

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’ in this publication refers not only 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 subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 1999–00, and who were placed on a care and protection order within 12 months, ranged from 14% in Queensland to 57% in Tasmania (Table A1.5). 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 a care and protection order for reasons other than a child protection substantiation. This may occur in 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 the definition in 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 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 department 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 orders granted by these courts 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. Guardianship or custody orders/administrative arrangements

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. In New South Wales these orders concern 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the State.

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.

In jurisdictions other than New South Wales, custody orders refer to care and protection orders that place children in the custody of a third party. These orders usually involve child protection staff (or the person who has been granted custody) 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.

The previous position in New South Wales whereby the State held powers of custodian when it was given a parental responsibility order is being changed as the 1998 legislation is implemented. Under the new legislation the State can hold parental responsibility and the authorised carer will have the power to make decisions about the daily care and control of the child or young person.

This category of orders also includes those administrative arrangements with the community services departments that 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. Supervisory orders

This category includes supervisory and other 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 data for the 2000–01 financial year on children admitted to and discharged from care and protection orders, orders issued during 2000–01, and the characteristics of children on orders at 30 June 2001. Children are counted only once, even if they were admitted to or discharged from more than one order or they were on more than one order at 30 June 2001. If a child was on more than one order at 30 June 2001, then the child is counted as being on the order that implies the highest level of intervention by the department (with guardianship or 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, 1998–99 and 1999–00 reports. From 1998–99 onwards, however, the categories for 'type of order' were changed and differ slightly from those used prior to 1998–99, when there was a separate category for administrative and voluntary arrangements between families and the community services departments. From 1998–99 these arrangements were included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship. This change in categorisation only affects the New South Wales data as this is the only jurisdiction that has reported on these arrangements over the period.

Data from 1996–97 are not comparable with the data on care and protection orders for the years prior to 1996–97. From 1996–97 a wider range of orders was included in the data collection. As in all other years, data for children on juvenile justice orders are not included in this data collection. The Institute is currently developing a national minimum data set for juvenile justice that will enable national reporting in the near future.

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:

- Western Australia does not have any orders that fit the category of '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'.

- New South Wales has court orders that would fit into the category of '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 this data collection in the category 'guardianship and custody orders'. South Australia and the Northern Territory also have 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 that will subsequently be included in the national data collection.

Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2000–01 as well as data on the characteristics of children who were on care and protection orders at 30 June 2001. 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 9,296 children admitted to care and protection orders and arrangements across Australia during 2000–01, 816 more than in 1999–00 (Table 3.1, AIHW 2001b). 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, 2000–01

	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT ^(c)	Total
Children admitted to orders	3,473	2,612	1,397	416	492	481	159	266	9,296
Children admitted for the first time	2,381	1,480	833	398	251	139	92	n.a.	n.a.
% of all admissions	69	57	60	96	51	29	58	n.a.	n.a.
Children discharged from orders	2,371	2,032	1,178	163	564	238	117	231	6,894

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

(b) Children on care applications that did not proceed to care orders in the year were also included in this table.

(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.

Note: Data may include children who were discharged around the age of 18 years.

Some of the children admitted to orders in 2000–01 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the

information was available, the proportion of children admitted to orders who were admitted for the first time ranged from 29% in Tasmania to 96% in Western Australia.

Data on the age of children admitted to orders show that 42% of children admitted to orders in 2000–01 were aged under 5 years, with 13% aged less than 1 year (Table 3.2). A further 27% of children admitted to orders were aged 5–9 years, 26% were aged 10–14 years and 6% were aged 15–17 years. 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, 2000–01

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
<1	518	320	171	68	43	51	6	1	1,178
1–4	946	796	378	129	134	132	42	92	2,649
5–9	827	709	423	117	156	123	44	66	2,465
10–14	912	596	373	69	137	158	52	80	2,377
15–17	192	191	52	33	22	17	12	26	545
Unknown	78	—	—	—	—	—	3	1	82
Total	3,473	2,612	1,397	416	492	481	159	266	9,296
Per cent									
<1	15	12	12	16	9	11	4	—	13
1–4	28	30	27	31	27	27	27	35	29
5–9	24	27	30	28	32	26	28	25	27
10–14	27	23	27	17	28	33	33	30	26
15–17	6	7	4	8	4	4	8	10	6
Total	100	100	100	100	100	100	100	100	100

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

Children discharged from orders

There were fewer children discharged from care and protection orders in 2000–01 than admitted to these orders. There were 6,894 children discharged from orders compared with 9,296 children admitted to orders (Table 3.1).

A significant proportion of the children discharged from orders had been on an order for 4 years or more. In Western Australia for example, around one-third of children discharged had been on an order for 4 years or more (Table 3.3).

Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected States and Territories,^(a) 2000–01

State/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	
	Number								
New South Wales ^(b)	1,035	338	287	217	248	149	52	45	2,371
Victoria	2	218	408	414	550	297	85	58	2,032
Queensland	185	83	40	78	151	347	166	128	1,178
Western Australia	1	7	20	20	17	43	29	26	163
South Australia	216	9	10	202	19	18	22	68	564
Australian Capital Territory	64	20	15	3	2	8	2	3	117
Northern Territory	135	22	15	9	22	20	6	2	231
Total^(a)	1,638	697	795	943	1,009	882	362	330	6,656
	Per cent								
New South Wales ^(b)	44	14	12	9	10	6	2	2	100
Victoria	0	11	20	20	27	15	4	3	100
Queensland	16	7	3	7	13	29	14	11	100
Western Australia	1	4	12	12	10	26	18	16	100
South Australia	38	2	2	36	3	3	4	12	100
Australian Capital Territory	55	17	13	3	2	7	2	3	100
Northern Territory	58	10	6	4	10	9	3	1	100
Total^(a)	25	10	12	14	15	13	5	5	100

(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 2000–01 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 2000–01 was 13,450 (Table 3.4).

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

The ratio of children admitted 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, Western Australia and the Northern Territory, there was 1 child admitted to 1.2 orders issued, while in Tasmania there was 1 child admitted to 2.6 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is because this State has 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, 2000-01

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Guardianship or custody orders/arrangements	2,487	1,263	1,229	247	442	732	180	99	6,679
Supervisory orders	n.a.	1,136	136	..	..	162	14	5	1,453
Interim and temporary orders	1,475	745	1,127	263	774	377	32	218	5,011
Other/not specified	307	—	—	—	—	—	—	—	307
Total	4,269	3,144	2,492	510	1,216	1,271	226	322	13,450
Per cent									
Guardianship or custody orders/arrangements	58	40	49	48	36	58	80	31	51
Supervisory orders	n.a.	36	5	..	..	13	6	2	13
Interim and temporary orders	35	24	45	52	64	30	14	67	34
Other/not specified	7	—	—	—	—	—	—	—	1
Total	100	100	100	100	100	100	100	100	100
Ratio of children admitted:orders issued	1:1.2	1:1.2	1:1.8	1:1.2	1:2.5	1:2.6	1:1.4	1:1.2	1:1.4

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

Trends in the numbers on orders

At 30 June 2001 there were 19,783 children on care and protection orders in Australia (Table 3.5). Between 30 June 2000 and 30 June 2001 the number of children on orders increased by 521. There were increases in the number of children on orders in New South Wales, Victoria, Western Australia and South Australia and decreases in Queensland, Tasmania, the Australian Capital Territory and the Northern Territory.

Table 3.5: Trends in the number of children on care and protection orders, by State and Territory, at 30 June 1997 to 2001

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1997 ^(a)	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 ^(b)	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 ^(c)	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,186	1,260	453	219	205	19,783

(a) The scope of the data collection changed in 1997, so data collected from 1997 onwards should not be compared with data from previous years.

(b) New South Wales data from 1998 onwards do not include children on supervisory orders.

(c) From 1999 care applications were included for the first time and this resulted in a one-off increase in the numbers.

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 26% from 15,718 in 1997 to 19,783 in 2001. Over this 4-year period there were increases in the number of children on care and protection orders in all jurisdictions except Tasmania and the Australian Capital Territory.

Characteristics of children on care and protection orders

Types of orders

Across Australia the majority (86%) of children who were on care and protection orders at 30 June 2001 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria and Tasmania a relatively high proportion of children were on supervisory orders.

Table 3.6: Children on care and protection orders: type of order, by State and Territory, at 30 June 2001

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Guardianship or custody orders/arrangements	7,042	3,538	3,301	1,134	1,210	374	178	181	16,958
Supervisory orders	n.a.	1,050	68	..	—	50	14	5	1,187
Interim and temporary orders	1,039	194	204	52	50	29	27	19	1,614
Other/not stated	24	—	—	—	—	—	—	—	24
Total	8,105	4,782	3,573	1,186	1,260	453	219	205	19,783
Per cent									
Guardianship or custody orders/arrangements	87	74	92	96	96	83	81	88	86
Supervisory orders	n.a.	22	2	..	..	11	6	2	6
Interim and temporary orders	13	4	6	4	4	6	12	9	8
Other/not stated	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100

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

Age and sex

Almost one-quarter (23%) of all children on care and protection orders at 30 June 2001 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 14% in South Australia to 37% in the Northern Territory. Australia wide, 17% of all children on orders were aged 15 to 17 years, although this proportion ranged from 6% in the Northern Territory to 23% in South Australia.

Just over half (52%) of all children on orders at 30 June 2001 were boys (Table A1.6). There were more boys than girls on orders in all jurisdictions except the Northern Territory.

Table 3.7: Children on care and protection orders: by age and State and Territory, at 30 June 2001

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
<1	220	137	65	23	17	7	2	14	485
1–4	1,889	1,034	628	238	158	86	34	62	4,130
5–9	2,462	1,331	1,012	361	325	107	82	61	5,740
10–14	2,279	1,396	1,162	380	471	164	68	56	5,976
15–17	1,249	884	706	184	289	89	33	12	3,446
Unknown	6	—	—	—	—	—	—	—	6
Total	8,105	4,782	3,573	1,186	1,260	453	219	205	19,783
Per cent									
<1	3	3	2	2	1	2	1	7	2
1–4	23	22	18	20	13	19	16	30	21
5–9	30	28	28	30	26	24	37	30	29
10–14	28	29	33	32	37	36	31	27	30
15–17	15	18	20	16	23	20	15	6	17
Total	100	100	100	100	100	100	100	100	100

(a) These data exclude children on supervisory orders.

Living arrangements

At 30 June 2001, 16% 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 3.8). Nearly three-quarters (72%) 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. This includes children living with relatives and kin who receive some reimbursement from the community services department. A further 6% of children were living in facility-based care, 2% were living independently and 4% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by State and Territory (Figure 3.1). Victoria and Tasmania had a relatively high proportion of children on orders in both facility-based care and family care while Queensland and the Australian Capital Territory had a relatively high proportion of children in foster care.

Table 3.8: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2001

Living arrangements	NSW ^(a)	Vic ^(b)	Qld	WA ^(b)	SA ^(c)	Tas	ACT ^(d)	NT	Total
Number									
Parents	536	1,303	321	118	n.a.	92	12	25	2,406
Relatives/kin ^(e)	661	..	83	..	n.a.	41	7	12	804
<i>Total family care</i>	<i>1,197</i>	<i>1,303</i>	<i>404</i>	<i>118</i>	<i>n.a.</i>	<i>133</i>	<i>19</i>	<i>37</i>	<i>3,210</i>
Foster care/community care	2,559	1,374	2069	594	1,223	208	126	109	8,235
Relatives/kin ^(f)	3,532	990	684	313	—	—	51	38	5,608
Other	—	292	—	—	—	13	—	—	305
<i>Total home-based care</i>	<i>6,091</i>	<i>2,656</i>	<i>2,753</i>	<i>907</i>	<i>1,223</i>	<i>221</i>	<i>177</i>	<i>147</i>	<i>14,175</i>
Facility-based care	367	559	101	105	37	68	13	13	1,263
Independent living ^(g)	148	25	103	44	—	11	2	2	336
Other/unknown	302	239	212	12	—	20	8	6	799
Total	8,105	4,782	3,573	1,186	1,260	453	219	205	19,783
Per cent									
Parents	7	27	9	10	n.a.	20	5	12	12
Relatives/kin ^(e)	8	..	2	..	n.a.	9	3	6	4
<i>Total family care</i>	<i>15</i>	<i>27</i>	<i>11</i>	<i>10</i>	<i>n.a.</i>	<i>29</i>	<i>9</i>	<i>18</i>	<i>16</i>
Foster care/community care	32	28	58	50	n.a.	46	58	53	42
Relatives/kin ^(f)	44	21	19	26	n.a.	—	23	19	28
Other	—	6	—	—	n.a.	3	—	—	2
<i>Total home-based care</i>	<i>75</i>	<i>56</i>	<i>77</i>	<i>76</i>	<i>n.a.</i>	<i>49</i>	<i>81</i>	<i>72</i>	<i>72</i>
Facility-based care	5	12	3	9	n.a.	15	6	6	6
Independent living ^(g)	2	1	3	4	n.a.	2	1	1	2
Other/unknown	4	5	6	1	n.a.	4	4	3	4
Total	100	100	100	100	100	100	100	100	100

(a) Data excludes children on supervisory orders.

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

(c) South Australia could not provide any data on children in family care.

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

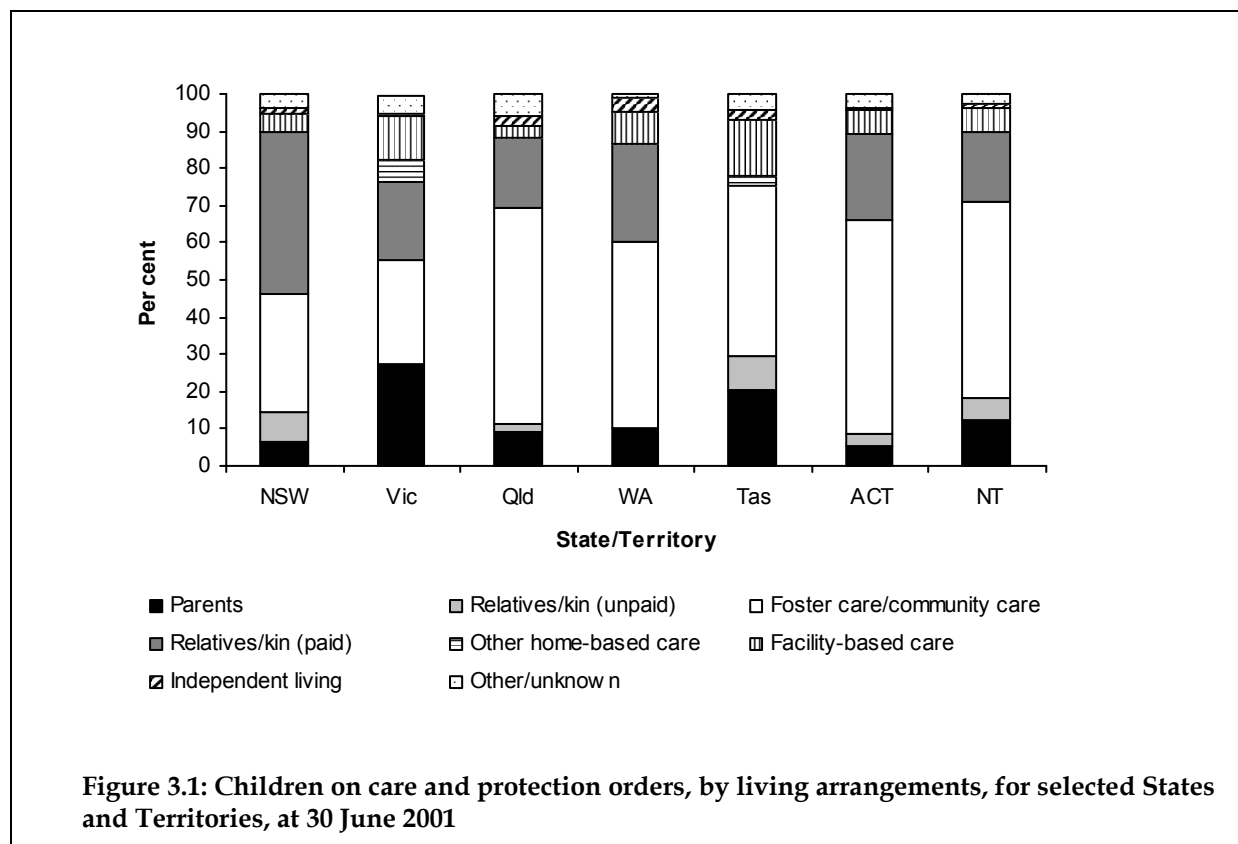
(e) This category includes relatives/kin, other than parents, who were not reimbursed.

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

(g) This category includes private board.

Living arrangements varied considerably with the age of the child (Table A1.7). For example, children aged less than 1 year were most likely to be either in family care (25%) or

in home-based out-of-home care (69%). On the other hand, a relatively high proportion of children aged 15–17 years were in facility-based care (16%) or living independently (9%).



Rates of children on care and protection orders

There were 4.2 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2001. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.5 per 1,000 in Western Australia to 5.1 per 1,000 in New South Wales (Table 3.9). Some of the variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by State and Territory, 30 June 1997 to 30 June 2001

Year	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
30 June 1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	3.3
30 June 1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
30 June 1999	4.4	3.8	4.0	2.1	2.9	3.6	3.0	3.0	3.8
30 June 2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
30 June 2001	5.1	4.2	3.9	2.5	3.6	3.8	2.8	3.4	4.2

(a) Data from June 1998 to June 2001 exclude children on supervisory orders.

Source: 1996–97 to 1999–00 data from relevant *Child Protection Australia* publication; 2000–01 data from Table 3.10.

Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2001, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.2 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions except Tasmania and the Australian Capital Territory. The increase in rates between 30 June 1997 and 30 June 2001 was particularly large in New South Wales, where rates increased from 3.7 to 5.1 per 1,000, and the Northern Territory where rates increased from 1.9 to 3.4 per 1,000.

Aboriginal and Torres Strait Islander children

Number and rates

There were 4,146 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2001, an increase of 285 since 30 June 2000 (Table 3.10; AIHW 2001b). Across Australia there were 21.5 Aboriginal and Torres Strait Islander children per 1,000 on care and protection orders. The rate of Indigenous children on orders was 6.2 times higher than the rate for other Australian children.

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions. It was highest in Victoria (46.8 per 1,000) and lowest in Tasmania (3.6 per 1,000). In all jurisdictions except Tasmania, however, the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was over 12 times the rate for other children and in New South Wales it was over 9 times the rate for other children.

Table 3.10: Children on care and protection orders: number and rate per 1,000, children by Indigenous status and State and Territory, at 30 June 2001

State/Territory	No. of children			Rate per 1,000 children			Indigenous: other Rate ratio
	Indigenous	Other children	Total	Indigenous	Other children	Total	
New South Wales ^(a)	2,070	6,035	8,105	37.0	4.0	5.1	9.4:1
Victoria	512	4,270	4,782	46.8	3.8	4.2	12.4:1
Queensland	803	2,770	3,573	14.6	3.2	3.9	4.5:1
Western Australia	355	831	1,186	12.9	1.8	2.5	7.0:1
South Australia	221	1,039	1,260	20.2	3.1	3.6	6.6:1
Tasmania	27	426	453	3.6	3.8	3.8	0.9:1
Australian Capital Territory	32	187	219	20.5	2.5	2.8	8.4:1
Northern Territory	126	79	205	5.3	2.2	3.4	2.4:1
Australia	4,146	15,637	19,783	21.5	3.4	4.2	6.2:1

(a) These data exclude children on supervisory orders.

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

Types of orders

The distribution of Aboriginal and Torres Strait Islander children on care and protection orders by type of order was similar to that of other children. The majority of Indigenous children were on guardianship and custody orders or arrangements. For example, in Western Australia and South Australia 97% and in Queensland 94% of Indigenous children on orders were on guardianship or custody orders (Table 3.11).

Table 3.11: Children on care and protection orders: type of order, by Indigenous status and State and Territory, at 30 June 2001

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Indigenous children									
Number									
Guardianship or custody orders/arrangements	1,798	370	752	346	215	20	22	111	3,634
Supervisory orders	n.a.	108	5	..	..	5	1	2	121
Interim and temporary orders	264	34	46	9	6	2	9	13	383
Other/not stated	8	—	—	—	—	—	—	—	8
Total	2,070	512	803	355	221	27	32	126	4,146
Per cent									
Guardianship or custody orders/arrangements	87	77	94	97	97	74	69	88	88
Supervisory orders	n.a.	17	1	..	—	25	3	2	3
Interim and temporary orders	13	6	6	3	3	1	28	10	9
Other/not stated	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100
Other children									
Number									
Guardianship or custody orders/arrangements	5,244	3,168	2,549	788	995	354	156	70	13,324
Supervisory orders	n.a.	942	63	..	..	45	13	3	1,066
Interim and temporary orders	775	160	158	43	44	27	18	6	1,231
Other/not stated	16	—	—	—	—	—	—	—	16
Total	6,035	4,270	2,770	831	1,039	426	187	79	15,637
Per cent									
Guardianship or custody orders/arrangements	87	74	92	95	96	83	83	89	85
Supervisory orders	n.a.	22	2	—	..	11	7	4	7
Interim and temporary orders	13	4	6	5	4	6	10	8	8
Other/not stated	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100

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

Note: For Indigenous coding, refer to Appendix 2.