

**AUSTRALIA'S FIFTH REPORT UNDER
THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS (ICESCR)
2010-2014**

**Appendix 1
State and Territory Policy and Programming**

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I. INTRODUCTION

Purpose of this Appendix

1. The Australian Government is pleased to present this Appendix to Australia's fifth report under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
2. Australia has a federal constitutional system in which powers are shared between federal institutions and the six states (New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania, and three self-governing territories (the Australian Capital Territory, the Northern Territory and the Territory of Norfolk Island). Further information about Australia's political structure is available in part B of the common core document.
3. While the Australian Government is the State Party to the Covenant, state and territory governments share primary responsibility for implementing Australia's obligations under ICESCR. The Australian Government consulted state and territory governments in preparing this report. To provide a complete picture of progressive realisation of ICESCR rights over the reporting period, examples of state and territory policy and programming relevant to the concluding observations are included in this Appendix.

II. RESPONSE TO THE CONCLUDING OBSERVATIONS AND RECOMMENDATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Concluding Observation 17 - Gender Gap

Australian Capital Territory

4. The ACT Women's Plan's (2010-2015) focuses on embedding an understanding of the different needs of women and girls, and of men and boys, into policy and practice to improve gender equity. One of the six objectives of the plan is around representation and leadership. To encourage a gender balance, all ACT Government directorates are required to consult with the ACT Office for Women when establishing or extending terms of boards and committees. All consultations must outline why a gender balance has not been met if this is the case.

Queensland

5. Having women in positions of leadership means that opportunities for competent, qualified women to contribute to the political and public life of the country are maximised. Queensland women have been appointed or elected to a range of key leadership positions in fields such as the judiciary, the public service and politics. As at February 2014, women comprise one-third of the 158 serving Queensland Judges and Magistrates. Within the Queensland judiciary, women currently hold a number of senior positions, including President of the Court of Appeal Division in the Supreme Court and Chief Judge of the District Court. Women represent 28.8% of local government councillors and 16.9% of mayors as at February 2014. As at 30 June 2014, in the Queensland Parliament 18 of 89 Legislative Assembly members were women (20%), two of 19 Cabinet positions are held by women and four of 12 Assistant Ministers are women. As at 30 June 2014, in the Queensland Public Service women accounted for 33% of Senior Executive Service Officers and above, and 49% of Senior Officers.

6. The Queensland Government via the Office for Women provides information about a range of opportunities available for women and girls in Queensland, including on leadership.

7. The Department of Communities, Child Safety and Disability Services has Ministerial Advisory Councils, including the Queensland Disability Advisory Council and seven regional disability advisory councils (38 women, 24 men as at 30 June 2014) and Queensland Carers Advisory Council (10 women and 2 men as at 30 June 2014). These Councils include women from culturally and linguistically diverse backgrounds, women from all walks of life, and women from rural and regional communities, which allows a range of views to be shared and input provided at a local and state-wide level.

South Australia

8. The South Australia Government has three strategic targets in place to improve women's leadership:

- Boards and committees: by 2014, increase the number of women on all South Australia Government boards and committees to 50% on average, and maintain this by ensuring that 50% of woman are appointed, on average, each quarter.
- Chairs or boards and committees: by 2014, increase the number of women chairing South Australia Government boards and committees to 50%.
- Women: by 2014, have women comprising half of the public sector employees in the executive levels (including chief executives).

9. At 1 November 2014, women held 48.83% of positions on state government boards and committees. This is the highest percentage achieved to date and represents an increase of 15.15% from 1 April 2004. At 1 November 2014, women held 41.41% of chair positions on state government boards and committees, which is an increase of 17.58% from 1 April 2004, following the release of the strategic plan.
10. The percentage of women in executive positions has increased from 29.4% when the strategic plan target was set in 2004, to 43.8% at June 2013.
11. The Premier's Women's Directory, launched in August 2004, is a key tool that has helped the government improve women's representation on boards and committees. The directory is an online resource of women who are seeking board appointments and committees.

Concluding Observation 18 – Employment

Employment Systems and Services

Tasmania

12. The Tasmanian Jobs Program runs from 1 January 2014 to 31 December 2015 and provides eligible Tasmanian employers with a one-off payment of \$3,250. Employers are eligible for the Tasmanian Jobs Program Incentive payment after the job seeker is employed full-time for six months. This may be used to supplement other wage subsidies.

Western Australia

13. The Department of Training and Workforce Development has developed various policies to strengthen multiculturalism and diversity in training and the workforce, including:

- *Building diversity and equity in training 2010–2018*, which recognises differences in gender, ability, age, location and cultural backgrounds and their impact on learners.
- *Workforce participation policy*, to ensure barriers to training and workforce participation are identified, acknowledged, addressed and reduced to enable people to gain the skills required to participate in the workforce and society.

14. New requirements introduced in 2010 under the Local Government Act 1995 (WA) requires all local governments to have developed and adopted by 30 June 2013 a strategic community plan to cover a period of at least 10 financial years.

Indigenous Australians

Australian Capital Territory

15. The ACT Government has developed the Aboriginal and Torres Strait Islander Job Readiness Support Program that is targeted to the following Aboriginal and Torres Strait Islander residents in the ACT:

- high need families
- high risk families
- women, youth and their families, and
- those who are deemed to be at risk of homelessness, reoffending or facing long-term unemployment.

16. This program is provided by the ACT Community Services Directorate and is managed through the Children, Youth and Family Services Program. It focuses on individual needs in providing support services. On completing a 16 week training program, participants will be offered a support

period of six to 12 months to help them engage more fully with educational and employment opportunities.

17. The Connection, Collaboration, Careers, Leadership: Aboriginal and Torres Strait Islander Employment Action Plan 2014–2017 was launched by the ACT Education and Training Directorate in December 2013 and provides new pathways to link education, employment, choice and opportunities for Aboriginal and Torres Strait Islander peoples.

18. The plan articulates 35 initiatives relating to attraction, retention, capacity building and cultural competency, and arises from the ACT Public Service Employment Strategy for Aboriginal and Torres Strait Islander People launched in April 2011. The vision is for the ACT Public Service to be seen as an attractive workplace for Aboriginal and Torres Strait Islander peoples and to more than double, by 2015, the employment of Aboriginal and Torres Strait Islander peoples. The directorate received a commendation for its employment action plan in the Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment Report handed down in March 2014.

19. Aboriginal and Torres Strait Islander peoples are employed across directorates in a variety of roles, including teachers, school leaders, school support staff and administrative staff. In September 2014 the total number of Aboriginal and Torres Strait Islander staff was 65, an increase of nine employees from September 2013. A strong focus of the action plan is to create opportunities for career development and to become an employer of choice in the ACT for Aboriginal and Torres Strait Islander peoples. To do this, the directorate will increase the number of Aboriginal and Torres Strait Islander staff moving into leadership and management roles as well as support pathways into teaching for new and current administrative staff.

20. Identifying, attracting and retaining Aboriginal and Torres Strait Islander staff plays an important role in shaping the directorate's future direction and ensuring its workforce is representative of the broader ACT and Australian community. Teacher recruitment and administrative advertisements are placed in the *Koori Mail*¹ and the *National Indigenous Times*. Employment stalls are also initiated at community cultural events to provide information on employment pathways and opportunities.

21. Schools are supported to build strong reciprocal relationships with Aboriginal and Torres Strait Islander peoples engaged in their communities and create pathways into employment within the local community. Ensuring the directorate's workplaces are culturally competent and respectful is crucial in both retaining Aboriginal and Torres Strait Islander staff and engaging with the local communities.

22. Cultural competence, integrity and connection will be progressively enhanced for all staff through professional learning and supervision opportunities, which will build the cultural integrity of all employees and the directorate. This is done by engaging with and supporting relationships and interactions with the Aboriginal and Torres Strait Islander community, including the directorate's Aboriginal and Torres Strait Islander Staff Network, ACT Aboriginal and Torres Strait Islander Education Consultative Group and the ACT Aboriginal and Torres Strait Islander Elected Body.

¹ The terms Koori and Koories are used in this report, along with Aboriginal and Indigenous, to describe the traditional inhabitants of Victoria and the Australian Capital Territory.

New South Wales

23. *OCHRE*, the New South Wales Government's Plan for Aboriginal affairs, was released in April 2013. The plan has a strong focus on education, employment and training and promoting the overall economic independence of Aboriginal people in the state.

24. Under the plan, the government has committed to developing an Aboriginal Economic Development Framework to coordinate existing and new initiatives. This includes establishing industry-based agreements that promote employment in key industry sectors.

25. *OCHRE* also includes opportunity hubs to link young Aboriginal people to local services and their communities, and to provide them with personalised, supported pathways through school and into further education and long-term employment.

Northern Territory

26. The Northern Territory Government's Indigenous Employment and Career Development Strategy aims to increase employment across all levels, occupation groups and locations in the public sector. The government is also working in partnership with communities that wish to achieve economic independence to access land, and leverage land and other assets to create investment and job creation opportunities that support economic development. Some of these include:

- the Indigenous Business Development Program through the Department of Business
- the Indigenous Engagement Coordinator through the Department of Infrastructure. This assesses Indigenous business enterprises to develop their capacity
- a general skills development program that funds training delivery to providers. Though not specifically targeting Indigenous Australians, a large proportion of students are Indigenous (in 2013, 53% of 9,214 students were Indigenous Australians)
- the Indigenous Responsive Program which funds the delivery of accredited and non-accredited training that links to work readiness or employment on-site in regional and remote Indigenous communities.

Queensland

27. Released in December 2013, the Queensland Aboriginal and Torres Strait Islander Economic Participation Framework's purpose is to enable Indigenous Queenslanders to take up economic opportunities and participate in, and benefit from, Queensland's growing economy through increased employment, labour force participation, career development, and home and business ownership.

28. The whole-of-government Aboriginal and Torres Strait Islander Cultural Capability Framework (the Framework) was developed to ensure culturally appropriate service delivery. To assist in achieving the vision of the Framework, the Queensland Government launched the Cultural Capability Portal specifically to assist Queensland public servants in delivering services in a culturally sensitive and appropriate manner.

29. The State of Queensland is presently facilitating negotiations of township Indigenous Land Use Agreements (ILUAs) in rural and remote indigenous communities. Traditional Owners, Indigenous Councils and the State of Queensland are the parties to these ILUAs. The ILUAs provide processes to enable home ownership for Indigenous peoples, economic development through commercial leasing and construction of infrastructure. They will include compensation for the effect of these acts on native title rights and interests and the Aboriginal Cultural Heritage protocol to ensure compliance with the cultural heritage duty of care when any of the acts under the ILUA trigger the protocol.

30. The State of Queensland provides funding for Traditional Owners to receive legal advice and representation and other support throughout the ILUA negotiation process. This process ensures that Traditional Owners are empowered throughout the process, having their voices heard and negotiating outcomes acceptable to them.
31. The Queensland Cultural Diversity Policy (the Policy) was released in December 2013. It focuses on maximising the benefits cultural diversity brings to the state and making sure all Queenslanders can access the same opportunities and support to participate fully in Queensland's economy and society.
32. The Policy identifies four outcomes to focus state government effort — language independence; education participation and attainment; economic independence and participation; and community participation. These four outcomes are underpinned by a renewed commitment to delivering frontline services that are the best culturally responsive services in Australia.
33. The Queensland Cultural Diversity Action Plan (the Action Plan) outlines the steps the Queensland Government will take to drive improvements for culturally diverse Queenslanders across a number of priority policy areas, including in the delivery of culturally responsive and accessible legal and interpretive services, and in law enforcement. This is underpinned by a continued commitment across government to the implementation of the Queensland Language Service Policy which sets out the arrangements and expectations of government in providing access to interpreter and translations services for clients requiring assistance.

Tasmania

34. The Tasmanian Government uses targeted employment policies across all departments. These include 'identified positions', in which the Aboriginal community is the major client group and where Aboriginality is essential. 'Tagged positions' also exist which have as a requirement 'an ability to communicate effectively and sensitively with Aboriginal and Torres Strait Islander people and a knowledge and understanding of contemporary Aboriginal culture and society'.
35. The Partnerships in Teaching Excellence scholarship program offered specific opportunities in 2013 for pre-service teachers who identified as Aboriginal and Torres Strait Islanders. Further scholarship opportunities have been explored and five workforce development initiatives with the University of Tasmania will be implemented from 2015.
36. Tasmania Police promotes the recruitment of Aboriginal police officers, records the Indigenous status of employees to monitor employment levels, and applies the Job Suitability Test (facilitated by the Australian Institute of Forensic Psychology) to provide an assessment that takes into account specific Aboriginal attributes.

Victoria

37. The Victorian Aboriginal Affairs Framework 2013-2018 recognises that social outcomes depend significantly on having a job and a place in the economy. In December 2013, the Victorian Aboriginal Economic Strategy 2013-2020 was released. This builds partnerships between Aboriginal Victorians and the public and private sectors to encourage Aboriginal economic participation across education, skills development and training, access to jobs, and business and wealth building opportunities.
38. The strategy recognises the importance of collaboration with the Commonwealth Government as the party with primary responsibility for delivering employment services, and seeks improved access by Aboriginal Victorians to Commonwealth programs.

39. A key initiative is the Employment Start Up for Indigenous Job Seekers Program. This is delivered through service providers that match unemployed Aboriginal people to jobs for a minimum of 16 weeks. The Department of State Development, Business and Innovation manages the program, which builds the capacity of participants through individual case management and mentoring that is tailored, individual and flexible.

Western Australia

40. At June 2014, Aboriginal Australians represented 2.9% of Western Australia's public sector workforce, the second highest rate of all states and territories. Western Australia is a signatory to the Council of Australian Governments' National partnership agreement on Indigenous economic participation, which sets a national target of 2.6% Aboriginal representation in the public sector workforce by 2015. Western Australia has committed to a target of 3.2 per cent.

41. The government's Aboriginal Employment Strategy 2011–2015 focuses on long-term, sustainable employment opportunities and career pathways for Aboriginal people across the public sector. The strategy's cornerstone is the Aboriginal traineeship program, an integrated employment, training and mentoring support service for the sector. Positive outcomes for Aboriginal Australians continue to grow as a result of this program, which over the last year was expanded to include the Kimberley, Pilbara, Southwest, Midwest and Goldfields regions.

42. The government's Aboriginal Workforce Development Centre program commenced in March 2010. There are centres in five locations - Perth, Kalgoorlie, Geraldton, Bunbury and Broome - which work with employers, government and Aboriginal communities to remove barriers to Aboriginal and Torres Strait Islander participation in the workforce. In 2012, the program won the Premier's Award for Excellence in Public Sector Management.

Asylum Seekers and Migrants

Northern Territory

43. The Northern Territory Equity Training Grants program funds initiatives to increase training and employment opportunities and outcomes for long-term unemployed migrants and refugees. Grants are offered once a year.

Queensland

44. The Queensland Government's vision for cultural diversity is to provide equality of opportunity for all Queenslanders so that each and every person can participate in Queensland's strong economy and society.

45. The Queensland Cultural Diversity Policy and Action Plan aim to achieve this vision by driving improvements in language independence, education participation and attainment, economic independence and participation and community participation.

46. Actions to drive improved community participation and promote inclusion include a focus on encouraging civic and cultural participation, improving acceptance and understanding of cultural diversity and improving support for migrants to connect with their local community.

47. The Action Plan outlines the steps the Queensland Government will take to achieve improved economic and community participation outcomes for culturally diverse Queenslanders. This includes initiatives which focus on improving women's access services. For example, the Department of Housing and Public Works has undertaken to:

- streamline funding arrangements to facilitate better access to state-funded refuges, including access to interpreters, for women from culturally diverse backgrounds and their children who are experiencing domestic and family violence, and

- increase temporary supported accommodation and targeted accommodation options including additional places for families, and women and children escaping domestic and family violence.

Tasmania

48. The Tasmanian Government Work Placement Program for people from diverse cultural and linguistic backgrounds was established in 2003 (39 people completed the 2014 program). It helps former humanitarian entrants and recently arrived migrants gain experience at an Australian workplace to improve skills and confidence, and to help develop employment networks. It also provides the opportunity for host workplaces to experience the benefits of working with people from diverse cultural and linguistic backgrounds. The program complements the Australian Government's Humanitarian Settlement Program in Tasmania.

49. The Multicultural Access Point website provides an important resource for migrants in Tasmania and the service providers that support them. Employment opportunities and assistance with employment is available on the website.

Western Australia

50. The Western Australian Government's Career Centre provides free access to career services for all residents. Based in Perth, its services are accessible through email, telephone, web chat, social media and in person.

Persons with Disabilities

New South Wales

51. The New South Wales Government is committed to enhancing employment opportunities for people with disability and has a range of programs to support this outcome. Key achievements include the allocation of \$6 million over three years from 2015-16 to increase employment opportunities through the Employment Enablement Strategy. This will build the capacity of businesses to support people with disability and provide individual employment support packages for adults with intellectual disability.

Northern Territory

52. The Northern Territory Equity Training Grants program funds programs to increase training and employment opportunities and outcomes for territorians, including those with disability. Grants are offered once a year.

Tasmania

53. The Tasmanian Government's Disability Framework for Action 2013-2017² is a whole-of-government approach to remove employment barriers for people with disability. The People with Disabilities Employment Register provides an additional entry point to recruit people with disability into the state service. The Graduate Program for People with Disabilities has provided funding since 2010 for agencies to employ a graduate with disability.

54. Tasmania participates in several Commonwealth initiatives, including the Willing and Able Mentoring program. This matches students with disability from the University of Tasmania to a mentor in an organisation in the area in which the student hopes to establish a career.

Western Australia

55. The Western Australia Government's Disability Employment Strategy 2013-2015 aims to improve participation, inclusion and access for people with disability across the public sector.

² Further information available at: http://www.dpac.tas.gov.au/divisions/csrt/policy/our_policies/disability_framework_for_action

Concluding Observation 22 – Domestic Violence

Australian Capital Territory

56. *Our responsibility: ending violence against women and children* is the ACT strategy for the prevention of violence against women and children 2011-2017. It was developed in the context of the ACT Government's commitment to reducing and responding to violence against women in the ACT. The Family Violence Intervention Program provides a coordinated criminal justice, government and community response to criminal family violence incidents that come to the attention of the police and proceed to prosecution.

57. The ACT Government provides a range of specialised accommodation, outreach and domestic violence services for women in Canberra who are escaping domestic or family violence, and who may be experiencing homelessness or are at risk of homelessness. These services provided supported accommodation and outreach to over 300 women and families during the first six months of 2014.

New South Wales

58. *Strategies and programs*³

The New South Wales Domestic Violence Justice Strategy 2013-2017 outlines the standards justice agencies in the state will adopt to improve the criminal justice system's response to domestic violence. The strategy aims to support victims of domestic violence, increase accountability among offenders and prevent recidivism.

The government's domestic and family violence framework for reform, *It Stops Here: standing together to end domestic and family violence in NSW*, was launched in February 2014. This is a five-year, whole-of-government effort focused on prevention, a stronger criminal justice response, new approaches to supporting victims, and building the capacity of the workforce. The state also funds specialist support programs for victims of domestic and family violence and their children. The *It Stops Here Safer Pathway* was introduced in September 2014 to increase victims' safety and to facilitate access to domestic violence support services.⁴ It focuses on victims who are at serious threat of harm.

59. *Statistical data*⁵

The majority of violence against women and girls occurs at home at the hands of men they know. Females comprise a majority of victims (69%) and males a significant amount of perpetrators (81%). A study by the NSW Bureau of Crime Statistics and Research shows that there is significant underreporting of domestic and family violence, with just over half of victims (51.8%) reporting the crime to police.

Annual trends show that the number of incidents recorded by the NSW Police Force as domestic violence-related has continued to increase.

- In the 12 months to June 2014, there were 31,954 victims of domestic violence-related assault reported to the police.
- In 2013, there were 62,469 domestic violence incidents (up 3% from 60,699 in 2012, which in turn was up from 4% from 58,086 in 2011).

³ Further information available at: www.women.nsw.gov.au/violence_prevention/Domestic_and_Family_Violence_Reforms

⁴ Further information available at: <http://www.domesticviolence.nsw.gov.au/publications/service-providers-ii-it-stops-here-safer-pathway>

⁵ Reference: NSW Bureau of Crime Statistics and Research (Reference: sr14-12602) *Interactive Crime Tool*, June 2014; and NSW Bureau of Crime Statistics and Research; *Crime and Justice Statistics, Issues Paper No. 91*, October 2013. Further information available at: http://www.bocsar.nsw.gov.au/bocsar/bocsar_index.html

- In 2010 there were 54,830 incidents of domestic violence (up 1% from 54,145 in 2009).

Between 2009 and June 2014 there were 171,999 finalised charges for domestic violence related offences, with around two thirds (66% or 113,364) resulting in a guilty verdict. The number of people found guilty each year of a domestic violence related offence as their principal offence has consistently increased from 8,855 in 2009; 10,399 in 2010; 10,971 in 2011; 11,027 in 2012; to 12,504 in 2013.

Those found guilty of a domestic violence related offence between 2009 and June 2014 received the following penalties: bond with or without supervision (42%), bond without conviction (15%), fine (14%), imprisonment (10%), suspended sentence with or without supervision (7%), community service order (3%), no conviction recorded (3%), conviction without penalty (2%), probation order (1%), and dismissed with caution (1%).

Northern Territory

60. The Northern Territory has a number of defining characteristics that sets it apart from how domestic and family violence presents in other jurisdictions. The challenges and opportunities in implementing policy are different across the large urban centres, fast growing service centres and remote Aboriginal communities. The formulation of policy decisions is sensitive to and influenced by the territory's geographic, demographic and socio-economic overlay to domestic and family violence.

61. The Northern Territory Government's Domestic and Family Violence Reduction Strategy - *Safety - Everyone's Right 2014-2017*⁶ is directly aligned to the outcomes and implementation of the National Plan to Reduce Violence Against Women and their Children. The strategy aims to increase the safety of victim-survivors and their children, reduce rates of inter-generational trauma caused by exposure to domestic and family violence, increase accountability for perpetrators, and establish integrated service delivery systems that are sustainable and adaptable.

62. Informed by international and national evidence and recommendations (United Nations Children Fund, 2000, p.14), the strategy and interventions addressing domestic and family violence are focused on five areas for action:

- Action Area 1. Prevention
- Action Area 2. Early intervention
- Action Area 3. Protection – safety for victims and their children
- Action Area 4. Rebuilding the lives of victim and their children
- Action Area 5. Accountability and positive change for perpetrators.

63. Key components of the Northern Territory strategy include:

- expanding services to victims of domestic and family violence
- expanding services to children affected by domestic and family violence
- a centralised electronic referral system linking victims with services such as shelters
- funding additional sexual assault support workers
- setting up a Domestic Violence Directorate in the Department of the Attorney-General and Justice to provide leadership, coordinate policy, ensure a whole-of-government approach and alignment with the national plan
- reviewing all legislation relating to domestic and family violence and sexual assault.

⁶ Further information available at: http://www.domesticviolence.nt.gov.au/documents/Domestic_Violence_Strategy.pdf

64. *Indigenous Male Advisory Council*

The Indigenous Male Advisory Council consists of 15 to 20 Indigenous men from all regions of the territory. Its function is to provide high-level strategic advice to the government on a range of issues that impact on Indigenous men.

65. *The Award for Action Against Domestic Violence*

The Award for Action Against Domestic Violence will be presented to the Northern Territory sporting club that has demonstrated an ongoing commitment to raising awareness of family violence and has taken steps to prevent family violence from occurring within the club, and amongst its players, fans and staff.

66. *Northern Territory statistics*

The 2013-14 crime statistics for the Northern Territory⁷ indicate that 61% of all assaults were recorded as domestic violence related (Northern Territory Crime Statistics, data to June 2014).

In the Northern Territory in 2012-13, Aboriginal females made up 73% of domestic violence assault victims, and were almost 22 times more likely to be victims of domestic violence assault than non-Aboriginal females (Northern Territory Police Force data). Domestic violence experienced by Aboriginal women is often marked by repeated assaults with weapons capable of causing serious harm such as tyre levers, rocks and iron bars, and the use of extreme force. The number of Aboriginal females being hospitalised in the territory as a result of assault has risen each year since 2008-09, from 821 to 1,059 in 2011-12.⁸ This is an increase of 29% over four years (Office of the Children's Commissioner, Dr Howard Bath, 2014).⁹

Northern Territory court data for 2013-14 domestic violence related assault shows that of the 2,730 outcomes, 949 resulted in imprisonment, 469 in partially suspended imprisonment, 156 in fully suspended imprisonment, 24 in a community work order, 214 in monetary penalty, 48 in 'other' order and 870 were withdrawn. The large number of 'withdrawn' was due partly to the police initiative of clearing up outstanding warrants.

A five year snapshot of domestic violence order applications shows a constant increase in total number of applications from 2009-10 (3,780) to 2013-14 (4,348). In Northern Territory courts in 2013-14, a total of 3,022 domestic violence orders were handed down against males and 962 against females (Integrated Justice Information System, 2014).

Queensland

67. The Queensland Government funds community based sexual assault services to help women access information and support to deal with the trauma they have experienced and to rebuild their lives. Sexual assault services operate within a broader service system that includes health, police and justice.

68. The Queensland Government provides services for people affected by domestic and family violence including victims, perpetrators and children. Funded services provide counselling and

⁷ Further information available at: www.pfes.nt.gov.au/Police/Community-safety/Northern-Territory-Crime-Statistics.aspx

⁸ Further information available at: www.nt.gov.au/justice/policycoord/documents/statistics/nt_annual_crime_statistics_2012.pdf

⁹ The Australian Institute of Health and Welfare maintains the National Hospital Morbidity Database, which consists of data compiled from all jurisdictions in Australia relating to hospital (both public and private) separations. This includes the causes of injury that are coded using the International Statistical Classification of Diseases and related Health Problems, 10th revision, Australian Modification (ICD-10-AM). The present review concerns hospital separations that occurred as a result of assault. A four-year period is reviewed from 2008-09 to 2011-12. These data represent the latest publically available data of their type and while not capturing the full picture of community and family violence they do provide a clear marker for risk. Hospital admissions are arguably a more valid and reliable measure of exposure to family and community violence than other commonly reported statistics because they are based on actual harm rather than self-report.

support to victims, perpetrator intervention programs and prevention and early intervention activities with the aim of achieving safer communities.

69. In the 2010-14 period, the Queensland Government has established new domestic and family violence initiatives. Safety Upgrades services facilitate security upgrades to clients' homes to enable women affected by domestic and family violence, and their children, to remain safely in their homes where it's assessed as safe to do so. Domestic violence services have been funded under the Family Support Helping out Families initiative as a strategy to help prevent families from entering or re-entering the statutory child protection system.

70. The Queensland Government funds services to assist the active participation of women in the management of their own health and wellbeing through community based women's health services.

71. As part of its support for the National Plan to Reduce Violence Against Women and their Children 2010-2022, the Queensland Government funds the Centre for Domestic and Family Violence Research as Queensland's contribution to the work undertaken by the National Centre of Excellence to Reduce Violence Against Women and Their Children.

72. Queensland coordinates Domestic and Family Violence Prevention Month each May to raise community awareness of the issue. In 2013, the Queensland Government launched the three year '*Make the call*' social marketing campaign to encourage friends, family, neighbours and work colleagues concerned that someone they know may be experiencing domestic violence, to call the DVConnect helpline for advice about how to help.

73. In 2010, a major review of Queensland's domestic violence legislation commenced. The *Domestic and Family Violence Protection Act 2012* (Qld) (the Act) commenced on 17 September 2012. The Act aims to: maximise the safety, protection and wellbeing of victims; reduce domestic and family violence and children's exposure to violence and; hold perpetrators accountable for their actions.

South Australia¹⁰

74. Regional Domestic and Aboriginal Family Violence services provide accommodation (crisis, medium and long-term) and support (onsite and outreach) in every region of South Australia. In addition, state-wide services are funded to support the regional network, including a 24-hour telephone gateway response for women who are homeless or at risk of domestic violence, and a 'safety package' program.

75. Through the *Staying Home Staying Safe Program*, Victims Support Service provides safety packages and audits that enable women and children to remain living safely in their homes. Safety packages provide up to \$2,000 for each person in security measures, including security screens, new locks and personal alarms.

76. A state-wide culturally and linguistically diverse domestic violence service also supports the regional services network. This service provides specialist support to culturally and linguistically diverse women and their children, and also provides training to other services and support providers. All regional domestic violence services have a target of at least 8% culturally and linguistically diverse clients.

¹⁰ Further information available in, *South Australian Strategic Plan Target 18: Violence against women: a significant and sustained reduction in violence against women through to 2022* at: <http://saplan.org.au/targets/18-violence-against-women>

77. Since December 2011, a Women's Safety Contact Officer Program has been funded through the Attorney-General's Department under the Intervention Orders Response Model. This program provides support and ongoing risk and safety assessments for women whose partners have been ordered to attend the intervention order program under the *Intervention Orders (Prevention of Abuse) Act 2009 (SA)*.

78. *A Right to Safety: the next Phase of South Australia's Women's Safety Strategy 2011-2022*¹¹, was launched on 2 December 2011. *A Right to Safety* builds on the reforms undertaken since 2005 through the Women's Safety Strategy to improve legislation and services and to strengthen community understanding of the effects of violence against women. It also has a stronger focus on early intervention and prevention to stop violence against women from occurring in the first place. *A Right to Safety* has a broad focus, from early intervention work through to community education, to raise awareness about the level and complexity of women's safety. *A Right to Safety* also outlines the government's commitment to the National Plan to Reduce Violence Against Women and their Children 2010-2022.

79. Key initiatives currently being undertaken through *A Right to Safety* include:

- the Family Safety Framework - which ensures that services to families most at risk of violence are dealt with in a more structured and systematic way, through agencies sharing information about high risk families and taking responsibility for supporting these families to navigate the service system. The framework covers all of South Australia including the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands.
- Research and investigation of domestic violence-related deaths through the appointment of a senior research officer. This position identifies domestic violence issues, contexts and relevant service systems while investigating the adequacy of responses. This advice forms part of the coronial brief and builds the capacity of a coronial inquest to explore and inquire into system responses to domestic violence. It also recommends improvements with a preventative focus.
- Violence Against Women Collaborations, which support development of local regional prevention strategies and responses to women experiencing rape and sexual assault, domestic and family violence, and homelessness due to violence.
- Workplace domestic violence policies - all South Australian Government departments have implemented or are implementing domestic violence workplace policies after endorsement from the premier.

80. In October 2014, the premier released *Taking a stand: responding to domestic violence*¹², a policy which outlines the government's response to the coroner's recommendations regarding the death of Zahra Abrahamzadeh. Three direct policy responses are outlined:

- Women's Domestic Violence Court Assistance Service (commencing in 2015) - the service will provide a greater level of support within the court system for victims of violence by helping women deal with courts systems and increase their access to justice. Legal officers will also provide support and advocate on behalf of women who may have difficulty applying for an intervention order or reporting an intervention order breach.
- Early warning system - to provide a circuit breaker in instances where a domestic violence service provider does not believe the most appropriate responses to their client's situation have been received. It is designed to increase accountability and provide an escalation point

¹¹ Further information available at: http://www.officeforwomen.sa.gov.au/data/assets/pdf_file/0010/5140/A-Right-to-Safety.pdf

¹² Further information available at: http://www.officeforwomen.sa.gov.au/data/assets/pdf_file/0003/19767/Taking-A-Stand.pdf

where there have been process flaws or gaps in the response of a government agency to domestic violence.

- White Ribbon Accreditation - workplaces play an important role in preventing violence against women. As such, all South Australian Government departments will obtain White Ribbon Workplace accreditation and build upon existing domestic violence workplace policies. Through the White Ribbon Accreditation Program, organisations become accredited to prevent men's violence against women, drive social change, and refine support offered to employees who are victims of violence.

Tasmania

81. Under the National Plan Second Action Plan, the Tasmanian Government contributes \$135,000 in annual funding to the Australian National Research Organisation for Women's Safety (2013-14 to 2015-16).

82. Safe at Home is the Tasmanian Government's integrated criminal justice response to family violence. It involves a range of services working together to protect and support victims of family violence, including young people and children, while making offenders responsible for their behaviour. Safe at Home is one of the government's key social policy initiatives. It has increased awareness, and subsequently reporting rates, for family violence.

83. Between 2009-10 and 2013-14, overall numbers of family violence reports in Tasmania have progressively declined. In Tasmania, family violence reports are separated into family arguments: those cases where there has been a dispute between two people in a family relationship which is not classed as violence; and family violence incidents as defined by the *Family Violence Act 2004* (TAS).

84. Statistics for the past five years where there has been a police intervention are:

Year	Incident	Argument	Total
2009-10	3,105	1,652	4,757
2010-11	2,675	1,628	4,303
2011-12	2,527	1,645	4,172
2012-13	2,248	1,612	3,860
2013-14	2,380	1,691	4,071

85. Victim safety response teams have been created as part of the Safe at Home strategy. These teams are located within Tasmania Police and are responsible for:

- rigorous oversight of family violence incidents within their region
- management of high risk family violence incidents, and
- monitoring family violence incidents involving repeat victims or offenders.

86. In 2013, in addition to delivering Safe at Home, the Tasmanian Government launched Taking Action: Tasmania's primary prevention strategy to reduce violence against women and their children. This 10-year strategy uses a variety of measures to prevent violence before it occurs (for example, through school programs).

87. In 2014 the Tasmanian Government released *The women and girls in Tasmania report*¹³ which provides a data snapshot of the status of women and girls in the state. The report provides an objective dataset for measuring change during the coming years and is based around the six outcome areas of the Tasmanian Women's Plan 2013-2018 - health and wellbeing, economic security and financial independence, education and training, housing and homelessness, safety and justice, and leadership and community participation. It will provide the evidence-base for future policy development and service delivery.

88. In 2015 the Tasmanian Government announced a new, coordinated, whole-of-government response to family violence. The Government will work with service providers and those affected by family violence to change behaviors and attitudes in our community, improve services for those who are affected and strengthen legal frameworks to deal with perpetrators.

89. The Action Plan will be released in August 2015 and will identify priority actions which focus on:

- addressing attitudinal behaviours that lead to family violence
- ensuring Safe at Home remains the nation's best response model
- strengthening support for adults and children affected by family violence
- strengthening legal responses to family violence, and
- strengthening perpetrator management and rehabilitation.

90. The Action Plan will include short term (2015/16 Financial Year), medium term (1-2 years) and long term (3-5 years) actions to be undertaken by the Tasmanian Government.

91. The new Action Plan will complement and build on work that is already being done under the National Plan to Reduce Violence Against Women and their Children - 2010-2022 and the Council of Australian Governments agenda.

Victoria

92. On 23 December 2014, the Victorian Government announced Australia's first Royal Commission into Family Violence. This will investigate the entire family violence support and justice system, including government and non-government organisations, courts, prosecutors, police, corrections and child protection. Its focus will be on preventing family violence, increasing early intervention, improving victim support, making perpetrators accountable and helping agencies better coordinate their response. As family violence is an enormous issue for Koori communities, future activity in this space for Koori women is likely to be influenced by the findings of the Royal Commission. The Royal Commission is expected to report by February 2016.

93. Reducing the incidence of Aboriginal family violence is a priority under the Victorian Aboriginal Affairs Framework 2013-2018 and Victoria's Action Plan to Address Violence Against Women and Children 2012-2015.

94. The 2013 Victorian Government Aboriginal Affairs Report was tabled in Parliament on 2 April 2014.¹⁴ Reported data confirmed that Aboriginal family incident reports continue to increase significantly year-to-year and at a rate greater than non-Aboriginal family incident reports.

95. Between 2006-07 and 2012-13 the number of reports where the affected family member identified as Aboriginal almost tripled from 794 to 2,143 incidents. The number of repeat attendances also tripled over the same period to 1,644 attendances. Cause of increases is unknown

¹³ Report available at: http://www.dpac.tas.gov.au/_data/assets/pdf_file/0010/236890/Women_and_Girls_in_Tasmania_Report_2013.pdf

¹⁴ Report available at: www.dpc.vic.gov.au/aboriginalaffairsreport

- this may reflect an increased level of confidence to report abuse and seek support of police services or increased incidence. Over the same period the rate of reports where charges were laid increased and remained equivalent to the non-Aboriginal rates.

96. Strategies to prevent and respond to Aboriginal family violence are driven through the Indigenous Family Violence 10 Year Plan: *Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities*. The plan is a partnership between the Victorian Government and the Aboriginal community. A mid-term evaluation to assess and report on the benefits, efficiency and effectiveness of the plan's implementation has been commissioned.

Western Australia

97. The Department for Child Protection and Family Support is responsible for family and domestic violence strategic planning in Western Australia. It represents the state in developing and implementing the National Plan to Reduce Violence against Women and their Children 2010-2022 and is responsible for Western Australia's Family and Domestic Violence Prevention Strategy to 2022.

98. In Western Australia there are 37 women's domestic violence accommodation and support services. Other services available include a Safe at Home and domestic violence outreach program, domestic violence counselling, advocacy and support service and coordinated response services.

99. Strategic planning initiatives are evaluated and monitored, including government data collection, review of cases, consultation with service providers and dedicated evaluation projects. One example of this is the achievement report to 2013, which summarises strategies implemented across government to respond to family and domestic violence. This report includes statistical data on family and domestic violence incidents reported to police by region and financial year; police orders issued; violence restraining order applications lodged and granted; perpetrators charged and by type, assault victims hospitalised by relationship with offender and by gender; and domestic homicides.¹⁵

Concluding Observation 26 - Homelessness

Housing and Homelessness

Australian Capital Territory

100. The right to housing is partially protected in legislation in the ACT. The *Residential Tenancies Act 1997* (ACT) protects security of tenure and minimum living standards, and the *Housing Assistance Act 1997* (ACT) also provides housing assistance for those most in need. The government is currently reviewing the Residential Tenancies Act to ensure it is operating effectively and that it continues to provide a fair balance between the rights of tenants and landlords. The review is being undertaken within a human rights framework with consideration being given to housing, as referenced in the right to an adequate standard of living, including adequate housing, in article 11 of ICESCR.

101. The ACT Government targets public housing allocations to those in greatest need to provide safe, secure and stable long-term housing that enables tenants to better participate in the community and take up opportunities for education, training and employment. Needs may include homelessness, mental health issues, serious medical conditions, disability, and women, with or without children, escaping domestic violence. During 2013-14, 99% of new households that were allocated within three months were in the greatest need.

¹⁵ Report available at: www.dcp.wa.gov.au/CrisisAndEmergency/FDV/Documents/Achievement%20Report%20to%202013.pdf

102. The ACT is also implementing its own Affordable Housing Action Plan. The ACT Government has funded the innovative Street Law Outreach Legal Service for the homeless to reduce the impacts of homelessness on individuals and the community. It is the policy of the ACT Government to ensure that no child or young person exiting out-of-home care enters into homelessness.

New South Wales¹⁶

103. The New South Wales Homelessness Action Plan 2009-2014¹⁷ incorporated activities focused on preventing, responding effectively, and breaking the cycle of homelessness. An evaluation assessed the progress made in meeting these aims, gathered evidence and effectively responded and identified lessons learned. Evaluation reports are available at through the New South Wales Government website.

104. The government has also invested more than \$515 million over the next three years to prevent and reduce homelessness in the state through the Going Home Staying Home reforms. These include a greater balance of prevention and early intervention with crisis responses to get in early in the cycle of homelessness and reduce repeat homelessness. The government funded 151 providers of specialist homelessness services in 2014.

105. Legal Aid NSW makes grants available for civil law matters where there is a likelihood that the applicant may lose their home as a direct result of the proceedings for which legal aid is sought, or proceedings are necessary to protect an applicant's interest in their home.¹⁸

Queensland

106. In 2012-13, the Queensland Government allocated \$6.84 million to 24 non-government service providers across Queensland to deliver specialist homelessness services that specifically target homeless families. Homeless families may also have been supported through more generalist homelessness services and domestic violence initiatives funded by the state.

107. Queensland Government funded programs that assist young people leaving care, including to source and maintain accommodation, include:

- support for young people with disabilities when they turn 18 and leave care, and
- a transition from care program in south east Queensland.

108. Young people who are transitioning from care may also access Federal Government funded post-care services that are administered by the state, including:

- Youth Housing and Reintegration Service and After Care Services that have a strong focus on engaging young people in education, training, and employment activities, and
- Transition and Post Care Support - disability program Evolve Transition Officers for young people with a disability to transition to community-based living and independent adult life.

109. In 2011-12, specialist homelessness services jointly funded by the Queensland and Federal Governments provided support to 15,679 children under the age of 18 years.

¹⁶ Refer also Australia's eighth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women; specifically article 13 (*Housing and Women with Disability in and the elderly*) for information on NSW Government's *Disability and Housing Initiative*.

¹⁷ HAP available at: [http://www.housing.nsw.gov.au/Help+with+Housing/Homelessness/NSW+Homelessness+Action+Plan+\(HAP\).htm](http://www.housing.nsw.gov.au/Help+with+Housing/Homelessness/NSW+Homelessness+Action+Plan+(HAP).htm)

¹⁸ Further information available at: <http://www.legalaid.nsw.gov.au/for-lawyers/policyonline/policies/6.-civil-law-matters-when-legal-aid-is-available/6.4.-loss-of-home-if-there-is-a-likelihood-the-applicant-may-lose-their-home>

South Australia

110. The South Australia Government funds a range of services for homeless people. There are 76 services across the state and 97 service outlets providing support and assistance through generic, youth, Aboriginal specific and domestic and Aboriginal family violence services. All have a target of at least 20% Aboriginal clients. Specialist homelessness services are supported by service development and training and a new contract performance management procedure based on assessment of risk.

111. The Homeless, Youth, Domestic and Aboriginal Family Violence Gateways provide pathways to accommodation and support for people who are homeless or at risk of homelessness, and who are unable to present at a local regional service. The *homeless2HOME* case management system enhances collaborative working between homelessness agencies, streamlining client and service referrals between agencies.¹⁹

Tasmania

112. The Tasmanian Homelessness Plan 2010-2013: Coming in from the Cold is a framework for addressing homelessness in Tasmania. In 2011, census estimates placed the number of homeless people in Tasmania at approximately 1,500. Since 2009, Tasmania has delivered 1,867 new affordable, energy efficient homes for low-income residents, with a further 1,198 to be delivered by 2016. In 2014-15, the government committed \$250,000 to deliver the Affordable Housing Strategy 2015-2025, which will provide a shared vision on housing solutions.

113. New supply of supported accommodation facilities around the state has resulted in a 100% increase in the number of Tasmanians being supported through the shelter system since 2006. High occupancy, low turnover rates and positive improvements in self-reported health and wellbeing indicators for clients show the positive impact of these facilities.

Western Australia

114. Between 2006 and 2011 the homelessness rate in Western Australia increased by just 1%. Between 2010 and 2014, the Department of Housing provided 1,233 homes for over 2,778 people through the public housing system to support the National Partnership Agreement on Homelessness.

115. The Crisis Accommodation Program provided over 650 crisis accommodation units including women's refuges, night shelters and emergency accommodation for youth. The accommodation is managed by community housing organisations, with support services funded through the Department for Child Protection and Family Support.

Indigenous Housing

New South Wales

116. The New South Wales Government funded 151 providers of specialist homelessness services in 2014, including those designed to be more accessible to Aboriginal people. There are seven new services specifically targeting Aboriginal people and a further 71 that have identified Aboriginal targets built into their contracts.

117. To support implementation of the National Partnership Agreement on Remote Indigenous Housing, the government is delivering the Build and Grow Aboriginal Community Housing Strategy; a 10 year initiative to provide the necessary business infrastructure for a robust and effective Aboriginal community housing sector in the state.

¹⁹ Further information available at: <https://www.sa.gov.au/topics/housing-property-and-land/housing/emergency-shelter-and-homelessness/homelessness-services-providers/client-and-case-management-system>

Northern Territory

118. The Northern Territory is party to the National Partnership Agreement on Remote Indigenous Housing, which will deliver 1,456 new houses and 2,915 rebuilds and refurbishments in remote Indigenous communities in the territory by June 2018. The agreement aims to reduce overcrowding, increase the supply of new houses, improve the condition of existing houses and ensure that public houses are well maintained and managed.

119. Under the National Partnership Agreement on Stronger Futures in the Northern Territory, upgrades to existing remote public housing dwellings are being undertaken progressively to increase amenity, durability and functionality. A total of 2,454 upgrades are to be completed from May 2013 to June 2018.

120. At 31 October 2014, a total of:

- 1,098 new houses were constructed and 2,929 existing homes were rebuilt or refurbished under the National Partnership Agreement on Remote Indigenous Housing
- 636 existing homes were upgraded under the National Partnership Agreement on Stronger Futures in the Northern Territory.

121. The additional support through National Partnership Agreements is crucial to dealing with levels of overcrowding in the Northern Territory, particularly in remote communities.

South Australia

122. The National Partnership Agreement on Remote Indigenous Housing focuses on reducing overcrowding, homelessness, poor housing conditions and severe housing shortages in remote Aboriginal communities across the state. South Australia expects to receive \$291.5 million in funding over the 10 years of agreement. This is intended to achieve various targets, including introducing public housing-like tenancy and property management, programed repairs and maintenance, and property construction and upgrading.

Tasmania

123. The National Partnership Agreement on Remote Indigenous Housing commenced in 2009 to provide additional properties, repairs and maintenance, as well as local Aboriginal employment on Flinders Island and Cape Barren Island. Tasmania has met the requirement to establish 10 new properties and exceeded the target under the Implementation Plan 2009–2013 with 57 refurbished homes. A further two homes are being constructed and nearing completion on Cape Barren Island.

Victoria

124. The 2011 Census found that 3.7% of homeless Victorians are Aboriginal compared with a population share of 0.9%. The proportion of Aboriginal clients accessing homelessness services in Victoria has increased from 8.0% in 2011-12 to 8.9% of all clients in 2012-13 according to the report on government services.

125. The Victorian Government offers a number of initiatives that specifically target Aboriginal people experiencing or at risk of homelessness, including the *Family Violence - Support for Women and Children* initiative, and the Indigenous Tenants at Risk program, a specialist youth refuge and outreach support for Aboriginal people and families at risk of homelessness.

126. Aboriginal community owned and managed organisations such as Aboriginal Housing Victoria and Aboriginal cooperatives are significant providers of social housing across the state and are essential to responding to homelessness among Aboriginal Victorians. At 3 June 2012, Aboriginal community organisations provided 1,595 households with secure and affordable housing. A further 379 households were assisted through the broader community housing sector.

Western Australia

127. Since 2008, under the *National Partnership Agreement on Remote Indigenous Housing*, the Department of Housing has completed 501 new homes and 1,299 refurbishments, mostly in remote Aboriginal communities. Western Australia has met or exceeded targets in each year of the agreement.

128. In 2012, the Department of Housing, in partnership with the Wunan Foundation, commenced a transitional housing program for Indigenous people. Participants are required to engage in employment or training, ensure children attend school regularly and partake in associated support programs. The program helps build financial wealth and personal independence, and encourages transition from social housing to home ownership. In some cases, ownership is achieved on a shared equity basis with the government. The program has delivered 40 transitional houses and planning has commenced to extend the initiative.

129. Indigenous Visitors Centres are being built across the state to provide short stay facilities for Aboriginal visitors from remote communities who might otherwise sleep rough or overcrowd public housing.

Concluding Observation 29 - Health Services in Prisons

State and Territory Prison Operations

Australian Capital Territory

130. Through the Justice Health Service, ACT Health provides health services to detainees at a number of settings including at the ACT Court cells, the Alexander Maconochie Centre adult correctional facility, the Periodic Detention Centre, and at the Bimberi Youth Justice Centre. Services are delivered to adults as well as young people with complex health and mental health issues. These are provided at a community equivalent service where practical and include primary care clinics, specialist medical officer clinics (secondary care) and tertiary services such as forensic mental health, gastroenterology, pain clinic, plus clinical pharmacy support, chronic disease management and responding to medical emergencies.

New South Wales

131. All entrants to the New South Wales correctional system undergo a comprehensive health assessment, and are referred to specialist health services in prison as needed. Where clinically required, patients are referred to local health facilities or specialists for additional care. Custodial patients requiring non-emergency surgery have the same waiting time as those in the community.

132. Health care for prisoners is delivered through NSW Health's Justice Health and Forensic Mental Health Network. The network provides health services to adults and young people across custodial, inpatient and community settings. These include Aboriginal health, mental health, drug and alcohol, primary health, oral health, population and sexual health, and haemodialysis. In 2013-14, health services were delivered to a daily average custodial population of 10,453 adults and 341 young people, with an annual budget of over \$170 million. Activity highlights include:

- 2,414 adults and young people with mental illness were diverted from custody into community-based care
- 498,265 attended appointments, including 5,413 dental visits
- there were 4,581,269 non-admitted patient occasions of service, a 21% increase from 2009-2010.

133. The network also provides a range of custodial and community-based programs to ensure continuity of care for patients as they move within the system and as they transition back into the community.

134. The Justice Health and Forensic Mental Health Network provides comprehensive health services in juvenile justice centres. Clinics in these centres are managed by Justice Health and staffed by registered nurses, who provide a range of health services and coordinate visits from general practitioners, dentists and psychiatrists.

135. Pre-release planning for young offenders includes ensuring they are connected to community health and medical services before their release date. Those with mental health and drug and alcohol issues may also be referred to the network's community integration team to facilitate access to services when they are released.

Northern Territory

136. Comprehensive primary health services designed to meet the specific health needs of Indigenous prisoners will be delivered at a purpose built health facility in the new Darwin Correctional Centre. This has the capacity to provide on-site X-ray and a range of allied health services. These are focused on addressing chronic diseases, taking into account the early onset and prevalence of these among Aboriginal and Torres Strait Islander people. Treatment offered during incarceration is continued, if required, in the community on release or on parole.

137. In August 2013 the Department of Correctional Services released its revised At-Risk of Suicide and Self Harm Policy, which was reviewed and developed in conjunction with stakeholders including the Department of Health.²⁰

Queensland

138. For watch houses, the current Queensland Police Service (QPS) watch house is designed to maximise safety and well-being of prisoners through modern monitoring systems and cell design. The *Operational Procedures Manual* provides strict guidelines for effective supervision. QPS internal computer systems ensure supervisory guidelines are adhered to.

139. For prisons, the Office of the Chief Inspector, Queensland Corrective Services facilitates a program of inspections, assessments, investigations and reviews and coordinates the official visitor scheme to ensure the fair treatment of all prisoners in Queensland. These inspections and reviews are based on the concept of a healthy prison which was first set out by the World Health Organisation (WHO). These standards have been adapted to Queensland and the standards are regularly updated. The WHO standards are accepted internationally as the benchmark for custodial environments.

140. Prisoners in Queensland can access mental health care through a variety of pathways that are commensurate with their need. These include nursing screening and assessment, primary health care interventions, as well as specialist mental health services. Queensland's public health system provides an in-reach prison mental health service that is coordinated across the state, and delivers mental health assessment, treatment and management in all major correctional centres across Queensland. These services are multi-disciplinary and include psychiatrists. The services aim to be equivalent to those available within the community. The *Mental Health Act 2000* (Qld) enables the capacity to transfer individuals to psychiatric hospitals if they require inpatient treatment.

²⁰ Refer also; Australia's combined 18th-20th Periodic Report under the Convention on the Elimination of all Forms of Racial Discrimination, Concluding Observation 20, for more information about this policy.

141. Additionally, Queensland Police Service (QPS) employees are provided with training to enhance the identification of prisoners suffering from mental health issues. Employees are provided with a range of questions designed to identify issues. Should mental health issues be identified, further processes as per the *Operational Procedures Manual* and local standard operating procedures are in place for mental health professionals to attend watch houses and conduct appropriate assessments. Internal QPS computer systems also assist watch house staff to identify prisoner mental health issues.

South Australia

142. South Australia Health's (SA Health) Central Adelaide Local Health Network provides health services to all prisoners in each of the state's eight prisons operated by Correctional Services SA. Known as South Australian Prison Health Services, it operates a health centre in each prison that focuses on quality, contemporary and equitable health care across the spectrum of needs. In the state's only privately operated prison, health services are funded by the department and operated by G4S Custodial Services Pty Ltd.

143. All prisoners have access to appropriate qualified nursing and medical health professionals. An initial assessment is undertaken on admission and where required, care coordination and management is then provided by the service throughout their stay. South Australian Prison Health Services has also implemented and evaluated prioritised clinical pathways such as mental health, substance addiction, annual health checks, cardiovascular, and diabetes.

144. Health care is also provided in collaboration with other SA Health service providers within the correctional setting, such as forensic mental health services, Aboriginal health, dental services, drug and alcohol services, sexual health, and local hospitals and country and rural health providers. This requires good working relationships to be maintained with key stakeholders to enable access to timely referral and treatment options for prisoners depending on their location.

Tasmania

145. All those entering prison in Tasmania are medically assessed shortly after admission, for physical and mental health, and drug and alcohol use. Prisoners may be referred for further assessment or treatment. Basic health care is provided within the prison. Prisoners suffering from acute mental illness are transferred to Tasmania's secure mental health unit, the Wilfred Lopes Centre, for in-patient treatment.

146. The Tasmania Prison Service Therapeutic Services Unit and Correctional Primary Health Services manage suicide and self-harm risks. The Tasmania Prison Service has a dedicated crisis support unit for managing prisoners at significant risk of suicide or self-harm, and a needs assessment unit for assessing and managing prisoners with complex needs.

147. An independent medical officer undertakes regular prison inspections. These focus on overall health systems and the health of the prisoner population. This may involve implementing preventative health measures and health promotion initiatives.

Victoria

148. Victorian prison health services must comply with the Justice Health Quality Framework 2011, which sets the minimum standards for healthcare services. The framework references the UN Standard Minimum Rules for the Treatment of Prisoners (1957), Basic Principles for the Treatment of Prisoners (1990) and Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Care (1991). It stipulates that prison health services should be equivalent to those in the general community and preserves the professional independence of health professionals working in the prison environment. All prison health service providers are required to

maintain health care accreditation. Both public and private prison health services are subject to these standards. Justice Health conducts quarterly performance audits to ensure services are delivered to the required standards.

149. All prisoners receive a health screening assessment within 24 hours of entering prison, including mental health, and alcohol and drug screening assessments and referrals where appropriate. Prisoners can access primary, secondary and tertiary health care, specialist mental health services and alcohol and drug treatment. Victoria is also introducing mobile radiology and forensic health services to provide a broader range of services at all prison sites.

150. Specialist drug and alcohol treatment providers deliver a range of substance use treatment and management programs in Victorian prisons, including individual and group counselling, harm reduction programs, peer educator programs and the Opioid Substitution Therapy Program, which aims to reduce harms from substance abuse, reduce illicit drug use and reduce transmission of blood borne viruses.

151. It is acknowledged that illicit drug use occurs in prison. To reduce the transmission of blood borne viruses from drug use, bleach is available to prisoners to disinfect injecting equipment. Specialist treatment for Hepatitis C is currently available at two Victorian prisons and there are plans to commence a state-wide custodial hepatitis assessment and management program in January 2015. This program has proven to be safe and effective in prisons and achieves similar outcomes to tertiary health care settings.

152. Contraceptives are available in all Victorian prisons to reduce the transmission of sexually transmitted diseases. Condoms are available in all men's prisons and dental dams are available in women's prisons.

Western Australia

153. Doctors, nurses, dentists and allied health professionals provide prison health services. Prisoners are referred to specialists at tertiary hospitals as required. All prisoners receive a health assessment on entry to prison and if required are given prioritised appointments determined by clinical need.

154. Each prisoner with a chronic disease is offered a personal care plan to monitor the disease and coordinate treatment. Specialist trained doctors and nurses provide clinical services in the areas of drug addiction, mental health, communicable disease and chronic disease management. Various other health programs are provided by prison health services and these include drug and alcohol addiction group and individual counselling, blood borne virus, general health promotion and QUIT groups. When a prisoner is released, a one-week's supply of medication is provided if required. Health services in the community can access medical records of ex-prisoners with their consent.

155. The Mental Health Court Diversion and Support Program helps offenders with mental illness access treatment and support. This helps reduce re-offending and improving criminal justice and mental health outcomes in the longer term. The program runs as the Specialist Treatment and Referral Team (START) Court in the Magistrates Court and the Links program in the Children's Court.

156. START Court is supported by a multi-agency team, which includes a dedicated magistrate, Legal Aid lawyer, police prosecutor, two support staff and a Community Corrections officer, all of who are trained in mental health first aid. The clinical support team consists of a psychiatrist, three specialist mental health nurses, a senior social worker and a non-government service provider. Participants on the program work closely with the START Court team to develop individual recovery plans to address their needs in the area of holistic mental health and their offending behaviour. The

length of each individualised program is dependent on the needs and progress of participants. In general, a program may last up to six months.

157. Western Australia Department of Health's (WA Health) Dental Health Services provides a free dental service to prisons and corrective services. In 2013-14 to 2,083 services were provided to prisoners.

158. Through the Women and Newborn Drug and Alcohol Service Clinic, WA Health's Women and Newborn Health Service provides antenatal, medical, midwifery, social work and psychiatry team services to pregnant women in the prison system with a history of substance abuse. This includes prison GP liaison and cross sector linkages for health care after their release from prison in the perinatal period.

Concluding Observation 30 – Mental Health Services

Australian Capital Territory

159. The *Mental Health (Treatment and Care) Amendment Act 2014* (ACT) passed the ACT Legislative Assembly on 30 October 2014. It comprehensively amends the *Mental Health (Treatment and Care) Act 2004* (ACT) to align it with contemporary human rights principles and law, including the right to 'the highest attainable standard of physical and mental health' prescribed by article 12 of ICESCR. The later Act is the principal legal instrument for the regulation of ACT mental health services.

New South Wales

160. Total mental health funding in New South Wales increased to \$1.45 billion in 2013-14. The *Mental Health Commission of New South Wales*²¹ was established in 2012 as an independent body to drive reform in mental health service delivery in the state with funding of \$30 million over three years. The commission works with the community towards sustained improvement in the support offered to people who experience mental illness and in their access to employment, education, housing, justice and health care.

Northern Territory

161. The Northern Territory delivers a comprehensive mental health service, including inpatient and community care, to all territorians. Clinicians from the community mental health service visit remote and very remote areas to provide clinics, education and support to primary health staff. Consumer assessment and follow-up is also facilitated by using telehealth facilities. Careflight and the Royal Flying Doctor Service are also active partners in providing mental health care and retrievals to and from remote communities.

162. The Department of Health funds and also works collaboratively with non-government organisations to provide mental health care in the community, including residential rehabilitation services, day programs, and social, education and vocational support. The department invests significant resources into suicide prevention activities and services including CounterPunch - an early intervention program to enhance resilience and self-management in at-risk youth using boxing as a medium for engagement. Mental Health Services employs consumer and carer consultants and Aboriginal mental health workers to provide culturally safe care to Indigenous consumers.

²¹ Further information available at: <http://nswmentalhealthcommission.com.au/about-us> & www.health.nsw.gov.au/mhdao/Pages/program-info.aspx

South Australia

163. South Australia introduced a new *Mental Health Act 2009 (SA)* that expands and protects the rights of people with mental illness, recognises the needs of people from culturally and linguistically diverse backgrounds, the role of carers and the circumstances of children who are experiencing, or who are affected by, people with a serious mental illness. An independent principal community visitor scheme was created to monitor the care people receive in mental health facilities.

164. South Australia has progressively implemented a new stepped system of care in line with the SA Social Inclusion Board report *Stepping Up - A Social Inclusion Action Plan for Mental Health Reform 2007-2012*. This will enable more appropriate treatment for the various stages of people's illnesses including acute care, intermediate care, community rehabilitation services, supported accommodation and community care. Services are provided across different age groups. The government has invested over \$330 million to create the necessary service and infrastructure changes.

165. Under the *National Partnership Agreement on Supporting Mental Health Reform*, the government has been allocated funding of \$14.2 million over five years (2011-2016) for two projects: expanding the Assessment and Crisis Intervention Service to a 24 hour service at three metropolitan sites, and establishing walk-in mental health site.²²

Tasmania

166. Tasmania's Magistrates Court has run a Mental Health and Cognitive Disability Diversion program since May 2007. The Diversion List commenced as the Mental Health Diversion List in 2007. It operates under the provisions of the *Bail Act 1994 (TAS)* and the *Sentencing Act 1997 (TAS)* to divert mentally ill participants away from the regular criminal justice system and into appropriate treatment. Managed by the Magistrates Court, the Diversion List assists people with mental health issues or intellectual impairment by providing separate lists or sittings for them with dedicated magistrates and teams that focus on treatment and support.

167. Specialist mental health services are provided across the state and are delivered through the Tasmanian Health Organisations. The services are targeted at the estimated 3% of the community experiencing a severe mental illness and are focused on secondary and tertiary level care for people with a serious mental disorder.

Western Australia

168. Established in 2010, the Mental Health Commission plans, funds and oversees the delivery of a wide range of services and programs to help Western Australians with mental health problems to recover, stay well and live meaningful lives in the community. Its work is underpinned by the government's 10 year strategic policy for mental health, *Mental Health 2020: making it personal and everybody's business*.

169. Health is piloting the *Mental health in multicultural Australia framework towards culturally inclusive service delivery*. The Royal Perth Hospital and South Metropolitan Health Service offer cultural competency training for mental health staff. WA Health also has a languages services policy that provides guidelines for the use of interpreters.

170. Health services in the state have had a key role in monitoring the healthy development and wellbeing of refugee infants, children and families. Community health staff support parents and carers by empowering them to gain skills and knowledge that will enhance their child's health and

²² Further information available at: www.federalfinancialrelations.gov.au/content/npa/health_mental/national-reform/SA_IP.pdf

development. A comprehensive schedule of contacts ensures that health issues are identified and addressed early, which maximises positive outcomes for families with children. Community health staff working with refugee families provide referral in and out of health services and support families to navigate their way through the health system.

Indigenous Mental Health Services

Australian Capital Territory

171. In 2014, the Human Rights and Discrimination Commissioner undertook a human rights audit under the *Human Rights Act 2004* (ACT) and a motion inquiry under the *Discrimination Act 1991* (ACT) into the conditions of female detainees at the Alexander Maconochie Centre. It made 61 recommendations including those dealing with improved health care for Aboriginal and Torres Strait Islander women.

New South Wales

172. The New South Wales Health Aboriginal Impact Statement and Guidelines are tools to ensure the health needs of Aboriginal people are embedded into the development, implementation and evaluation of all initiatives.²³

Northern Territory

173. The Northern Territory employs Aboriginal mental health workers to provide culturally appropriate mental health care to Aboriginal and Torres Strait Islander consumers and advise clinicians on engaging effectively with these communities. Top End Mental Health Service employs a men's Aboriginal mental health worker to improve mental health and wellbeing. There is an Aboriginal suicide prevention officer who works alongside the suicide prevention coordinator to provide culturally appropriate advice and to liaise with Aboriginal and Torres Strait Islander communities and non-government organisations.

174. As part of the Postnatal Depression Initiative, resources have been developed in various Aboriginal languages to provide information and education to Aboriginal women. The Department of Health works closely with Aboriginal medical services to provide mental health care to Aboriginal and Torres Strait Islander consumers and has worked closely with the Menzies School of Health Research to develop a series of Indigenous mental health screening tools, information resources and apps called AIMhi.

Queensland

175. Mental health service provision to Aboriginal & Torres Strait Islander people is provided through mainstream mental health services, which include Aboriginal & Torres Strait Islander Mental Health Workers who provide culturally appropriate mental health & social and emotional wellbeing promotion and prevention programs.

Western Australia

176. Operating since 2011, the Mental Health Commission's state-wide specialist Aboriginal Mental Health Service provides a comprehensive range of specialist and community-based services to address the needs of Aboriginal people with severe and persistent mental illness.²⁴

177. The State Suicide Prevention Strategy delivers suicide prevention activities, training and targeted support for high risk groups, including Aboriginal people, and a coordinated response to self-harm and suicide prevention.²⁵

²³ Further information available at: www.naccho.org.au/download/aboriginal-health/NSW%20Aboriginal%20health%20Plan%202013-2023.pdf & www.health.nsw.gov.au/aboriginal/Pages/default.aspx

²⁴ Further information available at: www.mentalhealth.wa.gov.au/ournewapproach/Aboriginal.aspx

Reducing Incarceration Rates of People with Mental Illness

Australian Capital Territory

178. The Alexander Maconochie Centre is considering the Hayes Ability Screening Index as part of its process to identify prisoners and remandees with intellectual disability. Training has been conducted with staff and consideration of its administration is ongoing.

179. The process is intended for people aged between 13 and late adulthood and was developed to indicate the possible presence of intellectual disability amongst those in contact with the criminal justice system. It also helps determine those who need to be referred for further full-scale diagnostic assessment. In police settings, the index is designed to identify people who may be vulnerable during detention or police interviews, so appropriate provisions can be made.

New South Wales

180. The Justice Health and Forensic Mental Health Network provides a range of mental health services to adults and young people across custodial, inpatient and community settings. All patients receive a comprehensive health assessment on entry to custody, so physical and mental health needs are identified, medications confirmed and referrals arranged for specialist follow-up appointments. This information is included in the comprehensive case plan developed for each inmate. The network also provides court liaison services for those with suspected mental illnesses. In 2013-14, the network diverted 1,857 adults and 557 adolescents from custody in community-based treatment.

Northern Territory

181. The Department of Health provides training to Northern Territory Police and Correctional Services to ensure it responds appropriately where mental health is a likely issue. Training includes identifying possible mental illness, communication techniques and relevant provisions of the *Mental Health and Related Services Act 2014* (NT).

Queensland

182. Queensland Courts Referral (QCR) has been developed to address the needs of defendants appearing before the Brisbane Magistrates Court with drug and/or alcohol dependence, mental illness, intellectual disability, cognitive impairment, and homelessness or at risk of homelessness. QCR is made up of a number of NGOs and Queensland Health who can give short term assistance prior to sentencing for accused persons with health and social needs by referral to treatment and community support services. Located at the Arrest Courts in the Brisbane Magistrates Courts jurisdiction, Magistrates in the normal conduct of the Court and while having regard to the provisions of the *Bail Act 1980* (Qld) may grant bail to refer an accused person to attend a rehabilitation, treatment, or other interventions through QCR in conjunction with other reporting conditions (e.g., report to police). The QCR is both efficient in terms of dealing with the immediate issues of people appearing before the Court and provides Magistrates with the necessary bail and sentencing options to administer justice effectively.

183. In Queensland, the prison system is not used to detain people with a disability not convicted of an offence through the justice system. If a person with an intellectual disability is found to be not fit for trial or of unsound mind by the Mental Health Court, a forensic order may be made to detain them in/to an authorised mental health service (managed by Queensland Health) or the Forensic Disability Service (managed by the Department of Communities, Child Safety and Disability Services).

²⁵ Further information available at: http://www.mentalhealth.wa.gov.au/mental_illness_and_health/mh_aboriginal.aspx

184. The Forensic Disability Service was part of the government's response to a report by the Honourable WJ Carter QC (*Challenging Behaviour and Disability - A targeted response*). It is a facility built to provide specialist support and secure accommodation that meets the needs of adults with an intellectual or cognitive disability subject to a forensic order.

185. The *Mental Health Act 2000* (Qld) provides for:

- people with a mental illness to be diverted from custody (police or corrective services) for mental health assessment and treatment under the classified patient provisions – including individuals on remand or sentenced prisoners
- the detention, treatment, and care of people with a mental illness or intellectual or cognitive disability in an Authorised Mental Health Service or disability forensic service where the person has been found by the Mental Health Court to be of unsound mind or unfit for trial and placed on a forensic order or disability forensic order by the Court.

186. Regarding Magistrates Courts Service, there are two initiatives relating to Indigenous people. The Indigenous Sentencing List (ISL) has been developed to support Indigenous people who have committed an offence and are willing to participate with service providers and support agencies to address the underlying causes of their criminality. Employment services, drugs and alcohol support, and assistance with social issues (which may include emergency accommodation) are provided to clients as part of their bail. The ISL has engaged stakeholders, non-government organisation, and government agencies to provide support as part of their service delivery, including Indigenous with various disabilities. The ISL works closely with Indigenous organisations, including community justice groups, to provide cultural significance to the support provided, including facilitation of men's and women's groups and yarning circles.

Western Australia

187. The Mental Health Court Diversion and Support Program pilot comprises an adult and children's specialised mental health court program supported by a clinical team. The program aims to divert offenders with mental illness to appropriate support and reduce reoffending. A 12-month extension of the pilot program in 2014-15 will allow for further consolidation and a comprehensive evaluation. It is an initiative of the Mental Health Commission and Department of the Attorney-General.²⁶

Mental Health Care in Prisons

Australian Capital Territory

188. Mental health services in the ACT's correctional centres operate on a *no wrong door policy*, meaning that referrals to the service can come in many forms, including from detainees, custodial staff, non-government organisations, other health agencies or detainee family and friends. Referrals designated 'at risk' must be actioned within two hours. A dedicated crisis support unit is available for those who require extra support.

189. Regular mental health reviews and psychiatric clinics are conducted within the ACT's adult correctional centre, the Alexander Maconochie Centre. Specific vulnerable populations are catered for such as Aboriginal and Torres Strait Islanders. A dedicated Aboriginal mental health liaison officer is on staff and those vulnerable to self-harm are with targeted group therapy. Detainees can be transported to the Adult Mental Health Unit should they require inpatient care. Clinicians meet with the ACT Public Advocate office each fortnight to discuss issues related to those with mental illness in custody.

²⁶ Further information available at: www.mentalhealth.wa.gov.au/mentalhealth_changes/Mental_Health_Court_Diversion.aspx

190. ACT Health is currently developing a Secure Mental Health Unit, planned for opening in late 2016. This 25-bed unit will provide services for forensic and civil consumers. Corrections detainees who meet clinical admission criteria will be transferred to the unit. Those leaving a corrections environment with mental illness will be able to access the Detention Exit Community Mental Health Outreach Program.

191. The ACT's counselling and treatment service provides through-care support and psychosocial interventions to adults who are in and out of custody. A clinician is on site at the Alexander Maconochie Centre two days a week and on the Alcohol and Drug Service premises to ensure access for clients on remand or who have recently been released.

192. On entry to the Alexander Maconochie Centre, a primary health nurse screens all detainees. If significant mental health issues are detected requiring immediate assessment or intervention, the detainee will be referred for a mental health induction. These must take place within 24 hours of referral and are conducted by a dedicated mental health clinician.

193. The Alcohol and Drug Services youth program provides a counselling and psychotherapy service to young people aged 12 to 25. Treatment occurs through a number of diverse settings including the community and youth, and adult detention centres and other inpatient settings. Given the through care model adopted by the youth treatment service and the complexity of those engaged in the service, young people are provided a continuity of care through the different treatment setting they may engage with. Youth through care treatment often involves transitioning of treatment in:

- community settings
- psychiatric and rehabilitation settings
- youth detention and those transitioning to adult detention settings.

194. The 2013-14 ACT Budget provided funding for short-term psychosocial support to people with mental illness exiting the criminal justice system. This aims to help people re-engage with the community and regain independence post release. The program provides up to three months of intensive transitional support for individuals with a diagnosed mental dysfunction through a case management partnership model with a community sector provider.

New South Wales

195. Juvenile Justice works collaboratively with the Justice Health and Forensic Mental Health Network and external organisations to help young people access programs in custody and the community. All Juvenile Justice staff are trained in mental health first aid which enables them to recognise symptoms of mental health issues in young people, respond appropriately to crises and help them access appropriate professional help.

Northern Territory

196. A paramount concern for the Northern Territory Department of Correctional Services is the safety of people within the correctional system and its employees. It is committed to effective and timely intervention for people who demonstrate suicidal or self-harm behaviour. The department responds to all at-risk incidents in a way that demonstrates recognition, consideration of, responsiveness to and respect for the diversity and special needs of people.

197. The Forensic Mental Health Team provides services to correctional centres, juvenile detention centres and with mental health consumers in the community who have committed a serious offence, and others who are at high risk of committing an offence. The Department of

Health and the Department of Correctional Services have established a Complex Behavioural Unit in the new Correctional Precinct in Darwin.

198. In August 2013 the Northern Territory Department of Correctional Services released its revised At-Risk of Suicide and Self Harm Policy in recognition that Aboriginal and Torres Strait Islander people take their own lives at younger ages than non-Indigenous Australians (the rate of suicide for Aboriginal youth in the Northern Territory is five times higher than the national rate).

Queensland

199. Prisoners in Queensland can access mental health care through a variety of pathways that are commensurate with their need. These include nursing screening and assessment, primary health care interventions, as well as specialist mental health services. Queensland's public health system provides an in-reach prison mental health service that is coordinated across the state, and delivers mental health assessment, treatment and management in all major correctional centres across Queensland. These services are multi-disciplinary and include psychiatrists. The services aim to be equivalent to those available within the community. The *Mental Health Act 2000* (Qld) enables the capacity to transfer individuals to psychiatric hospitals if they require inpatient treatment.

200. Additionally, Queensland Police Service (QPS) employees are provided with training to enhance the identification of prisoners suffering from mental health issues. Employees are provided with a range of questions designed to identify issues. Should mental health issues be identified, further processes as per the *Operational Procedures Manual* and local standard operating procedures are in place for mental health professionals to attend watch houses and conduct appropriate assessments. Internal QPS computer systems also assist watch house staff to identify prisoner mental health issues.

South Australia

201. All prisoners, on entering the prison system, are appropriately assessed in conjunction with the SA Prison Health Service. Mental health, drug and alcohol, and risk of suicide or self-harm issues are considered in addition to information provided by police.

202. A range of services are available for prisoners experiencing mental health issues or being at risk of self-harm.

203. These services can be provided by Forensic Mental Health Services, SA Prison Health Services, Disability SA, the prison High Risk Assessment Teams, and departmental Psychologists.

204. Psychological services provided by the Department for Correctional Services to prisoners have a priority focus on the assessment of prisoners and the provision of crisis intervention and support services.

205. If there is further cause for concern, prisoners can be transferred to the Royal Adelaide Hospital, or the nearest hospital for assessment and from there, a further determination can be made as to whether they are to be detained under the Mental Health Act. If they are detained, they can then be moved to a mental health facility. This is a decision for health professionals.

206. Joint System Protocols between Correctional Services and the Department of Health have been implemented for some years and include Forensic Mental Health Services as a signatory.

Tasmania

207. All people entering prison in Tasmania receive a mental health assessment, with referral for further treatment if required. Ongoing treatment and support is provided through the Tasmania Prison Service Therapeutic Services Unit. This works not only with individuals with a diagnosed

mental illness but also with those who are distressed and struggling to cope in prison. Prisoners with severe mental health issues may be housed in the secure mental health unit of the Wilfred Lopes Centre.

208. There is a range of support and treatment programs available for prisoners with mental health issues. Highly specialised, multi-disciplinary mental health treatment teams operate throughout the prison system. Tasmania Prison Service psychologists provided additional treatment services with support from the Royal Hobart Hospital and Forensic Mental Health Services.

Victoria

209. Prisoners can access a range of mental health services equivalent to the community in Victoria. All people entering prison receive a mental health screening assessment performed by a mental health clinician. Prisoners who show signs of mental illness are referred to a clinician for a more comprehensive psychiatric assessment. As in the community, most prisoners access mental health care through primary health services. Prisoners with higher and more complex needs can access specialist mental health services.

210. Prison health services conduct comprehensive discharge planning for prisoners with mental health problems and make referrals to community services as appropriate. The Community Integration Program also provides intensive clinical support for prisoners with a serious mental illness who are re-entering the community. Victoria is also developing an Aboriginal Emotional and Social Wellbeing Strategy that outlines a more coordinated approach to improving mental health outcomes for Aboriginal and Torres Strait Islander prisoners.

Western Australia

211. Western Australia is reviewing its *Criminal Law (Mentally Impaired Accused) Act 1996* to review the rights of those detained under this Act. If a possible mental health issue is identified during a prisoner's initial health assessment on entry to prison, the prisoner is referred to a specialist mental health nurse to conduct a mental state examination. Depending on the outcome of this, the prisoner may be referred to a specialist psychiatrist for ongoing assessment, stabilisation and treatment. Prisoners are referred to tertiary mental health care institutions as necessary. On release from prison, care by state community mental health services is arranged if required.

Concluding Observation 31 - Indigenous Education

Australian Capital Territory

212. The ACT Education and Training Directorate has established a suite of integrated programs and strategies to support Aboriginal and Torres Strait Islander student learning across the spectrum and from preschool to year 12. Strategies such as personalised learning plans, flexible learning options and employment pathways are universal in their approach; that is they support all learners. Programs such as Koori Preschool and the Aspirations Program are specific to Aboriginal and Torres Strait Islander students and families.

New South Wales

213. Connected Communities is a new approach to address the educational and social aspirations of Aboriginal children and young people living in a number of complex and diverse communities in New South Wales. The initiative positions 15 schools as 'community hubs' which deliver a range of services from birth through school to further training and employment. These schools work with Aboriginal leaders in the local community to improve education outcomes for young Aboriginal people.

Northern Territory

214. In 2013 the Minister for Education commissioned an independent review of Indigenous education in the territory. The final report, *A share in the future - review of Indigenous education in the Northern Territory*, was published in May 2014. The report presented a picture of continued declining outcomes for many Indigenous students, particularly in remote and very remote schools. It provided 51 recommendations targeting all years of schooling and these have been incorporated into a 10 year strategy: *A share in the future - Indigenous education strategy 2015–2024*.²⁷ The strategy provides direction for major initiatives to improve education outcomes for Indigenous students in the Northern Territory. A phased implementation will enable careful monitoring to ensure there is a positive impact across all the elements of the strategy. Phase 1 will be released by the end of 2014.

Queensland

215. The Queensland Cultural Diversity Policy articulates the Queensland Government's vision to provide equality of opportunity for all Queenslanders. The Queensland Cultural Diversity Action Plan, a whole-of-government response to the Queensland Government's vision, provides a roadmap of how this vision will be achieved. The Department of Education and Training (DET) is responsible for a number of actions relating to language independence, education, participation and attainment, economic independence and participation, and community participation.

216. Under DET's Inclusive Education Policy Statement schools are expected to be supportive and engaging places for all school community members where every day, in every classroom, every student is learning and achieving in a safe, supportive, inclusive and disciplined learning environment.

217. All Queensland schools are implementing the Australian Curriculum. The Australian Curriculum embeds the cross-curriculum priority, *Aboriginal and Torres Strait Islander histories and cultures*, and the general capability, *Intercultural understanding*, across the learning areas from Foundation to Year 10. In the Humanities and Social Sciences learning areas, particularly within the subjects of Civics and Citizenship and History, there is a significant emphasis on developing an understanding of the past and present experiences of Aboriginal and Torres Strait Islander peoples, their identity and the continuing value of their culture.

218. Queensland state schools can choose to teach Aboriginal and Torres Strait Islander Languages.

219. When selecting the language to offer, Queensland state schools consult with their community and consider a range of factors to ensure a quality language program. This includes ensuring continuity of learning from primary to secondary school as well as ongoing availability of quality teachers.

220. The Queensland Curriculum, Assessment and Reporting Authority offers a syllabus for Aboriginal and Torres Strait Islander Languages for Prep - Year 10 and for Years 11 12.

221. To support schools to implement this syllabus, Queensland developed the Aboriginal and Torres Strait Islander Languages in Education Queensland Schools: A guide to implementing the Aboriginal and Torres Strait Islander Languages Syllabus.

²⁷ Strategy available at: http://www.education.nt.gov.au/_data/assets/pdf_file/0007/37294/A-Share-in-the-Future-The-Review-of-Indigenous-Education-in-the-Northern-Territory.pdf

222. This guide provides comprehensive advice to principals on a range of topics including how to establish an Aboriginal and Torres Strait Islander Language program in their school through consultation with their local community.

South Australia

223. The South Australia Department for Education and Child Development has implemented the national *Aboriginal and Torres Strait Islander education action plan 2010-2014*, which requires identified focus schools to improve the education outcomes of Aboriginal students. In South Australia, 82 government focus schools include remote schools with Aboriginal student enrolments, including those in the APY Lands.

224. The state collects and monitors data on all students including Indigenous pre-school and school age children in remote areas. Data is collected on, but not limited to, areas of child health and development, disability, attendance, assessment and wellbeing. The data is analysed and used to inform and influence school education plans and strategies. School attendance data is collected each day. Alerts are automatically generated and emailed to schools for attendance when students have more than 10 consecutive days of unexplained absences. Alerts are also generated for health issues.

225. The department chairs the National Aboriginal and Torres Strait Islander Education Advisory Group. This is a cross-cutting initiative to support and provide strategic policy advice to the Education Council's three standing working groups: the Schools Policy Group, the Early Childhood Policy Working Group and the Data Strategy Group. Initial priority work is planned to include advice on:

- improving Aboriginal and Torres Strait Islander school attendance, with particular focus on remote schools and communities
- strategies to improve transitions from secondary school to post-school options for Aboriginal and Torres Strait Islander students and school-leavers.

Victoria

226. The Victorian Government has a range of programs to support access to universal early education, aimed particularly at reducing financial, cultural and geographic barriers to participation. These include the:

- Early Start kindergarten program and the kindergarten fee subsidy, which enable Aboriginal children to access free universal 3 to 4 year old kindergarten programs
- Koorie preschool assistants program which supports access and participation by Aboriginal children in kindergarten programs
- in-home support program, which helps vulnerable Aboriginal families to strengthen their parenting capacity and supports improved health, learning and wellbeing of Aboriginal children aged 0 to 3 years
- home based learning programs for Aboriginal children which help Aboriginal families provide positive home learning environments for young children aged 3 to 5 years
- Aboriginal Best Start program, which supports Aboriginal families across all early years services to improve outcomes.

227. There has been strong growth in the number of Aboriginal children enrolled in four-year-old kindergarten and a significant reduction in the gap in participation rates with non-Aboriginal children. Victoria was the first state to support access of Aboriginal children in three-year-old kindergarten.

Western Australia

228. Schools are provided in very remote locations under established criteria that includes access to service infrastructure such as water, electricity and sewerage.

229. The Aboriginal School Based Training (ASBT) program is delivered through an institutional and employment based training pathway (apprenticeships and traineeships). All apprenticeships and traineeships undertaken by Aboriginal students with the support of group training organisations through the Joint Group Training Program are classified as ASBT delivery. There are currently five qualifications available for delivery through the institutional pathway of ASBT.

230. The Department of Education has implemented a number of ongoing strategies to help close the gap in achievement between Aboriginal students and their peers, and to support Aboriginal students to develop the knowledge and skills to transition successfully from school to training, higher education and work. Some example programs include:

- Aboriginal School Based Training program, which provides pathways for Years 10 to 12 students to develop workplace readiness leading to school-based traineeships.
- Indigenous Ranger Cadetships pilots in the Kimberley, which improve the retention of Aboriginal students to Year 12 and assist their transition to further education, training and work.
- Follow the Dream: Partnerships for Success program, which provides after-school tuition and mentoring to Aboriginal secondary students so they can finish school and enter university or high-level post-school vocational education and training.
- Aboriginal and Islander Education Officer Professional Learning Program, which provides training and support for these staff to become qualified teachers.

Early Childhood Education

Australian Capital Territory

231. The government is committed to ensuring that all ACT children benefit from a high quality, accessible education and care system. Five Koori preschool programs provide an early childhood education program for Aboriginal and Torres Strait Islander children aged four and five years old. Children under three years can attend the Koori Preschool Program when accompanied by a parent or guardian.

232. The ACT operates five early childhood schools that provide an integrated setting for children from birth to eight years of age. The schools support childcare and health services, and family and community support programs. The ACT also provides 15 hours a week of free preschool education in all 79 Canberra public preschools.

New South Wales

233. The New South Wales Department of Education and Communities operates preschool classes in 100 government schools. These were established to provide an education for children one year before school entry in areas of disadvantage. NSW Preschool enrolment procedures state that “schools should give priority to Aboriginal children whose families experience disadvantage; and to families experiencing financial hardship who are unable to access other children’s services”. Eleven of the Department’s 100 preschools are designated Aboriginal; four of these are in remote locations.

Northern Territory

234. Under the National Partnership Agreement on Universal Access to Early Childhood Education Implementation Plan, the Northern Territory has a focus on two elements for Indigenous, vulnerable and disadvantaged children:

- maintain increased hours to preschool
- target approaches to encourage attendance and engagement through parental capacity building.

235. Investment through the National Partnership Agreement on Universal Access to Early Childhood Education enabled the Territory to increase access to preschool from 480 hours to over 600 hours in the year before full-time school. In addition to maintaining 600 hours of universal access, the focus is on increasing preschool attendance by supporting families to overcome barriers to regular preschool attendance, particularly Indigenous students and those who experience a high level of disadvantage.

236. The Northern Territory Government continues to invest in remote delivery of complementary programs that improve preschool access, attendance and participation, including programs such as Families as First Teachers. This program was established in 2008 and provides a culturally appropriate early learning and family support program for vulnerable and disadvantaged Indigenous families with children before they enter school (birth - 5 years). It builds on the strengths of families to give remote Indigenous children the best start in life. In 2013 there were 2,106 children and 2,013 parents who participated in the program.

237. The More Early Childhood Teachers Scholarships program is trialing alternative training models for Indigenous staff in remote areas. The scholarship program was developed to assist with the significant challenge in recruitment and retention of degree qualified early childhood teachers, particularly in remote areas.

238. Under the National Partnership Agreement on Indigenous Early Childhood Development, five child and family centres in Gunbalanya, Maningrida, Ngukurr, Palmerston and Yuendumu were built. These centres deliver a range of integrated culturally responsive early childhood services including early childhood education and care, child and maternal health, and family support programs. These centres support strategies to address barriers to schooling.

Queensland

239. Queensland recognises that participation in education is a major contributor to reducing lifetime disadvantage and aiding self-empowerment. Engagement in quality education and care from an early age is known to improve educational outcomes for children, thereby improving life opportunities and decreasing unemployment, poverty and illness.

240. The Queensland Government has established and implemented a range of Early Childhood Education and Care (ECEC) programs and initiatives to support Aboriginal and Torres Strait Islander children.

241. The Queensland Government has adopted, in full, the Education and Care Services National Law Act 2010 and its associated Education and Care Services Regulations, committing to supporting, regulating, monitoring and ensuring the quality of early childhood development services throughout the state. The guiding principles of the National Law Act commit Queensland to ensuring 'that the principles of equity, inclusion and diversity underlie this law' and 'that Australia's Aboriginal and Torres Strait Islander cultures are valued.'

242. *Universal access to kindergarten*

The Queensland Government has committed to providing universal access to a quality kindergarten program for every child, and recognises the additional support that may be required by Aboriginal and Torres Strait Islander children.

Further, the Queensland Government has continued to provide free kindergarten programs for children in 35 Indigenous communities.

243. *Remote Area Aboriginal and Torres Strait Islander Child Care (RAATSICC)*

Under the RAATSICC program, the Queensland Government provides funding for child care and family support services within remote Aboriginal and Torres Strait communities, specifically across Cape York Peninsula, the Gulf of Carpentaria and the Torres Strait Islands.

The program aims to promote and support the well-being of Aboriginal and Torres Strait Islander children within their extended family and community and to ensure services are developed in accordance with community needs and aspirations, and comply with relevant legislation and standards.

Services are delivered by non-government organisations and local government authorities in centre-based and/or other community settings. A range of service types are funded including long day care, kindergarten, outside school hours and vacation care, child and family hubs, playgroups, Child and Family Support (CAFS), advisory and resource services.

244. *Early Years Centres*

In addition to its commitment to universal access to kindergarten, the Queensland Government has established four Early Years Centres (EYCs), each of which has satellite and outreach services that extend service delivery into neighbouring communities. EYCs provide integrated early childhood education and care, parenting and family support and maternal and child health services. EYCs provide targeted support for Aboriginal and Torres Strait Islander and CALD children and their families in their provision of culturally sensitive support, referrals to culturally appropriate services, and the establishment of community links.

245. *Children and Family Centres*

The Queensland and Australian Governments have made a joint commitment under the Indigenous Early Childhood Development National Partnership Agreement (IECD NP) to improve early childhood outcomes for Aboriginal and Torres Strait Islander children.

CFCs bring together early childhood education and care, parenting and family support, and child and maternal health services so that families can access the services they need to support their children's development in one location.

South Australia

246. South Australia's Department for Education and Child Development Aboriginal Strategy 2013-2016 sets key initiatives to increase the proportion of Aboriginal and Torres Strait Islander students participating in quality early childhood education and childcare. It also sets key strategies for Aboriginal and Torres Strait Islander students to perform at equivalent or better rates to other students when assessed for numeracy and literacy skills before starting pre-school. In 2013, an assessment was conducted of the *Closing the Gap* target to ensure access to preschool for all Aboriginal four year olds in remote communities by 2013. Based on this assessment, the department is confident that access to preschool is being provided to all Aboriginal children residing in remote and very remote areas.

Tasmania

247. Child and Family Centres are funded by the Tasmanian Government and provide a holistic approach to supporting families and their young children (birth to age 6). A total of 11 centres are now operating around the state with the 12th currently under construction. The Launching into Learning initiative gives Tasmania's young children the best possible start in learning and helps with the transition into kindergarten. All schools receive resources to provide programs designed to meet the needs of young children (birth to kindergarten) and their families. The initiative helps support parents and priority is given to the most vulnerable families.

Western Australia

248. For nearly two decades in Western Australia, all children who turn four on or before 30 June have been entitled to a kindergarten place (pre-school is called kindergarten in Western Australia). This includes Aboriginal children in remote locations. In public schools, kindergarten is free of compulsory charges. Since 2013, kindergarten has been available for 15 hours a week.

249. Families with Aboriginal children may choose to enroll their child in a mainstream kindergarten program or where available, an Aboriginal kindergarten. Aboriginal children turning four between July 1 and December 31 may also participate in kindergarten programs at an Aboriginal kindergarten or remote community school where places exist within existing resources, effectively completing two years of Kindergarten.

Concluding Observation 33 - Promotion and Protection of Indigenous Culture

Indigenous Culture

New South Wales

250. The *OCHRE* plan focuses on preserving and promoting Aboriginal language and culture, including by establishing five language and culture nests. These are intended to:

- improve knowledge of, and competency in, Aboriginal languages
- strengthen Aboriginal identity, pride and community resilience
- increase the number of language learners
- increase the number of language teachers
- contribute to increased school attendance and retention.

Northern Territory

251. The Framing the Future foundation plan for the Northern Territory sets the guidelines for a prosperous economy, strong society, confident culture and balanced environment. One of the three objectives of 'to develop a confident culture' is to recognise Aboriginal culture and allow territorians to follow their traditions and languages to focus on an inclusive and participative society. Actions are focused on promoting recognition and respect for Aboriginal people, organisations, culture and language. The facilitation of Indigenous economic development is an integral part of this.

252. Cross-cultural training for all Northern Territory Government officers is compulsory. The level of training is higher for those officers involved in direct Indigenous service delivery and policy development. It is also compulsory for all selection criteria for public service vacancies to have the criterion 'an ability to interact effectively with people of different cultures'.

Queensland

253. In Queensland, there are a number of Acts which protect the cultural heritage traditional land rights of Aboriginal and Torres Strait Island peoples. Corporate bodies representing the rights of Aboriginal and Torres Strait Island peoples may be established under Commonwealth Legislation

which ensures they run properly, according to their own rules and cultures, without breaking the law. Support, advice and training is offered to help these corporations do the best job for their communities, in a manner consistent with principles of sound corporate governance and in the context of current and emerging Australian and international law.

254. The Office of the Registrar of Indigenous Corporations (ORIC), has been set up to help the Registrar administer the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Qld) and to support and regulate corporations for Aboriginal and Torres Strait Island people throughout Australia. ORIC also provides an avenue for new incorporations, delivering a tailored service that responds to the special needs of Aboriginal and Torres Strait Island groups and corporations, and striving for national and international best practice in corporate governance.

255. In addition, the Queensland Government works with Traditional Owners and local Aboriginal and Torres Strait Island communities when tenders have been awarded to companies working on Indigenous lands.

Western Australia

256. Western Australia's Department of Culture and the Arts, state cultural institutions and government-funded arts organisations assist Indigenous people to preserve and communicate their identity and culture. The Department of Culture and the Arts has also partnered with state and federal counterparts to deliver an Indigenous intellectual property toolkit to increase awareness of this issue and promote best practice among Indigenous communities, consumers and commercial operators.

Protecting Indigenous Cultural and Traditional Knowledge

Australian Capital Territory

257. The ACT Human Rights and Discrimination Commissioner formally advocated to the ACT Government that the cultural rights of Aboriginal and Torres Strait Islander people be explicitly protected in the ACT *Human Rights Act 2004*. In addition, the commissioner supports the findings of the Australian National University's ACT economic, social and cultural rights research project to include these rights, including the right to work, in the Act.²⁸

258. The ACT Government will incorporate cultural rights for Aboriginal and Torres Strait Islander Peoples into its *Human Rights Act 2004* in a similar form to section 19(2) of the *Charter of Rights and Responsibilities 2006* (VIC). Section 19(2) of the charter recognises the rights of Aboriginal people to enjoy their identity and culture, maintain and use their language, and to maintain their kinship ties and distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

259. The rights of minorities are protected under Section 27 of the *Human Rights Act 2004*. The ACT Government is consulting with the ACT Aboriginal and Torres Strait Islander elected body to progress the inclusion of Indigenous cultural rights.

260. ACT schools are implementing the *Australian Curriculum*, which includes the cross-curriculum priority of Aboriginal and Torres Strait Islander histories and cultures. This cross-curriculum priority provides opportunities for learners to deepen their knowledge of Australia by embedding essential knowledge, understandings and skills about Aboriginal and Torres Strait Islander histories and cultures in each learning area of the *Australian Curriculum*.

²⁸ Report available at: http://acthra.anu.edu.au/documents/ACTESCR_project_final_report.pdf

Concluding Observation 34 - Human Rights Education

Australian Capital Territory

261. The ACT Human Rights Commission provides tailored training on issues to do with:

- children and young people
- disability
- discrimination
- health (including health records)
- human rights.

262. Free training on discrimination law is also provided to the community.

263. The ACT Human Rights Commissioner co-convened a workshop in early 2014 with the Australian Council of Human Rights Education and the ACT Education and Training Directorate for school teachers, to discuss how to implement human rights into their curriculum.

264. All new ACT Corrective Services custodial officer recruits and most community corrections recruits are trained on human rights legislation and its impacts on their roles. All staff working with young people in the Bimberi youth justice centre are required to complete human rights training.

New South Wales

265. New South Wales students can study aspects of human rights throughout their schooling.

Northern Territory

266. The Northern Territory is working to implement the Australian Curriculum, which treats Aboriginal and Torres Strait Islander histories and cultures as a cross curriculum priority embedded in all learning areas.

267. Northern Territory teachers are also able to access a set of Indigenous studies modules that have been developed using local stories, histories and cultures. These are currently being reworked to ensure alignment with the Australian Curriculum. The modules support teachers to develop knowledge and understanding of Indigenous perspectives and to authentically integrate these across learning areas. By teaching the Indigenous Studies: History and Identity modules, teachers can support students to gain an appreciation of the importance of Aboriginal and Torres Strait Islander cultures as part of the heritage of every Australian. The modules enable students to understand that Aboriginal and Torres Strait Islander identity is not a narrowly defined concept but includes the spectrum of people's perceptions of themselves and their changing lifestyles. They can also help students understand that there are many complex and varied issues confronting Aboriginal and Torres Strait Islander peoples today.

268. The Northern Territory Police Force implements appropriate cultural awareness training for its members.

Queensland

269. The *Anti-Discrimination Act 1991* (Qld) (ADA) established the Anti-Discrimination Commission Queensland (ADCQ), which has the function of promoting "an understanding and acceptance, and the public discussion, of human rights in Queensland". The ADCQ provides training on request to any sector of the community in the operation of the ADA, including the human rights principles on which it is based. The ADCQ also provides information about the ADA in hard copy and electronic formats, and in spoken word formats (i.e., compact disc or audio cassette) and maintains

a comprehensive and accessible website which provides information about the ADA in more than 30 languages other than English.

270. The Queensland Department of Education and Training (DET) developed an online Diversity training program in 2011 to raise employee awareness of legislation and policies, including the *Queensland Anti-Discrimination Act 1991*, the *Commonwealth Sex Discrimination Act 1984*, the *Australian Human Rights Commission Act 1986* (Cth) and the DET Workforce Diversity Guidelines. Over 1,000 participants are enrolled in this program at any given time.

Tasmania

271. Section 104 of the *Anti-Discrimination Act 1998* (TAS) requires organisations to ensure that its members are aware of the prohibitions against discrimination set out in the Act. Human Rights training is integrated into a number of training programs for Tasmanian Government employees. The Office of the Anti-Discrimination Commissioner also provides training and community education for the promotion of human rights.

272. The recruitment process for police officers in Tasmania includes rigorous psychometric testing that screens for racist, sexist and homophobic attitudes. Police officers also receive training on cultural awareness to enhance their knowledge and skills in interacting with a diverse community.

Western Australia

273. The Western Australia pre-primary to Year 10 curriculum for Humanities and Social Sciences will be adapted from the Australian curriculum.