

## 1. Commonwealth

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 30:</b></p> <p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Evidence Act 1995</b></p>	<p>Cth</p>	<p>Schedule - Oaths and Affirmations</p>	<p>A person may take an oaths by swearing by a god recognised by their religion.</p>
	<p><b>Family Law Act 1975</b></p>	<p>Cth</p>	<p>4AB</p>	<p>Preventing a family member from making or keeping connections with his or her family, friends or culture may constitute family violence.</p>
			<p>60B</p>	<p>The principles underlying the objects of Part VII of the <i>Family Law Act</i> include that children have a right to enjoy their culture (including the right to enjoy that culture with other people who share that culture).</p> <p>An Aboriginal child's or Torres Strait Islander child's right to enjoy his or her Aboriginal or Torres Strait Islander culture includes the right:</p> <ul style="list-style-type: none"> <li>(a) to maintain a connection with that culture; and</li> <li>(b) to have the support, opportunity and encouragement necessary: <ul style="list-style-type: none"> <li>(i) to explore the full extent of that culture, consistent with the child's age and developmental level and the child's views; and</li> <li>(ii) to develop a positive appreciation of that culture.</li> </ul> </li> </ul>

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			60CC	<p>In determining the best interests of the child, considerations of the Court must include, if the child is an Aboriginal child or a Torres Strait Islander child:</p> <ul style="list-style-type: none"> <li>(i) the child’s right to enjoy his or her Aboriginal or Torres Strait Islander culture (including the right to enjoy that culture with other people who share that culture); and</li> <li>(ii) the likely impact any proposed parenting order under this Part will have on that right.</li> </ul> <p>An Aboriginal child’s or a Torres Strait Islander child’s right to enjoy his or her Aboriginal or Torres Strait Islander culture includes the right:</p> <ul style="list-style-type: none"> <li>(a) to maintain a connection with that culture; and</li> <li>(b) to have the support, opportunity and encouragement necessary: <ul style="list-style-type: none"> <li>(i) to explore the full extent of that culture, consistent with the child’s age and developmental level and the child’s views; and</li> <li>(ii) to develop a positive appreciation of that culture.</li> </ul> </li> </ul>
	<b>Geneva Conventions Act 1957</b>	Cth	Schedule 4, Article 24	<p>In all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties (even if the state of war is not recognized by one of them), the Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result</p>

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				of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.
			Schedule 4, Article 38	Aliens shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith
			Schedule 4, Article 50	In Occupied Territories, where the local institutions are inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.
			Schedule 4, Article 93	Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.
			Schedule 4, Article 107	As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.
	<b>Human Rights and Equal Opportunity Commission Act 1986 - Declaration of the United Nations</b>	Cth	Article 20	Due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background when considering solutions for a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be

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	<b>Convention of the Rights of the Child</b>			allowed to remain in that environment.
			Article 29	Education of the child shall be directed to his or her own cultural identity, language and values.
	<b>Human Rights and Equal Opportunity Commission Act 1986 - Declaration on the Elimination of all forms of Intolerance and of Discrimination based on Religion or Belief</b>	Cth	Article 1	Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching
			Article 5	Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.
	<b>Racial Discrimination Act 1975</b>	Cth	9	It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.
<b>Racial Discrimination Act 1975, Schedule - International Convention on the</b>		Article 5	States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the	

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	<b>Elimination of all Forms of Racism</b>			enjoyment of the following rights: <ul style="list-style-type: none"><li>- The right to freedom of thought, conscience and religion; and</li><li>- The right to equal participation in cultural activities.</li></ul>

**2. New South Wales**

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<p><b>ARTICLE 30:</b></p> <p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Adoption Act 2000</b></p>	<p>NSW</p>	<p>8</p>	<p>In making a decision about the adoption of a child, the decision-maker is to have regard to the principle that the child's language and cultural and religious ties should, as far as possible, be identified and preserved.</p>
			<p>32</p>	<p>In placing a child (other than an Aboriginal or Torres Strait Islander child) for adoption, the decision maker must take into account the culture, language and religion of the child and the principle that the child's language and cultural and religious ties should, as far as possible, be preserved.</p>
			<p>64</p>	<p>Before a person can consent to the adoption of an Aboriginal child, the person must either attend adoption counselling (consultation that includes consideration of the possibility of a child being cared for in accordance with Aboriginal customs and culture) or be provided with written information on Aboriginal customs and culture.</p>
			<p>65</p>	<p>Before a person can consent to the adoption of a Torres Strait Islander child, the person must either attend adoption counselling (consultation that includes consideration of the possibility of a child being cared for in accordance with Torres Strait Islander customs and culture) or be provided with written information on Torres Strait Islander customs and culture.</p>

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			90	In making a court order for adoption of a child (other than an Aboriginal or Torres Strait Islander child) the Court must be satisfied that that the culture, language and religion of the child and, as far as possible, that the child's language and cultural and religious ties have been taken into account in the making of any adoption plan in relation to the adoption
	<b>Children (Detention Centres) Regulations 2010</b>	NSW	20	A minister of religion must be afforded a reasonable opportunity to minister the detainees of the minister's denomination and to conduct such rites, services or assemblies as relate to that denomination.
			23	An interviewer must take all reasonable steps to ensure that a detainee has the assistance of a person who can act as an appropriate interpreter or provide appropriate cultural guidance if they may be disadvantaged by linguistic or cultural factors.
	<b>Children and Young Persons (Care and Protection) Act 1998</b>	NSW	9	<p>In all actions and decisions made under this Act (whether by legal or administrative process) that significantly affect a child or young person, account must be taken of the culture, language and religion of the child or young person.</p> <p>If a child or young person is temporarily or permanently deprived of his or her family environment, or cannot be allowed to remain in that environment in his or her own best interests, the child or young person is entitled to special protection and assistance from the State, and his or her language, cultural and religious ties should, as far as possible, be preserved.</p>

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			13	<p>A child or young person who has one Aboriginal or Torres Strait Islander parent and one non-Aboriginal and Torres Strait Islander parent who is:</p> <p>(a) placed with a person who is not within an Aboriginal or Torres Strait Islander family or community must have the opportunity for continuing contact with his or her Aboriginal or Torres Strait Islander family, community and culture; and</p> <p>(b) placed within an Aboriginal or Torres Strait Islander family or community must have the opportunity for continuing contact with his or her non-Aboriginal and Torres Strait Islander family, community and culture.</p> <p>An Aboriginal or Torres Strait Islander child or young person who is placed with a carer who is not an Aboriginal or Torres Strait Islander must have the opportunity to continue contact with his or her Aboriginal or Torres Strait Islander family, community and culture.</p>
			36	Any intervention action in relation to a child must be appropriate to the language, religion and cultural background of the child's family.
			155	An annual review of the out-of-home care arrangements of a child or young person must have regard to any special requirements of the child or young person relating to culture, language and religion.
	<b>Mental Health Act 2007</b>	NSW	68	It is the intention of Parliament that the principles of recognising religious, cultural, language needs are, as far as practicable, to be given effect to with respect to the care and



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				treatment of people with a mental illness or mental disorder.
			105	The objectives of the New South Wales public health system under this Act in relation to mental health services include establishing, developing, promoting, assisting and encouraging mental health services that take into account the various religious, cultural and language needs of those persons.

**3. Victoria**

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<p><b>ARTICLE 30:</b> In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exists, a child belonging to such minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practices his or her own religion, or to use his or her own language.</p>	<p><b>Charter of Human Rights and Responsibilities Act 2006</b></p>	<p>Vic</p>	<p>s.14</p>	<p><b>Freedom of thought, conscience, religion and belief</b></p> <p>(1) Every person has the right to freedom of thought, conscience, religion and belief, including:</p> <p>(a) the freedom to have or to adopt a religion or belief of his or her choice; and</p> <p>(b) the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.</p> <p>(2) A person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.</p>
			<p>s.15</p>	<p><b>Freedom of expression</b></p> <p>(1) Every person has the right to hold an opinion without interference.</p> <p>(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether:</p> <p>(a) orally; or</p>

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				<p>(b) in writing; or</p> <p>(c) in print; or</p> <p>(d) by way of art; or</p> <p>(e) in another medium chosen by him or her.</p> <p>(3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary:</p> <p>(a) to respect the rights and reputation of other persons; or</p> <p>(b) for the protection of national security, public order, public health or public morality.</p>
			s.17	<p><b>Protection of families and children</b></p> <p>(1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.</p> <p>(2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.</p>
			s.19	<p><b>Cultural rights</b></p> <p>(1) All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religion</p>

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				<p>and to use his or her language.</p> <p>(2) Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community:</p> <p>(a) to enjoy their identity and culture; and</p> <p>(b) to maintain and use their language; and</p> <p>(c) to maintain their kinship ties; and</p> <p>(d) to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.</p>
	<b>Child Wellbeing and Safety Act 2005</b>	Vic	s.5(2)(b)	<p><b>5 Principles for children</b></p> <p>(2) Services for children and families should be designed and developed:</p> <p>(b) to accord with the needs of each local community with the active involvement of that community's cultural groups, and to be accessible and responsive to the particular cultures, languages and circumstances of the community and to be properly planned and co-ordinated with services provided by other local and regional communities.</p>
	<b>Children, Youth and Families Act 2005</b>	Vic	s.10(3)(c)	<p><b>10 Best interests principles</b></p> <p>(3) In addition to subsections (1) and (2), in determining</p>

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				<p>what decision to make or action to take in the best interests of the child, consideration must be given to the following, where they are relevant to the decision or action:</p> <p>(c) the need, in relation to an Aboriginal child, to protect and promote his or her Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community.</p>
			s.10(3)(1)	<p><b>10 Best interests principles</b></p> <p>(3) In addition to subsections (1) and (2), 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 they are relevant to the decision or action:</p> <p>(1) the child's social, individual and cultural identity and religious faith (if any) and the child's age, maturity, sex and sexual identity.</p>
			s.10(3)(m)	<p><b>10 Best interests principles</b></p> <p>(3) In addition to subsections (1) and (2), 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 they are relevant to the decision or action:</p> <p>(m) where a child with a particular cultural identity is placed in out of home care with a care giver who is not a member of that cultural community, the desirability of the child retaining</p>

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				a connection with their culture.
			s.13(2)(c)	<p><b>13 Aboriginal Child Placement Principle</b></p> <p>(1) For the purposes of this Act the Aboriginal Child Placement Principle is that if it is in the best interests of an Aboriginal child to be placed in out of home care, in making that placement, regard must be had:</p> <p>(a) to the advice of the relevant Aboriginal agency; and</p> <p>(b) to the criteria in subsection (2); and</p> <p>(c) to the principles in section 14.</p> <p>(2) The criteria are:</p> <p>(c) any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.</p>
			s.14(3)	<p><b>14 Further principles for placement of Aboriginal child</b></p> <p>(3) If a child with parents from different Aboriginal communities is placed with one parent's family or community, arrangements must be made to ensure that the child has the opportunity for continuing contact with his or her other parent's family, community and culture.</p>
			s.14(5)	<p><b>14 Further principles for placement of Aboriginal child</b></p> <p>(5) If an Aboriginal child is placed with a person who is not</p>

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				<p>within an Aboriginal family or community, arrangements must be made to ensure that the child has the opportunity for continuing contact with his or her Aboriginal family, community and culture.</p>
			s.176	<p><b>176 Cultural plan for Aboriginal child</b></p> <p>(1) The Secretary must prepare a cultural plan for each Aboriginal child placed in out of home care under a guardianship to Secretary order or long-term guardianship to Secretary order.</p> <p>(2) A cultural plan must set out how the Aboriginal child placed in out of home care is to remain connected to his or her Aboriginal community and to his or her Aboriginal culture.</p> <p>(3)For the purposes of subsection (2), a child's Aboriginal community is:</p> <p>(a) the Aboriginal community to which the child has a sense of belonging, if this can be ascertained by the Secretary; or</p> <p>(b) if paragraph (a) does not apply, the Aboriginal community in which the child has primarily lived; or</p> <p>(c) if paragraphs (a) and (b) do not apply, the Aboriginal community of the child's parent or grandparent.</p> <p>(4) The Secretary must monitor compliance by the carer of a child with the cultural plan prepared for a child.</p>

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			s.347(2)(d)	<p><b>347 Child in custody to be placed in remand centre</b></p> <p>(2) If any children are remanded in custody in a police gaol under this section, they:</p> <p>(d) are entitled to have reasonable efforts made to meet their medical, religious and cultural needs including, in the case of Aboriginal children, their needs as members of the Aboriginal community;</p>
			s.402(4)	<p><b>402 Reporting</b></p> <p>(1) Subject to subsections (5) and (6), a person in respect of whom a youth attendance order is made must in every week during the term of the order:</p> <p>(a) attend for a maximum of 3 attendances; and</p> <p>(b) attend under paragraph (a) for a maximum of 10 hours of which no more than 4 hours may be spent in community service activities under section 407.</p> <p>(2) Subject to subsection (1), the Secretary must from time to time specify in a notice in the prescribed form sent by registered post to, or served personally on, the person:</p> <p>(a) the periods of time; and</p> <p>(b) the starting and finishing times of each such period; and</p> <p>(c) the number of times; and</p>



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				<p>(d) the total number of hours: in each week during which the person is required to attend the youth justice unit.</p> <p>...</p> <p>(4) In specifying the dates and times of attendance for a person in a notice under this section the Secretary must specify dates and times which, as far as practicable, avoid interference:</p> <p>(a) with the attendance of the person at his or her place of employment, education, training or religious observance; or</p> <p>(b) with the person's religious beliefs.</p>
			s.482(2)(c)	<p><b>482 Form of care, custody or treatment</b></p> <p>(2) Persons detained in remand centres, youth residential centres or youth justice centres:</p> <p>(c) are entitled to have reasonable efforts made to meet their medical, religious and cultural needs including, in the case of Aboriginal children, their needs as members of the Aboriginal community.</p>
			s.522(1)(e)	<p><b>522 Procedural guidelines to be followed by Court</b></p> <p>(1) As far as practicable the Court must in any proceeding:</p> <p>(e) respect the cultural identity and needs of:</p>

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				(i) the child; and  (ii) the child's parents and other members of the child's family.
	<b>Education and Care Services National Law Act 2010</b>	Vic	s.3(3)(d)	<b>3 Objectives and guiding principles</b>  (3) The guiding principles of the national education and care services quality framework are as follows:  (d) that Australia's Aboriginal and Torres Strait Islander cultures are valued.
	<b>Education and Training Reform Act 2006</b>	Vic	s.1.2.1(a)(iv)	<b>1.2.1 Principles underlying the enactment of this Act</b>  Parliament has had regard to the following principles in enacting this Act:  (a) all providers of education and training, both Government and non-Government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy, including a commitment to:  (iv) freedom of religion.
			s.1.2.2(2)(a)(ii)	1.2.2 Principles underlying the Government education and training system  (2) All persons employed or engaged in the provision of Government education and training by the State or in the administration of Government education and training by the

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				<p>State must apply or have regard to the following principles:</p> <p>(a) Government schools:</p> <p>(i) will provide a secular education and will not promote any particular religious practice, denomination or sect; and</p> <p>(ii) are open to adherents of any philosophy, religion or faith.</p>
			s.2.1.3(a)(f)	<p><b>Division 1—Attendance at school</b></p> <p><b>2.1.3 What is a reasonable excuse?</b></p> <p>Without limiting section 2.1.2, it is a reasonable excuse for the purposes of that section, in relation to a child if:</p> <p>(f) the child is attending or observing a religious event or obligation as a result of a genuinely held belief of the child or a parent of the child.</p>
			s.2.2.10	<p><b>2.2.10 Education in Government schools to be secular</b></p> <p>(1) Except as provided in section 2.2.11, education in Government schools must be secular and not promote any particular religious practice, denomination or sect.</p> <p>(2) Subsection (1) does not prevent the inclusion of general religious education in the curriculum of a Government school.</p> <p>(3) A Government school teacher must not provide religious instruction other than the provision of general religious</p>

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				<p>education in any Government school building.</p> <p>(4) In this section '<b>general religious education</b>' means education about the major forms of religious thought and expression characteristic of Australian society and other societies in the world.</p>
			s.2.2.11	<p><b>2.2.11 Special religious instruction</b></p> <p>(1) Special religious instruction may be given in a Government school in accordance with this section.</p> <p>(2) If special religious instruction is given in a Government school during the hours set apart for the instruction of the students:</p> <p>(a) the persons providing the special religious instruction must be persons who are accredited representatives of churches or other religious groups and who are approved by the Minister for the purpose;</p> <p>(b) the special religious instruction must be given on the basis of the normal class organisation of the school except in a school where the Minister authorises some other basis to be observed having regard to:</p> <p>(i) the particular circumstances of a school or schools; or</p> <p>(ii) the preparation or conduct of a pageant, special event or celebration of a festival in a school or schools;</p> <p>(c) attendance for the special religious instruction is not to be</p>

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				<p>compulsory for any student whose parents desire that he or she be excused from attending.</p> <p>(3) The Minister may give an authorisation under subsection (2) in respect of the preparation or conduct of a particular class of pageant, special event or celebration of a festival generally to all schools, to a class or classes of school or to a specific school.</p> <p>(4) Nothing in this section prevents any Government school building from being used for any purpose on days other than school days or at hours on school days other than the hours set apart for the instruction of the students.</p> <p>(5) In this section '<b>special religious instruction</b>' means instruction provided by churches and other religious groups and based on distinctive religious tenets and beliefs.</p>
	<p><b>Equal Opportunity Act 2010</b></p>	<p>Vic</p>	<p>s.6(m) &amp; (n)</p>	<p><b>6 Attributes</b></p> <p>The following are the attributes on the basis of which discrimination is prohibited in the areas of activity set out in Part 4:</p> <p>(m) race;</p> <p>(n) religious belief or activity.</p>
			<p>s.39</p>	<p><b>39 Exception—educational institutions for particular groups</b></p> <p>An educational authority that operates an educational</p>

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				<p>institution or program wholly or mainly for students of a particular sex, race, religious belief, age or age group or students with a general or particular disability may exclude from that institution or program:</p> <p>(a) people who are not of the particular sex, race, religious belief, age or age group; or</p> <p>(b) people who do not have a general, or the particular, disability.</p>
			s.60	<p><b>60 Exception—welfare measures</b></p> <p>A person may refuse to provide accommodation to another person in a hostel or similar institution established wholly or mainly for the welfare of persons of a particular sex, age, race or religious belief if the other person is not of that sex, age, race or religious belief.</p>
			s.61	<p><b>61 Exception—accommodation for students</b></p> <p>An educational authority that operates an educational institution wholly or mainly for students of a particular sex, race, religious belief, age or age group, or students with a general or particular disability may provide accommodation wholly or mainly for:</p> <p>(a) students of that sex, race, religious belief, age or age group; or</p> <p>(b) students with a general, or the particular, disability.</p>

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			s.66	<p><b>66 Exception—clubs for minority cultures</b></p> <p>A club, or a member of the committee of management or other governing body of a club, may exclude from membership a person who is not a member of the group of people with an attribute for whom the club was established if the club operates principally to preserve a minority culture.</p>
			s.83	<p><b>83 Religious schools</b></p> <p>(1) This section applies to a person or body, including a religious body, that establishes, directs, controls, administers or is an educational institution that is, or is to be, conducted in accordance with religious doctrines, beliefs or principles.</p> <p>(2) Nothing in Part 4 applies to anything done on the basis of a person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity by a person or body to which this section applies in the course of establishing, directing, controlling or administering the educational institution that:</p> <p>(a) conforms with the doctrines, beliefs or principles of the religion; or</p> <p>(b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.</p>
			s.84	<p><b>84 Religious beliefs or principles</b></p> <p>Nothing in Part 4 applies to discrimination by a person against another person on the basis of that person's religious</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
	<b>Mental Health Act 1986</b>	Vic		belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity if the discrimination is reasonably necessary for the first person to comply with the doctrines, beliefs or principles of their religion.
			s.5(a)(ii)	<p><b>5 Objectives of the Department</b></p> <p>The objectives of the Department under this Act are as follows:</p> <p>(a) to establish, develop, promote, assist and encourage mental health services which:</p> <p>(ii) take into account the age-related, gender-related, religious, cultural, language and other special needs of people with a mental disorder.</p>
			s.6A(g)	<p><b>6A Principles of treatment and care</b></p> <p>It is the intention of Parliament that the following principles be given effect to with respect to the provision of treatment and care to people with a mental disorder:</p> <p>(g) when receiving treatment and care the age related, gender-related, religious, cultural, language and other special needs of people with a mental disorder should be taken into consideration.</p>
			s.8(2)(b)	<p><b>8 Criteria for involuntary treatment</b></p> <p>(2) A person is not to be considered to be mentally ill by</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>reason only of any one or more of the following:</p> <p>(b) that the person expresses or refuses or fails to express a particular religious opinion or belief.</p>
			s.8(2)(f)	<p><b>8 Criteria for involuntary treatment</b></p> <p>(2) A person is not to be considered to be mentally ill by reason only of any one or more of the following:</p> <p>(f) that the person engages in or refuses or fails to engage in a particular religious activity.</p>
			s.8(2)(m)	<p><b>8 Criteria for involuntary treatment</b></p> <p>(2) A person is not to be considered to be mentally ill by reason only of any one or more of the following:</p> <p>(m) that the person has a particular economic or social status or is a member of a particular cultural or racial group.</p>
	<b>Racial and Religious Tolerance Act 2001</b>	Vic	Preamble	<p>1 The Parliament recognises that freedom of expression is an essential component of a democratic society and that this freedom should be limited only to the extent that can be justified by an open and democratic society. The right of all citizens to participate equally in society is also an important value of a democratic society.</p> <p>2 The people of Victoria come from diverse ethnic and Indigenous backgrounds and observe many different religious beliefs and practices. The majority of Victorians embrace the benefits provided by this cultural diversity and are proud that</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>people of these diverse ethnic, Indigenous and religious backgrounds live together harmoniously in Victoria.</p> <p>3 However, some Victorians are vilified on the ground of their race or their religious belief or activity. Vilifying conduct is contrary to democratic values because of its effect on people of diverse ethnic, Indigenous and religious backgrounds. It diminishes their dignity, sense of self-worth and belonging to the community. It also reduces their ability to contribute to, or fully participate in, all social, political, economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.</p> <p>4 It is therefore desirable that the Parliament enact law for the people of Victoria that supports racial and religious tolerance.</p>
			s.1	<p><b>1 Purposes</b></p> <p>The purposes of this Act are:</p> <p>(a) to promote racial and religious tolerance by prohibiting certain conduct involving the vilification of persons on the ground of race or religious belief or activity;</p> <p>(b) to provide a means of redress for the victims of racial or religious vilification.</p>
			s.4	<p><b>4 Objects of Act</b></p> <p>(1) The objects of this Act are:</p>

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				<p>(a) to promote the full and equal participation of every person in a society that values freedom of expression and is an open and multicultural democracy;</p> <p>(b) to maintain the right of all Victorians to engage in robust discussion of any matter of public interest or to engage in, or comment on, any form of artistic expression, discussion of religious issues or academic debate where such discussion, expression, debate or comment does not vilify or marginalise any person or class of persons;</p> <p>(c) to promote dispute resolution and resolve tensions between persons who (as a result of their ignorance of the attributes of others and the effect that their conduct may have on others) vilify others on the ground of race or religious belief or activity and those who are vilified.</p> <p>(2) It is the intention of the Parliament that the provisions of this Act are interpreted so as to further the objects set out in subsection (1).</p>
			s.7	<p><b>7 Racial vilification unlawful</b></p> <p>(1) A person must not, on the ground of the race of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.</p> <p>(2) For the purposes of subsection (1), conduct:</p> <p>(a) may be constituted by a single occasion or by a number</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>of occasions over a period of time; and</p> <p>(b) may occur in or outside Victoria.</p> <p><b>Note</b></p> <p>'Engage in conduct' includes use of the internet or e-mail to publish or transmit statements or other material.</p>
			s.8	<p><b>8 Religious vilification unlawful</b></p> <p>(1) A person must not, on the ground of the religious belief or activity of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.</p> <p><b>Note</b></p> <p>'Engage in conduct' includes use of the internet or e-mail to publish or transmit statements or other material.</p> <p>(2) For the purposes of subsection (1), conduct:</p> <p>(a) may be constituted by a single occasion or by a number of occasions over a period of time; and</p> <p>(b) may occur in or outside Victoria.</p>
	<b>Victim's Charter Act 2006</b>	Vic	s.6	<p><b>6 Treatment of persons adversely affected by crime</b></p> <p>(1) All persons adversely affected by crime are to be treated with courtesy, respect and dignity by investigatory agencies,</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>prosecuting agencies and victims' services agencies.</p> <p>(2) Investigatory agencies, prosecuting agencies and victims' services agencies are to take into account, and be responsive to, the particular needs of persons adversely affected by crime, particularly needs relating to differences such as:</p> <ul style="list-style-type: none"> <li>(a) race or indigenous background;</li> <li>(b) sex or gender identity;</li> <li>(c) cultural or linguistic diversity;</li> <li>(d) sexual orientation;</li> <li>(e) disability;</li> <li>(f) religion;</li> <li>(g) age.</li> </ul>

**4. Queensland**

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 30:</b> In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exists, a child belonging to such minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practices his or her own religion, or to use his or her own language.</p>	<p><b>Aboriginal Cultural Heritage Act 2003</b></p>	<p>QLD</p>	<p>s.4</p>	<p><b>4 Main purpose of Act</b></p> <p>The main purpose of this Act is to provide effective recognition, protection and conservation of Aboriginal cultural heritage.</p>
			<p>s.5</p>	<p><b>5 Principles underlying Act’s main purpose</b></p> <p>The following fundamental principles underlie this Act’s main purpose:</p> <p>(a) the recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture and traditional practices;</p> <p>(b) Aboriginal people should be recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;</p> <p>(c) it is important to respect, preserve and maintain knowledge, innovations and practices of Aboriginal communities and to promote understanding of Aboriginal cultural heritage;</p> <p>(d) activities involved in recognition, protection and conservation of Aboriginal cultural heritage are important because they allow Aboriginal people to reaffirm their</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>obligations to ‘law and country’;</p> <p>(e) there is a need to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage.</p>
			s.6	<p><b>6 How main purpose of Act is to be achieved</b></p> <p>For achieving effective recognition, protection and conservation of Aboriginal cultural heritage, this Act provides for the following:</p> <p>(a) recognising Aboriginal ownership of Aboriginal human remains wherever held;</p> <p>(b) recognising Aboriginal ownership of Aboriginal cultural heritage of a secret or sacred nature held in State collections;</p> <p>(c) recognising Aboriginal ownership of Aboriginal cultural heritage that is lawfully taken away from an area by an Aboriginal party for the area;</p> <p>(d) establishing a duty of care for activities that may harm Aboriginal cultural heritage;</p> <p>(e) establishing powers of protection, investigation and enforcement;</p> <p>(f) establishing a database and a register for recording Aboriginal cultural heritage;</p> <p>(g) ensuring Aboriginal people are involved in processes for</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>managing the recognition, protection and conservation of Aboriginal cultural heritage;</p> <p>(h) establishing a process for the comprehensive study of Aboriginal cultural heritage;</p> <p>(i) establishing processes for the timely and efficient management of activities to avoid or minimise harm to Aboriginal cultural heritage.</p>
			s.14	<p><b>14 Object and intent</b></p> <p>(1) The object of this part is to make rules about ownership, custodianship and possession of Aboriginal cultural heritage.</p> <p>(2) The basic intent underlying the rules stated in this part is that Aboriginal cultural heritage should be protected.</p> <p>(3) A supporting intent is that, as far as practicable, Aboriginal cultural heritage should be owned and protected by Aboriginal people with traditional or familial links to the cultural heritage if it is comprised of any of the following:</p> <p>(a) Aboriginal human remains;</p> <p>(b) secret or sacred objects;</p> <p>(c) Aboriginal cultural heritage lawfully taken away from an area.</p> <p>(4) Another supporting intent is that Aboriginal cultural heritage of the type mentioned in subsection (3)(a) or (b) that</p>



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				is in the custody of the State, including the Queensland Museum, should continue to be protected by the State until it can be transferred into the protection of its Aboriginal owners.
	<b>Adoption Act 2009</b>	QLD	s.6(2)(f)	<p><b>6 Guiding principles</b></p> <p>(1) This Act is to be administered under the principle that the wellbeing and best interests of an adopted child, both through childhood and the rest of his or her life, are paramount.</p> <p>(2) Subject to subsection (1), this Act is to be administered under the following principles:</p> <p>(f) an adopted child of a particular ethnic or other cultural background should have:</p> <p>(i) access to information about the child’s ethnic or cultural heritage; and</p> <p>(ii) opportunities to develop and maintain a connection with the child’s ethnicity or culture; and</p> <p>(iii) opportunities to maintain contact with the child’s community or language group.</p>
			s.7	<p><b>7 Additional principles concerning Aboriginal and Torres Strait Islander persons</b></p> <p>(1) This Act is also to be administered under the following principles:</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>(a) because adoption (as provided for in this Act) is not part of Aboriginal tradition or Island custom, adoption of an Aboriginal or Torres Strait Islander child should be considered as a way of meeting the child’s need for long-term stable care only if there is no better available option;</p> <p><i>Note:</i></p> <p>Island custom includes a customary child-rearing practice that is similar to adoption in so far as parental responsibility for a child is permanently transferred to someone other than the child’s parents. This practice is sometimes referred to as either ‘customary adoption’ or ‘traditional adoption’.</p> <p>(b) it is in the best interests of an Aboriginal or Torres Strait Islander child:</p> <p>(i) to be cared for within an Aboriginal or Torres Strait Islander community; and</p> <p>(ii) to maintain contact with the child’s community or language group; and</p> <p>(iii) to develop and maintain a connection with the child’s Aboriginal tradition or Island custom; and</p> <p>(iv) for the child’s sense of Aboriginal or Torres Strait Islander identity to be preserved and enhanced.</p> <p>(2) If the Childrens Court exercises a power under this Act in relation to an Aboriginal or Torres Strait Islander child, the court must have regard to the views, about the child and</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>about Aboriginal tradition or Island custom relating to the child, of an appropriate Aboriginal or Torres Strait Islander person.</p> <p>(3) As far as is reasonably practicable, the chief executive and other officers of the department must try to conduct consultations, counselling, negotiations and other proceedings involving an Aboriginal person or Torres Strait Islander in a way and in a place that is appropriate to Aboriginal tradition or Island custom.</p>
			s.23(1)(f)(i)	<p><b>23 Parents to be given prescribed information</b></p> <p>(1) The chief executive must give each of the child’s parents a document containing information about the following matters (the <b>'prescribed information'</b>):</p> <p>(f) how the parent may give the chief executive the parent’s preferences relating to the child’s adoption including, for example, preferences about:</p> <p>(i) the child’s religious upbringing.</p>
			s.33(3)(c)(i)	<p><b>44 Child must be given information</b></p> <p>(3) In this section— <b>'prescribed information'</b> means information about the following matters:</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>

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				(i) the child's religious upbringing.
			s.156	<p><b>156 Child's particular needs</b></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> <ul style="list-style-type: none"> <li>(a) the child's age and gender;</li> <li>(b) any Aboriginal, Torres Strait Islander or other cultural background of the child;</li> <li>(c) any existing or possible future medical condition or disability of the child;</li> <li>(d) the child's education;</li> <li>(e) whether the child has a sibling who has been adopted or is proposed to be adopted;</li> <li>(f) the child's social background.</li> </ul>
			s.157(1)(a)	<p><b>157 Preferences of parents</b></p> <p>(1) The chief executive must have regard to any preferences of the child's parents including, for example, preferences about:</p> <ul style="list-style-type: none"> <li>(a) the child's religious upbringing.</li> </ul>
s.131	<p><b>131 Aboriginal or Torres Strait Islander children</b></p>			

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				<p>(1) This section applies if the chief executive is making a decision about the person’s suitability to be an adoptive parent of a child who is, or children who include, an Aboriginal or Torres Strait Islander child.</p> <p>(2) The chief executive must have regard to the person’s ability and willingness to:</p> <p>(a) help the child to maintain contact with the child’s community or language group; and</p> <p>(b) help the child to develop and maintain a connection with the child’s Aboriginal tradition or Island custom; and</p> <p>(c) preserve and enhance the child’s sense of Aboriginal or Torres Strait Islander identity.</p> <p>(3) If the chief executive is making a decision about the person’s suitability to be an adoptive parent of a particular Aboriginal or Torres Strait Islander child, the chief executive must have regard to the person’s links with, and standing in, the child’s community or language group.</p>
			s.132	<p><b>132 Other cultural matters</b></p> <p>(1) This section applies if the chief executive is making a decision about the person’s suitability to be an adoptive parent of a child who is, or children who include, a child of a particular ethnic or other cultural background.</p> <p>(2) The chief executive must have regard to the person’s</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>ability and willingness to:</p> <ul style="list-style-type: none"> <li>(a) understand the child’s background; and</li> <li>(b) help the child to maintain contact with the child’s community or language group; and</li> <li>(c) help the child to develop and maintain a connection with the child’s ethnicity or culture; and</li> <li>(d) preserve and enhance the child’s sense of ethnic or cultural identity.</li> </ul> <p>(3) If the person has a current expression of interest that relates to an intercountry adoption from a particular country, the chief executive must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the person’s attitudes to, and understanding of, the country and its culture; and</li> <li>(b) the person’s ability and willingness, if the person adopted a child from the country, to:               <ul style="list-style-type: none"> <li>(i) continue to learn about the country and its culture; and</li> <li>(ii) help the child learn about the country and its culture.</li> </ul> </li> </ul>
			s.163	<p><b>163 Additional provisions relating to Aboriginal or Torres Strait Islander children</b></p> <p>(1) This section applies if the child to be adopted is an Aboriginal person or Torres Strait Islander.</p>

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				<p>(2) The chief executive must consult with an appropriate Aboriginal or Torres Strait Islander person about the selection decision.</p> <p>(3) The chief executive must give proper consideration to selecting, in order of priority:</p> <p>(a) a member of the child’s community or language group; or</p> <p>(b) another Aboriginal person or Torres Strait Islander who is compatible with the child’s community or language group; or</p> <p>(c) another Aboriginal person or Torres Strait Islander.</p> <p>(4) This section does not limit the application of the other provisions of this division to the selection of prospective adoptive parents for the child.</p>
			s.165	<p><b>165 What is an adoption plan</b></p> <p>(1) An adoption plan is a written plan, agreed to by the parties to the plan, about anything relating to the adopted child’s wellbeing or interests.</p> <p>(2) An adoption plan may, for example, address any of the following matters:</p> <p>(a) the degree of openness there will be in the adoption, including:</p>

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				<p>(i) when a party will communicate with another party; and</p> <p>(ii) how a party will communicate with another party, including whether the communication will be through the mailbox service or in another way that does not identify the first party; and</p> <p>(iii) the matters about which information will be exchanged;</p> <p><i>Examples of matters about which information may be exchanged:</i></p> <ul style="list-style-type: none"> <li>• the child’s development</li> <li>• important events in the child’s life</li> <li>• a medical condition of the child</li> <li>• the medical history of the child’s biological family</li> </ul> <p>(b) the adoptive parents’ commitment to telling the child about the adoption and helping the child understand the circumstances of the adoption;</p> <p>(c) if the child is an Aboriginal or Torres Strait Islander child, how the adoptive parents will:</p> <p>(i) help the child to maintain contact with the child’s community or language group; and</p> <p>(ii) help the child to develop and maintain a connection with the child’s Aboriginal tradition or Island custom; and</p> <p>(iii) preserve and enhance the child’s sense of Aboriginal or</p>



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				<p>Torres Strait Islander identity;</p> <p>(d) if the child has a particular ethnic or other cultural background, how the adoptive parents will:</p> <p>(i) help the child to maintain contact with the child’s community or language group; and</p> <p>(ii) help the child to develop and maintain a connection with the child’s ethnicity or culture; and</p> <p>(iii) preserve and enhance the child’s sense of ethnic or cultural identity.</p>
			s.172	<p><b>172 Particular Aboriginal or Torres Strait Islander placements</b></p> <p>(1) This section applies if the child is an Aboriginal or Torres Strait Islander child and the prospective adoptive parents are not from the child’s community or language group.</p> <p>(2) An adoption plan must be agreed to that addresses the matters stated in section 165(2)(c).</p>
			s.189(1)(e)	<p><b>189 Requirements for making final adoption order</b></p> <p>(1) The court may make a final adoption order for the child only if it is satisfied of the following matters:</p> <p>(e) while the child has been in their custody, the prospective</p>

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				<p>adoptive parents have demonstrated:</p> <ul style="list-style-type: none"> <li>(i) their willingness and ability to meet the child’s needs; and</li> <li>(ii) their commitment to any adoption plan mentioned in paragraph (d); and</li> <li>(iii) if the child has a particular ethnic or other cultural background, their willingness and ability to: <ul style="list-style-type: none"> <li>(A) help the child to maintain contact with the child’s community or language group; and</li> <li>(B) help the child to develop and maintain a connection with the child’s ethnicity or culture; and</li> <li>(C) preserve and enhance the child’s sense of ethnic or cultural identity.</li> </ul> </li> </ul>
			s.200(g)	<p><b>200 Requirements for making final adoption order</b></p> <p>The court may make a final adoption order only if it is satisfied of the following matters:</p> <ul style="list-style-type: none"> <li>(g) while the child has been in their custody, the prospective adoptive parents have demonstrated: <ul style="list-style-type: none"> <li>(i) their willingness and ability to meet the child’s needs; and</li> <li>(ii) if the child has a particular ethnic or other cultural background, their willingness and ability to: <ul style="list-style-type: none"> <li>(A) help the child to maintain contact with the child’s</li> </ul> </li> </ul> </li> </ul>

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				<p>community or language group; and</p> <p>(B) help the child to develop and maintain a connection with the child’s ethnicity or culture; and</p> <p>(C) preserve and enhance the child’s sense of ethnic or cultural identity.</p>
			<p>Schedule 1 Chapter IV Article 16 (1)(b)</p>	<p><b>CHAPTER IV—PROCEDURAL REQUIREMENTS IN INTERCOUNTRY ADOPTION</b></p> <p><i>Article 16</i></p> <p>1 If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall:</p> <p><i>b</i> give due consideration to the child’s upbringing and to his or her ethnic, religious and cultural background.</p>
			<p>s.41</p>	<p><b>41 Single sex, religion, etc. educational institution</b></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>s.48</p>	<p><b>48 Sites of cultural or religious significance</b></p>

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				<p>A person may restrict access to land or a building of cultural or religious significance by people who are not of a particular sex, age, race or religion if the restriction:</p> <p>(a) is in accordance with the culture concerned or the doctrine of the religion concerned; and</p> <p>(b) is necessary to avoid offending the cultural or religious sensitivities of people of the culture or religion.</p>
			s.80	<p><b>80 Sites of cultural or religious significance</b></p> <p>It is not unlawful to discriminate on the basis of sex, age, race or religion with respect to a matter that is otherwise prohibited under subdivision 1 if:</p> <p>(a) the relevant interest in land is an interest in land or a building of cultural or religious significance; and</p> <p>(b) the discrimination:</p> <p>(i) is in accordance with the culture concerned or the doctrine of the religion concerned; and</p> <p>(ii) is necessary to avoid offending the cultural or religious sensitivities of people of the culture or religion.</p>
			s.89	<p><b>89 Accommodation for students</b></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</p>

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				<p>or specific impairment, may provide accommodation wholly or mainly for:</p> <p>(a) students of the particular sex or religion; or</p> <p>(b) students who have a general, or the specific, impairment.</p>
			s.90	<p><b>90 Accommodation with religious purposes</b></p> <p>It is not unlawful to discriminate with respect to a matter that is otherwise prohibited under subdivision 1 if:</p> <p>(a) the accommodation concerned is under the direction or control of a body established for religious purposes; and</p> <p>(b) the discrimination:</p> <p>(i) is in accordance with the doctrine of the religion concerned; and</p> <p>(ii) is necessary to avoid offending the religious sensitivities of people of the religion.</p>
			s.97	<p><b>97 Club established for minority cultures and disadvantaged people</b></p> <p>A club may exclude applicants for membership of the club who are not members of the group of people with an attribute for whom the club was established if the club operates wholly or mainly:</p> <p>(a) to preserve a minority culture; or</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
				(b) to prevent or reduce disadvantage suffered by people of that group.
			s.124A	<p><b>124A Vilification on grounds of race, religion, sexuality or gender identity unlawful</b></p> <p>(1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality or gender identity of the person or members of the group.</p> <p>(2) Subsection (1) does not make unlawful:</p> <p>(a) the publication of a fair report of a public act mentioned in subsection (1); or</p> <p>(b) the publication of material in circumstances in which the publication would be subject to a defence of absolute privilege in proceedings for defamation; or</p> <p>(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including public discussion or debate about, and expositions of, any act or matter.</p>
			s.131A	<p><b>131A Offence of serious racial, religious, sexuality or gender identity vilification</b></p> <p>(1) A person must not, by a public act, knowingly or recklessly incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexuality or gender identity of the person</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>or members of the group in a way that includes:</p> <p>(a) threatening physical harm towards, or towards any property of, the person or group of persons; or</p> <p>(b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.</p> <p>Maximum penalty:</p> <p>(a) for an individual—70 penalty units or 6 months imprisonment; or</p> <p>(b) for a corporation—350 penalty units.</p> <p>(2) A Crown Law Officer’s written consent must be obtained before a proceeding is started by complaint under the <i>Justices Act 1886</i> in relation to an offence under subsection (1).</p> <p>(3) An offence under subsection (1) is not an offence for section 155(2) or 226.</p> <p>(4) In this section— ‘<b>Crown Law Officer</b>’ means the Attorney-General or Director of Public Prosecutions.</p>
	<p><b>Child Care Act 2002</b></p>	<p>QLD</p>	<p>s.9(2)(e)</p>	<p><b>9 Guiding principles</b></p> <p>This Act is to be administered, and licensed services are to be conducted, under the following principles:</p> <p>(e) child care should be planned and provided in a way that:</p> <p>(i) involves parents and other members of the community;</p>

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				and  (ii) reflects the multicultural and multilingual nature of the community.
			s.30	<p><b>30 Aboriginal or Torres Strait Islander children</b></p> <p>The chief executive must have regard to:</p> <p>(a) whether the child care service is conducted, or proposed to be conducted, principally within an Aboriginal or Torres Strait Islander community; and</p> <p>(b) the culturally specific needs of Aboriginal or Torres Strait Islander children.</p>
	<p><b>Child Protection Act 1999</b></p>	QLD	s.5B(m)	<p><b>5B Other general principles</b></p> <p>The following are general principles for ensuring the safety, wellbeing and best interests of a 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>
			s.5C	<p><b>5C Additional principles for Aboriginal or Torres Strait Islander children</b></p> <p>The following additional principles apply in relation to an Aboriginal or Torres Strait Islander child:</p> <p>(a) the child should be allowed to develop and maintain a</p>



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				<p>connection with the child’s family, culture, traditions, language and community;</p> <p>(b) the long-term effect of a decision on the child’s identity and connection with their family and community should be taken into account.</p>
			s.51B(2)(f)	<p><b>51B What is a 'case plan'</b></p> <p>(1) A '<b>case plan</b>' for a child is a written plan for meeting the child’s protection and care needs.</p> <p>(2) A case plan may include any of the following matters</p> <p>(f) arrangements for maintaining the child’s ethnic and cultural identity.</p>
			s.83	<p><b>83 Additional provisions for placing Aboriginal and Torres Strait Islander children in care</b></p> <p>(1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.</p> <p>(2) The chief executive must ensure a recognised entity for the child is given an opportunity to participate in the process for making a decision about where or with whom the child will live.</p> <p>(3) However, if because of urgent circumstances the chief executive makes the decision without the participation of a recognised entity for the child, the chief executive must consult with a recognised entity for the child as soon as</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>practicable after making the decision.</p> <p>(4) In making a decision about the person in whose care the child should be placed, the chief executive must give proper consideration to placing the child, in order of priority, with</p> <ul style="list-style-type: none"> <li>(a) a member of the child’s family; or</li> <li>(b) a member of the child’s community or language group; or</li> <li>(c) another Aboriginal person or Torres Strait Islander who is compatible with the child’s community or language group; or</li> <li>(d) another Aboriginal person or Torres Strait Islander.</li> </ul> <p>(5) Also, the chief executive must give proper consideration to:</p> <ul style="list-style-type: none"> <li>(a) the views of a recognised entity for the child; and</li> <li>(b) ensuring the decision provides for the optimal retention of the child’s relationships with parents, siblings and other people of significance under Aboriginal tradition or Island custom.</li> </ul> <p>(6) If the chief executive decides there is no appropriate person mentioned in subsection (4)(a) to (d) in whose care the child may be placed, the chief executive must give proper consideration to placing the child, in order of priority, with:</p>

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				<p>(a) a person who lives near the child’s family; or</p> <p>(b) a person who lives near the child’s community or language group.</p> <p>(7) Before placing the child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, the chief executive must give proper consideration to whether the person is committed to:</p> <p>(a) facilitating contact between the child and the child’s parents and other family members, subject to any limitations on the contact under section 87; and</p> <p>(b) helping the child to maintain contact with the child’s community or language group; and</p> <p>(c) helping the child to maintain a connection with the child’s Aboriginal or Torres Strait Islander culture; and</p> <p>(d) preserving and enhancing the child’s sense of Aboriginal or Torres Strait Islander identity.</p>
			s.88	<p><b>88 Chief executive to provide contact between Aboriginal or Torres Strait Islander child and child’s community or language group</b></p> <p>(1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.</p> <p>(2) The chief executive must provide opportunity for contact, as often as is appropriate in the circumstances, between the</p>

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				child and appropriate members of the child’s community or language group.
			s.159J	<p><b>159J Purpose</b></p> <p>(1) The purpose of the SCAN system is to enable a coordinated response to the protection needs of children.</p> <p>(2) The purpose is to be achieved by facilitating:</p> <p>(a) the sharing of relevant information between members of the system; and</p> <p>(b) the planning and coordinating of actions to assess and respond to children’s protection needs; and</p> <p>(c) a holistic and culturally responsive assessment of children’s protection needs.</p>
			s.122(d)	<p><b>122 Statement of standards</b></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 '<b>statement of standards</b>')</p> <p>(d) the child’s needs relating to his or her culture and ethnic grouping will be met.</p>
			Schedule 1	<p><b>Schedule 1 Charter of rights for a child in care</b></p> <p><b>Because:</b></p>

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				<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, <b>this Act establishes the following rights for the child:</b></p> <p>(b) to be placed in care that best meets the child's needs and is most culturally appropriate.</p>
	<p><b>Commission for Children and young People and Child Guardian Act 2000</b></p>	<p>QLD</p>	<p>s.23(1)(d)</p>	<p><b>23 Way in which commissioner is to perform commissioner's functions</b></p> <p>(1) In performing the commissioner's functions, the commissioner must do the following:</p> <p>(d) be sensitive to the ethnic or cultural identity and values of children including, in particular, Aboriginal and Torres Strait Islander children.</p>
	<p><b>Community Services Act 2007</b></p>	<p>QLD</p>	<p>s.5(a)</p>	<p><b>5 Guiding principles</b></p> <p>This Act is to be administered in a way that has sufficient regard to the following principles:</p> <p>(a) a community is sustainable if it is socially, culturally and economically diverse, cohesive, inclusive, active, resilient and adaptable and has access to appropriate services, infrastructure and amenities.</p>
			<p>s.5(f)(ii)</p>	<p><b>5 Guiding principles</b></p> <p>This Act is to be administered in a way that has sufficient</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>regard to the following principles:</p> <p>(f) community services should be provided in a way that:</p> <p>(ii) has appropriate regard to local and regional differences, cultural diversity, Aboriginal tradition and Island custom and the disadvantage historically experienced by indigenous communities.</p>
	<p><b>Corrective Services Act 2006</b></p>	<p>QLD</p>	<p>s.30(2)</p>	<p><b>30 Deciding application</b></p> <p>(1) The chief executive may grant an application to have a child accommodated with a prisoner in a corrective services facility if:</p> <p>...</p> <p>(2) In deciding what is in the child's best interests, the chief executive may consider each of the following:</p> <p>(a) the child's:</p> <p>(i) age and sex; and</p> <p>(ii) cultural background; and</p> <p>(iii) mental and physical health</p> <p>(b) the emotional ties between the child and his or her parents;</p> <p>(c) the child's established living pattern, including, for example, the pattern of the child's home, school, community</p>

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				<p>and religious life;</p> <p>(d) if the chief executive is satisfied the child is able to express a view, the child's wishes.</p>
	<p><b>Disability Services Act 1986</b></p>	<p>QLD</p>	<p>s.19(2)(b)</p>	<p><b>19 Principle that people with a disability have the same human rights as others</b></p> <p>(2) People with a disability have the right to:</p> <p>(b) realise their individual capacities for physical, social, emotional, cultural, religious and intellectual development.</p>
			<p>s.19(4)</p>	<p><b>19 Principle that people with a disability have the same human rights as others</b></p> <p>(4) People with a disability have the right to receive services, and information necessary to support rights, in ways that are appropriate having regard to their disabilities and cultural backgrounds.</p>
			<p>s.26</p>	<p><b>26 People with a disability experiencing additional barriers</b></p> <p>Services should be designed and implemented to meet the needs of people with a disability who may experience additional barriers:</p> <p>(a) because they are Aborigines or Torres Strait Islanders; or</p> <p>(b) because of their age, gender or culturally or linguistically</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
				diverse backgrounds; or  (c) because of their rural or remote location.
			s.123ZV(6)	<b>123ZV Requirements for content of department's policy</b>  (6) The policy must ensure appropriate regard is had to linguistic and cultural diversity and Aboriginal tradition and Island custom.
			s.214E(3)	<b>214E Department's policy about locking of gates, doors and windows</b>  (3) Also, the policy must ensure appropriate regard is had to linguistic and cultural diversity and Aboriginal tradition and Island custom.
			s.249(4)	249 Requirements for department's policy about use of restrictive practices during transitional period  (4) The policy must ensure appropriate regard is had to linguistic and cultural diversity and Aboriginal tradition and Island custom.
	<b>Mental Health Act 2000</b>	QLD	s.1(e)	<b>8 General principles for administration of Act</b>  (1) The following principles apply to the administration of this Act in relation to a person who has a mental illness:  (e) Acknowledgement of needs  • a person's age-related, gender-related, religious, cultural,



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				language, communication and other special needs must be taken into account.
			s.8(1)(g)	<p><b>8 General principles for administration of Act</b></p> <p>(1) The following principles apply to the administration of this Act in relation to a person who has a mental illness:</p> <p>(g) Maintenance of environment and values</p> <ul style="list-style-type: none"> <li>• to the greatest extent practicable, a person’s cultural and linguistic environment, and set of values (including religious beliefs) must be maintained.</li> </ul>
			s.12(2)(a)	<p><b>12 What is 'mental illness'</b></p> <p>(2) However, a person must not be considered to have a mental illness merely because of any 1 or more of the following:</p> <p>(a) the person holds or refuses to hold a particular religious, cultural, philosophical or political belief or opinion.</p>
			s.541A(1)	<p><b>541A Ensuring patient understands things told or explained to the patient</b></p> <p>(1) If a provision of this Act requires a person to tell or explain something to a patient, the person must do so:</p> <p>(a) in the language or way the patient is most likely to understand; and</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				(b) in a way that has appropriate regard to the patient’s age, culture, mental illness, communication ability and any disability.
	<p><b>Torres strait Islander Cultural Heritage Act 2003</b></p>	<p>QLD</p>	<p>s.4</p>	<p><b>4 Main purpose of Act</b></p> <p>The main purpose of this Act is to provide effective recognition, protection and conservation of Torres Strait Islander cultural heritage.</p>
			<p>s.5</p>	<p><b>5 Principles underlying Act’s main purpose</b></p> <p>The following fundamental principles underlie this Act’s main purpose:</p> <p>(a) the recognition, protection and conservation of Torres Strait Islander cultural heritage should be based on respect for Torres Strait Islander knowledge, culture and customary practices;</p> <p>(b) Torres Strait Islanders should be recognised as the primary guardians, keepers and knowledge holders of Torres Strait Islander cultural heritage;</p> <p>(c) it is important to respect, preserve and maintain knowledge, innovations and practices of Torres Strait Islander communities and to promote understanding of Torres Strait Islander cultural heritage;</p> <p>(d) activities involved in recognition, protection and conservation of Torres Strait Islander cultural heritage are important because they allow Torres Strait Islanders to</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				reaffirm their obligations to Island custom;  (e) there is a need to establish timely and efficient processes for the management of activities that may harm Torres Strait Islander cultural heritage.
			s.6	<p><b>6 How main purpose of Act is to be achieved</b></p> <p>For achieving effective recognition, protection and conservation of Torres Strait Islander cultural heritage, this Act provides for the following:</p> <p>(a) recognising Torres Strait Islander ownership of Torres Strait Islander human remains wherever held;</p> <p>(b) recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage of a secret or sacred nature held in State collections;</p> <p>(c) recognising Torres Strait Islander ownership of Torres Strait Islander cultural heritage that is lawfully taken away from an area by a Torres Strait Islander party for the area;</p> <p>(d) establishing a duty of care for activities that may harm Torres Strait Islander cultural heritage;</p> <p>(e) establishing powers of protection, investigation and enforcement;</p> <p>(f) establishing a database and a register for recording Torres Strait Islander cultural heritage;</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>(g) ensuring Torres Strait Islanders are involved in processes for managing the recognition, protection and conservation of Torres Strait Islander cultural heritage;</p> <p>(h) establishing a process for the comprehensive study of Torres Strait Islander cultural heritage;</p> <p>(i) establishing processes for the timely and efficient management of activities to avoid or minimise harm to Torres Strait Islander cultural heritage.</p>
			s.14	<p><b>14 Object and intent</b></p> <p>(1) The object of this part is to make rules about ownership, custodianship and possession of Torres Strait Islander cultural heritage.</p> <p>(2) The basic intent underlying the rules stated in this part is that Torres Strait Islander cultural heritage should be protected.</p> <p>(3) A supporting intent is that, as far as practicable, Torres Strait Islander cultural heritage should be owned and protected by Torres Strait Islanders with traditional or familial links to the cultural heritage if it is comprised of any of the following:</p> <p>(a) Torres Strait Islander human remains;</p> <p>(b) secret or sacred objects;</p> <p>(c) Torres Strait Islander cultural heritage lawfully taken</p>

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				<p>away from an area.</p> <p>(4) Another supporting intent is that Torres Strait Islander cultural heritage of the type mentioned in subsection (3)(a) or (b) that is in the custody of the State, including the Queensland Museum, should continue to be protected by the State until it can be transferred into the protection of its Torres Strait Islander owners.</p>
	<p><b>Youth Justice Act 1992</b></p>	<p>QLD</p>	<p>s.197(a)</p>	<p><b>197 Obligation of chief executive</b></p> <p>The chief executive, in giving directions to a child in relation 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.</p>
			<p>s.263(3)(b)</p>	<p><b>263 Management of detention centres</b></p> <p>(3) In relation to each detention centre, the chief executive is responsible for:</p> <p>(a) providing services that promote the health and wellbeing of children detained at the centre.</p>
			<p>Schedule 1 section 12</p>	<p><b>Schedule 1 Charter of youth justice principles</b></p> <p>12 A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.</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
			Schedule 1 section 13	<p><b>Schedule 1 Charter of youth justice principles</b></p> <p>13 If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child’s community.</p>
			Schedule 1 section 14	<p><b>Schedule 1 Charter of youth justice principles</b></p> <p>14 Programs and services established under this Act for children should:</p> <ul style="list-style-type: none"> <li>(a) be culturally appropriate; and</li> <li>(b) promote their health and self-respect; and</li> <li>(c) foster their sense of responsibility; and</li> <li>(d) encourage attitudes and the development of skills that will help the children to develop their potential as members of society.</li> </ul>

**5. South Australia**

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 30:</b> In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Children's Protection Review (Powers and Immunities) Act 2002</b></p>	<p>SA</p>	<p>Section 3</p>	<p><b>Objects of Act</b></p> <p>The objects of the Act includes to promote caring attitudes and responses towards children among all sections of the community so that the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood, risks to a child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided.</p>
			<p>Section 4</p>	<p><b>Fundamental Principles</b></p> <p>(1) Every child has a right to be safe from harm.</p> <p>(2) Every child has a right to care in a safe and stable family environment or, if such a family environment cannot for some reason be provided, in some alternative form of care in which the child has every opportunity that can be reasonably provided to develop to his or her full potential.</p> <p>(3) In the exercise of powers under this Act, the above principles and the child's wellbeing and best interests are to be the paramount considerations.</p> <p>(4) In determining a child's best interests, consideration must be given to the following:</p> <p>(a) the desirability of keeping the child within the child's</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>own family and the undesirability of withdrawing the child unnecessarily from a neighbourhood or environment with which the child has an established sense of connection;</p> <p>(b) the need to preserve and strengthen relationships between the child, the child's parents and grandparents and other members of the child's family (whether or not the child is to reside with those parents, grandparents or other family members);</p> <p>(c) the need to encourage, preserve and enhance the child's sense of racial, ethnic, religious, spiritual and cultural identity and to respect traditions and values of the community into which the child was born;</p> <p>(d) if the child is able to form and express his or her own views as to his or her best interests—those views;</p> <p>(e) the undesirability of interrupting the child's education or employment unnecessarily.</p> <p>(5) In relation to an Aboriginal or Torres Strait Islander child, the Aboriginal and Torres Strait Islander Child Placement Principle is to be observed.</p> <p>(6) A child who is placed or about to be placed in alternative care:</p> <p>(a) must be provided with:</p> <p>(i) a nurturing, safe and stable living environment; and</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(ii) care that is, as far as practicable, appropriate to the child's needs and culturally appropriate; and</p> <p>(b) must be allowed to maintain relationships with the child's family (including the child's grandparents) and community, to the extent that such relationships can be maintained without serious risk of harm; and</p> <p>(c) must be consulted about, and (if the child is reasonably able to do so) take part in making, decisions affecting the child's life, particularly decisions about the child's ongoing care, where the child is to live, contact with the child's family and the child's health and schooling; and</p> <p>(d) must be given information that is appropriate, having regard to the child's age and ability to understand, about plans and decisions concerning the child's future; and</p> <p>(e) is entitled to have his or her privacy respected; and</p> <p>(f) if the child is in alternative care and under the guardianship, or in the custody, of the Minister—is entitled to regular review of the child's circumstances and the arrangements for the child's care.</p>
			Section 5	<p><b>Provisions relating to dealing with Aboriginal or Torres Strait Islander children</b></p> <p>(1) No decision or order may be made under this Act as to where or with whom an Aboriginal or Torres Strait Islander child will reside unless consultation has first been had with a recognised Aboriginal organisation, or a recognised Torres</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>Strait Islander organisation, as the case may require.</p> <p>(2) A person or court, in making any decision or order under this Act in relation to an Aboriginal or Torres Strait Islander child, must, in addition to complying with the requirements of section 4, have regard:</p> <p>(a) to the submissions made by or on behalf of a recognised Aboriginal or Torres Strait Islander organisation consulted in relation to the child; and</p> <p>(b) if there has been no such consultation—to Aboriginal traditions and cultural values (including kinship rules) as generally expressed by the Aboriginal community, or to Torres Strait Islander traditions and cultural values (including kinship rules) as generally expressed by the Torres Strait Islander community, as the case may require; and</p> <p>(c) to the general principle that an Aboriginal child should be kept within the Aboriginal community and a Torres Strait Islander child should be kept within the Torres Strait Islander community.</p>
	<p><b>Education and Early Childhood Services (Registration and Standards) Act 2011</b></p>	<p>South Australia</p>	<p>Schedule 1 section 3</p>	<p><b>Objectives and guiding principles</b></p> <p>The guiding principles of the national education and care services quality framework are as follows:</p> <p>that the principles of equity, inclusion and diversity underlie this law;</p> <p>that Australia's Aboriginal and Torres Strait Islander cultures</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
				are valued.
	<b>Equal Opportunity Act 1984</b>	South Australia	Section 59	<p><b>Discrimination by educational authorities</b></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 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>
	<b>Intervention Orders (Prevention of Abuse) Act 2009</b>	South Australia	Section 5	Objects of the Act include to assist in preventing domestic and non-domestic abuse and the exposure of children to the effects of domestic and non-domestic abuse by providing for the issuing of intervention orders.
			Section 8	Examples of emotional or psychological harm include:

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				directing racial or other derogatory taunts at the person.
			Section 10	<p>Principles of intervention against abuse:</p> <p>Abuse occurs in all areas of society, regardless of socio-economic status, health, age, culture, gender, sexuality, ability, ethnicity and religion.</p> <p>It is of primary importance to prevent abuse and to prevent children from being exposed to the effects of abuse.</p>
	<b>Young Offenders Act 1993</b>	SA	Section 3	<p><b>Objects and statutory policies</b></p> <p>The object of this Act is to secure for youths who offend against the criminal law the care, correction and guidance necessary for their development into responsible and useful members of the community and the proper realisation of their potential.</p> <p>Effect is to be given to the following statutory policies so far as the circumstances of the individual case allow a youth's sense of racial, ethnic or cultural identity should not be impaired.</p>

**6. Western Australia**

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>Article 30</b></p> <p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Adoption Act 1994</b></p>	<p>WA</p>	<p>Section 3</p>	<p><b>3. Principles</b></p> <p>(1) The paramount considerations to be taken into account in the administration of this Act are:</p> <p>(a) the welfare and best interests of a child who is an adoptee or a prospective adoptee;</p> <p>(b) the principle that adoption is a service for a child who is an adoptee or a prospective adoptee; and</p> <p>(c) the adoption of a child should occur only in circumstances where there is no other appropriate alternative for the child.</p> <p>(2) It is acknowledged that adoption is not part of Aboriginal or Torres Strait Island culture and that therefore the adoption of a child who is an Aboriginal person or a Torres Strait Islander should occur only in circumstances where there is no other appropriate alternative for that child.</p>
			<p>Section 13</p>	<p><b>13. Functions of adoption applications committee</b></p> <p>(1) The functions of the adoption applications committee are:</p> <p>(a) to consider whether or not persons who have applied to the CEO under section 38(1) are suitable for adoptive parenthood; and</p> <p>(b) to approve, either generally or in accordance with</p>

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				<p>subsection (2), or not approve, such persons as prospective adoptive parents.</p> <p>(2) The adoption applications committee may approve a person as a prospective adoptive parent for adoptive parenthood of children in one or more of the following categories:</p> <p>(a) children who are of an age, origin or ethnic background specified by the committee;</p> <p>(b) children who require medical, behavioural or psychological care specified by the committee;</p> <p>(c) children who are not of an age, origin or ethnic background specified by the committee;</p> <p>(d) children who do not require medical, behavioural or psychological care specified by the committee.</p>
			Section 16A	<p><b>16A. Matters relevant to the adoption process for Aboriginal or Torres Strait Islander children</b></p> <p>(1) The CEO is to ensure that an officer of the department who is an Aboriginal person or a Torres Strait Islander is involved at all relevant times to assist in the adoption process of a child who is an Aboriginal person or a Torres Strait Islander.</p> <p>(2) The CEO is to consult with an Aboriginal or Torres Strait Islander agency that is approved by the CEO for the purposes of this section, regarding the prospective adoption of a child</p>

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			Section 52	<p>who is an Aboriginal person or a Torres Strait Islander.</p> <p><b>52. Restrictions on placement</b></p> <p>(1) The CEO is not to place a child with a view to the child’s adoption unless:</p> <p>(a) the prospective adoptive parent:</p> <p>(i) is named in a register under section 44(1)(b); and</p> <p>(ii) meets, as far as is practicable, the wishes expressed under section 45(a)(i); and</p> <p>(iii) satisfies the age differential requirement set out in subsection (3); and</p> <p>(iv) if married or in a de facto relationship, can show that the marriage or de facto relationship is stable; and</p> <p>(v) meets, if relevant, the child’s wishes; and</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; and</p> <p>(vi) if female, is not pregnant at the time of the proposed placement, evidenced by means prescribed by regulation; and</p> <p>(aa) where the adoption applications committee has approved</p>

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				<p>the prospective adoptive parent in accordance with section 13(2), the child belongs to a category of children in respect of whom the prospective adoptive parent has been approved for prospective adoptive parenthood; and</p> <p>(ab) where the child is an Aboriginal person or a Torres Strait Islander, the placement is in accordance with the Aboriginal or Torres Strait Islander children:</p> <p>placement for adoption principle as set out in Schedule 2A; and</p> <p>(b) where the child is 2 or more years of age, the child has had the nature and implications of his or her adoption explained in a manner appropriate to the child's age and level of understanding; and</p> <p>(c) where there are other children in the prospective adoptive family:</p> <p>(i) the prospective adoptee is to be the youngest child in the prospective adoptive family; and</p> <p>(ii) the second youngest child in the family is 12 or more months older than the prospective adoptee; and</p> <p>(iii) each of the other children has been in the family for at least 2 years; and</p> <p>(d) where siblings are relinquished for adoption at the same time, all reasonable steps have been taken to place them with the same prospective adoptive parent; and</p>



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				<p>(e) where the child has a sibling who is already adopted or placed for adoption, all reasonable steps have been taken to place the child with the sibling’s adoptive or prospective adoptive parent.</p> <p>(2) The requirements of subsection (1) are not affected, and cannot be changed, by any provision of an adoption plan.</p> <p>(3) For the purposes of subsection (1)(a)(iii) the age differential requirement is that the prospective adoptive parent:</p> <p>(a) is not more than 45 years older than the child in the case where the prospective adoptive parent is the younger of prospective joint adoptive parents who, as a couple, have not adopted a child before; or</p> <p>(b) is not more than 50 years older than the child in the case where the prospective adoptive parent is the older of prospective joint adoptive parents who, as a couple, have not adopted a child before; or</p> <p>(c) is not more than 50 years older than the child in the case where the prospective adoptive parent is the younger of prospective joint adoptive parents who, as a couple, have adopted a child before; or</p> <p>(d) is not more than 55 years older than the child in the case where the prospective adoptive parent is the older of prospective joint adoptive parents who, as a couple, have adopted a child before; or</p> <p>(e) is not more than 45 years older than the child in the case</p>

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				<p>where the prospective adoptive parent is a prospective sole adoptive parent and has not adopted a child before (whether as a joint or sole adoptive parent); or</p> <p>(f) is not more than 50 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has adopted a child before (whether as a joint or sole adoptive parent).</p>
	<p><b>Child Care Services Act 2007</b></p>	<p>WA</p>	<p>Schedule 2A</p>	<p><b>Schedule 2A — Aboriginal and Torres Strait Islander children — placement for adoption principle [s. 52(1)(ab)]</b></p> <p>The objective of this principle is to maintain a connection with family and culture for children who are Aboriginal persons or Torres Strait Islanders and who are to be placed with a person or persons with a view to adoption by the person or persons.</p> <p>If there is no appropriate alternative to adoption for the child, the placement of the child for adoption is to be considered in the following order of priority.</p> <ol style="list-style-type: none"> <li>1. The child be placed with a person who is an Aboriginal person or a Torres Strait Islander in the child’s community in accordance with local customary practice.</li> <li>2. The child be placed with a person who is an Aboriginal person or a Torres Strait Islander.</li> <li>3. The child be placed with a person who is not an Aboriginal person or a Torres Strait Islander but who is sensitive to the needs of the child and capable of promoting the child’s ongoing affiliation with the child’s culture, and where</li> </ol>

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			Section 45	<p>possible, family.</p> <p><b>45. Exemptions from s. 9 etc., Minister’s powers as to</b></p> <p>(1) The Minister may, by order published in the <i>Gazette</i>, exempt a specified child care service or a child care service of a specified type from the application of:</p> <p>(a) section 9; or</p> <p>(b) the regulations; or</p> <p>(c) a specified provision of the regulations.</p> <p>(2) In subsection (1):</p> <p><b>'specified'</b> means specified in the order.</p> <p>(3A) An order made under subsection (1) may specify conditions subject to which the exemption is to apply.</p> <p>(3B) A person who provides a child care service to which an order made under subsection (1) applies must not contravene a condition specified in the order.</p> <p>Penalty: a fine of \$12 000.</p> <p>(3) The Minister may, by order published in the <i>Gazette</i>, amend or repeal an order made under subsection (1).</p> <p>(4) In the exercise of the powers conferred by subsections (1) and (3), the Minister must have regard to:</p> <p>(a) the best interests of the children for whom the child care</p>

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				<p>service is or is intended to be provided and any special needs or interests of those children; and</p> <p>(b) the views of the parents of those children; and</p> <p>(c) the needs of the locality in which the child care service is or is intended to be provided and the extent to which those needs are being met; and</p> <p>(d) the desirability of or need for short-term, special, innovative, experimental, culturally appropriate and culturally specific child care services.</p> <p><i>[Section 45 amended by No. 38 of 2011 s. 28.]</i></p>
	<p><b>Children and Community Services Act 2004</b></p>	<p>WA</p>	<p>Section 8</p>	<p><b>8. Determining the best interests of a child</b></p> <p>(1) In determining for the purposes of this Act what is in a child's best interests the following matters must be taken into account:</p> <p>(a) the need to protect the child from harm;</p> <p>(b) the capacity of the child's parents to protect the child from harm;</p> <p>(c) the capacity of the child's parents, or of any other person, to provide for the child's needs;</p> <p>(d) the nature of the child's relationship with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;</p>

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				<p>(e) the attitude to the child, and to parental responsibility, demonstrated by the child's parents;</p> <p>(f) any wishes or views expressed by the child, having regard to the child's age and level of understanding in determining the weight to be given to those wishes or views;</p> <p>(g) the importance of continuity and stability in the child's living arrangements and the likely effect on the child of disruption of those living arrangements, including separation from:</p> <p>(i) the child's parents; or</p> <p>(ii) a sibling or other relative of the child; or</p> <p>(iii) a carer or any other person (including a child) with whom the child is, or has recently been, living; or</p> <p>(iv) any other person who is significant in the child's life;</p> <p>(h) the need for the child to maintain contact with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;</p> <p>(i) the child's age, maturity, sex, sexuality, background and language;</p> <p>(j) the child's cultural, ethnic or religious identity (including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal people or Torres Strait Islanders);</p> <p>(k) the child's physical, emotional, intellectual, spiritual,</p>

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				<p>developmental and educational needs;</p> <p>(l) any other relevant characteristics of the child;</p> <p>(m) the likely effect on the child of any change in the child’s circumstances.</p> <p>(2) Subsection (1) does not limit the matters that may be taken into account in determining what is in the best interests of a child.</p>
			Section 9	<p><b>9. Principles to be observed</b></p> <p>In the administration of this Act the following principles must be observed:</p> <p>(a) the principle that the parents, family and community of a child have the primary role in safeguarding and promoting the child’s wellbeing;</p> <p>(b) the principle that the preferred way of safeguarding and promoting a child’s wellbeing is to support the child’s parents, family and community in the care of the child;</p> <p>(c) the principle that every child should be cared for and protected from harm;</p> <p>(d) the principle that every child should live in an environment free from violence;</p> <p>(e) the principle that every child should have stable, secure and safe relationships and living arrangements;</p>

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				<p>(f) the principle that intervention action (as defined in section 32(2)) should be taken only in circumstances where there is no other reasonable way to safeguard and promote the child's wellbeing;</p> <p>(g) the principle that if a child is removed from the child's family then, so far as is consistent with the child's best interests, the child should be given encouragement and support in maintaining contact with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;</p> <p>(ha) the principle that if a child is removed from the child's family then, so far as is consistent with the child's best interests, planning for the child's care should occur as soon as possible in order to ensure long-term stability for the child;</p> <p>(h) the principle that decisions about a child should be made promptly having regard to the age, characteristics, circumstances and needs of the child;</p> <p>(i) the principle that decisions about a child should be consistent with cultural, ethnic and religious values and traditions relevant to the child;</p> <p>(j) the principle that a child's parents and any other people who are significant in the child's life should be given an opportunity and assistance to participate in decision-making processes under this Act that are likely to have a significant impact on the child's life;</p> <p>(k) the principle that a child's parents and any other people who are significant in the child's life should be given adequate</p>

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				<p>information, in a manner and language that they can understand, about:</p> <ul style="list-style-type: none"> <li>(i) decision-making processes under this Act that are likely to have a significant impact on the child’s life; and</li> <li>(ii) the outcome of any decision about the child, including an explanation of the reasons for the decision; and</li> <li>(iii) any relevant complaint or review procedures;</li> </ul> <p>(l) the principle set out in section 10(1).</p>
			Section 12	<p><b>12. Aboriginal and Torres Strait Islander child placement principle</b></p> <p>(1) The objective of the principle in subsection (2) is to maintain a connection with family and culture for Aboriginal children and Torres Strait Islander children who are the subject of placement arrangements.</p> <p>(2) 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, be in accordance with the following order of priority:</p> <ul style="list-style-type: none"> <li>(a) placement with a member of the child’s family;</li> <li>(b) placement with a person who is an Aboriginal person or a Torres Strait Islander in the child’s community in accordance</li> </ul>



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				<p>with local customary practice;</p> <p>(c) placement with a person who is an Aboriginal person or a Torres Strait Islander;</p> <p>(d) 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>
			Section 13	<p><b>13. Principle of self-determination</b></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>
			Section 14	<p><b>14. Principle of community participation</b></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>
			Section 61	<p><b>61. Restriction on making protection order (special guardianship)</b></p>

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				<p>(1) In this section:</p> <p><b>'proposed special guardian'</b> means the individual or each individual to whom parental responsibility for the child is proposed to be given under the protection order (special guardianship).</p> <p>(2) The Court must not make a protection order (special guardianship) in respect of a child unless the Court is satisfied:</p> <p>(a) that long-term arrangements should be made for the wellbeing of the child; and</p> <p>(b) that, having regard to the report mentioned in subsection (3), the proposed special guardian is:</p> <p>(i) a suitable person to provide long-term care for the child; and</p> <p>(ii) willing and able to provide such care.</p> <p>(3) The CEO must provide the Court with a written report that:</p> <p>(a) contains information addressing the matters referred to in subsection (2)(b)(i) and (ii); and</p> <p>(b) outlines the proposed arrangements for the wellbeing of the child.</p> <p>(4) If the child is an Aboriginal child or a Torres Strait Islander child, the Court must, in assessing the suitability of</p>

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				<p>the proposed special guardian for the purposes of subsection (2)(b), have regard to the Aboriginal and Torres Strait Islander child placement principle set out in section 12.</p> <p>(5) If the child is from a culturally or linguistically diverse background, the Court must, in assessing the suitability of the proposed special guardian for the purposes of subsection (2)(b), have regard to any guidelines established under section 80.</p>
			Section 80	<p><b>80. Guidelines for placement of certain children</b></p> <p>(1) Within 12 months after the commencement of this Part, the CEO must establish written guidelines (the '<b>guidelines</b>') to be observed when making placement arrangements for children from culturally or linguistically diverse backgrounds.</p> <p>(2) Without limiting the scope of the guidelines, they are to address the need to preserve and enhance a child’s cultural, ethnic and religious identity.</p> <p>(3) The CEO may amend or replace the guidelines.</p> <p>(4) The guidelines are not to apply to Aboriginal or Torres Strait Islander children.</p>
			Section 137	<p><b>137. Confidentiality of pre-hearing conference</b></p> <p>(1) Subject to this section, the proceedings of a pre-hearing conference are confidential.</p> <p>(2) Evidence of anything said or done, or of any admission made, at a pre-hearing conference is only admissible in</p>

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				<p>proceedings before any court (including the protection proceedings concerned) if the court concerned grants leave or all the people who attended the pre-hearing conference consent.</p> <p>(3) A person who attends a pre-hearing conference must not disclose any statement made by another person at, or information furnished by another person to, the conference without the leave of the Court or the consent of that other person.</p> <p>Penalty: a fine of \$12 000 and imprisonment of one year.</p> <p>(4) Subsection (3) does not apply to:</p> <p>(a) the disclosure of a statement or information in proceedings before a court in accordance with subsection (2);</p> <p>(b) the making of a record of proceedings at the conference by the person presiding, a person who attended the conference, or his or her legal representative;</p> <p>(c) discussions between a child who did not attend the conference and his or her legal representative who attended the conference;</p> <p>(d) discussions between a party who:</p> <p>(i) has a difficulty understanding or communicating in English; or</p> <p>(ii) has a disability,</p>

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				<p>and any other person who attended the conference for the purpose of providing support or assistance to that party;</p> <p>(e) discussions between a person who attended the conference and his or her legal representative;</p> <p>(f) discussions between the legal representatives of people who attended the conference;</p> <p>(g) discussions between officers, police officers, or officers and police officers, about the conference;</p> <p>(h) the disclosure, in connection with a review of the operation of pre-hearing conferences generally, of information:</p> <p>(i) that does not identify any person who attended the conference; or (ii) that identifies a person who attended the conference if the person has consented to its disclosure;</p> <p>(i) the disclosure of information by a person who believes on reasonable grounds that it is necessary to do so in order to protect the health or safety of any person or to prevent or minimise damage to any property.</p>
			Section 21	<p><b>21. Functions of CEO</b></p> <p>(1) The functions of the CEO include:</p> <p>(a) to consider and initiate, or assist in, the provision of social services to children, other individuals, families and communities; and</p>

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				<p>(b) to take, or cause to be taken, any action, not inconsistent with this Act, in respect of a child or a class or group of children that the CEO considers reasonably necessary for the purpose of safeguarding or promoting the wellbeing of the child or children concerned; and</p> <p>(ca) to control and manage the property of children who are the subject of a protection order (time-limited) or protection order (until 18); and</p> <p>(c) to provide, and where appropriate, manage facilities (including land, buildings and other property) for purposes consistent with the objects of this Act; and</p> <p>(d) to establish procedures for dealing with complaints about social services provided under this Act or otherwise relating to the administration of this Act; and</p> <p>(e) to promote, encourage, conduct and publish research on matters relating to the objects of this Act; and</p> <p>(f) to collect and publish, or assist in the collection and publication of, information and statistics on matters relating to the objects of this Act.</p> <p>(2) In performing functions under this Act and in assisting the Minister in the administration of this Act, the CEO must have regard to:</p> <p>(a) the need to promote the wellbeing of children, other individuals, families and communities;</p> <p>(b) the need to encourage a collaborative approach between</p>

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				<p>public authorities, non-government agencies and families:</p> <ul style="list-style-type: none"> <li>(i) in the provision of social services directed towards strengthening families and communities and maximising the wellbeing of children and other individuals; and</li> <li>(ii) in responding to child abuse and neglect;</li> <li>(c) the need to promote diversity and increased participation in community life, giving particular consideration to the interests and aspirations of:               <ul style="list-style-type: none"> <li>(i) children and other young people; and</li> <li>(ii) Aboriginal people and Torres Strait Islanders; and</li> <li>(iii) people from culturally or linguistically diverse backgrounds; and</li> <li>(iv) people with disabilities; and</li> <li>(v) women and men of all ages as distinct groups within society;</li> </ul> </li> <li>(d) the need to promote the development and strengthening of families and communities so that they have the capacity to achieve self-reliance and to provide for the care and wellbeing of their members.</li> </ul>
	<p><b>Family Court Act 1997</b></p>	<p>WA</p>	<p>Section 7A</p>	<p><b>7A. Meaning of “major long-term issues” — FLA s. 4(1)</b></p> <p>(1) For the purposes of this Act:</p>

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				<p><b>'major long-term issues'</b>, in relation to a child, means issues about the care, welfare and development of the child of a long-term nature and includes (but is not limited to) issues of that nature about:</p> <ul style="list-style-type: none"> <li>(a) the child's education (both current and future); and</li> <li>(b) the child's religious and cultural upbringing; and</li> <li>(c) the child's health; and</li> <li>(d) the child's name; and</li> <li>(e) changes to the child's living arrangements that make it significantly more difficult for the child to spend time with a parent.</li> </ul> <p>(2) To avoid doubt, a decision by a parent of a child to form a relationship with a new partner is not, of itself, a major long-term issue in relation to the child, however, the decision will involve a major long-term issue if, for example, the relationship with the new partner involves the parent moving to another area and the move will make it significantly more difficult for the child to spend time with the other parent.</p>
			Section 66	<p><b>66. Object of Part and principles underlying it — FLA s. 60B</b></p> <p>(1) The objects of this Part are to ensure that the best interests of children are met by:</p> <ul style="list-style-type: none"> <li>(a) ensuring that children have the benefit of both of their parents having a meaningful involvement in their lives, to the</li> </ul>



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				<p>maximum extent consistent with the best interests of the child; and</p> <p>(b) protecting children from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence; and</p> <p>(c) ensuring that children receive adequate and proper parenting to help them achieve their full potential; and</p> <p>(d) ensuring that parents fulfil their duties, and meet their responsibilities, concerning the care, welfare and development of their children.</p> <p>(2) The principles underlying these objects are that (except when it is or would be contrary to a child's best interests):</p> <p>(a) children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together; and</p> <p>(b) children have a right to spend time on a regular basis with, and communicate on a regular basis with, both their parents and other people significant to their care, welfare and development (such as grandparents and other relatives); and</p> <p>(c) parents jointly share duties and responsibilities concerning the care, welfare and development of their children; and</p> <p>(d) parents should agree about the future parenting of their children; and</p>

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				<p>(e) children have a right to enjoy their culture (including the right to enjoy that culture with other people who share that culture).</p> <p>(3) For the purposes of subsection (2)(e), an Aboriginal child's or Torres Strait Islander child's right to enjoy his or her Aboriginal or Torres Strait Islander culture includes the right:</p> <p>(a) to maintain a connection with that culture; and</p> <p>(b) to have the support, opportunity and encouragement necessary:</p> <p>(i) to explore the full extent of that culture, consistent with the child's age and developmental level and the child's views; and</p> <p>(ii) to develop a positive appreciation of that culture.</p>
			Section 66A	<p><b>66A. Child's best interests paramount consideration in making a parenting order — FLA s. 60CA</b></p> <p>In deciding whether to make a particular parenting order in relation to a child, a court must regard the best interests of the child as the paramount consideration.</p>
			Section 66C	<p><b>66C. How a court determines what is in a child's best interests — FLA s. 60CC</b></p> <p>(1) Subject to subsection (6), in determining what is in the child's best interests, the court must consider the matters set</p>

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				<p>out in subsections (2) and (3).</p> <p>(2) The primary considerations are:</p> <p>(a) the benefit to the child of having a meaningful relationship with both of the child’s parents; and</p> <p>(b) the need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence.</p> <p>(3) Additional considerations are:</p> <p>(a) any views expressed by the child and any factors (such as the child’s maturity or level of understanding) that the court thinks are relevant to the weight it should give to the child’s views; and</p> <p>(b) the nature of the relationship of the child with:</p> <p>(i) each of the child’s parents; and</p> <p>(ii) other persons (including any grandparent or other relative of the child); and</p> <p>(c) the willingness and ability of each of the child’s parents to facilitate, and encourage, a close and continuing relationship between the child and the other parent; and</p> <p>(d) the likely effect of any changes in the child’s circumstances, including the likely effect on the child of any separation from:</p>

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				<p>(i) either of his or her parents; or</p> <p>(ii) any other child, or other person (including any grandparent or other relative of the child), with whom he or she has been living; and</p> <p>(e) the practical difficulty and expense of a child spending time with and communicating with a parent and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with both parents on a regular basis; and</p> <p>(f) the capacity of:</p> <p>(i) each of the child's parents; and</p> <p>(ii) any other person (including any grandparent or other relative of the child), to provide for the needs of the child, including emotional and intellectual needs; and</p> <p>(g) the maturity, sex, lifestyle and background (including lifestyle, culture and traditions) of the child and of either of the child's parents, and any other characteristics of the child that the court thinks are relevant; and</p> <p>(h) if the child is an Aboriginal child or a Torres Strait Islander child:</p> <p>(i) the child's right to enjoy his or her Aboriginal or Torres Strait Islander culture (including the right to enjoy that culture with other people who share that culture); and</p> <p>(ii) the likely impact any proposed parenting order under this</p>

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				<p>Part will have on that right; and</p> <ul style="list-style-type: none"> <li>(i) the attitude to the child, and to the responsibilities of parenthood, demonstrated by each of the child’s parents; and</li> <li>(j) any family violence involving the child or a member of the child’s family; and</li> <li>(k) any family violence order that applies to the child or a member of the child’s family, if: <ul style="list-style-type: none"> <li>(i) the order is a final order; or</li> <li>(ii) the making of the order was contested by a person; and</li> </ul> </li> <li>(l) whether it would be preferable to make the order that would be least likely to lead to the institution of further proceedings in relation to the child; and</li> <li>(m) any other fact or circumstance that the court thinks is relevant.</li> </ul> <p>(4) Without limiting subsection (3)(c) and (i), the court must consider the extent to which each of the child’s parents has fulfilled, or failed to fulfil, his or her responsibilities as a parent and, in particular, the extent to which each of the child’s parents:</p> <ul style="list-style-type: none"> <li>(a) has taken, or failed to take, the opportunity: <ul style="list-style-type: none"> <li>(i) to participate in making decisions about major long-term issues in relation to the child; and</li> </ul> </li> </ul>

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				<p>(ii) to spend time with the child; and</p> <p>(iii) to communicate with the child; and</p> <p>(b) has facilitated, or failed to facilitate, the other parent:</p> <p>(i) participating in making decisions about major long-term issues in relation to the child; and</p> <p>(ii) spending time with the child; and</p> <p>(iii) communicating with the child; and</p> <p>(c) has fulfilled, or failed to fulfil, the parent’s obligation to maintain the child.</p> <p>(5) If the child’s parents have separated, the court must, in applying subsection (4), have regard, in particular, to events that have happened, and circumstances that have existed, since the separation occurred.</p> <p>(6) If the court is considering whether to make an order with the consent of all the parties to the proceedings, the court may, but is not required to, have regard to all or any of the matters set out in subsection (2) or (3).</p> <p>(7) For the purposes of subsection (3)(h), an Aboriginal child’s or a Torres Strait Islander child’s right to enjoy his or her Aboriginal or Torres Strait Islander culture includes the right:</p> <p>(a) to maintain a connection with that culture; and</p>

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				<p>(b) to have the support, opportunity and encouragement necessary:</p> <p>(i) to explore the full extent of that culture, consistent with the child's age and developmental level and the child's views; and</p> <p>(ii) to develop a positive appreciation of that culture.</p>
			Section 71A	<p><b>71A. Application to Aboriginal or Torres Strait Islander children — FLA s. 61F</b></p> <p>In:</p> <p>(a) applying this Part to the circumstances of an Aboriginal or Torres Strait Islander child; or</p> <p>(b) identifying a person or persons who have exercised, or who may exercise, parental responsibility for such a child,</p> <p>the court must have regard to any kinship obligations, and child-rearing practices, of the child's Aboriginal or Torres Strait Islander culture.</p>
			Section 4	<p><b>4. Mental illness, defined</b></p> <p>(1) For the purposes of this Act a person has a mental illness if the person suffers from a disturbance of thought, mood, volition, perception, orientation or memory that impairs judgment or behaviour to a significant extent.</p> <p>(2) However a person does not have a mental illness by reason only of one or more of the following, that is, that the</p>

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				<p>person:</p> <ul style="list-style-type: none"> <li>(a) holds, or refuses to hold, a particular religious, philosophical, or political belief or opinion;</li> <li>(b) is sexually promiscuous, or has a particular sexual preference;</li> <li>(c) engages in immoral or indecent conduct;</li> <li>(d) has an intellectual disability;</li> <li>(e) takes drugs or alcohol;</li> <li>(f) demonstrates anti-social behaviour.</li> </ul>
	<b>Parental Support and Responsibility Act 2008</b>	WA	Section 8	<b>8. Principle of cultural and religious sensitivity</b> In performing a function or exercising a power under this Act in relation to a family, a person or a court must endeavour to do so in a way that is culturally and religiously appropriate for the family.
	<b>School Education Act 1999</b>	WA	Section 68	<p><b>68. Curriculum not to promote certain subject-matter</b></p> <p>(1) The curriculum and teaching in government schools is not to promote:</p> <ul style="list-style-type: none"> <li>(a) any particular religious practice, denomination or sect;</li> <li>(b) any particular political party;</li> <li>(c) any commercial goods, product or service; or</li> </ul>



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				<p>(d) the case of a party to an industrial dispute.</p> <p>(2) Subsection (1)(a) is not to be read as preventing:</p> <p>(a) the inclusion of general religious education in the curriculum of a school; or</p> <p>(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>
			Section 69	<p><b>69. Special religious education</b></p> <p>(1) Special religious education may be provided to students in government schools in accordance with provisions made by the regulations.</p> <p>(2) Subject to the regulations, the principal of a government school may allow time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40.</p> <p>(3) Provision made by the regulations for the purposes of this section may authorise the chief executive officer to approve persons as being authorised to give special religious education in government schools</p>
			Section 70	<p><b>70. Consultation with Council</b></p> <p>If a school has a Council the principal is to consult the Council on:</p> <p>(a) a general policy concerning the use in school activities of</p>

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				prayers, songs and material referred to in section 68(2)(b); and  (b) the implementation of section 69(2).
			Section 71	<p><b>71. Parent may withdraw child from special religious instruction etc.</b></p> <p>(1) A parent of a child at a government school may notify the principal in writing that the child is not to:</p> <p>(a) receive any special religious education; or</p> <p>(b) attend that part of a school activity at which material referred to in section 68(2)(b) is used.</p> <p>(2) A principal to whom such a notice is given must take all reasonable steps to see that the parent’s wishes are complied with.</p>
			Section 72	<p><b>72. Principal may exempt child from particular classes</b></p> <p>(1) A parent of a child at a government school may in writing request the principal to grant an exemption for the child from attendance at classes at which a particular part of a course of study is taught.</p> <p>(2) Where such a request is made the principal may grant an exemption in terms of subsection (1) if the principal is satisfied that the request:</p> <p>(a) is made on the grounds of conscientious objection; and (b) satisfies any requirements contained in the CEO’s Instructions under section 233 in respect of the granting of exemptions</p>

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				<p>under this section.</p> <p>(3) An exemption under this section:</p> <p>(a) may be granted subject to conditions; and</p> <p>(b) may be revoked if any condition is not observed.</p>
			Section 92	<p><b>92. Chief executive officer may exclude from attendance at school</b></p> <p>(1) If the principal of a government school is of the opinion that there are grounds under section 91 for the exclusion of a student from attendance at the school, the principal may —(a) recommend to the chief executive officer that the chief executive officer exercise his or her powers under section 94; and</p> <p>(b) put before the chief executive officer such information as the principal thinks appropriate.</p> <p>(2) Upon making a recommendation to the chief executive officer, the principal is to notify the student and a parent of the student that the recommendation has been made and provide the parent with the reasons why the recommendation has been made.</p> <p>(3) The chief executive officer is to refer the recommendation and other information:</p> <p>(a) to a School Discipline Advisory Panel under section 93; or</p>

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				<p>(b) in the case of a child with a disability who is the subject of a recommendation for exclusion on grounds under section 91(b), to a Disability Advisory Panel under section 87, which is to examine the matter and report to the chief executive officer, setting out comments about how the matter had been dealt with and recommendations about how the matter should be dealt with.</p> <p>(4) A reference in section 87 to the applicant is to be treated, for the purposes of subsection (3)(b), as a reference to a parent of the child with a disability.</p> <p>(5) In its examination under subsection (3) in relation to a student other than a child to whom subsection (3)(b) applies, a Panel is to have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be relevant to the breach of school discipline or behaviour that is the subject of the recommendation.</p> <p>(6) On receipt of the report the chief executive officer may, having regard to:</p> <p>(a) the material referred to in subsections (1) and (3); and</p> <p>(b) any other information before the chief executive officer, make an order under section 94 if he or she is satisfied that the student may be excluded in terms of section 91.</p>
			Section 241	<p><b>241. Advisory panels</b></p> <p>(1) Without limiting section 39, 87 or 93 the Minister may establish advisory panels for the purposes of this Act.</p>

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				<p>(2) The Minister is to determine:</p> <p>(a) provisions for the membership, constitution, procedures and discharge of an advisory panel; and</p> <p>(b) in what circumstances and on what matters the panel is to advise.</p> <p>(3) The members of an advisory panel are to be persons who have such experience, skills, attributes or qualifications as the Minister considers appropriate to enable them to effectively perform their advisory function.</p> <p>(4) Subject to this section, an advisory panel may determine its own procedure.</p> <p>(5) In performing its functions in relation to a particular child or student, or class of children or students, an advisory panel may have regard to the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be relevant to the matter before the panel.</p> <p>(6) The Minister is to ensure that each advisory panel is provided with such support services as it may reasonably require.</p> <p>(7) The Minister may:</p> <p>(a) direct that some or all of the members of an advisory panel are to be paid remuneration or allowances or both; and</p> <p>(b) determine the amount of any such payments on the</p>

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			Section 26	<p>recommendation of the Public Sector Commissioner.</p> <p><b>26. Referral to an Attendance Panel where doubtful reasons given about non-attendance</b></p> <p>(1) This section applies where a principal is of the opinion that the reasons notified under section 25(2)(b) in respect of a child of compulsory school age have persistently:</p> <ul style="list-style-type: none"> <li>(a) been not genuine; or</li> <li>(b) not amounted to a sufficient cause for the purposes of that section.</li> </ul> <p>(2) Where this section applies to a child:</p> <ul style="list-style-type: none"> <li>(a) the principal may refer the child’s case to an Attendance Panel under section 39;</li> <li>(b) a Panel may: <ul style="list-style-type: none"> <li>(i) inquire into the child’s attendance record including the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be affecting the child’s attendance record;</li> <li>(ii) give such advice and assistance to the child and to his or her parents as it thinks fit; and</li> <li>(iii) do any of the things referred to in section 40(3) and (4) for those purposes; and</li> </ul> </li> <li>(c) a Panel is to prepare a written report on the child’s case</li> </ul>

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				<p>setting out any advice or assistance given by the Panel and give a copy of the report to the school's principal and:</p> <ul style="list-style-type: none"> <li>(i) to a parent of the child;</li> <li>(ii) if the child is a prescribed child, to the child; or</li> <li>(iii) to a person whose details have been provided under section 16(1)(b)(ii)(II).</li> </ul>
			Section 30	<p><b>30. Non-attendance for religious or cultural observance</b></p> <p>(1) A student is excused from:</p> <ul style="list-style-type: none"> <li>(a) attendance at a government school at which he or she is enrolled; or</li> <li>(b) participation in an educational programme of the school, on a day, or during a period, that under section 31 is recognized as having religious or cultural significance for the student or the student's parents.</li> </ul> <p>(2) Subsection (1) does not apply unless before the day, or the beginning of the period, in question the principal has been notified that the student will not attend or participate on that day or during that period.</p> <p>(3) A notification to a principal under subsection (2) may be given in any way that is determined by the principal to be acceptable, either generally or in a particular case.</p>

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				<p>(4) A notification under subsection (2) is to be given:</p> <p>(a) by a parent of the student;</p> <p>(b) in the case of a student who has turned 18 or who is a prescribed child, by the student; or</p> <p>(c) by a person whose details have been provided under section 16(1)(b)(ii)(II).</p> <p>(5) Despite subsections (1) and (2), where it is not reasonably practicable for a notice to be given under subsection (2) a student is excused as mentioned in subsection (1) if the notice is given as soon as is reasonably practicable after the day or the period in question.</p> <p>(6) In subsection (1)(a):</p> <p><b>'school'</b> includes any place to which an arrangement under section 24 relates.</p>
			Section 40	<p>40. Referral to Attendance Panel of persistent breaches of section 23</p> <p>(1) Where a child of compulsory school age enrolled at a school has been persistently in breach of section 23, the child's case may be referred to an Attendance Panel by:</p> <p>(a) the principal of the school;</p> <p>(b) an attendance officer; or</p> <p>(c) the chief executive officer or the chief executive officer</p>



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				<p>referred to in section 151, as is relevant to the case.</p> <p>(1a) Where a child in respect of whom notice has been given under section 11D or 11H is not complying with section 11I, the child's case may be referred to an Attendance Panel by:</p> <p>(a) a relevant provider in respect of the child; or</p> <p>(b) an officer mentioned in subsection (1)(b) or (c).</p> <p>(1b) Subsection (1a) does not apply where the non-compliance is a failure to participate in an apprenticeship as mentioned in section 11I(2)(a).</p> <p>(2) On such a referral a Panel is to:</p> <p>(a) inquire into the reasons for the child's failure to comply with section 11I or 23 including the social, cultural, lingual, economic or geographic factors, or learning difficulties, that might be affecting the child's failure to comply; and</p> <p>(b) give such advice and assistance to the child and to his or her parents as it thinks fit.</p> <p>(3) The chairperson may by notice in writing:</p> <p>(a) request the attendance of a child and his or her parents at a place and time specified in the notice; and</p> <p>(b) request any person to produce at a place and time specified in the notice any document or record that is in the possession or under the control of that person.</p>

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				<p>(4) The Panel may:</p> <p>(a) inspect any document or record produced and retain it for such reasonable period as it thinks fit, and make copies of it or any of its contents; and</p> <p>(b) request any person to answer any question put to him or her.</p> <p>(5) The Panel is to prepare a written report on the child's case setting out any advice or assistance given by the Panel, comments about how the matter had been dealt with and recommendations about how the matter should be dealt with and give a copy of the report:</p> <p>(a) to a parent of the child;</p> <p>(b) if the child is a prescribed child, to the child;</p> <p>(c) to a person whose details have been provided under section 16(1)(b)(ii)(II);</p> <p>(d) to the school's principal;</p> <p>(e) if the child is enrolled at a government school, to the chief executive officer;</p> <p>(f) if the child is enrolled at a non-government school and on the request of the chief executive officer referred to in section 151, to that chief executive officer;</p> <p>(fa) if the child is a child who has not complied with section</p>

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				<p>11I, to the provider or providers in respect of the child; and</p> <p>(g) if the child’s case was referred to the Panel by an attendance officer, to the officer.</p>
	<p><b>Young Offenders Act 1994</b></p>	<p>WA</p>	<p>Section 6</p>	<p><b>6. Objectives</b></p> <p>The main objectives of this Act are:</p> <p>(a) to provide for the administration of juvenile justice; and</p> <p>(b) to set out provisions, embodying the general principles of juvenile justice, for dealing with young persons who have, or are alleged to have, committed offences; and</p> <p>(c) to ensure that the legal rights of young persons involved with the criminal justice system are observed; and</p> <p>(d) to enhance and reinforce the roles of responsible adults, families, and communities in:</p> <p>(i) minimising the incidence of juvenile crime; and</p> <p>(ii) punishing and managing young persons who have committed offences; and</p> <p>(iii) rehabilitating young persons who have committed offences towards the goal of their becoming responsible citizens; and</p> <p>(e) to integrate young persons who have committed offences into the community; and</p>

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			Section 7	<p>(f) to ensure that young persons are dealt with in a manner that is culturally appropriate and which recognises and enhances their cultural identity.</p> <p><b>7. General principles of juvenile justice</b></p> <p>The general principles that are to be observed in performing functions under this Act are that:</p> <p>(a) there should be special provision to ensure the fair treatment of young persons who have, or are alleged to have, committed offences; and</p> <p>(b) a young person who commits an offence is to be dealt with, either formally or informally, in a way that encourages the young person to accept responsibility for his or her conduct; and</p> <p>(c) a young person who commits an offence is not to be treated more severely because of the offence than the person would have been treated if an adult; and</p> <p>(d) the community must be protected from illegal behaviour; and</p> <p>(e) victims of offences committed by young persons should be given the opportunity to participate in the process of dealing with the offenders to the extent that the law provides for them to do so; and</p> <p>(f) responsible adults should be encouraged to fulfil their responsibility for the care and supervision of young persons,</p>

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				<p>and supported in their efforts to do so; and</p> <p>(g) consideration should be given, when dealing with a young person for an offence, to the possibility of taking measures other than judicial proceedings for the offence if the circumstances of the case and the background of the alleged offender make it appropriate to dispose of the matter in that way and it would not jeopardise the protection of the community to do so; and</p> <p>(h) detaining a young person in custody for an offence, whether before or after the person is found to have committed the offence, should only be used as a last resort and, if required, is only to be for as short a time as is necessary; and</p> <p>(i) detention of a young person in custody, if required, is to be in a facility that is suitable for a young person and at which the young person is not exposed to contact with any adult detained in the facility, although a young person who has reached the age of 16 years may be held in a prison for adults but is not to share living quarters with an adult prisoner; and</p> <p>(j) punishment of a young person for an offence should be designed so as to give the offender an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways; and</p> <p>(k) a young person who is dealt with for an offence should be dealt with in a time frame that is appropriate to the young person's sense of time; and</p> <p>(l) in dealing with a young person for an offence, the age, maturity, and cultural background of the offender are to be</p>

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				<p>considered; and</p> <p>(m) a young person who commits an offence is to be dealt with in a way that:</p> <p>(i) strengthens the family and family group of the young person; and</p> <p>(ii) fosters the ability of families and family groups to develop their own means of dealing with offending by their young persons; and</p> <p>(iii) recognises the right of the young person to belong to a family.</p>
			Section 37	<p><b>37. Establishing juvenile justice teams</b></p> <p>(1) When a matter is referred for consideration by a juvenile justice team, it may be dealt with by a juvenile justice team that includes a Coordinator appointed under section 36(1) and a member of the Police Force appointed by the Coordinator on the nomination of the Commissioner of Police.</p> <p>(1a) When a matter is referred for consideration by a juvenile justice team and considerations of practicality, distance or cultural sensitivity make it appropriate, the matter may be dealt with by a juvenile justice team that includes:</p> <p>(a) a Coordinator appointed under section 36(1) or 36(2); and</p> <p>(b) a police officer, or a warden, elder or other appropriate member of an approved Aboriginal community.</p>

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				<p>(1b) For the purposes of subsection (1a), a member of an approved Aboriginal community who has been nominated by the community council and approved by both the Commissioner of Police and the chief executive officer is an appropriate member of that community.</p> <p>(2) If it is practicable, the team is also to include:</p> <p>(a) a person appointed by the Coordinator who has been nominated by or on behalf of the Minister responsible for administering the <i>School Education Act 1999</i>; and</p> <p>(b) where the person to be dealt with by the team is a member of an ethnic or other minority group, a person appointed by the Coordinator who has been nominated by members of the minority group.</p> <p>(3) The team may also include such other persons as the Coordinator appoints.</p>
			Section 46	<p><b>46. Principles and considerations to be applied to young offenders</b></p> <p>(1) When dealing with a young person who has been found guilty of an offence, the court, in disposing of the matter, is to apply:</p> <p>(a) the principles applying generally for disposing of charges of offences, except as those principles are modified by this Act; and</p> <p>(b) the general principles of juvenile justice.</p>

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				<p>(2) The court is to consider any information about the offender or the offence that may assist the court to decide how to dispose of the matter, and in particular:</p> <ul style="list-style-type: none"> <li>(a) the nature and seriousness of the offence; and</li> <li>(b) any history of offences previously committed by the offender; and</li> <li>(c) the cultural background of the offender; and</li> <li>(d) any order previously made by a court when disposing of a charge of an offence that still applies to the offender, and any further order that is liable to be imposed if the offender does not comply with the terms of any such order; and</li> <li>(e) the extent, if any, to which any person was affected as a victim of the offence.</li> </ul> <p>(3) The court is to dispose of the matter in a way that is in proportion to the seriousness of the offence and is consistent with the treatment of other young persons who commit offences.</p> <p>(4) In deciding how to dispose of the matter, which includes deciding the appropriate degree of severity to be used, the court is to consider how young the offender is as a mitigating factor.</p> <p>(5) The court is to have regard to the fact that the rehabilitation of an offender is facilitated by:</p>



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				<p>(a) the participation of the offender's family; and</p> <p>(b) giving the offender opportunities to engage in educational programmes and in employment, but the absence of such participation or opportunities is not to result in the offender being dealt with more severely for the offence.</p> <p>(5a) Subject to section 106 of the <i>Road Traffic Act 1974</i> but despite any other enactment, where a written law provides that a mandatory penalty or that a minimum penalty shall be imposed in relation to an offence, the court dealing with a young person for the offence is not obliged to impose such a penalty.</p> <p>(6) The operation of this section is affected by section 125.</p>
			Section 93	<p><b>93. Performing the work</b></p> <p>(1) All of the work is required to be performed within the period of 3 months commencing from the date when the conditions are imposed or within such extension of that period as the court may allow.</p> <p>(2) A person giving directions to the offender under the order is, so far as practicable, to:</p> <p>(a) avoid conflict with the offender's religious beliefs; and</p> <p>(b) avoid interference with the times, if any, at which the offender normally works or attends a school or other educational establishment.</p>

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	<b>Child Care Services (Child Care) Regulations 2006</b>	WA	Section 83	<p><b>83. Programme of activities</b></p> <p>(1) A licensee must ensure the provision of a programme of activities which is developmentally appropriate to the needs of the children attending the service.</p> <p>(2) A licensee must ensure that the programme:</p> <p>(a) meets the play and relaxation needs of children;</p> <p>(b) provides a balance of indoor and outdoor activities; (c) includes activities that a child may choose to participate in; and</p> <p>(d) is designed to stimulate and provide for the development of each child's social, cultural, physical, emotional, intellectual, language and creative potential.</p> <p>(3) A licensee must ensure that a copy of the programme is prominently displayed in each indoor playing area at the place.</p> <p>Penalty: a fine of \$3 000.</p>
				<p><b>98. Nutrition and food service</b></p> <p>A licensee must ensure that:</p> <p>(a) the food provided by the service to enrolled children is nutritious and varied;</p> <p>(b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health</p>

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				<p>requirements; and</p> <p>(c) the menu for each week and the food preparation hours are prominently displayed at the place.</p> <p>Penalty: a fine of \$4 000.</p>
	<p><b>Child Care Services (Family Day Care) Regulations 2006</b></p>	<p>WA</p>	<p>Section 67</p>	<p><b>67. Programme of activities</b></p> <p>(1) A licensee must ensure the provision of a programme of activities which is developmentally appropriate to the needs of the children attending the service.</p> <p>(2) A licensee must ensure that the programme:</p> <p>(a) meets the play and relaxation needs of children;</p> <p>(b) provides a balance of indoor and outdoor activities;</p> <p>(c) includes activities that a child may choose to participate in; and</p> <p>(d) is designed to stimulate and provide for the development of each child's social, cultural, physical, emotional, intellectual, language and creative potential.</p> <p>(3) A licensee must ensure that a copy of the programme is prominently displayed in the indoor playing area at the place.</p> <p>Penalty: a fine of \$3 000.</p>
			<p>Section 82</p>	<p><b>82. Nutrition and food service</b></p>

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				<p>A licensee must ensure that:</p> <p>(a) the food provided by the service to enrolled children is nutritious and varied;</p> <p>(b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health requirements; and(c) the menu for each week is prominently displayed at the place.</p> <p>Penalty: a fine of \$4 000.</p>
	<p><b>Child Care Services (Rural Family Care) Regulations 2010</b></p>	<p>WA</p>	<p>Section 35</p>	<p><b>35. Food and nutrition</b></p> <p>(1) This regulation applies to a rural family care service if food prepared at the place is provided to enrolled children.</p> <p>(2) A licensee of a rural family care service to which this regulation applies must ensure that:</p> <p>(a) the food provided is nutritious and varied; and</p> <p>(b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health requirements; and</p> <p>(c) the menu for each week is prominently displayed at the place.</p> <p>Penalty: a fine of \$4 000.</p>
<p>Section 48</p>			<p><b>48. Programming requirements</b></p>	

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				<p>(1) A licensee must ensure the provision of a programme that is developmentally appropriate to the needs of enrolled children.</p> <p>Penalty: a fine of \$3 000.</p> <p>(2) Without limiting subregulation (1), a licensee must ensure that the programme:</p> <p>(a) meets the play and relaxation needs of enrolled children; and</p> <p>(b) provides a balance of indoor and outdoor activities; and</p> <p>(c) includes activities that enrolled children may choose to participate in; and</p> <p>(d) is designed to stimulate and provide for the development of each enrolled child’s social, cultural, physical, emotional, intellectual, language and creative potential.</p> <p>Penalty: a fine of \$3 000.</p> <p>(3) A licensee must ensure that a copy of the programme is prominently displayed in the indoor playing area at the place.</p> <p>Penalty: a fine of \$3 000.</p>
	<p><b>Child Care Services (Child Care) Regulations 2006</b></p>	<p>WA</p>	<p>Section 83</p>	<p><b>83. Programme of activities</b></p> <p>(1) A licensee must ensure the provision of a programme of activities which is developmentally appropriate to the needs of</p>

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				<p>the children attending the service.</p> <p>(2) A licensee must ensure that the programme:</p> <p>(a) meets the play and relaxation needs of children;</p> <p>(b) provides a balance of indoor and outdoor activities; (c) includes activities that a child may choose to participate in; and</p> <p>(d) is designed to stimulate and provide for the development of each child’s social, cultural, physical, emotional, intellectual, language and creative potential.</p> <p>(3) A licensee must ensure that a copy of the programme is prominently displayed in each indoor playing area at the place.</p> <p>Penalty: a fine of \$3 000.</p>
			Section 98	<p><b>98. Nutrition and food service</b></p> <p>A licensee must ensure that:</p> <p>(a) the food provided by the service to enrolled children is nutritious and varied;</p> <p>(b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health requirements; and</p> <p>(c) the menu for each week and the food preparation hours</p>

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				<p>are prominently displayed at the place.</p> <p>Penalty: a fine of \$4 000.</p>
	<p><b>Child Care Services (Family Day Care) Regulations 2006</b></p>	<p>WA</p>	<p>Section 67</p>	<p><b>67. Programme of activities</b></p> <p>(1) A licensee must ensure the provision of a programme of activities which is developmentally appropriate to the needs of the children attending the service.</p> <p>(2) A licensee must ensure that the programme:</p> <p>(a) meets the play and relaxation needs of children;</p> <p>(b) provides a balance of indoor and outdoor activities;</p> <p>(c) includes activities that a child may choose to participate in; and</p> <p>(d) is designed to stimulate and provide for the development of each child’s social, cultural, physical, emotional, intellectual, language and creative potential. (3) A licensee must ensure that a copy of the programme is prominently displayed in the indoor playing area at the place.</p> <p>Penalty: a fine of \$3 000.</p>
			<p>Section 82</p>	<p><b>82. Nutrition and food service</b></p> <p>A licensee must ensure that:</p> <p>(a) the food provided by the service to enrolled children is nutritious and varied;</p>

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				<p>(b) regard is had to the dietary needs of individual enrolled children arising from any specific cultural, religious or health requirements; and</p> <p>(c) the menu for each week is prominently displayed at the place.</p> <p>Penalty: a fine of \$4 000.</p>
	<p><b>Education and Care Services National Regulations 2012</b></p>	<p>WA</p>	<p>Section 79</p>	<p><b>79. Service providing food and beverages</b></p> <p>(1) The approved provider of an education and care service that provides food or a beverage to children being educated and cared for by the service must ensure that:</p> <p>(a) the food or beverage provided is nutritious and adequate in quantity; and</p> <p>(b) the food or beverage provided is chosen having regard to the dietary requirements of individual children taking into account:</p> <p>(i) each child's growth and development needs; and</p> <p>(ii) any specific cultural, religious or health requirements.</p> <p>Penalty: \$2000.</p> <p>(2) The nominated supervisor of an education and care service that provides food or a beverage to children being educated and cared for by the service must ensure that:</p> <p>(a) the food or beverage provided is nutritious and adequate</p>



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				<p>in quantity; and</p> <p>(b) the food or beverage provided is chosen having regard to the dietary requirements of individual children taking into account:</p> <p>(i) each child’s growth and development needs; and</p> <p>(ii) any specific cultural, religious or health requirements.</p> <p>Penalty: \$2000.</p> <p>(3) A family day care educator who provides food or a beverage to children being educated and cared for by the educator as part of a family day care service must ensure that:</p> <p>(a) the food or beverage provided is nutritious and adequate in quantity; and</p> <p>(b) the food or beverage provided is chosen having regard to the dietary requirements of individual children taking into account:</p> <p>(i) each child’s growth and development needs; and</p> <p>(ii) any specific cultural, religious or health requirements.</p> <p>Penalty: \$2000.</p> <p>(4) To avoid doubt, this regulation does not apply to food or a beverage provided by a parent or family member for consumption by the child.</p>

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			Section 155	<p><b>155. Interactions with children</b></p> <p>An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that:</p> <ul style="list-style-type: none"> <li>(a) encourages the children to express themselves and their opinions; and</li> <li>(b) allows the children to undertake experiences that develop self-reliance and self-esteem; and</li> <li>(c) maintains at all times the dignity and rights of each child; and</li> <li>(d) gives each child positive guidance and encouragement toward acceptable behaviour; and</li> <li>(e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.</li> </ul>
			Section 160	<p><b>160. Child enrolment records to be kept by approved provider and family day care educator</b></p> <ul style="list-style-type: none"> <li>(1) The approved provider of an education and care service must ensure that an enrolment record is kept that includes the information set out in subregulation (3) for each child enrolled at the education and care service.</li> <li>(2) A family day care educator must keep an enrolment record that includes the information set out in subregulation</li> </ul>

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				<p>(3) for each child educated and cared for by the educator.</p> <p>(3) An enrolment record must include the following information for each child:</p> <ul style="list-style-type: none"> <li>(a) the full name, date of birth and address of the child;</li> <li>(b) the name, address and contact details of: <ul style="list-style-type: none"> <li>(i) each known parent of the child; and</li> <li>(ii) any person who is to be notified of an emergency involving the child if any parent of the child cannot be immediately contacted; and</li> <li>(iii) any person who is an authorised nominee; and</li> </ul> </li> </ul> <p>Note: '<b>Authorised nominee</b>' means a person who has been given permission by a parent or family member to collect the child from the education and care service or the family day care educator. See section 170(5) of the Law.</p> <ul style="list-style-type: none"> <li>(iv) any person who is authorised to consent to medical treatment of, or to authorise administration of medication to, the child; and</li> <li>(v) any person who is authorised to authorise an educator to take the child outside the education and care service premises;</li> </ul> <p>(c) details of any court orders, parenting orders or parenting plans provided to the approved provider relating to powers, duties, responsibilities or authorities of any person in relation</p>

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				<p>to the child or access to the child;</p> <p>(d) details of any other court orders provided to the approved provider relating to the child’s residence or the child’s contact with a parent or other person;</p> <p>(e) the gender of the child;</p> <p>(f) the language used in the child’s home;</p> <p>(g) the cultural background of the child and, if applicable, the child’s parents;</p> <p>(h) any special considerations for the child, for example any cultural, religious or dietary requirements or additional needs;</p> <p>(i) the relevant authorisations set out in regulation 161;</p> <p>(j) the relevant health information set out in regulation 162.</p> <p>(4) In this regulation:</p> <p><b>'parenting order'</b> means a parenting order within the meaning of section 64B(1) of the <i>Family Law Act 1975</i> of the Commonwealth;</p> <p><b>'parenting plan'</b> means a parenting plan within the meaning of section 63C(1) of the <i>Family Law Act 1975</i> of the Commonwealth, and includes a registered parenting plan within the meaning of section 63C(6) of that Act.</p>
			Schedule 1	<b>Schedule 1—National Quality Standard</b>

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				<p>Notes:</p> <p>1 The National Quality Standard is used to assess education and care services to determine rating levels under Part 5 of the Law.</p> <p>2 The Regulatory Authority may suspend a service approval if an education and care service is rated under Part 5 of the Law as not meeting the National Quality Standard, there has been no improvement in that rating and a service waiver or temporary waiver does not apply — see section 70(1)(d) of the Law.</p> <p><b>Quality area 1— Educational program and practice</b></p> <p>The educational program and practice is stimulating, engaging and enhances children’s learning and development. In services for children over preschool age the program nurtures the development of life skills and complements children’s experiences, opportunities and relationships at school, at home and in the community.</p> <p><b>Standard 1.1</b> An Approved Learning Framework informs the development of a curriculum that enhances each child’s learning and development.</p> <p><b>Element 1.1.1</b> Curriculum decision making contributes to each child’s learning and development outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.</p> <p><b>Element 1.1.2</b> Each child’s current knowledge, ideas, culture,</p>

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				<p>abilities and interests are the foundation of the program.</p> <p><b>Element 1.1.3</b> The program, including routines, is organised in ways that maximise opportunities for each child’s learning.</p> <p><b>Element 1.1.4</b> The documentation about each child’s program and progress is available to families.</p> <p><b>Element 1.1.5</b> Every child is supported to participate in the program.</p> <p><b>Element 1.1.6</b> Each child’s agency is promoted, enabling them to make choices and decisions and influence events and their world.</p> <p><b>Standard 1.2</b> Educators and co-ordinators are focused, active and reflective in designing and delivering the program for each child.</p> <p><b>Element 1.2.1</b> Each child’s learning and development is assessed as part of an ongoing cycle of planning, documentation and evaluation.</p> <p><b>Element 1.2.2</b> Educators respond to children’s ideas and play and use intentional teaching to scaffold and extend each child’s learning.</p> <p><b>Element 1.2.3</b> Critical reflection on children’s learning and development, both as individuals and in groups, is regularly used to implement the program.</p> <p>For the purposes of Quality area 1:</p>

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				<p>'<b>agency</b>' involves being able to make choices and decisions, to influence events and to have an impact on one's world;</p> <p>'<b>intentional teaching</b>' involves educators being deliberate, purposeful and thoughtful in their decisions and actions. Intentional teaching is the opposite of teaching by rote or continuing with traditions simply because things have <i>always</i> been done that way;</p> <p>'<b>scaffold</b>' means the educators' decisions and actions that build on children's existing knowledge and skills to enhance their learning.</p> <p><b>Quality area 2 — Children's health and safety</b></p> <p>Every child's health and wellbeing is safeguarded and promoted.</p> <p><b>Standard 2.1</b> Each child's health is promoted.</p> <p><b>Element 2.1.1</b> Each child's health needs are supported.</p> <p><b>Element 2.1.2</b> Each child's comfort is provided for and there are appropriate opportunities to meet each child's need for sleep, rest and relaxation.</p> <p><b>Element 2.1.3</b> Effective hygiene practices are promoted and implemented.</p> <p><b>Element 2.1.4</b> Steps are taken to control the spread of infectious diseases and to manage injuries and illness, in</p>

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				<p>accordance with recognised guidelines.</p> <p><b>Standard 2.2</b> Healthy eating and physical activity are embedded in the program for children.</p> <p><b>Element 2.2.1</b> Healthy eating is promoted and food and drinks provided by the service are nutritious and appropriate for each child.</p> <p><b>Element 2.2.2</b> Physical activity is promoted through planned and spontaneous experiences and is appropriate for each child.</p> <p><b>Standard 2.3</b> Each child is protected.</p> <p><b>Element 2.3.1</b> Children are adequately supervised at all times.</p> <p><b>Element 2.3.2</b> Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.</p> <p><b>Element 2.3.3</b> Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.</p> <p><b>Element 2.3.4</b> Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.</p> <p><b>Quality area 3 — Physical environment</b></p> <p>The physical environment is safe, suitable and provides a rich and diverse range of experiences which promote children's</p>



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				<p>learning and development.</p> <p><b>Standard 3.1</b> The design and location of the premises is appropriate for the operation of a service.</p> <p><b>Element 3.1.1</b> Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose.</p> <p><b>Element 3.1.2</b> Premises, furniture and equipment are safe, clean and well maintained.</p> <p><b>Element 3.1.3</b> Facilities are designed or adapted to ensure access and participation by every child in the service and to allow flexible use, and interaction between indoor and outdoor space.</p> <p><b>Standard 3.2</b> The environment is inclusive, promotes competence, independent exploration and learning through play.</p> <p><b>Element 3.2.1</b> Outdoor and indoor spaces are designed and organised to engage every child in quality experiences in both built and natural environments.</p> <p><b>Element 3.2.2</b> Resources, materials and equipment are sufficient in number, organised in ways that ensure appropriate and effective implementation of the program and allow for multiple uses.</p> <p><b>Standard 3.3</b> The service takes an active role in caring for its environment and contributes to a sustainable future.</p>

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				<p><b>Element 3.3.1</b> Sustainable practices are embedded in service operations.</p> <p><b>Element 3.3.2</b> Children are supported to become environmentally responsible and show respect for the environment.</p> <p><b>Quality area 4 — Staffing arrangements</b></p> <p>Staffing arrangements create a safe and predictable environment for children and support warm, respectful relationships. Qualified and experienced educators and co-ordinators encourage children’s active engagement in the learning program. Positive relationships among educators, co-ordinators and staff members contribute to an environment where children feel emotionally safe, secure and happy.</p> <p><b>Standard 4.1</b> Staffing arrangements enhance children’s learning and development and ensure their safety and wellbeing.</p> <p><b>Element 4.1.1</b> Educator-to-child ratios and qualification requirements are maintained at all times.</p> <p><b>Standard 4.2</b> Educators, co-ordinators and staff members are respectful and ethical.</p> <p><b>Element 4.2.1</b> Professional standards guide practice, interactions and relationships.</p> <p><b>Element 4.2.2</b> Educators, co-ordinators and staff members work collaboratively and affirm, challenge, support and learn from each other to further develop their skills, to improve</p>

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				<p>practice and relationships.</p> <p><b>Element 4.2.3</b> Interactions convey mutual respect, equity and recognition of each other’s strengths and skills.</p> <p><b>Quality area 5 — Relationships with children</b></p> <p>Relationships that are responsive, respectful and promote children’s sense of security and belonging free them to explore the environment and engage in learning.</p> <p><b>Standard 5.1</b> Respectful and equitable relationships are developed and maintained with each child.</p> <p><b>Element 5.1.1</b> Interactions with each child are warm, responsive and build trusting relationships.</p> <p><b>Element 5.1.2</b> Every child is able to engage with educators in meaningful, open interactions that support the acquisition of skills for life and learning.</p> <p><b>Element 5.1.3</b> Each child is supported to feel secure, confident and included.</p> <p><b>Standard 5.2</b> Each child is supported to build and maintain sensitive and responsive relationships with other children and adults.</p> <p><b>Element 5.2.1</b> Every child is supported to work with, learn from and help others through collaborative learning opportunities.</p> <p><b>Element 5.2.2</b> Each child is supported to manage their own</p>

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				<p>behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.</p> <p><b>Element 5.2.3</b> The dignity and rights of every child are maintained at all times.</p> <p><b>Quality area 6 — Collaborative partnerships with families and communities</b></p> <p>Collaborative relationships with families are fundamental to achieve quality outcomes for children. Community partnerships that focus on active communication, consultation and collaboration also contribute to children’s learning and wellbeing.</p> <p><b>Standard 6.1</b> Respectful, supportive relationships with families are developed and maintained.</p> <p><b>Element 6.1.1</b> There is an effective enrolment and orientation process for families.</p> <p><b>Element 6.1.2</b> Families have opportunities to be involved in the service and contribute to service decisions.</p> <p><b>Element 6.1.3</b> Current information about the service is available to families.</p> <p><b>Standard 6.2</b> Families are supported in their parenting role and their values and beliefs about child rearing are respected.</p> <p><b>Element 6.2.1</b> The expertise of families is recognised and they share in decision making about their child’s learning and</p>

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				<p>wellbeing.</p> <p><b>Element 6.2.2</b> Current information is available to families about community services and resources to support parenting and family wellbeing.</p> <p><b>Standard 6.3</b> The service collaborates with other organisations and service providers to enhance children’s learning and wellbeing.</p> <p><b>Element 6.3.1</b> Links with relevant community and support agencies are established and maintained.</p> <p><b>Element 6.3.2</b> Continuity of learning and transitions for each child are supported by sharing relevant information and clarifying responsibilities.</p> <p><b>Element 6.3.3</b> Access to inclusion and support assistance is facilitated.</p> <p><b>Element 6.3.4</b> The service builds relationships and engages with their local community.</p> <p><b>Quality area 7 — Leadership and service management</b></p> <p>Effective leadership contributes to sustained quality relationships and environments that facilitate children’s learning and development. Well documented policies and practices that are developed and regularly evaluated in partnership with educators, co-ordinators, staff members and families contribute to the ethical management of the service. There is a focus on continuous improvement.</p>

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				<p><b>Standard 7.1</b> Effective leadership promotes a positive organisational culture and builds a professional learning community.</p> <p><b>Element 7.1.1</b> Appropriate governance arrangements are in place to manage the service.</p> <p><b>Element 7.1.2</b> The induction of educators, co-ordinators and staff members is comprehensive.</p> <p><b>Element 7.1.3</b> Every effort is made to promote continuity of educators and co-ordinators at the service.</p> <p><b>Element 7.1.4</b> Provision is made to ensure a suitably qualified and experienced educator or co-ordinator leads the development of the curriculum and ensures the establishment of clear goals and expectations for teaching and learning.</p> <p><b>Element 7.1.5</b> Adults working with children and those engaged in management of the service or residing on the premises are fit and proper.</p> <p><b>Standard 7.2</b> There is a commitment to continuous improvement.</p> <p><b>Element 7.2.1</b> A statement of philosophy is developed and guides all aspects of the service's operations.</p> <p><b>Element 7.2.2</b> The performance of educators, co-ordinators and staff members is evaluated and individual development plans are in place to support performance improvement.</p> <p><b>Element 7.2.3</b> An effective self-assessment and quality</p>

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				<p>improvement process is in place.</p> <p><b>Standard 7.3</b> Administrative systems enable the effective management of a quality service.</p> <p><b>Element 7.3.1</b> Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements.</p> <p><b>Element 7.3.2</b> Administrative systems are established and maintained to ensure the effective operation of the service.</p> <p><b>Element 7.3.3</b> The Regulatory Authority is notified of any relevant changes to the operation of the service, of serious incidents and any complaints which allege a breach of legislation.</p> <p><b>Element 7.3.4</b> Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.</p> <p><b>Element 7.3.5</b> Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.</p>
	<p><b>School Education Regulations 2000</b></p>	<p>WA</p>	<p>Section 35</p>	<p><b>35. Exemption from compliance with dress code: s. 140(d)(iii)</b></p> <p>(1) The following persons may apply to the principal of a government school to be exempted from complying with one or more of the requirements of the school’s dress code:</p>

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				<p>(a) if the student is an adult student or an independent minor, the student;</p> <p>(b) otherwise, a parent of the student or a person responsible for the student.</p> <p>(2) On an application under subregulation (1), the principal of a school may exempt, for such period as the principal thinks fit, the student from complying with any requirement of the school's dress code on any of the following grounds:</p> <p>(a) the unavailability of a component of the dress code;</p> <p>(b) a matter relating to the student's health;</p> <p>(c) a matter relating to the religious beliefs of the student or the student's family;</p> <p>(d) a matter relating to the cultural background of the student or the student's family;</p> <p>(e) any other matter which, in the principal's opinion, is sufficient to exempt the student from complying with the requirement.</p> <p>(3) The principal may make the exemption subject to conditions.</p> <p>(4) If the principal of a government school exempts a student at the school from complying with any requirement of the school's dress code then the principal must:</p>



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				<p>(a) ensure that a written record is made of:</p> <ul style="list-style-type: none"> <li>(i) each requirement of the school dress code that the student is exempt from complying with;</li> <li>(ii) the period of time for which each exemption has effect;</li> <li>(iii) the ground on which each exemption was given; and</li> <li>(iv) any relevant condition of the exemption;</li> </ul> <p>(b) ensure that the applicant receives a copy of the record; and</p> <p>(c) ensure that each of the student’s teachers is informed of the contents of the record.</p> <p>(5) On an application under subregulation (1) the principal may also determine that the exemption applies:</p> <ul style="list-style-type: none"> <li>(a) to all students at the school in specified circumstances and if so, is to ensure that the persons affected are informed in writing of the details of the exemption; or</li> <li>(b) to all students in a specified category of students at the school and if so, is to ensure that the persons affected are informed in writing of the details of the exemption.</li> </ul> <p>(6) The principal:</p> <ul style="list-style-type: none"> <li>(a) may revoke or vary an exemption given under this regulation at any time; and</li> </ul>

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				(b) is to ensure that the persons affected are informed in writing of the revocation or variation.
			Section 47	<p><b>47. Provision of special religious education: s. 69(1)</b></p> <p>(1) The principal of a government school may request the following persons to advise the principal of the religious denomination or group to which a student belongs:</p> <p>(a) a parent of the student or a person responsible for the student; or</p> <p>(b) if the student is an adult student or an independent minor, the student.</p> <p>(2) A person is not obliged to give the principal the advice requested under subregulation (1).</p> <p>(3) If a government school provides special religious education, the principal of the school is to ensure that appropriate arrangements are in place:</p> <p>(a) to provide for a student at the school to participate in special religious education; and</p> <p>(b) to provide for a student at the school who does not participate in special religious education.</p>
			Section 48	<p><b>48. Persons authorised to give special religious education: s. 69(3)</b></p> <p>(1) The chief executive officer may approve persons as being</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>authorised to give special religious education in schools.</p> <p>(2) The chief executive officer may:</p> <p>(a) make an approval under subregulation (1) subject to conditions; and</p> <p>(b) revoke an approval at any time.</p> <p>(3) The principal of a government school is to ensure, before a person gives special religious education to students at the school, that the person is authorised under subregulation (1) to give special religious education in the school.</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><b>ARTICLE 30:</b> In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Adoption of Children Act</b></p>	<p>NT</p>	<p>section 8</p>	<p><b>Welfare and interests of child to be paramount</b></p> <p>(1) For the purposes of the administration of this Act, adoption shall be regarded as a service for the child concerned, and the welfare and interests of the child shall be the paramount consideration.</p> <p>(2) In determining the welfare and interests of a child referred to in subsection (1), regard shall be had, inter alia, to the ethnicity and religion of the birth parents of the child and, in so doing, the matters set out in Schedule 1 shall be taken into account.</p>
			<p>section 11</p>	<p><b>Adoption of Aboriginal child</b></p> <p>(1) Where an order for the adoption of an Aboriginal child is to be made, the Court shall satisfy itself that every effort has been made (including consultation with the child's parents, with other persons who have responsibility for the welfare of the child in accordance with Aboriginal customary law and with such Aboriginal welfare organisations as are appropriate in the case of the particular child) to arrange appropriate custody:</p> <p>(a) within the child's extended family; or</p> <p>(b) where that cannot be arranged, with Aboriginal people who have the correct relationship with the child in</p>

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				<p>accordance with Aboriginal customary law.</p> <p>(2) In making an order for the adoption of an Aboriginal child, where, in the opinion of the Court, the custody referred to in subsection (1) is not possible or would not be consistent with the welfare and interests of the child, the Court shall ensure that a placement is made that is consistent with the best interests and welfare of the child and in so doing shall:</p> <p>(a) give preference to the adoption of the child by applicants one or both of whom are Aboriginal persons who are, in the opinion of the Minister, suitable to adopt the child;</p> <p>(b) take into consideration the placement of the child in geographical proximity to the family or other relatives of the child who have an interest in, and a responsibility for, the welfare of the child; and</p>
			section 13	<p><b>Adoption by couple</b></p> <p>(1) Except as provided by this section, the Court shall only make an order for the adoption of a child in favour of a couple where the man and woman:</p> <p>(a) are married to each other and have been so married for not less than 2 years; or</p> <p>(b) have entered into a relationship that is recognised as a traditional Aboriginal marriage and has been so recognised for not less than 2 years,</p> <p>on the date on which the order is made.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			sections 12, 13, 14, 15, 27 and 28	recognise aboriginal traditional marriage as a relationship into which a child may be adopted
			section 48	<p><b>48 Names of adopted child</b></p> <p>(1) On the making of an order for the adoption of a child, the surname of the child shall be:</p> <p>(a) where there are 2 adoptive parents who have the same surname, that surname;</p> <p>(b) where there is one adoptive parent, the surname of that adoptive parent; or</p> <p>(c) where there are 2 adoptive parents who have different surnames, one of those surnames,</p> <p>that surname having been specified in the application for the order for the adoption as the proposed surname of the child and approved by the Court, or such other surname as the Court approves in the adoption order.</p> <p>(2) On the making of an order for the adoption of a child the forename or forenames of the child shall be such name or names as the Court, in the adoption order, approves on the application of the adoptive parent or parents.</p> <p>(3) The Court shall not approve a name as a surname or forename of a child under this section unless it is satisfied that, as far as practicable, the wishes and feelings of the child have been ascertained and due consideration given to them, having regard to the age and understanding of the child.</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>(4) Nothing in this section prevents the changing of any name of a child in accordance with a law in force in the Territory after the making of an order for the adoption of the child.</p>
			<p>schedule 1</p>	<p><b>Schedule 1 Matters of ethnicity and religion</b></p> <p>section 8(2)</p> <p>With regard to the matters of ethnicity and religion in determining the welfare and interests of a child, the Minister and the Court shall take into account the following principles:</p> <p>(1) it is preferable that the child should be placed with a family that has the same ethnic and cultural origins as the child's birth parents in order to facilitate an environment that will promote the child's cultural heritage and identity;</p> <p>(2) where the child is an Aboriginal child, recognition is to be given to:</p> <p>(i) the absence of adoption in customary Aboriginal child care arrangements, arrangements for the custody and guardianship of the child being made within the child's extended family or with other Aboriginal people who have the correct relationship under customary Aboriginal law; and</p> <p>(ii) the desire and effort of the Aboriginal community to preserve the integrity of its culture and kinship relationships so that efforts must be made to find placements within families, kin groups or ethnic communities as appropriate;</p> <p>(3) there should be appropriate consultation with the child's</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>parents or other relatives, or representatives of appropriate associations, organisations or groups, in order to ascertain what is the best course of action to promote the ethnic welfare and development of the child;</p> <p>(4) where it is the express wish of the birth parents of a child that the child be placed with a family that has particular religious convictions, preference is to be given to the placement of the child with such a family.</p>
	<p><b>Anti-Discrimination Act</b></p>	<p>NT</p>	<p>Section 19</p>	<p>Prohibition of discrimination</p> <p>(1) Subject to subsection (2), a person shall not discriminate against another person on the ground of any of the following attributes:</p> <ul style="list-style-type: none"> <li>(a) race;</li> <li>(b) sex;</li> <li>(c) sexuality;</li> <li>(d) age;</li> <li>(e) marital status;</li> <li>(f) pregnancy;</li> <li>(g) parenthood;</li> <li>(h) breastfeeding;</li> <li>(j) impairment;</li> </ul>



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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>(k) trade union or employer association activity;</p> <p>(m) religious belief or activity;</p> <p>(n) political opinion, affiliation or activity;</p> <p>(p) irrelevant medical record;</p> <p>(q) irrelevant criminal record;</p> <p>(r) association with a person who has, or is believed to have, an attribute referred to in this section.</p> <p>(2) It is not unlawful for a person to discriminate against another person on any of the attributes referred to in subsection (1) if an exemption under Part 4 or 5 applies.</p> <p>(1) For the purposes of this Act, discrimination includes:</p> <p>(a) any distinction, restriction, exclusion or preference made on the basis of an attribute that has the effect of nullifying or impairing equality of opportunity; and (2) Without limiting the generality of subsection (1), discrimination takes place if a person treats or proposes to treat another person who has or had, or is believed to have or had:</p> <p>(a) an attribute; or</p> <p>(b) a characteristic imputed to appertain to an attribute; or</p> <p>(c) a characteristic imputed to appertain generally to persons with an attribute,</p>

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				<p>less favourably than a person who has not, or is believed not to have, such an attribute.</p>
			Section 24	<p><b>24 Failure to accommodate special need</b></p> <p>(1) A person shall not fail or refuse to accommodate a special need that another person has because of an attribute.</p> <p>(2) For the purposes of subsection (1):</p> <p>(a) a failure or refusal to accommodate a special need of another person includes making inadequate or inappropriate provision to accommodate the special need; and</p> <p>(b) a failure to accommodate a special need takes place when a person acts in a way which unreasonably fails to provide for the special need of another person if that other person has the special need because of an attribute.</p> <p>(3) Whether a person has unreasonably failed to provide for the special need of another person depends on all the relevant circumstances of the case including, but not limited to:</p> <p>(a) the nature of the special need; and</p> <p>(b) the cost of accommodating the special need and the number of people who would benefit or be disadvantaged; and</p> <p>(c) the financial circumstances of the person; and(d) the disruption that accommodating the special need may cause; and</p>

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				(e) the nature of any benefit or detriment to all persons concerned.
			Section 25	<p><b>25 Discriminatory advertising</b></p> <p>A person shall not publish, cause to be published or authorise the publication of an advertisement which promotes or expresses or could reasonably be understood to promote or express prohibited conduct or an intention to engage in prohibited conduct.</p>
			Section 26	<p><b>26 Unnecessary information</b></p> <p>(1) A person shall not ask another person, whether orally or in writing, to supply information on which unlawful discrimination might be based.</p> <p>(2) Subsection (1) does not apply to a request that is necessary to comply with, or is specifically authorised by:</p> <p>(a) a law of the Territory or the Commonwealth; or</p> <p>(b) an order of a court; or</p> <p>(c) a provision of an order or award of a court or tribunal having power to fix minimum wages and other terms of employment; or</p> <p>(d) a provision of an industrial agreement; or</p> <p>(e) an order of the Commissioner.</p> <p>(3) Subsection (1) does not apply if the person proves, on the</p>

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				balance of probabilities, that the information was reasonably required for a purpose that did not involve discrimination.
			Section 41	<p><b>41 Discrimination in goods, services and facilities area</b></p> <p>(1) A person who supplies goods, services or facilities (whether or not for reward or profit) shall not discriminate against another person:</p> <p>(a) by failing or refusing to supply the goods, services or facilities; or</p> <p>(b) in the terms and conditions on which the goods, services or facilities are supplied; or</p> <p>(c) in the way in which the goods, services or facilities are supplied; or</p> <p>(d) by treating the other person less favourably in any way in connection with the supply of the goods, services or facilities.</p> <p>(2) Subsection (1) does not apply to an association that:</p> <p>(a) is established for social, literary, cultural, political, sporting, athletic, recreational or community service purposes or other similar lawful purposes; and</p> <p>(b) does not carry out its purposes for the purpose of making a profit.</p>
			Section 46	<p><b>46 Discrimination in club membership and club activities</b></p> <p>(1) A club, the committee of management of a club or a</p>

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				<p>member of the committee of management shall not discriminate against a person who is not a member of the club:</p> <p>(a) by failing or refusing to accept the person's application for membership of the club; or</p> <p>(b) in refusing or rejecting a person's membership of the club; or</p> <p>(c) in the terms and conditions on which the club is prepared to admit the person to membership of the club.</p> <p>(2) A club, the committee of management of a club or a member of the committee of management shall not discriminate against a member of the club:</p> <p>(a) in the terms and conditions of membership that are afforded to the member; or</p> <p>(b) by failing or refusing to accept the member's application for a particular class or type of membership of the club; or</p> <p>(c) by failing or refusing to grant the member access, or limiting the member's access, to any benefit provided by the club; or</p> <p>(d) by depriving the member of membership or varying the terms and conditions of membership of the club; or</p> <p>(e) by treating the member less favourably in any way in connection with membership of the club.</p>

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			Section 47	<p><b>47 Exemptions</b></p> <p>(1) A club, the committee of management of a club or a member of the committee of management may exclude applicants for membership of the club who are not members of the group of people with an attribute for whom the club was established if the club operates wholly or mainly:</p> <p>(a) to preserve a minority culture; or</p> <p>(b) to prevent or reduce disadvantage suffered by people of that group.</p> <p>(2) A club, the committee of management of a club or a member of the committee of management may discriminate against a person on the ground of age in membership of the club if the club provides association wholly or mainly for people of a specific age or age group.</p> <p>(3) A club, the committee of management of a club or a member of the committee of management may discriminate against a person on the ground of sex:</p> <p>(a) in membership of the club if the club provides association wholly or mainly for people of one sex; or</p> <p>(b) if the discrimination occurs in relation to the use or enjoyment of a benefit provided by the club where:</p> <p>(i) it is not practicable for the benefit to be used or enjoyed simultaneously, or to the same extent, by both men and women; and</p>

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				<p>(ii) either the same or an equivalent benefit is provided for the use of men and women separately from each other, or men and women are each entitled to a fair and reasonable proportion of the use and enjoyment of the benefit.</p> <p>(4) In determining a matter relating to the application of subsection (3)(b) regard shall be had to:</p> <p>(a) the purposes for which the club is established; and</p> <p>(b) the membership of the club, including any class or type of membership; and</p> <p>(c) the nature of the benefits provided by the club; and</p> <p>(d) the opportunities for the use and enjoyment of those benefits by men and women; and</p> <p>(e) any other relevant circumstances.</p>
			Section 29	<p><b>29 Discrimination in education</b></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>

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				<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 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> <p><b>30 Exemptions</b></p> <p>(1) An educational authority that operates, or proposes to operate, an educational institution wholly or mainly for students of a particular sex may exclude applicants who are not of that sex.</p> <p>(2) An educational authority that operates, or proposes to operate, an educational institution in accordance with the doctrine of a particular religion may exclude applicants who are not of that religion.</p> <p>(3) An educational authority that operates, or proposes to</p>



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			Section 31	<p>operate, an educational institution wholly or mainly for students who have a general or specific impairment may exclude applicants who do not have that impairment.</p> <p><b>31 Discrimination in work area</b></p> <p>(1) A person shall not discriminate:</p> <p>(a) in deciding who should be offered work; or</p> <p>(b) in the terms and conditions of work that is offered; or</p> <p>(c) in failing or refusing to offer work; or</p> <p>(d) by failing or refusing to grant a person seeking work access to a guidance program, vocational training program or other occupational training or retraining program; or</p> <p>(e) in developing the scope or range of a program referred to in paragraph (d).</p> <p>(2) A person shall not discriminate:</p> <p>(a) in any variation of the terms and conditions of work; or</p> <p>(b) in failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit to a worker; or</p> <p>(c) in dismissing a worker; or</p> <p>(d) by treating a worker less favourably in any way in connection with work.</p>

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				<p>(3) A person shall not discriminate against a worker on the grounds of the worker's religious belief or activity by refusing the worker permission to carry out a religious activity during working hours being an activity:</p> <p>(a) of a kind recognized as necessary or desirable by persons of the same religious belief as that of the worker; and</p> <p>(b) the performance of which during working hours is reasonable having regard to the circumstances of the work; and</p> <p>(c) that does not subject the employer to any detriment.</p>
			Section 32	<p><b>32 Discrimination in professional and trade organisations</b></p> <p>(1) An organisation of workers, employers or people who carry on an industry, profession, trade or business shall not discriminate:</p> <p>(a) in failing to accept a person's application for membership of the organisation; or</p> <p>(b) in the arrangements made for deciding who may join; or</p> <p>(c) in deciding who may join; or</p> <p>(d) in the terms on which a person may join.</p> <p>(2) An organisation of workers, employers, or people who carry on an industry, profession, trade or business shall not discriminate:</p>

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				<p>(a) in any variation of the terms of membership of the organisation; or</p> <p>(b) in denying or limiting access to any benefit arising from the membership; or</p> <p>(c) in depriving a person of membership; or</p> <p>(d) by treating a person less favourably in any way in connection with the membership.</p>
			Section 34	<p><b>34 Discrimination in employment agency area</b></p> <p>A person who carries on a business (whether or not for reward or profit) of introducing people seeking work to employers shall not discriminate:</p> <p>(a) by failing or refusing to supply a service of the business, whether to a person seeking work or an employer seeking a worker; or</p> <p>(b) in the terms and conditions on which a service is offered or supplied; or</p> <p>(c) in the way in which a service is supplied; or</p> <p>(d) by treating a person seeking work or an employer seeking a worker less favourably in any way in connection with a service.</p>
			Section 35	<p><b>35 Exemptions – work</b></p> <p>(1) A person may discriminate against another person in the</p>

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				<p>area of work:</p> <p>(a) by fixing reasonable terms and conditions if that other person, because of age or impairment, has a restricted capacity to do the work; or</p> <p>(b) if the discrimination is based:</p> <p>(i) on a genuine occupational qualification which the other person is required to fill; or</p> <p>(ii) on the other person's inability to adequately perform the inherent requirements of the work even where the special need of the other person has been or were to be accommodated.</p> <p>(2) A person may discriminate in offering work where the work is to be performed in the person's home.</p>
			Section 36	<p><b>Exemptions – age</b></p> <p>A person may discriminate on the grounds of age by imposing a standard age for commencement of work or a standard retirement age.</p>
			Section 38	<p><b>Discrimination in accommodation area</b></p> <p>(1) A person shall not discriminate against another person:</p> <p>(a) by failing or refusing to accept an application for accommodation; or</p>

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				<p>(b) by failing or refusing to supply accommodation; or</p> <p>(c) by failing or refusing to renew or extend the supply of accommodation; or</p> <p>(d) in the way in which an application for accommodation is processed; or</p> <p>(e) in the terms and conditions on which accommodation is offered, renewed or extended.</p> <p>(2) A person shall not discriminate against a person to whom accommodation is supplied:</p> <p>(a) in any variation of the terms and conditions on which the accommodation is supplied; or</p> <p>(b) in failing or refusing to grant, or limiting, access to any benefit associated with the accommodation; or</p> <p>(c) in evicting the person from the accommodation; or</p> <p>(d) by treating the person less favourably in any way in connection with the accommodation.</p>
			Section 39	<p><b>39 Discrimination by refusing to allow reasonable alterations</b></p> <p>A person shall not discriminate against a person with an impairment by failing or refusing to allow the person to alter accommodation to meet the person's special needs if:</p>

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				<p>(a) the alteration is at the expense of that person; and</p> <p>(b) the alteration does not require an alteration to the accommodation of another person; and</p> <p>(c) the restoration of the accommodation to its previous condition is reasonably practicable; and</p> <p>(d) the person undertakes at his or her expense to restore the accommodation to its previous condition before leaving it, and it is reasonably likely that the person will do so.</p>
			Section 41	<p><b>41 Discrimination in goods, services and facilities area</b></p> <p>(1) A person who supplies goods, services or facilities (whether or not for reward or profit) shall not discriminate against another person:</p> <p>(a) by failing or refusing to supply the goods, services or facilities; or</p> <p>(b) in the terms and conditions on which the goods, services or facilities are supplied; or</p> <p>(c) in the way in which the goods, services or facilities are supplied; or</p> <p>(d) by treating the other person less favourably in any way in connection with the supply of the goods, services or facilities.</p> <p>(2) Subsection (1) does not apply to an association that:</p> <p>(a) is established for social, literary, cultural, political,</p>

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				<p>sporting, athletic, recreational or community service purposes or other similar lawful purposes; and</p> <p>(b) does not carry out its purposes for the purpose of making a profit.</p>
			Section 43	<p><b>43 Exemptions – cultural or religious sites</b></p> <p>A person may restrict access to land, a building or place of cultural or religious significance by people who are not of a particular sex, age, race or religion if the restriction:</p> <p>(a) is in accordance with the culture or the doctrine of the religion; and</p> <p>(b) is necessary to avoid offending the cultural or religious sensitivities of people of the culture or religion</p>
			Section 46	<p><b>46 Discrimination in club membership and club activities</b></p> <p>(1) A club, the committee of management of a club or a member of the committee of management shall not discriminate against a person who is not a member of the club:</p> <p>(a) by failing or refusing to accept the person's application for membership of the club; or</p> <p>(b) in refusing or rejecting a person's membership of the club; or</p> <p>(c) in the terms and conditions on which the club is prepared</p>

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				<p>to admit the person to membership of the club.</p> <p>(2) A club, the committee of management of a club or a member of the committee of management shall not discriminate against a member of the club:</p> <p>(a) in the terms and conditions of membership that are afforded to the member; or</p> <p>(b) by failing or refusing to accept the member's application for a particular class or type of membership of the club; or</p> <p>(c) by failing or refusing to grant the member access, or limiting the member's access, to any benefit provided by the club; or</p> <p>(d) by depriving the member of membership or varying the terms and conditions of membership of the club; or</p> <p>(e) by treating the member less favourably in any way in connection with membership of the club.</p>
			Section 47	<p><b>47 Exemptions</b></p> <p>(1) A club, the committee of management of a club or a member of the committee of management may exclude applicants for membership of the club who are not members of the group of people with an attribute for whom the club was established if the club operates wholly or mainly:</p> <p>(a) to preserve a minority culture; or</p> <p>(b) to prevent or reduce disadvantage suffered by people of</p>



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				<p>that group.</p> <p>(2) A club, the committee of management of a club or a member of the committee of management may discriminate against a person on the ground of age in membership of the club if the club provides association wholly or mainly for people of a specific age or age group.</p> <p>(3) A club, the committee of management of a club or a member of the committee of management may discriminate against a person on the ground of sex:</p> <p>(a) in membership of the club if the club provides association wholly or mainly for people of one sex; or</p> <p>(b) if the discrimination occurs in relation to the use or enjoyment of a benefit provided by the club where:</p> <p>(i) it is not practicable for the benefit to be used or enjoyed simultaneously, or to the same extent, by both men and women; and</p> <p>(ii) either the same or an equivalent benefit is provided for the use of men and women separately from each other, or men and women are each entitled to a fair and reasonable proportion of the use and enjoyment of the benefit.</p> <p>(4) In determining a matter relating to the application of subsection (3)(b) regard shall be had to:</p> <p>(a) the purposes for which the club is established; and</p> <p>(b) the membership of the club, including any class or type</p>

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				<p>of membership; and</p> <p>(c) the nature of the benefits provided by the club; and</p> <p>(d) the opportunities for the use and enjoyment of those benefits by men and women; and</p> <p>(e) any other relevant circumstances.</p>
			Section 56	<p><b>56 Sport</b></p> <p>(1) A person may restrict participation in a competitive sporting activity:</p> <p>(a) to either men or women, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity; or</p> <p>(b) to people who can effectively compete; or</p> <p>(c) to people of a specified age or age group; or</p> <p>(d) to people with a general or specific impairment.</p> <p>(2) Subsection (1)(a) does not apply to a sporting activity for children who have not attained 12 years of age.</p> <p>(3) In this section, competitive sporting activity does not include:</p> <p>(a) the coaching of people engaged in a sporting activity; or</p> <p>(b) the umpiring or refereeing of a sporting activity; or</p>

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				<p>(c) the administration of a sporting activity; or</p> <p>(d) a prescribed sporting activity.</p>
	<b>Care and Protection of Children Act</b>	NT	Section 8	<p><b>8 Role of family</b></p> <p>(1) The family of a child has the primary responsibility for the care, upbringing and development of the child.</p> <p>(2) In fulfilling that responsibility, the family should be able to bring up the child in any language or tradition and foster in the child any cultural, ethnic or religious values.</p> <p>(3) A child may be removed from the child's family only if there is no other reasonable way to safeguard the wellbeing of the child.</p> <p>(4) As far as practicable, and consistent with section 10, if a child is removed from the child's family:</p> <p>(a) contact between the child and the family should be encouraged and supported; and</p> <p>(b) the child should eventually be returned to the family.</p>
			Section 9	<p><b>9 Treating child with respect</b></p> <p>(1) Each child is a valued member of society and is entitled to be treated in a way that respects the child's dignity and privacy.</p> <p>(2) Decisions involving a child should be made:</p>

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				<p>(a) promptly having regard to the child's circumstances; and</p> <p>(b) in a way that is consistent with the cultural, ethnic and religious values and traditions relevant to the child; and</p> <p>(c) with the informed participation of the child, the child's family and other people who are significant in the child's life.</p>
			Section 10	<p><b>10 Best interests of child</b></p> <p>(1) When a decision involving a child is made, the best interests of the child are the paramount concern.</p> <p>(2) Without limiting subsection (1), consideration should be given to the following matters in determining the best interests of a child:</p> <p>(a) the need to protect the child from harm and exploitation;</p> <p>(b) the capacity and willingness of the child's parents or other family members to care for the child;</p> <p>(c) the nature of the child's relationship with the child's family and other persons who are significant in the child's life;</p> <p>(d) the wishes and views of the child, having regard to the maturity and understanding of the child;</p> <p>(e) the child's need for permanency in the child's living arrangements;</p>

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				<p>(f) the child's need for stable and nurturing relationships;</p> <p>(g) the child's physical, emotional, intellectual, spiritual, developmental and educational needs;</p> <p>(h) the child's age, maturity, gender, sexuality and cultural, ethnic and religious backgrounds;</p> <p>(i) other special characteristics of the child;</p> <p>(j) the likely effect on the child of any changes in the child's circumstances.</p>
			Section 12	<p><b>12 Aboriginal children</b></p> <p>(1) Kinship groups, representative organisations and communities of Aboriginal people have a major role, through self-determination, in promoting the wellbeing of Aboriginal children.</p> <p>(2) In particular, a kinship group, representative organisation or community of Aboriginal people nominated by an Aboriginal child's family should be able to participate in the making of a decision involving the child.</p> <p>(3) An Aboriginal child should, as far as practicable, be placed with a person in the following order of priority:</p> <p>(a) a member of the child's family;</p> <p>(b) an Aboriginal person in the child's community in accordance with local community practice;</p>

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				<p>(c) any other Aboriginal person;</p> <p>(d) a person who:</p> <p>(i) is not an Aboriginal person; but</p> <p>(ii) in the CEO's opinion, is sensitive to the child's needs and capable of promoting the child's ongoing affiliation with the culture of the child's community (and, if possible, ongoing contact with the child's family).</p> <p>(4) In addition, an Aboriginal child should, as far as practicable, be placed in close proximity to the child's family and community.</p>
	<p><b>Care and Protection of Children (Children's Services) Regulations</b></p>	<p>NT</p>	<p>Section 11</p>	<p>11 The following details about the service (are to be included in a management plan):</p> <p>(a) the philosophy;</p> <p>(b) the management structure;</p> <p>(c) the maximum number and ages of children for whom the service will be provided at any time;</p> <p>(d) the hours of operation;</p> <p>(e) how children will be placed in care groups (for example, by age) and the size of the care groups;</p> <p>(f) admission requirements and enrolment procedures for children;</p>

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				<p>(g) procedures for the payment of fees;</p> <p>(h) the policy governing interaction between carers and children.</p>
			Section 13	<p>13 The following details about the curriculum (are to be included in a management plan):</p> <p>(a) the degree and nature of parent participation in curriculum development;</p> <p>(b) how the individual special and developmental needs of children will be addressed;</p> <p>(c) how the curriculum will be relevant to the cultural backgrounds of children;</p> <p>(d) how the curriculum will encourage independence and self-esteem in children;</p> <p>(e) behaviour management methodologies to be used;</p> <p>(f) how gender equity will be incorporated into the curriculum;</p> <p>(g) the nature and frequency of excursions from the premises.</p>
			Section 17	<p>17 The following details about the supply of food and beverages to children (are to be included in an operating plan):</p> <p>(a) menu planning policies, including provision for special</p>

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				diets; ...
			Section 65	<p><b>65 Interaction with children</b></p> <p>(1) Interactions between carers and children must be conducted in a way that ensures:</p> <p>(a) the dignity and rights of each child are protected; and</p> <p>(b) each child is encouraged to express opinions; and</p> <p>(c) each child is given the opportunity to become self-reliant and develop self-esteem; and</p> <p>(d) each child is given guidance about positive and responsible behaviour; and</p> <p>(e) a child is not required to do anything inappropriate, having regard to the child’s family and cultural values, age and physical and intellectual development; and</p> <p>(f) a child is not exposed to physical punishment, or other punishment that humiliates, frightens or threatens the child; and</p> <p>(g) a child is not required to sleep or rest against the child’s wishes or needs; and</p> <p>(h) regardless of the physical, mental or language ability, gender, religion, culture, family structure or economic status</p>



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				<p>of a child, the child is:</p> <ul style="list-style-type: none"> <li>(i) treated without bias; and</li> <li>(ii) encouraged to fully participate (with necessary help and support) in the educational and recreational programs of the service.</li> </ul> <p>(2) A child must not be exposed to physical or verbal exchanges between adults that may frighten or harm the child.</p> <p>(3) A child must not be isolated for any reason other than illness, accident or an appointment made with the consent of a parent.</p>
			Section 66	<p><b>66 Educational and recreational programs</b></p> <ul style="list-style-type: none"> <li>(1) The educational and recreational programs of the service must be appropriate to the individual learning and developmental needs of each child.</li> <li>(2) Each child at the service must have access to adequate furniture, materials and equipment suitable for the stage of development of the child and the educational or recreational programs provided by the service.</li> </ul>
			Section 68	<p><b>68 Program of activities</b></p> <p>The service must provide a program of activities that:</p> <ul style="list-style-type: none"> <li>(a) balances indoor and outdoor activities; and</li> </ul>

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				<p>(b) facilitates each child's social, physical, emotional, cognitive, language and creative development; and</p> <p>(c) is capable of engaging the interest of children; and</p> <p>(d) allows children to independently select experiences.</p>
			Section 86	<p><b>86 Enrolment record – additional details</b></p> <p>The following additional details must be kept in the enrolment record:</p> <p>...</p> <p>(d) the primary language used in the child's home;</p> <p>...</p> <p>(A) the special needs of the child;</p> <p>...</p> <p>(h) details of any dietary restrictions of the child;</p> <p>...</p>
			Section 4	<p><b>4 Referral by CEO</b></p> <p>As soon as practicable following the appointment of a convenor to convene a mediation conference for a child, the CEO must give the convenor written notice of the following:</p> <p>(a) the name and contact details of the following persons:</p>
	<p><b>Care and Protection of Children (Mediation Conferences) Regulations</b></p>	NT		

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				<ul style="list-style-type: none"> <li>(i) the child;</li> <li>(ii) each parent of the child;</li> <li>(iii) any member of the child's family whom the CEO or a parent of the child considers should be invited to the conference;</li> <li>(iv) any other person whom the CEO or a parent of the child considers should be invited to the conference;</li> <li>(b) the cultural, ethnic and religious background of the child;</li> <li>(c) the purpose for which the conference is to be convened;</li> <li>(d) any other information the CEO considers appropriate.</li> </ul>
			Section 5	<p><b>5 Preparing for mediation conference</b></p> <p>(1) Before convening the mediation conference, the convenor must:</p> <ul style="list-style-type: none"> <li>(a) take the following actions if appropriate to do so, having regard to the child's maturity and understanding: <ul style="list-style-type: none"> <li>(i) explain to the child the purpose of the conference;</li> <li>(ii) discuss with the child whether the child wants a person to be appointed under regulation 6(1) to present, or assist the child to present, the wishes and views of the child at the conference;</li> <li>(iii) discuss with the child whether the child wants a</li> </ul> </li> </ul>

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				<p>particular person to attend the conference to support the child; and</p> <p>(b) explain to such members of the child's family as the convenor considers appropriate the purpose of the conference; and</p> <p>(c) discuss with such members of the child's family as the convenor considers appropriate who should be invited to the conference.</p> <p>(2) Despite subregulation (1), the convenor is not required to take the actions mentioned in subregulation (1)(b) and (c) in relation to a member of the child's family whom the convenor is unable to contact after making reasonable attempts to do so.</p> <p>(3) Before convening the mediation conference the convenor must also invite to the conference any person the convenor considers should attend.</p> <p><i>Note for subregulation (3)</i></p> <p><i>For a mediation conference for an Aboriginal child, the convenor should have regard to section 12(2) of the Act.</i></p> <p>(4) The convenor may arrange for a person who has a similar cultural, ethnic or religious background to the child to assist the convenor to prepare for or conduct the mediation conference.</p>
			Section 6	<b>6 Appointment of representative for child</b>

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				<p>(1) Before convening the mediation conference, the convenor must appoint a suitable person to present, or assist the child to present, the wishes and views of the child at the conference if:</p> <p>(a) the convenor is requested to do so by the child; and</p> <p>(b) the convenor considers it to be in the best interests of the child.</p> <p>(2) In subregulation (1):</p> <p><b>'suitable person'</b> means any person the convenor considers will accurately and effectively present, or assist the child to present, the wishes and views of the child at the mediation conference, taking into account the cultural, ethnic and religious background of the child.</p>
			Section 8	<p><b>8 Conduct of mediation conference</b></p> <p>(1) The convenor may conduct the mediation conference in any way the convenor considers appropriate but must, as far as practicable, convene and conduct the conference in a manner appropriate to the cultural, ethnic and religious background of the child.</p> <p>(2) In addition, the convenor must, as far as practicable, ensure the following things occur at the mediation conference in the order specified:</p> <p>(a) firstly:</p> <p>(i) the convenor explains to the participants the purpose of</p>

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				<p>the conference; and</p> <p>(ii) each participant is given an opportunity to present his or her views and raise concerns relevant to the purpose of the conference;</p> <p>(b) secondly, the family members of the child who are attending the conference (the <b>'family members'</b>) are given an opportunity, in private, to:</p> <p>(i) consider and discuss the views presented and concerns raised by the participants; and</p> <p>(ii) if applicable – develop a proposal for safeguarding the wellbeing of the child (the <b>'proposal'</b>);</p> <p>(c) finally, if applicable:</p> <p>(i) the family members are given an opportunity to present the proposal; and</p> <p>(ii) the participants are given an opportunity to consider and discuss the proposal and negotiate with the family members any aspects of the proposal that may not safeguard the child's wellbeing; and</p> <p>(iii) the participants try to agree on the best means of safeguarding the wellbeing of the child.</p> <p>(3) If, during the mediation conference, an agreement on the best means of safeguarding the wellbeing of the child is arrived at, the convenor must:</p>

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				<p>(a) make a written record of:</p> <p>(i) the details of the agreement; and</p> <p>(ii) the name of each participant who is party to the agreement; and</p> <p>(iii) whether the participant is attending the conference in person or by other means; and</p> <p>(b) arrange for the record to be signed by each participant who is party to the agreement and attending the conference in person.</p>
			Section 13	<p><b>13 Care of child</b></p> <p>The carer must:</p> <p>(a) have interest in, and respect for, the child; and</p> <p>(b) provide a safe, caring and stable environment for the child; and</p> <p>(c) provide appropriate accommodation for the child; and</p> <p>(d) provide the child's material requirements; and</p> <p>(e) ensure the child receives appropriate medical attention when required; and</p> <p>(f) encourage the development of the child; and</p> <p>(g) if the child is enrolled in school – ensure the child attends</p>

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				<p>school; and</p> <p>(h) assist the child to maintain or recover his or her personal, familial and cultural identity; and</p> <p>(i) comply with, and assist with the implementation of, the care plan for the child; and</p> <p>(j) attend training or information sessions as directed by the CEO.</p>
	<b>Criminal Code Act</b>	NT	Section 186B	<p><b>186B Female genital mutilation</b></p> <p>(1) A person who performs female genital mutilation on another person is guilty of a crime and is liable to imprisonment for 14 years.</p> <p>(2) An offence is committed against this section even if one or more of the acts constituting the offence occurred outside the Territory if the person mutilated by or because of the acts is ordinarily resident in the Territory.</p> <p>(3) It is not an offence against this section to perform a surgical operation if the operation:</p> <p>(a) has a genuine therapeutic purpose and is performed by a medical practitioner or authorised professional; or</p> <p>(b) is a gender reassignment procedure and is performed by a medical practitioner.</p> <p>(4) A surgical operation does not have a genuine therapeutic purpose by virtue of the fact that it is performed as, or as part</p>



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				of, a cultural, religious or other social custom.
			Section 186C	<p><b>186C Removal of child from Territory for female genital mutilation</b></p> <p>(1) A person who takes a child from the Territory, or arranges for a child to be taken from the Territory, with the intention of having female genital mutilation performed on the child is guilty of a crime and liable to imprisonment for 14 years.</p> <p>(2) In proceedings for an offence against subsection (1), if it is proved that:</p> <p>(a) the accused took a child, or arranged for a child to be taken, from the Territory; and</p> <p>(b) female genital mutilation was performed on the child while outside the Territory,</p> <p>it shall be presumed, until the contrary is proved, that the accused took the child, or arranged for the child to be taken, from the Territory with the intention of having female genital mutilation performed on the child.</p>
			Section 186D	<p><b>186D Consent not relevant</b></p> <p>It is not a defence to a charge of a crime defined by this Division that the person mutilated by or because of the acts alleged to have been committed:</p> <p>(a) consented to the acts; and/or</p>

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				(b) consented to being taken from the Territory, or that a parent or guardian of the person so consented.
	<b>De Facto Relationships Act</b>	NT	Section 3	<p><b>3 Definitions</b></p> <p>(2) In this Act:</p> <p>(a) a reference to a de facto partner of an Aboriginal or Torres Strait Islander includes a reference to an Aboriginal or Torres Strait Islander to whom the person is married according to the customs and traditions of the particular community of Aboriginals or Torres Strait Islanders with which either person identifies; and</p> <p>(b) a reference to a de facto relationship includes a reference to the relationship between 2 persons who are de facto partners because of paragraph (a).</p>
	<b>Education Act</b>	NT	Section 61B	<p><b>61B Consistency with basic principles</b></p> <p>The philosophy and objects of the governing body of a non-Government school and the school's educational programs (including the way in which they are provided) must be consistent with the following principles:</p> <p>(a) governments should be democratically elected;</p> <p>(b) the rule of law should prevail and all should be equal before the law;</p> <p>(c) there should be freedom of religion, freedom of speech</p>

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				<p>and freedom of association;</p> <p>(d) there should be tolerance of diverse religious, political, social and cultural beliefs and practices, to the extent to which they are consistent with civilised values.</p>
			Section 61B	<p><b>63B Matters to be addressed in application</b></p> <p>(1) The application must set out the proposal for the school in relation to all of the following:</p> <p>(a) the composition of the governing body of the school (including information about each of its directors' skills and experience that is relevant to the proposal);</p> <p>(b) how the governing body's philosophy and objects (including any particular cultural or religious interest connected with the philosophy or objects) and the school's educational programs will be consistent with the principles mentioned in section 61B;</p> <p>(c) the school's methods of governance;</p> <p>(d) a description of the following:</p> <p>(i) the school's location and catchment area (including the population projections for the area and expected effects of the proposal on the existing schools in the area);</p> <p>(ii) the school's educational programs and the year levels and number of its students;</p> <p>(e) the school's facilities, any plans for their maintenance,</p>

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				<p>renovation and expansion and related construction schedules;</p> <p>(f) the insurance coverage for the school's facilities and for any liabilities that may arise from the conduct of its activities;</p> <p>(g) the school's financial and other resources for its operation, the extent to which government financial assistance and other support will be sought, and whether or not the school will be operated for profit (see subsection (3));</p> <p>(h) the school's business plans and budgets for the first 5 years of its operation (including projections of its capital and recurrent expenditure and sources of its income for each of the 5 years);</p> <p>(i) the school's staff establishment (including its structure and size);</p> <p>(j) the school's policy and procedures for ensuring:</p> <p>(i) its staff are of good character; and</p> <p>(ii) its teaching staff are registered with the Teacher Registration Board of the Northern Territory and maintain appropriate standards of professional competence;</p> <p>(k) the school's curriculum and methods of student assessment;</p> <p>(l) the school's procedures for financial management, performance management and accountability, including, for example, procedures for the following:</p>

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				<ul style="list-style-type: none"> <li>(i) the development and implementation of a strategic management plan;</li> <li>(ii) the assessment of the school's performance against goals set out in the strategic management plan and against national benchmarks;</li> <li>(iii) the keeping of financial and other records (including complying with the requirements in sections 67A and 67B);</li> <li>(iv) the reporting on the school's performance to the community and Chief Executive Officer (including complying with the requirements in sections 67A, 67B and 67C);</li> <li>(m) the school's policy in relation to the age of school entry for its students;</li> <li>(n) the school's policy for the discipline of its students;</li> <li>(o) the school's provision for meeting the needs of any of its students who has a disability;</li> <li>(p) the school's policy and procedures for safeguarding the health, safety and wellbeing of its staff and students, including, for example, the following:               <ul style="list-style-type: none"> <li>(i) an occupational health and safety manual for its staff;</li> <li>(ii) procedures to ensure a criminal history report is obtained for each member of its staff;</li> </ul> </li> </ul>

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				<p>(iii) a contingency plan for emergencies;</p> <p>(q) the school's policy and procedures for dealing with complaints and disputes;</p> <p>(r) the school's plan for maintaining a system of self-audit in accordance with section 67D;</p> <p>(s) any other matter, or a matter relating to a matter mentioned in any of the preceding paragraphs, prescribed by regulation.</p> <p>(2) Without limiting subsection (1), the application must demonstrate how the applicant proposes to ensure compliance with the registration requirements.</p> <p>(3) In this Act, a non-Government school is <b>'not operated for profit'</b> if profits made from the operation of the school are used entirely to advance the school's philosophy and objects as stated by its governing body for the purposes of this Act.</p>
			Section 73	<p><b>Religious instruction in government schools</b></p> <p>(1) Subject to this section, the Chief Executive Officer may make regular provision for religious instruction to be given to the children in attendance at a Government school under such conditions and at such times during which the school is open for instruction as he thinks fit.</p> <p>(2) Upon the request, in writing, of the parents of a child or children in attendance at a Government school, the Chief Executive Officer shall, where he considers it practicable,</p>

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				<p>permit a person who is a minister of religion and is nominated by those parents or a person authorized by such a minister of religion, during school hours, to give to the children in attendance at that Government school whose parents wish them to receive religious instruction from that minister of religion or a person authorized by that minister of religion, religious instruction during not less than half an hour in every week when instruction is provided at the school for children, on such days and at such times as the Chief Executive Officer determines.</p>
			Section 20G	<p><b>Child may be withdrawn from specified course</b></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.</p> <p>(2) The 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</p>

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				is not an essential part of the curriculum.
	<p><b>Education and Care Services (National Uniform Legislation) Act 2011</b></p>	NT	Section 3	<p><b>3 Objectives and guiding principles</b></p> <p>(1) The objective of this Law is to establish a national education and care services quality framework for the delivery of education and care services to children.</p> <p>(2) The objectives of the national education and care services quality framework are:</p> <p>(a) to ensure the safety, health and wellbeing of children attending education and care services; and</p> <p>(b) to improve the educational and developmental outcomes for children attending education and care services; and</p> <p>(c) to promote continuous improvement in the provision of quality education and care services; and</p> <p>(d) 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; and</p> <p>(e) to improve public knowledge, and access to information, about the quality of education and care services; and</p> <p>(f) 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>



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				<p>(3) The guiding principles of the national education and care services quality framework are as follows:</p> <p>(a) that the rights and best interests of the child are paramount;</p> <p>(b) that children are successful, competent and capable learners;</p> <p>(c) that the principles of equity, inclusion and diversity underlie this Law;</p> <p>(d) that Australia's Aboriginal and Torres Strait Islander cultures are valued;</p> <p>(e) that the role of parents and families is respected and supported;</p> <p>(f) that best practice is expected in the provision of education and care services.</p>
	<b>Evidence Act</b>	NT	Section 16	<p><b>16 Disallowance of question</b></p> <p>(1) The Court may disallow any question that the Court considers to be misleading, confusing, annoying, harassing, intimidating, offensive, repetitive or phrased in inappropriate language.</p> <p>(2) In determining whether to disallow a question, the Court must have regard to:</p> <p>(a) any relevant condition, attribute or characteristic of the</p>

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				witness, including:  (i) the age, maturity and cultural background of the witness; and  (ii) any mental, intellectual or physical characteristic of the witness; and  (b) if the witness is a child – the principles set out in section 21D.
	<b>Guardianship of Infants Act</b>	NT	Section 14	<b>14 Principles upon which questions relating to custody, upbringing, &amp;c., of infants are to be decided</b>  (1) Where in any proceeding before the court the custody or upbringing of an infant, or the administration of any property belonging to or held in trust for an infant, or the application of the income thereof, is in question, the court in deciding that question shall regard the welfare of the infant as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.  (2) In this section upbringing includes religious instruction.
	<b>Mental Health and Related Services Act</b>	NT	Section 6	<b>6 Mental illness</b>  (1) In this Act, mental illness means a condition that seriously impairs, either temporarily or permanently, the mental functioning of a person in one or more of the areas of

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				<p>thought, mood, volition, perception, orientation or memory and is characterised:</p> <p>(a) by the presence of at least one of the following symptoms:</p> <p>(i) delusions;</p> <p>(ii) hallucinations;</p> <p>(iii) serious disorders of the stream of thought;</p> <p>(iv) serious disorders of thought form;</p> <p>(v) serious disturbances of mood; or</p> <p>(b) by sustained or repeated irrational behaviour that may be taken to indicate the presence of at least one of the symptoms referred to in paragraph (a).</p> <p>(2) A determination that a person has a mental illness is only to be made in accordance with internationally accepted clinical standards.</p> <p>(3) A person is not to be considered to have a mental illness merely because he or she:</p> <p>(a) expresses or refuses or fails to express a particular political or religious opinion or belief, a particular philosophy or a particular sexual preference or sexual orientation;</p> <p>(b) engages, or refuses or fails to engage, in a particular</p>

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				<p>political, religious or cultural activity;</p> <p>(c) engages, or has engaged, in sexual promiscuity, immoral or illegal conduct or anti-social behaviour;</p> <p>(d) has a sexual disorder;</p> <p>(e) is intellectually disabled;</p> <p>(f) uses alcohol or other drugs;</p> <p>(g) has a personality disorder or a habit or impulse disorder;</p> <p>(h) has, or has not, a particular political, economic or social status;</p> <p>(j) communicates, or refuses or fails to communicate, or behaves or refuses or fails to behave, in a manner consistent with his or her cultural beliefs, practices or mores;</p> <p>(k) is, or is not, a member of a particular cultural, racial or religious group;</p> <p>(m) is involved, or has been involved, in family or professional conflict;</p> <p>(n) has been treated for mental illness or has been detained in a hospital that provides treatment of mental illness;</p> <p>(p) has been admitted as an involuntary patient on the grounds of mental disturbance; or</p> <p>(q) has acquired brain damage.</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
			Section 8	<p>This Act is to be interpreted and a power or function conferred or imposed by this Act is to be exercised or performed so that:</p> <p>(a) a person who has a mental illness receives the best possible care and treatment in the least restrictive and least intrusive environment enabling the care and treatment to be effectively given;</p> <p>(b) in providing for the care and treatment of a person who has a mental illness and the protection of members of the public, any restriction on the liberty of the person and any other person who has a mental illness, and any interference with their rights, dignity, privacy and self-respect is kept to the minimum necessary in the circumstances;</p> <p>(c) the objective of treatment is directed towards the purpose of preserving and enhancing personal autonomy;</p> <p>(d) the administration of medication to a person serves the best interests and health needs of the person and is administered only for therapeutic or diagnostic purposes and not as punishment or for the convenience of others;</p> <p>(e) medication to be administered to a person is prescribed only by persons who are authorised by law to do so;</p> <p>(f) a person who has a mental illness who needs language, interpreter, advocacy, legal or other services to assist him or her in communicating has access to those services; and (g) the assessment, care, treatment and protection of an Aboriginal person or a person from a non-English speaking background who has a mental illness is appropriate to, and</p>

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				consistent with, the person's cultural beliefs, practices and mores.
	<b>Status of Children Act</b>	NT	Section 3	<p><b>3 Interpretation</b></p> <p>In this Act, unless the contrary intention appears:</p> <p><b>'marriage'</b> includes:</p> <p>(a) a void marriage and a voidable marriage which has been annulled by a court; and</p> <p>(b) a relationship between an Aboriginal man and woman that is recognized as a traditional marriage by the community or group to which they belong,</p> <p>and <b>'married'</b> has a corresponding meaning.</p>
	<b>Summary Offences Act</b>	NT	Section 46C	<p><b>Disturbing religious worship</b></p> <p>A person who wilfully and without authorization, justification or excuse, proof of which is on him:</p> <p>(a) interrupts or disturbs a meeting of persons lawfully assembled for religious worship;</p> <p>(b) assaults a person lawfully officiating or a person assembled at such a meeting,</p> <p>is guilty of an offence.</p> <p>Penalty: Imprisonment for 6 months.</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
	Youth Justice Regulations	NT	Section 22	<p><b>22 Application of Part</b></p> <p>This Part applies in relation to a youth who is subject to an alternative detention order.</p>
			Section 25	<p><b>25 Youth attending other places</b></p> <p>(1) The youth must not leave the premises or place specified in the alternative detention order except as approved by the Director to attend:</p> <p>(a) the youth's place of employment to engage in that employment; or</p> <p>(b) a place:</p> <p>(i) of religious worship; or</p> <p>(ii) of business; or</p> <p>(iii) that is an educational or rehabilitation centre.</p> <p>(2) Subsection (1) does not prevent the youth from attending a place to obtain urgent medical or dental treatment.</p> <p>(3) The youth must notify a surveillance officer, as soon as practicable, of any absence from the premises or place to receive medical or dental treatment.</p> <p>(4) The youth must proceed directly, and by the shortest practicable route, to and from a place the youth is authorised by this regulation to attend.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			Section 31	<p><b>31 Certain determinations become rules of detention centre</b></p> <p>(1) Determinations relating to conduct of detainees may be referred to as rules of the detention centre.</p> <p>(2) The Superintendent must ensure a copy of the rules is posted in a place or places where detainees can access them.</p> <p>(3) If a detainee is unable to read and understand the rules, a member of staff must explain them to the detainee in a language and manner the detainee is likely to understand, having regard to the detainee's age, maturity, cultural background and English language skills.</p> <p>(4) A breach of the rules by a detainee may result in disciplinary action.</p> <p>(5) If a determination is amended or a new determination is made, the Superintendent must ensure all detainees are made aware of any change to the rules.</p>
			Section 43	<p><b>43 Individual management plan</b></p> <p>(1) If a medical practitioner assesses the detainee as being at risk of self-harm, the medical practitioner must formulate and document an individual management plan for the detainee.</p> <p>(2) The plan must be culturally appropriate for the detainee.</p> <p>(3) The medical practitioner must consult, as practicable, with:</p>



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				<p>(a) persons having relevant knowledge of the detainee; and</p> <p>(b) persons likely to play a key role in the management of the detainee.</p> <p>(4) The plan must be updated as appropriate after each time a health professional has contact with the detainee.</p>
			Section 62	<p><b>62 Detainee dietary requirements</b></p> <p>(1) The Superintendent must ensure food supplied to detainees meets the dietary requirements of developing youths.</p> <p>(2) If the Superintendent determines that, because of religious or personal beliefs, a detainee requires special dietary consideration, the Superintendent must ensure those requirements are met to the extent practicable.</p> <p>(3) If the Superintendent has been informed of a detainee's special dietary requirements by a medical practitioner, the Superintendent must ensure those dietary requirements are met.</p>
			Section 63	<p><b>63 Access to ministers of religion</b></p> <p>The Superintendent must ensure:</p> <p>(a) detainees have access to an appropriate minister of religion if required; and</p> <p>(b) detainees may pursue their religious beliefs to the extent</p>

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				practicable.

**8. Tasmania**

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 30</b></p> <p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Adoption Act 1988</b></p>	<p>TAS</p>	<p>24</p>	<p>Court to be satisfied as to certain matters</p> <p>(1) The court shall not make an order for the adoption of a child unless the court has received a report in writing on behalf of the Secretary or the principal officer of an approved agency concerning the proposed adoption and, after considering the report and any other evidence before it, the court is satisfied that:</p> <p>.....</p> <p>(b) the Secretary or principal officer has given consideration so far as practicable to any wishes expressed by a parent of the child, particularly in relation to the religion, marital status, sexual orientation, race, or ethnic background of the prospective adoptive parents of the child; and</p>
	<p><b>Anti-Discrimination Act 1998</b></p>	<p>TAS</p>	<p>40</p>	<p>A person may discriminate against another person on the ground of race in relation to the use of any benefit provided by a club:</p> <p>(a) to preserve a minority culture; or</p> <p>(b) to prevent or reduce any disadvantage that may be suffered by a member of that race.</p>
			<p>52</p>	<p>A person may not discriminate on the grounds of religious</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
				belief, affiliation or practice
	<b>Children, Young Persons and their Families Act 1997</b>	TAS	3	' <b>Aboriginal child</b> ' means a child who is an Aboriginal person within the meaning of the <i>Aboriginal Lands Act 1995</i> ;
			8	<p><b>8. Principles to be observed in dealing with children</b></p> <p>(1) The administration of this Act is to be founded on the following principles:</p> <p>(2) In any exercise of powers under this Act in relation to a child:</p> <p>(a) the best interests of the child must be the paramount consideration; and</p> <p>(b) serious consideration must be given to the desirability of</p> <p>...</p> <p>(iii) not withdrawing the child unnecessarily from the child's familiar environment, culture or neighbourhood; ...</p> <p>(v) preserving and enhancing the child's sense of ethnic, religious or cultural identity, and making decisions and orders that are consistent with ethnic traditions or religious or cultural values;</p>
			9	<p><b>9. Principles relating to dealing with Aboriginal children</b></p> <p>(1) A decision or order as to where or with whom an Aboriginal child will reside may not be made under this Act</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>except where a recognised Aboriginal organisation has first been consulted.</p> <p>(2) In making any decision or order under this Act in relation to an Aboriginal child, a person or the Court must, in addition to complying with the principles set out in section 8:</p> <p>(a) have regard to any submissions made by or on behalf of a recognised Aboriginal organisation consulted in relation to the child; and</p> <p>(b) if a recognised Aboriginal organisation has not made any submissions, have regard to Aboriginal traditions and cultural values (including kinship rules) as generally held by the Aboriginal community; and</p> <p>(c) have regard to the general principle that an Aboriginal child should remain within the Aboriginal community.</p>
			55	<p><b>55. Determining what is child's best interests</b></p> <p>(1) In determining what is in the child's best interests, the Court must consider the following matters:...</p> <p>(f) the child's maturity, sex, background and culture (including any need to maintain a connection with the lifestyle, culture and traditions of the Aboriginal community) and any other characteristics of the child that the Court considers relevant;</p>
			34	<p><b>34. Religious instruction</b></p>
	<b>Education Act 1994</b>	TAS		

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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>(1) Religious instruction for students may be provided at a State school with the approval of the Secretary.</p> <p>(2) 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 for student instruction.</p> <p>(3) Religious instruction at a State school is to be provided:</p> <p>(a) by a member of the clergy, or another person, authorized to do so by the religious body to which that member or person belongs; and</p> <p>(b) during any time the principal determines.</p> <p>(4) Attendance at any class for religious instruction is not compulsory for any student.</p> <p>(5) A principal may require a parent of a student at a State school to notify whether or not the student is to attend any religious instruction provided by the school.</p>
	<p><b>Guardianship and Custody of Infants Act 1934</b></p>	TAS	15	<p><b>15. Power of Court as to child's religious education</b></p> <p>Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that 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 should be brought up, the Court shall have power to make such order as it thinks fit to secure that the child is brought up in the</p>

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<b>CRC Article Number &amp; Description</b>	<b>Relevant Australian Legislation</b>	<b>Cth/ State</b>	<b>Relevant Provisions of the Australian Legislation</b>	<b>Summary/Description of Relevant Provision</b>
				religion in which the parent has a legal right to require that the child should be brought up.

**9. Australian Capital Territory**

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 30</b></p> <p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	<p><b>Adoption Act 1993</b></p>	<p>ACT</p>	<p>4</p>	<p><b>Objects of Act</b></p> <p>The main objects of this Act include:</p> <p>...</p> <p>(c) ensuring that the Aboriginal and Torres Strait Islander people are included and participate in any adoption of an Aboriginal or Torres Strait Islander child or young person;</p>
			<p>6</p>	<p><b>Aboriginal and Torres Strait Islander child or young person—additional requirements</b></p> <p>In addition to section 5, a person making a decision under this Act in relation to an Aboriginal or Torres Strait Islander child or young person must:</p> <p>(a) take into account the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community; and</p> <p>(b) seek and consider submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing ongoing support services to the child or young person or the child's or young person's family;</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>and</p> <p>(c) take into account Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.</p>
			9	<p><b>Principles applying to Act</b></p> <p>(1) In making a decision under this Act in relation to a child or young person, a decision-maker must have regard to the following principles where relevant, except when it is, or would be, contrary to the best interests of a child or young person:</p> <p>(a) the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;</p> <p>(b) the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;</p> <p>(c) the child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered;</p> <p>(d) delay in decision-making processes under the Act should be avoided because delay is likely to prejudice the child's or young person's wellbeing.</p>

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				<p>Note In addition to these general principles, the following principles also apply:</p> <p>(a) for the care and protection chapters—care and protection principles (see s 350);</p> <p>(b) for ch 20—childcare services principles (see s 730).</p> <p>(2) A decision-maker exercising a function under this Act must, where practicable and appropriate, have qualifications, experience or skills suitable to apply the principles in subsection (1) in making decisions under the Act in relation to children and young people.</p>
			13	<p><b>Who is a family member of a child or young person?</b></p> <p>In this Act:</p> <p><b>'family member'</b>, of a child or young person:</p> <p>(a) means the child's or young person's:</p> <p>(i) parent, grandparent or step-parent; or</p> <p>(ii) son, daughter, stepson or stepdaughter; or</p> <p>(iii) sibling; or</p> <p>(iv) uncle or aunt; or</p> <p>(v) nephew, niece or cousin; and</p> <p>(b) for an Aboriginal or Torres Strait Islander child or young</p>

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				<p>person—includes a person who has responsibility for the child or young person in accordance with the traditions and customs of the child's or young person's Aboriginal or Torres Strait Islander community.</p>
			35A	<p><b>Placement of child or young person before adoption</b></p> <p>(1) The director-general may place a child or young person in the care of a person if:</p> <p>(a) the director-general is the guardian of the child or young person; and</p> <p>(b) the person:</p> <p>(i) is on the register of suitable people; and</p> <p>(ii) intends to apply for an adoption order for the child or young person; and</p> <p>(iii) has asked the director-general, in writing, to place the child or young person in the person's care until the application is decided; and</p> <p>Note If a form is approved under s 120A for this provision, the form must be used.</p> <p>(c) the child or young person has been consulted under section 35B; and</p> <p>(d) if the child or young person is an Aboriginal or Torres Strait Islander child or young person—the additional</p>

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				<p>requirements mentioned in section 6 (Aboriginal and Torres Strait Islander child or young person—additional requirements) have been complied with.</p> <p>....</p>
			39 D	<p><b>Report on proposed adoption</b></p> <p>(1) The director-general, or the principal officer of a private adoption agency that made the arrangements that resulted in an application for an adoption order for a child or young person, must give a written report to the court.</p> <p>(2) The written report must include:</p> <p>(a) information about the circumstances of the child or young person; and</p> <p>(b) information about the proposed adoption, including the applicant's reputation, ability to fulfil the responsibility of a parent and suitability to adopt the particular child or young person; and</p> <p>(c) an adoption plan.</p> <p>(3) The adoption plan may include anything that is appropriate taking into account the best interests of the child or young person, including:</p> <p>(a) the preferences of a parent of the child or young person and of any person whose consent is required for the adoption in relation to the social, religious and financial characteristics</p>

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				<p>of the adoptive family; and</p> <p>(b) arrangements for exchanging information about the child's or young person's medical background or condition; and</p> <p>(c) arrangements for ongoing contact between the child or young person and 1 or more of the following:</p> <p>(i) a parent of the child or young person;</p> <p>(ii) a person whose consent is required for the adoption;</p> <p>(iii) a person who otherwise has a significant relationship with the child or young person; and</p> <p>(d) the way the child or young person is to develop an understanding about his or her family background and culture and have the opportunity to maintain or develop cultural identity.</p> <p>....</p>
			39G	<p><b>Aboriginal or Torres Strait Islander child or young person</b></p> <p>(1) This section is in addition to, and does not limit, section 39F.</p> <p>(2) An adoption order must not be made for an Aboriginal or Torres Strait Islander child or young person unless the court</p>

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				<p>is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the additional requirements mentioned in section 6 (Aboriginal and Torres Strait Islander child or young person—additional requirements) have been complied with; and</li> <li>(b) it is not practicable for the child or young person to remain in the care of the birth parents or a responsible person; and</li> <li>(c) the choice of the adoptive parents has been made having regard to the desirability of the child or young person:               <ul style="list-style-type: none"> <li>(i) being in the care of a person who is a member of an Aboriginal or Torres Strait Islander community; and</li> <li>(ii) being able to establish and maintain contact with his or her birth parents, any responsible person and the Aboriginal or Torres Strait Islander community of which the child or young person is or was a member.</li> </ul> </li> </ul>
	<p><b>Children and Young People Act 2008</b></p>	<p>ACT</p>	<p>7</p>	<p><b>Main objects of Act</b></p> <p>The objects of this Act include:</p> <ul style="list-style-type: none"> <li>(a) providing for, and promoting, the wellbeing, care and protection of children and young people in a way that:               <ul style="list-style-type: none"> <li>(i) recognises their right to grow in a safe and stable environment; and</li> </ul> </li> </ul>

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				<p>(ii) takes into account the responsibilities of parents, families, the community and the whole of government for them; and</p> <p>(b) ensuring that children and young people are provided with a safe and nurturing environment by organisations and people who, directly or indirectly, provide for their wellbeing, care and protection; and</p> <p>(c) preventing abuse and neglect of children and young people by providing whole of government assistance to children and young people, their parents and families, the community, and others who have responsibility for them; and</p> <p>(d) ensuring that Aboriginal and Torres Strait Islander people are included and participate in:</p> <p>(i) providing for, and promoting, the wellbeing, care and protection of Aboriginal and Torres Strait Islander children and young people; and</p> <p>(ii) preventing the abuse and neglect of Aboriginal and Torres Strait Islander children and young people; and</p> <p>(iii) rehabilitating and reintegrating Aboriginal and Torres Strait Islander young offenders; and</p> <p>(e) ensuring that services provided by, or for, government for the wellbeing, care and protection of children and young people:</p> <p>(i) are centred on the needs of children and young people;</p>

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				<p>and</p> <p>(ii) are informed by processes which engage children and young people, wherever possible, and take their views and wishes into account; and</p> <p>(iii) foster and promote the health, education, developmental needs, spirituality, self-respect, self-reliance and dignity of children and young people; and</p> <p>(iv) respect the individual race, ethnicity, religion, disability, sexuality and culture of children and young people; and</p> <p>(f) ensuring that young offenders:</p> <p>(i) receive positive support and opportunities to become rehabilitated and reintegrated community members; and</p> <p>(ii) share responsibility for rehabilitation and reintegration with their parents and families, the community and the government in partnership; and</p> <p>(g) imposing standards that must be complied with for the delivery of services to children and young people; and</p> <p>(h) ensuring the protection of children and young people in employment.</p>
			10	<p><b>Aboriginal and Torres Strait Islander children and young people principle</b></p> <p>In making a decision under this Act in relation to an</p>



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				<p>Aboriginal or Torres Strait Islander child or young person, in addition to the matters in section 8 and section 9, the decision-maker must take into account the following:</p> <p>(a) the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community;</p> <p>(b) submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing ongoing support services to the child or young person or the child's or young person's family;</p> <p>(c) Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.</p> <p>Note For decisions about placement of an Aboriginal or Torres Strait Islander child or young person with an out-of-home carer, see s 513 (Priorities for placement with out-of-home carer—Aboriginal or Torres Strait Islander child or young person).</p>
			20	<p><b>Long-term care responsibility for children and young people</b></p> <p>(1) A person who has long-term care responsibility for a</p>

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				<p>child or young person has:</p> <p>(a) responsibility for the long-term care, protection and development of the child or young person; and</p> <p>(b) all the powers, responsibilities and authority a guardian of a child or young person has by law in relation to the child or young person.</p> <p>Examples—long-term care responsibilities</p> <p>1 administration, management and control of the child's or young person's property</p> <p>2 religion and observance of racial, ethnic, religious or cultural traditions</p> <p>3 obtaining or opposing the issuing of a passport for the child or young person</p> <p>4 long-term decisions about education, training and employment</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <i>Legislation Act</i>, s 126 and s 132).</p> <p>(2) A person who has long-term care responsibility for a child or young person may, on the advice of a health practitioner or health professional, consent to health care treatment that involves surgery for the child or young person.</p>

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				<p>Note Consent to minor dental surgery may be given by a person who has daily care responsibility for the child or young person (see s 19 (2) (c)).</p> <p>(3) This section does not limit the matters for which the person has responsibility in relation to the child or young person, but is subject to:</p> <p>(a) a court order (under this Act or another law); and</p> <p>(b) if there is a care plan in force for the child or young person—the care plan.</p> <p>Note 1 The Childrens Court may make a care and protection order for a child or young person that includes a parental responsibility provision giving long-term care responsibility for the child or young person to someone, or removing the responsibility from someone, or stating how someone may exercise the responsibility (see pt 14.6).</p> <p>Note 2 A care plan for a child or young person is a written plan of the director-general's proposals for the care and protection of the child or young person (see s 455).</p> <p>(4) To remove any doubt, this section does not affect any right of a child or young person to consent to their own health care treatment.</p>
			141	<p><b>Detention places—minimum living conditions</b></p> <p>(1) To protect the human rights of young detainees in detention at detention places, the director-general must</p>

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				<p>ensure, as far as practicable (including during any emergency declared under section 149), that conditions at detention places meet at least the following minimum standards:</p> <p>...</p> <p>(k) young detainees must have reasonable opportunities for religious, spiritual and cultural observances.</p> <p>Example—par (k)</p> <p>observances and practices relating to religious or spiritual beliefs, including Aboriginal and Torres Strait Islander spiritual beliefs</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <i>Legislation Act</i>, s 126 and s 132).</p> <p>(2) Part 6.5 applies to living conditions at detention places.</p>
			167	<p><b>Food and drink</b></p> <p>(1) The director-general must ensure that:</p> <p>(a) sufficient nutritional food and drink are provided for young detainees to avoid hunger and poor nourishment; and</p> <p>(b) meals are provided for young detainees at times consistent with the cultural norms of Australia; and</p> <p>(c) clean drinking water is provided to meet the needs of</p>

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				<p>young detainees.</p> <p>(2) The director-general must also ensure, as far as practicable, that allowance is made for the religious, spiritual and cultural needs of young detainees in relation to the provision of food and drink.</p> <p>...</p>
			183	<p><b>Religious, spiritual and cultural needs</b></p> <p>(1) The director-general must ensure, as far as practicable, that provision is made at detention places for the religious, spiritual and cultural needs of young detainees.</p> <p>Examples— religious, spiritual or cultural needs</p> <p>1 observances and practices relating to religious or spiritual beliefs, including Aboriginal or Torres Strait Islander spiritual beliefs</p> <p>2 observances or practices arising because a person belongs to a particular culture</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <i>Legislation Act</i>, s 126 and s 132).</p> <p>(2) In particular, the director-general must ensure, as far as practicable, that young detainees have reasonable access to:</p> <p>(a) ministers of religion and other people with standing in a</p>

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				<p>particular culture whom young detainees wish to see for religious, spiritual or cultural purposes; and</p> <p>(b) religious services at the detention place; and</p> <p>(c) books and other articles associated with their religious, spiritual or cultural practices.</p> <p>(3) However, the director-general may give directions denying or limiting a young detainee's access under subsection (1) or (2) if the director-general suspects on reasonable grounds that it may:</p> <p>(a) undermine security or good order at a detention place; or</p> <p>(b) revictimise a victim; or</p> <p>(c) circumvent any process for investigating complaints or reviewing decisions under this Act; or</p> <p>(d) have the purpose of causing community distress.</p> <p>(4) A young detainee must not be required to receive a visit from anyone representing a particular religion, spiritual belief or culture, or attend any related service or practice, if the young detainee does not wish to do so.</p> <p>(5) For chapter 8, subsections (1) and (2) are taken to provide an entitlement for each young detainee in relation to religious, spiritual and cultural needs.</p>

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				<p>(6) In this section:</p> <p><b>'minister of religion'</b> means:</p> <p>(a) a person registered under the <i>Marriage Act 1961</i> (Cwlth), part 4.1 (Authorised celebrants); or</p> <p>(b) a person prescribed by regulation.</p>
			349	<p><b>What is in best interests of child or young person?</b></p> <p>(1) For the care and protection chapters, in deciding what is in the best interests of a child or young person, a decision-maker must consider each of the following matters that are relevant to the child or young person:</p> <p>...</p> <p>(g) for an Aboriginal or Torres Strait Islander child or young person—that it is a high priority to protect and promote the child's or young person's cultural and spiritual identity and development by, wherever possible, maintaining and building the child's or young person's connections to family, community and culture;</p>
			350	<p><b>Care and protection principles</b></p> <p>...</p> <p>(2) The care and protection principles must be applied in addition to the principles under section 9 (Principles applying to Act) and section 10 (Aboriginal and Torres Strait Islander</p>

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			455	<p>children and young people principle).</p> <p><b>What is a care plan?</b></p> <p>In this Act:</p> <p>"care plan", for a child or young person who is, or is proposed to be, subject to a care and protection order or interim care and protection order:</p> <p>(a) means a written plan for meeting the child's or young person's protection or care needs; and</p> <p>(b) may include proposals for the purposes of case planning about the following:</p> <p>(i) who the director-general considers would be the best person to have a stated aspect of parental responsibility for the child or young person;</p> <p>(ii) for an Aboriginal or Torres Strait Islander child or young person—the preservation and enhancement of the identity of the child or young person as an Aboriginal or Torres Strait Islander person;</p> <p>(iii) if the director-general proposes to place the child or young person in kinship care or foster care—the kind of placement that will be sought or provided for the child or young person including any interim placement arrangements;</p> <p>Note Placement of children and young people in kinship care</p>



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				<p>and foster care is dealt with in div 15.4.1.</p> <p>(iv) how the director-general proposes to ensure the living arrangements for the child or young person are as stable as possible;</p> <p>(v) contact arrangements for the child or young person with family members and significant people as appropriate;</p> <p>(vi) services to be provided for the child or young person.</p>
			457	<p><b>Care plans—who must be consulted</b></p> <p>(1) If the director-general is preparing a care plan for a child or young person, the director-general must:</p> <p>(a) tell the following people about the proposals the director-general intends to include in the care plan:</p> <p>(i) the child or young person;</p> <p>(ii) each person who has daily care responsibility for the child or young person;</p> <p>(iii) anyone else who would be involved in implementing a proposal;</p> <p>Examples—people who would be involved</p> <p>1 an out-of-home carer for the child or young person</p> <p>2 a community-based service that is providing services to the</p>

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				<p>child or young person</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see <i>Legislation Act</i>, s 126 and s 132).</p> <p>(iv) for a proposal prepared under section 455 (b) (ii):</p> <p>(A) Aboriginal or Torres Strait Islander people who have an interest in the wellbeing of the child or young person through family, kinship and cultural ties; and</p> <p>(B) any Aboriginal or Torres Strait Islander people or organisation identified by the director-general as providing ongoing support services to the child or young person or the child's or young person's family; and</p> <p>(b) give the people opportunity to make submissions to the director-general about the proposals.</p> <p>(2) If a person makes a submission to the director-general about a proposal, the director-general must consider the submission.</p>
			512	<p><b>Director-general may place child or young person with out-of-home carer</b></p> <p>...</p> <p>(2) If the director-general is placing an Aboriginal or Torres Strait Islander child or young person with an out-of-home</p>

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			513	<p>carer, the placement must be in accordance with section 513.</p> <p><b>Priorities for placement with out-of-home carer— Aboriginal or Torres Strait Islander child or young person</b></p> <p>(1) If the director-general is placing an Aboriginal or Torres Strait Islander child or young person with an out-of-home carer under section 512, the director-general must place the child or young person with the first of the options mentioned in subsection (2) that:</p> <p>(a) is available; and</p> <p>(b) to which the child or young person does not object; and</p> <p>(c) is consistent with any Aboriginal or Torres Strait Islander cultural plan in force for the child or young person.</p> <p>(2) The director-general may place an Aboriginal or Torres Strait Islander child or young person with any of the following out-of-home carers:</p> <p>(a) a kinship carer;</p> <p>(b) a foster carer who is a member of the child's or young person's Aboriginal or Torres Strait Islander community in a relationship of responsibility for the child or young person according to local custom and practice;</p> <p>(c) a foster carer who is a member of the child's or young</p>

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				<p>person's community;</p> <p>(d) an Aboriginal or Torres Strait Islander foster carer;</p> <p>(e) a non-Aboriginal or Torres Strait Islander foster carer who:</p> <p>(i) the director-general believes on reasonable grounds is sensitive to the child's or young person's needs; and</p> <p>(ii) the director-general believes on reasonable grounds is capable of promoting the child's or young person's ongoing contact with the child's or young person's Aboriginal or Torres Strait Islander family, community and culture; and</p> <p>(iii) if family reunion or continuing contact with the child's or young person's Aboriginal or Torres Strait Islander family, community or culture is a consideration in the placement— lives near the child's or young person's Aboriginal or Torres Strait Islander family or community.</p> <p>(3) In this section:</p> <p>"Aboriginal or Torres Strait Islander cultural plan", for an Aboriginal or Torres Strait Islander child or young person, means a care plan developed for the child or young person by the director-general under section 455 (What is a care plan ?) that includes proposals for the preservation and enhancement of the identity of the child or young person as an Aboriginal or Torres Strait Islander person.</p>

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			536	<p><b>What is a therapeutic protection plan?</b></p> <p>In this Act:</p> <p>"therapeutic protection plan", for a child or young person for whom the director-general has applied for a therapeutic protection order:</p> <p>(a) means a plan to reduce the likelihood of the child or young person engaging in harmful conduct in the future arranged by the director-general in consultation, as far as is practicable, with:</p> <p>(i) the child or young person; and</p> <p>(ii) the parents of the child or young person; and</p> <p>(iii) each other person (if any) who has daily care responsibility for the child or young person; and</p> <p>(iv) anyone else who is proposed to be involved in implementing the plan; and</p> <p>(b) includes written details of the following for the proposed period of confinement:</p> <p>(i) when the period of confinement is to start and end;</p> <p>(ii) the therapy, counselling or other service that is proposed for the child or young person;</p> <p>(iii) the expected results of the therapy, counselling or other</p>

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				<p>service;</p> <p>(iv) the education that is proposed for the child or young person;</p> <p>(v) the supervision that is proposed for the child or young person;</p> <p>(vi) the proposed arrangements for the child's or young person's contact with:</p> <p>(A) family members; and</p> <p>(B) significant people for the child or young person; and</p> <p>(C) other people;</p> <p>(vii) for an Aboriginal or Torres Strait Islander child or young person—the proposed arrangements for the preservation and enhancement of the identity of the child or young person as an Aboriginal or Torres Strait Islander person.</p> <p>Note If the public advocate or an official visitor asks the director-general for a therapeutic protection plan for a child or young person, the director-general must provide a copy promptly (see s 631).</p>
			644	<p><b>Director-general transfer—considerations</b></p> <p>In deciding whether to transfer a child welfare order for a child or young person to a participating State, the director-</p>

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				<p>general must have regard to:</p> <p>....</p> <p>(b) the principles set out in section 9 (Principles applying to Act) and section 10 (Aboriginal and Torres Strait Islander children and young people principle); and</p>
			651	<p><b>Childrens Court transfer—considerations</b></p> <p>(1) In deciding what order to make on an application under this division, the Childrens Court must have regard to:</p> <p>...</p> <p>(b) the principles set out in section 9 (Principles applying to Act) and section 10 (Aboriginal and Torres Strait Islander children and young people principle); and</p>
			731	<p><b>Application—ch 20</b></p> <p>(1) This chapter does not apply to care provided for a child:</p> <p>(a) at a playgroup; or</p> <p>(b) by an education and care service within the meaning of the Education and Care Services National Law (ACT); or</p> <p>(c) in conjunction with a meeting, function or similar activity that involves a person who has daily care responsibility for the child, at the same or adjacent premises (unless provided in conjunction with the person's usual employment); or</p>

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				<p>(d) by a family member (unless provided as part of a family day care scheme); or</p> <p>(e) by an out-of-home carer with whom the director-general has placed the child or young person under section 512; or</p> <p>Note If the director-general has daily care responsibility for a child or young person, the director-general must place the child or young person with an out-of-home carer (see pt 15.4).</p> <p>(f) by a government school or non-government school under the <i>Education Act 2004</i>, whether provided during or outside school hours; or</p> <p>(g) by a person providing home education to the child if the child is registered, or provisionally registered, for home education under the <i>Education Act 2004</i>; or</p> <p>(h) that is incidental to the child's participation in religious instruction, sporting, educational, recreational or cultural events or activities; or</p> <p>(i) that is incidental to activities by the child as a member, or while training to become a member, of a club or class sponsored by a non-profit community organisation; or</p> <p>(j) while the child is a patient in a hospital, including a day hospital.</p> <p>(2) In this section:</p>



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				'day hospital'—see the <i>Health Act 1993</i> , dictionary.
	<b>Education Act 2004</b>	ACT	12A	<p><b>Exemption certificate—issue</b></p> <p>(1) The director-general may:</p> <p>(a) issue an exemption certificate for a child if the director-general is satisfied on reasonable grounds that it is in the child's best interests to issue the certificate; or</p> <p>(b) refuse to issue an exemption certificate for a child.</p> <p>(2) Without limiting subsection (1) (a), in deciding whether it is in a child's best interests to exempt the child, the director-general may consider the following:</p> <p>(a) the child's health;</p> <p>(b) the child's education;</p> <p>(c) the child's sense of racial, ethnic, religious or cultural identity;</p> <p>...</p>
			14A	<p><b>Approval statement—issue</b></p> <p>(1) The director-general may:</p> <p>(a) issue an approval statement for a child if the director-general is satisfied on reasonable grounds that it is in the child's best interests to issue the statement; or</p>

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				<p>(b) refuse to issue an approval statement for a child.</p> <p>(2) Without limiting subsection (1) (a), in deciding whether it is in a child's best interests to issue an approval statement for the child, the director-general may consider the following:</p> <p>(a) the child's health;</p> <p>(b) the child's education;</p> <p>(c) the child's sense of racial, ethnic, religious or cultural identity;</p>
			29	<p><b>Religious education</b></p> <p>(1) If parents of children at a government school ask the principal for their children to receive religious education in a particular religion, the principal must ensure that reasonable time is allowed for their children's religious education in that religion.</p> <p>(2) The principal must ensure that the educational program continues for students at the school not attending religious education.</p> <p>(3) Religious education must be authorised by the religious body to which the person providing the instruction belongs.</p> <p>(4) Students attending a religious education class at a government school must be separated from other students at the school while the class is held.</p>

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				(5) In this section:  ' <b>religious education</b> ' means education in a particular religion as distinct from the study of different religions.
	<b>Human Rights Act 2004</b>	ACT	11	<p><b>Protection of the family and children</b></p> <p>Note Family has a broad meaning (see ICCPR General Comment 19 (39th session, 1990)).</p> <p>(1) The family is the natural and basic group unit of society and is entitled to be protected by society.</p> <p>(2) Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.</p> <p>Examples of distinction or discrimination</p> <p>Distinction or discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.</p>
			14	<p><b>Freedom of thought, conscience, religion and belief</b></p> <p>(1) Everyone has the right to freedom of thought, conscience and religion. This right includes:</p> <p>(a) the freedom to have or to adopt a religion or belief of his or her choice; and</p>

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				<p>(b) the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community and whether in public or private.</p> <p>(2) No-one may be coerced in a way that would limit his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.</p>
			27	<p><b>Rights of minorities</b></p> <p>Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.</p>