

# **Child protection Australia 2000–01**

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# **Child protection Australia 2000–01**

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These agencies contributed substantially to the content of this report.

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
CSMAC	Community Services Ministers' Advisory Council
NCPASS	National Child Protection and Support Services Data Group
NCSIMG	National Community Services Information Management Group

## Symbols used in the tables

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

### Notes

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

# Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the community services departments in each State and Territory. Most of the data in this report cover the 2000–01 financial year, although data on trends in child protection are also included.

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

The main points of interest in the report are as follows:

- Over the last 5 years the number of child protection notifications in Australia increased from 91,734 in 1995–96 to 115,471 in 2000–01. Over this period the number of notifications increased in all jurisdictions except Western Australia, Tasmania and the Australian Capital Territory (Table 2.3).
- Between 1995–96 and 2000–01 the number of substantiations across Australia decreased from 29,833 to 27,367. This decrease appears to be primarily due to changes in policies and practices in different jurisdictions (Table 2.4).
- Rates of children who were the subjects of child protection substantiations in 2000–01 ranged from 0.9 per 1,000 children aged 0–16 years in Tasmania to 7.4 per 1,000 in Queensland (Table 2.7).
- There was a continuing upward trend Australia-wide in the numbers of children on care and protection orders and the numbers in out-of-home care. The numbers of children on care and protection orders increased from 15,718 at 30 June 1997 to 19,783 at 30 June 2001, while the numbers of children in out-of-home care increased from 14,078 to 18,241 over the same period (Tables 3.5 and 4.3).
- At 30 June 2001 there were 4.2 children per 1,000 on care and protection orders and 3.9 per 1,000 in out-of-home care (Tables 3.9 and 4.7).
- While the quality of the data on Indigenous status varies between States and Territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system.
- The rate of Indigenous children who were the subjects of substantiations, for example, was more than seven times the rate for other children in Western Australia and South Australia (Table 2.9). Across Australia the rate of Indigenous children on care and protection orders and the rate of Indigenous children in out-of-home care was over six times the rate for other Australian children (Tables 3.10 and 4.8).

# 1 Background

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

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

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

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

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

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

## Child protection systems

### Reporting of child protection matters

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

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

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

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

Other areas of government also play a role in child protection. Health services support the assessment of child protection matters and deliver therapeutic, counselling and other services. The education sector in many jurisdictions undertakes preventative work with children and families and also plays an important role in the identification of suspected harm. In some jurisdictions, 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 illustrates a simplified version of the main processes in the child protection system. These are outlined in more detail below.

### **Reports to the department**

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

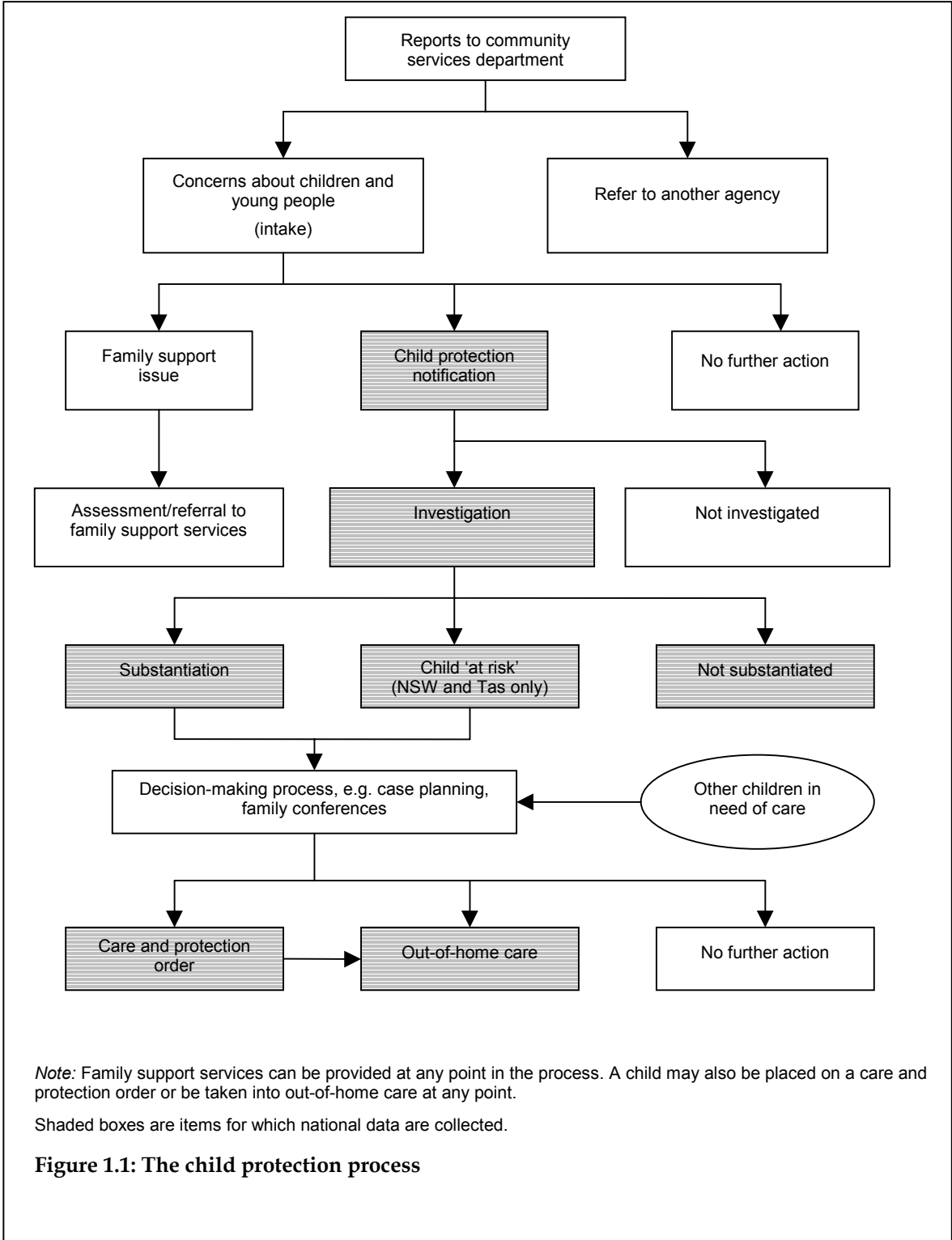
Reports to the department are assessed to determine whether the matter relates to concerns about children and young people and should be dealt with by the community services department, or referred to another agency. Those reports that are appropriate for the community service departments are further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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Recent policy changes**

The following paragraphs, provided by States and Territories, outline the major child protection policy changes that occurred in 2000–01.

### **New South Wales**

Part of the new *Children and Young Persons (Care and Protection) Act 1998* was proclaimed in December 2000, with the rest of the Act to be proclaimed in 2002. The Act creates new responsibilities for the Department of Community Services and other Government agencies in reducing the risk of harm to children and young people and providing for their care and support. It also means greater participation by Aboriginal families and communities in decision making regarding the care of Aboriginal children and young people.

A number of initiatives were introduced to support the new legislation:

- a centralised intake system that receives and manages all initial contacts reporting concerns for a child or young person;
- new risk assessment tools and procedural guidelines to support staff working with children, young people and families; and
- the establishment of the Office of the Children’s Guardian to exercise the Minister’s parental responsibility for children and young people in out-of-home care, accredit agencies to provide out-of-home care and protect the interests of children and young people.

An amendment to the Act to focus effort in child protection and out-of-home care on permanency planning for children and young people is currently before the New South Wales Parliament.

## **Victoria**

A wide-ranging examination of child protection and supported placements commenced in 2000–01. This has helped to guide the development of a long-term integrated strategy for the management of demand for child protection and placement services, including an examination of alternative service delivery models. A major focus of this strategy is to reduce the demand for child protection services by strengthening family support and other services.

There was also an extensive examination and report on the quality of service provided to children in residential care. This led to the adoption of new minimum service standards, the development of regional service improvement plans and an enhanced monitoring framework. Complementing this will be a learning and development strategy that supports staff in residential care facilities. Increased funding was also made available to improve the infrastructure and service quality, and to ensure ongoing viability of agencies.

## **Queensland**

The implementation of a number of initiatives arising from the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry) continued in 2000–01. These included:

- increasing the number of direct service and support staff;
- enhancing the capacity and number of community-based child protection and family support services, including Aboriginal and Torres Strait Islander child and family services;
- implementation of a client complaint system; and
- improving responses to children and young people in alternative care and past residents of Queensland institutions.

## **Western Australia**

The joint response initiative between Western Australian Police and the Department for Community Development for the investigation of child abuse is operating throughout the metropolitan area and the State to improve services and outcomes for children.

The department is currently conducting a high-level review of its out-of-home care services to ensure they continue to meet the changing needs of the community and are based on the most recent research and examples of best practice. The department is progressively implementing the Looking After Children system which is an assessment, case-planning and review system designed in the United Kingdom to promote positive development outcomes among children and young people in care.

## **South Australia**

Inter-agency collaboration concerning children assessed as being in danger has been strengthened through joint Family and Youth Services, Police and Child Protection Services training.

The Department of Human Services has commissioned a review into South Australia's Alternative Care System with the final report released in February 2002. Review findings will inform new directions in management, review and monitoring of the alternative care program, as well as the development of a range of alternative care and support services.

## **Tasmania**

The implementation of the *Children, Young Persons and Their Families Act 1997* continued in 2000–01. The Act aims to promote early intervention and prevention, with appropriate family supportive strategies being used in preference to legal intervention. There were also changes made to ensure that children, young people and families have more direct involvement in proceedings and decision making.

A Strategic Framework for out-of-home care was developed following the review undertaken in the previous year. This seeks to establish strong linkages with preventative and more universal services, and recognises the changing role of carers and the growing importance of kinship care as the preferred option for many children at risk. A commitment has been made to commence the introduction of the Looking After Children system in 2001–02.

## **Australian Capital Territory**

The *Children and Young People Act 1999* commenced on May 2000 and continued to be implemented throughout the year. The Act reflects an increased emphasis on family support and prevention services. An Indigenous unit was established to work directly with families and to provide a consultancy to other staff on Indigenous matters.

A major new initiative that bridges the gap between protection and support is the ACT Schools as Communities Program, which uses a model of prevention and early intervention to provide support services from the non-stigmatising base of the local school.

Major reform in the area of out-of-home care included the introduction of the Looking After Children system of guided practice.

## **Northern Territory**

The following child protection reforms were introduced during the year:

- the adoption of screening tools to improve the quality and consistency of decision making at intake;
- a risk assessment framework for case practice;
- case auditing and an overhaul of existing quality assurance arrangements; and
- improvements in the marketing of the service, including installation of a toll-free reporting phone line and new information and promotion materials for consumers.

## **The child protection data**

The data in this report were extracted from the administrative systems of the State and Territory community services departments according to definitions and counting rules agreed to by the departments and the AIHW. The State and Territory community services departments provide funding to the AIHW to collate, analyse and publish these data. The National Child Protection and Support Services Data Group (NCPASS) has responsibility to oversee 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 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 family preservation services were collected, but the data collection requires further development. The aim of these services is to prevent the child being removed from the family and placed in out-of-home care or to reunify families where a child has already been removed. There are no other data at the national level on the support services used by children in need of protection and their families.

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

The practices used to identify and record the Indigenous status of children in the child protection system vary across States and Territories and the data on Aboriginal and Torres Strait Islander children should be interpreted with care. In 2000 the National Community Services Information Management Group (NCSIMG) commissioned the development of a set of principles and standards to govern the collection and use of Indigenous client data in community services, including child protection. These standards and principles have been approved by the NCSIMG and a plan for their implementation is currently being developed. This is likely to lead to greater consistency in the recording of Indigenous status in the child protection data.

Work is also being undertaken by NCPASS to improve the comparability of the national child protection data. A new national framework has been developed in order to improve the comparability of the data that are collected. This framework will be tested and implemented over the next few years.

# 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 2000 and 30 June 2001. Only child protection matters that were notified to community services departments are included in this national collection. Notifications made to other organisations, such as the police or the non-government welfare agencies, are included only if these notifications were also referred to the community services departments.

As well as reporting on the number of notifications, investigations and substantiations, this report also includes data on the number of children in notifications, investigations and substantiations. As a child can be the subject of more than one notification, investigation or substantiation in a year, there are 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 2000 and 30 June 2001, 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 2000 and 30 June 2001 which was investigated and the investigation was completed and an outcome recorded by 31 August 2001;
  - *Investigation not finalised* – a notification received between 1 July 2000 and 30 June 2001 which was investigated but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2001;

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

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

- *Substantiation* – where there 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.
- *Child at risk* (New South Wales and Tasmania only) – used in New South Wales where it was determined that no actual harm occurred but carer/ family issues were involved, and in Tasmania where there were reasonable grounds to suspect the possibility of previous or future abuse or neglect, and further involvement of the department was considered to be warranted; and
- *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 2000–01 financial year. For most tables, Australian totals have not been provided because the data from the States and Territories are not strictly comparable. The legislation, policies and procedures of each State and Territory should be taken into account when interpreting these data.

### Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 2000 and 30 June 2001 for each State and Territory is shown in Table 2.1. The number of notifications ranged from 40,937 in New South Wales to 315 in Tasmania.

Most notifications were subject to an investigation. The proportion of notifications that were investigated ranged from 97% in Western Australia to 36% in Victoria (Table 2.1). This broad range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations. In Victoria, for example, the definition of a notification is very broad and may include family issues that are responded to without a formal investigation process. In contrast, in Western Australia and Tasmania, reports to the departments are screened prior to 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, 2000–01**

Type of action	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>
	<b>Number</b>							
Investigations finalised <sup>(d)</sup>	19,913	12,910	12,347	2,392	5,124	268	577	755
Investigations not finalised <sup>(e)</sup>	5,379	295	5,775	367	32	10	107	14
<i>Total investigations</i>	<i>25,292</i>	<i>13,205</i>	<i>18,122</i>	<i>2,759</i>	<i>5,156</i>	<i>278</i>	<i>684</i>	<i>769</i>
Dealt with by other means <sup>(f)</sup>	15,645	23,761	3,144	—	4,832	7	—	—
No investigation possible/no action <sup>(g)</sup>	—	—	803	92	—	30	110	782
<b>Total notifications</b>	<b>40,937</b>	<b>36,966</b>	<b>22,069</b>	<b>2,851</b>	<b>9,988</b>	<b>315</b>	<b>794</b>	<b>1,551</b>
	<b>Per cent</b>							
Investigations finalised <sup>(d)</sup>	49	35	56	84	51	85	73	49
Investigations not finalised <sup>(e)</sup>	13	1	26	13	—	3	13	1
<i>Total investigations</i>	<i>62</i>	<i>36</i>	<i>82</i>	<i>97</i>	<i>52</i>	<i>88</i>	<i>86</i>	<i>50</i>
Dealt with by other means <sup>(f)</sup>	38	64	14	—	48	2	—	—
No investigation possible/no action <sup>(g)</sup>	—	—	4	3	—	10	14	50
<b>Total notifications</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

(b) 'Notifications investigated' included 40 cases where it was not known whether there was an investigation as data had not been recorded.

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

(d) An investigation is classified as finalised where it was completed and an outcome recorded by 31 August 2001.

(e) 'Investigation not finalised' is an investigation that was begun but not completed by 31 August 2001.

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

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

## Outcomes of investigations

Although the outcomes of investigations varied across the States and Territories, in all jurisdictions a large proportion of investigations were not substantiated; that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 41% of finalised investigations in Victoria and 50% in Western Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 68% in Queensland to 38% in New South Wales, Tasmania and the Australian Capital Territory. Although a relatively low proportion of investigations in New South Wales and Tasmania were substantiated, an additional 23% of investigations in New South Wales and 10% in Tasmania were classified as 'child at risk'. In New South Wales this category refers to investigations where it was determined that no actual harm occurred but carer/family issues were involved.

**Table 2.2: Outcomes of finalised investigations, by State and Territory, 2000-01**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Substantiations	7,501	7,608	8,395	1,191	1,998	103	222	349
Child at risk	4,600 <sup>(a)</sup>	..	..	..	..	28	..	..
Not substantiated	7,812	5,302	3,952	1,201	3,126	137	355	406
<b>Total finalised investigations</b>	<b>19,913</b>	<b>12,910</b>	<b>12,347</b>	<b>2,392</b>	<b>5,124</b>	<b>268</b>	<b>577</b>	<b>755</b>
	<b>Per cent</b>							
Substantiations	38	59	68	50	39	38	38	46
Child at risk	23 <sup>(a)</sup>	..	..	..	..	10	..	..
Not substantiated	39	41	32	50	61	51	62	54
<b>Total finalised investigations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) In New South Wales, the category 'child at risk' refers to investigations where it was determined that no actual harm occurred but carer/family issues were involved.

### Trends in notifications and substantiations

In Australia, the number of child protection notifications increased considerably over the last 5 years, rising from 91,734 in 1995-96 to 115,471 in 2000-01 (Table 2.3). Over this period the number of notifications increased in all jurisdictions except Western Australia, Tasmania and the Australian Capital Territory. The increase in the number of notifications was particularly large in New South Wales in 2000-01, which is likely to be due to the introduction of new legislation in 2000-01 which expanded the categories of risk of harm, extended the professionals and agencies mandated to report and introduced a centralised intake system; and in the Northern Territory in 1999-00 following the introduction of a new reporting system.

**Table 2.3: Number of notifications, by State and Territory, 1995-96 to 2000-01**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1995-96	28,930	29,914	15,362	3,748	8,895	2,933	1,437	515	91,734
1996-97	n.a. <sup>(a)</sup>	31,707	15,478 <sup>(b)</sup>	2,099	10,094	2,363	1,220	481	n.a. <sup>(a)</sup>
1997-98	31,223	33,163	17,233	2,447	11,651	1,016	1,125	710	98,568
1998-99	31,513	34,679	18,721	2,568	13,132	653	1,358	n.a. <sup>(c)</sup>	n.a. <sup>(c)</sup>
1999-00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437 <sup>(d)</sup>	107,134
2000-01	40,937	36,966	22,069	2,851	9,988 <sup>(e)</sup>	315	794	1,551	115,471

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

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

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

(d) 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.

(e) 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.

As well as changes in policies and practices, the increase in the number of notifications may be due to:

- an increase in the number of child protection matters that are reported: for example, due to the introduction of mandatory reporting in some jurisdictions and/or an increased awareness about child abuse and neglect in the community; and

- an increase in the number of children who require a child protection response: for example, through an increase in the incidence of child abuse and neglect, or inadequate parenting causing harm to a child.

Changes in policies and practices also led to decreases in the number of notifications in some jurisdictions. For example, the decrease in the number of notifications in South Australia between 1999–00 and 2000–01 was due to a change in the classification of reports to exclude those that did not meet the criteria of reasonable suspicion of child abuse and neglect. The decrease in numbers in Tasmania in 1997–98 and in the Australian Capital Territory in 1999–00 also followed changes in child protection policies in these jurisdictions.

The trend in the number of substantiations varied from the trend in the number of notifications. Over the last 5 years the number of substantiations in Australia decreased from 29,833 in 1995–96 to 27,367 in 2000–01 (Table 2.4). Trends varied across jurisdictions, with the numbers increasing in Victoria, Queensland, Western Australia and the Northern Territory, but decreasing in New South Wales, South Australia, Tasmania and the Australian Capital Territory.

The decreases in the number of substantiations appear to be primarily due to changes in child protection policies and practices across a number of States and Territories. For example, in July 1997 Tasmania introduced a new system where reports of concerns about children and their families were distinguished from concerns about maltreatment of children. Similarly, in New South Wales in July 1996 there was a large fall in the number of substantiations following the introduction of new policies that screened out reports of concerns about children from reports of child abuse and neglect (AIHW 1998).

**Table 2.4: Number of substantiations, by State and Territory, 1995–96 to 2000–01**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1995–96	14,063	6,663	4,662	1,095	2,415	235	445	255	29,833
1996–97	n.a. <sup>(a)</sup>	7,034	4,895 <sup>(b)</sup>	982	2,527	244	376	252	n.a. <sup>(a)</sup>
1997–98	8,406	7,357	6,323	1,135	1,915	135	411	343	26,025
1998–99	7,540	7,251	6,373	1,215	2,114	128	442	n.a. <sup>(c)</sup>	n.a. <sup>(c)</sup>
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

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

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

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

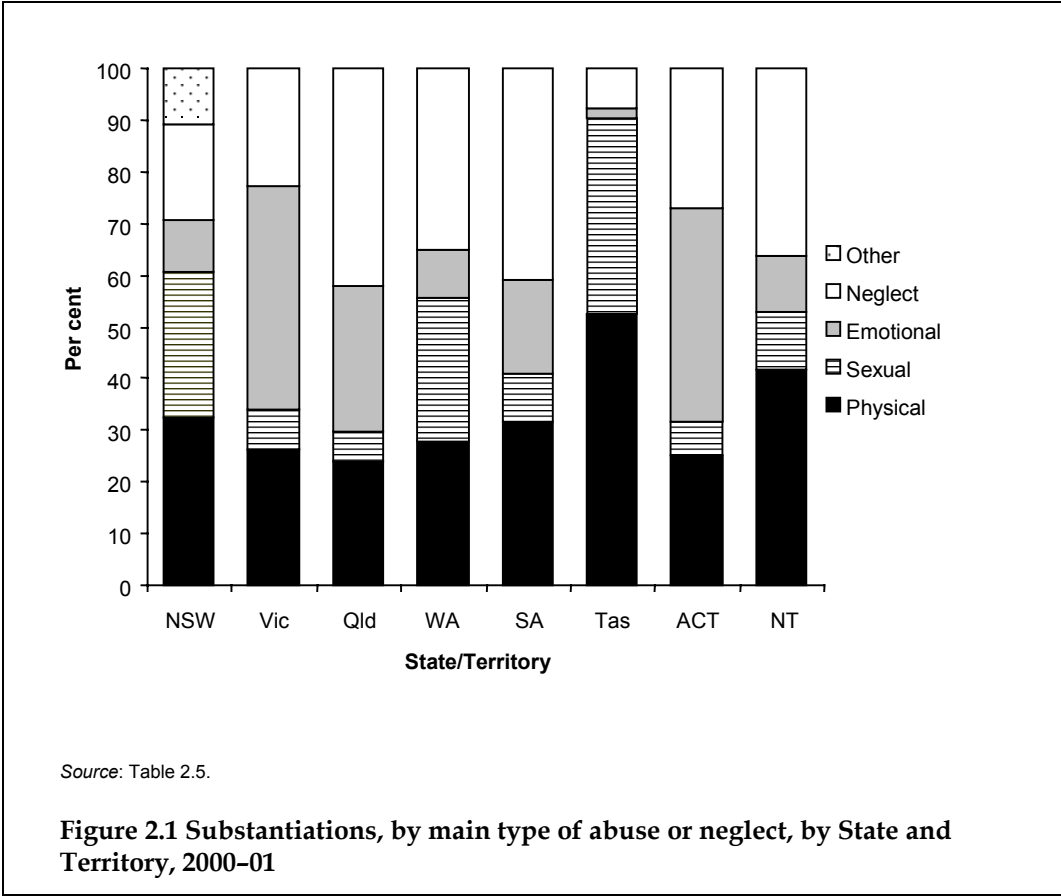
## Substantiations and type of abuse and neglect

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

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

These variations in the distribution of types of abuse or neglect across jurisdictions are likely to be the result of differences in what is classified as a substantiation as well as differences in

the types of incidents that are substantiated. In Western Australia and Tasmania a relatively high proportion of substantiations were classified as either 'physical abuse' or 'sexual abuse', as the child protection data from these two States include only child maltreatment cases; cases which require a family support response are dealt with and counted separately. Victoria, on the other hand, had a relatively high proportion of substantiations that were classified as 'emotional abuse', reflecting the broader range of incidents that are included in child protection notifications and substantiations. The relatively low rate of emotional abuse in New South Wales reflects the policy of classifying many of these matters as carer/family issues rather than as a substantiation of harm. The high proportion of substantiations classified as 'neglect' in Queensland reflects the policies in that State which focus on identifying the protective needs of a child and assessing whether parents have protected the child from harm or risk of harm.



**Table 2.5: Substantiations, by main type of abuse or neglect and State and Territory, 2000–01**

Type of abuse or neglect substantiated	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Physical	2,430	1,988	1,995	329	633	54	56	145
Sexual	2,103	591	492	335	181	39	14	39
Emotional	758	3,284	2,385	108	365	2	92	39
Neglect	1,390	1,745	3,523	419	819	8	60	126
Other <sup>(a)</sup>	820	..	..	..	..	..	..	..
<b>Total substantiations</b>	<b>7,501</b>	<b>7,608</b>	<b>8,395</b>	<b>1,191</b>	<b>1,998</b>	<b>103</b>	<b>222</b>	<b>349</b>
	<b>Per cent</b>							
Physical	32	26	24	28	32	52	25	42
Sexual	28	8	6	28	9	38	6	11
Emotional	10	43	28	9	18	2	41	11
Neglect	19	23	42	35	41	8	27	36
Other <sup>(a)</sup>	11	..	..	..	..	..	..	..
<b>Total substantiations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

## Characteristics of children

### Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subject of a notification or substantiation. This is because some children are the subject of more than one notification and/or substantiation in any one year. For example, in 2000–01 in New South Wales there were 40,937 notifications compared with 31,471 children who were the subject of a notification, and 7,501 substantiations compared with 6,621 children who were the subject of a substantiation (Table 2.6).

**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, 2000–01**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children in notifications	31,471	28,096	16,314	2,613	7,342	304	676	1,209
Total notifications	40,937	36,966	22,069	2,851	9,988	315	794	1,551
Children in substantiations	6,621	7,201	6,395	1,123	1,660	101	203	331
Total substantiations	7,501	7,608	8,395	1,191	1,998	103	222	349

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

These data indicate that a number of children across Australia were the subject of more than one substantiation during 2000–01. It is not possible to calculate the exact proportion of children who were the subject of more than one substantiation, however, as some children may be the subject of more than two substantiations in the year.

## Sex and age

In 2000–01 there were more girls than boys who were the subject of a substantiation in all jurisdictions except Victoria and the Australian Capital Territory, where the number of boys was slightly higher than the number of girls (Table A1.1). The higher proportion of girls is due predominantly to their over-representation in the sexual abuse category. There were almost three times as many girls as boys who were the subject of a substantiation of sexual abuse.

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

## Rates of children in substantiations

There were significant differences across States and Territories in the rates of children who were the subject of a child protection substantiation. In 2000–01 Queensland and Victoria had the highest rates of children who were the subject of a substantiation: 7.4 per 1,000 children in Queensland and 6.6 per 1,000 in Victoria (Table 2.7). The rates of children who were the subject of a substantiation were lowest in Western Australia and Tasmania: 2.5 and 0.9 per 1,000 respectively. As noted previously, much of the variation in rates across jurisdictions is likely to be due to differences in policies and approaches to child protection matters.

**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 2000–01**

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

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

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

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

Source: 1996–97 to 1999–00 data from relevant *Child Protection Australia* publication; 2000–01 data from Table 2.9.

## Trends in rates of children in substantiations

The trends in rates of children in substantiations also vary across jurisdictions. In the period from 1996–97 to 2000–01, rates of children in substantiations increased in Victoria, Queensland, Western Australia and the Northern Territory and decreased in New South Wales, South Australia, Tasmania and the Australian Capital Territory (Table 2.7).

## Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In most jurisdictions children aged under 1 year were the most likely to be the subject of a substantiation and children aged 15–16 years were the least likely (Table 2.8). In Victoria for example, the rate for babies aged under 1 year was 9.9 per 1,000 compared with 4.9 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. In Victoria, for example, the High Risk Infants Service Quality Initiatives Project was developed to better identify and respond to children aged under 2 years who were regarded as being at high risk of child abuse and neglect (Victorian Department of Human Services 1999). Other jurisdictions also have special procedures in place to protect younger children.

**Table 2.8: Children aged 0–16 years in substantiations: rates per 1,000 children, by age and State and Territory, 2000–01**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1 year	4.6	9.9	14.0	5.2	8.8	1.6	4.3	9.0
1–4 years	4.0	7.9	8.2	2.5	5.5	1.0	2.9	5.9
5–9 years	4.6	6.6	7.6	2.5	5.8	0.7	3.3	5.6
10–14 years	4.6	5.8	7.1	2.3	4.4	0.7	2.7	6.2
15–16 years	3.5	4.9	3.4	1.3	1.7	0.1	0.7	3.2

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

## 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 2000–01 in all jurisdictions except Tasmania, the rate of Indigenous children in substantiations was higher than the rate for other children (Table 2.9). The rate ratio provides a summary measure of the relationship between the rate of Indigenous children who were the subject of a substantiation compared with the rate for other children. In Victoria, the rate of Indigenous children who were the subject of a substantiation was 9.5 times higher than the rate for other children and in Western Australia it was 7.6 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, 2000–01**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous/ Other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	875	5,655	6,530	16.5	3.9	4.4	4.2:1
Victoria	602	6,547	7,149	58.0	6.1	6.6	9.5:1
Queensland	680	5,690	6,370	13.1	7.0	7.4	1.9:1
Western Australia	355	760	1,115	13.6	1.8	2.5	7.6:1
South Australia	317	1,334	1,651	30.7	4.2	5.0	7.3:1
Tasmania	2	99	101	0.3	0.9	0.9	0.3:1
Australian Capital Territory	20	183	203	13.7	2.6	2.8	5.3:1
Northern Territory	153	177	330	6.7	5.2	5.8	1.3:1

#### Notes

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

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

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

### Trends in rates for Aboriginal and Torres Strait Islander children

Since 1996–97 the rates of Aboriginal and Torres Strait Islander children in substantiations have increased in all jurisdictions except Tasmania and the Australian Capital Territory (Table 2.10). The increase in rates for Aboriginal and Torres Strait Islander children was particularly large in Victoria where rates rose from 38.1 per 1,000 in 1996–97 to 58.0 per 1,000 in 2000–01.

Improvements in the quality of the data on Indigenous status are one of the major issues to be considered when analysing trends for Aboriginal and Torres Strait Islander children. Increases in the rates of Aboriginal and Torres Strait Islander children in the child protection system over time may be due to improvements in the quality of the data. For example, in New South Wales during 1998–99, the system for recording Indigenous status was improved and the recorded rate of Indigenous children in substantiations increased substantially.

**Table 2.10: Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation, per 1,000 children, by State and Territory, 1996–97 to 2000–01**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
1996–97	n.a. <sup>(a)</sup>	38.1	12.6 <sup>(b)</sup>	9.1	25.9	2.4	17.7	6.1
1997–98	12.9	46.4	15.8	10.8	26.3	0.4	23.7	7.3
1998–99	16.8 <sup>(c)</sup>	n.a. <sup>(d)</sup>	9.9	11.6	26.8	1.1	16.2	n.a. <sup>(e)</sup>
1999–00	14.6	55.5	9.9	12.7	33.0	0.6	4.2	7.6
2000–01	16.5	58.0	13.1	13.6	30.7	0.3	13.7	6.7

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

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

(c) In 1998–99 the system for recording Indigenous status in New South Wales was improved, resulting in an increase in the number of clients who were identified as Indigenous.

(d) Victoria was unable to provide data by Indigenous status.

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

#### Notes

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

2. Due to the small numbers involved, children aged 17 years were not included in this table.

### 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 for neglect than other children. For example, in South Australia 52% of Indigenous children in substantiations were the subject of a substantiation for neglect, compared with 31% of other children. In Queensland the corresponding percentages were 48% and 39% respectively (Table 2.11).



**Table 2.11: Children who were the subject of a substantiation: type of abuse and/or neglect, by Indigenous status and State and Territory, 2000–01 (per cent)**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical abuse	31	18	24	27	28	50	25	41
Sexual abuse	19	7	5	19	2	—	10	12
Emotional abuse	13	46	23	8	18	50	30	3
Neglect	26	28	48	46	52	—	35	44
Other <sup>(a)</sup>	11	..	..	..	..	..	..	..
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>								
Physical abuse	33	27	25	29	38	52	27	43
Sexual abuse	31	8	6	33	12	39	5	11
Emotional abuse	9	43	29	9	18	1	44	19
Neglect	17	22	39	30	31	8	23	28
Other <sup>(a)</sup>	11	..	..	..	..	..	..	..
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) 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 2000–01 were school personnel, police and parents or guardians (Table 2.12). In New South Wales for instance, school personnel were the source of the notifications for 22% of finalised investigations and police were the source of 19%. Similarly in South Australia, school personnel were the source for 19% of finalised investigations and police 12%.

**Table 2.12: Finalised investigations, by source of notification and State and Territory, 2000–01 (per cent)**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Per cent</b>							
Subject child	1	1	3	4	3	2	1	2
Parent/guardian	11	9	16	13	11	18	9	10
Sibling	—	1	1	—	—	1	—	—
Other relative	6	7	12	10	10	5	10	8
Friend/neighbour	9	6	16	6	13	5	9	12
Medical practitioner	3	3	2	2	5	3	2	5
Other health personnel	4	5	—	—	3	7	1	2
Hospital/health centre	7	4	5	12	4	9	5	7
Social worker	7	2	4	—	7	4	2	4
School personnel	22	16	11	11	19	15	14	12
Childcare personnel	1	1	1	—	1	—	3	—
Police	19	20	13	14	12	2	10	18
Departmental officer	1	5	3	14	3	12	8	5
Non-government organisation	2	13	4	4	—	10	18	7
Anonymous	3	—	3	1	3	7	4	2
Other	3	6	6	7	8	—	4	6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Notes*

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

## Family type

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

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 35% of substantiations involved children from female one-parent families, 12% involved children from two-parent step- or blended families, 5% involved children living in male sole parent families, while 34% involved children from two-parent intact families (Table 2.13). In comparison, in 1997, 16% of all Australian children lived in female one-parent families, 8% lived in two-parent step- or blended families, 2% lived in male sole parent families and 74% lived in two-parent intact families (ABS 1997).

While children of female sole parents accounted for a relatively high proportion of substantiations, they represent only a small proportion of all children in these families. In Victoria, for example, the rate of substantiations for children in female sole parent families was 16.8 per 1,000 while the rate for children in male sole parent families was 15.5 per 1,000 (Table 2.13, ABS 1997).

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

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

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

**Table 2.13: Substantiations, by type of family in which the child was residing, for selected States and Territories<sup>(a)</sup>, 2000-01**

Family type	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>						
Two parent—intact	2,413	2,039	339	466	30	50	127
Two parent—step or blended	856	1,767	214	446	24	36	45
Single parent—female	2,481	3,486	430	855	36	80	111
Single parent—male	331	474	64	108	2	18	20
Other relatives/kin	404	194	84	65	6	2	18
Foster	115	..	25	5	2	1	4
Other	488	416	15	35	3	3	7
Not stated	520	19	20	18	—	32	17
<b>Total</b>	<b>7,608</b>	<b>8,395</b>	<b>1,191</b>	<b>1,998</b>	<b>103</b>	<b>222</b>	<b>349</b>
	<b>Per cent</b>						
Two parent—intact	34	24	29	24	29	26	38
Two parent—step or blended	12	21	18	23	23	19	14
Single parent—female	35	42	37	43	35	42	33
Single parent—male	5	6	5	5	2	9	6
Other relatives/kin	6	2	7	3	6	1	5
Foster	2	..	2	—	2	1	1
Other	7	5	1	2	3	2	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

*Notes*

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

## Relationship of person believed responsible

The data on the relationship to the child of the person believed responsible for the abuse, neglect or harm to a child who was the subject of a substantiation highlight some of the differences in the approaches to child protection across jurisdictions. For example, in Queensland, the focus of the child protection system is on the identification and investigation of harm to the child and on the child's protective needs. In situations where harm has occurred and the person responsible is outside the immediate family, parents can still be seen to be responsible if they have failed to protect the child. In Queensland the natural parent was believed to be responsible in 84% of substantiations and a step-parent in a further 4% of the substantiations (Table 2.14).

In other jurisdictions, such as New South Wales, there is a greater focus on identifying the person who committed an action or who caused the harm to the child. Thus, those outside the family, such as friends or neighbours or strangers, are more likely than in Queensland to

be regarded as responsible. In New South Wales, natural parents were believed to be responsible in 57% of substantiations, friends or neighbours were believed to be responsible in 12% of substantiations and strangers (included in the 'other' category) were believed to be responsible for a small proportion of substantiations.

**Table 2.14: Substantiations, by relationship to the child of person believed responsible, for selected States and Territories<sup>(a)</sup>, 2000-01**

Relationship	NSW	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>							
Natural parent	2,760	6,944	733	1,574	39	169	227
Step-parent	353	370	73	123	5	4	19
De facto step-parent	289	298	46	92	7	25	9
Sibling	178	102	18	33	2	8	8
Other relative/kin	339	222	80	98	11	1	11
Foster parent	69	140	12	—	1	2	2
Friend/neighbour	593	18	68	21	7	4	1
Other <sup>(b)</sup>	274	144	74	57	5	4	6
Not stated	2,646 <sup>(c)</sup>	157	87	—	26	5	4
<b>Total</b>	<b>7,501</b>	<b>8,395</b>	<b>1,191</b>	<b>1,998</b>	<b>103</b>	<b>222</b>	<b>287</b>
<b>Per cent</b>							
Natural parent	57	84	66	79	51	78	80
Step-parent	7	4	7	6	6	2	7
De facto step-parent	6	4	4	5	9	12	3
Sibling	4	1	2	2	3	4	3
Other relative/kin	7	3	7	5	14	—	4
Foster parent	1	2	1	—	1	1	1
Friend/neighbour	12	—	6	1	9	2	—
Other <sup>(b)</sup>	6	2	7	3	6	2	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Victoria could not provide these data.

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

(c) This category includes cases where the person believed responsible was not applicable.

# 3 Care and protection orders

## Overview

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

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

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

Only a small proportion of children who are the subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 1999–00, and who were placed on a care and protection order within 12 months, ranged from 14% in Queensland to 57% 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 includes a wide range of factors that may lead to a child being considered in need of care and protection, such as truancy or homelessness. In other States, such as Victoria, the legislation defines the need for care and protection more narrowly to refer to situations where the child has been abandoned or where the child’s parent(s) are unable to protect the child from significant harm. The legislation in each jurisdiction provides for action that can be taken if a child is found to be in need of care and protection.

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

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

## **The Children's Court**

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

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

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

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

Guardianship orders involve the transfer of legal guardianship to an authorised department, with the head of the State or Territory community services department usually becoming the guardian of the child. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are applied only as a last resort. In New South Wales these orders concern 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the State.

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

In jurisdictions other than New South Wales, custody orders 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.

The previous position in New South Wales whereby the State held powers of custodian when it was given a parental responsibility order is being changed as the 1998 legislation is implemented. Under the new legislation the State can hold parental responsibility and the authorised carer will have the power to make decisions about the daily care and control of the child or young person.

This category of orders 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 2000–01 financial year on children admitted to and discharged from care and protection orders, orders issued during 2000–01, and the characteristics of children on orders at 30 June 2001. 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 2001. If a child was on more than one order at 30 June 2001, 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 1996–97, 1997–98, 1998–99 and 1999–00 reports. From 1998–99 onwards, however, the categories for 'type of order' were changed and differ slightly from those used prior to 1998–99, when there was a separate category for administrative and voluntary arrangements between families and the community services departments. From 1998–99 these arrangements were included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship. This change in categorisation only affects the New South Wales data as this is the only jurisdiction that has reported on these arrangements over the period.

Data from 1996–97 are not comparable with the data on care and protection orders for the years prior to 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 Institute is currently developing a national minimum data set for juvenile justice that will enable national reporting in the near future.

## **State differences**

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

- 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.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. Since 1996-97 these orders have been included in 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, but these orders are not included in this collection. New South Wales is currently in the process of introducing a similar type of order that will subsequently be included in the national data collection.

## Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2000-01 as well as data on the characteristics of children who were on care and protection orders at 30 June 2001. 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 9,296 children admitted to care and protection orders and arrangements across Australia during 2000-01, 816 more than in 1999-00 (Table 3.1, AIHW 2001b). As noted at the beginning of the chapter, a child may be admitted to a care and protection order for a range of reasons: for example, where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

**Table 3.1: Children admitted to and discharged from care and protection orders, by State and Territory, 2000-01**

	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>	Total
Children admitted to orders	3,473	2,612	1,397	416	492	481	159	266	9,296
Children admitted for the first time	2,381	1,480	833	398	251	139	92	n.a.	n.a.
% of all admissions	69	57	60	96	51	29	58	n.a.	n.a.
Children discharged from orders	2,371	2,032	1,178	163	564	238	117	231	6,894

(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, due to an inability to compare current year data with data before November 1998, when a new information system was introduced.

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

Some of the children admitted to orders in 2000-01 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 29% in Tasmania to 96% in Western Australia.

Data on the age of children admitted to orders show that 42% of children admitted to orders in 2000–01 were aged under 5 years, with 13% aged less than 1 year (Table 3.2). A further 27% of children admitted to orders were aged 5–9 years, 26% were aged 10–14 years and 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 3.2: Children admitted to care and protection orders, by age and State and Territory, 2000–01**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	518	320	171	68	43	51	6	1	1,178
1–4	946	796	378	129	134	132	42	92	2,649
5–9	827	709	423	117	156	123	44	66	2,465
10–14	912	596	373	69	137	158	52	80	2,377
15–17	192	191	52	33	22	17	12	26	545
Unknown	78	—	—	—	—	—	3	1	82
<b>Total</b>	<b>3,473</b>	<b>2,612</b>	<b>1,397</b>	<b>416</b>	<b>492</b>	<b>481</b>	<b>159</b>	<b>266</b>	<b>9,296</b>
<b>Per cent</b>									
<1	15	12	12	16	9	11	4	—	13
1–4	28	30	27	31	27	27	27	35	29
5–9	24	27	30	28	32	26	28	25	27
10–14	27	23	27	17	28	33	33	30	26
15–17	6	7	4	8	4	4	8	10	6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

### Children discharged from orders

There were fewer children discharged from care and protection orders in 2000–01 than admitted to these orders. There were 6,894 children discharged from orders compared with 9,296 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, around one-third of children discharged had been on an order for 4 years or more (Table 3.3).

**Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected States and Territories,<sup>(a)</sup> 2000–01**

State/Territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	
	<b>Number</b>								
New South Wales <sup>(b)</sup>	1,035	338	287	217	248	149	52	45	2,371
Victoria	2	218	408	414	550	297	85	58	2,032
Queensland	185	83	40	78	151	347	166	128	1,178
Western Australia	1	7	20	20	17	43	29	26	163
South Australia	216	9	10	202	19	18	22	68	564
Australian Capital Territory	64	20	15	3	2	8	2	3	117
Northern Territory	135	22	15	9	22	20	6	2	231
<b>Total<sup>(a)</sup></b>	<b>1,638</b>	<b>697</b>	<b>795</b>	<b>943</b>	<b>1,009</b>	<b>882</b>	<b>362</b>	<b>330</b>	<b>6,656</b>
	<b>Per cent</b>								
New South Wales <sup>(b)</sup>	44	14	12	9	10	6	2	2	100
Victoria	0	11	20	20	27	15	4	3	100
Queensland	16	7	3	7	13	29	14	11	100
Western Australia	1	4	12	12	10	26	18	16	100
South Australia	38	2	2	36	3	3	4	12	100
Australian Capital Territory	55	17	13	3	2	7	2	3	100
Northern Territory	58	10	6	4	10	9	3	1	100
<b>Total<sup>(a)</sup></b>	<b>25</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>15</b>	<b>13</b>	<b>5</b>	<b>5</b>	<b>100</b>

(a) Data not available from Tasmania.

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

## Orders issued

There were more orders issued during 2000–01 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 2000–01 was 13,450 (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, Tasmania and the Australian Capital Territory, the majority of orders issued were guardianship or custody orders; in Western Australia, South Australia and the Northern Territory, there were more interim and temporary orders issued than other types of orders.

The ratio of children admitted to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the States and Territories. In New South Wales, Victoria, Western Australia and the Northern Territory, there was 1 child admitted to 1.2 orders issued, while in Tasmania there was 1 child admitted to 2.6 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 supervisory orders including an 120-hour order, a 7-day order and a 30-day order.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by State and Territory, 2000-01**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	2,487	1,263	1,229	247	442	732	180	99	6,679
Supervisory orders	n.a.	1,136	136	..	..	162	14	5	1,453
Interim and temporary orders	1,475	745	1,127	263	774	377	32	218	5,011
Other/not specified	307	—	—	—	—	—	—	—	307
<b>Total</b>	<b>4,269</b>	<b>3,144</b>	<b>2,492</b>	<b>510</b>	<b>1,216</b>	<b>1,271</b>	<b>226</b>	<b>322</b>	<b>13,450</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	58	40	49	48	36	58	80	31	51
Supervisory orders	n.a.	36	5	..	..	13	6	2	13
Interim and temporary orders	35	24	45	52	64	30	14	67	34
Other/not specified	7	—	—	—	—	—	—	—	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Ratio of children admitted:orders issued</b>	<b>1:1.2</b>	<b>1:1.2</b>	<b>1:1.8</b>	<b>1:1.2</b>	<b>1:2.5</b>	<b>1:2.6</b>	<b>1:1.4</b>	<b>1:1.2</b>	<b>1:1.4</b>

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

## Trends in the numbers on orders

At 30 June 2001 there were 19,783 children on care and protection orders in Australia (Table 3.5). Between 30 June 2000 and 30 June 2001 the number of children on orders increased by 521. There were increases in the number of children on orders in New South Wales, Victoria, Western Australia and South Australia and decreases in Queensland, Tasmania, the Australian Capital Territory and the Northern Territory.

**Table 3.5: Trends in the number of children on care and protection orders, by State and Territory, at 30 June 1997 to 2001**

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1997 <sup>(a)</sup>	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 <sup>(b)</sup>	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 <sup>(c)</sup>	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,186	1,260	453	219	205	19,783

(a) The scope of the data collection changed in 1997, so data collected from 1997 onwards should not be compared with data from previous years.

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

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

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 26% from 15,718 in 1997 to 19,783 in 2001. Over this 4-year period there were increases in the number of children on care and protection orders in all jurisdictions except Tasmania and the Australian Capital Territory.

## Characteristics of children on care and protection orders

### Types of orders

Across Australia the majority (86%) of children who were on care and protection orders at 30 June 2001 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria and Tasmania a relatively high proportion of children were on supervisory orders.

**Table 3.6: Children on care and protection orders: type of order, by State and Territory, at 30 June 2001**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	7,042	3,538	3,301	1,134	1,210	374	178	181	16,958
Supervisory orders	n.a.	1,050	68	..	—	50	14	5	1,187
Interim and temporary orders	1,039	194	204	52	50	29	27	19	1,614
Other/not stated	24	—	—	—	—	—	—	—	24
<b>Total</b>	<b>8,105</b>	<b>4,782</b>	<b>3,573</b>	<b>1,186</b>	<b>1,260</b>	<b>453</b>	<b>219</b>	<b>205</b>	<b>19,783</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	87	74	92	96	96	83	81	88	86
Supervisory orders	n.a.	22	2	..	..	11	6	2	6
Interim and temporary orders	13	4	6	4	4	6	12	9	8
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

### Age and sex

Almost one-quarter (23%) of all children on care and protection orders at 30 June 2001 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 14% in South Australia to 37% in the Northern Territory. Australia wide, 17% of all children on orders were aged 15 to 17 years, although this proportion ranged from 6% in the Northern Territory to 23% in South Australia.

Just over half (52%) of all children on orders at 30 June 2001 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 2001**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	220	137	65	23	17	7	2	14	485
1–4	1,889	1,034	628	238	158	86	34	62	4,130
5–9	2,462	1,331	1,012	361	325	107	82	61	5,740
10–14	2,279	1,396	1,162	380	471	164	68	56	5,976
15–17	1,249	884	706	184	289	89	33	12	3,446
Unknown	6	—	—	—	—	—	—	—	6
<b>Total</b>	<b>8,105</b>	<b>4,782</b>	<b>3,573</b>	<b>1,186</b>	<b>1,260</b>	<b>453</b>	<b>219</b>	<b>205</b>	<b>19,783</b>
<b>Per cent</b>									
<1	3	3	2	2	1	2	1	7	2
1–4	23	22	18	20	13	19	16	30	21
5–9	30	28	28	30	26	24	37	30	29
10–14	28	29	33	32	37	36	31	27	30
15–17	15	18	20	16	23	20	15	6	17
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) These data exclude children on supervisory orders.

### Living arrangements

At 30 June 2001, 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 (72%) of children on orders were living in home-based out-of-home care; that is, in a private home where the State or Territory made a financial payment for the child's care. This includes children living with relatives and kin who receive some reimbursement from the community services department. A further 6% of children were living in facility-based 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). Victoria and Tasmania had a relatively high proportion of children on orders in both facility-based care and family care while Queensland and the Australian Capital Territory had a relatively high proportion of children in foster care.

**Table 3.8: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2001**

Living arrangements	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA <sup>(b)</sup>	SA <sup>(c)</sup>	Tas	ACT <sup>(d)</sup>	NT	Total
<b>Number</b>									
Parents	536	1,303	321	118	n.a.	92	12	25	2,406
Relatives/kin <sup>(e)</sup>	661	..	83	..	n.a.	41	7	12	804
<i>Total family care</i>	<i>1,197</i>	<i>1,303</i>	<i>404</i>	<i>118</i>	<i>n.a.</i>	<i>133</i>	<i>19</i>	<i>37</i>	<i>3,210</i>
Foster care/community care	2,559	1,374	2069	594	1,223	208	126	109	8,235
Relatives/kin <sup>(f)</sup>	3,532	990	684	313	—	—	51	38	5,608
Other	—	292	—	—	—	13	—	—	305
<i>Total home-based care</i>	<i>6,091</i>	<i>2,656</i>	<i>2,753</i>	<i>907</i>	<i>1,223</i>	<i>221</i>	<i>177</i>	<i>147</i>	<i>14,175</i>
Facility-based care	367	559	101	105	37	68	13	13	1,263
Independent living <sup>(g)</sup>	148	25	103	44	—	11	2	2	336
Other/unknown	302	239	212	12	—	20	8	6	799
<b>Total</b>	<b>8,105</b>	<b>4,782</b>	<b>3,573</b>	<b>1,186</b>	<b>1,260</b>	<b>453</b>	<b>219</b>	<b>205</b>	<b>19,783</b>
<b>Per cent</b>									
Parents	7	27	9	10	n.a.	20	5	12	12
Relatives/kin <sup>(e)</sup>	8	..	2	..	n.a.	9	3	6	4
<i>Total family care</i>	<i>15</i>	<i>27</i>	<i>11</i>	<i>10</i>	<i>n.a.</i>	<i>29</i>	<i>9</i>	<i>18</i>	<i>16</i>
Foster care/community care	32	28	58	50	n.a.	46	58	53	42
Relatives/kin <sup>(f)</sup>	44	21	19	26	n.a.	—	23	19	28
Other	—	6	—	—	n.a.	3	—	—	2
<i>Total home-based care</i>	<i>75</i>	<i>56</i>	<i>77</i>	<i>76</i>	<i>n.a.</i>	<i>49</i>	<i>81</i>	<i>72</i>	<i>72</i>
Facility-based care	5	12	3	9	n.a.	15	6	6	6
Independent living <sup>(g)</sup>	2	1	3	4	n.a.	2	1	1	2
Other/unknown	4	5	6	1	n.a.	4	4	3	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data excludes children on supervisory orders.

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

(c) South Australia could not provide any data on children in family care.

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

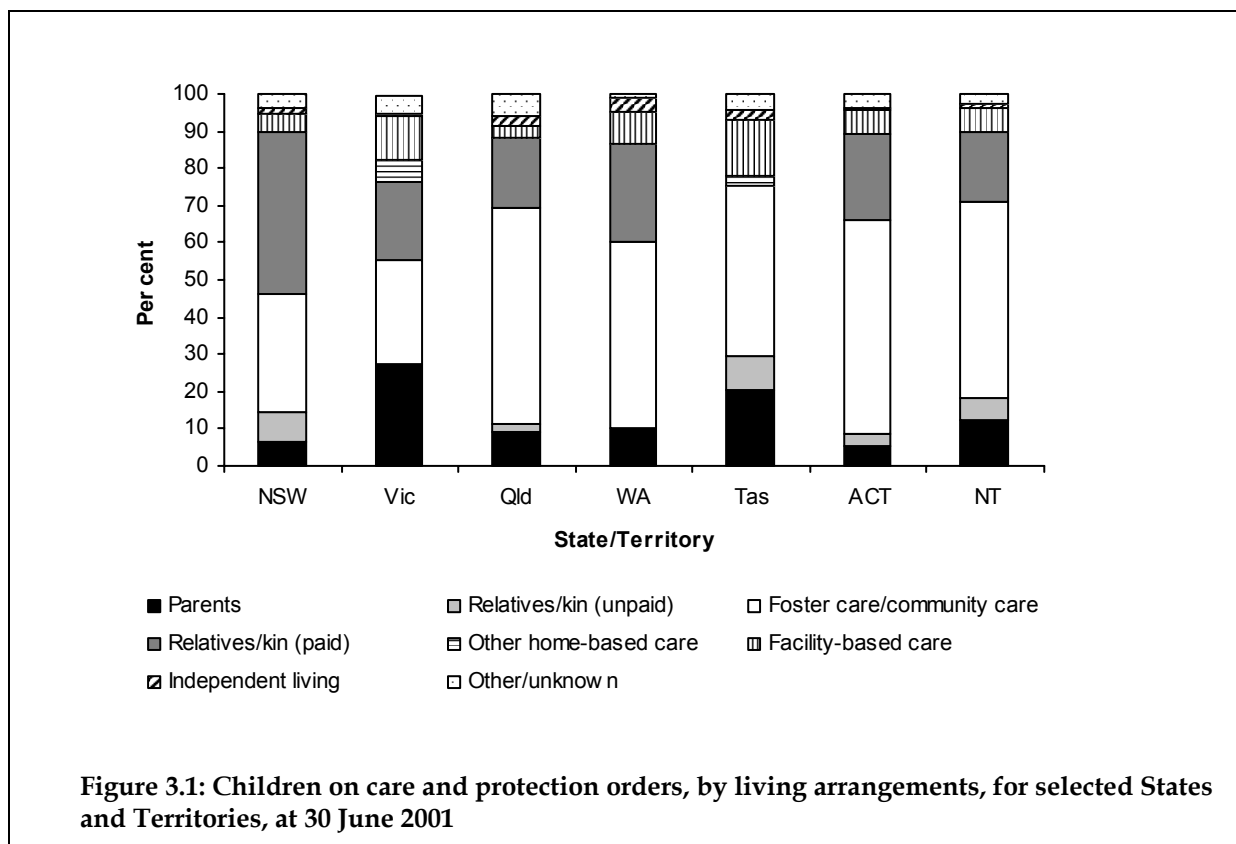
(e) This category includes relatives/kin, other than parents, who were not reimbursed.

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

(g) This category includes private board.

Living arrangements varied considerably with the age of the child (Table A1.7). For example, children aged less than 1 year were most likely to be either in family care (25%) or

in home-based out-of-home care (69%). On the other hand, a relatively high proportion of children aged 15–17 years were in facility-based care (16%) or living independently (9%).



## Rates of children on care and protection orders

There were 4.2 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2001. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.5 per 1,000 in Western Australia to 5.1 per 1,000 in New South Wales (Table 3.9). Some of the variation in rates between jurisdictions is probably due to the different orders available and to variations in policies and practices across jurisdictions.

**Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by State and Territory, 30 June 1997 to 30 June 2001**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
30 June 1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	<b>3.3</b>
30 June 1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	<b>3.5</b>
30 June 1999	4.4	3.8	4.0	2.1	2.9	3.6	3.0	3.0	<b>3.8</b>
30 June 2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	<b>4.1</b>
30 June 2001	5.1	4.2	3.9	2.5	3.6	3.8	2.8	3.4	<b>4.2</b>

(a) Data from June 1998 to June 2001 exclude children on supervisory orders.

Source: 1996–97 to 1999–00 data from relevant *Child Protection Australia* publication; 2000–01 data from Table 3.10.

## Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2001, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.2 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions except Tasmania and the Australian Capital Territory. The increase in rates between 30 June 1997 and 30 June 2001 was particularly large in New South Wales, where rates increased from 3.7 to 5.1 per 1,000, and the Northern Territory where rates increased from 1.9 to 3.4 per 1,000.

## Aboriginal and Torres Strait Islander children

### Number and rates

There were 4,146 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2001, an increase of 285 since 30 June 2000 (Table 3.10; AIHW 2001b). Across Australia there were 21.5 Aboriginal and Torres Strait Islander children per 1,000 on care and protection orders. The rate of Indigenous children on orders was 6.2 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 (46.8 per 1,000) and lowest in Tasmania (3.6 per 1,000). In all jurisdictions except Tasmania, however, the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was over 12 times the rate for other children and in New South Wales it was over 9 times the rate for other children.

**Table 3.10: Children on care and protection orders: number and rate per 1,000, children by Indigenous status and State and Territory, at 30 June 2001**

State/Territory	No. of children			Rate per 1,000 children			Indigenous: other Rate ratio
	Indigenous	Other children	Total	Indigenous	Other children	Total	
New South Wales <sup>(a)</sup>	2,070	6,035	8,105	37.0	4.0	5.1	9.4:1
Victoria	512	4,270	4,782	46.8	3.8	4.2	12.4:1
Queensland	803	2,770	3,573	14.6	3.2	3.9	4.5:1
Western Australia	355	831	1,186	12.9	1.8	2.5	7.0:1
South Australia	221	1,039	1,260	20.2	3.1	3.6	6.6:1
Tasmania	27	426	453	3.6	3.8	3.8	0.9:1
Australian Capital Territory	32	187	219	20.5	2.5	2.8	8.4:1
Northern Territory	126	79	205	5.3	2.2	3.4	2.4:1
<b>Australia</b>	<b>4,146</b>	<b>15,637</b>	<b>19,783</b>	<b>21.5</b>	<b>3.4</b>	<b>4.2</b>	<b>6.2:1</b>

(a) These data exclude children on supervisory orders.

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

### Types of orders

The distribution of Aboriginal and Torres Strait Islander children on care and protection orders by type of order was similar to that of other children. The majority of Indigenous children were on guardianship and custody orders or arrangements. For example, in Western Australia and South Australia 97% and in Queensland 94% of Indigenous children on orders were on guardianship or custody orders (Table 3.11).



**Table 3.11: Children on care and protection orders: type of order, by Indigenous status and State and Territory, at 30 June 2001**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
<b>Number</b>									
Guardianship or custody orders/arrangements	1,798	370	752	346	215	20	22	111	3,634
Supervisory orders	n.a.	108	5	..	..	5	1	2	121
Interim and temporary orders	264	34	46	9	6	2	9	13	383
Other/not stated	8	—	—	—	—	—	—	—	8
<b>Total</b>	<b>2,070</b>	<b>512</b>	<b>803</b>	<b>355</b>	<b>221</b>	<b>27</b>	<b>32</b>	<b>126</b>	<b>4,146</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	87	77	94	97	97	74	69	88	88
Supervisory orders	n.a.	17	1	..	—	25	3	2	3
Interim and temporary orders	13	6	6	3	3	1	28	10	9
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>									
<b>Number</b>									
Guardianship or custody orders/arrangements	5,244	3,168	2,549	788	995	354	156	70	13,324
Supervisory orders	n.a.	942	63	..	..	45	13	3	1,066
Interim and temporary orders	775	160	158	43	44	27	18	6	1,231
Other/not stated	16	—	—	—	—	—	—	—	16
<b>Total</b>	<b>6,035</b>	<b>4,270</b>	<b>2,770</b>	<b>831</b>	<b>1,039</b>	<b>426</b>	<b>187</b>	<b>79</b>	<b>15,637</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	87	74	92	95	96	83	83	89	85
Supervisory orders	n.a.	22	2	—	..	11	7	4	7
Interim and temporary orders	13	4	6	5	4	6	10	8	8
Other/not stated	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

Note: For Indigenous coding, refer to Appendix 2.

# 4 Out-of-home care

## Overview

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

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

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

The current emphasis in policy and practice is to maintain children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunite children with their families. There are specialist family preservation services in many jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. In 2000–01, there were at least 25 family preservation programs operating across Australia—5 in New South Wales, 3 in Queensland, 3 in Western Australia, 12 in South Australia and 1 in Tasmania and the Australian Capital Territory. (Victoria was not able to provide data.) The national data on family preservation services will be further developed over the next few years.

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

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

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

## Out-of-home care and court orders

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

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

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

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

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

## Types of placements

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

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

## State and Territory differences

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

## Data and analysis

There are some data in this section on children admitted to out-of-home care during 2000–01 but most of the data relate to children who were in out-of-home care for the night of 30 June 2001. 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 2000–01 there were 12,030 children admitted to out-of-home care in Australia (Table 4.1). The number of children admitted to care was higher than in 1999–00 in New South Wales and Queensland, and lower in Western Australia, South Australia and Tasmania (AIHW 2001b).

**Table 4.1: Children admitted to out-of-home care during 2000–01, by age, Australia**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	607	292	153	131	127	20	11	22	1,363
1–4	1,310	666	303	201	369	46	74	74	3,043
5–9	1,268	767	344	230	467	50	83	62	3,271
10–14	1,105	844	412	236	465	64	64	78	3,268
15–17	173	428	110	87	171	6	16	11	1,002
Unknown	79	—	—	—	—	—	3	1	83
<b>Total</b>	<b>4,542</b>	<b>2,997</b>	<b>1,322</b>	<b>885</b>	<b>1,599</b>	<b>186</b>	<b>251</b>	<b>248</b>	<b>12,030</b>
<b>Per cent</b>									
<1	14	10	12	15	8	11	4	9	11
1–4	29	22	23	23	23	25	30	30	25
5–9	28	26	26	26	29	27	33	25	27
10–14	25	28	31	27	29	34	26	32	27
15–17	4	14	8	10	11	3	6	4	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Children entering care were previously counted only if they received a regular payment in June of the financial year. In 2000–01, children entering care were included if they received regular payments at any time of the year.

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

Over one-third (6%) of the children admitted to out-of-home care were aged under 5 years, with 11% aged under 1 year. New South Wales had the highest proportion of children aged under 5 years (43%), followed by the Northern Territory (39%).

Overall, there were fewer children discharged from care than those admitted. Across Australia (excluding Tasmania) there were 8,799 children discharged from out-of-home care in 2000–01 (Table 4.2). These data were not collected in previous years. The age distribution

of children discharged from care was considerably older than that of children admitted to care. For example 24% of those discharged from care in New South Wales were aged 15 to 17 years, compared with 4% of those admitted to care.

**Table 4.2: Number of children discharged from out-of-home care in 2000–01, by age group, for selected States and Territories<sup>(a)</sup>**

Age (years)	NSW	Vic <sup>(b)</sup>	Qld	WA	SA	ACT	NT	Total
	<b>Number</b>							
<1	151	171	101	58	103	3	12	599
1–4	493	691	245	144	374	35	47	2,029
5–9	390	816	304	184	462	31	41	2,228
10–14	409	796	385	183	468	50	57	2,348
15–17	446	517	228	130	229	26	15	1,591
Unknown	—	—	—	—	—	3	1	4
<b>Total</b>	<b>1,889</b>	<b>2,991</b>	<b>1,263</b>	<b>699</b>	<b>1,636</b>	<b>148</b>	<b>173</b>	<b>8,799</b>
	<b>Per cent</b>							
<1	8	6	8	8	6	2	7	7
1–4	26	23	19	21	23	24	27	23
5–9	21	27	24	26	28	21	24	25
10–14	22	27	30	26	29	34	33	27
15–17	24	17	18	19	14	18	9	18
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Tasmania could not provide these data.

(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 2001 there were 18,241 children in out-of-home care in Australia (Table 4.3). This compares with 16,923 children who were in out-of-home care at 30 June 2000. The number of children in out-of-home care at 30 June 2001 was higher than at 30 June 2000 in all jurisdictions except the Northern Territory.

The number of children in out-of-home care in Australia at 30 June has increased each year since 1996 when the AIHW first collected these data. Between 1996 and 2001 the number of children in out-of-home care in Australia increased by 30%. This increase occurred in all jurisdictions. The increase in numbers in Queensland between June 2000 and June 2001 is, to some extent, due to the fact that all children in out-of-home care were included for the first time in 2001.

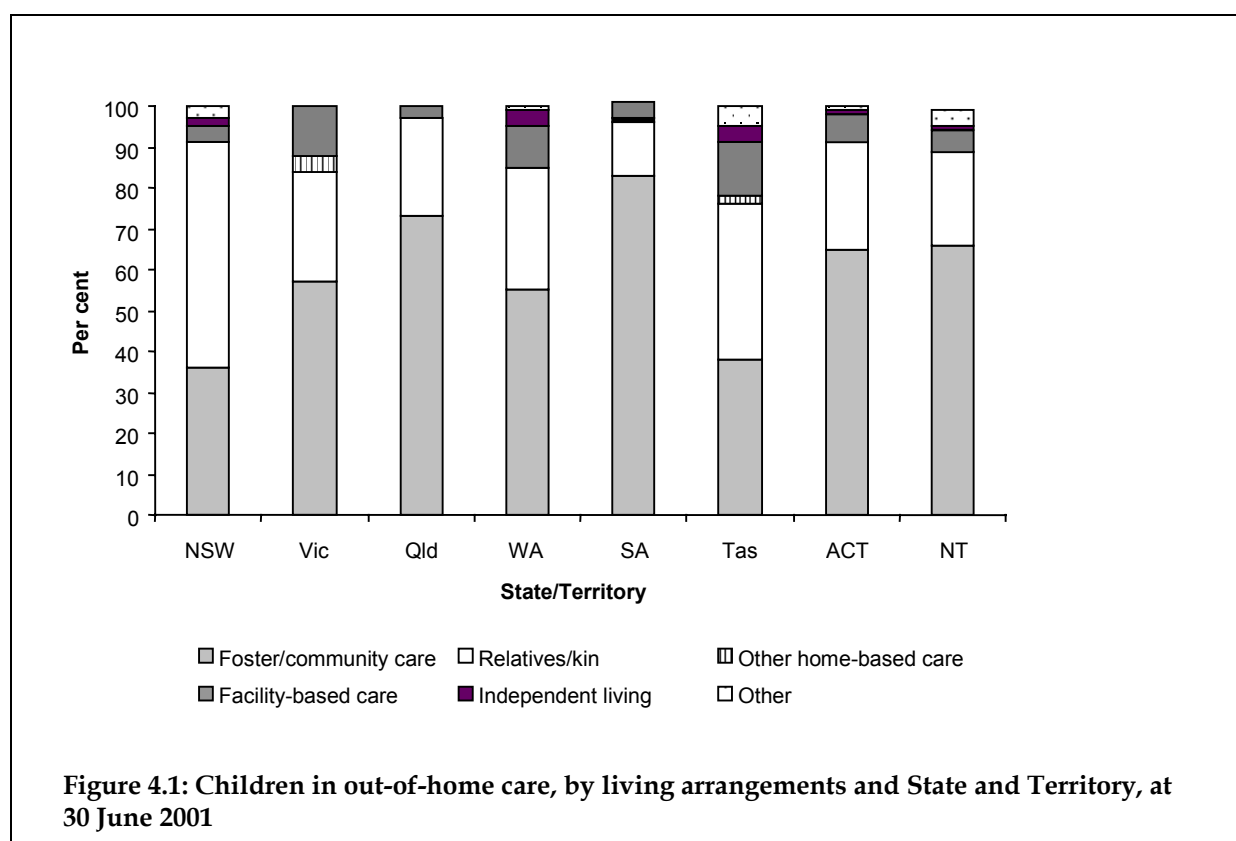
**Table 4.3: Number of children aged 0–17 years in out-of-home care, by State and Territory, 30 June 1996 to 2001**

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

(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. The 2001 data include all children in out-of-home care.

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

Most children (91%) who were in out-of-home care at 30 June 2001 were in home-based care: that is, living with relatives or kin, with foster carers or in some other type of home-based care arrangement (Table 4.4). 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 facility-based or residential care.



**Figure 4.1: Children in out-of-home care, by living arrangements and State and Territory, at 30 June 2001**

The proportion of children in out-of-home care who were living in facility-based care arrangements was 6% Australia-wide and ranged from 3% in Queensland to 13% in Tasmania. It should be noted that facility-based care includes family group homes that may have only 8–10 children living together and residential establishments with under 10

children. The principle of maintaining sibling groups together can also result in placements in residential care; for example, in Western Australia priority is given to keeping siblings together, which sometimes results in periods of facility-based care for larger family groups. Compared with other jurisdictions, South Australia had a relatively high proportion of children in foster or community care (83%), and New South Wales had a relatively high proportion of children placed with relatives or kin (55%).

**Table 4.4: Children in out-of-home care: type of placement, by State and Territory, at 30 June 2001**

Type of placement	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT	Total
<b>Number</b>									
Foster/community care	2,787	2,196	2,211	791	975	220	140	109	9,429
Relatives/kin	4,279	1,046	719	437	147	219	55	38	6,940
Other home-based care	—	169	—	—	10	13	—	—	192
<i>Total home-based care</i>	<i>7,066</i>	<i>3,411</i>	<i>2,930</i>	<i>1,228</i>	<i>1,132</i>	<i>452</i>	<i>195</i>	<i>147</i>	<i>16,561</i>
Facility-based care	341	470	81	145	43	72	16	9	1,177
Independent living	120	1	—	57	—	21	2	2	203
Other <sup>(b)</sup>	259	—	—	6	—	27	2	6	300
<b>Total</b>	<b>7,786</b>	<b>3,882</b>	<b>3,011</b>	<b>1,436</b>	<b>1,175</b>	<b>572</b>	<b>215</b>	<b>164</b>	<b>18,241</b>
<b>Per cent</b>									
Foster/community care	36	57	73	55	83	38	65	66	52
Relatives/kin	55	27	24	30	13	38	26	23	68
Other home-based care	—	4	—	—	1	2	—	—	1
<i>Total home-based care</i>	<i>91</i>	<i>88</i>	<i>97</i>	<i>86</i>	<i>97</i>	<i>79</i>	<i>91</i>	<i>90</i>	<i>91</i>
Facility-based care	4	12	3	10	4	13	7	5	6
Independent living	2	—	—	4	—	4	1	1	1
Other <sup>(b)</sup>	3	—	—	1	—	5	1	4	2
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

(b) 'Other' includes unknown living arrangements.

## Age and sex

Around one-third (31%) of children in out-of-home care were aged 10–14 years (Table A1.8). A further 30% were aged 5–9 years, 24% were aged under 5 years and 16% were aged 15–17 years. Just over half (52%) of all children in out-of-home care were boys, though girls outnumbered boys in the Australian Capital Territory and the Northern Territory (Table A1.9).

Children in facility-based care were considerably older than children in home-based care, with 42% of children in facility-based care aged 15–17 years compared with 12% in home-

based care (Table A1.10). Only 5% of children in facility-based care in Australia were aged under 5 years compared with 26% of those in home-based care.

### Whether children were on an order

As previously noted for the Northern Territory, all children in out-of-home care were on care and protection orders or authority. In other jurisdictions, the proportion of children in out-of-home care who were on care and protection orders ranged from 74% in Western Australia to 93% in Queensland (Table 4.5).

**Table 4.5: Children in out-of-home care: whether the child was on an order, for selected States and Territories<sup>(a)</sup>, at 30 June 2001**

Whether the child was on an order	NSW	Vic <sup>(b)</sup>	Qld	WA	Tas	ACT	NT	Total
<b>Number</b>								
On a care and protection order	6,952	3,146	2,803	1,056	453	193	164	14,767
On another type of order	—	17	5	—	119	7	—	148
<i>Total children on orders</i>	<i>6,952</i>	<i>3,163</i>	<i>2,808</i>	<i>1,056</i>	<i>572</i>	<i>200</i>	<i>164</i>	<i>14,915</i>
Not on an order	834	719	203	380	—	15	—	2,151
<b>Total</b>	<b>7,786</b>	<b>3,882</b>	<b>3,011</b>	<b>1,436</b>	<b>572</b>	<b>215</b>	<b>164</b>	<b>17,066</b>
<b>Per cent</b>								
On a care and protection order	89	81	93	74	79	90	100	87
On another type of order	—	1	—	—	21	3	—	1
<i>Total children on orders</i>	<i>89</i>	<i>82</i>	<i>93</i>	<i>74</i>	<i>100</i>	<i>93</i>	<i>100</i>	<i>87</i>
Not on an order	11	18	7	26	—	7	—	13
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

(b) 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 2001 ranged from 6% in Tasmania to 33% in the Australian Capital Territory (Table 4.6). Overall, 57% of children had been in out-of-home care for less than 2 years. The proportion who had been in care for less than 1 month ranged from 1% in the Northern Territory to 29% in Tasmania.

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



**Table 4.6: Children in out-of-home care: length of time in continuous placement by State and Territory, at 30 June 2001**

Time in continuous placement	NSW	Vic	Qld	WA	SA <sup>(a)</sup>	Tas	ACT	NT	Total
<b>Number</b>									
< 1 month	1,107	345	315	37	128	159	12	2	2,105
1 month to < 6 months	708	773	669	181	205	139	22	16	2,713
6 months to < 1 year	857	591	461	138	144	132	15	29	2,367
1 year to < 2 years	1,305	808	451	250	144	54	47	50	3,109
2 years to < 5 years	2,207	800	612	397	223	22	47	41	4,349
5 years or more	1,593	471	503	433	288	33	72	26	3,419
Not stated/unknown	9	94	—	—	—	33	—	—	136
<b>Total</b>	<b>7,786</b>	<b>3,882</b>	<b>3,011</b>	<b>1,436</b>	<b>1,132</b>	<b>572</b>	<b>215</b>	<b>164</b>	<b>18,198</b>
<b>Per cent</b>									
< 1 month	14	9	10	3	11	29	6	1	12
1 month to < 6 months	9	20	22	13	18	26	10	10	15
6 months to < 1 year	11	16	15	10	13	24	7	18	13
1 year to < 2 years	17	21	15	17	13	10	22	30	17
2 years to < 5 years	28	21	20	28	20	4	22	25	24
5 years or more	20	12	17	30	25	6	33	16	19
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Data do not include 43 children who were in facility-based care.

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 (921 children), Victoria (149 children), South Australia (9 children) and the Australian Capital Territory (9 children).

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

There were 3.9 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2001 (Table 4.7). This is slightly higher than the rate of children in out-of-home care at 30 June 2000 (3.6 per 1,000).

The rates of children in out-of-home care varied by State and Territory and ranged from 2.7 per 1,000 in the Northern Territory to 4.9 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 2001**

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

(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. The 2001 data include all children in out-of-home care.

Source: 1996–97 to 1999–00 data from relevant *Child Protection Australia* publication; 2000–01 data from Table 3.10.

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

The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 3.9 per 1,000 at 30 June 2001. Over the period from 1997 to 2000, 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 4.9 per 1,000.

## Aboriginal and Torres Strait Islander children

At 30 June 2001 there were 4,073 Aboriginal and Torres Strait Islander children in out-of-home care (Table 4.8). The rate of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2001 was 21.1 per 1,000, ranging from 4.2 per 1,000 in Tasmania and the Northern Territory to 41.5 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 2001**

State/Territory	No. of children			Rate per 1,000 children			Indigenous: other Rate ratio
	Indigenous	Other children	Total	Indigenous	Other children	Total	
New South Wales	2,139	5,647	7,786	38.3	3.7	4.9	10.4:1
Victoria	454	3,428	3,882	41.5	3.0	3.4	13.8:1
Queensland	637	2,374	3,011	11.6	2.8	3.3	4.1:1
Western Australia	456	980	1,436	16.6	2.2	3.0	7.5:1
South Australia	227	948	1,175	20.7	2.8	3.3	7.4:1
Tasmania	31	541	572	4.2	4.9	4.8	0.9:1
Australian Capital Territory	29	186	215	18.6	2.4	2.8	7.8:1
Northern Territory	100	64	164	4.2	1.8	2.7	2.3:1
<b>Total</b>	<b>4,073</b>	<b>14,168</b>	<b>18,241</b>	<b>21.1</b>	<b>3.1</b>	<b>3.9</b>	<b>6.8:1</b>

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

Sources: ABS 1999a, b, c.

In all jurisdictions except Tasmania, there were higher rates of Aboriginal and Torres Strait Islander children in out-of-home care than other Australian children. In Victoria, the rate of Indigenous children in out-of-home care was over 13 times the rate for other children, and in New South Wales it was over 10 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; and
- with other Indigenous people.

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of

Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives in many jurisdictions. 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 79% 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 as well as the dispersion of the Indigenous population 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 2001**

Relationship	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
	<b>Number</b>								
Indigenous relative	1,187	89	155	195	34	5	9	38	1,712
Indigenous non-relative	395	115	185	136	111	1	6	29	978
Non-Indigenous relative	271	52	86	28	13	6	2	n.a. <sup>(a)</sup>	458
<i>Total Indigenous or relative</i>	<i>1,853</i>	<i>256</i>	<i>426</i>	<i>359</i>	<i>158</i>	<i>12</i>	<i>17</i>	<i>67</i>	<i>3,148</i>
Other	282	198	211	97	69	18	12	29	913
Unknown	4	—	—	—	—	1	—	4	12
<b>Total</b>	<b>2,139</b>	<b>454</b>	<b>637</b>	<b>456</b>	<b>227</b>	<b>31</b>	<b>29</b>	<b>100</b>	<b>4,073</b>
	<b>Per cent</b>								
Indigenous relative	56	20	24	43	15	17	31	40	42
Indigenous non-relative	19	25	29	30	49	3	21	30	24
Non-Indigenous relative	13	11	14	6	6	20	7	n.a. <sup>(a)</sup>	11
<i>Total Indigenous or relative</i>	<i>87</i>	<i>56</i>	<i>67</i>	<i>79</i>	<i>70</i>	<i>40</i>	<i>59</i>	<i>70</i>	<i>77</i>
Other	13	44	33	21	30	60	41	30	22
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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

Note: 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 and/or neglect, by sex and State and Territory, 2000-01

Sex and type of abuse and/or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Males</b>								
Physical	1,116	954	826	169	318	24	31	73
Sexual	528	211	88	66	39	12	3	3
Emotional	321	1,560	964	53	159	—	44	17
Neglect	606	854	1,310	206	283	4	29	63
Other <sup>(a)</sup>	337	..	..	..	..	..	..	..
<b>Total</b>	<b>2,908</b>	<b>3,579</b>	<b>3,188</b>	<b>494</b>	<b>799</b>	<b>40</b>	<b>107</b>	<b>156</b>
<b>Females</b>								
Physical	1,043	926	777	146	286	27	23	66
Sexual	1,396	352	312	251	132	27	9	35
Emotional	327	1,490	856	45	140	2	42	21
Neglect	576	742	1,262	184	291	4	21	53
Other <sup>(a)</sup>	371	..	..	..	..	..	..	..
<b>Total</b>	<b>3,713</b>	<b>3,510</b>	<b>3,207</b>	<b>626</b>	<b>849</b>	<b>60</b>	<b>95</b>	<b>175</b>
<b>Unknown</b>								
Physical	—	37	—	—	1	1	—	—
Sexual	—	11	—	—	—	—	—	—
Emotional	—	45	—	—	1	—	1	—
Neglect	—	19	—	3	10	—	—	—
Other <sup>(a)</sup>	—	..	..	..	..	..	..	..
<b>Total</b>	<b>—</b>	<b>112</b>	<b>—</b>	<b>3</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>—</b>
<b>Persons</b>								
Physical	2,159	1,917	1,603	315	605	52	54	139
Sexual	1,924	574	400	317	171	39	12	38
Emotional	648	3,095	1,820	98	300	2	87	38
Neglect	1,182	1,615	2,572	393	584	8	50	116
Other <sup>(a)</sup>	708	..	..	..	..	..	..	..
<b>Total</b>	<b>6,621</b>	<b>7,201</b>	<b>6,395</b>	<b>1,123</b>	<b>1,660</b>	<b>101</b>	<b>203</b>	<b>331</b>

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

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

**Table A1.2: Children in substantiations, by age and State and Territory, 2000-01**

Age group (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Number</b>								
<1	410	592	651	128	154	9	18	31
1-4	1,390	1,923	1,586	258	410	24	48	83
5-9	2,040	2,120	1,966	334	570	25	70	98
10-14	2,050	1,875	1,815	324	437	25	59	99
15-17	717	678	377	79	80	2	6	20
Unknown	14	13	—	—	9	16	2	—
<b>Total</b>	<b>6,621</b>	<b>7,201</b>	<b>6,395</b>	<b>1,123</b>	<b>1,660</b>	<b>101</b>	<b>203</b>	<b>331</b>
<b>Per cent</b>								
<1	6	8	10	11	9	11	9	9
1-4	21	27	25	23	25	28	24	25
5-9	31	29	31	30	35	29	35	30
10-14	31	26	28	29	26	29	29	30
15-17	11	9	6	7	5	2	3	6
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

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 subjects of substantiations: type of abuse or neglect, by Indigenous status and State and Territory, 2000-01**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical	268	112	162	95	89	1	5	63
Sexual	169	45	33	68	7	—	2	19
Emotional	116	280	159	29	56	1	6	5
Neglect	231	171	327	165	165	—	7	67
Other <sup>(a)</sup>	94	..	..	..	..	..	..	..
<b>Total</b>	<b>878</b>	<b>608</b>	<b>681</b>	<b>357</b>	<b>317</b>	<b>2</b>	<b>20</b>	<b>154</b>
<b>Other children</b>								
Physical	1,891	1,805	1,441	220	516	51	49	76
Sexual	1,755	529	367	249	164	39	10	19
Emotional	532	2,815	1,661	69	244	1	81	33
Neglect	951	1,444	2,245	228	419	8	43	49
Other <sup>(a)</sup>	614	..	..	..	..	..	..	..
<b>Total</b>	<b>5,743</b>	<b>6,593</b>	<b>5,714</b>	<b>766</b>	<b>1,343</b>	<b>99</b>	<b>183</b>	<b>177</b>

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

**Table A1.4: Number of investigations: source of notification, by State and Territory, 2000-01**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Subject child	205	67	411	100	140	4	4	13
Parent/guardian	2,173	1,169	2,034	308	543	45	54	79
Sibling	—	64	81	11	14	3	—	2
Other relative	1,238	874	1,478	250	467	12	58	57
Friend/neighbour	1,778	814	1,955	155	639	12	52	91
Medical practitioner	556	435	302	58	255	8	10	34
Other health personnel	708	593	47	—	129	16	4	12
Hospital/health centre	1,368	550	632	285	201	22	30	54
Social worker	1,469	287	540	—	359	10	14	33
School personnel	4,334	2,052	1,315	271	950	37	82	94
Childcare personnel	228	160	126	—	53	—	15	—
Police	3,843	2,554	1,571	334	614	4	60	135
Departmental officer	151	685	353	341	176	29	45	37
Non-government organisation	481	1,636	455	88	44	25	103	55
Anonymous	661	—	333	13	155	17	23	13
Other	676	717	702	177	385	1	23	46
Not stated	44	253	12	1	—	23	—	—
<b>Total</b>	<b>19,913</b>	<b>12,910</b>	<b>12,347</b>	<b>2,392</b>	<b>5,124</b>	<b>268</b>	<b>577</b>	<b>755</b>

## Care and protection orders

Table A1.5: Children substantiated in 1999–00 who were subsequently placed on care and protection orders within 12 months of substantiation, for selected States and Territories

State/Territory	Number subsequently placed on a care and protection order	Percentage of all children substantiated in 1999–00
Victoria	1,597	22
Queensland	777	14
Western Australia	182	16
Tasmania	45	57
Northern Territory	99	28

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

Table A1.6: Children on care and protection orders: by sex and State and Territory, at 30 June 2001

Sex of child	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	4,236	2,479	1,833	621	655	248	110	97	10,279
Female	3,865	2,289	1,740	561	601	205	109	108	9,478
Unknown	4	14	—	4	4	—	—	—	26
<b>Persons</b>	<b>8,105</b>	<b>4,782</b>	<b>3,573</b>	<b>1,186</b>	<b>1,260</b>	<b>453</b>	<b>219</b>	<b>205</b>	<b>19,783</b>
<b>Per cent</b>									
Male	52	52	51	53	52	55	50	47	52
Female	48	48	49	47	48	45	50	53	48
<b>Persons</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) These data exclude children on supervisory orders.

**Table A1.7: Children on care and protection orders: living arrangements, by age, at 30 June 2001**

Age (years)	Family care	Home-based out-of-home care	Facility- based care	Independent living	Other	Total
	<b>Number</b>					
<1	120	334	8	—	23	485
1–4	782	3,180	73	—	94	4,129
5–9	926	4,500	173	—	142	5,741
10–14	830	4,405	472	16	253	5,976
15–17	553	1,753	535	319	286	3,446
Unknown	—	3	2	—	1	6
<b>Total</b>	<b>3,210</b>	<b>14,175</b>	<b>1,263</b>	<b>336</b>	<b>799</b>	<b>19,783</b>
	<b>Per cent</b>					
<1	25	69	2	—	5	100
1–4	19	77	2	—	2	100
5–9	16	78	3	—	2	100
10–14	14	74	8	—	4	100
15–17	16	51	16	9	8	100
<b>Total</b>	<b>16</b>	<b>72</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>100</b>

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



## Out-of-home care

Table A1.8: Children in out-of-home care, by age and State and Territory, at 30 June 2001

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	228	84	67	47	22	5	1	10	464
1–4	1,850	753	604	312	167	84	34	47	3,851
5–9	2,458	1,034	909	420	346	147	78	50	5,442
10–14	2,238	1,188	1,004	436	440	215	69	49	5,639
15–17	1,006	815	427	221	200	121	33	8	2,831
Unknown	6	8	—	—	—	—	—	—	14
<b>Total</b>	<b>7,786</b>	<b>3,882</b>	<b>3,011</b>	<b>1,436</b>	<b>1,175</b>	<b>572</b>	<b>215</b>	<b>164</b>	<b>18,241</b>
<b>Per cent</b>									
<1	3	2	2	3	2	1	—	6	3
1–4	24	19	20	22	14	15	16	29	21
5–9	32	27	30	29	29	26	36	30	30
10–14	29	31	33	30	37	38	32	30	31
15–17	13	21	14	15	17	21	15	5	16
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Table A1.9: Children in out-of-home care, by sex and State and Territory, at 30 June 2001

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	4,039	2,016	1,551	750	630	316	103	81	9,486
Female	3,743	1,853	1,460	684	538	256	112	83	8,729
Unknown	4	13	—	2	7	—	—	—	26
<b>Total</b>	<b>7,786</b>	<b>3,882</b>	<b>3,011</b>	<b>1,436</b>	<b>1,175</b>	<b>572</b>	<b>215</b>	<b>164</b>	<b>18,241</b>
<b>Per cent</b>									
Male	52	52	52	52	54	55	48	49	52
Female	48	48	48	48	46	45	52	51	48
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Table A1.10: Children in out-of-home care, by age and type of placement, at 30 June 2001**

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<b>Home-based</b>									
<1	212	82	67	46	22	5	1	8	443
1-4	1,803	748	597	300	167	70	34	46	3,765
5-9	2,388	994	894	381	346	130	77	43	5,253
10-14	2,018	991	975	364	419	186	61	45	5,059
15-17	642	596	397	137	178	61	22	5	2,038
Unknown	3	—	—	—	—	—	—	—	3
<b>Total</b>	<b>7,066</b>	<b>3,411</b>	<b>2,930</b>	<b>1,228</b>	<b>1,132</b>	<b>452</b>	<b>195</b>	<b>147</b>	<b>16,561</b>
<b>Facility-based</b>									
<1	6	2	—	1	—	—	—	—	9
1-4	12	5	7	12	—	11	—	1	48
5-9	27	40	15	39	—	17	1	6	145
10-14	134	197	29	64	21	20	8	2	475
15-17	160	218	30	29	22	24	7	—	490
Unknown	2	8	—	—	—	—	—	—	10
<b>Total</b>	<b>341</b>	<b>470</b>	<b>81</b>	<b>145</b>	<b>43</b>	<b>72</b>	<b>16</b>	<b>9</b>	<b>1,177</b>
<b>Per cent</b>									
<b>Home-based</b>									
<1	3	2	2	4	2	1	1	5	3
1-4	26	22	20	24	15	15	17	31	23
5-9	34	29	31	31	31	29	39	29	32
10-14	29	29	33	30	37	41	31	31	31
15-17	9	17	14	11	16	13	11	3	12
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Facility-based</b>									
<1	2	—	—	1	—	—	—	—	1
1-4	4	1	9	8	—	15	—	11	4
5-9	8	9	19	27	—	24	6	67	12
10-14	40	43	36	44	49	28	50	22	41
15-17	47	47	37	20	51	33	44	—	42
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

# Appendix 2: Technical notes

## Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics' most recent population estimates for 31 March 2001 (ABS 1999a).

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

$$\frac{\text{Number of children aged 0-17 years on care and protection orders at 30 June 2001}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2001}} \times 1,000$$

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

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

The rates of children subject to child protection substantiations during 2000-01 were calculated using the ABS population estimates for 31 December 1999 (ABS 1999b). These rates were calculated for children aged 0-16 years rather than for children aged 0-17 years because there were very few children aged 17 years who were the subjects of substantiations.

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

$$\frac{\text{Number of children aged 0-16 years who were the subjects of substantiations in 2000-01}}{\text{ABS estimated population aged 0-16 years at 30 December 2000}} \times 1,000$$

## 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 projections based on the ABS 1996 Census, however, were used for the denominator. This is because population estimates by age are not available for the Aboriginal and Torres Strait Islander population.

The population estimates for 30 June 2001 were used to calculate rates of children on care and protection orders and rates of children in out-of-home care. The average of the estimates for 30 June 1999 and 30 June 2001 was used to calculate the rates of children who were the subjects of substantiations (ABS 1999c).

Rates for States and Territories with small numbers of children in their child protection data and small 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 since 1996–97 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 before 1996–97 were calculated using ABS Indigenous population data available at that time: that is, experimental projections based on 1991 Census data. These projections of the population were very different from the ones based on the 1996 Census data used since 1996–97.

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

The non-Indigenous population (referred to in this report as ‘other children’) used for the calculation of rates was obtained by subtracting the number of 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. Victoria was not able to provide data on Indigenous status in 1998–99.

## **Caregivers**

In the out-of-home care data collection, the Indigenous status of caregivers was collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as

Indigenous are included in the Indigenous category. Where the Indigenous children were living in facility-based care specifically for Indigenous children, the caregiver was counted as Indigenous. Where children were living in other types of facility-based care, the caregiver was counted as non-Indigenous.

# Appendix 3: Legislation

## Child protection legislation

### Commonwealth

*Family Law Act 1975*

### New South Wales

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

### Victoria

*Children and Young Persons Act 1989*

### Queensland

*Child Protection Act 1999*

*Health Act 1937*

### Western Australia

*Child Welfare Act 1947*

*Community Services Act 1972*

### South Australia

*Family and Community Services Act 1972*

*Children's Protection Act 1993*

### Tasmania

*Children, Young Persons and Their Families Act 1997*

*Alcohol and Drug Dependency Act 1968*

### Australian Capital Territory

*Children and Young People Act 1999*

### Northern Territory

*Community Welfare Act 1983*

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

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

### New South Wales

Prior to 18 December 2000 in New South Wales, a child was defined under section 10, subsection (1) in the *Children (Care and Protection) Act 1987* as being in need of care if:

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

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

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

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

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

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

- (a) lack of, or serious difficulties with, parental care;
- (b) physical or sexual abuse or ill-treatment;
- (c) the child or young persons’ basic physical, psychological or educational needs may not be met;
- (d) possible serious developmental impairment or serious psychological harm arising from the child or young person’s domestic environment;
- (e) sexually abusive behaviour by a child under 14 years of age; or
- (f) pre-existing order of another jurisdiction.

## **Victoria**

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

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

## **Queensland**

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

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

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

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

## **Western Australia**

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

- (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in the custody of the law; or
- (b) has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child; or
- (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs; or
- (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody; or
- (e) is not being maintained properly or at all by a near relative, or is deserted; or



- (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof; or
- (g) being under the age of 14 years is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare or safety is likely to be lost, prejudiced or endangered; or
- (h) is unlawfully engaged in street trading; or
- (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment; or
- (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

### **South Australia**

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

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

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

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

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

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

- (a) clitoridectomy; or
- (b) excision of any other part of the female genital organs; or

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

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

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

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

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

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

### **Tasmania**

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

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

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

- (a) the child has been, is being, or is likely to be, abused or neglected; or
- (b) any person with whom the child resides or who has frequent contact with the child (whether the person is or is not a guardian of the child):
  - (i) has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out; or

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

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

### **Australian Capital Territory**

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

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

Abuse in relation to a child or young person means:

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

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

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

- (a) if a person with whom the child or young person lives or is likely to live:
  - (i) has threatened to kill or injure the child or young person and there is a real possibility of the threat being carried out; or
  - (ii) has killed, abused or neglected a child or young person and there is a real possibility of the person killing, abusing or neglecting the relevant child or young person;

and no-one with parental responsibility is willing and able to protect the child or young person;

- (b) no-one with the parental responsibility for the child or young person (other than the chief executive) is willing and able to provide him or her with adequate care and protection;
- (c) if there is serious, persistent conflict between the child or young person and the people with parental responsibility for him or her (other than the chief executive) to such an extent that the care and protection of the child or young person is, or is likely to be, seriously disrupted;
- (d) the people with parental responsibility for the child or young person (other than the chief executive) are:
  - (i) dead, have abandoned him or her or cannot be found after reasonable enquiry; or
  - (ii) unwilling or unable to keep him or her from engaging in self-damaging behaviour; or
  - (iii) sexually or financially exploiting the child or young person or unwilling or unable to keep him or her from being sexually or financially exploited; or
- (e) the child or young person is the subject of a child protection order in a State that is not being complied with.

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

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

### **Northern Territory**

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

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

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

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the

custody of the child, or where there is substantial risk of the child suffering such an injury or impairment;

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

# Appendix 4: Mandatory reporting requirements

## New South Wales

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

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

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

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

## Victoria

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

## Queensland

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

## Western Australia

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

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

### **South Australia**

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

### **Tasmania**

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

### **Australian Capital Territory**

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

### **Northern Territory**

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

# Glossary

## General definitions

### Community services department

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

## Definitions for child protection notifications, investigations and substantiations

### Age of child

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

### Child protection notification

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

A notification can only involve one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same 'event', this was counted as only one notification. Where there is more than one notification between 1 July 2000 and 30 June 2001, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect), these notifications should be counted as separate notifications.

### Investigation

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

Investigations to be counted in this collection relate to those child protection notifications of children aged 0–17 years that were made to an authorised department between 1 July 2000 and 30 June 2001, 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 2001, which was investigated and the investigation was finalised by 31 August 2001, and it was concluded that there was



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

### **Person believed responsible**

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

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

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

##### *Natural parent*

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

##### *Step-parent*

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

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

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

##### *Sibling*

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

##### *Other relative/kin*

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

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

##### *Foster parent*

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

##### *Friend/neighbour*

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

##### *Other*

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

##### *Not stated*

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

### **Source of notification**

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

*Parent/guardian*

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

*Sibling*

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

*Other relative*

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

*Friend/neighbour*

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

*Medical practitioner*

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

*Other health personnel*

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

*Hospital/health centre personnel*

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

*Social/welfare worker*

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

*School personnel*

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

*Childcare personnel*

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

*Police*

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

*Departmental officer*

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

*Non-government organisation*

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

### *Anonymous*

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

### *Other*

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

### *Not stated*

Includes all notifications that are received from unknown sources.

## **Family of residence**

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

### *Two-parent – natural*

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 2001.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 2001. The categories are as follows:

#### *Family care*

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

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

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

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

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

#### *Facility-based care*

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

#### *Independent living*

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

#### *Other living arrangements*

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

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

### **Age of child**

This is the age of the child in completed years at 30 June 2001.

### **Type of placement**

Placement type is divided into four main categories:

#### *Home-based care*

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

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

- Angus G & Hall G 1996. Child abuse and neglect Australia 1994–95. Child Welfare Series No. 16. Canberra: AIHW.
- Angus G & Wilkinson K 1993. Child abuse and neglect Australia 1990–91. Child Welfare Series No. 2. Canberra: AGPS.
- Australian Bureau of Statistics (ABS) 1997. Family characteristics. Cat. No. 4442.0. Canberra: ABS.
- Australian Bureau of Statistics (ABS) 1999a. Population by age and sex at 31 March 1998: unpublished estimates based on June 1996 Census data. Canberra: ABS.
- Australian Bureau of Statistics (ABS) 1999b. Population by age and sex at 30 December 1997: unpublished estimates based on June 1996 Census data. Canberra: ABS.
- Australian Bureau of Statistics (ABS) 1999c. Indigenous population by age and sex at June 1997 and June 1998: unpublished projections for the Indigenous population based on June 1996 Census data. Canberra: ABS.
- Australian Institute of Health and Welfare (AIHW) 2001a. Australia's welfare 2001. Canberra: AIHW.
- Australian Institute of Health and Welfare (AIHW) 2001b. Child protection Australia 1999–00. AIHW Cat. No. CWS 13. Child Welfare Series 27. Canberra: AIHW.
- Australian Institute of Health and Welfare (AIHW) 2001c. Family support services in Australia 2000. Canberra: AIHW.
- Broadbent A & Bentley R 1997. Child abuse and neglect Australia 1995–96. 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.
- 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.
- Lock JA 1997. The Aboriginal Child Placement Principle: research project no. 7. Sydney: New South Wales Law Reform Commission.
- Human Rights and Equal Opportunity Commission (HREOC) 1997. Bringing them home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. Sydney: HREOC.
- 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, Victorian Government Department of Human Services.
- Western Australian Department of Family and Community Services (WA FACS) 1996. New directions in child protection and family support. Perth: WA FACS.