

**Child protection  
Australia 1996–97**

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# **Child protection Australia 1996–97**

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## Symbols used in the tables

—	nil or rounded to zero
..	not applicable
n.a.	not available
M	males
F	females
P	persons
U	unknown

### Notes

- (1) Percentages in all tables exclude unknowns.
- (2) All tables in this report use data provided by State and Territory community services departments.

# Summary

This report provides national data for the 1996–97 financial year on the following three areas of child protection services:

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

These data were collected by the Australian Institute of Health and Welfare from the community services departments in each State and Territory. The three collections have been incorporated into one report for the first time. They were brought together to provide better information at the national level on the children who come into contact with community services departments for protective reasons. There are some limited data on the movement of children between the three areas.

There are no Australian totals for child abuse and neglect in 1996–97 because New South Wales and Queensland could not provide data for the full financial year. New South Wales could only provide data for a three-month period and the Queensland data are for the 1996 calendar year.

The main points of interest in the report are outlined below.

- The number of notifications of child abuse and neglect in 1996–97 was higher than in 1995–96 in Victoria, Queensland and South Australia.
- A large majority of notifications in 1996–97 were subject to an investigation. While 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. For example, 63% of finalised investigations in South Australia and 55% in New South Wales were not substantiated.
- The number of substantiations did not vary significantly from the previous year. There was a slight increase in the number of substantiations in Victoria, Queensland, South Australia and Tasmania, and a slight decrease in the number of substantiations in Western Australia, the Australian Capital Territory and the Northern Territory.
- Rates of children who were the subject of a substantiation of abuse and neglect ranged from 1.9 per 1,000 in Tasmania to 6.2 per 1,000 in South Australia and Victoria.
- Indigenous children were over-represented in substantiations of child abuse and neglect. For example, the rate of Indigenous children who were the subject of a substantiation was 25.9 in South Australia compared with 5.6 for other children, and in Queensland the rate for Indigenous children was 12.6 compared with 3.7 for other children.
- At 30 June 1997, there were 15,718 children on care and protection orders in Australia. Of these children, 75% were on finalised guardianship or finalised custody orders, 14% on finalised supervisory and other finalised orders, 7% on interim and temporary orders and 3% were subject to administrative and voluntary arrangements.

- There were 3.3 children per 1,000 on care and protection orders in Australia at 30 June 1997. The rate of children on care and protection orders varied across States and Territories from 1.7 in Western Australia to 4.0 in Tasmania.
- Indigenous children were much more likely to be placed on a care and protection order than other children. The rate of Indigenous children on care and protection orders was 14.9 compared with 2.9 for other children.
- There were 14,078 children in out of home care in Australia at 30 June 1997. Most of these children (89%) were in home-based care, with the remaining 11% in facility-based care.
- The majority of children in out of home care were also on a care and protection order.
- The rate of children in out of home care at 30 June 1997 was 3.0 per 1,000. This rate varied from 1.9 in the Northern Territory to 3.7 in Tasmania.
- Indigenous children were also over-represented among children in out of home care. The rate of Indigenous children in out of home care at 30 June 1997 was 16.3 compared with 2.5 for other children.

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# 1 Introduction

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 abused or neglected;
- who have been abandoned;
- for whom there is no adequate provision for their care (for example the child's parent is ill or in gaol); or
- who have specific problems such as physical or behavioural difficulties, an intellectual disability or severe emotional problems.

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), while 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 for the 1996–97 financial year on the following three areas of child protection services:

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

These data were collected by the Australian Institute of Health and Welfare from each State and Territory and have been incorporated into one report for the first time. This report contains information previously published by the Institute in the Child Welfare Series reports *Child Abuse and Neglect, Australia* and *Children on Care and Protection Orders, Australia*. It also includes data on supported out of home care that have not been published previously in the Child Welfare Series reports.

The three collections were brought together to provide better information at the national level on the children who come into contact with community services departments for protective reasons. There are some limited data on the movement of children between the three areas. Currently there are no national data on children who are referred to, or access, other services for protective reasons.

The data used 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 Governments provide funding to the Institute to collate, analyse and publish these data. There are no Australian totals for child abuse and neglect this year because New South Wales and Queensland could not provide data for the full financial year.

The data from each jurisdiction should be interpreted with regard to the legislation, policies, practices and definitions of that State or Territory. As these vary considerably between jurisdictions, it is not appropriate to use the data to measure the performance of one jurisdiction relative to another.

Work is now being undertaken by the States and Territories, and the Institute, to improve the comparability of the child protection data. The aim of this work is to outline the activities undertaken by the States and Territories in the child protection area, to classify these activities and to develop some new core descriptors of these activities that could apply to all or most States and Territories. These core descriptors could then form the basis of a national child protection data set.

# 2 Child abuse and neglect

## Overview of the information on child abuse and neglect

### Defining child abuse and neglect

The protection of children from abuse and neglect is legally the responsibility of the community services department in each State and Territory. Each State and Territory has separate legislation to empower it to undertake its responsibilities in this area (see Appendix 3).

There is, however, no clear definition as to what constitutes child abuse and neglect. The term can mean very different things to different people. Incidents notified as child abuse and neglect are open to interpretation and even professionals can make different judgements about whether or not a child needs protection.

For the purpose of this report, 'child abuse and neglect' can generally be defined as occurring when a child has been, is being, or is likely to be subjected to physical, emotional or sexual actions or inactions which have resulted in, or are likely to result in, significant harm or injury to the child. In the main, it refers to situations where there are protective issues for the child because the person believed to be responsible is a parent, family member or some other person with responsibility for care of the child; or where the person responsible for the care of the child is unable or unwilling to protect the child from abuse or neglect.

Within this general definition, however, there are variations across States and Territories in:

- what is classified as child abuse and neglect;
- the policies and procedures of the community services departments in relation to child abuse and neglect; and
- the terms and definitions used to describe certain procedures and practices.

These variations reflect the fact that each State and Territory has developed its own legislation, policies and practices in relation to child protection and child welfare. Examples of these differences include:

- where some jurisdictions classify any incident of child abuse or neglect as a notification, while other jurisdictions include only notifications of abuse and neglect where there are protective concerns for the child; and
- the use of terms such as 'significant harm' or 'substantial risk' in some States and Territories, while others refer to 'harm' or 'in danger of being harmed'.

These variations should be kept in mind when comparing data between States and Territories. It is also important to be aware of any major changes in policies and practices that occur within a State or Territory over time, since these will be reflected in the data. See 'Policies and practices of the States and Territories' (page 9) for more detail on the current



policies and practices of the different States and Territories in relation to child abuse and neglect and recent changes that have occurred.

Only incidents of abuse and neglect 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 only included if these notifications were referred to the community services department. It is widely acknowledged that a certain amount of child abuse and neglect is not reported to any agency or department, although the extent of this is unknown.

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 all 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 community services department (Broadbent & Bentley 1997, p. 6).

## **Reporting of child abuse and neglect**

Notifications of child abuse and neglect come from a number of different sources, including groups of people who are mandated to report abuse and neglect. Currently, all States and Territories except Western Australia have legislation requiring the compulsory reporting of child abuse and neglect to community services departments. Mandatory reporting was introduced in the Australian Capital Territory on 1 June 1997.

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 which require that certain professions report maltreatment of children.

The types of abuse or neglect which should be reported, and the professions 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.

As well as mandatory reports, there are a range of other sources of notifications of child abuse and neglect. These include the subject of the abuse and neglect, a parent or guardian, other relatives, friends or neighbours.

## **The processes of notification, investigation and substantiation**

Each community services department undertakes certain procedures when notified of an instance of child abuse and neglect. While these procedures vary across jurisdictions, they are broadly described below. It should be noted that family support services may be provided at any point once a notification has been received, or a child may be removed from home at any stage if it is deemed absolutely necessary for his or her protection.

## Notification

Notifications of child abuse and neglect consist of contacts made to an authorised department by persons or other bodies making allegations of child abuse or neglect. The data in this report relate to notifications received between 1 July 1996 and 30 June 1997.

Only one child is the subject of any notification. If there is more than one notification about the same event, only one notification is counted. If a child is the subject of more than one notification during the year but these notifications relate to different events, these are counted as separate notifications, except in Victoria. In Victoria, while a case is open, multiple notifications concerning a child are counted as one notification only.

In most jurisdictions, once a notification is received it is assessed to determine whether it requires investigation or should be dealt with by other means (such as referral or the provision of advice), or whether no further protective action is necessary or possible. No further action may be taken because there is insufficient information for the department to take any action, because it is obvious that the allegation is mischievous or malicious, or because it is obvious that the child is not in need of care and protection.

## Investigation

An investigation of child abuse or neglect is the process by which the community services department obtains information about a child who is the subject of a notification. Once a notification is received, an initial assessment is made to determine whether the notification warrants investigation. In most States or Territories, these initial assessments do not count as part of the investigation phase. Since notifications about different events for the same child are counted as separate notifications in all States or Territories (except Victoria), each of these has a separate investigation.

In this report, an investigation was categorised as finalised where it was completed and an outcome recorded by the department by 31 August 1997. While the types of outcomes of a finalised investigation vary across jurisdictions, for the purposes of the national data collection they are categorised as 'unsubstantiated', 'child at risk' or 'substantiated'.

A notification is classified as 'unsubstantiated' where it is concluded after investigation that there is no reasonable cause to suspect the child has been, is being, or is likely to be harmed. Around half of all finalised investigations are classified as 'unsubstantiated'.

The 'child at risk' category refers to situations where the notification of abuse or neglect 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. Only four jurisdictions are currently using this category—Queensland, South Australia, Tasmania and the Australian Capital Territory.

## Substantiation

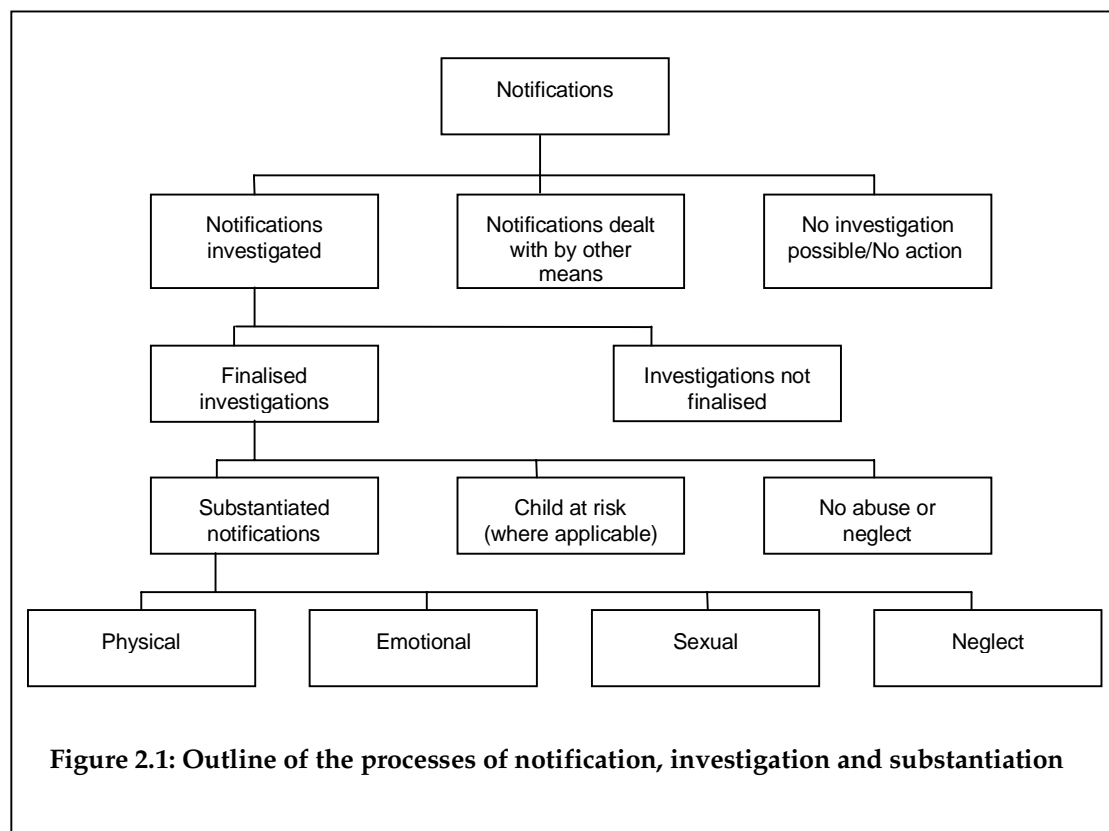
Child abuse or neglect is substantiated on the basis of information gathered during an investigation, including contact with the subject child and family. The matter is considered substantiated if, in the professional opinion of the officers concerned, there is reasonable cause to believe that the child has been, is being or is likely to be abused or neglected. The level of information or evidence required for a substantiation is less than that required for a criminal prosecution.

Substantiated abuse and neglect is broken down into the following four categories:

- physical abuse—any non-accidental physical injury inflicted on the child;

- emotional abuse—any act which results in the child suffering any kind of significant emotional deprivation or trauma;
- sexual abuse—any act which exposes a child to, or involves a child in, sexual process beyond his or her understanding or contrary to accepted community standards; and
- neglect—any serious omissions or commissions which, within the bounds of cultural tradition, constitute a failure to provide conditions that are essential for the healthy physical and emotional development of a child. This includes failure to thrive.

Many children suffer more than one type of abuse and neglect and it is not always clear what type has occurred. As a result, categorisation according to these four types is somewhat subjective (Goddard 1992; Tomison 1995). In this collection, the type of abuse and neglect is recorded as the one most likely to be the most severe in the short-term, or most likely to place a child at risk in the short-term, or the most obvious.



## Policies and practices of the States and Territories

### Differences in policies and practices

While the processes of notification, investigation and substantiation outlined above occur in all States and Territories, each State and Territory has its own policies and practices in relation to these processes. These differences in policies and practices mean that the child abuse and neglect data from the different jurisdictions can be measuring different types of events.

Some jurisdictions count reports of child concerns as a notification of child abuse and neglect while others exclude reports of child concerns at the point of notification. Victoria

and South Australia have a broader definition of notifications that includes reports of child concerns, for example where there are behavioural problems with the child. The inclusion of child concerns would increase the rate of notifications within a jurisdiction. It also may increase the rate of substantiations by bringing into the system cases that other jurisdictions would exclude.

There are also different criteria used to substantiate a notification in some States and Territories. For example, most States and Territories will only substantiate abuse and neglect if the person believed responsible is within the household or the parents are unwilling or unable to protect the child. New South Wales and South Australia will substantiate abuse and neglect by a stranger. The rate of substantiations in jurisdictions that substantiate abuse and neglect by a stranger is therefore likely to be higher than in those jurisdictions that do not.

There are a number of other differences between States and Territories that impact on the comparability of the data on child abuse and neglect. Work is now being undertaken by the States and Territories, and the Australian Institute of Health and Welfare, to improve the comparability of the child protection data. The aim of this work is to outline the activities undertaken by the States and Territories in the child protection area, to classify these activities and to develop some new core descriptors of these activities that could apply to all or most States and Territories.

## **Changes to policies and practices in 1996–97**

Child protection policy and practice is constantly evolving. Changes to policies and practices in each of the States and Territories are informed by theoretical debate as well as by economic considerations and efficiency measures. Many of the changes that occur impact on the child protection data. The following is an outline of the major policy changes that occurred during 1996–97. It is important to be aware of these changes when comparing this year's data with data from previous years.

### **New South Wales**

In July 1996, the Department of Community Services introduced new policies that significantly changed the way that notifications and investigations were dealt with. Formerly all notifications were investigated. Notifications are now assessed to determine whether they relate to child abuse and neglect or to some other concern about a child's welfare. Only notifications relating to child abuse and neglect are investigated. 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 child abuse and neglect is found.

### **Western Australia**

Western Australia introduced New Directions in Child Protection and Family Support State-wide on 1 May 1996, having piloted the program in five regions of Western Australia in 1995–96. Under New Directions, the decision as to whether the information received constitutes an allegation of maltreatment is made by a senior departmental officer rather than being caller defined, as was largely the case previously. Most importantly for this collection, New Directions now classifies reports made to the department into Child Maltreatment Allegations and Child Concern Reports, with only Child Maltreatment Allegations being counted as notifications of child abuse and neglect.

There has also been a revision of what a substantiation means, refocusing attention back on substantiation of significant harm to the child, rather than the incident or act in isolation. It

is still recognised that harm in some cases may not be identifiable and in these instances confirmation of the act is considered to constitute substantiation. The category of 'child at risk' was removed under *New Directions*.

### **South Australia**

For the 1996–97 counting period, South Australia changed the way it counts notifications, broadening the range of reports to include a new category, 'notifier concerns'. This includes cases where mandated professionals have notified the department about a child, but have not provided enough information on which to base an investigation. For example, a teacher may be concerned about a child with behavioural problems, but this may not necessarily be related to abuse and neglect. Notifier concerns are not investigated. Including 'notifier concerns' will increase the number of notifications in 1996–97, but should not impact on the number of substantiations.

In late April 1997, South Australia introduced a Central Intake System for receiving and classifying all child abuse and neglect reports from across the State. All reports are now channelled through a 24-hour telephone service to a central unit of qualified social workers. Standardised assessment tools are used to assist judgement about appropriate responses to each report made to the central unit.

### **Tasmania**

In 1996–97 Tasmania developed new intake and assessment guidelines. These guidelines are similar to those in *New Directions* in Western Australia and were introduced in July 1997. The focus is now on the level of harm to the child rather than on the actual incident, with emphasis on the provision of family support programs in the south of the State. Training for this new system began in early 1997, and this may have had some impact on the count of notifications. Child and family concern reports are no longer included in the count for notifications, only notifications of alleged maltreatment, all of which are now investigated by the department through intake and assessment workers. The intake and assessment workers are assisted in assessing notifications by regional assessment committees which draw on professionals from the areas of paediatrics, social work, child care, law, child psychology and the police.

### **Australian Capital Territory**

Mandatory reporting of child abuse and neglect was introduced into the Australian Capital Territory in June 1997, while training for the professions mandated to report commenced during 1996–97. As part of the process, mandated reporters are encouraged to consult with the department prior to a decision being made on whether to make the report. From 1 July 1997 child concern reports were formally counted separately from notifications of abuse and neglect, although the 1996–97 data show a drop in notifications, partly due to informal moves to separate child concern reports from notifications of child abuse and neglect.

## **Provision of support services**

In situations where abuse and neglect is substantiated, or where there are concerns about the safety and wellbeing of a child, the community services department attempts to work with families towards positive change through the provision of, or referral to, a range of services. Some of these services are targeted specifically at children or the families of children who have been or are at risk of abuse and neglect. Examples of these services

include intensive family preservation programs, in-home support programs and family group conferences.

Many other services are available to a much broader section of the population and seek to deal with a wide range of issues or problems. Such services include legal aid, mediation, alcohol and drug rehabilitation programs, marriage and domestic violence counselling, financial counselling and parental education (see AIHW 1997, pp. 129–144 for a more detailed description of family support services).

Placement of a child in out of home care is another support service that is provided to families in crisis. Chapter 4 of this report provides information and national data on children placed in out of home care. No national data are available, however, on the number of children or families who access, or are referred to, the other family support services outlined above.

### **Care and protection orders**

In the small minority of cases where the care and protection of children cannot be assured within the family, the department of community services may apply to the Children's Court (or its equivalent) under the relevant Act to seek to place the child on a care and protection order. This gives the community service department some legal responsibility for the child's welfare. Only a small proportion of substantiations result in a child being placed on a care and protection order. Chapter 3 of this publication provides more detailed information and national data on children placed on care and protection orders.

## **Data and analysis**

This section includes the national data on child abuse and neglect for the 1996–97 financial year. Most of the child abuse and neglect tables do not have Australian totals. This is because the data for New South Wales and Queensland are not comparable with data from the other States and Territories.

New South Wales introduced major changes to the child protection and client information systems in 1997 which meant that the community service's department could only provide data for the three-month period 1 April to 30 June 1997. There were also changes in the recording and information systems in Queensland in 1997, so that the Queensland data are for the calendar year, that is 1 January to 31 December 1996, rather than for the financial year. Data for all other jurisdictions cover the full 1996–97 financial year.

The terms, policies and procedures of each State and Territory should be taken into account when interpreting the data on child abuse and neglect.

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

The number of notifications of child abuse and neglect in 1996–97 for each State and Territory is shown in Table 2.1. The number of notifications was higher than in 1995–96 in Victoria, Queensland and South Australia.

**Table 2.1: Notifications of child abuse and neglect, by type of action by State and Territory, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Number</b>								
Investigation finalised	4,023	14,006	11,663	1,711	6,986	1,832	944	473
Investigation not finalised	953	410	1,263	222	337	46	55	—
<b>Total investigations</b>	<b>4,976</b>	<b>14,416</b>	<b>12,926</b>	<b>1,933</b>	<b>7,323</b>	<b>1,878</b>	<b>999</b>	<b>473</b>
Dealt with by other means	2,592	17,291	1,547	—	—	485	—	—
No investigation possible/No action	208	—	1,005	166	2,771	—	221	8
<b>Total notifications</b>	<b>7,776</b>	<b>31,707</b>	<b>15,478</b>	<b>2,099</b>	<b>10,094</b>	<b>2,363</b>	<b>1,220</b>	<b>481</b>
<b>Percentage</b>								
Investigation finalised	52	44	75	82	69	78	77	98
Investigation not finalised	12	1	8	11	3	2	5	—
<b>Total investigations</b>	<b>64</b>	<b>45</b>	<b>84</b>	<b>92</b>	<b>73</b>	<b>79</b>	<b>82</b>	<b>98</b>
Dealt with by other means	33	55	10	—	—	21	—	—
No investigation possible/No action	3	—	6	8	27	—	18	2
<b>Total notifications</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) 1996–97 data for New South Wales refer to only three months (from 1 April to 30 June 1997).

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

A large majority of these notifications were subject to an investigation. The proportion of notifications that were investigated ranged from 45% in Victoria to 92% in Western Australia and 98% in the Northern Territory.

This large range in the proportion of notifications that were investigated reflects the way that different jurisdictions both define and deal with notifications and investigations. In Victoria the definition of a notification is very wide and there are strict criteria for investigations. Notifications are caller defined and include reports of child concerns, while only face-to-face contact with the child is counted as an investigation. In contrast, in Western Australia notifications are defined by senior staff in the Department of Community Services and reports of child concerns are dealt with separately. A very high proportion of notifications in Western Australia and the Northern Territory were investigated since these jurisdictions have a policy to investigate or assess all notifications.

## Outcomes of investigations

While 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. For example, 63% of finalised investigations in South Australia and 55% in New South Wales were not substantiated (Table 2.2).

The proportion of substantiated investigations ranged from 13% in Tasmania to 57% in Western Australia. While a relatively low proportion of investigations was substantiated in Tasmania, a relatively high proportion of investigations (22%) was classified as ‘child at risk’.

**Table 2.2: Finalised investigations by type of outcome, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Substantiations	1,791	7,034	4,895	982	2,527	244	376	252
Child at risk	—	—	1,470	—	47	398	97	—
Unsubstantiated notifications	2,232	6,972	5,298	729	4,412	1,190	471	221
<b>Total finalised investigations</b>	<b>4,023</b>	<b>14,006</b>	<b>11,663</b>	<b>1,711</b>	<b>6,986</b>	<b>1,832</b>	<b>944</b>	<b>473</b>
	<b>Percentage</b>							
Substantiations	45	50	42	57	36	13	40	53
Child at risk	—	—	13	—	1	22	10	—
Unsubstantiated notifications	55	50	45	43	63	65	50	47
<b>Total finalised investigations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) 1996–97 data for New South Wales refer to only three months (from 1 April to 30 June 1997).

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

## Changes over time

The number of notifications of child abuse and neglect has risen considerably over the past decade in most States and Territories. In 1992–93 there were around 73,000 notifications of child abuse and neglect compared with almost 92,000 in 1995–96 (Broadbent & Bentley 1997, pp. 8–9). It is not possible to determine whether this increase is indicative of a rise in the incidence of child abuse and neglect or due to other factors that may impact on the number of notifications.

These include changes in:

- State and Territory legislation, policies and practices; and
- the extent to which abuse and neglect is reported, due to the introduction of mandatory reporting in some jurisdictions or an increased awareness about child abuse and neglect in the community.

The number of substantiations has also increased over the past decade, though more recently the number has remained fairly stable. In 1988–89 there were 18,816 substantiations across Australia with the number of substantiations then increasing each year until 1994–95 to a total of 30,615 substantiations (Table 2.3). Between 1994–95 and 1995–96 the number of substantiations fell slightly, probably due to changes in policies and practices in some jurisdictions. For example, there has been a large decrease in the number of substantiations in Western Australia reflecting policy changes which focus on substantiating significant harm to the child rather than an action and which exclude reports of child concerns from notifications of child abuse and neglect.

While there are no national data for the 1996–97 financial year, in those States where complete data were available for the 1996–97 period, the number of substantiations did not vary significantly from the previous year. There was a slight increase in the number of substantiations in Victoria, Queensland, South Australia and Tasmania; and a slight decrease in the number of substantiations in Western Australia, the Australian Capital Territory and the Northern Territory.



**Table 2.3: Substantiations by State and Territory, 1987–88 to 1996–97**

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	1,791 <sup>(a)</sup>	7,034	4,895 <sup>(b)</sup>	982	2,527	244	376	252	n.a. <sup>(c)</sup>

(a) 1996–97 data for New South Wales refer to only three months (from 1 April to 30 June 1997).

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

(c) A total cannot be calculated for 1996–97 due to differences in time frames for data provided by the States.

## Substantiations and type of abuse and neglect

Substantiations are classified according to the type of abuse and neglect that has occurred. As noted previously it is not always clear what type of abuse and neglect has occurred and the classification of types of abuse and neglect will vary according to the policies and practices of the different jurisdictions. Table 2.4 shows the classification of substantiations by the type of abuse and neglect in each State and Territory.

**Table 2.4: Substantiations of child abuse and neglect by type of abuse and neglect, by State and Territory, 1996–97**

Type of abuse or neglect substantiated	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Number</b>								
Physical	708	1,859	1,672	424	822	92	131	143
Emotional	164	2,824	962	46	529	17	59	16
Sexual	552	534	319	310	509	63	19	34
Neglect	367	1,817	1,942	202	667	72	167	59
<b>Total substantiations</b>	<b>1,791</b>	<b>7,034</b>	<b>4,895</b>	<b>982</b>	<b>2,527</b>	<b>244</b>	<b>376</b>	<b>252</b>
<b>Percentage</b>								
Physical	40	26	34	43	33	38	35	57
Emotional	9	40	20	5	21	7	16	6
Sexual	31	8	7	32	20	26	5	13
Neglect	20	26	40	21	26	30	44	23
<b>Total substantiations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) 1996–97 data for New South Wales refer to only three months (from 1 April to 30 June 1997).

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

In most States and Territories the most common type of abuse and neglect was physical abuse followed by neglect. Sexual abuse was the least common type of abuse and neglect in Victoria, Queensland and the Australian Capital Territory. A relatively high proportion of substantiations was classified as sexual abuse and a low proportion was classified as neglect

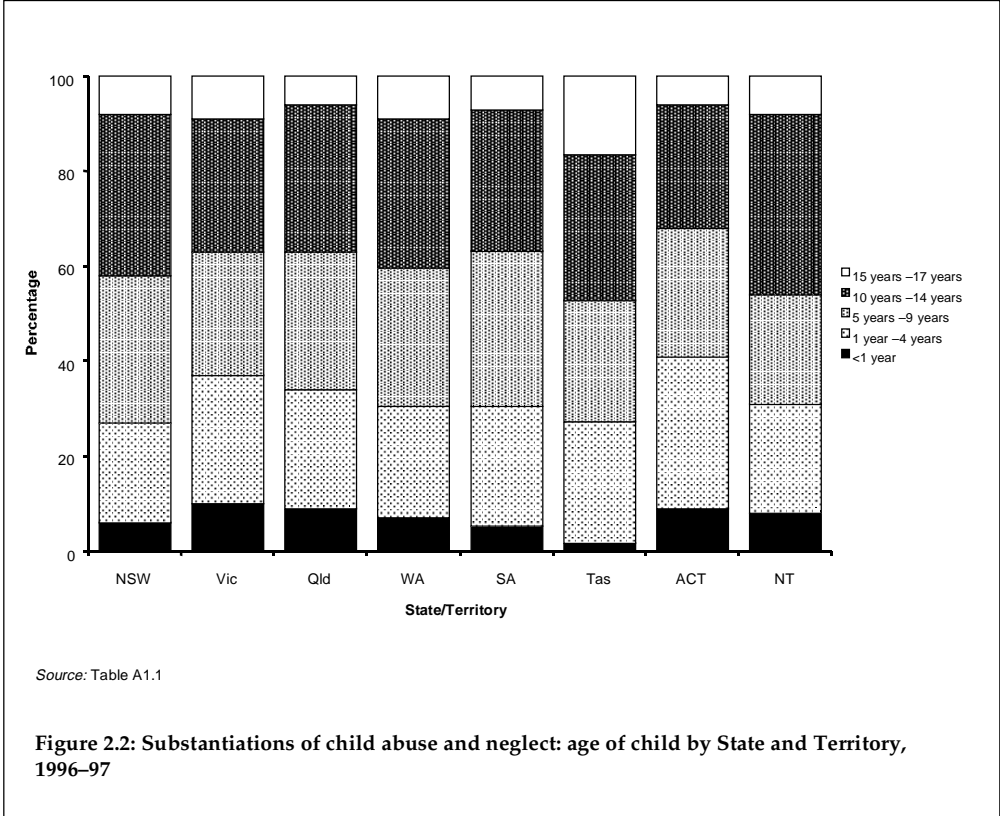
in New South Wales and Western Australia. This reflects the focus in these two States on identifying significant harm done to the child and excluding child concern reports from notifications.

**Substantiations by sex and age of the child**

There were more females than males involved in substantiations of child abuse and neglect in all States and Territories except Queensland and the Australian Capital Territory (Table A1.1).

In relation to age, in most jurisdictions children aged 10–14 years were the most likely to be the subject of a substantiation, followed by children aged 5–9 years (Table A1.1). The number of substantiations involving children aged under 1 year was also relatively high.

There were different distributions by age for male and female children who were the subject of a substantiation. For example, there were significantly more males than females aged under 1 year, but more females than males aged 15–17 years, who were the subject of a substantiation (Table A1.1). (For more detailed tables on substantiations by single year of age by State and Territory see Tables A1.2–A1.9).



**Number of children**

The number of 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 of abuse and neglect in any one year. For example, in 1996–97 in Victoria there were 24,497 children who were the subject of a notification compared with 31,707 notifications and in Queensland there were 11,908

children who were the subject of a notification compared with 15,478 notifications (Table 2.5). In relation to substantiations in 1996–97, there were 2,126 children in South Australia who were the subject of a substantiation compared with 2,527 substantiations (Table 2.5).

**Table 2.5: Notifications, substantiations and children who were the subject of a notification or substantiation of child abuse or neglect, by State and Territory, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
Children subject of a notification	7,120	24,497	11,908	1,923	5,642	1,790	930	458
Total notifications	7,776	31,707	15,478	2,099	10,094	2,363	1,220	481
Children subject of a substantiation	1,669	6,614	3,490	956	2,126	223	315	242
Total substantiations	1,791	7,034	4,895	982	2,527	244	376	252

(a) Data for New South Wales refer to the three-month period from 1 April to 30 June 1997.

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

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

The numbers of children who were the subject of a notification or a substantiation, rather than the number of notifications and substantiations, are used in the following sections on rates of abuse and neglect in the population and among Indigenous children.

## Rates of child abuse and neglect in the population

These national data on child abuse and neglect do not include all incidents of abuse and neglect in the population, since they do not include reports made to other agencies and not referred to community service departments, nor unreported incidents. The data also reflect the different policies and practices of the State and Territory community services departments. Rates of children who were the subject of a substantiation of abuse and neglect per head of the population, however, can be used as a very broad indicator of the level of child abuse and neglect in the population.

Rates of children who were the subject of a substantiation vary considerably across States and Territories. Victoria and South Australia had high rates of children for whom abuse and neglect were substantiated. In these two States there were 6.2 children per 1,000 who were the subject of a substantiation (Table 2.6). The rate of children who were the subject of a substantiation was around one-third this level in Western Australia and Tasmania (2.1 and 1.9 respectively).

It is likely that much of the variation in rates between jurisdictions is due to the different policies and practices in each jurisdiction, rather than to differences in the level of child abuse and neglect that has occurred. For example, Victoria and South Australia include child concerns in notifications of child abuse and neglect and this is likely to lead to higher rates of children subject to a substantiation. On the other hand, the low rate of children subject to a substantiation in Western Australia reflects the focus in that State of substantiating significant harm to the child rather than an action, as well as the fact that child concern reports are excluded from notifications.

From these data, however, it is not possible to determine how much of the variation in rates between jurisdictions is due to different policies and practices and how much is due to differences in the underlying levels of abuse and neglect.

**Table 2.6: Number and rates of children aged 0–16 years who were the subject of substantiation of child abuse and neglect by Indigenous status, by State and Territory, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Number of children	130	365	565	217	239	16	23	128
Rate per 1,000 children	n.a.	38.1	12.6	9.1	25.9	2.4	17.7	6.1
<b>Other children</b>								
Number of children	1,527	6,245	2,922	728	1,861	207	291	112
Rate per 1,000 children	n.a.	5.9	3.7	1.7	5.6	1.8	3.9	3.3
<b>Total children</b>								
Number of children	1,657	6,610	3,487	945	2,100	223	314	240
Rate per 1,000 children	n.a.	6.2	4.2	2.1	6.2	1.9	4.1	4.4

(a) Rates for New South Wales cannot be calculated as the 1996–97 data refer to the three-month period from 1 April to 30 June 1997.  
 (b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

*Notes*

- (1) Rates for child abuse and neglect substantiations were calculated for children aged 0–16 years and children of unknown age because of the very small number aged 17 years who were the subject of a substantiation.
- (2) Rates were calculated using the number of children subject to a substantiation in 1996–97, not the total number of substantiations in 1996–97.
- (3) For details on the calculation of rates and the coding of Indigenous status see Appendix 2.

## Indigenous children

### Number and rates

The number of Indigenous children who were the subject of a substantiation of abuse and neglect in 1996–97 ranged from 565 in Queensland to 16 in Tasmania (Table 2.6). Like the rates for all children, the rates of Indigenous children who were the subject of a substantiation of abuse and neglect vary significantly by State and Territory (Table 2.6). This may, in part, be related to the different practices across jurisdictions used to identify and record the Indigenous status of children (see Appendix 2).

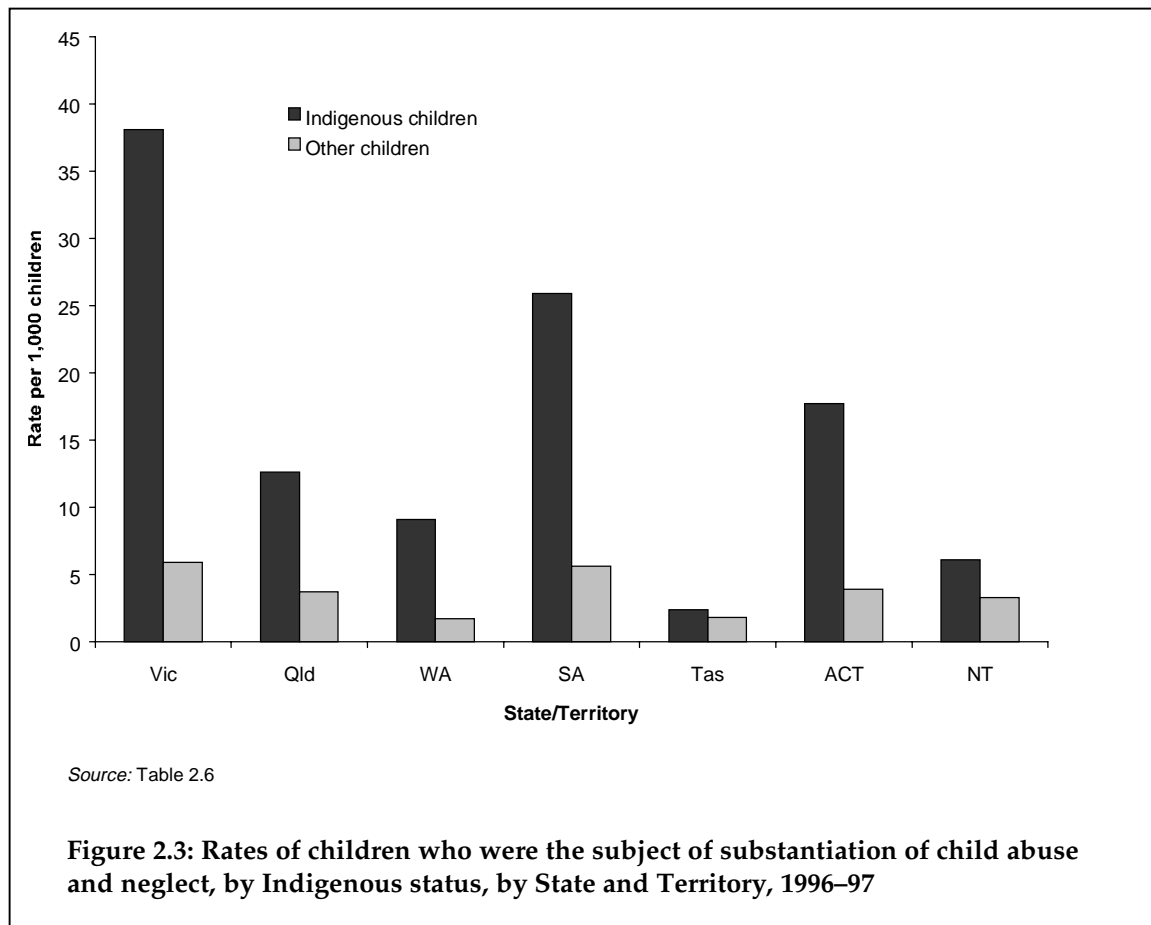
Indigenous children are over-represented in substantiations of abuse and neglect. This is evident in the significantly higher rates of substantiations of abuse and neglect for Indigenous children compared with other children. In Victoria, for example, the rate of substantiated abuse and neglect was 38.1 per 1,000 for Indigenous children compared with 5.9 per 1,000 for other children. The corresponding rates in South Australia were 25.9 for Indigenous children compared with 5.6 for other children.

Not all States, however, had such large differences in the rates of substantiated abuse and neglect for Indigenous children and for other children. In Tasmania, the rates were 2.4 for Indigenous children compared to 1.8 for other children, and in the Northern Territory the rates were 6.1 for Indigenous children compared to 3.3 per 1,000 for other children (Table 2.6).

The reasons for the over-representation of Indigenous children in substantiations of abuse and neglect are complex. Some of the factors that are likely to contribute to this include:

- high rates of poverty and unemployment among Indigenous families;
- the high incidence of single-parent families;
- cultural differences in child-rearing practices;

- the high incidence of alcoholism; and
- lack of access or ability to access appropriate support services.



### Types of abuse and neglect

The pattern of abuse and neglect for Indigenous children differed markedly from that of other children. Indigenous children were much more likely to be the subject of a substantiation for neglect and less likely to be the subject of a substantiation for sexual abuse than other children.

For example, in South Australia among children who were the subject of a substantiation, 48% of Indigenous children but only 20% of other children were the subject of a substantiation for neglect. The corresponding percentages in Queensland were 46% for Indigenous children compared with 31% for other children (Table 2.7). In relation to sexual abuse, in South Australia among children who were the subject of a substantiation, 10% of Indigenous children were the subject of substantiated sexual abuse compared with 23% of other children.

**Table 2.7: Children who were the subject of a substantiation: type of abuse or neglect, by Indigenous status, by State and Territory, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Type of abuse or neglect</b>	<b>Percentage</b>							
	<b>Indigenous children</b>							
Physical abuse	32	21	36	29	20	56	35	55
Emotional abuse	8	39	12	1	23	—	—	2
Sexual abuse	22	7	6	28	10	6	—	16
Neglect	38	33	46	42	48	38	65	27
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
	<b>Other children</b>							
Physical abuse	41	28	40	47	38	35	38	57
Emotional abuse	9	40	21	6	19	7	17	11
Sexual abuse	33	8	8	33	23	29	5	12
Neglect	18	25	31	13	20	29	39	20
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data for New South Wales refer to the three-month period from 1 April to 30 June 1997.

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

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

## Additional data on notifications and substantiations

### Source of notifications

Notifications of child abuse and neglect 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 1996–97 were parents or guardians, friends or neighbours, school personnel and police (Table A1.11)

The likelihood of a finalised investigation being substantiated varied considerably by the source of notification. A relatively high proportion of notifications from the child who was the subject of abuse and neglect, the police, social workers and school personnel were substantiated (Table 2.8). On the other hand, notifications from anonymous callers, friends and neighbours and other relatives were the least likely to be substantiated.

**Table 2.8: Proportion of finalised investigations that were substantiated, by source of notification, by State and Territory, 1996–97**

Source of notification	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT <sup>(c)</sup>
	Percentage <sup>(d)</sup>							
Subject child	68	67	49	74	48	10	63	88
Parent/guardian	45	51	45	60	36	6	47	45
Sibling	—	38	30	67	17	22	—	67
Other relative	36	45	35	53	30	14	33	53
Friend/neighbour	31	47	30	34	19	14	27	31
Medical practitioner	52	55	49	71	35	22	59	27
Other health	50	55	49	78	35	15	61	50
Hospital/health centre	45	45	58	68	39	17	36	73
Social/welfare worker	48	51	57	58	40	20	47	66
School personnel	49	52	51	60	39	34	57	57
Child care personnel	32	33	36	26	31	—	50	—
Police	50	58	56	65	57	40	49	68
Departmental officer	44	57	—	59	50	27	36	—
Non-govt organisation	51	59	70	69	67	22	44	31
Anonymous	21	21	18	14	18	—	19	43
Other	36	21	44	59	31	5	46	33
<b>Total</b>	<b>45</b>	<b>50</b>	<b>42</b>	<b>57</b>	<b>36</b>	<b>13</b>	<b>40</b>	<b>53</b>

(a) Data for New South Wales refer to the three-month period from 1 April to 30 June 1997.

(b) Queensland identifies 'Maltreater' as a separate category if they are also the source of a notification. 'Maltreater' has been included in the 'Other' category. Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

(c) Where the source of the notification was the 'Maltreater' (five incidences) this is included in the 'Other' category.

(d) Percentages calculated as a percentage of finalised investigations where source of the notification is known.

## Family type

Information on the family type of children who were the subject of a substantiation was available from five States and Territories. These States and Territories, however, vary as to when they record the family type in which the child was residing. The Northern Territory and Tasmania record it at the time of abuse. Queensland and the Australian Capital Territory record family type at the time of notification which is not necessarily the family type in which the child was residing at the time that the abuse and neglect occurred.

The data show that a relatively high proportion of substantiations involved children living in two-parent step or blended families and female single-parent families, while a relatively low proportion of substantiations involved children living in two-parent natural families (Table 2.9). Of all substantiations, 40% involved children from female single-parent families, 24% from two-parent families where both parents were the natural or adoptive parents, 25% from two-parent step or blended families and 5% from male single-parent families (Table 2.9). These data compare with the family type of all Australian children where 16% live in female single-parent families, 76% live in two-parent natural families, 6% live in two-parent step or blended families and 2% live in male single-parent families (ABS 1997a).

**Table 2.9: Substantiations of child abuse and neglect by type of family in which the child was residing, for selected States and Territories,<sup>(a)</sup> 1996–97**

Family type	No.	%
Two-parent—natural	1,593	24
Two-parent—step or blended	1,715	25
Single-parent—female	2,732	40
Single-parent—male	360	5
Other relatives/kin	159	2
Foster	20	—
Other	78	1
Not stated	92	1
<b>Total</b>	<b>6,749</b>	<b>100</b>

(a) Data available for Queensland, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory only.

Note: Queensland data are for the 1996 calendar year.

To put these data into context, the number of substantiations in 1996–97 can be compared with the total number of children in the population by family type (Table A1.13). This shows that while children in two-parent step or blended families and children in sole-parent families accounted for a relatively large proportion of substantiations, the actual number of substantiations is very small when compared to the estimated number of children in these family types.

There are likely to be a number of reasons for the over-representation of sole-parent families in substantiations of child abuse or neglect. These include that single-parent families are more likely to:

- have low incomes and be financially stressed;
- live in poor quality housing; and
- suffer from social isolation.

These are all factors that have been associated with child abuse or neglect. It is also important to note that the parent with whom the child is living is not necessarily the person responsible for the abuse and neglect.

### Relationship of person believed responsible

Data on the relationship to the child of the person believed responsible for the substantiated abuse and neglect were available from four jurisdictions. In most jurisdictions abuse and neglect will only be substantiated if the person believed responsible is in the household or the parents are unwilling to protect the child. The person believed to be responsible for substantiations of abuse and neglect will therefore generally be a close relative or other member of the household in which the child lives.

The data show that in the majority of cases, the person believed responsible for the substantiated abuse and neglect is the natural parent. In 71% of substantiations the natural parent was believed to be responsible for the abuse or neglect (Table 2.10). Step-parents and a parent's de facto partner were also believed to be responsible in a relatively high proportion of substantiations. A step-parent was believed to be responsible in 11% of substantiations and a parent's de facto partner in 7% of substantiations.



The relationship of the person believed responsible varied with the different types of substantiated abuse and neglect. For example a natural parent was believed to be responsible in 87% of substantiations for neglect and 76% of substantiations of emotional abuse, but only 24% of substantiations of sexual abuse. Step-parents, other relatives, friends and neighbours and siblings were believed to be responsible for a relatively high proportion of substantiations of sexual abuse.

**Table 2.10: Substantiations of child abuse and neglect: relationship to child of person believed responsible, type of abuse and neglect, for selected States and Territories,<sup>(a)</sup> 1996–97**

Person believed responsible	Physical abuse		Emotional abuse		Sexual abuse		Neglect		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Natural parent	1,588	67	819	76	165	24	2,055	87	4,627	71
Step-parent	351	15	112	10	120	18	116	5	699	11
Parent's de facto	218	9	94	9	43	6	86	4	441	7
Foster parent	46	2	8	1	17	2	5	—	76	1
Guardian	19	1	7	1	5	1	27	1	58	1
Sibling	21	1	8	1	67	10	16	1	112	2
Other relative	71	3	21	2	90	13	40	2	222	3
Friend/neighbour	11	—	3	—	72	11	5	—	91	1
Other	22	1	10	1	62	9	7	—	101	2
Not stated	25	1	1	—	41	6	11	—	78	1
<b>Total</b>	<b>2,372</b>	<b>100</b>	<b>1,083</b>	<b>100</b>	<b>682</b>	<b>100</b>	<b>2,368</b>	<b>100</b>	<b>6,505</b>	<b>100</b>

(a) Data available for Queensland, Western Australia, the Australian Capital Territory and the Northern Territory only.

Note: Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

# 3 Care and protection orders

## Overview of the information on care and protection orders

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

A child will generally be deemed to be 'in need of care and protection' if:

- the child is being or is likely to be abused or neglected and other ways of working with the family have been exhausted;
- the child has been abandoned;
- adequate provision is not being made for the child's care;
- there is an irretrievable breakdown in the relationship between the child and his or her parent(s); or
- there are other particular child-related factors, such as physical or behavioural difficulties or psychiatrically diagnosed emotional problems.

Each State and Territory, however, has its own legislation that provides a definition of 'in need of care and protection' (see Appendix 3). In some States and Territories the legislation includes a wide range of factors, such as truancy or homelessness, that may lead to a child being considered to be in need of care and protection. In other States, such as Victoria, the legislation defines the need for care and protection more narrowly to include 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 provides for action that can be taken if a child is found to be in need of care and protection. The community services department has the authority to intervene, if they consider it necessary, and to apply to the relevant Court to place the child on a care and protection order. Not all applications, however, will result in the issuing of an order.

Recourse to the court is usually a last resort—for example, where supervision and therapy are resisted by the family, where removal of the child to out of home care needs legal authorisation, or where other avenues for the resolution of the situation are exhausted. Community services departments may also apply for a care and protection order in circumstances where a child is uncontrollable or a danger to him/herself or others.

While 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 other factors that influence whether community service workers 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.

## **Child abuse and neglect and care and protection orders**

In situations where child abuse and neglect has been substantiated the community services departments attempt to work with the families for positive change through the provision of a range of services. Most of the children who are the subject of a substantiation of abuse and neglect will not be placed on a care and protection order. In Victoria, for example, 28% of children who were the subject of a substantiation for child abuse and neglect were subsequently placed on a care and protection order within six months of the substantiation. In Tasmania the corresponding figure was 18% (Table A1.14).

## **The Children's Court**

In most States and in the Australian Capital Territory applications for care and protection orders are made to the Children's Court by the relevant community services departments. 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 care and protection orders and these have been grouped into four categories for this report. The four categories are:

- finalised guardianship or finalised custody orders sought through a court;
- finalised supervision or other finalised court orders which give the department some responsibility for the child's welfare;
- interim and temporary court orders; and
- administrative and voluntary arrangements with the community services department.

Children were counted only once, even if they were on more than one order at 30 June 1997, or were admitted to and discharged from more than one order during the year. If a child was on more than one order at 30 June 1997, then the child is included as being on the order that implies the highest level of intervention by the welfare department (with finalised guardianship or finalised custody orders being the most interventionist and administrative and voluntary arrangements the least).

The data included in this year's report are not comparable to the data included in previous years. This year the data includes interim and temporary orders, administrative and voluntary arrangements, permanent care orders and guardianship orders to a third party. These orders were not included in last year's collection. This year the orders have also been categorised in a different way from last year. A wider range of orders was included in the 1996-97 data collection to give a fuller picture of the extent to which community services departments are involved in children's lives for protective reasons.

As in previous years, data for children on juvenile justice orders were not included in the data collection.

## **Finalised guardianship or finalised custody orders**

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 their 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 to 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) addressing 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.

### **Finalised supervision and other finalised orders**

Supervisory orders give the community services department some responsibility for the child's welfare by supervising the level of care provided to the child. Care will generally be provided by parents under these types of orders and the guardianship or custody of the child is not affected.

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. The community services department is not expected to be involved with a child or their family during the period of an undertaking.

### **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.

### **Administrative and voluntary arrangements**

This includes all administrative and voluntary arrangements between families and the community services department for the purpose of child protection. These are legal arrangements, but not all States and Territories have such provisions in their legislation.

### **State differences**

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

- Western Australia issues only one type of care and protection order—*guardianship orders*.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. They have been included in this collection for the first time 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 only issued where children are remanded in temporary custody. In other States and Territories there are specific *interim and temporary orders* which cover a number of different circumstances, for example, care and protection applications and investigation and assessment orders in South Australia, and interim protection orders and interim accommodation orders in Victoria.
- In relation to *voluntary and administrative arrangements*, the Northern Territory is unable to distinguish between arrangements made for the purpose of child protection and those made for family support reasons. Both types of arrangements have been included in this category for the Northern Territory.
- Victoria, Queensland and South Australia do not have provisions in their legislation for *administrative and voluntary arrangements*.

## Data and analysis

Most of the data in this section relate to children on care and protection orders at 30 June 1997. Some data are also included on admissions to and discharges from orders, and orders issued during 1996–97. The differences between States and Territories in the legislation relating to care and protection orders and in the types of care and protection orders that are outlined above should be taken into account when interpreting the data.

### Number of children and type of order

#### Number of children

At 30 June 1997, there were 15,718 children on care and protection orders in Australia. As noted previously, the 1996–97 collection has been expanded to include a wider range of care and protection orders and arrangements and these data therefore cannot be compared with data from previous years.

The total number of children on care and protection orders across the States and Territories ranged from 5,764 in New South Wales to 111 in the Northern Territory (Table 3.1).

#### Type of order

Of all children on care and protection orders at 30 June 1997, 75% were on finalised guardianship or finalised custody orders. A further 14% were on finalised supervisory and other finalised court orders issued for protective reasons, 7% were on interim and temporary orders, and 3% were subject to administrative and voluntary arrangements with the community services department for protective reasons (Table 3.1).

As noted previously, children were counted only once even if they were on more than one order at 30 June 1997. If a child was on more than one order at 30 June 1997 then the child was included as being on the order that implies the highest level of intervention by the community services department (with finalised guardianship or finalised custody orders being the most interventionist and administrative and voluntary arrangements the least).

**Table 3.1: Children on care and protection orders and arrangements, by type of order, by State and Territory, at 30 June 1997**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship and custody orders	3,901	2,702	2,809	785	1,063	301	193	73	11,827
Other finalised orders	723	997	257	..	71	146	49	19	2,262
Interim and temporary orders	720	166	183	..	38	38	8	8	1,161
Administrative and voluntary arrangements	420	..	..	..	..	23	14	11	468
<b>Total</b>	<b>5,764</b>	<b>3,865</b>	<b>3,249</b>	<b>785</b>	<b>1,172</b>	<b>508</b>	<b>264</b>	<b>111</b>	<b>15,718</b>
<b>Percentage</b>									
Finalised guardianship and custody orders	68	70	86	100	91	59	73	66	75
Other finalised orders	13	26	8	..	6	29	19	17	14
Interim and temporary orders	12	4	6	..	3	7	3	7	7
Administrative and voluntary arrangements	7	..	..	..	..	5	5	10	3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

The proportion of children on finalised guardianship and custody orders varied considerably across jurisdictions. All children in Western Australia were on guardianship orders, because this State does not have any other care and protection orders. In other States and Territories, the proportion of children on finalised guardianship and custody orders ranged from 59% in Tasmania to 91% in South Australia. Administrative and voluntary arrangements were used only in New South Wales (where they formed 7% of all care and protection orders), Tasmania (5%), the Australian Capital Territory (5%) and the Northern Territory (10%).

## Characteristics of children on care and protection orders

### Age and sex

At 30 June 1997, one-third (33%) of children on care and protection orders were aged 10–14 years. A further 27% of children on care and protection orders were aged 5–9 years, 20% were aged under 5 years and the remaining 19% were aged 15–17 years (Table A1.15).

The age distribution of children varied according to the type of order. Those on finalised guardianship and custody orders tended to be older and those on interim and temporary orders tended to be younger. For example, 40% of children on interim and temporary orders were aged under 5 years and 8% were aged 15–17 years, while 16% of children on finalised guardianship and custody were aged under 5 years and 22% were aged 15–17 years.

Just over half of all children on care and protection orders Australia-wide were male (52%) (Table A1.16). In all States and Territories except the Australian Capital Territory, there were more males than females on care and protection orders. There were also more males than females on all types of orders except administrative and voluntary arrangements, where 52% of children were female.

### Living arrangements

At 30 June 1997, well over half (65%) of all children on orders were living in out of home care, that is out of home overnight care where the State or Territory makes a financial

payment. These children were either in home-based out of home care or facility-based out of home care (see Chapter 4). All other children on orders were living in other home-based care; that is living with parents, or with relatives who are not reimbursed by the State or Territory.

Of all children on care and protection orders, 55% were in home-based out of home care (including 43% of children in foster care/community care and 6% of children with relatives or kin) and 28% were in other home-based care (including 17% living with parents and 12% living with other relatives or kin). Only 10% of children were living in facility-based out of home care.

Living arrangements of children on care and protection orders varied somewhat by the type of order. Children on administrative and voluntary arrangements were the most likely to be in facility-based out of home care, while children on other finalised orders were the least likely. For example, 16% of those on administrative and voluntary arrangements were in facility-based out of home care compared with 1% of those on other finalised orders (Table A1.17). The very small proportion of children on other finalised orders living in home-based care reflects the fact that many of these children are on a supervisory order and living at home.

**Table 3.2: Children on care and protection orders by living arrangements, at 30 June 1997**

Living arrangements	Number	Percentage
Foster care/community care	6,242	43
Relatives/kin (other than parents) who are reimbursed	915	6
Other—including private board	826	6
Total home-based out of home care	7,983	55
Parents who are reimbursed	105	1
Parents who are not reimbursed	2,282	16
Relatives or kin (other than parents) who are not reimbursed	1,703	12
Total other home-based care	4,090	28
Facility-based out of home care	1,479	10
Unknown living arrangements	994	7
<b>Total</b>	<b>14,546</b>	<b>100</b>

*Notes*

- (1) In Western Australia, where children are in home-based out of home care or other home-based care, there is no distinction made between carers who receive a subsidy and those who do not.
- (2) South Australia was unable to provide data for this table.
- (3) The Northern Territory may have included a small number of children who are living with parents who are not being reimbursed and children living with relatives who are not being reimbursed.

## Rates of children on care and protection orders

There were 3.3 per 1,000 children on care and protection orders in Australia at 30 June 1997. This rate varied across the States and Territories from 1.7 per 1,000 children in Western Australia to 4.0 per 1,000 children in Tasmania (Table 3.3).

The large variation between the jurisdictions reflects the different policy and practices of the States and Territories. For example, Western Australia has only one type of care and

protection order while other jurisdictions have a wide range of different orders. The range in variation in rates of children on care and protection orders between the States and Territories is greater than in 1995–96 which may be related to differences in the scope of the collection between the two years.

**Table 3.3: Children aged 0–17 years on care and protection orders: number and rate per 1,000 children by Indigenous status and State and Territory, at 30 June 1997**

State/Territory	Indigenous	Other	Total	Indigenous	Other	Total
	No. of children			Rate per 1,000 children aged 0–17 years		
New South Wales <sup>(a)</sup>	1,010	4,754	5,764	20.4	3.1	3.7
Victoria	226	3,639	3,865	22.7	3.2	3.4
Queensland	808	2,441	3,249	17.2	2.9	3.6
Western Australia	203	582	785	8.2	1.3	1.7
South Australia <sup>(b)</sup>	176	996	1,172	18.4	2.9	3.3
Tasmania	38	470	508	5.4	4.0	4.0
Australian Capital Territory	29	235	264	21.5	3.0	3.3
Northern Territory	58	53	111	2.6	1.5	1.9
Australia	2,548	13,170	15,718	14.9	2.9	3.3

(a) In New South Wales 724 children on supervisory orders whose Indigenous status was unknown are included with the 'Other' children.

(b) There were 38 children on administrative and voluntary arrangements whose Indigenous status was unknown and who are included with the 'Other' children.

Note: For details on the calculation of rates and the coding of Indigenous status refer to Appendix 2.

## Indigenous children

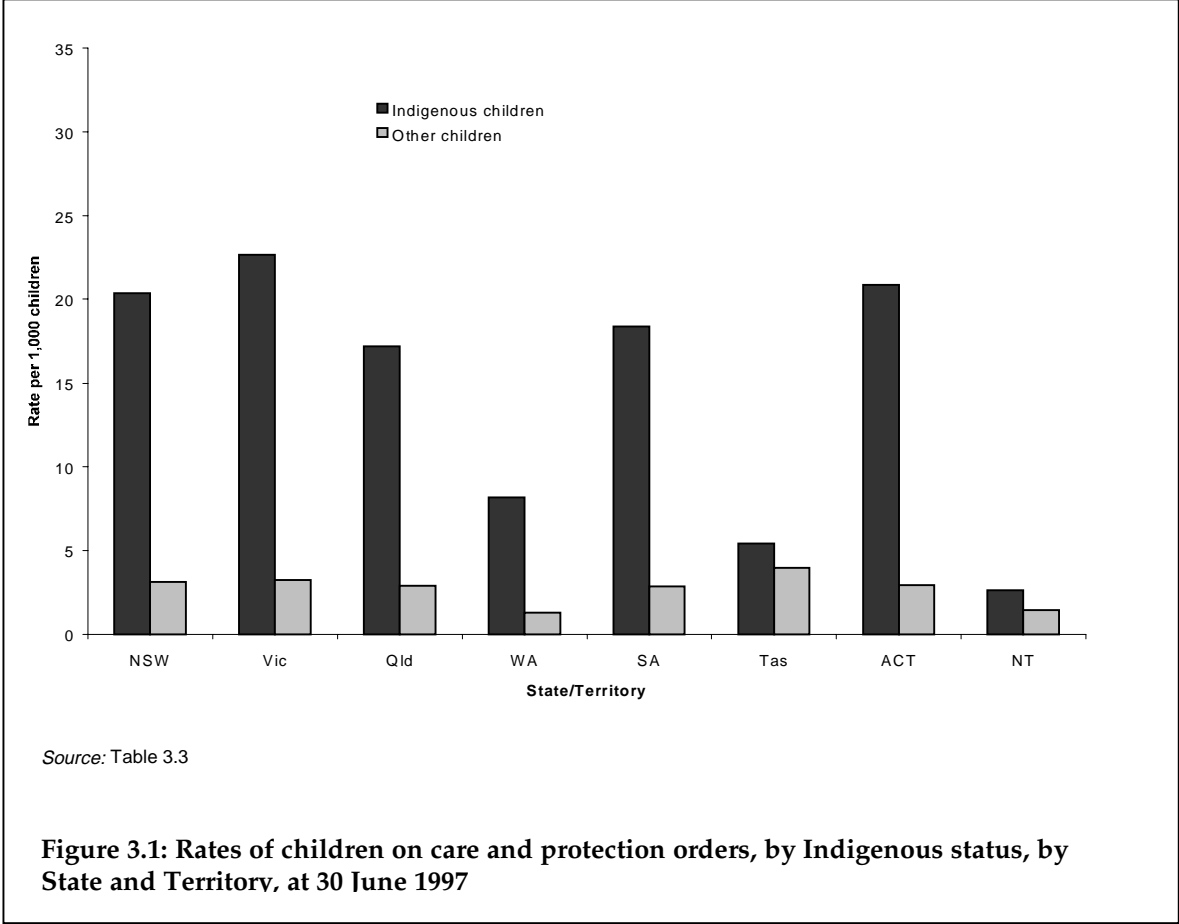
### Number and rates

Of the 15,718 children on care and protection orders at June 30 1997, 2,548 were Indigenous children (Table 3.3). The over-representation of Indigenous children is shown in the high rates of these children on care and protection orders. The rate of Indigenous children on care and protection orders was 14.9 per 1,000 children, just over five times the rate for other children (2.9 per 1,000).

The rates of Indigenous children on care and protection orders varied considerably across the States and Territories. The rates were highest in New South Wales (20.4), Victoria (22.7) and the Australian Capital Territory (21.5), and lowest in the Northern Territory (2.6) (Table 3.3).



In all States and Territories the rate for Indigenous children was substantially higher than that for other children. In New South Wales, Victoria and the Australian Capital Territory, the rate for Indigenous children was around seven 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.) In contrast, the difference between the rates for Indigenous and other children was smallest in Tasmania (5.4 compared with 4.0), and in the Northern Territory (2.6 compared with 1.5) (Figure 3.1; Table 3.3).



**Type of order**

The distribution of Indigenous children on care and protection orders by type of order was similar to all children. Most Indigenous children (79%) were on finalised guardianship and custody orders (Table 3.4). A further 6% were on other finalised orders, 7% on interim and temporary orders and 8% on administrative and voluntary arrangements.

**Table 3.4: Indigenous children on care and protection orders and arrangements, by type of order, by State and Territory, at 30 June 1997**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship and custody orders	679	167	715	203	164	24	25	41	2,018
Other finalised orders	0	51	61	—	12	12	3	12	151
Interim and temporary orders	122	8	32	—	—	2	1	2	167
Administrative and voluntary arrangements	209	—	—	—	—	—	—	3	212
<b>Total</b>	<b>1,010</b>	<b>226</b>	<b>808</b>	<b>203</b>	<b>176</b>	<b>38</b>	<b>29</b>	<b>58</b>	<b>2,548</b>
<b>Percentage</b>									
Finalised guardianship and custody orders	67	74	88	100	93	63	86	71	79
Other finalised orders	0	23	8	—	7	32	10	21	6
Interim and temporary orders	12	4	4	—	—	5	3	3	7
Administrative and voluntary arrangements	21	—	—	—	—	—	—	5	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: For details on the coding of Indigenous status refer to Appendix 2.

## Admissions, discharges and orders issued

### Children admitted to and discharged from orders

Data on children admitted to care and protection orders and children discharged from care and protection orders during 1996–97 were not available for South Australia and the Australian Capital Territory. In those jurisdictions where data were available, there were 7,797 children admitted to care and protection orders and 7,137 children discharged from care and protection orders during 1996–97 (Table 3.5). There were more admissions than discharges in all States but not in the Northern Territory.

Where children were admitted to or discharged from more than one order during the year, they were counted only once. The type of order counted for these children was the last order they were admitted to or discharged from. As children are more likely to be admitted to guardianship or custody orders after some other type of order, these are the orders that are most likely to be counted against in these data. For instance, many children will be admitted to an interim order and then a finalised custody order.

**Table 3.5: Children admitted to and discharged from care and protection orders during 1996–97, by type of order by selected States and Territories**

Type of order	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld <sup>(c)</sup>	WA	Tas	NT	Total
<b>Admissions</b>							
Finalised guardianship or custody	758	1,001	440	132	27	49	2,407
Other finalised orders	459	1,048	114	..	35	24	1,680
Interim and temporary orders	975	886	354	..	78	68	2,361
Administrative and voluntary arrangements	1,086	..	..	..	106	105	1,297
<b>Total</b>	<b>3,330</b>	<b>2,935</b>	<b>908</b>	<b>132</b>	<b>246</b>	<b>246</b>	<b>7,797</b>
<b>Discharges</b>							
Finalised guardianship or custody	662	829	275	129	49	52	1,996
Other finalised orders	469	913	90	..	14	22	1,508
Interim and temporary orders	940	1,118	139	..	46	89	2,332
Administrative and voluntary arrangements	1,108	..	..	..	85	108	1,301
<b>Total</b>	<b>3,179</b>	<b>2,860</b>	<b>504</b>	<b>129</b>	<b>194</b>	<b>271</b>	<b>7,137</b>
<b>Proportion of children admitted for the first time (%)</b>	<b>n.a.</b>	<b>72</b>	<b>66</b>	<b>n.a.</b>	<b>89</b>	<b>57</b>	<b>n.a.</b>

(a) New South Wales total includes 52 children admitted where the order was unknown.

(b) In Victoria children on interim orders were only counted when they did not go on to a final order.

(c) Three males were admitted to both guardianship orders and other finalised orders during the period. These three children have been counted

against finalised guardianship or custody orders. Two males and two females were discharged from both a guardianship and other finalised order during the period. These children are counted against finalised guardianship or custody orders

## Children admitted to orders for the first time

Data were available from Victoria, Queensland, Tasmania and the Northern Territory on children admitted to care and protection orders who were admitted for the first time. The proportion of children admitted to care and protection orders, who were admitted for the first time in 1996–97, ranged from 57% in the Northern Territory to 89% in Tasmania (Table 3.5).

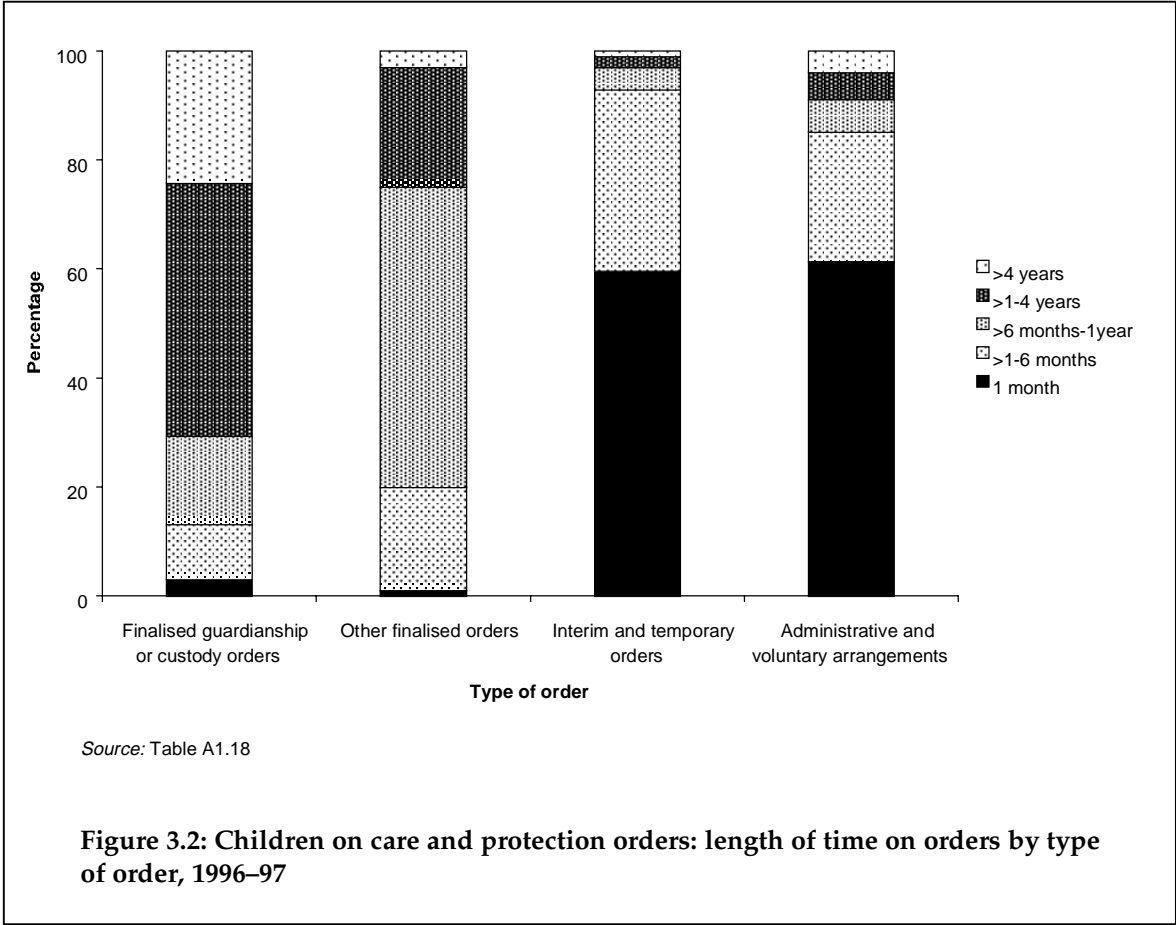
## Length of time on an order

A little over half (54%) of children who were discharged from a care and protection order during 1996–97 had been on an order for six months or less. Only 8% had been on an order for more than four years.

Length of time on an order varied considerably by the type of order (Figure 3.2). Children discharged from interim and temporary orders and from administrative and voluntary arrangements were most likely to have been on an order for one month or less. Children discharged from finalised guardianship or custody orders and other finalised orders had been on an order for longer time periods. Of children discharged from finalised guardianship or custody orders during 1996–97, 12% had been on an order for more than eight years (Table A1.18).

There was a much higher turnover of children on interim and temporary orders and administrative and voluntary arrangements. The proportion of children who were

discharged from these orders who had been on an order for one month or less was 59% and 62% respectively (Figure 3.2; Table A1.18).



**Orders issued**

There are more orders issued during a year than children admitted to an order because more than one order can be issued for any one child. For example, a child can be admitted to a temporary order followed by a custody order. Data were available from five jurisdictions on orders issued in 1996-97. The number of orders issued in 1996-97 ranged from 598 in the Northern Territory to 4,358 in Victoria (Table 3.6).

The ratio of children admitted to care and protection orders to orders issued varied considerably across the States and Territories. A high ratio of children admitted to orders issued indicates that a child is more likely to be put on a number of different orders. New South Wales had the lowest ratio of children to orders issued and Tasmania had the highest. In Western Australian there were 132 children admitted to care and protection orders and 132 orders issued (a ratio of 1 child to 1 order), whereas in Tasmania there were 246 children admitted to care and protection orders and 938 orders issued (a ratio of 1 child to 3.8 orders) (Table 3.6).

**Table 3.6: Number of care and protection orders issued during 1996–97 by type of order and ratio of children to orders issued by State and Territory**

<b>Type of order</b>	<b>NSW<sup>(a)</sup></b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>Tas</b>	<b>NT</b>
Finalised guardianship and custody	936	1,002	440	132	27	72
Other finalised orders	530	1,070	117	..	35	42
Interim and temporary orders	1,350	2,286	2,083	..	300	247
Administrative and temporary arrangements	1,398	..	..	..	576	237
<b>Total</b>	<b>4,267</b>	<b>4,358</b>	<b>2,640</b>	<b>132</b>	<b>938</b>	<b>598</b>
<b>Ratio of children to orders issued</b>	<b>1:1.3</b>	<b>1:1.5</b>	<b>1:2.9</b>	<b>1:1</b>	<b>1:3.8</b>	<b>1:2.4</b>

(a) The total number of orders issued in New South Wales includes 53 orders where the type of order was not known.

Note: South Australia and Australian Capital Territory data not available.

# 4 Out of home care

## Overview of the information on children in out of home care

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

Supported out of home care is one of a range of family services provided to families in crisis. 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.

The aims of placing children in out of home care are to:

- support families in crisis;
- provide a protective environment for children who have been abused or neglected;
- provide respite accommodation for children whose parents are ill or unable to care for them on a temporary basis; or
- provide an alternative home for a child because of conflict between the child and carer.

The current emphasis in policy and practice is on family reunification, with out of home care seen in many cases as a temporary alternative to assist the family. 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 substantiated child abuse and neglect

As noted earlier, in situations where children have been the subject of substantiated abuse and neglect, the community services department aims to work with the families to bring about positive change. The department generally attempts to keep these children with their families and only a minority are placed in out of home care.

Data on the placement in out of home care of children who are the subject of substantiated child abuse and neglect are generally not available. A recent South Australian research study, however, found that a child was placed out of home as a result of an investigation in only 3% (33) of the 996 families where abuse and neglect was substantiated (Children's Research Center 1997). There are also no data available on whether children are in out of home care for protective reasons.

### Out of home care and orders

Children can be placed in out of home care voluntarily or through some type of order. These orders include care and protection orders, other legal orders (such as juvenile justice orders) and formal administrative and voluntary arrangements (see Chapter 3). Most children in out of home care are on an order of some kind. In Queensland, Tasmania and the Northern

Territory, all children in out of home care are on an order (or, in Queensland, remanded in temporary custody awaiting the outcome of an application for an order).

In Western Australia, not all children in out of home care are on an order, but those who are on an order are placed on a guardianship order. In the other jurisdictions children in out of home care can be placed on a range of different orders. While 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 out of home care.

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

Data on out of home care were collected by the Australian Institute of Health and Welfare from State and Territory community services departments for the first time for 1995–96. These data, however, are not comparable with the 1996–97 data because of differences in scope and coverage of the two data collections. The Queensland data for 1996–97, for instance, include children on juvenile justice orders, whereas these children were excluded from the 1995–96 collection.

For 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, psychiatric services, juvenile justice facilities or overnight child care 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. For the purposes of this collection, these have been divided into two main categories:

- 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:
  - foster or community care;
  - relative/kinship care where the caregiver is authorised and reimbursed by the State or Territory; and
  - other home-based arrangements (including private board).
- 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 family group homes and other facility-based arrangements.

## **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 major differences are outlined below.

- In Victoria the data on children in out of home care include children on permanent care orders, since the State makes an ongoing payment for the care of these children.

- In Queensland the data exclude children in emergency overnight care for protective reasons where the caregiver is paid from emergency care funds. Queensland data include two children in out of home care who were 18 years or older.
- In Tasmania the data on children in the care of relatives or kin include children living with relatives on 'relatives allowances'.
- In the Northern Territory, the out of home care data include children living with relatives or kin (20 at 30 June 1997, of whom 12 were Indigenous) 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 in out of home care at 30 June 1997, unless otherwise stated. Australian totals have been provided where possible, although some States and Territories were not able to provide data for all items.

### Number and type of placements

#### Number of children

At 30 June 1997 there were 14,078 children in out of home care in Australia (Table 4.1). The number of children in out of home care ranged from 111 in the Northern Territory to 5,486 in New South Wales.

The number of children who were in at least one out of home placement during 1996–97 was higher than the number of children in out of home care at 30 June 1997. This is because a large number of children who were in out of home care at some time during 1996–97 were no longer in care at the end of the financial year. For example, in Queensland there were 3,021 children in out of home care during 1996–97 and 2,211 children in out of home care at 30 June 1997 (Table 4.1 and Table A1.19).



**Table 4.1: Children in out of home care by type of placement by State and Territory, at 30 June 1997**

Type of placement	NSW	Vic	Qld <sup>(a)</sup>	WA	SA <sup>(b)</sup>	Tas	ACT	NT	Total
<b>Number</b>									
Foster/community care	2,583	1,893	n.a	649	1,053	213	125	68	n.a.
Relatives/kinship care	2,375	737	n.a	216	96	155	37	20	n.a.
Other home-based	209	74	—	—	—	—	—	6	n.a.
Total home-based care	5,167	2,704	2,044	865	1,149	368	162	94	12,553
Facility-based care	311	689	167	177	44	93	11	17	1,509
Unknown placement type	8	—	—	8	—	—	—	—	16
<b>Total</b>	<b>5,486</b>	<b>3,393</b>	<b>2,211</b>	<b>1,050</b>	<b>1,193</b>	<b>461</b>	<b>173</b>	<b>111</b>	<b>14,078</b>
<b>Percentage</b>									
Foster/community care	47	56	n.a	62	88	46	72	61	n.a.
Relatives/kinship care	43	22	n.a	21	8	34	21	18	n.a.
Other home-based	4	2	—	—	—	—	—	5	n.a.
Total home-based care	94	80	92	83	96	80	94	85	89
Facility-based care	6	20	8	17	4	20	6	15	11
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

- (a) Queensland is not able to separate data on children who are living with relatives/kin from data on children who are in foster/community care.  
(b) In South Australia, a small number of children in family groups homes (less than 20 children) have been included in the foster/community care category (home-based care) rather than in 'facility-based care'.

## Type of placement

Most children (89%) who were in out of home care at 30 June 1997 were in home-based care (Table 4.1). This reflects the consistent trend over the past decades to substantially decreased use of facility-based or residential care and increased use of foster care. Most States and Territories have closed or are in the process of closing their larger residential facilities (Bath 1994).

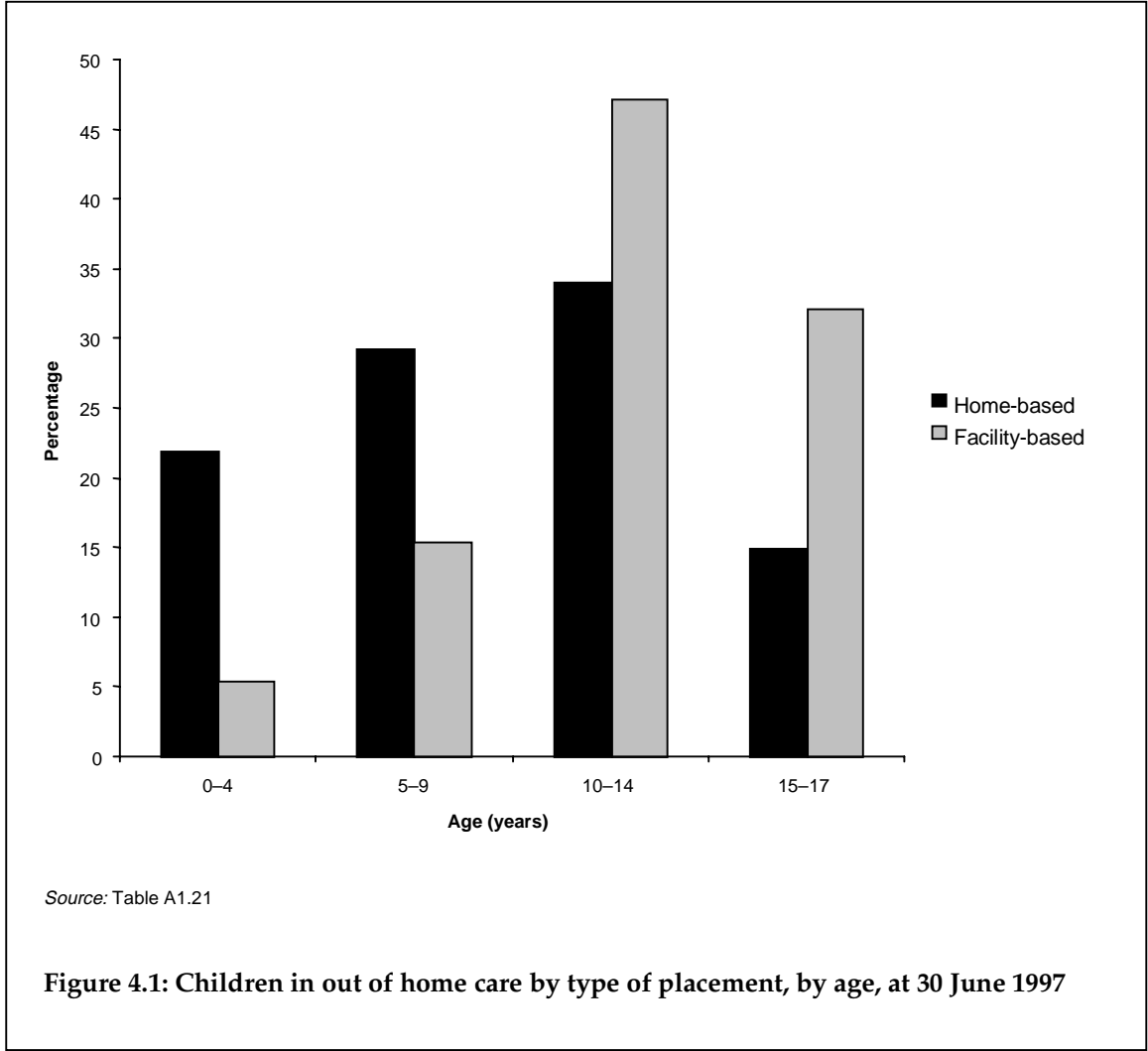
The proportion of children in out of home care who were living in facility-based care arrangements ranged from 4% in South Australia to 20% in Victoria and Tasmania. South Australia had a high proportion of children placed in foster or community care (88%), while New South Wales and Tasmania had relatively high proportions of children placed with relatives or kin (43% and 34% respectively).

No further details were known for 69 children in out of home care in New South Wales (61 living independently and 8 of no fixed address) and 44 children in residential care in South Australia. The following discussion therefore relates to 13,965 children in out of home care at 30 June 1997.

# Characteristics of children in out of home care

## Age and sex

Around one-third (35%) of children in out of home were aged 10–14 years. A further 28% were aged 5–9 years, 20% were aged under 5 years and 17% were aged 15–17 years. Just over half of all children in out of home care were male (Table A1.20).



In all States and Territories for which data were available, children in facility-based care were older than children in home-based care (Figure 4.1). For example, 88% of children in facility-based care in New South Wales were aged 10–17 years, with 33% aged 15–17 years. The corresponding proportions for children in home-based care were 46% and 13% respectively. The proportion of children in facility-based care who were aged under 5 years was relatively low in all jurisdictions, ranging from 2% in New South Wales and Queensland, to 14% in Western Australia (Table A1.21).

Children in facility-based care were more likely to be male than female (Table A1.22). The proportion of males in facility-based care ranged from 55% in Tasmania and the Australian Capital Territory to 79% in Queensland. There were slightly more girls than boys in home-based care in every jurisdiction except Victoria and Tasmania.

## Whether children were on an order

In Queensland, Tasmania and the Northern Territory, all children in out of home care were on an order (or, in Queensland, remanded in temporary custody awaiting the outcome of an application for an order). In other jurisdictions children may be placed voluntarily in out of home care. In these jurisdictions, the proportion of children in out of home care who were on some type of order ranged from 65% in Western Australia to 93% in New South Wales (Table 4.2). These orders included care and protection orders, other legal orders such as juvenile justice orders and formal administrative and voluntary arrangements.

**Table 4.2: Children in out of home care by whether the child was on an order, by State and Territory, at 30 June 1997**

Whether the child was on an order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA <sup>(b)</sup>	Tas	ACT	NT
<b>Number</b>								
On an order	5,059	2,332	2,211	683	n.a.	461	159	111
Not on an order	358	1,061	..	367	n.a.	..	14	..
<b>Total</b>	<b>5,417</b>	<b>3,393</b>	<b>2,211</b>	<b>1,050</b>	<b>n.a.</b>	<b>461</b>	<b>173</b>	<b>111</b>
<b>Percentage</b>								
On an order	93	69	100	65	n.a.	100	92	100
Not on an order	7	31	..	35	n.a.	..	8	..
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>n.a.</b>	<b>100</b>	<b>100</b>	<b>100</b>

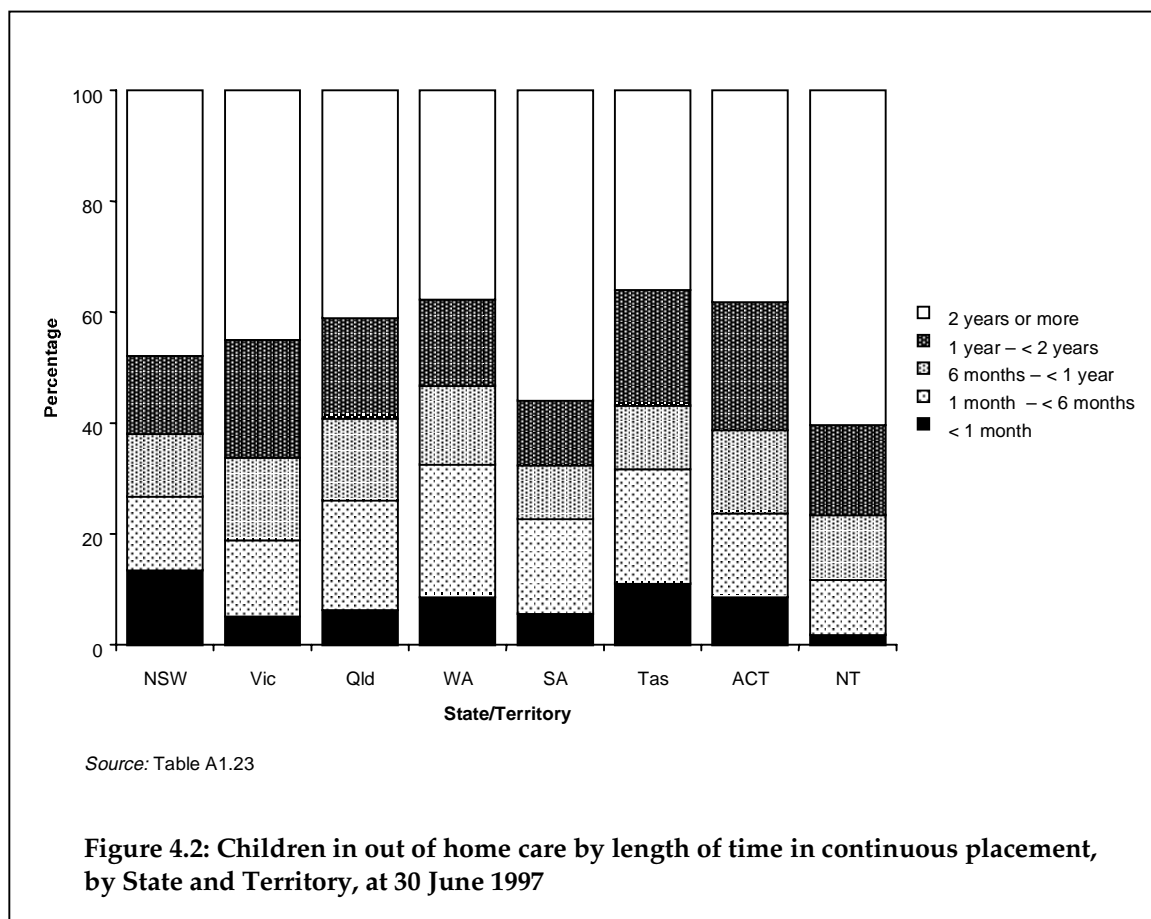
(a) Data exclude 69 children in New South Wales (61 living independently and 8 of no fixed address).

(b) Children on administrative and voluntary arrangements could not be distinguished.

## Length of time in placement

Data on the length of time that children who were in out of home care at 30 June 1997 had been continuously in placement were also collected. In most States and Territories more than 40% of the children in out of home care at 30 June 1997 had been in placement continuously for two or more years. This varied across the States and Territories, however, with children in Tasmania, the Australian Capital Territory and Western Australia more likely to have been in out of home care for a shorter period of time than children in other jurisdictions (Figure 4.2).

While data were not available for all jurisdictions, it is likely that many of the children in care for periods of less than one month were in care for respite reasons, for instance, because their carer was ill and unable to care for the child. Only New South Wales, Victoria and the Australian Capital Territory were able to separate out children in respite care from other children in out of home care. Of children in out of home care for less than one month, 73% in New South Wales, 61% in Victoria and 20% in the Australian Capital Territory were in respite care.



## Rates of children in out of home care

In Australia there were 3.0 children per 1,000 aged 0–17 years in out of home care at 30 June 1997. The rates of children in out of home care varied considerably by State and Territory and ranged from 1.9 per 1,000 in the Northern Territory to 3.7 per 1,000 in Tasmania (Table 4.3). There are likely to be a number of different reasons for the variation in rates between jurisdictions. These include the different policies and practices of the community services departments in relation to out of home care, and the availability of appropriate care options for children who are regarded as being in need of this type of service.

## Indigenous children

### Number and rates

Data on the number of Indigenous children in out of home care and the rate per 1,000 children clearly illustrate the over-representation of Indigenous children in out of home care in all jurisdictions (Table 4.3).

**Table 4.3: 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 1997**

State/Territory	Indigenous	Other	Total	Indigenous	Other	Total
	No. of children			Rate per 1,000 children		
NSW <sup>(a)</sup>	1,270	4,147	5,417	25.6	2.7	3.4
Vic	304	3,089	3,393	30.5	2.7	3.0
Qld	549	1,662	2,211	11.7	2.0	2.5
WA	318	732	1,050	12.8	1.6	2.2
SA <sup>(b)</sup>	219	930	1,149	22.9	2.7	3.2
Tas	39	422	461	5.5	3.6	3.7
ACT	28	145	173	20.8	1.8	2.1
NT	58	53	111	2.6	1.5	1.9
<b>Australia</b>	<b>2,785</b>	<b>11,180</b>	<b>13,965</b>	<b>16.3</b>	<b>2.5</b>	<b>3.0</b>

(a) Data exclude 69 children in New South Wales (61 living independently and 8 of no fixed address) and children in respite care.  
(b) Data exclude 44 children in South Australia in residential care for whom no other details are known.

Note: For details on the calculation of rates and the coding of Indigenous status refer to Appendix 2.

In New South Wales, for example, 25.6 Indigenous children per 1,000 aged 0–17 years were in out of home care compared with 2.7 per 1,000 for other children; and in Victoria the respective rates were 30.5 and 2.7. The difference between the two rates was lowest in Tasmania (5.5 for Indigenous children compared with 3.6 for other children) and the Northern Territory (2.6 and 1.5 respectively).

### Indigenous status of caregivers

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

- with the child’s extended family;
- within the child’s Aboriginal community; or
- with other Aboriginal people.

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy (Lock 1997, p. 118).

The Indigenous status of caregivers was collected for Indigenous children in out of home care. The proportion of Indigenous children placed with an Indigenous caregiver ranged from 5% in Tasmania to 86% in New South Wales (Table 4.4). The relatively low proportion of Indigenous children who were placed with an Indigenous caregiver in Tasmania and the Australian Capital Territory is likely to be related to the small Indigenous populations in these jurisdictions.

States or Territories may still comply with the Aboriginal Child Placement Principle by placing Indigenous children with non-Indigenous relatives. Information on whether Indigenous children were placed with non-Indigenous relatives was not collected in 1996–97. This information will be collected in 1997–98.

**Table 4.4: Indigenous children in out of home care by Indigenous status of caregiver, by State and Territory, at 30 June 1997**

Status of caregiver	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA <sup>(c)</sup>	Tas	ACT	NT <sup>(d)</sup>
	<b>Number</b>							
Indigenous	1,067	243	381	241	138	2	12	n.a.
Other	173	61	139	77	81	37	16	n.a.
Unknown	30	—	29	—	—	—	—	n.a.
<b>Total</b>	<b>1,270</b>	<b>304</b>	<b>549</b>	<b>318</b>	<b>219</b>	<b>39</b>	<b>28</b>	<b>n.a.</b>
	<b>Percentage</b>							
Indigenous children with Indigenous caregiver	86	80	73	76	63	5	43	n.a.

(a) Data exclude 69 children in New South Wales (61 living independently and 8 of no fixed address) and children in respite care.

(b) In Queensland there were 29 Indigenous children for whom the Indigenous status of caregiver could not be determined because the children were living in facility-based care.

(c) Data exclude 44 children in South Australia in residential care for whom no other details are known.

(d) The Northern Territory does not record Indigenous status of caregiver.

*Note:* For information of the coding of Indigenous status see Appendix 2.

# Conclusion

The first national child protection report includes data from three areas of child protection—child abuse and neglect, children on care and protection orders and children in out of home care. Combining the three data collections has resulted in a more comprehensive report on children who come into contact with community services departments for protective reasons. The linkages between the data collections and data on the movement of children between the three different areas, however, are minimal and require further development. There are also no national data on other types of assistance that are provided by State and Territory Governments to children in need of protection and their families.

The national child protection data come from the administrative databases of the community services department in each State and Territory. There were particular problems with the data on child abuse and neglect this year. The data from New South Wales and Queensland did not cover the full 1996–97 financial year because of changes to the administrative system in those States. This meant that Australian totals could not be provided and this year's data cannot be compared with the previous year's data. The scope of the data on children on care and protection orders was also considerably expanded and new categories of orders were included so that the data were not comparable with data from the previous year.

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 jurisdictions can relate to slightly different types of events. For example:

- notifications of child abuse and neglect include reports of child concerns in Victoria and South Australia but not in other jurisdictions;
- some jurisdictions substantiate abuse and neglect by a stranger while others do not; and
- Western Australia has only one type of care and protection order while other jurisdictions have a wide range of orders.

These differences mean that there are problems in directly comparing the data provided by the different States and Territories. The work that is now being undertaken by the States and Territories and the Australian Institute of Health and Welfare should improve the comparability of the child protection data.

Changes to policies and procedures that occur within the States and Territories also impact on the data that they provide. Child protection systems are constantly being modified and this means that the data can change from year to year. These changes, as well as changes in the scope of the data collection, mean that it is difficult to develop reliable time series data that show the changes over time in the number of children who are seen to be in need of protection.

The child protection data could be further enhanced by collecting data on a regional basis, as well as by combining the data with economic and social indicators, such as family income. This would allow the data to be analysed in a broader social context and would increase our understanding of the families who come into contact with community service departments because their children are seen to be in need of protection.

# Appendix 1: Detailed tables

## Child abuse and neglect

Table A1.1: Substantiations of child abuse and neglect: sex and age of child, by State and Territory, 1996–97

Age of child in years	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Males</b>	<b>Number</b>							
<1	68	380	243	31	63	2	18	13
1–4	189	997	653	113	308	25	67	26
5–9	265	947	751	134	395	26	53	29
10–14	214	889	741	117	311	22	56	38
15–17	31	205	98	20	50	6	5	4
Unknown	7	—	—	1	30	36	—	—
<b>Total</b>	<b>774</b>	<b>3,418</b>	<b>2,486</b>	<b>416</b>	<b>1,157</b>	<b>117</b>	<b>199</b>	<b>110</b>
<b>Males</b>	<b>Percentage</b>							
<1	9	11	10	7	5	2	9	12
1–4	24	29	26	27	27	21	34	24
5–9	34	28	30	32	34	22	27	26
10–14	28	26	30	28	27	19	28	35
15–17	4	6	4	5	4	5	3	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Females</b>	<b>Number</b>							
<1	48	330	189	37	65	1	17	7
1–4	179	848	576	116	303	20	52	33
5–9	282	846	679	151	399	19	50	28
10–14	386	1,085	767	191	411	32	41	58
15–17	111	411	198	68	123	23	17	16
Unknown	11	—	—	1	53	32	—	—
<b>Total</b>	<b>1,017</b>	<b>3,520</b>	<b>2,409</b>	<b>564</b>	<b>1,354</b>	<b>127</b>	<b>177</b>	<b>142</b>
<b>Females</b>	<b>Percentage</b>							
<1	5	9	8	7	5	1	10	5
1–4	18	24	24	21	22	16	29	23
5–9	28	24	28	27	29	15	28	20
10–14	38	31	32	34	30	25	23	41
15–17	11	12	8	12	9	18	10	11
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(continued)



**Table A1.1 (continued): Substantiations of child abuse and neglect: sex and age of child, by State and Territory, 1996–97**

Age of child in years	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Persons<sup>(c)</sup></b>	<b>Number</b>							
<1	116	735	432	69	129	3	35	20
1–4	368	1,871	1,229	230	616	45	119	59
5–9	547	1,822	1,430	285	797	45	103	57
10–14	600	1,988	1,508	308	725	54	97	96
15–17	142	618	296	88	173	29	22	20
Unknown	18	—	—	2	87	68	—	—
<b>Total</b>	<b>1,791</b>	<b>7,034</b>	<b>4,895</b>	<b>982</b>	<b>2,527</b>	<b>244</b>	<b>376</b>	<b>252</b>
<b>Persons<sup>(c)</sup></b>	<b>Percentage</b>							
<1	6	10	9	7	5	1	9	8
1–4	21	27	25	23	24	18	32	23
5–9	31	26	29	29	32	18	27	23
10–14	34	28	31	31	29	22	26	38
15–17	8	9	6	9	7	12	6	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data for New South Wales refer to the three-month period from 1 April to 30 June 1997.

(b) Queensland could not provide data for the financial year 1996–97. Data refers to calendar year 1996.

(c) Persons includes substantiations involving children where sex was unknown.

**Table A1.2: Substantiations by age of child by type of abuse and neglect, New South Wales, 1 April – 30 June 1997**

Age of child	Physical abuse			Emotional abuse			Sexual abuse			Neglect			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Months</b>															
Under 2	9	4	13	3	1	4	—	—	—	9	10	19	21	15	36
2 and under 6	7	6	13	—	2	2	—	—	—	6	4	10	13	12	25
6 and under 12	11	4	15	7	5	12	—	1	1	16	11	27	34	21	55
<b>Years</b>															
1	12	9	21	5	4	9	—	5	5	17	18	35	34	36	70
2	20	22	42	6	4	10	3	8	11	16	7	23	45	41	86
3	23	13	36	11	8	19	11	21	32	15	10	25	60	52	112
4	21	18	39	3	5	8	9	21	30	17	6	23	50	50	100
5	19	14	33	6	3	9	11	22	33	10	14	24	46	53	99
6	29	14	43	6	6	12	10	26	36	15	13	28	60	59	119
7	26	14	40	8	2	10	17	19	36	12	19	31	63	54	117
8	21	25	46	4	6	10	5	24	29	14	15	29	44	70	114
9	28	13	41	2	5	7	6	16	22	16	12	28	52	46	98
10	20	19	39	7	1	8	12	25	37	6	8	14	45	53	98
11	20	19	39	4	3	7	5	35	40	8	5	13	37	62	99
12	26	31	57	9	5	14	6	42	48	6	3	9	47	81	128
13	25	29	54	3	6	9	11	43	54	6	4	10	45	82	127
14	22	42	64	3	5	8	10	57	67	5	4	9	40	108	148
15	9	31	40	2	3	5	5	41	46	3	4	7	19	79	98
16	7	11	18	—	—	—	2	12	14	—	—	—	9	23	32
17	2	5	7	—	—	—	1	4	5	—	—	—	3	9	12
Not stated	3	5	8	—	1	1	2	4	6	2	1	3	7	11	18
<b>Total</b>	<b>360</b>	<b>348</b>	<b>708</b>	<b>89</b>	<b>75</b>	<b>164</b>	<b>126</b>	<b>426</b>	<b>552</b>	<b>199</b>	<b>168</b>	<b>367</b>	<b>774</b>	<b>1,017</b>	<b>1,791</b>

**Table A1.3: Substantiations by age of child by type of abuse and neglect, Victoria, 1996–97**

Age of child	Physical abuse				Emotional abuse				Sexual abuse				Neglect				Total			
	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P
<b>Months</b>																				
Under 2	30	36	1	67	74	64	12	150	4	4	—	8	42	36	3	81	150	140	16	306
2 and under 6	25	20	—	45	53	46	—	99	3	—	—	3	27	24	1	52	108	90	1	199
6 and under 12	25	20	—	45	58	45	3	106	2	2	—	4	37	33	5	75	122	100	8	230
<b>Years</b>																				
1	50	46	2	98	106	92	3	201	9	5	—	14	89	71	2	162	254	214	7	475
2	61	52	—	113	91	93	2	186	7	12	—	19	91	52	2	145	250	209	4	463
3	48	40	2	90	97	88	4	189	12	20	1	33	85	55	2	142	242	203	9	454
4	62	45	1	108	103	93	2	198	18	20	1	39	68	64	2	134	251	222	6	479
5	60	49	1	110	75	74	6	155	12	17	—	29	56	47	2	105	203	187	9	399
6	53	39	1	93	94	70	2	166	21	23	—	44	53	47	2	102	221	179	5	405
7	68	48	4	120	62	78	5	145	17	18	—	35	39	40	—	79	186	184	9	379
8	59	35	2	96	53	50	1	104	12	14	—	26	43	43	1	87	167	142	4	313
9	51	45	—	96	74	61	—	135	7	19	—	26	38	29	2	69	170	154	2	326
10	40	37	1	78	73	61	1	135	7	31	1	39	32	25	—	57	152	154	3	309
11	50	40	1	91	80	42	—	122	10	25	—	35	32	28	—	60	172	135	1	308
12	68	39	2	109	55	78	—	133	12	23	2	37	36	27	—	63	171	167	4	342
13	72	78	1	151	59	104	1	164	13	33	—	46	46	50	—	96	190	265	2	457
14	62	105	2	169	68	131	1	200	5	30	1	36	69	98	—	167	204	364	4	572
15	31	95	—	126	72	94	—	166	8	33	—	41	50	65	—	115	161	287	—	448
16	14	35	1	50	18	50	—	68	3	16	—	19	8	17	—	25	43	118	1	162
17	—	4	—	4	—	2	—	2	—	—	1	1	1	—	—	1	1	6	1	8
Not stated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>929</b>	<b>908</b>	<b>22</b>	<b>1,859</b>	<b>1,365</b>	<b>1,416</b>	<b>43</b>	<b>2,824</b>	<b>182</b>	<b>345</b>	<b>7</b>	<b>534</b>	<b>942</b>	<b>851</b>	<b>24</b>	<b>1,817</b>	<b>3,418</b>	<b>3,520</b>	<b>96</b>	<b>7,034</b>

**Table A1.4: Substantiations by age of child by type of abuse and neglect, Queensland, 1996–97**

Age of child	Physical abuse			Emotional abuse			Sexual abuse			Neglect			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Months</b>															
Under 2	12	7	19	6	4	10	1	—	1	30	23	53	49	34	83
2 and under 6	24	22	46	5	8	13	—	—	—	43	40	83	72	70	142
6 and under 12	37	27	64	17	10	27	—	—	—	68	48	116	122	85	207
<b>Years</b>															
1	44	38	82	32	19	51	2	3	5	81	82	163	159	142	301
2	65	40	105	33	28	61	1	4	5	82	86	168	181	158	339
3	34	35	69	41	36	77	4	12	16	76	68	144	155	151	306
4	52	32	84	37	30	67	4	6	10	65	57	122	158	125	283
5	62	39	101	37	34	71	7	15	22	59	58	117	165	146	311
6	61	31	92	32	26	58	10	11	21	58	53	111	161	121	282
7	53	43	96	32	41	73	3	17	20	56	43	99	144	144	288
8	52	45	97	26	31	57	2	18	20	50	50	100	130	144	274
9	48	37	85	32	26	58	6	20	26	65	41	106	151	124	275
10	62	50	112	29	20	49	3	12	15	56	34	90	150	116	266
11	58	38	96	23	21	44	4	25	29	56	39	95	141	123	264
12	64	37	101	22	23	45	3	26	29	38	41	79	127	127	254
13	70	67	137	32	44	76	1	16	17	47	47	94	150	174	324
14	59	89	148	36	44	80	5	31	36	73	63	136	173	227	400
15	45	68	113	14	19	33	—	29	29	18	29	47	77	145	222
16	5	16	21	7	5	12	2	14	16	7	11	18	21	46	67
17	—	4	4	—	—	—	—	2	2	—	1	1	—	7	7
Not stated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>907</b>	<b>765</b>	<b>1,672</b>	<b>493</b>	<b>469</b>	<b>962</b>	<b>58</b>	<b>261</b>	<b>319</b>	<b>1,028</b>	<b>914</b>	<b>1,942</b>	<b>2,486</b>	<b>2,409</b>	<b>4,895</b>

**Table A1.5: Substantiations by age of child by type of abuse and neglect, Western Australia, 1996–97**

Age of child	Physical abuse				Emotional abuse				Sexual abuse				Neglect				Total			
	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P
<b>Months</b>																				
Under 2	—	—	—	—	—	—	—	—	—	—	—	—	3	2	—	5	3	2	—	5
2 and under 6	8	5	—	13	—	—	—	—	—	—	—	—	3	12	—	15	11	17	—	28
6 and under 12	8	5	1	14	—	1	—	1	—	—	—	—	9	12	—	21	17	18	1	36
<b>Years</b>																				
1	9	7	—	16	2	—	—	2	1	2	—	3	18	10	—	28	30	19	—	49
2	12	10	—	22	1	3	—	4	3	9	—	12	9	9	1	19	25	31	1	57
3	14	13	—	27	1	4	—	5	5	8	—	13	7	9	—	16	27	34	—	61
4	16	9	—	25	—	1	—	1	7	16	—	23	8	6	—	14	31	32	—	63
5	13	6	—	19	1	—	—	1	9	15	—	24	6	3	—	9	29	24	—	53
6	13	11	—	24	1	2	—	3	6	12	—	18	6	3	—	9	26	28	—	54
7	21	10	—	31	2	1	—	3	5	18	—	23	3	5	—	8	31	34	—	65
8	10	10	—	20	2	2	—	4	4	15	—	19	7	6	—	13	23	33	—	56
9	14	8	—	22	3	1	—	4	4	18	—	22	4	5	—	9	25	32	—	57
10	16	12	—	28	2	2	—	4	1	18	—	19	2	11	—	13	21	43	—	64
11	18	5	—	23	6	—	—	6	5	11	—	16	2	7	—	9	31	23	—	54
12	9	11	—	20	1	3	—	4	4	20	—	24	1	3	—	4	15	37	—	52
13	19	20	—	39	—	2	—	2	6	25	—	31	1	4	—	5	26	51	—	77
14	19	19	—	38	2	—	—	2	3	17	—	20	—	1	—	1	24	37	—	61
15	7	20	—	27	—	—	—	—	3	20	—	23	1	2	—	3	11	42	—	53
16	4	9	—	13	—	—	—	—	2	8	—	10	—	1	—	1	6	18	—	24
17	—	2	—	2	—	—	—	—	3	6	—	9	—	—	—	—	3	8	—	11
Not stated	—	1	—	1	—	—	—	—	1	—	—	1	—	—	—	—	1	1	—	2
<b>Total</b>	<b>230</b>	<b>193</b>	<b>1</b>	<b>424</b>	<b>24</b>	<b>22</b>	<b>—</b>	<b>46</b>	<b>72</b>	<b>238</b>	<b>—</b>	<b>310</b>	<b>90</b>	<b>111</b>	<b>1</b>	<b>202</b>	<b>416</b>	<b>564</b>	<b>2</b>	<b>982</b>

**Table A1.6: Substantiations by age of child by type of abuse and neglect, South Australia, 1996–97**

Age of child	Physical abuse				Emotional abuse				Sexual abuse				Neglect				Total			
	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P
<b>Months</b>																				
Under 2	5	1	—	6	6	4	—	10	—	—	—	—	1	4	1	6	12	9	1	22
2 and under 6	9	7	—	16	7	7	—	14	—	1	—	1	5	16	—	21	21	31	—	52
6 and under 12	13	7	—	20	9	5	—	14	—	1	—	1	8	12	—	20	30	25	—	55
<b>Years</b>																				
1	15	12	—	27	24	14	—	38	1	3	—	4	31	27	—	58	71	56	—	127
2	27	25	—	52	9	27	—	36	3	11	—	14	36	26	2	64	75	89	2	166
3	28	23	1	52	13	9	1	23	11	19	—	30	25	28	—	53	77	79	2	158
4	23	13	—	36	18	22	—	40	13	21	—	34	31	23	1	55	85	79	1	165
5	24	26	—	50	17	14	—	31	11	22	—	33	20	29	—	49	72	91	—	163
6	31	16	—	47	19	20	—	39	14	19	—	33	25	26	—	51	89	81	—	170
7	28	17	—	45	19	23	—	42	17	18	—	35	25	19	—	44	89	77	—	166
8	21	21	—	42	21	14	—	35	7	23	—	30	12	27	—	39	61	85	—	146
9	28	17	—	45	18	14	—	32	13	18	—	31	25	16	3	44	84	65	3	152
10	24	28	—	52	19	21	—	40	8	25	—	33	21	14	—	35	72	88	—	160
11	36	25	1	62	15	19	—	34	9	27	—	36	12	13	—	25	72	84	1	157
12	26	21	—	47	20	10	—	30	7	22	—	29	19	11	—	30	72	64	—	136
13	23	28	1	52	5	6	—	11	11	32	—	43	12	11	—	23	51	77	1	129
14	21	47	1	69	8	12	—	20	9	33	—	42	6	6	—	12	44	98	1	143
15	17	30	—	47	4	15	—	19	5	21	—	26	6	1	—	7	32	67	—	99
16	8	12	—	20	1	4	—	5	5	15	—	20	—	1	—	1	14	32	—	46
17	2	12	—	14	—	—	—	—	2	11	—	13	—	1	—	1	4	24	—	28
Not stated	13	8	—	21	5	9	2	16	6	15	—	21	6	21	2	29	30	53	4	87
<b>Total</b>	<b>422</b>	<b>396</b>	<b>4</b>	<b>822</b>	<b>257</b>	<b>269</b>	<b>3</b>	<b>529</b>	<b>152</b>	<b>357</b>	<b>—</b>	<b>509</b>	<b>326</b>	<b>332</b>	<b>9</b>	<b>667</b>	<b>1,157</b>	<b>1,354</b>	<b>16</b>	<b>2,527</b>

**Table A1.7: Substantiations by age of child by type of abuse and neglect, Tasmania, 1996–97**

Age of child	Physical abuse			Emotional abuse			Sexual abuse			Neglect			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Months</b>															
Under 2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2 and under 6	1	—	1	—	—	—	—	—	—	—	—	—	1	—	1
6 and under 12	1	1	2	—	—	—	—	—	—	—	—	—	1	1	2
<b>Years</b>															
1	3	2	5	1	—	1	—	—	—	2	5	7	6	7	13
2	5	1	6	2	1	3	—	—	—	1	1	2	8	3	11
3	—	2	2	—	1	1	—	—	—	2	2	4	2	5	7
4	3	1	4	—	1	1	—	2	2	6	1	7	9	5	14
5	1	—	1	—	—	—	—	2	2	2	—	2	3	2	5
6	—	—	—	1	—	1	—	1	1	4	1	5	5	2	7
7	2	2	4	—	1	1	1	—	1	4	—	4	7	3	10
8	3	4	7	1	—	1	2	1	3	2	2	4	8	7	15
9	—	1	1	1	—	1	—	4	4	2	—	2	3	5	8
10	—	—	—	—	—	—	1	1	2	—	4	4	1	5	6
11	2	1	3	—	1	1	1	1	2	3	1	4	6	4	10
12	3	4	7	—	1	1	2	2	4	1	1	2	6	8	14
13	6	1	7	—	—	—	1	1	2	—	5	5	7	7	14
14	1	6	7	—	—	—	1	2	3	—	—	—	2	8	10
15	4	4	8	—	2	2	—	6	6	1	—	1	5	12	17
16	—	3	3	—	—	—	—	4	4	—	1	1	—	8	8
17	1	—	1	—	—	—	—	3	3	—	—	—	1	3	4
Not stated	14	9	23	—	3	3	10	14	24	12	6	18	36	32	68
<b>Total</b>	<b>50</b>	<b>42</b>	<b>92</b>	<b>6</b>	<b>11</b>	<b>17</b>	<b>19</b>	<b>44</b>	<b>63</b>	<b>42</b>	<b>30</b>	<b>72</b>	<b>117</b>	<b>127</b>	<b>244</b>

**Table A1.8: Substantiations by age of child by type of abuse and neglect, Australian Capital Territory, 1996–97**

Age of child	Physical abuse			Emotional abuse			Sexual abuse			Neglect			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Months</b>															
Under 2	—	2	2	—	—	—	—	—	—	5	3	8	5	5	10
2 and under 6	1	—	1	—	—	—	—	—	—	4	1	5	5	1	6
6 and under 12	4	2	6	1	1	2	—	—	—	3	8	11	8	11	19
<b>Years</b>															
1	3	1	4	—	3	3	—	—	—	12	10	22	15	14	29
2	6	1	7	2	2	4	—	—	—	13	10	23	21	13	34
3	2	2	4	5	1	6	—	—	—	12	9	21	19	12	31
4	3	5	8	2	3	5	3	1	4	4	4	8	12	13	25
5	2	5	7	1	4	5	—	2	2	8	7	15	11	18	29
6	5	2	7	3	3	6	—	—	—	4	1	5	12	6	18
7	3	5	8	3	2	5	—	—	—	4	4	8	10	11	21
8	4	2	6	2	—	2	—	1	1	6	4	10	12	7	19
9	—	7	7	3	—	3	—	1	1	5	—	5	8	8	16
10	5	2	7	—	2	2	—	—	—	5	2	7	10	6	16
11	6	2	8	4	1	5	—	—	—	6	1	7	16	4	20
12	7	4	11	3	1	4	—	4	4	3	1	4	13	10	23
13	8	6	14	—	1	1	—	1	1	—	3	3	8	11	19
14	4	5	9	2	2	4	—	2	2	3	1	4	9	10	19
15	2	8	10	—	2	2	—	3	3	—	—	—	2	13	15
16	2	3	5	—	—	—	—	—	—	1	—	1	3	3	6
17	—	—	—	—	—	—	—	1	1	—	—	—	—	1	1
Not stated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>67</b>	<b>64</b>	<b>131</b>	<b>31</b>	<b>28</b>	<b>59</b>	<b>3</b>	<b>16</b>	<b>19</b>	<b>98</b>	<b>69</b>	<b>167</b>	<b>199</b>	<b>177</b>	<b>376</b>



**Table A1.9: Substantiations by age of child by type of abuse and neglect, Northern Territory, 1996–97**

Age of child	Physical abuse			Emotional abuse			Sexual abuse			Neglect			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Months</b>															
Under 2	2	1	3	—	—	—	—	—	—	2	—	2	4	1	5
2 and under 6	1	4	5	—	—	—	—	—	—	2	—	2	3	4	7
6 and under 12	5	—	5	—	—	—	—	—	—	1	2	3	6	2	8
<b>Years</b>															
1	6	4	10	—	—	—	—	1	1	6	8	14	12	13	25
2	3	5	8	1	2	3	—	1	1	1	2	3	5	10	15
3	2	1	3	1	—	1	—	—	—	—	1	1	3	2	5
4	1	3	4	1	1	2	—	2	2	4	2	6	6	8	14
5	5	2	7	1	—	1	—	2	2	2	2	4	8	6	14
6	4	2	6	—	—	—	1	1	2	2	—	2	7	3	10
7	4	3	7	—	—	—	1	2	3	1	—	1	6	5	11
8	2	2	4	—	1	1	—	1	1	1	2	3	3	6	9
9	4	3	7	—	1	1	1	1	2	—	3	3	5	8	13
10	8	3	11	—	—	—	—	—	—	2	2	4	10	5	15
11	7	5	12	—	—	—	1	6	7	—	2	2	8	13	21
12	6	11	17	1	—	1	—	—	—	3	—	3	10	11	21
13	4	6	10	2	3	5	1	4	5	3	1	4	10	14	24
14	—	11	11	—	—	—	—	2	2	—	2	2	—	15	15
15	3	8	11	—	1	1	1	3	4	—	—	—	4	12	16
16	—	1	1	—	—	—	—	1	1	—	—	—	—	2	2
17	—	1	1	—	—	—	—	1	1	—	—	—	—	2	2
Not stated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>67</b>	<b>76</b>	<b>143</b>	<b>7</b>	<b>9</b>	<b>16</b>	<b>6</b>	<b>28</b>	<b>34</b>	<b>30</b>	<b>29</b>	<b>59</b>	<b>110</b>	<b>142</b>	<b>252</b>

**Table A1.10: Children who were the subject of a substantiation: type of abuse or neglect, by Indigenous status, by State and Territory, 1996–97**

	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
<b>Type of abuse or neglect</b>								
Physical abuse	42	78	206	63	48	9	8	71
Emotional abuse	11	143	68	2	54	—	—	3
Sexual abuse	28	25	33	61	24	1	—	20
Neglect	49	119	258	93	114	6	15	34
<b>Total</b>	<b>130</b>	<b>365</b>	<b>565</b>	<b>219</b>	<b>240</b>	<b>16</b>	<b>23</b>	<b>128</b>
<b>Other children</b>								
<b>Type of abuse or neglect</b>								
Physical abuse	628	1,719	1,160	348	722	73	112	65
Emotional abuse	139	2,501	620	44	350	14	51	12
Sexual abuse	501	472	231	246	442	59	16	14
Neglect	271	1,557	914	99	372	61	113	23
<b>Total</b>	<b>1,539</b>	<b>6,249</b>	<b>2,925</b>	<b>737</b>	<b>1,886</b>	<b>207</b>	<b>292</b>	<b>114</b>

(a) Data for New South Wales refers to the three-month period from 1 April to 30 June 1997.

(b) Queensland could not provide data for the financial year 1996–97. Data refers to calendar year 1996.

**Table A1.11: Finalised investigations: source of notification, by State and Territory, 1996–97**

Source of notification	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT <sup>(c)</sup>
Subject child	40	175	613	88	217	31	8	8
Parent/guardian	454	1,387	1,823	268	1,000	155	115	40
Sibling	—	135	94	15	29	9	3	6
Other relative	289	925	1,265	131	641	94	104	38
Friend/neighbour	347	1,415	2,665	173	998	168	225	71
Medical practitioner	127	573	365	28	231	18	39	11
Other health	108	491	95	9	57	41	18	10
Hospital/health centre	225	111	173	149	335	23	11	70
Social worker	290	2,258	973	12	364	30	30	29
School personnel	1,242	2,002	727	235	1,418	142	75	53
Child care personnel	47	229	134	35	83	14	6	3
Police	466	2,393	1,224	211	808	50	93	65
Departmental officer	25	926	—	138	116	71	42	—
Non-govt organisation	82	118	46	83	3	32	80	16
Anonymous	145	551	555	50	186	27	37	14
Other	116	317	911	86	472	66	39	39
Not stated	20	—	—	—	28	861	19	—
<b>Total</b>	<b>4,023</b>	<b>14,006</b>	<b>11,663</b>	<b>1,711</b>	<b>6,986</b>	<b>1,832</b>	<b>944</b>	<b>473</b>
	<b>Percentage<sup>(d)</sup></b>							
Subject child	1	1	5	5	3	3	1	2
Parent/guardian	11	10	16	16	14	16	12	9
Sibling	—	1	1	1	—	1	—	1
Other relative	7	7	11	8	9	10	11	8
Friend/neighbour	9	10	23	10	14	17	24	15
Medical practitioner	3	4	3	2	3	2	4	2
Other health	3	4	1	1	1	4	2	2
Hospital/health centre	6	1	1	9	5	2	1	15
Social worker	7	16	8	1	5	3	3	6
School personnel	31	14	6	14	20	15	8	11
Child care personnel	1	2	1	2	1	1	1	1
Police	12	17	10	12	12	5	10	14
Departmental officer	1	7	—	8	2	7	5	—
Non-govt organisation	2	1	—	5	—	3	9	3
Anonymous	4	4	5	3	3	3	4	3
Other	3	2	8	5	7	7	4	7
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data for New South Wales refers to the three-month period from 1 April to 30 June 1997.

(b) Queensland identifies 'Maltreater' as a separate category if they are also the source of a notification. 'Maltreater' has been included in the 'Other' category. Queensland could not provide data for the financial year 1996–97. Data refers to calendar year 1996.

(c) Where the source of the notification was the 'maltreater' (five incidences) this is included in the 'Other' category.

(d) Percentages calculated as a percentage of finalised investigations where source is known.

**Table A1.12: Substantiations by source of notification, by State and Territory, 1996–97**

Source of notification	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT	NT <sup>(c)</sup>
Subject child	27	117	302	65	104	3	5	7
Parent/guardian	203	702	814	160	359	10	54	18
Sibling	—	51	28	10	5	2	—	4
Other relative	103	416	449	69	194	13	34	20
Friend/neighbour	107	664	794	58	192	24	60	22
Medical practitioner	66	313	180	20	80	4	23	3
Other health	54	269	47	7	20	6	11	5
Hospital/health centre	102	50	101	101	131	4	4	51
Social/welfare worker	140	1,160	551	7	145	6	14	19
School personnel	603	1,036	369	141	558	48	43	30
Child care personnel	15	75	48	9	26	—	3	—
Police	235	1,398	682	138	462	20	46	44
Departmental officer	11	531	—	82	58	19	15	—
Non-govt organisation	42	70	32	57	2	7	35	5
Anonymous	31	115	98	7	34	—	7	6
Other	42	67	400	51	148	3	18	13
Not stated	10	—	—	—	9	75	4	5
<b>Total</b>	<b>1,791</b>	<b>7,034</b>	<b>4,895</b>	<b>982</b>	<b>2,527</b>	<b>244</b>	<b>376</b>	<b>252</b>

(a) Data for New South Wales refers to the three-month period from 1 April to 30 June 1997.

(b) Queensland identifies 'Maltreater' as a separate category if they are also the source of a notification. 'Maltreater' has been included in the 'Other' category. Queensland could not provide data for the financial year 1996–97. Data refers to calendar year 1996.

(c) Where the source of the notification was the 'Maltreater' (five incidences) they have been included in the 'Other' category.

**Table A1.13: Children aged 0–17 years: number of substantiations of abuse and neglect in 1996–97 and estimated number of children in the population, by family type, for selected States and Territories<sup>(a)</sup>**

	Two-parent—natural	Two-parent—other	Single parent
Number of substantiations of abuse or neglect	1,593	1,715	3,092
Estimated number of children <sup>(b)</sup>	1,162,900	138,100	309,600

(a) Data available from Queensland, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory only.

(b) ABS 1997a.

## Care and protection orders

Table A1.14: Children substantiated in the first six months of 1996–97 and subsequently placed on a care and protection order within six months of substantiation, by State and Territory

State	Number	Percentage
Victoria	988	28
South Australia	23	1
Tasmania	34	18
Australian Capital Territory	59	36
Northern Territory	35	30
<b>Total</b>	<b>1,139</b>	<b>20</b>

**Table A1.15: Children on care and protection orders and arrangements: type of order and age, by State and Territory, at 30 June 1997**

Type of order/age group	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT <sup>(b)</sup>	Total
	Number								
<b>Finalised guardianship and custody orders</b>									
0–4	710	460	380	137	98	30	48	12	1,875
5–9	1,122	713	712	283	261	85	53	22	3,251
10–14	1,358	902	1,022	252	420	116	50	23	4,143
15–17	711	627	695	112	284	70	42	16	2,557
Unknown	—	—	—	1	—	—	—	—	1
<b>Total</b>	<b>3,901</b>	<b>2,702</b>	<b>2,809</b>	<b>785</b>	<b>1,063</b>	<b>301</b>	<b>193</b>	<b>73</b>	<b>11,827</b>
<b>Other finalised orders</b>									
0–4	206	404	89	..	6	36	14	4	759
5–9	215	307	88	..	21	31	22	4	688
10–14	213	222	54	..	31	32	7	11	570
15–17	89	64	26	..	13	47	6	—	245
Unknown <sup>(c)</sup>	—	—	—	..	—	—	—	—	—
<b>Total</b>	<b>723</b>	<b>997</b>	<b>257</b>	<b>..</b>	<b>71</b>	<b>146</b>	<b>49</b>	<b>19</b>	<b>2,262</b>
<b>Interim and temporary orders</b>									
0–4	293	63	82	..	10	15	1	3	467
5–9	180	45	51	..	8	12	1	3	300
10–14	185	44	43	..	17	8	3	1	301
15–17	62	13	7	..	3	3	3	1	92
Unknown <sup>(c)</sup>	—	1	—	..	—	—	—	—	1
<b>Total</b>	<b>720</b>	<b>166</b>	<b>183</b>	<b>..</b>	<b>38</b>	<b>38</b>	<b>8</b>	<b>8</b>	<b>1,161</b>
<b>Administrative and voluntary arrangements</b>									
0–4	73	..	..	..	..	6	5	2	86
5–9	69	..	..	..	..	4	—	2	75
10–14	167	..	..	..	..	8	8	5	188
15–17	111	..	..	..	..	5	1	2	119
Unknown <sup>(c)</sup>	—	..	..	..	..	—	—	—	—
<b>Total</b>	<b>420</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>23</b>	<b>14</b>	<b>11</b>	<b>468</b>
<b>Total children on care and protection orders</b>									
0–4	1,282	927	551	137	114	87	68	21	3,187
5–9	1,586	1,065	851	283	290	132	76	31	4,314
10–14	1,923	1,168	1,119	252	468	164	68	40	5,202
15–17	973	704	728	112	300	125	52	19	3,013
Unknown <sup>(c)</sup>	—	1	—	1	—	—	—	—	2
<b>Total</b>	<b>5,764</b>	<b>3,865</b>	<b>3,249</b>	<b>785</b>	<b>1,172</b>	<b>508</b>	<b>264</b>	<b>111</b>	<b>15,718</b>

(continued)

**Table A1.15 (continued): Children on care and protection orders and arrangements: type of order and age, by State and Territory, at 30 June 1997**

Type of order/Age group	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT <sup>(b)</sup>	Total
Percentage									
<b>Finalised guardianship and custody orders</b>									
0–4	18	17	14	17	9	10	25	16	16
5–9	29	26	25	36	25	28	27	30	27
10–14	35	33	36	32	40	39	26	32	35
15–17	18	23	25	14	27	23	22	22	22
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other finalised orders</b>									
0–4	29	41	35	..	9	25	29	21	34
5–9	30	31	34	..	30	21	45	21	30
10–14	30	22	21	..	44	22	14	58	25
15–17	12	6	10	..	18	32	12	—	11
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Interim and temporary orders</b>									
0–4	41	38	45	..	26	40	13	38	40
5–9	25	27	28	..	21	32	13	38	26
10–14	26	27	24	..	45	21	38	13	26
15–17	9	8	4	..	8	8	38	13	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Administrative and voluntary arrangements</b>									
0–4	17	..	..	..	..	26	36	18	18
5–9	16	..	..	..	..	17	—	18	16
10–14	40	..	..	..	..	35	57	46	40
15–17	26	..	..	..	..	22	7	18	25
<b>Total</b>	<b>100</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Total children on care and protection orders</b>									
0–4	22	24	17	17	10	17	26	19	20
5–9	28	28	26	36	25	26	29	28	27
10–14	33	30	34	32	40	32	26	36	33
15–17	17	18	22	14	26	25	20	17	19
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Children on guardianship and custody orders in South Australia includes interim guardianship and custody orders.

(b) The Northern Territory is unable to distinguish between arrangements that have been made for the purpose of child protection, and those that have been made for reasons of family support or family breakdown—all have been included.

**Table A1.16: Children on care and protection orders and arrangements: type of order and sex, by State and Territory, at 30 June 1997**

Type of order/sex	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT <sup>(b)</sup>	Total
<b>Number</b>									
<b>Finalised guardianship and custody orders</b>									
Male	1,953	1,406	1,458	398	532	169	97	36	6,049
Female	1,948	1,291	1,351	387	529	132	96	37	5,771
Unknown	—	5	—	—	2	—	—	—	7
<b>Total</b>	<b>3,901</b>	<b>2,702</b>	<b>2,809</b>	<b>785</b>	<b>1,063</b>	<b>301</b>	<b>193</b>	<b>73</b>	<b>11,827</b>
<b>Other finalised orders</b>									
Male	370	543	139	..	37	97	23	13	1,222
Female	353	438	118	..	34	49	26	6	1,024
Unknown	—	16	—	..	—	—	—	—	16
<b>Total</b>	<b>723</b>	<b>997</b>	<b>257</b>	<b>..</b>	<b>71</b>	<b>146</b>	<b>49</b>	<b>19</b>	<b>2,262</b>
<b>Interim and temporary orders</b>									
Male	378	81	88	..	19	20	4	3	593
Female	342	84	95	..	19	18	4	5	567
Unknown	—	1	—	..	—	—	—	—	1
<b>Total</b>	<b>720</b>	<b>166</b>	<b>183</b>	<b>..</b>	<b>38</b>	<b>38</b>	<b>8</b>	<b>8</b>	<b>1,161</b>
<b>Administrative and voluntary arrangements</b>									
Male	201	..	..	..	..	13	5	6	225
Female	219	..	..	..	..	10	9	5	243
Unknown	—	..	..	..	..	—	—	—	—
<b>Total</b>	<b>420</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>23</b>	<b>14</b>	<b>11</b>	<b>468</b>
<b>Total children on care and protection orders</b>									
Male	2,902	2,030	1,685	398	588	299	129	58	8,089
Female	2,862	1,813	1,564	387	582	209	135	53	7,605
Unknown	—	22	—	—	2	—	—	—	24
<b>Total</b>	<b>5,764</b>	<b>3,865</b>	<b>3,249</b>	<b>785</b>	<b>1,172</b>	<b>508</b>	<b>264</b>	<b>111</b>	<b>15,718</b>
<b>Percentage</b>									
<b>Finalised guardianship and custody orders</b>									
Male	50	52	52	51	50	56	50	49	51
Female	50	48	48	49	50	44	50	51	49
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other finalised orders</b>									
Male	51	55	54	..	52	66	47	68	54
Female	49	45	46	..	48	34	53	32	46
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Interim and temporary orders</b>									
Male	53	49	48	..	50	53	50	38	51
Female	48	51	52	..	50	47	50	63	49
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Administrative and voluntary arrangements</b>									
Male	48	..	..	..	..	57	36	55	48
Female	52	..	..	..	..	44	64	45	52
<b>Total</b>	<b>100</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(continued)



**Table A1.16 (continued): Children on care and protection orders and arrangements: type of order and sex, by State and Territory, at 30 June 1997**

Type of order/sex	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT <sup>(b)</sup>	Total
<b>Percentage</b>									
<b>Total children on care and protection orders</b>									
Male	50	53	52	51	50	59	49	52	52
Female	50	47	48	49	50	41	51	48	48
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Children on guardianship and custody orders in South Australia includes interim guardianship and custody orders.

(b) The Northern Territory is unable to distinguish between arrangements that have been made for the purpose of child protection, and those that have been made for reasons of family support or family breakdown—all have been included.

**Table A1.17: Children on care and protection orders: living arrangement by type of order, at 30 June 1997**

Type of order/living arrangements	Number	Percentage
<b>Finalised guardianship and custody orders</b>		
Facility-based out of home care	1,296	12
Home-based out of home care	6,935	64
Other home-based care	2,282	21
Unknown living arrangements	251	2
<b>Total</b>	<b>10,764</b>	<b>100</b>
<b>Other finalised orders</b>		
Facility-based out of home care	29	1
Home-based out of home care	166	8
Other home-based care	1,263	58
Unknown living arrangements	733	33
<b>Total</b>	<b>2,191</b>	<b>100</b>
<b>Interim and temporary orders</b>		
Facility-based out of home care	80	7
Home-based out of home care	638	57
Other home-based care	395	35
Unknown living arrangements	10	1
<b>Total</b>	<b>1,123</b>	<b>100</b>
<b>Administrative and voluntary arrangements</b>		
Facility-based out of home care	74	16
Home-based out of home care	244	52
Other home-based care	150	32
Unknown living arrangements	—	—
<b>Total</b>	<b>468</b>	<b>100</b>

Note: South Australia unable to provide data for this table.

**Table A1.18: Children discharged from care and protection orders during 1996–97: type of order and length of time child had been continually on an order at time of discharge**

Children discharged from orders during 1996–97	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	
	<b>Number</b>								
Finalised guardianship or custody orders	66	72	131	318	458	445	229	229	1,948
Other finalised orders	10	40	247	822	254	83	40	2	1,498
Interim and temporary orders	1,349	554	208	86	43	9	15	16	2,280
Administrative and voluntary arrangements	752	203	91	71	33	23	28	16	1,217
<b>Total</b>	<b>2,177</b>	<b>869</b>	<b>677</b>	<b>1,297</b>	<b>788</b>	<b>560</b>	<b>312</b>	<b>263</b>	<b>6,943</b>
	<b>Percentage</b>								
Finalised guardianship or custody orders	3	4	7	16	24	23	12	12	100
Other finalised orders	1	3	16	55	17	6	3	—	100
Interim and temporary orders	59	24	9	4	2	—	1	1	100
Administrative and voluntary arrangements	62	17	7	6	3	2	2	1	100
<b>Total</b>	<b>31</b>	<b>13</b>	<b>10</b>	<b>19</b>	<b>11</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>100</b>

*Notes*

- (1) In Victoria the following rule has been used: children on interim orders are only counted when they do not go on to a final order.  
(2) South Australia, Tasmania and the Australian Capital Territory are unable to provide data for this table.

## Out of home care

**Table A1.19: Children in at least one out of home placement during 1996–97, by State and Territory**

	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT
Number of children	9,592	n.a.	3,021	2,151	2,402	1,107	597	296

(a) Excludes children in Residential Care Centres.

**Table A1.20: Children in out of home care, by age and sex, at 30 June 1997**

Age group	Males	Females	Unknown	Total
	<b>Number</b>			
0–4	1,454	1,346	2	2,802
5–9	2,017	1,846	1	3,864
10–14	2,543	2,384	2	4,929
15–17	1,143	1,193	1	2,337
Unknown	13	19	1	33
<b>Total</b>	<b>7,170</b>	<b>6,788</b>	<b>7</b>	<b>13,965</b>
	<b>Percentage</b>			
0–4	20	20		20
5–9	28	27		28
10–14	36	35		35
15–17	16	18		17
<b>Total</b>	<b>100</b>	<b>100</b>		<b>100</b>

*Note:* Data exclude 44 children in residential care in South Australia and 69 children in out of home care in New South Wales (61 living independently and 8 of no fixed address) for whom no other details are known.

**Table A1.21: Children in out of home care by age and type of placement at 30 June 1997**

Type of placement/age group	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA <sup>(c)</sup>	Tas	ACT	NT
<b>Number</b>								
<b>Home-based</b>								
0–4	1,229	639	367	214	161	53	41	18
5–9	1,499	729	607	283	340	108	44	29
10–14	1,699	817	751	267	468	154	49	31
15–17	678	493	318	101	177	53	28	16
Unknown	1	26	1	—	3	—	—	—
<b>Total</b>	<b>5,106</b>	<b>2,704</b>	<b>2,044</b>	<b>865</b>	<b>1,149</b>	<b>368</b>	<b>162</b>	<b>94</b>
<b>Facility-based</b>								
0–4	6	33	3	25	n.a	10	—	2
5–9	32	110	18	40	n.a	22	1	2
10–14	169	308	100	61	n.a	36	6	9
15–17	103	238	45	51	n.a	25	4	4
Unknown	1	—	1	—	n.a	—	—	—
<b>Total</b>	<b>311</b>	<b>689</b>	<b>167</b>	<b>177</b>	<b>n.a</b>	<b>93</b>	<b>11</b>	<b>17</b>
<b>Percentage</b>								
<b>Home-based</b>								
0–4	24	24	18	25	14	14	25	19
5–9	29	27	30	33	30	29	27	31
10–14	33	31	37	31	41	42	30	33
15–17	13	18	16	12	15	14	17	17
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Facility-based</b>								
0–4	2	5	2	14	n.a	11	—	12
5–9	10	16	11	23	n.a	24	9	12
10–14	55	45	60	34	n.a	39	55	53
15–17	33	35	27	29	n.a	27	36	24
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>n.a</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data exclude 69 children in out of home care in New South Wales (61 living independently and 8 of no fixed address).

(b) Data exclude five children aged 10–14 years and three children aged 15–17 years in Western Australia for whom living arrangements are unknown.

(c) Data exclude 44 children in residential care in South Australia for whom no other details are known. A small number of children in family groups homes (less than 20 children) have been included in the foster/community care category (home-based care) rather than in 'facility-based care'.

**Table A1.22: Children in out of home care by sex and type of placement at 30 June 1997**

Type of placement/sex of child	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA <sup>(c)</sup>	Tas	ACT	NT
<b>Number</b>								
<b>Home-based</b>								
Male	2,546	1,360	1,011	428	568	199	76	45
Female	2,559	1,344	1,033	437	578	169	86	47
Unknown	1	—	—	—	3	—	—	2
<b>Total</b>	<b>5,106</b>	<b>2,704</b>	<b>2,044</b>	<b>865</b>	<b>1,149</b>	<b>368</b>	<b>162</b>	<b>94</b>
<b>Facility-based</b>								
Male	212	412	132	109	n.a.	51	6	12
Female	98	277	35	68	n.a.	42	5	5
Unknown	1	—	—	—	n.a.	—	—	—
<b>Total</b>	<b>311</b>	<b>689</b>	<b>167</b>	<b>177</b>	<b>n.a.</b>	<b>93</b>	<b>11</b>	<b>17</b>
<b>Percentage</b>								
<b>Home-based</b>								
Male	50	50	49	49	50	54	47	49
Female	50	50	51	51	50	46	53	51
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Facility-based</b>								
Male	68	60	79	62	n.a.	55	55	71
Female	32	40	21	38	n.a.	45	45	29
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>n.a.</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data exclude 69 children in out of home care in New South Wales (61 living independently and 8 of no fixed address).

(b) Data exclude three males and five females in Western Australia for whom living arrangements are unknown.

(c) Data exclude 44 children in residential care in South Australia for whom no other details are known. A small number of children in family groups homes (less than 20 children) have been included in the foster/community care category (home-based care) rather than in 'facility-based care'.

**Table A1.23: Children in out of home care by length of time in continuous placement by State and Territory, at 30 June 1997**

Time in continuous placement	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA	SA <sup>(c)</sup>	Tas	ACT	NT
	<b>Number</b>							
<1 month	731	131	139	90	65	51	15	2
1 month—<6 months	719	351	437	252	196	95	26	11
6 months—<1 year	610	381	326	149	111	53	26	13
1 year—<2 years	760	543	403	163	135	96	40	18
2 years or more	2,590	1,149	906	396	642	166	66	67
Not stated/unknown	7	—	—	—	—	—	—	—
<b>Total</b>	<b>5,417</b>	<b>2,475</b>	<b>2,211</b>	<b>1,050</b>	<b>1,149</b>	<b>461</b>	<b>173</b>	<b>111</b>
	<b>Percentage</b>							
<1 month	14	5	6	9	6	11	9	2
1 month—<6 months	13	14	20	24	17	21	15	10
6 months—<1 year	11	15	15	14	10	11	15	12
1 year—<2 years	14	21	18	16	12	21	23	16
2 years or more	48	45	41	38	56	36	38	60
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data exclude 69 children in New South Wales (61 living independently and 8 of no fixed address).

(b) Victorian data include only children in out of home care who were on an order. The total for this table differs from that in Table 4.2 (Children in out of home care by legal status, by whether the child was on an order by State and Territory, at 30 June 1997), because the data were extracted from different source databases.

(c) Data exclude 44 children in South Australia in residential care for whom no other details are known.

*Note:* For the States and Territories 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 (537 children), Victoria (80 children) and the Australian Capital Territory (3 children).

# Appendix 2: Technical notes

## Identification of Indigenous status

### Children

Understanding how the community services departments in the States and Territories identify Indigenous children in their child protection systems is important for analysing the data on the numbers and rates of Indigenous children.

The practices for recording Indigenous status vary across States and Territories, with some jurisdictions recording large numbers of unknowns. Methods used to identify Indigenous children also vary considerably. 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 unknown are included with 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.

### 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 included as non-Indigenous.

## 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 population estimates for 30 June 1997 (ABS 1997b).

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

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 1997}}{\text{ABS estimated population of children aged 0–17 years at 30 June 1997}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 1997}}{\text{ABS estimated population of children aged 0–17 years at 30 June 1997}} \times 1,000$$

The rates of children subject to a substantiation of child abuse and neglect over the 1996–97 financial year were calculated using the ABS population estimates for 31 December 1996 (ABS 1997c). 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 of abuse and neglect.

**Rates of children who were the subject of a substantiation of abuse and neglect** were calculated in the following way:

$$\frac{\text{Number of children aged 0–16 years who were the subject of a substantiation of child abuse and neglect in 1996–97}}{\text{ABS estimated population aged 0–16 years at 30 December 1996}} \times 1,000$$

## Rates for Indigenous children

Rates for Indigenous children were calculated by using the same basic method outlined above. The number of Indigenous children in the population of interest (that is, children who were the subject of a substantiation of abuse and neglect, children on care and protection orders and children in out of home care) was divided by the estimated number of Indigenous children in the population and multiplied by 1,000. The population estimates for Indigenous children, however, were for June 1996 as there were no estimates available for later dates (ABS 1997d).

Rates for States and Territories with small numbers of children in their child protection data and small Indigenous populations (notably the Australian Capital Territory) 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, 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. In Victoria, where Indigenous status must be reported, rates for Indigenous children per 1,000 population are higher than if there had been an ‘unknown’ category available for Indigenous status.

The rates for Indigenous children for 1996–97 should not be compared with the rates for Indigenous children for 1995–96. Rates for Indigenous children for 1995–96 were calculated using the latest ABS Indigenous population data available at that time, that is, experimental projections based on 1991 Census data. Rates for 1996–97, however, were calculated using the latest population estimates of the Indigenous population based on the 1996 Census. The latest estimates of the Indigenous population are substantially different from the previous estimates for all jurisdictions except the Northern Territory (Table A2.1).



**Table A2.1: Estimates of Indigenous population aged 0–17 years used to calculate rates in 1995–96 and 1996–97**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Previous estimate based on 1991 Census data <sup>(a)</sup>	37,196	8,903	37,774	23,444	8,578	4,848	916	21,865	143,524
Latest estimate based on 1996 Census data	49,626	9,973	47,015	24,840	9,584	7,039	1,349	21,954	171,380
% difference	33	12	25	6	12	45	47	<1	19

(a) ABS experimental projections based on 1991 Census data.

Table A2.2 provides an example of how these different estimates of the Indigenous population affect the rates of children in out of home care at 30 June 1996.

**Table A2.2: Rate per 1,000 of Indigenous children aged 0–17 years in out of home care, at 30 June 1996**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Estimate based on 1996 Census data	25	32	11	15	17	6	19	2
Estimate based on 1991 Census data	33	36	13	16	19	9	27	2

The table shows that there is a large difference between the rates of Indigenous children in out of home care based on 1996 Census data and those based on the 1991 Census data. This would also be the case for rates of children who were the subject of a substantiation of child abuse and neglect, and children on care and protection orders. The difference between the two rates is largest in New South Wales, Tasmania and the Australian Capital Territory.

This example shows that it is not valid to compare the rates for Indigenous children for 1995–96 with the rates for 1996–97. To compare the rates over these two years, rates for 1995–96 should be recalculated using the 1996 Census estimates of the Indigenous population.

## **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.

# 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

*Children's Services Act 1965*

*Health Act 1937*

### Western Australia

*Child Welfare Act 1947*

*Community Services Act 1972*

### South Australia

*Children's Protection and Young Offenders Act 1979*

*Children's Protection Act 1993*

### Tasmania

*Child Welfare Act 1960*

*Child Protection Act 1974*

*Child Protection Amendments Act 1986, 1987 and 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;
- (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 also 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* states that a child is in need of protection if any of the following grounds exist:

- (a) the child has been abandoned and after reasonable enquiries 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, section 46 of the *Children's Services Act 1965* states that a child will be deemed to be in need of care and protection if:

- (a) not having a parent or guardian who exercises proper care of and guardianship over him, he is:
  - (i) neglected; or
  - (ii) exposed to physical or moral danger; or
  - (iii) falling in with bad associates; or
  - (iv) likely to fall into a life of vice or crime;
- (b) he is in the custody of a person who is unfit by reason of his conduct and habits to have custody of the child;
- (c) he is a person in relation to whom any of the offences mentioned in part VIII of the Act has been committed;
- (d) he is a member of the same household as:
  - (i) a child in relation to whom an offence mentioned in part VIII of the Act has been committed; or
  - (ii) a person who has been convicted of such an offence in relation to a child; and appears to be in danger of the commission upon him or in relation to him of a similar offence;
- (e) he is a member of a household of which a member has been convicted of an offence under sections 222 or 223 of the Criminal Code;
- (f) he begs or gathers alms, whether or not accompanied with the pretext of a sale or otherwise, or he is in or adjacent to a public place for the purposes of so begging or gathering alms;
- (g) he is found apparently abandoned, or loitering or sleeping in a public place and has no visible lawful means of support or no settled place of abode;
- (h) he carries on street trading that is not authorised by section 113 of the Act;
- (i) he takes part in any public exhibition or performance of a type referred to in the Act without a permit;
- (j) not being a child or ward of the licensee, he is, without lawful excuse, in a betting shop or billiard room, or the bar-room, billiard room or beer garden of any licensed premises;
- (k) he is served with intoxicating liquor in any of the premises mentioned in the preceding paragraph;
- (l) being in the care of a person other than a parent, relative or guardian of such child, he is apparently deserted by his parent or guardian;
- (m) being under the school leaving age as provided for from time to time by law, he is regularly absent from school without reasonable and adequate excuse;
- (n) being under such an age that he is not criminally responsible for any act notwithstanding that, at the time of doing the act, he had the capacity to know that he ought not to do the act, he does an act which would itself or with other elements

constitute an offence on his part if he were of or over that age and had the aforesaid capacity;

- (o) he is for any other reason in need of care and such care cannot be adequately provided by the giving of assistance under part V of the Act.

Section 49 of the Children's Services Act authorises an officer of the Department of Families, Youth and Community Care or a police officer to take a child into custody for the purpose of making an application to the Children's Court for an order to have the child admitted to the care and protection of the Director-General.

### **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.

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 only consider taking court action for a care and protection order 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.

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 define abuse and neglect.

The *Child Welfare Act 1960* describes various circumstances in which a child may be in need of care and protection, including neglect or being beyond the care or control of the parent with whom they are 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 his 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.

Until recently, each Act was administered by a separate team within the Department of Community and Health Services. Tasmania has now established 'Intake and Assessment'

teams that will administer both Acts, thereby eliminating the 'artificial divide' between abuse and neglect responses that has developed over recent years.

### **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 his or her 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;
- (b) the parents, guardian/person having the custody is unwilling or unable to maintain the child;
- (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; or
- (d) sexual abuse or exploitation, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect him or her from such abuse or exploitation.

# Appendix 4: Mandatory reporting requirements

Following is an outline of the mandatory reporting requirements in each State and Territory.

## **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* teachers are required to report suspected cases of child sexual abuse. This includes principals, deputy principals, teachers, school social workers and school counsellors. The Department of School Education policy also requires teachers to notify suspected physical and emotional abuse and neglect. 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 for Family and Community 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**

There is currently no mandatory reporting of child abuse in the Australian Capital Territory. Although the *Children's Services Act 1986* contains a provision that certain specified professionals (including medical practitioners, dentists, registered nurses, police officers and others) be required by law to report suspected cases of child abuse, this provision did not take effect when the Act came into operation. The Australian Capital Territory Community Law Reform Committee, which published its findings in November 1993, was asked by the Australian Capital Territory Government to consider enacting this provision. Consequently, in 1995 the Australian Capital Territory Government announced its intention to introduce mandatory reporting from 1 June 1997, in a graduated approach involving the training of professionals in one region, allowing the assessment of the impact on services to be made before full implementation. The groups to be mandated from 1 June 1997 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 Community Services office.

# Glossary

## Definitions for child abuse and neglect

### 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 for the abuse or neglect

Where there is more than one person believed responsible, 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 for the abuse or neglect

The relationship to the child of the person believed responsible for the abuse or neglect is categorised as follows:

#### *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 a child but is or was involved in a legal marriage relationship with one of the child's biological parents.

#### *Parent's de facto partner*

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.

#### *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).

#### *Guardian*

Any person other than the child's parents who has the legal and ongoing care and responsibility for the protection of a child.

#### *Sibling*

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

#### *Other relative*

This category includes grandparents, aunts, uncles and cousins whether the relationship is a full, half or step relationship. This category 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.

#### *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 notification of child maltreatment to a relevant authority. The source is classified according to the relationship to the child or children allegedly abused or neglected.

The source of notification is categorised as follows:

#### *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, pharmacists etc. 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 to oversee the actions of the person or authority caring for the child; responsibility to provide or arrange accommodation or to report or give 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 1997.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 1997. The categories are:

#### *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.

#### *Other home-based 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.

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

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

#### *Unknown living arrangements*

Where living arrangements are unknown.

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

#### **Age of child**

The age of the child in completed years at 30 June 1997.

#### **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.

**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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