

2.15 Child protection

Aboriginal and Torres Strait Islander children in substantiations, on care and protection orders and in out-of-home care

Data sources

Data for this measure come from three national child protection data collections:

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

The Australian Institute of Health and Welfare collects these data each year from the relevant departments in each state and territory. Most of the data presented here cover the 2008–09 financial year and have been published in the AIHW report *Child protection Australia 2008–09* (AIHW 2010). Some 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.

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 excluded, where possible, from calculations of rates and proportions. 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.

Note that Tasmania and the Australian Capital Territory have very small numbers, and statistics from these jurisdictions are susceptible to random fluctuations.

Reported rates for Aboriginal and Torres Strait Islander children in the child protection system for 2008–09 cannot be compared directly with those from previous years in earlier AIHW *Child protection Australia* publications. In previous years, rates were calculated using ABS Indigenous population data from the 1996 and 2001 Census; the latter projections are based on the data from the 2006 Census. For time series analyses presented in this measure, rates have been reported as they were in the corresponding referenced publications.

Data analyses

Children in substantiated notifications

The data presented for this indicator are from notifications, investigations and substantiations (NIS); care and protection orders (CPO) and out-of-home care (OOHC) collections that the state and territory departments responsible for child protection have provided to the AIHW. Only child protection matters that were notified to state and territory child protection and support services are included in these national collections. Notifications made to other organisations, such as the police or non-government welfare agencies, are included only if these notifications were also referred to state and territory child protection and support services.

Substantiations are defined as situations where, after investigation, the relevant authorities concluded that 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 (AIHW 2010).

Note that because 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.

Children in substantiated notifications by age

- In 2008–09, in the majority of jurisdictions, the highest numbers of Indigenous children who were the subject of a substantiated notification were aged between 1 and 4 years. The highest numbers of other children who were the subject of a substantiated notification were aged between 10 and 14 years. (Table 2.15.1).

Table 2.15.1: Children in substantiated notifications, by age, Indigenous status and state/territory, 2008–09

Age group (years)	NSW ¹⁾	Vic ²⁾	Qld ³⁾	WA	SA	Tas ^(a)	ACT	NT
	Number							
Indigenous children								
<1 ^(b)	563	154	366	98	106	12	14	108
1–4	1064	199	469	159	184	31	34	213
5–9	988	178	489	151	154	27	22	149
10–14	923	118	351	121	124	20	23	126
15–17	233	35	78	19	30	8	5	22
Unknown	—	—	—	—	4	—	—	—
Total	3,771	684	1,753	548	602	98	98	618
Other children^(c)								
< 1	1,348	772	619	93	204	121	53	14
1–4	2,568	1,307	1,181	218	412	254	123	23
5–9	2,632	1,418	1,420	268	341	290	146	40
10–14	2,864	1,529	1,325	275	283	265	147	57
15–17	857	416	321	61	69	45	46	13
Unknown	12	3	9	—	5	2	—	—
Total	10,281	5,445	4,875	915	1,314	977	515	147

(a) The high number of children in substantiation with an unknown Indigenous status in Tasmania makes the counts for both Indigenous children and other children unreliable.

(b) '<1 year' may include unborn children.

(c) 'Other children' includes those children whose Indigenous status is unknown.

Notes

1. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2007.
2. The counts of Indigenous children are likely to be an underestimate of the actual number of Indigenous children in the child protection system.
3. Includes children aged 0–17 years.

Source: AIHW 2010.

Substantiated notifications by state/territory

Aboriginal and Torres Strait Islander children are more likely to be the subjects of substantiated notifications than other children. In 2008–09, in all jurisdictions except Tasmania (for which rates have been suppressed due to the high number of children with unknown Indigenous status) the substantiation rate for Indigenous children was higher than the rate for other children. Across Australia, Indigenous children were more than seven times as likely as non-Indigenous children to be the subject of a substantiated notification (Table 2.15.2; Figure 2.15.1).

The reasons for the over-representation of Aboriginal and Torres Strait Islander children in child protection substantiations are complex. The 1997 report *Bringing them home* (HREOC 1997) 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
- perceptions arising from cultural differences in child-rearing practices.

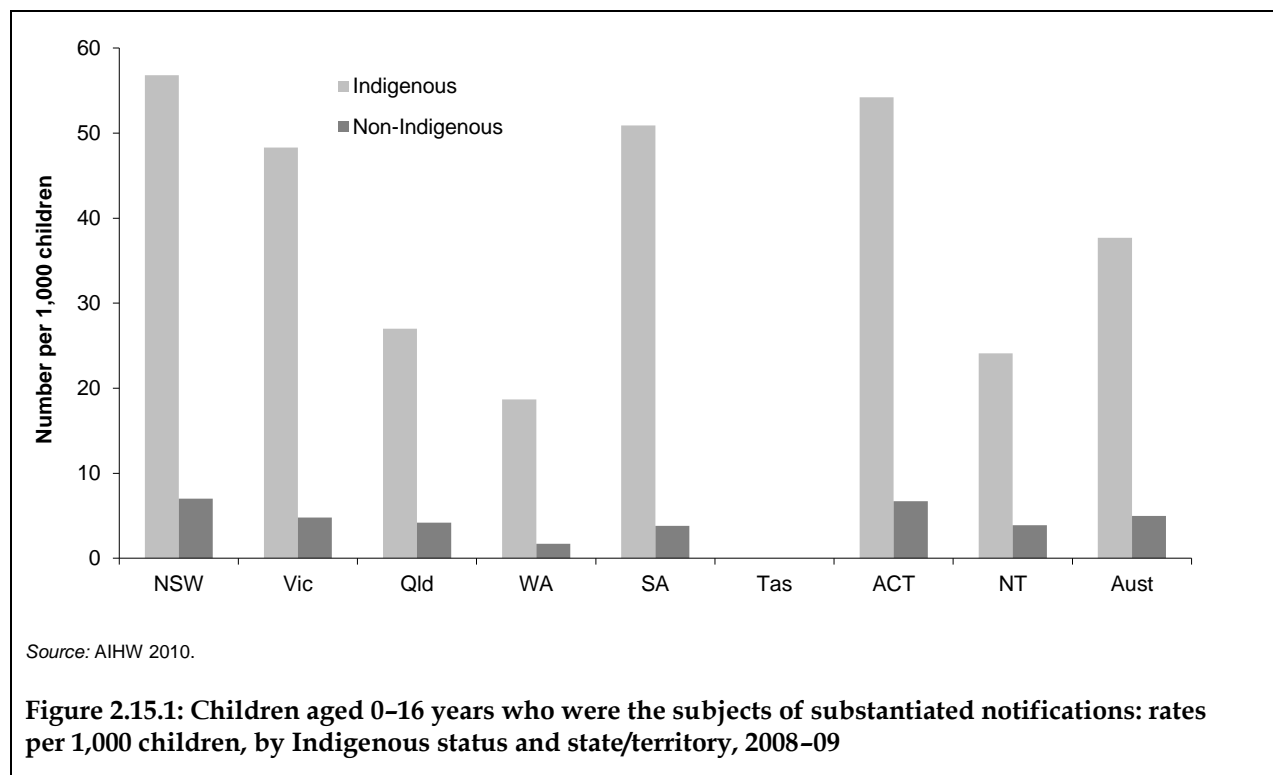
Table 2.15.2: Children aged 0–16 years who were the subjects of substantiated notifications: number and rates per 1,000 children, by Indigenous status and state/territory, 2008–09

State/ territory	Number of children					Rate per 1,000 children			Rate ratio Indigenous/ non- Indigenous
	Indigenous	Non- Indigenous	Unknown no.	Unknown %	All children	Indigenous	Non- Indigenous	All children	
NSW	3,749	10,186	22	0.2	13,957	56.8	7.0	9.1	8.2
Vic	684	5,441	4	0.1	6,129	48.3	4.8	5.4	10.0
Qld	1,747	3,902	947	14.4	6,596	27.0	4.2	6.6	6.5
WA	545	808	101	6.9	1,454	18.7	1.7	2.9	10.7
SA	598	1,221	82	4.3	1,901	50.9	3.8	5.7	13.4
Tas	98	178	798	74.3	1,074	n.a.	n.a.	9.7	n.a.
ACT	97	481	27	4.5	605	54.2	6.7	8.2	8.1
NT	617	132	13	1.7	762	24.1	3.9	12.9	6.1
Aust.	8,135	22,349	1,994	6.1	32,478	37.7	5.0	6.9	7.5

Notes

1. Population estimates are based on the 2006 Census, refer to Appendix table A1.26 in the *Child protection Australia 2008–09* report for the specific populations used in the calculation of rates.
2. Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were the subject of substantiations by the un-rounded rate of non-Indigenous children who were the subject of substantiations. The resulting number shows a comparative representation per 1,000 children.
3. The rate for Indigenous and non-Indigenous children and rate ratio has not been reported for Tasmania due to the high proportion of children for whom Indigenous status was unknown. Tasmania has been excluded from the Australian total rates and rate ratio.
4. Percentage of unknown is the percentage of 'All children' in state/territory.

Source: AIHW 2010.



Substantiated notifications by types of abuse and neglect

Substantiated notifications are classified into four categories depending on the main type of abuse or neglect that has occurred: physical abuse, sexual abuse, emotional abuse and neglect. If a child was the subject of more than one type of abuse or neglect as part of the same notification, the abuse or neglect reported is the one that the child protection workers consider to cause the most harm to the child. Where a child was the subject of more than one substantiation during the year, the type of abuse reported was the one associated with the first substantiation decision during the year. Therefore, it is difficult to measure the overall patterns of types of abuse or neglect that each child may experience.

- The overall pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children was similar to that of other children.
- For Indigenous children across Australia, the most common type of abuse was either neglect or emotional abuse. In Victoria, South Australia, Tasmania and the Australian Capital Territory, the most common type of abuse for Indigenous children was emotional abuse.
- For non-Indigenous children across most jurisdictions, the most common type of abuse was emotional abuse. However, in Western Australia, the most common type of abuse for non-Indigenous children was neglect and in the Northern Territory it was physical abuse (Table 2.15.3).

Table 2.15.3: Children aged 0-17 years who were the subject of a substantiation of a notification: type of abuse or neglect, by Indigenous status and state/territory, 2008–09 (per cent)

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas ^(a)	ACT	NT
Indigenous children								
Physical abuse	18.9	38.5	29.1	17.9	6.6	6.1	10.2	23.3
Sexual abuse	10.2	2.8	4.9	14.2	1.7	3.1	7.1	9.7
Emotional abuse	34.6	48.0	28.2	18.6	56.0	64.3	45.9	23.6
Neglect	36.3	10.8	37.8	49.3	35.7	26.5	36.7	43.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Other children								
Physical abuse	19.9	39.1	24.3	22.2	13.2	14.0	18.3	36.7
Sexual abuse	18.2	7.8	7.9	24.0	6.5	6.0	3.7	11.6
Emotional abuse	34.8	45.3	41.4	17.4	49.8	46.1	39.0	32.0
Neglect	27.1	7.8	26.4	36.4	30.5	33.9	39.0	19.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) The counts for both 'Indigenous children' and 'other children' should be interpreted with care due to the high number of children with an 'unknown' Indigenous status at substantiation in Tasmania.

Notes

1. If a child was the subject of more than one type of abuse or neglect as part of the same notification, then the abuse and/or neglect is the one considered by the child protection workers to cause the most harm to the child. Where a child is the subject of more than one substantiation during the year, then the type of abuse reported in this table is the one associated with the first substantiation decision during the year.
2. Finalised investigations, and thus substantiations, refer only to cases which were notified during the year, not the total number of investigations finalised by 31 August 2009.
3. 'Other children' includes those children whose Indigenous status is unknown.
4. Percentages in tables may not add to 100 due to rounding.

Source: AIHW 2010.

Time series analyses

Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation of a notification received during the relevant year, are presented below for all states and territories over the period 2004–05 to 2008–09.

- Over the period 2004–05 to 2008–09 substantiated notifications in New South Wales increased from 27 per 1,000 children aged 0–16 years, to 57 per 1,000. Victoria showed the largest decrease in rates of substantiated notifications over the same period from 63 per 1,000 children to 48 per 1,000.
- The highest rates of substantiated notifications received during 2008–09 were within New South Wales (57 per 1,000 children), while the lowest rates were in Tasmania (13 per 1,000 children). These rates however, reflect the Indigenous population numbers in these states (Table 2.15.4).

Table 2.15.4: Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation of a notification received during the relevant year, states and territories, 2004–05 to 2008–09 (per 1,000 children)

Year	NSW	Vic	Qld	WA	SA	Tas ^{(a)(b)}	ACT ^(a)	NT
2004–05	27.1	63.0	20.4	12.2	43.2	4.8	56.0	13.7
2005–06	44.2	67.7	23.0	10.9	32.3	4.4	56.8	15.2
2006–07	53.5	56.6 ^(c)	29.2	15.0	39.0	4.0 ^(d)	41.3 ^(e)	16.8
2007–08	53.0	55.0	27.1	17.7	48.4	5.0	47.9	23.7
2008–09	56.8	48.3	27.1	18.7	50.9	12.7	54.2	24.1

(a) Rates from Tasmania and the Australian Capital Territory should be interpreted with care due to the small numbers. Any fluctuation in the numbers of children has a large impact on the rates.

(b) Due to the high number of children with Indigenous status unknown in Tasmania, Indigenous children may be considerably under-reported and comparison of rates from previous years should be conducted with caution.

(c) Due to new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with previous years' data.

(d) Data relating to substantiations in Tasmania for 2005–06 and 2006–07 should be interpreted carefully due to the high proportion of investigations in process by 31 August.

(e) The decrease in the number of substantiated investigations reflects a requirement of staff to substantiate emotional abuse or neglect only if there was, or is likely to be, significant harm and there was no-one with parental responsibility willing and able to protect the child/young person. Recording an outcome of an appraisal as not substantiated does not exclude ongoing work with the child or young person.

Note: Population estimates have been updated in 2009 and this may affect rate comparison over time.

Source: AIHW 2010.

Care and protection orders

If a child has been the subject of a child protection substantiation, there is often a need for state and territory child protection and support services to have continued involvement with the family. The relevant 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 the family resists supervision and counselling, where other avenues for resolution of the situation have been exhausted, 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’ 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 (AIHW 2010).

Care and protection orders by age

- At 30 June 2009, the highest numbers of Indigenous children who were on care and protection orders were aged 5–9 and 10–14 years. This trend also applied to other children (Table 2.15.5).

Table 2.15.5: Children on care and protection orders, by age, Indigenous status and state/territory, at 30 June 2009

Age group (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Indigenous children								
<1	132	34	115	64	16	5	6	12
1–4	965	217	690	410	134	31	29	117
5–9	1,256	225	879	497	174	54	32	127
10–14	1,160	233	713	377	171	39	35	126
15–17	466	116	323	117	78	22	28	46
Unknown	—	—	—	—	—	—	—	—
Total	3,979	825	2,720	1,465	573	151	130	428
Other children^(b)								
<1	327	146	147	61	61	27	11	5
1–4	2,053	1,135	1,122	435	373	193	102	23
5–9	2,793	1,449	1,462	584	500	243	144	39
10–14	2,966	1,503	1,561	541	498	268	124	56
15–17	1,372	1,042	930	251	356	109	99	26
Unknown	1	—	—	—	—	—	—	—
Total	9,512	5,275	5,222	1,872	1,788	840	480	149
	Per cent^{(c)(d)}							
Indigenous children								
< 1	3.3	4.1	4.2	4.4	2.8	3.3	4.6	2.8
1–4	24.3	26.3	25.4	28.0	23.4	20.5	22.3	27.3
5–9	31.6	27.3	32.3	33.9	30.4	35.8	24.6	29.7
10–14	29.2	28.2	26.2	25.7	29.8	25.8	26.9	29.4
15–17	11.7	14.1	11.9	8.0	13.6	14.6	21.5	10.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Other children^(b)								
< 1	3.4	2.8	2.8	3.3	3.4	3.2	2.3	3.4
1–4	21.6	21.5	21.5	23.2	20.9	23.0	21.3	15.4
5–9	29.4	27.5	28.0	31.2	28.0	28.9	30.0	26.2
10–14	31.2	28.5	29.9	28.9	27.9	31.9	25.8	37.6
15–17	14.4	19.8	17.8	13.4	19.9	13.0	20.6	17.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) New South Wales data do not include supervisory orders

(b) 'Other children' includes those children whose Indigenous status is unknown.

(c) Percentages exclude children of unknown age.

(d) Percentages in tables may not add to 100 because of rounding.

Source: AIHW analysis of National Child Protection Data Collection.

Care and protection orders by state/territory

- As at June 2009, the rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions, ranging from 15.8 per 1,000 in the Northern Territory to 68.2 per 1,000 in the Australian Capital Territory (Table 2.15.6; Figure 2.15.2).
- In all jurisdictions, the rate of Indigenous children on care and protection orders was higher than the rate for non-Indigenous children, ranging from 2 to 13 times as high across jurisdictions. Across Australia, the rate of Indigenous children on orders was more than 8 times that of non-Indigenous children.

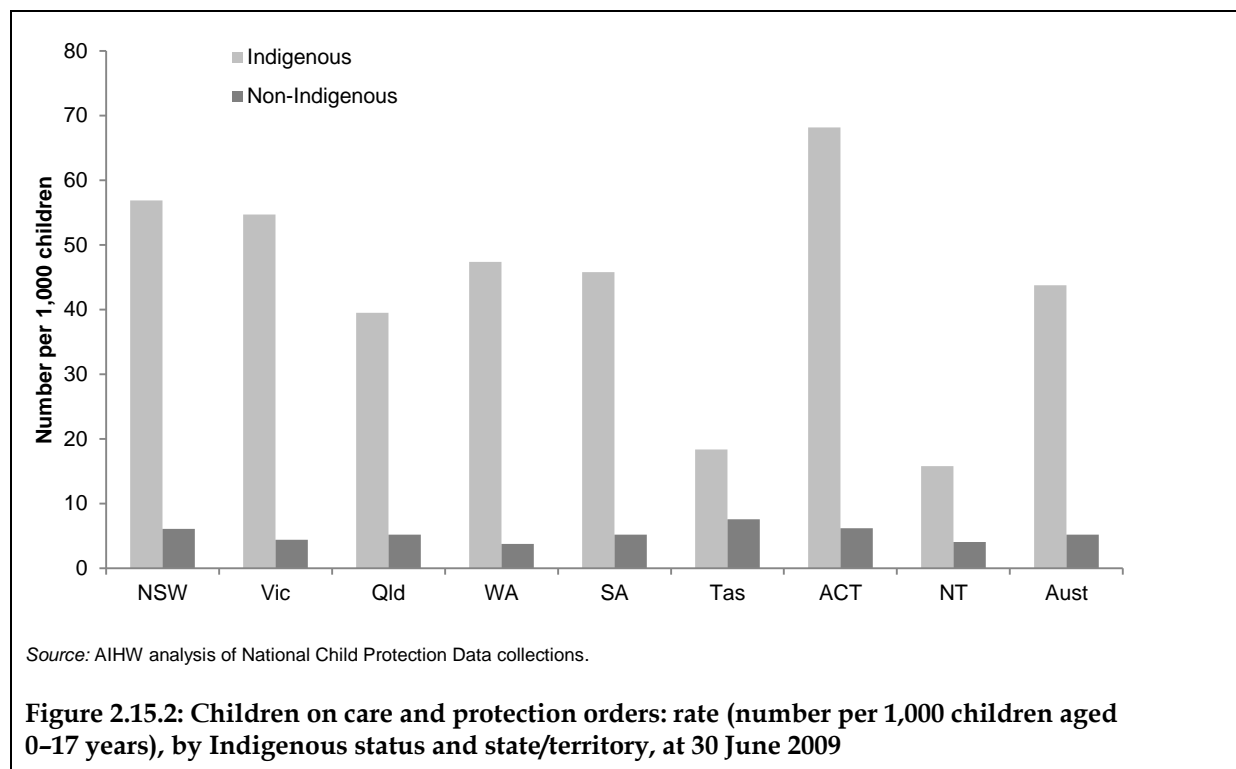
Table 2.15.6: Children on care and protection orders: number and rate (number per 1,000 children aged 0–17 years), by Indigenous status and state/territory, at 30 June 2009

State / territory	Number of children					Rate per 1,000 children			Rate ratio Indig./ non-Indig.
	Indig.	Non-Indig.	Unknown		All children	Indig.	Non-Indig.	All children	
			Number	Per cent					
NSW	3,979	9,509	3	—	13,491	56.9	6.1	8.3	9.3
Vic	825	5,261	14	0.2	6,100	54.7	4.4	5.0	12.5
Qld	2,720	5,172	50	0.6	7,942	39.5	5.2	7.4	7.6
WA	1,465	1,872	—	—	3,337	47.4	3.8	6.3	12.6
SA	573	1,777	11	0.5	2,361	45.8	5.2	6.7	8.8
Tas	151	838	2	0.2	991	18.4	7.6	8.4	2.4
ACT	130	477	3	0.5	610	68.2	6.2	7.8	10.9
NT	428	146	3	0.5	577	15.8	4.1	9.2	3.8
Aust	10,271	25,052	86	0.2	35,409	43.8	5.2	7.0	8.4

Notes

1. Percentage of unknown is the percentage of 'All children' in state/territory.
2. Population estimates are based on the 2006 census, refer to Appendix table A1.26 in the 2008-09 Child Protection Australia report for the specific populations used in the calculation of rates.
3. Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were on a care and protection order by the un-rounded rate of non-Indigenous children who were on a care and protection order. The resulting number shows a comparative representation per 1,000 children.

Source: AIHW 2010.



Types of care and protection orders

There were more orders issued during 2008–09 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 orders issued in 2008–09 for Indigenous and other children are presented in Table 2.15.7.

- As at 30 June 2009 most Indigenous children on care and protection orders were on guardianship and custody orders or arrangements (72.3%). The types of orders that Indigenous children were on compared with other children were very similar, however, Indigenous children were generally less likely to be on supervisory orders than non-Indigenous children. In the Australian Capital Territory, Indigenous children were relatively less likely to be on guardianship and custody orders or arrangements than other children and more likely to be on interim and temporary orders.

Table 2.15.7: Children on care and protection orders, by type of order, by state/territory and Indigenous status, 30 June 2009

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas ^(b)	ACT	NT ^(c)	Total
Indigenous children									
	Number								
Guardianship or custody orders/arrangements	2,555	593	2,021	1,154	512	125	85	376	7,421
Third-party parental responsibility	814	—	177	46	9	n.a.	4	n.a.	1,050
Supervisory orders	n.a.	208	114	52	—	1	6	—	381
Interim and temporary orders	582	24	408	213	29	25	30	24	1,335
Administrative arrangements	28	—	n.a.	—	23	—	5	28	84
Total	3,979	825	2,720	1,465	573	151	130	428	10,271
	Per cent								
Guardianship or custody orders/arrangements	64.2	71.9	74.3	..	89.4	82.8	65.4	87.9	72.3
Third-party parental responsibility	20.5	—	6.5	..	1.6	n.a.	3.1	..	10.2
Supervisory orders	..	25.2	4.2	..	—	0.7	4.6	—	3.7
Interim and temporary orders	14.6	2.9	15.0	..	5.1	16.6	23.1	5.6	13.0
Administrative arrangements	0.7	—	4.0	—	3.8	6.5	0.8
Total	100.0	100.0	100.0	..	100.0	100.0	100.0	100.0	100.0
Other children									
	Number								
Guardianship or custody orders/arrangements	6,521	3,781	3,801	1,461	1,602	659	350	130	18,305
Third-party parental responsibility	1,661	—	486	58	29	n.a.	13	n.a.	2,247
Supervisory orders	n.a.	1,341	355	92	7	25	36	—	1,856
Interim and temporary orders	1,221	153	580	261	90	150	63	11	2,529
Administrative arrangements	109	—	n.a.	—	60	6	18	8	201
Total	9,512	5,275	5,222	1,872	1,788	840	480	149	25,138
	Per cent								
Guardianship or custody orders/arrangements	68.6	71.7	72.8	..	89.6	78.5	72.9	87.2	72.7
Third-party parental responsibility	17.5	—	9.3	..	1.6	n.a.	2.7	..	9.3
Supervisory orders	..	25.4	6.8	..	0.4	2.6	7.5	—	6.3
Interim and temporary orders	12.8	2.9	11.1	..	5.0	17.7	13.1	6.1	10.9
Administrative arrangements	1.1	—	3.4	0.6	3.8	6.2	0.8
Total	100.0	100.0	100.0	..	100.0	100.0	100.0	100.0	100.0

(continued)

Table 2.15.7 (continued): Children on care and protection orders, by type of order, by state/territory and Indigenous status, 30 June 2009

- (a) New South Wales disaggregated data are not available for 2008-09 for 'Supervisory orders'.
- (b) Tasmania is not able to separately identify children under 'Third-party parental responsibility' arrangements. These children are included under the 'Guardianship or custody orders/arrangements' category.
- (c) Northern Territory data on 'Third-party parental responsibility' arrangements are not available.

Notes:

1. Other children includes those children whose indigenous status is unknown.
2. Percentages in tables may not add to 100 due to rounding.

Source: AIHW 2010.

Length of time on care and protection orders

- In 2008–09, in New South Wales, the Australian Capital Territory and the Northern Territory, Indigenous children were most likely to be on care and protection orders for less than 1 month. In South Australia, Indigenous children were most likely to be on care and protection orders for 1 month to less than 3 months. In Victoria, Tasmania and Queensland Indigenous children were most likely to be on care and protection orders for 1 year to less than 2 years. In Western Australia Indigenous children were most likely to be on care and protection orders for 2 years to less than 4 years (Table 2.15.8).
- A similar pattern was evident for other children on care and protection orders in 2008–09.

Table 2.15.8: Children discharged from care and protection orders, by length of time on an order, for selected states and territories, 2008–09

	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 +	
	Number								
Indigenous children									
New South Wales ^(a)	124	66	36	40	66	83	54	64	533
Victoria	—	4	37	53	76	47	28	7	252
Queensland	144	76	42	52	152	121	49	46	682
Western Australia	36	6	3	12	31	44	19	21	172
South Australia	11	55	25	4	18	25	1	16	155
Tasmania ^(b)	1	7	1	—	7	6	2	5	29
ACT ^(b)	10	7	4	2	1	9	3	3	39
Northern Territory	111	30	22	16	21	10	8	2	220
Other children^(c)									
New South Wales ^(a)	515	160	101	101	197	173	127	207	1,581
Victoria	—	28	178	263	458	382	157	58	1,525
Queensland	298	122	105	137	397	302	124	101	1,586
Western Australia	78	11	32	43	54	97	30	30	375
South Australia	51	75	37	13	84	54	26	44	384
Tasmania ^(b)	40	43	19	12	68	32	15	16	245
ACT ^(b)	39	19	17	6	4	25	18	8	136
Northern Territory	40	10	6	7	30	16	1	3	113
	Per cent								
Indigenous children									
New South Wales ^(a)	23.3	12.4	6.8	7.5	12.4	15.6	10.1	12.0	100.0
Victoria	—	1.6	14.7	21.0	30.2	18.7	11.1	2.8	100.0
Queensland	21.1	11.1	6.2	7.6	22.3	17.7	7.2	6.7	100.0
Western Australia	20.9	3.5	1.7	7.0	18.0	25.6	11.0	12.2	100.0
South Australia	7.1	35.5	16.1	2.6	11.6	16.1	0.6	10.3	100.0
Tasmania ^(b)	3.4	24.1	3.4	—	24.1	20.7	6.9	17.2	100.0
Australian Capital Territory ^(b)	25.6	17.9	10.3	5.1	2.6	23.1	7.7	7.7	100.0
Northern Territory	50.5	13.6	10.0	7.3	9.5	4.5	3.6	0.9	100.0

(continued)

Table 2.15.8 (continued): Children discharged from care and protection orders, by length of time on an order, for selected states and territories, 2008–09

	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	
	Per cent								
Other children^(c)									
New South Wales ^(a)	32.6	10.1	6.4	6.4	12.5	10.9	8.0	13.1	100.0
Victoria	0.1	1.8	11.7	17.2	30.0	25.0	10.3	3.8	100.0
Queensland	18.8	7.7	6.6	8.6	25.0	19.0	7.8	6.4	100.0
Western Australia	20.8	2.9	8.5	11.5	14.4	25.9	8.0	8.0	100.0
South Australia	13.3	19.5	9.6	3.4	21.9	14.1	6.8	11.5	100.0
Tasmania ^(b)	16.3	17.6	7.8	4.9	27.8	13.1	6.1	6.5	100.0
Australian Capital Territory ^(b)	28.7	14.0	12.5	4.4	2.9	18.4	13.2	5.9	100.0
Northern Territory	35.4	8.8	5.3	6.2	26.5	14.2	0.9	2.7	100.0

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

(b) Percentages for Tasmania and the Australian Capital Territory should be interpreted with care because of the small numbers. Any fluctuation in the number of children has a large impact on the percentages.

(c) Other children' includes those children whose Indigenous status is unknown.

Notes:

1. If a child is discharged from an order and a new care and protection order/arrangement is applied within 5 days of the discharge, the orders are deemed to be consecutive (i.e. the length of time continuously on an order will include both orders).
2. If a child is on multiple care and protection orders/arrangements, all orders/arrangements must be discharged before a discharge for the purposes of this table is counted.
3. Length of time continuously on an order is counted only for the first order/arrangement that the child is discharged from during the year.
4. Totals exclude discharges of unknown length.
5. Percentages in tables may not add to 100 due to rounding.

Source: AIHW analysis of National Child Protection Data Collection.

Time series analyses

The number of children aged 0-17 years on care and protection orders by Indigenous status and state and territory is reported for the period of 1998-2009 in Table 2.15.9 and Figure 2.15.3.

Table 2.15.9: Number of children on care and protection orders: children aged 0–17 years, by Indigenous status and state/territory, at 30 June 1998 to 30 June 2009

State/territory	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indigenous												
NSW ^(a)	1,195	1,562	1,826	2,070	1,992	2,265	n.a.	2,113	2,409	2,880	3,380	3,979
Vic ^(b)	294	n.a.	448	512	510	534	574	682	740	623	977	825
Qld ^(c)	852	880	856	803	880	953	1,146	1,342	1,667	1,915	2,216	2,720
WA ^(d)	215	298	327	355	468	509	583	660	798	1,091	1,279	1,465
SA	160	158	215	221	233	261	275	322	378	440	540	573
Tas	34	34	31	27	23	59	83	94	125	164	139	151
ACT ^(e)	46	36	40	32	32	48	53	70	100	113	117	130
NT	72	93	118	126	126	174	230	281	303	300	363	428
Australia	2,868	n.a.	3,861	4,146	4,264	4,803	n.a.	5,564	6,520	7,526	9,011	10,271
Other^(f)												
NSW ^(a)	4,792	5,386	5,835	6,035	6,237	6,710	n.a.	6,507	6,804	7,759	8,706	9,512
Vic ^(b)	3,921	n.a.	4,304	4,270	4,465	4,504	4,677	4,976	5,244	5,556	6,899	5,275
Qld ^(c)	2,581	2,729	2,756	2,770	2,885	3,154	3,804	4,515	4,779	4,476	4,824	5,222
WA ^(d)	584	721	778	831	916	961	1,056	1,123	1,248	1,538	1,815	1,872
SA	942	866	995	1,039	1,053	1,117	1,180	1,231	1,293	1,441	1,657	1,788
Tas	486	406	439	426	440	541	551	622	708	733	775	840
ACT ^(e)	209	200	192	187	229	240	300	394	458	461	435	480
NT	66	84	102	79	68	100	115	133	134	151	157	149
Australia	13,581	n.a.	15,401	15,637	16,293	17,327	n.a.	19,501	20,668	22,115	25,268	25,138

(continued)

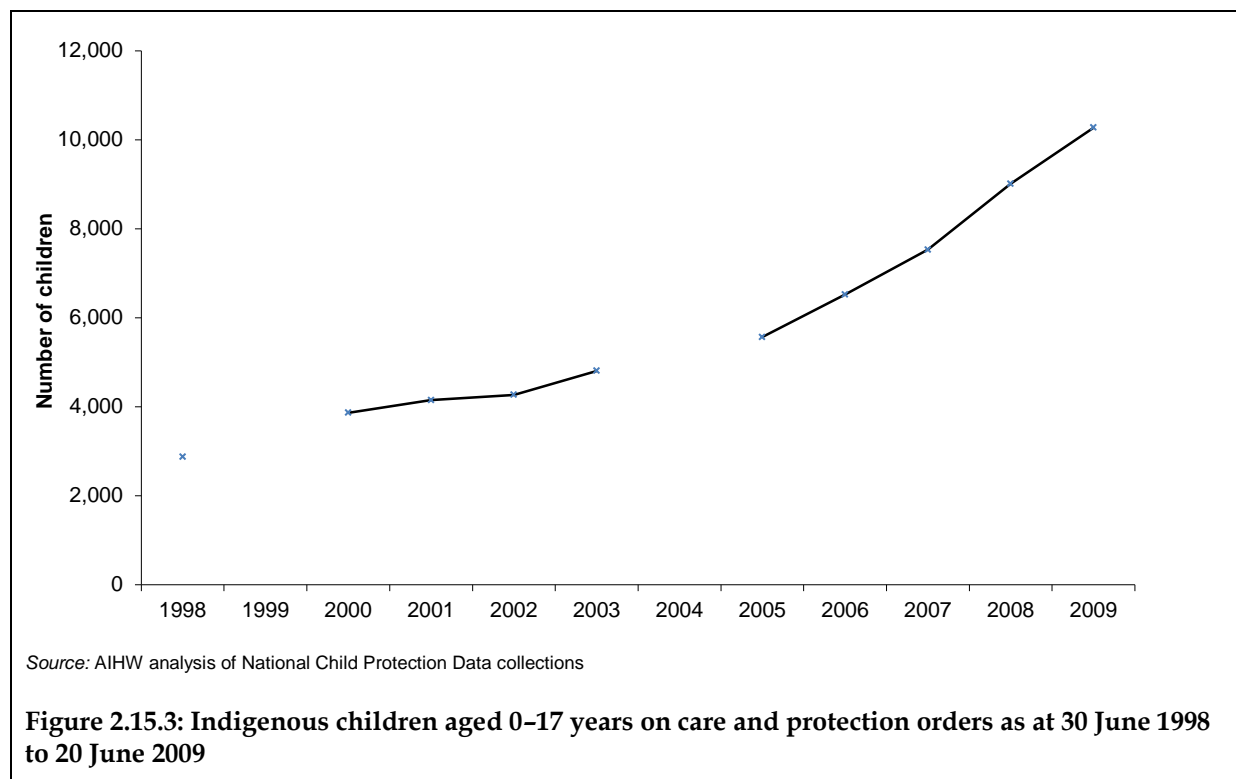
Table 2.15.9 (continued): Number of children on care and protection orders: children aged 0–17 years, by Indigenous status and state/territory, at 30 June 1998 to 30 June 2009

- (a) New South Wales data do not include supervisory orders. New South Wales was unable to provide data for 2003–04 because of the ongoing implementation of the new data system.
- (b) Because of new service and data reporting arrangements, the Victorian child protection data from 2006–07 may not be fully comparable with previous years data. See AIHW (2008) for more information.
- (c) 2007 data for Queensland published in *Child protection Australia* were interim and were revised in 2008.
- (d) 2007 data include 24 children who were placed on Enduring Parental Responsibility orders.
- (e) Additional systems have been put in place to tackle the Indigenous status recording issues, including quarterly monitoring.
- (f) Other children includes those children whose Indigenous status is unknown. Children of unknown Indigenous status were not collected at a national level during these collection years. Interpretation of these trend data should therefore be treated with caution.

Notes:

1. During 2001–02, practices were introduced to improve the identification of Indigenous status that resulted in an increase in the number of Indigenous clients.
2. The counts of Aboriginal and Torres Strait Islander children are likely to be an underestimate of the actual number of Aboriginal and Torres Strait Islander children in the child protection system.

Source: AIHW 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010.



Out-of-home care

Out-of-home care is one of a range of services provided to children and young people under 18 years of age 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 are 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 whose 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. This is expected to change with the introduction of the unit record collection which is currently being developed (AIHW 2010).

Out-of-home care by state/territory

- At 30 June 2009, there were 10,512 Aboriginal and Torres Strait Islander children aged 0–17 years in out-of-home care. The rate was 44.8 per 1,000, ranging from 13.2 in the Northern Territory to 71.3 in New South Wales (Table 2.15.10).
- In all jurisdictions there were higher rates of Indigenous children in out-of-home care than non-Indigenous children. The national rate of Indigenous children in out-of-home care was 9.2 times that for non-Indigenous children.

Table 2.15.10: Children in out-of-home care: number and rate (number per 1,000 children aged 0–17 years), by Indigenous status and state/territory, at 30 June 2009

State/ territory	Number of children					Number per 1,000 children			Rate ratio Indig./ non-Indig.
	Indigenous	Non- Indigenous	Unknown no.	Unknown %	All children	Indigenous	Non- Indigenous children	All	
NSW	4,991	10,207	13	0.1	15,211	71.3	6.6	9.4	10.9
Vic	743	4,452	97	1.8	5,283	48.7	3.7	4.3	13.2
Qld	2,481	4,547	65	0.9	7,093	36.0	4.6	6.7	7.9
WA	1,197	1,485	—	—	2,682	38.8	3.0	5.1	13.0
SA ^(a)	521	1,495	—	—	2,016	41.7	4.4	5.7	9.5
Tas ^(b)	130	676	2	0.2	808	15.8	6.1	6.8	2.6
ACT	100	391	3	0.6	494	52.4	5.1	6.3	10.3
NT	358	121	3	0.6	482	13.2	3.4	7.7	3.9
Australia	10,521	23,374	183	0.5	34,069	44.8	4.9	6.7	9.2

(a) South Australia can only provide the number of children in out-of-home care when the Department is making a financial contribution to the care of a child.

(b) Tasmania is not able to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining payment is likely to be very low.

Note:

1. Population estimates are based on the 2006 census, refer to Appendix table A1.26 in the 2008-09 Child Protection Australia report for the specific populations used in the calculation of rates.
2. Rate ratios are calculated by dividing the un-rounded rate of Indigenous children who were in out-of-home care by the un-rounded rate of non-Indigenous children who were in out-of-home care. The resulting number shows a comparative representation per 1,000 children.

Source: AIHW 2010.

Out-of-home care by 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 many jurisdictions in the relatively high proportions of Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives.

It is important to note that the Aboriginal Child Placement Principle is just one of the many considerations taken into account when making decisions on placements for Indigenous children. Where placement options outlined in the principle are not optimal for a child's safety and wellbeing, the child may be placed in an alternative care arrangement; this is usually only done after extensive consultation with Indigenous individuals and organisations.

- As at 30 June 2009, the proportion of Aboriginal and Torres Strait Islander children who were placed with either an Indigenous carer or a relative was above 50% except for Tasmania (28%) and the Northern Territory (48%). In New South Wales, 84% of Indigenous children were placed with relative/kin, other Indigenous caregivers or in Indigenous residential care (Table 2.15.11).

Table 2.15.11: Aboriginal and Torres Strait Islander children in out-of-home care: Indigenous status and relationship of carer, by state/territory, at 30 June 2009

Relationship	NSW	Vic ^(a)	Qld	WA ^(a)	SA ^(b)	Tas ^(c)	ACT	NT ^(d)
	Number							
Indigenous relative/kin	2,759	181	590	607	204	13	40	116
Other Indigenous caregiver	843	75	566	169	112	3	9	52
Other relative/kin	544	162	265	96	61	20	6	—
Indigenous residential care	23	13	24	26	18	—	3	—
<i>Total placed with relative/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>4,169</i>	<i>431</i>	<i>1,445</i>	<i>898</i>	<i>395</i>	<i>36</i>	<i>58</i>	<i>168</i>
Other caregiver	741	233	925	221	87	89	29	186
Other residential care	53	60	111	73	35	5	13	—
<i>Total not placed with relative/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>794</i>	<i>293</i>	<i>1,036</i>	<i>294</i>	<i>122</i>	<i>94</i>	<i>42</i>	<i>186</i>
Total	4,963	724	2,481	1,192	517	130	100	354
	Per cent							
Indigenous relative/kin	55.6	25.0	23.8	50.9	39.5	10.0	40.0	32.8
Other Indigenous caregiver	17.0	10.4	22.8	14.2	21.7	2.3	9.0	14.7
Other relative/kin	11.0	22.4	10.7	8.1	11.8	15.4	6.0	—
Indigenous residential care	0.5	1.8	1.0	2.2	3.5	—	3.0	—
<i>Total placed with relative/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>84.0</i>	<i>59.5</i>	<i>58.2</i>	<i>75.3</i>	<i>76.4</i>	<i>27.7</i>	<i>58.0</i>	<i>47.5</i>
Other caregiver	14.9	32.2	37.3	18.5	16.8	68.5	29.0	52.5
Other residential care	1.1	8.3	4.5	6.1	6.8	3.8	13.0	—
<i>Total not placed with relative/kin, other Indigenous caregivers or Indigenous residential care</i>	<i>16.0</i>	<i>40.5</i>	<i>41.8</i>	<i>24.7</i>	<i>23.6</i>	<i>72.3</i>	<i>42.0</i>	<i>52.5</i>
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) A small number of children are placed with externally arranged foster carers who are also their relatives and have been recorded in the foster care category.

(b) South Australia can only provide the number of children in out-of-home care where the Department is making a financial contribution to the care of a child.

(c) Tasmania is not able to adhere to the AIHW definition of OOH for 2008-09 to include children in care where a financial payment has been offered but has been declined by the carer. However, the number of carers declining a financial payment is likely to be very low.

(d) In the Northern Territory, children placed with family members have all been included in the 'Indigenous relative/kin' category.

Notes:

1. This table does not include Indigenous children who were living independently or whose living arrangements were unknown.
2. Percentages in tables may not add to 100 due to rounding.
3. Children in family group homes are reported as in residential care.

Source: AIHW 2010.

Data quality issues

Child protection data

Reported rates for Aboriginal and Torres Strait Islander children in the child protection system for 2008-09 cannot be compared directly with previous years data published in AIHW *Child protection in Australia* reports. In previous years, rates were calculated using ABS Indigenous population denominators from the 1996 and 2001 Census, while the 2008-09 projections are based on the 2006 Census population data. For time series analyses presented in this measure, rates were taken from the published reports and they have not been re-calculated using recent Indigenous population estimates based on 2006 Census.

State/territory comparisons

As each state or territory has a different legal regime and different human services policies around child protection, the states and territories cannot be compared with each other, and national totals should not be used. Tasmania and the Australian Capital Territory have very small numbers, and statistics from these jurisdictions are susceptible to random fluctuations.

Child protection is an area in which legislation and human services practice changes. Often notification rates vary owing to public awareness of child abuse, and a number of factors that affect practices in relation to the intensity of follow-up of notifications. For these reasons time series comparisons may not be statistically valid.

In addition, one-off global changes may occur in the legal and procedural regime of a particular jurisdiction, which may make comparisons between time series data from before and after such change invalid.

Child abuse

Child protection policies and practices are continually under development. As such, they impact on the number of children in the child protection system in different ways. Therefore, trends in child protection numbers should be interpreted carefully.

The definition of what constitutes child abuse and neglect has changed and broadened over time (AIFS: Bromfield & Holzer 2008). Naturally, any broadening of the definition of child abuse and neglect is likely to increase notifications and substantiations. The focus of child protection in many jurisdictions has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect. Instead, the focus has moved towards a broader assessment of whether a child or young person has suffered harm.

Care and protection orders

For the 2008-09 financial year, Indigenous children are counted only once, even if they were admitted to or discharged from more than one order or were on more than one order at 30 June 2009. If a child is on more than one order at 30 June, 2009, then they are 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) (AIHW 2010).

Substantiations

Since 1997, the number of substantiated notifications of child abuse across Australia has increased significantly. Therefore, interpretation of the figures for Indigenous children should be in the light of the increasing number of all children subject to these substantiated notifications.

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. For information regarding the 2008-09 financial year children whose Indigenous status is recorded as 'unknown' are excluded, where possible, from calculations of rates and proportions. The counts for Aboriginal and Torres Strait Islander children are therefore likely to be an underestimate of the actual number of Aboriginal and Torres Strait Islander children in the child protection system.

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

List of symbols used in tables

- n.a. not available
- rounded to zero (including null cells)
- 0 zero
- .. not applicable
- n.e.c. not elsewhere classified
- n.f.d. not further defined
- n.p. not available for publication but included in totals where applicable, unless otherwise indicated

References

- AIFS (Australian Institute of Family Studies): Bromfield and Holzer 2008. NCPASS comparability of child protection data: Project report. Melbourne: AIFS.
- AIHW (Australian Institute of Health and Welfare) 1999. Child protection in Australia 1997-1998. Cat. no. CWS 8. Canberra: AIHW.
- AIHW 2000. Child protection in Australia 1998-1999. Child welfare series no. 25. Cat. no. CWS 11. Canberra: AIHW.
- AIHW 2001. Child protection in Australia 1999-2000. Child welfare series no. 27. Cat. no. CWS 13. Canberra: AIHW.
- AIHW 2002. Child protection in Australia 2000-01. Child welfare series no. 29. Cat. no. CWS 16. Canberra: AIHW.

AIHW 2003. Child protection in Australia 2001–02. Child welfare series no. 32. Cat. no. CWS 20. Canberra: AIHW.

AIHW 2004. Child protection in Australia 2002–03. Child welfare series no. 34. Cat. no. CWS 22. Canberra: AIHW.

AIHW 2005. Child protection in Australia 2003–04. Child welfare series no. 36. Cat. no. CWS 24. Canberra: AIHW.

AIHW 2006. Child protection in Australia 2004–05. Child welfare series no. 38. Cat. no. CWS 26. Canberra: AIHW.

AIHW 2007. Child protection in Australia 2005–06. Child welfare series no. 40. Cat. no. CWS 28. Canberra: AIHW.

AIHW 2008. Child protection in Australia 2006–07. Child welfare series no. 43. Cat. no. CWS 31. Canberra: AIHW.

AIHW 2009. Child protection Australia 2007-08. Child welfare series no. 45. Cat. No. CWS 33. Canberra: AIHW.

AIHW 2010. Child protection Australia 2008-09. Child welfare series no. 47. Cat. no. CWS 35. Canberra: AIHW.

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.

Lock JA 1997. The Aboriginal Child Placement Principle: research project no. 7. Sydney: New South Wales Law Reform Commission.

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