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Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ASGS	Australian Statistical Geography Standard
AIHW	Australian Institute of Health and Welfare
ARIA+	Accessibility/Remoteness Index of Australia
COAG	Council of Australian Governments
CP NMDS	Child Protection National Minimum Data Set
IRSAD	Index of Relative Socio-Economic Advantage and Disadvantage
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
RA	Remoteness Area
RoGS	Report on Government Services
SA	South Australia
SEIFA	Socio-Economic Indexes for Areas
Tas	Tasmania
Vic	Victoria
WA	Western Australia

Symbols

0	zero
–	rounded to zero
. .	not applicable
n.a.	not available

Appendix B: Mandatory reporting requirements

Commonwealth

Family Law Act (1975)

Part VII—Children

Division 8—Other matters relating to children

Subdivision D—Allegations of child abuse and family violence

67Z Where interested person makes allegation of child abuse

(1) This section applies if an interested person in proceedings under this Act alleges that a child to whom the proceedings relate has been abused or is at risk of being abused.

(2) The interested person must file a notice in the prescribed form in the court hearing the proceedings, and serve a true copy of the notice upon the person who is alleged to have abused the child or from whom the child is alleged to be at risk of abuse.

(3) If a notice under subsection (2) is filed in a court, the Registry Manager must, as soon as practicable, notify a prescribed child welfare authority.

(4) In this section:

interested person in proceedings under this Act, means:

(a) a party to the proceedings; or

(b) an independent children's lawyer who represents the interests of a child in the proceedings; or

(c) any other person prescribed by the regulations for the purposes of this paragraph.

prescribed form means the form prescribed by the applicable Rules of Court.

Registry Manager means:

(a) in relation to the Family Court—the Registry Manager of the Registry of the Court; and

(b) in relation to the Family Court of Western Australia—the Principal Registrar, a Registrar or a Deputy Registrar, of the court; and

(c) in relation to any other court—the principal officer of that court.

67ZA Where member of the Court personnel, family counsellor, family dispute resolution practitioner or arbitrator suspects child abuse etc.

(1) This section applies to a person in the course of performing duties or functions, or exercising powers, as:

(a) the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia; or

(b) the Registrar or a Deputy Registrar of the Family Court of Western Australia; or

(c) a Registrar of the Federal Magistrates Court; or

(d) a family consultant; or

(e) a family counsellor; or

(f) a family dispute resolution practitioner; or

(g) an arbitrator; or

(h) a lawyer independently representing a child's interests.

(2) If the person has reasonable grounds for suspecting that a child has been abused, or is at risk of being abused, the person must, as soon as practicable, notify a prescribed child welfare authority of his or her suspicion and the basis for the suspicion.

(3) If the person has reasonable grounds for suspecting that a child:

(a) has been ill-treated, or is at risk of being ill-treated; or

(b) has been exposed or subjected, or is at risk of being exposed or subjected, to behaviour which psychologically harms the child;

the person may notify a prescribed child welfare authority of his or her suspicion and the basis for the suspicion.

Note: The obligation under subsection (2) to notify a prescribed child welfare authority of a suspicion that a child has been abused or is at risk of being abused must be complied with, regardless of whether this subsection also applies to the same situation.

(4) The person need not notify a prescribed child welfare authority of his or her suspicion that a child has been abused, or is at risk of being abused, if the person knows that the authority has previously been notified about the abuse or risk under subsection (2) or subsection 67Z(3), but the person may notify the authority of his or her suspicion.

(5) If notice under this section is given orally, written notice confirming the oral notice is to be given to the prescribed child welfare authority as soon as practicable after the oral notice.

(6) If the person notifies a prescribed child welfare authority under this section or subsection 67Z(3), the person may make such disclosures of other information as the person reasonably believes are necessary to enable the authority to properly manage the matter the subject of the notification.

New South Wales

Since 1977, the law has required medical practitioners to report physical and sexual abuse. This was expanded under the *Children (Care and Protection) Act 1987* to encompass other

categories of mandatory reporters and what needed to be reported. From 18 December 2000, under the provisions of the *Children and Young Persons (Care and Protection) Act 1998*, the category of mandatory reporters was changed to anyone who:

(a) in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children

(b) holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, a person referred to in (a)

and that person has reasonable grounds (that arise as a consequence of their employment) to suspect that a child is at risk of significant harm.

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

Guidelines supplement and support these statutory obligations. The Child Wellbeing and Child Protection—New South Wales Interagency Guidelines detail each agency's role, responsibilities and actions required in all aspects of child wellbeing and child protection intervention.

The 'risk of harm' reporting threshold was amended to 'risk of significant harm' from 24 January 2010, in accordance with the New South Wales Keep Them Safe reforms.

To align with this reporting threshold, New South Wales developed a Mandatory Reporter Guide (MRG) during 2009 with the United States–based Children's Research Center of the National Council on Crime and Delinquency (NCCD) and a wide range of human services and justice agencies across the government and non-government sectors.

The MRG supports mandatory reporters to determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person; and to identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.

The interactive, online MRG became available for sector familiarisation from 23 December 2009 and formally commenced from 24 January 2010. Mandatory reporters were encouraged to use this resource to guide their decision making, such as whether or not to report a concern to the Child Protection Helpline under the new 'risk of significant harm' threshold. The MRG is updated annually.

Using the online interactive tool and after the completion of a series of questions, a decision report is produced for the reporter, clarifying the appropriate course of action and detailing the rationale for the decision from the user's responses to each question.

Child Wellbeing Units (CWUs) operate in the key government reporting agencies of Health, Education, and Police to support agency responses to child wellbeing and child protection concerns. NSW Health CWU covers all registered medical practitioners and general practice nurses, all employees of NSW health services, staff from Aboriginal Community Controlled Health Services, and Affiliated Health Organisations. The Family and Community Services (FACS) CWU ceased operation on 28 June 2014. CWUs provide advice, training and support to staff working with children or families to help determine when a child is at risk of significant harm and to report matters to the Child Protection Helpline. In less serious cases,

CWUs assist in the identification of potential agency responses, to the extent possible within agency resources and capabilities; support appropriate local action or referral for the child and family; and, over time, drive better alignment and coordination of agency service systems.

In October 2016, the MRG (Edition 7) was released on a new website as part of a FACS information technology systems upgrade—see <http://childstory.net.au/> and <https://reporter.childstory.nsw.gov.au/s/>.

Victoria

In 1993, the Victorian Government proposed legislative changes to the *Children and Young Persons Act 1989*, which mandated specific professional groups to notify suspected cases of child physical and sexual abuse. Registered medical practitioners, nurses and police were mandated on 4 November 1993 to report child physical and sexual abuse. Primary and secondary school teachers and principals were mandated on 18 July 1994. Section 182 (a)–(e) of the *Children, Youth and Families Act 2005* lists these professional groups as mandatory reporters. More recently, midwives were mandated in 2010 and kindergarten teachers were added to the category of registered teachers in 2014.

Queensland

In Queensland, the following persons are mandatory reporters, required by law to report child protection concerns to the Department of Communities, Child Safety and Disability Services where there is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse, and there is not a parent willing and able to protect the child from harm:

- doctors
- registered nurses
- approved teachers employed at a school
- police officers working in child protection
- persons engaged to perform a child advocate function under the Public Guardian Act 2014
- an authorised officer, employee of the Department of Communities, Child Safety and Disability Services, a person employed in a departmental care service or licensed care service.

Western Australia

The *Children and Community Services Act 2004* (Part 4, Division 9A) includes provisions relating to mandatory reporting of child sexual abuse by certain professionals in Western Australia. Police officers, teachers, doctors, nurses and midwives are required to make a report to the Department for Child Protection and Family Support if they form a belief, on reasonable grounds, in the course of their work (whether paid or unpaid), that a child has been the subject of sexual abuse that occurred on or after 1 January 2009, or that a child is the subject of ongoing sexual abuse. From 1 January 2016, boarding supervisors are also

mandated to report. Failure to make a report in relation to child sexual abuse can result in a fine of up to $6,000.

Other mandatory reporting provisions in Western Australia include:

- Provisions in the *Family Court Act 1997* (Division 8, Subdivision 4 and sections 159 and 160) require court personnel, counsellors, mediators and legal practitioners independently representing a child's interest to report allegations or suspicions of child abuse in Family Court cases.
- Approved education and care services providers are required, under the *Education and Care Services National Law (WA) Act 2012*, to notify the Education and Care Regulatory Unit of complaints alleging that the safety, health or wellbeing of a child or children was or is being compromised while that child(ren) are using the service.

In Western Australia, there are also agreed protocols between the Department for Child Protection and Family Support, the Department of Health and the Western Australia Police that require the reporting of all incidents of sexually transmitted infections in children aged under 14.

South Australia

Under sections 11(1) and (2) of the *Children's Protection Act 1993*, the following persons are required to notify the Department for Child Protection if they suspect on reasonable grounds that a child/young person has been or is being, abused and/or neglected and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties:

(a) a medical practitioner
(ab) a pharmacist
(b) a registered or enrolled nurse
(c) a dentist
(d) a psychologist
(e) a police officer
(f) a community corrections officer (an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young or adult offenders in the community)
(g) a social worker
(ga) a minister of religion
(gb) a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes
(h) a teacher in an educational institution (including a kindergarten)
(i) an approved family day care provider
(j) any other person who is an employee of, or volunteer in, a government or non-government organisation that provides health, welfare, education, sporting or recreational child care or residential services wholly or partly for children, being a person who:
    (i) is engaged in the actual delivery of those services to children, or

(ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

Reports of suspected child abuse or neglect are made via the department's Child Abuse Report Line (CARL). Mandated notifiers may also make lower risk notifications via an online reporting system.

In recognition of the shared community responsibility for promoting children's safety and protection, the Act also states that a person does not necessarily exhaust his or her duty to a child by giving a notification under Section 11.

The Department for Child Protection manages the delivery of a 7-hour training program entitled 'Child safe environments: reporting child abuse and neglect' and refresher courses to educate mandated notifiers about their obligations.

Tasmania

In Tasmania, the *Children, Young Persons and Their Families Act 1997* (CYPF Act) emphasises that everyone in the community has a responsibility to ensure children are safe and protected. Under Part 3, section 14 of the CYPF Act, the following are 'prescribed persons' who must report suspected cases of child abuse or neglect to the Secretary, Department of Health and Human Services or delegate:

(a) a medical practitioner
(b) a registered nurse or enrolled nurse
(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession
(d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist
(e) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession
(f) a police officer
(g) a probation officer appointed or employed under section 5 of the *Corrections Act 1997*
(h) a principal and a teacher in any educational institution (including a kindergarten)
(i) a person who provides child care, or a child care service, for fee or reward
(j) a person concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania), or a child care service licensed under the *Child Care Act 2001*
(k) any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in:
    (i) a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children, and
    (ii) an organisation that receives any funding from the Crown for the provision of such services
(l) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

During 2004–05, as a result of the Tasmanian Government's Safe @ Home framework implementation, an amendment was made to the CYPF Act to extend the definition of abuse and neglect to include a child affected by family violence.

In August 2009, further amendments came into effect under the *Children, Young Persons and Their Families Amendment Act 2009* to permit prescribed persons to report concerns about the abuse or neglect of a child to community-based intake services or to Child Protection Services. These amendments were to allow for earlier intervention via community-funded services if a statutory response was not warranted. At the same time, and again to allow earlier intervention via appropriate services to occur, amendments were made to allow notifications in relation to pregnant women if the notifier believes there is a likelihood of abuse or neglect once the child is born.

Australian Capital Territory

Mandatory reporting was introduced on 1 June 1997. Section 356 of the *Children and Young People Act 2008* states that the following people are mandated reporters:

(a) a doctor
(b) a dentist
(c) a nurse
(d) an enrolled nurse
(e) a midwife
(f) a psychologist
(g) a teacher at a school
(h) a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the *Education Act 2004*
(i) a police officer
(j) a person employed to counsel children or young people at a school
(k) a person caring for a child at a childcare centre
(l) a person coordinating or monitoring home-based care for a family day care scheme proprietor
(m) a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families;
(n) the public advocate
(o) an official visitor
(p) a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

Northern Territory

The *Care and Protection of Children Act 2007* makes it mandatory for any person who reasonably believes a child has suffered, is suffering, or is likely to suffer harm or exploitation to notify Territory Families or a police officer. The reporting obligation covers any belief that a child aged under 14 has been, or is likely to be, a victim of a sexual offence.

Registered health practitioners have an additional responsibility to report if they have formed a belief that a child aged 14 or 15 has been, or is likely to be, a victim of sexual exploitation, and the age difference between the child and the offender is greater than 2 years.

Failure to make a report carries a maximum penalty of 200 penalty units.

The Act provides that a person acting in good faith in making a report under section 26 is not civilly or criminally liable, or in breach of any professional code of conduct.

Appendix C: Legislation

Child protection legislation

Commonwealth

Family Law Act 1975

New South Wales

Children and Young Persons (Care and Protection) Act 1998

Victoria

Children, Youth and Families Act 2005

Child Wellbeing and Safety Act 2005

Queensland

Child Protection Act 1999

Western Australia

Children and Community Services Act 2004

Family Court Act 1997

South Australia

Family and Community Services Act 1972

Children's Protection Act 1993

Tasmania

Children, Young Persons and Their Families Act 1997

Australian Capital Territory

Children and Young People Act 2008

Northern Territory

Care and Protection of Children Act 2007

Legislative definition of 'in need of care and protection'

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

New South Wales

In New South Wales, under section 71(1) of the *Children and Young Persons (Care and Protection) Act 1998,* a child or young person may be found to be in need of care and protection for any reason 'including, without limitation, any of the following':

(a) there is no parent available to care for the child or young person as a result of death or incapacity or for any other reason

(b) the parents acknowledge that they have serious difficulties in caring for the child or young person and, as a consequence, the child or young person is in need of care and protection

(c) the child or young person has been, or is likely to be, physically or sexually abused or ill-treated

(d) subject to subsection (2), the child's or young person's basic physical, psychological or educational needs are not being met, or are likely not to be met, by his or her parents or primary care-givers

(e) the child or young person is suffering, or is likely to suffer serious developmental impairment or serious psychological harm as a consequence of the domestic environment in which he or she is living

(f) in the case of a child who is under the age of 14 years, the child has exhibited sexually abusive behaviours and an order of the Children's Court is necessary to ensure his or her access to, or attendance at, an appropriate therapeutic service

(g) the child or young person is subject to a care and protection order of another state or territory that is not being complied with

(h) section 171(1) applies in respect of the child or young person.

Section 71(1A) states that if the Children's Court makes a care order in relation to a reason not listed in subsection (1), the Court may only do so if the Secretary pleads the reason in the care application.

Section 71(2) provides that the Children's Court cannot conclude that the basic needs of a child or young person are likely not to be met only because of:

(a) a parents' or primary care-giver's disability, or

(b) poverty.

Section 71(3) provides that s.71 does not apply in respect of a contact order made under s.86(1A)(b).

Victoria

In Victoria, section 162 of the *Children, Youth and Families Act 2005* indicates that a child is in need of protection if any of the following grounds exist:

Section 162

(1) (a) the child has been abandoned and after reasonable inquiries:

(i) the parents cannot be found; and

(ii) no other suitable person can be found who is willing and able to care for the child

(b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child

(c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type

(d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type

(e) the child has suffered, or is likely to suffer, emotional or psychological harm of such kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type

(f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange, or allow the provision of, basic care or effective medical, surgical or other remedial care.

(2) For the purposes of subsections (1)(c) to (1)(e), the harm may be constituted by a single act, omission or circumstance or accumulate through a series of continuing acts, omissions or circumstances.

Queensland

In Queensland, the *Child Protection Act 1999* (section 10) defines a child 'in need of protection' as 'a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and does not have a parent able and willing to protect the child from the harm'.

The Act uses several definitions of 'parent', depending on the part of the Act to which the definition applies. During an investigation and assessment, parent is defined broadly to include persons 'having or exercising parental responsibility for the child' and includes a person 'who, under Aboriginal or Torres Strait Islander tradition or custom, is regarded as a parent of the child' (section 11). When applying for a court order, the definition of parent is limited to those people with legal parental responsibility for the child including 'the child's mother or father; a person whose favour a residence order or contact order for the child is in operation under the *Family Law Act 1975* (Cwlth); as a person having custody or guardianship; and a long-term guardian of the child'.

A 'child' is an individual aged under 18 (section 8).

'Harm' is defined as 'any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing' (section 9).

It is immaterial how the harm is caused. Harm to a child may include: physical, psychological or emotional abuse; or neglect; or sexual abuse or exploitation and can be singular or a series or combination of acts, omissions or circumstances.

Western Australia

In Western Australia, the *Children and Community Services Act 2004* (section 28) states that a child is 'in need of protection' if:

(a) the child has been abandoned by his or her parents and, after reasonable inquiries:

  (i) the parents cannot be found; and

  (ii) no suitable adult relative or other suitable adult can be found who is willing and able to care for the child; or

(b) the child's parents are dead or incapacitated and, after reasonable inquiries, no suitable adult relative or other suitable adult can be found who is willing and able to care for the child; or

(c) the child has suffered, or is likely to suffer, harm as a result of any one or more of physical abuse; sexual abuse; emotional abuse or neglect and the child's parents have not protected, or are unlikely or unable to protect, the child from harm, or further harm, of that kind; or

(d) the child has suffered, or is likely to suffer, harm as a result of:

  (i) the child's parents being unable to provide, or arrange the provision of, adequate care for the child; or

  (ii) the child's parents being unable to provide, or arrange the provision of, effective medical, therapeutic or other remedial treatment for the child.

For the purpose of section 28:

- emotional abuse includes psychological abuse and being exposed to an act of family and domestic violence;
- harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by:
  (a) a single act, omission or circumstance; or
  (b) a series or combination of acts, omissions or circumstances;
- neglect includes failure by a child's parents to provide, arrange, or allow the provision of
  (a) adequate care for the child; or
  (b) effective medical, therapeutic or remedial treatment for the child.

South Australia

In South Australia, under the *Children's Protection Act 1993* (Part 5, Division 2, Section 37) a variety of circumstances may trigger an application to the Youth Court for a care and protection order:

(1) If the Minister is of the opinion that a child is at risk and an order should be made to secure the child's care and protection the Minister may apply to the Youth Court for an order.

(1a) An application for an order must be made if the Minister:

(a) knows or suspects on reasonable grounds that:

(i) the a child is at risk as a result of drug abuse by a parent, guardian or other person; and

(ii) the cause of the child being at risk is not being adequately addressed; and

(b) is of the opinion that the most appropriate response is an order under this Division for one or more of the following purposes:

(i) to ensure that the parent, guardian or other person undergoes appropriate treatment for drug abuse

(ii) to ensure that the parent, guardian or other person submits to periodic testing for drug abuse

(iii) to authorise or require the release of information regarding the treatment or the results of the test to the Chief Executive.

(2) An application for an order may be made if the Minister is of the opinion that:

(a) proper arrangements exist for the care and protection of a child; and

(b) the child would be likely to suffer significant psychological injury if the arrangements were to be disturbed; and

(c) it would be in the best interests of the child for the arrangement to be the subject of a care and protection order.

Under Part 1, Section 6 (2) of the Act, a child is at risk if:

(aa) there is a significant risk that the child will suffer serious harm to his or her physical, psychological or emotional wellbeing against which he or she should have, but does not have, proper protection; or

(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 care for and protect the child, or are unable to exercise adequate supervision and control over the child; or

(ii) are unwilling to care for and protect 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 aged under 15 and of no fixed address.

In assessing whether:

(a) there is a significant risk that a child will suffer serious harm to his or her physical, psychological or emotional wellbeing; or

(b) a child has been, or is being, abused or neglected,

regard must be had to not only the current circumstances of the child's care but also the history of the child's care and the likely cumulative effect on the child of that history.

Tasmania

In Tasmania, the *Children, Young Persons and Their Families Act 1997*, Part 1, s. 3 defines abuse or neglect as:

(a) sexual abuse; or

(b) physical or emotional injury or other abuse, or neglect, to the extent that:

(i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or

(ii) the injured, abused or neglected person's physical or psychological development is in jeopardy.

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

(a) the child has been, is being, or is likely to be, abused or neglected; or

(b) any person with whom the child resides or who has frequent contact with the child (whether the person is or is not a guardian of the child):

(i) has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out; or

(ii) has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or

(ba) the child is an affected child within the meaning of the *Family Violence Act 2004*; or

(c) the guardians of the child are:

(i) unable to maintain the child; or

(ii) unable to exercise adequate supervision and control over the child; or

(iii) unwilling to maintain the child; or

(iv) unwilling to exercise adequate supervision and control over the child: or

(v) dead, have abandoned the child or cannot be found after reasonable inquiry; or

(vi) are unwilling or unable to prevent the child from suffering abuse or neglect; or

(d) the child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution, regularly.

Child Protection staff make a decision about whether a child is at risk through a process of gathering, confirming and analysing information, and using their expertise and, where necessary, that of other professional people.

The *Family Violence Act 2004* was proclaimed on 30 March 2005. The introduction of this legislation has significantly increased child protection notifications from Tasmania Police because it has amended the definition of a child at risk of abuse and neglect to include a child affected by family violence (defined as a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence).

Australian Capital Territory

In the Australian Capital Territory, section 345 of the *Children and Young People Act 2008* states that:

(1) a child is in need of care and protection if:

(a) the child or young person:

(i) has been abused or neglected; or

(ii) is being abused or neglected; or

(iii) is at risk of abuse or neglect; and

(b) no-one with parental responsibility for the child or young person is willing and able to protect the child or young person from the abuse and neglect or the risk of abuse or neglect.

(2) Without limiting subsection (1), a child or young person is in need of care and protection if:

(a) there is a serious or persistent conflict between the child or young person and the people with parental responsibility for him or her (other than the Director-General) to the extent that the care arrangements for the child or young person are, or are likely to be, seriously disrupted; or

(b) the people with parental responsibility for the child or young person are dead, have abandoned the child or young person or cannot be found after reasonable inquiry; or

(c) the people with parental responsibility for the child or young person are sexually or financially exploiting the child or young person or not willing and able to keep him or her from being sexually or financially exploited.

Abuse in relation to a child or young person is defined in section 342 as:

(a) physical abuse; or

(b) sexual abuse; or

(c) emotional abuse (including psychological abuse) if the child or young person has experienced the abuse or is experiencing the abuse in a way that has caused or is causing significant harm to his or her wellbeing or development; or

(d) emotional abuse (including psychological abuse) if:

  (i) the child or young person has seen or heard the physical, sexual or psychological abuse of a person with whom the child or young person has a domestic relationship, the exposure to which has caused or is causing significant harm to the wellbeing or development of the child or young person; or

  (ii) the child or young person has been put at risk of seeing or hearing abuse mentioned in subparagraph (i), the exposure to which would cause significant harm to the wellbeing or development of the child or young person.

Neglect of a child or a young person means a failure to provide the child or young person with a necessity of life if the failure has been caused or is causing significant harm to the wellbeing or development of the child or young person. Examples of necessities of life include food, shelter, clothing or health-care treatment.

Northern Territory

In the Northern Territory, section 20 of the *Care and Protection of Children Act 2007* states that a child is in need of care and protection if:

(a) the child has suffered or is likely to suffer harm or exploitation because of an act or omission of a parent of the child; or

(b) the child is abandoned and no family member of the child is willing and able to care for the child; or

(c) the parents of the child are dead or unable or unwilling to care for the child and no other family member of the child is able and willing to do so; or

(d) the child is not under the control of any person and is engaged in conduct that causes or is likely to cause harm to the child or other persons.

Section 15 defines 'harm to a child' as:

(1) any significant detrimental effect caused by an act, omission or circumstance on:

  (a) the physical, psychological or emotional wellbeing of the child; or

  (b) the physical, psychological or emotional development of the child.

(2) Without limiting subsection (1), harm can be caused by the following:

  (a) physical, psychological or emotional abuse or neglect of the child

  (b) sexual abuse or other sexual exploitation of the child

  (c) exposure of the child to physical violence.

Section 16 defines 'exploitation' as including:

(1) sexual and any other forms of exploitation of the child

(2) without limiting subsection (1), sexual exploitation of a child includes:

  (a) sexual abuse of the child; and

(b) involving the child as a participant or spectator in any of the following:

(i) an act of a sexual nature

(ii) prostitution

(iii) a pornographic performance.

Appendix D: Policy and practice differences in states and territories

Action plans under the *National Framework for Protecting Australia's Children 2009–2020* identify specific actions, responsibilities and timeframes for implementation. The second 3-year Action Plan (2012–2015) highlighted as an action, under the 'Enhancing the evidence base' national priority, a continued focus on improved consistency and quality of the national data (FaHCSIA 2012).

The National Child Protection Data Collection is based on administrative data provided by state and territory departments responsible for child protection, according to a set of agreed technical specifications. The aggregation of jurisdictional data into a national collection assumes the technical specifications are followed and the same definitions are applied in all jurisdictions. However, different policies and practices in jurisdictions, largely predating the national collection, influence the collection of administrative data. Limited specificity in the technical specifications and different interpretation and application in data collection and reporting have had a further impact on national comparability.

The implementation of the Child Protection National Minimum Data Set (CP NMDS) for reporting from 2012–13 has reduced some of the different interpretation of the technical specifications. This was primarily achieved through the application by the Australian Institute of Health and Welfare (AIHW) of nationally agreed rules and methods in the compilation and analysis of the data (AIHW 2014a). However, key policy and practice differences continue to have an impact on the comparability of the national child protection data, including differences in the:

- use of agency-defined and caller-defined approaches to recording notifications
- thresholds used for risk assessment practices
- treatment of multiple notifications and overlapping investigations
- treatment of cases for unborn children, abuse in care, non-familial maltreatment and where there is no suitable caregiver
- care and protection orders issued, particularly for interim and temporary orders
- scope of out-of-home care
- reporting types of out-of-home care placements.

Many of these differences relate to substantive jurisdictional legislation, policies and practices that may prevent consistency being achieved in the short term. Ongoing work is required to resolve these identified national comparability issues.

D.1 Notifications, investigations and substantiations

Although specifications for notifications, investigations and substantiations have been agreed for national reporting, there are numerous and related differences in jurisdiction policy/practice that can influence the data reported. Differences in the initial count of notifications have a flow-on effect on other data, including the number of investigations, substantiations, and substantiations per child.

D.1.1 Initial assessment of reports made to departments

The national specifications for notifications specifically exclude reports about wider concerns about children or families that are classified as child concern reports. However, there are different policies and practices used by states and territories for assessing whether these reports are recorded as notifications, which can result in reporting of child concern reports as a notification. These differences are broadly grouped into 2 categories—caller-defined and agency-defined notifications—with some variations within these 2 categories that need to be better understood in order to accurately assess national data comparability issues.

Agency-defined versus caller-defined notifications

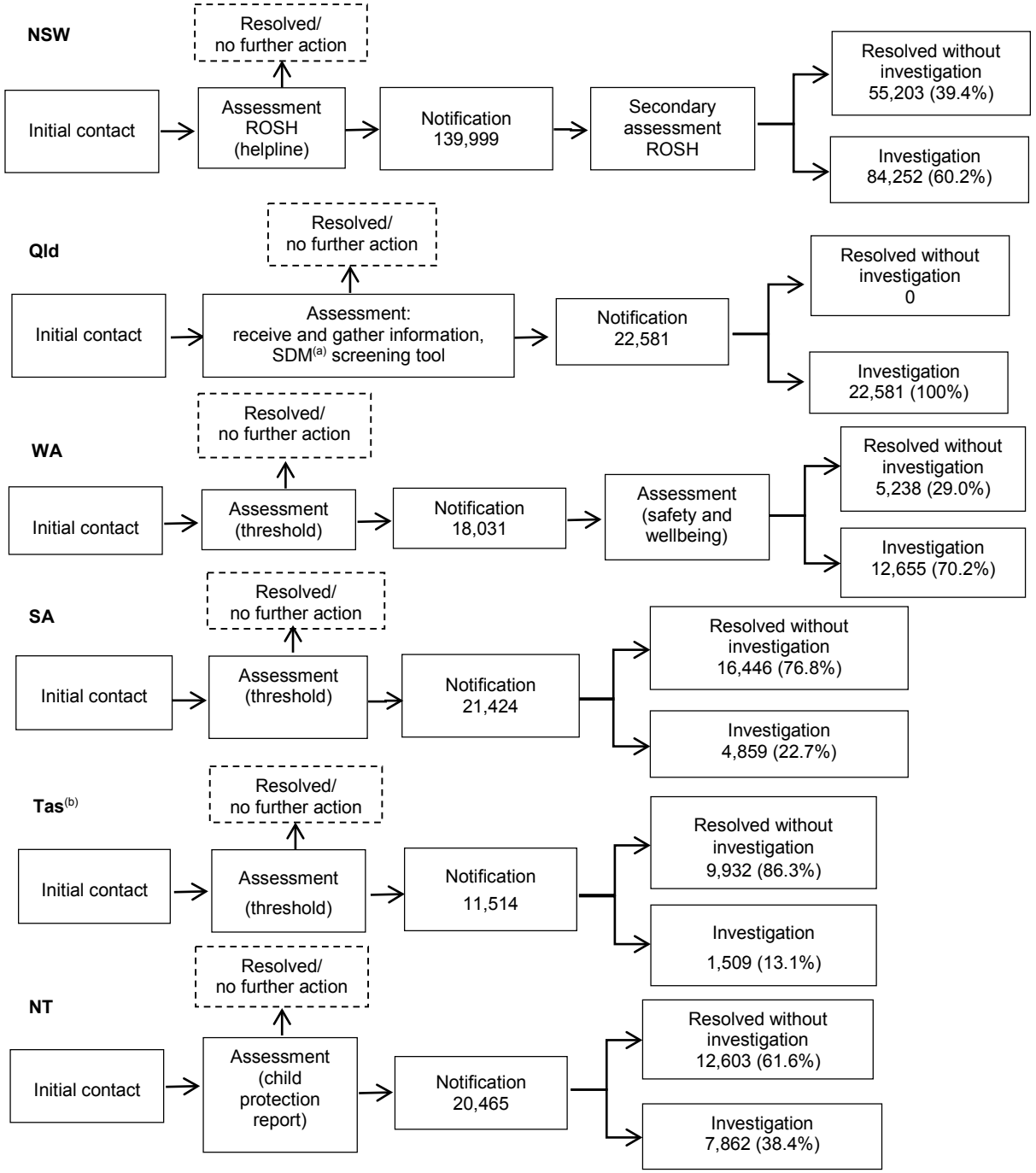
Notifications are agency-defined in New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory (Figure D1). These jurisdictions undertake threshold assessment processes at the time a report is made, and a notification is recorded only when the information received suggests that a child needs care or protection. Note, as per the national definition of notifications, child concern reports are excluded. There are differences in the threshold assessment process used by these jurisdictions. For example, New South Wales and Queensland employ a 'risk of significant harm' (ROSH) threshold, while other jurisdictions assess risk of harm only (see further information in the following section 'Threshold differences for risk assessment').

During 2015–16, the recording of notifications in Tasmania changed from caller-defined to agency-defined for local and national reporting purposes (Figure D1). In line with national specifications, child concern reports—as per section 17(2)(a) of the *Children, Young Persons and Their Families Act 1997* (Tas)—have been excluded from counts of notifications from February 2016. This has resulted in a fall in the number of notifications recorded for Tasmania in 2015–16 compared with previous years.

In Victoria and the Australian Capital Territory, notifications are caller-defined; that is, all initial contacts regarding concerns for children are recorded as notifications (Figure D2).

Caller-defined notifications are not comparable with agency-defined notifications due to the different assessment processes applied (that is, assessment occurs either before a notification is recorded in the case of agency-defined notifications, or after a notification is recorded in the case of caller-defined notifications). This may result in higher levels of notifications being recorded in jurisdictions where all reports, including those classified by other jurisdictions as child concern reports, are recorded as notifications.

The effect of this is particularly evident when reporting on the number of notifications received and the type of action taken on them in the relevant reporting period. Table S5 shows that the percentage of notifications resolved without investigation was 53% across jurisdictions. However, this ranged from 0% in Queensland (where the policy is to investigate all notifications) to 86% in Tasmania. The much higher proportions resolved without investigation reported by jurisdictions with caller-defined notifications is a reflection of the exclusion of child concern reports at this earlier stage. As per the national specifications, child concern reports are excluded from the count of notifications by jurisdictions with an agency-defined approach. The change in Tasmania to an agency-defined response was only implemented part way through 2015–16; as such, the full effect of this change may not be evident until later reporting cycles.



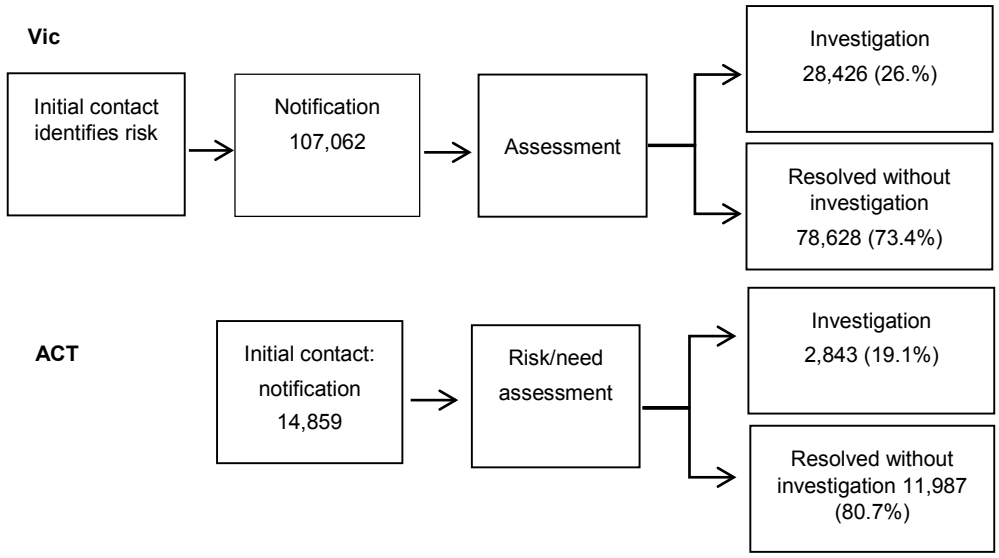
(a) SDM stands for Structured Decision Making.

(b) During 2015–16, the reporting of notifications in Tasmania changed from caller-defined to agency-defined for reporting purposes. From February 2016, notifications in Tasmania finalised under section 17(2)(a) of the *Children, Young Persons and Their Families Act 1997* (Tas) were classified as a child concern report, and were excluded from counts of notifications for the purpose of national reporting. As such, the number of notifications reported nationally for Tasmania for 2015–16 has decreased compared with previous years.

Note: For some jurisdictions, the categories 'Resolved without investigation' and 'Investigation' do not sum to the total number of notifications as notifications in process have not been included in this figure.

Source: Table S5.

Figure D1: Agency-defined notifications, assessment and investigations 2015–16



Note: For some jurisdictions, the categories 'Resolved without investigation' and 'Investigation' do not sum to the total number of notifications as notifications in process have not been included in this figure.

Source: Table S5.

Figure D2: Caller-defined notifications, assessment and investigations 2015–16

Threshold differences for risk assessment

'Threshold differences' have been acknowledged as having an impact on national data comparability. For example, *Child protection Australia 2015–16* includes the following statement:

> Thresholds for what is substantiated vary—some jurisdictions substantiate the harm, or risk of harm, to the child, and others substantiate actions by parents or incidents that cause harm. In considering harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents to the outcomes for the child.

The differences across jurisdictions and, in particular, how these affect the counts of notifications and substantiations, are difficult to identify and explain. All jurisdictions are required to assess the risk of harm and prioritise cases accordingly. Although there are tools to assist child protection staff to assess risk, there is a level of professional judgment applied by staff when assessing risk.

From the available information, it is difficult to assess what thresholds are being applied across jurisdictions and the impact on national reporting. What is clear is that there are differences in national reporting because of some key differences. For example, New South Wales and Queensland employ a risk of significant harm (ROSH) threshold to all child concern reports while others assess risk of harm only. The process used in New South Wales and Queensland screens out child concern reports but may also screen out reports that other jurisdictions, applying a lower threshold (for example, risk of harm), would include as a notification. While most jurisdictions substantiate harm in terms of the outcomes for the child, some jurisdictions substantiate the actions/inactions of the parents.

There are also differences in the available responses that can be taken based on the information received as part of child concern reports, notifications or investigations. Within the child protection system, there is a layering of risk, with suitable programs in place to support families and protect children, depending on this risk. At any point in the child

protection process, children and their families may be referred to family support services which may be used instead of, or as a complementary service to, a statutory child protection response. For example, a service may provide parenting and household skills development, therapeutic care and family reunification services.

D.1.2 Recording multiple notifications and overlapping investigations

Differences in the number of substantiations recorded per child may reflect how jurisdictions record information about events such as notifications, investigations and substantiations. Table 3.2 indicates that while most jurisdictions had 1–2 substantiations per child, New South Wales and, to a lesser extent, the Australian Capital Territory, had higher proportions of children with 4 or more substantiations.

The national specifications indicate that:

> Where there is more than 1 notification about the same 'event' involving a child, this is counted as 1 notification. Where there is more than 1 notification between 1 July 2015 and 30 June 2016, but relating to different events, these are counted as separate notifications.

Table D1 summarises the differences between states and territories in how incoming notifications and investigations that overlap with other cases (that is, notifications or investigations depending on the status of the preceding notification) are recorded. Operational practices mean that if a new notification is received while another case is open:

- it is counted as a new notification (New South Wales, Western Australia and the Australian Capital Territory)
- it is not separately recorded but is included as additional notes to be dealt with by open cases (Victoria, Queensland, South Australia and Tasmania).

In the Northern Territory, subsequent reports of the same harm to a child are linked to an existing notification where there is an open child protection investigation. If a different harm type is reported, it is recorded as a new notification.

Table D1: Recording incoming notifications that overlap with other cases, states and territories

Jurisdiction	New notification recorded	Notification linked to open cases
NSW	✓	x
Vic	x	✓
Qld	x	✓
WA	✓	x
SA	x	✓
Tas	x	✓
ACT	✓	x
NT	✓	✓

✓ Indicates overlapping notifications are recorded as per the description for the relevant category.

x Indicates overlapping notifications are not recorded as per the description for the relevant category.

Although there is variation between states and territories in how overlapping cases are reported in the national data, 'on the ground' they would be treated as a single investigation. When multiple notifications are 'rolled up' into the same investigation but are recorded separately in the data, this will result in comparatively higher counts of notifications, investigations and substantiations. Conversely, linking new notifications to open cases has the effect of decreasing the number of notifications, investigations and substantiations recorded.

Analysis of the extent of the overlap was possible using CP NMDS data for all jurisdictions except New South Wales. Table D2 shows:

- In Victoria, all investigations (100%) are unique, with no evidence of any overlaps. There is a 1:1 ratio between notifications and investigations, indicating that a new investigation cannot be commenced until a previous investigation is completed.
- The percentage of overlapping investigations in Queensland, Western Australia and Tasmania is low (0.7%, 2.9% and 0.3%, respectively). The majority (99% or more) of investigations in these jurisdictions involved 1 or 2 notifications per investigation 'episode'.
- The percentage of overlapping investigations is higher in South Australia (24%), the Australian Capital Territory (20%) and the Northern Territory (7%).

Table D2: Number of notifications per investigations 'episode', states and territories, 2015–16 (%)

Number of notifications per investigation 'episode'	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1	100.0	99.3	97.1	76.3	99.7	80.3	93.1	**96.5**
2	0.0	0.7	2.8	17.1	0.3	12.7	5.8	**2.7**
3	0.0	0.0	0.1	4.6	0.0	3.5	0.9	**0.5**
4	0.0	0.0	0.0	1.3	0.0	1.5	0.1	**0.1**
5+	0.0	0.0	0.0	0.7	0.0	1.9	0.1	**0.1**

Notes

1. For the purpose of this analysis, proxy investigation 'episodes' were created: if the dates of investigations overlapped they were assigned to the same investigation 'episode' (overlapping investigation episode); if the dates did not overlap with any other investigations, they were deemed to be a unique investigation 'episode'. Investigation 'episodes' were unable to be assigned for some records due to missing date information.
2. NSW data are not reported as CP NMDS data were not available.
3. Percentages in the table may not add to 100 as records with unknown investigation dates have been excluded.

Source: AIHW Child Protection Collection 2016.

D.1.3 Treatment of notifications for unborn children

All jurisdictions, except South Australia and the Northern Territory, have legislation to support the prenatal reporting of children at risk; that is, reports can be made for pregnant women where there are concerns about their unborn children. In 2015–16, around 1,600 children who were the subject of a child protection substantiation were unborn at the time of notification (Table S9). Differences in policy and practice across jurisdictions impact on the data relating to unborn children for notifications, investigations and substantiations.

The level of intervention and the timing of investigations for notifications for unborn children were examined using available CP NMDS data. Note that this excludes New South

Wales and Victoria as CP NMDS data were not provided, and South Australia and the Northern Territory due to the lack of relevant legislation to support such reporting.

Victoria did not include unborn children in the CP NMDS data as they are not considered a child protection notification. Initial reports can be case managed on a voluntary basis or referred to other services/social support and a new report can be initiated after birth and investigated if necessary.

A majority (94%) of records where a child was unborn at the time of notification had a date of assessment decision made before their date of birth. However, there was variation in the level of intervention (that is, resolved without investigation or investigated) and when investigations occurred (that is, before or after birth).

Table D3 shows that of children who were the subject of a notification before birth:

- in Queensland, all cases (100%) were investigated
- in Western Australia, the majority of cases were investigated (90%)
- in Tasmania and the Australian Capital Territory, the majority of cases were resolved without investigation (65% and 98%, respectively).

Table D3: Children who were unborn at the time of notification, by type of action, 2015–16 (%)

Type of action	Qld	WA	Tas	ACT	Total
Investigations finalised	73.9	69.9	26.2	1.4	**57.0**
Investigation closed—no outcome possible	15.9	6.4	3.1	0.0	**9.5**
Total closed investigations	*89.8*	*76.3*	*29.3*	*1.4*	***66.5***
Investigations in process	10.2	13.4	5.1	0.4	**9.1**
Total investigations	*100.0*	*89.7*	*34.4*	*1.8*	***75.6***
Notifications in process	0.0	0.2	0.7	0.4	**0.2**
Notifications resolved without investigation	0.0	10.1	65.0	97.9	**24.2**
Total dealt with by other means	*0.0*	*10.3*	*65.6*	*98.2*	***24.4***
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

Notes

1. Children are counted only once in this table; if a child received more than 1 notification before birth, the notification recorded is for their highest level of intervention at the time of notification.
2. Some children who were unborn at the time of notification would have subsequently been born in the reporting period—see Table D4 for detail about the timing of investigations.
3. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
4. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2016.

Table D4 shows variation in the timing of investigations for children who were unborn at notification:

- In Queensland, half (53%) of investigations were commenced and completed before the birth. Just over one-quarter (26%) of investigations were commenced and completed after birth and 18% of investigations were commenced before birth and completed after birth and 2% were commenced before birth and still ongoing at the end of the period.
- In Western Australia, almost three-quarters (72%) of investigations were commenced before birth and completed after birth. Around one-fifth (21%) of investigations were

commenced and concluded before birth. The remaining 7% were commenced and completed after birth.

- In Tasmania, 40% of investigations were commenced and completed before the birth. Over one-third (37%) of investigations were commenced before birth and completed after birth. Around 20% of investigations were commenced and completed after the child was born, and 3% were commenced before birth and still ongoing at the end of the period.
- In the Australian Capital Territory, legislation does not allow for investigations to commence before the child's birth. A code for escalation at birth is included within the territory's system indicating children who will require further assessment when they are born—hospital alerts facilitate this process.

Table D4: Children who were the subject of a notification while unborn whose cases were investigated, by investigation timing, 2015–16 (%)

Investigation timing	Qld	WA	Tas	ACT	Total
Commenced and completed before birth	53.4	20.9	40.2	0.0	41.3
Commenced before birth, completed after birth	18.4	72.2	37.0	0.0	37.8
Commenced before birth and still ongoing at the end of the period	2.0	0.0	3.3	0.0	1.4
Commenced and completed after birth	26.3	6.9	19.6	100.0	19.5

Notes

1. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2016.

New South Wales has indicated that notifications can be received and recorded for children before they are born and these are assigned a high priority, for follow-up within 72 hours. This generally involves assessment of the mother's connection to the health system; child protection would generally be involved after birth if required.

In jurisdictions where notifications for unborn children can be investigated (Queensland, Western Australia and Tasmania) pre-birth involvement usually consists of intensive work with the mother/family in an attempt to build support and divert the case away from child protection after the child is born. In Queensland, pre-birth work (including investigations where required) can only be undertaken with the consent of the mother.

Most children (90%) received only 1 notification while unborn (Table D5). In the Australian Capital Territory, higher proportions of children with more than 1 notification were recorded—this may be influenced by the territory's practice of recording all notifications separately, rather than linking notifications (as noted previously in Section D.1.2) and to only investigate after birth.

Table D5: Number of notifications received while unborn, per child, states and territories, 2015–16 (%)

Number of notifications	Qld	WA	Tas	ACT	Total
1	96.6	97.6	82.3	61.9	**90.4**
2	3.3	2.4	15.0	19.2	**6.7**
3–4	0.1	0.0	2.4	14.6	**2.3**
5+	0.0	0.0	0.3	4.3	**0.6**

Notes

1. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2016.

D.1.4 Notifications relating to abuse in care, no suitable caregiver and extra-familial maltreatment

The national definitions do not specify whether cases of abuse in care, no suitable caregiver and extra-familial maltreatment should be included or excluded from national reporting. Jurisdictional differences relating to the recording of these events may influence national reporting on notifications, investigations and substantiations. Further information on these differences is provided in the following sections. This is limited to policy/practice differences as notifications relating to these events are not able to be separately identified in the national data.

Abuse in care

Cases of alleged abuse for children in out-of-home care are included in the data for all jurisdictions except Victoria and South Australia. In these jurisdictions, although cases of alleged abuse in care are not included in the data, these cases are treated very seriously and assessed via a separate process. For example, in Victoria, this process includes assessment of the suitability of the carer, the performance of the agency that made the placement and its continued registration as a care provider.

Other jurisdictions may also have a separate, parallel process that is undertaken to review the standard of care provided.

In Queensland, ongoing monitoring or a standard of care review is undertaken to determine if the carer meets the standards of care. If not, a Harm Report is made and a notification can be recorded. Further resources and support may be offered to the carer. Previously, these cases were recorded separately as Matters of Concern (and were not included in the count of notifications, investigations and substantiations).

In the Northern Territory, all 'concerns about the safety and wellbeing of children in care' are reported and recorded as a child protection report and referred to an Internal Review Unit for a coordinated response. All matters that meet the definition of harm in the *Care and Protection of Children Act 2007* (NT) are substantiated. This process was introduced in 2014–15 to ensure that all concerns about children in care are recorded and responded to appropriately.

No suitable caregiver

Cases where there is 'no suitable caregiver' (that is, no suitable parent or other legal guardian) can include situations where a child's parent(s) have died, been incapacitated due to illness/injury or are otherwise unavailable (for example, due to being imprisoned). Table D6 provides an overview of the variation in recording these cases.

Table D6: Recording of cases involving 'no suitable caregiver', states and territories

Jurisdiction	Notification and substantiated neglect recorded	Notification and dealt with by other means recorded
NSW	✓	x
Vic	✓	x
Qld	✓	x
WA	. .	. .
SA	✓	x
Tas	✓	x
ACT	✓	✓
NT	. .	. .

✓ Indicates the notification and investigation outcome are recorded as per the description for the relevant category.

x Indicates the notification and investigation outcome are not recorded as per the description for the relevant category.

. . Not applicable (cases of no suitable caregiver are not included in the data for notifications).

All jurisdictions, except Western Australia and the Northern Territory, include cases of 'no suitable caregiver' in the data for notifications. However, the subsequent reporting of these cases differs, for example:

- New South Wales, Victoria, South Australia and Tasmania report these cases as substantiated neglect.
- In Queensland, cases of 'no suitable caregiver' are reported as substantiated neglect if no other harm type was identified during the investigation and assessment.
- From 2015–16, in Western Australia, cases where the primary concern is 'no suitable caregiver' are outside the scope of national reporting.
- In the Australian Capital Territory:
  - if the parent/guardian is unable to be found, the notification is recorded as neglect
  - if the parent/guardian is deceased, the notification is recorded as 'dealt with by other means'
  - a notification is not recorded in some situations requiring substitute care. For example, a Youth Justice client using a diversionary program might be referred to another service without recording a notification.

Extra-familial maltreatment

In the Australian Institute of Family Studies 2008 data comparability report (AIFS: Holzer & Bromfield 2008), extra-familial maltreatment was defined as abuse perpetrated by someone other than a family member. It was noted that extra-familial maltreatment is not within the

mandate of most jurisdictions' child protection system unless a child's parents are not acting to protect the child; however, some jurisdictions had policies and practices relating to the reporting of these matters. Table D7 provides a broad overview of the recording of extra-familial maltreatment:

- In New South Wales, Western Australia and Tasmania, extra-familial matters are included in the national counts of notifications, investigations and substantiations. No distinction is made as to whether a matter relates to an intra- or extra-familial matter.
- In Victoria, extra-familial maltreatment is recorded only where it concerns abuse of children in care; where this is the case, this information is recorded as an incident report in case notes and quality of care data base as the Victorian information system does not enable new reports to be recorded in relation to an already 'open' case. The recording of case notes for abuse of children in care has no bearing on the data provided for national reporting purposes.
- In Queensland, extra-familial maltreatment is included in data provided for national reporting purposes if the matter related to abuse in care.
- In South Australia, extra-familial maltreatment is included in the count of notifications, but is not typically investigated—instead it is recorded as dealt with by other means. A small number of extra-familial maltreatment cases may be counted in the investigation phase, most likely in the preliminary stages of an investigation. Where extra-familial maltreatment is determined, it would then be referred to the South Australia Police.
- In the Australian Capital Territory, extra-familial matters are included in the count of notifications and are counted:
  - in investigations where a joint investigation is conducted with ACT Policing or where the police decline involvement due to lack of evidence
  - as dealt with by other means if the matter was referred solely to the police.
- In the Northern Territory, extra-familial matters may be included in data provided for national reporting purposes. Generally, extra-familial matters are referred to the Northern Territory Police. However, extra-familial matters may be referred to the joint Child Abuse Taskforce (Territory Families and the Northern Territory Police) and may therefore be registered as a child protection notification—in which case, it would be included in data provided for national reporting purposes.

Table D7: Recording of cases involving 'extra-familial maltreatment', states and territories

Jurisdiction	Recorded in notifications, investigations, substantiations (not differentiated)	Recorded in notifications, excluded from investigations (dealt with by other means)	Recorded in notifications, investigated subject to conditions	Recorded in notifications, investigations, substantiations only where concerns relate to abuse in care	Recorded as case notes only where concerns relate to abuse in care
NSW	✓	x	x	x	x
Vic	x	x	x	x	✓
Qld	x	x	x	✓	x
WA	✓	x	x	x	x
SA	x	✓	x	x	x
Tas	✓	x	x	x	x
ACT	x	✓	✓	x	x
NT	x	x	✓	x	x

✓ Indicates the notification and investigation are recorded as per the description for the relevant category.

x Indicates the notification and investigation are not recorded as per the description for the relevant category.

D.2 Care and protection orders issued

Interim and temporary orders generally cover the provision of a limited period of supervision and/or placement of a child. Parental responsibility under these orders may reside with the parents or with the department responsible for child protection. Unfinalised orders (such as applications to the court for care and protection orders) are also included in this category, unless another finalised order is in place.

Interim and temporary orders accounted for 64% of the orders issued across jurisdictions during 2015–16 (Table S19). However, the percentage of interim and temporary orders issued across jurisdictions ranged from 44% to 81%. The variation in the number and types of orders issued reflects court processes, different legislation and variation in the orders utilised across jurisdictions.

Table S19 shows that almost half (45%) of orders issued in 2015–16 were issued in Victoria, with the majority (14,786 or 69%) of these being interim and temporary orders. While other jurisdictions, such as South Australia and the Northern Territory, had high proportions of interim and temporary orders reported, the numbers were much lower (around 4,000 in South Australia and around 2,000 in the Northern Territory).

This variability was noted for the first time in 2014–15 due to a change in reporting for Victoria—previously, a large number of children were recorded as being in out-of-home care but were not recorded as being on an order, which is inconsistent with the state's process.

In Victoria, interim orders are usually 'interim accommodation orders', which allow the child to be placed in care. These orders are usually for 3 weeks duration and are then subject to review and possible extension by the court. Each return to the court is counted as a new order for Victoria.

This is substantially different from the recording of these orders in other jurisdictions. For example, in the Australian Capital Territory, if a temporary order is issued by the court with

specific conditions and is later extended with the same conditions, it is not counted as a new order issued. A new order is counted if different conditions are applied and/or when a final order is issued.

D.3 Scope and classifications of out-of-home care

The national definition of out-of-home care is quite broad and focused on the funding of placements:

> Out-of-home care is overnight care for children aged 0–17 years, where the state or territory makes a financial payment or where a financial payment has been offered but has been declined by the carer.

South Australia has previously indicated that out-of-home care data include only children for whom a financial contribution is made (this excludes cases where financial payment was offered and declined).

Western Australia has indicated that children who are in unpaid placements (such as hospital, other medical, unapproved placements, youth justice) would be deemed to be 'in care' for local reporting. However, these children are excluded from the national collection due to the funding specification.

Tasmania has indicated that out-of-home care data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs.

Most jurisdictions have noted that the out-of-home care data they report include situations where children are placed with relatives/kin as an emergency placement. In these situations, jurisdictions have provisions to enable the placement of children with carers before the completion of the formal assessment/approval process. Funding for the placement may be provided retrospectively in these situations.

D.3.1 Children on third-party parental responsibility orders

Third-party parental orders transfer all duties, powers, responsibilities and authority parents are entitled to by law, to a nominated person(s) considered appropriate by the court. The nominated person may be an individual, such as a relative, or an officer of the state or territory department responsible for child protection.

Analysis of the living arrangements recorded for children on third-party parental responsibility orders in the 2014–15 CP NMDS (AIHW 2016b; Appendix F) indicated that the living arrangements recorded for children on third-party parental responsibility orders varied between jurisdictions. This excludes New South Wales and Western Australia, as living arrangement data are not available—children on third-party parental responsibility orders are not classified as being in out-of-home care in these jurisdictions. The Northern Territory has advised that third-party parental responsibility orders are not applicable for national reporting; therefore, they are excluded from this analysis.

Prior to the 2015–16 collection, the AIHW and jurisdictions discussed the differences in reporting for children on third-party parental responsibility orders in the out-of-home care data. It was noted that the level of case management and funding for these children varied compared with children in care on other types of orders, and that this also varies across

jurisdictions. Some continue to provide case management (perhaps to a lesser extent) but not funding; others continue to provide funding but not case management.

In the 2015–16 CP NMDS, a new category to separately record living arrangements for children on third-party parental responsibility orders was introduced to help improve data comparability for reporting living arrangements of these children across jurisdictions. However, due to differences in underlying policy/practice and system constraints, not all jurisdictions have been able to utilise this separate category and there is still considerable variability in the living arrangements recorded for these children. The AIHW will continue to work with jurisdictions to improve the consistency of reporting living arrangements for children on third-party parental responsibility orders.

The introduction of this new separate category for third-party parental care has resulted in a fall in the number of children recorded as being in foster, relative/kinship care, and other home-based care in some jurisdictions. For this reason, caution should be exercised when comparing the number of children on these placement types between 2014–15 and 2015–16 onwards. Before 2015–16, the Australian Capital Territory reported the living arrangement for children on third-party orders where the carer was originally a foster carer as 'other home-based care' and all placements with kin were counted in the relative/kinship count.

The living arrangements recorded for children on third-party parental responsibility orders for children at 30 June 2016 is shown in Table D8:

- While most of these children (72%) in Victoria were recorded as being placed in third-party parental care, some were recorded as being placed with relatives/kin who are reimbursed (26%). Only a small percentage (2%) was recorded as being in foster care. Before 2014–15, most children in permanent care placements were recorded as being in foster care.
- In Queensland, the majority of these children (83%) were recorded as being placed with relatives/kin who are reimbursed. Fourteen per cent (14%) were recorded as being in foster care and 3% in other/unknown living arrangements.
- In South Australia, most of these children (93%) were recorded as being in home-based care (48% in foster care and 46% with relatives/kin who are reimbursed). Almost 7% were recorded in the 'Other/unknown' category.
- The majority of these children (97%) in Tasmania were recorded as being in in third-party parental care. A small percentage (2%) were recorded as being in living arrangements that are not in-scope for out-of-home care (for example, parents and relatives/kin who are not reimbursed).
- In the Australian Capital Territory, a majority of these children (99%) were recorded as being placed in third-party parental care and 1% were in 'other/unknown' living arrangements.

Table D8: Children on finalised third-party parental responsibility orders, by living arrangement, states and territories, 30 June 2016 (%)

Living arrangement	Vic	Qld	SA	Tas	ACT	Total
Parents	0.0	0.2	0.0	1.9	0.0	0.1
Relatives/kin who are not reimbursed	0.0	0.0	0.0	0.5	0.0	0.0
Total family care	*0.0*	*0.2*	*0.0*	*2.3*	*0.0*	*0.2*
Foster care	1.5	13.6	47.9	0.0	0.0	6.2
Relatives/kin who are reimbursed	26.3	82.5	45.5	0.0	0.0	40.3
Third-party parental care	72.1	0.0	0.0	96.8	98.9	41.2
Other home-based care	0.0	0.0	0.0	0.0	0.0	0.0
Total home-based care	*100.0*	*96.1*	*93.4*	*96.8*	*98.9*	*87.7*
Residential care	0.0	0.2	0.0	0.0	0.0	0.1
Family group home	0.0	0.0	0.0	0.0	0.0	0.0
Independent living	0.0	0.3	0.0	0.9	0.0	0.1
Other/unknown	0.0	3.2	6.6	0.0	1.1	12.0
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

Notes

1. NSW and WA are excluded, as living arrangement data are not available—children on third-party parental responsibility orders are not classified as being in out-of-home care in these jurisdictions.
2. Percentages in the table may not add to 100 due to rounding.

New South Wales' Safe Home for Life legislative reforms, effective 29 October 2014, transitioned eligible children/young people to the independent care of their guardian. That is, foster or relative/kinship carers with full parental responsibility for children in their care became their formal guardian. These children/young people exited out-of-home care and are only included in national reporting within 'Care and protection orders—finalised third-party parental responsibility orders'. New South Wales advised that before 2014–15, the majority (97%) of these children were recorded as placements with relatives/kin.

In Victoria, third-party parental responsibility orders (known as permanent care orders) can be considered as an alternative to adoption and be complementary to child protection. Victoria currently reports these orders in both the adoptions and child protection national data collections.

Note that, in the Australian Capital Territory, while children are recorded in third-party parental care, over half of these children were placed with relatives/kin.

D.3.2 Recording types of placement

Differences in the reporting of placement types across jurisdictions limit comparisons that can be made about the use of out-of-home care across jurisdictions. Table S35 shows the number of children in out-of-home care, by type of placement at 30 June 2016. Differences in the type of placement reported for children have been identified for:

- Children placed with a relative/kin who is also fully registered to provide foster care for other children:
  - in Victoria, Western Australia and the Northern Territory, they are usually reported as being in foster care

  - in Queensland, South Australia and the Australian Capital Territory, they are reported as being placed with relatives/kin
  - practices for other jurisdictions have not been specified.
- The 'Other/unknown' category for out-of-home care placements includes living arrangements not otherwise classified by 1 of the other categories, such as boarding schools, hospitals, hotels/motels and the defence forces. It also includes unknown placement types:
  - South Australia includes children temporarily accommodated in commercial facilities, such as a private rental house or apartment in the residential care category.
- Children under third-party parental responsibility orders/permanent placements may be reported as living in several different out-of-home care placement types (for example, foster care, relative/kinship care, other home-based care and, from 2015–16, also in third-party care; see Section D.3.1) or they may not be considered to be in out-of-home care.

Jurisdictions have also indicated that there may be variability regarding whether data include children who are in unapproved placements; that is, where children under the care of the department for child protection have absconded from care and are classified as 'self-placed'. In these situations, the preceding out-of-home care placement may remain 'open' or be 'closed' and a new living arrangement recorded.

Appendix E: Recent state and territory policy changes

This section outlines the major child protection policy changes that have occurred in recent years. The various child protection authorities in the states and territories have provided this information.

New South Wales

'Keep Them Safe' (New South Wales Department of Premier and Cabinet 2009) is an existing 5-year action plan that aims to reshape the way family and community services are provided to support vulnerable children, young people and their families. Keep Them Safe focuses on:

- strengthening early intervention services that will help prevent abuse and neglect and work to prevent the need for children to enter the child protection system
- the care and responsibility of children and young people as a shared responsibility among government and non-government partner agencies
- those who are most likely to need the intervention and protective powers of the state, which has included raising the threshold for both mandatory and voluntary reporting to New South Wales Department of Family and Community Services (FACS) from 'risk of harm' to 'risk of significant harm'. The legislative changes to the *Children and Young Persons (Care and Protection) Act 1998*, which gave effect to the new reporting threshold, came into effect on 24 January 2010.

The New South Wales Government believes a greater focus on prevention and early intervention is essential in reducing the number of reports of children at risk and the number of children entering the out-of-home care system in New South Wales. This commitment has seen considerable advances in this area:

- FACS and partner agencies initially delivered the 'Brighter Futures' program in New South Wales. In January 2012, key program changes included the delivery of the whole program by 16 non-government agencies, streamlined referral pathways and refocusing the program to target families with children (aged 0–8) at high risk of entering the statutory child protection system. These decisions are consistent with outcomes of the Social Policy Research Centre's Brighter Futures final evaluation (September 2010) and subsequent FACS data analysis, which indicate that Brighter Futures can improve the safety of children in high-risk families with complex needs.
- FACS continued delivery of the Early Intervention Placement Prevention Program, which aims to reduce the likelihood of children and young people entering or remaining in out-of-home care. This program provides services along a continuum from lower level parenting and youth support to intensive family and youth interventions. The New South Wales Government is also working with Aboriginal organisations and communities ensuring delivery of tailored and locally relevant services. FACS has implemented programs to specifically support Aboriginal children, young people and families, including Aboriginal Intensive Family Based Services (IFBS) and Protecting Aboriginal Children Together.

Substantial work is being undertaken to develop targeted responses to protect disengaged teenagers whose needs are not being met at home, school or by the child protection system as it is currently configured. Child Protection Adolescent Responses have been established with specialist adolescent caseworkers providing support and child protection case management services to adolescents aged 12–17 who are at risk of significant harm, or are the subject of a request for assistance. In 2011, the New South Wales government was elected on a platform of reforming out-of-home care and in 2015 had a further focus on out-of-home care through open adoption.

In 2011, the New South Wales government was elected on a platform of reforming out-of-home care and in 2015 had a further focus on out-of-home care through open adoption.

The New South Wales government's out-of-home care reform has been undertaken in two phases.

Phase 1, from 2011 to 2014, focussed on improving the efficiency of the system with:

- a move to accredited non-government organisation foster care—80% of foster care is now delivered by non-government organisations
- introduction of an agreed unit price creating transparency between contractors and providers on payment
- Safe Home for Life reforms, which aimed to strengthen the child protection system through legislative change, new policy and practice and a redesign of how technology is used in child protection. Permanency placement principles and Guardianship orders were introduced for the first time and a renewed focus on open adoption. New South Wales now has over 2,500 guardians, four times the number in Victoria, and over 95% of Australia's out-of-home care open adoptions
- these reforms stabilised the significant growth rate of children entering care to 3 to 5% per annum compared to the previous annual rate of 11.8% between 2005 and 2010. Whilst these reforms held the government in good stead for inquiries such as the Royal Commission into Institutional Responses to Child Sexual Abuse, they also provided a platform for the next iteration of significant reform.

Phase 2 of the reform from 2015 to 2020 focusses on:

- reducing the numbers of children entering care
- helping children return from care to safe homes by supporting their parents to change
- creating permanency through guardianship and open adoption where children are unable to safely return home
- improving the medium and long term outcomes for children in care and those leaving care.

Phase 2 of the reform signals a move from an out-of-home care program to a 'Permanency Support Program', by supporting caseworkers, parents, extended kin, adoptees and carers to set permanency plans for children within the first two years.

Additionally, a whole of government planning and commissioning approach has been adopted. Central to this commissioning approach are new non-government organisation out-of-home care contracts:

Three different approaches are being undertaken with contract renewal:

- a full recontracting approach for Intensive Therapeutic Care (Residential Care)
- a single invited proposal and negotiation for foster care with existing providers
- a planned and co-designed approach with Aboriginal providers focussing on prevention and cultural support and care for Aboriginal children.

From 2017 the new model of permanency support will:

- maintain more children and young people with their birth parents, minimising entries and re-entries into care
- find permanent homes for children and young people by increasing the number of children and young people either being restored to their family, taken into guardianship, or adopted within two years of placement
- deliver better quality support for children and young people in care, with their safety and wellbeing being the paramount objectives.

The service system is being restructured to support these goals. The new system is family-centred and includes establishing a system that monitors and reports on outcomes. It focuses on the well-being of children and young people, ensuring they have safe, permanent homes.

In November 2015, the New South Wales Government commissioned David Tune AO PSM to carry out an independent review of the out-of-home care system in New South Wales. The review was focused on understanding the growth of the out-of-home care population and the continuing poor outcomes for children and families.

In November 2016, the New South Wales Government launched its response to the findings of this review as *Their Futures Matter: A new approach* (New South Wales Government 2016). Their Futures Matter sets out a future vision and long-term strategy for out-of-home care, and for improving outcomes for vulnerable children and families in New South Wales.

It is a landmark reform for New South Wales, outlining a cohesive and accountable system where client outcomes, strong evidence and targeted services are delivered based on the needs of children and families.

As a whole of government reform, implementation will require an unprecedented level of collaboration across multiple government agencies. Specific features of the reform include:

- applying an investment approach to service design and delivery to guide investment, target responses and ensure an evidence-focused system
- using data to identify the most vulnerable groups so we can prioritise their needs and provide services earlier and in ways that will work
- introducing child and family-centred cohort support packages to ensure vulnerable children and families get access to the services they need
- aligning cross-government funding for vulnerable children and families
- establishing a single commissioning entity that will be responsible for ensuring commissioned services are coordinated, evidence-based and driven by the needs of children and families.

Recontracting of current non-government organisation contracts aligns closely with the Their Futures Matter reform, and will provide a foundation for the further roll out of targeted evidence-based interventions.

Victoria

Victoria's legislative foundation for child protection is provided by the *Children, Youth and Families Act 2005*, *Child Wellbeing and Safety Act 2005* (which is the framework legislation for services for all children) and the *Commission for Children and Young People Act 2012,* which established an independent commission for children and young people.

The Children, Youth and Families Act, which commenced operation in April 2007, provides a unifying framework for:

- family and placement services that community service organisations deliver
- child protection services that the Department of Health and Human Services delivers
- decision making by the Children's Court.

The Act explicitly places children's best interests at the heart of all decision making and service delivery.

The Commission for Children and Young People Act established an independent commission to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people, and of young people generally, and in the provision of out-of-home care services for children.

The Department of Health and Human Services works in partnership with community service organisations and Aboriginal services to strengthen support services for vulnerable families. Strong focus is given to keeping Aboriginal children connected to their culture and community.

The department is currently in the process of working with Aboriginal organisations to develop the policy model and service capacity to enable the transfer of responsibility for Aboriginal children subject to court orders from the Secretary to the principal officer of an Aboriginal organisation under section 18 of the Act.

Although front-end child protection demand has exhibited real growth in recent years, the enhanced availability of diversionary services, especially through referrals to Child FIRST (Child and Family Information, Referral and Support Teams), has meant that the number of children subject to court orders has remained relatively stable.

A new child protection operating model, set out in *Protecting children, changing lives: a new way of working* (Victorian Department of Human Services 2012) commenced in November 2012. It aimed to achieve the following outcomes:

- a more experienced and skilled workforce
- better supported staff benefiting from more supervision, co-working and mentoring
- putting case practice at the centre of work with children, young people and families
- reduced case transitions and devolved decision making to better support outcomes
- improved career pathways and staff retention.

Under the model, child protection is delivered through 4 divisions consisting of 17 child protection areas across Victoria that are aligned with local Child FIRST catchments.

The *Children, Youth and Families Act 2005* was substantially amended in March 2016 to explicitly promote the achievement of permanency planning objectives (family preservation, family reunification, adoption, permanent care, long-term out-of-home care) for children in

need of protection. The amendments included a new range of protection orders and changes to case planning requirements, and included stronger timelines consistent with the achievement of those objectives than had existed previously. The impact of these significant amendments is subject to an inquiry by the Commission for Children and Young People due to be completed in March 2017.

Consistent with the government and departmental policies regarding self-determination strategy to improve outcomes for Aboriginal children by supporting the gradual transfer of responsibility for Aboriginal children and young people subject to protection orders or who are placed in out-of-home care from non-Aboriginal community service organisations and the department to one of the approved Aboriginal Community Controlled Organisations.

Additionally Victoria is implementing a range of recommendations arising from recent inquiries conducted by the Commission for Children and Young people which include improving compliance with the Aboriginal and Torres Strait Islander Child Placement Principle and cultural support planning. The department's roadmap for reform will develop area-based and pro-active service provision of all community services to local communities, and this will have an impact on the future role and scope of the child protection program which currently performs many tasks more appropriate to secondary rather than tertiary/statutory services. This strategy incorporates responses to a wide range of recommendations made by Victoria's Royal Commission into Family Violence.

Queensland

The Queensland government is investing $425 million over 5 years to progress wide-ranging reforms to the child and family support system, in response to the 2013 Queensland Child Protection Commission of Inquiry report *Taking responsibility: a roadmap for Queensland child protection*. In April 2016, *Supporting Families Changing Futures: advancing Queensland's child protection and family support reforms* was released to outline achievements to date, priority actions and new initiatives (Queensland Department of Communities, Child Safety and Disability Services 2016a).

Over 10 years, the Supporting Families Changing Futures reform program will build a new support system for children and their families that will have a greater focus on supporting families to provide a safe and secure home for children. Families will receive support earlier to care for their children, and the capacity of the non-government service sector will be increased to provide more of the services that vulnerable families need.

The reforms encourage everyone in the community to take responsibility for protecting children and place appropriate responsibility on each government department providing human services to take responsibility for whole-of-government outcomes for children. Ongoing and successful implementation has required a fundamental shift in the way government agencies, child safety professionals and community organisations work with vulnerable families, and with each other.

The over-representation of Aboriginal and Torres Strait Islander children and young people remains one of the most pressing and challenging concerns facing all jurisdictions, including Queensland's child and family system. The Aboriginal and Torres Strait Islander Child Protection Service Reform project is an important part of the Queensland Government's program of reform, which focuses on Aboriginal and Torres Strait Islander children and families having access to culturally appropriate, Indigenous-specific and mainstream services and care.

In May 2016, the Queensland Government released *Towards a Queensland action plan for vulnerable Aboriginal and Torres Strait Islander children and families* (Queensland Department of Communities, Child Safety and Disability Services 2016c) to outline the government's approach to developing an action plan to fundamentally shift how child protection, family support and other services work with, and for, Queensland's Aboriginal and Torres Strait Islander children and families.

The Queensland Government is committed to expanding and improving family and parenting support that the non-government sector provides, including integrated and intensive family intervention services across Queensland. Since early 2015, 16 new Family and Child Connect services have opened, covering 18 catchments across the state, to enable children and their families who are in need of assistance and support to connect with family support services without unnecessary contact with the statutory child protection system. In 2015–16, these services received 14,984 enquiries and referred 4,175 families on for support. In the same period, Intensive Family Support services worked with 683 families that were referred for support. In May 2016, $150 million over 5 years was announced for community-run Aboriginal and Torres Strait Islander Family Wellbeing Services in 20 locations across the state. Over time, it is expected this will reduce the number of children being cared for within the tertiary child protection system.

The Queensland Government also launched the procurement phase for a new Social Benefit Bond scheme in 2016, seeking expressions of interest to explore areas for delivering new and innovative community services. All 3 areas of focus were relevant to vulnerable children: homelessness (particularly families with young children and young people exiting statutory care); issues facing Aboriginal and Torres Strait Islander people (including children in out-of-home care); and re-offending (including young people at risk of being held on remand).

The Queensland Government has trained more than 3,750 government and non-government staff across the state in the new Strengthening Families Protecting Children Framework for Practice, which was launched in March 2015. It provides a new strengths-based, safety-oriented practice framework and practice tools. Benefits include enhancing staff engagement with families, increasing participation of children and young people in decision making and strengthening a child's safety within the home through collaborative planning with family and support networks. Targeted training and coaching will continue to further embed framework components within organisational practice and processes.

Early in the reform program during 2014–15, the Queensland Government established 2 new statutory bodies—the Office of the Public Guardian, to protect the rights and interests of vulnerable Queenslanders, with special responsibilities to support and protect the rights of children and young people in out-of-home care; and the Queensland Family and Child Commission, to provide expert oversight of Queensland's child protection system and partner with other government and non-government agencies to ensure best practice services are being delivered for Queensland families and children.

Also during 2014–15, the *Child Protection Act 1999* was amended to clarify when a report may be made to Child Safety Services about a child and to consolidate current mandatory reporting requirements in 1 piece of legislation.

A comprehensive review of the *Child Protection Act 1999* is a key commitment in the Supporting Families Changing Futures reform program and provides an opportunity to embed key reform directions in legislation. The review commenced with the publication of a

discussion paper in September 2015, which guided 6 months of consultation to March 2016. Following this feedback, *The next chapter in child protection legislation for Queensland: options paper* was released in October 2016 (Queensland Department of Communities, Child Safety and Disability Services 2016b) and set out options against each of the 13 specific areas for changing legislation. Feedback on the options paper closed in January 2017.

Western Australia

Family and domestic violence is a significant driver of demand for services provided by the Department for Child Protection and Family Support. In response, amendments to the *Children and Community Services Act 2004* (the Act) were made (that came into effect on 1 January 2016) to explicitly recognise that exposing a child to an act of family and domestic violence is a form of emotional abuse, and to introduce provisions to enable greater information exchange, including in cases of family and domestic violence.

Other legislative amendments in effect from 1 January 2016 include enhanced information-sharing provisions to enable greater collaboration between government and the non-government sector in the interests of promoting the wellbeing of children, and the extension of mandatory reporting requirements to include boarding school supervisors of government and non-government schools.

In April 2016, the department launched an out-of-home care reform plan—Building a Better Future: Out-of-Home Care Reform in Western Australia. This wide-ranging reform package will be implemented over 5 years to address significant changes in the Western Australian community and the care system, such as population growth and increasingly complex behaviour of children entering care. Reforms will include:

- a needs assessment tool and an individual resourcing model to systematically and accurately apportion resources to children based on their individual need
- whole-of-system matching of children and carers according to individual and permanency needs
- measures to normalise the childhood experience of children in care
- improved support for family carers and care leavers
- reforming market design and contracting of the community services sector to support more innovative, flexible and efficient service delivery
- implementing strategies to support consistent high-quality foster care standards
- legislative review and amendment to further focus the Act on delivering the best outcomes for children.

The reform plan builds on and reflects the department's permanency planning policy, which emphasises the importance of stability for children and the need for timely assessment, planning and decision making. Research and practice knowledge show that children who experience early certainty and stability; safe, healing and supported care; and enduring relationships during their care experience are more likely to achieve good life outcomes. The reform plan is the most significant suite of reforms the department has undertaken in many years.

The over-representation of Aboriginal children and families in all areas of the child protection system, particularly the high numbers of Aboriginal children entering out-of-home care, is an area of particular focus for the Department for Child Protection and Family

Support. This year, the department launched the Aboriginal Services and Practice Framework 2016–2018, which sets out how practice, structures, funding, policies and workforce will be specifically tailored to meet the needs of Aboriginal children, families and communities. Importantly, the framework will be supported by the development of an implementation plan detailing specific actions, responsibilities and timeframes for delivering on the 4 priority areas identified in the framework:

- capacity building
- community engagement
- practice development
- people development.

In September 2016, the department released the Building Safe and Strong Families: Earlier Intervention and Family Support Strategy. The strategy involves building new partnerships and strengthening coordination across government agencies and community services sector organisations. This is to enable the service system to be more responsive and effective in working with vulnerable families.

There is overwhelming support across the government and community services sector for a strategy to reduce the numbers of children entering care, particularly Aboriginal children. The strategy recognises that earlier and more intensive engagement and intervention, before problems become entrenched, provide the best opportunity to effectively support individuals and families and reduce the likelihood of more serious interventions with the child protection system. The department is also planning to strengthen the intensive family support services provided by the Family Support Networks, with a particular focus on increasing Aboriginal families accessing the services. Family Support Networks are an alliance of community sector organisations and the department that provide a common entry point to services and deliver earlier targeted support to families.

The Signs of Safety Child Protection Practice Framework (Signs of Safety) was implemented in 2008 to improve the outcomes for children, their families and the child protection workforce. The department works continuously to improve in this area and, based on the findings of independent research, has identified the need to further develop the framework and its practical application across the department. Practice development initiatives in this area continue. This included hosting the fourth Signs of Safety Gathering in Western Australia in October 2016, where over 300 local and international child protection practitioners attended each day of the 3-day gathering to continue in the learning journey.

In 2015–16, the department undertook extensive work both responding to family and domestic violence in the community and supporting and strengthening the family and domestic violence service system. Together with Western Australia Police and community sector family and domestic violence services, the department operated Family and Domestic Violence Response Teams (FDVRTs) in 17 locations across the state. FDVRTs provide timely, coordinated and safety-focused responses to child and adult victims of family and domestic violence. The role of the FDVRT is to assess Western Australia Police domestic incident reports and (where required) provide support and services to child and adult victims.

Also in 2015–16, the department launched the Freedom from Fear Action Plan 2015, which outlines 20 actions across 4 priority areas. The focus of the action plan is to increase the safety of women and children who are at risk of, or experiencing, family and domestic violence, by strengthening integrated, accountable and effective interventions for perpetrators of violence and abuse.

The recent release (December 2016) of the Care Team Approach Practice Framework will build on the good work achieved by the department over the past 7 years in implementing the Foster Care Partnership Practice Framework with carers and partner agencies. Every child in care will have a 'care team', comprising a group of people important to the child and their carer. The care team will maintain and support a child's care arrangement and their continued connection to parents, siblings, their wider family, network, community and culture. The emphasis is to create stability and reduce the disruption to lifetime connections that a child has when they enter care, and maintain and increase the naturally occurring networks they belonged to before coming into care.

The care team supports participation by family members and connections for Aboriginal children in care to their family, community and culture, which aligns with the Aboriginal and Torres Strait Islander Child Placement Principle. The development of a strong and secure cultural identity is integral to an Aboriginal child's wellbeing, and the care team must promote and support this.

In 2016, the department also updated its policy and practice guidance on children entering secure care.

South Australia

The Child Protection Systems Royal Commission conducted a comprehensive investigation into the laws, policies, practices and structures in place for children at risk of harm, including those who are under guardianship of the minister.

The repor*t, The Life They Deserve* was delivered to the Governor of South Australia on 5 August 2016 and described a system in urgent need of reform, pushed beyond capacity and with critical matters slipping through the cracks.

In the report, Royal Commissioner Nyland made 260 recommendations for improvements to the child protection system.

The government's initial response to the Royal Commission's findings, *Child protection: a fresh start* was released 29 November 2016 (Attorney-General's Department, Government of South Australia 2016). *A fresh start* aims to improve outcomes for vulnerable children, their families and the broader South Australian community by proposing extensive improvements to our state's child protection system.

The report responds to each of the recommendations from the Child Protection Systems Royal Commission, but also goes further to develop a broader child development system.

The Department for Child Protection was formed in November 2016 in response to recommendations from the Child Protection Systems Royal Commission.

Additional reforms arising from the recommendations of the Royal Commission are expected to:

- create a new child protection system which is better targeted at prevention and early intervention
- establish a new Early Intervention Research Directorate to develop new strategies to better support vulnerable families and to ensure programs are effective, including a specific focus on Aboriginal children and families

- embed a greater role for the non-government and community sector in guiding and overseeing all reforms through the establishment of a Child Safety and Wellbeing Advisory Panel
- trial a new multi-agency Child Safety Pathway to address notification waiting times on the Child Abuse Report Line, linking families to the right supports
- improve the rights and experiences of family and foster carers, with supports to help them interact with governments, ensure their voices are better heard in court, and to support their day-to-day decision making
- ensure that Aboriginal families are involved in early decision making through Family Group Conferencing within the new child protection laws.

A protocol between the Department for Child Protection, Disability Services and Disability SA provides guidance and information for staff in each agency to ensure that the developmental and care and protection needs of children and young people with disabilities are jointly considered, planned for and reviewed. As the National Disability Insurance Scheme progresses toward full implementation, the protocol provides a timely point of reference for collaboration with new disability service providers. Understanding about the interface between child protection and disability services will become increasingly important and the protocol will be an important reference when developing new working relationships.

A Memorandum of Understanding setting out a framework for delivering coordinated services to at risk children and young people was finalised in 2016. It is targeted toward enhancing responses to children, young people and families who live in public housing or receive services from Housing SA; children and young people at risk of abuse or neglect; and children and young people under, or formerly under, guardianship of the minister.

The *Children's Protection (Implementation of Coroner's Recommendations) Act 2016* was proclaimed and became operational on 28 April 2016. It amended the *Children's Protection Act 1993* to implement three of the recommendations made by the Coronial Inquiry into the death of Chloe Lee Valentine. The amendments:

- make it plain that the paramount consideration in the administration of the Act is to keep children safe from harm and that maintaining a child in her or his family must give way to the child's safety
- recognise cumulative harm as a relevant factor in making decisions about the care of a child
- provide for the issuing of instruments of guardianship or restraining notices where a child's parent, or someone who is residing, or about to reside with a child, has been convicted of a 'qualifying offence'
- require the Chief Executive to apply for a drug assessment order if he or she suspects on reasonable grounds that a child is at risk as a result of the abuse of any drug (including alcohol).

The *Statutes Amendment (Rights of Foster Parents, Guardians and Kinship Carers) Act 2016* was passed on 17 March 2016. The Act amends the *Family and Community Services Act 1972* to provide that if a child's next of kin and approved carer (foster parent, kinship carer or court appointed guardian) disagree about funeral arrangements or the disposal of the child's remains, the Department for Child Protection can assist in resolving the disagreement, upon request by one or both of the parties. It also amends the *Births, Deaths and Marriages*

Registration Act 1996 to enable court appointed guardians to be recognised in the Death Register and on a child's death certificate.

Other Person Guardianship (OPG) and Adolescent Reunification initiatives will develop new models of program delivery and departmental policy positions. In the case of OPG, there is an existing program in place that will be revised to increase its transparency around decision making, be clearer about the opportunities for involvement of carers and children throughout the assessment process, and increase emphasis of process evaluation to allow for continuous improvements to be made. In the case of Adolescent Reunification, currently there is no formalised program model in place. The intent is to design a program that utilises a range of therapeutic supports to assist both the child and family to create a sustainable and safe home environment, so that the child can leave their out-of-home care arrangement to be reunited with family.

To ensure equity of service across the system Solution Based Casework (SBC) has been adopted as the Department for Child Protection practice approach. It is an evidenced-informed casework model that prioritises working in partnership with families, focuses on pragmatic solutions to difficult situations, and notices and celebrates change. SBC has been implemented across statutory child protection services and funded non-government services that provide care and protection services in South Australia. Embedded in this new practice model are Structured Decision Making® Tools (SDM) and a Complexity Assessment Tool (CAT) which are tools to guide assessment and decision making within the SBC practice model to further support case workers conduct comprehensive assessments which are integral to effective case management.

A 'Linking Families' team, commissioned in the Call Centre, commenced operation from July 2015. The Linking Families team provides a phone based case management service, linking families that meet specific referral criteria to universal and secondary targeted services. Linking Families is intended to provide an alternative response for vulnerable families at a time when potential for change is at its greatest and before child protection concerns become more serious. Further operational improvements are being made with the development of revised procedures and work instructions in the Assessment and Support areas of the business.

Procedures and corresponding casework forms and templates for protective intervention or family preservation and reunification work have been developed and implemented. The emphasis of protective intervention work is to engage with vulnerable families and help increase their strengths and resilience in order to safely and appropriately care for their children. The updated procedures provide sustainable criteria for case transfer and minimum requirements for the casework and case management of family preservation and reunification cases.

In 2016 Family Support Services contracted to non-government organisations were reviewed. Service models were improved to include increased service hours and increased operational hours. Referral pathways were expanded for non-intensive support services. The service models were reviewed to ensure continued responsiveness to the changing needs of families.

Two significant initiatives were implemented to improve the quality of care provided to children and young people in out-of-home care, the Foster Care initiative and the growth of non-government organisation Residential Care placements. Additional funding to grow the number of foster care placements by 138 over three years has been provided to five foster care agencies. This funding included establishing a new general foster care provider and a

new service for carers providing assessment and support for Specific Child Only carers. This initiative will ensure children are transitioned from short-term accommodation into more suitable, long-term placements. The growth of non-government organisation operated residential care facilities has also been developed in 2015–16 and will see 100 new long-term placements being established by 30 June 2017 for children and young people in care. This will reduce reliance on short-term accommodation options and promote quality, consistent and stable placements for children and young people in care.

Commonwealth legislation for a trial of income management took effect 1 July 2012. Under income management, people on prescribed income support payments have part of their payment quarantined to ensure it is used for priority goods such as food, housing, clothing and utilities. Income cannot be used for excluded goods such as alcohol, cigarettes, pornography or gambling. Under child protection income management (CPIM), 70% of income support payments are income managed.

The *Social Security (Administration) Act 1999* authorises referral of a person for CPIM by a Department for Child Protection officer who has functions, powers or duties in relation to the care, protection or welfare of children, including where the person does not consent and there is no relevant care and protection order in place. State government policy at the time required the person's consent for referral to CPIM.

On 20 August 2015 departmental policy to use CPIM without consent was changed as a result of the State Coroner's recommendations handed down on 9 April 2015. The South Australian Government negotiated with the Australian Government for CPIM to be applied in other areas and to become an ongoing program. The practice guide and procedure was updated for the use of CPIM without consent as a tool to respond to child protection concerns for families in trial sites.

From 1 October 2015, CPIM and voluntary income management became available throughout the Local Government Areas of greater metropolitan Adelaide. In August 2016 CPIM was expanded to a further six regional Local Government Areas, in addition to the previous introduction in the APY Lands (2012) and Ceduna region (2014).

The Australian Government committed to extending income management in all locations to 30 June 2017. On 15 March 2016, the Australian Government replaced income management in the Ceduna region with the Cashless Debit Card trial.

Department for Child Protection continues to strive to improve the outcomes for Aboriginal and Torres Strait Islander children and young people in out-of-home care.

A new Aboriginal Cultural Identity Support Tool (ACIST) was trialled and evaluated in 2016. The ACIST will be implemented into practice throughout 2017.

In the trial phases several successes were recognised including improvement to staff understanding of the importance of family involvement in decision-making and planning; improvement to how a child's identity, culture and connection to family and community can be incorporated into case planning; and how staff engagement with the tool assists to build cultural knowledge.

When fully implemented the ACIST will enable case managers and case workers to develop case plans that support Aboriginal and Torres Strait Islander children to strengthen their identity.

Developed in partnership with children's birth families where appropriate, the ACIST documents how children will maintain their connection to family, country, community and

culture. It also assists in identifying potential kinship and community placement options for children, supporting the department's commitment to the Aboriginal and Torres Strait Islander Child Placement Principle.

The Reconciliation Action Committee was formed and is a joint venture of the Department for Child Protection, City of Port Adelaide Enfield Council and many non-government organisations. The Committee aims to support reconciliation events that not only provide cultural activities for the department's Aboriginal clients but also heighten the cultural competency of the partnering agencies.

The Reconciliation Action Committee has supported a number of activities and events since its inception in February 2015 and continues to hold several events throughout the year that supports and continues the spirit of reconciliation.

A significant achievement in 2016 was the implementation of the Aboriginal Impact Statement (AIS). The AIS is intended to strengthen culturally responsive policies, practices, initiatives, contracts, and agency reforms and to ensure that any impacts on Aboriginal business have been considered. An AIS is required to be attached to any initiative requiring operational and strategic approval. At present the focus has been on ensuring that any current Department for Child Protection initiatives have an AIS developed and that adequate Aboriginal consultation is being undertaken in the early stages of concept development of any new initiatives.

The Multi Agency Protection Service (MAPS), led by South Australia Police is based on the United Kingdom Multi Agency Safe Guarding Hubs model, which was developed to share information to increase safety for vulnerable people.

In South Australia in 2015–16, 5 South Australian government departments participated in MAPS for the purpose of increasing safety for people experiencing domestic violence. The departments were South Australia Police, the Department of Correctional Services, SA Health, Housing SA, and the Department for Education and Child Development (with responsibility for education and child protection). The Department for Child Protection will participate in MAPS in its own right as a government department.

The main benefits of MAPS is the co-location of the government departments, the speed with which the information sharing summary document can be generated and be available for direct service delivery staff, and the depth of information that is provided to each government department.

This gives child protection critical information from the participating government departments which is then available to assist practitioners with direct service delivery assessment or intervention. Information about where further information about any particular incident can be sought is also available. The core government departments working with people at risk and vulnerable people all have the same information in relation to risk and potential danger. For direct service delivery, this means that far more critical information is available in a timely manner to support work with victims, children and perpetrators of domestic violence.

Tasmania

A number of initiatives during 2015–16 were implemented to improve practice and service provision in child safety and out-of-home care in Tasmania. Some of these include:

- The implementation of the Signs of Safety approach, supporting a consistent and comprehensive risk assessment that is child centred and family focused, continued across Children and Youth Services. Since 2013, ongoing training, practice development and system review has occurred as the Signs of Safety approach has become the way people work in Children and Youth Services. The Signs of Safety approach has been integrated to become the Child Safety practice framework.
- Amendments to the Children, Young Persons and Their Families Act 1997 reflect the Tasmanian Government's response to the recommendations of the Legislative Amendment Review Reference Committee (LARRC), established by the previous government to advise it on the Principal Act. The committee provided a detailed report on the need for amendments to some 21 areas of the Act. The LARRC report provided detailed advice on the preferred policy direction to support the amendments. These amendments are aimed at a less adversarial way of working with families, which aligns and supports the Signs of Safety approach. Extensive work was undertaken for proclamation of 2 rounds of legislative amendments relating to the Children, Young Persons and Their Families Amendment Act 2013 on 1 July and 1 October 2016:
  - The key changes of the 1 July 2016 amendments included greater recognition of the family as the preferred environment for the child or young person, a clear outline of the responsibilities of government in safeguarding the wellbeing of children and young people, and the strengthening of the principals of the Act by expanding the 'best interests' of a child or young person.
  - The 1 October 2016 amendments to the Act provided increased safeguards to ensure that decisions made about children and young people by the court are based on reasonable grounds and in the child or young person's best interests.
- The Advocacy for Children in Tasmania Committee (ACTC) was established as a result of one of the LARRC recommendations, which was to conduct a second-stage process to clarify the expectations of the role, function and powers of the Commissioner for Children. The ACTC made 15 recommendations relating to advocacy services for Tasmanian children, including the function and role of the Commissioner. One of these recommendations was the development of standalone legislation.
- The new Commissioner for Children and Young People Act 2015 commenced from 1 July 2016, providing the Tasmanian Commissioner for Children and Young People with functions and powers consistent with the recommendations of the ACTC. The Act establishes the position of the commissioner, clarifies the functions of the position, and strengthens the powers available. The Act establishes the functions of the commissioner as including systemic advocacy and the ability to undertake own motion enquiries relevant to the functions of the position. Importantly, the Act enables the commissioner to gather the information needed to undertake the functions of the position and the commissioner has discretion as to how those functions are performed.
- The out-of-home care service system is being progressively reformed by the Tasmanian Government with a view to realigning services to provide a cohesive continuum of care that delivers a needs-led range of placement options for children and young people. Phase 1 of the reforms which focused on specialised care services—sibling group care,

residential care, therapeutic services and special care packages for children with an extra-ordinary need for care—is now complete. Phase 2 of the reforms progresses Family Based Care options, with an initial focus on foster care, including the recruitment, support, training, approval, registration and deregistration of carers. Work is currently underway on the development of a foster care framework to ensure a sustainable and fiscally responsible service model that delivers the most responsive approach to the provision of foster care services in Tasmania.

- In August 2015, the Minister for Human Services announced a comprehensive redesign of child protection services in Tasmania. In March 2016, The redesign project delivered a thorough strategy to achieve this and a supporting implementation plan which outlines areas of investment and major initiatives to be undertaken as part of the implementation of the Strong Families–Safe Kids initiative.
- The theory behind Strong Families–Safe Kids is a more integrated and professionally capable system for the protection of children, with a strong focus on building strength in children and families. It emphasises the need to protect children at high risk, but also ensures a range of integrated government and community support and intervention services to build support for families and children experiencing adverse circumstances to prevent adverse impacts.
- The Tasmanian Government has committed $20.6 million over 4 years as part of the implementation of the Strong Families–Safe Kids initiative.

Australian Capital Territory

A key priority for the Australian Capital Territory Government is to maintain and continually improve a responsive and high-performing child protection and out-of-home care system. Reforms are being progressed under the banner of 'Refreshing the Service Culture'. The change agenda incorporates strategies to implement recommendations from reviews that the Australian Capital Territory Public Advocate undertook in 2011 and 2012 and the Australian Capital Territory Auditor-General's performance audit in 2013. These include:

- progression of the development of a 5-year Out-of-Home Care Strategy, A Step Up For Our Kids, to guide the purchase and delivery of out-of-home care services from July 2015 to June 2020. The main aim of the strategy is to ensure the supply and quality of out-of-home care placements for children and young people in the care of the Director-General
- improved services and supports for kinship carers, including engaging specialist services to provide therapeutic services for children, young people and carers in their care environment
- enhanced early intervention services and supports for pregnant women, as well as for young people, through the implementation of case conferencing
- a strengthened approach to developing cultural plans that are relevant and meaningful for Aboriginal and Torres Strait Islander children and young people in care
- implementation of Child and Youth Protection Services (CYPS) from July 2015, providing integrated care and protection and youth justice case management.

Northern Territory

The Northern Territory Department of Children and Families (DCF) existed throughout the 2015–16 financial year and became part of Territory Families in September 2016.

In 2014–15, the DCF progressed a number of reforms and activities designed to improve the child protection system.

Amendments to the *Care and Protection of Children Act 2007* were passed in February 2015, to give effect to an additional form of order, known as a permanent care order. A permanent care order will transfer parental responsibility for children in care to a nominated individual until that child is 18. Where applications for these orders are assessed as being in the best interests of the child, these orders will provide permanency and stability for children and their carers.

In line with legislative amendments in 2014, the DCF also established an Internal Review Team and launched a new Concerns for the Safety of Children in Care policy. This policy ensures any concerns or disclosures relating to children in the care of the Chief Executive Officer receive an effective and coordinated response. Importantly, it means that individual incidents are not considered or responded to in isolation, and the focus is placed on the child, regardless of the location or cause of the concern.

The DCF also progressed work on the Family Intervention Framework. The framework outlines 4 different levels of intervention with families involved in the child protection system, ranging from child safety interventions through to supporting a kinship carer where a child has been taken into care. The framework clearly defines the service responses to families in the statutory child protection system, with the aim of preventing children coming into care, or of safely returning them home.

The DCF developed and refined the Out-of-home Care Continuum. The purpose of the continuum is to describe the mix of accommodation services required to meet the needs of children in out-of-home care in the Northern Territory. The continuum defines services currently available to children in care, and identifies a number of new specialist services. In 2015–16, the DCF developed and introduced services, and aligned existing out-of-home care services to the continuum.

The DCF also engaged with its Australian Government colleagues in relation to a proposed reform of the Remote Services Division that will see changes to the way in which family support services are delivered at a local level.

Appendix F: Relevant changes in jurisdictions' data systems

New South Wales

The New South Wales Government response to the recommendations and reform program of the *Report of the Special Commission of Inquiry into Child Protection Services in NSW* (Wood 2008) effectively went live on 24 January 2010, with the proclamation of legislation to introduce a series of key reforms. The legislation sets a new mandatory reporting threshold: 'risk of significant harm'. Other major changes to the child protection system in New South Wales aim to share the responsibility for the safety and wellbeing of children across the government and non-government sectors, allowing Family and Community Services caseworkers to concentrate on the most serious cases. Indications are that these are beginning to reduce the high level of reporting to the 24-hour Child Protection Helpline.

Following the New South Wales Keep Them Safe reforms, the 2010–11 data reflected the first full year of reporting under legislative changes to the New South Wales *Children and Young Persons (Care and Protection) Act 199*8, proclaimed on 24 January 2010. This includes raising the reporting threshold from 'risk of harm' to the new 'risk of significant harm'. Data are not comparable with data for previous years.

Changes to business practice in New South Wales, designed to assist caseworkers in focusing on the most urgent cases, have required changes to counting rules. These changes mean that the counts for 'Notifications investigated', 'Notifications resolved without investigations' and 'Notifications dealt with by other means' for 2011–12 and beyond are not comparable with previous years.

Victoria

In April 2006, Victoria introduced a major new data system, which was progressively rolled out across the state with completion in June 2008. In parallel, the *Children, Youth and Families Act 2005*, which started in April 2007, introduced new service pathways and processes in Victorian child protection and family services to support earlier intervention and prevention for vulnerable children and their families. Due to these new service and data reporting arrangements, the Victorian child protection data for 2006–07 onwards may not be fully comparable with data from previous years.

Queensland

In Queensland, all notifications require an investigation response, unless it has been determined that taking other actions is appropriate. Any new child protection concerns received by the department, that relate to an open notification or to an investigation and assessment, are recorded in the Integrated Client Management System (ICMS) as an additional concern and linked to the open notification or investigation and assessment. Before the introduction of the ICMS in March 2007, any new child protection concerns that the department received were recorded as an additional notification. This change in recording practice had the effect of decreasing the number of notifications recorded in Queensland.

Western Australia

From March 2014, notifications can proceed directly to an investigation and bypass initial assessment if the Department for Child Protection and Family Support has a clear ongoing role in relation to a concern for a child. This resulted in a slight increase in the proportion of notifications dealt with by investigation from 2014–15.

On 30 June 2015, a new substantiation category 'Substantiated-likelihood of harm' was introduced. This resulted in an increase in the proportion of investigations that are substantiated from 2015–16.

Also on 30 June 2015, system validation was introduced to make recording of a child's Indigenous status compulsory at the point of investigation completion.

Amendments to the *Children and Community Services Act 2004* from 1 January 2016 expanded the definition of emotional abuse to include exposing a child to an act of family and domestic violence. As a result, from 9 June 2016, the concern type 'Family domestic violence' ceased to be recordable as an issue for children in the client system. The concern type 'Emotional harm' was replaced with 2 new concern types: 'Emotional abuse—family and domestic violence'; and 'Emotional abuse—other'. This resulted in an increase in the number of notifications for emotional abuse from 2015–16. Previously, notifications of children experiencing domestic violence were out of scope for national reporting.

South Australia

The Connected Client Case Management System continues to be developed to support child protection casework and case management, with associated enhancements in data collection and reporting.

Tasmania

During 2007–08 and 2009–10, Tasmania implemented a new information system called the Child Protection Information System (CPIS) in 2 stages. The CPIS consists of a single, centrally administered database to store, manage and provide state-wide access to child protection data. Stage 1 focused on improved support for intake and assessment functionality, while stage 2 involved a complete redesign. Now the CPIS supports intake, assessment, case management and out-of-home care functions. Other changes included decentralisation of intake services, and updated notification processes so that only the initial contact is counted as a notification, and any contacts received in relation to an open case of abuse or neglect are recorded as case notes.

During 2011–12, work was undertaken to comply with new Child Protection National Minimum Data Set (NMDS) requirements, including the first run of the Child Protection NMDS Unit Record collection, and the first experimental collection for the Treatment and Support Services NMDS.

The Performance and Evaluation Unit within Children and Youth Services (CYS) has developed and implemented a business intelligence capability known as KIDZ, Kids Intelligence Data System, for monitoring a broad range of performance information via dashboards for Child Protection Services. The dashboards are accessed by staff at all levels for strategic and operational purposes and allow users to view whole-of-state performance, filter by region and client demographics, and drill down to a list of individual cases.

Currently, the dashboards draw on a warehouse of linked data for children under care and protection orders from existing source systems within the Department of Education, Tasmanian Public Hospitals, Oral Health, Mental Health and Drug and Alcohol Services, Births, Deaths and Marriages and the Australian Childhood Immunisation Register, as well as internal systems within CYS, including Child Protection Services, Youth Justice Services, the Child Health and Parenting Service, and Family Violence Counselling and Support Services. As part of the redesign of Child Safety Services in Tasmania, CYS is now working to expand the scope of the KIDZ dashboard to include data for children at ongoing risk of abuse and neglect, as well as data for their families. This widening of scope is facilitated by improved data sharing and linkages with various other Tasmanian Government departments.

Australian Capital Territory

From 2010–11 onwards, children in out-of-home care on third-party orders (Enduring parental responsibility orders) whose carers were previously supported by a foster care agency are included in the count of 'other home-based care'. Children in out-of-home care with kinship carers are included in the count of 'kinship care' regardless of order type. From 2012–13, the 'other home-based care' category also includes children with high and complex needs who are adopted by their carers and a subsidy payment continues under section 108A of the *Adoption Act 1993*. For 2015–16 only all children in care under Enduring parental responsibility and in home-based care were counted under the new category 'Third-party parental care'.

Northern Territory

There have been no major changes to the Northern Territory data system since the introduction of the Structured Decision Making assessment tools in 2010 and 2011.

Appendix G: Inquiries into child protection services

Various inquiries into child protection services have been conducted in a number of jurisdictions in recent years. These include:

- New South Wales—Report of the Special Commission of Inquiry into Child Protection Services in NSW (Wood 2008)
- New South Wales—Keep them safe? A special report to Parliament under s31 of the Ombudsman Act 1974. Report tabled in Parliament on 30 August 2011 (New South Wales Ombudsman 2011)
- New South Wales—Responding to child sexual assault in Aboriginal communities report, December 2012 (New South Wales Ombudsman 2012)
- New South Wales—Review of the NSW child protection system—are things improving? Special report to Parliament. April 2014 (New South Wales Ombudsman 2014)
- New South Wales—Inquiry into Child Protection established by the Parliament of New South Wales Legislative Council General Purpose Standing Committee No. 2 on 12 May 2016
- New South Wales—Independent Review of Out of Home Care in New South Wales, report to NSW Cabinet (David Tune AO PSM, 2016).
- Victoria—Report of the Protecting Victoria's Vulnerable Children Inquiry 2012 (State Government of Victoria 2012)
- Victoria—In the child's best interests: inquiry into compliance with the intent of the Aboriginal Child Placement Principal in Victoria (Victorian Commission for Children and Young People 2015)
- Victoria—Always was, always will be, Koori children. Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria (Victorian Commissioner for Children and Young People 2016)
- Queensland—Protecting children: an inquiry into the abuse of children in foster care (Crime and Misconduct Commission 2004)
- Queensland—Taking responsibility: a roadmap for Queensland child protection (Queensland Child Protection Commission of Inquiry 2013)
- South Australia—Children in state care: commission of inquiry (Mullighan 2008a)
- South Australia—Children on Anangu Pitjantjatjara Yankunytjatjara (APY) lands: commission of inquiry (Mullighan 2008b)
- South Australia—Interim report of the select committee on statutory child protection and care in South Australia (Parliament of South Australia 2015)
- South Australia—The life they deserve: Child Protection Systems Royal Commission report (Child Protection Systems Royal Commission 2016)
- Tasmania—Report on child protection services in Tasmania (Jacob & Fanning 2006)
- Tasmania—Inquiry into the circumstances of a 12 year old child under guardianship of the Secretary: final report (Commissioner for Children Tasmania 2010)

- Tasmania—Select Committee on Child Protection: final report (Parliament of Tasmania 2011)
- Tasmania—Report of the Auditor General, No. 2 of 2011–2012, Children in out-of-home care (Tasmanian Audit Office 2011)
- Tasmania—Redesign of child protection services Tasmania: strong families—safe kids (Tasmanian Department of Health and Human Services 2016a)
- Tasmania—Strong families—safe kids: implementation plan 2016–2020 (Tasmanian Department of Health and Human Services 2016b)
- Australian Capital Territory—The Territory as a parent: a review of the safety of children in care in the ACT and of ACT Child Protection management (Commissioner for Public Administration 2004a)
- Australian Capital Territory—The Territory's children: ensuring safety and quality care for children and young people. Report on the audit and case review (Commissioner for Public Administration 2004b)
- Northern Territory—Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's children. Report of the Board of Inquiry into the child protection system in the Northern Territory 2010 (Northern Territory Government 2010).

These inquiries generate much media interest, both locally and nationally, which heightens public interest, reinforces the need to protect children and may, in turn, affect the willingness of the general public to report suspected instances of child abuse. They also can potentially affect the reported data, as departments often respond to inquiries by introducing new policies and practices, or modifying existing one.