

**NEW ISSUE**



**PERSONS UNDER GUARDIANSHIP AND  
CHILDREN IN SUBSTITUTE CARE  
AUSTRALIA  
JUNE 1979**

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CHILDREN IN SUBSTITUTE CARE  
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|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
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## PREFACE

In May 1976 the Conference of Welfare Ministers of Australia, which includes State, Territory and Commonwealth ministers, agreed to establish a working party of officials 'to examine the questions of standardisation and adequacy of social welfare statistics'. Subsequently a National Working Party on Welfare Statistics (WELSTAT) was convened, consisting of representatives from each State and Territory welfare department and the Commonwealth Department of Social Security. ABS assistance was provided to the project by the outposting of an officer to the WELSTAT Secretariat.

The initial program chosen for study was persons under guardianship and children in substitute care. The WELSTAT Working Party has developed detailed standards for statistics generated from these programs. They include standardised definitions and classifications of data and a common set of statistical tables which are intended to be aggregated to the national level. The standards are progressively being implemented by welfare departments.

A set of statistics compiled for the financial year 1977-78 represented the first attempt to apply the new standards, but failed to achieve a sufficient consistency of application to warrant publication. The standards were more consistently applied for the 1978-79 financial year and it is these statistics which are presented in this publication.

The data was compiled by the welfare department in each State and Territory. These are :

New South Wales - Department of Youth and Community Services

Victoria - Department of Community Welfare Services

Queensland - Department of Children's Services

— Department of Welfare Services

South Australia - Department for Community Welfare

Western Australia - Department for Community Welfare

Tasmania - Department of Social Welfare

Northern Territory - Department of Community Development

Australian Capital Territory - Department of the Capital Territory

The statistics presented in this publication indicate progress towards the development of uniform national welfare statistics in Australia. For the first time, data are available which allow comparisons across States in many important aspects of the programs covering persons under guardianship and children in substitute care. Work on standardisation of welfare statistics is continuing and it is expected that an expanded range of statistics of persons under guardianship and children in substitute care will be produced in future, and that State-comparable data will be compiled in other areas such as adoptions.

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## EXPLANATORY NOTES

## Scope and coverage

The statistics relate to all persons under the guardianship of the State and Territory welfare departments and to children in residential child care establishments operated by the welfare departments. Persons not under the guardianship of a State or Territory welfare department in establishments operated by other government authorities and non-government organisations are excluded. The statistics, therefore, do not provide a full count of the number of children in substitute care.

2. Although the State and Territory welfare departments were able to provide a full count of the persons under their guardianship and in their own residential child care establishments some States experienced difficulty in obtaining the full range of information required for the tables. The main gaps in data are:

- (a) Data on type of placement in the Northern Territory;
- (b) Age classifications for persons under guardianship in Queensland, South Australia and the Northern Territory;
- (c) Number of persons discharged from guardianship in Western Australia and reasons for discharge in Queensland and Western Australia;
- (d) Number of persons under guardianship and other children in family group homes and campus homes in Victoria which are not separately identified. They are included in the 'other homes for children' category.

3. An adult (person aged 18 years and over) does not usually remain under guardianship except in special circumstances.

4. The different State and Territory legislative and administrative practices are summarised in Technical Note 2.

## Collection method

5. Data were collected by each State or Territory welfare department from its own records relating to persons under guardianship and from a census of its own establishments.

6. Editing of the data was undertaken by the WELSTAT secretariat consisting of officers from the Department of Social Security and the Australian Bureau of Statistics.

7. The standards required that the reference date be the last Wednesday in June (i.e. 27 June 1979). Only New South Wales, Western Australia and Tasmania were able to comply with this requirement, with the remaining States using 30 June as the counting date instead.

## Definitions

8. A *child* is a person who is under 18 years of age.

9. An *adult* is a person who is aged 18 years and over.

10. *Person under guardianship of State/Territory welfare department (excluding adoption and immigration cases)* is a person whose legal guardian is the Minister, Director or other official of a State or Territory welfare department, where the guardianship is conferred under legislation other than legislation controlling the adoption of children or the *Immigration (Guardianship of Children) Act 1946*.

11. *Foster care.* A child is in foster care if he/she is living apart from his/her natural or adoptive parents in a private household, where he/she is cared for by one or more adults who act as substitute parents to the child and are paid a regular allowance for the child's support by a government authority or non-government organisation.

12. A *residential child care establishment* is an establishment mainly engaged in providing accommodation and meals, together with at least some personal care, protection, control, corrective treatment or detention, to children who, temporarily or permanently, are unable, not permitted, or unwilling to live with their natural or adoptive parents. The establishment must be provided by a government authority, or non-government organisation for the purpose of providing substitute care to children.

Technical Note 1 contains more detailed definitions of the various classifications used for statistics of persons under guardianship and children in substitute care.

## Related publications

13. For further information on the operations of the welfare departments refer to the annual reports published by the various departments. The statistics contained in these reports may differ from those contained in this publication because of the use of definitions, aggregations, reference dates, etc. which differ from the standards used for the statistics in this publication.

14. Current publications produced by the ABS are listed in the *Catalogue of Publications, Australia* (1101.0) which is available free of charge from any ABS office.

## Symbols and other usages

- nil or rounded to zero
- n.a. not available

## ANALYSIS OF RESULTS

The following analysis highlights some of the main features and some of the more readily observed relationships shown by the statistics. Reference is made to some of the factors which should be taken into account when interpreting the statistics. However, the reader is referred to the explanation of State legislation and administrative practices contained in Technical Note 2, to assist in interpreting the findings. Users will be able to extract more information for various purposes from the tables themselves.

**Persons under guardianship** (see Tables 1 and 2)

At the end of June 1979 there were 22,661 children and 285 adults under guardianship of State and Territory welfare departments.

Queensland had the highest ratio of children under guardianship to child population, 9.3 per 1,000, (or nearly 1 per cent of the children in Queensland). The second highest was Western Australia with 8.3 children under guardianship per 1,000 child population. These two ratios are approximately double the ratios of the remaining States (ranging from 1.4 to 5.0 children under guardianship per 1,000 child population).

Queensland and Western Australia had 28.1 and 14.8 per cent respectively of all children under guardianship, although they only had 15.3 and 9.0 per cent respectively of the Australian population aged under 18 years – see table below.

| State and Territory | Children under guardianship |              | Child population in State/Territory (a) |              |
|---------------------|-----------------------------|--------------|-----------------------------------------|--------------|
|                     | number                      | per cent     | '000                                    | per cent     |
| N.S.W.              | 4,725                       | 20.9         | 1,540.2                                 | 34.4         |
| Vic.                | 5,624                       | 24.8         | 1,203.2                                 | 26.8         |
| Qld                 | 6,377                       | 28.1         | 684.5                                   | 15.3         |
| S.A.                | 1,588                       | 7.0          | 389.5                                   | 8.7          |
| W.A.                | 3,362                       | 14.8         | 403.2                                   | 9.0          |
| Tas.                | 689                         | 3.0          | 136.6                                   | 3.0          |
| N.T.                | 214                         | 0.9          | 46.0                                    | 1.0          |
| A.C.T.              | 112                         | 0.5          | 79.5                                    | 1.8          |
| <b>Australia</b>    | <b>22,661</b>               | <b>100.0</b> | <b>4,482.7</b>                          | <b>100.0</b> |

(a) Persons aged under 18 years at 30 June 1979.

There were about 43 per cent (42.8 per cent) more males than females under guardianship (see Table 1). As the following table shows this difference was present in all the States.

| State and Territory | Persons under guardianship<br>ratio of males to females (a) |
|---------------------|-------------------------------------------------------------|
| N.S.W.              | 1.47                                                        |
| Vic.                | 1.46                                                        |
| Qld                 | 1.36                                                        |
| S.A.                | 1.76                                                        |
| W.A.                | 1.36                                                        |
| Tas.                | 1.26                                                        |
| N.T.                | 1.71                                                        |
| A.C.T.              | 0.87                                                        |
| <b>Australia</b>    | <b>1.43</b>                                                 |

(a) Includes adults (persons aged 18 years and over).

**Age** (see Table 3)

In the States that provided age data on persons under guardianship, all age groups contained more males than females. The largest numbers of persons under guardianship are in the 10-14 and 15-17 age groups.

**Types of placement** (see Tables 4 and 5)

The majority (70.0 per cent) of persons under guardianship were not in institutions but were in foster care (30.4 per cent), living with a parent or other relative (30.1 per cent) or in other adult care and living independently (9.5 per cent).

Queensland had the largest number of persons under guardianship and also had 85.4 per cent of these in placements outside institutions and residential establishments. Victoria had the lowest proportion of non-institutional persons under guardianship at 60.1 per cent.

About one-quarter (25.3 per cent) of all persons under guardianship were in residential child care establishments. Of these persons about one-tenth (9.2 per cent) were in establishments for handicapped children, and one-fifth (18.3 per cent) were in juvenile corrective institutions.

Only a small proportion (1.4 per cent) of persons under guardianship were in establishments mainly for adults, with nearly two-thirds of these (62.8 per cent) in hospitals and nursing homes.

#### Admissions to and discharges from guardianship (see Tables 6 and 7)

In the year ended June 1979, 4,307 persons were placed under guardianship. Two-thirds (67.7 per cent) of these persons were male.

Most of the females (84.4 per cent) were placed under guardianship because of "welfare at risk". Fewer than half the males (43.2 per cent) were placed under guardianship for this reason. Males were much more likely to be placed under guardianship because of an offence or breach of probation or similar order (56.8 per cent of males compared with 15.6 per cent of females).

During the year to June 1979 more persons were discharged from guardianship than were admitted, as the following table shows.

| <i>State and Territory</i> | <i>Persons under guardianship at end June 1979</i> | <i>Persons discharged from guardianship during year ended June 1979</i> | <i>Persons placed under guardianship during year ended June 1979</i> | <i>Persons under guardianship at end June 1978 (a)</i> |
|----------------------------|----------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------|
| N.S.W.                     | 4,931                                              | 1,780                                                                   | 1,646                                                                | 5,065                                                  |
| Vic.                       | 5,673                                              | 1,185                                                                   | 836                                                                  | 6,022                                                  |
| Qld                        | 6,377                                              | (b) 1,277                                                               | 1,097                                                                | 6,557                                                  |
| S.A.                       | 1,561                                              | 621                                                                     | 476                                                                  | 1,706                                                  |
| W.A.                       | 3,389                                              | n.a.                                                                    | 122                                                                  | n.a.                                                   |
| Tas.                       | 689                                                | 138                                                                     | 82                                                                   | 745                                                    |
| N.T.                       | 214                                                | 36                                                                      | 40                                                                   | 210                                                    |
| A.C.T.                     | 112                                                | 13                                                                      | 8                                                                    | 117                                                    |
| <b>Australia</b>           | <b>22,946</b>                                      | <b>n.a.</b>                                                             | <b>4,307</b>                                                         | <b>n.a.</b>                                            |

(a) Calculated by adding discharges and subtracting admissions from number under guardianship at June 1979. (b) Includes transfers to another State/Territory.

#### Establishments operated by welfare departments (see Tables 8 and 9)

Tables 8 and 9 do not give the full picture of residential child care establishments in Australia as they refer only to those establishments operated by the welfare departments.

The proportion of children under guardianship living in establishments operated by the welfare departments varies widely between the States as the following table shows.

| <i>State and Territory</i> | <i>Proportion of children under guardianship living in establishments operated by welfare department</i> |
|----------------------------|----------------------------------------------------------------------------------------------------------|
|                            | <i>per cent</i>                                                                                          |
| N.S.W.                     | 20.8                                                                                                     |
| Vic.                       | 14.6                                                                                                     |
| Qld                        | 3.3                                                                                                      |
| S.A.                       | 13.0                                                                                                     |
| W.A.                       | 7.0                                                                                                      |
| Tas.                       | 8.0                                                                                                      |
| N.T.                       | n.a.                                                                                                     |
| A.C.T.                     | -                                                                                                        |
| <b>Australia</b>           | <b>n.a.</b>                                                                                              |

One-third (33.2 per cent) of all children under guardianship in establishments operated by welfare departments were in juvenile corrective institutions. The proportion was nearly one-half (47.9 per cent) in Queensland and less than one-fifth (18.6 per cent) in Victoria.

Juvenile corrective institutions are almost exclusively administered by welfare departments, so Table 8 gives the total population of children in corrective institutions except for those in one institution in Victoria.

The Queensland Department of Children's Services operates proportionately fewer residential child care establishments than welfare departments in other States. Queensland operated only 3.0 per cent of all establishments operated by State welfare departments even though it had 28.1 per cent of the children under guardianship.



TABLE 1. PERSONS UNDER GUARDIANSHIP : CHILDREN AND ADULTS BY SEX, STATE AND TERRITORY, JUNE 1979

| State and Territory of guardianship | Children |         |        | Adults (a) |         |       | Persons |         |        |          |
|-------------------------------------|----------|---------|--------|------------|---------|-------|---------|---------|--------|----------|
|                                     | Males    | Females | Total  | Males      | Females | Total | Males   | Females | Total  |          |
|                                     |          |         |        |            |         |       |         |         | No.    | per cent |
| New South Wales                     | 2,801    | 1,924   | 4,725  | 133        | 73      | 206   | 2,934   | 1,997   | 4,931  | 21.5     |
| Victoria                            | 3,337    | 2,287   | 5,624  | 29         | 20      | 49    | 3,366   | 2,307   | 5,673  | 24.7     |
| Queensland                          | 3,675    | 2,702   | 6,377  | —          | —       | —     | 3,675   | 2,702   | 6,377  | 27.8     |
| South Australia                     | 993      | 565     | 1,558  | 2          | 1       | 3     | 995     | 566     | 1,561  | 6.8      |
| Western Australia                   | 1,941    | 1,421   | 3,362  | 14         | 13      | 27    | 1,955   | 1,434   | 3,389  | 14.8     |
| Tasmania                            | 384      | 305     | 689    | —          | —       | —     | 384     | 305     | 689    | 3.0      |
| Northern Territory                  | 135      | 79      | 214    | —          | —       | —     | 135     | 79      | 214    | 0.9      |
| Australian Capital Territory        | 52       | 60      | 112    | —          | —       | —     | 52      | 60      | 112    | 0.5      |
| Australia No.                       | 13,318   | 9,343   | 22,661 | 178        | 107     | 285   | 13,496  | 9,450   | 22,946 | 100.0    |
| Per cent                            | 58.8     | 41.2    | 100.0  | 62.5       | 37.5    | 100.0 | 58.8    | 41.2    | 100.0  |          |

(a) Persons aged 18 years and over, who do not usually remain under guardianship except in special circumstances.

TABLE 2. CHILDREN UNDER GUARDIANSHIP : PROPORTION OF POPULATION BY SEX, STATE AND TERRITORY, JUNE 1979

| State and Territory of guardianship | Children under guardianship |         |         | Total child population (a) |         |         | Children under guardianship per 1,000 child population |         |         |
|-------------------------------------|-----------------------------|---------|---------|----------------------------|---------|---------|--------------------------------------------------------|---------|---------|
|                                     | Males                       | Females | Persons | Males                      | Females | Persons | Males                                                  | Females | Persons |
|                                     |                             |         |         |                            |         |         |                                                        |         |         |
|                                     |                             |         |         | '000                       | '000    | '000    |                                                        |         |         |
| New South Wales                     | 2,801                       | 1,924   | 4,725   | 790.5                      | 749.7   | 1,540.2 | 3.5                                                    | 2.6     | 3.1     |
| Victoria                            | 3,337                       | 2,287   | 5,624   | 616.6                      | 586.6   | 1,203.2 | 5.4                                                    | 3.9     | 4.7     |
| Queensland                          | 3,675                       | 2,702   | 6,377   | 350.7                      | 333.8   | 684.5   | 10.5                                                   | 8.1     | 9.3     |
| South Australia                     | 993                         | 565     | 1,558   | 200.5                      | 188.9   | 389.5   | 5.0                                                    | 3.0     | 4.0     |
| Western Australia                   | 1,941                       | 1,421   | 3,362   | 207.6                      | 195.7   | 403.2   | 9.4                                                    | 7.3     | 8.3     |
| Tasmania                            | 384                         | 305     | 689     | 69.8                       | 66.8    | 136.6   | 5.5                                                    | 4.6     | 5.0     |
| Northern Territory                  | 135                         | 79      | 214     | 23.8                       | 22.2    | 46.0    | 5.7                                                    | 3.6     | 4.7     |
| Australian Capital Territory        | 52                          | 60      | 112     | 41.0                       | 38.5    | 79.5    | 1.3                                                    | 1.6     | 1.4     |
| Australia                           | 13,318                      | 9,343   | 22,661  | 2,300.5                    | 2,182.2 | 4,482.7 | 5.8                                                    | 4.3     | 5.1     |

(a) Persons aged under 18 years at 30 June 1979. Source : *Estimated Age Distribution of the Population, 30 June 1979* (3201.0).

TABLE 3. PERSONS UNDER GUARDIANSHIP: AGE BY SEX, STATE AND TERRITORY, JUNE 1979

| Age (years)   | N.S.W. | Vic.  | Qld   | S.A.  | W.A.  | Tas. | N.T. | A.C.T. | Aust.  |
|---------------|--------|-------|-------|-------|-------|------|------|--------|--------|
| MALES         |        |       |       |       |       |      |      |        |        |
| Children -    |        |       |       |       |       |      |      |        |        |
| 0- 4          | 226    | 290   | n.a.  | n.a.  | 139   | 27   | n.a. | 5      | n.a.   |
| 5- 9          | 559    | 633   |       |       | 353   | 77   |      | 17     |        |
| 10-14         | 1,086  | 1,388 |       |       | 696   | 142  |      | 21     |        |
| 15-17         | 930    | 1,026 |       |       | 753   | 138  |      | 9      |        |
| Total         | 2,801  | 3,337 | 3,675 | 993   | 1,941 | 384  | 135  | 52     | 13,318 |
| Adults        | 133    | 29    | -     | 2     | 14    | -    | -    | -      | 178    |
| Total males   | 2,934  | 3,366 | 3,675 | 995   | 1,955 | 384  | 135  | 52     | 13,496 |
| FEMALES       |        |       |       |       |       |      |      |        |        |
| Children -    |        |       |       |       |       |      |      |        |        |
| 0- 4          | 179    | 212   | n.a.  | n.a.  | 106   | 24   | n.a. | 4      | n.a.   |
| 5- 9          | 446    | 492   |       |       | 285   | 67   |      | 16     |        |
| 10-14         | 681    | 897   |       |       | 545   | 103  |      | 17     |        |
| 15-17         | 618    | 686   |       |       | 485   | 111  |      | 23     |        |
| Total         | 1,924  | 2,287 | 2,702 | 565   | 1,421 | 305  | 79   | 60     | 9,343  |
| Adults        | 73     | 20    | -     | 1     | 13    | -    | -    | -      | 107    |
| Total females | 1,997  | 2,307 | 2,702 | 566   | 1,434 | 305  | 79   | 60     | 9,450  |
| TOTAL         |        |       |       |       |       |      |      |        |        |
| Children -    |        |       |       |       |       |      |      |        |        |
| 0- 4          | 405    | 502   | n.a.  | n.a.  | 245   | 51   | n.a. | 9      | n.a.   |
| 5- 9          | 1,005  | 1,125 |       |       | 638   | 144  |      | 33     |        |
| 10-14         | 1,767  | 2,285 |       |       | 1,241 | 245  |      | 38     |        |
| 15-17         | 1,548  | 1,712 |       |       | 1,238 | 249  |      | 32     |        |
| Total         | 4,725  | 5,624 | 6,377 | 1,558 | 3,362 | 689  | 214  | 112    | 22,661 |
| Adults        | 206    | 49    | -     | 3     | 27    | -    | -    | -      | 285    |
| Total persons | 4,931  | 5,673 | 6,377 | 1,561 | 3,389 | 689  | 214  | 112    | 22,946 |

TABLE 4. PERSONS UNDER GUARDIANSHIP: TYPE OF PLACEMENT, STATE AND TERRITORY, JUNE 1979  
(number)

| Type of placement                                                            | State and Territory of guardianship |          |       |        |        |      |      |        |           |
|------------------------------------------------------------------------------|-------------------------------------|----------|-------|--------|--------|------|------|--------|-----------|
|                                                                              | N.S.W.                              | Vic.     | Qld   | S.A.   | W.A.   | Tas. | N.T. | A.C.T. | Aust. (a) |
| Residential child care establishments –                                      |                                     |          |       |        |        |      |      |        |           |
| Establishments for handicapped children                                      | 261                                 | 142      | 22    | 57     | 30     | 11   |      | 4      | 527       |
| Establishments for other children –                                          |                                     |          |       |        |        |      |      |        |           |
| Family group homes –                                                         |                                     |          |       |        |        |      |      |        |           |
| Scattered                                                                    | 101                                 |          | 128   | 29     | 116    | 109  |      | 5      |           |
| Clustered                                                                    | –                                   | n.a.     | 72    | –      | 197    | 12   |      | –      | n.a.      |
| Campus homes                                                                 | 216                                 |          | 218   | –      | 23     | –    |      | –      |           |
| Juvenile hostels                                                             | 77                                  | 124      | 44    | 60     | 26     | –    |      | 1      | 332       |
| Juvenile corrective institutions                                             | 603                                 | 187      | 101   | 58     | 83     | 20   |      | –      | 1,052     |
| Other homes for children                                                     | 299                                 | (b)1,789 | 204   | (c)101 | 171    | 31   |      | 14     | 3,835     |
| Total residential child care establishments                                  | 1,557                               | 2,242    | 789   | 305    | 646    | 183  |      | 24     | 5,746     |
| Foster care                                                                  | (d)2,763                            | 600      | 1,574 | 593    | 1,087  | 253  | n.a. | 37     | (d)6,907  |
| Residential health, education, adult penal<br>or adult care establishments – |                                     |          |       |        |        |      |      |        |           |
| Hospitals and nursing homes                                                  | 101                                 | 4        | 66    | 5      | 1      | 17   |      | –      | 194       |
| Boarding schools                                                             | 20                                  | –        | –     | 1      | 9      | –    |      | –      | 30        |
| Prisons                                                                      | 2                                   | 12       | 3     | 9      | 5      | 3    |      | –      | 34        |
| Residential adult care establishments                                        | 51                                  | –        | –     | –      | –      | –    |      | –      | 51        |
| Living with parent or other relative                                         | (e)243                              | 2,586    | 2,556 | 495    | 767    | 153  |      | 38     | (e)6,838  |
| Other adult care                                                             | 1                                   |          |       | 54     | 166    | 54   |      | 9      |           |
| Living independently                                                         | 112                                 | 220      | 1,315 | 75     | 130    | 25   |      | 4      | 2,165     |
| Unauthorised absence                                                         | 31                                  | 9        | 74    | 24     | –      | 1    |      | –      | 139       |
| Placement unknown                                                            | (f)50                               | –        | –     | –      | (g)578 | –    |      | –      | 628       |
| Total                                                                        | 4,931                               | 5,673    | 6,377 | 1,561  | 3,389  | 689  |      | 112    | 22,732    |

For footnotes see Table 5.

TABLE 5. PERSONS UNDER GUARDIANSHIP : TYPE OF PLACEMENT, STATE AND TERRITORY, JUNE 1979  
(per cent)

| Type of placement                                                            | State and Territory of guardianship |         |       |        |         |       |      |        |           |
|------------------------------------------------------------------------------|-------------------------------------|---------|-------|--------|---------|-------|------|--------|-----------|
|                                                                              | N.S.W.                              | Vic.    | Qld   | S.A.   | W.A.    | Tas.  | N.T. | A.C.T. | Aust. (a) |
| Residential child care establishments –                                      |                                     |         |       |        |         |       |      |        |           |
| Establishments for handicapped children                                      | 5.3                                 | 2.5     | 0.3   | 3.7    | 0.9     | 1.6   |      | 3.6    | 2.3       |
| Establishments for other children –                                          |                                     |         |       |        |         |       |      |        |           |
| Family group homes –                                                         |                                     |         |       |        |         |       |      |        |           |
| Scattered                                                                    | 2.0                                 |         | 2.0   | 1.5    | 3.4     | 15.8  |      | 4.5    |           |
| Clustered                                                                    | –                                   | n.a.    | 1.1   | –      | 5.8     | 1.7   |      | –      | n.a.      |
| Campus homes                                                                 | 4.4                                 |         | 3.4   | –      | 0.7     | –     |      | –      |           |
| Juvenile hostels                                                             | 1.6                                 | 2.2     | 0.7   | 3.8    | 0.8     | –     |      | 0.9    | 1.5       |
| Juvenile corrective institutions                                             | 12.2                                | 3.3     | 1.6   | 3.7    | 2.4     | 2.9   |      | –      | 4.6       |
| Other homes for children                                                     | 6.1                                 | (b)31.5 | 3.2   | (c)6.5 | 5.0     | 4.5   |      | 12.5   | 16.9      |
| Total residential child care establishments                                  | 31.6                                | 39.5    | 12.4  | 19.5   | 19.1    | 26.6  |      | 21.4   | 25.3      |
| Foster care                                                                  | (d)56.0                             | 10.6    | 24.7  | 38.0   | 32.1    | 36.7  | n.a. | 33.0   | (d)30.4   |
| Residential health, education, adult penal<br>or adult care establishments – |                                     |         |       |        |         |       |      |        |           |
| Hospitals and nursing homes                                                  | 2.0                                 | 0.1     | 1.0   | 0.3    | –       | 2.5   |      | –      | 0.9       |
| Boarding schools                                                             | 0.4                                 | –       | –     | 0.1    | 0.3     | –     |      | –      | 0.1       |
| Prisons                                                                      | –                                   | 0.2     | 0.1   | 0.6    | 0.1     | 0.4   |      | –      | 0.1       |
| Residential adult care establishments                                        | 1.0                                 | –       | –     | –      | –       | –     |      | –      | 0.2       |
| Living with parent or other relative                                         | (e)4.9                              | 45.6    | 40.1  | 31.7   | 22.6    | 22.2  |      | 33.9   | (e)30.1   |
| Other adult care                                                             | –                                   | 3.9     | 20.6  | 3.5    | 4.9     | 7.8   |      | 8.0    | 9.5       |
| Living independently                                                         | 2.3                                 |         |       | 4.8    | 3.8     | 3.6   |      | 3.6    |           |
| Unauthorised absence                                                         | 0.6                                 | 0.2     | 1.2   | 1.5    | –       | 0.1   |      | –      | 0.6       |
| Placement unknown                                                            | (f)1.0                              | –       | –     | –      | (g)17.1 | –     |      | –      | 2.8       |
| Total                                                                        | 100.0                               | 100.0   | 100.0 | 100.0  | 100.0   | 100.0 |      | 100.0  | 100.0     |

(a) Excludes Northern Territory. (b) Includes family group homes and campus homes. (c) Includes 6 persons under guardianship who were living in a residential child care establishment in another State. (d) Includes persons under guardianship living with relatives who do not receive foster allowance. (e) Excludes persons under guardianship living with relatives who do not receive foster allowance. (f) Either living with parent or other relative or living independently. (g) Includes persons under guardianship whose records had not been updated for 2 years or more, or where placements were not known.

TABLE 6. PERSONS PLACED UNDER GUARDIANSHIP: SEX BY REASON FOR GUARDIANSHIP, STATE AND TERRITORY, DURING YEAR ENDED JUNE 1979

| STATE AND TERRITORY OF GUARDIANSHIP, DEPENDENT PERSONS AND PERSONS IN CARE |                                     |      |       |      |      |      |       |        |       |
|----------------------------------------------------------------------------|-------------------------------------|------|-------|------|------|------|-------|--------|-------|
| Reason for guardianship                                                    | State and Territory of guardianship |      |       |      |      |      |       |        |       |
|                                                                            | N.S.W.                              | Vic. | Qld   | S.A. | W.A. | Tas. | N.T.  | A.C.T. | Aust. |
| MALES                                                                      |                                     |      |       |      |      |      |       |        |       |
| Offence (a)                                                                | 934                                 | 86   | 390   | 181  | 17   | 31   | (c)12 | 3      | 1,654 |
| Welfare at risk (b)                                                        | 292                                 | 385  | 373   | 132  | 44   | 14   | 17    | 3      | 1,260 |
| Total                                                                      | 1,226                               | 471  | 763   | 313  | 61   | 45   | 29    | 6      | 2,914 |
| FEMALES                                                                    |                                     |      |       |      |      |      |       |        |       |
| Offence (a)                                                                | 126                                 | 10   | 30    | 32   | 7    | 9    | (c)2  | 1      | 217   |
| Welfare at risk (b)                                                        | 294                                 | 355  | 304   | 131  | 54   | 28   | 9     | 1      | 1,176 |
| Total                                                                      | 420                                 | 365  | 334   | 163  | 61   | 37   | 11    | 2      | 1,393 |
| PERSONS                                                                    |                                     |      |       |      |      |      |       |        |       |
| Offence (a)                                                                | 1,060                               | 96   | 420   | 213  | 24   | 40   | (c)14 | 4      | 1,871 |
| Welfare at risk (b)                                                        | 586                                 | 740  | 677   | 263  | 98   | 42   | 26    | 4      | 2,436 |
| Total                                                                      | 1,646                               | 836  | 1,097 | 476  | 122  | 82   | 40    | 8      | 4,307 |

(a) Includes breach of probation or similar order and non-payment of fine. (b) Includes physical, mental, emotional and moral welfare. For details see Technical Note 1. (c) A child cannot be placed under guardianship by reason of offence alone - see Technical Note 2.

TABLE 7. PERSONS DISCHARGED FROM GUARDIANSHIP: REASON FOR DISCHARGE, STATE AND TERRITORY, DURING YEAR ENDED JUNE 1979

| Reason for discharge from guardianship | State and Territory of discharge |       |         |       |      |      |      |        | Aust. |
|----------------------------------------|----------------------------------|-------|---------|-------|------|------|------|--------|-------|
|                                        | N.S.W.                           | Vic.  | Qld (a) | S.A.  | W.A. | Tas. | N.T. | A.C.T. |       |
| MALES                                  |                                  |       |         |       |      |      |      |        |       |
| Expiry of specified time               | 311                              | 267   |         | 340   | n.a. | 29   | 18   | 6      | n.a.  |
| Death                                  | 8                                | 4     | 926     | 3     |      | 1    | —    | —      |       |
| Adoption                               | 51                               | 24    |         | 7     |      | 8    | —    | —      |       |
| Other (b)                              | 931                              | 422   |         | (c)42 |      | 47   | 6    | —      |       |
| Total                                  | 1,301                            | 717   | 926     | 392   |      | 85   | 24   | 6      |       |
| FEMALES                                |                                  |       |         |       |      |      |      |        |       |
| Expiry of specified time               | 279                              | 187   |         | 195   | n.a. | 23   | 11   | 7      | n.a.  |
| Death                                  | 4                                | 1     | 351     | 1     |      | —    | —    | —      |       |
| Adoption                               | 67                               | 17    |         | 3     |      | 2    | —    | —      |       |
| Other (b)                              | 129                              | 263   |         | (c)30 |      | 28   | 1    | —      |       |
| Total                                  | 479                              | 468   | 351     | 229   |      | 53   | 12   | 7      |       |
| PERSONS                                |                                  |       |         |       |      |      |      |        |       |
| Expiry of specified time               | 590                              | 454   |         | 535   | n.a. | 52   | 29   | 13     | n.a.  |
| Death                                  | 12                               | 5     | 1,277   | 4     |      | 1    | —    | —      |       |
| Adoption                               | 118                              | 41    |         | 10    |      | 10   | —    | —      |       |
| Other (b)                              | 1,060                            | 685   |         | (c)72 |      | 75   | 7    | —      |       |
| Total                                  | 1,780                            | 1,185 | 1,277   | 621   |      | 138  | 36   | 13     |       |

(a) Includes transfers of guardianship to another State or Territory. (b) Includes discharges from guardianship by departmental decision. (c) Includes 10 males and 2 females discharged from guardianship on payment of fine.

TABLE 8. CHILDREN IN RESIDENTIAL CHILD CARE ESTABLISHMENTS OPERATED BY STATE/TERRITORY WELFARE DEPARTMENTS :  
STATUS OF CHILD BY TYPE OF ESTABLISHMENT, STATE AND TERRITORY OF LOCATION, JUNE 1979

| Type of establishment                                              | State and Territory of location |         |     |      |      |     |      |        |           |
|--------------------------------------------------------------------|---------------------------------|---------|-----|------|------|-----|------|--------|-----------|
|                                                                    | N.S.W.                          | Vic.    | Qld | S.A. | W.A. | Tas | N.T. | A.C.T. | Aust. (a) |
| CHILDREN UNDER GUARDIANSHIP OF STATE/TERRITORY WELFARE DEPARTMENTS |                                 |         |     |      |      |     |      |        |           |
| Establishments for handicapped children                            | 228                             | —       | —   | 30   | —    | 9   | n.a. | —      | 267       |
| Establishments for other children —                                |                                 |         |     |      |      |     |      |        |           |
| Family group homes —                                               |                                 |         |     |      |      |     |      |        |           |
| Scattered                                                          | 99                              | n.a.    | —   | 29   | 28   | 21  |      | —      | n.a.      |
| Clustered                                                          | —                               |         | —   | —    | 2    | —   |      | —      |           |
| Campus homes                                                       | 213                             |         | —   | —    | 2    | —   |      | —      |           |
| Juvenile hostels                                                   | 58                              | 32      | 7   | 60   | 12   | —   |      | —      | 169       |
| Juvenile corrective institutions                                   | 577                             | 153     | 101 | 58   | 81   | 20  |      | —      | 990       |
| Other homes for children                                           | 281                             | (b) 637 | 103 | 25   | 109  | 5   |      | —      | (b) 1,554 |
| Total                                                              | 1,456                           | 822     | 211 | 202  | 234  | 55  |      | —      | 2,980     |
| OTHER CHILDREN                                                     |                                 |         |     |      |      |     |      |        |           |
| Establishments for handicapped children                            | —                               | —       | —   | —    | —    | —   | n.a. | —      | —         |
| Establishments for other children —                                |                                 |         |     |      |      |     |      |        |           |
| Family group homes —                                               |                                 |         |     |      |      |     |      |        |           |
| Scattered                                                          | 1                               | n.a.    | —   | —    | 13   | 25  |      | —      | n.a.      |
| Clustered                                                          | —                               |         | —   | —    | —    | —   |      | —      |           |
| Campus homes                                                       | 8                               |         | —   | —    | 1    | —   |      | —      |           |
| Juvenile hostels                                                   | —                               | 8       | —   | —    | 6    | —   |      | —      | 14        |
| Juvenile corrective institutions                                   | 93                              | 47      | 19  | 19   | 58   | 4   |      | 6      | 246       |
| Other homes for children                                           | 3                               | (b) 47  | 6   | —    | 23   | 5   |      | —      | (b) 132   |
| Total                                                              | 105                             | 102     | 25  | 19   | 101  | 34  |      | 6      | 392       |
| TOTAL                                                              |                                 |         |     |      |      |     |      |        |           |
| Establishments for handicapped children                            | 228                             | —       | —   | 30   | —    | 9   | n.a. | —      | 267       |
| Establishments for other children —                                |                                 |         |     |      |      |     |      |        |           |
| Family group homes —                                               |                                 |         |     |      |      |     |      |        |           |
| Scattered                                                          | 100                             | n.a.    | —   | 29   | 41   | 46  |      | —      | n.a.      |
| Clustered                                                          | —                               |         | —   | —    | 2    | —   |      | —      |           |
| Campus homes                                                       | 221                             |         | —   | —    | 3    | —   |      | —      |           |
| Juvenile hostels                                                   | 58                              | 40      | 7   | 60   | 18   | —   |      | —      | 183       |
| Juvenile corrective institutions                                   | 670                             | 200     | 120 | 77   | 139  | 24  |      | 6      | 1,236     |
| Other homes for children                                           | 284                             | (b) 684 | 109 | 25   | 132  | 10  |      | —      | (b) 1,686 |
| Total                                                              | 1,561                           | 924     | 236 | 221  | 335  | 89  |      | 6      | 3,372     |

(a) Excludes Northern Territory. (b) Includes family group homes and campus homes.

TABLE 9. RESIDENTIAL CHILD CARE ESTABLISHMENTS OPERATED BY STATE/TERRITORY WELFARE DEPARTMENTS :  
SIZE OF ESTABLISHMENT, STATE AND TERRITORY OF LOCATION, JUNE 1979

| State and Territory<br>of location | Size of establishment : No. of children in residence |      |       |       |       |       |       |              | Total<br>establishments<br>operating |
|------------------------------------|------------------------------------------------------|------|-------|-------|-------|-------|-------|--------------|--------------------------------------|
|                                    | 0-5                                                  | 6-10 | 11-19 | 20-29 | 30-49 | 50-69 | 70-99 | 100 and over |                                      |
| - Number of establishments -       |                                                      |      |       |       |       |       |       |              |                                      |
| New South Wales                    | (a)20                                                | 9    | 15    | 5     | 3     | 4     | 5     | 3            | 64                                   |
| Victoria                           | 50                                                   | 15   | 6     | 2     | 1     | 1     | 1     | 2            | 78                                   |
| Queensland                         | 1                                                    | 1    | 1     | 1     | -     | 3     | -     | -            | 7                                    |
| South Australia                    | 9                                                    | 5    | 1     | 2     | 1     | -     | -     | -            | 18                                   |
| Western Australia                  | 29                                                   | 4    | 4     | 2     | 2     | 1     | -     | -            | 42                                   |
| Tasmania                           | 15                                                   | 3    | 1     | -     | -     | -     | -     | -            | 19                                   |
| Northern Territory                 | -                                                    | 5    | 1     | 2     | -     | -     | -     | -            | 8                                    |
| Australian Capital Territory       | -                                                    | 1    | -     | -     | -     | -     | -     | -            | 1                                    |
| Australia                          | 124                                                  | 43   | 29    | 14    | 7     | 9     | 6     | 5            | 237                                  |

(a) Including one corrective institution operating with no children in residence at end June 1979.

## TECHNICAL NOTE 1.

## Standards for statistics of children in care

The definitions below indicate the principal criteria for the main classifications used in the tables. The definitions have been extracted from the *WELSTAT Standards for Statistics of Persons Under Guardianship of State/Territory Welfare Departments and Children in Substitute Care*. Copies of the full set of standards may be obtained from the WELSTAT Secretariat, Department of Social Security, P.O. Box 1, Woden, A.C.T. 2606.

*Person under guardianship of State/Territory welfare department (excluding adoption and immigration cases)* : A person whose legal guardian is the Minister, Director or other official of a State or Territory welfare department, where the guardianship is conferred under legislation other than legislation controlling the adoption of children or the Immigration (Guardianship of Children) Act 1946. Generally, such persons are placed under the guardianship of a State or Territory welfare department under legislation dealing with child welfare or juvenile offenders. Although most of these persons are children (i.e. persons under 18), some may be aged 18 or over e.g. some intellectually retarded persons remain under guardianship in adulthood.

*Other child* : A child other than a child under guardianship of a State or Territory welfare department (excluding adoption and immigration cases) as defined above.

Note that children surrendered for adoption and unaccompanied child immigrants are included in this category even though they are under the guardianship of a State or Territory welfare department, unless they have also been placed under such guardianship under legislation other than adoption legislation or the Immigration (Guardianship of Children) Act 1946.

*A residential child care establishment* is an establishment mainly engaged in providing accommodation and meals, together with at least some personal care, protection, control, corrective treatment or detention, to children who, temporarily or permanently, are unable, not permitted, or unwilling to live with their natural or adoptive parents. The establishment must be provided by a government authority, or non-government organisation for the purpose of providing substitute care to children. Excludes residential establishments mainly engaged in providing education or health services to children.

*Establishment for handicapped children* : A residential child care establishment mainly for children who are physically handicapped or intellectually retarded. Excludes establishments mainly for "socially maladjusted", uncontrollable or recalcitrant children or children with behaviour disorders. Excludes hospitals and nursing homes.

*Establishment for other children* : A residential child care establishment mainly for children who are not physically handicapped or intellectually retarded. Includes residential child care establishments mainly for "socially maladjusted", uncontrollable or recalcitrant children or children with behaviour disorders.

*Family group home* : A residential child care establishment consisting of a single dwelling in which usually not more than 10 children are cared for round-the-clock by the same adult or adults (often a married couple), who live in the home and act as substitute parent(s) to the children. The home must be run like a normal family home; in particular, meals must be prepared in the home and the house parent(s) and children must eat together as a family group.

The dwelling must be provided by a State or Territory welfare department, other government authority or non-government organisation, for the purpose of providing substitute care to children. If the dwelling is provided by the substitute parent(s) (who may own it, be paying it off, renting it, or occupying it rent-free for reasons other than that it is used for substitute care), it should not be regarded as a family group home or any other type of residential child care establishment.

Usually at least one house parent is employed to care for the children by the organisation operating the family group home. Alternatively the house parent(s) may receive the equivalent of a salary in the form of rent-free accommodation or an honorarium. The house parent(s) may be assisted by other staff, and may have regular days off, and the usual types of leave.

*Scattered family group home* : A family group home whose grounds do not adjoin those of another family group home, or other residential child care establishment, operated by the same enterprise.

*Clustered family group home* : A family group home whose grounds adjoin those of another family group home, or other residential child care establishment, operated by the same enterprise. Note that, in accordance with the definition of an establishment, a group of adjoining clustered family group homes must not have any form of on-site centralised administration or control. If there is some form of centralised administration or control on the site, the group of dwellings is treated as a single establishment, which may be classified as a campus home.

*Campus home* : A residential child care establishment consisting of two or more dwellings that do not share cooking or eating facilities. Note that, in accordance with the definition of an establishment, there must be some form of on-site centralised



administration or control. The following establishments are excluded :

- (a) establishments mainly providing secure detention to child offenders or children on remand for alleged offences (these are classified as juvenile corrective institutions); and
- (b) establishments mainly for children aged 15 and over who have left school (these are classified as juvenile hostels).

*Juvenile hostel* : A residential child care establishment mainly for children aged 15 and over who have left school; the establishment must provide some personal care, protection, control, corrective treatment or detention, as well as full board. The following establishments are excluded even though they may be called "hostels" by the enterprise operating them :

- (a) establishments mainly providing secure detention for child offenders or children on remand for alleged offences (these are classified as juvenile corrective institutions);
- (b) establishments mainly for children who are aged under 15 and/or are still at school (these may be classified as family group homes, campus homes, or other homes for children);
- (c) establishments mainly for persons aged 18 and over (these may be classified as residential adult care establishments).

Note that it is possible for a hostel to be an establishment used as a "half-way house" for children released from a corrective institution.

*Juvenile corrective institution* : A residential child care establishment that is mainly for child offenders or children on remand for alleged offences and that has, as one of its major aims, the secure detention of the majority of its residents through active measures designed to prevent them from leaving the grounds of the establishment at all, or for reasons other than school attendance, work, participation in activities supervised by the establishment or authorised home leave. Excludes establishments mainly for detention of persons aged 18 or over (these are classified as prisons), even though such establishments may be called "youth training centres" or similar names more usually applied to establishments for the detention of children.

*Other home for children* : A residential child care establishment that is mainly for children aged under 15 and/or still at school, and that consists of either :

- (a) a single dwelling that is not a family group home, or
- (b) two or more dwellings that share cooking or eating facilities.

The following establishments are excluded :

- (a) establishments mainly providing secure detention for child offenders, children on

remand for alleged offences, uncontrolled or recalcitrant children (these are classified as juvenile corrective institutions); and

- (b) establishments mainly for children aged 15 and over who have left school (these are classified as juvenile hostels).

*Foster care* : A child is in foster care if he is living apart from his natural or adoptive parents in a private household, where he is cared for by one or more adults who act as substitute parents to the child and are paid a regular allowance for the child's support by a government authority or non-government organisation. The regular allowance, which is called "foster allowance" in these standards, must be paid only for children living apart from their natural or adoptive parents. Thus Commonwealth family allowance and handicapped child's allowance, and allowances for children included in Commonwealth and State pensions and benefits paid to adults, do not satisfy the definition; however Commonwealth (double) orphan's pension does. Note that the allowance need not be called "foster allowance" by the organisation that pays it.

The dwelling in which the household lives must be provided by the persons caring for the child (they may own it, or be paying it off, renting it, or occupying it rent-free for reasons other than that they are providing substitute care to children). If the dwelling is provided by a government authority, or non-government organisation, for the purpose of providing substitute care to children, the home should be classified as a residential child care establishment. This is so even if the house parents in such an establishment are paid a regular allowance for each child living in the establishment.

*Residential adult care establishment* : An establishment mainly engaged in providing a home and some care or support (other than medical or nursing care) to adults (persons aged 18 or over) with special needs, such as aged or handicapped adults, adults released from prison, or women in distress.

*Living with parent or other relative* : A person under guardianship is living with a parent or other relative if he is living with one or both of his natural or adoptive parents, or with any adult relative who does not receive foster allowance for him. A relative is a grandparent, sister, brother, aunt or uncle, of the whole or half blood or by marriage or adoption. Foster allowance is defined above.

*Other adult care* : A person under guardianship is in other adult care if :

- (a) he is not in foster care or living in a residential child care, health, education, adult penal or adult care establishment; and
- (b) he is not living with a parent or other relative; but
- (c) he is living with an adult who has accepted responsibility for caring for, or supervising, him.

This category includes persons under guardianship who are :

- (a) living with adult(s) who used to receive foster allowance for them;
- (b) placed in the custody of their employer or landlord;
- (c) placed with prospective adoptive parents who do not receive foster allowance for them (foster allowance is defined previously in these standards);
- (d) placed with the authorities of an Aboriginal reserve or mission; or
- (e) living in a welfare establishment that mainly provides non-residential services.

**Living independently :** A person under guardianship is living independently if he is not living with either of his natural or adoptive parents or with any other adult relative, or with any non-relative adult who has accepted responsibility for caring for, or supervising, the person. Persons under guardianship who are living independently may be staying in a boarding house, private hotel, or hostel for adults; boarding in private households (other than their former foster home); renting a house or flat by themselves or with friends; camping out; etc. The State/Territory welfare department may be subsidising their board payments by means of regular payments to the adults with whom they are living.

**Hospital or nursing home :** An establishment mainly engaged in providing

- (a) hospital (including psychiatric or mental hospital) facilities such as diagnostic medical or surgical services as well as continuous in-patient nursing care; or
- (b) nursing or convalescent home facilities (including the provision of nursing or medical care as a basic part of the service).

This category corresponds to Group 814 of the revised Australian Standard Industrial Classification (ASIC). Establishments that mainly accommodate babies and young children who are not sick or handicapped are excluded, even though trained nurses may be employed.

**Boarding school :** An establishment mainly engaged in providing pre-school, primary, or secondary education, or special education and training for handicapped children, where the children attending the establishments live in. Boarding schools would be classified to Group 823 of the revised ASIC.

**Prison :** A penal establishment mainly providing detention for adults (i.e. persons aged 18 and over). Includes prison farms, adult remand centres, and "youth training centres" mainly for persons aged 18 to 21. Excludes establishments mainly for child offenders or children on remand (these are classified as residential child care establishments). Prisons would be classified to

Class 8493 of the revised ASIC (which, however, also includes penal establishments for children).

**Unauthorised absence :** A person under guardianship is on an unauthorised absence if he has been absent from another placement for one night or more without the permission of the appropriate authorities. Excludes absences for which no specific permission is required. Once a person under guardianship returns to any authorised placement, he is no longer considered to be on an unauthorised absence. For example, an absconder from foster care who has been picked up by the police and placed in a juvenile corrective institution should not be classified as on an unauthorised absence but as resident in the juvenile corrective institution.

**Other placement :** Any placement other than those defined above. Includes persons under guardianship whose placement is unknown. If any persons under guardianship are classified to this category, their placements should be specified in a footnote.

#### Reason for guardianship

**Offence :** This category covers persons who are placed under the guardianship of a State or Territory welfare department because they have been found by a court, juvenile panel or other similar authority, to have committed an offence against the law. Excludes cases where the offence was not dealt with as such by the court, panel or similar authority, but was used as evidence that the person should be placed under guardianship for another legal reason, such as "likely to lapse into a life of vice or crime". Also excludes persons placed under guardianship because they have not paid a fine; have breached a probation, bond, supervision or similar order; or have been found to be neglected, uncontrollable or uncontrolled, likely to lapse into a life of vice or crime, exposed to moral danger, etc. Although the offence will usually be one that would be an offence if committed by an adult, some offences can only be committed by children (e.g. truancy).

**Non-payment of fine :** This category covers persons who are placed under the guardianship of a State or Territory welfare department because they have not paid a fine imposed on them.

**Breach of probation or similar order :** This category covers persons who are placed under the guardianship of a State or Territory welfare department because they have breached a probation, bond, supervision or similar order. Excludes cases where the breach was caused by a further offence and guardianship was imposed for this further offence; these should be classified to "offence".

**Welfare at risk :** This category covers persons who are placed under the guardianship of a State or Territory welfare department because their physical, mental, emotional or moral welfare is at risk. It includes all children admitted or committed to guardianship for the following reasons :

- (a) because of the death, sickness or desertion of one or both of their parents;
- (b) because they have been found wandering, abandoned, with no fixed abode or with no means of support;
- (c) because of unfit, improper or incompetent guardianship, neglect or abuse;
- (d) because they have been found to be uncontrolled or uncontrollable, likely to lapse into a life of vice or crime, exposed to moral danger, etc.;
- (e) because of truancy (unless the child was charged with this as an offence);
- (f) because of physical or intellectual handicap;
- (g) at the request of a parent or other person who has been looking after them, including a person in charge of a residential child care establishment;
- (h) at their own request; or
- (i) because they have not been adopted.

Note that the category does not cover persons under the guardianship of a State or Territory welfare department under legislation controlling the adoption of children or under the Immigration (Guardianship of Children) Act 1946.

## TECHNICAL NOTE 2.

## Summary of State/Territory legislative and administrative practices

Guardianship in all States and Territories is based on legislation which differs from State to State. In administering their statutory provisions, State welfare departments adopt different policies which directly and indirectly are reflected in statistics relating to persons under guardianship and children in substitute care. Some knowledge of the legislation and administrative practices in each State will assist the reader in understanding the statistics. Each State and Territory welfare department has provided a brief description of legislation and practice in its State. Further information can be obtained from the departments listed in the preface.

#### New South Wales - Department of Youth and Community Services

The N.S.W. Department of Youth and Community Services is the authority charged with the administration of the Child Welfare Act, 1939 (as amended). Included in the scope of this Act are the areas of guardianship and substitute care.

Guardianship of a child in N.S.W. may be transferred from his parent or guardian to the Minister for Youth and Community Services for several reasons. The Minister may admit a child to his guardianship as a result of an application from a parent or guardian. A child may be committed to the care of the Minister by a Children's Court on welfare grounds. A person, who may be a child or a person aged 18 years and over may be committed to a Training School by a Children's Court for an offence. Under such a committal order, the person comes automatically under guardianship of the Minister. Under the provisions of the Act relating to care of intellectually handicapped people, a person may also be admitted to the guardianship of the Minister by a parent or guardian or by a court. Under the same provision, the guardianship of a child can be extended beyond the 18th birthday.

Most of the children under guardianship are in foster homes or in the Department's residential child care establishments with a few in non-government welfare organisation homes. Others live independently or with parents.

The Department arranges for the placement of all children under guardianship and pays a subsidy for those in foster care. On occasions, the Department will arrange foster care for children not under guardianship and may pay subsidies on their behalf. Non-government organisations also arrange fostering.

There are no residential child care establishments operated by other Government authorities but there are a large number of non-government residential child care establishments. Most of these are licensed by the Department and some receive maintenance from the Department for some children under their care. However, a large majority of children in these establishments are not under guardianship.

#### Victoria - Department for Community Welfare Services

The Department of Community Welfare Services is responsible for persons under guardianship and children in substitute care in Victoria and its role with respect to these programs is determined by the *Community Welfare Services Act 1978*. A child may be placed under the guardianship of the Director-General by the Children's Court as a result of an application for care and protection, because the child is uncontrolled or because the child has been found guilty of an offence. The Director-General may also admit a child to guardianship on application directly to him by a parent or guardian and he may also accept transfer of guardianship from other State Welfare Departments. Children under guardianship are referred to as wards.

A significant feature of wardship and substitute care in Victoria is the integration of child care establishments administered by the Department with an unusually large non-government sector which receives funding from the Department. Other government departments (e.g. Mental Health Division of the Health Commission) administer units which are generally specialist in nature, such as training centres for handicapped persons.

The Department of Community Welfare Services administers a large number of small occupancy scattered and clustered family group homes (with about four children in each home) and five large occupancy homes (congregate facilities).

The Department is the only paying organisation for foster care in Victoria, although approved non-government agencies handle the majority (over 75%) of placements. Wardship does not generally extend beyond 18 years, although it can be extended to 21 years, particularly for educational purposes. If under 15, a child admitted to care for an offence will generally be admitted to wardship, with a number of placement options. If over 15, an offender may be sentenced to a term in a youth training centre, although persons placed in youth training centres are not necessarily made wards. As an alternative to the youth training centre, a young offender may be placed in a youth welfare service or a juvenile hostel.

#### Queensland - Department of Children's Services

The Department of Children's Services is a sub-department of the Department of Welfare Services. The *Children's Services Act 1965-80* bestows authority and responsibility for services to children and families on the Department's Director. Included in these is alternative care for children, services for the protection of children and family support services. Guardianship of children by the Director of the Department of Children's Services occurs when a child is admitted to Care and Protection by a court order or by declaration of the Director following an application to him by a parent,

guardian, relative or a person of good repute, or when a child is committed to Care and Control by a court, either as a result of an application to the Children's Court or after being charged with an offence.

Children are admitted to Care and Protection when their parents are unable or unwilling to provide for them. They are committed to Care and Control when they have been found guilty of an offence or have misbehaved.

In general, a child placed under guardianship as the result of an application remains in care until he attains the age of 18 years whereas a child charged with an offence may be committed to care for a period not exceeding two years. However, there is provision for the Director or Minister to release him from guardianship before 18 years of age or on the expiry of the order. There is, in general, no provision in Queensland legislation to place a person 18 years of age or older under the guardianship of the Director. When a child is first admitted to Care and Protection he may be placed in one of the Department's receiving centres and after a thorough assessment, plans are made for his future placement.

The Department's policy is to keep children in the community. Some older children in care, and particularly those under Care and Control orders usually require an initial period of residential care where stabilisation and substitute nurturing care can be provided. A minority of young offenders are placed in more secure facilities. Non-government welfare organisations provide almost all the residential child care establishments in Queensland. The Department of Children's Services does not administer any institutions other than receiving centres and correctional institutions.

#### South Australia - Department for Community Welfare

The legislative basis for children being placed under guardianship and in substitute care is the Children's Protection and Young Offenders Act, 1979-80 (since 1979) and the Community Welfare Act, 1972-80. Children are placed under the guardianship of the Minister for Community Welfare with services provided principally by the Department for Community Welfare.

Children can be placed under guardianship by the Children's Court or by decision of the Minister pursuant to the Community Welfare Act. During the period covered by these statistics, children could be committed to guardianship because of neglect or for offences. Under the Community Welfare Act, the Minister is also able to receive applications from parents or guardians for children to be accepted into guardianship as children in care. These provisions are used sparingly. The usual procedure is for the matter to be taken before the Children's Court.

Residential child care establishments are administered both by the Department and by voluntary

organisations. A few children under guardianship are cared for in voluntary organisations' homes, but most children in these homes are not under the Department's guardianship. The Department administers a few small homes and hostels. For the care of children under guardianship, South Australia relies heavily on foster care and care by parents and relatives. The Department's staff are responsible for the placement and supervision of children under guardianship in foster homes and in their own homes. Payments are made for children who are under the Ministers' guardianship in foster homes.

A principal concern of the Department's staff is to work with the children's own families with a view to the children being returned home as soon as that is possible.

The Department may make foster payments to friends or relatives and others who are caring for a child, not their own, without the child being under official guardianship.

Up to 1 July 1979, children could not be committed to the guardianship of the Minister beyond 17 years of age but in practice some persons were cared for by the Department until they reached 21 years of age.

Since 1 July 1979 however, children cannot be committed to the guardianship of the Minister beyond the time when they reach 18 years of age.

#### Western Australia - Department for Community Welfare

The legislative basis for the Department's responsibilities to persons under guardianship and in substitute care is the *Child Welfare Act, 1947* (as amended). Under this Act, guardianship of children may be transferred from parents or guardians to the Director of the Department for Community Welfare. Services are provided mainly by the Department.

Legislation in Western Australia differs from other States as it contains, in addition to guardianship a status called "Children Placed Under Control". In Table 8 some of these children are classified as *other children*. These children are not placed under the guardianship of the Director of the Department for Community Welfare but in other respects they are treated similarly to those under guardianship. Guardianship is primarily used by the Children's Court for children in need of care and protection, while children who commit criminal offences are generally placed under control of the Department.

The Department for Community Welfare is the only governmental organisation providing residential child care aimed specifically at children placed under guardianship. There are, however, children under guardianship who happen to be residing in facilities run by other Departments. For example, a child with Downes Syndrome, who is under guardianship, may be in a hostel run by the Mental Deficiency Division of the Department of Health; or a child may be in a residential child care establishment for purposes of attending school, e.g. in an educational hostel.

Non-government residential child care in Western Australia is primarily run by church-based organisations. In country areas, these are often missions whose residents would be Aboriginal children who may be placed there not only for care and protection but also to enable them to attend school. As a result, the proportion of children in residential care may be higher than in other States. Children who receive subsidy payments from the Department but are not under its care, and children who are in residential establishments but are not subsidised by the Department (e.g. to enable them to attend school) may also be found in the *other children* category.

The Department arranges foster care for children under guardianship or under control and pays subsidies to foster parents. On occasions the Department, or a non-government welfare organisation, may place a child, not under guardianship, in a foster home. The Department may pay a foster subsidy in these cases.

Children may be placed under guardianship until they reach 18 years of age or for a shorter period. Guardianship may be extended beyond the 18th birthday by the Minister in special circumstances.

#### Tasmania – Department of Social Welfare

The legislative basis for placing children under guardianship and in substitute care is provided in the *Child Welfare Act 1960* and the *Residential Domestic Assistance Act 1947*. Children placed under the guardianship of the Director of Social Welfare are referred to as Wards of the State.

Children may be placed under guardianship by the Director on application of a parent or guardian, or by the Children's Court on welfare grounds or for an offence.

If a child is declared a State Ward because of an offence he may also be committed to a Departmental institution. The choice of the institution lies with the Director.

Residential child care establishments are administered by the Department of Social Welfare and non-government organisations. Other government departments are not involved. Foster care arrangements for Wards and non-Wards are made by the Department and it pays a subsidy to foster parents.

A child may be placed in substitute care by the Department if he is a Ward or in a *temporary admission* situation, e.g. because his parents cannot be located. In addition, the Department may arrange for care of a child on warrant pending a Children's Court hearing, or a child charged with an offence may be placed on 'remand for observation' by the Court. A child may also be placed in substitute care if a Children's Court places a child brought before it on a welfare matter on an *interim order* i.e. in the care of the Director for 3 months. Under the provisions of the *Domestic Assistance Act 1947*, the Director of the Department may also provide accommodation for children from a home where there is sickness.

State guardianship can be extended after the Ward reaches the age of 18 years by application to the Minister.

#### Northern Territory – Department of Community Development

The Community Welfare Division of the Department of Community Development is responsible for the provision of services to children placed under guardianship of the Director of Child Welfare and to other children in need of care. For the period covered by the statistics in this publication, the *Child Welfare Ordinance 1973* was in force, however, the Northern Territory of Australia, *Child Welfare Act, 1980*, provides the legislative basis for recent practice.

Guardianship of a child can be transferred from his parent or guardian to the Director only by the Children's Court and then only on welfare grounds, i.e. on the declaration that a child is destitute, neglected, incorrigible or uncontrollable. The child can be committed to care up to the age of 17 years or during such period as the Court decides.

The Department administers residential child care establishments, and also uses voluntary organisation homes for short to medium term care for children under guardianship and other children needing substitute care. However, the Departmental policy is to minimise the length of stay in residential care and to actively promote alternatives of either return to parents with a support service or foster care. The Department arranges all foster placements of children under guardianship and pays foster subsidies.

The Department also arranges placement and fostering and pays subsidies for children not under guardianship, for example, children subject to a temporary care deed from the parent.

#### Australian Capital Territory – Department of the Capital Territory

The Welfare Branch of the Department of the Capital Territory is the body charged with the administration of the *Child Welfare Ordinance 1957* (as amended). Under this Ordinance, guardianship of a child may be transferred from a parent or guardian to the Minister for the Capital Territory.

A child is admitted to guardianship if a Court has committed the child, or released the child, to the custody of the Minister, for an offence or on welfare grounds. The Minister may also admit a child to guardianship on the application of a parent or guardian. In the Act, if a person is committed to a training school by a Children's Court for an offence, then the person is admitted to an institution in N.S.W. and consequently comes under the guardianship of the Minister for Youth and Community Services.

Most persons under guardianship in the A.C.T. are in foster care or residential child care establishments conducted by voluntary organisations, while some live independently or with parents or other adults.

Apart from the Children's Shelter, the Department of the Capital Territory does not administer residential or corrective establishments for children. The Department uses the resources of voluntary organisations and N.S.W. Government institutions.

Children are committed to the Minister's guardianship up to the age of 18 years or for a shorter period. There is no provision to extend the period beyond reaching 18 years of age or to admit people over 18 years of age to guardianship.