

# Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2021

May 2021



**Guardian**  
for Children and  
Young People



**Training  
Centre**  
Visitor

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The Hon. Rachel Sanderson, MP  
Minister for Child Protection  
GPO Box 1838  
ADELAIDE SA 5001

Dear Minister

I am pleased to present to you the Guardian for Children and Young People and Training Centre Visitor's report *Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2021*.

This report provides a summary of the trends relating to Aboriginal children and young people in the child protection and youth justice systems in South Australia, arising from data provided in the *Report on Government Services 2021*.

Yours sincerely

A handwritten signature in black ink that reads "Penny Wright".

**Penny Wright**

**Guardian for Children and Young People and Training Centre Visitor**

3 May 2021



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## *Preliminary notes*

### *South Australian Community Preference*

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' is used if quotations are given from other sources.

### *Completeness and comparability of data*

As with previous years, the Productivity Commission urges caution about assuming either completeness or direct comparability of data reported for the various jurisdictions or that it is of equivalent quality. Readers should consult the notes provided with an applicable ROGS 2021 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 for some jurisdictions is too small to be of much probative or comparative value.

### *Change in the scope of 'out-of-home care'*

National reporting on out-of-home care (OOHC) has been subject to data comparability issues because of variations in the legislation across jurisdictions that determine policies and practices in the OOHC system, in particular, relating to children who are on third-party parental responsibility orders. For national reporting purposes, 'out-of-home care' was previously defined as 'overnight care for children aged less than 18 years who were unable to live with their families due to child safety concerns.' However, the following definition now applies –

Overnight care for children aged less than 18 years who were unable to live with their families due to child safety concerns. This includes placements approved by the Department responsible for child protection for which there is ongoing case management and financial payment (including where a financial payment has been offered but has been declined by the carer). This includes legal (court ordered) and voluntary placements, and placements made for the purposes of providing respite for parents or carers.

Reporting against this definition will result in some jurisdictions reporting fewer children in OOHC compared to previous years because some living arrangements will be excluded (and reported, instead, as 'other supported placements'). The most significant difference relates to the exclusion of children in third-party parental responsibility arrangements, noting that some jurisdictions have already excluded these children from national OOHC reporting. ROGS Table 16A.3 specifies that in South Australia there were 234 children and young people living in other supported placements on 30 June 2020.

### *10-17-year-olds in youth justice services*

ROGS reporting on youth justice services includes data that relates to 10-17-year-olds. It is important to note that in South Australia, young people can elect to remain in Kurlana Tapa

Youth Justice Centre after they turn 18. The ROGS data therefore does not report on those in youth detention aged 18 years and over.

### *Impact of COVID-19 on data*

The Report on Government Services 2021 (ROGS 2021) notes that COVID-19 may have affected data in the Report in a number of ways, including in respect of actual performance (that is, the impact of COVID-19 on service delivery in 2020 which is reflected in the data results), and the collection and processing of data (that is, the ability of data providers to undertake data collection and process results for inclusion in the Report).

For the child protection services and youth justice services sections of ROGS 2021, there are no significant changes to the data as a result of COVID-19. The police services section of ROGS 2021 did not mention COVID-19, so it is unclear if it had any impact on data or service delivery.

### *Data may not add up due to rounding*

Decimal points have not been rounded up, which means that some percentages will not total 100.

# 1. Introduction

This report considers data published in the Productivity Commission's Report on Government Services 2021 (ROGS 2021) and makes this information more accessible to those interested in the circumstances of Aboriginal children and young people in South Australia who are clients of child protection services and youth justice services. These children and young people come within the statutory mandate of the Guardian for Children and Young People and Training Centre Visitor.

The significant overlap of Aboriginal children and young people across these two systems requires policy responses that address the factors of intergenerational trauma and entrenched disadvantage.

The Family Matters Report 2020 states that

*South Australian Child Protection system reform is having difficulty demonstrating that the reform across the spectrum of services – spanning early intervention to statutory care – is meeting the cultural needs of Aboriginal children, young people and families. Evidence shows that despite best intentions, the current child protection system reform is still struggling to change the trajectory of our most vulnerable children and their families, and is slow to improve sustained, long-term outcomes for our children.<sup>1</sup>*

Change the Record, Australia's only national Aboriginal-led justice coalition of Aboriginal peak bodies and non-Indigenous allies, published a report in 2020 which highlighted that at every stage of contact with the criminal justice system, Aboriginal children are overrepresented. Aboriginal children are significantly more likely than their non-Aboriginal peers to be referred to court rather than receive a caution, and be arrested rather than issued with a caution or diversion.<sup>2</sup>

National Aboriginal and Torres Strait Islander Legal Services (NATSILS) has drawn attention to the need to raise the minimum age of criminal responsibility (MACR) from 10 to 14 years of age, stating that

*We must raise the MACR to at least 14 years as this is based on the latest understanding of child and adolescent development and to ensure Australia is compliant with our international obligations as signatories to the Convention on the Rights of the Child. A higher MACR, to at least 14, will also bring Australia into line with the median MACR internationally.*

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<sup>1</sup> P 26, available here: [https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020\\_LR.pdf](https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf)

<sup>2</sup> P 7, Raising the age of criminal responsibility available here <https://apo.org.au/sites/default/files/resource-files/2020-07/apo-nid307114.pdf>



*Raising the MACR to at least 14 is in line with our understanding of child and adolescent development. It will also contribute to reducing the over incarceration of Aboriginal children and young people, particularly those experiencing compounding disadvantage.*

*Children and young people who are experiencing compounding, systemic, and entrenched disadvantages must be supported and nurtured in their own communities and be diverted away from the criminal legal system.<sup>3</sup>*

## 2. Summary Statements

### 2.1 Aboriginal children and young people as a proportion of the South Australian population

Aboriginal children and young people comprise approximately 5 per cent of the total population of children and young people aged 0-17 in South Australia.<sup>4</sup>

Aboriginal children and young people are vastly overrepresented in the child protection and youth justice systems, representing 36.7 per cent of children and young people in care, and 51.8 per cent of the average daily population in Kurlana Tapa Youth Justice Centre.

### 2.2 Aboriginal children and young people in care

Information from ROGS 2021 allows us to say a number of things about the profile and situation of Aboriginal 0–17-year-olds in care in South Australia -

- at 30 June 2020, 36.7 per cent of children in OOHC were Aboriginal (1519 of 4136), with just over one in every 11 Aboriginal children or young people in South Australia being in care (Charts 2 and 3)
- there is a continued worsening rate of Aboriginal, compared to non-Aboriginal, children and young people being drawn into the child protection system (Chart 3)

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<sup>3</sup> Pp 11-12 Submission to the Council of Attorneys-General 'Age of Criminal Responsibility Working Group Review' <<https://www.natsils.org.au/wp-content/uploads/2020/12/NATSILS-submission-to-CAG-Inquiry-into-age-of-criminal-responsibility-Feb-2020-final1b66.pdf>>.

<sup>4</sup> Based on 2019 estimates. See ABS, 3238.0 Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2006 to 2031

<<https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3238.02006%20to%202031?OpenDocument>> and 3218.0 - Regional Population Growth, Australia, 2017-18 <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3218.02017-18?OpenDocument>>.

- at 30 June 2020, there were 84.5 Aboriginal children in OOHC for every 1000 Aboriginal children and young people. In order to meet the Closing the Gap target of reducing the rate of over-representation of Aboriginal children in OOHC by 45 per cent, the rate in South Australia would have to be 46.4 Aboriginal children per 1000 by 2031. The current trend does not suggest that South Australia will meet its target without significant reforms (Chart 4)
- 53.2 per cent of Aboriginal children and young people in care were placed with relatives/kin, which is just below the Australian average of 53.7 per cent (Charts 6 and 6a)
- only 31.4 per cent (478 of 1519) of Aboriginal children and young people in care were placed with *Aboriginal* relatives or kin (Chart 5b), and the rate of placement with Aboriginal family/kin has declined over time, with an increase in Aboriginal children and young people being placed with *non-Aboriginal* family/kin (Chart 6d)
- 14.9 per cent of Aboriginal children and young people in care were placed in residential care, where they constituted 37.7 per cent of all children and young people living in residential care (227 of a total of 601) (Chart 8).

## 2.3 Aboriginal 10–17-year-olds in youth justice services

Some features of the participation of Aboriginal 10–17-year-olds in youth justice supervision in South Australia are that –

- the rate of Aboriginal children and young people in detention in South Australia is 22.7 times higher than non-Aboriginal children (Chart 15a)
- youth diversions by police in relation to Aboriginal offenders are at their *lowest* rate since records began, with only 23.3 per cent of Aboriginal offenders being diverted away from court, compared to 55.6 per cent of non-Aboriginal youth being diverted away, which is the *highest* rate since records began (Chart 10)
- the daily average number of Aboriginal 10–17-year-olds on community-based supervision orders increased in 2019-20 to 88 compared to the previous year's figure of 79. However, there is a downwards trend over time, which is also reflected in the number of Aboriginal 10–17-year-olds in detention, namely 14 individuals per day, which is approximately half the number from two years ago (Charts 11 and 13)
- if the rate of decline of Aboriginal children and young people in detention continues, it will help surpass the Closing the Gap target of a 30 per cent reduction in the of over-representation of Aboriginal children in detention by 2031. South Australia may therefore consider setting a more ambitious target (Chart 14a)

## 3. The Charts

### 3.1 List of charts for child protection services

All data presented is drawn from Part F, Section 16 of the *Report on Government Services 2021*. All charts provide a reference for the applicable *ROGS 2021* source table.

- Chart 1** Rate per 1000 children aged 0-17 years, Aboriginal and non-Aboriginal children in notifications, finalised investigations and substantiations and care and protection orders in South Australia, 2019-20
- Chart 2** Proportion of Aboriginal and non-Aboriginal 0-17-year-olds in OOHC in South Australia at 30 June 2020
- Chart 3** Rate of Aboriginal and non-Aboriginal 0-17-year-olds in OOHC per 1,000 children in South Australia, 2015-16 to 2019-20
- Chart 3a** Rate of Aboriginal and non-Aboriginal 0-17-year-olds in OOHC per 1,000 children at 30 June 2020, all jurisdictions
- Chart 4** Projected trend of rate of Aboriginal children in care per 1000 individuals in the population compared to the trend required for South Australia to meet it's Closing the Gap goals.
- Chart 5** Disproportionality ratio – Aboriginal children and young people in OOHC, South Australia 2015-16 to 2019-20
- Chart 6** Proportion of Aboriginal children and young people placed with relatives/kin, South Australia at 30 June 2016 to 2020
- Chart 6a** Proportion of Aboriginal children and young people placed with relatives/kin, South Australia and Australia at 30 June 2016 to 2020
- Chart 6b** Proportion of Aboriginal children and young people placed with Aboriginal relatives/kin, South Australia at 30 June 2020
- Chart 6c** Comparative proportion of Aboriginal children and young people placed with Aboriginal relatives/kin, all jurisdictions at 30 June 2020
- Chart 6d** Comparative proportion of Aboriginal children and young people placed with Aboriginal and non-Aboriginal relatives/kin, South Australia at 30 June 2016 to 2020
- Chart 7** Proportion of children aged 0-17 years with documented case plans, by Aboriginal status, South Australia at 30 June 2020
- Chart 8** Number of children in OOHC by placement type and Aboriginal status, South Australia at 30 June 2020

- Chart 9** Comparative time spent by Aboriginal and non-Aboriginal 0–17-year-olds in continuous, non-respite care services placements, South Australia at 30 June 2020
- Chart 9a** Proportion of time spent in continuous non-respite care services placements by Aboriginal 0–17-year-olds in South Australia at 30 June 2020

## 3.2 List of charts for youth justice services

All data presented is drawn from Part F, Section 17, and Part C, Section 6 of the *Report on Government Services 2021*. All charts provide a reference for the applicable *ROGS 2021* source table.

- Chart 10** Youth diversions as a proportion of offenders in South Australia, by Aboriginal status from 2010-11 to 2019-20
- Chart 11** Daily average number of Aboriginal 10–17-year-olds under community-based supervision compared to those in detention South Australia 2015-16 to 2019-20
- Chart 12** Custody nights, by Aboriginal status in South Australia, 2019-20
- Chart 13** Daily average number of Aboriginal and non-Aboriginal 10–17-year-olds in detention by jurisdiction, 2019-20
- Chart 14** Daily average rates of detention of Aboriginal 10–17-year-olds per 10,000 young people, across jurisdictions 2015-16 to 2019-20
- Chart 14a** Projected trend of rate of Aboriginal children in detention per 10,000 individuals in the population compared to the trend required for South Australia to meet its Closing the Gap goals
- Chart 15** Daily average detention rate of Aboriginal 10–17-year-olds per 10,000 young people, South Australia and Australia 2015-16 to 2019-20
- Chart 15a** Daily average rate of Aboriginal compared to non-Aboriginal 10–17-year-olds in detention per 10,000 young people in South Australia 2015-16 to 2019-20
- Chart 16** Cost per day per young person subject to community-based supervision compared to detention in South Australia 2015-16 to 2019-20 (2019-20 dollars)
- Chart 17** Real expenditure per child aged 10-17 years in the population on detention-based youth justice services South Australia compared to Australia 2015-16 to 2019-20

**Chart 17a** Real expenditure per child aged 10-17 years in the population on detention-based youth justice services, all jurisdictions compared to Australian average, 2019-20

## 4. Child Protection Services

### 4.1 Overview of Aboriginal children and young people in care

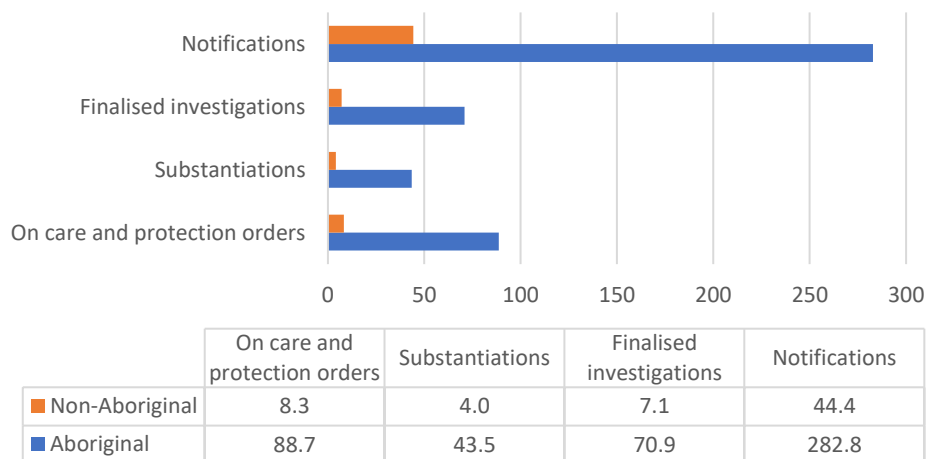
For the purpose of ROGS 2021, child protection services “provide supports and interventions to promote child and family wellbeing, and to protect children and young people aged 0-17 years who are at risk of abuse and neglect within their families, or whose families do not have the capacity to provide care and protection.”<sup>5</sup>

Information from the ROGS 2021 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 shows that Aboriginal children and young people are overrepresented in the child protection system in notifications, finalised investigations and substantiations and care and protection orders.

*Chart 1* (ROGS 2021, Table 16A.1)

#### ***Rate per 1000 children aged 0-17 years, Aboriginal and non-Aboriginal children in notifications, finalised investigations and substantiations and care and protection orders in South Australia, 2019-20***



<sup>5</sup> Productivity Commission *Report on Government Services 2021* Part F, Section 16, p 16.2.

Chart 2 demonstrates that of the 4,136 children and young people in OOHC at 30 June 2020, 1,519 (36.7 per cent) were Aboriginal and 2,605 (63.0 per cent) non-Aboriginal. Another 12 individuals were shown as 'unknown'.

*Chart 2 (ROGS 2021, Table 16A.2)*

**Proportion of Aboriginal and non-Aboriginal 0–17-year-olds in OOHC in South Australia at 30 June 2020**

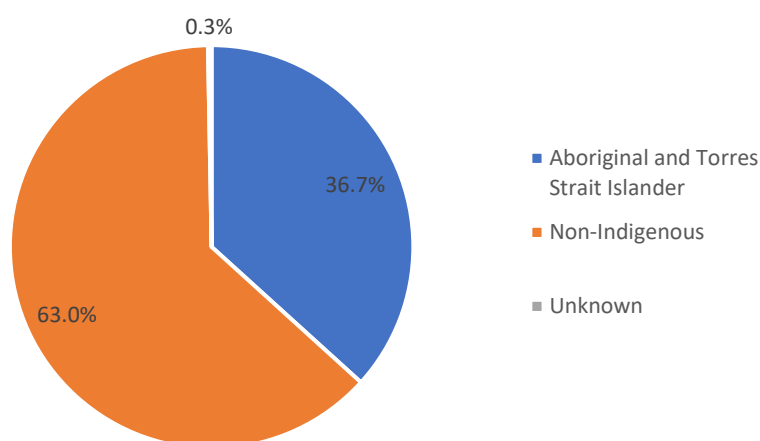


Chart 3 shows the continued over-representation of Aboriginal compared to non-Aboriginal 0–17-year-olds in care services over time. The rate is now so high that one in every 11 Aboriginal children and young people in South Australia were in care at 30 June 2020 (84.5 per 1,000 children).

The rate of Aboriginal 0 to 17 year olds in care services per 1,000 children increased from 62.1 to 84.5 compared to 6.0 to 7.4 for non-Aboriginal 0 to 17 year olds between 2015-16 and 2019-20. This illustrates the continued worsening rate of Aboriginal, compared to non-Aboriginal, children and young people being drawn into the child protection system.

*Chart 3 (ROGS 2021, Table 16A.2)*

**Rate of Aboriginal and non-Aboriginal 0-17 year olds in OOHC per 1,000 children in South Australia, 2015-16 to 2019-20**

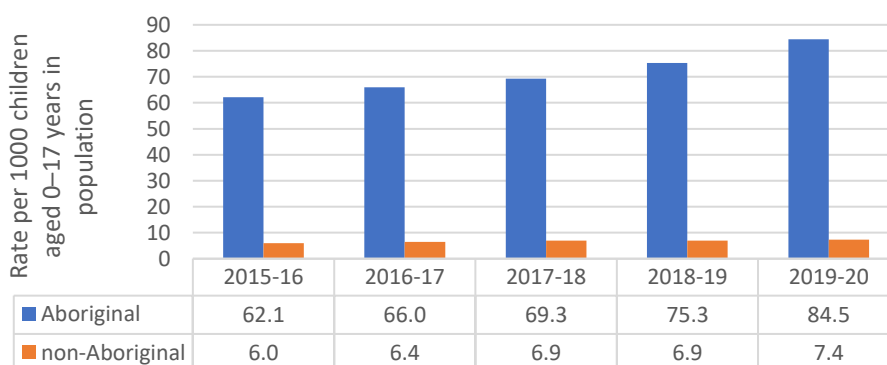
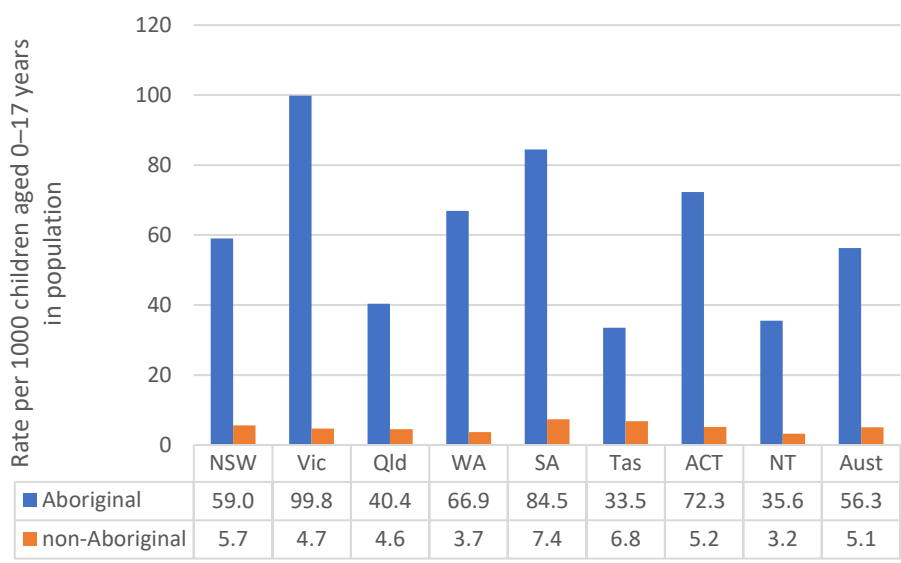


Chart 3a shows that South Australia has the nation's second highest rate of Aboriginal children and young people in care. It also demonstrates the disparity between the rate of Aboriginal compared to non-Aboriginal 0 to 17 year olds per 1,000 children in care services on 30 June 2020 across all jurisdictions.

*Chart 3a* (ROGS 2021, Table 16A.2)

**Rate of Aboriginal and non-Aboriginal 0-17 year olds in OOHC per 1,000 children at 30 June 2020, all jurisdictions**



## 4.2 Closing the Gap Targets and Outcomes

The National Agreement on Closing the Gap has 16 national socio-economic targets across areas that have an impact on life outcomes for Aboriginal people. Progress against the targets will be monitored by the Productivity Commission and help all parties to the National Agreement to understand how their efforts are contributing to improvement over the next ten years.

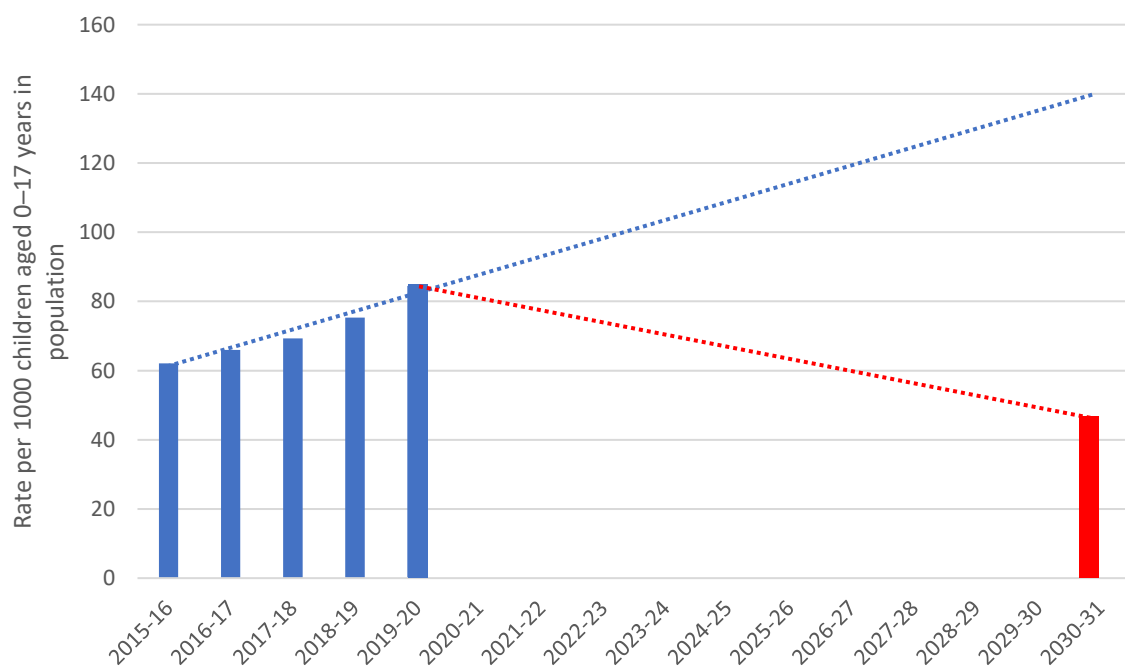
Outcome 12 states that Aboriginal children and young people should not be overrepresented in the child protection system. The target is that, by 2031, the rate of over-representation of Aboriginal children in OOHC must be reduced by 45 per cent. In South Australia, the rate per 1000 Aboriginal children aged 0-17 in the population who were in care at 30 June 2020 was 84.5. This compares to a rate of 7.4 per 1000 non-Aboriginal children in the population.

To meet the Closing the Gap target of reducing the rate of over-representation of Aboriginal children in OOHC by 45 per cent by 2031, the rate in South Australia would have to be 46.4 Aboriginal children per 1000.

The blue line in the chart below sets out the current trajectory, whereas the red line sets out the trend required to meet the target.

*Chart 4* (ROGS 2021, Table 16A.2)

***Projected trend of rate of Aboriginal children in care per 1000 individuals in the population compared to the trend required for South Australia to meet its Closing the Gap goals.***





## 4.3 Disproportionality ratio

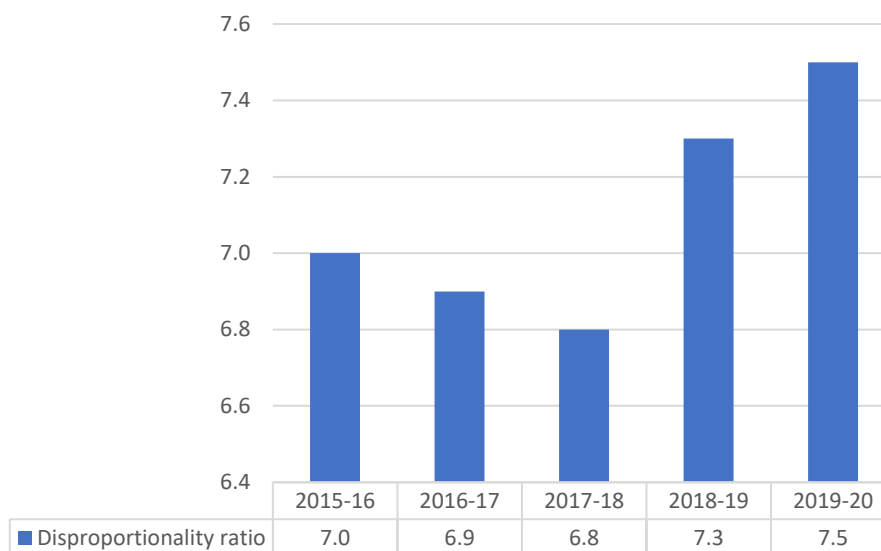
The 2019-20 disproportionality ratio for Aboriginal children and young people in OOHC in South Australia was 7.5 and shows a worsening trajectory of overrepresentation.

'Disproportionality' is defined as the extent to which a group's representation in the child protection services system is proportionate to their representation in the child protection services target population (0-17 years).

Disproportionality ratios for Aboriginal children are calculated by dividing the proportion of children in the child protection system who are Aboriginal by the proportion of children aged 0-17 who are Aboriginal.<sup>6</sup>

*Chart 5* (ROGS 2021, Table 16A.9)

***Disproportionality ratio – Aboriginal children and young people in OOHC, South Australia 2015-16 to 2019-20***



<sup>6</sup> Productivity Commission *Report on Government Services 2021* Part F, Section 16, p 16.9.

## 4.4 Cultural safety and the Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) is a mechanism used for decision making relating to placements for Aboriginal children and young people in care. The objects of the South Australian ATSICPP stress the importance of maintaining connection to family and culture. The Principle has five domains; prevention, partnership, placement, participation, and connection, and all jurisdictions have adopted the ATSICPP in both legislation and policy.

The Family Matters Report 2020 states that the rate of placement of Aboriginal children and young people with family and kin or other Aboriginal carers has continued to drop over time. The report sets out there is also a deeply concerning decline in the rate of placement with *Aboriginal* carers (as opposed to non-Aboriginal family and kin). The percentage of Aboriginal children and young people placed with non-Aboriginal kin is higher than ever before (19.8 per cent nationally), potentially pointing towards increasing systemic bias against placing children and young people with their Aboriginal kin.<sup>7</sup>

The South Australian placement principle specifies that a child or young person should be placed with the following (in order of priority):

- a member of the child or young person's family;
- a member of the child or young person's community who has a relationship of responsibility for the child or young person;
- a member of the child or young person's community;
- a person of Aboriginal or Torres Strait Islander cultural background (as the case requires).<sup>8</sup>

If the preferred options are not available, the child may be placed with a non-Aboriginal carer or in a residential care setting. If the child is not placed with their extended Aboriginal family, the placement must be within close geographic proximity to the child's family.

The Productivity Commission urges caution about interpreting references to the ATSICPP, warning that it is reporting on the placement *outcomes* of Aboriginal children rather than *compliance* with the principle.<sup>9</sup>

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<sup>7</sup> Refer to page 17 of the report, available here: <[https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020\\_LR.pdf](https://www.familymatters.org.au/wp-content/uploads/2020/11/FamilyMattersReport2020_LR.pdf)>.

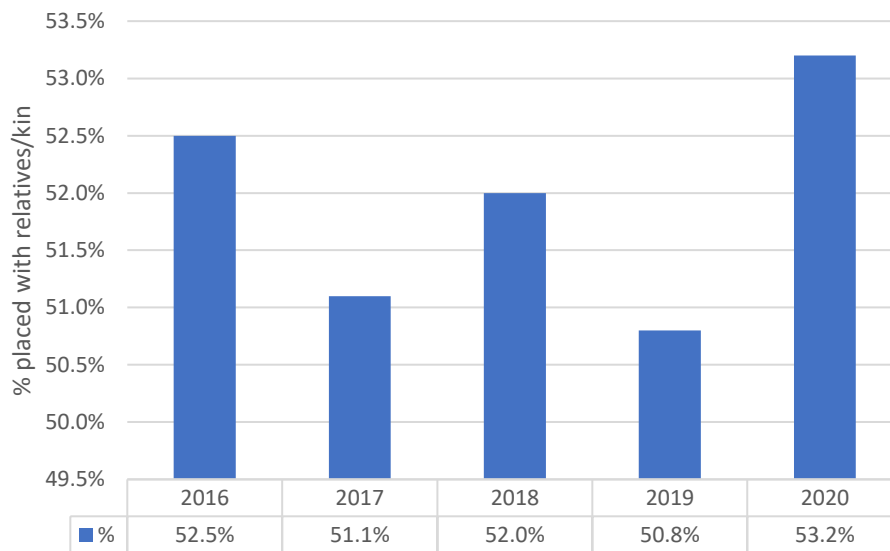
<sup>8</sup> s 12(3) *Children and Young People (Safety) Act 2017*. Draft amendments to this Act are currently before the Parliament, which if passed will (amongst other things) strengthen the requirements under the Aboriginal and Torres Strait Islander child placement principle.

<sup>9</sup> Productivity Commission *Report on Government Services 2020* Part F, Section 16, Box 16.10, p 16.22.

Charts 6 and 6a demonstrate that the proportion of South Australian Aboriginal children and young people in care who are placed with relatives consistently sits at a rate of just above 50 per cent. This is slightly lower than the national average.

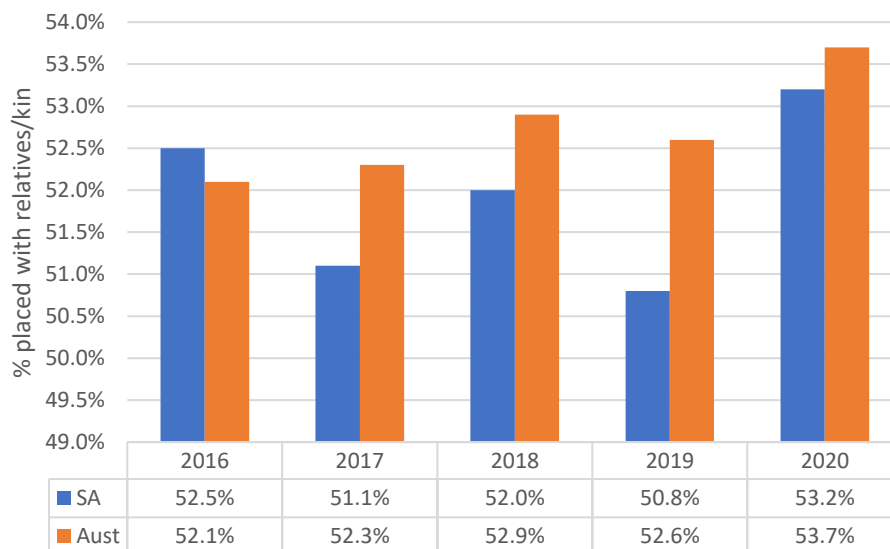
*Chart 6* (ROGS 2021, Table 16A.22)

***Proportion of Aboriginal children and young people placed with relatives/kin South Australia at 30 June 2016 to 2020***



*Chart 6a* (ROGS 2021, Table 16A.21)

***Proportion of Aboriginal children and young people placed with relatives/kin, South Australia and Australia at 30 June 2016 to 2020***



However, at 30 June 2020 only 31.4 per cent (478 of 1519) of Aboriginal children and young people in care were placed with *Aboriginal* relatives or kin as shown below in Chart 6b.

*Chart 6b* (ROGS 2021, Table 16A.22)

***Proportion of Aboriginal children and young people placed with Aboriginal relatives/kin, South Australia at 30 June 2020***

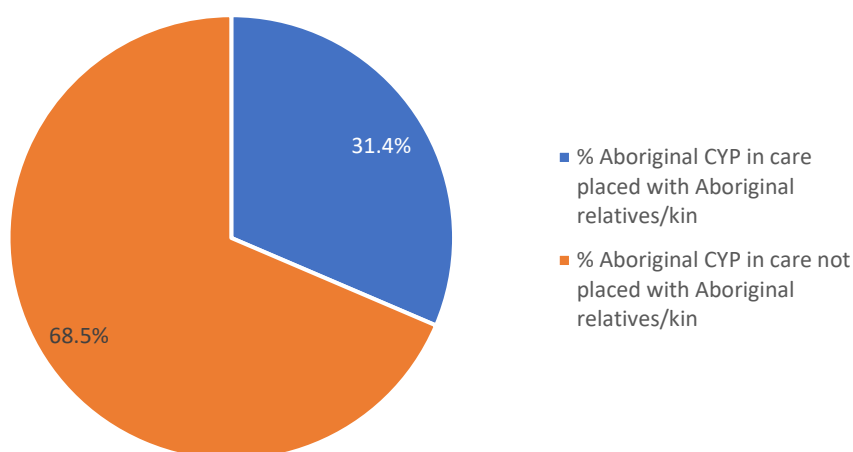
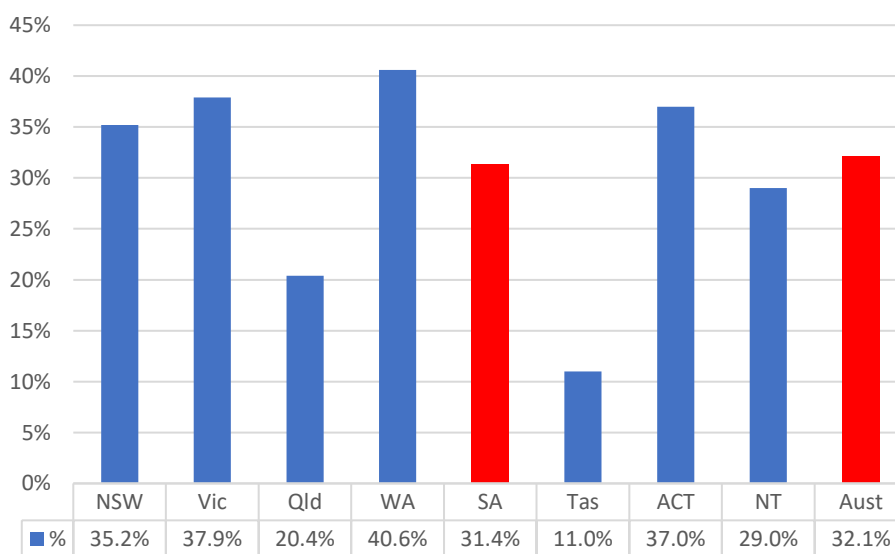


Chart 6c demonstrates that this rate sits just below the national average.

*Chart 6c* (ROGS 2021, Table 16A.22)

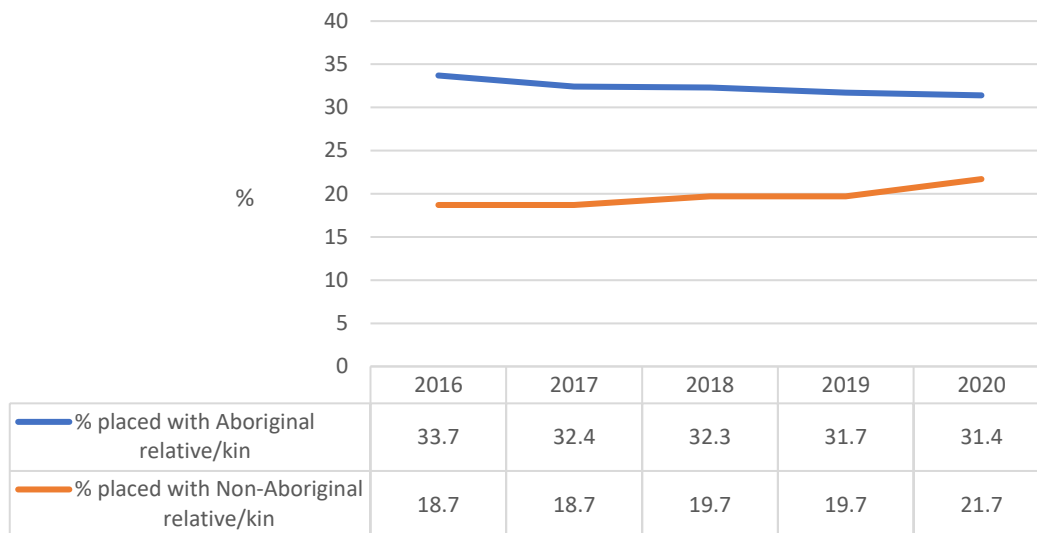
***Comparative proportion of Aboriginal children and young people placed with Aboriginal relatives/kin, all jurisdictions at 30 June 2020***



As stated in the Family Matters Report 2020, the national rate of placement with Aboriginal family/kin has declined over time, with an increase in Aboriginal children and young people being placed with non-Aboriginal family/kin. Chart 6d shows that placements in South Australia are consistent with the national trend.

*Chart 6d* (ROGS 2021, Table 16A.22)

***Comparative proportion of Aboriginal children and young people placed with Aboriginal and non-Aboriginal relatives/kin, South Australia at 30 June 2016 to 2020***

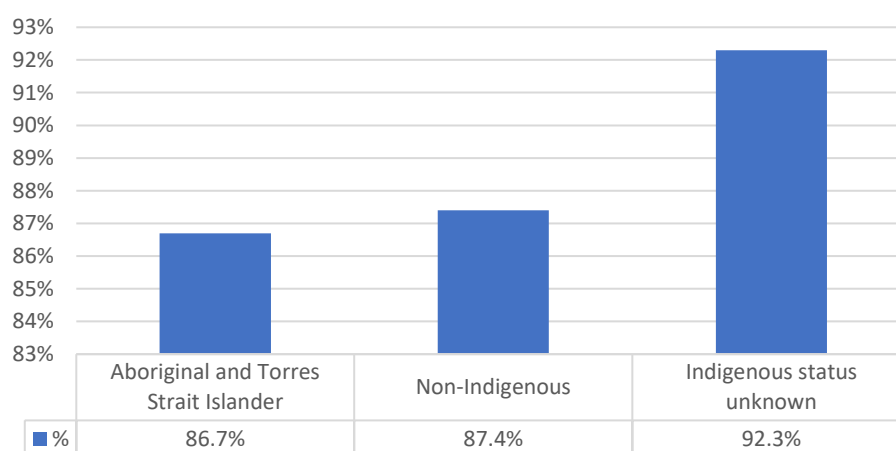


## 4.5 Documented case plans and cultural identity

In recent years, the proportion of children and young people in care with documented case plans has grown significantly. However, Aboriginal children and young people in care have a lower documentation rate, compared to non-Aboriginal children and young people. This is another disadvantage faced by Aboriginal children and young people in care.

Chart 7 (ROGS 2021, Table 16A.23)

**Proportion of children aged 0-17 years with documented case plans, by Aboriginal status, South Australia at 30 June 2020**



The Department of Child Protection (DCP) reports that it is currently incorporating Aboriginal Cultural Identity Support Tools (ACISTs) into the case plans of Aboriginal children and young people in care to support an integrated approach to cultural maintenance plans.<sup>10</sup> These types of plans also align and support the objects and five domains of the Aboriginal and Torres Strait Islander child placement principle.

DCP reports that only 56.6 per cent of Aboriginal children and young people in OOHC have a completed and approved ACIST.

Under the South Australian *Children and Young People (Safety) Act 2017*, the Chief Executive of DCP is required to report on:

- the extent to which agreements made in case planning relating to supporting the cultural needs of such children and young people are being met (being support such as transport to cultural events, respect for religious laws, attendance at funerals, providing appropriate food and access to religious celebrations);
- the extent to which such children and young people have access to a case worker, community, relative or other person from the same Aboriginal or Torres Strait Islander community as the child or young person;<sup>11</sup>

<sup>10</sup> p 30, DCP Annual Report 2019-20. Available here <<https://www.childprotection.sa.gov.au/documents/report/DCP-Annual-Report-2019-20.pdf>>.

<sup>11</sup> s 156(1)(a)(ii) and (iii) *Children and Young People (Safety) Act 2017*.

- The relevant section of the *Children and Young People (Safety) Act 2017* commenced in February 2018. However, the DCP Annual Report states that the Department cannot report fully on these sections as reporting capacity is yet to be developed.<sup>12</sup>

## 4.6 Placement type and residential care

Aboriginal children and young people in South Australia live in all available placement types.

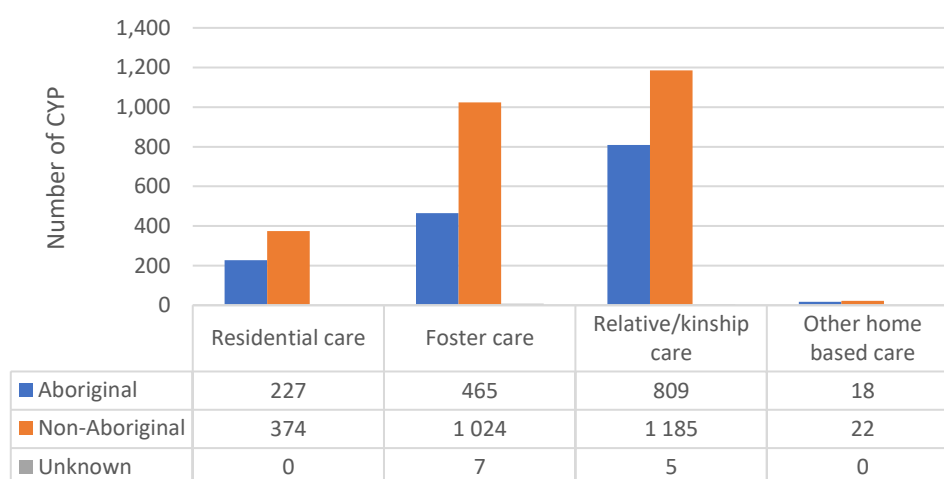
New counting rules for ‘residential care’ have been introduced to ROGS reporting. ‘Residential care’ now includes all residential care, commercial care and independent living placements.<sup>13</sup> Fourteen point nine per cent of Aboriginal children and young people in care were placed in residential care.

Chart 8 shows that at 30 June 2020, 227 Aboriginal children and young people were accommodated in residential care, comprising 37.7 per cent of all children and young people living in residential care. This is a slightly higher proportion than the proportion of Aboriginal children and young people in the overall care population (1,519 of the total 4,136 children and young people, or 36.7 per cent).

Chart 8 also sets out that 809 (or 53.2 per cent) Aboriginal children and young people in care were placed with family/kin.

*Chart 8* (ROGS 2021, Table 16A.20)

### *Number of children in OOH by placement type and Aboriginal status, South Australia at 30 June 2020*



<sup>12</sup> p 30, DCP Annual Report 2019-20. Available here:

<<https://www.childprotection.sa.gov.au/documents/report/DCP-Annual-Report-2019-20.pdf>>.

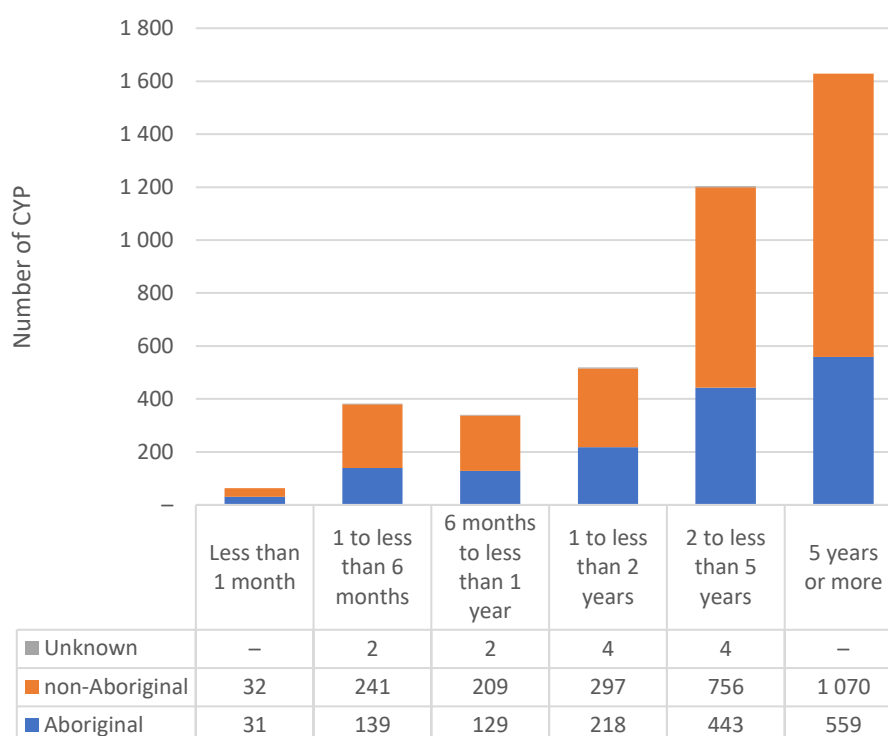
<sup>13</sup> See footnote (h) in Part F, Table 16A.20, ROGS 2021.

## 4.7 Time spent in care

Of the 1,519 Aboriginal children and young people shown as being in continuous care services placements at 30 June 2020, <sup>14</sup> 559 (or 36.8 per cent) had been in this situation for five or more years. This is a lower rate than that applicable to non-Aboriginal children and young people (1,070 of 2,605 or 41.0 per cent).

*Chart 9* (ROGS 2021, Table 16A.16)

***Comparative time spent by Aboriginal and non-Aboriginal 0-17-year-olds in continuous, non-respite care services placements, South Australia at 30 June 2020***



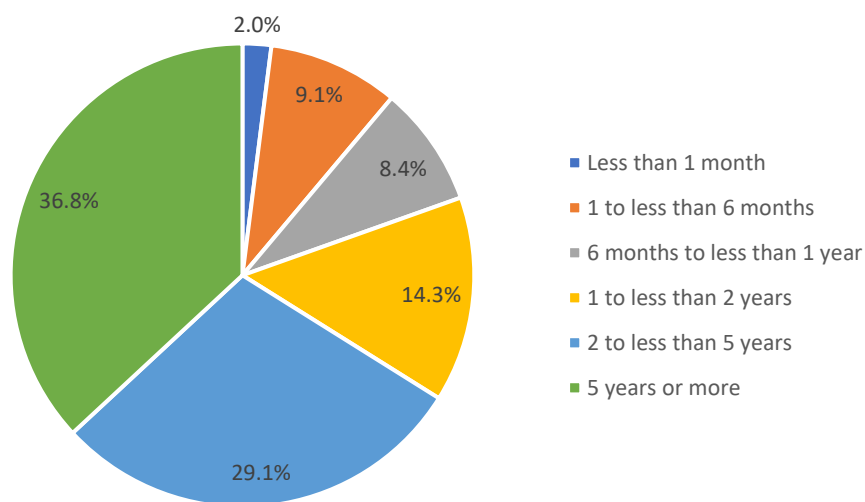
<sup>14</sup> This relates to the length of time leading up to the current 30 June reporting date for which the child or young person had continuously been in care.



Chart 9a shows that 29.1 per cent of Aboriginal 0- to 17-year-olds had been in continuous care services placements for two but less than five years, and 36.8 per cent had been in continuous care for five years or more at 30 June 2020.

*Chart 9a* (ROGS 2021, Table 16A.16)

***Proportion of time spent in continuous non-respite care services placements by Aboriginal 0-17-year-olds in South Australia at 30 June 2020***



## 5. Youth Justice Services

### 5.1 Youth diversions by police

As noted in the ROGS, generally, interactions with police put children and young people at a higher risk of entering the youth justice system. When police apprehend children or young people, they have a variety of options available. They can charge the child (and proceed to court) or they can use their discretion to divert them away from this potentially costly, time consuming and stressful situation (for both the child or young person and victim).<sup>15</sup>

It is noted that the ROGS uses the term “offenders” when reporting on children or young people in the context of Police Services. This presupposes that a child or young person who has an interaction with the police has committed an ‘offence’ (ie an illegal act). However, it is the court process which determines whether or not an illegal act took place. The use of this term is considered problematic.

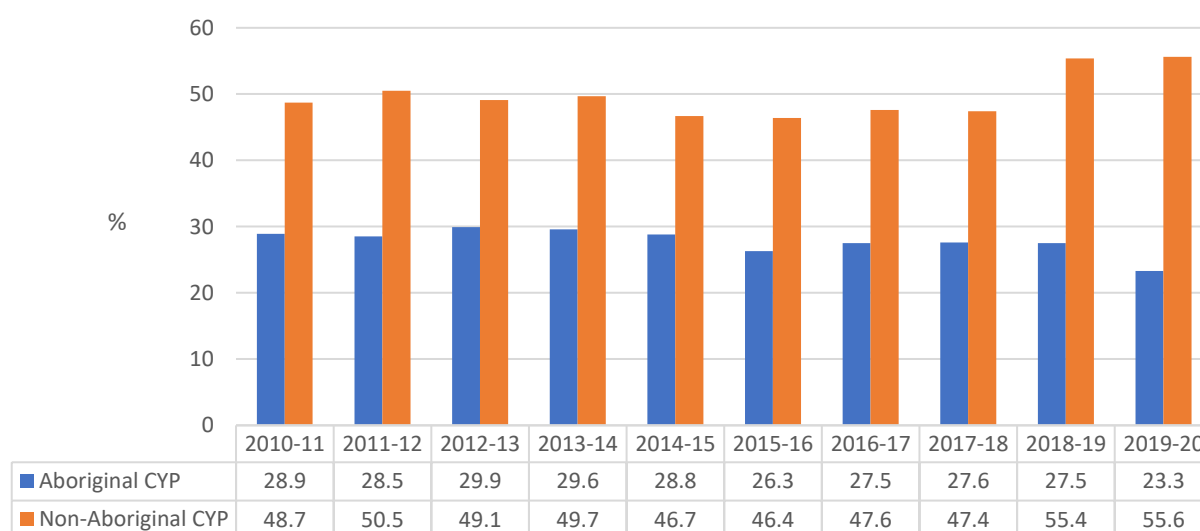
<sup>15</sup> For commentary on youth diversions, see Box 6.9 ‘Youth Diversions’ in Part C, Section 6 ‘Police Services’ of the Report on Government Services 2021

Diversions include *non-court actions* initiated against children and young people to move them away from the courts by way of community conference, diversionary conference, formal cautioning by police, family conferences, and other programs (for example, drug assessment/treatment).

Chart 10 shows that youth diversions by police in South Australia in relation to Aboriginal children and young people who are alleged to have offended are at their *lowest rate* since records began, with 23.3 per cent of alleged Aboriginal offenders being diverted away from court. This contrasts with the rate of 55.6 per cent for non-Aboriginal youth, which are at their *highest rate* since records began. The gap between youth diversions for alleged Aboriginal and non-Aboriginal offenders is at its widest point since reporting began.

Chart 10 (ROGS 2021, Table 6A.20)<sup>16</sup>

**Youth diversions as a proportion of offenders in South Australia, by Aboriginal status from 2010-11 to 2019-20**



## 5.2 Community supervision and detention

The following charts illustrate some of the key comparative features of the participation by Aboriginal 10–17-year-olds in community and detention-based supervision within the youth justice system in South Australia.

<sup>16</sup> See Report on Government Services, Part C, Section 6, Police Services Youth Diversions.

Despite the low rate of police diversions recorded, the daily average number of Aboriginal 10–17-year-olds on community-based supervision orders only increased slightly in 2019-20, to 88 compared to the previous year’s figure of 79. However, there is an overall downwards trend, which is also reflected in the number of Aboriginal 10–17-year-olds in detention, namely an average of 14 individuals per day.

It is worth highlighting that very few children and young people detained at Kurlana Tapa Youth Justice Centre are ever found guilty by a court and sentenced to a period of detention. Most children and young people are detained in police custody until they appear in court the following day or are held on remand, sometimes for months at a time. This occurs despite numerous human rights instruments which require that children and young people are only detained as a last resort, and for the minimum period of time possible.

*Chart 11* (ROGS 2021, Tables 17A.5-6)

***Daily average number of Aboriginal 10–17-year-olds under community-based supervision compared to those in detention South Australia 2015-16 to 2019-20***

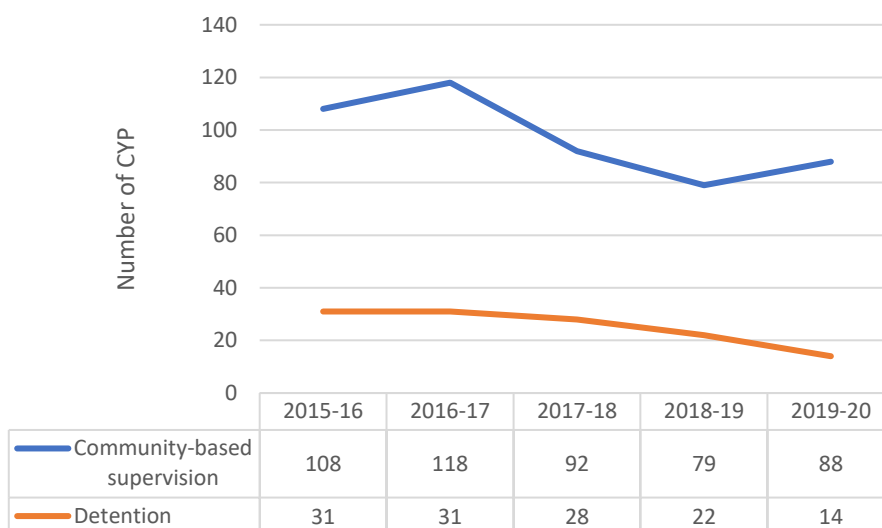


Chart 12 demonstrates that during 2019-20, Aboriginal children and young people accounted for 52.0 per cent of all nights spent in custody (6,574 of 12,620 nights). It is unclear if “custody” includes places other than Kurlana Tapa Youth Justice Centre. Children and young people are sometimes held in adult police cells until they can be transported to Kurlana Tapa.

*Chart 12* (ROGS 2021, Table 17A.17)

***Custody nights, by Aboriginal status in South Australia, 2019-20***

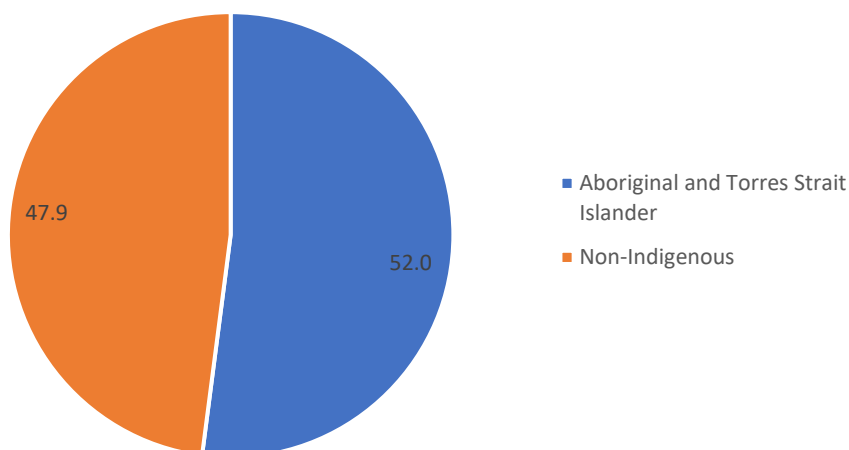
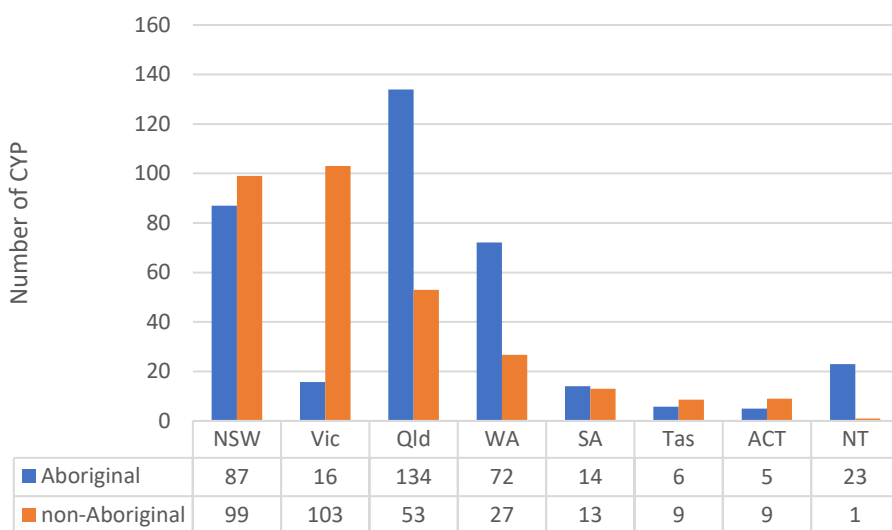


Chart 13 shows that the South Australian daily average number of Aboriginal compared to non-Aboriginal 10–17-year-olds in detention was 14 and 13 respectively. This means that 51.8 per cent of the average daily population at Kurlana Tapa Youth Justice Centre identified as Aboriginal.

*Chart 13* (ROGS 2021, Table 17A.5)

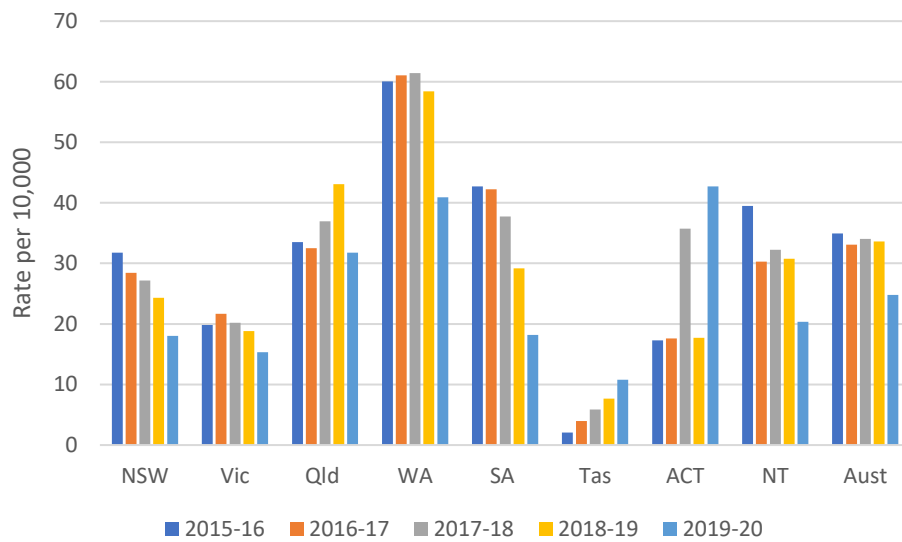
***Daily average number of Aboriginal and non-Aboriginal 10–17-year-olds in detention by jurisdiction, 2019-20***



When considered as a proportion per 10,000 young people, the rate of Aboriginal 10–17-year-olds in detention in South Australia declined again in 2019-20 as averages across most of Australia also declined.

*Chart 14* (ROGS 2021, Table 17A.7)

***Daily average rates of detention of Aboriginal 10–17-year-olds per 10,000 young people, across jurisdictions 2015-16 to 2019-20***



## 5.3 Closing the Gap Targets and Outcomes

Outcome 11 states that Aboriginal children and young people should not be overrepresented in the criminal justice system. The target states that by 2031, the rate of overrepresentation of Aboriginal children and young people in detention must be reduced by 30 per cent.

Chart 14a demonstrates that if the rate of decline of Aboriginal children and young people in detention continues (blue trendline), it will far surpass the commitment to a 30 per cent reduction in the rate under the Closing the Gap agreement (red trendline). South Australia may therefore consider setting a more ambitious target.

*Chart 14a* (ROGS 2021, Table 17A.7)

***Projected trend of rate of Aboriginal children in detention per 10,000 individuals in the population compared to the trend required for South Australia to meet its Closing the Gap goals***

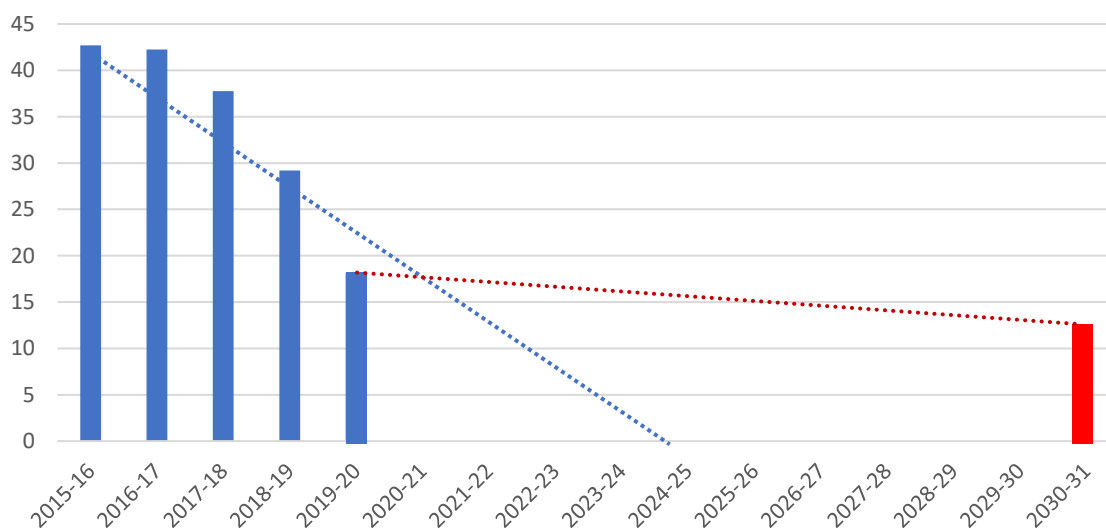
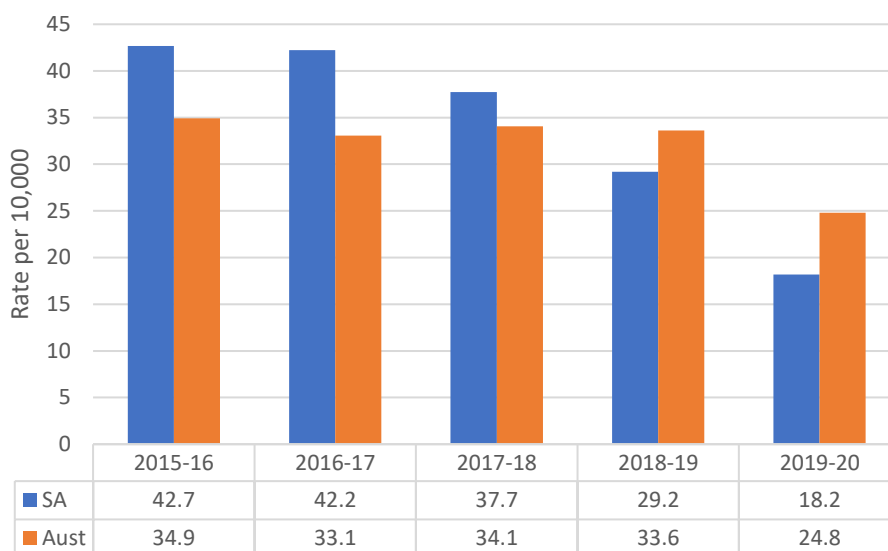


Chart 15 shows the daily average rate of Aboriginal 10-17-year-olds in detention in South Australia compared to Australia when considered as a proportion per 10,000 young people. It is noteworthy that the number of Aboriginal 10-17-year-olds in detention in South Australia during 2019-20 declined to its lowest rate in five years and was lower than the Australian average.

Chart 15 (ROGS 2021, Table 17A.7)

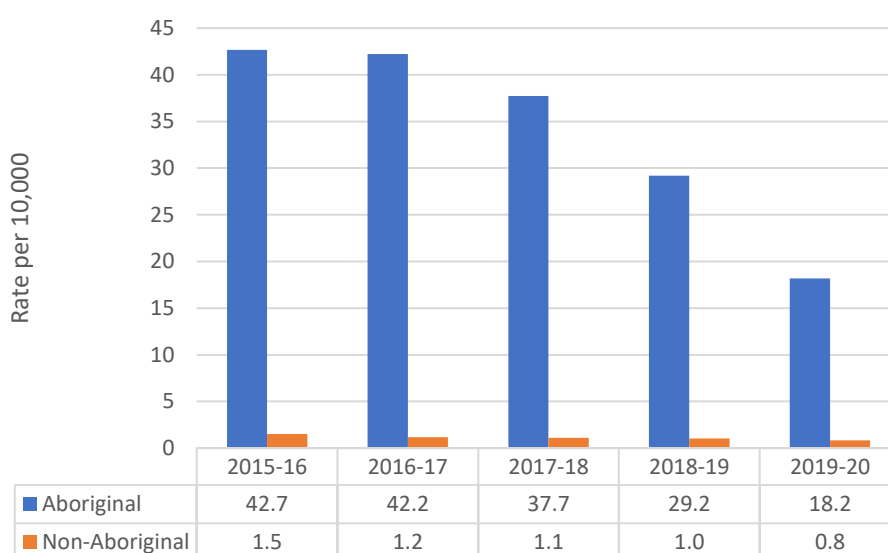
**Daily average detention rate of Aboriginal 10–17-year-olds per 10,000 young people, South Australia and Australia 2015-16 to 2019-20**



Whilst South Australia’s average was lower than the overall Australian average, the rate of Aboriginal children and young people in detention is 22.7 times higher than non-Aboriginal children in South Australia, as demonstrated in Chart 15a.

Chart 15a (ROGS 2021, Table 17A.7)

**Daily average rate of Aboriginal compared to non-Aboriginal 10–17-year-olds in detention per 10,000 young people in South Australia 2015-16 to 2019-20**



## 5.4 Real Expenditure on community-based supervision and detention in South Australia

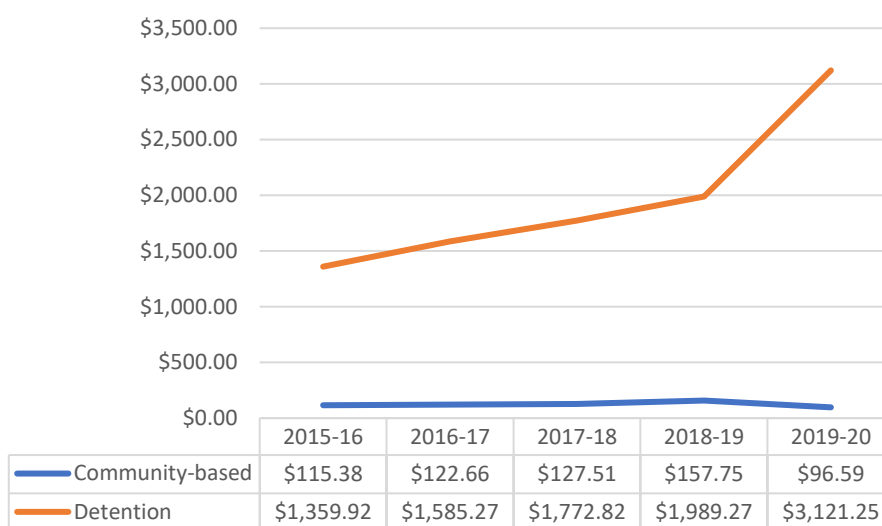
The term 'real expenditure' refers to financial data measured in prices from a constant base year adjusted for the effects of inflation. This allows the inter-year comparison of financial levels (prices and/or expenditure) by holding the purchasing power constant. Therefore, all timeseries financial data have been adjusted to 2019-20 dollars.

Chart 16 highlights that the cost per day for holding a young person in detention far exceeds the cost of community supervision. Detention costs 32.3 times more per day per young person than community supervision.

Almost all children and young people held in detention in South Australia are on remand.

*Chart 16* (ROGS 2021, Tables 17A.19-20)

***Cost per day per young person subject to community-based supervision compared to detention in South Australia 2015-16 to 2019-20 (2019-20 dollars)***





As demonstrated in Chart 17, South Australia consistently spends around the same amount as the national average, per child aged 10-17 years in the population on detention-based youth justice services.

*Chart 17* (ROGS 2021, Table 17A.9)

***Real expenditure per child aged 10-17 years in the population on detention-based youth justice services South Australia compared to Australia 2015-16 to 2019-20***

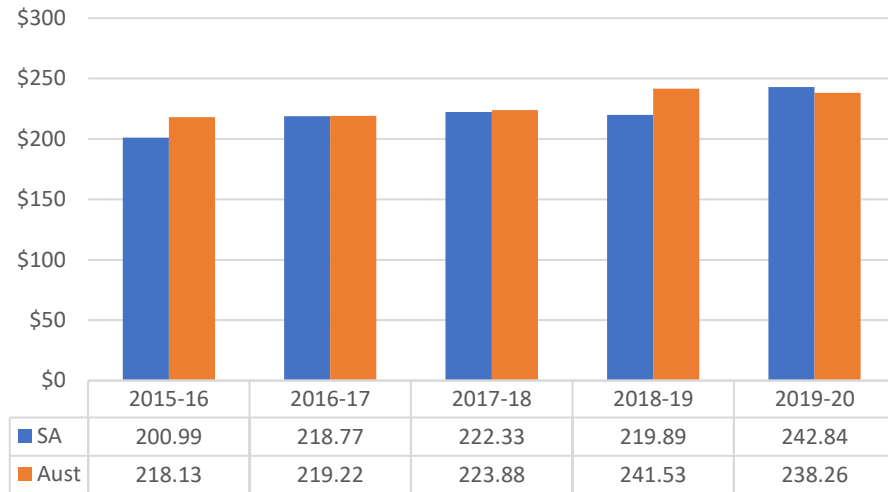
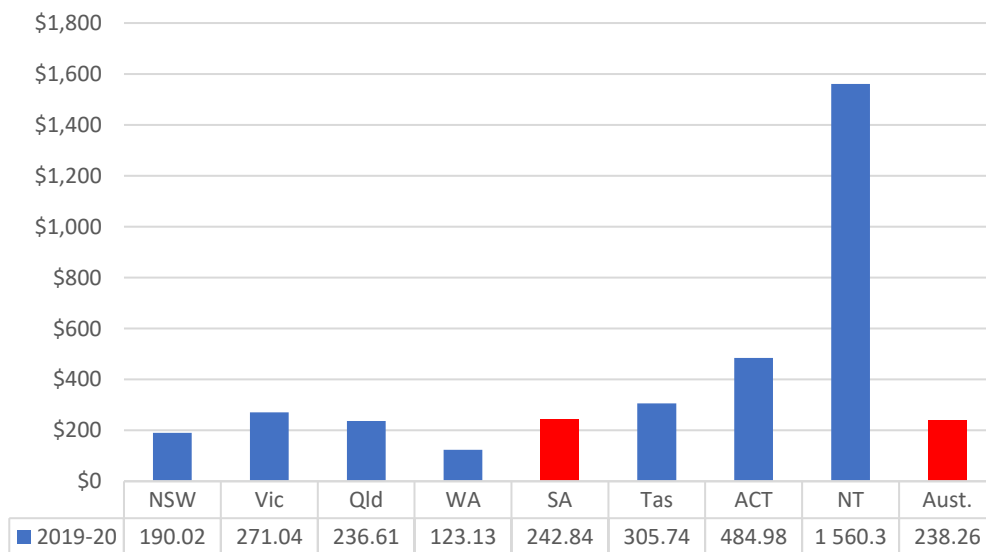


Chart 17a shows that South Australia had the fourth lowest rate of expenditure per child aged 10-17 years in the population on detention-based youth justice services when compared to all other jurisdictions in Australia.

*Chart 17a* (ROGS 2021, Table 17A.9)

***Real expenditure per child aged 10-17 years in the population on detention-based youth justice services, all jurisdictions compared to Australian average, 2019-20***





**Guardian**  
for Children and  
Young People



**Training  
Centre**  
Visitor