

Australian Child Protection Legislation

The role and scope of child protection activity is primarily prescribed by the principal child protection Acts in each Australian jurisdiction. The principles embedded in legislation formally represent the philosophical underpinnings of child protection practice. Together with policy frameworks, which depict the nature, extent, and fashion in which services and interventions are to be provided, legislative principles reflect the service goals to which governments aspire. Legislation also provides the legal framework pursuant to which governments can intervene to protect children.

The following table lists the principal child protection Acts in each Australian state and territory. The table also outlines other Acts of Parliament pertinent to the operation and delivery of various services to children and families across Australia. In addition, the table provides links to websites where Acts of Parliament for each state and territory can be downloaded.

Legislation relevant to child protection in each Australian jurisdiction

Jurisdiction	Legislation
Australian Capital Territory (Department of Disability, Housing and Community Services) http://www.legislation.act.gov.au/	Principal Act/s: <ul style="list-style-type: none"> • <i>Children and Young People Act 1999</i> (ACT) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Adoption Act 1993</i> (ACT) • <i>Human Rights Act 2004</i> (ACT) • <i>Human Rights Commission Act 2005</i> (ACT) • <i>Public Advocate Act 2005</i> (ACT) • <i>Family Law Act 1975</i> (Cth)
New South Wales (Department of Community Services) http://www.legislation.nsw.gov.au/	Principal Act/s: <ul style="list-style-type: none"> • <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006</i> (NSW) • <i>Child Protection (Offenders Registration) Act 2000</i> (NSW) • <i>Crimes Act 1900</i> (NSW) • <i>Commission for Children and Young People Act 1998</i> (NSW) • <i>The Ombudsman Act 1974</i> (NSW) • <i>Family Law Act 1975</i> (Cth)
Northern Territory (Family and Children's Services, Department of Health and Community)	Principal Act/s: <ul style="list-style-type: none"> • <i>Community Welfare Act 1983</i> (NT) • <i>Care and Protection of Children Draft Act</i> (NT) (currently

Jurisdiction	Legislation
Services) http://www.nt.gov.au/lant/hansard/hansard.shtml	before Cabinet) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Information Act 2006</i> (NT) • <i>Disability Services Act 2004</i> (NT) • <i>Criminal Code Act 2006</i> (NT) • <i>Family Law Act 1975</i> (Cth)
Queensland (Department of Child Safety) http://www.legislation.qld.gov.au/OQPChome.htm	Principal Act/s: <ul style="list-style-type: none"> • <i>Child Protection Act 1999</i> (Qld) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Commission for Children and Young People and Child Guardian Act 2000</i> (Qld) • <i>Education (General Provisions) Act 2006</i> (Qld) • <i>Public Health Act 2005</i> (Qld) • <i>Adoption of Children Act 1964</i> (Qld) • <i>Family Law Act 1975</i> (Cth)
South Australia (Families SA; Department for Families and Communities) http://www.legislation.sa.gov.au/index.aspx	Principal Act/s: <ul style="list-style-type: none"> • <i>Children's Protection Act 1993</i> (SA) Other relevant Acts/legislation: <ul style="list-style-type: none"> • <i>Young Offenders Act 1994</i> (SA) • <i>Adoption Act 1988</i> (SA) • <i>Children's Protection Regulations 2006</i> (SA) • <i>Family Law Act 1975</i> (Cth) • <i>Family and Community Services Act 1972</i> (SA)
Tasmania (Department of Health and Human Services) http://www.thelaw.tas.gov.au/index.w3p	Principal Act/s: <ul style="list-style-type: none"> • <i>Children, Young Persons and their Families Act 1997</i> (TAS) Other relevant Act/s: <ul style="list-style-type: none"> • <i>The Family Violence Act 2004</i> (TAS) • <i>Family Law Act 1975</i> (Cth)
Victoria (Children Protection and Juvenile Justice Branch; Department of Human Services) http://www.dms.dpc.vic.gov.au/	Principal Act/s: <ul style="list-style-type: none"> • <i>Children, Youth and Families Act 2005</i> (Vic) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Working with Children Act</i> (Vic) • <i>Child Wellbeing and Safety Act 2005</i> (Vic) • <i>The Charter of Human Rights and Responsibilities Act 2006</i> (Vic) • <i>Family Law Act 1975</i> (Cth)
Western Australia (Department for Community Development, now the Department for Child Protection) http://www.slp.wa.gov.au/statutes/swans.nsf	Principal Act/s: <ul style="list-style-type: none"> • <i>Children and Community Services Act 2004</i> (WA) Other relevant Act/s: <ul style="list-style-type: none"> • <i>Working with Children (Criminal Record Checking) Act 2004</i> (WA) • <i>Family Court Act 1997</i> (WA) • <i>Adoption Act 1994</i> (WA) • <i>Family Law Act 1975</i> (Cth)