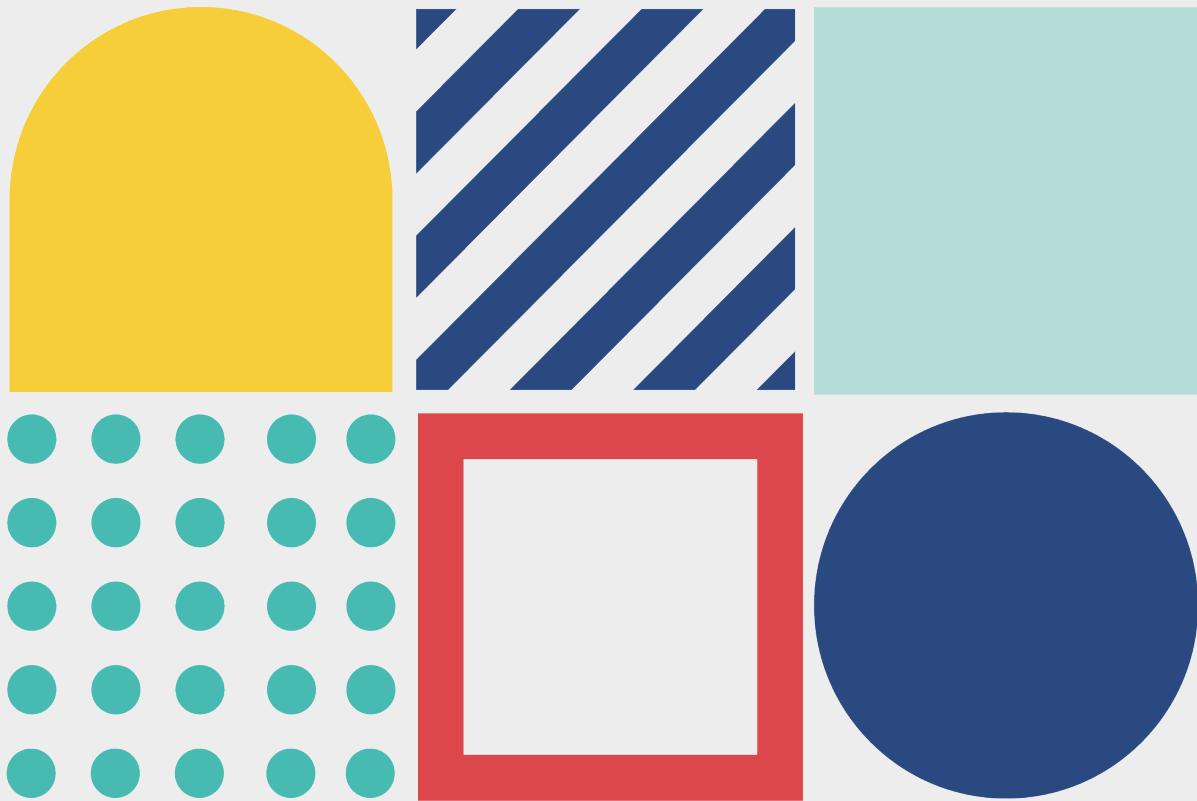




Australian Government
National Office for Child Safety

Commonwealth Child Safe Framework

Second Edition



Commonwealth Child Safe Framework

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Part One: The Commonwealth Child Safe Framework

1.1 Context

The Commonwealth Child Safe Framework (the Framework) aims to protect children and young people from the risk of harm or abuse.

In 2013, the Australian Government appointed a Royal Commission to inquire into institutional responses to child sexual abuse. Over the course of its five-year inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) considered a range of related matters, including what institutions and governments should do to better protect children against child sexual abuse in institutional contexts in the future.

In its consideration of this issue, the Royal Commission examined what makes an organisation child safe, and how to embed child safety in an organisation's culture. This includes adequate recruitment and screening practices to assist in the selection of appropriate people to work with children, establishing and implementing child safe policies, and developing complaint handling procedures that are child safe.

Many of the Royal Commission's findings are applicable to Commonwealth entities. For example, the Royal Commission's 2015 [Working with Children Checks Report](#) recommended that the Commonwealth should identify all staff, including contractors, undertaking child-related work and require them to obtain a Working with Children Check.

A recommendation of the [Final Report of the Royal Commission](#) was that all institutions should act with the best interests of the child as their primary consideration and should implement a number of principles identified by the Royal Commission to achieve this.¹

As part of its response to the Royal Commission, in August 2017 the Australian Government committed to the development and implementation of a new Commonwealth-wide framework to protect children and young people who may have contact with Commonwealth entities: the Commonwealth Child Safe Framework (the Framework).²

The Framework sets minimum standards for Commonwealth entities to create and maintain behaviours and practices that are safe for children. The Framework includes four key requirements and guidance for implementation.

Additional support and guidance is available from the [National Office for Child Safety](#) within the Department of the Prime Minister and Cabinet. You can contact the National Office at commonwealthchildsafe@pmc.gov.au.

1 Referred to as the Child Safe Standards in the Final Report of the Royal Commission and now incorporated into the National Principles for Child Safe Organisations.

2 Throughout the Framework, 'children' refers to children and young people.



1.2 Child safe cultures

Child safety is more than a Framework.

The Framework provides minimum standards for Commonwealth entities to protect children. However, it is important to understand that child safety goes beyond policies and compliance activities.

While compliance with this Framework helps keep entities accountable for their child safe practices, creating a culture that prioritises the safety and wellbeing of children requires genuine commitment at all levels of an organisation. Child safe cultures are a protective factor—without a child safe culture, organisations are at a greater risk of child safety incidents occurring and being underreported, as children and adults may not feel confident identifying or raising child safety concerns.

Creating policies and procedures to protect children is the first step in the journey to being a child safe organisation. Leaders should demonstrate and champion child safe approaches, all staff must be made aware of the policies and procedures, and abide by them, and child safety incidents must be acknowledged and managed appropriately by staff and the broader organisation. Maintaining a child safe culture requires ongoing effort and continuous improvement.

Protecting children is everybody's business. Regardless of the size of an organisation or how often they interact with children, every member of every organisation has a role to play in keeping children safe.



1.3 Requirements

The Framework sets out four core requirements. Together, these comprise the minimum standards required of Commonwealth entities to protect children.

Under the Framework, Commonwealth entities are required to:

Core requirements under the Framework for Commonwealth entities

REQUIREMENT 1

Undertake risk assessments annually in relation to activities of the entity, to identify the level of responsibility for, and contact with, children, evaluate risks to child safety, and put in place appropriate strategies to manage identified risks.

REQUIREMENT 3

Adopt and implement the National Principles for Child Safe Organisations.

REQUIREMENT 2

Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the Framework and relevant legislation, including Working with Children Checks / Working with Vulnerable People Checks and mandatory reporting requirements.

REQUIREMENT 4

Publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment (conducted under Requirement 1).

To implement the Framework, entities should develop their own internal child safe policies, consistent with the requirements above, and taking into account agency-specific risks identified in annual risk assessments.

More information on implementation of each of the requirements is set out in Part Two. Additional guidance is also available on the [National Office for Child Safety's website](#).

Making child safety materials publically available

Requirement 4 of the Framework requires entities to publish an annual statement of compliance with the Framework. In addition to this, entities are encouraged to make other child safety-related materials publically available (for example, by publishing on their website). Making these documents available helps ensure staff and stakeholders are aware of policies and procedures, and their implementation; promotes transparency and accountability; and helps to build the trust and confidence of children and adults in the community. It is also consistent with Principles 1 and 10 of the National Principles (see 2.3, below).

Depending on the entity's operational environment and what materials have been developed, child safety materials may include: a departmental child safety framework, other child safety policies and procedures (such as a Working with Children Checks Policy), or a child-related complaints handling policy. Entities are not expected to publish documents that contain information that is classified or operationally sensitive.



1.4 Application of the Framework

The Framework applies to all non-corporate Commonwealth entities. It is recommended for application to other Commonwealth bodies, including corporate Commonwealth entities and Commonwealth companies. Accountable Authorities of Commonwealth entities are responsible for the implementation of the Framework within their entity.

Application to Commonwealth funded third parties

To increase the reach of the Commonwealth's commitment to child safety, Commonwealth entities should put in place measures to promote the protection of children in services and activities they fund.³ The decision to apply the Framework to funded third parties is at the discretion of the relevant Accountable Authority.

It is recommended that, where appropriate, entities impose child safety requirements consistent with the Framework on any individuals or organisations they fund to provide services directly to children, or for activities that involve contact with children that is a usual part of, and more than incidental to, the funded activity. These requirements should be imposed in written form, including, but not limited to, funding through grants and procurements.

Templates for child safety clauses that can be included in third party funding agreements are available for grants and procurements from the [Department of Finance's](#) Simple and Standard Grant Agreement templates and Procurement Clausebank, respectively. Guidance is also available on the [National Office for Child Safety's website](#).

³ This relates to recommendation 6.13 of the Final Report of the Royal Commission.



Part Two: Guidance for the implementation of the Commonwealth Child Safe Framework

2.1 Requirement 1 - Risk assessment and mitigation

Commonwealth entities are required to conduct annual risk assessments to evaluate risks to child safety and implement strategies to manage those risks.

Risk assessments play an important role in creating a child safe environment where people consider and address risks to children before and as they arise.⁴ The operating environments of Commonwealth entities are frequently changing. Undertaking risk assessments annually embeds regular review, identification and mitigation of possible child safety concerns.⁵

As part of the risk assessment entities should consider:

Types of CONTACT	Types of RISK FACTORS	Types of MITIGATION FACTORS
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Types of contact

Known and potential contact and interactions should be considered by entities, including:

- Direct physical contact
- Face-to-face contact
- Verbal communications
- Written communication
- Electronic and online communication

This includes staff providing direct personal care, advisory, education or other support services, or interactions through consultations and interviews. It also includes less direct interactions—for example, where staff interact with children who are accompanying their parents to a service, shopfront or conference, or where third parties are funded for activities involving children.

⁴ Under Requirement 4 of the Framework, the outcome of an entity's child safety risk assessment should be included as part of the required annual statement.

⁵ Principle 9 of the National Principles states *Implementation of the national child safe principles is regularly reviewed and improved.*



Types of risk factors

A wide range of risk factors should be considered by entities, including:

- The nature of the entity's work
- Staff screening processes
- Staff contact with children and the risk of abuse
- Systemic risks – weaknesses in governance and response management policies and processes (e.g. out of date corporate policies and processes)
- Environmental risks (including physical, cultural and online environments)
- Third party providers funded to engage with children

An [Implementation Self-assessment Checklist](#) is available to guide Commonwealth entities in implementing the Framework and identifying risks and areas for improvement.

Types of mitigation strategies

Entities should put in place appropriate strategies to manage any identified child safety risks. Mitigation strategies include, but are not limited to:

Policies, training and compliance

- Clear child safe policies and training reflect current best practice and are available and accessible
- Child safety is embedded in an organisation's online presence, social media and communication policies and in codes of conduct
- Regular communications are made to staff regarding child safety-related issues
- Complaints policies and procedures are available and accessible for children (e.g. through child-friendly versions, where possible)
- Children and staff are aware of the rights of children and children are supported to exercise these rights
- Policies and processes that affect children, including those related to the National Principles for Child Safe Organisations, are regularly reviewed and updated

Child safe recruitment and screening practices

- Behaviour based interview questions are used
- Working with Children Checks are undertaken
- Reference checks are undertaken
- Police checks are undertaken
- Child safety induction training is provided to relevant staff at their commencement



Types of mitigation strategies continued...

Child focused and child safe environments

- Contact with children occurs in visible work environments (such as glass-panelled offices and meeting rooms, and open plan offices)
- Products/materials developed for children are easily accessible, e.g. child-friendly language, stored in open areas
- Contact with children is culturally appropriate and interpreters who are suitably trained in working with children and/or child safe matters are used if needed
- Children are accompanied by a parent or guardian
- Staff are supervised, where appropriate, in situations where they have contact with children, including online/virtual contact
- Child safety is considered in the design and delivery of online and virtual spaces that may involve children
- Child safety training is routinely provided to all relevant staff

Complaints handling and reporting⁶

- Child safety training is routinely provided to all relevant staff
- Complaints/escalation and disclosure procedures are documented, easily accessible and, if possible, in child-friendly language. These procedures are communicated to staff
- Complaints and disclosures are responded to according to procedures
- Trauma informed approaches are used where relevant
- Staff are aware of and follow appropriate record keeping practices

Contracts and grants

- Accountable Authority Instructions include direction on child safety
- Inclusion of child safety requirements and, if relevant, key performance indicators in contracts and grants

6 The [Complaint Handling Guide: Upholding the rights of children and young people](#) provides practical guidance on handling complaints involving children.



2.2 Requirement 2 - Training and compliance

Commonwealth entities are required to make staff aware of, and comply with, the Framework and relevant legislation.

The availability of information, education and training for staff is important in creating a child-focused, transparent and safe organisational culture which protects children and keeps them safe. The level of child safety training and compliance required may vary depending on the level of interaction the entity has with children.

Ensuring children's safety is everyone's responsibility. This means not only those who undertake child-related work (as defined by their relevant state or territory Working with Children or Working with Vulnerable People Check legislation), but also anyone who may have contact with or make decisions that affect children.

At a minimum, to ensure staff are aware of and comply with the Framework and relevant legislation, entities should:

Actions

Have clear and well-communicated policies that meet the requirements of the Framework and manage any additional child-related risks specific to the agency

- An important component of any policy is reporting and handling of reports of child abuse. It may include what to do if the reporter or victim does not want their details provided to authorities (i.e. blind reporting) and any mandatory reporting requirements
- Policies should include provision of a supportive and safe environment for staff who disclose abuse or risk of abuse
- Policies should be publically available and include child-friendly language, where possible

Provide training to staff about their obligations under the Framework and any internal child safety policies

- This could be achieved through face-to-face or online training, induction processes, or other means appropriate to the nature of the entity and its staff
- Staff should be aware of their obligations, where relevant, from the commencement of their role. Training should be ongoing

Have in place robust staff screening processes to check the suitability of staff working with children⁷

- All staff comply with applicable working with children and/or working with vulnerable people legislation
- All staff comply with applicable mandatory reporting requirements
- All staff comply with applicable failure to report and failure to protect offences

⁷ A list of legislation is in Part Three: Material to support implementation of the Commonwealth Child Safe Framework.



Actions continued...

Have a system to monitor ongoing compliance with training requirements and Working with Children Checks / Working with Vulnerable People Checks

- Establish and maintain a system to manage Working with Children Checks / Working with Vulnerable People Checks and keep them current⁸
- Establish and maintain a system to monitor staff training

Training

Operational requirements vary across the Commonwealth, therefore each entity is responsible for establishing their training regime, the content of the training, and deciding who is required to complete training.

In general, entities with higher levels of interaction with children are expected to have more thorough and regular child safety training for relevant staff. These entities may choose to implement a ‘tiered’ training program depending on a business area’s level of interaction with children. Entities with minimal interaction with children may implement more general introductory training, such as online modules, or a general communication plan to inform staff of the Framework, relevant legal obligations, and the application of the Framework to funded third parties.

When developing training, entities may consider creating their own training, using existing material available through the [National Office for Child Safety's website](#), which includes advice on training or materials developed by other Commonwealth entities, or procuring third party training services.⁹

⁸ This relates to recommendation 3c of the Royal Commission's 2015 Working with Children Checks report.

⁹ Procurement of a third party provider to deliver child safe training is at the entity's discretion. The National Office for Child Safety does not certify or accredit training providers.



2.3 Requirement 3 - National Principles for Child Safe Organisations

Commonwealth entities are required to adopt and implement the National Principles.¹⁰

The [National Principles](#) are fundamental to an organisation being child safe. They provide a consistent approach to creating and maintaining organisational cultures and practices that foster child safety and wellbeing. The National Principles are flexible in how they can be implemented across different sectors and types of organisations¹¹.

Commonwealth entities are required to implement the National Principles to help establish and improve child safe cultures and practices. In line with Principle 9, implementation of the National Principles in an entity should be regularly reviewed.

National Principles for Child Safe Organisations

- 1** Child safety and wellbeing is embedded in organisational leadership, governance and culture
- 2** Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously
- 3** Families and communities are informed and involved in promoting child safety and wellbeing
- 4** Equity is upheld and diverse needs respected in policy and practice
- 5** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
- 6** Processes for complaints and concerns are child focused
- 7** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
- 8** Physical and online environments promote safety and wellbeing, while minimising the opportunity for children and young people to be harmed
- 9** Implementation of the national child safe principles is regularly reviewed and improved
- 10** Policies and procedures document how the organisation is safe for children and young people

10 The National Principles embed the Royal Commission's recommended Child Safe Standards and are the vehicle for giving effect to recommendations relating to the standards.

11 State and territory governments are responsible for implementing the National Principles in their respective jurisdictions. Jurisdictions may have existing mandated approaches to child safety in organisations.



A range of resources and materials are available to support organisations implement the National Principles. These materials include:

- ▶ Online training modules (one introductory module and one module on each of the National Principles)
- ▶ Introductory Self-assessment Tool
- ▶ Example Charter of Commitment to the National Principles
- ▶ Checklist for Online Safety for Organisations
- ▶ Guide for Parents and Carers
- ▶ Example Code of Conduct for Organisations
- ▶ Child Safety and Wellbeing Policy template
- ▶ Complaint Handling Guide: Upholding the rights of children and young people.

These training and support materials are available through the [National Office for Child Safety website](#).



2.4 Requirement 4 - Annual child safety statement

Commonwealth entities are required to publish an annual statement of compliance with the Framework including an overview of the entity's child safety risk assessment (conducted under Requirement 1).

A public and transparent commitment to child safety is a key part of keeping organisations accountable for their child safe cultures and practices. The importance of an organisation's public commitment to child safety is highlighted in Principle 1 of the National Principles (see 2.3, above).

By 31 October each year, Commonwealth entities are required to publish an annual child safety statement which outlines the outcome of the entity's child safety risk assessment and compliance with the Framework over the previous year.¹²

At a minimum, the statement should include:

- ▶ A statement of the entity's commitment to child safety
- ▶ A description of the entity's interaction with children as part of its operations
- ▶ The outcome of the entity's child safety risk assessment (e.g. the overarching risk rating identified in Requirement 1) and actions taken to mitigate these risks
- ▶ Information on whether the entity is compliant with the Framework and any measures to improve compliance going forward
- ▶ An outline of any child safety initiatives undertaken in the reporting year, and
- ▶ An outline of any measures taken by the entity to apply child safety measures to funded third parties.

Statements may vary in the level of detail depending on the entity's level of interaction with children, i.e. entities with a high level of interaction with children should provide more information. Entities with higher levels of interaction with children should also consider including details on child safety training completed in the reporting period, information on any reviews or updates of child safety-related policies and procedures, and information on any relevant consultations with children, their families, carers and communities.

Publishing the annual statement

The annual statement can be published through any means suited to the publishing entity, provided it is publicly available and published in line with the annual reporting cycle (that is, by 31 October each year). For example, entities could include the statement in their Annual Report or as a standalone statement on their website.

Entities must inform the National Office for Child Safety once their annual child safety statement has been published, and provide a copy or link to the statement by email to commonwealthchildsafe@pmc.gov.au.

12 Requirement 1, outlined in 2.1 of the Framework, requires entities to conduct an annual risk assessment.



2.5 Glossary

Abuse

For the purposes of the Commonwealth Child Safe Framework, abuse in relation to a child is intended to have its broadest meaning and includes:

- ▶ physical abuse
- ▶ sexual abuse or other exploitation of a child, including child grooming
- ▶ emotional/psychological and verbal abuse
- ▶ neglect of the child
- ▶ exposure to violence, including family and domestic violence.

Accountable Authority

Accountable Authority has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. In general the Accountable Authority is the head of the Commonwealth entity.

Child or young person

A child or young person is a person under 18 years of age or a person apparently less than 18 years of age if the person's age cannot be proven.

Commonwealth company

A Commonwealth company is a company established under the *Corporations Act 2001* that the Commonwealth controls. It is legally separate from the Commonwealth.

Commonwealth entity

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. In general a Commonwealth entity is:

- ▶ a department of state or a parliamentary department
- ▶ a listed entity
- ▶ a body corporate established by a law of the Commonwealth, or
- ▶ a body corporate established under a law of the Commonwealth (other than a Commonwealth company) and prescribed by an Act or the rules made under the *Public Governance, Performance and Accountability Act 2013* to be a Commonwealth entity.

Commonwealth funded third party

In this Framework, Commonwealth funded third party (funded third party) is used to describe any individual or organisation which receives funding from any Commonwealth entity, including through grants or procurements. Funding between the Commonwealth and state and territory governments should be treated on a case-by-case basis.



Non-corporate Commonwealth entity

Non-corporate Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*. Non-corporate Commonwealth entities are legally and financially part of the Commonwealth. Examples are departments of state, parliamentary departments and listed entities.

Staff

The term staff includes an individual who is engaged as an employee, a contractor or sub-contractor, an agent, an apprentice, a consultant, a person who is self-employed, a person who is carrying out work for a defined period, a volunteer, or a work experience student.



Part Three: Material to support implementation of the Commonwealth Child Safe Framework

Guidance and advice on implementing the Framework, including an implementation self-assessment tool and guidance on Commonwealth failure to protect and failure to report offences, is available on the [National Office for Child Safety website](#).

3.1 Relevant legislation and policy

International covenants, declarations and treaties¹³

Universal Declaration of Human Rights

This declaration, adopted on 10 December 1948, sets out fundamental human rights to be universally protected.

Available online: www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

Geneva Declaration of the Rights of the Child

This declaration, adopted on 26 September 1924, sets out the fundamental human rights accorded to children. It is the foundation for the United Nations Convention on the Rights of the Child.

Available online: www.un-documents.net/gdrc1924.htm

United Nations Convention on the Rights of the Child

This convention, which entered into force on 2 September 1990, outlines the internationally agreed rights of children. Articles 3, 19, 25, 34 and 37 specifically reference children's rights and the obligations of states in terms of child protection and safety.

Available online: www.ohchr.org/en/professionalinterest/pages/crc.aspx

Commonwealth legislation and policy¹⁴

Archives Act 1983

Available online: www.legislation.gov.au/Series/C2004A02796

Code of Conduct (Australian Public Service)

Available online: www.apsc.gov.au/code-conduct

Crimes Act 1914

Available online: www.legislation.gov.au/Series/C1914A00012

Criminal Code Act 1995

Available online: www.legislation.gov.au/Series/C2004A04868. Includes recent amendments made by the Combating Child Sexual Exploitation Legislation Amendment Act 2019.

13 As at 6 October 2020.

14 As at 6 October 2020.



General Records Authority for Child Sexual Abuse Incidents and Allegations

Available online: www.naa.gov.au/information-management/records-authorities/types-records-authorities/general-records-authority-41

Mapping to the Information Management Standard for Australian Government

Available online: www.naa.gov.au/information-management/information-management-standards/information-management-standard-australian-government/recommendations-royal-commission-institutional-responses-child-sexual-abuse

Public Governance, Performance and Accountability Act 2013

Available online: www.legislation.gov.au/Series/C2013A00123

Public Service Act 1999

Available online: www.legislation.gov.au/Series/C2004A00538

State and territory legislation and policy¹⁵

Working with Children Check / Working with Vulnerable People Check (WWCC/WWVP) and mandatory reporting requirements by jurisdiction

Australian Capital Territory

Working with Vulnerable People (Background Checking) Act 2011

New South Wales

Child Protection (Working with Children) Act 2012

Northern Territory

Care and Protection of Children Act 2007

Queensland

Working with Children (Risk Management and Screening) Act 2000

South Australia

Child Safety (Prohibited Persons) Act 2016

Tasmania

Registration to Work with Vulnerable People Act 2013

Victoria

Working With Children Act 2005

Western Australia

Working with Children (Criminal Record Checking) Act 2004

15 As at 6 October 2020.



Child protection legislation by jurisdiction

Australian Capital Territory

Principal Legislation

Children and Young People Act 2008

Other relevant legislation

Children and Young People (ACT Childcare Services) Standards 2009 (No. 1)

Children and Young People (Employment) Standards 2011 (No. 1)

Crimes (Child Sex Offenders) Act 2005

New South Wales

Principal Legislation

Children and Young Persons (Care and Protection) Act 1998

Other relevant legislation

Advocate for Children and Young People Act 2014

Child Protection (International Measures) Act 2006

Child Protection (Offenders Prohibition Orders) Act 2004

Child Protection (Offenders Registration) Act 2000

Child Protection (Working with Children) Act 2012

Industrial Relations (Child Employment) Act 2006

Northern Territory

Principal Legislation

Care and Protection of Children Act 2007

Other relevant legislation

Child Protection (Offender Reporting and Registration) Act 2004

Children's Commissioner Act 2013

Queensland

Principal Legislation

Child Protection Act 1999

Other relevant legislation

Child Employment Act 2006

Child Protection (International Measures) Act 2003

Working with Children (Risk Management and Screening) Act 2000

Director of Child Protection Litigation Act 2016



Child protection legislation by jurisdiction continued...

South Australia

Principal Legislation

Children and Young People (Safety) Act 2017

Other relevant legislation

Child Protection Review (Powers and Immunities) Act 2002

Child Safety (Prohibited Persons) Act 2016

Child Sex Offenders Registration Act 2006

Children and Young People (Oversight and Advocacy Bodies) Act 2016

Family and Community Services Act 1972

Tasmania

Principal Legislation

Children, Young Persons and Their Families Act 1997

Other relevant legislation

Child Care Act 2001

Child Protection (International Measures) Act 2003

Commissioner for Children and Young People Act 2016

Victoria

Principal Legislation

Children, Youth and Families Act 2005

Other relevant legislation

Child Employment Act 2003

Child Wellbeing and Safety Act 2005

Commission for Children and Young People Act 2012

Sex Offenders Registration Act 2004

Western Australia

Principal Legislation

Children and Community Services Act 2004

Other relevant legislation

Child Care Services Act 2007

Children and Community Services Act 2004

Commissioner for Children and Young People Act 2006

Community Protection (Offender Reporting) Act 2004

