



Government of South Australia

Office of the Guardian
for Children and Young People

Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the *Report on Government Services 2019*

April 2019

Guardian for Children and Young People & Training Centre Visitor

www.gcyp.sa.gov.au

p | 08 8226 8570

e | penny.wright@gcyp.sa.gov.au

NOTE - 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.

Section 69 of the *Children and Young People (Safety) Act 2017* and regulation 18 define *out of home care* to include foster and kinship arrangements, but excludes residential and commercial care. This report follows the ROGS definition of 'out of home care', which includes overnight care, including placement with relatives (other than parents) where the government makes a financial payment. It includes care of children in legal and voluntary placements (that is, children on and not on a legal order) but excludes placements solely funded by disability services, psychiatric services, youth justice facilities and overnight child care services.

Further Information

For further information about this report, please contact:

Penny Wright, Guardian for Children and Young People
and Training Centre Visitor
phone – 08 8226 8570, or at penny.wright@gcyp.sa.gov.au

Jessica Flynn, Senior Policy Officer
Office of the Guardian for Children and Young People
phone – 08 8226 8570, or at jessica.flynn@gcyp.sa.gov.au

Mardy McDonald, Office Manager
Office of the Guardian for Children and Young People
phone – 08 8226 8578, or at mardy.mcdonald@gcyp.sa.gov.au

1. INTRODUCTION

2. SUMMARY STATEMENTS

2.1 Aboriginal children and young people in care

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

3. THE CHARTS

3.1 List of charts for child protection services

3.2 List of charts for youth justice services

4. CHILD PROTECTION SERVICES

4.1 Overview of Aboriginal children and young people in care

4.2 Disproportionality ratio

4.3 The Aboriginal Child Placement Principle

4.4 Placement type and residential care

4.5 Time spent in care

5. YOUTH JUSTICE SERVICES

1. INTRODUCTION

This report provides a snapshot of data published in the Productivity Commission's *Report on Government Services 2019* (ROGS 2019),¹ and makes this information more accessible to those interested in the circumstances of vulnerable Aboriginal children and young people in South Australia.

ROGS 2019 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 significant overlap of Aboriginal children and young people across these two systems require policy responses that address the factors of intergenerational trauma and entrenched disadvantage.

The Law Council of Australia's 2018 report, *The Justice Project* stated that the number of Aboriginal and Torres Strait Islander children removed by child protection services is projected to triple by 2035,² and that the rate at which these children are removed from their families continues to be an escalating national crisis.³ The report went on to quote the Australian Law Reform Commission, which acknowledged the 'high rate of removal of Aboriginal and Torres Strait Islander children into out of home care, and the recognised links between out of home care, juvenile justice and adult incarceration.'⁴

The 2017 NT Royal Commission into the Protection and Detention of Children in the Northern Territory⁵ acknowledged the protective role of culture for Aboriginal people -

*Aboriginal culture can play a critical role in preventing crime and promoting rehabilitation improving the child protection system and reducing the prevalence of neglect and abuse among Aboriginal children and young people. During the relevant period, the child protection and detention systems continued to undervalue the protective role culture could play in institutions where Aboriginal children and young people are overrepresented.*⁶

The very high proportion of Aboriginal children and young people in the youth justice system continues to be concerning, with the Australian Institute of Health and Welfare noting that nationally 'Indigenous young people aged 10–17 were 26 times as likely as non-Indigenous young people to be in detention on an average night.'⁷

¹ Productivity Commission Report on Government Services 2019 Volume F, Chapters 16 (child protection services) and 17 (youth justice services).

² Law Council of Australia, *The Justice Project*, Final Report Part 1, Children and Young People, August 2018 quoting National Aboriginal and Torres Strait Islander Legal Services, p 50.

³ Ibid, quoting Family Matters, 'Family Matters: the state of 2017', p 50.

⁴ Ibid, quoting Australian Law Reform Commission, *Pathways to Justice*, p 485.

⁵ Royal Commission into the Protection and Detention of Children in the Northern Territory 2017.

⁶ Ibid, Chapter 4, p 181.

⁷ Australian Institute of Health and Welfare 'Youth detention population in Australia 2018' Bulletin 145, December 2018, p 2. Available [here](#).

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.*⁸

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 consult the notes provided with an applicable ROGS 2019 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.

⁸ ACGG Statement on Conditions and Treatment in Youth Justice Detention (2017) p 15. Available [here](#).

2. SUMMARY STATEMENTS

2.1 Aboriginal children and young people in care

Information from ROGS 2019 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 3,695 children and young people in out of home care at 30 June 2018, 33 per cent were Aboriginal and 65 per cent were non-Aboriginal (2 per cent were not identified) (Chart 1)
- Aboriginal 0-17 year olds on care and protection orders continue to be an over-represented proportion of all those in care (Chart 2)
- there is a worsening *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system. The rate of Aboriginal 0-17 year olds in out of home care per 1,000 children increased from 49.2 to 72.9 compared to 4.7 to 7 for non-Aboriginal 0-17 year olds between 2013-14 and 2017-18 (Chart 3)
- the 2017-18 disproportionality ratio between Aboriginal and non-Aboriginal children and young people in out of home care was 7.15 which has increased from 6.7 in 2013-14 (Chart 5)
- in 2009, 74.4 percent of Aboriginal children and young people were placed in accordance with the Aboriginal Child Placement Principle. In 2018, 65 per cent were placed in accordance with the Aboriginal Child Placement Principle (Chart 7)
- 172 Aboriginal children and young people comprised 34 per cent of all children and young people in residential care in 2017-18 (Chart 10)
- 41 per cent of the 1,186 Aboriginal 0-17 year olds in continuous (non-respite) out of home care at 30 June 2018 had been in that situation for five years or more, a *lesser* proportion than that of equivalent non-Aboriginal children and young people (47 per cent) (Chart 11)
- Just over two-thirds of the 1,186 Aboriginal 0-17 year olds who had been in continuous out of home care at 30 June 2018 had been in that situation for over two years (Chart 12).

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

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

- the number of Aboriginal females in detention is considerably lower than the number of Aboriginal males, but they comprise a very high proportion of all detained girls and young women
- the daily average proportion of Aboriginal compared to non-Aboriginal 10 to 17 year olds in detention (66 and 34 per cent respectively) in 2017-18 was slightly greater than the national average (57 and 43 per cent respectively) (Chart 13)

- the rate of Aboriginal 10 to 17 year olds in detention per 10,000 young people in South Australia declined in 2017-18 when compared to the previous year (32.8 from 44.3). The rate is now slightly lower than the national average of 35.2 (Chart 15)
- the average rate of 10 to 17 year olds in detention per 10,000 young people in South Australia was 32.8 for Aboriginal compared with 0.8 for non-Aboriginal children and young people in 2017-18. This means that Aboriginal children and young people are 41 times more likely to be in detention than non-Aboriginal children and young people (Chart 16)
- there has been a relatively consistent relationship between the average daily number of Aboriginal 10 to 17 year olds under community based supervision orders compared to those who are held in detention (Chart 17)
- 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 18).

3. THE CHARTS

3.1 List of charts for child protection services

Chart 1 – Proportion of Aboriginal and non-Aboriginal 0-17 year olds in out of home care in South Australia at 30 June 2018

Chart 2 – Number of Aboriginal and non-Aboriginal 0-17 year olds in out of home care, South Australia 2013-14 to 2017-18

Chart 3 – Rate of Aboriginal and non-Aboriginal 0-17 year olds in out of home care, per 1,000 children in South Australia 2013-14 to 2017-18

Chart 4 - Rate of Aboriginal and non-Aboriginal 0-17 year olds in out of home care per 1,000 children at 30 June 2017-18, all jurisdictions

Chart 5 – Disproportionality ratio – Aboriginal children and young people in out of home care, South Australia 2013-14 to 2017-18

Chart 6 – Number of out of home care placements in accordance with the Aboriginal Child Placement Principle, South Australia at 30 June, 2013 to 2018

Chart 7 – Proportion of eligible children placed in accordance with the Aboriginal Child Placement Principle, South Australia and Australia at 30 June, 2009 to 2018

Chart 8 – Proportion of eligible children placed in accordance with the Aboriginal Child Placement Principle, South Australia at 30 June 2018

Chart 9 - Comparative placement rate in accordance with the Aboriginal Child Placement Principle, all jurisdictions at 30 June 2018

Chart 10 – Number of children in out of home care by placement type and Aboriginal status, South Australia at 30 June 2018

Chart 11 – Comparative time spent by Aboriginal and non-Aboriginal 0-17 year olds in continuous, non-respite out of home care, South Australia at 30 June 2018

Chart 12 – Proportion of time spent in continuous non-respite out of home care by Aboriginal 0-17 year olds in South Australia at 30 June 2018

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, 2017-18

Chart 14 – Daily average rates of detention of Aboriginal 10-17 year olds per 10,000 young people, across jurisdictions 2013-14 to 2017-18

Chart 15 – Daily average rate of detention of Aboriginal 10-17 year olds per 10,000 young people, 2013-14 to 2017-18, South Australia and Australia

Chart 16 – Daily average rate of Aboriginal compared to non-Aboriginal 10-17 year olds in detention per 10,000 young people in South Australia, 2013-14 to 2017-18

Chart 17 – Daily average number of Aboriginal 10-17 year olds under community based supervision compared to those in detention South Australia 2013-14 to 2017-18

Chart 18 – Real expenditure per child aged 10-17 years in the population, on detention based youth justice services, South Australia compared to Australia 2013-14 to 2017-18

Chart 19 – Real expenditure per child aged 10-17 years in the population, on detention based youth justice services, all jurisdictions compared to Australian average, 2017-18

4. CHILD PROTECTION SERVICES

4.1 Overview of Aboriginal children and young people in care

For the purpose of ROGS 2019, 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.”⁹ Child protection services are presented within four program areas –

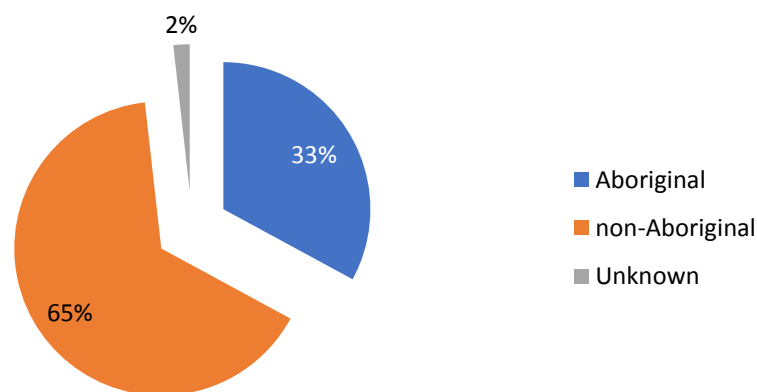
- protective intervention services
- family support services
- intensive family support services; and
- out of home care services.

Information from the ROGS 2019 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 3,695 children and young people in out of home care at 30 June 2018, 1,216 (33 per cent) were Aboriginal and 2,413 (65 per cent) non-Aboriginal. Another 66 individuals were shown as ‘unknown’.

Chart 1 (ROGS 2019, Table 16A.2)

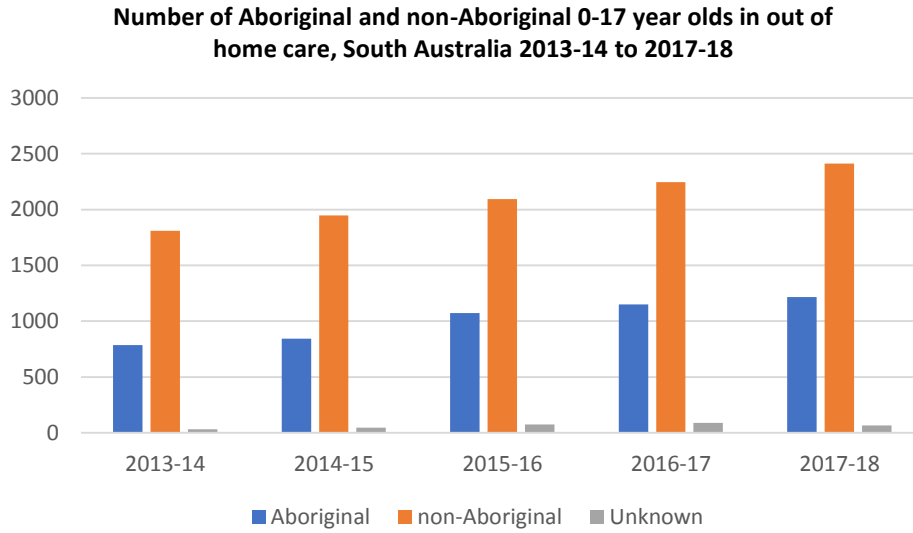
Proportion of Aboriginal and non-Aboriginal 0-17 year olds in out of home care in South Australia at 30 June 2018



⁹ Productivity Commission Report on Government Services 2019 Volume F, Chapter 16, Table 16.1.

Chart 2 shows the continued over-representation of Aboriginal compared to non-Aboriginal 0-17 year olds in out of home care over time.

Chart 2 (ROGS 2019, Table 16A.1)



The rate of Aboriginal 0 to 17 year olds in out of home care per 1,000 children increased from 49.2 to 72.9 compared to 5.3 to 7 for non-Aboriginal 0 to 17 year olds between 2013-14 and 2017-18. This illustrates the continued worsening *proportion* of Aboriginal compared to non-Aboriginal children and young people being drawn into the child protection system.

Chart 3 (ROGS 2019, Table 16A.2)

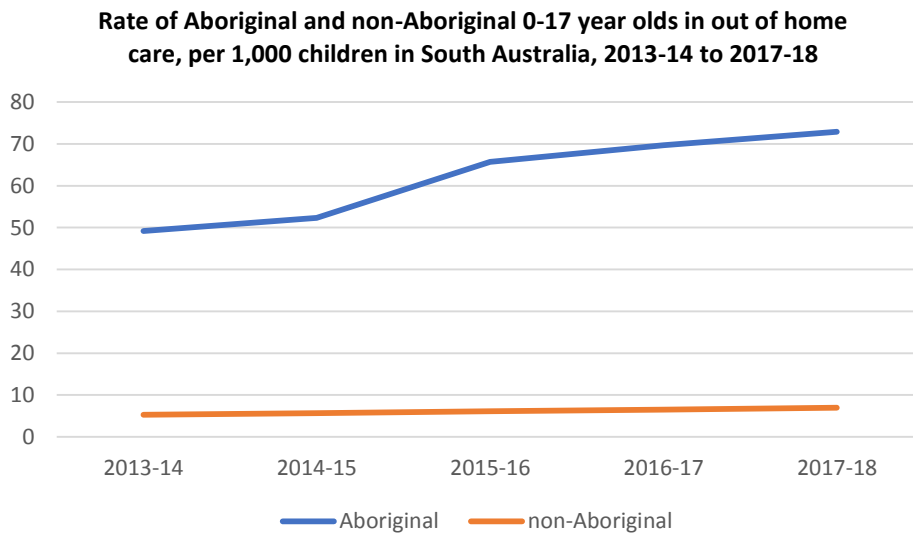
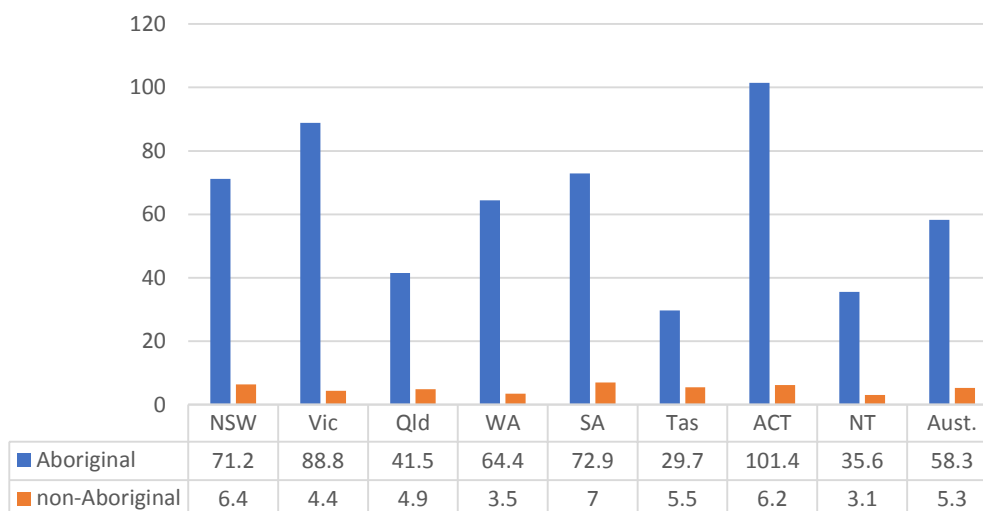


Chart 4 illustrates the disparity between the rate of Aboriginal compared to non-Aboriginal 0 to 17 year olds per 1,000 children in out of home care in 2017-18 across all jurisdictions.

Chart 4 (ROGS 2019, Table 16A.2)

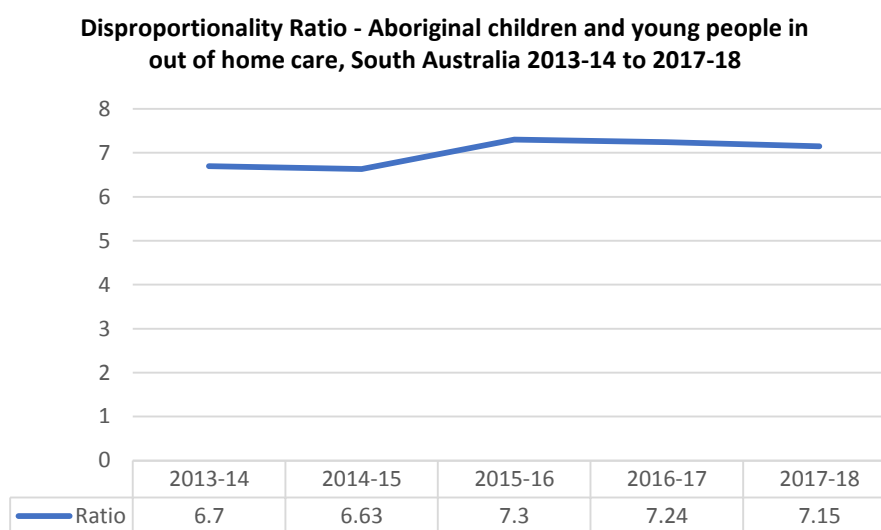
Rate of Aboriginal and non-Aboriginal 0-17 year olds in out of home care per 1,000 children at 30 June 2017-18, all jurisdictions



4.2 Disproportionality ratio

The 2017-18 disproportionality ratio¹⁰ between Aboriginal and non-Aboriginal children and young people in out of home care was 7.15, an increase from the 2013-14 ratio of 6.7, but slightly lower than 2016-17 level of 7.24.

Chart 5 (ROGS 2019, Table 16A.9)

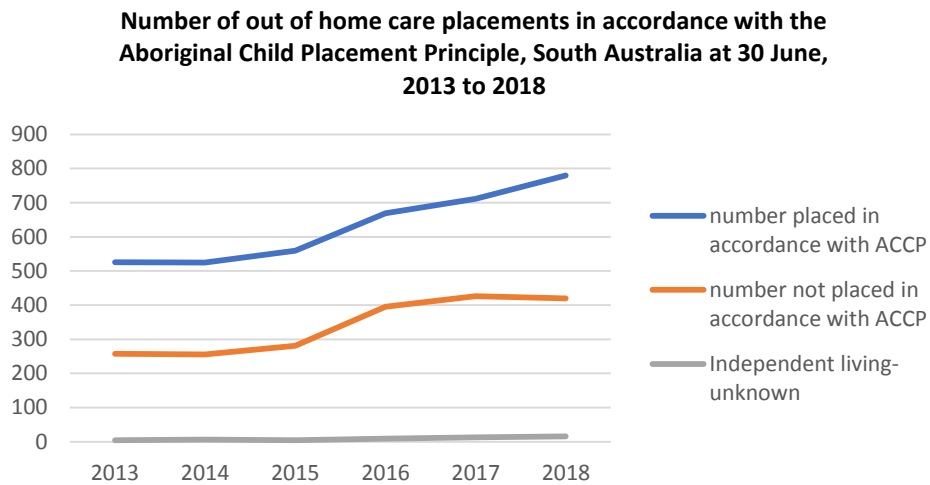


¹⁰ The disproportionality ratio is calculated by dividing the proportion of Aboriginal children in out of home care with their proportion in the overall SA child population. See Productivity Commission Report on Government Services 2019 Volume F, Box 16.2.

4.3 The Aboriginal Child Placement Principle

Chart 6 shows the number of Aboriginal children and young people placed in accordance, and those not placed in accordance with the Aboriginal Child Placement Principle in South Australia from 2013 to 2018.

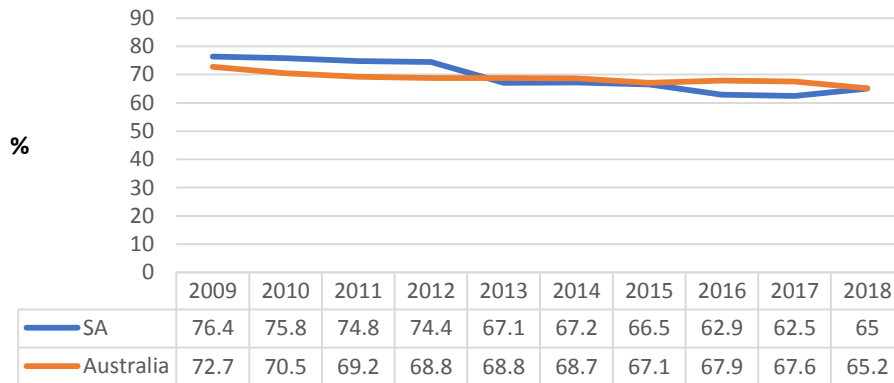
Chart 6 (ROGS 2019, Table 16A.21)



Since 2009 however, there has been a decline in the proportion of Aboriginal children and young people placed in accordance with the Aboriginal Child Placement Principle in both South Australia, and nationally as Chart 7 demonstrates, although 2017-18 does show a slight improvement on the previous reporting year in South Australia

Chart 7 (ROGS 2019, Table 16A.21)

Proportion of eligible children placed in accordance with the Aboriginal Child Placement Principle, South Australia and Australia at 30 June, 2009 to 2018



At 30 June 2018, only 64 per cent (780 of a possible 1,216) of eligible children were placed in accordance with the Aboriginal Child Placement Principle, as shown below in Chart 8.

Chart 8 (ROGS 2019, Table 16A.21)

Proportion of eligible children placed in accordance with the Aboriginal Child Placement Principle, South Australia at 30 June 2018

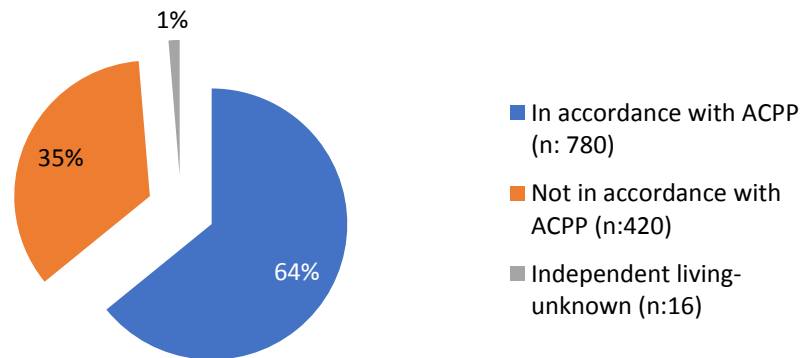
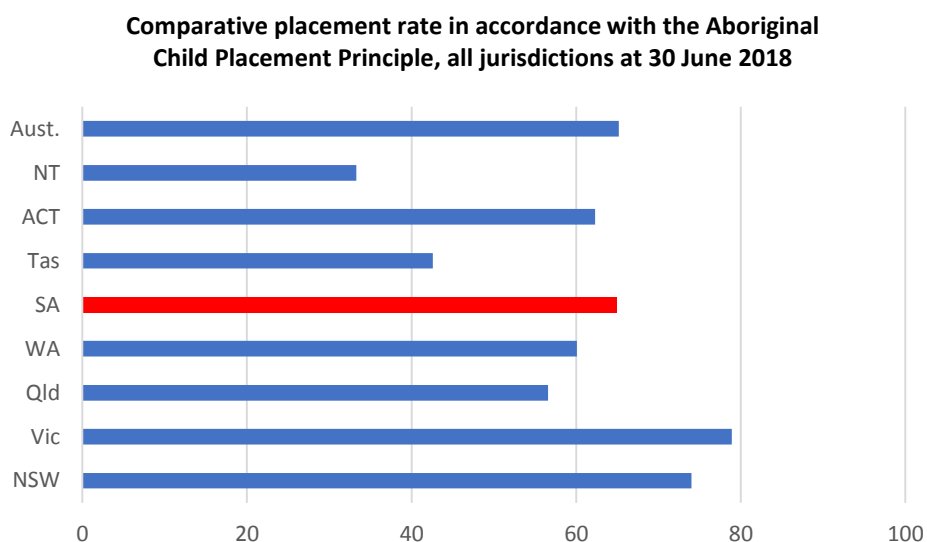


Chart 9 shows that the rate of placement in accordance with the Aboriginal Child Placement Principle in South Australia was exceeded by New South Wales and Victoria, and was slightly below the national average (65 compared to 65.2 per cent) at 30 June 2018.

Chart 9 (ROGS 2019, Table 16A.21)



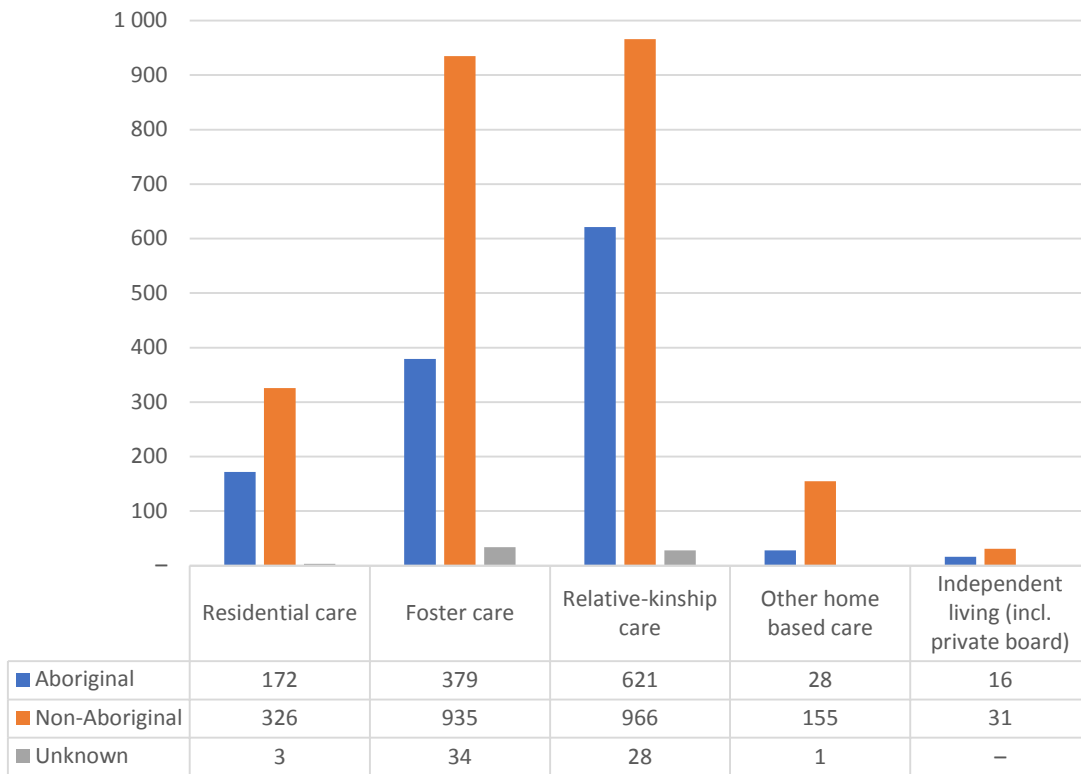
4.4 Placement type and residential care

Aboriginal children and young people in South Australia live in all available out of home care placement types. At 30 June 2018, 172 Aboriginal children and young people were accommodated in residential care, comprising 34 per cent of all children in residential care.

This is similar to the proportion of the overall out of home care population (1,216 of the total of 3,695 children and young people, or 33 per cent were Aboriginal).

Chart 10 (ROGS 2019, Table 16A.19)

Number of children in out of home care by placement type and Aboriginal status, South Australia at 30 June 2018

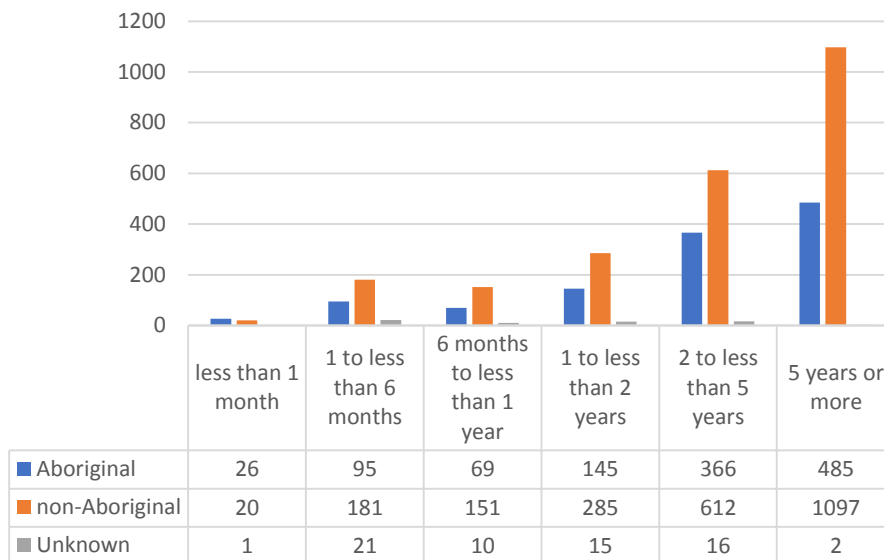


4.5 Time spent in care

Of the 1,186 Aboriginal children and young people shown as being in continuous out of home care at 30 June 2018,¹¹ 485 (or 41 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 (1,097 of 2,346 or 47 per cent).

Chart 11 (ROGS 2019, Table 16A.16)

Comparative time spent by Aboriginal and non-Aboriginal 0-17 year olds in continuous, non-respite out of home care, South Australia at 30 June 2018

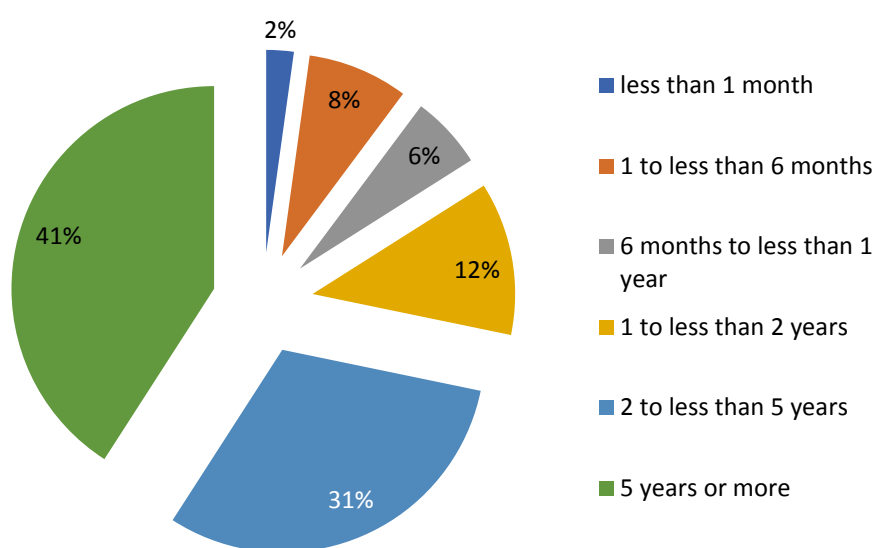


¹¹ This relates to the length of time leading up to the current 30 June reporting date for which the child or young person had continuously been in care.

Chart 12 shows that 31 per cent of Aboriginal 0 to 17 year olds had been in continuous out of home care for two but less than five years, and 41 per cent had been in continuous out of home care for five years or more at 30 June 2018.

Chart 12 (ROGS 2019, Table 16A.16)

Proportion of time spent in continuous non-respite out of home care by Aboriginal 0-17 year olds, South Australia at 30 June 2018



5. YOUTH JUSTICE SERVICES

Chapter 17 of the *Report on Government Services 2019* 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”.¹²

The number of females in detention is considerably lower than the number of males. In 2017-18 the daily average numbers in South Australia were three and 32 respectively. A similar, but lesser imbalance applies to those in community based supervision (2017-18 daily average numbers being 31 and 154 respectively).¹³

The following charts illustrate some of the key comparative features of the participation by Aboriginal 10 to 17 year olds in detention-based supervision within the youth justice system in South Australia. Chart 17 also provides information about those in community based supervision.

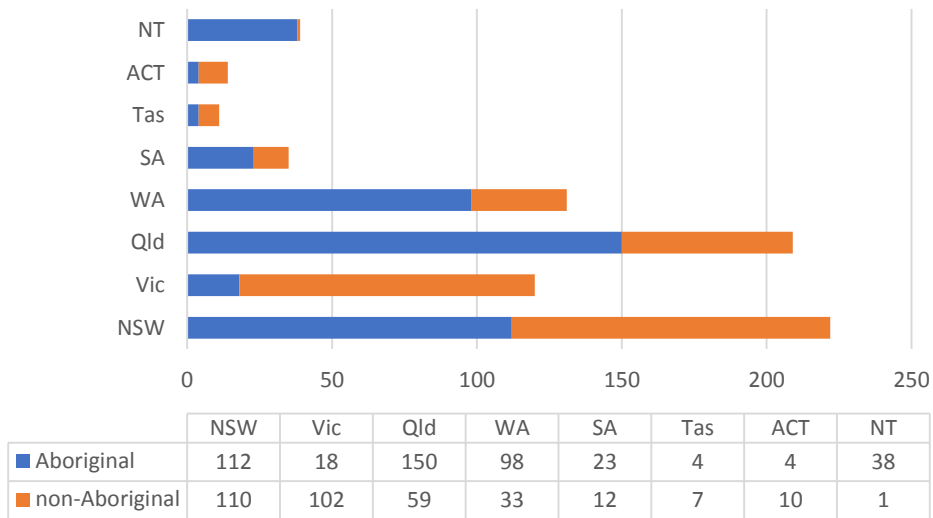
¹² Productivity Commission Report on Government Services 2019 Volume F, Part 17.1.

¹³ Productivity Commission Report on Government Services 2019 Volume F, Tables 17A.3 and 17A.4.

Chart 13 shows that the South Australian daily average number of Aboriginal compared to non-Aboriginal 10 to 17 year olds in detention was 23 and 12.

Chart 13 (source ROGS 2019, Table 17A.5)

Daily average number of Aboriginal and non-Aboriginal 10-17 year olds in detention by jurisdiction, 2017-18



When considered as a proportion per 10,000 young people, the rate of Aboriginal 10 to 17 year olds in detention in South Australia declined in 2017-18 and was slightly lower than the Australian average, but has remained consistently high when compared to other jurisdictions, as demonstrated in Chart 14.

Chart 14 – (source ROGS 2019, Table 17A.7)

Daily average rates of detention of Aboriginal 10-17 year olds per 10,000 young people across jurisdictions 2013-14 to 2017-18

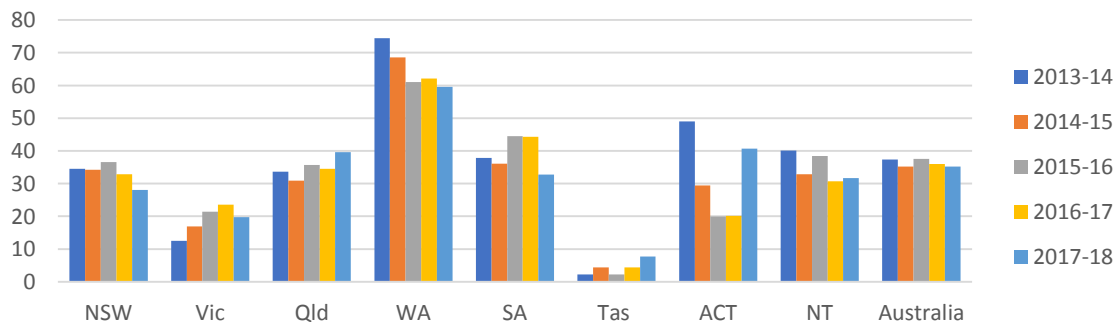
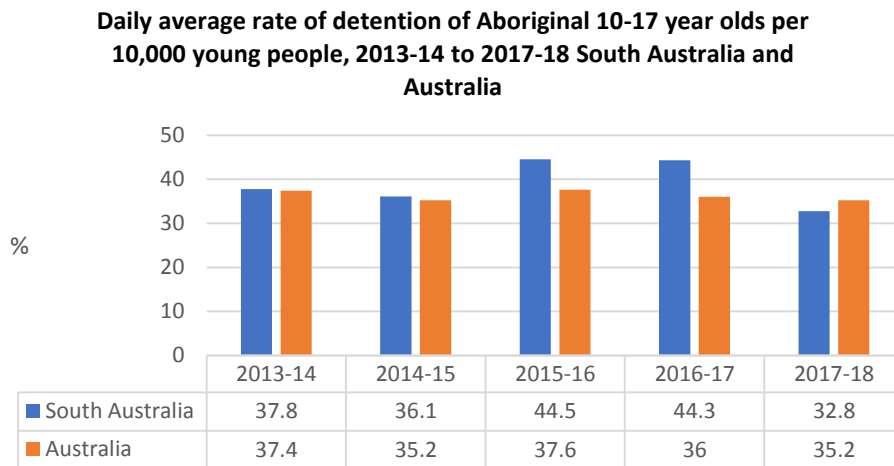


Chart 15 shows the daily average rate of Aboriginal 10 – 17 year olds in detention in South Australia compared to Australia when considered as a proportion per 10,000 young people. The number of Aboriginal 10 to 17 year olds in detention in South Australia during 2017-18 declined to its lowest rate in five years and was slightly lower than the Australian average for the first time since 2013-14.

Chart 15 (source ROGS 2019, Table 17A.7).



As demonstrated in Chart 16, the average rate of 10 to 17 year olds per 10,000 young people, in detention in South Australia in 2017-18 was 32.8 for Aboriginal compared with 0.8 for non-Aboriginal children and young people. This means that Aboriginal children and young people are 41 times more likely to be in detention than non-Aboriginal children and young people. This is however the lowest rate since 2013-14.

Chart 16 – (source ROGS 2019, Table 17A.7)

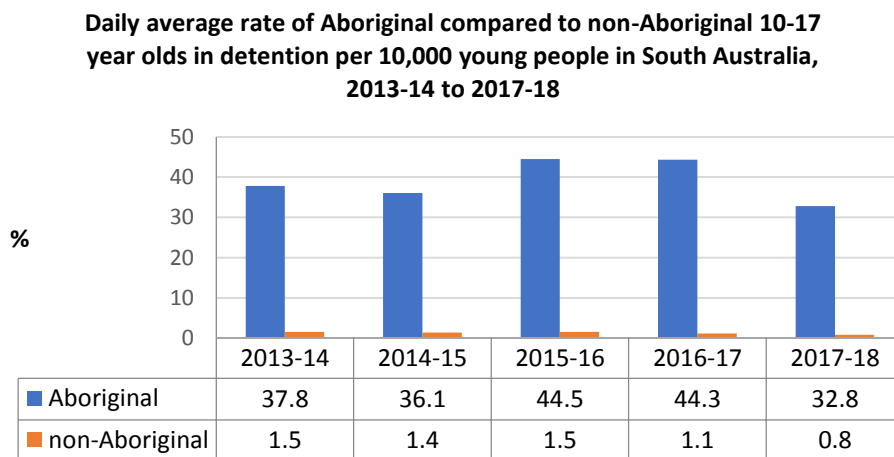
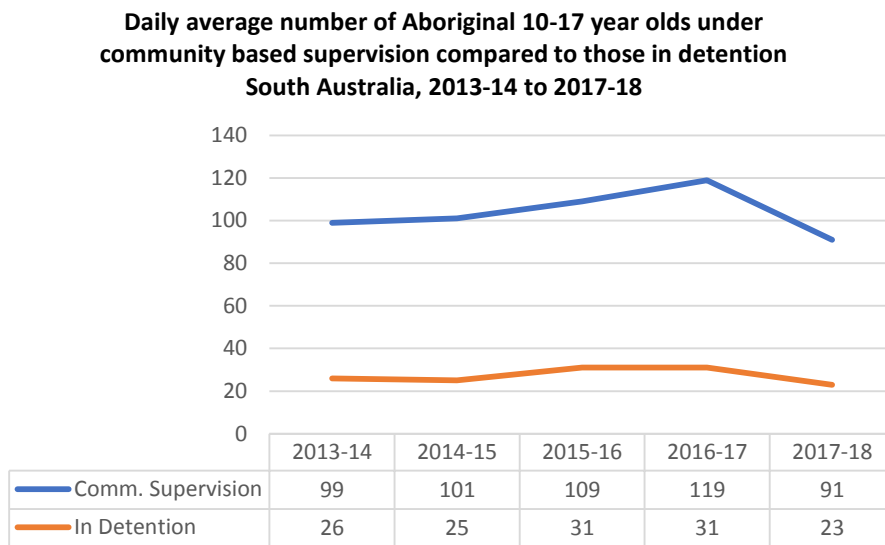


Chart 17 shows a relatively consistent relationship between the average daily number of Aboriginal 10 – 17 year olds under community based supervision orders compared to those who are held in detention over time.

Chart 17 – (ROGS 2019, Tables 17A.5 and 17A.6)



As demonstrated in Chart 18, South Australia continued its convergence on spending per child aged 10 to 17 years in the population on detention-based youth justice services with the national average.

Chart 18 – (source ROGS 2019, Table 17A.8)

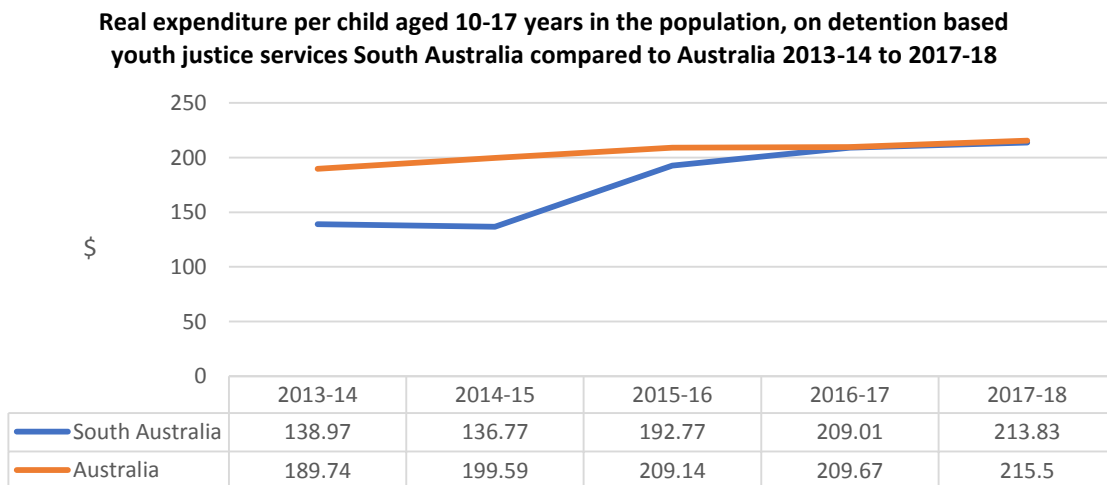


Chart 19 shows that South Australia had the third lowest rate of expenditure per child aged 10 to 17 years in the population on detention-based youth justice services when compared to all other jurisdictions in Australia.

Chart 19 – (source ROGS 2019, Table 17A.8)

