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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

Technical 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

In Australia child protection is a state and territory government responsibility, and child safety and wellbeing issues are increasingly being recognised by governments as a core policy area. Consequently all jurisdictions have increased their focus in the area of child protection and on providing support and services to families, including early intervention where necessary.

This 2007–08 report is based on the following four national child protection data collections:

- child protection notifications, investigations and substantiations
- children on care and protection order
- children in out-of-home care
- intensive family support services.

Who reports child abuse and neglect?

Incidents or suspected cases of child abuse and neglect are usually reported to government departments in the first instance by health or welfare professionals, teachers or the police, who in some jurisdictions are mandated to report such matters, or by other people in the community. In some jurisdictions, *anyone* who suspects that child abuse or neglect is occurring must, by law, report it to the appropriate authority.

Key stages in the child protection process

Although there are differences between states and territories that affect the comparability of child protection data, the main stages of the process are broadly similar across jurisdictions. Reports of suspected abuse or neglect can lead to the matter being dealt with as a **family support issue** (whereupon services or information will be provided) or as a child protection **notification**. Departments then determine if a **notification** requires an **investigation** or is better dealt with by other means such as referral to other organisations or family support services. (In Queensland, however, all notifications must be investigated). If an investigation is carried out, the notification will be categorised as being either **substantiated**, **not substantiated** or **no outcome possible**. This means that the investigating authority has determined whether or not, the child has been, is being, or is likely to be, abused, neglected or otherwise harmed. Substantiations can (but do not always) lead to a child being placed on a **care and protection order** and/or in **out-of-home care**. In some jurisdictions, children can also be placed on a care and protection order or in out-of-home care for other reasons.

Main findings

Over the last few years, what is regarded as child abuse or neglect has broadened in some jurisdictions which may have led to an increase in notifications, investigations and substantiations. A rise in the number of children requiring protection, a greater community awareness of child abuse and neglect issues and changes in child protection policies and department practices may also be contributing factors.

On the other hand, many jurisdictions have introduced alternative responses (e.g. family support services) for the less serious incidents which assist in containing the rise in the number of notifications, investigations and substantiations.

With the many differences in the way each state or territory handles and reports child protection issues, one must interpret relevant statistical information with caution. But, on balance, the trend is that nationally, substantiations, and the number and rates of children under care and protection orders or in out-of-home care have been on the rise. 2007–08 represents an anomaly, as substantiations fell for the first time in ten years. At this stage it is difficult to tell whether this decrease will continue or not. Although the data are often problematic, the available evidence shows very clearly that Aboriginal and Torres Strait Islander children are overrepresented in all of these areas.

Notifications, investigations and substantiations

As noted above, the numbers of notifications of child abuse or neglect, and subsequent investigations and substantiations, are on the rise in Australia.

- The number of child protection notifications increased by 26% over the last four years, from 252,831 in 2004–05 to 317,526 in 2007–08. In the past year the number of notifications rose in all jurisdictions except Qld and Tas (Table 2.3).
- Nationally, the number of substantiated notifications increased by more than 30% from 46,154 in 2004–05 to 60,230 in 2006–07 before a fall to 55,120 in 2007–08 (Table 2.4). The decline in substantiations could be an indication of the success of family support services offered in jurisdictions as an alternative response for less serious incidents. Future years data will be needed to determine if the trend is changing.
- Rates of children aged 0–16 years who were the subject of a substantiation of a notification received in 2007–08 varied considerably across jurisdictions, reflecting differences in policy and practice. Substantiation rates were between 2.9 in WA and 11.9 in NT per 1,000 (Table 2.6).
- Although the quality of the data on Indigenous identified varies between states and territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system. Indigenous children aged 0–16 years were more than 6 times as likely to be the subject of substantiations than other children (Table 2.8).

Children on care and protection orders

The number of children on care and protection orders continues to rise nationally, although the number of children on care and protection orders in the ACT fell slightly in the 12 months to 30 June 2008.

- The number of children on care and protection orders rose by more than 100% from 16,449 at 30 June 1998 to 34,279 at 30 June 2008 (Table 3.5).
- The rates of children on care and protection orders in Australia increased from 3.5 per 1,000 at 30 June 1998 to 6.9 per 1,000 at 30 June 2008 (Table 3.9).
- At 30 June 2008, the rates of children aged 0–17 years on care and protection orders varied across jurisdictions. Western Australia, South Australia and Victoria were at the low end of the range (6.0, 6.2 and 6.5 per 1,000 children respectively), while the Northern Territory, Tasmania and NSW were at the higher end (8.4, 7.7 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 7 times as high as for other children (Table 3.10).

Children in out-of-home care

The number of children in out-of-home care at 30 June has risen each year from 1998 to 2008.

- The numbers in out-of-home care rose by almost 115% from 14,470 at 30 June 1998 to 31,166 at 30 June 2008 (Table 4.3). This reflects a 'stockpiling effect' as more children are being admitted to care than discharged each year. One explanatory factor for the overall increase is the complex family situations of these children, which impacts on the length of time children remain in care. The numbers rose by just under 10% in the past year to 30 June.
- The average rise over the period 1998 to 2008 has been just over 8% (Table 4.3).
- The rate of children in out-of-home care in Australia increased from 3.1 per 1,000 at 30 June 1998 to 6.2 per 1,000 at 30 June 2008 (Table 4.7).
- The rates of children in out-of-home care ranged from 4.2 per 1,000 in Victoria, to 8.4 per 1,000 in New South Wales (Table 4.7). Across Australia at 30 June 2008, 48% of children in care were in foster care, 45% were in relative or kinship care and only 5% were in residential care (Table 4.4).
- The rate of Indigenous children in out-of-home care was almost 9 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. These departments provide assistance for some of the more vulnerable children in society. 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 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 the latest available and trend data on children who come into contact with state and territory child protection and support services for protective reasons. The four 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
- intensive family support services.

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

This chapter provides information on the child protection process and the practices and policies in each jurisdiction.

Child protection process

Reporting of child protection matters

Children who are assessed to be in need of protection can come into contact with state and territory departments responsible for child protection through a number of avenues. Reports made to the department 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.

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. In some jurisdictions, certain groups of workers in specific

circumstances are mandated to report. In other jurisdictions, anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority. 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. Details of the mandatory reporting requirements in each state or territory are set out in Appendix 4.

Police also have some responsibility for child protection in each state and territory, although the extent of their responsibility varies in each jurisdiction the data indicate police were the source of the largest proportion of notifications (Table A1.5). 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.

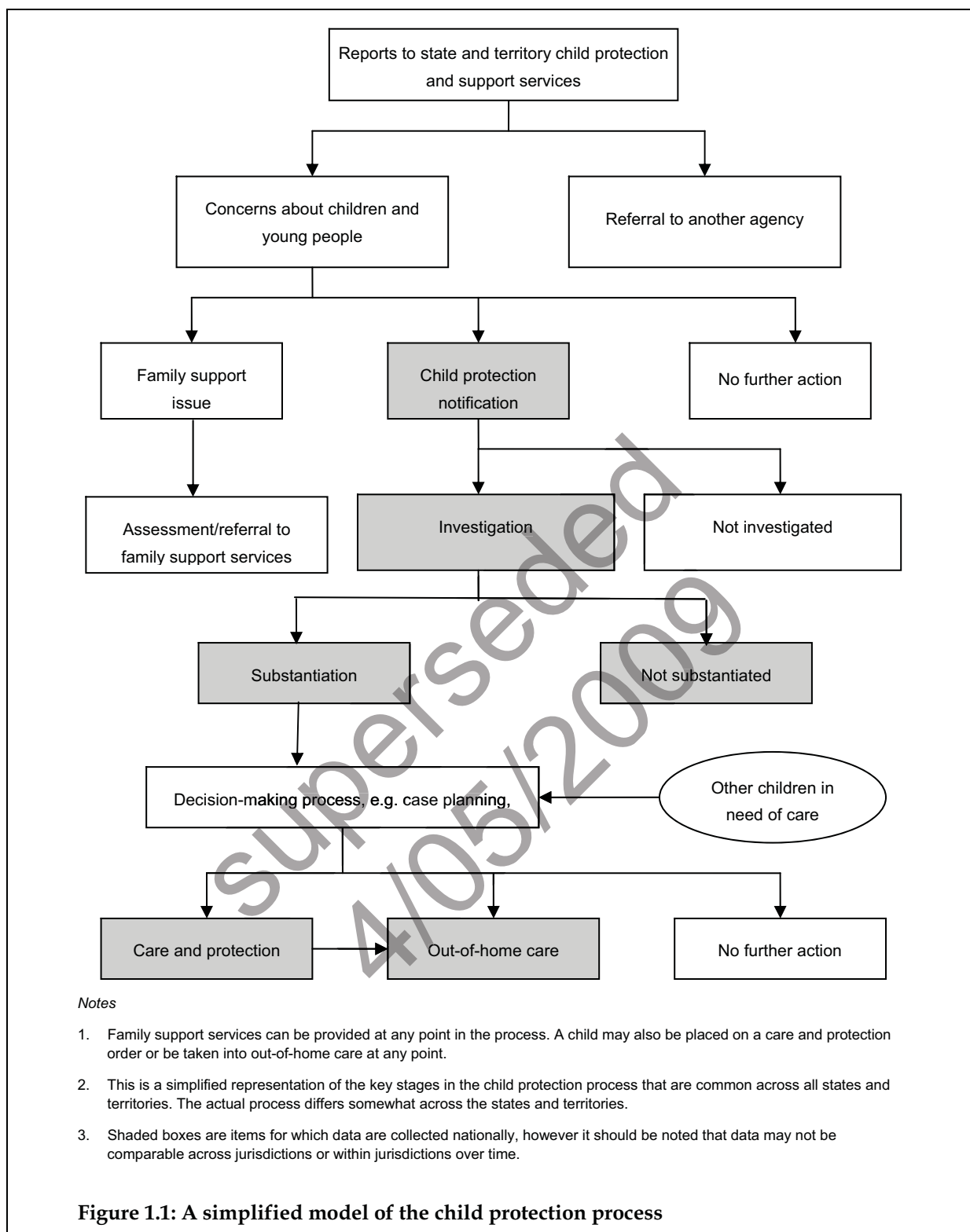
Reports to the department are assessed to determine whether the matter should be dealt with by the child protection and support services department or referred to another agency. Those reports that are appropriate for state and territory child protection and support services are further assessed to determine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

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.

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.



After an investigation has been finalised, a notification is classified as 'substantiated', 'not substantiated' or 'no outcome possible'. 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 department responsible for child protection 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, incarcerated or otherwise unable to care for the child.

Family support services

At any point in the child protection process, departments may choose to divert children and their families into family support services. Family support services may be used instead of a statutory child protection response (that is, as a substitute service) or as a complementary service to a statutory response. More information in family support services is available in Chapter 5 of this report.

Recent project

The Australian Institute of Family Studies was contracted by the National Child Protection and Support Services (NCPASS) Data Group to undertake the Review of Data Comparability Project ("the Project"), with assistance from the Children, Youth and Families Unit at the Australian Institute of Health and Welfare, who provided data and feedback on the draft project report. The aims of the Project were to:

- Examine the rates of total notifications, investigations and substantiations, and the rates of children on orders and in out-of-home care for the period 2000–01 to 2005–06;
- Analyse the differences in rates *across* jurisdictions, and the differences in rates over time *within* jurisdictions; and
- Identify and assess factors that may explain differences in rates across jurisdictions and within jurisdictions over time.

The project examined the statutory child protection indicators over the past five years (2000–01 to 2005–06) to identify data trends (i.e., national similarities and differences, and trends over time within jurisdictions) 2005–06 data were used for the across-jurisdiction analysis. Some of the jurisdiction differences observed in the 2005–2006 data may not be

identical to those observed in 2007–08. However, the key factors contributing to the different observations across jurisdictions are likely to be similar.

The key findings of each collection, Notifications, investigations, and substantiations (NIS), Care and protection orders, and Out-of-home care, is contained within the, 'Data analysis' section of each collection.

The conclusion drawn from this study was that factors suggested to explain differences across jurisdictions in rates of total notifications, investigations, and substantiations are also likely to have contributed to differences in rates of children on orders and in out-of-home care.

Developments 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, 'Keeping Them Safe' in South Australia, 'Referral for Active Intervention' in Queensland and 'Common Assessment Framework' in the ACT. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of child and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over time (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 it is believed that they have led to substantial decreases in the numbers of investigations after their introduction.

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 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 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 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, Western Australia where the Protection Order (Enduring Parental Responsibility) was introduced in 2006 and ACT where the Enduring Parental Responsibility Order commenced in 2000.

Recent policy changes

This section outlines the major child protection policy changes that occurred in recent years, as provided by the various child protection authorities in the states and territories. Legislation relating to specific jurisdictions is listed in Appendix 3.

New South Wales

In December 2002, the New South Wales Government announced a \$1.2 billion reform program for the child protection system to run over five full years from 2002–03 to 2007–08. The Department of Community Services (DoCS) is progressively implementing a suite of reforms across early intervention, child protection and out-of-home care in an environment of increasing demand for services.

NSW Brighter Futures program is a voluntary, targeted program that supports vulnerable children and families to prevent them from escalating in the child protection system. This program will deliver \$150 million over five years for early intervention services in addition

to the employment of 350 new dedicated early intervention caseworkers. Families in the Brighter Futures Program can access core funded services, which include parenting programs and quality childcare.

Of the reviewable child deaths in NSW in 2006, 59 per cent were children aged less than 12 months. Research suggests that many of these children were affected by their mothers' drug and /or alcohol dependence while pregnant. In response to these findings, the NSW Department of Community Services (DoCS) has developed the *Responding to Prenatal Reports Policy* in conjunction with NSW Health. The policy provides guidance for caseworkers at DoCS Helpline and at Community Services Centres (CSCs) in responding to prenatal reports. Prenatal reports may arise from concerns that include mental illness, homelessness, domestic violence and drug and/or alcohol abuse during pregnancy.

DoCS is collaborating with NSW Health to reinforce the primary role of the Health sector in providing support and antenatal care to pregnant women. Close collaboration between DoCS and NSW Health maximises preventative and early intervention strategies to reduce the risk of harm to unborn children. A six month trial of the policy began in June 2008 at three CSCs. Early indicators from the trial, which is being conducted by DoCS in partnership with NSW Health and a private hospital, are that substance abuse and transience are the biggest risk factors for mothers in the trial, followed by mental health and domestic violence.

Approximately \$613 million has been committed to expanding and improving the out-of-home care (OOHC) system. The rollout of this enhancement funding is part of a broader OOHC funding review and expression of interest process, with new contractual arrangements for non-government services to be established in 2008. A key aim of this process is to develop an integrated OOHC service system that allows children and young people to move seamlessly through a continuum of services that responds to their changing needs.

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 commenced operation in early 2007 and provides 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*, which commenced operation on 23 April 2007, is detailed legislation targeted at vulnerable children and families. 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.

Under the scope of the *Children, Youth and Families Act 2005* Victoria also now has the capacity to accept reports on unborn children, and in October 2007, a new report type of Therapeutic Treatment Reports, which relate to the reporting of children between the ages of 10 and 14 exhibiting sexually abusive behaviour and in need of therapeutic treatment, came into effect.

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

During 2007–08, the Queensland Government continued to strengthen reforms to the child protection system by improving and refining existing practices and developing new and improved policies and services.

The *One Chance at Childhood (OCC)* program aims to enhance the safety, wellbeing and permanency outcomes for children aged 0–4 years subject to departmental intervention. During 2007–08, 23 staff were permanently recruited to specialist professional roles to enhance the safety, stability and wellbeing for babies and toddlers within the child protection system, including specialists in early childhood, reunification and permanency planning. The OCC teams joined child safety service centres across the state in March 2008. In 2008–09, the Department of Child Safety will expend a further \$3 million (\$12 million over four years) to continue the OCC program.

The *Foster and Kinship Carer Recruitment Campaign* was launched in May 2008 to increase awareness of the need for more foster and kinship carers, different types of care, and most importantly, recruit more carers. From May 2008 to 30 June 2008, over 3,000 people expressed an interest in becoming foster or kinship carers. More than \$15 million over five years has been committed to recruit, train and increase support for foster and kinship carers. Delivering care options that meet the diverse needs of children and young people continues to be a key priority. In 2007–08, the number, diversity and stability of placements was improved by:

- Providing grant funding of \$26.3 million recurrent for three years to 46 placement services across the state to provide out-of-home care for children and young people. This provided a further 483 foster and kinship care places and 113 places for children and young people with complex to extreme needs.
- Establishing placement support units in selected locations to expand the diversity, quality and cost effectiveness of placement options for children in care.
- Providing \$6.4 million in capital funding to establish four therapeutic residential facilities throughout Queensland to provide safe treatment environments for children in care with significant, trauma-induced emotional and behavioural issues.

Specific programs and initiatives to meet the needs of Aboriginal and Torres Strait Islander children and young people in remote communities include:

- improving services to remote communities in Thursday Island, Weipa, Cooktown and Palm Island and establishing outreach services at Doomadgee, Normanton and Mornington Island
- commencing the Queensland Indigenous Alcohol Diversion Program. The program is now operating in Rockhampton (including Woorabinda), Townsville (with outreach to Palm Island) and Cairns (Yarrabah).

With the introduction in March 2007 of a new information management system for the Department of Child Safety – the Integrated Client Management System (ICMS) – there have been changes to the recording and reporting of some information. In particular, any new child protection concerns received by the Department relating to an open notification or investigation and assessment are recorded as an additional concern and linked to the open notification/investigation and assessment. Previously, any new child protection concerns received by the Department were recorded as an additional notification. This recording change contributed to the decrease in notifications recorded for both 2006–07 (where three months of data was affected) and 2007–08 (full year effect).

Western Australia

The Department for Child Protection (DCP) and the Department for Communities (DFC) were created on 1 May 2007 in response to the Review of the Department for Community Development conducted by Ms Prudence Ford between October and December 2006 (the Ford Review). DCP provides a strengthened focus on the protection of vulnerable children, young people and families. The Department established the Aboriginal Reference Group to provide input into the Department's policies and guidelines, staff development and training programs. In May 2008 the Department implemented the *Policy on Neglect*.

In June 2008 the Department adopted, Signs of Safety, as its child protection practice framework.

In 2006–07 the department has recently changed its statistical reporting of child protection work. For statistical reporting purposes, the department now counts a referral of 'concern for a child's wellbeing' as a 'child protection notification'. This has no effect on policy or case practice, as all notifications are assessed to determine the most appropriate response to ensure the safety and wellbeing of children.

In March 2007, the government announced the development of legislation for the mandatory reporting of child sexual abuse by doctors, nurses, and midwives, teachers and police. The legislation was passed by State Parliament and is expected to be operational from January 2009.

The *Children and Community Services Act 2004* came into operation on 1 March 2006, with 2006–2007 being the first full year of operation. 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 and the employment of children
- 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: 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 Child Protection 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 completed 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.

As a result of the Ford Report's finding that many children experience multiple placements while in the care of the CEO, a policy on permanency planning and placement is being developed. The department is engaging in consultations, including with Indigenous communities, to inform the development of the policy which will aim to ensure continuity and stability in a child's life, their cultural identity and care arrangements.

Also in response to the recommendations of the Ford Report, the department is working collaboratively with the Departments of Health and Education and Training to implement health and education assessments and plans for children in the CEO's care.

A leaving care policy was finalised and a leaving care website was developed with the department's support, to be managed by CREATE Foundation WA.

The department increased the number of out-of-home care placements to be provided by the non-government sector by an additional 54 placements across a variety of service model types. Residential care services were restructured into three tiers in line with the Ford Report recommendations.

The allocation of additional places was negotiated with departmentally-funded placement services to gauge agency capacity to increase service provision, and the department invited placement services to apply for funding for additional out-of-home care places.

The department also undertook work to increase the number and range of accommodation and care options available to children in the CEO's care; increase the number of Indigenous residential care workers in departmental residential care facilities; and develop and implement an integrated policy and procedure framework for the management of abuse in care.

South Australia

South Australia's *Keeping Them Safe* reform program is built on the premise of a shared responsibility across Government and the whole community to ensure that all children are safe from harm and that as far as practicable all children are cared for in a way that allows them to reach their full potential.

Partnerships between Government agencies and key non-government agencies, have been a foundation for implementing the reform program. On this basis, an across Government information sharing guideline is being developed. This will allow all Government agencies and key non-government agencies who work with vulnerable families, children and young people to share information when they believe that adverse outcomes can be predicted over time unless service provision is coordinated.

Other examples highlighting the importance of across agency partnerships include:

- Collaboration between Families SA and Drug and Alcohol Services, SA in relation to the mandatory alcohol and other drug assessments where parents put their children at risk through their drug taking. This includes, testing and treatment of parents, the development of improved consultation and voluntary referral and assessment processes,

the joint provision of training and the development of consistent policies and procedures between DASSA and Families SA in relation to alcohol and other drug use adversely affecting children.

- Building community capacity to protect children through partnerships with organisations working with children or young people to provide child-safe environments, including the undertaking of criminal history checks of employees or volunteers in prescribed positions. Work will continue to support the development of child-safe environments within organisations through the development of resources, including good practice principles and standards when dealing with criminal history information.
- Collaboration with the Department of Education and Children's Services in the establishment of Children's Centres with the centres including services for vulnerable children, young people and their families. This has been supported by the appointment of Family Services Coordinators whose role is to focus on vulnerable children, young people and their families to help them access the centres and receive support services.

Keeping Them Safe also established, through the amendments to the Children's Protection legislation, the Child Death and Serious Injury Review Committee, the Guardian for Children and Young People, and the Council for the Care of Children. These bodies have worked actively to advocate for improved services and responses to children who have been abused or neglected and who are subsequently placed in the care of the State.

The *Keeping them Safe – In Our Care* strategy has eight new directions for out-of-home care in South Australia:

- strengthening families so more children and young people can stay with their families safely
- improving care planning to provide greater stability and certainty for children and young people
- redesigning care services with care packages tailored to each individual child
- providing a renewed commitment to developing effective and culturally appropriate responses to the high numbers of Aboriginal children and young people in care
- ensuring better connected care through integrated care teams and care families
- responding more effectively to children and young people with serious and complex needs
- valuing foster carers and foster parents
- re-evaluation of residential care settings to provide flexibility, diversity and quality support.

Standards for the provision of out-of-home care in South Australia were finalised in 2007–08, in consultation with key sector stakeholders. Health Standards for children and young people under Guardianship were also finalised and distributed. A carer identification card to enable improved access to support services for foster, relative and kinship carers was implemented and increased support provided to relative carers.

During 2007–08, the foster carer recruitment program focused on increasing numbers of general carers and carers for sibling groups. Marketing strategies were developed in partnership with the contracted non-government agencies and were delivered in metropolitan and regional areas. These campaigns resulted in a significant increase in enquiries and attendance at information sessions. Financial support for foster, relative and kinship carers increased by an average of 26 per cent in 2007–08, and training and development opportunities for carers and support workers was provided.

Tasmania

Tasmania's child protection services are continuing to undergo reform as part of transformation of the entire Tasmanian child and family services sector. The strategic framework for this reform is outlined in the report, '*New Directions for Child Protection in Tasmania: An integrated Strategic Framework*', (DHHS 2008).

This whole of system reform will:

- provide a service system for children and families that is based on a continuum ranging from primary and preventative services through to tertiary and statutory services;
- strengthen the child protection system to better respond to children at risk in collaboration with the family services system;
- build a family services system that is able to respond to children and families with emerging problems; and
- reform the out of home care system for children so that it can provide a range of quality placement types for children with support and care needs.

Reform of these services is designed to occur in concert over a five year period and implementation will require a significant shift in terms of culture, practice and service delivery. Achieving change will also be highly dependent on the establishment of an integrated and coordinated family services system that has a strong partnership base with other stakeholders.

To date, regional teams have been established for child protections services, new business systems and models have been implemented and a new practice framework has been introduced. In addition, a new structure incorporating Children and Family, Disability and Youth Justice services has been formed to provide for improved collaboration and better integration of services for children, young people and their families.

An action plan for the family services agenda is currently being introduced to guide implementation of:

- better targeted services to support vulnerable children, young people and families;
- the establishment of the clear governance for family service networks;
- the establishment of community intake points and consistent approaches to working with children and families; and
- a professional workforce and a quality culture which supports continuous improvement.

In addition, an action plan for reform of out of home care services reform agenda has been developed to facilitate:

- the establishment of implementation structures that result in the outsourcing of all out of home care services to non-government organisations;
- program development to ensure a wider range of placement options including greater provision for therapeutic care arrangements;
- the development of practice documents that inform operations within the new service system;
- the provision of professional development and training to ensure sustained delivery of high quality care in the new service system.

Australian Capital Territory

The policy focus of work in Care and Protection Services during 2007-08 has been preparation for the introduction of the new *Children and Young People Act 2008*. This legislation introduces a number of new concepts and provisions which will allow the service

to better respond to the needs of vulnerable children. In particular, it includes a greater emphasis on stability for children in out of home care, requires decision-makers to be informed by the views of children, introduces pre-natal reporting provisions, provides a framework for the authorisation of foster carers and foster care services and introduces Out-of-Home Care Standards for the Territory.

In 2007, Care and Protection Services introduced a new Risk Assessment Framework which has broadened the focus of a family assessment from an episodic analysis (which looks only at immediate risk and safety), towards an assessment of cumulative risk, focussing on the developmental wellbeing of children and families over time.

Also in 2007, Care and Protection Services introduced a differential response at Intake which has allowed workers to actively engage with families through assessment and referral, before children meet the statutory threshold for a response (ie. before they are *in need of care and protection*).

The differential response model is supported by the introduction of new early intervention and support services such as the Child and Family Centres, the Integrated Family Support Program and the Indigenous Integrated Family Support Program as well as the piloting of the Common Assessment Framework, which is a joint program between the Office for Children, Youth and Family Support, Regional Community Services and the ACT Health IMPACT program.

Northern Territory

The Northern Territory Government continued the development of the Family and Children's Services (FACS) program in 2008. Increased funding commenced in December 2003 with the intent of improving child protection services and systems over a period of five years. The increased funding has been primarily used to expand the child protection workforce, and for investment in developing the capacity and quality of the out-of-home care system.

The care and Protection of Children Act 2007 commenced – replacing the 1983 Northern Territory Community welfare Act. The new Act has included the creation of a Children's Commissioner as a statutory appointment and establishment of a Child's Death Review and Prevention Committee.

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 been fully implemented to respond to systemic maltreatment and severe physical and sexual abuse notifications across the Northern Territory. The Child Abuse Taskforce is co-located with the Centralised Intake Team which receives all notifications across the Northern Territory.

Family and Children's Services actively contributed to the Inquiry into Child Sexual Abuse resulting in the *Little Children are Sacred* report. The subsequent *Closing the Gap* announcement by the Northern Territory Government has given further increased funding to FACS in the areas of Child Protection Workforce, Aboriginal Community Workers, Residential and Therapeutic Care, the expansion of Sexual Assault Services and investment in the Child Abuse Taskforce.

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 according to definitions and counting rules agreed to by the departments and the AIHW. The state and territory departments and AIHW jointly fund the annual collation, analysis and publication of child protection data. 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 three of the 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 national data 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 current national data on child protection. Apart from the limited data on intensive family support services, there are currently no other data available at the national level on the support services used by children in need of protection and their families (see chapter 5 for further details).

Work is currently being undertaken by NCPASS to broaden the scope of the national data collection and to improve comparability. A 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 may 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 for some analyses 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.

Important differences among states and territories

Although the processes used by each jurisdiction to protect children are broadly similar (Bromfield & Higgins 2005), there are some important differences between jurisdictions in policies and practices in relation to child protection, and these differences affect the data presented in this report. The data from 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 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. 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.

In Victoria, 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 Victoria in April 2007, this process changed to receipt of a 'report' which will then be classified into a child wellbeing report or a protective intervention report.

Queensland, Western Australia and South Australia screen reports and can refer cases to other agencies or provide family support services if it is assessed that a child protection notification is not required to protect a child from abuse or neglect. This approach, which is referred to as a differential response, relies on voluntary participation from families. It seeks to address lower level needs and risks without the need for families to enter or further enter into the statutory child protection system.

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.

Other differences between jurisdictions are also worth noting:

- Through legislation, some jurisdictions are able to accept reports on unborn children whereas other jurisdictions cannot.
- 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.

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.

2 Notifications, investigations and substantiations

Overview

Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1 and is defined below. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by departments responsible for child protection between 1 July 2007 and 30 June 2008. 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 chapter 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 department responsible for child protection 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 2007 and 30 June 2008, and makes an assessment about the harm or degree of harm to the child and his or her protective needs. An investigation includes the sighting or interviewing of the subject child where it is practical to do so.
 - *Finalised investigation* – a notification received between 1 July 2007 and 30 June 2008 which was investigated, and where the investigation was completed and an outcome recorded by 31 August 2008. The cut-off point of 31 August is applied to allow time for investigating notifications made close to the end of the financial year.
 - *Investigation closed – no outcome possible* – a notification made between 1 July 2007 and 30 June 2008 which was investigated, but where the investigation was not able to be finalised in order to reach the outcome of substantiated or not substantiated and files were closed for administrative purposes. This may happen, for example, in cases where the family have relocated. These investigations would be completed between 1 July 2007 and 30 June 2008.
 - *Investigation in process* – a notification received between 1 July 2007 and 30 June 2008 which was investigated, but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2008. The cut-off point of 31 August is applied to allow time for investigating notifications made close to the end of the financial year.

- **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.

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

- *Substantiation of notifications received during 2007–08* – a notification received between 1 July 2007 and 30 June 2008 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* – a notification received between 1 July 2007 and 30 June 2008 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.

Recent project

As previously mentioned in chapter 1, The Australian Institute of Family Studies (AIFS) has undertaken a review of data comparability. The key findings of this report relating to notifications, investigations and substantiations were:

Notifications

Nationally, the rate of **total notifications investigated** in 2005–06 ranged from 7.2 per 1,000 children in Western Australia to 118.2 per 1,000 children in Tasmania. A variety of factors were identified as contributing to the variation observed in the rate of total notifications across jurisdictions, the most influential of which were:

- Differences in mandatory reporting requirements and agency reporting policies
- Differences in whether notifications are caller-defined or agency-defined
- Whether jurisdictions employ centralised intake or local area intake services
- Matters for which notifications are recorded (i.e., extra-familial maltreatment and abuse of children in care)
- Threshold differences in the point at which jurisdictions record a notification
- Differences in the availability of diversionary and family support services
- Differences in the application of the national counting rule for notifications

Investigations

Nationally, the rate of **total investigations** in 2005–06 ranged from 6.9 per 1,000 children in Western Australia to 50.6 per 1,000 children in New South Wales. A range of factors appeared to contribute to differences observed across jurisdictions, the most influential of which were thought to be:

- Differences in volume of clients entering the child protection stream of the service system
- Policy differences
- Threshold differences in the point at which a notification proceeds to an investigation
- Differences in the availability of diversionary and family support services

Substantiations

Nationally, the rate of **total substantiations** in 2005–06 ranged from 2.1 per 1,000 children in Western Australia to 19.8 per 1,000 children in New South Wales. Several factors appeared to contribute to differences observed across jurisdictions in the rate of total substantiations, the most influential of which were:

- Threshold differences in the point at which child protection services determine there has been harm/abuse and determine that there is a risk of harm/abuse
- Differences in what is substantiated
- Differences in the availability and capacity of diversionary and family support services

Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 2007–08 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.

It is important to note that substantiations as reported here (that is, substantiations of notifications received during the year) are an undercount of the actual number of substantiations made during the year. This count of substantiations does *not* include substantiations of notifications that were made in the previous year. This will affect both the rates and numbers of substantiations presented in this report, particularly for jurisdictions that have a large proportion of 'investigations in process' at 31 August each year. To clarify that the data reported are only a subset of all substantiations, the name of the category used for reporting on substantiations has been changed to 'substantiations of notifications received during the year'. It is important to note that whilst in previous years such data were referred to as 'substantiations', the actual counting rules have not changed and data are still comparable.

Abuse in care

Cases of alleged abuse in care are included in the data for the number of notifications, investigations and substantiations for New South Wales, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory. The standard reporting of cases of alleged abuse in care only formally commenced in Tasmania in December 2005. In Victoria and South Australia cases of alleged abuse in care are not included in the data. In Queensland, cases of abuse in care where there is custody or guardianship to the Director-General are not reported in the count of notifications, investigations and substantiations from March 2007, but recorded separately as Matters of Concern.

No suitable caregiver

In some cases where the department responsible for child protection conducts an investigation they may record an outcome of 'no suitable caregiver' (that is, no suitable parent or other legal guardian). This can include situations where a child's parent(s) have died, been incapacitated due to illness/injury or are otherwise unavailable (for example, due to being imprisoned). All jurisdictions, except the Northern Territory, include cases of 'no suitable caregiver' in the data for notifications. However, the subsequent reporting of these cases differs. For example, Victoria, South Australia, and Tasmania report these cases as substantiated neglect. In Western Australia, all cases of 'no suitable caregiver' are recorded

in the 'dealt with by other means' category, as are deceased parents in the Australian Capital Territory. In the Northern Territory, cases of 'no suitable caregiver' are not part of the child protection intake system – they are streamed directly into substitute care. In Queensland cases of 'no suitable care giver' are reported as substantiated neglect if no other harm type was identified in the intake system.

Changes in data systems

New South Wales

In October 2003, a new client information system was introduced in New South Wales (NSW) and only limited information was available for 2003–04 reporting. In 2004–05, NSW resumed comprehensive reporting for child protection, out-of-home care, and care and protection orders. 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, data for NSW for 2004–05 onwards are not directly comparable to information published in previous years.

Victoria

During 2006–07, Victoria introduced a major new data system which will be rolled out across the state by mid-2008. In parallel, the *Children, Youth and Families Act 2005*, which commenced in April 2007, introduced new service pathways and processes in Victorian child protection and family services to support earlier intervention and prevention for vulnerable children and their families. Due to these new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards, may not be fully comparable with data from previous years.

Queensland

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.

Further changes in recording practice were introduced in Queensland in March 2007 with the introduction of the Integrated Client Management System (ICMS). Any new child protection concerns received by the department that relate to an open notification or investigation and assessment are recorded as an additional concern and linked to the open notification/investigation and assessment. Prior to the introduction of ICMS, any new child protection concerns received by the department were recorded as an additional notification. This change in recording practice has had the effect of decreasing the number of notifications recorded in Queensland.

In addition, matters of concern (reports of alleged abuse in care) that result in a notification and/or substantiation are now reported separately in recognition that they relate to children in the custody or guardianship of the chief executive who are in out-of-home care.

For some tables, data have not been provided for Queensland due to the transition to the new information management system. It should be noted that 2006–07 trend data for Queensland has been updated, and therefore differs to figures published in Child Protection Australia 2006–07.

Western Australia

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 department has recently changed its statistical reporting of child protection work. For statistical reporting purposes, it now counts a referral of 'concern for a child's wellbeing' as a 'child protection notification'. This has no effect on policy or case practice, as all notifications are assessed to determine the most appropriate response to ensure the safety and wellbeing of children.

Tasmania

During 2007–08 Tasmania successfully implemented stage one of a new Child Protection Information System as the first stage in replacing the current information system. The new system supports intake and assessment functions, and offers many advantages, including a single, centrally managed database to store and manage child protection information, providing state-wide access to child protection information for all authorised staff.

Around the same time as implementing the new information system, Tasmania decentralised its intake service. Changes in recording practice were introduced so that new contacts made about similar concerns during an open notification or investigation period are no longer recorded as notifications.

Previously, since the introduction of the centralised intake service on 1 July 2003, every call made to the department about a particular child was recorded as a notification. Prior to 1 July 2003, child protection workers made the decision locally as to whether the call was counted as a notification.

Australian Capital Territory

In the ACT the introduction of a differential response system has resulted in a reduction in the number of reports recorded as investigations. Children and young people receiving a differential response are recorded as receiving support rather than being appraised (investigated) and are provided with a range of support strategies, which may include ongoing contact with the Department for a limited time on a voluntary basis.

Number of notifications, investigations and substantiations

Notifications and investigations

The number of child protection notifications received between 1 July 2007 and 30 June 2008 for each state and territory is shown in Table 2.1. The number of notifications ranged from 195,599 in New South Wales to 3,660 in the Northern Territory. This partly reflects the size of the populations in these jurisdictions, but may also be due to policy, practice and legislative differences.

The proportion of notifications that required investigation ranged from 18% in the ACT to 100% in Queensland, with other jurisdictions generally ranging between one-quarter to almost three-quarters (Table 2.1). This range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations.

Table 2.1: Notifications, by type of action, states and territories, 2007–08

Type of action	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
Investigations finalised ^(a)	106,943	10,080	18,049	3,492	5,437	2,086	1,462	1,275
Investigation closed—no outcome possible	26,638	—	805 ^(d)	183	—	933	104	389
<i>Total closed investigations</i>	<i>133,581</i>	<i>10,080</i>	<i>18,854</i>	<i>3,675</i>	<i>5,437</i>	<i>3,019</i>	<i>1,566</i>	<i>1,664</i>
Investigations in process ^(b)	3,997	1,087	6,149	708	16	238	—	352
<i>Total investigations</i>	<i>137,578</i>	<i>11,167</i>	<i>25,003</i>	<i>4,383</i>	<i>5,453</i>	<i>3,257</i>	<i>1,566</i>	<i>2,016</i>
Dealt with by other means ^(c)	58,021	30,440	..	4,594	15,394	9,606	7,404	1,644
Total notifications	195,599	41,607	25,003	8,977	20,847	12,863	8,970	3,660
Per cent								
Investigations finalised ^(a)	54.7	24.2	72.2	38.9	26.1	16.2	16.3	34.8
Investigation closed—no outcome possible	13.6	—	3.2	2.0	—	7.3	1.2	10.6
<i>Total closed investigations</i>	<i>68.3</i>	<i>24.2</i>	<i>75.4</i>	<i>40.9</i>	<i>26.1</i>	<i>23.5</i>	<i>17.5</i>	<i>45.5</i>
Investigations in process ^(b)	2.0	2.6	24.6	7.9	0.1	1.9	—	9.6
<i>Total investigations</i>	<i>70.3</i>	<i>26.8</i>	<i>100.0</i>	<i>48.8</i>	<i>26.2</i>	<i>25.3</i>	<i>17.5</i>	<i>55.1</i>
Dealt with by other means ^(c)	29.7	73.2	..	51.2	73.8	74.7	82.5	44.9
Total notifications	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (a) 'Investigations finalised' are investigations that were completed and an outcome of substantiated or not substantiated recorded by 31 August 2008.
- (b) 'Investigations in process' are investigations that were begun but not completed by 31 August 2008. Prior to 2006–07, these were called 'investigations not finalised'.
- (c) 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. Prior to 2006–07, some of the cases recorded as 'dealt with by other means' may have been cases where investigations were closed with no outcome possible (see note a). 'Dealt with by other means' also includes cases that were previously reported as 'no investigation possible/no action'.
- (d) In Qld, 'investigation closed—no outcome possible' are considered to be finalised investigations. This category includes notifications where there was insufficient information to enable an assessment outcome of substantiated or unsubstantiated to be determined. This may occur in circumstances where a family was unable to be identified, located or has moved overseas and the investigation is therefore finalised and closed.

Notes

1. Data may include unborn children.
2. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.
3. Percentages in table may not add to 100 due to rounding.
4. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Outcomes of finalised investigations

Although the outcomes of finalised investigations varied across the states and territories, in all jurisdictions a considerable proportion of investigations were not substantiated (between 37% in Victoria and 68% in New South Wales); that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed.

The proportion of investigations that were substantiated ranged from 32% in NSW to 63% in Victoria (Table 2.2).

Table 2.2: Outcomes of finalised investigations, states and territories, 2007–08

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Substantiated	34,135	6,365	8,028	1,464	2,331	1,214	827	756
Not substantiated	72,808	3,715	10,021	2,028	3,106	872	635	519
Total finalised investigations	106,943	10,080	18,049	3,492	5,437	2,086	1,462	1,275
	(18,854) ^(a)							
	Per cent							
Substantiated	31.9	63.1	44.5	41.9	42.9	58.2	56.6	59.3
Not substantiated	68.1	36.9	55.5	58.1	57.1	41.8	43.4	40.7
Total finalised investigations	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) For Qld the secondary total finalised investigations (18,854) includes 805 finalised investigations where there was an assessment outcome of 'No Investigation and Assessment Outcome'. For these cases, there was insufficient information to enable an assessment outcome of substantiated or unsubstantiated to be determined. This may occur in circumstances where the family was unable to be located or has moved interstate and the investigation is therefore finalised and closed.

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2008.
2. Percentages in tables may not add to 100 due to rounding.
3. Data may include unborn children.
4. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Recent trends in notifications and substantiations

In Australia, the number of child protection notifications increased by around 3% in the last year, rising from 309,448 in 2006–07 to 317,526 in 2007–08 (Table 2.3). All jurisdictions showed an increase with the exception of Tasmania and Queensland for which there was a decrease. The percentage increase in the number of notifications was between 3% and 22%.

In 2007–08, the number of substantiations of notifications received during the year fell by 5,110 over the previous year (Table 2.4). The decrease in substantiations was not present in all jurisdictions, with Northern Territory, South Australia and Western Australia recording increases by 22%, 4% and 19% respectively. The largest decreases were in Queensland (21%) and New South Wales (8%).

Table 2.3: Number of notifications, states and territories, 1999–2000 to 2007–08

Year	NSW ^(a)	Vic	Qld ^{(g)(i)}	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 ^(b)	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 ^(c)	13,442	741	2,124 ^(d)	1,554	198,355
2003–04	115,541	36,956	35,023	2,417	14,917	7,248 ^(e)	5,325	1,957	219,384
2004–05	133,636	37,523	40,829	3,206	17,473	10,788 ^(f)	7,275	2,101	252,831
2005–06	152,806	37,987	33,612	3,315	15,069	13,029	8,064	2,863	266,745
2006–07	189,928	38,675 ^(h)	28,511 ⁽ⁱ⁾	7,700 ^(k)	18,434	14,498	8,710	2,992	309,448
2007–08	195,599	41,607	25,003	8,977	20,847	12,863	8,970	3,660	317,526

- (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 WA, in 2002–03, is associated with organisational and practice changes.
- (d) From 2002–03, the number of notifications increased in the ACT, 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) The introduction of the *Family Violence Act 2004* 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 the Department of Police and Emergency Management about children affected by family violence.
- (g) 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.
- (h) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (i) From 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.
- (j) From 2006–07 notification figures for Queensland are affected by a change in recording practice. From March 2007, any new child protection concerns received by the department that relate to an open notification or investigation and assessment are recorded as an additional concern and linked to the open notification/investigation and assessment. Previously, any new child protection concerns received by the department were recorded as an additional notification.
- (k) The number of notifications for Western Australia increased between 2005–06 and 2006–07 because all Concern for Child Wellbeing reports were counted as a notification for the first time. Previously, only those that were followed by an investigation were counted as a notification.

Notes

1. Data may include unborn children.
2. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Source: AIHW child protection database; Table 2.1.

The increase in the numbers of notifications and a corresponding decrease in substantiations, may indicate a better awareness of child protection concerns in the wider community and more willingness to report potential problems to child protection services. The 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
- *Review of the Department for Community Development* (Ford 2007) – 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
- *Report on Child Protection Services in Tasmania* (Jacob & Fanning 2006) – Tasmania.

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.

The coinciding decline in substantiations could be an indication of the success of family support services offered in jurisdictions as alternative responses for less serious incidents. The growth in the number of children accessing intensive family support services between 2006–07 and 2007–08 more than doubled from 4336 to 8848.

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 between 2002–03 and 2003–04 was largely due to a change in recording practices. Until 2003–04, 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 2.4: Number of substantiations of notifications received during the relevant year, states and territories, 1999–2000 to 2007–08

Year	NSW ^(a)	Vic	Qld ^(h)	WA	SA	Tas ^(b)	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 ^(c)	2,423	213	310	327	40,416
2003–04	n.a.	7,412	17,473	968	2,490	427	630 ^(d)	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 ^(e)	1,277	480	55,921
2006–07	37,094	6,828 ^(f)	10,108 ^(g)	1,233	2,242	1,252 ^(e)	852 ⁽ⁱ⁾	621	60,230
2007–08	34,135	6,365	8,028	1,464	2,331	1,214	827	756	55,120

- (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 and 2006–07 should be interpreted carefully due to the high proportion of investigations in process by 31 August 2007.
- (f) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (g) 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.
- (h) From 2006–07 substantiation figures for Queensland are affected by a change in recording practice. From March 2007, any new child protection concerns received by the department that relate to an open notification or investigation and assessment are recorded as an additional concern and linked to the open notification/investigation and assessment. Previously, any new child protection concerns received by the department were recorded as an additional notification. If an investigation relating to these notifications was substantiated, each notification was recorded as a separate substantiation. Because new concerns are now recorded as additional concerns and not notifications, only the original notification is counted as a substantiation, where the investigation outcome is substantiated.
- (i) The decrease in the number of substantiated investigations reflects a requirement of staff to substantiate emotional abuse or neglect only if there was, or is likely to be, significant harm and there was no one with parental responsibility willing and able to protect the child/young person. Recording an outcome of an appraisal as not substantiated does not exclude ongoing work with the child or young person,

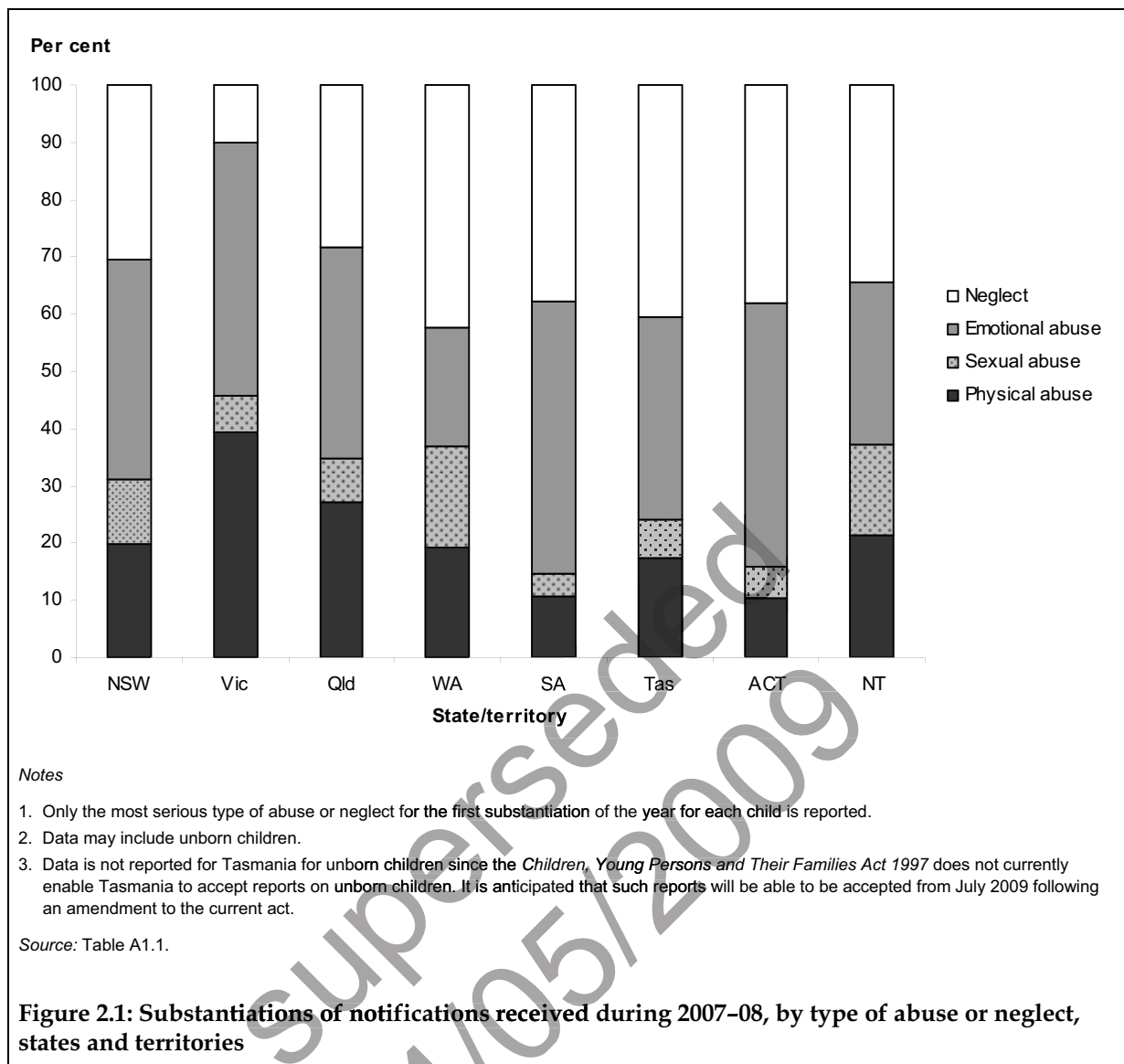
Notes

1. Data may include unborn children.
2. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Source: AIHW child protection database; Table 2.2.

Substantiations and type of abuse and neglect

Substantiations of notifications received during the year 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. If a child was the subject of more than one type of abuse or neglect as part of the same notification, the abuse or neglect reported 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, the type of abuse reported is the one associated with the first substantiation decision during the year. Thus, it is difficult to measure the overall patterns of types of abuse or neglect that each child may experience.



In New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory, where the notification was substantiated, the most common type of maltreatment emotional abuse, ranging between 37% and 47% of all substantiations in Australia (Figure 2.1 and Table A1.1). In the Northern Territory, Tasmania and Western Australia the most common type of maltreatment was neglect (34%, 40% and 42% respectively). However for each of these jurisdictions emotional abuse was the second most common type of maltreatment substantiated.

The high proportion of substantiations of emotional abuse is a relatively new phenomenon and may in part be due to the broadening legislative definition of emotional abuse. In 1998–99, physical abuse was the most common form of maltreatment substantiated in all jurisdictions except Queensland (AIHW 2000). The differences in the classification of type of abuse or neglect, as well as the types of incidences that may be substantiated, vary according to the policies and practices of the different jurisdictions. Appendix three has information on how each of the four types of maltreatment is defined in each jurisdiction.

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 2007–08 in New South Wales, there were 195,599 notifications compared with 103,355 children who were the subject of a notification, and 34,135 substantiations compared with 13,202 children who were the subject of a substantiation (Table 2.5).

While these data indicate that a number of children across Australia were the subject of more than one substantiation during 2007–08, it is not possible to calculate the exact proportion of children who were the subject of more than one notification or substantiation in any given year. These data would be available within the jurisdictions but, they are not collected nationally.

Table 2.5: Number of notifications and substantiations of notifications received during 2007–08 and number of children who were the subject of a notification and/or substantiation of a notification received during 2007–08, states and territories

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children in notifications	103,355	32,375	22,333	7,942	14,033	7,629	4,725	2,995
Total notifications	195,599	41,607	25,003	8,977	20,847	12,863	8,970	3,660
Children in substantiations	13,202	6,164	7,331	1,393	1,830	924	545	709
Total substantiations	34,135	6,365	8,028	1,464	2,331	1,214	827	756

Notes:

1. Includes children aged 0–17 years and children of unknown age.
2. Data may include unborn children.
3. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Sex and age

The type of abuse or neglect most commonly reported differed for males and females across all jurisdictions. In all jurisdictions females were far more likely to be the subject of a substantiation of sexual abuse than males (Table A1.2). In some jurisdictions, females were more than three times as likely as males to be 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 slightly 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 of a notification received during 2007–08 was larger in the younger age categories, with approximately two-thirds aged under 10 years (Table A1.3) this is consistent with the corresponding figures for 2005–06 and 2006–07. 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 substantiation of a notification received during the year. In 2007–08, the Northern Territory and New South Wales had the highest rates of children who were the subject of a substantiation: 11.9 per 1,000 children in the Northern Territory and 8.6 per 1,000 in New South Wales (Table 2.6). The rate was lowest in Western Australia at 2.9 per 1,000 children.

Much of the variation in rates across jurisdictions is likely to be due to differences in policies and approaches to child protection matters. For example, the Australian Capital Territory introduced a practice direction in late 2006 which shifted the focus of substantiations from a single event basis to whether the child or young person had experienced significant harm or was at risk of future significant harm, leading to a drop in the rate of children in substantiations. In Queensland, the number of substantiations recorded since 2004–05 has declined due to a number of factors, including the decrease in notifications recorded since 2004–05, the introduction of Structured Decision Making (SDM) tools in 2005–06 and recording changes that have contributed to a decrease in both the number of notifications and substantiations recorded on the department's information system.

Trends in rates of children in substantiations

Trends in rates of children who were the subjects of one or more substantiations of notifications received during the year also varied across and within jurisdictions. Over the last decade rates have generally increased for most jurisdictions, except Victoria, Western Australia and South Australia where rates have remained relatively stable.

The trend data need to be interpreted with caution as increases may reflect more children requiring a child protection response, increased community awareness about child abuse and neglect, and/or more willingness to report problems to state and territory child protection support services. Furthermore, the data are basically a measure of the activity of the departments responsible for child protection and as such are sensitive to changes in child protection legislation and departmental policies, practices, resources and data systems. Some of these are documented in the footnotes of Table 2.6.

Table 2.6: Rates of children aged 0–16 years who were the subject of a substantiation of a notification received during the relevant year, states and territories, 1998–99 to 2007–08 (per 1,000 children)^(a)

Year	NSW	Vic	Qld	WA	SA	Tas ^(b)	ACT	NT
1998–99	4.4	6.3	5.1	2.5	5.2	1.1	5.2	n.a. ^(c)
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 ^(d)	6.3	10.1	1.9 ^(e)	5.8	1.8	3.6	5.7
2003–04	n.a. ^(f)	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	5.9	12.0	8.1
2006–07	9.0	5.9 ^(g)	9.2 ^(h)	2.4	5.3	7.2	7.8 ⁽ⁱ⁾	9.3
2007–08	8.6	5.5	7.5	2.9	5.5	8.3	7.4	11.9

- (a) Rates are based on populations as at December 2007. 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 and 2006–07 should be interpreted carefully due to the high proportion of investigations in process by 31 August 2007.
- (c) Data for 1998–99 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.
- (g) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (h) 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.
- (i) The decrease in the number of substantiated investigations reflects a requirement of staff to substantiate emotional abuse or neglect only if there was, or is likely to be, significant harm and there was no-one with parental responsibility willing and able to protect the child/young person. Recording an outcome of an appraisal as not substantiated does not exclude ongoing work with the child or young person.

Notes

- Children aged 17 are not included in this table due to different legislative and practice across jurisdictions. There are a small number of children aged 17 involved in this collection. Where the age of the child is unknown these children are included.
- Refer to Appendix table A1.13 for the population used in the calculation of rates for 2007–08.
- Data may include unborn children.
- Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Source: AIHW child protection database; Table 2.8.

Rates by age

Rates of children who were the subjects of one or more substantiations of notifications received during 2007–08 generally decreased with age. In all jurisdictions, children aged under 1 year were most likely to be the subject of a substantiation and children aged 15–16 years least likely (Table 2.7). For example, children aged less than 1 year were at least 2.3 times as likely to be subject to a substantiation as 10–14 year olds.

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. As such, most jurisdictions have specific policies and procedures in place to protect younger children.

Table 2.7: Children aged 0–17 years in substantiations of notifications received during 2007–08, by age, states and territories (rates per 1,000 children)

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1 year	20.6	13.9	17.0	7.0	14.9	17.4	14.9	24.6
1–4 years	9.6	5.8	7.9	3.0	7.6	9.0	7.7	15.8
5–9 years	8.1	5.0	7.5	2.9	5.3	8.0	7.8	10.3
10–14 years	7.7	4.9	6.7	2.7	4.0	6.3	6.9	10.4
15–16 years	4.5	3.1	3.8	1.2	1.5	3.1	3.3	4.8
15–17 years	3.3	2.0	2.8	0.9	1.2	2.3	2.9	4.1
0–16 years	8.6	5.5	7.5	2.9	5.5	8.3	7.4	11.9
0–17 years	8.2	5.1	7.1	2.7	5.2	7.9	7.1	11.4

Notes

1. Refer to Table A1.3 for numbers for this table.
2. Children whose age was unknown are included in the 0–16 years to enable comparison with previous years. Children of Unknown age are also included in the 0–17 years category.
3. The <1 age group includes unborn children for some jurisdictions.
4. Refer to Appendix table A1.13 for the population used in the calculation of rates.
5. The <1 year category includes unborn children. The rate is calculated based on the population for children aged 0 years.
6. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Aboriginal and Torres Strait Islander children

Rates of children in substantiations

Aboriginal and Torres Strait Islander children are more likely to be the subjects of a substantiation of a notification received during the year than other children. In 2007–08 in all jurisdictions, the substantiation rate for Indigenous children was higher than the rate for other children. Across Australia, Indigenous children were more than 6 times as likely as other children to be the subject of substantiation (Table 2.8). In Queensland and Tasmania rates by indigenous status have been suppressed due to the high number of children with unknown Indigenous status.

Table 2.8: Children aged 0–16 years who were the subjects of substantiations of notifications received during 2007–08, by Indigenous status, states and territories (number and rates per 1,000 children)

State/territory	Number of children				Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Non-Indigenous	Unknown	All children	Indigenous	Other	All children	
New South Wales	3,263	9,831	25	13,119	53.0	6.8	8.6	7.9
Victoria	681	5,461	20	6,162	55.0	4.9	5.5	11.2
Queensland	1,617	3,841	1,819	7,277	n.a.	n.a.	7.5	n.a.
Western Australia	521	799	73	1,393	17.7	1.9	2.9	9.1
South Australia	547	1,192	80	1,819	48.4	4.0	5.5	12.2
Tasmania	39	172	709	920	n.a.	n.a.	8.3	n.a.
Australian Capital Territory	88	400	47	535	47.9	6.3	7.4	7.6
Northern Territory	558	134	8	700	23.7	4.0	11.9	5.9
Australia	7,314	21,830	2,781	31,925	35.3	5.5	6.8	6.4

Notes

1. Children aged 17 are not included in this table due to different legislative and practice across jurisdictions. There are a small number of children aged 17 involved in this collection. However, where the age of the child is unknown these children are included.
2. Rates for 'Other' includes non-Indigenous children and those children whose Indigenous status is unknown.
3. Refer to Appendix table A1.13 for the populations used in the calculation of rates.
4. Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were the subject of substantiations by the un-rounded rate of other children who were the subject of substantiations. The resulting number is a measure of how many Indigenous children were the subject of a substantiation for every one other child who was the subject of a substantiation.
5. Previously children of unknown Indigenous status were included in the count for other children, in 2007–08 these have been separated. The calculation of the other children rate remains the same as in previous years and includes both unknown and non-Indigenous children.
6. Data may include unborn children.
7. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.
8. The rates and rate ratio have not been reported for Queensland and Tasmania due to the high proportion of children for whom Indigenous status was unknown.
9. Data for Australia exclude Queensland and Tasmania due to the high proportion of children for whom Indigenous status was unknown in these jurisdictions

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 some Aboriginal children from their families
- intergenerational effects of previous separations from family and culture
- poor socioeconomic status
- perceptions arising from cultural differences in child-rearing practices.

Trends in the rates for Aboriginal and Torres Strait Islander children

Over the period 1998–99 to 2007–08, the rate of Aboriginal and Torres Strait Islander children in substantiations of notifications received during the year appear to have increased generally, despite some fluctuations. For example, between 2006–07 and 2007–08 the rate fell slightly in Victoria, New South Wales and Queensland, but rose in all other jurisdictions (Table 2.9).

The impact of improvements in the quality of Indigenous identified is important to consider 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 people as well as increases in the number of indigenous children requiring child protection.

Table 2.9: Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation of a notification received during the relevant year, states and territories, 1998–99 to 2007–08 (per 1,000 children)

Year	NSW	Vic	Qld	WA	SA	Tas ^{(a)(b)(c)}	ACT ^(a)	NT
1998–99	15.2	n.a. ^(d)	9.3	10.9	25.6	1.1	14.3	n.a. ^(e)
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 ^(f)	55.3	15.6	9.6 ^(g)	32.0	2.5	19.4	8.6
2003–04	n.a. ^(h)	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
2006–07	53.5	56.6 ⁽ⁱ⁾	29.2 ^(j)	15.0	39.0	4.0	41.3 ^(k)	16.8
2007–08	53.0	55.0	27.1	17.7	48.4	5.0	47.9	23.7

- (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 and 2006–07 should be interpreted carefully due to the high proportion of investigations in process by 31 August.
- (c) Due to the high number of children with Indigenous status unknown in Tasmania, Indigenous children may be considerably under-reported.
- (d) Indigenous data were not available from Victoria in 1998–99.
- (e) Data for 1998–99 were not available from the Northern Territory.
- (f) The data for 2002–03 and previous years should not be compared with data from 2003–04 onwards. 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.
- (g) The decline in the number of substantiations is due to the decreased number of notifications in Western Australia.
- (h) New South Wales data for 2003–04 were not available due to the introduction of a new client information system.
- (i) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (j) 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.
- (k) The decrease in the number of substantiated investigations reflects a requirement of staff to substantiate emotional abuse or neglect only if there was, or is likely to be, significant harm and there was no-one with parental responsibility willing and able to protect the child/young person. Recording an outcome of an appraisal as not substantiated does not exclude ongoing work with the child or young person,

Notes

1. Refer to Appendix table A1.13 for the population used in the calculation of rates for 2007–08.
2. Data may include unborn children.
3. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Source: AIHW child protection database; Table 2.8.

Types of abuse and neglect

The overall pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children was similar to that of other children. However, the proportion of substantiations for Indigenous children which were recorded as neglect was generally higher than that of other children. For example, in Western Australia, 52% of Indigenous children were the subject of a substantiation of neglect, compared with 36% of other children (Table 2.10).

Table 2.10: Children who were the subject of a substantiation of a notification received during 2007–08, by type of abuse or neglect and Indigenous status, states and territories (per cent)

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas ^(a)	ACT	NT
Indigenous children								
Physical abuse	19.5	35.5	30.0	13.6	7.7	10.3	3.3	21.8
Sexual abuse	9.2	3.1	4.9	13.1	2.6	2.6	2.2	14.5
Emotional abuse	34.5	48.8	29.4	21.7	49.0	35.9	46.7	27.1
Neglect	36.7	12.6	35.8	51.6	40.8	51.3	47.8	36.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Other children								
Physical abuse	20.7	40.2	27.2	21.3	14.6	18.6	13.6	22.1
Sexual abuse	16.9	7.0	8.7	21.2	5.4	7.9	6.2	19.3
Emotional abuse	35.1	43.3	39.0	21.2	45.0	36.0	47.3	32.4
Neglect	27.3	9.5	25.2	36.2	35.0	37.4	33.0	26.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
All children								
Physical abuse	20.4	39.7	27.8	18.4	12.5	18.3	11.9	21.9
Sexual abuse	15.0	6.6	7.9	18.2	4.5	7.7	5.5	15.5
Emotional abuse	34.9	43.9	36.9	21.4	46.2	36.0	47.2	28.2
Neglect	29.6	9.8	27.5	42.0	36.7	38.0	35.4	34.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) The high number of children with an 'unknown' Indigenous status at substantiation in Tasmania makes the counts for both Indigenous children and other children unreliable.

Notes

1. If a child was the subject of more than one type of abuse or neglect as part of the same notification, the type of abuse or neglect reported 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, the type of abuse or neglect reported is the one associated with the first substantiation decision during the year.
2. In Tasmania and the Australian Capital Territory, the proportion of Indigenous children who were the subject of a substantiation should be interpreted with caution due to the small number.
3. Refer to Table A1.4 for numbers for this table.
4. 'Other' includes non-Indigenous children and those children whose Indigenous status is unknown.
5. Percentages in tables may not add to 100 due to rounding.
6. Data may include unborn children.
7. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

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 2007–08 were police, school personnel, hospitals and other health centres (Table 2.11) in all jurisdictions except the ACT, police was the main source of notifications in 2007–08. In New South Wales, for instance, police were the source of 30% of the notifications, hospitals/health centres were the source of 16% and school personnel accounted for 12%.

Table 2.11: Investigations, by source of notification, states and territories, 2007–08 (per cent)

Source of notification	NSW	Vic	Qld ^(a)	WA	SA	Tas	ACT	NT
Subject child	0.3	—	1.0	1.3	1.3	0.1	0.4	0.2
Parent/guardian	7.3	7.2	8.6	8.6	4.8	5.5	8.2	3.9
Sibling	0.1	0.4	0.6	0.5	0.2	—	0.4	0.1
Other relative	5.4	7.9	6.4	8.9	7.6	7.5	6.7	6.6
Friend/neighbour	3.5	6.1	7.3	5.5	6.0	4.8	7.0	4.8
Medical practitioner	0.6	3.2	14.6	1.3	12.7	0.7	1.1	3.3
Other health personnel	1.9	6.4	..	0.9	2.5	6.6	2.4	1.7
Hospital/health centre	15.6	7.8	..	11.1	0.5	1.3	11.3	16.7
Social worker	0.9	0.2	..	—	18.7	5.5	1.4	1.7
School personnel	11.9	11.8	14.1	13.8	13.3	21.5	17.7	10.5
Childcare personnel	1.5	—	1.0	1.3	1.6	0.9	1.2	0.7
Police	29.5	24.7	25.7	26.1	23.3	23.5	15.3	32.2
Departmental officer	1.5	0.1	9.7	8.3	0.5	9.2	8.8	7.9
Non-government organisation	7.9	10.6	3.6	3.1	0.6	6.3	11.0	4.3
Anonymous	5.2	—	2.5	1.8	3.2	1.4	1.6	1.9
Other	6.9	13.6	5.1	7.5	3.0	5.0	5.4	3.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) With the introduction of ICMS in March 2007, the primary source categories of social worker, hospital/health centre and other health personnel were discontinued. From March 2007 social workers are primarily recorded in the departmental officer or non-government organisation categories, and health sources are primarily recorded in the medical practitioner category.

Notes

1. 'Other' category may include the person responsible.
2. Investigations include 'investigations finalised', 'investigations in process' and 'investigations closed—no outcome possible'.
3. Refer to Table A1.5 for numbers for this table.
4. Percentages exclude cases where the source of notification was not stated.
5. Percentages in tables may not add to 100 due to rounding.
6. Data may include unborn children.
7. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Family type

Data on the type of family in which children in substantiations of notifications received during the year were living, were available from all jurisdictions except New South Wales. It is important to note that the 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 across jurisdictions (see Note 1 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 families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families. The only exception to this was NT where the substantiations of notifications of two-parent intact families was higher, at 46%, than that of single-parent – female and male, which made up around 32% in total (29% and 3% respectively, Table 2.12).

There is likely to be a number of reasons for the over-representation of one-parent families in substantiations. For instance, lone parents are more likely to have low incomes and be financially stressed (AIHW 2007a; Saunders & Adelman 2006) and suffer from social isolation (Loman 2006; Saunders & Adelman 2006) – all factors that have been associated with child abuse and neglect (Coohy 1996).

Superseded
4/05/2009

Table 2.12: Substantiations of notifications received during 2007–08, by type of family in which the child was residing, states and territories

Family type	NSW ^(a)	Vic	Qld ^(b)	WA	SA	Tas	ACT	NT
Number								
Two parent—intact	n.a.	1,633	2,763	528	873	260	214	319
Two parent—step or blended	n.a.	584	1,676	212	436	138	65	76
Single parent—female	n.a.	2,241	2,764	505	843	521	265	201
Single parent—male	n.a.	540	328	71	75	59	19	24
Other relatives/kin	n.a.	214	151	86	44	45	10	63
Foster	n.a.	—	..	14	2	15	6	6
Other	n.a.	130	335	42	27	49	16	12
Not stated	n.a.	1,023	11	6	31	127	232	55
Total	34,135	6,365	8,028	1,464	2,331	1,214	827	756
Per cent								
Two parent—intact	..	30.6	34.5	36.2	38.0	23.9	36.0	45.5
Two parent—step or blended	..	10.9	20.9	14.5	19.0	12.7	10.9	10.8
Single parent—female	..	42.0	34.5	34.6	36.7	47.9	44.5	28.7
Single parent—male	..	10.1	4.1	4.9	3.3	5.4	3.2	3.4
Other relatives/kin	..	4.0	1.9	5.9	1.9	4.1	1.7	9.0
Foster	..	..	..	1.0	0.1	1.4	1.0	0.9
Other	..	2.4	4.2	2.9	1.2	4.5	2.7	1.7
Total	..	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) NSW was not able to provide a breakdown of substantiations by family type.

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

Notes

1. The type of family in which the child was living is recorded at different points for each jurisdiction. In Queensland, the Northern Territory and the Australian Capital Territory, it is categorised as to where the child was living at the time of the investigation. In 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. For Victoria and South Australia, it is at the time of the substantiation.
2. Percentages exclude cases where the family type was not stated.
3. Percentages in tables may not add to 100 due to rounding.
4. Data may include unborn children.
5. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

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, where other avenues for resolution of the situation have been exhausted, or where removal of the child to out-of-home care needs legal authorisation.

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 2007–08, and who were placed on a care and protection order within 12 months, ranged from 13% in the Northern Territory to 43% in Western Australia (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 and the availability of alternatives (see section on state and territory differences).

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 jurisdictions, 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.

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 Citizenship issues these visas and then advises the state and territory departments responsible for child protection. The child is then under the guardianship of the minister in the relevant jurisdiction 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 five categories for this report. Previously, orders were reported in three categories, guardianship or custody orders/administrative arrangements, supervisory orders, and interim and temporary orders.

1. Guardianship or custody orders

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 Victoria has Permanent Care Orders, which may follow a period of state-based care. 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.

2. Third party parental responsibility orders

Third party parental responsibility orders transfer all duties, powers, responsibilities and authority, parents are entitled to by law, to a third party, which may be another individual such as a relative, or an officer of the state. For example, this may occur in the event a parent is unable to care for a child, and as such parental responsibility is transferred to a relative.

3. Supervisory and other finalised orders

This category includes supervisory and other finalised court orders that give the department some responsibility for the child's welfare. Under these types of orders, the department supervises the level of care provided to the child. Such care is generally provided by parents, and the guardianship or custody of the child is not affected. They are therefore less interventionist than guardianship or custody orders.

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

4. 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.

5. Administrative arrangements

Administrative arrangements are agreements with the child protection departments, which have the same effect as a court order of transferring custody or guardianship. These arrangements can also allow a child to be placed in out-of-home care without going through the courts.

Scope of the data collection

The data collection includes data for the 2007–08 financial year on children admitted to and discharged from care and protection orders, orders issued during 2007–08, as well as data on the characteristics of children on orders at 30 June 2008. Trend data are also presented.

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 2008. If a child was on more than one order at 30 June 2008, 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. Changes to the 2007–08 collection include the disaggregation of third party parental responsibility and administrative arrangements from guardianship and custody orders. Previously these were counted as a subset of guardianship or custody orders and may have resulted in lower counts of this category in the 2007–08 report.

As in all other years, data for children on juvenile justice orders are not included in this data collection. The AIHW, working with the Australasian Juvenile Justice Administrators, produces national data on juvenile justice, covering both the community and detention aspects of this system (AIHW 2006, 2007b, 2007c).

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 were placed on guardianship orders of varying length determined by the court.
- Orders that grant permanent guardianship and custody of a child to a third party are issued only in some jurisdictions and, depending on the level of involvement of the department, may or may not be recorded in the data. 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'. Western Australian, Queensland and Tasmania are the other jurisdictions that are able to report children on orders where guardianship and custody is permanently transferred to a third party.

Recent Project

As previously mentioned in Section 1, The Australian Institute of Family Studies (AIFS) has undertaken a review of data comparability. The key findings of the Care and protection orders report were that there was much less variation in the rates of children on orders across jurisdictions than that observed in the preceding indicators. This suggests that the greatest differences in Australian child protection systems are to be found in the initial intake and investigation phases, but that there is a broadly consistent threshold across Australian child protection systems in the point at which court orders are sought to mandate various interventions with children and families, and a broadly consistent threshold in the point at which children are placed in out-of-home care. Nationally, the rate of **children on orders** at 30 June 2006 ranged from a low of 4.2 per 1,000 children in Western Australia to a high of 7.4 per 1,000 children in the Australia Capital Territory. The following factors appeared to contribute to the moderate differences observed across jurisdictions in the rates of children on orders:

- Differences in the types of orders available across jurisdictions;
- Variation in data provided for national reporting purposes;
- Differences in whether children in out-of-home care are on an order; and
- Threshold differences in the point at which an order is sought.

Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2007-08 as well as data on the characteristics of children who were

on care and protection orders at 30 June 2008. 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 2007–08 is shown in Table 3.1 and ranges between 241 in the Australian Capital Territory and 4,312 in Queensland. There were more children admitted to orders in 2007–08 than in 2006–07 in all jurisdictions except the Australian Capital Territory and Tasmania (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, 2007–08

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children admitted to orders	3,614	3,289	4,312	1,568	1,162	573	241	321
Children admitted for the first time	2,778	1,945	1,927	1,242	639	260	127	278
% of all admissions	76.9	59.1	44.7	79.2	55.0	45.4	52.7	86.6
Children discharged from orders	2,045	2,186	n.a.	442	494	281	160	279

Notes

1. Data may include children who were discharged around the age of 18 years.
2. If a new care and protection order is applied within five days of discharge, then a discharge is not counted.
3. A renewal of an existing order is not counted as an admission. However, a change to an order is counted as an admission.
4. If a child is on multiple care and protection orders/arrangements, all orders/arrangements must be discharged before a discharge for the purposes of this table is counted.
5. Each child is counted for one admission and/or one discharge for the year.

Some of the children admitted to orders in 2007–08 had been admitted to a care and protection order or arrangement on a prior occasion. The proportion of children admitted to orders for the first time ranged from 45% in Queensland to 87% in the Northern Territory.

Data on the age of children admitted to orders show that the largest proportion of children admitted to orders in 2007–08 were aged 0–4 years, ranging from 41% in the Australian Capital Territory to 48% in New South Wales (Table 3.2). However, there were also a considerable proportion of children aged 5–9 and 10–14 years admitted to orders in each jurisdiction, with an average of one-quarter for both 5–9 and 10–14 year olds. 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, 2007–08 (number and per cent)

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
<1	727	411	570	247	153	68	36	35
1–4	1,010	995	1,279	429	388	194	62	99
5–9	853	814	1,243	453	314	153	58	73
10–14	795	798	966	374	257	128	71	95
15–17	228	270	254	65	50	30	14	19
Unknown	1	1	—	—	—	—	—	—
Total	3,614	3,289	4,312	1,568	1,162	573	241	321
Per cent								
<1	20.1	12.5	13.2	15.8	13.2	11.9	14.9	10.9
1–4	28.0	30.3	29.7	27.4	33.4	33.9	25.7	30.8
5–9	23.6	24.8	28.8	28.9	27.0	26.7	24.1	22.7
10–14	22.0	24.3	22.4	23.9	22.1	22.3	29.5	29.6
15–17	6.3	8.2	5.9	4.1	4.3	5.2	5.8	5.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. A renewal of an existing order is not counted as an admission.
2. Children are counted for only one admission and discharge during the year. However, a change to an order is counted as an admission
3. Percentages exclude children of unknown age.
4. Percentages in tables may not add to 100 due to rounding.

Children discharged from orders

There were more children admitted to care and protection orders than discharged from orders during 2007–08. Queensland has been excluded from this analysis as data on discharges was not provided. The highest proportion of first time admissions were in the NT, 87%. The NT had the highest proportion of discharges, 87%, and the lowest was in WA, 28% (Table 3.1).

In the Northern Territory, New South Wales and South Australia the majority of children who were discharged had been on an order for less than one year (70%, 62% and 60% respectively). In Tasmania, the Australian Capital Territory, Western Australia and Victoria children were on orders for a slightly longer period but were generally discharged in under two years (Table 3.3). Western Australia, South Australia and New South Wales also had a considerable proportion of children who had been on an order for longer than four years (27%, 19% and 18% respectively), while in the Australian Capital Territory more than half (55%) of the children discharged had been on an order for one to four years.

Table 3.3: Children discharged from care and protection orders, by length of time on an order, states and territories, 2007–08 (number and per cent)

State/territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	
	Number								
New South Wales	695	240	161	179	222	188	169	191	2,045
Victoria	5	89	412	584	620	289	141	46	2,186
Queensland ^(a)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Western Australia	120	29	27	33	41	73	43	75	441
South Australia	83	133	64	16	63	41	32	62	494
Tasmania	40	26	27	21	71	56	18	22	281
Australian Capital Territory	26	12	9	1	29	59	19	5	160
Northern Territory	119	40	18	19	27	32	15	9	279
	Per cent								
New South Wales	34.0	11.7	7.9	8.8	10.9	9.2	8.3	9.3	100.0
Victoria	0.2	4.1	18.8	26.7	28.4	13.2	6.5	2.1	100.0
Queensland	..	..	..	..	..	..	..	..	..
Western Australia	27.2	6.6	6.1	7.5	9.3	16.6	9.8	17.0	100.0
South Australia	16.8	26.9	13.0	3.2	12.8	8.3	6.5	12.6	100.0
Tasmania	14.2	9.3	9.6	7.5	25.3	19.9	6.4	7.8	100.0
Australian Capital Territory	16.3	7.5	5.6	0.6	18.1	36.9	11.9	3.1	100.0
Northern Territory	42.7	14.3	6.5	6.8	9.7	11.5	5.4	3.2	100.0

(a) Data for Queensland has not been provided due to the recent transition to a new information management system.

Notes

1. If a child is discharged from an order and a new care and protection order/arrangement is applied within 5 days of the discharge, the orders are deemed to be consecutive (i.e. the length of time continuously on an order will include both orders).
2. If a child is on multiple care and protection orders/arrangements, all orders/arrangements must be discharged before a discharge for the purposes of this table is counted.
3. Length of time continuously on an order is counted only for the first order/arrangement that the child is discharged from during the year.
4. Totals exclude discharges of unknown length.
5. Percentages in tables may not add to 100 due to rounding.

Orders issued

There were more orders issued during 2007–08 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 before being placed on a guardianship or custody order. 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, ranging from one child admitted to 1.2 orders issued in Victoria, to one child admitted to 2.5 orders issued in South Australia (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,

supervisory orders were the most commonly issued type of order. While in New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Australian Capital Territory, interim and temporary orders were the most commonly issued type of order. 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.

Table 3.4: Care and protection orders issued, by type of order and ratio of children admitted to orders issued, states and territories, 2007–08

Type of order	NSW ^(a)	Vic	Qld	WA ^(b)	SA ^(c)	Tas	ACT	NT ^(e)
Number								
Guardianship or custody orders/arrangements	2,015	1,241	3,079	842	709	523 ^(d)	99	n.a.
Third party parental responsibility	n.a.	n.a.	148	41	11	n.a.	3	n.a.
Supervisory orders	n.a.	1,809	614	87	287	33	12	n.a.
Interim and temporary orders	3,286	805	3,834	1,195	1,517	724	129	n.a.
Administrative arrangements	n.a.	n.a.	n.a.	n.a.	350	100	119	n.a.
Total	5,301	3,855	7,675	2,165	2,874	1,380	362	n.a.
Per cent								
Guardianship or custody orders/arrangements	38.0	32.2	40.1	..	24.7	37.9	27.3	..
Third party parental responsibility	..	..	1.9	..	0.4	..	0.8	..
Supervisory orders	..	46.9	8.0	..	10.0	2.4	3.3	..
Interim and temporary orders	62.0	20.9	50.0	..	52.8	52.5	35.6	..
Administrative arrangements	..	..	..	..	12.2	7.2	32.9	..
Total	100.0	100.0	100.0	..	100.0	100.0	100.0	..
Ratio of orders issued to children admitted	1.5	1.2	1.8	..	2.5	2.4	1.5	..

- (a) NSW disaggregated data are not available for 2007–08 for the following categories: 'Third party parental responsibility', 'Supervisory orders', and 'Administrative arrangements'.
- (b) 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 valid to compare the number of orders by a percentage basis or the ratio of orders issued per child.
- (c) SA has included, for the first time in this collection, the number of children who were placed on third party parental responsibility orders and administrative arrangements.
- (d) Tasmania is not able to separately identify children under 'Third party parental responsibility' arrangements. These children are included under the 'Guardianship or custody orders' category.
- (e) NT disaggregated data are not available for 2007–08.

Note

1. Percentages in tables may not add to 100 due to rounding.

Trends in the number of children on orders

At 30 June 2008, there were more children on care and protection orders than in previous years for all jurisdictions except the Australian Capital Territory (Table 3.5).

The increases ranged from 2% in Tasmania to 17% in Western Australia. In the Australian Capital Territory the number of children on care and protection orders decreased by 4% (from 574 in 2006–07 to 552 in 2007–08).

Since 1998, the number of children on care and protection orders across Australia has increased significantly, more than doubling from 16,449 in 1998 to 34,279 in 2008. The increase in the number of children on care and protection orders may be attributed to a flow on effect from 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 (VDHS 2002).

Table 3.5: Trends in the number of children on care and protection orders, states and territories, at 30 June 1998 to 30 June 2008

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1998	5,987 ^(a)	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 ^(b)	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,320	1,260	453	219	205	19,917
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557
2003	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
2004	n.a. ^(c)	5,251	4,950	1,639 ^(d)	1,455	634	353	345	n.a.
2005	8,620	5,658	5,857	1,783	1,553	716	464	414	25,065
2006	9,213	5,984	6,446	2,046 ^(e)	1,671	833	558	437	27,188
2007	10,639	6,179 ^(f)	6,391 ^(g)	2,629	1,881	897	574	451	29,641
2008	12,086	7,876	7,040	3,094	2,197 ^(h)	914	552	520	34,279

(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.

(f) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.

(g) 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.

(h) SA has included, for the first time in this collection, the number of children who were placed on third party parental responsibility orders and administrative arrangements. Therefore this data is not comparable to previous years.

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 2008 were on guardianship or custody orders, ranging from 61% in Victoria to 90% in the Northern Territory (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on other types of care and protection orders. For example, Victoria also had a relatively high proportion of children who were on supervisory orders (34%) compared with less than 1% in the Northern Territory and South Australia. Conversely, in Western Australia, 17% of children were on interim or temporary orders compared with 5% in the Northern Territory.

Table 3.6: Children on care and protection orders, by type of order, states and territories, at 30 June 2008

Type of order	NSW ^(a)	Vic	Qld	WA	SA ^(b)	Tas ^(c)	ACT	NT ^(d)
Number								
Guardianship or custody orders/arrangements	10,247	4,795	5,082	2,379	1,947	779	424	465
Third party parental responsibility	n.a.	n.a.	563	62	39	n.a.	9	n.a.
Supervisory orders	n.a.	2,648	404	120	4	24	33	2
Interim and temporary orders	1,839	433	991	533	124	96	65	25
Administrative arrangements	n.a.	n.a.	..	..	83	15	21	28
Total	12,086	7,876	7,040	3,094	2,197	914	552	520
Per cent								
Guardianship or custody orders/arrangements	84.8	60.9	72.2	76.9	88.6	85.2	76.8	89.4
Third party parental responsibility	..	..	8.0	2.0	1.8	..	1.6	..
Supervisory orders	..	33.6	5.7	3.9	0.2	2.6	6.0	0.4
Interim and temporary orders	15.2	5.5	14.1	17.2	5.6	10.5	11.8	4.8
Administrative arrangements	..	..	..	..	3.8	1.6	3.8	5.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) NSW disaggregated data are not available for 2007–08 for the following categories: 'Third party parental responsibility', 'Supervisory orders', and 'Administrative arrangements'.

(b) SA has included, for the first time in this collection, the number of children who were placed on third party parental responsibility orders and administrative arrangements. Therefore these data are not comparable with previous years data.

(c) Tasmania is not able to separately identify children under 'Third party parental responsibility' arrangements. These children are included under the 'Guardianship or custody orders' category.

(d) Third party parental responsibility data is not captured in the NT.

Note

1. Percentages in tables may not add to 100 due to rounding.

Age and sex

The age profile of children on orders varied across the jurisdictions (Table 3.7). The proportion of children on orders who were aged under five years ranged from 24% in ACT to 30% in Western Australia. Conversely, the proportion of children aged 15–17 years ranged from 10% in Western Australia to 18% in the Australian Capital Territory.

In all jurisdictions except the Northern Territory and Western Australia there were slightly more males than females on care and protection orders (Table A1.7). In Western Australia, there was an equal distribution of males and females, while the Northern Territory had slightly more females than males on care and protection orders.

Table 3.7: Children on care and protection orders, by age, states and territories, at 30 June 2008

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
<1	452	234	252	129	64	32	12	14
1–4	2,567	1,861	1,594	811	483	203	120	138
5–9	3,643	2,178	2,014	975	615	270	161	161
10–14	3,809	2,146	2,013	858	655	278	159	144
15–17	1,614	1,286	1,167	321	380	131	100	63
Unknown	1	171	—	—	—	—	—	—
Total	12,086	7,876	7,040	3,094	2,197	914	552	520
Per cent								
<1	3.7	3.0	3.6	4.2	2.9	3.5	2.2	2.7
1–4	21.2	24.2	22.6	26.2	22.0	22.2	21.7	26.5
5–9	30.1	28.3	28.6	31.5	28.0	29.5	29.2	31.0
10–14	31.5	27.9	28.6	27.7	29.8	30.4	28.8	27.7
15–17	13.4	16.7	16.6	10.4	17.3	14.3	18.1	12.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. NSW disaggregated data are not available for 2007–08 for the following categories: 'Third party parental responsibility', 'Supervisory orders', and 'Administrative arrangements'.
2. Percentages exclude children of unknown age.
3. Percentages in tables may not add to 100 due to rounding.

Living arrangements

Most children on care and protection orders live in some type of family or home-based care, ranging from 62% to 96% across all jurisdictions. However, living arrangements varied somewhat by state and territory (Figure 3.1 and Table 3.8). For example, the proportion of children on orders who live with at least one of their parents ranged from 6% in South Australia to 25% in Victoria. The Australian Capital Territory had the highest proportion of children on care and protection orders living in residential care (9%).

Living arrangements varied slightly with the age of the child, although home-based out-of-home care was the most common type of living arrangement across all ages (Table A1.8). Across Australia, there was a relatively high proportion of children aged 15-17 years who were in residential care (13%) or living independently (8%).

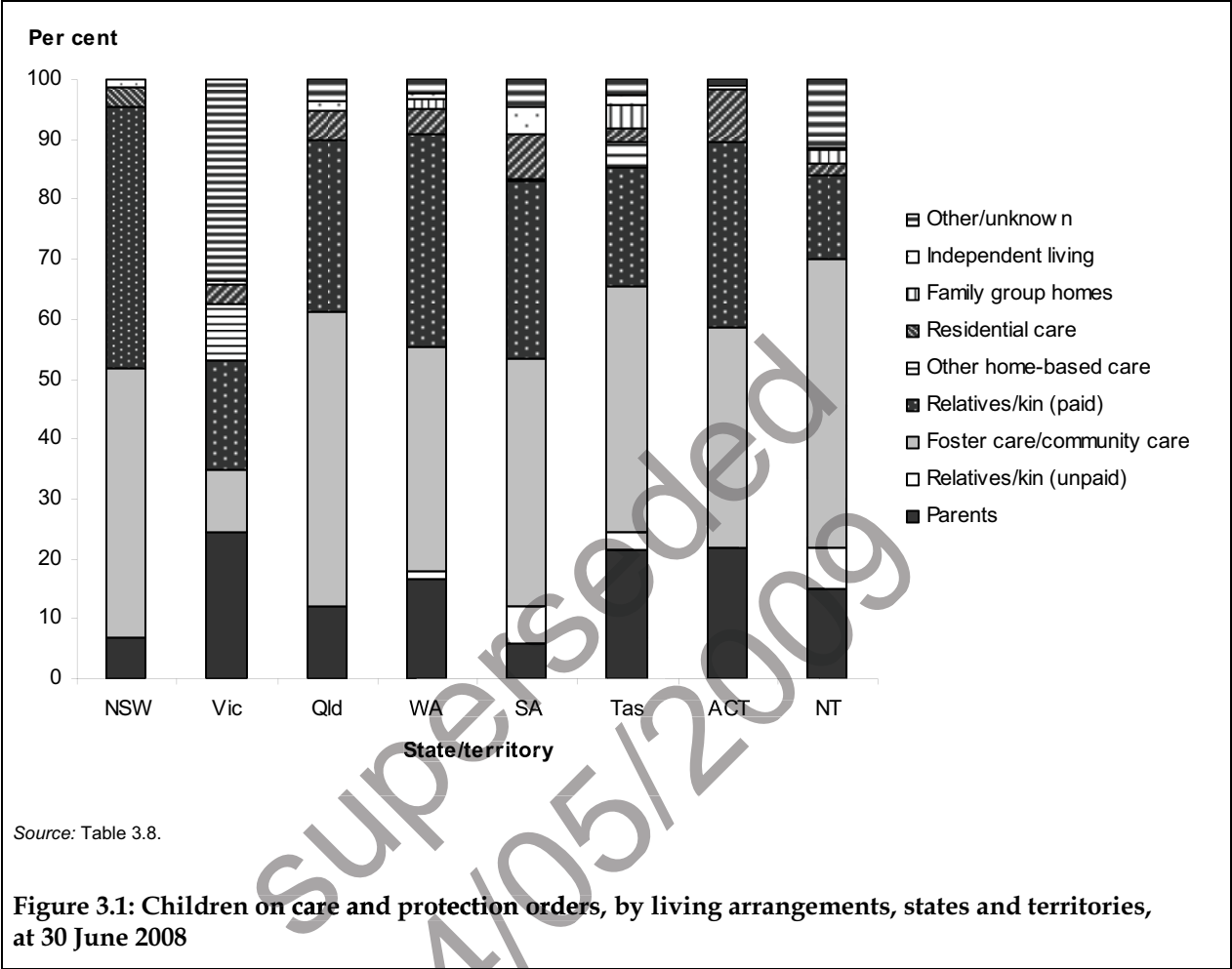


Table 3.8: Children on care and protection orders, by living arrangements, states and territories, at 30 June 2008

Living arrangements	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Parents	831	1,929	852	512	126	196	120	78
Relatives/kin ^(a)	—	—	—	45	136	26	—	39
<i>Total family care</i>	<i>831</i>	<i>1,929</i>	<i>852</i>	<i>557</i>	<i>262</i>	<i>222</i>	<i>120</i>	<i>117</i>
Foster care/community care ^(b)	5,413	810	3,458	1,154	911	377	204	244
Relatives/kin ^{(b)(c)}	5,296	1,451	2,015	1,099	654	180	170	71
Other	3	727	—	—	4	41	—	—
<i>Total home-based care</i>	<i>10,712</i>	<i>2,988</i>	<i>5,473</i>	<i>2,253</i>	<i>1,569</i>	<i>598</i>	<i>374</i>	<i>315</i>
Residential care	390	272	344	137	166	20	49	9
Family group homes	—	—	—	50	—	36	—	14
Independent living ^(d)	148	57	112	23	101	13	3	3
Other/unknown	5	2,630	259	74	99	25	6	62
Total	12,086	7,876	7,040	3,094	2,197	914	552	520
	Per cent							
Parents	6.9	24.5	12.1	16.5	5.7	21.4	21.7	15.0
Relatives/kin	—	—	—	1.5	6.2	2.8	—	7.5
<i>Total family care</i>	<i>6.9</i>	<i>24.5</i>	<i>12.1</i>	<i>18.0</i>	<i>11.9</i>	<i>24.3</i>	<i>21.7</i>	<i>22.5</i>
Foster care/community care	44.8	10.3	49.1	37.3	41.5	41.2	37.0	46.9
Relatives/kin	43.8	18.4	28.6	35.5	29.8	19.7	30.8	13.7
Other	—	9.2	—	—	0.2	4.5	—	—
<i>Total home-based care</i>	<i>88.6</i>	<i>37.9</i>	<i>77.7</i>	<i>72.8</i>	<i>71.4</i>	<i>65.4</i>	<i>67.8</i>	<i>60.6</i>
Residential care	3.2	3.5	4.9	4.4	7.6	2.2	8.9	1.7
Family group homes	—	—	—	1.6	—	3.9	—	2.7
Independent living	1.2	0.7	1.6	0.7	4.6	1.4	0.5	0.6
Other/unknown	—	33.4	3.7	2.4	4.5	2.7	1.1	11.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

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

(b) Some foster carers may be relatives of the child being cared for and some relative carers may actually be fully assessed as registered foster carers.

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

(d) This category includes private board.

Notes

1. NSW disaggregated data are not available for 2007–08 for the following categories: 'Third party parental responsibility', 'Supervisory orders', and 'Administrative arrangements'.
2. Percentages in tables may not add to 100 due to rounding.

Rates of children on care and protection orders

The rates of children on care and protection orders at 30 June 2008 varied across the states and territories, ranging from 6.0 per 1,000 in Western Australia to 8.4 per 1,000 in the Northern Territory (Table 3.9). Some of the variation is probably due to the different orders available and to variations in policies and practices across jurisdictions.

Trends in rates of children on orders

In the period from 30 June 1998 to 30 June 2008, the rate of children aged 0–17 years on orders in Australia increased from 3.5 per 1,000 to 6.9 per 1,000 (Table 3.9). The size of the increase varied across the states and territories over this period from 2.8 times as high in Victoria, to 6.0 in the Northern Territory.

Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, states and territories, 30 June 1998 to 30 June 2008

Year	NSW	Vic	Qld	WA	SA ^(g)	Tas	ACT	NT	Total
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
1999	4.4	3.8	4.0	2.1 ^(a)	2.9	3.6	3.0	3.0	3.8
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
2001	5.1	4.2	3.9	2.7	3.6	3.8	2.8	3.4	4.2
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	4.3
2003	5.6	4.3	4.3	3.0	3.9	5.1	3.7	4.6	4.6
2004	n.a. ^(b)	4.5	5.2	3.4 ^(c)	4.2	5.4	4.6	5.8	n.a.
2005	5.4	4.9	6.0	3.7	4.5	6.1	6.1	7.0	5.2
2006	5.8	5.1	6.5	4.2 ^(d)	4.8	7.1	7.4	7.3	5.6
2007	6.6	5.2 ^(e)	6.3 ^(f)	5.2	5.4	7.6	7.5	7.3	6.0
2008	7.4	6.5	6.8	6.0	6.2	7.7	7.0	8.4	6.9

(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.

(e) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.

(f) 2006–07 data for Queensland has been updated in 2008. This data may be different to the interim data published in Child Protection Australia 2006–07.

(g) SA has included, for the first time in this collection, the number of children who were placed on third party parental responsibility orders and administrative arrangements. Therefore these data are not comparable with previous years.

Notes

1. New South Wales data from 1998 onwards do not include children on supervisory orders.
2. Refer to Appendix table A1.14 for the population used in the calculation of rates for 2007–08.

Source: AIHW child protection database.

Aboriginal and Torres Strait Islander children

Number and rates

Aboriginal and Torres Strait Islander children are far more likely to be on care and protection orders than other children in all jurisdictions (Table 3.10). The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions, ranging from 14.6 per 1,000 in the Northern Territory to 74.1 per 1,000 in the Victoria. In all jurisdictions, the rate of Indigenous children on orders was higher than the rate for other children, ranging from 2 to 13 times as high across jurisdictions. Across Australia, the rate of Indigenous children on orders was more than 7 times higher than that of other children. Some of the reasons for this difference are outlined on page 29.

Most Indigenous children were on guardianship and custody orders or arrangements (Table A1.9). The types of orders that Indigenous children were on compared to other children were very similar, however Indigenous children were generally less likely to be on supervisory orders or third party parental orders than 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 2008

State/territory	Number of children				Rate per 1,000 children			Rate ratio Indigenous/other
	Indigenous	Non-Indigenous	Unknown	All children	Indigenous	Other	All children	
New South Wales	3,380	8,700	6	12,086	51.9	5.6	7.4	9.3
Victoria	977	6,884	15	7,876	74.1	5.8	6.5	12.9
Queensland	2,216	4,421	403	7,040	35.0	4.9	6.8	7.1
Western Australia	1,279	1,815	—	3,094	41.0	3.7	6.0	11.0
South Australia	540	1,639	18	2,197	45.0	4.8	6.2	9.3
Tasmania	139	775	—	914	16.9	7.0	7.7	2.4
Australian Capital Territory	117	426	9	552	60.1	5.7	7.0	10.6
Northern Territory	363	156	1	520	14.6	4.2	8.4	3.5
Australia	9,011	24,816	452	34,279	41.0	5.3	6.9	7.7

Notes

1. 'Other' includes non-Indigenous children and those children whose Indigenous status is unknown.
2. Refer to Appendix table A1.14 for the populations used in the calculation of rates.
3. Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were on a care and protection order by the un-rounded rate of other children who were on a care and protection order. The resulting number is a measure of how many Indigenous children were on a care and protection order for every one other child who was on a care and protection order.

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 New South Wales, Victoria, Western Australia, 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 Queensland, where the family voluntarily agrees to departmental intervention, an intervention with parental agreement case may be opened, rather than the department making an application to the Children's Court for a protective order.
- 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.
- In the Northern Territory, all children in out-of-home care were on a court order or some other form of legal authority.

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. From 2007–08 data also includes those whose carers were offered financial reimbursement but declined to accept where they are eligible for a financial payment by a state or territory. This includes placements with relatives (other than parents) but does not include placements solely funded by 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 placements 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.

Recent Project

As previously mentioned in Section 1, The Australian Institute of Family Studies (AIFS) has undertaken a review of data comparability. The key findings of the Out of home care report found that there was much less variation in the rates of children in out-of-home care across jurisdictions than in the frontline indicators of notifications, investigations and substantiations. The national rate of **children in out-of-home care** at 30 June 2006 ranged from a low of 4.0 per 1,000 children in Western Australia to a high of 6.2 per 1,000 children in New South Wales. The following factors appeared to contribute to the minor differences observed across jurisdictions in rates of children in out-of-home care:

- Differences in family service sector capacity to provide intensive family support to prevent placement;
- Variations in the capacity of the out-of-home care sector across jurisdictions;
- Data extraction issues; and
- Threshold differences in the point at which a child is placed into care.

Data and analysis

Some of the data in this section relate to children admitted to out-of-home care during 2007–08. However, most of the data relate to children who were in out-of-home care for the night of 30 June 2008.

Some children in foster care are placed with relatives who are registered to provide foster care to any child. Victoria and Western Australia report these children in the 'Foster carer' category whilst Queensland and South Australia report these children as being placed with a 'relative/kin'.

During 2006–07 Victoria introduced a major new data system, which will be rolled out across the state by mid-2008. In parallel, the *Children, Youth and Families Act 2005* which commenced in April 2007, introduced new service pathways and processes in Victorian Child Protection and Family Services to support earlier intervention and prevention for vulnerable children and their families. Due to these new service and data reporting arrangements, the Victorian child protection data from 2006–07 onwards may not be fully comparable with data from previous years.

Admissions and discharges

The number of children admitted to out-of-home care in 2007–08 ranged from 167 children in the Australian Capital Territory to 4,467 in New South Wales (Table 4.1). In New South

Wales and Victoria, the number of children admitted to out-of-home care during 2007–08 was higher than in 2006–07 in contrast, WA, SA, TAS, ACT and NT all recorded a decrease in the number of admission between 2006–07 and 2007–08. Qld did not provide admission data in 2006–07 and thus cannot be compared here (Table 4.1; AIHW child protection database).

Almost 42% of all children admitted to out-of-home care were aged under 5 years, with between 39% being under 1 year old and 60% between 1 and 4 years old. Children aged 15–17 years represented 8% of all admissions in 2007–08.

Table 4.1: Children admitted to out-of-home care, by age group, states and territories, 2007–08

Age (years)	NSW	Vic	Qld	WA	SA	Tas ^(a)	ACT	NT	Total
Number									
<1	730	416	554	206	114	47	28	32	2,127
1–4	1,150	762	784	224	170	82	36	79	3,287
5–9	1,133	694	728	199	157	64	37	65	3,077
10–14	1,141	816	807	185	154	81	53	85	3,322
15–17	311	339	273	41	57	27	13	15	1,076
Unknown	2	—	—	—	—	—	—	—	2
Total	4,467	3,027	3,146	855	652	301	167	276	12,891
Per cent									
<1	16.3	13.7	17.6	24.1	17.5	15.6	16.8	11.6	16.5
1–4	25.8	25.2	24.9	26.2	26.1	27.2	21.6	28.6	25.5
5–9	25.4	22.9	23.1	23.3	24.1	21.3	22.2	23.6	23.9
10–14	25.6	27.0	25.7	21.6	23.6	26.9	31.7	30.8	25.8
15–17	7.0	11.2	8.7	4.8	8.7	9.0	7.8	5.4	8.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Tasmania is not able to adhere to the new AIHW definition of OOHc for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

Notes

1. 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 two months previously. Children admitted to out-of-home care more than once during the year were only counted at the first admission.
2. Percentages exclude children of unknown age.
3. Percentages in tables may not add to 100 due to rounding.

In 2007–08, there were fewer children discharged from care than those admitted in almost all jurisdictions except Tasmania. NT figures were unavailable (Table 4.2; Table 4.1). 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, 33% of those discharged from care were aged 15–17 years in the Australian Capital Territory compared to 8% admitted to out-of-home care.

Table 4.2: Number of children discharged from out-of-home care, by age group, states and territories, 2007–08

Age (years)	NSW	Vic	Qld	WA	SA	Tas ^(a)	ACT	NT	Total ^(b)
Number									
<1	165	224	105	32	21	18	4	n.a.	569
1–4	541	678	339	103	53	80	18	n.a.	1,812
15–9	575	627	337	121	38	66	23	n.a.	1,787
10–14	704	699	344	133	76	83	30	n.a.	2,069
15–17	705	586	419	145	131	59	37	n.a.	2,082
Unknown	4	—	—	—	—	—	—	n.a.	4
Total	2,694	2,814	1,544	534	319	306	112	n.a.	8,323
Per cent									
<1	6.1	8.0	6.8	6.0	6.6	5.9	3.6	..	6.8
1–4	20.1	24.1	22.0	19.3	16.6	26.1	16.1	..	21.8
5–9	21.4	22.3	21.8	22.7	11.9	21.6	20.5	..	21.5
10–14	26.2	24.8	22.3	24.9	23.8	27.1	26.8	..	24.9
15–17	26.2	20.8	27.1	27.2	41.1	19.3	33.0	..	25
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0

(a) Tasmania is not able to adhere to the new AIHW definition of OOHc for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

(b) This total excludes NT whose data was unavailable

Notes

1. The data for children exiting care include those who left care and had not returned within two months. Where a child exits care more than once during the year, the last discharge is counted.
2. Percentages exclude children of unknown age.
3. Percentages in tables may not add to 100 due to rounding.

Trends in numbers in out-of-home care

At 30 June 2008, there were 31,166 children in out-of-home care in Australia (Table 4.3). This compares with 28,379 children who were in out-of-home care at 30 June 2007, an increase of almost 10%. The number of children in out-of-home care at 30 June 2008 was higher than at 30 June 2007 in all jurisdictions except in Tasmania.

Nationally, the number of children in out-of-home care in Australia at 30 June has increased each year since 1998 when there were 14,470 children in out-of-home care (Table 4.3).

Between 1998 and 2008, the number of children in out-of-home care in Australia increased by 115%. This reflects the fact that more children are being admitted to care each year than being discharged.

Table 4.3: Number of children aged 0–17 years in out-of-home care, states and territories, 30 June 1998 to 30 June 2008

Year	NSW	Vic	Qld ^(a)	WA	SA	Tas ^(b)	ACT	NT	Total
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
2007	11,843	5,052 ^(c)	5,972 ^(d)	2,371	1,678	667 ^(f)	399	397	28,379
2008	13,566	5,056	6,670	2,546 ^(h)	1,841 ^(e)	664 ^(g)	425	398	31,166

- (a) The data for the years 1998 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.
- (c) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (d) 2006–07 data for Queensland has been updated in 2008. These data may be different to the interim data published in Child Protection Australia 2006–07.
- (e) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.
- (f) The numbers of children in out-of-home care from 30 June 2007 onwards are not comparable to the numbers reported for previous years for Tasmania due to the exclusion of a cohort of children on orders who did not meet the definition of out-of-home care.
- (g) Tasmania is not able to adhere to the new AIHW definition of OOHC for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.
- (h) Improvements to reporting methods have been made to exclude children whose whereabouts are unknown, and children living with relatives who are not reimbursed. These children were previously included in the 'other' and 'relative/kin' categories in Table 4.5. The 2008 figure is not strictly comparable to earlier figures for Western Australia as they included children whose whereabouts were unknown or who were living with relatives who were not reimbursed.

Source: AIHW child protection database.

Characteristics of children in out-of-home care

Most children (94%) in out-of-home care at 30 June 2008 were in home-based care – 48% in foster care, 45% in relative/kinship care and 1% in some other type of home-based care (Table 4.4). 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).

Compared with other jurisdictions, the Northern Territory, Queensland and Tasmania had a relatively high proportion of children in foster care (62%, 61% and 57% respectively), and New South Wales had a relatively high proportion of children placed with relatives or kin (57%) (Figure 4.1 and Table 4.4).

Five per cent of children in out-of-home care were living in residential care Australia-wide. This ranged from 1% in Northern Territory to 11% in the Australian Capital Territory.

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

Table 4.4: Children in out-of-home care, by type of placement, states and territories, at 30 June 2008

Type of placement	NSW	Vic	Qld	WA	SA ^(c)	Tas ^(d)	ACT	NT	Total
Number									
Foster care ^(a)	5,448	2,472	4,038	1,181	911	377	204	247	14,878
Relatives/kin ^(a)	7,723	1,827	2,246	1,136	663	180	168	72	14,015
Other home-based care	3	308	—	—	4	41	—	—	356
<i>Total home-based care</i>	<i>13,174</i>	<i>4,607</i>	<i>6,284</i>	<i>2,317</i>	<i>1,578</i>	<i>598</i>	<i>372</i>	<i>319</i>	29,249
Family group homes	—	..	—	51	—	36	..	14	101
Residential care	316	426	386	145	166	20	47	4	1,510
Independent living	70	23	—	23	25	2	5	3	151
Other ^(b)	6	..	—	10	72	8	1	58	155
Total	13,566	5,056	6,670	2,546	1,841	664	425	398	31,166
Per cent									
Foster care	40.2	48.9	60.5	46.4	49.5	56.8	48.0	62.1	47.7
Relatives/kin	56.9	36.1	33.7	44.6	36.0	27.1	39.5	18.1	45.0
Other home-based care	—	6.1	—	—	0.2	6.2	—	—	1.1
<i>Total home-based care</i>	<i>97.1</i>	<i>91.1</i>	<i>94.2</i>	<i>91.0</i>	<i>85.7</i>	<i>90.1</i>	<i>87.5</i>	<i>80.2</i>	93.8
Family group homes	—	..	—	2.0	—	5.4	..	3.5	0.3
Residential care	2.3	8.4	5.8	5.7	9.0	3.0	11.1	1.0	4.8
Independent living	0.5	0.5	—	0.9	1.4	0.3	1.2	0.8	0.5
Other	—	..	—	0.4	3.9	1.2	0.2	14.6	0.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

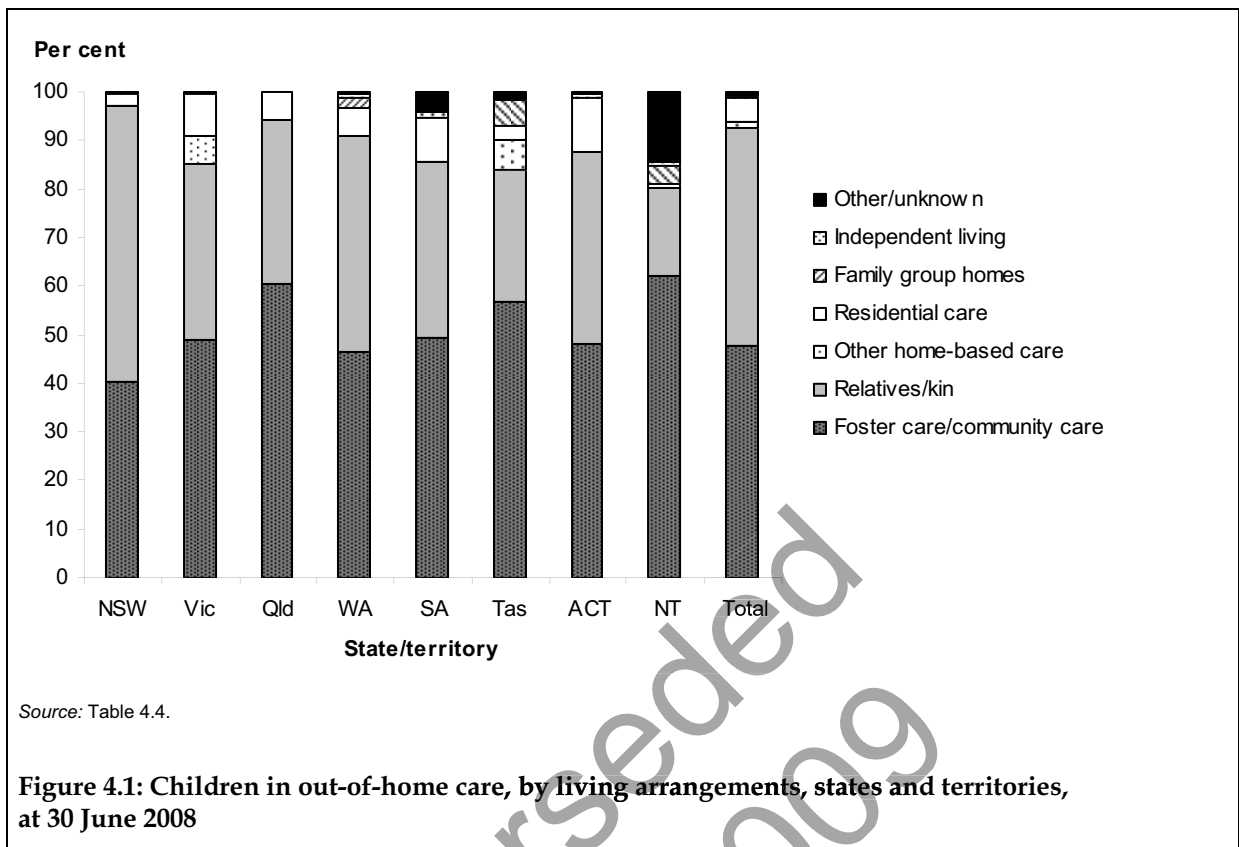
(a) Where a child is placed with a relative who is also fully registered to provide foster care for other children, they are counted in the foster care category for Victoria and Western Australia, whereas they are counted in the relatives/kin category in Queensland and South Australia. Relatives/kin in some jurisdictions undergo assessment, registration and review processes similar to foster carers under the national definition, and are considered as (relative) foster carers in local practice, policy and reporting.

(b) 'Other' includes unknown living arrangements.

(c) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.

(d) Tasmania is not able to adhere to the new AIHW definition of OOHC for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

Note: Percentages in tables may not add to 100 due to rounding.



Age and sex

Almost a third (31%) of children in out-of-home care were aged 10–14 years (Table A1.10). A further 30% were aged 5–9 years, 25% were aged less than 5 years and 14% were aged 15–17 years. Just over half (51%) of all children in out-of-home care were males (Table A1.11).

Children in residential care were considerably older than children in home-based care – 43% of children in residential care were aged 10–14 years and a further 42% were aged 15–17 years. The corresponding proportions in home-based care were 30% for children aged 10–14 years and 12% for children aged 15–17 years (Table A1.12). Only 6% of children in residential care in Australia were aged less than 5 years compared with 26% of those in home-based 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 76% in Victoria to 100% 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 2008

Whether the child was on an order	NSW	Vic	Qld	WA	SA ^(a)	Tas ^(b)	ACT	NT
Number								
On care and protection order	11,052	3,848	5,817	2,470	1,757	664	419	398
On another type of order	—	—	—	—	34	—	1	—
<i>Total children on orders</i>	<i>11,052</i>	<i>3,848</i>	<i>5,817</i>	<i>2,470</i>	<i>1,791</i>	<i>664</i>	<i>420</i>	<i>398</i>
Not on an order	2,514	1,208	853	76	50	—	5	—
Total	13,566	5,056	6,670	2,546	1,841	664	425	398
Per cent								
On care and protection order	81.5	76.1	87.2	97.0	95.4	100.0	98.6	100.0
On another type of order	—	—	—	—	1.8	—	0.2	—
<i>Total children on orders</i>	<i>81.5</i>	<i>76.1</i>	<i>87.2</i>	<i>97.0</i>	<i>97.3</i>	<i>100.0</i>	<i>98.8</i>	<i>100.0</i>
Not on an order	18.5	23.9	12.8	3.0	2.7	—	1.2	—
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.

(b) Tasmania is not able to adhere to the new AIHW definition of OOHHC for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

Note: Percentages in tables may not add to 100 due to rounding.

Length of time in placement

In all jurisdictions at 30 June 2008, almost 30% of the children had been in their current out-of-home care placement for less than two years (Table 4.6). However, the proportion of children who had been in out-of-home care for five years or more was relatively high—between 25% and 64% in all jurisdictions, except the Northern Territory where the proportion was 6%.

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 2008

Time in continuous placement	NSW	Vic	Qld	WA	SA ^(a)	Tas ^{(b)(c)}	ACT	NT
Number								
<1 month	386	164	237	34	1	14	16	262
1 month to <6 months	1,371	559	855	232	119	57	38	16
6 months to <1 year	1,499	554	780	322	101	87	48	26
1 year to <2 years	2,392	737	1,111	492	255	118	70	32
2 years to <5 years	3,340	1,485	2,015	698	194	218	127	39
5 years or more	4,578	1,557	1,672	768	1,171	170	126	23
Not stated/unknown	—	—	—	—	—	—	—	—
Total	13,566	5,056	6,670	2,546	1,841	664	425	398
Per cent								
<1 month	2.8	3.2	3.6	1.3	0.1	2.1	3.8	65.8
1 month to <6 months	10.1	11.1	12.8	9.1	6.5	8.6	8.9	4.0
6 months to <1 year	11.0	11.0	11.7	12.6	5.5	13.1	11.3	6.5
1 year to <2 years	17.6	14.6	16.7	19.3	13.9	17.8	16.5	8.0
2 years to <5 years	24.6	29.4	30.2	27.4	10.5	32.8	29.9	9.8
5 years or more	33.7	30.8	25.1	30.2	63.6	25.6	29.6	5.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.

(b) Tasmania is not able to adhere to the new AIHW definition of OOH for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

(c) Tasmania is not able to distinguish between respite care and non-respite care.

Notes

1. 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).
2. If a child has a return home or unapproved break of two months or less before returning to the same or different placement they are considered to be continuously in care during this period.
3. Percentages exclude cases where the length of time in a continuous placement was not stated or unknown.
4. Percentages in tables may not add to 100 due to rounding.

Rates of children in out-of-home care

There were 6.2 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2008. This represents an increase of 7% from a rate of 5.8 in 2007 (Table 4.7). The rates of children in out-of-home care varied by state and territory and ranged from 4.2 per 1,000 in Victoria to 8.4 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 early intervention and 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.

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

The rate of children in out-of-home care in Australia has doubled between 30 June 1998, to June 30 2008, from 3.1 to 6.2 (Table 4.7). Over this period, the rates of children in out-of-home care increased in all jurisdictions. The largest increases were in New South Wales where rates increased from 3.5 to 8.4 per 1,000, and in the Northern Territory where they increased from 2.3 to 6.4.

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 New South Wales, the percentage of children in care for five years and longer increased from 25% at 30 June 2003 to 34% at 30 June 2008 (Table 4.6; AIHW 2002).

Table 4.7: Rates of children in out-of-home care, states and territories, 30 June 1998 to 30 June 2008 (per 1,000 children)

Year	NSW	Vic	Qld ^(b)	WA	SA	Tas ^(e)	ACT	NT	Total
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
2007	7.3	4.3 ^(a)	5.8 ^(c)	4.7	4.8	5.7 ^(f)	5.2	6.4	5.8
2008	8.4	4.2	6.4	4.9	5.2 ^(d)	5.6 ^(g)	5.4	6.4	6.2

- (a) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data. See the 'Data and analysis' section for more information.
- (b) The Queensland data for the years 1998 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.
- (c) 2006–07 data for Queensland has been updated in 2008. These data may be different to the interim data published in Child Protection Australia 2006–07.
- (d) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.
- (e) 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.
- (f) The numbers of children in out-of-home care from 30 June 2007 onwards are not comparable to the numbers reported for previous years for Tasmania due to the exclusion of a cohort of children on orders who did not meet the definition of out-of-home care.
- (g) Tasmania is not able to adhere to the new AIHW definition of OOH for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

Note: Refer to Appendix table A1.14 for the population used in the calculation of rates for 2007–08.

Source: AIHW child protection database; Table 4.3.

Aboriginal and Torres Strait Islander children

At 30 June 2008, there were 9,074 Aboriginal and Torres Strait Islander children in out-of-home care, an increase of 1,182 since 30 June 2007 (Table 4.8; AIHW child protection database). The rate of Aboriginal and Torres Strait Islander children in out-of-home care across Australia at 30 June 2008 was 41.3 per 1,000 Indigenous children aged 0–17 years. The rates ranged from 11.3 per 1,000 in the Northern Territory to 66.3 per 1,000 in New South Wales. Some of the reasons for this difference are outlined on page 29.

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 2008

State/territory	Number of children				Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Non-Indigenous	Unknown	All children	Indigenous	Other	All children	
New South Wales	4,316	9,231	19	13,566	66.3	5.9	8.4	11.2
Victoria	660	4,299	97	5,056	50.1	3.7	4.2	13.7
Queensland	2,085	4,150	435	6,670	33.0	4.7	6.4	7.0
Western Australia	1,078	1,467	1	2,546	34.6	3.0	4.9	11.5
South Australia ^(a)	467	1,374	—	1,841	39.0	4.0	5.2	9.7
Tasmania ^(b)	102	562	—	664	12.4	5.1	5.6	2.4
Australian Capital Territory	81	339	5	425	41.6	4.5	5.4	9.3
Northern Territory	281	117	—	398	11.3	3.1	6.4	3.6
Australia	9,070	21,539	557	31,166	41.3	4.6	6.3	8.9

(a) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.

(b) Tasmania is not able to adhere to the new AIHW definition of OOHC for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

Notes

- For details on the calculation of rates, see Appendix 2.
- Other children includes those children whose Indigenous status is unknown.
- Refer to Appendix table A1.14 for the populations used in the calculation of rates.
- Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were in out-of-home care by the un-rounded rate of other children who were in out-of-home care. The resulting number is a measure of how many Indigenous children were in out-of-home care for every one other child who was in out-of-home care.

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 almost 9 times the rate for other children.

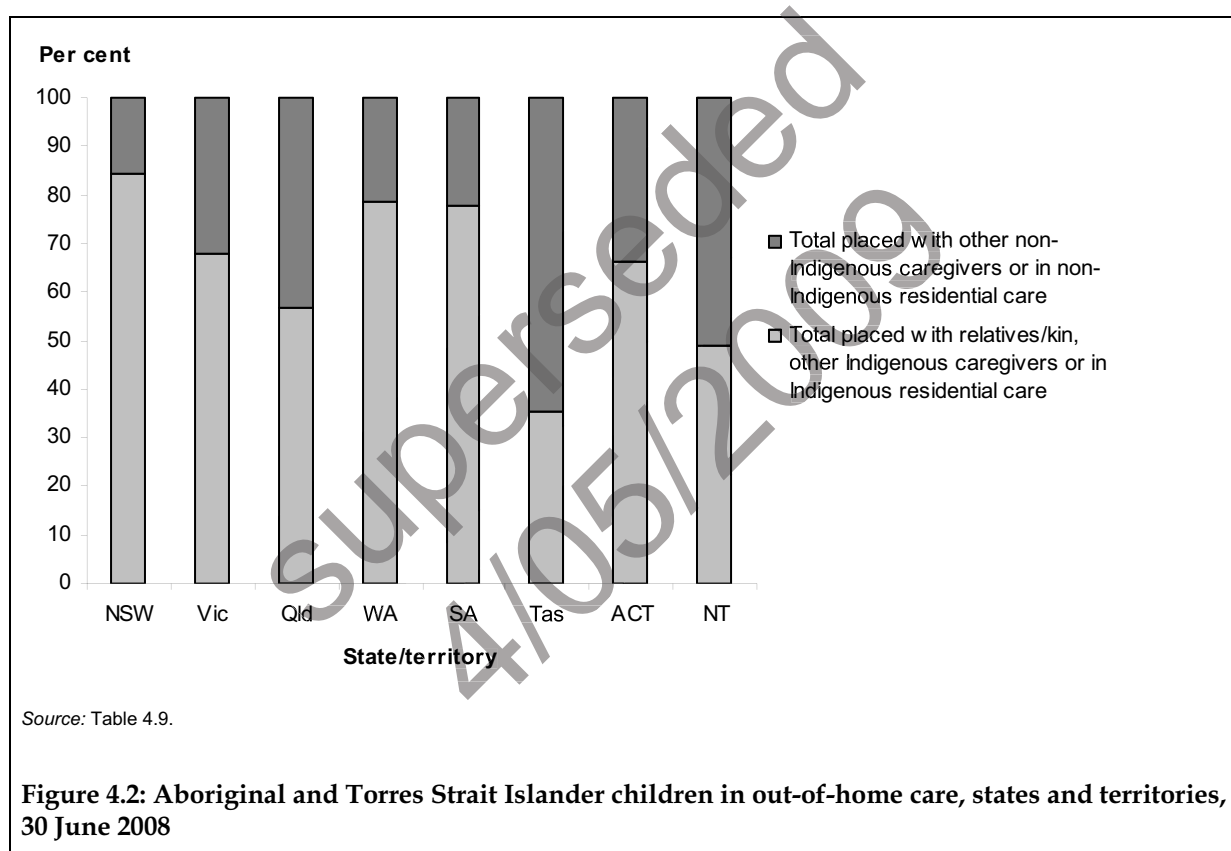
Indigenous status of caregivers

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 in legislation and 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).

It is important to note that the Aboriginal Child Placement Principle is just one of the many considerations taken into account when making decisions on placements for Indigenous children. As such, placement in accordance with the Principle is not always optimal for a child’s safety and wellbeing. In cases where children are not placed in accordance with the Principle, this decision is usually made only after extensive consultation with Indigenous individuals or organisations.



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 48%. For example, in New South Wales, 84% of Indigenous children were placed with 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 2008

Relationship	NSW	Vic ^(a)	Qld	WA ^(a)	SA ^(b)	Tas ^(c)	ACT	NT ^(d)
	Number							
Indigenous relative/kin	2,517	103	399	566	182	14	21	87
Other Indigenous caregiver	700	144	610	155	124	6	14	48
Other relative/kin ^(a)	409	176	164	94	47	16	14	—
Indigenous residential care	8	15	9	25	—	—	4	—
<i>Total placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>3,634</i>	<i>438</i>	<i>1,182</i>	<i>840</i>	<i>353</i>	<i>36</i>	<i>53</i>	<i>135</i>
Other caregiver	615	182	829	170	77	62	17	146
Other residential care	53	25	74	60	25	4	10	—
<i>Total not placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>668</i>	<i>207</i>	<i>903</i>	<i>230</i>	<i>102</i>	<i>66</i>	<i>27</i>	<i>146</i>
Total	4,302	645	2,085	1,070	455	102	80	281
	Per cent							
Indigenous relative/kin	58.5	16.0	19.1	52.9	40.0	13.7	26.3	31.0
Other Indigenous caregiver	16.3	22.3	29.3	14.5	27.3	5.9	17.5	17.1
Other relative/kin	9.5	27.3	7.9	8.8	10.3	15.7	17.5	—
Indigenous residential care	0.2	2.3	0.4	2.3	—	—	5.0	—
<i>Total placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>84.5</i>	<i>67.9</i>	<i>56.7</i>	<i>78.5</i>	<i>77.6</i>	<i>35.3</i>	<i>66.3</i>	<i>48.0</i>
Other caregiver	14.3	28.2	39.8	15.9	16.9	60.8	21.3	52.0
Other residential care	1.2	3.9	3.5	5.6	5.5	3.9	12.5	—
<i>Total not placed with relatives/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>15.5</i>	<i>32.1</i>	<i>43.3</i>	<i>21.5</i>	<i>22.4</i>	<i>64.7</i>	<i>33.8</i>	<i>52.0</i>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (a) A small number of children are placed with externally arranged foster carers who are also their relative and have been recorded in the foster care category.
- (b) SA can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.
- (c) Tasmania is not able to adhere to the new AIHW definition of OOHHC for 2007–08 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.
- (d) In the Northern Territory, children placed with family members have all been included in the 'Indigenous relative/kin' 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.
3. Percentages in tables may not add to 100 due to rounding.
4. Children in family group homes are reported as in residential care.

5 Intensive family support services

Family support services

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. In some states and territories, these cases are streamed into family support services instead of being recorded as a notification.

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. This section specifically relates to those services defined as being intensive in nature, including 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 four hours of support a week and last for up to six months.

At present, the AIHW and NCPASS are undertaking a project examining the feasibility of developing a national data collection for 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 and will be broader in scope than intensive family support services. The aim of this project is to identify core data items and tables that could potentially be included in a national collection to complement the statutory child protection data currently published in *Child Protection Australia*.

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 2007–08, there were 211 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.

The age of the children who commenced an intensive family support service was broadly similar across the jurisdictions. Almost three-quarters of the children were aged less than 10 years, with just over half of these being under the age of 5 years, with just over half of these being under the age of 5 years (Table 5.1).

Table 5.1: Number of children aged 0–17 years commencing intensive family support services, by age at commencement of service, states and territories, 2007–08

Age (years)	NSW ^(a)	Vic ^(b)	Qld	WA ^(c)	SA	Tas ^(d)	ACT	NT
Number								
0–4	100	2,458	721	174	25	11	154	32
5–9	83	297	517	115	10	33	161	35
10–14	78	367	363	51	10	17	86	24
15–17	24	106	114	20	3	2	38	13
Unknown	—	2,466	129	11	—	—	—	—
Total	285	5,694	1,844	371	48	63	439	104
Per cent								
0–4	35.1	76.1	42.0	48.3	52.1	17.5	35.1	30.8
5–9	29.1	9.2	30.1	31.9	20.8	52.4	36.7	33.7
10–14	27.4	11.4	21.2	14.2	20.8	27.0	19.6	23.1
15–17	8.4	3.3	6.6	5.6	6.3	3.2	8.7	12.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (a) In NSW each family receives this service for a minimum of 14 hours per week. Data in this table are not directly comparable with previous years.
- (b) Over the past four years significant additional funding has been provided to Victorian 'Family Services'. Client data relating to the clients that received intensive support from these services has previously not been able to be provided but is included in 2007–08 for the first time. The increase in client numbers reflects the accumulated increase over recent years.
- (c) 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.
- (d) In Tasmania the count of 'children commencing service provision' represents the count of all children who were provided with a service during the year

Notes

1. Percentages exclude children of unknown age.
2. Percentages in tables may not add to 100 due to rounding.

In all states except 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 5.2).

Table 5.2: Children commencing intensive family support services, by living arrangements at commencement of service, states and territories, 2007–08

Living situation	NSW ^(a)	Vic ^(b)	Qld	WA	SA	Tas ^(c)	ACT	NT
Number								
Family care								
Child living with parent(s)	236	2,551	1,042	231	—	51	414	87
Child living with other relatives/kin	16	—	173	53	—	—	10	6
Child in out-of-home care	24	442	581	79	48	3	15	11
Child in shared care	—	—	37	3	—	7	—	—
Other	9	16	10	5	—	2	—	—
Not available	—	2,685	1	—	—	—	—	—
Total	285	5,694	1,844	371	48	63	439	104
Per cent								
Family care								
Child living with parent(s)	82.8	84.8	56.5	62.3	—	81.0	94.3	83.7
Child living with other relatives/kin	5.6	—	9.4	14.3	—	—	2.3	5.8
Child in out-of-home care	8.4	14.7	31.5	21.3	100.0	4.8	3.4	10.6
Child in shared care	—	—	2.0	0.8	—	11.1	—	—
Other	3.2	0.5	0.5	1.3	—	3.2	—	—
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (a) In NSW each family receives this service for a minimum of 14 hours per week. Data in this table are not directly comparable with previous years.
- (b) Over the past four years significant additional funding has been provided to Victorian 'Family Services'. Client data relating to the clients that received intensive support from these services has previously not been able to be provided but is included in 2007–08 for the first time. The increase in client numbers reflects the accumulated increase over recent years.
- (c) In Tasmania the count of 'children commencing service provision' represents the count of all children who were provided with a service during the year

Notes

1. Percentages exclude children for which the living arrangement was not available.
2. Percentages in tables may not add to 100 due to rounding.

Appendix 1: Detailed tables

Child protection

Table A1.1: Substantiations of notifications received during 2007–08, by type of abuse or neglect, states and territories

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
Physical abuse	6,725	2,507	2,182	280	249	212	86	162
Sexual abuse	3,875	410	605	259	95	82	45	120
Emotional abuse	13,106	2,814	2,955	304	1,106	429	382	214
Neglect	10,429	634	2,286	621	881	491	314	260
Total	34,135	6,365	8,028	1,464	2,331	1,214	827	756
Per cent								
Physical abuse	19.7	39.4	27.2	19.1	10.7	17.5	10.4	21.4
Sexual abuse	11.4	6.4	7.5	17.7	4.1	6.8	5.4	15.9
Emotional abuse	38.4	44.2	36.8	20.8	47.4	35.3	46.2	28.3
Neglect	30.6	10.0	28.5	42.4	37.8	40.4	38.0	34.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2008.
2. If a child was the subject of more than one type of abuse or neglect as part of the same notification, the type of abuse or neglect reported 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, the type of abuse or neglect reported is the one associated with the first substantiation decision during the year.
3. Percentages in tables may not add to 100 due to rounding.
4. Includes children aged 0–17 years and children of unknown age.

Table A1.2: Children in substantiations of notifications received during 2007–08, by type of abuse or neglect and sex, states and territories

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Males								
Physical	1,381	1,260	1,038	132	117	75	33	75
Sexual	557	157	162	43	20	32	11	18
Emotional	2,343	1,319	1,322	139	423	162	137	95
Neglect	2,072	319	1,050	290	350	174	101	124
Total	6,353	3,055	3,572	604	910	443	282	312
Females								
Physical	1,306	1,172	970	125	110	87	32	80
Sexual	1,423	248	412	210	63	37	19	92
Emotional	2,221	1,381	1,371	158	417	160	118	105
Neglect	1,817	284	945	295	318	169	91	120
Total	6,767	3,085	3,698	788	908	453	260	397
Unknown								
Physical	9	15	28	—	2	7	—	—
Sexual	2	1	2	—	—	2	—	—
Emotional	48	6	9	1	6	11	2	—
Neglect	23	2	22	—	4	8	1	—
Total	82	24	61	1	12	28	3	—
All children								
Physical	2,696	2,447	2,036	257	229	169	65	155
Sexual	1,982	406	576	253	83	71	30	110
Emotional	4,612	2,706	2,702	298	846	333	257	200
Neglect	3,912	605	2,017	585	672	351	193	244
Total	13,202	6,164	7,331	1,393	1,830	924	545	709

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2008.
2. If a child was the subject of more than one type of abuse or neglect as part of the same notification, the type of abuse or neglect reported 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, the type of abuse or neglect reported is the one associated with the first substantiation decision during the year.
3. Includes children aged 0–17 years and children of unknown age.

Table A1.3: Children in substantiations of notifications received during 2007–08, by age and Indigenous status, states and territories

Age group (years)	NSW	Vic	Qld ^(b)	WA	SA	Tas ^{(c)(d)}	ACT	NT
Indigenous children								
<1 ^(a)	511	122	287	93	86	5	13	81
1–4	932	185	455	122	166	8	25	190
5–9	869	182	452	152	158	14	27	147
10–14	775	161	342	137	115	11	22	120
15–17	184	30	85	17	20	1	3	26
15–16	173	30	80	16	18	1	1	20
Unknown	3	1	1	—	4	—	—	—
Total	3,274	681	1,622	521	549	39	90	564
Other children								
<1 ^(a)	1,345	867	715	110	203	110	56	12
1–4	2,436	1,310	1,293	202	387	214	108	33
5–9	2,697	1,416	1,652	240	348	237	131	32
10–14	2,692	1,480	1,617	255	286	203	124	53
15–17	744	396	422	65	55	46	36	15
15–16	672	394	373	56	46	42	28	12
Unknown	14	14	10	—	2	75	—	—
Total	9,928	5,483	5,709	872	1,281	885	455	145
All children								
<1 ^(a)	1,856	989	1,002	203	289	115	69	93
1–4	3,368	1,495	1,748	324	553	222	133	223
5–9	3,566	1,598	2,104	392	506	251	158	179
10–14	3,467	1,641	1,959	392	401	214	146	173
15–17	928	426	507	82	75	47	39	41
15–16	845	424	453	72	64	43	29	32
Unknown	17	15	11	—	6	75	—	—
Total	13,202	6,164	7,331	1,393	1,830	924	545	709

(a) "Unborn" children may be included in the <1 category.

(b) In Queensland due to the recent transition to a new information management system, data relating to unborn children are not able to be separately reported at this time, and are likely to be recorded in the child aged <1 year category and where the child's age is not known.

(c) The high number of children in substantiations with unknown Indigenous status in Tasmania makes the count for Indigenous and Other children unreliable.

(d) Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2008.
2. 'Other children' includes those children whose Indigenous status is unknown.
3. Data is not reported for Tasmania for unborn children since the *Children, Young Persons and Their Families Act 1997* does not currently enable Tasmania to accept reports on unborn children. It is anticipated that such reports will be able to be accepted from July 2009 following an amendment to the current act.
4. These figures are used in the calculation of rates for 2007–08 as shown in Table 2.6. Rates of children aged 0–16 years who were the subject of a substantiation of a notification received during the relevant year, state and territory, 1998–99 to 2007–08 (per 1,000 children).
5. These figures are used in the calculation of rates of children aged 0–16 years, as shown in Table 2.7.
6. These figures are used in the calculation of rates of children aged 0–16 years, as shown in Table 2.8.
7. These figures are used in the calculation of rates of children aged 0–16 years, as shown in Table 2.9.

Superseded
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Table A1.4: Children aged 0–17 years who were the subject of a substantiation of a notification received during 2007–08, by type of abuse or neglect and Indigenous status, states and territories

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
Physical	639	242	486	71	42	4	3	123
Sexual	302	21	79	68	14	1	2	82
Emotional	1,131	332	477	113	269	14	42	153
Neglect	1,202	86	580	269	224	20	43	206
Total	3,274	681	1,622	521	549	39	90	564
Other children								
Physical	2,057	2,205	1,550	186	187	165	62	32
Sexual	1,680	385	497	185	69	70	28	28
Emotional	3,481	2,374	2,225	185	577	319	215	47
Neglect	2,710	519	1,437	316	448	331	150	38
Total	9,928	5,483	5,709	872	1,281	885	455	145
All children								
Physical	2,696	2,447	2,036	257	229	169	65	155
Sexual	1,982	406	576	253	83	71	30	110
Emotional	4,612	2,706	2,702	298	846	333	257	200
Neglect	3,912	605	2,017	585	672	351	193	244
Total	13,202	6,164	7,331	1,393	1,830	924	545	709

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2008.
2. 'Other children' includes those children whose Indigenous status is unknown.
3. 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.
4. These figures are used in the calculation of rates for 2007–08 as shown in Table 3.10. Rates of children aged 0–17 years who were the subject of a substantiation of a notification received during the relevant year, by type of abuse or neglect and Indigenous status, states and territories, 1998–99 to 2007–08 (per 1,000 children).

Table A1.5: Number of investigations, by source of notification, states and territories, 2007–08

Source of notification	NSW	Vic	Qld ^(a)	WA	SA	Tas ^(b)	ACT	NT
Subject child	389	—	237	57	73	4	7	5
Parent/guardian	10,058	697	2,135	375	262	176	129	79
Sibling	191	43	140	23	12	—	6	2
Other relative	7,475	768	1,594	391	417	241	105	132
Friend/neighbour	4,880	597	1,813	243	329	154	110	96
Medical practitioner	774	308	3,641	58	690	23	17	66
Other health personnel	2,564	617	..	38	139	210	37	34
Hospital/health centre	21,527	758	..	488	26	42	177	337
Social worker	1,204	24	..	—	1,021	177	22	34
School personnel	16,348	1,147	3,515	603	727	687	277	211
Child care personnel	2,104	—	238	55	88	29	19	15
Police	40,537	2,396	6,404	1,142	1,272	749	239	647
Departmental officer	2,085	7	2,410	365	25	294	138	158
Non-government organisation	10,835	1,028	890	134	35	202	172	87
Anonymous	7,159	—	621	81	173	46	25	38
Other ^(c)	9,448	1,321	1,281	328	163	160	84	71
Not stated	—	1,456	84	2	1	63	2	4
Total	137,578	11,167	25,003	4,383	5,453	3,257	1,566	2,016

(a) In Qld, with the introduction of the Integrated Client Management System in March 2007, the primary source category of Social Worker, Hospital/Health Centre and Other Health were discontinued. From March 2007 social workers are primarily recorded in the Departmental Officer or Non-Government Organisation categories, and health sources are primarily recorded in the Medical Practitioner category.

(b) Data reported for Tasmania aligns with the AIHW counting rules except in the case of notifications received from Departmental officers which could also be classified in another category (for example, social worker). Notifications from Departmental officers were assigned to the category of Departmental officer regardless of whether the source of notification could be classified in other categories.

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

Notes

- Investigations include 'investigations finalised', 'investigations in process' and 'investigations closed—no outcome possible'.
- Includes children aged 0–17 years and children of unknown age.
- This data is used in calculation of percentages for Table 2.11, Investigations by source of notification, states and territories, 2007–08 (pre cent).

Care and protection orders

Table A1.6: Children substantiated in 2006–07 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 2006–07
New South Wales	n.a.	..
Victoria	2,279	34.2
Queensland	n.a.	..
Western Australia	618	43.2
South Australia	397	22.6
Tasmania	164	15.2
Australian Capital Territory	165	24.1
Northern Territory	84	13.2

Notes:

1. New South Wales and Queensland was unable to provide these data.
2. Data has not been provided for Queensland due to the recent transition to a new information management system.

Table A1.7: Children on care and protection orders, by sex, states and territories, at 30 June 2008

Sex of child	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Male	6,261	4,083	3,593	1,550	1,142	486	300	250
Female	5,825	3,783	3,447	1,544	1,050	428	252	270
Unknown	—	10	—	—	5	—	—	—
Persons	12,086	7,876	7,040	3,094	2,197	914	552	520
	Per cent							
Male	51.8	51.9	51.0	50.1	52.1	53.2	54.3	48.1
Female	48.2	48.1	49.0	49.9	47.9	46.8	45.7	51.9
Persons	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Percentages exclude children of unknown sex.
2. Percentages in tables may not add to 100 due to rounding.

Table A1.8: Children on care and protection orders, by age and living arrangements, at 30 June 2008

Age (years)	Family care ^(a)	Home-based out-of-home care ^(b)	Residential care	Family group homes	Independent living ^(c)	Other	Total
Number							
<1	137	882	11	2	4	153	1,189
1–4	1,184	5,734	34	20	8	798	7,778
5–9	1,440	7,732	99	27	14	705	10,017
10–14	1,414	7,186	583	34	40	804	10,061
15–17	692	2,669	650	17	382	652	5,062
Unknown	23	79	10	—	12	48	172
Total	4,890	24,282	1,387	100	460	3,160	34,279
Per cent							
<1	11.5	74.2	0.9	0.2	0.3	12.9	100.0
1–4	15.2	73.7	0.4	0.3	0.1	10.3	100.0
5–9	14.4	77.2	1.0	0.3	0.1	7.0	100.0
10–14	14.1	71.4	5.8	0.3	0.4	8.0	100.0
15–17	13.7	52.7	12.8	0.3	7.5	12.9	100.0
Total	14.3	71.0	4.0	0.3	1.3	9.1	100.0

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

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

(c) This category includes private board.

Notes

1. Percentages exclude children of unknown age.
2. Percentages in tables may not add to 100 due to rounding.

Table A1.9: Children on care and protection orders, by type of order and Indigenous status, states and territories, at 30 June 2008

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas ^(b)	ACT	NT	Total
Number									
Indigenous children									
Guardianship or custody orders/arrangements	2,917	623	1,619	1,012	475	122	90	322	7,180
Third party parental responsibility	n.a.	..	131	24	9	n.a.	—	n.a.	164
Supervisory orders	n.a.	305	114	39	—	5	7	—	470
Interim and temporary orders	463	49	352	204	26	12	13	17	1,136
Administrative arrangements	n.a.	..	..	..	30	—	7	24	61
<i>Total</i>	<i>3,380</i>	<i>977</i>	<i>2,216</i>	<i>1,279</i>	<i>540</i>	<i>139</i>	<i>117</i>	<i>363</i>	<i>9,011</i>
Other children									
Guardianship or custody orders/arrangements	7,330	4,172	3,463	1,367	1,472	657	334	143	18,938
Third party parental responsibility	n.a.	..	432	38	30	n.a.	9	n.a.	509
Supervisory orders	n.a.	2,343	290	81	4	19	26	2	2,765
Interim and temporary orders	1,376	384	639	329	98	84	52	8	2,970
Administrative arrangements	n.a.	..	..	..	53	15	14	4	86
<i>Total</i>	<i>8,706</i>	<i>6,899</i>	<i>4,824</i>	<i>1,815</i>	<i>1,657</i>	<i>775</i>	<i>435</i>	<i>157</i>	<i>25,268</i>
All children									
Guardianship or custody orders/arrangements	10,247	4,795	5,082	2,379	1,947	779	424	465	26,118
Third party parental responsibility	n.a.	..	563	62	39	n.a.	9	n.a.	673
Supervisory orders	n.a.	2,648	404	120	4	24	33	2	3,235
Interim and temporary orders	1,839	433	991	533	124	96	65	25	4,106
Administrative arrangements	n.a.	..	..	..	83	15	21	28	147
Total	12,086	7,876	7,040	3,094	2,197	914	552	520	34,279

(continued)

Table A1.9 (continued): Children on care and protection orders, by type of order and Indigenous status, states and territories, at 30 June 2008

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas ^(b)	ACT	NT	Total
Per cent									
Indigenous children									
Guardianship or custody orders/arrangements	86.3	63.8	73.1	79.1	88.0	87.8	76.9	88.7	79.7
Third party parental responsibility	..	..	5.9	1.9	1.7	..	—	..	1.8
Supervisory orders	..	31.2	5.1	3.0	—	3.6	6.0	—	5.2
Interim and temporary orders	13.7	5.0	15.9	15.9	4.8	8.6	11.1	4.7	12.6
Administrative arrangements	..	..	..	..	5.6	—	6.0	6.6	0.7
<i>Total</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>
Other children									
Guardianship or custody orders/arrangements	84.2	60.5	71.8	75.3	88.8	84.8	76.8	91.1	74.9
Third party parental responsibility	..	..	9.0	2.1	1.8	..	2.1	..	2.0
Supervisory orders	..	34.0	6.0	4.5	0.2	2.5	6.0	1.3	10.9
Interim and temporary orders	15.8	5.6	13.2	18.1	5.9	10.8	12.0	5.1	11.8
Administrative arrangements	..	..	..	..	3.2	1.9	3.2	2.5	0.3
<i>Total</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>
All children									
Guardianship or custody orders/arrangements	84.8	60.9	72.2	76.9	88.6	85.2	76.8	89.4	76.2
Third party parental responsibility	..	..	8.0	2.0	1.8	..	1.6	..	2.0
Supervisory orders	..	33.6	5.7	3.9	0.2	2.6	6.0	0.4	9.4
Interim and temporary orders	15.2	5.5	14.1	17.2	5.6	10.5	11.8	4.8	12.0
Administrative arrangements	..	..	..	..	3.8	1.6	3.8	5.4	0.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) NSW disaggregated data are not available for 2007–08 for the following categories: 'Third party parental responsibility', 'Supervisory orders', and 'Administrative arrangements'.

(b) Tasmania is not able to separately identify children under 'Third party parental responsibility' arrangements. These children are included under the 'Guardianship or custody orders' category.

Notes

1. Other children includes those children whose Indigenous status is unknown.
2. Percentages in tables may not add to 100 due to rounding.

Out-of-home care

Table A1.10: Children in out-of-home care, by age, states and territories, at 30 June 2008

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
<1	433	155	285	109	55	22	11	13	1,083
1–4	2,643	949	1,609	679	411	150	85	98	6,624
5–9	4,127	1,304	2,025	808	538	217	125	129	9,273
10–14	4,505	1,605	1,923	702	565	197	126	114	9,737
15–17	1,857	1,043	828	248	272	78	78	44	4,448
Unknown	1	—	—	—	—	—	—	—	1
Total	13,566	5,056	6,670	2,546	1,841	664	425	398	31,166
Per cent									
<1	3.2	3.1	4.3	4.3	3.0	3.3	2.6	3.3	3.5
1–4	19.5	18.8	24.1	26.7	22.3	22.6	20.0	24.6	21.3
5–9	30.4	25.8	30.4	31.7	29.2	32.7	29.4	32.4	29.8
10–14	33.2	31.7	28.8	27.6	30.7	29.7	29.6	28.6	31.2
15–17	13.7	20.6	12.4	9.7	14.8	11.7	18.4	11.1	14.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Percentages exclude children of unknown age.
2. Percentages in tables may not add to 100 due to rounding.

Table A1.11: Children in out-of-home care, by sex, states and territories, at 30 June 2008

Sex of child	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Male	7,030	2,573	3,387	1,281	957	348	234	197	16,010
Female	6,535	2,478	3,283	1,265	881	316	191	201	15,153
Unknown	1	5	—	—	3	—	—	—	9
Persons	13,566	5,056	6,670	2,546	1,841	664	425	398	31,172
Per cent									
Male	51.8	50.9	50.8	50.3	52.1	52.4	55.1	49.5	51.4
Female	48.2	49.1	49.2	49.7	47.9	47.6	44.9	50.5	48.6
Persons	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Percentages exclude children of unknown sex.
2. Percentages in tables may not add to 100 due to rounding.

Table A1.12: Children in out-of-home care, by age and type of placement, states and territories, at 30 June 2008

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Home-based									
<1	428	143	283	106	55	22	11	13	1,061
1–4	2,643	933	1,604	644	391	149	85	95	6,544
5–9	4,124	1,262	1,995	758	498	207	125	108	9,077
10–14	4,361	1,446	1,752	619	456	169	102	79	8,984
15–17	1,617	823	650	190	178	51	49	24	3,582
Unknown	1	—	—	—	—	—	—	—	1
Total	13,174	4,607	6,284	2,317	1,578	598	372	319	29,249
Residential (including family group homes)									
<1	5	12	2	3	—	—	—	—	22
1–4	—	16	5	33	12	—	—	—	66
5–9	3	42	30	44	20	9	—	2	150
10–14	139	159	171	79	84	26	23	10	691
15–17	169	197	178	37	50	21	24	6	682
Unknown	—	—	—	—	—	—	—	—	—
Total	316	426	386	196	166	56	47	18	1,611
Per cent									
Home-based									
<1	3.2	3.1	4.5	4.6	3.5	3.7	3.0	4.1	3.6
1–4	20.1	20.3	25.5	27.8	24.8	24.9	22.8	29.8	22.4
5–9	31.3	27.4	31.7	32.7	31.6	34.6	33.6	33.9	31.0
10–14	33.1	31.4	27.9	26.7	28.9	28.3	27.4	24.8	30.7
15–17	12.3	17.9	10.3	8.2	11.3	8.5	13.2	7.5	12.2
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Residential (including family group homes)									
<1	1.6	2.8	0.5	1.5	—	—	—	—	1.4
1–4	—	3.8	1.3	16.8	7.2	—	—	—	4.1
5–9	0.9	9.9	7.8	22.4	12.0	16.1	—	11.1	9.3
10–14	44.0	37.3	44.3	40.3	50.6	46.4	48.9	55.6	42.9
15–17	53.5	46.2	46.1	18.9	30.1	37.5	51.1	33.3	42.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Notes

1. Percentages exclude children of unknown age.
2. Percentages in tables may not add to 100 due to rounding.

Populations

Table A1.13: Population of children aged 0–16 years, by age and Indigenous status, December 2007

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous children^(a)									
<1	3,925	794	3,668	1,872	711	491	105	1,421	12,989
1–4	14,848	2,959	14,180	7,182	2,716	1,840	424	5,531	49,698
5–9	17,728	3,381	17,393	8,521	3,229	2,175	585	6,849	59,886
10–14	18,152	3,745	17,837	8,539	3,320	2,339	535	7,014	61,503
15–16 ^(b)	6,859	1,506	6,579	3,316	1,318	928	190	2,695	23,391
0–16	61,510	12,385	59,656	29,428	11,293	7,772	1,838	23,509	207,467
Other children									
<1	86,326	70,594	55,251	27,183	18,689	6,116	4,532	2,359	271,043
1–4	337,195	256,307	207,395	101,526	70,468	22,884	16,777	8,626	1,021,156
5–9	421,375	318,572	262,847	128,959	91,484	29,234	19,747	10,529	1,282,717
10–14	434,601	332,281	275,256	136,341	97,668	31,614	20,703	9,672	1,338,109
15–16	179,752	136,957	113,668	56,243	40,783	12,916	8,723	3,942	552,984
0–16	1,459,248	1,114,710	914,415	450,250	319,091	102,763	70,481	35,127	4,466,009
All children									
<1	90,250	71,388	58,918	29,054	19,399	6,607	4,636	3,780	284,032
1–4	352,043	259,265	221,575	108,707	73,184	24,723	17,201	14,156	1,070,854
5–9	439,102	321,953	280,239	137,479	94,713	31,408	20,332	17,377	1,342,603
10–14	452,752	336,026	293,092	144,879	100,987	33,953	21,237	16,686	1,399,612
15–16	186,611	138,463	120,247	59,559	42,101	13,844	8,913	6,637	576,375
0–16	1,520,758	1,127,095	974,071	479,678	330,384	110,535	72,319	58,636	4,673,476

(a) The December 2007 population for Indigenous children is the average of 30 June 2007 and 30 June 2008 Indigenous population projections.

(b) The 15–16 year old age group for Indigenous children is derived from data for the 15–19 year old Indigenous population projections. It is calculated by taking the 15–19 year old age group, dividing this by five and then multiplying by two, based on the assumption that there is a fairly even distribution of children in each single year of age between 15 and 19.

Source: ABS 2004b, 2007a.

Table A1.14: Population of children aged 0–17 years, by age and Indigenous status, March 2008

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Indigenous children^(a)									
<1	3,962	804	3,700	1,889	718	497	105	1,424	13,099
1–4	14,971	2,992	14,288	7,238	2,740	1,856	427	5,543	50,055
5–9	17,683	3,371	17,433	8,540	3,231	2,179	586	6,908	59,931
10–14	18,098	3,719	17,781	8,506	3,296	2,318	538	6,941	61,197
15–17 ^(b)	10,415	2,296	10,064	5,001	2,003	1,398	289	4,079	35,545
0–17	65,129	13,182	63,266	31,174	11,988	8,248	1,945	24,895	219,827
Other children									
<1	81,311	71,125	53,990	28,361	19,123	6,279	4,566	2,397	267,152
1–4	338,201	258,167	208,723	102,837	70,784	23,150	16,927	8,634	1,027,423
5–9	421,640	319,129	263,448	129,513	91,403	29,152	19,792	10,541	1,284,618
10–14	434,382	332,369	276,144	136,969	97,617	31,551	20,736	9,741	1,339,509
15–17	271,249	207,919	171,188	85,260	61,560	19,490	13,374	5,877	835,917
0–17	1,557,324	1,199,159	978,220	486,906	342,997	110,258	76,937	37,362	4,754,619
All children									
<1	85,273	71,929	57,690	30,250	19,841	6,776	4,671	3,821	280,251
1–4	353,172	261,159	223,011	110,075	73,524	25,006	17,354	14,177	1,077,478
5–9	439,323	322,500	280,881	138,053	94,634	31,331	20,378	17,449	1,344,549
10–14	452,480	336,088	293,925	145,475	100,913	33,869	21,274	16,682	1,400,706
15–17	281,664	210,215	181,252	90,261	63,563	20,888	13,663	9,956	871,462
0–17	1,622,453	1,212,341	1,041,486	518,080	354,985	118,506	78,882	62,257	4,974,446

(a) The Indigenous population for March 2008 is the 30 June 2008 Indigenous population projection.

(b) The 15–17 year old age group for Indigenous children is derived from data for the 15–19 year old Indigenous population projections. It is calculated by taking the 15–19 year old age group, dividing this by five and then multiplying by three, based on the assumption that there is a fairly even distribution of children in each single year of age between 15 and 19.

Source: ABS 2004b, 2007b.

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 2008 (ABS 2007b). The rates of children subject to child protection substantiations during 2007–08 were calculated using the ABS population estimates for 31 December 2007 (ABS 2007a).

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

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 2008}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2008}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0–17 years in out-of-home care at 30 June 2008}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2008}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0–16 years who were the subjects of substantiations in 2007–08}}{\text{ABS estimated population aged 0–16 years at 31 December 2007}} \times 1,000$$

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 2004b).

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.

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, Youth and Families Act 2005

Child Wellbeing and Safety Act 2005

Queensland

Child Protection Act 1999

Western Australia

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 162 of the *Children, Youth and Families Act 2005* indicates that a child is in need of protection if any of the following grounds exist:

Section 162(1)

- (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 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, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
 - (e) 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
 - (f) 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.
- (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, the *Child Protection Act 1999* defines a child 'in need of protection' as a child who has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and does not have a parent able and willing to protect the child from the 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.

A 'child' is an individual under 18 years of age.

'Harm' is defined as 'any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing'.

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; and
 - (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) neglect,and the child's parents have not protected, or are unlikely or unable to protect, the child from harm, or further harm, of that kind; or
- (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; or
 - (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:

- (aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or the child has been, or is being, abused or neglected
- (a) 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 care for and protect the child, or are unable to exercise adequate supervision and control over the child
 - (ii) are unwilling to care for and protect 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. A new amendment to the *Children's Protection Act* encourages early decision-making for children's long-term care:

Section 38 (2a) If a child is to be placed in guardianship the Court must consider the importance of settled and stable living arrangements for the child and, as a general rule, a long term guardianship order is to be preferred to a series of temporary arrangements for the custody or guardianship of the child.

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.

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.

Australian Capital Territory

In the Australian Capital Territory, 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 the child or young person:

- (i) has been abused or neglected; or
 - (ii) is being abused or neglected; or
 - (iii) is at risk of abuse or neglect; and
- (b) no-one with parental responsibility for the child or young person is willing and able to protect the child or young person 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 been or is being exposed to conduct that is domestic violence under the Domestic Violence and Protection Orders Act 2001; and
 - (ii) the exposure has caused or is causing significant harm to the wellbeing or development of the child or young person.

Neglect of a child or a young person, means a failure to provide the child or young person with a necessity of life that has caused or is causing significant harm to the wellbeing or development of the child or young person. 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.

A child or young person is *at risk of abuse or neglect if*, on the balance of probabilities, there is a significant risk of the child or young person being abused or neglected.

Action taken by Office of Children, Youth and Family Support (OCYFS) in relation to a report (notification) is at the discretion of the Chief Executive as per section 161 of the Act.

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.

Superseded
4/05/2009

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. A revised edition of the Interagency Guidelines for Child Protection Intervention was published in 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. Section 182 a-e of the *Children, Youth and Families Act 2005* lists the above professional groups as mandatory reporters.

Queensland

In Queensland, the following persons are mandated notifiers, required by law to report child protection concerns:

- An authorised officer, employee of the Department of Child Safety, or a person employed in a departmental care service or licensed care service who becomes aware of, or suspects harm to, a child in the care of a departmental care service or a licensee (*Child Protection Act 1999*).
- Staff of the Commission for Children and Young People and Child Guardian (*Commission for Children and Young People and Child Guardian Act 2000*).
- A doctor or registered nurse who becomes aware, or reasonably suspects during the practice of his or her profession that a child has been, is being or is likely to be harmed (*Public Health Act 2005*, Part 3, Division 5).
- Family court personnel and counsellors who suspect child abuse (*Family Law Act 1975*).

Western Australia

The Department for Child Protection 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, protocols were established between the Department of Health, Department for Community Development (now Department for Child Protection) and the Western Australia Police requiring 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.

In 2007–08, several inter-agency protocols were developed or revised:

- the Department for Child Protection (the Department) and the Drug and Alcohol Office developed a *Working Together Resource Kit* which includes a template Memorandum of Understanding for use by Departmental district offices and drug and alcohol service providers; sample referrals forms and a list of screening tools
- Memorandum of Understanding between the Family Court of Western Australia, the Department for Child Protection and Legal Aid Western Australia
- the Department for Child Protection finalised its reciprocal child protection protocol with the Department for Communities for dealing with allegations of abuse involving a licensed child care service
- the Department for Child Protection and King Edward Memorial Hospital revised the reciprocal procedures to include pre-birth planning and post-birth processes where child protection concerns are identified.

Some highly specific legislative requirements for the reporting of child abuse are already in place. 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 *Child Care Services Act 2007* 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.

In addition, in March 2007, the government announced the development of legislation for the mandatory reporting of child sexual abuse by doctors, nurses and midwives, teachers and police. The legislation was passed by State Parliament and is expected to be operational from January 2009.

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 officers; probation officers; social workers; ministers of religion; persons who are employees of or volunteers in an organisation formed for religious or spiritual purposes; teachers; family day care providers; and employees of, or

volunteers in, government departments, agencies or local government or non-government organisations that provide health, welfare, education, sporting or recreational, 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, midwives, teachers, police officers, school counsellors, licensed child carers and public servants who work with, or provide services to, children and families. These groups are mandated to report physical and sexual abuse, where grounds arise during the course of or from the person's work (whether for remuneration or otherwise). Other forms of child maltreatment are also discussed in training sessions with mandated reporters.

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.

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.

Indigenous child

A child of Aboriginal or Torres Strait Island descent who is identified as an Aboriginal or Torres Strait Islander.

Other child

All children who have not been identified as being of Aboriginal or Torres Strait Islander descent, including children of unknown Indigenous status.

Definitions for child protection notifications, investigations and substantiations

Age of child

Unless otherwise specified, age refers to age at the time of notification. Age is shown in completed years, or as 'unborn' for those in utero and 'less than one year' where age is between live birth and less than one year.

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 2007 and 30 June 2008, 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.

Family of residence

This item refers to the family type in which a child is residing at the time of notification of child abuse or neglect. If the type of family of the child is collected at the time of investigation, or at some time other than at notification, then this should be clearly footnoted by data providers. The family type of a child is classified into 8 main categories:

Two parent –natural or intact

This category includes all two parent families where both parents are either the biological or adoptive parents of the child.

Two parent-step or blended

This category includes blended and reconstituted families (one biological parent and one step parent).

Single parent-female

This category includes all families with a female single parent. The parent may be the biological, step or adoptive parent.

Single parent-male

This category includes all families with a male single parent. The parent may be the biological, step or adoptive parent.

Other relatives/kin

Includes relatives other than those referred to above. Also includes Indigenous kinship arrangements.

Foster care

This category includes situations in which a child is living with foster parent(s) who are offered a foster allowance from a government or non-government organisation for the care of a child (excluding children in family group homes).

Other

This category includes all those not mentioned above. It includes non-family situations, such as hostels and institutional accommodation.

Not stated

This category is used when the family in which a child lives is not recorded or is unknown.

Investigation outcome

The following categories are used:

Finalised investigation

A finalised investigation is a notification received between 1 July 2007 and 30 June 2008 which was investigated and the investigation was completed and an outcome of substantiated or not substantiated recorded by 31 August 2008.

Finalised investigations are broken down into the following two categories:

Substantiated

A finalised investigation is classified as 'substantiated' where there is reasonable cause to believe that the child has been, is being or is likely to be abused or 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, or is to be, provided.

Not substantiated

A finalised investigation is classified in this category where an investigation has concluded that there is no reasonable cause to suspect prior, current or future abuse or neglect or harm to the child.

Investigation closed – no outcome possible

An investigation that is closed with no outcome possible is a notification made between 1 July 2007 and 30 June 2008 which was investigated, but where the investigation was not able to be finalised in order to reach the outcome of substantiated or not substantiated. These files would be closed for administrative purposes. This may happen, for example, in cases where the family have relocated. These investigations would be completed between 1 July 2007 and 30 June 2008.

Investigation in process

An investigation that is in process is a notification received between 1 July 2007 and 30 June 2008 which was investigated, but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2008.

Source of notification

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

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 (that is, 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/psychologist/other trained 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 of 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 (for example, ministers of religion, or government agencies and instrumentalities not classified above).

Not stated

Includes all notifications that are received from unknown sources.

Substantiation of a notification received during the year

Substantiations of notifications received during the year refer to child protection notifications made to relevant authorities during the year ended 30 June, which were investigated and the investigation was finalised by 31 August, 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.

Type of abuse or neglect

Substantiations are classified into four categories: physical abuse, sexual abuse, emotional abuse and neglect. Where more than one type of abuse or neglect or harm has occurred the substantiation should be classified to the type most likely to be the most severe in the short term or most likely to place the child at risk in the short term, or if such an assessment is not possible, to the most obvious form of abuse or neglect.

Physical abuse

Any non-accidental physical act inflicted upon a child by a person having the care of a child.

Sexual abuse

Any act by a person having the care of the child which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.

Emotional abuse

Any act by a person having the care of a child that results in the child suffering any kind of significant emotional deprivation or trauma.

Neglect

Any serious omissions or commissions by a person having the care of a child which, within the bounds of cultural tradition, constitute a failure to provide conditions which are essential for the healthy, physical and emotional development of a child.

Type of action (for child protection notifications)

Investigation

An investigation is the process whereby the community services department seeks to obtain more detailed information about a child who is the subject of a notification and makes an assessment about the harm or degree of harm to the child and their protective needs. An investigation includes the interviewing or sighting of the subject child where it is practicable to do so.

Investigations to be included in this data collection relate to notifications of a child aged less than 18 years of age made to an authorised department between 1 July 2007 and 30 June 2008, which were subsequently investigated.

Dealt with by other means

Notifications that were responded to by means other than investigation, such as provision of advice or referral to services.

Definitions for care and protection orders

Age of child

Age is the age of a person in completed years. The tables containing information on type of living arrangements show age at 30 June; tables containing information on admissions or discharges show age at the time of first admission or discharge.

Child subject to orders

Any child on an order or other formal arrangement as defined in the 'scope and coverage' of this collection. 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 (for example, 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 (for example, director) or similar tribunal or officer.

Living arrangements

The type of care in which a child spent the night of 30 June 2008 (except those on authorised absence or outing who should be counted according to their usual type of living arrangement).

The categories are:

- (a) **Residential care** – where the placement is in a residential building whose purpose is to provide placements for children and where there are paid staff
- (b) **Family group homes** – provide short term care in departmentally owned homes for children under Care and Protection Orders and other children whose parents are unable to provide for their immediate welfare. Family group homes do not have salaried staff but are available rent free to approved carers, who receive board payments to reimburse them for the cost of looking after the children in their care.
- (c) **Home-based out of home care** – where placement is in the home of a carer who is reimbursed (or who has been offered but declined reimbursement) for the cost of care of the child including:
 - i. **Relatives or kin who are reimbursed** (other than parents) by the state/territory for the care of the child;
 - ii. **Foster care** – where the caregiver is authorised and reimbursed (or was offered but declined reimbursement) by the state/territory for the care of the child (excludes relatives/kin who are reimbursed);
 - iii. **Other home-based care out of home care.**
- (d) **Family care** – including:
 - i. **Parents** – (natural or adoptive)
 - ii. **Relatives or kin who are NOT reimbursed** (other than parents).
- (e) **Independent living** – including private board and lead tenant households.
- (f) **Other living arrangements** – including living arrangements that don't fit into the above categories and unknown living arrangements. The other category also includes any placements made in disability services, psychiatric services, juvenile justice facilities, SAAP and over-night child care services. These living arrangements may have rostered and/or paid staff, and are generally not a home-like environment.

Definitions for out-of-home care

Age of child

The age of a child in completed years. For children in 'out-of-home care' at 30 June, age is given at that date. For children admitted to care during the year, age is counted at the time of the first admission for the year.

Respite care

Out-of-home care provided on a temporary basis for reasons other than for child protection reasons eg: when parents are ill or unable to care for the child on a short term basis. Does not

include emergency care provided to children who have been removed from their homes for protective reasons.

Type of placement

Placement type

Placement type is divided into the following categories:

- (a) *Residential care* – where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff.
- (b) *Family group homes* – provide short-term care in departmentally-owned homes for children under care and protection orders and other children whose parents are unable to provide for their immediate welfare. Family group homes do not have salaried staff but are available rent free to approved carers, who receive board payments to reimburse them for the cost of looking after the children in their care.
- (c) *Home-based care* – where placement is in the home of a carer who is reimbursed (or who has been offered but declined reimbursement) for expenses for the care of the child. This is broken down into the three subcategories:
 - (i) *relative/kinship care* – includes family members (other than parents) or a person well known to the child and/or family (based on a pre-existing relationship) who is reimbursed (or who has been offered but declined reimbursement) by the state/ territory for the care of the child.
 - (ii) *foster care* – where the care is authorised and carers are reimbursed (or were offered but declined reimbursement) by the state/territory and supported by an approved agency.
 - (iii) *other* – home-based care which does not fall into either of the above two categories.
- (d) *Independent living* – including private board and lead tenant households.
- (e) *Other placement types* – includes placements that do not fit into the above categories and unknown living arrangements.

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