

# 3 Care and protection orders

## Overview

### Children who are in need of care and protection

If a child has been the subject of a child protection substantiation, there is often a need for the community services department to have continued involvement with the family. The department generally attempts to protect the child through the provision of appropriate support services to the child and family.

In situations where further intervention is required, the department may apply to the relevant court to place the child on a care and protection order. Recourse to the court is usually a last resort—for example, where supervision and counselling are resisted by the family or where removal of the child to out-of-home care needs legal authorisation; however, not all applications for an order will be granted. The term ‘care and protection order’ not only refers to legal orders but is used to refer to other legal processes relating to the care and protection of children, including administrative arrangements or care applications.

Only a small proportion of children who are the subjects of substantiations are subsequently placed on a care and protection order. The proportion of children who were the subjects of substantiations in 1998–99, and who were placed on a care and protection order within 12 months, ranged from 5% in the Australian Capital Territory to 30% in Tasmania (Table A1.6). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each State and Territory (see below).

Community services departments may also need to assume responsibility for children and place them on care and protection orders for reasons other than a child protection substantiation. This may include situations where there is family conflict and ‘time out’ is needed; where there is an irretrievable breakdown in the relationship between the child and his or her parents; or where the parents are unwilling or unable to adequately care for the child.

Each State and Territory has its own legislation that provides a definition of ‘in need of care and protection’ (see Appendix 3). In some States and Territories, for instance, the legislation includes a wide range of factors that may lead to a child being considered in need of care and protection, such as truancy or homelessness. In other States, such as Victoria, the legislation defines the need for care and protection more narrowly to refer to situations where the child has been abandoned or where the child’s parent(s) are unable to protect the child from significant harm. The legislation in each jurisdiction provides for action that can be taken if a child is found to be in need of care and protection.

Although the legislation provides the framework within which the community services departments must operate in regard to children in need of care and protection, there are a number of factors that are likely to affect the decision of departmental officers to apply for a

care and protection order. These include the different policies and practices of the States and Territories, the characteristics of the particular child, the characteristics of the family, previous encounters of the child or family with the community services department, and the location and availability of alternative options.

## **The Children's Court**

In most States, and in the Australian Capital Territory, applications for care and protection orders by the relevant community services departments are made to the Children's Court. In South Australia, applications are made to the Youth Court, and in the Northern Territory to the Family Matters Court. A small number of applications may also be brought before the Family Court, or the State or Territory Supreme Court, but these are not included in this data collection.

## **Types of care and protection orders**

There are a number of different types of care and protection orders and these have been grouped into the following three categories for this report:

### **1. Finalised guardianship or custody orders/administrative arrangements**

Finalised guardianship orders involve the transfer of legal guardianship to an authorised department, with the head of the State or Territory community services department usually becoming the guardian of the child. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are applied only as a last resort.

Guardianship orders convey to the guardian responsibility for the long-term welfare of the child (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child. These rights are granted under custody orders. In most jurisdictions, however, guardianship orders involve the transfer of custody of the child as well as guardianship of the child to the State. For example, in New South Wales, under a guardianship order the State becomes custodian of the child as well as guardian.

Custody orders refer to care and protection orders that place children in the custody of a third party, including an agency. These orders usually involve child protection staff (or the person who has been granted custody of the child) being responsible for the day-to-day requirements of the child while the parent retains guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child.

This category also includes those administrative arrangements with the community services departments which have the same effect as a court order of transferring custody or guardianship. These are legal arrangements, but not all States and Territories have such provisions in their legislation.

### **2. Finalised supervisory and other finalised orders**

This category includes finalised supervisory and other finalised court orders that give the department some responsibility for the child's welfare. Under these types of orders the department supervises the level of care provided to the child. Such care is generally

provided by parents, and the guardianship or custody of the child is not affected. They are therefore less interventionist than guardianship or custody orders.

This category also includes undertakings which are voluntary orders regarding the care or conduct of the child. These orders must be agreed to by the child, and the child's parents or the person with whom the child is living.

### **3. Interim and temporary orders**

Interim and temporary orders generally provide for a limited period of supervision and/or placement of a child. These types of orders vary considerably between States and Territories.

### **Scope of the data collection**

The data collection includes information for the 1999–00 financial year on children admitted to, and discharged from, care and protection orders and on orders issued during 1999–00, and data on the characteristics of children on orders at 30 June 2000. Children are counted only once, even if they were admitted to or discharged from more than one order, or if they were on more than one order at 30 June 2000. If a child was on more than one order at 30 June 2000, then the child is counted as being on the order that implies the highest level of intervention by the department (with finalised guardianship or finalised custody orders being the most interventionist, and interim and temporary orders the least).

The data included in this year's report are broadly comparable with the data in the 1996–97, 1997–98 and 1998–99 reports. It should be noted, however, that the categories for 'type of order' used in this report differ slightly from those used in the 1996–97 and 1997–98 reports. In those years there was a separate category for administrative and voluntary arrangements between families and the community services departments. In the 1998–99 and 1999–00 reports these arrangements were included in the category 'finalised guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship. This change in categories only affects the New South Wales data as this is the only jurisdiction that reported on these arrangements over this period.

This year's data are not comparable with the data on care and protection orders for the years before 1996–97. This is because from 1996–97 a wider range of orders was included in the data collection. As in previous years, data for children on juvenile justice orders are not included in the data collection.

### **State differences**

There are large variations across States and Territories in the types of care and protection orders that can be issued. Some of the major differences between jurisdictions and recent changes to care and protection orders within jurisdictions are outlined below:

- Under the new *Child Protection Act 1999* which was introduced in Queensland in March 2000, the types of protective orders that were available changed. Provision for orders where guardianship is transferred to a third party was introduced and the data on these types of orders were included in the category 'finalised guardianship and custody orders'. The types of interim orders also changed to cover a broader range of circumstances.
- Western Australia does not have any orders that fit the category of finalised supervisory orders. Western Australian data on care applications that have not yet progressed to full

care and protection orders have been included in the category 'interim and temporary orders/arrangements'.

- New South Wales has finalised court orders that would fit into the category of finalised supervisory orders, but was not able to provide data on these orders.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. Since 1996–97 these orders have been included in the data collection under 'finalised guardianship and custody orders'. South Australia also has provisions for the transfer of guardianship to a third party, but these orders are not included in this collection. New South Wales is currently in the process of introducing a similar type of order which will be included in next year's data collection.

## Data and analysis

This section includes data on admissions to, and discharges from, care and protection orders, and orders issued during 1999–00 as well as data on the characteristics of children who were on care and protection orders at 30 June 2000. The differences between States and Territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

### Admissions, discharges and orders issued

#### Children admitted to orders

There were 8,480 children admitted to care and protection orders and arrangements across Australia during 1999–00 (Table 3.1). As noted at the beginning of the chapter, a child may be admitted to a care and protection order for a range of reasons, for example where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

**Table 3.1: Children admitted to and discharged from care and protection orders by State and Territory, 1999–00**

	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>	Total
Children admitted to orders	3,617	2,607	979	410	366	173	63	265	8,480
Children admitted for the first time	2,809	1,471	677	402	206	94	51	n.a.	n.a.
% of all admissions	78	56	69	98	56	54	81	n.a.	n.a.
Children discharged from orders	2,539	1,977	864	186	449	120	57	178	6,368

(a) New South Wales data do not include children admitted to finalised supervisory orders.

(b) Children on care applications that did not proceed to care orders in the year were also included in this table. Western Australia data may include children who were discharged around the age of 18 years.

(c) The Northern Territory was unable to provide data on admissions for the first time, due to an inability to compare current year data with data before November 1998, when a new information system was introduced.

Some of the children admitted to orders in 1999–00 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the information is known, the proportion of children admitted to orders who were admitted for the first time ranged from 54% in Tasmania to 98% in Western Australia.

Data on the age of children admitted to orders show that 44% of children admitted to orders in 1999–00 were aged under 5 years, with 14% aged less than 1 year. A further 27% of children admitted to orders were aged 5–9 years, 24% were aged 10–14 years and 6% were aged 15–17 years (Table 3.2). The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged.

**Table 3.2: Children admitted to care and protection orders by age and State and Territory, 1999–00**

Age of child (years)	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	565	287	161	58	39	7	7	25	1,149
1–4	1,070	769	275	125	115	48	26	89	2,517
5–9	897	732	270	137	118	37	13	67	2,271
10–14	853	631	242	62	82	54	13	72	2,009
15–17	190	188	31	28	12	27	4	12	492
Unknown	42	—	—	—	—	—	—	—	42
<b>Total</b>	<b>3,617</b>	<b>2,607</b>	<b>979</b>	<b>410</b>	<b>366</b>	<b>173</b>	<b>63</b>	<b>265</b>	<b>8,480</b>
<b>Per cent</b>									
<1	16	11	16	14	11	4	11	9	14
1–4	30	29	28	30	31	28	41	34	30
5–9	25	28	28	33	32	21	21	25	27
10–14	24	24	25	15	22	31	21	27	24
15–17	5	7	3	7	3	16	6	5	6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) These data do not include children admitted to supervisory and other finalised orders.

(b) The number of children aged over 10 years admitted to orders has increased due to an increase in the number of unaccompanied refugee minors.

### Children discharged from orders

There were fewer discharges from care and protection orders in 1999–00 than admissions to these orders. There were 6,368 children discharged from orders compared to 8,480 children admitted to orders (Table 3.1).

A significant proportion of the children discharged from orders had been on an order for four years or more. In Queensland and Western Australia for example, around one-third of children discharged had been on an order for four years or more.

**Table 3.3: Children discharged from care and protection orders, by length of time they had been on an order, for selected States and Territories,<sup>(a)</sup> 1999–00**

State and Territory	Length of time continually on an order at time of discharge									Total
	Months				Years					
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	Not known	
	<b>Number</b>									
New South Wales <sup>(b)</sup>	1,032	389	283	247	252	162	95	79	—	<b>2,539</b>
Victoria	6	220	359	548	486	219	100	39	—	<b>1,977</b>
Queensland	62	72	112	74	65	205	146	128	—	<b>864</b>
Western Australia	3	13	28	33	15	36	39	19	—	<b>186</b>
South Australia	133	63	23	56	55	9	49	60	1	<b>449</b>
Australian Capital Territory	7	1	3	6	7	17	13	2	1	<b>57</b>
Northern Territory	101	30	13	16	10	4	3	1	—	<b>178</b>
<b>Total<sup>(a)</sup></b>	<b>1,344</b>	<b>788</b>	<b>821</b>	<b>980</b>	<b>890</b>	<b>652</b>	<b>445</b>	<b>328</b>	<b>2</b>	<b>6,250</b>
	<b>Per cent</b>									
New South Wales <sup>(b)</sup>	41	15	11	10	10	6	4	3	..	<b>100</b>
Victoria	—	11	18	28	25	11	5	2	..	<b>100</b>
Queensland	7	8	13	9	8	24	17	15	..	<b>100</b>
Western Australia	2	7	15	18	8	19	21	10	..	<b>100</b>
South Australia	30	14	5	12	12	2	11	13	..	<b>100</b>
Australian Capital Territory	13	2	5	11	13	30	23	4	..	<b>100</b>
Northern Territory	57	17	7	9	6	2	2	1	..	<b>100</b>
<b>Total<sup>(a)</sup></b>	<b>22</b>	<b>13</b>	<b>13</b>	<b>16</b>	<b>14</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>..</b>	<b>100</b>

(a) Data not available from Tasmania.

(b) These data do not include children discharged from supervisory orders.

## Orders issued

There were more orders issued during 1999–00 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 1999–00 is shown in Table 3.4.

The types of care and protection orders issued varied across jurisdictions, reflecting both the different types of orders available and different practices. In New South Wales and Victoria the majority of orders issued were finalised guardianship or custody orders; in Queensland, Western Australia, South Australia and the Northern Territory there were more interim and temporary orders; while in Tasmania and the Australian Capital Territory the majority of orders issued were supervisory orders.

The ratio of children admitted to care and protection orders to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the States and Territories. In New South Wales, Victoria and Western Australia there was 1 child admitted to 1.2 orders issued while in Tasmania there was 1 child admitted to 6 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is because they have a range of shorter term supervisory orders including an 120-hour order, a 7-day order and a 30-day order.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued by State and Territory, 1999–00**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA <sup>(c)</sup>	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship or finalised custody orders/arrangements	2,319	1,277	735	225	349	426	39	104	7,056
Finalised supervisory orders	n.a.	1,097	135	..	—	542	56	4	1,834
Interim and temporary orders	1,830	753	1,388	276	420	72	—	239	4,753
Other/not specified	149	—	—	—	—	—	—	—	149
<b>Total</b>	<b>4,298</b>	<b>3,127</b>	<b>2,258</b>	<b>501</b>	<b>769</b>	<b>1,040</b>	<b>95</b>	<b>347</b>	<b>13,792</b>
<b>Per cent</b>									
Finalised guardianship or finalised custody orders/arrangements	54	41	33	45	91	41	41	30	51
Finalised supervisory orders	n.a.	35	6	..	—	52	59	1	13
Interim and temporary orders	43	24	61	55	9	7	—	69	34
Other/not specified	3	—	—	—	—	—	—	—	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Ratio of children admitted:orders issued</b>	<b>1:1.2</b>	<b>1:1.2</b>	<b>1:2.3</b>	<b>1:1.2</b>	<b>1:2.1</b>	<b>1:6.0</b>	<b>1:1.7</b>	<b>1:1.3</b>	<b>1:1.6</b>

(a) New South Wales could not provide data on children on finalised supervisory orders.

(b) South Australia was unable to determine the types of orders issued.

## Characteristics of children on care and protection orders

### Number and type of order

At 30 June 2000 there were 19,262 children on care and protection orders in Australia (excluding children on finalised supervisory orders in New South Wales) (Table 3.5). By comparison, at 30 June 1999 there were 17,811 children on care and protection orders (AIHW 2000).

While the majority of children in all jurisdictions were on finalised guardianship or custody orders, there were variations among the jurisdictions in the proportion on the other types of orders. In Victoria and Tasmania a relatively high proportion of children were on supervisory orders, while in the Australian Capital Territory and the Northern Territory a relatively high proportion were on interim and temporary orders.

**Table 3.5: Children on care and protection orders: type of order by State and Territory, at 30 June 2000**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	6,349	3,482	3,200	1,015	1,178	310	168	172	15,874
Finalised supervisory orders	n.a.	1,057	288	..	32	144	18	3	1,542
Interim and temporary orders	1,278	213	124	90	—	16	46	45	1,812
Other/not stated	34	—	—	—	—	—	—	—	34
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	73	89	92	97	66	72	78	82
Finalised supervisory orders	n.a.	22	8	..	3	31	8	1	8
Interim and temporary orders	17	4	3	8	—	3	20	20	10
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) New South Wales could not provide data on children on finalised supervisory orders.

## Age and sex

Almost one-quarter (24%) of children on care and protection orders at 30 June 2000 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.6). The proportion of children on orders who were aged under 5 years ranged from 13% in South Australia to 37% in the Northern Territory. Among all children on orders in Australia, 18% were aged 15 to 17 years, though this proportion ranged from 8% in the Northern Territory to 24% in South Australia.

**Table 3.6: Children on care and protection orders: by age and State and Territory, at 30 June 2000**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	236	136	66	24	16	8	6	11	503
1–4	1,853	1,046	630	216	143	77	45	70	4,080
5–9	2,252	1,276	993	347	300	116	72	63	5,419
10–14	2,070	1,363	1,169	355	460	159	70	58	5,704
15–17	1,248	841	754	163	291	110	39	18	3,464
Unknown	2	90	—	—	—	—	—	—	92
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
<1	3	3	2	2	1	2	3	5	3
1–4	24	22	17	20	12	16	19	32	21
5–9	29	27	27	31	25	25	31	29	28
10–14	27	29	32	32	38	34	30	26	30
15–17	16	18	21	15	24	23	17	8	18
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) These data exclude children on finalised supervisory orders.

Just over half (52%) of all children on orders at 30 June 2000 were male (Table A1.7). There were more males than females on orders in all jurisdictions except the Australian Capital Territory and the Northern Territory.

**Table 3.7: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2000**

Living arrangements	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA <sup>(c)</sup>	SA	Tas	ACT <sup>(d)</sup>	NT	Total
<b>Number</b>									
Parents	581	1,303	462	96	n.a.	131	53	26	2,652
Relatives/kin <sup>(e)</sup>	3,753	—	77	—	n.a.	38	1	14	3,883
<i>Total family care</i>	<i>4,334</i>	<i>1,303</i>	<i>539</i>	<i>96</i>	<i>n.a.</i>	<i>169</i>	<i>54</i>	<i>40</i>	<i>6,535</i>
Foster care/community care	2,407	1,316	1,907	603	1,182	190	115	121	7,841
Relatives/kin <sup>(f)</sup>	99	970	639	245	—	—	38	26	2,017
Other	—	278	—	—	—	13	—	—	291
<i>Total home-based care</i>	<i>2,506</i>	<i>2,564</i>	<i>2,546</i>	<i>848</i>	<i>1,182</i>	<i>203</i>	<i>153</i>	<i>147</i>	<i>10,149</i>
Facility-based care	331	569	142	125	28	62	16	16	1,289
Independent living <sup>(g)</sup>	164	27	100	30	—	20	4	4	349
Other/unknown	326	289	285	6	—	16	5	13	940
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
Parents	8	27	13	9	n.a.	28	23	12	14
Relatives/kin <sup>(e)</sup>	49	—	2	—	n.a.	8	—	6	20
<i>Total family care</i>	<i>57</i>	<i>27</i>	<i>15</i>	<i>9</i>	<i>n.a.</i>	<i>36</i>	<i>23</i>	<i>18</i>	<i>34</i>
Foster care/community care	31	28	53	55	n.a.	40	50	55	41
Relatives/kin <sup>(f)</sup>	1	20	18	22	n.a.	—	16	12	10
Other	—	6	—	—	n.a.	3	—	—	2
<i>Total home-based care</i>	<i>33</i>	<i>54</i>	<i>70</i>	<i>77</i>	<i>98</i>	<i>43</i>	<i>66</i>	<i>67</i>	<i>53</i>
Facility-based care	4	12	4	11	2	13	7	7	7
Independent living <sup>(g)</sup>	2	1	3	3	—	4	2	2	2
Other/unknown	4	6	8	1	—	3	2	6	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data excludes children on finalised supervisory orders.

(b) In Victoria, all children on orders who were living with relatives/kin were included in the category home-based out-of-home care and not in the category family care.

(c) In Western Australia all children on orders who were living with relatives/kin were included in the category home-based out-of-home care and not in the category family care.

(d) In the Australian Capital Territory the number of children living with relatives/kin in home-based out-of-home care is likely to be understated, as this information is not available for placements made by a non-government agency.

(e) This category includes relatives/kin, other than parents, who were not reimbursed.

(f) This category includes relatives/kin, other than parents, who were reimbursed.

(g) This category includes private board.

## Living arrangements

At 30 June 2000, 34% of children on care and protection orders were in family care, that is, they were living either with parents or with relatives who were not reimbursed for their care (Table 3.7). Just over half (53%) of children on orders were living in home-based out-of-home care, that is, in a private home where the State or Territory made a financial payment for the child's care. A further 7% were living in facility-based care, 2% were living independently and 5% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied considerably with the age of the child (Table A1.8). For example, children aged 0–4 years were most likely to be in either family care (43%) or in home-based out-of-home care (52%). On the other hand, a relatively high proportion of children aged 15–17 years was in facility-based care (14%) or living independently (10%).

## Rates of children on care and protection orders

There were 4.1 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2000. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.3 per 1,000 in Western Australia to 4.8 per 1,000 in New South Wales (Table 3.8). The variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

**Table 3.8: Children on care and protection orders: number and rate per 1,000 children by Indigenous status, by State and Territory, at 30 June 2000**

	No. of children			Rate per 1,000 children			Indigenous: other
	Indigenous	Other children	Total	Indigenous	Other children	Total	Rate ratio
New South Wales <sup>(a)</sup>	1,826	5,835	7,661	33.1	3.8	4.8	8.7:1
Victoria	448	4,304	4,752	41.4	3.8	4.2	10.9:1
Queensland	856	2,756	3,612	15.9	3.2	4.0	5.0:1
Western Australia	327	778	1,105	12.0	1.7	2.3	7.1:1
South Australia	215	995	1,210	19.9	2.9	3.4	6.9:1
Tasmania	31	439	470	4.2	3.9	3.9	1.1:1
Australian Capital Territory	40	192	232	26.0	2.5	3.0	9.6:1
Northern Territory	118	102	220	4.9	2.9	3.7	1.7:1
<b>Australia</b>	<b>3,861</b>	<b>15,401</b>	<b>19,262</b>	<b>20.2</b>	<b>3.4</b>	<b>4.1</b>	<b>5.9:1</b>

(a) These data exclude children on finalised supervisory orders.

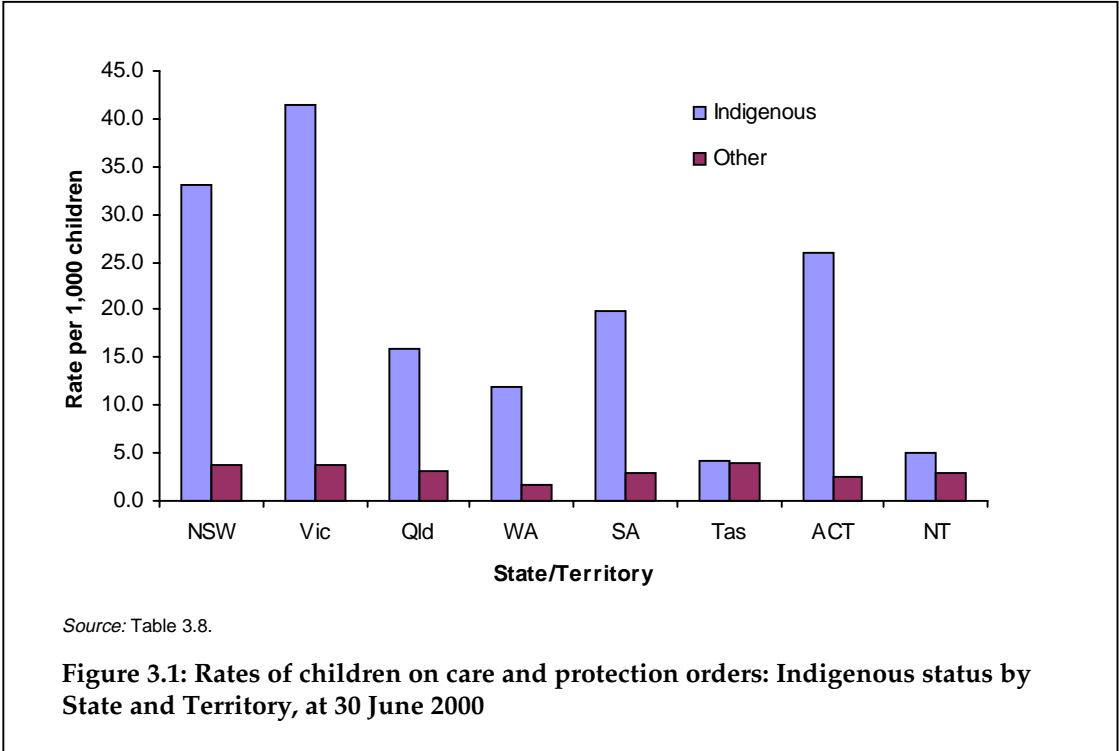
Note: For details on coding of Indigenous status, see Appendix 2.

# Indigenous children

## Number and rates

There were 3,861 Indigenous children in Australia on care and protection orders at 30 June 2000 (Table 3.8). The rates of Indigenous children on care and protection orders varied considerably across jurisdictions (Figure 3.1). The rate of Indigenous children on care and protection orders was highest in Victoria (41.4 per 1,000) and lowest in Tasmania (4.2 per 1,000). In all jurisdictions, however, the rate of Indigenous children on orders was higher than the rate for other children.

In Victoria the rate for Indigenous children was almost 11 times the rate for other children and in the Australian Capital Territory it was over 10 times the rate for other children. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) The difference between the two rates was lowest in Tasmania where Indigenous children were just as likely to be on care and protection orders as other children.



## Types of orders

The distribution of Indigenous children on care and protection orders by type of order was similar to that of other children. The majority of Indigenous children were on finalised guardianship and custody orders or arrangements. For example, in Western Australia 91% of Indigenous children on orders and in Queensland 90% of Indigenous children on orders were on finalised guardianship or custody orders (Table 3.9).

**Table 3.9: Indigenous children on care and protection orders: type of order by State and Territory, at 30 June 2000**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	1,512	347	772	297	209	21	35	95	3,288
Finalised supervisory orders	n.a.	75	71	..	6	10	1	—	163
Interim and temporary orders	304	26	13	30	—	—	4	23	400
Other/not stated	10	—	—	—	—	—	—	—	10
<b>Total</b>	<b>1,826</b>	<b>448</b>	<b>856</b>	<b>327</b>	<b>215</b>	<b>31</b>	<b>40</b>	<b>118</b>	<b>3,861</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	77	90	91	97	68	88	81	85
Finalised supervisory court orders	n.a.	17	8	..	3	32	3	—	4
Interim and temporary orders	17	6	2	9	—	—	10	19	10
Other/not stated	1	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>									
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	4,837	3,135	2,428	718	969	289	133	77	12,586
Finalised supervisory orders	n.a.	982	217	—	26	134	17	3	1,379
Interim and temporary orders	974	187	111	60	—	16	42	22	1,412
Other/not stated	24	—	—	—	—	—	—	—	24
<b>Total</b>	<b>5,835</b>	<b>4,304</b>	<b>2,756</b>	<b>778</b>	<b>995</b>	<b>439</b>	<b>192</b>	<b>102</b>	<b>15,401</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	73	88	92	97	66	69	75	82
Finalised supervisory court orders	—	23	8	—	3	31	9	3	9
Interim and temporary orders	17	4	4	8	—	4	22	22	9
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) New South Wales could not provide data on children on finalised supervisory orders.

Note: For Indigenous coding, refer to Appendix 2.