

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 16 - A child has a right to protection of privacy</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p> <p><u>Notes:</u></p> <p>In addition, art 40(2)(b)(vii) of CROC refers to the specific need to have respect for the privacy of a child accused or found guilty of a criminal offence.</p> <p>A number of other international guidelines relating to the rights of children make reference to the need to protect privacy, including the <i>United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985</i> (the Beijing Rules) (see rule 8 in relation to access to court records) and the <i>United Nations Rules for the Protection of Juveniles Deprived of Their</i></p>	<p>Privacy Act 1988</p>	<p>Cth</p>	<p>Part II - Interpretation</p>	<p>'Child': someone is the 'child' of a person if he or she is a child of the person within the meaning of the <i>Family Law Act 1975</i>.</p> <p>Under the <i>Family Law Act 1975</i>, a 'child' means a person who is under 18</p>
			<p>Part VI - Public Interest Determinations</p>	<p><i>The Privacy Act</i> provides a mechanism for dealing with matters where the public interest in protecting the privacy of individuals needs to be considered in the context of other public interests, and where in some circumstances the protection of privacy should be set aside to some degree.</p> <p>This mechanism is given effect through the Information Commissioner's power to make a public interest determination on the basis of an application made under s 73 of the <i>Privacy Act</i> for such a determination.</p> <p>The Information Commissioner may make a public interest determination setting aside the protection of the privacy of individuals by declaring that a specific act or practice of the organisation will not be a breach of the National Privacy Principles (NPPs).</p> <p>Alternatively, the Information Commissioner may make a public interest determination dismissing the application thereby not setting aside the protection of the privacy of</p>

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<p><i>Liberty 1990</i> (see rule 19 on records). Although not necessarily binding on Australia at international law, these rules represent internationally accepted minimum standards.</p>				individuals.
			Part VI - Public Interest Determination No. 13	This Determination permits a specific organisation to disclose and collect personal information to improve outcomes for children and young people at risk of serious harm.
			s 14 - Information Privacy Principles	<p>The Information Privacy Principles (IPPs) regulate how Australian and ACT government agencies manage personal information. They cover how and when personal information can be collected, how it should be used and disclosed, and storage and security. They also allow individuals to access that information and have it corrected if it is wrong.</p> <ul style="list-style-type: none"> • Principle 1 - Manner and purpose of collection of personal information • Principle 2 - Solicitation of personal information from individual concerned • Principle 3 - Solicitation of personal information generally • Principle 4 - Storage and security of personal information • Principle 5 - Information relating to records kept by record-keeper • Principle 6 - Access to records containing personal information • Principle 7 - Alteration of records containing personal

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				<p>information</p> <ul style="list-style-type: none"> • Principle 8 - Record-keeper to check accuracy etc of personal information before use • Principle 9 - Personal information to be used only for relevant purposes • Principle 10 - Limits on use of personal information • Principle 11 - Limits on disclosure of personal information
			Schedule 3 - National Privacy principles	<p>There are ten NPPs that regulate how private sector organisations manage personal information. They cover the collection, use and disclosure, and secure management of personal information. They also allow individuals to access that information and have it corrected if it is wrong.</p> <ul style="list-style-type: none"> • Principle 1 - Collection • Principle 2 - Use and disclosure • Principle 3 - Data quality • Principle 4 - Data security • Principle 5 - Openness • Principle 6 - Access and correction

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				<ul style="list-style-type: none"> • Principle 7 - Identifiers • Principle 8 - Anonymity • Principle 9 - Transborder data flows • Principle 10 - Sensitive information

2. New South Wales

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<p>Article 16 - A child has a right to protection of privacy</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Privacy and Personal Information Protection Act 1998 (PIIP Act)</p>	<p>NSW</p>		<p>Deals with how all New South Wales public sector agencies manage personal information. It also sets out the role of the Office of the New South Wales Privacy Commissioner.</p> <p>While the Act applies primarily to the New South Wales public sector, it gives the New South Wales Privacy Commissioner the power to investigate and conciliate privacy breaches by organisations and individuals who are not public sector agencies.</p> <p>Penalties are imposed by the Act that may be given if a public sector official deliberately discloses or offers to give out personal information outside of their lawful powers.</p>

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			Part 2 - Information Protection Principles	<p>Similar to the <i>Commonwealth Privacy Act</i>, the NSW Act also sets out Information Privacy Principles (IPPs) that regulate NSW public sector agencies:</p> <ul style="list-style-type: none"> • Collection of personal information for lawful purposes • Collection of personal information directly from individual • Requirements when collecting personal information • Other requirements relating to collection of personal information • Retention and security of personal information • Information about personal information held by agencies • Access to personal information held by agencies • Alteration of personal information • Agency must check accuracy of personal information before use • Limits on use of personal information • Limits on disclosure of personal information • Special restrictions on disclosure of personal information

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	Health Records and Information Privacy Act 2002	NSW		<p>Governs the handling of health information in the public sector, and it also seeks to regulate the handling of health information in the private sector in New South Wales.</p> <p><i>Reporting children at risk of harm or significant harm</i></p> <p>Officers in a participating organisation that is a public sector agency will follow current legislative and policy directions in relation to children at risk of harm or risk of significant harm.</p>
	Children and Young Persons (Care and Protection) Act 1998	NSW	s 248	<p>Employees have a duty to furnish information relating to the safety, welfare and well being of children and young persons to the Department of Community Services. The PPIP Act does not operate to prevent information exchange relating to welfare of clients or other children or young people between Department of Juvenile Justice and Department of Community Services.</p>
	Crimes (Forensic Procedures) Act 2000	NSW	93A - Use of DNA profile of child or incapable person	<p>(1) Despite any other provision of this Act, if a forensic procedure is carried out on a volunteer who is a child or incapable person and a DNA profile is obtained as a result of that forensic procedure, that DNA profile:</p> <ul style="list-style-type: none"> (a) must not be placed on the volunteers (unlimited purposes) index of the DNA database system, and (b) must, if placed on an index of the DNA database system, only be used for the purpose for which the DNA profile is placed on that index, and (c) must not be matched with any DNA profile on the same

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				or another index of the DNA database system for any other purpose, unless otherwise ordered by a Magistrate.
	Adoption Act 2000	NSW	134(3) - Adopted person's rights 136(4) -Birth parent's rights	<p>134(3) An adopted person who is less than 18 years of age is not entitled to receive his or her original birth certificate, adopted person's birth record or prescribed information except with the consent of:</p> <p>(a) his or her surviving adoptive parents and surviving birth parents (as shown on the original birth certificate or adopted person's birth record); or</p> <p>(b) the Director-General if there are no surviving adoptive parents or birth parents (as so shown) or if they cannot be found or if there is, in the opinion of the Director-General, any other sufficient reason to dispense with their consent.</p> <p>136(4) A designated person may supply a birth parent with prescribed information held by an information source about an adopted child who is less than 18 years of age without production of the amended birth certificate of the adopted person or authority to supply the adoption information if, in the opinion of the designated person, the information could not be used to identify the adopted person or his or her adoptive parents.</p>
	Assisted Reproductive Technology Act 2007	NSW	41E - Disclosure of information to person to whom it relates	41E(2) The Director-General must, on application by the parent of a child under 18 years whose parentage was transferred by a parentage order, provide to the parent a copy of any information about the child held on the central register.

3. Victoria

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<p>Article 16 - A child has a right to protection of privacy</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Information Privacy Act 2000 (VIP Act)</p>	<p>VIC</p>		<p>The <i>VIP Act</i> covers the handling of all personal information except health information in the public sector in Victoria. This Act adopts ten Information Privacy Principles which are similar to the NPPs set out in the federal <i>Privacy Act</i>.</p>
	<p>Health Records Act 2001</p>	<p>VIC</p>	<p>s 47</p>	<p>This Act covers the handling of all personal information held by health service providers in the State public sector and also seeks to govern acts or practices in the Victorian private health sector. The <i>Health Records Act</i> contains a set of principles adapted from the National Privacy Principles.</p> <p>47. Complaints (to the Office of the Health Services Commissioner can be made by a child) by children and people with an impairment</p> <p>(1) A complaint may be made:</p> <p>(a) by a child; or</p> <p>(b) on behalf of a child by:</p> <p>(i) a parent of the child; or</p> <p>(ii) any other person chosen by the child or by a parent of the child; or</p> <p>(iii) any other person who, in the opinion of the Health Services Commissioner, has a sufficient interest in the subject-matter of the complaint.</p>

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				<p>(2) A child who is capable of understanding the general nature and effect of choosing a person to make a complaint on his or her behalf may do so even if he or she is otherwise incapable of exercising powers.</p> <p>(3) If an individual is unable to complain by reason of injury, disease, senility, illness, disability, physical impairment or mental disorder, a complaint may be made on behalf of that individual by:</p> <p>(a) another person authorised by the individual to complain on his or her behalf; or</p> <p>(b) if the individual is unable to authorise another person, any other person on his or her behalf who, in the opinion of the Health Services Commissioner, has a sufficient interest in the subject-matter of the complaint.</p> <p>(4) An individual who is capable of understanding the general nature and effect of authorising another person to complain on his or her behalf may do so even if he or she is otherwise incapable of exercising powers.</p>
	<p>Charter of Human Rights and Responsibilities Act 2006</p>	<p>VIC</p>	<p>s 13</p>	<p>The Charter incorporates a general right to privacy for individuals in addition to other rights.</p> <p>Everyone has the right to keep their lives private. Your family, home or personal information cannot be interfered with, unless the law allows it.</p>

4. Queensland

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<p>Article 16 - a child has a right to protection of privacy</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Information Privacy Act 2009</p>	<p>QLD</p>		<p>Regulates the handling of personal information by Queensland government agencies. It contains 11 Information Privacy Principles which set out the way that all Queensland government agencies except Queensland Health are to handle personal information. It also contains nine National Privacy Principles which set out the way that Queensland Health is to handle personal information.</p>
	<p>Juvenile Justice Act 1996</p>	<p>QLD</p>	<p>Part 9 - Confidentiality</p>	<p>In December 2002, amendments to the Juvenile Justice Act 1996 (Queensland) gave Children's Courts the power to order that the name and identity of certain young convicted offenders be made public. This appears to conflict with the principles underlying the Act, particularly those that require the court to provide for the young person's rehabilitation and reintegration into the community. Advocates also argue that such orders are in contravention of Article 16 and encourage isolation, negative self-image and increased risk of re-offending in the community.</p> <p>290 Disclosure to the child or with the child's consent</p> <p>(1) The person may disclose the information to the child.</p>

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				<p>(2) The person may disclose the information to someone else if the child consents to the disclosure after being told:</p> <ul style="list-style-type: none"> (a) the information to be disclosed; and (b) to whom it is to be disclosed; and (c) the reason for the disclosure.
	<p>Public Health Act 2005</p>	<p>QLD</p>	<p>Part 3 - Child Abuse and Neglect</p> <p>Division 9 - Chief executive (child safety) may require information about child held under care and treatment order</p>	<p>208 Chief executive (child safety) may require information from designated medical officer.</p> <p>(1) This section applies if the chief executive (child safety) considers information is required about a child held under a care and treatment order.</p> <p>(2) The chief executive (child safety) may ask a designated medical officer, orally or in writing, for stated information about the child, within a reasonable stated time.</p> <p>(3) The designated medical officer must comply with the request to the extent the designated medical officer is able to do so, unless the designated medical officer has a reasonable excuse.</p> <p>Maximum penalty—50 penalty units.</p> <p>(4) The designated medical officer is not liable to be prosecuted for an offence against subsection (3) unless the chief executive (child safety), when making the request, warns the designated medical officer it is an offence to fail to comply with the request to the extent the designated medical officer is able to do so, unless the designated medical officer</p>

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				<p>has a reasonable excuse.</p> <p>(5) A person who gives information requested under this section who would otherwise be required to maintain confidentiality about the information given under an Act, oath, rule of law or practice:</p> <p>(a) does not contravene the Act, oath, rule of law or practice by giving the information; and</p> <p>(b) is not liable.</p>

5. South Australia

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<p>Article 16 - a child has a right to protection of privacy</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Information Privacy Principles</p>	SA		<p>South Australia has issued an administrative instruction requiring its government agencies to generally comply with a set of Information Privacy Principles and has established a privacy committee.</p>
	<p>Code of Fair Information Practice</p>	SA		<p>South Australia also has a Code of Fair Information Practice based on the National Privacy Principles. This Code applies to the South Australian Department of Health and its funded service providers and to others with access to the Department's personal information.</p>
	<p>Freedom of Information Act 1991</p>	SA		<p>Confers on each member of the public and on Members of Parliament a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are consistent with the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions) and the preservation of personal privacy;</p>
	<p>State Records Act 1997</p>	SA		<p>Establishes the Victorian Office of State Records and ensures that members of the public have ready access to official records in the custody of State Records subject only to exceptions or restrictions that:</p> <p>(i) would be authorised under the <i>Freedom of Information Act 1991</i> or Part 5A of the <i>Local Government Act 1934</i>; and</p>

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				<p>(ii) are required:</p> <ul style="list-style-type: none"> • for protection of the right to privacy of private individuals or on other grounds that have continued relevance despite the passage of time since the records came into existence; or • for the preservation of the records or necessary administrative purposes.

6. Western Australia

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<p>ARTICLE 16:</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Freedom of Information Act 1992</p>	<p>WA</p>		<p>An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.</p> <p>Under Part 2, a person has a right to be given access to the documents of an agency subject to and in accordance with the Act. This is done by application to the agency.</p>
			<p>Part 6 - Miscellaneous</p>	<p>Section 98 provides that an application for access to information may be made on behalf of a child by the child's guardian or the person who has custody or care and control of the child.</p>
	<p>Young Offenders Act 1994</p>	<p>WA</p>	<p>s 15</p>	<p>This provision deals with access to records of young offenders. Under s 15, records of every finding by the court that a young person is guilty of an offence are to be made available by the chief executive officer to any court and to any person requiring the information for the purposes of performing a function under this Act or under the <i>Court Security and Custodial Services Act 1999</i> in relation to the young person, and to any person who is authorised to exercise a Schedule power as defined in that Act in relation to the young person or who does any high-level security work as defined in that Act in relation to the young person.</p>
			<p>s 15A</p>	<p>This provision deals with the disclosure of personal information relating to young offenders. A person who uses information received under s 15A for any purpose other than</p>

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				<p>a purpose for which he or she is authorised under the section commits an offence.</p> <p>Upon being requested to do so by the CEO (child welfare), the chief executive officer may provide the CEO (child welfare) with information relating to a young person where the provision of that information is necessary:</p> <ul style="list-style-type: none"> (a) to protect a young person; (b) to assist in the placement of the young person; (c) to protect the physical safety of a child, whether or not in the care of the welfare agency; (d) to assist in an assessment of the young person by officers of the welfare agency; or (e) for the purpose of enabling the CEO (child welfare) or a person employed in the welfare agency to investigate an allegation of: <ul style="list-style-type: none"> (i) abuse of the young person; or (ii) abuse by the young person of a child in the care of the Department, or facilitating such an investigation.
			s 16	Section 16 sets out circumstances where information may be exchanged between the CEO (child welfare), a public authority, contractor or other body. Information may regard young persons who have committed offences or detainees or persons who have been detainees. Purposes of the exchange

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				may be research to promote the development of juvenile justice services.
			s 16A	<p>Information under section 15 or 16 may be disclosed despite any written law relating to confidentiality or secrecy. The disclosure must be in good faith and under section 15 or 16 in order:</p> <ul style="list-style-type: none"> not to incur civil or criminal liability, not to be regarded as a breach of confidentiality or secrecy imposed by law; or not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

7. Northern Territory

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<p>ARTICLE 16:</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p>	<p>Information Act 2002</p>	<p>NT</p>		<p><i>The Information Act 2002</i> impacts the way that NT public sector organisations collect, use and store government and personal information.</p> <p>The Act combines the issues of freedom of information, privacy and records and archives management.</p>
<p>2. The child has the right to the protection of the law against such interference or attacks.</p>			<p>Schedule 2</p>	<p>The information privacy principles (IPPs) are the principles for collecting and handling personal information by public sector organisations.</p> <p>IPP 1. Collection of personal information: necessary for one or more of the public sector organisation's functions or activities and collection only be lawful and fair means.</p> <p>IPP 2. Use and disclosure of personal information</p> <p>IPP 3. Data quality</p> <p>IPP 4. Data security</p> <p>IPP 5. Openness</p> <p>IPP 6. Access and correction</p> <p>IPP 7. Identifiers</p> <p>IPP 8. Anonymity: A public sector organisation must give an individual entering transactions with the organisation the option of not identifying himself or herself unless it is</p>

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				<p>required by law or it is not practicable that the individual is not identified.</p> <p>IPP 9. Transborder data flows</p> <p>IPP 10. Collection of sensitive information.</p>
			s 18	An application may be made to a public sector organisation for access to government information held by the organisation, including the person's personal information.
			s 155	<p>An application or complaint may be made by a child or on behalf of a child by:</p> <ul style="list-style-type: none"> (i) the child's parent; (ii) a person chosen by the child or the child's parent; or (iii) a person who has a sufficient interest in the application or complaint. <p>An application relating to health information about treatment received by a child with the child's consent may only be made on behalf of the child with the child's consent.</p>
			<p>Part 3 - Accessing government information</p> <p>s 30</p>	<p>This provision relates to "information about third parties". Information is about a third party if disclosure of the information, inter alia, might be an interference with a person's privacy.</p> <p>Under sub-clause (2), a public sector organisation must not decide to provide access to information about a third party</p>

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				<p>unless the organisation has sought the views of the third party, the third party being:</p> <p>(b) if the disclosure would be an interference with a person's privacy:</p> <p>(i) the person whose privacy would be interfered with; or</p> <p>(ii) if that person is a child, has a disability or is deceased – a person who under section 155 may make a complaint on that person's behalf;</p>
			<p>Part 7 - Complaints to Information Commissioner s 104</p>	<p>A person may make a complaint to the Commissioner about a public sector organisation in relation to interference with privacy on one or both of the following grounds:</p> <p>(a) that the organisation has collected or handled his or her personal information in a manner that contravenes an IPP, a code of practice or an authorisation;</p> <p>(b) that the organisation has otherwise interfered with the person's privacy.</p>
			<p>s 115</p>	<p>Section 115 deals with the determination of a complaint made under section 104 about interference with privacy (the determination is made after conducting a hearing). The Commissioner has the discretion to make one or more of the following orders:</p> <p>(a) that the respondent refrain from repeating or continuing to do an act specified in the order;</p>

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				<p>(b) that the respondent redress the loss or damage suffered by the complainant (including injury to feelings and humiliation suffered) in the manner specified in the order, which may include the payment of compensation not exceeding \$60 000 or the making of an apology;</p> <p>(c) that the respondent correct the complainant's personal information;</p> <p>(d) that the respondent attach a statement provided by the Commissioner to the complainant's personal information.</p>
			s 159A	The Act does not affect any request for, or giving of, information under Part 5.1A of the <i>Care and Protection of Children Act</i> .
	Care and Protection of Children Act 2007	NT	Part 1.3 - Principles underlying this Act s 9	This provision states each child is a valued member of society and is entitled to be treated in a way that respects the child's dignity and privacy.
			s 13 (Definitions)	<p>'child' means:</p> <p>(a) a person less than 18 years of age; or</p> <p>(b) a person apparently less than 18 years of age if the person's age cannot be proved.</p>
			Part 5.1A - Sharing	The object of this Part is to ensure the safety and wellbeing of children by enabling particular persons and bodies having

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			information for safety and wellbeing of children	<p>responsibilities for a child to request or give particular information about the child.</p> <p>Division 2 establishes an information sharing framework where an information sharing authority (defined in s 293C) may give any information about a child, or a group of children, to another information sharing authority. The information sharing authority must not use or disclose the information given under this Part for any purpose not related to the safety or wellbeing of a child to whom the information relates.</p>

8. Tasmania

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<p>ARTICLE 16:</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	<p>Personal Information Protection Act 2004</p>	<p>TAS</p>		<p>In 1997 Tasmania issued Information Privacy Principles based on the federal <i>Privacy Act</i> and recommended the principles to Tasmanian government agencies. These Information Privacy Principles have been superseded by the <i>Personal Information and Protection Act 2004</i> which came into effect on 5 September 2005.</p> <p>This Act applies to the public and local government sectors and the University of Tasmania. The Act is administered by the Department of Justice and complaints may be made to the Tasmanian Ombudsman.</p>
			<p>Sch 1</p>	<p>Personal Information Protection Principles:</p> <ol style="list-style-type: none"> 1. Collection 2. Use and disclosure 3. Data quality 4. Data security 5. Openness 6. Access and correction 7. Unique identifiers 8. Anonymity

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				<p>9. Disclosure of information outside Tasmania</p> <p>10. Sensitive information</p>
	Children, Young Persons and their Families Act 1997	TAS		<p>This Act is strongly based on the United Nations Convention on the Rights of the Child and reflects the view that all efforts should be directed towards accurately balancing assessment of safety and risk with strengthening positive aspects in the individual, family and community systems. This legislation also makes provision for the appointment, responsibilities and powers of the Commissioner for Children.</p>
			Part 5A - Information Sharing	<p>The Secretary of the Department may do either or both of the following:</p> <p>(a) provide an information-sharing entity with information relating to the safety, welfare or wellbeing of a relevant person;</p> <p>(b) require an information-sharing entity to provide, to the Secretary, information relating to the safety, welfare or wellbeing of a relevant person.</p> <p>(2) An information-sharing entity required to provide information to the Secretary under subsection (1)(b) must, within the period specified by the Secretary:</p> <p>(a) provide the information; or</p> <p>(b) if the information-sharing entity does not have the information, provide the Secretary with written notice that it</p>

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				cannot provide the information for that reason. Penalty is a fine not exceeding 5 penalty units.

9. Australian Capital Territory

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<p>ARTICLE 16:</p> <p>1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.</p> <p>2. The child has the right to the protection of the law against such interference or attacks.</p>	Human Rights Act 2004	ACT		The Act requires that, as far as possible, ACT laws must be interpreted and applied in a way that is compatible with the human rights guaranteed under the Act.
			s 11(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.
			s 12	Everyone has the right: <ul style="list-style-type: none"> (a) not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily; and (b) not to have his or her reputation unlawfully attacked.
			s 21(2)(b)	This provision provides a general right to a fair trial (IE decided by a competent, independent and impartial court or tribunal after a ' fair and public hearing '. The press and public may however be excluded from all or part of a trial if ' the interest of the private lives of the parties require the exclusion ').
	Human Rights Commission Act 2005	ACT	Part 3 Division 3.3	The Children & Young People Commissioner (CYPC) is one of the three Commissioners within the ACT Human Rights Commission. The CYPC is an independent statutory office created under the <i>Human Rights Commission Act 2005</i> .
	Privacy Act 1988	ACT		The federal Act regulates ACT agencies.

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	Children and Young People Act 2008	ACT	Part 1.3 Division 1.3.1 - Definitions	A ' child ' is a person under 12 years old (s 11). A ' young person ' means a person who is 12 years old or older, but not yet an adult (s 12).
			Chapter 25 - Information secrecy and sharing	<p>The provisions of this chapter apply to young offenders and young detainees who are adults in the same way as they apply to young offenders and young detainees who are under 18 years old.</p> <p>Under s 843, an 'information holder' means a person who:</p> <ul style="list-style-type: none"> (a) is or has been: <ul style="list-style-type: none"> (i) the director-general; or (ii) the public advocate; or (iii) an official visitor; or (iv) a researcher for an approved research project; or (v) someone else exercising a function, or purporting to exercise a function, under this Act (other than a judge or magistrate); or (vi) someone else engaged in the administration of this Act; or (b) has been given information under this Act by a person mentioned in paragraph (a).

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				<p>Protected information may be given to people under various provisions of this Act, including the following:</p> <ul style="list-style-type: none"> • s 497 (Annual review report—must be given to certain people); • s 850 (Minister or director-general—giving information to person about the person); • s 851 (Minister or director-general—giving information in best interests of child or young person); • s 852 (Director-general—giving information to person under corresponding provisions); • s 855 (Director-general—giving information to researcher); • s 860 (Minister or director-general—giving safety and wellbeing information to information sharing entity); • s 865 (Giving protected information to court or investigative entity); • s 865A (Giving protected information to police).
			Part 25.2	It is an offence for an information holder to divulge protected information about someone else. There is a maximum penalty of 50 penalty units and/or imprisonment for 6 months for an offence under this Part.

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			Part 25.3	<p>The provisions under Part 25.3 outline the circumstances where protected information can be shared, for example:</p> <p>(a) The Minister or director-general may give a person protected information held by the Minister or director-general about the person (s 850);</p> <p>(b) The Minister or director-general may give someone protected information about a child or young person if the Minister or director-general considers that giving the information is in the best interests of the child or young person (s 851);</p> <p>(c) The director-general may give protected information to any person who is exercising a function, or otherwise engaged in the administration of, a provision of a law of a State corresponding (or substantially corresponding) to a provision of this Act if the director-general considers that giving the information is necessary to allow the person to exercise the function to administer the law (s 852).</p>