

1. Commonwealth

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 29:</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of</p>	<p>Child Care Act</p>	Cth	-	<p>The purpose of this legislation is cited at to provide for assistance by the Commonwealth as regards places where the majority of children under school age may be cared for, specifically in relation to the development of such places and research in connection with the care of those children.</p>
			Section 13	<p>Section 13 provides for the giving of research grants, on behalf of the Commonwealth, which can be made to a person for the purposes of, or relating to, research in child care and related matters, and the initiation and development of methods of child care.</p>
			Section 13B & 13C	<p>Section 13B is similar in that the relevant Minister can approve projects for the development of child care centres being carried out.</p> <p>The relevant Minister can make a grant to a State or Territory, by way of financial assistance, in respect of an approved project proposed to be carried out (s.13C).</p>
			Section 14	<p>The Minister is empowered to establish a committee, the Child Care Standards Committee.</p> <p>Its functions include to give advice to the Minister and to operators of eligible child care centres, as regards standards to be maintained in relation to the services provided by the</p>

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indigenous origin;				child care centre (among other things).
<p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>	<p>Indigenous Education (Targeted Assistance) Act</p>	Cth	-	This legislation is enacted with the intention of providing targeted financial assistance to advance the education of indigenous persons, and other related purposes.
		Section 5	<p>The overriding object of the Act is for equitable and appropriate educational outcomes for indigenous people.</p> <p>It is intended to do this by, among other things:</p> <p>(a) arrangements for the adequate preparation of indigenous children for primary and later schooling through pre-school education;</p> <p>(b) arrangements enabling indigenous children to attain, through compulsory primary and secondary education, commensurate with skills and standards of skills, as those attained by other Australian children;</p> <p>(c) developing of programs to support the maintenance and continued use of the languages of Indigenous people;</p> <p>(d) arrangements enabling Indigenous students to attain better literacy and numeracy skills and to attain better attendance outcomes, through access to priority Commonwealth education initiatives and strategic projects; and</p> <p>(e) education enabling Indigenous students to appreciate the history, cultural and identity of Indigenous people, and education enabling all Australian students to understand and</p>	

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				<p>appreciate the traditional and contemporary culture of Indigenous people.</p>
			Sections 6-9	<p>S.6 to S.9 set out additional objects of the Act.</p> <p>This includes the following:</p> <ul style="list-style-type: none"> (a) to ensure Indigenous people enjoy equality with other Australians in their access to education; (b) to ensure equity of participation by Indigenous people in education; (c) to increase the involvement of Indigenous people in the making of decisions concerning education; and (d) to encourage the development of education services that are culturally appropriate for Indigenous people. This includes to develop criteria suited to the education of Indigenous students; the development of teaching methods and techniques suited to the learning styles of Indigenous students, and the promotion of research to devise innovative methods to deliver education services to Indigenous students.

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			- various -	<p>The balance of the legislation deals with the provision and allocation of funding for these objects.</p> <p>For example, S.10 provides the relevant Minister may, on behalf of the Commonwealth, make an agreement with an education provider to authorise the making of one or more payments to the provider for recurrent expenditure in one or more specified funding years for the purpose of advancing the objects of the legislation.</p> <p>S.11A then provides that the relevant Minister must not make an agreement under s.10, unless that agreement specifies the following commitments by the other party:</p> <ul style="list-style-type: none"> • a commitment to advance the objects of this Act; and • a commitment to achieve the performance targets. <p>Pursuant to S.11A(2), an agreement may also specify other commitments.</p> <p>Pursuant to s.11F, the Minister is empowered to intervene, and direct a party to take specified action, if he thinks a party is not achieving its required performance levels under an agreement.</p>
	Indigenous Education (Targeted Assistance) Regulations 2001	Cth	-	Regulations do not appear to contain any additional provisions relevant to Article 29.

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	Schools Assistance Act	Cth	-	This is an Act for the purpose of granting financial assistance for non-Government primary and secondary education from 2009, and related purposes.
			Section 3	S.3 provides a ' simplified outline ' of the Act. In essence, it states that under the legislation, financial assistance may be paid to a State for, or in connection with, non-Government schools for recurrent expenditure; capital expenditure and also targeted expenditure.
			Part 3, Division 3, Section 17	Where a funding agreement is in place between the relevant school and Commonwealth, s.17 provides that regulations may prescribe assessments against specified educational standards, including but not limited to an assessment against national standards in reading, writing, language, conventions and numeracy for students in Years 3, 5, 7 and 9 at school.
			Sections 18-22	The essence of these sections is to provide various requirements in relation to ensuring the school participates in preparing national reports on the outcomes of schooling and reporting of individual school information. It also provides for the regular reporting to people responsible for students by way of a written report/s that (s.20): <ul style="list-style-type: none"> • use plain language; • are readily understandable; • give an accurate and objective assessment of a student's

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				<p>progress and achievement; and</p> <ul style="list-style-type: none"> include an assessment of the student's achievement against any available national standards, and relative to the performance of the student's peer group at the school. <p>S.22 specifically provides that funding agreements reached must also include requirements that the school's relevant authority must ensure the school implements the national curriculum prescribed by the regulations, and in accordance with the regulations.</p>
			Division 3, Section 88	<p>This section deals with education in country areas.</p> <p>It provides the relevant Minister can make determinations authorising payment of financial assistance to a State for expenditure, approved by the Minister, for a program year connected with education, at non-Government schools in country areas, for students who are 'educationally disadvantaged' because of geographical isolation.</p>
			Division 4, Section 89 & 90	<p>Languages education is provided for under this section.</p> <p>In particular, s.89 provides the relevant Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with non-Government schools in that State to improve the learning outcomes of students who are learning languages other than English.</p> <p>In addition, pursuant to s.90 the Minister has the power to approve a project and authorise payment to the State for that</p>

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				project, in circumstances where the sole or principal object of the project is to foster the learning of languages other than English.
			Section 96 & 97	<p>S.96 provides the Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with non-Government schools in that State to improve the learning outcomes of students with disabilities.</p> <p>In addition, pursuant to s.97, the Minister may make a determination authorising payment of financial assistance to a State for expenditure for a program year connected with non-Government schools in that State to improve the learning outcomes of students who are educationally disadvantaged.</p>
			Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act	Cth
Schools Assistance Regulations 2009	Cth	-	<p>The regulations are intended to specify performance and transparency requirements, according to corresponding sections of the Act, to give effect to data collection and reporting requirements in the National Education Agreement agreed by COAG.</p> <p>In that regard, the Regulations are specifically intended to prescribe requirements for:</p>	

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				<ul style="list-style-type: none"> • national student assessments (Part 2); • performance information for national reports on the outcomes of schooling (Part 3); • student reports to parents (Part 5); and • information relating to schools to be published by schools (Part 6).
	Stronger Futures in the Northern Territory Act 2012	Cth	-	<p>This Act intendeds to build stronger futures for Aboriginal people in the Northern Territory, and related purposes.</p> <p>It appears to have nil relevant provision to education of children.</p>
	Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012	Cth	-	<p>This Act intendeds to amend laws and deal with transitional matters in connection with the <i>Stronger Futures Act</i>.</p> <p>It also appears to have nil relevant provision to education of children.</p>

2. New South Wales

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<p>ARTICLE 29:</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p>	<p>Education Act 1990</p>	<p>NSW</p>	<p>Section 4</p>	<p>Section 4 sets out the principles to which Parliament had regard in enacting this legislation, being:</p> <ul style="list-style-type: none"> • any child has the right to receive an education; • the education of a child is primarily the responsibility of his parents; • it is the duty of the State to ensure every child an education of the highest quality; and • the principle responsibility of the State in the education of children is the provision of public education.
			<p>Section 5</p>	<p>The principle objects of the Act are set out in s.5, as follows:</p> <ul style="list-style-type: none"> • set out aspects of the school curriculum, including the minimum curriculum for school registration and the curriculum for candidates for the Record of School Achievement and the Higher School Certificate; • provide for the establishment and operation of government schools; • ensure that only government schools established under this Act or non-government schools registered under this Act operate in New South Wales;

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<p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				<p>allow children to be educated at home;</p> <ul style="list-style-type: none"> • provide for the grant of Records of School Achievement and Higher School Certificates and for the accreditation of non-government schools that are competent to present candidates for them.
			Section 7	<p>The key learning areas for the purposes of the Act, for primary education (children in Kindergarten to Year 6), are set out here. These include (but are not limited to):</p> <ul style="list-style-type: none"> • Science; • Human Society and its Environment; and • Personal Development, Health and Physical Education.
			Section 8	<p>S.8 provides the minimum curriculum for primary education must include (among other things):</p> <ul style="list-style-type: none"> • a course in each of the 6 key learning areas (found in section 7); • a course of study relating to Australia, which is to be incorporated into the key learning area of Human Society and its Environment; and • the courses of study in key learning areas must be appropriate for the children concerned having regard to 'their level of achievement and their needs'.

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			Section 9	<p>The key learning areas for the purposes of the Act, for secondary education (children in Years 7-10), are set out here. These include (but are not limited to):</p> <ul style="list-style-type: none"> • Science; • Human Society and its Environment; and • Personal Development, Health and Physical Education.
			Section 10	<p>S.10 provides the minimum curriculum for secondary education must include (among other things):</p> <ul style="list-style-type: none"> • courses of study in 6 out of the 8 key learning areas (found in section 9), and, must include Human and its Environment, however Personal Development, Health and Physical Education need not be provided in each year; and • courses of study in any key learning area are to be appropriate for the children concerned having regard to 'their level of achievement and needs'.
			Section 20	<p>The relevant Minister is given the power to provide or arrange special or additional assistance for government school children with special needs, such as (but not limited to):</p> <ul style="list-style-type: none"> • children with disabilities; • children with significant learning difficulties; or • children who are disadvantaged by their socio-economic

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				<p>background.</p> <p>Section 20(2) provides that any special or additional assistance may include the provision of financial assistance, facilities, courses of study, staff, staff training, or distance education.</p>
			<p>Part 5A, Division 2, Section 26B,</p>	<p>Division 2 allows for the obtaining of information about students solely for the purposes of assisting the Director General, or a student's school, to assess whether the enrolment of a particular student at a school is likely to constitute a risk to the health or safety of any person, including that student. It also allows for the Director General, or school, to develop and maintain strategies to eliminate or minimise any such risk.</p> <p>There are restrictions on the disclosure of information obtained under that Division, as provided for by s.26B(2).</p>
			<p>Sections 27 and 29</p>	<p>Pursuant to s.27, the Minister has power to establish schools in any locality, if certain criterion are met.</p> <p>S.29(1) provides for the kinds of schools that may be established by the Minister, including:</p> <ul style="list-style-type: none"> • infants' schools; • primary schools; • schools in which education for specific age groups is offered;

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				<ul style="list-style-type: none"> • schools for children with disabilities; and • schools with boarding facilities.
			Section 30	Section 30 prescribes that in government schools, the education is required to consist of strictly ' non-sectarian and secular instruction '. The words ' secular instruction ' are to be taken to include general religious education as distinct from dogmatic or polemical theology.
			Section 32	This provides for the allowance of specialist religious education for students in government schools, of any religious persuasion. It provides that time must be allowed for the religious education of such children if required, but it restricts the total number of hours allowed in a year to not exceed the number of school weeks in the year.
			Section 33A	' Special education in ethics ' is allowed as a secular alternative to special religious education at government schools.
			Section 34(5)	A child is not to be refused admission to a government school because of the child's race or religion.
			Section 35(1)	S.35(1) provides that the relevant Minister may control and regulate student discipline in government schools. It further states that guidelines and codes developed by the Minister in that capacity must <i>not</i> permit corporal punishment of students.
			Part 7, Division 6,	Pursuant to Division 6, the parent of a child may apply for registration of a child for home schooling. If approved,

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			Section 73,	<p>pursuant to s.73 the registration of the child for home schooling is to be subject to the conditions specified in an applicable Certificate of Registration.</p> <p>The conditions required pursuant to s.73(2) include that the schooling for the child must include that the child receives instruction that meets the relevant requirements in the legislation relating to the minimum curriculum for schools.</p>
			Part 8, Divisions 1 and 2, Section 94,	<p>Part 8 provides for various different awards of study to children who are eligible. For example:</p> <ul style="list-style-type: none"> • pursuant to s.94 records of School Achievement can be granted to students who have attended a requisite school and participated to a certain level in appropriate courses of study, and completed those courses satisfactorily; • s.95 provides for the awarding of High School Certificates to requisite the students who have completed the courses required.
			Part 11, Sections 115 & 116	<p>Part 11 provides for constitution, or formation, of parents and citizens associations (or kindred associations) in accordance with the regulations, in any government school.</p> <p>Section 116 provides the objects of any association established include to:</p> <ul style="list-style-type: none"> • promote the interests of the school by bringing parents, citizens, students and teaching staff into close co-operation; • to assist in providing facilities and equipment for the

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				<p>school and promoting the recreation and welfare of the students at the school; and</p> <ul style="list-style-type: none"> to encourage parent and community participation in curriculum and other education issues in school when there is no school council.
	Education Regulation 2012	NSW	-	<p>The Regulation makes provision for the following matters:</p> <ul style="list-style-type: none"> the criteria for determining whether a child has completed Year 10 or is no longer required to attend school because the child is participating in full time paid work or approved education or training or both; the particular kinds of children in respect of whom certain non-government schools may be registered; the notification requirements if a non-government school closes or ceases to operate and the effect on the registration of the school; the constitution of parents and citizens associations and district councils; and the publication of the rules of the Board of Studies.
	Child Protection (Working with Children) Act	NSW	Section 3	<p>S.3 sets out the object of the Act. It is cited as being to protect children by not permitting certain persons to engage in child related work, and by requiring persons whom are engaged in child related work to have a 'Working With Children Check Clearance'.</p>

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			Section 4	<p>S.4 notes the Act provides the safety, welfare and wellbeing of children and, in particular, protecting them from child abuse, is the paramount consideration in operation of the legislation.</p> <p>It otherwise does not have provisions specifically dealing with the education of children.</p>
	Children and Young Persons (Care and Protection) Act	NSW	Preamble	This legislation is cited as being enacted to provide for the care and protection of, and the provision of services to, children and young persons, among other purposes.
			Part 2, Section, 23(1)(b)(i)	<p>Part 2 provides a person who has reasonable grounds to suspect a child or young person is at risk of significant harm may make a report to the Director General.</p> <p>Section 23 provides that a child or young person is considered to be at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child because of the presence, to a significant extent of (for example) in the case of a child who is required to attend school in accordance with the <i>Education Act</i> 1990, the parents or other care givers have not arranged and are unable or unwilling to arrange for the child to receive an education in accordance with that Act.</p>
			Section 27	<p>Section 27 provides for a system of mandatory reporting.</p> <p>By virtue of s.27(1), mandatory reporting applies to a person who in the course of his or her professional work or other paid employment delivers education.</p>

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				<p>Under s.27(2) that person is obliged, in circumstances where they have reasonable grounds to suspect a child is at risk of significant harm, and those grounds arise during the course of or in relation to the person's work, to report, as soon as practicable, to the Director General the name, or a description, of the child and the grounds for suspecting the child is at risk of significant harm.</p>
			<p>Part 2, Sections 71-79</p>	<p>Part 2 provides for the making of an applications by the Director General to the Children's Court for care order/s for a child.</p> <p>Pursuant to s.71, grounds for orders by the Court include if the Court is satisfied the child is in need of care and protection for any reason. This includes that the child's basic physical, psychological or educational needs are not being met, or are likely not to be met, by his or her parents or primary caregivers.</p> <p>Pursuant to s.79(1), if the Court finds a child or young person is in need of care and protection, it may make an order allocating parental responsibility to another party.</p> <p>More specifically, particular aspects of parental or responsibility that may be allocated by an order, includes as to the education and training of the child (s.79(2)(c)).</p>
			<p>Chapter 7, Part 1, Sections 115 & 116</p>	<p>Chapter 7 is enacted to provide support for children in crisis. It has the effect of giving the Court power in circumstances where it considers the differences between a child or young person and his or her parents are so serious it is no longer possible for the child or young person to continue living</p>

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				<p>there.</p> <p>In such cases, the Director General can apply to the Court for an order approving alternative parenting plan (s.116).</p> <p>Pursuant to s.115(1)(b) an alternative parenting plan may include proposals concerning the education and training of the child or young person.</p>
			Chapter 8, Parts 4 & 5, Section 157	<p>Chapter 8 provides for 'out of home' care for children, with the objective of creating a high standard in the provision of this care, and to clarify the roles and responsibilities of those involved in the provision of such care.</p> <p>In such arrangements, pursuant to s.157 a person who is an authorised carer of a child or young person in those circumstances, has authority to exercise any aspects of parental responsibility delegated to that carer in accordance with this Act.</p> <p>Aspects of parental responsibility that may be delegated include (pursuant to s.157(2)) 'the power to make decisions concerning the education and training of the child or young person'.</p>
			Section 248	S.248 allows for the provision and exchange of information, and for the Director General to furnish a prescribed body (which, pursuant s.248(6) means a government school or a registered non-government school within the meaning of the <i>Education Act</i> 1990), with information relating to the safety, welfare and wellbeing of a particular child or young person,

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	Children and Young Persons (Care and Protection) Regulation 2012	NSW		or class of children or young persons.
			-	Relevantly, among other things, this Regulation deals with the form and content of care plans and alternative parenting plans, and matters relating to out of home care.
			Regulation 22	<p>R.22 prescribes what information care plans for the purposes of s.78(5) of the Act are to include.</p> <p>This is stated to be information, when relevant to the circumstances of the child, including:</p> <ul style="list-style-type: none"> • issues of social, cultural, educational or economic significance in relation to the child or his or her family; • the nature of the relationships between members of the child's family and the capacity of the parents to adapt or deal with circumstances affecting the family; and • if practicable, the views of the child (and his or her parents), as to the services that need to be provided to him or her and their family. <p>The care plan is also to set out, among other things, the plans or arrangements to meet the education and training needs of the child or young person.</p>
Regulation 23	<p>R.23 deals with the information which is to be included in alternative parenting plans under s.116 or s.119 of the Act.</p> <p>For example, any proposals including the way the needs of a child are proposed to be met, the allocation of parental</p>			

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				responsibility or specific aspects of it, and the child's education and training.
			Schedule 2	<p>Schedule 2 sets out a code of conduct for authorised carers.</p> <p>Of relevance, for example is item 4 dealing with the care of children and young persons.</p> <p>It provides an authorised carer must, in relation to each child or young person in out of home care:</p> <ul style="list-style-type: none"> • ensure the health, education, safety, welfare, wellbeing and progress of the child or young person are promoted; • the child or young person is encouraged to participate, as far as is reasonably practicable, in the ordinary life of the community; and • the observance by the child or young person of his or her religion (if any) and the preservation of that person's cultural identity are encouraged.
	Children (Protection and Parental Responsibility) Act	NSW		Nil provisions considered applicable.
	Children (Education and Care Services National Law Application) Act	NSW	-	<p>This legislation is enacted in order to apply the relevant National Law relating to the regulation of education and care services for children.</p> <p>Section 3</p> <p>The objective of the legislation is cited as to establish a National Education and Care Services quality framework for</p>

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				<p>the delivery of education and care services to children.</p> <p>Among other things, the objectives of the National Education and Care Services quality framework are to improve the education and development outcomes for children attending education and care services, and to promote continuous improvement in the provision of those services.</p> <p>The guiding principles of the National Education and Care Services quality framework are cited (s.3(3)) as including that:</p> <ul style="list-style-type: none"> • the rights and best interests of the child are paramount; • children are successful, competent and capable learners; • the principles of equity, inclusion and diversity underlay the law; • Australia's Aboriginal and Torres Strait Island cultures are valued; • the role of parents and families is respected and supported, and • best practice is expected in the provision of education and care services.
			Section 166	Section 166(1) provides it is an offence for the approved provider of an education and care service for children and young persons, to use inappropriate discipline.

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				<p>In particular, the provider must ensure no child being educated or cared for by the service is subject to any form of corporal punishment or any discipline that is considered 'unreasonable in the circumstances'.</p> <p>Penalties include \$10,000.00 fines in the case of individuals, or \$50,000.00 in any other case.</p> <p>Similar offence and a range of penalties are set out for nominated supervisors, staff members, volunteers, or family day care educators.</p>
			Section 168	<p>S.168 sets out offences in relation to programs which are required to be delivered to all children being educated and cared for. It applies to approved providers, and nominated supervisors of education and care services.</p> <p>For example, the obligations under this section include to ensure the program/s delivered to children being educated and cared for are:</p> <ul style="list-style-type: none"> • based on an approved learning framework; • delivered in a manner that accords with the approved learning framework; • based on the developmental needs, interests and experiences of each child; and • designed to take into account the individual differences of each child.

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			Section 189	<p>This section is applicable in circumstances where the relevant regulatory authority considers, on reasonable grounds, there is an immediate danger to the safety or health of a child or children being educated and cared for by an education and care service.</p> <p>It provides in those circumstances the authority may remove, or cause the removal of, a child or children from the education and care services premises.</p>
			Part 11, Division 1, Sections 224 and 225	<p>This division establishes the Australian Children's Education and Care Quality Authority.</p> <p>Its functions pursuant to s.225 include to:</p> <ul style="list-style-type: none"> • guide the implementation and administration of the National Quality Framework; • monitor and promote consistency in its implementation and administration; • establish consistent, effective and efficient procedures for the operation of the National Quality Framework; • keep national information on the assessment, rating and regulation of education and care services; and • promote and foster continuous quality improvement by approved education and care services.

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			Section 301	<p>Section 301 allows the enactment of regulations by the relevant Ministerial Council, which can deal with the following:</p> <ul style="list-style-type: none"> standards for education and care services; requirements for educational programs, including the quality of those programs and their development, documentation and delivery; and requirements and standards to be complied with for the safety, health and wellbeing of children being educated and cared for by an education and care service.
	<p>Children (Education and Care Services) Supplementary Provisions Regulation</p>	NSW	-	<p>This Regulation deals with State-regulated education and care services, including home-based education and care.</p> <p>Other education and care services are regulated by the Children (Education and Care Services) National Law.</p>
			Regulation 6	<p>R.6 provides an applicant for a home-based education and care service must, among other things, include demonstration of capacity to exercise overall supervision of the provision of an education and care service.</p>
			Regulation 17	<p>This sets out minimum requirements of qualifications and experience of an applicant, which includes a qualification such as an approved degree or diploma in early childhood education from a university of not less than 3 years, or equivalent.</p>

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			Regulation 28	<p>R.28 sets out the prescribed space requirements for centre-based education and care services. For example, the relevant premises must have at least 3.25m² of unencumbered indoor play space per child.</p> <p>Pursuant to R.28(7) and 28(8) it is also required to have at least 7m² of useable outdoor play space per child.</p>
			Regulation 49	<p>This deals with employment of appropriate staff and provides, for example, that the staff must have an understanding of the physical, emotional, cognitive, social and cultural development of children.</p>
			Regulation 63	<p>R.63 sets out development and implementation of programs for children. As an example, the provision of education and care services must ensure development, maintenance and implementation of policies which set out:</p> <ul style="list-style-type: none"> • the level of involvement of children, parents and staff in the development of curriculum; • the ways in which the service ensures the interaction of individual children are accounted for; and • the ways in which children will be assisted in the transition to the early childhood programs or school. <p>Furthermore, nominated supervisors must ensure programs and activities:</p> <ul style="list-style-type: none"> • include a balance of indoor and outdoor activities;

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				<ul style="list-style-type: none"> • include stimulation of social, physical, emotional, cognitive and language and creative potential of the child; • are appropriate to the individual needs and development level of each child; and • allow children to 'freely select' experiences.
			Regulation 64	<p>This Regulation provides that providers and supervisors of an education and care service must ensure interactions with children for whom the service has been provided occur in a way that ensures the children:</p> <ul style="list-style-type: none"> • are encouraged to express themselves and their opinions; • are given the opportunity to become self-reliant and develop self-esteem; • are given guidance as to positive and responsible behaviour; and • are not required to perform duties that are inappropriate having regard to each child's family and cultural values, age and physical and intellectual development. <p>In addition, the provider and supervisor must, among other things, ensure the dignity and rights of each child being provided with the service are maintained at all times and that:</p> <ul style="list-style-type: none"> • a child is given positive guidance directed towards appropriate behaviour with encouragement freely given;

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				<ul style="list-style-type: none"> • the values of the child's family are respected; • the child is given support in his or her learning experience; and • the child is given emotional support. <p>Furthermore, pursuant to R.64(3), the provider and supervisor must ensure all children enrolled in the service:</p> <ul style="list-style-type: none"> • are treated without bias regardless of ability, gender, religion, culture, family structure or economic status; and • if they have disabilities, or come from different cultural and linguistic backgrounds, are encouraged to fully participate, with any necessary help and support, in programs; and • if they have disabilities, are given access to buildings, areas and facilities at which the service is provided, and appropriate support services and specialised equipment and resources.
			Part 7, Regulation 85	<p>This deals with administrative requirements, and in particular, R.85 deals with the policies to be made available by care centres.</p> <p>For example, the provider must develop, maintain and implement policies to promote the health, safety and wellbeing of children attending the service. Such policies are required to deal with, among other things, the following</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>matters:</p> <ul style="list-style-type: none"> • ethical conduct; • development and education; • treatment of children with special needs; • interactions with children; and • parental involvement.
	Children (Detention Centres) Act	NSW	Section 4	<p>Section 4 sets out the objects of the legislation. This includes:</p> <ul style="list-style-type: none"> • to ensure persons on remand, or subject to control, take their place in the community as soon as possible after remand as persons who will observe the law; and • (among other things), satisfactory relationships are preserved or developed between persons who are on remand, or subject to control, and their families. <p>S.4(2) notes also that in the administration of the legislation, the welfare and interests of people who are on remand or subject to control shall be given paramount consideration.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			Division 2, Section 14	<p>S.14 deals with the treatment of persons detained in detention centres, and for example, sets out the functions of the Director General, to include ensuring adequate arrangements exist to:</p> <ul style="list-style-type: none"> • maintain the physical, psychological and emotional wellbeing of detainees; • promote the social, cultural and educational development of the detainees; and • maintain discipline and good order among detainees.
			Section 18	<p>S.18 sets out the type of work the centre manager of a detention centre may require a detainee to carry out. This can include:</p> <ul style="list-style-type: none"> • work or activity that is reasonable having regard to the detainee's age, and physical or intellectual capacity; and • which avoids any conflict with the detainee's religious beliefs or educational or other training programs.
			Sections 21 and 22	<p>S.21 sets out punishments which may be administered in circumstances where a detainee is found guilty of misbehaviour.</p> <p>For example, this can include a caution or restriction from participation in sport or leisure activities.</p> <p>S.22 sets out punishments which are prohibited, and these</p>

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				<p>include being:</p> <ul style="list-style-type: none"> • struck, cuffed, shaken or subjected to any other form of physical violence; • deprived of food or drink; • denied the right to read or write letters, or to make or receive telephone calls (with the exception of punishment by exclusion or confinement in accord with s.21(1)); or • subject to treatment of a kind that could reasonably be expected to be detrimental to his or her physical, psychological or emotional wellbeing.
			Section 24	<p>S.24 sets out various orders which the Director General may make, in writing, (subject to the relevant regulations).</p> <p>These include to grant a person, subject to control, leave to be absent for a specified purpose. Specified purposes in s.(1)(a) include:</p> <ul style="list-style-type: none"> • to apply for enrolment in a course of education or vocational training, or being interviewed in relation to an application for enrolment in such a course; or • attending a course of education or vocational training at a place which is specified in the relevant order.

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			Section 32A	<p>S.32A sets out regulations which may be made, for or with respect to various matters. These include for the:</p> <ul style="list-style-type: none"> • observance by detainees of religious rights and obligations; • acquisition by detainees of educational and vocational training; • appointment of ministers of religion and other spiritual advisers for detention centres.
	Children (Detention Centres) Regulation 2010	NSW	Regulation 9	R.9 provides for the appropriate maintenance of the physical wellbeing of detainees. It includes a requirement that detainees must be afforded reasonable opportunities to participate in healthy exercise and sporting, recreational and leisure activities.
			Regulation 18	<p>Regulation 18 provides for the education and training of detainees. It provides in particular that the relevant Director General must take all reasonable steps to ensure each detainee under 17 years of age is provided with education at a level appropriate to the his or her aptitude and potential, and must do so whether or not the detainee so requests.</p> <p>In the exercise of a function under this regulation, the Director-General is required to give special attention to the needs of detainees who are illiterate or who have a disability.</p>

3. Victoria

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>ARTICLE 29:</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of</p>	Child Employment Act	Vic	Part 2, Section 11	<p>This provides a person must not employ a child during school hours on any school day unless the relevant Minister has granted the child an exemption from attendance at school under s.2.1.5 of the <i>Education and Training Reform Act</i>.</p> <p>In addition, pursuant to s.11(2), a parent or guardian of a child must not allow the child to engage in employment if the nature and extent of the employment is such as to prejudice the child's attendance at school or their capacity to benefit from instruction.</p>
	Child Employment Regulations	Vic	-	There appear to be no regulations relevant to education of children / Article 29.
	Child Wellbeing and Safety Act	Vic	Section 1	<p>S.1 sets out the main purposes of the Act. These include to:</p> <ul style="list-style-type: none"> • establish principles for the wellbeing of children; and • establish various boards and administrative institutions for the administration of the legislation, and to confer the requisite functions and powers in relation to the safety of children.
				Section 5

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>indigenous origin;</p> <p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				<p>For example, these include:</p> <ul style="list-style-type: none"> • fundamental principles such as that society as a whole shares responsibility for promoting the wellbeing and safety of children; • all children should be given the opportunity to reach their full potential and participate in society irrespective of their family circumstances and background; • those who develop and provide services, as well as parents, should give the highest priority to the promotion and protection of a child's safety, health, development, education and wellbeing; • every child should be able to enrol in a kindergarten program at an early childhood education and care centre.
			- various -	<p>The balance of the legislation sets up the various institutions for the administration of the relevant principles, including the:</p> <p>Victorian Children's Council and its office bearers. (e.g. S.10 sets out the functions of the Council, being to provide the Premier and relevant Minister with independent, expert advice relating to policies & services that enhance the health, wellbeing, development and safety of children);</p> <p>Children's Services Co-ordination Board. (Its functions, by virtue of s.15, include to review annually and report to the relevant Minister on the outcomes of government actions in relation to children, particularly the most vulnerable children</p>

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				in the community); and Child Safety Commissioner, pursuant to Part 6. (By s.17 the objective of this office is to promote the continuous improvement and innovation in policies and practices relating to child safety, and the provision of out of home care services for children).
	Child Wellbeing and Safety Regulations	Vic	-	There appear to be no regulations relevant to child education / Article 29.
	Education and Care Services National Law Act	Vic	Sections 1 & 4	S.1 sets out the purpose of the legislation, being to create a National Law for the regulation of education and care services for children in the State. S.4 provides that the Schedule to the legislation, in which the <i>Education and Care Services National Law</i> is set out, applies as a law of the Victorian jurisdiction.
			Schedule: Section 3	Section 3 of the Schedule sets out the objectives and guiding principles of the National Law. This includes to establish a National Education and Care Services Quality Framework for the delivery of education and care services of children. The specific objectives of the framework are cited as including the following: <ul style="list-style-type: none"> • to ensure the safety, health and wellbeing of children attending education and care services;

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				<ul style="list-style-type: none"> • to improve the educational and developmental outcomes for children attending education and care services; • to promote continuous improvement in the provision of quality education and care services; • to establish a system of national integration and shared responsibility between participating jurisdictions and the Commonwealth in the administration of the National Education and Care Services Quality Framework; • to improve public knowledge, and access to information, about the quality of education and care services; and • to reduce the regulatory and administrative burden for education and care services by enabling information to be shared between participating jurisdictions and the Commonwealth. <p>S.3(3) provides a set of guiding principles for the framework. These are noted to include that:</p> <ul style="list-style-type: none"> • the rights and best interests of the child are paramount; • children are successful, competent and capable learners; • the principles of equity, inclusion and diversity underlay this legislation; • Australia's Aboriginal and Torres Strait Islander cultures are valued;

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				<p>the role of parents and families is respected and supported; and</p> <ul style="list-style-type: none"> • best practice is expected in the provision of education and care services.
			<p>Part 3, Section 5, Section 47, Section 49, Section 51,</p>	<p>Part 3 of the Schedule sets out the basis for an approved provider making an application to the relevant authority for a service approval for an education and care service.</p> <p>An approved provider is defined, pursuant to s.5, as being a person who holds a provider approval.</p> <p>Part 3 provides the basis for such person making an application for a service approval, and s.47 sets out the areas which the authority must have regard to in determining such an application.</p> <p>This includes the:</p> <ul style="list-style-type: none"> • relevant framework; • sustainability of the education and care service premises; and • site and location of those premises for the operation of an education and care service, • adequacy of the policies and procedures of the service; • any other matter the authority thinks fit.

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				<p>S.49 sets out the grounds upon which the authority must refuse to grant a service approval, which includes if the authority is satisfied that the service, if permitted to operate, would constitute an unacceptable risk to the safety, health or wellbeing of children who would be educated or cared for by the education and care service.</p> <p>S.51 provides for various conditions to which any service approval is granted is to be subject.</p> <p>This includes it must be operated in a way that ensures the safety, health and wellbeing of the children being educated and cared for by the service, as well as to meet the educational and developmental needs of the children being educated and cared for by the service.</p>
			Division 4 Section 70	<p>Division 4 provides for the suspension or cancellation of service approval.</p> <p>The grounds for suspension of service approval include that the relevant authority reasonably believes it would not be in the best interests of children being educated and cared for by the service for it to continue, or that a condition of the service approval has not been complied with.</p> <p>It also includes circumstances where the provider has ceased to operate the education and care service at the premises for which the approval was granted, and, within 6 months of ceasing to operate the service, has not transferred the service to another approved provider.</p>
			Part 3,	Division 9 sets out the various offences associated with

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			Division 9, Section 103, Section 104	<p>service approval.</p> <p>For example, pursuant to s.103, a person must not provide an education and care service unless the person is an approved provider in relation to that service, and the education and care service itself is an approved service under the legislation.</p> <p>Other offences include that a person must not knowingly publish or cause to be published an advertisement for an education and care service, unless that service is an approved education and care service (s.104).</p>
			Part 5 Section 133	<p>Part 5 sets out the basis for assessments of the services for education and care services, as well as a ratings regime.</p> <p>For example, s.133 provides the authority may at any time assess the service in accordance with the national regulations to determine whether and at what rating level the service meets the national quality standard and the requirements of the national regulations.</p>
			Part 6, Section 161, Section 162, Section 165	<p>Section 161 provides it is an offence to operate an education and care service without having a nominated supervisor.</p> <p>Furthermore, s.162 provides it is an offence to operate an education and care service unless a responsible person is present at all times, which responsible person includes either:</p> <ul style="list-style-type: none"> • the approved provider; • the nominated supervisor; or

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				<ul style="list-style-type: none"> • a certified supervisor. <p>Also, S.165 provides it is an offence for an approved provider to fail to ensure all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service.</p>
			Section 166	<p>S.166 provides the approved provider of an education and care service must ensure no child being educated and cared for by service is subject to any form of corporal punishment; or any discipline that is 'unreasonable in the circumstances'.</p> <p>The penalties include \$10,000.00 in the case of individuals, or \$50,000.00 in any other case.</p> <p>Similar provisions apply to nominated supervisors of education and care services.</p>
			Section 168	<p>S.168 sets out offences in relation to required programs. For example, in the case of an approved provider, it states he or she must ensure a program is delivered to all children being educated and cared for by the service that is:</p> <ul style="list-style-type: none"> • based on an approved learning framework; • delivered in a manner that accords with the approved learning framework; • based on the developmental needs, interests and experiences of each child; and

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				<ul style="list-style-type: none"> • designed to take into account the individual differences of each child. <p>Similar provisions apply to nominated supervisors, with the relevant penalties in the case of individuals being a \$4,000.00 fine, or \$20,000.00 in any other case.</p>
			Part 11, Section 225, Section 231	<p>Part 11 sets out the establishment and composition, roles and powers of the Australian Children's Education and Care Quality Authority.</p> <p>For example, the function of the authority includes to:</p> <ul style="list-style-type: none"> • guide the implementation and administration of the National Quality Framework; • monitor and promote consistency in its implementation and administration; and • report to and advise the relevant Minister and authorities in relation to its functions. <p>It is also intended to establish and maintain national registers of approved providers, approved education and care services and certified supervisors and to publish those registers, as well as to keep national information on the assessment, rating and regulation of education and care services.</p> <p>It is required, under s.225(3) in carrying out its functions, to have regard to the objectives and guiding principles of the National Quality Framework.</p>

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				Pursuant to s.231, the authority is to be governed by the Australian Children's Education and Care Quality Authority Board, which Board is intended to control the affairs of the authority, and which has all the powers and duties and functions of the authority.
			Part 15, Section 306, Section 307, Section 308, Section 316	<p>This section provides transitional provisions, allowing (for example) for any person who, immediately before the scheme commencement day, was already a declared approved provider, to be taken to continue to be an approved provider.</p> <p>Pursuant to s.307 and 308 this also provides for people who, immediately before the scheme, held a former approval in respect of a declared approved service, or in the case of family day care venues, was a declared approved family day care venue. In particular, both are taken to continue to be approved for the facilities under this legislation.</p> <p>Nominated supervisors are also dealt with in the same way, pursuant to s.316.</p>
			Education and Care Services National Law (Excluded Services and Other Transitional Matters) Regs 2011	Vic

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				The Regulations otherwise appear to be of limited relevance to Article 29.
	Education and Training Reform Act	Vic	Chapter 1, Section 1.1.1	<p>Section 1.1.1 sets out the main purpose of the legislation, being to reform the law relating to education and training in Victoria by providing for a high standard of education and training for all Victorians.</p> <p>The various areas which the legislation deals with includes (but is not limited to):</p> <ul style="list-style-type: none"> • the years of compulsory schooling and the options available; • vocational education and training and further education; • the establishment and regulation of government schools and also the regulation of non-government schools and home schooling; • the development and accreditation of courses and the issuing of qualifications; • the recognition and regulation of the teaching profession and the maintenance of standards of professional practice for that profession; and • the monitoring, planning and development of the provision of education and training.

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			Part 1.2 Section 1.2.1	<p>Section 1.2.1 sets out the principles which underlie the basis for the legislation, noting Parliament had regard to certain principles in enacting the legislation. These included that all providers of education and training are to ensure their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy.</p> <p>It also included a commitment to, among other things, the rule of law; equal rights for all before the law; freedom of religion; freedom of speech and association; and the values of openness and tolerance.</p> <p>It also included the principal that all Victorians, irrespective of the education and training institution which they attend, where they live or their social or economic status, should have access to a high quality education that realises their learning potential and maximises their education and training achievement; promotes enthusiasm for lifelong learning; and allows parents to take an active part in their child's education and training.</p> <p>Other principles include the right of parents to choose an appropriate education for their child; that a school community has a right to information concerning the performance of its school and that a parent of a student as well as the student have a right to access this information about that student's achievement.</p>
			Section 1.2.2	This section deals with the notion of the State providing universal access to education and training through the

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				<p>establishment and maintenance of a government education and training system.</p> <p>It further provides that in such cases, Government schools are to provide secular education and will not promote any particular religious practice, denomination or sect, and are to be open to adherents of any philosophy, religion or faith.</p> <p>It requires that instruction in the learning areas set out in Schedule 1 is to be provided free of charge for all students at a Government school to the completion of Year 12.</p>
			<p>Chapter 2, Part 2.1, Section 2.1.1, Section 2.1.2, Section 2.1.3, Section 2.1.4</p>	<p>S.2.1.1 provides for compulsory education, noting it is the duty of the parent of a child of not less than 6 nor more than 17 years of age:</p> <ul style="list-style-type: none"> • to enrol that child at a registered school, and ensure he or she attends the school at all times when the school is open for his or her instruction; or otherwise, • register the child for home schooling in accordance with the Regulations and to ensure the child receives instruction in accordance with the registration. <p>Section 2.1.2 provides it is an offence for the parent of a child of compulsory school age, without reasonable excuse, to fail to comply with the duty set out in s.2.1.1.</p> <p>Examples of what can constitute 'reasonable excuse' is said to include, pursuant to s.2.1.3, because of illness, accident, an unforeseen event or unavoidable cause, the child's absence from the State, the child is subject to suspension or expulsion,</p>

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				<p>because of the child's disobedience and not due to any fault of the parent, or of the child is attending or observing a religious event or obligation as a result of a genuinely held belief of the child or the parent of the child.</p> <p>Pursuant to s.2.1.4, parents can be asked by the Principal or a teacher at the school for an explanation of the reason for a child's failure to attend.</p>
			<p>Chapter 2, Division 2, Section 2.2.4, Section 2.2.6, Section 2.2.10, Section 2.2.11, Section 2.2.12</p>	<p>Division 2 provides for, among other things, the specifics of instruction in Government schools.</p> <p>For example, s.2.2.4 provides that instruction in the learning area specified in Schedule 1 to Year 12 of education is to be free for a student who is under the age of 20 years on 1 January in the year the student commences that year of schooling, and who is attending a Government school.</p> <p>There are exceptions for overseas students to the fee structure.</p> <p>Section 2.2.6 provides that a parent of a student with a disability or impairment is not required to contribute to the cost of the provision of additional support for the education in a Government school of that student.</p> <p>As to the mode of education, s.2.2.10 provides that education in Government schools must be secular and not promote any particular religious practice, denomination or sect. This section is not intended to prevent the inclusion of a general religious education in the curriculum of a Government</p>

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				<p>school.</p> <p>However, special religious instruction is permitted pursuant to s.2.2.11 to be given in a Government school in accordance with that section. There are various requirements in order for compliance with that particular provision.</p> <p>Finally, s.2.2.12 provides that in every Government school, there must be observed in accordance with this section, a ceremony at which the students acknowledge their role as citizens of Australia. The relevant school council is to determine, in accordance with guidelines issued by the relevant Minister, the form of any ceremony and the intervals at which the ceremony must take place. It is a requirement to utilise the Australian National flag at a ceremony.</p>
			Chapter 2, Division 4, Section 2.2.19	<p>Division 4 deals with discipline of students in Government schools.</p> <p>For example, S.2.2.19 provides a principal of a government school may suspend or expel a student from that school in accordance with any Ministerial order.</p> <p>There are grounds for appeal against an expulsion.</p> <p>S.2.2.19(3) provides that subject to certain action which may be taken, including to prohibit a student expelled from a Government school from attending any other Government school, a student who has been expelled from a school must otherwise be given an opportunity to continue his or her education at another school while he or she is of compulsory</p>

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				school age.
			Chapter 2, Division 5, Section 2.2.20	S.2.2.20 provides the relevant Minister may provide or arrange special or additional assistance for students in Government schools with special needs, including the provision of meals to students who are disadvantaged by their socioeconomic background.
			Part 2.3, Section 2.3.4, Section 2.3.5,	<p>This section provides for the establishment, functions and powers of school councils in Government schools.</p> <p>For example s.2.3.4 provides the objectives of a school council which is constituted is to assist in the efficient governance of the school; to ensure its decisions affecting students of the school are made having regard, as a primary consideration, to the best interests of the students.</p> <p>Some of the specific functions under 2.3.5 include to:</p> <ul style="list-style-type: none"> • establish the broad direction and vision of the school within the school's community; • arrange for the supply of goods, services, facilities, materials, equipment and other things or matters required for the conduct of the school including the provision of pre-school programs; and • regulate and facilitate the afterhours use of the school premises and grounds and to generally stimulate interest in the school in the wider community.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			Division 7, Section 2.3.24, Section 2.3.25, Section 2.3.27	<p>Division 7 provides that school councils must in accordance with any ministerial order, prepare a school plan that sets out the school's goals and targets for the next 4 years, as well as the strategies for achieving those goals and targets (s.2.3.24).</p> <p>However, pursuant to s.2.3.25, school plans do not create any contractual relationship between any persons, nor give raise to any rights or entitlements, impose any duties that are capable of being enforced in a legal proceeding.</p> <p>In addition, pursuant to s.2.3.27, school councils must prepare an annual report relating to its financial activities, the school plan, and any other matters determined by the relevant Minister to be included.</p>
			Part 2.4, Divisions 9 and 10	<p>Divisions 9 and 10 deal with unsatisfactory performance and misconduct in relation to employees of Government schools.</p> <p>The terms are defined, and, for example, unsatisfactory performance means the repeated failure of an employee to discharge his or her duties in the manner expected.</p> <p>Specifically in relation to misconduct under Division 10, pursuant to s.2.4.60 grounds for action against an employee include that, after investigation, it is considered an employee who conducts himself or herself in a disgraceful, improper, or unbecoming manner in an official capacity or otherwise, or is unfit on account of character or conduct to discharge his or her duties, can be circumstances in which action will be taken, if the relevant Secretary is satisfied the grounds exist.</p>

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			Part 2.5, Division 2, Section 2.5.3	<p>This section provides for the establishment of the Victorian Curriculum and Assessment Authority which is established under the <i>Victorian Curriculum and Assessment Authority Act 2000</i>.</p> <p>Pursuant to s.2.5.3, its functions include:</p> <ul style="list-style-type: none"> • responsibility for developing high quality courses and curriculum and assessment products and services and to develop policies, criteria and standards for curriculum, assessments and courses for school students; • develop policies, criteria and standards for learning, development and assessments which relate to early childhood; and • develop, evaluate and approve courses normally undertaken in school Years 11 and 12 accredited by the Victorian Registration and Qualifications Authority, as well as courses for student at other school years. <p>It is also to:</p> <ul style="list-style-type: none"> • set rules and approve examination centres for the conduct of exams; • set rules for the conduct of assessments which are required under this section; • develop and maintain standards for measuring and reporting on student performance;

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				<p>conduct assessments against those standards for measuring and reporting on student performance;</p> <ul style="list-style-type: none"> • develop and maintain standards for measuring and reporting on early childhood language and development. <p>By arrangement with other persons, bodies or agencies it is also empowered to design, develop and evaluate curriculums or courses and assessments or assessment methods for the courses, oversee the delivery of the course and conduct assessments of students undertaking the course, and to design, develop and evaluate curriculum and assessment products and services.</p>
			Part 2.6, Section 2.6.2, Section 2.6.3	<p>Part 2.6 and in particular s.2.6.2 provides for the continuation of the Victorian Institute of Teaching previously established under the <i>Victorian Institute of Teaching Act 2001</i>.</p> <p>Its functions include to recognise and regulate members of the teaching profession, and to approve teacher education courses that will lead to qualifications or competencies in teaching that satisfy the requirements of registration as a teacher (s.2.6.3).</p>
			Chapter 4, Part 4.2, Section 4.2.3 Section 4.2.4	<p>Part 4.2 provides for the establishment of a Victorian Registration and Qualifications Authority.</p> <p>Its functions pursuant to s.4.2.4 include to:</p> <ul style="list-style-type: none"> • register Government and non-Government schools;

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				<ul style="list-style-type: none"> • register students for home schooling; • accredit courses and register qualifications as well as to authorise providers to deliver these accredited courses, and to authorise them to award registered qualifications. <p>It is required to exercise its powers to ensure minimum standards are maintained by providers and organisations which are registered, as well as in home schooling.</p> <p>It is also required to protect the interests of students as consumers in the delivery of accredited courses and qualifications.</p> <p>In addition to those functions, pursuant to s.4.2.3(2) the authority is also responsible for generally ensuring that minimum standards for the operation of Government and non-Government schools in Victoria are established, maintained and met and that the standards are regularly reviewed.</p>

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			Chapter 5, Part 5.4, Section 5.4.1, Section 5.4.3, Section 5.4.5, Section 5.4.8 Section 5.4.9, Section 5.4.20	<p>This section provides for the establishment and regulation of structured work place learning and work experience arrangements.</p> <p>For example, pursuant to s.5.4.3, a student at a school can be placed with an employer for work experience as part of the student's education, if the principal has made an arrangement in writing with that employer about the placement.</p> <p>Before making such arrangement, pursuant to s.5.4.3(2), the principal must be satisfied the health, education and moral and material welfare of the child will not suffer from the proposed arrangement; the child is fit to be engaged in the proposed work experience and the child will not be subject to any form of exploitation in the course of the proposed work experience.</p> <p>A child is defined as a person under the age of 15 years, pursuant to s.5.4.1.</p> <p>Pursuant to s.5.4.5, structured workplace learning arrangements can be put in place for students of a school over the age of 15 years, and can be placed with an employer for training as part of that course or study if the principal, the employer and the student (if under the age of 18 years, the parent) have made an arrangement about that placement.</p> <p>Pursuant to s.5.4.8, conditions of employment under structured workplace learning arrangements are set out, and these are to include the details of a student's accredited course of study, the skills and competencies the student is expected to obtain during their learning, and the total number of days</p>

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				<p>or hours the student is to be employed by that employer.</p> <p>Pursuant to s.5.4.9, the minimum rate of payment payable to a student employed under these arrangements in the case of a work experience arrangement is the minimum rate of payment which is fixed under the legislation, or in the case of structured workplace learning the minimum rate of payment fixed under the alternative relevant sections.</p> <p>There are additional provisions for in the event of an organisation which is engaged wholly or mainly in education, charitable or community welfare services not conducted for profit.</p> <p>Further as regards payment, s.5.4.20 provides that if in a case the secretary is satisfied a student or class of student is undertaking a post-secondary education course and is required to work during those studies for the purpose of gaining knowledge and skill relating to those studies or to satisfy the practical training and experience requirements of that course, the secretary may order the student or class of student is not required to be paid for the work.</p>
	<p>Education and Training Reform Regulations 2007</p>	<p>Vic</p>	<p>Regulation 1</p>	<p>R.1 sets out the objectives of the Regulations, which include:</p> <ul style="list-style-type: none"> • to provide for admission and attendance and policies for student behaviour at Government schools; • to prescribe the minimum standards for the registration of schools and procedures for and conditions of registration; • to prescribe procedures for and requirements of registration

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				<p>of children for home schooling; and</p> <ul style="list-style-type: none"> to prescribe minimum standards and procedures for the registration of persons, bodies or schools to provide accredited courses, or award registered qualifications; and to provide for the grant of education maintenance allowances and scholarships.
			<p>Part 2, Division 2 Regulations 13-16</p>	<p>This part sets up the rules for governing and regulation of student behaviour at government schools.</p> <p>For example:</p> <ul style="list-style-type: none"> R.13 provides the school council, of a government school must develop a student behaviour policy for students at the school; R.14 prescribes that a member of the staff of a government school must not administer corporal punishment to any government school student; R.15 provides that a member of the staff may take any 'reasonable action' immediately required to restrain a student of the school from acts or behaviour dangerous to the member of staff, the student or any other person; and R.16 provides the principal is responsible for implementing the student behaviour policy and determining the nature and extent of the consequences imposed on students in the school for failure to comply with that policy.

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			Part 4	Part 4 of the Regulations sets out the procedures for setting up parents' clubs at the School.
			Part 5, Regulation 51	Part 5 sets out the procedures for registration of schools. R.51 provides that the prescribed minimum standards for registration of a school are set out in Schedule 2 to the Regulations (described below).
			Regulation 52	R.52 provides for an exemption for a school from the requirements under clause 6(b) of Schedule 2 to substantially address the learning areas set out in Schedule 1, if the school is registered for a ' specific purpose ' (e.g. one providing an alternative educational program, or if the school is a specialist school).
			Regulation 62	This Regulation provides it is a condition of registration of a school that, among others, only those year levels of schooling for which the school is registered must be offered or conducted, and the school must only be conducted as the type of school as regards which it is registered.
			Part 6	Part 6 of the Regulations sets out the regime for successful application and implementation of a home-schooling program.
			Part 6, Regulation 68	In that respect, R.68 provides it is a requirement that the child must receive regular and efficient instruction that substantially addresses the following learning areas: <ul style="list-style-type: none"> • the Arts; English; Health and Physical Education; Languages other than English; Mathematics; Science; Studies

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				<p>of Society and Environment; Technology;</p> <ul style="list-style-type: none"> • and is consistent with the principles underlying the Act, being the principles and practice of Australian democracy, including a commitment to: • elected Government; • the rule of law; • equal rights for all before the law; • freedom of religion; • freedom of speech and association; and • the values of openness and tolerance.
			Schedule 2	Schedule 2 sets out the minimum standards required for registration of schools.
			Schedule 2, Item 1	<p>For example, Item 1 provides that the programs of, and teaching in, a school must support and promote the principles and practice of Australian democracy.</p> <p>This includes a commitment to:</p> <ul style="list-style-type: none"> • elected Government; • the rule of law; • equal rights for all before the law;

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				<ul style="list-style-type: none"> • freedom of religion; • freedom of speech and association; • the values of openness and tolerance.
			Item 2	Item 2 provides that the school must have processes in place that enable it to plan for, and achieve improvement in, student learning outcomes.
			Item 6	<p>Item 6 sets out the requirements for curriculum frameworks in schools.</p> <p>In particular, it mandates that a curriculum framework for a school must be in place:</p> <ul style="list-style-type: none"> • for the organisation and implementation of the school's curriculum and teaching practices; and • to ensure that, taken as a whole, the learning areas set out in Schedule 1 to the Act are substantially addressed; and • to provide for the review of the curriculum and teaching practices.
			Item 12	<p>Item 12 provides for the care, safety and welfare of students and in particular, states that schools must ensure:</p> <ul style="list-style-type: none"> • the care, safety and welfare of all students attending the school is in accordance with any applicable State or Commonwealth laws; and

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				<ul style="list-style-type: none"> all staff employed at the school are advised of their obligations under those laws.
			Item 14	This Item provides that the educational facilities of a school must be suitable for the educational programs offered by the school and the age levels of the students attending the school.
			Item 16	Finally, Item 16 requires that a school must have a clear statement of its philosophy.
	Children, Youth and Families Act	Vic	Section 1	S.1 sets out the purpose of this legislation, which includes to provide for community services to support children and families, as well as to provide for the protection of children.
			Sections 8-10	<p>Decision-makers involved in administering the legislation are required to have regard to the principles which are set out in these sections.</p> <p>The principles pursuant to s.10 include that the best interests of the child must always be paramount. When determining whether a decision or action is in the best interests of the child, the need to protect the child from harm, to protect his or her rights and promote his or her development must always be considered by the relevant decision maker.</p> <p>S.10(3) provides that in addition to these principles, in determining what decision to make or action to take in the best interests of the child, consideration must be given to the following (where relevant):</p> <ul style="list-style-type: none"> the need to give the widest possible protection and assistance to the parent and child as the fundamental group

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				<p>unit of society and to ensure intervention into that relationship is limited to that necessary only to secure the safety and wellbeing of the child;</p> <ul style="list-style-type: none"> • the need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and other person significant to the child; • the need, in relation to an aboriginal child, to protect and promote his or her aboriginal cultural and spiritual identity and development; • the child's views and wishes, if they can be reasonably ascertained, and they should be given such weight as is appropriate in the circumstances; • the desirability of continuity and stability in the child's care; • the child's social, individual and cultural identity and religious faith (if any) and the child's age, maturity, sex and sexual identity; • the desirability of the child being supported to gain access to appropriate educational services, health service and accommodation and to participate in appropriate social opportunities; and • the desirability of allowing the education, training or employment of the child to continue without interruption or disturbance.

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				Pursuant to s.13 and s.14 there are additional relevant considerations for in the case of removal and placement of aboriginal children.
			Chapter 3, Part 3.1, Section 22	<p>The object of this part is to enable the provision of funding and resources for community based child and family services and other services for family.</p> <p>Pursuant to s.22, the purposes of these services include to provide a point of entry into an integrated local service network that is readily assessable by families, that allows for early intervention in support of families and that provides child and family services.</p> <p>Among others, it is also intended to receive referrals about vulnerable children and families where there are significant concerns about their wellbeing, and to undertake assessments of needs and risks in relation to children and families to assist in the provision of services to them and in determining whether a child is in need of protection.</p>
			Part 4.3 Sections 166 and 167, and 169	<p>This part provides details in relation to the responsibilities of the secretary involved in administering the Act.</p> <p>When required, a case plan pursuant to s.166 is a plan prepared by the secretary for a child and is required to contain all decisions made by the secretary concerning the child that are considered to be significant, and which relate to the present and future care and wellbeing of the child, including the placement of and access to the child.</p>

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				<p>It includes any stability plan which is prepared for that child.</p> <p>S.169 sets out the areas which a stability plan may address, being intended to plan for stable long term out of home care for the child.</p> <p>Pursuant to s.169(3) it may include details of steps which are to be taken by the child's carer to meet the developmental needs of the child, including steps relating to the child's health, emotional and behavioural development, education, family and social relationships and identity.</p>
			Part 4.4 Section 182	<p>S.182 sets out prescribed people who are mandatory reporters for the purposes of the Act.</p> <p>Relevantly this is noted to include a person who is registered as a teacher under the <i>Education and Training Reform Act 2006</i>, as well as the principal of a government school or non-Government school within the meaning of the <i>Education and Training Reform Act</i>.</p>
			Section 184, Section 189	<p>This section provides for mandatory reporting, and states that a mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his position, forms the belief on reasonable grounds that a child is in need of protection on a ground referred to in s.162(1)(c) or (d) is obliged to report the secretary that belief and the reasonable grounds for it as soon as is practicable.</p> <p>S.189 goes on to provide some protections for reporters who in good faith make reports under this part. For example, those made in good faith do not for any purpose constitute</p>

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				unprofessional conduct or a breach of professional ethics, and reporting does not make the person by whom it is made subject to any liability in relation to it.
			Part 4.9, Section 274	<p>Part 4.9 sets out a regime for the making by the Court of protection orders in respect of children.</p> <p>For example, pursuant to s.274, the Court can make an order in respect of a child if the Court finds the child is in need of protection, or there is a substantial and a reconcilable difference between the person with the custody of the child and the child, to such an extent that the care and control of the child is likely to be seriously disrupted.</p>
			Section 295	Where a court is determining whether to extend an application in relation to a supervised custody order (that is, pursuant to s.284, to grant sole or joint custody of the child to a particular person named in the order), one of the prescribed matters for the Court to take into account pursuant to s.295(3)(b) includes the capacity of the parent to fulfil the responsibilities and duties of parenthood, including the capacity to provide adequately for the emotional, intellectual, educational and other needs of the child.
			Part 5.3 Section 362	<p>By virtue of s.1 of the Act, the legislation is also intended to make provision in relation to children who have been charged with, or who have been found guilty of, offences.</p> <p>Part 5.3 then deals specifically with sentences of children found guilty of offences, whether indictable or summary.</p> <p>Relevantly, pursuant to s.362, matters to be taken into</p>

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				account by a Court in determining which sentence to impose on a child, include that the Court must, as far as practicable, have regard to a number of factors, including (pursuant to 362(3)) the desirability of allowing the education, training or employment of the child to continue without interruption or disturbance.
			Section 389	<p>Pursuant to this section, where a person has been released on a youth supervision order (which, pursuant to s.387 means the Court who finds a child guilty of one or more offences may release the child on a youth supervision order) provides that among other things, the order is to be subject to certain conditions.</p> <p>These include that a person reporting to the secretary must as far as practicable, avoid interference with the attendance of the supervised person at his or her place of employment, education, training or religious observance, or with the person's religious beliefs.</p>
			Part 5.7 Section 478	This section provides the relevant Governor in Council may establish a corrective service, and such corrective service pursuant to s.478(b) can include youth residential centres for the care and welfare of children ordered under this Act (or under <i>the Sentencing Act 1991</i>) to be placed in a youth residential centre, which provide special direction, support, educational opportunities and supervision.
			Section 485	S.485 deals with temporary leave from legal custody. For example children who are detained in remand centres, youth

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				<p>residential centres or youth justice centres.</p> <p>The secretary, or officer in charge of the centre can in writing permit a person in the centre to take temporary leave of absence from the place where they are detained for purposes including to engage in employment, and to attend an education or training institution, or to participate in sport, recreation or entertainment in the community.</p>
			<p>Part 7.8, Section 571, Section 573</p>	<p>Part 7.8 sets out the regime for reporting to the Court in relation to protection of children, but also in relation to sentencing of children convicted of offences.</p> <p>For example, the Court may order a pre-sentence report in circumstances where a child is found guilty of an offence, before passing sentence.</p> <p>The content of a pre-sentence report can include reference to the education of the child, the family circumstances of the child, the recreation and leisure activities of the child and medical and health matters relating to the child.</p>

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			Schedule 2, Section 492	<p>This part provides for the interstate transfer of young offenders in certain circumstances.</p> <p>However, the secretary is not permitted to make arrangements for the transfer of a young offender from Victoria to another State unless a number of factors are considered; which, pursuant to s.492(1)(b) includes that the secretary must be of the opinion that the transfer is appropriate in all of the circumstances including the arrangements for education, further education, training or employment of the child.</p>
	Children Youth and Families Regulations	-	-	No relevant / corresponding regulations located.
	Working with Children Act	Vic	Section 1	The main purpose under s.1 of this legislation is set out as to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.
			Section 9	Section 9 sets out the definition of child related work for the purposes of this legislation, and is cited to include, among many others, the education and care services carried out within the meaning of the <i>Education and Care Services National Law of Victoria</i> , worked carried at educational institutions, religious organisations and coaching or tuition services of any kind for children.
Section 29	S.29 provides children are exempt from obtaining a 'Working With Children Check' , and in addition, an adult who has not yet reached the age of 20 years and who is a			

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				student at an educational institution is exempt from requiring a ' Working With Children Check ' in respect of any work engaged in as a volunteer at that institution or outside that institution under an arrangement which is entered into by that institution.
			Section 30	Other exemptions include for people who are registered teachers under the <i>Education and Training Reform Act</i> - they are exempt from obtaining a Working With Children Check.
			Section 33	Section 33 sets out the basis upon which a person can be found guilty of an offence, being in circumstances where the person does not have a current assessment notice, and he or she engages in child related work knowing it is so, and he or she knows she does not have the current assessment notice. There are various defences available pursuant to s.33(2), if relevant.
	Working With Children Regulations (various)	Vic	-	2012 Regulations: no relevant provisions 2010 Regulations: no relevant provisions 2008 Regulations: no relevant provisions 2007 Regulations: no relevant provisions 2006 Regulations: no relevant provisions

4. Queensland

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 29: States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and</p>	<p>Adoption Act 2009</p>	<p>QLD</p>	<p>Schedule 3</p> <p>ss 44, 47, 155, 156, 325</p>	<p>Schedule 3 - Dictionary</p> <p>Chief executive (child safety) means the chief executive of the department in which the <i>Child Protection Act 1999</i> is administered.</p> <p>Adoptive parent means:</p> <p>(a) for part 13, a person who has adopted someone else under the relevant adoption mentioned in that part; or</p> <p>(b) otherwise, a person who has adopted someone else under a final adoption order.</p> <p>s44 Child must be given information</p> <p>(1) The chief executive must ensure the child is given the prescribed information before an application for an adoption order for the child is made.</p> <p>(2) The information must be given in a way and to an extent that is reasonable, having regard to the child's age and ability to understand.</p> <p>(3) In this section:</p> <p>prescribed information means information about the</p>

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<p>persons of indigenous origin;</p> <p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				<p>following matters:</p> <p>(a) options other than adoption for the child's long-term care;</p> <p>(b) possible psychological effects for the child, both short and long-term, of being adopted;</p> <p>(c) how the child's parents may give the chief executive their preferences relating to the child's adoption including, for example, preferences about:</p> <p>(i) the child's religious upbringing; or</p> <p>(ii) the characteristics of the child's adoptive parents and adoptive family; or</p> <p>(iii) the degree of openness in the adoption;</p> <p>(d) the adoption process under this Act, including:</p> <p>(i) the consents required for an adoption; and</p> <p>(ii) the process for recruiting, assessing and selecting prospective adoptive parents; and</p> <p>(iii) the chief executive's functions and powers relating to the child's adoption; and</p> <p>(iv) the role of the Childrens Court;</p> <p>(e) support that may be available to the child under sections 47, 235 and 236;</p>

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				<p>(f) the legal effect of adoption;</p> <p>(g) the rights and responsibilities of the parties to an adoption, including those relating to:</p> <p>(i) adoption plans; and</p> <p>(ii) access to information about, and contact with, other parties to an adoption throughout the life of the adopted person;</p> <p>(h) the requirement for counselling under section 45 and how it will be arranged;</p> <p>(i) if the child to be adopted is an Aboriginal person or Torres Strait Islander:</p> <p>(i) options other than adoption for the child's long-term care in accordance with Aboriginal tradition or Island custom; and</p> <p>(ii) the importance of the child being cared for in a way that:</p> <p>(A) helps the child to develop and maintain a connection with the child's Aboriginal tradition or Island custom; and</p> <p>(B) preserves and enhances the child's sense of Aboriginal or Torres Strait Islander identity;</p> <p>(j) the guiding principles that:</p> <p>(i) the child should be kept informed of matters affecting him or her in a way and to an extent that is appropriate, having</p>

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				<p>regard to the child's age and ability to understand; and</p> <p>(ii) the child's views must be given consideration, having regard to the child's age or ability to understand.</p> <p>s47 Child may be given other support</p> <p>(1) The chief executive may appoint a qualified person to support the child during the adoption process.</p> <p>(2) In this section:</p> <p>qualified person means a social worker, lawyer or other person who the chief executive is satisfied has the necessary expertise or experience to give the relevant support and who is not an employee of the department.</p> <p>s155 Child's wellbeing and best interests generally</p> <p>The chief executive must make the selection that will best promote the child's wellbeing and best interests.</p> <p>s156 Child's particular needs</p> <p>The chief executive must have regard to the needs of the child to be adopted, including any needs relating to the following matters:</p> <p>(a) the child's age and gender;</p> <p>(b) any Aboriginal, Torres Strait Islander or other cultural background of the child;</p>

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				<p>(c) any existing or possible future medical condition or disability of the child;</p> <p>(d) the child's education;</p> <p>(e) whether the child has a sibling who has been adopted or is proposed to be adopted;</p> <p>(f) the child's social background.</p> <p>s325 Assistance to adoptive parents and others</p> <p>(1) The chief executive may make payments, or give other assistance, to an adoptive parent or other person if the chief executive considers it is necessary to do so to ensure the wellbeing and best interests of an adopted child.</p> <p>(2) Subsection (1) has effect, in relation to paying an amount, subject to appropriation by Parliament of an amount for the purpose.</p>
	Anti-Discrimination Act 1991 (QLD)	QLD	ss 27, 28, 37, 38, 39, 40, 41, 43, 44	<p>Schedule - Dictionary</p> <p>'Direct discrimination' has the meaning given by section 10.</p> <p>'Discriminate' means discriminate whether by direct discrimination or indirect discrimination.</p> <p>'Educational authority' means a person or body administering an educational institution.</p>

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				<p>'Educational institution' means a school, college, university or other institution providing any form of training or instruction, and includes a place at which training or instruction is provided by an employer.</p> <p>'Indirect discrimination' has the meaning given by section 11.</p> <p>s27 Residential childcare services</p> <p>(1) It is not unlawful for a person to discriminate:</p> <p>(a) in the arrangements made for deciding who should be offered work; or</p> <p>(b) in deciding who should be offered work; or</p> <p>(c) in failing to offer work; or</p> <p>(d) in dismissing a worker;</p> <p>if the work is to care for the person's children at the person's home.</p> <p>(2) Subsection (1) does not apply to discrimination on the basis of race.</p> <p>s28 Work with children</p> <p>(1) It is not unlawful to discriminate on the basis of lawful sexual activity or gender identity against a person with respect to a matter that is otherwise prohibited under</p>

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				<p>subdivision 1 if:</p> <p>(a) the work involves the care or instruction of minors; and</p> <p>(b) the discrimination is reasonably necessary to protect the physical, psychological or emotional wellbeing of minors having regard to all the relevant circumstances of the case, including the person's actions.</p> <p>(2) It is not unlawful to discriminate against a person with respect to a matter that is otherwise prohibited under subdivision 1 if:</p> <p>(a) the work involves the care or instruction of minors; and</p> <p>(b) whether before or after the commencement of this subsection, the person has been:</p> <p>(i) convicted in Queensland or elsewhere of an offence of a sexual nature involving a child; or</p> <p>(ii) disqualified from working with children under an Act of a State or of the Commonwealth.</p> <p>s37 Explanatory provision (prohibitions)</p> <p>An educational authority must not discriminate in the education area if a prohibition in section 38 or 39 applies.</p> <p>s38 Discrimination by educational authority in prospective student area</p>

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				<p>An educational authority must not discriminate:</p> <ul style="list-style-type: none"> (a) in failing to accept a person's application for admission as a student; or (b) in the way in which a person's application is processed; or (c) in the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or (d) in the terms on which a person is admitted as a student. <p>s39 Discrimination by educational authority in student area</p> <p>An educational authority must not discriminate:</p> <ul style="list-style-type: none"> (a) in any variation of the terms of a student's enrolment; or (b) by denying or limiting access to any benefit arising from the enrolment that is supplied by the authority; or (c) by excluding a student; or (d) by treating a student unfavourably in any way in connection with the student's training or instruction. <p>s40 Explanatory provision (exemptions)</p> <p>It is not unlawful for an educational authority to discriminate in the education area if an exemption in sections 41 to 44 or part 5 applies.</p>

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				<p>s41 Single sex, religion, etc. educational institution</p> <p>An educational authority that operates, or proposes to operate, an educational institution wholly or mainly for students of a particular sex or religion, or who have a general or specific impairment may exclude:</p> <p>(a) applicants who are not of the particular sex or religion; or</p> <p>(b) applicants who do not have a general, or the specific, impairment.</p> <p>s43 Age-based admission scheme</p> <p>An educational authority may select students for an education program on the basis of an admission scheme that has a minimum qualifying age.</p> <p>s44 Special services or facilities required</p> <p>(1) Subject to the <i>Education (General Provisions) Act 2006</i>, it is not unlawful for an educational authority to discriminate on the basis of impairment against a person with respect to a matter that is otherwise prohibited under subdivision 1 if:</p> <p>(a) the person would require special services or facilities; and</p> <p>(b) the supply of special services or facilities would impose unjustifiable hardship on the educational authority.</p> <p>(2) Whether the supply of special services or facilities would</p>

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				impose unjustifiable hardship depends on the circumstances set out in section 5.
	Child Care Act 2002 (QLD)	QLD	Schedule 2 ss 2, 4, 5, 28, 107, 109	<p>Schedule 2 - Dictionary</p> <p>Chief executive (education) means the chief executive of the department in which the <i>Education (General Provisions) Act 2006</i> is administered.</p> <p>Child care centre means the premises in which child care is provided under a licence for a centre based service.</p> <p>Child in care, in relation to a licensee or child care service, means a child to whom child care is provided, or proposed to be provided, under the licence or in the course of the service.</p> <p>s4 Meaning of child care</p> <p>Child care is care of a child provided:</p> <p>(a) by someone other than a relative or guardian of the child; and</p> <p>(b) at a place other than the child's home; and</p> <p>(c) for reward; and</p> <p>(d) in the course of a service for regularly providing care of children.</p> <p>s5 Meaning of child care service</p>

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				<p>(1) A child care service is a service for regularly providing child care, but does not include any of the following services:</p> <p>(aa) an education and care service;</p> <p>(a) a service, for providing primary, secondary or special education, conducted by a school;</p> <p>(b) a service for providing a pre-preparatory learning program, at a prescribed State school or a prescribed non-State school, to a pre-preparatory age child;</p> <p>(c) a service principally conducted to provide:</p> <p>(i) therapeutic services; or</p> <p>(ii) residential facilities; or</p> <p>(iii) instruction in a particular activity, for example, dance, music or a sport; or</p> <p>(iv) tutoring, coaching or religious instruction; or</p> <p>(v) a recreational activity, for example, a camp or party;</p> <p>Examples for paragraph (c):</p> <p>hospital, boarding facility for school students, dance academy, sporting club, Sunday school, scout group</p> <p>(d) a service for which, usually, the children to whom care is provided are entirely or mostly different on each occasion the</p>

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				<p>care is provided;</p> <p>Example for paragraph (d):</p> <p>a service, conducted by a hotel or resort, to provide child care to children who are short-term guests</p> <p>(e) a service in which the only child care provided is:</p> <p>(i) holiday care; or</p> <p>(ii) adjunct care; or</p> <p>(iii) care of children who are at least 12 years old;</p> <p>(f) a service that is, under the <i>Child Protection Act 1999</i>, a licensed care service, departmental care service or service provided as an approved carer;</p> <p>(g) another service prescribed under a regulation not to be a child care service.</p> <p>(2) To remove any doubt, it is declared that a service may be a child care service even though it is conducted:</p> <p>(a) by an entity that also carries on a school; or</p> <p>(b) at premises at which a school is also carried on.</p> <p>(3) In this section:</p> <p>pre-preparatory age child see the <i>Education (General</i></p>

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				<p><i>Provisions) Act 2006, schedule 4.</i></p> <p>pre-preparatory learning program see the <i>Education (General Provisions) Act 2006, schedule 4.</i></p> <p>prescribed non-State school see the <i>Education (General Provisions) Act 2006, schedule 4.</i></p> <p>prescribed State school see the <i>Education (General Provisions) Act 2006, schedule 4.</i></p> <p>s28 Suitability of child care centre and facilities</p> <p>(1) This section applies to a licence to conduct a centre based service.</p> <p>(2) The chief executive must be satisfied the child care centre is safe and suitable for use as a child care centre.</p> <p>(3) The chief executive must be satisfied the other facilities used, or proposed to be used, in the course of the service are safe and suitable for use in providing child care under the licence.</p> <p>(4) The matters the chief executive must consider under subsection (2) include whether the centre is on, or includes, a level above ground level.</p> <p>(5) If the centre is in premises that also contain a home, the chief executive must be satisfied that:</p>

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				<p>(a) the centre and the home have separate entrances; and</p> <p>(b) there is no direct access, inside the premises, between the centre and the home; and</p> <p>(c) in all the circumstances, it is appropriate that child care be provided in the centre.</p> <p>(6) For this Act, premises are suitable for use as a child care centre only if the premises comply with the <i>Building Act</i> requirements.</p> <p>(7) In this section:</p> <p>child care centre includes premises proposed to be used as child care centre.</p> <p>s107 Content of prohibition notice</p> <p>A prohibition notice given to a person must state:</p> <p>(a) that the person is prohibited from doing any of the following:</p> <p>(i) providing child care in the course of a child care service;</p> <p>(ii) being engaged as a carer in, or staff member of, a child care service;</p> <p>(iii) providing care of a child, other than a child of whom the person is a parent or guardian, for reward;</p> <p>(iv) providing education and care to children for an</p>

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				<p>education and care service;</p> <p>(v) being engaged as a supervisor, educator, family day care educator, employee, contractor or staff member of, or being a volunteer at, an education and care service;</p> <p>(vi) carrying out any other activity relating to education and care services; and</p> <p>Editor's note:</p> <p>See section 163(1)(d)(i) (Reviewable decisions).</p> <p>(b) that the person may apply for cancellation of the notice; and</p> <p>(c) how an application for cancellation must be made.</p> <p>s109 Contravening prohibition notice</p> <p>While a prohibition notice is in force for a person, the person must not:</p> <p>(a) provide child care in the course of a child care service; or</p> <p>(b) be engaged as a carer in, or staff member of, a child care service; or</p> <p>(c) provide care of a child, other than a child of whom the person is a parent or guardian, for reward; or</p> <p>(d) provide education and care to children for an education</p>

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				<p>and care service; or</p> <p>(e) be engaged as a supervisor, educator, family day care educator, employee, contractor or staff member of, or perform volunteer services for, an education and care service; or</p> <p>(f) carry out any other activity relating to education and care services.</p> <p>Maximum penalty - 100 penalty units.</p>
	<p>Child Employment Act 2006 (QLD)</p>	<p>QLD</p>	<p>ss 8, 10, 11</p>	<p>Schedule - Definition</p> <p>Collections work means the collecting of donations of money or articles for any appeal for support for any purpose under the <i>Collections Act 1966</i>.</p> <p>Traineeship has the meaning given by the <i>Vocational Education, Training and Employment Act 2000</i>.</p> <p>Vocational placement has the meaning given by the <i>Vocational Education, Training and Employment Act 2000</i>.</p> <p>Work experience has the meaning given by the <i>Education (Work Experience) Act 1996</i>.</p> <p>Workplace means a place in or on which an inspector reasonably suspects work is, has been, or is about to be carried on.</p>

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				<p>s8 Meaning of work in relation to a child</p> <p>(1) Work, in relation to a child, means:</p> <p>(a) work under a contract of service; or</p> <p>(b) work under a contract, whether or not the contract is a contract of service, or at piecework rates, to perform work, for labour only or substantially for labour only; or</p> <p>(c) work under a contract to perform work, whether or not the contract is a contract of service, unless the child:</p> <p>(i) is paid to achieve a stated result or outcome; and</p> <p>(ii) has to supply all, or substantially all, of the plant and equipment, or tools of trade, needed to perform the work; and</p> <p>(iii) is, or would be, liable for the cost of fixing a fault with the work performed; or</p> <p>(d) work under a contract, whether or not the contract is a contract of service, to perform work, unless a personal services business determination is in effect for the child under the <i>Income Tax Assessment Act 1997</i> (Cwlth), section 87-60; or</p> <p>(e) work that includes the supervision of other workers, whether or not the child is known as a supervisor, leading hand or other title; or</p> <p>(f) participating or assisting in any business carried on for</p>

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				<p>profit, whether or not the child receives payment or other reward for the child's participation or assistance; or</p> <p>(g) unpaid or voluntary work.</p> <p>(2) Work does not include the following:</p> <p>(a) domestic chores;</p> <p>(b) collections work;</p> <p>(c) work that is part of:</p> <p>(i) work experience; or</p> <p>(ii) an apprenticeship; or</p> <p>(iii) a traineeship; or</p> <p>(iv) a vocational placement.</p> <p>(3) However, for section 8A, work, in relation to a child, includes work that is part of work experience, an apprenticeship, a traineeship or a vocational placement.</p> <p>(4) Also, for parts 2A and 2B, work, in relation to a child, includes employment that is part of an apprenticeship, a traineeship or a vocational placement.</p> <p>s10 Authority needed before school-aged or young children can work</p> <p>(1) An employer must not require or permit a school-aged or</p>

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				<p>young child to perform work unless the employer has:</p> <p>(a) a parent's consent form for the school-aged or young child; or</p> <p>(b) if the child is a school-aged child and does not have a parent's consent form - a special circumstances certificate authorising the school-aged child to perform work when the school-aged child is not required to attend school.</p> <p>Maximum penalty - 100 penalty units.</p> <p>(2) Subsection (1) does not apply if:</p> <p>(a) the employer is a parent of the school-aged or young child; or</p> <p>(b) the school-aged or young child started work for the employer before the commencement of this section.</p> <p>(3) In this section:</p> <p>parent's consent form, for a school-aged or young child, means an approved form, signed by a parent of the school-aged or young child, that includes:</p> <p>(a) the school-aged or young child's date of birth; and</p> <p>(b) the name of the school-aged or young child's employer or proposed employer; and</p> <p>(c) a statement that the parent consents to the school-aged or</p>

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				<p>young child performing work for the employer; and</p> <p>(d) for a school-aged child - information about when the school-aged child is required to attend school.</p> <p>s11 School-aged children must not work during school hours</p> <p>(1) An employer must not require or permit a school-aged child to perform work when the school-aged child is required to attend school:</p> <p>(a) as stated in the parent's consent form; or</p> <p>(b) if the school-aged child does not have a parent's consent form and is authorised to work under a special circumstances certificate when the school-aged child is not required to attend school - as stated in the special circumstances certificate.</p> <p>Maximum penalty - 100 penalty units.</p> <p>(2) A parent of a school-aged child who is performing work must, within 14 days after becoming aware of a change in the hours when the school-aged child is required to attend school, if the parent consents to the school-aged child continuing in the employment:</p> <p>(a) complete a parent's consent form; and</p> <p>(b) give the parent's consent form to the school-aged child's employer.</p>

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				<p>Note:</p> <p>A failure to comply with subsection (2) is not an offence against this Act. However, the <i>Education (General Provisions) Act 2006</i>, section 230, creates offences for parents, as defined under that Act, who permit a school-aged child to be employed when the child is required to attend school.</p> <p>(3) Subsections (1) and (2) do not apply if the employer is a parent of the school-aged child.</p> <p>(4) It is enough for subsection (2) if 1 parent of the school-aged child who consents to the school-aged child continuing in the employment completes a parent's consent form and gives it to the school-aged child's employer.</p>
	Child Protection Act 1999 (QLD)	QLD	Schedule 3 ss 3, 5B, 7, 8, 17, 122, 159C, 159M	<p>Schedule 3 - Definitions</p> <p>Authorised officer means a person holding office as an authorised officer under an appointment under this Act.</p> <p>Carer, of a child, means the entity in whose care the child has been placed under section 82(1).</p> <p>Chief executive (adoptions) means the chief executive of the department in which the <i>Adoption Act 2009</i> is administered.</p> <p>State includes New Zealand.</p>

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				<p>s5B Other general principles</p> <p>The following are general principles for ensuring the safety, wellbeing and best interests of a child:</p> <p>(a) a child has a right to be protected from harm or risk of harm;</p> <p>(b) a child's family has the primary responsibility for the child's upbringing, protection and development;</p> <p>(c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family;</p> <p>(d) if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child;</p> <p>(e) in protecting a child, the State should only take action that is warranted in the circumstances;</p> <p>(f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests;</p> <p>(g) if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care;</p> <p>(h) if a child is removed from the child's family, consideration should be given to placing the child, as a first</p>

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				<p>option, in the care of kin;</p> <p>(i) if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible;</p> <p>(j) a child should only be placed in the care of a parent or other person who has the capacity and is willing to care for the child (including a parent or other person with capacity to care for the child with assistance or support);</p> <p>(k) a child should have stable living arrangements, including arrangements that provide:</p> <p>(i) for a stable connection with the child's family and community, to the extent that is in the child's best interests; and</p> <p>(ii) for the child's developmental, educational, emotional, health, intellectual and physical needs to be met;</p> <p>(l) a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child;</p> <p>(m) a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values;</p> <p>(n) a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.</p>

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				<p>s7 Chief executive's functions</p> <p>(1) For the proper and efficient administration of this Act, the chief executive's functions are:</p> <p>(a) providing, or helping provide, information for parents and other members of the community about the development of children and their safety needs; and</p> <p>(b) providing, or helping provide, preventative and support services to strengthen and support families and to reduce the incidence of harm to children; and</p> <p>(c) providing, or helping provide, services to families to protect their children if a risk of harm has been identified; and</p> <p>(d) providing, or helping provide, services for the protection of children and responding to allegations of harm to children; and</p> <p>(e) providing, or helping provide, services that encourage children in their development into responsible adulthood; and</p> <p>(f) helping Aboriginal and Torres Strait Islander communities to establish programs for preventing or reducing incidences of harm to children in the communities; and</p> <p>(g) providing support and training to approved carers to help them care for children under this Act; and</p> <p>(h) negotiating and reviewing a statement of commitment</p>

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				<p>between the State and organisations with an interest in the care of children under this Act that includes the provision of support and resources by the department to approved carers; and</p> <p>(i) promoting a partnership between the State, local government, non-government agencies and families in taking responsibility for, and dealing with the problem of, harm to children; and</p> <p>(j) promoting a partnership between the State and foster carers that recognises the integral part played by foster carers in caring for children under this Act; and</p> <p>(k) promoting and helping in developing coordinated responses to allegations of harm to children and responses to domestic violence; and</p> <p>(l) cooperating with government entities that have a function relating to the protection of children or provide services to children in need of protection or their families; and</p> <p>(m) ensuring access by children in care to advocacy services and cooperating with the services to help ensure that the children's concerns are dealt with; and</p> <p>(n) consulting with clients of the department and of organisations involved in providing services relating to the purpose of this Act and with client representative groups; and</p> <p>(o) consulting with recognised entities about the administration of this Act in relation to Aboriginal and Torres</p>

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				<p>Strait Islander children; and</p> <p>(p) reviewing, under chapter 7A, the department's involvement with certain children who have since died:</p> <p>(i) to facilitate ongoing learning and improvement in the provision of services by the department; and</p> <p>(ii) to promote the accountability of the department; and</p> <p>(q) providing, or helping provide, public education about child abuse and neglect and to encourage people whose occupation involves responsibility for children and members of the public to report suspected child abuse and neglect to the chief executive; and</p> <p>(r) collecting and publishing, or helping to collect and publish, information and statistics about:</p> <p>(i) harm to children; and</p> <p>(ii) the life outcomes of children in care; and</p> <p>(iii) the relationship between the criminal justice system and the child protection system; and</p> <p>(s) promoting and conducting research into:</p> <p>(i) the causes and effects of harm to children; and</p> <p>(ii) the life outcomes of children in care; and</p> <p>(iii) the relationship between the criminal justice system and</p>

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				<p>the child protection system; and</p> <p>(t) encouraging tertiary institutions to provide instruction about harm to children and its prevention and treatment.</p> <p>(2) In this section:</p> <p>children in care means children in the chief executive's custody or guardianship.</p> <p>s8 Who is a child</p> <p>A child is an individual under 18 years.</p> <p>s17 Contact with children in school, education and care service premises, child care centre, family day care etc.</p> <p>(1) This section applies if:</p> <p>(a) an authorised officer or police officer is investigating an allegation of harm, or risk of harm, to a child; and</p> <p>(b) the officer reasonably believes:</p> <p>(i) it is in the child's best interests that the officer has contact with the child before the child's parents or long-term guardians are told about the investigation; and</p> <p>(ii) the child's parents or long-term guardians knowing in advance about the proposed contact with the child is likely to adversely affect or otherwise prevent the proper and effective conduct of the investigation; and</p>

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				<p>(c) the child is at a school, or place where education and care or child care is provided, when the officer is to have contact with the child; and</p> <p>(d) the officer has lawfully entered, and is lawfully remaining at, the school or place.</p> <p>(2) The officer may have contact with the child for as long as the officer reasonably considers necessary for investigating the allegation.</p> <p>(3) Before exercising a power under subsection (2), the officer must notify the principal or other person in charge of the school or place of the intention to exercise the power.</p> <p>(4) As soon as practicable after the officer has had contact with the child, the officer must:</p> <p>(a) if the child has long-term guardians - tell at least 1 of the long-term guardians that the officer has had contact with the child and the reasons for the contact; or</p> <p>(b) otherwise - tell at least 1 of the child's parents that the officer has had contact with the child and the reasons for the contact.</p> <p>(5) The officer's obligation under subsection (4) to give reasons for the contact with the child is limited to the extent the officer considers is reasonable and appropriate in particular circumstances if the officer reasonably believes:</p> <p>(a) someone may be charged with a criminal offence for</p>

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				<p>harm to the child and the officer's compliance with the subsection may jeopardise an investigation into the offence; or</p> <p>(b) compliance with the subsection may expose the child to harm.</p> <p>(6) Also, at the first reasonable opportunity, the officer must record, in a register kept for the purpose by the department or the Queensland Police Service, full details about the exercise of the powers and other actions taken by the officer.</p> <p>s122 Statement of standards</p> <p>(1) The chief executive must take reasonable steps to ensure a child placed in care under section 82(1) is cared for in a way that meets the following standards (the statement of standards):</p> <p>(a) the child's dignity and rights will be respected at all times;</p> <p>(b) the child's needs for physical care will be met, including adequate food, clothing and shelter;</p> <p>(c) the child will receive emotional care that allows him or her to experience being cared about and valued and that contributes to the child's positive self-regard;</p> <p>(d) the child's needs relating to his or her culture and ethnic grouping will be met;</p>

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				<p>(e) the child's material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met;</p> <p>(f) the child will receive education, training or employment opportunities relevant to the child's age and ability;</p> <p>(g) the child will receive positive guidance when necessary to help him or her to change inappropriate behaviour;</p> <p>(h) the child will receive dental, medical and therapeutic services necessary to meet his or her needs;</p> <p>(i) the child will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age;</p> <p>(j) the child will be encouraged to maintain family and other significant personal relationships;</p> <p>(k) if the child has a disability - the child will receive care and help appropriate to the child's special needs.</p> <p>(2) For subsection (1)(g), techniques for managing the child's behaviour must not include corporal punishment or punishment that humiliates, frightens or threatens the child in a way that is likely to cause emotional harm.</p> <p>(3) For subsection (1)(j), if the chief executive has custody or guardianship of the child, the child's carer must act in accordance with the chief executive's reasonable directions.</p>

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				<p>(4) The application of the standards to the child's care must take into account what is reasonable having regard to:</p> <p>(a) the length of time the child is in the care of the carer or care service; and</p> <p>(b) the child's age and development.</p> <p>s159C What is relevant information</p> <p>(1) In this chapter:</p> <p>relevant information means:</p> <p>(a) in relation to giving information to the chief executive or an authorised officer - information that the holder of the information reasonably believes may:</p> <p>(i) help an authorised officer to investigate an allegation of harm or risk of harm to a child or assess a child's need for protection; or</p> <p>(ii) help the chief executive take action, or decide if he or she reasonably suspects a child is in need of protection, under section 14; or</p> <p>(iii) help an authorised officer to investigate or assess, before the birth of a child, the likelihood that the child will need protection after he or she is born; or</p> <p>(iv) help the chief executive in offering help and support to a</p>

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				<p>pregnant woman under section 21A; or</p> <p>(v) help the chief executive to develop, or assess the effectiveness of, a child's case plan; or</p> <p>(vi) help the chief executive to assess or respond to the health, educational or care needs of a relevant child; or</p> <p>(vii) otherwise help the chief executive to make plans or decisions relating to, or provide services to, a relevant child or the child's family; or</p> <p>(b) in relation to giving information to another service provider - information that the holder of the information reasonably believes may help the service provider to:</p> <p>(i) decide whether information about suspected harm or risk of harm to a child should be given to the chief executive; or</p> <p>(ii) decide whether information about an unborn child who may need protection after birth should be given to the chief executive; or</p> <p>(iii) help the chief executive to offer help and support to a pregnant woman under section 21A; or</p> <p>(iv) assess or respond to the health, educational or care needs of a child in need of protection; or</p> <p>(v) otherwise make plans or decisions relating to, or provide services to, a child in need of protection or the child's family;</p>

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				<p>or</p> <p>(c) in relation to the chief executive giving information to a service provider under section 159M(4) - information that the chief executive reasonably believes may help the service provider to:</p> <p>(i) assess or respond to the health, educational or care needs of a relevant child; or</p> <p>(ii) otherwise make plans or decisions relating to, or provide services to, a relevant child or the child's family.</p> <p>(2) Relevant information may be information about:</p> <p>(a) a relevant child, the child's family or someone else; or</p> <p>(b) a pregnant woman or her unborn child.</p> <p>(3) Relevant information may be comprised of facts or opinion.</p> <p>(4) Relevant information does not include information about a person's criminal history to the extent it relates to a conviction:</p> <p>(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and</p> <p>(b) that is not revived as prescribed by section 11 of that Act.</p>

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				<p>(5) Relevant information does not include information mentioned in subsection (1), definition relevant information, paragraph (b)(ii) or (iii) unless the mother of the unborn child or pregnant woman agrees to the information being provided to the other service provider before it is provided.</p> <p>s159M Particular prescribed entities giving and receiving relevant information</p> <p>(1) This section applies to the following prescribed entities:</p> <p>(a) the chief executive;</p> <p>(b) an authorised officer;</p> <p>(c) the chief executive of a department that is mainly responsible for any of the following matters:</p> <p>(i) adult corrective services;</p> <p>(ii) community services;</p> <p>(iii) disability services;</p> <p>(iv) education;</p> <p>(v) housing services;</p> <p>(vi) public health;</p> <p>(ca) the chief executive officer of the Mater Misericordiae Health Services Brisbane Ltd (ACN 096 708 922);</p>

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				<p>(caa) a health service chief executive within the meaning of the <i>Hospital and Health Boards Act 2011</i>;</p> <p>(d) the police commissioner;</p> <p>(e) the principal of a school that is accredited, or provisionally accredited, under the <i>Education (Accreditation of Non-State Schools) Act 2001</i>.</p> <p>(2) A prescribed entity mentioned in subsection (1) may give relevant information to any other service provider.</p> <p>(3) A service provider may give relevant information to a prescribed entity mentioned in subsection (1).</p> <p>(4) The chief executive may give, to any other service provider, relevant information mentioned in section 159C(1), definition relevant information, paragraph (c).</p> <p>Charter of Rights for a Child in Care</p> <p>Because:</p> <p>The Parliament recognises the State has responsibilities for a child in need of protection who is in the custody or under the guardianship of the chief executive under this Act,</p> <p>this Act establishes the following rights for the child:</p> <p>(a) to be provided with a safe and stable living environment;</p> <p>(b) to be placed in care that best meets the child's needs and</p>

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				<p>is most culturally appropriate;</p> <p>(c) to maintain relationships with the child's family and community;</p> <p>(d) to be consulted about, and to take part in making, decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about where the child is living, contact with the child's family and the child's health and schooling;</p> <p>(e) to be given information about decisions and plans concerning the child's future and personal history, having regard to the child's age or ability to understand;</p> <p>(f) to privacy, including, for example, in relation to the child's personal information;</p> <p>(g) if the child is under the long-term guardianship of the chief executive, to regular review of the child's care arrangements;</p> <p>(h) to have access to dental, medical and therapeutic services, necessary to meet the child's needs;</p> <p>(i) to have access to education appropriate to the child's age and development;</p> <p>(j) to have access to job training opportunities and help in finding appropriate employment;</p> <p>(k) to receive appropriate help with the transition from being</p>

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				a child in care to independence, including, for example, help about housing, access to income support and training and education.
	<p>Child Protection (Offender Prohibition Order) Act 2008 (QLD)</p>	QLD	ss 8, 9, 10	<p>Schedule - Definitions</p> <p>Child respondent means:</p> <p>(a) for a temporary order - a respondent who is a child when the application for the temporary order is made; or</p> <p>(b) for a corresponding order or registered corresponding order - a respondent who is a child when the corresponding order is registered under this Act; or</p> <p>(c) otherwise - a respondent who is a child when the application for the offender prohibition order is made.</p> <p>Court means:</p> <p>(a) for an offender prohibition order for a child respondent - the Childrens Court constituted by a Childrens Court magistrate; or</p> <p>(b) otherwise - a Magistrates Court, other than a Magistrates Court constituted by justices who are not magistrates.</p> <p>s8 Making an order</p> <p>(1) A court may make an order if the court is satisfied, on the balance of probabilities, after considering the matters</p>

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				<p>mentioned in section 9:</p> <ul style="list-style-type: none"> (a) the respondent is a relevant sexual offender; and (b) having regard to the nature and pattern of conduct recently engaged in by the respondent: <ul style="list-style-type: none"> (i) the respondent poses an unacceptable risk to the lives or sexual safety of children; and (ii) the making of the order will reduce the risk. <p>(2) Also, for a child respondent, the court may only make the order:</p> <ul style="list-style-type: none"> (a) after considering a report given to the court under section 10; and (b) if satisfied the making of the order is a last resort and the most effective way of reducing the risk mentioned in subsection (1)(b)(i). <p>(3) For subsection (1), it is not necessary for the court to be able to identify a risk to a particular child, particular children or a particular class of child.</p> <p>(4) The application for the order may be heard in the respondent's absence if the court is satisfied the respondent was served with the application documents under section 7(3).</p> <p>(5) However, the court may, at any time before making the</p>

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				<p>order, direct the commissioner to give a further appearance notice to the respondent as directed by the court.</p> <p>s9 Matters a court must consider before making an order</p> <p>(1) The matters a court must consider for section 8(1) are as follows:</p> <p>(a) the seriousness of the respondent's reportable offences committed against a child, whether committed in Queensland or elsewhere;</p> <p>(b) the period since the reportable offences were committed;</p> <p>(c) for each reportable offence:</p> <p>(i) the age of the respondent, and the age of the victim of the offence, when the offence was committed; and</p> <p>(ii) the difference in age between the respondent and the victim of the offence;</p> <p>(d) the respondent's present age;</p> <p>(e) the seriousness of the respondent's criminal history;</p> <p>(f) the effect of the order sought on the respondent in comparison with the level of risk of the respondent committing a reportable offence against a child;</p> <p>(g) the respondent's circumstances, to the extent the circumstances relate to the conduct sought to be prohibited;</p>

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				<p>Examples:</p> <p>the respondent's accommodation, employment, health, cultural and social needs</p> <p>the need for the respondent's reintegration into the community</p> <p>(h) for a child respondent - the child respondent's educational needs;</p> <p>(i) anything else the court considers relevant.</p> <p>(2) In this section:</p> <p>charge, of an offence, means a charge in any form, including, for example, the following:</p> <p>(a) a charge on an arrest;</p> <p>(b) a notice to appear served under the <i>Police Powers and Responsibilities Act 2000</i>, section 382;</p> <p>(c) a complaint under the <i>Justices Act 1886</i>;</p> <p>(d) a charge by a court under the <i>Justices Act 1886</i>, section 42(1A), or another provision of an Act;</p> <p>Note:</p> <p>The <i>Justices Act 1886</i>, section 42 deals with the commencement of proceedings.</p>

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				<p>(e) an indictment.</p> <p>criminal history, of a person, means the following:</p> <p>(a) despite the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i>, section 6, every conviction of the person for a reportable offence committed against a child, in Queensland or elsewhere, whether before or after the commencement of this Act;</p> <p>(b) every charge made against the person for a reportable offence committed against a child, in Queensland or elsewhere, whether before or after the commencement of this Act:</p> <p>(i) that has not been withdrawn or discontinued, or dismissed by a court; or</p> <p>(ii) for which the respondent has not been acquitted or convicted;</p> <p>(c) every charge made against the person for a reportable offence committed against a child, in Queensland or elsewhere, whether before or after the commencement of this Act, that has been withdrawn or discontinued because the complainant died or was unable or unwilling to proceed with the matter.</p> <p>s10 Court must order a report before making an order for a child respondent</p> <p>(1) This section applies if the court is satisfied of the matters</p>

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				<p>mentioned in section 8(1) in relation to a child respondent.</p> <p>(2) Before making an order for the child respondent, the court must direct the chief executive (communities) to give to the court a written report containing stated information, assessments and reports about the child respondent, the child respondent's family or other matters.</p> <p>(3) The report may contain the opinion of the chief executive (communities) on what impact an order may have on the child respondent in relation to his or her accommodation, educational, health, cultural or social needs.</p> <p>(4) The report must be given to the court within the period stated by the court in the direction.</p> <p>(5) When the report is given to the court under subsection (4), the registrar of the court must give a copy of the report to each party to the proceeding.</p>
	<p>Corrective Services Act 2006 (QLD)</p>	<p>QLD</p>	<p>s72</p>	<p>s72 Power to grant leave</p> <p>(1) The chief executive may, by written order, grant a prisoner:</p> <p>(a) leave for community service (<i>community service leave</i>); or</p> <p>(b) leave for compassionate reasons (<i>compassionate leave</i>); or</p> <p>(c) leave for educational or vocational activities (<i>educational</i></p>

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				<p><i>leave</i>); or</p> <p>(d) leave for medical, dental or optical treatment (<i>health leave</i>); or</p> <p>(e) leave for another purpose the chief executive is satisfied justifies granting the leave.</p> <p>(2) The chief executive may grant the leave on reasonable conditions stated in the order.</p> <p>(3) The chief executive may, if the chief executive reasonably considers it necessary, order the prisoner remain in the physical custody of, or be supervised by, a corrective services officer during the leave.</p> <p>(4) This section applies subject to section 73 and subdivision 3.</p>
	<p>Education (General Provisions) Act 2006 (QLD)</p>	<p>QLD</p>	<p>ss 5, 7, 8, 9, 12, 13, 14, 15, 21, 22, 50, 54, 176, 199</p>	<p>s5 Objects of Act</p> <p>(1) The objects of this Act are:</p> <p>(a) to make available to each Queensland child or young person a high-quality education that will:</p> <p>(i) help maximise his or her educational potential; and</p> <p>(ii) enable him or her to become an effective and informed member of the community; and</p> <p>(b) to provide universal access to high quality State</p>

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				<p>education; and</p> <p>(c) for chapter 10:</p> <p>(i) to implement initiatives to ensure young people participate in a period of education or training after they turn 16 years or complete year 10; and</p> <p>(ii) to outline a range of education and training options for them during this period.</p> <p>(2) The objects are to be achieved mainly by:</p> <p>(a) placing responsibilities on parents and the State in relation to the education of children and young people; and</p> <p>(b) providing for the establishment of State educational institutions, and facilitating their operation as safe and supportive learning environments; and</p> <p>(c) ensuring education programs are responsive to the individual needs of children and young people; and</p> <p>(d) encouraging a parent's involvement in his or her child's education; and</p> <p>(e) encouraging parental and community involvement in the operation of State educational institutions by enabling:</p> <p>(i) the establishment of school councils for State schools; and</p>

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				<p>(ii) the formation of parents and citizens associations for State instructional institutions.</p> <p>s7 Guiding principles</p> <p>The principles intended to guide the achievement of this Act's objects are the following:</p> <p>(a) parents have the responsibility of choosing a suitable education environment for their children;</p> <p>(b) education should be provided to a child or young person in a way that:</p> <p>(i) provides positive learning experiences; and</p> <p>(ii) promotes a safe and supportive learning environment; and</p> <p>(iii) recognises his or her educational needs;</p> <p>(c) children and young people should be actively involved in decisions affecting them to the extent that is appropriate having regard to their age and ability to understand;</p> <p>(d) the State, parents, teachers, school communities and non-government entities should work collaboratively to foster a commitment to achieving the best educational outcomes for children and young people;</p> <p>(e) for chapter 10:</p>

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				<p>(i) the State should develop practical ways to improve the social, educational and employment outcomes of young people, including, in particular, those who are at risk of disengaging from education and training; and</p> <p>(ii) the State should foster a community commitment to young people by involving members of the community and community organisations in: (A) developing education and training opportunities for young people; and</p> <p>(B) re-engaging young people in education and training; and</p> <p>(C) developing ways to improve the social outcomes of young people; and</p> <p>(iii) the State should work with parents to achieve the best outcomes for young people; and</p> <p>(iv) the State should work in consultation with non-government entities to achieve the objects of chapter 10.</p> <p>s8 Definitions</p> <p>The dictionary in schedule 4 defines particular words used in this Act.</p> <p>s9 Meaning of compulsory school age</p> <p>(1) A child is of compulsory school age if the child is at least 6 years and 6 months, and less than 16 years.</p> <p>(2) However, a child is no longer of compulsory school age</p>

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				<p>if the child has completed year 10.</p> <p>10 Meaning of parent</p> <p>(1) A parent, of a child, is any of the following persons:</p> <p>(a) the child’s mother;</p> <p>(b) the child’s father;</p> <p>(c) a person who exercises parental responsibility for the child.</p> <p>(2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.</p> <p>(3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.</p> <p>(4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.</p> <p>(5) Despite subsections (1), (3) and (4), if:</p> <p>(a) a person is granted guardianship of a child under the <i>Child Protection Act 1999</i>; or</p> <p>(b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;</p>

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				<p>then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).</p> <p>12 Provision of State education</p> <p>(1) For each student attending a State instructional institution, there must be provided an educational program approved by the Minister that:</p> <p>(a) has regard to:</p> <p>(i) the age, ability, aptitude and development of the student; and</p> <p>(ii) whether enrolment in the educational program is compulsory or non-compulsory; and</p> <p>(b) is an integral element within the total range of educational services offered with the prior approval of the Minister; and</p> <p>(c) takes account, and promotes continuity, of the student's learning experiences; and</p> <p>(d) recognises, and takes account of, the nature of knowledge.</p> <p>(2) The duration of the educational program must be based on the basic allocation for a student.</p> <p>s13 Power to establish State schools</p>

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				<p>The Minister may establish schools at which the State provides primary, secondary or special education.</p> <p>s14 Power to establish institutions that provide educational instruction to persons enrolled at State schools</p> <p>The Minister may establish institutions at which the State provides educational instruction to persons enrolled at State schools as an adjunct to the educational programs provided to the persons at the State schools, including, for example:</p> <ul style="list-style-type: none"> (a) environmental education centres; and (b) outdoor education centres. <p>s15 Power to establish other educational institutions</p> <p>If the Minister considers it necessary or convenient for the purposes of this Act, the Minister may establish educational institutions other than State instructional institutions, including, for example:</p> <ul style="list-style-type: none"> (a) centres for the support and development of teachers and officers of the department; and (b) student hostels or student residential colleges. <p>s21 Curriculum framework for State instructional institutions</p> <p>(1) The Minister may decide on a curriculum framework that is to apply to a State instructional institution.</p>

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				<p>(2) In this section:</p> <p>curriculum framework means the framework under which the institution’s principal may decide the range of learning experiences to be offered to students attending the institution.</p> <p>s22 Development and revision of 1–12 syllabuses and preparatory guidelines</p> <p>(1) The Minister may develop and revise 1–12 syllabuses and preparatory guidelines.</p> <p>(2) In this section:</p> <p>1–12 syllabuses means syllabuses for school studies in 1 or more of the years 1 to 12 years of schooling.</p> <p>preparatory guidelines means guidelines for the preparatory year.</p> <p>s50 State education to be free</p> <p>(1) Subsection (2) applies to:</p> <p>(a) a person enrolled at a State school; or</p> <p>(b) a person who is a pre-preparatory age child registered in a pre-preparatory learning program at a prescribed State school;</p> <p>who is:</p>

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				<p>(c) an Australian citizen or permanent resident; or</p> <p>(d) a child of an Australian citizen or permanent resident.</p> <p>(2) The cost of providing instruction, administration and facilities for the education of the person at the school must be met by the State.</p> <p>(3) This section applies subject to sections 51, 52 and 55.</p> <p>(4) In this section:</p> <p>person enrolled at a State school does not include a person who is also enrolled at a non-State school unless the person's enrolment at the State school preceded the person's enrolment at the non-State school.</p> <p>s54 Waiver of fee for distance education</p> <p>(1) The chief executive may waive, entirely or partly, payment of the fee mentioned in section 52(2) for a person if:</p> <p>(a) the chief executive is satisfied:</p> <p>(i) the person is or has been enrolled in, or undertaking a component of, a program of distance education and would suffer a significant educational disadvantage if the person were not able to continue in the program; and</p> <p>(ii) payment of the fee would cause financial hardship to the person liable to pay it; or</p>

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				<p>Example for paragraph (a):</p> <p>A parent of a child enrolled in a program of distance education for 1 year may be unable to pay the fee for the following year because of temporary financial hardship.</p> <p>(b) for a person enrolled in a program, or enrolled to undertake a component of a program, of distance education - the chief executive is satisfied the waiver is appropriate and reasonable because exceptional circumstances exist in relation to the person.</p> <p>(2) In making a decision under subsection (1)(b) about waiving payment of the fee for a person, the chief executive may have regard to any relevant matter of which the chief executive is aware, including, for example:</p> <p>(a) whether the person would suffer a significant educational disadvantage if the person were not able to enrol in a program, or enrol to undertake a component of a program, of distance education; or</p> <p>(b) whether a program, or a component of a program, of distance education is the most appropriate educational program for the person.</p> <p>s176 Obligation of each parent</p> <p>(1) Each parent of a child who is of compulsory school age must:</p> <p>(a) ensure the child is enrolled at a State school or non-State</p>

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				<p>school; and</p> <p>(b) ensure the child attends the State school or non-State school, on every school day, for the educational program in which the child is enrolled;</p> <p>unless the parent has a reasonable excuse.</p> <p>Maximum penalty:</p> <p>(a) for a first offence - 6 penalty units; or</p> <p>(b) for a second or subsequent offence, whether or not relating to the same child of the parent - 12 penalty units.</p> <p>(2) Without limiting subsection (1), it is a reasonable excuse for a parent (the relevant parent) that:</p> <p>(a) the child lives with another parent and the relevant parent believes, on reasonable grounds, that the other parent is complying with subsection (1); or</p> <p>(b) in all the circumstances, the relevant parent is not reasonably able to control the child's behaviour to the extent necessary to comply with subsection (1).</p> <p>(3) Subsection (1) applies subject to parts 2 to 4.</p> <p>s199 Home education</p> <p>(1) Section 176(1) does not apply to a child who is provisionally registered, or registered, for home education</p>

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				<p>under part 5.</p> <p>(2) Also, section 176(1) does not apply to a child:</p> <p>(a) if an application has been made, under part 5, for the provisional registration, or registration, of the child for home education; and</p> <p>(b) the applicant has not been given notice of the decision on the application.</p>
	<p>Family Responsibilities Commission Act 2008 (QLD)</p>	<p>QLD</p>	<p>ss 6 (Schedule), 41, 94</p>	<p>Schedule - s6</p> <p><i>child</i> means an individual under 18 years.</p> <p>compulsory school age see the <i>Education (General Provisions) Act 2006</i>, section 9.</p> <p><i>education chief executive</i> means the chief executive of the department in which the <i>Education (General Provisions) Act 2006</i> is administered.</p> <p>s41 Notice about school enrolment</p> <p>(1) This section applies if the education chief executive becomes aware:</p> <p>(a) a child of compulsory school age is not enrolled at a school; and</p> <p>(b) the child or a parent of the child lives, or at any time after the commencement of this section has lived, in a welfare</p>

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				<p>reform community area.</p> <p>(2) The education chief executive must as soon as practicable give the commission notice of the child's non-enrolment.</p> <p>(3) The notice must be in the approved form.</p> <p>(4) The approved form must include provision for:</p> <p>(a) the name and, if known, the address of the child; and</p> <p>(b) the name and address, if known, of the parents of the child.</p> <p>(5) This section does not apply to a child of compulsory school age if:</p> <p>(a) an exemption under the <i>Education (General Provisions) Act 2006</i>, chapter 9, part 3, is in force for the child; or</p> <p>(b) the <i>Education (General Provisions) Act 2006</i>, section 176(1) does not apply in relation to the child because of chapter 9, part 4 of that Act.</p> <p>s94 Education chief executive may give particular information</p> <p>(1) The education chief executive may give personal information about a person to a relevant entity if the education chief executive reasonably considers giving the</p>

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				<p>information may help the education chief executive and the entity to coordinate or provide educational programs or services in relation to children of compulsory school age in welfare reform community areas.</p> <p>Examples of educational programs or services:</p> <ul style="list-style-type: none"> • a literacy or numeracy program • a program or service designed to involve parents in ensuring their children are enrolled at, and attend, a school <p>(2) A relevant entity may record, disclose or use personal information about a person given to the entity under this section for the purpose of:</p> <p>(a) providing educational programs or services in relation to children of compulsory school age in welfare reform community areas; or</p> <p>(b) coordinating, with the education chief executive, the provision of the educational programs or services; or</p> <p>(c) evaluating the effectiveness of the educational programs or services.</p>
	<p>Penalties and Sentences Act 1992 (QLD)</p>	<p>QLD</p>	<p>ss 4, 43J(5) and (8), 67, 135</p>	<p>s4 - Definitions</p> <p>banning order, for part 3B, see section 43I.</p> <p>community service order means a community service order</p>

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				<p>in force under part 5, division 2.</p> <p>court, for part 2A, see section 15AA.</p> <p>fine option order means a fine option order made under part 4, division 2.</p> <p>offender means a person who is convicted of an offence, whether or not a conviction is recorded.</p> <p>s43J Making a banning order</p> <p>(5) A banning order does not stop the offender from:</p> <p>(a) entering or remaining in any of the following:</p> <p>(i) the offender’s residence;</p> <p>(ii) the offender’s place of employment;</p> <p>(iii) a place at which the offender is receiving formal education;</p> <p>(iv) a mode of transport required to be used by the offender;</p> <p>(v) any other place that the court considers necessary in order to prevent undue hardship to the offender or a member of the offender’s family; or</p> <p>(b) entering any place that it is reasonably necessary for the offender to enter for the purpose of entering or remaining in a place or mode of transport mentioned in paragraph (a).</p>

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				<p>(8) The offender bears the onus of proving the following:</p> <p>(a) for subsection (5)(a)(i) - that a place is the offender's residence;</p> <p>(b) for subsection (5)(a)(ii) - that a place is the offender's place of employment;</p> <p>(c) for subsection (5)(a)(iii) - that the offender is receiving formal education at a place;</p> <p>(d) for subsection (5)(a)(iv) - that a mode of transport is required to be used by the offender;</p> <p>(e) for subsection (5)(a)(v) - that undue hardship would be caused to the offender or a member of the offender's family if he offender was prevented from entering or remaining in a place.</p> <p>s67 Directions under fine option order</p> <p>(1) A direction given by an authorised corrective services officer under a requirement of a fine option order must, as far as practicable, avoid:</p> <p>(a) conflicting with the offender's religious beliefs; and</p> <p>(b) interfering with any times during which the offender usually works or attends a school or other educational or training establishment; and</p>

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				<p>(c) interfering with the offender's family responsibilities.</p> <p>s135 Directions under community based order</p> <p>(1) A direction given by an authorised corrective services officer under a requirement of a community based order must, as far as practicable, avoid:</p> <p>(a) conflicting with the offender's religious beliefs; and</p> <p>(b) interfering with any times during which the offender usually works or attends school or another educational or training establishment; and</p> <p>(c) interfering with the offender's family responsibilities.</p>
	<p>Succession Act 1981 (QLD)</p>	<p>QLD</p>	<p>ss 40, 41, s49A(1) and (2), 61A, 61B, 61E</p>	<p>s40 Definitions for pt 4</p> <p>child means, in relation to a deceased person, any child, stepchild or adopted child of that person.</p> <p>s41 Estate of deceased person liable for maintenance</p> <p>(1) If any person (the deceased person) dies whether testate or intestate and in terms of the will or as a result of the intestacy adequate provision is not made from the estate for the proper maintenance and support of the deceased person's spouse, child or dependant, the court may, in its discretion, on application by or on behalf of the said spouse, child or dependant, order that such provision as the court thinks fit shall be made out of the estate of the deceased person for</p>

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				<p>such spouse, child or dependant.</p> <p>(1A) However, the court shall not make an order in respect of a dependant unless it is satisfied, having regard to the extent to which the dependant was being maintained or supported by the deceased person before the deceased person's death, the need of the dependant for the continuance of that maintenance or support and the circumstances of the case, that it is proper that some provision should be made for the dependant.</p> <p>s49A Personal representatives may make particular maintenance distribution</p> <p>(1) This section applies if a person:</p> <p>(a) survives a deceased person; and</p> <p>(b) at the time of the deceased person's death, was totally or substantially dependent on the deceased person; and</p> <p>(c) will be entitled to part or all of the deceased person's estate if the person survives the deceased person for 30 days.</p> <p>(2) The deceased person's personal representative may make a distribution for the person's maintenance, support or education at any time after the death of the deceased person, including within 30 days after the death of the deceased person.</p> <p>s61A Definitions for pt 5A</p>

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				<p>child means an individual under 18 years who is not, and has never been, married.</p> <p>guardian, of a child, does not include a person who has guardianship of the child, under another Act, in the person's capacity as the chief executive of a department of government of the Commonwealth or a State or as a Minister of the Commonwealth or a State.</p> <p>testamentary guardian, of a child, means a person who is a guardian of the child under an appointment by will.</p> <p>s61B Application of pt 5A</p> <p>(1) This part applies to a child:</p> <p>(a) whether the child was born in Queensland or elsewhere; and</p> <p>(b) whether the child was born before or after the commencement of this part.</p> <p>(2) This part applies to an appointment made by will whether the will was made before or after the commencement of this part.</p> <p>s61E Effect of appointment</p> <p>(1) A testamentary guardian of a child has all the powers, rights and responsibilities, for making decisions about the long-term care, welfare and development of the child, that are</p>

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				<p>ordinarily vested in a guardian.</p> <p>Examples of matters concerned with a child's long term care, welfare and development - the child's education and religious upbringing.</p>
	<p>Vocational Education, Training and Employment Act 2000 (SA)</p>	<p>QLD</p>	<p>ss 3, 106B, 149, 217, 218E</p>	<p>s3 - Objectives</p> <p>The objectives of this Act are:</p> <p>(b) to provide mechanisms for employees, employers, associations of employees or employers, industry and the community to advise government on vocational education and training needs and priorities to meet those needs; and</p> <p>(c) to support the continued development of high quality training by and within industry; and</p> <p>(d) to facilitate the provision of vocational education and training that is relevant to employment, encourages the generation of employment opportunities and is responsive to the future workforce development and skills requirements of industry; and</p> <p>(f) to further the commitment by the States, the Territories and the Commonwealth, in partnership with industry, to work together to increase the participation of Australians in an integrated national vocational education and training system that allows for local diversity; and</p> <p>(g) to promote a community commitment towards supporting</p>

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				<p>young people in the compulsory participation phase; and</p> <p>(h) to implement initiatives that are consistent with the ministerial declaration 'Stepping forward: improving pathways for all young people'; and</p> <p>(i) to strengthen Queensland's economic base by providing a skilled workforce that meets the current and future needs of industry, Government and the community.</p> <p>s106B Ministerial declaration 'Stepping forward: improving pathways for all young people'</p> <p>(1) The ministerial declaration 'Stepping forward: improving pathways for all young people' is the declaration of commitment to the young people of Australia by Ministers for Education, Employment, Training, Youth Affairs and Community Services endorsed in July 2002 by the Ministerial Council on Education, Employment, Training and Youth Affairs.</p> <p>s149 Functions</p> <p>(1) Skills Queensland has the following functions:</p> <p>(a) to advise and make recommendations to the Minister about:</p> <p>(i) skills and workforce development; and</p> <p>(ii) skilled migration in Queensland; and</p>

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				<ul style="list-style-type: none"> (iii) any other matters referred to it by the Minister; (b) to advise and make recommendations to the Minister about matters incidental to a function mentioned in paragraph (a), including, for example, about: <ul style="list-style-type: none"> (i) the delivery of quality vocational education and training; or (ii) employment programs; (c) to develop a skills and workforce development investment plan under section 150; (d) to take action approved by the Minister under section 150 in relation to the skills and workforce development investment plan; (e) to promote and encourage industry investment in vocational education and training; (f) to undertake and promote research on matters relating to its functions; (g) to inform the public about matters relating to its functions; (h) to advise the Minister on policy and guidelines for: <ul style="list-style-type: none"> (i) registering and regulating training contracts; and (ii) the training requirements for apprentices and trainees;

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				<p>and</p> <ul style="list-style-type: none"> (iii) vocational placements; and (iv) making decisions about employment exemptions; (i) to register and regulate training contracts; (j) to recognise vocational placement schemes and register and regulate vocational placement agreements; (k) to declare apprenticeships or traineeships; (l) to declare a calling to be a restricted calling; (m) to decide probationary periods and nominal terms for apprenticeships and traineeships; (n) to issue recognition certificates; (o) to grant employment exemptions; (p) to recognise non-departmental employment skills development programs for the purposes of the <i>Education (General Provisions) Act 2006</i>, section 240(3); (q) to maintain a register of recognised non-departmental employment skills development programs; (r) to maintain a register of training contracts for apprentices and trainees; (s) to recognise group training organisations and principal

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				<p>employer organisations;</p> <p>(t) any other functions given to it under this or another Act.</p> <p>(2) In performing its functions, Skills Queensland must have regard to the following:</p> <p>(a) economic factors impacting on the State;</p> <p>(b) the skills and workforce development needs of industry and the community;</p> <p>(c) the needs of individual learners;</p> <p>(d) the guidelines made by it.</p> <p>s217 Chief executive's functions for TAFE institutes</p> <p>(1) The chief executive has the following functions for TAFE institutes:</p> <p>(a) to ensure the provision of vocational education and training services;</p> <p>(b) to produce and sell vocational education and training products and services or other products and services connected with TAFE institutes;</p> <p>(c) to prepare, publish, distribute or license the use of literary or artistic work, audio or audio-visual material, or computer software;</p>

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				<p>(d) to exploit commercially:</p> <p>(i) TAFE institute resources, including any study, research or knowledge; or</p> <p>(ii) the practical application of any study, research or knowledge;</p> <p>(e) to undertake research and development related to a function of the chief executive;</p> <p>(f) to improve the participation of young people in vocational education and training by attracting young people to, and supporting young people in, vocational education and training resulting in a qualification or statement of attainment;</p> <p>(g) to ensure rural, remote and indigenous communities are given support, advice or other help in developing services in those communities that facilitate better access to education and training for young people in those communities;</p> <p>(h) to participate in the development of whole-of-community planning in relation to young people in the compulsory participation phase.</p> <p>(2) Without limiting subsection (1)(a), the reference in that provision to vocational education and training services includes a reference to vocational education and training services for young people in the compulsory participation phase.</p>

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				<p>s218E Functions of a statutory TAFE institute</p> <p>(1) A statutory TAFE institute has the following functions:</p> <p>(a) to provide vocational education and training services;</p> <p>(b) to produce and sell vocational education and training products and services and other products and services connected with statutory TAFE institutes;</p> <p>(c) to prepare, publish, distribute or license the use of literary or artistic work, audio or audio-visual material, or computer software;</p> <p>(d) to exploit commercially:</p> <p>(i) statutory TAFE institute resources, including any study, research or knowledge; or</p> <p>(ii) the practical application of any study, research or knowledge;</p> <p>(e) to undertake research and development related to a function of the statutory TAFE institute;</p> <p>(f) to provide adult community education or post compulsory general education;</p> <p>(g) to perform other functions given to the institute under this or another Act.</p> <p>(2) Without limiting subsection (1)(a), the reference in that</p>

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				<p>provision to vocational education and training services includes a reference to vocational education and training services for young people in the compulsory participation phase.</p> <p>(3) In performing its functions, the principal objective of a statutory TAFE institute is to be efficient and effective in providing vocational education and training services, including vocational education and training services provided:</p> <p>(a) under an agreement with the chief executive under section 218S; or</p> <p>(b) as community service obligations.</p> <p>(3A) It is also an objective of a statutory TAFE institute to be commercially successful in carrying on its activities.</p> <p>(4) The commercial success, efficiency and effectiveness of a statutory TAFE institute are to be measured against its financial and non-financial performance targets stated in its operational plan.</p>
	Youth Offenders (Interstate Transfer) Act 1987 (QLD)	QLD	ss 3, 7	<p>s3 - Interpretation</p> <p>permanent head means the chief executive of the department.</p> <p>young offender means a person:</p>

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				<p>(a) in another State who:</p> <p>(i) is under the age of 18 years and who has committed or is alleged to have committed an offence; or</p> <p>(ii) is of or over the age of 18 years but under the age of 21 years and who has committed or is alleged to have committed an offence when the person was under the age of 18 years; and who has been dealt with under a law which applies in that State and which relates to the punishment of a person who is under the age of 18 years; or</p> <p>(b) in Queensland who is subject to a sentence order under section 175(1)(d), (e) or (g) (Sentence orders - general) or section 176(1), (2) or (3) (Sentence orders - serious offences) of the <i>Youth Justice Act 1992</i>; or</p> <p>(c) who is in Queensland and is subject to an arrangement for the transfer of the person to Queensland or is being transferred through Queensland from one State to another under an arrangement.</p> <p>s7 Arrangement for transfer out of Queensland</p> <p>(1) The permanent head shall not make an arrangement for the transfer of a young offender from Queensland to another State unless:</p> <p>(a) the young offender or the young offender's parent or guardian applies for the transfer to be made; and</p> <p>(b) the permanent head is of the opinion that the transfer is</p>

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				<p>appropriate in all the circumstances including:</p> <p>(i) the place or intended place of residence of the parents or other relatives or guardian; and</p> <p>(ii) the education, future education, training or employment; and</p> <p>(iii) the medical or other needs of the young offender; and</p> <p>(c) the permanent head is satisfied that there is no appeal pending against an order of a court to which the young offender is subject.</p>
	<p>Youth Justice Act 1992 (QLD)</p>	<p>QLD</p>	<p>Schedule 4, ss 150, 197, 262, 263, 269</p>	<p>Schedule 4 - Interpretation</p> <p>chief executive (child safety) means the chief executive of the department in which the <i>Child Protection Act 1999</i> is administered.</p> <p>child means:</p> <p>(a) a person who has not turned 17 years; or</p> <p>(b) after a day fixed under section 6 - a person who has not turned 18 years.</p> <p>court includes a justice taking an examination of witnesses in relation to a charge of an indictable offence.</p> <p>detention centre means a detention centre established under</p>

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				<p>section 262.</p> <p>s150 Sentencing principles</p> <p>(1) In sentencing a child for an offence, a court must have regard to:</p> <p>(a) subject to this Act, the general principles applying to the sentencing of all persons; and</p> <p>(b) the youth justice principles; and</p> <p>(c) the special considerations stated in subsection (2); and</p> <p>(d) the nature and seriousness of the offence; and</p> <p>(e) the child's previous offending history; and</p> <p>(f) any information about the child, including a pre-sentence report, provided to assist the court in making a determination; and</p> <p>(g) if the child is an Aboriginal or Torres Strait Islander person - any submissions made by a representative of the community justice group in the child's community that are relevant to sentencing the child, including, for example:</p> <p>(i) the child's relationship to the child's community; or</p> <p>(ii) any cultural considerations; or</p> <p>(iii) any considerations relating to programs and services</p>

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				<p>established for offenders in which the community justice group participates; and</p> <p>(h) any impact of the offence on a victim, including harm mentioned in information relating to the victim given to the court under the <i>Victims of Crime Assistance Act 2009</i>, section 15; and</p> <p>(i) a sentence imposed on the child that has not been completed; and</p> <p>(j) a sentence that the child is liable to have imposed because of the revocation of any order under this Act for the breach of conditions by the child; and</p> <p>(k) the fitting proportion between the sentence and the offence.</p> <p>(2) Special considerations are that:</p> <p>(a) a child's age is a mitigating factor in determining whether or not to impose a penalty, and the nature of a penalty imposed; and</p> <p>(b) a non-custodial order is better than detention in promoting a child's ability to reintegrate into the community; and</p> <p>(c) the rehabilitation of a child found guilty of an offence is greatly assisted by:</p>

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				<p>(i) the child's family; and</p> <p>(ii) opportunities to engage in educational programs and employment; and</p> <p>(d) a child who has no apparent family support, or opportunities to engage in educational programs and employment, should not receive a more severe sentence because of the lack of support or opportunity; and</p> <p>(e) a detention order should be imposed only as a last resort and for the shortest appropriate period.</p> <p>(3) In sentencing a child for an offence, a court may receive any information it considers appropriate to enable it to impose the proper sentence or make a proper order in connection with the sentence.</p> <p>(4) If required by the court for subsection (1)(g), the representative must advise the court whether:</p> <p>(a) any member of the community justice group that is responsible for the submission is related to the offender or the victim; or</p> <p>(b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the child or victim.</p> <p>s197 Obligation of chief executive</p> <p>The chief executive, in giving directions to a child in relation</p>

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				<p>to the child's performance of community service, is:</p> <p>(a) to avoid, if practicable, conflicts with the religious and cultural beliefs and practices of the child or the child's parent; and</p> <p>(b) to avoid, if practicable, interference with the child's attendance at a place of employment or a school or other educational or training establishment; and</p> <p>(c) to take all steps necessary to ensure that the child, if practicable, is kept apart from any adult under sentence for an offence.</p> <p>s262 Establishment of detention centres and other places</p> <p>The Governor in Council may, by regulation:</p> <p>(a) establish detention centres and other places for the purposes of this Act; and</p> <p>(b) determine the purpose for which a place (other than a detention centre) may be used; and</p> <p>(c) name a detention centre or other place.</p> <p>s263 Management of detention centres</p> <p>(1) Subject to this Act, the chief executive is responsible for the security and management of detention centres and the safe custody and wellbeing of children detained in detention</p>

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				<p>centres.</p> <p>(2) The chief executive may carry out the responsibilities mentioned in subsection (1) by using any convenient form of direction, for example, rules, directions, codes, standards and guidelines relating to:</p> <ul style="list-style-type: none"> (a) detention centre organisation; or (b) functions, conduct and responsibilities of detention centre employees; or (c) types of programs for children detained in a detention centre; or (d) contact between children detained in the detention centre and members of the public; or (e) arrangements for educational, recreational and social activities of children detained in detention centres. <p>(3) In relation to each detention centre, the chief executive is responsible for:</p> <ul style="list-style-type: none"> (a) providing services that promote the health and wellbeing of children detained at the centre; and (b) promoting the social, cultural and educational development of children detained at the centre; and (c) maintaining discipline and good order in the centre; and

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				<p>(d) maintaining the security and management of the centre.</p> <p>s269 Leave of absence</p> <p>(1) Subject to this Act, the chief executive may, by written notice given to a child detained in a detention centre, and subject to conditions that the chief executive determines, grant the child leave of absence.</p> <p>(2) The leave may only be granted:</p> <p>(a) for a specified period; and</p> <p>(b) for a specified purpose set out in subsection (3); and</p> <p>(c) subject to specified conditions.</p> <p>(3) The purposes for which leave may be granted are:</p> <p>(a) to seek or engage in paid or unpaid employment; and</p> <p>(b) to attend any place for educational or training purposes; and</p> <p>(c) to visit the child’s family, relatives or friends; and</p> <p>(d) to take part in sport, recreation or entertainment in the community; and</p> <p>(e) to attend any place for medical examination or treatment; and</p>

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				<p>(f) to attend a funeral; and</p> <p>(g) any other purpose that the chief executive considers will assist in the child's reintegration into the community.</p>

5. South Australia

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

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<p>ARTICLE 29: States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural</p>	<p>Adoption Act 1988 (SA)</p>	<p>State (SA)</p>	<p>ss 4, 8 and 11</p>	<p>s4 - Interpretation</p> <p>child means a person who has not attained the age of 18 years.</p> <p>the Court means the Youth Court of South Australia.</p> <p>s8 - General power of the Court</p> <p>Subject to any law of the Commonwealth, the Court has power to make orders for the adoption of a child who is in the State and in favour of a person or persons who are resident or domiciled in the State.</p> <p>s11(1) and (3)(a) and (3)(b) - Adoption of Aboriginal child</p> <p>The Court will not make an order for the adoption of an Aboriginal child unless satisfied that adoption is clearly preferable, in the interests of the child, to any alternative order that may be made under the laws of the State or the Commonwealth.</p> <p>An order for the adoption of an Aboriginal child may be made in favour of a person who is not an Aboriginal person if the Court is satisfied:</p> <p>(a) that there are special circumstances justifying the making</p>

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<p>environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>	<p>Carer's Recognition Act 2005 (SA)</p>	<p>State (SA)</p>	<p>s 5, s2 in Schedule 1</p>	<p>of the order; and</p> <p>(b) that the child's cultural identity with the Aboriginal people will not be lost in consequence of the adoption.</p> <p>s 5 - Interpretation</p> <p>A person is a 'carer' under this Act if he or she is a natural person who provides ongoing care or assistance to a person who has a disability, a person who has a chronic illness, including a mental illness, a person who, because of frailty, requires assistance with the carrying out of everyday tasks, or a person of a class prescribed by regulation.</p> <p>A person is not a carer if the person provides the care or assistance under a contract for services or a contract of service, or in the course of doing community work organised by a community organisation.</p> <p>A person is not a carer for the purposes of this Act only because the person is a spouse, domestic partner, parent or guardian of the person to whom the care or assistance is being provided; or provides care to a child who has been placed in the care of that person under the <i>Children's Protection Act 1993</i> or any other Act.</p> <p>Schedule 1 - South Australian Carers Charter</p> <p>s2 - Carers health and well-being is critical to the community</p> <p>(1) Carers are entitled to enjoy optimum health, social,</p>

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				<p>spiritual and economic well-being and to participate in family, social and community life, employment and education.</p> <p>(2) Carers should be supported to balance their caring role with their own needs.</p>
	<p>Children's Protection Act 1993 (SA)</p>	<p>State (SA)</p>	<p>ss 4(4)(e), 6, 38(1)(f), 51(1)9d, 52F, 52J(c)</p>	<p>s6 - Interpretation</p> <p>child means a person under 18 years of age.</p> <p>Court means the Youth Court of South Australia.</p> <p>s4(4)(e) - Fundamental principles</p> <p>In determining a child's best interests, consideration must be given to the undesirability of interrupting the child's education or employment unnecessarily.</p> <p>s38 (1)(f) - Court's power to make orders</p> <p>If the Court finds, on an application under this Division, that the grounds of the application have been made out and that an order under this section should be made in</p> <p>respect of the child, the Court may the Court may make consequential or ancillary orders:</p> <p>(i) providing for access to the child; or</p> <p>(ii) providing for the way in which a person who has custody or guardianship of the child under an order of the Court is to deal with matters relating to the care, protection, health,</p>

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				<p>welfare or education of the child; or</p> <p>(iii) requiring a parent, guardian or other person who has the care of a child to undertake specified courses of instruction, or programmed activities, in order to increase his or her capacity to care for and protect the child; or</p> <p>(iv) dealing with any other matter.</p> <p>s51(1)(d) - Powers of Minister in relation to children under the Minister's care and protection</p> <p>(1) Subject to this Act, the Minister may from time to time make provision for the care of a child who is under the guardianship of the Minister or of whom the Minister has custody pursuant to this Act, by making arrangements for the education of the child.</p> <p>52F - Establishment of the Council</p> <p>The Council for the Care of Children is established and consists of:</p> <p>(a) not less than 5 and not more than 10 members appointed by the Governor; and</p> <p>(b) the chief executives of departments of government designated by the Minister as departments closely involved in issues related to the care and protection of children.</p> <p>52J(c) - Functions of the Council</p>

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				<p>One of the Council's functions under this section includes to report to the Government on progress achieved towards:</p> <ul style="list-style-type: none"> (i) keeping children safe from harm; and (ii) ensuring that all children are cared for in a way that allows them to realise their full potential; and (iii) improving the physical and mental health, and the emotional wellbeing, of children; and (iv) improving access for children to educational and vocational training; and (v) improving access for children to sporting and healthy recreational activities; and (vi) ensuring that children are properly prepared for taking their position in society as responsible citizens; and (vii) maintaining the cultural identity of children.
	<p>Disability Services Act 1993 (SA)</p>	<p>State (SA)</p>	<p>s3, s1 in Schedule 2</p>	<p>3 - Interpretation</p> <p>disability services means services provided, whether wholly or partially, for persons with disabilities or their carers and, without limiting the generality of the expression, includes:</p> <ul style="list-style-type: none"> (a) accommodation services; (b) home care and family support services;

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				<p>(c) independent living training services;</p> <p>(d) information services;</p> <p>(e) print disability services;</p> <p>(f) recreation services;</p> <p>(g) respite care services;</p> <p>(h) education or training services;</p> <p>(i) advocacy services;</p> <p>(j) therapy services;</p> <p>(k) equipment services;</p> <p>(l) counselling or support services;</p> <p>(m) transport services;</p> <p>s1 of Schedule 2 - Objectives</p> <p>Disability services are to be designed and administered so as-</p> <p>(a) achieve positive outcomes for persons with disabilities, such as an enhanced image and level of competence, increased independence, increased education, training and employment opportunities and integration into, and participation in the life of, the community; and</p> <p>(b) to ensure that the conditions of the day-to-day life of</p>

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				<p>persons with disabilities are as close as possible to those of other members of the community; and</p> <p>(c) to meet the individual needs and goals of the persons to whom the services are provided taking into account their age and other personal circumstances and any further disadvantage suffered as a result of their gender, ethnic origin, aboriginality, financial situation or location; and</p> <p>(d) to ensure that no single service provider exercises control over all or most of the aspects of the life of a person with a disability; and</p> <p>(e) to render the service provider accountable to all persons who use the service, the carers and advocates of persons with disabilities who use the service, the Minister and all other interested persons, through the provision of information relating to the services provided and their administration; and</p> <p>(f) to ensure that the persons to whom the services are provided have their right to privacy and confidentiality respected; and</p> <p>(g) to ensure that persons with disabilities who wish to use the services have easy access to advocacy support to facilitate their use of the services and their participation in any decision making relating to their use of the services; and</p> <p>(h) to ensure that appropriate avenues exist for the persons who use the services to raise and have resolved any grievance</p>

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				<p>they may have in relation to a service or the manner in which it is administered; and</p> <p>(i) to allow, to the extent that is practicable, the persons who use the services the opportunity for informed participation in the design, development, management and evaluation of the services.</p>
	<p>Education Act 1972 (SA)</p>	<p>State (SA)</p>	<p>ss 5, 9(1)(a) and (b), 9(9), 10(1), 12(a)(b), 75, 78, 79, 82, 102</p>	<p>s5 - Interpretation</p> <p>child of compulsory education age means a person who is 16 years of age.</p> <p>child of compulsory school age means a child of or above the age of 6 years but under the age of 16 years.</p> <p>correspondence school means a correspondence school established under this Act.</p> <p>Director-General means the chief executive of the Department.</p> <p>the Minister means the Minister of Education or any other Minister of the Crown for the time being exercising and discharging the functions and responsibilities of the Minister of Education.</p> <p>s9 (1)(a) and (b) - General powers of Minister</p> <p>The Minister shall establish and maintain such Government schools as may be necessary:</p>

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				<p>(a) for the provision of primary and secondary education for children whose parents desire that they should receive education at Government schools; and</p> <p>(b) for the provision of pre-school education (to such an extent as the Minister considers practicable and desirable) for children whose parents desire that they should receive pre-school education at Government schools.</p> <p>s9(9) - General powers of Minister</p> <p>The Minister may establish any school, college or centre for the purpose of providing technical education or any other kind of education that he considers desirable in the public interest.</p> <p>s10(1) - Advisory committees</p> <p>The Minister may appoint such advisory committees as he considers necessary to investigate, and advise him upon, any matters affecting the administration of this Act or the provision of proper pre-school, primary or secondary education in this State.</p> <p>s12(a) and (b) - Duties of the Director-General</p> <p>The Director-General:</p> <p>(a) shall be responsible to the Minister for maintaining a proper standard of efficiency and competency in the teaching service; and</p> <p>(b) shall have such other powers and perform such other</p>

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				<p>duties as are invested in or imposed upon him under this Act or as he may be directed to exercise or perform by the Minister.</p> <p>s75 - Compulsory enrolment of children</p> <p>(1) Subject to this Part, a child of compulsory school age must be enrolled at a primary school or secondary school (according to the educational attainments of the child).</p> <p>(2) Subject to this Part, a child of compulsory education age must be enrolled in an approved learning program, or in a combination of approved learning programs, so as to constitute full-time participation in approved learning programs under this Act.</p> <p>(2a) Nothing in this section requires a child who:</p> <p>(a) is 16 or more years of age; and</p> <p>(b) has achieved a qualification under an approved learning program, to be enrolled in a school or in an approved learning program under this section.</p> <p>(3) Where in the opinion of the Director-General it is in the best interests of a child that he be enrolled at a special school, the Director-General may direct that the child be enrolled at a special school nominated in the direction and, where such direction has been given, the child must be enrolled at that special school.</p> <p>(4) A child is enrolled at a school in accordance with this</p>

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				<p>section if he is entitled, in accordance with the regulations, to be enrolled at a Correspondence School and is so enrolled.</p> <p>(5) If a child of compulsory school age is not enrolled as required by this section, each parent of the child is guilty of an offence.</p> <p>Maximum penalty: \$500.</p> <p>(6) The obligation of a parent under this section is discharged where the parent has supplied the head teacher of the school with:</p> <ul style="list-style-type: none"> (a) the name and date of birth of the child; and (b) the place of residence of the child; and (c) any other information required by the regulations. <p>(7) The Governor may, by regulation:</p> <ul style="list-style-type: none"> (a) prescribe rules or criteria that will be applied for the purposes of determining at which school a child must be enrolled under subsection (1) or (2) (subject to the operation of subsections (3) and (4) of this section and section 75A and unless the child is enrolled at a non-Government school); (b) prescribe rules or criteria that will be applied for the purposes of determining what constitutes full-time participation in approved learning programs for the purposes of subsection (2);

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				<p>(c) prescribe rules or criteria that will be applied for the purposes of determining whether a qualification has been achieved for the purposes of subsection (2a)(b).</p> <p>(8) A regulation under subsection (7) may confer discretionary powers on the Minister.</p> <p>s78 - Employment of children of compulsory school age or compulsory education age</p> <p>(1) Subject to this Part, a person must not employ a child of compulsory school age or compulsory education age:</p> <p>(a) during the hours at which the child is required to attend school or to participate in an approved learning program (as the case requires); or</p> <p>(b) in any labour or occupation that renders, or is likely to render, the child unfit to attend school or participate in an approved learning program as required by this Part or to obtain the proper benefit from such attendance or participation.</p> <p>Maximum penalty: \$5 000.</p> <p>(2) It is a defence to a charge of an offence against this section if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.</p>

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				<p>s79 - Attendance</p> <p>Authorised officers must take all practicable action to ensure attendance at school by children of compulsory school age and participation in an approved learning program by children of compulsory education age.</p> <p>s82 - Determination of curriculum</p> <p>(1) The Director-General shall be responsible for the curriculum in accordance with which instruction is provided in Government schools.</p> <p>(2) For the purpose of assisting the Director-General to determine the curriculum in accordance with which instruction is to be provided, the Minister may appoint:</p> <p>(a) an Advisory Curriculum Board; and</p> <p>(b) such advisory committees as the Minister may determine on the recommendation of the Director-General.</p> <p>(3) The Advisory Curriculum Board and any committee appointed under this section shall consist of:</p> <p>(a) such employees in the Department and officers of the teaching service; and</p> <p>(b) such representatives of registered non-Government schools and other organisations, as may be determined by the Minister on the recommendation of the Director-General.</p>

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				<p>(4) A member of the Advisory Curriculum Board or a committee appointed under this section shall hold office upon such terms and conditions as may be determined by the Minister.</p> <p>s102 - Religious education</p> <p>(1) Regular provision shall be made for religious education at a Government school, under such conditions as may be prescribed, at times during which the school is open for instruction.</p> <p>(2) The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.</p>
	<p>Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)</p>	<p>State (SA)</p>	<p>ss 3, 9, 18, 21, 29</p>	<p>s3 - Interpretation</p> <p>Board means the Education and Early Childhood Services Registration and Standards Board of South Australia established under this Act.</p> <p>child means a person under the age of 18 years.</p> <p>s9 - Objects and principles</p> <p>(1) The objects of this Act include providing for the regulation of the provision of education and early childhood services in a manner that maintains high standards of competence and conduct by providers and:</p> <p>(a) recognises that all children should have access to high</p>

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				<p>quality education and early childhood facilities and services that:</p> <ul style="list-style-type: none"> (i) address their developmental needs; and (ii) maximise their learning and development potential through an appropriate curriculum; and (iii) support their educational achievement; and (iv) promote enthusiasm for learning; and (v) support, promote and contribute to their health, safety and well-being; and <p>(b) provides for a diverse range of services; and</p> <p>(c) recognises the rights of parents to access a diverse range of education and early childhood services providers; and</p> <p>(d) enhances public confidence in the operation of education and early childhood services providers.</p> <p>(2) The following principles should be taken into account in the administration of this Act:</p> <ul style="list-style-type: none"> (a) parents and guardians should have the right to choose the best services for their family; (b) parents and guardians, and members of school communities, should have access to relevant information

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				<p>concerning the regulation of their child’s school;</p> <p>(c) the welfare and best interests of children is the primary consideration in the performance of the Board’s functions;</p> <p>(d) any person who works with children is obliged to protect them, respect their dignity and privacy and safeguard and promote their well-being;</p> <p>(e) cooperation between the Minister, the Board and the school education sectors contributes to achieving the effective provision of education and early childhood services;</p> <p>(f) successful learning is built on a foundation of rich, engaging environments and meaningful interactions in which children’s voices are listened to and acted on.</p> <p>(3) In exercising a power or performing a function under this Act, the Board should have regard to, and seek to give effect to, the following principles:</p> <p>(a) providers of education services and early childhood services should not be burdened by regulation more than is reasonably necessary;</p> <p>(b) the actions of the Board in relation to minimising or responding to a particular risk should be proportionate to the potential harm posed by the risk;</p> <p>(c) the Board should have regard to all of the circumstances of a particular provider of education services or early childhood services (including, without limiting this paragraph,</p>

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				<p>the provider's history of compliance with this or any other relevant Act and any risk that the provider may not comply with this Act in the future).</p> <p>s18 - Functions of Minister</p> <p>(1) The functions of the Minister under this Act are:</p> <p>(a) to support the delivery of the highest possible standard of education services and early childhood services;</p> <p>(b) to work with the Board to ensure effective monitoring and evaluation of the delivery of education and early childhood services;</p> <p>(c) to support the promotion of, and public awareness on the availability and quality of, education and early childhood services;</p> <p>(d) such other functions assigned to the Minister by or under this or any other Act.</p> <p>(2) For the purposes of this section, a reference to early childhood services includes a reference to an education and care service (within the meaning of the <i>Education and Care Services National Law</i> (South Australia)).</p> <p>s21 - Establishment of Board</p> <p>(1) The Education and Early Childhood Services Registration</p>

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				<p>and Standards Board of South Australia is established.</p> <p>s29 - Functions of Board</p> <p>(1) The functions of the Board are as follows:</p> <p>(a) to regulate the provision of education services and early childhood services;</p> <p>(b) to approve the requirements for endorsement of registration;</p> <p>(c) to establish and maintain the registers contemplated by this Act;</p> <p>(d) to prepare or endorse codes of conduct for registered schools;</p> <p>(e) to provide advice to the Minister as the Board considers appropriate;</p> <p>(f) to carry out other functions assigned to the Board under this or any other Act or by the Minister.</p> <p>(2) A code of conduct prepared or endorsed by the Board cannot come into operation except with the written approval of:</p> <p>(a) the Minister; and</p> <p>(b) a majority of the peak bodies prescribed by the regulations for the purpose of this subsection.</p>

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				<p>(3) The Board must, in relation to each code of conduct prepared or endorsed by the Board and that has been approved in accordance with subsection (2):</p> <p>(a) cause a copy of the code to be published in the Gazette, together with a statement of the operative date of the code (which cannot be a date earlier than the date of publication); and</p> <p>(b) take reasonable steps to send a copy of the code to each school to which it applies; and</p> <p>(c) ensure that a copy of the code is published on the Internet and kept available for public inspection without charge during normal office hours at the principal office of the Board,</p> <p>(although proof of compliance with paragraphs (a), (b) and (c) is not necessary for the purposes of any proceedings that involve an alleged contravention of or failure to comply with a code of conduct).</p>
	<p>Equal Opportunity Act 1984 (SA)</p>	<p>State (SA)</p>	<p>s 5, 37, 59,74, 87(2), 87(3), 87(8), 87(9), 851</p>	<p>s 5 - Interpretation</p> <p>educational authority means the person or body administering a school, college, university or other institution at which education or training is provided.</p> <p>race of a person means the nationality (current, past or proposed), country of origin, colour or ancestry of the person.</p> <p>secondary education institution means an institution at</p>

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				<p>which secondary education is provided.</p> <p>sexuality means heterosexuality, homosexuality or bisexuality.</p> <p>Division 4 - Discrimination in education</p> <p>s37 - Discrimination by educational authorities</p> <p>(1) It is unlawful for an educational authority to discriminate against a person on the ground of sex, chosen gender or sexuality:</p> <p>(a) by refusing or failing to accept an application for admission as a student; or</p> <p>(b) in the terms or conditions on which it offers to admit the person as a student.</p> <p>(2) It is unlawful for an educational authority to discriminate against a student on the ground of sex, chosen gender or sexuality:</p> <p>(a) in the terms or conditions on which it provides the student with training or education; or</p> <p>(b) by denying or limiting access to a benefit provided by the authority; or</p> <p>(c) by expelling the student; or</p> <p>(d) by subjecting the student to other detriment.</p>

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				<p>(3) This section does not apply to discrimination on the ground of sex in respect of:</p> <p>(a) admission to a school, college, university or institution established wholly or mainly for students of the one sex; or</p> <p>(b) the admission of a person to a school, college or institution (not being a tertiary level school, college or institution) if the level of education or training sought by the person is provided only for students of the one sex; or</p> <p>(c) the provision at a school, college, university or institution of boarding facilities for students of the one sex.</p> <p>Division 4 - Discrimination in education</p> <p>s59 - Discrimination by educational authorities</p> <p>(1) It is unlawful for an educational authority to discriminate against a person on the ground of race:</p> <p>(a) by refusing or failing to accept an application for admission as a student; or</p> <p>(b) in the terms or conditions on which it offers to admit the person as a student.</p> <p>(2) It is unlawful for an educational authority to discriminate against a student on the ground of race:</p> <p>(a) in the terms or conditions on which it provides the student</p>

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				<p>with education or training; or</p> <p>(b) by denying or limiting access to a benefit provided by the authority; or</p> <p>(c) by expelling the student; or</p> <p>(d) by subjecting the student to other detriment.</p> <p>Division 4 - Discrimination in education</p> <p>s74 - Discrimination by educational authorities</p> <p>(1) It is unlawful for an educational authority to discriminate against a person on the ground of disability:</p> <p>(a) by refusing or failing to accept an application for admission as a student; or</p> <p>(b) in the terms or conditions on which it offers to admit the person as a student.</p> <p>(2) It is unlawful for an educational authority to discriminate against a student on the ground of disability:</p> <p>(a) in the terms or conditions on which it provides the student with education or training; or</p> <p>(b) by denying or limiting access to a benefit provided by the authority; or</p> <p>(c) by expelling the student; or</p>

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				<p>(d) by subjecting the student to other detriment.</p> <p>(3) This section does not apply to discrimination on the ground of disability in respect of admission to a school, college or institution established wholly or mainly for students who have a particular disability.</p> <p>Division 4 - Discrimination in education</p> <p>s85I - Discrimination by educational authorities</p> <p>(1) It is unlawful for an educational authority to discriminate against a person on the ground of age:</p> <p>(a) by refusing or failing to accept an application for admission as a student; or</p> <p>(b) in the terms or conditions on which it offers to admit the person as a student.</p> <p>(2) It is unlawful for an educational authority to discriminate against a student on the ground of age:</p> <p>(a) in the terms or conditions on which it provides the student with training or education; or</p> <p>(b) by denying or limiting access to a benefit provided by the authority; or</p> <p>(c) by expelling the student; or</p> <p>(d) by subjecting the student to other detriment.</p>

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				<p>(3) This section does not apply to discrimination on the ground of age in respect of the admission of a person to a school, college or institution if the level of education or training sought by the person is provided only for students above a particular age.</p> <p>s87(2) and (3)- Sexual harassment</p> <p>(2) It is unlawful for a person who works for an educational authority to subject a student of the educational authority, or a person applying to become a student of the educational authority, to sexual harassment while in attendance at a place in connection with the student's education or the applicant's prospective education or in circumstances where the person was, or ought reasonably to have been, aware that the person was a student, or a person applying to become a student, of the educational authority.</p> <p>(3) It is unlawful for a student of or over 16 years of age, while in attendance at a place in connection with his or her education, to subject a person who works at the educational institution at which the student is enrolled or a fellow student to sexual harassment.</p> <p>s87(8) and (9)- Sexual harassment</p> <p>(8) It is unlawful for an educational authority administering a secondary education institution to fail to have a written policy against sexual harassment by students that incorporates procedures for resolving complaints and is made readily</p>

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				<p>available to students.</p> <p>(9) For the purposes of this section:</p> <p>(a) a person sexually harasses another (the person harassed) if:</p> <p>(i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or</p> <p>(ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and</p> <p>(b) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing; and</p> <p>(c) a person works with another if both carry out duties or perform functions, in whatever capacity and whether for payment or not, in or in relation to the same business or organisation; and</p> <p>(d) a person works for an authority if he or she carries out duties or performs functions, in whatever capacity and whether for payment or not, in or in relation to that authority; and</p> <p>(e) workplace means a place (including a ship, aircraft or</p>

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	<p>Family and Community Services Act 1972 (SA)</p>	<p>State (SA)</p>	<p>ss 6, 98, 101, 107, 135, 136</p>	<p>vehicle) at which a person works or attends in connection with the person's work.</p> <p>s6 - Interpretation</p> <p>child means a person who has not attained the age of 18 years.</p> <p>complainant means a person by, or on whose behalf, or for whose benefit, a complaint is laid under this Act.</p> <p>maintenance includes the cost of clothing, support, training and education.</p> <p>maintenance order means an order of a court (made before or after the commencement of this Act either in this State or elsewhere) whereby a person is ordered to pay money in a lump sum, or by instalment or periodic payment for or towards the maintenance of another person, or by way of recoupment of money expended in, or provided for, the maintenance of another person and includes any order for the payment of money under Part 6.</p> <p>Minister means the Minister for Family and Community Services.</p> <p>preliminary expenses in respect of the confinement of a woman, means the cost of the maintenance of the woman during the period of three months immediately preceding the confinement, the reasonable medical, surgical, hospital and nursing expenses attendant upon the confinement, and the cost of the maintenance of the woman and the child or</p>

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				<p>children born to the woman for three months after the birth of the child or children.</p> <p>relative in relation to a child, means a step-parent, brother, sister, uncle, aunt, grandfather or grandmother of the child.</p> <p>Part 6 – Maintenance obligation</p> <p>s98 - Liability of near relatives for maintenance of child</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>s101 - Complaints in respect of maintenance of two or more children</p> <p>(1) Where a person is a near relative of two or more children, a complaint under this Division may be made against that person in relation to the maintenance of all or any of the children; and the court may, upon that complaint, make orders in accordance with this Division for the payment of money for</p>

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				<p>the maintenance of all or any of the children.</p> <p>(2) A separate order must be made in respect of each child for whose maintenance a payment is ordered.</p> <p>(3) A complaint under this Division may be made against any number of persons alleged to be liable for the maintenance of the same children.</p> <p>s107 - Power of court to make order for future maintenance of child upon complaint for preliminary expenses</p> <p>(1) Where an order for payment of, or contribution towards, preliminary expenses is made before the birth of the child to which it relates and it appears desirable to the court to provide the child with adequate means of support, the court may order the father to pay such amount as it thinks reasonable for or towards the maintenance of the child from the expiration of three months after its birth.</p> <p>(2) An order made under subsection (1) is not enforceable under this Act and has no force or effect unless a certified copy of the registration of the birth of the child is produced to the court.</p> <p>(3) An order made under subsection (1) does not take effect if the child to whom it relates is stillborn, or dies, or is adopted before the order would otherwise take effect.</p> <p>(4) An order under subsection (1) must not be made requiring a person to make payments for or towards the maintenance of</p>

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				<p>a child unless:</p> <p>(a) the person has consented to the making of the order; or</p> <p>(b) the person has been given notice of the complainant's intention to apply for the order.</p> <p>(5) Where a certified copy of the registration of the birth of the child in relation to whom an order has been made under subsection (1) is produced to the court, a Registrar must send by post to the defendant at his usual or last-known place of residence or business notice in writing of the name of the child (if shown in the certified copy of the registration of the birth of the child) and of the date and place of birth of the child and the date on which and the place at which the first payment under the order is required to be made.</p> <p>s135 - Maintenance after child's eighteenth year</p> <p>(1) Upon complaint or application to the Magistrates Court made by or on behalf of a child (including a child who has attained the age of 18 years), if the court is satisfied that it is necessary to make an order under this section:</p> <p>(a) for the purposes of enabling the child to undertake or complete a course of education or training that will fit the child for a profession, trade or occupation in which to earn a livelihood; or</p> <p>(b) if the child is unable to earn a livelihood by reason of physical or mental incapacity - for the purposes of maintaining him or her, the court may make an order against a</p>

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				<p>near relative for maintenance in respect of the child that will be in force, or vary an existing order for maintenance in respect of the child so that it will be in force, for an amount specified in the order and for a period specified in the order that commences after or continues beyond the date at which the child attained or will attain the age of 18 years.</p> <p>(2) This section does not apply:</p> <p>(a) in respect of a course of education or training commenced after a child attains the age of 21 years; or</p> <p>(b) in respect of any physical or mental incapacity occurring after a child attains the age of 18 years.</p> <p>(4) The amount specified in an order under this section may include such allowance for or towards the expenses incurred or to be incurred in undertaking or completing a course of education or training as the court thinks proper.</p> <p>s136 - Orders for support of wife, husband or child may include provision for past maintenance</p> <p>Unless otherwise provided by this Act an order under this Part for the maintenance of a person may, whether or not an application for that purpose has been made, be made to take effect from a past date not being earlier than a date that the court thinks reasonable, and where an order takes effect from a past date the court may direct the past maintenance to be paid in one sum or by such instalments as the court directs.</p>

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				<p>s138 - Recovery of arrears after cessation of order</p> <p>(1) The fact that an order under this Act for the maintenance of a person ceases to have effect by virtue of this Act does not prevent the enforcement of the order or the recovery of any money due under the order, so far as it relates to any period, or to past maintenance of a person during any period, before it ceased to have effect.</p> <p>(2) Subsection (1) does not apply where the order ceased to have effect by reason of the death of the defendant.</p>
	<p>Guardianship and Administration Act 1993 (SA)</p>	<p>State (SA)</p>	<p>ss 3, 39(2)(w)</p>	<p>s3 - Interpretation</p> <p>administration order means a full or limited administration order under this Act appointing an administrator of the whole or a part of a person's estate.</p> <p>administrator means a person appointed as an administrator under an administration order.</p> <p>s39(2)(w) - Powers and duties of administrator</p> <p>Subject to this Act and the terms of the administration order, an administrator may apply, in the administrator's discretion, and in such manner and to such extent as he or she thinks fit, any property for the maintenance or benefit of the protected person, the maintenance of the spouse or domestic partner of the protected person, or for the maintenance, education or advancement of the children or grandchildren of the protected person, or for the payment of the expenses of his or her</p>

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	<p>Guardianship of Infants Act 1940 (SA)</p>	<p>State (SA)</p>	<p>ss3, 7, 13, 17, 20A</p>	<p>funeral.</p> <p>s3 - Interpretation</p> <p>child born outside marriage includes a child born to a married woman of which a man other than her lawful spouse is the father.</p> <p>infant includes an infant born outside marriage.</p> <p>maintenance includes education.</p> <p>parent of an infant, in sections 8, 9, and 10, includes any person at law liable to maintain the infant or entitled to his custody.</p> <p>the court means the Supreme Court or any judge thereof or the local court of full jurisdiction nearest to the residence of the infant.</p> <p>s7 - Provisions as to orders</p> <p>(1) The power of the court under the provisions of section 6 to make an order as to the custody of an infant and the right of access thereto may be exercised notwithstanding that the mother and the father of the infant are then residing together.</p> <p>(2) Where the court makes an order giving the custody of the infant to one parent, then, whether or not the mother and the father are residing together, the court may further order that</p>

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				<p>the other parent shall pay to the parent having the custody of the infant such weekly or other periodical sums towards the maintenance of the infant as the court, having regard to the means of both parents, may think reasonable.</p> <p>(3) Where the court makes an order giving the custody of an infant to a person other than a parent, the court may order either or both of the parents to pay to that person such weekly or other periodical sums towards the maintenance of the infant as the court, having regard to the means of the parents, may think reasonable.</p> <p>(4) Any order made under this section may, upon the application of any person interested in the order, be varied or discharged by a subsequent order.</p> <p>s13 - Power of father or mother to appoint testamentary guardians</p> <p>(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the infant, the guardian may apply to the court, and the court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the infant, and in the latter case may make such order regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit, and may further order that the mother or father shall pay to the guardian</p>

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				<p>towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable.</p> <p>s17 - Payment of maintenance</p> <p>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 makes an order for the custody of the infant, the court may also order any such guardian, trustee, executor, curator or person acting in a fiduciary capacity to pay from time to time (during the continuance of the custody) to the person to whom custody of the infant has been granted, 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: Provided always that on proof that any money so paid for the purpose of such maintenance has been misapplied, the court may rescind, alter, or vary any order made as aforesaid.</p> <p>20A - Enforcement of maintenance orders</p> <p>Where the court has ordered the payment of any sum towards the maintenance of an infant under this Act that order may be enforced in the same manner as a maintenance order under the <i>Community Welfare Act 1972</i> in all respects as if it were a maintenance order made under that Act.</p>

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	<p>Inheritance (Family Provision) Act 1972 (SA)</p>	<p>State (SA)</p>	<p>ss 4, 6, 7, 9, 12</p>	<p>s4 - Interpretation</p> <p>child in relation to a deceased person includes a person who is recognised as a child of that person by virtue of the <i>Family Relationships Act 1975</i> and parent has a correlative meaning.</p> <p>the Court means the Supreme Court or a judge thereof.</p> <p>s6 - Persons entitled to claim under this Act</p> <p>The following persons are, in respect of the estate of a deceased person, entitled to claim the benefit of this Act:</p> <ul style="list-style-type: none"> (a) the spouse of the deceased person; (b) a person who has been divorced from the deceased person; (ba) the domestic partner of the deceased person; (c) a child of the deceased person; (g) a child of a spouse or domestic partner of the deceased person being a child who was maintained wholly or partly or who was legally entitled to be maintained wholly or partly by the deceased person immediately before his death; (h) a child of the child of the deceased person; (i) a parent of the deceased person who satisfies the court that he cared for, or contributed to the maintenance of, the deceased person during his lifetime;

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				<p>(j) a brother or sister of the deceased person who satisfies the court that he cared for, or contributed to the maintenance of, the deceased person during his lifetime.</p> <p>s7 - Spouse and persons entitled may obtain order for maintenance etc. out of estate of deceased person</p> <p>(1) Where:</p> <p>(a) a person has died domiciled in the State or owning real or personal property in the State; and</p> <p>(b) by reason of his testamentary dispositions or the operation of the laws of intestacy or both, a person entitled to claim the benefit of this Act is left without adequate provision for his proper maintenance, education or advancement in life,</p> <p>the Court may in its discretion, upon application by or on behalf of a person so entitled, order that such provision as the Court thinks fit be made out of the estate of the deceased person for the maintenance, education or advancement of the person so entitled.</p> <p>s9 - Contents or order</p> <p>(1) Every order that provision be made for the maintenance, education or advancement of any person out of the estate of a deceased person must, <i>inter alia</i>:</p> <p>(a) specify the amount and nature of the provision thereby made; and</p>

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				<p>(b) specify the part or parts of the estate of the deceased person out of which that provision shall be raised or paid, and prescribe the manner of raising and paying that provision; and</p> <p>(c) state the conditions, restrictions or limitations imposed by the Court.</p> <p>s12 - Court may vary or discharge order</p> <p>Where the Court has ordered periodic payments, or has ordered a lump sum to be invested for the benefit of any person, it shall have power to inquire whether at any subsequent date the party benefited by the order has otherwise become possessed of, or entitled to, provision for his proper maintenance, education and advancement, and into the adequacy of that provision, and may discharge, vary, or suspend the order, or make such other order as is just in the circumstances.</p>
	<p>Intervention Orders (Prevention of Abuse) Act 2009 (SA)</p>	<p>State (SA)</p>	<p>ss 3, 8, 10,</p>	<p>s3 - Interpretation</p> <p>child means a person who has not attained 18 years of age;</p> <p>s8 - Meaning of abuse - domestic and non-domestic</p> <p>(1) Abuse may take many forms including physical, sexual, emotional, psychological or economic abuse.</p> <p>s10 - Principles for intervention against abuse</p> <p>(1) The following must be recognised and taken into account in determining whether it is appropriate to issue an</p>

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				<p>intervention order and in determining the terms of an intervention order:</p> <p>(a) abuse occurs in all areas of society, regardless of socio economic status, health, age, culture, gender, sexuality, ability, ethnicity and religion;</p> <p>(b) abuse may involve overt or subtle exploitation of power imbalances and may consist of isolated incidents or patterns of behaviour;</p> <p>(c) it is of primary importance to prevent abuse and to prevent children from being exposed to the effects of abuse;</p> <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>

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				<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> <p>(2) The following must also be taken into account in determining whether it is appropriate to issue an intervention order and in determining the terms of an intervention order:</p> <p>(a) any relevant <i>Family Law Act</i> order or <i>Children's Protection Act</i> order of which the issuing authority has been informed;</p> <p>(b) how the intervention order would be likely to affect contact (in accordance with a relevant <i>Family Law Act</i> order or <i>Children's Protection Act</i> order or otherwise) between:</p> <p>(i) the protected person or the defendant; and</p> <p>(ii) any child of, or in the care of, either of those persons;</p> <p>(c) any relevant agreement or order for the division of property under the <i>Family Law Act 1975</i> of the Commonwealth, or the <i>Domestic Partners Property Act 1996</i> or a corresponding law of another jurisdiction, of which the</p>

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				<p>issuing authority has been informed;</p> <p>(d) if considering whether to prohibit the defendant from taking possession of property or to require the defendant to return property to a protected person or to allow a protected person to recover or have access to or make use of property - the income, assets and liabilities of the defendant and the protected person (to the extent that the issuing authority has been informed of those matters);</p> <p>(e) any other legal proceedings between the defendant and protected person of which the issuing authority has been informed.</p> <p>(3) Before issuing an intervention order the issuing authority must consider whether, if the whereabouts of a person proposed to be protected by the order are not known to the defendant, the issuing of the order would be counterproductive.</p> <p>(4) An issuing authority may take into account any other factor the authority considers relevant in the circumstances.</p>
	<p>Young Offenders Act 1993 (SA)</p>	<p>State (SA)</p>	<p>ss 3(3), 4, 37A, 37B, 40, 51</p>	<p>s3(3) - Objects and statutory policies</p> <p>(3) Effect is to be given to the following statutory policies so far as the circumstances of the individual case allow:</p> <p>(a) compensation and restitution should be provided, where appropriate, for victims of offences committed by youths;</p> <p>(b) family relationships between a youth, the youth's parents</p>

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				<p>and other members of the youth's family should be preserved and strengthened;</p> <p>(c) a youth should not be withdrawn unnecessarily from the youth's family environment;</p> <p>(d) there should be no unnecessary interruption of a youth's education or employment;</p> <p>(e) a youth's sense of racial, ethnic or cultural identity should not be impaired.</p> <p>s4 - Interpretation</p> <p>Chief Executive means the Chief Executive of the Department.</p> <p>Department means the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the <i>Family and Community Services Act 1972</i>.</p> <p>home detention officer means an employee of the Department assigned to the position of a home detention officer or authorised by the Minister (individually or by class) to exercise the powers of a home detention officer under this Act.</p> <p>youth means a person of or above the age of 10 years but under the age of 18 years and, in relation to proceedings for an offence or detention in a training centre, includes a person who was under the age of 18 years on the date of the alleged</p>

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				<p>offence.</p> <p>Division 2A - Home detention</p> <p>s37A - Conditions of home detention</p> <p>(1) A sentence of home detention imposed on a youth by a court is subject to the following conditions:</p> <p>(a) the youth must remain at a residence specified by the court throughout the period of home detention and must not leave that residence at any time except for the following purposes:</p> <p>(i) remunerated employment; or</p> <p>(ii) urgent medical or dental treatment for the youth; or</p> <p>(iii) attendance at a course of education, training or instruction or any other activity as required by the court or as approved or directed by the home detention officer to whom the youth is assigned; or</p> <p>(iv) any other purpose approved or directed by the home detention officer;</p> <p>(b) the youth must be of good behaviour throughout the period;</p> <p>(c) the youth must obey the lawful directions of the home detention officer throughout the period;</p>

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				<p>(d) such other conditions as the Court may specify.</p> <p>(2) The Court may vary or revoke a condition imposed under subsection (1)(d).</p> <p>(3) In this section:</p> <p>residence includes, if the youth is an Aborigine who resides on tribal lands or an Aboriginal reserve, such area of land as the Court may specify.</p> <p>s37B - Home detention officers</p> <p>(1) On receiving a copy of an order for home detention, the Chief Executive must assign the youth to a home detention officer and may from time to time re-assign the youth to another home detention officer.</p> <p>(2) A home detention officer to whom a youth is assigned:</p> <p>(a) may give reasonable written directions to the youth:</p> <p>(i) requiring the youth to take up, or not to give up, some particular course of education, training or instruction; or</p> <p>(ii) requiring the youth to take up, or not to give up, some particular employment; or</p> <p>(iii) requiring the youth to attend some particular counselling course; and</p> <p>(b) may give the youth other written directions of a kind</p>

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				<p>authorised by the Minister either generally or in relation to the particular youth.</p> <p>Subdivision 2 - Leave of absence</p> <p>s40 - Leave of absence</p> <p>(1) The Chief Executive may, by written order, grant a youth detained in a training centre leave of absence from the training centre:</p> <p>(a) for the medical or psychiatric examination, assessment or treatment of the youth; or</p> <p>(b) for the attendance of the youth at an educational or training course, a personal development programme or a work programme, project or camp; or</p> <p>(c) for such compassionate purpose as the Chief Executive thinks fit; or</p> <p>(d) for any purpose related to criminal investigation; or</p> <p>(e) for the purpose of enabling the youth to perform community service.</p> <p>s51 - Community service or other work orders may only involve certain kinds of work</p> <p>(1) The work selected for the performance of community service or other work pursuant to an order or undertaking</p>

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				<p>under this Act must be for the benefit of:</p> <ul style="list-style-type: none"> (a) the victim of the offence; or (b) persons who are disadvantaged through age, illness, incapacity or any other adversity; or (c) an organisation that does not seek to secure a pecuniary profit for its members; or (d) a Public Service administrative unit, an agency or instrumentality of the Crown or a local government authority. <p>(2) The attendance by a youth at an educational or training course approved by the Minister for the purposes of this section will be taken to be the performance of community service.</p>

6. Western Australia

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>Article 29</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p>	<p>Adoption Act 1994</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>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural</p>	<p>School Education Act 1999</p>	<p>W.A.</p>	<p>6, 9, 10, 51 &52</p>	<p>6 - Meaning of 'compulsory education period'</p> <p>The compulsory education period for a child is as follows:</p> <p>(a) until 31 December 2005 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 15;</p> <p>(b) from 1 January 2006 until 31 December 2007 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 16;</p> <p>(c) from 1 January 2008 until 31 December 2013 - from the beginning of the year in which the child reaches the age of 6</p>

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<p>environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				<p>years and 6 months until the end of the year in which the child reaches the age of 17 or has completed the minimum requirements for graduation from secondary school established under the <i>School Curriculum and Standards Authority Act 1997</i>;</p> <p>(d) from 1 January 2014 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 17 and 6 months or the child turns 18 years of age, whichever happens first.</p> <p>9 - A child is to be enrolled in an educational programme for each year of the compulsory education period for that child.</p> <p>10 - Section 9(above) is satisfied in respect of a child by the enrolment of the child in a school or by registration of the parent as the child's home educator.</p> <p>19. Enrolment register - A principal of a school must ensure that a register is kept showing, in respect of all students enrolled at the school, the information prescribed by the regulations; and particulars recorded in the register are retained for the period prescribed by the regulations.</p> <p>23 - A student must attend on the days on which the school is open for instruction.</p> <p>51 - An evaluation of a child's home educator should be arranged within 3 months of the child's home educator being registered.</p>

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				<p>52 - A notice of concern may be issued by the chief executive for the child's home educator to make changes to the programme or for the child's home educator registration to be cancelled.</p>
	<p>School Education Act 1999</p>	<p>W.A.</p>	<p>68</p>	<p>The curriculum and teaching in government schools is not to promote:</p> <ul style="list-style-type: none"> (a) any particular religious practice, denomination or sect; (b) any particular political party; (c) any commercial goods, product or service; or (d) the case of a party to an industrial dispute. <p>This is not to be read as preventing:</p> <ul style="list-style-type: none"> (a) the inclusion of general religious education in the curriculum of a school; or (b) prayers, songs and other material based on religious, spiritual or moral values being used in a school activity as part of general religious education.
	<p>School Education Act 1991</p>	<p>W.A.</p>	<p>78</p>	<p>A child of compulsory school age is entitled to be enrolled at a local-intake school if:</p> <ul style="list-style-type: none"> (a) his or her usual place of residence is in the intake area for that school; and (b) an appropriate educational programme is available for the

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				<p>child at that school.</p> <p>A child of compulsory school age whose usual place of residence is not in the intake area for a local-intake school is entitled to be enrolled at that school if :</p> <p>(a) there is available for the child at that school, an appropriate educational programme and classroom accommodation; and</p> <p>(b) the enrolment would conform with any other criteria prescribed by the regulations for the purposes of this subsection.</p>
	<p>Child Care Services Act</p>	<p>W.A.</p>	<p>7</p>	<p>s. 7 - Principles to be administered by the Act</p> <p>The following principles must be observed when administering the Act:</p> <p>(a) the principle that a child care service should be provided to a child in a way that:</p> <p>(i) protects the child from harm; and</p> <p>.....</p> <p>(iv) provides positive experiences for the child; and</p> <p>(v) stimulates and develops the child’s creative, emotional, intellectual, physical, recreational and social potential.</p> <p>(b) the principle that child care services should be provided</p>

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CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>in a way that:</p> <p>(ii) reflects best practice in the care, education and recreation of young children; and</p> <p>(iii) reflects the diverse nature of the community.</p>
	Child Care Services Act	W.A.	s 9, 14	<p>s. 9 - Providing child care service without licence, offence</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>s.14(a) - General restrictions on grant of licence</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 for whom the service would be provided.</p>
	Children and Community Services Act 2004	W.A.	12, 13 & 14	<p>12. Aboriginal and Torres Strait Islander child placement principle</p> <p>In making a decision under this Act about the placement under a placement arrangement of an Aboriginal child or a Torres Strait Islander child, a principle to be observed is that any placement of the child must, so far as is consistent with the child's best interests and is otherwise practicable. This includes</p>

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				<ul style="list-style-type: none"> • placement with a member of the child’s family; • placement with a person who is an Aboriginal person or a Torres Strait Islander in the child’s community; • placement with a person who is not an Aboriginal person or a Torres Strait Islander but who, in the opinion of the CEO, is sensitive to the needs of the child and capable of promoting the child’s ongoing affiliation with the child’s culture, and where possible, the child’s family. <p>13. Principle of self-determination</p> <p>In the administration of this Act a principle to be observed is that Aboriginal people and Torres Strait Islanders should be allowed to participate in the protection and care of their children with as much self-determination as possible.</p> <p>14. Principle of community participation</p> <p>In the administration of this Act a principle to be observed is that a kinship group, community or representative organisation of Aboriginal people or Torres Strait Islanders should be given, where appropriate, an opportunity and assistance to participate in decision-making processes under this Act that are likely to have a significant impact on the life of a child who is a member of, or represented by, the group, community or organisation.</p>
	School Curriculum and Standards	W.A.	4, 5, 9	<p>4. The objections of the act are to (amongst other things):</p> <p>(b) Provide standards of student achievement and for the</p>

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	<p>Authority Act 1997</p>			<p>assessment and certification of student achievement according to those standards; and</p> <p>(c) to provide for the development of an outline of curriculum and assessment in schools that, taking account of the needs of students, sets out the knowledge, understanding, skills, values and attitudes that students are expected to acquire and guidelines for the assessment of student achievement.</p> <p>5.Establishment of the Authority</p> <p>A body called the School Curriculum and Standards Authority is established.</p> <p>9. Functions of the Authority</p> <p>(a) to establish an outline of curriculum and assessment in schools; and</p> <p>(b) to issue guidelines for the development of courses and the assessment of student achievement in those courses; and</p> <p>(c) to develop courses, or to cause courses to be developed, in accordance with the guidelines issued under paragraph (b); and</p> <p>(d) to evaluate and, where appropriate, accredit courses developed by the Authority or other persons in accordance with the guidelines issued under paragraph; and</p>

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				<p>.....</p> <p>(f) to determine courses - recognised or accredited by the Authority; or otherwise considered by the Authority to be appropriate in which students may be assessed, or caused to be assessed, by the Authority, whether for the purposes of certification or otherwise; and</p> <p>.....</p> <p>(j) to establish the standards of student achievement and other requirements that apply to the assessment of student achievement made, or caused to be made, by the Authority.</p>

7. Northern Territory

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 28:</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	<p>Education Act</p>	<p>NT</p>	<p>s 6</p>	<p>Minister to provide education services</p> <p>(1) The Minister may take all measures which, in the Minister's opinion, are necessary or desirable:</p> <p>(a) to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to the individual needs and abilities of those children; and</p> <p>(b) to make education services, provided by the Minister, available to all people in the Territory; and</p> <p>(c) to assist all people of the Territory with their own education.</p> <p>(2) The Minister must establish and maintain education services in the Territory.</p> <p>(4) The Minister may:</p> <p>(a) establish and maintain:</p> <p>(i) such Government schools or institutions for the provision of primary and secondary education; and</p> <p>(ii) such pre-schools, correspondence schools and schools of the air; and</p>

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p> <p>ARTICLE 29:</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for</p>				<p>(iii) such colleges;</p> <p>as the Minister considers necessary or desirable; and</p> <p>(b) in such manner and to the extent the Minister thinks fit, provide or arrange for the transport of children to and from any school and may pay the whole or any portion of the cost of transporting any children to and from any school; and</p> <p>(c) establish and maintain the residences for the accommodation of teachers or students as the Minister considers necessary or desirable for this Act; and</p> <p>(d) undertake or cause to be undertaken research and investigation with respect to education generally, a specified field of education or the provision of education services in the Territory; and</p> <p>(e) provide financial assistance to the persons, bodies or institutions as the Minister considers necessary or desirable for, or in connection with, education services; and</p> <p>(f) determine or arrange for the accreditation of courses of education provided in the Territory; and</p> <p>(g) having sought the advice of the relevant Advisory Council, make provision for awards in relation to the passing of examinations or otherwise in relation to education services; and</p> <p>(h) make provision for the granting of scholarships, bursaries and prizes in relation to education services.</p>
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<p>civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				
	<p>Education Act</p>		<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 2 - Compulsory Education)</p>	<p>20 Compulsory school age</p> <p>(1) A child is of <i>compulsory school age</i> if the child is of or above the age of 6 years and below the minimum school leaving age.</p> <p>(2) The minimum school leaving age is the earlier of the following:</p> <p>(a) the age when the child completes year 10 of secondary education;</p> <p>(b) the age of 17 years.</p> <p>(3) However, a child who completes year 10 of secondary</p>

			<p>education and is below the age of 17 years is of compulsory school age unless:</p> <p>(a) the child participates on a full-time basis in one of the following options (an <i>eligible option</i>):</p> <p>(i) approved education or training;</p> <p>(ii) if the child is of or above the age of 15 years – paid employment or a combination of approved education or training and paid employment; or</p> <p>(b) the child is exempt from participating in an eligible option.</p> <p>(4) If a child is not of compulsory school age because of participation in an eligible option, the child does not become of compulsory school age merely because the child stops participating unless the break in participation totals more than 3 months in any 12-month period.</p> <p>(5) The completion of year 10 of secondary education is:</p> <p>(a) the completion of year 10 of secondary education in the Territory or the equivalent in a State or another Territory; or</p> <p>(b) the completion of education approved by the CEO in special circumstances for a particular child.</p> <p>(6) Participation in approved education or training is participation in any of the following:</p> <p>(a) year 11 or 12 of secondary education in the Territory or the equivalent in a State or another Territory;</p> <p>(b) an educational program or course of study or instruction provided by the Charles Darwin University or Bachelor</p>
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			<p>Institute of Indigenous Tertiary Education;</p> <p>(c) a higher education course accredited under the <i>Higher Education Act</i>;</p> <p>(d) an accredited course or approved apprenticeship under the <i>Northern Territory Employment and Training Act</i>;</p> <p>(e) other education or training approved by the CEO by <i>Gazette</i> notice;</p> <p>(f) other education or training at an institution in a State or another Territory where the education or training would, if provided in the Territory, comply with the requirements of this Part.</p> <p>(7) The CEO may exempt a child from participating in an eligible option for a specified period if satisfied it is appropriate to do so because of special circumstances.</p> <p>Example for subsection (7)</p> <p>The child is seriously ill.</p> <p>(8) The exemption must be given by written notice to a parent of the child or, if the child is living independently, the child.</p> <p>(9) A regulation may be made about the following:</p> <p>(a) whether a child completes year 10 of secondary education;</p> <p>(b) whether a child is participating in an eligible option.</p> <p>(10) Subject to the Regulations, participation on a full-time basis in paid employment is participation for an average of 25</p>
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			<p>hours a week.</p> <p>20A Compulsory enrolment</p> <p>(1) A parent who has the actual custody of a child of compulsory school age must enrol the child in:</p> <p>(a) a Government school; or</p> <p>(b) a non-Government school registered under Part 7.</p> <p>(2) If a child of compulsory school age is living independently, the child must enrol himself or herself in a school mentioned in subsection (1)(a) or (b).</p> <p>(4) Subsections (1) and (2) do not apply in relation to a child:</p> <p>(a) who is complying with special arrangements made under Part 5 for the child; or</p> <p>(b) who is enrolled in a school in a State or another Territory and receiving education or training that, if provided in the Territory, would comply with the requirements of this Part; or</p> <p>(c) for whom the parent is providing home education in accordance with an approval under section 20E.</p> <p>(5) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant establishes a reasonable excuse.</p> <p>20B Direction about enrolment</p> <p>(2) The CEO may direct that:</p> <p>(a) the child is not to be enrolled in a specified Government</p>
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			<p>school; or</p> <p>(b) if the child is to be enrolled in a Government school - the child must be enrolled in a specified Government school; or</p> <p>(c) if the child is enrolled in a Government school - the child is to be enrolled instead in a specified Government school on and from the date specified in the direction.</p> <p>(3) The direction must be by written notice given to:</p> <p>(a) a parent having actual custody of the child; or</p> <p>(b) if the child is living independently – the child.</p> <p>(4) The child must not be enrolled in a Government school in contravention of the direction.</p> <p>20C Compulsory attendance at school</p> <p>(2) A parent who has the actual custody of the child must ensure the child attends the school each day, or each part of a day, on which instruction is provided for the child.</p> <p>(6) If the child is living independently, the child must attend the school each day, or each part of a day, on which instruction is provided for the child.</p> <p>(9) Subsections (2) and (6) do not apply if:</p> <p>(a) the child is exempted from attendance, or prohibited from attending, under this Part; or</p> <p>(b) a parent of the child or, if the child is living independently, the child, gives a reason acceptable to the principal of the school for the child's absence; or</p> <p>(c) the child's absence is on a day, or part of a day, of</p>
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			<p>significance to the child's ethnic group and a parent of the child or, if the child is living independently, the child, gives the reason for the absence to the principal of the school.</p> <p>(10) In this section:</p> <p>school does not include a distance education centre.</p> <p>20D Compulsory participation at distance education centre</p> <p>(2) A parent who has the actual custody of the child must ensure the child reasonably attends to all course requirements of the educational instruction provided by the distance education centre.</p> <p>(6) If the child is living independently, the child must reasonably attend to all course requirements of the educational instruction provided by the distance education centre.</p> <p>(9) Subsections (2) and (6) do not apply if:</p> <p>(a) the child is exempted under this Part from course requirements of the educational instruction provided by the distance education centre; or</p> <p>(b) a parent of the child or, if the child is living independently, the child, gives a reason acceptable to the principal of the distance education centre for the child's non-attendance to the course requirements.</p> <p>20E Home education</p> <p>(1) A parent of a child of compulsory school age who proposes to provide home education for the child must, before providing the home education:</p>
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			<p>(a) apply to the CEO for approval to provide home education; and</p> <p>(b) give the CEO details of the proposed home education.</p> <p>(3) If the CEO is satisfied home education proposed for a child is suitable, the CEO may approve the home education.</p> <p>(4) The approval must be in writing and is subject to the following conditions:</p> <p>(a) the approval is for one school year only;</p> <p>(b) the parent must allow inspections from time to time by departmental officers;</p> <p>(c) any other conditions the CEO considers appropriate and specifies in the notice of approval.</p> <p>20F Exemption by Minister</p> <p>The Minister may exempt a child of compulsory school age from attendance at school, or from course requirements of educational instruction provided by a distance education centre, for a specified period if satisfied it is appropriate to do so because of special circumstances.</p> <p>Example for section 20F</p> <p>The child is seriously ill.</p> <p>20G Child may be withdrawn from specified course</p> <p>(1) A parent of a child enrolled in a Government school may request the principal of the school to withdraw the child from the whole or a specified part of a specified course of instruction provided for the child at the school. (2) The</p>
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				<p>principal:</p> <p>(a) may agree to the request and make the necessary arrangements to comply with it if satisfied it is appropriate to do so; and</p> <p>(b) must make the necessary arrangements to comply with the request if:</p> <p>(i) the course of instruction specified in the request is a course of religious instruction; or</p> <p>(ii) the parent claims to have a conscientious objection to the child attending the course or part of the course and the course is not an essential part of the curriculum.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 3 - Suspension and expulsion)</p>	<p>21 Suspension by principal</p> <p>(1) This section applies if the principal of a Government school is satisfied a person who is enrolled in the school should be suspended from attending the school because the person's presence would be harmful to the health or moral welfare of other persons at the school.</p> <p>Examples for subsection (1)</p> <p>The person is insolent, repeatedly disobedient, conducts himself or herself immorally or is guilty of a serious breach of discipline.</p> <p>(2) The principal may, by written notice given to the person, suspend the person from attendance at the school.</p> <p>(3) The principal must, as soon as practicable, give a copy of the notice of suspension and a report of the circumstances to:</p>

			<p>(a) the CEO; and</p> <p>(b) if the suspended person is a child – a parent who has the actual custody of the child.</p> <p>(4) The suspension has effect:</p> <p>(a) for the period, not exceeding 1 month, specified in the notice of suspension; or</p> <p>(b) if the Minister expels the person within the period mentioned in paragraph (a) – until the expulsion.</p> <p>21A Expulsion by Minister</p> <p>(1) If the Minister considers it necessary in the interests of other persons attending a Government school, the Minister may, by written notice given to a person, expel the person from the school in which the person is enrolled.</p> <p>(2) The Minister must, as soon as practicable after expelling a child who is not living independently, give a copy of the notice of expulsion to a parent who has actual custody of the child.</p> <p>(3) The Minister may review the expulsion and may revoke the expulsion if satisfied the person should be no longer expelled from the school.</p> <p>(4) The Minister must give a notice of revocation of the expulsion to:</p> <p>(a) for a child who is not living independently – a parent having actual custody of the child; or</p> <p>(b) in any other case – the expelled person.</p>
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				<p>21B Parent to ensure non-attendance</p> <p>(1) This section applies if a parent has been notified:</p> <p>(a) under section 20H that a child is not to attend a school for a period; or</p> <p>(b) under section 21 that a child is suspended from a school for a period; or</p> <p>(c) under section 21A that a child is expelled from a school.</p> <p>(2) The parent must ensure the child does not attend school:</p> <p>(a) during the period specified in the notice (unless a certificate mentioned in section 20H(3) has been given); or</p> <p>(b) while the child is expelled from the school.</p> <p>Maximum penalty: For a first offence – 15 penalty units.</p> <p>For a second or subsequent offence – 20 penalty units.</p> <p>(6) If a child living independently has been given a notice mentioned in subsection (1), the child must not attend school as mentioned in subsection (2).</p> <p>21C Re-enrolment after expulsion</p> <p>If a person has been expelled from a Government school, the person must not be enrolled in a Government school unless:</p> <p>(a) the Minister gives permission for the enrolment; or</p> <p>(b) the school is a distance education centre.</p>
			Part 4 - Enrolment,	22 Parents to ensure participation in eligible option

			<p>attendance and participation</p> <p>(Division 4 - Further education or training)</p>	<p>(1) This section applies if a child:</p> <ul style="list-style-type: none"> (a) completes year 10 of secondary education under section 20 and is below the age of 17 years; and (b) is not exempt from participating in an eligible option. <p>(2) A parent of the child who has the actual custody of the child must ensure the child participates in an eligible option.</p> <p>(6) If the child is living independently, the child must participate in an eligible option.</p> <p>22A Enquiries about participation in eligible option</p> <p>(1) For the effective administration of this Part in relation to the requirement for a child to participate in an eligible option, the CEO may make the enquiries the CEO considers appropriate.</p> <p>(2) If the CEO has information that a person is the provider of an eligible option to a child, the CEO may ask the person to give relevant information about the child's participation in an eligible option.</p> <p>(3) The request must be made by written notice given to the person.</p> <p>(4) The person must comply with the notice.</p> <p>(6) The CEO may also ask a child to give relevant information about the child's participation in an eligible option.</p> <p>(7) The request must be made by written notice given to the child.</p>
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				<p>(8) The child must comply with the notice.</p> <p>(12) In this section:</p> <p>provider, of an eligible option to a child, means a person who:</p> <p>(a) provides the child with approved education or training under section 20(6); or</p> <p>(b) employs the child.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 5 - Enforcement powers)</p>	<p>23 Information notice</p> <p>(2) The CEO may give a written notice (an information notice) requiring specified information to one of the following:</p> <p>(a) a parent having actual custody of the child;</p> <p>(b) if the child is living independently – the child.</p> <p>(3) The information notice must:</p> <p>(a) specify that it is an information notice under this section; and</p> <p>(b) indicate the provision or provisions of this Act the CEO believes are not being complied with; and</p> <p>(c) specify the information required; and</p> <p>(d) specify what must be done by the person given the notice in order to comply with it; and</p> <p>(e) specify the period for complying with the notice; and</p> <p>(f) contain a statement to the effect that failure to comply</p>

			<p>with the notice is an offence.</p> <p>(5) A parent given an information notice must comply with it.</p> <p>(6) A child given an information notice must comply with it.</p> <p>23A Compliance notice</p> <p>(2) The CEO may give written notice (a <i>compliance notice</i>) to one of the following:</p> <p>(a) a parent having actual custody of the child;</p> <p>(b) if the child is living independently – the child.</p> <p>(3) The compliance notice must:</p> <p>(a) specify that it is a compliance notice under this Act; and</p> <p>(b) include a brief description of the failure to comply with this Act for which the notice is given; and</p> <p>(c) specify what must be done by the person given the notice in order to comply with it; and</p> <p>(d) specify the period for complying with the notice; and</p> <p>(e) contain a statement to the effect that failure to comply with the notice is an offence.</p> <p>(7) A parent given a compliance notice must comply with it.</p> <p>(8) A child given a compliance notice must comply with it.</p> <p>23B Compulsory conference</p> <p>(2) The CEO may, by written notice, direct any of the</p>
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			<p>following persons to attend a compulsory conference addressing the issues the CEO believes necessary to achieve compliance with the provision:</p> <ul style="list-style-type: none"> (a) a parent or parents of the child; (b) the child concerned; (c) other persons the CEO considers appropriate. <p>Examples for subsection (2)(c)</p> <p>A social worker, child psychologist, school principal, church representative, traditional elder.</p> <p>(3) The child may attend the conference without being accompanied by a parent in any of the following circumstances:</p> <ul style="list-style-type: none"> (a) the child is living independently; (b) the child requests that parents, or a particular parent, not be present and the CEO agrees to the request; (c) the CEO considers the conference is more likely to be successful without the presence of parents or a particular parent. <p>(4) If a child attends the conference without being accompanied by a parent because of circumstances mentioned in subsection (3), any direction to a parent to attend is taken to be withdrawn.</p> <p>(5) If the child requests the presence of another person (<i>a support person</i>) at the conference, the CEO may agree to the request if the CEO considers the conference is more likely to</p>
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			<p>be successful with the presence of the support person.</p> <p>(6) The conference must be conducted by a departmental officer.</p> <p>(7) The purpose of the conference is to ensure the child receives education or training in accordance with this Part.</p> <p>(8) For achieving the purpose, in the conduct of the conference the parties may do any of the following:</p> <p>(a) seek to identify and resolve issues in dispute in relation to education or training for the child;</p> <p>(b) seek to identify any services that can be provided to the child or the child's family to facilitate education or training for the child;</p> <p>(c) make recommendations to the CEO the conference participants consider appropriate;</p> <p>(d) formulate undertakings for a family responsibility agreement under Part 6A of the <i>Youth Justice Act</i>, or orders for a family responsibility order under that Act.</p> <p>(9) Despite the <i>Information Act</i>, participants in the conference, or other persons for the purposes of the conference, may disclose to each other information about the child and the child's family that may reasonably assist in achieving the purpose of the conference.</p> <p>(10) Evidence of things said or admissions made in the conference, or in documents prepared for the conference, other than any written undertakings prepared during or following the conference, is not admissible in any court proceeding.</p>
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			<p>(11) A parent directed to attend the conference must comply with the direction.</p> <p>(12) A child directed to attend the conference must comply with the direction.</p> <p>23C Truancy from school or eligible option</p> <p>(1) This section applies if an authorised person:</p> <p>(a) sees a child apparently of compulsory school age in a public place; and</p> <p>(b) reasonably believes the child should either be attending a school or participating in an eligible option.</p> <p>(2) The authorised person may require the child to:</p> <p>(a) state his or her name, address and age; and</p> <p>(b) state the name of the school (if any) in which the child is enrolled and give details of any eligible option in which the child participates; and (c) explain why the child is absent from school or is not presently participating in an eligible option.</p> <p>(3) The child must comply with the requirement.</p> <p>(5) If it appears to the authorised person that the child is of compulsory school age and the officer is not satisfied with the explanation given by the child, the authorised person may do any of the following:</p> <p>(a) accompany the child to the school in which the child is enrolled and into the care of the school principal;</p> <p>(b) accompany the child to the child's home or another place</p>
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			<p>the authorised person considers appropriate in the circumstances;</p> <p>(c) take any action the authorised person considers appropriate in relation to non-participation by the child in an eligible option.</p> <p>23D Authorised person may require information about enrolment or eligible option</p> <p>(1) An authorised person may, at any time between 8 am and 7 pm during any day, call at an address which has been given under section 23C(2) or otherwise obtained, and require any person apparently of or above the age of 14 years present at that address to state:</p> <p>(a) the full names of all children of compulsory school age who ordinarily reside at that address; and</p> <p>(b) the names of the schools in which those children are enrolled, or other places at which any of the children participate in an eligible option.</p> <p>(2) An adult required to give information mentioned in subsection (1) must comply with the requirement.</p> <p>(3) A child required to give information mentioned in subsection (1) must comply with the requirement.</p> <p>23E Authorised person may direct child be enrolled</p> <p>(1) If an authorised person reasonably believes a child of compulsory school age is not enrolled in any school, the authorised person may, by written notice:</p> <p>(a) direct a parent of the child to enrol the child in a school</p>
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				<p>within 10 school days after the notice is given; or</p> <p>(b) if the child is living independently – direct the child to enrol in a school within 10 school days after the notice is given.</p> <p>(2) A parent given a direction under subsection (1)(a) must comply with it.</p> <p>(3) A child given a direction under subsection (1)(b) must comply with it.</p> <p>(6) A person given a direction under subsection (1) must, if requested, give the authorised person sufficient evidence of the enrolment.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 6 - Offences and evidentiary matters)</p>	<p>24 Employment of children</p> <p>(1) This section applies in relation to a child of compulsory school age who has not completed year 10 of secondary education.</p> <p>(2) A person must not employ, or permit to be employed, the child during a time of a school day when the child is required to attend school.</p> <p>Fault elements:</p> <p>The person:</p> <p>(a) intentionally employs the child; and</p> <p>(b) is reckless as to whether the child:</p> <p>(i) is of compulsory school age; and</p> <p>(ii) has completed year 10 of secondary education; and</p>

				<p>(c) knows the day is a school day.</p> <p>(3) Also, a person must not employ, or permit to be employed, the child at any time in employment likely to cause the child to be:</p> <p>(a) unfit or unable to attend school at the times the child is required to attend school; or</p> <p>(b) unfit or unable to understand instruction provided for the child when attending the school.</p> <p>Fault elements:</p> <p>The person:</p> <p>(a) intentionally employs the child; and</p> <p>(b) is reckless as to whether the child is or will be unfit or unable to attend school or understand instruction.</p>
	<p>Anti-Discrimination Act</p>		<p>s 29</p>	<p>Discrimination in education</p> <p>(1) An educational authority shall not discriminate:</p> <p>(a) by failing or refusing to accept a person's application for admission as a student; or</p> <p>(b) in refusing or rejecting a person's admission as a student; or</p> <p>(c) in the way in which a person's application is processed; or</p> <p>(d) in the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or</p> <p>(e) in the terms and conditions on which a person is admitted</p>

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				<p>as a student.</p> <p>(2) An educational authority shall not discriminate:</p> <p>(a) in any variation of the terms and conditions of a student's enrolment; or</p> <p>(b) by failing or refusing to grant, or limiting, access to any benefit arising from the enrolment that is supplied by the authority; or</p> <p>(c) by excluding a student; or</p> <p>(d) by treating a student less favourably in any way in connection with the student's training or instruction.</p>
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8. Tasmania

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 29: States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural</p>	<p>Anti-Discrimination Act 1988</p>	<p>TAS</p>	<p>22</p>	<p>Pursuant to section 22, the Act applies to discrimination and prohibited conduct by or against a person involved in, or undertaking any activity in connection with education and training.</p>
	<p>Child Care Act 2001</p>	<p>TAS</p>	<p>29</p>	<p>Pursuant to section 29, any person holding a child care licence or any employed by such a person or any person responsible for child care, must ensure that the child is provided with a safe environment and proper and appropriate care and supervision and every precaution is taken to protect the child from injury</p>
	<p>Child Protection (International Measures) Act 2003</p>	<p>TAS</p>	<p>30</p>	<p>Section 30 of the Act establishes a Department that's function is to find solutions for protection of children and implementation for Tasmanian and foreign measures, and to provide information laws and services</p>
	<p>Child, Young Persons and Their families Act 2009</p>	<p>TAS</p>	<p>6, 8</p>	<p>A person who has custody has the right to have and the responsibility for the daily care and control of the child and for making decisions in relation to such matters.</p> <p>Section 8 states that the primary responsibility for a child's care and protection lies with the family. Serious consideration must be given to the desirability of:</p> <p>not unnecessarily interrupting the child's education;</p>

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<p>environment.</p> <p>No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>	<p>Education Act 1994</p>	<p>TAS</p>	<p>6, 19, 23, 34, 36, 37, 38, 82A</p>	<p>preserving and enhancing the child's sense of ethnic, religious or cultural identity; and</p> <p>not subjecting the child to unnecessary, intrusive or repeated assessments.</p> <p>The parent shall ensure that the child attends school each day as required by the principal, or that the child participates in an individual education program.</p> <p>A school-aged child is entitled to be enrolled in a State school which has its intake from the area in which his or her home is situated.</p> <p>Pursuant to section 23, the principal has numerous functions and powers, including to ensure the curriculum, teaching practice, assessment and reporting procedures are consistent with instructions issued by the Secretary, to implement policies in accordance with the set of beliefs, values and priorities formulated pursuant to the Act and provide educational leadership in the school.</p> <p>Section 34 provides that religious instruction may be provided at a State school with the approval of the Secretary. The total number of hours of religious instruction provided at a State school in a year is not to exceed the total number of weeks in that year during which the school is open. Attendance at any class of religious instruction is not compulsory for any student.</p> <p>Pursuant to section 36, a student at a State school is to behave in a manner that is acceptable to the principal. Behaviour that</p>

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				<p>is not acceptable includes behaviour which constitutes refusal to participate in the education programme, is likely to significantly impede the learning of other students or is likely to be detrimental to the health, safety or welfare of staff or other students.</p> <p>Sections 37 and 38 provide that if the principal is satisfied that a student has behaved in an unacceptable manner, the child may be put in detention or suspended for up to 2 weeks. If the principal is of the view that the behaviour justifies a suspension of more than 2 weeks, the matter may be referred to the Secretary. If the Secretary is satisfied that the student's behaviour justifies it, the Secretary may suspend the student for more than 2 weeks or expel the student from the school.</p> <p>Pursuant to section 82A, the principal or teacher of a school must not administer punishment to a student.</p>
	<p>Guardianship and Custody of Infants Act 1934</p>	<p>TAS</p>	<p>15</p>	<p>Section 15 sets out the powers of the Court as to a child's religious education. Upon application by a parent for the production or custody of a child, if the Court is of the opinion that the parent ought not to have custody of the child, and the child is being brought up in a different religion from that in which the parent has a legal right to require that the child be brought up, the Court has the power to make such an order as it thinks fit.</p>
	<p>Tasmanian Early Years Foundation Act 2005</p>	<p>TAS</p>	<p>5, 6</p>	<p>Pursuant to section 5, the Tasmanian Early Years Foundation is to support and promote the wellbeing, development and learning of Tasmanian children up to the age of 6 years.</p> <p>Section 6 sets out the functions of the Foundation, which</p>

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				include providing grants for early childhood projects and initiatives and to promote awareness of the importance of early years of childhood.
	Youth Justice Act 1997	TAS	5	Section 5 of the Act provides that the powers under the Act are to be carried out with proper regard to the principles that the youth is to be dealt with in a way that encourages the youth to accept responsibility for his or her behaviour, punishment of a youth is to be designed to give him or her an opportunity to develop a sense of social responsibility and to develop in beneficial and socially acceptable ways and that there should be no unnecessary interruption to a youth's education or employment.
	Youth Participation in Education and Training (Guaranteeing Futures) Act 2005	TAS	3, 4	<p>Pursuant to sections 3 and 4, the objects of this Act include the implementation of initiatives to ensure that young people participate at a full time level in education or training after the age of 16 years.</p> <p>The Act should be administered with regard to the principle that the State should develop practical ways to improve the social, educational and employment outcomes for young people (in particular those who are at risk of disengaging from education and training).</p>

9. Australian Capital Territory

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 29: States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural</p>	<p>Children and Young People Act 2008</p>	<p>ACT</p>	<p>7</p>	<p>Section 7 provides that the objects of the Act include ensuring that services provided for or by the government for the care, wellbeing and protection of children and young people foster and promote the health, education, developmental needs, spirituality, self-respect, self-reliance and dignity of children and respect the individual race, ethnicity, religion, disability, sexuality and culture of children.</p>
	<p>Discrimination Act 1991</p>	<p>ACT</p>	<p>18</p>	<p>Pursuant to section 18, it is unlawful for an educational authority to discriminate against a person by failing to accept the person's application for admission as a student or in the terms and conditions upon which it is willing to accept the student.</p>
	<p>Education Act 2004</p>	<p>ACT</p>	<p>7, Part 2.2, 18, 39, 55, 75, 81, 122-125, 128</p>	<p>Section 7 sets out the general principles of the Act. Every child has the right to receive a high quality education based on the following principles:</p> <ul style="list-style-type: none"> • school education and home education provide a foundation for a democratic society. • school education should aim to: • develop every child's potential and maximise their achievements;

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<p>environment.</p> <p>No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				<ul style="list-style-type: none"> • promote the child's enthusiasm for lifelong learning and optimism for the future; • encourage parents to take part in the education of their children and recognise their right to choose a suitable education environment; • promote respect and tolerance of others; • recognise the social, religious, physical, intellectual and emotional needs of all children; • aim over time to improve learning outcomes to ensure children are free from disadvantage due to economic, social, cultural or other causes; • provide access to a broad education; and • recognise the needs of indigenous students; • innovation, diversity and opportunity within and among schools should be encouraged; and <p>the partnership between the home community and educational providers should be recognised.</p> <p>Section 7 also establishes that corporal punishment is not allowed in ACT schools.</p> <p>Section 10 of Part 2.2 provides that if a child is of <i>compulsory education age</i> and lives in the ACT, the child's parents must enrol the child with an education provider</p>

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				<p>and/or apply to register the child for home education. This section does not apply if an exemption certificate is in force for the child or the child is participating in training or employment.</p> <p>Section 18 establishes the principles upon which Chapter 3 is based. The ACT government school system is based on the principles of equity, universality and non-discrimination. Government schools are free and open to everyone and offer a broad and balanced education.</p> <p>Section 39 sets out the functions of school boards of government schools. These functions include:</p> <ul style="list-style-type: none"> • to establish a strategic direction and priorities for schools; • monitor and review school performance; <p>to develop and review education policies at the school;</p> <ul style="list-style-type: none"> • develop relationships between the school and the community and community organisations; <p>Section 55 sets out the functions of the government schools education council. These functions include advising the Minister in relation to any aspect of the ACT government school system.</p> <p>Section 75 of the Act establishes the principles that relate to the governing of the non-government school sector. The non-government school sector consists of schools from a range of different educational and religious philosophies. The variety</p>

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				<p>of schools reflects the diversity of the community in the ACT and the preferences of parents for a particular kind of education for the child. The non-government school sector is committed to:</p> <ul style="list-style-type: none"> • developing the spiritual, physical, emotional and intellectual welfare of the students; • innovation, diversity and choice; • maximising student outcomes; • teacher, parents and student participation in all aspects of school education; • promoting partnership between home and school; and <p>preparing students for their full participation in all aspects of a democratic society.</p> <p>Section 81 provides that the principal of a non-government school may approve educational courses that are provided to students enrolled at the school, at a place other than the school.</p> <p>Sections 122 to 125 authorises an 'authorised person' within the meaning of the Act may enter a non-government school at any time to inspect the school or anything in it.</p> <p>Section 128 relates to home education. The section provides that home education is committed to:</p>

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				<ul style="list-style-type: none"> • offering a broad range of opportunities that foster in each child the development of the child's unique spiritual, emotional, physical, social and intellectual being; • valuing the individual needs, interests and aptitudes of each child; and • preparing each child to become an independent and effective local and global citizen.
	Education and Care Services National Law (ACT) Act 2011	ACT	6, 19	<p>Section 6 provides that the Education and Care Services National Law, as in force from time to time, as set out in the schedule to the Victorian Act, applies as a law in the ACT and applies as if it were part of this Act.</p> <p>Pursuant to section 19, the Executive may make regulations under this Act.</p>