

National Catholic Safeguarding Standards

KEY CHILD PROTECTION LEGISLATION ACROSS AUSTRALIA

The following table displays the key child protection legislation across Australian Jurisdictions. Child protection legislation is the jurisdictional responsibility of each State and Territory. These legislative acts govern the implementation and delivery of child protection services.

There are two key Federal Acts that form the over-arching child safeguarding legislation in Australia: The Family Law Act 1975 (*Cth*) and the Australian Human Rights Commission Act 1986 (*Cth*). Whilst these Acts are at the Commonwealth level, child protection legislation is the jurisdictional responsibility of each State and Territory governments. There has been significant movement towards a more aligned approach to child protection to resolve differences that exist between State and Territory legislation. This is set to be achieved through *The National Framework for Protecting Australia’s Children 2009-2020* and *Safe & Supported: The National Framework for Protecting Australia’s Children 2021-2031*. This framework is in place to provide a more consistent approach to child protection across Australia. For example, a key objective of the framework is to create uniformity in Working with Children Check processes. *The National Framework for Protecting Australia’s Children* aligns with the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021 – 2030*.

Key Commonwealth Acts:

Family Law Act 1975 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

KEY CHILD PROTECTION LEGISLATION - AUSTRALIA

KEY STATE/TERRITORY ACTS

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Children and Young People Act 2008 (ACT)	<p><i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i></p> <p><i>Children’s Guardian Act 2019 (NSW)</i></p> <p><i>Children’s Guardian Amendment (Child Safe Scheme) Bill 2021</i></p>	<p><i>Care and Protection of Children Act 2007 (NT)</i></p>	<p><i>Child Protection Act 1999 (Qld)</i></p> <p><i>Child Protection Reform Amendment Bill 2017 (Qld)</i></p>	<p><i>Children’s Protection Act 1993 (SA)</i></p>	<p><i>Children, Young Persons and their Families Act 1997 (Tas)</i></p>	<p><i>Children, Youth and Families Act 2005 (Vic)</i></p>	<p><i>Children and Community Services Act 2004 (WA)</i></p>

OTHER RELEVANT ACTS/LEGISLATION

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<i>Working with Vulnerable People (Background Checking) Act 2011 (ACT)</i>	<i>The Advocate for Children and Young People Act 2014 (NSW)</i>	<i>Children's Commissioner Act 2013 (NT)</i>	<i>Family and Child Commission Act 2014 (Qld)</i> <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i> <i>Children's Protection (Miscellaneous) Amendment Act 2005 (SA)</i> <i>Child Safety (Prohibited Persons) Act 2016 (SA)</i>	<i>Children, Young Persons and their Families Amendment Act 2009 (Tas.)</i> <i>Commissioner for Children and Young People Act 2016 (Tas.)</i> <i>Registration to Work with Vulnerable People Act 2013 (Tas.)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i> <i>Commission for Children and Young People Act 2012 (Vic)</i> <i>Working with Children Act 2005 (Vic)</i>	<i>Commissioner for Children and Young People Act 2006 (WA)</i> <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i>

The following table overviews the alignment between the National Catholic Safeguarding Standards and relevant state/territory legislation:

NATIONAL CATHOLIC STANDARDS AND RELEVANT STATE/TERRITORY LEGISLATION

NCSS	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Standard 1 Committed leadership, governance and culture	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children's Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children's Protection Act 1993 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 2 Children and adults are safe, informed and participate	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children's Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Reform Amendment Bill 2017 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 3 Partnering with families, carers and communities	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children's Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>

NATIONAL CATHOLIC STANDARDS AND RELEVANT STATE/TERRITORY LEGISLATION (Continued)

Standard 4 Equity is promoted and diversity is respected	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children and Young Persons (Care and Protection Act) 1998 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Reform Amendment Bill 2017 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 5 Robust human resource management	<i>Working with Vulnerable People (Background Checking) Act 2011 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>	<i>Child Safety (Prohibited Persons) Act 2016 (SA)</i>	<i>Registration to Work with Vulnerable People Act 2013 (Tas.)</i>	<i>Working with Children Act 2005 (Vic)</i>	<i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i>
Standard 6 Effective complaints management	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children’s Protection Act 1993 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 7 Ongoing education and training	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 8 Safe physical and online environments	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 9 Continuous improvement	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>
Standard 10 Policies and procedures support the safety of children and adults	<i>Children and Young People Act 2008 (ACT)</i>	<i>Children’s Guardian Act 2019 (NSW)</i>	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Child Protection Act 1999 (Qld)</i>	<i>Children and Young People (Safety) Bill 2017 (SA)</i>	<i>Children, Young Persons and their Families Act 1997 (Tas)</i>	<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Children and Community Services Act 2004 (WA)</i>