

Child protection Australia 1998–99

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These agencies contributed substantially to the content of this report.

Abbreviations

| | |
|--------|---|
| ABS | Australian Bureau of Statistics |
| CYFSB | Children’s, Youth and Family Services Bureau (Australian Capital Territory) |
| DCS | Department of Community Services (New South Wales) |
| DFYCC | Department of Families, Youth and Community Care (Queensland) |
| DHHS | Department of Health and Human Services (Tasmania) |
| DHS | Department of Human Services (South Australia) |
| DHS | Department of Human Services (Victoria) |
| ECO | Enhanced Client Outcomes |
| FCS | Family and Children’s Services (Western Australia) |
| NCSIMG | National Community Services Information Management Group |
| NCPASS | National Child Protection and Support Services Data Group |
| SAAP | Supported Accommodation Assistance Program |
| THS | Territory Health Services (Northern Territory) |

Symbols used in the tables

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

Notes

- (1) Percentages in all tables exclude unknowns.
- (2) Percentages in tables may not add to 100 due to rounding.
- (3) All tables in this report use data provided by State and Territory community services departments.

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Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare from the community service departments in each State and Territory. The data in this report cover the 1998–99 financial year. Each State and Territory has its own legislation, policies and practices in relation to child protection, so there are differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are not consistent across the States and Territories.

The main points of interest in the report are:

- The number of child protection notifications in 1998–99 was higher than in 1997–98 in New South Wales, Victoria, Queensland, Western Australia, South Australia and the Australian Capital Territory.
- The majority of notifications in 1998–99 were subject to an investigation. Although the outcomes of investigations varied across States and Territories, in all jurisdictions a large proportion of investigations were not substantiated: that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused or neglected or otherwise harmed. For example, 54% of finalised investigations in New South Wales and 59% in South Australia were not substantiated.
- Between 1997–98 and 1998–99 the number of substantiations increased slightly in Queensland, Western Australia, South Australia and the Australian Capital Territory, but decreased in New South Wales, Victoria and Tasmania.
- Rates of children who were the subject of a child protection substantiation in 1998–99 ranged from 1.1 per 1,000 children aged 0–16 years in Tasmania to 6.3 per 1,000 in Victoria.
- While the quality of data on Indigenous status varies between States and Territories, Indigenous children were clearly over-represented in substantiations of child abuse and neglect. For example, the rate of Indigenous children who were the subject of a substantiation was over 5 times higher than the rate for other children in Western Australia and South Australia.
- There were 8,487 children admitted to care and protection orders and arrangements across Australia during 1998–99.
- Of those children admitted to orders in 1998–99, 42% were aged under 5 years with 13% aged less than 1 year.
- There were 3.8 children per 1,000 aged 0–17 years on care and protection orders in Australia at 30 June 1999.
- The rate of children on care and protection orders varied across States and Territories ranging from 2.1 per 1,000 in Western Australia to 4.4 per 1,000 in New South Wales. In

all jurisdictions the rate of Indigenous children on care and protection orders was higher than the rate for other children.

- There were 15,674 children in out-of-home care at 30 June 1999. Most of these children (88%) were in home-based care arrangements, with a further 8% in facility-based care.
- The rate of children in out-of-home care at 30 June 1999 was 3.3 per 1,000 aged 0–17 years. This rate ranged from 2.2 per 1,000 in the Australian Capital Territory to 4.0 per 1,000 in New South Wales.
- Indigenous children were also over-represented among children in out-of-home care. For example, in New South Wales Indigenous children were 9 times more likely than other children to be in out-of-home care.

1 Background

Child protection is the responsibility of the community services department in each State and Territory. Children who come into contact with the community services department for protective reasons include those:

- who have been or are being abused or neglected; or
- whose parents cannot provide adequate care or protection.

The community services department provides 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), whereas others are available to a wider section of the population and attempt to deal with a broad range of issues or problems.

This report provides national data on children who come into contact with the community service departments for protective reasons. The three areas of the child protection system for which national data are collected are:

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

There are no data at the national level on children who are referred to or who access other services for protective reasons.

Child protection systems

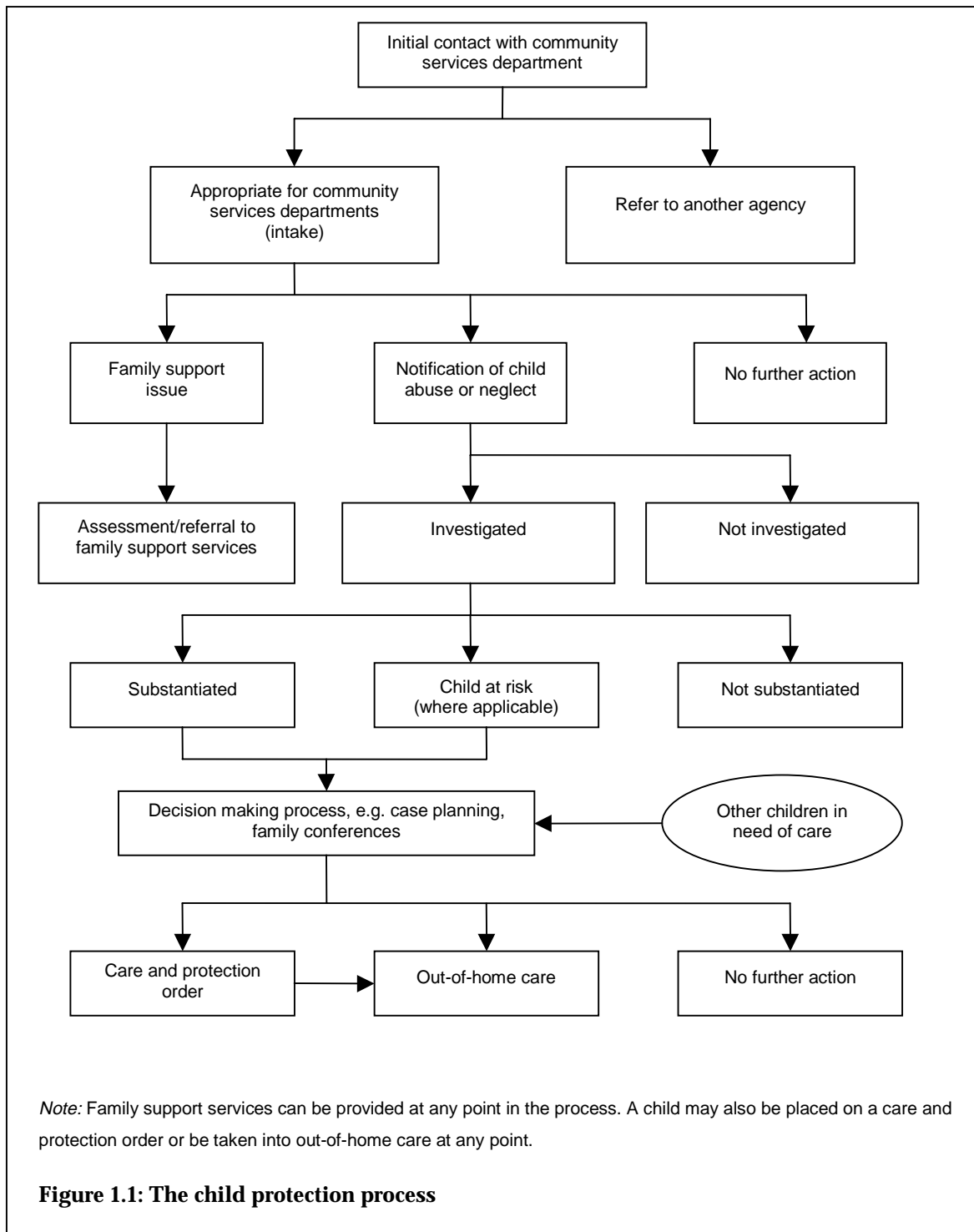
Although each jurisdiction has its own legislation, policies and practices in relation to child protection, the processes used to protect children are broadly similar. Figure 1.1 illustrates a simplified version of the main processes in the child protection system. These are outlined in more detail below.

Initial contact

Children who are seen to be in need of protection can come into contact with the community services department initially through a number of avenues. These include reports 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 seeking assistance. This initial contact 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 initial contacts made with community services departments.

These initial contacts are assessed to determine if the matter should be dealt with by the community services department or referred to another agency. Those contacts that are appropriate for community services departments are further assessed to determine if any further action is required. Contacts requiring further action will generally be classified as

either a family support issue or a child protection notification. A range of factors is taken into account by departmental officers when making these decisions. Those contacts classified as a family support issue will be further assessed and may be referred to family support services. Child protection notifications are dealt with separately.



Note: Family support services can be provided at any point in the process. A child may also be placed on a care and protection order or be taken into out-of-home care at any point.

Figure 1.1: The child protection process

Notifications, investigations and substantiations

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An investigation is the process whereby the community services department obtains more detailed information about a child who is the subject of a notification and makes an assessment of the degree of harm or risk of harm for the child. After an investigation is completed, a notification is classified as 'not substantiated' or 'substantiated'.

A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused or neglected or otherwise harmed. States and Territories differ somewhat in what they actually substantiate. Some jurisdictions substantiate situations where child abuse and neglect has occurred or is likely to occur, while others substantiate situations where the child has been harmed or is at risk of harm and the parents have failed to act protectively.

In Tasmania the category 'child at risk' is also used. This refers to situations where the notification is not substantiated, but where there are reasonable grounds for suspecting the possibility of previous or future abuse or neglect and it is considered that continued departmental involvement is warranted.

Care and protection orders and out-of-home care

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

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

The child protection data

The data in this report were extracted from the administrative systems of the State and Territory community services departments according to definitions and counting rules agreed to by the departments and the Institute. The State and Territory community services departments provide funding to the Institute to collate, analyse and publish these data.

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

There are also significant gaps in the national data on child protection. For example, there are no data at the national level on the support services used by children in need of protection and their families. The National Child Protection and Support Services (NCPASS) Working Group, a subgroup of the National Community Services Information Management Group (NCISMG), is currently developing a framework to collect national data on family preservation services. The aim of these services is to prevent the removal of a child into out-of-home care or to seek to re-unify families where a child has already been removed.

As noted, each jurisdiction has its own legislation, policies and practices in relation to child protection. There are differences between the jurisdictions in these areas and these differences affect the data that are provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

NCPASS is working to improve the comparability of child protection data. A recent report *Comparability of child protection data* will form the basis of further work (AIHW 1999b).

Finally, the practices used to identify and record the Indigenous status of children in the child protection system vary across States and Territories. The data on Indigenous children in this report should therefore be interpreted with care.

2 Notifications, investigations and substantiations

Overview

Scope of the report

The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by community service departments between 1 July 1998 and 30 June 1999. The notification, investigation and substantiation process is broadly outlined in chapter 1.

Only child protection incidents that were notified to community services departments are included in this national collection. Notifications made to other organisations, such as the police or the non-government welfare agencies, are included only if these notifications were also referred to the community services departments.

Police also have some responsibility for child protection in each State and Territory, although the extent of their responsibility in each jurisdiction varies. Generally, they are involved in child maltreatment or child abuse and neglect of a criminal nature, that is, significant sexual or physical abuse, or any abuse which results in the death of a child. In some States or Territories there have been protocols or informal arrangements established whereby the police are involved in joint investigations with the relevant community services department (Broadbent & Bentley 1997:6).

Reporting of child protection matters

Currently, all States and Territories except Western Australia have legislation requiring the compulsory reporting of child maltreatment or child abuse and neglect to community service departments. In most States and Territories, only the members of a few designated professions involved with children are mandated to report, although in the Northern Territory anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority. While Western Australia does not have mandatory reporting, it does have protocols or guidelines in place that require certain types of professionals to report maltreatment of children.

The types of child protection matters that should be reported, and the professionals mandated to report, vary across jurisdictions (details regarding the mandatory reporting requirements in each State or Territory are set out in Appendix 4). 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.

Differences between States and Territories

As noted in chapter 1, each State and Territory has its own legislation, policies and practices in relation to child protection. There are some areas of significant difference between States and Territories that affect the data on notifications, investigations and substantiations.

One of the main differences between jurisdictions relates to the way in which notifications are counted. There are differing policy frameworks used by States and Territories in relation to notifications. For example, in Western Australia and Tasmania contacts where concern about a child has been reported are screened by senior staff. Where initial information gives no indication of maltreatment, they are classified as a child and family concern report in Tasmania and may be referred to family support services. In Western Australia these contacts receive an interim classification as child concern reports while further assessment is undertaken to determine whether the case will receive a child protection response, a family support response or no further action. A significant proportion of initial contacts in these two States therefore receive a differential response and are not counted as child protection notifications. The rates of children notified and substantiated in these jurisdictions are therefore considerably lower than in other jurisdictions.

Other jurisdictions classify a broader range of these initial contacts as notifications.

Although some jurisdictions (for example, the Australian Capital Territory and New South Wales) also screen initial contacts and do not classify them all as notifications, the screening process does not appear to be as stringent as that used in Western Australia and Tasmania.

There are other differences in what is classified as a child protection notification that are also worth noting.

- In some jurisdictions, such as New South Wales, initial contacts to the department relating to abuse by a stranger may be classified as a notification. In other jurisdictions such incidents would not be classified as a notification.
- What is substantiated varies: some jurisdictions substantiate the harm or risk of harm to a child, and others substantiate actions or incidents that cause harm.

Although there are also 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. In most cases, therefore, no national totals have been calculated for these data.

Changes to policies and practices over time

Child protection policy and practice is constantly evolving. Changes to policies and practices within jurisdictions affect the child protection data, and trends in child protection over time therefore need to be interpreted carefully. The following are examples of some of the changes in child protection policies that have had a major impact on the data.

- The introduction of a single-track reporting system in Victoria along with the introduction of mandatory reporting in that State in the early 1990s led to a large increase in the number of notifications.
- The introduction of the 'New Directions' child protection policy in Western Australia in May 1996, which separated out reports of concerns about children and notifications of maltreatment, resulted in a considerable fall in the number of initial contacts that were classified as notifications. Policies in relation to substantiations were also changed so

that the current focus is on substantiating harm or risk of harm to the child, rather than an action causing harm (WA FACS 1996).

- There was a very large decrease in the number of substantiations in New South Wales following the introduction of new procedures in July 1996. Initial contacts to the department relating to concerns about children were separated out from child protection notifications. There were also changes in policies in relation to substantiations. Prior to July 1996, substantiation of a notification did not necessarily mean that child abuse and neglect had occurred, but rather that the information about the notification was confirmed. Now a notification will only be substantiated if there is evidence of child abuse or neglect or other harm to the child.

Following is an outline of the major changes in policies or practices that occurred in 1998–99 which may have impacted on the data in this report. It is important to be aware of these changes when comparing this year's data with data from previous years.

New South Wales

Notifications of babies under 1 year of age are given the highest priority in relation to the assessment of immediate safety and the ongoing assessment of risk under *Procedures on Responding to Notifications of Babies under One Year of Age*. Visiting the family, seeing the baby and assessing the baby's safety as well as the parent's or carer's capacity to provide adequate care must occur in response to notifications or requests for service, unless there are clear reasons to conclude that it is not warranted.

The *Priority One* procedures clarify the decision making process for work that has been notified but is 'unallocated' with the Child and Family Services program. The New South Wales Police Service have also introduced the practice of reporting to the Department of Community Services all cases in which a child is present at an incident of domestic violence. This is likely to have had an impact on the number of child protection notifications.

Victoria

The Enhanced Client Outcomes (ECO) initiative was introduced to improve the appropriateness of responses to child protection notifications by basing decision making and practice on a broad perspective and assessment framework, and more flexible response options which maximise the potential for developing partnership with families and collaboration with other agencies. This may have impacted on substantiation rates.

The concern which underlies the ECO initiative within child protection, that families in need were being subjected to unnecessary, or unnecessarily intrusive, investigation also led to the establishment of Strengthening Families programs. These are funded programs that accept referrals where a family is in need but the risks to the child do not meet the test of 'likely significant harm'. These referrals may come from the child protection intake or directly from other professionals. In the relation to the former instance, these programs may depress the number of investigations and, in the latter instance, may depress the number of notifications.

Northern Territory

A new generation client information system, the Community Care Information System, was introduced. Due to the information system changeover, data on child protection notifications, investigations and substantiations could only be provided for a 6 month period, while only limited data on children on care and protection orders and children in out-of-home care were available for this year's report.

Along with the new client information system, a new comprehensive Policy and Practice Manual for staff was released. The manual documents policy, procedures and practice standards relating to child protection, out-of-home care and family support practice, as well as the operations and responsibilities of the Family Matters Court.

Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 1998–99 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.

Number of notifications, investigations and substantiations

The number of child protection notifications received in 1998–99 for each State and Territory is shown in Table 2.1. The number of notifications was higher than in 1997–98 in all States and Territories except Tasmania. (The Northern Territory data for 1998–99 is for a 6-month period only.)

Table 2.1: Notifications by type of action, by State and Territory, 1998–99

| Type of action | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT ^(b) |
|--|--------------------|---------------|---------------|--------------|---------------|------------|--------------|-------------------|
| Investigations finalised ^(c) | 16,301 | 13,385 | 10,838 | 2,354 | 5,143 | 531 | 1,091 | 366 |
| Investigations not finalised ^(d) | 3,497 | 323 | 4,172 | 96 | 55 | 84 | 101 | 7 |
| <i>Total investigations</i> | <i>19,798</i> | <i>13,708</i> | <i>15,010</i> | <i>2,450</i> | <i>5,198</i> | <i>615</i> | <i>1,192</i> | <i>373</i> |
| Dealt with by other means ^(e) | 11,715 | 20,971 | 2,832 | — | 1,630 | 10 | — | — |
| No investigation possible/No action ^(f) | — | — | 879 | 118 | 6,304 | 28 | 166 | 305 |
| Total notifications | 31,513 | 34,679 | 18,721 | 2,568 | 13,132 | 653 | 1,358 | 678 |
| Investigations finalised ^(c) | 52 | 39 | 58 | 92 | 39 | 81 | 80 | 54 |
| Investigations not finalised ^(d) | 11 | 1 | 22 | 4 | — | 13 | 7 | 1 |
| <i>Total investigations</i> | <i>63</i> | <i>40</i> | <i>80</i> | <i>95</i> | <i>40</i> | <i>94</i> | <i>88</i> | <i>55</i> |
| Dealt with by other means ^(e) | 37 | 60 | 15 | — | 12 | 2 | — | — |
| No investigation possible/No action ^(f) | — | — | 5 | 5 | 48 | 4 | 12 | 45 |
| Total notifications | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) The data provided relate to all notifications where the primary reported issue involved harm/injury or risk.

(b) Data for the Northern Territory refer only to 6 months (from 1 January 1999 to 30 June 1999). The number of notifications of child abuse and neglect for the 6-month period is high in comparison with previous years. This is due to the design of the new information system which enables improved recording of all reports received.

(c) An investigation is classified as finalised where it was completed and an outcome recorded by 31 August 1999.

(d) Investigation not finalised is an investigation that was begun but not completed by 31 August 1999.

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

(f) Include notifications where there are no grounds for an investigation or insufficient information is available to undertake an investigation.

A large majority of notifications were subject to an investigation. The proportion of notifications that were investigated ranged from 95% in Western Australia to 40% in Victoria

and South Australia. This range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations.

In Victoria, for example, the definition of a notification is very wide, and there are strict criteria for defining an investigation. Notifications are caller-defined and include reports of child concerns, whereas only face-to-face contact with the child is counted as an investigation. Therefore, a relatively low proportion of notifications in that State is investigated. In contrast, in Western Australia a significant proportion of contacts with the department are screened by senior staff, classified as family support issues and not counted as a notification.

Outcomes of investigations

Although the outcomes of investigations varied across the States and Territories, in all jurisdictions a large proportion of investigations were not substantiated, that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused or neglected or otherwise harmed. For example, 59% of finalised investigations in South Australia and the Australian Capital Territory and 48% of finalised investigations in Western Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 59% in Queensland to 24% in Tasmania. Although a relatively low proportion of investigations in Tasmania were substantiated, an additional 17% of investigations were classified as 'child at risk'. As noted earlier, this category is not used in other jurisdictions.

Table 2.2: Finalised investigations by type of outcome and State and Territory, 1998–99

| | NSW | Vic | Qld | WA | SA | Tas | ACT | NT ^(a) |
|---------------------------------------|-----------------|---------------|---------------|--------------|--------------|------------|--------------|-------------------|
| | Number | | | | | | | |
| Substantiations | 7,540 | 7,251 | 6,373 | 1,215 | 2,114 | 128 | 442 | 192 |
| Child at risk | .. | .. | .. | .. | .. | 88 | .. | .. |
| Unsubstantiated notifications | 8,761 | 6,134 | 4,465 | 1,139 | 3,029 | 315 | 649 | 174 |
| Total finalised investigations | 16,301 | 13,385 | 10,838 | 2,354 | 5,143 | 531 | 1,091 | 366 |
| | Per cent | | | | | | | |
| Substantiations | 46 | 54 | 59 | 52 | 41 | 24 | 41 | 52 |
| Child at risk | .. | .. | .. | .. | .. | 17 | .. | .. |
| Unsubstantiated notifications | 54 | 46 | 41 | 48 | 59 | 59 | 59 | 48 |
| Total finalised investigations | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data for the Northern Territory are for the period 1 January to 30 June 1999.

Changes over time

The number of child protection notifications has increased considerably over the past decade in most States and Territories. (There are no national data available on the number of notifications prior to 1995–96. The number of reported cases in Australia, or notifications that required investigation, however, increased from 42,468 in 1988–89 to 76,945 in 1994–95 (Angus & Wilkinson 1993; Angus & Hall 1996)). The total number of notifications across Australia (excluding the Northern Territory) increased from 91,219 in 1995–96 to 102,624 in 1998–99 (Broadbent & Bentley 1997; Table 2.1).

The following factors may have contributed to this increase in the number of notifications:

- an increase in the number of child protection matters that are reported, for example due to the introduction of mandatory reporting in some jurisdictions and/or an increased awareness about child abuse and neglect in the community;
- an increase in the number of children who require a child protection response, for example through an increase in the incidence of child abuse and neglect, or inadequate parenting causing harm to a child; and
- changes in State and Territory legislation, policies and practices.

The number of substantiations followed a different pattern to notifications over the period from 1988–89 to 1998–99. The number of substantiations increased significantly across Australia (excluding the Northern Territory) from 18,632 in 1988–89 to 30,257 in 1994–95, and then decreased to 25,063 in 1998–99 (Angus & Hall 1996; Table 2.3).

Changes to policy and practices in the States and Territories are likely to be one of the important factors contributing to changes in the number of substantiations from year to year. For example there was a very large decrease in the number of substantiations in New South Wales following the introduction of new policies in July 1996 which screened out reports of concerns about children from child protection matters (AIHW 1998). In Victoria and Queensland the number of substantiations continued to increase over the same period.

Between 1997–98 and 1998–99 the number of substantiations increased in Queensland, Western Australia, South Australia and the Australian Capital Territory, but decreased in New South Wales, Victoria and Tasmania.

Table 2.3: Substantiations by State and Territory, 1987–88 to 1998–99

| Year | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|---------|---------------------|-------|----------------------|-------|-------|------|------|---------------------|---------------------|
| 1987–88 | 13,498 | 1,534 | 2,923 | n.a. | 1,008 | 290 | 275 | 332 | n.a. |
| 1988–89 | 10,112 | 2,445 | 3,377 | 739 | 1,326 | 336 | 297 | 184 | 18,816 |
| 1989–90 | 9,429 | 2,950 | 3,721 | 884 | 1,165 | n.a. | n.a. | 184 | n.a. |
| 1990–91 | 11,611 | 2,427 | 3,500 | 1,223 | 1,162 | 472 | 247 | 226 | 20,868 |
| 1991–92 | 12,645 | 2,146 | 3,027 | 1,380 | 1,048 | 598 | 295 | 232 | 21,371 |
| 1992–93 | 14,290 | 4,089 | 2,743 | 1,519 | 1,824 | 416 | 445 | 304 | 25,630 |
| 1993–94 | 15,128 | 5,253 | 3,127 | 1,830 | 2,077 | 424 | 495 | 377 | 28,711 |
| 1994–95 | 14,164 | 7,326 | 4,000 | 1,484 | 2,547 | 360 | 376 | 358 | 30,615 |
| 1995–96 | 14,063 | 6,663 | 4,662 | 1,095 | 2,415 | 235 | 445 | 255 | 29,833 |
| 1996–97 | n.a. ^(a) | 7,034 | 4,895 ^(b) | 982 | 2,527 | 244 | 376 | 252 | n.a. ^(c) |
| 1997–98 | 8,406 | 7,357 | 6,323 | 1,135 | 1,915 | 135 | 411 | 343 | 26,025 |
| 1998–99 | 7,540 | 7,251 | 6,373 | 1,215 | 2,114 | 128 | 442 | n.a. ^(d) | n.a. ^(e) |

(a) Data for 1996–97 financial year were not available from New South Wales.

(b) Data refer to calendar year 1996, rather than the financial year.

(c) A total cannot be calculated for 1996–97 because of lack of data from NSW.

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

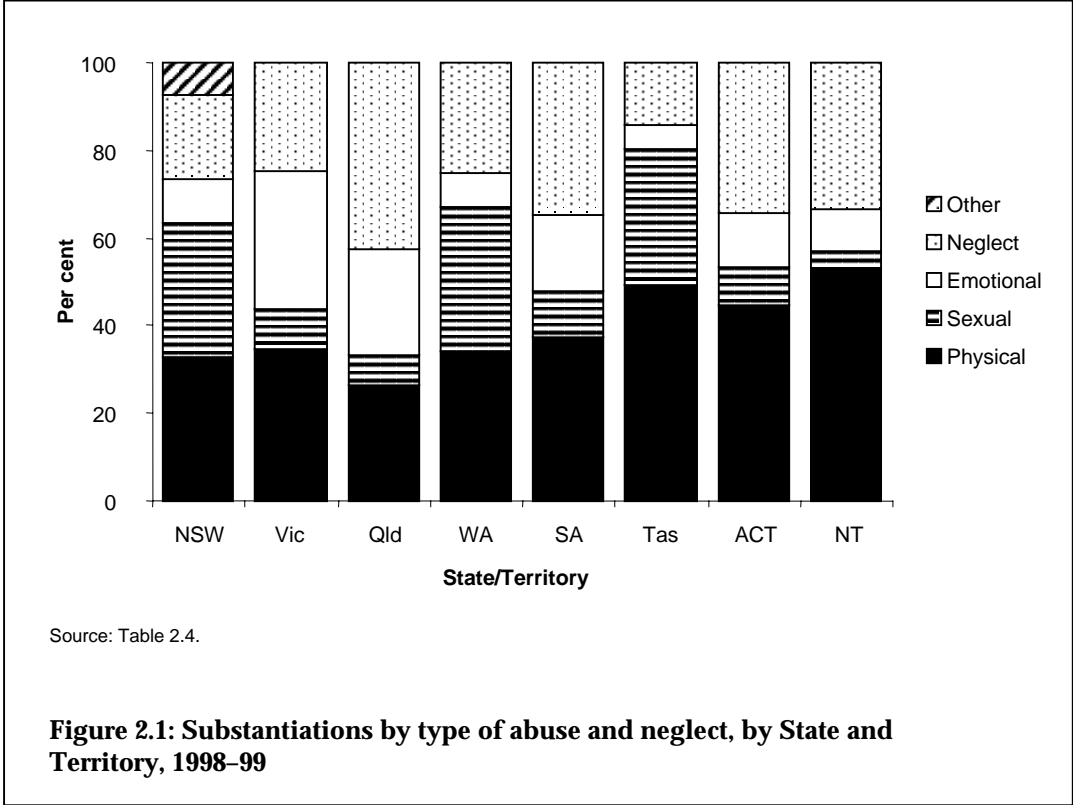
(e) A total cannot be calculated for 1998–99 because of lack of data from the Northern Territory.

Substantiations and type of abuse and neglect

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

Physical abuse was the most common type of abuse and neglect that was substantiated in all jurisdictions except Queensland. Sexual abuse was the next most common in New South

Wales, Western Australia and Tasmania; neglect in South Australia, the Australian Capital Territory and the Northern Territory; and emotional abuse in Victoria. In Queensland, neglect was the most common type substantiated followed by physical abuse (Figure 2.1 and Table 2.4).



These variations in the types of abuse or neglect that are substantiated across jurisdictions are likely to be the result of differences in the way that child protection matters are classified, as well as differences in the types of incidents that are substantiated across jurisdictions. In Western Australia and Tasmania a relatively high proportion of substantiations were classified as either 'physical abuse' or 'sexual abuse', as the child protection data from these two States include only child maltreatment cases; cases which require a family support response are dealt with and counted separately. Victoria, on the other hand, had a relatively high proportion of substantiations that were classified as 'emotional abuse' reflecting the broader range of incidents that are included in child protection substantiations. The high proportion of substantiations classified as 'neglect' in Queensland reflects the policies in that State which focus on identifying the protective needs of a child and whether parents have protected the child from harm or risk of harm.

Table 2.4: Substantiations by type of abuse and neglect by State and Territory, 1998–99

| Type of abuse or neglect substantiated | NSW | Vic | Qld | WA | SA | Tas | ACT | NT ^(a) |
|--|-----------------|--------------|--------------|--------------|--------------|------------|------------|-------------------|
| | Number | | | | | | | |
| Physical | 2,494 | 2,501 | 1,694 | 418 | 787 | 63 | 197 | 101 |
| Sexual | 2,282 | 681 | 431 | 397 | 230 | 40 | 39 | 9 |
| Emotional | 758 | 2,290 | 1,555 | 96 | 362 | 7 | 55 | 18 |
| Neglect | 1,458 | 1,779 | 2,693 | 304 | 735 | 18 | 151 | 64 |
| Other ^(b) | 548 | .. | .. | .. | .. | .. | .. | .. |
| Total substantiations | 7,540 | 7,251 | 6,373 | 1,215 | 2,114 | 128 | 442 | 192 |
| | Per cent | | | | | | | |
| Physical | 33 | 34 | 27 | 34 | 37 | 49 | 45 | 53 |
| Sexual | 30 | 9 | 7 | 33 | 11 | 31 | 9 | 5 |
| Emotional | 10 | 32 | 24 | 8 | 17 | 5 | 12 | 9 |
| Neglect | 19 | 25 | 42 | 25 | 35 | 14 | 34 | 33 |
| Other ^(b) | 7 | .. | .. | .. | .. | .. | .. | .. |
| Total substantiations | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data for the Northern Territory are for the period 1 January to 30 June.

(b) The category 'Other' used for New South Wales comprises children identified as being at high risk but with no identifiable injury.

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 a substantiation. This is because some children are the subject of more than one notification or substantiation in any one year.

For example, in 1998–99 in Victoria there were 34,679 notifications compared with 26,712 children who were the subject of a notification, and in Queensland there were 18,721 notifications compared with 14,118 children who were the subject of a notification (Table 2.5). In relation to substantiations in 1998–99, in South Australia there were 2,114 substantiations compared with 1,764 children who were the subject of a substantiation.

Table 2.5: Number of notifications and substantiations and number of children who were the subject of a notification or substantiation, by State and Territory, 1998–99

| | NSW | Vic | Qld | WA | SA | Tas | ACT | NT ^(a) |
|--------------------------------------|--------|--------|--------|-------|--------|-----|-------|-------------------|
| Children subject of a notification | 25,588 | 26,712 | 14,118 | 2,344 | 9,128 | 411 | 1,303 | 607 |
| Total notifications | 31,513 | 34,679 | 18,721 | 2,568 | 13,132 | 653 | 1,358 | 678 |
| Children subject of a substantiation | 6,755 | 6,829 | 4,387 | 1,145 | 1,764 | 122 | 395 | 185 |
| Total substantiations | 7,540 | 7,251 | 6,373 | 1,215 | 2,114 | 128 | 442 | 192 |

(a) Data for the Northern Territory are for the period 1 January to 30 June.

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

These data indicate that a substantial number of children across Australia were the subject of more than one substantiation during 1998–99. It is not possible to calculate the exact proportion of children who were the subject of more than one substantiation, however, as some children may be the subject of more than two substantiations in the year.

Sex and age

There were more females than males in substantiations in 1998–99 in all jurisdictions, except Victoria (Table A1.1). The higher proportion of females is due predominantly to their over-representation in the sexual abuse category. There were more than twice as many girls as boys who were the subject of a substantiation of sexual abuse.

In relation to age, there were larger numbers of children who were the subject of a substantiation in the younger age categories and fewer children aged 15 years and over (Table A1.2). Rates of children by age are discussed in the following section.

Rates of children who were the subject of a substantiation

There were significant differences between States and Territories in rates of children who were the subject of a child protection substantiation. Victoria, South Australia and the Australian Capital Territory had relatively high rates of children who were the subject of a substantiation. In Victoria there were 6.3 children per 1,000 children aged 0–16 years who were the subject of a substantiation, and in South Australia and the Australian Capital Territory there were 5.2 (Table 2.6). The rates of children who were the subject of a substantiation were lowest in Western Australia and Tasmania (2.5 and 1.1 respectively).

As noted previously, Western Australia and Tasmania have relatively low rates because they screen out those contacts that do not involve child maltreatment and do not count them as a notification. Victoria, on the other hand, counts a broader range of incidents as notifications and this, in turn, is likely to contribute to the higher rate of children who were the subject of a substantiation in that State.

Table 2.6: Children aged 0–16 years who were the subject of a substantiation: number and rates per 1,000 children, by Indigenous status, by State and the Australian Capital Territory, 1998–99

| State/Territory | Number of children | | | Rate per 1,000 children | | | Rate ratio Indigenous/ Other |
|--------------------------------|--------------------|-------|-------|-------------------------|-------|-------|------------------------------------|
| | Indigenous | Other | Total | Indigenous | Other | Total | |
| New South Wales ^(a) | 864 | 5,815 | 6,679 | 16.8 | 4.0 | 4.5 | 4.2:1 |
| Victoria ^(b) | n.a. | n.a. | 6,823 | n.a. | n.a. | 6.3 | n.a. |
| Queensland | 492 | 3,880 | 4,372 | 9.9 | 4.8 | 5.1 | 2.0:1 |
| Western Australia | 598 | 532 | 1,130 | 11.6 | 2.0 | 2.5 | 5.8:1 |
| South Australia | 269 | 1,489 | 1,758 | 26.8 | 4.6 | 5.2 | 5.8:1 |
| Tasmania | 8 | 114 | 122 | 1.1 | 1.1 | 1.1 | 1.0:1 |
| Australian Capital Territory | 23 | 365 | 388 | 16.2 | 5.0 | 5.2 | 3.2:1 |

(a) The apparent increase in the number of Indigenous clients in New South Wales between 1997–98 and 1998–99 was due to improvements in the recording of Indigenous status.

(b) Victoria was not able to provide data on Indigenous children.

Notes

1. Data for the 1998–99 financial year were not available from the Northern Territory.
2. For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.
3. Due to the small numbers involved, children aged 17 years were not included in this table.

Rates by age

Rates of children who were the subject of a substantiation generally decreased with age. In most jurisdictions children aged under 1 year were the most likely to be the subject of a substantiation, followed by children aged 1–4 years (Table 2.7).

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. In Victoria, for example, the High Risk Infants Service Quality Initiatives Project was developed to better identify and respond to children aged under 2 years who were regarded as being at high risk of child abuse and neglect (Victorian Department of Human Services 1999). Other jurisdictions also have special procedures in place to protect younger children.

Table 2.7: Children aged 0–16 years in substantiation: rates per 1,000 children by age, 1998–99

| Age | NSW | Vic | Qld | WA | SA | Tas | ACT |
|-------------|-----|------|-----|-----|-----|-----|-----|
| <1 year | 5.4 | 13.0 | 8.0 | 4.0 | 8.2 | 1.9 | 3.1 |
| 1–4 years | 4.1 | 7.3 | 5.4 | 2.8 | 5.9 | 0.9 | 5.6 |
| 5–9 years | 4.8 | 6.0 | 5.3 | 2.6 | 5.6 | 0.8 | 6.0 |
| 10–14 years | 4.7 | 5.6 | 5.2 | 2.4 | 4.8 | 1.0 | 5.1 |
| 15–16 years | 3.2 | 4.1 | 2.8 | 1.3 | 2.2 | 0.5 | 3.8 |

Notes

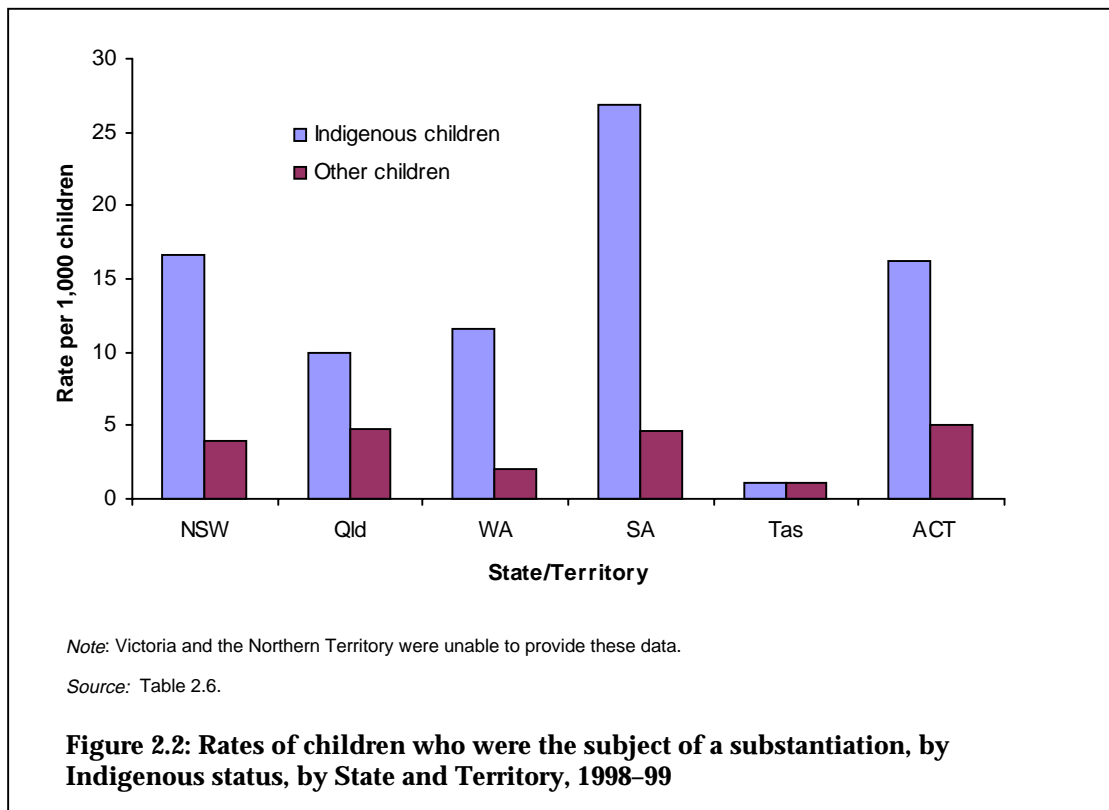
1. Refer to Table A1.2 for number of children.
2. These data were not available for the Northern Territory.

Indigenous children

In all jurisdictions except Tasmania, the rate of Indigenous children in substantiations was higher than the rate for other children (Table 2.6 and Figure 2.2). The rate ratio provides a summary measure of the relationship between the rate of Indigenous children who were the subject of a substantiation compared to the rate for other children. In Western Australia and South Australia, Indigenous children were 5.8 times more likely to be the subject of a substantiation than other children and in New South Wales they were 4.2 times more likely.

The reasons for the over-representation of Indigenous children in substantiations of child abuse and neglect 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 Indigenous children in the child welfare system include:

- intergenerational effects of previous separations from family and culture;
- poor socioeconomic status; and
- cultural differences in child rearing practices.



Types of abuse and neglect

The pattern of substantiated abuse and neglect for Indigenous children differed from the pattern for other children. Indigenous children were much more likely to be the subject of a substantiation of neglect than other children. For example, in Queensland, 58% of Indigenous children in substantiations were the subject of a substantiation of neglect, compared with 36% of other children in substantiations (Table 2.8). Similarly, the corresponding percentages in South Australia were 46% for Indigenous children compared with 27% for other children.

Table 2.8: Children who were the subject of a substantiation: type of abuse and neglect, by Indigenous status, by State and Territory, 1998–99 (per cent)

| Type of abuse or neglect | NSW | Qld | WA | SA | Tas | ACT | NT ^(a) |
|----------------------------|------------|------------|------------|------------|------------|------------|-------------------|
| Indigenous children | | | | | | | |
| Physical abuse | 29 | 18 | 32 | 34 | 50 | 39 | 48 |
| Sexual abuse | 21 | 6 | 18 | 8 | 13 | 17 | 7 |
| Emotional abuse | 12 | 17 | 7 | 13 | — | 4 | 3 |
| Neglect | 30 | 58 | 43 | 46 | 38 | 39 | 43 |
| Other ^(b) | 8 | — | — | — | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Other children | | | | | | | |
| Physical abuse | 34 | 29 | 36 | 44 | 49 | 45 | 57 |
| Sexual abuse | 33 | 8 | 38 | 13 | 33 | 8 | 2 |
| Emotional abuse | 9 | 27 | 8 | 16 | 4 | 13 | 17 |
| Neglect | 17 | 36 | 17 | 27 | 13 | 34 | 23 |
| Other ^(b) | 7 | — | — | — | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data for the Northern Territory are for the period 1 January to 30 June.

(b) The category 'Other' used for New South Wales comprises children identified as being at high risk but with no identifiable injury.

Notes

1. Victoria was not able to provide data on Indigenous children.
2. For details on the coding of Indigenous status see Appendix 2.
3. Refer to Table A1.3 for numbers of children.

Additional data on notifications and substantiations

Source of notifications

Child protection notifications made to community service departments come from a range of different sources. Data on the source of notification show that the most common sources of notifications in 1998–99 were police, school personnel, parents or guardians and friends or neighbours (Table A1.4)

The likelihood of a finalised investigation being substantiated varied considerably with the source of notification. A relatively high proportion of notifications from the child who was the subject of the notification, social workers, health workers and school personnel were substantiated, whereas a relatively low proportion of notifications from anonymous callers, friends or neighbours and other relatives were substantiated (Table 2.9).

Family type

Data on the family type in which the child was residing are available from a number of jurisdictions. It is important to note, however, that a family member with whom the child was residing may not have been the person responsible for the abuse and neglect.

Compared to family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed one-parent families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent natural families. For example in Queensland 42% of substantiations involved children from female one-parent families, 24% involved children from two-parent step or blended families while 22% involved children from two-parent

natural families (Table 2.10). In comparison in 1997, 16% of all Australian children lived in female one-parent families, 8% lived in two-parent step or blended families and 74% lived in two-parent natural families (ABS 1997).

Table 2.9: Proportion of finalised investigations that were substantiated: source of notification by States and the Australia Capital Territory, 1998–99 (per cent)

| Source of notification | NSW | Vic | Qld | WA | SA | Tas | ACT |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Subject child | 58 | 64 | 66 | 58 | 61 | 17 | 69 |
| Parent/guardian | 45 | 52 | 58 | 47 | 34 | 19 | 39 |
| Sibling | — | 43 | 45 | 74 | 31 | — | 17 |
| Other relative | 41 | 51 | 51 | 47 | 30 | 13 | 27 |
| Friend/neighbour | 37 | 41 | 45 | 47 | 31 | 9 | 34 |
| Medical practitioner | 51 | 62 | 63 | 53 | 39 | 38 | 24 |
| Other health | 52 | 56 | 70 | — | 46 | 40 | 74 |
| Hospital/health centre | 48 | — | 75 | 58 | 47 | 31 | 47 |
| Social worker | 47 | 55 | 70 | — | 50 | 67 | 45 |
| School personnel | 53 | 54 | 68 | 50 | 43 | 23 | 47 |
| Police | 48 | 62 | 72 | 63 | 58 | 39 | 67 |
| Departmental officer | 41 | 59 | 80 | 59 | 56 | 35 | 27 |
| Non-government organisation | 44 | 58 | 68 | 49 | 62 | 48 | 32 |
| Anonymous | 28 | — | 36 | 12 | 28 | — | 39 |
| Other | 46 | 40 | 55 | 38 | 39 | 8 | 30 |
| Total | 46 | 54 | 59 | 52 | 41 | 24 | 41 |

Notes

1. The Northern Territory was unable to provide these data.
2. Percentages calculated as a percentage of finalised investigations where the source of the notification is known. Numbers are shown in Tables A1.4 and A1.5.
3. Child care personnel have been included with school personnel.
4. Other category may include the maltreater.

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

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

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

Relationship of person believed responsible

The data on the relationship to the child of the person believed responsible in child protection substantiations highlight some of the differences in the approaches to child protection across jurisdictions. For example, in Queensland, the focus of the child protection system is on identifying a child's protective needs and therefore on whether the person believed responsible for harming the child is in the household or if the parents are unwilling or unable to protect the child. In situations where abuse has occurred outside the family, parents may still be seen to be responsible if they have failed to protect the child. In Queensland the natural parent was believed to be responsible in 86% of substantiations and a step parent in a further 5% of substantiations (Table 2.11).

Table 2.10: Substantiations by type of family in which the child was residing, for selected States and Territories, 1998–99

| Family type | Vic | Qld | WA | Tas | ACT |
|------------------------------|--------------|--------------|--------------|------------|------------|
| Number | | | | | |
| Two parent — natural | 2,212 | 1,411 | 297 | 41 | 135 |
| Two parent — step or blended | 1,435 | 1,484 | 268 | 41 | 72 |
| Single parent — female | 2,899 | 2,677 | 436 | 29 | 206 |
| Single parent — male | 356 | 343 | 46 | 6 | 18 |
| Other relatives/kin | 24 | 139 | 90 | 2 | 7 |
| Foster | — | — | 31 | 2 | — |
| Other | 325 | 253 | 31 | 7 | 4 |
| Not stated | — | 66 | 16 | — | — |
| Total | 7,251 | 6,373 | 1,215 | 128 | 442 |
| Per cent | | | | | |
| Two parent — natural | 31 | 22 | 25 | 32 | 31 |
| Two parent — step or blended | 20 | 24 | 22 | 32 | 16 |
| Single parent — female | 40 | 42 | 36 | 23 | 47 |
| Single parent — male | 5 | 5 | 4 | 5 | 4 |
| Other relatives/kin | — | 2 | 8 | 2 | 2 |
| Foster | — | n.a. | 3 | 2 | — |
| Other | 4 | 4 | 3 | 5 | 1 |
| Total | 100 | 100 | 100 | 100 | 100 |

Notes

1. For Victoria and Queensland, family of residence was categorised as where the child is living at the time of investigation. For other jurisdictions it was where the child was living when the abuse or neglect occurred.
2. New South Wales, South Australia and the Northern Territory could not provide these data.
3. Queensland does not have a category for 'foster parent'— these have been included in 'Other'.

In other jurisdictions, such as New South Wales and Tasmania, the focus is more on identifying who committed an action or who caused the harm to the child. Thus, those outside the family, such as friends or neighbours or strangers, are more likely to be regarded as responsible. In New South Wales, natural parents were believed to be responsible in 57% of substantiations, friends or neighbours were believed to be responsible in 13% of substantiations and strangers (included in the 'other' category) were also believed to be responsible in a proportion of substantiations. In Tasmania, natural parents were believed to be responsible in 57% of substantiations, step-parents in 15% of substantiations and friends or neighbours in a further 10% of substantiations.

Table 2.11: Substantiations by relationship to the child of person believed responsible, for selected States and Territories, 1998–99

| Person believed responsible | NSW | | Qld | | WA | | Tas | | ACT | |
|-----------------------------|--------------|------------|--------------|------------|--------------|------------|------------|------------|------------|------------|
| | No. | % | No. | % | No. | % | No. | % | No. | % |
| Natural parent | 2,965 | 57 | 5,361 | 86 | 722 | 63 | 59 | 57 | 334 | 83 |
| Step-parent | 380 | 7 | 285 | 5 | 83 | 7 | 15 | 15 | 22 | 5 |
| De facto step-parent | 237 | 5 | 257 | 4 | 41 | 4 | 3 | 3 | 13 | 3 |
| Sibling | 161 | 3 | 82 | 1 | 26 | 2 | 6 | 5 | 7 | 2 |
| Other relative/kin | 415 | 8 | 134 | 2 | 114 | 10 | 2 | 2 | 9 | 2 |
| Foster parent | 66 | 1 | 68 | 1 | 8 | 1 | 5 | 5 | — | — |
| Friend/neighbour | 668 | 13 | 10 | — | 68 | 6 | 10 | 10 | 16 | 4 |
| Other ^(a) | 322 | 6 | 67 | 1 | 91 | 8 | 3 | 3 | — | — |
| Not stated | 2,326 | .. | 109 | .. | 62 | .. | 25 | .. | 41 | .. |
| Total | 7,540 | 100 | 6,373 | 100 | 1,215 | 100 | 128 | 100 | 442 | 100 |

(a) This category may include other person with duty-of-care responsibility, guardians, strangers and those people who have no particular relationship with the child.

Note: Victoria, South Australia and the Northern Territory could not provide these data.

3 Care and protection orders

Overview

Children who are in need of care and protection

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

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

Only a small proportion of children who are the subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 1997–98, and who were placed on a care and protection order within 12 months, ranged from 6% in the Australian Capital Territory to 41% in Tasmania (Table A1.6). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each State and Territory (see below).

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

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

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

Territories, the characteristics of the particular child, the characteristics of the family, previous encounters of the child or family with the community services department, and the location and availability of alternative options.

The Children's Court

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

Types of care and protection orders

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

1. Finalised guardianship or custody orders/administrative arrangements

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

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

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

This category also includes those administrative arrangements with the community services departments which have the same effect as a court order of transferring custody or guardianship (these were included in a separate category in last year's report). These are legal arrangements, but not all States and Territories have such provisions in their legislation.

2. Finalised supervisory and other finalised orders

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

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

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

3. Interim and temporary orders

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

Scope of the data collection

The data collection includes information for the 1998–99 financial year on children admitted to, and discharged from, care and protection orders and on orders issued during 1998–99, and data on the characteristics of children on an order at 30 June 1999. Children are counted only once, even if they were admitted to or discharged from more than one order, or if they were on more than one order at 30 June 1999. If a child was on more than one order at 30 June 1999, then the child is counted as being on the order that implies the highest level of intervention by the department (with finalised guardianship or finalised custody orders being the most interventionist and interim and temporary orders the least).

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

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

State differences

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

- Western Australia does not have any orders that fit the category of finalised supervisory orders. Western Australian data on care applications that have not yet progressed to full care and protection orders have been included in the category 'interim and temporary arrangements' for the first time this year.
- New South Wales has finalised court orders that would fit into the category of finalised supervisory orders, but was not able to provide data on these orders.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. Since 1996–97 these orders have been included in

the data collection under 'finalised guardianship and custody orders'. South Australia also has provisions for the transfer of guardianship to a third party, but these orders are not included in this collection.

- In Queensland, interim orders are issued only where children are remanded in temporary custody. In most other States and Territories there are specific interim and temporary orders which cover a number of different circumstances, such as care and protection applications and investigation and assessment orders in South Australia, and interim protection orders and interim accommodation orders in Victoria.

Data and analysis

This section includes data on admissions to, and discharges from, care and protection orders, orders issued during 1998–99 as well as data on the characteristics of children who were on a care and protection order at 30 June 1999. The differences between States and Territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

Admissions, discharges and orders issued

Children admitted to orders

There were 8,367 children admitted to care and protection orders and arrangements across Australia (excluding the Northern Territory) during 1998–99 (Table 3.1). As noted at the beginning of the chapter, a child may be admitted to a care and protection order for a range of reasons, for example where they were the subject of a substantiation of child abuse and neglect, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

Table 3.1: Children admitted to and discharged from care and protection orders, by State and the Australian Capital Territory, 1998–99

| | NSW ^(a) | Vic | Qld | WA ^(b) | SA | Tas | ACT | Total ^(c) |
|---|--------------------|--------------|------------|-------------------|------------|-----------|-----------|----------------------|
| Children admitted to orders | 3,899 | 2,606 | 1,045 | 379 | 236 | 118 | 84 | 8,367 |
| <i>Children admitted for the first time</i> | <i>n.a.</i> | <i>1,632</i> | <i>705</i> | <i>n.a.</i> | <i>152</i> | <i>72</i> | <i>41</i> | <i>n.a.</i> |
| <i>% of all admissions</i> | <i>n.a.</i> | <i>63</i> | <i>67</i> | <i>n.a.</i> | <i>64</i> | <i>61</i> | <i>49</i> | <i>n.a.</i> |
| Children discharged from orders | 2,763 | 2,768 | 610 | 197 | 231 | 171 | 98 | 6,838 |

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

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

(c) Table excludes the Northern Territory who could only provide data for a 6-month period. In the Northern Territory there were 120 children admitted to and 105 children discharged from orders between 1 January and 30 June 1999.

Some of the children admitted to orders in 1998–99 had been admitted to a care and protection order on a prior occasion. Among those jurisdictions where the information is known, the proportion of children admitted to orders who were admitted for the first time ranged from 49% in the Australian Capital Territory to 67% in Queensland.

Data on the age of children admitted to orders (excluding the Northern Territory) show that there were 3,504 (42%) children admitted to orders in 1998–99 aged under 5 years, with 1,058

(13%) aged less than 1 year. A further 27% of children admitted to orders were aged 5–9 years, 25% were aged 10–14 years and 6% were aged 15–17 years (Table 3.2). The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged.

Table 3.2: Children admitted to care and protection orders, by age and State and the Australian Capital Territory, 1998–99

| Age of child (years) | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | Total ^(b) |
|----------------------|--------------------|--------------|--------------|------------|------------|------------|------------|----------------------|
| Number | | | | | | | | |
| <1 | 560 | 286 | 160 | 27 | 23 | — | 2 | 1,058 |
| 1–4 | 1,082 | 826 | 284 | 147 | 65 | 27 | 15 | 2,446 |
| 5–9 | 1,012 | 724 | 295 | 114 | 77 | 26 | 21 | 2,269 |
| 10–14 | 989 | 591 | 280 | 72 | 63 | 38 | 28 | 2,061 |
| 15–17 | 243 | 179 | 26 | 19 | 8 | 27 | 18 | 520 |
| Total | 3,886 | 2,606 | 1,045 | 379 | 236 | 118 | 84 | 8,354 |
| Per cent | | | | | | | | |
| <1 | 14 | 11 | 15 | 7 | 10 | — | 2 | 13 |
| 1–4 | 28 | 32 | 27 | 39 | 28 | 23 | 18 | 29 |
| 5–9 | 26 | 28 | 28 | 30 | 33 | 22 | 25 | 27 |
| 10–14 | 25 | 23 | 27 | 19 | 27 | 32 | 33 | 25 |
| 15–17 | 6 | 7 | 2 | 5 | 3 | 23 | 21 | 6 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) These data do not include children admitted to supervisory and other finalised orders. Data also exclude 13 children whose age was unknown.

(b) Table excludes the Northern Territory who could only provide data for a 6-month period. In the Northern Territory there were 120 children admitted to orders between 1 January and 30 June 1999.

Children discharged from orders

There were fewer discharges from care and protection orders in 1998–99 than admissions to these orders. There were 6,943 children (excluding the Northern Territory) discharged from orders compared to 8,487 children admitted to orders (Table 3.1).

Data on children discharged from orders by the length of time that they had been on an order were available from four jurisdictions. A significant proportion of the children discharged from orders in 1998–99 had been on a care and protection order for 4 years or more. In Queensland 40% of those discharged had been on an order for 4 years or more, while 17% had been on an order for 8 years or more. In South Australia the corresponding figures were 38% and 25% (Table 3.3).

Table 3.3: Children discharged from care and protection orders, by length of time they had been on an order, for selected States, 1998–99

| State and Territory | Length of time continually on an order at time of discharge | | | | | | | | Total |
|--------------------------------|---|---------|---------|----------|---------|---------|---------|-----------|--------------|
| | Months | | | | Years | | | | |
| | <1 | 1 to <3 | 3 to <6 | 6 to <12 | 1 to <2 | 2 to <4 | 4 to <8 | 8 or more | |
| | Number | | | | | | | | |
| New South Wales ^(a) | 1,155 | 425 | 304 | 256 | 245 | 161 | 97 | 120 | 2,763 |
| Queensland | 13 | 26 | 52 | 45 | 71 | 156 | 143 | 104 | 610 |
| Western Australia | 13 | 10 | 14 | 24 | 36 | 50 | 31 | 19 | 197 |
| South Australia | — | 1 | 3 | 117 | 7 | 14 | 31 | 58 | 231 |
| | Per cent | | | | | | | | |
| New South Wales ^(a) | 42 | 15 | 11 | 9 | 9 | 6 | 4 | 4 | 100 |
| Queensland | 2 | 4 | 9 | 7 | 12 | 26 | 23 | 17 | 100 |
| Western Australia | 7 | 5 | 7 | 12 | 18 | 25 | 16 | 10 | 100 |
| South Australia | — | — | 1 | 51 | 3 | 6 | 13 | 25 | 100 |

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

Note: Data not available from Victoria, Tasmania, the Australian Capital Territory and the Northern Territory.

Orders issued

There were more orders issued during 1998–99 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 1998–99 is shown in Table 3.4.

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

The ratio of children admitted to care and protection orders to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the States and Territories. In South Australia there were 236 children admitted to care and protection orders and 245 orders issued (a ratio of around 1 child admitted to 1 order issued) while in Tasmania there were 118 children admitted and 1,149 orders issued (a ratio of 1 child admitted to 9.7 orders issued) (Tables 3.1 and 3.4).

Table 3.4: Care and protection orders issued: by type of order and ratio of children admitted to orders issued, by State and Territory, 1998–99

| Type of order | NSW ^(a) | Vic | Qld | WA ^(b) | SA ^(c) | Tas | ACT | NT ^(d) |
|---|--------------------|--------------|--------------|-------------------|-------------------|--------------|--------------|-------------------|
| Number | | | | | | | | |
| Finalised guardianship or finalised custody orders/arrangements | 2,620 | 1,172 | 534 | 205 | n.a. | 474 | 47 | 227 |
| Finalised supervisory orders | n.a. | 1,264 | 103 | .. | n.a. | 563 | 147 | 21 |
| Interim and temporary orders | 1,922 | 751 | 1,361 | 272 | n.a. | 112 | — | 151 |
| Other/not specified | 158 | — | — | — | n.a. | — | — | — |
| Total | n.a. | 3,187 | 1,998 | 477 | 245 | 1,149 | 194 | 399 |
| Per cent | | | | | | | | |
| Finalised guardianship or finalised custody orders/arrangements | n.a. | 37 | 28 | 43 | n.a. | 41 | 24 | 57 |
| Finalised supervisory orders | n.a. | 40 | 5 | .. | n.a. | 49 | 76 | 5 |
| Interim and temporary orders | n.a. | 24 | 68 | 57 | n.a. | 8 | — | 38 |
| Other/not specified | n.a. | — | — | — | n.a. | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Ratio of children admitted/orders issued | n.a. | 1:1.2 | 1:1.9 | 1:1.2 | 1:1.0 | 1:9.7 | 1:2.3 | 1:3.3 |

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

(b) Care applications issued have been included in temporary orders for the first time.

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

(d) Data for the Northern Territory are for 6 months only (from 1 January 1999 to 30 June 1999).

Characteristics of children on care and protection orders

Number and type of order

At 30 June 1999 there were 17,811 children on care and protection orders in Australia (excluding children on finalised supervisory orders in New South Wales) (Table 3.5). Most children on care and protection orders at 30 June 1999 were on guardianship or custody orders or arrangements, followed by children on finalised supervisory orders and interim and temporary orders.

While most children were on finalised guardianship or custody orders in all jurisdictions, there were variations in the proportion on the other types of orders. Compared to other jurisdictions, children in Tasmania (30%) and Victoria (26%) were more likely to be on a finalised supervisory order, while children were more likely to be on interim orders in Western Australia (12%) and the Northern Territory (10%).

Table 3.5: Children on care and protection orders: type of order by State and Territory, at 30 June 1999

| | NSW ^(a) | Vic | Qld | WA | SA ^(b) | Tas | ACT | NT |
|---|--------------------|--------------|--------------|--------------|-------------------|------------|------------|------------|
| Number | | | | | | | | |
| Finalised guardianship or custody orders/arrangements | 5,728 | 3,085 | 3,024 | 895 | n.a. | 295 | 212 | 153 |
| Finalised supervisory orders | n.a. | 1,121 | 302 | .. | n.a. | 133 | 18 | 7 |
| Interim and temporary orders | 1,184 | 152 | 283 | 124 | n.a. | 12 | 6 | 17 |
| Other/not stated | 36 | — | — | — | n.a. | — | — | — |
| Total | n.a. | 4,358 | 3,609 | 1,019 | 1,024 | 440 | 236 | 177 |
| Per cent | | | | | | | | |
| Finalised guardianship or custody orders/arrangements | n.a. | 71 | 84 | 88 | n.a. | 67 | 90 | 86 |
| Finalised supervisory orders | n.a. | 26 | 8 | .. | n.a. | 30 | 8 | 4 |
| Interim and temporary orders | n.a. | 3 | 8 | 12 | n.a. | 3 | 2 | 10 |
| Other/not stated | n.a. | — | — | — | n.a. | — | — | — |
| Total | n.a. | 100 | 100 | 100 | n.a. | 100 | 100 | 100 |

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

(b) South Australia was unable to provide data on types of orders.

Age and sex

Almost one-quarter (23%) of children on care and protection orders at 30 June 1999 were aged under 5 years, though the age profile of children on orders varied considerably by State (Table 3.6). The proportion of children on orders who were aged under 5 years ranged from 11% in South Australia to 44% in the Northern Territory. Eighteen per cent of children on orders in Australia were aged 15 to 17 years, though this proportion ranged from 2% in the Northern Territory to 26% in South Australia.

Table 3.6: Children on care and protection orders: by age and State and Territory, at 30 June 1999

| Age (years) | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|-----------------|--------------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| 0–4 | 1,799 | 1,120 | 688 | 228 | 112 | 83 | 37 | 78 | 4,145 |
| 5–9 | 1,976 | 1,173 | 956 | 321 | 240 | 112 | 64 | 51 | 4,893 |
| 10–14 | 1,987 | 1,252 | 1,195 | 327 | 405 | 145 | 81 | 45 | 5,437 |
| 15–17 | 1,182 | 764 | 770 | 143 | 267 | 100 | 54 | 3 | 3,283 |
| Unknown | 4 | 49 | — | — | — | — | — | — | 53 |
| Total | 6,948 | 4,358 | 3,609 | 1,019 | 1,024 | 440 | 236 | 177 | 17,811 |
| Per cent | | | | | | | | | |
| 0–4 | 26 | 26 | 19 | 22 | 11 | 19 | 16 | 44 | 23 |
| 5–9 | 28 | 27 | 26 | 32 | 23 | 25 | 27 | 29 | 27 |
| 10–14 | 29 | 29 | 33 | 32 | 40 | 33 | 34 | 25 | 31 |
| 15–17 | 17 | 18 | 21 | 14 | 26 | 23 | 23 | 2 | 18 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

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

Just over half (51%) of all children on orders at 30 June 1999 were male (Table A1.7). There were more males than females on orders in all jurisdictions except the Northern Territory.

Table 3.7: Children on care and protection orders: living arrangements for selected State and Territories, at 30 June 1999

| Living arrangements | NSW ^(a) | Vic | Qld | WA ^(b) | Tas | ACT ^(c) | Total |
|-----------------------------------|--------------------|--------------|--------------|-------------------|------------|--------------------|---------------|
| Number | | | | | | | |
| Parents | 518 | 1,223 | 582 | 106 | 126 | 69 | 2,624 |
| Relatives/kin ^(d) | 3,198 | 36 | 138 | — | 30 | 7 | 3,409 |
| <i>Total family care</i> | <i>3,716</i> | <i>1,259</i> | <i>720</i> | <i>106</i> | <i>156</i> | <i>76</i> | <i>6,033</i> |
| Foster care/community care | 2,294 | 1,232 | 1,916 | 559 | 166 | 106 | 6,273 |
| Relatives/kin ^(e) | 81 | 963 | 579 | 204 | — | 42 | 1,869 |
| Other | — | 250 | — | 11 | 14 | — | 275 |
| <i>Total home-based care</i> | <i>2,375</i> | <i>2,445</i> | <i>2,495</i> | <i>774</i> | <i>180</i> | <i>148</i> | <i>8,417</i> |
| Facility-based care | 362 | 614 | 197 | 114 | 58 | 5 | 1,350 |
| Independent living ^(f) | 183 | 23 | 99 | 15 | 28 | 3 | 351 |
| Other/unknown | 312 | 17 | 98 | 10 | 18 | 4 | 459 |
| Total | 6,948 | 4,358 | 3,609 | 1,019 | 440 | 236 | 16,610 |
| Per cent | | | | | | | |
| Parents | 7 | 28 | 16 | 10 | 29 | 29 | 16 |
| Relatives/kin ^(d) | 46 | 1 | 4 | — | 7 | 3 | 21 |
| <i>Total family care</i> | <i>53</i> | <i>29</i> | <i>20</i> | <i>10</i> | <i>35</i> | <i>32</i> | <i>36</i> |
| Foster care/community care | 33 | 28 | 53 | 55 | 38 | 45 | 38 |
| Relatives/kin ^(e) | 1 | 22 | 16 | 20 | — | 18 | 11 |
| Other | — | 6 | — | 1 | 3 | — | 2 |
| <i>Total home-based care</i> | <i>34</i> | <i>56</i> | <i>69</i> | <i>76</i> | <i>41</i> | <i>63</i> | <i>51</i> |
| Facility-based care | 5 | 14 | 5 | 11 | 13 | 2 | 8 |
| Independent living ^(f) | 3 | 1 | 3 | 1 | 6 | 1 | 2 |
| Other/unknown | 4 | — | 3 | 1 | 4 | 2 | 3 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data excludes children on finalised supervisory orders.

(b) In Western Australia all children on orders who were living with relatives/kin were included in the category home-based out-of-home care.

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

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

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

(f) This category includes private board.

Note: This table does not include data for South Australia or the Northern Territory. Northern Territory was unable to provide any data on living arrangements. South Australia could only provide data on the number of children in facility-based care (28).

Living arrangements

At 30 June 1999, 36% of children on care and protection orders were in family care, that is they were living either with parents, or with relatives who were not reimbursed for their

care (Table 3.7). Just over half (51%) were living in home-based out of home care, that is in a private home where the State or Territory made a financial payment for the child's care. A further 8% of children on orders were living in facility-based care, 2% were living independently and 3% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied considerably with the age of the child (Table A1.8). For example, children aged 0–4 years were most likely to be in either family care (44%) or in home-based out-of-home care (51%). On the other hand, a relatively high proportion of children aged 15–17 years were in facility-based care (17%) or living independently (11%).

Rates of children on care and protection orders

There were 3.8 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 1999. The rate of children on care and protection orders varied across the States and Territories ranging from 2.1 per 1,000 in Western Australia to 4.4 per 1,000 in New South Wales (Table 3.8). The variation in rates between jurisdictions is probably both due to the different orders available and to variations in policy and practice across jurisdictions.

Table 3.8: Children on care and protection orders: number and rate per 1,000 children by Indigenous status, by State and Territory, at 30 June 1999

| | No. of children | | | Rate per 1,000 children | | | Indigenous/ other Rate ratio |
|--------------------------------|-----------------|----------------|---------------|-------------------------|----------------|------------|------------------------------------|
| | Indigenous | Other children | Total | Indigenous | Other children | Total | |
| New South Wales ^(a) | 1,562 | 5,386 | 6,948 | 28.7 | 3.5 | 4.4 | 8.2:1 |
| Victoria ^(b) | n.a. | n.a. | 4,358 | n.a. | n.a. | 3.8 | n.a. |
| Queensland | 880 | 2,729 | 3,609 | 16.7 | 3.2 | 4.0 | 5.2:1 |
| Western Australia | 298 | 721 | 1,019 | 11.0 | 1.6 | 2.1 | 6.9:1 |
| South Australia | 158 | 866 | 1,024 | 14.9 | 2.5 | 2.9 | 6.0:1 |
| Tasmania | 34 | 406 | 440 | 4.6 | 3.5 | 3.6 | 1.3:1 |
| Australian Capital Territory | 36 | 200 | 236 | 24.0 | 2.6 | 3.0 | 9.2:1 |
| Northern Territory | 93 | 84 | 177 | 3.9 | 2.4 | 3.0 | 1.6:1 |
| Australia | n.a. | n.a. | 17,811 | n.a. | n.a. | 3.8 | n.a. |

(a) These data exclude children on finalised supervisory orders. The apparent increase in the number of Indigenous clients in New South Wales between 1997–98 and 1998–99 was due to improvements in the recording of Indigenous status.

(b) Victoria was unable to provide Indigenous data.

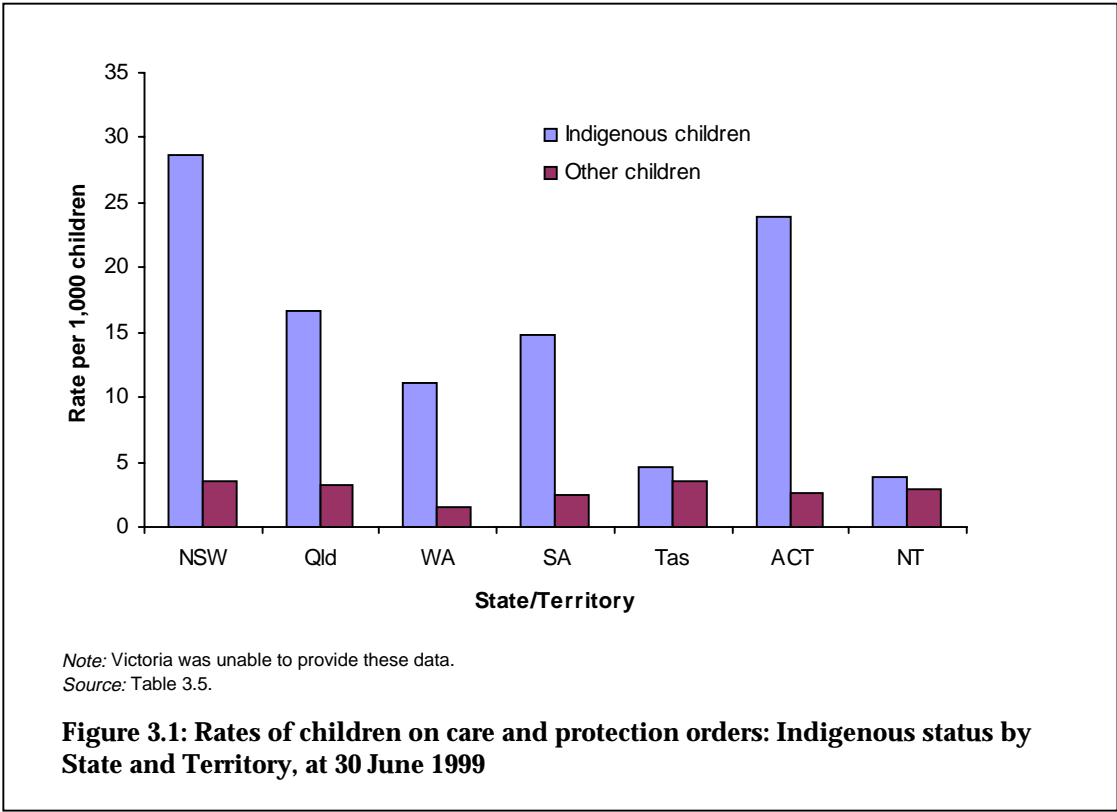
Note: For details on coding of Indigenous status, see Appendix 2.

Indigenous children

Number and rates

There were 3,061 Indigenous children in Australia (excluding Victoria) on care and protection orders at 30 June 1999 (Table 3.8). The rates of Indigenous children on care and protection orders varied considerably across jurisdictions (Figure 3.1). The rate of Indigenous children on care and protection orders was highest in New South Wales (28.7 per 1,000) and lowest in the Northern Territory (3.9 per 1,000).

The over-representation of Indigenous children on care and protection orders is evident in comparing the high rates of Indigenous children on care and protection orders with the rates for other Australian children. In all States and Territories, the rates for Indigenous children were higher than those for other children. In the Australian Capital Territory, the rate for Indigenous children was over nine times the rate for other children and in New South Wales it was over eight times the rate for other children. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) The difference between the two rates was lowest in Tasmania where Indigenous children were only 1.3 times more likely than other children to be on a care and protection order.



Types of orders

The distribution of Indigenous children on care and protection orders by type of order was similar to that of all children. The majority of Indigenous children were on finalised guardianship and custody orders or arrangements. For example, in Queensland 84% of Indigenous children on orders were on finalised guardianship or custody while in the Australian Capital Territory all Indigenous children on a care and protection order were on finalised guardianship or custody orders (Table 3.9).

Table 3.9: Indigenous children on care and protection orders: type of order by State and Territory, at 30 June 1999

| | NSW ^(a) | Qld | WA | SA ^(b) | Tas | ACT | NT |
|---|--------------------|------------|------------|-------------------|------------|------------|------------|
| Number | | | | | | | |
| Finalised guardianship or custody orders/arrangements | 1,330 | 736 | 258 | n.a. | 21 | 36 | 85 |
| Finalised supervisory orders | n.a. | 90 | .. | n.a. | 13 | — | 5 |
| Interim and temporary orders | 224 | 54 | 40 | n.a. | — | — | 3 |
| Other/not stated | 8 | — | — | n.a. | — | — | — |
| Total | n.a. | 880 | 298 | 158 | 34 | 36 | 93 |
| Per cent | | | | | | | |
| Finalised guardianship or custody orders/arrangements | n.a. | 84 | 87 | n.a. | 62 | 100 | 91 |
| Finalised supervisory court orders | n.a. | 10 | .. | n.a. | 38 | — | 5 |
| Interim and temporary orders | n.a. | 6 | 13 | n.a. | — | — | 3 |
| Other/not stated | n.a. | — | — | n.a. | — | — | — |
| Total | n.a. | 100 | 100 | 100 | 100 | 100 | 100 |

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

(b) South Australia was unable to provide data on type of orders.

Notes

1. Victoria was unable to provide Indigenous data.
2. For Indigenous coding, refer to Appendix 2.

4 Out-of-home care

Overview

Children who are placed in out-of-home care

Supported out-of-home care is one of a range of services provided to children who are in need of care and protection (and their families). This type of service assists and supports children and young people in a variety of care arrangements other than with their parents. These arrangements include foster care, placements with relatives or kin, and residential care. In most jurisdictions, children will be placed in out-of-home care in conjunction with being placed on a care and protection order.

Some children who are the subject of a child protection substantiation may require a more protective environment and be placed in out-of-home care. Other situations in which a child may be placed in out-of-home care include where parents are incapable of providing adequate care for the child, or where there is family conflict and time out is needed. There are no national data available, however, on the reasons why children are placed in out-of-home care.

The current emphasis in policy and practice is to maintain the child with their family wherever possible. For children, who for various reasons need to be placed in out-of-home care, the practice is to attempt to reunify the child with their family. In Australia, most children who are placed in out-of-home care are eventually reunited with their families (Forward & Carver 1999:740). If it is necessary to remove a child from their family, then placement within the wider family or community is preferred, particularly in the case of Indigenous children.

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.

As with the majority of child welfare services, States and Territories are responsible for funding out-of-home care. Non-government organisations are widely used, however, to provide services in this area.

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).

- In the Northern Territory, all children in out-of-home care are on a court order or other authority.
- In Western Australia, most children in out-of-home care are on an order, some children are on interim arrangements pending the issuing of an order, and some are under voluntary arrangements.

- Queensland was only able to provide data on children in out-of-home care who were on an order or remanded in temporary custody awaiting the outcome of an application for an order.

In the other jurisdictions, 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 respite care will often be placed in out-of-home care on the authority of their guardians). Although a child may be in out-of-home care in conjunction with being on an order, the order does not necessarily specify where the child must reside or that the child be placed in care.

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

For the purposes of this collection, ‘out-of-home care’ is defined as out-of-home overnight care for children and young people under 18 years of age, where the State or Territory makes a financial payment. This includes placements with relatives (other than parents), but does not include placements made in disability services, medical or psychiatric services, juvenile justice facilities, overnight childcare services or supported accommodation assistance placements. The data exclude children in unfunded placements and also children living with parents where the State makes a financial payment.

Types of placements

Children in out-of-home care can be placed in a variety of living arrangements or placement types. 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 of placements is further divided into:
 - 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.
- Facility-based 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, where there is a live-in carer (including family group homes), where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.
- Independent living—where children are living independently such as those in private boarding arrangements.
- Other—where the placement type does not fit into the above categories or is unknown.

State and Territory differences

There are some differences between the States and Territories in the scope and coverage of out-of-home care data.

- The data from Victoria include children on permanent care orders, since the State makes an ongoing payment for the care of these children.
- The data from Queensland exclude children in emergency overnight care for protective reasons where the caregiver is paid from emergency care funds.

- The data from the Northern Territory include children living with relatives or kin but the department is not able to distinguish between relatives or kin who receive a payment for the care of the child and those who do not receive a payment.

Data and analysis

The data in this part of the report relate to children who were in out-of-home care for the night of 30 June 1999, unless otherwise stated. Australian totals have been provided where possible, although some States and Territories were not able to provide data for all tables. Data on the number and characteristics of children who were admitted to out-of-home care during the financial year are currently not collected, but it is proposed that some data on children admitted in 1999–2000 will be included in next year's report.

Number and type of placement

At 30 June 1999 there were 15,674 children in out-of-home care in Australia (Table 4.1). The number of children in out-of-home care at 30 June 1999 was higher than at 30 June 1998 in New South Wales, Queensland, Western Australia, Tasmania and the Northern Territory (AIHW 1999a).

Most children (88%) who were in out-of-home care at 30 June 1999 were in home-based care, that is living with relatives or kin, with foster carers or in some other type of home-base care arrangement (Table 4.1). 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 facility-based or residential care.

The proportion of children in out-of-home care Australia-wide who were living in facility-based care arrangements was 8%. This proportion ranged from 3% in South Australia to 16% in Victoria. It should be noted that facility-based care includes family group homes that may only have 8–10 children living together. The principle of maintaining sibling groups together can also result in placements in residential care, for example in Western Australia priority is given to keeping siblings together, which sometimes results in periods of facility-based care for larger family groups.

Compared with other jurisdictions, South Australia had a high proportion of children placed in foster or community care (86%), and New South Wales had a relatively high proportion of children placed with relatives or kin (51%).

Table 4.1: Children in out-of-home care: type of placement by State and Territory, at 30 June 1999

| Type of placement | NSW | Vic | Qld | WA | SA | Tas | ACT ^(a) | NT ^(b) | Total |
|------------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------------|-------------------|-----------------------------|
| Number | | | | | | | | | |
| Foster/community care | 2,338 | 2,048 | 1,922 | 709 | 897 | 194 | 104 | n.a. | 8,212 |
| Relatives/kin | 3,253 | 817 | 579 | 277 | 103 | 175 | 50 | n.a. | 5,254 |
| Other home-based care | — | 139 | — | 19 | 9 | 16 | — | n.a. | 183 |
| <i>Total home-based care</i> | <i>5,591</i> | <i>3,004</i> | <i>2,501</i> | <i>1,005</i> | <i>1,009</i> | <i>385</i> | <i>154</i> | <i>n.a.</i> | <i>13,649</i> |
| Facility-based care | 342 | 568 | 112 | 164 | 36 | 74 | 18 | n.a. | 1,314 |
| Independent living | 146 | 9 | — | 18 | — | 45 | — | n.a. | 218 |
| Other ^(e) | 280 | — | — | 5 | — | 29 | 2 | n.a. | 316 |
| Total | 6,359 | 3,581 | 2,613 | 1,192 | 1,045 | 533 | 174 | 177 | 15,674^(c) |
| Per cent | | | | | | | | | |
| Foster/community care | 37 | 57 | 74 | 59 | 86 | 36 | 60 | n.a. | 53 |
| Relatives/kin | 51 | 23 | 22 | 23 | 10 | 33 | 29 | n.a. | 34 |
| Other home-based care | — | 4 | — | 2 | 1 | 3 | — | n.a. | 1 |
| <i>Total home-based care</i> | <i>88</i> | <i>84</i> | <i>96</i> | <i>84</i> | <i>97</i> | <i>72</i> | <i>89</i> | <i>n.a.</i> | <i>88</i> |
| Facility-based care | 5 | 16 | 4 | 14 | 3 | 14 | 10 | n.a. | 8 |
| Independent living | 2 | — | — | 2 | — | 8 | — | n.a. | 1 |
| Other ^(e) | 4 | — | — | — | — | 5 | 1 | n.a. | 2 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100^(d) |

(a) The number of children placed with relative/kin may be understated as the relationship of carers recruited by non-government organisations to the child is unknown.

(b) The Northern Territory was unable to provide data on type of living arrangement.

(c) Totals for each category do not add to total numbers of orders because data from Northern Territory are excluded.

(d) The total from Northern Territory was excluded in calculating percentages.

(e) 'Other' includes unknown living arrangements.

Characteristics of children in out-of-home care

Age and sex

Around one-third (32%) of children in out-of-home care were aged 10–14 years. A further 28% were aged 5–9 years, 23% were aged under 5 years and 17% were aged 15–17 years (Table A1.9). Just over half (51%) of all children in out-of-home care were male, though females outnumbered males in Western Australia, the Australian Capital Territory and the Northern Territory (Table A1.10).

In all States and Territories for which data were available, children in facility-based care were older than children in home-based care. For example, 86% of children in facility-based care in Queensland were aged 10 years or over, with 40% aged 15 or over. The proportion of children in facility-based care who were aged under 5 years was relatively low in all

jurisdictions, with the South Australia and the Australian Capital Territory having no children of this age in facility-based care. In Western Australia 18% of children in facility based care were aged under 5 years (Table A1.11).

Whether children were on an order

In Tasmania and the Northern Territory, all children in out-of-home care were on a care and protection order or another type of order (or, in Queensland, remanded in temporary custody awaiting the outcome of an application for an order). In other jurisdictions, the proportion of children in out-of-home care who were on an order ranged from 58% in Victoria to 91% in New South Wales and South Australia (Table 4.2).

Table 4.2: Children in out-of-home care: whether the child was on an order by State and Territory, at 30 June 1999

| Whether the child was on an order | NSW | Vic ^(a) | Qld | WA ^(b) | SA | Tas | ACT | NT | Total |
|-----------------------------------|--------------|--------------------|--------------|-------------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| On a care and protection order | 5,782 | 2,848 | 2,605 | 888 | 938 | 307 | 155 | 177 | 13,700 |
| On another type of order | — | 38 | 8 | — | 8 | 226 | — | — | 280 |
| <i>Total children on orders</i> | <i>5,782</i> | <i>2,886</i> | <i>2,613</i> | <i>888</i> | <i>946</i> | <i>533</i> | <i>155</i> | <i>177</i> | <i>13,980</i> |
| Not on an order | 577 | 695 | — | 304 | 99 | — | 19 | — | 1,694 |
| Total | 6,359 | 3,581 | 2,613 | 1,192 | 1,045 | 533 | 174 | 177 | 15,674 |
| Per cent | | | | | | | | | |
| On a care and protection order | 91 | 80 | 100 | 74 | 90 | 58 | 89 | 100 | 87 |
| On another type of order | — | 1 | — | — | 1 | 42 | — | — | 2 |
| <i>Total children on orders</i> | <i>91</i> | <i>81</i> | <i>100</i> | <i>74</i> | <i>91</i> | <i>100</i> | <i>89</i> | <i>100</i> | <i>89</i> |
| Not on an order | 9 | 19 | — | 26 | 9 | — | 11 | — | 11 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data from Victoria includes estimates for some data sources.

(b) Western Australian data relates to whether children were on finalised guardianship orders, not on interim arrangements.

Length of time in placement

The proportion of children in Australia who had been in out-of-home care for 5 years or more at 30 June 1999 ranged from 7% in Victoria to 39% in South Australia (Table 4.3). The proportion who had been in care for less than one month ranged from 4% in Queensland and the Australian Capital Territory to 20% in Victoria.

As noted, 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. Most jurisdictions could not identify whether children in out-of-home care were in respite care or not. New South Wales, Victoria and the Australian Capital Territory were able to identify which children were in respite care and these were included in the less than one month category. Of children who had been in out-of-home care for less than 1 month, 76% in New South Wales, 19% in Victoria and 29% in the Australian Capital Territory were in respite care.

Table 4.3: Children in out-of-home care: length of time in continuous placement by State and Territory, at 30 June 1999

| Time in continuous placement | NSW | Vic | Qld | WA | SA | Tas | ACT | Total |
|------------------------------|--------------|--------------|--------------|--------------|--------------|------------|------------|---------------|
| Number | | | | | | | | |
| < 1 month | 807 | 425 | 110 | 59 | 112 | 32 | 7 | 1,552 |
| 1 month to < 6 months | 858 | 691 | 550 | 160 | 182 | 160 | 16 | 2,617 |
| 6 months to < 1 year | 782 | 324 | 378 | 126 | 127 | 66 | 22 | 1,825 |
| 1 year to < 2 years | 1,061 | 286 | 440 | 190 | 131 | 88 | 32 | 2,228 |
| 2 years to < 5 years | 1,486 | 225 | 629 | 285 | 90 | 108 | 59 | 2,882 |
| 5 years or more | 1,361 | 140 | 506 | 356 | 403 | 93 | 38 | 2,897 |
| Not stated/unknown | 4 | 1,490 | — | 16 | — | — | — | 1,510 |
| Total | 6,359 | 3,581 | 2,613 | 1,192 | 1,045 | 547 | 174 | 15,511 |
| Per cent | | | | | | | | |
| < 1 month | 13 | 20 | 4 | 5 | 11 | 6 | 4 | 11 |
| 1 month to < 6 months | 14 | 33 | 21 | 14 | 17 | 29 | 9 | 19 |
| 6 months to < 1 year | 12 | 15 | 14 | 11 | 12 | 12 | 13 | 13 |
| 1 year to < 2 years | 17 | 14 | 17 | 16 | 13 | 16 | 18 | 16 |
| 2 years to < 5 years | 23 | 11 | 24 | 24 | 9 | 20 | 34 | 21 |
| 5 years or more | 21 | 7 | 19 | 30 | 39 | 17 | 22 | 21 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Notes

1. The Northern Territory was unable to provide these data.
2. In those jurisdictions where children in out-of-home care for respite reasons can be identified, they have been included in the 'less than 1 month category' (New South Wales (610 children), Victoria (80 children) and the Australian Capital Territory (2 children)).

Rates of children in out-of-home care

There were 3.3 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 1999 (Table 4.4). This is slightly higher than the rate of children in out-of-home care at 30 June 1998 (3.1 per 1,000) (AIHW 1999a).

The rates of children in out-of-home care varied by State and Territory and ranged from 2.2 per 1,000 in the Australian Capital Territory to 4.4 per 1,000 in Tasmania. The reasons for this variation are likely to include differences in the policies and practices of the community services departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this type of service.

Table 4.4: Children in out-of-home care: number and rate per 1,000 children aged 0–17 years by Indigenous status and State and Territory, at 30 June 1999

| State/Territory | No. of children | | | Rate per 1,000 children | | | Indigenous/ other Rate ratio |
|--------------------------------|-----------------|----------------|---------------|-------------------------|----------------|------------|------------------------------------|
| | Indigenous | Other children | Total | Indigenous | Other children | Total | |
| New South Wales ^(a) | 1,591 | 4,768 | 6,359 | 29.2 | 3.1 | 4.0 | 9.4:1 |
| Victoria ^(b) | n.a. | n.a. | 3,581 | n.a. | n.a. | 3.1 | n.a. |
| Queensland | 579 | 2,034 | 2,613 | 11.0 | 2.4 | 2.9 | 4.6:1 |
| Western Australia | 369 | 823 | 1,192 | 13.7 | 1.8 | 2.5 | 7.6:1 |
| South Australia | 197 | 848 | 1,045 | 18.5 | 2.5 | 2.9 | 7.4:1 |
| Tasmania | 43 | 490 | 533 | 5.8 | 4.3 | 4.4 | 1.3:1 |
| Australian Capital Territory | 24 | 150 | 174 | 16.0 | 1.9 | 2.2 | 8.4:1 |
| Northern Territory | 93 | 84 | 177 | 3.9 | 2.4 | 3.0 | 1.6:1 |
| Total | n.a. | n.a. | 15,674 | n.a. | n.a. | 3.3 | n.a. |

(a) The apparent increase in the number of Indigenous clients in New South Wales between 1997–98 and 1998–99 was due to improvements in the recording of Indigenous status.

(b) Victoria was unable to provide data on Indigenous children.

Note: For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.
Sources: ABS 1998abc.

Indigenous children

At 30 June 1999 there were 2,896 Indigenous children in Australia (excluding Victoria) in out-of-home care (Table 4.4). The rate of Indigenous children in out-of-home care at 30 June was higher in 1999 than in 1998 in New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory (Table 4.4 and AIHW 1999a).

Indigenous children were much more likely than other Australian children to be in out-of-home care as shown in the rate ratio of Indigenous children to other children. In New South Wales, the rate of Indigenous children in out-of-home care was over 9 times the rate for other children, and in the Australian Capital Territory it was over 8 times the rate. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) The difference between the two rates was lowest in Tasmania and the Northern Territory (Table 4.4).

Indigenous status of caregivers

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

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

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Indigenous children who were placed either with Indigenous caregivers or with relatives, though not all jurisdictions could provide these data. The proportion of Indigenous children

who were placed with either an Indigenous carer or a relative ranged from 40% in Tasmania to 80% in Western Australia (Table 4.5).

New South Wales had the highest proportion of Indigenous children placed with Indigenous relatives (55%), though the number placed with non-Indigenous relatives could not be identified. The relatively low proportion of Indigenous children who were placed with an Indigenous carer in Tasmania is probably related to the small Indigenous population in that State, and dispersion of the Indigenous population.

Table 4.5: Indigenous children in out-of-home care: Indigenous status and relationship of carer, for selected States and Territories, at 30 June 1999

| | NSW | | Qld ^(a) | | WA | | Tas | | ACT | |
|-------------------------------------|------------------------|-------------|--------------------|------------|------------|------------|-----------|------------|-----------|------------|
| | No. | % | No. | % | No. | % | No. | % | No. | % |
| Indigenous relative | 869 | 55 | 136 | 24 | 125 | 34 | 9 | 21 | 7 | 29 |
| Indigenous non-relative | 430 | 27 | 195 | 35 | 145 | 40 | — | — | 5 | 21 |
| Non-Indigenous relative | ^(b) n.a. | n.a. | 68 | 12 | 21 | 6 | 8 | 19 | 3 | 13 |
| <i>Total Indigenous or relative</i> | <i>n.a.</i> | <i>n.a.</i> | <i>339</i> | <i>71</i> | <i>291</i> | <i>80</i> | <i>17</i> | <i>40</i> | <i>15</i> | <i>63</i> |
| Other | 273 ^(b) | 17 | 160 | 29 | 72 | 20 | 26 | 60 | 9 | 37 |
| Unknown | 19 | .. | — | .. | 6 | .. | — | .. | — | .. |
| Total | 1,591 | 100 | 559 | 100 | 369 | 100 | 43 | 100 | 24 | 100 |

(a) Data only include children in home-based out-of-home care.

(b) New South Wales could not identify whether children were placed with a non-Indigenous relative and these children would be included in the 'other' category.

Notes

1. Data were not available for Victoria, South Australia and the Northern Territory.
2. For details on coding of Indigenous status, see Appendix 2.

5 Conclusion

The national child protection data cover three areas of child protection—(1) child protection notifications, investigations and substantiations, (2) children on care and protection orders and (3) children in out-of-home care. These data come from the administrative databases of the community services department in each State and Territory.

Each jurisdiction has its own legislation, policies and practices in relation to child protection and these are reflected in data that each jurisdiction provides. These differences mean that the data provided by the different States and Territories are not strictly comparable. This is particularly the case for the data on notifications, investigations and substantiations.

Work is now being undertaken by the NCPASS Data Group to improve the comparability of the child protection data. The feasibility of a national framework with common counting points for child protection notifications, investigations and substantiations is currently being assessed. The adoption of such a framework would substantially improve the comparability of these data.

Changes to policies and procedures that occur within the States and Territories also affect the child protection data. Child protection systems are constantly being modified and this means that the data may change from year to year. Major changes in the numbers of children in the child protection system, therefore, often reflect changing administrative practices, rather than changes in the number of children who are in need of protection. Aside from administrative data, however, there is no other source of data at the national level on children who are regarded as being in need of protection.

There is a wide range of other family support services provided to children in need of protection and their families for which there are no national data. NCPASS is currently developing national data on those intensive family support services that seek to prevent removal of the child from the family, or to reunite children who have been removed from the family. Some data on these services may be available for next year's AIHW report.

Over time, it is hoped that national data can be reported on the broader range of family support services that are provided to child protection clients. This would provide a broader perspective on the child protection work undertaken by community service departments and other agencies.

Appendix 1: Detailed tables

Child protection

Table A1.1: Children in substantiations: type of abuse and neglect by sex and by State and Territory, 1998–99

| Sex and type of abuse and neglect | NSW | Vic | Qld | WA | SA | Tas | ACT | NT ^(b) |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|------------|------------|-------------------|
| Males | | | | | | | | |
| Physical | 1,223 | 1,157 | 668 | 207 | 384 | 31 | 85 | 47 |
| Sexual | 531 | 407 | 84 | 90 | 38 | 10 | 14 | 3 |
| Emotional | 321 | 1,044 | 526 | 48 | 133 | 1 | 23 | 10 |
| Neglect | 637 | 778 | 882 | 149 | 307 | 6 | 70 | 29 |
| Other ^(a) | 254 | — | — | — | — | — | — | — |
| Total | 2,966 | 3,386 | 2,160 | 494 | 862 | 48 | 192 | 89 |
| Females | | | | | | | | |
| Physical | 1,037 | 1,189 | 560 | 193 | 358 | 27 | 92 | 49 |
| Sexual | 1,590 | 238 | 267 | 287 | 173 | 29 | 20 | 6 |
| Emotional | 322 | 1,054 | 591 | 42 | 140 | 4 | 27 | 7 |
| Neglect | 607 | 886 | 809 | 127 | 219 | 12 | 64 | 34 |
| Other ^(a) | 233 | — | — | — | — | — | — | — |
| Total | 3,789 | 3,367 | 2,227 | 649 | 890 | 72 | 203 | 96 |
| Persons | | | | | | | | |
| Physical | 2,260 | 2,369 | 1,228 | 401 | 743 | 60 | 177 | 96 |
| Sexual | 2,121 | 650 | 351 | 378 | 211 | 39 | 34 | 9 |
| Emotional | 643 | 2,127 | 1,117 | 90 | 276 | 5 | 50 | 17 |
| Neglect | 1,244 | 1,683 | 1,691 | 276 | 534 | 18 | 134 | 63 |
| Other ^(a) | 487 | — | — | — | — | — | — | — |
| Total | 6,755 | 6,829 | 4,387 | 1,145 | 1,764 | 122 | 395 | 185 |

(a) The category 'Other' used for New South Wales comprises children identified as being at high risk but with no identifiable injury.

(b) Data for the Northern Territory are for 6 months only (from 1 January 1999 to 30 June 1999).

Note: If a child was the subject of more than one substantiation, then type of abuse and neglect is assigned to the category nearest the top of the list.

Table A1.2: Children in substantiations by age, by State and Territory, 1998–99

| Age group | NSW | Vic | Qld | WA | SA | Tas | ACT | NT ^(a) |
|-----------------|--------------|--------------|--------------|--------------|--------------|------------|------------|-------------------|
| Number | | | | | | | | |
| <1 | 469 | 792 | 372 | 99 | 151 | 11 | 13 | 16 |
| 1–4 | 1,434 | 1,814 | 1,054 | 283 | 454 | 23 | 96 | 63 |
| 5–9 | 2,127 | 1,932 | 1,352 | 350 | 553 | 26 | 131 | 45 |
| 10–14 | 2,069 | 1,759 | 1,301 | 329 | 485 | 35 | 113 | 55 |
| 15–17 | 639 | 525 | 308 | 84 | 94 | 7 | 42 | 6 |
| Unknown | 17 | 7 | — | — | 27 | 20 | — | — |
| Total | 6,755 | 6,829 | 4,387 | 1,145 | 1,764 | 122 | 395 | 185 |
| Per cent | | | | | | | | |
| <1 | 7 | 12 | 8 | 9 | 9 | 11 | 3 | 9 |
| 1–4 | 21 | 27 | 24 | 25 | 26 | 23 | 24 | 34 |
| 5–9 | 32 | 28 | 31 | 31 | 32 | 25 | 33 | 24 |
| 10–14 | 31 | 26 | 30 | 29 | 28 | 34 | 29 | 30 |
| 15–17 | 9 | 8 | 7 | 7 | 5 | 7 | 11 | 3 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data for the Northern Territory are for 6 months only (from 1 January 1999 to 30 June 1999).

Table A1.3: Children aged 0–17 years who were the subject of a substantiation: type of abuse or neglect, by Indigenous status, by State and Territory, 1998–99

| Type of abuse or neglect | NSW | Qld | WA | SA | Tas | ACT | NT ^(a) |
|----------------------------|--------------|--------------|------------|--------------|------------|------------|-------------------|
| Indigenous children | | | | | | | |
| Physical | 256 | 89 | 95 | 91 | 4 | 9 | 49 |
| Sexual | 179 | 32 | 55 | 21 | 1 | 4 | 7 |
| Emotional | 101 | 84 | 21 | 34 | — | 1 | 3 |
| Neglect | 262 | 288 | 128 | 123 | 3 | 9 | 44 |
| Other ^(a) | 71 | — | — | — | — | — | 0 |
| Total | 869 | 493 | 299 | 269 | 8 | 23 | 103 |
| Other children | | | | | | | |
| Physical | 2,004 | 1,139 | 306 | 652 | 56 | 168 | 47 |
| Sexual | 1,942 | 319 | 323 | 190 | 38 | 30 | 2 |
| Emotional | 542 | 1,033 | 69 | 242 | 5 | 49 | 14 |
| Neglect | 982 | 1,403 | 148 | 411 | 15 | 125 | 19 |
| Other ^(a) | 416 | — | — | — | — | — | 0 |
| Total | 5,886 | 3,894 | 846 | 1,495 | 114 | 372 | 82 |

(a) Data for the Northern Territory are for 6 months only (from 1 January 1999 to 30 June 1999).

Notes

1. Victoria was unable to provide data on Indigenous status.
2. If a child was the subject of more than one substantiation, then type of abuse and neglect is assigned to the category nearest the top of the list.

Table A1.4: Finalised investigations: source of notification, by State and Territory, 1998–99

| Source of notification | NSW | Vic | Qld | WA | SA | Tas | ACT |
|-----------------------------|-----------------|---------------|---------------|--------------|--------------|------------|--------------|
| | Number | | | | | | |
| Subject child | 205 | 118 | 484 | 101 | 125 | 12 | 26 |
| Parent/guardian | 1,868 | 1,250 | 1,817 | 413 | 557 | 77 | 109 |
| Sibling | — | 113 | 58 | 19 | 13 | 4 | 6 |
| Other relative | 1,206 | 827 | 1,317 | 200 | 574 | 30 | 88 |
| Friend/neighbour | 1,473 | 1,023 | 2,042 | 186 | 713 | 45 | 170 |
| Medical practitioner | 503 | 1,382 | 225 | 62 | 189 | 13 | 41 |
| Other health worker | 460 | 153 | 33 | — | 63 | 25 | 19 |
| Hospital/health centre | 1,025 | — | 491 | 240 | 379 | 13 | 30 |
| Social worker | 1,539 | 33 | 462 | — | 322 | 3 | 33 |
| School personnel | 3,505 | 2,019 | 1,071 | 270 | 933 | 111 | 233 |
| Police | 2,862 | 2,401 | 1,328 | 202 | 539 | 62 | 95 |
| Departmental officer | 149 | 877 | 233 | 361 | 122 | 46 | 64 |
| Non-government organisation | 376 | 1,992 | 240 | 113 | 34 | 23 | 129 |
| Anonymous | 570 | — | 376 | 25 | 188 | 8 | 23 |
| Other | 531 | 594 | 656 | 162 | 392 | 59 | 23 |
| Not stated | 29 | 603 | 5 | — | — | — | 2 |
| Total | 16,301 | 13,385 | 10,838 | 2,354 | 5,143 | 531 | 1,091 |
| | Per cent | | | | | | |
| Subject child | 1 | 1 | 4 | 4 | 2 | 2 | 2 |
| Parent/guardian | 11 | 10 | 17 | 18 | 11 | 15 | 10 |
| Sibling | — | 1 | 1 | 1 | — | 1 | 1 |
| Other relative | 7 | 6 | 12 | 8 | 11 | 6 | 8 |
| Friend/neighbour | 9 | 8 | 19 | 8 | 14 | 8 | 16 |
| Medical practitioner | 3 | 11 | 2 | 3 | 4 | 2 | 4 |
| Other health worker | 3 | 1 | — | — | 1 | 5 | 2 |
| Hospital/health centre | 6 | — | 5 | 10 | 7 | 2 | 3 |
| Social worker | 9 | — | 4 | — | 6 | 1 | 3 |
| School personnel | 22 | 16 | 10 | 11 | 18 | 21 | 21 |
| Police | 18 | 19 | 12 | 9 | 10 | 12 | 9 |
| Departmental officer | 1 | 7 | 2 | 15 | 2 | 9 | 6 |
| Non-government organisation | 2 | 16 | 2 | 5 | 1 | 4 | 12 |
| Anonymous | 4 | — | 3 | 1 | 4 | 2 | 2 |
| Other | 3 | 5 | 6 | 7 | 8 | 11 | 2 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Notes

1. The Northern Territory was unable to provide these data.
2. Child care personnel have been included in 'School personnel'—148 in New South Wales, 6 in Victoria, 120 in Queensland and 3 in Tasmania.

Table A1.5: Substantiations by source of notification, by State and Territory, 1998–99

| Source of notification | NSW | Vic | Qld | WA | SA | Tas | ACT |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|------------|------------|
| Subject child | 118 | 75 | 320 | 59 | 76 | 2 | 18 |
| Parent/guardian | 835 | 644 | 1,046 | 194 | 192 | 15 | 42 |
| Sibling | — | 49 | 26 | 14 | 4 | — | 1 |
| Other relative | 489 | 422 | 675 | 93 | 175 | 4 | 24 |
| Friend/neighbour | 539 | 415 | 918 | 87 | 219 | 4 | 57 |
| Medical practitioner | 256 | 850 | 141 | 33 | 74 | 5 | 10 |
| Other health worker | 239 | 86 | 23 | — | 29 | 10 | 14 |
| Hospital/health centre | 489 | — | 368 | 140 | 180 | 4 | 14 |
| Social worker | 717 | 18 | 324 | — | 160 | 2 | 15 |
| School personnel | 1,842 | 1,092 | 723 | 136 | 400 | 26 | 109 |
| Police | 1,368 | 1,492 | 962 | 127 | 310 | 24 | 64 |
| Departmental officer | 61 | 519 | 186 | 213 | 68 | 16 | 17 |
| Non-government organisation | 166 | 1,147 | 164 | 55 | 21 | 11 | 41 |
| Anonymous | 161 | — | 134 | 3 | 52 | — | 9 |
| Other | 242 | 236 | 361 | 61 | 154 | 5 | 7 |
| Not stated | 18 | 206 | 2 | — | — | — | — |
| Total | 7,540 | 7,251 | 6,373 | 1,215 | 2,114 | 128 | 442 |

Notes

1. The Northern Territory was unable to provide these data.
2. Child care personnel have been included in 'School personnel'—148 in New South Wales, 6 in Victoria, 120 in Queensland and 3 in Tasmania.

Care and protection orders

Table A1.6: Children substantiated in 1997–98 who were subsequently placed on a care and protection order within 12 months of substantiation, by State and Territory

| State/Territory | Number subsequently placed on a care and protection order | Percentage of all children substantiation in 1997–98 |
|------------------------------|---|--|
| Victoria | 1,881 | 27 |
| Queensland | 636 | 15 |
| Western Australia | 192 | 16 |
| Tasmania | 55 | 41 |
| Australian Capital Territory | 24 | 6 |

Note: New South Wales, South Australia and the Northern Territory were unable to provide these data.

Table A1.7: Children on care and protection orders: sex by State and Territory, at 30 June 1999

| Sex of child | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|----------------|--------------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Male | 3,530 | 2,249 | 1,867 | 514 | 522 | 238 | 124 | 87 | 9,044 |
| Female | 3,415 | 2,091 | 1,742 | 505 | 496 | 202 | 112 | 90 | 8,563 |
| Unknown | 3 | 18 | — | — | 6 | — | — | — | 27 |
| Persons | 6,948 | 4,358 | 3,609 | 1,019 | 1,024 | 440 | 236 | 177 | 17,634 |
| Male | 51 | 52 | 52 | 50 | 51 | 54 | 53 | 49 | 51 |
| Female | 49 | 48 | 48 | 50 | 49 | 46 | 47 | 51 | 49 |
| Persons | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

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

Table A1.8: Children on care and protection orders: living arrangements by age, at 30 June 1999

| Age group | Family care | Home-based out-of-home care | Facility- based care | Independent living | Other | Total |
|-----------------|--------------|-----------------------------------|-------------------------|-----------------------|------------|---------------|
| Number | | | | | | |
| 0–4 | 1,746 | 2,011 | 95 | — | 103 | 3,955 |
| 5–9 | 1,886 | 2,450 | 196 | — | 70 | 4,602 |
| 10–14 | 1,641 | 2,687 | 527 | 8 | 124 | 4,987 |
| 15–17 | 747 | 1,244 | 520 | 342 | 160 | 3,013 |
| Unknown | 13 | 25 | 12 | 1 | 2 | 53 |
| Total | 6,033 | 8,417 | 1,350 | 351 | 459 | 16,610 |
| Per cent | | | | | | |
| 0–4 | 44 | 51 | 2 | — | 3 | 100 |
| 5–9 | 41 | 53 | 4 | — | 2 | 100 |
| 10–14 | 33 | 54 | 11 | — | 2 | 100 |
| 15–17 | 25 | 41 | 17 | 11 | 5 | 100 |
| Total | 36 | 51 | 8 | 2 | 3 | 100 |

Notes

1. This table does not include data from South Australia and the Northern Territory.
2. Data excludes children from New South Wales on finalised supervisory orders.

Out-of-home care

Table A1.9: Children in out-of-home care by age and State and Territory, at 30 June 1999

| Age group | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|-----------------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| 0-4 | 1,676 | 778 | 552 | 287 | 154 | 61 | 23 | 78 | 3,609 |
| 5-9 | 1,880 | 889 | 713 | 360 | 281 | 141 | 57 | 51 | 4,372 |
| 10-14 | 1,899 | 1,104 | 914 | 359 | 423 | 192 | 59 | 45 | 4,995 |
| 15-17 | 901 | 810 | 434 | 186 | 187 | 139 | 35 | 3 | 2,695 |
| Unknown | 3 | — | — | — | — | — | — | — | 3 |
| Total | 6,359 | 3,581 | 2,613 | 1,192 | 1,045 | 533 | 174 | 177 | 15,674 |
| Per cent | | | | | | | | | |
| 0-4 | 26 | 22 | 21 | 24 | 15 | 11 | 13 | 44 | 23 |
| 5-9 | 30 | 25 | 27 | 30 | 27 | 26 | 33 | 29 | 28 |
| 10-14 | 30 | 31 | 35 | 30 | 40 | 36 | 34 | 25 | 32 |
| 15-17 | 14 | 23 | 17 | 16 | 18 | 26 | 20 | 2 | 17 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Table A1.10: Children in out of home care by sex and State and Territory, at 30 June 1999

| Sex | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|-----------------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| Male | 3,249 | 1,872 | 1,335 | 595 | 550 | 281 | 86 | 87 | 8,055 |
| Female | 3,107 | 1,709 | 1,278 | 597 | 491 | 252 | 88 | 90 | 7,612 |
| Unknown | 3 | — | — | — | 4 | — | — | — | 7 |
| Total | 6,359 | 3,581 | 2,613 | 1,192 | 1,045 | 533 | 174 | 177 | 15,674 |
| Per cent | | | | | | | | | |
| Male | 51 | 52 | 51 | 50 | 53 | 53 | 49 | 49 | 51 |
| Female | 49 | 48 | 49 | 50 | 47 | 47 | 51 | 51 | 49 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Table A1.11: Children in out-of-home care by age and type of placement, at 30 June 1999

| Type of placement/ age group | NSW | Vic | Qld | WA | SA | Tas | ACT ^(a) | Total |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------------|---------------|
| Number | | | | | | | | |
| Home-based | | | | | | | | |
| 0-4 | 1,582 | 753 | 547 | 257 | 154 | 52 | 23 | 3,368 |
| 5-9 | 1,798 | 800 | 703 | 318 | 281 | 116 | 55 | 4,071 |
| 10-14 | 1,666 | 896 | 862 | 302 | 408 | 150 | 52 | 4,336 |
| 15-17 | 544 | 555 | 389 | 128 | 166 | 67 | 24 | 1,873 |
| Unknown | 1 | — | — | — | — | — | — | 1 |
| Total | 5,591 | 3,004 | 2,501 | 1,005 | 1,009 | 385 | 154 | 13,649 |
| Facility-based | | | | | | | | |
| 0-4 | 11 | 25 | 5 | 30 | — | 6 | — | 77 |
| 5-9 | 38 | 89 | 10 | 42 | — | 24 | 1 | 204 |
| 10-14 | 168 | 206 | 52 | 51 | 15 | 32 | 6 | 530 |
| 15-17 | 123 | 248 | 45 | 41 | 21 | 12 | 11 | 501 |
| Unknown | 2 | — | — | — | — | — | — | 2 |
| Total | 342 | 568 | 112 | 164 | 36 | 74 | 18 | 1,314 |
| Per cent | | | | | | | | |
| Home-based | | | | | | | | |
| 0-4 | 28 | 25 | 22 | 26 | 15 | 14 | 15 | 25 |
| 5-9 | 32 | 27 | 28 | 32 | 28 | 30 | 36 | 30 |
| 10-14 | 30 | 30 | 34 | 30 | 40 | 39 | 34 | 32 |
| 15-17 | 10 | 18 | 16 | 13 | 16 | 17 | 16 | 14 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Facility-based | | | | | | | | |
| 0-4 | 3 | 4 | 4 | 18 | — | 8 | — | 6 |
| 5-9 | 11 | 16 | 9 | 26 | — | 32 | 6 | 16 |
| 10-14 | 49 | 36 | 46 | 31 | 42 | 43 | 33 | 40 |
| 15-17 | 36 | 44 | 40 | 25 | 58 | 16 | 61 | 38 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Supported Accommodation Assistance Program placements were included if Family Services made a payment.

Note: The Northern Territory was unable to provide these data.

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 most recent population estimates for 31 March 1999 (ABS 1998a).

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

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 1999}}{\text{ABS estimated population of children aged 0–17 years at 31 March 1999}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0–17 years in out-of-home care at 30 June 1999}}{\text{ABS estimated population of children aged 0–17 years at 31 March 1999}} \times 1,000$$

The rates of children subject to a child protection substantiation during 1998–99 were calculated using the ABS population estimates for 31 December 1998 (ABS 1998b). These rates were calculated for children aged 0–16 years rather than children aged 0–17 years because there were very few children aged 17 years who were the subject of a substantiation.

Rates of children who were the subject of a child protection substantiation were calculated in the following way:

$$\frac{\text{Number of children aged 0–16 years who were the subject of a substantiation in 1998–99}}{\text{ABS estimated population aged 0–16 years at 30 December 1999}} \times 1,000$$

Rates for Indigenous children

Rates for Indigenous children were calculated by using the same basic method outlined above. Population projections based on the ABS 1996 Census, however, were used for the denominator. This is because population estimates by age are not available for the Indigenous population.

The population estimates for 30 June 1999 were used to calculate rates of children on care and protection orders and rates of children in out-of-home care. The average of the estimates for 30 June 1999 and 30 June 1999 was used to calculate the rates of children who were the subject of a substantiation (ABS 1998c).

Rates for States and Territories with small numbers of children in their child protection data and small Indigenous 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.

In the Australian Capital Territory, both the small size of the Indigenous population and the likelihood that if one child from a family is notified then all children in that family will be notified, contribute to the relatively high rates for Indigenous children in that jurisdiction.

The rates for Indigenous children since 1996–97 should not be compared with the rates for Indigenous children prior to this. Rates for Indigenous children prior to 1996–97 were calculated using ABS Indigenous population data available at that time, that is, experimental projections based on 1991 Census data. These projections of the population were very different from the ones based on the 1996 Census data used since 1996–97.

Rates for other (non-Indigenous) children

The non-Indigenous population (referred to in this report as ‘other children’) used for the calculation of rates, was obtained by subtracting the number of Indigenous children from 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 Indigenous children by other means and the quality of the data are therefore unknown.

In this collection, children are counted as Indigenous if they are identified as such in the State and Territory collections. Children whose Indigenous status is recorded as ‘unknown’ are counted as non-Indigenous and included in the category ‘other children’. The counts for Indigenous children are therefore likely to be an underestimate of the actual number of Indigenous 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. Victoria was not able to provide data on Indigenous status in 1998–99.

Caregivers

In the out-of-home care data collection the Indigenous status of caregivers is collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as Indigenous are included in the Indigenous category. Where the Indigenous status of caregivers of Indigenous children living in residential care facilities is unable to be determined, caregiver status is reported as ‘unknown’. All other caregivers for whom Indigenous status is unknown are counted as non-Indigenous.

Appendix 3: Legislation

Child protection legislation

Commonwealth

Family Law Act 1975

New South Wales

Children (Care and Protection) Act 1987

Victoria

Children and Young Persons Act 1989

Queensland

Child Protection Act 1999

Health Act 1937

Western Australia

Child Welfare Act 1947

Community Services Act 1972

South Australia

Family and Community Services Act 1972

Children's Protection Act 1993

Tasmania

Child Welfare Act 1960

Child Protection Act 1974

Child Protection Amendments Act 1986, 1987, 1991

Alcohol and Drug Dependency Act 1968

Australian Capital Territory

Children's Services Act 1986

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 is defined under section 10, subsection (1) in the *Children (Care and Protection) Act 1987* as being in need of care if:

- (a) adequate provision is not being made, or is not likely to be made, for the child’s care; or
- (b) the child is being, or is likely to be, abused; or
- (c) there is a substantial and presently irretrievable breakdown in the relationship between the child and one or more of the child’s parents.

Section 10, subsection (2) of the Act also states that a child who is residing in a non-government children’s home is in need of care if (without limiting the generality of subsection 1):

- (a) the child has been residing in the home for a period of 12 months or more; and
- (b) there has been no substantial contact during that period between the child and:
 - any of the child’s parents; or
 - any person in whose care the child was immediately before the child began residing in the home.

Section 10, subsection (3) of the Act states that a child is in need of care if (without limiting the generality of subsection 1):

- (a) the child is under the age of 6 months; and
- (b) the child is in the care of a person who is fostering the child in contravention of Section 42 (which deals with unauthorised fostering); and
- (c) it appears that the person may continue to foster the child in contravention of that section.

Victoria

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

- (a) the child has been abandoned and after reasonable inquiries the parent(s) cannot be found, and no other suitable person can be found who is willing and able to care for the child;
- (b) the child’s parent(s) are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child’s parent(s) have not protected, or are unlikely to protect, the child from harm of that type;
- (d) the child has suffered, or is likely to suffer, emotional or psychological harm of such kind that the child’s emotional or intellectual development is, or is likely to be, significantly damaged and the child’s parent(s) have not protected, or are unlikely to protect, the child from harm of that type;

- (e) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parent(s) have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange, or allow the provision of, basic care or effective medical, surgical or other remedial care.

Queensland

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

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

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

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

Western Australia

In Western Australia, a 'child in need of care and protection' is defined in the *Child Welfare Act 1947* to include a child who:

- (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in the custody of the law;
- (b) has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child;
- (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs;
- (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody;
- (e) is not being maintained properly or at all by a near relative, or is deserted;
- (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof;
- (g) being under the age of 14 years is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare or safety is likely to be lost, prejudiced or endangered;
- (h) is unlawfully engaged in street trading;
- (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment;
- (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

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

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

- (a) the child has been, or is being, abused or neglected; or
- (b) a person with whom the child resides (whether a guardian of the child or not):
 - (i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out; or
 - (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; or
- (c) the guardians of the child:
 - (i) are unable to maintain the child, or are unable to exercise adequate supervision and control over the child; or
 - (ii) are unwilling to maintain the child, or are unwilling to exercise adequate supervision and control over the child; or
 - (iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found; or
- (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; or
- (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. For the purposes of the act the following definitions of female genital mutilation are used:

Under section 26A (1) female genital mutilation means:

- (a) clitoridectomy; or
- (b) excision of any other part of the female genital organs; or
- (c) a procedure to narrow or close the vaginal opening; or
- (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 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; or
- (b) an order should be made without delay; or
- (c) the guardians of the child consent to the making of the application; or
- (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 no longer than 12 months, although a second or subsequent order can be granted to complete a reunification process. The child may then be placed under the guardianship of the Minister or such other person or persons the Court thinks appropriate, until 18 years of age.

Tasmania

In Tasmania, there are two Acts that are relevant to the contents of this report.

The *Child Welfare Act 1960* describes various circumstances in which a child may be in need of care and protection, as a result of neglect or being beyond the care or control of the parent with whom the child is living.

A neglected child is a child:

- (a) who, having no parent or guardian, or having a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is in need of care and protection, to secure that they are properly cared for or that they are prevented from falling into bad associations or from being exposed to moral danger;
- (b) who is beyond the control of the parents or guardians with whom they are living;
- (c) who associates or lives with a person who is, or is reputed to be, an habitual thief, or a drunkard, or a prostitute or with a person who has no apparent lawful means of support;
- (d) who is found wandering without any settled place of abode, or without visible means of subsistence, or begging or receiving alms, or loitering for the purpose of so begging or receiving alms;
- (e) who is found in a brothel or a place reputed to be used as a brothel or in a place where opium or any preparation thereof is smoked;
- (f) who, being a female, solicits, importunes, or accosts any person for immoral purposes;
- (g) who, being a child who has not attained the age of 16 years in respect of whom there have been at least two convictions under section 9 of the *Education Act 1932* does not, without lawful excuse, attend school regularly;
- (h) who dwells with, or in the same house as, a person suffering from venereal disease or from tuberculosis in conditions that are dangerous to their health.

Proper care and guardianship shall be deemed not to be exercised in respect of the child if they are not provided with necessary food, lodging, clothing, medical aid, or nursing, or if they are neglected, ill-treated or exposed by their parent or guardian.

Under the *Child Protection Act 1974* a child may be placed under a child protection order if it appears to a magistrate that the child may have suffered abuse or that there may be a substantial risk that the child will suffer abuse. Under the *Child Protection Amendment Act 1986*, a magistrate who is not in a position to decide whether there may be a substantial risk that the child may suffer abuse can make a temporary child protection order. A child is taken to suffer abuse if:

- (a) whether by act or omission, intentionally or by default, any person:
 - (i) inflicts on the child a physical injury causing temporary or permanent disfigurement or serious pain; or by any means subjects the child to an impairment, either temporary or permanent, of a bodily function or of the normal reserve or flexibility of a bodily function (for example, administering drugs or alcohol); or
 - (ii) neglects, or interferes with the physical, nutritional, mental or emotional wellbeing of the child to such an extent that the child suffers, or is likely to suffer, psychological damage or impairment; or the emotional or intellectual development of the child is, or is likely to be, endangered; or the child fails to grow at a rate that would otherwise be regarded as normal for that child;
- (b) any person causes the child to engage in, or be subjected to, sexual activity; or
- (c) the child is, with or without the consent of the child or of the parent, guardian or other person having the custody, care or control of the child, engaged in, or subjected to, sexual activity that is solely or principally for the sexual gratification of any other person; or is in whole or in part the subject of, or included among the matters portrayed in, any printed matter, photograph, recording, film, video tape, exhibition, or entertainment; or is in any other manner exploited.

In Tasmania all contacts to the Department made as a result of concerns about abuse and neglect, as defined by the two Acts, are received by an Intake Officer and followed up with an initial assessment as to whether it is child harm/maltreatment or a child and family concern. The resultant classification determines any action.

Australian Capital Territory

In the Australian Capital Territory the *Children's Services Act 1986* states that a child is in need of care and protection if:

- (a) the child has been physically injured (other than by accident) or has been sexually abused by one of the child's parents or by a member of the household, or there is a likelihood that the child will suffer such physical injury or sexual abuse;
- (b) the child has been physically injured (other than by accident) or has been sexually abused by a person other than a parent or by a member of the household and there is a likelihood that the child will so suffer such physical injury or sexual abuse and the parents are unable or unwilling to protect the child from the injury or abuse;
- (c) by reason of the circumstances in which the child is living, has lived or is reasonably likely to live, or in which the child is found, the health of the child has been, or is likely to be, impaired, or the child has suffered, or is likely to suffer, psychological damage of such a kind that their emotional or intellectual development is, or will be, endangered;
- (d) the child is engaged in behaviour that is, or is likely to be, harmful and the parents or guardians are unable or unwilling to prevent the child from engaging in that behaviour;
- (e) there is no appropriate person to care for the child because the child has been abandoned; the child's parents or guardians cannot, after reasonable enquiries have been made, be found; or the child's parents are dead and the child has no guardians;

- (f) there is serious incompatibility between the child and one of their parents or guardians;
or
- (g) the child is required by law to attend school and is persistently failing to do so and the failure is, or is likely to be, harmful to the child.

The Act states that in the application of the Act an authorised person, the Community Advocate or the Court shall have regard to the degree of injury, abuse, impairment, likelihood, incompatibility or failure and shall disregard any of those things that, in the circumstances, appears to be not sufficiently serious or substantial to justify action.

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; or
- (b) the parents, guardian/person having the custody are unwilling or unable to maintain the child; or
- (c) the child has suffered maltreatment; or
- (d) the child is not subject to effective control and is engaging in conduct which constitutes a serious danger to their health or safety; or
- (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 they have suffered or are at substantial risk of suffering:

- (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 them from such abuse or exploitation; or

- (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; or
 - (ii) has been taken, or there is substantial risk that she will be taken, from the Territory with the intention of having female genital mutilation performed on her.

Appendix 4: Mandatory reporting requirements

New South Wales

Since 1977 medical practitioners have been required by law to report physical and sexual abuse. Under the *Children (Care and Protection) Act 1987* Principals/Deputy Principals are required to report suspected cases of child sexual abuse. In accordance with the Department of Education, Employment and Training's policy and procedures, teachers, school social workers and school counsellors are required to report suspected physical, emotional abuse and neglect to the Principal, who is turn responsible to notify the Department of Community Services. The Police Service and Department of Health workers are also required, under their own departmental guidelines, to report abuse.

Victoria

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

Queensland

Under the *Health Act 1937*, medical practitioners are required by law to notify the Director-General, Queensland Health, of all cases of suspected maltreatment of a child. Queensland Education policy requires school principals to report suspected child abuse and neglect to the appropriate authorities and requires teachers to report through principals; however, this is not legislated.

Western Australia

In Western Australia, referrals about possible harm to children are facilitated by a series of reciprocal protocols that have been negotiated with key government and non-government agencies, rather than by mandatory reporting. Community awareness programs and education of professional groups also contribute to identification of possible maltreatment, 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, psychologists, police, probation officers, social workers, teachers, family day care providers, and employees of, or volunteers in, government departments, agencies or local government or non-government agencies that provide health, welfare, education, child care or residential services wholly or partly for children.

Tasmania

In Tasmania it is mandatory for the following professionals to report suspected cases of child abuse to the Child Protection Board: medical practitioners, registered nurses, probation officers, child welfare officers, school principals, kindergarten teachers, welfare officers appointed under the *Alcohol and Drug Dependency Act 1968*, guidance officers and psychologists.

Australian Capital Territory

Mandatory reporting was introduced on 1 June 1997. The groups mandated are doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare field and licensed child care providers.

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

Community services department

Refers to those departments in each State and Territory (see the Acknowledgments for a list of the relevant departments) who are responsible for child protection matters.

Definitions for child protection notifications, investigations and substantiations

Age of child

Age is calculated from date of birth at the time a report is made, and is shown in completed years, or in completed months where age is less than 1 year.

Person believed responsible

Where there is more than one person believed responsible for the abuse and neglect, the person believed responsible is categorised as the person believed to have inflicted the most severe abuse or neglect, or most likely to have harmed the child or put the child at risk. Where it is not possible to identify the person believed responsible in this way, the person is categorised as the person who inflicted the most obvious form of abuse or neglect.

Relationship to child of the person believed responsible

Intra-familial

Natural parent

Any male or female who is the biological or adoptive parent of the child.

Step-parent

Any person who is not the biological or adoptive parent of the child, but was legally married to one of the child's biological parents.

De facto step-parent

Any male or female who is not the biological or adoptive parent of the child and who is the de facto marital partner of the child's parent.

Sibling

A natural, adopted, foster, step- or half-brother or sister.

Other relative/kin

This category includes grandparents, aunts, uncles and cousins whether the relationship is a full, half or step relationship. It also includes members of Aboriginal communities who are accepted by that community as being related to the child but who are not the child's biological parents.

Extra-familial

Foster parent

A foster parent is defined as any person (or person's spouse) being paid a foster allowance by a government or non-government organisation for the care of a child (excluding children in family group homes).

Friend/neighbour

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

Other

Any person whose relationship to the child is known but not classified above.

Not stated

This category includes all notifications substantiated where the relationship to the child of the person believed responsible for the abuse or neglect to the child was not specified.

Source of notification

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

Parent/guardian

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

Sibling

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

Other relative

This category 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

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

Other health personnel

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

Hospital/health centre personnel

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

Social/welfare worker

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

School personnel

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

Child care personnel

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

Police

Any member of a Commonwealth, State or Territory law enforcement agency.

Departmental officer

Any person, not classified above, who is employed by a State or Territory community 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

This category covers notifications received from a person who does not give his or her name.

Other

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

Not stated

This category includes all notifications that are received from an unknown source.

Family of residence

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

Two-parent—natural

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

Two-parent—step or blended

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

Single parent—female

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

Single parent—male

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

Other relatives/kin

This includes Indigenous kinship arrangements.

Foster care

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

Other

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

Not stated

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

Definitions for care and protection orders

Child subject to orders

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

Age of child

The age of the child in completed years at 30 June 1998.

Living arrangements

This category covers the type of living arrangements in which the child spent the night of 30 June 1998. The categories are:

Family care

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

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

Home-based out-of-home care

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

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

Facility-based care

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

Independent living

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

Other living arrangements

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

Definitions for out-of-home care

Age of child

The age of the child in completed years at 30 June 1998.

Type of placement

Placement type is divided into two main categories.

Home-based care

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

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

Facility-based care

Includes care in a facility-based (residential) building whose purpose is to provide placements for children and where there are paid staff. Placements in ‘family group homes’ are counted as facility-based care.

Independent living

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

Other

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

Respite care

Out-of-home care provided on a temporary basis for reasons other than for child protection reasons, for example, 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.

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