

# 1. Commonwealth

## CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 13:</b></p> <p>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p>	<p><b>Age Discrimination Act 2004</b></p>	Cth	26	An educational authority may not discriminate against a person on the ground of age by refusing or failing to accept an application for admission of a student or in the terms or conditions on which it is prepared to admit the person as a student. An exception applies to educational institutions established wholly or primarily for students of a particular age.
			28	A person may not discriminate against another person on the grounds of age by refusing to provide goods or services or by discriminating in the terms and conditions on which those goods or services are available.
			33	Exemptions apply where a certain act provides a bona fide benefit to, meet a need of, reduce a disadvantage to, persons of a particular age.
		<p><b>Australian Human Rights Commission Act 1986</b></p>	Cth	Part IIA

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>of the Rights of the Child. The Declaration of the Rights of the Child includes Principle 7:</p> <p><i>The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.</i></p> <p><i>The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.</i></p> <p><i>The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.</i></p>
	<b>Broadcasting Services Act 1992</b>	Cth	122	The Australian Communications & Media Authority ( <b>ACMA</b> ) must determine standards to be observed by commercial television broadcasting licensees, including in respect of programs for children.
			Schedules 5 and 7	The <i>Broadcasting Services Act</i> allows for and encourages the development of codes of practice for internet service providers (ISPs) and providers of online and mobile content. This includes the Internet Industry Association's ( <b>IIA</b> 's) ' <b>Internet and Mobile Content</b> ' code (available from the Australian Communications and Media Authority website), which enables internet service providers ( <b>ISPs</b> ), content hosts

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				and mobile carriers to signify their compliance with the IIA's Family Friendly Program. It also places obligations on ISPs, content hosts and mobile carriers with respect to access by minor's to inappropriate or offensive materials.
	<b>Classification (Publications, Films and Computer Games) Act 1995</b>	Cth	29	The Classification Board can refuse to approve an advertisement if depicts or describes a person who is, or appears to be, a child under 18 in a way that is likely to cause offence to a reasonable adult.
			Part 10	Enables special measures to be taken to protect children living in Indigenous communities in the Northern Territory from being exposed to prohibited material, including, e.g. publications classified Category 1 restricted or Category 2 restricted; a film classified X 18; a publication, film or computer game classified RC.

## 2. New South Wales

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
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			Part 4G, Division 4	Exceptions apply to age discrimination where, e.g. a law is designed to protect the welfare of minors (section 49ZYQ), to promote access to facilities, services or opportunities for a particular age or age group, including to meet special needs (section 49ZYR) or to exclude certain age groups from participation in a sporting activity (section 49ZYW).
	<p><b>Children and Young Persons (Care and Protection) Act 1998</b></p>	NSW	230	A person must not perform tattooing on any part of a child's or young person's body without parental consent.
			230A	A person must not perform body piercing on any part of a child's or young person's body without parental consent. Body piercing on the nipples or genitalia of a child is prohibited.
	<p><b>Children (Detention Centres) Regulation 2010</b></p>	NSW	13	A detainee may acquire books, newspapers, magazines or other printed material approved by the centre manager, except where such material is likely to adversely affect the security, safety or good order of the detention centre.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				remand, in a NSW detention centre.]
			14	A detainee may acquire a radio or other electronic equipment, and a compact disc or other accessory, where approved, except where such material is likely to adversely affect the security, safety or good order of the detention centre.
			18	Reasonable steps must be taken to ensure that each detainee under 17 years of age is provided with education appropriate to their aptitude and potential.
			19	Detention centres may provide vocational and education programs, psychological and social programs, recreational programs, alcohol and other drug rehabilitation programs, culture-specific programs or programs to assist detainees to address the offences for which they are detained.
	<b>Children (Education and Care Services National Law Application) Act 2010</b>	NSW	4	Adoption of <i>Education and Care Services National Law</i> .
	<b>[See also Children (Education and Care Services) National Law (NSW) No 104a]</b>		168 (National Law)	<p>The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that is:</p> <p>(a) based on an approved learning framework;</p> <p>(b) delivered in a manner that accords with that framework;</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(c) based on the developmental needs, interests and experiences of each child; and</p> <p>(d) designed to take into account individual differences of each child.</p> <p>Education and care services include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.</p>
	<b>Children (Education and Care Services) Supplementary Provisions Regulation 2012</b>	NSW	64(1)	The approved provider and nominated supervisor of an education and care service must ensure that interactions with children receiving the service occur in a way that ensures children (inter alia) are encouraged to express themselves and their opinions, and are given guidance as to positive and responsible behaviour.
			64(2)	The approved provider and nominated supervisor of an education and care service must ensure that the dignity and rights of each child are maintained at all times. This includes that values of the child's family are respected and the child is given support in his or her learning experiences.
			64(3)	<p>The approved provider and nominated supervisor of an education and care service must ensure that all children enrolled in the service:</p> <p>(a) are treated without bias regardless of ability, gender, religion, culture, family structure or economic status;</p> <p>(b) if they have disabilities, or come from different cultural</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>or linguistic backgrounds, are encouraged to fully participate (with necessary help and support) in programs at the service; and</p> <p>(c) if they have disabilities, are given access to appropriate buildings, areas, facilities, support services or specialised equipment and resources.</p>
	<p><b>Classification (Publications, Films and Computer Games) Enforcement Act 1995</b></p>	NSW	9	<p>The sale or delivery of certain films to minors is prohibited, including that a person must sell or deliver to a minor:</p> <p>(a) a film classified '<b>RC</b>' (<b>Refused Classification</b>) or '<b>X 18+</b>' or an unclassified film that would (if classified) be classified as RC or X 18+;</p> <p>(b) a film classified '<b>R 18+</b>' or an unclassified film that would be classified as such, unless the person is that minor's parent or guardian;</p> <p>(c) who is aged under 15 years, a film classified '<b>MA 15+</b>', unless the person is the minor's parent or guardian.</p>
			10	<p>A parent or guardian of a minor must not permit the minor to attend the exhibition in a public place of a film classified RC, X 18+ or R 18+ (or an unclassified film that would be classified as such).</p>
			11	<p>Minors aged 15 years or older must not buy a film classified RC, X 18+ or R 18+, or attend the exhibition in a public place of such a film, knowing that the film is so classified.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			12	A person must not publicly exhibit a film classified R 18+ if a minor is present during any part of the exhibition.
			13	A person must not publicly exhibit a film classified MA 15+ if a minor under 15 is present during any time of the exhibition, and the minor is not accompanied by a parent or guardian.
			14	<p>A person must not privately exhibit in the presence of a minor a film classified RC or X 18+ (or an unclassified film that would be classified as such).</p> <p>A person must not exhibit in the presence of a minor a film classified R 18+ (or an unclassified film that would carry that classification) unless the person is the minor's parent or guardian.</p>
			24	<p>A person must not sell or deliver or show to a minor a <b>'submittable publication'</b> or a publication classified RC. [A submittable publication is an unclassified publication that depicts or describes things that are likely to cause the publication to be classified RC, or are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication, or are unsuitable for a minor to see or read; see section 5 of <i>Classification (Publications, Films and Computer Games) Act 1995 (Cth)</i>.]</p> <p>A person must not sell or deliver to a minor a publication classified Category 1 restricted or Category 2 restricted unless the person is a parent or guardian of the minor.</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			30	<p>A person must not sell or deliver to a minor a computer game classified RC (or an unclassified game that would be classified as such).</p> <p>A person must not sell or deliver to a minor under 15 a computer game classified MA 15+ (or a similar unclassified game), unless the person is the minor's parent or guardian.</p>
			31	Minors aged 15 years or older must not buy a computer game classified RC or attend the demonstration of such a computer game, knowing that the game is so classified.
			32	A person must not publicly demonstrate a computer game classified MA 15+ if a minor under 15 who is not accompanied by his or her parent or guardian is present during any part of the demonstration.
			33	A person must not privately demonstrate in the presence of a minor a computer game classified RC (or a similarly unclassified game).
			50	A person in charge of a restricted publications area must not permit a minor to enter that area.
	<b>Education Act 1990</b>	NSW	21B	Compulsory school-age is of or above the age of 6 years and below the minimum school leaving age (the first of completion of Year 10 secondary education (in specified circumstances) or the age of 17 years).
	<b>Graffiti Control Act 2008</b>	NSW	7	It is an offence to sell a spray can to a person under the age of 18 years.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			8A	<p>It is an offence to supply a spray can to a person under the age of 18 years.</p> <p>It may be a defence if, e.g. the person believed on reasonable grounds that the recipient intended to use the spray paint can for a defined lawful purpose, including the lawful pursuit of an occupation, education or training, or any artistic activity that does not constitute an offence against this Act or any other law.</p>
			8B	<p>It is an offence for a person under the age of 18 years to be in possession of a spray paint can in a public place.</p> <p>It may be a defence if, e.g. the person had possession of the spray can for a defined lawful purpose, including the lawful pursuit of an occupation, education or training, or any artistic activity that does not constitute an offence against this Act or any other law.</p>
			9	<p>A police officer may seize a spray paint can in a person's possession in a public place if the officer suspects on reasonable grounds that the person is under the age of 18 years.</p>

### 3. Victoria

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CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
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<p>(b) For the protection of national security or of public order (order public), or of public health or morals.</p>			<p>17</p>	<p>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>Classification (Publications, Films and Computer Games) (Enforcement) Act 1995</b></p>	<p>VIC</p>	<p>10</p>	<p>A person who is a parent or guardian of a minor must not permit the minor to attend the exhibition of the film in a public place, knowing that it is classified RC, X 18+ or R 18+ or would be so classified.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			11	A minor who is 10 or older must not attend the exhibition in a public place of a film classified RC, X 18+ or R 18+, knowing that the film is so classified.
			12	A person must not exhibit in a place, other than a public place, in the presence of a minor a film classified RC, X 18+ or R 18+ (or one which would be so classified). It is a defence, inter alia, if the parent or guardian of the minor consented to the minor being present at the exhibition of the film.
			13	A person must not exhibit in a public place a film classified R 18+ if a minor is present during any part of the exhibition.
			14	A person must not exhibit in a public place a film classified MA 15+ if a minor under 15 is present during any part of the exhibition; and the minor is not accompanied by his or her parent or guardian.
			20	<p>A person must not sell or deliver to a minor a film classified RC or X 18+ or an unclassified film which would, if classified, be classified RC or X 18+.</p> <p>A person must not sell or deliver to a minor a film classified R 18+, unless the person is a parent or guardian of the minor.</p> <p>A minor who is 15 or older must not buy a film classified RC, X 18+ or R 18+ knowing that it is so classified.</p> <p>A person must not sell or deliver to a minor under 15 a film classified MA 15+, unless the person is a parent or guardian</p>

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				of the minor.
			29	A person must not sell or deliver to a minor a publication classified Category 1 restricted or Category 2 restricted, unless the person is a parent or guardian of the minor.
			36	A minor who is 10 or older must not buy a computer game classified RC, knowing that it is so classified.
			37	A person must not demonstrate a computer game classified MA 15+ in a public place unless the determined markings are exhibited before the computer game can be played; and entry to the place is restricted to adults or minors who are in the care of a parent or guardian while in the public place.
			39	A person must not demonstrate in a place, other than a public place, in the presence of a minor a computer game classified RC or an unclassified computer game which would, if classified, be classified RC. It is a defence, inter alia, that the parent or guardian of the minor consented to the minor being present at the demonstration of the computer game.
			42	<p>A person must not sell or deliver to a minor a computer game classified RC or an unclassified computer game which would, if classified, be classified RC.</p> <p>A person must not sell or deliver to a minor who is under 15 a computer game classified MA 15+, unless the person is a parent or guardian of the minor.</p>
			58	A person must not use an on-line information service to knowingly publish or transmit, or make available for

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				transmission, to a minor material unsuitable for minors of any age, including minors under 15.
			77	The manager of a restricted publications area must not permit a minor to enter that area.
	<b>Education and Care Services National Law Act 2010</b>	VIC	4	Adopts the <i>Education and Care Services National Law</i> (Schedule 1).
			168 (National Law)	<p>The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that is:</p> <ul style="list-style-type: none"> <li>(a) based on an approved learning framework;</li> <li>(b) delivered in a manner that accords with that framework;</li> <li>(c) based on the developmental needs, interests and experiences of each child; and</li> <li>(d) designed to take into account individual differences of each child.</li> </ul> <p>Education and care services include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.</p>
	<b>Equal Opportunity</b>	VIC	6	Discrimination on the basis of age is prohibited.

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	<b>Act 2010</b>			
			26(3)	An employer may limit the offering of employment in relation to a dramatic or an artistic performance, entertainment, photographic or modelling work or any other employment, inter alia, to people of a particular age, sex or race, if it is necessary to do so for reasons of authenticity or credibility.
			39	An educational authority that operates an educational institution or program wholly or mainly for students of, inter alia, a particular age or age group, may exclude others not fitting in that category.
			43	An educational authority may select students for an educational program on the basis of an admission scheme that has a minimum qualifying age; or that imposes quotas in relation to students of different ages or age groups.
			72	A person may restrict participation in a competitive sporting activity, inter alia, to people of a specified age or age group.
			87	A person may provide benefits, including concessions, to another person based on age.
	<b>Graffiti Prevention Act 2007</b>	VIC	10	A person must not sell an aerosol paint container to a minor unless the minor produces to the person a letter or statutory declaration from the employer of the minor stating that the minor requires an aerosol paint container for the purposes of his or her employment.

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	<b>Racial and Religious Tolerance Act 2001</b>	VIC	4	<p>The objects of this Act are:</p> <p>(a) to promote the full and equal participation of every person in a society that values freedom of expression and is an open and multicultural democracy;</p> <p>(b) to maintain the right of all Victorians to engage in robust discussion of any matter of public interest or to engage in, or comment on, any form of artistic expression, discussion of religious issues or academic debate where such discussion, expression, debate or comment does not vilify or marginalise any person or class of persons;</p> <p>(c) to promote dispute resolution and resolve tensions between persons who (as a result of their ignorance of the attributes of others and the effect that their conduct may have on others) vilify others on the ground of race or religious belief or activity and those who are vilified.</p>
			19	A child, or their parent or another person, may bring a dispute to the Victorian Equal Opportunity and Human Rights Commission under the Act.



## 4. Queensland

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision	
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				43	An educational authority may select students for an education program on the basis of an admission scheme that has a minimum qualifying age.
				46, 49	A person may supply benefits and concessions on the basis of age with respect to a matter that is otherwise prohibited in relation to goods and services. A reference to a person who supplies goods or services does not include a not-for-profit association established for social, literary, cultural, political, sporting, athletic, recreational or community service.
				50	A person may require, as a term of supplying goods and services to a minor, that a minor be accompanied by an adult if there would be a reasonable risk that a minor may cause a disruption or endanger himself or herself or others if not accompanied by an adult.
				111	A person may restrict participation in a competitive sporting activity to people of a specified age or age group.
		<b>Classification of Computer Games and Images Act 1995</b>	QLD	10	A person must not demonstrate, or attempt to demonstrate, in a public place an MA 15+ computer game if a child under 15 years who is not accompanied by an adult is present.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			18	A person must not sell or deliver, or attempt to sell or deliver, an MA 15+ computer game to a child under 15 years unless the child is accompanied by an adult. It is also a defence if the child is employed by a person in a business of selling computer games and the delivery takes place in the course of employment.
			23	A person must not demonstrate, or attempt to demonstrate, an objectionable computer game in the presence of a child.
			28	A person must not obtain, or attempt to obtain, a minor to be in any way concerned in the making or production of an objectionable computer game.
	<b>Classification of Films Act 1991</b>	QLD	22	<p>A person must not exhibit, or attempt to exhibit, in a public place a film classified as an MA 15+ film if a minor who has reached 2 years but not 15 years and who is not accompanied by an adult is, or will be, present at any time during the exhibition of the film.</p> <p>A person must not exhibit, or attempt to exhibit, in a public place a film classified as an R 18+ film if a minor who has reached 2 years is, or will be, present at any time during the exhibition of the film.</p>
			23	<p>A person who has reached 18 years must not:</p> <p>(a) cause or permit, or attempt to cause or permit, a minor who has reached 2 years and is in his or her care, custody and control to attend; or</p> <p>(b) accompany and assist, or attempt to accompany and</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>assist, a minor who has reached 2 years to attend;</p> <p>the exhibition in a public place of a film classified as an R 18+ film or an objectionable film.</p> <p>['<b>Objectionable film</b>' is a film classified X 18+ or RC, unclassified film that would be classified as such.]</p>
			24	<p>A minor who has reached 15 years must not be present, or attempt to be present, at the exhibition, in a public place, of a film that is classified as an R 18+ film.</p>
			33	<p>A person must not sell or deliver, or attempt to sell or deliver, a film classified as:</p> <p>(a) an MA 15+ film - to a minor who has not reached 15 years unless the minor is accompanied by an adult; or</p> <p>(b) an R 18+ film - to a minor.</p>
			38	<p>A person must not exhibit, or attempt to exhibit, a film classified as an R 18+ film in a place that is not a public place in the presence of a minor without the consent of a parent or guardian of the minor.</p> <p>A person must not exhibit, or attempt to exhibit, an objectionable film in a place that is not a public place in the presence of a minor.</p>
			43	<p>A person must not procure, or attempt to procure, a minor to be in any way concerned in the making or production of an</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				objectionable film.
	<b>Classification of Publications Act 1991</b>	QLD	11B	The officer may, by gazette notice, make a ' <b>display order</b> ' prohibiting the display of a specified unrestricted publication for sale at any public place to which children have access, where necessary to protect children or families, unless certain conditions for the display are met.
			18	A person must not procure, or attempt to procure, a minor to be in any way concerned in the making or production of an RC publication or child abuse photograph.
	<b>Education and Care Services National Law (Queensland) Act 2011</b>	QLD	4	Adoption of the <i>Education and Care Services National Law</i> .
	<b>Education (General Provisions) Act 2006</b>	QLD	176	Each parent of a child who is of compulsory school age must ensure the child is enrolled at and attends a State school or non-State school for the educational program in which the child is enrolled, unless the parent has a reasonable excuse.  [A child is of ' <b>compulsory school age</b> ' if the child is at least 6 years and 6 months, and less than 16 years. However, a child is no longer of compulsory school age if the child has completed year 10.]
	<b>Youth Justice Regulation 2003</b>	QLD	30	A child detained in a detention centre has the right to make and receive telephone calls at all reasonable times.
			31	A child detained in a detention centre has the right to send

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				and receive letters and other mail.

## 5. South Australia

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				33	A minor who is 15 or older must not attend the exhibition in a public place of a film classified RC, X 18+ or R 18+, knowing that the film is so classified.
				34	<p>A person must not exhibit in a place, other than a public place, in the presence of a minor a film classified RC or X 18+.</p> <p>A person must not exhibit in a place, other than a public place, in the presence of a minor, a film classified R 18+ unless the person is a parent or guardian of the minor.</p>
				35	A person must not exhibit in a public place a film classified R 18+ if a minor is present during any part of the exhibition.
				36	A person must not exhibit in a public place a film classified MA 15+ if a minor under 15 is present during any part of the exhibition; and the minor is not accompanied by his or her parent or guardian.
				42	A person must not sell or deliver to a minor a film classified

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>RC or X 18+ or one that would be so classified.</p> <p>A person must not sell or deliver to a minor a film classified R 18+ unless the person is a parent or guardian of the minor.</p> <p>A minor who is 15 or older must not buy a film classified RC, X 18+ or R 18+, knowing that it is so classified.</p> <p>A person must not sell or deliver to a minor under 15 a film classified MA 15+ unless the person is a parent or guardian of the minor.</p>
			51	<p>A person must not sell or deliver to a minor a publication classified RC or Category 2 restricted.</p> <p>A person must not sell or deliver to a minor a publication classified Category 1 restricted unless the person is a parent or guardian of the minor.</p>
			56	<p>A minor who is 15 or older must not buy a computer game classified RC, knowing that it is so classified.</p>
			57	<p>A person must not demonstrate a computer game classified MA 15+ in a public place unless the determined markings are exhibited before the game can be played; and entry to the place is restricted to adults or minors who are in the care of a parent or guardian while in the public place.</p>
			59	<p>A person must not demonstrate in a place, other than a public place, in the presence of a minor an unclassified computer game that would, if classified, be classified RC; or a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				computer game classified RC.
			62	<p>A person must not sell or deliver to a minor a computer game classified RC or one that would be classified as such.</p> <p>A person must not sell or deliver to a minor who is under 15 a computer game classified MA 15+ unless the person is a parent or guardian of the minor.</p>
			75D, 75E	<p>A person must not, by means of an on-line service, make available or supply to another person any matter unsuitable for minors knowing that it is matter unsuitable for minors; or being reckless as to whether or not it is matter unsuitable for minors.</p> <p>A person is '<b>reckless</b>' as to whether matter is objectionable matter or matter unsuitable for minors if the person is aware of a substantial risk that the matter is objectionable matter or matter unsuitable for minors; and having regard to the circumstances known to the person, it is unjustifiable to take the risk.</p> <p>It is a defence where an approved restricted access system operated to limit access to the on-line service to the objectionable content, or where the defendant can prove it intended and took reasonable steps to ensure that such a system would so operate and any failure was not the result of the defendant's act or omission.</p>
	<b>Classification of Theatrical Performances Act</b>	SA	18(1)	If a child between the age of 2 and 18 years is in a theatre at any time when a restricted theatrical performance is taking place, or is about to take place, the promoter will be guilty of



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	1978			<p>an offence.</p> <p><b>['Restricted theatrical performance'</b> means a theatrical performance classified as a restricted theatrical performance by the Classification of Theatrical Performances Board.]</p>
			18(3)	<p>If child between the ages of 16 and 18 years is in a theatre at any time when a restricted theatrical performance is taking place, or is about to take place, the child will be guilty of an offence.</p>
			18(4)	<p>Any person who assists a child between the age of two and eighteen years to enter, or gain admission to a theatre in which a restricted theatrical performance is taking place, or is about to take place, will be guilty of an offence.</p>
	<b>Education Act 1972</b>	SA	75	<p>Subject to this Part, a child of compulsory school age must be enrolled at a primary school or secondary school (according to the educational attainments of the child).</p> <p><b>['Child of compulsory school age'</b> means a child of or above the age of 6 years but under the age of 16 years.]</p>
	<b>Education and Early Childhood Services (Registration and Standards) Act 2011</b>	SA	10	<p>Adopts the <i>Education and Care Services National Law</i> (Schedule 1).</p>
			168 (National Law)	<p>The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>service that is:</p> <ul style="list-style-type: none"> <li>(a) based on an approved learning framework;</li> <li>(b) delivered in a manner that accords with that framework;</li> <li>(c) based on the developmental needs, interests and experiences of each child; and</li> <li>(d) designed to take into account individual differences of each child.</li> </ul> <p>Education and care services include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.</p>
	<b>Equal Opportunity Act 1984</b>	SA	85A	A person discriminates against another on the ground of age if the he/she treats the aggrieved person unfavourably because of the person's age or a characteristic relating to that age group.
			85I	It is unlawful for a person to discriminate against a person on the ground of age by refusing or failing to accept an application for admission as a student or in the terms or conditions of acceptance.
			85K	It is unlawful for a person who offers goods or services to which the Act applies to discriminate against a person on the ground of age by refusing or failing to provide the goods or services, or in the terms and conditions of providing those goods or services. This does not apply to concession prices

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				e.g. fares.
			85Q	It is not unlawful to exclude persons of particular age groups from participation in a competitive sporting activity.
	<b>Graffiti Control Act 2001</b>	SA	5	A person must not sell a can of spray paint to a minor.
	<b>Public Corporations (Australian Children's Performing Arts Company) Regulations 2001</b>	SA	13	<p>The Australian Children's Performing Arts Company is established as a children's performing arts company to produce, present, facilitate, manage and promote high quality performing arts productions and other arts activities for children, young people, families, schools and other groups or bodies, both within the State and nationally and internationally, including to:</p> <p>(a) produce, present, manage, promote or conduct performances and entertainment of any kind as may in its opinion tend to promote artistic performance for children, young people and their families; and</p> <p>(b) promote or commission the writing of plays or dramas, the scoring and writing of operas and other musical performances, the scoring, writing and choreography of dance, and other works for performance; and</p> <p>(c) promote the training of all persons concerned in the production, presentation or performance of artistic performances or presentations; and</p> <p>(d) assist financially or otherwise in the production, presentation, management, promotion or conduct of</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>performances for children, young people and their families; and</p> <p>(e) promote public interest and participation in performance for children, young people and their families; and</p> <p>(f) establish and maintain a collection of objects of public interest relating to the past and present practice of the performing arts for children and young people and, for that purpose, purchase, hire, accept by way of gift or loan, or otherwise acquire any such objects; and</p> <p>(g) establish and conduct schools, courses, lectures, seminars and discussions on the art of performance...</p>

## 6. Western Australia

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 13:</b></p> <p>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (order public), or of public health or morals.</p>	<p><b>Children and Community Services Act 2004</b></p>	WA	103	<p>A person must not in any manner tattoo or brand any part of the body of a child unless the person has first obtained the written consent of a parent of the child to tattoo or brand the child in that manner and on that part of the child's body.</p>
			104A	<p>A person must not carry out body piercing on any of the following parts of the body of a child:</p> <p>(a) the genitals;</p> <p>(b) the anal area;</p> <p>(c) the perineum;</p> <p>(d) the nipples.</p> <p>It is no defence that the child or his/her parent gave their consent.</p> <p>Piercing is permissible on any other part of a child's body with written parental consent. A child over the age of 16 years does not require parental consent to get his/her ears pierced.</p>
	<p><b>Classification (Publications, Films and Computer Games)</b></p>		WA	65D

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	<b>Enforcement Act 1996</b>			classified Category 1 restricted, unless the person is the minor's parent or guardian.  A minor who is aged 15 years or older must not buy a publication classified Category 1 or 2 restricted, knowing that it is so classified.
			69(3)	A person must not exhibit in a place that is not a public place, in the presence of a minor, a film classified X 18+ (or one that would be classified as such).
			70(3)	A person must not exhibit in a place that is not a public place a film classified R 18+ (or one that would be classified as such) in the presence of a minor unless the person is the minor's parent or guardian.
			71(1)	Any adult who knows that a film classified RC, X 18+ or R 18+ is to be exhibited in a public place must not permit a minor to attend that exhibition.
			71(2)	A minor who is 15 years of age or older must not attend the exhibition in a public place of a film classified RC, X 18+ or R 18+, knowing that the film is so classified.
			71(3)	A person must not exhibit in a public place a film classified R 18+ if a minor is present during any part of the exhibition.
			72	A person must not exhibit in a public place a film classified MA 15+ if a minor under 15 years of age is present during any part of the exhibition and the minor is not accompanied by his/her parent or guardian.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			79(1)	A person must not sell or supply to a minor a film classified R 18+, unless the person is a parent or guardian of the minor.
			79(3)	A minor who is 15 years of age or older must not buy a film classified RC, X 18+ or R 18+ knowing that it is so classified.
			79(4)	A person must not sell or supply to a minor under 15 years of age a film classified MA 15+ unless the person is a parent or guardian of the minor.
			79(6)	A person must not supply to a minor a film classified X 18+ or RC or an unclassified film which would, if classified, be classified X 18+ or RC.
			84	A minor who is 15 years of age or older must not buy a computer game classified RC, knowing that it is so classified.
			85	A person must not demonstrate in a place that is not a public place, in the presence of a minor under 15 years of age, a computer game classified MA 15+ (or that would be classified as such), unless the person is the minor's parent or guardian.
			88(1)	A person must not sell or supply to a minor who is under 15 years of age a computer game classified MA 15+ unless the person is a parent or guardian of the minor.
			88(3)	A person must not supply to a minor a computer game classified RC or an unclassified computer game which would, if classified, be classified RC.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			102	A person must not use a computer service to transmit or make available restricted material to a minor.
	<b>Education and Care Services National Law (WA) Act 2012</b>	WA	4	Adopts the <i>Education and Care Services National Law</i> (Schedule).
			168 (National Law)	<p>The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that is:</p> <ul style="list-style-type: none"> <li>(a) based on an approved learning framework;</li> <li>(b) delivered in a manner that accords with that framework;</li> <li>(c) based on the developmental needs, interests and experiences of each child; and</li> <li>(d) designed to take into account individual differences of each child.</li> </ul> <p>Education and care services include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.</p>
	<b>Education and Care Services National Regulations 2012</b>	WA	155	An approved provider must ensure that the education and care service provides education and care in such a way that (inter alia) encourages children to express themselves and their opinions; maintains at all times the dignity and rights of each child; and gives each child positive guidance and



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				encouragement toward acceptable behaviour.
	<b>Equal Opportunity Act 1984</b>	WA	66V	A person discriminates against another on the ground of age if the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who is not of that age.
			66ZJ	It is unlawful for a person to discriminate against another person on the ground of the other person's age by excluding that person from a sporting activity, except where it is a competitive sporting activity and competition is only conducted between persons of a particular age.
	<b>School Education Act 1999</b>	WA	9	A child is to be enrolled in an educational programme for each year of the compulsory education period for that child. A parent must ensure this occurs.  [' <b>Compulsory education period</b> '] has a different meaning for different time periods. For example, from 1 January 2008 until 31 December 2013, the compulsory education period is from the beginning of the year in which the child reaches the age of 6 years and 6 months; and until the first of the end of the year in which the child reaches the age of 17; or the child satisfies the minimum requirements for graduation.
	<b>Young Offenders Act 1994</b>	WA	191	A person who holds or attempts to hold any communication with a detainee when not authorised by the chief executive officer or the person in charge of the detention centre to do so commits an offence.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				[' <b>Detainee</b> ' means a person who is detained in a detention centre.]
	<b>Young Offenders Regulations 1995</b>	WA	46A, 46B	A privilege may be extended to a detainee at the discretion of an authorised officer.  <b>'Privileges'</b> may include access to the canteen; recreation and sporting facilities; a television set, radio, cassette player, compact disc player or computer game; musical instruments; the library for recreational purposes.

## 7. Northern Territory

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 13:</b></p> <p>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (order public), or of public health or morals.</p>	<p><b>Anti-Discrimination Act 1992</b></p>	<p>NT</p>	<p>19, 28</p>	<p>Subject to the exemptions, it is unlawful for a person to discriminate against another person on the grounds of age.</p> <p>This includes in relation to education, work, accommodation, goods, services and activities, clubs and insurance and superannuation.</p>
			<p>41</p>	<p>A person who supplies goods, services or facilities (whether or not for reward or profit) shall not discriminate against another person:</p> <p>(a) by failing or refusing to supply the goods, services or facilities; or</p> <p>(b) in the terms and conditions on which the goods, services or facilities are supplied; or</p> <p>(c) in the way in which the goods, services or facilities are supplied; or</p> <p>(d) by treating the other person less favourably in any way in connection with the supply of the goods, services or facilities.</p> <p>This provision does not apply to not-for-profit associations established for social, literary, cultural, political, sporting, athletic, recreational or community service purposes or other similar lawful purposes.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			Part 4, various	Exceptions apply to age discrimination, e.g. to impose a standard age for commencement of work (section 36), to allow for the supply of benefits and concessions on the basis of age (section 44) and to require an adult to accompany a child (section 45).
			56	A person may also restrict participation in a competitive sporting activity to people of a specified age or age group.
		NT	9(1)	Each child is a valued member of society and is entitled to be treated in a way that respects the child's dignity and privacy.
		NT	65(1)	Interactions between carers and children must be conducted in a way that ensures that (inter alia) the dignity and rights of each child are protected; each child is encouraged to express opinions; each child is given guidance about positive and responsible behaviour; and that, regardless of the physical, mental or language ability, gender, religion, culture, family structure or economic status of a child, the child is treated without bias and encouraged to fully participate (with necessary help and support) in the educational and recreational programs of the service.
			66	<p>The educational and recreational programs of a children's service must be appropriate to the individual learning and developmental needs of each child.</p> <p>Each child at the service must have access to adequate furniture, materials and equipment suitable for the stage of development of the child and the educational or recreational programs provided by the service.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			68	The service must provide a program of activities that balances indoor and outdoor activities, facilitates each child's social, physical, emotional, cognitive, language and creative development, is capable of engaging the interest of children, and allows children to independently select experiences.
	<b>Classification Of Publications, Films And Computer Games Act 1985</b>	NT	40	A parent or guardian of a child must not permit the child to attend the exhibition in a public place of a film classified RC, X 18+ or R 18+ (or would, if classified, be classified as such).
			41	A child who is at least 15 years of age must not attend the exhibition in a public place of a film classified RC, X 18+ or R 18+.
			42	A person must not exhibit in a private place a film classified RC, X 18+ or R 18+ (or an unclassified one which would be so classified) if a child is present during any part of the exhibition.
			43	A person must not exhibit in a public place a film classified R 18+ if a child is present during any part of the exhibition.
			44	A person must not exhibit in a public place a film classified MA 15+ if a child under 15 years of age is present during any part of the exhibition, and the child is not accompanied by a parent or guardian.
			50(1), (3)	A person must not sell or deliver a film to a child which is classified RC, X 18+ or R 18+ (or which would be classified as such), unless the child is over 15 years of age and the person who sells or delivers the film to the child is that child's

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				parent or guardian.
			50(5)	A child commits an offence if the child is at least 15 years of age and the child buys a film classified RC, X 18+ or R 18+, knowing that it is so classified.
			50(6), (8)	A person must not sell or deliver to a child under 15 years of age a film classified MA 15+ (or which would be classified as such), unless the person who sells or delivers the film to the child is that child's parent or guardian.
			60	A person must not sell or deliver to a child a publication classified Category 1 restricted or Category 2 restricted.
			65(3)	A child who is at least 15 years of age must not buy a computer game classified RC, knowing that it is so classified.
			66	A person must not demonstrate a computer game classified MA 15+ in a public place unless the determined markings relevant to the game's classification are first exhibition and entry into the place is restricted to adults or children accompanied by a parent or guardian.
			68	A person must not demonstrate in a private place a game classified RC (or would be classified as such) if a child is present during any part of the demonstration.
			71(1)	A person must not sell or deliver a computer game to a child if the game is classified RC (or would be classified as such).
			71(3), (5)	A person must not sell or deliver a computer game classified MA 15+ to a child under 15 years of age, unless the person is

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				a parent or guardian of the child.
			78	A person must not use a computer service to transmit or make restricted material available to a child.
			105	<p>A person must not employ a child in a restricted publications area.</p> <p>The manager of a restricted publications area must not allow a child to enter the area.</p>
	<b>Education Act</b>	NT	20	Compulsory school-age is of or above the age of 6 years and below the minimum school leaving age (the first of completion of Year 10 secondary education or the age of 17 years).
	<b>Education And Care Services (National Uniform Legislation) Act 2011</b>	NT	168 (National Law)	<p>The approved provider and nominated supervisor of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that is:</p> <ul style="list-style-type: none"> <li>(a) based on an approved learning framework;</li> <li>(b) delivered in a manner that accords with that framework;</li> <li>(c) based on the developmental needs, interests and experiences of each child; and</li> <li>(d) designed to take into account individual differences of each child.</li> </ul> <p>Education and care services include long day care services,</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.
	<b>Youth Justice Act 2005</b>	NT	198	A person must not, without the permission of the superintendent of a detention centre, communicate or attempt to communicate with a detainee in that detention centre.
	<b>Youth Justice Regulations 2006</b>	NT	69	<p>The Superintendent of a detention centre must maintain a comprehensive case management system to assess each detainee's needs in relation to education, vocational training and rehabilitation.</p> <p>The Superintendent must ensure an appropriate programme of productive activities that addresses the identified needs of the detainee is available to each detainee.</p>



## 8. Tasmania

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 13:</b></p> <p>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p>	<b>Anti-Discrimination Act 1998</b>	TAS	16 and 22	A person must not discriminate on the basis of age, including in relation to education and training, provision of facilities, goods and services, and membership and activities of clubs.
			Part 5, Division 3	Exceptions apply to age discrimination where, e.g. a law is designed to protect the welfare of minors (section 49ZYQ), to promote access to facilities, services or opportunities for a particular age or age group, including to meet special needs (section 49ZYR) or to exclude certain age groups from participation in a sporting activity (section 49ZYW).
	<b>Classification (Publications, Films and Computer Games) Enforcement Act 1995</b>	TAS	14	Category 1 restricted publications must not be sold or delivered to a minor, other than by a parent of that minor.
			15	Category 2 restricted publications must not be sold, delivered or exhibited to a minor, other than by a parent of that minor.
			16(2)	A person must not sell a publication classified category 2 restricted to another person knowing or having reason to believe that that other person intends to deliver or exhibit the publication to a minor; and is not the minor's parent.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			18	A person must not exhibit a publication classified RC to a minor.
			25, 26	A person must not exhibit a film privately in the presence of a minor if the film is classified (or would be reasonably likely to be classified as) RC, X 18+ or R 18+.
			28	A person must not exhibit a film in a public place in the presence of a minor if the film is classified R 18+.
			29	A person who is the parent of a minor must not allow that minor to attend the exhibition of a film knowing that the film is classified or would be reasonably likely to be classified as R 18+.
			30	A minor who is 15 or older must not attend the exhibition in a public place of a film classified R 18+ knowing that the film is so classified.
			31	A person must not exhibit in a public place a film classified MA 15+ if a minor under 15 is present; and the minor is not accompanied by the minor's parent.
			36	A person must not sell, deliver, or cause or permit to be sold or delivered, a film classified RC or X 18+. Harsher penalties apply where the sale or delivery is to a minor.
			37	A person must not sell or deliver a film classified R 18+ to a minor if the person is not the minor's parent.
			38	A person must not sell or deliver a film classified MA 15+ to

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				a minor under 15 if the person is not the minor's parent.
			39	A minor who is 15 or older must not buy a film classified R 18+ knowing that it is so classified.
			52	A person must not sell or deliver a computer game classified RC; or one that would be reasonably likely to be classified as such. Harsher penalties apply where the sale or delivery is to a minor.
			53	A person must not demonstrate in a public place a computer game classified RC or MA 15+, or one that would be reasonably likely to be classified as such.
			54	A person must not demonstrate a computer game privately in the presence of a minor if the game is classified RC or would be reasonably likely to be classified as such.
			55	A person must not sell or deliver a computer game classified MA 15+ to a minor under 15 if the person is not the parent of the minor.
	<b>Education Act 1994</b>	TAS	4(1)	Unless exempted or excluded, a child who is at least 5 years of age as at 1 January in any year must be enrolled at a school or be provided with home education for that year and subsequent years until the child completes the school year during which he or she attains the age of 16 years.
	<b>Education and Care Services National Law (Application)</b>	TAS	4	Adoption of Education and Care Services National Law (Tasmania) (set out in the Schedule to the <i>Education and Care Services National Law Act 2010</i> of Victoria).

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	Act 2011			
	Youth Justice Act 1997	TAS	129	<p>A detainee is entitled, inter alia, to have his or her developmental needs catered for.</p> <p>[A '<b>detainee</b>' means a person who is being lawfully detained in a detention centre.]</p>

## 9. Australian Capital Territory

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 13:</b></p> <p>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.</p> <p>The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others; or</p> <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p>	<b>Children and Young People Act 2008</b>	ACT	175	So far as practicable, the director general must ensure that ' <b>young detainees</b> ' (as defined by the Act) can send and receive as much mail as they wish, except to the extent that such mail might revictimise a victim, undermine security, cause community distress or cause harm to the young detainee.
			176	Young detainees must have reasonable access to newspapers, radio and television broadcasts and other mass media (including the internet) for news and information, a library or library service and education or training designed to meet the young detainee's individual needs.
			877	It is an offence to tattoo a part of a child or young person's body without the agreement, in writing, from a person who has daily care responsibility, or long-term care responsibility, for the child or young person.
	<b>Classification (Publications, Films and Computer</b>	ACT	11	A parent or guardian of a minor must not permit the minor to attend the exhibition in a public place of a film classified RC, X 18+ or R 18+ (or an unclassified film that is subsequently

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	<b>Games) (Enforcement) Act 1995</b>			classified as such).
			12	Minors aged 15 years or older must not attend the exhibition in a public place of a film classified X 18+ or R 18+, knowing that the film is so classified.
			13	A person must not privately exhibit a film classified RC, X 18+ or R 18+ (or an unclassified film that is subsequently classified as such) where a child is present for any part of that exhibition. The section does not apply where the person is a parent or guardian.
			14	A person must not exhibit a film classified R 18+ in a public place where a child is present during any part of the exhibition.
			15	A person must not exhibit a film classified MA 15+ in a public place where a child under 15 years old is present during any part of the exhibition, and that child is not accompanied by a parent or guardian.
			23	<p>A person must not sell or deliver to a child a film classified RC, X 18+ or R 18+, or an unclassified film (which is subsequently classified as such).</p> <p>A person must not sell or deliver to a child under 15 years old a film classified MA 15+ or an unclassified film subsequently classified as such, except in certain specified circumstances including where the person is a parent or guardian.</p>

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			24	A child aged 15 years or older must not buy a film knowing it is classified X 18+ or R 18+.
			35	<p>A person must not sell or deliver or show to a minor a <b>'submittable publication'</b> or a publication classified RC.</p> <p>A person must not sell or deliver to a minor a publication classified Category 1 restricted or Category 2 restricted unless the person is a parent or guardian of the minor.</p>
			41	A person must not publicly demonstrate a computer game classified MA 15+ and either the determined markings are not exhibited before the computer game can be played or entry to the public place is not restricted to adults or children accompanied by a parent or guardian.
			43	A person must not privately demonstrate in the presence of a minor a computer game classified RC (or a similarly unclassified game). This section does not apply if the person is a parent or guardian.
			46	<p>A person must not sell or deliver to a minor a computer game classified RC (or an unclassified game that is subsequently classified as such).</p> <p>A person must not sell or deliver to a minor under 15 a computer game classified MA 15+ (or an unclassified game that is subsequently classified as such), unless the person is the minor's parent or guardian.</p>
			62	A person in charge of a restricted publications area must not

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				permit a minor to enter that area.
	<b>Discrimination Act 1991</b>	ACT	18	An educational authority may not discriminate against a person on the ground of age by refusing or failing to accept an application for admission of a student or in the terms or conditions on which it is prepared to admit the person as a student (except where the educational institution provides a level of training or education for students older than a particular age; sec 57E).
	<b>Education and Care Services National Law Act 2010</b>	ACT	168 (National Law)	<p>The approved provider of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that is:</p> <ul style="list-style-type: none"> <li>(a) based on an approved learning framework;</li> <li>(b) delivered in a manner that accords with that framework;</li> <li>(c) based on the developmental needs, interests and experiences of each child; and</li> <li>(d) designed to take into account individual differences of each child.</li> </ul> <p>Education and care services include long day care services, family day care services, outside school hours services and preschool programs including those delivered in schools, unless expressly excluded.</p>
<b>Education and Care Services National</b>	ACT	155	An approved provider must ensure that the education and care service provides education and care in such a way that (inter alia) encourages children to express themselves and	



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	<b>Regulations</b>			their opinions; maintains at all times the dignity and rights of each child; and gives each child positive guidance and encouragement toward acceptable behaviour.
	<b>Human Rights Act 2004</b>	ACT	16	<p>Everyone has the right to hold opinions without interference.</p> <p>Everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her.</p>