, Department of Planning, Transport and Infrastructure, the South Australian Fire and Emergency Services Commission, the Department of Environment, Water and Natural

## Part 3 – Progress Report Government Response

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Resources, the South Australia Attorney-General's Department, the Department of Further Education, Employment, Science and Technology and SA Health. Commonwealth Government agencies – the Department of the Prime Minister and Cabinet, the Department of Families, Housing Community Services and Indigenous Affairs, the Department of Education, Employment and Workplace Relations, Centrelink, Department of Health and Ageing, the Commonwealth Government Attorney Generals Department and the Commonwealth Coordinator General for Remote and Indigenous Services. The committee reports to both State and Federal Ministers.

Membership also includes the Anangu Pitjantjatjara Yankunytjatjara Lands Council Executive.

### **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 former DASSA Substance Misuse facility at Amata was transitioned to the management of Country Health SA LHN on 6 February 2012.

The facility is now called the Amata Family Wellbeing Centre and has established an Anangu Wellbeing Executive to lead the development of the 'draft Amata Social Health Plan' incorporating the work of all resident and visiting services in Amata. DASSA staff and outreach services remain on site and DASSA uses the Amata Family Wellbeing Centre as the administrative centre for its APY Lands services.

The Amata Family Wellbeing Centre is driven by the Anangu Wellbeing Executive group which has established 5 priorities to underpin Amata Community progress.

- 1) Community safety – includes policing, night patrol, correction, youth justice, child protection and family support services, mental health, DASSA, youth and sport programs

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2) Diabetes prevention and health – includes all health diversionary and prevention programs, health promotion, community wellbeing programs and activities including social gatherings and exercise programs associated with health goals

3) Employment and training - includes setting and monitoring Anangu community employment targets, all Community Development Employment Program and job placement support, all Government and non government agency employment training initiatives and all existing and planned employment mentoring and training.

4) Education – The quality social and health education of children and adolescents, as well as Adult literacy and Numeracy

5) Culture and Law – This wellbeing priority seeks to ensure the legitimacy and primacy of Anangu cultural imperatives and intends to explicitly promote cultural recognition and reinforcement through service inputs and activities.

Along with DASSA, CHSA has integrated into the facility the Department for Communities Social Inclusion HACC meals preparation and disability programs and CAMHS services to co-locate at the new Family Wellbeing Centre. CHSA LHN is currently negotiating the commencement of CAFHS Early Childhood Development Program from the Wellbeing Centre site. The service is scheduled to commence at Amata in September 2012.

These services will continue to be provided from the CHSA LHN Amata Family Wellbeing Centre and will be complemented by a suite of child and family support services to be coordinated through the Amata Anangu Wellbeing Executive process based at the Family Wellbeing Centre.

The Amata Family Wellbeing Centre service realignment has commenced and is well advanced through the Amata Anangu Wellbeing Executive process, while the tender documents for the physical adjustment works at the Amata Family Wellbeing Centre site were finalised in November 2012. Those adjustments are being made possible through the use of a proportion of the funding of \$4.95million provided by the Commonwealth in 2008. [Family Wellbeing Centres are also being established in Mimili and Pukatja.]

### **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 Australian Government makes Baby Bonus payments to customers following the birth (including stillborn babies) or adoption of a child. The scheme recognises the extra costs incurred at the time of a new birth or adoption.

Eligibility for the Baby Bonus includes:

- being the primary carer of a dependent child or the partner of the primary carer
- having the care of the child within 26 weeks of the child's birth and be likely to continue for at least 26 weeks.

The Baby Bonus is paid per eligible child in 13 fortnightly installments. From 1 July 2011, customers eligible to receive the Baby Bonus receive a higher first installment of \$879.77 and 12 fortnightly installments of approximately \$379.77. The higher first installment of the Baby Bonus assists with the upfront costs of having a new child.

From 1 September 2012, customers with a newborn or recently adopted child who claim and are eligible for Baby Bonus will receive \$5,000. Customers who claim up until the 31 August 2012 can continue to receive the current rate of \$5,437.

### **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**

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 s8C 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**

Legislation was amended as previously reported. Affected organisations were provided information sessions and Child Safe Environments: Reporting Child Abuse and Neglect training continues to be offered state-wide. A contact point and website are available to assist organisations with enquires regarding Child Safe Environment (CSE) requirements. The CSE: Guidelines for Mandated Notifiers booklet has been updated and is expected to be available by the end of 2012.

### **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**

#### **Families SA Coober Pedy Office - General**

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 thirty one 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.

### **Families SA Coober Pedy Office services**

#### ***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:

- 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 Family Care Meeting Agreements and Guardianship of the Minister for Education and Child Development.

#### ***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 repercussions (payback). Acts of payback include verbal and physical abuse and property damage.

Tasks undertaken by these workers include:

- 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 Agreements, Kinship Care Arrangements and children under Guardianship within the local community.

Families SA continued to review and assess its capacity to respond in a timely, effective and appropriate manner to child protection notifications.

### 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

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. PYEC have '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.

Apparent retention rates are the percentage of students in Year 12 compared with the number in Year 8 four years earlier. Apparent retention rates can be calculated for:

- (i) full time enrolments
- (ii) all enrolments (i.e. 'persons' full time and part time students) and
- (iii) full time equivalent enrolments (i.e. full time plus proportion of workload undertaken by part time students FTE).

The Year 8 to Year 12 school retention rate on the APY Lands in 2007 was 65.7% and the retention rate of students for Year 8 to Year 12 in 2010 was 77.4%. This is



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an 11.7% improvement in the retention rate over a 4 year period from 2007 to 2010. In 2011, the apparent retention rate was 41.5%; however, this represents in real terms a difference of two students from year 2010 to 2011.

This significant decrease highlights the complexity and challenges concerning the engagement and retention of Anangu students in formal education on the APY Lands. The 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 vocation and trade courses at the Umuwa APY Trade Training Centre (APY TTC) on the APY Lands. 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.

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

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 CAMHS, NPY Women's Council and Nganampa Health Council with respect to the care and welfare of children on the APY Lands.

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 Lands Food Security Strategic Plan 2010-2016.

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 Commonwealth 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.

Pitjantjatjara Yankunytjatjara Education Committee (PYEC) will continue to monitor and act where issues of food security adversely effects the wellbeing of children on

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the APY Lands. PYEC will support incentives to improve the quality of food and nutrition in the APY Lands communities.

### **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**

All learning bands (Junior Primary, Primary and Secondary) focus on ICT and its application in learning programs; to increase student ICT skills. This is supported by a full time ICT Officer is based at Pukatja; to provide ICT technical support to all school sites.

POLYCOM videoconferencing units are used at each school site to link Principals, Anangu Coordinators, teachers, AEWs 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 have 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 outcomes has showed limited improvement since 2008 when the National Assessment Program – Literacy and Numeracy commenced, testing results across Years 3, 5, 7 and 9. However,

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during this time period there has been a 9 per cent improvement in spelling in the Year 5 cohort.

Pre-vocation training is being carried out at school sites with a secondary student cohort; that includes land management, food and hospitality, construction, automotive trades.

The Manager APY Trade Training Centre (TTC) is currently working with all school sites, TAFE SA and employer groups to extensively trial the delivery of courses in the above fields.

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 in the school setting.

### **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**

In 2012, regular meetings continued to occur between staff of Nganampa, DECD, DCSI, and SAPOL working on the APY Lands. These provide the opportunity for continuing education about child care and protection. Child protection remains on the agenda of a number of meetings including Community Safety Meetings chaired by SAPOL which continue to be held regularly across nine communities on the APY Lands.

The Mullighan APY Lands Inquiry Taskforce, of which the Families SA Country Director is a member, and the Inter-departmental Working Group continue to meet with the focus on progress towards the implementation of the Mullighan

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Inquiry recommendations including discussions on the needs and problems of sexually abused children and the problems encountered by service providers.

The Senior Officers Group on Care and Protection of Children also continues to meet on a regular basis.

### **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**

There are 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 SAPOL, CPS, CAMHS, 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.

Child Safe Environments training continues to be available for agencies to understand and implement their responsibilities as mandated notifiers.

### **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**

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.

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 2 to 8 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 will be the inaugural 'APY Lands Field Trip' which will be for 10 days involving 18 education tertiary students visiting the schools sites on the APY Lands to experience the unique teaching opportunities that the school sites present.

A comprehensive eight day Induction Program for all new staff occurs in January each year. This is further supported by a Mentoring / Induction Recall Program for each teacher new to the APY Lands; who is matched with an Advanced Skills Teacher Level 2 (AST2); from outside of the APY Lands. The Mentoring / Induction Recall Program; in the second year of operation has all 20 Early Career Teachers matched with an AST2 for a 12 month period.

All teaching staff are able to access individual counselling and support through the Employee Assist Services. This is in addition to the professional support and personal resilience provided at the school sites for teaching staff.

### **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**

Cabinet considered the report of the Restorative Justice Reference Group in December 2010.

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.

It was previously reported that the use of restorative justice processes would be considered in conjunction with Community Court Project planning.

As part of the Mid-Year Budget Review on 15 December 2011, the Government decided not to proceed with the Community Court Project.

Given that the Community Court is no longer proceeding, and in light of the Restorative Justice Reference Group's reservations, restorative justice programs will not be expanded 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**

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 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.

SAPOL stationed a specialist Sex Crime Investigator and two victim management officers on the Lands for a 12 month period to support the local police with investigating sex related crime. That secondment has recently been extended for a further 12 months, with this placement due for review in mid 2013.

### **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**

Three new police stations have been built on the APY Lands with funding of \$22 million being provided by the Commonwealth to the South Australian Government. 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 nineteen 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 Committee Meetings at Iwantja, Mimili, Kaltjiti, Pukatja, Amata, Murputja and Pipalyatjara/Kalka. These meetings are attended by community people including Elders and representatives from the DECD.

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:



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- 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 school 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 classes in relation to pornography, sexting, domestic violence and sexual crimes.

### **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**

As reported against Recommendation 39, 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

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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 on-line 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**

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 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.

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

### **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**

Family Care Meetings continue to be convened by the Care and Protection 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 (FCM) 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 reviews of children who are subject to FCM 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**

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.

### **3.2 Implementation of Government response completed during November 2011 – November 2012**

Since the tabling of the third annual progress report in November 2011, the Government has fully implemented its response to a further 11 recommendations.

These 11 recommendations, and the actions the Government has taken to implement its response to them, are listed in this part of the report.

Contextual information, including a summary of the Government's initial response in June 2008 and subsequent implementation reports, is also provided below each recommendation.<sup>12</sup>

Copies of the Government's past reports to Parliament are available from [www.sa.gov.au/mullighaninquiry](http://www.sa.gov.au/mullighaninquiry).

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<sup>12</sup> Detailed information about the steps the Government has taken in response to these recommendations is available in the Government's past reports to Parliament.

### 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.**

### Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation.

A report titled *Working Together: Multi-Agency Collaboration and Child Protection on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands* has been prepared by the Australian Centre for Child Protection.

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, DECS, CAMHS, CPS, Families SA and SAPOL. 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.

### Annual Report of November 2012

The South Australian Government has implemented its response to this recommendation.

The report, commissioned by the Department of the Premier and Cabinet, to evaluate the effectiveness of a ‘multi-disciplinary’ team approach involving Families SA and other service providers on the Lands was completed by the Australian Centre for Child Protection in 2010. This produced a report titled *Working Together: Multi-Agency Collaboration and Child Protection on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*.

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Families SA (DECD), to enhance the ‘multi-disciplinary’ team approach, chaired the Child Protection on the APY Lands Working Group and as a result *The APY Lands Child Protection Protocols for the Investigation and Assessment of Suspected Abuse and/or Neglect* were developed and signed by all relevant parties and have been operational for two years. These protocols provide an ongoing framework for agencies to deliver a ‘multi-disciplinary’ approach for responding to child protection notifications on the APY Lands.

Families SA is currently planning for an evaluation of the APY Lands Child Protection Protocols to be undertaken to determine whether the intended outcomes have been achieved and to inform improvements to the multi-disciplinary approach set out in the protocols.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

A significant program to construct new properties and upgrade existing dwellings on the APY has been funded under the National Partnership Agreement on Remote Indigenous Housing. The Agreement also requires the implementation of public housing-like property and tenancy management across Aboriginal communities in South Australia.

During 2009-10 and 2010-11 there were 61 new houses constructed in Amata, Mimili, Pukatja and Kaltjiti and 92 houses were refurbished in these communities and Pipalyatjara. Housing SA has also constructed five new dwellings in Umuwa to house Anangu employees or trainees.

Housing SA has established an APY Lands Regional Office in Umuwa and appointed staff to manage the housing on the APY Lands.

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The Home Living Skills program continued to be rolled out and facilitated by two full time Senior Housing Support Workers with one based in the east and the other the west of the APY Lands.

The Commonwealth Government funded additional staff housing on the Lands as part of the response to the Inquiry. Two duplex units have been provided in Pukatja, Pipalyatjara and one duplex provided in Amata, Mimili and Umuwa.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

The housing construction program did begin as a matter of urgency resulting in a total of 99 new houses built and 111 housing upgrades as at 30 June 2012. Capital activity continues on the APY Lands through the National Partnership Agreement on Remote Indigenous Housing (NPARIH).

The NPARIH is a ten 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.

During 2011-12, the program to improve housing in APY Lands communities continued with 38 new houses constructed in Amata, Mimili, Pukatja and Kaltjiti, and 19 houses refurbished in the Amata, Kaltjiti and Pipalyatjara communities.

The APY Lands Regional Office in Umuwa is the central point of service delivery for housing on the APY Lands. The current staff complement of nine includes a Manager, Program Manager, Maintenance Coordinator, Housing Officer, Assistant Housing Officers' and Home Living Skills workers. Five of these positions are filled by local Anangu. There is also a full time Assets Project Manager responsible for supporting the capital works program on the APY Lands.

Through the Remote Indigenous Housing National Partnership Agreement, States and Territories have committed to achieving an average 20% local Indigenous employment for the procurement of new housing construction and refurbishment works. South Australia exceeded this target in 2011-12 achieving 36% local Indigenous employment on capital projects delivered through the Agreement and supported local residents to acquire nationally recognised qualifications while working with Housing SA Contractors. This 'working and learning' approach led to twelve Anangu employees from Kaltjiti and Pukatja being awarded a Certificate II Civil Construction in late May 2012.



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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.

Following a tender process a multi-trade contractor has been appointed to undertake maintenance on community houses. This is a three year contract in the first instance and commenced on 1 October 2011. This is an important step in improving maintenance services in remote Aboriginal communities.

Housing SA commenced management of the Home Living Skills Program for 2011-12. The 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, the program was delivered in Amata, with 67 households engaged and 184 people participating in the sessions. Forty households have completed and exited the program to date. Consultation and program planning has commenced with the Mimili, Pukatja and Pipalyatjara communities to undertake the Home Living Program during 2012/13.

A review of staff housing on the APY Lands was undertaken by the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Division and subsequently a working group has been established to determine more effective methods of utilising existing housing stock.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

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 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.

The CYWHS, CPS has continued to provide a response to children referred by Families SA.

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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 Protection Protocols for the investigation and assessment of suspected abuse and/or neglect (2010)*. The protocols are a set of procedures and agreements that are followed when there is an allegation of child abuse and/or neglect on the APY Lands. These protocols include procedures for investigation, assessment and case management. Nganampa Health Council is a signatory to the protocols and was closely involved in their development.

Nganampa Health Council informed and trained all relevant staff in relation to their child safe environments and mandatory reporting requirements. Nganampa Health Council reported all reasonable suspicions of child abuse or neglect to Families SA, in line with the Children's Protection Act. Sexually transmitted infections are one of many potential indicators of sexual abuse or sexual exploitation in persons under 18 years.

In 2010, Nganampa Health Service made 112 notifications to SA Health for Chlamydial infections, 16 of which were for children under the age of 18. A total of 151 notifications were made for Gonorrhoea infections, 19 of which were for children under the age of 18. In 2010, Nganampa Health Council did not identify any Chlamydial or Gonorrhoea infections in children below the age of 14.

As part of good clinical practice, upon receipt of a notification of sexually transmitted infections in children under the age of consent, SA Health routinely made 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.

Families SA continued to work with SA Health to provide information and support to liaise with those reporting notifiable infections, particularly in regard to their obligations as mandatory notifiers.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

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Nganampa Health Council operates in accordance with the legislative requirements of all South Australian legislation as well as the medical practices that apply to all other health care professionals in South Australia. Agency roles and responsibilities with respect to child protection matters on the APY Lands are clearly documented in the APY Lands Child Protection Protocols for the investigation and assessment of suspected abuse and/or neglect (2010). These protocols include 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 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*.

Nganampa Health Council reports all instances of sexually transmitted infections to SA Health under 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 2011, there were 93 new notifications of Chlamydia infections being medically managed by Nganampa Health Service. Of these, 14 were for children under the age of 18 years with no infections in children below the age of 14. There were 143 new notifications of gonococcus infection for residents managed by the Nganampa Health Service. None were for children under the age of 18 years. All new cases were medically reported by Nganampa Health Service to Communicable Disease Control Branch, SA Health.

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.

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

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

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 has developed *The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* for inter-agency responses to child protection cases on the APY Lands.

The protocols 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 have been introduced during this period and the *Child Protection Act 1993* amended to 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 or the outcomes of the investigation and any actions to be taken.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

The review to evaluate the effectiveness of a ‘multi-disciplinary’ team approach involving Families SA and other service providers on the Lands was completed by the Australian Centre for Child Protection in 2010. This produced a report titled *Working Together: Multi-Agency Collaboration and Child Protection on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*.

As an outcome of the review *The APY Lands Child Protection Protocols for the investigation and assessment of suspected abuse and/or neglect* were developed and have been signed by all relevant parties and have been operational for two years. These protocols provide an ongoing framework for agencies to deliver a ‘multi-disciplinary’ approach for responding to child protection notifications on the APY Lands.

*The APY Lands Child Protection Protocols for the investigation and assessment of suspected abuse and/or neglect* that were developed address 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 *SA Children's Protection Act 1993*. Nganampa Health Council has, as required under s8C 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 partner in the development of the APY Lands Child Protection Protocols.

### 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.**

### Summary of Government response and progress made July 2008 – November 2011

The South Australian Government noted this recommendation.

The Government identified the intention to establish a Memorandum of Understanding with Nganampa 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 inter-agency responses to child protection cases on the APY Lands was developed. Nganampa Health Council was part of the inter-agency 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.

Families SA continued to work with SA Health to provide information and support to liaise with those reporting notifiable infections, particularly in regard to their obligations as mandatory notifiers.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

As a result of further discussion with Nganampa Health Council in relation to this recommendation, the following response was provided in August 2012:

“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 s8C 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 Health Council meets its obligations as contained therein.”

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

The Department for Education and Child Development (DECD) and the Department of Education, Employment and Workplace Relations (DEEWR) jointly funded early childhood initiatives on the APY Lands that develop literacy and numeracy skills in a manner appropriate to Anangu children during their early years.



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In October 2009, a new Ernabella Children and Family Centre commenced operations at Pukatja, alongside the existing pre-school building, to expand early childhood services in the community. The centre provides daily sessions for 0-3 year olds and their parents.

In 2011, Early Childhood Centres were also provided at both the Amata and Iwantja Anangu schools.

In order to encourage ICT skills for children, teachers' program units of work focused on incorporating Learning Objects and Digital resources. The teaching and learning activities were designed to ensure that every child could be successful in the tasks. The E-Teacher on the Lands has continued to support teachers in developing this work.

A full time Project Officer, Literacy based at Pukatja has been appointed to provide direct support to teachers at the school sites in the development of teaching skills and improved literary program delivery.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

The new Ernabella Children and Family Centre was formally opened on Wednesday, 15 August 2012 and operates from 9:00 am to 12:00 noon each week day. The Centre delivers programs for parents, caregivers and babies. The Community Development Coordinator is responsible for the management of the facility, the delivery of programs and also performs a community development role. The programs include:

- child health checks with Nganampa Health Council
- parenting support programs delivered by Relationships Australia South Australia
- child protection, a Lands Based social worker and financial literacy support
- visiting support program by the Child and Family Health Service with two nurses attending the centre every second week to provide a support services to mothers and children under three.

The Amata and Iwantja Early Childhood Centres were opened in 2012 with Childcare Centre Managers appointed for both Centres and each position is supported by Anangu staff.

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The Amata Centre operates 5 days each week for 2 hours from 10am to 12:00 noon and the Iwantja Centre operates for 3 hours from 10am to 1:00pm each week day.

The following services are being delivered from the Centres:

- the Red Cross Breakfast program
- FaHCSIA funded Locational Supported Playgroup
- FaHCSIA funded Indigenous Parenting Support Services Program
- SA Government funded occasional care program.

Each year NAPLAN results are communicated to parents, School Governing Council 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 are very supportive and actively promote the value of student attendance in each of the communities.

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

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

Since July 2008, there have been a number of activities to provide community education as identified in the recommendation.

Agencies on the Lands have continued raising awareness among clients and their families about the primacy of keeping children safe. This occurred through the provision of services to key groups on the APY Lands including; Families SA Outreach Services and the Lands Based Workers; DECD counsellor; youth programs; CAMHS services; the establishment of Community Safety Committees (chaired by SAPOL); and programs facilitated by the NPY Women's Council.

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A range of training and education programs were provided to children, parents, other community members and workers on the Lands to educate them about child abuse. These included the programs provided as part of the DECD Keeping them Safe Child Protection Curriculum, a DECD funded program delivered by SHine SA focused on building sexual health literacy and healthy relationships, and Child Safe Environment and Information Sharing Guidelines training provided by Families SA.

SAPOL obtained an education package aimed at curbing the use of pornography in Aboriginal communities which is used in the Northern Territory. SAPOL commenced modifying the program for use in South Australia.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

Programs continue to be delivered to educate members of the communities on the APY Lands as to what is inappropriate sexual conduct, and its consequences, and to ensure communities are aware of the supports which are available.

DECD-Families SA Lands Based Workers continue to undertake case specific management tasks as well as development and delivery of programs and services that include raising community awareness of inappropriate sexual conduct.

SA Health through Shine SA Offer *The Yarning On* – Aboriginal Focus Schools program. Although this training does not provide sessions that are specific to sexualised behaviours, it does provide training to Aboriginal Education Workers (AEWs) and teachers. This program delivers comprehensive, age and culturally appropriate relationships and sexual health education through school based curriculum with a strong emphasis on safety to students in years 5 – 10. In addition, parent sessions are offered as part of the support, but have not been taken up. The protocol is for SHine SA Team members to explain the program to governing councils and interested parents prior to the school becoming involved. PYEC have supported the development and implementation for the program. Planning for the remaining 11 months of the program occurred in July 2012.

In summary, the *Yarning On* program has been delivered to the following communities during the period of September 2011 and May 2012:

- Workshops to AEWs and teachers from Pukatja, Kaltjiti, Amata, Iwantja and Pipalyatjara Anangu Schools and an AEW and teacher from both Murputja and Watarru Anangu Schools.
- The *Investing in Aboriginal Youth* program provides training to community workers and key community members on how to work with young people (aged 12 – 24) out of the school system on a range of relationship and

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sexual health issues. The APY Lands account for 9 of the 17 target rural and remote Aboriginal communities and schools the program works with. Both formal and informal training in this program has occurred at Pipalyatjara and Iwantja.

The Aboriginal Focus Schools program on the APY Lands has the following activities planned:

- Term 4 (2012) – AEW and teacher workshops at Pukatja, Kenmore Park and Amata Anangu schools
- Terms 1 and 2 – (2013) updating all schools on revised curriculum and activities with the project due for completion by 30<sup>th</sup> June 2013.

The Investing in Aboriginal Youth program will target Mimili, Iwantja and Pipalyatjara communities with contact and setting up phase in Pukatja and Amata for the remainder 2012. In 2013, Amata and Pukatja communities will be targeted with completion by 30 June 2013.

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 ten different communities. The sessions have been well attended and received.

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 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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

From July 2008 there was a significant increase in the resources committed to the APY Lands. These included additional police officers, Families SA workers, CAMHS services and government workers on the APY Lands providing disability, youth, aged and family wellbeing services.

Government agencies on the APY Lands have continued to raise awareness and reinforce among clients and their families about the primacy of keeping children safe and providing the relevant training and education programs.

In addition, the Department of Health committed additional resources to provide information sessions about sexual behaviour via family and community meetings and SAPOL has adapted a Northern Territory education package for use in South Australia aimed at curbing the use of pornography in Aboriginal communities.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

As noted in the response to recommendation 29, during the past twelve months agencies on the APY Lands have continued to raise awareness among clients and their families about the primacy of keeping children safe and providing the relevant training and education programs.

The six Lands Based Workers attached to the schools continue to work closely with and advise school staff, teachers and Anangu Education Workers, to improve student safety and well-being outcomes. APY Lands Social Workers support schools and provide advice in responding to problem sexual behaviour in children.

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CAMHS staff also work with school staff to improve well-being outcomes for students and provide advice in responding to problem sexual behaviour in children.

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.

Education sessions have also now been delivered by SAPOL across the APY Lands to groups at ten different communities. SAPOL will continue to provide a range of education sessions to communities across the 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 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.**

### **Summary of Government response and progress made July 2008 – November 2011**

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

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

SAPOL has conducted a comprehensive review of the Northern Territory Intervention Legislation. This review has 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 relevant posters, stickers and literature and distributed the material widely across the Lands to educate and raise awareness of the dangers of accessing pornographic material.

In addition, 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.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

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 ten different communities. The sessions have been well attended and received.

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 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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

In 2009, the Council of Australian Governments agreed to develop a national framework for the use and supply of interpreters. In addition to the national framework, *South Australia's Remote Service Delivery Bilateral Implementation Plan 2009-2014* includes a commitment to 'facilitate engagement with Aboriginal people and service delivery through appropriate use of interpreters...' and to 'ensure local Aboriginal people are provided with employment opportunities associated with... interpreting and translating services and cultural competency programs'.

Interpreter training continues to be offered through the Diploma of Interpreting – a joint initiative of TAFE SA and initially supported by DPC-AARD. Students from across the APY Lands learn through participation in intensive workshops and online activities. Trainees are provided with an overview of the medical and criminal justice systems and associated concepts and vocabulary. Training on child protection issues was delivered in early 2010 for the seven graduates of the 2009 TAFE course and specialist training is provided on an ongoing basis as the need arises.

Improving the coordination of interpreter services and support for graduates from the Diploma of Interpreting prompted a review of interpreter services. The review was co-ordinated by the DPC-AARD. A consultant was contracted to conduct the



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Review interviews, draft a report and make recommendations for DPC-AARD's consideration. A reference group was established that includes representatives from relevant State Government agencies, universities and non-government organisations, in order to provide specialist advice and guidance during the review process.

The review of interpreting services included the following key elements: scope of the existing services; management of the service; employment conditions for interpreters; professional development of interpreters; use of technology; supply of interpreters; mode of delivery of the service; and costs and risk management.

During the consultation process, over 18 organisations were interviewed, making contact with over 110 people. Baseline data was gathered and an alternative approach that meets the needs of Aboriginal people, agencies and interpreters is being considered.

The meeting of the Reference Group in June 2011 was presented with the preliminary Review findings and ideas for alternative approaches were considered.

Ongoing discussions are being held about the most appropriate approach for the delivery of interpreting services in South Australia. The new approach needs to be culturally sensitive and build in components for training, recruitment and mentoring.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to this recommendation.

The implementation of this recommendation is considered an ongoing activity for the government in the provision of accessible and appropriate services to Aboriginal people, primarily Aboriginal persons whom English is not a first language.

In supporting the development of a National Framework and meeting State Government commitment to the *SA Remote Service Delivery Bilateral Implementation Plan 2009-2014*, the South Australian Government has undertaken the following activities:

- The development, implementation and provision of ongoing recognised training through TafeSA Diploma of Interpreting
- As part of this TafeSA Diploma of Interpreting, Aboriginal interpreters are provided with information about features of the child protection and the criminal justice system which are relevant to the role of interpreters

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- Has developed course information based on advice from key service agencies to ensure this information is current, appropriate and relevant for tertiary learners
- Provided advice to key service agencies (including those on the APY Lands) about the availability of trained interpreters who have received TafeSA Diploma in Interpreting.

In addition to meeting the commitment of this recommendation for the Mullighan Inquiry, the South Australian Government through DPC-AARD has undertaken a Review of Aboriginal Interpreting Services of South Australia, which included the following key elements: scope of the existing services; management of the service; employment conditions for interpreters; professional development of interpreters; use of technology; supply of interpreters; mode of delivery of the service; and costs and risk management.

As a result of this review a State Policy Framework is currently being developed to assist in guiding State Government service providers about the use and provision of interpreters in their everyday services. It is envisaged that this State Policy Framework will further support the roll out of the National Interpreters Framework in 2013.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

There are a number of 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, SAPOL, the CAA’s Aboriginal Justice Officers, and the Witness Assistance Service of the Director of Public Prosecutions.

The Taskforce has had some preliminary discussions about the level, type and nature of services required to adequately respond to this recommendation.

### **Annual Report of November 2012**

The South Australian Government has implemented its response to 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, SAPOL, the CAA'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:

- 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;
- 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;

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- 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.

### 3.3 Implementation of Government Response Continuing

This section provides detailed information about the actions the Government has undertaken since November 2011 to implement its response to the remaining 8 recommendations of the Mullighan Inquiry. It also identifies areas of further work and key priorities for the next year.

As demonstrated in this report, the Government has made steady progress towards implementing its response to these recommendations. Important outcomes have been achieved that are contributing to the enhanced protection of children from sexual abuse on the APY Lands.

These outcomes focus on the following issues:

- A Regional Partnership Agreement (RPA) for APY Lands is being developed. Formal consultation sessions were undertaken in six communities in May 2012. Consultations and discussions between the Australian Government, the South Australian Government, the APY Executive, non-government organisations and Anangu will continue to progress a RPA that reflects the needs of the APY Lands communities. Community Council Support Officers continue to be employed in Kaltjiti, Amata, Kalka, Pukatja, and Iwantja with positions vacant in Pipalyatjara and Mimili (see pages 64 – 65).
- CPS provided expert forensic medical and psychosocial assessment and therapeutic services for children who have experienced physical and sexual abuse, neglect and/or psychological maltreatment. CPS received referrals from Families SA and SA Police and worked very closely with Families SA managers and field staff and SA Police managers and investigating officers. 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 (see pages 65 – 66).
- Women’s and Children’s Health Network Child and Adolescent Mental Health Services (CAMHS) continued to provide mental health services to children and young people on the APY Lands through the visiting service and Lands based positions. CPS and CAMHS provided assessment and therapeutic services to a significant number of children/young people displaying sexualised behaviour. The response involved engaging and working with the community, families and individual and groups of children (see pages 67, 68 & 69).
- Cross Border Aboriginal Family Violence Service (NPY Women's Council) has increased its service to include three case managers who provide support to women and children experiencing violence on the Lands. In addition,

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Homelessness Strategy provided funding for transport to enable women and children to leave and return to the Lands when escaping violence. 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 (see pages 69 – 70).

- Country Health SA has progressed video-conferencing capacity on the APY Lands for telemedicine/distance mental health consultations 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 Amata Family Wellbeing Centre. CAMHS continued to provide mental health services to children and young people on the APY Lands through the visiting service and Lands based positions (see pages 71 – 72).
- Boys in the community continued to receive school education programs that increase their sexual health understandings as part of the Keeping them Safe Child Protection Curriculum. SHine SA has continued to deliver the Yarning On program aimed at improving the sexual health literacy of Aboriginal young people and encourage positive and respectful relationships. Specific programs are being designed for men regarding the law in respect to a number of issues including alcohol, driving, family violence and child abuse (see pages 72 – 73).
- FaHCSIA and the Northern Territory Government are working towards the provision of 15 beds for Anangu women and children escaping violence from the APY Lands in Alice Springs. These beds will be supported through a case management response by the Cross Border Aboriginal Family Violence Service (NPY Women's Council) through their existing service provision and an additional \$70,000 provided by DPC-AARD. Housing SA, Homelessness Strategy will manage the Cross Border Aboriginal Family Violence Service (NPY Women's Council) contract and will support the implementation of the case management response for up to 15 beds. As of September 2012, 8 beds have been identified at the Aboriginal Hostels site and FaHCSIA and Northern Territory Government are taking carriage of this facility (see pages 74 – 75).
- A night patrol trial has been implemented in Amata for a period of six months and in preparation of the launch of a night patrol in Mimili, consultation has occurred with the local community, with SAPOL conducting training to a selected group of volunteers (see pages 76 – 77).
- In September 2011, the Australian Government announced the implementation of income management from 1 October 2012 to help families ensure welfare payments are spent in the best interests of children. The announcement was

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made following strong support by both Anangu and Anangu service providers. From October, people on the APY Lands have been able to volunteer for income management and once appropriate systems are in place income management will also apply to:

- people referred for income by state child protection authorities where they assess that a child is at risk of neglect;
- people assess by Centrelink social workers as being vulnerable to factors including financial crisis, which could include people who are at risk of homelessness due to rental arrears.

Australian Government officials are currently out in the Lands talking to people about income management, and how they can volunteer, and interpreters and social workers are also available to ensure people understand how income management works. General feedback received from the communities has been overwhelmingly positive.

These measures are designed to work in partnership with the \$2.82 million package of additional support for families in the APY Lands announced by the Government in May 2012. These support services include the financial management service MoneyMob (accessible to all people on the APY Lands), Intensive Family Support Services, and a new Family Mental Health Support Service will complement the income management initiative in the APY Lands.

The Department for Families, Housing, Community Services and Indigenous Affairs announced a \$2.82 million package of additional support for families to help protect children. This included funding to develop and implement a Forensic Training Program that will increase the capacity of South Australian Child Protection workers to respond to child protection matters, particularly, Indigenous children in remote communities. This also included funding the Mental Health Fellowship of South Australia to provide additional Family Mental Health Support Services in Pukatja, Kaltjiti and Kenmore Park. This service will support children or young people at risk of, or affected by, mental illness, and help families to get help (counselling and support) in their own home, and help children to attend school and build better relationships with family and friends.

It can be seen that the Government is continuing to implement its response to these recommendations and, as required by the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*, will continue to keep Parliament informed of its progress on a yearly basis.

## Part 3 – Progress Report Government Response Continuing

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### 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.**

### Summary of Government response and progress made July 2008 – November 2011

The South Australian Government supported this recommendation.

In 2007, 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 FaHCSIA, this idea took shape as a Regional Partnership Agreement (RPA).

State and Commonwealth Governments continued to work with the APY Executive, local community councils, and key regional service providers, to develop a RPA to provide overarching governance and coordination for strategic planning and service delivery.

With respect to governance training, from February 2010 to May 2011, the Office of the Registrar of Indigenous Corporations worked across the APY Lands to deliver governance training and provide advice and assistance to Community Councils.

In 2010, capacity building in communities was further strengthened with six new Community Council Support Officer (CCSO) positions established in the Kaltjiti, Amata, Mimili, Pukatja, Iwantja, and Pipalyatjara/Kalka communities. Bungala



## Part 3 – Progress Report Government Response Continuing

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provided a CCSO service in Nypari and Kanpi. The aim of the program is to provide efficient, reliable administrative and clerical support services to Community Councils on the APY Lands, provide assistance for Community Council meetings, and contribute to effective governance in communities. The CCSO Officer program on the APY Lands is jointly funded by the South Australian and Commonwealth Governments.

### **Annual Report of November 2012**

The implementation of this recommendation is continuing.

A Regional Partnership Agreement (RPA) for the APY lands is being developed. Formal consultation sessions were undertaken in six communities in May 2012. Consultations and discussions between the Australian Government, the South Australian Government, the APY Executive, non-government organisations and Anangu will continue to progress a RPA that reflects the needs of the APY Lands communities.

To improve greater administrative support at the local community level, CCSOs continue to be employed in Kaltjiti, Amata, Kalka, Pukatja, and Iwantja. At the time of preparing the report, CCSO positions are vacant at Pipalyatjara and Mimili. Recruitment for these positions will be finalised as soon as possible.

Bungala Aboriginal Corporation continues to be supported to provide a CCSO service in Nypari and Kanpi.

DPC-AARD and FaHCSIA are currently discussing a joint proposal for structuring the functions and locations of the CCSOs and the governance support to the CCSOs.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

Under the *National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes*, Women's and Children's Health Network Child and Adolescent Mental Health Services (CAMHS) was provided with funding to provide mental health services to children and young people on the APY Lands. This service includes some

## Part 3 – Progress Report

### Government Response Continuing

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children and young people who have been sexually abused. In addition CAMHS provides a visiting service with two teams of clinical staff visiting either the western or eastern communities once each term for a week.

The CAMHS Coordinator APY Lands team oversaw the visiting and Lands-based clinical response services. Two APY Lands-based CAMHS clinicians have been employed to undertake clinical work on the Lands.

In late 2010, CAMHS and Women's and Children's Health Network, Child Protection Service (CPS) received funding to undertake a 12 month response to carry out forensic and therapeutic interventions with children and families in one community on the APY Lands. This intervention was due to a significant number of children within the community involved in sexualised behaviour. The response in the community involved engaging and working with the community, parents and individual children to support children's safety.

#### **Annual Report of November 2012**

Women's and Children's Health Network Child and Adolescent Mental Health Services (CAMHS) continue to provide mental health services to children and young people on the APY Lands through the visiting service and Lands based positions. The Lands based positions are funded until June 2013 under 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. This includes some children and young people who have been sexually abused.

In addition the funding for the joint Women's and Children's Health Network Child Protection Service (CPS) and CAMHS response was continued through the 2011-2012 financial year. CPS and CAMHS provided assessment and therapeutic services to a significant number of children/young people displaying sexualised behaviour. The response involved engaging and working with the community, families and individual and groups of 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.

## Part 3 – Progress Report Government Response Continuing

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### 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.**

### Summary of Government response and progress made July 2008 – November 2011

The Child Protection Service (of the Women’s and Children’s Health Network (WCHN), formerly the Children, Youth and Women’s Health Service (CYWHS) 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.

WCHN provides training, education, consultancy and support to relevant health service providers (including Nganampa Health Council) in forensic health services.

In 2010-2011 and 2011-2012 CAMHS and CPS were allocated additional funding to respond to a high level of notifications 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 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.

CPS was part of the Working Group developing *The APY Lands Child Protection Protocols: for the investigation and assessment of suspected abuse and/or neglect*.

CPS and Families SA also provided formal input on child protection to the TAFE course for the training of Aboriginal interpreters for the APY Lands.

## Part 3 – Progress Report Government Response Continuing

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### Annual Report of November 2012

The Women's and Children's Health Service, Child Protection Service (CPS) is responsible for the provision of forensic psychosocial and forensic medical services to the northern metropolitan and northern country region of South Australia including the APY Lands.

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 and the Child and Adolescent Mental Health Service (CAMHS) received two rounds of funding in September 2010 and July 2011, to provide a joint service to undertake assessment, forensic interviewing and therapeutic intervention to children and young people in one community on the APY lands. The response in this Community has involved engaging and working with the community, parents and individual children to improve children's safety.

CAMHS and CPS worked with Families SA, SA Police and the Nganampa Health Council, as well as the Department for Education and Child Development (DECD) on the joint service, to develop and continually improve the approach for working with the community to enable children to disclose information about sexualised behaviour and sexual abuse and for effective responses to be developed to increase the safety of children and young people on the APY Lands.

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 6 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

## Part 3 – Progress Report Government Response Continuing

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received referrals from Families SA and provided direct services to other communities outside of the CAMHS/CPS joint response.

In 2012, CPS provided input to the TAFE course that provides training for Aboriginal Interpreters on the APY lands.

CPS has been part of the implementation and ongoing operation of the Interagency Code of Practice Guidelines. CPS participated in 117 strategy discussions during 2011-2012. The number of Anangu children that CPS provided services to tripled between 2009-2010 and 2011-2012.

CPS will continue to respond to requests for forensic medical and interviewing services from Families SA and SAPOL within the capacity of the service.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

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.

The Government, through Housing SA-DFC has committed additional funding to increase case management services on the APY Lands, provide transport to enable them to leave and return to the Lands, and to augment services at the Coober Pedy and Ceduna Safe Houses so they can better cater for women and children from the Lands.

## Part 3 – Progress Report Government Response Continuing

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The Government, through ARRD-DPC, began discussions with the Commonwealth and Northern Territory Governments to identify funding options for additional accommodation in Alice Springs.

### **Annual Report of November 2012**

Housing SA, Homelessness Strategy has committed funding until 30 June 2013 (in accordance with present Commonwealth and State funding agreements) to provide case management support services on the APY Lands. With this funding the Cross Border Aboriginal Family Violence Service (NPY Women's Council) has increased its service to include three case managers who provide support to women and children experiencing violence on the 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.

The South Australian Government is in negotiations with FAHCSIA and the Northern Territory Government regarding additional accommodation options for Anangu women in Alice Springs.

## Part 3 – Progress Report Government Response Continuing

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

Under the *National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes*, CAMHS was provided with funding 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.

The CAMHS Coordinator APY Lands team oversaw the visiting and Lands-based clinical response services. Two APY Lands-based CAMHS clinicians have been employed to undertake clinical work on the Lands.

In late 2010, CAMHS and CPS received funding to undertake a 12 month response to carry out forensic and therapeutic interventions with children and families in one community on the APY Lands. This intervention was due to a significant number of children within the community involved in sexualised behaviour. The response in the community involved engaging and working with the community, parents and individual children to support children's safety.

Video-conferencing capacity on the APY Lands for telemedicine/distance mental health consultations has progressed with proof of concept and connectivity established. Equipment is now installed and operational at Umuwa with planning commenced for video-conference equipment to be installed in the stage 2 roll out of the project to six further Nganampa Health Council clinics throughout the APY lands (Amata, Kaltjiti, Iwantja, Mimili, Pipalyatjara and Pukatja).

### **Annual Report of November 2012**

Country Health SA has progressed video-conferencing capacity on the APY Lands for telemedicine/distance mental health consultations 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 CHSALHN Amata Family Wellbeing Centre.

## Part 3 – Progress Report Government Response Continuing

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Child and Adolescent Mental Health Services (CAMHS) continue to provide mental health services to children and young people on the APY Lands through the visiting service and Lands based positions. The Lands based positions are funded until June 2013 under 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. This includes some children and young people who have been sexually abused.

In addition the funding for the joint Child Protection Service (CPS) and CAMHS response was continued through the 2011-2012 financial year. CPS and CAMHS provided assessment and therapeutic services to a significant number of children/young people displaying sexualised behaviour. The response involved engaging and working with the community, families and individual and groups of 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.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation.

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.

The Cross Border Offender's Program delivered on the Lands for men who have been convicted of family violence addresses a number of relevant issues including 'controlling behaviours: abuse of power', 'trust and fear' and 'fathers & fathering'.



## Part 3 – Progress Report

### Government Response Continuing

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Boys in the community received the benefit of the programs conducted in the schools as part of the Keeping them Safe Child Protection Curriculum. SHine SA delivered the Yarning On program aimed at improving the sexual health literacy of Aboriginal young people and encouraging positive and respectful relationships.

Men who are members of the PYEC in each community have also been exposed to information about child sexual abuse and the programs that make up the DECD child protection curriculum. In addition, meetings about appropriate sexual behaviour for men have been conducted in one of the communities.

#### **Annual Report of November 2012**

The community education activities have continued in 2012.

Boys in the community continue to receive school education programs that increase their sexual health understandings as part of the Keeping them Safe Child Protection Curriculum. SHine SA has continued to deliver the Yarning On program aimed at improving the sexual health literacy of Aboriginal young people and encourage positive and respectful relationships.

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

SAPOL is continuing to work with the other agencies on the APY Lands in relation to sexual conduct. A specialist Sex Crime Investigator and 2 victim management officers were seconded to the Lands for a 12 month period to support the local police and provide specialist advice and investigational experience in the field of sexual crime. That secondment has recently been extended for a further 12 months.

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), Child and Adolescent Mental Health Services (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.

## Part 3 – Progress Report Government Response Continuing

### 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.**

### Summary of Government response and progress made July 2008 – November 2011

In its 2008 response the Government noted the services available to provide temporary accommodation for Aboriginal people seeking assistance who have left the APY 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.

There are a range of safe house options available to Anangu in Alice Springs, with different services catering for young people, women and families. Therefore, before consideration is given to build a new safe house in Alice Springs, services being provided by the current facilities in Alice Springs where identified. Further work commenced between FAHCSIA, the South Australian Government and NPY Women's Council in order to better understand current service use by women and children on and off the APY Lands in Alice Springs.

The Government, through DPC-AARD, also commenced discussions with the Commonwealth and Northern Territory Governments to identify funding options for additional accommodation in Alice Springs.

The Government, through Housing SA-DFC committed additional funding to increase case management services on the APY Lands, provide transport to enable them to leave and return to the Lands, and to augment services at the Coober Pedy

## Part 3 – Progress Report

### Government Response Continuing

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and Ceduna Safe Houses so they can better cater for women and children from the Lands.

The Government, through DPC-AARD, began discussions with the Commonwealth and Northern Territory Governments to identify funding options for additional accommodation in Alice Springs.

#### **Annual Report of November 2012**

As reported under Recommendation 14, Housing SA, Homelessness Strategy has committed funding until 30 June 2013 (in accordance with present Commonwealth and State funding agreements) to provide case management support services on the APY Lands. With this funding the Cross Border Aboriginal Family Violence Service (NPY Women's Council) has increased its service to include three case managers who provide support to women and children experiencing violence on the Lands.

In addition, Homelessness Strategy provides funding for a transport response 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. This includes a coordinated response and joint case management, including the sharing of relevant information. Women and children are provided with support to access regional Domestic Violence and Aboriginal Family Violence service accommodation in Alice Springs, Ceduna, Coober Pedy, Port Augusta, Northern Adelaide - Nunga Mi:Minar and Southern Adelaide - Ninko Kurtangga Patpangga.

The South Australian Government is in negotiations with FaHCSIA and the Northern Territory Government regarding additional accommodation options for Anangu women in Alice Springs. Dependant on funding from FaHCSIA and the Northern Territory government, South Australia will contribute funding up to \$150,000 for case management if a suitable site is secured.

## Part 3 – Progress Report Government Response Continuing

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2011**

The South Australian Government supported this recommendation in principle.

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 in these two communities.

SAPOL has developed a night patrol options paper and presented it to the Remote Service Delivery, Board of Management. This paper identifies roles of the night patrol are based on community safety, early intervention and referral to appropriate support agencies. The model does not deal with law and order issues, rather an emphasis placed on encouraging the reporting of incidents.

To progress this initiative, a model has been developed in consultation with the local community to determine ownership of the model, resourcing and funding arrangements. A management plan to introduce a six month trial of night patrols in Amata has been developed with Commonwealth funding provided from the South Australian Regional Operations Centre. A full evaluation on the effectiveness of night patrols will be conducted by the Regional Operations Centre prior to extending the program to Mimili.

### **Annual Report of November 2012**

The implementation of this recommendation is continuing.

## Part 3 – Progress Report

### Government Response Continuing

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SAPOL implemented a night patrol trial in Amata on Wednesday, 29 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.

A mid-term evaluation of the effectiveness of this initiative is nearing completion and will be provided to the APY Lands Steering Committee in due course.

In preparation of the launch of a night patrol in Mimili, consultation has occurred with the local community and SAPOL has conducted training to a selected group of volunteers. Some adjustments to the model are expected to be made following the completion of the midterm Amata review. It is intended to implement the Mimili Night Patrol as soon as possible following any mid-term review adjustments

## Part 4 – Recommendations not Implemented

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### 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 2012 reporting year, no decision has been made to not carry out a recommendation of the Commissioner that was to be carried out.

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<sup>13</sup> Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004 Section 11A (c) (ii)