

# **Child protection Australia 1999–00**

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# **Child protection Australia 1999–00**

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These agencies contributed substantially to the content of this report.

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
CSMAC	Community Services Minister's Advisory Council
NCPASS	National Child Protection and Support Services Data Group

# Symbols used in the tables

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

## Notes

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



# Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the community service departments in each State and Territory. The data in this report cover the 1999–00 financial year. Each State and Territory has its own legislation, policies and practices in relation to child protection, so there are differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are not consistent across the States and Territories.

The main points of interest in the report are:

- Between 1998–99 and 1999–00 the number of child protection substantiations decreased significantly in New South Wales, Tasmania and the Australian Capital Territory and increased in Queensland.
- Rates of children who were the subjects of child protection substantiations in 1999–00 ranged from 0.7 per 1,000 children aged 0–16 years in Tasmania to 6.3 per 1,000 in Victoria.
- The number of child protection notifications in 1999–00 was higher than in 1998–99 in Victoria, Queensland, Western Australia and South Australia.
- The majority of notifications in 1999–00 were subject to investigations. Although the outcomes of investigations varied across States and Territories, in all jurisdictions a large proportion of investigations was not substantiated: that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 54% of finalised investigations in New South Wales and 58% in South Australia were not substantiated.
- While the quality of data on Indigenous status varies between States and Territories, Indigenous children were clearly over-represented in child protection substantiations. For example, the rate of Indigenous children who were the subjects of substantiations was more than seven times the rate for other children in Western Australia and South Australia.
- There were 8,472 children admitted to care and protection orders and arrangements across Australia during 1999–00.
- Of those children admitted to orders in 1999–00, 44% were aged under 5 years, with 14% aged less than 1 year.
- There were 4.1 children per 1,000 aged 0–17 years on care and protection orders in Australia at 30 June 2000.
- The rate of children on care and protection orders varied across States and Territories, ranging from 2.3 per 1,000 in Western Australia to 4.8 per 1,000 in New South Wales. In

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

- There were 16,923 children in out-of-home care at 30 June 2000. Most of these children (90%) were in home-based care arrangements, with a further 7% in facility-based care.
- The rate of children in out-of-home care at 30 June 2000 was 3.6 per 1,000 aged 0–17 years. This rate ranged from 2.6 per 1,000 in the Australian Capital Territory to 4.6 per 1,000 in Tasmania.
- Indigenous children were also over-represented among children in out-of-home care. For example, in New South Wales Indigenous children were over nine times more likely to be in out-of-home care than other children.

# 1 Background

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

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

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

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

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

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

## Child protection systems

### Reporting of child protection matters

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

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

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

significant sexual or physical abuse, or any abuse that results in the death of a child. In some States or Territories there have been protocols or informal arrangements established whereby the police are involved in joint investigations with the relevant community services department (Broadbent & Bentley 1997:6).

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

## **The child protection process**

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

### **Reports to the department**

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

Reports to the department are assessed to determine if the matter they relate to should be dealt with by the community services department or referred to another agency. Those reports that are appropriate for the community services departments are further assessed to determine if any further action is required.

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

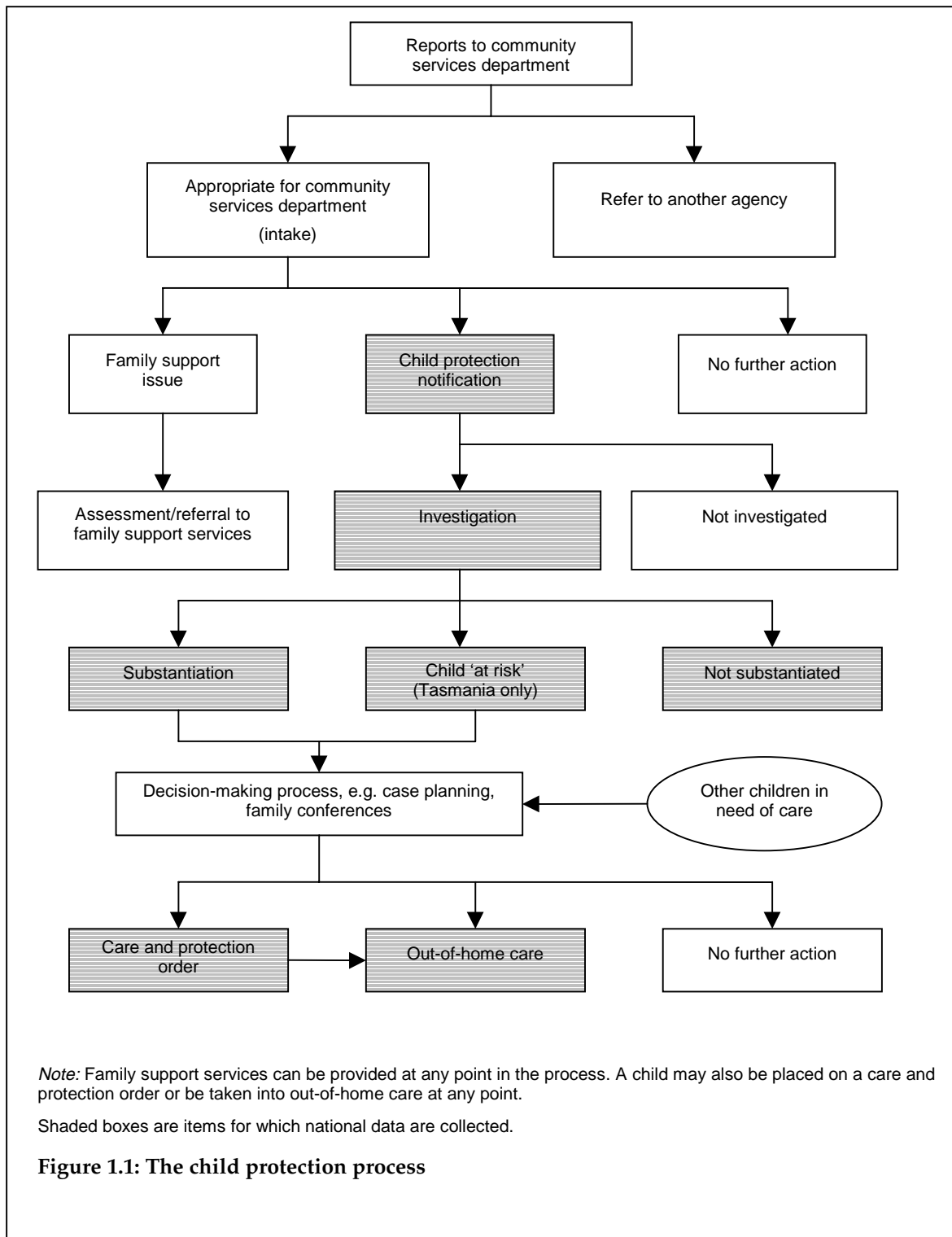
### **Notifications, investigations and substantiations**

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

After an investigation has been finalised, a notification is classified as a 'substantiation' or as 'not substantiated'. A notification will be substantiated where it is concluded after



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



In Tasmania the category 'child at risk' is also used. This refers to situations where the notification is not substantiated, but where there are reasonable grounds for suspecting the

possibility of previous or future abuse or neglect and it is considered that continued departmental involvement is warranted.

Before 1998–99, **child protection** notifications, investigations and substantiations were referred to as notifications, investigations and substantiations of **child abuse and neglect**. The new terms were adopted to recognise that the focus of child protection in most jurisdictions has shifted away from the identification and investigation of narrowly defined incidents referred to as child abuse and neglect towards the identification and investigation of actual harm to the child, and on the child's protective needs. Thus the shift has been away from the actions of the parents or guardians to the outcomes for the child.

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

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

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

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

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

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

In Victoria and South Australia, on the other hand, the definition of a notification is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other States and Territories have policies between these two extremes. For example, the Australian Capital Territory and New South Wales screen reports and may refer some to other agencies or provide family support services rather than a child protection

response. The screening process used in these two jurisdictions, however, does not appear to be as stringent as that used in Western Australia and Tasmania.

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

- In some jurisdictions, such as New South Wales, reports to the department relating to abuse by a stranger may be classified as a notification, while in other jurisdictions they would not.
- What is substantiated varies: some jurisdictions substantiate the harm or risk of harm to the child, while others substantiate actions by parents or incidents that cause harm. As noted earlier, the focus in many jurisdictions is shifting away from the actions of parents towards the outcomes for the child.

Although there are also differences between States and Territories that affect the comparability of the data on children on care and protection orders, and children in out-of-home care, the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. In most cases, therefore, no national totals are presented for these data.

## **Changes to policies and practices over time**

Trends in child protection must also be interpreted carefully because changes in legislation or policies can have a direct and immediate effect on the numbers of notifications, investigations or substantiations reported. Large increases or decreases in the numbers of children in the child protection system are generally due to such changes, rather than to changes in the number of children in the community who are in need of child protection.

In particular, in most jurisdictions, policies have been introduced over the last decade that allow for non-investigative responses to reports of concerns about children that are made to community services departments. These policies have been introduced at different times in different jurisdictions, but in all cases they have led to substantial decreases in the number of investigations and substantiations. The following are examples of some of the changes in child protection policies that have had a major impact on the data.

- The introduction of a single-track reporting system in Victoria, along with the introduction of mandatory reporting in that State in the early 1990s, led to a large increase in the number of notifications.
- The introduction of the 'New Directions' child protection policy in Western Australia in May 1996, which separated out reports of concerns about children from notifications of maltreatment, resulted in a considerable fall in the number of reports that were classified as notifications. Policies in relation to substantiations were also changed so that the current focus is on substantiating harm or risk of harm to the child, rather than on an action causing harm (WA FACS 1996).
- There was a very large decrease in the number of substantiations in New South Wales following the introduction of new procedures in July 1996. Reports to the community services department relating to concerns about children were separated out from child protection notifications. There were also changes in policies in relation to substantiations. Before July 1996, substantiation of a notification did not necessarily mean that child abuse, neglect or other harm had occurred, but rather that the information about the notification was confirmed. Following the changes, a notification would only be substantiated if there is evidence of child abuse or neglect, or other harm to the child.

The following is an outline of the recent changes in policies or practices that may have impacted on the data in this report.

### **New South Wales**

From 18 December 2000, the new *Children and Young Persons (Care and Protection) Act 1998* is being progressively proclaimed. The Act creates new responsibilities for the Department of Community Services and other government agencies in the prevention of child abuse and providing appropriate care and support for children, young people and their families. All agencies are expected to seek ways of empowering children, young people and their families through their participation in decisions that affect their lives. The new Act also provides for greater involvement by Aboriginal families and communities in decision making in relation to the care of Aboriginal children and young people.

### **Victoria**

The Department of Human Services has commenced a major project to review and improve child protection decision making, planning, and case management. Another service quality improvement initiative, the Working Together Strategy, has been consolidated and expanded. It now includes Disability Services and Housing as well as Mental Health, Child Protection and Care, Juvenile Justice, and Drug Treatment Services, and aims to find new, creative and collaborative approaches to address the varied needs of multi service clients. The High Risk Infants Project continues to integrate its goals of more cautious practice and decision making in relation to infants and their families into general child protection practice.

The *Children and Young Persons (Appointment of President) Act 2000* came into effect in June 2000. This Act amends the *Children and Young Persons Act 1989* to provide for the Children's Court of Victoria to be presided over by a president who is a judge of the County Court. The *Children and Young Persons (Reciprocal Arrangements) Bill 2000* amends *the Children and Young Persons Act 1989* so as to provide for the transfer of child protection orders and proceedings between Victoria and another State or Territory of Australia, or between Victoria and New Zealand. The Bill was proclaimed in February 2001.

### **Queensland**

Reform of the child protection service delivery has continued with the proclamation of the *Child Protection Act 1999* in March 2000 and the implementation of the recommendations of the *Forde Report of Commission of Inquiry into Abuse of Children in Queensland Institutions*. This includes additional funding for new programs and additional front line and support staff. There is an emphasis on greater access to community services with expanded prevention, early intervention, family support and placement services, including enhanced Aboriginal and Torres Strait Islander child and family welfare services.

### **Western Australia**

Family and Children's Services and the Western Australian Police Service have continued to implement a joint response initiative to the investigation of child abuse through the development of joint protocols, and joint training. Discussions have commenced with the Health Department to extend the initiative and to further increase the coordination of services.

## **South Australia**

South Australia Police, Family and Youth Services and the hospital-based Child Protection Services have developed an 'Interagency Code of Practice for the Interviewing of Children and their Caregivers'. It provides a best practice model for investigating allegations of child abuse and neglect, with particular focus on interviewing children when sexual abuse has been alleged. A joint training program commenced in March 2001.

The difficulties in finding out-of-home care placements for adolescents is being addressed through the development of new care options. A joint venture project involving the Department of Human Services, existing alternate care agencies, and other non-government providers is designing a model of care options for adolescents unsuited to family-based placements.

## **Tasmania**

The new *Children, Young Persons and Their Families Act 1997* was proclaimed on 1 July 2000. The central principles of the legislation are based on the best interests of the child being paramount, that families are responsible for the care and protection of their children, and that the government will work in partnership with the community to support families. The Act involves the wider family and community in making decisions about children and introduces family group conferencing.

Out-of-home care services in Tasmania are currently being reviewed and this may result in some changes in this area.

## **Australian Capital Territory**

The *Children and Young People Act 1999* commenced on 10 May 2000. The Act reflects an increased emphasis on family support and prevention services to assist children, young people and their families. Family group conferencing has been introduced and a dedicated Indigenous Unit has been formed. An Indigenous Service Plan has also been developed which will form the basis of consultation with the Indigenous community in 2000–01.

The new Act recognises the importance of foster carers and reform of the foster care system is currently being undertaken. The non-government sector is now responsible for the delivery of all foster care places. The Looking After Children program has been adopted and will be implemented in 2000–01.

## **Northern Territory**

The 1999–00 financial year was the first full year of reporting using the new client information system. The system will provide for the future development for reporting on child protection matters.

# **The child protection data**

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

There are significant links and overlaps between the three data collections in this report. For example, children who are the subjects of substantiations may be placed on care and protection orders, and many children on care and protection orders are also in out-of-home

care. There are, however, only very limited data at the national level on the movement of children through the child protection system and the overlap between the three separate data collections.

There are also significant gaps in the national data on child protection. This year some preliminary national data on family preservation services were collected for the first time. The aim of these services is to prevent the removal of a child from the family into out-of-home care or to seek to re-unify families where a child has already been removed. There are no other data at the national level on the support services used by children in need of protection and their families.

Some initial work was conducted in the area of family support services in 2000 with funding from the Community Services Minister's Advisory Council (CSMAC) and the Commonwealth Department of Family and Community Services (FaCS). The report *Family support services in Australia 2000* (AIHW 2001) assesses the scope of family support services in Australia and provides an overview of current data collections in relation to these services.

The practices used to identify and record the Indigenous status of children in the child protection system vary across States and Territories and the data on Indigenous children should be interpreted with care. In 1999–00 CSMAC sponsored a project that investigated the identification of Indigenous people in child protection and the Supported Accommodation Assistance Program (SAAP) data collections. A report, prepared on the development of principles and standards for the collection of information on Indigenous status in community service data collections, was endorsed by CSMAC in March 2001. This is likely to lead to greater consistency in the recording of Indigenous status in the child protection data.

Work is also being undertaken by the National Child Protection and Support Services (NCPASS) Data Group to improve the comparability of the child protection data. A new national framework with different counting points from those currently used has been developed to try and improve the comparability of the data that is collected. The feasibility of this framework is currently being assessed by States and Territories.

# 2 Notifications, investigations and substantiations

## Overview

### Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by community service departments between 1 July 1999 and 30 June 2000. Only child protection matters that were notified to community services departments are included in this national collection. Notifications made to other organisations, such as the police or the non-government welfare agencies, are included only if these notifications were also referred to the community services departments.

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

### Categories used for notifications and investigations

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

- *Investigation*—the process whereby the community services department obtains more detailed information about a child who is the subject of a notification received between 1 July 1999 and 30 June 2000, and makes an assessment about the harm or degree of harm to the child and their protective needs. An investigation includes the interviewing or sighting of the subject child where it is practical to do so;
  - *Finalised investigation*—a notification received between 1 July 1999 and 30 June 2000 which was investigated and the investigation was completed and an outcome recorded by 31 August 2000;
  - *Investigation not finalised*—is a notification received between 1 July 1999 and 30 June 2000, which was investigated, but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2000;

- *Dealt with by other means*—a notification that was responded to by means other than investigation, such as the provision of advice or referral to services; and
- *Not investigated/not dealt with by other means*—includes all other notifications, such as those where no investigation or other action was possible.

The ‘Outcomes of finalised investigations’ are classified into the following categories:

- *Substantiation*—where there is reasonable cause to believe that the child has been, is being or is likely to be abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was, or is to be, provided.
- *Child at risk* (only used in Tasmania)—where there are reasonable grounds to suspect the possibility of previous or future abuse or neglect, and further involvement of the department is considered to be warranted; and
- *Not substantiated*—where an investigation has concluded that there is no reasonable cause to suspect prior, current or future abuse, neglect or harm of the child.

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

## Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 1999–00 financial year. For most tables, Australian totals have not been provided because the data from the States and Territories are not strictly comparable. The legislation, policies and procedures of each State and Territory should be taken into account when interpreting these data.

### Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 1999 and 30 June 2000 for each State and Territory is shown in Table 2.1. The number of notifications was higher than in 1998–99 in Victoria, Queensland, Western Australia and South Australia (Table 2.3).

In Victoria and South Australia, for example, the definition of a notification is very wide and includes reports of child concerns that may not be classified as a notification in other jurisdictions. In contrast, in Western Australia and Tasmania, reports to the departments are initially screened by senior staff; a significant proportion are classified as family support issues and not counted as a notification.

A large majority of notifications were subject to an investigation. The proportion of notifications that were investigated ranged from 97% in Western Australia to 33% in South Australia (Table 2.1). This range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations.



**Table 2.1: Notifications by type of action and State and Territory, 1999–00**

Type of action	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT <sup>(b)</sup>
<b>Number</b>								
Investigations finalised <sup>(c)</sup>	14,105	12,582	10,904	2,365	5,002	356	918	775
Investigations not finalised <sup>(d)</sup>	4,002	311	4,394	212	16	24	113	4
<i>Total investigations</i>	<i>18,107</i>	<i>12,893</i>	<i>15,298</i>	<i>2,577</i>	<i>5,018</i>	<i>380</i>	<i>1,031</i>	<i>779</i>
Dealt with by other means <sup>(e)</sup>	12,291	23,912	2,880	—	10,163	9	—	—
No investigation possible/no action <sup>(f)</sup>	—	—	879	68	—	33	158	658
<b>Total notifications</b>	<b>30,398</b>	<b>36,805</b>	<b>19,057</b>	<b>2,645</b>	<b>15,181</b>	<b>422</b>	<b>1,189</b>	<b>1,437</b>
<b>Per cent</b>								
Investigations finalised <sup>(c)</sup>	46	34	57	89	33	84	77	54
Investigations not finalised <sup>(d)</sup>	13	1	23	8	—	6	10	—
<i>Total investigations</i>	<i>60</i>	<i>35</i>	<i>80</i>	<i>97</i>	<i>33</i>	<i>90</i>	<i>87</i>	<i>54</i>
Dealt with by other means <sup>(e)</sup>	40	65	15	—	67	2	—	—
No investigation possible/no action <sup>(f)</sup>	—	—	5	3	—	8	13	46
<b>Total notifications</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

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

(c) An investigation is classified as finalised where it was completed and an outcome recorded by 31 August 2000.

(d) Investigation not finalised is an investigation that was begun but not completed by 31 August 2000.

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

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

## Outcomes of investigations

Although the outcomes of investigations varied across the States and Territories, in all jurisdictions a large proportion of investigations were not substantiated, that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 54% of finalised investigations in New South Wales and 58% in South Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 63% in Queensland to 25% in the Australian Capital Territory. Although a relatively low proportion of investigations in Tasmania were substantiated, an additional 22% of investigations were classified as 'child at risk'. As noted earlier, this category is not used in other jurisdictions.

**Table 2.2: Outcomes of finalised investigations by State and Territory, 1999–00**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
Substantiations	6,477	7,359	6,919	1,169	2,085	97	233	393
Child at risk	..	..	..	..	..	77	..	..
Not substantiated	7,628	5,223	3,985	1,196	2,917	182	685	382
<b>Total finalised investigations</b>	<b>14,105</b>	<b>12,582</b>	<b>10,904</b>	<b>2,365</b>	<b>5,002</b>	<b>356</b>	<b>918</b>	<b>775</b>
<b>Per cent</b>								
Substantiations	46	58	63	49	42	27	25	51
Child at risk	..	..	..	..	..	22	..	..
Not substantiated	54	42	37	51	58	51	75	49
<b>Total finalised investigations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

### Changes over time

The number of child protection notifications has increased considerably over the past decade in most States and Territories. (There are no national data available on the number of notifications before 1995–96. However, the number of ‘reported cases’ in Australia, that is, notifications that required investigation, increased from 49,721 in 1990–91 to 76,954 in 1994–95 (Angus & Wilkinson 1993; Angus & Hall 1996).) The total number of notifications across Australia increased from 91,734 in 1995–96 to 107,134 in 1999–00 (Table 2.3).

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

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

**Table 2.3: Number of notifications by State and Territory, 1995–96 to 1999–00**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1995–96	28,930	29,914	15,362	3,748	8,895	2,933	1,437	515	91,734
1996–97	n.a. <sup>(a)</sup>	31,707	15,478 <sup>(b)</sup>	2,099	10,094	2,363	1,220	481	n.a. <sup>(c)</sup>
1997–98	31,223	33,163	17,233	2,447	11,651	1,016	1,125	710	98,568
1998–99	31,513	34,679	18,721	2,568	13,132	653	1,358	n.a. <sup>(d)</sup>	n.a. <sup>(e)</sup>
1999–00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437 <sup>(f)</sup>	107,134

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

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

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

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

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

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

Changes in the number of substantiations however, followed a different pattern from that of notifications over the period from 1990–91 to 1999–00. The number of substantiations increased significantly across Australia from 20,868 in 1990–91 to 30,615 in 1994–95, and then decreased to 24,732 in 1999–00 (Table 2.4).

Changes to policy and practices in the States and Territories are likely to be important factors contributing to changes in the number of substantiations from year to year. For example, there was a large decrease in the number of substantiations in Western Australia in 1995–96 following the introduction of ‘New Directions’, where reports of concerns about children and their families were distinguished from concerns about maltreatment of children. Tasmania introduced new policies based on the Western Australia model in July 1997. Similarly, in New South Wales there was a large fall in the number of substantiations following the introduction in July 1996 of new policies that screened out reports of concerns about children from child protection matters (AIHW 1998). In contrast, in Victoria and Queensland the number of substantiations continued to increase over the same period.

**Table 2.4: Substantiations by State and Territory, 1990–91 to 1999–00**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1990–91	11,611	2,427	3,500	1,223	1,162	472	247	226	20,868
1991–92	12,645	2,146	3,027	1,380	1,048	598	295	232	21,371
1992–93	14,290	4,089	2,743	1,519	1,824	416	445	304	25,630
1993–94	15,128	5,253	3,127	1,830	2,077	424	495	377	28,711
1994–95	14,164	7,326	3,851 <sup>(a)</sup>	1,484	2,547	360	376	358	30,466 <sup>(a)</sup>
1995–96	14,063	6,663	4,662	1,095	2,415	235	445	255	29,833
1996–97	n.a. <sup>(b)</sup>	7,034	4,895 <sup>(c)</sup>	982	2,527	244	376	252	n.a. <sup>(b)</sup>
1997–98	8,406	7,357	6,323	1,135	1,915	135	411	343	26,025
1998–99	7,540	7,251	6,373	1,215	2,114	128	442	n.a. <sup>(d)</sup>	n.a. <sup>(d)</sup>
1999–00	6,477	7,359	6,919	1,169	2,085	97	233	393	24,732

(a) The data for Queensland were revised after original publication along with the national total.

(b) Data for 1996–97 financial year were not available from New South Wales and a national total could not be calculated.

(c) Data refer to calendar year 1996, rather than the financial year 1996–97.

(d) Data for the 1998–99 financial year were not available from the Northern Territory and a national total could not be calculated.

Between 1998–99 and 1999–00 the number of substantiations increased significantly in Queensland, but decreased significantly in New South Wales, Tasmania and the Australian Capital Territory. The large decrease in the Australia Capital Territory reflects the change in child protection policy to focus on the level of harm to the child rather than an incident. The continuing decrease in the number of substantiations in Tasmania is the result of an increasing trend to classify the less serious reports as either consultations or child and family concerns.

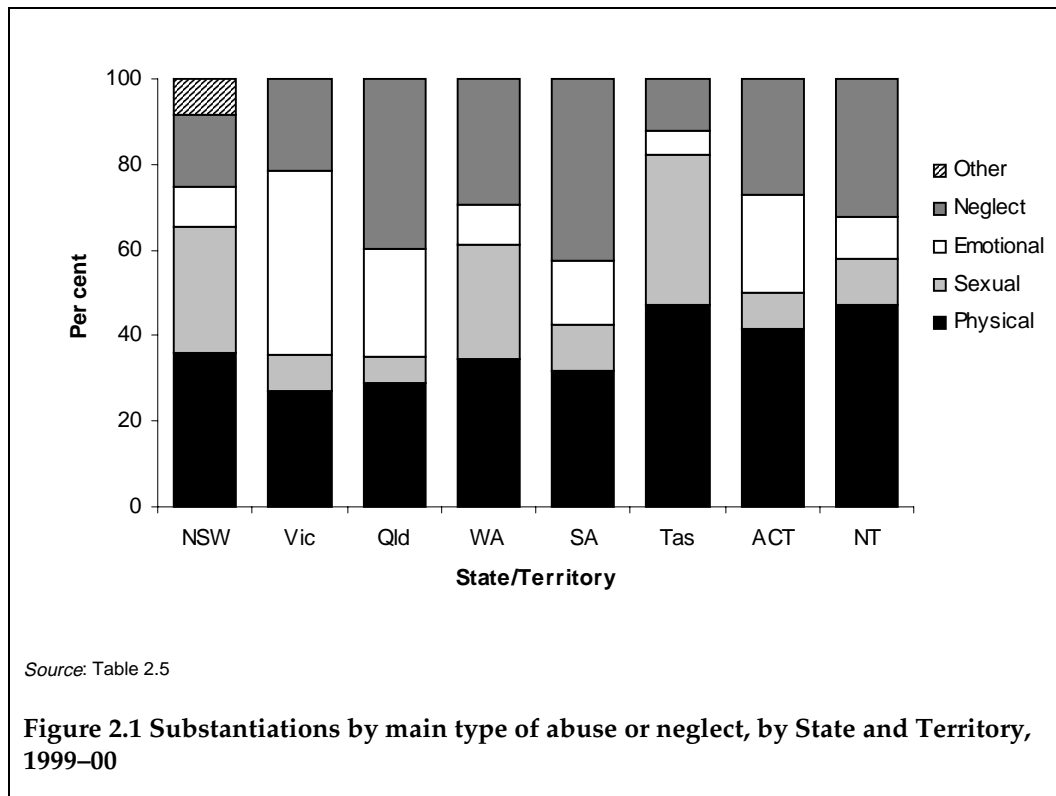
### Substantiations and type of abuse and neglect

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

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

These variations in the types of abuse or neglect that are substantiated across jurisdictions are likely to be the result of differences in the way that child protection matters are classified, as well as differences in the types of incidents that are substantiated across

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



**Table 2.5: Substantiations by main type of abuse or neglect and State and Territory, 1999–00**

Type of abuse or neglect substantiated	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Physical	2,336	1,995	2,019	404	663	46	97	186
Sexual	1,903	608	398	311	223	34	20	42
Emotional	609	3,158	1,743	112	309	5	53	38
Neglect	1,087	1598	2,759	342	890	12	63	127
Other <sup>(a)</sup>	542	..	..	..	..	..	..	..
<b>Total substantiations</b>	<b>6,477</b>	<b>7,359</b>	<b>6,919</b>	<b>1,169</b>	<b>2,085</b>	<b>97</b>	<b>233</b>	<b>393</b>
	<b>Per cent</b>							
Physical	36	27	29	35	32	47	42	47
Sexual	29	8	6	27	11	35	9	11
Emotional	9	43	25	10	15	5	23	10
Neglect	17	22	40	29	43	12	27	32
Other <sup>(a)</sup>	8	..	..	..	..	..	..	..
<b>Total substantiations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

## Characteristics of children

### Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subjects of notifications or substantiations. This is because some children are the subjects of more than one notification and/or substantiation in any one year.

For example, in 1999–00 in Victoria there were 36,805 notifications compared with 27,551 children who were the subjects of notifications, and in Queensland there were 19,057 notifications compared with 14,500 children who were the subjects of notifications (Table 2.6). Similarly, in relation to substantiations in South Australia, there were 2,085 substantiations compared with 1,708 children who were the subjects of substantiations.

**Table 2.6: Number of notifications and substantiations and number of children who were the subjects of notifications or substantiations, by State and Territory, 1999–00**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children, subjects of notifications	24,889	27,551	14,500	2,392	10,164	239	1,013	1,154
Total notifications	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437
Children, subjects of substantiations	5,876	6,848	4,835	1,065	1,708	79	190	353
Total substantiations	6,477	7,359	6,919	1,169	2,085	97	233	393

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

These data indicate that a substantial number of children across Australia were the subjects of more than one substantiation during 1999–00. It is not possible to calculate the exact proportion of children who were the subjects of more than one substantiation, however, as some children may be the subjects of more than two substantiations in the year.

## Sex and age

There were more females than males in substantiations in all jurisdictions in 1999–00 except in Victoria, where the number of males was slightly higher than the number of females (Table A1.1). The higher proportion of females is due predominantly to their over-representation in the sexual abuse category. There were almost three times as many girls as boys who were the subjects of substantiations of sexual abuse.

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

## Rates of children who were the subjects of substantiations

There were significant differences between States and Territories in rates of children who were the subjects of child protection substantiations. Victoria and the Northern Territory had relatively high rates of children who were the subjects of substantiations. In Victoria there were 6.3 children per 1,000 children aged 0–16 years who were the subjects of substantiations and in Northern Territory there were 6.2 (Table 2.7). The rates of children who were the subjects of substantiations were lowest in Western Australia and Tasmania (2.3 and 0.7 respectively).

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

**Table 2.7: Children aged 0–16 years who were the subjects of substantiations: number and rates per 1,000 children, by Indigenous status and State and Territory, 1999–00**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous/ Other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales <sup>(a)</sup>	761	5,054	5,815	14.6	3.5	3.9	4.2:1
Victoria	568	6,218	6,786	55.5	5.8	6.3	9.6:1
Queensland	502	4,303	4,805	9.9	5.4	5.6	1.8:1
Western Australia	329	724	1,053	12.7	1.7	2.3	7.5:1
South Australia	337	1,354	1,691	33.0	4.2	5.1	7.9:1
Tasmania	4	73	77	0.6	0.7	0.7	0.9:1
Australian Capital Territory	6	184	190	4.2	2.5	2.6	1.7:1
Northern Territory	172	179	351	7.6	5.3	6.2	1.4:1

### Notes

1. For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.
2. Due to the small numbers involved, children aged 17 years were not included in this table.

## Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In most jurisdictions children aged under 1 year were the most likely to be the subjects of substantiations and children aged 15 to 16 years were the least likely (Table 2.8).

Age is one of the factors that child protection workers take into consideration when determining the time taken to respond to a notification, the type of response and whether a

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

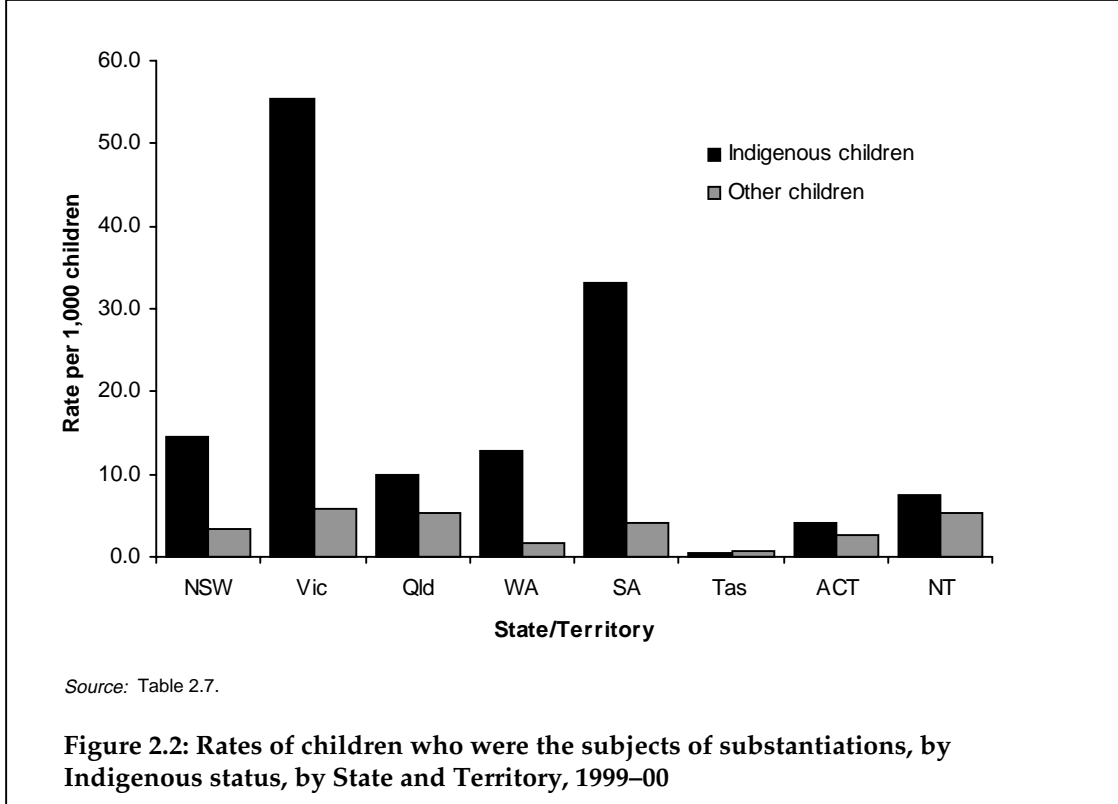
**Table 2.8: Children aged 0–16 years in substantiations: rates per 1,000 children by age and State and Territory, 1999–00**

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1 year	4.8	9.2	9.8	4.7	8.3	0.2	4.3	12.6
1–4 years	3.7	7.6	6.2	2.4	5.5	0.6	2.1	7.2
5–9 years	4.0	6.0	5.7	2.5	5.4	0.3	2.9	5.5
10–14 years	4.2	5.7	5.6	2.3	5.0	0.6	2.6	5.6
15–16 years	3.1	5.3	2.7	1.0	2.1	0.6	1.0	4.0

Note: Refer to Table A1.2 for number of children.

### Indigenous children

In all jurisdictions except Tasmania, the rate of Indigenous children in substantiations was higher than the rate for other children (Table 2.7 and Figure 2.2). The rate ratio provides a summary measure of the relationship between the rate of Indigenous children who were the subjects of substantiations compared to the rate for other children. In Victoria, Indigenous children were 9.6 times more likely to be the subjects of substantiations than other children and in South Australia they were 7.9 times more likely.



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

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

## Types of abuse and neglect

The pattern of substantiated abuse and neglect for Indigenous children differed from the pattern for other children. Indigenous children were much more likely to be the subjects of substantiations of neglect than other children. For example, in the Northern Territory, 47% of Indigenous children in substantiations were the subjects of substantiations of neglect, compared with 17% of other children in substantiations (Table 2.9). Similarly, the corresponding percentages in Western Australia were 43% for Indigenous children compared with 22% for other children.

**Table 2.9: Children who were the subjects of substantiations: type of abuse and/or neglect, by Indigenous status and State and Territory, 1999–00 (per cent)**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical abuse	34	21	31	34	30	100	33	40
Sexual abuse	21	7	8	16	6	—	—	8
Emotional abuse	13	45	20	6	17	—	33	5
Neglect	24	26	41	43	46	—	33	47
Other <sup>(a)</sup>	7	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>								
Physical abuse	36	28	31	36	38	44	46	56
Sexual abuse	32	9	7	32	14	36	10	12
Emotional abuse	9	42	25	10	15	7	21	15
Neglect	15	21	38	22	34	13	23	17
Other <sup>(a)</sup>	8	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

### Notes

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



## Additional data on notifications and substantiations

### Source of notifications

Child protection notifications made to community services departments come from a range of different sources. Data on the sources of notifications show that the most common sources of notifications in 1999–00 were police, school personnel, and parents or guardians (Table A1.4)

The likelihood of a finalised investigation being substantiated varied considerably with the source of notification. A relatively high proportion of notifications from the children who were the subjects of the notifications, medical practitioners and school personnel were substantiated, whereas a relatively low proportion of notifications from anonymous callers, and friends or neighbours were substantiated (Table 2.10).

**Table 2.10: Proportion of finalised investigations that were substantiated: source of notification by State and Territory, 1999–00 (per cent)**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	54	59	70	47	56	33	40	88
Parent/guardian	45	55	61	45	33	15	34	41
Sibling	—	49	70	67	79	—	—	—
Other relative	36	51	57	37	34	4	26	49
Friend/neighbour	36	43	51	38	37	45	15	37
Medical practitioner	54	62	73	64	50	57	35	68
Other health	47	60	73	—	40	35	20	44
Hospital/health centre	46	61	71	54	47	26	33	56
Social worker	50	73	69	—	46	42	20	31
School personnel	53	58	71	44	35	31	34	49
Childcare personnel	36	57	65	—	—	—	22	—
Police	47	70	76	60	33	39	37	52
Departmental officer	46	58	72	64	57	28	31	70
Non-government organisation	43	61	71	56	60	53	22	57
Anonymous	32	—	43	26	23	—	—	76
Other	42	44	59	35	43	100	19	33
<b>Total</b>	<b>46</b>	<b>58</b>	<b>63</b>	<b>49</b>	<b>42</b>	<b>27</b>	<b>25</b>	<b>51</b>

#### Notes

1. Percentages calculated as a percentage of finalised investigations where the source of the notification is known. Numbers are shown in Tables A1.4 and A1.5.
2. 'Other' category may include the maltreater.

### Family type

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

Compared to family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed one-parent families and in two-parent step- or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent biological families. For example, in South Australia

43% of substantiations involved children from female one-parent families, 20% involved children from two-parent step- or blended families, while 27% involved children from two-parent biological families (Table 2.11). In comparison in 1997, 16% of all Australian children lived in female one-parent families, 8% lived in two-parent step- or blended families and 74% lived in two-parent biological families (ABS 1997).

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

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

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

**Table 2.11: Substantiations by type of family in which the child was residing, for selected States and Territories, 1999–00**

Family type	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>							
Two parent—biological	2349	1786	288	548	23	67	137
Two parent—step or blended	707	1511	276	422	18	41	42
Single parent—female	2379	2772	426	882	41	107	127
Single parent—male	324	417	48	124	3	4	13
Other relatives/kin	404	116	67	54	4	6	39
Foster	120	—	17	11	4	—	8
Other	458	309	31	22	4	3	8
Not stated	618	8	16	22	—	5	19
<b>Total</b>	<b>7359</b>	<b>6919</b>	<b>1169</b>	<b>2085</b>	<b>97</b>	<b>233</b>	<b>393</b>
<b>Per cent</b>							
Two parent—natural	35	26	25	27	23	29	37
Two parent—step or blended	10	22	24	20	19	18	11
Single parent—female	35	40	37	43	42	47	34
Single parent—male	5	6	4	6	3	2	3
Other relatives/kin	6	2	6	3	4	3	10
Foster	2	—	1	1	4	—	2
Other	7	4	3	1	4	1	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Notes*

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

## Relationship of person believed responsible

The data on the relationship to the child of the person believed responsible in child protection substantiations highlight some of the differences in the approaches to child protection across jurisdictions. For example, in Queensland, the focus of the child protection system is on the identification and investigation of harm to the child and on the child's protective needs. In situations where harm has occurred outside the family, parents may still

be seen to be responsible if they have failed to protect the child. In Queensland the natural parent was believed to be responsible in 85% of substantiations and a step-parent in a further 4% of substantiations (Table 2.12).

In other jurisdictions, such as New South Wales and Tasmania, the focus has been on identifying who committed an action or who caused the harm to the child. Thus, those outside the family, such as friends or neighbours or strangers, are more likely to be regarded as responsible. In New South Wales, natural parents were believed to be responsible in 57% of substantiations, friends or neighbours were believed to be responsible in 12% of substantiations and strangers (included in the 'other' category) were also believed to be responsible in a proportion of substantiations. In Tasmania, natural parents were believed to be responsible in 48% of substantiations, step-parents in 13% of substantiations, friends or neighbours in 11%, with a further 13% in the 'other' category.

**Table 2.12: Substantiations by relationship to the child of person believed responsible, for selected States and Territories, 1999–00**

	NSW	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>							
Natural parent	2,493	5,791	698	1,670	36	190	216
Step-parent	327	302	94	114	10	9	18
De facto step-parent	204	286	78	81	2	1	13
Sibling	177	78	20	50	1	8	8
Other relative/kin	333	179	83	88	5	7	34
Foster parent	63	83	3	—	3	—	1
Friend/neighbour	512	10	66	30	8	3	4
Other <sup>(a)</sup>	294	92	59	52	10	1	9
Not stated	2,074	98	68	—	22	14	90
<b>Total</b>	<b>6,477</b>	<b>6,919</b>	<b>1,169</b>	<b>2,085</b>	<b>97</b>	<b>233</b>	<b>393</b>
<b>Per cent</b>							
Natural parent	57	85	63	80	48	87	71
Step-parent	7	4	9	5	13	4	6
De facto step-parent	5	4	7	4	3	—	4
Sibling	4	1	2	2	1	4	3
Other relative/kin	8	3	8	4	7	3	11
Foster parent	1	1	—	—	4	—	—
Friend/neighbour	12	—	6	1	11	1	1
Other <sup>(a)</sup>	7	1	5	2	13	—	3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

Note: Victoria could not provide these data.

# 3 Care and protection orders

## Overview

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

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

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

Only a small proportion of children who are the subjects of substantiations are subsequently placed on a care and protection order. The proportion of children who were the subjects of substantiations in 1998–99, and who were placed on a care and protection order within 12 months, ranged from 5% in the Australian Capital Territory to 30% in Tasmania (Table A1.6). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each State and Territory (see below).

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

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

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

care and protection order. These include the different policies and practices of the States and Territories, the characteristics of the particular child, the characteristics of the family, previous encounters of the child or family with the community services department, and the location and availability of alternative options.

## **The Children's Court**

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

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

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

### **1. Finalised guardianship or custody orders/administrative arrangements**

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

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

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

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

### **2. Finalised supervisory and other finalised orders**

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

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

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

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

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

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

The data collection includes information for the 1999–00 financial year on children admitted to, and discharged from, care and protection orders and on orders issued during 1999–00, and data on the characteristics of children on orders at 30 June 2000. Children are counted only once, even if they were admitted to or discharged from more than one order, or if they were on more than one order at 30 June 2000. If a child was on more than one order at 30 June 2000, then the child is counted as being on the order that implies the highest level of intervention by the department (with finalised guardianship or finalised custody orders being the most interventionist, and interim and temporary orders the least).

The data included in this year's report are broadly comparable with the data in the 1996–97, 1997–98 and 1998–99 reports. It should be noted, however, that the categories for 'type of order' used in this report differ slightly from those used in the 1996–97 and 1997–98 reports. In those years there was a separate category for administrative and voluntary arrangements between families and the community services departments. In the 1998–99 and 1999–00 reports these arrangements were included in the category 'finalised guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship. This change in categories only affects the New South Wales data as this is the only jurisdiction that reported on these arrangements over this period.

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

### **State differences**

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

- Under the new *Child Protection Act 1999* which was introduced in Queensland in March 2000, the types of protective orders that were available changed. Provision for orders where guardianship is transferred to a third party was introduced and the data on these types of orders were included in the category 'finalised guardianship and custody orders'. The types of interim orders also changed to cover a broader range of circumstances.
- Western Australia does not have any orders that fit the category of finalised supervisory orders. Western Australian data on care applications that have not yet progressed to full

care and protection orders have been included in the category 'interim and temporary orders/arrangements'.

- New South Wales has finalised court orders that would fit into the category of finalised supervisory orders, but was not able to provide data on these orders.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. Since 1996–97 these orders have been included in the data collection under 'finalised guardianship and custody orders'. South Australia also has provisions for the transfer of guardianship to a third party, but these orders are not included in this collection. New South Wales is currently in the process of introducing a similar type of order which will be included in next year's data collection.

## Data and analysis

This section includes data on admissions to, and discharges from, care and protection orders, and orders issued during 1999–00 as well as data on the characteristics of children who were on care and protection orders at 30 June 2000. The differences between States and Territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

### Admissions, discharges and orders issued

#### Children admitted to orders

There were 8,480 children admitted to care and protection orders and arrangements across Australia during 1999–00 (Table 3.1). As noted at the beginning of the chapter, a child may be admitted to a care and protection order for a range of reasons, for example where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

**Table 3.1: Children admitted to and discharged from care and protection orders by State and Territory, 1999–00**

	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>	Total
Children admitted to orders	3,617	2,607	979	410	366	173	63	265	8,480
Children admitted for the first time	2,809	1,471	677	402	206	94	51	n.a.	n.a.
% of all admissions	78	56	69	98	56	54	81	n.a.	n.a.
Children discharged from orders	2,539	1,977	864	186	449	120	57	178	6,368

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

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

(c) The Northern Territory was unable to provide data on admissions for the first time, due to an inability to compare current year data with data before November 1998, when a new information system was introduced.

Some of the children admitted to orders in 1999–00 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the information is known, the proportion of children admitted to orders who were admitted for the first time ranged from 54% in Tasmania to 98% in Western Australia.

Data on the age of children admitted to orders show that 44% of children admitted to orders in 1999–00 were aged under 5 years, with 14% aged less than 1 year. A further 27% of children admitted to orders were aged 5–9 years, 24% were aged 10–14 years and 6% were aged 15–17 years (Table 3.2). The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged.

**Table 3.2: Children admitted to care and protection orders by age and State and Territory, 1999–00**

Age of child (years)	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	565	287	161	58	39	7	7	25	1,149
1–4	1,070	769	275	125	115	48	26	89	2,517
5–9	897	732	270	137	118	37	13	67	2,271
10–14	853	631	242	62	82	54	13	72	2,009
15–17	190	188	31	28	12	27	4	12	492
Unknown	42	—	—	—	—	—	—	—	42
<b>Total</b>	<b>3,617</b>	<b>2,607</b>	<b>979</b>	<b>410</b>	<b>366</b>	<b>173</b>	<b>63</b>	<b>265</b>	<b>8,480</b>
<b>Per cent</b>									
<1	16	11	16	14	11	4	11	9	14
1–4	30	29	28	30	31	28	41	34	30
5–9	25	28	28	33	32	21	21	25	27
10–14	24	24	25	15	22	31	21	27	24
15–17	5	7	3	7	3	16	6	5	6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

(b) The number of children aged over 10 years admitted to orders has increased due to an increase in the number of unaccompanied refugee minors.

### Children discharged from orders

There were fewer discharges from care and protection orders in 1999–00 than admissions to these orders. There were 6,368 children discharged from orders compared to 8,480 children admitted to orders (Table 3.1).

A significant proportion of the children discharged from orders had been on an order for four years or more. In Queensland and Western Australia for example, around one-third of children discharged had been on an order for four years or more.



**Table 3.3: Children discharged from care and protection orders, by length of time they had been on an order, for selected States and Territories,<sup>(a)</sup> 1999–00**

State and Territory	Length of time continually on an order at time of discharge									Total
	Months				Years					
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	Not known	
	<b>Number</b>									
New South Wales <sup>(b)</sup>	1,032	389	283	247	252	162	95	79	—	<b>2,539</b>
Victoria	6	220	359	548	486	219	100	39	—	<b>1,977</b>
Queensland	62	72	112	74	65	205	146	128	—	<b>864</b>
Western Australia	3	13	28	33	15	36	39	19	—	<b>186</b>
South Australia	133	63	23	56	55	9	49	60	1	<b>449</b>
Australian Capital Territory	7	1	3	6	7	17	13	2	1	<b>57</b>
Northern Territory	101	30	13	16	10	4	3	1	—	<b>178</b>
<b>Total<sup>(a)</sup></b>	<b>1,344</b>	<b>788</b>	<b>821</b>	<b>980</b>	<b>890</b>	<b>652</b>	<b>445</b>	<b>328</b>	<b>2</b>	<b>6,250</b>
	<b>Per cent</b>									
New South Wales <sup>(b)</sup>	41	15	11	10	10	6	4	3	..	<b>100</b>
Victoria	—	11	18	28	25	11	5	2	..	<b>100</b>
Queensland	7	8	13	9	8	24	17	15	..	<b>100</b>
Western Australia	2	7	15	18	8	19	21	10	..	<b>100</b>
South Australia	30	14	5	12	12	2	11	13	..	<b>100</b>
Australian Capital Territory	13	2	5	11	13	30	23	4	..	<b>100</b>
Northern Territory	57	17	7	9	6	2	2	1	..	<b>100</b>
<b>Total<sup>(a)</sup></b>	<b>22</b>	<b>13</b>	<b>13</b>	<b>16</b>	<b>14</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>..</b>	<b>100</b>

(a) Data not available from Tasmania.

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

## Orders issued

There were more orders issued during 1999–00 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 1999–00 is shown in Table 3.4.

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

The ratio of children admitted to care and protection orders to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the States and Territories. In New South Wales, Victoria and Western Australia there was 1 child admitted to 1.2 orders issued while in Tasmania there was 1 child admitted to 6 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is because they have a range of shorter term supervisory orders including an 120-hour order, a 7-day order and a 30-day order.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued by State and Territory, 1999–00**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA <sup>(c)</sup>	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship or finalised custody orders/arrangements	2,319	1,277	735	225	349	426	39	104	7,056
Finalised supervisory orders	n.a.	1,097	135	..	—	542	56	4	1,834
Interim and temporary orders	1,830	753	1,388	276	420	72	—	239	4,753
Other/not specified	149	—	—	—	—	—	—	—	149
<b>Total</b>	<b>4,298</b>	<b>3,127</b>	<b>2,258</b>	<b>501</b>	<b>769</b>	<b>1,040</b>	<b>95</b>	<b>347</b>	<b>13,792</b>
<b>Per cent</b>									
Finalised guardianship or finalised custody orders/arrangements	54	41	33	45	91	41	41	30	51
Finalised supervisory orders	n.a.	35	6	..	—	52	59	1	13
Interim and temporary orders	43	24	61	55	9	7	—	69	34
Other/not specified	3	—	—	—	—	—	—	—	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Ratio of children admitted:orders issued</b>	<b>1:1.2</b>	<b>1:1.2</b>	<b>1:2.3</b>	<b>1:1.2</b>	<b>1:2.1</b>	<b>1:6.0</b>	<b>1:1.7</b>	<b>1:1.3</b>	<b>1:1.6</b>

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

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

## Characteristics of children on care and protection orders

### Number and type of order

At 30 June 2000 there were 19,262 children on care and protection orders in Australia (excluding children on finalised supervisory orders in New South Wales) (Table 3.5). By comparison, at 30 June 1999 there were 17,811 children on care and protection orders (AIHW 2000).

While the majority of children in all jurisdictions were on finalised guardianship or custody orders, there were variations among the jurisdictions in the proportion on the other types of orders. In Victoria and Tasmania a relatively high proportion of children were on supervisory orders, while in the Australian Capital Territory and the Northern Territory a relatively high proportion were on interim and temporary orders.

**Table 3.5: Children on care and protection orders: type of order by State and Territory, at 30 June 2000**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	6,349	3,482	3,200	1,015	1,178	310	168	172	15,874
Finalised supervisory orders	n.a.	1,057	288	..	32	144	18	3	1,542
Interim and temporary orders	1,278	213	124	90	—	16	46	45	1,812
Other/not stated	34	—	—	—	—	—	—	—	34
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	73	89	92	97	66	72	78	82
Finalised supervisory orders	n.a.	22	8	..	3	31	8	1	8
Interim and temporary orders	17	4	3	8	—	3	20	20	10
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

## Age and sex

Almost one-quarter (24%) of children on care and protection orders at 30 June 2000 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.6). The proportion of children on orders who were aged under 5 years ranged from 13% in South Australia to 37% in the Northern Territory. Among all children on orders in Australia, 18% were aged 15 to 17 years, though this proportion ranged from 8% in the Northern Territory to 24% in South Australia.

**Table 3.6: Children on care and protection orders: by age and State and Territory, at 30 June 2000**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	236	136	66	24	16	8	6	11	503
1–4	1,853	1,046	630	216	143	77	45	70	4,080
5–9	2,252	1,276	993	347	300	116	72	63	5,419
10–14	2,070	1,363	1,169	355	460	159	70	58	5,704
15–17	1,248	841	754	163	291	110	39	18	3,464
Unknown	2	90	—	—	—	—	—	—	92
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
<1	3	3	2	2	1	2	3	5	3
1–4	24	22	17	20	12	16	19	32	21
5–9	29	27	27	31	25	25	31	29	28
10–14	27	29	32	32	38	34	30	26	30
15–17	16	18	21	15	24	23	17	8	18
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

Just over half (52%) of all children on orders at 30 June 2000 were male (Table A1.7). There were more males than females on orders in all jurisdictions except the Australian Capital Territory and the Northern Territory.

**Table 3.7: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2000**

Living arrangements	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA <sup>(c)</sup>	SA	Tas	ACT <sup>(d)</sup>	NT	Total
<b>Number</b>									
Parents	581	1,303	462	96	n.a.	131	53	26	2,652
Relatives/kin <sup>(e)</sup>	3,753	—	77	—	n.a.	38	1	14	3,883
<i>Total family care</i>	<i>4,334</i>	<i>1,303</i>	<i>539</i>	<i>96</i>	<i>n.a.</i>	<i>169</i>	<i>54</i>	<i>40</i>	<i>6,535</i>
Foster care/community care	2,407	1,316	1,907	603	1,182	190	115	121	7,841
Relatives/kin <sup>(f)</sup>	99	970	639	245	—	—	38	26	2,017
Other	—	278	—	—	—	13	—	—	291
<i>Total home-based care</i>	<i>2,506</i>	<i>2,564</i>	<i>2,546</i>	<i>848</i>	<i>1,182</i>	<i>203</i>	<i>153</i>	<i>147</i>	<i>10,149</i>
Facility-based care	331	569	142	125	28	62	16	16	1,289
Independent living <sup>(g)</sup>	164	27	100	30	—	20	4	4	349
Other/unknown	326	289	285	6	—	16	5	13	940
<b>Total</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
Parents	8	27	13	9	n.a.	28	23	12	14
Relatives/kin <sup>(e)</sup>	49	—	2	—	n.a.	8	—	6	20
<i>Total family care</i>	<i>57</i>	<i>27</i>	<i>15</i>	<i>9</i>	<i>n.a.</i>	<i>36</i>	<i>23</i>	<i>18</i>	<i>34</i>
Foster care/community care	31	28	53	55	n.a.	40	50	55	41
Relatives/kin <sup>(f)</sup>	1	20	18	22	n.a.	—	16	12	10
Other	—	6	—	—	n.a.	3	—	—	2
<i>Total home-based care</i>	<i>33</i>	<i>54</i>	<i>70</i>	<i>77</i>	<i>98</i>	<i>43</i>	<i>66</i>	<i>67</i>	<i>53</i>
Facility-based care	4	12	4	11	2	13	7	7	7
Independent living <sup>(g)</sup>	2	1	3	3	—	4	2	2	2
Other/unknown	4	6	8	1	—	3	2	6	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data excludes children on finalised supervisory orders.

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

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

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

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

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

(g) This category includes private board.

## Living arrangements

At 30 June 2000, 34% of children on care and protection orders were in family care, that is, they were living either with parents or with relatives who were not reimbursed for their care (Table 3.7). Just over half (53%) of children on orders were living in home-based out-of-home care, that is, in a private home where the State or Territory made a financial payment for the child's care. A further 7% were living in facility-based care, 2% were living independently and 5% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied considerably with the age of the child (Table A1.8). For example, children aged 0–4 years were most likely to be in either family care (43%) or in home-based out-of-home care (52%). On the other hand, a relatively high proportion of children aged 15–17 years was in facility-based care (14%) or living independently (10%).

## Rates of children on care and protection orders

There were 4.1 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2000. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.3 per 1,000 in Western Australia to 4.8 per 1,000 in New South Wales (Table 3.8). The variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

**Table 3.8: Children on care and protection orders: number and rate per 1,000 children by Indigenous status, by State and Territory, at 30 June 2000**

	No. of children			Rate per 1,000 children			Indigenous: other
	Indigenous	Other children	Total	Indigenous	Other children	Total	Rate ratio
New South Wales <sup>(a)</sup>	1,826	5,835	7,661	33.1	3.8	4.8	8.7:1
Victoria	448	4,304	4,752	41.4	3.8	4.2	10.9:1
Queensland	856	2,756	3,612	15.9	3.2	4.0	5.0:1
Western Australia	327	778	1,105	12.0	1.7	2.3	7.1:1
South Australia	215	995	1,210	19.9	2.9	3.4	6.9:1
Tasmania	31	439	470	4.2	3.9	3.9	1.1:1
Australian Capital Territory	40	192	232	26.0	2.5	3.0	9.6:1
Northern Territory	118	102	220	4.9	2.9	3.7	1.7:1
<b>Australia</b>	<b>3,861</b>	<b>15,401</b>	<b>19,262</b>	<b>20.2</b>	<b>3.4</b>	<b>4.1</b>	<b>5.9:1</b>

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

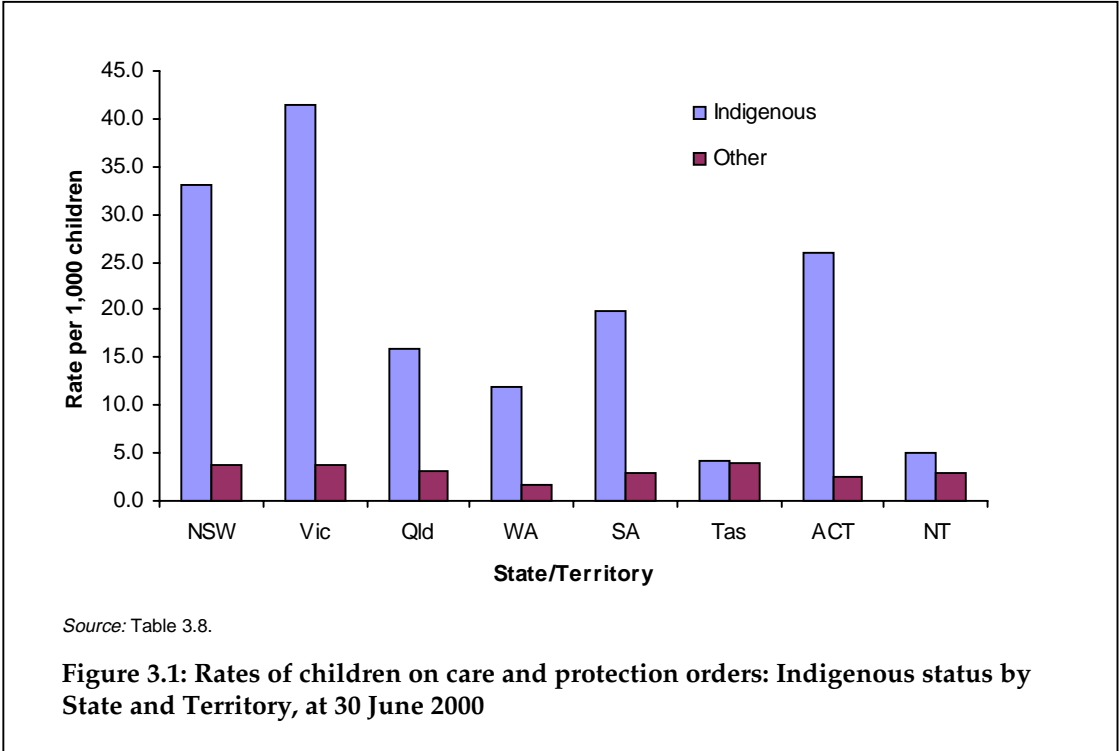
Note: For details on coding of Indigenous status, see Appendix 2.

# Indigenous children

## Number and rates

There were 3,861 Indigenous children in Australia on care and protection orders at 30 June 2000 (Table 3.8). The rates of Indigenous children on care and protection orders varied considerably across jurisdictions (Figure 3.1). The rate of Indigenous children on care and protection orders was highest in Victoria (41.4 per 1,000) and lowest in Tasmania (4.2 per 1,000). In all jurisdictions, however, the rate of Indigenous children on orders was higher than the rate for other children.

In Victoria the rate for Indigenous children was almost 11 times the rate for other children and in the Australian Capital Territory it was over 10 times the rate for other children. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) The difference between the two rates was lowest in Tasmania where Indigenous children were just as likely to be on care and protection orders as other children.



## Types of orders

The distribution of Indigenous children on care and protection orders by type of order was similar to that of other children. The majority of Indigenous children were on finalised guardianship and custody orders or arrangements. For example, in Western Australia 91% of Indigenous children on orders and in Queensland 90% of Indigenous children on orders were on finalised guardianship or custody orders (Table 3.9).

**Table 3.9: Indigenous children on care and protection orders: type of order by State and Territory, at 30 June 2000**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	1,512	347	772	297	209	21	35	95	3,288
Finalised supervisory orders	n.a.	75	71	..	6	10	1	—	163
Interim and temporary orders	304	26	13	30	—	—	4	23	400
Other/not stated	10	—	—	—	—	—	—	—	10
<b>Total</b>	<b>1,826</b>	<b>448</b>	<b>856</b>	<b>327</b>	<b>215</b>	<b>31</b>	<b>40</b>	<b>118</b>	<b>3,861</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	77	90	91	97	68	88	81	85
Finalised supervisory court orders	n.a.	17	8	..	3	32	3	—	4
Interim and temporary orders	17	6	2	9	—	—	10	19	10
Other/not stated	1	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>									
<b>Number</b>									
Finalised guardianship or custody orders/arrangements	4,837	3,135	2,428	718	969	289	133	77	12,586
Finalised supervisory orders	n.a.	982	217	—	26	134	17	3	1,379
Interim and temporary orders	974	187	111	60	—	16	42	22	1,412
Other/not stated	24	—	—	—	—	—	—	—	24
<b>Total</b>	<b>5,835</b>	<b>4,304</b>	<b>2,756</b>	<b>778</b>	<b>995</b>	<b>439</b>	<b>192</b>	<b>102</b>	<b>15,401</b>
<b>Per cent</b>									
Finalised guardianship or custody orders/arrangements	83	73	88	92	97	66	69	75	82
Finalised supervisory court orders	—	23	8	—	3	31	9	3	9
Interim and temporary orders	17	4	4	8	—	4	22	22	9
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

Note: For Indigenous coding, refer to Appendix 2.

# 4 Out-of-home care

## Overview

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

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

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

The current emphasis in policy and practice is to maintain children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunify children with their families. There are specialist family preservation services in many jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns; or to reunify families where separation has already occurred. In 1999–00, 35 family preservation programs and subprograms were operating across Australia, comprising two in New South Wales, 18 in Victoria, four in Queensland, three in Western Australia, seven in South Australia and one in Tasmania. The AIHW collected some preliminary data on these services in 1999–00 and this data will be further developed over the next few years.

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

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

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



## **Out-of-home care and Court orders**

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

- In the Northern Territory, all children in out-of-home care are on court orders or other authority.
- In Western Australia, most children in out-of-home care are on orders some children are on interim arrangements pending the issuing of an order, and some are under voluntary arrangements.
- Queensland was only able to provide data on children in out-of-home care who were on orders or remanded in temporary custody awaiting the outcomes of applications for orders.

In the other jurisdictions, children in out-of-home care can be placed on a range of different orders or authorities (for example, in South Australia children needing emergency respite care will often be placed in out-of-home care on the authority of their guardians). Although a child may be in out-of-home care in conjunction with being on an order, the order does not necessarily specify where the child must reside or that the child be placed in care.

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

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

## **Types of placements**

Children in out-of-home care can be placed in a variety of living arrangements or placement types. In this collection, the following categories have been used.

- Home-based care—where placement is in the home of a carer who is reimbursed for expenses incurred in caring for the child. This category of placements is further divided into:
  - relative/kinship care where the caregiver is a family member or a person with a pre-existing relationship to the child;
  - foster or community care;
  - other home-based arrangements.
- Facility-based care—where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff. This category includes facilities where there are rostered staff, where there is a live-in carer (including family group homes), where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.

- Independent living—where children are living independently, such as those in private boarding arrangements.
- Other—where the placement type does not fit into the above categories or is unknown.

### **State and Territory differences**

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

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

## **Data and analysis**

Data on children admitted to out-of-home care were collected for the first time this year. Most other data relate to children who were in out-of-home care for the night of 30 June 2000, unless otherwise stated. Australian totals have been provided where possible, although some States and Territories were not able to provide data for all tables.

### **Children admitted to out-of-home care**

Data on children admitted to out-of-home care were available from six jurisdictions. There were 8,216 children admitted to out-of-home care in Australia, excluding Victoria and the Northern Territory (Table 4.1). New South Wales had the highest proportion of younger children admitted to out-of-home care, with 46% aged under 5 years. In contrast Tasmania had the highest proportion of older children admitted, with 50% aged 10 years or over, including 23% aged 15–17 years.

The data on children discharged from out-of-home care require further development and will be included in next year's report.

**Table 4.1: Children admitted to out-of-home care during 1999–00, by age for selected States and Territories**

Age of child (years)	NSW	Qld	WA	SA	Tas	ACT
<b>Number</b>						
<1	549	183	119	126	21	28
1–4	1,125	274	226	393	73	92
5–9	1,042	297	237	449	83	108
10–14	790	384	235	505	95	93
15–17	134	115	113	166	83	28
Unknown	42	—	—	1	—	7
<b>Total</b>	<b>3,682</b>	<b>1,253</b>	<b>930</b>	<b>1,640</b>	<b>355</b>	<b>356</b>
<b>Per cent</b>						
<1	15	15	13	8	6	8
1–4	31	22	24	24	21	26
5–9	29	24	25	27	23	31
10–14	22	31	25	31	27	27
15–17	4	9	12	10	23	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Notes*

1. Victoria and the Northern Territory could not provide data on admissions to out-of-home care.
2. The table includes all children admitted to out-of-home care for the first time, as well as those children returning to care who had exited care more than two months previously. Children admitted to out-of-home care more than once during the year were only counted once.

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

At 30 June 2000 there were 16,923 children in out-of-home care in Australia (Table 4.2). This compares with 15,674 children who were in out-of-home care at 30 June 1999. The number of children in out-of-home care at 30 June 2000 was higher than at 30 June 1999 in all jurisdictions except the Northern Territory.

The number of children in out-of-home care in Australia at 30 June has increased each year since the AIHW began collecting data in 1996. Between 1996 and 2000 the number of children in out-of-home care increased by 21%.

**Table 4.2: Number of children aged 0–17 in out-of-home care, by State and Territory, at 30 June 1996–2000**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1996	5,437	3,385	2,110 <sup>(a)</sup>	1,206	1,064	508	181	88	13,979
1997	5,486	3,393	2,211	1,050	1,193	461	173	111	14,078
1998	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
1999	6,359	3,581	2,613	1,192	1,045	533	174	177	15,674
2000	7,041	3,867	2,634	1,326	1,131	548	200	176	16,923

- (a) The data exclude those children in out-of-home care who were not on a care and protection order.

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

Most children (90%) who were in out-of-home care at 30 June 2000 were in home-based care, that is, living with relatives or kin, with foster carers or in some other type of home-based care arrangement (Table 4.3). The high proportion of children in home-based care reflects the trends in recent decades of increased use of placements with relatives and kin or foster carers, and decreased use of placements in facility-based or residential care.

**Table 4.3: Children in out-of-home care: type of placement by State and Territory, at 30 June 2000**

Type of placement	NSW	Vic	Qld	WA <sup>(a)</sup>	SA <sup>(b)</sup>	Tas	ACT	NT	Total
	<b>Number</b>								
Foster/community care	2,510	2,237	1,910	769	n.a.	193	130	121	n.a.
Relatives/kin	3,812	962	639	341	n.a.	220	51	26	n.a.
Other home-based care	—	141	—	—	n.a.	12	—	—	n.a.
<i>Total home-based care</i>	<i>6,322</i>	<i>3,340</i>	<i>2,549</i>	<i>1,110</i>	<i>1,095</i>	<i>425</i>	<i>181</i>	<i>147</i>	<i>15,169</i>
Facility-based care	306	521	85	175	36	68	18	13	1,222
Independent living	134	6	—	32	—	32	—	4	208
Other <sup>(c)</sup>	279	—	—	9	—	23	1	12	324
<b>Total</b>	<b>7,041</b>	<b>3,867</b>	<b>2,634</b>	<b>1,326</b>	<b>1,131</b>	<b>548</b>	<b>200</b>	<b>176</b>	<b>16,923</b>
	<b>Per cent</b>								
Foster/community care	36	58	73	58	n.a.	35	65	69	n.a.
Relatives/kin	54	25	24	26	n.a.	40	26	15	n.a.
Other home-based care	—	4	—	—	n.a.	2	—	—	n.a.
<i>Total home-based care</i>	<i>90</i>	<i>86</i>	<i>97</i>	<i>84</i>	<i>97</i>	<i>78</i>	<i>91</i>	<i>84</i>	<i>90</i>
Facility-based care	4	13	3	13	3	12	9	7	7
Independent living	2	—	—	2	—	6	—	2	1
Other <sup>(c)</sup>	4	—	—	1	—	4	—	7	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) The data includes a small number of children who were placed with relatives who were not reimbursed.

(b) South Australia was unable to break down the number of children in home-based out-of-home care.

(c) 'Other' includes unknown living arrangements.

The proportion of children in out-of-home care who were living in facility-based care arrangements was 7% Australia-wide and ranged from 3% in South Australia and Queensland to 13% in Victoria and Western Australia. It should be noted that facility-based care includes family group homes that may have only 8–10 children living together and residential establishments with under 10 children and a 24-hour worker. The principle of maintaining sibling groups together can also result in placements in residential care, for example, in Western Australia priority is given to keeping siblings together, which sometimes results in periods of facility-based care for larger family groups.

Compared with other jurisdictions, Queensland had a high proportion of children placed in foster or community care (73%), and New South Wales had a relatively high proportion of children placed with relatives or kin (54%).

## Age and sex

Around one-third (31%) of children in out-of-home care were aged 10–14 years. A further 29% were aged 5–9 years, 24% were aged under 5 years and 16% were aged 15–17 years (Table A1.9). Just over half (52%) of all children in out-of-home care were male, though females outnumbered males in the Australian Capital Territory (Table A1.10).

In all States and Territories for which data were available, children in facility-based care were older than children in home-based care (Table A1.11). For example, all children in facility-based care in South Australia were aged 10 years or over, with 56% aged 15 or over. There was only a small number of children in facility-based care who were aged under 5 years in all jurisdictions, with South Australia and the Australian Capital Territory having no children of this age in facility-based care.

## Whether children were on an order

In the Northern Territory, all children in out-of-home care were on care and protection orders or authority. Queensland was only able to provide data on children on care and protection orders, those on youth justice orders and those in temporary custody awaiting the outcomes of applications for orders. In other jurisdictions, the proportion of children in out-of-home care who were on orders ranged from 64% in Tasmania to 94% in the Australian Capital Territory (Table 4.4).

**Table 4.4: Children in out-of-home care: whether the child was on an order by selected States and Territories,<sup>(a)</sup> at 30 June 2000**

Whether the child was on an order	NSW	Vic <sup>(b)</sup>	Qld	WA	Tas	ACT	NT	Total
	<b>Number</b>							
On a care and protection order	6,411	3,285	2,630	937	331	169	176	13,939
On another type of order	—	25	4	—	19	19	—	67
<i>Total children on orders</i>	<i>6,411</i>	<i>3,310</i>	<i>2,634</i>	<i>937</i>	<i>350</i>	<i>188</i>	<i>176</i>	<i>14,006</i>
Not on an order	630	557	—	389	198	12	—	1,786
<b>Total</b>	<b>7,041</b>	<b>3,867</b>	<b>2,634</b>	<b>1,326</b>	<b>548</b>	<b>200</b>	<b>176</b>	<b>15,792</b>
On a care and protection order	91	85	100	71	60	85	100	88
On another type of order	—	1	—	—	3	10	—	—
<i>Total children on orders</i>	<i>91</i>	<i>86</i>	<i>100</i>	<i>71</i>	<i>64</i>	<i>94</i>	<i>100</i>	<i>89</i>
Not on an order	9	14	—	29	36	6	—	11
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) South Australia was unable to provide this data.

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

## Length of time in placement

The proportion of children in Australia who had been in out-of-home care for 5 years or more at 30 June 2000 ranged from 11% in Victoria to 39% in South Australia (Table 4.5). Overall, 59% of children had been in out-of-home care for less than 2 years. The proportion who had been in care for less than 1 month ranged from 4% in Western Australia to 14% in Tasmania.

As noted, respite care refers to out-of-home care that is provided on a temporary basis for reasons other than child protection, for example when parents are ill or unable to care for the child for short periods of time. Most jurisdictions could not identify whether or not children in out-of-home care were in respite care. New South Wales and Victoria were able to identify which children were in respite care and these children were included in the 'less than 1 month' category. Of children who had been in out-of-home care for less than 1 month, 76% in New South Wales and 33% in Victoria were in respite care.

**Table 4.5: Children in out-of-home care: length of time in continuous placement by State and Territory, at 30 June 2000**

Time in continuous placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
	<b>Number</b>								
< 1 month	936	403	164	55	135	74	13	19	1,799
1 month to < 6 months	835	911	537	161	207	178	43	25	2,897
6 months to < 1 year	794	559	358	154	103	75	24	46	2,113
1 year to < 2 years	1,186	595	493	207	149	67	27	28	2,752
2 years to < 5 years	1,862	646	583	314	72	60	55	37	3,629
5 years or more	1,424	382	499	427	429	94	38	21	3,314
Not stated/unknown	4	371	—	8	36	—	—	—	419
<b>Total</b>	<b>7,041</b>	<b>3,867</b>	<b>2,634</b>	<b>1,326</b>	<b>1,131</b>	<b>548</b>	<b>200</b>	<b>176</b>	<b>16,923</b>
	<b>Per cent</b>								
< 1 month	13	12	6	4	12	14	7	11	11
1 month to < 6 months	12	26	20	12	19	32	22	14	18
6 months to < 1 year	11	16	14	12	9	14	12	26	13
1 year to < 2 years	17	17	19	16	14	12	14	16	17
2 years to < 5 years	26	18	22	24	7	11	28	21	22
5 years or more	20	11	19	32	39	17	19	12	20
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Note:* In those jurisdictions where children in out-of-home care for respite reasons can be identified, they have been included in the 'less than 1 month category' (New South Wales (715 children) and Victoria (134 children)).

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

There were 3.6 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2000 (Table 4.6). This is slightly higher than the rate of children in out-of-home care at 30 June 1999 (3.3 per 1,000) (AIHW 2000).

The rates of children in out-of-home care varied by State and Territory and ranged from 2.6 per 1,000 in the Australian Capital Territory to 4.6 per 1,000 in Tasmania. The reasons for this variation are likely to include differences in the policies and practices of the community services departments in relation to out-of-home care, as well as variations in the availability

of appropriate care options for children who are regarded as being in need of this type of service.

**Table 4.6: Children in out-of-home care: number and rate per 1,000 children aged 0–17 years by Indigenous status and State and Territory, at 30 June 2000**

State/Territory	No. of children			Rate per 1,000 children			Indigenous: other Rate ratio
	Indigenous	Other children	Total	Indigenous	Other children	Total	
New South Wales	1,815	5,226	7,041	32.9	3.4	4.5	9.7:1
Victoria <sup>(a)</sup>	297	3,570	3,867	27.5	3.2	3.4	8.6:1
Queensland	592	2,042	2,634	11.0	2.4	2.9	4.6:1
Western Australia	420	906	1,326	15.4	2.0	2.8	7.7:1
South Australia	211	920	1,131	19.5	2.7	3.2	7.2:1
Tasmania	38	510	548	5.1	4.5	4.6	1.1:1
Australian Capital Territory	29	171	200	18.9	2.2	2.6	8.6:1
Northern Territory	94	82	176	3.9	2.3	3.0	1.7:1
<b>Total</b>	<b>3,496</b>	<b>13,427</b>	<b>16,923</b>	<b>18.3</b>	<b>3.0</b>	<b>3.6</b>	<b>6.1:1</b>

(a) The data for Indigenous children in Victoria are estimates.

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

Sources: ABS 1999a, b, c.

## Indigenous children

At 30 June 2000 there were 3,496 Indigenous children in Australia in out-of-home care (Table 4.6). The rate of Indigenous children in out-of-home care at 30 June 2000 was 18.3 per 1,000, ranging from 3.9 per 1,000 in the Northern Territory to 32.9 per 1,000 in New South Wales.

In all jurisdictions there were higher rates of Indigenous children in out-of-home care than for other Australian children. In New South Wales, the rate of Indigenous children in out-of-home care was over 9 times the rate for other children, and in Victoria and the Australian Capital Territory it was over 8 times the rate. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) The difference between the rates for Indigenous children and other Australian children was lowest in Tasmania and the Northern Territory (Table 4.6).

## Indigenous status of caregivers

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

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

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

children who were placed with either an Indigenous carer or a relative ranged from 80% in New South Wales to 42% in Tasmania (Table 4.7).

New South Wales had the highest proportion of Indigenous children placed with Indigenous relatives (55%). The relatively low proportion of Indigenous children who were placed with an Indigenous carer in Tasmania is probably related to the small size as well as the dispersion of the Indigenous population in that State.

**Table 4.7: Indigenous children in out-of-home care: Indigenous status and relationship of carer, for selected States and Territories, at 30 June 2000**

	NSW	Qld <sup>(a)</sup>	WA	Tas	ACT	NT
	<b>Number</b>					
Indigenous relative	999	138	169	4	7	28
Indigenous non-relative	462	188	135	3	11	26
Non-Indigenous relative	n.a. <sup>(b)</sup>	79	22	9	2	n.a. <sup>(c)</sup>
<i>Total Indigenous or relative</i>	<i>1,461</i>	<i>405</i>	<i>326</i>	<i>16</i>	<i>20</i>	<i>54</i>
Other	354	169	94	22	9	31
Unknown	—	—	—	—	—	9
<b>Total</b>	<b>1,815</b>	<b>574</b>	<b>420</b>	<b>38</b>	<b>29</b>	<b>94</b>
	<b>Per cent</b>					
Indigenous relative	55	24	40	11	24	33
Indigenous non-relative	25	33	32	8	38	31
Non-Indigenous relative	n.a.	14	5	24	7	n.a.
<i>Total Indigenous or relative</i>	<i>80</i>	<i>71</i>	<i>78</i>	<i>42</i>	<i>69</i>	<i>64</i>
Other	20	29	22	58	31	36
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

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

(c) The relationship of the caregiver to children placed with non-Indigenous caregivers was not available and these children were placed in the 'other' category.

**Notes**

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



# 5 Conclusion

The national child protection data cover three areas of child protection:

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

These data come from the administrative databases of the community services department in each State and Territory.

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

Work is now being undertaken by the NCPASS Data Group to improve the comparability of the child protection data. A new national framework with different counting points has been developed and its feasibility is currently being assessed by States and Territories.

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

Some preliminary data were collected on family preservation services this year and NCPASS will continue the development of these data. In addition, some preliminary work on the broader range of family support services was undertaken in 2000 with funding from CSMAC. The report from this study includes an assessment of the scope of family support services funded by State, Territory and Commonwealth community service departments, and an overview of the current data collection efforts in relation to these services (AIHW 2001).

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

# Appendix 1: Detailed tables

## Child protection

Table A1.1: Children in substantiations: type of abuse and/or neglect by sex and by State and Territory, 1999–00

Sex and type of abuse and/or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Males</b>								
Physical	1,118	947	751	193	329	16	46	80
Sexual	445	199	62	66	51	4	3	5
Emotional	275	1,495	609	47	140	2	17	18
Neglect	516	754	962	149	329	6	21	55
Other <sup>(a)</sup>	234	—	—	—	—	—	—	—
<b>Total</b>	<b>2,588</b>	<b>3,395</b>	<b>2,384</b>	<b>455</b>	<b>849</b>	<b>28</b>	<b>87</b>	<b>158</b>
<b>Females</b>								
Physical	980	910	733	185	286	19	40	91
Sexual	1,350	369	259	222	161	23	16	31
Emotional	263	1,387	591	48	122	3	24	18
Neglect	458	715	868	152	286	4	23	55
Other <sup>(a)</sup>	237	—	—	—	—	—	—	—
<b>Total</b>	<b>3,288</b>	<b>3,381</b>	<b>2,451</b>	<b>607</b>	<b>855</b>	<b>49</b>	<b>103</b>	<b>195</b>
<b>Unknown</b>								
Physical	—	23	—	—	1	2	—	—
Sexual	—	6	—	1	—	—	—	—
Emotional	—	32	—	—	2	—	—	—
Neglect	—	11	—	2	1	—	—	—
Other <sup>(a)</sup>	—	—	—	—	—	—	—	—
<b>Total</b>	<b>—</b>	<b>72</b>	<b>—</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>—</b>	<b>—</b>
<b>Persons</b>								
Physical	2,098	1,880	1,484	378	616	37	86	171
Sexual	1,795	574	321	289	212	27	19	36
Emotional	538	2,914	1,200	95	264	5	41	36
Neglect	974	1,480	1,830	303	616	10	44	110
Other <sup>(a)</sup>	471	—	—	—	—	—	—	—
<b>Total</b>	<b>5,876</b>	<b>6,848</b>	<b>4,835</b>	<b>1,065</b>	<b>1,708</b>	<b>79</b>	<b>190</b>	<b>353</b>

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

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

**Table A1.2: Children in substantiations by age, by State and Territory, 1999–00**

Age group	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
<1	420	544	452	116	148	1	18	43
1–4	1,271	1,878	1,204	240	417	16	36	101
5–9	1,774	1,929	1,453	329	530	11	62	96
10–14	1,857	1,815	1,415	313	498	19	57	87
15–17	542	674	311	67	103	10	9	26
Unknown	12	8	0	0	12	22	8	0
<b>Total</b>	<b>5,876</b>	<b>6,848</b>	<b>4,835</b>	<b>1,065</b>	<b>1,708</b>	<b>79</b>	<b>190</b>	<b>353</b>
<b>Per cent</b>								
<1	7	8	9	11	9	2	10	12
1–4	22	27	25	23	25	28	20	29
5–9	30	28	30	31	31	19	34	27
10–14	32	27	29	29	29	33	31	25
15–17	9	10	6	6	6	18	5	7
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Table A1.3: Children aged 0–17 years who were the subjects of substantiations: type of abuse or neglect, by Indigenous status, by State and Territory, 1999–00**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical	263	122	158	114	102	4	2	69
Sexual	161	39	38	54	21	—	—	14
Emotional	101	259	103	21	58	—	2	9
Neglect	185	150	205	143	157	—	2	80
Other <sup>(a)</sup>	53	—	—	—	—	—	—	—
<b>Total</b>	<b>763</b>	<b>570</b>	<b>504</b>	<b>332</b>	<b>338</b>	<b>4</b>	<b>6</b>	<b>172</b>
<b>Other children</b>								
Physical	1,835	1,758	1,326	264	514	33	84	102
Sexual	1,634	535	283	235	191	27	19	22
Emotional	437	2,655	1,097	74	206	5	39	27
Neglect	789	1,330	1,625	160	459	10	42	30
Other <sup>(a)</sup>	418	—	—	—	—	—	—	—
<b>Total</b>	<b>5,113</b>	<b>6,278</b>	<b>4,331</b>	<b>733</b>	<b>1,370</b>	<b>75</b>	<b>184</b>	<b>181</b>

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

**Table A1.4: Finalised investigations: source of notification, by State and Territory, 1999–00**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	168	92	400	97	110	3	10	17
Parent/guardian	1,488	1,142	1,842	354	480	62	86	58
Sibling	—	92	47	6	14	1	8	4
Other relative	858	902	1,279	178	517	27	68	77
Friend/neighbour	1,262	785	1,810	155	649	20	176	81
Medical practitioner	409	412	251	50	221	7	23	34
Other health personnel	420	547	49	—	53	17	46	18
Hospital/health centre	1,045	438	560	239	374	19	27	82
Social worker	1,124	203	435	—	238	12	5	32
School personnel	3,073	1,767	1,257	320	908	58	189	122
Childcare personnel	162	155	98	—	—	—	9	—
Police	2,720	2,573	1,454	235	52	28	52	90
Departmental officer	145	824	242	417	634	53	49	54
Non-government organisation	332	1,710	278	93	174	17	58	47
Anonymous	417	—	296	27	160	27	40	17
Other	469	630	581	193	418	4	70	42
Not stated	13	310	25	1	—	1	2	—
<b>Total</b>	<b>14,105</b>	<b>12,582</b>	<b>10,904</b>	<b>2,365</b>	<b>5,002</b>	<b>356</b>	<b>918</b>	<b>775</b>
Subject child	1	1	4	4	2	1	1	2
Parent/guardian	11	9	17	15	10	17	9	7
Sibling	—	1	—	—	—	—	1	1
Other relative	6	7	12	8	10	8	7	10
Friend/neighbour	9	6	17	7	13	6	19	10
Medical practitioner	3	3	2	2	4	2	3	4
Other health personnel	3	4	—	—	1	5	5	2
Hospital/health centre	7	4	5	10	7	5	3	11
Social worker	8	2	4	—	5	3	1	4
School personnel	22	14	12	14	18	16	21	16
Childcare personnel	1	1	1	—	—	—	1	—
Police	19	21	13	10	1	8	6	12
Departmental officer	1	7	2	18	13	15	5	7
Non-government organisation	2	14	3	4	3	5	6	6
Anonymous	3	—	3	1	3	8	4	2
Other	3	5	5	8	8	1	8	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: 'Other' category may include the maltreater.

**Table A1.5: Substantiations by source of notification, by State and Territory, 1999–00**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	90	54	280	46	62	1	4	15
Parent/guardian	672	626	1,119	159	157	9	29	24
Sibling	—	45	33	4	11	—	—	—
Other relative	305	463	725	66	178	1	18	38
Friend/neighbour	454	338	928	59	238	9	27	30
Medical practitioner	220	257	183	32	111	4	8	23
Other health personnel	196	329	36	0	21	6	9	8
Hospital/health centre	482	269	395	129	175	5	9	46
Social worker	558	149	302	—	110	5	1	10
School personnel	1,622	1,024	891	141	319	18	64	60
Childcare personnel	58	88	64	—	—	—	2	—
Police	1,272	1798	1,107	140	17	11	19	47
Departmental officer	67	482	175	267	364	15	15	38
Non-government organisation	142	1,044	198	52	104	9	13	27
Anonymous	135	—	126	7	37	—	—	13
Other	198	275	345	67	181	4	13	14
Not stated	6	118	12	—	—	—	2	—
<b>Total</b>	<b>6,477</b>	<b>7,359</b>	<b>6,919</b>	<b>1,169</b>	<b>2,085</b>	<b>97</b>	<b>233</b>	<b>393</b>

Note: 'Other' category may include the maltreater.

## Care and protection orders

Table A1.6: Children substantiated in 1998–99 who were subsequently placed on care and protection orders within 12 months of substantiation, for selected States and Territories

State/Territory	Number subsequently placed on a care and protection order	Percentage of all children substantiation in 1998–99
Victoria	1,845	26
Queensland	644	15
Western Australia	198	17
Tasmania	39	30
Australian Capital Territory	24	5

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

Table A1.7: Children on care and protection orders: sex by State and Territory, at 30 June 2000

Sex of child	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	3,922	2,460	1,855	569	626	261	113	107	9,913
Female	3,737	2,276	1,757	536	580	209	119	113	9,327
Unknown	2	16	—	—	4	—	—	—	22
<b>Persons</b>	<b>7,661</b>	<b>4,752</b>	<b>3,612</b>	<b>1,105</b>	<b>1,210</b>	<b>470</b>	<b>232</b>	<b>220</b>	<b>19,262</b>
<b>Per cent</b>									
Male	51	52	51	51	52	56	49	49	52
Female	49	48	49	49	48	44	51	51	48
<b>Persons</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

**Table A1.8: Children on care and protection orders: living arrangements by age, at 30 June 2000**

Age group	Family care	Home-based out-of-home care	Facility- based care	Independent living	Other	Total
<b>Number</b>						
<1	224	241	16	—	21	502
1–4	1,731	2,126	76	—	147	4,080
5–9	2,076	2,982	196	—	165	5,419
10–14	1,682	3,227	507	10	277	5,703
15–17	798	1,531	478	335	323	3,465
Unknown	24	42	16	4	7	93
<b>Total</b>	<b>6,535</b>	<b>10,149</b>	<b>1,289</b>	<b>349</b>	<b>940</b>	<b>19,262</b>
<b>Per cent</b>						
<1	45	48	3	—	4	100
1–4	42	52	2	—	4	100
5–9	38	55	4	—	3	100
10–14	29	57	9	—	5	100
15–17	23	44	14	10	9	100
<b>Total</b>	<b>34</b>	<b>53</b>	<b>7</b>	<b>2</b>	<b>5</b>	<b>100</b>

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

## Out-of-home care

Table A1.9: Children in out-of-home care by age and State and Territory, at 30 June 2000

Age in years	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	234	106	50	49	27	9	6	17	498
1–4	1,710	753	506	288	160	67	38	64	3,586
5–9	2,156	1,001	783	390	322	138	60	45	4,895
10–14	1,984	1,208	891	405	437	198	69	38	5,230
15–17	955	799	404	194	185	136	27	12	2,712
Unknown	2	—	—	—	—	—	—	—	2
<b>Total</b>	<b>7,041</b>	<b>3,867</b>	<b>2,634</b>	<b>1,326</b>	<b>1,131</b>	<b>548</b>	<b>200</b>	<b>176</b>	<b>16,923</b>
<b>Per cent</b>									
<1	3	3	2	4	2	2	3	10	3
1–4	24	19	19	22	14	12	19	36	21
5–9	31	26	30	29	28	25	30	26	29
10–14	28	31	34	31	39	36	35	22	31
15–17	14	21	15	15	16	25	14	7	16
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Table A1.10: Children in out-of-home care by sex and State and Territory, at 30 June 2000

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	3,600	2,004	1,367	673	589	298	97	92	8,720
Female	3,439	1,862	1,267	653	536	250	103	84	8,194
Unknown	2	1	—	—	6	—	—	—	9
<b>Total</b>	<b>7,041</b>	<b>3,867</b>	<b>2,634</b>	<b>1,326</b>	<b>1,131</b>	<b>548</b>	<b>200</b>	<b>176</b>	<b>16,923</b>
<b>Per cent</b>									
Male	51	52	52	51	52	54	49	52	52
Female	49	48	48	49	48	46	52	48	48
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>



**Table A1.11: Children in out-of-home care by age and type of placement, at 30 June 2000**

Type of placement/ age group	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<b>Home-based</b>									
<1	223	106	50	46	27	7	6	16	481
1-4	1,642	738	499	264	160	61	38	56	3,458
5-9	2,069	937	770	337	322	120	60	40	4,655
10-14	1,783	998	856	343	421	159	59	30	4,649
15-17	604	561	374	120	165	78	18	5	1,925
Unknown	1	—	—	—	—	—	—	—	1
<b>Total</b>	<b>6,322</b>	<b>3,340</b>	<b>2,549</b>	<b>1,110</b>	<b>1,095</b>	<b>425</b>	<b>181</b>	<b>147</b>	<b>15,169</b>
<b>Facility-based</b>									
<1	2	—	—	3	—	2	—	1	8
1-4	14	15	7	24	—	4	—	3	67
5-9	36	64	13	51	—	18	—	3	185
10-14	127	210	35	57	16	27	10	4	486
15-17	126	232	30	40	20	17	8	2	475
Unknown	1	—	—	—	—	—	—	—	1
<b>Total</b>	<b>306</b>	<b>521</b>	<b>85</b>	<b>175</b>	<b>36</b>	<b>68</b>	<b>18</b>	<b>13</b>	<b>1,222</b>
<b>Per cent</b>									
<b>Home-based</b>									
<1	4	3	2	4	2	2	3	11	3
1-4	26	22	20	24	15	14	21	38	23
5-9	33	28	30	30	29	28	33	27	31
10-14	28	30	34	31	38	37	33	20	31
15-17	10	17	15	11	15	18	10	3	13
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Facility-based</b>									
<1	1	—	—	2	—	3	—	8	1
1-4	5	3	8	14	—	6	—	23	5
5-9	12	12	15	29	—	26	—	23	15
10-14	42	40	41	33	44	40	56	31	40
15-17	41	45	35	23	56	25	44	15	39
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

# Appendix 2: Technical notes

## Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics, most recent population estimates for 31 March 2000 (ABS 1999a).

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

$$\frac{\text{Number of children aged 0–17 years on care and protection orders at 30 June 2000}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2000}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0–17 years in out-of-home care at 30 June 2000}}{\text{ABS estimated population of children aged 0–17 years at 31 March 2000}} \times 1,000$$

The rates of children subject to child protection substantiations during 1999–00 were calculated using the ABS population estimates for 31 December 1999 (ABS 1999b). These rates were calculated for children aged 0–16 years rather than for children aged 0–17 years because there were very few children aged 17 years who were the subjects of substantiations.

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

$$\frac{\text{Number of children aged 0–16 years who were the subjects of substantiations in 1999–00}}{\text{ABS estimated population aged 0–16 years at 30 December 1999}} \times 1,000$$

## Rates for Indigenous children

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

The population estimates for 30 June 2000 were used to calculate rates of children on care and protection orders and rates of children in out-of-home care. The average of the estimates for 30 June 1999 and 30 June 2000 was used to calculate the rates of children who were the subjects of substantiations (ABS 1999c).

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

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

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

## **Rates for other (non-Indigenous) children**

The non-Indigenous population (referred to in this report as ‘other children’) used for the calculation of rates was obtained by subtracting the number of Indigenous children from the number of children in the total population.

## **Identification of Indigenous status**

### **Children**

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

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

During 1998–99 a new method for counting Indigenous status was implemented in New South Wales which improved the accuracy of this information. The apparent increase in the rate of Indigenous clients was a reflection of the improved recording of Indigenous status rather than an increase in the number of Indigenous clients. Victoria was not able to provide data on Indigenous status in 1998–99.

### **Caregivers**

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

# Appendix 3: Legislation

## Child protection legislation

### Commonwealth

*Family Law Act 1975*

### New South Wales

*Children (Care and Protection) Act 1987*

### Victoria

*Children and Young Persons Act 1989*

### Queensland

*Child Protection Act 1999*

*Health Act 1937*

### Western Australia

*Child Welfare Act 1947*

*Community Services Act 1972*

### South Australia

*Family and Community Services Act 1972*

*Children's Protection Act 1993*

### Tasmania

*Child Welfare Act 1960*

*Child Protection Act 1974*

*Child Protection Amendment Acts 1986, 1987, 1991*

*Alcohol and Drug Dependency Act 1968*

### Australian Capital Territory

*Children's Services Act 1986*

### Northern Territory

*Community Welfare Act 1983*

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

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

### New South Wales

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

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

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

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

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

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

### Victoria

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

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

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

### **Queensland**

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

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

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

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

### **Western Australia**

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

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

## South Australia

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

- (a) the child is at risk and an order should be made to secure the child's care and protection; or
- (b) disruption of existing arrangements for the child would be likely to cause the child psychological injury and it would be in the best interest of the child for the arrangement to be the subject of a care and protection order.

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

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

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

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

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

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

Part 5 of the *Children's Protection Act* also states that family care meetings should be convened in respect of the child if the Minister believes that a child is at risk and that arrangements should be made to secure the child's care and protection. The Minister cannot

make an application for an order granting custody of the child or placing the child under guardianship, before a family care meeting has been held unless satisfied that:

- (a) it has not been possible to hold a meeting despite reasonable endeavours to do so; or
- (b) an order should be made without delay; or
- (c) the guardians of the child consent to the making of the application; or
- (d) there is another good reason to do so.

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

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

### **Tasmania**

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

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

A neglected child is a child:

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

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



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

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

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

### **Australian Capital Territory**

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

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

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

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

### **Northern Territory**

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

- (a) the parents, guardian/person having the custody have abandoned the child and cannot, after reasonable inquiry, be found; or
- (b) the parents, guardian/person having the custody are unwilling or unable to maintain the child; or
- (c) the child has suffered maltreatment; or
- (d) the child is not subject to effective control and is engaging in conduct which constitutes a serious danger to their health or safety; or
- (e) being excused from criminal responsibility under section 38 of the Criminal Code (being under 10 years of age), the child has persistently engaged in conduct which is so harmful or potentially harmful to the general welfare of the community, measured by commonly accepted community standards, as to warrant action under this Act for the maintenance of those standards.

For the purpose of the *Community Welfare Act 1983*, a child shall be taken to have suffered maltreatment where they have suffered or are at substantial risk of suffering:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of the child, or where there is substantial risk of the child suffering such an injury or impairment;
- (b) serious emotional or intellectual impairment evident by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which the child belongs, whether a result of physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment;
- (c) serious physical impairment evidenced by severe bodily malfunctioning, whether a result of the child's physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment;
- (d) sexual abuse or exploitation, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect them from such abuse or exploitation; or

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

# Appendix 4: Mandatory reporting requirements

## New South Wales

Since 1977 medical practitioners have been required by law to report physical and sexual abuse. Under the *Children (Care and Protection) Act 1987* the professions, vocations and callings of teaching, counselling, social work and early childhood teaching (at a government or registered non-government school—within the meaning of the *Education Reform 1990*) are prescribed notifiers of suspected sexual assault. The offices of principal and deputy principal are required to report suspected cases of child sexual abuse. In accordance with the Department of Education and Training's policy and procedures, teachers, school social workers and school counsellors are required to report suspected physical, emotional abuse and neglect to the principal, who is turn responsible to notify the Department of Community Services. Staff of the Police Service, Department of Health, Department of Education and Training, Department of Juvenile Justice, Department Corrective Services, Department of Sport and Recreation and Department of Community Services have also been directed by the Chief Executive Officer of their agencies to notify the Department of Community services if they believe on reasonable grounds that a child has been or is in danger of being abused. In addition, New South Wales has Interagency Guidelines detailing each agency's role, responsibilities and actions required in all aspects of child protection intervention

## Victoria

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

## Queensland

Under the *Health Act 1937*, medical practitioners are required by law to all cases of suspected maltreatment of a child. Education Queensland policy requires school principals to report suspected child abuse and neglect to the appropriate authorities and requires teachers to report through principals; however, this is not legislated. The *Child Protection Act 1999* requires that officers of Families, Youth and Community Care Queensland and employees of licensed care services report when they suspect harm to children placed in residential care.

## Western Australia

In Western Australia, referrals about possible harm to children are facilitated by a series of reciprocal protocols that have been negotiated with key government and non-government agencies, rather than by mandatory reporting. Community awareness programs and education of professional groups also contribute to identification of possible maltreatment, and action to prevent further harm from occurring.

### **South Australia**

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

### **Tasmania**

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

### **Australian Capital Territory**

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

### **Northern Territory**

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

# Glossary

## General definitions

### Community services department

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

## Definitions for child protection notifications, investigations and substantiations

### Age of child

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

### Child protection notification

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

A notification can only involve one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same 'event', this should be counted as only one notification. Where there is more than one notification between 1 July 1999 and 30 June 2000, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect) these notifications should be counted as separate notifications.

### Investigation

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

Investigations to be counted in this collection relate to those child protection notifications of children aged 0–17 years that were made to an authorised department between 1 July 1999 and 30 June 2000, and which were subsequently investigated.

### Substantiation

A substantiation in the national data collection is a child protection notification made to relevant authorities during the year ended 30 June 2000, which was investigated and the investigation was finalised by 31 August 2000, and it was concluded that there was

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

### **Person believed responsible**

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

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

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

##### *Natural parent*

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

##### *Step-parent*

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

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

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

##### *Sibling*

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

##### *Other relative/kin*

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

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

##### *Foster parent*

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

##### *Friend/neighbour*

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

##### *Other*

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

##### *Not stated*

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

### **Source of notification**

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

*Parent/guardian*

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

*Sibling*

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

*Other relative*

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

*Friend/neighbour*

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

*Medical practitioner*

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

*Other health personnel*

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

*Hospital/health centre personnel*

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

*Social/welfare worker*

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

*School personnel*

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

*Childcare personnel*

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

*Police*

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

*Departmental officer*

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

*Non-government organisation*

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



### *Anonymous*

This category covers notifications received from people who do not give their names.

### *Other*

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

### *Not stated*

This category includes all notifications that are received from unknown sources.

## **Family of residence**

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

### *Two-parent—natural*

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

### *Two-parent—step or blended*

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

### *Single parent—female*

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

### *Single parent—male*

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

### *Other relatives/kin*

This includes Indigenous kinship arrangements.

### *Foster care*

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

### *Other*

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

### *Not stated*

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

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

### **Child subject to orders**

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

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

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

### **Age of child**

The age of the child in completed years at 30 June 2000.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 2000. The categories are:

#### *Family care*

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

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

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

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

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

#### *Facility-based care*

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

#### *Independent living*

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

#### *Other living arrangements*

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

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

### **Age of child**

The age of the child in completed years at 30 June 2000.

### **Type of placement**

Placement type is divided into two main categories.

#### *Home-based care*

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

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

#### *Facility-based care*

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

#### *Independent living*

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

#### *Other*

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

### **Respite care**

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

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