

Response

by the

Minister for Aboriginal Affairs and Reconciliation

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**

July 2008



**Government
of South Australia**

Department of the
Premier and Cabinet

Recommendation 1:

That any changes 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 implementing measures to prevent the abuse and address its consequences.

South Australian Government Response

The South Australian Government supports this recommendation.

In 2007 the State Government and the previous Commonwealth Government recognised the importance of reforming governance and service delivery to improve outcomes for the people on the APY Lands. The two Governments commissioned John Thurtell Consulting Services Pty Ltd to review governance and service delivery arrangements.

The State and Commonwealth Governments will now release the report.

The State Government will shortly release a discussion paper outlining the Government's preferred governance and service delivery model for the APY Lands.

The Government will have regard to the empowerment of Anangu, enhancing confidence in disclosing sexual abuse and implementing measures to prevent and address sexual abuse in its deliberations.

Before determining the final model the Government will consult with all interested stakeholders.

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.

The South Australian Government supports this recommendation.

Government agencies on the Lands are required to ensure that appropriate professional staff are available to implement the Government's strategies and programs on the Lands.

Families SA follows the standards for staff recruitment as set by the Commissioner for Public Employment and has recently developed a specific recruitment strategy for staff being recruited for rural and remote work, including for the APY Lands. The strategy has streamlined application processes and targets staff with appropriate skills for this work.

Families SA provides salary and conditions as recommended by the Commissioner for Public Employment for rural and remote work: namely, payment of up to 50% loading on base salary; the payment of a locality allowance for "very remote" areas; and the provision of Government-subsidised housing. Training and induction packages relevant to work on the APY Lands have been developed to introduce new staff to the strategies and programs of Families SA (including those dealing with child sexual abuse), the particular community context and appropriate culturally-inclusive practices.

The Department for Families and Communities has recently undertaken a review of conditions for its staff on the Lands and will continue to do so on an annual basis to ensure that professional staff are available.

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.

The 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. 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 coordinated to reduce the incidence of child sexual abuse on the lands.

South Australian Government Response

The South Australian Government supports this recommendation.

As identified in the Commission of Inquiry (Children on APY Lands) Report (“the Inquiry Report”), the Government funds a number of programs on the Lands to strengthen families, and identify children and families at risk – including Family Centres, the Homemaker program and the Youth Worker program. These programs will be maintained.

In addition, the Government will increase the number of social workers on the Lands to six, (see also recommendation 5) and place them in the six major schools. Two specialist child protection workers will be placed on the Lands to specifically respond to child protection reports (see also recommendation 34). Two full-time counselling positions will be provided for work in the schools and police numbers will be expanded.

The Government will also establish a Safe House at Umuwa, to provide protection to children specifically at risk of sexual abuse and their carers (see also recommendation 33).

The Government will monitor the impact and effectiveness of these programs on preventing child sexual abuse on the Lands.

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.

The South Australian Government supports this recommendation.

Arrangements are currently being finalised to ensure that E-notification technology is available in all schools on the Lands to support school personnel (as mandatory notifiers under the *Children's Protection Act 1993*) in fulfilling their statutory obligations. All Anangu schools now have the technology to use e- notifications. Training of potential users in schools has been undertaken. Users also need to be registered and this process is under way. Three communities now have registered users – Mimili, Watura, and Pukatja.

Plans are in place for other service providers on the Lands to have access to E-notification technology. The Aboriginal Lands District office has registered users. Nganampa has indicated that it also is keen to use this technology, and technical capability issues will be addressed over time.

Two specialist child protection officers will be placed on the Lands with the specific task of responding to allegation of suspected sexual abuse (see also recommendation 34).

The Government will also increase the number of social workers in schools on the Lands to six (see Recommendation 5). The urgent priority task of these workers is to work with families and children at risk to prevent children's entry into the child protection system.

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.

The South Australian Government supports this recommendation.

In January 2008 the Government appointed two social workers to work within schools at Indulkana and Amata. A third social worker was subsequently appointed to work at Fregon School.

In its immediate response to the Inquiry Report, the Government committed to increasing the number of social workers on the Lands to six, with workers being aligned with the six major schools on the Lands. The three additional social worker positions have been advertised and the process of appointment is underway. The Department of Education has also created two full-time equivalent positions for school counsellors to provide support to children and families.

In its immediate response to the Inquiry Report, the Commonwealth Government committed \$15 million for infrastructure on the Lands, which includes accommodation for the additional social workers.

The prevention of child sexual abuse will be a priority for these workers. The workers will work with families and children at risk to prevent their entry into the child protection system.

This work will complement other key initiatives such as the establishment of an Early Childhood Centre, and programs already underway to develop parenting and “homemaker” skills (through the DFC Homemaker Service) and engage with young people (through the DFC Youth Worker program).

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 1993* to enable Families SA to discharge its function under the Act.

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

South Australian Government Response

The South Australian Government supports this recommendation.

The Government has initiated discussions with Nganampa, and intends to negotiate a Memorandum of Understanding to better ensure that all information required under the *Children's Protection Act 1993* is provided to enable Families SA to discharge its obligations under the Act. The MOU will seek to address the following areas:

- Information sharing between agencies to ensure the protection of children, including:
 - sufficiency of information in reports made to Families SA by Nganampa staff
 - the reporting of, and response to reports of, children diagnosed with sexual transmitted infections (see also recommendation 19)
 - Confidentiality obligations for all agencies in respect of that shared information
- Provision of training to Nganampa health workers regarding mandatory reporting obligations (see also recommendation 20)
- Nganampa's procedures and guidelines for health workers regarding the reporting of indicators of sexual abuse to Families SA (see also recommendation 20), and the mandatory reporting of any activity that may indicate sexual activity (see also recommendation 24).

The Government is finalising new *Information Sharing Guidelines* for Government agencies and key non government organisations and these guidelines will be a key reference source in the development of the MOU.

The MOU will be subject to regular review.

As outlined in the Government's response to Recommendation 28, multi-agency meetings are being established which will assist in developing more collaborative working relationships between agencies on the ground and also help to clarify information sharing in respect of child protection and children at risk.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The Government has commenced a review of the existing protocols that govern the relationship between CAMHS and Families SA to ensure the effectiveness and efficiency of the collaborative work between the agencies. Protocols relating to work on the APY Lands will be updated as part of the review process.

Collaboration between the two agencies will also be supported by the establishment of a broader, integrated framework for the protection of children on the APY Lands – work that is currently underway.

The Government is finalising *Information Sharing Guidelines in relation to Children at Risk* (see also the response to Recommendation 6). These guidelines will assist all agencies and service delivery workers on the Lands to clarify questions about an agency’s ability to share information on case management matters and will support more effective multi-agency approaches to child protection.

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.

The South Australian Government notes this recommendation.

Therapeutic services to children and young people in South Australia who have been sexually abused are provided by SA Health. The Child and Adolescent Mental Health Services (CAMHS) at the Children's, Youth and Women's Health Service (CYWHS) currently provides ongoing therapeutic counselling services through visits by a team of four mental health workers, including psychiatry and Aboriginal consultants, to the APY Lands on a regular basis. Week long visits are undertaken 8-10 times per year.

The CAMHS clinical response on the Lands includes individual referrals from Nganampa Health Council, schools and community. These referrals are for children and young people with a range of mental health and abuse-related issues.

CAMHS has been consulting a number of community members and service providers to assist the communities on the Lands to develop community-based responses to issues of sexual abuse of children and young people, sexualised behaviours in children, and sexual abuse by adolescents. This work is sensitive and complex and requires the permission and support of each community.

In responding to the Inquiry Report, the Government is significantly increasing its intervention in child protection on the Lands. The Government believes that securing the safety of the community and restoring confidence in child protection services is critical to the success of all other measures addressing sexual abuse of children on the Lands, and must be prioritised. It is likely that the Government's priority actions will increase demand for services, including therapeutic services. The Taskforce of State and Commonwealth officers, established to respond to the Inquiry Report, will evaluate the level of need, and the capacity of existing services to meet that need, and will give further consideration to this recommendation.

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.

The South Australian Government notes this recommendation.

Child Protection Services of the Children's, Youth and Women's Health Service (CYWHS) is responsible for the provision of forensic psychosocial and forensic medical services to the northern metropolitan and northern country region of South Australia.

Child Protection Services provides an expert forensic medical and psycho-social assessment, forensic interviewing and therapeutic service for children who have been abused. Child Protection Services works closely with Families SA and SA Police and responds to the referral requirements established by Families SA field staff and investigating officers of the South Australia Police.

Service enhancements are currently being developed to facilitate more timely responses in individual situations. A new referral process has been agreed at an initial strategy discussion under a new Interagency Code of Practice (2008). This will involve Families SA field staff, investigating police officers, senior psychosocial and consultant medical staff from Child Protection Services, and APY Lands based professionals (for example, health workers and staff of DECS).

In responding to the Inquiry Report, the Government is significantly increasing its intervention in child protection on the Lands. The Government believes that securing the safety of the community and restoring confidence in child protection services is critical to the success of all other measures addressing sexual abuse of children on the Lands, and must be prioritised. It is likely that the Government's priority actions will increase demand for services, including forensic medical and psychosocial services. The Government will evaluate the level of need, and the capacity of existing services to meet that need, and will give further consideration to this recommendation.

Training in forensic child protection services requires expert and highly specialised skills and knowledge. These services need to be delivered in a closely managed and supervised environment due to the combination of the forensic requirements and cultural issues. Children's, Youth and Women's Health Service undertakes this training to ensure high quality services within the Child Protection Services setting.

Recommendation 10:

That a review to evaluate the effectiveness of a 'multi-disciplinary' team approach involving Families SA and other service 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.

The South Australian Government supports this recommendation.

The foundations for the development of a multi-disciplinary approach involving Families SA and other service providers on the Lands is occurring through the establishment of regular meetings between Nganampa, NPY Women's Council, AARD, DECS, SA Health, SAPOL and DFC (including Families SA and the Aboriginal Services Unit). The multi-disciplinary approach will occur on three levels – with operational staff on the ground to more effectively develop responses to individual children and families; between operational managers to ensure a coordinated approach; and between senior managers to develop strategic directions and ensure problems are identified and appropriately managed.

Early in 2008, the Minister for Aboriginal Affairs and Reconciliation requested AARD to convene and chair a multi-agency group of senior officers to oversight and report on child protection on Aboriginal lands. The group is currently working collaboratively to develop an appropriate community education process on child protection for Aboriginal lands.

The Government has commissioned the Australian Centre for Child Protection to develop a framework for reviewing the effectiveness of all child protection initiatives on the APY Lands. The Government will develop appropriate measures of effectiveness following advice from the Centre.

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.

The South Australian Government notes this recommendation.

The Department for Families and Communities provides accommodation for children (and parents or carers) where there is emergency removal from the Lands for child protection reasons. The department also provides social work and other supports for children and adults in those circumstances.

Subject to the clinical and emotional needs of a child removed from the Lands to Adelaide for child protection reasons, SA Health currently provides medical treatment, therapeutic services and sexual assault services via the Children's, Youth and Women's Health Service and mental health support through Child and Adolescent Mental Health Services.

In responding to the Inquiry Report, the Government is significantly increasing its intervention in child protection on the Lands. The Government believes that securing the safety of the community and restoring confidence in child protection services is critical to the success of all other measures addressing sexual abuse of children on the Lands, and must be prioritised. It is likely that the Government's priority actions will increase demand for services, including services for children removed to Adelaide and their carers. The Government will evaluate the level of need, and the capacity of existing services to meet that need, and will give further consideration to this recommendation.

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.

The South Australian Government supports this recommendation.

Families SA are meeting with the NPY Women's Council to establish closer cooperation and to develop an understanding of the role that the Council will play in supporting children who have been sexually abused or are identified as at risk from sexual abuse.

DFC will provide funding to the Council to enable it to perform any agreed role in supporting children who have been sexually abused.

Preliminary discussions to establish links with the senior men's Law and Culture Committee for the APY are underway. It is anticipated that out of these discussions, appropriate programs and forums will be developed that will have the cultural authority of the senior men and will help prevent sexual abuse of children on the Lands and promote a culture of child protection.

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.

South Australian Government Response

The South Australian Government supports this recommendation, and the Commonwealth Government has provided \$25 million for housing.

The State and Commonwealth Governments have been consulting with communities regarding the housing offer.

The offer is conditional upon leases being granted over the land on which the houses will be built. Secure long-term tenure over the housing is essential to the Governments' capacity to provide long-term tenure to Anangu, and to properly manage and maintain the housing.

The State Government has applied to the APY Executive for 50 year leases for the first tranche of houses, and understands that the APY Executive will make a decision on this application in late August. Following the granting of leases by APY Executive, a comprehensive program of construction and associated training and employment will be progressed. In principle agreement has been reached in respect of the second tranche of houses.

A Memorandum of Understanding is currently being drafted for negotiation, regarding the leases, the public housing model which is to apply in respect of the houses, and cyclical maintenance.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

The Government has in place mechanisms for the allocation of permanent accommodation for high priority groups through its usual Housing SA processes.

As set out in Recommendation 33, the Government will build and operate a safe house at Umuwa, to provide safe temporary accommodation to children at risk of abuse and their carers, who need to be removed from their communities.

The Government also provides temporary accommodation for Aboriginal people seeking assistance, who have left the Lands on account of child sexual abuse. These persons may be accompanied by other family members (children and adults) who are unable to remain on the Lands. At present, the Department for Families and Communities through Families SA finds appropriate temporary accommodation on a case by case basis.

Until now, the need for accommodation in these circumstances has been infrequent. However, it is likely that the need for accommodation will increase as a result of the Government's increased intervention in child protection matters on the Lands. DFC will evaluate the level of need, and the capacity of existing services to meet that need, and will give further consideration to this recommendation.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

Nganampa is a health agency primarily funded by the Commonwealth Government (with the South Australian Government providing some funds for particular projects). Nganampa provides primary health care services to all people living on the APY Lands. Its operations are controlled by the Anangu community.

Issues of funding and staffing of Nganampa will be considered by the Taskforce of State and Commonwealth officers, established to respond to the Inquiry Report, in consultation with Nganampa.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

In its immediate response to the inquiry Report, the Commonwealth Government committed \$1.3 million over three years under the Personal Helpers and Mentors Program which will aid the recovery of people on the APY Lands severely affected by mental illness, and help connect them to essential services.

In addition, Country Health SA Hospital Inc currently provides a range of Aboriginal mental health services to the APY Lands in collaboration with Nganampa which is funded to provide primary health care services, including mental health services, by the South Australian and the Australian Governments. These services include:

- The provision of funding for the Northern and Far Western Aboriginal Social and Emotional Wellbeing Coordinator position of the Regional Aboriginal Integrated Social & Emotional Wellbeing Program (RAISE) to promote the mental health and wellbeing of the community.
- The Rural and Remote Aboriginal Mental Health Liaison position at Glenside Hospital which aims to improve the treatment and management of Aboriginal people needing to be transferred from Country regions to Adelaide for care, including from the APY Lands.

The Government has also funded specific initiatives on the APY Lands. These include direct funding of \$270,000 to Nganampa to employ two mental health practitioners, with one based on the Lands full-time and the other based in Alice Springs fifty per cent of time.

It is likely that the Government's increased intervention in child protection matters on the Lands will change the nature of, and demand for, therapeutic services for people sexually abused as children. The Taskforce of State and Commonwealth officers, established to respond to the Inquiry Report, will evaluate the level of need, and the capacity of existing services to meet that need, and will give further consideration to this recommendation.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The South Australian Government and the Commonwealth Government have established the Amata Drug Rehabilitation Centre to provide a range of support services, including assessment, referral to hospital, in-patient and outreach services.

Children and young people are able to access these programs. The protocols of the centre will be reviewed to make sure there are no practical barriers to children and young people's access to the Centre.

The Centre receives \$1.4M recurrent funding from the State Government.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The Commonwealth Government has announced that from 1 January 2009, there will be a number of improvements to the way Baby Bonus is paid. The Baby Bonus will be paid in 13 fortnightly instalments to eligible claimants for births or adoptions after that date.

In addition, the legislation will be changed so that a person may receive part of the Baby Bonus if:

- the child is entrusted to the care of the individual or the individual's partner within the period of 26 weeks starting on the day of the child's birth; and
- the child continues, or is likely to continue, in that care for not less than 26 weeks.

The claim period will also be extended from 26 to 52 weeks.

The State Government is also working with the Commonwealth Government on the most effective approach for ensuring that the financial assistance provided by the Baby Bonus and other Centrelink payments supports families and children on the Lands.

The State Government has established a Financial Literacy and Consumer Awareness project for a 12 month period. This initiative will encourage budget planning by parents and reduce food insecurity among children. It will involve small groups, including young mothers, young men, and high school students, using experiential, problem-solving approaches.

The project will be hosted by Aboriginal Legal Rights Movement and will be initially trialled in Pipalyatjara, Pukatja and Amata communities. The program will be evaluated at the end of the 12 month period, with a view to extending the program if it is assessed as successful.

This initiative supports the work already undertaken by the Financial Counsellor based at Aboriginal Legal Rights Movement and the Anti Poverty Outreach Service from the Families SA Coober Pedy office.

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.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

South Australian Government agencies are working to ensure that agency roles and responsibilities with respect to child protection matters are clarified and effective in their operation.

As set out in the response to recommendation 6, the Government has initiated discussions with Nganampa, and intends to negotiate a Memorandum of Understanding to better ensure that all information required under the *Children's Protection Act 1993* is provided to enable Families SA to discharge its obligations under the Act, including the appropriate reporting of sexually transmitted infections, and the appropriate response to any such reports.

As outlined in the Government's response to Recommendation 28, multi-agency meetings are being established which will also help to clarify information sharing in respect of child protection and children at risk. Protocols between Families SA, the Child Protection Services of the Women's and Children's Hospital and SAPOL will be reviewed and strengthened.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

Under its governance arrangements, Nganampa Incorporated is accountable to its Anangu-controlled governing body. It is accountable to the Commonwealth Government through its funding agreement.

As set out in the response to recommendation 6, the Government intends to negotiate a Memorandum of Understanding with Nganampa that addresses the issues raised in the report of the Commission of Inquiry.

The Government also believes that improved collaboration and multi-disciplinary approaches on the ground (see also responses to recommendations 10 and 28) will assist agencies to work more effectively together and provide opportunities for staff development.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The Government will introduce legislation to amend the *Children's Protection Act 1993* to ensure that people wanting to notify the suspected sexual abuse of children are not prevented from doing so because of intimidation or duress. The recommendation will be implemented as part of the package of legislation to be introduced to give effect to the legislative reforms proposed by the *Commission of Inquiry (Children in State Care and Children on APY Lands)*.

In addition, the importance of promoting a positive and safe environment for the reporting of suspected abuse or neglect will be promoted within relevant Government agencies and services funded by Government, supported by service agreements and protocols where appropriate.

Recommendation 22:

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

South Australian Government Response

The South Australian Government supports this recommendation.

The Government has committed to placing two child protection workers on the Lands to specifically respond to allegations of suspected child sexual abuse (see also recommendation 34).

The work of the two specialist child protection officers will be supplemented by the Families SA child protections outreach service from Coober Pedy, which currently responds to mandatory reports from the Lands. Pending the appointment of officers to the new positions, child protection workers from the Families SA Coober Pedy office are continuing to respond to reports of suspected child abuse or neglect from APY Lands.

It is likely that the Government's increased intervention in child protection matters on the Lands will increase mandatory notifications on the Lands. Families SA will regularly review the capacity of its child protection services to respond effectively and in a timely manner to all mandatory reports from the Lands.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The Government and South Australian Government agencies are working to ensure that agency roles and responsibilities with respect to child protection matters are clarified and effective in their operation.

As set out in the response to recommendation 6, the Government intends to negotiate a Memorandum of Understanding with Nganampa that addresses the issues raised in the report of the Commission of Inquiry.

Protocols will be developed or strengthened between DECS, Families SA, SA Police and the Child Protection Services of the Women's and Children's Hospital to ensure streamlined and effective responses on child protection matters. The Government is finalising new *Information Sharing Guidelines*, which will guide the development of those protocols.

The Government also believes that improved collaboration and multi-disciplinary approaches on the ground (see also responses to recommendations 10 and 28) will assist agencies to work more effectively together.

As advised in the Government's response to recommendation 34, Families SA will also review its policy about the provision of information to mandated notifiers.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

Under its governance arrangements, the Nganampa Health Council Incorporated is accountable to its Anangu-controlled governing body. It is accountable to the Commonwealth Government through its funding agreement.

As set out in the response to recommendation 6, the Government intends to negotiate a Memorandum of Understanding with Nganampa that addresses the issues raised in the report of the Commission of Inquiry.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

In its immediate response to the Inquiry Report, the Commonwealth Government committed \$2.8 million for 30 additional places for secondary students in the APY Lands to go to the successful Wiltja Residential Program, linked to Woodville High School in Adelaide, to provide broader educational opportunities and help address school retention issues.

The State Government will continue to put in place programs to enhance school retention and improvements in literacy, numeracy and other skills. In doing so, the Government will have particular regard for the Commission of Inquiry's concerns that factors in some children's environments may reduce their participation in school: for example transience, limited parental supervision, and food insecurity.

The Government will ensure that issues like transience, limited parental supervision and food insecurity are addressed as part of the Government's overall framework to provide an adequate child protection service strategy on APY Lands. School attendance is a major priority in DEC's Aboriginal Lands District 3 Year Strategic Plan.

The Government reviews the responsiveness of schools to children on APY Lands by:

- Regular site visits by the district director of the Department of Education and Children's Services (DECS)
- Information sharing between DECS and the Department of Families and Communities Social Workers
- Regularly reviewing attendance data through the Indigenous Student Support System
- Regularly bringing the importance of regular attendance at school to the attention of school governing councils and the PYEC
- Schools following up with families where students have a long period of non-attendance
- Requiring attendance information to be provided in every school's annual report

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 this purpose

South Australian Government Response

The South Australian Government supports this recommendation.

The Government will continue to provide information technology and computer-based courses, such as the Digital Education Revolution program. Seven APY Lands schools are involved with the IBM Kidsmart/Digital Learning Bank project.

The Government is working to ensure that literacy and numeracy rates continue to improve on the Lands and LaN testing shows some improvement in numeracy for APY Lands students. The Accelerated Literacy Program is mandated across sites in APY Lands. The Pitjantjatjara Literacy Project has been producing high-quality Pitjantjatjara literacy material and resources. Eighty-nine APY Lands students completed the Premier's Reading Challenge (PRC) challenge in 2007. Maths 300 global best practice examples in maths are taught in all APY Lands schools.

The Government will continue to provide SACSA and SACE Frameworks for the delivery of pre-vocational skills and will continue to deliver pre vocational training focussing on home and family skills. There are existing programs to link skills to vocational pathways, for example "Doorways to Construction" and prevocational work placements on lands to gain accreditation in Certificate 1(Retail).

The Government will also maintain Anangu Cultural Domain as a priority for both the curriculum and as a framework for measuring effectiveness.

The Government will seek advice regarding the teaching of Anangu law from Anangu Elders through PYEC.

The Government reviews these programs:

- through regular site visits by the district director and Coordinating Principal requiring schools to report on these areas as part of the school's annual report
- inclusion of these areas as apart of the Aboriginal Lands District 3 Year Strategic Plan.

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 bringing the results of children on the Lands up 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.

South Australian Government Response

The South Australian Government supports this recommendation in principle.

Funds of \$36,000 have been directed to schools on the APY lands with students in the lower skills bands in years 3 and 5. The Government will continue to closely monitor the results of benchmark testing on APY Lands.

The Aboriginal Lands District Disability and Well Being Team continue to provide student assessment and guidance services to teachers, Aboriginal Education Workers and students. The Government is currently considering how best to provide remedial tutoring in smaller communities by skilled staff.

All education programs are delivered taking into consideration Anangu cultural perspectives. The Government will also maintain Anangu Cultural Domain as a priority for both the curriculum and as a framework for measuring effectiveness.

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.

The South Australian Government supports this recommendation.

Regular meetings between Nganampa, NPY Women's Council, AARD, DECS, Health SA, SAPOL and DFC (including Families SA) are currently being established. These meetings will be at least three times a year as proposed by the Commission of Inquiry and will involve clinical staff as well as agency managers. The meetings will provide a forum for general discussion of the best ways for achieving inter-agency collaboration, common approaches to problems and continuing education of service providers.

Recommendation 29:

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

South Australian Government Response

The South Australian Government supports this recommendation.

In the first instance, all agencies, both government and non-government working in the field, will contribute to raising awareness among clients and their families of the primacy of keeping children safe.

At a strategic level, the Minister for Aboriginal Affairs and Reconciliation has requested AARD to convene and chair a multi-agency group of senior officers to oversight and report on child protection on Aboriginal lands. A priority for the group is community education. The working group is currently working collaboratively to develop an appropriate community education process on child protection for Aboriginal lands.

The six social workers attached to the six major schools on the Lands will have as part of their role the development and delivery of community education to children and their parents and carers on appropriate behaviours and the supports available for victims of sexual abuse. Where appropriate, the education will also be delivered to members of the broader Lands communities as part of the outreach activity of the schools. The social workers will be supported in the development of the program by Families SA and DECS and will be informed by the work of the multi-agency group of senior officers, established by the Minister for Aboriginal Affairs and Reconciliation.

Other initiatives include the development of links with the senior men's Law and Culture Committee for the APY. This initiative is aimed at developing suitable programs and forums that will have cultural authority and will contribute to the education of the community and promote a culture of child protection (see also recommendation 12). Similar work is being undertaken in conjunction with the NPY Women's Council.

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

South Australian Government Response

The South Australian Government supports this recommendation.

All government agencies will ensure advice and education on child protection and child sexual abuse is part of day-to-day operations. Services such as schools, health services and police have specialist educative roles. For example, programs such as the “homemaker” program and the youth program will be an appropriate context in which to deliver messages on the care of children and child safety.

As outlined in the Government’s response to recommendation 29, the six social workers attached to the six major schools on the Lands will have as part of their role the development and delivery of community education to children and their parents and carers on appropriate behaviours and the supports available for victims of sexual abuse. Where appropriate, the education will also be delivered to members of the broader Lands communities as part of the outreach activity of the schools. The social workers will be supported in the development of the program by Families SA and DECS and will be informed by the work on community education for Aboriginal lands being developed by the multi-agency group of senior officers.

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

South Australian Government Response

The South Australian Government supports this recommendation.

As provided in its response to recommendation 12, discussions have begun to establish links with the senior men's Law and Culture Committee for the APY on the issue of the safety of children on the Lands. It is essential that meetings with men and boys in communities take place under the auspices of the Law and Culture Committee to ensure that the cultural authority of the senior men supports the purpose of such meetings.

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

South Australian Government Response

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

As an immediate response to the Inquiry Report, SAPOL has included a focus on pornographic material as part of operational duties and lawful searches on APY Lands.

SAPOL is also investigating the extent of pornographic material on APY Lands.

In addition, the Government is reviewing the strategies to restrict access to pornographic material recently adopted in the Northern Territory as part of the Commonwealth Government's Northern Territory Emergency Response.

The results of these enquiries will determine the next steps in addressing the restriction of access to pornographic material.

New approaches to raising awareness about the dangers of exposing children to pornography will also be considered in developing the plan to restrict access to pornography.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The Government will build and operate a safe house at Umuwa specifically for children at risk of abuse. The safe house will provide children and their family members who need to be removed from the community with safe accommodation and support while other protective action is taken.

This facility will also have the capacity to provide transition accommodation, support and a safe return to community for children following child protection assessments and medical intervention.

The Umuwa safe house is in addition to the safe house service at Coober Pedy, a joint Commonwealth and State Government initiative to help protect aboriginal women and children who are at risk of domestic and family violence. The safe house commenced operating in a temporary building on 1 July 2008, pending construction of 2 safe houses.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

In its immediate response to the Inquiry Report, the Government committed to placing two child protection officers on the Lands specifically to respond to mandatory reports alleging child sexual abuse.

Recruitment is currently occurring for the two specialist child protection workers to be based on APY Lands. The child protection workers will be based at Umuwa.

In its immediate response to the Inquiry Report, the Commonwealth Government committed \$15 million for infrastructure on the Lands, which includes accommodation for the child protection workers.

The Commonwealth Government is providing demountable buildings and is currently upgrading them to make them suitable as temporary staff housing for the child protection workers at Umuwa, pending the construction of the permanent accommodation.

Families SA will review its policies regarding the information to be provided to mandatory notifiers in respect of any action which is taken following the making of a mandatory report.

As advised in its responses to other recommendations, the Government is finalising new *Information Sharing Guidelines* for Government agencies and key non-government organisations. These guidelines will also be a key reference source in determining questions of information exchange about actions taken following the making of reports.

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

That 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.

South Australian Government Response

The South Australian Government supports this recommendation in principle.

The Government will continue to provide a range of supports for teaching and other education staff on the Lands including:

- Comprehensive staff development opportunities
- An external phone counselling service
- The services of an Organisational Health Consultant
- Training in occupational health and safety
- Regular respite periods

The Department of Education and Children's Services will investigate any other "respite" schemes applicable to other Government employees working in the APY Lands and, given the outcome of such investigation, consider the feasibility of developing improved arrangements.

The support for staff is regularly reviewed as part of each principal's performance management plan which is in turn regularly reviewed by the Coordinating Principal and District Director.

An intensive 8 day staff induction program is provided for all new staff to enable them to better adjust to teaching in a remote and culturally sensitive area.

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.

South Australian Government Response

The South Australian Government supports this recommendation in principle.

In 2004 night patrols were initiated in a number of APY communities, 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 support for such a method of policing.

SAPOL has initiated a Community Safety Project based on the Lands with specific responsibility for establishing a range of crime prevention activities. SAPOL has established Community Safety Committees in Indulkana, Fregon, Mimili, Amata, Pukatja, Watarru, Nyapari, Kanpi/Murputja and Pipalyatjara/Kalka. These committees will consider the re-introduction of night patrols in conjunction with other strategies already identified as enhancing community safety.

SAPOL has also initiated a Community Liaison Project with the aim of employing Anangu to liaise with community members and groups, police staff and other agencies on the Lands and to assist with policing services in the community. Part of the responsibilities of Community Liaison Officers will be to refer on issues and initiatives to improve the safety of vulnerable members of the community.

Recommendation 37:

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

South Australian Government Response

The South Australian Government supports this recommendation in principle.

In its response to recommendation 37 of the *Commission of Inquiry (Children in State Care) Report* (tabled in Parliament on 17 June 2008), the Government advised –

Restorative justice is a model of justice that focuses on the harms that are caused by offending conduct and seeks to restore or repair damage caused by the offender's conduct. For example, one of the components of restorative justice may comprise a meeting between an abuser and a victim. There is considerable debate amongst experts and the community regarding the circumstances in which a restorative justice model may be appropriate, including whether it is appropriate at all in cases of child sexual offences.

At that time, the Government also committed to establish a panel of suitably qualified persons to consider the issue of restorative justice for victims of sexual abuse and the appropriateness of an arrangement of restorative justice for victims of sexual abuse (and if so in which cases and in what circumstances). The panel would *also address the possible extension of the scope of a restorative justice model to other cases of child sexual abuse and provide advice on a suitable model for restorative justice (if appropriate).*

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

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.

South Australian Government Response

The South Australian Government supports this recommendation.

SAPOL's current practice is to record all available information in relation to all allegations of child sexual abuse. To ensure accurate records, all principal Police locations are connected to SAPOL computer systems, and the SAPOL case management system. The case management system is audited regularly at the Local Service Level.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

In its immediate response to the Inquiry Report, the Commonwealth Government committed \$15 million for infrastructure on the Lands, which includes funding for the construction of an additional police station, together with accommodation for additional police. This was on top of its previous commitment of \$7.5 million for two police stations.

In conjunction with the Commonwealth Government, the State Government is establishing police stations at Amata, Mimili, and Pukatja, in addition to the existing police stations at Umuwa and Murputja. Accommodation for the police officers at Amata, Mimili and Pukatja is also being built.

It is expected that the new police stations will be fully operational by the second half of 2009. Four officers will be at each location.

SAPOL currently has eight full time police officers living on APY Lands at Murputja and Umuwa. To ensure an immediate increase in police patrols, SAPOL will from August 'fly in and fly out' additional police to ensure there are 12 uniform police officers on the Lands at any one time. These police will be provided with temporary accommodation at Amata, Murputja and Umuwa (see also recommendation 40).

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 of the Lands, or otherwise working on the Lands, undertake cultural training specifically designed to facilitate their working with Anangu.

South Australian Government Response

The South Australian Government supports this recommendation.

As advised in its response to recommendation 39, the South Australian Government, in conjunction with the Commonwealth Government, is establishing police stations at Amata, Mimili, and Pukatja. Four officers will be at each location.

SAPOL will then have 19 police officers on APY Lands. With the input from Community Constables, Police Aboriginal Liaison Officers and project staff, there will be a total of 31 SAPOL staff providing services to APY Lands with additional support from Marla Police.

SAPOL currently has eight full time police officers living on APY Lands at Murputja and Umuwa. They are supported by four Community Constables and 3 Police Aboriginal Liaison Officers. A further six police officers provide assistance and support from Marla.

To ensure an immediate increase in police patrols, SAPOL will from August 'fly in and fly out' additional police to ensure there are 12 uniform police officers on the Lands at any one time. These police will be provided with temporary accommodation at Amata, Murputja and Umuwa. In addition, one detective and one child and family violence/crime prevention officer are based at Marla; another position of child and family violence/crime prevention officer will join this team in early August. Once the new police stations are built, these officers will be relocated to Umuwa on the APY Lands.

The Commonwealth Government is providing demountable buildings and is currently upgrading them to make them suitable as temporary staff housing and office accommodation for police officers. The State has requested leases from the APY Executive to enable the demountables to be placed at Umuwa on serviced blocks. This request will be considered by the APY Executive in late August. Temporarily unoccupied

State Government staff housing has been identified to enable police officers to live on a temporary basis in communities whilst permanent accommodation is being constructed.

The Government understands the importance of all service providers on the Lands having appropriate skills and attitudes as well as appropriate levels of cultural awareness. Currently all officers working on APY Lands are provided with cultural awareness training. SAPOL is currently enhancing this training to be more encompassing of traditional issues. SAPOL is also examining a range of initiatives to ensure that officers selected to work on APY Lands have the necessary experience and suitability.

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.

South Australian Government Response

The South Australian Government supports this recommendation.

The processes outlined in this recommendation are included in SAPOL Standing Orders.

To ensure accurate records are maintained, all principal SAPOL locations are connected to SAPOL computer systems. Regular auditing of case management occurs at the Local Service Area level.

SAPOL is re-examining staff training to ensure that it is more encompassing of traditional issues. All general duties positions on the AP Lands are covered by a specific Position Information Document that requires demonstrated knowledge and understanding of Aboriginal culture. A review of existing Position Information Documents is also being undertaken, together with a review/amendment of the current induction model for APY positions.

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.

South Australian Government Response

The South Australian Government supports this recommendation

The Government will encourage efforts to provide training for interpreters within the tertiary education system. The DFEEST has recently allocated funding of \$120,000 for the continued training of Aboriginal interpreters.

The Government has also allocated \$520,000 over four years in improving Aboriginal interpreter services in South Australian Courts. A focus of this additional resourcing will be the provision of additional interpreters in the APY lands.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

Until now, the need for such services has been infrequent. However, it is likely that the need will increase as a result of the Government's increased intervention in child protection matters and policing on the Lands.

DFC will evaluate the level, type and nature of services required to meet the need, and the capacity of existing services to do so, and will give further consideration to this recommendation. In doing so the Government will consult with relevant stakeholders, including the NPY Women's Council.

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.

South Australian Government Response

The South Australian Government supports this recommendation in principle.

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

The Government will develop the most appropriate advocacy model and consult with relevant stakeholders prior to its implementation.

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.

South Australian Government Response

The South Australian Government notes this recommendation.

The Government, with the Courts Administration Authority and interested agencies, is considering the further services, facilities and practices required to enable the efficient operation of the courts on the Lands.

Such consideration will include assessment of the resources required to provide services and, given the significant competing priorities for resources on the Lands, whether the operation of court facilities on the lands in such a manner is the best use of resources in addressing community safety and the protection of children.

In the interim, facilities suitable for use as courtrooms are being established as part of the new police infrastructure at Mimili, Amata, and Pukatja. The Courts Administration Authority is negotiating for the use of the Rural Transaction Centres in the remaining APY communities.

As set out in the response to recommendation 42, a focus of the Government's additional resourcing for Aboriginal interpreter services in courts will be on providing additional interpreters in the APY Lands.

Recommendation 46:

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

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

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

South Australian Government Response

The South Australian Government does not accept the recommendation to establish a corrections facility on the Lands for prisoners on remand.

The Government does not believe that, given the significant competing priorities for resources on the Lands, the significant capital and operational costs of establishing a remand correctional facility on APY Lands for prisoners on remand is the best use of those resources in addressing community safety and the protection of children.

The Government is, however, building 12 beds for traditional Aboriginal men at the Port Augusta correctional facility. These beds will better enable authorities to remove prisoners on remand from the Lands to Port Augusta.