

# 1. Commonwealth

## CONVENTION ON THE RIGHTS OF THE CHILD (CRC): ARTICLE 27: 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial</p>	<p><b>A New Tax System (Family Assistance) Act 1999</b></p>	<p>Cth</p>		<p><b>Note:</b> Set out below are various parts of the Act relevant to tax benefiter/allowances that may be relevant to families with kids. The eligibility provisions are quite detailed and complex and many of the sections within the Act may be relevant if article 27 of the CRC is being considered.</p> <p>Part 3 - Eligibility for family assistance</p> <ul style="list-style-type: none"> <li>• Division 1A - Eligibility for schoolkids bonus</li> <li>• Division 2 - Eligibility for baby bonus</li> <li>• Division 4 - Eligibility for child care benefit</li> <li>• Division 5 - Eligibility for child care rebate</li> <li>• Division 6 - Eligibility for single income family supplement</li> </ul> <p>Part 5 - One-off payment to families</p> <p>Part 7 - Back to school bonus and single income family bonus</p>
	<p><b>Child Support (Assessment) Act 1989</b></p>	<p>Cth</p>	<p>Section 3 (Duty of parents to maintain their children)</p>	<p>The parents of a child have the primary duty to maintain the child. Without limiting the duty, the duty of a parent to maintain a child:</p> <p>1. is not of lower priority than the duty of the parent to</p>

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<p>responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>				<p>maintain any other child or another person; and</p> <p>2. has priority over all commitments of the parent other than commitments necessary to enable the parent to support himself or herself and any other child or another person that the parent has a duty to maintain.</p> <p>The duty is not affected by the duty of any other person to maintain the child or any entitlement of the child or another person to an income tested pension, allowance or benefit.</p>
			<p>Section 4 (Objects of Act)</p>	<p>The principal object of the Act is to ensure that children receive a proper level of financial support from their parents.</p> <p>Particular objects include ensuring:</p> <p>1. that the level of financial support to be provided by parents for their children is determined according to their capacity to provide financial support and, in particular, that parents with a like capacity to provide financial support for their children should provide like amounts of financial support.</p> <p>2. that the level of financial support to be provided by parents for their children should be determined in accordance with the costs of the children.</p> <p>3. that persons who provide ongoing daily care for children should be able to have the level of financial support to be provided for the children readily determined without the need to resort to court proceedings.</p>

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				<p>4. that children share in changes in the standard of living of both their parents, whether or not they are living with both or either of them.</p> <p>5. that Australia is in a position to give effect to its obligations under international agreements or arrangements relating to maintenance obligations arising from family relationship, parentage or marriage.</p>
			Section 5 (Interpretation - definitions)	<p>Section 5 sets out the following definitions:</p> <ol style="list-style-type: none"> <li>1. <b>child eligible for administrative assessment</b> means a child in relation to whom an application may, under section 24, be made to the Registrar for administrative assessment of child support.</li> <li>2. <b>child support</b> means financial support under this Act, including financial support under this Act by way of lump sum payment or by way of transfer or settlement of property.</li> <li>3. <b>child support agreement</b> has the meaning given by section 81.</li> <li>4. <b>child support case</b>, in relation to a child, is the administrative assessments for child support for all children who are children of both of the parents of the child.</li> <li>5. <b>child support income</b> has the meaning given by section 41.</li> <li>6. <b>child support percentage</b> has the meaning given by section 55D.</li> </ol>

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				<p>7. <b>child support period</b> has the meaning given by subsection 7A(1).</p> <p>8. <b>child support terminating event</b> has the meaning given by section 12.</p> <p>9. <b>child support year</b> means: the period starting on the commencing day and ending on the next 30 June or a subsequent financial year.</p> <p>10. <b>eligible child</b> has the meaning given by part 3 (children who may be covered by Act).</p> <p>11. <b>liable parent</b>, in relation to a child, means:</p> <p>(a) in the case of an administrative assessment - a parent by whom child support is payable for the child under the administrative assessment; and</p> <p>(b) in the case of a child support agreement - has the meaning given by subsection 93(1).</p> <p>12. <b>parent</b>:</p> <p>(a) when used in relation to a child who has been adopted - means an adoptive parent of the child; and</p> <p>(b) when used in relation to a child born because of the carrying out of an artificial conception procedure - means a person who is a parent of the child under section 60H of the Family Law Act 1975; and</p> <p>13. <b>reduced care of a child</b> has the meaning given by</p>

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				<p>section 54.</p> <p>14. <b>regular care</b> has the meaning given by subsection (2).</p> <p>15. <b>relevant dependent child</b>, in relation to a parent, means a child or step-child of the parent, but only if:</p> <p>(a) the parent has at least shared care of the child or step-child during the relevant care period; and</p> <p>(b) either the child or step-child is under 18 or if the child or step-child is not under 18 - a child support terminating event has not happened under section 151D(1) in relation to the child; and</p> <p>(c) the child or step-child is not a member of a couple;</p> <p>in the case of a step-child: an order is in force under section 66M of the Family Law Act 1975 in relation to the parent and the step-child or the parent has the duty, under section 124 of the Family Court Act 1997 of Western Australia, of maintaining the step-child; and</p> <p>(d) in the case of a child - the parent is not assessed in respect of the costs of the child (except for the purposes of step 4 of the method statement in section 46).</p> <p>16. <b>relevant dependent child</b>, in relation to a parent, means a child or step-child of the parent, but only if:</p> <p>(a) the parent has at least shared care of the child or step-child during the relevant care period; and</p>

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				<p>(b) either the child or step-child is under 18 or if the child or step-child is not under 18 - a child support terminating event has not happened under subsection 151D(1) in relation to the child; and</p> <p>(c) the child or step-child is not a member of a couple;</p> <p>(d) in the case of a step-child: an order is in force under section 66M of the Family Law Act 1975 in relation to the parent and the step-child or the parent has the duty, under section 124 of the Family Court Act 1997 of Western Australia, of maintaining the step-child; and</p> <p>(e) in the case of a child - the parent is not assessed in respect of the costs of the child (except for the purposes of step 4 of the method statement in section 46).</p> <p>17. <b>relevant dependent child amount</b> has the meaning given by section 46.</p> <p><b>Definitions of regular care and shared care</b></p> <p>A person has <b>regular care</b> of a child if the person's percentage of care for the child during a care period is at least 14% but less than 35%.</p> <p>A person has <b>shared care</b> of a child if the person's percentage of care for the child during a care period is at least 35% but not more than 65%.</p>
			Section 7A (Meaning of	<b>What is a child support period?</b>

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			child support period)	<p>A child support period is a period that:</p> <ol style="list-style-type: none"> <li>1. starts at a time described in the '<b>When does a child support period start</b>' section; and</li> <li>2. ends at the time described in the '<b>End of the child support period</b>' section that occurs soonest after the start of the period.</li> </ol> <p><b>When does a child support period start?</b></p> <p>Each of the following times is the start of a child support period:</p> <ol style="list-style-type: none"> <li>1. the beginning of the day on which an application for an administrative assessment of the child support payable for a child is properly made under part 4;</li> <li>2. the beginning of the day mentioned in paragraph 93(1)(g) (child support payable under a child support agreement accepted by Registrar);</li> <li>3. the start of the first day for which a child support agreement described in section 34B is to affect the rate of child support payable for a child;</li> <li>4. immediately after the end of the preceding child support period that relates to child support payable for the child (whether it was a period starting as described in paragraph (a), (b) or (c) or this paragraph).</li> </ol> <p><b>End of the child support period</b></p>

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				<p>The child support period ends at whichever of the following times occurs soonest after the start of the period:</p> <ol style="list-style-type: none"> <li>1. the time 15 months after the period started;</li> <li>2. the end of the calendar month during which the Registrar makes an assessment relating to the annual rate of child support payable for the child as required by section 34A (assessment when new tax figure is available);</li> <li>3. the time immediately before the day mentioned in paragraph 93(1)(g) (child support payable under a child support agreement accepted by Registrar); and</li> <li>4. the end of the day immediately before the first day for which a child support agreement described in section 34B is to affect the rate of child support payable for the child.</li> </ol> <p><b>Note:</b> Useful examples are set out in section 7 of the Act and should be referred to when considering the child support period in a given case</p>
			Section 7B (Meaning of eligible carer)	<p>In this Act, <b>eligible carer</b>, in relation to a child, means a person who has at least shared care of the child.</p> <p>However, if a person cares for a child and the person is neither a parent nor a legal guardian of the child and a parent or legal guardian of the child has indicated that he or she does not consent to the person caring for the child, then the person is not an eligible carer in relation to the child unless it would be unreasonable in the circumstances for a parent or legal</p>



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				guardian of the child to care for the child.
			Section 12 (Interpretation - happening of child support terminating events)	<p>A child support terminating event happens in relation to a child if:</p> <ol style="list-style-type: none"> <li>1. the child dies;</li> <li>2. the child ceases to be an eligible child under regulations made under section 22(1);</li> <li>3. the child turns 18;</li> <li>4. the child is adopted;</li> <li>5. the child becomes a member of a couple; or</li> <li>6. none of the following paragraphs applies any longer in relation to the child: <ol style="list-style-type: none"> <li>(a) the child is present in Australia;</li> <li>(b) the child is an Australian citizen; or</li> <li>(c) the child is ordinarily resident in Australia;</li> </ol> </li> <li>7. the circumstances described in subsection 30AA(1) of the Registration and Collection Act apply in relation to the child;</li> <li>8. both of the parents of the child are not eligible carers of the child; and</li> <li>9. there are no non-parent carers entitled to be paid child</li> </ol>

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				<p>support in relation to the child.</p> <p>A child support terminating event happens in relation to a person who is a carer entitled to child support in relation to a child if the person dies.</p> <p><b>Note:</b> Other terminating events are listed in section 12 and should be referred to.</p>
			<p>Part 3 - (Children who may be covered by Act)</p>	<p>Part 3 lists a number of sections that apply to determine which children are covered by the Act:</p> <ol style="list-style-type: none"> <li>1. <b>Section 18 - Act applies only in relation to eligible children:</b> This Act applies only in relation to children who are eligible children.</li> <li>2. <b>Section 19 - Children born on or after commencing day are eligible children:</b> A child born on or after the commencing day is an eligible child.</li> <li>3. <b>Section 20 - Children of parents who separate on or after commencing day are eligible children:</b> Where the parents of a child born before the commencing day have cohabited and the parents separate on or after the commencing day, the child is an eligible child.</li> <li>4. <b>Section 21 - Children with a brother or sister who is an eligible child are eligible children:</b> Where a child would, apart from this section, not be an eligible child and another child is born to the parents of the first-mentioned child on or after the commencing day, the first-mentioned child is an</li> </ol>

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				<p>eligible child.</p> <p><b>5. Section 22 - Exclusion of certain children from coverage of Act:</b> The regulations may provide that children who are under the care (however described) of a person under a child welfare law are not eligible children and sections 19, 20 and 21 have effect subject to any such regulations.</p>
			<p>Part 4 - (Applications to registrar for administrative assessment of child support)</p>	<p><b>6. Section 24 - Children in relation to whom applications may be made</b></p> <p>An application may be made for assessment of child support for a child only if the child is:</p> <ol style="list-style-type: none"> <li>1. an eligible child; and</li> <li>2. under 18 years of age; and</li> <li>3. not a member of a couple.</li> </ol> <p>Additionally, the child must either:</p> <ol style="list-style-type: none"> <li>1. be present in Australia on the day on which the application is made; or</li> <li>2. be an Australian citizen, or ordinarily resident in Australia, on that day.</li> </ol> <p><b>Note:</b> Section 24(2) has exceptions that may apply, depending on the circumstances and should be referred to.</p>
			<p>Part 5 (Administrative</p>	<p>The following is the simplified outline of part 5 of the Act</p>

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			assessment of child support)	<p>(section 35A of the Act):</p> <ol style="list-style-type: none"> <li>1. Part 5 includes the formulas used for assessing the annual rate of child support payable by a parent for a child for a day in a child support period (other than in cases where that rate is worked out in accordance with a child support agreement, a Registrar’s determination under Part 6A or a court order).</li> <li>2. The costs of the children table published by the secretary each year (based on the table in schedule 1 to this Act) sets out the costs to parents of raising children in various age ranges.</li> <li>3. Those costs are to be met by both parents (by paying child support or by caring for their children) according to each parent’s capacity to meet the costs.</li> <li>4. To determine each parent’s capacity to meet those costs, the parents are assessed in respect of the costs of the child.</li> <li>5. Generally, both parents’ income is taken into account in determining each parent’s capacity to meet the costs of their children.</li> <li>6. The formulas also allow child support payable to non-parent carers of children to be worked out.</li> </ol> <p>The specific divisions are:</p> <ol style="list-style-type: none"> <li>1. Division 2 - the formulas</li> <li>2. Division 3 - child support income</li> </ol>

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				<p>3. Division 4 - percentage of care</p> <p>4. Division 5 - working out other elements for the formulas</p> <p>5. Division 6 - the costs of the child</p> <p>6. Division 7 - assessments and estimates of adjusted taxable income</p> <p>7. Division 8 - provisions relating to the making of assessments</p> <p>8. Division 9 - liability to pay child support as assessed</p>
			Schedule 1 - (The costs of the children Table)	<p>The costs of the children table sets out the costs to parents of raising children in various age ranges</p> <p><b>Note:</b> Schedule 1 has simply been referred to here, not replicated, as the schedule is set out in a tabulated format and therefore, it is best viewed by looking at the schedule in the Act</p>
	<b>Child Support (Registration and Collection) Act 1988</b>	Cth	Section 3 (Objects of Act)	<p>The principal objects of this Act are to ensure:</p> <ol style="list-style-type: none"> <li>1. that children receive from their parents the financial support that the parents are liable to provide; and</li> <li>2. that periodic amounts payable by parents towards the maintenance of their children are paid on a regular and timely basis; and</li> <li>3. that Australia is in a position to give effect to its obligations under international agreements or arrangements</li> </ol>

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				relating to maintenance obligations arising from family relationship, parentage or marriage.	
			Section 24A (Registrar to register liability in Child Support Register on making of child support assessment)	Where the Registrar makes a child support assessment under which a registrable maintenance liability arises, the Registrar must immediately register the liability under this Act by entering particulars of the liability in the Child Support Register.	
			Section 25A (Inclusion of certain liabilities in the Child Support Register)	A payee may apply to the Registrar for entry, in the Child Support Register, of the particulars of an overseas maintenance liability that is not a registrable overseas maintenance liability.	
	<b>Social Security Act 1991</b>		Cth	Section 10B(2) (Family actual means test definitions)	<b>AIC scheme</b> means the Commonwealth scheme known as the Assistance for Isolated Children Scheme.
				Part 2.5 (Carer payment)  Section 197A (Overview - circumstances in which person is qualified for	Section 197 lists the various sections that set out the circumstances in which a person is qualified for a carer payment. Most of the sections relate to children and may be relevant if article 27 of the CRC is being considered:  1. section 197B (child with a severe disability or severe medical condition)  2. section 197C (2 or more children each with a disability or

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			carer payment)	<p>medical condition)</p> <p>3. section 197D (disabled adult and one or more children each with a disability or medical condition)</p> <p>4. section 197E (child who has a terminal condition)</p> <p>5. section 197F (exchanged care of children)</p> <p>6. section 197G (short term or episodic care of children)</p> <p>7. section 197H (extension of short term or episodic care of children)</p> <p>8. section 198 (disabled adult, or disabled adult and dependent child)</p> <p>9. section 198AA (hospitalisation)</p>
			Section 6 (Double orphan pension definitions)	<b>double orphan</b> means a young person who is a double orphan in accordance with section 993 or 994.
			Part 2.20 (Double orphan pension)  Section 999 (Qualification for double orphan pension)	<p><b>Note:</b> Part 220 sets out the provisions relevant to the double orphan pension (which is a pension for people who are raising children who have lost both parents). Many of the sections within the part may be relevant if article 27 of the CRC is being considered.</p> <p>Section 999 merely sets out the qualification section: A person is qualified for a double orphan pension for a young</p>

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				<p>person if:</p> <ol style="list-style-type: none"> <li>1. the young person is an FTB child of the person, or would be an FTB child of the person except that the young person, or someone on behalf of the young person, is receiving payments under a prescribed educational scheme; and</li> <li>2. the person is eligible for family tax benefit, or would be so eligible except that: <ol style="list-style-type: none"> <li>(a) the young person is not an FTB child of the person, but only because of the receipt of the payments referred to in paragraph (a); or</li> <li>(b) the person's rate of family tax benefit, worked out under Division 1 of Part 4 of the Family Assistance Act, is nil; and</li> <li>(c) on the day on which the person claims the double orphan pension, the young person is a double orphan; and</li> <li>(d) either: the young person continues to be a double orphan or if the young person is no longer a double orphan, the person has not become aware that the young person is no longer a double orphan.</li> </ol> </li> </ol>
			<p>Part 2.10 (Parenting payment)</p> <p>Section 500 (Qualification for parenting)</p>	<p><b>Note:</b> Part 2.10 sets out the provisions relevant to the parenting payment (which is a payment for parents or guardians to help with the cost of raising children). Many of the sections within the part may be relevant if article 27 of the CRC is being considered.</p> <p>The qualification section is set out below.</p>



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			payment)	<p>A person is qualified for parenting payment if:</p> <ol style="list-style-type: none"> <li>1. the person has at least one PP child (see sections 500D and 500F to 500H); and</li> <li>2. the person is an Australian resident; and</li> <li>3. in a case where the person is not a member of a couple and does not have at least one PP child who has not turned 6 - the person meets any participation requirements that apply to the person under section 500A; and</li> <li>4. in a case where the person is in a class of persons specified by legislative instrument under subsection (2) - the person meets any participation requirements that apply to the person under section 500A; and</li> <li>5. at least one of the following conditions is satisfied: <ol style="list-style-type: none"> <li>(a) the person is not a member of a couple and the person was not a lone parent at the start of the person's current period as an Australian resident;</li> <li>(b) the person has, at any time, been in Australia for a period of, or periods adding up to, at least 104 weeks during a continuous period throughout which the person was an Australian resident;</li> <li>(c) the person has a qualifying residence exemption for parenting payment.</li> </ol> </li> </ol> <p><b>Note 1:</b> For <b>Australian resident</b> and <b>qualifying residence</b></p>

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				<p><b>exemption</b> see section 7.</p> <p><b>Note 2:</b> If a person is claiming parenting payment under a scheduled international social security agreement, the requirements of this subsection could be modified by section 10 of the Social Security (International Agreements) Act 1999.</p> <p><b>Note 3:</b> For lone parent and current period as an Australian resident see subsection 23(1).</p>
			<p>Part 2.11 (Youth allowance)</p> <p>Section 540 (Qualification for youth allowance - general rule)</p>	<p><b>Note:</b> Part 2.11 sets out the provisions relevant to youth allowance (which is a payment for full-time students or New Apprentices aged 15 (under some circumstances)). Many of the sections within the part may be relevant if article 27 of the CRC is being considered.</p> <p>The qualification section is set out below:</p> <p>A person is qualified for a youth allowance in respect of a period if:</p> <p>1. either of the following applies:</p> <p>(a) throughout the period the person satisfies the activity test (see Subdivision B) or is not required to satisfy the activity test (see Subdivision C);</p> <p>(b) the person is a CDEP Scheme participant (see section 1188B) in respect of the period;</p> <p>(c) throughout the period the person is of youth allowance</p>

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				<p>age (see Subdivision D); and</p> <p>(d) throughout the period the person satisfies any requirements relating to Youth Allowance Employment Pathway Plans that apply to the person under Subdivision E; and</p> <p>(e) throughout the period, the person:</p> <p>(i) is an Australian resident; or</p> <p>(ii) is exempt from the residence requirement within the meaning of subsection 7(7).</p> <p><b>Note 1:</b> Subdivision G provides for prospective qualification for youth allowance.</p> <p><b>Note 2:</b> Division 2 sets out situations in which youth allowance is not payable even if the person qualifies for it.</p>

## 2. New South Wales

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<p><b>ARTICLE 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial</p>	<p><b>Children and Young Persons (Care and Protection) Act 1998 No 157</b></p>	<p>NSW</p>	<p>Section 8 (What are the objects of this Act?)</p>	<p>The objects of this Act are to provide:</p> <p>1. that children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, having regard to the capacity of their parents or other persons responsible for them, and</p> <p>2. that all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that foster their health, developmental needs, spirituality, self-respect and dignity, and</p> <p>3. that appropriate assistance is rendered to parents and other persons responsible for children and young persons in the performance of their child-rearing responsibilities in order to promote a safe and nurturing environment.</p>
			<p>Section 20 (Request for assistance by child or young person)</p>	<p>A child or young person may seek assistance from the Director-General.</p>
			<p>Section 21 (Request for assistance by</p>	<p>A parent of a child or young person may seek assistance from the Director-General in order to obtain services that will enable the child or young person to remain in, or return to,</p>

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<p>responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>			<p>parent of child or young person or by funded non-government agency)</p>	<p>the care of his or her family.</p> <p>Without limiting the above section, a non-government agency in receipt of government funding may, on behalf of a child or young person in respect of whom the agency provides services in accordance with the agreement under which it receives that funding, seek assistance from the Director-General in order to obtain other services for the child or young person.</p> <p><b>Note:</b> Under section 113, a parent, child or young person, or any other person may also ask the Director-General for assistance:</p> <p>(a) if there is a serious or persistent conflict between the parents and the child or young person of such a nature that the safety, welfare or well-being of the child or young person is in jeopardy, or</p> <p>(b) if the parents are unable to provide adequate supervision for the child or young person to such an extent that the safety, welfare or well-being of the child or young person is in jeopardy.</p> <p>Requests for assistance in these circumstances are dealt with in accordance with Part 1 of Chapter 7.</p>
			<p>Part 2 (Reports)  Section 23 (Child or young</p>	<p>For the purposes of this part, a child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or</p>

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			person at risk of significant harm)	<p>more of the following circumstances:</p> <ol style="list-style-type: none"> <li>1. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,</li> <li>2. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,</li> <li>3. in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,</li> <li>4. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</li> </ol> <p>the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,</p> <ol style="list-style-type: none"> <li>5. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,</li> <li>6. the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise</li> </ol>

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				<p>to the lowest level reasonably practical, the risk factors that gave rise to the report.</p> <p><b>Note:</b> Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.</p>
			Chapter 4 (Children and young persons in need of care and protection)	<b>Note:</b> This section relates to ' <b>children and young persons in need of care and protection</b> ' - there are a number of provisions which may be relevant and should be consulted if the CRC is being considered.
			Chapter 7 (Support for children and young persons in crisis)  Part 1 (Serious or persistent conflict)  Section 110 (What are the objects of this Part?)	<p>The objects of this Part are:</p> <ol style="list-style-type: none"> <li>1. to ensure, so far as possible, that conflicts between children or young persons and their parents are resolved without recourse to legal proceedings, and</li> <li>2. to enable proper access to services where breakdowns in relationships occur between children or young persons and their parents, and</li> <li>3. to enable the Children's Court to make appropriate orders in circumstances where the differences between a child or young person and his or her parents are so serious that it is no longer possible for the child or young person to continue living with his or her parents</li> </ol>
			Section 113 (Request for assistance)	<p>A parent, child or young person, or any other person may ask the Director-General for assistance:</p> <ol style="list-style-type: none"> <li>1. if there is a serious or persistent conflict between the</li> </ol>

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				<p>parents and the child or young person of such a nature that the safety, welfare or well-being of the child or young person is in jeopardy, or</p> <p>2. if the parents are unable to provide adequate supervision for the child or young person to such an extent that the safety, welfare or well-being of the child or young person is in jeopardy.</p> <p>On receiving a request for assistance, the Director-General may provide or arrange for the provision of such advice or assistance as is necessary:</p> <p>1. to help the parents and the child or young person to resolve the conflict between them without recourse to legal proceedings, or</p> <p>2. to ensure that the child or young person is adequately supervised, or</p> <p>3. to enable the child or young person and his or her parents to have access to appropriate services.</p> <p><b>Note:</b> There are a number of other sections in this part that may be relevant (for example, in relation to parenting plans) and the part should be referred to if the CRC is being considered.</p>
			Section 173 (Medical examination of children in need	If the Director-General or a police officer believes on reasonable grounds (which may consist wholly or partly of information received by that person) that a child is in need of care and protection, the Director-General or the police



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			of care and protection)	<p>officer, as the case may be, may serve a notice, in such form as may be prescribed by the regulations:</p> <ol style="list-style-type: none"> <li>1. naming or describing the child, and</li> <li>2. requiring the child to be forthwith presented to a medical practitioner specified or described in the notice at a hospital or some other place so specified for the purpose of the child being medically examined, on the person (whether or not a parent of the child) who appears to the Director-General or the police officer to have the care of the child for the time being.</li> </ol>

### 3. Victoria

#### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): ARTICLE 27: 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial</p>	<p><b>Maintenance Act 1965</b></p>	<p>Vic</p>		<p><b>Note:</b> This Act would appear, on its face, to be relevant to Article 27. However, the relevant provisions relating to orders for support of children appear to have been repealed.</p>

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responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.				

## 4. Queensland

### CONVENTION ON THE RIGHTS OF THE CHILD (CRC): ARTICLE 27: 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both</p>	<p><b>Child Protection Act 1999</b></p>	<p>Qld</p>	<p>Section 4 (Purpose of Act)</p>	<p>The purpose of this Act is to provide for the protection of children.</p>
			<p>Section 5A (Paramount principle)</p>	<p>The main principle for administering this Act is that the safety, wellbeing and best interests of a child are paramount.</p> <p><i>Example - If the chief executive is making a decision under this Act about a child where there is a conflict between the child's safety, wellbeing and best interests, and the interests of an adult caring for the child, the conflict must be resolved in favour of the child's safety, wellbeing and best interests.</i></p> <p><b>Note:</b> Other principles are stated in sections 5B and 5C.</p>
			<p>Section 8 (Who is a child)</p>	<p>A child is an individual under 18 years.</p>
			<p>Section 9 (What is harm)</p>	<p>Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation.</p>
			<p>Section 10 (Who is a child in need of protection)</p>	<p>A child in need of protection is a child who:</p> <ol style="list-style-type: none"> <li>1. has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and</li> <li>2. does not have a parent able and willing to protect the child</li> </ol>

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<p>within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>				from the harm.
			<p>Chapter 2 (Protection of children)</p> <p>Section 14 (Investigation of alleged harm)</p>	<p>If the chief executive becomes aware (whether because of notification given to the chief executive or otherwise) of alleged harm or alleged risk of harm to a child and reasonably suspects the child is in need of protection, the chief executive must immediately:</p> <ol style="list-style-type: none"> <li>1. have an authorised officer investigate the allegation and assess the child’s need of protection; or</li> <li>2. take other action the chief executive considers appropriate.</li> </ol> <p><b>Editor’s note:</b> Section 22 provides for protection from civil liability for persons who, acting honestly, notify or give information about suspected harm to a child.</p> <p><b>Note:</b> Chapter 2 is about the protection of children generally and may contain a number of provisions which are relevant to the CRC and the chapter should be consulted if an issue about the protection of children is being considered</p>
	<p><b>Maintenance Act 1965</b></p>	<p>Qld</p>	<p>Section 7 (Interpretation)</p>	<p>In this Act '<b>child</b>', in relation to any person or persons, includes an adopted child of that person, or as the case may be, of those persons, but does not include a child of that person or those persons adopted by another person or persons; and mother, father and parent, in relation to a child, shall be construed accordingly.</p> <p>In this Act '<b>child of the family</b>', in relation to the parties to a marriage or to either of them and whether or not either party</p>

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				<p>to the marriage is dead, means:</p> <ol style="list-style-type: none"> <li>1. any child of both parties; and</li> <li>2. any child of either party who has been accepted as one of the family by the other party;</li> <li>3. and mother, father, and parent, in relation to a child of the family, shall be construed accordingly.</li> </ol>
			Section 11 (Court may order father to maintain children)	<p>Where the court, upon complaint made on behalf of a child of the family, is satisfied:</p> <ol style="list-style-type: none"> <li>1. that the child is left by the father without adequate means of support provided by him and was so left on the date alleged in the complaint; or</li> <li>2. that the father is about to remove out of Queensland or into a distant part of Queensland and leave the child without adequate means of support provided by him,</li> </ol> <p>the court may order the father to pay for or towards the maintenance of the child such amount as it thinks reasonable.</p>
			Section 12 (Court may order mother to maintain children)	<p>Where the court, upon complaint made on behalf of a child of the family, is satisfied:</p> <ol style="list-style-type: none"> <li>1. that the child is left by the mother without adequate means of support provided by her and was so left on the date alleged in the complaint; or</li> <li>2. that the mother is about to remove out of Queensland or</li> </ol>

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				<p>into a distant part of Queensland and leave the child without adequate means of support provided by her,</p> <p>the court may order the mother to pay for or towards the maintenance of the child such amount as it thinks reasonable.</p>
			<p>Section 14 (Court may order unmarried father to maintain child)</p>	<p>Where the court, upon complaint made on behalf of a child whose parents were not married to each other at the time of its conception and have not since married each other, is satisfied that the defendant is the father of the child and:</p> <ol style="list-style-type: none"> <li>1. that the child is left by the defendant without adequate means of support provided by him and was so left on the date alleged in the complaint; or</li> <li>2. that the defendant is about to remove out of Queensland or into a distant part of Queensland and leave the child without adequate means of support provided by the defendant,</li> </ol> <p>the court may order the defendant to pay for or towards the maintenance of the child such amount as it thinks reasonable.</p>
			<p>Section 15 (Court may order unmarried mother to maintain child)</p>	<p>Where the court, upon complaint made on behalf of a child whose parents were not married to each other at the time of its conception and have not since married each other is satisfied:</p> <ol style="list-style-type: none"> <li>1. that the child is left by the mother without adequate means of support provided by her and was so left on the date alleged in the complaint; or</li> <li>2. that the mother is about to remove out of Queensland or into a distant part of Queensland and leave the child without</li> </ol>

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				adequate means of support provided by the mother,  the court may order the mother to pay for or towards the maintenance of the child such amount as it thinks reasonable.
			Section 17 (Court may order future maintenance of child upon complaint for preliminary expenses)	Where a court makes an order under section 16 for or towards the payment of preliminary expenses, being an order made before the birth of the child to which it relates, the court may, upon complaint made by or on behalf of the person who made the complaint under section 16, if it appears probable that the child will, at the expiration of 3 months after birth, be without adequate means of support provided by the father of the child, order the father to pay for or towards the maintenance of the child such amount as it thinks reasonable.
			Section 18(1) (Court may order payment of funeral expenses of children)	Where:  1. the court, upon complaint made by or on behalf of a parent (in this paragraph called the <b>complainant</b> ) of a child (including an adopted child) is satisfied that the child was a child of the family who died before attaining the age of 16 years, and:  2. that the complainant was, at the date of the death, entitled to receive payments from the other parent under an order for the maintenance of the child; or  3. that an order for the maintenance of the complainant was, at the date of the death, in force under which the other parent was directed to make payments for the benefit of the complainant; or



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				<p>4. that at the date of death there was in force an order under section 21 directing the payment by the other parent of a nominal amount in respect of the child or the complainant; or</p> <p>5. the court, upon complaint made by or on behalf of a parent of a stillborn child, is satisfied that the child quickened and that an order for the maintenance of the parent was in force at the date of the stillbirth,</p> <p>and the court is also satisfied that the other parent of the child has not made adequate provision for the funeral expenses of the child, the court may order the other parent to pay such amount as it thinks reasonable for or towards the funeral expenses of the child.</p>
			Section 20 (Orders for medical and like expenses)	<p>Where the court, upon complaint made on behalf of a child in respect of whom an order for preliminary expenses has been made, is satisfied:</p> <p>1. that any care or treatment is reasonably required to be rendered in; and</p> <p>2. that the amount ordered to be paid for preliminary expenses was not sufficient to enable adequate provision to be made thereout for or towards the cost of that care or treatment; and</p> <p>3. the person against whom the order was made has not made adequate provision for or towards that cost and it is just and equitable in all the circumstances of the case that the person pay or contribute towards that cost,</p>

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				the court may order the person to pay for or towards that cost such amount as it thinks reasonable.
			Section 25 (Orders for maintenance of children)	<p>Subject to this Act:</p> <ol style="list-style-type: none"> <li>1. an order shall not be made under this part in respect of a child who has attained the age of 16 years; and</li> <li>2. an order for the maintenance of a child ceases to have effect when the child attains the age of 16 years, or dies, or is adopted, or the person against whom the order was made dies (whichever first occurs).</li> </ol> <p><b>Note:</b> Further provisions regarding the maintenance of children who are above 16 is contained in the decision and may be relevant when the CRC is being considered.</p>

## 5. South 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial</p>	<p><b>Family and Community Services Act 1972</b></p>	<p>SA</p>	<p>Overview</p>	<p>Broadly, the Act provides for the law and mechanics applicable to promoting the welfare of the community generally, and of individuals, families and groups within the community, including by the provision of various support and welfare services, and maintenance provisions.</p>
			<p>s.10(1)</p>	<p>Provides that the objectives of the Minister and Department under the Act relevantly are, inter alia:</p> <p>(a) to promote the welfare of the community generally and of individuals, families and groups within the community; and</p> <p>(b) to promote the dignity of the individual and the welfare of the family as the bases of the welfare of the community,</p> <p>in the following manner:</p> <p>...</p> <p>(f) by providing individuals or families in need or distress with assistance by way of grants or loans of money or commodities, accommodation, financial counselling or any other form of assistance;</p> <p>...</p> <p>(h) by encouraging or assisting in the provision of welfare services by volunteers and non-government groups or</p>

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responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.				organisations;  ...
			Part 4 (sections 36 to 84)	<p>Provides generally for the establishment of support services for children, including the approval of foster parents for a child.</p> <p>Section 36(1) of the Act provides that the Minister will establish:</p> <p>...</p> <p>(b) such residential care and other facilities and programmes as the Minister things necessary or desirable for children who are in need of care or protection; and</p> <p>(c) such other facilities or programmes for the care, support, assistance or welfare of children as the Minister thinks fit.</p> <p>Section 40 provides that the purpose of the foster care system is to provide for the care of a child in a safe and stable family environment during any period while the child cannot, for any reason, remain within the care of his or her own family.</p> <p>Section 42 provides the relevant considerations to be taken into account by the Minister in considering any application for approval for a person as a foster parent include:</p> <p>...</p> <p>(c) that the applicant will understand adequately the developing personality of the child, and will provide</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>opportunities to develop the abilities of the child; and</p> <p>(d) that the applicant will provide adequate accommodation for the child and any other material provision necessary for the welfare of the child;</p> <p>...</p>
			Part 6 (sections 98 to 235)	Part 6 generally provides for the law and mechanics relating to the obligation upon the parents of a child to contribute maintenance towards the costs of raising the child, including the mechanics of obtaining and enforcing maintenance orders from and in foreign jurisdictions.
			Part 6 Division 1	<p>Section 98 provides:</p> <p>(1) The near relatives of any child (including a child under the guardianship of the Minister) are liable to pay for, or contribute towards, the cost of maintenance of the child according to their respective financial capacities.</p> <p>(2) The parents of a child are primarily liable under subsection (1) to pay for the maintenance of the child and any step-parent of the child is liable to pay for, or contribute towards, its maintenance only in the event of the death, disappearance (reasonable inquiries having been made) or financial incapacity of the parents or any combination of those circumstances applying in relation to the parents.</p> <p>Section 99 relevantly provides, inter alia:</p> <p>(1) Upon complaint that any person is a near relative of a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>child, and is able to pay for or contribute towards the maintenance or past maintenance of the child, any justice may summon that person to appear before the Magistrates Court, at a time and place to be specified in the summons, to show cause why the person should not pay for or contribute towards, the past or future maintenance of the child.</p> <p>Section 100 relevantly provides, inter alia:</p> <p>(1) At the time and place appointed for the hearing of the complaint the court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and may, at the original or any adjourned hearing, if it is satisfied that the persons summoned, or any of them, are near relatives of the child, and are able to pay for, or contribute towards, the past or future maintenance of the child, order payment to be made by those near relatives, or one or more of them:</p> <p>(a) of such sum (which the court may order to be paid by instalments) for past maintenance of the child as the court considers sufficient; and</p> <p>(b) of such weekly or other periodical sum for the future maintenance of the child, and for such period, as the court considers sufficient.</p>
			Part 6 Division 8	<p>Provides specifically for the mechanics and law relating to the reciprocal enforcement of maintenance orders from and in foreign jurisdictions.</p> <p>Section 200 provides for the requirements necessary to</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>register South Australian maintenance orders in other States in circumstances where the party liable for maintenance resides there.</p> <p>Section 201 provides for the mechanics for the registration and enforcement of maintenance orders from other States in circumstances where the party liable resides in South Australia.</p> <p>Section 210 provides for the requirements necessary to register South Australian maintenance orders in a reciprocating country (defined in s.196 of the Act to be '<b>a country that is for the time being a country declared by a proclamation in force under this Division to be a reciprocating country for the purposes of this Act</b>').</p> <p>Section 211 provides for the power to make provisional maintenance orders against a person resident in a reciprocating country, though noting at s.211(3) that the order is of no effect until confirmed by the appropriate court in the reciprocating country.</p> <p>Section 213 provides for the registration, in South Australia, of maintenance orders made in a reciprocating country relating to a person now residing in South Australia.</p> <p>Section 214 is of similar effect to s.211 of the Act, allowing for the registration, in South Australia, of provisional overseas maintenance orders relating to a person now residing in South Australia.</p> <p>Sections 215 and 216 provide for the mechanics of the</p>

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				transfer of an overseas maintenance order registered in South Australia being transferred to another Australian State or Territory , and vice versa.
	<b>Housing Improvement Act 1940</b>	SA	Part 3 (sections 23 to 32)	<p>Provides that municipal or general councils and the state housing authority are empowered to declare houses either undesirable for human habitation or unfit for human habitation.</p> <p>Broadly, the councils' powers in those circumstances are to direct the owner to, within a specified time, carry out such works on the house as is necessary to render it satisfactory for human habitation, or if it is impracticable to do so, to demolish the house. The owners may be ordered to vacate the property either permanently if the house is to be demolished or temporarily if reparation works are to be undertaken.</p> <p>In circumstances where it is necessary for a council or the housing authority to give such directions to an owner of a property, the housing authority may, at the request of the owner, make an advance to the owner for such purposes from the State controlled Housing Improvement Fund. Such advances are by way of loans upon such conditions as the housing authority determines and bear interest.</p> <p>An advance however is only to be made if the housing authority is satisfied that, unless the advance was made, the owner would not be able, without suffering undue hardship, to provide the money necessary to make the house comply with the direction.</p>



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			Part 4 (sections 33 to 42)	<p>Broadly provides that where, in any wider area where there are houses which are, in the opinion of the housing authority, unfit for human habitation, or are insanitary or unhealthy or likely to detrimentally affect the well-being of inhabitants of the area, and the housing conditions cannot be dealt with satisfactorily unless the area is dealt with as a clearance area, the housing authority may define the area on a map and recommend to the Governor that the area be so dealt with.</p> <p>Before any such recommendation can be made, the housing authority must be satisfied that insofar as suitable accommodation for the persons of limited means who will be displaced by the clearance of the area does not already exist, the housing authority can provide, or can arrange for the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of houses in the area proceeds.</p>
			Part 5 (sections 43 to 47)	<p>Provides for the provision of housing for persons of limited means, including the purchasing of existing houses or the construction of new houses.</p> <p>Section 44 provides:</p> <p>(1) The housing authority may on such terms and for such periods and subject to such covenants and conditions as the housing authority thinks fit, let or lease any house maintained by it under this Act to any person of limited means, who, in the opinion of the housing authority, after taking into account:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) the existing housing accommodation of that person; and</p> <p>(b) the availability of other suitable housing accommodation for such person at a rent within his means; and</p> <p>(c) the number of children of the person living with him; and</p> <p>(d) such other matters as the housing authority thinks fit, is unable to secure suitable housing accommodation otherwise than under this Act.</p> <p>(2) The housing authority shall in letting or leasing any such houses give reasonable preference to persons who are displaced from houses in the execution of this Act or are occupying insanitary or overcrowded houses or have large families or are living under unsatisfactory housing conditions.</p>
			Part 7 (sections 49 to 61B)	<p>Provides, relevantly, for rental control to be imposed upon houses which the housing authority considers undesirable for human habitation or unfit for human habitation. The intent of the Part being that such control will afford persons of limited means better access to housing.</p> <p>The majority of the Part deals with the mechanics of establishing the rental control regime.</p>
	<b>Housing Agreement Act 1991</b>	SA	Overview	The Act approves the execution of an agreement on behalf of the State of South Australia, the other States and Territories and the Commonwealth providing for the provision by the States, with the financial support of the Commonwealth, of rental housing assistance and home purchase assistance for

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				<p>needy citizens.</p> <p>The Act in and of itself does not address the day to day operation or mechanics of the rental housing assistance and home purchase assistance programs (for instance, the manner by which citizens apply for the assistance, etc.)</p>
	<b>Adoption Act 1988</b>	SA	22(1)	<p>Before making an order for the adoption of a child, the Court will consider any report prepared by or on behalf of the Chief Executive and submitted to the Court as to:</p> <p>...</p> <p>(b) in any case - the suitability of the prospective adoptive parents and their capacity to care adequately for the child.</p>
			s.26	<p>Where:</p> <p>(a) a child suffers from some physical or mental disability; or</p> <p>(b) a child, for some other reason, requires special care,</p> <p>the Minister may enter into an arrangement with prospective adoptive parents to contribute to the support of the child after the making of an adoption order.</p>
	<b>Problem Gambling Family Protection Orders Act 2004</b>	SA	Overview	<p>Fundamental intent of Act is to allow orders to be made for the protection of family members from serious harm resulting from problem gambling.</p>
			s.4	<p>(1) On a complaint under this Act, the [Independent Gambling Authority (as established by the <i>Independent Gambling Authority Act 1995</i>)] Authority may make a</p>

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				<p>problem gambling family protection order against [a person] if:</p> <p>(a) there is a reasonable apprehension that the [person] may cause serious harm to family members because of problem gambling; and</p> <p>(b) the Authority is satisfied that the making of the order is appropriate in the circumstances.</p> <p>(2) For the purposes of this Act, [a person] is to be regarded as having caused serious harm to family members because of problem gambling if [a person]:</p> <p>(a) has engaged in gambling activities irresponsibly having regard to the needs and welfare of the [person's] family members; and</p> <p>(b) has done so repeatedly over a period of not less than 3 months or in a particularly irresponsible manner over a lesser period.</p>
			s.5	Sets out the consequential conditions that can be imposed upon a person under a problem gambling family protection order.
			s.8	<p>Provides that a child can make a complaint under the Act as follows:</p> <p>(a) by the child with the permission of the Authority, if the child is at least 14 years of age; or</p>

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				<p>(b) on behalf of the child by:</p> <p>(i) a parent or guardian of the child; or</p> <p>(ii) a person with whom the child normally or regularly resides; or</p> <p>(iii) an officer of the Department; or</p> <p>(iv) the person holding or acting in the office of Public Advocate under the Guardianship and Administration Act 1993; or</p> <p>(v) a person who satisfies the Authority that he or she has a proper interest in the welfare of the child.</p>
	<b>Intervention Orders (Prevention of Abuse) Act 2009</b>	SA	Overview	Fundamental intent of Act is to provide for intervention orders and associated problem gambling and tenancy orders in cases of domestic and non-domestic abuse.
			s.8(2)	Abuse is broadly defined to include an unreasonable and non-consensual denial of financial, social or personal autonomy.
			s.8(3)	<p>Unreasonable and non-consensual denial of financial, social or personal autonomy is broadly defined to relevantly include, inter alia:</p> <p>(a) denying the person the financial autonomy that the person would have had but for the act of abuse;</p> <p>(b) withholding the financial support necessary for meeting the reasonable living expenses of the person (or any other person living with, or dependent on, the person) in</p>

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				<p>circumstances in which the person is dependent on the financial support to meet those living expenses;</p> <p>(c) without lawful excuse, preventing the person from having access to joint financial assets for the purposes of meeting normal household expenses;</p> <p>(d) preventing the person from seeking or keeping employment; and</p> <p>(e) causing the person through coercion or deception to:</p> <p>(i) relinquish control over assets or income; or</p> <p>(ii) claim social security payments; or</p> <p>(iii) sign a power of attorney enabling the person's finances to be managed by another person; or</p> <p>(iv) sign a contract for the purchase of goods or services; or</p> <p>(v) sign a contract for the provision of finance; or</p> <p>(vi) sign a contract of guarantee; or</p> <p>(vii) sign any legal document for the establishment or operation of a business.</p>
			s.10(1)	The principles guiding intervention against abuse, and as to whether an intervention order is justified relevantly include, inter alia:

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				<p>(d) as far as is practicable, intervention should be designed:</p> <p>(i) to encourage defendants who it is suspected will, without intervention, commit abuse to accept responsibility and take steps to avoid committing abuse; and</p> <p>(ii) to minimise disruption to protected persons and any child living with a protected person and to maintain social connections and support for protected persons; and</p> <p>(iii) to ensure continuity and stability in the care of any child living with a protected person; and</p> <p>(iv) to allow education, training and employment of a protected person and any child living with a protected person, and arrangements for the care of such a child, to continue without interruption; and</p> <p>(v) if the defendant is a child:</p> <p>(A) to ensure the child has appropriate accommodation, care and supervision; and</p> <p>(B) to ensure the child has access to appropriate educational and health services; and</p> <p>(C) to allow the education, training and employment of the child to continue without interruption.</p>
			s.18 / s.20(1)	Orders may either be interim (issued by police) or Court ordered.

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			s.20(2)	<p>A child is entitled of his or herself to apply for an intervention order. If the applicant is a child, the application may be made:</p> <p>(a) by the child with the permission of the Court, if the child has attained the age of 14 years; or</p> <p>(b) on behalf of the child by:</p> <p>(i) a parent or guardian of the child; or</p> <p>(ii) a person with whom the child normally or regularly resides; or</p> <p>(iii) some other suitable representative of the child given permission to apply by the Court.</p>
			s.21	Pending the issuing of a final intervention order, a Court may make an interim intervention order (if a police issued interim order is not otherwise in place).
			s.24	The Court is also empowered to make, in the course of a final intervention order, an order (a problem gambling order) that the defendant is subject to a problem gambling family protection order under the <i>Problem Gambling Family Protection Orders Act 2004</i> imposing specified requirements or orders of a kind that could be imposed by the Independent Gambling Authority under that Act.
	<b>Commonwealth Powers (Family Law) Act 1986</b>	SA	Overview	Fundamental intent of the Act is to transfer to the Parliament of the Commonwealth, responsibility and power to legislate in respect of:



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				<p>(a) the maintenance of children and the payment of expenses in relation to children or child bearing; and</p> <p>(b) the custody and guardianship of, and access to, children.</p>
			s.3(1)	<p>Is the operative provision which transfers to the Parliament of the Commonwealth, responsibility and power to legislate in respect of :</p> <p>(a) the maintenance of children and the payment of expenses in relation to children or child bearing; and</p> <p>(b) the custody and guardianship of, and access to, children.</p>
			s.3(3)	<p>Provides that:</p> <p>(a) the references to children shall be read as references to persons under the age of 18 years; and</p> <p>(b) the references to the maintenance of, and the payment of expenses in relation to, children shall be read as including references to the maintenance of, and the payment of expenses in relation to, persons who have attained that age and have special needs in respect of maintenance or expenses by reason of being engaged in a course of education or training or by reason of a physical or mental handicap.</p>
	<b>Public and Environmental Health Act 1987</b>	SA	Overview / s.3	<p>The provisions of this Act are broadly applicable to Art 27 insofar as they require the hygiene of premises to be maintained to a liveable standard through various offence provisions enforced by:</p> <p>(a) in relation to a local government are, the local council for</p>

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				<p>that area; and</p> <p>(b) in relation to a part of the State that is not within a local government area, the Minister.</p>
			s.15(1) & (2)	<p>This section provides for the prevention of unsanitary conditions on premises as follows:</p> <p>(1) If premises are in an insanitary condition, the authority may, by notice in writing, require an owner of the premises or any other person who is apparently responsible for causing the insanitary condition or allowing the insanitary condition to occur:</p> <p>(a) to take specified action to improve the condition of the premises; or</p> <p>(b) to desist from a specified activity to which the condition of the premises is apparently attributable.</p> <p>(2) If residential premises are, by reason of their insanitary condition, unfit for human habitation, the authority may include in a notice under subsection (1), a direction that, after a date specified in the notice, the premises must not be occupied until:</p> <p>(a) specified action to render the premises fit for human habitation has been taken; and</p> <p>(b) the authority is satisfied that the premises are fit for human habitation.</p>

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			s.15(3)	Provides that a failure to comply with sections 15(1) or 15(2) of the Act is an offence punishable by a fine and expiation fee set out in Divisions 5 and 6 of the Act.
			s.16(1)	Provides that it is an offence, in and of itself, for premises to be in an insanitary condition with any person who is responsible for causing the condition or allowing the condition to occur liable. The offence is punishable by a fine and expiation fee set out in Divisions 5 and 6 of the Act.
			s.20(1)	This section provides that premises must have adequate facilities for sanitation and hygiene. The section provides that there the authority is of the opinion otherwise it may, by notice in writing, require an owner of the premises to take such action as the authority thinks necessary, and specifies in the notice, to provide adequate facilities within such time, and in such manner, as is specified in the notice.
			s.20(2)	Provides that a failure to comply with section 20(1) is an offence punishable by a fine and expiation fee set out in Divisions 5 and 6 of the Act.

## 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p>	<p><b>Adoption Act 1994</b></p>	<p>W.A.</p>	<p>s 3</p>	<p>The paramount considerations for the administration of the <i>Adoption Act</i> are:</p> <p>(a) the welfare and best interests of the child</p> <p>(b) the principle that adoption is a service for a child who is an adoptee or a prospective adoptee; and</p> <p>(c) the adoption of a child should occur only in circumstances where there is no other appropriate alternative for the child.</p>
<p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In</p>	<p><b>Adoption Act 1994</b></p>	<p>W.A.</p>	<p>s 52</p>	<p>The CEO is not to place a child with a view to the child's adoption unless the prospective adoptive parent:</p> <p>....</p> <p>(va) recognises the value of, and need for, cultural and ethnic continuity for the child; and</p> <p>(vb) shows a desire and ability to continue the child's established cultural, ethnic, religious or educational arrangements;</p>
	<p><b>Adoption Act 1994</b></p>	<p>W.A.</p>	<p>54</p>	<p>Where the CEO has placed a child with a view to the child's adoption, the CEO is to appoint a person who the CEO thinks is suitably qualified, to supervise the welfare and interests of</p>

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<p>particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>				the child during the period of placement.
	<b>Adoption Act 1994</b>	W.A.	Schedule 2	Rights and responsibilities to be balanced in adoption plans. This section contains the rights and interests to be balanced when considering adoption plans. Including the balancing the interests of the child in different stages in life.
	<b>Adoption Act 1994</b>	W.A.	Schedule 2A	Contains an objective to maintain a connection with family and culture for children who are Aboriginal and Torres Strait Islanders and who are to be placed with a person or persons with a view to adoption by the person or persons.
	<b>Adoption Act 1994</b>	W.A.	140	<p>The CEO may provide financial assistance to a person whose care a child has been placed or in relation to a service provided or arranged.</p> <p>The CEO may provide financial assistance to a person who looks after a child, a prospective adoptive parent with whom a child has been placed, a carer who is a prospective adoptive parent, or a child's adoptive parent in relation to the child.</p>
	<b>Child Care Services Act 2007</b>	W.A.	4, 5, 7	<p>1. <b>s. 4 child care service</b> is a service providing or intended to provide education and care on a regular basis to children under 13 years of age (or such other age as may be prescribed for the purposes of this section) that:</p> <p>(a) is not an education and care service under the national child care law; and</p> <p>(b) is prescribed for the purposes of this Act as a type of service to which this Act applies.</p>

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				<p><b>2. s.5 Objects of the Act</b></p> <p>The object of this Act is to protect, and promote the best interests of, children who receive <b>child care services</b>.</p> <p><b>s. 5B Application of this Act to associated children’s services</b></p> <p>(1) This Act does not apply to a child care service that is an associated children’s service to the extent to which the national child care law applies to that service.</p> <p>(2) Subject to subsection (1), this Act applies in relation to an associated children’s service provided at a place as if —</p> <p>(a) a service approval in relation to the associated children’s service, were a licence under this Act authorising the provision of the child care service at that place; and</p> <p>(b) an approved provider who is the holder of a service approval in relation to the associated children’s service, were a holder of a licence under this Act authorising the provision of the child care service at that place; and</p> <p>(c) a person with management or</p>

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				<p>control in relation to the associated children’s service, the approved provider for which is a body corporate, were a managerial officer of the body corporate; and</p> <p>(d) a nominated supervisor in relation to the associated children’s service, were a supervising officer for the child care service.</p> <p>(3) Instead of amending a service approval, under section 32 as read with subsection (2), in relation to an associated children’s service, the CEO is to direct the Regulatory Authority to amend the service approval under section 55(5) of the national child care law.</p> <p>(4) If a term is given a meaning in the national child care law, it has the same meaning in this section.</p> <p><b>3. s. 7 - Principles to be administered by the Act</b></p> <p>The following principles must be observed when administering the Act:</p> <p>(a) the principle that a <b>child care service</b> should be provided</p>

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				<p>to a child in a way that:</p> <ul style="list-style-type: none"> <li>(i) protects the child from harm; and</li> <li>(ii) respects the child’s dignity and privacy; and</li> <li>(iii) safeguards and promotes the child’s wellbeing; and</li> <li>(iv) provides positive experiences for the child; and</li> <li>(v) stimulates and develops the child’s creative, emotional, intellectual, physical, recreational and social potential.</li> </ul> <p>(b) the principle that child care services should be provided in a way that:</p> <ul style="list-style-type: none"> <li>(ii) reflects best practice in the care, education and recreation of young children;</li> </ul>
			s 9, 14	<p><b>1. Providing child care service without licence, offence</b></p> <p>A person must not provide a child care service at a place except under and in accordance with a licence authorising the provision of the service at that place</p> <p><b>2. General restrictions on grant of licence</b></p> <p>The CEO must not grant a licence if there are reasonable grounds for believing that the provision of the child care service to which the licence application relates would constitute an unacceptable risk to the wellbeing of children</p>



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				for whom the service would be provided.
			25, 29	<p><b>3. s. 25 - Suspending licence on ground on unacceptable risk</b></p> <p>The CEO may suspend a licence if the CEO considers that there are reasonable grounds for believing that the continued provision of the child care service to which the licence relates would constitute an unacceptable risk to the wellbeing of the children for whom the service is provided.</p> <p><b>4. s29. Disciplinary action by SAT against licensee</b></p> <p>Under 29(2)(e) the licence of a child care service can be suspended if there are reasonable grounds for believing that the continued provision of the child care service to which a licence held by the licensee relates would constitute an unacceptable risk to the wellbeing of the children for whom the service is provided.</p>
	<b>Child Support (Adoption of Laws) Act 1990</b>	W.A.	s 5, 6	<p>1. <b>s 5</b> The State of Western Australia adopts the <i>Child Support(Registration and Collection) Act 1988</i>, and the <i>Child Support (Assessment) Act 1989</i>, of the Commonwealth insofar as those Acts apply to or in relation to the maintenance of children and do not otherwise extend to Western Australia.</p> <p>2. <b>s.6</b> The Governor may for the purposes of section 20 of the <i>Child Support (Registration and Collection) Act 1988</i> of the Commonwealth make arrangements with the Governor-General of the Commonwealth for the transfer to the Child Support Register of collection agency maintenance liabilities</p>

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	<p><b>Children and Community Services Act 2004</b></p>	W.A.	s. 6	<p>of the State.</p> <p><b>6. The objects of the Act are:</b></p> <p>(a) to promote the wellbeing of children, other individuals, families and communities; and</p> <p>(b) to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children; and</p> <p>(c) to encourage and support parents, families and communities in carrying out that role; and</p> <p>(d) to provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care; and</p> <p>(e) to protect children from exploitation in employment.</p> <p><b>7. Best interests of the Child are paramount consideration</b></p> <p>In performing a function or exercising a power under this Act in relation to a child, a person, the Court or the State Administrative Tribunal must regard the best interests of the child as the paramount consideration.</p> <p><b>8. Determining the best interests of a child</b></p> <p>The following matters must be taken into account under section 8(1) in determining what the best interests of the child</p>

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				<p>are:</p> <ul style="list-style-type: none"> <li>(a) the need to protect the child from harm;</li> <li>(b) the capacity of the child’s parents to protect the child from harm;</li> <li>(c) the capacity of the child’s parents, or of any other person, to provide for the child’s needs;</li> <li>(g) the importance of continuity and stability in the child’s living arrangements and the likely effect on the child of disruption of those living arrangements,</li> <li>(h) the need for the child to maintain contact with the child’s parents, siblings and other relatives and with any other people who are significant in the child’s life;</li> <li>(i) the child’s age, maturity, sex, sexuality, background and language;</li> <li>(j) the child’s cultural, ethnic or religious identity (including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal people or Torres Strait Islanders</li> <li>(k) the child’s physical, emotional, intellectual, spiritual, developmental and educational needs.</li> </ul>
	<b>Children and Community Services Act 2004</b>	W.A.	28, 79	<p><b>28.</b> A child is in need of protection by the CEO when they face neglect or harm.</p> <p>A child is likely to suffer harm or neglect if:</p>

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				<ul style="list-style-type: none"> <li>• the child has been abandoned by his or her parents;</li> <li>• the child's parents are dead or incapacitated;</li> <li>• the child has suffered harm as a result of physical, sexual, emotional or psychological abuse;</li> <li>• the child's parents have failed to provide, arrange or allow the provision of adequate care for the child whether it be therapeutic or remedial treatment for the child.</li> </ul> <p>If a child has suffered harm or neglect then the CEO may make certain orders requiring the care and protection of a child.</p> <p><b>s.79</b> This may include the CEO making arrangements for placement of children to place them:</p> <ul style="list-style-type: none"> <li>• with an individual approved by the CEO in accordance with the regulations;</li> <li>• with a person who has entered into an agreement under the Act for the provision of placement services;</li> <li>• in a residential facility operated or managed by the Department or another public authority.</li> </ul>
	<b>Children and Community Services Act 2004</b>	W.A.	89, 98, 99	<p><b>s 89</b> - A <i>care plan</i> for the child means a written plan that:</p> <ol style="list-style-type: none"> <li>1. identifies the needs of the child;</li> <li>2. outlines steps and measures to be taken in order to address</li> </ol>

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				<p>those needs;</p> <p>3. sets out decisions about the care of the child.</p> <p><b>s 98</b> - The CEO must ensure that a child who leaves the CEO's care is provided with any social services that the CEO considers appropriate having regard to the needs of the child as identified in the care plan for the child.</p> <p><b>s 99</b> - Without limiting s 98, the CEO must ensure that a person who qualifies for assistance is provided with services to assist the person to do any of the following:</p> <ol style="list-style-type: none"> <li>1. obtain accommodation;</li> <li>2. undertake education and training;</li> <li>3. obtain employment;</li> <li>4. obtain legal advice;</li> <li>5. Access health services; and</li> <li>6. Access counselling services.</li> </ol>
	<b>Children and Community Services Act 2004</b>	W.A.	100	Financial assistance may be provided to persons charged with caring for a child in a care plan for specific purposes of housing, training and education.
	<b>Family Court Act 1997</b>	W.A.	37	<p><b>37.</b> The court must have regard to the following issues when making decisions involving the family:</p> <ul style="list-style-type: none"> <li>• the need to protect the rights of children and to promote</li> </ul>

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	<p data-bbox="763 427 987 488"><b>Family Court Act 1997</b></p>	<p data-bbox="1055 427 1126 453">W.A.</p>	<p data-bbox="1162 427 1256 453">66, 66C</p>	<p data-bbox="1397 363 1554 389">their welfare.</p> <p data-bbox="1397 427 2119 488"><b>s 66(1)</b> The objects of the Act are to ensure the best interests of the child are met by:</p> <p data-bbox="1397 536 1442 555">.....</p> <p data-bbox="1397 587 2119 683">(b) protecting the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence;</p> <p data-bbox="1397 718 2029 778">(c) ensuring the children receive adequate and proper parenting to help them achieve their full potential.</p> <p data-bbox="1397 826 1442 845">.....</p> <p data-bbox="1397 877 2092 938"><b>s 66C</b> The court determines what is in the best interests of the child by having regard to:</p> <p data-bbox="1397 986 1442 1005">....</p> <p data-bbox="1397 1037 1738 1062">Additional considerations of:</p> <p data-bbox="1397 1110 1442 1129">....</p> <p data-bbox="1397 1161 2119 1331">(e) the practical difficulty and expense of a child spending time with and communicating with a parent and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis;</p> <p data-bbox="1397 1362 2092 1423">(f) the capacity of each of the child's parents and any other person to provide for the needs of the child, including</p>

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				emotional and intellectual needs,  ....
	<b>Family Court Act 1997</b>	W.A.	77, 81	Parenting plans as described in the Act may include child support provisions for the ongoing care and maintenance of the child.
	<b>Family Court Act 1997</b>	W.A.	84	Parenting orders as available and enforceable under the Act may deal with the maintenance of the child.
	<b>Family Court Act 1997</b>	W.A.	114, 115 & 116	<p>The principal object of Part 5, Division 7 is to ensure that children receive a proper level of financial support from their parents.</p> <p>Particular objects of this Division include ensuring:</p> <p>(a) that children have their proper needs met from reasonable and adequate shares in the income, earning capacity, property and financial resources of both of their parents; and</p> <p>(b) that parents share equitably in the support of their children.</p> <p><b>s 115(1)</b> - Parents have the primary duty to maintain the Child.</p> <p><b>s 115(2)</b> - This includes without limiting the generality of subsection (1), a duty of the 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;</p>

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				<p>(b) has priority over all commitments of the parent other than commitments necessary to enable the parent to support - himself or herself; or any other child or another person that the parent has a duty to maintain; and</p> <p>(c) is not affected by the duty of any other person to maintain the child or any entitlement of the child or another person to an income tested pension, allowance or benefit.</p> <p><b>s 116</b> - The step-parent of a child has, the duty of maintaining the child if, and only if, a court determines that it is proper for the step-parent to have that duty.</p>
	<p><b>Family Court Act 1997</b></p>	<p>W.A.</p>	<p>121</p>	<p><b>121. Matters to be taken into account in considering financial support necessary for maintenance of child:</b></p> <p>(1) In considering the financial support necessary for the maintenance of a child, a court must take into account these(and no other) matters:</p> <p>(a) the matters mentioned in section 114;</p> <p>(b) the proper needs of the child (this is expanded on in subsection (2)); and</p> <p>(c) the income, earning capacity, property and financial resources of the child (this is expanded on in subsection (3)).</p> <p>(2) In taking into account the proper needs of the child a court:</p> <p>(a) must have regard to, the age of the child; the manner in which the child is being, and in which the parents expected</p>



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				<p>the child to be, educated or trained; and any special needs of the child; and</p> <p>(b) may have regard, to the extent to which the court considers appropriate in the circumstances of the case, to any relevant findings of published research in relation to the maintenance of children.</p> <p>(3) In taking into account the income, earning capacity, property and financial resources of the child, a court must:</p> <p>(a) have regard to the capacity of the child to earn or derive income, including any assets of, under the control of or held for the benefit of the child that do not produce, but are capable of producing, income; and</p> <p>(b) disregard - the income, earning capacity, property and financial resources of any other person unless, in the special circumstances of the case, the court considers it appropriate to have regard to them and any entitlement of the child or any other person to an income tested pension, allowance or benefit.</p>
	<b>Family Court Act 1997</b>	W.A.	135	<p><b>135. Father liable to contribute towards maintenance and expenses of mother</b></p> <p>The father of a child who is not married to the child's mother, or a person who is the parent of the child under section 6A of the Artificial Conception Act 1985, is, subject to this Division, liable to make a proper contribution towards:</p> <p>(a) the maintenance of the mother for the childbirth</p>

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				<p>maintenance period in relation to the birth of the child;</p> <p>(b) the mother’s reasonable medical expenses in relation to the pregnancy and birth;</p> <p>(c) if the mother dies and the death is as a result of the pregnancy or birth, the reasonable expenses of the mother’s funeral; and</p> <p>(d) if the child is stillborn, or dies and the death is related to the birth, the reasonable expenses of the child’s funeral.</p>
	<b>Legal Aid Commission Act 1976</b>	W.A.	37 (3a)	When making a decision on whether or not to grant legal aid to a person who is a child for who the CEO has responsibility under the Children and Community Services Act 2004, the legal aid authority shall not have regard to the resources available to a department capable of being applied for the provision of legal aid to the person.
	<b>Legal Representation of Infants Act 1977</b>	W.A.	5 & 7	<p><b>5</b> - Where in legal proceedings it appears to a court that an infant is to be affected by those proceedings and the infant should be represented in the matter, the court may appoint a fit and proper person who consents to act as a guardian, to act as their representative.</p> <p><b>7</b> - The costs of such an appointment should be paid by a particular party to those proceedings or by any fund in which the infant has an interest in.</p>
	<b>Parental Support and Responsibility</b>	W.A.	5, 6	<p><b>5</b> - The objects of the Act are to:</p> <p>(a) acknowledge and support the primary role of parents in</p>

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	<b>Act 2008</b>			<p>safeguarding and promoting the wellbeing of children; and</p> <p>(b) to support and reinforce the role and responsibility of parents to exercise appropriate control over the behaviour of their children.</p> <p><b>6</b> - The best interests of the child is paramount.</p> <p><b>8</b> - In performing a function or exercising a power under this Act in relation to a family, a person or a court must endeavour to do so in a way that is culturally and religiously appropriate for the family.</p> <p><b>19</b> - The court must be satisfied and take into account before making a responsible parenting order, the income of the child's family and where that income is derived from ~ (amongst other things).</p>
	<b>School Education Act 1999</b>	W.A.	98, 99, 104	<p><b>98 (1)</b> - No fee for instruction may be imposed on a student for a non-optional component of an education programme at a government school - or an optional component of an educational program at a government school if the instruction is provided by a member of the teaching staff.</p> <p><b>98(2)</b> - A contribution must not be sought towards a fee referred to subsection (1) and any agreement entered into for payment of such a fee has no effect.</p> <p><b>98(3)</b> - No charge may be imposed in respect of a student for materials provided in a non-optional component of an educational programme of a government school or services or facilities for use in or associated with the provision of a non-</p>

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				<p>optional component of an educational programme of a government school, before the student's first charges payment year.</p> <p><b>99(1)</b> - Regulations may be made for providing for charges for non-optional components of educational government school programmes or services in certain circumstances.</p> <p><b>104</b> - Regulations may provide for the reduction, waiver or refund in whole or in part or deferred payment of any fee, charge or cost provided for by Division 6, subdivision 1 (Financial Provisions).</p>

## 7. Northern Territory

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

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<p><b>ARTICLE 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial</p>	<p><b>Mental Health and Related Services Act</b></p>	<p>NT</p>	<p>s 26</p>	<p><b>Admission of persons under 18 as voluntary patients</b></p> <p>(1) A person under 18 must not be admitted to an approved treatment facility as a voluntary patient unless the person can be cared for and treated:</p> <p>(a) in a way that gives due regard to the person's age, culture, gender and maturity; and</p> <p>(b) if appropriate and possible – separately from persons who are 18 or over.</p> <p>(2) As soon as practicable after a person under 18 is admitted to an approved treatment facility as a voluntary patient, a practitioner must notify a parent or guardian of the person that the person has been so admitted.</p> <p>(3) However, the practitioner may decide not to notify a parent or guardian of the person if the practitioner is of the opinion that giving the notification is not in the person's best interests.</p> <p>(4) If the practitioner decides not to notify a parent or guardian of the person because of subsection (3), the practitioner must give to the Tribunal a written report of the decision and the reason for it in the approved form.</p> <p>(5) A notification under subsection (2) may be given orally</p>

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<p>responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>				<p>or in writing but must be in a language that can be understood by the receiver of the notification.</p> <p>(6) If a practitioner believes, on reasonable grounds, the person has suffered or is suffering maltreatment, the practitioner must notify an authorised person not later than 48 hours after the admission.</p> <p>(7) A practitioner must make a record of each of the following in accordance with approved procedures:</p> <p>(a) a notification under subsection (2);</p> <p>(b) a decision under subsection (3) not to notify a parent or guardian of the person and the reasons for it;</p> <p>(c) a notification to an authorised person under subsection (6).</p> <p>(8) In this section:</p> <p><b>authorised person</b>, see section 4(1) of the Community Welfare Act.</p> <p><b>practitioner</b> means an authorised psychiatric practitioner, a medical practitioner, or the senior nurse on duty at the approved treatment facility to which the person is admitted.</p>
	<p><b>Guardianship of Infants Act</b></p>	<p>NT</p>	<p>s 12</p>	<p><b>Power of court to order repayment of costs of bringing up infant</b></p> <p>If, at the time of the application for a writ or order for the production of the infant, the infant is being brought up by</p>

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				<p>another person, or by an institution, the court to which the application is made may in its discretion, if it orders the infant to be given up to the parent, or to any other person at law liable to maintain the infant or entitled to his custody, further order that the person to whom the infant is to be given up shall pay to the person who or the institution which has been bringing up the infant the whole of the costs, charges and expenses properly incurred in bringing up the infant or such portion thereof as seems to the court to be just and reasonable having regard to all the circumstances of the case.</p>
	<p><b>Guardianship of Infants Act</b></p>	<p>NT</p>	<p>s 20</p>	<p><b>Payment of maintenance</b></p> <p>(1) Where any guardian, trustee, executor, or person acting in a fiduciary capacity is, under any will, gift or settlement, or otherwise by law, possessed of any fund for the maintenance of any infant, or any fund a portion of which may by law be applied to such maintenance and the court orders the infant to be delivered to, or to remain in the custody of one parent, the court may also order any such guardian, trustee, executor, curator or person acting in a fiduciary capacity to pay to such parent from time to time during the continuance of such custody, for the purpose of the maintenance of the infant, such portion of such fund, not exceeding the portion lawfully applicable to such maintenance as the court may deem proper.</p> <p>(2) If the court is satisfied that money paid in accordance with subsection (1) for the purpose of maintenance of an infant has been misapplied the court may, upon application, rescind, alter or vary any order made under subsection (1).</p>

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	<p><b>Family Provision Act</b></p>	<p>NT</p>	<p>s 8</p>	<p><b>Persons entitled may obtain order for proper maintenance, &amp;c., out of the estate of the deceased person</b></p> <p>(1) Subject to this Act, upon application made by or on behalf of a person entitled to apply to the Court under section 7, if the Court is satisfied that adequate provision is not available, under the terms of the will of a deceased person or under the law applicable on the death of the person as an intestate or under the will and that law, from the estate of the deceased person for the proper maintenance, education and advancement in life of the person by whom, or on whose behalf the application is made, the Court may, in its discretion and having regard to all the circumstances of the case, order that such provision as the Court thinks fit be made out of the estate of the deceased person.</p> <p>(2) In considering the adequacy of the provision available from the estate of the deceased person for a person who has made application for provision out of the estate of the deceased person, the Court shall regard any benefits conferred upon that person or another person by the exercise, whether expressly or otherwise, by the deceased person by his will of a general or special power of appointment as forming part of the provision available from the estate of the deceased person for the person upon whom those benefits are conferred.</p> <p>(3) The Court may refuse to make an order in favour of a person whose character is such, or whose conduct is or has been such, as, in the opinion of the Court, disentitles him to the benefit of an order.</p>



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				<p>(4) The Court may regard an application for provision out of the estate of a deceased person by one person as an application made on behalf of all the persons entitled to make applications for provision out of the estate of the deceased person.</p>
	<p><b>Evidence Act</b></p>	<p>NT</p>	<p>s 21D</p>	<p><b>Principles in relation to child witnesses</b></p> <p>(1) It is the intention of the Legislative Assembly that, as children tend to be vulnerable in dealings with persons in authority (including courts and lawyers), child witnesses be given the benefit of special measures.</p> <p>(2) If a witness is a child, the Court must have regard to the following principles:</p> <p>(a) the Court must take measures to limit, to the greatest extent practicable, the distress or trauma suffered (or likely to be suffered) by the child when giving evidence;</p> <p>(b) the child must be treated with dignity, respect and compassion;</p> <p>(c) the child must not be intimidated when giving evidence;</p> <p>(d) proceedings in which a child is a witness should be resolved as quickly as possible.</p> <p>(3) However, if the Court is satisfied that a child witness is able, and wants, to give evidence in the presence of the defendant, special measures are not to be taken, contrary to the wishes of the child, to protect the child from the</p>

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				apprehended distress or trauma of giving evidence in the presence of the defendant.

## 8. Tasmania

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

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<p><b>ARTICLE 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In</p>	<p><b>Commonwealth Powers (Family Law) Act 1987</b></p>	<p>Tas</p>	<p>Overview</p>	<p>Fundamental intent of the Act is to transfer to the Parliament of the Commonwealth, responsibility and power to legislate in respect, generally, of:</p> <p>(a) the maintenance of children and the payment of expenses in relation to children or child bearing;</p> <p>(b) the custody and guardianship of, and access to, children; and</p> <p>(c) the determination of a child's parentage for the purposes of the law of the Commonwealth, whether or not the determination of the child's parentage is incidental to the determination of any other matter within the legislative powers of the Commonwealth.</p> <p>The Act notes that:</p> <p>(a) the references to children are to be read as references to persons under the age of 18 years; and</p> <p>(b) the references to the maintenance of, and the payment of expenses in relation to, children are to be read as including references to the maintenance of, and the payment of expenses in relation to, persons who have attained that age and have special needs in respect of maintenance or expenses by reason of being engaged in a course of education or</p>

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<p>particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>				training or by reason of a physical or mental handicap.
	<p><b>Relationships Act 2003</b></p>	Tas	Overview	<p>The Act provides generally for the law relating to the registration of significant relationships (defined as relationships between two adult persons – (a) who have a relationship as a couple; and (b) who are not married to one another or related by family) and provisions for financial adjustments and maintenance in the event of the dissolution of such relationships.</p>
			Part 5 (sections 36 to 59)	<p>Part 5 provides for the mechanics of a party applying to the Court for maintenance or an adjustment of property interests arising from the relationship.</p> <p>Section 37(2) provides that a court may make an order if satisfied that:</p> <p>(a) there is a child of the partners referred to in the application; or</p> <p>(b) the applicant:</p> <p>(i) has made substantial contributions of the kind referred to in section 40(1) for which the applicant would otherwise not be adequately compensated if the order were not made; or</p> <p>(ii) has the care and control of a child of the respondent –</p> <p>and the failure to make the order would result in serious injustice to the applicant.</p> <p>Section 47 imposes, as relevant considerations in assessing</p>

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				<p>whether a maintenance order ought to be made, the fact that:</p> <p>(1) ... the applicant is unable to support himself or herself adequately because:</p> <p>(a) the partner's earning capacity has been adversely affected by the circumstances of the personal relationship; or</p> <p>(b) of any other reason arising in whole or in part from the circumstances of the personal relationship.</p> <p>(2) In determining whether to make the order and in fixing any amount to be paid under the order, a court is to have regard to the following:</p> <p>...</p> <p>(b) the financial needs and obligations of each partner;</p> <p>(c) the responsibilities of either partner to support any other person;</p> <p>...</p> <p>(e) any payments provided for the maintenance of a child in the care and control of either partner;</p> <p>(f) whether either partner has the care and control of a child of the partner who is under 18</p> <p>...</p>

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	<b>Family Violence Act 2004</b>	Tas	Overview / s.8	<p>The Act broadly provides protection against parties to relationships engaging in abuse against other parties to the relationship, including by economic abuse.</p> <p>Economic abuse is defined in section 8 of the Act to include:</p> <ul style="list-style-type: none"> <li>(b) disposing of property owned –</li> <li>(i) jointly by the person and his or her spouse or partner; or</li> <li>(ii) by his or her spouse or partner; or</li> <li>(iii) by an affected child -</li> </ul> <p>without the consent of the spouse or partner or affected child;</p> <p>...</p> <ul style="list-style-type: none"> <li>(d) preventing his or her spouse or partner from accessing joint financial assets for the purposes of meeting normal household expenses; and</li> <li>(e) withholding, or threatening to withhold, the financial support reasonably necessary for the maintenance of his or her spouse or partner or an affected child.</li> </ul> <p>To engage in such abuse is an offence punishable by a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years.</p> <p>Pursuant to section 7 of the Act, such economic abuse is considered '<b>Family Violence</b>' for the purposes of the Act.</p>

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			Parts 3 and 4 (ss.14 to 29)	<p>Provide for the mechanics of a party affected by Family Violence to obtain either a Police Family Violence Order (<b>PFVO</b>) or a Court issued Family Violence Order (<b>FVO</b>).</p> <p>In broad terms the PFVOs and FVOs may include such conditions as are necessary or desirable to prevent the commission of family violence against an affected person or to protect any other person named in the order.</p>
	<b>Pensioners (Heating Allowances) Act 1971</b>	Tas	Overview	The Act provides generally for the law relating to the payment of heating allowances to certain classes of pensioners.
			s.2	<p>Defines '<b>pensioner</b>' for the purposes of the Act to include a person who is in receipt of:</p> <p>...</p> <p>(aa) a benefit from the State as a woman who has the custody, care, and control of a child in respect of which benefit the State receives financial assistance as a participating State under the State Grants (Deserted Wives) Act 1968 of the Commonwealth;</p> <p>(ab) a benefit under Part IVAAA of the Social Services Act 1947-1975 of the Commonwealth as a woman who has the custody, care, and control of a child</p> <p>...</p>
			s.3 & s.4	Define broadly the threshold test for pensioners to qualify for the payment of an allowance, and the mechanics and

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				<p>relevant amount of that allowance in various circumstances.</p> <p>One of the relevant considerations in assessing the threshold test is whether the pensioner's spouse (if any) is a pensioner and each other person who lives with him is either a pensioner or a child who is wholly dependent on him.</p>
	<b>Adoption Act 1988</b>	Tas	Overview	The Act generally provides for the law regulating adoption of children in Tasmania, including setting out the relevant considerations the Court must take into account before the granting of an adoption order.
			s.21	<p>Provides for the matters relevant to an adoption order being made in favour of relatives of a subject child -</p> <p>The court shall not make an order for the adoption of a child in favour of a person who, or whose spouse, is a relative of the child or in favour of 2 persons who are relatives, or one of whom is a relative, of the child unless the court is satisfied that:</p> <p>(a) the making of an order under the Children, Young Persons and Their Families Act 1997 for the custody or guardianship of the child would not make adequate provision for the welfare and interests of the child.</p> <p>...</p>
	<b>Children, Young Persons and Their Families Act 1997</b>	Tas	Overview	The Act generally provides for the law and associated mechanics relating to ensuring that children are appropriately cared for and protected, including the prevention of abuse or



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				neglect.
			s.4(1)	<p>Provides for the definition of the concept of '<b>at risk</b>' as it applies for the purposes of the Act.</p> <p>A child is considered, relevantly, to be '<b>at risk</b>' if, inter alia:</p> <p>(a) the child has been, is being, or is likely to be, abused or neglected; or</p> <p>...</p> <p>(c) the guardians of the child are -</p> <p>(i) unable to maintain the child; or</p> <p>...</p> <p>(iii) unwilling to maintain the child; or</p> <p>...</p> <p>(vi) are unwilling or unable to prevent the child from suffering abuse or neglect;</p> <p>...</p>
			s.7	<p>Provides that the object of the Act is:</p> <p>(1) ... to provide for the care and protection of children in a manner that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full</p>

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				<p>potential.</p> <p>(2) The Minister must seek to further the object of this Act and, to that end, should endeavour:</p> <p>(a) to promote, and assist in the development of, a partnership approach between the Government, local government, non-Government agencies and families in taking responsibility for and dealing with the problem of child abuse and neglect; and</p> <p>(b) to promote and assist in the development of coordinated strategies for dealing with the problem of child abuse and neglect; and</p> <p>(c) to provide, or assist in the provision of, services for dealing with the problem of child abuse and neglect and for the care and protection of children; and</p> <p>(d) to provide, or assist in the provision of, preventative and support services directed towards strengthening and supporting families and reducing the incidence of child abuse and neglect; and</p> <p>(e) to assist recognised Aboriginal organisations to establish and provide preventative and support services directed towards strengthening and supporting families and reducing the incidence of child abuse and neglect within the Aboriginal community; and</p> <p>(f) to provide, or assist in the provision of, information or education services for guardians, prospective guardians and</p>

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				<p>other members of the community in relation to the developmental, social and safety requirements of children; and</p> <p>(g) to provide, or assist in the provision of, education to persons who are required to notify the Secretary if they know or reasonably believe or suspect that a child is being, or is likely to be, abused or neglected; and</p> <p>(h) to provide, or assist in the provision of, services to help persons who have been under the guardianship or in the custody of the Secretary during childhood to make a successful transition to adulthood; and</p> <p>(i) to collect and publish relevant data or statistics or to assist in their collection or publication; and</p> <p>(j) to promote, encourage and undertake research into child abuse and neglect; and</p> <p>(k) to encourage the provision, by educational institutions, of courses offering instruction about child abuse and neglect and its prevention and treatment; and</p> <p>(l) generally to do such other things which the Minister believes will further the object of this Act.</p>
			s.8	<p>Section 8 provides, inter alia:</p> <p>(1) The administration of this Act is to be founded on the following principles:</p> <p>(a) the primary responsibility for a child's care and protection</p>

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				<p>lies with the child's family;</p> <p>(b) a high priority is to be given to supporting and assisting the family to carry out that primary responsibility in preference to commencing proceedings under Division 2 of Part 5;</p> <p>(c) if a family is not able to meet its responsibilities to the child and the child is at risk, the Secretary may accept those responsibilities.</p> <p>...</p>
			s.11(1)	Provides for the guardians of a child and the Minister to enter into short term agreements under which the Secretary (of the relevant Department) will assume the care and custody of the child for a period not exceeding 3 months (unless otherwise extended prior to the termination of the 3 month period).
			s.13	Imposes a positive obligation upon adults, if they know, or believe on reasonable grounds, that a child is suffering neglect, to take steps to prevent the occurrence or further occurrence of that neglect.
			Part 4 (sections 18 to 29)	<p>Provides generally for the power and mechanics of the Secretary, in circumstances where a child is, or is believed to be, at risk, to have an assessment undertaken of the child's circumstances.</p> <p>Section 18 includes compulsive powers so that the Secretary can obtain information from other parties, including the child's parents or guardians, as to the safety, welfare or</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>wellbeing of the child.</p> <p>Section 22 thereafter provides for the Secretary to apply to the Court for formal assessment orders and restraint orders if considered necessary against the child's parents or guardians.</p>
			Part 5 (sections 30 to 53B)	<p>Provides generally for intervention methods to address concerns relating to children in need of care and protection.</p> <p>Section 30 provides for the Secretary to convene (either on the basis of his own opinion, or if ordered to do so by the Court) a <b>'Family group conference'</b>.</p> <p>Section 31(1) provides that the purpose of such a conference is to provide an opportunity for a child's family and other persons attending the conference:</p> <p>(a) to make informed recommendations as to the arrangements for best securing the care and protection of the child; or</p> <p>(b) to review those arrangements and make further recommendations in respect of those arrangements from time to time.</p> <p>Section 42 provides that upon the application of the Secretary, the Court may make a care and protection order if satisfied that a child is at risk. The order may contain provisions relating to the custody of the child or orders requiring the guardian of the child to do, or not do, something for a specified period of time.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			s.53E	The Secretary may enter into an agreement with an organisation for the creation of a community based intake service, providing a referral service for children and their families that is easily accessible and enables early intervention and support for families.
			s.73	The parents or guardians of a child are responsible for the maintenance of that child.
			s.74	The court may order a child's parents or guardian to contribute financially towards the maintenance of a child in the custody of the Secretary.
			s.77A	The Secretary may transfer a child protection order to another state if the home order could be made under the child welfare law of that state and the relevant officer in the other state has given his or her consent to the transfer.
			s.91	A person who owes a duty of care to a child must not intentionally take, or fail to take, an action that could reasonably result in a child suffering significant harm.

## 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 27:</b></p> <p>1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.</p> <p>2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.</p> <p>3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p> <p>4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In</p>	<p><b>Domestic Relationships Act 1994</b></p>	<p>ACT</p>	<p>Overview</p>	<p>The Act generally provides for the law regulating domestic relationships (being a personal relationship between 2 adults in which one provides personal or financial commitment and support of a domestic nature for the material benefit of the other including a domestic partnership but not including a legal marriage) including as to the adjustment of property interests and maintenance upon the dissolution of any such relationship.</p>
			<p>s.19(1)</p>	<p>Provides for maintenance to be ordered in circumstances where it is necessary for the ongoing care of a dependent child.</p> <p>On an application by a party to a domestic relationship, a court may order the other party to the relationship to pay an amount, or periodic amounts, by way of maintenance to the applicant if it is satisfied that:</p> <p>(a) the applicant is unable to support himself or herself adequately because of having the care and control of a child of the parties, or a child of the other party, who, on the day on which the application is made, has not attained the age of:</p> <p>(i) 12 years; or</p> <p>(ii) if the child has a physical or mental disability - 16 years.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.</p>			s.20	<p>Provides for interim maintenance to be ordered whilst awaiting the determination of any final maintenance order under s.19 of the Act.</p> <p>The Act provides that if a court is satisfied that an applicant for an order under this part is in immediate need of financial assistance, but it is not practicable in the circumstances to determine immediately what order (if any) should be made, the court may order the other party to the domestic relationship to pay to the applicant such periodic or other amounts as the court considers reasonable, until the application is determined.</p>
	<b>Children and Young People Act 2008</b>	ACT	Overview	The purpose of the Act is to provide and promote ' <b>the wellbeing, care and protection</b> ' of children.
			s.19	The person who has daily care responsibility for a child is responsible for where the child lives, the child's personal appearance and who the child has contact with.
			s.20	The person with long term care responsibility is responsible for the child's property and education.
			ss.73-90	Family group conferences bring together relevant parties to resolve matters relating to the wellbeing of a child with the aim of reaching a family group conference agreement. Such an agreement details future arrangements designed to ensure the child's wellbeing.
			ss.394-402	The director-general and a parent or person who has daily care responsibility or long term care responsibility for a child may enter into a voluntary care agreement for shared



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				responsibility in regards to the daily care responsibility or long term care responsibility for a child.
			ss.424-430	The director-general or another person may apply for a care and protection order for a child outlining the grounds on which it is sought and which provisions will be included.
	<b>Trustee Act 1925</b>	ACT	Overview	The Act provides generally for the law regulating trusts and trustees in the ACT.
			s.43(1) & (2)	<p>Provides that where any property is held on trust for a child for any interest whatsoever, whether vested or contingent, and whether absolute or liable to be divested, the trustee may, at his or her sole discretion, pay to the parent or guardian of the child, or to the person with whom the child is currently residing, or otherwise apply the whole or part of the income of the property, for or towards the maintenance, education or benefit of the child.</p> <p>This power may be exercised irrespective of whether any other persons are responsible for providing maintenance to the child.</p>
			s.44(1)	A similar power is provided for in s.44 which provides that if, under a trust, a child is entitled to the capital of trust property or a share in it, the trustee may pay or apply any capital money subject to the trust, not more than ½ of the value of the property or share, for the maintenance, education, advancement or benefit of the child in any way the trustee considers appropriate (in his or her absolute discretion).