

Child protection Australia 2002–03

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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
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.
4. Tables with the prefix 'A' in the title are located in Appendix 1.

Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the community services departments in each state and territory. Most of the data in this report cover the 2002–03 financial year, although data on trends in child protection are also included.

Each state and territory has its own legislation, policies and practices in relation to child protection, which accounts for some of the differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are not comparable across the states and territories.

Notifications, investigations and substantiations

- Over the last 4 years the number of child protection notifications in Australia increased from 107,134 in 1999–00 to 198,355 in 2002–03. From 2001–02 to 2002–03 the number of notifications increased in all jurisdictions except Victoria, Western Australia and the Northern Territory (Table 2.3).
- The number of substantiations in Australia also increased over the last four years, rising from 24,732 in 1999–00 to 40,416 in 2002–03 (Table 2.4).
- Rates of children aged 0–16 years who were the subjects of child protection substantiations in 2002–03 ranged from 1.8 per 1,000 in Tasmania to 10.1 per 1,000 in Queensland (Table 2.7).
- Between 2001–02 and 2002–03 the rates of children who were the subject of a substantiation increased in New South Wales, Queensland, South Australia, Tasmania and the Australian Capital Territory (Table 2.7).
- Although the quality of the data on Indigenous status varies between states and territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system. The rate of Indigenous children in substantiations, for example, was nearly ten times the rate for other children in Victoria and seven times the rate in Western Australia (Table 2.9).

Children on care and protection orders

- There was a continuing upward trend Australia-wide in the number of children on care and protection orders increasing from 15,718 at 30 June 1997 to 22,130 at 30 June 2003 (Table 3.5).

- At 30 June 2003 there were 4.6 children aged 0–17 years per 1,000 on care and protection orders, rising from 3.3 per 1,000 in 1997 (Table 3.9).
- Between 2002 and 2003 the rate of children on care and protection orders increased from 4.3 to 4.6 per 1,000 (Table 3.9).
- There was some variation across jurisdictions in the rate of children on orders, ranging from 3.0 per 1,000 in Western Australia to 5.6 per 1,000 in New South Wales in 2002–03 (Table 3.9).
- Across Australia the rate of Indigenous children on care and protection orders was six times the rate for other Australian children (Table 3.10).

Children in out-of-home care

- The number of children in out-of-home care rose each year from 1996 to 2003, the period for which national data has been collected. The numbers in care increased by 45% from 13,979 at 30 June 1997 to 20,297 at 30 June 2003 (Table 4.3).
- The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 4.2 per 1,000 at 30 June 2003 (Table 4.7).
- In 2002–03 rates of children in out-of-home care ranged from 3.3 per 1,000 in Western Australia to 5.4 per 1,000 in New South Wales (Table 4.7).
- Only 5% of children in care at 30 June 2003 were in residential care, with 51% in foster care and 40% in relative or kinship care (Table 4.4).
- The rate of Indigenous children in out-of-home care was nearly seven times the rate of other Australian children (Table 4.8).

1 Background

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

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

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

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

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

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

Child protection systems

Reporting of child protection matters

Currently, all states and territories except Western Australia have legislation requiring the compulsory reporting to community services departments of harm due to child abuse or neglect. In most states and territories, only the members of a few designated professions involved with children are obliged 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. Although Western Australia does not have mandatory reporting, it does have protocols and guidelines in place that require certain occupational groups in government and funded agencies to report children who have been or are likely to be abused or neglected.

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

Police also have some responsibility for child protection in each state and territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child abuse or neglect of a criminal nature, that is, where there is significant sexual or physical abuse, or any abuse that results in the serious injury or death of a child. In some states or territories there are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant community services department.

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

The child protection process

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

Reports to the department

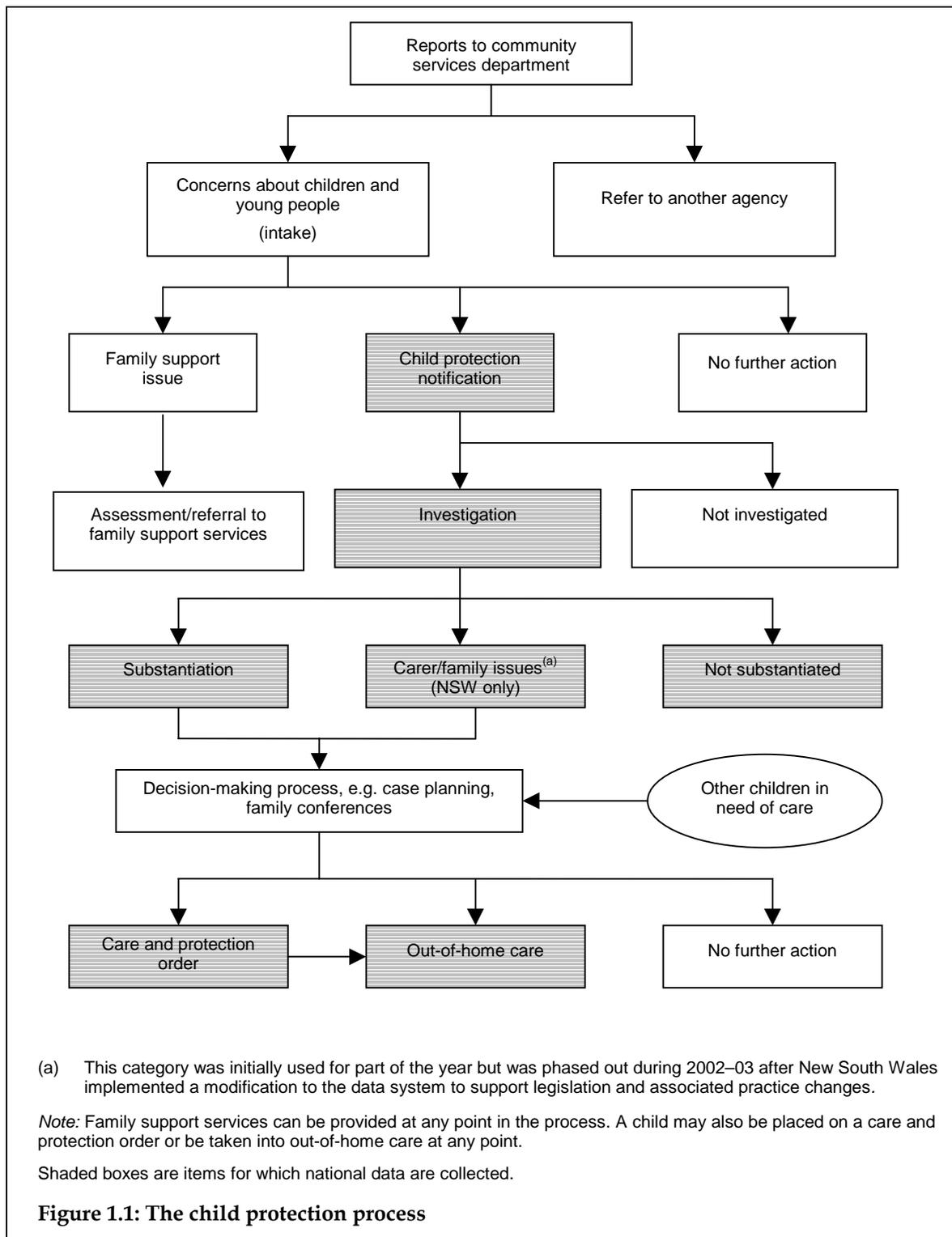
Children who are assessed to be in need of protection can come into contact with community services departments through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation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

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

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

Notifications, investigations and substantiations

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



After an investigation has been finalised, a notification is classified as ‘substantiated’ or as ‘not substantiated’. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed. States and territories differ somewhat in what they actually substantiate. Some jurisdictions substantiate situations where child abuse and neglect have occurred or

are likely to occur, whereas others substantiate situations where the child has been harmed or is at risk of harm and the parents have failed to act to protect the child.

In New South Wales an intermediate category was initially used for part of the year but was phased out during 2002–03. This category is referred to as ‘Carer/family issues’ in the national data and includes notifications where no actual harm is identified but where carer or family issues were identified that affect the care of 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 between jurisdictions in policies and practices in relation to child protection, and these differences affect the data provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

One of the main differences between jurisdictions is in the policy frameworks used by states and territories in relation to notifications. In both Western Australia and Tasmania, reports that express concerns about children are screened by senior staff. In Western Australia, a report expressing concern about children may receive the interim assessment classification of ‘Child Concern Report’ (CCR) when there is uncertainty as to whether a child has experienced, or is likely to experience, significant maltreatment warranting a statutory child protection response. The CCR assessment provides the basis for the most appropriate response – statutory child protection (ie. treat as if the contact is a notification), family support or no further action.

In Tasmania, when the initial information gives no indication of maltreatment, this type of report is classified as a ‘child and family concern’ report and may be referred to family support services.

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

In Victoria, on the other hand, the definition of a ‘notification’ is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other states and territories have policies between these two extremes. For example, South Australia screens reports and may refer some of these to other agencies or provide family support services rather than a child protection response. In 2002, the Australian Capital Territory

screened reports similar to South Australia, but in 2003 the definition was changed to incorporate all contacts regarding concerns for children as child protection reports.

The screening process used in South Australia, however, does not appear to be as stringent as that used in Western Australia and Tasmania. In New South Wales, all reports classified as 'child protection' reports are categorised by the reported issue and receive a 'risk of harm' assessment to determine the appropriate action. Only reports of harm or risk of harm are included in this report.

Other differences between jurisdictions 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, but in other jurisdictions they are not.
- What is substantiated varies. Some jurisdictions substantiate the harm or risk of harm to the child, and others substantiate actions by parents or incidents that cause harm. In focusing on harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents towards the outcomes for the child (see below).

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

Changes in child protection policies and practices

Child protection policies and practices are continually changing and evolving. Trends in child protection numbers should be interpreted carefully, as such changes in policies and practices impact on the numbers of children in the child protection systems in different ways. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within states and territories over the last year. Specific definitions of children in need of care and protection for each jurisdiction are provided in Appendix 3.

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

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

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). Naturally, any broadening of the definition of child abuse and neglect is likely to result in increasing notifications and substantiations. The focus of child protection in many jurisdictions (New South Wales and the Australian Capital Territory, for example) has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of

whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

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

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

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

For children who are placed on care and protection orders, the current policy emphasis is on family preservation, or on keeping children in the family. A range of specialist family preservation services has been established in many jurisdictions that 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. Victoria and South Australia in particular have established a number of these services, including those specifically designed for Aboriginal and Torres Strait Islander families.

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

Recent policy changes

The following paragraphs, provided by the various authorities in the states and territories, outline the major child protection policy changes that occurred in 2002-03. Legislation relating to specific jurisdictions is listed in Appendix 3.

New South Wales

Since the proclamation of the new legislation and the opening of the HelpLine there has been a substantial increase in workload and complexity of cases for the Department of Community Services (DoCs). The 'Kibble Committee' – a joint DoCs, Central Agency and NSW Public Services Association working party – reviewed the impact of this increase in demand for DoCS services. The subsequent Kibble Report recommended the appointment of additional child protection and out-of-home care staff and for DoCS to pursue all efficiencies available in the Child Protection System in order to increase capacity to deal with both current caseloads and growth in demand.

On 18 December 2002, the NSW Government announced a major boost to funding for DoCS, including a budget for an additional 875 caseworkers and their support needs, and additional funding for non-government organisations for early intervention family services and out-of-home care services, over the next 5 years. This funding begins with an initial increase of 150 caseworkers in 2003–04. This is in addition to the extra 130 caseworkers announced for 2002–03.

DoCS also continues to pursue increased efficiencies through improved demand management through separate projects on demand modelling, demand sampling and review of work processes. Longer term solutions will channel resources into services that identify children, young people and families at risk and provide the necessary services before problems become entrenched. The new funding will make it possible to boost the capacity of prevention and early intervention services in 2003–04.

Victoria

During 2002–03, Victoria undertook a comprehensive examination of the home-based care system, which resulted in the publication of *Public Parenting – a Review of Home-based Care in Victoria*. Work also commenced on a Department of Human Services flagship project examining local, national and international literature, service reforms and data on the operation of child protection systems. In June 2003 the Victorian Government announced a review of the *Children and Young Persons Act 1989*.

Queensland

The Queensland Government released *Queensland Families: Future Directions*, its cornerstone policy for vulnerable children and families in June 2002. Additional State Budget funding of \$148 million over 4 years was also announced, building on the previously announced \$100 million over 4 years committed as a result of the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry). The key future direction is prevention and early intervention to prevent children and young people entering, or further entering, the child protection system. *Future Directions* initiatives include trialling family support centres in Cape York, early intervention service models, first years prevention projects for children early in their school life, responsive placement options for young people unable to live in family-based care, respite care for children in family-based care, and increased support and payments for foster and relative carers.

Trials of an increased range of responses to notifications, moving away from a forensic investigatory path, commenced to allow better responses to families through a greater emphasis on family support.

Other major policy statements related to educating children and young people in the care of the state; long-term, stable and secure caring environments; and a *Queensland Government Strategic Framework for Child Protection* and accompanying action plan.

Western Australia

In response to the Gordon Inquiry report, *The Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, the Government of Western Australia implemented its across-government *Action Plan for Addressing Family Violence and Child Abuse in Aboriginal Communities*. An essential principle in the implementation of this plan has been the honouring of the government's Statement of Commitment with ATSIC in planning and implementing the resources stemming from the government's action plan. The action plan was for \$75 million of new initiatives over 4 years that included additional resources to child protection, community policing, family strengthening and community capacity building.

Three new Leaving and Aftercare services were funded for young people aged 14 to 25 years who are in care or who have recently left care and are moving to independent living as part of the government's response to the State Homelessness Strategy. Specifications for a new Tertiary Family Preservation Service for Indigenous families and a Professional Foster Care Service for children who display extremely high risk or difficult behaviours and for large sibling groups were developed and the tendering process commenced. Work commenced on a Memorandum of Understanding between the Departments for Community Development, Education and Training and Health and the Disability Services Commission to support children who are wards or at risk of becoming wards, and required medical technology to maintain respiratory function.

The Children and Young People in Care Advisory Committee (CYPCAC) commenced consultation on the development of a Culturally and Linguistically Diverse Child Placement Principle.

South Australia

During 2002–03, the Robyn Layton Review of South Australia's Child Protection System was conducted. The report, *Our Best Investment – a State Plan to Protect and Advance the Interests of Children* was delivered to the state government in March 2003. Recommendations have whole-of-government application. The government's interim response to the review included the provision of additional funds to improve the capacity of prevention approaches and tertiary responses. This included:

- extending universal home visiting across the state, complemented with targeted service responses for at-risk families
- increasing the number of school counsellors in state schools
- establishing a prison-based sex offender treatment program
- increasing support payments for foster carers and increasing the funds available to ensure that young people with high and complex needs are appropriately supported.

The government's response to the Layton Review focuses on ensuring children and young people are protected from harm and families and communities are supported to safely care for children.

Implementation of the Semple Review into Alternative Care has progressed with the establishment of the Ministerial Committee on Alternative Care, and the preparation for the next round of Alternative Care contracts.

A review of the placement of Aboriginal children into non-Aboriginal care has delivered a number of recommendations for system and practice changes to improve alternative care service provision for Aboriginal children.

A concerted focus is also being placed on the recruitment, assessment and support of relative carers in order to increase the number of children who are able to remain within the care of their extended family.

Tasmania

During 2003, the Department of Health and Human Services established the Child Protection Advice and Referral Service. It receives all notifications about children at risk of abuse and neglect on a statewide basis. The move to a centralised intake service has provided greater consistency in (i) assessment of risk; (ii) Identification of cases that require investigation; (iii) training, professional development and supervision of staff; (iv) data collection; and (v) referrals to appropriate services.

The department has also developed the Tasmanian Risk Framework, a model adapted from the Victorian Risk Framework, to support professional decision making. It provides a strong evidence base for the gathering of information, analysis and judgment needed to assess the risk of abuse or neglect to children. Significant work has also been undertaken on new funding arrangements for out-of-home care that will be introduced in 2004. They include an increase in the standard reimbursement that is made to carers for their expenditure on children in their care. Progress was also made towards the introduction of *Looking After Children*. It will include the use of the *Looking After Children Electronic System* to improve the quality of reporting on outcomes for children in care.

Australian Capital Territory

In 2002-03 the number of notifications in the Australian Capital Territory was higher than in previous years due to changed arrangements for recording reports of concern about children and young people. The significant increase in 2002-03 in the number of reports received and recorded by Family Services and the number of reports going to appraisal reflects national trends.

Initiatives in 2002-03 included work towards the establishment of a Centralised Intake Service. The new unit will provide a single contact point for the public in relation to child protection matters in the Australian Capital Territory. Strategies introduced in 2002-03 to improve recording and feedback to reporters included the adoption of a revised form for recording reports, the provision of a feedback form to mandated reporters, the development and implementation of Multiple Review Report mechanisms and the development of a revised Special Appraisals policy for abuse-in-care matters.

Family Services continues to focus on the recruitment and retention of staff. In addition, the roles and responsibilities of Family Services have been developed collaboratively with the out-of-home care sector to provide greater clarity for the sector.

The new ACT Children's Plan has been subject to wide consultation and is being developed. The plan will play a significant role in guiding early intervention and support to keep children out of the child protection system.

Northern Territory

The Community Welfare (Cross Border) Amendment Act came into effect in December 2002. The Act:

- enables the transfer of children on orders or the subject of in-need-of-care proceedings between all states and internal territories of Australia and New Zealand
- enables action to apprehend children on orders who are unlawfully removed interstate, or who abscond

- modifies the requirement for social workers to visit children in care at least every 2 months so that it applies only when children are resident inside the Territory, and
- updates penalties for offences under the Community Welfare Act.

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 annually. The National Child Protection and Support Services Data Group (NCPASS) has responsibility for overseeing the national child protection data and includes representatives from each state and territory and from the AIHW.

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

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

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

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

2 Notifications, investigations and substantiations

Overview

Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by community services departments between 1 July 2002 and 30 June 2003. Only child protection matters that were notified to community services departments are included in this national collection. Notifications made to other organisations, such as the police or non-government welfare agencies, are included only if these notifications were also referred to community services departments.

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

Categories used for notifications and investigations

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

- *Investigation* – the process whereby the community services department obtains more detailed information about a child who is the subject of a notification received between 1 July 2002 and 30 June 2003, and makes an assessment about the harm or degree of harm to the child and his or her protective needs. An investigation includes the interviewing or sighting of the subject child where it is practical to do so.
 - *Finalised investigation* – a notification received between 1 July 2002 and 30 June 2003 which was investigated and the investigation was completed and an outcome recorded by 31 August 2003.
 - *Investigation not finalised* – a notification received between 1 July 2002 and 30 June 2003 which was investigated but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2003.
- *Dealt with by other means* – a notification that was responded to by means other than investigation, such as the provision of advice or referral to services.
- *Not investigated/not dealt with by other means* – includes all other notifications, such as those where no investigation or other action was possible.

The 'outcomes of finalised investigations' are classified as follows:

- *Substantiation* – where there was reasonable cause to believe that the child has been, was being or was likely to be abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was provided.
- *Carer/family issues* (New South Wales) – where it was determined that no actual harm occurred but carer/family issues were involved. This category was initially used for part of the year but was phased out during 2002–03.
- *Not substantiated* – where an investigation concluded that there was no reasonable cause to suspect prior, current or future abuse, neglect or harm to the child.

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

Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 2002–03 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.

The number of child protection notifications, investigations and substantiations in New South Wales in 2002–03 differs significantly from the numbers in previous years. This difference is a direct result of changes to the Department of Community Services client information system which were implemented to reflect amendments to legislation and associated practice changes. For this reason, New South Wales child protection data for this year is not comparable with the data for previous years published in this report.

Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 2002 and 30 June 2003 for each state and territory is shown in Table 2.1. The number of notifications ranged from 109,498 in New South Wales to 741 in Tasmania.

The proportion of notifications that were investigated ranged from 96% in Western Australia to 34% in Victoria (Table 2.1). This broad range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations. In Victoria, for example, the definition of a notification is very broad and may include family issues that are responded to without the need for a formal investigation process. In contrast, in Western Australia and Tasmania, reports to the departments are screened before being classified as a notification. Only those reports where maltreatment is indicated are classified as a notification and the majority of these are subsequently investigated.

Table 2.1: Notifications, by type of action and state and territory, 2002–03

Type of action	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT ^(b)
	Number							
Investigations finalised ^(c)	26,463	12,400	17,542	1,835	6,128	548	795	745
Investigations not finalised ^(d)	18,802	369	8,645	373	47	93	452	145
<i>Total investigations</i>	<i>45,265</i>	<i>12,769</i>	<i>26,187</i>	<i>2,208</i>	<i>6,175</i>	<i>641</i>	<i>1,247</i>	<i>890</i>
Dealt with by other means ^(e)	64,233	24,866	3,850	—	7,267	24	49	—
No investigation possible/no action ^(f)	—	—	1,031	85	—	76	828	664
Total notifications	109,498	37,635	31,068	2,293	13,442	741	2,124	1,554
	Per cent							
Investigations finalised ^(c)	24	33	56	80	46	74	37	48
Investigations not finalised ^(d)	17	1	28	16	—	13	21	9
<i>Total investigations</i>	<i>41</i>	<i>34</i>	<i>84</i>	<i>96</i>	<i>46</i>	<i>87</i>	<i>59</i>	<i>57</i>
Dealt with by other means ^(e)	59	66	12	—	54	3	2	—
No investigation possible/no action ^(f)	—	—	3	4	—	10	39	43
Total notifications	100	100	100	100	100	100	100	100

(a) The data provided relate to all notifications where the primary reported issue involved harm/injury or risk. The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

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

(c) 'Investigations finalised' are investigations that were completed and outcomes recorded by 31 August 2003.

(d) 'Investigations not finalised' are investigations that were begun but not completed by 31 August 2003.

(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) 'No investigation possible/no action' includes notifications where there were no grounds for an investigation or insufficient information was available to undertake an investigation. It may also include some cases that were referred on or where advice was given which cannot be disaggregated from cases with insufficient reason to investigate.

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, 41% of finalised investigations in Victoria and 60% in South Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 39% in Tasmania and the Australian Capital Territory to 70% in Queensland.

Table 2.2: Outcomes of finalised investigations, by state and territory, 2002–03

Outcome	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Substantiation	16,765	7,287	12,203	888	2,423	213	310	327
Carer/family issues ^(a)	628	..	..	..	..	..	..	..
Not substantiated	9,070	5,113	5,339	947	3,705	335	485	418
Total finalised investigations	26,463	12,400	17,542	1,835	6,128	548	795	745
	Per cent							
Substantiation	63	59	70	48	40	39	39	44
Carer/family issues ^(a)	2	..	..	..	..	—	..	..
Not substantiated	34	41	30	52	60	61	61	56
Total finalised investigations	100	100	100	100	100	100	100	100

(a) In New South Wales this category comprises investigations where no actual harm occurred but there were carer/family issues. This category was initially used for part of the year but was phased out during 2002–03.

Recent trends in notifications and substantiations

In Australia, the number of child protection notifications increased by over 60,000 in the last year, rising from 137,938 in 2001–02 to 198,355 in 2002–03 (Table 2.3). The number of notifications increased in all jurisdictions except Victoria, Western Australia and the Northern Territory. The number of substantiations also increased over the last 4 years from 24,732 in 1999–00 to 40,416 in 2002–03 (Table 2.4).

Table 2.3: Number of notifications, by state and territory, 1999–00 to 2002–03

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1999–00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437 ^(a)	107,134
2000–01	40,937	36,966	22,069	2,851	9,988 ^(b)	315	794	1,551	115,471
2001–02	55,208	37,976	27,592	3,045	11,203	508	801	1,605	137,938
2002–03	109,498 ^(c)	37,635	31,068	2,293 ^(d)	13,442	741	2,124 ^(e)	1,554	198,355

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

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

(c) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(d) The decline in the number of notifications for 2002–03 is associated with organisational and practice changes.

(e) In 2002–03 the number of notifications was higher than in previous years due to changed arrangements for recording reports of concern about children and young people.

Sources: AIHW 2003; Table 2.1.

Increases in the number of notifications and substantiations may be due to changes in legislation, policies and practices within jurisdictions and may not necessarily reflect real increases in the incidence of child abuse. Much of the increase in the number of notifications and substantiations in New South Wales over the last 2 years was likely to be due to the introduction of new legislation which came into effect in 2000–01. This expanded the categories of risk of harm, extended the number of professionals and agencies mandated to report, and introduced a centralised intake system. In 2002–03, a new data system was introduced which supports the policy and procedures of the department and this has affected the data provided. Similarly, the increase in notifications and substantiations in

Queensland coincided with the trial of a centralised intake system in three departmental regions which began in 2001–02.

The increase in the numbers of notifications and substantiations may also indicate an increase in the number of children who require a child protection response. This may be due to an increase in the incidence of child abuse and neglect in the community or inadequate parenting causing harm to a child. It may also indicate a better awareness of child protection concerns in the wider community and more willingness to report problems to the child protection departments.

Table 2.4: Number of substantiations, by state and territory, 1999–00 to 2002–03

Year	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT	Total
1999–00	6,477	7,359	6,919	1,169	2,085	97	233	393	24,732
2000–01	7,501	7,608	8,395	1,191	1,998	103	222	349	27,367
2001–02	8,606	7,687	10,036	1,187	2,230	158	220	349	30,473
2002–03	16,765	7,287	12,203	888	2,423	213	310	327	40,416

(a) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(b) The decrease in substantiations in 2002–03 reflects the decrease in notifications.

Sources: AIHW 2003; Table 2.2.

Substantiations and type of abuse and neglect

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

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

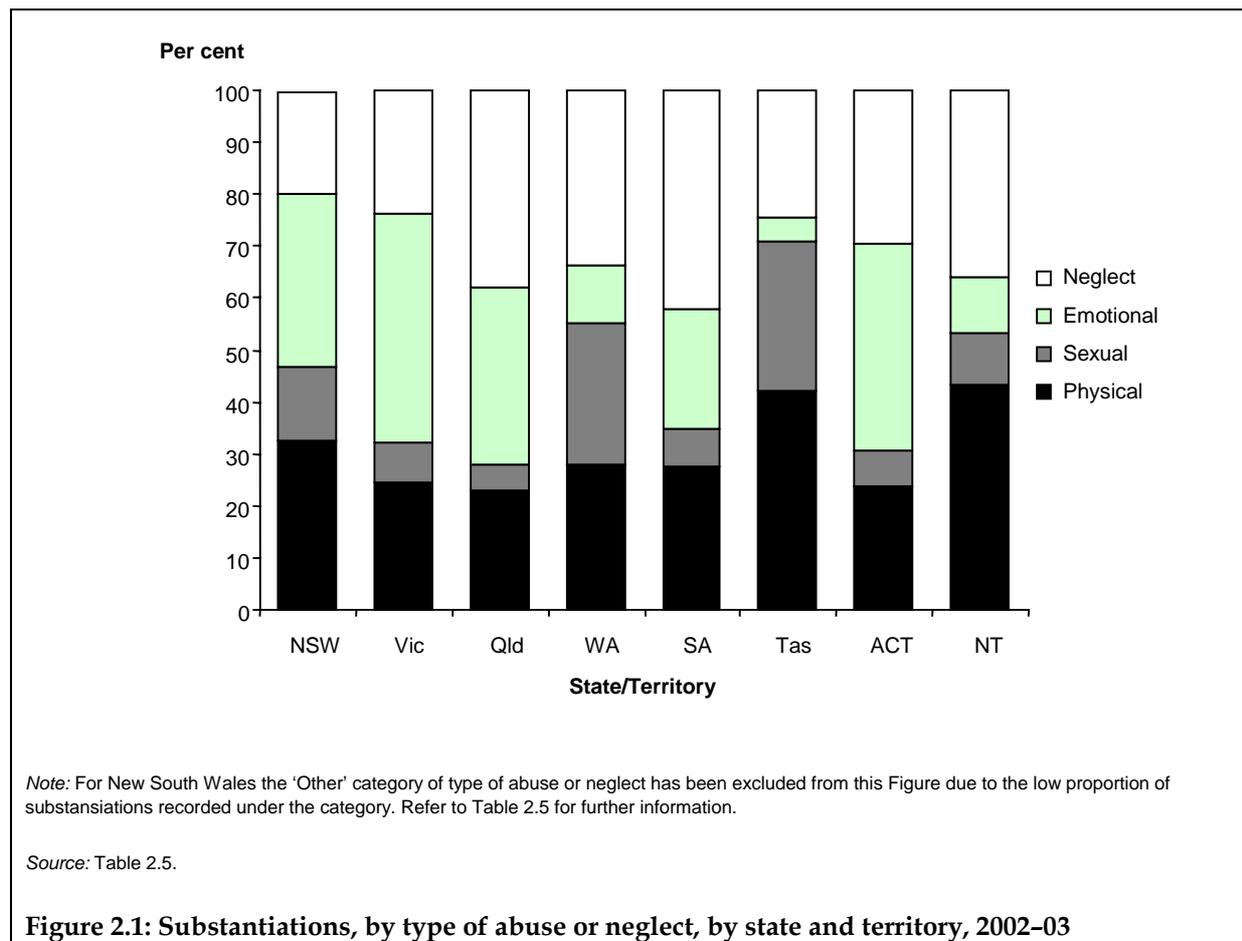


Table 2.5: Substantiations, by main type of abuse or neglect and state and territory, 2002-03

Type of abuse or neglect substantiated	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
Physical	5,435	1,787	2,806	247	667	90	74	141
Sexual	2,427	562	610	243	180	61	21	33
Emotional	5,582	3,202	4,135	98	553	10	123	35
Neglect	3,263	1,736	4,652	300	1,023	52	92	118
Other ^(a)	58	..	..	..	..	..	..	..
Total substantiations	16,765	7,287	12,203	888	2,423	213	310	327
Per cent								
Physical	32	25	23	28	28	42	24	43
Sexual	14	8	5	27	7	29	7	10
Emotional	33	44	34	11	23	5	40	11
Neglect	19	24	38	34	42	24	30	36
Other ^(a)	—	..	..	..	..	..	..	..
Total substantiations	100	100	100	100	100	100	100	100

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

These variations in the distribution of types of abuse or neglect across jurisdictions are likely to be the result of differences in what is classified as a substantiation as well as differences in the types of incidents that are substantiated. In Western Australia and Tasmania, a relatively high proportion of substantiations were classified as either 'physical abuse' or 'sexual abuse', as the child protection data from these two states include only child maltreatment cases; cases which require a family support response are dealt with and counted separately.

Victoria, on the other hand, had a relatively high proportion of substantiations that were classified as 'emotional abuse', reflecting the broader range of incidents that are included in child protection notifications and substantiations. The relatively low rate of emotional abuse in New South Wales reflects the policy of classifying many of these matters as carer/ family issues rather than as a substantiation of harm.

Characteristics of children

Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subject of a notification or substantiation. This is because some children are the subject of more than one notification and/or substantiation in any one year. For example, in 2002–03 in New South Wales there were 109,498 notifications compared with 66,503 children who were the subject of a notification, and 16,765 substantiations compared with 11,534 children who were the subject of a substantiation (Table 2.6).

These data indicate that a number of children across Australia were the subject of more than one substantiation during 2002–03. It is not possible to calculate the exact proportion of children who were the subject of more than one notification or substantiation, however, as some children may be the subject of more than two notifications or substantiations in the year.

Table 2.6: Number of notifications and substantiations and number of children who were the subject of a notification and/or substantiation, by state and territory, 2002–03

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children in notifications	66,503	28,421	22,027	2,152	9,288	540	1,512	1,340
Total notifications	109,498	37,635	31,068	2,293	13,442	741	2,124	1,554
Children in substantiations	11,534	6,846	9,032	847	1,908	208	266	312
Total substantiations	16,765	7,287	12,203	888	2,423	213	310	327

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

Sex and age

In all jurisdictions, except the Australian Capital Territory, girls were more likely to be the subject of a substantiation of sexual abuse (Table A1.1). There were about three times as many girls as boys who were the subject of a substantiation of sexual abuse. This is consistent with victimisation studies of sexual assault (Cook, David & Grant 2001; Carmody & Carrington 2000). On the other hand, boys were more likely to be the subject of a substantiation of physical abuse, again except in the Australian Capital Territory (caution should be taken with the Australian Capital Territory figures due to the small numbers of children involved).

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

Rates of children in substantiations

There were significant differences between states and territories in the rates of children who were the subject of a child protection substantiation. In 2002–03, Queensland and New South Wales had the highest rates of children who were the subject of a substantiation: 10.1 per 1,000 children in Queensland and 7.5 per 1,000 in New South Wales (Table 2.7). The rates of children who were the subject of a substantiation were lowest in Western Australia and Tasmania: 1.9 and 1.8 per 1,000 respectively.

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

Table 2.7: Rates of children aged 0–16 years who were the subject of a substantiation, per 1,000 children, by state and territory, 1996–97 to 2002–03

Year	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT
1996–97	n.a. ^(b)	6.2	4.2 ^(c)	2.1	6.2	1.9	4.1	4.4
1997–98	5.0	5.9	5.1	2.4	4.7	1.1	4.7	5.6
1998–99	4.5	6.3	5.1	2.5	5.2	1.1	5.2	n.a. ^(d)
1999–00	3.9	6.3	5.6	2.3	5.1	0.7	2.6	6.2
2000–01	4.4	6.6	7.4	2.5	5.0	0.9	2.8	5.8
2001–02	4.8	6.5	8.3	2.4	5.3	1.4	2.7	5.8
2002–03	7.5 ^(e)	6.3	10.1	1.9 ^(f)	5.8	1.8	3.6	3.9

(a) The decrease in substantiations between 2001–02 and 2002–03 would partly be due to the decrease in notifications. It is also due to a more rigorous application of the Department's standards for substantiation.

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

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

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

(e) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(f) The decline in the number of notifications for 2002–03 is associated with organisational and practice changes..

Sources: AIHW 2003; Table 2.9.

Trends in rates of children in substantiations

The trends in rates of children in substantiations also varied across jurisdictions. In the period 1996–97 to 2002–03, in almost all the jurisdictions the rates of children in substantiations have fluctuated. A steady increase in rates has occurred only in Queensland where the rates increased from 4.2 to 10.1 per 1,000 (Table 2.7). Some of this increase could be due to a number of factors including a greater community willingness to report cases of suspected abuse.

Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In all jurisdictions, children aged under 1 year were the most likely to be the subject of a substantiation and children aged 15–16 years the least likely (Table 2.8). In Victoria, for instance, the rate for children aged under 1 year was 15.5 per 1,000 compared with 3.6 per 1,000 for young people aged 15–16 years.

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

Table 2.8: Children aged 0–16 years in substantiations: rates per 1,000 children, by age and state and territory, 2002–03

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
< 1 year	15.1	15.5	18.7	5.5	10.0	4.4	8.7	12.3
1–4 years	7.7	6.9	11.4	1.8	6.3	1.7	4.5	8.4
5–9 years	7.2	5.9	10.5	1.8	6.7	1.7	3.4	4.5
10–14 years	7.4	5.6	9.5	1.7	5.1	1.2	2.9	4.1
15–16 years	4.5	3.6	4.2	0.9	2.2	0.7	2.0	1.3

Notes

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

Aboriginal and Torres Strait Islander children

Rates of children in substantiations

Aboriginal and Torres Strait Islander children are more likely to be the subject of a substantiation than other Australian children. In 2002–03 in all jurisdictions, the substantiation rate for Indigenous children was higher than the rate for other children (Table 2.9). The rate ratio provides a summary measure of the rate of Indigenous children who were the subject of a substantiation compared with the rate for other children. In Victoria, for example, the rate of Indigenous children who were the subject of a substantiation was nearly ten times higher than the rate for other children, whereas in Queensland the rate was nearly two times higher.

Table 2.9: Children aged 0–16 years who were the subjects of substantiations: number and rates per 1,000 children, by Indigenous status and state and territory, 2002–03

State/territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	1,910	9,524	11,434	32.0	6.5	7.5	4.9:1
Victoria	667	6,177	6,844	55.6	5.7	6.3	9.7:1
Queensland	881	8,104	8,985	15.9	9.7	10.1	1.6:1
Western Australia	275	571	846	9.7	1.3	1.9	7.2:1
South Australia	351	1,545	1,896	32.2	4.8	5.8	6.6:1
Tasmania	19	186	205	2.5	1.8	1.8	1.4:1
Australian Capital Territory	33	230	263	19.7	6.8	7.4	2.9:1
Northern Territory	198	113	311	8.7	1.6	3.3	5.5:1

Notes

1. Due to the small numbers involved, children aged 17 years were not included in this table.
2. The Indigenous rates for 2003 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years.

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

- the legacy of past policies of the forced removal of Aboriginal children from their families
- intergenerational effects of previous separations from family and culture
- poor socioeconomic status
- cultural differences in child-rearing practices.

Types of abuse and neglect

The pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children differs from the pattern for other children. Indigenous children were much more likely to be the subject of a substantiation of neglect than other children. For example, in Western Australia, 50% of Indigenous children in substantiations were the subject of a substantiation of neglect, compared with 28% of other children. In Tasmania, the corresponding percentages were 47% and 21% respectively (Table 2.10). This difference is attributed to the quality of the data collected on Indigenous status in that there are a significant proportion of unsubstantiated cases where the Indigenous status was unknown. Because many of these cases were then included in the category 'other', the proportion of Indigenous children who were the subject of a substantiation increased accordingly. Consequently the differences in the pattern of substantiated abuse and neglect for Indigenous children and other children in Tasmania should be interpreted with care.

Table 2.10: Children who were the subject of a substantiation: type of abuse or neglect, by Indigenous status and state and territory, 2002-03 (per cent)

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
Physical abuse	32	18	26	24	28	53	18	39
Sexual abuse	9	6	5	15	5	0	3	11
Emotional abuse	33	44	25	11	25	0	48	10
Neglect	25	32	44	50	42	47	30	39
Other ^(a)	—	..	..	..	..	..	..	..
Total	100	100	100	100	100	100	100	100
Other children								
Physical abuse	32	26	24	29	32	41	31	50
Sexual abuse	18	8	6	34	10	31	6	5
Emotional abuse	32	44	32	10	23	7	39	26
Neglect	17	22	37	28	34	21	25	19
Other ^(a)	—	..	..	..	..	..	..	..
Total	100	100	100	100	100	100	100	100

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

Notes

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

Additional data on notifications and substantiations

Source of notifications

Child protection notifications made to community services departments come from a range of different sources. Data on the sources of notifications for finalised investigations show that the most common sources of those notifications in 2002-03 were school personnel, police and parents or guardians (Table 2.11). In South Australia, for instance, school personnel were the source of the notifications for 18% of finalised investigations, police were the source of 18% and parents/guardians were the source of 10%.

Table 2.11: Finalised investigations, by source of notification and state and territory, 2002-03 (per cent)

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	1	—	3	3	2	1	—	—
Parent/guardian	8	8	17	11	10	9	13	5
Sibling	—	1	—	—	—	—	—	1
Other relative	6	7	12	8	9	6	6	13
Friend/neighbour	5	6	13	5	10	7	7	9
Medical practitioner	2	3	2	2	3	1	2	6
Other health personnel	7	5	—	1	2	5	3	1
Hospital/health centre	10	5	5	16	6	5	9	12
Social worker	—	3	5	—	5	3	2	5
School personnel	17	17	13	14	18	20	11	10
Childcare personnel	—	1	1	1	—	—	—	2
Police	27	21	14	17	18	19	16	18
Departmental officer	2	6	3	12	5	9	6	5
Non-government organisation	7	13	4	3	—	6	14	7
Anonymous	—	—	2	1	3	—	3	2
Other	7	2	6	6	8	7	8	4
Total	100	100	100	100	100	100	100	100

Notes

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

Family type

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

Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed one-parent families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families. For example, in Victoria, 44% of substantiations involved children from female one-parent families, 6% involved children living in male one-parent families, 7% involved children from two-parent step or blended families, and 32% involved children from two-parent intact families (Table 2.12). In comparison, in 1997, 16% of all Australian children lived in female one-parent families, 2% lived in male-headed one-parent families, 8% lived in two-parent step or blended families and 74% lived in two-parent intact families (ABS 1997).

Children of female sole parents accounted for a relatively high proportion of children in substantiations. However, the children of male sole parents are also over-represented in relation to their frequency in the general population. This becomes evident when these data are translated into rates of substantiations in relation to the size of the population group. For example, in Victoria the rate of substantiations for children in female sole-parent families was 19.2 per 1,000, and the rate for children in male-headed one-parent families was 17.2 per 1,000 (Table 2.12; ABS 1997).

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

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

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

Table 2.12: Substantiations, by type of family in which the child was residing, 2002-03

Family type	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
				Number				
Two parent—intact	n.a.	2,080	3,085	282	597	69	64	124
Two parent—step or blended	n.a.	480	2,504	172	497	29	36	42
Single parent—female	n.a.	2,840	5,137	299	1,061	83	108	129
Single parent—male	n.a.	367	683	32	129	18	15	7
Other relatives/kin	n.a.	377	181	64	78	4	6	13
Foster	n.a.	66	—	20	6	4	2	1
Other	n.a.	257	591	16	28	6	2	4
Not stated	n.a.	820	22	3	27	—	77	7
Total	16,765	7,287	12,203	888	2,423	213	310	327
				Per cent				
Two parent—intact	n.a.	32	25	32	25	32	27	39
Two parent—step or blended	n.a.	7	21	19	21	14	15	13
Single parent—female	n.a.	44	42	34	44	39	46	40
Single parent—male	n.a.	6	6	4	5	8	6	2
Other relatives/kin	n.a.	6	1	7	3	2	3	4
Foster	n.a.	1	—	2	—	2	1	—
Other	n.a.	4	5	2	1	3	1	1
Total	n.a.	100	100	100	100	100	100	100

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

Notes

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

3 Care and protection orders

Overview

Children who are in need of care and protection

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

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

Only a small proportion of children who are the subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 2002–03, and who were placed on a care and protection order within 12 months, ranged from 14% in South Australia to 71% in Tasmania (Table A1.5). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each state and territory (see below).

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

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

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

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

The Children's Court

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

Types of care and protection orders

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

1. Guardianship or custody orders/administrative arrangements

Guardianship orders involve the transfer of legal guardianship to an authorised department or to an individual. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are applied only as a last resort. Guardianship orders convey to the guardian responsibility for the welfare of the child (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

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

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

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

2. Supervisory orders

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

guardianship or custody of the child is not affected. They are therefore less interventionist than guardianship or custody orders.

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

3. Interim and temporary orders

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

Scope of the data collection

The data collection includes data for the 2002–03 financial year on children admitted to and discharged from care and protection orders, orders issued during 2002–03, as well as data on the characteristics of children on orders at 30 June 2003. Children are counted only once, even if they were admitted to or discharged from more than one order or they were on more than one order at 30 June 2003. If a child was on more than one order at 30 June 2003, then the child is counted as being on the order that implies the highest level of intervention by the department (with guardianship or custody orders being the most interventionist, and interim and temporary orders the least).

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

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

State and territory differences

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

- Western Australia does not have any orders that fit the category of 'supervisory orders'. Western Australian data on care applications that have not yet progressed to full care and protection orders have been included in the category 'interim and temporary orders'.
- New South Wales has court orders that would fit into the category of 'supervisory orders', but was not able to provide data on these orders.
- Orders that grant permanent guardianship and custody of a child to a third party are issued only in some jurisdictions. In Victoria, the Permanent Care Order was introduced in 1996–97 and is included in this data collection in the category 'guardianship and

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

Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2002–03 as well as data on the characteristics of children who were on care and protection orders at 30 June 2003. The differences between states and territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

Admissions, discharges and orders issued

Children admitted to orders

There were 9,571 children admitted to care and protection orders and arrangements across Australia during 2002–03, only 17 more than in 2001–02 (Table 3.1, AIHW 2003). As noted earlier, a child may be admitted to a care and protection order for a range of reasons – for example, where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

Table 3.1: Children admitted to and discharged from care and protection orders, by state and territory, 2002–03

	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT ^(c)	Total
Children admitted to orders	2,989	2,605	2,081	437	572	437	149	301	9,571
Children admitted for the first time	1,935	1,417	1,287	429	418	242	94	n.a.	5,822
% of all admissions	65	54	62	98	73	55	63	n.a.	61
Children discharged from orders	2,274	2,046	1,375	218	670	209	102	214	7,108

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

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

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

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

Some of the children admitted to orders in 2002–03 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the information was available, the proportion of children admitted to orders who were admitted for the first time ranged from 54% in Victoria to 98% in Western Australia.

Data on the age of children admitted to orders show that 42% of children admitted to orders in 2002–03 were aged under 5 years, with 14% aged less than 1 year (Table 3.2). A further 28% of children admitted to orders were aged 5–9 years, 25% were aged 10–14 years and 6% were aged 15–17 years. The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged (Table 3.7).

Table 3.2: Children admitted to care and protection orders, by age and state and territory, 2002–03

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
< 1	414	358	289	91	64	31	6	42	1,295
1–4	753	776	616	136	157	134	42	104	2,718
5–9	781	690	632	117	183	145	33	68	2,649
10–14	839	616	455	79	142	100	56	77	2,364
15–17	195	165	89	14	26	27	12	10	538
Unknown	7	—	—	—	—	—	—	—	7
Total	2,989	2,605	2,081	437	572	437	149	301	9,571
Per Cent									
<1	14	14	14	21	11	7	4	14	14
1–4	25	30	30	31	27	31	28	35	28
5–9	26	26	30	27	32	33	22	23	28
10–14	28	24	22	18	25	23	38	26	25
15–17	7	6	4	3	5	6	8	3	6
Total	100	100	100	100	100	100	100	100	100

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

Children discharged from orders

There were fewer children discharged from care and protection orders in 2002–03 than admitted to these orders. There were 7,108 children discharged from orders compared with 9,571 children admitted to orders (Table 3.1).

A significant proportion of the children discharged from orders had been on an order for 4 years or more. In Western Australia for example, over one-third of children discharged (37%) had been on an order for 4 years or more (Table 3.3).

Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected states and territories^(a), 2002–03

State/territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	< 1	1 to < 3	3 to < 6	6 to < 12	1 to < 2	2 to < 4	4 to < 8	8 or more	
	Number								
New South Wales ^(b)	873	271	239	199	231	223	126	112	2,274
Victoria	2	270	382	656	357	228	93	58	2,046
Queensland	357	204	91	84	201	208	95	135	1,375
Western Australia	—	6	12	37	37	46	43	37	218
South Australia	306	10	14	247	2	8	24	59	670
Australian Capital Territory	65	7	8	9	4	4	5	—	102
Northern Territory	117	33	12	11	17	18	6	—	214
Total ^(a)	1,720	801	758	1,243	849	735	392	401	6,899
	Per cent								
New South Wales ^(b)	38	12	11	9	10	10	6	5	100
Victoria	0	13	19	32	17	11	5	3	100
Queensland	26	15	7	6	15	15	7	10	100
Western Australia	0	3	6	17	17	21	20	17	100
South Australia	46	1	2	37	—	1	4	9	100
Australian Capital Territory	64	7	8	9	4	4	5	—	100
Northern Territory	55	15	6	5	8	8	3	—	100
Total ^(a)	25	12	11	18	12	11	6	6	100

(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 2002–03 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 2002–03 was 15,290 (Table 3.4).

The types of care and protection orders issued varied across jurisdictions, reflecting both the different types of orders available and the different policies and practices. In New South Wales and Queensland, the majority of orders issued were guardianship or custody orders; in South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, there were more interim and temporary orders issued than other types of orders. In Western Australia, interim orders actually refer to care applications, which will most likely become a guardianship/custody order. Therefore, the number of applications each year is greater than the number of applications granted, due to the time delay between the initial application and the subsequent court hearing, and also the small number of cases where the department withdraws the application before the order is granted.

The ratio of children admitted to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the states and territories. In Victoria there was 1 child admitted to 1.2 orders issued, and in Tasmania there was 1 child admitted to 3.3 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is because this state has a range of shorter term orders which include assessment orders, examination orders, interim assessment orders on adjournment, interim care and protection order and requirements for assessment.

Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by state and territory, 2002–03

Type of order	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT	Total
Number									
Guardianship or custody orders/arrangements	2,100	1,110	1,904	232	478	619	70	161	6,674
Supervisory orders	n.a.	1,254	174	..	..	46	5	8	3,017
Interim and temporary orders	1,530	765	1,605	310	1,252	766	208	466	5,372
Other/not specified	227	—	—	—	—	—	—	—	227
Total	3,857	3,129	3,683	542	1,730	1,431	283	635	15,290
Per cent									
Guardianship or custody orders/arrangements	54	35	52	b.a.	28	43	25	25	44
Supervisory orders	n.a.	40	5	n.a.	..	3	2	1	20
Interim and temporary orders	40	24	44	57	72	54	73	73	35
Other/not specified	6	—	—	n.a.	—	—	—	—	1
Total	100	100	100	100	100	100	100	100	100
Ratio of children admitted to orders issued	1.3	1.2	1.8	n.a.	3.0	3.3	1.9	2.1	1.6

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

(b) In Western Australia, the application for a care and protection order to be issued for a child is counted as an interim order for national reporting purposes, but there is, in fact, no order issued during this stage. It is thus not relevant to compare the number of orders by a percentage basis or the ratio of orders issued per child.

Trends in the number of children on orders

At 30 June 2003 there were 22,130 children on care and protection orders in Australia (Table 3.5). Between 30 June 2002 and 30 June 2003 the number of children on orders increased by 1,573 (8%). There were increases in the number of children on orders in all jurisdictions.

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 41% from 15,718 in 1997 to 22,130 in 2003. Over this 7-year period there were increases in the number of children on care and protection orders in all jurisdictions.

Table 3.5: Trends in the number of children on care and protection orders, by state and territory, at 30 June 1997 to 30 June 2003

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 ^(a)	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 ^(b)	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,320	1,260	453	219	205	19,917
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557
2003	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130

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

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

Sources: AIHW 2003; Table 3.5.

Characteristics of children on care and protection orders

Types of orders

Across Australia the majority (85%) of children who were on care and protection orders at 30 June 2003 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria, for example, a relatively high proportion of children were on supervisory orders (24%), and in the Australian Capital Territory 19% were on interim or temporary orders.

Table 3.6: Children on care and protection orders: type of order, by state and territory, at 30 June 2003

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Guardianship or custody orders/arrangements	7,873	3,650	3,831	1,338	1,287	462	221	233	18,895
Supervisory orders	n.a.	1,209	135	..	..	37	13	5	1,399
Interim and temporary orders	1,061	179	141	132	91	101	54	36	1,795
Other/not stated	41	—	—	—	—	—	—	—	41
Total	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
Per cent									
Guardianship or custody orders/arrangements	88	72	93	91	93	77	77	85	85
Supervisory orders	n.a.	24	3	..	..	6	5	2	6
Interim and temporary orders	12	4	3	9	7	17	19	13	8
Other/not stated	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100

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

Age and sex

Almost one-quarter (23%) of all children on care and protection orders at 30 June 2003 were aged under 5 years, although the age profile of children on orders varied considerably by jurisdiction (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 15% in South Australia to 38% in the Northern Territory. Australia-wide, 16% of all children on orders were aged 15–17 years, although this proportion ranged from 7% in the Northern Territory to 25% in South Australia.

Just over half (51%) of all children on orders at 30 June 2003 were boys (Table A1.6). There were more boys than girls on orders in all jurisdictions except the Northern Territory.

Table 3.7: Children on care and protection orders: by age and state and territory, at 30 June 2003

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
< 1	203	142	109	40	29	27	6	10	566
1–4	1,850	1,047	767	324	185	123	51	92	4,439
5–9	2,920	1,415	1,181	460	343	169	73	77	6,638
10–14	2,724	1,526	1,330	458	482	185	118	77	6,900
15–17	1,263	907	720	188	339	95	40	18	3,570
Unknown	15	1	—	—	—	1	—	—	17
Total	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
Per cent									
< 1	2	3	3	3	2	5	2	4	3
1–4	21	21	19	22	13	21	18	34	20
5–9	33	28	29	31	25	28	25	28	30
10–14	30	30	32	31	35	31	41	28	31
15–17	14	18	18	13	25	16	14	7	16
Total	100	100	100	100	100	100	100	100	100

(a) These data exclude children on supervisory orders.

Living arrangements

At 30 June 2003, 16% of children on care and protection orders were in family care; that is, they were living either with parents or with relatives who were not reimbursed for their care (Table 3.8). Nearly three-quarters (73%) of children on orders were living in home-based out-of-home care, with 40% in foster care and 32% living with relatives and kin who were receiving a payment from the community services department. A further 5% of children were living in residential care, 2% were living independently and 4% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by state and territory (Figure 3.1). Tasmania had a relatively high proportion of children on orders in living with parents and also a relatively high proportion of children in residential care¹. Victoria also had a high proportion of

¹ A significant number of these children were placed in a family group home or a cottage operated by an approved children's home. An average of four children are accommodated in family group home or cottage and care is not rostered but provided by a live-in carer

children on orders living with parents. New South Wales had a relatively high proportion of children living with relatives and kin who were reimbursed.

Living arrangements varied considerably with the age of the child, with children aged less than 1 year most likely to be either in family care (26%) or in home-based out-of-home care (66%) (Table A1.7). A relatively high proportion of children aged 15–17 years were in residential care (12%) or living independently (8%).

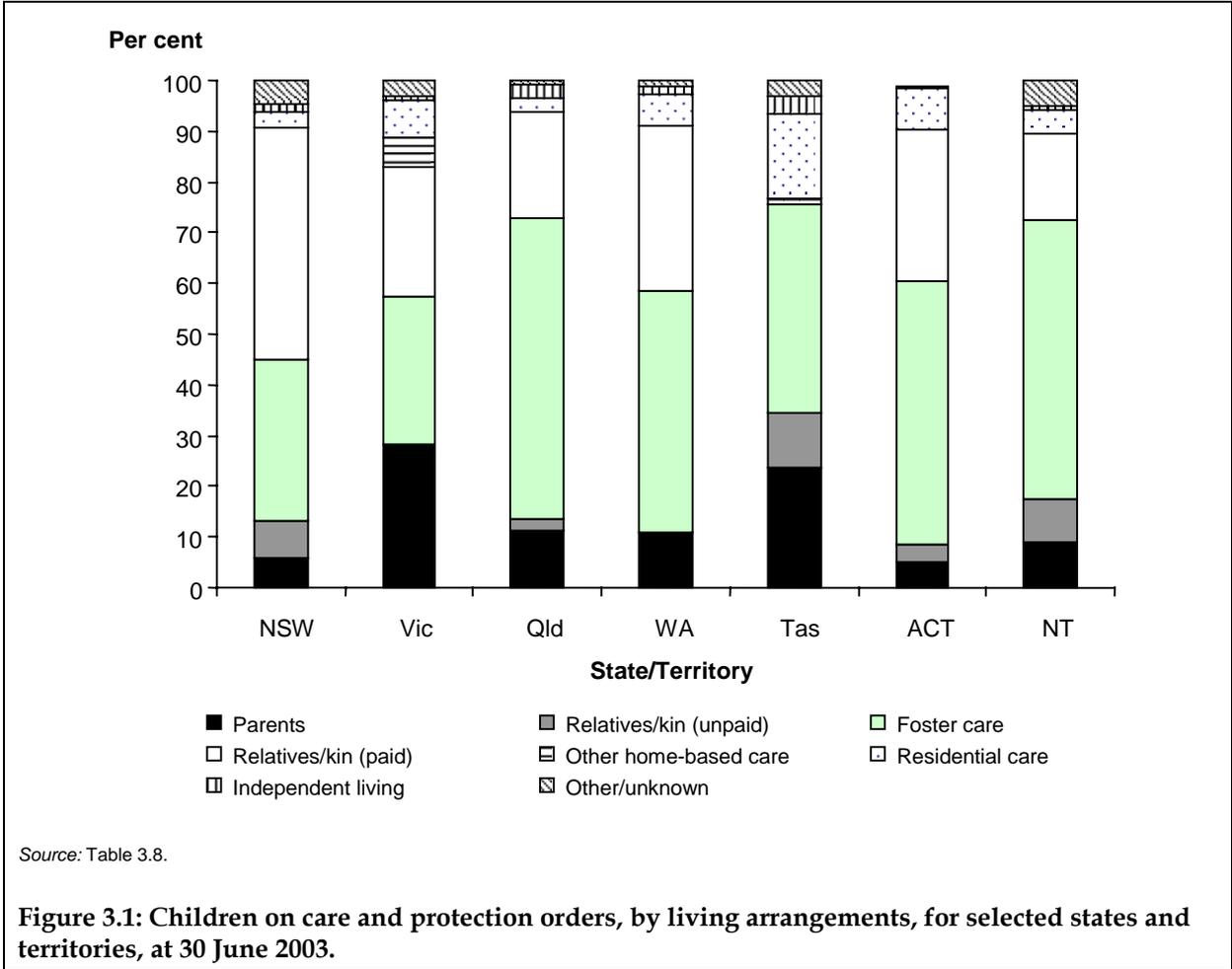


Table 3.8: Children on care and protection orders: living arrangements by state and territory, at 30 June 2003

Living arrangements	NSW ^(a)	Vic ^(b)	Qld	WA ^(b)	SA ^(c)	Tas	ACT ^(d)	NT	Total
Number									
Parents	527	1,423	465	157	n.a.	142	14	24	2,752
Relatives/kin ^(e)	644	..	100	..	n.a.	65	11	24	844
<i>Total family care</i>	<i>1,171</i>	<i>1,423</i>	<i>565</i>	<i>157</i>	<i>n.a.</i>	<i>207</i>	<i>25</i>	<i>48</i>	<i>3,596</i>
Foster care	2,853	1,470	2,430	705	846	247	149	151	8,851 ^(c)
Relatives/kin ^(f)	4,108	1,280	861	476	145	—	86	46	7,002
Other	—	303	—	—	—	7	3	—	313
<i>Total home-based care</i>	<i>6,961</i>	<i>3,053</i>	<i>3,291</i>	<i>1,181</i>	<i>991</i>	<i>254</i>	<i>238</i>	<i>197</i>	<i>16,166^(c)</i>
Residential care	301	368	110	93	40	100	24	13	1,049
Independent living ^(g)	135	37	113	24	—	21	—	2	332
Other/unknown	407	157	28	15	347	18	1	14	987
Total	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
Per cent									
Parents	6	28	11	11	n.a.	24	5	9	12
Relatives/kin ^(e)	7	..	2	..	n.a.	11	4	9	4
<i>Total family care</i>	<i>13</i>	<i>28</i>	<i>14</i>	<i>11</i>	<i>n.a.</i>	<i>35</i>	<i>9</i>	<i>18</i>	<i>16</i>
Foster care	32	29	59	48	61	41	52	55	40 ^(c)
Relatives/kin ^(f)	46	25	21	32	11	—	30	17	32
Other	—	6	—	—	—	1	1	—	1
<i>Total home-based care</i>	<i>78</i>	<i>61</i>	<i>80</i>	<i>80</i>	<i>72</i>	<i>42</i>	<i>83</i>	<i>72</i>	<i>73^(c)</i>
Residential care	3	7	3	6	3	17	8	5	5
Independent living ^(g)	2	1	3	2	—	4	—	1	2
Other/unknown	5	3	1	1	25	3	—	5	4
Total	100	100	100	100	100	100	100	100	100

(a) Data exclude children on supervisory orders.

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

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

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

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

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

(g) This category includes private board.

Rates of children on care and protection orders

There were 4.6 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2003. The rate of children on care and protection orders varied across the states and territories, ranging from 3.0 per 1,000 in Western Australia to 5.6 per 1,000 in New South Wales (Table 3.9). Some of the variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by state and territory, 30 June 1997 to 30 June 2003

At 30 June	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	3.3
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
1999	4.4	3.8	4.0	2.1 ^(b)	2.9	3.6	3.0	3.0	3.8
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
2001	5.1	4.2	3.9	2.7	3.6	3.8	2.8	3.4	4.2
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	4.3
2003	5.6	4.3	4.3	3.0	3.9	5.1	3.7	4.6	4.6

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

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

Sources: AIHW 2003.

Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2003, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.6 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions. The increase in rates between 30 June 1997 and 30 June 2003 was particularly large in New South Wales, where rates increased from 3.7 to 5.6 per 1,000, and the Northern Territory, where rates increased from 1.9 to 4.6 per 1,000.

Aboriginal and Torres Strait Islander children

Number and rates

There were 4,803 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2003 (Table 3.10). Across Australia there were 23.1 Aboriginal and Torres Strait Islander children per 1,000 children aged 0–17 years on care and protection orders. The rate of Indigenous children on orders was 6.1 times higher than the rate for other Australian children.

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions. It was highest in Victoria (42.7 per 1,000) and lowest in Tasmania and the Northern Territory (7.3 per 1,000). In all jurisdictions the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was nearly 11 times the rate for other children and in New South Wales, Western Australia and the Australian Capital Territory it was over 8 times the rate for other children. In the Northern Territory, the rate was nearly 3 times higher.

Table 3.10: Children on care and protection orders: number and rate per 1,000 children aged 0–17 years by Indigenous status and state and territory, at 30 June 2003

State/territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales ^(a)	2,265	6,710	8,975	36.4	4.3	5.6	8.4:1
Victoria	534	4,504	5,038	42.7	3.9	4.3	10.9:1
Queensland	953	3,154	4,107	16.4	3.6	4.3	4.6:1
Western Australia ^(b)	509	961	1,470	17.1	2.0	3.0	8.4:1
South Australia	261	1,117	1,378	22.8	3.5	3.9	6.5:1
Tasmania	59	541	600	7.3	4.9	5.1	1.5:1
Australian Capital Territory	48	240	288	27.4	3.1	3.7	8.7:1
Northern Territory	174	100	274	7.3	2.8	4.6	2.6:1
Australia	4,803	17,327	22,130	23.1	3.8	4.6	6.1:1

(a) These data exclude children on supervisory orders.

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

Notes

1. The Indigenous rates for 2003 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years.
2. For details on coding of Indigenous status, see Appendix 2.

Types of orders

Most (87%) Indigenous children were on guardianship and custody orders or arrangements, with 3% on supervisory orders and 10% on interim or temporary orders (Table 3.11); 85% of other Australian children were on guardianship and custody orders, 7% were on supervisory orders and 8% on interim or temporary orders.

Table 3.11: Children on care and protection orders: type of order, by Indigenous status and state and territory, at 30 June 2003

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Indigenous children									
	Number								
Guardianship or custody orders/arrangements	1,958	388	888	459	226	46	39	155	4,159
Supervisory orders	n.a.	119	24	..	..	6	—	4	153
Interim and temporary orders	292	27	41	50	35	7	9	15	476
Other/not stated	15	—	—	—	—	—	—	—	15
Total	2,265	534	953	509	261	59	48	174	4,803
	Per cent								
Guardianship or custody orders/arrangements	86	73	93	90	87	78	81	89	87
Supervisory orders	n.a.	22	3	..	..	10	—	2	3
Interim and temporary orders	13	5	4	10	13	12	19	9	10
Other/not stated	1	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100
Other children									
	Number								
Guardianship or custody orders/arrangements	5,915	3,262	2,943	879	1,061	416	182	78	14,736
Supervisory orders	n.a.	1,090	111	..	..	31	13	1	1,246
Interim and temporary orders	769	152	100	82	56	94	45	21	1,319
Other/not stated	26	—	—	—	—	—	—	—	26
Total	6,710	4,504	3,154	961	1,117	541	240	100	17,327
	Per cent								
Guardianship or custody orders/arrangements	88	72	93	91	95	77	76	78	85
Supervisory orders	n.a.	24	4	..	..	6	5	1	7
Interim and temporary orders	11	3	3	9	5	17	19	21	8
Other/not stated	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100

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

Note: For Indigenous coding, refer to Appendix 2.

4 Out-of-home care

Overview

Children who are placed in out-of-home care

Out-of-home care is one of a range of services provided to children who are in need of care and protection. This service provides alternative accommodation to children and young people who are unable to live with their parents. These arrangements include foster care, placements with relatives or kin, and residential care. In most cases, children in out-of-home care are also on a care and protection order of some kind.

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

The current emphasis in policy and practice is to keep children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunite children with their families. There are a range of intensive family support programs across jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. In 2002–03, there were some 57 intensive family support programs operating across Australia – 2 in New South Wales, 36 in Victoria, 4 in Queensland, 3 in Western Australia, 9 in South Australia, 1 in Tasmania and 2 in the Australian Capital Territory.

In Australia, most children who are placed in out-of-home care are eventually reunited with their families (Forwood & Carver 1999:740). If it is necessary to remove a child from his or her family, then placement within the wider family or community is preferred. This is particularly the case with Aboriginal and Torres Strait Islander children in order to be consistent with the Aboriginal Child Placement Principle (see pp 47-48).

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. Children may also be placed in respite care while being placed with a foster carer.

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

Out-of-home care and court orders

Children can be placed in out-of-home care voluntarily or through some type of court order. Such orders include care and protection orders, including formal administrative

arrangements, and other legal orders such as juvenile justice orders (see Chapter 3). There is considerable variety between the jurisdictions:

- In the Northern Territory, all children in out-of-home care were on a court order or some other form of legal authority.
- In New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory, children in out-of-home care can be placed on a range of different orders or authorities. (For example, in South Australia, children needing emergency or respite care are often 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 children living with parents where the jurisdiction makes a financial payment.

Types of placements

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

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

State and territory differences

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

Data and analysis

There are some data in this section on children admitted to out-of-home care during 2002–03 but most of these data relate to children who were in out-of-home care for the night of 30 June 2003. Australian totals have been provided where possible, although some states and territories were not able to provide data for all tables.

Admissions and discharges

In 2002–03 there were 12,819 children admitted to out-of-home care in Australia, 21 less than in 2001–02 (Table 4.1; AIHW 2003). The number of children admitted to out-of-home care was lower than in 2001–02 in all jurisdictions except Queensland and the Australian Capital Territory.

Table 4.1: Children admitted to out-of-home care during 2002–03, by age group, Australia

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
< 1	501	386	277	141	124	9	15	32	1,485
1–4	1,106	874	533	203	293	73	87	74	3,243
5–9	1,153	1,051	616	189	385	104	90	41	3,629
10–14	1,073	1,003	535	203	457	74	77	65	3,487
15–17	148	394	148	45	167	26	22	9	959
Unknown	7	—	—	—	—	—	9	—	16
Total	3,988	3,708	2,109	781	1,426	286	300	221	12,819
Per cent									
< 1	13	10	13	18	9	3	5	14	12
1–4	28	24	25	26	21	26	30	33	25
5–9	29	28	29	24	27	36	31	19	28
10–14	27	27	25	26	32	26	26	29	27
15–17	4	11	7	6	12	9	8	4	7
Total	100	100	100	100	100	100	100	100	100

Note: The table includes all children admitted to out-of-home care for the first time, as well as those children returning to care who had exited care more than 2 months previously. Children admitted to out-of-home care more than once during the year were only counted once.

Over one-third (37%) of the children admitted to out-of-home care were aged under 5 years, with 12% aged under 1 year. Children aged 15–17 years represented only 7% of all admissions in 2002–03.

Overall, there were fewer children discharged from care than those admitted. Across Australia there were 9,077 children discharged from out-of-home care in 2002–03 (Table 4.2). As would be expected, the age distribution of children discharged from care was considerably older than that of children admitted to out-of-home care. For example, 19% of those discharged from care were aged 15–17 years compared with 7% of those admitted to out-of-home care.

Table 4.2: Number of children discharged from out-of-home care by age group, 2002-03

Age (years)	NSW ^(a)	Vic ^(b)	Qld	WA	SA	Tas	ACT	NT	Total
Number									
<1	113	248	124	42	94	7	16	16	660
1-4	352	830	216	141	302	29	67	45	1,982
5-9	343	1,011	249	131	363	43	75	20	2,235
10-14	404	897	316	163	470	42	67	40	2,399
15-17	418	659	214	141	280	53	19	8	1,748
Unknown	—	—	—	—	—	—	9	—	53
Total	1,630	3,645	1,119	618	1,509	174	253	129	9,077
Per cent									
<1	7	7	11	7	6	4	7	12	7
1-4	22	23	19	23	20	17	27	35	22
5-9	21	28	22	21	24	25	31	16	25
10-14	25	25	28	26	31	24	27	31	27
15-17	26	18	19	23	19	30	8	6	19
Total	100	100	100	100	100	100	100	100	100

(a) The data are estimated figures. Persons aged 18 years are included in the 15-17 age group.

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

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

Trends in numbers in out-of-home care

At 30 June 2003 there were 20,297 children in out-of-home care in Australia (Table 4.3). This compares with 18,880 children who were in out-of-home care at 30 June 2002, an increase of 8%. The number of children in out-of-home care at 30 June 2003 was higher than at 30 June 2002 in all jurisdictions except Tasmania. This is because the data for Tasmania no longer includes a significant number of children who live with relatives because of an informal arrangement made with their parents. These children are not the subject of a care and protection orders and out of home care services did not arrange their placement with relatives.

The number of children in out-of-home care in Australia at 30 June has increased each year since 1996 when there were 13,979 children in out-of-home care (Table 4.3). Between 1996 and 2003 the number of children in out-of-home care in Australia increased by 45%. There was an increase in numbers in all jurisdictions over this period with the exception of Tasmania. Again, this is because the data for Tasmania no longer includes a significant number of children who live with relatives because of an informal arrangement made with their parents. Taking these children into account, Tasmania also experienced an increase in the number of children in out of home care.

Table 4.3: Number of children aged 0–17 years in out-of-home care, by state and territory, 30 June 1996 to 30 June 2003

At 30 June	NSW	Vic	Qld ^(a)	WA	SA	Tas ^(b)	ACT	NT	Total
1996	5,437	3,385	2,110	1,206	1,064	508	181	88	13,979
1997	5,486	3,393	2,211	1,050	1,193	461	173	111	14,078
1998	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
1999	6,359	3,581	2,613	1,192	1,045	533	174	177	15,674
2000	7,041	3,867	2,634	1,326	1,131	548	200	176	16,923
2001	7,786	3,882	3,011	1,436	1,175	572	215	164	18,241
2002	8,084	3,918	3,257	1,494	1,196	544	224	163	18,880
2003	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297

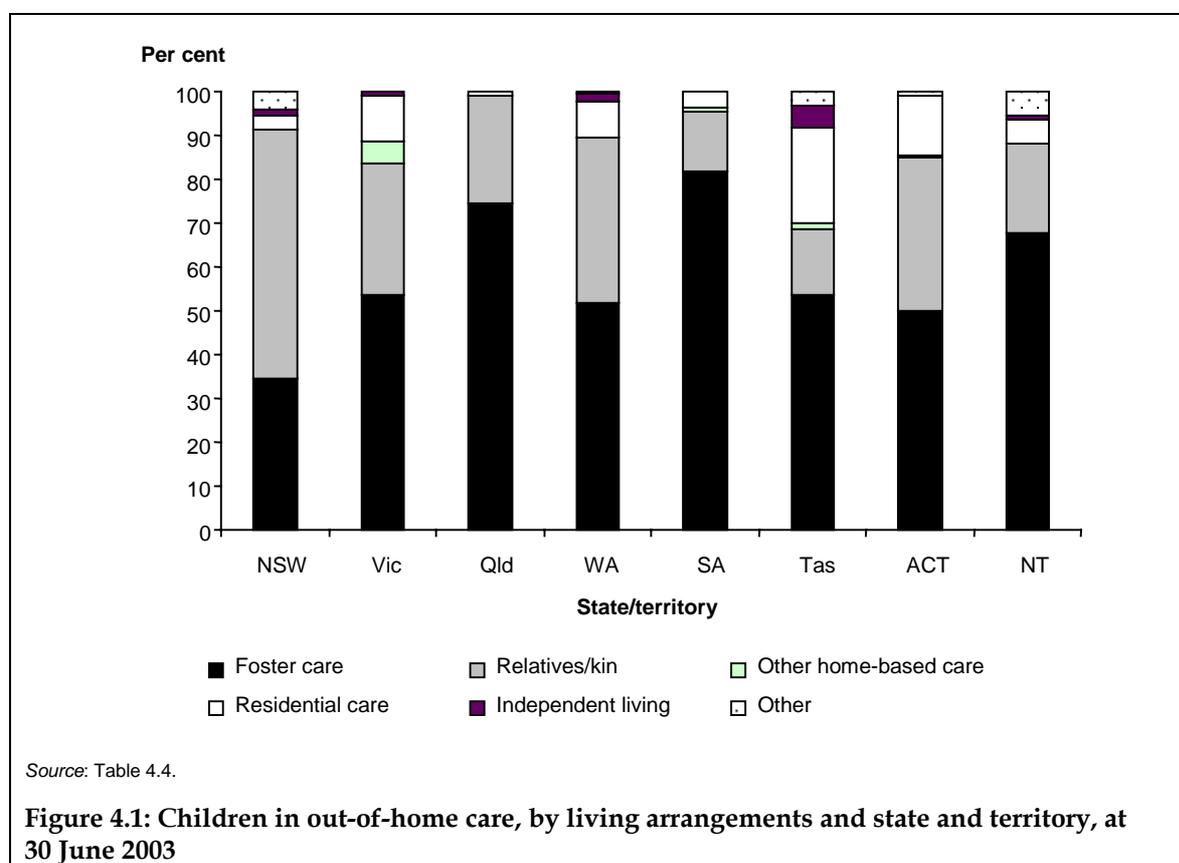
(a) The 1996 data for Queensland include only those children in out-of-home care who were on a care and protection order. The data for the years 1997 to 2000 include only those children who were on a care and protection order or remanded in temporary custody. From 2001, the data include all children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

(b) The number of children in out-of-home care in Tasmania for 2003 should not be compared with previous years, as a group of children who did not meet the definition of out-of-home care were excluded from this year's collection. These children are not the subject of a care and protection orders and out of home care services did not arrange their placement with relatives.

Sources: AIHW 2003; Table 4.4.

Characteristics of children in out-of-home care

Most children (92%) in out-of-home care at 30 June 2003 were in home-based care (Table 4.4). Only 5% were placed in residential care and 1% in independent living. Of those in home-based care, 51% were in foster care, 40% in relative/kinship care and 1% in some other type of home-based care (Table 4.4). The high proportion of children in home-based care reflects the trends in recent decades of increased use of placements with relatives and kin or foster carers, and decreased use of placements in residential care (Johnstone 2001).



Source: Table 4.4.

Figure 4.1: Children in out-of-home care, by living arrangements and state and territory, at 30 June 2003

The proportion of children in out-of-home care who were living in residential care was 5% Australia-wide and ranged from 1% in Queensland to 22% in Tasmania. Note that residential care includes family group homes that may have an average of only 4 children living together and residential establishments with under 10 children. The principle of keeping sibling groups together can also result in placements in residential care. In many jurisdictions, priority is given to keeping siblings together, which sometimes results in periods of residential care for larger family groups.

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

Table 4.4: Children in out-of-home care: type of placement, by state and territory, at 30 June 2003

Type of placement	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT	Total
Number									
Foster care	2,968	2,172	2,815	836	1,018	250	138	151	10,348
Relatives/kin	4,929	1,216	929	607	173	71	98	46	8,069
Other home-based care	—	201	—	—	8	7	1	—	217
<i>Total home-based care</i>	<i>7,897</i>	<i>3,589</i>	<i>3,744</i>	<i>1,443</i>	<i>1,199</i>	<i>328</i>	<i>237</i>	<i>197</i>	<i>18,634</i>
Residential care	267	420	43	136	46	102	37	12	1,063
Independent living	119	37	—	29	—	23	—	2	210
Other ^(b)	353	—	—	7	—	15	3	12	390
Total	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
Per cent									
Foster care	34	54	74	52	82	53	50	68	51
Relatives/kin	57	30	25	38	14	15	35	21	40
Other home-based care	—	5	—	—	1	1	—	—	1
<i>Total home-based care</i>	<i>91</i>	<i>89</i>	<i>99</i>	<i>89</i>	<i>96</i>	<i>70</i>	<i>86</i>	<i>88</i>	<i>92</i>
Residential care	3	10	1	8	4	22	13	5	5
Independent living	1	1	—	2	—	5	—	1	1
Other ^(b)	4	—	—	—	—	3	1	5	2
Total	100	100	100	100	100	100	100	100	100

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

(b) 'Other' includes unknown living arrangements.

Age and sex

Around one-third (32%) of children in out-of-home care were aged 10–14 years (Table A1.8). A further 31% were aged 5–9 years, 23% were aged under 5 years and 14% were aged 15–17 years. Just over half (52%) of all children in out-of-home care were boys, although girls outnumbered boys in the Northern Territory (Table A1.9).

Children in residential care were considerably older than children in home-based care: 46% of children in residential care were aged 10–14 years and 35% were aged 15–17 years, whereas 32% of children in home-based care were aged 10–14 years and 11% were aged 15–17 years (Table A1.10). Only 6% of children in residential care in Australia were aged under 5 years compared with 24% of those in home-based care. In South Australia there were no children aged under 5 years in residential care.

Whether children were on an order

As previously noted, in the Northern Territory all children in out-of-home care were on care and protection orders or authorities. In other jurisdictions, the proportion of children in out-of-home care who were on care and protection orders ranged from 70% in Western Australia to 95% in the Australian Capital Territory (Table 4.5).

Table 4.5: Children in out-of-home care: whether the child was on an order, by state and territory, at 30 June 2003

Whether the child was on an order	NSW	Vic ^(a)	Qld	WA	SA	Tas	ACT	NT	Total
Number									
On care and protection order	7,788	3,087	3,268	1,136	1,005	376	264	223	17,147
On another type of order	—	107	2	—	240	10	3	—	362
<i>Total children on orders</i>	<i>7,788</i>	<i>3,194</i>	<i>3,270</i>	<i>1,136</i>	<i>1,245</i>	<i>386</i>	<i>267</i>	<i>223</i>	<i>17,509</i>
Not on an order	848	817	517	479	—	82	10	—	2,753
Total	8,636	4,011	3,787	1,615	1,245	468	277	223	20,262
Per cent									
On care and protection order	90	77	86	70	81	80	95	100	85
On another type of order	—	3	—	—	19	2	1	—	2
<i>Total children on orders</i>	<i>90</i>	<i>80</i>	<i>86</i>	<i>70</i>	<i>100</i>	<i>82</i>	<i>96</i>	<i>100</i>	<i>86</i>
Not on an order	10	20	14	30	—	18	4	—	14
Total	100	100	100	100	100	100	100	100	100

(a) The data from Victoria include estimates from some data sources.

Length of time in placement

The proportion of children in Australia who had been in out-of-home care for 5 years or more at 30 June 2003 was 22%, but this ranged from 4% in Tasmania to 32% in Western Australia (Table 4.6). Overall, 51% of children had been in out-of-home care for less than 2 years.

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

Table 4.6: Children in out-of-home care: length of time in continuous placement, by state and territory, at 30 June 2003

Time in continuous placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
< 1 month	989	202	420	43	130	77	29	17	1,907
1 month to < 6 months	821	603	890	148	256	179	52	20	2,969
6 months to < 1 year	798	512	579	156	147	76	19	43	2,330
1 year to < 2 years	1,118	655	628	249	178	49	44	29	2,950
2 years to < 5 years	2,737	1,186	727	508	257	66	55	73	5,609
5 years or more	2,159	838	543	511	277	20	78	37	4,463
Not stated/unknown	14	50	—	—	—	1	—	4	69
Total	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
Per cent									
< 1 month	11	5	11	3	10	16	10	8	9
1 month to < 6 months	10	15	24	9	21	38	19	9	15
6 months to < 1 year	9	13	15	10	12	16	7	20	12
1 year to < 2 years	13	16	17	15	14	10	16	13	15
2 years to < 5 years	32	30	19	31	21	14	20	33	28
5 years or more	25	21	14	32	22	4	28	17	22
Total	100	100	100	100	100	100	100	100	100

Note: In those jurisdictions where children in out-of-home care for respite reasons could be identified, they were included in the 'less than 1 month' category: New South Wales (855 children), Victoria (35 children), South Australia (5 children) and the Australian Capital Territory (3 children).

Rates of children in out-of-home care

There were 4.2 children per 1,000 aged 0-17 years in out-of-home care in Australia at 30 June 2003, an increase from a rate of 3.9 in 2002 (Table 4.7). The rates of children in out-of-home care varied by state and territory and ranged from 3.3 per 1,000 in Western Australia to 5.4 per 1,000 in New South Wales. The reasons for this variation are likely to include differences in the policies and practices of the community services departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this service.

Table 4.7: Rates of children in out-of-home care, per 1,000 children, by state and territory, 30 June 1997 to 30 June 2003

At 30 June	NSW	Vic	Qld ^(a)	WA	SA	Tas ^(b)	ACT	NT	Total
1997	3.4	3.0	2.5	2.2	3.2	3.7	2.1	1.9	3.0
1998	3.5	3.2	2.6	2.3	2.8	3.6	2.2	2.3	3.1
1999	4.0	3.1	2.9	2.5	2.9	4.4	2.2	3.0	3.3
2000	4.5	3.4	2.9	2.8	3.2	4.6	2.6	3.0	3.6
2001	4.9	3.4	3.3	3.0	3.3	4.8	2.8	2.7	3.9
2002	5.0	3.4	3.5	3.1	3.4	4.6	2.8	2.7	3.9
2003	5.4	3.5	4.0	3.3	3.6	4.0	3.6	3.8	4.2

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

(b) The number of children in out-of-home care in Tasmania for 2003 should not be compared to previous years as a group of children who did not meet the definition of out-of-home care were excluded from this year's collection. These children are not the subject of a care and protection orders and out of home care services did not arrange their placement with relatives.

Sources: AIHW 2003.

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

The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 4.2 per 1,000 at 30 June 2003 (Table 4.7). Over the period from 1997 to 2003, the rates of children in out-of-home care increased in all jurisdictions. The increase was largest in New South Wales where rates increased from 3.4 to 5.4 per 1,000, and in the Northern Territory where they increased from 1.9 to 3.8.

Aboriginal and Torres Strait Islander children

At 30 June 2003 there were 4,750 Aboriginal and Torres Strait Islander children in out-of-home care, an increase of 551 since 30 June 2002 (Table 4.8; AIHW 2003). The rate of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2003 was 22.8 per 1,000 aged 0–17 years, ranging from 5.3 per 1,000 in Tasmania to 40.5 per 1,000 in Victoria.

Table 4.8: Children in out-of-home care: number and rate per 1,000 children aged 0–17 years by Indigenous status and state and territory, at 30 June 2003

State/territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	2,375	6,261	8,636	38.1	4.1	5.4	9.3:1
Victoria	507	3,539	4,046	40.5	3.1	3.5	13.1:1
Queensland	813	2,974	3,787	14.0	3.4	4.0	4.1:1
Western Australia ^(a)	570	1,045	1,615	19.2	2.2	3.3	8.7:1
South Australia	252	993	1,245	22.0	3.1	3.6	7.1:1
Tasmania	43	425	468	5.3	3.9	4.0	1.4:1
Australian Capital Territory	48	229	277	27.4	3.0	3.6	9.1:1
Northern Territory	142	81	223	5.9	2.3	3.8	2.6:1
Australia	4,750	15,547	20,297	22.8	3.4	4.2	6.7:1

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

Note: The Indigenous rates for 2003 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years. For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.

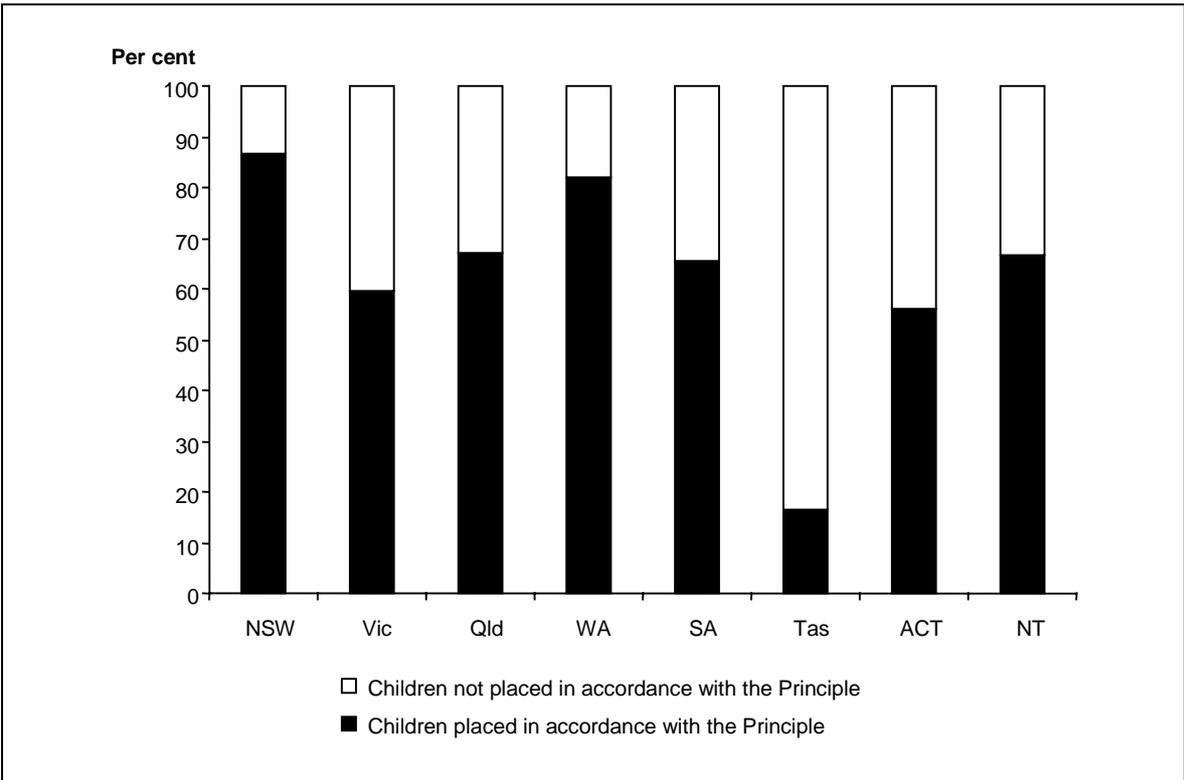
In all jurisdictions there were higher rates of Aboriginal and Torres Strait Islander children in out-of-home care than other Australian children. In Victoria, the rate of Indigenous children in out-of-home care was 13 times the rate for other children, and in New South Wales and the Australian Capital Territory it was 9 times the rate (Table 4.8).

Indigenous status of caregivers

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

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

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives in many jurisdictions (Figure 4.2).



Source: Table 4.9.

Figure 4.2: Aboriginal and Torres Strait Islander children in out-of-home care by whether placed in accordance with the Aboriginal Child Placement Principle, 30 June 2003

The proportion of Aboriginal and Torres Strait Islander children who were placed with either an Indigenous carer or a relative, for example, was 87% in New South Wales and 82% in Western Australia (Table 4.9). The relatively low proportion of Indigenous children who

were placed with an Indigenous carer in Tasmania is probably related to the small size of the Indigenous population as well as issues related to the identification of Indigenous status in that state.

Table 4.9: Aboriginal and Torres Strait Islander children in out-of-home care: Indigenous status and relationship of carer, by state and territory, at 30 June 2003

Relationship	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
	Number								
Indigenous relative/kin	1,340	104	323	286	39	—	19	51	2,162
Other Indigenous caregiver	371	75	198	114	113	1	5	43	920
Other Australian relative/kin	322	65	19	37	13	6	3	n.a. (a)	465
Indigenous residential care	11	12	6	26	—	—	—	—	55
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>2,044</i>	<i>256</i>	<i>546</i>	<i>463</i>	<i>165</i>	<i>7</i>	<i>27</i>	<i>94</i>	<i>3,602</i>
Other Australian caregiver	281	149	265	78	84	18	14	39	928
Other residential care	33	25	2	23	3	17	7	8	118
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>314</i>	<i>174</i>	<i>267</i>	<i>101</i>	<i>87</i>	<i>35</i>	<i>21</i>	<i>47</i>	<i>1,046</i>
Total	2,358	430	813	564	252	42	48	141	4,648
	Per cent								
Indigenous relative/kin	57	24	40	51	15	—	40	36	47
Other Indigenous caregiver	16	17	24	20	45	2	10	30	20
Other Australian relative/kin	14	15	2	7	5	14	6	n.a. (a)	10
Indigenous residential care	—	3	1	5	—	—	—	—	1
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>87</i>	<i>60</i>	<i>67</i>	<i>82</i>	<i>65</i>	<i>17</i>	<i>56</i>	<i>67</i>	<i>77</i>
Other Australian caregiver	12	35	33	14	33	43	29	28	20
Other residential care	1	6	—	4	1	40	15	6	3
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>13</i>	<i>40</i>	<i>33</i>	<i>18</i>	<i>35</i>	<i>83</i>	<i>44</i>	<i>33</i>	<i>23</i>
Total	100	100	100	100	100	100	100	100	100

(a) The relationship of the caregiver to children placed with other Australian caregivers was not available and these children were placed in the 'other' category.

Notes

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

Appendix 1: Detailed tables

Child protection

Table A1.1: Children in substantiations: type of abuse or neglect, by sex and state and territory, 2002–03

Sex and type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Males								
Physical	1,909	850	1,166	128	333	49	30	67
Sexual	459	213	136	38	31	17	13	6
Emotional	1,903	1,469	1,542	54	242	5	43	18
Neglect	1,148	842	1,731	145	333	27	40	60
Other ^(a)	18	..	..	..	..	..	..	..
Total	5,437	3,374	4,575	365	939	98	126	151
Females								
Physical	1,825	843	1,014	107	283	41	41	66
Sexual	1,481	316	372	196	136	42	8	26
Emotional	1,774	1,479	1,484	43	212	5	55	16
Neglect	979	766	1,587	136	331	22	33	52
Other ^(a)	28	..	..	..	..	..	..	..
Total	6,087	3,404	4,457	482	962	110	137	160
Unknown								
Physical	4	17	—	—	1	—	—	1
Sexual	—	3	—	—	—	—	—	—
Emotional	3	35	—	—	1	—	3	—
Neglect	3	13	—	—	5	—	—	—
Other ^(a)	—	..	..	..	..	..	..	..
Total	10	68	—	—	7	—	3	1
Persons								
Physical	3738	1,710	2,180	235	617	90	71	134
Sexual	1,940	532	508	234	167	59	21	32
Emotional	3,680	2,983	3,026	97	455	10	101	34
Neglect	2,130	1,621	3,318	281	669	49	73	112
Other ^(a)	46	..	..	..	..	..	..	..
Total	11,534	6,846	9,032	847	1,908	208	266	312

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

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

Table A1.2: Children in substantiations, by age, Indigenous status and state and territory, 2002-03

Age group (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
< 1	295	98	60	60	40	1	4	32
1-4	509	182	173	71	77	10	10	82
5-9	525	184	294	63	130	4	8	45
10-14	497	169	305	68	91	2	10	36
15-17	87	34	54	13	12	2	1	3
Unknown	5	—	—	—	1	—	—	—
Total	1,918	667	886	275	351	19	33	198
Other children								
< 1	1,027	844	823	69	134	25	31	12
1-4	2,144	1,504	2,117	107	379	32	64	35
5-9	2,697	1,719	2,501	183	524	50	64	31
10-14	2,878	1,663	2,266	176	428	38	54	30
15-17	815	441	439	37	90	10	20	6
Unknown	55	8	—	—	2	34	—	—
Total	9,616	6,179	8,146	572	1557	189	233	114
Total children								
< 1	1,322	942	883	129	174	26	35	44
1-4	2,653	1,686	2,290	178	456	42	74	117
5-9	3,222	1,903	2,795	246	654	54	72	76
10-14	3,375	1,832	2,571	244	519	40	64	66
15-17	902	475	493	50	102	12	21	9
Unknown	60	8	—	—	3	34	—	—
Total	11,534	6,846	9,032	847	1908	208	266	312

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

Table A1.3: Children aged 0–17 years who were the subject of substantiation: type of abuse or neglect, by Indigenous status and state and territory, 2002–03

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
Physical	622	118	228	65	100	10	6	78
Sexual	179	38	45	42	16	—	1	22
Emotional	624	296	225	30	89	—	16	20
Neglect	485	215	388	138	146	9	10	78
Other ^(a)	8	..	..	..	..	..	..	..
Total	1,918	667	886	275	351	19	33	198
Other children								
Physical	3,116	1,592	1,952	170	517	80	65	56
Sexual	1,761	494	463	192	151	59	20	10
Emotional	3,056	2,687	2,801	67	366	10	85	14
Neglect	1,645	1,406	2,930	143	523	40	63	34
Other ^(a)	38	..	..	..	..	..	..	..
Total	9,616	6,179	8,146	572	1,557	189	233	114

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

Table A1.4: Number of investigations: source of notification, by state and territory, 2002-03

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	155	53	495	62	125	7	3	2
Parent/guardian	2,052	1,015	2,901	195	614	52	101	39
Sibling	84	69	50	4	19	1	1	4
Other relative	1,523	901	2,063	141	529	35	46	101
Friend/neighbour	1,384	776	2,342	85	606	36	56	71
Medical practitioner	658	401	360	28	207	6	15	43
Other health personnel	1,875	655	75	17	103	27	20	4
Hospital/health centre	2,717	633	953	293	395	28	74	91
Social worker	—	318	825	—	324	15	16	38
School personnel	4,413	2,028	2,222	257	1,101	111	88	77
Childcare personnel	—	153	233	18	—	—	—	13
Police	7,135	2,576	2,474	310	1,104	106	127	138
Departmental officer	626	733	469	226	327	51	49	34
Non-government organisation	1,933	1,573	642	53	7	33	110	50
Anonymous	—	—	416	24	198	1	25	16
Other	1,908	222	968	119	469	39	64	31
Not stated	—	294	54	3	—	—	—	2
Total	26,463	12,400	17,542	1,835	6,128	548	795	754

Note: 'Other' category may include the person responsible.

Care and protection orders

Table A1.5: Children substantiated in 2001–02 and subsequently placed on care and protection orders within 12 months, for selected states and territories

State/territory	Number subsequently placed on a care and protection order	Percentage of all children substantiated in 2001–02
Victoria	1,849	25
Queensland	1,283	17
Western Australia	302	24
South Australia	243	14
Tasmania	106	71
Australian Capital Territory	94	30
Northern Territory	79	24

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

Table A1.6: Children on care and protection orders: by sex and state and territory, at 30 June 2003

Sex of child	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Male	4,631	2,569	2,122	739	717	331	146	126	11,381
Female	4,341	2,455	1,985	731	656	267	142	146	10,723
Unknown	3	14	—	—	5	2	—	2	26
Persons	8975	5,038	4,107	1,470	1,378	600	288	274	22,130
Per cent									
Male	52	51	52	50	52	55	51	46	51
Female	48	49	48	50	48	45	49	54	49
Persons	100	100	100	100	100	100	100	100	100

(a) These data exclude children on supervisory orders.

Table A1.7: Children on care and protection orders: living arrangements, by age, at 30 June 2003

Age (years)	Family care	Home-based out-of-home care	Residential care	Independent living	Other	Total
Number						
< 1	146	386	11	—	23	566
1–4	875	3,444	44	—	76	4,439
5–9	1,008	5,345	121	—	164	6,638
10–14	936	5,154	453	29	328	6,900
15–17	627	1,826	419	303	395	3,570
Unknown	4	11	1	—	1	17
Total	3,596	16,166	1,049	332	987	22,130
Per cent						
< 1	26	68	2	—	4	100
1–4	20	78	1	—	2	100
5–9	15	81	2	—	2	100
10–14	14	75	7	—	5	100
15–17	18	51	12	8	11	100
Total	16	73	5	2	4	100

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

Out-of-home care

Table A1.8: Children in out-of-home care, by age and state and territory, at 30 June 2003

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
< 1	210	114	140	58	30	24	6	8	590
1–4	1,778	693	832	355	191	92	52	66	4,059
5–9	2,885	1,116	1,158	504	333	136	72	64	6,268
10–14	2,751	1,320	1,205	489	472	146	111	68	6,562
15–17	1,001	803	452	209	219	69	36	17	2,806
Unknown	11	—	—	—	—	1	—	—	12
Total	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
Per cent									
< 1	2	3	4	4	2	5	2	4	3
1–4	21	17	22	22	15	20	19	30	20
5–9	33	28	31	31	27	29	26	29	31
10–14	32	33	32	30	38	31	40	30	32
15–17	12	20	12	13	18	15	13	8	14
Total	100	100	100	100	100	100	100	100	100

Table A1.9: Children in out-of-home care, by sex and state and territory, at 30 June 2003

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Male	4,496	2,090	1,913	838	664	248	142	103	10,494
Female	4,137	1,953	1,874	777	576	219	135	118	9,789
Unknown	3	3	—	—	5	1	—	2	14
Total	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
Per cent									
Male	52	52	51	52	54	53	51	47	52
Female	48	48	49	48	46	47	49	53	48
Total	100	100	100	100	100	100	100	100	100

Table A1.10: Children in out-of-home care, by age, type of placement and state and territory at 30 June 2003

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number									
Home-based									
< 1	194	114	140	54	30	18	5	4	559
1-4	1,738	688	831	341	191	72	47	64	3,972
5-9	2,816	1,075	1,151	471	331	98	71	62	6,075
10-14	2,475	1,123	1,181	424	446	109	90	56	5,904
15-17	665	589	441	153	201	31	24	11	2,115
Unknown	9	—	—	—	—	—	—	—	9
Total	7,897	3,589	3,744	1,443	1,199	328	237	197	18,634
Residential									
< 1	—	—	—	4	—	5	1	4	14
1-4	4	5	1	14	—	19	5	1	49
5-9	11	41	7	32	2	36	1	—	130
10-14	131	197	24	59	26	31	20	5	493
15-17	120	177	11	27	18	10	10	2	375
Unknown	1	—	—	—	—	1	—	—	2
Total	267	420	43	136	46	102	37	12	1063
Per cent									
Home-based									
< 1	2	3	4	4	3	5	2	2	3
1-4	22	19	22	24	16	22	20	32	21
5-9	36	30	31	33	28	30	30	31	33
10-14	31	31	32	29	37	33	38	28	32
15-17	8	16	12	11	17	9	10	6	11
Total	100	100	100	100	100	100	100	100	100
Residential									
< 1	—	—	—	3	—	5	3	33	1
1-4	2	1	2	10	—	19	14	8	5
5-9	4	10	16	24	4	36	3	—	12
10-14	49	47	56	43	57	31	54	42	46
15-17	45	42	26	20	39	10	27	17	35
Total	100	100	100	100	100	100	100	100	100

Appendix 2: Technical notes

Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics' (ABS) most recent population estimates for 31 March 2003 (ABS 2003a).

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

$$\frac{\text{Number of children aged 0-17 years on care and protection orders at 30 June 2003}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2003}} \times 1,000$$

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

$$\frac{\text{Number of children aged 0-17 years in out-of-home care at 30 June 2003}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2003}} \times 1,000$$

The rates of children subject to child protection substantiations during 2002-03 were calculated using the ABS population estimates for 31 December 2002 (ABS 2003b). 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:

$$\frac{\text{Number of children aged 0-16 years who were the subjects of substantiations in 2002-03}}{\text{ABS estimated population aged 0-16 years at 30 December 2002}} \times 1,000$$

Rates for Aboriginal and Torres Strait Islander children

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

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

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

The rates for Aboriginal and Torres Strait Islander children for 2002–03 should not be compared with the rates for Aboriginal and Torres Strait Islander children prior to this. Rates for Aboriginal and Torres Strait Islander children for 1996–97 to 2000–01 were calculated using ABS Indigenous population data from the 1996 Census data. These projections of the population are different from the ones based on the 2001 Census data.

Rates for other (Australian) children

The other Australian population used for the calculation of rates was obtained by subtracting the number of Aboriginal and Torres Strait Islander children from the number of children in the total population.

Identification of Indigenous status

Children

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

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

During 1998–99 a new method for counting Indigenous status was implemented in New South Wales, which improved the accuracy of this information. The apparent increase in the rate of Indigenous clients was a reflection of the improved recording of Indigenous status rather than an increase in the number of Indigenous clients. Western Australia also introduced new practices to improve the identification of Indigenous clients in 2002–03. Much of the increase in numbers from 2002–03 is likely to be due to improved identification.

Caregivers

In the out-of-home care data collection, the Indigenous status of caregivers was collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as Indigenous are included in the Indigenous category. Where the Indigenous children were living in facility-based care specifically for Indigenous children, the caregiver was counted as Indigenous. Where children were living in other types of facility-based care, the caregiver was not counted as Indigenous.

Appendix 3: Legislation

Child protection legislation

Commonwealth

Family Law Act 1975

New South Wales

Children and Young Persons (Care and Protection) Act 1998

Victoria

Children and Young Persons Act 1989

Queensland

Child Protection Act 1999

Western Australia

Child Welfare Act 1947

Community Services Act 1972

South Australia

Family and Community Services Act 1972

Children's Protection Act 1993

Tasmania

Children, Young Persons and Their Families Act 1997

Australian Capital Territory

Children and Young People Act 1999

Northern Territory

Community Welfare Act 1983

Legislative definition of ‘in need of care and protection’

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

New South Wales

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

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

Victoria

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

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

Queensland

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

- (a) has suffered harm, is suffering harm or has an unacceptable risk of suffering harm
- (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
- (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;
- (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
- (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
 - (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
- (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
 - (ii) are unwilling to maintain the child, or are unwilling to exercise adequate supervision and control over the child
 - (iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found
- (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence
- (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. Under section 26A(1), female genital mutilation means:

- (a) clitoridectomy
- (b) excision of any other part of the female genital organs
- (c) a procedure to narrow or close the vaginal opening
- (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
- (b) an order should be made without delay
- (c) the guardians of the child consent to the making of the application
- (d) there is another good reason to do so.

The department will consider taking court action for a care and protection order only when no other intervention can safely protect a child who is at risk by definition of the Act. There

are powers which the Youth Court may exercise when it finds that a child is in need of care and protection.

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

Tasmania

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

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

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

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

Child and Family Services staff make a decision about whether a child is at risk through a process of gathering, confirming and analysing information, and using their expertise and, where necessary, that of other professional people.

Australian Capital Territory

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

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

Abuse in relation to a child or young person means:

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

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

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

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

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

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

Northern Territory

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

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

For the purpose of the *Community Welfare Act 1983*, a child shall be taken to have suffered maltreatment where he or she has suffered or is suffering or is at substantial risk of suffering the following:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of the child, or where there is substantial risk of the child suffering such an injury or impairment
- (b) serious emotional or intellectual impairment evident by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which the child belongs, whether a result of physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment
- (c) serious physical impairment evidenced by severe bodily malfunctioning, whether a result of the child's physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment
- (a) sexual abuse or exploitation, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect him or her from such abuse or exploitation
- (b) female genital mutilation, where a female child shall be taken to have suffered female genital mutilation where she:
 - (i) has been subjected, or there is substantial risk that she will be subjected, to female genital mutilation, as defined in section 186A of the Criminal Code
 - (ii) has been taken, or there is substantial risk that she will be taken, from the territory with the intention of having female genital mutilation performed on her.

Appendix 4: Mandatory reporting requirements

New South Wales

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

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

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

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

Victoria

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

Queensland

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

Under the *Commission for Children and Young People Act 2000*, the Commissioner for Children and Young People must refer matters where a child may be in need of protection under the *Child Protection Act 1999* to the chief executive of the Department of Families or the Police Commissioner.

Western Australia

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

South Australia

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

Tasmania

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

Australian Capital Territory

Mandatory reporting was introduced on 1 June 1997. The groups mandated are doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare field and licensed childcare providers. These groups are mandated to report physical and sexual abuse, although other forms of child maltreatment are also discussed in training sessions.

Northern Territory

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

Glossary

General definitions

Community services department

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

Definitions for child protection notifications, investigations and substantiations

Age of child

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

Child protection notification

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

A notification can involve only 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 is counted as only one notification. Where there is more than one notification between 1 July 2002 and 30 June 2003, 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 the child's 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 2002 and 30 June 2003, 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 2003 which was investigated, the investigation was finalised by 31 August 2003, 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.

Source of notification

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

Parent/guardian

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

Sibling

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

Other relative

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

Friend/neighbour

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

Medical practitioner

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

Other health personnel

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

Hospital/health centre personnel

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

Social/welfare worker

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

School personnel

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

Childcare personnel

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

Police

Any member of a Commonwealth, state or territory law enforcement agency.

Departmental officer

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

Non-government organisation

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

Anonymous

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

Other

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

Not stated

Includes all notifications that are received from unknown sources.

Family of residence

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

Two-parent – intact

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

Two-parent – step or blended

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

Single parent – female

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

Single parent – male

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

Other relatives/kin

Includes Aboriginal and Torres Strait Islander kinship arrangements.

Foster care

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

Other

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

Not stated

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

Definitions for care and protection orders

Child subject to orders

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

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

Age of child

This is the age of the child in completed years at 30 June 2003.

Living arrangements

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

Family care

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

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

Home-based out-of-home care

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

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

Residential care

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

Independent living

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

Other living arrangements

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

Definitions for out-of-home care

Age of child

This is the age of the child in completed years at 30 June 2003.

Type of placement

Placement type is divided into four main categories:

Home-based care

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

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

Facility-based care

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

Independent living

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

Other

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

Respite care

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

References

- ABS (Australian Bureau of Statistics) 1997. Family characteristics, state summary tables, Australia. Cat. No. 4442.0.40.001. Canberra: ABS.
- ABS (Australian Bureau of Statistics) 2002c. Indigenous population by age and sex at June 2001: unpublished projections for the Indigenous population based on June 2001 Census data. Canberra: ABS.
- ABS (Australian Bureau of Statistics) 2003a. Population by age and sex at 31 March 2003: unpublished estimates based on June 2001 Census data. Canberra: ABS.
- ABS (Australian Bureau of Statistics) 2003b. Population by age and sex at 30 December 2002: unpublished estimates based on June 2001 Census data. Canberra: ABS.
- AIHW (Australian Institute of Health and Welfare) 2001. Family support services in Australia 2000. Canberra: AIHW.
- AIHW (Australian Institute of Health and Welfare) 2003. Child protection Australia 2001–02. AIHW Cat. No. CWS 20. Child Welfare Series 32. Canberra: AIHW.
- Cashmore J 2000. Permanency planning, adoption and foster care. *Children Australia* 25(4): 13–17.
- Cashmore J 2001. Child protection in the new millenium. *Social Policy Research Centre Newsletter* No. 79; May 2001.
- Carmody M & Carrington K 2000. Preventing sexual violence? Australian and New Zealand *Journal of Criminology* 33(3):341–361.
- Cook B, David F & Grant A 2001. Sexual violence in Australia. Australian Institute of Criminology Research and Public Policy Series No. 36. Canberra: AIC.
- Forwood A & Carver M A 1999. The reunification of South Australian children with their families: case characteristics and outcomes – preliminary findings. Proceedings from the 7th Australian Conference on Child Abuse and Neglect. Western Australia: Promaco Conventions.
- HREOC (Human Rights and Equal Opportunity Commission) 1997. Bringing them home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. Sydney: HREOC.
- Johnstone H 2001. The demise of the institution – national trends in substitute care for children and young people from 1970 to 2000. Paper for the 8th Australasian Conference on Child Abuse and Neglect, 2001.
- Lock JA 1997. The Aboriginal Child Placement Principle: research project no. 7. Sydney: New South Wales Law Reform Commission.
- VDHS (Victorian Department of Human Services) 1999. High Risk Infants Service Quality Initiatives Project: development and early implementation report July 1997 to June 1999. Melbourne: Child Protection and Care, VDHS.
- VDHS (Victorian Department of Human Services) 2002. An integrated strategy for child protection and placement services. Melbourne: Community Care Division, VDHS.