



Government  
of South Australia

## **THIRD 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 2011

**TABLE OF CONTENTS**

List of acronyms..... 3

Part 1 – Introduction ..... 4

Part 2 – Background ..... 7

2.1 The Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry (the “Mullighan APY Lands Inquiry”)..... 7

2.2 The South Australian Government’s response..... 8

2.3 Reporting obligations..... 9

2.4 Monitoring ..... 9

Part 3 – Progress Report..... 10

3.1 Implementation: Government response completed by November 2010. 10

3.2 Implementation of Government response completed during November 2010 – November 2011..... 22

3.3 Implementation of Government Response Continuing ..... 53

Part 4 – Recommendations not implemented..... 93

### List of acronyms

<b>AEW</b>	Anangu Education Worker
<b>AGD</b>	Attorney General's Department
<b>AHW</b>	Anangu Health Worker
<b>Anangu</b>	People of the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands
<b>APY Lands</b>	Anangu Pitjantjatjara Yankunytjatjara (APY) Lands located in the far North West of South Australia
<b>CAA</b>	Courts Administration Authority
<b>CAMHS</b>	Child and Adolescent Mental Health Services (Women's and Children's Health Network)
<b>CARL</b>	Child Abuse Report Line
<b>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>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 Service of South Australia
<b>DECS</b>	Department of Education and Children's Services
<b>DEEWR</b>	Department of Education, Employment and Workplace Relations
<b>DFC</b>	Department for Families and Communities
<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>DTEI</b>	Department for Transport, Energy and Infrastructure
<b>FaHCSIA</b>	Commonwealth Department of Families and Housing Community Services and Indigenous Affairs

## Part 1 - Introduction

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<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)

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

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### NOTE

Shortly before the tabling of this report the names of several departments were changed; the names that were current during the reporting period have been used in the report.

### Part 1 – Introduction

## Part 1 - Introduction

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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 26 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*.

## Part 1 - Introduction

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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 third 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 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 and in November 2010.

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 third 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 and reporting regularly to Government on progress.

During 2012, 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

### Government Response Complete

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#### Part 3 – Progress Report

##### 3.1 Implementation: Government response completed by November 2010

In its annual report of November 2010, the South Australian Government reported that it had completed implementation of its response to 10 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>

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

## Part 3 – Progress Report Government Response Complete

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### 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

An E-Notification System was established in May 2008 with completion of a trial and training by June 2009. Registered users, which include DECS and SAPOL officers, are able to access the e-notification technology on the APY Lands.

There are currently 23 registered users of the E-Notification system on the APY Lands, this represents 8.5% of all registered users. Phone and fax based notification systems can still be used in addition to the E-Notification system.

Due to concerns that there may be an underreporting of child sexual abuse on the APY Lands, Families SA has developed an MOU with the Child Abuse Report Line that means that any notification received that contains information of a sexual nature will automatically be investigated.

## Part 3 – Progress Report Government Response Complete

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Families SA also provide training to staff of government and non-government agencies in the area of Child Safe Environments and Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and their Families. This training supports the staff of these organisations to forward their concerns about a child who is at risk of abuse or neglect.

Two Child Protection Worker positions are committed to the APY Lands. These positions provide immediate and responsive services to child protection notifications and matters. These are specialised positions in the investigation and assessment of child protection matters and play a key role in the coordination of responses to child protection matters between Families SA and other key agencies such as SAPOL, CPS as well as CAMHS, Nganampa Health and NPY Women's Council as appropriate.

The Child Protection Workers based at Umuwa do not receive direct Child Protection notifications as a general rule: rather they facilitate contact with the Child Abuse Report Line if required.

Permanent housing for the Child Protection Worker positions became available during 2011.

## Part 3 – Progress Report Government Response Complete

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### **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 is a health agency primarily funded by the Commonwealth Government. DoHA has provided the Council with funding from June 2010 for an additional medical practitioner to be based on the APY Lands. The position is currently being advertised. This brings the funded complement of Nganampa Health Council Medical Officers providing direct services and/or secondary consultation and support to Registered Nurses to four full time equivalent.

Attracting a full time medical practitioner is difficult in many rural and remote regions of Australia. The Australian government is providing a range of financial and non-financial incentives to support health professionals to continue to work in rural and remote Australia, under the Rural Health Workforce Strategy (RHWS) to address rural and remote health workforce shortages. Financial and non-financial incentives are scaled based on a location's remoteness.

## Part 3 – Progress Report Government Response Complete

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### 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 DASSA APY Lands Substance Misuse Services can provide both outreach and residential services which are available to children with no age restriction for access. The service is funded to an adequate level to provide quality services. The facility has partnered with detoxification and rehabilitation services in Alice Springs, and has been accessed by many agencies and services for accommodation and program delivery to Anangu residing on the APY Lands.

DASSA has supported CAMHS to co-locate at the facility. This has enabled integrated service delivery to young Anangu with alcohol, drug and mental health issues by offering co-facilitated programs for young Anangu, developing and strengthening their engagement and resilience. These sessions are run from schools and DASSA continues to work with DECS staff on future ongoing program delivery.

The DASSA Mobile Outreach Service continues to provide assessment and support (i.e. brief intervention, commencement of treatment episode, participation in other activity or referral to another service) for young people and families across APY Lands communities. DASSA continues to provide support to communities and other agencies that have identified emerging substance misuse issues in their community, offering opportunistic and planned group activities to both the young Anangu and their families.

These services will continue to be provided through the Amata Substance Misuse facility and will be complemented by a suite of child and family support services to be provided through the Amata Family Wellbeing Centre that is to be established using the realigned Substance Misuse facility. The realignment of the facility is scheduled to be completed by mid of 2012 and is 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.]

## Part 3 – Progress Report Government Response Complete

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### 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.

## Part 3 – Progress Report Government Response Complete

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### 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

DFC continued to promote the changes to the *Children’s Protection Act 1993* to affected organisations during 2011. Throughout the communication period, DFC held 26 information sessions for affected organisations about the new laws. DFC continues to maintain a dedicated telephone helpline, mailbox and website and hold information sessions as required.

DFC is revising its *Child Safe Environments: Guidelines for Mandated Notifiers* booklet. Once complete, the revised booklet will include information about the new offence and clearly defines the roles, responsibilities and legal requirements of Mandated Notifiers and organisations that provide services to children and young people in South Australia. Once launched, the *Guidelines* booklet will be available to download free of charge from the child safe website ([www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)) and will be provided in hard copy to people who participate in Child Safe Environments: Reporting Child Abuse and Neglect training.

To ensure that information about mandatory notification and child safe environments is accessible to a range of audiences, DFC has developed training packages that are responsive to community needs. During 2011, DFC also continued to deliver the Child-Safe Environments Anangu training package “Protecting Our Children - Protecting our Future” to communities on the APY Lands.

## Part 3 – Progress Report Government Response Complete

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### **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.

Student Practicum Teaching Program has been carried out for the past 13 years with 202 tertiary students engaged in teaching practicum's ranging in length from 2 to 8 weeks; of these 28 % have taken up teaching appointments at the school sites.

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; from outside of the APY Lands.

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.

## Part 3 – Progress Report Government Response Complete

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### **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.

## Part 3 – Progress Report Government Response Complete

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### **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 \$22million 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 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 DFC and the DECS.

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

## Part 3 – Progress Report Government Response Complete

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### **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 system, provide criteria against which staff are selected and will 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.

## Part 3 – Progress Report Government Response Complete

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### **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 will 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.

## Part 3 – Progress Report Government Response Complete

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### **3.2 Implementation of Government response completed during November 2010 – November 2011**

Since the tabling of the second annual progress report in November 2010, the Government has fully implemented its response to a further 16 recommendations.

These 16 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.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

Families SA pays staff that live and work in the APY Lands the maximum benefits allowed under State Government regulations in order to attract and retain suitably qualified staff to implement strategies and programs relating to child sexual abuse on the APY Lands. The benefits provided include: payment of 50% loading on base salary; locality allowance for living in 'very remote' areas; furnished housing (including all utilities); and a safety equipped 4WD.

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; access to language training for staff has also been established.

The availability of appropriate staff housing has been an ongoing issue for Families SA in attracting and retaining staff on the APY Lands. This has been addressed by accessing temporary housing from other agencies or having staff live off the Lands, e.g. Marla. Permanent housing became available for the Lands Based Workers in Pukatja, Pipalyatjara and Mimili during 2010.

### **Annual Report of November 2011**

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

Families SA has continued to offer benefits described above to attract and retain suitably qualified workers on the APY Lands.

## **Part 3 – Progress Report Government Response Complete**

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In the past twelve months new housing has become available for the two Child Protection Worker positions in Umuwa. Families SA has used DECS housing in Iwantja, Amata and Kaltjiti but long term accommodation continues to be difficult to access in these communities.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

Families SA has increased the number of Lands Based Worker positions from three to six. These workers engage in both case specific work and community program service delivery intended to prevent child abuse and neglect. Their work includes: support to vulnerable families via Tier 3 child protection notifications; ongoing work with children who are subject to Family Care Meeting Agreements and Guardianship Orders and their families and carers; engagement and support of children who are at risk of disengagement from school and their families; support to children who are identified as failure to thrive and their families; support of the financial literacy programs; participation in Community Safety Meetings; and involvement in activities to create child safe environments.

Families SA continued to provide outreach services to the APY Lands from their Coober Pedy office. The services provided include child protection related services and those to build family capacity such as, financial literacy programs and generic anti-poverty services.

In addition, DFC established a range of community programs including family centres in Mimili, Kaltjiti, Amata and Pipalyatjara that provide a safe place in communities for families, people with disability and older people. They provide a range of services including access to healthy cooking, play areas, showering and clothes washing facilities and advice and referral to a range of other service providers including Nganampa Health Council, NPY Women's Council, Waltja Tjutanku Palyapayi, Red Cross and other State Government agencies on the Lands.

## Part 3 – Progress Report Government Response Complete

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In Pukatja, DFC and DECS jointly fund a Community Development Officer (CDO) position. The CDO coordinates the early childhood services delivered in the Pukatja Child and Family Centre and each child who attends the centre receives a meal. Services are delivered by DECS and a range of health and community services government and non-government agencies. In Iwantja, DFC services for older people and people with disability are delivered from the Home and Community Care kitchen; these include the provision of a daily meal, blanket washing and local transport.

Youth programs are delivered through youth sheds in six communities on the Lands. The programs are designed to divert young people from risky and anti-social behaviour. DFC contracts NPY Women's Council to provide visiting specialist youth workers, to deliver a range of holiday activities to seven major communities over a total period of 28 weeks.

### **Annual Report of November 2011**

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

During 2011, 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. DFC also continued to provide programs through the family centres and the youth program.

These services will be co-located and provided through a new Family Wellbeing Centre in Mimili. 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. One of these Centres is to be a new facility in Mimili which will provide child and family support services in an integrated and coordinated manner through a suite of co-located services. The Department for Communities and Social Inclusion will coordinate the services being provided through this Centre. The construction of the Centre is due for completion by the end of 2012. The other two Family Wellbeing Centres will be located in Amata and Pukatja.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

Families SA provided an immediate commitment to expand the number of social workers on the Lands to six and to align each of them to schools in the major communities. Families SA subsequently allocated ongoing funding to a supervisor's position to provide support to the Lands Based Workers.

Note that the name of the positions committed to the Lands was changed from social worker to Lands Based Worker to better reflect the range of qualifications appropriate to undertake the duties of the position.

### **Annual Report of November 2011**

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

Families SA has maintained its commitment to six Lands Based Workers on the APY Lands although maintaining workers in all of the funded positions is an ongoing issue with vacancies occurring during 2011. The difficulty in recruiting appropriately qualified and skilled persons occurs because of the remoteness of the APY Lands, the need to recruit people who will fit into specific APY communities and the specialised and sensitive area of child protection and the area of child sexual abuse.

The person who was recruited to the position of the supervisor to the team of workers on the APY Lands is currently on maternity leave and another worker is in this position on a temporary basis.

## **Part 3 – Progress Report Government Response Complete**

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The appointment of the Lands Based Workers has resulted in some changes including: a greater capacity for Families SA to gain knowledge and information about specific families and community dynamics essential for case planning and case direction; increased capacity to provide ongoing support and case work to children and young people placed under Family Care Meeting Agreements and Guardianship; increased participation of community and agency persons in child protection and child safety discussions and meetings, service planning, service development and service implementation; an increased capacity for Families SA to provide immediate support to families where appropriate; and an increase in the programs provided.

## Part 3 – Progress Report Government Response Complete

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### 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.**

### Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

A Child Protection on the APY Lands Working Group was established in September 2008. It was chaired by Families SA and the membership included Nganampa Health Council, NPY Women’s Council, DECS, CAMHS, CPS, Families SA and SAPOL.

The working group developed a protocol for inter-agency responses to child protection cases on the APY Lands; *The APY Lands Child Protection Protocols; for the investigation and assessment of suspected abuse and/or neglect*. These protocols are the framework for the response to child protection notifications on the APY Lands; they hold each agency accountable for their role in the provision of services to children who have or who are at risk of being abused or neglected.

### Annual Report of November 2011

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

*The APY Lands Child Protection Protocols; for the investigation and assessment of suspected abuse and/or neglect* have been signed by all parties to them; they are currently being printed.

Amendments to the *Child Protection Act 1993* (the Act) that came into effect on 1 January 2011 require all organisations that receive State Government funding, including Nganampa Health, 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.

## Part 3 – Progress Report Government Response Complete

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### Amendments to the Act:

- require organisations to lodge a statement of their policies and procedures established pursuant to section 8C with the Department for Families and Communities; and
- enable the Department for Families and Communities to seek further information from organisations about their compliance with the requirements of section 8C.

## Part 3 – Progress Report Government Response Complete

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### 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.**

### Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

CAMHS was a member of the working party developing *The APY Lands Child Protection Protocols: for the investigation and assessment of suspected abuse and/or neglect*. The protocol had been signed off by the working group and was to be sent to the relevant organisations for their final endorsement.

CAMHS and Families SA staff met regularly to discuss case matters and referrals and to build and strengthen working relationships.

### Annual Report of November 2011

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

Over the past few years, 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.

There are regular scheduled interagency meetings that include CAMHS and Families SA to discuss case matters and referrals and where information is shared on case management matters which supports a more effective multi-agency approach to child protection.

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.

### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

DFC and the Department of Health provided treatment and services, accommodation, supervision, and support for children removed from the APY Lands to Adelaide for child protection reasons.

Accommodation and services were also provided in Adelaide for their parents or carers as required.

CPS also provided support services by making practitioners available for children removed from the Lands to Adelaide.

### **Annual Report of November 2011**

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

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.

DFC is the statutory agency responsible for the removal of children for child protection reasons. DFC 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 Yarrow Place Rape and Sexual Assault service. CAMHS services have been increased on the APY Lands.

### 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.**

### Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

Both Families SA and the NPY Women’s Council contributed to the development of *The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* which identify the role of agencies in reporting and responding to child protection notifications on the APY Land and promotes cooperation between agencies in this area.

Families SA and the NPY Women’s Council also maintained regular contact during this period, usually via teleconference, for information sharing and service planning.

Families SA’s processes and practices enable them to: engage with Anangu Elder men as appropriate in investigative service response planning and delivery and in longer term case planning and delivery; to involve them in service scoping opportunities in local areas; to invite them, as members of Community Councils, to participate in training opportunities run by Families SA. In addition, the Elder men are engaged in Community Safety Meetings and the associated service planning and development.

## Part 3 – Progress Report Government Response Complete

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This recommendation refers to funding NPY Women’s Council to provide support and advocacy for children who have been sexually abused; DFC does not fund non-government organisations to provide such support. However, the text in the Mullighan report relating to this recommendation refers to the NPY Women’s Council’s role in respect to family violence; DFC committed additional funding to the NPY Women’s Council to provide case management services to women and children experiencing family violence.

### **Annual Report of November 2011**

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

Families SA and the NPY Women’s Council have maintained regular contact during 2011 to share information and plan services. During 2011 both organisations signed *The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* and 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 2011, DFC has provided additional funding to the NPY Women’s Council to provide case management services to women and children experiencing family violence.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The Government identified the intention to establish a Memorandum of Understanding with Nganampa that addressed 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. The Nganampa Health Council was part of the inter-agency Child Protection on the APY Lands Working Group that developed the protocol and is a signatory to the Protocols.

Families SA provided training on Child Safe Environments and the Information Sharing Guidelines on the APY Lands and in Alice Springs. This training was available to Nganampa Health staff.

### **Annual Report of November 2011**

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

*The APY Lands Child Protection Protocols: for the investigation and assessment of suspected abuse and/or neglect*, has been formally signed by all the relevant parties.

Amendments to the *Child Protection Act 1993* that came into effect on 1 January 2011 require all organisations that receive State Government funding, including Nganampa Health, 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:

## Part 3 – Progress Report Government Response Complete

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

Under the *Child Protection Act 1993* Nganampa Health is responsible for ensuring its workers are trained.

During 2011, Families SA provided Child Safe Environment Training and information sharing guidelines on the APY Lands. This training is made available to workers from DFC, other government departments and non-government organisations including Nganampa Health. Staff members from Nganampa Health have attended the training provided.

### **Recommendation 22**

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

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

Families SA funded two Child Protection Worker positions to provide immediate and responsive services to child protection notifications and matters. These are specialised positions in the investigation and assessment of child protection matters and play a key role in the coordination of responses to child protection matters between Families SA and other key agencies such as, SAPOL, CPS as well as CAMHS, Nganampa Health and NPY Women's Council as appropriate.

Families SA also increased the number of Lands Based Worker positions from three to six. These workers have a role in responding to child protection notifications by providing support to vulnerable families via Tier 3 child protection notifications as well as ongoing work with children who are subject to Family Care Meeting Agreements and their families and carers.

Families SA continued to provide outreach services to the APY Lands from their Coober Pedy office which also includes a role in responding to notifications; to follow-up with children and families; case work activities including involvement with other agencies including SAPOL, CAMHS and DASSA; re-assessment of risk/safety of children and young people; participation in Family Care Meetings; and investigation and assessment of child protection matters.

In order to support the child protection response on the APY Lands, Families SA established an ongoing supervisor's position, based in Coober Pedy, to support and direct this team. The position was filled in August 2010.

### **Annual Report of November 2011**

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

## **Part 3 – Progress Report Government Response Complete**

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During 2011, Families SA continued to provide an outreach service to the APY Lands from Coober Pedy Families SA as described above. In addition, funding has continued for the two child protection worker positions and the six Lands Based Worker positions committed to the Lands.

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

## Part 3 – Progress Report Government Response Complete

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### 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.**

### Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation.

In its initial response of July 2008, the South Australian Government supported this recommendation and committed to continue to put in place programs to enhance school retention and improvements in literacy, numeracy and other skills for Aboriginal children residing on the APY Lands.

In providing this commitment, the Government gave 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 is ensuring that these and other issues are addressed as part of the Government's overall framework to provide an adequate child protection service strategy on the APY Lands.

School attendance is a major priority in DECS Aboriginal Lands District 3 Year Strategic Plan. The Aboriginal Lands District Office Improvement Coordinator regularly reviews attendance data through the Indigenous Student Support System contacting schools and ensuring appropriate strategies are in place to increase attendance.

## Part 3 – Progress Report Government Response Complete

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The Pitjantjatjara Yankunytjatjara Education Committee (PYEC) is responsible for the strategic directions, development and monitoring of preschool and school education for students on the APY Lands. The PYEC, formed under the umbrella of APY Lands Council, is made up of 45 members from the nine communities with schools. PYEC has a full time Director funded by DECS at Principal classification level. Each school is run in a joint management arrangement with a Principal and Anangu Coordinator. Local School Governing Councils are a second tier of governance in all communities. This unique Governing Council model is made up of one representative from each family group. Representatives from the Anangu teachers, Anangu Education Workers (AEWs) and Anangu Coordinators are also on the Governing Council as the local cultural experts.

As an immediate response to this recommendation of the Inquiry, the Commonwealth Government committed \$2.8 million for 30 additional places for secondary students on the APY Lands to go to the successful Wiltja Residential Program. This program is linked to Woodville High School in Adelaide, and is aimed at providing broader educational opportunities and help address school retention issues.

The Wiltja Residential Program offers supported mainstream secondary education programs for up to 60 Anangu students each year. It provides in-school and out-of-school tutorial support for Anangu students participating in short and long term programs. The Wiltja Residential Program at the Northgate site provides 24-hour, seven days a week accommodation for Wiltja students.

Students can move between Lands schools and the Wiltja Secondary Program to achieve their SACE Certificate. Thirty students have completed their SACE in the past eight years.

### **Annual Report of November 2011**

DECS 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 and pick up students in the morning if they have not arrived for the commencement of school. It is estimated by DECS that this pick-up process of ensuring children do actually attend school each day, can take up to three hours per day.

## Part 3 – Progress Report Government Response Complete

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DECS have 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 (ie "persons" full time and part time students) and
- (iii) full time equivalent enrolments (ie 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 an 11.7% improvement in the retention rate over a 4 year period from 2007 to 2010.

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

DECS 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.

DECS has established a strong networking partnership with CAMHS, NPY Women's Council and Nganampa Health 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.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

The 2010 report advises that the APY schools have sufficient bandwidth and computer hardware to commence the delivery of curriculum online. The priorities of literacy, numeracy and VET are all, in certain aspects, appropriate for online delivery. Intensive professional development is required to increase leaders and teachers confidence and competence in online delivery and to integrate into their classroom practice.

The highly effective Accelerated Literacy Program has been implemented in all schools on the APY Lands. Two full-time Literacy Project Officers are based at the Aboriginal Lands District Office and work in collaboration with all schools on the Lands.

Since 2008, when the National Assessment Program – Literacy and Numeracy commenced, testing results across Years 3, 5, 7 and 9 shows an average of a six per cent improvement in grammar and an eight per cent improvement in writing to 2009.

## Part 3 – Progress Report Government Response Complete

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### **Annual Report of November 2011**

Pre vocation training is being carried out at school sites with a secondary student cohort; which include 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.

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

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. Further improvement in the broadening of the bandwidth at school sites is required.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation.

As reported under Recommendation 23, immediate action was taken to implement this recommendation by Families SA.

In September 2008, the Child Protection on the APY Lands Working Group was established and included representation from Nganampa Health, NPY Women's Council, DECS, CAMHS, CPS, Families SA and SAPOL. The group has developed protocols for inter-agency responses to child protection cases on the APY Lands.

Community Safety Meetings, chaired by SAPOL, have been held every two to three months across nine communities on the APY Lands.

The Mullighan APY Lands Inquiry Taskforce and the Inter-departmental Working Group have been established.

The Senior Officers Group on Care and Protection of Children has also been established and chaired by DFC.

### **Annual Report of November 2011**

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

## Part 3 – Progress Report Government Response Complete

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Regular meetings occur between staff of Nganampa, DFC including Families SA, DECS and SA Police 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 and the Inter-departmental Working Group continue to meet with the focus on progress towards the implementation of the Mullighan 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, chaired by DFC, also continues to meet.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation and subsequently, Families SA created two Child Protection Worker positions on the APY Lands.

Temporary accommodation was provided on the Lands for these two positions, until new permanent accommodation could be provided at Umuwa.

With respect to providing information to mandatory notifiers, *The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* provides guidance about how information can be given to mandatory notifiers, after they have provided information to Families SA.

In accordance with the protocol, the person making the notification can also be involved in the follow-up response both in the investigative and ongoing services, if required.

### **Annual Report of November 2011**

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

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. They play a key role in the coordination of responses to child protection matters between Families SA and other key agencies or groups such as, the families concerned, SAPOL and CPS as well as CAMHS, Nganampa Health and NPY WC where appropriate.

## Part 3 – Progress Report Government Response Complete

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With respect to mandatory notifications, *The APY Lands Child Protection Protocols; for the investigation and assessment of suspected abuse and or neglect* provides information and a framework for agencies across the APY Lands in relation to the way notifications will be responded to and provides an outline of responsibilities of mandated notifiers and feedback in relation to their information.

It is the responsibility of each agency is to ensure that their staff are fully aware of their mandated responsibilities according to the legislation and that their staff are able to act upon such suspicions. Families SA provides annual training to assist agencies with gaining a better understanding of their mandated responsibilities.

On the APY Lands, the person making the notification, if they are a mandated notifier, can often also be involved in the follow-up response both in the investigative and ongoing services if required. Further to this, a mandated notifier is also able to receive information from Families SA relating to the assessed Tier rating and the outcome of investigations.

### **Recommendation 37**

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

### **Summary of Government response and progress made July 2008 – November 2010**

The South Australian Government supported this recommendation in principle.

In late 2008, the Government established a Restorative Justice Reference Group (RJRG) to consider the potential use of restorative justice processes for victims of child sexual abuse in communities on the Lands.

Membership of the RJRG included representatives from the AGD, DFC, SAPOL, DPC, CAA, DCS and the Commissioner for Victims' Rights.

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

The RJRG provided its final report to the Attorney-General in June 2010. The Attorney-General will consider the report's contents and next steps in conjunction with Cabinet.

### **Annual Report of November 2011**

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

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

Though supportive of the recommendations of the report, the government recognises the need to proceed carefully due to the complexity inherent in restorative justice processes and the potential of further harm to victims if processes are not managed with the utmost care.

As a first step, the use of restorative justice processes will be considered in conjunction with Community Court Project planning.

## Part 3 – Progress Report Government Response Complete

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### 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.**

### Summary of Government response and progress made July 2008 – November 2010

The South Australian Government supported this recommendation in principle.

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

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

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

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

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

## Part 3 – Progress Report Government Response Complete

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

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

Once or twice a year an officer from the Office of the Guardian for Children and Young People attends a day of annual reviews undertaken by Families SA; the reviews include children from the APY Lands under Ongoing Family Care Meeting Agreements.

### **Annual Report of November 2011**

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

The same arrangement continues to be in place for advocacy and support of children on the APY Lands.

In summary, the practice is for a Family Care Meeting to be convened by the Care and Protection Unit of the SA Youth Court for children on the APY Lands who Families SA considers may be at risk of ongoing abuse or neglect. The coordinator of the Family Care Meeting arranges for a suitable person to act as advocate for the child at the meeting. All children subject to a Family Care Meeting Agreement on the APY Lands have a Families SA worker assigned to them and have the same resources available to them as if they were on a Care and Protection Order including financial support, Rapid Response and an annual review.

## Part 3 – Progress Report Government Response Complete

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### **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.**

### **Summary of Government response and progress made July 2008 – November 2010**

In noting this recommendation, the South Australian Government agreed to consider, with the CAA and interested agencies, further services, facilities and practices required to enable the efficient operation of the courts on the Lands.

On 18 June 2008, the Commonwealth Government committed funding of \$4.5M for the construction of a facility to provide accommodation for a court and for police and other government workers providing a child protection and family violence response.

On 17 May 2010, the CAA informed DPC-AARD that it would use the facilities for court sittings provided by the police and court complexes that had since been built at Amata, Pukatja and Mimili.

### **Annual Report of November 2011**

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

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

## Part 3 – Progress Report Government Response Complete

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Court Officers currently use PY Ku Centres (a community network for service delivery), and the facilities provided in police stations at Amata, Pukatja and Mimili for court matters. Tele and video-conferencing capability is also being investigated 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.

DPC AARD has since offered CAA access to accommodation at Umuwa, freed up by the completion of Police accommodation in Mimili, Amata and Pukatja.

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 (Ernabella). The construction of the Mimili Centre is due for completion by the end of 2012, with the Amata and Pukatja Centres being completed by mid-2012.

### 3.3 Implementation of Government Response Continuing

This section provides detailed information about the actions the Government has undertaken since November 2010 to implement its response to the remaining 19 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:

- Since the commencement of National Partnership Agreement Remote Indigenous Housing in January 2009, the APY Lands have received significant investment including the completion of 71 new houses and the refurbishment of 99 existing houses. The construction of an additional 24 new houses and 12 refurbishments on the APY Lands are scheduled for completion by 30 June 2012. Housing SA has also constructed five new dwellings in Umuwa to house Anangu employees or trainees and recruitment into these positions has commenced (see pages 67-68).
- The CAMHS APY Lands Coordinator has overseen the CAMHS visiting service and 2FTE CAMHS APY Lands based workers who work across the APY Lands communities. As at 11 August 2011, there were 307 children and young people as CAMHS clients on the APY Lands (see pages 60, 70 - 71).
- CAMHS and the CPS has received funding to undertake a 12 month response to carry out forensic and therapeutic interventions with children and families in one APY Lands community (see pages 60, 70-71).
- There are currently a range of early childhood initiatives; focussing on birth to five years of age with an emphasis on parent and community involvement. Certificate in Early Childhood training for all Anangu Staff working in the Centres has commenced. It is anticipated that the Amata and Iwantja Early Childhood Centres will be completed and fully operational by early December 2011 (see pages 79-80).

## Part 3 – Progress Report Government Response Continuing

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- Agencies on the Lands have continued raising awareness among clients and their families about the primacy of keeping children safe through the provision of services to key groups on the APY Lands and 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 (see pages 81- 83).
- The State Government, through DFC, has funded additional services to help address the issue of safety of women and children on the APY Lands. The NPY Women’s Council has been funded to provide increased case management services for women and children on the Lands. Funding has also been directed to the Coober Pedy and Ceduna Safe Houses so that they can better cater for women and children from the Lands and for the provision of transport to enable women and their children to leave and return to the Lands (see pages 87-88).
- A night patrol trial will be conducted for a period of six months in the Amata community and evaluated prior to expanding the strategy to the Mimili community (see pages 89-90).

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.

### **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 2010**

The South Australian Government supported this recommendation with emphasis that deliberations on future governance models for communities on the APY Lands must have regard for empowering Anangu, enhancing confidence in disclosing sexual abuse and implementing measures to prevent and address sexual abuse.

The Government's response to this recommendation is being addressed on two levels; reform of governance arrangements and service delivery at a regional level; and strengthening governance and capacity at community level.

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.

The APY Executive Board resolved in late July 2010 to conduct an organisation-wide review process of its structure, administration and operations.

A Steering Committee for the review was established of representatives from DPC-AARD, FaHCSIA and of the APY Executive Board. The Steering Committee prepared the terms of reference and appointed a consultant to conduct the functional review. In October 2010, at the request of APY Executive, the terms of reference were expanded to include the development of a new service delivery model for the organisation. An additional \$35,000 was allocated to assist with this request and the Steering Committee appointed a second consultant with primary responsibility for developing the service delivery model.

With respect to governance training, DPC-AARD, in conjunction with the Office for the Registrar of Indigenous Corporations, delivered the Building Strong

## Part 3 – Progress Report Government Response Continuing

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Corporations program to APY communities in February 2009. In addition, intensive ‘hands-on’ community governance and capacity building training programs have been delivered to members of the community councils in six communities (Amata, Kaltjiti, Pipalyatjara, Nyapari, Kanpi and Kalka) on the APY Lands.

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

### **Annual Report of November 2011**

The implementation of this recommendation is still continuing.

In December 2010 and in January 2011, the two consultants delivered their review reports - both entitled *Anangu Pitjantjatjara Yankunytjatjara (APY) Functional Review and Realignment Project (Service Models, Governance and Organisation Structures)*. In March-April 2011, FaHCSIA provided a preliminary response to these reviews, particularly in relation to the report prepared relating to the proposed new service delivery model for APY.

State and Commonwealth Governments are working with the APY Executive, local community councils, and key regional service providers, to develop and establish a Regional Partnership Agreement to provide overarching governance and coordination for strategic planning and service delivery.

This work follows on from important strategic review work undertaken by the APY Executive in the APY Functional Review and Realignment Project. The State and Commonwealth Governments are supportive of this work and continue to work towards stronger governance and leadership on the APY Lands.

Strengthening the knowledge and skills base of the Community Council members will provide Anangu with greater empowerment to effectively govern their own communities and therefore reduce the extent of dysfunction and possible corruption in the communities.

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 addition, Community Council Support Officers (CCSOs) have been appointed in Kaltjiti, Amata, Mimili, Pukatja, Iwantja, Pipalyatjara and Kalka to help build capacity in the day to day administration of communities,

The CCSO Officer program on the APY Lands is jointly funded by the South Australian and Commonwealth Governments. The main roles of the CCSOs are to

## **Part 3 – Progress Report Government Response Continuing**

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ensure the provision of 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.

### **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*, CAMHS was provided with funding to provide mental health services to children and young people on the APY Lands.

The CAMHS Coordinator APY Lands team oversaw the visiting and Lands-based clinical response services. One APY Lands-based CAMHS clinician was employed and was undertaking clinical work on the Lands. Recruitment of a second APY Lands-based clinician had commenced.

### **Annual Report of November 2011**

CAMHS received funding until 2012-13 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.

The CAMHS APY Lands Coordinator oversees the CAMHS visiting service and 2FTE CAMHS APY Lands based workers who work across the APY Lands communities.

As at 11 August 2011, there are 307 children and young people who are CAMHS clients on the APY Lands. All children and young people with mental health issues are eligible for services from CAMHS.

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 APY Lands community. There have been a significant number of children within the community involved in sexualised behaviour. The response in the community has involved engaging and working with the community, parents and individual children to support children's safety.

See Recommendation 16 for related progress reporting.

## 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**

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

CAMHS and CPS developed a model for expanding the forensic assessment and therapeutic services in one APY Lands community.

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.

### **Annual Report of November 2011**

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 provide 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.

## Part 3 – Progress Report Government Response Continuing

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Requests for services from Families SA have increased over the past two years and the CPS has internally redirected its existing resources to enable an increase in its service on the APY Lands and to facilitate more timely responses in individual situations.

Over the past few years, CPS 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 is operational. A new referral process has been documented within the protocol and improved investigation of suspected child abuse or neglect will assist in achieving a more timely service response.

In late 2010, CAMHS and CPS received funding to jointly provide a 12 month response to carry out assessment and therapeutic interventions with children and families in one APY Lands community. There have been a significant number of children within the community involved in sexualised behaviour. The response in the community has involved engaging and working with the community, parents and individual children to support children's safety.

CAMHS and CPS have been working with Families SA, SA Police and the Nganampa Health Council, as well as DECS, to develop and continually expand and improve a model for working with this community to enable disclosures of sexualised behaviour to take place and for effective responses to be developed to increase the safety of children and young people on the APY Lands.

In 2010-11, the number of strategy discussions related to children from the APY Lands totalled 128 and the number of intakes including consultations with children from the APY Lands totalled 116.

In 2010-11, CPS provided formal input to the TAFE course for the training of Aboriginal interpreters for the APY Lands who support interviews with children who have made allegations of sexual abuse. The CPS sexualised behaviour therapist has provided training to Families SA and related staff, including Aboriginal workers.

Training, education, consultancy and support continues to be provided by the Women's and Children's Health Network to relevant health service providers (including Nganampa Health Council) in forensic health services.

## Part 3 – Progress Report Government Response Continuing

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CPS has provided a placement for an Aboriginal social work student who undertook a literature search in relation to forensic interviewing and assessment of Aboriginal children. It has been unable to attract Aboriginal practitioners to its workforce or training programs.

### **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 2010**

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 2011**

*The APY Lands Child Protection Protocols; for the investigation and assessment of suspected abuse and/or neglect* have been signed by all relevant parties concerned and are currently being printed for distribution.

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

## Part 3 – Progress Report Government Response Continuing

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The protocols also hold each agency accountable for their role in the provision of services to child who have or who are at risk of being abused or neglected.

The formal process of evaluating the effectiveness of a ‘multi-disciplinary’ team approach utilising the information contained in the *Working Together: Multi-Agency Collaboration and Child Protection on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands* report requires detailed planning in consultation with the agencies concerned.

## Part 3 – Progress Report Government Response Continuing

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### **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 2010**

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 there were 33 new houses constructed in Amata, Mimili and Kaltjiti and 34 houses were refurbished in these communities and Pipalyatjara.

Housing SA has established an APY Lands Regional Office in Umuwa and appointed staff to manage the housing on the APY Lands. The responsibilities of the Umuwa office includes establishment and management of tenancies, property maintenance and rent collection. A Home Living Skills program is funded to provide tenants with the skills they need to maintain their homes.

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

### **Annual Report of November 2011**

During 2010-11 the program to improve community housing in APY Lands communities continued with 28 new houses constructed in Amata, Mimili and Pukatja and 58 houses were refurbished in these communities and Kaltjiti. Housing SA has also constructed five new dwellings in Umuwa to house Anangu employees or trainees and recruitment into these positions has commenced.

## Part 3 – Progress Report Government Response Continuing

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The APY Lands Regional Office in Umuwa is the central point of service delivery for housing on the APY Lands. The staff complement includes a Manager, Program Manager, Maintenance Coordinator and Housing Officer. There is also a full time Assets Project Manager responsible for supporting the capital works program on the APY Lands.

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.

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 which establishes a public housing standard of tenancy rights and responsibilities, including property maintenance and rent collection.

The Home Living Skills program continues to be rolled out and will be facilitated by two full time Senior Housing Support Workers with one based in the east and the other the west of the APY Lands; one position was filled in August 2011 and the other is in the recruitment phase. In addition, there will be Housing Support Workers based in Iwantja, Mimili, Kaltjiti, Pukatja, Amata and Pipalyatjara to assist Anangu in community maintain a healthy, safe and secure home.

### 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 2010

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.

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

## Part 3 – Progress Report Government Response Continuing

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### **Annual Report of November 2011**

The State Government, through Housing SA-DFC, has funded additional services to help address the issue of safety of women and children on the APY Lands. The NPY Women's Council has been funded to provide increased case management services for women and children on the Lands. Funding has also been directed to the Coober Pedy and Ceduna Safe Houses so that they can better cater for women and children from the Lands. Funding has also been committed to these services for the provision of transport to enable women and their children to leave and return to the Lands.

With respect to options for additional safe accommodation in Alice Springs, discussions are continuing between DPC-AARD, FaHCSIA and their Northern Territory counterparts.

It is understood that there is 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, it is intended to identify the services provided by the current facilities in Alice Springs and ascertain whether Anangu are utilising those facilities. If Anangu are not utilising existing facilities, then the reasons why also need to be identified. Further work is now underway 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.

## 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 2010**

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.

The CAMHS Coordinator APY Lands team oversaw the visiting and Lands-based clinical response services. One APY Lands-based CAMHS clinician was employed and was undertaking clinical work on the Lands. Recruitment of a second APY Lands-based clinician had commenced.

### **Annual Report of November 2011**

Country Health SA provides a range of Aboriginal mental health services on the APY Lands in collaboration with Nganampa Health Council.

Video-conferencing capacity on the APY Lands for telemedicine/distance mental health consultations has progressed with proof of concept and connectivity established. Equipment is now installed and operational at Umuwa and plans 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).

CAMHS received funding until 2012-13 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.

## Part 3 – Progress Report Government Response Continuing

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The CAMHS APY Lands Coordinator oversees the CAMHS visiting service and 2FTE CAMHS APY Lands based workers who work across the APY Lands communities.

As at 11 August 2011, there are 307 children and young people who are CAMHS clients on the APY Lands. All children and young people with mental health issues are eligible for services from CAMHS.

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 APY Lands community. There have been a significant number of children within the community involved in sexualised behaviour. The response in the community has involved engaging and working with the community, parents and individual children to support children's safety.

See Recommendation 8 for related progress reporting.

## Part 3 – Progress Report Government Response Continuing

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### 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 2010

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 and 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 continued to provide a response to children referred by Families SA.

Families SA had developed a specific protocol for Child Protection Tier rating responses to both sexual abuse allegations and sexualised behaviour of children on the APY Lands, and all of these notifications are given a high priority response.

## Part 3 – Progress Report Government Response Continuing

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### Annual Report of November 2011

Nganampa Health Council is committed to addressing child abuse and neglect and promoting and protecting the health, wellbeing and safety of children on the APY Lands. Nganampa Health Council advise that it 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)*. 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 informs and trains all relevant staff in relation to their child safe environments and mandatory reporting requirements. Nganampa Health Council reports all reasonable suspicions of child abuse or neglect to Families SA, in line with the *Children's Protection Act 1993*. Sexually transmitted infections are one of many potential indicators of sexual abuse or sexual exploitation in persons under 18 years.

Consistent with the practices of all other South Australian medical practitioners, Nganampa Health Council is not obliged to make a child protection notification for every positive result of a screening test for a sexually transmitted infection for children under the age of 18. Notifications to Families SA occur where there is reasonable suspicion of child abuse or neglect in line with the legislative provisions of the *Children's Protection Act 1993*. This approach, within the broader context of the APY Lands Child Protection Protocols and Nganampa Health Council's child safe environments commitments, meets the intent of the recommendation which is to ensure that all suspicions of child abuse and neglect on the APY Lands are identified and appropriately responded to.

Nganampa Health Council is of the view that mandatory notification to Families SA of every positive sexually transmitted infection result, regardless of whether a reasonable suspicion of abuse or neglect has been formed, would have a significant negative impact on its sexually transmitted infection control program and the

## Part 3 – Progress Report

### Government Response Continuing

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maternal and child health programs, resulting in fewer people accessing these, and other vital health services that are available in the region.

Upon receipt of a notification of suspected child abuse or neglect on the APY Lands, Families SA may refer the matter to the CPS for assessment, investigation and if required, appropriate therapy and must take whatever action is in the best interests of the child which may include referring the matter to the SA Police.

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 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 makes contact with the notifying medical practitioner to ensure that they have considered their child protection obligations. This practice provides an informal safety check and contributes, in part, to reinforcing the child safe requirements that apply to medical practitioners in South Australia under the *Children's Protection Act 1993*.

Families SA will 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.

## Part 3 – Progress Report Government Response Continuing

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### 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 2010

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, 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.

## Part 3 – Progress Report Government Response Continuing

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### **Annual Report of November 2011**

*The APY Lands Child Protection Protocols: investigation and assessment of suspected abuse and/or neglect* have been formally endorsed by all parties and copies of the protocols are being printed.

Families SA provided training for government agencies and non-government organisations on the Information Sharing Guidelines and Child Safe Environments during 2011.

## Part 3 – Progress Report Government Response Continuing

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### 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 2010

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.

### Annual Report of November 2011

*The APY Lands Child Protection Protocols: for the investigation and assessment of suspected abuse and/or neglect*, has been formally signed by all the relevant parties including Nganampa Health Council.

Amendments to the *Child Protection Act 1993* that came into effect on 1 January 2011 require all organisations that receive State Government funding, including Nganampa Health, 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; and
- enables the Department for Families and Communities to seek further information from organisations about their compliance with the requirements of section 8C.

## **Part 3 – Progress Report Government Response Continuing**

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Families SA will 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.

### **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 2010**

The South Australian Government supported this recommendation.

DECS 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.

In October 2009, a new Childhood Development Centre opened at Pukatja alongside the existing pre-school building. The centre provides daily sessions for 0-3 year olds and their parents.

Under the Indigenous Early Childhood Development National Partnership (IECDNP) agreement, a new Aboriginal Children and Family Centre was provided in Pukatja to expand early childhood services in the community. DECS manages the facility in partnership with DFC.

The 2010 report advises that DECS and DEEWR are working together to establish similar Early Childhood Centres at both 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.

## Part 3 – Progress Report Government Response Continuing

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### **Annual Report of November 2011**

The consequences of student itinerancy impinge on literacy and numeracy outcomes on student learning.

There are currently a range of Early Childhood initiatives; focussing on birth to five years of age with an emphasis on parent and community involvement.

The Early Childhood Centres at Amata and Iwantja Anangu Schools are developing a PYEC Constitution for the inclusion of children 0 to 3 years of age under their governance.

Certificate in Early Childhood training for all Anangu Staff working in the Centres has commenced. It is anticipated that the Amata and Iwantja Early Childhood Centres will be completed and fully operational by early December 2011.

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

## Part 3 – Progress Report Government Response Continuing

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### **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 2010**

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; DECS counsellor; youth programs; CAMHS services; the establishment of Community Safety Committees (chaired by SAPOL); and programs facilitated by the NPY Women's Council.

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 DECS Keeping them Safe Child Protection Curriculum, a DECS 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.

### **Annual Report of November 2011**

During the past twelve months the agencies on the APY Lands have continued to raise awareness among clients and their families about the primacy of keeping children safe. In addition, the provision of relevant training and education programs has continued. In addition, during the past year information sessions have been provided via family and community meetings as part of a response to an issue in one community.

## **Part 3 – Progress Report Government Response Continuing**

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

## Part 3 – Progress Report Government Response Continuing

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### **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 2010**

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 DFC workers providing disability, youth, aged and family wellbeing services.

These additional resources increased the capacity of Government to provide the awareness raising and education and training activities detailed in the response to recommendation 29.

### **Annual Report of November 2011**

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.

In addition during the past year the Department of Health has committed additional resources to providing information sessions about sexual behaviour via family and community meetings and SAPOL is adapting an education package aimed at curbing the use of pornography in Aboriginal communities for use in the South Australia.

### **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 2010**

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 the community 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'.

### **Annual Report of November 2011**

The community education activities have continued in 2011.

Boys in the community receive the benefit of the programs undertaken in the schools as part of the Keeping them Safe Child Protection Curriculum. SHine SA has delivered the Yarning On program which aims to improve the sexual health literacy of Aboriginal young people and encourage 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 DECS child protection curriculum. In addition, meetings about appropriate sexual behaviour for men have been conducted in one of the communities. Planning is also underway for specific programs for men regarding the law in respect to a number of issues including alcohol, driving, family violence and child abuse.

### **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 2010**

The South Australian Government 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 undertook to examine the Northern Territory Intervention Legislation which prohibits pornography of any type within designated areas.

SAPOL also undertook to develop a community education program to roll out across the communities on the APY Lands on the dangers and consequences of exposing children to pornographic material.

### **Annual Report of November 2011**

In addressing this recommendation, 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 Classifications of Films Act and the Summary Offences Act. 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.

## Part 3 – Progress Report Government Response Continuing

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SAPOL has been working with Northern Territory to update their community education campaign on the dangers to exposing children to pornography. When this comprehensive package is completed, it is anticipated that this will be implemented in both Northern Territory and South Australian communities during the second half of 2011.

In addition, SAPOL has obtained relevant posters, stickers and literature and distributed the material widely across the Lands that educates and raises awareness of the dangers of accessing pornographic material.

### 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 2010

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.

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

## Part 3 – Progress Report Government Response Continuing

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### **Annual Report of November 2011**

As reported under Recommendation 14, the State Government, through Housing SA-DFC, has funded additional services to help address the issue of safety of women and children on the APY Lands. The NPY Women's Council has been funded to provide increased case management services for women and children on the Lands.

Funding has also been directed to the Coober Pedy and Ceduna Safe Houses so that they can better cater for women and children from the Lands. Funding has also been committed to these services for the provision of transport to enable women and their children to leave and return to the Lands.

With respect to options for additional safe accommodation in Alice Springs discussions are continuing between DPC-AARD, FaHCSIA and their Northern Territory counterparts.

It is understood there are 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, it is intended to identify the services provided by the current facilities in Alice Springs and ascertain whether Anangu are utilising those facilities. If Anangu are not utilising existing facilities, then the reasons why also need to be identified.

Further work is now underway 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.

### **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 2010**

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 reintroduction of night patrols has been the subject of continuing discussions between SAPOL, the communities, and the Commonwealth Government (including the Remote Service Delivery, Regional Operation Centre). Views and ideas from the communities are being sought before moving forward in finalising a model for consultation.

The night patrol model is being fully researched to ensure that the framework reflects the needs of the communities concerned and importantly, is sustainable for the long term.

### **Annual Report of November 2011**

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.

## Part 3 – Progress Report Government Response Continuing

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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.

At the Board of Management meeting held on 14 July 2011, it was agreed that *'SAPOL will work with the Remote Operations Centre (ROC) of FaHCSIA to finalise the model and a paper for BOM [Board of Management] outlining the owners of the initiative, model resources required and funding arrangements.'* (sic)

In progressing this initiative, a model is being developed in consultation with the local community to determine ownership of the model, resourcing and funding arrangements.

A six month trial of night patrols will commence by the end of 2011, with funding being secured from the South Australian Regional Operations Centre through Commonwealth funding. SAPOL in conjunction with TAFE SA will have the oversight for the training of volunteers. This training will commence on 28 November 2011. Discussions are underway to introduce a night patrol trial to the community of Mimili. A full evaluation on the effectiveness of night patrols will be conducted by the Regional Operations Centre following the Amata trial.

## Part 3 – Progress Report Government Response Continuing

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### **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, Yankunyatjara, Ngaanyantjarra 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 2010**

The South Australian Government supported this recommendation.

Interpreter training continues to be offered through the Diploma of Interpreting – a joint initiative of DPC-AARD and TAFE SA. Students from across the 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.

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

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 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.

## Part 3 – Progress Report Government Response Continuing

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### **Annual Report of November 2011**

The implementation of this recommendation is continuing.

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'.

Thirty-five students have been enrolled in the TAFE SA Diploma of Interpreting and 12 students have completed the Diploma of Interpreting.

The DPC-AARD 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.

It is envisaged that a preferred model will be refined for discussion in late 2011.

## Part 3 – Progress Report Government Response Continuing

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### **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 2010**

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 Victim Support Service based in Port Augusta, SAPOL 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 2011**

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 Victim Support Service based in Port Augusta, SAPOL and the Witness Assistance Service of the Director of Public Prosecutions.

With particular reference to the assistance referred to in this recommendation, the Office of the Director of Public Prosecution (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.

## Part 3 – Progress Report Government Response Continuing

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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;
- Community education and training and contribution to policy about victim's 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.

## 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 2011 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)