

**Child protection  
Australia 2005–06**

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CHILD WELFARE SERIES

Number 40

# Child protection Australia

**2005–06**

later edition  
available

Australian Institute of Health and Welfare  
Canberra

AIHW cat. no. CWS 28

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This publication is part of the Australian Institute of Health and Welfare's Child Welfare Series. A complete list of the Institute's publications is available from the Institute's website <[www.aihw.gov.au](http://www.aihw.gov.au)>.

ISSN 1320-081X

ISBN 978 1 74024 634 7

### **Suggested citation**

Australian Institute of Health and Welfare (AIHW) 2007. Child protection Australia 2005–06. Child welfare series no. 40. AIHW Cat. no. CWS 28. Canberra: AIHW.

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Published by the Australian Institute of Health and Welfare

Printed by Union Offset, Canberra

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# Acknowledgments

This report draws together a large amount of statistical material and could not have been produced without the efforts and cooperation of the members of the National Child Protection and Support Services (NCPASS) data group.

The main authors of this report were Deidre Penhaligon, Indrani Pieris-Caldwell and Nicole Hunter. Many people have contributed to this and previous reports of the Australian Institute of Health and Welfare's Child Protection Australia series. The assistance and advice received on earlier drafts from Cynthia Kim and Sushma Mathur is gratefully acknowledged.

The authors acknowledge the vital role played by data providers. Thanks are extended to the following state and territory departments for providing the data for this report:

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These agencies contributed substantially to the content of this report.

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
NCPASS	National Child Protection and Support Services

## Symbols used in the tables

- nil or rounded to zero
- .. not applicable
- n.a. not available

### Notes

1. Percentages in all tables exclude unknowns.
2. Percentages in tables may not add to 100 due to rounding.
3. All tables in this report use data provided by state and territory child protection and support services.
4. Tables with the prefix 'A' in the title are located in Appendix 1.

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# Summary

This report is based on the following three national child protection data collections:

- child protection notifications, investigations and substantiations
- children on care and protection orders
- children in out-of-home care.

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the relevant departments in each state and territory. Most of the data in this report cover the 2005–06 financial year, although data on trends in child protection are also included.

Each state and territory has its own legislation, policies and practices in relation to child protection, which accounts for some of the differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are not comparable across the states and territories.

## Notifications, investigations and substantiations

- Over the last 5 years, the number of child protection notifications in Australia has almost doubled from 137,938 in 2001–02 to 266,745 in 2005–06. From 2004–05 to 2005–06 the number of notifications increased in most jurisdictions (Table 2.3). Some of this increase reflects changes in child protection policies and practices in the jurisdictions and could also reflect increased public awareness of child abuse.
- The number of substantiations in most jurisdictions also increased over the last 5 years, with the most notable being New South Wales, Tasmania and the Australian Capital Territory (Table 2.4). Again, this increase is affected by changes in policies and practices in the various jurisdictions. It is also an indication of a better awareness of child protection concerns in the wider community and more willingness to report problems to state and territory child protection and support services.
- Rates of children aged 0–16 years who were the subject of a child protection substantiation in 2005–06 varied considerably across jurisdictions, consistent with variations in policy and practice. In most jurisdictions, substantiation rates were between 5 and 11 per 1,000 children (Table 2.6).
- Although the quality of the data on Indigenous status varies between states and territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system. Indigenous children were almost 5 times more likely to be the subject of a substantiation than other children.

## Children on care and protection orders

- There were more children on care and protection orders in 2005–06 than in 2004–05 in every jurisdiction (Table 3.5).

- At 30 June 2006, the rates of children aged 0–17 years per 1,000 on care and protection orders varied across jurisdictions. Western Australia and South Australia were at the low end of the range (4.2 and 4.8 per 1,000 children respectively), while Tasmania, the Northern Territory and the Australian Capital Territory were at the higher end (7.1, 7.3 and 7.4 per 1,000 children respectively) (Table 3.9).
- Across Australia, the rates of Indigenous children on care and protection orders were more than 6 times higher than for other children.

## Children in out-of-home care

- Nationally, the number of children in out-of-home care rose each year from 1996 to 2006, the period for which national data have been collected. The numbers in care increased by 35% from 18,880 at 30 June 2002 to 25,454 at 30 June 2006 (Table 4.3).
- Only 4% of children in care at 30 June 2006 were in residential care, with 53% in foster care and 41% in relative or kinship care (Table 4.4).
- The rates of children in out-of-home care in Australia increased from 3.9 per 1,000 at 30 June 2002 to 5.3 per 1,000 at 30 June 2006 (Table 4.7).
- At 30 June 2006, there were 25,454 children in out-of-home care in Australia (Table 4.3). This compares with 23,695 children who were in out-of-home care at 30 June 2005, an increase of 7%.
- In 2005–06, the rates of children in out-of-home care ranged from 4.0 per 1,000 in Western Australia to 6.2 per 1,000 in New South Wales (Table 4.7).
- The rate of Aboriginal and Torres Strait Islander children in out-of-home care was over 7 times the rate of other children (Table 4.8).

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# 1 Background

Child protection is the responsibility of state and territory departments in the community services sector. Children who come into contact with these departments for protective reasons include those:

- who are suspected of being, have been or are being abused, neglected or otherwise harmed
- whose parents cannot or are unable to provide adequate care or protection.

The departments with the major responsibility for child protection and associated activities provide assistance to these children and their families through the provision of, or referral to, a wide range of services. Some of these services are targeted specifically at children in need of protection (and their families); others are available to a wider section of the population and attempt to deal with a broad range of issues or problems.

This report provides national data on children who come into contact with state and territory child protection and support services for protective reasons. The three areas of the child protection system for which national data are collected are:

- child protection notifications, investigations and substantiations
- children on care and protection orders
- children in out-of-home care.

A limited amount of data are collected on intensive family support services. However, there are no data at the national level on children who are referred to or who access other services for protective reasons.

## Child protection systems

### Reporting of child protection matters

Currently, all states and territories have some level of legislation requiring the compulsory reporting to state and territory child protection and support services of harm due to child abuse or neglect. The breadth of professionals and organisations mandated to report varies widely across the jurisdictions. For example, in Western Australia, certain groups of workers in specific circumstances are mandated to report. On the other hand, in the Northern Territory, anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority. Details of the mandatory reporting requirements in each state or territory are set out in Appendix 4.

The types of child protection matters that are reported also vary across jurisdictions. In addition to requirements under state and territory legislation, Family Court staff are also required under the *Family Law Act 1975* to report all suspected cases of child abuse.

Police also have some responsibility for child protection in each state and territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child abuse or neglect of a criminal nature, that is, where there is significant sexual or physical abuse, or any abuse that results in the serious injury or death of a child. In some

states or territories, there are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant state and territory child protection and support services.

Other areas of government also play a role in child protection. Health services support the assessment of child protection matters and deliver therapeutic, counselling and other services. The education sector in many jurisdictions undertakes preventive work with children and families, and also plays an important role in the identification of suspected harm. In some jurisdictions, there are child care services specifically provided for children in the child protection system.

## **The child protection process**

Although each jurisdiction has its own legislation, policies and practices in relation to child protection, the processes used to protect children are broadly similar (Bromfield & Higgins 2005). A simplified version of the main processes used in child protection systems across Australia is shown in Figure 1.1. These processes are outlined in more detail below.

### **Reports to the department**

Children who are assessed to be in need of protection can come into contact with state and territory child protection and support services through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation that has contact with the family or child. The child, his or her parent(s), or another relative may also contact the department either to seek assistance or to report suspected child abuse or harm. These reports may relate to abuse and neglect or to broader family concerns such as economic problems or social isolation. There are no national data on the total number of reports made to state and territory child protection and support services relating to concerns about children.

Reports to the department are assessed to determine whether the matter should be dealt with by the child protection and support services department or referred to another agency. Those reports that are appropriate for state and territory child protection and support services are further assessed to determine whether any further action is required.

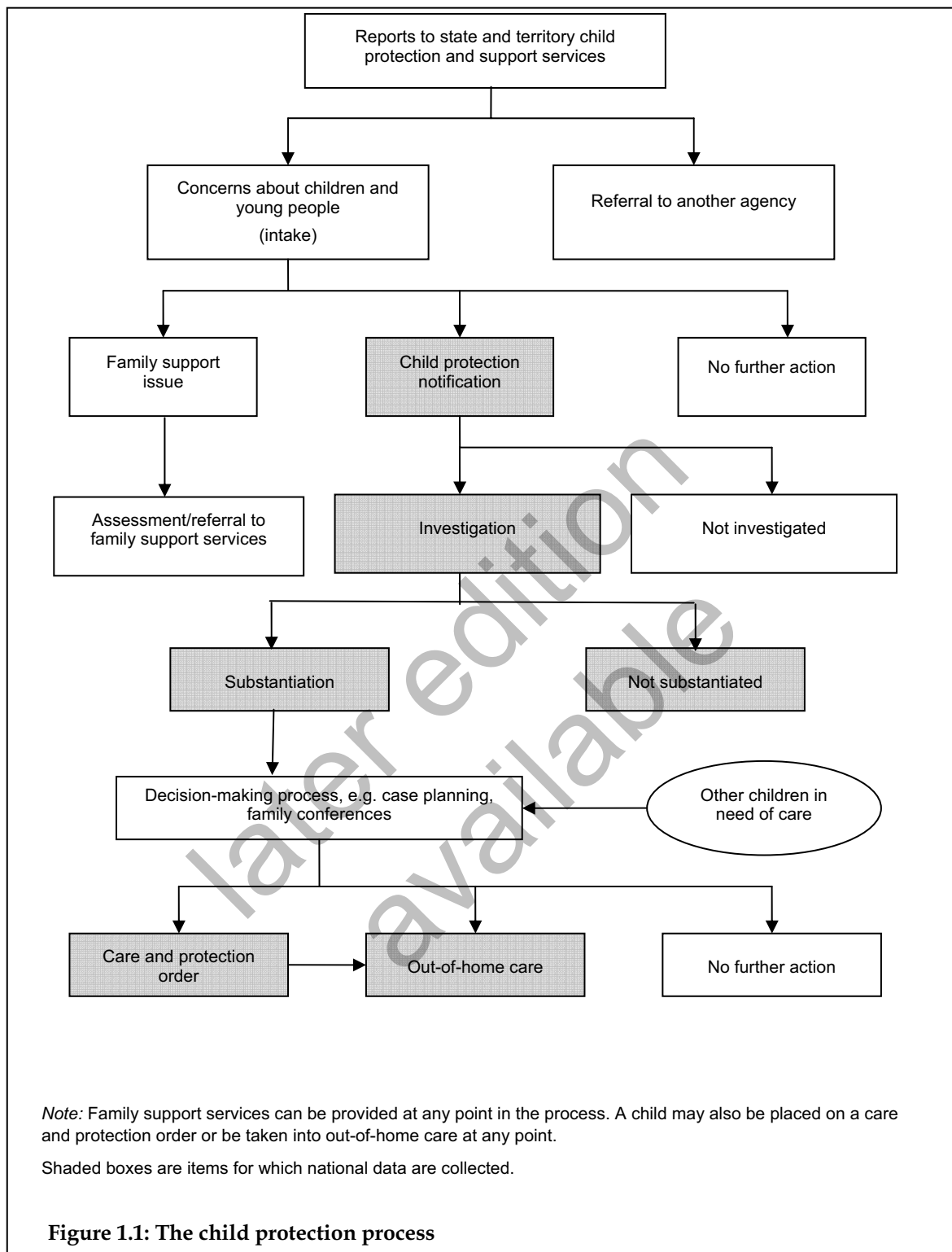
Reports requiring further action are generally classified as either a family support issue or a child protection notification, although the way reports are classified varies somewhat across jurisdictions. Departmental officers, in deciding whether a report will be classified as a child protection notification, take a range of factors into account. Those reports classified as requiring family support are further assessed and may be referred to family support services. Child protection notifications are dealt with through a separate process.

### **Notifications, investigations and substantiations**

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An exception to this process is Queensland, where all notifications require an investigation and assessment response. An investigation is the process whereby the relevant department obtains more detailed information about a child who is the subject

of a notification, and the aim of an investigation is to make an assessment of the degree of harm or risk of harm for the child.

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After an investigation has been finalised, a notification is classified as ‘substantiated’ or ‘not substantiated’. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed.

States and territories differ somewhat in what they actually substantiate. All jurisdictions substantiate situations where children have experienced significant harm from abuse and neglect through the actions of parents. Some jurisdictions also substantiate on the basis of the occurrence of an incident of abuse or neglect, independent of whether the child was harmed, and others substantiate on the basis of the child being at risk of harm occurring.

### **Care and protection orders and out-of-home care**

At any point in this process, the child protection and support services department has the authority to apply to the relevant court to place the child on a care and protection order. Recourse to the court is usually a last resort and is used in situations where supervision and counselling are resisted by the family, where other avenues for the resolution of the situation have been exhausted, or where removal of a child from home into out-of-home care requires legal authorisation. In some jurisdictions, for example, all children who are placed in out-of-home care must be on an order of some kind.

Children can also be placed on a care and protection order and/or in out-of-home care for reasons other than child abuse and neglect; for example, in situations where family conflict is such that 'time out' is needed, or a child is a danger to himself or herself, or where the parents are deceased, ill or otherwise unable to care for the child.

### **Important differences among states and territories**

There are some important differences between jurisdictions in policies and practices in relation to child protection, and these differences affect the data provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

One of the main differences between jurisdictions is in the policy frameworks used by states and territories in relation to notifications. In Western Australia, reports that express concerns about children are screened by senior staff. A report expressing concern about children may be the subject of an interim assessment if it is not clear from the referral information that a child has experienced, or is likely to experience, significant maltreatment warranting a statutory child protection response. The assessment informs the most appropriate response – statutory child protection (i.e. treat as if the contact is a notification), family support or no further action. A significant proportion of reports are therefore not counted as child protection notifications. The rates of children who are the subjects of notifications, and subsequently substantiations, are lower than the rates in other jurisdictions.

In Victoria, on the other hand, the definition of a 'notification' is very broad and includes some reports that may not be classified as a notification in other jurisdictions. With the enactment of the *Children, Youth and Families Act 2005* in 2007, this process will change to receipt of a 'report' which will then be classified into a child wellbeing report or a protective intervention report. Other states and territories have policies between these two extremes. For example, South Australia and Queensland screen reports and may refer some of these to other agencies or provide family support services rather than a child protection notification response. In 2002, the Australian Capital Territory screened reports similarly to South Australia, but in 2003 the definition was changed to incorporate all contacts regarding concerns for children as child protection reports. The screening process used in South Australia, however, does not appear to be as stringent as that used in Western Australia. In Tasmania, all reports to the department have been recorded as a notification since 2003-04. However, before that date, the system for processing notifications in Tasmania was similar to

Western Australia. In New South Wales, all reports classified as 'child protection' reports are categorised and receive a 'risk of harm' assessment to determine the appropriate action. Only reports of harm or risk of harm are included in this report.

Other differences between jurisdictions are also worth noting:

- In some jurisdictions, such as New South Wales, reports to the department relating to abuse by a stranger may be classified as a notification, but in other jurisdictions they are not.
- What is substantiated varies. Some jurisdictions substantiate the harm or risk of harm to the child, and others substantiate actions by parents or incidents that cause harm. In focusing on harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents towards the outcomes for the child (see below).

Although there are differences between states and territories that affect the comparability of the data on children on care and protection orders and children in out-of-home care, the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. National totals are therefore provided only for a small number of tables in this section.

## **Changes in child protection policies and practices**

Child protection policies and practices are continually changing and evolving. As such changes in policies and practices impact on the numbers of children in the child protection systems in different ways, trends in child protection numbers should be interpreted carefully. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within states and territories over the last year. Specific definitions of children in need of care and protection for each jurisdiction are provided in Appendix 3.

Over the last decade, it has been increasingly recognised that a large number of reports to child protection authorities are about situations in which parents are not coping with their parental responsibilities. The responses of child protection authorities have become more focused on collaborating with and helping parents. As a result, more resources have been directed towards family support services in many jurisdictions (AIHW 2001).

There has also been an increasing focus on early intervention services, which are seen to be effective in reducing the need for more intrusive child protection interventions at later stages. Cross-departmental strategies have been introduced in a number of jurisdictions, such as 'Families First' in New South Wales, 'Family Support Innovation Projects' (now known as 'Child FIRST') in Victoria, 'Children First Framework' in Western Australia and 'Referral for Active Intervention' in Queensland. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of children's and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). Naturally, any broadening of the definition of child abuse and neglect is likely to result in increasing notifications and substantiations. The focus of child protection in many jurisdictions has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

In addition, many jurisdictions have introduced options for responding to the less serious reports through the provision of family support services, rather than through a formal investigation. These policies have been introduced at different times in different jurisdictions, but in all cases they have led to substantial decreases in the numbers of investigations and substantiations.

Other significant changes include the introduction of structured risk assessment tools to help workers identify children in high-risk circumstances, to determine what services are necessary for the child and the family, and to document the basis for decisions and provide some consistency of response (Cashmore 2001). Centralised intake systems have also been introduced in some jurisdictions to increase the consistency of departmental responses.

More recently, state and territory departments responsible for child protection and support services have been concerned about rising rates of renotifications and resubstantiations. The Victorian Department of Human Services undertook detailed research and analysis of children in their child protection system (VDHS 2002). The study found that key underlying features, such as low income, substance abuse, mental health issues and the burdens of sole parenting, which led to some families coming into contact with child protection systems, were complex and chronic. The child protection system often did not effectively deal with these problems and many children were subject to renotifications and resubstantiations. The report noted that helping families to deal with these problems required more sustained and less intrusive support than the services usually provided by child protection authorities. It highlighted the need for strengthened prevention and early intervention services as well as improved service responses for children and young people with longer-term involvement in the child protection system.

For children who are placed on care and protection orders, the current policy emphasis is on family preservation, or on keeping children in the family. A range of specialist family preservation services has been established in many jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. Victoria in particular has established a number of these services, including those specifically designed for Aboriginal and Torres Strait Islander families.

There has been a push in some jurisdictions to seek greater permanency for children who are unable to live with their parents, through either adoption or long-term parenting orders. This follows moves made in both the United States of America and the United Kingdom where adoption is increasingly used as an avenue for permanency (Cashmore 2000). In 2001, New South Wales introduced legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduced a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of orders, including Victoria where the Permanent Care Order was introduced in 1992 and Western Australia where the Protection Order (Enduring Parental Responsibility) was introduced in 2006.

## **Family support services**

As mentioned above, family support services are used by all jurisdictions in some capacity. They include services that seek to benefit families by improving their ability to care for children and to strengthen family relationships (AIHW 2001). These services are becoming increasingly recognised as an alternative to the more traditional forensic investigation. For example, where notifications to the departments do not involve child maltreatment, children

and their families are being referred to family support services rather than being investigated. Also, in Western Australia, these cases are streamed into family support services instead of being recorded as a notification. In Victoria, development of community-based intake, known as Child FIRST, will enable the state to drive a more child-focused and integrated service system – a system in which families are connected earlier to the services they need.

There is a broad range of these services across the jurisdictions. These include: information and referral, education/skill development counselling, mediation and therapy, residential and in-home support, and advocacy (AIHW 2001). Because of this breadth, the level of intensity of these services also varies. For the past few years, the National Child Protection and Support Services (NCPASS) data group has been endeavouring to develop the scope and counting rules to enable data collection for the various levels of family support services. To date, NCPASS has focused on the 'intensive' end, which includes those services which aim to prevent imminent separation of children from their primary caregivers because of child protection concerns, and those services which aim to reunify families where separation has already occurred. At a minimum, this service must provide at least 4 hours of support a week and last for up to 6 months.

At present, NCPASS is developing counting rules for the next level of services, which include child protection treatment and support services targeted to at-risk families where there are concerns about the safety and wellbeing of children. These services will include those that strengthen family relationships in response to concerns about the welfare of a child. Services may have either an early intervention orientation or support reunification.

### **Intensive family support services data**

The AIHW has been collecting data on the intensive family support services (IFSS) since 1999–2000. While most of these data are about the children who received the service, there is some limited information about the services. In 2005–06, there were 81 services reported to the AIHW. About half of these services were aimed at preventing the separation of the child from the family; the rest were aimed at both prevention of separation and reunification of the child into the family. Most of these services were located in capital cities or other major urban centres. Those that were located in rural and remote locations catered predominantly for Indigenous children (unpublished data).

The age of the children who commenced an intensive family support service was broadly similar across the jurisdictions. Over two-thirds of the children were aged less than 10 years old, with most of these being under the age of 5 years (Table 1.1).

**Table 1.1: Number of children aged 0–17 years in intensive family support services, by age at commencement of service, states and territories, 2005–06**

Age (years)	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT <sup>(b)</sup>	NT
<b>Number</b>								
0–4	92	987	114	209	51	14	n.a.	23
5–9	66	252	80	133	31	17	n.a.	16
10–14	59	202	60	91	15	20	n.a.	13
15–17	12	31	14	12	2	1	n.a.	5
Unknown	—	536	20	4	—	—	n.a.	—
<b>Total</b>	<b>229</b>	<b>2,008</b>	<b>288</b>	<b>449</b>	<b>99</b>	<b>52</b>	<b>n.a.</b>	<b>57</b>
<b>Per cent</b>								
0–4	40.2	67.1	42.5	47.0	51.5	26.9	..	40.4
5–9	28.8	17.1	29.9	29.9	31.3	32.7	..	28.1
10–14	25.8	13.7	22.4	20.4	15.2	38.5	..	22.8
15–17	5.2	2.1	5.2	2.7	2.0	1.9	..	8.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>	<b>100.0</b>

(a) In Western Australia, not all services are able to report on the age of the child when the child is over 12 years. These children are included in the 'unknown' category. Therefore the percentages should be interpreted carefully as it cannot be assumed that the 'unknowns' are evenly distributed among the age categories.

(b) The Australian Capital Territory was unable to supply data for 2005–06 due to changes in the reporting processes between the Department and the non-government agencies providing the service. These data will be available in following years.

In all states except for South Australia, the majority of children who received a service were living with their parents. In South Australia, all children receiving intensive family support were living in out-of-home care (Table 1.2). This indicates a stronger emphasis on reunification by the services in South Australia, as opposed to prevention in the other jurisdictions.

**Table 1.2: Children in intensive family support services, by living arrangements at commencement of service, states and territories, 2005–06**

Living situation	NSW	Vic	Qld	WA	SA	Tas	ACT <sup>(a)</sup>	NT
Family care								
Child living with parent(s)	186	1,430	207	329	—	30	n.a.	49
Child living with other relatives/kin	5	—	28	26	—	10	n.a.	1
Child in out-of-home care	4	527	46	82	89	6	n.a.	5
Child in shared care	34	2	—	4	—	6	n.a.	—
Other	—	41	—	8	—	—	n.a.	2
Not available	—	8	7	—	10	—	n.a.	—
<b>Total</b>	<b>229</b>	<b>2,008</b>	<b>288</b>	<b>449</b>	<b>99</b>	<b>52</b>	<b>n.a.</b>	<b>57</b>
Family care								
Child living with parent(s)	81.2	71.5	73.7	73.3	—	57.7	..	86.0
Child living with other relatives/kin	2.2	—	10.0	5.8	—	19.2	..	1.8
Child in out-of-home care	1.7	26.4	16.4	18.3	100.0	11.5	..	8.8
Child in shared care	14.8	0.1	—	0.9	—	11.5	..	—
Other	—	2.1	—	1.8	—	—	..	3.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>	<b>100.0</b>

(a) The Australian Capital Territory was unable to supply data for 2005–06 due to changes in the reporting processes between the Department and the non-government agencies providing the service. These data will be available in following years.

## Recent policy changes

The following paragraphs, provided by the various authorities in the states and territories, outline the major child protection policy changes that occurred in 2005–06. Legislation relating to specific jurisdictions is listed in Appendix 3.

### New South Wales

The New South Wales Guidelines for Child Protection Intervention have been a central part of the New South Wales child and family service system for almost two decades. While not intended to replace individual agencies' policies and procedures, the guidelines are the key source document to advise and guide professionals and agencies in key child protection interagency issues. Following a comprehensive review of the guidelines which commenced in 2004 and led by the Child Protection Senior Officers' Group, who consulted extensively across the sector, a new edition of the guidelines was made electronically available to practitioners in September 2006.

The Department of Community Services (DoCS) Early Intervention Program is a voluntary, targeted program that supports vulnerable children and families to prevent them from entering or escalating in the child protection system. This program is progressively rolling out across New South Wales, and will deliver \$150 million for early intervention services and the employment of 350 new, dedicated early intervention caseworkers by 2008.

An important feature of the Early Intervention Program is that families can access the full range of services and supports they require through a single entry point, either through the DoCS early intervention team, or an identified non-government agency called a 'Lead Agency'. This is intended to promote accessible, efficient and consistent service provision and a more collaborative approach to service delivery. Families in the Early Intervention Program can access core-funded services such as home visiting, parenting programs and quality childcare, which are coordinated by their case manager. The case manager works closely with families over an extended period, fostering and promoting family strengths, and facilitating access to support services that meet identified family needs, all with a focus on strengthening positive parent-child relationships and optimising long-term benefits for children, including school readiness.

## **Victoria**

The Minister for Children launched the 'every child every chance' reforms for vulnerable children in April 2006.

These reforms are part of a broader reform of child and family services aimed at helping all children to grow, thrive and reach their full potential.

A critical milestone in these reforms was the passage of two new pieces of legislation given Royal Assent in December 2005. The first of these is the *Child Wellbeing and Safety Act 2005* which is the framework legislation for services for all children. It will commence operation in early 2007 and provide a unifying framework for:

- family and placement services delivered by community service organisations
- child protection services delivered by the Department of Human Services
- decision-making by the Children's Court.

The second new piece of legislation is the *Children, Youth and Families Act 2005*. There is a high level of support for this Act and associated reforms to child and family services amongst Victoria's community sector.

The *Children, Youth and Families Act 2005* is detailed legislation targeted at vulnerable children and families.

The *Children, Youth and Families Act 2005* will commence operation in early 2007. The Act provides the necessary legal foundations to create a more integrated system of child, youth and family services – a system that focuses on vulnerable children's safety, health, learning, wellbeing and development. This Act more explicitly places children's best interests at the heart of all decision-making and service delivery – from earlier intervention through to the Children's Court and children on Protection Orders. It provides the necessary legal authorities for new ways of working that will connect families to the services they need earlier and to make these services more accessible and more adaptable to the changing needs of families. Strong focus is given to keeping Aboriginal children connected to their culture and community.

The Department of Human Services is working closely with community service organisations and Aboriginal services to strengthen support services for vulnerable families. New funding has been provided by government to implement the *Children, Youth and Families Act 2005* and includes funding to finalise the establishment of Family Support Innovation projects (Child FIRST) across Victoria. These projects provide earlier, more intensive support to families, to address problems before they escalate and require child protection involvement.

## Queensland

In March 2004, the Queensland Government committed to the reform of the state's child protection system. As a key component of this reform, the Department of Child Safety was officially launched on 24 September 2004.

As at 30 June 2006, the Department of Child Safety had implemented 95 of the 110 recommendations outlined in the Crime and Misconduct Commission report *Protecting children: an inquiry into abuse of children in care* (Crime and Misconduct Commission 2004).

Major achievements have included new legislation and child protection policies, practices and support tools, enhanced business and performance management systems, increased placement options and improved support and training for staff and foster carers.

Key achievements in 2005–06 included:

- The *Child Safety Legislation Amendment Act 2005* was passed, which included provision for the regulation of all carers, strengthening of the Aboriginal and Torres Strait Islander Child Placement Principle, and requirements to consult with Indigenous recognised entities.
- New foster carer screening, assessment, training and support measures were introduced, and an extensive foster carer recruitment campaign was conducted.
- Structured Decision Making was implemented to provide service delivery staff with assessment and case management tools.
- Dedicated Intervention with Parental Agreement teams were established in each of the department's 47 child safety service centres across Queensland.
- Education support plans were developed to help children reach their full potential.
- A quality assurance framework was developed to guide continuous improvement processes for child protection services across the government and non-government sectors, including a licensing process for out-of-home care child protection services.
- A new Carers Directory, was implemented providing staff with state-wide access to a central register of carers and care services.

## Western Australia

The *Children and Community Services Act 2004* came into operation on 1 March 2006. The Act:

- confers functions in relation to the provision of social services, the provision of financial and other assistance, and other matters concerning the wellbeing of children, other individuals, families and communities
- makes provisions about the protection and care of children, the employment of children and child care services
- sets out objects and principles that must be observed in the administration of the Act that includes the principle that the best interest of the child is the paramount consideration.

The Act provides for an expanded range of orders when intervention is required to protect a child. These are: Protection Order (supervision), Protection Order (time limited), Protection Order (until 18) and Protection Order (enduring parental responsibility). Through a Protection Order (time limited) and Protection Order (until 18), the Chief Executive Officer (CEO) of the Department for Community Development assumes parental responsibility for a child. The Act also strengthens requirements for transparency and accountability when the Department is working with families in need and children in the CEO's care.

A Charter of Rights for Children and Young People in Care, a requirement under the new Act, has been drafted in consultation with children and young people. The Department has implemented the requirements that an Aboriginal or Torres Strait Islander agency is consulted regarding the prospective placement of an Indigenous child, and that an Indigenous departmental officer is involved when making a placement arrangement for an Indigenous child.

The 2005–06 Budget allocated new funding of more than \$10 million over 4 years for a range of new and expanded services for children in care, including an advocate for children in care, intensive individual placements, expanded counselling services, and an intensive support and treatment placement team.

The Department engaged Ms Gwenn Murray to examine cases of substantiated harm to children in care between April and September 2005. An Implementation Committee that includes stakeholder representatives has developed an implementation strategy, action plan and performance indicator framework for all 43 recommendations.

### **South Australia**

Legislative change through the *Children's Protection (Miscellaneous) Amendment Act 2004* underpins Keeping Them Safe, the South Australian Government's child protection reform program. The Act strengthens the legislative base for the care and protection system in South Australia and introduces a number of changes designed to prevent child abuse and neglect.

The Act places the protection and care of children as the first consideration in all planning and decision making; provides a stronger commitment to make sure that children and their families have access to support services; builds community capacity to protect children through the establishment of child-safe environments; establishes common standards across all sectors for criminal history checking; and extends mandatory reporting of suspected child abuse to ministers of religion, workers and employees in religious and spiritual organisations and those working with children in sporting and recreational services.

The Act also establishes the Child Death and Serious Injury Review Committee, the Guardian for Children and Young People, and the Council for the Care of Children, which replace two former advisory bodies.

A staged approach to proclamation of the Act was agreed to allow all organisations time to meet the new requirements. Orders to require parents who put their children at risk through their drug taking, to undergo drug assessment and rehabilitation programs will be implemented during the 2006–07 financial year.

Increased funding was provided in 2005–06 to strengthen the out-of-home care system through the expansion of emergency accommodation facilities. South Australia has experienced significantly increased demand for out-of-home care placements for children and young people (a 12.6% increase between 2004–05 and 2005–06). Increased emphasis on finding relative care placement has improved the proportion of children in out-of-home care living with their relatives or kin.

A blueprint for the future of alternative care services in South Australia has been developed, acknowledging of the increasing demand for placements and the lack of capacity to meet this demand. Action areas outlined in the blueprint include:

- providing early support to families
- timely planning to meet children's individual needs
- improving service responses to Aboriginal families and their children

- promoting a team approach in meeting children's needs
- acknowledging the significant role of foster carers in caring for children
- increasing the number of foster carers
- improving the training and support of foster carers
- responding to children who have high and complex needs.

### **Tasmania**

The *Family Violence Act 2004* was proclaimed on 31 March 2005. The introduction of this legislation has significantly increased child protection notifications from Tasmania Police as it has amended the definition of a child at risk of abuse and neglect to include a child affected by family violence.

Over the last financial year, there have been a number of changes to child protection policy in Tasmania that have been introduced through initiatives that are designed to improve the wellbeing of children and young people. These initiatives include:

- a trial early support program that is designed to divert lower-priority notifications away from a statutory child protection response by providing targeted support to families
- continued implementation of the Tasmanian Risk Assessment Framework which promotes a common, evidence-based professional assessment of the risks to children and young people
- participation in the trialling of collaboration strategies with Tasmania Police, the Department of Education and Youth Justice, Disability and Mental Health Services local government services for children with complex needs
- adoption of a competency-based assessment tool called 'Step by Step' to assess the suitability of potential foster carers as well as implementation of a complementary training package for carers
- implementation of a 'complaints in care' policy framework that identifies clear processes for managing and responding to complaints about the safety of children and young people who are in out-of-home care
- implementation of a formal kinship care program to ensure relatives providing care for children and young people on care and protection orders are appropriately supported – this includes use of an evidence-based assessment process and the inclusion of kinship carers in regionally based formal carer training programs
- development of a service model for cottage care which involves provision of home-based care for up to four unrelated young people or four or more siblings placed together in a home-like setting.

These initiatives were informed by a report that was published by the Ombudsman's Office in November 2004 on a review of claims made by adults that they were abused while in state care as children. During 2005–06, the review has continued to involve an assessment of claims as well as the provision of support, counselling services, access to personal files and, in some instances, provision of ex gratia payments.

### **Australian Capital Territory**

During 2005–06 the number of child protection reports has continued to increase, as has the demand for out-of-home care placements. To meet this increased demand, funding

agreements for providers were established to provide more placements, including a number of specialist foster care places and a greater range of residential services.

During this period, the Australian Capital Territory Government has continued with implementation of the recommendations and reforms agreed to in the government response to *The Territory as parent – review of the safety of children in care in the ACT and of ACT child protection management* (Commissioner for Public Administration 2004). Some of the recent achievements of the implementation to date include:

- a pilot project to deliver an integrated family support service to families at risk to prevent them from entering the child protection system
- a renewed focus on stabilising long-term care arrangements for children and young people through the use of Enduring Parental Responsibility orders
- the establishment of a Placement Manager position to co-ordinate, approve and select appropriate placements that meet the needs for children and young people requiring out-of-home care
- the expansion and promotion of the Aboriginal and Torres Strait Islander Services, enabling the provision of family and youth support, and an Indigenous Foster Carer program
- the Office recently entered into an Australian Research Council collaborative research agreement with the Institute of Child Protection Studies, the Australian National University and the University of South Australia titled *Community capacity building in child protection through responsive regulation*. The project is expected to develop an innovative approach that protects children while promoting greater support for families.

### **Northern Territory**

The Northern Territory Government continued the development of the Family and Children's Services (FACS) program in 2006. Increased funding commenced in December 2003 with the intention of improving child protection services and systems over a period of 5 years. The increased funding has been used to build on the child protection workforce, to raise foster care payment rates, and to ensure quality of care for children in out-of-home care. Other initiatives resulted in the employment of additional Indigenous apprentices and cadets, and the tailoring of services to some of the highest needs children in out-of-home care by means of a specialist carer model.

An enhanced training program has been established to increase the opportunities for new and existing staff. This is achieved via mandatory induction training, specialist training, and opportunistic training in line with the FACS Training Framework.

A combined Police/FACS Child Abuse Task Force has recently been established to respond to systemic maltreatment and severe physical and sexual abuse notifications across the Northern Territory. A second phase of the initiative is a cross government community action planning strategy to develop community based activities that address abuse issues. This, coupled with the local 'Peace at Home' Police/FACS initiative in Katherine, broadens the response mechanisms to statutory investigations in the region.

## **The child protection data**

The data in this report were extracted from the administrative systems of the state and territory departments responsible for child protection and support services according to

definitions and counting rules agreed to by the departments and the AIHW. The state and territory departments provide funding to the AIHW to collate, analyse and publish these data annually. The NCPASS data group has responsibility for overseeing the national child protection data and includes representatives from each state and territory and from the AIHW.

There are significant links and overlaps between the three data collections included in this report. For example, children who are the subjects of substantiations may be placed on care and protection orders, and many children on care and protection orders are also in out-of-home care. There are, however, only very limited data at the national level on the movement of children through the child protection system and the overlap between the three separate data collections.

There are also significant gaps in the national data on child protection. Apart from the intensive family support services data, there are no other data at the national level on the support services used by children in need of protection and their families.

Work is currently being undertaken by NCPASS to broaden the scope of the national data collection and to improve comparability. A new national framework has been developed to count responses to calls received by state and territory child protection and support services in relation to the safety and wellbeing of children, including responses that occur outside the formal child protection system. Data elements such as the provision of advice and information, and assessment of needs, as well as general and intensive family support services, are incorporated into the new framework. It is proposed that national reporting will be aligned to this framework over the next few years.

The method of collecting the national child protection data is also in the process of changing. Currently the data are provided to the AIHW in aggregate form on Excel spreadsheets. In the next few years, it is envisaged that these data will be provided in unit record format. This has been agreed to in principle by each jurisdiction. Work on data dictionaries to support this collection, based on the new reporting framework, has progressed after a number of data development workshops were held throughout 2004 and 2005. The data dictionaries are now being assessed through a pilot test of the unit record data.

The practices used to identify and record the Indigenous status of children in the child protection system vary across states and territories. Over the last few years, several jurisdictions have introduced measures to improve the identification of Indigenous clients. In some jurisdictions, however, there is a significant proportion of children whose Indigenous status is unknown and they are included under other children. This affects the quality of the data. Consequently, the data on Aboriginal and Torres Strait Islander children should be interpreted with care.

# 2 Notifications, investigations and substantiations

## Overview

### Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by departments responsible for child protection and support services between 1 July 2005 and 30 June 2006. Only child protection matters that were notified to state and territory child protection and support services are included in this national collection. Notifications made to other organisations, such as the police or non-government welfare agencies, are included only if these notifications were also referred to state and territory child protection and support services.

This report contains information on the number of, and children subject to, notifications, investigations and substantiations. As a child can be the subject of more than one notification, investigation or substantiation in a year, there are fewer children than there are total notifications, investigations and substantiations.

### Categories used for notifications and investigations

In this report, notifications are classified according to the 'type of action' taken by the child protection department to respond to them. The categories used are:

- *Investigation* – the process whereby the relevant department obtains more detailed information about a child who is the subject of a notification received between 1 July 2005 and 30 June 2006, and makes an assessment about the harm or degree of harm to the child and his or her protective needs. An investigation includes the interviewing or sighting of the subject child where it is practical to do so.
  - *Finalised investigation* – a notification received between 1 July 2005 and 30 June 2006 which was investigated, and where the investigation was completed and an outcome recorded by 31 August 2006.
  - *Investigation not finalised* – a notification received between 1 July 2005 and 30 June 2006 which was investigated, but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2006.
- *Dealt with by other means* – a notification that was responded to by means other than investigation, such as the provision of advice or referral to services.
- *Not investigated/not dealt with by other means* – includes all other notifications, such as those where no investigation or other action was possible.

The 'outcomes of finalised investigations' are classified as follows:

- *Substantiation* – where there was reasonable cause to believe that the child has been, was being or was likely to be abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was provided.
- *Not substantiated* – where an investigation concluded that there was no reasonable cause to suspect prior, current or future abuse, neglect or harm to the child.

Definitions of other terms used in this report are in the Glossary.

## Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 2005–06 financial year. For most tables, Australian totals have not been provided because the data from the states and territories are not strictly comparable. The legislation, policies and procedures of each state and territory should be taken into account when interpreting these data.

In 2004–05, New South Wales resumed comprehensive reporting for child protection, out-of-home care, and care and protection orders. In October 2003, a new client information system was introduced and only limited information was available for 2003–04 reporting. In conjunction with the new system, an information quality and revised reporting framework was established, resulting in significant improvements to the coverage and quality of information. For this reason, New South Wales information for 2004–05 is not directly comparable to information published in previous years.

In Tasmania, the number of notifications increased substantially from 1 July 2003 because of a change in recording practices due to the introduction of central intake, known as the Child Protection Advice and Referral Service. Since 2003, every call made to the department about a particular child is recorded as a notification, whereas, previously, child protection workers made the decision locally as to whether the call was counted as a notification.

In Western Australia, the *Children and Community Services Act 2004* was implemented in March 2006. While the fundamentals of Western Australia's differential response model have been retained, the new legislation has led to changes in policies and practices which are reflected in the data from March to June 2006.

In Queensland, the number of notifications decreased in 2005–06 because of a change in recording practice. From March 2005, reports responded to by way of protective advice are recorded as a child concern report rather than a notification. All notifications now require an investigation response.

### Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 2005 and 30 June 2006 for each state and territory is shown in Table 2.1. The number of notifications ranged from 152,806 in New South Wales to 2,863 in the Northern Territory.

The proportion of notifications that were investigated ranged from 100% in Queensland to 29% in Tasmania, with other jurisdictions generally ranging between a half to one-third (Table 2.1). This range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations. In Tasmania, every call received is recorded as a

notification and these may include reports about family issues that can be addressed without the need for a formal investigation process. Until 2003–04, the process in Tasmania was similar to that in Western Australia, in that reports were screened before being classified as a notification. Only those reports where maltreatment was indicated were classified as a notification and the majority of these were subsequently investigated.

**Table 2.1: Notifications, by type of action, states and territories, 2005–06**

Type of action	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas	ACT	NT <sup>(b)</sup>
<b>Number</b>								
Investigations finalised <sup>(c)</sup>	69,334	11,330	22,564	2,350	4,779	1,418	2,497	1,011
Investigations not finalised <sup>(d)</sup>	6,646	564	11,048	840	63	2,406	795	184
<b>Total investigations</b>	<b>75,980</b>	<b>11,894</b>	<b>33,612</b>	<b>3,190</b>	<b>4,842</b>	<b>3,824</b>	<b>3,292</b>	<b>1,195</b>
Dealt with by other means <sup>(e)</sup>	76,826	26,093	—	—	10,227	8,134	2,985	—
No investigation possible/no action <sup>(f)</sup>	—	—	—	125	—	1,071	1,787	1,668
<b>Total notifications</b>	<b>152,806</b>	<b>37,987</b>	<b>33,612</b>	<b>3,315</b>	<b>15,069</b>	<b>13,029</b>	<b>8,064</b>	<b>2,863</b>
<b>Per cent</b>								
Investigations finalised <sup>(c)</sup>	45.4	29.8	67.1	70.9	31.7	10.9	31.0	35.3
Investigations not finalised <sup>(d)</sup>	4.3	1.5	32.9	25.3	0.4	18.5	9.9	6.4
<b>Total investigations</b>	<b>49.7</b>	<b>31.3</b>	<b>100.0</b>	<b>96.2</b>	<b>32.1</b>	<b>29.4</b>	<b>40.8</b>	<b>41.7</b>
Dealt with by other means <sup>(e)</sup>	50.3	68.7	—	—	67.9	62.4	37.0	—
No investigation possible/no action <sup>(f)</sup>	—	—	—	3.8	—	8.2	22.2	58.3
<b>Total notifications</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) In Queensland from March 2005, all notifications recorded by the department require an investigation to be undertaken. In previous financial years, not all notifications were required to be investigated. This was because reports that could be responded to by way of protective advice (rather than investigation) were also recorded as notifications. This practice ceased from March 2005, and reports dealt with by way of protective advice are now recorded as Child Concern Reports.

(b) In the Northern Territory, notifications dealt with by other means could not be separately identified and were included in the category 'no investigation possible/no action'.

(c) 'Investigations finalised' are investigations that were completed and outcomes recorded by 31 August 2006.

(d) 'Investigations not finalised' are investigations that were begun but not completed by 31 August 2006.

(e) Includes notifications that were responded to by means other than an investigation, such as referral to police, referral to family services or provision of advice.

(f) 'No investigation possible/no action' includes notifications where there were no grounds for an investigation or insufficient information was available to undertake an investigation. It also includes those cases that could not be undertaken, such as the family has relocated. It may also include some cases that were referred on or where advice was given which cannot be disaggregated from cases with insufficient reason to investigate.

## Outcomes of investigations

Although the outcomes of investigations varied across the states and territories, in all jurisdictions a large proportion of investigations were not substantiated; that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 61% of finalised investigations in South Australia and 59% in Western Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from nearly 67% in Victoria to just under 39% in South Australia.

**Table 2.2: Outcomes of finalised investigations, states and territories, 2005–06**

	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT
	<b>Number</b>							
Substantiated	29,809	7,563	13,184	960	1,855	793	1,277	480
Not substantiated	39,525	3,767	8,374	1,390	2,924	625	1,220	531
<b>Total finalised investigations</b>	<b>69,334</b>	<b>11,330</b>	<b>21,558</b>	<b>2,350</b>	<b>4,779</b>	<b>1,418</b>	<b>2,497</b>	<b>1,011</b>
	<b>(22,564) <sup>(b)</sup></b>							
	<b>Per cent</b>							
Substantiated	43.0	66.8	61.2 (. .)	40.9	38.8	55.9	51.1	47.5
Not substantiated	57.0	33.2	38.8 (. .)	59.1	61.2	44.1	48.9	52.5
<b>Total finalised investigations</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0 (. .)</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Data relating to substantiations in Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

(b) For Queensland, the secondary total finalised investigations (22,564) include 1,006 finalised investigations with an assessment outcome of 'No Investigation and Assessment Outcome'. In these cases, there was insufficient information to enable an assessment outcome of substantiated or not substantiated to be determined. This may occur in circumstances where a family was unable to be located or has moved interstate and the investigation is therefore finalised and closed.

### Recent trends in notifications and substantiations

In Australia, the number of child protection notifications increased by almost 14,000 in the last year, rising from 252,831 in 2004–05 to 266,745 in 2005–06 (Table 2.3). The trend in the number of notifications varied across jurisdictions, with both Queensland and South Australia showing a noticeable decline in numbers while other jurisdictions showed an increase. In 2005–06, the number of substantiations also showed an increase of almost 9,800 over the previous year (Table 2.4). As with notifications, however, the increase in substantiations was not consistent amongst the jurisdictions, with Queensland, Western Australia and South Australia all showing decreases in the number of substantiations.

**Table 2.3: Number of notifications, states and territories, 1999–2000 to 2005–06**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1999–00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437	107,134
2000–01	40,937	36,966	22,069	2,851	9,988 <sup>(b)</sup>	315	794	1,551	115,471
2001–02	55,208	37,976	27,592	3,045	11,203	508	801	1,605	137,938
2002–03	109,498	37,635	31,068	2,293 <sup>(c)</sup>	13,442	741	2,124 <sup>(d)</sup>	1,554	198,355
2003–04	115,541	36,956	35,023	2,417	14,917	7,248 <sup>(e)</sup>	5,325	1,957	219,384
2004–05	133,636	37,523	40,829	3,206	17,473	10,788	7,275	2,101	252,831
2005–06	152,806	37,987	33,612 <sup>(f)</sup>	3,315	15,069	13,029	8,064	2,863	266,745

(a) The data for 2002–03 onwards should not be compared with previous years. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate. New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(b) In 2000–01, the classification of notifications in South Australia was changed to exclude reports that did not meet the criteria of reasonable suspicion of child abuse or neglect.

(c) The decline in the number of notifications for 2002–03 is associated with organisational and practice changes.

(d) From 2002–03, the number of notifications increased due to changed arrangements for recording reports of concern about children and young people. Recent publicity from the inquiries conducted by the Commissioner for Public Administration has also increased public awareness of child abuse.

(e) Data for 2003–04 onwards and previous years should not be compared because of a change in recording practices that has been adopted following centralisation of the intake service, known as the Child Protection Advice and Referral Service. Now every call about a child is recorded as a notification, whereas, previously, workers made the decision locally about whether the call was in fact a notification based on the risk to the child.

(f) In Queensland from March 2005, all notifications recorded by the department require an investigation to be undertaken. In previous financial years, not all notifications were required to be investigated. This was because reports that could be responded to by way of protective advice (rather than investigation) were also recorded as notifications. This practice ceased from March 2005, and reports dealt with by way of protective advice are now recorded as Child Concern Reports.

Sources: AIHW child protection database; Table 2.1.

There are a number of possible reasons for the increase in the numbers of notifications and substantiations. One may be an actual increase in the number of children who require a child protection response. This may be due to an increase in the incidence of child abuse and neglect in the community or inadequate parenting causing harm to a child. However, the increase may be an indication of a better awareness of child protection concerns in the wider community and more willingness to report problems to the child protection services.

In several states and territories, trends in the numbers of notifications and substantiations also reflect policy and practice changes. For example, the rise in notifications in Tasmania from 2003–04 to 2004–05 is in part due to introduction of the *Family Violence Act 2004*. This legislation included an amendment to the *Children, Young Persons and Their Families Act 1997* which extended the definition of abuse and neglect to include a child affected by family violence. As a consequence, there has been a significant increase in notifications from Tasmania Police about children affected by family violence.

**Table 2.4: Number of substantiations, states and territories, 1999–2000 to 2005–06**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1999–00	6,477	7,359	6,919	1,169	2,085	97	233	393	24,732
2000–01	7,501	7,608	8,395	1,191	1,998	103	222	349	27,367
2001–02	8,606	7,687	10,036	1,187	2,230	158	220	349	30,473
2002–03	16,765	7,287	12,203	888 <sup>(c)</sup>	2,423	213	310	327	40,416
2003–04	n.a.	7,412	17,473	968	2,490	427	630 <sup>(d)</sup>	527	n.a.
2004–05	15,493	7,398	17,307	1,104	2,384	782	1,213	473	46,154
2005–06	29,809	7,563	13,184	960	1,855	793 <sup>(e)</sup>	1,277	480	55,921

(a) The data for 2002–03 onwards should not be compared with previous years. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate. New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(b) The increase in substantiations in Tasmania is considered to be in part due to increased application of the Tasmanian Risk Framework as well as greater adherence to the definition of ‘substantiation’ published by the AIHW.

(c) The decrease in substantiations in 2002–03 reflects the decrease in notifications in Western Australia.

(d) The increase in substantiations in 2003–04 relates to the increase in notifications in the ACT.

(e) Data relating to substantiations for Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

Sources: AIHW child protection database; Table 2.2.

This increased public awareness may stem from the various inquiries into child protection services that have been conducted in a number of jurisdictions in the past few years. These include:

- *Care and support: final report on child protection services* (Standing Committee on Social Issues 2002) – New South Wales
- *Our best investment: a state plan to protect and advance the interests of children* (Layton 2003) – South Australia
- *Commission of inquiry into the abuse of children in Queensland institutions* (Commission of Inquiry into Abuse of Children in Queensland 1999) and *Protecting children: an inquiry into the abuse of children in foster care* (Crime and Misconduct Commission 2004) – Queensland
- *Putting the picture together: inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities* (Gordon et al. 2002) – Western Australia
- *The Territory as a Parent: A Review of the Safety in Care in the Act and of ACT Child Protection Management* (Commissioner for Public Administration 2004a) and *The Territory’s Children: Ensuring Safety and Quality Care for Children and Young People. Report on the Audit and Case Review* (Commissioner for Public Administration 2004b) – Australian Capital Territory.

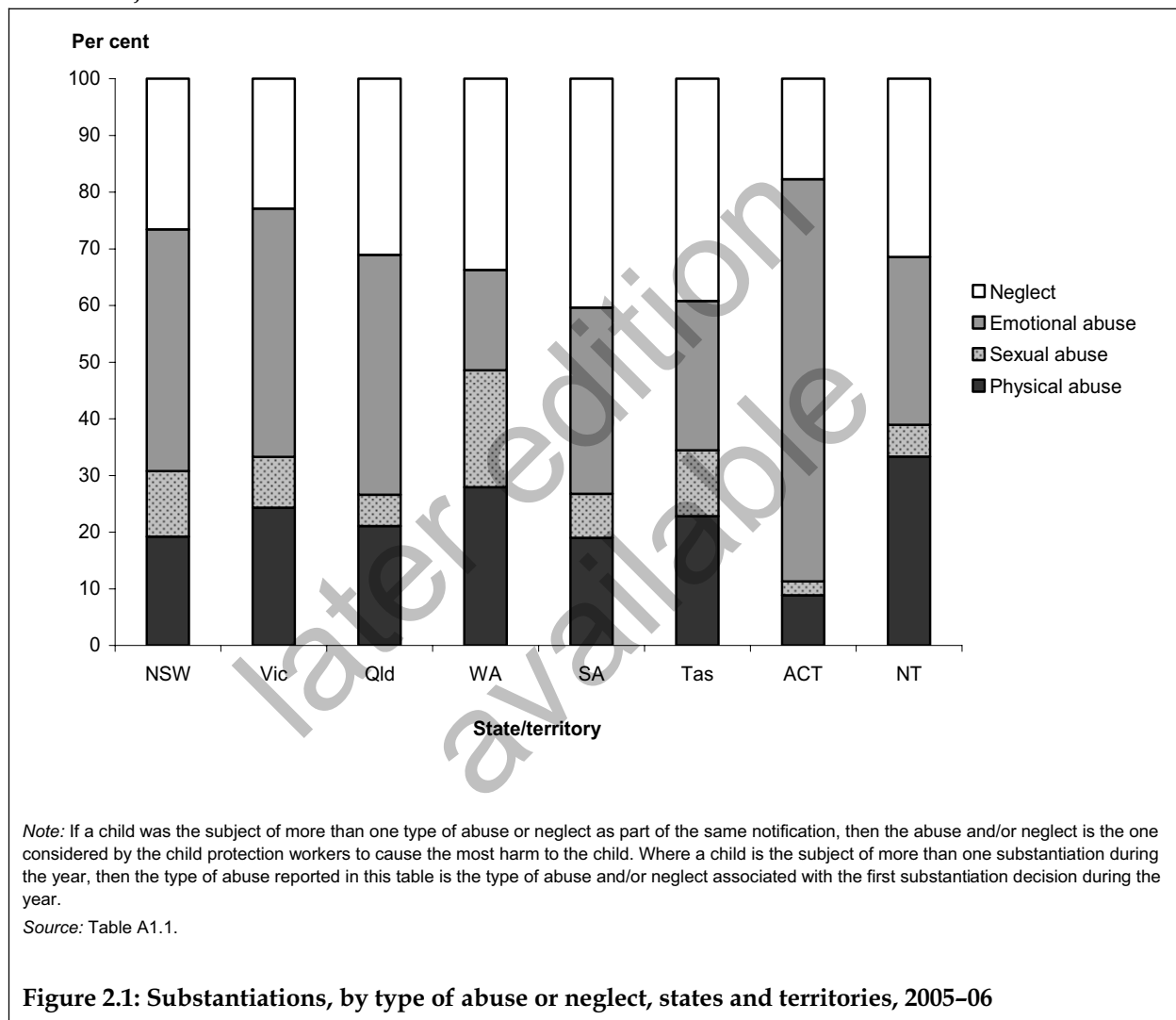
These inquiries generate much media interest, both locally and nationally, which heightens public interest, reinforces the need to protect children, and may in turn impact on the willingness of the general public to report suspected instances of child abuse. They also have the potential of impacting on the reported data, as departments often respond to these inquiries by introducing new, or modifying existing, policies and practices.

For example, in the Australian Capital Territory, before to 2002–03, child concern reports were not included in the notification count. These reports are now included in this category

and this has increased notifications from 801 in 2001–02 to 8,064 in 2005–06. Also, during 2003–04, there were two inquiries into the effectiveness of the child protection system. The media coverage of these inquiries helped raise the profile of child protection.

### Substantiations and type of abuse and neglect

Substantiations are classified into one of the following four categories depending on the main type of abuse or neglect that has occurred: physical abuse, sexual abuse, emotional abuse, or neglect. It is not always clear what type of abuse, neglect or harm has occurred, and how a substantiation is classified varies according to the policies and practices of the different jurisdictions.



In Western Australia, South Australia and Tasmania, where the notification was substantiated, the most common type of abuse was neglect; and in New South Wales, Victoria, Queensland and the Australian Capital Territory emotional abuse was the most common type. In the Northern Territory, type of abuse was more evenly distributed across physical abuse, emotional abuse and neglect (Figure 2.1 and Table A1.1).

These variations in the distribution of types of abuse or neglect across jurisdictions are likely to result from differences in what is classified as a substantiation as well as differences in the types of incidents that are substantiated.

The high proportion of substantiations of emotional abuse is a relatively new phenomenon. For example, in 1998–99, physical abuse was the most common form of abuse substantiated in all jurisdictions except Queensland (AIHW 2000). The changing pattern of type of abuse may be due to the changing characteristics of the families notified. For example, a Victorian study in 2002 showed that in 2001–02, at least 73% of the parents of children in substantiated cases in Victoria had at least one issue or problem such as domestic violence, alcohol or substance abuse or a psychiatric disability. This is a large increase from the 41% of parents that experienced these difficulties in 1996–97 (VDHS 2002).

## Characteristics of children

### Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subject of a notification or substantiation. This is because some children are the subject of more than one notification and/or substantiation in any one year. For example, in 2005–06 in New South Wales, there were 152,806 notifications compared with 85,302 children who were the subject of a notification, and 29,809 substantiations compared with 12,682 children who were the subject of a substantiation (Table 2.5).

These data indicate that a number of children across Australia were the subject of more than one substantiation during 2005–06. It is not possible to calculate the exact proportion of children who were the subject of more than one notification or substantiation, however, as some children may be the subject of more than two notifications or substantiations in the year. While these data would be available within the jurisdictions, they are not collected nationally.

**Table 2.5: Number of notifications and substantiations and number of children who were the subject of a notification and/or substantiation, states and territories, 2005–06**

	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT
Children in notifications	85,302	29,649	25,687	3,077	10,506	6,655	4,232	2,325
<b>Total notifications</b>	<b>152,806</b>	<b>37,987</b>	<b>33,612</b>	<b>3,315</b>	<b>15,069</b>	<b>13,029</b>	<b>8,064</b>	<b>2,863</b>
Children in substantiations	12,682	7,288	10,177	926	1,463	652	865	464
<b>Total substantiations</b>	<b>29,809</b>	<b>7,563</b>	<b>13,184</b>	<b>960</b>	<b>1,855</b>	<b>793</b>	<b>1,277</b>	<b>480</b>

(a) Data relating to substantiations in Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

Note: Includes children aged 0–17 years and children of unknown age.

### Sex and age

In all jurisdictions females were more likely to be the subject of a substantiation of sexual abuse than males (Table A1.2). There were about three times as many females as males who were the subject of a substantiation of sexual abuse. This is consistent with victimisation studies of sexual assault (Carmody & Carrington 2000; Cook et al. 2001). On the other hand, males were generally more likely to be the subject of a substantiation of physical abuse.

In relation to age, the number of children who were the subject of a substantiation was larger in the younger age categories, with approximately two-thirds aged under 10 years (Table A1.3). Rates of children by age are discussed in the following section.

## Rates of children in substantiations

There were substantial differences between states and territories in the rates of children who were the subject of a child protection substantiation. In 2005–06, the Australian Capital Territory and Queensland had the highest rates of children who were the subject of a substantiation: 12.0 per 1,000 children in the Australian Capital Territory and 10.9 per 1,000 in Queensland (Table 2.6). The rates were lowest in Western Australia, South Australia and Tasmania: 2.0, 4.5 and 5.2 per 1,000 respectively.

Much of the variation in rates across jurisdictions is likely to be due to differences in policies and approaches to child protection matters. The relatively low rates of children in substantiations in Western Australia are because reports relating to concerns about children that do not involve maltreatment are screened out of the child protection system and dealt with separately.

## Trends in rates of children in substantiations

The trends in rates of children who were the subjects of substantiations also varied across jurisdictions. Since 1998–99, jurisdictions such as Victoria, Western Australia, and South Australia have remained relatively constant, but with slight movements either up or down year to year (Table 2.6). Some of the increases across the jurisdictions could be due to a number of factors, including a greater community willingness to report cases of suspected abuse, changes to systems of data collection, and changes to policy and practice within jurisdictions.

**Table 2.6: Rates of children aged 0–16 years who were the subject of a substantiation, per 1,000 children<sup>(a)</sup>, states and territories, 1998–99 to 2005–06**

Year	NSW	Vic	Qld	WA	SA	Tas <sup>(b)</sup>	ACT	NT
1998–99	4.4	6.3	5.1	2.5	5.2	1.1	5.2	n.a. <sup>(c)</sup>
1999–00	3.9	6.3	5.6	2.3	5.0	0.7	2.5	6.2
2000–01	4.4	6.6	7.3	2.4	5.0	0.9	2.7	5.8
2001–02	4.8	6.6	8.3	2.4	5.3	1.4	2.7	5.8
2002–03	7.5 <sup>(d)</sup>	6.3	10.1	1.9 <sup>(e)</sup>	5.8	1.8	3.6	5.7
2003–04	n.a. <sup>(f)</sup>	6.4	14.0	2.0	5.9	3.0	6.7	8.7
2004–05	6.1	6.4	14.1	2.3	5.5	5.8	12.0	7.9
2005–06	8.4	6.7	10.9	2.0	4.5	5.2	12.0	8.1

(a) Rates are based on populations as at December 2005. Refer to Appendix 2 for further details.

(b) The increase in the rate of children who were the subject of a substantiation in Tasmania is considered to be due in part to increased application of the Tasmanian Risk Framework as well as greater adherence to the definition of 'substantiation' published by the AIHW. It should also be noted that data relating to Tasmanian substantiations for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

(c) Data for the 1998–99 financial year were not available from the Northern Territory.

(d) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(e) The decline in the number of notifications in Western Australia for 2002–03 is associated with organisational and practice changes.

(f) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

Sources: AIHW child protection database; Table 2.8.

## Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In all jurisdictions, children aged under 1 year were the most likely to be the subject of a substantiation and children aged 15–16 years the least likely (Table 2.7). In South Australia, for instance, the rate for children aged less than 1 year was 13.0 per 1,000 compared with 1.3 per 1,000 for young people aged 15–16 years.

Age is one of the factors that child protection workers take into consideration when determining the time taken to respond to a notification, the type of response and whether a notification will be substantiated, with younger children being regarded as the most vulnerable. The High Risk Infants Service Quality Initiatives Project in Victoria, for example, was developed to better identify and respond to children aged less than 2 years who were regarded as being at high risk of child abuse and neglect (VDHS 1999). Other jurisdictions also have special procedures in place to protect younger children.

**Table 2.7: Children aged 0–16 years in substantiations, rates per 1,000 children, by age, states and territories, 2005–06**

Age (years)	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT
<1 year	19.5	15.3	23.6	4.0	13.0	10.2	20.1	19.1
1–4 years	9.3	7.3	12.3	2.3	5.9	6.0	14.9	9.8
5–9 years	7.9	6.3	10.9	1.9	4.6	4.5	11.6	8.0
10–14 years	7.8	6.0	9.9	2.0	3.2	5.0	10.9	6.9
15–16 years	4.1	3.9	5.2	0.7	1.3	4.0	6.3	1.8

(a) Data relating to substantiations in Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

### Notes

1. Refer to Table A1.3 for numbers for this table.
2. Due to the small numbers involved, children aged 17 years were not included in this table.

## Aboriginal and Torres Strait Islander children

### Rates of children in substantiations

Aboriginal and Torres Strait Islander children are more likely to be the subject of a substantiation than other children. In 2005–06 in all jurisdictions, except Tasmania, the substantiation rate for Indigenous children was higher than the rate for other children. Across Australia, Indigenous children were almost five times more likely than other children to be the subjects of substantiations (Table 2.8).

**Table 2.8: Children aged 0–16 years who were the subjects of substantiations, number and rates per 1,000 children, by Indigenous status, states and territories, 2005–06**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	All children	Indigenous	Other	All children
New South Wales	2,696	9,931	12,627	44.2	6.9	8.4
Victoria	834	6,453	7,287	67.7	6.0	6.7
Queensland	1,340	8,737	10,077	23.0	10.1	10.9
Western Australia	316	603	919	10.9	1.4	2.0
South Australia	360	1,101	1,461	32.3	3.5	4.5
Tasmania <sup>(a)</sup>	34	635	669	4.4	6.2	6.1
Australian Capital Territory	99	754	853	56.8	10.9	12.0
Northern Territory	354	108	462	15.2	3.2	8.1
<b>Australia</b>	<b>6,033</b>	<b>28,322</b>	<b>34,355</b>	<b>29.4</b>	<b>6.5</b>	<b>7.6</b>

(a) Data relating to substantiations in Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

*Notes*

1. Due to the small numbers involved, children aged 17 years were not included in this table. However, children whose age was unknown are included.
2. Data from Tasmania should be interpreted carefully due to a lower rate of recording Indigenous status at the time of the substantiation.
3. Other children includes those children whose Indigenous status is unknown.

The reasons for the over-representation of Aboriginal and Torres Strait Islander children in child protection substantiations are complex. The report *Bringing them home (National inquiry into the separation of Aboriginal and Torres Strait Islander children from their families)* (HREOC 1997) examined the effect of child welfare policies on Indigenous people. It noted that some of the underlying causes of the over-representation of Aboriginal and Torres Strait Islander children in the child welfare system include:

- the legacy of past policies of the forced removal of Aboriginal children from their families
- intergenerational effects of previous separations from family and culture
- poor socioeconomic status
- cultural differences in child-rearing practices.

### **Trends in the rates for Aboriginal and Torres Strait Islander children**

Since 1998–99, the rate of Aboriginal and Torres Strait Islander children in substantiations has fluctuated across the jurisdictions, however it has increased substantially in all jurisdictions except in Western Australia (Table 2.9).

Improvements in the quality of the data on Indigenous status are one of the major issues to be considered when analysing trends for Aboriginal and Torres Strait Islander children. Increases in the rates of Aboriginal and Torres Strait Islander children in the child protection system over time may be due to a combination of improvements in the identification of Indigenous status in the data as well as an increase in the number of children in the child protection system.

**Table 2.9: Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation, per 1,000 children, states and territories, 1998–99 to 2005–06**

Year	NSW	Vic	Qld	WA	SA	Tas <sup>(a)(b)</sup>	ACT <sup>(a)</sup>	NT
1998–99	15.2	n.a. <sup>(c)</sup>	9.3	10.9	25.6	1.1	14.3	n.a. <sup>(d)</sup>
1999–00	13.2	48.5	9.3	11.9	31.6	0.5	3.7	7.7
2000–01	14.9	50.9	12.4	12.6	29.4	0.3	12.1	6.8
2001–02	15.4	48.4	14.3	13.6	31.8	0.3	6.6	9.7
2002–03	31.9 <sup>(e)</sup>	55.3	15.6	9.6 <sup>(f)</sup>	32.0	2.5	19.4	8.6
2003–04	n.a. <sup>(g)</sup>	57.7	20.8	11.2	39.9	1.6	25.3	16.2
2004–05	27.1	63.0	20.4	12.2	43.2	4.8	56.0	13.7
2005–06	44.2	67.7	23.0	10.9	32.3	4.4	56.8	15.2

(a) Rates from Tasmania and the Australian Capital Territory should be interpreted with care due to the small numbers. Any fluctuation in the numbers of children has a large impact on the rates.

(b) Data relating to substantiations in Tasmania for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

(c) Indigenous data were not available from Victoria in 1998–99.

(d) Data for the 1998–99 financial year were not available from the Northern Territory.

(e) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(f) The decline in the number of substantiations is due to the decreased number of notifications in Western Australia.

(g) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

*Note:* Rates in shaded areas are based on 1996 Census projections therefore are not comparable with other years. See Appendix 2 for further details.

*Sources:* AIHW child protection database; Table 2.8.

## Types of abuse and neglect

The pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children differs from the pattern for other children. Indigenous children were more likely than other children to be the subject of a substantiation of neglect. For example, in Western Australia, 40% of Indigenous children in substantiations were the subject of a substantiation of neglect, compared with 30% of other children. In South Australia, the corresponding percentages were 44% and 32%, respectively (Table 2.10).

**Table 2.10: Children who were the subject of a substantiation, by type of abuse or neglect and Indigenous status, states and territories, 2005–06 (per cent)**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT
<b>Indigenous children</b>								
Physical abuse	17.5	20.7	20.7	27.4	14.7	26.5	7.1	33.1
Sexual abuse	9.2	5.6	4.2	16.4	5.8	2.9	—	4.2
Emotional abuse	37.0	49.3	36.2	16.1	36.1	23.5	69.7	28.4
Neglect	36.3	24.3	38.9	40.1	43.3	47.1	23.2	34.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Other children</b>								
Physical abuse	21.5	25.1	22.1	28.6	25.9	22.2	9.0	31.5
Sexual abuse	16.7	9.4	6.6	23.6	9.7	12.5	3.3	9.3
Emotional abuse	38.1	43.1	42.4	17.9	32.1	26.9	71.8	37.0
Neglect	23.6	22.5	28.8	29.9	32.3	38.5	15.9	22.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>All children</b>								
Physical abuse	20.7	24.6	21.9	28.2	23.2	22.4	8.8	32.8
Sexual abuse	15.1	9.0	6.3	21.2	8.7	12.0	2.9	5.4
Emotional abuse	37.9	43.8	41.6	17.3	33.1	26.7	71.6	30.4
Neglect	26.3	22.7	30.2	33.4	35.0	39.0	16.8	31.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Data relating to substantiations in Tasmania for 2005-06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

*Notes*

1. In Tasmania and the Australian Capital Territory, the numbers of Indigenous children who were the subject of a substantiation should be interpreted with caution due to their small size.
2. For details on the coding of Indigenous status, see Appendix 2.
3. Refer to Table A1.4 for numbers for this table.
4. Other children includes those children whose Indigenous status is unknown.

## **Additional data on notifications and substantiations**

### **Source of notifications**

Child protection notifications made to state and territory child protection and support services come from a range of different sources. Data on the sources of notifications for finalised investigations show that the most common sources of those notifications in 2005–06 were school personnel, police and parents or guardians (Table 2.11). In New South Wales, for instance, school personnel were the source of the notifications for 13% of finalised investigations, police were the source of 27% and parents/guardians were the source of 8%. In many jurisdictions, hospitals and health centres were another major source of notifications.

**Table 2.11: Finalised investigations, by source of notification, states and territories, 2005–06 (per cent)**

Source of notification	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas	ACT	NT
Subject child	0.4	0.2	1.7 (1.7)	2.9	1.3	0.6	0.8	1.7
Parent/guardian	7.8	6.7	10.0 (10.0)	10.9	8.2	8.0	9.6	5.7
Sibling	0.1	0.5	0.3 (0.3)	0.3	0.5	0.2	0.1	—
Other relative	5.7	6.9	7.5 (7.5)	9.2	9.4	7.5	7.8	9.4
Friend/neighbour	3.6	5.6	8.2 (8.2)	4.7	7.9	6.5	8.1	6.7
Medical practitioner	0.6	3.2	2.9 (2.9)	1.1	6.2	0.1	1.2	2.4
Other health personnel	2.3	5.5	0.7 (0.7)	0.9	0.2	0.4	3.6	1.6
Hospital/health centre	17.4	5.2	7.6 (7.5)	12.3	7.3	6.4	5.0	15.4
Social worker	1.1	2.6	3.7 (3.8)	—	4.7	6.9	2.7	2.6
School personnel	13.2	17.5	14.9 (14.8)	13.4	13.0	18.8	16.6	11.2
Childcare personnel	1.4	1.2	1.5 (1.4)	1.5	0.3	0.7	1.5	0.7
Police	26.6	22.1	27.4 (27.4)	22.5	23.1	20.7	14.7	28.1
Departmental officer	1.2	7.2	3.9 (4.0)	10.6	9.0	12.3	6.4	4.0
Non-government organisation	7.8	13.4	3.2 (3.2)	2.4	5.3	4.1	16.1	9.9
Anonymous	3.9	—	1.8 (1.8)	1.7	3.4	1.3	1.6	0.3
Other	6.9	2.1	4.7 (4.8)	5.5	0.2	5.5	4.4	0.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0 (100.0)</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) For Queensland, the percentages in brackets are based on a denominator that includes 1,006 finalised investigations with an assessment outcome of 'no investigation and assessment outcome'. In these cases, there was insufficient information to enable an assessment outcome of substantiated or not substantiated to be determined. This may occur in circumstances where a family was unable to be located or has moved interstate and the investigation is therefore finalised and closed.

*Notes*

1. 'Other' category may include the person responsible.
2. Refer to Table A1.5 for numbers for this table.

## Family type

Data on the type of family in which children in substantiations were living were available from all jurisdictions. However, it is important to note that a family member with whom the child was living may not have been the person responsible for the abuse, neglect or harm to the child. It should also be noted that the family type is recorded at different times during the process (see Note under Table 2.12).

Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in lone mother families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families. For example, in South Australia, 38% of substantiations involved children from lone mother families, 6% involved children living in lone father families, 21% involved children from two-parent step or blended families, and 32% involved children from two-parent intact families (Table 2.12). In comparison, in 2003, 17% of all Australian children lived in lone mother families, 2.5% lived in lone father families, 8% lived in two-parent step or blended families and 72% lived in two-parent intact families (ABS 2004).

In 2003, children of lone mothers accounted for a relatively high proportion of children in substantiations. However, the children of lone fathers are also over-represented in relation to their frequency in the general population. This becomes evident when these data are translated into rates of substantiations in relation to the size of the population group. For example, in Victoria, the rate of substantiations for children in lone mother families was 17.8 per 1,000, and the rate for children in lone father families was 14.3 per 1,000 (AIHW child protection database; unpublished ABS data).

There is likely to be a number of reasons for the over-representation of one-parent families in substantiations. For instance, sole parents are more likely to:

- have low incomes and be financially stressed
- suffer from social isolation
- have less support from their immediate family.

These are all factors that have been associated with child abuse and neglect.

**Table 2.12: Substantiations, by type of family in which the child was residing<sup>(a)</sup>, states and territories, 2005–06**

Family type	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas <sup>(b)</sup>	ACT	NT
<b>Number</b>								
Two parent—intact	n.a.	2,238	3,838	296	582	238	332	198
Two parent—step or blended	n.a.	379	2,926	161	385	128	176	52
Single parent—female	n.a.	3,092	4,695	355	689	326	439	149
Single parent—male	n.a.	413	531	44	101	34	51	26
Other relatives/kin	n.a.	406	203	60	45	34	26	25
Foster <sup>(c)</sup>	n.a.	77	—	17	10	23	26	8
Other	n.a.	205	981	19	17	10	36	7
Not stated	n.a.	753	10	8	26	—	191	15
<b>Total</b>	..	<b>7,563</b>	<b>13,184</b>	<b>960</b>	<b>1,855</b>	<b>793</b>	<b>1,277</b>	<b>480</b>
<b>Per cent</b>								
Two parent—intact	..	32.9	29.1	31.1	31.8	30.0	30.6	42.6
Two parent—step or blended	..	5.6	22.2	16.9	21.0	16.1	16.2	11.2
Single parent—female	..	45.4	35.6	37.3	37.7	41.1	40.4	32.0
Single parent—male	..	6.1	4.0	4.6	5.5	4.3	4.7	5.6
Other relatives/kin	..	6.0	1.5	6.3	2.5	4.3	2.4	5.4
Foster <sup>(c)</sup>	..	1.1	—	1.8	0.5	2.9	2.4	1.7
Other	..	3.0	7.4	2.0	0.9	1.3	3.3	1.5
<b>Total</b>	..	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) New South Wales could not provide these data.

(b) Data relating to Tasmanian substantiations for 2005–06 should be interpreted carefully due to the high proportion of investigations not finalised by 31 August 2006 (see Table 2.1).

(c) Queensland does not have a category for 'foster parent'—these have been included in 'Other'.

*Note:* The type of family in which the child was living is recorded at different points for each jurisdiction. In Queensland and Tasmania, it is categorised as where the child was living when the abuse, neglect or harm occurred. In Western Australia, it is at the time of the notification. In the Northern Territory and the Australian Capital Territory, family type is categorised as where the child was living at the time of investigation. For Victoria and South Australia, it is at the time of the substantiation.

# 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 state and territory child protection and support services to have continued involvement with the family. The relevant 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 also to other legal processes relating to the care and protection of children, including administrative arrangements or care applications.

Fewer children are placed on a care and protection order compared to the number who are the subject of a substantiation. The proportion of children who were the subject of a substantiation in 2004–05, and who were placed on a care and protection order within 12 months, ranged from 16% in Queensland to 56% in the Northern Territory (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).

State and territory child protection and support services 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 covers 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 new Victorian legislation, the *Children Youth and Families Act 2005*, explicitly recognises that significant harm to a child can result from a single act or omission, or cumulatively from a series of acts or omissions. 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 relevant departments must operate in regard to children in need of care and protection, there are several 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 state and territory child protection and support services, and the availability of alternative options.

## **The Children's Court**

In most jurisdictions, applications for care and protection orders by the relevant 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 only included for some jurisdictions.

## **Temporary Protection Visas**

In some jurisdictions, children on Temporary Protection Visas are included in the data collection. The Department of Immigration and Multicultural Affairs issues these visas and then advises the department responsible for child protection. The child is then under the guardianship of the relevant minister until they turn 18 years. These children are counted under guardianship or custody order/administrative arrangements (see below). Data on the exact number of children are not collected by the AIHW.

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

There are several different types of care and protection orders and these have been grouped into three categories for this report.

### **1. Guardianship or custody orders/administrative arrangements**

Guardianship orders involve the transfer of legal guardianship to an authorised department or to an individual. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are sought only as a last resort. Guardianship orders convey to the guardian responsibility for the 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, which are granted under custody orders.

In previous years, guardianship orders generally involved the transfer of both guardianship and custody to the department, with the head of the state or territory child protection and support services becoming the guardian of the child. More recently, several jurisdictions have introduced options for transferring guardianship to a third party, for example in Victoria's use of Permanent Care Orders. Under the new legislation introduced in New South Wales, these types of orders relate to 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the state. In Western Australia under new legislation implemented on 1 March 2006, the concept of 'guardianship' has been replaced with 'parental responsibility' which means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Protection orders (time limited) and protection orders (until 18) confer parental

responsibility to the chief executive officer of the Department, while protection order (enduring parental responsibility) confers parental responsibility to a third party.

Custody orders generally 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. In New South Wales under the new legislation, the state can hold parental responsibility but the authorised carer has the power to make decisions about the daily care and control of the child or young person.

This category also includes those administrative arrangements with the relevant 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 can include applications to the court for care and protection orders that, in effect, may be very similar to a finalised custody order while proceedings take place. These types of orders vary considerably between states and territories.

## **Scope of the data collection**

The data collection includes data for the 2005–06 financial year on children admitted to and discharged from care and protection orders, orders issued during 2005–06, as well as data on the characteristics of children on orders at 30 June 2006. 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 2006. If a child was on more than one order at 30 June 2006, 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 reports from 1998–99 onwards. Before 1998–99, there was a separate category for administrative and voluntary arrangements between families and state and territory child protection and support services. These arrangements are now included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship.

As in all other years, data for children on juvenile justice orders are not included in this data collection. The AIHW has implemented a new national data collection for juvenile justice that enables national reporting (AIHW 2006). A scoping study on the possibility of linking juvenile justice data with child protection data is also currently being investigated.

## State and territory 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:

- In Western Australia, the *Children and Community Services Act 2004* enables the Children's Court to make four types of protection orders according to the needs and circumstances of the child or young person: Protection Order (supervision), Protection Order (time limited), Protection Order (until 18) and Protection Order (enduring parental responsibility). This system has been in place since 1 March 2006. Previously, children who were the subject of an application to the court for a care and protection order seeking guardianship were counted in the category 'interim and temporary orders'.
- Orders that grant permanent guardianship and custody of a child to a third party are issued only in some jurisdictions. In Victoria, the Permanent Care Order was introduced in 1996–97 and is 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. New South Wales has recently introduced a similar type of order, the Sole Parental Responsibility Order which will also be included in the national data.

## Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2005–06 as well as data on the characteristics of children who were on care and protection orders at 30 June 2006. 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

The number of children admitted to care and protection orders and arrangements across Australia during 2005–06 is shown in Table 3.1. This ranged from 4,072 in Queensland to 256 in the Australian Capital Territory. There were more children admitted to orders in 2005–06 than in 2004–05 in most jurisdictions (Table 3.1; AIHW child protection database). As noted earlier, 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, states and territories, 2005–06**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT <sup>(b)</sup>
Children admitted to orders	2,977	3,058	4,072	753	790	573	256	331
Children admitted for the first time	2,077	1,654	2,125	644	332	343	166	185
% of all admissions	69.8	54.1	52.2	85.5	42.0	59.9	64.8	55.9
Children discharged from orders	2,134	2,103	2,503	243	309	233	154	211

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

(b) Data from the Northern Territory includes all children admitted to care and protection orders for the first time since October 1998 (when the client information system was commissioned) and excludes those children with a current care and protection order at that time.

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

Some of the children admitted to orders in 2005–06 had been admitted to a care and protection order or arrangement on a prior occasion. The proportion of children admitted to orders who were admitted for the first time ranged from 42% in South Australia to nearly 86% in Western Australia.

Data on the age of children admitted to orders show that the largest proportion of children admitted to orders in 2005–06 were aged under 5 years, ranging from 34% in the Australian Capital Territory to 51% in Western Australia (Table 3.2). However, there was also a large proportion of children aged 5–9 and 10–14 years admitted to orders in each jurisdiction. 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 3.7).

**Table 3.2: Children admitted to care and protection orders, by age, states and territories, 2005–06**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
<1	506	349	522	127	99	69	28	45
1–4	807	910	1,207	253	285	151	59	99
5–9	722	816	1,133	207	218	179	66	66
10–14	762	755	968	143	166	151	77	87
15–17	178	228	242	23	22	23	26	34
Unknown	2	—	—	—	—	—	—	—
<b>Total</b>	<b>2,977</b>	<b>3,058</b>	<b>4,072</b>	<b>753</b>	<b>790</b>	<b>573</b>	<b>256</b>	<b>331</b>
<b>Per cent</b>								
<1	17.0	11.4	12.8	16.9	12.5	12.0	10.9	13.6
1–4	27.1	29.8	29.6	33.6	36.1	26.4	23.0	29.9
5–9	24.3	26.7	27.8	27.5	27.6	31.2	25.8	19.9
10–14	25.6	24.7	23.8	19.0	21.0	26.4	30.1	26.3
15–17	6.0	7.4	5.9	3.1	2.8	4.0	10.2	10.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: New South Wales data do not include supervisory orders.

## Children discharged from orders

There were fewer children discharged from care and protection orders in all jurisdictions in 2005–06 than admitted to these orders. For example, in the Northern Territory, there were 331 children admitted to orders and 211 discharged from orders (Table 3.1).

The majority of children who were discharged had been on an order for 1 year or less. However, in Western Australia, nearly half the children discharged (49%) had been on an order for 4 years or more. In South Australia, almost one-third of the children discharged (30%) 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, states and territories, 2005–06**

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	
	<b>Number</b>								
New South Wales	692	276	168	192	187	206	229	184	<b>2,134</b>
Victoria	9	322	399	735	292	219	91	38	<b>2,105</b>
Queensland	610	368	137	221	462	434	128	143	<b>2,503</b>
Western Australia	9	5	8	23	22	42	55	49	<b>213</b>
South Australia	26	63	2	24	54	47	32	61	<b>309</b>
Tasmania	67	50	18	16	34	21	10	17	<b>233</b>
Australian Capital Territory	46	32	17	12	26	11	3	7	<b>154</b>
Northern Territory	108	42	12	41	6	2	—	—	<b>211</b>
	<b>Per cent</b>								
New South Wales	32.4	12.9	7.9	9.0	8.8	9.7	10.7	8.6	<b>100.0</b>
Victoria	0.4	15.3	19.0	34.9	13.9	10.4	4.3	1.8	<b>100.0</b>
Queensland	24.4	14.7	5.5	8.8	18.5	17.3	5.1	5.7	<b>100.0</b>
Western Australia	4.2	2.3	3.8	10.8	10.3	19.7	25.8	23.0	<b>100.0</b>
South Australia	8.4	20.4	0.6	7.8	17.5	15.2	10.4	19.7	<b>100.0</b>
Tasmania	28.8	21.5	7.7	6.9	14.6	9.0	4.3	7.3	<b>100.0</b>
Australian Capital Territory	29.9	20.8	11.0	7.8	16.9	7.1	1.9	4.5	<b>100.0</b>
Northern Territory	51.2	19.9	5.7	19.4	2.8	0.9	—	—	<b>100.0</b>

Note: New South Wales data do not include supervisory orders.

## Orders issued

There were more orders issued during 2005–06 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 2005–06 is presented in 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 Victoria, there were more supervisory orders issued than guardianship/custody orders. In all other

jurisdictions, there were more interim and temporary orders issued than other types of orders. In Western Australia, interim orders actually refer to care applications, which will most likely become a guardianship/custody order. Therefore, the number of applications each year is greater than the number of applications granted, due to the time delay between the initial application and the subsequent court hearing, and also the small number of cases where the department withdraws the application before the order is granted.

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 and Victoria, there was 1 child admitted to 1.2 orders issued, and in South Australia there was 1 child admitted to 3.6 orders issued (Table 3.4). Tasmania also had a relatively high ratio of children to orders because this state has a range of shorter-term orders.

**Table 3.4: Care and protection orders issued, by type of order and ratio of children admitted to orders issued, states and territories, 2005–06**

Type of order	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT
	<b>Number</b>							
Guardianship or custody orders/arrangements	1,390	1,346	2,982	333	668	545	196	314
Supervisory orders	n.a.	1,375	524	3	—	53	21	6
Interim and temporary orders	2,275	944	4,522	546	2,167	901	206	284
<b>Total</b>	<b>3,665</b>	<b>3,665</b>	<b>8,028</b>	<b>882</b>	<b>2,835</b>	<b>1,499</b>	<b>423</b>	<b>604</b>
	<b>Per cent</b>							
Guardianship or custody orders/arrangements	37.9	36.7	37.1	..	23.6	36.4	46.3	52.0
Supervisory orders	..	37.5	6.5	..	—	3.5	5.0	1.0
Interim and temporary orders	62.1	25.8	56.3	..	76.4	60.1	48.7	47.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>..</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Ratio of orders issued to children admitted</b>	<b>1.2</b>	<b>1.2</b>	<b>2.0</b>	<b>..</b>	<b>3.6</b>	<b>2.6</b>	<b>1.7</b>	<b>1.8</b>

(a) In Western Australia, the application for a care and protection order to be issued for a child is counted as an interim order for national reporting purposes, but there is, in fact, no order issued during this stage. It is thus not relevant to compare the number of orders by a percentage basis or the ratio of orders issued per child.

Note: New South Wales could not provide data on children on supervisory orders.

## Trends in the number of children on orders

At 30 June 2006, there were more children on care and protection orders than in previous years for all jurisdictions (Table 3.5). The increase in the number of children on orders was greatest in the Australian Capital Territory, which showed a 20% increase, rising from 464 in 2004–05 to 558 in 2005–06. The smallest increases were shown in Victoria and the Northern Territory, where the number of children on care and protection orders rose by just under 6% from 2004–05 to 2005–06.

Since 1997, the number of children on care and protection orders across Australia has increased significantly, rising 73% from 15,718 in 1997 to 27,188 in 2006. The increase in the number of children on care and protection orders is attributed to a greater awareness of child abuse and neglect but also to the cumulative effect of the growing number of children who

enter the child protection system at a young age and remain on orders until they are 18 years of age. Departmental analyses across the states and territories indicate that children are being admitted to orders for increasingly complex factors associated with parental substance abuse, mental health and family violence.

**Table 3.5: Trends in the number of children on care and protection orders, states and territories, at 30 June 1997 to 30 June 2006**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	5,764	3,865	3,249	785	1,172	508	264	111	<b>15,718</b>
1998	5,987 <sup>(a)</sup>	4,215	3,433	799	1,102	520	255	138	<b>16,449</b>
1999	6,948	4,358	3,609	1,019 <sup>(b)</sup>	1,024	440	236	177	<b>17,811</b>
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	<b>19,262</b>
2001	8,105	4,782	3,573	1,320	1,260	453	219	205	<b>19,917</b>
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	<b>20,557</b>
2003	8,975	5,038	4,107	1,470	1,378	600	288	274	<b>22,130</b>
2004	n.a. <sup>(c)</sup>	5,251	4,950	1,639 <sup>(d)</sup>	1,455	634	353	345	<b>n.a.</b>
2005	8,620	5,658	5,857	1,783	1,553	716	464	414	<b>25,065</b>
2006	9,213	5,984	6,446	2,046 <sup>(e)</sup>	1,671	833	558	437	<b>27,188</b>

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

(b) From 1999, care applications were included in Western Australia for the first time and this resulted in an increase in the numbers.

(c) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(d) Data for Western Australia include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

(e) Implementation of the Western Australian *Children and Community Services Act 2004* in March 2006 required the legal status of children in care to be reviewed and protection orders were sought for a number of children already in care but not under care and protection orders.

Source: AIHW child protection database.

## Characteristics of children on care and protection orders

### Types of orders

Across Australia, the vast majority of children who were on care and protection orders at 30 June 2006 were on guardianship or custody orders, ranging from 93% in South Australia to 72% in Victoria (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on other types of care and protection orders. In Victoria, for example, a relatively high proportion of children were on supervisory orders (24%) and, in Western Australia, 17% were on interim or temporary orders.

**Table 3.6: Children on care and protection orders, by type of order, states and territories, at 30 June 2006**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
Guardianship or custody orders/arrangements	8,063	4,322	5,584	1,691	1,556	693	409	398
Supervisory orders	n.a.	1,431	350	3	—	32	67	1
Interim and temporary orders	1,150	231	512	352	115	108	82	38
<b>Total</b>	<b>9,213</b>	<b>5,984</b>	<b>6,446</b>	<b>2,046</b>	<b>1,671</b>	<b>833</b>	<b>558</b>	<b>437</b>
<b>Per cent</b>								
Guardianship or custody orders/arrangements	87.5	72.2	86.6	82.6	93.1	83.2	73.3	91.1
Supervisory orders	..	23.9	5.4	0.1	—	3.8	12.0	0.2
Interim and temporary orders	12.5	3.9	7.9	17.2	6.9	13.0	14.7	8.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Note:* New South Wales could not provide data on children on supervisory orders.

### Age and sex

The age profile of children on orders varied considerably across the jurisdictions (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 22–28% in most jurisdictions except the Northern Territory, where this figure was 43%. Conversely, the proportion of children aged 15–17 ranged from 8% in the Northern Territory to almost 20% in Victoria.

In all jurisdictions, there were slightly more males than females on care and protection orders (Table A1.7).

**Table 3.7: Children on care and protection orders, by age, states and territories, at 30 June 2006**

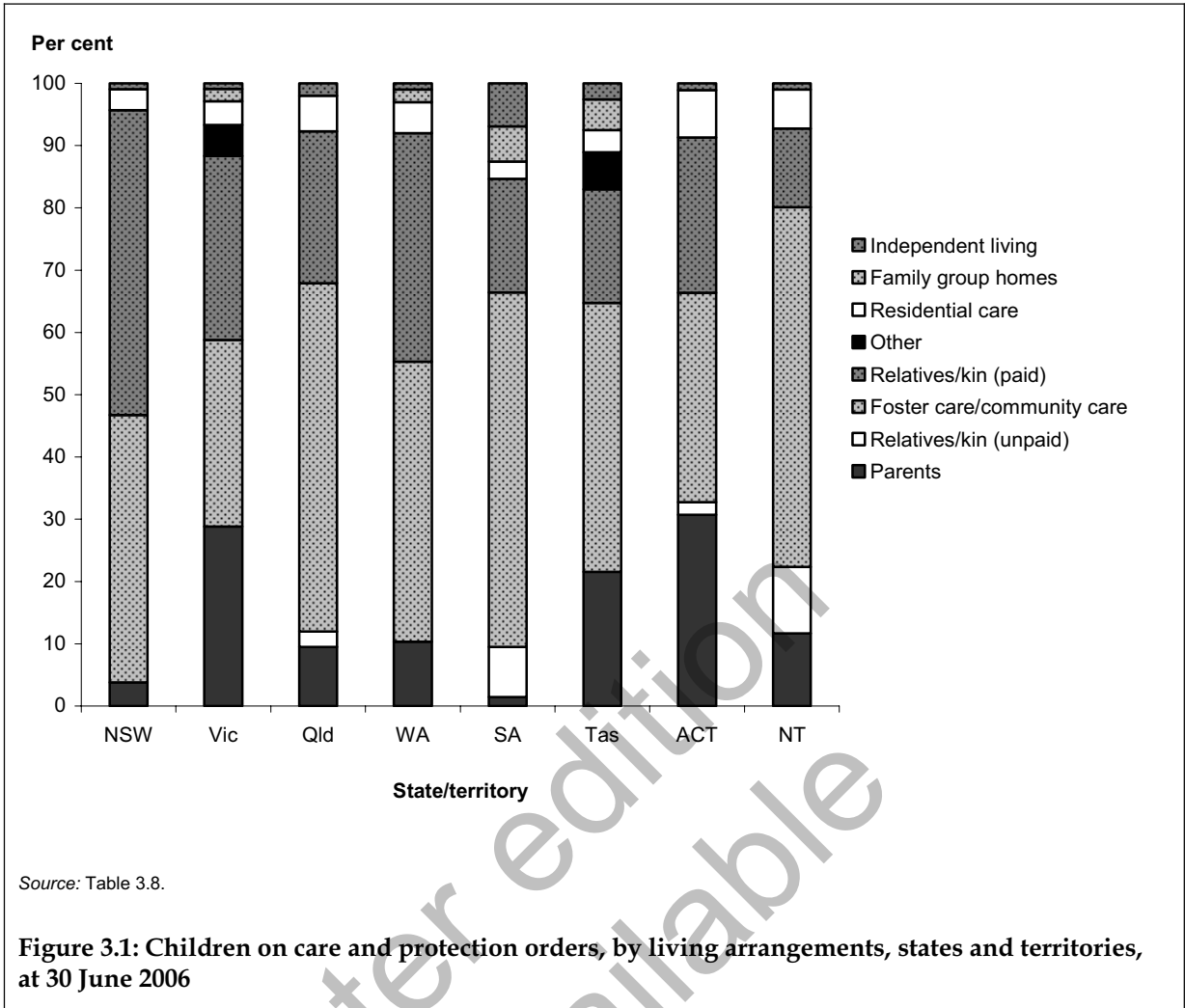
Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1	245	150	213	72	51	31	13	46
1–4	1,786	1,257	1,522	501	331	171	112	143
5–9	2,967	1,533	1,746	624	445	272	147	111
10–14	3,020	1,879	1,932	597	535	241	193	102
15–17	1,192	1,164	1,033	252	309	118	93	35
Unknown	3	1	—	—	—	—	—	—
<b>Total</b>	<b>9,213</b>	<b>5,984</b>	<b>6,446</b>	<b>2,046</b>	<b>1,671</b>	<b>833</b>	<b>558</b>	<b>437</b>
	<b>Per cent</b>							
<1	2.7	2.5	3.3	3.5	3.1	3.7	2.3	10.5
1–4	19.4	21.0	23.6	24.5	19.8	20.5	20.1	32.7
5–9	32.2	25.6	27.1	30.5	26.6	32.7	26.3	25.4
10–14	32.8	31.4	30.0	29.2	32.0	28.9	34.6	23.3
15–17	12.9	19.5	16.0	12.3	18.5	14.2	16.7	8.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: New South Wales data do not include supervisory orders.

### Living arrangements

Most children on care and protection orders live in some type of home-based care – either foster care or living with relatives/kin. However, living arrangements varied somewhat by state and territory (Figure 3.1 and Table 3.8). The proportion of children on orders who live with at least one of their parents varies across jurisdictions, from around 30% in Victoria and the Australian Capital Territory, to less than 2% in South Australia. The Northern Territory, South Australia and Queensland had a high proportion of children on orders living in foster care (56–58%) compared to other jurisdictions. The Australian Capital Territory had the highest proportion of children living in residential care (8%).

Living arrangements varied considerably with the age of the child, with children aged less than 1 year most likely to be either in family care (24%) or in home-based out-of-home care (74%) (Table A1.8). A relatively high proportion of children aged 15–17 years were in residential care (13%) or living independently (9%).



**Table 3.8: Children on care and protection orders, by living arrangements, states and territories, at 30 June 2006**

Living arrangements	NSW	Vic <sup>(a)</sup>	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Parents	349	1,680	606	207	24	175	169	48
Relatives/kin <sup>(b)</sup>	—	—	157	—	134	—	11	44
<i>Total family care</i>	<i>349</i>	<i>1,680</i>	<i>763</i>	<i>207</i>	<i>158</i>	<i>175</i>	<i>180</i>	<i>92</i>
Foster care/community care	3,959	1,747	3,560	902	948	350	185	238
Relatives/kin <sup>(c)</sup>	4,508	1,722	1,553	736	304	148	137	52
Other	—	290	—	—	—	48	—	—
<i>Total home-based care</i>	<i>8,467</i>	<i>3,759</i>	<i>5,113</i>	<i>1,638</i>	<i>1,252</i>	<i>546</i>	<i>322</i>	<i>290</i>
Residential care	309	223	365	100	46	29	42	26
Family group homes	—	115	—	41 <sup>(d)</sup>	94	40	—	—
Independent living <sup>(e)</sup>	88	51	126	20	115	21	6	4
Other/unknown	—	156	79	40	6	22	8	25
<b>Total</b>	<b>9,213</b>	<b>5,984</b>	<b>6,446</b>	<b>2,046</b>	<b>1,671</b>	<b>833</b>	<b>558</b>	<b>437</b>
	<b>Per cent</b>							
Parents	3.8	28.8	9.5	10.3	1.4	21.6	30.7	11.7
Relatives/kin <sup>(b)</sup>	—	—	2.5	—	8.0	—	2.0	10.7
<i>Total family care</i>	<i>3.8</i>	<i>28.8</i>	<i>12.0</i>	<i>10.3</i>	<i>9.5</i>	<i>21.6</i>	<i>32.7</i>	<i>22.3</i>
Foster care/community care	43.0	30.0	55.9	45.0	56.9	43.2	33.6	57.8
Relatives/kin <sup>(c)</sup>	48.9	29.5	24.4	36.7	18.3	18.2	24.9	12.6
Other	—	5.0	—	—	—	5.9	—	—
<i>Total home-based care</i>	<i>91.9</i>	<i>64.5</i>	<i>80.3</i>	<i>81.7</i>	<i>75.2</i>	<i>67.3</i>	<i>58.5</i>	<i>70.4</i>
Residential care	3.4	3.8	5.7	5.0	2.8	3.6	7.6	6.3
Family group homes	—	2.0	—	2.0 <sup>(d)</sup>	5.6	4.9	—	—
Independent living <sup>(e)</sup>	1.0	0.9	2.0	1.0	6.9	2.6	1.1	1.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) In Victoria, 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.

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

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

(d) Western Australia was able to report the number of children in family group homes for the first time in 2004–05. In previous reports, children in family group homes were included in the residential care category.

(e) This category includes private board.

Note: New South Wales data do not include supervisory orders.

## Rates of children on care and protection orders

The rates of children on care and protection orders at 30 June 2006 varied across the states and territories, ranging from 4.2 per 1,000 in Western Australia to 7.4 and 7.3 per 1,000 in the Australian Capital Territory and the Northern Territory, respectively (Table 3.9). Some of the

variation 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, states and territories, 30 June 1997 to 30 June 2006**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	<b>3.3</b>
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	<b>3.5</b>
1999	4.4	3.8	4.0	2.1 <sup>(a)</sup>	2.9	3.6	3.0	3.0	<b>3.8</b>
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	<b>4.1</b>
2001	5.1	4.2	3.9	2.7	3.6	3.8	2.8	3.4	<b>4.2</b>
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	<b>4.3</b>
2003	5.6	4.3	4.3	3.0	3.9	5.1	3.7	4.6	<b>4.6</b>
2004	n.a. <sup>(b)</sup>	4.5	5.2	3.4 <sup>(c)</sup>	4.2	5.4	4.6	5.8	<b>n.a.</b>
2005	5.4	4.9	6.0	3.7	4.5	6.1	6.1	7.0	<b>5.2</b>
2006	5.8	5.1	6.5	4.2 <sup>(d)</sup>	4.8	7.1	7.4	7.3	<b>5.6</b>

(a) From 1999, care applications were included for the first time and this resulted in an increase in the numbers for Western Australia.

(b) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(c) Data for Western Australia include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

(d) Implementation of the Western Australian *Children and Community Services Act 2004* in March 2006 required the legal status of children in care to be reviewed and protection orders were sought for a number of children already in care but not under care and protection orders.

Note: New South Wales data from 1998 onwards do not include children on supervisory orders.

Source: AIHW child protection database.

## Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2006, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 5.6 per 1,000 (Table 3.9). The increase in rates between 30 June 1997 and 30 June 2006 was particularly large in the Northern Territory: from 1.9 to 7.3 per 1,000.

## Aboriginal and Torres Strait Islander children

### Number and rates

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions (Table 3.10). It was highest in Victoria (56.4 per 1,000) and lowest in the Northern Territory (12.2 per 1,000). In all jurisdictions, the rate of Indigenous children on orders was higher than the rate for other children. Across Australia, the rate of Indigenous children on orders was more than 6 times higher than that of other children.

**Table 3.10: Children on care and protection orders, by number and rate per 1,000 children aged 0–17 years and Indigenous status, states and territories, at 30 June 2006**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	All children	Indigenous	Other	All children
New South Wales <sup>(a)</sup>	2,409	6,804	9,213	37.2	4.5	5.8
Victoria	740	5,244	5,984	56.4	4.6	5.1
Queensland	1,667	4,779	6,446	26.7	5.2	6.5
Western Australia	798	1,248	2,046	25.8	2.7	4.2
South Australia	378	1,293	1,671	31.8	3.9	4.8
Tasmania	125	708	833	15.2	6.5	7.1
Australian Capital Territory	100	458	558	53.3	6.2	7.4
Northern Territory	303	134	437	12.2	3.8	7.3
<b>Australia</b>	<b>6,520</b>	<b>20,668</b>	<b>27,188</b>	<b>29.9</b>	<b>4.5</b>	<b>5.6</b>

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

Note: Other children includes those children whose Indigenous status is unknown.

### Types of orders

Most Indigenous children were on guardianship and custody orders or arrangements (Table 3.11). The types of orders that Indigenous children were on compared to other children were very similar.

**Table 3.11: Children on care and protection orders, by type of order and Indigenous status, states and territories, at 30 June 2006**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<b>Indigenous children</b>									
Guardianship or custody orders/arrangements	2,114	550	1,439	659	354	107	79	276	5,578
Supervisory orders	n.a.	157	85	1	—	6	7	1	257
Interim and temporary orders	295	33	143	138	24	12	14	26	685
<b>Total</b>	<b>2,409</b>	<b>740</b>	<b>1,667</b>	<b>798</b>	<b>378</b>	<b>125</b>	<b>100</b>	<b>303</b>	<b>6,520</b>
<b>Other children</b>									
Guardianship or custody orders/arrangements	5,949	3,772	4,145	1,032	1,202	586	330	122	17,138
Supervisory orders	n.a.	1,274	265	2	—	26	60	—	1,627
Interim and temporary orders	855	198	369	214	91	96	68	12	1,903
<b>Total</b>	<b>6,804</b>	<b>5,244</b>	<b>4,779</b>	<b>1,248</b>	<b>1,293</b>	<b>708</b>	<b>458</b>	<b>134</b>	<b>20,668</b>
<b>All children</b>									
Guardianship or custody orders/arrangements	8,063	4,322	5,584	1,691	1,556	693	409	398	22,716
Supervisory orders	n.a.	1,431	350	3	—	32	67	1	1,884
Interim and temporary orders	1,150	231	512	352	115	108	82	38	2,588
<b>Total</b>	<b>9,213</b>	<b>5,984</b>	<b>6,446</b>	<b>2,046</b>	<b>1,671</b>	<b>833</b>	<b>558</b>	<b>437</b>	<b>27,188</b>
<b>Per cent</b>									
<b>Indigenous children</b>									
Guardianship or custody orders/arrangements	87.8	74.3	86.3	82.6	93.7	85.6	79.0	91.1	85.6
Supervisory orders	..	21.2	5.1	0.1	—	4.8	7.0	0.3	3.9
Interim and temporary orders	12.2	4.5	8.6	17.3	6.3	9.6	14.0	8.6	10.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Other children</b>									
Guardianship or custody orders/arrangements	87.4	71.9	86.7	82.7	93.0	82.8	72.1	91.0	82.9
Supervisory orders	..	24.3	5.5	0.2	—	3.7	13.1	—	7.9
Interim and temporary orders	12.6	3.8	7.7	17.1	7.0	13.6	14.8	9.0	9.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>All children</b>									
Guardianship or custody orders/arrangements	87.5	72.2	86.6	82.6	93.1	83.2	73.3	91.1	83.6
Supervisory orders	..	23.9	5.4	0.1	—	3.8	12.0	0.2	6.9
Interim and temporary orders	12.5	3.9	7.9	17.2	6.9	13.0	14.7	8.7	9.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

1. New South Wales could not provide data on children on supervisory orders.
2. Other children includes those children whose Indigenous status is unknown.

# 4 Out-of-home care

## Overview

### Children who are placed in out-of-home care

Out-of-home care is one of a range of services provided to children who are in need of care and protection. This service provides alternative accommodation to children and young people who are unable to live with their parents. These arrangements include foster care, placements with relatives or kin, and residential care. In most cases, children in out-of-home care are also on a care and protection order of some kind.

Some children are placed in out-of-home care because they were the subject of a child protection substantiation and require a more protective environment. Other situations in which a child may be placed in out-of-home care include those where parents are incapable of providing adequate care for the child, or where alternative accommodation is needed during times of family conflict. There are no national data available, however, on the reasons children are placed in out-of-home care. This will hopefully change with the introduction of the unit record collection which is currently being developed. More information will be collected on the child and each placement the child has throughout their time in out-of-home care.

The current emphasis in policy and practice is to keep children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunite children with their families. There is a range of intensive family support programs across jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred (see Chapter 1 for more information).

In Australia, most children who are placed in out-of-home care are eventually reunited with their families (Forwood & Carver 1999:740). If it is necessary to remove a child from his or her family, then placement within the wider family or community is preferred. This is particularly the case with Aboriginal and Torres Strait Islander children in order to be consistent with the Aboriginal Child Placement Principle (see below).

Respite care is a form of out-of-home care that is used to provide short-term accommodation for children whose parents are ill or unable to care for them on a temporary basis. Not all jurisdictions can identify which children in out-of-home care are in respite care. Children may also be placed in respite care while being placed with a foster carer.

As with the majority of child protection services, states and territories are responsible for funding out-of-home care. Non-government organisations are widely used, however, to provide these services.

### Out-of-home care and court orders

Children can be placed in out-of-home care voluntarily or through some type of court order. Such orders include care and protection orders, including formal administrative

arrangements, and other legal orders such as juvenile justice orders (see Chapter 3). There is considerable variety between the jurisdictions:

- In the Northern Territory, all children in out-of-home care were on a court order or some other form of legal authority.
- In New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory, children in out-of-home care can be placed on a range of different orders or authorities. (For example, in South Australia, children needing emergency or respite care may be placed in out-of-home care on the authority of their guardians.)
- In Western Australia from 1 March 2006, children in out of home care were on a court order or some other form of authority under the *Children and Community Services Act 2004*, such as a negotiated placement agreement for short term family support reasons or a placement service.

Although a child may be in out-of-home care in conjunction with being on an order, the order does not necessarily specify where the child must reside or that the child be placed in care.

## Scope and coverage of out-of-home care data collection

For the purposes of this collection, 'out-of-home care' is defined as out-of-home overnight care for children and young people under 18 years of age, where the state or territory makes a financial payment. This includes placements with relatives (other than parents) but does not include placements made in disability services, medical or psychiatric services, juvenile justice facilities, overnight child care services or supported accommodation assistance placements. However, some jurisdictions are not always able to exclude these placements from the data, and so may be included. The data exclude children in unfunded placements and children living with parents where the jurisdiction makes a financial payment.

## Types of placements

Children in out-of-home care can be placed in a variety of living arrangements. In this collection, the following categories have been used:

- *Home-based care* – where placement is in the home of a carer who is reimbursed for expenses incurred in caring for the child. This category includes:
  - relative/kinship care where the caregiver is a family member or a person with a pre-existing relationship to the child
  - foster or community care
  - other home-based arrangements.
- *Family group homes* – where placement is in a residential building which is owned by the jurisdiction and which are typically run like family homes, have a limited number of children and are cared for around-the-clock by resident substitute parents.
- *Residential care* – where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff. This category includes facilities where there are rostered staff and where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.
- *Independent living* – such as private boarding arrangements.

- *Other* – where the placement type does not fit into the above categories or is unknown.

## State and territory differences

There are some differences between the states and territories in the scope and coverage of out-of-home care data. For example, the data from Victoria include children on permanent care orders, since this state makes an ongoing payment for the care of these children.

## Data and analysis

Some of the data in this section relate to children admitted to out-of-home care during 2005–06. However, most of the data relate to children who were in out-of-home care for the night of 30 June 2006.

## Admissions and discharges

The number of children admitted to out-of-home care in 2005–06 is shown in Table 4.1. The number ranged from 3,309 children in New South Wales to 263 in the Northern Territory. The total number of children admitted to out-of-home care was higher than in 2004–05, although only New South Wales, South Australia, Tasmania and the Northern Territory actually showed increases (Table 4.1; AIHW child protection database).

Over one-third (39%) of the children admitted to out-of-home care were aged under 5 years, with 13% aged under 1 year. Children aged 15–17 years represented 8% of all admissions in 2005–06.

**Table 4.1: Children admitted to out-of-home care, by age group, states and territories, 2005-06**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
	<b>Number</b>								
<1	528	358	411	131	121	68	21	33	<b>1,671</b>
1–4	875	759	802	205	297	93	71	72	<b>3,174</b>
5–9	842	809	838	174	348	113	74	48	<b>3,246</b>
10–14	893	869	852	168	386	110	78	80	<b>3,436</b>
15–17	164	371	226	35	119	42	25	30	<b>1,012</b>
Unknown	7	—	—	—	—	—	—	—	<b>7</b>
<b>Total</b>	<b>3,309</b>	<b>3,166</b>	<b>3,129</b>	<b>713</b>	<b>1,271</b>	<b>426</b>	<b>269</b>	<b>263</b>	<b>12,546</b>
	<b>Per cent</b>								
<1	16.0	11.3	13.1	18.4	9.5	16.0	7.8	12.5	<b>13.3</b>
1–4	26.5	24.0	25.6	28.8	23.4	21.8	26.4	27.4	<b>25.3</b>
5–9	25.5	25.6	26.8	24.4	27.4	26.5	27.5	18.3	<b>25.9</b>
10–14	27.0	27.4	27.2	23.6	30.4	25.8	29.0	30.4	<b>27.4</b>
15–17	5.0	11.7	7.2	4.9	9.4	9.9	9.3	11.4	<b>8.1</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Note:* The table includes all children admitted to out-of-home care for the first time, as well as those children returning to care who had exited care more than 2 months previously. Children admitted to out-of-home care more than once during the year were only counted at the first admission.

There were fewer children discharged from care than those admitted in all jurisdictions (Table 4.2). As would be expected, the age distribution of children discharged from care was considerably older than that of children admitted to out-of-home care. For example, 20% of those discharged from care were aged 15–17 years in Queensland compared to 7% admitted to out-of-home care.

**Table 4.2: Number of children discharged from out-of-home care, by age group, states and territories, 2005–06**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
<1	181	154	77	38	12	30	3	8
1–4	473	733	325	124	45	66	29	16
5–9	529	780	344	126	43	68	34	11
10–14	712	752	407	143	65	89	35	17
15–17	539	657	293	127	106	55	32	8
Unknown	8	—	—	—	—	—	—	—
<b>Total</b>	<b>2,442</b>	<b>3,076</b>	<b>1,446</b>	<b>558</b>	<b>271</b>	<b>308</b>	<b>133</b>	<b>60</b>
<b>Per cent</b>								
<1	7.4	5.0	5.3	6.8	4.4	9.7	2.3	13.3
1–4	19.4	23.8	22.5	22.2	16.6	21.4	21.8	26.7
5–9	21.7	25.4	23.8	22.6	15.9	22.1	25.6	18.3
10–14	29.3	24.4	28.1	25.6	24.0	28.9	26.3	28.3
15–17	22.1	21.4	20.3	22.8	39.1	17.9	24.1	13.3
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Note:* The data for children exiting care include those who left care and had not returned within 2 months. Where a child exits care more than once during the year, the last discharge is counted.

## Trends in numbers in out-of-home care

At 30 June 2006, there were 25,454 children in out-of-home care in Australia (Table 4.3). This compares with 23,695 children who were in out-of-home care at 30 June 2005, an increase of 7%. The number of children in out-of-home care at 30 June 2006 was higher than at 30 June 2005 in all jurisdictions.

Nationally, the number of children in out-of-home care in Australia at 30 June has increased each year since 1996 when there were 13,979 children in out-of-home care (Table 4.3).

Between 1996 and 2006, the number of children in out-of-home care in Australia increased by 82%.

**Table 4.3: Number of children aged 0–17 years in out-of-home care, states and territories, 30 June 1996 to 30 June 2006**

Year	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1996	5,437	3,385	2,110	1,206	1,064	508	181	88	13,979
1997	5,486	3,393	2,211	1,050	1,193	461	173	111	14,078
1998	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
1999	6,359	3,581	2,613	1,192	1,045	533	174	177	15,674
2000	7,041	3,867	2,634	1,326	1,131	548	200	176	16,923
2001	7,786	3,882	3,011	1,436	1,175	572	215	164	18,241
2002	8,084	3,918	3,257	1,494	1,196	544	224	163	18,880
2003	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
2004	9,145	4,309	4,413	1,681	1,204	487	298	258	21,795
2005	9,230	4,408	5,657	1,829	1,329	576	342	324	23,695
2006	9,896	4,794	5,876	1,968	1,497	683	388	352	25,454

(a) The 1996 data for Queensland include only those children in out-of-home care who were on a care and protection order. The data for the years 1997 to 2000 include only those children who were on a care and protection order or remanded in temporary custody. From 2001, the data include all children in out-of-home care.

(b) The number of children in out-of-home care in Tasmania from 2003 should not be compared with previous years, as a group of children who did not meet the definition of out-of-home care were excluded from that year's collection. These children were not the subject of care and protection orders and out-of-home care services did not arrange their placement with relatives.

Source: AIHW child protection database.

## Characteristics of children in out-of-home care

Most children (94%) in out-of-home care at 30 June 2006 were in home-based care (Table 4.4). Only 4% were placed in residential care, with a small remaining number distributed across other types of care. Of those in home-based care, 53% were in foster care, 41% in relative/kinship care and 1% in some other type of home-based care. The high proportion of children in home-based care reflects the trends in recent decades of increased use of placements with relatives and kin or foster carers, and decreased use of placements in residential care (Johnstone 2001).

**Table 4.4: Children in out-of-home care, by type of placement, states and territories, at 30 June 2006**

Type of placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Foster care	4,059	2,521	4,001	966	1,010	359	197	255	<b>13,368</b>
Relatives/kin	5,536	1,616	1,650	808	359	148	142	57	<b>10,316</b>
Other home-based care	—	280	—	—	3	49	—	1	<b>333</b>
<i>Total home-based care</i>	<i>9,595</i>	<i>4,417</i>	<i>5,651</i>	<i>1,774</i>	<i>1,372</i>	<i>556</i>	<i>339</i>	<i>313</i>	<b><i>24,017</i></b>
Family group homes	—	—	—	42 <sup>(a)</sup>	75	41	—	—	<b>158</b>
Residential care	258	347	225	112	50	30	43	32	<b>1,097</b>
Independent living	43	30	—	21	—	38	1	5	<b>138</b>
Other <sup>(b)</sup>	—	—	—	19	—	18	5	2	<b>44</b>
<b>Total</b>	<b>9,896</b>	<b>4,794</b>	<b>5,876</b>	<b>1,968</b>	<b>1,497</b>	<b>683</b>	<b>388</b>	<b>352</b>	<b>25,454</b>
<b>Per cent</b>									
Foster care	41.0	52.6	68.1	49.1	67.5	52.6	50.8	72.4	<b>52.5</b>
Relatives/kin	55.9	33.7	28.1	41.1	24.0	21.7	36.6	16.2	<b>40.5</b>
Other home-based care	—	5.8	—	—	0.2	7.2	—	0.3	<b>1.3</b>
<i>Total home-based care</i>	<i>97.0</i>	<i>92.1</i>	<i>96.2</i>	<i>90.1</i>	<i>91.6</i>	<i>81.4</i>	<i>87.4</i>	<i>88.9</i>	<b><i>94.4</i></b>
Family group homes	—	—	—	2.1 <sup>(a)</sup>	5.0	6.0	—	—	<b>0.6</b>
Residential care	2.6	7.2	3.8	5.7	3.3	4.4	11.1	9.1	<b>4.3</b>
Independent living	0.4	0.6	—	1.1	—	5.6	0.3	1.4	<b>0.5</b>
Other <sup>(b)</sup>	—	—	—	1.0	—	2.6	1.3	0.6	<b>0.2</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

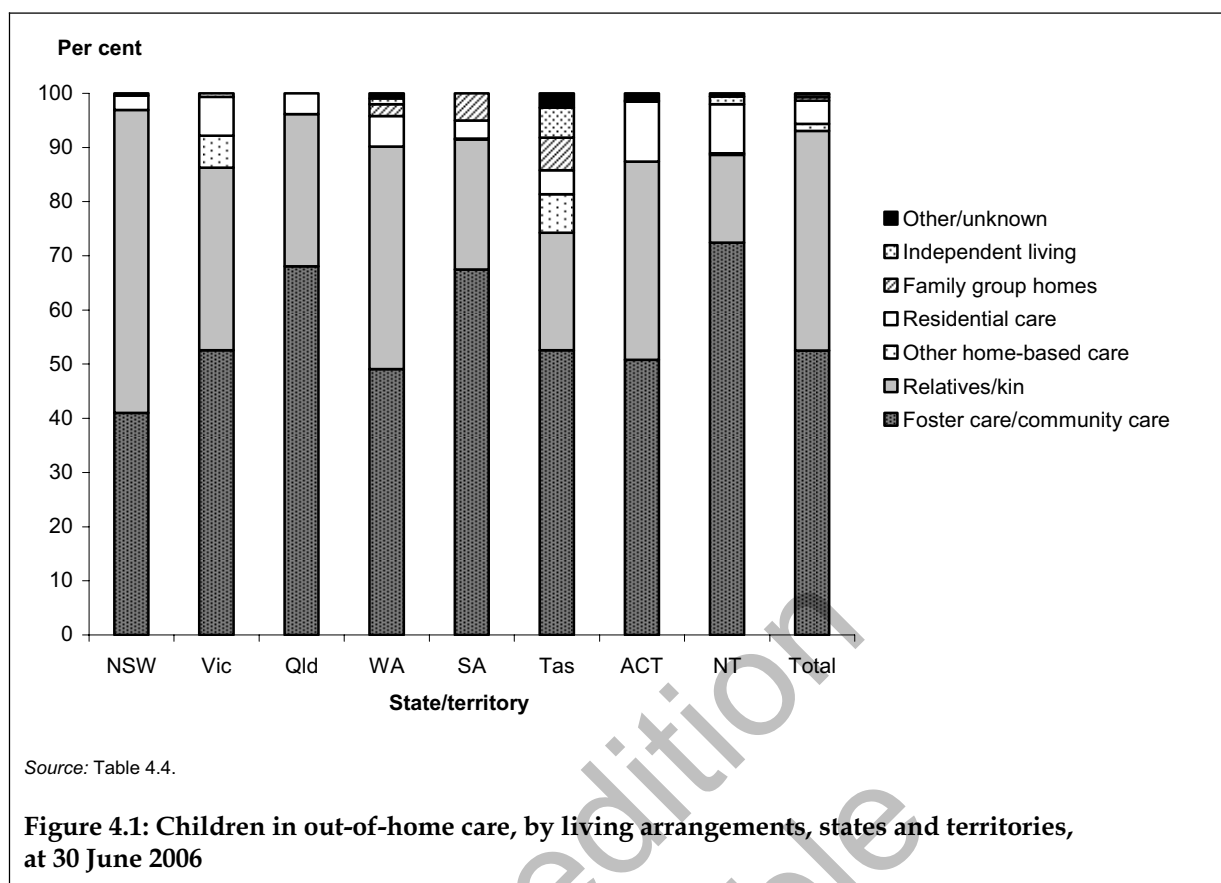
(a) Western Australia reported children in family group homes separately to residential care for the first time in 2004–05.

(b) 'Other' includes unknown living arrangements.

Four per cent of children in out-of-home care were living in residential care Australia-wide. This ranged from less than 3% in New South Wales to 11% in the Australian Capital Territory.

Residential care is mainly used for children who have complex needs. Also, the principle of keeping sibling groups together can result in placements in residential care. In many jurisdictions, priority is given to keeping siblings together, which sometimes results in periods of residential care for larger family groups.

Compared with other jurisdictions, South Australia, Queensland and the Northern Territory had a relatively high proportion of children in foster care (68%, 68% and 72% respectively), and New South Wales had a relatively high proportion of children placed with relatives or kin (56%) (Figure 4.1 and Table 4.4).



### Age and sex

Almost a third (32%) of children in out-of-home care were aged 10–14 years (Table A1.9). A further 30% were aged 5–9 years, 25% were aged less than 5 years and just under 14% were aged 15–17 years. Just over half (51%) of all children in out-of-home care were males (Table A1.10).

Children in residential care were considerably older than children in home-based care—45% of children in residential care were aged 10–14 years and 41% were aged 15–17 years, whereas 32% of children in home-based care were aged 10–14 years and 12% were aged 15–17 years (Table A1.11). Only 4% of children in residential care in Australia were aged less than 5 years compared with 26% of those in home-based care. In the Australian Capital Territory, there were no children aged less than 5 years in residential care.

### Whether children were on an order

As previously noted, in the Northern Territory, all children in out-of-home care are required to be on care and protection orders or authorities. In other jurisdictions, the proportion of children in out-of-home care who were on care and protection orders ranged from 79% in Victoria to 95% in Tasmania (Table 4.5).

**Table 4.5: Children in out-of-home care, whether the child was on an order, states and territories, at 30 June 2006**

Whether the child was on an order	NSW	Vic <sup>(a)</sup>	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
On care and protection order	8,553	3,798	5,323	1,818	1,286	646	366	352
On another type of order	—	125	2	—	80	1	—	—
<i>Total children on orders</i>	<i>8,553</i>	<i>3,923</i>	<i>5,325</i>	<i>1,818</i>	<i>1,366</i>	<i>647</i>	<i>366</i>	<i>352</i>
Not on an order	1,343	871	551	150	131	36	22	—
Unknown	—	—	—	—	—	—	—	—
<b>Total</b>	<b>9,896</b>	<b>4,794</b>	<b>5,876</b>	<b>1,968</b>	<b>1,497</b>	<b>683</b>	<b>388</b>	<b>352</b>
<b>Per cent</b>								
On care and protection order	86.4	79.2	90.6	92.4	85.9	94.6	94.3	100.0
On another type of order	—	2.6	—	—	5.3	0.1	—	—
<i>Total children on orders</i>	<i>86.4</i>	<i>81.8</i>	<i>90.6</i>	<i>92.4</i>	<i>91.2</i>	<i>94.7</i>	<i>94.3</i>	<i>100.0</i>
Not on an order	13.6	18.2	9.4	7.6	8.8	5.3	5.7	—
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) The data from Victoria include estimates from some data sources.

Note: For 14 children in Victoria, it was unknown whether the child was on an order. These children are included in the total for that state.

### Length of time in placement

In most jurisdictions at 30 June 2006, at least 40% of the children had been in out-of-home care for less than 2 years (Table 4.6). However, the proportion of children who had been in out-of-home care for 5 years or more was relatively high, but this ranged from 8% in the Northern Territory to 34% in Western Australia.

Respite care refers to out-of-home care that is provided on a temporary basis for reasons other than child protection, for example, when parents are ill or unable to care for the child for short periods of time. Not all jurisdictions, however, could identify whether children were in respite care. Where it was known that children were in respite care, they were included in the category 'less than 1 month'.

**Table 4.6: Children in out-of-home care, by length of time in continuous placement, states and territories, at 30 June 2006**

Time in continuous placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1 month	232	93	1,172	46	82	30	20	30
1 month to <6 months	2,641	585	1,191	208	280	106	49	88
6 months to <1 year	603	617	761	177	187	106	49	62
1 year to <2 years	980	794	1,025	291	276	117	72	70
2 years to <5 years	2,516	1,260	1,110	572	369	187	111	74
5 years or more	2,924	1,434	617	674	303	137	87	28
Not stated/unknown	—	—	—	—	—	—	—	—
<b>Total</b>	<b>9,896</b>	<b>4,783</b>	<b>5,876</b>	<b>1,968</b>	<b>1,497</b>	<b>683</b>	<b>388</b>	<b>352</b>
	<b>Per cent</b>							
<1 month	2.3	1.9	19.9	2.3	5.5	4.4	5.2	8.5
1 month to <6 months	26.7	12.2	20.3	10.6	18.7	15.5	12.6	25.0
6 months to <1 year	6.1	12.9	13.0	9.0	12.5	15.5	12.6	17.6
1 year to <2 years	9.9	16.6	17.4	14.8	18.4	17.1	18.6	19.9
2 years to <5 years	25.4	26.3	18.9	29.1	24.6	27.4	28.6	21.0
5 years or more	29.5	30.0	10.5	34.2	20.2	20.1	22.4	8.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Note:* In those jurisdictions where children in out-of-home care for respite reasons could be identified, they were included in the 'less than 1 month' category: New South Wales (38 children), Victoria (3 children), South Australia (3 children) and the Australian Capital Territory (17 children).

## Rates of children in out-of-home care

There were 5.3 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2006. This represents an increase of 8% from a rate of 4.9 in 2005 (Table 4.7). The rates of children in out-of-home care varied by state and territory and ranged from 4.0 per 1,000 in Western Australia to 6.2 per 1,000 in New South Wales. The reasons for this variation are likely to include differences in the policies and practices of the relevant departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this service.

**Table 4.7: Rates of children in out-of-home care, per 1,000 children, states and territories, 30 June 1997 to 30 June 2006**

Year	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1997	3.4	3.0	2.5	2.2	3.2	3.7	2.1	1.9	3.0
1998	3.5	3.2	2.6	2.3	2.8	3.6	2.2	2.3	3.1
1999	4.0	3.1	2.9	2.5	2.9	4.4	2.2	3.0	3.3
2000	4.5	3.4	2.9	2.8	3.2	4.6	2.6	3.0	3.6
2001	4.9	3.4	3.3	3.0	3.3	4.8	2.8	2.7	3.9
2002	5.0	3.4	3.5	3.1	3.4	4.6	2.8	2.7	3.9
2003	5.4	3.5	4.0	3.3	3.6	4.0	3.6	3.8	4.2
2004	5.7	3.7	4.6	3.5	3.5	4.1	3.8	4.3	4.5
2005	5.8	3.8	5.8	3.8	3.9	4.9	4.5	5.5	4.9
2006	6.2	4.1	6.0	4.0	4.3	5.8	5.1	5.9	5.3

(a) The Queensland data for the years 1997 to 2000 only include those children who were on a care and protection order or remanded in temporary custody. From 2001, the data include all children in out-of-home care.

(b) The number of children in out-of-home care in Tasmania from 2003 should not be compared to previous years as a group of children who did not meet the definition of out-of-home care were excluded from that year's collection. These children were not the subject of care and protection orders and out-of-home care services did not arrange their placement with relatives.

Sources: AIHW child protection database; Table 4.3.

### Trends in rates of children in out-of-home care

The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 5.3 per 1,000 at 30 June 2006, an increase of 77% (Table 4.7). Over this period, the rates of children in out-of-home care increased in all jurisdictions. The largest increases were in Queensland where rates increased from 2.5 to 6.0 per 1,000, and in the Northern Territory where they increased from 1.9 to 5.9.

The overall increase in the number of children in out-of-home care could be related to a number of factors. One explanatory factor reported by several states and territories is the increasingly complex family situations of children associated with parental substance abuse, mental health and family violence. This also impacts on the length of time children remain in care. For example, in Western Australia, the percentage of children in care for 5 years and longer increased from 30% at 30 June 2001 to 34% at 30 June 2006 (Table 4.6; AIHW 2002).

### Aboriginal and Torres Strait Islander children

At 30 June 2006, there were 6,497 Aboriginal and Torres Strait Islander children in out-of-home care, an increase of 819 since 30 June 2005 (Table 4.8; AIHW child protection database). The rate of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2006 was 30.1 per 1,000 Indigenous children aged 0–17 years, ranging from 10.0 per 1,000 in the Northern Territory to 44.7 per 1,000 in New South Wales.

**Table 4.8: Children in out-of-home care, by number and rate per 1,000 children aged 0–17 years and Indigenous status, states and territories, at 30 June 2006**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	All children	Indigenous	Other	All children
New South Wales	2,897	6,999	9,896	44.7	4.6	6.2
Victoria	552	4,242	4,794	42.1	3.7	4.1
Queensland	1,496	4,380	5,876	24.0	4.7	6.0
Western Australia	766	1,202	1,968	24.8	2.6	4.0
South Australia	359	1,138	1,497	30.2	3.4	4.3
Tasmania	98	585	683	11.9	5.4	5.8
Australian Capital Territory	82	306	388	43.7	4.1	5.1
Northern Territory	247	105	352	10.0	3.0	5.9
<b>Australia</b>	<b>6,497</b>	<b>18,957</b>	<b>25,454</b>	<b>29.8</b>	<b>4.1</b>	<b>5.3</b>

Notes:

1. For details on the calculation of rates, see Appendix 2.
2. Other children includes those children whose Indigenous status is unknown.

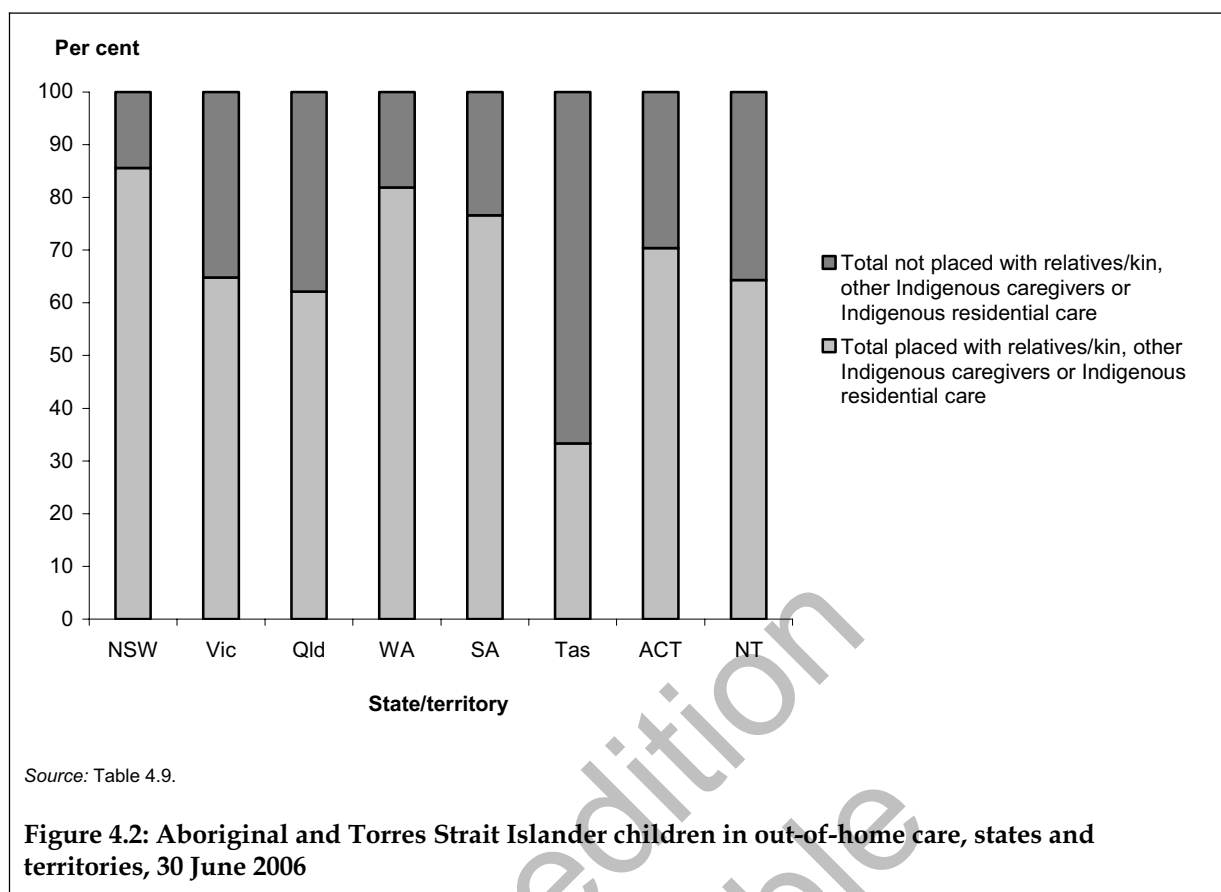
In all jurisdictions, there were higher rates of Aboriginal and Torres Strait Islander children in out-of-home care than other children (Table 4.8). The national rate of Indigenous children in out-of-home care was over 7 times the rate for other children.

### Indigenous status of caregivers

The Aboriginal Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children with other Aboriginal and Torres Strait Islander people when they are placed outside their family (Lock 1997:50). The Principle has the following order of preference for the placement of Aboriginal and Torres Strait Islander children:

- with the child's extended family
- within the child's Indigenous community
- with other Indigenous people.

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives in many jurisdictions (Figure 4.2).



Except for Tasmania, the proportion of Aboriginal and Torres Strait Islander children who were placed with either an Indigenous carer or a relative was at least 62%. For example, in New South Wales, 86% of Indigenous children were placed with Indigenous relatives/kin and other Indigenous caregivers or in Indigenous residential care (Table 4.9).

**Table 4.9: Aboriginal and Torres Strait Islander children in out-of-home care, by Indigenous status and relationship of carer, states and territories, at 30 June 2006**

Relationship	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Indigenous relative/kin	1,669	152	379	394	109	10	28	90
Other Indigenous caregiver	512	102	400	143	138	13	17	67
Other relative/kin	282	80	142	64	28	8	11	n.a. <sup>(a)</sup>
Indigenous residential care	9	21	9	18	—	—	1	—
<i>Total placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>2,472</i>	<i>355</i>	<i>930</i>	<i>619</i>	<i>275</i>	<i>31</i>	<i>57</i>	<i>157</i>
Other caregiver	374	166	538	92	62	55	18	87
Other residential care	43	27	28	45	22	7	6	—
<i>Total not placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>417</i>	<i>193</i>	<i>566</i>	<i>137</i>	<i>84</i>	<i>62</i>	<i>24</i>	<i>87</i>
<b>Total</b>	<b>2,889</b>	<b>548</b>	<b>1,496</b>	<b>756</b>	<b>359</b>	<b>93</b>	<b>81</b>	<b>244</b>
	<b>Per cent</b>							
Indigenous relative/kin	57.8	26.9	25.3	52.1	30.4	10.8	34.6	36.9
Other Indigenous caregiver	17.7	16.9	26.7	18.9	38.4	14.0	21.0	27.5
Other relative/kin	9.8	15.4	9.5	8.5	7.8	8.6	13.6	—
Indigenous residential care	0.3	3.4	0.6	2.4	—	—	1.2	—
<i>Total placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>85.6</i>	<i>62.7</i>	<i>62.2</i>	<i>81.9</i>	<i>76.6</i>	<i>33.3</i>	<i>70.4</i>	<i>64.3</i>
Other caregiver	12.9	32.8	36.0	12.2	17.3	59.1	22.2	35.7
Other residential care	1.5	4.5	1.9	6.0	6.1	7.5	7.4	—
<i>Total not placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>14.4</i>	<i>37.3</i>	<i>37.8</i>	<i>18.1</i>	<i>23.4</i>	<i>66.7</i>	<i>29.6</i>	<i>35.7</i>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) The relationship of the caregiver to children placed with other caregivers was not available and these children were placed in the 'other Indigenous caregiver' category.

*Notes*

1. This table does not include Indigenous children who were living independently or whose living arrangements were unknown.
2. For details on coding of Indigenous status, see Appendix 2.

# Appendix 1: Detailed tables

## Child protection

Table A1.1: Substantiations, by type of abuse or neglect, states and territories, 2005–06

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Physical abuse	5,718	1,838	2,775	268	352	181	113	160
Sexual abuse	3,451	679	726	198	144	92	31	27
Emotional abuse	12,715	3,311	5,587	170	610	209	907	142
Neglect	7,925	1,735	4,096	324	749	311	226	151
<b>Total</b>	<b>29,809</b>	<b>7,563</b>	<b>13,184</b>	<b>960</b>	<b>1,855</b>	<b>793</b>	<b>1,277</b>	<b>480</b>
	<b>Per cent</b>							
Physical abuse	19.2	24.3	21.0	27.9	19.0	22.8	8.8	33.3
Sexual abuse	11.6	9.0	5.5	20.6	7.8	11.6	2.4	5.6
Emotional abuse	42.7	43.8	42.4	17.7	32.9	26.4	71.0	29.6
Neglect	26.6	22.9	31.1	33.8	40.4	39.2	17.7	31.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

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**Table A1.2: Children in substantiations, by type of abuse or neglect and sex, states and territories, 2005–06**

<b>Sex and type of abuse or neglect</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>
<b>Males</b>								
Physical	1,392	879	1,134	129	159	64	50	76
Sexual	496	263	179	37	31	25	4	3
Emotional	2,387	1,582	2,069	69	227	93	316	75
Neglect	1,732	857	1,552	160	268	133	70	77
<b>Total</b>	<b>6,007</b>	<b>3,581</b>	<b>4,934</b>	<b>395</b>	<b>685</b>	<b>315</b>	<b>440</b>	<b>231</b>
<b>Females</b>								
Physical	1,224	896	1,092	132	177	82	26	76
Sexual	1,416	381	462	159	97	52	21	22
Emotional	2,391	1,591	2,133	91	254	72	296	66
Neglect	1,593	790	1,506	149	243	116	73	69
<b>Total</b>	<b>6,624</b>	<b>3,658</b>	<b>5,193</b>	<b>531</b>	<b>771</b>	<b>322</b>	<b>416</b>	<b>233</b>
<b>Unknown</b>								
Physical	6	15	6	—	3	—	—	—
Sexual	2	9	—	—	—	1	—	—
Emotional	27	20	33	—	3	9	7	—
Neglect	16	5	11	—	1	5	2	—
<b>Total</b>	<b>51</b>	<b>49</b>	<b>50</b>	<b>—</b>	<b>7</b>	<b>15</b>	<b>9</b>	<b>—</b>
<b>All children</b>								
Physical	2,622	1,790	2,232	261	339	146	76	152
Sexual	1,914	653	641	196	128	78	25	25
Emotional	4,805	3,193	4,235	160	484	174	619	141
Neglect	3,341	1,652	3,069	309	512	254	145	146
<b>Total</b>	<b>12,682</b>	<b>7,288</b>	<b>10,177</b>	<b>926</b>	<b>1,463</b>	<b>652</b>	<b>865</b>	<b>464</b>

*Note:* If a child was the subject of more than one type of abuse or neglect as part of the same notification, then the abuse and/or neglect is the one considered by the child protection workers to cause the most harm to the child. Where a child is the subject of more than one substantiation during the year, then the type of abuse reported in this table is the type of abuse and/or neglect associated with the first substantiation decision during the year.

**Table A1.3: Children in substantiations, by age and Indigenous status, states and territories, 2005–06**

Age group (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
< 1	431	137	213	41	56	3	9	61
1–4	729	240	345	82	122	10	28	115
5–9	716	220	353	85	102	8	29	102
10–14	709	193	350	97	66	12	24	66
15–17	113	45	88	12	13	1	9	12
15–16	107	44	79	11	13	1	9	10
Unknown	4	—	—	—	1	—	—	—
<b>Total</b>	<b>2,702</b>	<b>835</b>	<b>1,349</b>	<b>317</b>	<b>360</b>	<b>34</b>	<b>99</b>	<b>356</b>
<b>Other children</b>								
< 1	1,305	843	1,002	65	172	61	74	7
1–4	2,408	1,562	2,161	149	293	133	212	23
5–9	2,727	1,771	2,590	171	332	135	208	30
10–14	2,826	1,799	2,474	188	257	159	212	47
15–17	694	478	601	36	44	37	59	1
15–16	645	478	510	30	42	35	47	1
Unknown	20	—	—	—	5	93	1	—
<b>Total</b>	<b>9,980</b>	<b>6,453</b>	<b>8,828</b>	<b>609</b>	<b>1,103</b>	<b>618</b>	<b>766</b>	<b>108</b>
<b>All children</b>								
< 1	1,736	980	1,215	106	228	64	83	68
1–4	3,137	1,802	2,506	231	415	143	240	138
5–9	3,443	1,991	2,943	256	434	143	237	132
10–14	3,535	1,992	2,824	285	323	171	236	113
15–17	807	523	689	48	57	38	68	13
15–16	752	522	589	41	55	36	56	11
Unknown	24	—	—	—	6	93	1	—
<b>Total</b>	<b>12,682</b>	<b>7,288</b>	<b>10,177</b>	<b>926</b>	<b>1,463</b>	<b>652</b>	<b>865</b>	<b>464</b>

Note: Other children includes those children whose Indigenous status is unknown.

**Table A1.4: Children aged 0–17 years who were the subject of a substantiation, by type of abuse or neglect and Indigenous status, states and territories, 2005–06**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical	472	173	279	87	53	9	7	118
Sexual	249	47	56	52	21	1	—	15
Emotional	1,000	412	489	51	130	8	69	101
Neglect	981	203	525	127	156	16	23	122
<b>Total</b>	<b>2,702</b>	<b>835</b>	<b>1,349</b>	<b>317</b>	<b>360</b>	<b>34</b>	<b>99</b>	<b>356</b>
<b>Other children</b>								
Physical	2,150	1,617	1,953	174	286	137	69	34
Sexual	1,665	606	585	144	107	77	25	10
Emotional	3,805	2,781	3,746	109	354	166	550	40
Neglect	2,360	1,449	2,544	182	356	238	122	24
<b>Total</b>	<b>9,980</b>	<b>6,453</b>	<b>8,828</b>	<b>609</b>	<b>1,103</b>	<b>618</b>	<b>766</b>	<b>108</b>
<b>All children</b>								
Physical	2,622	1,790	2,232	261	339	146	76	152
Sexual	1,914	653	641	196	128	78	25	25
Emotional	4,805	3,193	4,235	160	484	174	619	141
Neglect	3,341	1,652	3,069	309	512	254	145	146
<b>Total</b>	<b>12,682</b>	<b>7,288</b>	<b>10,177</b>	<b>926</b>	<b>1,463</b>	<b>652</b>	<b>865</b>	<b>464</b>

*Notes*

1. If a child was the subject of more than one type of abuse or neglect as part of the same notification, then the abuse and/or neglect is the one considered by the child protection workers to cause the most harm to the child. Where a child is the subject of more than one substantiation during the year, then the type of abuse reported in this table is the type of abuse and/or neglect associated with the first substantiation decision during the year.
2. Other children includes those children whose Indigenous status is unknown.

**Table A1.5: Number of finalised investigations, by source of notification, states and territories, 2005–06**

Source of notification	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas	ACT	NT
Subject child	280	26	366 (377)	68	57	8	20	16
Parent/guardian	5,380	748	2,113 (2,213)	256	367	113	239	55
Sibling	80	60	55 (63)	6	21	3	2	—
Other relative	3,925	765	1,588 (1,666)	217	422	107	195	91
Friend/neighbour	2,485	625	1,751 (1,815)	110	356	92	201	65
Medical practitioner	430	354	620 (644)	25	278	1	29	23
Other health personnel	1,618	609	147 (159)	21	11	5	90	15
Hospital/health centre	12,075	578	1,619 (1,677)	290	330	91	124	149
Social worker	743	290	791 (845)	—	210	98	68	25
School personnel	9,116	1,940	3,174 (3,279)	315	585	266	414	108
Child care personnel	999	130	317 (318)	36	14	10	38	7
Police	18,460	2,454	5,809 (6,089)	529	1,038	294	368	271
Departmental officer	837	796	833 (884)	249	405	175	159	39
Non-government organisation	5,412	1,481	684 (712)	57	237	58	401	96
Anonymous	2,716	—	375 (409)	41	154	19	39	3
Other <sup>(b)</sup>	4,758	230	991 (1,073)	130	8	78	109	2
Not stated	20	244	325 (341)	—	286	—	1	46
<b>Total</b>	<b>69,334</b>	<b>11,330</b>	<b>21,558 (22,564)</b>	<b>2,350</b>	<b>4,779</b>	<b>1,418</b>	<b>2,497</b>	<b>1,011</b>

(a) For Queensland, the secondary total finalised investigations (22,564) include 1,006 finalised investigations with an assessment outcome of 'no investigation and assessment outcome'. In these cases, there was insufficient information to enable an assessment outcome of substantiated or not substantiated to be determined. This may occur in circumstances where a family was unable to be located or has moved interstate and the investigation is therefore finalised and closed.

(b) 'Other' category may include the person responsible.

## Care and protection orders

**Table A1.6: Children substantiated in 2004–05 and subsequently placed on care and protection orders within 12 months, for selected states and territories**

State/territory	Number subsequently placed on a care and protection order	Percentage of all children substantiated in 2004–05
New South Wales	n.a.	..
Victoria	1,986	25.7
Queensland	2,082	16.1
Western Australia	286	24.2
South Australia	322	17.9
Tasmania	111	19.1
Australian Capital Territory	145	17.2
Northern Territory	257	55.6

Note: New South Wales was unable to provide these data.

**Table A1.7: Children on care and protection orders, by sex, states and territories, at 30 June 2006**

Sex of child	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT
	<b>Number</b>							
Male	4,809	3,073	3,276	1,031	866	453	286	222
Female	4,404	2,901	3,170	1,015	795	375	272	215
Unknown	—	10	—	—	10	5	—	—
<b>Persons</b>	<b>9,213</b>	<b>5,984</b>	<b>6,446</b>	<b>2,046</b>	<b>1,671</b>	<b>833</b>	<b>558</b>	<b>437</b>
	<b>Per cent</b>							
Male	52.2	51.4	50.8	50.4	52.1	54.7	51.3	50.8
Female	47.8	48.6	49.2	49.6	47.9	45.3	48.7	49.2
<b>Persons</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Implementation of the Western Australian *Children and Community Services Act 2004* in March 2006 required the legal status of children in care to be reviewed and protection orders were sought for a number of children already in care but not under care and protection orders.

Table A1.8: Children on care and protection orders, by age and living arrangements, at 30 June 2006

Age (years)	Family care	Home-based out-of-home care	Residential care	Family group homes	Independent living	Other	Total
<b>Number</b>							
< 1	194	610	8	4	—	5	821
1–4	1,231	4,520	16	32	—	24	5,823
5–9	1,450	6,208	79	71	1	36	7,845
10–14	1,604	6,129	495	110	55	106	8,499
15–17	716	2,325	542	73	375	165	4,196
Unknown	—	4	—	—	—	—	4
<b>Total</b>	<b>5,195</b>	<b>19,796</b>	<b>1,140</b>	<b>290</b>	<b>431</b>	<b>336</b>	<b>27,188</b>
<b>Per cent</b>							
<1	23.6	74.3	1.0	0.5	—	0.6	100.0
1–4	21.1	77.6	0.3	0.5	—	0.4	100.0
5–9	18.5	79.1	1.0	0.9	—	0.5	100.0
10–14	18.9	72.1	5.8	1.3	0.6	1.2	100.0
15–17	17.1	55.4	12.9	1.7	8.9	3.9	100.0
<b>Total</b>	<b>19.1</b>	<b>72.8</b>	<b>4.2</b>	<b>1.1</b>	<b>1.6</b>	<b>1.2</b>	<b>100.0</b>

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## Out-of-home care

Table A1.9: Children in out-of-home care, by age, states and territories, at 30 June 2006

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	256	149	224	67	45	25	8	38	812
1–4	1,882	949	1,507	488	317	132	76	114	5,465
5–9	3,238	1,194	1,685	598	430	221	99	87	7,552
10–14	3,389	1,552	1,731	562	497	199	139	83	8,152
15–17	1,128	950	729	253	208	106	66	30	3,470
Unknown	3	—	—	—	—	—	—	—	3
<b>Total</b>	<b>9,896</b>	<b>4,794</b>	<b>5,876</b>	<b>1,968</b>	<b>1,497</b>	<b>683</b>	<b>388</b>	<b>352</b>	<b>25,454</b>
<b>Per cent</b>									
<1	2.6	3.1	3.8	3.4	3.0	3.7	2.1	10.8	3.2
1–4	19.0	19.8	25.6	24.8	21.2	19.3	19.6	32.4	21.5
5–9	32.7	24.9	28.7	30.4	28.7	32.4	25.5	24.7	29.7
10–14	34.3	32.4	29.5	28.6	33.2	29.1	35.8	23.6	32.0
15–17	11.4	19.8	12.4	12.9	13.9	15.5	17.0	8.5	13.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table A1.10: Children in out-of-home care, by sex, states and territories, at 30 June 2006

Sex of child	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	5,133	2,417	2,934	999	773	364	196	183	12,999
Female	4,763	2,373	2,942	969	716	314	192	169	12,438
Unknown	—	4	—	—	8	5	—	—	17
<b>Persons</b>	<b>9,896</b>	<b>4,794</b>	<b>5,876</b>	<b>1,968</b>	<b>1,497</b>	<b>683</b>	<b>388</b>	<b>352</b>	<b>25,454</b>
<b>Per cent</b>									
Male	51.9	50.5	49.9	50.8	51.9	53.7	50.5	52.0	51.1
Female	48.1	49.5	50.1	49.2	48.1	46.3	49.5	48.0	48.9
<b>Persons</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Table A1.11: Children in out-of-home care, by age and type of placement, states and territories, at 30 June 2006**

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<b>Home-based</b>									
<1	255	146	224	64	45	24	8	34	800
1-4	1,881	939	1,502	471	310	129	75	111	5,418
5-9	3,225	1,165	1,671	555	419	204	98	86	7,423
10-14	3,270	1,415	1,617	496	432	150	117	63	7,560
15-17	961	752	637	188	166	49	41	19	2,813
Unknown	3	—	—	—	—	—	—	—	3
<b>Total</b>	<b>9,595</b>	<b>4,417</b>	<b>5,651</b>	<b>1,774</b>	<b>1,372</b>	<b>556</b>	<b>339</b>	<b>313</b>	<b>24,017</b>
<b>Residential (including family group homes)</b>									
<1	1	3	—	3	—	—	—	4	11
1-4	1	10	5	17	7	2	—	2	44
5-9	12	29	14	42	11	14	—	1	123
10-14	117	137	114	60	65	37	20	18	568
15-17	127	168	92	32	42	18	23	7	509
Unknown	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>258</b>	<b>347</b>	<b>225</b>	<b>154</b>	<b>125</b>	<b>71</b>	<b>43</b>	<b>32</b>	<b>1,255</b>
<b>Per cent</b>									
<b>Home-based</b>									
<1	2.7	3.3	4.0	3.6	3.3	4.3	2.4	10.9	3.3
1-4	19.6	21.3	26.6	26.6	22.6	23.2	22.1	35.5	22.6
5-9	33.6	26.4	29.6	31.3	30.5	36.7	28.9	27.5	30.9
10-14	34.1	32.0	28.6	28.0	31.5	27.0	34.5	20.1	31.5
15-17	10.0	17.0	11.3	10.6	12.1	8.8	12.1	6.1	11.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Residential (including family group homes)</b>									
<1	0.4	0.9	—	1.9	—	—	—	12.5	0.9
1-4	0.4	2.9	2.2	11.0	5.6	2.8	—	6.3	3.5
5-9	4.7	8.4	6.2	27.3	8.8	19.7	—	3.1	9.8
10-14	45.3	39.5	50.7	39.0	52.0	52.1	46.5	56.3	45.3
15-17	49.2	48.4	40.9	20.8	33.6	25.4	53.5	21.9	40.6
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

# Appendix 2: Technical notes

## Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics' (ABS) most recent population estimates for 31 March 2006 (ABS 2006a). The rates of children subject to child protection substantiations during 2005–06 were calculated using the ABS population estimates for 31 December 2005 (ABS 2006b).

**Rates of children on care and protection orders were calculated in the following way:**

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 2006}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2006}} \times 1,000$$

**Rates of children in out-of-home care were calculated in the following way:**

$$\frac{\text{Number of children aged 0–17 years in out-of-home care at 30 June 2006}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2006}} \times 1,000$$

**Rates of children who were the subjects of child protection substantiations were calculated in the following way:**

$$\frac{\text{Number of children aged 0–16 years who were the subjects of substantiations in 2005–06}}{\text{ABS estimated population aged 0–16 years at 31 December 2005}} \times 1,000$$

These rates were calculated for children aged 0–16 years rather than for children aged 0–17 years because there were very few children aged 17 years who were the subjects of substantiations.

## Rates for Aboriginal and Torres Strait Islander children

Rates for Aboriginal and Torres Strait Islander children were calculated by using the same basic method outlined above. Population projections based on the ABS 2001 census were used for the denominator (ABS 2005).

Rates for states and territories with small numbers of children in their child protection data and small Aboriginal and Torres Strait Islander populations (notably the Australian Capital Territory and Tasmania) should be interpreted carefully. Small changes in the numbers of Indigenous children in the child protection systems, or in population estimates, can have a major impact on rates.

The rates for Aboriginal and Torres Strait Islander children for 2004–05 should not be compared with the rates for Aboriginal and Torres Strait Islander children before this. Rates

for Aboriginal and Torres Strait Islander children for 1996–97 to 2000–01 were calculated using ABS Indigenous population data from the 1996 census data. These projections of the population are different from the ones based on the 2001 census data.

## **Rates for other (Australian) children**

The other population used for the calculation of rates was obtained by subtracting the number of Aboriginal and Torres Strait Islander children from the number of children in the total population.

## **Identification of Indigenous status**

### **Children**

The practices used to identify and record the Indigenous status of children vary across states and territories, with some jurisdictions recording large numbers of unknowns. No state or territory can validate the data on Aboriginal and Torres Strait Islander children by other means and the quality of the data is therefore unknown.

In this collection, children are counted as Indigenous if they are identified as such in the state and territory data collections. Children whose Indigenous status is recorded as 'unknown' are counted as non-Indigenous and included in the category 'other children'. The counts for Aboriginal and Torres Strait Islander children are therefore likely to be an underestimate of the actual number of Aboriginal and Torres Strait Islander children in the child protection system.

During 1998–99, a new method for counting Indigenous status was implemented in New South Wales, which improved the accuracy of this information. The apparent increase in the rate of Indigenous clients was a reflection of the improved recording of Indigenous status rather than an increase in the number of Indigenous clients. Western Australia also introduced new practices to improve the identification of Indigenous clients in 2001–02.

### **Caregivers**

In the out-of-home care data collection, the Indigenous status of caregivers was collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as Aboriginal and Torres Strait Islander Australians are included in the Indigenous category. Where the Indigenous children were living in facility-based care specifically for Indigenous children, the caregiver was counted as Indigenous. Where children were living in other types of facility-based care, the caregiver was not counted as Indigenous.

# Appendix 3: Legislation

## Child protection legislation

### Commonwealth

*Family Law Act 1975*

### New South Wales

*Children and Young Persons (Care and Protection) Act 1998*

### Victoria

*Children and Young Persons Act 1989*

(From early 2007, *Children, Youth and Families Act 2005*)

### Queensland

*Child Protection Act 1999*

### Western Australia

*Child Welfare Act 1947*

*Community Services Act 1972*

*Children and Community Services Act 2004*

### South Australia

*Family and Community Services Act 1972*

*Children's Protection Act 1993*

### Tasmania

*Children, Young Persons and Their Families Act 1997*

### Australian Capital Territory

*Children and Young People Act 1999*

### Northern Territory

*Community Welfare Act 1983*

## Legislative definition of 'in need of care and protection'

For a child to be placed under an order, a court needs to determine whether the child is in need of care and/or protection. Each state and territory has legislation defining 'in need of care and protection'.

## **New South Wales**

In New South Wales, a child or young person must be found under section 71(1) of the *Children and Young Persons (Care and Protection) Act 1998* to be in need of care and protection by reason of any of the following:

- (a) where there is no parent available to care for the child or young person as a result of death or incapacity or for any other reason
- (b) the parents acknowledge that they have serious difficulties in caring for the child or young person and, as a consequence, the child or young person is in need of care and protection
- (c) the child or young person has been, or is likely to be, physically or sexually abused or ill-treated
- (d) subject to subsection (2), the child's or young person's basic physical, psychological or educational needs may not be met, or are likely not to be met, by his or her parents
- (e) the child or young person is suffering, or is likely to suffer, serious developmental impairment or serious psychological harm as a consequence of the domestic environment in which he or she is living
- (f) in the case of a child who is under the age of 14 years, the child has exhibited sexually abusive behaviours and an order of the Children's Court is necessary to ensure his or her access to, or attendance at, an appropriate therapeutic service
- (g) the child or young person is subject to a care and protection order of another state or territory that is not being complied with
- (h) section 171(1) applies in respect of the child or young person.

## **Victoria**

In Victoria, section 63 of the *Children and Young Persons Act 1989* indicates that a child is in need of protection if any of the following grounds exist:

- (a) the child has been abandoned and after reasonable inquiries the parent(s) cannot be found, and no other suitable person can be found who is willing and able to care for the child
- (b) the child's parent(s) are dead or incapacitated and there is no other suitable person willing and able to care for the child
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parent(s) have not protected, or are unlikely to protect, the child from harm of that type
- (d) the child has suffered, or is likely to suffer, emotional or psychological harm of such kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parent(s) have not protected, or are unlikely to protect, the child from harm of that type
- (e) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parent(s) have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange, or allow the provision of, basic care or effective medical, surgical or other remedial care.

The *Children, Youth and Families Act* to be enacted in early 2007 has an additional clause:

- (2) For the purposes of sub-sections (1)(c) to (1)(e), the harm may be constituted by a single act, omission or circumstance or accumulate through a series of continuing acts, omissions or circumstances.

### **Queensland**

In Queensland, sections 9 and 10 of the *Child Protection Act 1999* (introduced in March 2000) define a child 'in need of protection' as a child who:

- (a) has suffered harm, is suffering harm or has an unacceptable risk of suffering harm
- (b) does not have a parent able and willing to protect the child from harm.

'Parent' is defined broadly to include persons 'having or exercising parental responsibility for the child' and includes a person who, under Aboriginal or Torres Strait Islander tradition or custom, is regarded as a parent of the child.

'Harm' is defined as 'any detrimental effect of significant nature on the child'.

### **Western Australia**

In Western Australia, the *Children and Community Services Act 2004* defines a child is 'in need of protection' if:

- (a) the child has been abandoned by his or her parents and, after reasonable inquiries
  - (i) the parents cannot be found
  - (ii) no suitable adult relative or other suitable adult can be found who is willing and able to care for the child
- (b) the child's parents are dead or incapacitated and, after reasonable inquiries, no suitable adult relative or other suitable adult can be found who is willing and able to care for the child
- (c) the child has suffered, or is likely to suffer, harm as a result of any one or more of the following
  - (i) physical abuse
  - (ii) sexual abuse
  - (iii) emotional abuse
  - (iv) psychological abuse
  - (v) neglectand the child's parents have not protected, or are unlikely or unable to protect, the child from harm, or further harm, of that kind
- (d) the child has suffered, or is likely to suffer, harm as a result of
  - (i) the child's parents being unable to provide, or arrange the provision of, adequate care for the child
  - (ii) the child's parents being unable to provide, or arrange the provision of, effective medical, therapeutic or other remedial treatment for the child.

### **South Australia**

In South Australia, under the *Children's Protection Act 1993*, an application may be made to the Youth Court when the Minister is of the opinion that:

- (a) the child is at risk and an order should be made to secure the child's care and protection

- (b) disruption of existing arrangements for the child would be likely to cause the child psychological injury and it would be in the best interest of the child for the arrangement to be the subject of a care and protection order.

For the purposes of the Act, a child is at risk if:

- (a) the child has been, or is being, abused or neglected
- (b) a person with whom the child resides (whether a guardian of the child or not)
  - (i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out
  - (ii) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person
- (c) the guardians of the child
  - (i) are unable to maintain the child, or are unable to exercise adequate supervision and control over the child
  - (ii) are unwilling to maintain the child, or are unwilling to exercise adequate supervision and control over the child
  - (iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found
- (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence
- (e) the child is under 15 years of age and of no fixed address.

The *Children's Protection Act 1993* also covers the practice of female genital mutilation. Under section 26A(1), female genital mutilation means:

- (a) clitoridectomy
- (b) excision of any other part of the female genital organs
- (c) a procedure to narrow or close the vaginal opening
- (d) any other mutilation of the female genital organs, but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose.

Under section 26B(1), on the protection of children at risk of genital mutilation, if the court is satisfied that there are reasonable grounds to suspect that the child may be at risk of female genital mutilation, the court may make orders for the protection of the child – for example, preventing a person from taking the child from the state, or requiring that the child's passport be held by the court for a period specified in the order or until further order, or providing for periodic examination of the child to ensure that the child is not subject to female genital mutilation.

Part 5 of the *Children's Protection Act 1993* also states that family care meetings should be convened in respect of the child if the Minister believes that a child is at risk and that arrangements should be made to secure the child's care and protection. The Minister cannot make an application for an order granting custody of the child or placing the child under guardianship before a family care meeting has been held unless satisfied that:

- (a) it has not been possible to hold a meeting despite reasonable endeavours to do so
- (b) an order should be made without delay
- (c) the guardians of the child consent to the making of the application
- (d) there is another good reason to do so.

The department will consider taking court action for a care and protection order only when no other intervention can safely protect a child who is at risk by definition of the Act. There are powers which the Youth Court may exercise when it finds that a child is in need of care and protection.

New care and protection orders tend to be for no longer than 12 months, although a second or subsequent order can be granted to complete a reunification process. The child may then be placed under the guardianship of the Minister or such other person or persons the court thinks appropriate, until 18 years of age.

### **Tasmania**

In Tasmania, the *Children, Young Persons and Their Families Act 1997* defines abuse or neglect as:

- (a) sexual abuse
- (b) physical or emotional injury or other abuse, or neglect, to the extent that
  - (i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing
  - (ii) the injured, abused or neglected person's physical or psychological development is in jeopardy.

The Act provides the following definition of a child at risk:

- (a) the child has been, is being, or is likely to be, abused or neglected
- (b) any person with whom the child resides or who has frequent contact with the child (whether the person is or is not a guardian of the child)
  - (i) has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out
  - (ii) has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person
- (c) the guardians of the child are
  - (i) unable to maintain the child
  - (ii) unable to exercise adequate supervision and control over the child
  - (iii) unwilling to maintain the child
  - (iv) unwilling to exercise adequate supervision and control over the child
  - (v) dead, have abandoned the child or cannot be found after reasonable inquiry
  - (vi) are unwilling or unable to prevent the child from suffering abuse or neglect
- (d) the child is under 16 years of age and does not, without lawful excuse, attend school regularly.

Child and Family Services staff make a decision about whether a child is at risk through a process of gathering, confirming and analysing information, and using their expertise and, where necessary, that of other professional people.

### **Australian Capital Territory**

In the Australian Capital Territory, a new Act, the *Children and Young People Act 1999*, was introduced in May 2000. This Act states that a child is in need of care and protection if:

- (a) he or she has been, is being or is likely to be, abused or neglected

- (b) no-one with parental responsibility for the child or young person is willing and able to protect him or her from suffering the abuse or neglect.

Abuse in relation to a child or young person means:

- (a) physical abuse
- (b) sexual abuse
- (c) emotional abuse (including psychological abuse) if the child or young person
  - (i) has suffered, is suffering or is likely to suffer in a way that has caused, is causing or is likely to cause significant harm to his or her wellbeing or development
  - (ii) has been, is being or is likely to be exposed to conduct that is a domestic violence offence within the meaning of the *Domestic Violence Act 1986* and that has caused, is causing or is likely to cause significant harm to his or her wellbeing or development.

Neglect of a child or young person means a failure to provide the child or young person with a necessity of life that has caused, is causing or is likely to cause the child or young person significant harm to his or her wellbeing or development. Necessities include food, shelter, clothing and medical care.

Without limiting the above, a child or young person is also in need of care and protection in any of the following circumstances:

- (a) if a person with whom the child or young person lives or is likely to live
  - (i) has threatened to kill or injure the child or young person and there is a real possibility of the threat being carried out
  - (ii) has killed, abused or neglected a child or young person and there is a real possibility of the person killing, abusing or neglecting the relevant child or young person and no one with parental responsibility is willing and able to protect the child or young person
- (b) no-one with the parental responsibility for the child or young person (other than the Chief Executive) is willing and able to provide him or her with adequate care and protection
- (c) if there is serious, persistent conflict between the child or young person and the people with parental responsibility for him or her (other than the Chief Executive) to such an extent that the care and protection of the child or young person is, or is likely to be, seriously disrupted
- (d) the people with parental responsibility for the child or young person (other than the Chief Executive) are
  - (i) dead, have abandoned him or her or cannot be found after reasonable enquiry
  - (ii) unwilling or unable to keep him or her from engaging in self-damaging behaviour
  - (iii) sexually or financially exploiting the child or young person or unwilling or unable to keep him or her from being sexually or financially exploited
- (e) the child or young person is the subject of a child protection order in a state that is not being complied with.

Action taken by ACT Family Services in relation to a report (notification) is at the discretion of the Chief Executive as per section 161 of the Act.

The Act reflects an increased emphasis on family support and prevention services to assist children, young people and their families.

## Northern Territory

In the Northern Territory, section 4(2) of the *Community Welfare Act 1983* states that a child is in need of care where:

- (a) the parents, guardian/ person having the custody have abandoned the child and cannot, after reasonable inquiry, be found
- (b) the parents, guardian/ person having the custody are unwilling or unable to maintain the child
- (c) the child has suffered maltreatment
- (d) the child is not subject to effective control and is engaging in conduct which constitutes a serious danger to his or her health or safety
- (e) being excused from criminal responsibility under section 38 of the Criminal Code (being under 10 years of age), the child has persistently engaged in conduct which is so harmful or potentially harmful to the general welfare of the community, measured by commonly accepted community standards, as to warrant action under this Act for the maintenance of those standards.

For the purpose of the *Community Welfare Act 1983*, a child shall be taken to have suffered maltreatment where he or she has suffered or is suffering or is at substantial risk of suffering the following:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of the child, or where there is substantial risk of the child suffering such an injury or impairment
- (b) serious emotional or intellectual impairment evident by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which the child belongs, whether a result of physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment
- (c) serious physical impairment evidenced by severe bodily malfunctioning, whether a result of the child's physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment
- (d) sexual abuse or exploitation, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect him or her from such abuse or exploitation
- (e) female genital mutilation, where a female child shall be taken to have suffered female genital mutilation where she
  - (i) has been subjected, or there is substantial risk that she will be subjected, to female genital mutilation, as defined in section 186A of the Criminal Code
  - (ii) has been taken, or there is substantial risk that she will be taken, from the territory with the intention of having female genital mutilation performed on her.

# Appendix 4: Mandatory reporting requirements

## New South Wales

Since 1977, medical practitioners have been required by law to report physical and sexual abuse. This was expanded under the *Children (Care and Protection) Act 1987* to encompass who is to report and what needs to be reported. As from 18 December 2000, the category of mandatory reporters was changed to anyone who:

- (a) in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children under the age of 16 years
- (b) holds a management position in an organisation the duties of which include direct responsibility for or direct supervision of a person referred to in (a), and that person has reasonable grounds (that arise as a consequence of their employment) to suspect that a child is at risk of harm.

Since 1998, agencies have also been required to report allegations about or convictions for child abuse against a person doing work for the agency, together with information on the action being taken by the agency, to the Ombudsman.

These statutory obligations are supplemented and supported by interagency guidelines detailing each agency's role, responsibilities and actions required in all aspects of child protection intervention and the policies, procedures and directions of individual agencies on how to respond to child care and protection matters. The Interagency Guidelines for Child Protection Intervention are currently being revised. A new edition is expected in mid-2006.

## Victoria

In 1993, the Victorian Government proposed legislative changes to the *Children and Young Persons Act 1989* which would mandate specific professional groups to notify suspected cases of child physical and sexual abuse. Doctors, nurses and police were mandated on 4 November 1993 to report child physical and sexual abuse. Primary and secondary school teachers and principals were mandated on 18 July 1994.

## Queensland

Under the *Public Health Act 2005*, doctors and registered nurses are required to notify all cases of suspected maltreatment of a child. Education Queensland policy requires school principals to report suspected child abuse and neglect to the appropriate authorities and requires teachers to report through principals; however, this is not legislated. The *Child Protection Act 1999* requires that officers of the Department of Child Safety and employees of licensed care services report when they suspect harm to children placed in residential care.

Under the *Commission for Children and Young People Act 2000*, the Commissioner for Children and Young People must refer matters where a child may be in need of protection under the *Child Protection Act 1999* to the chief executive of the Department of Child Safety or the Police Commissioner.

From February 2005, the Queensland Police Service revised operational policy in relation to referring children involved in incidents of domestic violence. In the event of a domestic violence incident, the policy requires the identification of any children normally residing with the victim or perpetrator, so an assessment can be made by the Queensland Police Service's Child Protection and Investigation Unit as to whether the children are at significant risk or harm or neglect. Where the assessed level of risk is low, children will be referred directly to the Department of Child Safety as a standard intake. Children assessed as being at high risk are referred to the relevant multi-agency Suspected Child Abuse and Neglect (SCAN) team for further assessment and case management.

### **Western Australia**

The Department for Community Development in Western Australia has the responsibility to receive and assess allegations of child abuse and neglect and to take action to protect children and young people. The reporting of children and young people who have been or who are likely to be harmed through abuse or neglect is supported through reciprocal protocols that have been negotiated with key government and non-government agencies. These arrangements are supported by legislative provisions that protect people who make reports and strengthen information sharing.

In 2004, new protocols between the Department of Health, Department for Community Development and the Western Australian Police Service now require the reporting of all children under 14 years of age with sexually acquired sexually transmitted infections (STIs) and the reporting of children between 14 and 16 years of age with an STI acquired through abuse.

Some highly specific legislative requirements for the reporting of child abuse are in place in Western Australia. Under the *Western Australian Family Court Act 1997*, court personnel, counsellors and mediators must report allegations or suspicions of child abuse in Family Court cases. Also, under the *Children and Community Services Act 2004* child care regulations, licensed providers of child care, family day care, outside school hours family day care or outside school hours care services are required to report abuse in a child care service.

Community awareness programs and the education of professional groups also contribute to the awareness and identification of possible abuse and neglect and action to prevent further harm from occurring.

### **South Australia**

Under the *Children's Protection Act 1993*, the following persons are required to notify the Department of Human Services (Family and Youth Services) when they suspect on reasonable grounds that a child is being abused or neglected: medical practitioners; nurses; dentists; pharmacists; psychologists; police; probation officers; social workers; teachers; family day care providers; and employees of, or volunteers, in government departments, agencies or local government or non-government agencies that provide health, welfare, education, childcare or residential services wholly or partly for children.

### **Tasmania**

In Tasmania, the *Children, Young Persons and Their Families Act 1997* (CYPF) emphasises that everyone in the community has a responsibility for making sure children are safe and protected. The following list of 'prescribed persons' are mandatory reporters under the Act: registered medical practitioners; nurses; dentists; police officers; psychologists; departmental employees within the *Police Regulation Act 1898*; probation officers; school principals and

teachers; persons who manage child care services or provide child care for a fee or reward; and in general people employed, or who are volunteers in, government agencies or organisations funded by the Crown that provide health, welfare, education, or care wholly or partly for children. During 2004–05, an amendment was made to the CYPF Act to extend the definition of abuse and neglect to include a child affected by family violence.

### **Australian Capital Territory**

Mandatory reporting was introduced on 1 June 1997. The groups mandated are doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare field and licensed child care providers. These groups are mandated to report physical and sexual abuse, although other forms of child maltreatment are also discussed in training sessions.

### **Northern Territory**

It is mandatory for any person who believes a child is being, or has been, abused or neglected to notify a Family and Children's Services office or police station.

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# Glossary

## General definitions

### Child protection and support services

Refers to those departments in each state and territory that are responsible for child protection matters. See the Acknowledgments for a list of the relevant departments.

## Definitions for child protection notifications, investigations and substantiations

### Age of child

Age is calculated from the date of birth at the time a report is made, and is shown in completed years, or <1 for those aged less than 1 year. In some jurisdictions, <1 year also includes those in utero.

### Child protection notification

Child protection notifications consist of reports made to an authorised department by persons or other bodies making allegations of child abuse or neglect, child maltreatment or harm to a child. Notifications should not include reports regarding wider concerns about children or families which are classified as child concern reports.

A notification can involve only one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same 'event', this is counted as only one notification. Where there is more than one notification between 1 July 2005 and 30 June 2006, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect), these notifications should be counted as separate notifications.

### Investigation

An investigation is the process whereby state and territory child protection and support services obtain more detailed information about a child who is the subject of a notification and make an assessment about the harm or degree of harm to the child and the child's protective needs. An investigation includes the interviewing or sighting of the subject child where it is practicable to do so.

Investigations to be counted in this collection relate to those child protection notifications of children aged 0–17 years that were made to an authorised department between 1 July 2005 and 30 June 2006, and which were subsequently investigated.

### Substantiation

A substantiation in the national data collection is a child protection notification made to relevant authorities during the year ended 30 June 2006 which was investigated, the investigation was finalised by 31 August 2006, and it was concluded that there was reasonable cause to believe that the child had been, was being or was likely to be abused or neglected or otherwise harmed.

## **Source of notification**

The source of a notification is that person who, or organisation which, initially makes a child protection notification to a relevant authority. The source is classified according to the relationship to the child allegedly abused or neglected.

### *Parent/guardian*

A natural or substitute parent, spouse of a natural parent, adoptive parent or spouse of an adoptive parent or any other person who has an ongoing legal responsibility for the care and protection of a child.

### *Sibling*

A natural (i.e. biological), adopted, foster, step-brother or sister, or half-brother or sister.

### *Other relative*

Includes grandparents, aunts, uncles and cousins. The relationship can be full, half or step or through adoption and can be traced through, or to, a person whose parents were not married to each other at the time of his or her birth. This category also includes members of Aboriginal or Torres Strait Islander communities who are accepted by that community as being related to the child.

### *Friend/neighbour*

An unrelated person or acquaintance who is known to, or lives in close proximity to, the subject child or his or her family, or to the person believed responsible for the abuse or neglect.

### *Medical practitioner*

Includes only registered medical practitioners. It includes both general practitioners and specialists in hospitals or in the community.

### *Other health personnel*

Any person engaged in supplementary, paramedical and/or ancillary medical services. This includes nurses, infant welfare sisters, dentists, radiographers, physiotherapists and pharmacists. It does not include social workers and non-medical hospital/health centre personnel.

### *Hospital/health centre personnel*

Any person not elsewhere classified who is employed at a public or private hospital or other health centre or clinic.

### *Social/welfare worker*

Any person engaged in providing a social or welfare work service in the community.

### *School personnel*

Any appropriately trained person involved in the instruction or imparting of knowledge to children or providing direct support for this education. This includes teachers, teachers' aides, school principals and counsellors who work in preschool, kindergarten, primary, secondary, technical, sporting or art and crafts education.

*Child care personnel*

Any person engaged in providing occasional, part-time or full-time day care for children.

*Police*

Any member of a Commonwealth, state or territory law enforcement agency.

*Departmental officer*

Any person, not classified above, who is employed by a state or territory child protection and support services department.

*Non-government organisation*

Any non-government organisation not classified above which provides services to the community on a non-profit-making basis.

*Anonymous*

Covers notifications received from people who do not give their names.

*Other*

All other persons or organisations not classified above (e.g. ministers of religion, or government agencies and instrumentalities not classified above).

*Not stated*

Includes all notifications that are received from unknown sources.

**Family of residence**

This can refer to the family type in which the child was residing at the time the abuse and neglect occurred or at the time of notification, depending on the state or territory practices.

*Two-parent – intact*

Includes all two-parent families where both parents are the biological parents or both parents are adoptive.

*Two-parent – step or blended*

Includes blended and reconstituted families (one biological parent and one step-parent, or one natural parent and a de facto of that parent).

*Single parent – female*

Includes all families with single female parents. The parent may be the biological, step- or adoptive parent.

*Single parent – male*

Includes all families with single male parents. The parent may be the biological, step- or adoptive parent.

*Other relatives/kin*

Includes Aboriginal and Torres Strait Islander kinship arrangements.

### *Foster care*

Includes situations in which a child is placed with foster parent(s) who receive a foster allowance from a government or non-government organisation for the care of the child. This category excludes children in family group homes.

### *Other*

Includes extended families and substitute care (not included above). It includes non-family situations, such as hostels and institutional accommodation. It excludes children living in foster care.

### *Not stated*

Used when the family in which a child lives is not recorded or is unknown.

## **Definitions for care and protection orders**

### **Child subject to orders**

This covers any child for whom state/territory child protection and support services has a responsibility as a result of some formal legal order or an administrative/voluntary arrangement. Only orders issued for protective reasons are included.

A legal or administrative order is any lawful direction which involves state and territory child protection and support services with a child over and above what is generally considered normal for most children, or which has an assumption that the department will have carriage of the order (or a substantial part of it). The involvement might take the form of total responsibility for the welfare of the child (e.g. guardianship), responsibility for overseeing the actions of the person or authority caring for the child, responsibility for providing or arranging accommodation or reporting or giving consideration to the child's welfare. Depending on the state or territory regulation under which the order is issued, the order can be from a Court, Children's Panel, Minister of the Crown, authorised child protection and support services department officer (e.g. director) or similar tribunal or officer.

### **Age of child**

This is the age of the child in completed years at 30 June 2006.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 2006. The categories are as follows:

#### *Family care*

Where the child is living either with parents, or with relatives/kin who are not reimbursed including:

- (i) living with parents (natural or adoptive) who are reimbursed by the state/territory for the care of the child
- (ii) living with parents (natural or adoptive) who are not reimbursed for the care of the child
- (iii) living with relatives or kin (other than natural or adoptive parents) who are not reimbursed for the care of the child.

### *Home-based out-of-home care*

Where the placement is in the home of a carer who is reimbursed for the cost of care of the child including:

- (i) foster care/community care – general authorised caregiver who is reimbursed for the care of the child by the state/territory and supported by an approved agency (excluding relatives/kin who are reimbursed)
- (ii) living with a relative or kin other than parent who is reimbursed by the state/territory for the care of the child
- (iii) other, including private board.

### *Family group homes*

Where the placement is in a residential building which is owned by the jurisdiction or a funded service and is typically run like a family home. They have a limited number of children who are cared for around-the-clock by resident substitute parents.

### *Residential care*

Where care is in a facility-based (residential) building whose purpose is to provide placements for children and where there are paid staff.

### *Independent living*

Where children are living independently, such as those in private boarding arrangements.

### *Other living arrangements*

Where living arrangements do not fit into the above categories or are unknown.

## **Definitions for out-of-home care**

### **Age of child**

This is the age of the child in completed years at 30 June 2006.

### **Type of placement**

Placement type is divided into four main categories:

#### *Home-based care*

Where placement is in the home of a carer who is reimbursed for expenses for the care of the child including:

- (i) foster care/community care – general authorised caregiver who is reimbursed by the state/territory for the care of the child and supported by an approved agency
- (ii) relative/kinship care – family members other than parents or a person well known to the child and/or family (based on a pre-existing relationship) who are reimbursed by the state/territory for the care of the child
- (iii) other home-based care – including private board.

### *Family group homes*

Where the placement is in a residential building which is owned by the jurisdiction or a funded service and is typically run like a family home. They have a limited number of children who are cared for around-the-clock by resident substitute parents.

### *Residential care*

Where the placement is in a residential building whose purpose is to provide placements for children and where there are paid staff. This category includes facilities where there are rostered staff and where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.

### *Independent living*

Where children are living independently, such as those in private boarding arrangements.

### *Other*

Where the placement type does not fit into the above categories or is unknown.

### **Respite care**

This category covers out-of-home care provided on a temporary basis for reasons other than for child protection—for example, when parents are ill or unable to care for the child on a short-term basis. It does not include emergency care provided to children who have been removed from their homes for protective reasons.

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