



Picture: Howard Birnstihl

*We need to protect the child from physical or psychological harm caused by being subjected or exposed to abuse, ill-treatment, violence or other behaviour.*

## Overview of the Gordon Report

*Katie Kovacs*

In November of 2001 the Western Australian Government announced that it would undertake a special inquiry into the response by Government Agencies to complaints of Family Violence and Child Abuse in Aboriginal Communities. This announcement came in response to the release of findings from a Coronial Investigation into the death of a fifteen year old Aboriginal girl, Susan Taylor.

The findings of the inquiry are now published in the report, *Putting The Picture Together*, commonly known as the Gordon Report.

Susan Taylor lived at the Swan Valley Nyoongar Community in Lockridge and on 12 February 1999 she was found dead by hanging in an ablution block within the community complex. Susan had previously made a complaint of assault and sexual assault against her uncle.

Neil Hope, the Western Australian State Coroner who conducted the Coronial Investigation into Susan's death, suggests that evidence was presented at the inquest hearing which indicated that there is "widespread rape and sexual abuse generally committed against young Aboriginal persons like Susan throughout Western Australia". He also suggested that there is a clear and urgent need for ongoing work in developing more effective responses by organizations to disclosures of child sexual abuse in the Indigenous Australian context.

### *Terms of reference and methods*

The terms of reference for the inquiry were:

- To examine issues raised by the Coroner's Inquiry into the death of Susan Taylor and the way in which Government agencies responded to issues of violence and sexual assault at the Swan Valley Noongar Community.
- To examine how State Government agencies respond to evidence of family violence and child sexual abuse that may be occurring in Aboriginal communities generally.

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**The National Child Protection Clearinghouse serves as an interchange point for information, research and initiatives supporting work in the field of child abuse/neglect prevention.**

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- To report back to the Premier with recommendations on practical solutions for addressing incidents of sexual abuse in Aboriginal communities including any legislative and administrative measures.
- To examine the activities of state government agencies in addressing reports of sexual abuse in Aboriginal communities as well as identifying the barriers and capacity of Government agencies to address issues of family violence and child sexual abuse in Aboriginal communities.
- To comment and make recommendations on whether mandatory reporting of sexually transmitted diseases occurring among children and juveniles should be introduced as well as comment on the limitations of DNA testing in the Aboriginal community.
- To propose measures for children reporting abuse.

Evidence and information was obtained by the Inquiry in several ways: through written submissions from government, non government agencies and individuals; through documents and information provided by government agencies; through consultations with Aboriginal communities; through consultations and visits to government agencies, non-government agencies and to other facilities and individuals; through formal hearings before the inquiry members and through the collection and analysis of relevant research material.

## Clearinghouse contribution

The National Child Protection Clearinghouse at the Australian Institute of Family Studies was asked to carry out a detailed literature review of research and information available about issues of family violence and child abuse in Aboriginal communities for the Inquiry. Clearinghouse staff, Janet Stanley, Katie Kovacs and Adam Tomison carried out the review with assistance from an Indigenous Advisor, Kyllie Cripps.

The literature review conducted by the Clearinghouse lead to several recommendations. One of the key recommendations was that measures to address Indigenous family violence should be less ad hoc, more coordinated and have more of a long term focus. It was also suggested that there is an urgent need for significant resources to be made available to reverse the trends which suggest that violence in Aboriginal communities is increasing. The Clearinghouse suggested that resources are needed to repair associated traumas and increase the number of counselling services available for sexually abused Aboriginal children.

The Clearinghouse suggested that a paradigm shift needs to occur where Indigenous people take responsibility for preventing violence and protecting their children and this can only be achieved by offering support and training by statutory child protection services and long term generous funding and resources.

The Clearinghouse also found that there appears to be significant knowledge gaps about Indigenous family violence, especially in the area of program evaluation. It was found that there was little documentation about the process of program development by the Indigenous community, details of the programs and information about the success of the programs.

It was suggested that research is needed in a number of other areas. For example, the literature does not provide any sense of whether family violence occurs across all communities or whether it is concentrated in particular communities or is more common in urban, rural or isolated Indigenous communities. Similarly, information is not available on the distribution of substance abuse within Indigenous populations. Few studies appear to examine family violence within Indigenous communities in urban areas. Of particular relevance to the Inquiry, the Clearinghouse suggested that there is a lack of information on the

association between sexual assault and the suicide of children and youth, with the literature providing no voice from the Indigenous youth and children about the issues in relation to family violence.

The Clearinghouse noted that there have been many reports into aspects of family violence in Indigenous communities, often covering the same ground. In fact it was suggested that many of the causal factors, barriers to change, and steps needed to address the violence and prevent further violence, are known in broad terms, with similar findings being repeated in the many reports, while several key recommendations of these reports have not been responded to. Therefore the Clearinghouse suggests that it would seem that action to address the issues, rather than further reports, is needed.

Finally, the authors of the Clearinghouse brief supported the introduction of mandatory reporting of child abuse in WA and the mandatory reporting of sexually transmitted diseases throughout Australia. The Clearinghouse suggested that the child protection system must be governed by the needs of children, not the level of resources allocated to child protection on some other basis.

### **Key recommendations**

A report of the findings of the Inquiry was produced and is entitled "Putting the Picture Together". A full copy of the report can be downloaded from <http://www.slp.wa.gov.au/publications/publications.nsf/DPC/FEB7D71FB3A6AF1948256C160018F8FE?opendocument>. This report outlines 197 recommendations for addressing issues of family violence and child abuse in Aboriginal communities throughout Western Australia. While there is not space to detail all of these recommendations here, some of the key recommendations are outlined below.

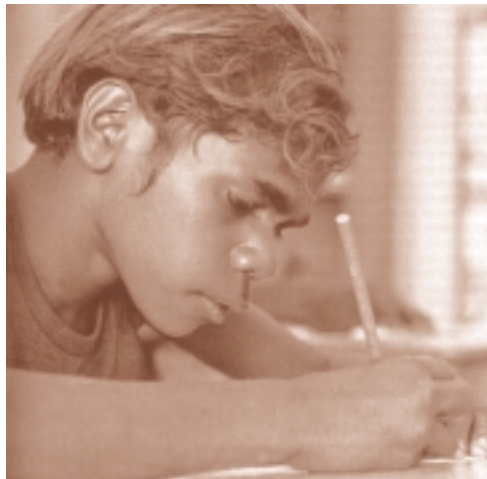
### **Implementation body**

The Inquiry recommended that an Implementation Body be established at the highest level of government, reporting to the Premier, which should provide a progress report no later than 12 months after the formation of the body. The inquiry also recommended that membership of this body should include membership from both within and outside government to ensure a range of perspectives are brought to the reform process. It also recommended the appointment of the Aboriginal and Torres Strait Islander Commission State Chairperson to the Implementation Body.

It was also recommended that every government agency affected by the recommendations be required to report on their plans to implement the recommendations within at least three months of the report. Any government agency which does not intend to implement a recommendation should be compelled to justify their position to the Implementation Body and provide an alternative strategy to overcome the identified problem. Thereafter, at least every six months government agencies should be required to report to the Implementation Body on their progress towards implementation of the recommendations.

### **Department of Health**

The Inquiry made several recommendations for ways in which the Department of Health can improve its response to family violence. For example it was suggested that the Department should be resourced to expand the delivery of sexual assault services in the metropolitan and rural and remote regions of the state. It was also suggested that existing counselling services provided by both the government and non-government sector should be expanded to provide Aboriginal specific services.



Picture: Howard Birnstihl

*The Inquiry emphasised the need to address issue of truancy by Aboriginal children and suggested that there is a need to continue to explore and expand initiatives designed to increase school attendance by Aboriginal students.*

The Inquiry also recommended that the Department of Health place an increased emphasis on improving the education and training of health care workers, agencies and schools about issues surrounding family violence while also providing regular training for nursing staff in the clinical management of child abuse.

It was also recommended that the Office of Aboriginal Health should develop specific policies to address issues of family violence and child abuse in Aboriginal communities and that key Aboriginal community members should be identified for training in sexual assault education and support service so that they can become a resource in their own communities.

Another recommendation made was that the Princess Margaret Hospital Child Protection Unit Services be extended to include education for all health workers, and that the Unit should provide psychiatric and psychological and counselling services for victims of child sexual abuse and their families. The Inquiry also supported moves being made by the Department of Health for the improvement of the working relationship between the Unit and Aboriginal Health Services to enable the establishment of a specific clinic with an Indigenous focus and the establishment of rural regional units to better respond to families and children.

### **Department of Education**

The Inquiry made several recommendations about how the Department of Education and the school community can assist in addressing issues of family violence and child abuse in Aboriginal communities. The Inquiry emphasized the need to address issue of truancy by Aboriginal children and suggested that there is a need to continue to explore and expand initiatives designed to increase school attendance by Aboriginal students.

The Inquiry also recommended that the "Child Protection Training for Teachers" package be used to provide guidance to all staff. It also recommended that the Department of

Education establish a mechanism for reviewing, and then subsequently clarifying, its Child Protection Policy and the procedures for its implementation to ensure there is consistency in policy and implementation of child abuse reporting procedures. The Inquiry also supported the implementation of mandatory training for all teachers about recognizing the signs of child abuse.

With regards to students, the inquiry recommended the provision of basic education in “protective behaviours” to students in all schools through existing curriculum frameworks in the Department of Education.

### **Policing**

With regard to the way in which the West Australia Police Service responds to the issue of family violence a number of recommendations were made. With regard to statistics it was suggested that the WA Police Service needs to improve the method and quantity of data it collects concerning family violence and child abuse. The Inquiry also endorsed the purchase of the “Protect” data collection program and the program be made available through the Information Management System as soon as possible.



*The Inquiry found that there was an inadequate provision of ongoing intervention services for children and families in Aboriginal communities.*

It was suggested that reports of child abuse be given priority and that a review should be carried out either by the police service or another body to look at how reports of child abuse are currently prioritized.

The Inquiry found that additional cultural sensitivity training about and in conjunction with, local Aboriginal communities be introduced into the service as part of the induction process for all new recruits into the police service.

The Inquiry also expressed concerns about transfers and leave arrangements for police stations in isolated areas where stations are manned by one staff member and are left unattended when the officer is on leave. The Inquiry recommended that in such areas leave and transfer arrangements should be managed to ensure that the policing services are maintained continuously.

The Inquiry also stated that Community Police Relations Committees are valuable tools in facilitating communication between police officers and the Aboriginal community. These committees were found to be useful in giving communities an opportunity to convey concerns to the local police members and assist police to establish strategic directions for policing the community. The committees also offer a forum where information can be shared and opportunities

for pro-active conflict resolution. The Inquiry also found that these committees are currently set up in an ad hoc fashion and recommended that such committees or similar bodies be established and maintained across the state.

Aboriginal Police Liaison Officers are employed by the West Australian Police Service and their role is to assist in the manner in which an investigation is conducted, identify witnesses and encourage witnesses to give evidence to police. The Liaison Officers also advise police on protocols and the best way to approach a community. Currently, Western Australia employs 109 Aboriginal Police Liaison Officers and the Inquiry recommends that another 40 positions be created over the next four years with an emphasis on encouraging more Aboriginal women to apply for these positions.

### **Court responses**

It was suggested that the Joondalup Family Violence Court Pilot Project be extended as a result of positive findings from an evaluation. This project began in 1999 and attempted to provide a collaborative approach to issues of family violence while recognising that often people from Aboriginal backgrounds do not use the resources of the court or court

based interventions. The project aimed to improve the criminal justice response to family violence, support the victims and reduce the incidence of family violence in the pilot area. The project was based on interagency cooperation and collaboration, and used alternative sentencing approaches for dealing with matters related to family violence.

### **Coordination**

The Inquiry found that the coordination of services to Aboriginal people with regards to family violence and child abuse has not

been very effective and that this may be in part due to the difficulties in servicing remote areas. The Inquiry therefore recommended that legislative or policy framework is needed to facilitate effective collaboration between departments and the coordination of service delivery. The Inquiry also suggested that middle-management committees should be created to act as intermediaries between the upper level management committees and on-the-ground service providers. It was also suggested that if the barriers to effective sharing of information are addressed then that will increase the effectiveness of collaborative service provision. The Inquiry calls for the allocation of an independent lead coordinator to oversee coordinated service delivery.

### **Gaps in service delivery**

With regard to the provision of services for Aboriginal communities it was suggested that an analysis should be undertaken to identify the gaps in service delivery. The Inquiry suggested that these gaps should be considered as part of the framework for incorporation into the Department of Community Development planning process.

In general, the Inquiry found that there was an inadequate provision of ongoing intervention services for children and families in Aboriginal communities and therefore endorsed

an increase in funding allocated to the Department of Community Development to increase counselling, treatment and support services in both metropolitan and country areas. The Inquiry found that there should be more clarity in the coordination of counselling, treatment and support services delivered to Aboriginal people by the various departments and that a lead agency be identified for the delivery of service.

The Inquiry also recommended that a review needs to be undertaken of the resources, functions and effectiveness of the Crisis Care Unit. The Unit offers an after-hours and alternative day response to calls that range from family support assistance to child maltreatment allegations across the whole state. The service is located in the metropolitan area and is operated by paid staff and volunteers offering advice and assistance in situations of child abuse and domestic violence on a 24 hour basis. The Inquiry placed particular emphasis on the need to review the response times and coordination of the unit with other agencies.

### **Short-term programs and pilots**

The Inquiry found that projects which are time limited, with insufficient funds, and inflexible service specifications, are not desirable and that projects which rely too heavily on the supervisor or manager may fail or lapse when that person moves. The Inquiry found that Aboriginal communities need ongoing planned and consistent service provision and the nature of certain pilot projects being implemented are unlikely to have that outcome. Instead the Inquiry recommended that in fact pilot projects should not be used when there is no intention to roll out the project and should only be used if they are specific models being tested which fits into the community plan for the development of social infrastructure within that community.

### **One stop shops**

The Inquiry supported the introduction of the “one stop shop” so that every community has a central building that delivers integrated prevention, early intervention and support services. It was recommended that these centres should form the link between specialist services and assist with the delivery of services to assist communities where family violence and child abuse has occurred. The Inquiry also recommended that these centres must hire personnel who possess skills in community development and, where possible, existing staff should be relocated to these centres.

The Inquiry suggested that the buildings from which these services are offered should be welcoming and seen as non-stigmatizing by those who attend and should incorporate a range of other government facilities such as health clinics. It was suggested that these centres will allow for more permanent staff to be employed within communities and will therefore address concerns surrounding hiring short term staff.

### **Legislative change**

The Inquiry called for both policy and legislative change for the effective coordination of service provision to Aboriginal communities, particularly in relation to the sharing of confidential information in order to ensure more effective communication practices between agency responses in the area of family violence and child abuse. The Inquiry noted that the Government is currently considering issues relating to the

privacy of information and suggests that the Implementation Body process the required legislative changes as a matter of urgency.

### **Research and data collection**

One of the key recommendations of the Inquiry was to improve systems of data collection across government and non government agencies. In particular it is recommended that more data should be collected on child sexual abuse, allowing for aggregation and to illustrate pathways through the justice and child protection systems.

### **Children’s Commissioner**

The inquiry recommended the immediate establishment of an independent Children’s Commissioner who would directly report to the Premier. It suggested that the Implementation Body should consider the structure and responsibilities of Children’s Commissioners in other states and decide on the most appropriate model for Western Australia. It is also suggested that a Deputy Commissioner should be appointed who should have the responsibility for issues relating to Aboriginal children.

### **Child death review teams**

The Inquiry supported the introduction of Child Death Review Teams in Western Australia to review the deaths of all children but particularly where there is suspicion of abuse or neglect. It is suggested that the structure and operation of Child Death Review Teams in other states should be considered and that the CDRT should be the responsibility of the proposed Children’s Commissioner.

### **Mandatory reporting**

The issue of mandatory reporting was one of the most contentious issues raised by the Inquiry, as currently Western Australia is the only state in Australia which has not introduced mandatory child abuse reporting legislation.

With regard to whether WA should introduce mandatory reporting laws for suspected child abuse the Inquiry suggested that at the very least existing reporting protocols should be strengthened but that further consideration of possible legislative changes should occur after the release of a report by the WA Child Protection Council. A discussion paper was released in July of this year by the Council entitled: “Mandatory Reporting of Child Abuse : Evidence and Options” which is available on the Department of Community Development website, with a final paper on the topic to be released at a later date.

However, the Inquiry did suggest that serious consideration be given to requiring that all medical practitioners likely to come into contact either directly or indirectly with children under 13 years of age who have sexually transmitted diseases to be obliged to report the presence of disease to the Department for Community Development. It also suggested that with regard to children over 13 years of age presenting with sexually transmitted diseases, medical personnel should be given appropriate training and information so that they are aware of the possibility of sexual abuse and understand the importance of reporting such abuse.

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