

3 Care and protection orders

Overview

Children who are in need of care and protection

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

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

Fewer children are placed on a care and protection order compared to the number who are the subject of a substantiation. The proportion of children who were the subject of a substantiation in 2002–03, and who were placed on a care and protection order within 12 months, ranged from 12% in Queensland to 58% in Tasmania (Table A1.6). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each state and territory (see below).

Community services departments may also need to assume responsibility for children and place them on a care and protection order for reasons other than a child protection substantiation. This may occur in situations where there is family conflict and ‘time out’ is needed, where there is an irretrievable breakdown in the relationship between the child and his or her parents, or where the parents are unwilling or unable to adequately care for the child.

Each state and territory has its own legislation that provides a definition of ‘in need of care and protection’ (see Appendix 3). In some states and territories the definition in the legislation covers a wide range of factors that may lead to a child being considered in need of care and protection, such as truancy or homelessness. In other states, such as Victoria, the legislation defines the need for care and protection more narrowly to refer to situations where the child has been abandoned or where the child’s parent(s) are unable to protect the child from significant harm. The legislation in each jurisdiction provides for action that can be taken if a child is found to be in need of care and protection.

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

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

The Children's Court

In most jurisdictions, applications for care and protection orders by the relevant community services department are made to the Children's Court. In South Australia, applications are made to the Youth Court, and in the Northern Territory to the Family Matters Court. A small number of applications may also be brought before the Family Court, or the state or territory Supreme Court, but orders granted by these courts are only included for some jurisdictions.

Temporary Protection Visas

In some jurisdictions, children on Temporary Protection Visas (TPV) are included in the data collection. The Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) issues these visas and then advise the community services department. The child is then under the guardianship of the community services minister until they turn 18 years. These children are counted under guardianship or custody order/administrative arrangements (see below). Data on the exact number of children is not collected by the AIHW.

Types of care and protection orders

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

1. Guardianship or custody orders/administrative arrangements

Guardianship orders involve the transfer of legal guardianship to an authorised department or to an individual. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are sought only as a last resort. Guardianship orders convey to the guardian responsibility for the welfare of the child (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

In previous years, guardianship orders generally involved the transfer of both guardianship and custody to the department, with the head of the state or territory community services department becoming the guardian of the child. More recently, several jurisdictions have introduced options for transferring guardianship to a third party, for example in Victoria's use of Permanent Care Orders. Under the new legislation introduced in New South Wales, these types of orders relate to 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the state.

Custody orders generally refer to care and protection orders that place children in the custody of a third party. These orders usually involve child protection staff (or the person who has been granted custody) being responsible for the day-to-day requirements of the child while the parent retains guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child. In New South Wales under the new legislation, the state can hold parental responsibility but the authorised carer has the power to make decisions about the daily care and control of the child or young person.

This category also includes those administrative arrangements with the community services departments that have the same effect as a court order of transferring custody or guardianship. These are legal arrangements, but not all states and territories have such provisions in their legislation.

2. Supervisory orders

This category includes supervisory and other court orders that give the department some responsibility for the child's welfare. Under these types of orders the department supervises the level of care provided to the child. Such care is generally provided by parents, and the guardianship or custody of the child is not affected. They are therefore less interventionist than guardianship or custody orders.

This category also includes undertakings which are voluntary orders regarding the care or conduct of the child. These orders must be agreed to by the child, and the child's parents or the person with whom the child is living.

3. Interim and temporary orders

Interim and temporary orders generally provide for a limited period of supervision and/or placement of a child. These types of orders vary considerably between states and territories.

Scope of the data collection

The data collection includes data for the 2003–04 financial year on children admitted to and discharged from care and protection orders, orders issued during 2003–04, as well as data on the characteristics of children on orders at 30 June 2004. Children are counted only once, even if they were admitted to or discharged from more than one order or they were on more than one order at 30 June 2004. If a child was on more than one order at 30 June 2004, then the child is counted as being on the order that implies the highest level of intervention by the department (with guardianship or custody orders being the most interventionist, and interim and temporary orders the least).

The data included in this year's report are broadly comparable with the data in the reports from 1998–99 onwards. Prior to 1998–99 there was a separate category for administrative and voluntary arrangements between families and the community services departments. These arrangements are now included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship.

As in all other years, data for children on juvenile justice orders are not included in this data collection. The AIHW is currently implementing a new national data collection for juvenile justice that will enable national reporting (AIHW 2004b).

State and territory differences

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

- Western Australia does not have any orders that fit the category of 'supervisory orders'. Western Australian data on care applications that have not yet been finalised have been included in the category 'interim and temporary orders'. There are no other 'interim or

temporary orders' in Western Australia apart from the previously mentioned care applications.

- Orders that grant permanent guardianship and custody of a child to a third party are issued only in some jurisdictions. In Victoria, the Permanent Care Order was introduced in 1996–97 and is included in this data collection in the category 'guardianship and custody orders'. South Australia and the Northern Territory also have provisions for the transfer of guardianship to a third party. New South Wales has recently introduced a similar type of order, the Sole Parental Responsibility Order which will also be included in the national data.

Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2003–04 as well as data on the characteristics of children who were on care and protection orders at 30 June 2004. The differences between states and territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

New South Wales was unable to provide any data on care and protection orders for 2003–04 due to the ongoing implementation of the data system.

Admissions, discharges and orders issued

Children admitted to orders

The number of children admitted to care and protection orders and arrangements across Australia during 2003–04 is shown in Table 3.1. This ranged from 2,938 in Queensland to 181 in the Australian Capital Territory. There were more children admitted to orders in every jurisdiction in 2003–04 than in 2002–03 (Table 3.1; AIHW 2003a). As noted earlier, a child may be admitted to a care and protection order for a range of reasons – for example, where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

Table 3.1: Children admitted to and discharged from care and protection orders, by state and territory, 2003–04

	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT ^(b)
Children admitted to orders	n.a.	2,778	2,938	441	664	530	181	357
Children admitted for the first time	n.a.	1,499	1,750	429	452	206	123	n.a.
% of all admissions	n.a.	54	60	97	68	39	68	n.a.
Children discharged from orders	n.a.	2,028	1,612	221	751	270	125	234

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

(b) The Northern Territory was unable to provide data on admissions for the first time.

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

Some of the children admitted to orders in 2003–04 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the

information was available, the proportion of children admitted to orders who were admitted for the first time ranged from 39% in Tasmania to 97% in Western Australia.

Data on the age of children admitted to orders show that the largest proportion of children admitted to orders in 2003–04 were aged under 5 years, ranging from 31% in Tasmania to 52% in Western Australia (Table 3.2). There was also a large proportion of children aged 5–9 years in each jurisdiction. The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged (Table 3.7).

Table 3.2: Children admitted to care and protection orders, by age and state and territory, 2003–04

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
<1	n.a.	357	366	91	70	18	20	57
1–4	n.a.	796	811	138	209	151	56	115
5–9	n.a.	761	867	130	192	160	39	77
10–14	n.a.	710	739	80	161	147	51	92
15–17	n.a.	154	155	2	32	54	15	14
Unknown	n.a.	—	—	—	—	—	—	2
Total	n.a.	2,778	2,938	441	664	530	181	357
Per cent								
<1	n.a.	13	12	21	11	3	11	16
1–4	n.a.	29	28	31	31	28	31	32
5–9	n.a.	27	30	29	29	30	22	22
10–14	n.a.	26	25	18	24	28	28	26
15–17	n.a.	6	5	—	5	10	8	4
Total	n.a.	100	100	100	100	100	100	100

(c) New South Wales was unable to provide data due to the ongoing implementation of the data system.

Children discharged from orders

There were fewer children discharged from care and protection orders in all jurisdictions in 2003–04 than admitted to these orders. For example, in the Northern Territory there were 357 children admitted to orders and 234 discharged from orders (Tables 3.1 and 3.3).

The majority of children who were discharged had been on an order for less than 4 years. However, in Western Australia, one-third of children discharged (33%) had been on an order for 4 years or more (Table 3.3).

Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected states and territories, ^(a) 2003–04

State/territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	
	Number								
New South Wales ^(b)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Victoria	6	262	406	543	438	216	111	46	2,028
Queensland	449	249	116	103	209	209	135	142	1,612
Western Australia	13	12	11	32	32	49	33	39	221
South Australia	323	23	14	275	11	21	25	59	751
Australian Capital Territory	55	13	29	9	2	5	6	6	125
Northern Territory	117	45	35	13	16	1	2	5	234
	Per cent								
New South Wales ^(b)	—	—	—	—	—	—	—	—	—
Victoria	—	13	20	27	22	11	5	2	100
Queensland	28	15	7	6	13	13	8	9	100
Western Australia	6	5	5	14	14	22	15	18	100
South Australia	43	3	2	37	1	3	3	8	100
Australian Capital Territory	44	10	23	7	2	4	5	5	100
Northern Territory	50	19	15	6	7	—	1	2	100

(a) Data not available from Tasmania.

(b) New South Wales was unable to provide data due to the ongoing implementation of the data system.

Orders issued

There were more orders issued during 2003–04 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 2003–04 is presented in Table 3.4.

The types of care and protection orders issued varied across jurisdictions, reflecting both the different types of orders available and the different policies and practices. In Victoria, the majority of the orders issued were supervisory orders. In all other jurisdictions except Tasmania, there were more interim and temporary orders issued than other types of orders. In Western Australia, interim orders actually refer to care applications, which will most likely become a guardianship/custody order. Therefore, the number of applications each year is greater than the number of applications granted, due to the time delay between the initial application and the subsequent court hearing, and also the small number of cases where the department withdraws the application before the order is granted.

The ratio of children admitted to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the states and territories. In Victoria there was 1 child admitted to 1.2 orders issued, and in South Australia there was 1 child admitted to 3.0 orders issued (Table 3.4). Tasmania had a relatively high ratio of children to orders because this state has a range of shorter term orders which include assessment orders, examination orders, interim assessment orders on adjournment, interim care and protection order and requirements for assessment.

Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by state and territory, 2003–04

Type of order	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT
Number								
Guardianship or custody orders/arrangements	n.a.	1,180	2,437	232	574	640	87	199
Supervisory orders	n.a.	1,283	262	..	..	40	12	1
Interim and temporary orders	n.a.	838	2,546	308	1,398	531	207	586
Total	n.a.	3,301	5,245	..	1,972	1,211	306	786
Per cent								
Guardianship or custody orders/arrangements	n.a.	36	46	..	29	53	28	25
Supervisory orders	n.a.	39	5	..	..	3	4	—
Interim and temporary orders	n.a.	25	49	..	71	44	68	75
Total	n.a.	100	100	..	100	100	100	100
Ratio of children admitted to orders issued	n.a.	1.2	1.8	..	3.0	2.3	1.7	2.2

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

(b) In Western Australia, the application for a care and protection order to be issued for a child is counted as an interim order for national reporting purposes, but there is, in fact, no order issued during this stage. It is thus not relevant to compare the number of orders by a percentage basis or the ratio of orders issued per child.

Trends in the number of children on orders

At 30 June 2004 there were more children on care and protection orders than in previous years for all jurisdictions (Table 3.5). The increase in the number of children on orders was greatest in the Australian Capital Territory, rising from 288 in 2002–03 to 353 in 2003–04 (23%).

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 41% from 15,718 in 1997 to 22,130 in 2003. Australian totals were unable to be calculated in 2003–04.

Table 3.5: Trends in the number of children on care and protection orders, by state and territory, at 30 June 1997 to 30 June 2004

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 ^(a)	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 ^(b)	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,320	1,260	453	219	205	19,917
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557
2003	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
2004	n.a.	5,251	4,950	1,639 ^(c)	1,455	634	353	345	n.a.

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

(b) From 1999, care applications were included for the first time and this resulted in an increase in the numbers.

(c) Data include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

Sources: AIHW 2004a; Table 3.5.

Characteristics of children on care and protection orders

Types of orders

Across Australia the majority of children who were on care and protection orders at 30 June 2004 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria, for example, a relatively high proportion of children were on supervisory orders (23%), and in Tasmania and the Australian Capital Territory 10% were on interim or temporary orders.

Table 3.6: Children on care and protection orders: type of order, by state and territory, at 30 June 2004

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
Guardianship or custody orders/arrangements	n.a.	3,794	4,383	1,435	1,365	546	280	316
Supervisory orders	n.a.	1,229	216	..	..	26	37	—
Interim and temporary orders	n.a.	228	351	204	90	62	36	29
Total	n.a.	5,251	4,950	1,639	1,455	634	353	345
Per cent								
Guardianship or custody orders/arrangements	n.a.	72	89	88	94	86	79	92
Supervisory orders	n.a.	23	4	..	..	4	10	—
Interim and temporary orders	n.a.	4	7	12	6	10	10	8
Total	n.a.	100	100	100	100	100	100	100

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

Age and sex

The age profile of children on orders varied considerably across the jurisdictions (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 19% in South Australia to 36% in the Northern Territory. Conversely, the proportion of children aged 15–17 ranged from 8% in the Northern Territory to 23% in South Australia.

In all jurisdictions, except the Northern Territory, there were more boys than girls on care and protection orders (Table A1.7).

Table 3.7: Children on care and protection orders: by age and state and territory, at 30 June 2004

Age (years)	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT
Number								
< 1	n.a.	156	172	50	38	11	12	19
1–4	n.a.	1,051	1,011	372	227	127	79	104
5–9	n.a.	1,461	1,428	505	370	190	85	99
10–14	n.a.	1,629	1,541	520	486	200	129	96
15–17	n.a.	953	798	192	334	104	48	27
Unknown	n.a.	1	—	—	—	2	—	—
Total	n.a.	5,251	4,950	1,639	1,455	634	353	345
Per cent								
< 1	n.a.	3	3	3	3	2	3	6
1–4	n.a.	20	20	23	16	20	22	30
5–9	n.a.	28	29	31	25	30	24	29
10–14	n.a.	31	31	32	33	32	37	28
15–17	n.a.	18	16	12	23	16	14	8
Total	n.a.	100	100	100	100	100	100	100

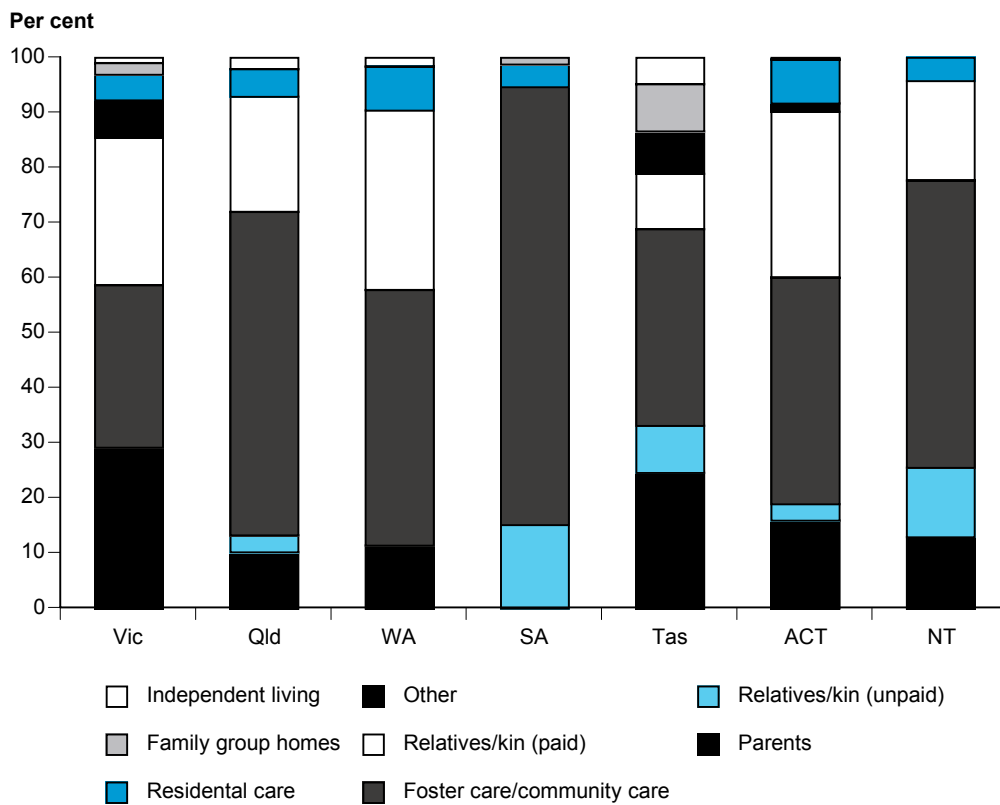
(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

Living arrangements

Most children on care and protection orders live in some type of home-based care – either foster care or living with relatives/kin. A relatively high proportion of these children live with at least one of their parents, such as 29% in Victoria and 25% in Tasmania. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by state and territory (Figure 3.1). South Australia had a high proportion of children on orders living in foster care (80%) compared to 29% in Victoria. The Australian Capital Territory had the highest proportion of children living in residential care (8%).

Living arrangements varied considerably with the age of the child, with children aged less than 1 year most likely to be either in family care (30%) or in home-based out-of-home care (64%) (Table A1.8). A relatively high proportion of children aged 15–17 years were in residential care (11%) or living independently (7%).



Note: In Western Australia, residential care includes children in family group homes.

Source: Table 3.8.

Figure 3.1: Children on care and protection orders, by living arrangements, for selected states and territories, at 30 June 2004.

Table 3.8: Children on care and protection orders: living arrangements by state and territory, at 30 June 2004

Living arrangements	NSW ^(a)	Vic ^(b)	Qld	WA ^(b)	SA ^(c)	Tas	ACT ^(d)	NT
Number								
Parents	n.a.	1,496	500	186	—	150	54	43
Relatives/kin ^(e)	n.a.	—	150	—	166	52	10	42
<i>Total family care</i>	<i>n.a.</i>	<i>1,496</i>	<i>650</i>	<i>186</i>	<i>166</i>	<i>202</i>	<i>64</i>	<i>85</i>
Foster care/community care	n.a.	1,504	2,857	751	869	217	139	173
Relatives/kin ^(f)	n.a.	1,371	1,018	527	—	61	102	60
Other	n.a.	347	—	—	—	47	5	—
<i>Total home-based care</i>	<i>n.a.</i>	<i>3,222</i>	<i>3,875</i>	<i>1,278</i>	<i>869</i>	<i>325</i>	<i>246</i>	<i>233</i>
Residential care	n.a.	238	243	129 ^(g)	45	—	27	14
Family group homes	n.a.	107	..	..	13	52	..	..
Independent living ^(h)	n.a.	47	100	26	—	29	1	—
Other/unknown	n.a.	141	82	20	362	26	15	13
Total	n.a.	5,251	4,950	1,639	1,455	634	353	345
Per cent								
Parents	n.a.	29	10	11	—	25	16	13
Relatives/kin ^(e)	n.a.	—	3	—	15	9	3	13
<i>Total family care</i>	<i>n.a.</i>	<i>29</i>	<i>13</i>	<i>11</i>	<i>15</i>	<i>34</i>	<i>19</i>	<i>26</i>
Foster care/community care	n.a.	29	59	46	80	36	41	52
Relatives/kin ^(f)	n.a.	27	21	33	—	10	30	18
Other	n.a.	7	—	—	—	8	1	—
<i>Total home-based care</i>	<i>n.a.</i>	<i>63</i>	<i>80</i>	<i>79</i>	<i>80</i>	<i>54</i>	<i>72</i>	<i>70</i>
Residential care	n.a.	5	5	8 ^(g)	4	—	8	4
Family group homes	n.a.	2	..	..	1	9	..	..
Independent living ^(h)	n.a.	1	2	2	—	5	—	—
Total	n.a.	100	100	100	100	100	100	100

- (a) New South Wales was unable to provide data due to the ongoing implementation of the data system.
- (b) In Victoria and Western Australia, all children on orders who were living with relatives/kin were included in the category of home-based out-of-home care and not in the category of family care.
- (c) South Australia could provide accurate data only on the number of children in residential care and could not separate out children living with relatives or kin. Some children who were in family care and some who were living with relatives/kin who were reimbursed were therefore included in the 'foster care' category.
- (d) In the Australian Capital Territory the number of children living with relatives/kin in home-based care is likely to be understated, as this information is not available for placements made by a non-government agency.
- (e) This category includes relatives/kin, other than parents, who were not reimbursed.
- (f) This category includes relatives/kin, other than parents, who were reimbursed.
- (g) In Western Australia, this category includes some children placed in family group homes.
- (h) This category includes private board.

Rates of children on care and protection orders

The rates of children on care and protection orders at 30 June 2004 varied across the states and territories, ranging from 3.4 per 1,000 in Western Australia to 5.8 per 1,000 in the Northern Territory (Table 3.9). Some of the variation is probably due to the different orders available and to variations in policies and practices across jurisdictions.

Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by state and territory, 30 June 1997 to 30 June 2004

At 30 June	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	3.3
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
1999	4.4	3.8	4.0	2.1 ^(b)	2.9	3.6	3.0	3.0	3.8
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
2001	5.1	4.2	3.9	2.7	3.6	3.8	2.8	3.4	4.2
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	4.3
2003	5.6	4.3	4.3	3.0	3.9	5.1	3.7	4.6	4.6
2004	n.a.	4.5	5.2	3.4 ^(c)	4.2	5.4	4.6	5.8	n.a.

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

(b) From 1999, care applications were included for the first time and this resulted in an increase in the numbers.

(c) Data include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

Source: AIHW 2004a.

Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2003, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.6 per 1,000 (Table 3.9). Although the national rate is not available for 2003–04, from the available data it would appear that this trend would have continued as rates of children on care and protection orders increased in all jurisdictions. The increase in rates between 30 June 1997 and 30 June 2004 was particularly large in the Northern Territory, where rates increased from 1.9 to 5.8 per 1,000.

Aboriginal and Torres Strait Islander children

Number and rates

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions. It was highest in Victoria (44.7 per 1,000) and lowest in the Northern Territory (9.4 per 1,000). In all jurisdictions, the rate of Indigenous children on orders was higher than the rate for other children. In Victoria, the rate for Indigenous children was 11 times the rate for other children, and in Western Australia it was over 8 times the rate for other children. In Tasmania, the rate was twice as high.

Table 3.10: Children on care and protection orders: number and rate per 1,000 children aged 0–17 years, by Indigenous status and state and territory, at 30 June 2004

State/territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales ^(a)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Victoria	574	4,677	5,251	44.7	4.1	4.5	11.0:1
Queensland	1,146	3,804	4,950	18.9	4.2	5.2	4.5:1
Western Australia	583	1,056	1,639	19.2	2.3	3.4	8.3:1
South Australia	275	1,180	1,455	23.5	3.5	4.2	6.7:1
Tasmania	83	551	634	10.2	5.0	5.4	2.0:1
Australian Capital Territory	53	300	353	28.7	5.2	4.6	5.5:1
Northern Territory	230	115	345	9.4	2.2	5.8	4.3:1

(a) New South Wales was unable to provide data due to the ongoing implementation of the data system.

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

Types of orders

Most Indigenous children were on guardianship and custody orders or arrangements (Table 3.11). The types of orders that Indigenous children were on compared to other children were very similar. There were two major exceptions: in the Australian Capital Territory, where there were more Indigenous children guardianship or custody orders/arrangements; and in the Northern Territory, where there was a large proportion of non-Indigenous children on guardianship/custody orders.

Table 3.11: Children on care and protection orders: type of order, by Indigenous status and state and territory, at 30 June 2004

Type of order	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Indigenous children									
	Number								
Guardianship or custody orders/arrangements	n.a.	439	1,041	513	256	74	47	206	2,686
Supervisory orders	n.a.	111	44	..	..	6	—	—	231
Interim and temporary orders	n.a.	24	61	70	19	3	6	24	142
Total	n.a.	574	1,146	583	275	83	53	230	3,059
	Per cent								
Guardianship or custody orders/arrangements	n.a.	76	91	88	93	89	89	90	88
Supervisory orders	n.a.	19	4	..	..	7	—	—	8
Interim and temporary orders	n.a.	4	5	12	7	4	11	10	5
Total	n.a.	100	100	100	100	100	100	100	100
Other children									
	Number								
Guardianship or custody orders/arrangements	n.a.	3,355	3,342	922	1,109	472	233	110	12,119
Supervisory orders	n.a.	1,118	172	—	—	20	37	—	1,508
Interim and temporary orders	n.a.	204	290	134	71	59	30	5	1,000
Total	n.a.	4,677	3,804	1,056	1,180	551	300	115	14,627
	Per cent								
Guardianship or custody orders/arrangements	n.a.	72	88	87	94	86	78	97	83
Supervisory orders	n.a.	24	5	—	—	4	12	—	10
Interim and temporary orders	n.a.	4	7	13	6	11	10	3	7
Total	n.a.	100	100	100	100	100	100	100	100

(b) New South Wales was unable to provide data due to the ongoing implementation of the data system.

Note: For Indigenous coding, refer to Appendix 2.