



Government of South Australia

Office of the Guardian
for Children and Young People

**Snapshot of South Australian Aboriginal and Torres
Strait Islander Children and Young People in Care
and/or Detention from the Report on Government
Services 2018**

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NOTES

1. 2017 and earlier *Reports on Government Services* (ROGS) used the term *child protection services (CPS)* for what is referred to in 2018 as **protective intervention services (PIS)**. For the sake of clarity, all comparative reporting and discussion in this GCYP report uses the single term *protective intervention services (PIS)*.
2. This report refers to the **Department of Human Services (DHS)**, the name adopted in March 2018 for the department previously referred to as the Department for Communities and Social Inclusion.

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1. INTRODUCTION

This report provides a snapshot of data published in the Productivity Commission's *Report on Government Services 2018* (ROGS 2018)¹ in order to make this information more accessible to those interested in the circumstances of vulnerable Aboriginal and Torres Strait Islander² children and young people.

ROGS 2018 presents information about Aboriginal children and young people as clients of **child protection services** and **youth justice services**. Both areas are relevant to the work of the Guardian for Children and Young People and Training Centre Visitor.

The considerable 'crossover' of Aboriginal children and young people between these two systems demands that policy responses address the factors that contribute to compounded disadvantage. A recent Australian Law Reform Commission (ALRC) report indicates the nature of this environment, noting that consultees "told many times of the normalisation of incarceration in many Aboriginal families, and in particular those where children have been removed, or have been in juvenile detention"³. It is sobering to note the historical context for this, given the accompanying reference to the fact that almost half of the 99 Aboriginal and Torres Strait Islander people whose deaths were reviewed by the 1991 Royal Commission into Aboriginal Deaths in Custody had previously been removed from their parents.⁴

The Productivity Commission again urges caution about assuming either completeness or direct comparability of data reported for the various jurisdictions or that it is all of equivalent quality. Readers should therefore consult the notes provided with an applicable ROGS 2018 table prior to drawing definitive conclusions about the implications of data presented. This is particularly the case for cross jurisdictional comparisons or where the number of individuals recorded

¹ Links are provided in the References section below to **Government of Australia 2018a**, Chapters 16 (child protection services) and **Government of Australia 2018b**, Chapter 17 (youth justice services).

² Community preference in South Australia is that the term Aboriginal is inclusive of Torres Strait Islander people, a usage we generally adopt in this report. The fuller description and the term Indigenous are used if quotations are given from other sources.

³ **ALRC 2017**, p486

⁴ Ibid.

for some jurisdictions is too small to be of much probative or comparative value. This particularly is the case given the very small numbers reported for some youth justice categories by some jurisdictions.

Aboriginal children and young people in care

Commissioner Nyland in her 2016 *Child Protection Systems Royal Commission Report* recognised the reality that “Aboriginal children and families are vastly overrepresented in all parts of the South Australian child protection system”⁵.

Unless more is done, the situation of those in care is likely to worsen, as described in *The Family Matters Report* (2016) -

*“There is strong reason to believe that the number and proportion of Aboriginal and Torres Strait Islander children in OOHC will continue to rise. Applying a theoretical model it is predicted from current trends that **the population of Aboriginal and Torres Strait Islander children in care will almost triple in size by 2035**, while the non-Indigenous population of children in OOHC will increase by less than two thirds.”*⁶

Aboriginal children and young people and the youth justice system

The very high proportion of Aboriginal children and young people in the youth justice system is possibly even more concerning, with the Australian Institute of Health and Welfare noting that nationally –

*“Indigenous young people aged 10–17 were ... 17 times as likely as non-Indigenous young people to be under supervision on an average day.”*⁷

The most recent South Australian data records that in June 2017 Aboriginal children and young people comprised 48.5% of all those detained in secure care⁸, compared with 47.9% at the same time in 2016. This continues a substantial

⁵ *The life they deserve: Child Protection Systems Royal Commission Report, Volume 1: Summary and Report* (Government of South Australia, 2016) available at <http://www.agd.sa.gov.au/child-protection-systems-royal-commission> (at page 450)

⁶ Shlonsky A et al 2016 (SNAICC) (page 7)

⁷ AIHW 2017 (page 8), noting that “supervision” incorporates children and young people experiencing either community based supervision or detention in a secure facility.

⁸ *Guardian for Children and Young People 2017* (data supplied by the Department of Human Services)

over-representation given that Aboriginal children and young people comprise only about 4.5 per cent of the State's child population⁹.

The Australian Children's Commissioners and Guardians group adopted a general *Statement on Conditions and Treatment in Youth Justice Detention*, the fifth core statement of which advocates that –

*Additional measures should be adopted to address the over-representation of Aboriginal and Torres Strait Islander children and young people in youth justice detention, ensure cultural appropriateness in the detention environment, and ensure the right of the child or young person to exercise their culture.*¹⁰

⁹ Child Protection Systems Royal Commission 2016 (page 450)

¹⁰ ACCG 2018 (page 15)

2. SUMMARY STATEMENTS

2.1 Aboriginal children and young people in care

Information from ROGS 2018 allows us to say a number of things about the profile and situation of Aboriginal 0–17 year olds in care in South Australia -

- of the 3,686 children and young people on care and protection orders at 30 June 2017, 33 per cent were Aboriginal and 64 per cent non-Aboriginal (3 per cent were not identified) (see Chart 1)
- the number of Aboriginal 0-17 year olds on care and protection orders continues to climb as an over-represented proportion of all those in care (Chart 2)
- there is a increasing *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system. The rate per 1,000 children of Aboriginal 0-17 year olds in out of home care increased from 38.4 to 69.7 compared to 4.7 to 6.4 for non-Aboriginal 0-17 year olds between 2009-10 and 2016-17 (Chart 3)
- the 2016-17 disproportionality ratio between Aboriginal and non-Aboriginal children and young people in out of home care was 7.31, an increase from 6.05 in 2010-11 (Chart 5)
- while the number of Aboriginal children and young people placed in accordance with the Aboriginal Child Placement Principle increased from 2009 to 2017, it declined as a proportion of eligible Aboriginal children and young people (76.4 per cent in 2009 and 62.5 per cent in 2017) (Charts 6 to 8). This was slightly below the national average of 67.6 per cent at 30 June 2017 (Chart 9)
- 147 Aboriginal children and young people comprised 38 per cent of all those in residential care in 2016-17 (Chart 10)
- 40.4 per cent of the 1,125 Aboriginal 0-17 year olds in continuous (non-respite) out of home care at 30 June 2017 had been in that situation for 5 years or more, a *lesser* proportion than that of equivalent non-Aboriginal children and young people (48.4 percent) (Chart 11)

- a majority of the 1063 Aboriginal 0-17 year olds who had been in continuous out of home care at 30 June 2017 had been in that situation for over two years (63 per cent of the total) (Chart 12).

2.2 Aboriginal 10-17 year olds in detention-based youth justice supervision

Some features of the participation of Aboriginal ten to seventeen year olds in detention-based youth justice supervision in South Australia are that -

- the number of young Aboriginal females in detention is considerably lower than the number of young Aboriginal males, but they comprise a high proportion of all detained girls and young women
- the daily average proportion of Aboriginal compared to non-Aboriginal 10-17 year olds in detention (58 to 42 per cent) in 2015/16 was similar to the all-Australia average (59.6 to 40.4 per cent) (Chart 13)
- when considered as a proportion per 100,000 young people, the number of Aboriginal 10 to 17 year olds in detention in South Australia has been growing over recent years (Chart 14), with this growth greater than the national average (Chart 15)
- the average rate per 100,000 young people of 10 to 17 year olds in detention in 2015/16 was 459.5 for Aboriginal compared with 15.2 for non-Aboriginal children and young people. This rate differential is a factor of just over 30 whereas the equivalent all-Australia differential is a factor of 25 (Chart 16)
- there has been a relatively consistent relationship between the average daily number of Aboriginal 10 – 17 year olds under community based supervision orders compared to those who are held in detention (Chart 18).

There has been a recent convergence of spending per child or young person aged 10 to 17 years in the population on detention based youth justice services between South Australia and the national average (Chart 19).

3. THE CHARTS

3.1 List of charts for Child Protection Services

Chart 1 – Proportion of Aboriginal and non-Aboriginal 0-17 year olds on care and protection orders in South Australia at 30 June 2017 (n = 3,686)

Chart 2 – Aboriginal and non-Aboriginal 0-17 year olds on care and protection orders, South Australia 2010-11 to 2016-17

Chart 3 – Rate per 1,000 Aboriginal and non-Aboriginal 0-17 year olds in out of home care, South Australia 2009-10 to 2016-17

Chart 4 - Rate per 1,000 Aboriginal and non-Aboriginal 0-17 year olds in out of home care, Aboriginal and non-Aboriginal, 2016-17, all jurisdictions

Chart 5 – Disproportionality ratio – Aboriginal children in out of home care, South Australia 2010-11 to 2016-17

Chart 6 – Aboriginal children placed in accordance with the Aboriginal Child Placement Principle, South Australia as at 30 June, 2009 to 2017

Chart 7 - Proportion of Aboriginal children not placed in accordance with the Aboriginal Child placement Principle, South Australia at 30 June, 2009 to 2017

Chart 8 – Aboriginal children placed in accordance with the Aboriginal Child Placement Principle, South Australia as at 30 June 2017 (n = 1,150)

Chart 9 - Comparative rate of placement in accordance with the Aboriginal Child Placement Principle, all jurisdictions, 30 June 2017 (ROGS 2018, Table 16A.20)

Chart 10 – Number of Aboriginal children in out of home care by placement type, South Australia 2013-14 to 2016-17 at 30 June

Chart 11 – Comparative time spent by Aboriginal and non-Aboriginal 0-17 year olds in continuous, non-respite out of home care in South Australia at 30 June 2017 (n = 1,125 and 2193)

Chart 12 – proportion of time spent in continuous, non-respite out of home care of stay by Aboriginal 0-17 year olds in in South Australia at 30 June 2017

3.2 List of charts for Youth Justice Services

Chart 13 – Daily average number of Aboriginal and non-Aboriginal 10-17 year olds in detention by jurisdiction, 2015-16

Chart 14 – Daily average rate per 100,000 young people of Aboriginal 10-17 year olds in detention 2013-14 to 2015-16

Chart 15 – Daily average rate per 100,000 young people of Aboriginal 10-17 year olds in detention, 2011-12 to 2015-16, South Australia and Australia

Chart 16 - Daily average rate per 100,000 young people of Aboriginal compared to non-Aboriginal 10-17 year olds in detention 2015-16 by jurisdiction

Chart 17 – Daily average rate per 100,000 young people of Aboriginal compared to non-Aboriginal 10-17 year olds in detention in South Australia, 2011-12 to 2015-16

Chart 18 – Daily average number of Aboriginal 10-17 year olds under community based supervision compared to those in detention South Australia 2011-12 to 2015-16

Chart 19 –Real expenditure per child aged 10-17 years in the population on detention based youth justice services, South Australia compared to Australian average, 2012-13 to 2016-17

4. CHILD PROTECTION SERVICES

4.1 Overview of Aboriginal children and young people in care

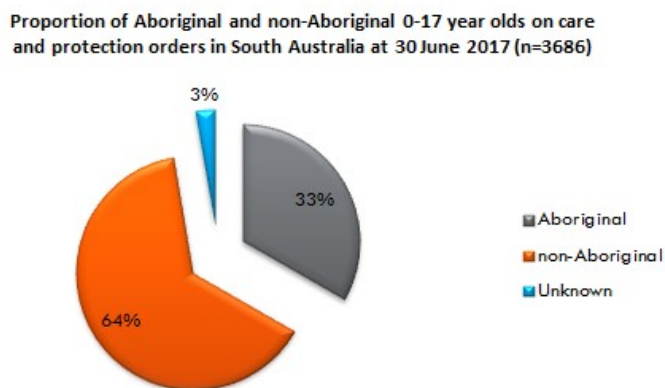
For the purpose of ROGS 2018, child protection services “provide supports and interventions to promote child and family wellbeing, and to protect children and young people aged 0-17 years who are at risk of abuse and neglect within their families, or whose families do not have the capacity to provide care and protection” (ROGS 2018, 16.1). Child protection services are presented within four program areas –

- protective intervention services (previously called *child protection services*)
- family support services
- intensive family support services, and
- out-of-home care (OOHC) services.

Information from the ROGS 2018 allows us to say a number of things about Aboriginal children and young people who receive such services as they appear within the overall cohort of 0–17 year olds in care in South Australia.

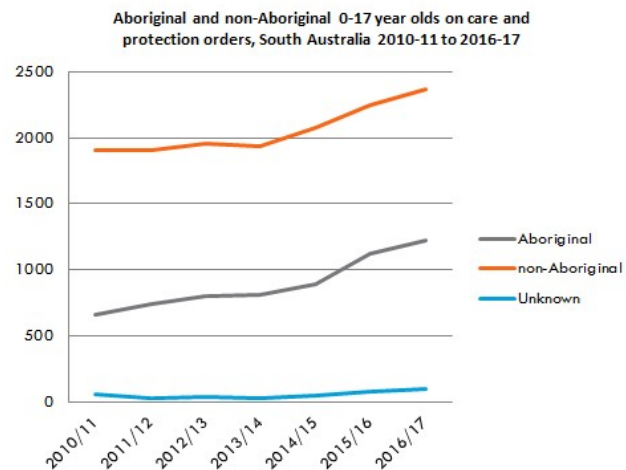
Chart 1 demonstrates that of the 3,686 children and young people on care and protection orders at 30 June 2017, 1,226 (33 per cent) were Aboriginal and 2,362 (64 per cent) non-Aboriginal. Another 98 individuals were shown as “unknown”.

Chart 1 (ROGS 2018, Table 16A.1)



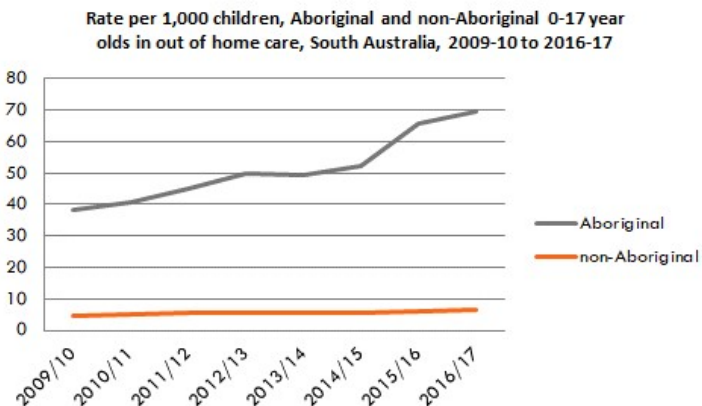
The number of Aboriginal 0-17 year olds on care and protection orders continues to climb as an over-represented proportion of all those in care. The 2016-17 Aboriginal to non- Aboriginal figures of 1,226 to 2,362 respectively (with 98 unknown) compares with the 2010/11 figures of 658, 1,904 and 58.

Chart 2 (ROGS 2018, Table 16A.1)



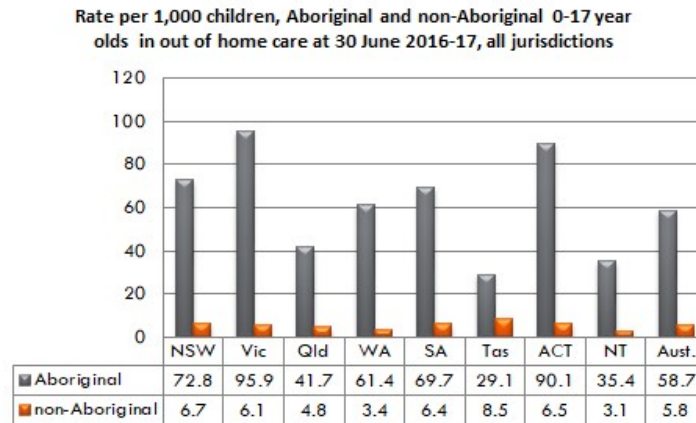
These raw numbers do not illustrate adequately the worsening *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system. The rate per 1,000 Aboriginal 0-17 year olds in out of home care increased from 38.4 to 69.7 compared to 4.7 to 6.4 for non-Aboriginal 0-17 year olds between 2009-10 and 2016-17.

Chart 3 (ROGS 2018, Table 16A.2)



The disparity in the rate per thousand children of Aboriginal compared to non-Aboriginal 0-17 year olds in out of home care in 2016-17 is illustrated for all jurisdictions in Chart 4.

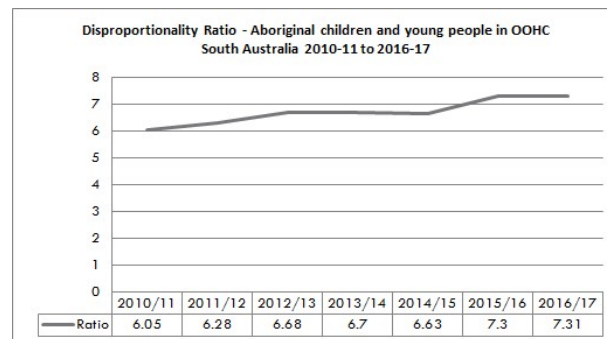
Chart 4 (ROGS 2018, Table 16A.2)



4.2 Disproportionality ratio

The 2016-17 disproportionality ratio¹¹ between Aboriginal and non-Aboriginal children and young people in out of home care was 7.31, an increase from a ratio of 6.05 in 2010-11.

Chart 5 (ROGS 2018, Table 16A.8)

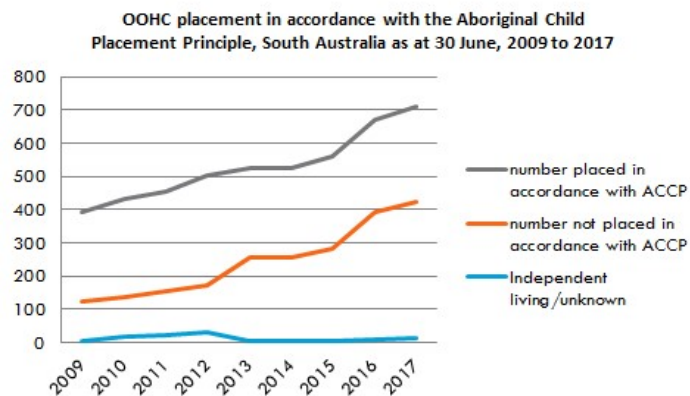


¹¹ The disproportionality ratio is calculated by dividing the proportion of Aboriginal children in out of home care with their proportion in the overall SA child population (see **Government of Australia 2018a**, Box 16.2).

4.3 The Aboriginal child placement principle

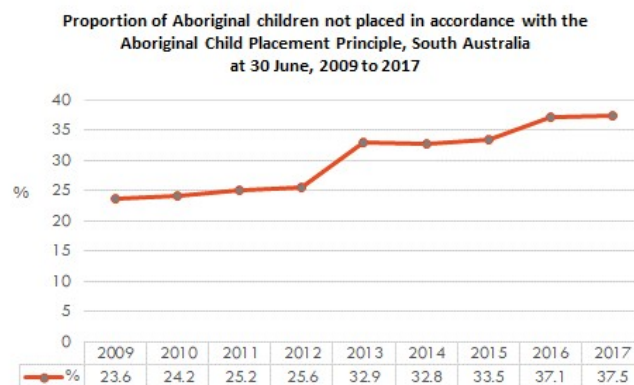
Chart 6 shows the number of Aboriginal children and young people placed in accordance with the Aboriginal Child Placement Principle in South Australia from 2009 to 2017. In 2017, this comprised 62.5 per cent of eligible children and young people, compared with 76.4 per cent in 2009.

Chart 6 ROGS 2018, Table 16A.20



While the raw numbers have grown over time, Chart 7 demonstrates that there also has been a steady growth in the proportion of Aboriginal children and young people not placed in accordance with the Aboriginal Child placement Principle.

Chart 7 (ROGS 2018, Table 16A.20)



The picture for South Australia at 30 June 2017 is shown in Chart 8.

Chart 8 (ROGS 2018, Table 16A.20)

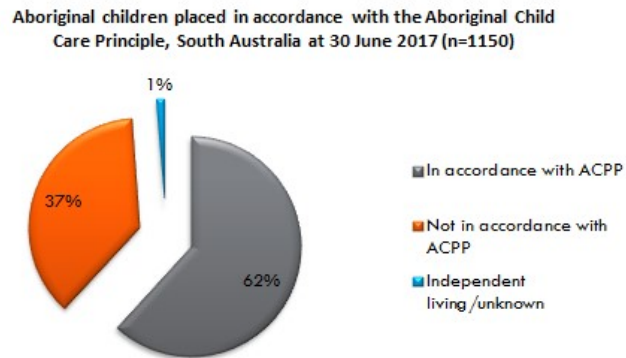
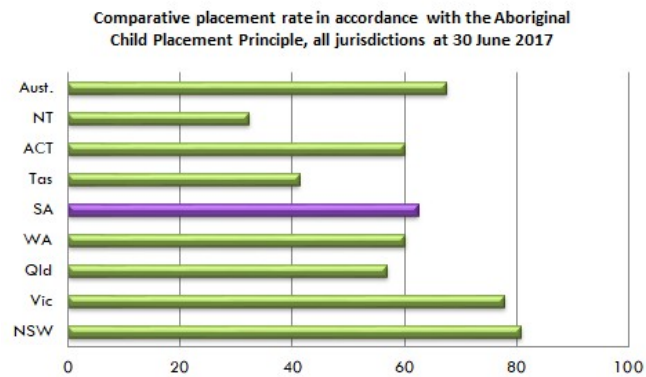


Chart 9 shows that the rate of placement in accordance with the Aboriginal Child Placement Principle in South Australia's was exceeded by two other states and was slightly below the national average at 30 June 2017.

Chart 9 (ROGS 2018, Table 16A.20)

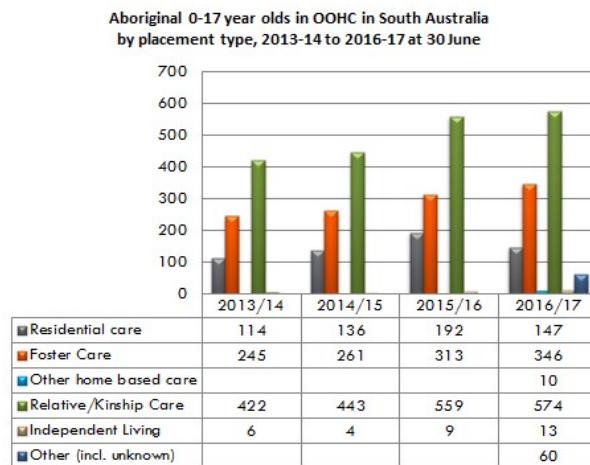


4.4 Placement type and residential care¹²

Aboriginal children and young people in South Australia live in all available out of home care placement options. 147 were accommodated in the residential care option at 30 June 2017, some 38 per cent of all children in residential care.

This is several points above their proportion of the overall out of home care population (which was 33 per cent, or 1150 of the total of 3484 children and young people).

Chart 10 (ROGS 2018, Table 16A.18)



¹² Changed counting rules for residential care affects 2016-17 figures as described in Part 5 of our companion report *South Australian child protection expenditure from the Report on Government Services 2018* (March 2018). In effect, the 60 individuals indicated as 'other' in Chart 9 of the current paper should be added to the 147 counted as being in residential care to get a true picture of placements.

4.5 Time spent in care

Of 1,125 Aboriginal children and young people shown as being in continuous out of home care¹³ at 30 June 2017, 455 (or 40.4 per cent) had been in this situation for five or more years, which is a *lower* rate than that applicable to non-Aboriginal children and young people.

Chart 11 (ROGS 2018, Table 16A.15)

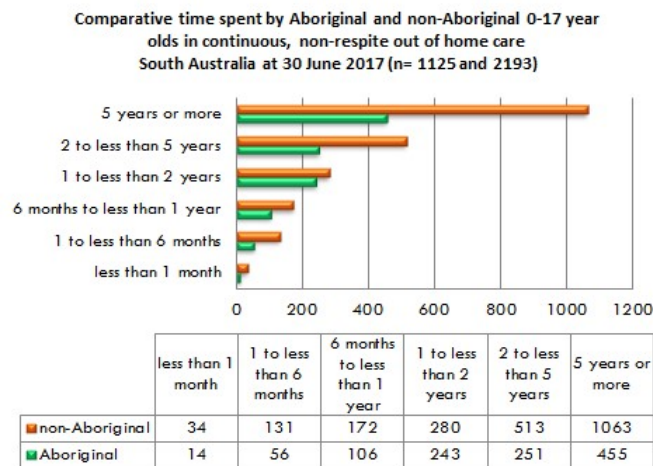
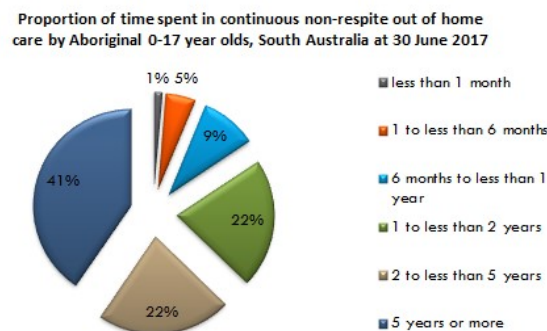


Chart 12 shows that most of the 1063 Aboriginal 0-17 year olds who had been in continuous out of home care at 30 June 2017 had been in that situation for over two years (63 per cent of the total).

Chart 12 (ROGS 2018, Table 16A.15)



¹³ This relates to the length of time leading up to the current 30 June reporting date for which the child or young person had continuously been in care.

5. YOUTH JUSTICE SERVICES

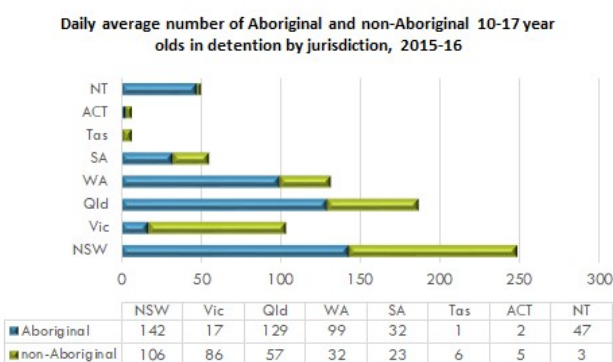
Chapter 17 of the *Report on Government Services 2018* reports on “services provided by statutory youth justice agencies that are responsible for the supervision and case management of young people who have committed or allegedly committed an offence; in particular, community-based supervision, detention-based supervision and group conferencing” (ROGS 2018, 17.1).

Information provided in the report allows us to say several things about Aboriginal children and young people who are subject to youth justice services in South Australia. More recent data than that available for ROGS 2018 indicates that, Aboriginal children and young people comprised 48.5 per cent of the 388 individuals admitted to the AYTC in 2016-17¹⁴.

The number of young females in detention is considerably lower than the number of males. In 2015-16 the daily average numbers in South Australia were 5 and 20 respectively. A similar, but lesser imbalance applies to those in community based supervision (2015-16 daily average numbers being 41 and 176 respectively).¹⁵

The following charts illustrate some of the key comparative features of the participation by Aboriginal ten to seventeen year olds in detention-based supervision within the youth justice system. Chart 18 also provides information about those in community based supervision.

Chart 13 (source ROGS 2018, Table 17A.5)



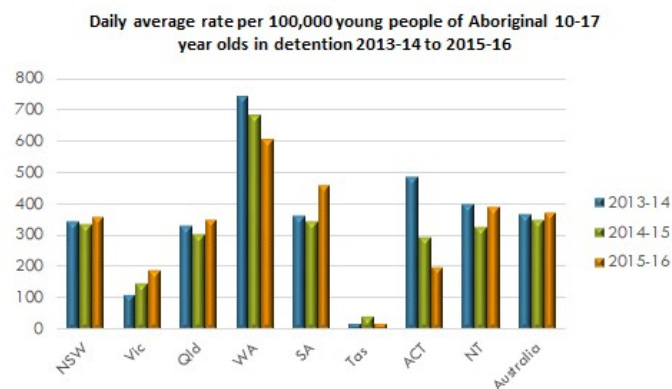
¹⁴ **Guardian for Children and Young People 2017** (noting that some individuals had more than one admission)

¹⁵ **ROGS 2018**, Tables 17A.3 and 17A.4. Details about the Aboriginality of young female detainees is not provided in ROGS 2018. We know, however, that young Aboriginal females form a higher proportion of the total female detention population than young Aboriginal males do of the total male detention population.

Chart 13 shows that the South Australian daily average proportion of Aboriginal compared to non-Aboriginal 10-17 year olds in detention (58 to 42 per cent) in 2015-16 was similar to the all-Australia average (59.6 to 40.4 per cent).

When considered as a proportion per 100,000 young people, the number of Aboriginal 10 to 17 year olds in detention in South Australia has been growing over recent years as indicated by Chart 14.

Chart 14 – (source ROGS 2018, Table 17A.7)



This growth has been greater than the national average.

Chart 15 (source ROGS 2018, Table 17A.7).

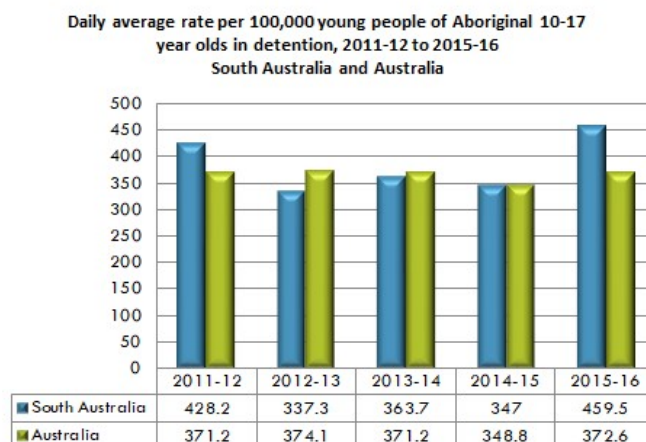


Chart 16 (source ROGS 2018, Table 17A.7)

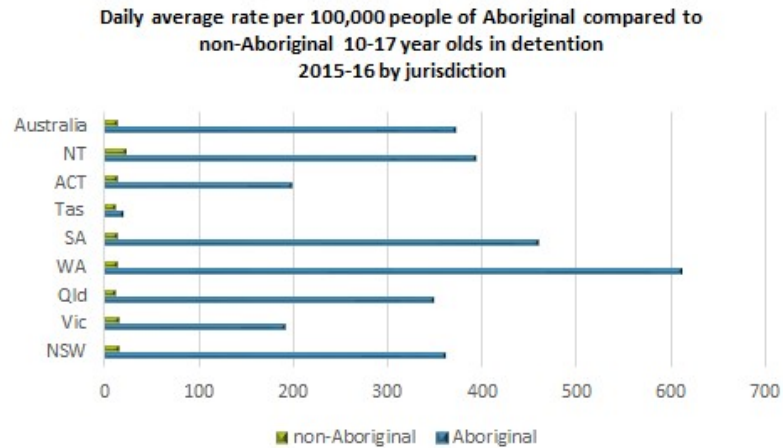
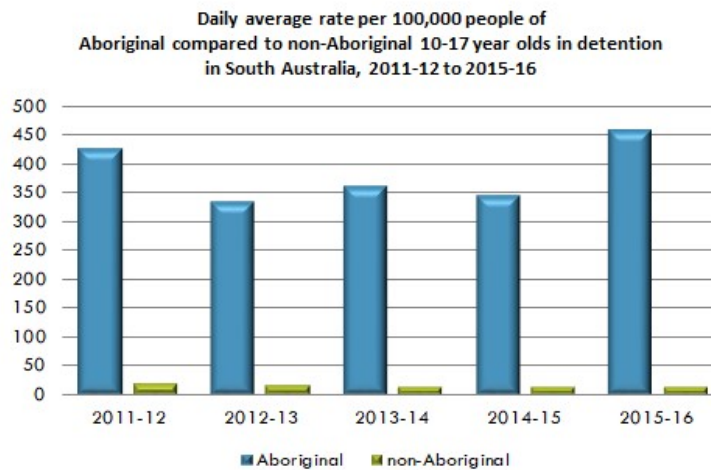


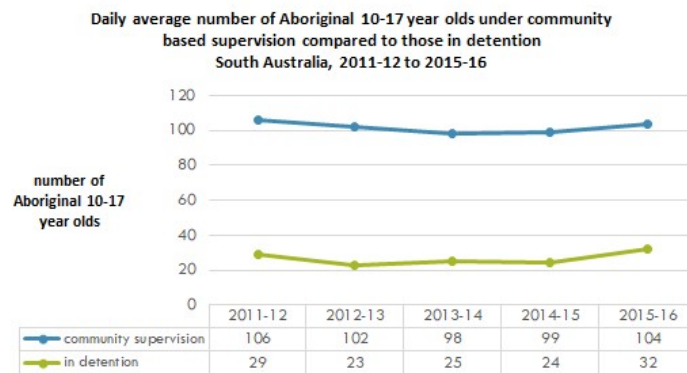
Chart 17 – (source ROGS 2018, Table 17A.7)



The average rate per 100,000 young people of 10 to 17 year olds in detention in South Australia in 2015/16 was 459.5 for Aboriginal compared with 15.2 for non-Aboriginal children and young people. The rate differential therefore is a factor of just over 30 while the equivalent all-Australia differential is 25 based on comparative rates of 372.6 and 17.7 respectively.

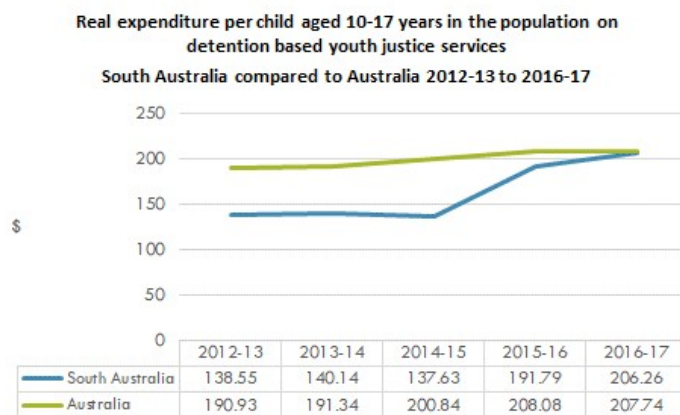
Chart 18 shows a relatively consistent relationship between the average daily number of Aboriginal 10 – 17 year olds under community based supervision orders compared to those who are held in detention over time.

Chart 18 – (source ROGS 2018, Tables 17A.5 and 17A.6)



ROGS 2018 demonstrates that the general expenditure environment is one in which there has been a recent convergence of spending per child aged 10 to 17 years in the population on detention based youth justice services between South Australia and the national average.

Chart 19 – (source ROGS 2018, Table 17A.8)



5. REFERENCES

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