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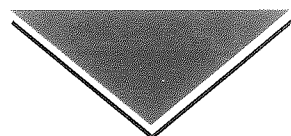
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**Children under  
care and  
protection orders  
Australia  
1993-94**

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**Graham Angus  
and  
Louise Golley**

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AUSTRALIAN INSTITUTE OF  
HEALTH & WELFARE

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# Children under care and protection orders Australia 1993-94

Graham Angus  
and  
Louise Golley

AUSTRALIAN INSTITUTE OF HEALTH AND WELFARE

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# Preface

This report was prepared by Graham Angus and Louise Golley of the Australian Institute of Health and Welfare. It is the Institute's fourth report on children under care and protection orders and the twelfth report in the Child Welfare Series (see Section 10 for other titles in the series).

Tables in this publication showing statistics for the whole of Australia only, are also available on request for individual States and Territories.

## Symbols used

The following symbols have been used in the tables of this report:

- nil or rounded to zero
- .. not applicable
- na not available
- U/k unknown
- M males
- F females
- P persons

# Summary

A child is deemed to be in need of care and protection if the child is being or is likely to be abused or neglected, if the child is abandoned, if adequate provision is not being made for the child's care, or if there is an irretrievable breakdown in the relationship between the child and his or her parent(s).

A guardianship order is usually issued when the family has not provided, or is unable to provide, adequate care and/or protection and the child is found to be in danger of abuse or serious neglect. Guardianship orders may also be issued because of irreconcilable differences between the parent(s) and the child, the child being abandoned or due to a breach of a supervision order.

Non-guardianship orders give the welfare department responsibility for a child's care (usually as a result of a family crisis) or protection (e.g. from abuse or neglect). These orders generally result in children being placed under the short-term supervision of the welfare department, and may result in their placement away from their family until circumstances permit their return. The types of orders under this heading vary across the States and Territories.

- At 30 June 1994 there were 12,750 children under care and protection orders, of which 8,794 (69%) were under guardianship orders and 3,956 (31%) were under other orders for care and protection. This represents a rate of 2.8 per 1,000 children aged 0-17 years for Australia. Tasmania (4.9) had the highest rate, and Western Australia (1.4) and the Australian Capital Territory (1.4) the lowest.
- There were slightly more boys (6,557) than girls (6,193) under care and protection orders in Australia, and this was the case in all States but not in the Territories.
- The majority of children under care and protection orders were placed in foster care (6,690 or 52%) or were living with parents or relatives (3,315 or 26%). Of those under guardianship orders most were in foster care (62%), while the majority of children under non-guardianship orders were living with parents or relatives (52%).
- Children under orders and living with parents or relatives were more likely to be under non-guardianship orders and of a young age. In contrast, children placed in foster care were more likely to be under guardianship orders and older.
- The rate of Aboriginal and Torres Strait Islander children under guardianship orders was 10.8 per 1,000 and under non-guardianship orders 4.4 per 1,000. Both rates are approximately five times those for all children aged 0-17 years.
- While fluctuations occur from year to year, there has been little change in the number of children under care and protection orders, the number being only 0.6% higher than at 30 June 1991. Orders for some States and Territories have varied considerably over this period with the largest changes being in New South Wales (up 21% or 803 orders) and Victoria (down 18% or 677 orders).

# 1 Introduction

This publication presents statistics on children under care and protection orders based on data provided by State and Territory welfare departments for the year ended 30 June 1994.

The data were sought according to detailed definitions and explanations agreed on by the States, Territories and the Australian Institute of Health and Welfare. Definitions of terms used in this publication may be found in Section 8 'Explanation of terms'.

The tables and figures in this report are based on the data provided, so their accuracy is dependent on factors such as the scope and completeness of data collection, reporting procedures, policy guidelines and judicial requirements of the particular State or Territory. These factors may also affect the comparability of data across States and Territories.

Some data in Table 18 are taken from *Children in care, Australia 1983-84*, Australian Bureau of Statistics (Catalogue 4405.0).

## 2 Scope and coverage

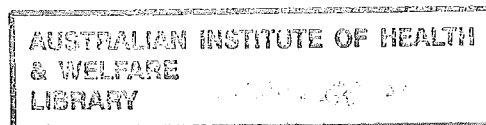
The data set out in this report include all children under orders for care and protection, comprising:

- guardianship orders: children who are the responsibility of an authorised department as a result of transfer of legal guardianship to that department; and
- other care and protection orders: children for whom the authorised department has a responsibility through a legal or administrative order for care or protection.

Children under offence orders are excluded from this data collection unless they are also under a care and protection order. Children in formal care but not under care and protection orders are also excluded.

This collection covers:

- children under guardianship of an authorised department at 30 June 1994;
- children under non-offence orders at 30 June 1994;
- admissions to and discharges from State wardship (guardianship orders) during 1993-94;
- admissions to and discharges from non-offence orders during 1993-94; and
- persons aged 18 and over who remain under orders.



# 3 Children under care and protection orders in Australia

## General

In Australia, each State and Territory has legislation that defines what constitutes 'in need of care and protection' and provides for action that can be taken—such as the removal of the child from the family home or requiring the child to undergo a medical examination—if a child is found to be in need of care and protection.

In summary, a child is deemed to be in need of care and protection if the child is being or is likely to be abused or neglected, if the child has been abandoned, if adequate provision is not being made for the child's care, or if there is an irretrievable breakdown in the relationship between the child and his or her parent(s) (see Section 6 'Legislative definition of "in need of care and protection"').

A child found to be in need of care or protection may be placed under an order issued by a court, children's panel, minister of the crown or authorised welfare department officer. Depending on the circumstances, the authority may determine that the child be made a ward of the State, be placed under a supervisory order, or request that the parent(s) undertake to provide proper care. There are various types of orders, which are classified in this report as either:

- a *guardianship order*, where a child becomes a ward of the State or Territory and his or her legal guardianship is transferred to the Minister, Director or other official of the welfare department, giving the department total responsibility for the child's welfare; or
- a *non-guardianship order*, where the Minister, Director or other official of the welfare department is given some responsibility for a child's welfare, such as supervision, custody or accommodation arrangements.

A guardianship order is usually issued when the family has not provided, or is unable to provide, adequate care and/or protection and the child is found to be in danger of abuse or serious neglect. Guardianship orders may also be issued because of irreconcilable differences between the parent(s) and the child, the child being abandoned or due to a breach of a supervision order.

Non-guardianship orders give the welfare department responsibility for a child's care (usually as a result of a family crisis) or protection (e.g. from abuse or neglect). These orders generally result in children being placed under the short-term supervision of the welfare department and may result in their placement away from their family until circumstances permit their return. The types of orders under this heading vary across the States and Territories, and are set out in Section 7 'Types of non-guardianship orders in each State and Territory'.

Children under offence orders have been excluded from this publication in order to separate issues relating to juvenile crime from the issues of care for children who do not have parents to care for them or who do not receive adequate parenting.

## Reporting procedures

Orders are counted in the State or Territory where the order is operative, rather than the State or Territory where the child resides; even if another State or Territory is paying the regular allowance or retains some control over, responsibility for, or interest in, the child. Therefore, a child is counted in the new State or Territory if the guardianship is transferred interstate, but not if the child moves or is placed in an establishment interstate without a transfer of order.

Victorian data for 1993-94 are incomplete, as detailed data on certain placement types were not available. Exact placement details for 157 children under non-guardianship orders were

unknown. These children were placed in one of the following placement types: juvenile hostels, family groups or other residential child care, residential care establishments, corrective establishments, foster care, living with parents or relatives, living independently, other placement, or unauthorised absence. Placement data for these children have been estimated using 1992-93 data.

In Queensland, 58 children were under both a guardianship order and a non-guardianship order at 30 June 1994. In this publication, these children have been shown under guardianship orders and have been excluded from the non-guardianship figures.

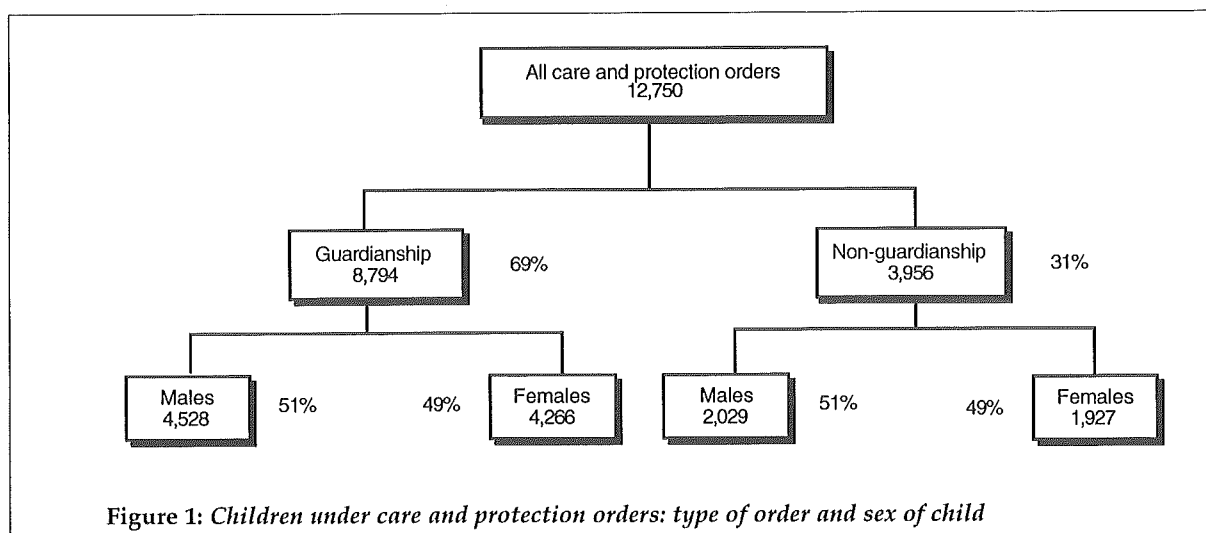
Detailed placement data were not available from South Australia for 1993-94. Placement data for 1,050 children under guardianship orders and 233 children under non-guardianship orders have been estimated using 1991-92 South Australian data.

In Tasmania, non-guardianship orders include voluntary respite care orders and non-custodial supervision orders. A child placed under a non-custodial supervision order remains under the guardianship of a parent but the Department of Community and Health Services has responsibility for the child's well-being.

# 4 Children under care and protection orders 1993-94

## All care and protection orders

At 30 June 1994 there were 12,750 children under care and protection orders, an increase of 618 orders from the previous year. Of these children 8,794 (69%) were under guardianship orders and 3,956 (31%) were under other orders for care and protection (Figure 1).



There were more boys (6,557) than girls (6,193) under care and protection orders in Australia, and this was so in all States but not in the Australian Capital Territory and the Northern Territory (Table 1).

**Table 1: Children under care and protection orders: type of order and sex by State/Territory, at 30 June 1994**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Guardianship</b>									
Males	1,184	849	1,364	341	533	192	13	52	4,528
Females	1,112	836	1,246	320	517	155	13	67	4,266
<b>Persons</b>	<b>2,296</b>	<b>1,685</b>	<b>2,610</b>	<b>661</b>	<b>1,050</b>	<b>347</b>	<b>26</b>	<b>119</b>	<b>8,794</b>
<b>Non-guardianship</b>									
Males	772	775	149	(a)	120	168	42	3	2,029
Females	836	673	144	(a)	113	115	44	2	1,927
<b>Persons</b>	<b>1,608</b>	<b>1,448</b>	<b>293 (b)</b>	<b>(a)</b>	<b>233</b>	<b>283</b>	<b>86</b>	<b>5</b>	<b>3,956</b>
<b>Total</b>									
Males	1,956	1,624	1,513	341	653	360	55	55	6,557
Females	1,948	1,509	1,390	320	630	270	57	69	6,193
<b>Persons</b>	<b>3,904</b>	<b>3,133</b>	<b>2,903</b>	<b>661</b>	<b>1,283</b>	<b>630</b>	<b>112</b>	<b>124</b>	<b>12,750</b>

(a) Western Australia does not generally place children under non-guardianship orders for care and protection.

(b) Excludes 58 children (29 males and 29 females) who were also under guardianship orders.

Of the 12,750 children under care and protection orders, 12,549 were aged 0-17 years. This represents a rate of 2.8 per 1,000 children aged 0-17 years for Australia, and comprises rates of 1.9 and 0.9 for children under guardianship and non-guardianship orders respectively. Tasmania (4.9) had the highest rate and Western Australia (1.4) and the Australian Capital Territory (1.4) the lowest (Table 2).

Table 2: Orders per 1,000 children: type of order by State/Territory, at 30 June 1994

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Guardianship orders</b>									
Children 0-17 under orders	2,161	1,676	2,610	643	1,048	346	26	119	8,629
Orders per 1000 children 0-17	1.4	1.5	3.1	1.4	2.9	2.7	0.3	2.2	1.9
<b>Non-guardianship orders</b>									
Children 0-17 under orders	1,592	1,441	293 (a) (b)	232	273 (c)	85	4	3,920	
Orders per 1000 children 0-17	1.0	1.3	0.3	0.6	2.1	1.1	0.1	0.9	
<b>Total orders</b>									
Children 0-17 under orders	3,753	3,117	2,903	643	1,280	619	111	123	12,549
Orders per 1000 children 0-17	2.4	2.8	3.4	1.4	3.6	4.9	1.4	2.2	2.8

(a) Excludes 58 children (29 males and 29 females) who were also under guardianship orders.

(b) Western Australia generally does not place children under non-guardianship orders for care and protection.

(c) Includes children under voluntary respite care orders and non-custodial supervision orders.

Notes: 1. Includes 130 children of unknown ages but excludes 201 persons aged 18 and over who remain under orders.

2. Rates are calculated by dividing the number of children under orders by the estimated resident population aged 0-17 years at 30 June 1994, multiplied by 1000.

The majority of children under care and protection orders were placed in foster care (6,690 or 52%) or were living with parents or relatives (3,315 or 26%) (Table 3).

Table 3: Children under care and protection orders: placement type by type of order and sex, at 30 June 1994

Placement	Guardianship orders			Non-guardianship orders (a)			Total		
	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons
Foster care	2,714	2,758	5,472	618	600	1,218	3,332	3,358	6,690
Parent/ relative	659	586	1,245	1,041	1,029	2,070	1,700	1,615	3,315
Residential child care	723	531	1,254	214	175	389	937	706	1,643
Residential care	8	12	20	20	7	27	28	19	47
Corrective establishment	43	3	46	19	2	21	62	5	67
Other	381	376	757	117	114	231	498	490	988
<b>Total</b>	<b>4,528</b>	<b>4,266</b>	<b>8,794</b>	<b>2,029</b>	<b>1,927</b>	<b>3,956</b>	<b>6,557</b>	<b>6,193</b>	<b>12,750</b>

(a) Excludes 58 Queensland children (29 males and 29 females) who were also under guardianship orders.

## Guardianship orders

There were more boys under guardianship orders (4,528) than girls (4,266) (Table 1). Generally, the number of children under guardianship orders increased at each age, from 88 children aged under one year up to 798 at 15 years, with a sharp decline from age 16 (Figure 2).



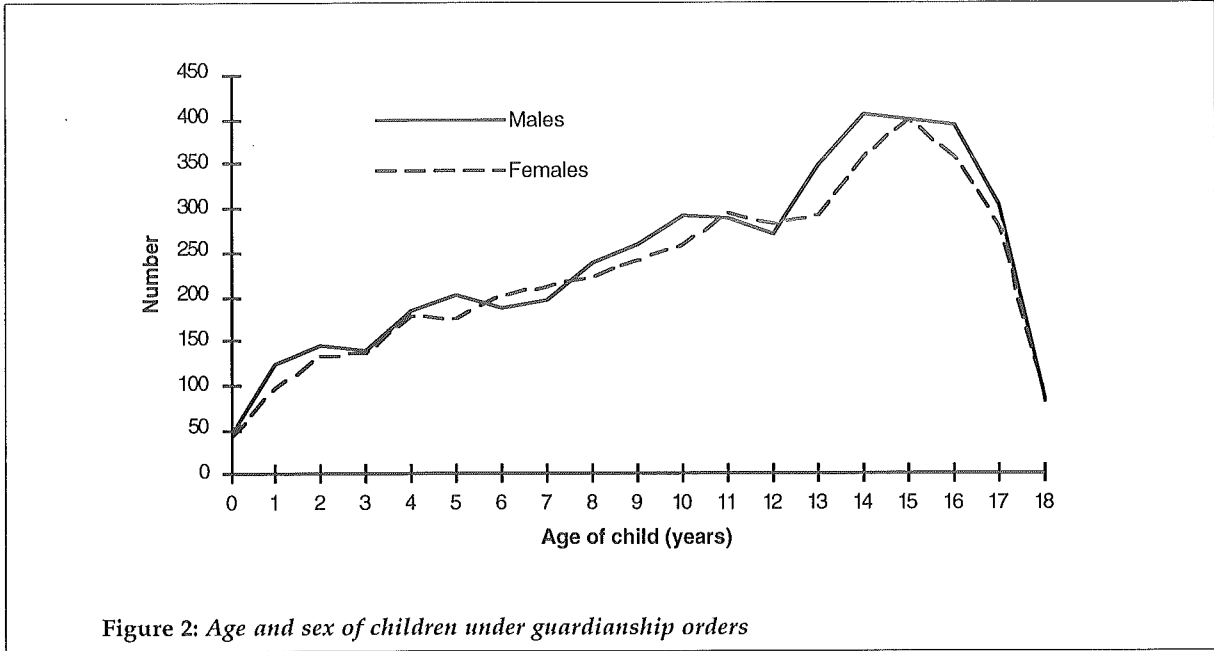


Figure 2: Age and sex of children under guardianship orders

Sixty-two per cent of children under guardianship orders for care and protection were placed in foster care (5,472), with a further 14% placed with parents or relatives (1,245) and in residential child care (1,254) (Table 3). Sixty-five per cent of all girls under guardianship orders were placed in foster care compared with 60% of all boys, while the proportions of boys and girls placed with parents or relatives were similar (15% and 14% respectively). The proportion of boys in residential child care (16%) exceeded that for girls (12%), and the number of boys (43) placed in corrective establishments was much greater than the number of girls (3) (Table 3; Figure 3).

Of the 8,794 children under guardianship orders for care and protection, 8,629 were aged 0–17 years, representing a rate of 1.9 children per 1,000 aged 0–17 years of age. Of the States and Territories, Queensland had the highest rate (3.1) and the Australian Capital Territory the lowest rate (0.3) (Table 2).

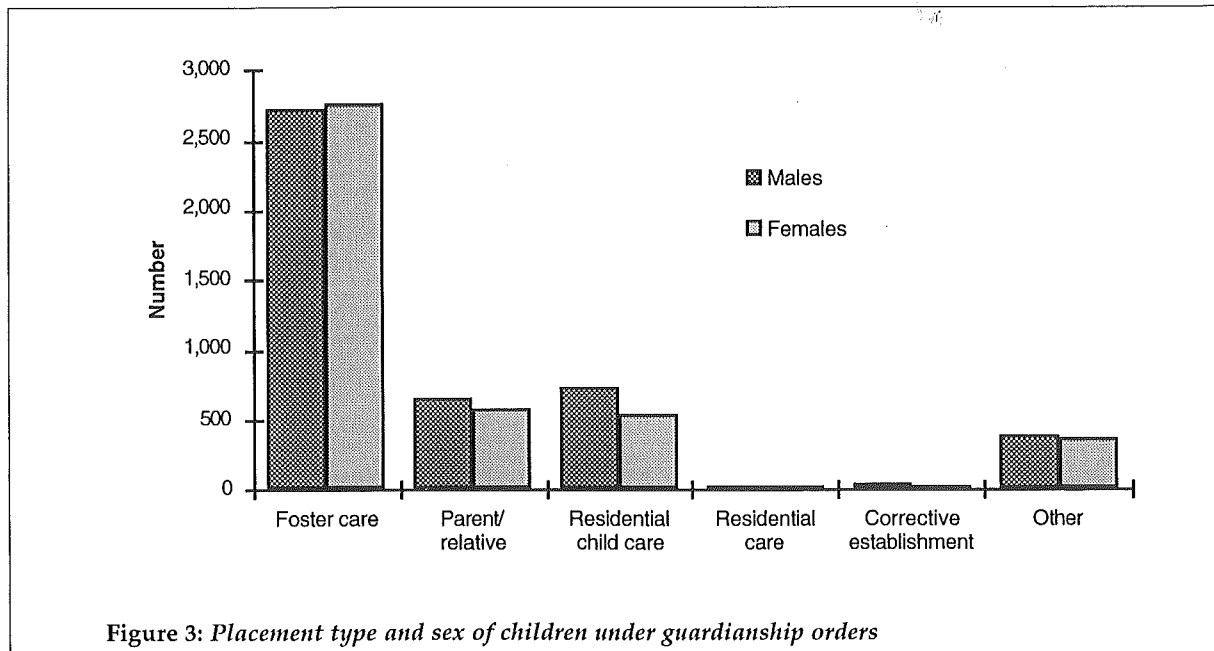


Figure 3: Placement type and sex of children under guardianship orders

In 1993–94 there were more admissions to than discharges from guardianship orders in New South Wales, Western Australia and the Northern Territory, but the reverse was the case in the other states with available data (i.e. Victoria, Queensland and Tasmania)(Table 12).

## Non-guardianship orders

There were more boys (2,029) than girls (1,927) under non-guardianship orders. The numbers of girls and boys under guardianship orders was similar across the ages 0–18; however, divergences between the sexes occurred at 2, 3 and 15 years of age (Figure 4).

There was a large variation between States and Territories in the number of children under non-guardianship orders, ranging from New South Wales (1,608) with 41% of the Australian total, to the Northern Territory with only five children under non-guardianship orders, and to Western Australia where children are generally not placed under non-guardianship orders for care and protection (Table 1).

The rate of children under non-guardianship orders in Australia was 0.9 per 1,000 children aged 0–17 years, with Tasmania (2.1) and Victoria (1.3) having the highest rates and Northern Territory (0.1) the lowest (Table 2).

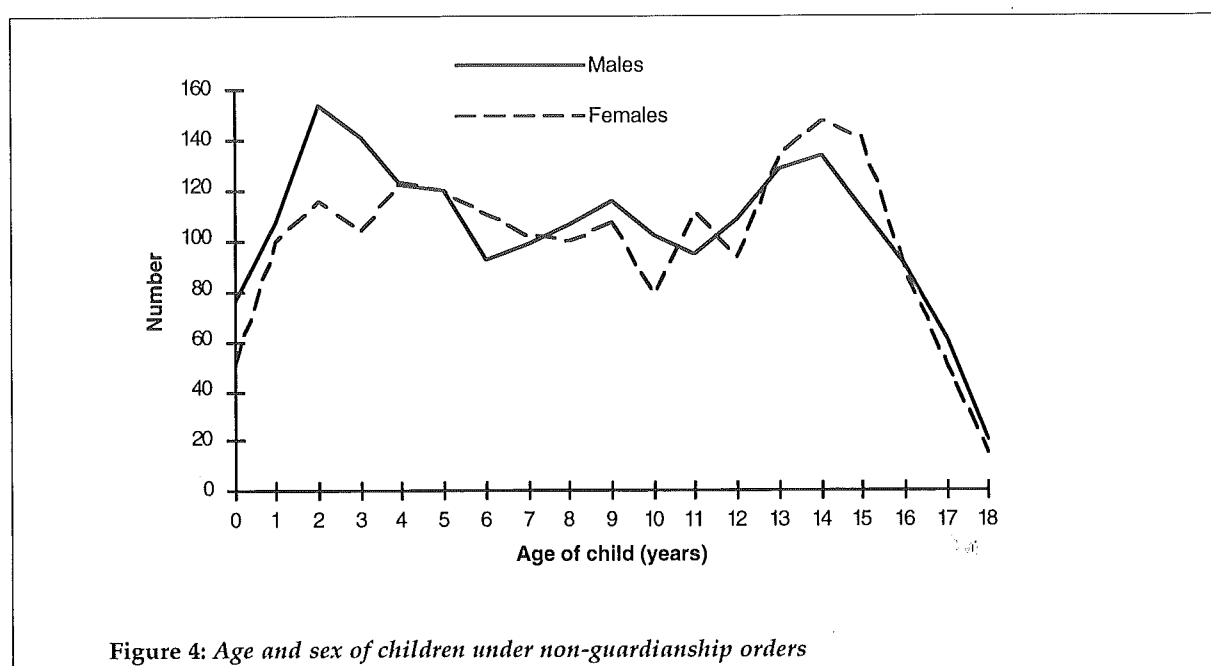
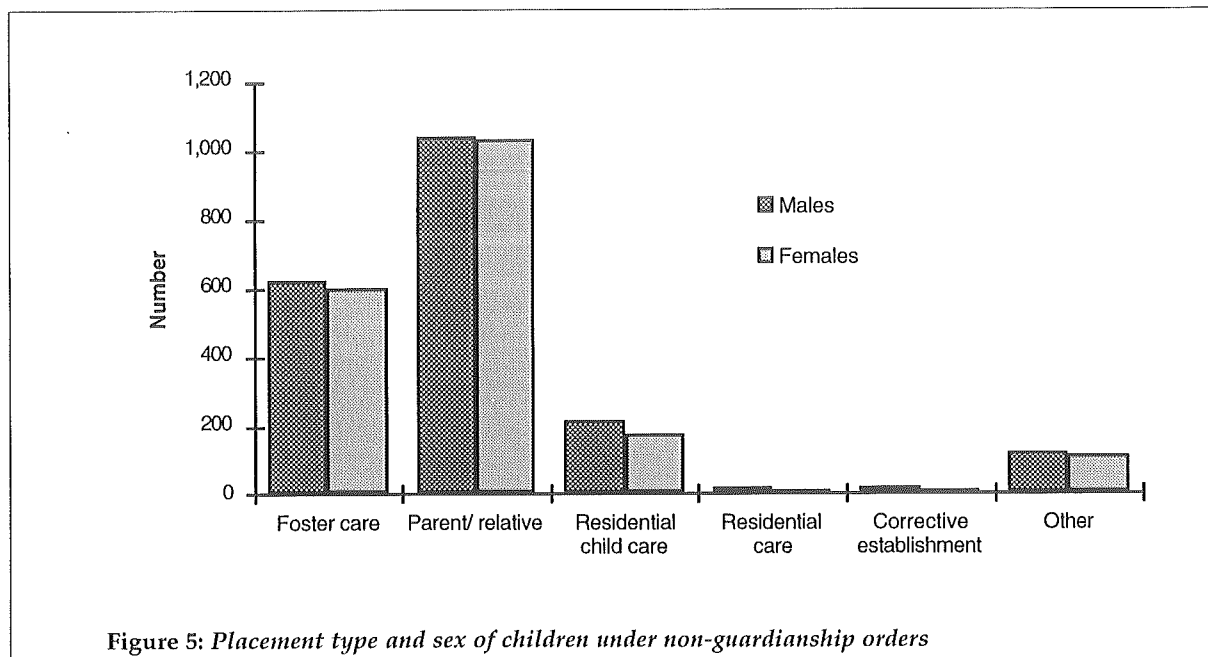


Figure 4: Age and sex of children under non-guardianship orders

Of the 3,956 children under non-guardianship orders, the majority were living with parents or relatives (2,070 or 52%), with a further 1,218 (31%) placed in foster care (Table 3; Figure 5).



For the States and Territories providing complete data on admissions and discharges (New South Wales, Victoria, Queensland, Western Australia, Tasmania and the Northern Territory), there were, overall, more admissions to (2,819) than discharges from (2,390) non-guardianship orders (Table 12).

## Placement type

When a child is placed under a care and protection order the Minister, Director or other authorised official of the welfare department may become responsible for providing the child with suitable accommodation. In many cases the child is able to remain with his or her family. However, where the child is unable to remain in the family home, or where the child's safety cannot be guaranteed if he or she remains in the family home, the Minister, Director or other authorised official of the welfare department may remove the child and place him or her elsewhere.

In 1993-94, children under care and protection orders were placed mainly in foster care (52%), with parents or relatives (26%) or in a residential child care centre (13%). Some children lived independently (3%) while others were placed with adults other than parents or relatives (4%). A small number of children were placed in correctional establishments (1%) or in residential care not specifically for children (less than one percent) (Table 6).

Children under guardianship orders living with parents or relatives include children who have been returned to the family home for a trial period, usually up to six months. If the return to the family is successful the order may be discharged, although in some States and Territories these children remain under guardianship orders until they reach 18 years of age.

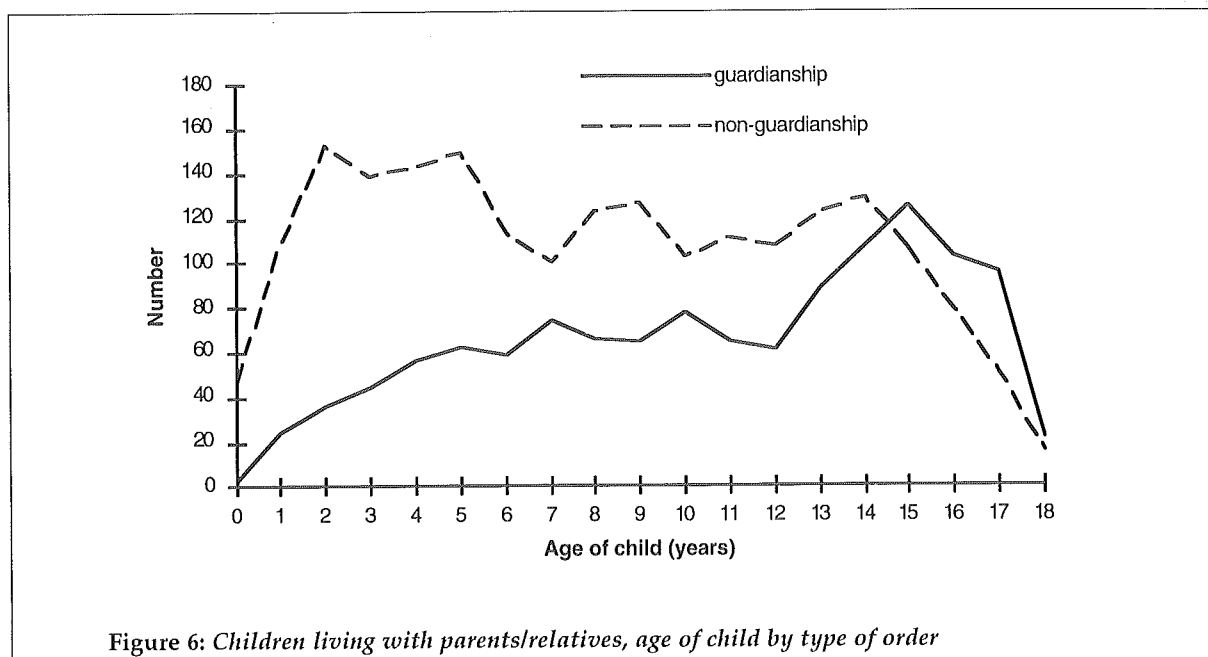
Children under orders and living with parents or relatives were more likely to be under non-guardianship orders and of a young age. In contrast, children placed in foster care were more likely to be under guardianship orders and older (Figures 6 and 7).

## Characteristics of children living with parents or relatives

As noted, only 14% (1,245) of children under guardianship orders were living with parents or relatives while the majority (52%) of children under non-guardianship orders were living with parents or relatives (2,070) (Table 3).

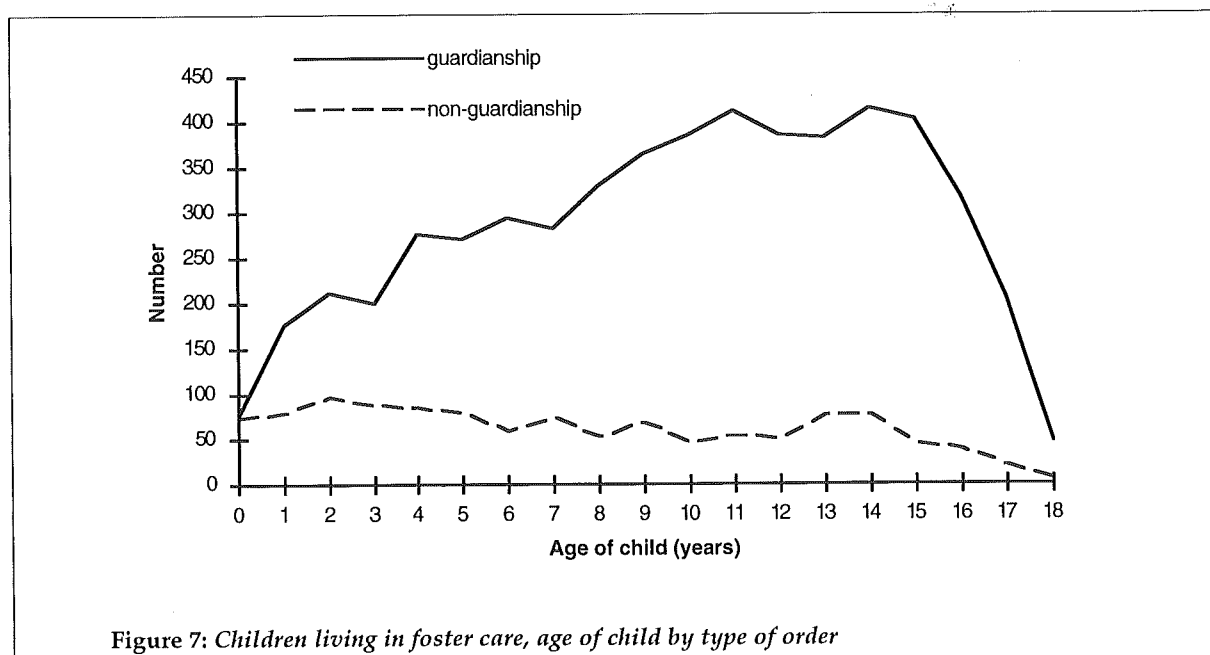
There were few young children under guardianship orders living with parents or relatives—the highest numbers in this category were early teenage children (Figure 6; Table 7).

In contrast the number of children under non-guardianship orders living with parents or relatives was highest in the youngest ages, remaining at a level above the number of guardianship orders up to age 15 years (Figure 6; Table 8).



### Characteristics of children living in foster care

The vast majority (82%) of children who were under orders and in foster care were under guardianship orders (Table 3). The number of children under guardianship orders in foster care peaked for children at age 14 years and then declined rapidly for older children. The number of children under non-guardianship orders in foster care was highest at age two years, then remained fairly constant throughout the age groups, with a decline evident after age 14 years (Figure 7; Tables 7 and 8).



## Characteristics of children living in residential child care

Residential child care centres are residential establishments that provide substitute care including accommodation, meals and some personal care, and protection or control of children. The main types of residential child care centres include family group homes, juvenile hostels, campus homes and other residential homes for children.

For both guardianship and non-guardianship orders, residential child care was used mostly by children in their early teenage years (Figure 8; Tables 7 and 8).

Overall, there were about three times as many children in residential child care under guardianship orders than under non-guardianship orders, although the age distribution for children under each type of order was very similar (Figure 8; Tables 7 and 8).

Fifty percent of children in residential child care centres reside in a family group home (Table 5). Family group homes are typically run like family homes—they have a limited number of children who eat together as a family group and are cared for round the clock by resident substitute parents.

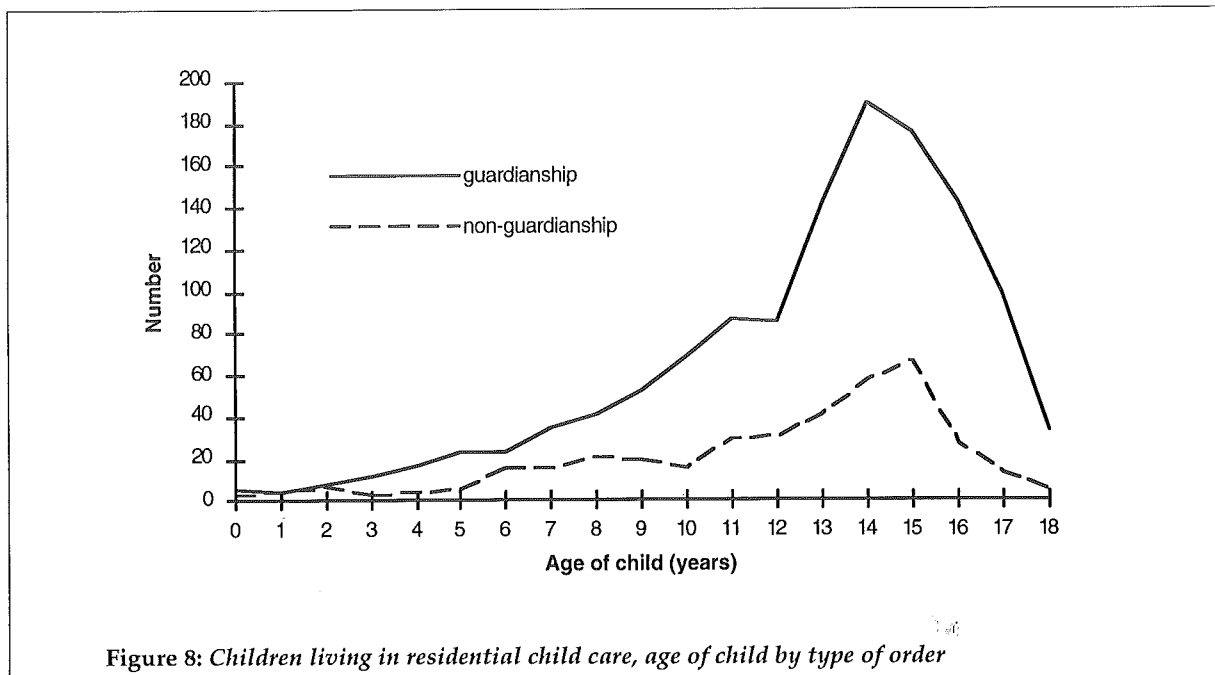


Figure 8: Children living in residential child care, age of child by type of order

## Aboriginal and Torres Strait Islander children

The rate of Aboriginal and Torres Strait Islander children under care and protection orders is considerably greater than that for the overall population (15.2 per 1,000 Aboriginal and Torres Strait Islander children<sup>1</sup> aged 0–17 years compared with 2.7 per 1,000 children aged 0–17 years). The rate of Aboriginal and Torres Strait Islander children<sup>1</sup> under guardianship orders was 10.8 per 1,000 and under non-guardianship orders 4.4 per 1,000, both rates approximately five times those for all children aged 0–17 years.

For the States with available data, Queensland (19.8) and South Australia (16.6) had the highest rates for Aboriginal and Torres Strait Islander children<sup>1</sup> under guardianship orders, and New South Wales (4.4) the lowest.<sup>2</sup> In contrast, New South Wales (9.8) had the highest

<sup>1</sup> Excludes the Australian Capital Territory and Northern Territory for which data were not available.

<sup>2</sup> The Northern Territory, with only 119 guardianship orders for all children, and the Australian Capital Territory, with only 26 guardianship orders for all children, would have very low rates if data for Aboriginal and Torres Strait Islander children were available.

rate of Aboriginal and Torres Strait Islander children placed under non-guardianship orders and Queensland (1.4) the lowest<sup>3</sup> (Table 4).

Using estimated figures for Aboriginal and Torres Strait Islander children aged 0–17 years under care and protection orders in the Australian Capital Territory and Northern Territory, the rate of Aboriginal and Torres Strait Islander children aged 0–17 under guardianship orders for Australia was 9.7 per 1,000, the rate under non-guardianship orders 3.8 per 1,000 and for all care and protection orders 13.5 per 1,000. These figures compare more favourably with the rates for all children aged 0–17 than those based on the available data only.

**Table 4: Orders per 1,000 Aboriginal and Torres Strait Islander children: type of order by State, at 30 June 1994**

Type of order	NSW	Vic	Qld	WA	SA	Tas
<b>Guardianship orders</b>						
Children 0–17 under orders	161	50	722	159	137	27
Orders per 1,000 children 0–17	4.4	5.9	19.8	7.2	16.6	5.7
<b>Non-guardianship orders</b>						
Children 0–17 under orders	358	61	50	(a)	23	25
Orders per 1,000 children 0–17	9.8	7.2	1.4	(a)	2.8	5.3
<b>Total orders</b>						
Children 0–17 under orders	519	111	772	159	160	52
Orders per 1,000 children 0–17	14.2	13.0	21.1	7.2	19.4	10.9

(a) Western Australia does not generally place children under non-guardianship orders for care and protection.

Notes: 1. Data for the Australian Capital Territory and the Northern Territory are not available.

2. Rates are calculated by dividing the number of children under orders by the estimated resident population aged 0–17 years at 30 June 1994, multiplied by 1,000.

## Changes over time

The number of children under care and protection orders in Australia increased by 618 orders (or 5%) during 1993–94, after declining over the previous two years. Over the period 1993–94, there was a large increase in the number of children under non-guardianship orders—3,308 to 3,956—but the number of children under guardianship orders fell slightly—8,824 to 8,794 (Table 19). The overall increase in children under care and protection orders is largely due to a rise in the number of both guardianship (147 or 7%) and non-guardianship (347 or 28%) orders issued in New South Wales. Additionally, in Victoria the number of children under care and protection orders increased by 7% (192 orders) over the period; a rise in non-guardianship orders (434 orders)<sup>4</sup> more than offsetting a substantial fall in guardianship orders (242 orders). In contrast, Tasmania experienced a decrease of 83 orders over the period; mostly due to a fall in the number of non-guardianship (73) orders issued (Table 19).

Complete national data on children under care and protection orders has only been available since June 1991. The number of children under care and protection orders has increased by 0.6% since that time. However, orders for some States and Territories have fluctuated considerably over this period, with the largest changes occurring in New South Wales (up 21% or 803 orders) and Victoria (down 18% or 677 orders) (Table 19). Since 1985, the number of children under care and protection orders has increased by 8% from 11,803 to 12,750 (Table 20).

<sup>3</sup> The Northern Territory, with only 4 non-guardianship orders for all children, would have the next lowest rate behind Western Australia if data for Aboriginal and Torres Strait Islander children were available.

<sup>4</sup> The rise has been largely due to the increased use of 'Custody to the Secretary' orders which increased by 152% between 30 June 1993 and 30 June 1994.

# 5 Detailed tables

## Placement

Table 5: Children under care and protection orders: placement type and sex by age, at 30 June 1994

Placement	Sex	Age of child (years)																		U/k	Total	
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+
<b>Residential child care</b>																						
For children with disabilities	M	-	-	-	-	-	1	-	-	2	1	6	1	-	4	4	7	3	9	-	-	38
	F	-	-	-	-	-	-	-	-	-	-	2	1	2	2	2	1	8	5	-	-	23
Juvenile hostel	M	-	-	-	-	-	-	-	2	3	-	-	6	6	8	42	22	14	11	5	119	
	F	-	-	-	-	1	-	1	1	-	-	2	1	2	4	13	35	27	13	3	2	105
Family group	M	-	4	3	10	5	9	15	20	26	31	32	48	42	61	55	44	25	18	3	4	455
	F	-	1	4	3	8	8	15	16	20	20	26	33	21	32	44	44	41	21	3	5	365
Campus home	M	-	-	2	1	3	2	-	2	2	3	1	2	5	18	32	19	11	1	-	-	104
	F	-	-	1	1	-	3	3	3	1	3	4	4	9	1	4	4	4	8	-	-	53
Other	M	3	1	3	-	2	5	1	7	5	9	8	23	21	35	41	22	13	10	10	2	221
	F	6	2	2	-	2	1	3	1	4	2	3	3	9	19	44	23	15	12	9	-	160
<b>Residential care establishment</b>																						
Hospital/nursing home	M	1	-	-	1	3	-	1	1	-	1	-	-	1	1	-	-	1	-	1	1	13
	F	-	1	-	1	1	-	-	-	-	1	-	1	-	-	2	-	-	-	2	-	9
Boarding school	M	-	-	-	-	-	-	-	-	-	-	-	-	1	-	2	-	-	1	-	-	4
	F	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	1	-	-	3
Resident adult care	M	-	2	2	-	-	-	-	-	-	-	1	-	-	-	-	1	3	1	1	-	11
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	1	2	2	-	7
<b>Corrective establishments</b>																						
Juvenile corrective institute	M	-	-	-	-	-	-	-	-	-	-	-	-	2	5	5	9	16	10	3	1	51
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	3	-	-	-	4
Youth training centre	M	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	1	1	-	-	4
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1
Prison	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	4	-	7
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Other placements</b>																						
Foster care	M	87	145	168	143	189	191	177	158	186	215	227	220	207	217	243	200	194	112	32	21	3,332
	F	65	114	145	149	175	162	178	198	199	218	207	245	231	243	251	248	165	117	24	24	3,358
Living with parents/relatives	M	28	67	105	110	95	102	75	94	102	102	100	73	78	108	123	110	94	89	16	29	1,700
	F	22	65	84	74	104	109	98	81	87	90	81	103	90	103	113	121	88	58	22	22	1,615
Other adult placement	M	3	9	15	11	8	9	10	10	16	7	16	11	12	13	15	26	33	10	2	5	241
	F	-	8	8	9	9	11	11	12	10	12	11	14	9	14	22	30	23	18	-	3	234
Unauthorised absence	M	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	3	-	-	4
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	2	-	1	2	-	6
Living independently	M	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	19	52	67	13	1	154
	F	-	-	-	-	-	-	-	-	-	-	-	1	-	-	5	21	58	63	22	2	172
Other placement	M	-	2	1	4	2	2	1	2	2	2	2	5	4	7	9	12	15	16	9	2	99
	F	1	5	6	2	2	1	4	1	2	3	1	-	2	4	2	11	13	10	7	1	78
<b>Total</b>	M	122	230	299	280	307	322	280	294	343	375	393	383	379	477	538	511	483	365	105	71	6,557
	F	94	196	250	239	302	295	313	313	323	349	337	406	376	426	503	541	446	329	96	59	6,193
	<b>P</b>	<b>216</b>	<b>426</b>	<b>549</b>	<b>519</b>	<b>609</b>	<b>617</b>	<b>593</b>	<b>607</b>	<b>666</b>	<b>724</b>	<b>730</b>	<b>789</b>	<b>755</b>	<b>903</b>	<b>1,041</b>	<b>1,052</b>	<b>929</b>	<b>694</b>	<b>201</b>	<b>130</b>	<b>12,750</b>

M=males F=females P=persons.

**Table 6: Children under care and protection orders: placement type and sex by State/Territory, at 30 June 1994**

Placement	Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Residential child care</b>										
For children with disabilities	M	-	16	5	1	13	1	1	1	38
	F	-	9	7	2	4	-	-	1	23
Juvenile hostel	M	54	44	5	-	9	7	-	-	119
	F	52	36	6	-	4	7	-	-	105
Family group	M	80	242	52	14	37	25	-	5	455
	F	82	206	48	5	6	11	1	6	365
Campus home	M	-	10	56	12	-	20	6	-	104
	F	-	1	3	25	-	20	3	1	53
Other	M	105	87	7	17	5	-	-	-	221
	F	59	85	3	10	3	-	-	-	160
<b>Residential care</b>										
Hospital/nursing home	M	11	1	-	-	-	-	-	1	13
	F	5	1	2	-	1	-	-	-	9
Boarding school	M	-	-	3	-	-	-	1	-	4
	F	-	-	1	-	-	-	1	1	3
Resident adult care	M	-	-	-	-	-	11	-	-	11
	F	3	-	-	-	-	4	-	-	7
<b>Corrective establishments</b>										
Juvenile corrective institute	M	15	6	15	3	-	12	-	-	51
	F	2	-	-	-	-	2	-	-	4
Youth training centre	M	-	4	-	-	-	-	-	-	4
	F	-	1	-	-	-	-	-	-	1
Prison	M	-	-	3	-	-	4	-	-	7
	F	-	-	-	-	-	-	-	-	-
<b>Other placements</b>										
Foster care	M	969	619	841	224	479	129	43	28	3,332
	F	973	621	862	214	508	101	44	35	3,358
Living with parent/relative	M	530	568	359	45	66	110	4	18	1,700
	F	557	519	320	38	65	88	8	20	1,615
Other adult placements	M	100	2	81	-	42	14	-	2	241
	F	124	2	57	-	35	13	-	3	234
Unauthorised absence	M	-	1	-	2	1	-	-	-	4
	F	-	2	-	3	1	-	-	-	6
Living independently	M	42	17	60	7	1	27	-	-	154
	F	50	20	64	9	3	24	-	2	172
Other placement	M	50	7	26	16	-	-	-	-	99
	F	41	6	17	14	-	-	-	-	78
<b>Total</b>	M	1,956	1,624	1,513	341	653	360	55	55	6,557
	F	1,948	1,509	1,390	320	630	270	57	69	6,193
	P	3,904	3,133	2,903	661	1,283	630	112	124	12,750

M=males F=females P=persons.



Table 7: Children under guardianship orders: placement type by State/Territory, at 30 June 1994

Placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Residential child care</b>									
For children with disabilities	—	20	12	3	14	1	—	2	52
Juvenile hostel	81	56	11	—	10	2	—	—	160
Family group	125	344	99	19	34	21	1	11	654
Campus home	—	11	59	37	—	31	3	1	142
Other	107	95	9	27	8	—	—	—	246
<b>Residential care</b>									
Hospital/nursing home	7	—	2	—	1	—	—	1	11
Boarding school	—	—	4	—	—	—	1	1	6
Resident adult care	3	—	—	—	—	—	—	—	3
<b>Corrective establishments</b>									
Juvenile corrective institute	17	1	15	3	—	4	—	—	40
Youth training centre	—	3	—	—	—	—	—	—	3
Prison	—	—	3	—	—	—	—	—	3
<b>Other placements</b>									
Foster care	1,407	846	1,689	438	808	205	19	60	5,472
Living with parent/relative	297	274	412	83	106	35	2	36	1,245
Other adult placements	96	—	128	—	63	12	—	5	304
Unauthorised absence	—	2	—	5	2	—	—	—	9
Living independently	91	24	124	16	4	36	—	2	297
Other placement	65	9	43	30	—	—	—	—	147
<b>Total</b>	<b>2,296</b>	<b>1,685</b>	<b>2,610</b>	<b>661</b>	<b>1,050</b>	<b>347</b>	<b>26</b>	<b>119</b>	<b>8,794</b>

Table 8: Children under non-guardianship orders: placement type by State/Territory, at 30 June 1994

Placement	NSW	Vic	Qld (a)	WA (b)	SA	Tas	ACT	NT	Australia
<b>Residential child care</b>									
For children with disabilities	—	5	—	—	3	—	1	—	9
Juvenile hostel	25	24	—	—	3	12	—	—	64
Family group	37	104	1	—	9	15	—	—	166
Campus home	—	—	—	—	—	9	6	—	15
Other	57	77	1	—	—	—	—	—	135
<b>Residential care</b>									
Hospital/nursing home	9	2	—	—	—	—	—	—	11
Boarding school	—	—	—	—	—	—	1	—	1
Resident adult care	—	—	—	—	—	15	—	—	15
<b>Corrective establishments</b>									
Juvenile corrective institute	—	5	—	—	—	10	—	—	15
Youth training centre	—	2	—	—	—	—	—	—	2
Prison	—	—	—	—	—	4	—	—	4
<b>Other placements</b>									
Foster care	535	394	14	—	179	25	68	3	1,218
Living with parent/relative	790	813	267	—	25	163	10	2	2,070
Other adult placements	128	4	10	—	14	15	—	—	171
Unauthorised absence	—	1	—	—	—	—	—	—	1
Living independently	1	13	—	—	—	15	—	—	29
Other placement	26	4	—	—	—	—	—	—	30
<b>Total</b>	<b>1,608</b>	<b>1,448</b>	<b>293</b>	<b>—</b>	<b>233</b>	<b>283</b>	<b>86</b>	<b>5</b>	<b>3,956</b>

(a) Table excludes 58 Queensland children (29 males and 29 females) who were also under guardianship orders.

(b) Western Australia does not generally place children under non-guardianship orders for care and protection.

## Age distribution

Table 9: Children under care and protection orders: age of child by State/Territory, at 30 June 1994

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
0	91	83	19	3	8	6	4	2	216
1	144	135	57	31	25	18	7	9	426
2	175	160	116	27	39	15	7	10	549
3	179	141	100	36	44	9	4	6	519
4	171	182	119	40	61	25	4	7	609
5	174	168	135	46	56	27	2	9	617
6	169	163	124	43	62	21	8	3	593
7	190	149	125	38	73	21	4	7	607
8	191	189	148	31	73	22	7	5	666
9	223	173	167	33	82	38	3	5	724
10	223	180	188	32	73	29	2	3	730
11	245	174	201	37	89	28	7	8	789
12	217	182	179	46	76	39	7	9	755
13	282	207	212	36	97	45	11	13	903
14	270	283	266	36	105	58	15	8	1,041
15	296	269	245	47	108	74	7	6	1,052
16	220	186	281	40	106	79	8	9	929
17	174	82	221	41	103	65	4	4	694
Adult	151	16	-	18	3	11	1	1	201
Unknown	119	11	-	-	-	-	-	-	130
<b>Total</b>	<b>3,904</b>	<b>3,133</b>	<b>2,903</b>	<b>661</b>	<b>1,283</b>	<b>630</b>	<b>112</b>	<b>124</b>	<b>12,750</b>

Table 10: Children under guardianship orders: age of child by State/Territory, at 30 June 1994

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
0	43	20	14	3	5	-	2	1	88
1	74	40	45	31	19	1	-	9	219
2	68	56	87	27	27	3	2	9	279
3	64	49	81	36	35	2	2	5	274
4	77	81	95	40	46	15	3	7	364
5	75	71	113	46	44	18	1	9	377
6	85	86	108	43	51	11	4	3	391
7	95	78	107	38	66	15	-	7	406
8	110	107	129	31	64	12	2	5	460
9	120	104	147	33	65	26	1	5	501
10	148	113	175	32	58	20	-	3	549
11	150	106	185	37	79	18	-	8	583
12	130	107	168	46	62	28	3	9	553
13	169	116	195	36	78	35	-	12	641
14	192	169	242	36	83	28	2	8	760
15	198	177	233	47	94	41	2	6	798
16	173	133	271	40	85	38	2	9	751
17	149	52	215	41	87	35	-	4	583
Adult	135	9	-	18	2	1	-	-	165
Unknown	41	11	-	-	-	-	-	-	52
<b>Total</b>	<b>2,296</b>	<b>1,685</b>	<b>2,610</b>	<b>661</b>	<b>1,050</b>	<b>347</b>	<b>26</b>	<b>119</b>	<b>8,794</b>

Table 11: Children under non-guardianship orders: age of child by State/Territory, at 30 June 1994

Age of child (years)	NSW	Vic	Qld (a)	WA (b)	SA	Tas	ACT	NT	Australia
0	48	63	5	-	3	6	2	1	128
1	70	95	12	-	6	17	7	-	207
2	107	104	29	-	12	12	5	1	270
3	115	92	19	-	9	7	2	1	245
4	94	101	24	-	15	10	1	-	245
5	99	97	22	-	12	9	1	-	240
6	84	77	16	-	11	10	4	-	202
7	95	71	18	-	7	6	4	-	201
8	81	82	19	-	9	10	5	-	206
9	103	69	20	-	17	12	2	-	223
10	75	67	13	-	15	9	2	-	181
11	95	68	16	-	10	10	7	-	206
12	87	75	11	-	14	11	4	-	202
13	113	91	17	-	19	10	11	1	262
14	78	114	24	-	22	30	13	-	281
15	98	92	12	-	14	33	5	-	254
16	47	53	10	-	21	41	6	-	178
17	25	30	6	-	16	30	4	-	111
Adult	16	7	-	-	1	10	1	1	36
Unknown	78	-	-	-	-	-	-	-	78
<b>Total</b>	<b>1,608</b>	<b>1,448</b>	<b>293</b>	<b>-</b>	<b>233</b>	<b>283</b>	<b>86</b>	<b>5</b>	<b>3,956</b>

- (a) Table excludes 58 Queensland children (29 males and 29 females) who were also under guardianship orders.  
 (b) Western Australia does not generally place children under non-guardianship orders for care and protection.

## Admissions and discharges

**Table 12: Admissions to and discharges from care and protection orders: type of order by State/Territory, 1993-94**

Type of order	NSW	Vic	Qld	WA	Tas	NT
<b>Guardianship</b>						
Admissions	583	232	412	155	37	67
Discharges	406	781	441	131	68	34
<b>Non-guardianship</b>						
Admissions	1,495	806	114	(a)	301	103
Discharges	974	984	130	(a)	200	102
<b>Total</b>						
Admissions	2,078	1,038	526	155	338	170
Discharges	1,380	1,765	571	131	268	136

(a) Western Australia does not generally place children under non-guardianship orders for care and protection.

Note: Data for South Australia and the Australian Capital Territory are not available.

**Table 13: Children admitted to and discharged from care and protection orders: type of order by State/Territory, 1993-94**

Type of order	NSW	Vic	Qld	WA	SA	Tas	NT
<b>Guardianship</b>							
Children admitted	524	na	412	155	158	37	66
Children discharged	380	755	440	129	186	68	34
<b>Non-guardianship</b>							
Children admitted	1,223	na	114	(a)	62	na	83
Children discharged	853	950	130	(a)	83	na	86
<b>Total</b>							
Children admitted	1,747	na	526	155	220	na	149
Children discharged	1,233	1,705	570	129	269	na	120

(a) Western Australia does not generally place children under non-guardianship orders for care and protection.

Notes: 1. Data include children with unknown age.

2. Data for the Australian Capital Territory are not available.

Table 14: Discharges from care and protection orders: reason for discharge by sex and age of child, 1993-94

Reason for discharge	Sex	Age of child (years)																		U/k	Total	
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+
<b>Expiry of specified time</b>																						
Attained 18 years	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	168	-	172
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	3	177	-	181
	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	7	345	-	353
Other	M	16	41	45	38	32	27	39	27	26	34	22	28	24	23	36	46	56	37	-	1	598
	F	20	32	46	32	39	32	30	37	27	28	21	32	36	37	35	49	69	52	-	-	654
	P	36	73	91	70	71	59	69	64	53	62	43	60	60	60	71	95	125	89	-	-	1,252
<b>Adoption</b>																						
Adoption	M	19	1	3	6	7	9	4	6	6	10	3	3	3	2	1	1	-	3	-	-	87
	F	17	3	2	1	7	5	4	5	1	7	4	2	2	3	1	5	-	-	-	-	69
	P	36	4	5	7	14	14	8	11	7	17	7	5	5	5	2	6	-	3	-	-	156
<b>Transfer of guardianship</b>																						
Transfer of guardianship	M	2	3	1	3	3	2	1	-	1	1	2	-	2	4	2	-	1	-	-	28	
	F	-	1	2	4	1	7	1	3	2	2	1	2	2	1	1	1	-	-	-	-	32
	P	2	4	3	7	4	9	2	3	3	3	3	2	4	5	3	1	2	-	-	-	60
<b>Other department decision</b>																						
Other department decision	M	37	35	33	29	22	24	23	31	20	29	15	23	35	42	39	41	40	72	2	-	592
	F	21	24	22	29	29	22	19	25	26	22	24	27	31	49	43	44	34	76	1	-	568
	P	58	59	55	58	51	46	42	56	46	51	39	50	66	91	82	85	74	148	3	-	1,160
<b>Other</b>																						
Other	M	27	33	35	35	36	41	36	31	31	35	20	27	28	23	45	42	21	5	9	1	561
	F	24	19	24	28	33	31	23	8	18	30	21	29	15	44	44	51	46	15	6	-	509
	P	51	52	59	63	69	72	59	39	49	65	41	56	43	67	89	93	67	20	15	-	1,070
<b>Total discharges</b>																						
Total discharges	M	101	113	117	111	100	103	103	95	84	109	62	81	92	94	123	130	118	121	179	2	2,038
	F	82	79	96	94	109	97	77	78	74	89	71	92	86	134	124	151	150	146	184	-	2,013
	P	183	192	213	205	209	200	180	173	158	198	133	173	178	228	247	281	268	267	363	2	4,051

M=males F=females P=persons.

Notes: 1. Data for South Australia and the Australian Capital Territory are not available.

2. Excludes 200 discharges from non-guardianship orders in Tasmania.

**Table 15: Discharges from care and protection orders: reason for discharge by State/Territory, 1993-94**

Reason for discharge	Sex	NSW	Vic	Qld	WA	Tas	NT
<b>Expiry of specified time</b>							
Attained 18 years	M	46	14	72	20	16	4
	F	49	11	76	22	19	4
	P	95	25	148	42	35	8
Other	M	98	447	-	33	-	20
	F	129	473	-	29	-	23
	P	227	920	-	62	-	43
<b>Adoption</b>							
	M	38	37	12	-	-	-
	F	30	34	4	-	1	-
	P	68	71	16	-	1	-
<b>Transfer of guardianship</b>							
	M	12	9	1	6	-	-
	F	16	2	-	14	-	-
	P	28	11	1	20	-	-
<b>Other department decision</b>							
	M	341	14	194	3	18	22
	F	322	16	190	3	10	27
	P	663	30	384	6	28	49
<b>Other</b>							
	M	154	385	5	-	3	14
	F	145	323	17	1	1	22
	P	299	708	22	1	4	36
<b>Total</b>							
	M	689	906	284	62	37	60
	F	691	859	287	69	31	76
	P	1,380	1,765	571	131	68	136

M=males F=females P=persons.

Notes: 1. Data for South Australia and the Australian Capital Territory are not available.

2. Excludes 200 discharges from non-guardianship orders in Tasmania.

## Aboriginal and Torres Strait Islander children

Table 16: Aboriginal and Torres Strait Islander children under care and protection orders: type of order by sex and age, 1993-94

Type of order	Sex	Age of child																		U/k	Total		
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18	18+
Guardianship	M	1	20	30	28	38	32	27	25	29	42	44	46	40	51	55	50	58	37	5	5	0	663
	F	5	11	19	22	22	33	29	36	37	27	35	51	41	49	54	50	47	35	0	7	0	610
	P	6	31	49	50	60	65	56	61	66	69	79	97	81	100	109	100	105	72	5	12	0	1273
Non-guardianship	M	6	12	20	18	21	28	7	23	11	20	16	19	18	14	5	11	9	5	2	0	1	266
	F	1	11	11	18	16	25	18	26	18	24	11	19	15	16	9	8	6	2	0	1	0	255
	P	7	23	31	36	37	53	25	49	29	44	27	38	33	30	14	19	15	7	2	1	1	521
Total	M	7	32	50	46	59	60	34	48	40	62	60	65	58	65	60	61	67	42	7	5	1	929
	F	6	22	30	40	38	58	47	62	55	51	46	70	56	65	63	58	53	37	0	8	0	865
	P	13	54	80	86	97	118	81	110	95	113	106	135	114	130	123	119	120	79	7	13	1	1,794

- Notes: 1. Data for the Australian Capital Territory and the Northern Territory are not available.  
2. Western Australia does not generally place children under non-guardianship orders for care and protection.

Table 17: Aboriginal and Torres Strait Islander children under care and protection orders: type of order by sex and State/Territory, 1993-94

Type of order	Sex	NSW	Vic (a)	Qld	WA	SA	Tas
Guardianship	M	81	26	375	95	72	14
	F	92	24	348	66	67	13
	P	173	50	723	161	139	27
Non-guardianship	M	173	32	28	(b)	14	19
	F	188	29	22	(b)	10	6
	P	361	61	50	(b)	24	25
Total	M	254	58	403	95	86	33
	F	280	53	370	66	77	19
	P	534	111	773	161	163	52

- (a) Certain placement data for Aboriginal and Torres Strait Islander children under non-guardianship orders in Victoria were not available.  
(b) Western Australia does not generally place children under non-guardianship orders for care and protection.  
Note: Data for the Australian Capital Territory and the Northern Territory are not available.

## Changes over time

Table 18: Children admitted to guardianship orders for care and protection, during the years ended 30 June 1979 to 1994, by State/Territory

Year ended 30 June	NSW	Vic	Qld	WA	SA	Tas	NT
1979	586	na	677	98	263	na	26
1980	546	na	680	59	297	na	14
1981	596	na	957	249	351	na	27
1982	619	na	892	287	313	na	54
1983	517	na	664	198	399	na	93
1984	462	na	723	169	427	na	101
1985	386	na	817	142	309	na	83
1986	378	na	830	196	472	na	64
1987	na	na	na	na	na	na	na
1988	253	na	547	151	498	na	52
1989	213	na	551	115	380	na	46
1990	245	na	454	129	261	na	51
1991	365	419	387	159	346	74	20
1992	377	341	354	105	278	78	36
1993	437	na	371	120	217	44	39
1994	524	na	412	155	158	37	66

Note: Data for the Australian Capital Territory are not available.

Table 19: Children under care and protection orders: type of order by State/Territory, at 30 June 1991 to 1994

At 30 June	NSW	Vic	Qld	WA (a)	SA	Tas	ACT	NT	Australia
<b>1991</b>									
Guardianship	2,174	2,238	2,706	706	995	373	29	88	9,309
Non-guardianship	927	1,572	321	..	280	225	38	8	3,371
<b>Total</b>	<b>3,101</b>	<b>3,810</b>	<b>3,027</b>	<b>706</b>	<b>1,275</b>	<b>598</b>	<b>67</b>	<b>96</b>	<b>12,680</b>
<b>1992</b>									
Guardianship	2,087	2,039	2,611	629	1,073	387	34	92	8,952
Non-guardianship	1,047	1,060	305	..	259	434	97	5	3,207
<b>Total</b>	<b>3,134</b>	<b>3,099</b>	<b>2,916</b>	<b>629</b>	<b>1,332</b>	<b>821</b>	<b>131</b>	<b>97</b>	<b>12,159</b>
<b>1993</b>									
Guardianship	2,149	1,927	2,641	623	1,009	357	31	87	8,824
Non-guardianship	1,261	1,014	310	..	256	356	107	4	3,308
<b>Total</b>	<b>3,410</b>	<b>2,941</b>	<b>2,951</b>	<b>623</b>	<b>1,265</b>	<b>713</b>	<b>138</b>	<b>91</b>	<b>12,132</b>
<b>1994</b>									
Guardianship	2,296	1,685	2,610	661	1,050	347	26	119	8,794
Non-guardianship	1,608	1,448	293 (b)	..	233	283	86	5	3,956
<b>Total</b>	<b>3,904</b>	<b>3,133</b>	<b>2,903</b>	<b>661</b>	<b>1,283</b>	<b>630</b>	<b>112</b>	<b>124</b>	<b>12,750</b>

(a) Western Australia generally does not place children under non-guardianship orders for care and protection.

(b) Table excludes 58 children (29 males and 29 females) who were also under guardianship orders.

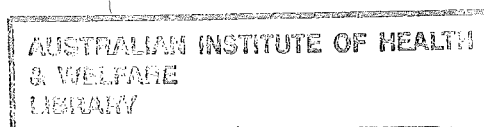




Table 20: *Children under care and protection orders: by State/Territory, at 30 June 1985 to 1994*

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1985	3,018	2,279	3,868	1,291	1,142	na	104	101	11,803
1986	3,972	2,137	3,830	1,121	1,183	na	138	77	12,458
1987	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
1988	2,607	3,885	3,481	905	1,371	na	95	120	12,464
1989	2,271	4,171	3,094	818	1,310	na	52	117	11,833
1990	2,932	4,184	3,163	717	1,249	na	46	115	12,406
1991	3,101	3,810	3,027	706	1,275	598	67	96	12,680
1992	3,134	3,099	2,916	629	1,332	821	131	97	12,159
1993	3,410	2,941	2,951	623	1,265	713	138	91	12,132
1994	3,904	3,133	2,903	661	1,283	630	112	124	12,750

(a) Figures are not shown as most data are not available.

## 6 Legislative definition of 'in need of care and protection'

For a child to be placed under an order, a court needs to determine whether or not the child is in need of care and/or protection. Each State and Territory has legislation defining 'in need of care and protection'.

In New South Wales a child is defined in the *Children (Care and Protection) Act 1987* as in need of care if adequate provision is not being made, or is not likely to be made, for the child's care; the child is being, or is likely to be, abused; or there is a substantial and presently irretrievable breakdown in the relationship between the child and one or more of the child's parents.

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:

- 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;
- the child's parent(s) are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- 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;
- the child has suffered, or is likely to suffer, significant harm as a result of 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;
- 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, or are unlikely to provide, arrange, or allow the provision of, basic care or effective medical, surgical or other remedial care.

In Queensland the *Children's Services Act 1965* prescribes a range of circumstances in which a child shall be deemed in need of care and protection. These include cases where the child does not have a parent or guardian who exercises proper care of and guardianship over the child and where the child is neglected; or exposed to physical or moral danger; or falling in with bad associates; or is likely to fall into a life of vice or crime.

The *Children's Services Act 1965* authorises an officer of the Department of Family Services and Aboriginal and Islander Affairs 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.

In Western Australia a 'child in need of care and protection' is defined in the *Community Services Act 1972* to include a child who:

- 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 unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law;
- has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child;
- 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;
- is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody;
- is not being maintained properly or at all by a near relative, or is deserted;

- 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;
- is ill-treated, or suffers injuries apparently resulting from ill-treatment; and
- is living under 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.

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;

- the child is at risk and an order should be made to secure the child's care and protection; or
- 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 Department will only consider taking Court action for a Care and Protection order when no other intervention can safely protect a child who is at risk by definition of the Act. There are a range of powers which the Youth Court may exercise when it finds that a child is in need of care and protection. Orders tend to be for no longer than twelve months unless a permanent living arrangement is in the child's best interest and the child is placed under guardianship until 18 years.

In Tasmania, under the *Child Protection Amendment Act 1986*, a child shall be taken to suffer abuse if:

- (a) whether by act or omission, intentionally or by default, any person:
  - 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 (e.g. administering drugs or alcohol); or
  - neglects, or interferes with physical, nutritional, mental or emotional well-being 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 in any other manner exploits the child.

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

- the child has been physically injured (otherwise 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;
- the child has been physically injured (otherwise 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 his or her parents are unable or unwilling to protect him or her from the injury or abuse;
- 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 his or her emotional or intellectual development is, or will be, endangered;
- the child is engaged in behaviour that is, or is likely to be, harmful and his or her parents or guardians are unable or unwilling to prevent the child from engaging in that behaviour;
- 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 he or she has no guardians;
- there is serious incompatibility between the child and one of his or her parents or guardians; or
- 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.

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

- (a) the parents, guardian, or person having the custody of the child have abandoned him or her and cannot, after reasonable inquiry, be found;
- (b) the parent, guardian, or person having the custody of the child is unwilling or unable to maintain the child;
- (c) he or she has suffered abuse; or
- (d) he or she 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 abuse where he or she has suffered or is at substantial risk of suffering:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of 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 due to physical surroundings, nutritional or other deprivation, or to the emotional or social environment in which he or she 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 due to the child's physical surroundings, nutritional or other deprivation, or the emotional or

- social environment in which he or she is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment; or
- (d) sexual abuse or exploitation, or where there is substantial risk of such abuse or exploitation occurring, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect him or her from such abuse or exploitation.

# 7 Types of non-guardianship orders in each State and Territory

The following is a list of non-guardianship orders available in each State and Territory.

## **New South Wales**

Child removed on Children's Court order—In care

Child removed without warrant—In care

Child removed without warrant—*Children (Care and Protection) Act 1987, s.60 (I) (a)*

Child removed with warrant—In care

Assumption of care

Court order—Custody Agency—*Children (Care and Protection) Act 1987, s.72 (C) (11)*

Court order—Custody to person who is a relative of child

Court order—Custody to person who is not a relative of child

Court adjournment of care proceedings to care of Director-General

Court adjournment of care proceedings to care of person

Committed to care of person

## **Victoria**

Interim protection order

Undertaking

Supervision order

Custody to third-party order

Supervised custody order

Custody to Secretary order

## **Queensland**

Protective supervision order

Supervision order

A parent/guardian may be ordered to enter into a recognisance with a fine to be paid if breached.

These orders are effective until the child reaches 18 years of age. The Director-General is authorised to release a child from an order.

## **Western Australia**

Placed under control order

Western Australia does not generally place children under non-guardianship orders for care and protection.

## **South Australia**

Undertaking with or without supervision

Custody of the child not exceeding 12 months to one of the following persons:

- (i) guardian;
- (ii) other family member;
- (iii) Chief Executive Officer of a non-government organisation which provides residential care of children;
- (iv) the Minister; or
- (v) any other person that the Court thinks appropriate.

## **Tasmania**

Interim order

Remand for observation

Temporary order

Remand in care and custody of the Director

Remand in custody

Supervision order

## **Australian Capital Territory**

Supervision order

## **Northern Territory**

Child taken into custody, section 11 (1)

Holding order, section 11 (4)

Adjournment, section 44

Interim order, section 47

Direction to parents, guardian, or person having the custody of the child (may include directions to comply with the Minister), section 43 (5) (a)

Temporary custody agreement, section 62

Section 11(1) of the *Community Welfare Act 1983* provides for an authorised person to take a child in need of care into custody and place the child in a place of safety. An authorised person must then apply for a holding order under section 11 (4) as soon as practicable, and in any case within 48 hours.

Temporary custody agreement under section 62 of the *Community Welfare Act 1983* is an agreement between the Minister and the parents or guardians for the Minister to have the temporary custody of the child for periods of up to 60 days.

## **8 Explanation of terms**

### **Admissions to and discharges from orders**

This is a count of admissions to and discharges from orders during the year. For consecutive orders no additional admission or discharge is recorded and the record is classified according to the last order applying. A new order applied within five days of the discharge of a similar order is deemed to be consecutive. For concurrent orders the admission is counted only once, and a discharge is recorded only when all concurrent orders have been discharged.

### **Adult**

An adult is a person 18 years of age or over.

### **Age**

Age is the age of a person in completed years. The tables containing information on type of placement show age at 30 June; tables containing admission or discharge information show age at the time of admission or discharge.

### **Child**

A child is a person under 18 years of age. This publication includes 201 persons aged 18 years and over who remain under orders.

### **Children admitted to and discharged from orders**

This item provides a count of individual children admitted to, or discharged from, orders during the year. It counts a child only once during the year, regardless of the number of times the child may have been admitted or discharged.

### **Foster care**

Care of a child who is living apart from his or her natural or adoptive parents in a private household, by one or more adults who act as substitute parents. The substitute parents, generally called 'foster parents', are paid a regular allowance for the child's support by a government authority or non-government organisation. 'Foster parents' are chosen from a list of persons registered, licensed or approved as foster parents by an authorised department. The authorised department provides continuing supervision or support while the child remains in the care of 'foster parents'.

### **Guardianship order**

A guardianship order is a legal or administrative order which gives the welfare department total responsibility for a child's welfare.

### **Legal or administrative order**

A legal or administrative order is a lawful direction, by a legal or administrative body, which gives the welfare department direct responsibility for a person, or which assumes that the department will carry out the order or a substantial part of it.



Responsibility for an order may be undertaken directly by the authorised department, or indirectly through supervising another authority or person providing care. A legal or administrative body is a court, children's panel, Minister of the Crown, authorised welfare department officer or similar tribunal or officer. Orders may be granted for offence reasons (not included in this collection) or care and/or protection reasons.

## **Non-guardianship order**

A non-guardianship order is a legal or administrative order giving the welfare department supervisory responsibility for a child's welfare, such as for supervising actions, providing or arranging accommodation or reporting on or giving consideration to the child's welfare.

## **Order issued for care and protection**

Orders issued by a legal or administrative body in respect of an individual child deemed to be in need of care and/or protection (see 'Legal or administrative order' on page 31).

## **Children in care or protection**

Children placed in the care and supervision of a relevant authority, individual or parent, but for whom the authorised department has ultimate responsibility in ensuring that the child is receiving suitable or satisfactory care.

## **Children under guardianship of a State or Territory welfare department**

A child under guardianship of a State or Territory welfare department is a child whose legal guardian is the Minister, Director or other official of an authorised department, where the guardianship is conferred under legislation other than legislation controlling the adoption of children or the Commonwealth *Immigration (Guardianship of Children) Act 1956*.

## **Reason for discharge from orders**

The reason for discharge from orders is the reason for the cessation of an order that placed a child under an authorised department's responsibility. The categories are:

- expiry of specified time
  - attained age of 18 years
  - other
- adoption
- transfer of guardianship to another State or Territory
- other departmental decision
- other

## **Type of placement**

Children are shown in the type of placement in which they spent the night of 30 June 1994 (except those on authorised absence or outing who are shown against their usual type of placement). The broad types of placement are residential child care, residential care, corrective establishments and other placements.

## **Residential child care**

Residential care establishments for children are residential establishments where the main activity is to provide substitute care (accommodation, meals, and some personal care, protection or control) for children. Included in this category are:

- establishments for children with disabilities and establishments for children with serious behavioural problems;
- juvenile hostels—residential child care establishments mainly for children aged 15 years and over who may have left school, which provide full board and some personal care, protection, control, corrective treatment or detention; for example, youth refuges and child care hostels used as 'half-way houses' for children released from a corrective institution;
- family group homes—residential child care single dwelling establishments which have as their main purpose the provision of substitute care for children. They are typically run like family homes, have a limited number of children who eat together as a family group and are cared for round the clock by resident substitute parents;
- campus homes—residential child care establishments consisting of two or more dwellings that do not share cooking or eating facilities, with some form of on-site centralised administration or control;
- other homes for children—any other residential child care establishments that are mainly for children aged under 15 years, and consist of either single dwellings that are not family group homes or two or more dwellings that share cooking or eating facilities.

## **Residential care (other than child care)**

The main function of residential care establishments is to provide either medical care, education or other non-welfare care for adults and/or children, or other residential care for adults. Residential care establishments include:

- hospitals or nursing homes—establishments mainly engaged in providing hospital facilities such as diagnostic medical or surgical services and continuous in-patient nursing care, psychiatric or mental care, or nursing or convalescent home facilities;
- boarding schools—establishments mainly engaged in providing preschool, primary or secondary education where the children attending the establishments live at the school;
- residential adult care establishments—establishments mainly engaged in providing accommodation and some care for, or support (other than medical or nursing care) to, adults with special needs, such as aged or handicapped adults, adults released from prison, or women in distress.

## **Corrective establishments**

Corrective establishments are residential or penal establishments which have as one of their major aims the secure detention of their residents. Persons under care and protection orders shown in this publication may be in a corrective establishment because they are also subject to an offence order. This category includes:

- juvenile corrective institutes—residential establishments mainly for child offenders or children on remand for alleged offences. These establishments place emphasis on provision of secure detention;
- youth training centres—residential establishments which provide care, treatment and custody for wards of the State and for young people sentenced to serve periods of detention;
- prisons—penal establishments mainly for adult detention, including prison farms and adult remand centres.

## Other placements

This category includes:

- foster care—placement in a private household or in a general foster home approved by a State or Territory welfare department;
- living with a parent or other relative—a child is living with one or both natural or adoptive parents, or with any adult relative who does not receive a regular allowance for care of the child;
- in other adult care—a child is living with an adult (other than a parent or relative) who has accepted responsibility for the child, (includes persons placed in the custody of an employer or landlord, with prospective adoptive parents who do not receive a regular allowance for care of the child, or authorities of an Aboriginal reserve or mission);
- unauthorised absence—unauthorised absence is absence from an official placement at the time of counting without the permission of the appropriate authorities (except where no specific permission is required);
- living independently—a child is living apart from parents, other adult relatives, or any other adult who has accepted responsibility for care or supervision of the child; or when living as a private boarder, in rental accommodation, boarding house or refuge, private hotel or hostel for adults;
- other placement or unknown—any placement not elsewhere included, or not known.

## **9 Related legislation**

The following legislation relates to child protection in Australia.

### **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*

### **Western Australia**

*Child Welfare Act 1947*

*Community Services Act 1972*

### **South Australia**

Until 31 December 1993

*Community and Welfare Act Amendment Act 1987*

*Children's Protection and Young Offenders Act 1979*

*Family and Community Services Act 1972*

From 1 January 1994

*Children's Protection Act 1993*

### **Tasmania**

*Child Welfare Act 1960*

*Child Protection Act 1974*

*Child Protection Amendments Act 1986, 1987 and 1991*

### **Australian Capital Territory**

*Children's Services Act 1986*

### **Northern Territory**

*Community Welfare Act 1983*

# 10 Related AIHW publications

## Child Welfare Series

Number 1: *Adoptions Australia, 1990–91*

Number 2: *Child abuse and neglect Australia, 1990–91*

Number 3: *Children under care and protection orders Australia, 1990–91*

Number 4: *Adoptions Australia, 1991–92*

Number 5: *Child abuse and neglect Australia, 1991–92*

Number 6: *Children under care and protection orders Australia, 1991–92*

Number 7: *Adoptions Australia, 1992–93*

Number 8: *Child abuse and neglect: reporting and investigation procedures in Australia, 1994*

Number 9: *Child abuse and neglect Australia, 1992–93*

Number 10: *Children under care and protection orders Australia, 1992–93*

Number 11: *Adoptions Australia, 1993–94*

## Other publications

*Australia's welfare 1993: services and assistance*

A child needs care and protection if the child is being (or is likely to be) abused or neglected, has been abandoned, if adequate provision is not being made for the child's care, or if there is an irretrievable breakdown in the relationship between the child and the child's parents. These children may be placed under a care and protection order giving the welfare department ultimate responsibility for ensuring satisfactory care.

This report by the Australian Institute of Health and Welfare presents, for each State and Territory, information on guardianship and other care and protection orders for 1993-94. The number and characteristics of children under these orders are shown, including statistics by age, sex and type of placement.