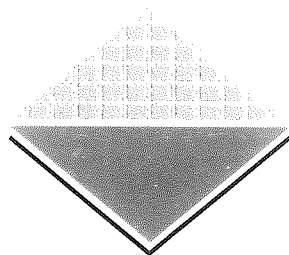


ChildWelfareSeries
Number 10

**Children under
care and
protection orders
Australia
1992-93**

**Penelope Zabar
Graham Angus**



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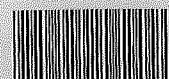
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Children under care and protection orders Australia 1992-93

Penelope Zabar
Graham Angus

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Preface

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

Tables in this publication that show statistics only for the whole of Australia 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

- At 30 June 1993 there were 12,132 children under care and protection orders, of which 8,824 (73%) were under guardianship orders, and 3,308 (27%) were under other orders for care and protection.
- There were more boys (6,191) than girls (5,939) under care and protection orders in Australia, and this was the case in all States and Territories except Western Australia, the Australian Capital Territory and the Northern Territory.
- Of the 12,132 children under care and protection orders, 11,983 were aged 0–17 years. This represents a rate of 2.6 per 1,000 children aged 0–17 years for Australia. Tasmania (5.5) had the highest rate and Western Australia (1.4), the Australian Capital Territory (1.7) and the Northern Territory (1.7) the lowest.
- The majority of children under care and protection orders were placed in foster care (6,156 or 51%) or were living with parents or relatives (3,499 or 29%). Of those under guardianship orders most were in foster care (61%), while most children under non-guardianship orders were living with parents or relatives (63%).
- The number of children under care and protection orders has fallen by 4% since 30 June 1991. Over this period the largest changes have been in Victoria (down 23% or 869 orders), the Australian Capital Territory (up 106% or 71 orders), and Tasmania (up 19% or 115 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 1993.

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 15 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 non-offence 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 child care orders are also excluded.

This collection covers:

- children under guardianship of an authorised department at 30 June 1993
- children under non-offence orders at 30 June 1993
- admissions to and discharges from State wardship (guardianship orders) during 1992-93
- admissions to and discharges from non-offence orders during 1992-93
- persons aged 18 and over who remain under orders.

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 1992-93 are incomplete, as detailed data on certain placement types were not available. Exact placement details for 261 children under guardianship orders and 919 children under non-guardianship orders were unknown. These children were placed in one of the following placement types: living with parent/relatives, living independently, corrective establishments, residential care establishments, residential child care for children with disabilities, or other placement or unauthorised absence. Placement data for these children have been estimated using 1991-92 Victorian data.

In Queensland, 57 children were under both a guardianship order and a non-guardianship order at 30 June 1993. In this publication these children have been shown under guardianship orders and have been excluded from the non-guardianship figures.

Placement data for South Australia were unavailable and have been estimated using 1991-92 South Australian data.

3 Children under care and protection orders in Australia

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 the child's parents (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, or be placed under a supervisory order. Or it may request that the parents 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 in circumstances such as irreconcilable differences between parents and the child, the child being abandoned or due to a breach of a supervision order.

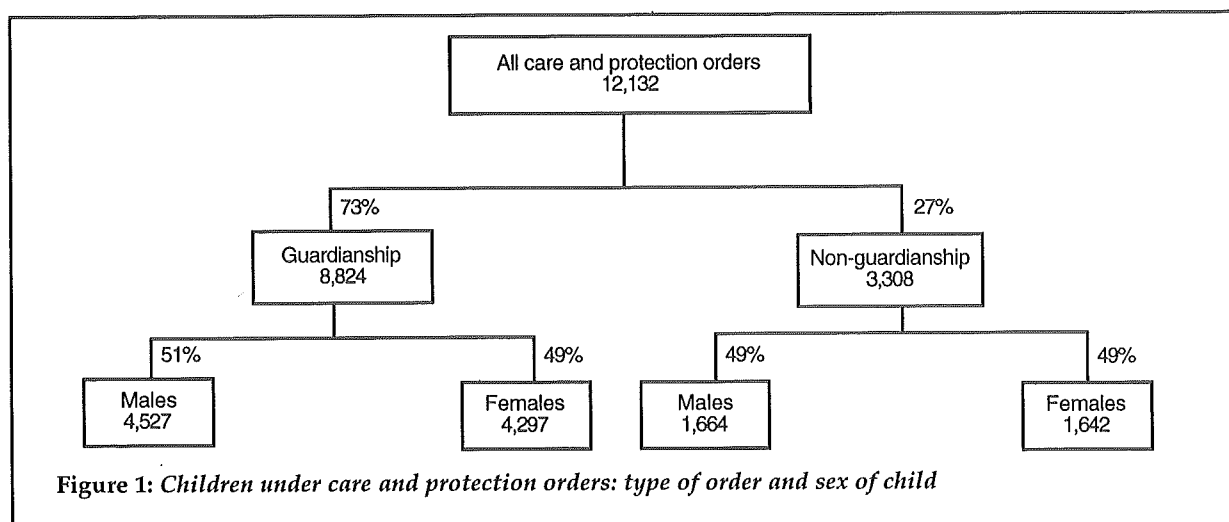
Non-guardianship orders give the welfare department responsibility for a child's care (generally as a result of a family crisis) or protection (e.g. from abuse or neglect). These orders generally result in children being placed under the short-term supervision of the welfare department, and may result 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.

4 Children under care and protection orders 1992-93

All care and protection orders

At 30 June 1993 there were 12,132 children under care and protection orders, a decrease of 27 orders from the previous year. Of these children 8,824 (73%) were under guardianship orders and 3,308 (27%) were under other orders for care and protection (Figure 1).



There were more boys (6,191) than girls (5,939) under care and protection orders in Australia, and this was so in all States and Territories except Western Australia, 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 1993

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Guardianship									
Males	1,113	982	1,356	311	525	190	15	35	4,527
Females	1,036	945	1,285	312	484	167	16	52	4,297
Persons	2,149	1,927	2,641	623	1,009	357	31	87	8,824
Non-guardianship									
Males	604	532	152	(a)	126	204	45	1	1,664
Females	657	482	158	(a)	128	152	62	3	1,642
Persons	1,261	1,014	310 (b)	(a)	256	356	107	4	3,308 (b)
Total									
Males	1,717	1,514	1,508	311	651	394	60	36	6,191
Females	1,693	1,427	1,443	312	612	319	78	55	5,939
Persons	3,410	2,941	2,951	623	1,265	713	138	91	12,132

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

(b) Excludes 57 children (34 males and 23 females) who were also under guardianship orders.

Note: Includes cases where the sex of the child is not known but excludes a small number of persons aged 18 and over who remain under orders.

Of the 12,132 children under care and protection orders, 11,983 were aged 0-17 years. This represents a rate of 2.6 per 1,000 children aged 0-17 years for Australia, and comprises rates of 1.9 and 0.7 for children under guardianship and non-guardianship orders respectively. Tasmania (5.5) had the highest rate and Western Australia (1.4), the Australian Capital Territory (1.7) and the Northern Territory (1.7) the lowest (Table 2).

Table 2: Orders per 1,000 children: type of order by State/Territory, at 30 June 1993

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Guardianship orders									
Children 0-17 under orders	2,039	1,910	2,641	623	1,009	356	31	87	8,696
Orders per 1,000 children 0-17	1.3	1.7	3.2	1.4	2.8	2.8	0.4	1.6	1.9
Non-guardianship orders									
Children 0-17 under orders	1,252	1,006	310 (a)	(b)	256	352	107	4	3,287 (a)
Orders per 1,000 children 0-17	0.8	0.9	0.4	(b)	0.7	2.7	1.3	0.1	0.7
Total orders									
Children 0-17 under orders	3,291	2,916	2,951	623	1,265	708	138	91	11,983
Orders per 1,000 children 0-17	2.1	2.6	3.5	1.4	3.5	5.5	1.7	1.7	2.6

(a) Excludes 57 children (34 males and 23 females) who were also under guardianship orders.

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

Note: Includes 138 children of unknown ages but excludes 149 persons aged 18 and over who remain under orders.

The majority of children under care and protection orders were placed in foster care (6,156 or 51%) or were living with parents or relatives (3,499 or 29%).

Table 3: Children under care and protection orders: placement type by type of order and sex, at 30 June 1993

Placement	Guardianship orders			Non-guardianship orders (a)			Total (a)		
	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons
Foster care	2,667	2,699	5,366	382	408	790	3,049	3,107	6,156
Parent/ relative	750	675	1,425	1,049	1,025	2,074	1,799	1,700	3,499
Residential child care	721	544	1,265	104	102	206	825	646	1,471
Residential care	5	9	14	10	3	13	15	12	27
Corrective establishment	43	3	46	10	2	12	53	5	58
Other	341	367	708	109	102	211	450	469	919
Total	4,527	4,297	8,824	1,664	1,642	3,308	6,191	5,939	12,132

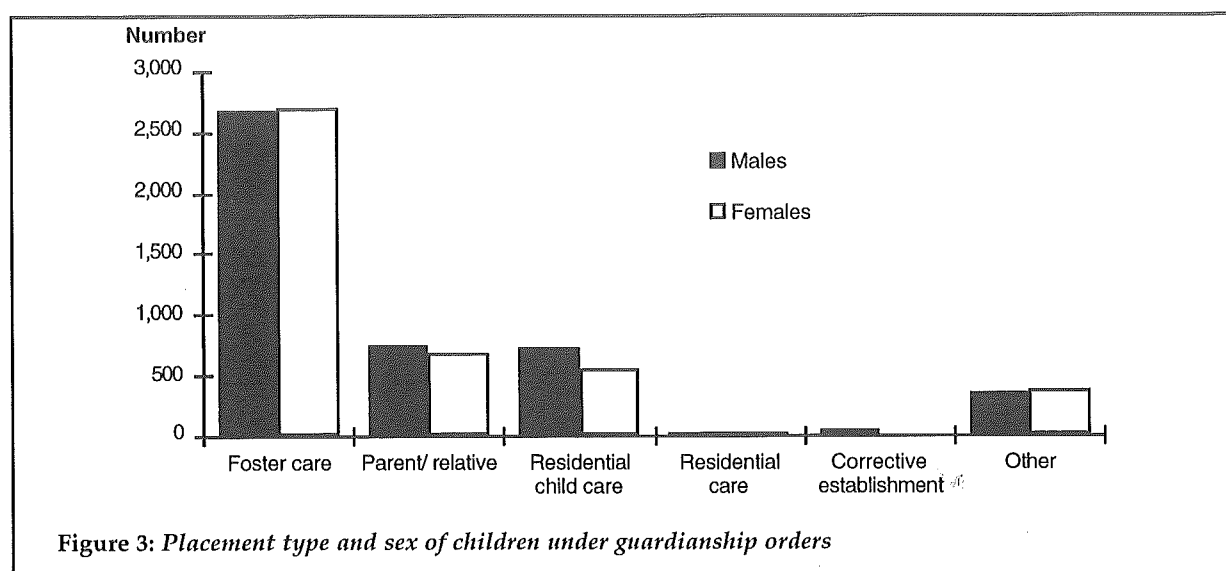
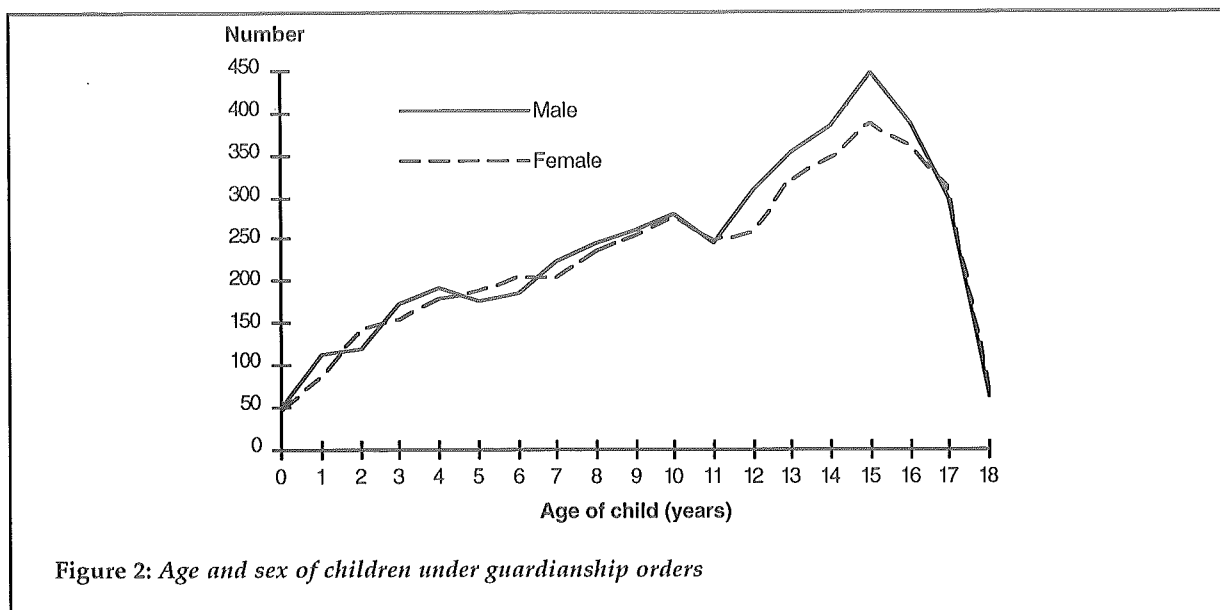
(a) Excludes 57 Queensland children (34 males and 23 females) who were also under guardianship orders.

Guardianship orders

There were more boys under guardianship orders (4,527) than girls (4,297) (Table 1). Generally, the number of children under guardianship orders increased at each age, from 96 children aged under one year up to 835 at 15 years, with a sharp decline from age 16. This pattern was evident in most States and Territories (Table 9; Figure 2).

Sixty-one per cent of children under guardianship orders for care and protection were placed in foster care (5,366), with a further 16% and 14% respectively placed with parents/relatives (1,425) and in residential child care (1,265) (Table 3). Sixty-three per cent of all girls were placed in foster care compared with 59% of all boys, while the proportions of boys and girls placed with parents or relatives were similar (17% and 16% respectively). The proportion of boys in residential child care (16%) exceeded that for girls (13%), 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 8,824 children under guardianship orders for care and protection, 8,696 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 (3.2) and the Australian Capital Territory the lowest rate (0.4) (Table 2).



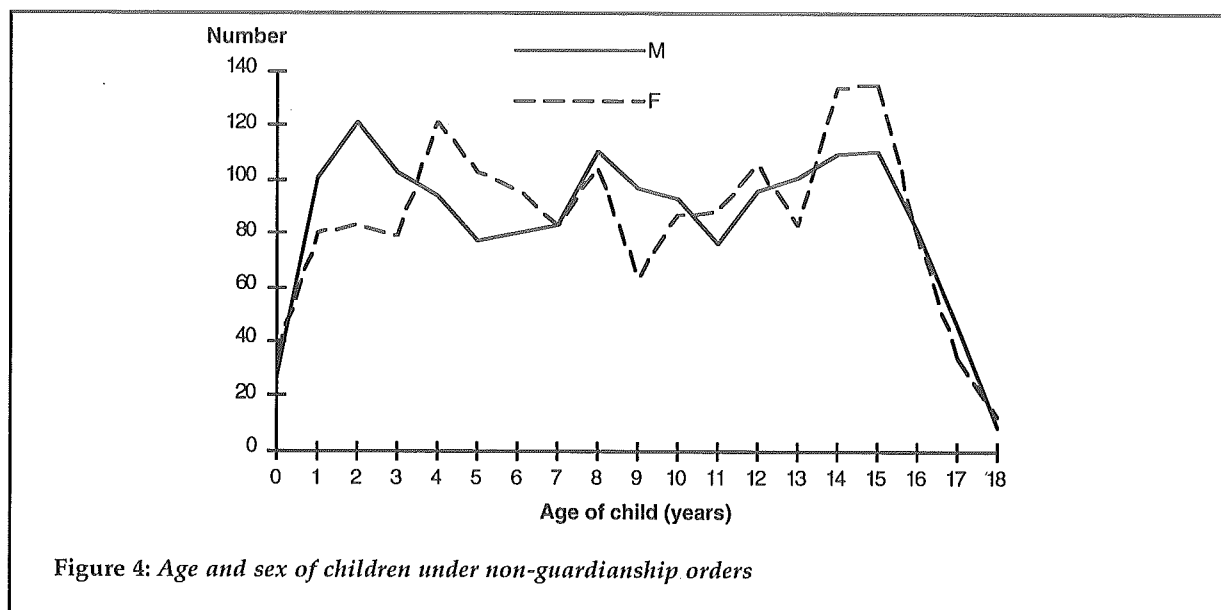
There were more admissions to guardianship orders (515) than discharges from guardianship orders (364) in New South Wales, but the reverse was the case in other States and Territories for which data were available (Table 11).

Non-guardianship orders

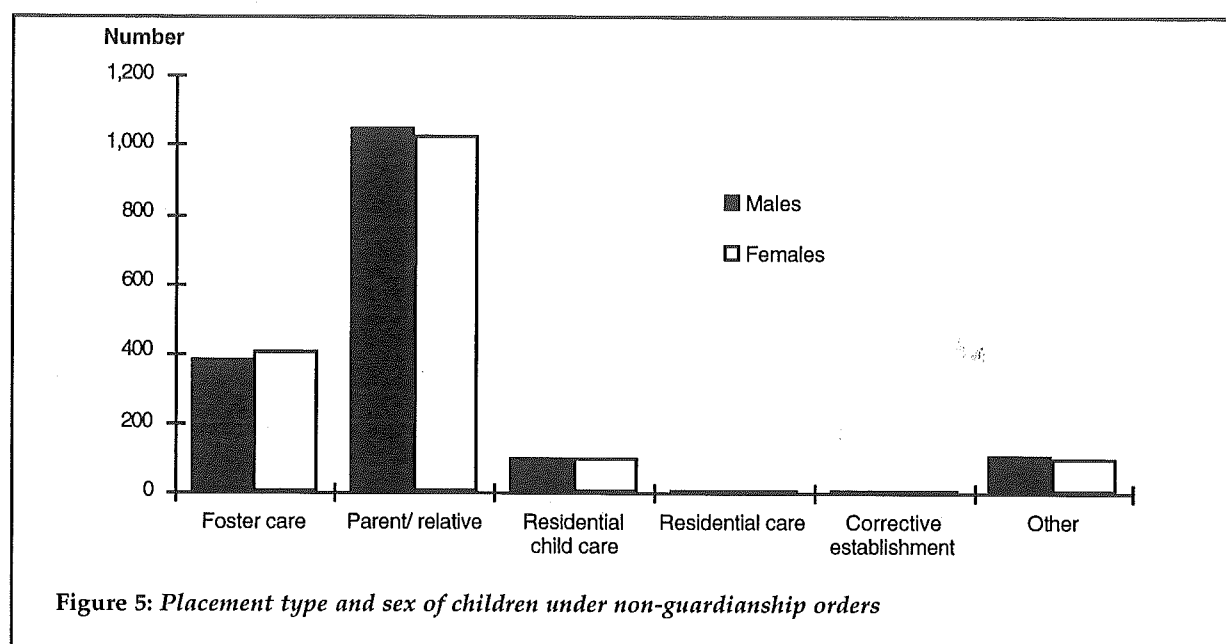
There were more boys (1,664) than girls (1,642) under non-guardianship orders. Sixty-three per cent of children under non-guardianship orders were living with their parents or relatives.

There was a large variation between States and Territories in the number of children under non-guardianship orders, ranging from New South Wales (1,261) with 38% of the Australian total, to Northern Territory with only four 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 0.7 per 1,000 children aged 0–17 years, with Tasmania (2.7) and the Australian Capital Territory (1.3) having the highest rates and Northern Territory (0.1) the lowest (Table 2).



Of the 3,308 children under non-guardianship orders, as noted the majority were living with parents or relatives (2,074 or 63%), with a further 790 (24%) placed in foster care (Table 3; Figure 5).



For the States and Territories providing complete data on admissions and discharges (New South Wales, Queensland, Western Australia, South Australia, and the Northern Territory), there were, overall, more admissions to (1,462) than discharges from (1,020) non-guardianship orders (Table 11).

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 1992-93, children under care and protection orders were placed mainly with parents or relatives, foster care or in a residential child care centre. Some children lived independently while others were placed with adults other than parents or relatives (see Section 8, 'Explanation of terms'). A small number of children were placed in residential care.

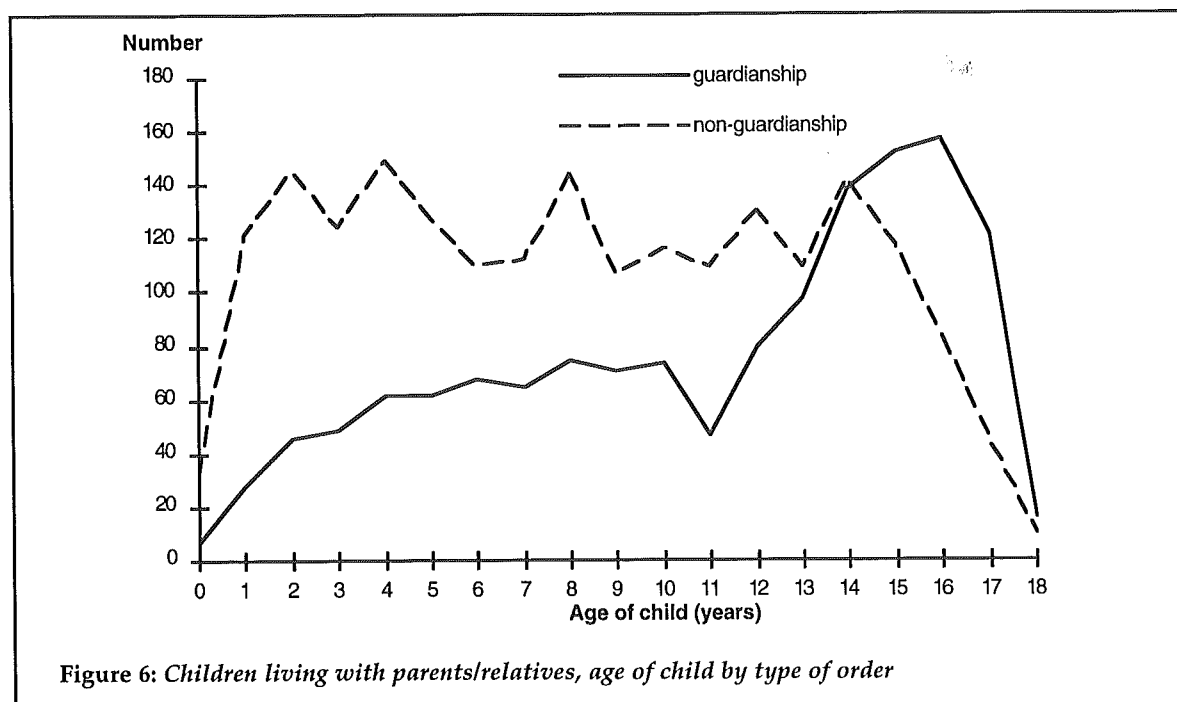
Children under guardianship orders living with parents or relatives include children who have been returned to the family home for a trial period, usually up to six months. If the return to the family is successful the order may be discharged, although in some States and Territories these children remain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

Characteristics of children living with parents or relatives

As noted, the majority (63%) of children under non-guardianship orders were living with parents or relatives (2,074) while only 16% (1,425) under guardianship orders were living with parents or relatives (Table 3).

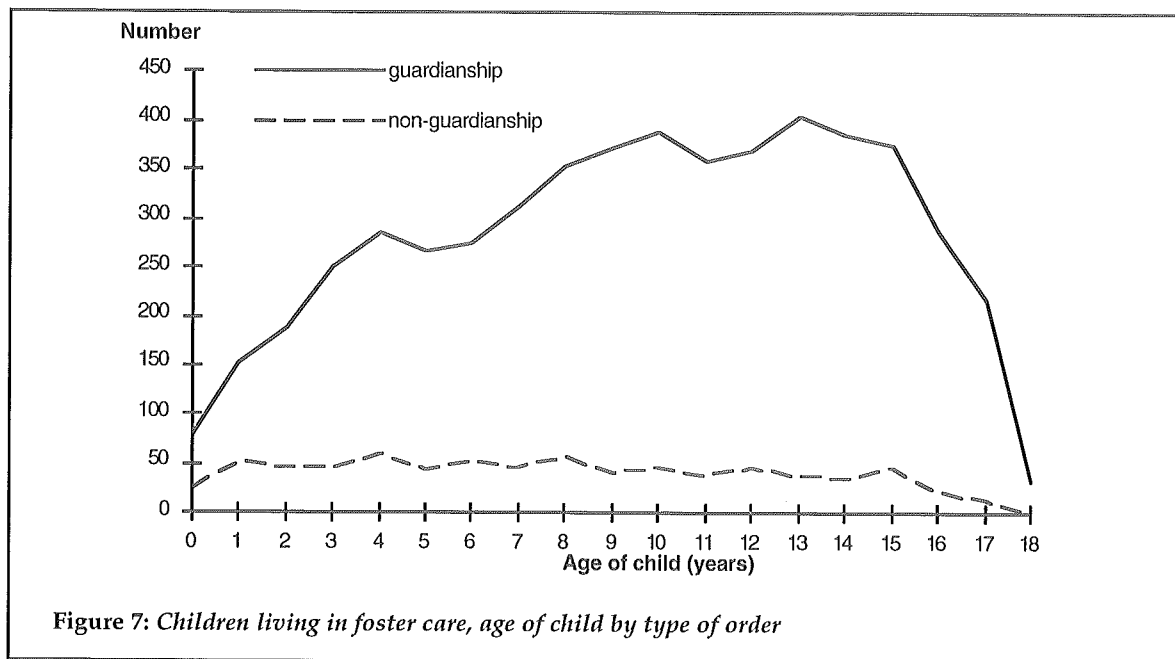
The number of children under non-guardianship orders living with parents or relatives varied from age group to age group but declined from 14 years of age (Figure 6; Table 7).

There was a rise in the number of children between the ages of 11 and 16 years under guardianship orders living with parents (Figure 6; Table 6).



Characteristics of children living in foster care

The vast majority (87%) of children in foster care were under guardianship orders (Table 3). The number of children under guardianship orders in foster care peaked for children at 13 years of age and then declined rapidly for older children. The number of children under non-guardianship orders in foster care was fairly constant throughout the age groups, with a decline evident after 15 years of age (Figure 7; Tables 6 and 7).



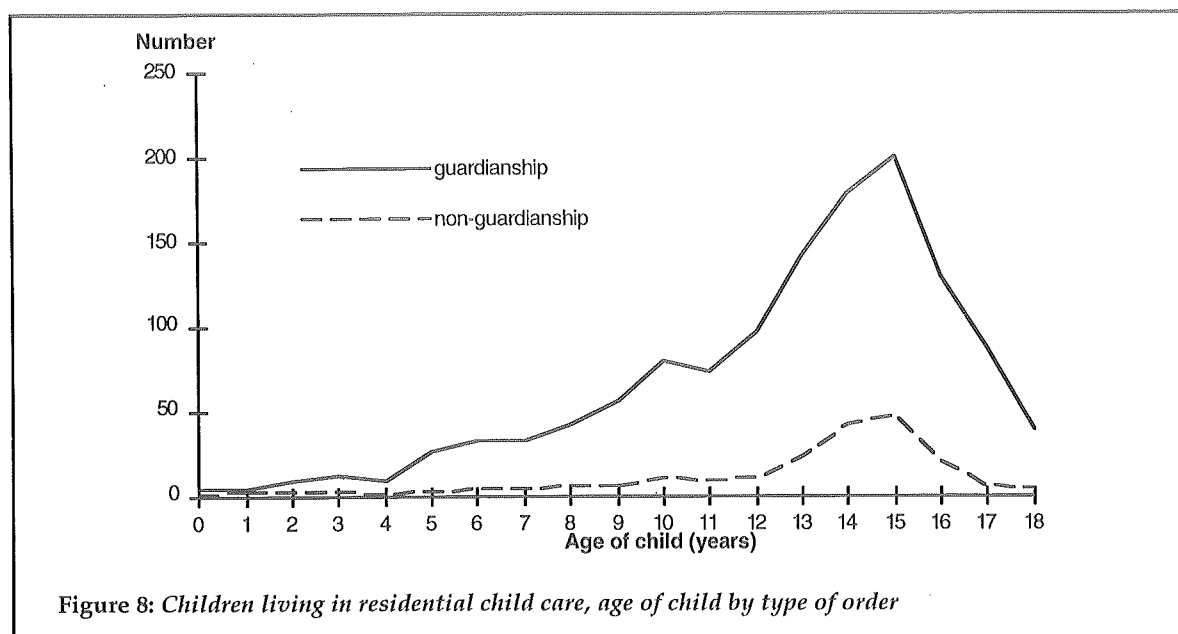
Characteristics of children living in residential child care

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 6 and 7).

Overall, there were about six 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.

Just over half (52%) of children in residential child care centres reside in a family group home (Table 4). 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.



Changes over time

The number of children under care and protection orders in Australia decreased slightly (by 27 orders) during 1992–93. The numbers decreased in all States and Territories except New South Wales, Queensland and the Australian Capital Territory.

The number of children under guardianship orders in Australia declined from 8,952 in 1991–92 to 8,824 in 1992–93, with large increases in New South Wales and a modest increase in Queensland being more than offset by declines in the other States and Territories.

The number of children under non-guardianship orders in Australia increased from 3,207 to 3,308 (3%) during the year. There were large increases in the number of children under non-guardianship orders in New South Wales (20% or 214 orders) and the Australian Capital Territory (10% or 10 orders), and a small increase in Queensland. There was a large decrease in the number of children under non-guardianship orders in Tasmania (18% or 78 orders), and small percentage decreases in the number of children under non-guardianship orders in Victoria, South Australia and the Northern Territory (Table 17).

The number of children under care and protection orders in each State and Territory has fluctuated substantially since 1984–85. In recent years, the numbers of orders in Victoria, Western Australia, South Australia and the Northern Territory have generally been declining, while in New South Wales there has been a steady increase in the number of children under care and protection orders (Table 16).

In the three years for which complete national data have been available, the number of children under care and protection orders has fallen 4%—from 12,680 at 30 June 1991 to 12,132 at 30 June 1993. This decrease is largely due to a fall of 23% (869 orders) in the number of both guardianship and non-guardianship orders issued in Victoria. Western Australia has also had a decrease of 12% (83 orders) over the same period. Marginal decreases also occurred in Queensland, South Australia and the Northern Territory (Table 17).

In contrast, the remaining States and Territory have had substantial increases in the number of children placed under care and protection orders. In the Australian Capital Territory there was an increase of 106% (71 orders), and increases of 19% (115 orders) in Tasmania and 10% (309 orders) in New South Wales. These increases consist of large increases in non-guardianship orders and smaller increases in guardianship orders. Since 30 June 1991 the number of children under non-guardianship orders increased by 182% (69 orders) in the Australian Capital Territory, 58% (131 orders) in Tasmania and 36% (334 orders) in New South Wales (Table 17).

5 Detailed tables

Table 4: Children under care and protection orders: placement type and sex by age, at 30 June 1993

Placement	Sex	Age of child (years)																		Total		
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		18+	U/k
Residential child care																						
For children with disabilities	M	-	-	-	-	-	-	-	-	1	2	3	-	1	1	4	2	5	6	-	-	25
	F	-	-	-	-	-	-	-	-	-	2	2	2	1	2	1	3	2	4	-	-	19
Juvenile hostel	M	-	1	-	2	-	-	2	1	1	2	2	2	2	5	17	21	18	14	6	4	100
	F	-	-	-	-	-	-	-	-	-	1	1	2	1	3	10	16	14	8	8	2	66
Family group	M	-	1	3	7	3	11	14	12	18	19	40	28	41	45	43	44	30	15	4	4	382
	F	1	1	4	2	4	8	12	15	17	22	22	22	25	42	50	64	37	17	7	4	376
Campus home	M	-	-	-	1	1	3	-	4	2	2	-	3	6	14	26	29	6	1	-	-	98
	F	-	1	-	-	1	-	1	-	2	1	4	5	2	3	6	3	4	4	-	-	37
Other	M	2	1	1	1	-	1	2	5	5	9	10	13	18	36	39	32	18	16	8	3	220
	F	2	1	3	1	1	6	6	-	2	2	6	5	10	14	24	33	15	8	9	-	148
Residential care																						
Hospital/nursing home	M	1	1	2	3	-	1	1	-	1	1	-	-	-	-	-	1	1	-	1	1	15
	F	-	-	2	-	1	1	-	-	-	-	-	-	1	2	-	1	-	1	1	-	10
Boarding school	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Resident adult care	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
Corrective establishments																						
Juvenile corrective institution	M	-	-	-	-	-	-	-	-	-	-	-	1	4	-	6	7	13	4	2	-	37
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	-	-	-	-	3
Youth training centre	M	-	-	-	-	-	-	-	1	1	1	-	-	-	1	-	1	2	1	-	-	8
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1	-	2
Prison	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	5	2	-	8
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other placements																						
Foster care	M	53	113	116	153	185	150	146	185	205	208	211	198	202	217	195	219	148	103	22	20	3,049
	F	52	91	119	143	161	160	180	174	206	204	224	198	213	226	227	201	164	128	14	22	3,107
Living with parent/relative	M	18	83	100	94	92	79	89	85	113	102	96	66	111	110	144	144	136	93	13	31	1,799
	F	22	66	91	79	119	110	88	92	106	75	94	90	99	96	136	125	105	72	13	22	1,700
Other adult placements	M	1	13	13	11	4	6	9	12	5	11	5	7	15	20	11	30	33	14	2	11	233
	F	3	6	4	6	11	4	11	6	8	8	9	10	11	15	16	36	32	14	6	8	224
Unauthorised absence	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	1	-	1	-	-	4
Living independently	M	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	5	14	43	53	5	123
	F	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	27	53	77	14	1	175
Other placement	M	1	1	4	2	1	2	1	1	3	2	5	3	4	2	4	15	14	17	5	4	91
	F	2	2	3	1	2	3	3	1	1	1	-	3	1	2	3	10	12	12	4	-	66
Total																						
	M	76	214	239	274	286	253	264	306	355	359	372	321	404	453	494	559	468	345	70	79	6,191
	F	82	168	226	232	300	292	301	288	342	316	362	337	365	405	479	522	438	346	79	59	5,939
	P	158	382	465	506	586	545	565	594	697	675	734	658	769	858	973	1,081	906	691	149	138	12,132

M=males F=females P=persons:

Note: Totals include children for whom age, sex and placement type are unknown.

Table 5: Children under care and protection orders: placement type and sex by State/Territory, at 30 June 1993

Placement	Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Residential child care										
For children with disabilities	M	—	4	6	—	13	—	—	2	25
	F	—	2	9	2	4	1	—	1	19
Juvenile hostel	M	55	19	9	8	9	—	—	—	100
	F	35	21	4	2	4	—	—	—	66
Family group	M	74	204	45	2	35	18	2	2	382
	F	82	194	64	3	6	22	4	1	376
Campus home	M	—	—	58	8	—	23	9	—	98
	F	—	—	2	9	—	22	4	—	37
Other	M	111	86	8	—	5	10	—	—	220
	F	63	68	3	—	3	7	4	—	148
Residential care										
Hospital/nursing home	M	11	4	—	—	—	—	—	—	15
	F	4	3	2	—	1	—	—	—	10
Boarding school	M	—	—	—	—	—	—	—	—	—
	F	—	—	—	—	—	—	—	—	—
Resident adult care	M	—	—	—	—	—	—	—	—	—
	F	2	—	—	—	—	—	—	—	2
Corrective establishments										
Juvenile corrective institution	M	10	2	15	—	—	9	—	1	37
	F	2	—	—	—	—	1	—	—	3
Youth training centre	M	—	8	—	—	—	—	—	—	8
	F	—	2	—	—	—	—	—	—	2
Prison	M	—	—	4	—	—	4	—	—	8
	F	—	—	—	—	—	—	—	—	—
Other placements										
Foster care	M	896	523	804	172	480	123	34	17	3,049
	F	889	545	834	173	486	106	43	31	3,107
Living with parent/relative	M	397	583	439	106	67	182	15	10	1,799
	F	440	529	389	113	67	124	22	16	1,700
Other adult placements	M	79	59	44	1	40	10	—	—	233
	F	88	48	37	—	37	10	—	4	224
Unauthorised absence	M	—	1	—	—	1	—	—	1	3
	F	—	3	—	—	1	—	—	—	4
Living independently	M	36	10	58	—	1	15	—	3	123
	F	52	7	84	—	3	26	1	2	175
Other placement	M	48	11	18	14	—	—	—	—	91
	F	36	5	15	10	—	—	—	—	66
Total	M	1,717	1,514	1,508	311	651	394	60	36	6,191
	F	1,693	1,427	1,443	312	612	319	78	55	5,939
	P	3,410	2,941	2,951	623	1,265	713	138	91	12,132

M=males F=females P=persons.

Note: Totals include children for whom sex and placement type are unknown.

Table 6: Children under guardianship orders: placement type by State/Territory, at 30 June 1993

Placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Residential child care									
For children with disabilities	—	6	15	2	14	1	—	3	41
Juvenile hostel	76	34	13	10	10	—	—	—	143
Family group	120	384	107	5	32	27	—	3	678
Campus home	—	—	60	17	—	28	1	—	106
Other	130	140	10	—	8	8	1	—	297
Residential care									
Hospital/nursing home	7	2	2	—	1	—	—	—	12
Boarding school	—	—	—	—	—	—	—	—	—
Resident adult care	2	—	—	—	—	—	—	—	2
Corrective establishments									
Juvenile corrective institution	12	1	15	—	—	6	—	—	34
Youth training centre	—	7	—	—	—	—	—	—	7
Prison	—	—	3	—	—	2	—	—	5
Other placements									
Foster care	1,312	1,032	1,631	345	770	210	19	47	5,366
Living with parent/relative	263	223	540	219	106	40	10	24	1,425
Other adult placements	80	76	72	1	62	5	—	4	300
Unauthorised absence	—	2	—	—	2	—	—	1	5
Living independently	86	11	140	—	4	30	—	5	276
Other placement	61	9	33	24	—	—	—	—	127
Total	2,149	1,927	2,641	623	1,009	357	31	87	8,824

Table 7: Children under non-guardianship orders: placement type by State/Territory, at 30 June 1993

Placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Residential child care									
For children with disabilities	—	—	—	—	3	—	—	—	3
Juvenile hostel	14	6	—	—	3	—	—	—	23
Family group	36	14	2	—	9	13	6	—	80
Campus home	—	—	—	—	—	17	12	—	29
Other	44	14	1	—	—	9	3	—	71
Residential care									
Hospital/nursing home	8	5	—	—	—	—	—	—	13
Boarding school	—	—	—	—	—	—	—	—	—
Resident adult care	—	—	—	—	—	—	—	—	—
Corrective establishments									
Juvenile corrective institution	—	1	—	—	—	4	—	1	6
Youth training centre	—	3	—	—	—	—	—	—	3
Prison	—	—	1	—	—	2	—	—	3
Other placements									
Foster care	473	36	7	—	196	19	58	1	790
Living with parent/relative	574	889	288	—	28	266	27	2	2,074
Other adult placements	87	31	9	—	15	15	—	—	157
Unauthorised absence	—	2	—	—	—	—	—	—	2
Living independently	2	6	2	—	—	11	1	—	22
Other placement	23	7	—	—	—	—	—	—	30
Total	1,261	1,014	310	—	256	356	107	4	3,308

Note: Totals include children for whom placement type is unknown. Table excludes 57 Queensland children (34 males and 23 females) who were also under guardianship orders.

Table 8: Children under care and protection orders: age of child by State/Territory, at 30 June 1993

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
0	43	74	12	10	12	1	3	3	158
1	121	117	72	20	31	10	5	6	382
2	129	161	82	33	40	11	4	5	465
3	119	154	108	30	59	24	5	7	506
4	147	164	138	46	48	29	6	8	586
5	143	171	120	33	52	22	3	1	545
6	164	140	119	38	63	27	8	6	565
7	167	152	142	31	64	28	8	2	594
8	187	193	161	31	78	39	5	3	697
9	202	153	181	33	67	30	6	3	675
10	215	176	177	38	78	37	10	3	734
11	180	159	161	35	71	39	6	7	658
12	223	175	182	29	94	50	8	8	769
13	223	203	231	36	101	52	9	4	858
14	278	201	240	51	99	82	14	8	973
15	266	247	300	42	110	89	22	5	1,081
16	199	186	270	47	110	79	10	5	906
17	147	90	255	41	86	59	6	7	691
Adult	119	25	—	—	—	5	—	—	149
Unknown	138	—	—	—	2	—	—	—	140
Total	3,410	2,941	2,951	623	1,265	713	138	91	12,132

Table 9: Children under guardianship orders: age of child by State/Territory, at 30 June 1993

Age of child (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
0	15	52	9	10	6	—	1	3	96
1	49	60	46	20	17	3	—	6	201
2	42	87	60	33	31	2	1	5	261
3	60	87	87	30	39	11	3	7	324
4	58	94	111	46	38	16	—	8	371
5	76	103	102	33	42	7	1	1	365
6	83	87	104	38	53	16	4	4	389
7	96	109	121	31	55	11	3	2	428
8	102	130	137	31	60	18	—	3	481
9	143	102	164	33	54	16	—	3	515
10	140	123	161	38	68	19	2	3	554
11	117	109	149	36	55	21	1	7	494
12	145	118	165	29	73	30	—	7	567
13	170	148	209	35	80	26	2	4	674
14	188	133	224	51	86	39	1	7	729
15	198	175	283	42	88	38	6	5	835
16	168	128	263	47	91	42	2	5	746
17	134	65	246	41	73	41	4	7	611
Adult	110	17	—	—	—	1	—	—	128
Unknown	55	—	—	—	—	—	—	—	55
Total	2,149	1,927	2,641	623	1,009	357	31	87	8,824

Table 10: Children under non-guardianship orders: age of child by State/Territory, at 30 June 1993

Age of child (years)	NSW	Vic	Qld (a)	WA	SA	Tas	ACT	NT	Australia
0	28	22	3	—	6	1	2	—	62
1	72	57	26	—	14	7	5	—	181
2	87	74	22	—	9	9	3	—	204
3	59	67	21	—	20	13	2	—	182
4	89	70	27	—	10	13	6	—	215
5	67	68	18	—	10	15	2	—	180
6	81	53	15	—	10	11	4	2	176
7	71	43	21	—	9	17	5	—	166
8	85	63	24	—	18	21	5	—	216
9	59	51	17	—	13	14	6	—	160
10	75	53	16	—	10	18	8	—	180
11	63	50	12	—	16	18	5	—	164
12	78	57	17	—	21	20	8	1	202
13	53	55	22	—	21	26	7	—	184
14	90	68	16	—	13	43	13	1	244
15	68	72	17	—	22	51	16	—	246
16	31	58	7	—	19	37	8	—	160
17	13	25	9	—	13	18	2	—	80
Adult	9	8	—	—	—	4	—	—	21
Unknown	83	—	—	—	2	—	—	—	85
Total	1,261	1,014	310	—	256	356	107	4	3,308

(a) Table excludes 57 children (34 males and 23 females) who were also under guardianship orders.

Table 11: Admissions to and discharges from care and protection orders: type of order by State/Territory, 1992-93

Type of order	NSW	Vic	Qld	WA	SA	Tas	NT
Guardianship							
Admissions	515	286	372	120	217	44	40
Discharges	364	n.a.	423	131	251	84	46
Non-guardianship							
Admissions	1,159	488	122	..	95	n.a.	86
Discharges	762	n.a.	110	..	62	n.a.	86
Total							
Admissions	1,674	774	494	120	312	n.a.	126
Discharges	1,126	547 (a)	533	131	313	n.a.	132

(a) The break up between discharges from guardianship and non-guardianship orders is not known.

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

Figures for Western Australia, South Australia and Tasmania represent individual children. Actual admissions to and discharges from care and protection orders would be higher than shown.

Table 12: Children admitted to and discharged from care and protection orders: type of order by State/Territory, 1992-93

Type of order	NSW	Qld	WA	SA	Tas	NT
Guardianship						
Children admitted	437	371	120	217	44	39
Children discharged	326	423	131	251	84	46
Non-guardianship						
Children admitted	909	122	—	95	n.a	81
Children discharged	656	110	—	62	n.a	83
Total						
Children admitted	1,346	493	120	312	n.a	120
Children discharged	982	533	131	313	n.a	129

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

Table 13: Discharges from care and protection orders: reason for discharge by sex and age of child, 1992-93

Reason for discharge	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+			
Expiry of specified time																							
Attained 18 years	M	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	206	–	206	
	F	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	218	–	219	
	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	424	24	449	
Other	M	17	11	14	10	5	7	9	10	4	5	8	6	10	18	6	4	13	9	1	–	167	
	F	8	12	11	5	12	11	8	3	7	5	1	10	8	8	16	12	23	6	–	–	166	
	P	25	23	25	15	17	18	17	13	11	10	9	16	18	26	22	16	36	15	1	419	752	
Adoption	M	15	4	2	3	2	1	3	–	1	1	–	–	–	–	1	–	–	–	–	–	33	
	F	20	1	4	1	1	–	1	1	2	2	–	1	2	1	1	1	1	–	–	–	40	
	P	35	5	6	4	3	1	4	1	3	3	–	1	2	1	2	1	1	–	–	12	85	
Transfer of guardianship	M	2	4	3	–	–	1	1	1	1	1	–	–	1	1	1	–	–	1	–	–	18	
	F	3	1	1	2	4	–	–	1	1	–	1	2	1	2	1	1	–	–	–	–	21	
	P	5	5	4	2	4	1	1	2	2	1	1	2	2	3	2	1	–	1	–	2	41	
Other department decision	M	38	21	18	21	22	34	22	25	21	22	22	21	17	14	30	21	26	22	1	–	418	
	F	26	11	16	21	11	10	10	20	18	22	30	21	24	30	38	25	29	23	2	–	387	
	P	64	32	34	42	33	44	32	45	39	44	52	42	41	44	68	46	55	45	3	11	816	
Other	M	25	14	8	3	9	7	3	4	10	7	12	4	20	6	16	11	2	3	2	–	166	
	F	14	14	11	6	8	10	3	4	5	4	5	5	13	11	20	18	7	3	4	–	165	
	P	39	28	19	9	17	17	6	8	15	11	17	9	33	17	36	29	9	6	6	79	410	
Total discharges	M	97	54	45	37	38	50	38	40	37	36	42	31	48	39	54	36	41	35	210	–	1,008	
	F	71	39	43	35	36	31	22	29	33	33	37	39	48	52	76	57	60	33	224	–	998	
	P	168	93	88	72	74	81	60	69	70	69	79	70	96	91	130	93	101	68	434	547	2,553	

M=males F=females P=persons.

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

Table 14: Discharges from care and protection orders: reason for discharge by State/Territory, 1992-93

Reason for discharge	Sex	NSW	Vic	Qld	WA	Tas	NT
Expiry of specified time							
Attained 18 years	M	37	n.a.	111	26	30	2
	F	27	n.a.	140	21	26	5
	P	64	24	251	47	56	7
Other	M	90	n.a.	—	36	15	26
	F	95	n.a.	—	31	12	28
	P	185	419	—	67	27	54
Adoption	M	28	n.a.	5	—	—	—
	F	33	n.a.	6	—	1	—
	P	61	12	11	—	1	—
Transfer of guardianship	M	18	n.a.	—	—	—	—
	F	16	n.a.	4	—	—	1
	P	34	2	4	—	—	1
Other department decision	M	279	n.a.	116	4	—	19
	F	245	n.a.	108	12	—	22
	P	524	11	224	16	—	41
Other	M	125	n.a.	24	—	—	17
	F	133	n.a.	19	1	—	12
	P	258	79	43	1	—	29
Total discharges	M	577	n.a.	256	66	45	64
	F	549	n.a.	277	65	39	68
	P	1,126	547	533	131	84	132

M=males F=females P=persons.

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

Table 15: Children admitted to guardianship orders for care and protection, during the years ended 30 June 1979 to 1993, by State/Territory

Year ended 30 June	NSW	Vic	Qld	WA	SA	Tas	NT
1979	586	n.a.	677	98	263	n.a.	26
1980	546	n.a.	680	59	297	n.a.	14
1981	596	n.a.	957	249	351	n.a.	27
1982	619	n.a.	892	287	313	n.a.	54
1983	517	n.a.	664	198	399	n.a.	93
1984	462	n.a.	723	169	427	n.a.	101
1985	386	n.a.	817	142	309	n.a.	83
1986	378	n.a.	830	196	472	n.a.	64
1987	n.a.	n.a.	718	n.a.	n.a.	n.a.	n.a.
1988	253	n.a.	547	151	498	n.a.	52
1989	213	n.a.	551	115	380	n.a.	46
1990	245	n.a.	454	129	261	n.a.	51
1991	365	419	387	159	346	74	20
1992	377	341	354	105	278	78	36
1993	437	n.a.	371	120	217	44	39

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

Table 16: Children under care and protection orders: by State/Territory, at 30 June 1985 to 1993

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1985	3,018	2,279	3,868	1,291	1,142	n.a.	104	101	11,803
1986	3,972	2,137	3,830	1,121	1,183	n.a.	138	77	12,458
1987 (a)									
1988	2,607	3,885	3,481	905	1,371	n.a.	95	120	12,464
1989	2,271	4,171	3,360	818	1,310	n.a.	52	117	12,099
1990	2,932	4,184	3,163	717	1,249	n.a.	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

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

Table 17: Children under care and protection orders: type of order by State/Territory, at 30 June 1991 to 1993

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1991									
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
Total	3,101	3,810	3,027	706	1,275	598	67	96	12,680
1992									
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
Total	3,134	3,099	2,916	629	1,332	821	131	97	12,159
1993									
Guardianship	2,149	1,927	2,641	623	1,009	357	31	87	8,824
Non-guardianship	1,261	1,014	310 (a)	—	256	356	107	4	3,308
Total	3,410	2,941	2,951	623	1,265	713	138	91	12,132

(a) Table excludes 57 children (34 males and 23 females) who were also under guardianship orders.

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 and Young Offenders Act 1979*, the Minister may apply to the Children's Court for a declaration that the child is in need of care or protection if:

- (a) a guardian of or a person residing with the child has abused or neglected the child to the extent that the child has suffered, or is likely to suffer physical or mental injury, or to the extent that the child's physical, mental or emotional development is in jeopardy;
- (b) the guardians of the child are unable or unwilling to exercise adequate supervision and control over the child;
- (c) the guardians of the child are unable or unwilling to maintain the child; or
- (d) the guardians of the child are dead, have abandoned the child, or cannot, after reasonable enquiries, be found.

If the Children's Court finds that a child is in need of care or protection it will make a declaration to that effect and may place the child under a court order. The two most common orders issued in South Australia are either an order placing the child under the guardianship of the Minister or any other person for a specified period, or placing the child under the control of the Director-General for a specified period.

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 eighteen 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

Control of the Director-General

Tasmania

Interim order

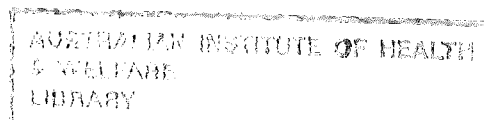
Remand for observation

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 admissions or discharges information show age at the time of admission or discharge.

Child

A child is a person under 18 years of age. This publication includes 149 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 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 in the case 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 tribunals or officers. 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 25).

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 *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 1993 (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, 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 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 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

Community Welfare Act Amendment Act 1987

Children's Protection and Young Offenders Act 1979

Family and Community Services Act 1972

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*

Other publications

Australia's welfare: services and assistance 1993

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 authorised 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 1992-93. The number and characteristics of children under these orders are shown, including statistics by age, gender and type of placement.



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