

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 15</p> <p>1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.</p> <p>2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.</p>	<p>Age Discrimination Act 2004</p>	<p>Cth</p>	<p>s 27</p>	<p>It is unlawful for a person to discriminate against another person on the ground of the other person's age:</p> <p>(a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or</p> <p>(b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or</p> <p>(c) in relation to the provision of means of access to such premises; or</p> <p>(d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or</p> <p>(e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or</p> <p>(f) by requiring the other person to leave such premises or cease to use such facilities.</p>

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	Racial Discrimination Act 1975	Cth	s 11	<p>It is unlawful for a person:</p> <p>(a) to refuse to allow another person access to or use of any place or vehicle that members of the public are, or a section of the public is, entitled or allowed to enter or use, or to refuse to allow another person access to or use of any such place or vehicle except on less favourable terms or conditions than those upon or subject to which he or she would otherwise allow access to or use of that place or vehicle;</p> <p>(b) to refuse to allow another person use of any facilities in any such place or vehicle that are available to members of the public or to a section of the public, or to refuse to allow another person use of any such facilities except on less favourable terms or conditions than those upon or subject to which he or she would otherwise allow use of those facilities; or</p> <p>(c) to require another person to leave or cease to use any such place or vehicle or any such facilities;</p> <p>by reason of the race, colour or national or ethnic origin of that other person or of any relative or associate of that other person.</p>

2. New South Wales

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	<p>Children (Protection and Parental Responsibility) Act 1997</p>	<p>NSW</p>	<p>s 19</p>	<p>Operational area</p> <p>A police officer may remove a child from any public place in an operational area if the police officer believes on reasonable grounds that the person:</p>

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				<p>(a) is not subject to the supervision or control of a responsible adult, and</p> <p>(b) is in the public place in circumstances that place the person at risk.</p> <p>An 'operational area' is defined as a high risk area with minimal crime prevention or youth support initiatives in place, and an area which has been declared an operational area by the Attorney General.</p>
	Children (Protection and Parental Responsibility) Act 1997	NSW	s22	<p>Action</p> <p>A police officer who removes a person to whom this Division applies from any public place may escort (or arrange for another police officer to escort) the person to the residence of a parent of the person or, if the person has a carer, his or her care residence and leave the person there.</p> <p>A police officer who escorts a person to the residence of a parent of the person or his or her care residence must not leave the person at that residence unless:</p> <p>(a) the parent or carer of the person or some other responsible adult is present at the residence and is able and willing to care for the person, or</p> <p>(b) the police officer is satisfied that the person may safely be left at the residence in the absence of a responsible adult.</p>
	Crimes Act 1900	NSW	s 545C	Whosoever knowingly joins an unlawful assembly or continues in it shall be taken to be a member of that

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				assembly, and shall, on conviction before the Local Court, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding 5 penalty units, or both.

3. Victoria

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	<p>Charter of Human Rights and Responsibilities Act 2006</p>	<p>VIC</p>	<p>s 16</p>	<p>Peaceful assembly and freedom of association:</p> <p>(1) Every person has the right of peaceful assembly.</p> <p>(2) Every person has the right to freedom of association with others, including the right to form and join trade unions.</p>
	<p>Summary Offences Act 1966</p>	<p>VIC</p>	<p>s 4</p>	<p>Any person who obstructs a footpath or road whether by allowing a vehicle to remain across such footpath or road or by placing goods thereon or otherwise, is guilty of an offence.</p> <p>The person must have in some way prevented 'the free passage of the public.'</p>
	<p>Summary Offences Act 1966</p>	<p>VIC</p>	<p>s 49F</p>	<p>A person must not, without reasonable excuse, habitually consort with a person who has been found guilty of, or who is reasonably suspected of having committed, an organised crime offence.</p>

4. Queensland

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	<p>Anti-Discrimination Act 1991</p>	<p>QLD</p>	<p>s 50</p>	<p>A person may require, as a term of supplying goods and services to a minor, that a minor be accompanied by an adult if there would be a reasonable risk that a minor may cause a disruption or endanger himself or herself or others if not accompanied by an adult.</p>
	<p>Summary Offences Act 2005</p>	<p>QLD</p>	<p>s 10A</p>	<p>If:</p> <ul style="list-style-type: none"> (a) 3 or more persons are present together for a common purpose; and (b) the conduct of them taken together would cause a person

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				<p>in the vicinity to reasonably fear that unlawful violence will be used to a person or property;</p> <p>each of the persons commits an offence.</p> <p>In determining the above, the following are immaterial:</p> <p>(a) whether the original assembling was lawful or unlawful;</p> <p>(b) what the common purpose is and whether it is lawful or unlawful; and</p> <p>(c) whether there is or is likely to be a person in the vicinity who holds the fear mentioned in (b) above.</p>

5. South Australia

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6. Western Australia

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	<p>Equal Opportunity Act 1984</p>	<p>WA</p>	<p>s 66ZF</p>	<p>It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's age:</p> <p>(a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or</p> <p>(b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or</p> <p>(c) in the manner in which the first-mentioned person provides the other person with those goods or services or</p>

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				makes those facilities available to the other person.
	Equal Opportunity Act 1984	WA	s 66ZE	<p>It is unlawful for a person (in this section referred to as the discriminator) to discriminate against another person (in this section referred to as the aggrieved person) on the ground of the aggrieved person's age:</p> <p>(a) by refusing to allow the aggrieved person access to or the use of any place or vehicle that the public or a section of the public is entitled or allowed to enter or use, for payment or not; or</p> <p>(b) in the terms on which the discriminator is prepared to allow the aggrieved person access to or the use of any such place or vehicle; or</p> <p>(c) by refusing to allow the aggrieved person the use of any facilities in any such place or vehicle that the public or a section of the public is entitled or allowed to use, for payment or not; or</p> <p>(d) in the terms on which the discriminator is prepared to allow the aggrieved person the use of any such facilities; or</p> <p>(e) by requiring the aggrieved person to leave or cease to use any such place or vehicle or any such facilities.</p>

7. Northern Territory

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	<p>Anti-Discrimination Act</p>	<p>NT</p>	<p>s 45</p>	<p>A person may require, as a term of supplying goods, services or facilities to a child, that the child be accompanied by an adult if there is a reasonable risk that a child could cause a disruption or endanger himself or herself, or others, if not accompanied by an adult.</p>
	<p>Criminal Code Act</p>	<p>NT</p>	<p>s 63 and 64</p>	<p>(1) When 3 or more persons, with intent to carry out some common purpose, assemble in such a manner or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any</p>

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				<p>reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.</p> <p>(2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.</p> <p>Any person who takes part in an unlawful assembly is guilty of a crime and is liable to imprisonment for one year.</p>
	Summary Offences Act	NT	s 56	<p>Any person who habitually consorts with reputed criminals, shall be guilty of an offence.</p> <p>Penalty: 500 dollars or imprisonment for 3 months, or both.</p>

8. Tasmania

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	<p>Criminal Code Act 1924</p>	<p>TAS</p>	<p>s 73 and 74</p>	<p>An assembly of 3 or more persons:</p> <p>(a) with an intent to effect any common purpose, lawful or unlawful, in such a manner that firm and courageous persons in the neighbourhood of such assembly have reasonable grounds for alarm;</p> <p>(b) with an intent to assist each other in resisting any person opposing the execution of the common purpose; and</p> <p>(c) who manifest such intentions as aforesaid in such a manner as to give firm and courageous persons in the neighbourhood of such assembly reasonable grounds to apprehend a breach of the peace,</p> <p>is an unlawful assembly.</p>

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				Any person who takes part in an unlawful assembly is guilty of a crime.
	Police Offences Act 1935	TAS	s 6	<p>(1) A person shall not habitually consort with reputed thieves.</p> <p>(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 6 months.</p> <p>(2) A person shall not be convicted of an offence against this section if he proves to the satisfaction of the court that he has sufficient lawful means of support and that he had good and sufficient reasons for consorting with the persons with whom he is charged with having consorted.</p>

9. Australian Capital Territory

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	Discrimination Act 1991	ACT	s 20	<p>It is unlawful for a person (the 'provider') who (whether for payment or not) provides goods or services, or makes facilities available, to discriminate against another person:</p> <p>(a) by refusing to provide those goods or services or make those facilities available to the other person; or</p> <p>(b) in the terms or conditions on which the provider provides those goods or services or makes those facilities available to the other person; or</p> <p>(c) in the way in which the provider provides those goods or services or makes those facilities available to the other person.</p> <p>Discrimination on the grounds of age is captured by the above.</p>
	Human Rights Act 2004	ACT	s 13 and 28	<p>Freedom of movement:</p> <p>Everyone has the right to move freely within the ACT and to enter and leave it, and the freedom to choose his or her residence in the ACT.</p> <p>This right may be limited subject only to reasonable limits set by Territory laws that can be demonstrably justified in a free and democratic society.</p>
	Human Rights Act 2004	ACT	s 15 and 28	Peaceful assembly and freedom of association:

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				<p>(1) Everyone has the right of peaceful assembly.</p> <p>(2) Everyone has the right to freedom of association.</p> <p>This right may be limited subject only to reasonable limits set by Territory laws that can be demonstrably justified in a free and democratic society.</p>