

## 1. Commonwealth

CRC Article Number & Description	Relevant Australian Legislation	CTH/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Death Penalty Abolition Act 1973</b></p>	<p>CTH</p>	<p>3(2)</p>	<p>A person is not liable to the punishment of death for any offence referred to in subsection 3(2).</p> <p>3(2) This Act applies in relation to, and in relation to offences under, the laws of the Commonwealth and of the Territories, and, to the extent to which the powers of the Parliament permit, in relation to, and in relation to offences under, Imperial Acts.</p>
	<p><b>Crimes Act 1914</b></p>	<p>CTH</p>	<p>20C</p>	<p>(1) A child or young person who, in a State or Territory, is charged with or convicted of an offence against a law of the Commonwealth may be tried, punished or otherwise dealt with as if the offence were an offence against a law of the State or Territory.</p> <p>(2) Where a person under the age of 18 years is convicted of an offence against a law of the Commonwealth that is punishable by death, he or she shall not be sentenced to death but the court shall impose such other punishment as the court thinks fit.</p>
	<p><b>Australian Human Rights Commission Act 1986</b></p>	<p>CTH</p>	<p>Schedule 2 (International Covenant on Civil and Political Rights), Part III, Article 6</p>	<p>1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.</p> <p>2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the</p>

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				<p>Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.</p> <p>3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.</p> <p>4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.</p> <p>5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.</p> <p>6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.</p>
	<p><b>Extradition (Transnational Organised Crime) Regulations 2004</b></p>	CTH	Schedule 1, Article 16	<p>1. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or</p>

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				<p>other cruel, inhuman or degrading treatment or punishment.</p> <p>2. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.</p> <p>3. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.</p> <p>4. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.</p> <p>5. In the case of the detention of a person who has been the object of conduct set forth in article 6 of this Protocol, each State Party shall comply with its obligations under the Vienna Convention on Consular Relations, where applicable, including that of informing the person concerned without delay about the provisions concerning notification to and communication with consular officers.</p>
	<b>Carers (Recognition) Act 2010</b>	CTH	Schedule 1, section 6	<p>(g) Children and young people who are carers have the same rights as all children and young people.</p> <p>(h) Children and young people who are carers face additional difficulties and burdens and should be supported in overcoming these difficulties and burdens.</p>

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	<b>Child Support (Assessment) Act 1989</b>	CTH	Section 3	<p>(1) The parents of a child have the primary duty to maintain the child.</p> <p>(2) Without limiting subsection (1), the duty of a parent to maintain a child:</p> <p>(a) is not of lower priority than the duty of the parent to maintain any other child or another person; and</p> <p>(b) has priority over all commitments of the parent other than commitments necessary to enable the parent to support:</p> <p>(i) himself or herself; and</p> <p>(ii) any other child or another person that the parent has a duty to maintain; and</p> <p>(c) is not affected by:</p> <p>(i) the duty of any other person to maintain the child; or</p> <p>(ii) any entitlement of the child or another person to an income tested pension, allowance or benefit.</p>
	<b>Human Rights and Equal Opportunity Commission Act 1986</b>	CTH	Schedule 3 (Declaration of the Rights of the Child)	<p>Principle 2</p> <p>The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the</p>

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				<p>paramount consideration.</p> <p>Principle 6</p> <p>The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.</p>
	<p><b>World Health Organization Act 1947</b></p>	<p>CTH</p>	<p>Schedule 1 - Constitution of World Health Organization, section 3</p>	<p>THE STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:</p> <p>Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.</p>

## 2. New South Wales

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Carers (Recognition) Act 2010</b></p>	<p>NSW</p>	<p>Schedule 1, section 6</p>	<p>(g) Children and young people who are carers have the same rights as all children and young people.</p> <p>(h) Children and young people who are carers face additional difficulties and burdens and should be supported in overcoming these difficulties and burdens.</p>
	<p><b>Child Protection (International Measures) Act 2006</b></p>	<p>NSW</p>	<p>Schedule 1 (Child Protection Convention)</p>	<p>Article 37</p> <p>An authority shall not request or transmit any information under this Chapter if to do so would, in its opinion, be likely to place the child's person or property in danger, or constitute a serious threat to the liberty or life of a member of the child's family.</p>
	<p><b>Children and Young Persons (Care and Protection) Act 1998</b></p>	<p>NSW</p>	<p>Section 9</p>	<p>(1) This Act is to be administered under the principle that, in any action or decision concerning a particular child or young person, the safety, welfare and well-being of the child or young person are paramount.</p> <p>(2) Subject to subsection (1), the other principles to be applied in the administration of this Act are as follows:</p> <p>(c) In deciding what action it is necessary to take (whether by legal or administrative process) in order to protect a child or young person from harm, the course to be followed must be the least intrusive intervention in the life of the child or young person and his or her family that is consistent with the paramount concern to protect the child or young person from</p>

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				harm and promote the child's or young person's development.
	<b>Children (Detention Centres) Act 1987</b>	NSW	Section 14	<p>(1) The Director-General shall ensure that adequate arrangements exist:</p> <p>(a) to maintain the physical, psychological and emotional well-being of detainees; and</p> <p>(b) to promote the social, cultural and educational development of detainees; and</p> <p>(c) to maintain discipline and good order among detainees, and</p> <p>(d) to facilitate the proper control and management of detention centres.</p>
	<b>Crimes Act 1900</b>	NSW	Section 21	Whosoever, being a woman delivered of a child is indicted for its murder, shall, if the jury acquit her of the murder, and specially find that she has in any manner wilfully contributed to the death of such child, whether during delivery, or at or after its birth, or has wilfully caused any violence, the mark of which has been found on its body, be liable to imprisonment for ten years.
			Section 43	A person who, without reasonable excuse, intentionally abandons or exposes a child under 7 years of age is guilty of an offence if it causes a danger of death or of serious injury to the child.

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				<p>Maximum penalty: Imprisonment for 5 years</p> <p>Section 22A</p> <p>(1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.</p> <p>(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to such child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide, and the woman may be dealt with and punished as if she had been guilty of the offence of manslaughter of the said child.</p> <p>(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter or a verdict of not guilty on the</p>



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			Section 43A	<p>ground of insanity, or a verdict of concealment of birth.</p> <p>(2) A person:</p> <p>(a) who has parental responsibility for a child; and</p> <p>(b) who, without reasonable excuse, intentionally or recklessly fails to provide the child with the necessities of life,</p> <p>is guilty of an offence if the failure causes a danger of death or of serious injury to the child.</p> <p>Maximum penalty: Imprisonment for 5 years.</p>

### 3. Victoria

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Charter of Human Rights and Responsibilities Act 2006</b></p>	<p>VIC</p>	<p>Section 9</p>	<p>Every person has the right to life and has the right not to be arbitrarily deprived of life.</p>
			<p>Section 17</p>	<p>(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.</p> <p>(2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.</p>
	<p><b>Child Employment Act 2003</b></p>	<p>VIC</p>	<p>Section 1</p>	<p>The main purposes of this Act are to:</p> <p>b) protect those children from performing work that could be harmful to their health or safety, their moral or material welfare or development or the attendance at school of those children or their capacity to benefit from instruction;</p>
	<p><b>Child Wellbeing and Safety Act 2005</b></p>	<p>VIC</p>	<p>Section 5</p>	<p>(1) The development and provision of services for children and families should be based upon the fundamental principles that:</p> <p>(c) those who develop and provide services, as well as parents, should give the highest priority to the promotion and protection of a child's safety, health, development, education and wellbeing;</p>
	<p><b>Children, Youth and</b></p>	<p>VIC</p>	<p>Section 10</p>	<p>(2) When determining whether a decision or action is in the</p>

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	<b>Families Act 2005</b>			best interests of the child, the need to protect the child from harm, to protect his or her rights and to promote his or her development (taking into account his or her age and stage of development) must always be considered.
	<b>Educational and Care Services National Law Act 2010</b>	VIC	Schedule, section 2(b)	The objectives of the national education and care services quality framework are:  to improve the educational and developmental outcomes for children attending education and care services;

#### 4. Queensland

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Child Care Act 2002</b></p>	<p>QLD</p>	<p>Section 9</p>	<p>This Act is to be administered, and licensed services are to be conducted, under the following principles:</p> <p>(c) licensed child care should be provided to a child in a way that stimulates and develops the child's creative, emotional, intellectual, lingual, physical, recreational and social potential; and</p> <p>(d) parents have the primary responsibility for the upbringing, protection and development of their children, and should be supported in that role</p>
	<p><b>Child Employment Act 2006</b></p>	<p>QLD</p>	<p>Section 4</p>	<p>(1) The purpose of this Act is to safeguard children working in Queensland.</p> <p>(2) This is to be achieved by:</p> <p>(a) ensuring that work does not interfere with children's schooling; and</p> <p>(b) preventing children performing work that may be harmful to their health or safety or physical, mental, moral or social development.</p>
	<p><b>Child Protection Act 1999</b></p>	<p>QLD</p>	<p>Section 5B</p>	<p>The following are general principles for ensuring the safety, wellbeing and best interests of a child:</p> <p>(a) a child has a right to be protected from harm or risk of harm; and</p>

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				<p>(b) a child's family has the primary responsibility for the child's upbringing, protection and development; and</p> <p>(c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family; and</p> <p>(d) if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child; and</p> <p>(e) in protecting a child, the State should only take action that is warranted in the circumstances; and</p> <p>(f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests; and</p> <p>(g) if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care; and</p> <p>(h) if a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin; and</p> <p>(i) if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible; and</p> <p>(j) a child should only be placed in the care of a parent or other person who has the capacity and is willing to care for</p>

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				<p>the child (including a parent or other person with capacity to care for the child with assistance or support); and</p> <p>(k) a child should have stable living arrangements, including arrangements that provide:</p> <p>(i) for a stable connection with the child's family and community, to the extent that is in the child's best interests; and</p> <p>(ii) for the child's developmental, educational, emotional, health, intellectual and physical needs to be met; and</p> <p>(l) a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child; and</p> <p>(m) a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values; and</p> <p>(n) a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.</p>
	<p><b>Commission for Children and Young People and Child Guardian Act 2000</b></p>	<p>QLD</p>	<p>Section 6</p>	<p>(1) This Act is to be administered under the principle that the welfare and best interests of a child are paramount.</p> <p>(2) Subject to subsection (1), this Act is also to be administered under the following principles:</p> <p>(a) every child is a valued member of society; and</p> <p>(b) in decisions involving a child, the child's views and</p>

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				<p>wishes should be taken into account in a way that has regard to the child's age and ability to understand; and</p> <p>(c) every child is entitled:</p> <p>(i) to be treated in a way that respects the child's dignity and privacy; and</p> <p>(ii) to be cared for in a way that protects the child from harm and promotes the child's wellbeing; and</p> <p>(iii) to express the child's concerns and grievances and to have them dealt with in a way that is fair and timely and promotes the child's participation; and</p> <p>(iv) to receive information and help to enable the child to exercise the child's entitlements; and</p> <p>(v) to have access to services necessary to meet the child's needs; and</p> <p>(d) the family has the primary responsibility for the upbringing and development of its children, and should be supported in that role.</p>
	<p><b>Family Responsibilities Commission Act 2008</b></p>	<p>QLD</p>	<p>Section 4</p>	<p>(1) The main objects of this Act are:</p> <p>(a) to support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and</p> <p>(b) to help people in welfare reform community areas to</p>

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				<p>resume primary responsibility for the wellbeing of their community and the individuals and families of the community.</p> <p>(2) The objects are to be achieved mainly by establishing the Family Responsibilities Commission:</p> <p>(a) to hold conferences about agency notices; and</p> <p>(b) to deal with the matters to which the notices relate in a way that:</p> <p>(i) encourages community members the subject of a conference to engage in socially responsible standards of behaviour; and</p> <p>(ii) promotes the interests, rights and wellbeing of children and other vulnerable persons living in a welfare reform community area.</p>
	<b>Succession Act 1981</b>	QLD	Section 61E	(1) A testamentary guardian of a child has all the powers, rights and responsibilities, for making decisions about the long-term care, welfare and development of the child, that are ordinarily vested in a guardian.



## 5. South Australia

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Carers Recognition Act 2005</b></p>	<p>SA</p>	<p>Schedule 1, item 6</p>	<p><b>Schedule 1—South Australian Carers Charter</b></p> <p>6. All children and young people have the right to enjoy life and reach their potential</p> <p>(1) Children and young people who are carers should be specifically identified and supported by individuals, business and community organisations, public institutions and all levels of government.</p> <p>(2) The special needs of children and young people who are carers and the unique barriers to their access to service provision should be recognised and acted on so that, as far as possible, they have the same opportunities as other children and young people in Australia.</p> <p>(3) The caring responsibilities of children and young people who are carers should be minimised.</p>
	<p><b>Children's Protection Act 1993</b></p>	<p>SA</p>	<p>Section 4</p>	<p><b>4. Fundamental principles</b></p> <p>(1) Every child has a right to be safe from harm.</p> <p>(2) Every child has a right to care in a safe and stable family environment or, if such a family environment cannot for some reason be provided, in some alternative form of care in which the child has every opportunity that can be reasonably provided to develop to his or her full potential.</p>

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				<p>(3) In the exercise of powers under this Act, the above principles and the child's wellbeing and best interests are to be the paramount considerations.</p> <p>(4) In determining a child's best interests, consideration must be given to the following:</p> <p>(a) the desirability of keeping the child within the child's own family and the undesirability of withdrawing the child unnecessarily from a neighbourhood or environment with which the child has an established sense of connection;</p> <p>(b) the need to preserve and strengthen relationships between the child, the child's parents and grandparents and other members of the child's family (whether or not the child is to reside with those parents, grandparents or other family members);</p> <p>(c) the need to encourage, preserve and enhance the child's sense of racial, ethnic, religious, spiritual and cultural identity and to respect traditions and values of the community into which the child was born;</p> <p>(d) if the child is able to form and express his or her own views as to his or her best interests—those views;</p> <p>(e) the undesirability of interrupting the child's education or employment unnecessarily.</p> <p>(5) In relation to an Aboriginal or Torres Strait Islander child, the Aboriginal and Torres Strait Islander Child</p>

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				<p>Placement Principle is to be observed.</p> <p>(6) A child who is placed or about to be placed in alternative care:</p> <p>(a) must be provided with:</p> <p>(i) a nurturing, safe and stable living environment; and</p> <p>(ii) care that is, as far as practicable, appropriate to the child's needs and culturally appropriate; and</p> <p>(b) must be allowed to maintain relationships with the child's family (including the child's grandparents) and community, to the extent that such relationships can be maintained without serious risk of harm; and</p> <p>(c) must be consulted about, and (if the child is reasonably able to do so) take part in making, decisions affecting the child's life, particularly decisions about the child's ongoing care, where the child is to live, contact with the child's family and the child's health and schooling; and</p> <p>(d) must be given information that is appropriate, having regard to the child's age and ability to understand, about plans and decisions concerning the child's future; and</p> <p>(e) is entitled to have his or her privacy respected; and</p> <p>(f) if the child is in alternative care and under the guardianship, or in the custody, of the Minister—is entitled to regular review of the child's circumstances and the</p>

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				<p>arrangements for the child's care.</p> <p>(7) All proceedings under this Act must be dealt with expeditiously, with due regard to the degree of urgency of each particular case.</p>

## 6. Western Australia

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Adoption Act 1994</b></p>	<p>WA</p>	<p>Schedule 2, item 1 (1)</p>	<p><b>1. Infancy</b></p> <p>(1) A significant feature of the infancy stage is that the child needs to be able to trust others to care for and nurture the child. The child has the right:</p> <p>(a) to be cared for and nurtured; and</p> <p>(b) to develop attachment to the adoptive family without undue disruption by the birth parents.</p>
			<p>Schedule 2, item 2(1)</p>	<p><b>2. Childhood</b></p> <p>(1) A significant feature of the childhood stage is the development of autonomy and initiative. The child has the right:</p> <p>(a) to belong to a secure family system, extending to friends, schooling and neighbourhood activities; and</p> <p>(b) to know about the adoption in a manner appropriate to the child and the child's stage of development.</p>
			<p>Schedule 2, item 3 (1)</p>	<p><b>3. Adolescence</b></p> <p>(1) A significant feature of adolescence is the development of the child's sense of identity. The child has the right to resolve identity issues and is to be responsible for the effects of his or her actions on others if access to information is</p>

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				made available.

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## 7. Northern Territory

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	No Relevant Legislation Found			

## 8. Tasmania

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<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Child Protection (International Measures) Act 2003</b></p>	<p>TAS</p>	<p>Section 263</p>	<p><b>263. Duty of head of family</b></p> <p>It is the duty of every person who, as head of a family, has the charge of a child under the age of 16 years, being a member of his household, to provide the necessaries of life for such child, and he is held to have caused any consequences which result to the life or health of the child by reason of any omission to perform that duty whether the child is helpless or not.</p>
			<p>Section 290</p>	<p><b>290. Killing unborn child</b></p> <p>Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.</p>
			<p>Section 344</p>	<p><b>344. Desertion of children under 16</b></p> <p>Any person who, being the parent of a child under the age of 16 years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a crime, and is liable to imprisonment for one year.</p>



## 9. Australian Capital Territory

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 6:</b></p> <p>1. States Parties recognize that every child has the inherent right to life.</p> <p>2. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p>	<p><b>Human Rights Act 2004</b></p>	<p>ACT</p>	<p>Section 9</p>	<p><b>9. Right to life</b></p> <p>(1) Everyone has the right to life. In particular, no-one may be arbitrarily deprived of life.</p> <p>(2) This section applies to a person from the time of birth.</p>
			<p>Section 11(2)</p>	<p><b>11. Protection of the family and children</b></p> <p>(2) Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.</p>