

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>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Family Law (Hague Convention on Intercountry Adoption) Regulations 1998</p>	<p>Cth</p>	<p>Schedule 1: The Convention</p>	<p>Article 16</p> <p>1. If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall:</p> <p>(a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;</p> <p>(b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background;</p>
	<p>Family Law Act 1975</p>	<p>Cth</p>	<p>Part 1 Section 4</p>	<p>major long-term issues, 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> <p>(a) the child's education (both current and future); and</p> <p>(b) the child's religious and cultural upbringing; and</p>

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				<p>(c) the child's health; and</p> <p>(d) the child's name; and</p> <p>(e) changes to the child's living arrangements that make it significantly more difficult for the child to spend time with a parent.</p> <p>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>
			<p>Part XV 121 Restriction on publication of court proceedings</p>	<p>An indictable offence:</p> <p>(1) A person who publishes in a newspaper or periodical publication, by radio broadcast or television or by other electronic means, or otherwise disseminates to the public or to a section of the public by any means, any account of any proceedings, or of any part of any proceedings, under this Act that identifies:</p> <p>(a) a party to the proceedings;</p> <p>(b) a person who is related to, or</p>

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				<p>associated with, a party to the proceedings or is, or is alleged to be, in any other way concerned in the matter to which the proceedings relate; or</p> <p>(c) a witness in the proceedings;</p> <p>is guilty of an offence punishable, upon conviction by imprisonment for a period not exceeding one year.</p> <p>...</p> <p>(3) Without limiting the generality of subsection (1), an account of proceedings, or of any part of proceedings, referred to in that subsection shall be taken to identify a person if:</p> <p>(a) it contains any particulars of: ...</p> <p>(vi) the recreational interests, or the political, philosophical or religious beliefs or interests, of the person; ...</p>
	<p>Family Law Act 1975</p>	<p>Cth</p>	<p>Part 1 Div 1 Part VII Div 4 60CC How a court determines what is in a child's best interests</p>	<p>Determining child's best interests</p> <p>Subject to subsection (5), in determining what is in the child's best interests, the court must consider the matters set out in subsections (2) and (3).</p> <p>...</p>

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				<p>Additional considerations</p> <p>Additional considerations are: ...</p> <p>(c) the extent to which each of the child's parents has taken, or failed to take, the opportunity:</p> <p>(i) to participate in making decisions about major long-term issues [see definition above] in relation to the child; and</p> <p>(ii) to spend time with the child; and</p> <p>(iii) to communicate with the child; ...</p>
	<p>Family Law Act 1975</p>	Cth	<p>Part VII Div 4 63C Meaning of <i>parenting plan</i> and related terms</p>	<p>(2B) Without limiting paragraph (2)(c) [which sets out what may be dealt with by the parenting plan], the plan may deal with the allocation of responsibility for making decisions about major long-term issues [see definition above] in relation to the child.</p>
			<p>Part VII Div 6 65DAE No need to consult on issues that are not major long-term issues</p>	<p>(1) If a child is spending time with a person at a particular time under a parenting order, the order is taken not to require the person to consult a person who:</p> <p>(a) has parental responsibility for the child; or</p> <p>(b) shares parental responsibility for the</p>

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				<p>child with another person;</p> <p>about decisions that are made in relation to the child during that time on issues that are not major-long term issues. [see definition above]</p> <p>Note: This will mean that the person with whom the child is spending time will usually not need to consult on decisions about such things as what the child eats or wears because these are usually not major long-term issues.</p>
	<p>Australian Human Rights Commission Act 1986</p>	<p>Cth</p>	<p>Section 3 Interpretation</p>	<p>discrimination, except in Part IIB, means:</p> <p>(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>(b) any other distinction, exclusion or preference that:</p> <p>(i) has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; and</p> <p>(ii) has been declared by the regulations to constitute discrimination for the purposes</p>

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				<p>of this Act;</p> <p>but does not include any distinction, exclusion or preference:</p> <p>...</p> <p>(d) in connection with employment as a member of the staff of an institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, being a distinction, exclusion or preference made in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or that creed.</p>
	<p>Australian Human Rights Commission Act 1986</p>	<p>Cth</p>	<p>Schedule 2 - International Covenant on Civil and Political Rights</p>	<p>Article 2</p> <p>1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>...</p> <p>Article 18</p>

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				<p>1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or 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.</p> <p>2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.</p> <p>4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.</p> <p>...</p> <p>Article 24</p> <p>1. Every child shall have, without any discrimination as to race, colour, sex,</p>

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				<p>language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.</p> <p>...</p> <p>Article 26</p> <p>All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>...</p> <p>Article 27</p> <p>In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own</p>

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				language. ...
	Australian Human Rights Commission Act 1986	Cth	Schedule 3 - Declaration of the Rights of the Child	<p>Principle 1</p> <p>The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.</p> <p>...</p> <p>Principle 10</p> <p>The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.</p>

2. New South Wales

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	<p>Children (Education and Care Services) National Law (NSW) No 104a</p>	NSW	Section 3 Objectives and guiding principles	<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>...</p> <p>(3) The guiding principles of the national</p>

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				<p>education and care services quality framework are as follows:</p> <p>...</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>

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	Education Act 1990 No 8	NSW	Section 6 Objects for administration of this Act or of education	<p>(1) It is the intention of Parliament that every person concerned in the administration of this Act or of education for children of school-age in New South Wales is to have regard (as far as is practicable or appropriate) to the following objects:</p> <p>(a) assisting each child to achieve his or her educational potential,</p> <p>(b) promotion of a high standard of education in government schools which is provided free of charge for instruction and without discrimination on the ground of sex, race or religion,</p> <p>(c) encouraging innovation and diversity within and among schools, ...</p> <p>(m1) provision of opportunities for Aboriginal families, kinship groups, representative organisations and communities to participate in significant decisions under this Act relating to the education of their children, ...</p>

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	Education Act 1990 No 8	NSW	Section 8 Minimum curriculum for primary education	(3) If requested to do so by the proprietor of a non-government school (or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system), the Board may approve such modifications to the syllabus referred to in subsection (1) (f) as it considers necessary to enable any part of a course of study in a key learning area that appears to the Board to be incompatible with the educational philosophy or religious outlook of the school to be based on, and taught compatibly with, that educational philosophy or religious outlook. The part of the course of study at that school is to be based on and taught in accordance with the syllabus as modified. [So long as in accordance with relevant guidelines developed by the Board and Minister - ss(1)(e)].
	Education Act 1990 No 8	NSW	Section 10 Minimum curriculum for secondary education (Years 7 to 10)	(3) If requested to do so by the proprietor of a non-government school (or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system), the Board may approve such modifications to the syllabus referred to in subsection (1) (f) as it considers necessary to enable any part of a course of study in a key learning area that appears to the Board to be incompatible with the educational philosophy or

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				<p>religious outlook of the school to be based on, and taught compatibly with, that educational philosophy or religious outlook. The part of the course of study at that school is to be based on and taught in accordance with the syllabus as modified. [So long as in accordance with relevant guidelines developed by the Board and Minister - ss(1)(e)]</p>
	Education Act 1990 No 8	NSW	Section 26 Certificate of exemption from attending particular classes	<p>(1) The parent of a child enrolled at a government school may give the Director-General written notice that the parent conscientiously objects on religious grounds to the child being taught a particular part of a course of study.</p> <p>(2) The Director-General may accept any such objection and grant a certificate exempting the child from attending classes relating to the part of the course concerned if satisfied that the objection is conscientiously held on religious grounds.</p> <p>(3) A certificate of exemption under this section may be given subject to conditions.</p> <p>(4) A certificate of exemption under this section may be cancelled by the Director-General.</p>

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	Education Act 1990 No 8	NSW	Section 30 Secular instruction	In government schools, the education is to consist of strictly non-sectarian and secular instruction. The words secular instruction are to be taken to include general religious education as distinct from dogmatic or polemical theology.
	Education Act 1990 No 8	NSW	Section 32 Special religious education	<p>(1) In every government school, time is to be allowed for the religious education of children of any religious persuasion, but the total number of hours so allowed in a year is not to exceed, for each child, the number of school weeks in the year.</p> <p>(2) The religious education to be given to children of any religious persuasion is to be given by a member of the clergy or other religious teacher of that persuasion authorised by the religious body to which the member of the clergy or other religious teacher belongs.</p> <p>(3) The religious education to be given is in every case to be the religious education authorised by the religious body to which the member of the clergy or other religious teacher belongs.</p> <p>(4) The times at which religious education is to be given to children of a particular religious persuasion are to be fixed by agreement between the principal of the school and the local member of the clergy or other religious teacher of that</p>

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				<p>persuasion.</p> <p>(5) Children attending a religious education class are to be separated from other children at the school while the class is held.</p> <p>(6) If the relevant member of the clergy or other religious teacher fails to attend the school at the appointed time, the children are to be appropriately cared for at the school during the period set aside for religious education.</p>
	Education Act 1990 No 8	NSW	Section 33 Objection to religious education	No child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child's receiving that education.
	Education Act 1990 No 8	NSW	Section 33A Special education in ethics as secular alternative to special religious education	<p>(1) Special education in ethics is allowed as a secular alternative to special religious education at government schools.</p> <p>(2) If the parent of a child objects to the child receiving special religious education, the child is entitled to receive special education in ethics, but only if:</p> <p>(a) it is reasonably practicable for special education in ethics to be made available to</p>

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				<p>the child at the government school, and</p> <p>(b) the parent requests that the child receive special education in ethics.</p> <p>(3) A government school cannot be directed (by the Minister or otherwise) not to make special education in ethics available at the school.</p>
	Education Act 1990 No 8	NSW	Section 34 Admission to government schools	(5) A child is not to be refused admission to a government school because of the child's race or religion.
	Education Act 1990 No 8	NSW	Section 75 Notice to the Minister of conscientious objection	<p>A person who:</p> <p>(a) proposes to establish a new non-government school, or</p> <p>(b) is the proprietor of a registered non-government school, or</p> <p>(c) being a parent of a child, wishes the child to receive home schooling,</p> <p>may give the Minister written notice that the person conscientiously objects on religious grounds to registration under this Act.</p>
	Education Act 1990 No 8	NSW	Section 77 Acceptance or rejection of conscientious objection	(1) The Minister may accept an objection to registration under this Act if the Minister, having considered the report of the Board or authorised person and any

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				<p>decision of the Tribunal, is satisfied that:</p> <p>(a) the Minister would be required to register the school or the child for home schooling (as the case may be) under this Act if an application had been made for such registration, and</p> <p>(b) the objection to registration is conscientiously held on religious grounds.</p>
	Education Act 1990 No 8	NSW	Section 82 Cancellation of exemption	<p>(1) The Minister may, on the recommendation of the Board or an authorised person (as the case may be), cancel an exemption granted under this Division if the Minister is satisfied:</p> <p>(a) that the Minister would be entitled to cancel the registration of the school or child for home schooling had the school or child been registered, or</p> <p>(b) that the objection to registration is not conscientiously held on religious grounds.</p>
	Status of Children Act 1996 No 76	NSW	Section 26 Orders for carrying out of parentage testing procedures	<p>(4) In deciding whether to make a parentage testing order, the Court must:</p> <p>(a) consider and determine any objection made by a party to the proceedings on account of medical, religious or other grounds, and</p> <p>(b) if it determines that an objection is</p>

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				valid, take the objection into account in deciding whether to make the order.

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				<p>parent and the proposed adoptive parents of the child for access to the child or for the giving of information about the child; and</p> <p>(d) the welfare and interests of the child will be promoted by the adoption.</p>
	<p>Adoption Act 1984 No. 10150 of 1984</p>	<p>VIC</p>	<p>Section 21 Application for approval of adoption agency</p>	<p>(1) Any welfare organization carrying on, or desiring to carry on, the activity of conducting negotiations or making arrangements with a view to the adoption of children may apply in writing to the Secretary for approval as an approved agency.</p> <p>(2) An application under this section shall contain such information relating to the organization as is prescribed and shall nominate a person to be the principal officer and may nominate a person to be the deputy principal officer of the organization for the purposes of this Act.</p> <p>(3) Where the Secretary receives an application under this section, the Secretary shall publish notice of the application in the Government Gazette.</p> <p>(4) For the purposes of this section welfare organization means an organization, corporate or unincorporate, formed or carried on primarily or principally for religious, charitable,</p>

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				benevolent, philanthropic or welfare purposes, but does not include an organization formed or carried on for the purpose of trading or securing a pecuniary profit to its members.
	Adoption Act 1984 No. 10150 of 1984	VIC	Schedule 1 CONVENTION ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION	Article 16 1. If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall: (a) a prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child; (b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background; (c) ensure that consents have been obtained in accordance with Article 4; and (d) determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child.
	Charter of Human Rights and	VIC	Section 14 Freedom of thought,	(1) Every person has the right to freedom of thought, conscience, religion and belief,

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	Responsibilities Act 2006 No. 43 of 2006		conscience, religion and belief	including: (a) the freedom to have or to adopt a religion or belief of his or her choice; and (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. (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.
	Charter of Human Rights and Responsibilities Act 2006 No. 43 of 2006	VIC	Section 19 Cultural rights	(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 and to use his or her language. (2) Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community: (a) to enjoy their identity and culture; and (b) to maintain and use their language; and

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				<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>
	<p>Equal Opportunity Act 2010 No. 16 of 2010</p>	VIC	<p>PART 2 - WHAT IS DISCRIMINATION?</p> <p>Section 6 Attributes</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>...</p> <p>(n) religious belief or activity;</p> <p>...</p>
	<p>Equal Opportunity Act 2010 No. 16 of 2010</p>	VIC	<p>Division 3 - Discrimination in education</p> <p>Section 39 Exception - educational institutions for particular groups</p>	<p>An educational authority that operates an educational 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>

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	Equal Opportunity Act 2010 No. 16 of 2010	VIC	Division 5 - Discrimination in accommodation Section 61 Exception - accommodation for students	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: (a) students of that sex, race, religious belief, age or age group; or (b) students with a general, or the particular, disability.
	Equal Opportunity Act 2010 No. 16 of 2010	VIC	PART 5 - GENERAL EXCEPTIONS TO AND EXEMPTIONS FROM THE PROHIBITION OF DISCRIMINATION Section 83 Religious schools	(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. (2) Nothing in Part 4 [PART 4 - WHEN IS DISCRIMINATION PROHIBITED?] 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: (a) conforms with the doctrines, beliefs or

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				<p>principles of the religion; or</p> <p>(b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.</p>
	<p>Equal Opportunity Act 2010 No. 16 of 2010</p>	VIC	<p>PART 5 - GENERAL EXCEPTIONS TO AND EXEMPTIONS</p> <p>FROM THE PROHIBITION OF DISCRIMINATION</p> <p>Section 85 Legal incapacity and age of majority</p>	<p>(1) Nothing in this Act is intended to affect the law in relation to the legal capacity or incapacity of any person or the age of majority.</p> <p>(2) A person may discriminate against another person If:</p> <p>(a) the other person is subject to a legal incapacity because of his or her age or disability; and</p> <p>(b) the incapacity is relevant to the transaction or activity in which they are involved.</p> <p>Example</p> <p>A service provider may refuse to enter into a contract with a child who, because of his or her age, does not have legal capacity to enter the contract.</p>
	<p>Racial and Religious Tolerance Act 2001 No. 47 of 2001</p>	VIC	Section 1 Purposes	<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</p>

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				<p>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>
	<p>Racial and Religious Tolerance Act 2001 No. 47 of 2001</p>	VIC	Section 4 Objects of Act	<p>(1) The objects of this Act are:</p> <p>...</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>...</p>
	<p>Racial and Religious Tolerance Act 2001 No. 47 of 2001</p>	VIC	Section 8 Religious vilification unlawful	<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>Note Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.</p>

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>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Anti-Discrimination Act 1991</p>	<p>Qld</p>	<p>Section 7 Discrimination on the basis of certain attributes prohibited</p>	<p>The Act prohibits discrimination on the basis of the following Attributes:</p> <p>...</p> <p>(f) age;</p> <p>...</p> <p>(i) religious belief or religious activity;</p> <p>...</p> <p>(p) association with, or relation to, a person identified on the basis of any of the above attributes.</p>
	<p>Anti-Discrimination Act 1991</p>	<p>Qld</p>	<p>Section 11 Meaning of indirect discrimination</p>	<p>(1) Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term:</p> <p>(a) with which a person with an attribute does not or is not able to comply; and</p> <p>(b) with which a higher proportion of people without the attribute comply or are able to comply; and</p>

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				<p>(c) that is not reasonable.</p> <p>....</p> <p>(4) In this section:</p> <p>term includes condition, requirement or practice, whether or not written.</p> <p>...</p> <p>Example 2:</p> <p>An employer requires employees to wear a uniform, including a cap, for appearance reasons, not for hygiene or safety reasons. The requirement is not directly discriminatory, but it has a discriminatory effect against people who are required by religious or cultural beliefs to wear particular headdress</p>
	<p>Anti-Discrimination Act 1991</p>	<p>Qld</p>	<p>Section 41 Single sex, religion, etc. educational institution</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;</p> <p>or</p>

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				(b) applicants who do not have a general, or the specific, impairment.
	Anti-Discrimination Act 1991	Qld	Section 89 Accommodation for students	<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 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>
	Education (General Provisions) Act 2006	Qld	Section 76 Religious instruction in school hours	<p>(1) Any minister of a religious denomination or society, or an accredited representative of a religious denomination or society, which representative has been approved by the Minister for the purpose, shall be entitled during school hours to give to the students in attendance at a State school who are members of the denomination or society of which the person is a minister or the accredited representative religious instruction in accordance with regulations prescribed in that behalf during a period not exceeding 1 hour in each week on such day as the principal of that school appoints.</p> <p>(2) Instruction in accordance with a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>regulation may be given in State primary and special schools during school hours in selected Bible lessons.</p> <p>(3) A separate reading book shall be provided for such purpose.</p> <p>(4) Instruction of a kind mentioned in subsection (2) is not to include any teaching in the distinctive tenets or doctrines of any religious denomination, society or sect.</p> <p>(5) Notwithstanding anything in this section, any parent of a student in attendance at a State school may withdraw such student from all religious instruction in such school by notification in writing to the principal that the parent desires the student to be so withdrawn.</p> <p>(6) The provisions pursuant to this section shall not apply or extend to students enrolled in the preparatory year at a State school.</p>

5. South Australia

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<p>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Education Act 1972</p>	<p>SA</p>	<p>Section 102 - Religious education</p>	<p>(1) Regular provision shall be made for religious education at a Government school, under such conditions as may be prescribed, at times during which the school is open for instruction.</p> <p>(2) The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.</p>
	<p>Education and Early Childhood Services (Registration and Standards) Act 2011</p>	<p>SA</p>	<p>Section 5 Definitions</p>	<p>This act applies generally to child (under-13) services that are principally conducted to provide instruction in, for example, religious instruction.</p> <p>'education and care service' means any service providing or intended to provide education and care on a regular basis to children under 13 years of age other than:</p> <p>...</p> <p>(d) a service principally conducted to provide instruction in a particular activity; or</p> <p>Example:</p> <p>Instruction in a particular activity could be</p>

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				instruction in sport, dance, music, culture or language or religious instruction.

6. Western Australia

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

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<p>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Parental Support and Responsibility Act 2008</p>	<p>WA</p>	<p>Section 8 Principle of cultural and religious sensitivity</p>	<p>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.</p>
	<p>School Education Act 1999</p>	<p>WA</p>	<p>Section 30. Non-attendance for religious or cultural observance</p>	<p>(1) A student is excused from:</p> <p>(a) attendance at a government school at which he or she is enrolled; or</p> <p>(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.</p> <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</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>particular case.</p> <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) - school includes any place to which an arrangement under section 24 relates.</p>
	School Education Act 1999	WA	Section 69. Special religious education	<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</p>

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				<p>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> <p>[66. Terms used in this Division</p> <p>In this Division:</p> <p>(a) general religious education means education about the major forms of religious thought and expression characteristic of Australian society and other societies in the world;</p> <p>(b) special religious education means education provided by churches and other religious groups and based on distinctive religious tenets and beliefs.]</p>
	School Education Act 1999	WA	Section 68. Curriculum not to promote certain subject-matter	<p>(1) The curriculum and teaching in government schools is not to promote:</p> <p>(a) any particular religious practice, denomination or sect;</p> <p>...</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	School Education Act 1999	WA	Section 69. Special religious education	<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>
	School Education Act 1999	WA	Section 71. Parent may withdraw child from special religious instruction etc	<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>

7. Northern Territory

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<p>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Education Act 2</p>	<p>NT</p>	<p>Section 73 Religious instruction in government schools</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, 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>

8. Tasmania

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

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<p>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Education Act 1993</p>	<p>Tas</p>	<p>Section 34. Religious instruction</p>	<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>

9. Australian Capital Territory

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

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<p>ARTICLE 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p>	<p>Children and Young People Act 2008</p>	<p>ACT</p>	<p>Section 7 Main objects of Act</p>	<p>The objects of this Act include:</p> <p>...</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; 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;</p> <p>...</p>
	<p>Children and Young People Act 2008</p>	<p>ACT</p>	<p>Section 9 Principles applying to Act</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</p>

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				<p>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>...</p>
	Children and Young People Act 2008	ACT	Section 20 Long-term care responsibility for children and young people	<p>(1) A person who has long-term care responsibility for a 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>2 religion and observance of racial, ethnic, religious or cultural traditions</p>
	Children and Young People Act 2008	ACT	Section 141 Detention places - minimum living conditions	(1) To protect the human rights of young detainees in detention at detention places, the director-general must ensure, as far as practicable (including during any

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				<p>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>
	Children and Young People Act 2008	ACT	Section 167 Food and drink	(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.
	Children and Young People Act 2008	ACT	Section 183 Religious, spiritual and cultural needs	(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.

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				<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>...</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 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</p>

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				<p>practices.</p> <p>...</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>
	Education Act 2004	ACT	Section 7 General principles of Act	<p>(1) Everyone involved in the administration of this Act, or in the school or home education of children in the ACT, is to apply the principle that every child has a right to receive a high-quality education.</p> <p>(2) Without limiting subsection (1), a high-quality education is based on the following principles:</p> <p>...</p> <p>(v) recognise the social, religious, physical, intellectual and emotional needs of all students; and</p> <p>...</p>
	Education Act 2004	ACT	Sections 12A Exemption certificate - issue	Exemption Certificate and Approval Statements may be issued by the director general if the director-general is satisfied on reasonable grounds that it is in the

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			14A Approval statement - issue	<p>child's best interests to issue or refuse to issue.</p> <p>The director general may consider:</p> <p>(c) the child's sense of racial, ethnic, religious or cultural identity;</p>
	Education Act 2004	ACT	Section 28 Secular education	<p>(1) Education in government schools is to be non-sectarian, secular education.</p> <p>(2) Secular education in government schools may include the study of different religions as distinct from education in a particular religion.</p>
	Education Act 2004	ACT	Section 29 Religious education	<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</p>

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				<p>class at a government school must be separated from other students at the school while the class is held.</p> <p>(5) In this section:</p> <p>'religious education' means education in a particular religion as distinct from the study of different religions.</p>
	Parentage Act 2004	ACT	Section 34 Order to carry out medical tests	<p>(1) The court may make an order (a parentage testing order) requiring stated medical tests that are relevant to establishing the parentage of the child to be carried out on a stated person within a stated time and in accordance with any stated conditions.</p> <p>...</p> <p>(4) When deciding whether to make the parentage testing order, the court must take into account any objection made on medical, religious or other grounds by the person to whom a copy of the order must be given.</p>
	Human Rights Act 2004	ACT	Section 11 Protection of the family and children	<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</p>

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				<p>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> <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>
	Human Rights Act 2004	ACT	Section 14 Freedom of thought, conscience, religion and belief	<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> <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</p>

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				<p>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>