

Child protection Australia 1997–98

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Child protection Australia 1997–98

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Abbreviations

ABS	Australian Bureau of Statistics
CYFSB	Children’s, Youth and Family Services Bureau (Australian Capital Territory)
DCS	Department of Community Services (New South Wales)
DFYCC	Department of Families, Youth and Community Care (Queensland)
DHHS	Department of Health and Human Services (Tasmania)
DHS	Department of Human Services (South Australia)
DHS	Department of Human Services (Victoria)
FCS	Family and Children’s Services (Western Australia)
THS	Territory Health Services (Northern Territory)

Symbols used in the tables

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

Notes

- (1) Percentages in all tables exclude unknown.
- (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.

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Summary

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

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

These data are collected each year by the Australian Institute of Health and Welfare from the community service departments in each State and Territory. The data in this report cover the 1997–98 financial year. Each State and Territory has its own legislation, policies and practices in relation to child protection, so there are differences between jurisdictions in the data provided. Australian totals have generally not been provided for child abuse and neglect because of these differences.

The main points of interest in the report are:

- The number of notifications of child abuse and neglect in 1997–98 was higher than in 1996–97 in Victoria, Western Australia, South Australia and the Northern Territory.
- In most jurisdictions, the majority of notifications in 1997–98 were subject to an investigation. Although the outcomes of investigations varied across 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 or neglected or otherwise harmed. For example, 49% of finalised investigations in Victoria and 60% in South Australia were not substantiated.
- Across Australia, the number of substantiations has fallen since 1994–95, mainly due to a large decrease in the number of substantiations in New South Wales.
- Rates of children who were the subject of a substantiation of abuse and neglect ranged from 1.1 per 1,000 aged 0–16 years in Tasmania to 5.9 per 1,000 in Victoria.
- Indigenous children were over-represented in substantiations of child abuse and neglect. For example, the rate of Indigenous children who were the subject of a substantiation was 15.8 in Queensland compared with 4.5 for other children, and in South Australia the rate for Indigenous children was 26.3 compared with 4.0 for other children.
- At 30 June 1998, there were 16,449 children on care and protection orders in Australia. This is an increase of 731 on the number of children on care and protection orders at 30 June 1997.
- Of those children on orders at 30 June 1998, 75% were on finalised guardianship or finalised custody orders, 11% were on finalised supervisory and other finalised orders, 10% were on interim and temporary orders and 4% were subject to administrative and voluntary arrangements.
- There were 3.5 children per 1,000 aged 0–17 years on care and protection orders in Australia at 30 June 1998 compared with 3.3 at 30 June 1997. The rate of children on care and protection orders varied across States and Territories from 1.7 in Western Australia to 4.2 in Tasmania.

- Indigenous children were much more likely to be placed on a care and protection order than other children. The rate of Indigenous children on care and protection orders was 15.5 per 1,000 compared with 3.0 for other children.
- There were 14,470 children in out-of-home care at 30 June 1998. Most of these children (87%) were in home-based care arrangements, with a further 10% in facility-based care.
- The rate of children in out-of-home care at 30 June 1998 was 3.1 per 1,000 aged 0-17 years. This rate varied from 2.2 in the Australian Capital Territory to 3.6 in Tasmania.
- Indigenous children were also over-represented among children in out-of-home care. The rate of Indigenous children in out-of-home care at 30 June 1998 was 14.2 per 1,000 compared with 2.6 for other children.

1 Background

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

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

The community services department provides assistance to these children and their families through the provision of, or referral to, a wide range of family support services. Some of these services are targeted specifically at children in need of protection (and their families), whereas 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 service departments for protective reasons. The three areas of the child protection system for which national data are collected are:

- notifications, investigations and substantiations of child abuse and neglect;
- children on care and protection orders; and
- children in supported overnight 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

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.

Initial contact

Children who are seen to be in need of protection can come into contact with the community services department initially through a number of avenues. These include reports 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. This initial contact 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 initial contacts made with community services departments.

These initial contacts are assessed to determine if the matter should be dealt with by the community services department or referred to another agency. Those contacts that are appropriate for community services departments are further assessed to determine if any further action is required. Contacts requiring further action will generally be classified as either a family support issue or a notification of child abuse and neglect. A range of factors

is taken into account by departmental officers when making these decisions. Those contacts classified as a family support issue will be further assessed and referred to family support services. Notifications of child abuse are dealt with separately.

Notifications, investigations and substantiations

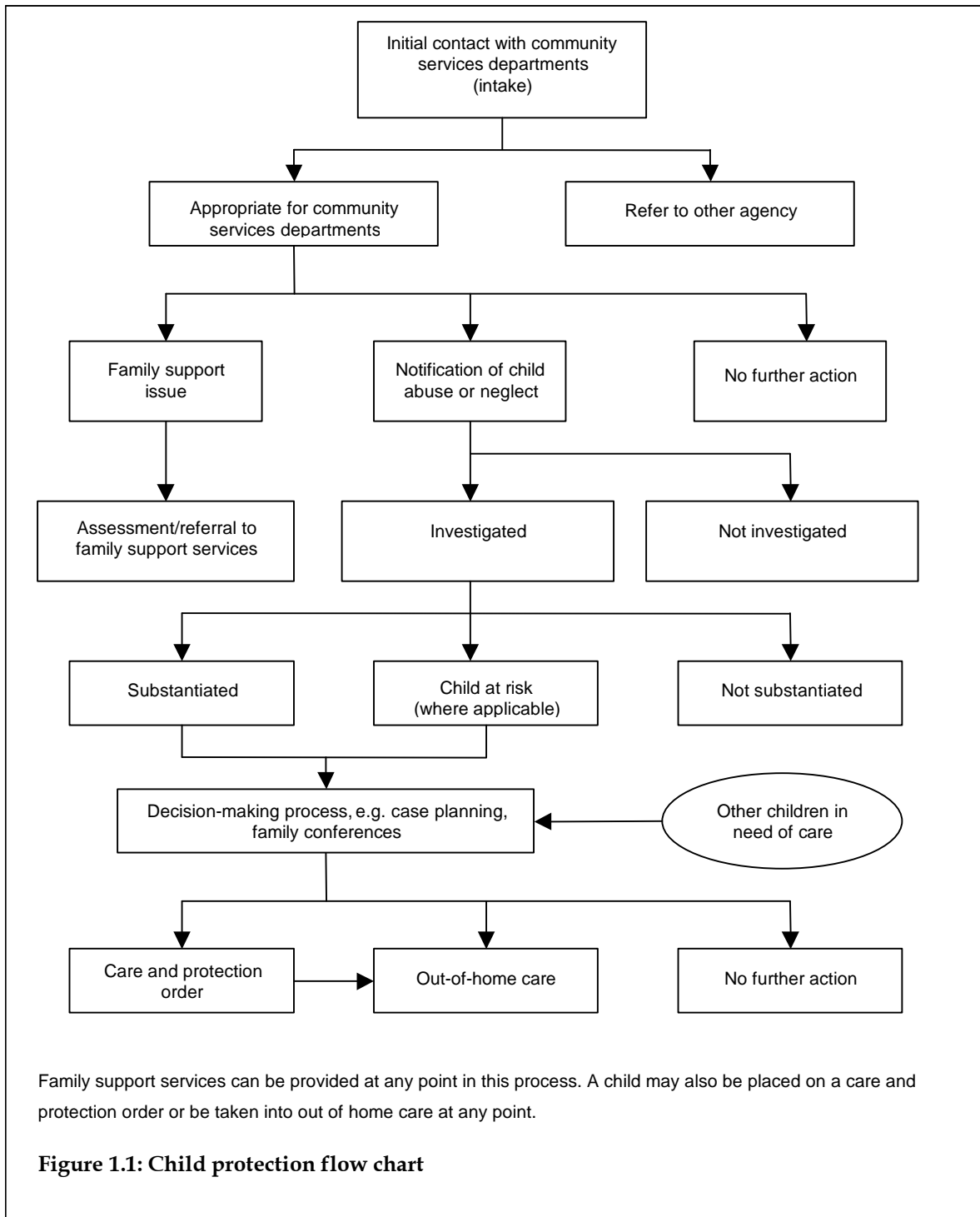
Each notification of child abuse and neglect is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or 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 is completed, a notification is classified as 'unsubstantiated', 'substantiated' or, in two jurisdictions, 'child at risk'.

A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused or neglected or otherwise harmed. The 'child at risk' category refers to situations where the notification of abuse or neglect is not substantiated, but where there are reasonable grounds for suspecting the possibility of previous or future abuse or neglect and it is considered that continued departmental involvement is warranted. Only Tasmania and the Australian Capital Territory used this classification in 1997-98.

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 him or herself or where the parents are ill and unable to care for the child.



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 Institute. The State and Territory community services departments provide funding to the Institute to collate, analyse and publish these data.

There are significant links and overlaps between the three data collections in this report. For example, children who are the subject of a substantiation may be placed on a care and protection order, 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 data collections.

Each jurisdiction has its own legislation, policies and practices in relation to child protection and these affect the child protection data that are provided to the Institute. The data provided by the different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

Work towards greater comparability is being expedited through the National Child Protection and Support Services (NCPASS) Working Group, a subgroup of the National Community Services Information Management Group (NCISMG). A report on the comparability of child protection data has been finalised and is now being examined by States and Territories (AIHW forthcoming). It is likely that a number of changes will be made to the data collection over the next 2 years to improve the comparability of data.

There are also significant gaps in the national data on child protection. For example, there are no data at the national level on the support services used by children in need of protection and their families. NCPASS is currently developing a framework for reporting on such services, though work on this is currently at an early stage.

2 Child abuse and neglect

Overview of the information on child abuse and neglect

Scope of the report

The child abuse and neglect data in this report relate to notifications of child abuse and neglect received by community service departments between 1 July 1997 and 30 June 1998. The notification, investigation and substantiation process is broadly outlined in chapter 1.

Only incidents of abuse and neglect 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. There is also likely to be a significant amount of child abuse and neglect that is not reported to any agency or department, although the extent of this is unknown.

Police also have some responsibility for child protection in each State and Territory, although the extent of their responsibility in each jurisdiction varies. Generally, they are involved in all abuse and neglect of a criminal nature, that is, significant sexual or physical abuse, or any abuse which 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 community services department (Broadbent & Bentley 1997:6).

Reporting of child abuse and neglect

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

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

Differences between States and Territories

As noted in chapter 1, each State and Territory has its own legislation, policies and practices in relation to child abuse and neglect. There are some areas of significant difference between States and Territories that affect the data on child abuse and neglect.

One of the main differences between jurisdictions relates to the way in which notifications of child abuse and neglect are counted. There are two broad policy frameworks used by States and Territories in relation to notifications of child abuse and neglect. In Western Australia and Tasmania initial contacts with the department are screened by senior staff and a significant proportion of these are classified as family support issues, rather than notifications. Those contacts that do not involve child maltreatment are dealt with separately through the provision of family support services and are not counted as notifications. The rate of notifications in these two States is therefore considerably lower than in other jurisdictions.

Other States count a larger proportion of these initial contacts as notifications of child abuse or neglect. Although some of these States, such as the Australian Capital Territory and New South Wales, also screen initial contacts, refer some to family support services and do not count them as a notification, the screening process does not appear to be as stringent as that used in Western Australia and Tasmania.

There are other differences across jurisdictions in what is classified as child abuse and neglect that are also worth noting. For example:

- some jurisdictions, such as New South Wales, include abuse by strangers, whereas others include only abuse or neglect within the family or situations where the parents are unwilling or unable to protect the child; and
- some jurisdictions substantiate an action or an incident, whereas others substantiate harm or risk of harm to 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 are greatest in the child abuse and neglect area. In most cases, therefore, no national totals have been calculated for data on child abuse and neglect.

Changes to policies and practices over time

Child protection policy and practice is constantly evolving. Changes to policies and practices within jurisdictions affect the child protection data, and trends in child protection over time therefore need to be interpreted carefully. For example, some major changes in child protection policies that have affected the data include:

- the introduction of a single-track reporting system in Victoria along with the introduction of mandatory reporting in that State in the early 1990s which led to a large increase in the number of notifications;
- the introduction of the 'New Directions' child protection policy in Western Australia in May 1996 which resulted in a considerable fall in the number of contacts with the department that were counted as notifications. Under 'New Directions', contacts with the department are screened by senior officers before they are classified as a notification. Policies in relation to substantiations were also changed so that the current focus is on substantiating harm or risk of harm to the child, rather than an action causing harm (WA FACS 1996); and

- major changes to the child protection processes in New South Wales in July 1996 which led to a significant decrease in the number of substantiations.

The following discussion outlines the major policy changes that are likely to have affected the 1997–98 child abuse and neglect data. It is important to be aware of these changes when comparing this year's data with data from previous years.

New South Wales

In April 1998, New South Wales introduced new procedures for responding to notifications concerning children under the age of 12 months. The focus of these procedures is to identify both immediate and ongoing risk factors for this group of children, while recognising their particular vulnerability.

There was also a change in New South Wales police procedures requiring police to notify the department in all cases where they attend an incident of domestic violence and there are children present in the household. This procedure had a significant impact on the number of notifications received and subsequent responses required.

During 1997 and early 1998, the Department of Community Services established eight Joint Investigation Team units with the New South Wales Police Service. These units were established to provide a more appropriate response to child protection notifications containing allegations of a crime having been perpetrated against the subject child.

South Australia

In late April 1997, South Australia introduced a Central Intake System for receiving and classifying all child abuse and neglect reports from across the State. All reports are now channelled through a 24-hour telephone service to a central unit of qualified social workers. A standardised assessment tool is used to help determine the most appropriate type of intervention required for each report and provide the District Centre with a differential rating for responding. Cases requiring an emergency response, or those with high risk, receive an investigatory response. Persons involved in cases assessed as low risk, but with significant need, are asked to attend a family meeting with District Centre social workers rather than be subject to an investigation.

Tasmania

Tasmania introduced new intake and assessment guidelines in July 1997. The focus is now on the level of harm to the child rather than on the actual incident, with emphasis on the provision of family support, including internally and externally provided intensive family support programs. Child and family concern reports are no longer included in the count for notifications, though the level of agency response through assessment and case planning is comparable to that given to child maltreatment notifications. The count now includes only notifications of alleged maltreatment, all of which are now investigated by the department through intake and assessment workers. The intake and assessment workers are assisted by regional assessment committees to assess notifications. These committees draw on professionals from the areas of paediatrics, social work, child care, law, child psychology and the police.

Australian Capital Territory

Mandatory reporting of child abuse and neglect was introduced into the Australian Capital Territory in June 1997. As part of the process, mandated reporters are encouraged to consult with the department before a decision is made on whether to make the report. From 1 July 1997, child concern reports were counted separately from notifications of abuse and neglect.

Data and analysis

This section includes the national data on child abuse and neglect for the 1997–98 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 the data on child abuse and neglect.

Notifications, investigations and substantiations

The number of notifications of child abuse and neglect received in 1997–98 for each State and Territory is shown in Table 2.1. The number of notifications was higher than in 1996–97 in Victoria, Western Australia, South Australia and the Northern Territory (up from 31,707, 2,099, 10,094 and 481 respectively); and lower in Tasmania and the Australian Capital Territory (down from 2,363 and 1,220 respectively). It is not possible to make these comparisons for New South Wales and Queensland, since no data are available for these two States for 1996–97 (AIHW 1998).

Table 2.1: Notifications of child abuse and neglect: type of action by State and Territory, 1997–98

Type of action	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Investigations finalised ^(a)	18,997	14,431	11,728	2,096	4,777	585	836	683
Investigations not finalised ^(b)	3,186	262	3,517	189	64	24	76	1
<i>Total investigations</i>	<i>22,183</i>	<i>14,693</i>	<i>15,245</i>	<i>2,285</i>	<i>4,841</i>	<i>609</i>	<i>912</i>	<i>684</i>
Dealt with by other means/not investigated ^(c)	9,040	18,470	1,988	162	6,810	407	213	26
Total notifications	31,223	33,163	17,233	2,447	11,651	1,016	1,125	710
	Percentage							
Investigations finalised ^(a)	61	44	68	86	41	58	74	96
Investigations not finalised ^(b)	10	1	20	8	1	2	7	—
<i>Total investigations</i>	<i>71</i>	<i>44</i>	<i>88</i>	<i>93</i>	<i>42</i>	<i>60</i>	<i>81</i>	<i>96</i>
Dealt with by other means/not investigated ^(c)	29	56	12	7	58	40	19	4
Total notifications	100	100	100	100	100	100	100	100

(a) An investigation is classified as finalised where it was completed and an outcome recorded by 31 August 1998.

(b) Investigation not finalised is an investigation that was begun but not completed before 31 August 1998. For Queensland, this category also includes situations where no investigation was possible.

(c) Dealt with by other means/not investigated generally includes matters that were referred to police, referred to family support services; where there were no grounds for investigation and no investigation was possible.

A large majority of notifications were subject to an investigation. The proportion of notifications that were investigated ranged from 44% in Victoria to 93% in Western Australia and 96% in the Northern Territory.

This range in the proportion of notifications that were investigated reflects the way in which different jurisdictions both define and deal with notifications and investigations. In Victoria, for example, the definition of a notification is very wide, and there are strict criteria for defining an investigation. Notifications are caller-defined and include reports of child

concerns, whereas only face-to-face contact with the child is counted as an investigation. In contrast, in Western Australia a significant proportion of contacts with the department are screened by senior staff and classified as family support issues. A very high proportion of notifications in Western Australia and the Northern Territory were investigated since both these jurisdictions have a policy to investigate or assess all notifications.

Notifications 'dealt with by other means/not investigated' covers a variety of other responses – for example, these notifications may be referred to police or to family support services, or there may be no grounds for investigation or no investigation possible.

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 or neglected or otherwise harmed. For example, 60% of finalised investigations in South Australia and 56% in New South Wales were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 23% in Tasmania to 54% in Queensland and Western Australia. Although a relatively low proportion of investigations in Tasmania were substantiated, a relatively high proportion of investigations (25%) in that State were classified as 'child at risk'.

Table 2.2: Finalised investigations by type of outcome, 1997–98

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	Number							
Substantiations	8,406	7,357	6,323	1,135	1,915	135	411	344
Child at risk	—	—	—	—	—	146	60	—
Unsubstantiated notifications	10,591	7,074	5,405	961	2,862	304	365	339
Total finalised investigations	18,997	14,431	11,728	2,096	4,777	585	836	683
	Percentage							
Substantiations	44	51	54	54	40	23	49	50
Child at risk	—	—	—	—	—	25	7	—
Unsubstantiated notifications	56	49	46	46	60	52	44	50
Total finalised investigations	100	100	100	100	100	100	100	100

Changes over time

The number of notifications of child abuse and neglect has increased considerably over the past decade in most States and Territories. In 1992–93 there were around 73,000 notifications of child abuse and neglect compared with almost 92,000 in 1995–96 (Broadbent & Bentley 1997:8–9). In 1997–98, there were some 98,568 notifications of child abuse and neglect Australia-wide.

It is not possible to determine whether the increase in notifications is indicative of a rise in the incidence of child abuse and neglect, or due to other factors that may affect the number of notifications. These other factors include changes in:

- State and Territory legislation, policies and practices; and

- the extent to which abuse and neglect is reported, due to the introduction of mandatory reporting in some jurisdictions and/or an increased awareness about child abuse and neglect in the community.

Nationally, the number of substantiations of child abuse and neglect followed a slightly different pattern, increasing significantly from 1988–89 to 1994–95 from 18,816 to 30,615, and then decreasing to 26,025 in 1997–98 (Table 2.3).

It is likely that much of this decrease is due to changes in policies and practices in some jurisdictions. For example, there has been a large decrease in the number of substantiations in Western Australia, reflecting policy changes whereby contacts with the department are screened before they are classified as a notification, and significant harm to the child, rather than an action causing harm, is substantiated. The large decrease in the number of substantiations in New South Wales since 1995–96 probably reflects new policies introduced in July 1996 which changed the way notifications and investigations are both dealt with and categorised (AIHW 1998).

Between 1996–97 and 1997–98 the number of substantiations increased in Victoria, Western Australia, the Australian Capital Territory and the Northern Territory, but fell in South Australia and Tasmania. The fall in the number of substantiations in South Australia reflects policy changes introduced in April 1997 that resulted in a narrower definition of substantiations. The fall in Tasmania reflects policy changes introduced in July 1997 outlined earlier. There were no comparable 1996–97 data available for New South Wales and Queensland.

Table 2.3: Substantiations by State and Territory, 1987–88 to 1997–98

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1987–88	13,498	1,534	2,923	n.a.	1,008	290	275	332	n.a.
1988–89	10,112	2,445	3,377	739	1,326	336	297	184	18,816
1989–90	9,429	2,950	3,721	884	1,165	n.a.	n.a.	184	n.a.
1990–91	11,611	2,427	3,500	1,223	1,162	472	247	226	20,868
1991–92	12,645	2,146	3,027	1,380	1,048	598	295	232	21,371
1992–93	14,290	4,089	2,743	1,519	1,824	416	445	304	25,630
1993–94	15,128	5,253	3,127	1,830	2,077	424	495	377	28,711
1994–95	14,164	7,326	4,000	1,484	2,547	360	376	358	30,615
1995–96	14,063	6,663	4,662	1,095	2,415	235	445	255	29,833
1996–97	1,791 ^(a)	7,034	4,895 ^(b)	982	2,527	244	376	252	n.a. ^(c)
1997–98	8,406	7,357	6,323	1,135	1,915	135	411	343	26,025

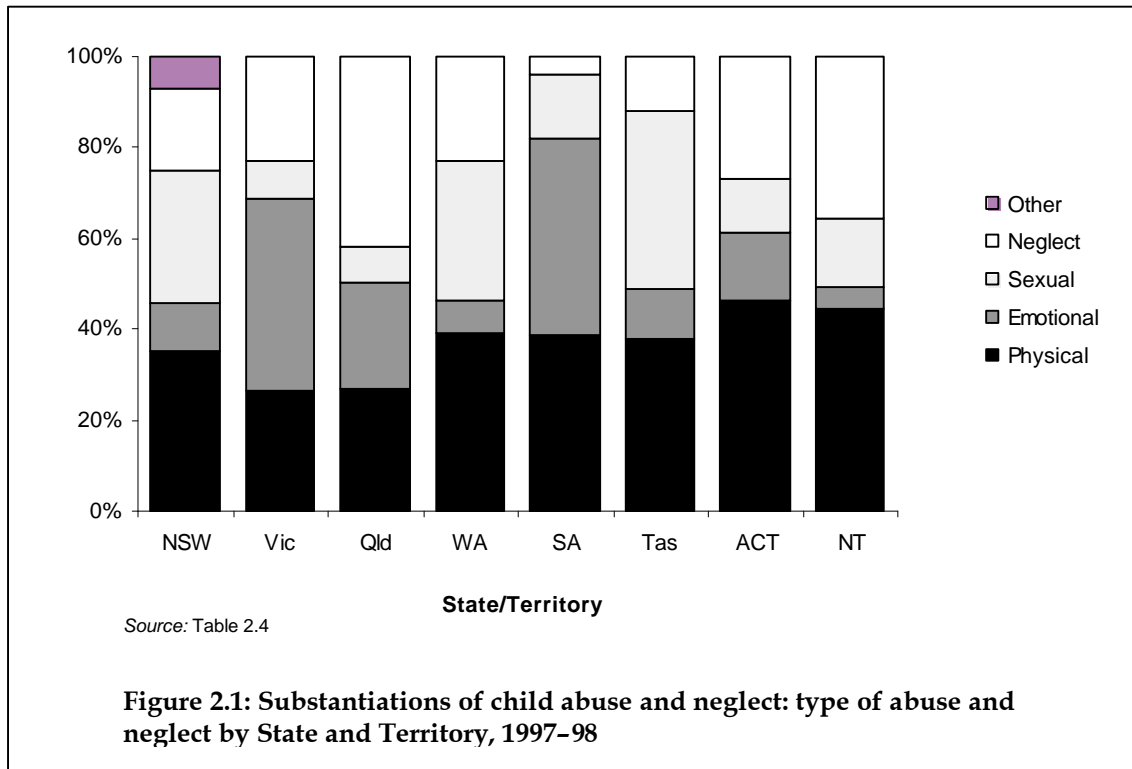
(a) 1996–97 data for New South Wales refer to only 3 months' data (from 1 April to 30 June 1997).

(b) Queensland could not provide data for the financial year 1996–97. Data refer to calendar year 1996.

(c) A total cannot be calculated for 1996–97 due to differences in time frames for data provided by the States.

Substantiations and type of abuse and neglect

Substantiations are classified according to the type of abuse and neglect that has occurred. As noted previously, it is not always clear what type of abuse and neglect has occurred and the classification of types of abuse and neglect will vary according to the policies and practices of the different jurisdictions.



The distribution of types of abuse and neglect varied considerably by State and Territory. Physical abuse was the most common type of abuse and neglect that was substantiated in New South Wales, Western Australia, the Australian Capital Territory and the Northern Territory. In Victoria and South Australia emotional abuse was the most common type substantiated, in Queensland it was neglect and in Tasmania it was sexual abuse (Table 2.4 and Figure 2.1).

These variations across jurisdictions are likely to be the result of differences in the way that child abuse and neglect is classified, as well as variations in the type of abuse and neglect that is substantiated across jurisdictions. For example, in Western Australia and Tasmania a relatively high proportion of substantiations were classified as either 'physical abuse' or 'sexual abuse', reflecting the focus in these two States of identifying significant harm to the child. 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 likely to be substantiated in that State. Queensland has a relatively high proportion of substantiations classified as 'neglect', reflecting the focus in that State of identifying situations where the parents are unwilling or unable to protect the child.

Table 2.4: Substantiations of child abuse and neglect: type of abuse and neglect by State and Territory, 1997–98

Type of abuse or neglect substantiated	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT
	Number							
Physical	2,971	1,954	1,709	434	554	51	191	152
Emotional	865	3,118	1,470	80	612	15	61	17
Sexual	2,476	593	500	349	205	53	49	52
Neglect	1,485	1,692	2,644	256	544	16	110	122
Other ^(b)	609	—	—	—	—	—	—	—
Total substantiations	8,406	7,357	6,323	1,119	1,915	135	411	343
	Percentage							
Physical	35	27	27	39	29	38	46	44
Emotional	10	42	23	7	32	11	15	5
Sexual	29	8	8	31	11	39	12	15
Neglect	18	23	42	23	28	12	27	36
Other ^(b)	7	—	—	—	—	—	—	—
Total substantiations	100	100	100	100	100	100	100	100

(a) In Western Australia, data exclude 16 children for whom no other details are known.

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

Characteristics of children

Number of children

The number of notifications and substantiations of child abuse and neglect is greater than the number of children who were the subject of a notification or a substantiation. This is because some children are the subject of more than one notification or substantiation of abuse and neglect in any one year.

For example, in 1997–98 in Victoria there were 33,163 notifications compared with 25,846 children who were the subject of a notification and in Queensland there were 17,233 notifications compared with 12,972 children who were the subject of a notification (Table 2.5). In relation to substantiations in 1997–98, in South Australia there were 1,915 substantiations compared with 1,574 children who were the subject of a substantiation (Table 2.5).

Table 2.5: Notifications, substantiations and children who were the subject of a notification or substantiation of child abuse or neglect, by State and Territory, 1997–98

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children subject of a notification	25,763	25,846	12,972	2,210	8,229	845	916	615
Total notifications	31,223	33,163	17,233	2,447	11,651	1,016	1,125	710
Children subject of a substantiation	7,572	6,399	4,360	1,062	1,574	132	359	314
Total substantiations	8,406	7,357	6,323	1,135	1,915	135	411	343

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

These data indicate that a substantial number of children across Australia were the subject of more than one substantiation during 1997–98. 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

There were more females than males in substantiations of child abuse and neglect in 1997–98 in all jurisdictions. The higher proportion of females is due predominantly to their over-representation in the sexual abuse category (Table A1.1). There were nearly three times as many girls as boys who were the subject of a substantiation of sexual abuse.

In relation to age, the largest number of children who were the subject of a substantiation were in the age categories 5–9 years and 10–14 years. There was also a relatively large number of children aged under 1 year who were the subject of a substantiation (Table A1.2). Rates of children by age who were the subject of a substantiation are discussed in the following section.

Rates of children who were the subject of a substantiation

There were significant differences between States and Territories in rates of children who were the subject of a substantiation of child abuse and neglect. Victoria and the Northern Territory had relatively high rates of children for whom abuse and neglect was substantiated. In Victoria there were 5.9 children per 1,000 children aged 0–16 years who were the subject of a substantiation, and in the Northern Territory there were 5.6. The rate of children who were the subject of a substantiation was lowest in Western Australia and Tasmania (2.4 and 1.1 respectively) (Table 2.6).

It is likely that much of the variation in rates between jurisdictions is due to the different policies and practices in each jurisdiction, rather than to differences in the level of child abuse and neglect that has occurred. As noted previously, Western Australia and Tasmania have relatively low rates because they screen out those contacts that do not involve child maltreatment and do not count them as a notification. The focus in these two States is on substantiating harm or risk of harm, rather than an action or an incident. Victoria, on the other hand, counts a broader range of incidents as notifications and this, in turn, is likely to contribute to higher rate of children who were the subject of a substantiation in that State.

It is not possible to determine from these data how much of the variation in rates between jurisdictions is due to different policies and practices and how much is due to differences in the underlying levels of child abuse and neglect.

Table 2.6: Number and rates of children per 1,000 aged 0–16 years who were the subject of a substantiation of child abuse or neglect: Indigenous status by State and Territory, 1997–98

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
Number of children	655	460	771	272	260	3	33	163
Rate per 1,000 children	12.9	46.4	15.8	10.8	26.3	0.4	23.7	7.3
Other children								
Number of children	6,841	5,932	3,582	783	1,309	127	324	148
Rate per 1,000 children	4.7	5.6	4.5	1.9	4.0	1.1	4.4	4.4
Total children								
Number of children	7,496	6,392	4,353	1,055	1,569	130	357	311
Rate per 1,000 children	5.0	5.9	5.1	2.4	4.7	1.1	4.7	5.6

Notes

1. Rates for child abuse and neglect substantiations were calculated for children aged 0–16 and children of unknown age because of the very small number aged 17 years who were the subject of a substantiation.
2. Rates were calculated using the number of children subject to a substantiation in 1997–98, not the total number of substantiations in 1997–98.
3. For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.

Rates by age

Rates of children who were the subject of a substantiation generally decrease with age. In most jurisdictions children aged under 1 year were the most likely to be the subject of a substantiation, followed by children aged 1–4 years.

Age is a factor taken into consideration by child protection workers in determining response time and whether a notification will be substantiated. Most jurisdictions have particular procedures for responding to notifications in relation to very young children, for example the new procedures in New South Wales for responding to notifications of children aged under 12 months.

Table 2.7: Rates of children per 1,000 aged 0–16 years who were the subject of a substantiation by age, 1997–98

Age	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
< 1 year	6.0	11.3	7.6	3.9	6.5	0.8	6.5	7.5
1–4 years	4.8	6.6	5.8	2.6	5.4	0.7	4.9	6.2
5–9 years	5.3	5.4	5.2	2.2	5.1	1.0	5.6	5.8
10–14 years	5.2	5.6	5.2	2.3	3.9	1.2	4.2	5.2
15–16 years	3.8	4.2	2.7	1.3	2.1	0.6	2.8	3.2

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

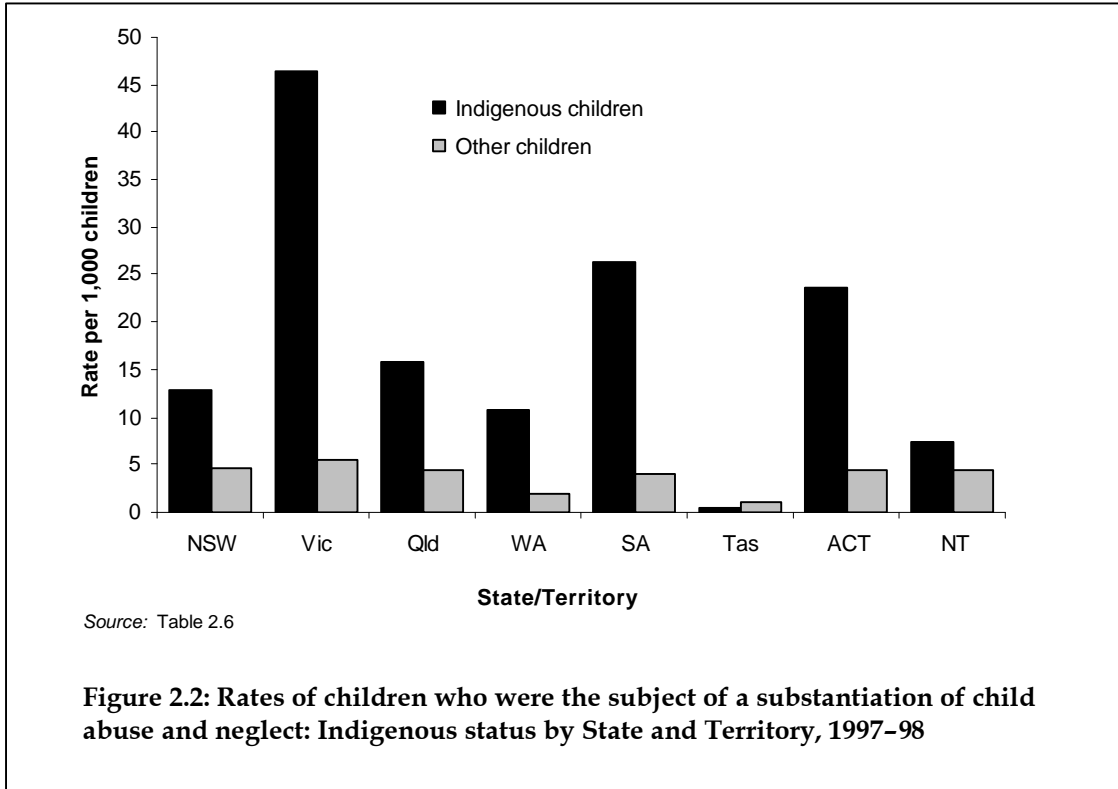
Indigenous children

The rate of Indigenous children who were the subject of a substantiation of abuse and neglect was significantly higher than the rate for other children in all jurisdictions except Tasmania. In Victoria, for example, the rate of Indigenous children who were the subject of a substantiation was 46.4 per 1,000 children aged 0–16 years compared with 5.6 for other children. The high rates for Victoria are partly due to the way that Indigenous status is classified, as there is no provision for ‘unknown’. The corresponding rates in Queensland were 15.8 for Indigenous children compared with 4.5 for other children (Table 2.6 and Figure 2.2).

There were also large variations between States and Territories in the rates of Indigenous children who were the subject of a substantiation of abuse and neglect (Table 2.6). These variations are likely to be due not only to different policies and practices across jurisdictions, but also to the different practices used to identify and record the Indigenous status of children (see Appendix 2).

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

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



Types of abuse and neglect

The pattern of substantiated abuse and neglect for Indigenous children differed from the pattern for other children. Indigenous children were much more likely to be the subject of a substantiation for neglect than other children. For example, in South Australia, among children who were the subject of a substantiation, 38% of Indigenous children but only 21% of other children were the subject of a substantiation for neglect. The corresponding percentages in Queensland were 59% for Indigenous children compared with 35% for other children (Table 2.8).

Table 2.8: Children aged 0–17 years who were the subject of a substantiation: type of abuse or neglect, by Indigenous status, by State and Territory, 1997–98 (per cent)

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Indigenous children								
Physical abuse	33	25	23	33	17	33	12	36
Emotional abuse	11	47	9	8	37	—	39	2
Sexual abuse	23	4	9	24	8	—	21	12
Neglect	25	24	59	35	38	67	27	50
Other ^(a)	9	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100
Other children								
Physical abuse	36	27	30	42	35	37	53	56
Emotional abuse	10	42	26	6	30	12	10	8
Sexual abuse	31	9	9	35	14	40	12	19
Neglect	17	22	35	16	21	11	25	17
Other ^(a)	7	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100

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

Notes

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

Additional data on notifications and substantiations

Source of notifications

Notifications of child abuse and neglect to community service departments come from a range of different sources. Data on the source of notification show that the most common sources of notifications in 1997–98 were parents or guardians, friends or neighbours, school personnel and police (Table A1.4)

The likelihood of a finalised investigation being substantiated varied considerably with the source of notification. A relatively high proportion of notifications from the child who was the subject of abuse and neglect, the police, social workers and school personnel were substantiated, whereas a relatively low proportion of notifications from anonymous callers, friends and neighbours and other relatives were substantiated (Table 2.9).

Table 2.9: Proportion of finalised investigations^(a) that were substantiated: source of notification by State and Territory, 1997–98 (per cent)

Source of notification	NSW	Vic	Qld ^(b)	WA	SA	Tas	ACT	NT ^(c)
Subject child	58	63	64	66	62	11	33	64
Parent/guardian	47	46	56	48	31	15	43	31
Sibling	—	52	54	70	13	—	27	50
Other relative	36	46	46	48	30	21	61	25
Friend/neighbour	29	39	41	47	32	18	38	31
Medical practitioner	55	55	62	60	40	31	62	33
Other health	45	60	59	—	49	32	50	50
Hospital/health centre	49	62	72	61	52	38	30	77
Social worker	48	63	66	—	46	15	—	55
School personnel	48	51	64	57	41	18	55	66
Police	46	60	69	71	56	52	72	75
Departmental officer	43	60	69	55	63	39	51	—
Non-government organisation	48	53	66	48	100	45	56	50
Anonymous	26	43	27	48	17	—	24	26
Other	44	37	46	45	42	23	34	48
Total	44	51	54	54	40	24	49	50

(a) Percentages calculated as a percentage of finalised investigations where the source of the notification is known. Numbers are shown in Tables A1.4 and A1.5.

(b) Queensland identifies 'Maltreater' as a separate category of source of the notification. This has been included in the 'Other' category.

(c) In Northern Territory, where the source of the notification was the 'Maltreater', this has also been included in the 'Other' category. Northern Territory was unable to determine if the source of notification was a departmental officer; in this situation, the source of notification would be recorded as the person's role in the department.

Note: Child care personnel have been included with school personnel.

Family type

Compared to family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed single-parent families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent natural families. For example, 42% of substantiations in Victoria and 45% in Queensland involved children from female single-parent families (Table 2.10). In comparison, 16% of all Australian children live in female single-parent families, 74% live in two-parent natural families, 8% live in two-parent step or blended families and 2% live in male single-parent families (ABS 1997).

There are likely to be a number of reasons for the over-representation of sole-parent families in substantiations of child abuse or neglect; for instance, single parents are more likely to:

- have low incomes and be financially stressed;
- live in poor quality housing; and
- suffer from social isolation.

These are all factors that have been associated with child abuse and neglect. It is also important to note that the parent with whom the child is residing is not necessarily the person responsible for the abuse and neglect.

Table 2.10: Substantiations of child abuse and neglect: type of family in which the child was residing, for selected States and Territories,^(a) 1997–98

Family type	Vic	Qld	WA ^(a)	Tas	ACT	NT
Number						
Two parent — natural	2,291	1,297	280	37	112	66
Two parent — step or blended	885	1,209	218	25	63	75
Single parent — female	3,109	2,704	427	37	189	122
Single parent — male	787	334	62	5	30	12
Other relatives/kin	—	180	71	—	7	65
Foster	—	—	25	4	5	—
Other	285	301	24	—	5	2
Not stated	—	298	12	27	—	1
Total	7,357	6,323	1,119	135	411	343
Percentage						
Two parent — natural	31	22	25	34	27	19
Two parent — step or blended	12	20	20	23	15	22
Single parent — female	42	45	39	34	46	36
Single parent — male	11	6	6	5	7	4
Other relatives/kin	—	3	6	—	2	19
Foster	—	—	2	4	1	—
Other	4	5	2	—	1	1
Total	100	100	100	100	100	100

(a) Data exclude 16 substantiations where family type was unknown.

Notes

1. For Victoria, Queensland and Northern Territory, family of residence is categorised as where the child is living at the time of investigation. In Queensland, there is no category for foster parent— they would be included in 'Other'.
2. New South Wales and South Australia could not provide these data.

Relationship of person believed responsible

The data on the relationship to the child of the person believed responsible for substantiations of child abuse and neglect highlight the different policies of jurisdictions in relation to child abuse and neglect. For example, in Queensland, abuse and neglect will be investigated, and therefore substantiated, only if the person believed responsible is in the child's household or the parents are unwilling or unable to protect the child. New South Wales, on the other hand, will substantiate abuse by a stranger.

Thus, by definition, in Queensland the person believed to be responsible for the abuse and neglect will, in most cases, be in the child's immediate family. This is reflected in the data for Queensland where the natural parent was believed to be responsible for 85% of substantiations. Other family members were believed to be responsible in most other cases (Table 2.11).

In other jurisdictions, natural parents were also believed to be responsible for the majority of substantiations of abuse and neglect, though natural parents were believed to be responsible for a lower proportion of substantiations than in Queensland. In New South Wales for example, natural parents were believed to be responsible for 57% of substantiations and in the Northern Territory natural parents were believed to be responsible for 77% of substantiations.

In Tasmania and New South Wales, those categorised as 'other' were believed to be responsible for a relatively high proportion of substantiations (10% and 8% respectively) compared with other jurisdictions. In New South Wales the 'other' category includes situations where a stranger was believed to be responsible for the abuse.

Table 2.11: Substantiations of child abuse and neglect: relationship to child of person believed responsible, for selected States and Territories^(a), 1997–98

Person believed responsible	NSW		Qld		WA		Tas		ACT		NT	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Natural parent	3,454	57	5,302	85	627	59	43	51	311	77	243	77
Step-parent	426	7	208	3	94	9	7	8	24	6	36	11
Parent's de facto	252	4	263	4	48	5	5	6	33	8	4	1
Foster parent	92	2	96	2	10	1	1	1	4	1	—	—
Guardian	10	—	15	—	30	3	2	2	1	—	3	1
Sibling	216	4	73	1	29	3	6	7	9	2	10	3
Other relative	472	8	182	3	99	9	3	4	7	2	10	3
Friend/neighbour	703	12	5	—	60	6	8	9	14	3	—	—
Other	460	8	73	1	62	6	10	12	3	1	11	3
Not applicable/not stated	2,321	..	106	..	60	..	50	..	5	..	26	..
Total	8,406	100	6,323	100	1,119	100	135	100	411	100	343	100

(a) Data were not available for Victoria and South Australia.

Note: In New South Wales, 'Other' category includes 'Other/Stranger/Self'.

3 Care and protection orders

Overview of the information on care and protection orders

Children who are in need of care and protection

If a child has been the subject of substantiated abuse or neglect, 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 from further abuse or neglect 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.

Only a small proportion of children who are the subject of a substantiation of child abuse and neglect are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation of child abuse and neglect and who were subsequently placed on a care and protection order ranged from 2% in Western Australia to 37% in the Australian Capital Territory (Table A1.6). The variations between jurisdictions are likely to reflect the differences in practices and in the types of orders available in each State and Territory (see the next section).

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. Community service departments may also apply to place children on a care and protection order for reasons that are not related to child abuse and neglect. For example in situations where there is family conflict and ‘time out’ is needed or where there is an irretrievable breakdown in the relationship between the child and his or her parents.

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 legislation includes a wide range of factors, such as truancy or homelessness, that may lead to a child being considered in need of care and protection. In other States, such as Victoria, the legislation defines the need for care and protection more narrowly to include 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. The community services department has the authority to intervene, if it is considered necessary, and to apply to the relevant Court to place the child on a care and protection order. In many cases, an order will be used to remove the child from the family and to place him or her in out-of-home care. Not all applications for an order, however, will be granted.

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 other factors that are likely to affect the decision of departmental officers to apply

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

The Children's Court

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

Types of care and protection orders

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

- finalised guardianship or finalised custody orders sought through a court;
- finalised supervision or other finalised court orders which give the department some responsibility for the child's welfare;
- interim and temporary court orders; and
- administrative and voluntary arrangements with the community services department.

In the data collection, children are counted only once, even if they were on more than one order at 30 June 1997, or were admitted to and discharged from more than one order during the year. If a child was on more than one order at 30 June 1997, then the child is included as being on the order that implies the highest level of intervention by the department (with finalised guardianship or finalised custody orders being the most interventionist and administrative and voluntary arrangements the least).

The data included in this year's report are broadly comparable with the data in the 1996-97 report. They are not, however, comparable with the data on care and protection orders for years prior to this. This is because from 1996-97 a wider range of orders was included in the data collection and the data were categorised in a different way.

As in previous years, data for children on juvenile justice orders are not included in the data collection.

Finalised guardianship or finalised custody orders

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

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

State. For example, in New South Wales, under a guardianship order the State becomes custodian of the child as well as guardian.

Custody orders refer to care and protection orders that place children in the custody of a third party, including an agency. These orders usually involve child protection staff (or the person who has been granted custody of the child) catering 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.

Finalised supervision and other finalised orders

Supervisory orders give the community services department some responsibility for the child's welfare by supervising the level of care provided to the child. Under these types of orders care will generally be provided by parents, and the guardianship or custody of the child is not affected.

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. The community services department is not expected to be involved with a child or the child's family during the period of an undertaking.

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.

Administrative and voluntary arrangements

This category includes all administrative and voluntary arrangements between families and the community services department for the purpose of child protection. These are legal arrangements, but not all States and Territories have such provisions in their legislation.

State differences

There are large variations between States and Territories in the number and types of care and protection orders that can be issued. Some of the major differences between jurisdictions are outlined below.

- Western Australia issues only one type of care and protection order, *guardianship orders*. Other interim and temporary arrangements also exist in Western Australia but were not included in this year's data. These arrangements may be reported in 1998-99.
- Permanent care orders, which grant permanent guardianship and custody of a child to a third party, are issued only in Victoria. They have been included in this collection for the first time under *finalised guardianship and custody orders*. South Australia also has provisions for the transfer of guardianship to a third party, but these orders are not included in this collection.
- In Queensland, *interim orders* are issued only where children are remanded in temporary custody. In other States and Territories there are specific *interim and temporary orders* which cover a number of different circumstances, such as care and protection applications and investigation and assessment orders in South Australia and interim protection orders and interim accommodation orders in Victoria.

- In relation to *voluntary and administrative arrangements*, the Northern Territory is unable to distinguish between arrangements made for the purpose of child protection and those made for family support reasons. Both types of arrangements have been included in this category for the Northern Territory.
- Victoria do not have provisions in their legislation for *administrative and voluntary arrangements*, while Queensland rarely uses this provision in their 1965 legislation.

Data and analysis

Most of the data in this section relate to children on care and protection orders at 30 June 1998. Some data are also included on admissions to and discharges from orders, and orders issued during 1997–98. 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.

Number and type of order

At 30 June 1998 there were 16,449 children on care and protection orders or arrangements in Australia. This is an increase of 731 on the number of children on care and protection orders at 30 June 1997 (AIHW 1998).

Most children on care and protection orders at 30 June 1998 were on guardianship or custody orders (75%), followed by other finalised orders (11%), interim and temporary orders (10%) and administrative and voluntary arrangements (4%) (Table 3.1).

Table 3.1: Children on care and protection orders and arrangements: type of order by State and Territory, at 30 June 1998

	NSW	Vic	Qld	WA	SA ^(a)	Tas	ACT	NT	Total
	Number								
Finalised guardianship and custody orders	4,396	2,912	2,867	799	n.a.	318	190	84	11,566
Other finalised orders	—	1,112	319	—	n.a.	154	39	38	1,662
Interim and temporary orders	978	191	247	—	n.a.	34	11	4	1,465
Administrative and voluntary arrangements	587	—	—	—	n.a.	14	15	12	628
Other/ unknown	26	—	—	—	n.a.	—	—	—	26
Total	5,987	4,215	3,433	799	1,102	520	255	138	16,449
	Percentage								
Finalised guardianship and custody orders	74	69	84	100	n.a.	61	75	61	75
Other finalised orders	—	26	9	—	n.a.	30	15	28	11
Interim and temporary orders	16	5	7	—	n.a.	7	4	3	10
Administrative and voluntary arrangements	10	—	—	—	n.a.	3	6	9	4
Total	100	100	100	100	n.a.	100	100	100	100

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

Note: Total percentages for Australia do not include South Australia.

Characteristics of children on care and protection orders

Age and sex

Almost one-third (32%) of children on care and protection orders were aged 10–14 years (Table 3.2). A further 28% of children were aged 5–9 years, 21% were aged under 5 years and the remaining 19% were aged 15–17 years.

Just over half of all children on orders at 30 June were male. There were more males than females on orders for all age groups up to age 14. For those aged 15–17 years there were more females on orders than males.

Table 3.2: Children on care and protection orders by age and sex, at 30 June 1998

Age (years)	Males	Females	Unknown	Total	
				Number	Percentage
0–4	1,830	1,673	20	3,523	21
5–9	2,407	2,158	3	4,568	28
10–14	2,672	2,514	3	5,189	32
15–17	1,546	1,620	1	3,167	19
Unknown	—	—	2	2	
Total	8,455	7,965	29	16,449	100

Living arrangements

At 30 June 1998, 85% of all children on orders were living either with parents or relatives, or were in some other type of home-based care (Table 3.3). This includes 34% living in family care, that is with parents or with relatives who were not reimbursed, and 51% living in home-based out-of-home care. Out-of-home care is where the child is out of the home overnight and where the State or Territory makes a financial payment. (See chapter 4 for more information on children in out-of-home care.) A further 10% of children were living in facility-based care, 2% were living independently and 2% were in some other kind of living arrangement.

Living arrangements varied considerably with the age of the child (Table A1.7). For example, children aged 0–4 years were most likely to be in either family care (44%) or home-based out-of-home care (51%). A considerable proportion of children aged 15–17 years were in facility-based care (20%) or living independently (12%).

Living arrangements also varied by type of order (Table A1.8). Children on administrative and voluntary arrangements were the most likely to be in facility-based care while children on other finalised orders were the least likely. For example, 21% of those on administrative and voluntary arrangements were in facility-based care compared with 3% of those on other finalised orders. A relatively high proportion of those on other finalised orders (79%) and interim and temporary orders (51%) were in family care.

Table 3.3: Children on care and protection orders by living arrangements, at 30 June 1998

Living arrangements	Number	Percentage
Parents	2,584	17
Relatives/kin (other than parents) who are not reimbursec	2,692	18
<i>Total family care</i>	<i>5,276</i>	<i>34</i>
Foster care/community care	6,034	39
Relatives/kin (other than parent) who are reimbursec	1,628	11
Other	203	1
<i>Total home-based out-of-home car</i>	<i>7,865</i>	<i>51</i>
Facility-based care	1,486	10
Independent living — includes private board	350	2
Other living arrangements (includes unknown living arrangements)	370	2
Total	15,347	100

Notes

1. In Western Australia and the Northern Territory, all children on orders who were living with relatives/kin are included in the category home-based out-of-home care.
2. South Australia was unable to provide data for this table.
3. In the Australian Capital Territory the number of children living with relatives/kin in home based out-of-home care is likely to be understated, as this information is not available for placements made by a non-government agency.

Rates of children on care and protection orders

There were 3.5 children per 1,000 aged 0–17 years on care and protection orders in Australia at 30 June 1998. The rate of children on care and protection orders varied across the States and Territories ranging from 1.7 in Western Australia to 4.2 in Tasmania (Table 3.4). The variation in rates between jurisdictions is probably due both to the different orders available and to variations in policy and practice across jurisdictions.

Table 3.4: Children aged 0–17 years on care and protection orders: number and rate per 1,000 children, by Indigenous status, by State and Territory, at 30 June 1998

State/Territory	No. of children			Rate per 1,000 children aged 0–17 years		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales	1,195	4,792	5,987	22.3	3.1	3.8
Victoria	294	3,921	4,215	28.2	3.5	3.7
Queensland	852	2,581	3,433	16.5	3.1	3.8
Western Australia	215	584	799	8.1	1.3	1.7
South Australia	160	942	1,102	15.3	2.7	3.1
Tasmania	34	486	520	4.6	4.2	4.2
Australian Capital Territory	46	209	255	31.2	2.7	3.2
Northern Territory	72	66	138	3.1	1.9	2.4
Australia	2,868	13,581	16,449	15.5	3.0	3.5

Note: For details on the coding of Indigenous status, refer to Appendix 2.

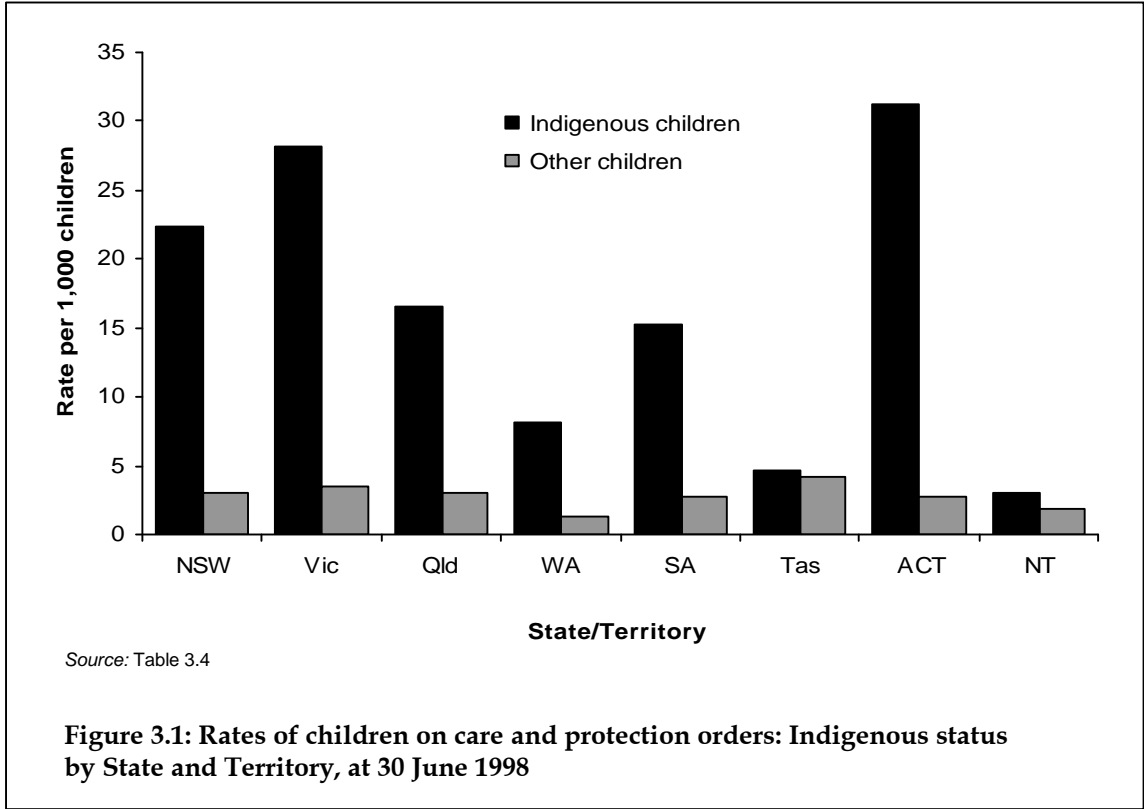
Indigenous children

Number and rates

Of the 16,449 children on care and protection orders at June 30 1998, 2,868 were Indigenous children (Table 3.4). The over-representation of Indigenous children is shown in the high rates of Indigenous children on care and protection orders. The rate of Indigenous children on care and protection orders was 15.5 per 1,000 children aged 0–17 years, that is, over five times the rate for other children (3.0).

The rates of Indigenous children on care and protection orders also varied considerably across jurisdictions. Rates for Indigenous children were highest in the Australian Capital Territory (31.2) and lowest in the Northern Territory (3.1) (Table 3.4). (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.)

In all States and Territories, however, the rates for Indigenous children were substantially higher than those for other children. In Victoria and the Australian Capital Territory, the rate for Indigenous children was over eight times the rate for other children. In contrast, the difference between the rates for Indigenous and other children was smallest in Tasmania (4.6 compared with 4.2), and in the Northern Territory (3.1 compared with 1.9).



Types of orders

The distribution of Indigenous children on care and protection orders by type of order was similar to that of all children. Most Indigenous children (76%) were on finalised guardianship and custody orders, a further 7% were on other finalised orders, 9% were on

interim and temporary orders and 8% were on administrative and voluntary arrangements (Table 3.5).

Table 3.5: Indigenous children on care and protection orders and arrangements: type of order by State and Territory, at 30 June 1998

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
	Number								
Finalised guardianship and custody orders	813	198	710	215	n.a.	23	40	46	2,045
Other finalised orders	—	74	93	—	n.a.	10	1	16	194
Interim and temporary orders	161	22	49	—	n.a.	1	2	3	238
Administrative and voluntary arrangements	216	—	—	—	n.a.	—	3	7	226
Other/unknown	5	—	—	—	n.a.	—	—	—	5
Total	1,195	294	852	215	160	34	46	72	2,868
	Percentage								
Finalised guardianship and custody orders	68	67	83	100	n.a.	68	87	64	76
Other finalised orders	—	25	11	—	n.a.	29	2	22	7
Interim and temporary orders	13	7	6	—	n.a.	3	4	4	9
Administrative and voluntary arrangements	18	—	—	—	n.a.	—	7	10	8
Other/unknown	—	—	—	—	n.a.	—	—	—	—
Total	100	100	100	100	100	100	100	100	100

Note: For details on the coding of Indigenous status, refer to Appendix 2.

Admissions, discharges and orders issued

Admissions and discharges

There were 9,002 children admitted to orders across Australia during 1997–98 (Table 3.6). The proportion of these children who were admitted to an order for the first time ranged from 61% in the Northern Territory to 84% in the Australian Capital Territory.

The age distribution of children admitted to orders during the year is 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). Of those children admitted in 1997–98, 14% were aged less than 1 year, 28% were 1–4 years, 26% were 5–9 years, 26% were 10–14 years and 6% were 15–17 years (Table A1.9).

There were fewer children discharged from orders than children admitted to orders, with 7,537 children discharged from orders in 1997–98.

Table 3.6: Children admitted to and discharged from care and protection orders, by State and Territory, 1997–98

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Children admitted to orders	3,454	3,603	969	120	318	139	151	241	9,002
Children admitted for the first time	n.a.	2465	684	n.a.	n.a.	90	127	146	n.a.
As a % of all admissions	n.a.	68	71	n.a.	n.a.	65	84	61	n.a.
Children discharged from orders	2,546	3,267	554	100	356	188	137	247	7,537

Note: New South Wales, Western Australia and South Australia were unable to determine if a child was admitted for the first time.

Children discharged by length of time on an order

Data on children discharged from orders by length of time on an order were available from five jurisdictions. Of all children discharged from care and protection orders in 1997–98, 59% had been on a order for less than 6 months, 18% had been on an order for 6 months or more but less than 12 months and 23% had been on an order for 1 year or more, including 4% who had been on an order for 8 years or more (Table 3.7).

Table 3.7: Children discharged from care and protection orders during 1997–98: type of order and length of time child has been continually on an order at time of discharge, for selected States and Territories^(a)

Children discharged from orders during 1997–98	Length of time continually on an order at time of discharge								Total
	Months				Years				
	< 1	1 to < 3	3 to < 6	6 to < 12	1 to < 2	2 to < 4	4 to < 8	8+	
	Number								
Finalised guardianship or custody orders	73	83	101	310	415	437	246	229	1,894
Other finalised orders	24	70	249	735	62	31	11	8	1,190
Interim and temporary orders	1,462	759	226	84	14	7	2	—	2,554
Administrative and voluntary arrangements	598	203	75	46	39	21	17	11	1,010
Other/unknown	38	9	4	3	7	3	2	—	66
Total	2,195	1,124	655	1,178	537	499	278	248	6,714
	Percentage								
Finalised guardianship or custody orders	4	4	5	16	22	23	13	12	100
Other finalised orders	2	6	21	62	5	3	1	1	100
Interim and temporary orders	57	30	9	3	1	—	—	—	100
Administrative and voluntary arrangements	59	20	7	5	4	2	2	1	100
Other/unknown
Total	32	17	10	18	8	7	4	4	100

(a) Data were not available from South Australia, Tasmania and the Australian Capital Territory.

Note: Children discharged from more than one order were counted against the last order to be discharged.

Length of time on an order varied considerably by the type of order. Children discharged from interim and temporary orders and from administrative and voluntary arrangements were most likely to have been on an order for a short period of time. For example, 57% of children discharged from interim and temporary orders and 59% of children on

administrative and voluntary arrangements were on these orders for less than 1 month. In contrast, children discharged from finalised guardianship or custody orders were more likely to have been on an order for longer time periods, with 25% of those discharged having been on an order for 4 years or more.

Orders issued

There are more orders issued during a year than children admitted to an order because more than one order can be issued for any one child. For example, a child can be admitted to a temporary order followed by a custody order. The number of orders issued in 1997–98 ranged from 120 in Western Australia to 5,468 in Victoria (Table 3.8).

The ratio of children admitted to care and protection orders to orders issued varied considerably across the States and Territories. A high ratio of children admitted to orders issued indicates that a child is more likely to be placed on a number of different orders during the year. In Western Australian, there were 120 children admitted to care and protection orders and 120 orders issued (a ratio of 1 child to 1 order) reflecting the fact that only one type of order is available in Western Australia. In the Northern Territory, on the other hand, there were 241 children admitted to care and protection orders and 604 orders issued (a ratio of 1 child to 2.5 orders) (Tables 3.6 and 3.8).

Table 3.8: Number of care and protection orders issued during 1997–98 by type of order and ratio of children to orders issued by State and Territory

Type of order	Vic	Qld	WA	SA ^(a)	Tas	ACT	NT
Finalised guardianship or custody orders	1,203	418	120	n.a.	386	51	90
Other finalised orders	1,315	127	—	n.a.	570	50	76
Interim and temporary orders	2,950	1,195	—	n.a.	79	34	301
Administrative and voluntary arrangements	—	—	—	n.a.	632	90	137
Total	5,468	1,740	120	358	1,667	225	604
Ratio of children to orders issued	1.5	1.8	1.0	1.1	2.0	1.5	2.5

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

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

4 Out-of-home care

Overview of the information on children in out-of-home care

Children who are placed in out-of-home care

Supported out-of-home care is one of a range of family services provided to children who are in need of 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.

The main reason out-of-home care is used is to provide a protective environment for children who have been abused or neglected. Out-of-home care may also be used to provide respite accommodation for children whose parents are ill or unable to care for them on a temporary basis and to provide an alternative home for a child because of conflict between the child and carer. There are no national data available, however, on the reasons children are placed in out-of-home care.

The current emphasis in policy and practice is to maintain the child within the family if possible, and to place a child in out-of-home care only if this will improve the outcome for the child. If it is necessary to remove the child from home, then placement within the wider family or community is sought where possible, particularly in the case of Indigenous children.

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

Out-of-home care and Court orders

Children can be placed in out-of-home care voluntarily or through some type of Court order. These orders include care and protection orders, other legal orders (such as juvenile justice orders) and formal administrative and voluntary arrangements (see chapter 3). Most children in out-of-home care are also on a care and protection order, or another type of order. In the Northern Territory, all children in out-of-home care are on an order.

Queensland was only able to provide data on children in out-of-home care who were on an order or remanded in temporary custody awaiting the outcome of an application for an order. In Western Australia, most children in out-of-home care are on an order, some children are on interim arrangements pending the issuing of an order, and some are under voluntary arrangements.

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

necessarily specify where the child must reside or that the child be placed in out-of-home care.

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

For 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, 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.

The 1997–98 data are comparable to the 1996–97 data on children in out-of-home care.

Types of placements

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

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

State and Territory differences

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

- The data from Victoria include children on permanent care orders, since the State makes an ongoing payment for the care of these children.
- The data from Queensland exclude children in emergency overnight care for protective reasons where the caregiver is paid from emergency care funds.
- The data from Tasmania on children in the care of relatives or kin include children living with relatives on 'relatives allowances'.
- The data from the Northern Territory include children living with relatives or kin but the department is not able to distinguish between relatives or kin who receive a payment for the care of the child and those who do not receive a payment.

Data and analysis

The data in this part of the report relate to children who were in out-of-home care for the night of 30 June 1998, unless otherwise stated. Australian totals have been provided where possible, although some States and Territories were not able to provide data for all tables.

Number and type of placements

At 30 June 1998 there were 14,470 children in out-of-home care in Australia (Table 4.1). This is slightly higher than the 14,078 children in out-of-home care at 30 June 1997 (AIHW 1998).

Type of placement

Most children (87%) who were in out-of-home care at 30 June 1998 were in home-based care (Table 4.1). The high proportion of children in home-based care reflects the consistent trend over the past decades to decreased use of facility-based or residential care and increased use of foster care arrangements.

The proportion of children in out-of-home care Australia wide who were living in facility-based care arrangements was 10%. This proportion ranged from 5% in Queensland and South Australia to 21% in the Northern Territory. Only 1% of children in out-of-home care Australia-wide were in independent living arrangements.

Compared with other jurisdictions, South Australia had a high proportion of children placed in foster or community care (86%) and a low proportion in facility-based care (5%), and New South Wales and Tasmania had relatively high proportions of children placed with relatives or kin (45% and 38% respectively).

No further details were known about the 48 children in facility based care in South Australia. The following discussion therefore relates to the remaining 14,422 children in out-of-home care at 30 June 1998.

Table 4.1: Children in out-of-home care: type of placement by State and Territory, at 30 June 1998

Type of placement	NSW	Vic	Qld ^(a)	WA	SA	Tas	ACT ^(b)	NT	Total
Number									
Foster/community care	2,395	1,988	1,729	689	907	202	118	61	8,089
Relatives/kin	2,507	888	497	226	86	166	40	36	4,446
Other home-based	—	105	—	—	14	—	—	7	126
<i>Total home-based care</i>	<i>4,902</i>	<i>2,981</i>	<i>2,226</i>	<i>915</i>	<i>1,007</i>	<i>368</i>	<i>158</i>	<i>104</i>	<i>12,661</i>
Facility-based care	351	619	120	158	48	74	16	29	1,415
Independent living	147	15	—	13	—	—	5	3	183
Other (includes unknown living arrangements)	203	—	—	7	—	—	—	1	211
Total	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
Percentage									
Foster/community care	43	55	74	63	86	46	66	45	56
Relatives/kin	45	25	21	21	8	38	22	26	31
Other home-based	—	3	—	—	1	—	—	5	1
<i>Total home-based</i>	<i>87</i>	<i>82</i>	<i>95</i>	<i>84</i>	<i>95</i>	<i>83</i>	<i>88</i>	<i>76</i>	<i>87</i>
Facility-based care	6	17	5	14	5	17	9	21	10
Independent living	3	—	—	1	—	—	3	2	1
Other (includes unknown living arrangements)	4	—	—	1	—	—	—	1	1
Total	100	100	100	100	100	100	100	100	100

(a) Includes 3 persons aged over 18 who were on Juvenile Justice orders.

(b) The number of children placed with relative/kin may be understated as the relationship of carer to the child is unknown (where the carer is recruited by a non-government organisation). Data for the ACT include placements in the Supported Accommodation Assistance Program where Family Services made a payment.

Characteristics of children in out-of-home care

Age and sex

Around one-third (32%) of children in out-of-home care were aged 10–14 years. A further 27% were aged 5–9 years, 21% were aged under 5 years and 20% were aged 15–17 years. Just over half of all children in out-of-home care were male (Table A1.10).

In all States and Territories for which data were available, children in facility-based care were older than children in home-based care. For example, 86% of children in facility-based care in New South Wales were aged 10 years or over, with 38% aged 15 or over. The proportion of children in facility-based care who were aged under 5 years was relatively low in all jurisdictions, ranging from 2% in New South Wales to 17% in Western Australia. There were no children under 5 years in facility-based care in the Australian Capital Territory (Table A1.11).

Whether children were on a care and protection order

In Queensland and the Northern Territory, all children in out-of-home care were on a care and protection order or another type of order (or, in Queensland, remanded in temporary custody awaiting the outcome of an application for an order). In other jurisdictions, the proportion of children in out-of-home care who were on a care and protection order ranged from 62% in Tasmania to 95% in New South Wales (Table 4.2).

Table 4.2: Children in out-of-home care: whether the child was on a care and protection order by State and Territory, 30 June 1998

Whether the child was on a care and protection order	NSW	Vic	Qld ^(a)	WA	SA ^(b)	Tas	ACT ^(c)	NT	Total
	Number								
On a care and protection order	5,337	2,462	2,338	799	680	276	168	137	12,197
Not on a care and protection order	266	1,153	8	294	327	166	11	—	2,225
Total	5,603	3,615	2,346	1,093	1,007	442	179	137	14,422
	Percentage								
On a care and protection order	95	68	100	73	68	62	94	100	85
Not on a care and protection order	5	32	—	27	32	38	6	—	15
Total	100	100	100	100	100	100	100	100	100

(a) Queensland was not able to provide data on children in out-of-home care who were not on an order.

(b) Data for South Australia exclude 48 children in facility-based care for whom no other details are known.

(c) Data for the ACT include placements in the Supported Accommodation Assistance Program where Family Services made a payment.

Length of time in placement

The proportion of children in Australia who had been in out-of-home care for 2 years or more at 30 June 1998 was 40%. This proportion, however, varied across the States and Territories, ranging from 23% in Victoria to 59% in Western Australia (Table 4.3).

Although data on the number of children in respite care were not available for all jurisdictions, it is likely that many of the children in care for periods of less than 1 month were in care for respite reasons. This includes situations where the child's carer was ill and unable to care for the child. Only New South Wales, Victoria and the Australian Capital Territory were able to separate out children in respite care from other children in out-of-home care. Of children in out-of-home care for less than 1 month, 75% in New South Wales, 34% in Victoria and 56% in the Australian Capital Territory were in respite care.

Table 4.3: Children in out-of-home care: length of time in continuous placement by State and Territory, at 30 June 1998

Time in continuous placement	NSW	Vic ^(a)	Qld	WA	SA ^(b)	Tas	ACT	NT	Australia
	Number								
< 1 month	744	565	111	30	71	44	16	8	1,588
1 month to < 6 months	779	861	442	167	196	91	24	14	2,574
6 months to < 1 year	727	557	340	123	101	55	25	15	1,943
1 year to < 2 years	893	813	434	129	118	64	27	25	2,503
2 years or more	2,453	819	1,019	639	521	188	87	75	5,801
Not stated/unknown	7	0	0	5	0	0	0	0	12
Total	5,603	3,615	2,346	1,093	1,007	442	179	137	14,421
	Percentage								
< 1 month	13	16	5	3	7	10	9	6	11
1 month to < 6 months	14	24	19	15	19	21	13	10	18
6 months to < 1 year	13	15	14	11	10	12	14	11	13
1 year to < 2 years	16	22	18	12	12	14	15	18	17
2 years or more	44	23	43	59	52	43	49	55	40
Total	100	100	100	100	100	100	100	100	100

(a) Data exclude 1 child in Victoria for whom no details are known.

(b) Data exclude 48 children in residential care for whom no other details are known.

Note: For the States and Territories where children in out-of-home care for respite reasons can be identified, they have been included in the 'less than 1 month' category—New South Wales (561 children), Victoria (193 children) and the Australian Capital Territory (9 children).

Rates of children in out-of-home care

There were 3.1 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 1998 (Table 4.4). This is similar to the rate of children in out-of-home care at 30 June 1997 (3.0) (AIHW 1998).

The rates of children in out-of-home care varied by State and Territory and ranged from 2.2 in the Australian Capital Territory to 3.6 in Tasmania. The reasons for this variation are likely to include differences in the policies and practices of the community services departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this type of service.

Table 4.4: 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 1998

State/Territory	No. of children			Rate per 1,000 children		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales	1,153	4,450	5,603	21.5	2.9	3.5
Victoria	320	3,295	3,615	30.7	2.9	3.2
Queensland	522	1,824	2,346	10.1	2.2	2.6
Western Australia	310	783	1,093	11.6	1.7	2.3
South Australia ^(a)	188	819	1,007	18.0	2.4	2.8
Tasmania	34	408	442	4.6	3.5	3.6
Australian Capital Territory	36	143	179	24.4	1.8	2.2
Northern Territory	71	66	137	3.0	1.9	2.3
Australia	2,634	11,788	14,422	14.2	2.6	3.1

(a) Data exclude 48 children in residential care for whom no other details are known.

Sources: ABS 1998a, 1998b, 1998c.

Indigenous children

Indigenous children are much more likely than other children to be placed in out-of-home care. At 30 June 1998 there were 2,634 Indigenous children in out-of-home care. This represents a rate of 14.2 children per 1,000 children aged 0–17 years in out-of-home care, over 5 times the rate for other children (2.6) (Table 4.4). The rate of Indigenous children in out-of-home care fell between 1997 and 1998. At 30 June 1997 the equivalent rate for Indigenous children was 16.3 (AIHW 1998).

The rates of Indigenous children in out-of-home care varied substantially by State and Territory. Victoria (30.7), the Australian Capital Territory (24.4) and New South Wales (21.5) had relatively high rates of Indigenous children in out-of-home care. (The relatively small size of the Indigenous population in the Australian Capital Territory should be taken into account when interpreting these rates.) In contrast, Tasmania (4.6) and the Northern Territory (3.0) had relatively low rates.

Indigenous status of caregivers

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

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

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Indigenous children who are placed either with Indigenous caregivers or with relatives.

The proportion of Indigenous children who were placed with a relative or an Indigenous caregiver ranged from 21% in Tasmania to 85% in Western Australia (Table 4.5). The relatively low proportion of Indigenous children who were placed with an Indigenous caregiver in Tasmania and the Australian Capital Territory is probably related to the small Indigenous populations in these jurisdictions.

Table 4.5: Indigenous children in out-of-home care: Indigenous status and relationship of caregiver, for selected States and Territories, at 30 June 1998

Indigenous status and relationship of caregivers	NSW		Qld ^(a)		WA		SA ^(b)		Tas		ACT	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Indigenous caregiver												
Relative	568	50	149	30	94	30	15	8	7	21	9	25
Other	383	34	190	38	169	55	103	55	—	—	6	17
<i>Total</i>	<i>951</i>	<i>84</i>	<i>339</i>	<i>67</i>	<i>263</i>	<i>85</i>	<i>118</i>	<i>63</i>	<i>7</i>	<i>21</i>	<i>15</i>	<i>42</i>
Non-Indigenous caregiver												
Relative	n.a.	n.a.	51	10	10	3	11	6	10	29	1	3
Other	n.a.	n.a.	114	23	37	12	59	31	17	50	20	56
<i>Total</i>	<i>178</i>	<i>16</i>	<i>165</i>	<i>33</i>	<i>47</i>	<i>15</i>	<i>70</i>	<i>37</i>	<i>27</i>	<i>79</i>	<i>21</i>	<i>58</i>
Unknown	24	—	—	—	—	—	—	—	—	—	—	—
Total	1,153	100	504	100	310	100	188	100	34	100	36	100

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

(b) Data exclude 48 children in residential care for whom no other details are known.

Notes

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

5 Conclusion

The national child protection data cover three areas of child protection – (1) notifications, investigations and substantiations of child abuse and neglect, (2) children on care and protection orders and (3) children in out-of-home care. There is, however, a range of other services provided by States and Territories to children in need of protection and their families for which there are no national data.

The national child protection data come from the administrative databases of the community services department in each State and Territory. Each jurisdiction has its own legislation, policies and practices in relation to child protection and these are reflected in data that each jurisdiction provides. These differences mean that the data provided by the different States and Territories are not strictly comparable. This is particularly the case for the child abuse and neglect data.

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

Work is now being undertaken by the NCPASS Data Group to improve the comparability of the child protection data. This is likely to result in a number of changes to the child protection data collections that will remove some of the differences between jurisdictions in the data they provide.

A framework for reporting on other support services provided by States and Territories to children in need of protection and their families is also being developed by NCPASS. The framework will include those services that strengthen and support families and seek to prevent children being removed from the family for protective reasons. This would provide a broader perspective on the child protection work that is undertaken by community service departments.

Appendix 1: Detailed tables

Child abuse and neglect

Table A1.1: Children in substantiations: type of abuse and neglect by sex, by State and Territory, 1997-98

Sex of child	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT
Males								
Physical	1,368	874	683	242	251	24	92	72
Emotional	380	1,307	500	35	270	8	19	6
Sexual	619	187	98	59	36	11	14	12
Neglect	714	744	863	101	176	6	54	52
Other ^(b)	255	—	—	—	—	—	—	—
Total	3,336	3,112	2,144	437	733	49	179	142
Females								
Physical	1,308	835	586	174	258	25	84	71
Emotional	377	1,357	505	36	220	7	26	9
Sexual	1,670	343	283	280	164	41	33	37
Neglect	614	653	842	120	187	10	37	55
Other ^(b)	267	—	—	—	—	—	—	—
Total	4,236	3,188	2,216	610	829	83	180	172
Unknown	—	99	—	1	12	—	—	—
Persons								
Physical	2,676	1,736	1,269	417	510	49	176	143
Emotional	757	2,708	1,005	71	493	15	45	15
Sexual	2,289	538	381	339	200	52	47	49
Neglect	1,328	1,417	1,705	221	371	16	91	107
Other ^(b)	522	—	—	—	—	—	—	—
Total	7,572	6,399	4,360	1,048	1,574	132	359	314

(a) Data exclude 14 children (7 Indigenous children and 7 other children) for whom no other details are known.

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

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

Table A1.2: Children in substantiations: by age, by State and Territory, 1997–98

Age of child in years	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT
Number								
< 1	524	699	352	97	120	5	28	26
1–4	1,687	1,653	1,128	266	418	20	85	89
5–9	2,342	1,737	1,288	290	503	36	125	99
10–14	2,264	1,767	1,309	317	396	42	93	79
15–17	733	542	280	78	88	11	28	21
Unknown	22	1	3	—	49	18	—	—
Total	7,572	6,399	4,360	1,048	1,574	132	359	314
Percentage								
< 1	7	11	8	9	8	4	8	8
1–4	22	26	26	25	27	18	24	28
5–9	31	27	30	28	33	32	35	32
10–14	30	28	30	30	26	37	26	25
15–17	10	8	6	7	6	10	8	7
Total	100	100	100	100	100	100	100	100

(a) Data exclude 14 children (7 Indigenous children and 7 other children) for whom no other details are known.

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

Table A1.3: Children aged 0–17 years who were the subject of a substantiation: type of abuse or neglect, by Indigenous status, by State and Territory, 1997–98

Type of abuse	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT
Indigenous children								
Physical	217	117	181	89	44	1	4	59
Emotional	71	216	66	22	97	0	13	3
Sexual	148	17	67	63	21	0	7	20
Neglect	165	111	457	92	98	2	9	82
Other ^(b)	56	—	—	—	—	—	—	—
Total	657	461	771	266	260	3	33	164
Other children								
Physical	2,459	1,619	1,088	328	466	48	172	84
Emotional	686	2,492	939	49	396	15	32	12
Sexual	2,141	521	314	276	179	52	40	29
Neglect	1,163	1,306	1,248	129	273	14	82	25
Other ^(b)	466	—	—	—	—	—	—	—
Total	6,915	5,938	3,589	782	1,314	129	326	150

(a) Data exclude 14 children (7 Indigenous children and 7 other children) for whom no other details are known.

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

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

Table A1.4: Finalised investigations: source of notification, by State and Territory, 1997–98

Source of notification	NSW	Vic	Qld ^(a)	WA	SA	Tas	ACT	NT ^(b)
	Number							
Subject child	206	144	475	83	113	9	6	14
Parent/guardian	2,279	1,466	1,914	351	466	93	68	70
Sibling	—	88	85	20	8	9	11	12
Other relative	1,325	955	1,357	187	509	29	46	55
Friend/neighbour	1,976	1,336	2,454	190	749	45	163	84
Medical practitioner	574	570	309	40	201	13	37	3
Other health worker	478	349	29	—	75	25	26	18
Hospital/health centre	1,034	922	481	196	276	24	23	69
Social worker	1,588	64	453	—	283	13	—	69
School personnel	4,645	2,227	930	249	907	82	171	93
Police	2,984	2,241	1,393	189	505	29	72	64
Departmental officer	132	925	277	261	112	33	49	—
Non-government organisation	441	1,774	251	71	1	11	95	6
Anonymous	653	185	557	27	177	—	34	34
Other	644	881	756	230	395	13	35	90
Not stated	38	304	7	2	—	157	—	2
Total	18,997	14,431	11,728	2,096	4,777	585	836	683
	Percentage^(c)							
Subject child	1	1	4	4	2	2	1	2
Parent/guardian	12	10	16	17	10	22	8	10
Sibling	—	1	1	1	—	2	1	2
Other relative	7	7	12	9	11	7	6	8
Friend/neighbour	10	9	21	9	16	11	19	12
Medical practitioner	3	4	3	2	4	3	4	—
Other health worker	3	2	—	—	2	6	3	3
Hospital/health centre	5	7	4	9	6	6	3	10
Social worker	8	—	4	—	6	3	—	10
School personnel	25	16	8	12	19	19	20	14
Police	16	16	12	9	11	7	9	9
Departmental officer	1	7	2	12	2	8	6	—
Non-government organisation	2	13	2	3	—	3	11	1
Anonymous	3	1	5	1	4	—	4	5
Other	3	6	6	11	8	3	4	13
Total	100	100	100	100	100	100	100	100

(a) Queensland identifies 'Maltreater' as a separate category if this is also the source of the notification. 'Maltreater' has been included in the 'Other' category. Where the source is a child care centre, this would be counted in 'School personnel'.

(b) Where the source of the notification was the 'Maltreater' (two incidences) this is included in the 'Other' category. Northern Territory is unable to determine if the source of notification was a departmental officer. In this instance, the source of notification is recorded as the person's role in the department.

(c) Percentages calculated as a percentage of finalised investigations where the source of the notification is known.

Table A1.5: Substantiations by source of notification, by State and Territory, 1997-98

Source of notification	NSW	Vic	Qld ^(a)	WA	SA	Tas	ACT	NT ^(b)
Subject child	119	90	306	55	70	1	2	9
Parent/guardian	1,073	677	1,080	169	146	14	29	22
Sibling	—	46	46	14	1	—	3	6
Other relative	478	440	621	90	151	6	28	14
Friend/neighbour	574	527	1,005	90	238	8	62	26
Medical practitioner	315	314	193	24	80	4	23	1
Other health worker	215	208	17	—	37	8	13	9
Hospital/health centre	507	568	346	120	143	9	7	53
Social worker	765	40	297	—	129	2	—	38
School personnel	2,242	1,125	591	143	368	15	94	61
Police	1,386	1,334	964	135	285	15	52	48
Departmental officer	57	551	192	144	71	13	25	—
Non-government organisation	210	936	165	34	1	5	53	3
Anonymous	171	80	152	13	30	—	8	9
Other	283	324	344	104	165	3	12	43
Not stated	11	97	4	—	—	32	—	2
Total	8,406	7,357	6,323	1,135	1,915	135	411	344

(a) Queensland identifies 'Maltreater' as a separate category if this is also the source of the notification. 'Maltreater' has been included in the 'Other' category. Where the source is a child care centre, this would be counted in 'School personnel'.

(b) Where the source of the notification was the 'Maltreater' (two incidences) this is included in the 'Other' category. Northern Territory is unable to determine if the source of notification was a departmental officer. In this instance, the source of notification is recorded as the person's role in the department.

Care and protection orders

Table A1.6: Children for whom child abuse and neglect was substantiated in 1996–97 who were subsequently placed on a care and protection order within 12 months of substantiation, by State and Territory

State	Number subsequently placed on an order	Percentage of all children for whom child abuse and neglect was substantiated
Victoria	1,894	28
Queensland	484	14
Western Australia	24	2
Tasmania	74	29
Australian Capital Territory ^(a)	116	37
Northern Territory	27	11
Total	2,619	22

(a) These data refer to children who were the subject of a notification in 1996–97, not a substantiation, as those data are not available.

Note: Data not available for New South Wales and South Australia.

Table A1.7: Children on care and protection orders: living arrangements by age, at 30 June 1998

Age (years)	Family care	Home-based out-of-home care	Facility-based care	Independent living	Other	Total
Number						
0–4	1,516	1,765	86	—	63	3,430
5–9	1,668	2,366	205	1	45	4,285
10–14	1,440	2,577	629	11	103	4,760
15–17	652	1,156	565	338	159	2,870
Unknown	—	1	1	—	—	2
Total	5,276	7,865	1,486	350	370	15,347
Percentage						
0–4	44	51	3	—	2	100
5–9	39	55	5	—	1	100
10–14	30	54	13	—	2	100
15–17	23	40	20	12	6	100
Total	34	51	10	2	2	100

Note: Data exclude children from South Australia for whom no details were known.

Table A1.8: Children on care and protection orders: living arrangements by type of order, at 30 June 1998

Type of order/living arrangements	Number	Percentage
Finalised guardianship and custody orders		
Family care	2,960	26
Home-based out-of-home care	6,860	59
Facility-based care	1,208	10
Independent living	283	2
Other	255	2
Total	11,566	100
Other finalised orders		
Family care	1,319	79
Home-based out-of-home care	263	16
Facility-based care	54	3
Independent living	14	1
Other	12	1
Total	1,662	100
Interim and temporary orders		
Family care	752	51
Home-based out-of-home care	525	36
Facility-based care	91	6
Independent living	15	1
Other	82	6
Total	1,465	100
Administrative and voluntary arrangements		
Family care	234	37
Home-based out-of-home care	209	33
Facility-based care	130	21
Independent living	37	6
Other	18	3
Total	628	100
Other/unknown		
Family care	11	42
Home-based out-of-home care	8	31
Facility-based care	3	12
Independent living	1	4
Other	3	12
Total	26	100

Note: Data exclude children from South Australia for whom no details were known.

Table A1.9: Children admitted to a care and protection order in 1997–98 by age

Age of child (years)	Number	Per cent
< 1	1,193	14
1–4	2,497	28
5–9	2,292	26
10–14	2,316	26
15–17	532	6
Total	8,830	100

Notes

1. Data do not include children admitted in Tasmania.
2. In New South Wales, 26 children of unknown age were excluded.

Out-of-home care

Table A1.10: Children in out-of-home care by age and sex at 30 June 1998

Age group	Males	Females	Unknown	Total
	Number			
0–4	1,565	1,449	3	3,017
5–9	2,055	1,867	1	3,923
10–14	2,397	2,188	1	4,586
15–17	1,399	1,492	—	2,891
Unknown	2	1	2	5
Total	7,418	6,997	7	14,422
	Percentage			
0–4	21	21		21
5–9	28	27		27
10–14	32	31		32
15–17	19	21		20
Total	100	100		100

Notes

1. Persons aged over 18 are included in 'Unknown' category.
2. In South Australia data exclude 48 children in residential care for whom no other details are known.

Table A1.11: Children in out-of-home care by age and type of placement at 30 June 1998

Type of placement/age group	NSW	Vic	Qld ^(a)	WA	SA ^(b)	Tas	ACT ^(c)	NT	Total
Number									
Home-based									
0–4	1,339	686	412	226	135	56	31	31	2,916
5–9	1,494	749	672	284	299	120	55	38	3,711
10–14	1,483	770	794	294	410	139	49	25	3,964
15–17	585	776	345	111	163	53	23	10	2,066
Unknown	1	—	3	—	—	—	—	—	4
Total	4,902	2,981	2,226	915	1,007	368	158	104	12,661
Facility-based									
0–4	8	16	7	27	n.a.	5	—	2	65
5–9	39	71	13	35	n.a.	21	1	8	188
10–14	169	229	56	50	n.a.	32	9	12	557
15–17	134	303	44	46	n.a.	16	6	7	556
Unknown	1	—	—	—	n.a.	—	—	—	1
Total	351	619	120	158	n.a.	74	16	29	1,367
Percentage									
Home-based									
0–4	27	23	19	25	13	15	20	30	23
5–9	30	25	30	31	30	33	35	37	29
10–14	30	26	36	32	41	38	31	24	31
15–17	12	26	16	12	16	14	15	10	16
Total	100	100	100	100	100	100	100	100	100
Facility-based									
0–4	2	3	6	17	n.a.	7	—	7	5
5–9	11	11	11	22	n.a.	28	6	28	14
10–14	48	37	47	32	n.a.	43	56	41	41
15–17	38	49	37	29	n.a.	22	38	24	41
Total	100	100	100	100	n.a.	100	100	100	100

(a) Persons in 'Unknown' category are over 18 years of age.

(b) Data exclude 48 children in residential care for whom no other details are known.

(c) SAAP placements were included if Family Services made a payment.

Appendix 2: Technical notes

Calculation of rates and the identification of Indigenous status

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 population estimates for 31 March 1998 (the latest available) (ABS 1998a).

Rates of children on care and protection orders

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

$$\frac{\text{Number of children aged 0-17 years on care and protection orders at 30 June 1998}}{\text{ABS estimated population of children aged 0-17 years at 31 March 1998}} \times 1,000$$

Rates of children in out-of-home care

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

$$\frac{\text{Number of children aged 0-17 years in out-of-home care at 30 June 1998}}{\text{ABS estimated population of children aged 0-17 years at 31 March 1998}} \times 1,000$$

The rates of children subject to a substantiation of child abuse and neglect over the 1997-98 financial year were calculated using the ABS population estimates for 31 December 1997 (ABS 1998b). These rates were calculated for children aged 0-16 years rather than children aged 0-17 years because there were very few children aged 17 years who were the subject of a substantiation of abuse and neglect.

Rates of children who were the subject of a substantiation of abuse and neglect

Rates of children who were the subject of a substantiation of abuse and neglect were calculated in the following way:

$$\frac{\text{Number of children aged 0-16 years who were the subject of a substantiation of child abuse and neglect in 1997-98}}{\text{ABS estimated population aged 0-16 years at 30 December 1998}} \times 1,000$$

Rates for Indigenous children

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

The population estimates for 30 June 1998 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 1997 and 30 June 1998 were used to calculate the rates of children who were the subject of child abuse and neglect (ABS 1998c).

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

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

The rates for Indigenous children for 1996–97 and 1997–98 should not be compared with the rates for Indigenous children for 1995–96. Rates for Indigenous children for 1995–96 were calculated using the latest 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.

Rates for other (non-Indigenous) children

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

Identification of Indigenous status

Children

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

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

Caregivers

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

Appendix 3: Legislation

Child protection legislation

Commonwealth

Family Law Act 1975

New South Wales

Children (Care and Protection) Act 1987

Victoria

Children and Young Persons Act 1989

Queensland

Children's Services Act 1965

Health Act 1937

Western Australia

Child Welfare Act 1947

Community Services Act 1972

South Australia

Family and Community Services Act 1972

Children's Protection Act 1993

Tasmania

Child Welfare Act 1960

Child Protection Act 1974

Child Protection Amendments Act 1986, 1987 and 1991

Alcohol and Drug Dependency Act 1968

Australian Capital Territory

Children's Services Act 1986

Northern Territory

Community Welfare Act 1983

Legislative definition of ‘in need of care and protection’

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

New South Wales

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

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

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

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

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

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

Victoria

In Victoria, the *Children and Young Persons Act 1989* states 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, section 46 of the *Children's Services Act 1965* states that a child will be deemed to be in need of care and protection if:

- (a) not having a parent or guardian who exercises proper care of and guardianship over him, he is:
 - (i) neglected; or
 - (ii) exposed to physical or moral danger; or
 - (iii) falling in with bad associates; or
 - (iv) likely to fall into a life of vice or crime;
- (b) he is in the custody of a person who is unfit by reason of his conduct and habits to have custody of the child;
- (c) he is a person in relation to whom any of the offences mentioned in part VIII of the Act has been committed;
- (d) he is a member of the same household as:
 - (i) a child in relation to whom an offence mentioned in part VIII of the Act has been committed; or
 - (ii) a person who has been convicted of such an offence in relation to a child; and appears to be in danger of the commission upon him or in relation to him of a similar offence;
- (e) he is a member of a household of which a member has been convicted of an offence under sections 222 or 223 of 'The Criminal Code';
- (f) he begs or gathers alms, whether or not accompanied with the pretext of a sale or otherwise, or he is in or adjacent to a public place for the purposes of so begging or gathering alms;
- (g) he is found apparently abandoned, or loitering or sleeping in a public place and has no visible lawful means of support or no settled place of abode;
- (h) he carries on street trading that is not authorised by section 113 of the Act;
- (i) he takes part in any public exhibition or performance of a type referred to in the Act without a permit;
- (j) not being a child or ward of the licensee, he is, without lawful excuse, in a betting shop or billiard room, or the bar-room, billiard room or beer garden of any licensed premises;
- (k) he is served with intoxicating liquor in any of the premises mentioned in the preceding paragraph;
- (l) being in the care of a person other than a parent, relative or guardian of such child, he is apparently deserted by his parent or guardian;
- (m) being under the school leaving age as provided for from time to time by law, he is regularly absent from school without reasonable and adequate excuse;
- (n) being under such an age that he is not criminally responsible for any act notwithstanding that, at the time of doing the act, he had the capacity to know that he

ought not to do the act, he does an act which would itself or with other elements constitute an offence on his part if he were of or over that age and had the aforesaid capacity;

- (o) he is for any other reason in need of care and such care cannot be adequately provided by the giving of assistance under part V of the Act.

Section 49 of the Children's Services Act authorises an officer of the Department of Families, Youth and Community Care or a police officer to take a child into custody for the purpose of making an application to the Children's Court for an order to have the child admitted to the care and protection of the Director-General.

Western Australia

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

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

South Australia

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

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

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

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

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

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

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

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

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

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

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

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

Tasmania

In Tasmania, there are two Acts that define abuse and neglect.

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

A neglected child is a child:

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

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

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

- (a) whether by act or omission, intentionally or by default, any person:
 - (i) inflicts on the child a physical injury causing temporary or permanent disfigurement or serious pain; or by any means subjects the child to an impairment,

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

Until recently, each Act was administered by a separate team within the Department of Community and Health Services. Tasmania has now established 'Intake and Assessment' teams that will administer both Acts, thereby eliminating the 'artificial divide' between abuse and neglect responses that has developed over recent years.

Australian Capital Territory

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

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

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

Northern Territory

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

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

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

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

Appendix 4: Mandatory reporting requirements

New South Wales

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

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 the Director-General, Queensland Health, of all cases of suspected maltreatment of a child. Queensland Education 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.

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, 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, child care or residential services wholly or partly for children.

Tasmania

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

Australian Capital Territory

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

Glossary

Definitions for child abuse and neglect

Age of child

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

Person believed responsible for the abuse or neglect

Where there is more than one person believed responsible, 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 for the abuse or neglect

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.

Parent's de facto partner

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

Foster parent

A foster parent is defined as any person (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).

Guardian

Any person other than the child's parents who has the legal and ongoing care and responsibility for the protection of a child.

Sibling

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

Other relative

This category includes grandparents, aunts, uncles and cousins whether the relationship is a full, half or step relationship. It also includes members of Aboriginal communities who are

accepted by that community as being related to the child but who are not the child's biological parents.

Friend/neighbour

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

Other

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

Not stated

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

Source of notification

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

Parent/guardian

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

Sibling

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

Other relative

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

Friend/neighbour

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

Medical practitioner

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

Other health personnel

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

Hospital/health centre personnel

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

Social/welfare worker

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

School personnel

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

Child care personnel

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

Police

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

Departmental officer

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

Non-government organisation

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

Anonymous

This category covers notifications received from a person who does not give his or her name.

Other

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

Not stated

This category includes all notifications that are received from an unknown source.

Family of residence

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

Two-parent – natural

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

Two-parent – step or blended

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

Single parent – female

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

Single parent – male

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

Other relatives/kin

This includes Indigenous kinship arrangements.

Foster care

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

Other

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

Not stated

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

Definitions for care and protection orders

Child subject to orders

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

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

Age of child

The age of the child in completed years at 30 June 1998.

Living arrangements

This category covers the type of living arrangements in which the child spent the night of 30 June 1998. The categories follow.

Family care

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

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

Home-based out-of-home care

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

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

Facility-based care

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

Independent living

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

Other living arrangements

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

Definitions for out-of-home care

Age of child

The age of the child in completed years at 30 June 1998.

Type of placement

Placement type is divided into two main categories.

Home-based care

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

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

Facility-based care

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

Independent living

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

Other

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

Respite care

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

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