

**ChildWelfareSeries**  
Number 8

---

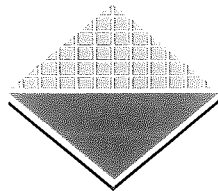
# **Child abuse and neglect**

**Reporting and investigation  
procedures in Australia  
1994**

---

**Penelope Zabar  
Graham Angus**

---



Australian Institute of  
**HEALTH & WELFARE**

AIHW/APC  
WA 320  
C5366

## **Australian Institute of Health and Welfare**

The Australian Institute of Health and Welfare (AIHW) is an independent federal statistics and research agency, responsible for developing information on Australia's health and its health and welfare services. It comprises three major research divisions, four external units, and a supporting corporate services division.

*Welfare Division*

*Health Services Division*

*Health Monitoring Division*

*National Perinatal Statistics Unit*

*National Injury Surveillance Unit*

*Dental Statistics and Research Unit*

*National Reference Centre for Classification in Health*

*Corporate Services Division*

**Board Chairperson**

Professor Fiona J Stanley

**Director**

Dr Bruce K Armstrong

AUSTRALIAN INSTITUTE OF HEALTH AND WELFARE  
CHILD WELFARE SERIES  
Number 8

AUSTRALIAN INSTITUTE OF HEALTH  
& WELFARE  
LIBRARY

# Child abuse and neglect: reporting and investigation procedures in Australia

1994

Penelope Zabar  
Graham Angus

COPY No. 37640  
MASTER No. 321781

AiHW/ARCH  
WA 320  
C 5366



377640

© Commonwealth of Australia 1994

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced without written permission from the Australian Government Publishing Service. Requests and inquiries concerning reproduction and rights should be directed to the Manager, Commonwealth Information Services, Australian Government Publishing Service, GPO Box 84, Canberra ACT 2601.

This is the eighth publication of the Australian Institute of Health and Welfare's Child Welfare Series. A complete list of the Institute's publications is available from the Publications Unit, Australian Institute of Health and Welfare, GPO Box 570, Canberra ACT 2601.

ISBN 0 644 42677 2  
ISSN 1320-081X

Suggested citation

Zabar P & Angus G (1994) *Child abuse and neglect: reporting and investigation procedures in Australia 1994*. Australian Institute of Health and Welfare: Child Welfare Series No. 8, AGPS, Canberra.

Any inquiries about or comments on this publication should be directed to:  
Ms Penelope Zabar  
Australian Institute of Health and Welfare  
GPO Box 570  
Canberra ACT 2601

Phone (06) 243 5033

Produced by the Australian Government Publishing Service

# Contributing departments

The information in this report has been provided by the following State and Territory departments. Their cooperation is acknowledged.

## **New South Wales (NSW)**

Department of Community Services  
Locked Bag 28  
Ashfield 2131  
Phone: (02) 716 2222

## **Victoria (Vic)**

Department of Health and Community Services  
GPO Box 4057  
Melbourne 3001  
Phone: (03) 616 7777

## **Queensland (Qld)**

Department of Family Services and Aboriginal and Islander Affairs  
GPO Box 806  
Brisbane 4001  
Phone: (07) 224 2111

## **Western Australia (WA)**

Department for Community Development  
PO Box 6334  
East Perth 6004  
Phone: (09) 222 2555

## **South Australia (SA)**

Department for Family and Community Services  
PO Box 39  
Rundle Mall  
Adelaide 5000  
Phone: (08) 226 7000

## **Tasmania (Tas)**

Department of Community and Health Services  
GPO Box 125B  
Hobart 7001  
Phone: (002) 33 4700

## **Australian Capital Territory (ACT)**

Housing and Community Services Bureau  
Locked Bag 3000  
Woden 2606  
Phone: (06) 207 5111

## **Northern Territory (NT)**

Department of Health and Community Services  
PO Box 40596  
Casuarina 0811  
Phone: (089) 89 2400

# Contents

Contributing departments.....	iii
<b>1 Introduction</b>	
1.1 Purpose.....	1
1.2 Declaration of the Rights of the Child (1959).....	1
1.3 Summary of legislation and departments—June 1994.....	3
1.4 Summary of mandatory reporting in Australia—June 1994.....	4
<b>2 New South Wales</b>	
2.1 Description of the current reporting and investigation systems.....	5
2.2 Current legislation .....	9
2.3 Recent changes to policies, procedures and practices.....	9
2.4 Mandatory reporting.....	9
2.5 Grounds used to substantiate child abuse or neglect .....	10
<b>3 Victoria</b>	
3.1 Description of the current reporting and investigation systems.....	11
3.2 Current legislation .....	16
3.3 Recent changes to policies, procedures and practices.....	17
3.4 Mandatory reporting.....	18
3.5 Grounds used to substantiate child abuse or neglect .....	19
<b>4 Queensland</b>	
4.1 Description of the current reporting and investigation systems.....	21
4.2 Current legislation .....	24
4.3 Recent changes to policies, procedures and practices.....	24
4.4 Mandatory reporting.....	25
4.5 Grounds used to substantiate child abuse or neglect .....	25
<b>5 Western Australia</b>	
5.1 Description of the current reporting and investigation systems.....	26
5.2 Current legislation .....	30
5.3 Recent changes to policies, procedures and practices.....	30
5.4 Mandatory reporting.....	30
5.5 Grounds used to substantiate child abuse or neglect .....	31
<b>6 South Australia</b>	
6.1 Description of the current reporting and investigation systems.....	32
6.2 Current legislation .....	35
6.3 Recent changes to policies, procedures and practices.....	35
6.4 Mandatory reporting.....	37
6.5 Grounds used to substantiate child abuse or neglect .....	37
<b>7 Tasmania</b>	
7.1 Description of the current reporting and investigation systems.....	38
7.2 Current legislation .....	40
7.3 Recent changes to policies, procedures and practices.....	41
7.4 Mandatory reporting.....	41
7.5 Grounds used to substantiate child abuse or neglect .....	42

<b>8 Australian Capital Territory</b>	
8.1 Description of the current reporting and investigation systems.....	43
8.2 Current legislation .....	46
8.3 Recent changes to policies, procedures and practices.....	47
8.4 Mandatory reporting.....	47
8.5 Grounds used to substantiate child abuse or neglect .....	47
<b>9 Northern Territory</b>	
9.1 Description of the current reporting and investigation systems.....	49
9.2 Current legislation .....	53
9.3 Recent changes to policies, procedures and practices.....	53
9.4 Mandatory reporting.....	53
9.5 Grounds used to substantiate child abuse or neglect .....	54
<b>10 Commonwealth</b>	
10.1 The Family Law Act 1975.....	55
10.2 National Child Protection Council.....	56
10.3 National Clearing House .....	56
10.4 Australian Institute of Family Studies .....	57
<b>11 Information sources and welfare databases in Australia .....</b>	<b>58</b>
<b>12 State child protection councils .....</b>	<b>60</b>
<b>13 Major non-government organisations .....</b>	<b>61</b>
<b>14 WELSTAT: 1977-1992 .....</b>	<b>63</b>
<b>15 National standards for data collection for child abuse and neglect .....</b>	<b>65</b>
15.1 Explanation of terms.....	65
15.2 Tables and counting rules.....	71
Table 1: Number of allegations received by relevant authorities.....	71
Table 2: Number of cases and children: counting units by assessment outcome.....	71
Table 3: Finalised cases: age of child by assessment outcome and sex of child.....	72
Table 4: Finalised cases involving Aboriginal and Torres Strait Islanders: age of child by assessment outcome and sex of child.....	73
Table 5: Finalised cases: source of report by assessment outcome and sex of child .....	74
Table 6: Substantiated cases: relationship of maltreater to child by assessment outcome and sex of child.....	75
Table 7: Substantiated cases reported by maltreater: type of abuse or neglect substantiated by relationship of maltreater to child.....	76
Table 8: Children in finalised cases: age of child by assessment outcome and sex of child.....	77
Table 9: Aboriginal and Torres Strait Islander children in finalised cases: age of child by assessment outcome and sex of child.....	78

# 1 Introduction

## 1.1 Purpose

This book is a compendium of information relating to child abuse and neglect reporting and investigation procedures in Australia.

The compendium includes, for each State and Territory, a description of the reporting and investigation procedures, summaries of relevant legislations and a description of the mandatory reporting requirements. Also included are the national standards for data collection for child abuse and neglect, and a list of the major non-government organisations with a role in child protection. It will be a useful companion to the Australian Institute of Health and Welfare's series of annual publications on child abuse and neglect in Australia as well as a useful tool for research in the child protection area.

## 1.2 Declaration of the Rights of the Child (1959)

Australia ratified the United Nations Convention on the Rights of the Child in 1990 following consultation with the States and Territories. The United Nations Convention requires the Commonwealth, State and Territory governments, on behalf of all Australian adults, to protect children from abuse and exploitation. This convention includes the following principles as adopted by Australia.

### Principle 1

The child shall enjoy all the rights set forth in this declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, ridicule or any other opinion, national or social origin, property, birth or other status whether of himself or of his family.

### Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in a healthy normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

### Principle 3

The child shall be entitled from his birth to a name and a nationality.

### Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.



### **Principle 5**

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

### **Principle 6**

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

### **Principle 7**

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which shall promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purpose as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

### **Principle 8**

The child shall in all circumstances be among the first to receive protection and relief.

### **Principle 9**

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted into employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

### **Principle 10**

The child shall be protected from practices which may foster racial, religious or any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow man.

Extract from United Nations Declaration of 20 November 1959. Adopted in Australia by the *Human Rights and Equal Opportunity Commission Act 1986* (Cwlth) Schedule 3.

### 1.3 Summary of legislation and departments—June 1994

STATE	LEGISLATION	DEPARTMENT
New South Wales	<i>Children (Care and Protection) Act 1987</i>	Department of Community Services
Victoria	<i>Children and Young Persons Act 1989</i>	Department of Health and Community Services
Queensland	<i>Children's Services Act 1965</i>	Department of Family Services and Aboriginal and Islander Affairs
Western Australia	<i>Child Welfare Act 1947</i> <i>Community Services Act 1972</i>	Department for Community Development
South Australia	<i>Family and Community Services Act 1972</i> (formerly the <i>Community Welfare Act 1972</i> ) <i>Children's Protection Act 1993</i>	Department for Family and Community Services
Tasmania	<i>Child Welfare Act 1960</i> <i>Child Protection Act 1974</i> <i>Child Protection Amendments Act 1986</i>	Department of Community and Health Services
Australian Capital Territory	<i>Children's Services Act 1986</i>	Housing and Community Services Bureau
Northern Territory	<i>Community Welfare Act 1983</i>	Department of Health and Community Services

## 1.4 Summary of mandatory reporting in Australia—June 1994

State	Act	Persons required to notify	Recipient of notification
Commonwealth	<i>Family Law Act 1975</i>	Personnel of the Family Court	A prescribed child welfare authority
New South Wales	<i>Children (Care and Protection) Act 1987</i> <i>Child Welfare Act 1939</i>	Physical assault and neglect: medical practitioners. Sexual assault: medical practitioners, school principals, deputy principals, school social workers, school psychologist.	Department of Community Services
Victoria	<i>Children and Young Persons Act 1989</i>	Doctors, teachers, police officers, youth and care workers, social workers in the health, education, community and welfare services fields. (There is a staged implementation of this legislation.)	Department of Health and Community Services
Queensland	<i>Health Act 1937</i>	Medical practitioners	A person authorised by the Director-General, Medical and Health Services (Chief Health Officer) Department of Health
Western Australia	No provision for mandatory reporting		
South Australia	<i>Children's Protection Act 1993</i>	Medical practitioner, registered dentist, registered or enrolled nurse, registered psychologist, pharmaceutical chemist, registered teacher, teacher aide, kindergarten employee, police officer, employee of agency providing health and welfare services to children, social worker in health services.	Department for Family and Community Services
Tasmania	<i>Child Protection Act 1974</i> <i>Child Protection Order 1977</i> (being Statutory Rules 1977, No 305)	Probation officers, child welfare officers, welfare officers, persons holding children's boarding home or day nursery licences, school principals including infant schools, kindergarten teachers, officers engaged primarily in welfare work, Education Department guidance officers, psychologist, social workers, medical practitioners, registered nurse.	Child Protection Board Child Protection Unit (Department of Community and Health Services)
Australian Capital Territory	No provision for mandatory reporting		Community Advocate Family Service Branch (Housing and Community Services Bureau)
Northern Territory	<i>Community Welfare Act 1983</i>	Any person not being a member of the police force.	Department of Health and Community Services

## 2 New South Wales

### 2.1 Description of the current reporting and investigation systems

The Department of Community Services coordinates child protection services in New South Wales. The department receives and investigates notifications of alleged child abuse and neglect in line with statutory responsibilities. It coordinates the ongoing case management and information sharing between involved agencies and explains the process to the child and family. The department also ensures the immediate and ongoing protection of the child and arranges alternative care placements if the child is unable to continue living in its current accommodation. If necessary it will initiate legal proceedings in the Children's Court, the Family Court or the Supreme Court.

#### Process of investigation

If the information provided by the person reporting the incidence of abuse or suspected abuse corresponds with the grounds specified by the Department of Community Services for notification then this is termed a 'notification'.

The department lists four grounds for notification of child abuse and neglect; these are physical abuse, sexual assault, emotional abuse and neglect.

*Physical abuse* is the non-accidental injury to a child by a parent/caregiver. It includes injuries caused by excessive discipline, severe beating or shaking, bruising, lacerations or welts, burns, fractures or dislocations, attempted suffocation or strangulation and death. It also includes abusive administration of drugs or alcohol to a child, or a child being born drug dependent or with foetal alcohol syndrome.

*Sexual assault* is the involvement of dependent children or adolescents in sexual activities with an adult or person older or bigger. The child or young person is used as a sexual object for gratification of the older or bigger person's needs or desires and is unable to give consent due to the unequal power in the relationship. Sexual assault does not include consensual peer sexual activity. Incidents of sexual behaviour towards a child by a stranger are grounds for notification.

*Emotional abuse* is the harming of a child by excessive or unreasonable parental demands or by failing to provide the psychological nurturing necessary for a child's physical and emotional growth and development. This includes continual scapegoating or rejection, severe verbal abuse and threats of abuse. It also includes situations where the parent's behaviour (e.g. due to chronic psychiatric disorder, developmental delay, drug or alcohol abuse) harms the child's emotional well-being.

*Neglect* is the failure to provide a child with the basic necessities of life—food, clothing, shelter, emotional security, medical care and adequate supervision needed for a child's growth and development. Where a parent is unable to provide for the child due to poverty, this is not neglect and should be dealt with by referring the family to an appropriate agency for financial assistance.

All notifications should refer to the specific grounds for notification upon which it is alleged that a child's safety is at risk. The departmental officer then investigates the notification and determines whether immediate action is necessary to protect the child. Where there is

immediate danger of abuse and insufficient time to make an application to the Children's Court, the department or police may remove a child from its home without a court order. The conduct of the investigation and assessment reflects the principles of family involvement and cultural appropriateness as well as adequate protection of the child or young person. The cooperation of the child and the family members are sought in identifying what needs and risks exist.

The child is always seen and interviewed in a manner consistent with his or her developmental stage; the child's parent/caregiver is also interviewed. The departmental officer takes a broader interest in the welfare of the child and the family, and explores with family members their needs and concerns. This may involve assessment of family relationships, medical assessments, individual psychological assessment, speech and language assessments and developmental assessment.

The process of the investigation and purpose of examinations and interviews with the child and family members are clearly explained to all parties. Assessment commences at the point of initial contact with the child, family members or caregivers. It aims to gather facts, information and any patterns of abuse which assist in the development of a comprehensive case plan for the child and family or caretaker.

## **Outcome of investigation**

After the investigation is complete the notification is classified as either:

### *Notification confirmed*

- confirmed, registered
- confirmed, referred, closed
- confirmed closed

### *Notification not confirmed*

- not confirmed, referred, closed
- not confirmed, closed

Further action may be required after an investigation has been completed; this may include any procedure described below:

### *Legal proceedings*

It may be necessary for the department to lodge a care application with the Children's Court. The application specifies details of the investigation and assessment and recommendations on what should happen to ensure the child is adequately protected. The court may decide to:

- dismiss the matter
- accept certain undertakings by the child, family members or caretakers
- place the child under the supervision of an officer of the Department of Community Services
- place the child in the care of a suitable caretaker including fostering arrangements
- declare the child a ward of the State
- approve the search of premises and removal of a child

### *Case plan*

The case plan outlines the problem experienced by the child and family and the services to be provided to the child and family members. An estimated time frame and the people responsible for the various strategies outlined are documented. Clear and realistic goals for family members are determined. The plan takes into account the effects of intervention.

### *Referral*

Families may be referred to other government or non-government agencies that deliver programs or services that meet the specific needs of the child and family members. Specifically, the New South Wales Police Service, the Department of Health, the Department of School Education, the Office of the Director of Public Prosecutions and the Child Sexual Assault Services Program all have roles and responsibilities in child protection. It is the responsibility of the officer of the Department of Community Services to assist the child and family members to understand the reason for referrals and the roles of other service providers.

### *Case closure*

A case is closed where a report of child abuse is not registered as a child protection case or where review of a registered case recommends it.

## **Computer system**

All Department of Community Services centres in New South Wales are connected to a mainframe computer system—the Client Information System (CIS). The following information is entered on the system:

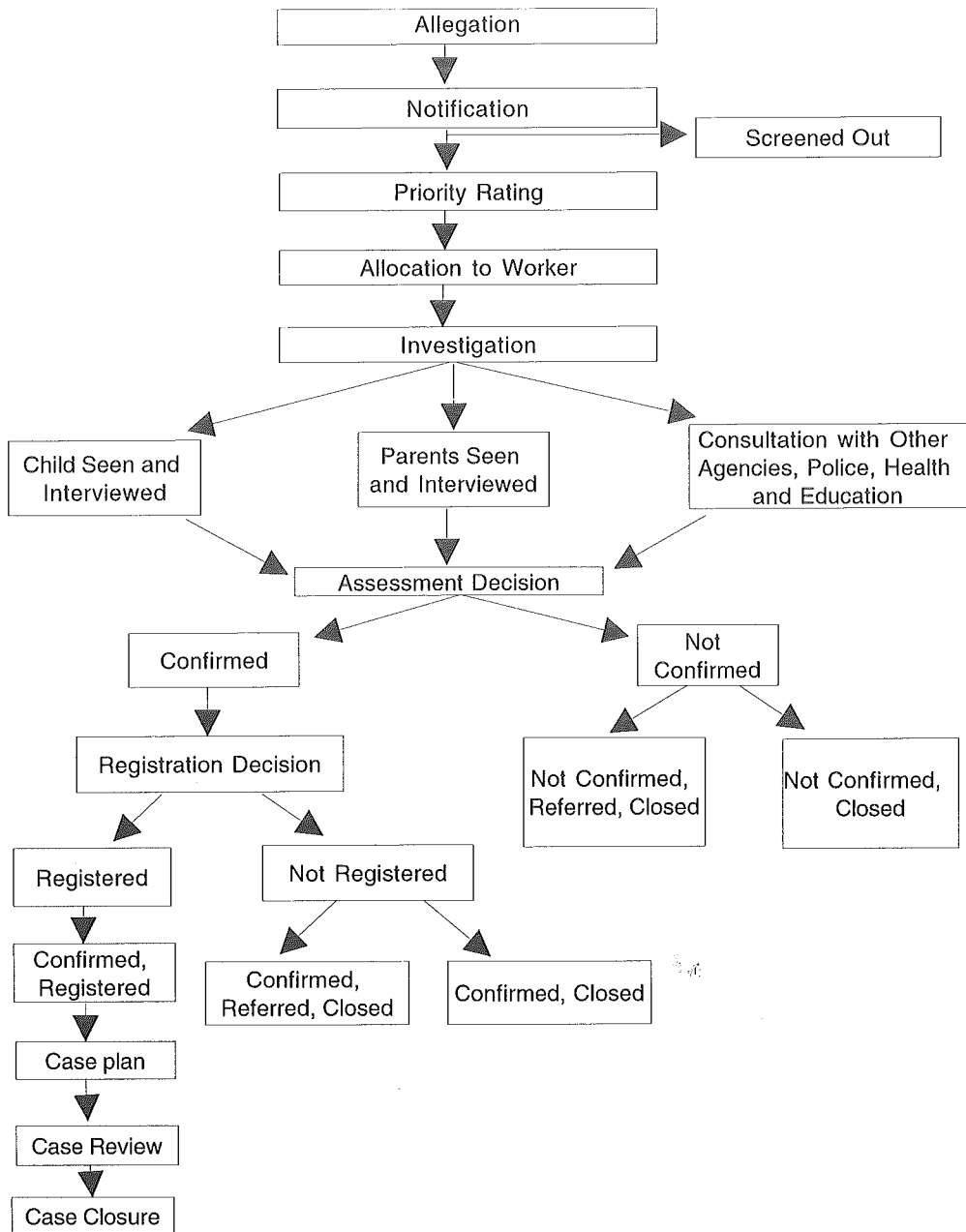
- notification details, including the notified child and who notified, alleged abuse details and urgency rating;
- investigation details, including details of the alleged abuse and summary of the investigative interview;
- assessment decision summary, including whether abuse was confirmed, whether the case should be registered (for ongoing monitoring by the department) and whether medical, legal or placement actions occurred; and
- closure of registered cases.

Significant events are recorded chronologically, providing a running history of each case. New notifications can be checked on the CIS for previous notifications, and the history of renotified cases can be easily reviewed. The information is used by departmental personnel to monitor and evaluate client and service trends, locally and statewide.

## **Access to information, confidentiality and security**

Client and other departmental files are confidential and are secured within departmental premises. Particularly sensitive cases or cases involving staff members are given additional security by limiting the availability of information on the Client Information System to managers. Requests under Freedom of Information legislation are handled by the department. A client or former client may request access to their files and review them.

# Reporting and investigation process flow chart (New South Wales, 1994)



Source: Australian Institute of Health and Welfare

## 2.2 Current legislation

The philosophy of the child protection program is based in the *Children (Care and Protection) Act 1987*, and can be summarised as follows:

- the welfare and interests of children are paramount
- children are entitled to special protection against all forms of abuse in order to develop in a healthy and normal manner
- children should grow up in the care and responsibility of their parents, but where this is not possible, the responsibility is devolved to the community to provide an environment of affection, moral and material security
- where children are separated from their parents because of intervention of the department, consideration should be given to the most appropriate means of maintaining the relationship between the parent and child (NSW Department of Community Services 1993).

A child is defined in Section 10 of the Act as in need of care if:

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

## 2.3 Recent changes to policies, procedures and practices

A new child protection policy statement has been developed and is in the process of being finalised. Recently, the Department of Community Services and the Department of Juvenile Justice developed a joint protocol and procedures document for use when clients are involved with both departments.

## 2.4 Mandatory reporting

Medical practitioners have been required by law to report child abuse and neglect since 1977. Under the *Children (Care and Protection) Act 1987* medical practitioners, school principals, deputy principals, social workers in schools and school counsellors are required to report suspected cases of child sexual abuse. Teachers are required by Department of School Education policy to notify suspected physical and emotional abuse and neglect. Police Service and Department of Health workers are also required under their own departmental guidelines to report suspected abuse and neglect.

The *Children (Care and Protection) Act 1987* also legislates for voluntary reporting. It states that any person who forms the belief upon reasonable grounds that a child has been, or is in danger of being abused; or is a child in need of care, may cause the Director-General of the Department of Community Services to be notified of that belief and the grounds therefore, either orally or in writing. Civil and criminal immunity to a person making a notification are given in Section 22(8) of the Act.



## 2.5 Grounds used to substantiate child abuse or neglect

The purpose of the investigation is to establish if the child is or has been abused or if the child is likely to be abused. The substantiation of the notified incident of abuse is part of this process. It may be that assessments are necessary by a number of professionals, such as medical professionals, sexual assault workers or psychologists. These are grounds for establishing the risk to the child.

### References

NSW Department of Community Services. *Issues and trends in community services*, Strategic Planning and Review Branch discussion paper number 3, April 1993. NSW Department of Community Services, 1993.

NSW Child Protection Council. *Interagency guidelines, child protection*. NSW Child Protection Council, 1991.

## 3 Victoria

### 3.1 Description of the current reporting and investigation systems

Recent legislative changes in Victoria have resulted in the Department of Health and Community Services becoming the central investigation agency of child abuse and neglect, while the police are reducing their involvement in the notification and investigation of protective services for children and young people. Health and Community Services follows up allegations of child abuse and neglect, including assessment, investigation, counselling and placement of children.

#### Process of investigation

Section 64 (1) of the *Children and Young Persons Act 1989* states that any person who believes on reasonable grounds that a child is in need of protection may notify a protective intervener of that belief. Any call to the Department of Health and Community Services, Protective Services by a person who believes on reasonable grounds that a child is in need of protection is defined as a notification. It is the caller who defines it as a notification, not the protection worker. It is then the responsibility of Protective Services to investigate the notification in a way that will best ensure the safety and well-being of the child.

There are two types of outcomes possible after a protective notification has been received:

##### *Notifications requiring no further action*

This includes notifications where further action is not appropriate, not possible due to lack of identifying data, or not necessary because the child's needs are being met by the community. Where there is to be no further action by Protective Services the case is closed.

##### *Notifications requiring further action*

If, at the end of the initial contact, a protective worker decides, in consultation with a supervisor, that the notification requires further investigation by Protective Services, then a home visit will be arranged. A home visit for initial investigation should occur within five days of receiving the notification. The purpose of direct contact with the child and family is to assess the child's safety, ascertain the validity of the allegations, assess the child's needs and lead to a decision as to the most appropriate course of action to promote the child's safety and well-being.

#### Outcome of investigation

The possible outcomes of an investigation are:

*No investigation possible—insufficient information*

*No investigation possible—family moved*

*Not substantiated* (This would include cases where there is not sufficient evidence of abuse and/or neglect.)

Where there is no further action by Protective Services the case is closed.

### *Substantiated*

Substantiated allegations are those where, following investigation, one of the following conditions is confirmed:

- the child has suffered or is likely to suffer significant harm; (For harm to be regarded as significant it must be 'of consequence' or be of 'considerable amount, effect or importance'. The onus is on the protective worker to demonstrate not only that the child has been harmed but also that harm has been significant.)
- the child's parent(s) have not protected or are unlikely to protect the child from such harm;
- it appears that harm may have occurred but the level of risk (future harm) is now minimal. For example, the non-offending parent has taken responsible action to ensure the child will be protected from the perpetrator of the abuse.

Further action may be required after an investigation has been completed, this may include:

### *Continuing Protective Services involvement*

Continued Protective Services intervention is indicated when one or more of the following occurs:

- the current incident of abuse and/or neglect is serious
- the risk of further harm is high and the child needs to be protected
- there is sufficient evidence for a protection application
- the caregiver is hampered either physically, mentally or emotionally to the point that he or she is unable to protect the child in the foreseeable future
- the caregiver does not appear willing to take the necessary steps to ensure the care and protection of the child
- the alleged perpetrator does not acknowledge his or her role in the abuse and continues to have access to the child
- the child's or family's wishes cannot be adhered to because to do so would not ensure that the child is adequately protected
- there is no guarantee that the family's stated cooperation in implementing the case plan or ensuring the protection of the child will be sufficiently maintained
- previous attempts at non-statutory intervention have failed and the child remains at further risk of abuse and/or neglect

The purpose of continued involvement is to:

- evaluate information obtained through further interviews, plus observations, reports and discussion
- make informed decisions about a child's safety needs and the family's ability to provide a secure and supportive environment for the child
- develop a protective plan which ensures the child's continuing protection from further abuse and/or neglect and maximises the family's ability to provide a secure and supportive environment for the child
- implement the plan, undertaking those aspects for which Protective Services is responsible
- negotiate with other service providers for their involvement in the protective plan implementation
- ensure that the services to the family are coordinated and that there is effective communication between all involved service providers

Where protection intervention continues, without the issuing of a protection application, a protective planning meeting must be held within 28 days of the notification. This meeting is to:

- define the legislative mandate of the Department of Health and Community Services to other agencies and professionals involved in the meeting
- define the protective issues as currently indicated
- decide whether or not the protective concerns are substantiated, and if so, determine the 'level of risk'
- determine a protective plan to ensure the child's safety

The protective plan must clearly identify the goals of the protective intervention, the changes required to achieve the goals, the necessary tasks and time lines and who is to be responsible for implementing these, whether or not the case is to be substantiated if it has not already been determined, whether or not a protection application is necessary, the range of possible disposition recommendations suited to the case and mechanisms to ensure adequate coordination between all those undertaking tasks to ensure the child's safety.

#### *Legal proceedings*

If, during the Protective Services investigation, it is established that the only way to protect the child from significant risk and ensure the child's safety is for a protection application to be issued, there are three options as to how this is done:

- by notice (This is appropriate where a child is not at such extreme risk that immediate removal is essential.)
- by immediately taking the child into safe custody
- by immediately taking the child into safe custody with police assistance

If the protection application is found proved by the court, the worker prepares a disposition report for the children's court. The following orders can be implemented by the court:

- undertaking
- interim protection order
- supervision order
- custody to a third-party order
- supervised custody order
- custody to secretary order
- guardianship to secretary order
- permanent care order

#### *Case planning process*

The case planning process is the process of decision making concerning the child, beginning when a protective intervener receives notification, and including:

- decisions made in the course of investigations conducted after a notification is received
- decisions made in the course of preparing a protection report or disposition report
- decisions made in assessing whether or not a protection application should be made
- decisions relating to the placement or supervision of the child, whether made before or after a protection application or protection order is made
- the holding of meetings for the purpose of formulating a case plan

The purpose of case planning is to:

- identify the key changes necessary to enable the child to live safely and have his or her individual needs met
- identify the activities and tasks necessary to bring about the key changes
- identify those responsible for the specific activities and tasks
- ensure that intervention is targeted and tied to time lines

A case plan has scheduled reviews, including monitoring reviews and annual reviews; unscheduled reviews, for significant decisions where it may not have been possible to plan ahead; as well as a review preceding a child's return home to parental care.

## **Computer system**

The Client and Services Information System (CASIS) is the primary electronic source of critical information on all Protective Services clients and ex-clients statewide—that is, all open and closed cases where the young person is currently under 18 years of age. This database provides a comprehensive case record system for Protective Services workers.

The major objectives of CASIS are to facilitate case management; planning of policy programs and practice directions; and administrative management, which includes provision of data to the Australian Institute of Health and Welfare as well as to support ongoing evaluation and research.

CASIS consists of the following components:

### *Client information*

- (a) Protective workers will be able to search the CASIS database to check whether a child subject to a notification has a history of involvement with Protective Services across Victoria.
- (b) Protective workers are also able to record the information they collect at all points of the case as well as record decisions, actions taken and outcomes.
- (c) Client information is able to be accessed by all Protective Service units across Victoria.

### *Client allocation*

On CASIS all client cases are attached to a responsible work unit to ensure that a service is provided and that standards and legislative requirements are met.

### *Management information*

This component draws non-identifying data from client records to provide a predetermined set of statistical reports. These reports allow the monitoring of key program indicators of service delivery and the identification of service demand.

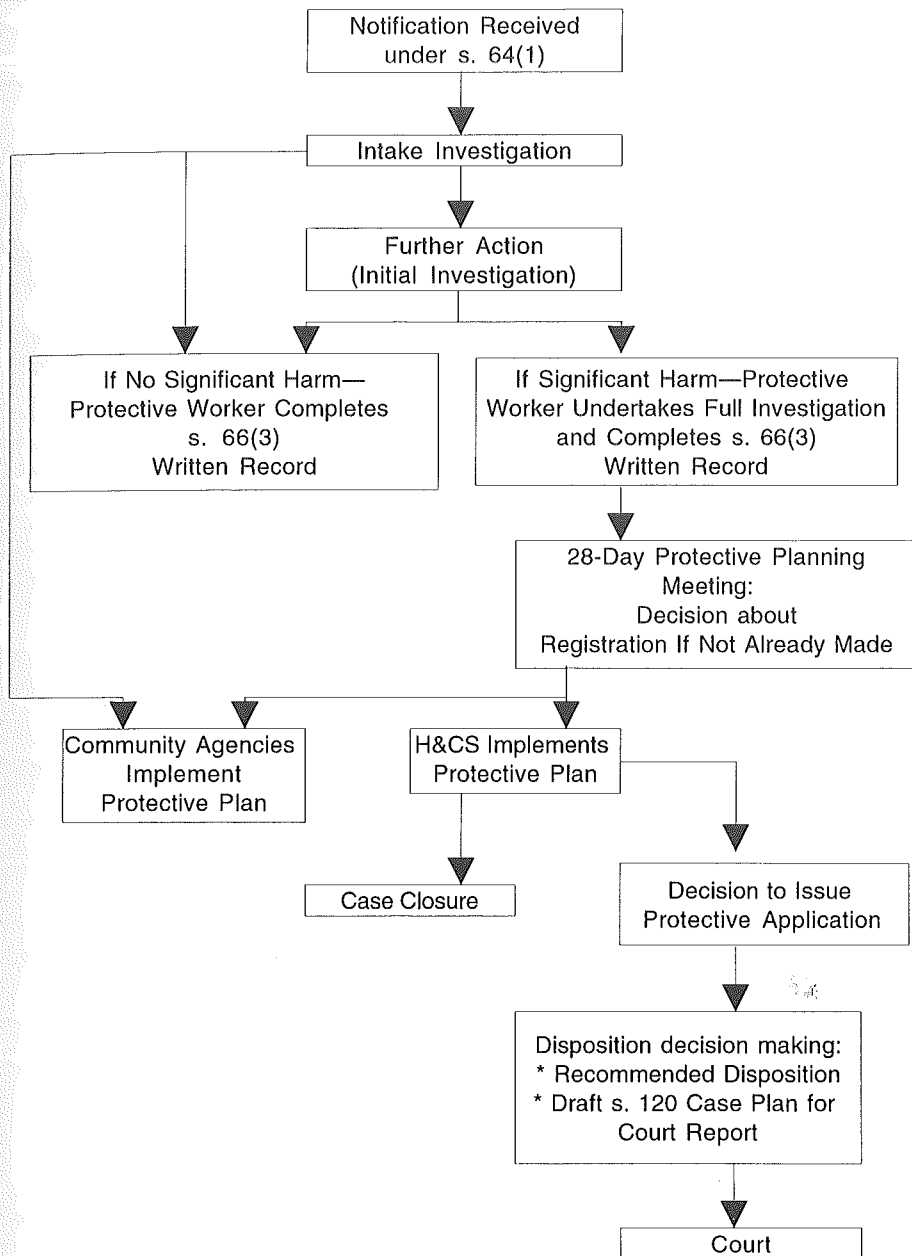
### *Paper files*

In addition to CASIS, all regions continue to maintain paper files, which are the primary source of pre-CASIS client records, legal documents, major reports and correspondence.

## **Access to information, confidentiality and security**

Only Protective Services staff have access to CASIS. Each worker has a unique password to access CASIS and all activities within the system are audited. Clients and their family can appeal against the child's registration status on CASIS—that is, the information about the child's assessed level of risk as reported on CASIS. Standard Freedom of Information provisions also apply.

**Reporting and investigation process flow chart (Victoria, 1994)**



Source: Australian Institute of Health and Welfare

## 3.2 Current legislation

The statutory framework for the provision of child protection in Victoria is contained in the *Children and Young Persons Act 1989*.

Section 63 of the Act states that a child is in need of protection if any of the following grounds exist:

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

Section 119 of the Act details the principles of case planning:

- (1) Decisions made by the Director-General as part of the case planning process must, as far as possible, be made according to the following principles:
  - (a) The welfare and interests of the child must be given paramount importance.
  - (b) If the child is not living with his or her family, a primary goal is to reunite the child with his or her family if that is for the welfare and in the interest of the child.
  - (c) When considering the welfare and interests of the child, due consideration must be given to the immediate and long-term effects of decisions on the welfare and interests of the child and on the maintenance of the family relationships of the child.
  - (d) Any decisions made to protect the safety and well-being of the child must not be more than sufficient to achieve this.
  - (e) The child (except if his or her participation would be detrimental to his or her safety or well-being) and the family of the child (except where its participation would be detrimental to safety or well-being of the child) must be encouraged and (through consultation and discussion) given adequate opportunity to participate fully in the case planning process and must be given a copy of any proposed case plan and sufficient notice of any meetings proposed to be held.
  - (f) The child and the family of the child must be provided with the opportunity and assistance to involve other persons to assist them participate fully in the case planning process.
  - (g) The case planning process must be conducted in such a way that the persons involved are able to understand it.
  - (h) The case planning process must take into account the views of all persons who are directly involved.
  - (i) Decisions are to be reached by collaboration and consensus.

- (j) Decisions are to be made with as much speed as a proper consideration of the case permits.
  - (k) If a person attending meetings occurring as part of the case planning process has difficulty in communicating in the English language, an interpreter must be present.
  - (l) If a meeting is held as part of the case planning process and the child comes from an ethnic background, a member of the appropriate ethnic community who is chosen or agreed to by the child or by his or her parents may attend.
  - (m) In the case of an Aboriginal child—
    - (i) decision-making should involve relevant members of the Aboriginal community to which the child belongs; and
    - (ii) in recognition of the principle of Aboriginal self-management and self-determination, arrangements concerning the child, and his or her care, supervision, custody or guardianship, or access to the child, must be made in accordance with the principles listed in subsection (2).
- (2) For the purpose of subsection (1) (m) (ii) the principles are:
- (a) Persons involved in the arrangements mentioned in subsection (1) (m) (ii) must be, or at least one of them must be, a member of the Aboriginal community to which the child belongs; or
  - (b) If a person or persons of the class mentioned in paragraph (a) is or are not reasonably available for that purpose, the persons involved in those arrangements must be members of, or at least one of them must be a member of, an Aboriginal community; or
  - (c) If a person or persons of the class mentioned in paragraph (a) and (b) is or are not reasonably available for that purpose, the persons involved in those arrangements must be persons approved by the Director-General and by an Aboriginal agency as a suitable person for that purpose.

### 3.3 Recent changes to policies, procedures and practices

There have been significant changes to legislation and procedures in the last few years.

1. Single track child protection system  
In February 1992, Victoria commenced a welfare-based child protection system, placing the responsibility with the Department of Health and Community Services, Protective Services, Victoria, for the investigation and statutory intervention in children and their families' lives as a result of child abuse and neglect. Police are responsible for pursuing any criminal investigations that may result from child abuse and neglect.
2. Authorisation of all protective workers  
Prior to the introduction of the *Children and Young Persons Act 1989*, only certain protective workers were authorised to receive notifications, issue protection applications, apprehend children assessed to be in need of protection, and take matters before the court. The *Children and Young Persons Act 1989* provides for all child protection workers to have the same responsibilities as protective interveners.
3. 24-hour statewide child protection service  
Victoria introduced a 24-hour statewide child protection service in February 1992.
4. Mandatory reporting was legislated for certain professional groups in the *Children and Young Persons Act 1989*, with gazettal of professionals commencing in November 1993 (see section 3.4 below).
5. Amalgamation of the Health Department with Community Services Victoria  
In October 1992 the Department of Health amalgamated with Community Services Victoria to form the new department of Health and Community Services. Protective



Services regions were restructured to form the four Melbourne metropolitan regions of North, South, East and West, and the five rural regions of Otways, Loddon-Mallee, Gippsland, Hume and Grampians.

6. Protocol developments  
There has been effort by the Protective Services section of the Department of Health and Community Services to develop protocols with various government and non-government organisations throughout the state during the past few years. This remains a priority for Protective Services.
7. Development of an information package for protective workers  
Protective Services section has developed a three-volume publication for distribution to all new protective workers:  
Volume one: Protecting children, standards and procedures and delegation  
Volume two: Protocols  
Volume three: Protecting children, policy advice and guidelines
8. Legislative changes  
The *Children and Young Persons Act 1989* provides that the Children's Court, in making a protection order, must take into account a number of factors and give appropriate weight to protection of the family and the policy of children remaining within the family, as well as considering the best interests of the child. Initially, the *Children and Young Persons Act 1989* made no mention as to whether the child's interest or the protection of the family unit were the paramount consideration. Recent amendments to the legislation stress that the need to protect the child's welfare is of paramount consideration which the court must have regard for in determining whether or not to make a protection order.
9. Prehearing conferences  
Victoria is currently piloting the use of conciliation through prehearing conferences at the Children's Court. Prehearing conferences pursue a more collaborative, conciliatory approach to discussions of concerns for a child's welfare, and possible means to protect that child. The initiative is being formally evaluated by the University of Melbourne, with early reports suggesting that approximately 50 per cent of cases referred are being resolved in this way.
10. Mr Justice Fogarty's report, *Protective services for children in Victoria 1993*  
In July 1993 the report *Protective services for children in Victoria* by Mr Justice Fogarty was released. It discusses in detail the current state of child protection in Victoria, mandatory reporting and Children's Court of Victoria.
11. Client and Services Information System (CASIS)  
In November 1992 CASIS was introduced as the Protective Services electronic file and information system (see section 3.1 above).

### 3.4 Mandatory reporting

The Victorian Government legislated for mandatory reporting in June 1993. The legislation, set out in section 64 of the *Children and Young Persons Act 1989*, is currently confined to the following professional groups:

- medical practitioners (including psychiatrists) and nurses
- primary and secondary school teachers and principals
- proprietors and professional employees of children's services centres, including kindergartens
- social workers, youth workers and welfare workers
- persons working as youth and child care officers for the Department of Health and Community Services
- registered psychologists
- police officers, parole officers and probation officers.

The legislation was implemented in stages. The first group of professionals—that is, doctors, nurses and police were mandated in November 1993. Primary and secondary school teachers and principals were mandated in July 1994. The purpose of the staggered introduction is to allow for adequate training for each group.

Mandatory reporting requirements are confined to sexual and physical abuse and do not apply directly to the reporting of emotional abuse and neglect. Persons falling within the mandated groups are obligated to notify Protective Services where, in the course of practising their profession, they believe on reasonable grounds that a child is in need of protection as a result of physical or sexual abuse. Mandated professionals are not legally obliged to report abuse encountered in their private lives or whilst working in another capacity.

The mandated professional is required to make a notification as soon as practical after forming a belief of abuse. The legislation provides penalties for failure to report by the mandated professional.

In preparation for the full implementation of mandatory reporting, the following steps are being undertaken:

- An extensive campaign of information and education should be undertaken for those within the mandated groups so that they understand what their legal responsibilities are and how they are to carry them out.
- Protocols with key organisations such as hospitals and professional groups have been completed or are near completion. These spell out the mutual responsibilities and expectations between these organisations and Protective Services.
- The Department of Health and Community Services provides training for protective workers to ensure that they are able to deal with notifications, provide accurate information and advice to members of mandated professions, and respond appropriately and professionally to notifications made.
- Extra resources have been allocated to support the introduction of mandatory reporting: a comprehensive professional education strategy is being undertaken, extra protective workers are being employed to respond to the increase in notifications, and treatment services for victims of sexual abuse are being enhanced.

The *Children and Young Persons Act 1989* also contains indemnity and secrecy provisions.

### **3.5 Grounds used to substantiate child abuse or neglect**

Substantiated allegations are those where, following investigation, it is confirmed that either:

- The child has suffered, or is likely to suffer, significant harm from abuse or neglect and the child's parent(s) have not protected, or are unlikely to protect, the child from such harm.
- It appears that harm may have occurred but the level of risk (future harm) is now minimal (category: no further risk). For example, the non-offending parent has taken responsible action to ensure the child will be protected from the perpetrator of the abuse.

## References

*Children and Young Persons Act 1989*. Victorian Government Printers, 1989.

Department of Health and Community Services. *Protective Services standards and procedures for protective workers*. Victoria: Department of Health and Community Services, 1992.

Mr Justice Fogarty. *Protective services for children in Victoria 1993*. Melbourne, 1993.

## 4 Queensland

### 4.1 Description of the current reporting and investigation systems

The Department of Family Services and Aboriginal and Islander Affairs coordinates child protection services in Queensland. Officers of the department and of the Queensland Police Service are authorised under the provisions of the *Children's Services Act 1965* to take action to protect children.

The department's responsibility relates to action to protect children when their parents are unable to fulfil this responsibility. The department investigates parents' ability to protect where a child has been abused by:

- a parent
- a partner of a child's parent
- any person living permanently in a child's home
- any person living outside the child's home where information is provided that the parent is or is likely to be unable or unwilling to protect the child
- an unknown person, where it is not known if the person lives in the child's home

The department is also responsible for investigating a person's suitability to provide care under the provisions of the *Children's Services Act 1965* when a child is abused by a foster parent, approved person, emergency 24-hour carer or residential care worker. The department does not have statutory responsibility to investigate child abuse in circumstances where the child's parents are able to give protection. This includes circumstances where a child is abused by employees within a non-licensed out-of-home care service, a child care service or a school, and where a child is abused by extended family not living within the child's home or other persons outside the home. When child abuse occurs in any of these circumstances, the department will investigate the child's parents' ability to protect the child if there are indications that the parents may be unwilling or unable to protect the child.

Where a child is abused in these circumstances, a criminal investigation may be necessary. The Queensland Police Service is responsible for criminal investigation of all cases of child abuse.

#### Process of investigation

Where the abuse of a child within his or her family involves criminal actions (i.e. sexual abuse, serious physical abuse and serious neglect), investigations are undertaken jointly by officers of the Department of Family Services and Aboriginal and Islander Affairs and officers of the Queensland Police Service.

The coordination of child protection services during investigation and initial management occurs through Suspected Child Abuse and Neglect (SCAN) teams operating throughout Queensland under the auspices of the Coordinating Committee on Child Abuse. The SCAN team consists of an officer of the Department of Family Services and Aboriginal and Islander Affairs, an authorised medical representative and an authorised police officer. The SCAN team coordinates the initial intervention and management of cases, appoints a case coordinator, ensures legal requirements are fulfilled and that initial management steps are implemented.

## **Outcome of investigation**

After collecting sufficient information from all available and reliable sources, including observations of and discussions with the child or children and caregivers, and assessing the present circumstances, a decision is made regarding the outcome of the investigation.

There are several possible outcomes for each case notified, they are:

### *Substantiated*

Where, after thorough examination by the officer/assessment team of the circumstances surrounding the notification, there is reasonable cause to believe that the child is suffering from abuse or neglect.

A case is considered substantiated if any abuse or neglect is identified, whether or not it includes substantiation of the particular allegation which constituted the notification.

### *Suspected*

Where, after thorough examination by the officer/assessment team of the circumstances surrounding the notification, there is reasonable cause to suspect the possibility that the child has previously suffered abuse or neglect, or is suffering abuse or neglect, or is likely to suffer future abuse or neglect.

### *Unfounded*

Where, after thorough examination by the officer/assessment team of the circumstances surrounding the notification, it is concluded that there is no reasonable cause to suspect that the child has previously suffered, is suffering, or is likely to suffer abuse or neglect.

### *No investigation possible*

Where for any reason it was not possible to investigate the notification.

### *No follow up to take place*

Where, after thorough examination by the officer/assessment team of the circumstances surrounding the notification, it is concluded that full investigation or protective advice is unwarranted.

### *Protective advice*

Protective advice is provided in response to notifications of alleged harm to a child where actual harm has occurred or is likely to occur but the level of harm is not deemed to be significant and therefore a full investigation is unwarranted.

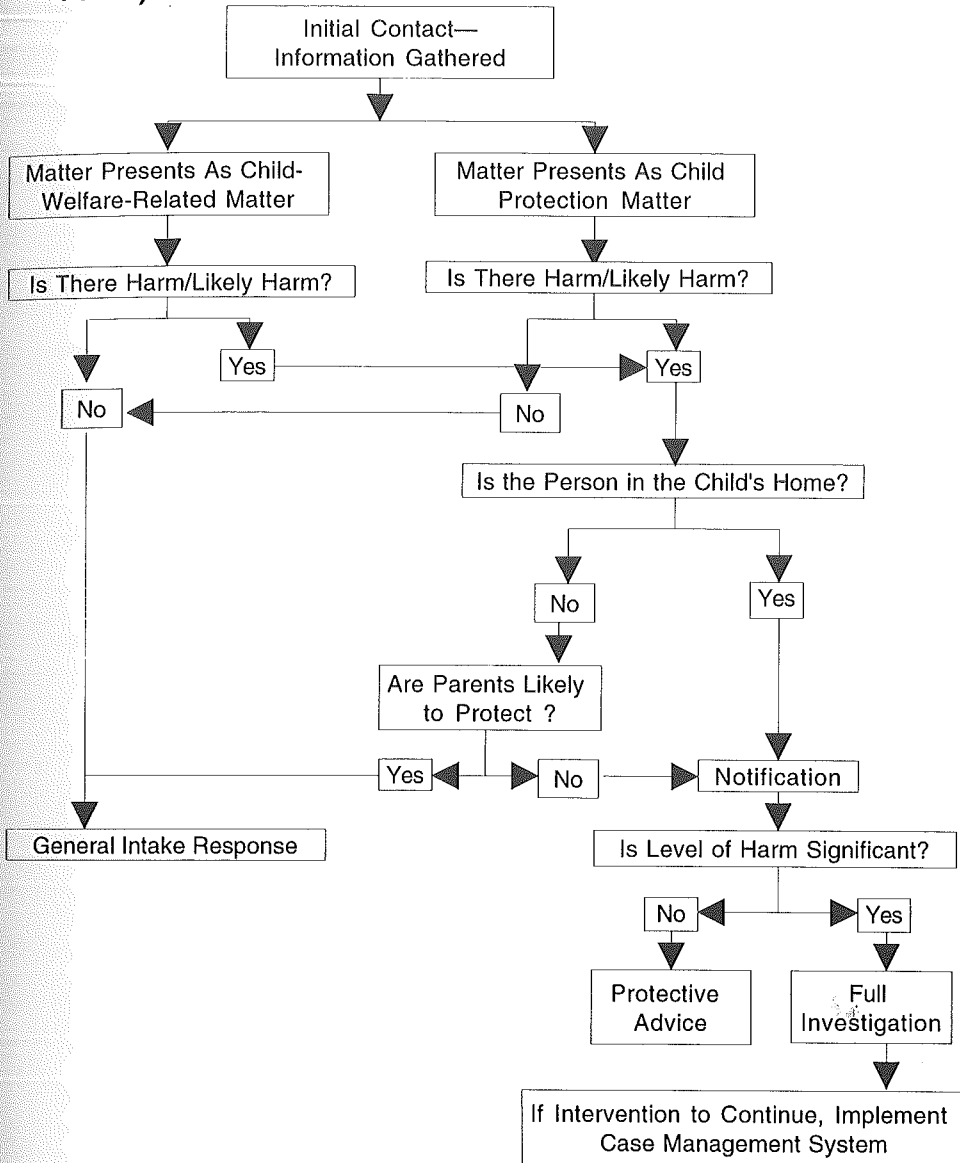
## **Computer system**

The department operates a child protection information system, which includes a central Child Protection Register. The register contains records of all reports received of child abuse and neglect and the outcomes of all investigations. The system also provides up-to-date, non-identifying statistics which enable the registrar to monitor many aspects of the department's child protection work, and to identify gaps or delays in service provision. The statistics enable trends in the volume and nature of child abuse and neglect to be identified and provide a basis for research and the planning and evaluation of services.

## **Access to information, confidentiality and security**

Access to individual records is available to authorised persons only and for casework purposes only. Confidentiality is strictly enforced through security measures including limited and centralised on-line access. Access to child abuse and neglect statistics is available for any purpose, provided individual clients are not able to be identified.

# Reporting and investigation process flow chart (Queensland, 1994)



Source: Australian Institute of Health and Welfare

## 4.2 Current legislation

As noted, the Department of Family Services and Aboriginal and Islander Affairs coordinates child protection services in Queensland under the provisions of the *Children's Services Act 1965*.

Section 46 of the *Children's Services Act 1965* prescribes a range of circumstances in which a child shall be deemed in need of care and protection. These include:

- Where the child does not have a parent or guardian who exercises proper care of and guardianship over the child and is neglected; or exposed to physical or moral danger; or falling in with bad associates; or is likely to fall into a life of vice or crime.
- Where the child in relation to whom offences under part VIII have been committed; or is a member of the same household as another child in relation to whom offences under part VIII have been committed; or is a member of a household in which a person convicted of offences under part VIII is living.

Section 49 authorises an officer of the department or a police officer to take a child into custody for the purpose of making application to the Children's Court for an order for the child's admission to the care and protection of the Director-General.

Section 49 also provides that a Children's Court, if satisfied that a child is in need of care and protection, may order:

- that the parent or guardian enter into a recognisance
- that the Director-General exercise protective supervision over and in relation to the child
- that the child be admitted to the care and protection of the Director-General.

These orders apply until the child reaches eighteen years of age, i.e. they are not time-limited. The Director-General is authorised under section 54 to release a child from an order.

Part VIII section 69 (1) states that a person in charge of a child shall not ill treat, neglect, abandon or expose him or her in a manner likely to cause the child unnecessary suffering or to injure his or her physical or mental health nor suffer the child to be so ill treated, neglected, abandoned or exposed. A person may be charged with an offence under this part. However, criminal charges in relation to child abuse are usually made under the criminal code.

Part X relates to the approval of alternative care providers (foster parents) for the care of children in the care of the department.

Section 76K of the *Health Act 1937* mandates medical practitioners who suspect on reasonable grounds the abuse or neglect of a child in such a manner as to subject the child to unnecessary injury, suffering or danger to notify a person authorised by the Director-General, Medical and Health Services (Chief Health Officer) within 24 hours.

Section 76L authorises prescribed medical officers (usually medical superintendents), who suspect on reasonable grounds the abuse or neglect of a child who has presented or been presented at a hospital, to detain the child in hospital for a period not exceeding 96 hours.

## 4.3 Recent changes to policies, procedures and practices

Over recent years several sections of the *Children's Services Act 1965* have been repealed. This has led to a review of the Act. The review is concerned with those sections of the Act that relate to the support of children and families and the protection of children from abuse and neglect when the families are unable or unwilling to protect them from significant harm.

The need for change also arises from improved service strategies and changing community values since the enactment of the original Act in 1965. Current practice requires a legislative base consistent with these changes and allows flexibility to respond to future needs (DFSAIA 1993).

The department has recently clarified policy in relation to the management of child protection intake. Officers now record as a notification all reports which are assessed as indicating harm to a child. These are two levels of response, based upon decision making about the level of harm indicated by the report. If the harm is assessed as significant, a full investigation, including contact with the family, will occur. If the reported level of harm is assessed as not significant, the response will be the provision of protective advice to the caller. In the past, notifications were recorded only where the reported level of harm was considered significant. Other matters were recorded and responded to as general intake.

#### **4.4 Mandatory reporting**

Under the *Health Act 1937* medical practitioners are required to notify a person authorised by the Director-General, Medical and Health Services (Chief Health Officer) of the Department of Health of all suspected cases of child abuse. No other professionals or community members are legally obliged to report suspected abuse or neglect. An administrative agreement exists that all mandatory reports of child abuse are to be discussed by a SCAN team.

Queensland Education Department guidelines state that teachers are required to advise their principal of suspected cases of child abuse, but this is not legislated. There are no indemnity provisions against civil liability in the legislation to protect people who make notifications, although, there are secrecy provisions to protect the notifier's identity.

The extent of mandatory reporting in Queensland is being addressed in the Child Protection Legislation Review.

#### **4.5 Grounds used to substantiate child abuse or neglect**

Child abuse or neglect is substantiated on the basis of information gathered during a full investigation, including contact with the subject child and family. Both the original allegation and any new concerns noted during the investigation are taken into account. The matter is considered substantiated if, in the professional opinion of the officers concerned, there is reasonable cause to believe that the child has been, is being or is likely to be harmed, whether or not the substantiation relates to the original allegation.

#### **References**

Department of Family Services and Aboriginal and Islander Affairs. *Child protection legislation*, issues paper 1. Queensland: DFSAIA, 1993.



## 5 Western Australia

### 5.1 Description of the current reporting and investigation systems

The statutory agencies responsible for child protection in Western Australia are the Department for Community Development (DCD) and the Police Department. The DCD has responsibility for assessing child abuse and neglect allegations and ensuring that protection is achieved. Treatment and services to children and families are an integral part of achieving protection and care.

The Police Department is responsible for the criminal investigation of child abuse and neglect allegations.

In order to ensure the efficient referral of child abuse and neglect allegations to the DCD, agreements (reciprocal policies and procedures) are negotiated with key agencies that deal with children and families, e.g. police, children's hospitals, schools and prisons among others.

The Advisory and Co-ordinating Committee on Child Abuse (ACCCA) coordinates child abuse and neglect policy between departments and agencies. ACCCA also plays a role in the coordination of service delivery issues, training and community education.

#### Process of investigation

This process is guided by the need to ensure the safety and well-being of children who have been harmed or are at risk of harm.

Allegations of harm are usually made to the district office duty officer by a member of the community, family member, agency or department or by self-referral.

Risk assessments are undertaken by field officers to establish priority of response required. This is based on the information provided, and consultation with either a child protection worker, a team leader, a senior casework supervisor or the manager.

The priority time frames for responding to allegations are:

Priority 1—1/2 working day

Priority 2—2 working days

Priority 3—5 working days

After receiving an allegation one of the following decisions is made:

- no investigation is possible
- no investigation will be undertaken
- an investigation will be undertaken

## **Outcome of investigation**

Decisions following investigation are listed here:

### *Unsubstantiated, no maltreatment*

Where an investigation by the department officer regarding the circumstances surrounding a report concludes that there is no reasonable cause to suspect prior or current abuse or neglect of the child.

### *Unsubstantiated, child at risk*

Following an investigation by the department officer regarding the circumstances surrounding a report of child abuse or neglect, an administrative decision involving the manager/team leader is made that no abuse or neglect can be substantiated, but there are reasonable grounds to suspect the possibility of prior or future abuse or neglect. Where allegations are unsubstantiated, a decision is made in consultation with a senior officer to either:

- provide other services if necessary
- refer family/child to another service
- provide no service

### *Substantiated*

Following an investigation by the department officer regarding the circumstances surrounding a report of child abuse or neglect, an administrative decision involving the manager/team leader is made that there is reasonable cause to believe that the child has been or is being abused or neglected. Substantiated cases of abuse or neglect are classified as either:

#### **Physical abuse**

Physical abuse is any non-accidental form of injury or harm inflicted upon a child by a person having the custody, charge or care of a child. This includes injuries such as cuts, bruises, welts, fractures, haematomas and death.

#### **Sexual abuse**

Sexual abuse includes all situations where a child is engaged in, or exposed to a sexual activity by any person having the custody, charge or care of a child.

#### **Emotional abuse**

Emotional abuse includes hostility, coldness or rejecting by any person who has custody, charge or care of a child to such an extent that the child's behaviour is disturbed or his/her development impaired.

#### **Neglect**

Neglect is defined as a failure to provide a child with an adequate standard of physical and emotional care and nurturing. This includes standards of nutrition, medical care, clothing, shelter, supervision, and depriving a child of nurturing experiences, producing feelings of being unloved, unwanted, insecure and unworthy. This latter area of emotional neglect is very complex and is often extremely difficult to assess. In neglectful situations the caregiver's ability to care for and protect a child is considered significantly impaired in some way by his or her circumstances or personal functioning, in comparison with other members of his or her social group.

A case is considered substantiated if any abuse or neglect is identified. The substantiated abuse or neglect need not be the same as that alleged in the initial report. Substantiation does not necessarily have to constitute sufficient evidence for successful prosecution.

### **Computer system**

The department has recently introduced a new integrated data collection system called Client and Community Services System (CCSS). Data and information relating to child abuse and neglect allegations are entered directly onto the system by field officers. Ongoing information is added as it becomes available. CCSS enables child abuse and neglect allegations to be related to all subsequent services provided.

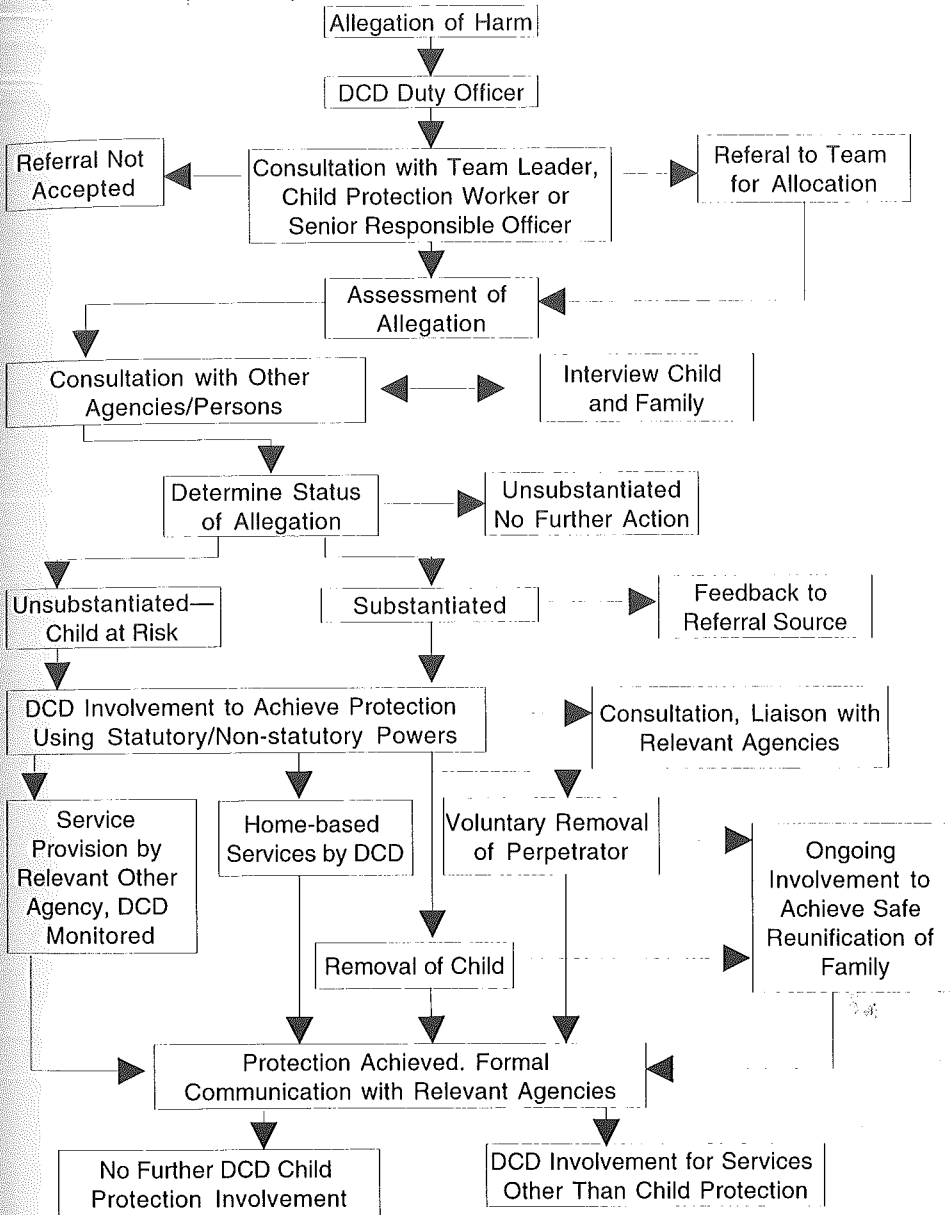
CCSS enables the department, including regions and districts, to monitor trends in child protection and hence plan and deliver their services effectively and efficiently.

### **Access to information, confidentiality and security**

Access to the information on the Client and Community Services System (CCSS) depends on the user's 'need to know'. Field officers have access to child abuse or neglect allegations, details of children and caregivers, person believed responsible, reasons for contact, services provided and outcomes. Non-field personnel have access to relevant non-identifying aggregate data. A series of passwords are in place to ensure security of data and appropriate access.

Under the recent Freedom of Information legislation, members of the public can access information that is relevant to them. Members of the public do not have access to information that will jeopardise the future safety of children or persons making an allegation in good faith. The department produces six monthly and annual reports in relation to child protection statistics. These can be obtained directly from the department (Senior Programs Officer—Protection and Care of Children).

# Reporting and investigation process flow chart (Western Australia, 1994)



DCD = Department for Community Development  
 Source: Australian Institute of Health and Welfare

## 5.2 Current legislation

The legislative base for child protection in Western Australia can be found in the *Community Services Act 1972*. A 'child in need of care and protection' is defined in section 4 of the Act 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 unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law;
- (b) has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child;
- (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs;
- (d) is under the guardianship or in the custody of a person whom the court considers unfit to have that guardianship or custody;
- (e) is not being maintained properly or at all by a near relative, or is deserted;
- (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof;
- (g) being under the age of 14 years, is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare, or safety is likely to be lost, prejudiced, or endangered;
- (h) is unlawfully engaged in street trading;
- (i) is ill treated, or suffers injuries apparently resulting from ill treatment; and
- (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 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.

## 5.3 Recent changes to policies, procedures and practices

In 1992 changes were made to the *Western Australian Evidence Act 1906* and the *Criminal Code 1913*. A significant amendment to the legislation is the use of closed circuit television. Unlike other states, Western Australian legislation provides for the use of closed circuit television as the method of giving evidence by children. Also unique to the Western Australian legislation is the option of the child or the defendant to be placed in a separate room while the child's evidence is given. There is also provision in the legislation for a support person to accompany the child and for that support person to be seated close to the child in the courtroom. The support person must be approved by the court.

## 5.4 Mandatory reporting

There is no mandatory reporting of child abuse and neglect in Western Australia other than personnel of the Family Court who are required to report under the Commonwealth *Family Law Act 1975*. No department, agency or group of professionals are legally required to report suspected cases of child abuse and neglect.

The Department for Community Development in Western Australia has developed a system of reciprocal policies and procedures to ensure that agencies that work with children and families and are aware of abuse will appropriately report the abuse to the Department for Community Development.

Also in place, through ACCCA, is an interagency training program, to assist with the training of agency staff, both government and private sector, in understanding and recognising abuse. This training provides basic skills and is in addition to training that might be provided by the individual agencies.

## **5.5 Grounds used to substantiate child abuse or neglect**

Upon receipt of an allegation of child abuse or neglect, a district office will investigate. This will involve the sighting and interviewing of the child and his or her caregivers, as well as the gathering of other information necessary to make an assessment. An allegation may be investigated by way of consultation with other agencies actively involved in the case.

A child abuse or neglect allegation will be substantiated when, following an investigation, a decision is made by the field officer in consultation with a senior responsible officer that there is credible evidence to verify that abuse or neglect has occurred. A case is considered substantiated if any abuse or neglect is identified. The substantiated abuse or neglect need not be the same as that in the initial allegation.

The level of information or evidence required for department substantiation is less than that required for criminal prosecutions.

## 6 South Australia

### 6.1 Description of the current reporting and investigation systems

The Department for Family and Community Services (FACS) is the statutory body responsible for receiving notifications and investigating allegations of child abuse and neglect in South Australia. The police may also investigate allegations of abuse and neglect and may do so jointly with FACS. They are however, still required to report these allegations to FACS.

#### Process of investigation

When a notification of actual or suspected abuse or neglect is received by the Department of Family and Community Services, the intake and assessment social worker decides whether the notification meets the criteria for investigation. The criteria for investigation are based on the following:

- there exists a reasonable suspicion of abuse or neglect and there appears to be a need to support the parent/caregiver in protecting the child from future harm
- there appears to be a need to protect the child from the actions of the parent/caregiver

In cases where a notification does not meet the criteria for investigation, the rationale for this must be recorded and the notifier informed of the decision not to investigate.

Once the criteria have been met, the intake and assessment social worker gives the case an urgency rating. There are three urgency ratings available, ranging from immediate action to action within 7 days based on an assessment decision relating to the notification and information available. The case is then allocated according to the ratified urgency rating and an investigation is undertaken. In most cases a home visit is made, the child is seen and if appropriate interviewed, along with relevant family members. Referrals to hospital-based child protection services for a full medical and psychosocial assessment are recommended when there is an allegation of abuse of a child under 5 years of age; where there is specific evidence of any form of abuse or neglect; where there is a history of continued neglect or allegations of abuse in custody/access disputes. Police are informed in cases where there is an allegation of sexual abuse, serious neglect, serious physical abuse or death of a child, and police may do joint investigations with the departmental social workers.

#### Outcome of investigation

Once an investigation occurs, an 'outcome decision' must be recorded within 42 days. The following outcome decisions may be recorded against a case:

##### *Child abuse confirmed*

- Physical abuse—Any non-accidental act inflicted upon a child which results in physical injury to the child.
- Sexual abuse—Any sexual behaviour imposed on a child.
- Emotional abuse—A chronic attitude or behaviour directed at a child; or, the creation of an emotional environment which is detrimental to or impairs the child's psychological and/or physical development.
- Neglect—Any serious omission or commission by a person which jeopardises or impairs the child's psychological, intellectual, or physical development.

*No abuse, no action*  
*No abuse, referred on*  
*Outcome uncertain, no action*  
*Outcome uncertain, referred on*  
*Not located, closed*  
*No investigation, no action*  
*No investigation, referred on*  
*Closed partial investigation, no action*  
*Closed partial investigation, referred on*

The outcome categories can be divided into two kinds—those where the investigation was fully completed and those which were closed before a 'complete' investigation was carried out.

## **Computer system**

In 1990-91 the Department for Family and Community Services introduced a new method of recording child abuse and neglect in South Australia. The Client Information System (CIS) provides a common intake process and enquiry system for all authorised department field officers by providing access to information about any client regardless of where the client or field officer are located. All significant-event contacts can be viewed and reports and statistics can be generated to assist management in determining policy and practice. Information about other service use can also be viewed such as financial assistance, domestic violence counselling and substitute care placements. CIS does not record information about the relationship of the maltreater to the child which is recorded manually at each location. CIS forms part of the larger Justice Information System which records data from the police, Attorney General's Department, Department of Correctional Services and Court Services.

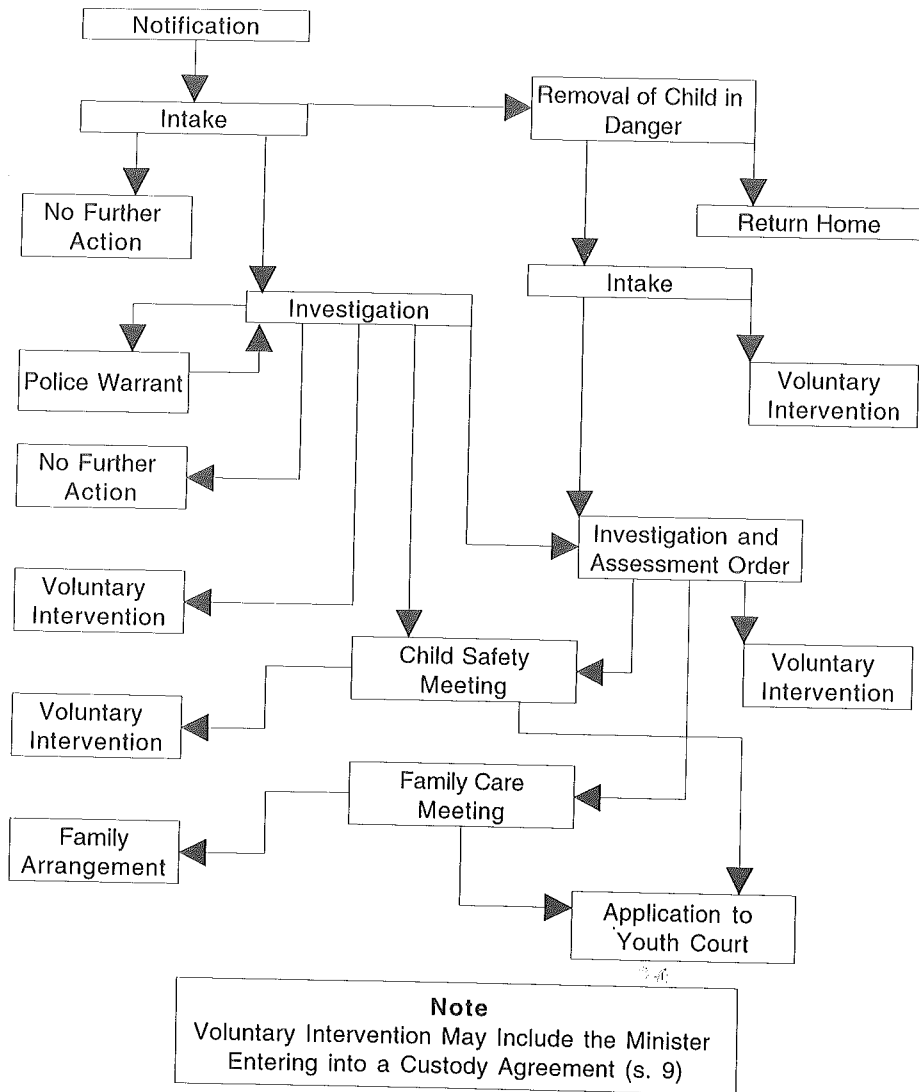
## **Access to information, confidentiality and security**

Summary statistical information is available from the department's annual report. Further statistics are available on request from the Child Protection and Care Unit although individual clients cannot be identified.

Entry to CIS is only obtainable by having a registered user ID and individual password. The individual password must be changed every 25 days.



## Reporting and investigation process flow chart (South Australia, 1994)



Source: Australian Institute of Health and Welfare

## 6.2 Current legislation

All provisions for dealing with children in the area of child protection are now contained in the *Children's Protection Act 1993*. The *Family and Community Services Act 1972* (formerly the *Community Welfare Act 1972*) continues to make provision for children in foster care and secure care.

The safety of the child is the paramount consideration in any exercise of power under the *Children's Protection Act 1993*, and any action in relation to a child is always to be exercised in the best interest of the child.

Serious consideration is given to the desirability of keeping the child within the family, preserving and strengthening family relationships—not withdrawing the child unnecessarily from the child's familiar environment or interrupting education or employment—and preserving and enhancing the child's sense of racial and cultural identity.

In addition, a child who is able to form and express views as to his or her ongoing care and protection should have those views sought and given serious consideration.

For the purpose of the Act 'abuse or neglect' in relation to a child means

- (a) sexual abuse of the child; or
- (b) physical or emotional abuse of the child, or neglect of the child, to the extent that
  - (i) the child has suffered, or is likely to suffer, physical or psychological injury detrimental to the child's well-being; or
  - (ii) the child's physical or psychological development is in jeopardy.

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.

## 6.3 Recent changes to policies, procedures and practices

As reported by the Department of Family and Community Services (1993), there have been several changes brought on by the introduction of the *Children's Protection Act 1993*.

New provisions have been included on;

### 1. Aboriginal and Torres Strait Islanders

Provisions relating to dealing with Aboriginal and Torres Strait Islander children are specified in section 5 of the *Children's Protection Act 1993*. These provisions relate to the placement of children and instruct decision makers to consider both submissions and consultations from Aboriginal and Torres Strait Islander organisations, and traditional and cultural values.

### 2. Custody agreements

Custody agreements are voluntary agreements which the guardians of a child may enter into with the Minister for a period not exceeding three months with provisions for extension to operate for not more than six months in total. Custody agreements are designed to assist families to resolve disputes or conflicts which threaten to cause family breakdown when a

child is 'at risk' and there is support from intensive intervention, or when a placement is needed whilst family reunification/preservation intervention is undertaken.

### 3. Removal of children in danger

Section 19 of the Act enables emergency removal of a child whose safety is in danger. The Minister may have custody of a child, who is not returned home, until the end of the next working day after the day the child was removed, unless an investigation and assessment order has been granted. Section 19 also sets out the powers of the police to remove a child in danger.

### 4. Investigation and assessment orders

The court may grant orders to provide assistance to investigation and assessment processes when investigation has been prevented from proceeding or when the child needs protection during investigation. An application may be made to the court for one or more of the following orders:

- examination and assessment of the child
- authorisation to the Chief Executive Officer to require a person to answer questions or a person who has examined or treated a party to furnish a written report on the examination, assessment or treatment of that party
- custody to the Minister
- directing a party to refrain from residing with the child
- directing a party to refrain from having contact with the child
- other orders as the court thinks fit

### 5. Examination and assessment of children

Provisions are made under the Act for examination and assessment of children who are removed when in danger or who are subject to an investigation and assessment order. The provision includes admitting a child to hospital for examination.

### 6. Family care meetings

A family participation decision-making model has been introduced in legislation for making arrangements for the care and protection of a child and for review of those arrangements. These meetings will be convened and conducted by care and protection coordinators employed by the State Court Administration Council which came into operation by December 1994. The model has been designed to change the composition of participants in the decision-making forums and to increase child and family involvement and responsibility in making safe arrangements for the child. The family care meeting makes alterations to the existing system of child advocacy. The coordinator must arrange for a suitable person to act as advocate for the child at the meeting. The Court Administration Council will determine 'suitable advocates'.

### 7. Care and protection orders

The range of orders available to the courts has been broadened by section 37 of the new Act. These orders include

- undertakings, with or without supervision for 12 months
- custody orders for 12 months
- guardianship orders for 12 months
- permanent care orders—guardianship until 18 years

Orders have been limited to one year to best facilitate intensive intervention to maintain the child in the family or to reunify the family. If a child has been under an order for two years, the court should consider an order for guardianship to 18 years to provide the child a settled and permanent living arrangement.

#### 8. Children under the Minister's care and protection

Section 51 of the Act covers the powers of the Minister in relation to any child of whom the Minister has guardianship or custody including

- placement
- education
- medical or dental examination or treatment, including admission to hospital
- any other provision as the circumstances of the child may require

### 6.4 Mandatory reporting

Under the *Children's Protection Act 1993*, the following professionals are required to notify the Department for Family and Community Services of all suspected cases of abuse: health professionals (medical practitioners, dentists, nurses and psychologists), members of the police force, probation officers, social workers, teachers in any institution including a kindergarten, approved family day care providers and any other person who is an employee or volunteer worker in agencies that provide health, welfare, educational child care or residential services for children.

The Act provides for immunity from civil liability for both mandatory and voluntary notifications. The Act also provides that the identity of the notifier be kept confidential. Disclosure of the identity of the notifier to another person can only be made in the course of official duties to another person acting in the course of official duties; or with the consent of the notifier; or made by way of evidence adduced in accordance with the Act.

### 6.5 Grounds used to substantiate child abuse or neglect

Once an investigation has been undertaken an outcome for each case must be recorded on the Client Information System. 'Child abuse confirmed' (substantiated) indicates cases where there is sufficient information or evidence obtained to say that on the balance of probability abuse or neglect has occurred. Evidence considered to be acceptable need not be conclusive as defined by legal evidence, but should be conclusive enough to result in a professional judgement that harm to the child has occurred.

### References

Department for Family and Community Services (FACS). *Child protection system—legislative change. A brief guide to the major changes in child protection legislation*. Adelaide: Department for Family and Community Services, 1993.

South Australian Health Commission. *South Australian Government Task Force on child sexual abuse, October 1986*. Adelaide: South Australian Health Commission, 1986.

## 7 Tasmania

### 7.1 Description of the current reporting and investigation systems

Child protection services and administration in Tasmania are coordinated by the Child Protection Board. The Child Protection Board was established in 1991 and comprises representatives from the community, the Department of Education and the Arts, the Department of Justice, the Department of Community and Health Services and the police. The board coordinates, monitors and develops child protection policy and programs in Tasmania as well as conducting community education and professional training programs. The Child Protection Board authorises officers to act on its behalf. The authorised officers are child protection officers employed by the Department of Community and Health Services.

The Child Protection Board has delegated much of its direct statutory decision-making powers to Regional Assessment Committees but maintains overall statutory responsibility. The Child Protection Unit, consisting of authorised child protection officers of the Department of Community and Health Services, receives notifications and investigates allegations of child abuse. Child protection officers report at weekly meetings to the Regional Assessment Committees which consider appropriate intervention in cases. The Regional Assessment Committees are delegated by the board to make applications to the courts.

Allegations of neglect are investigated by child welfare officers within the Children and Family Services branch of the Department of Community and Health Services. Neglect is covered under the *Child Welfare Act 1960* and, apart from serious and chronic neglect cases, is not under the mandate of the Child Protection Board. It is envisaged that new legislation currently being developed will change this distinction.

#### Process of investigation

A report of child abuse is investigated by an authorised child protection officer as soon as possible on a priority system based on information received in the notifications. Authorised child protection officers are empowered to remove a child to a safe place for up to 120 hours for assessment. All neglect cases are referred to the Department of Community and Health Services for investigation.

#### Outcome of investigation

There are several possible outcomes of an investigation:

*Reasonable cause*

There is reasonable cause to believe that the child has been or is being abused or neglected.

*No reasonable cause*

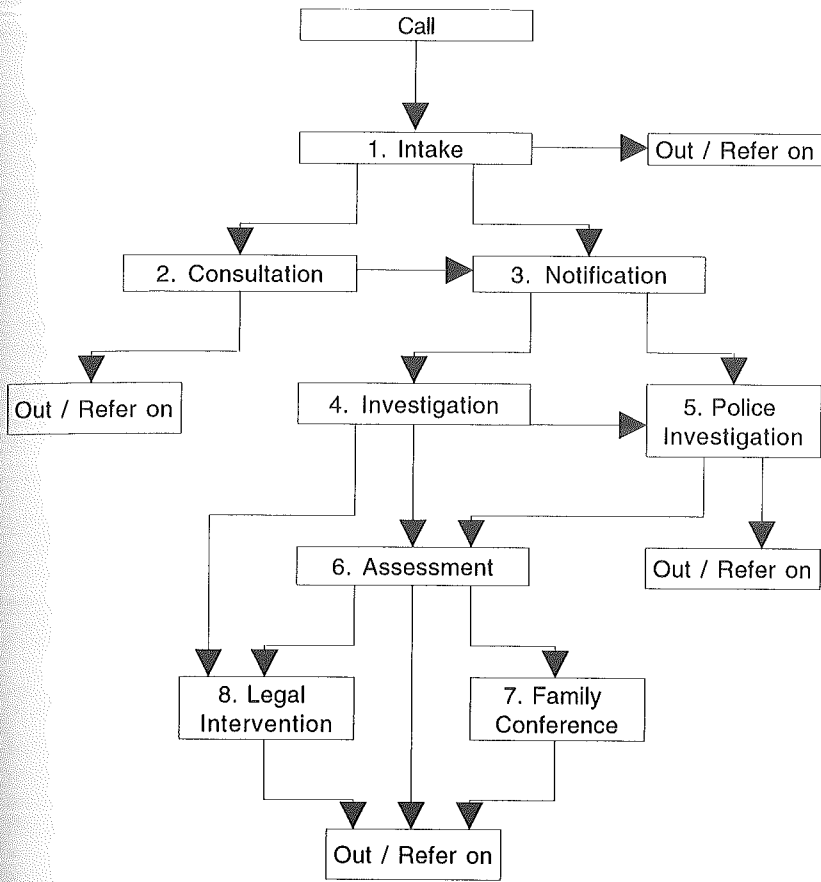
There is no reasonable cause to suspect prior, current or future abuse or neglect of the child.

*No reasonable cause—child at risk*

*Partial investigation—no protective issues*

*No action possible*

Reporting and investigation process flow chart (Tasmania, 1994)



Source: Australian Institute of Health and Welfare

## Computer system

The Child Protection Board collects data on notifications through its Child Protection Information System database. The database is a secure system as only approved users have access codes. The database contains information on individuals notified to the board as well as non-identifying information to analyse trends and to aid research.

## Access to information, confidentiality and security

Section 17A(2) of the *Child Protection Act 1974* imposes a duty of confidentiality on board members and officers. Information can be disclosed only to the person to whom the information relates or to a court hearing criminal proceedings or to the Family Court of Australia. In addition, the Minister can waive the disclosure prohibition where it is in the public's interest; disclosure may also be made to a person who, in the opinion of the Minister, is expressly or implicitly authorised by the person to whom the information relates; or disclosure is allowed to aid a research program approved by the Minister.

Individual files are held within the Child Protection Unit's premises in locked cabinets. The Child Protection Information System database is accessed by approved users only through an access code.

## 7.2 Current legislation

The *Child Protection Act 1974* has been amended in 1982, 1986, 1987 and 1991. Significant changes were made in the 1986 amendment Act. The *Child Protection Amendment Act 1986*, considerably widened the definition of child abuse and raised the upper age limit covered by the Act from 12 to 17 years. The *Child Protection Amendment Act 1986* endorses the concept that children have rights, and important among them, that children are to be protected from any form of abuse.

The *Child Protection Amendment Act 1986* essentially does four things:

1. It establishes and defines the powers of the Child Protection Assessment Board (amended in 1990 to Child Protection Board) and its officers and provides a procedure for the notification of instances of suspected child abuse to the board.
2. It sets the standards which must be met to permit legal intervention on behalf of a child.
3. It describes the orders which can be obtained by the board through the court.
4. It outlines the process which must be undertaken when an order is in force.

Under the *Child Protection Amendment Act 1986*, a child shall be taken to have suffered abuse or neglect if

- (A) whether by act or omission, intentionally or by default, any person
  - (i) inflicts on the child a physical injury causing temporary or permanent disfigurement or serious pain;
  - (ii) by any means subjects the child to an impairment, either temporary or permanent, of a bodily function or of the normal reserve or flexibility of a bodily function (e.g. administering drugs or alcohol); or

- (iii) neglects, or interferes with the physical, nutritional, mental or emotional well-being of the child to such an extent that
  - (a) the child suffers, or is likely to suffer psychological damage or impairment;
  - (b) the emotional or intellectual development of the child is, or is likely to be, endangered; or
  - (c) the child fails to grow at a rate that would otherwise be regarded as normal for that child;
- (B) any person causes the child to engage in, or be subjected to, sexual activity; or
- (C) the child is, with or without the consent of the child or of the parent, guardian, or other person having the custody, care, or control of the child, engaged in, or subjected to sexual activity that
  - (i) is solely or principally for the sexual gratification of any other person;
  - (ii) is in whole or in part the subject of, or included among the matters portrayed in, any printed matter, photograph, recording, film, video tape, exhibition, or entertainment; or
  - (iii) in any other manner exploits the child.

## 7.3 Recent changes to policies, procedures and practices

The Child and Family Services Bill to be enacted in 1994 is to provide the legislative framework for the Child Protection Board, replacing the *Child Protection Act 1974*. The board is continuing to monitor the proposed legislation and is looking forward to an active role in its development. It is envisaged that the new Act will supersede the current *Child Protection Act 1974* and the *Child Welfare Act 1960*. Some major issues covered in the new Bill will be family preservation and an emphasis on short-term orders (maximum 2 years, as opposed to longer term orders).

## 7.4 Mandatory reporting

In Tasmania, section 8 of the *Child Protection Act 1974* provides that the Governor may make an order that members of professions must report abuse and neglect of children. Such an order was made in the *Child Protection Order 1977* (Statutory rules 305 of 1977) and lists the following professionals:

- probation officers appointed under the *Probation of Offenders Act 1973*
- child welfare officers appointed under the *Child Welfare Act 1960*
- welfare officers appointed under the *Alcohol and Drug Dependency Act 1968*
- persons holding Children's Boarding Home licenses or Day Nursery licenses under section 54 of the *Child Welfare Act 1960*
- principals of district, primary or infant schools; mistresses in charge of infant schools; teachers in charge of kindergartens; officers engaged primarily in welfare work; and guidance officers holding office under the *Education Act 1932*
- psychologists, social workers and welfare officers appointed under the *Mental Health Services Act 1967* who are primarily engaged in welfare work
- medical practitioners registered under part 3 of the *Medical Act 1959*
- registered nurses employed by the Child Health and School Health Services with the Department of Health Services and appointed under the *Public Service Act 1973*

The *Child Protection Act 1974* also legislates for voluntary reporting. There are no prescribed penalties under the Act for a breach of this section.



## 7.5 Grounds used to substantiate child abuse or neglect

- strong medical, physical, behavioural or psychological evidence of abuse
- admission of abuse by perpetrator
- clear statement of abuse from child
- credible statement from anyone with knowledge of the case that abuse has occurred
- any discrepancy between the alleged perpetrator's explanation of how an injury was sustained and the nature of the injury

## 8 Australian Capital Territory

### 8.1 Description of the current reporting and investigation systems

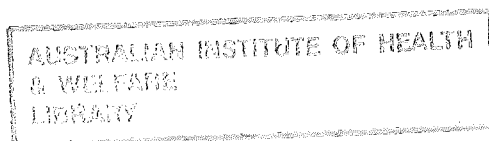
The statutory framework for the provision of child protection services in the Australian Capital Territory is contained in the *Children's Services Act 1986*. The Act provides for voluntary notification to the Community Advocate (an independent statutory officer on whom the Act confers certain functions, duties and powers) when children are deemed to be in need of care under the terms of the Act. However, in practice the majority of notifications are received and investigated by the Family Services Branch of the Housing and Community Services Bureau, with the Community Advocate undertaking a monitoring role. In addition, notifications received by the Community Advocate are usually forwarded to the Family Services Branch for investigation; other agencies, such as the medical services, are involved as required. The Family Services Branch works closely with the Australian Federal Police when the alleged abuse may involve criminal actions.

The Office of the Community Advocate is a statutory office whose roles are prescribed under the *Community Advocate Act 1991*, the *Children's Services Act 1986*, and *Guardianship and Management of Property Act 1991*. It provides a filter between health and welfare services, and court procedures in relation to children in need of care. The Community Advocate's key role in relation to children includes seeking to ensure the protection of the rights, the well-being and the interest of children, and promoting the protection of children from abuse and exploitation.

#### Process of investigation

Notifications are received by either the Office of the Community Advocate or the Family Services Branch of the Housing and Community Services Bureau. If received by the Community Advocate, the notification is referred to a suitable agency for investigation and assessment, usually to a regional office of the Family Services Branch, but also to the Australian Federal Police where appropriate. The Family Services Branch investigates notifications made directly to it with the assistance of other agencies as required.

In cases where the alleged abuse or neglect is substantiated, appropriate action will be taken to ensure that the immediate and long-term health and welfare of the child is safeguarded. Ideally this is achieved through the provision of appropriate family support and other referrals. However, in extreme cases this may involve the removal of the child from his or her family home and the provision of care with extended family members or in foster or residential placements. Emergency action to remove a child from his or her home against the wishes of the parents is undertaken by authorised persons according to legislative provisions. The Family Services Branch is required to inform the Office of the Community Advocate as soon as practicable of this emergency action. This action can be revoked by the Office of the Community Advocate if it considers that there is no immediate concern for the child's safety. The Community Advocate has 48 hours in which to bring the matter before the magistrate. A magistrate may then order that the child be released, or be detained for a period not exceeding 72 hours. The matter can then be brought before the court on two more occasions to extend the order each time for a maximum period of 7 days. It is also possible for parents to enter into agreements with the Family Services Branch to care for specific periods for children considered to be at risk.



After an initial investigation and assessment, an application may be made to the court by the Community Advocate that the child be declared 'in need of care'. (This process has been recently reviewed and has resulted in substantial legislative amendments to the *Children's Services Act 1986* and the *Community Advocate Act 1991*. These changes are discussed further in Section 8.3.) Prior to this application the Community Advocate consults the Standing Committee of the Children's Services Council (an interagency forum comprising representatives of the Family Services Branch, the Office of the Community Advocate, the Australian Federal Police and the Department of Health). If the Family Services Branch and the Community Advocate disagree on this matter, the Family Services Branch or any other person can make an application to the court.

Ongoing case management of children on residential or supervision orders, as well as those subject to voluntary agreements, is undertaken by the Family Services Branch. Orders made by the court are monitored by the Community Advocate and, under current legislation, are reviewed by the court every 12 months.

### **Outcome of investigation**

The following definitions describe the status of a reported case after an initial assessment has been completed.

#### *Substantiated, child at risk*

Where, following an investigation of the circumstances surrounding a report, a decision is made that there is reasonable cause to believe that the child has been or is being abused/at risk and there are ongoing risk factors which warrant ongoing involvement by the branch.

#### *Substantiated, child not at risk*

Where, following an investigation of the circumstances surrounding a report, a decision is made that there is reasonable cause to believe that the child has been or is being abused/at risk but there are no ongoing risk factors which warrant ongoing involvement by the branch.

#### *Unsubstantiated, child at risk*

Where, following an investigation of the circumstances surrounding a report, no abuse can be substantiated but there are reasonable grounds to suspect the possibility of prior or future abuse/risk factors and it is considered that continued involvement by the branch is warranted.

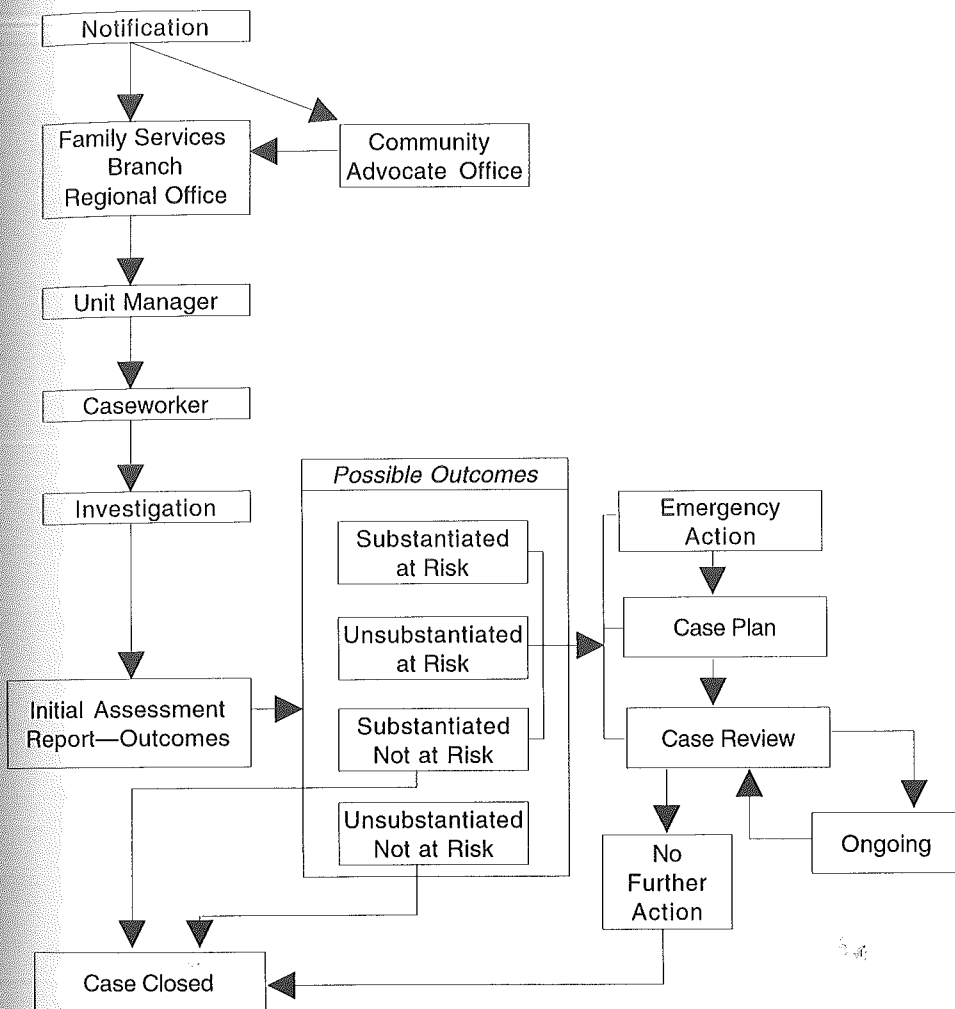
#### *Unsubstantiated, child not at risk*

Where, following an investigation of the circumstances surrounding a report, it is concluded that there is no reasonable cause to suspect prior, current or future abuse/risk factors.

#### *Investigation not possible*

Where for any reason it is not possible to investigate the report.

# Reporting and investigation process flow chart (Australian Capital Territory, 1994)



Source: Australian Institute of Health and Welfare

## Computer system

The computer system used to store the child protection data in the Australian Capital Territory utilises a flat file and a relational database for the provision of statistics. The database contains four files with information on the child's details, notification details, and investigations and placement information. A new networked client information system is currently being developed to enhance the operations of the branch.

## Access to information, confidentiality and security

Statistical information is provided for the Housing and Community Services Bureau Annual Report, the Australian Institute of Health and Welfare, and funded non-government agencies. Access to the computer system is limited to the staff of the policy unit of the Family Services Branch and is secured by a password. Paper records and backup disks are stored in locked cabinets.

## 8.2 Current legislation

As noted, the statutory framework for the provision of child protection services is contained in the *Children's Services Act 1986*. Section 71(1) of the Act states that a child is in need of care if

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

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

### **8.3 Recent changes to policies, procedures and practices**

On 10 May 1994, the ACT Legislative Assembly passed significant amendments to the *Children's Services Act 1986* and the *Community Advocates Act 1991*. These amendments enhance and distinguish between the roles of the Director of Family Services and the Community Advocate, and will strengthen the effectiveness of the child protection system in the Australian Capital Territory. Other significant changes include the establishment of the Director of Family Services as the statutory office responsible for the delivery of child protection services, including the function of taking court action to protect children. As previously outlined, this function is currently undertaken by the Community Advocate. The Director of Family Services will also replace the Community Advocate as the chair of the Standing Committee of the Children's Services Council. Along with the transfer of responsibilities from the Community Advocate to the Director of Family Services, enhancements to the function of the Community Advocate establish it as the independent statutory body whose role is to monitor and ensure the protection of the rights and interests of children in the Australian Capital Territory. The commencement date for the above amendments is 21 November 1994.

The Family Services Branch 'Child protection policy, procedures and guidelines' and the 'Management of difficult behaviour in residential care-setting policy, procedures and guidelines' are currently being reviewed.

### **8.4 Mandatory reporting**

The Australian Capital Territory does not currently have mandatory reporting of child abuse and neglect. The *Children's Services Act 1986* includes a subsection on voluntary reporting at section 103 (1). Mandatory reporting provisions in section 103 (2) were written into the legislation but have not been enacted. In August 1993, issues concerning the introduction of section 103 (2) were referred to the ACT Law Reform Committee which tabled its report (number 7) entitled, *Mandatory reporting of child abuse* in the Legislative Assembly on 16 December 1993. Those recommendations are currently being considered by the Australian Capital Territory Government.

### **8.5 Grounds used to substantiate child abuse or neglect**

Grounds for children being considered to be 'in need of care' are included in section 71 of the *Children's Services Act 1986* (see Section 8.2 on previous page). The court, when required to hear and determine applications for the declaration that a child is in need of care, does so on the balance of probabilities as indicated in section 80 of the *Children's Services Act 1986*.

## References

Children's Services Council, Child Abuse Task Force. *Mandatory notification of alleged child physical and sexual abuse: information session leaders kit*, Canberra: Children's Services Council, 1988.

Community Law Reform Committee of the Australian Capital Territory. *Mandatory reporting of child abuse*, report number 7. Canberra: Australian Capital Territory Government, 1993.

## 9 Northern Territory

### 9.1 Description of the current reporting and investigation systems

Under the *Community Welfare Act 1983*, the protection of children in the Northern Territory is within the responsibilities of the Minister of the Department of Health and Community Services. Any person who believes, on reasonable grounds, that a child is being or has been abused or neglected is required by law to notify either the Minister or a member of the police force. For the purpose of the Act, a report to a community welfare worker or protective services worker is a report to the Minister.

If the police receive a notification of alleged abuse they may conduct an investigation or pass the notification to the Minister. Where the police conduct an investigation they must provide a report to the Minister within 24 hours of completion of the investigation. Where the notification is received by the Minister, he must investigate, or reinvestigate, the child's circumstances.

Cases of sexual abuse and serious physical abuse are jointly investigated by the police and authorised staff of the Family, Youth and Children's Services (FYCS) Program of the Department of Health and Community Services.

In exercising his or her powers the Minister shall have as his or her main consideration the welfare of the child. This includes securing such care and guidance as to promote the welfare, and maintain and develop those family relationships that are, in his or her opinion, in the best interest of the child.

For service delivery purposes, the Department of Health and Community Services operates through seven district structures—Darwin Urban, Darwin Rural, East Arnhem, Katherine, Barkly, Alice Springs Urban and Alice Springs Rural. Each district has its own FYCS staff. In Darwin and Alice Springs there are dedicated child protection units known as Child and Family Protective Services (C&FPS), which investigate all notifications of alleged abuse or neglect. In other districts, FYCS staff carry a generic caseload including child protection investigation and any follow-up work.

#### Process of investigation

A child protection investigation may only be undertaken by a person authorised by the Minister or a member of the police force. Where notification is made to FYCS, the receiving worker should immediately consult the On-line Client Information System (OCIS) to determine whether client details have been recorded previously. An FYCS worker must consult with his or her supervisor before starting an investigation. Generally, the initial investigation should be undertaken by two authorised workers. In some circumstances this may not be possible. Issues such as personal safety and corroboration should be fully considered prior to any decision to allow a lone worker to conduct an investigation.

It is generally required that investigations should start within 24 hours of the receipt of notification. In cases where child protection investigations cannot reasonably begin within 24 hours, the unit manager or supervisor should indicate in writing, in the client file, that the unit is aware of the delay and judges that it is not practicable to commence the investigation at that time. Moreover, an explanation for the delay should be indicated in the report to the child protection team.



## Outcome of investigation

Possible outcomes of investigation are:

*Substantiated*

*No abuse found*

*Investigation not possible*

The outcome 'child at risk' was removed as a possible outcome from 1 July 1993.

## Child protection teams

### *Membership*

Section 18 of the *Community Welfare Act 1983* empowers the Minister to establish child protection teams in each location the Minister regards necessary. Currently teams have been established in Darwin (for Darwin Urban and Darwin Rural districts), Katherine (for Katherine district), Nhulunbuy (for East Arnhem district), Tennant Creek (for Barkly district) and Alice Springs (for Alice Springs Urban and Alice Springs Rural districts).

The Child Protection Team is made up of:

- The Minister or his or her nominee, who shall act as chairperson.
- The permanent head of the department responsible for health matters (the Secretary, Department of Health and Community Services), or his or her nominee. It has generally been the practice that this member will be a senior departmental medical practitioner and in most cases is the Medical Superintendent of a nearby hospital.
- The Commissioner of Police or his or her nominee.
- Such other persons as the Minister deems fit and appoints in writing. It has been the practice for some years to appoint a nominee of the regional superintendent of the Department of Education. Each child protection team should make every effort to have a representative of an appropriate Aboriginal organisation appointed to the team. In the absence of an appropriate organisation, an Aboriginal person with an interest in or knowledge of local child protection issues should be appointed.

### *Function of teams*

- (1) Provide a coordination and consultative role with agencies which have a legal role in child protection matters or agencies which have resources to provide services to children subject to abuse or neglect.
- (2) Examine every notification of abuse or neglect of children received by the Department for Health and Community Services within the geographical jurisdiction of the team. The team has a responsibility to make recommendations regarding action which should be taken in relation to the abuse and neglect. Such recommendations are not binding on the department, however teams not satisfied with departmental responses to their recommendations may report their concerns to district managers or, ultimately, to the Minister.
- (3) Review the action taken as a result of recommendations referred to in (2).
- (4) Obtain undertakings from departments which have responsibility for the actions referred to in (2).
- (5) Maintain a regular review of all cases of abuse and neglect of children in the location. This empowers the team to review substantiated cases only. In cases where abuse or neglect has not occurred, reviews by the team are not appropriate. The review of substantiated cases shall continue until such a time as the team considers that the child is no longer at risk of further abuse or neglect.

All protective workers are required under the terms of section 23 (1) of the *Community Welfare Act 1983*, to consult with child protection teams in determining a course of action relating to a child who has suffered abuse or neglect. This includes the initiation of court proceedings. At times, it will not be practicable to convene a meeting of the team for this purpose and it may be necessary to provide such information retrospectively.

## **Computer system**

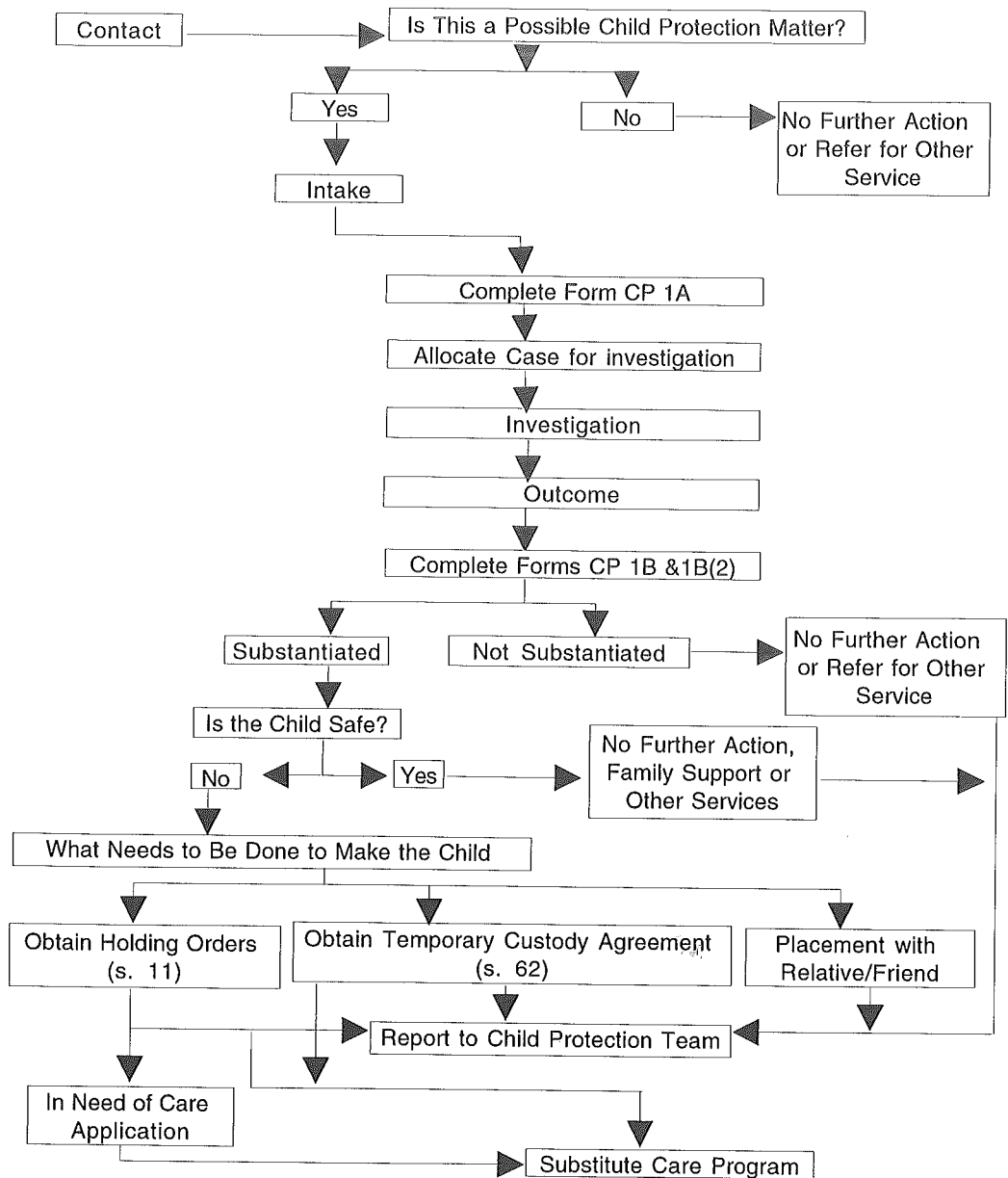
The On-line Client Information System (OCIS) is based on the Northern Territory Government mainframe. OCIS is available in all service outlets and in the central office.

## **Access to information, confidentiality and security**

Non-identifying statistical information is available on request to the Directorate of the Family, Youth and Children's Services Program. Reports are prepared monthly for each district showing numbers of notifications (reports and cases), source of notification, type of abuse reported, outcomes and type of abuse substantiated by sex of the child. Monthly reports are also prepared showing cases for which investigation has not yet commenced, cases for which investigations have commenced but remain incomplete, and cases which are due for review by the child protection team. Statistical information about the numbers of reported cases by sex of child, by age of child, by outcome and type of abuse substantiated and by district are published each year in the department's annual report.

Access to identifying client information on the database is by way of a group password plus a user ID and a personal password. The personal password must be changed every three months and it cannot be re-used. Staff in various positions have differing levels of access and differing privileges (e.g. view data only, enter data, modify data—the latter privilege is highly restricted). A staff member's user ID is revoked on termination of employment or transfer to another position within the service that does not need access. If the database is not accessed for three months the user ID is automatically revoked. In addition there are various confidentiality provisions contained in the *Community Welfare Act 1983*, the *Public Sector Employment and Management Act 1973* and the criminal code.

## Reporting and investigation process flow chart (Northern Territory, 1994)



Source: Australian Institute of Health and Welfare

## 9.2 Current legislation

Under the *Community Welfare Act 1983*, a child shall be taken to have suffered abuse or neglect where the child has suffered or is at substantial risk of suffering,

- (a) A physical injury causing temporary or permanent disfigurement or serious pain or impairment of 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 him or her or where there is substantial risk of his or her 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 he or she belongs, because of his or her physical surroundings, nutritional or other deprivation, or the emotional or social environment in which he or she 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, because of his or her physical surroundings, nutritional or other deprivation, or the emotional or social environment in which he or she is living or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment; or
- (d) Sexual abuse or exploitation, or where there is substantial risk of such abuse or exploitation occurring, and his or her parents, guardians or persons having custody of him are unable or unwilling to protect him from such abuse or exploitation.

Under section 11 of the Act, the Minister, an authorised person or a member of the police force may take a child into custody if they believe on reasonable grounds that a child is in need of care, and no other action would ensure the adequate care of the child. Under this section workers are empowered to enter a place where a child is located without warrant and to remove the child if such action is necessary to protect the child.

Section 14 of the Act imposes an obligation on any person who believes, on reasonable grounds, that a child is being or has been abused or neglected to report that belief to the Minister or to the police. Section 16 of the Act requires the Minister to investigate all reports and take such steps as necessary to secure the child's welfare.

Under section 62 of the Act, the parents or guardians may enter into a written agreement for the Minister to assume the temporary custody of the child. Such agreements will not exceed 2 months but may be extended up to 6 months after the date the agreement was first entered into.

## 9.3 Recent changes to policies, procedures and practices

A new core procedures manual was prepared in early 1993. A new Child Protection Policy Statement was issued in 1994. Some minor amendments to the *Community Welfare Act 1983* will be made in late 1994.

## 9.4 Mandatory reporting

Section 14 (1) of the *Community Welfare Act 1983* requires that any person, not being a member of the police force, who believes on reasonable grounds that a child has been abused or neglected shall report this to the Minister or a member of the police force. A report can be provided orally or in writing.

Section 14 (2) states that where a person, acting in good faith, makes a report under or in purported compliance with subsection (1) the report shall not be held to be a breach of

confidence or of professional etiquette or ethics or of a rule of professional conduct; and no civil or criminal liability is incurred by reason only of making the report.

## **9.5 Grounds used to substantiate child abuse or neglect**

For an allegation to be classified as substantiated there must be reasonable belief that a child is being, has been, or is at significant risk of abuse or neglect. This does not necessarily require the level of evidence needed for a successful court action, nor does it imply that follow-up services will be provided.

### **References**

Department of Health and Community Services. *Child protection program, procedures for child protection investigations, March 1993*. Darwin: Department of Health and Community Services, 1993.

# 10 Commonwealth

## 10.1 The Family Law Act 1975

The Family Court of Australia has jurisdiction under the *Family Law Act 1975* to make orders in relation to the guardianship and/or custody of, access to, maintenance of, or welfare of all children in Australia under the age of 18 years.

The Family Court, when exercising its jurisdiction, is obligated under the provisions of the *Family Law Act 1975*, to have regard to the welfare of the child as the paramount consideration in determining those issues and to the need to protect the child from abuse.

Applications to the Family Court concerning a child may be made:

- by one or other of the parents
- by or on behalf of the child or by a person having appropriate interest in the welfare of the child
- by a separate representative appointed by the Family Court to represent the child under section 65 of the Family Law Act
- under the provision of section 91B of the Family Law Act the court may request the intervention in the proceedings of an officer of the appropriate State welfare department

Section 70BA of the Act provides that where a party to proceedings under the Family Law Act alleges that a child has been abused or is at risk of being abused, that person must notify the Family Court, and the registrar must, as soon as practicable, notify a prescribed child welfare authority.

Section 70BB (1) of the Act provides that where a member of the Family Court's personnel has reasonable grounds for suspecting that a child has been or is at risk of being abused, the member must, as soon as practicable, notify a prescribed child welfare authority of his or her suspicions and the basis of such suspicion.

Under section 70BB (2) where a member of the Family Court's personnel has reasonable grounds for suspecting that a child has been or is at risk of being ill treated, or has been or is at risk of being exposed to behaviour which psychologically harms the child, that member may notify a prescribed child welfare authority of his or her suspicions and the basis of such suspicion (Keough 1993).

Section 70BC (2) provides indemnity against civil or criminal proceedings, and a notification under subsection 70BA and 70BB is not to be considered to have breached any professional ethic.

Section 91B of the Family Law Act provides that in proceedings relating to the welfare of a child, the Family Court may request the intervention of a state officer who is responsible for the administration of state child welfare laws (Keough 1993).

The Family Court's jurisdiction is limited by section 60H of the Family Law Act in that it shall not make an order in relation to a child who is subject to an order which places him or her in the custody of, or under the guardianship, care and control or supervision of, a person under a prescribed child welfare law. Where it appears to the Family Court that another court proposes to make an order by which a child is placed in the custody of, or under the guardianship, care and control or supervision of, a person under a prescribed

child welfare law, the Family Court may adjourn any proceedings before it in relation to that child.

## 10.2 National Child Protection Council

The National Child Protection Council was established by the Commonwealth government in 1991 to provide a national focus for the prevention of child abuse and neglect.

The National Child Protection Council is made up of representatives of the Commonwealth, State and Territory governments and five community members (members for 1994 are listed below). Members come from a range of backgrounds and are experienced in areas such as child protection, child health and child advocacy. The role of the council is to focus the attention of governments and the community on the need to reduce the incidence of child abuse and neglect, and to promote and commission national research on the prevention of child abuse and neglect. The council has developed the pioneering National Prevention Strategy for Child Abuse and Neglect and will oversee the implementation of the strategy.

### Community Members

**Ron Cahill**

ACT Magistrate's Court

**Gillian Calvert**

Academic and Consultant

**Sally Castell-McGregor**

Children's Interests Bureau

**Naomi Mayers**

Aboriginal Medical Service

**Allan Carmichael**

University of Tasmania

## 10.3 National Clearing House

In October 1992 the National Child Protection Council established a National Child Protection Clearing House. The National Clearing House is located within the Australian Institute of Family Studies in Melbourne.

The role and function of the National Clearing House comprise four elements. These are:

Repository	The collection of relevant material, both from Australia and certain overseas countries, including library and interlibrary facilities.
Databases	The incorporation of this material within established computerised databases using on-line facilities.
Advisory	The provision to clients of appropriate advice on primary and secondary prevention programs, research and activities.
Networking and outreach	The dissemination of information on a regular basis and in response to client groups, as well as the initiation of networking activities with other relevant organisations.

In association with the Clearing House role and function, an audit is being conducted on an ongoing basis, of all primary and secondary child abuse and neglect prevention programs in place in Australia at the present time, as well as relevant research conducted since 1980.

## 10.4 Australian Institute of Family Studies

The Australian Institute of Family Studies is an independent statutory authority which was established in 1980 under the *Family Law Act 1975*. The Institute aims to promote the identification and understanding of factors affecting marital and family stability in Australia by:

- researching and evaluating the social, legal and economic well-being of all Australian families;
- informing government, other bodies concerned with family well-being and the general community about Institute findings;
- promoting improved support for families, including measures which prevent family disruption and enhance marital and family stability.

### References

*Family Law Act 1975* (Cwlth)

Keough B. *The protective services protocol* 1992. *Law Institute Journal* 1993; 67:64–65.



# 11 Information sources and welfare databases in Australia

## Databases

### CINCH

CINCH, the Australian Criminology Database is a computer-based information system containing bibliographic references to Australian criminal justice subject matter. CINCH is produced by staff of the J.V. Barry Library at the Australian Institute of Criminology as part of the Institute's commitment to the compilation and dissemination of Australian criminological information.

CINCH can be used for locating source materials for reference work and research; for current awareness updates; or for compiling bibliographies. Searches can be defined by any combination of topics, period, author or geographic location. CINCH has been publicly available as part of the OZLINE Service since April 1989. A literature search can be undertaken by university, state, public or special libraries, or any organisation or individual with a personal computer linked by modem to OZLINE. Since 1990 CINCH has been available on CD-ROM and disk.

As of February 1993, CINCH contained more than 24,400 records. The database is updated six times per year with approximately 300 items in each update. Source documents include journal and newspaper articles; book reviews; monographs and monograph chapters; conference proceedings and conference papers; theses; statistical publications; and unpublished materials of scholarly interest. In addition, CINCH contains information about Australian research projects. Subjects covered by CINCH include criminal justice policy, courts, criminal law and criminal procedure, causes of crime, offences, offenders and victims, violence, police and policing, crime prevention and corrections/prisons.

All material indexed for CINCH is held in the collection of the J.V. Barry Library at the Australian Institute of Criminology. If unavailable elsewhere, individual items may be requested on interlibrary loan through other libraries.

For further information on CINCH contact:

J.V. Barry Library  
Australian Institute of Criminology  
GPO Box 2944  
Canberra ACT 2601  
Phone (06) 274 0264; Fax (06) 274 0201

On accessing CINCH on-line contact:

OZLINE, the Australian Information Network  
National Library of Australia  
Canberra ACT 2600  
Phone (06) 262 1536 or 008 02 0002

## **FAMILY**

Australian Family and Society Abstracts is a computerised bibliographic database, called FAMILY, which contains references to Australian publications and overseas publications written by Australians or about Australia. It is sponsored by the Australian Institute of Family Studies and has been available on a public access on-line system since 1984. It provides access to information about Australian families as part of the Institute's role to serve as a national authority for consultation on matters affecting the well-being of Australian families.

Australian Family and Society Abstracts contains information from 1980 onwards. Subjects covered span a number of disciplines in the social sciences, including sociology, physiology, demography, law, statistics, and economics. Subjects covered include: family types, relations and dynamics, organisations and services to families, families with special problems, family and the law, minority groups, trends and changes in marriage and the family, issues relating to sexuality and fertility and counselling and education.

FAMILY is available on-line on two national computer networks:

- AUSTRALIS — an information retrieval service from CSIRO, telephone (03) 418 7307.
- OZLINE — the National Library's network of databases in the humanities and social sciences, telephone 008 02 0002.

Searches can be arranged through libraries, or individuals with personal computers can access the networks using a modem. Annual print volumes are available from the Institute of Family Studies. FAMILY is also available on CD-ROM. All documents listed in Australian Family and Society Abstracts are held in the Institute's Family Information Centre. A large percentage of the references are to books, journals and other materials which are also held in other libraries.

As a national centre of information about Australian Families, the Institute's Family Information Centre welcomes contributions of published and unpublished documents from researchers and organisations. All material submitted will be considered for inclusion in Australian Family and Society Abstracts. Contributions should be addressed to the

Editors  
Australian Family and Society Abstracts  
Australian Institute of Family Studies  
300 Queen Street  
Melbourne VIC 3000

## **AUSTRALIAN FAMILY RESOURCES**

Australian Family Resources on CD-ROM is a collection of full-text resource documents on issues about the Australian family. This collection contains research papers, conference and discussion papers, fact sheets and journal articles from several organisations, including the Australian Institute of Family Studies, the Australian Institute of Criminology, the Brotherhood of St Laurence, National Children's Bureau of Australia, Youth Action and Policy Association (NSW), and the national child abuse prevention agencies. Topics covered include: demographic trends, family formation and composition; family and social policy; services to families; children and young people; disadvantaged families, poverty, low income, homelessness; gender issues; work and family. With easy keyword searching of references and abstracts, followed by the display of the image of the original documents, immediate access to information is assured.

For further information on AUSTRALIAN FAMILY RESOURCES contact:

Australian Institute of Family Studies  
300 Queen Street  
Melbourne VIC 3000

## 12 State child protection councils

### **New South Wales**

Mr Gary Rogers  
Executive Director  
NSW Child Protection Council  
175 Liverpool Street  
Sydney NSW 2000

### **Victoria**

Mr Alan Hall  
Director  
Protective Services for Children and Young People  
Department of Health and Community Services  
PO Box 876G  
Melbourne Vic 3001

### **Queensland**

Mr Michael Tanskey  
Queensland Centre for the Prevention of Child Abuse and Neglect  
Department of Family Services and Aboriginal and Islander Affairs  
GPO Box 806  
Brisbane Qld 4001

### **Western Australia**

Mr Colin Keogh  
Manager  
Office of the Family  
3rd Floor, May Holman Centre  
32 St George Terrace  
Perth WA 6000

Ms Rachel Manley

Manager  
Advisory and Co-ordinating Committee on Child Abuse  
91 Hensman Street  
Subiaco WA 6008

### **South Australia**

Manager  
Child Protection Unit  
Department for Family and Community Services  
PO Box 39  
Rundle Mall  
Adelaide SA 5000

### **Tasmania**

Ms Jenny Bedlington  
Chairperson  
Child Protection Board  
Dept of Community Services  
GPO Box 125B  
Hobart Tas 7001

# 13 Major non-government organisations

## National

NAPCAN (National Association for the Prevention of Child Abuse and Neglect)

NAPCAN works towards opening lines of communication between the many community groups and professionals across Australia, working towards the prevention of the abuse and neglect of children. NAPCAN initiates and supports appropriate prevention programs and operates as a lobby group for the implementation of necessary reforms (ACCCA 1992).

## State and Territory

### New South Wales

A.C.W.A. (Association of Child Welfare Agencies)

A.C.W.A. represents non-government child and youth welfare services and is funded by the Department of Community Services. The main service is to provide training in child protection to the social welfare community. A.C.W.A. acts as a consultant to small agencies and contributes to policy development (ACCCA 1992).

Child Protection Association

This is a new organisation of practitioners in the child protection area. This association is still in the process of being incorporated. The plan is for each state to set up its own association with the eventual aim being to establish a national body (ACCCA 1992).

### Victoria

CPS (Children's Protection Society)

Direct services to families and children, development of services, design and delivery of training programs to professionals, professional and community education, information exchange.

Child Welfare Association of Victoria

Peak coordinating body of non-government child, youth and family services in Victoria.

VACCA (Victorian Aboriginal Child Care Agency)

Direct services to families and children, adoption information, advocacy and information exchange.

VICSPAN (Victorian Society for the Prevention of Child Abuse and Neglect)

Education, lobbying, advocacy and information exchange, policy input, direct service delivery and training (ACCCA 1992).

### Queensland

Abused Child Trust

The major function is to provide a specialist program to address the needs of abused children and their families; attached to this is a research program set up specifically to evaluate the trust's clinical program. Also involved in advocacy/government lobbying and liaison, education and training (ACCCA 1992).

PACT (Protect All Children Today)

PACT represents to government and other agencies, the needs of children and their families who have been victims of abuse. PACT also works in:

- educating the community about child abuse;
- coordinating and supporting community efforts to provide assistance to children and their families;
- seeking changes in the criminal justice process to ensure adequate protection for children; and
- actively discouraging the sexual exploitation of children.

PACT operates a telephone support service which links people who are beginning to deal with their experiences of abuse with other survivors who have positively dealt with their experience (ACCCA 1992).

### **Western Australia**

The following agencies receive funding to deliver treatment services to families in which child abuse or neglect has occurred.

Mofflyn Child and Family Services

Marriage Guidance WA

Sexual Assault in Families

Lee Henry

Incest Survivors Association

Geraldton Sexual Assault Referral Centre

### **South Australia**

Aboriginal Child Care Agency (ACCA)

Aboriginal Family Support (Country Regions)

Adelaide Central Mission

Anglican Community Services

Catholic Family Welfare Services

PACSA (People Against Child Sexual Abuse)

FACT (Friends Against Child Sexual Abuse)

SSAFE (Surviving Sexual Abuse in a Friendly Environment)

### **Australian Capital Territory**

The following organisations are funded by the Family Services Branch of the Housing and Community Services Bureau:

Barnardos Australia

Provides foster care programs for young disturbed children and adolescents and a respite and emergency care program.

Galilee

Provides foster care services.

The Richmond Fellowship

Provides residential services for difficult and disturbed adolescents and a family support program.

Open Family ACT (inc)

Provides foster care services and a transitional day program assisting young people to move into employment or education.

Marymead Child and Family Centre

Provides programs in foster care, residential care, crisis care and family support.

### **References**

Advisory and Co-ordinating Committee on Child Abuse (ACCCA). *Australian child protection policy organisations*. Western Australia: ACCCA, 1992.

## 14 WELSTAT: 1977-1992

Development of nationally consistent data on state-based welfare services was promoted during the late 1970s and the 1980s. At about the same time as the Senate was inquiring into social welfare data and evaluation, Commonwealth, State and Territory Welfare Administrators decided to initiate work to examine the adequacy and standardisation of welfare statistics, in particular child welfare statistics. The Standardisation of Social Welfare Statistics Project, called WELSTAT, was set up in 1977. WELSTAT was supervised by a National Working Party (later the Policy Steering Committee) which consisted of Commonwealth, State and Territory representatives as well as the Australian Bureau of Statistics (ABS). The project secretariat was located in the Department of Social Security which had, at that time, the responsibility for Commonwealth welfare services programs. The data which were developed by WELSTAT from State and Territory welfare administration systems related to children in care, adoptions, child abuse and neglect, and emergency relief.

During the period of its existence, WELSTAT, either through the Australian Bureau of Statistics or by itself, published data intermittently on these collections. Statistical standards were drawn up by WELSTAT for the purpose of developing nationally comparable data. Difficulties with data quality and occasional unavailability of data from some States and Territories prevented their regular publication.

The lack of adequate progress in the development of quality data led to a review of the project in 1988 (Howard 1988). WELSTAT continued its operation under State and Territory funding after the Howard review. The Policy Steering Committee for WELSTAT was reconstituted and was relocated from the Commonwealth to the NSW Department of Community Services. The committee consolidated its previous work in the drafting of standards for the child welfare collections, made considerable progress in collating data from the States and Territories, and published a series of data on child maltreatment, adoptions and children in care. In 1992, with the expansion of the Australian Institute of Health, the responsibility and funding for WELSTAT projects was transferred to the expanded Australian Institute of Health and Welfare.

In the early 1980s, WELSTAT and the Australian Bureau of Statistics jointly developed a classification of welfare activities, called the Australian Standard Welfare Activities Classification (ASWAC). The ASWAC was constructed by examining the nature and function of the range of activities undertaken by welfare agencies, both government and non-government, and then classifying these activities into categories of welfare functions. The classification, intended for use in the collection and publication of welfare statistics was published in 1984 (ABS 1984; 328), but little use was made of this classification at the time. The ABS did classify 1982-83 outlays by the Department of Social Security and the SA Department for Community Welfare using ASWAC. This was published in *Social Indicators* number 4 (ABS 1984). It was not until the early 1990s that the, then, Department of Community Services Victoria reviewed this classification for the development of a Victorian classification of community services and used it in a general study of welfare services funded by that department (Community Services Victoria 1992).

In 1992, the Australian Institute of Health, the statutory authority responsible for developing information on Australia's health, became the Australian Institute of Health and Welfare and expanded its role to include collation and analysis of welfare services statistics. The Institute has the responsibility for collecting and analysing national statistics in the areas of adoption, child abuse and neglect and children under care and protection orders.

## References

Australian Bureau of Statistics. *Social indicators*, number 4, cat. no. 4101. Canberra: ABS, 1984.

Australian Institute of Health and Welfare. *Australia's welfare 1993: services and assistance*. Canberra: AGPS, 1993.

Community Services Victoria. *Welfare as an industry: a study of community services in Victoria*. Melbourne: Community Services Victoria, 1992.

Howard J. *Review of 'WELSTAT'*, Report to the Commonwealth Department of Community Services and Health. Canberra: AGPS, 1988.

# 15 National standards for data collection for child abuse and neglect

The following sections set out definitions, data items, classifications and counting rules for the compilation of national statistics on child abuse and neglect. These standards are specified to promote Australia-wide comparability of child abuse and neglect data and provide information which is comparable across States and Territories. These standards reflect the proposed requirements of the Australian Institute of Health and Welfare and State and Territory government welfare departments for 1993-94.

Tables are completed by the State and Territory departments and forwarded to the Australian Institute of Health and Welfare for compilation and publication.

## 15.1 Explanation of terms

### **Aboriginal or Torres Strait Islander**

A person of Aboriginal or Torres Strait Island descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community with which he or she is associated. Following investigation of a report of child abuse or neglect, a subject child is recorded as Aboriginal or Torres Strait Islander when the child identifies as such, or when that child's principal caregiver identifies the child as such.

### **Age of child**

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

### **Allegations received**

Allegations received refers to all allegations of child abuse and neglect that come to the notice of a relevant authority. An allegation which warrants investigation becomes a report. (This term has been introduced because the term 'notification' has different meanings across the States and Territories).

### **Assessment outcome**

The outcome of a case is designated as either:

#### *Substantiated abuse or neglect*

A case is given an outcome of 'Substantiated' where there is reasonable cause to believe that the child has been or is being abused or neglected. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was, or is to be, provided. See *Type of abuse or neglect* on page 70.



#### *Child at risk*

A case is classified as 'Child at risk' where no abuse or neglect can be substantiated but there are reasonable grounds to suspect the possibility of prior or future abuse or neglect and it is considered that continued departmental involvement is warranted. This category is used in Queensland, Western Australia, Tasmania and the Australian Capital Territory only.

#### *No abuse or neglect found*

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

#### *No action possible*

A case is classified in this category where for any reason it was not possible to take action on a report of child abuse or neglect.

### **Case**

A case is a report of abuse or neglect where:

- there has been no previous report of abuse or neglect concerning the child; or
- investigations concerning any previous report have been finalised; or
- the investigation relating to any previous report concerning the child is incomplete but involves allegations of a different maltreater or of a different nature.

A case can only involve one child; a report claiming that two children have been abused or neglected is regarded as two cases, even if it relates to children from one family. A child may be the basis of more than one case in a reporting period where:

- investigations concerning any previous report have been finalised; or
- the investigation relating to any previous report concerning the child is incomplete but involves allegations of a different maltreater or of a different nature.

Therefore the number of cases does not necessarily equal the number of individuals. If an unknown number of children are reported, the number of cases will be determined during investigation. The count of cases in the tables includes only reports made in the reporting period; a case does not have to be finalised to be included in some tables.

#### *Finalised case*

A finalised case is one reported in the reporting year and closed by the following 31 August.

#### *Cases not finalised*

A case is classified as not finalised if it is reported in the reporting year and not closed by the following 31 August.

### **Child**

The definition of a child is based on the age at the time abuse or neglect is reported. The age differs across States and Territories as follows: for New South Wales, Victoria and Tasmania, a child is aged under 17 years; for Queensland, Western Australia, South Australia, the Australian Capital Territory and the Northern Territory, under 18 years.

A small number of cases involving persons over these ages were investigated.

## **Child abuse and neglect**

Child abuse or neglect occurs when a person (generally having the care of a child) inflicts, or allows to be inflicted on the child a physical injury or deprivation which may create a substantial risk of death, disfigurement, or the impairment of either physical health and development or emotional health and development other than by accidental means.

### **Having the care of**

A person is regarded as having the care of a child when they have either permanent or temporary custody, control or responsibility at the time of abuse or neglect, regardless of whether this is on a regular, part-time or ad hoc basis.

### **Maltreater**

The maltreater is the person believed responsible for the abuse or neglect.

Where there is more than one maltreater, the statistics are based on the principal maltreater (see below) who is believed to have inflicted the most severe abuse or neglect, or is most likely to have harmed the child or put the child at risk. Where it is not possible to identify the maltreater in this way, the maltreater is identified as the person who inflicted the most obvious form of abuse or neglect.

### **Principal maltreater**

Where there is more than one maltreater, the principal maltreater is the person who is known to have, alleged to have or confessed to have inflicted or be inflicting the most severe abuse or neglect, or is the most likely to have harmed or put the child at risk. Where it is not possible to assess this, the principal maltreater is the person who has inflicted or is inflicting the most obvious form of abuse or neglect.

### **Relationship of maltreater to child**

The relationship of a maltreater to child is categorised as follows:

#### *Natural or adoptive parent*

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

#### *Step-parent*

Any person who is not the biological or adoptive parent of a child but is or was involved in a legal marriage relationship with one of the child's biological parents.

#### *De facto 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.

#### *Foster parent*

A foster parent is defined as any person being paid a foster allowance (or such a person's spouse) 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 lives in close proximity to the maltreated child or their families.

*Guardian*

Any person who has the legal and ongoing care and responsibility for the protection of a child.

*Sibling*

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

*Other relative*

This category includes a grandparent, aunt or uncle, cousin, whether the relationship is of whole blood, half-blood or by marriage. This category includes members of Aboriginal communities who are accepted as being related to the child by that community.

*Other*

Any person not elsewhere classified.

*Not specified*

This category includes all reports where the relationship of the maltreater to the child was not specified.

## **Relevant authority**

A relevant authority is an organisation to which reports of child abuse and neglect are made. This includes all State and Territory welfare departments and all other authorities (such as the Victorian Police and the Child Protection Board of Tasmania) which are recognised by the welfare departments as being responsible for collecting data for the purposes of this collection.

## **Report**

A report of child abuse or neglect has been made when a person or organisation makes an allegation to a relevant authority that a child has been, is being currently, or is likely to be abused or neglected in the future, *and a decision is made by the relevant department or authority that an investigation is warranted.*

## **Sex of child**

The sex of each child who is reported and/or subject to investigation by a relevant authority should be recorded as male or female.

## **Source of report**

The source of a report is that person or organisation who initially reports child abuse or neglect to a participating authority. The source is classified according to the relationship to the child or children allegedly abused or neglected.

If a source can be classified to more than one of these categories, it should be assigned to the category nearest the top of the list.

The source of report is categorised as follows:

*Parent/guardian*

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

*Sibling*

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

*Relative*

This category includes a grandparent, aunt or uncle, cousins whether the relationship is of whole blood or half-blood or by affinity (marriage), and notwithstanding that the relationship is traced through, or to, a person whose parents were not married to each other at the time of his or her birth or subsequently, or depends upon the adoption of any person. This category also includes members of Aboriginal communities who are accepted as being related to the child by that community.

*Friend/neighbour*

An unrelated person or acquaintance who is known to the family or lives in close proximity to the maltreated child or maltreater or their families.

*Medical practitioner*

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

*Other medical personnel*

Any person engaged in supplementary, paramedical and/or ancillary medical services. This includes nurses, infant welfare sisters, dentists, radiographers, physiotherapists, pharmacists etc. It excludes 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 worker/welfare worker/psychologist/other trained welfare worker*

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

*School personnel*

Any appropriately trained person involved in the instruction 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.

*Day care personnel*

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

*Police*

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

*Departmental officer*

Any person, not classified elsewhere, who is employed by a State or Territory welfare department.

*Non-government organisation*

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

*Anonymous*

This category covers all those cases where a report is obtained from a person who does not give his or her identity.

*Other*

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

*Not stated*

This category includes all reports which are received from an unknown source.

## **Type of abuse or neglect**

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

*Physical abuse*

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

*Emotional abuse*

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

*Sexual abuse*

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

*Neglect*

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

## 15.2 Tables and counting rules

This section specifies tables showing the minimum data set required for national child abuse and neglect statistics. The tables are compiled using the definitions and classifications given in Section 15.1. Each table is followed by counting rules for the table and any extra directions used for applying the classifications.

The following symbols are used in tables:

- nil or rounded to zero
- .. not applicable
- na not available

**Table 1: Number of allegations received by relevant authorities**

Total allegations received	Allegations not warranting investigating	Reports	Cases

### Counting rules for Table 1

1. A report is an allegation for which a decision is made by the relevant authority that an investigation is warranted.
2. 'Allegations not warranting investigation' are those for which a decision is made by the relevant authority not to investigate.
3. See Section 15.1, Explanation of terms, for definitions of 'report' and 'case'.

**Table 2: Number of cases and children: counting units by assessment outcome**

Counting Units	Finalised				Total cases/ children finalised	Not finalised	Total cases/ children reported
	Abuse or neglect substantiated	Child at risk	Unsubstantiated No abuse or neglect found	No action possible			
Cases							
Children							
Children 0-16 yrs							

### Counting rules for Table 2

1. Include in Table 2 counts of all cases and children reported to a relevant authority for child abuse and neglect during the year ended 30 June.
2. The counting unit 'children' may include a small number of people aged over 17 years.
3. Total cases reported should equal the number of cases reported in Table 1.

Table 3: Finalised cases: age of child by assessment outcome and sex of child

Age of child	Substantiated												Child at risk	No abuse or neglect found	No action possible	Total cases			
	Physical			Emotional			Sexual			Neglect							Total		
	M	F	P	M	F	P	M	F	P	M	F	P					M	F	P
Months																			
Under 2																			
2 and under 6																			
6 and under 12																			
Years																			
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
16																			
17																			
Adult																			
Unknown																			
<b>Total</b>																			

**Counting rules for Table 3**

1. Table 3 covers all finalised cases of child abuse and neglect reported to relevant authorities during the year ended 30 June and finalised by 31 August of that year.
2. Age of the child is to be calculated to the time the report is made.
3. The total cases for persons should equal total cases finalised in Table 2.
4. Person figures in columns for 'Substantiated total', 'Child at risk', 'No abuse or neglect found', 'No action possible' and 'Total cases' should equal corresponding figures in Table 2.

Table 4: Finalised cases involving Aboriginal and Torres Strait Islanders: age of child by assessment outcome and sex of child

Age of child	Substantiated															Child at risk	No abuse or neglect found	No action possible	Total cases
	Physical			Emotional			Sexual			Neglect			Total						
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P				
<b>Months</b>																			
Under 2																			
2 and under 6																			
6 and under 12																			
<b>Years</b>																			
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
16																			
17																			
Adult																			
Unknown																			
<b>Total</b>																			

**Counting rules for Table 4**

1. Table 4 includes finalised cases of child abuse and neglect involving Aboriginal and Torres Strait Islander children.
2. Age of the child is to be calculated to the time the report is made.



Table 5: Finalised cases: source of report by assessment outcome and sex of child

Source of report	Substantiated									Child at risk			No abuse or neglect found			No action possible			Total cases		
	Physical			Emotional			Sexual														
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
Subject child																					
Parent/guardian																					
Sibling																					
Other relative																					
Friend/neighbour																					
Medical practitioner																					
Other medical																					
Hospital/health centre																					
Social worker																					
School personnel																					
Day care																					
Police																					
Dept officer																					
Non-govt org																					
Anonymous																					
Other																					
Not stated																					
Total																					

*Counting rules for Table 5*

1. Table 5 covers all finalised cases of child abuse and neglect reported to relevant authorities during the year ended 30 June and finalised by 31 August of that year.
2. If a source can be classified in more than one category it should be assigned to the category nearest to the top of the list.
3. The figures in the 'Total' row should equal the figures in the 'Total' row of Table 3.
4. Cases notified by the maltreater should not be classified as maltreater but as one of the sources listed in this table.
5. Person figures in columns for 'Substantiated total', 'Child at risk', 'No abuse or neglect found', 'No action possible' and 'Total' cases should equal corresponding figures in Table 2.

Table 6: Substantiated cases: relationship of maltreater to child by assessment outcome and sex of child

Relationship of maltreater to child	Type of abuse or neglect												Total		
	Physical			Emotional			Sexual			Neglect					
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
Natural parent (a)															
Step-parent															
De facto parent															
Foster parent															
Guardian															
Sibling															
Other relative															
Friend/neighbour															
Other															
Not specified															
<b>Total</b>															

(a) Includes adoptive parents.

**Counting rules for Table 6**

1. Table 6 covers all substantiated cases of child abuse and neglect.
2. Where there is more than one maltreater, the statistics are based on the maltreater who is 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 maltreater in this way, the maltreater is identified as the person who inflicted the most obvious form of abuse or neglect.
3. Add a footnote to indicate what, and how many of each, are included in the 'Other' category.
4. The last figure in the table should equal the number of cases shown in Table 2 under 'Abuse or neglect substantiated'.
5. The totals in this table should equal the totals in the first fifteen columns of Table 5.

**Table 7: Substantiated cases reported by maltreater: type of abuse or neglect substantiated by relationship of maltreater to child**

Type of abuse or neglect	Relationship of maltreater to child			Total substantiated cases reported by maltreaters
	Parent	Other relative	Other non-relative/ relationship to child unknown	
Physical				
Emotional				
Sexual				
Neglect				
<b>Total</b>				

**Counting rules for Table 7**

1. Table 7 covers all substantiated cases reported by the maltreater.
2. 'Parent' includes:
  - natural/adoptive parents
  - step-parents
  - de facto parents
  - foster parents
  - guardians
2. 'Other relative' includes:
  - siblings
  - other relatives
3. Other non-relative/relationship unknown includes:
  - friend/neighbour
  - other
  - missing

Table 8: Children in finalised cases; age of child by assessment outcome and sex of child

Age of child	Substantiated															Child at risk	No abuse or neglect found	No action possible	Total cases
	Physical			Emotional			Sexual			Neglect			Total						
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P				
Months																			
Under 2																			
2 and under 6																			
6 and under 12																			
Years																			
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
11																			
12																			
13																			
14																			
15																			
16																			
17																			
Adult																			
Unknown																			
<b>Total</b>																			

**Counting rules for Table 8**

1. A child is counted only once in this table regardless of the number of finalised cases the child has been involved in during the year ended 30 June.
2. If a child has been counted in more than one assessment outcome then the child should be assigned to the category nearest to the start of the following list: physical, sexual, emotional, neglect, child at risk, no action possible, no abuse or neglect found.
3. The grand total should equal the number of children in finalised cases shown in Table 2.

Table 9: Aboriginal and Torres Strait Islander children in finalised cases: age of child by assessment outcome and sex of child

Age of child	Substantiated					Child at risk	No abuse or neglect found	No action possible	Total cases
	Physical	Emotional	Sexual	Neglect	Total				
	M F P	M F P	M F P	M F P	M F P				
Months									
Under 2									
2 and under 6									
6 and under 12									
Years									
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
Adult									
Unknown									
<b>Total</b>									

**Counting rules for Table 9**

1. A child is counted only once in this table regardless of the number of finalised cases the child has been involved in.
2. If a child has been counted in more than one assessment outcome then the child should be assigned to the category nearest to the start of the following list: physical, sexual, emotional, neglect, child at risk, no action possible, no abuse or neglect found.

