

**Child protection  
Australia 2001–02**

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# **Child protection Australia 2001–02**

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These agencies contributed substantially to the content of this report.

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
FACS	Family and Community Services Program (Northern Territory)
NCPASS	National Child Protection and Support Services Data Group

# Symbols used in the tables

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

## Notes

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

# Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the community services departments in each State and Territory. Most of the data in this report cover the 2001–02 financial year, although data on trends in child protection are also included.

Each State and Territory has its own legislation, policies and practices in relation to child protection, so there are differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are least comparable across the States and Territories.

The main points of interest in the report are:

- Over the last two years the number of child protection notifications in Australia increased from 107,134 in 1999–00 to 137,938 in 2001–02. The number of notifications increased in all jurisdictions except South Australia and the Australian Capital Territory (Table 2.3).
- The number of substantiations in Australia also increased over the last two years, rising from 24,732 in 1999–00 to 30,473 in 2001–02. This was largely due to increases in the number of substantiations in New South Wales and Queensland (Table 2.4).
- Rates of children who were the subjects of child protection substantiations in 2001–02 ranged from 1.4 per 1,000 children aged 0–16 years in Tasmania to 8.3 per 1,000 in Queensland (Table 2.7).
- There was a continuing upward trend Australia-wide in the numbers of children on care and protection orders, and the numbers in out-of-home care. The numbers of children on care and protection orders increased from 15,718 at 30 June 1997 to 20,557 at 30 June 2002, while the numbers of children in out-of-home care increased from 14,078 to 18,880 over the same period (Tables 3.5 and 4.3).
- At 30 June 2002 there were 4.3 children aged 0–17 years per 1,000 on care and protection orders and 3.9 per 1,000 in out-of-home care (Tables 3.9 and 4.7).
- While the quality of the data on Indigenous status varies between States and Territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system.
- The rate of Indigenous children who were the subjects of substantiations, for example, was nearly eight times the rate for other children in Victoria and Western Australia (Table 2.9). Across Australia the rate of Indigenous children on care and protection orders and the rate of Indigenous children in out-of-home care was around six times the rate for other Australian children (Tables 3.10 and 4.8).



# 1 Background

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

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

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

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

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

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

## Child protection systems

### Reporting of child protection matters

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

The types of child protection matters that were reported, and the professionals mandated to report, vary across jurisdictions. (Details regarding the mandatory reporting requirements in each State or Territory are set out in Appendix 4.) In addition to requirements under State and Territory legislation, Family Court staff are also required under the *Family Law Act 1975* to report all suspected cases of child abuse.

Police also have some responsibility for child protection in each State and Territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child abuse or neglect of a criminal nature: that is, significant sexual or physical

abuse, or any abuse that results in the death of a child. In some States or Territories there are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant community services department.

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

## **The child protection process**

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

### **Reports to the department**

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

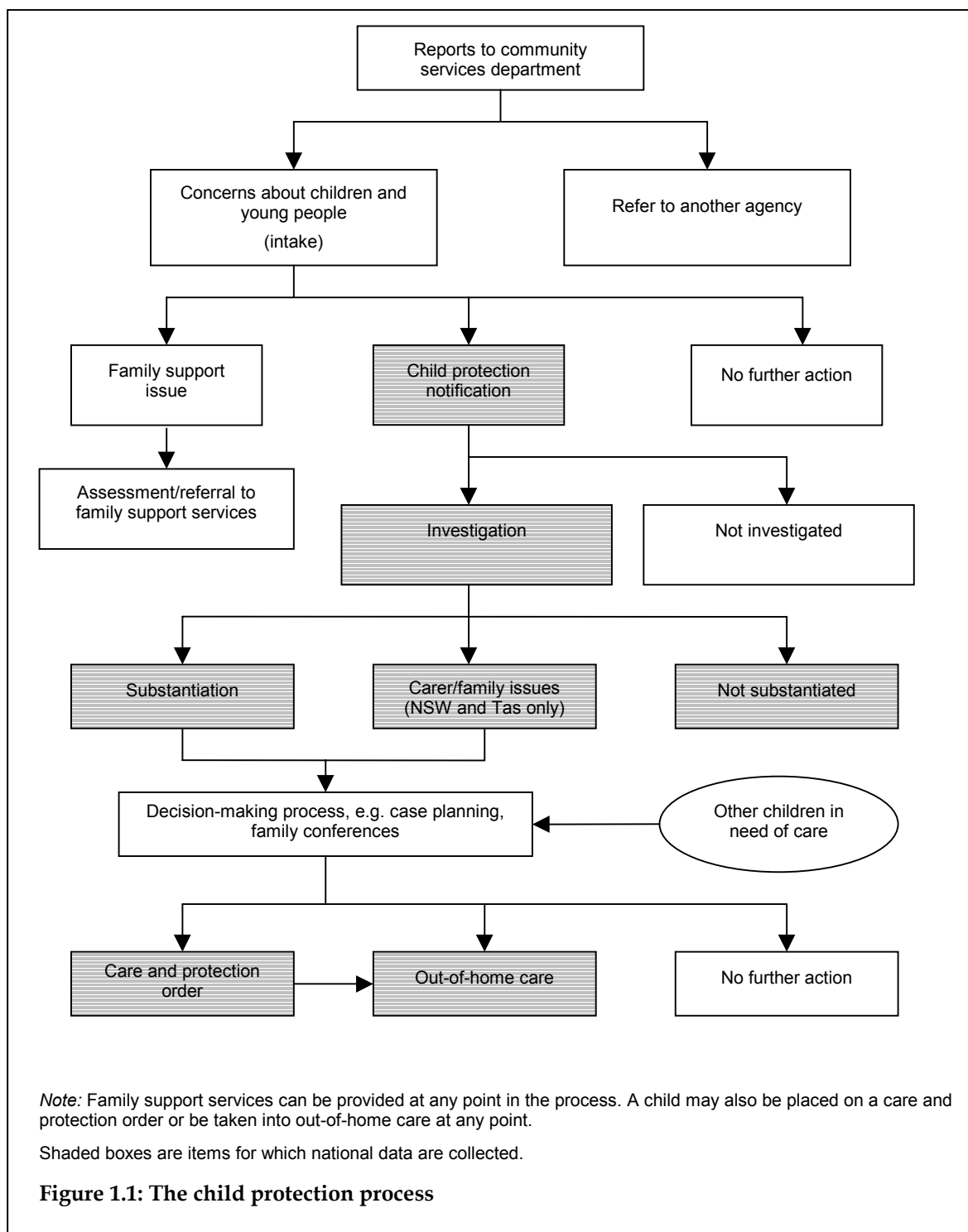
Reports to the department are assessed to determine whether the matter relates to concerns about children and young people, and should be dealt with by the community services department or referred to another agency. Those reports that are appropriate for the community service departments are further assessed to determine whether any further action is required.

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

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

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An investigation is the process whereby the community services department obtains more detailed information about a child who is the subject of a notification, and makes an assessment of the degree of harm or risk of harm for the child.





After an investigation has been finalised, a notification is classified as ‘substantiated’ or as ‘not substantiated’. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed. States and Territories differ somewhat in what they actually substantiate. Some jurisdictions substantiate situations where child abuse and neglect has occurred or is likely to occur, while others substantiate situations where the child has been harmed or is at risk of harm and the parents have failed to act to protect the child.

In New South Wales and Tasmania an intermediate category is also used. This category is referred to as 'Carer/family issues' in the national data. In New South Wales, this category includes notifications where no actual harm is identified but where carer or family issues were identified that affect the care of the child. In Tasmania the category is used for situations where the notification was not substantiated, but where there were reasonable grounds for suspecting the possibility of previous or future abuse or neglect and it was considered that continued departmental involvement was warranted.

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

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

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

### **Major differences among States and Territories**

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

One of the main differences between jurisdictions is in the policy frameworks used by States and Territories in relation to notifications. In both Western Australia and Tasmania, reports that express concerns about children are screened by senior staff. In Western Australia, reports of concerns about children receive an interim classification as 'child concern' reports and further assessment is undertaken to determine whether the case will receive a child protection response, a family support response or no further action. In Tasmania, when the initial information gives no indication of maltreatment, this type of report is classified as a 'child and family concern' report and may be referred to family support services.

In these two States a significant proportion of reports are therefore not counted as child protection notifications and receive a differential response from the department. The rates of children who are the subjects of notifications and substantiations in these jurisdictions are therefore considerably lower than the rates in other jurisdictions.

In Victoria, on the other hand, the definition of a 'notification' is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other States and Territories have policies between these two extremes. For example, South Australia and the Australian Capital Territory screen reports and may refer some to other agencies or provide family support services rather than a child protection response. The screening process used in these two jurisdictions, however, does not appear to be as stringent as that used in Western Australia and Tasmania. In New South Wales all reports classified as 'child protection' reports are categorised by the reported issue and receive a 'risk of harm'

assessment to determine the appropriate action. Only reports of harm or risk of harm are included in this report.

There are other differences between jurisdictions that are also worth noting:

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

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

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

Child protection policies and practices are continually changing and evolving. Trends in child protection numbers should be interpreted carefully, as such changes in policies and practices impact on the numbers of children in the child protection systems in different ways. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within States and Territories over the last year.

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

There has also been an increasing focus on early intervention services, which are seen to be effective in reducing the need for more intrusive child protection interventions at later stages. Cross-departmental strategies have been introduced in a number of jurisdictions, such as 'Families First' in New South Wales and 'Strengthening Families' in Victoria. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of children's and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). The focus of child protection in many jurisdictions (Queensland, New South Wales and the Australian Capital Territory, for example) has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

In addition, many jurisdictions have introduced options for responding to the less serious reports through the provision of family support services, rather than through a formal investigation. These policies have been introduced at different times in different jurisdictions (for example in Western Australia in 1996) but in all cases they have led to substantial decreases in the numbers of investigations and substantiations.

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

More recently community service departments have been concerned about rising rates of renotifications and resubstantiations. The Victorian Department of Human Services undertook detailed research and analysis of children in their child protection system (VDHS 2002). The study found that the key issues that lead to many families being involved in the child protection system (for example low incomes, sole-parent families, substance abuse and mental health issues) were complex and chronic. The child protection system often did not effectively deal with these problems and many children were subject to renotifications and resubstantiations. The report noted that assisting families to deal with these problems required more sustained and less intrusive support than the services usually provided by child protection authorities. It highlighted the need for both strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system.

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

There has been a push in some jurisdictions to seek greater permanency for children who are unable to live with their parents, through either adoption or long-term parenting orders. This follows moves made in both the United States and the United Kingdom where adoption is increasingly used as an avenue for permanency (Cashmore 2000). In 2001 New South Wales introduced legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduced a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of orders, including Victoria where the Permanent Care Order was introduced in 1992–93.

## **Recent policy changes**

The following paragraphs, provided by States and Territories, outline the major child protection policy changes that occurred in 2001–02.

### **New South Wales**

The new *Children and Young Persons (Care and Protection) Act 1998*, part of which was proclaimed in 2000, has resulted in a substantial increase in workload and in the complexity of cases in the child protection system.

The legislation on Permanency Planning was proclaimed in November 2001. The focus of the legislation is on the restoration of children and young people to their family wherever possible, and on an early decision on permanent placement. The legislation allows for adoption as a placement option for children in the child protection system and introduces

the Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption.

### **Victoria**

In 2001–02 Victoria completed a wide-ranging examination of child protection and support services outlined in the report *An Integrated Strategy for Child Protection and Placement Services* (VDHS 2002). The report recommends strengthened prevention and early intervention services, and a number of pilot projects for these services have been established. In addition, family support services for children and young people already in the child protection and placement system have been enhanced. The aim of this is to reduce renotifications to child protection through the provision of support and assistance to vulnerable families. Other initiatives in Victoria include the implementation of a new Aboriginal Protocol and the Looking After Children framework (the assessment, case planning and review system that seeks to promote positive development outcomes for children and young people in care).

### **Queensland**

In 2001–02 there were further reforms following on from the proclamation of the *Child Protection Act 1999* in March 2000. These included:

- the trialling of new intake and assessment tools for responding to child protection notifications and assessing the needs of children in care
- improving cross-agency responses to child sexual abuse
- the licensing of out-of-home care services to ensure the quality of care provided to children and young people meets legislated standards
- an increase in the allowance paid to foster carers
- the establishment of a Child Death Review register to ensure the effective and timely identification of suitable persons to lead child death reviews and to ensure accountable and transparent review processes.

### **Western Australia**

In 2002, the Government of Western Australia received the findings of two major reports. The Gordon Inquiry reported on responses by Government agencies to complaints of family violence and child abuse in Aboriginal communities and the Harries *Report Mandatory Reporting of Child Abuse: Evidence and Options* reported on the merits of introducing the mandatory reporting of child maltreatment in Western Australia. In response to these reports the Government has instituted a process of public sector reform to ensure that Government agencies can more effectively coordinate their efforts in dealing with child abuse and family violence, and in developing the capacity of the community.

The Department of Community Development, in partnership with the not-for-profit sector and the community, also developed a strategic framework to achieve positive outcomes for children and young people in care. In addition, the Department began working with other government departments to develop protocols for working with young people in out-of-home care.

The Looking After Children case management system was implemented statewide. The pilot Foster Care Recruitment Service was reviewed and its continuation was recommended and endorsed.

## **South Australia**

In South Australia, renotification and resubstantiation rates are a matter of concern and a review into Child Protection legislation, policies and practices across the government and non-government sector is under way. Recommendations are due to be provided to the Government in December 2002.

In relation to out-of-home care, implementation of the recommendations of the major Alternative Care Review is proceeding.

## **Tasmania**

Our Kids Bureau was established in Tasmania to provide early intervention, improved integration of services and support to children from conception to 11 years. Projects that promote the policy objectives of the bureau include the centralisation of the intake service for reports on child abuse and neglect, and the establishment of a 24-hour information line for parents.

## **Australian Capital Territory**

The *Children and Young People Act 1999*, which was implemented in May 2000, is currently being reviewed. The review will evaluate the implementation of various aspects of policy and practice that were introduced with the new legislation. The department is seeking to refocus service delivery to create and consolidate a service of excellence based upon 'best practice' standards nationally and internationally.

A Foster Carer Recruitment Campaign was also launched in May 2002, with the government working on the campaign in partnership with non-government foster carers and other key stakeholders.

## **Northern Territory**

An Indigenous employment strategy was introduced to increase the number of Indigenous employees in the Family and Children's Services Program (FACS), to improve their access to outcome-based training, and enhance mobility and career prospects. Additional funds were also made available in the Budget for the employment of 8 new FACS staff across the Northern Territory, with half of these positions designated for Indigenous staff.

# **The child protection data**

The data in this report were extracted from the administrative systems of the State and Territory community services departments according to definitions and counting rules agreed to by the departments and the AIHW. The State and Territory community services departments provide funding to the AIHW to collate, analyse and publish these data. The National Child Protection and Support Services Data Group (NCPASS) has responsibility for overseeing the national child protection data and includes representatives from each State and Territory and from the AIHW.

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

There are also significant gaps in the national data on child protection. From 1999–00, some preliminary national data on intensive family support services were collected, but the data collection requires further development. There are no other data at the national level on the support services used by children in need of protection and their families.

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

The practices used to identify and record the Indigenous status of children in the child protection system vary across States and Territories and the data on Aboriginal and Torres Strait Islander children should be interpreted with care. Over the last few years a number of jurisdictions have introduced measures to improve the identification of Indigenous clients. In some jurisdictions, however, there are a significant proportion of children whose Indigenous status is unknown and this impacts on the quality of the data on Indigenous status.

# 2 Notifications, investigations and substantiations

## Overview

### Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by community services departments between 1 July 2001 and 30 June 2002. Only child protection matters that were notified to community services departments are included in this national collection. Notifications made to other organisations, such as the police or non-government welfare agencies, are included only if these notifications were also referred to community services departments.

As well as reporting on the number of notifications, investigations and substantiations, this report also includes data on the number of children in notifications, investigations and substantiations. As a child can be the subject of more than one notification, investigation or substantiation in a year, there are fewer children than there are total notifications, investigations and substantiations.

### Categories used for notifications and investigations

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

- *Investigation* – the process whereby the community services department obtains more detailed information about a child who is the subject of a notification received between 1 July 2001 and 30 June 2002, and makes an assessment about the harm or degree of harm to the child and his or her protective needs. An investigation includes the interviewing or sighting of the subject child where it is practical to do so.
  - *Finalised investigation* – a notification received between 1 July 2001 and 30 June 2002 which was investigated and the investigation was completed and an outcome recorded by 31 August 2002.
  - *Investigation not finalised* – a notification received between 1 July 2001 and 30 June 2002 which was investigated but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2002.
- *Dealt with by other means* – a notification that was responded to by means other than investigation, such as the provision of advice or referral to services.
- *Not investigated/not dealt with by other means* – includes all other notifications, such as those where no investigation or other action was possible.



The 'outcomes of finalised investigations' are classified into the following categories:

- *Substantiation* – where there was reasonable cause to believe that the child has been, was being or was likely to be abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was provided.
- *Carer/family issues* (New South Wales and Tasmania only) – used in New South Wales where it was determined that no actual harm occurred but carer/family issues were involved, and in Tasmania where there were reasonable grounds to suspect the possibility of previous or future abuse or neglect, and further involvement of the department was considered to be warranted.
- *Not substantiated* – where an investigation concluded that there was no reasonable cause to suspect prior, current or future abuse, neglect or harm to the child.

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

## Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 2001–02 financial year. For most tables, Australian totals have not been provided because the data from the States and Territories are not strictly comparable. The legislation, policies and procedures of each State and Territory should be taken into account when interpreting these data.

### Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 2001 and 30 June 2002 for each State and Territory is shown in Table 2.1. The number of notifications ranged from 55,208 in New South Wales to 508 in Tasmania.

The proportion of notifications that were investigated ranged from 96% in Western Australia to 35% in Victoria (Table 2.1). This broad range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations. In Victoria, for example, the definition of a notification is very broad and may include family issues that are responded to without a formal investigation process. In contrast, in Western Australia and Tasmania, reports to the departments are screened before being classified as a notification. Only those reports where maltreatment is indicated are classified as a notification and the majority of these are subsequently investigated.

**Table 2.1: Notifications, by type of action and State and Territory, 2001–02**

Type of action	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>
	<b>Number</b>							
Investigations finalised <sup>(d)</sup>	26,255	12,868	14,638	2,427	5,615	396	522	824
Investigations not finalised <sup>(e)</sup>	7,363	343	8,396	510	18	57	128	11
<i>Total investigations</i>	<i>33,618</i>	<i>13,211</i>	<i>23,034</i>	<i>2,937</i>	<i>5,633</i>	<i>453</i>	<i>650</i>	<i>835</i>
Dealt with by other means <sup>(f)</sup>	21,590	24,765	3,489	—	5,570	11	18	—
No investigation possible/no action <sup>(g)</sup>	—	—	1,069	108	—	44	133	770
<b>Total notifications</b>	<b>55,208</b>	<b>37,976</b>	<b>27,592</b>	<b>3,045</b>	<b>11,203</b>	<b>508</b>	<b>801</b>	<b>1,605</b>
	<b>Per cent</b>							
Investigations finalised <sup>(d)</sup>	48	34	53	80	50	78	65	51
Investigations not finalised <sup>(e)</sup>	13	1	30	17	—	11	16	1
<i>Total investigations</i>	<i>61</i>	<i>35</i>	<i>83</i>	<i>96</i>	<i>50</i>	<i>89</i>	<i>81</i>	<i>52</i>
Dealt with by other means <sup>(f)</sup>	39	65	13	—	50	2	2	—
No investigation possible/no action <sup>(g)</sup>	—	—	4	4	—	9	17	48
<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) The data provided relate to all notifications where the primary reported issue involved harm/injury or risk.

(b) 'Investigations not finalised' includes 69 cases where it is unknown whether there will be an investigation or not as data has not yet been recorded.

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

(d) 'Investigations finalised' is an investigation that was completed and an outcome recorded by 31 August 2002.

(e) 'Investigations not finalised' is an investigation that was begun but not completed by 31 August 2002.

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

(g) Includes notifications where there were no grounds for an investigation or insufficient information was available to undertake an investigation.

## Outcomes of investigations

Although the outcomes of investigations varied across the States and Territories, in all jurisdictions a large proportion of investigations were not substantiated; that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 40% of finalised investigations in Victoria and 51% in Western Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 33% in New South Wales to 69% in Queensland. Although a relatively low proportion of investigations in New South Wales and Tasmania were substantiated, an additional 23% of investigations in New South Wales and 5% in Tasmania were classified as 'Carer/family issues'. In New South Wales this category refers to investigations where it was determined that no actual harm occurred but carer or family issues were involved, while in Tasmania it refers to situations where there were not enough grounds for substantiation but further involvement of the department was warranted.

**Table 2.2: Outcomes of finalised investigations, by State and Territory, 2001-02**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Substantiation	8,606	7,687	10,036	1,187	2,230	158	220	349
Carer/family issues <sup>(a)</sup>	5,944	..	..	..	..	19	..	..
Not substantiated	11,705	5,181	4,602	1,240	3,385	219	302	475
<b>Total finalised investigations</b>	<b>26,255</b>	<b>12,868</b>	<b>14,638</b>	<b>2,427</b>	<b>5,615</b>	<b>396</b>	<b>522</b>	<b>824</b>
	<b>Per cent</b>							
Substantiation	33	60	69	49	40	40	42	42
Carer/family issues <sup>(a)</sup>	23	..	..	..	..	5	..	..
Not substantiated	45	40	31	51	60	55	58	58
<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) In New South Wales this category comprises investigations where no actual harm occurred but there were carer/family issues. In Tasmania the category was used where there were reasonable grounds to suspect the possibility of previous or future abuse or neglect and further involvement of the department was warranted.

### Recent trends in notifications and substantiations

In Australia, the number of child protection notifications increased by over 30,000 in the last 2 years, rising from 107,134 in 1999-00 to 137,938 in 2001-02 (Table 2.3). The number of notifications increased in all jurisdictions except South Australia and the Australian Capital Territory. The number of substantiations also increased over the last 2 years from 24,732 in 1999-00 to 30,473 in 2001-02 (Table 2.4). The increase in the number of substantiations was concentrated in New South Wales and Queensland.

**Table 2.3: Number of notifications, by State and Territory, 1999-00 to 2001-02**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1999-00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437 <sup>(a)</sup>	107,134
2000-01	40,937	36,966	22,069	2,851	9,988 <sup>(b)</sup>	315	794	1,551	115,471
2001-02	55,208	37,976	27,592	3,045	11,203	508	801	1,605	137,938

(a) The number of notifications in 1999-00 in the Northern Territory was higher than in previous years due to the introduction of a new information system that enabled improved reporting of all reports received.

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

Sources: AIHW 2002; Table 2.1.

Increases in the number of notifications or substantiations may be due to changes in legislation, policies and practices within jurisdictions. Much of the increase in the number of notifications and substantiations in New South Wales over the last 2 years was likely to be due to the introduction of new legislation which came into effect in 2000-01 and was fully operational in 2001-02. This expanded the categories of risk of harm, extended the number of professionals and agencies mandated to report, and introduced a centralised intake system. Similarly, the recent increase in notifications and substantiations in Queensland coincided with the trial of a centralised intake system in three departmental regions.

The increase in the numbers of notifications and substantiations may also indicate an increase in the number of children who require a child protection response. This may be due to an increase in the incidence of child abuse and neglect in the community or inadequate parenting causing harm to a child.

**Table 2.4: Number of substantiations, by State and Territory, 1999–00 to 2001–02**

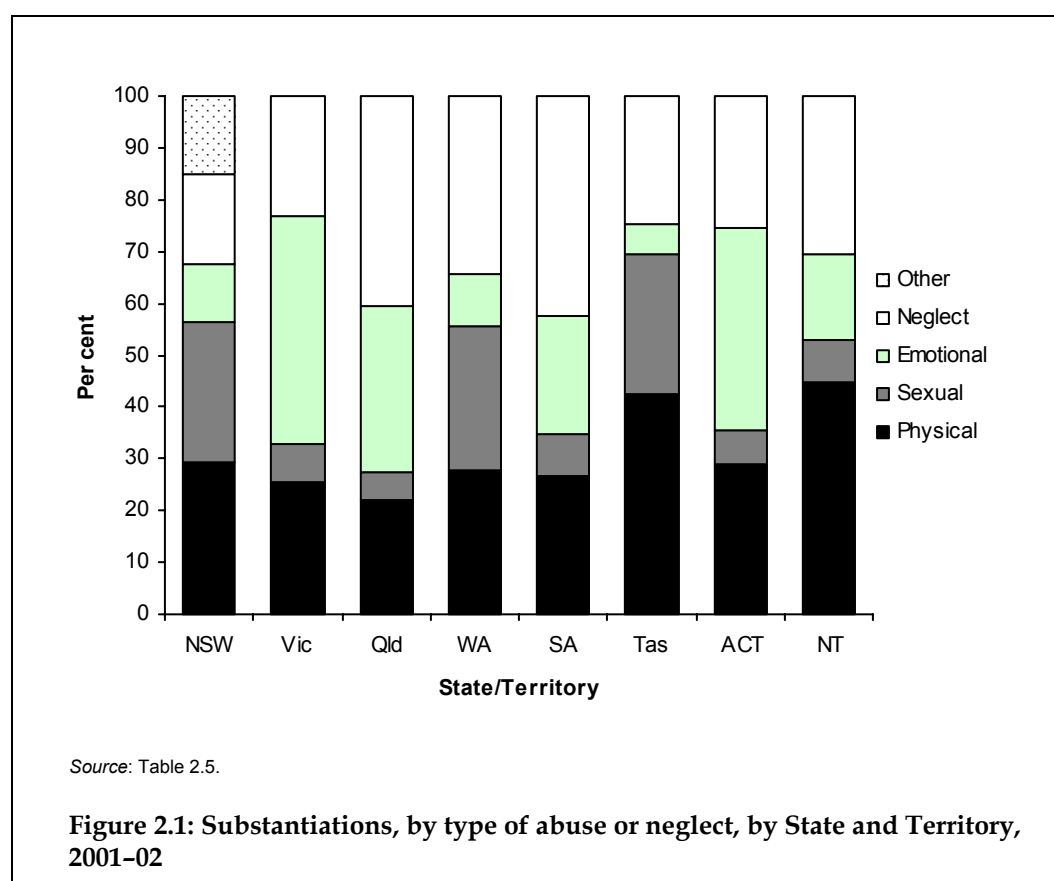
Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1999–00	6,477	7,359	6,919	1,169	2,085	97	233	393	24,732
2000–01	7,501	7,608	8,395	1,191	1,998	103	222	349	27,367
2001–02	8,606	7,687	10,036	1,187	2,230	158	220	349	30,473

Sources: AIHW 2002; Table 2.2.

## Substantiations and type of abuse and neglect

Substantiations are classified into one of the following four categories depending on the main type of abuse or neglect that has occurred: physical abuse, sexual abuse, emotional abuse, or neglect. It is not always clear what type of abuse, neglect or harm has occurred, and how a substantiation is classified varies according to the policies and practices of the different jurisdictions. New South Wales has an additional category of 'other' that includes children identified as being at high risk but with no identifiable harm or injury.

In New South Wales, Tasmania and the Northern Territory, physical abuse was the most common type of substantiation. In Queensland, Western Australia and South Australia, the most common was neglect; and in Victoria and the Australian Capital Territory, it was emotional abuse (Figure 2.1 and Table 2.5).



These variations in the distribution of types of abuse or neglect across jurisdictions are likely to be the result of differences in what is classified as a substantiation as well as differences in the types of incidents that are substantiated. In Western Australia and Tasmania a relatively

high proportion of substantiations were classified as either 'physical abuse' or 'sexual abuse', as the child protection data from these two States include only child maltreatment cases; cases which require a family support response are dealt with and counted separately.

Victoria, on the other hand, had a relatively high proportion of substantiations that were classified as 'emotional abuse', reflecting the broader range of incidents that are included in child protection notifications and substantiations. The relatively low rate of emotional abuse in New South Wales reflects the policy of classifying many of these matters as carer/ family issues rather than as a substantiation of harm. The high proportion of substantiations classified as 'neglect' in Queensland reflects the policies in that State which focus on identifying the protective needs of a child and assessing whether parents have protected the child from harm or risk of harm.

**Table 2.5: Substantiations, by main type of abuse or neglect and State and Territory, 2001-02**

Type of abuse or neglect substantiated	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
Physical	2,539	1,951	2,217	330	596	67	64	156
Sexual	2,301	564	536	330	175	43	14	29
Emotional	965	3,402	3,206	120	508	9	86	57
Neglect	1,511	1,770	4,077	407	951	39	56	107
Other <sup>(a)</sup>	1,290 <sup>(a)</sup>	..	..	..	..	..	..	..
<b>Total substantiations</b>	<b>8,606</b>	<b>7,687</b>	<b>10,036</b>	<b>1,187</b>	<b>2,230</b>	<b>158</b>	<b>220</b>	<b>349</b>
<b>Per cent</b>								
Physical	30	25	22	28	27	42	29	45
Sexual	27	7	5	28	8	27	6	8
Emotional	11	44	32	10	23	6	39	16
Neglect	18	23	41	34	43	25	25	31
Other <sup>(a)</sup>	15 <sup>(a)</sup>	..	..	..	..	..	..	..
<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) The category 'other' used for New South Wales comprises children identified as being at high risk but with no identifiable injury or harm.

## Characteristics of children

### Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subject of a notification or substantiation. This is because some children are the subject of more than one notification and/or substantiation in any one year. For example, in 2001-02 in New South Wales there were 55,208 notifications compared with 39,478 children who were the subject of a notification, and 8,606 substantiations compared with 7,402 children who were the subject of a substantiation (Table 2.6).

These data indicate that a number of children across Australia were the subject of more than one substantiation during 2001-02. It is not possible to calculate the exact proportion of children who were the subject of more than one notification or substantiation, however, as some children may be the subject of more than two notifications or substantiations in the year.

**Table 2.6: Number of notifications and substantiations and number of children who were the subject of a notification and/or substantiation, by State and Territory, 2001–02**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children in notifications	39,478	28,754	19,575	2,748	8,097	477	685	1,354
Total notifications	55,208	37,976	27,592	3,045	11,203	508	801	1,605
Children in substantiations	7,402	7,206	7,392	1,113	1,766	154	203	333
Total substantiations	8,606	7,687	10,036	1,187	2,230	158	220	349

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

## Sex and age

In all jurisdictions girls were more likely to be the subject of a substantiation of sexual abuse (Table A1.1) There were about three times as many girls as boys who were the subject of a substantiation of sexual abuse. On the other hand, boys were more likely to be the subject of a substantiation of physical abuse.

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

## Rates of children in substantiations

There were significant differences between States and Territories in the rates of children who were the subject of a child protection substantiation. In 2001–02 Queensland and Victoria had the highest rates of children who were the subject of a substantiation: 8.3 per 1,000 children in Queensland and 6.5 per 1,000 in Victoria (Table 2.7). The rates of children who were the subject of a substantiation were lowest in Western Australia and Tasmania: 2.4 and 1.4 per 1,000 respectively.

Much of the variation in rates across jurisdictions is likely to be due to differences in policies and approaches to child protection matters. The relatively low rates of children in substantiations in Western Australia and Tasmania is because reports relating to concerns about children that do not involve maltreatment are screened out of the child protection system and dealt with separately. The high rates in Victoria and Queensland are in part related to the broader definition of child abuse and neglect or harm used in these jurisdictions.

**Table 2.7: Rates of children aged 0–16 years who were the subject of a substantiation, per 1,000 children, by State and Territory, 1996–97 to 2001–02**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
1996–97	n.a. <sup>(a)</sup>	6.2	4.2 <sup>(b)</sup>	2.1	6.2	1.9	4.1	4.4
1997–98	5.0	5.9	5.1	2.4	4.7	1.1	4.7	5.6
1998–99	4.5	6.3	5.1	2.5	5.2	1.1	5.2	n.a. <sup>(c)</sup>
1999–00	3.9	6.3	5.6	2.3	5.1	0.7	2.6	6.2
2000–01	4.4	6.6	7.4	2.5	5.0	0.9	2.8	5.8
2001–02	4.8	6.5	8.3	2.4	5.3	1.4	2.7	5.8

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

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

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

Sources: AIHW 2002; Table 2.9.

## Trends in rates of children in substantiations

The trends in rates of children in substantiations also varied across jurisdictions. In the period 1996–97 to 2001–02, rates of children in substantiations increased in Victoria, Queensland, Western Australia and the Northern Territory. The increase in rates of children in substantiations was largest in Queensland where they rose from 4.2 to 8.3 per 1,000 (Table 2.7).

## Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In all jurisdictions except New South Wales, children aged under 1 year were the most likely to be the subject of a substantiation and children aged 15–16 years the least likely (Table 2.8). In Victoria, for instance, the rate for children aged under 1 year was 11.1 per 1,000 compared with 5.2 per 1,000 for young people aged 15–16 years.

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

**Table 2.8: Children aged 0–16 years in substantiations: rates per 1,000 children, by age and State and Territory, 2001–02**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1 year	4.5	11.1	15.6	4.8	8.8	1.8	6.5	11.6
1–4 years	4.2	7.4	9.8	2.5	5.6	1.6	3.0	7.1
5–9 years	5.0	6.2	8.6	2.7	5.9	1.1	3.0	5.1
10–14 years	5.3	5.8	7.6	2.1	4.8	1.0	2.2	5.3
15–16 years	3.9	5.2	3.3	1.2	2.4	0.6	1.1	2.6

### Notes

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

## Aboriginal and Torres Strait Islander children

### Rates of children in substantiations

Aboriginal and Torres Strait Islander children are more likely to be the subject of a substantiation than other Australian children. In 2001–02 in all jurisdictions except Tasmania, the substantiation rate for Indigenous children was higher than the rate for other children (Table 2.9). The rate ratio provides a summary measure of the rate of Indigenous children who were the subject of a substantiation compared with the rate for other children. In Victoria and Western Australia, the rate of Indigenous children who were the subject of a substantiation was nearly eight times higher than the rate for other children.

**Table 2.9: Children aged 0–16 years who were the subjects of substantiations: number and rates per 1,000 children, by Indigenous status and State and Territory, 2001–02**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	913	6,361	7,274	15.3	4.3	4.8	3.6:1
Victoria	579	6,569	7,148	48.1	6.1	6.5	7.9:1
Queensland	795	6,553	7,348	14.3	7.9	8.3	1.8:1
Western Australia <sup>(a)</sup>	386	718	1,104	13.5	1.7	2.4	7.9:1
South Australia	346	1,407	1,753	31.6	4.4	5.3	7.2:1
Tasmania	2	151	153	0.3	1.4	1.4	0.2:1
Australian Capital Territory	11	191	202	6.5	2.6	2.7	2.5:1
Northern Territory	222	109	331	9.7	3.2	5.8	3.0:1

(a) During 2001–02 practices were introduced to improve the identification of Indigenous status that resulted in an increase in the number of Indigenous clients.

*Notes*

1. Due to the small numbers involved, children aged 17 years were not included in this table.
2. The Indigenous rates for 2002 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years.

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

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

### **Types of abuse and neglect**

The pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children differs from the pattern for other children. Indigenous children were much more likely to be the subject of a substantiation of neglect than other children. For example, in Western Australia 50% of Indigenous children in substantiations were the subject of a substantiation of neglect, compared with 24% of other children. In Queensland the corresponding percentages were 50% and 37% respectively (Table 2.10).



**Table 2.10: Children who were the subject of a substantiation: type of abuse or neglect, by Indigenous status and State and Territory, 2001-02 (per cent)**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical abuse	31	22	23	25	30	100	18	43
Sexual abuse	17	4	5	15	4	—	9	9
Emotional abuse	13	49	21	9	27	—	45	12
Neglect	26	24	50	50	39	—	27	36
Other <sup>(a)</sup>	13	..	..	..	..	..	..	..
<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	29	26	24	29	32	42	29	45
Sexual abuse	30	8	6	37	10	28	5	9
Emotional abuse	10	44	33	11	23	6	40	25
Neglect	15	23	37	24	35	24	26	20
Other <sup>(a)</sup>	15	..	..	..	..	..	..	..
<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) The category 'other' used for New South Wales comprises children identified as being at high risk but with no identifiable injury.

*Notes*

1. For details on the coding of Indigenous status see Appendix 2.
2. Refer to Table A1.3 for numbers for this table.

## Additional data on notifications and substantiations

### Source of notifications

Child protection notifications made to community services departments come from a range of different sources. Data on the sources of notifications for finalised investigations show that the most common sources of those notifications in 2001-02 were school personnel, police and parents or guardians (Table 2.11). In New South Wales, for instance, school personnel were the source of the notifications for 23% of finalised investigations, police were the source of 22% and parents/guardians were the source of 10%.

**Table 2.11: Finalised investigations, by source of notification and State and Territory, 2001–02 (per cent)**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	1	1	3	3	2	1	—	1
Parent/guardian	10	10	16	11	10	15	11	8
Sibling	—	—	—	—	—	—	—	—
Other relative	5	7	12	12	9	6	9	14
Friend/neighbour	6	6	16	7	11	5	9	10
Medical practitioner	2	3	2	2	4	2	4	7
Other health personnel	5	5	1	—	2	8	2	2
Hospital/health centre	7	5	6	12	7	4	6	10
Social worker	8	2	5	—	5	5	2	4
School personnel	23	16	11	13	18	18	13	12
Childcare personnel	1	1	1	n.a.	—	1	—	2
Police	22	19	13	13	17	10	12	14
Departmental officer	—	6	3	13	5	10	9	6
Non-government organisation	3	14	3	4	—	7	13	5
Anonymous	4	—	3	1	3	1	2	—
Other	3	2	5	8	8	9	8	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>

*Notes*

1. "Other" category may include the person responsible.
2. Refer to Table A1.4 for numbers for this table.

## Family type

Data on the type of family in which children in substantiations were living were available from most jurisdictions, although it is important to note that a family member with whom the child was living may not have been the person responsible for the abuse, neglect or harm to the child.

Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed one-parent families and in two-parent step- or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families. For example, in South Australia 43% of substantiations involved children from female-headed one-parent families, 19% involved children from two-parent step- or blended families, 5% involved children living in male-headed sole-parent families, while 30% involved children from two-parent intact families (Table 2.12). In comparison, in 1997, 16% of all Australian children lived in female one-parent families, 8% lived in two-parent step- or blended families, 2% lived in male sole-parent families and 74% lived in two-parent intact families (ABS 1997).

While children of female sole parents accounted for a relatively high proportion of children in substantiations, they represent only a small proportion of all children in this family type. In South Australia, for example, the rate of substantiations for children in female sole-parent families was 17.2 per 1,000 (Table 2.12, ABS 1997).

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

- have low incomes and be financially stressed
- suffer from social isolation

- have less support in their immediate family.

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

**Table 2.12: Substantiations, by type of family in which the child was residing, for selected States and Territories<sup>(a)</sup>, 2001-02**

Family type	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>						
Two parent—intact	2,163	2,357	312	656	46	58	98
Two parent—step or blended	899	2,233	221	430	29	44	36
Single parent—female	2,630	4,229	430	954	65	64	139
Single parent—male	389	428	73	113	5	6	27
Other relatives/kin	469	211	73	39	2	2	34
Foster	97	n.a.	38	6	2	2	—
Other	376	556	26	22	9	2	7
Not stated	664	22	14	10	—	42	8
<b>Total</b>	<b>7,687</b>	<b>10,036</b>	<b>1,187</b>	<b>2,230</b>	<b>158</b>	<b>220</b>	<b>349</b>
	<b>Per cent</b>						
Two parent—intact	31	24	27	30	29	33	29
Two parent—step or blended	13	22	19	19	18	25	11
Single parent—female	37	42	37	43	41	36	41
Single parent—male	6	4	6	5	3	3	8
Other relatives/kin	7	2	6	2	1	1	10
Foster	1	n.a.	3	—	1	1	—
Other	5	6	2	1	6	1	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

**Notes**

1. For Victoria and Queensland, family of residence was categorised as where the child was living at the time of investigation. For other jurisdictions it was where the child was living when the abuse, neglect or harm occurred.
2. Queensland does not have a category for 'foster parent'—these have been included in 'Other'.

## Relationship of person believed responsible

The data on the relationship to the child of the person believed responsible for the abuse, neglect or harm to a child who was the subject of a substantiation highlight some of the differences in the approaches to child protection across jurisdictions. For example, in Queensland, the focus of the child protection system is on the identification and investigation of harm to the child and on the child's protective needs. In situations where harm has occurred and the person responsible is outside the immediate family, parents can still be considered to be responsible if they have failed to protect the child. In Queensland the natural parent was believed to be responsible in 84% of substantiations and a step-parent in a further 5% of the substantiations (Table 2.13).

In other jurisdictions, such as New South Wales, there is a greater focus on identifying the person who committed an action or who caused the harm to the child. Thus, those outside the family, such as friends or neighbours or strangers, are more likely than in Queensland to be regarded as responsible. In New South Wales, natural parents were believed to be responsible in 56% of substantiations, friends or neighbours were believed to be responsible in 13% of substantiations and strangers (included in the 'other' category) were believed to be

responsible for a small proportion of substantiations. In addition, in most jurisdictions (for example South Australia) the substantiations data does not include those matters that are solely investigated by Police, such as sexual abuse by a person outside the family.

**Table 2.13: Substantiations, by relationship to the child of person believed responsible, for selected States and Territories<sup>(a)</sup>, 2001–02**

Relationship	NSW	Qld	WA	SA	Tas	ACT	NT <sup>(b)</sup>
<b>Number</b>							
Biological parent	2,813	8,340	770	1,808	64	175	219
Step-parent	341	463	72	127	22	12	9
De facto step-parent	205	394	58	78	7	21	17
Sibling	198	99	24	71	2	4	8
Other relative/kin	398	271	73	66	10	1	16
Foster parent	95	171	11	—	3	2	—
Friend/neighbour	651	25	54	30	10	3	—
Other <sup>(c)</sup>	307	123	55	50	13	1	6
Not stated <sup>(d)</sup>	3,598 <sup>(c)</sup>	150	70	—	27	1	6
<b>Total</b>	<b>8,606</b>	<b>10,036</b>	<b>1,187</b>	<b>2,230</b>	<b>158</b>	<b>220</b>	<b>281</b>
<b>Per cent</b>							
Biological parent	56	84	69	81	49	80	80
Step-parent	7	5	6	6	17	5	3
De facto step-parent	4	4	5	3	5	10	6
Sibling	4	1	2	3	2	2	3
Other relative/kin	8	3	7	3	8	—	6
Foster parent	2	2	1	—	2	1	—
Friend/neighbour	13	—	5	1	8	1	—
Other <sup>(c)</sup>	6	1	5	2	10	—	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Victoria could not provide these data.

(b) The Northern Territory was unable to determine person believed responsible where there were more than one offender. The data relate to substantiations where there was only one offender.

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

(d) This category includes cases where the person believed responsible was not applicable, not stated or unknown.

# 3 Care and protection orders

## Overview

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

If a child has been the subject of a child protection substantiation, there is often a need for the community services department to have continued involvement with the family. The department generally attempts to protect the child through the provision of appropriate support services to the child and family. In situations where further intervention is required, the department may apply to the relevant court to place the child on a care and protection order.

Recourse to the court is usually a last resort – for example, where supervision and counselling are resisted by the family or where removal of the child to out-of-home care needs legal authorisation. However, not all applications for an order will be granted. The term ‘care and protection order’ in this publication refers not only to legal orders but is used to refer to other legal processes relating to the care and protection of children, including administrative arrangements or care applications.

Only a small proportion of children who are the subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 2000–01, and who were placed on a care and protection order within 12 months, ranged from 14% in South Australia to 52% in Tasmania (Table A1.5). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each State and Territory (see below).

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

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

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

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

## **The Children's Court**

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

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

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

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

Guardianship orders involve the transfer of legal guardianship to an authorised department or to an individual. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are 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, which are granted under custody orders.

In previous years guardianship orders generally involved the transfer of both guardianship and custody to the department, with the head of the State or Territory community services department becoming the guardian of the child. More recently, a number of jurisdictions have introduced options for transferring guardianship to a third party, for example in Victoria using Permanent Care Orders. Under the new legislation introduced in New South Wales these types of orders concern 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the State.

Custody orders generally refer to care and protection orders that place children in the custody of a third party. These orders usually involve child protection staff (or the person who has been granted custody) being responsible for the day-to-day requirements of the child while the parent retains guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child. In New South Wales under the new legislation the State can hold parental responsibility and the authorised carer will have the power to make decisions about the daily care and control of the child or young person.

This category also includes those administrative arrangements with the community services departments that have the same effect as a court order of transferring custody or guardianship. These are legal arrangements, but not all States and Territories have such provisions in their legislation.

### **2. Supervisory orders**

This category includes supervisory and other court orders that give the department some responsibility for the child's welfare. Under these types of orders the department supervises

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

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

### **3. Interim and temporary orders**

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

### **Scope of the data collection**

The data collection includes data for the 2001–02 financial year on children admitted to and discharged from care and protection orders, orders issued during 2001–02, as well as data on the characteristics of children on orders at 30 June 2002. Children are counted only once, even if they were admitted to or discharged from more than one order or they were on more than one order at 30 June 2002. If a child was on more than one order at 30 June 2002, then the child is counted as being on the order that implies the highest level of intervention by the department (with guardianship or custody orders being the most interventionist, and interim and temporary orders the least).

The data included in this year's report are broadly comparable with the data in the reports from 1996–97 onwards. From 1998–99 onwards, however, the categories for 'type of order' were changed and differ slightly from the categories used before 1998–99, when there was a separate category for administrative and voluntary arrangements between families and the community services departments. From 1998–99 these arrangements were included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship.

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

### **State and Territory differences**

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

- Western Australia does not have any orders that fit the category of 'supervisory orders'. Western Australian data on care applications that have not yet progressed to full care and protection orders have been included in the category 'interim and temporary orders'.
- New South Wales has court orders that would fit into the category of 'supervisory orders', but was not able to provide data on these orders.
- Orders that grant permanent guardianship and custody of a child to a third party are only issued in some jurisdictions. In Victoria, the Permanent Care Order was introduced

in 1996–97 and is included in this data collection in the category ‘guardianship and custody orders’. South Australia and the Northern Territory also have provisions for the transfer of guardianship to a third party. New South Wales has recently introduced a similar type of order, the Sole Parental Responsibility Order, that will also be included in the national data.

## Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2001–02 as well as data on the characteristics of children who were on care and protection orders at 30 June 2002. The differences between States and Territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

### Admissions, discharges and orders issued

#### Children admitted to orders

There were 9,554 children admitted to care and protection orders and arrangements across Australia during 2000–01, 258 more than in 2000–01 (Table 3.1, AIHW 2002). As noted earlier, a child may be admitted to a care and protection order for a range of reasons: for example, where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

**Table 3.1: Children admitted to and discharged from care and protection orders, by State and Territory, 2001–02**

	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>	Total
Children admitted to orders	2,874	2,676	2,102	507	557	428	164	246	9,554
Children admitted for the first time	1,977	1,484	993	495	219	196	96	n.a.	5,460
% of all admissions	69	55	47	98	39	46	59	n.a.	57
Children discharged from orders	2,261	1,954	1,230	249	646	180	105	207	6,566

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

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

(c) The Northern Territory was unable to provide data on admissions for the first time.

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

Some of the children admitted to orders in 2001–02 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the information was available, the proportion of children admitted to orders who were admitted for the first time ranged from 39% in South Australia to 98% in Western Australia. Jurisdictions with a wider range of care and protection orders, especially short-term orders (such as South Australia and Tasmania) have a lower proportion of children admitted for the first time. This is because variations or upgrades to existing orders are counted as re-admissions rather than admissions for the first time.

Data on the age of children admitted to orders show that 39% of children admitted to orders in 2001–02 were aged under 5 years, with 12% aged less than 1 year (Table 3.2). A further



27% of children admitted to orders were aged 5–9 years, 26% were aged 10–14 years and 7% were aged 15–17 years. The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged (Table 3.7).

**Table 3.2: Children admitted to care and protection orders, by age and State and Territory, 2001–02**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	426	358	205	82	52	17	9	26	1,175
1–4	714	756	595	137	146	102	36	85	2,571
5–9	672	742	636	144	161	114	57	61	2,587
10–14	805	639	552	92	154	128	53	64	2,487
15–17	213	181	114	52	44	67	9	10	690
Unknown	44	—	—	—	—	—	—	—	44
<b>Total</b>	<b>2,874</b>	<b>2,676</b>	<b>2,102</b>	<b>507</b>	<b>557</b>	<b>428</b>	<b>164</b>	<b>246</b>	<b>9,554</b>
<b>Per cent</b>									
<1	15	13	10	16	9	4	5	11	12
1–4	25	28	28	27	26	24	22	35	27
5–9	24	28	30	28	29	27	35	25	27
10–14	28	24	26	18	28	30	32	26	26
15–17	8	7	5	10	8	16	5	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>	<b>100</b>

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

### Children discharged from orders

There were fewer children discharged from care and protection orders in 2001–02 than admitted to these orders. There were 6,566 children discharged from orders compared with 9,554 children admitted to orders (Table 3.1).

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

**Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected States and Territories<sup>(a)</sup>, 2001–02**

State/Territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	
	<b>Number</b>								
New South Wales <sup>(b)</sup>	750	282	260	197	245	232	156	139	2,261
Victoria	5	237	351	657	313	256	100	35	1,954
Queensland	249	132	41	82	149	314	132	131	1,230
Western Australia	3	21	20	59	31	34	43	38	249
South Australia	241	6	13	284	9	13	23	57	646
Australian Capital Territory	50	16	9	6	6	8	7	3	105
Northern Territory	109	35	18	8	18	13	4	2	207
<b>Total<sup>(a)</sup></b>	<b>1,407</b>	<b>729</b>	<b>712</b>	<b>1,293</b>	<b>771</b>	<b>870</b>	<b>465</b>	<b>405</b>	<b>6,652</b>
	<b>Per cent</b>								
New South Wales <sup>(b)</sup>	33	12	11	9	11	10	7	6	100
Victoria	—	12	18	34	16	13	5	2	100
Queensland	20	11	3	7	12	26	11	11	100
Western Australia	1	8	8	24	12	14	17	15	100
South Australia	37	1	2	44	1	2	4	9	100
Australian Capital Territory	48	15	9	6	6	8	7	3	100
Northern Territory	53	17	9	4	9	6	2	1	100
<b>Total<sup>(a)</sup></b>	<b>21</b>	<b>11</b>	<b>11</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>7</b>	<b>6</b>	<b>100</b>

(a) Data not available from Tasmania.

(b) These data do not include children discharged from supervisory orders.

## Orders issued

There were more orders issued during 2001–02 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 2001–02 was 14,161 (Table 3.4).

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

The ratio of children admitted to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the States and Territories. In New South Wales and Victoria there was 1 child admitted to 1.2 orders issued, while in Tasmania there was 1 child admitted to 3.2 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is because this State has a range of shorter term orders including an Assessment Order, Restraint Order, Interim Order and Voluntary Care Agreement.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by State and Territory, 2001-02**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	1,942	1,218	1,836	291	488	854	162	90	6,881
Supervisory orders	n.a.	1,213	130	..	..	65	22	4	1,434
Interim and temporary orders	1,414	747	1,473	346	974	455	45	219	5,673
Other/not specified	173	—	—	—	—	—	—	—	173
<b>Total</b>	<b>3,529</b>	<b>3,178</b>	<b>3,439</b>	<b>637</b>	<b>1,462</b>	<b>1,374</b>	<b>229</b>	<b>313</b>	<b>14,161</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	55	38	53	46	33	62	71	29	49
Supervisory orders	n.a.	38	4	..	..	5	10	1	10
Interim and temporary orders	40	24	43	54	67	33	20	70	40
Other/not specified	5	—	—	—	—	—	—	—	1
<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>Ratio of children admitted to orders issued</b>	<b>1.2</b>	<b>1.2</b>	<b>1.6</b>	<b>1.3</b>	<b>2.6</b>	<b>3.2</b>	<b>1.4</b>	<b>1.3</b>	<b>1.5</b>

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

## Trends in the numbers on orders

At 30 June 2002 there were 20,557 children on care and protection orders in Australia (Table 3.5). Between 30 June 2001 and 30 June 2002 the number of children on orders increased by 640. There were increases in the number of children on orders in all jurisdictions except the Northern Territory.

**Table 3.5: Trends in the number of children on care and protection orders, by State and Territory, at 30 June 1997 to 2002**

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 <sup>(a)</sup>	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 <sup>(b)</sup>	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,320 <sup>(c)</sup>	1,260	453	219	205	19,917 <sup>(c)</sup>
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557

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

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

(c) The data differs from the previous report due to updated figures for Western Australia.

Sources: AIHW 2002; Table 3.6.

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 31% from 15,718 in 1997 to 20,557 in 2002. Over this 4-year period there were increases in the number of children on care and protection orders in all jurisdictions except Tasmania and the Australian Capital Territory.

## Characteristics of children on care and protection orders

### Types of orders

Across Australia the majority (85%) of children who were on care and protection orders at 30 June 2002 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria and the Australian Capital Territory, for example, a relatively high proportion of children were on supervisory orders.

**Table 3.6: Children on care and protection orders: type of order, by State and Territory, at 30 June 2002**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	7,096	3,617	3,511	1,266	1,242	397	213	177	17,519
Supervisory orders	n.a.	1,157	106	..	..	23	25	1	1,312
Interim and temporary orders	1,093	201	148	118	44	43	23	16	1,686
Other/not stated	40	—	—	—	—	—	—	—	40
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	86	73	93	91	97	86	82	91	85
Supervisory orders	n.a.	23	3	..	..	5	10	1	6
Interim and temporary orders	13	4	4	9	3	9	9	8	8
Other/not stated	—	—	—	—	—	—	—	—	—
<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) New South Wales could not provide data on children on supervisory orders.

### Age and sex

Almost one-quarter (23%) of all children on care and protection orders at 30 June 2002 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 14% in South Australia to 39% in the Northern Territory. Australia-wide, 17% of all children on orders were aged 15 to 17 years, although this proportion ranged from 8% in the Northern Territory to 26% in South Australia.

Just over half (51%) of all children on orders at 30 June 2002 were boys (Table A1.6). There were more boys than girls on orders in all jurisdictions except Victoria and the Northern Territory.

**Table 3.7: Children on care and protection orders: by age and State and Territory, at 30 June 2002**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	200	164	95	31	23	10	4	9	536
1–4	1,799	1,010	673	312	159	89	41	65	4,148
5–9	2,603	1,421	1,059	411	321	113	89	59	6,076
10–14	2,420	1,475	1,263	429	449	157	93	45	6,331
15–17	1,202	904	675	201	334	92	34	16	3,458
Unknown	5	1	—	—	—	2	—	—	8
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
<1	2	3	3	2	2	2	2	5	3
1–4	22	20	18	23	12	19	16	34	20
5–9	32	29	28	30	25	25	34	30	30
10–14	29	30	34	31	35	34	36	23	31
15–17	15	18	18	15	26	20	13	8	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>100</b>

(a) These data exclude children on supervisory orders.

### Living arrangements

At 30 June 2002, 17% of children on care and protection orders were in family care; that is, they were living either with parents or with relatives who were not reimbursed for their care (Table 3.8). Nearly three-quarters (73%) of children on orders were living in home-based out-of-home care, with 42% in foster care and 30% living with relatives and kin who were receiving a payment from the community services department. A further 5% of children were living in residential care, 2% were living independently and 3% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by State and Territory (Figure 3.1). Victoria and Tasmania had a relatively high proportion of children on orders in residential care and with parents, while New South Wales had a relatively high proportion of children living with relatives and kin who were reimbursed.

**Table 3.8: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2002**

Living arrangements	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA <sup>(b)</sup>	SA <sup>(c)</sup>	Tas	ACT <sup>(d)</sup>	NT	Total
<b>Number</b>									
Parents	480	1,559	412	149	n.a.	100	38	15	2,753
Relatives/kin <sup>(e)</sup>	540	..	111	..	n.a.	54	7	13	725
<i>Total family care</i>	<i>1,020</i>	<i>1,559</i>	<i>523</i>	<i>149</i>	<i>n.a.</i>	<i>154</i>	<i>45</i>	<i>28</i>	<i>3,478</i>
Foster care	2,595	1,450	2,197	666	1,256 <sup>(c)</sup>	197	133	119	8,613 <sup>(c)</sup>
Relatives/kin <sup>(f)</sup>	3,860	972	769	400	n.a.	—	57	29	6,087
Other	—	297	—	—	n.a.	10	—	—	307
<i>Total home-based care</i>	<i>6,455</i>	<i>2,719</i>	<i>2,966</i>	<i>1,066</i>	<i>1,256<sup>(c)</sup></i>	<i>207</i>	<i>190</i>	<i>148</i>	<i>15,007<sup>(c)</sup></i>
Residential care	293	473	117	113	30	71	22	7	1,126
Independent living <sup>(g)</sup>	130	34	121	39	n.a.	21	2	2	349
Other/unknown	331	190	38	17	n.a.	10	2	9	597
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
Parents	6	31	11	11	n.a.	22	15	8	13
Relatives/kin <sup>(e)</sup>	7	—	3	—	n.a.	12	3	7	4
<i>Total family care</i>	<i>12</i>	<i>31</i>	<i>14</i>	<i>11</i>	<i>n.a.</i>	<i>33</i>	<i>17</i>	<i>14</i>	<i>17</i>
Foster care	32	29	58	48	98 <sup>(c)</sup>	43	51	61	42 <sup>(c)</sup>
Relatives/kin <sup>(f)</sup>	47	20	20	29	n.a.	0	22	15	30
Other	—	6	—	—	n.a.	2	—	—	1
<i>Total home-based care</i>	<i>78</i>	<i>55</i>	<i>79</i>	<i>77</i>	<i>98<sup>(c)</sup></i>	<i>45</i>	<i>73</i>	<i>76</i>	<i>73<sup>(c)</sup></i>
Residential care	4	10	3	8	2	15	8	4	5
Independent living <sup>(g)</sup>	2	1	3	3	n.a.	5	1	1	2
Other/unknown	4	4	1	1	n.a.	2	1	5	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>

(a) Data excludes children on supervisory orders.

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

(c) South Australia could only provide accurate data on the number of children in residential care and could not separate out children living with relatives or kin. Some children who were in family care and some who were living with relatives/kin or were reimbursed were therefore included in the 'foster care' category.

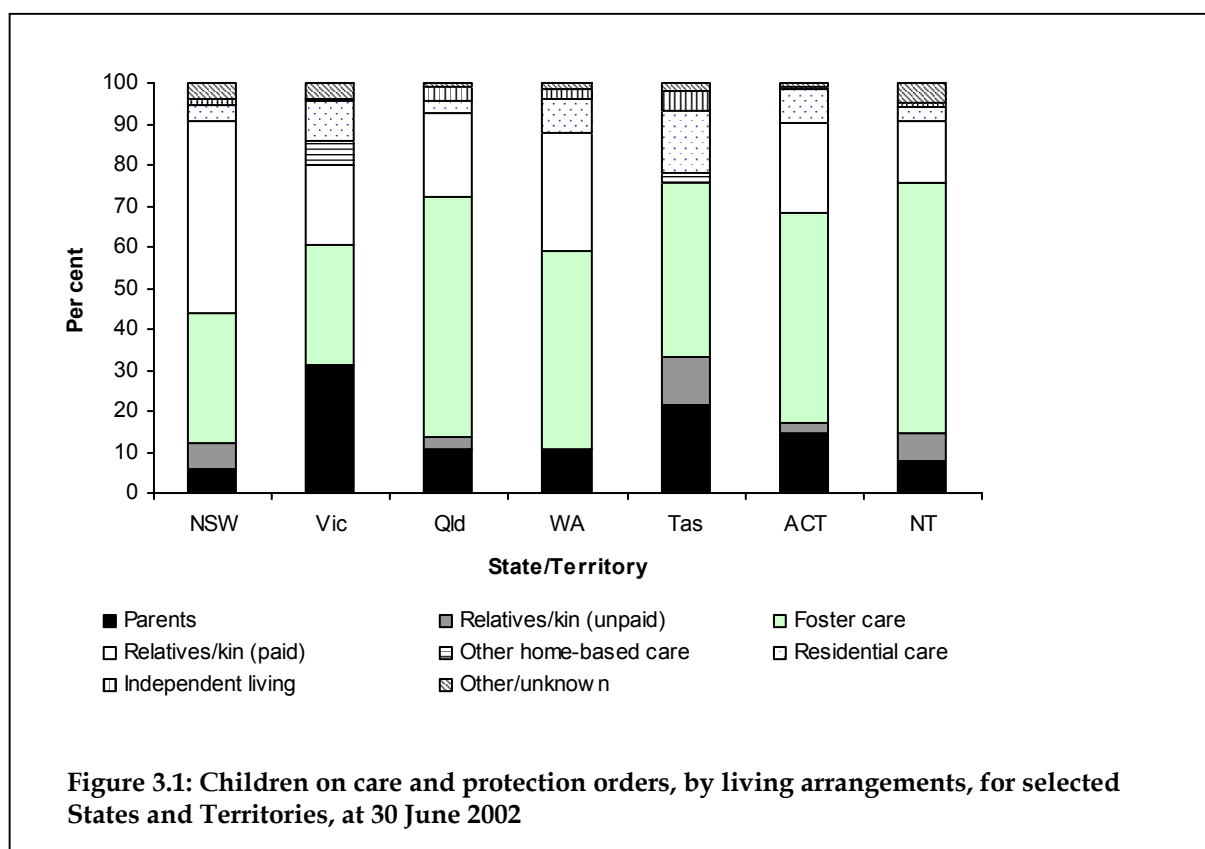
(d) In the Australian Capital Territory the number of children living with relatives/kin in home-based care is likely to be understated, as this information is not available for placements made by a non-government agency.

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

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

(g) This category includes private board.

Living arrangements varied considerably with the age of the child with children aged less than 1 year most likely to be either in family care (29%) or in home-based out-of-home care (66%) (Table A1.7). On the other hand, a relatively high proportion of children aged 15–17 years were in residential care (13%) or living independently (9%).



## Rates of children on care and protection orders

There were 4.3 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2002. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.8 per 1,000 in Western Australia to 5.1 per 1,000 in New South Wales (Table 3.9). Some of the variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

**Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by State and Territory, 30 June 1997 to 30 June 2002**

At 30 June	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	3.3
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
1999	4.4	3.8	4.0	2.1 <sup>(b)</sup>	2.9	3.6	3.0	3.0	3.8
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
2001	5.1	4.2	3.9	2.7 <sup>(c)</sup>	3.6	3.8	2.8	3.4	4.2
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	4.3

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

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

(c) The data differ from the previous report due to updated figures.

Sources: AIHW 2002; Table 3.10.

## Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2002, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.3 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions except Tasmania and the Australian Capital Territory. The increase in rates between 30 June 1997 and 30 June 2001 was particularly large in New South Wales, where rates increased from 3.7 to 5.1 per 1,000, and the Northern Territory, where rates increased from 1.9 to 3.2 per 1,000.

## Aboriginal and Torres Strait Islander children

### Number and rates

There were 4,264 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2002 (Table 3.10). Across Australia there were 20.5 Aboriginal and Torres Strait Islander children per 1,000 children aged 0–17 years on care and protection orders. The rate of Indigenous children on orders was 5.9 times higher than the rate for other Australian children.

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions. It was highest in Victoria (40.6 per 1,000) and lowest in Tasmania (2.8 per 1,000). In all jurisdictions except Tasmania, the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was over 10 times the rate for other children and in New South Wales it was 8 times the rate for other children.

**Table 3.10: Children on care and protection orders: number and rate per 1,000 children aged 0–17 years by Indigenous status and State and Territory, at 30 June 2002**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales <sup>(a)</sup>	1,992	6,237	8,229	31.9	4.0	5.1	8.0:1
Victoria	510	4,465	4,975	40.6	3.9	4.3	10.4:1
Queensland	880	2,885	3,765	15.1	3.3	4.0	4.6:1
Western Australia <sup>(b)</sup>	468	916	1,384	15.7	2.0	2.8	7.9:1
South Australia	233	1,053	1,286	20.3	3.1	3.6	6.5:1
Tasmania	23	440	463	2.8	4.0	3.9	0.7:1
Australian Capital Territory	32	229	261	18.1	2.9	3.3	6.2:1
Northern Territory	126	68	194	5.2	1.9	3.2	2.7:1
<b>Australia</b>	<b>4,264</b>	<b>16,293</b>	<b>20,557</b>	<b>20.5</b>	<b>3.5</b>	<b>4.3</b>	<b>5.9:1</b>

(a) These data exclude children on supervisory orders.

(b) During 2001–02 practices were introduced to improve the identification of Indigenous status that resulted in an increase in the number of Indigenous clients.

#### Notes

1. The Indigenous rates for 2002 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years.
2. For details on coding of Indigenous status, see Appendix 2.

## Types of orders

Most (89%) Indigenous children were on guardianship and custody orders or arrangements, with 3% on supervisory orders and 8% on interim or temporary orders (Table 3.11). In



comparison, 84% of other Australian children were on guardianship and custody orders, 7% were on supervisory orders and 8% on interim or temporary orders.

**Table 3.11: Children on care and protection orders: type of order, by Indigenous status and State and Territory, at 30 June 2002**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
<b>Number</b>									
Guardianship or custody orders/arrangements	1,762	377	823	432	221	21	29	112	3,777
Supervisory orders	n.a.	114	20	..	..	—	2	—	136
Interim and temporary orders	223	19	37	36	12	2	1	14	344
Other/not stated	7	—	—	—	—	—	—	—	7
<b>Total</b>	<b>1,992</b>	<b>510</b>	<b>880</b>	<b>468</b>	<b>233</b>	<b>23</b>	<b>32</b>	<b>126</b>	<b>4,264</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	88	74	94	92	95	91	91	89	89
Supervisory orders	n.a.	22	2	..	..	—	6	—	3
Interim and temporary orders	11	4	4	8	5	9	3	11	8
Other/not stated	—	—	—	—	—	—	—	—	—
<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 children</b>									
<b>Number</b>									
Guardianship or custody orders/arrangements	5,334	3,240	2,688	834	1,021	376	184	65	13,742
Supervisory orders	n.a.	1,043	86	..	..	23	23	1	1,176
Interim and temporary orders	870	182	111	82	32	41	22	2	1,341
Other/not stated	33	—	—	—	—	—	—	—	33
<b>Total</b>	<b>6,237</b>	<b>4,465</b>	<b>2,885</b>	<b>916</b>	<b>1,053</b>	<b>440</b>	<b>229</b>	<b>68</b>	<b>16,293</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	86	73	93	91	97	85	80	96	84
Supervisory orders	n.a.	23	3	..	..	5	10	1	7
Interim and temporary orders	14	4	4	9	3	9	10	1	8
Other/not stated	1	—	—	—	—	—	—	—	—
<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) New South Wales could not provide data on children on supervisory orders.

Note: For Indigenous coding, refer to Appendix 2.

# 4 Out-of-home care

## Overview

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

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

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

The current emphasis in policy and practice is to maintain children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunite children with their families. There are a range of intensive family support programs across jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. In 2001–02, there were some 55 intensive family support programs operating across Australia – 1 in New South Wales, 36 in Victoria, 3 in Queensland, 3 in Western Australia, 9 in South Australia, 1 in Tasmania and 2 in the Australian Capital Territory.

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

Respite care is a form of out-of-home care that is used to provide short-term accommodation for children whose parents are ill or unable to care for them on a temporary basis. Not all jurisdictions can identify which children in out-of-home care are in respite care.

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

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

Children can be placed in out-of-home care voluntarily or through some type of court order. Such orders include care and protection orders, including formal administrative arrangements, and other legal orders such as juvenile justice orders (see Chapter 3). There is considerable variety between the jurisdictions:

- In the Northern Territory, all children in out-of-home care were on a court order or another legal authority.
- In Western Australia, most children in out-of-home care were on court orders; the remainder were on interim arrangements pending the issuing of an order.
- In New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory, children in out-of-home care can be placed on a range of different orders or authorities. (For example, in South Australia, children needing emergency or respite care will often be placed in out-of-home care on the authority of their guardians.)

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

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

For the purposes of this collection, ‘out-of-home care’ is defined as out-of-home overnight care for children and young people under 18 years of age, where the State or Territory makes a financial payment. This includes placements with relatives (other than parents) but does not include placements made in disability services, medical or psychiatric services, juvenile justice facilities, overnight 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. In this collection, the following categories have been used:

- *Home-based care* – where placement is in the home of a carer who is reimbursed for expenses incurred in caring for the child. This category of placements includes:
  - relative/kinship care where the caregiver is a family member or a person with a pre-existing relationship to the child
  - foster or community care
  - other home-based arrangements.
- *Residential care* – where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff. This category includes facilities where there are rostered staff, where there is a live-in carer (including family group homes), and where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.
- *Independent living* – such as private boarding arrangements.
- *Other* – where the placement type does not fit into the above categories or is unknown.

### State and Territory differences

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

## Data and analysis

There are some data in this section on children admitted to out-of-home care during 2000–01 but most of the data relate to children who were in out-of-home care for the night of 30 June 2002. Australian totals have been provided where possible, although some States and Territories were not able to provide data for all tables.

### Admissions and discharges

In 2001–02 there were 12,840 children admitted to out-of-home care in Australia, 810 more than in 2000–01 (Table 4.1; AIHW 2002). The number of children admitted to care was higher than in 2000–01 in Victoria, Queensland, Tasmania and the Australian Capital Territory.

**Table 4.1: Children admitted to out-of-home care during 2001–02, by age, Australia**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	520	413	193	132	112	19	17	24	1,430
1–4	1,091	965	388	225	300	112	68	78	3,227
5–9	1,120	1,166	444	206	406	111	92	54	3,599
10–14	1,061	1,053	456	206	487	79	68	59	3,469
15–17	181	439	121	100	174	31	11	9	1,066
Unknown	45	—	—	—	—	—	4	—	49
<b>Total</b>	<b>4,018</b>	<b>4,036</b>	<b>1,602</b>	<b>869</b>	<b>1,479</b>	<b>352</b>	<b>260</b>	<b>224</b>	<b>12,840</b>
<b>Per cent</b>									
<1	13	10	12	15	8	5	7	11	11
1–4	27	24	24	26	20	32	27	35	25
5–9	28	29	28	24	27	32	36	24	28
10–14	27	26	28	24	33	22	27	26	27
15–17	5	11	8	12	12	9	4	4	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:* The table includes all children admitted to out-of-home care for the first time, as well as those children returning to care who had exited care more than two months previously. Children admitted to out-of-home care more than once during the year were only counted once.

Over one-third (36%) of the children admitted to out-of-home care were aged under 5 years, with 11% aged under 1 year. Children aged 15–17 years represented only 8% of all admissions in 2001–02.

Overall, there were fewer children discharged from care than those admitted. Across Australia there were 9,985 children discharged from out-of-home care in 2001–02 (Table 4.2). The age distribution of children discharged from care was considerably older than that of children admitted to care. For example, 20% of those discharged from care were aged 15 to 17 years compared with 8% of those admitted to care.

**Table 4.2: Number of children discharged from out-of-home care by age group, 2001-02**

Age (years)	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	113	268	84	55	93	6	10	12	641
1-4	419	1,020	195	169	295	42	52	39	2,231
5-9	369	1,238	216	141	413	57	94	31	2,559
10-14	472	1,016	283	169	488	55	50	38	2,571
15-17	502	774	193	173	255	49	28	5	1,979
Unknown	—	—	—	—	—	—	4	—	4
<b>Total</b>	<b>1,875</b>	<b>4,316</b>	<b>971</b>	<b>707</b>	<b>1,544</b>	<b>209</b>	<b>238</b>	<b>125</b>	<b>9,985</b>
<b>Per cent</b>									
<1	6	6	9	8	6	3	4	10	6
1-4	22	24	20	24	19	20	22	31	22
5-9	20	29	22	20	27	27	40	25	26
10-14	25	24	29	24	32	26	21	30	26
15-17	27	18	20	24	17	23	12	4	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>	<b>100</b>

(a) The data are estimated figures.

(b) Data were not available for the full year and some estimates were provided.

Note: The data for children exiting care include those who left care and had not returned within 2 months.

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

At 30 June 2002 there were 18,880 children in out-of-home care in Australia (Table 4.3). This compares with 18,241 children who were in out-of-home care at 30 June 2001 (AIHW 2002). The number of children in out-of-home care at 30 June 2002 was higher than at 30 June 2001 in all jurisdictions except Tasmania and the Northern Territory (Table 4.3).

The number of children in out-of-home care in Australia at 30 June has increased each year since 1996 when there were 13,979 children in out-of-home care (AIHW 2002). Between 1996 and 2002 the number of children in out-of-home care in Australia increased by 35%. There was an increase in numbers in all jurisdictions over this period.

**Table 4.3: Number of children aged 0-17 years in out-of-home care, by State and Territory, 30 June 1996 to 2002**

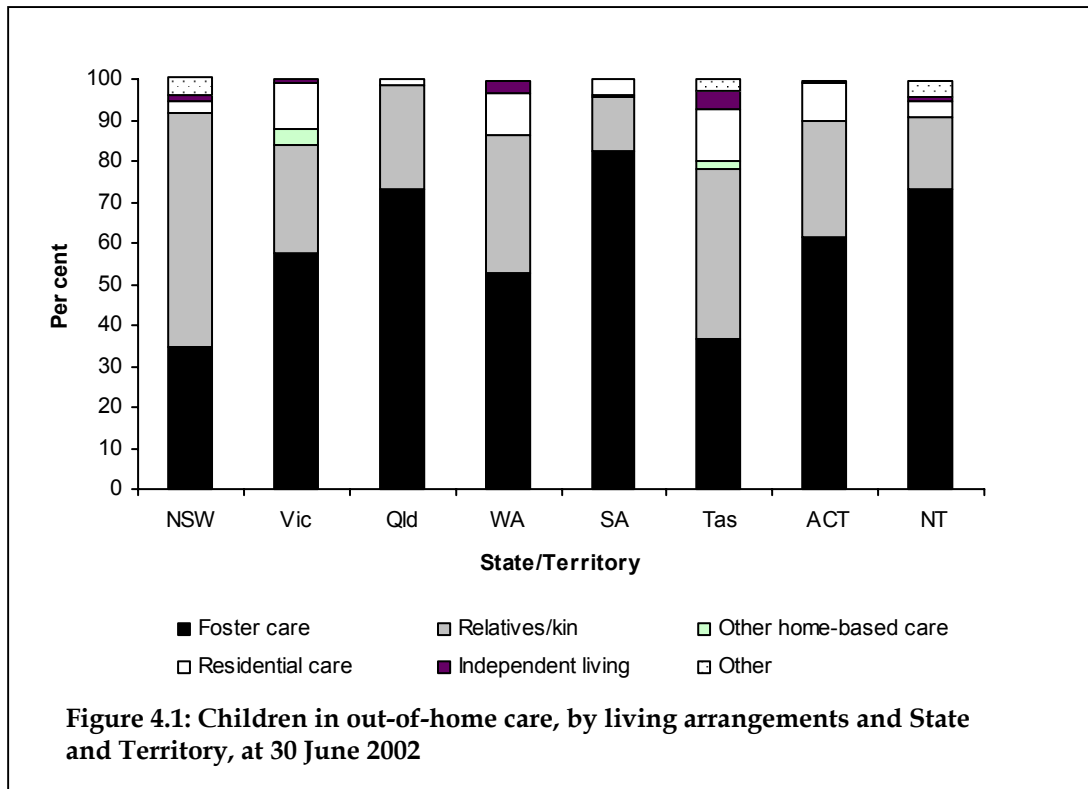
At 30 June	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas	ACT	NT	Total
1996	5,437	3,385	2,110	1,206	1,064	508	181	88	13,979
1997	5,486	3,393	2,211	1,050	1,193	461	173	111	14,078
1998	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
1999	6,359	3,581	2,613	1,192	1,045	533	174	177	15,674
2000	7,041	3,867	2,634	1,326	1,131	548	200	176	16,923
2001	7,786	3,882	3,011	1,436	1,175	572	215	164	18,241
2002	8,084	3,918	3,257	1,494	1,196	544	224	163	18,880

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

Sources: AIHW 2002; Table 4.4.

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

Most children (91%) who were in out-of-home care at 30 June 2002 were in home-based care: 51% in foster care, 39% in relative/kinship care and 1% in some other type of home-based care (Table 4.4). The high proportion of children in home-based care reflects the trends in recent decades of increased use of placements with relatives and kin or foster carers, and decreased use of placements in residential care (Johnstone 2001).



The proportion of children in out-of-home care who were living in residential care was 6% Australia-wide and ranged from 1% in Queensland to 13% in Tasmania. It should be noted that residential care includes family group homes that may have only 8–10 children living together and residential establishments with under 10 children. The principle of maintaining sibling groups together can also result in placements in residential care. In many jurisdictions priority is given to keeping siblings together, which sometimes results in periods of residential care for larger family groups.

Compared with other jurisdictions, South Australia had a relatively high proportion of children in foster care (82%), and New South Wales had a relatively high proportion of children placed with relatives or kin (57%) (Figure 4.1).

**Table 4.4: Children in out-of-home care: type of placement, by State and Territory, at 30 June 2002**

Type of placement	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT	Total
<b>Number</b>									
Foster care	2,798	2,259	2,385	784	985	200	138	119	9,668
Relatives/kin	4,600	1,031	824	508	159	225	63	29	7,439
Other home-based care	—	146	—	—	8	10	—	—	164
<i>Total home-based care</i>	<i>7,398</i>	<i>3,436</i>	<i>3,209</i>	<i>1,292</i>	<i>1,152</i>	<i>435</i>	<i>201</i>	<i>148</i>	<i>17,271</i>
Residential care	269	445	48	154	44	70	21	6	1,057
Independent living	115	37	—	43	—	23	1	2	221
Other <sup>(b)</sup>	302	—	—	5	—	16	1	7	331
<b>Total</b>	<b>8,084</b>	<b>3,918</b>	<b>3,257</b>	<b>1,494</b>	<b>1,196</b>	<b>544</b>	<b>224</b>	<b>163</b>	<b>18,880</b>
<b>Per cent</b>									
Foster care	35	58	73	52	82	37	62	73	51
Relatives/kin	57	26	25	34	13	41	28	18	39
Other home-based care	—	4	—	—	1	2	—	—	1
<i>Total home-based care</i>	<i>92</i>	<i>88</i>	<i>99</i>	<i>86</i>	<i>96</i>	<i>80</i>	<i>90</i>	<i>91</i>	<i>91</i>
Residential care	3	11	1	10	4	13	9	4	6
Independent living	1	1	—	3	—	4	—	1	1
Other <sup>(b)</sup>	4	—	—	—	—	3	—	4	2
<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) The data include a small number of children who were placed with relatives who were not reimbursed.

(b) 'Other' includes unknown living arrangements.

## Age and sex

Around one-third (32%) of children in out-of-home care were aged 10–14 years (Table A1.8). A further 30% were aged 5–9 years, 23% were aged under 5 years and 15% were aged 15–17 years. Just over half (52%) of all children in out-of-home care were boys, though girls outnumbered boys in the Australian Capital Territory (Table A1.9).

Children in residential care were considerably older than children in home-based care: 45% of children in residential care were aged 10–14 years and 38% were aged 15–17 years, while 31% of children in home-based care were aged 10–14 years and 12% were aged 15–17 years (Table A1.10). Only 5% of children in residential care in Australia were aged under 5 years compared with 25% of those in home-based care. In South Australia and the Australian Capital Territory there were no children aged under 5 years in residential care.

## Whether children were on an order

As previously noted, in the Northern Territory all children in out-of-home care were on care and protection orders or authorities. In other jurisdictions, the proportion of children in out-of-home care who were on care and protection orders ranged from 70% in Tasmania to 98% in the Australian Capital Territory (Table 4.5).

**Table 4.5: Children in out-of-home care: whether the child was on an order, by State and Territory, at 30 June 2002**

Whether the child was on an order	NSW	Vic <sup>(a)</sup>	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
On care and protection order	7,223	3,189	2,981	1,215	989	371	213	163	16,344
On another type of order	—	22	1	—	176	12	6	—	217
<i>Total children on orders</i>	<i>7,223</i>	<i>3,211</i>	<i>2,982</i>	<i>1,215</i>	<i>1,165</i>	<i>383</i>	<i>219</i>	<i>163</i>	<i>16,561</i>
Not on an order	861	707	275	279	31	161	5	—	2,319
<b>Total</b>	<b>8,084</b>	<b>3,918</b>	<b>3,257</b>	<b>1,494</b>	<b>1,196</b>	<b>544</b>	<b>224</b>	<b>163</b>	<b>18,880</b>
<b>Per cent</b>									
On care and protection order	89	81	92	81	83	68	95	100	87
On another type of order	—	1	—	—	15	2	3	—	1
<i>Total children on orders</i>	<i>89</i>	<i>82</i>	<i>92</i>	<i>81</i>	<i>97</i>	<i>70</i>	<i>98</i>	<i>100</i>	<i>88</i>
Not on an order	11	18	8	19	3	30	2	..	12
<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) The data from Victoria include estimates from some data sources.

### Length of time in placement

The proportion of children in Australia who had been in out-of-home care for 5 years or more at 30 June 2002 was 19%, but this ranged from 5% in Tasmania to 35% in the Australian Capital Territory (Table 4.6). Overall, 54% of children had been in out-of-home care for less than 2 years.

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



**Table 4.6: Children in out-of-home care: length of time in continuous placement, by State and Territory, at 30 June 2002**

Time in continuous placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
< 1 month	1,054	477	317	39	91	66	11	7	2,062
1 month to < 6 months	678	965	817	118	221	138	26	12	2,975
6 months to < 1 year	708	546	410	181	162	59	25	11	2,102
1 year to < 2 years	1,216	576	582	232	185	212	25	31	3,059
2 years to < 5 years	2,613	835	609	487	254	41	59	62	4,960
5 years or more	1,807	467	522	437	283	28	78	36	3,658
Not stated/unknown	8	52	—	—	—	—	—	4	64
<b>Total</b>	<b>8,084</b>	<b>3,918</b>	<b>3,257</b>	<b>1,494</b>	<b>1,196</b>	<b>544</b>	<b>224</b>	<b>163</b>	<b>18,880</b>
<b>Per cent</b>									
< 1 month	13	12	10	3	8	12	5	4	11
1 month to < 6 months	8	25	25	8	18	25	12	8	16
6 months to < 1 year	9	14	13	12	14	11	11	7	11
1 year to < 2 years	15	15	18	16	15	39	11	19	16
2 years to < 5 years	32	22	19	33	21	8	26	39	26
5 years or more	22	12	16	29	24	5	35	23	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>

Note: In those jurisdictions where children in out-of-home care for respite reasons could be identified, they were included in the 'less than 1 month' category: New South Wales (909 children), Victoria (106 children), South Australia (4 children) and the Australian Capital Territory (2 children).

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

There were 3.9 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2002, the same rate as 2001 (Table 4.7). The rates of children in out-of-home care varied by State and Territory and ranged from 2.7 per 1,000 in the Northern Territory to 5.0 per 1,000 in New South Wales. The reasons for this variation are likely to include differences in the policies and practices of the community services departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this service.

**Table 4.7: Rates of children in out-of-home care, per 1,000 children, by State and Territory, 30 June 1997 to 30 June 2002**

At 30 June	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas	ACT	NT	Total
1997	3.4	3.0	2.5	2.2	3.2	3.7	2.1	1.9	3.0
1998	3.5	3.2	2.6	2.3	2.8	3.6	2.2	2.3	3.1
1999	4.0	3.1	2.9	2.5	2.9	4.4	2.2	3.0	3.3
2000	4.5	3.4	2.9	2.8	3.2	4.6	2.6	3.0	3.6
2001	4.9	3.4	3.3	3.0	3.3	4.8	2.8	2.7	3.9
2002	5.0	3.4	3.5	3.1	3.4	4.6	2.8	2.7	3.9

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

Sources: AIHW 2002; Table 4.8.

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

The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 3.9 per 1,000 at 30 June 2002. Over the period from 1997 to 2002, the rates of children in out-of-home care increased in all jurisdictions. The increase was largest in New South Wales where rates increased from 3.4 to 5.0 per 1,000.

## Aboriginal and Torres Strait Islander children

At 30 June 2002 there were 4,199 Aboriginal and Torres Strait Islander children in out-of-home care, an increase of 126 since 30 June 2001 (Table 4.8, AIHW 2002). The rate of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2002 was 20.1 per 1,000 aged 0–17 years, ranging from 3.6 per 1,000 in Tasmania to 39.0 per 1,000 in Victoria.

**Table 4.8: 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 2002**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	2,098	5,986	8,084	33.5	3.8	5.0	8.8:1
Victoria	489	3,429	3,918	39.0	3.0	3.4	13.0:1
Queensland	708	2,549	3,257	12.2	2.9	3.5	4.2:1
Western Australia <sup>(a)</sup>	511	983	1,494	17.1	2.2	3.1	7.8:1
South Australia	232	964	1,196	20.2	2.8	3.4	7.2:1
Tasmania	29	515	544	3.6	4.6	4.6	0.8:1
Australian Capital Territory	27	197	224	15.3	2.5	2.8	6.1:1
Northern Territory	105	58	163	4.4	1.6	2.7	2.8:1
<b>Australia</b>	<b>4,199</b>	<b>14,681</b>	<b>18,880</b>	<b>20.1</b>	<b>3.2</b>	<b>3.9</b>	<b>6.3:1</b>

(a) During 2001–02 practices were introduced to improve the identification of Indigenous status that resulted in an increase in the number of Indigenous clients.

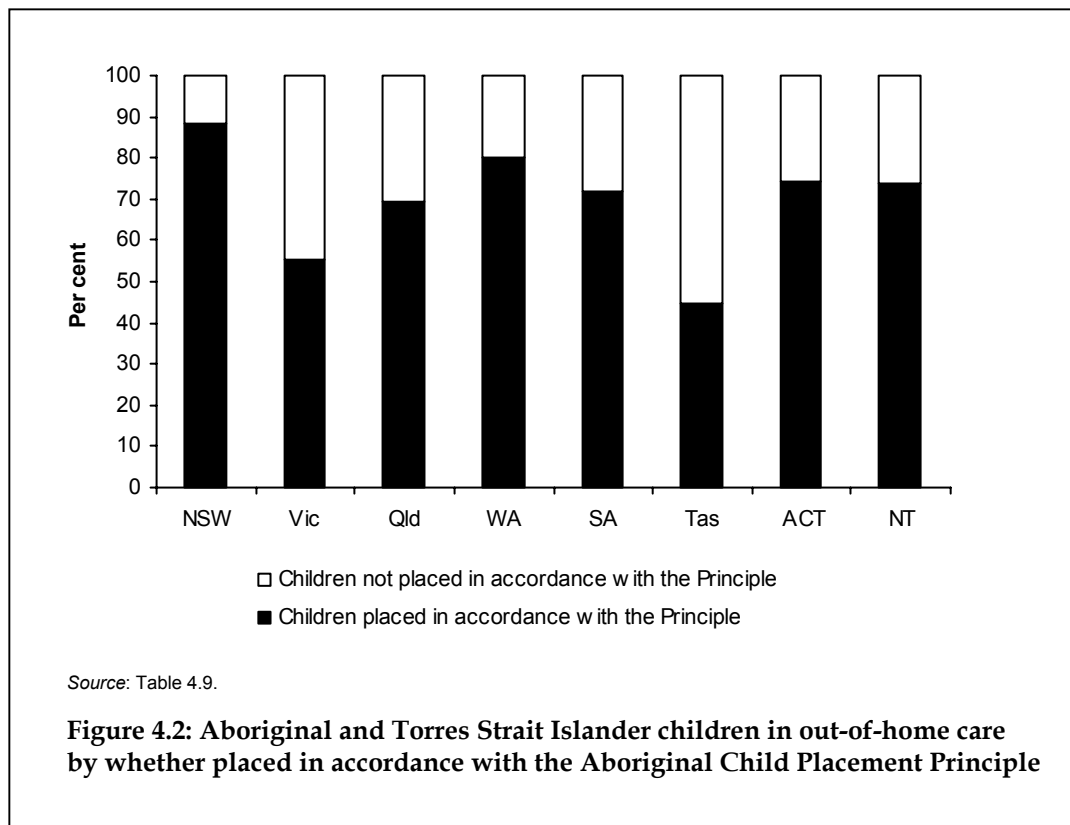
Note: The Indigenous rates for 2002 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years. For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.

In all jurisdictions except Tasmania, there were higher rates of Aboriginal and Torres Strait Islander children in out-of-home care than other Australian children. In Victoria, the rate of Indigenous children in out-of-home care was 13 times the rate for other children, and in New South Wales it was over 8 times the rate (Table 4.8).

## Indigenous status of caregivers

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

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



All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives in many jurisdictions (Figure 4.2). The proportion of Aboriginal and Torres Strait Islander children who were placed with either an Indigenous carer or a relative, for example, was 88% in New South Wales and 80% in Western Australia (Table 4.9). The relatively low proportion of Indigenous children who were placed with an Indigenous carer in Tasmania is probably related to the small size of the Indigenous population as well as issues related to the identification of Indigenous status in that State.

**Table 4.9: Aboriginal and Torres Strait Islander children in out-of-home care: Indigenous status and relationship of carer, by State and Territory, at 30 June 2002**

Relationship	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
	<b>Number</b>								
Indigenous relative/kin	1,212	87	173	246	42	5	5	22	1,805
Other Indigenous caregiver	339	100	194	87	112	2	12	54	887
Non-Indigenous relative/kin	279	64	115	34	13	6	2	n.a. <sup>(a)</sup>	513
Indigenous residential care	9	20	10	38	—	—	1	—	78
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>1,839</i>	<i>271</i>	<i>492</i>	<i>405</i>	<i>167</i>	<i>13</i>	<i>20</i>	<i>76</i>	<i>3,283</i>
Other non-Indigenous caregiver	215	176	214	75	62	8	7	21	778
Non-Indigenous residential care	29	42	2	26	3	8	—	6	116
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>244</i>	<i>218</i>	<i>216</i>	<i>101</i>	<i>65</i>	<i>16</i>	<i>7</i>	<i>27</i>	<i>894</i>
<b>Total</b>	<b>2,083</b>	<b>489</b>	<b>708</b>	<b>506</b>	<b>232</b>	<b>29</b>	<b>27</b>	<b>103</b>	<b>4,177</b>
	<b>Per cent</b>								
Indigenous relative/kin	58	20	24	49	18	17	19	21	43
Other Indigenous caregiver	16	18	27	17	48	7	44	52	21
Non-Indigenous relative/kin	13	13	16	7	6	21	7	n.a. <sup>(a)</sup>	12
Indigenous residential care	—	4	1	8	—	—	4	—	2
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>88</i>	<i>55</i>	<i>69</i>	<i>80</i>	<i>72</i>	<i>45</i>	<i>74</i>	<i>74</i>	<i>79</i>
Other non-Indigenous caregiver	10	36	30	15	27	28	26	20	19
Non-Indigenous residential care	1	9	—	5	1	28	—	6	3
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>12</i>	<i>45</i>	<i>31</i>	<i>20</i>	<i>28</i>	<i>55</i>	<i>26</i>	<i>26</i>	<i>21</i>
<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) The relationship of the caregiver to children placed with non-Indigenous caregivers was not available and these children were placed in the 'other' category.

*Notes*

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

# Appendix 1: Detailed tables

## Child protection

Table A1.1: Children in substantiations: type of abuse or neglect, by sex and State and Territory, 2001–02

Sex and type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Males</b>								
Physical	1,157	932	938	157	287	37	24	78
Sexual	509	208	109	71	32	6	2	4
Emotional	371	1,634	1,189	60	203	3	41	32
Neglect	660	868	1,464	186	333	19	29	60
Other <sup>(a)</sup>	519	..	..	..	..	..	..	..
<b>Total</b>	<b>3,216</b>	<b>3,642</b>	<b>3,700</b>	<b>474</b>	<b>855</b>	<b>65</b>	<b>96</b>	<b>174</b>
<b>Females</b>								
Physical	1,026	888	858	148	268	27	34	68
Sexual	1,582	328	336	256	128	36	9	25
Emotional	403	1,516	1,137	52	213	6	41	23
Neglect	581	748	1,361	183	296	17	23	43
Other <sup>(a)</sup>	594	..	..	..	..	..	..	..
<b>Total</b>	<b>4,186</b>	<b>3,480</b>	<b>3,692</b>	<b>639</b>	<b>905</b>	<b>86</b>	<b>107</b>	<b>159</b>
<b>Unknown</b>								
Physical	—	25	—	—	—	2	—	—
Sexual	—	9	—	—	—	—	—	—
Emotional	—	28	—	—	2	—	—	—
Neglect	—	22	—	—	4	1	—	—
Other <sup>(a)</sup>	—	..	..	..	..	..	..	..
<b>Total</b>	<b>—</b>	<b>84</b>	<b>—</b>	<b>—</b>	<b>6</b>	<b>3</b>	<b>—</b>	<b>—</b>
<b>Persons</b>								
Physical	2,183	1,845	1,796	305	555	66	58	146
Sexual	2,091	545	445	327	160	42	11	29
Emotional	774	3,178	2,326	112	418	9	82	55
Neglect	1,241	1,638	2,825	369	633	37	52	103
Other <sup>(a)</sup>	1,113	..	..	..	..	..	..	..
<b>Total</b>	<b>7,402</b>	<b>7,206</b>	<b>7,392</b>	<b>1,113</b>	<b>1,766</b>	<b>154</b>	<b>203</b>	<b>333</b>

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

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

**Table A1.2: Children in substantiations, by age and State and Territory, 2001–02**

Age group (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
<1	389	680	746	118	153	11	26	42
1–4	1,460	1,854	1,964	254	416	40	51	99
5–9	2,287	2,023	2,268	364	587	37	65	88
10–14	2,427	1,892	2,022	297	486	33	50	86
15–17	830	743	392	80	112	9	11	18
Unknown	9	14	—	—	12	24	—	—
<b>Total</b>	<b>7,402</b>	<b>7,206</b>	<b>7,392</b>	<b>1,113</b>	<b>1,766</b>	<b>154</b>	<b>203</b>	<b>333</b>
<b>Per cent</b>								
<1	5	9	10	11	9	8	13	13
1–4	20	26	27	23	24	31	25	30
5–9	31	28	31	33	33	28	32	26
10–14	33	26	27	27	28	25	25	26
15–17	11	10	5	7	6	7	5	5
<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>

Note: Where the child was the subject of more than one substantiation in the year, the age of the child was counted at the time of the first substantiation.

**Table A1.3: Children aged 0–17 years who were the subject of a substantiation: type of abuse or neglect, by Indigenous status and State and Territory, 2001–02**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical	283	129	187	98	103	2	2	96
Sexual	155	25	42	59	14	—	1	19
Emotional	120	287	171	35	94	—	5	27
Neglect	238	140	405	195	137	—	3	81
Other <sup>(a)</sup>	122	..	..	..	..	..	..	..
<b>Total</b>	<b>918</b>	<b>581</b>	<b>805</b>	<b>387</b>	<b>348</b>	<b>2</b>	<b>11</b>	<b>223</b>
<b>Other children</b>								
Physical	1,900	1,716	1,609	207	452	64	56	50
Sexual	1,936	520	403	268	146	42	10	10
Emotional	654	2,891	2,155	77	324	9	77	28
Neglect	1,003	1,498	2,420	174	496	37	49	22
Other <sup>(a)</sup>	991	..	..	..	..	..	..	..
<b>Total</b>	<b>6,484</b>	<b>6,625</b>	<b>6,587</b>	<b>726</b>	<b>1,418</b>	<b>152</b>	<b>192</b>	<b>110</b>

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

**Table A1.4: Number of investigations: source of notification, by State and Territory, 2001-02**

<b>Source of notification</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>
Subject child	178	67	412	78	133	2	2	10
Parent/guardian	2,501	1,243	2,360	278	560	58	55	64
Sibling	—	51	67	11	21	1	1	3
Other relative	1,411	863	1,805	281	480	25	48	118
Friend/neighbour	1,486	723	2,336	174	643	18	48	79
Medical practitioner	636	421	340	42	247	8	19	59
Other health personnel	1,225	648	83	—	94	32	12	18
Hospital/health centre	1,870	666	857	285	372	15	29	83
Social worker	2,115	301	662	—	255	18	13	35
School personnel	6,039	1,981	1,622	313	990	70	67	95
Childcare personnel	340	176	200	n.a.	—	5	—	13
Police	5,659	2,372	1,839	326	959	39	65	118
Departmental officer	115	712	434	313	257	41	47	47
Non-government organisation	769	1,779	484	89	6	28	67	45
Anonymous	992	—	387	36	167	2	9	3
Other	901	274	743	199	431	34	40	33
Not stated	18	591	7	1	—	—	—	1
<b>Total</b>	<b>26,255</b>	<b>12,868</b>	<b>14,638</b>	<b>2,426</b>	<b>5,615</b>	<b>396</b>	<b>522</b>	<b>824</b>

## Care and protection orders

Table A1.5: Children substantiated in 2000–01 and subsequently placed on care and protection orders within 12 months, for selected States and Territories

State/Territory	Number subsequently placed on a care and protection order	Percentage of all children substantiated in 2000–01
Victoria	1,792	25
Queensland	1,025	16
Western Australia	187	16
South Australia	226	14
Tasmania	53	52
Australian Capital Territory	70	31
Northern Territory	55	19

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

Table A1.6: Children on care and protection orders: by sex and State and Territory, at 30 June 2002

Sex of child	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	4,273	2,393	1,926	714	674	250	132	96	10,458
Female	3,951	2,574	1,839	670	607	211	129	98	10,079
Unknown	5	8	—	—	5	2	—	—	20
<b>Persons</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
Male	52	48	51	52	53	54	51	49	51
Female	48	52	49	48	47	46	49	51	49
<b>Persons</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) These data exclude children on supervisory orders.



**Table A1.7: Children on care and protection orders: living arrangements, by age, at 30 June 2002**

Age (years)	Family care	Home-based out-of-home care	Residential care	Independent living	Other	Total
<b>Number</b>						
<1	157	354	11	—	14	536
1–4	819	3,234	51	—	44	4,148
5–9	1,011	4,822	143	—	100	6,076
10–14	911	4,717	466	28	209	6,331
15–17	578	1,875	455	321	229	3,458
Unknown	2	5	—	—	1	8
<b>Total</b>	<b>3,478</b>	<b>15,007</b>	<b>1,126</b>	<b>349</b>	<b>597</b>	<b>20,557</b>
<b>Per cent</b>						
<1	29	66	2	—	3	100
1–4	20	78	1	—	1	100
5–9	17	79	2	—	2	100
10–14	14	75	7	—	3	100
15–17	17	54	13	9	7	100
<b>Total</b>	<b>17</b>	<b>73</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>100</b>

*Note:* Data exclude children from New South Wales on supervisory orders.

## Out-of-home care

Table A1.8: Children in out-of-home care, by age and State and Territory, at 30 June 2002

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	197	123	109	45	29	8	4	7	522
1–4	1,770	671	658	346	163	90	30	52	3,780
5–9	2,669	1,060	993	432	312	142	77	52	5,737
10–14	2,428	1,266	1,080	453	456	198	81	38	6,000
15–17	1,015	790	417	218	236	106	32	14	2,828
Unknown	5	8	—	—	—	—	—	—	13
<b>Total</b>	<b>8,084</b>	<b>3,918</b>	<b>3,257</b>	<b>1,494</b>	<b>1,196</b>	<b>544</b>	<b>224</b>	<b>163</b>	<b>18,880</b>
<b>Per cent</b>									
<1	2	3	3	3	2	1	2	4	3
1–4	22	17	20	23	14	17	13	32	20
5–9	33	27	30	29	26	26	34	32	30
10–14	30	32	33	30	38	36	36	23	32
15–17	13	20	13	15	20	19	14	9	15
<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>

Table A1.9: Children in out-of-home care, by sex and State and Territory, at 30 June 2002

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	4,212	2,029	1,644	788	644	291	111	82	9,801
Female	3,867	1,877	1,613	706	547	253	113	81	9,057
Unknown	5	12	—	—	5	—	—	—	22
<b>Total</b>	<b>8,084</b>	<b>3,918</b>	<b>3,257</b>	<b>1,494</b>	<b>1,196</b>	<b>544</b>	<b>224</b>	<b>163</b>	<b>18,880</b>
<b>Per cent</b>									
Male	52	52	50	53	54	53	50	50	52
Female	48	48	50	47	46	47	50	50	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>

**Table A1.10: Children in out-of-home care, by age and type of placement, at 30 June 2002**

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<b>Home-based</b>									
<1	187	122	109	41	29	7	4	6	505
1–4	1,741	667	655	330	163	78	30	51	3,715
5–9	2,591	1,013	983	391	311	124	75	47	5,535
10–14	2,197	1,061	1,060	385	435	164	71	37	5,410
15–17	678	573	402	145	214	62	21	7	2,102
Unknown	4	—	—	—	—	—	—	—	4
<b>Total</b>	<b>7,398</b>	<b>3,436</b>	<b>3,209</b>	<b>1,292</b>	<b>1,152</b>	<b>435</b>	<b>201</b>	<b>148</b>	<b>17,271</b>
<b>Residential</b>									
<1	1	1	—	4	—	1	—	1	8
1–4	5	4	3	16	—	12	—	1	41
5–9	16	47	10	41	1	18	1	3	137
10–14	124	205	20	64	21	22	10	—	466
15–17	123	180	15	29	22	17	10	1	397
Unknown	—	8	—	—	—	—	—	—	8
<b>Total</b>	<b>269</b>	<b>445</b>	<b>48</b>	<b>154</b>	<b>44</b>	<b>70</b>	<b>21</b>	<b>6</b>	<b>1,057</b>
<b>Per cent</b>									
<b>Home-based</b>									
<1	3	4	3	3	3	2	2	4	3
1–4	24	19	20	26	14	18	15	34	22
5–9	35	29	31	30	27	29	37	32	32
10–14	30	31	33	30	38	38	35	25	31
15–17	9	17	13	11	19	14	10	5	12
<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>Residential</b>									
<1	—	—	—	3	—	1	—	—	1
1–4	2	1	6	10	—	17	—	17	4
5–9	6	11	21	27	2	26	5	50	13
10–14	46	47	42	42	48	31	48	33	45
15–17	46	41	31	19	50	24	48	—	38
<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>

# Appendix 2: Technical notes

## Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics' (ABS) most recent population estimates for 31 March 2002 (ABS 2002a).

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

$$\frac{\text{Number of children aged 0-17 years on care and protection orders at 30 June 2002}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2002}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0-17 years in out-of-home care at 30 June 2002}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2001}} \times 1,000$$

The rates of children subject to child protection substantiations during 2001-02 were calculated using the ABS population estimates for 31 December 2001 (ABS 2002b). These rates were calculated for children aged 0-16 years rather than for children aged 0-17 years because there were very few children aged 17 years who were the subjects of substantiations.

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

$$\frac{\text{Number of children aged 0-16 years who were the subjects of substantiations in 2001-02}}{\text{ABS estimated population aged 0-16 years at 30 December 2001}} \times 1,000$$

## Rates for Aboriginal and Torres Strait Islander children

Rates for Aboriginal and Torres Strait Islander children were calculated by using the same basic method outlined above. Population estimates based on the ABS 2001 Census were used for the denominator (ABS 2002c). Population estimates were only available for 30 June 2001 and were used as the denominator for all rates involving Indigenous children.

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

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

The rates for Aboriginal and Torres Strait Islander children for 2001–02 should not be compared with the rates for Aboriginal and Torres Strait Islander children prior to this. Rates for Aboriginal and Torres Strait Islander children for 1996–97 to 2000–01 were calculated using ABS Indigenous population data from the 1996 Census data. These projections of the population are different from the ones based on the 2001 Census data.

## **Rates for other (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 Aboriginal and Torres Strait Islander children from the number of children in the total population.

# **Identification of Indigenous status**

## **Children**

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

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

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

## **Caregivers**

In the out-of-home care data collection, the Indigenous status of caregivers was collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as Indigenous are included in the Indigenous category. Where the Indigenous children were living in facility-based care specifically for Indigenous children, the caregiver was counted as Indigenous. Where children were living in other types of facility-based care, the caregiver was counted as non-Indigenous.

# Appendix 3: Legislation

## Child protection legislation

### **Commonwealth**

*Family Law Act 1975*

### **New South Wales**

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

### **Victoria**

*Children and Young Persons Act 1989*

### **Queensland**

*Child Protection Act 1999*

*Health Act 1937*

### **Western Australia**

*Child Welfare Act 1947*

*Community Services Act 1972*

### **South Australia**

*Family and Community Services Act 1972*

*Children's Protection Act 1993*

### **Tasmania**

*Children, Young Persons and Their Families Act 1997*

*Alcohol and Drug Dependency Act 1968*

### **Australian Capital Territory**

*Children and Young People Act 1999*

### **Northern Territory**

*Community Welfare Act 1983*

## Legislative definition of ‘in need of care and protection’

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

### New South Wales

From 18 December 2000 in New South Wales, a child or young person must be found under section 71, *Children and Young Persons (Care and Protection) Act 1998* to be in need of care and protection by reason of any of the following:

- (a) lack of, or serious difficulties with, parental care
  - where there is no parent available to care for the child or young person as a result of death or incapacity or for any other reason
  - the parents acknowledge that they have serious difficulties in caring for the child or young person and, as a consequence the child or young person is in need of care and protection
- (b) physical or sexual abuse or ill-treatment;
- (c) the child or young persons’ basic physical, psychological or educational needs may not be met;
- (d) possible serious developmental impairment or serious psychological harm arising from the child or young person’s domestic environment;
- (e) sexually abusive behaviour by a child under 14 years of age; or
- (f) pre-existing order of another jurisdiction.

### Victoria

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

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

## Queensland

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

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

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

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

## Western Australia

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

- (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in the custody of the law; or
- (b) has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child; or
- (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; or
- (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody; or
- (e) is not being maintained properly or at all by a near relative, or is deserted; or
- (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; or
- (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; or
- (h) is unlawfully engaged in street trading; or
- (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment; or
- (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

## South Australia

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

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



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

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

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

The *Children's Protection Act 1993* also covers the practice of female genital mutilation. For the purposes of the Act the following definitions of female genital mutilation are used:

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

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

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

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

- (a) it has not been possible to hold a meeting despite reasonable endeavours to do so; or
- (b) an order should be made without delay; or

- (c) the guardians of the child consent to the making of the application; or
- (d) there is another good reason to do so.

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

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

### **Tasmania**

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

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

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

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

Child and Family Services staff make a decision about whether a child is at risk or not through a process of gathering, confirming and analysing information, using their expertise and, where necessary, that of other professional people.

## Australian Capital Territory

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

- (a) he or she has been, is being or is likely to be, abused or neglected; and
- (b) no-one with parental responsibility for the child or young person is willing and able to protect him or her from suffering the abuse or neglect.

Abuse in relation to a child or young person means:

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

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

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

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

- (e) the child or young person is the subject of a child protection order in a State that is not being complied with.

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

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

### **Northern Territory**

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

- (a) the parents, guardian/person having the custody have abandoned the child and cannot, after reasonable enquiry, be found; or
- (b) the parents, guardian/person having the custody are unwilling or unable to maintain the child; or
- (c) the child has suffered maltreatment; or
- (d) the child is not subject to effective control and is engaging in conduct which constitutes a serious danger to his or her 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 he or she has/is suffered or are at substantial risk of suffering and of the following:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of the child, or where there is substantial risk of the child suffering such an injury or impairment;
- (b) serious emotional or intellectual impairment evident by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which the child belongs, whether a result of physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment;
- (c) serious physical impairment evidenced by severe bodily malfunctioning, whether a result of the child's physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment;
- (a) 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; or
- (b) female genital mutilation, where a female child shall be taken to have suffered female genital mutilation where she:

- (i) has been subjected, or there is substantial risk that she will be subjected, to female genital mutilation, as defined in section 186A of the Criminal Code; or
- (ii) has been taken, or there is substantial risk that she will be taken, from the Territory with the intention of having female genital mutilation performed on her.

# Appendix 4: Mandatory reporting requirements

## New South Wales

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

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

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

These statutory obligations are supplemented and supported by Interagency Guidelines detailing each agency's role, responsibilities and actions required in all aspects of child protection intervention and the policies, procedures and directions of individual agencies on how to respond to child care and protection matters.

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

## Western Australia

In Western Australia, referrals about possible harm to children are facilitated by a series of reciprocal protocols that have been negotiated with key government and non-government agencies, rather than by mandatory reporting. Community awareness programs and

education of professional groups also contribute to identification of possible maltreatment, and action to prevent further harm from occurring.

### **South Australia**

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

### **Tasmania**

In Tasmania, the *Children, Young Persons and Their Families Act 1997* emphasises that everyone in the community has a responsibility for making sure children are safe and protected. The following list of 'prescribed persons' are mandatory reporters under the Act: registered medical practitioners; nurses; dentists; police officers; psychologists; departmental employees within the *Police Regulation Act 1898*; probation officers; school principals and teachers; persons who manage childcare services or provide child care for a fee or reward; and in general people employed, or who are volunteers in, government agencies or organisations funded by the Crown that provide health, welfare, education, or care wholly or partly for children.

### **Australian Capital Territory**

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

### **Northern Territory**

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

# Glossary

## General definitions

### Community services department

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

## Definitions for child protection notifications, investigations and substantiations

### Age of child

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

### Child protection notification

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

A notification can only involve one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same 'event', this was counted as only one notification. Where there is more than one notification between 1 July 2001 and 30 June 2002, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect), these notifications should be counted as separate notifications.

### Investigation

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

Investigations to be counted in this collection relate to those child protection notifications of children aged 0–17 years that were made to an authorised department between 1 July 2001 and 30 June 2002, and which were subsequently investigated.

### Substantiation

A substantiation in the national data collection is a child protection notification made to relevant authorities during the year ended 30 June 2002, which was investigated and the investigation was finalised by 31 August 2002, and it was concluded that there was



reasonable cause to believe that the child had been, was being or was likely to be abused or neglected or otherwise harmed.

### **Person believed responsible**

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

### **Relationship to child of the person believed responsible**

#### ***Intra-familial***

##### *Biological parent*

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

##### *Step-parent*

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

##### *De facto step-parent*

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

##### *Sibling*

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

##### *Other relative/kin*

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

#### ***Extra-familial***

##### *Foster parent*

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

##### *Friend/neighbour*

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

##### *Other*

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

##### *Not stated*

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

### **Source of notification**

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

*Parent/guardian*

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

*Sibling*

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

*Other relative*

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

*Friend/neighbour*

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

*Medical practitioner*

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

*Other health personnel*

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

*Hospital/health centre personnel*

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

*Social/welfare worker*

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

*School personnel*

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

*Childcare 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*

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

### *Other*

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

### *Not stated*

Includes all notifications that are received from unknown sources.

## **Family of residence**

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

### *Two-parent – intact*

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

### *Two-parent – step or blended*

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

### *Single parent – female*

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

### *Single parent – male*

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

### *Other relatives/kin*

Includes Aboriginal and Torres Strait Islander kinship arrangements.

### *Foster care*

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

### *Other*

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

### *Not stated*

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

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

### **Child subject to orders**

This covers any child for whom the community services department has a responsibility as a result of some formal legal order or an administrative/voluntary arrangement. Only orders issued for protective reasons are included.

A legal or administrative order is any lawful direction which involves the community services department with a child over and above what is generally considered normal for most children, or which has an assumption that the department will have carriage of the

order (or a substantial part of it). The involvement might take the form of total responsibility for the welfare of the child (e.g. guardianship); responsibility for overseeing the actions of the person or authority caring for the child; responsibility for providing or arranging accommodation or reporting or giving consideration to the child's welfare. Depending on the State or Territory regulation under which the order is issued, the order can be from a Court, Children's Panel, Minister of the Crown, authorised community services department officer (e.g. director) or similar tribunal or officer.

### **Age of child**

This is the age of the child in completed years at 30 June 2002.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 2002. The categories are as follows:

#### *Family care*

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

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

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

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

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

#### *Facility-based care*

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

#### *Independent living*

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

#### *Other living arrangements*

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

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

### **Age of child**

This is the age of the child in completed years at 30 June 2002.

### **Type of placement**

Placement type is divided into four main categories:

#### *Home-based care*

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

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

#### *Facility-based care*

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

#### *Independent living*

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

#### *Other*

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

### **Respite care**

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

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