

July 2023

System review into the use of Permanent Care Orders for First Nations children



Queensland
Family & Child
Commission



Queensland
Government

The Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths, and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.



About the Queensland Family and Child Commission (QFCC) and this report.

The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland children and their families.



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Background to review

Purpose of this report

Permanent Care Orders (PCO) are relatively new in Queensland and commenced on 29 October 2018.

PCOs are a type of child protection order used by the Courts to help achieve long-term stability for a child by granting a suitable person as a permanent guardian for a child.

PCOs were introduced as part of a broader¹ permanency framework to promote a stronger focus on achieving timely permanency goals for children. Strong principles and requirements were embedded in the *Child Protection Act 1999* for using PCOs including additional principles for First Nations children to ensure regard of Aboriginal tradition and Island custom relating to the child, the child placement principle, plans for the child's connection with culture, and community or language group and the child's views. These principles align with the broader requirements of the Act to uphold the five elements of the *Aboriginal and Torres Strait Islander Child Placement Principle* (ATSICPP).

The ATSICPP was developed to protect key human rights of Aboriginal and Torres Strait Islander children and families, including the right to be raised in their own culture and the importance and value of their family, extended family, kinship networks, culture and community. The Queensland Government embedded the five elements of the ATSICPP in legislation through the *Child Protection Reform Amendment Act 2017*. The five elements are prevention; participation; placement; partnership; connection.

While all elements must be applied at all points of decision-making, this report specifically looks at data to evidence the use of PCOs for First Nations children and whether they are being granted to First Nation kin or carers. Legal permanency through PCOs are only one element of the broader permanency framework.

In 2021-22, a notable data change was observed about the types of orders being used to achieve legal permanency for First Nations children. This year saw a sudden increase in the use of PCOs for First Nations children from three in 2018-2019 to 28 during 2021-22. While PCOs for non-Indigenous children have also increased, the Queensland Family and Child Commission (QFCC) was concerned about the full application of all five elements of the ATSICPP to a standard of active efforts in the decision to use PCOs for First Nations children and if First Nations children were being placed with First Nations kin or carers.

This report provides an overview of data gathered from the Office of the Director of Child Protection Litigation (ODCPL) regarding the use of PCOs for First Nations children and the Indigenous status of the permanent carers they are placed with to evidence whether children are placed within kin and culture. It should be noted this initial desktop data review did not examine Child Safety planning, actions, decision-making or ODCPL decision-making and oversight to determine whether application of the ATSICPP to the standard of active efforts was evidenced. It also did not review the evidence used including whether the child, family or cultural authority participated in determining a kinship² relationship or the Indigenous status recorded for either the child or suitable person.

¹ Refers to relational, physical, and legal permanency outcomes for a child.

² Prior to May 2023, the *Child Protection Act 1999* defined 'kin' as any of the child's relatives who are persons of significance to the child or anyone else who is a person of significance to the child.

The QFCC is committed to understanding the drivers of disproportionality and improving outcomes for Aboriginal and Torres Strait Islander children in the statutory child protection system. In line with QFCC's explicit commitment to First Nations children and young people, this report increases our understanding of data about the use of PCOs.

During 2021-22, 100 per cent of PCOs for First Nations children were made to kin (28 of 28), and 93 per cent (26 of 28) made to First Nations kin.

The majority of children lived with their guardians for over two years prior to the order being made and a quarter lived with their guardian for over five years. PCOs in these cases have provided continuation of relational and placement stability for the child.

Almost 50 per cent of PCOs in 2021-22 were finalised by a Court within three months, a significant achievement to reaching timely legal permanency for children with kin and stopping statutory involvement as quickly as possible. However, the data did show there were significant delays in some Courts with finalising PCOs and regional variations that the QFCC will continue to monitor.

Methodology

There is no public data on how many PCOs for First Nations children have been granted to First Nations kin, First Nations carers or non-Indigenous carers meaning it is difficult to understand how placement hierarchy requirements within the *Child Protection Act 1999* are applied.

To establish what is occurring in the system, the QFCC identified two Terms of Reference for this review. They were:

1. Examine the data for First Nations children subject to PCOs during 2021-22 and the demographics of permanent guardians.
2. Depending on the outcomes of terms of reference 1, map the legislative, policy and practice changes that have occurred since the introduction of PCOs in Queensland to understand what has contributed to the increase.

To inform terms of reference 1, the QFCC gathered data from the ODCPL in May 2023 on the number of PCOs granted during 2021-22 to:

- First Nations kin;
- non-Indigenous kin;
- First Nations foster carer, and
- non-Indigenous foster carer.

Additionally, data was gathered regarding:

- the length of time the child was with the carer prior to the permanent care order being made;
- the location of the Court where the order was granted;
- the order type the child was subject to prior to making the PCO
- the number of sibling groups placed together with the same permanent carer.

The data was provided to the QFCC in May 2023 and analysed by the review team. The findings are outlined in this report.

PCOs in Queensland

Introduction

Permanent Care Orders (PCO) were introduced through the *Child Protection Reform Amendment Act 2017* and commenced 29 October 2018. A PCO³ is an order made by the Childrens Court that gives responsibility for parenting a child to a person other than the child's parents and Child Safety no longer makes decisions about the child's care and upbringing.

PCOs were introduced as part of a broader permanency framework to promote a stronger focus on achieving timely permanency goals for children. The permanency framework reform included new permanency principles, case planning requirements including early planning for permanency, a limit on the making of successive short-term child protection orders that extend beyond two years, and the introduction of PCOs (and later clarification that adoption was a permanency option).

The policy position for the reform was focused on promoting positive long-term outcomes for children in the child protection system through timely decision making and decisive action towards either reunification with family or alternative long-term care.

Granting a PCO

To grant a PCO, the Court must be satisfied of several additional matters outlined at sections 7A and 7B of the *Child Protection Act 1999*. This includes that the guardian is suitable for having guardianship of the child on a permanent basis and willing and able to meet their care and protection needs, committed to preserving the child's identity, connection to culture and family and that the guardian has had custody or guardianship of the child through a child protection order for at least 12 months prior to applying for a PCO. The Court can make exceptions to these requirements if it is in the best interests of the child.

Granting a PCO for First Nations children

The requirement to meet the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) is outlined at section 5C of the *Child Protection Act 1999*. The ATSICPP applies to all decisions and actions taken in administering the Act. Section 5C also applies to all decision making by the Director of Child Protection Litigation (DCPL) for Aboriginal children or Torres Strait Islander children.⁴

Section 59A *Additional matters about making permanent care orders for Aboriginal or Torres Strait Islander children* includes further considerations that must be made by the Court if a PCO is for an Aboriginal and/or Torres Strait Islander child. This includes giving proper regard to Aboriginal tradition and Island custom relating to the child, the ATSICPP, plans for the child's connection with culture, and community or language group and the child's views.

³ See section 61(G) of the *Child Protection Act 1999*.

⁴ The requirements for DCPL regarding decision-making for Aboriginal and Torres Strait Islander children are included at *Part 6 Aboriginal children and Torres Strait Islander children* of the Director of Child Protection Litigation Director's Guidelines (October 2018).

Relevance of placement hierarchy to PCOs for First nations children

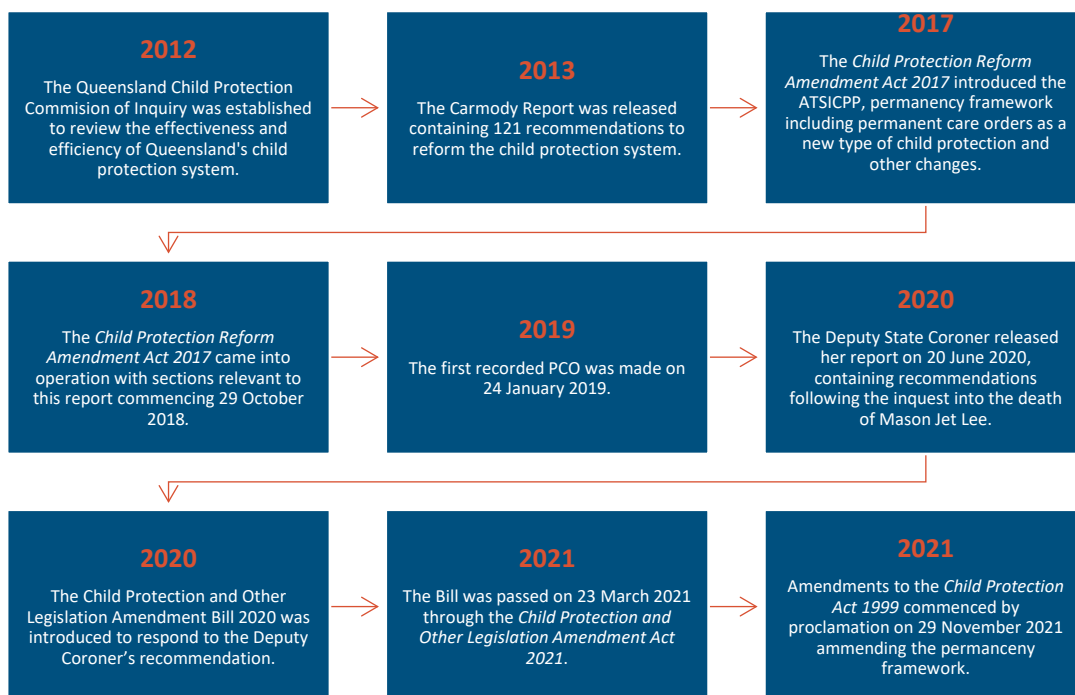
Section 83 (4) and (5) sets out the hierarchical placement considerations for First Nations children under the custody or guardianship of Child Safety. This is of relevance to PCOs as the proposed permanent guardian must have had either custody or guardianship of the child for at least 12 months prior to applying for the PCO, meaning if the placement hierarchy was applied, most permanent guardians will be a member of the child’s family group, a member of the child’s community or another First Nations person. The placement hierarchy is:

1. the chief executive must, if practicable, place the child with a member of the child’s family group
2. if it is not practicable to place the child with a member of the child’s family group, in making a decision about the person in whose care the child should be placed, the chief executive must place the child with:
 - a) a member of the child’s community or language group; or
 - b) if it is not practicable to place the child in the care of a person mentioned in paragraph (a), an Aboriginal or Torres Strait Islander person who is compatible with the child’s community or language group; or
 - c) if it is not practicable to place the child in the care of a person mentioned in paragraph (a) or (b), another Aboriginal or Torres Strait Islander person; or
 - d) if it is not practicable to place the child in the care of a person mentioned in paragraphs (a) to (c), a person who—
 - lives near the child’s family, community or language group; and
 - has a demonstrated capacity for ensuring the child’s continuity of connection to kin, country and culture.

History of PCOs in Queensland

PCOs have been in place in Queensland since 29 October 2018. Legislative amendments were made in 2020 to further refine their use and role in the child protection system. Figure 1 sets out the timeline of policy and legislative changes relevant to PCOs in Queensland.

Figure 1 A timeline of permanency framework changes in Queensland



The Carmody report

On 1 July 2013, the Queensland Child Protection Commission of Inquiry released its report, *Taking Responsibility: A Road Map for Queensland Child Protection* (the Carmody report). The Commission of Inquiry made 121 recommendations including that “the Minister move amendments to forbid the making of consecutive short-term orders that together extend beyond two years, unless it is in the best interests of the child to make the orders” (part of recommendation 13.4). The Commission expressed concern at the number of children and young people subject to multiple short-term orders without achieving either reunification with their family or long-term out-of-home care and lack of stability. As such, permanent orders were recommended, somewhere on the spectrum between long-term guardian orders and adoption.

Legislative amendments

Child Protection Reform Amendment Act 2017

Following the Carmody report, the Child Protection Reform Amendment Bill 2017 was established to “better provide for improved permanency, including a focus on achieving relational, physical and legal permanency for children in out-of-home care, early planning for permanency, and permanent care arrangements for children and young people unable to be reunified with their family”.ⁱ The Bill introduced permanent care orders as part of this framework to “offer[s] a more permanent arrangement than a long-term guardianship order, without permanently severing a child’s legal relationship with their birth family”.ⁱⁱ The Bill also stipulated that the Children’s Court will be able to grant a PCO only if it is satisfied that the proposed guardian will preserve the child’s identity, relationships with their birth family, and connection to their culture of origin.ⁱⁱⁱ Once a PCO is made, Child Safety has no further involvement with the child subject to the order unless the guardian or the child request a review of the case plan, or a complaint is made. If such circumstance occurs, only the Director of Child Protection Litigation (DCPL) can apply to revoke or vary a permanent care order.^{iv}

Section 5BA was also introduced to the *Child Protection Act 1999* to provide principles for achieving permanency for children and young people. These principles state that the preferred action or order for a child to ensure these interests is the one that best ensures the child experiences or has:

- a) ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child’s parents, siblings, extended family members and carers; and
- b) stable living arrangements, with connections to the child’s community, that meet the child’s developmental, educational, emotional, health, intellectual and physical needs; and
- c) legal arrangements for the child’s care that provide the child with a sense of permanence and long-term stability, including, for example, a long-term guardianship order, a permanent care order or an adoption order for the child.^v

A hierarchy of preferences for achieving permanency was included at section 5BA(4). In order of priority, these preferences are:

- a) the first preference is for the child to be cared for by the child’s family;
- b) the second preference is for the child to be cared for under the guardianship of a person who is a member of the child’s family, other than a parent of the child, or another suitable person;
- c) the third preference is for the child to be cared for under the guardianship of the chief executive.^{vi}

For Aboriginal and Torres Strait Islander children, section 59A was included to ensure the Childrens Court has proper regard to Aboriginal tradition and Island custom relating to the child and the ATSICPP in making a PCO.^{vii}

Section 5C *Additional principles for Aboriginal or Torres Strait Islander children* was implemented enshrining the ATSI CPP in legislation and section 83 *Additional provisions for placing Aboriginal and Torres Strait Islander children in care* was introduced to step out a decision hierarchy for placing a First Nations child in care.

Child Protection and Other Legislation Amendment Act 2021

On 20th June 2020, the Deputy State Coroner released a report containing recommendations following the inquest into the death of Mason Jett Lee. The report contained six recommendations including that “The Government consider whether the *Adoption Act 2009* (Qld) should similarly reflect the 2018 amendments to the *Adoption Act 2000* (NSW), expecting children to be permanently placed through out of home adoptions within 24 months of entering the department’s care.” This recommendation resulted in the Child Protection and Other Legislation Amendment Bill 2020 and amended the hierarchy of principles for achieving permanency to clarify adoption was an option for children and should be considered prior to guardianship orders to Child Safety however should be the last consideration for First Nations children.^{viii} This is because adoption (as provided for at section 7 of the *Adoption Act 2009*) is not part of Aboriginal tradition or Island custom and should therefore be the least preferred way of achieving permanency. The Bill was passed on 23 March 2021 through the *Child Protection and Other Legislation Amendment Act 2021* amending section 5BA(4).

Use of PCOs in Queensland

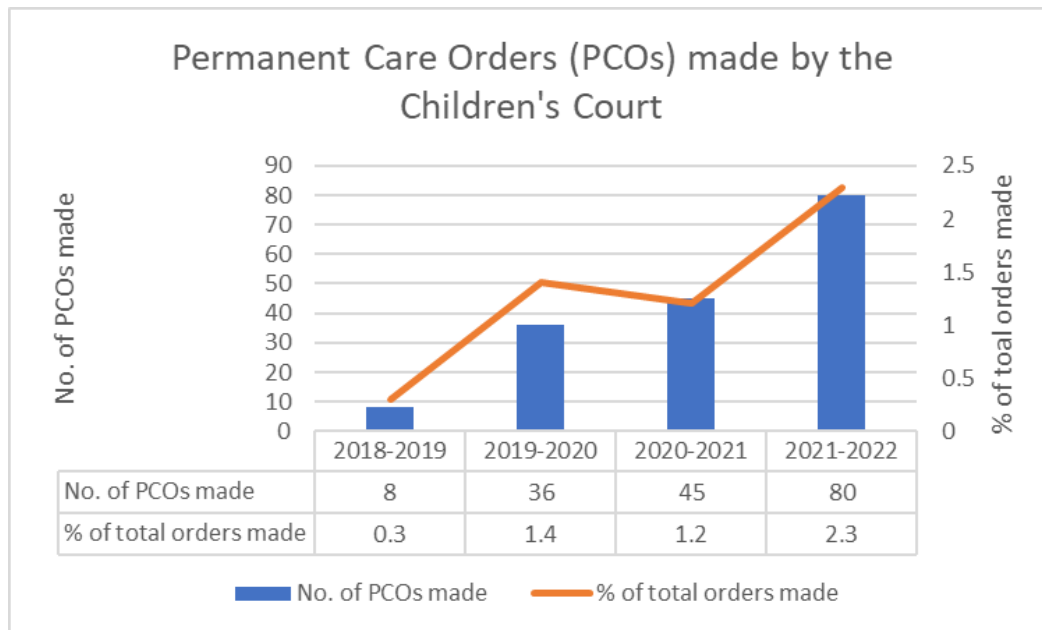
PCOs are used to provide children and young people living in care with a stable permanent home. PCOs fit into the child protection system to grant the child with a sense of ‘home’ and a more secure placement (physically and legally) than other long-term guardianship orders, without permanently severing a child’s legal relationship with their birth family. As previously stated, they were introduced as part of a broader permanency framework to promote timely outcomes for children in care through providing them relational, physical and legal stability.

The first recorded PCO was made on 24 January 2019 at the Children’s Court at Southport (South East), 15 days after the application was filed. This PCO was made for a 15-year-old Aboriginal child who was previously on a long-term guardianship order to the Chief Executive.

Increasing use of PCOs

The number of PCOs made by the Children’s Court in Queensland has steadily increased from 8 in 2018-2019 (noting they were not in place for the full year) to 80 in 2021-2022 (Figure 2). The rate at which PCOs are being made has also increased from 2018-2019 where PCOs accounted for only 0.3% of total child protection orders made, to 2.3% of total child protection orders made in 2021-2022 (Figure 2).

Figure 2 Number and rates of permanent care orders made by the Children's Court.

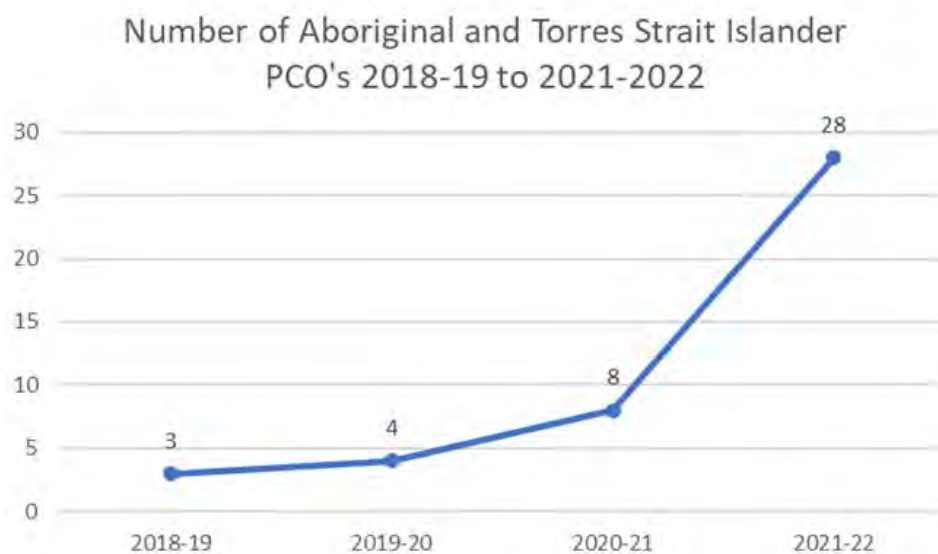


Increasing use of PCOs for First Nations children

With the increase in the use of PCOs, we have seen an increase in the number of First Nations children and young people on these orders (Figure 3).

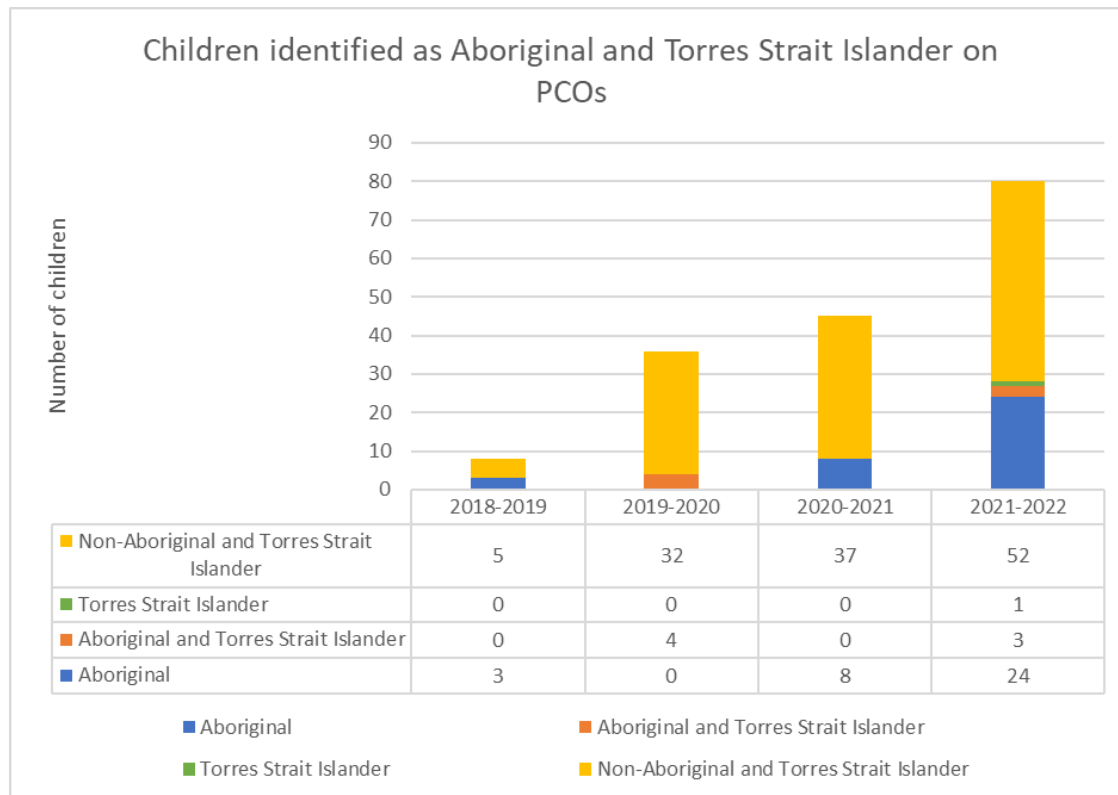
With respect to the rate of First Nations children in care more generally, currently 50.42% (2859 of 5670) of First Nations children living away from home are placed with First Nations kin, non-Indigenous kin or other First Nations foster carer, and 39.8% of First Nations children are placed with non-Indigenous carers or in an Indigenous or non-Indigenous residential care service.

Figure 3 Number of PCOs for First Nations children, 2018-2022.



There is a steady increase in the number of First Nations children placed on PCOs from 2018-2022 (Figure 4). From 29 October 2018 to 30 June 2022, 169 PCOs have been made. Of these, 126 were made for non-Indigenous children and 43 were for First Nations children, including 35 Aboriginal children, 1 Torres Strait Islander child, and 7 children and young people that identified as both Aboriginal and Torres Strait Islander (Figure 4).

Figure 4 Children identified as Aboriginal and Torres Strait Islander on PCOs, 2018-2022.



In 2021-2022, First nations children accounted for 35.1% of the total PCOs made by the Court (Table 1). This is a notable increase with 28 First Nations children placed on PCOs, as compared to 3 in 2018-2019 (Table 1).

Table 1 Number and rates of children identified as Aboriginal and Torres Strait Islander on PCOs.

Children identified as Aboriginal and Torres Strait Islander on PCOs								
Cultural identity	2018-2019		2019-2020		2020-2021		2021-2022	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total
Aboriginal	3	37.5%	0	0.0%	8	17.8%	24	30.0%
Aboriginal and Torres Strait Islander	0	0.0%	4	11.1%	0	0.0%	3	3.8%
Torres Strait Islander	0	0.0%	0	0.0%	0	0.0%	1	1.3%
Non-Aboriginal and Torres Strait Islander	5	62.5%	32	89.9%	37	82.2%	52	65.0%
Total	8	100%	36	100%	45	100%	80	100%

Figure 5 shows the rate of PCO's relevant to the First Nations population and disproportionality ratio. Aboriginal and Torres Strait Islander children are 6 times more likely to have a PCO than non-Indigenous children, based on their representation in the Queensland population (Figure 6). This highlights the importance of taking disproportionality into account when analysing First Nations data.

Figure 5 PCOs by Indigenous status, as per 10,000 of the target population, 2018-2022.

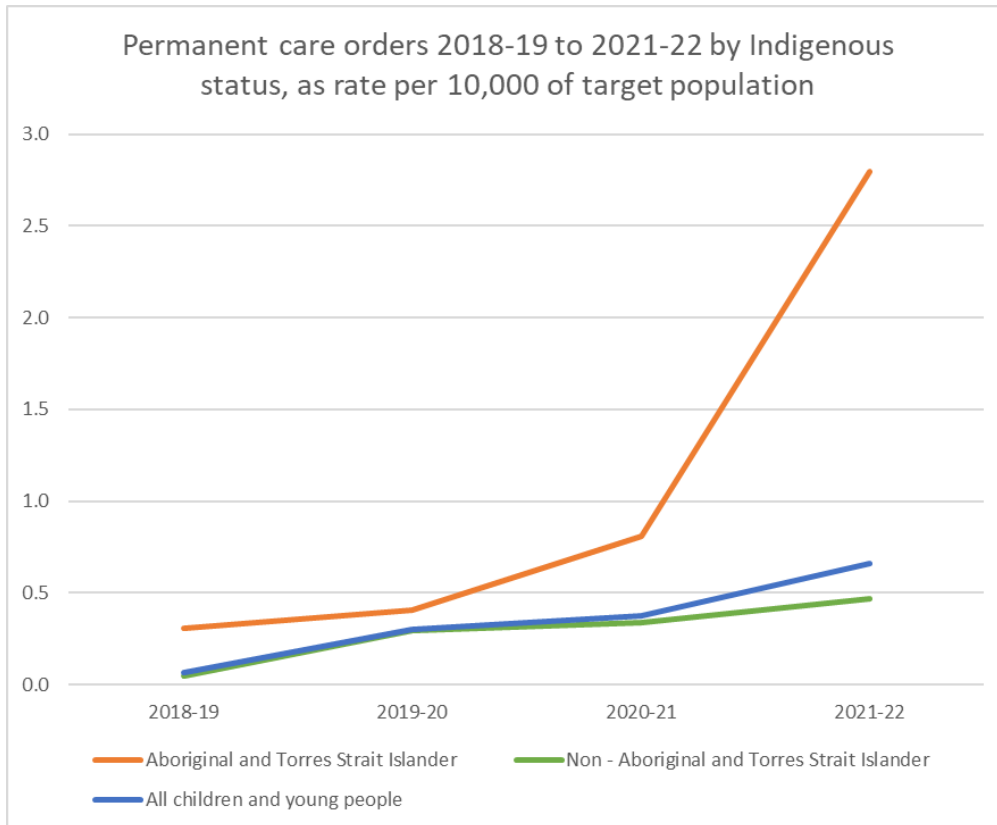
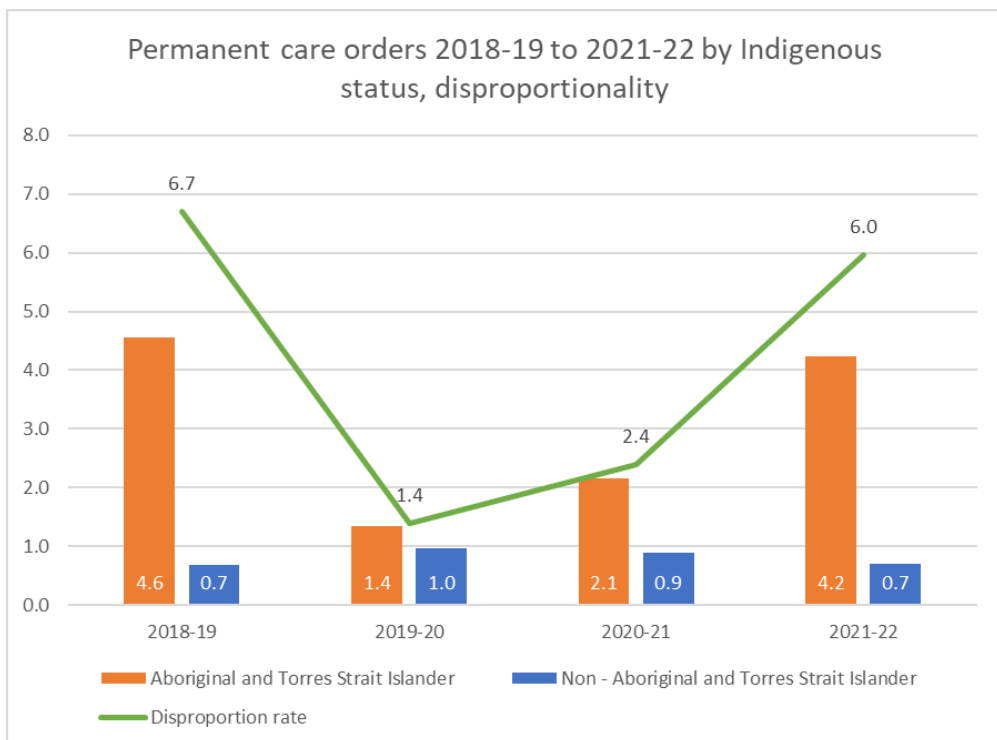


Figure 6 PCOs by Indigenous status, disproportionality, 2018-2022.



PCOs for First Nations children and permanency



Findings:

1. In 2021-22, all 28 PCOs for First Nations children were made to kin and 26 of the 28 PCOs made were to First Nations kin.
2. In 2021-22, almost 50% of PCOs were finalised within 3 months meaning legal permanency is being achieved quickly for many First Nations children. Over 20% however have taken longer than 12 months to finalise.
3. In 2021-22, over 80% of children lived with their guardian for over 2 years prior to a PCO being made, and 25% had lived with their guardian for over 5 years prior to the order. Meaning the orders are formalising established relationships.

For First Nations children, connection with their family, community, land, and culture is fundamental to safety and wellbeing and must be achieved in permanency outcomes. Additionally, the timeliness of achieving a permanency outcome as well as achieving placement and relational stability for the child are all goals that must be achieved.

Permanency for First Nations children within kin and culture

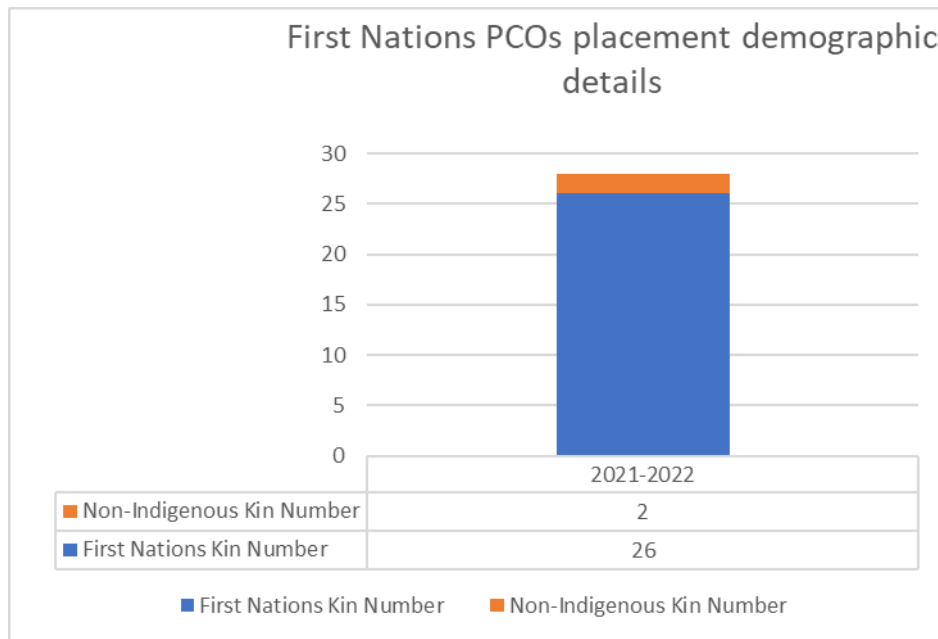
The demographics for the person granted a PCO for a First Nations child becomes particularly important in regard to the Aboriginal tradition and Island custom relating to the child, the child placement principles in making a PCO and in the context of relational and physical permanency for cultural continuity (connection to kin, country and culture).

The 2021-22 data was considered in more detail to identify the demographics of the suitable guardian PCOs were being made to. The 2021-22 data showed that 100% of First Nations children were placed with kin,⁵ with 93% being First Nations⁶ kin (Figure 7).

⁵ Prior to May 2023, the *Child Protection Act 1999* defined 'kin' as any of the child's relatives who are persons of significance to the child or anyone else who is a person of significance to the child.

⁶ Note data is aggregated by First Nations status. This review did not confirm whether suitable guardians identified as Aboriginal, Aboriginal and Torres Strait Islander or Torres Strait Islander.

Figure 7 First Nations PCOs placement demographic details by year, 2021-2022.



Permanency for First Nations children and relational stability

The 2021-22 data was considered in more detail to identify the length of time a child had been cared for by their guardian prior to granting a PCO to that guardian.

Of the 28 children placed with a permanent guardian via PCO in 2021-22, 23 children spent more than two years with their guardian prior to the order being made. Six of the 23 children spent five years and over in the care of their guardian (Table 2).

Four children lived with their guardian for less than 12 months, with three of these children belonging to a sibling group and who were subject to a Court Assessment Order immediately prior to the application for the PCO. The other child who lived with their permanent guardian less than a year was subject to a Short-term Custody Order to the Chief Executive prior to making the PCO. All four PCOs were made in the Townsville Court and made to First Nations kin. As previously mentioned, the Court can make a PCO if the guardian has cared for the child for less than 12 months if it is in the best interests of the child.

Table 2 First Nations placement demographic by number of years with guardian, 2021-2022.

	First Nations children by years spent with guardian prior to final order being made						
	0-1 years	1-2 years	2-3 years	3-4 years	4-5 years	5-10 years	Over 10 years
2021-2022 (28 PCOs total)	4	1	4	11	3	1	5

Permanency for First Nations children and timeliness

The 2018-22 data was considered in more detail to identify the timeliness of permanency decisions by the Courts. The date between when the application was made for the PCO and the date of when the final order was granted was examined.

Of the 28 PCOs made during 2021-22, 46.4% (13 of 28) were finalised within 3 months of the PCO application and 78.6% were finalised within 12 months. A further 21.4% of First Nations PCOs during 2021-2022 took longer than 12 months to finalise (Table 3). While timeliness of court proceedings can be impacted through a variety of reasons (for example, the order is contested), timeliness for permanency outcomes should be monitored.

Table 3 First Nations children subject to PCOs by time taken to finalise order, 2018-2022.

	First Nations children subject to PCOs by time (in months) taken to finalise order					
	0-3 months	3-6 months	6-12 months	12-18 months	Over 18 months	Over 24 months
2018-19 (3 PCOs total)	1				2	
2019-2020 (4 PCOs total)	4					
2020-2021 (8 PCOs total)	2	4		2		
2021-22 (28 PCOs total)	13	3	6	0	4	2

PCOs for First Nations children by notable regional variations



Findings:

1. While numbers are low for most regions in Queensland, North Queensland is notably different with higher numbers of PCOs.
2. North Queensland is the only region in which children were on a Court Assessment Order immediately prior to applying for a PCO and in which PCOs were made to a guardian who had care of the child for less than 12 months.
3. Greatest delays in finalising orders were experienced in the Townsville and Ipswich Courts.

Regional variation in numbers of PCOs

Regional data illustrates a notable regional variation, with North Queensland reporting the highest rates and number of First Nations children and young people on PCOs. When looking at the total number of PCOs made by Child Safety region, there is a disproportionate number of PCOs made in North Queensland, Brisbane and Moreton Bay, and South East regions (Table 44). This data highlights that in 2021-2022, 70.6% (12 of 17) of PCOs made in North Queensland were for First Nations children and young people. The higher rate of First Nations children on PCOs in North Queensland is different to the situation in other regions, including Brisbane and Moreton Bay where in 2021-22 38.1% (8 of 21) were First Nations children and young people, and 4.2% in South East (1 of 24).

Table 4 PCOs made by Child Safety's regions, 2018-2022.

PCOs made by Child Safety's regions								
Child Safety Region	2018-2019		2019-2020		2020-2021		2021-2022	
	Total number	Number of First Nations	Total number	Number of First Nations	Total number	Number of First Nations	Total number	Number of First Nations
Far North Queensland	0	0	0	0	0	0	6	2
North Queensland	0	0	10	4	7	3	17	12
Sunshine Coast and Central Queensland	0	0	2	0	2	1	3	0
Brisbane and Moreton Bay	0	0	4	0	14	1	21	8
South East	6	1	15	0	13	0	24	1
South West	2	2	5	0	9	3	9	5
Total	8	3	36	4	45	8	80	28

When investigating further into the higher rates of PCOs for First Nations children in North Queensland, we found that in four cases children (aged 2 to 11 years old) were moved from court assessment orders (CAOs) to PCOs in 2020-2021. Another case worth noting in North Queensland, is that of a 3-year-old who moved from a short-term custody order to the Chief Executive (STC-CE) to a PCO in 2020-2021.

Regional variation in timeliness of finalising PCOs

Regional data illustrates a notable variation in the timeframe between when applications were filed to the final PCO being made, with North Queensland and South West having the longest wait times (Table 5). The court with the longest wait times between an application filed to a PCO made are Childrens Court at Townsville, and the Childrens Court at Ipswich.

Of the ten applications for First Nations children and young people that took longer than a year between filing and being granted, six were in South West and four were in North Queensland. These longer application times ranged from 419 to 1,056 days, with the longest wait period being for a child in North Queensland.

Table 5 First Nations children subject to PCOs by time taken to finalise order by region, 2018-2022.

	First Nations children subject to PCOs by time (in months) taken to finalise order, 2018-2022.					
	0-3 months	3-6 months	6-12 months	12-18 months	Over 18 months	Over 24 months
Far North Queensland	1 (Childrens Court at Innisfail)		1 (Childrens Court at Atherton)			
North Queensland	9 (1x Childrens Court at Ayr, 4x Childrens Court at Palm Island, 4x Childrens Court at Townsville)	1 (Childrens Court at Emerald)	5 (3x Childrens Court at Townsville, 2x Childrens Court at Mackay)	2 (Childrens Court at Townsville)		2 (Childrens Court at Townsville)
Sunshine Coast and Central Queensland	1 (Childrens Court at Maroochydore)					
Brisbane and Moreton Bay	7 (6x Childrens Court at Caboolture, 1x Childrens Court at Brisbane)	2 (1x Childrens Court at Caboolture, 1x Childrens Court at Ipswich)				
South West		4 (3x Childrens Court at Toowoomba, 1x Childrens Court at Ipswich)			6 (5x Childrens Court at Ipswich, 1x Childrens Court at Toowoomba)	
South East	2 (Childrens Court at Southport)					

PCOs for First Nations children by age



Findings:

1. There has been an increase in the use of PCOs for First Nations children and young people across each age bracket, particularly for those aged 0-14 years.

The data highlights that there has been a steady increase in the number and rates of children and young people placed on PCOs across each age bracket (Table 6).

During 2021-2022, 37.5% of children aged 0-4 years (6 of 16) identified as Indigenous, 38.1% (8 of 21) of children aged 5-9 years were First Nations, 35.4% (11 of 31) were First Nations 10–14-year-olds, and 25.0% of 15-17 years were First Nations (Table 6). This demonstrates an increase in the number of First Nations children and young people on PCOs across each age group, with notable increases in those aged 5-9 years and 10-14 years from 2018-2022 (Figure 8).

Figure 9 highlights that of the First Nations children and young people on PCOs from 2018-2020, 17.0% are aged 2-5 years, 30.0% are 5-10 years, 30.0% are 10-14 years, and 23.0% are over 14 years.

Table 6 Age of children at the time PCOs were made and whether the child identified as Aboriginal or Torres Strait Islander 2018-2022.

Age of children at the time PCOs were made and whether the children were identified as Aboriginal and Torres Strait Islander 2018-2022.

Age	2018-2019		2019-2020		2020-2021		2021-2022	
	First Nations	Non-Indigenous	First Nations	Non-Indigenous	First Nations	Non-Indigenous	First Nations	Non-Indigenous
0-4 years	0	0	0	8	1	13	6	10
5-9 years	2	2	0	14	3	12	8	13
10-14 years	0	3	3	7	3	10	11	20
15-17 years	1	0	1	3	1	2	3	9
Total	3	5	4	32	8	37	28	52

Figure 8 Age of children at the time PCOs were made and whether they were identified as Indigenous 2018-2022.

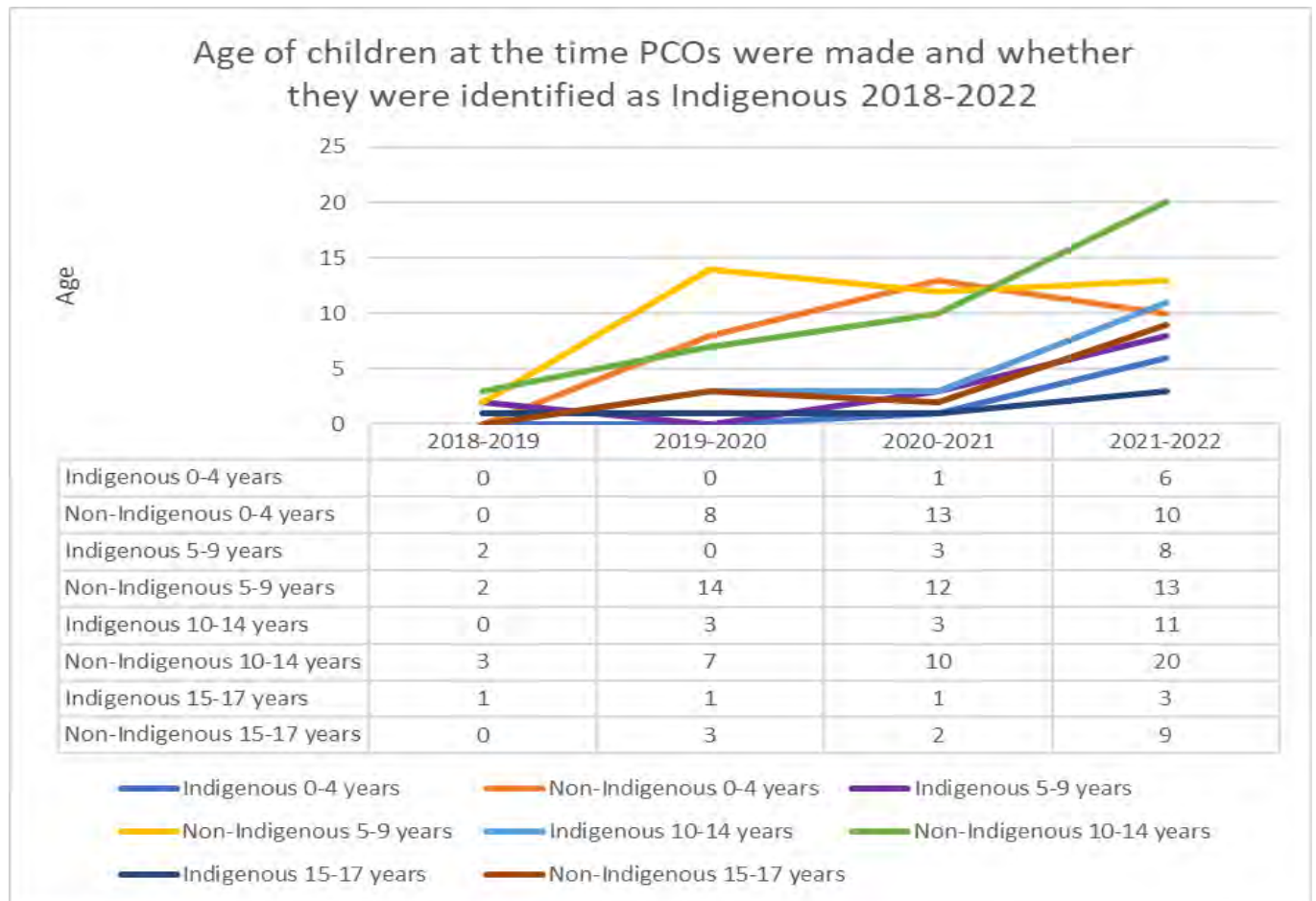
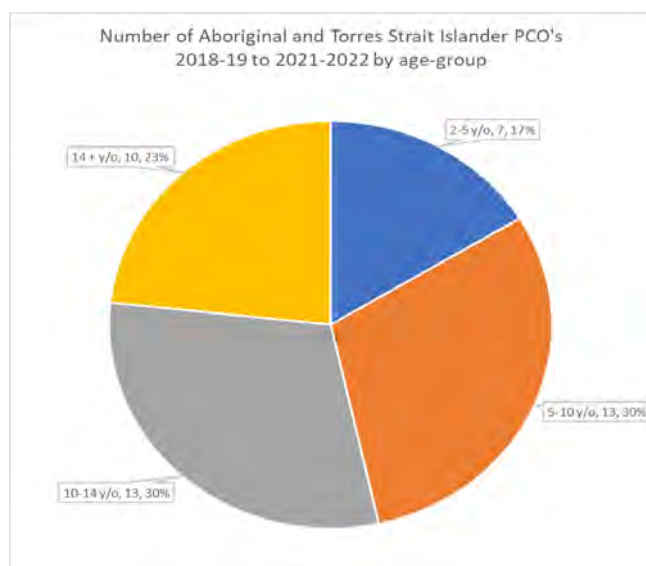


Figure 9 Number of Aboriginal and Torres Strait Islander PCOs by age group, 2018-2022.



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- ⁱ Queensland Government (2017). *Child Protection Reform Amendment Bill 2017 Explanatory Notes* (p. 2).
<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2017-027>
- ⁱⁱ Queensland Government (2017). *Child Protection Reform Amendment Bill 2017 Explanatory Notes* (p. 6).
<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2017-027>
- ⁱⁱⁱ Queensland Government (2017). *Child Protection Reform Amendment Bill 2017 Explanatory Notes* (pp. 6-7).
<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2017-027>
- ^{iv} Legal Affairs and Community Safety Committee (2020). *Child Protection and Other Legislation Amendment Bill 2020* (p. 10).
<https://documents.parliament.qld.gov.au/tp/2020/5620T1400.pdf>
- ^v Queensland Government (2023). *Child Protection Act 1999* (5BA(2)).
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1999-010>
- ^{vi} Queensland Government (2023). *Child Protection Act 1999* (5BA(4)).
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1999-010>
- ^{vii} Queensland Government (2023). *Child Protection Act 1999* (59A).
<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1999-010>
- ^{viii} Queensland Government (2020). *Child Protection and Other Legislation Amendment Bill 2020 Explanatory Notes* (p. 2).
<https://documents.parliament.qld.gov.au/tableOffice/TabledPapers/2020/5720T348.pdf>