



Child Safety Legislation Overview

Young Life Australia Ltd

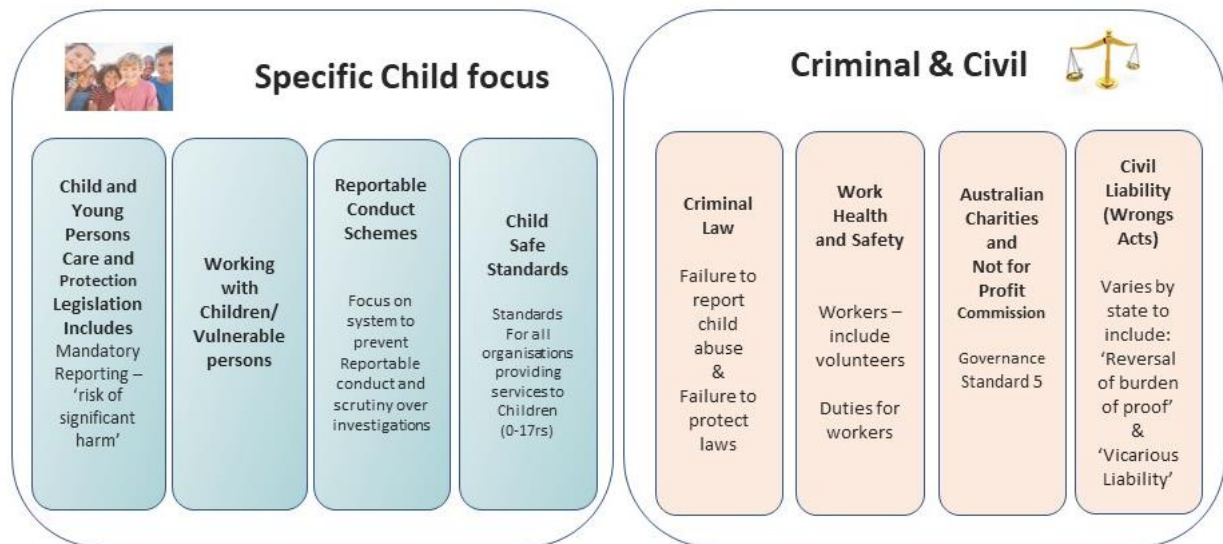
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Australian Legislation and Government Agencies Relevant to Child Safety

Relevant Australian government agencies, legislation and state government websites, 29 June 2023.

- The list is not exhaustive but rather highlights the main legislation by state and territory.
- As these laws are amended regularly, the current official version of legislation should be checked. <https://legify.com.au>
- For child protection legislation see the Commonwealth Government's Australian Institute of Family Studies. <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>



In general, organisations need to be aware of, and comply with:

- Duty of Care (civil litigation claims of negligence, WHS & ACNC governance standards)
- Response to Complaints processes that uphold principles of natural justice (also known as procedural fairness)

More specifically:

- Criminal Codes (including state-based crimes of failure to report and failure to protect in jurisdictions where these criminal offences apply – see state and territory lists below)
- Work Health & Safety and/or other occupational safety legislation
- Civil Law (Wrongs) Acts or equivalent
- Child Safe Legislation (June 2023 - NSW 10 Child Safe Standards and Victoria 11 Child Safe Standards)
- Child Protection Legislation (including Care and Protection laws, Working with Children Check laws, Reportable Conduct Schemes)
- Australian Standards (e.g. building)
- Australian Charities and Not For Profits Commission
- Copyright and music playing licences such as APRA, CCLI, CAL licences
- Local government food preparation and storage guidelines

Commonwealth

- National Office for Child Safety
<https://www.childsafety.gov.au/>
- eSafety Commission
<https://www.esafety.gov.au>
- Human Rights Commission National Principles for Child Safe Organisations
<https://childsafes.humanrights.gov.au/national-principles/download-national-principles>
- Australian Human Rights Commission Act 1986
<https://www.humanrights.gov.au/our-work/commission-general/publications/know-your-rights-about-us>
- Privacy Act 1988
<https://www.legislation.gov.au//Details/C2022C00361>
- Privacy Regulation 2013
<https://www.legislation.gov.au//Details/F2022C00068>
- Disability Discrimination Act 1992
<https://www.humanrights.gov.au/our-work/disability-rights/publications/disability-discrimination-act-25th-anniversary-easy-read>
- Workplace Gender Equality Act 2012
https://www.dss.gov.au/sites/default/files/documents/11_2012/factsheet_amended_201112.pdf
- Racial Discrimination Act 1975
<https://www.humanrights.gov.au/our-work/employers/racial-discriminationdiscrimination/publications/fact-sheet-racism-it-stops-me-community-service>
- Family Law Act 1975
<https://www.afp.gov.au/what-we-do/crime-types/family-law-kit>
- Sex Discrimination Act 1984
<https://humanrights.gov.au/our-work/sex-discrimination/publications/guidelines-special-measures-under-sex-discrimination-act>
- The federal government has also ratified the *United Nations Convention on the Rights of the Child* (1989) [Ratified by Australian Parliament, 17 December 1990]
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- Australian Charities and Not-for-profits Commission (ACNC) Governance Standard 5:
Duties of Responsible Persons
 1. Act with reasonable care and diligence
 2. Act honestly in the best interests of the charity and for its purposes.
 3. Not misuse the position of responsible person
 4. Not to misuse information obtained in performing duties
 5. Disclose any actual or perceived conflict of interest
 6. Ensure that the charity's financial affairs are managed responsibly
 7. Not allow a charity to operate while insolvent<https://www.acnc.gov.au/for-charities/manage-your-charity/governance-hub/governance-standards>

Australian Capital Territory

- Community Services – Children and Families
<https://www.communityservices.act.gov.au/children-and-families>

Responsible for:

Children and Young People Act 2008

What to report s.354

Who are mandatory reporters? s.356

<https://www.legislation.act.gov.au/View/a/2008-19/current/PDF/2008-19.PDF>

<https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services/report-child-abuse-and-neglect>

<https://www.communityservices.act.gov.au/children-and-families/resources/Children-and-Young-People-Lens-of-ACT-Wellbeing-Framework>

- Access Canberra – WWVP
<https://www.accesscanberra.act.gov.au/s/article/working-with-vulnerable-people-wwvp-registration-tab-overview>
- Working with Vulnerable People (Background Checking) Act 2011
https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwvp%29-registration
- ACT Ombudsman – Reportable Conduct Scheme
<https://www.ombudsman.act.gov.au/archive/reportable-conduct-scheme>
- Crimes Act 1900
http://classic.austlii.edu.au/au/legis/act/consol_act/ca190082/

Including:

- Criminal Offence - Failure to Report Child Sexual Offences (Crimes ACT 1900 Section 66AA)
http://www5.austlii.edu.au/au/legis/act/consol_act/ca190082/s66aa.html
- Criminal Offence - Failure of Person in Authority to Protect Children Risk of Sexual Offence (Crimes ACT 1900 Section 66A)
http://classic.austlii.edu.au/au/legis/act/consol_act/ca190082/s66a.html
- Civil Law (Wrongs) Act 2002 (including Institutional Child Abuse Chapter 8A)
<https://www.legislation.act.gov.au/a/2002-40>
- ACT Human Rights Act 2004
http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/hra2004148/
- Work Health and Safety Act 2011
<https://www.legislation.act.gov.au/a/2011-35/>

New South Wales

- Department of Communities and Justice
<https://www.dcj.nsw.gov.au/children-and-families.html>

Responsible for:

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
What to report s.23
Who are mandatory reporters? s.27
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>
- Children and Young Persons (Care and Protection) Regulation 2022
Application of Mandatory Reporting Requirements s.7
<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2022-0479#statusinformation>
- Office of the Children's Guardian (OCG)
<https://ocg.nsw.gov.au/>

Responsible for:

- Working with Children Check
Child Protection (Working with Children) Act 2012
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051>
Child Protection (Working with Children) Regulation 2013
<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2013-0156>
- Reportable Conduct Scheme (Children's Guardian Act 2019 - Part 4)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025#pt.4>
- Child Safe Standards (Children's Guardian Act 2019 - Part 3A)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025#pt.3A>
- Criminal Offences (Crimes Act 1900)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040>

Including:

- Concealing serious indictable offence (S.316)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.316>
- Failure to report child abuse offence (S.316A)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.316A>
- Failure to protect offence (S.43B)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#sec.43B>
- Procurement and Grooming (S.66Eb & S.66EC)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1900-040#pt.3-div.10-sdiv.9>
- Civil Liability Act 2002 (Part 1B Child Abuse – liability of organisations)
<https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-022#pt.1B>

Work Health and Safety Act 2011

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2011-010>

Northern Territory

- NT Government Community support and care
<https://nt.gov.au/community>
- Care and Protection of Children Act 2007
What to report s.14, s.15 & s.20
Who are mandatory reporters? s.26
<https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007>
- NT Government Child Safety
<https://nt.gov.au/emergency/child-safety>

Working With Children Check (Ochre Card)
<https://nt.gov.au/emergency/child-safety/working-with-children-clearance-before-you-apply>
<https://nt.gov.au/emergency/child-safety/apply-for-a-working-with-children-clearance>
- Mandatory reporting of domestic violence to the police
<https://nt.gov.au/law/crime/domestic-family-and-sexual-violence/report-domestic-family-and-sexual-violence>
<https://nt.gov.au/law/crime/domestic-family-and-sexual-violence>
- Criminal Code ACT 1983
<https://legislation.nt.gov.au/Legislation/CRIMINAL-CODE-ACT-1983>
- Personal Injuries (Liabilities And Damages) Act 2003 (Part 3A Institutional Liability for child abuse)
<https://legislation.nt.gov.au/en/Legislation/PERSONAL-INJURIES-LIABILITIES-AND-DAMAGES-ACT-2003>
- Work Health and Safety Act 2011
<https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
<https://worksafe.nt.gov.au/>

Queensland

- Department of Child Safety, Seniors and Disability Service (DCSSDS) (website under construction)
<https://www.cyjima.qld.gov.au/protecting-children>
Responsible for:
 - Child Protection Act 1999
Reporting Risk of Harm Part 1 AA
Who are mandatory reporters? - S.13E
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010#>
- Queensland Family and Child Commission
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2014-027#>
- Blue Card Services (Working with children check)
<https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/blue-card-services>
 - Working With Children (Risk Management & Screening) Act 2000
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-060>
 - Working With Children (Risk Management & Screening) Regulation 2000
<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2020-0131>
- Criminal Offences (Criminal Code Act 1899)
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009>
 - Failure to report belief of sexual offences against children under 16 or under 18 with impairment of the mind (S.229BC)
<https://www.qld.gov.au/law/crime-and-police/types-of-crime/sexual-offences-against-children/failure-to-report>
 - Failure to protect child from child sexual offence (S.229BB)
 - Grooming child under 16 years or parent or carer of child under 16 years (S. 218B)
- Civil Liability Act 2003 (Part 2A Liability of institutions for child abuse)
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2003-016#ch.2-pt.2A>
- Work Health and Safety Act 2011
<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2011-018\>

South Australia

- Department for Child Protection
<https://www.childprotection.sa.gov.au/>
Responsible for:
 - Children and Young People (Safety) Act 2017
What to report – s.31
Who are mandatory reporters? – S.30
[https://www.legislation.sa.gov.au/_legislation/lz/c/a/children%20and%20young%20people%20\(safety\)%20act%202017/current/2017.25.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/children%20and%20young%20people%20(safety)%20act%202017/current/2017.25.auth.pdf)
- Commissioner for Children and Young People
<https://www.ccyp.com.au/>
- Working with Children Checks
<https://www.sa.gov.au/topics/rights-and-law/rights-and-responsibilities/screening-checks/screening-wwcc>
- Child Safety (Prohibited Persons) Act 2016
[https://www.legislation.sa.gov.au/_legislation/lz/c/a/child%20safety%20\(prohibited%20persons\)%20act%202016/current/2016.49.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/child%20safety%20(prohibited%20persons)%20act%202016/current/2016.49.auth.pdf)
- Child Safety (Prohibited Persons) Regulations 2019
[https://www.legislation.sa.gov.au/_legislation/lz/c/r/child%20safety%20\(prohibited%20persons\)%20regulations%202019/current/2019.5.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/r/child%20safety%20(prohibited%20persons)%20regulations%202019/current/2019.5.auth.pdf)
- Criminal Law Consolidation Act 1935
https://www.legislation.sa.gov.au/_legislation/lz/c/a/criminal%20law%20consolidation%20act%201935/current/1935.2252.auth.pdf
 - Failure to report suspected child sexual abuse (Section 64A)
 - Failure to protect child from sexual abuse (Section 65)
- Civil liability Act 1936 (Child Abuse Liability for Institutions)
https://www.legislation.sa.gov.au/_legislation/lz/c/a/civil%20liability%20act%201936/current/1936.2267.auth.pdf
- Work Health and Safety Act 2012
https://www.legislation.sa.gov.au/_legislation/lz/c/a/work%20health%20and%20safety%20act%202012/current/2012.40.auth.pdf

Tasmania

- Department for Education, Children and Young People <https://www.decyp.tas.gov.au/children/>
Responsible for:
 - Children, Young Persons and their Families Act 1997
Responsibility to prevent abuse or neglect or certain behaviour - s.13
What to report – s. 14
Who are mandatory reporters? – s. 14
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-028>
- Commissioner for Children and Young People
<https://childcomm.tas.gov.au/>
 - Commissioner for Children and Young People Act 2016
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2016-002>
- Working With Vulnerable People Check
<https://www.cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people/applications/apply#How-to-apply>
 - Registration to Work with Vulnerable People Act 2013
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-065>
- Child Safe Standards – Commence 1 July 2023 – Religious entities commencement 1 January 2024
 - Child and Youth Safe Organisations Bill 2022 – Part 3
https://www.parliament.tas.gov.au/Bills/Bills2022/pdf/54_of_2022.pdf
- Reportable Conduct Scheme – commencing 1 January 2024
<https://www.justice.tas.gov.au/carcru/child-and-youth-safe-organisations-framework/reportable-conduct-scheme>
Child and Youth Safe Organisations Bill 2022 – Part 4
https://www.parliament.tas.gov.au/Bills/Bills2022/pdf/54_of_2022.pdf
- Criminal Code 1924
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1924-069>
 - Failing to report the abuse of a child (S.105A)
 - Failure by a person in authority to protect a child from a sexual offence (S.125E)
 - Grooming - Procuring child or young person for sexual abuse (S.125C) and Communications with intent to procure child or young person (S.125D)
- Wrongs Act 1954
- Justice Legislation Amendment (Organisational Liability for Child Abuse) Act 2019
https://www.justice.tas.gov.au/_data/assets/pdf_file/0010/566470/FACT-SHEET-Justice-Legislation-AmendmentOrganisational-Liability-for-Child-Abuse-Act-2019.pdf
- Work Health and Safety Act 2012
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001>

Victoria

- Department of Families, Fairness and Housing
<https://www.dffh.vic.gov.au/>
Responsible for:
 - Children and Youth and Families Act 2005
<https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/133>
- Working with Children Check Victoria <https://www.workingwithchildren.vic.gov.au/>
Responsible for:
 - Working with Children Check
Worker Screening Act 2020
<https://www.legislation.vic.gov.au/in-force/acts/worker-screening-act-2020/004>
Worker Screening Regulations 2021
<https://www.legislation.vic.gov.au/in-force/statutory-rules/worker-screening-regulations-2021/001>
- Commission for Children and Young People
Responsible for:
 - Reportable Conduct Scheme (Child Safety and Wellbeing Act 2005 Part 5A)
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/05-83aa038-authorised.pdf>
 - Child Safe Standards (Child Safety and Wellbeing Act 2005 Part 6)
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/05-83aa038-authorised.pdf>
- Criminal Offences (Crimes Act 1958)
<https://www.legislation.vic.gov.au/in-force/acts/crimes-act-1958/296>
 - Failure to disclose sexual offence committed against child under the age of 16 years (S.327)
 - Failure by a person in authority to protect a child from a sexual offence (S.49O)
 - Grooming for sexual conduct with a child under the age of 16 (S.49M)
- Civil Liability in relation to child abuse
 - Wrongs Act 1958 (Part XIII – Organisational liability for child abuse)
<https://content.legislation.vic.gov.au/sites/default/files/2020-04/58-6420aa127%20authorised.pdf>
 - Legal Identity of Defendants (Organisational Child Abuse) Act 2018
<https://content.legislation.vic.gov.au/sites/default/files/2020-04/18-18aa002%20authorised.pdf>
- Occupational Health and Safety Act 2004
<https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/043>
- Change or Suppression (Conversion) Practices Prohibition Act 2021
<https://content.legislation.vic.gov.au/sites/default/files/2023-02/21-3aa002-authorised.pdf>
- Equal Opportunity Act 2010
<https://content.legislation.vic.gov.au/sites/default/files/2022-12/10-16aa030%20authorised.pdf>

Western Australia

- Department of Communities <https://www.wa.gov.au/organisation/departments/departments-of-communities>
 - Responsible for:
Children and Communities Services Act 2004
What to report – S. 124A (Mandatory reporting of child sexual abuse)
Who are mandatory reporters? – S. 124B and S.124BA (provision for ministers of religion)
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45609.pdf/\\$FILE/Children%20and%20Community%20Services%20Act%202004%20-%20%5B05-j0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45609.pdf/$FILE/Children%20and%20Community%20Services%20Act%202004%20-%20%5B05-j0-00%5D.pdf?OpenElement)
- Commissioner for Children and Young People
<https://www.ccyp.wa.gov.au/>
 - Implementation of the National Principles for Child Safe Guidelines
<https://www.ccyp.wa.gov.au/our-work/child-safe-organisations-wa/>
<https://www.ccyp.wa.gov.au/media/3946/child-safe-organisations-wa-guidelines-updated-november-2019.pdf>
- Working with Children Check
<https://workingwithchildren.wa.gov.au/>
 - Working with Children (Criminal Record Checking) Act 2004
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45967.pdf/\\$FILE/Working%20with%20Children%20\(Criminal%20Record%20Checking\)%20Act%202004%20-%20%5B03-n0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45967.pdf/$FILE/Working%20with%20Children%20(Criminal%20Record%20Checking)%20Act%202004%20-%20%5B03-n0-00%5D.pdf?OpenElement)
- Ombudsman WA – Reportable Conduct Scheme 2022 (Note: Religious bodies commencement 2024)
https://www.ombudsman.wa.gov.au/Reportable_Conduct/Reportable_Conduct.htm
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45439.pdf/\\$FILE/Parliamentary%20Commissioner%20Amendment%20\(Reportable%20Conduct\)%20Act%202022%20-%20%5B00-00-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45439.pdf/$FILE/Parliamentary%20Commissioner%20Amendment%20(Reportable%20Conduct)%20Act%202022%20-%20%5B00-00-00%5D.pdf?OpenElement)
- Criminal Code Act Compilation Act 1913
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_37141.pdf/\\$FILE/Criminal%20Code%20Act%20Compilation%20Act%201913%20-%20%5B19-a0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_37141.pdf/$FILE/Criminal%20Code%20Act%20Compilation%20Act%201913%20-%20%5B19-a0-00%5D.pdf?OpenElement)
(No criminal offences of Failure to Report or Failure to Protect in 2023)
- Civil Liability Act 2002 (Child Sexual abuse Actions Part 2A)
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45282.pdf/\\$FILE/Civil%20Liability%20Act%202002%20-%20%5B04-j0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45282.pdf/$FILE/Civil%20Liability%20Act%202002%20-%20%5B04-j0-00%5D.pdf?OpenElement)
- Work Health and Safety Act 2020
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45102.pdf/\\$FILE/Work%20Health%20and%20Safety%20Act%202020%20-%20%5B00-d0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45102.pdf/$FILE/Work%20Health%20and%20Safety%20Act%202020%20-%20%5B00-d0-00%5D.pdf?OpenElement)
- Work Health and Safety Regulations 2022
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_46066.pdf/\\$FILE/Work%20Health%20and%20Safety%20\(General\)%20Regulations%202022%20-%20%5B00-e0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_46066.pdf/$FILE/Work%20Health%20and%20Safety%20(General)%20Regulations%202022%20-%20%5B00-e0-00%5D.pdf?OpenElement)