

# 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><b>ARTICLE 26:</b></p> <p>1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>A New Tax System (Family Assistance) Act 1999</b></p>	<p>Cth</p>	<p>21</p>	<p><b>Family Tax Benefit</b></p> <p>Section 21 sets out when an individual is eligible for family tax benefit in normal circumstances. It provides that an individual is eligible for family tax benefit if the individual:</p> <ol style="list-style-type: none"> <li>1. has at least one <b>'FTB child'</b> (as to which see the summary of section 22 below); or</li> <li>2. is not an <b>'absent overseas recipient'</b> and has at least one regular care child who is also a rent assistance child; and</li> <li>3. the individual, is:</li> <li>4. an Australian resident;</li> <li>5. a special category visa holder residing in Australia; or</li> <li>6. the individual satisfies subsection (1A) (which subsection deals with individuals holding a visa under subparagraph 729(2)(f)(v) of the <i>Social Security Act 1991</i> (Cth)); and</li> <li>7. the individual's rate of family tax benefit, worked out under Division 1 of Part 4, is greater than nil (but disregarding for this purpose reductions (if any) under clause 5 or 25A of Schedule 1, section 58A and subclauses</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>31B(3), 38AA(3) and 38AF(3) of Schedule 1.</p> <p>An individual's right to family tax benefit is however subject to any other relevant provision of the Act which provides that that individual is not eligible for family tax benefit.</p>
			22	<p>Section 22 sets out the circumstances in which a child will be an '<b>FTB</b>' child of an adult. It provides that an individual will be an FTB child of an adult in the following circumstances:</p> <p><i>Individuals aged under 16</i></p> <p>An individual is an FTB child of the adult if:</p> <ol style="list-style-type: none"> <li>1. the individual is aged under 16;</li> <li>2. the individual is in the adult's care;</li> <li>3. the individual is an Australian resident, is a special category visa holder residing in Australia or is living with the adult; and</li> <li>4. the circumstances surrounding legal responsibility of the individual are such that:</li> <li>5. the adult is legally responsible (whether alone or jointly with someone else) for the day-to-day care, welfare and development of the individual; or</li> <li>6. under a family law order, registered parenting plan or parenting plan in force in relation to the individual, the adult</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>is someone with whom the individual is supposed to live or spend time; or</p> <p>7. the individual is not in the care of anyone with the legal responsibility for the day-to-day care, welfare and development of the individual.</p> <p><i>Individuals aged 16-17</i></p> <p>An individual is an FTB child of the adult if</p> <ol style="list-style-type: none"> <li>1. the individual has turned 16 but is aged under 18; and</li> <li>2. items 2 and 4 above under the heading '<i>Individual aged under 16</i>' are satisfied; and</li> <li>3. the individual satisfies or is exempt from the 'FTB activity test'.</li> </ol> <p><i>Individuals aged 18-20</i></p> <p>An individual is an FTB child of the adult if:</p> <ol style="list-style-type: none"> <li>1. the individual has turned 18 but is aged under 21;</li> <li>2. items 2 and 3 above under the heading '<i>Individual aged under 16</i>' are satisfied; and</li> <li>3. the individual satisfies or is exempt from the 'FTB activity test'.</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p><i>Individual aged 21 undertaking full-time study or studying overseas full time</i></p> <ol style="list-style-type: none"> <li>1. the individual is aged 21;</li> <li>2. items 2 and 3 above under the heading '<i>Individual aged under 16</i>' are satisfied; and</li> <li>3. the individual is undertaking full time study (in Australia or overseas).</li> </ol> <p><i>Percentage of care at least 35%</i></p> <p>If an individual's percentage of care for a child during a care period is at least 35%, the child is taken to be an FTB child of that individual for the purposes of this section on each day in that period, whether or not the child was in that individual's care on that day.</p> <p>If an individual's percentage of care for a child during a care period is less than 35%, the child is taken not to be an FTB child (see section 25).</p> <p>There are however exceptions to the tests set out above (see section 22A below).</p>
			22A	<p>Section 22A sets out a number of circumstances in which an individual will not be an FTB child or another individual, even if the relevant tests set out in section 22 have been satisfied. These circumstances include:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>1. <i>for children aged 5 or more but less than 16 if:</i></p> <p>(a) the individual is not undertaking full time study or studying overseas full time or undertaking primary education, and the individual's adjusted taxable income is equal to or exceeds \$11,233; or</p> <p>(b) the adult is the individual's partner/spouse.</p> <p>2. <i>for children aged 16 or more if:</i></p> <p>(a) if the individual is not a senior secondary school child, the individual's adjusted taxable income is equal to or exceeds \$11,233;</p> <p>(b) the adult is the individual's partner/spouse; or</p> <p>(c) the individual or someone on their behalf is receiving payments under a prescribed educational scheme.</p> <p>3. <i>for children of any age if:</i></p> <p>(a) the individual, or someone of their behalf, is receiving a social security pension, social security benefit of payments under programs known as 'Labour Market Programs'.</p>
			Section 22A(IA)	Section 22(1A) sets out when an individual will be taken to be undertaking primary education.
			Section 22B	Section 22B sets out the circumstances in which an individual

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				will be a 'senior secondary school child'.
			23	Section 23 sets out provisions dealing with circumstances where an FTB child of an individual ceases to be in an individual's care without the consent of that individual consent.
			24	Section 24 sets out provisions dealing with the effect of an absence of an FTB child or a regular care child from Australia.
			25	Section 25 provides that if an individual's percentage care of child is less than 35% for a care period, the child is taken not to be an FTB child of that individual during that period.
			25A	Section 25A provides that if an individual's percentage care of a child during a care period is at least 14%, but less than 35%, the child is taken to be a regular care child of that individual for each day during that period.
			26	Section 26 provides that if 2 individuals who are members of a couple would otherwise be eligible at the same time for family tax benefit in respect of one or more FTB children or regular care children, only 1 member is eligible (as determined by the Secretary having regard to the specified circumstances in section 26).
			27	Section 27 deals with the meaning of 'FTB child' or 'regular care child' in cases of blended families (such that one or more members of the couple have a child from another

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				relationship), and extends the meaning of those terms to deal with such situations.
			28	Section 28 goes on to set out in more detail the eligibility for family tax benefit of members of a couple in a blended family. It grants the Secretary the discretion to determine eligibility of the relevant persons for family tax benefit, and the relevant percentage entitlements.
			29	Section 29 deals with the eligibility for family tax benefit of separated members of a couple in respect of the period prior to separation. It grants the Secretary the discretion to determine eligibility of the relevant persons for family tax benefit, and the relevant percentage entitlements.
			31	Section 31 deals with the continued eligibility for family tax benefit if an FTB child or regular care child dies. In essence, it provides that the individual remains eligible for family tax benefit for 14 weeks after the death of the child, which can be reduced in certain circumstances.
			32	Section 32 sets out the circumstances in which an entitlement to family tax benefit by instalments may have the relevant amount paid in a lump sum.
			33	Section 33(1) deals with the situation where an individual who is eligible for family tax benefit (rather than the child) dies. It sets out the circumstances in which the family tax benefit can be paid to another individual.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				Section 33(2) deals with the situation where an individual who is eligible for family tax benefit and the FTB child or regular child dies. It sets out the circumstances in which the family tax benefit can be paid to another individual.
			34	<p>Section 34 sets out the circumstances in which an approved care organisation is eligible for family tax benefit in respect of an individual. It provides that an approved care organisation is eligible for family tax benefit in respect of an individual if:</p> <ol style="list-style-type: none"> <li>1. the individual: <ol style="list-style-type: none"> <li>(a) is aged under 16; or</li> <li>(b) has turned 16 but is aged under 21 and satisfies or is exempt from the FTB activity test; or</li> <li>(c) is aged 21 and is undertaking full-time study or is studying overseas full-time; and</li> </ol> </li> <li>1. the individual is a client of the organisation; and</li> <li>2. the individual is an Australian resident.</li> </ol> <p>However, an approved care organisation is not eligible for family tax benefit in respect of an individual in the cases set out in section 35 (as to which see below).</p> <p>For the purposes of the criteria set out above the term 'client</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>of the organisation' extends to situations where:</p> <p>(a) an organisation that is not an approved care organisation is providing residential care services to young people in Australia; and</p> <p>(b) an approved care organisation is co-ordinating the provision of those services.</p> <p>In such cases the young people are taken to be clients of the approved care organisation.</p> <p>An approved care organisation is one which co-ordinates or provides residential care services to young people in Australia and which is approved by the Secretary under section 20 of the Act.</p>
			35	<p>Section 35 sets out the circumstances in which an approved care organisation will not be eligible for family tax benefit, even if the tests in section 34 are satisfied. These circumstances largely mirror those set out in relation to Section 22A above.</p>
			35A	<p>Section 35A sets out detailed provisions dealing with the determination of the percentage of care which an adult gives to a child during a care period when the child is not in the care of that adult. The Secretary is required to determine that adult's percentage of care in accordance with the stated sections of the Act.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			35B	Section 35B sets out detailed provisions dealing with the determination of the percentage of care which an adult gives to an FTB child or more than one individual. The Secretary must determine the adult's percentage of care during the relevant care period in accordance with the stated sections of the Act.
			35C	<p>Section 35C sets out detailed provisions dealing with the determination of the percentage of care which an adult has of a child where:</p> <ol style="list-style-type: none"> <li>1. there is a care arrangement in place in respect of that child; and</li> <li>2. the Secretary is satisfied that the actual care arrangements do not correspond with the care arrangement; and</li> <li>3. the individual who has reduced care of the child has taken reasonable action to ensure that the care arrangement is complied with.</li> </ol> <p>In such circumstances, the Secretary must determine two percentages of care in relation to the adult.</p>
			35D	<p>Section 35D sets out detailed provisions dealing with the determination of the percentage of care which an adult has of a child where:</p> <ol style="list-style-type: none"> <li>1. there is a care arrangement in place in respect of that child;</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>2. the Secretary is satisfied that the actual care arrangements do not correspond with the care arrangement; and</p> <p>3. the individual who has reduced care of the child has not taken reasonable action to ensure that the care arrangement is complied with but has instead taken reasonable action to make another care arrangement.</p> <p>In such circumstances, the Secretary must determine two percentages of care in relation to the adult.</p>
			35E	Section 35E deals with the application of section 35C and section 35D to past periods of care.
			35F	Section 35F provides that sections 35C and 35D do not apply if the relevant claim was made 14 weeks or more after the change in care arrangements. The Secretary does have a discretion (if special circumstances exist in relation to an individual who has reduced care of a child) to extend that date to such longer period as the Secretary deems appropriate, up to a maximum of 26 weeks.
			35G	Section 35G deals with the calculation of the percentage of care if a claim is made for payment of the family tax benefit because of the death of a child.
			35H	Section 35H sets out the circumstances in which an individual will be taken to have reduced care of a child. That will be the case if:

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ol style="list-style-type: none"> <li>1. a care arrangement applies in relation to the child; and</li> <li>2. the individual should have had, or is to have, an extent of care of the child under the care arrangement during a care period; and</li> <li>3. the Secretary is satisfied that the actual care of the child that the individual has had, or will have, during the care period is less than that extent of care.</li> </ol>
			35J	<p>Section 35J(1) sets out detailed provisions for calculating the actual care of a child that an individual has had based on the number of nights that the Secretary is satisfied that the child was, or will be, in the care of the individual during the period.</p> <p>Section 35J(2) sets out detailed provisions for calculating the extent of care of a child that an individual should have had, or is to have, under a care arrangement during a care period. In such circumstances it may be worked out on the basis of the number of nights that the child should have been, or is to be, in the case of the individual during the care period under the care arrangement.</p> <p>For the purposes of this section, a child cannot be in the care of more than one individual at the same time.</p>
			35K - 35N	Sections 35K - 35N set out further provisions/exemptions for determining the period of care in relation to an individual.
			35P - 35S	Sections 35P-35S set out provisions dealing with the revocation of a determination of an individual's shared care

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				percentage including in circumstances where the Secretary or Child Support Registrar is satisfied aware that the care of the child that is actually taking place does not correspond with the individuals existing percentage care of the child.
			35T	Section 35T provides that if a percentage of care has been determined by the Registrar under the Child Support (Assessment) Act 1989, and that determination remains current, then that determination will have effect under this Act as if it were a determination by the Secretary under the relevant provisions of this Act for family assistance purposes.
			35U	Section 35U contains detailed provisions dealing with the effect of a review of percentages under the Child Support (Assessment) Act 1989 or the Administrative Appeals Tribunal Act on the determination of an individual's percentage of care under this Act.
			SS 35UA - 35UH	<p><b>Schoolkids bonus</b></p> <p>There is a schoolkids bonus payable in certain circumstances. Sections 35UA - 35UH set out detailed provisions dealing with the circumstances in which an individual is eligible for a schoolkids bonus.</p>
			SS36-38	<p><b>Baby Bonus</b></p> <p>There is a baby bonus payable in certain circumstances. Sections 36 - 38 set out detailed provisions dealing with the circumstances in which an individual is eligible for a baby</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>bonus in respect of a child. It includes circumstances where:</p> <ol style="list-style-type: none"> <li>1. the individual is the parent of the child;</li> <li>2. the child is entrusted to the care of the individual, or the individual's partner within the period of 26 weeks starting on the day of the child's birth;</li> <li>3. the child is stillborn; or</li> <li>4. the child has been adopted.</li> </ol> <p>Section 37 provides that generally only one individual will be eligible for a baby bonus in respect of a child.</p>
			SS 39- 40	<p><b>Maternity immunisation allowance</b></p> <p>There is a maternity immunisation allowance payable in respect of a child in certain circumstances. Sections 39 and 40 set out detailed provisions dealing with the circumstances in which an individual is eligible for a maternity immunisation allowance in respect of a child.</p>
			SS 41 - 57E	<p><b>Child care benefit</b></p> <p>There is a child care benefit payable in respect of a child in certain circumstances. The child care benefit may be paid by a fee reduction for care provided by an approved child care service or by a registered carer, or in certain circumstances, by a lump sum. There are limits specified as to the number of hours which can be claimed. Generally the maximum</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				number of hours which can be claimed in 50 hours per week, however there are certain circumstances in which that number can be increased if the Secretary considers is appropriate having regard to the specified circumstances.
			57EAA	<p><b>Child care rebate</b></p> <p>There is a child care rebate payable to an individual in respect of a child in certain circumstances. Section 57EAA sets out detailed provisions for determining in what circumstances an individual may be entitled to a child care rebate.</p>
			SS 57G - 57GG	<p><b>Single income family supplement</b></p> <p>There is a single income family supplement payable in certain circumstances. Sections 57G - 57GG set out detailed provisions for determining the circumstances in which an individual may be eligible for the single income family supplement. Only one member of a couple is eligible to receive the single income family supplement.</p>
			58 - 65	<p><b>Rates of family assistance</b></p> <p>Sections 58 to 65 set out the applicable rates of the family tax benefit which apply, and detailed provisions as to how that is calculated. Generally the tax benefit is to be calculated in accordance with the Rate Calculator set out in Schedule 1 to the Act.</p>
			65A- 65F	Sections 65A to 65F set out the amount of the schoolkids bonus, and detailed provisions as to how that is calculated.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				Generally the primary school amount is \$205 and the secondary school amount is \$410.
			66	Section 66 sets out the amount of the baby bonus, and detailed provisions as to how that is calculated. Generally speaking, the baby bonus in respect of an individual is \$5,000.
			67	Section 67 sets out the maternity immunisation allowance, and detailed provisions as to how that is calculated. Generally speaking the amount of the allowance in respect of a child is \$210.66.
			69- 84	Sections 69-84 set out the rate of fee reductions and child care benefit which is payable, and detailed provisions as to how that is calculated.
			84AAA - 84F	Sections 84AAA to 84F set out the amount of child care rebate available to an individual and a child. These sections contain detailed provisions for calculating the same.
			84G - 84GB	Sections 84G to 84GB set out detailed provisions dealing with the calculation of the rate of single income family supplement payable to an individual.
			85	Section 85 states that Schedule 4 to the Act provides for the indexation of certain amounts used in working out rates of family assistance and the amounts of baby bonus and maternity immunisation allowance.



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			86 - 88	<p><b>One off payment to families</b></p> <p>There is a one off payment to families in certain circumstances. Sections 86 to 88 set out detailed provisions dealing with the circumstances in which an individual is entitled to receive the one off payment to families. Generally speaking the amount of the payment is \$600 per eligible child however there are provisions for the adjustment of that amount.</p>
			89 - 94	<p>There are economic security strategy payments available to families in certain circumstances. Sections 89 to 94 set out detailed provisions dealing with the circumstances in which an individual is entitled to receive an economic security strategy payment. Generally speaking the amount of the economic security strategy payment is \$1,000 per eligible child however there are provisions for the adjustment of that amount.</p>
			95 - 100	<p>There is a back to school bonus payable to an individual in certain circumstances. Sections 95 to 100 set out detailed provisions dealing with the circumstances in which an individual is entitled to receive the back to school bonus. Generally speaking the amount of the bonus is \$950 per eligible child however there are provisions for the adjustment of that amount.</p>
			101	<p>There is a single income family bonus payable in certain circumstances. Section 101 sets out detailed provisions dealing with the circumstances in which an individual is</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				entitled to receive a single income family bonus. Generally speaking, the amount of the bonus is \$600 however there are provisions for the adjustment of that amount.
			102A - 102H	There is an Education Tax Refund ( <b>ETR</b> ) payment which is payable in certain circumstances. Sections 201A - 102H set out detailed provisions dealing with the circumstances in which an individual may be entitled to an ETR payment in respect of a child. Generally speaking, the amounts range from \$409 to \$818, depending on when the eligible child was born. However there are provisions for the adjustment of those amounts.
			103 - 109	There is a clean energy advance payable to certain individuals in respect of a child. Sections 103 - 109 contain detailed provisions dealing with the circumstances in which an individual may be eligible for a clean energy advance in respect of a child.
			Schedules	The various schedules to the Act contained detailed provisions dealing with the calculations which are to be made in order to determine an individual's entitlement to the various payments set out above.
	<b>A New Tax System (Family Assistance) (Administration) Act 1999</b>	Cth	5 - 32R	<b>Payment of family tax benefit</b>  Sections 5 to 32R set out extremely detailed administrative provisions in relation to the family tax benefit, including as to:

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>• the procedure and required information for making claims for the same;</li> <li>• provision of tax file numbers;</li> <li>• manner of payment;</li> <li>• bereavement claims;</li> <li>• determination of claims and applicable rates;</li> <li>• indexing of incomes;</li> <li>• obligations to notify of change of circumstances;</li> <li>• secretary's powers to require the provision of information;</li> <li>• variations and adjustments to rates and entitlements; and non-payment in absence of lodgement of tax returns.</li> </ul>
			32 - 35E	<p><b>Family tax benefit advances</b></p> <p>Sections 33 to 35E set out detailed administrative provisions in relation to family tax benefit advances, including as to:</p> <ul style="list-style-type: none"> <li>• the procedure and required information for making claims for the same;</li> <li>• entitlement to the same; and</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>the amount of the advances which are payable.</li> </ul>
			35F - 35G	<p><b>Schoolkids bonus</b></p> <p>Sections 35F and 35G sets out administrative provisions dealing with the payment of the Schoolkids bonus including as to the manner of payment of the same.</p>
			36-47C	<p><b>Baby bonus</b></p> <p>Sections 36 to 47C set out detailed administrative provisions dealing with the payment of the baby bonus, including as to:</p> <ul style="list-style-type: none"> <li>the procedure and required information for making claims for the same;</li> <li>provision of tax file numbers and other required information;</li> <li>restrictions on claiming;</li> <li>withdrawal of claims;</li> <li>determination of claims; and</li> <li>manner of payment.</li> </ul>
			48-65E	<p><b>Child care benefit</b></p> <p>Sections 48-65E set out extremely detailed administrative provisions in relation to the child care benefit, including as</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>to:</p> <ul style="list-style-type: none"> <li>• provision of reports by child care services;</li> <li>• the procedure and required information for making claims for the same;</li> <li>• provision of tax file numbers and bank account details;</li> <li>• restrictions on making claims;</li> <li>• determinations of claims/entitlements/rates;</li> <li>• indexation of rates, estimates and incomes; and</li> <li>• notification of change of circumstances.</li> </ul>
			65EAAAA - 65EF	<p><b>Child care rebate</b></p> <p>Sections 48-65E set out extremely detailed administrative provisions in relation to the child care rebate, including as to:</p> <ul style="list-style-type: none"> <li>• manner of payment of the same;</li> <li>• calculation of the same;</li> <li>• quarterly/weekly payments; and</li> <li>• eligibility for the same.</li> </ul>
			65F	<p><b>One-off payment to families</b></p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>Section 65F provides that if an individual is entitled to a one off payment to families, the Secretary must pay the same to the individual in a lump sum on the date that the Secretary considers to be earliest date on which it is reasonably practicable to pay the same, or in such other manner as the Secretary deems appropriate.</p> <p>There is no requirement for an individual to make a claim for the payment.</p>
			65G	<p><b>Economic security strategy payment to families</b></p> <p>Section 65G provides that if an individual is entitled to an economic security strategy payment to families, the Secretary must pay the same to the individual in a lump sum on the date that the Secretary considers to be earliest date on which it is reasonably practicable to pay the same, or in such other manner as the Secretary deems appropriate.</p> <p>There is no requirement for an individual to make a claim for the payment.</p>
			65H	<p><b>Back to school bonus and single income family bonus</b></p> <p>Section 65H provides that if an individual is entitled to a back to school bonus or a single income family bonus, the Secretary must pay the same to the individual in a lump sum on the date that the Secretary considers to be earliest date on which it is reasonably practicable to pay the same, or in such other manner as the Secretary deems appropriate.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				There is no requirement for an individual to make a claim for the payment.
			65HA	<p><b>ETR payment</b></p> <p>Section 65HA provides that if an individual is entitled to an ETR payment, the Secretary must pay the same to the individual in a lump sum on the date that the Secretary considers to be earliest date on which it is reasonably practicable to pay the same, or in such other manner as the Secretary deems appropriate.</p> <p>There is no requirement for an individual to make a claim for the payment. There are also restrictions on the Secretary making the payment in certain circumstances.</p>
			65J	<p><b>Clean energy advance</b></p> <p>Section 65J provides that if an individual is entitled to a clean energy advance, the Secretary must pay the same to the individual in a lump sum on the date that the Secretary considers to be earliest date on which it is reasonably practicable to pay the same, or in such other manner as the Secretary deems appropriate.</p> <p>There is no requirement for an individual to make a claim for the payment. There are also restrictions on the Secretary making the payment in certain circumstances.</p>
			65K - 67	<p><b>Single income family supplement</b></p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>Sections 65K to 67 set out detailed administrative provisions in relation to the single income family supplement, including as to:</p> <ul style="list-style-type: none"> <li>• the procedure and required information for making claims for the same;</li> <li>• provision of tax file numbers;</li> <li>• restrictions on making claims; and</li> <li>• determinations of claims.</li> </ul>
			66-67	<p><b>Payment protection and garnishee orders</b></p> <p>Sections 66 and 67 provide that, subject to certain exceptions set out therein, payments of, among other things:</p> <ul style="list-style-type: none"> <li>• family tax benefit;</li> <li>• family tax benefit advances;</li> <li>• schoolkids bonus;</li> <li>• child care benefit;</li> <li>• child care rebate;</li> <li>• single income family supplement;</li> <li>• one-off payments to families;</li> </ul>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>• economic security strategy payments to families;</li> <li>• back to school bonus;</li> <li>• single income family bonus;</li> <li>• clean energy advances; and</li> <li>• ETR payments,</li> </ul> <p>are inalienable and cannot be sold, assigned, charged etc.</p> <p>A garnishee order in respect of a bank account in which any such sums are held will not apply to the extent of those funds if the same have been received in the four week period prior to the garnishee order being made.</p>
			68-102	<p><b>Overpayment and debt recovery</b></p> <p>Sections 68-102 set out detailed administrative provisions dealing with the recovery by the Commonwealth from recipients of payments of family assistance received by them to which they were not entitled. It includes provisions dealing with the overpayment of:</p> <ul style="list-style-type: none"> <li>• family tax benefit;</li> <li>• family tax benefit advances;</li> <li>• baby bonus;</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>• schoolkids bonus;</li> <li>• child care benefit;</li> <li>• child care rebate; and</li> <li>• single income family supplement;</li> <li>• one-off payment to families;</li> <li>• economic security strategy payments to families;</li> <li>• back to school bonus and single income family bonus;</li> <li>• clean energy advances; and</li> <li>• ETR payments.</li> </ul> <p>It includes provisions dealing with the provision of misleading statements, the circumstances in which a debt due to the Commonwealth will arise, data matching by the Commonwealth across various departments, provision of notices by the Secretary in respect of debts owed, payment of interest on debts owed, methods of recovery which can be employed by the Commonwealth to recover overpayments, set off, legal proceedings, garnishee notices and time limits on recovery action. It also sets out the circumstances in which the Secretary may waive or write-off debts arising from over payments.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			104-152D	<p><b>Review of decisions</b></p> <p>Sections 104 to 152D set out detailed provisions dealing with the review of decisions made under a family assistance law and how the same are to be initiated and conducted.</p>
			153-160	<p><b>Information</b></p> <p>Sections 153 to 160 contain provisions dealing with the gathering of information by the Secretary, and the obligation on persons to provide the specified information to the Secretary.</p> <p>They include provisions relating to the provision of information to verify claims, where debts are owed in respect of overpayments and other information relevant to a person's claim for, or entitlement to, family assistance.</p>
			161-170	<p><b>Confidentiality</b></p> <p>Sections 160 to 170 contain provisions dealing with the confidentiality of information supplied to the Commonwealth.</p>
			171 - 193	<p><b>False statements etc</b></p> <p>Sections 171 to 184 contain provisions dealing with the making of false or misleading statements in connection with a claim for family assistance. It provides for certain offences and penalties in relation to the same.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			194-218	<p><b>Approval of child care services and registered carers</b></p> <p>Sections 194 to 218 set out administrative provisions dealing with the approval of child care services and registered carers.</p>
			219A - 219RE	<p><b>Obligations of approved child care services</b></p> <p>Sections 219A to 219RE contain detailed provisions dealing with the obligations of approved child care service providers.</p>
			219TA- 219TR	<p><b>Nominees</b></p> <p>Sections 219TA to 219TR set out detailed provisions dealing with the appointment by the Secretary of a nominee to receive a family assistance payment on behalf of an individual, or receive correspondence on that's person's behalf.</p>
			219TSB - 219TSQ	<p><b>Civil penalties</b></p> <p>Sections 219TSB to 219TSQ contain detailed provisions dealing with the imposition of civil penalties for contravention of the Act.</p>
	<b>Carer Recognition Act 2010</b>	Cth	Schedule 1	<p>In accordance with Schedule 1, items 2 and 9, the Statement for Australian Carers states:</p> <p>(a) children and young people who are carers should have the same rights as all children and young people and should be supported to reach their full potential; and</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				(b) Carers should be supported to achieve greater economic wellbeing and sustainability and, where appropriate, should have opportunities to participate in employment and education.
	<b>Geneva Convention Act 1957</b>	Cth	Schedule 2, Part II, Article 4	With regards to the Geneva Convention Relative to the Protection of Civilian Persons in Time of War it is agreed that parties to a conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances.
	<b>Human Rights and Equal Opportunity Commission Act 1986</b>	Cth	Schedule 3, Declaration 4	In accordance with Schedule 3, declaration 4, a child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care.
	<b>Maternity Leave Act 1973 and Paid Parental Leave Act 2010</b>	Cth		These Acts cover compulsory parental and maternity leave payments. They have not been analysed in detail.
	<b>Student Assistance Act 1973</b>	Cth	12A	Section 12A sets out the object of the act - to enable a tertiary student who is, or except for the ABSTUDY parental income test would be, eligible for certain benefits under the ABSTUDY scheme to obtain a repayable financial supplement by choosing to enter into a contract for that

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				purpose with a financial corporation that participates in the Student Financial Supplement Scheme.
			12C	<p>Section 12C sets out the eligibility criteria for an eligible student:</p> <p>A person is an eligible student for the purposes of this Part in relation to a year or a part of a year if:</p> <p>(a) the person is undertaking, or proposes to undertake, at an education institution in that year or that part of that year, a prescribed course of study or instruction; and</p> <p>(b) either of the following subparagraphs applies:</p> <p>(i) the person qualifies for a prescribed benefit under the ABSTUDY scheme in respect of that year or that part of that year;</p> <p>(ii) the adjusted parental income in relation to the person in respect of that year or that part of that year is less than such amount as is prescribed by the regulations and, except for the parental income test applicable under the ABSTUDY scheme, the person would have qualified for a prescribed benefit under that scheme in respect of that year or that part of that year.</p>
			12D	Section 12D sets out the agreements between the Commonwealth and financial corporations, detailing that an eligible student can only apply for financial supplement only to a financial corporation that has entered into an agreement

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				with the Commonwealth to pay financial supplements in accordance with the Act
			Part 4A Division 2	Division 2 sets out the application process for financial supplement including: <ul style="list-style-type: none"> <li>- when the student may apply;</li> <li>- giving the notice to increase or decrease the financial supplement; and</li> <li>- the effect of the supplement on other benefits such as ABSTUDY.</li> </ul>
			Part 4A Division 3	Division 3 sets out the payment of the financial supplement including: <ul style="list-style-type: none"> <li>- the relationship and contract between the student and the corporation;</li> <li>- the length of time the contract exists;</li> <li>- the cooling off period for the contract;</li> <li>- waiving the right to cancel the contract;</li> <li>- the contract being exempt from certain laws and taxes.</li> </ul>
			Part 4A Division 4	Division 4 sets out instances where the payments under the financial supplement contract are potentially stop including:

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>- at the request of the student;</li> <li>- if the maximum amount of financial supplement is reduced to less than the amount already paid;</li> <li>- the student fails to notify a change in circumstances;</li> <li>- if the student provided false or misleading information;</li> <li>- if the student ceases to be eligible for the financial supplement; or</li> <li>- death of the student.</li> </ul>
			Part 4A Division 5	Division 5 sets out details regarding the repayment including: <ul style="list-style-type: none"> <li>- the calculation of the amount outstanding;</li> <li>- indexation;</li> <li>- notifying the student of the outstanding amount;</li> <li>- rights of the student to repay the amount during the contract period; and</li> <li>- the process at the end of the contract period.</li> </ul>
			Part 4A Division 6	Division 6 sets out the process for dealing with indebtedness existing after the termination date in respect of financial supplements paid to the student and not repaid before the end of 4 years beginning on 1 June in the next year following the



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				year in which the relevant contract was entered in to.
			Part 6 Division 1	Division 1 sets out the rights of the Commonwealth to recover the debts of a student due to outstands debts or overpayments.
			Part 6 Division 2	Division 2 sets out the recovery process for debts including: <ul style="list-style-type: none"> <li>- repaying by instalments;</li> <li>- late payment charges; and</li> <li>- recovery from third parties including financial institutions.</li> </ul>
			Part 6 Division 3	Division 3 sets out instances where debts are not recovered including: <ul style="list-style-type: none"> <li>- where debts are written off; and</li> <li>- the Commonwealth waives the right to recover debt.</li> </ul>
			Part 9	Part 9 sets out the review of decisions - decisions relating to eligibility and recovery of funds including review by the Social Security Appeals Tribunal
			Part 10	Part 10 sets out the administration of the Act including: <ul style="list-style-type: none"> <li>- Government policy statements;</li> <li>- information gathering; and</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				- confidentiality.
	<b>World Health Organisation Act 1947</b>	Cth	Article 2 of the Constitution of the World Health Organisation (which forms Schedule 1 to the Act)	In order to achieve its objective, the functions of the Organization shall be, among numerous other things, to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security.
	<b>Sex Discrimination Act 1984</b>	Cth	22	<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 sex, marital status, pregnancy or potential pregnancy, or breastfeeding:</p> <ol style="list-style-type: none"> <li>1. by refusing to provide the other person with those goods or services or to make those facilities available to the other person;</li> <li>2. 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</li> <li>3. in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.</li> </ol>
			26	It is unlawful for a person who performs any function or exercises any power under a Commonwealth law or for the

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>purposes of a Commonwealth program, or has any other responsibility for the administration of a Commonwealth law or the conduct of a Commonwealth program, to discriminate against another person, on the ground of the other person's sex, marital status, pregnancy or potential pregnancy, or breastfeeding, in the performance of that function, the exercise of that power or the fulfilment of that responsibility.</p>
			<p>Article 13 of the Convention on the Elimination of all Forms of Discrimination Against Women (which forms the Schedule to the Act)</p>	<p>States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular, among other things, the right to family benefits.</p>
	<p><b>Social Security Act 1991</b></p>		<p>197B</p>	<p><b>Carer Payments</b></p> <p>Section 197B sets out the circumstances in which a person will qualify for a carer payment in relation to a child with a severe disability or severe medical condition.</p> <p>It provides that a person will qualified for a carer payment if:</p> <ol style="list-style-type: none"> <li>1. the person personally provides constant care for a person (the <i>care receiver</i>) aged under 16 with a severe disability or severe medical condition; and</li> <li>2. the person has been given a qualifying rating of intense</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>under the Disability Care Load Assessment (Child) Determination for caring for the care receiver; and</p> <p>3. a treating health professional has certified in writing that, because of that disability or condition:</p> <p>(a) the care receiver will need personal care for 6 months or more; and</p> <p>(b) the personal care is required to be provided by a specified number of persons; and</p> <p>(c) the provision of constant care by the person severely restricts the person's capacity to undertake paid employment; and</p> <p>4. the constant care is provided in a private residence that is the home of the care receiver.</p> <p>5. the person is an Australian resident</p> <p>6. the care receiver:</p> <p>(a) requires constant care; and</p> <p>(b) is an Australian resident; and</p> <p>(c) pass the income and assets tests specified.</p>
			197C	Section 197C sets out the circumstances in which a person will qualify for a carer payment in relation to two or more

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>children each with a disability or medical condition.</p> <p>It provides that a person will qualified for a carer payment if:</p> <ol style="list-style-type: none"> <li>1. the person personally provides constant care for 2 or more persons (the <i>care receivers</i>) aged under 16 each with a disability or medical condition; and</li> <li>2. the person has been given a qualifying rating of intense under the Disability Care Load Assessment (Child) Determination for caring for the care receivers; and</li> <li>3. in relation to each care receiver - a treating health professional has certified in writing that, because of that disability or condition: <ol style="list-style-type: none"> <li>(a) the care receiver will need personal care for 6 months or more; and</li> <li>(b) the personal care is required to be provided by a specified number of persons; and</li> <li>(c) the provision of constant care by the person severely restricts the person's capacity to undertake paid employment; and</li> </ol> </li> <li>4. the constant is provided in a private residence that is the home of the care receivers.</li> <li>5. the person is an Australian resident.</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>6. the care receivers must:</p> <ul style="list-style-type: none"> <li>(a) require constant care; and</li> <li>(b) be Australian residents; and</li> <li>(c) pass the income and assets tests specified.</li> </ul>
			197D	<p>Section 197D sets out the circumstances in which a person will qualify for a carer payment in relation to a disabled adult and one or more children each with a disability or medical condition.</p> <p>A person will qualify for a carer payment if:</p> <ol style="list-style-type: none"> <li>1. the person personally provides constant care for both or all of the following persons (the <i>care receivers</i>): <ul style="list-style-type: none"> <li>(a) a disabled adult who has been assessed and rated under the Adult Disability Assessment Tool and given a score under that assessment tool of at least 20, being a score calculated on the basis of a total professional questionnaire score of at least 8;</li> <li>(b) one or more persons aged under 16 each with a disability or medical condition; and</li> </ul> </li> <li>2. the person has been given a qualifying rating of intense under the Disability Care Load Assessment (Child) Determination for caring for the care receivers; and</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>3. in relation to each care receiver who is aged under 16 - a treating health professional has certified in writing that, because of that disability or condition:</p> <p>(a) the care receiver will need personal care for 6 months or more; and</p> <p>(b) the personal care is required to be provided by a specified number of persons; and</p> <p>4. the provision of constant care by the person severely restricts the person's capacity to undertake paid employment; and</p> <p>5. the person is not qualified for a carer payment under section 198 because of paragraph 198(2)(a) for caring for the care receiver who is the disabled adult; and</p> <p>6. The constant care is provided in a private residence that is the home of the care receivers.</p> <p>7. The person is an Australian resident.</p> <p>8. The care receivers must:</p> <p>(a) require constant care; and</p> <p>(b) be Australian residents; and</p> <p>(c) pass the income and assets tests specified.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			197E	<p>Section 197E sets out the circumstances in which a person will qualify for a carer payment in relation to a child who has a terminal condition.</p> <p>A person will qualify for a carer payment if:</p> <ol style="list-style-type: none"> <li>1. the person personally provides constant care for a person (the <i>care receiver</i>) aged under 16; and</li> <li>2. a medical practitioner certifies in relation to the care receiver that: <ol style="list-style-type: none"> <li>(a) the care receiver has a terminal condition; and</li> <li>(b) the average life expectancy for a child with the same or a similar condition is not substantially longer than 24 months; and</li> <li>(c) because of the condition the care receiver will need personal care for the remainder of his or her life; and</li> <li>(d) the personal care is required to be provided by a specified number of persons; and</li> </ol> </li> <li>3. the provision of constant care by the person severely restricts the person's capacity to undertake paid employment; and</li> <li>4. the constant care is provided in a private residence that is the home of the care receiver.</li> </ol>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>5. the person is an Australian resident.</p> <p>6. The care receivers must:</p> <p>(a) require constant care; and</p> <p>(b) be Australian residents; and</p> <p>(c) pass the income and assets tests specified.</p> <p><b>Note:</b> A person remains qualified for a carer payment under section 197E after the care receiver turns 16 until the earlier of the following:</p> <ul style="list-style-type: none"> <li>• the person no longer otherwise qualifies for a carer payment under this section for caring for the care receiver; and</li> <li>• the care receiver turns 18.</li> </ul>
			197F	Section 197F contains provisions dealing with entitlement to carer payments in circumstances where the care of the relevant children is shared, for example between parents under family law arrangements.
			197G	<p>Section 197G provides that the Secretary may determine that a person is entitled to receive a carer payment for a period in respect of short term or episodic care of children (i.e. less than 6 months) who have a disability or medical condition.</p> <p>In such circumstances, the Secretary may determine that a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>person is qualified for a carer payment for a period (of 3 months or more and less than 6 months) if:</p> <ol style="list-style-type: none"> <li>1. the person is personally providing constant care for one or more persons (the <i>care receiver</i> or <i>care receivers</i>) each with: <ol style="list-style-type: none"> <li>(a) a severe disability or severe medical condition; or</li> <li>(b) a disability or medical condition; and</li> </ol> </li> <li>2. each care receiver is aged under 16 at the start of the period; and</li> <li>3. in relation to each care receiver - a treating health professional has certified in writing that, because of the severe disability or severe medical condition, or because of the disability or medical condition: <ol style="list-style-type: none"> <li>(a) the care receiver will need personal care for at least 3 months but less than 6 months; and</li> <li>(b) the care is required to be provided by a specified number of persons; and</li> </ol> </li> <li>4. apart from the fact that the care receiver, or care receivers, will need personal care for less than 6 months, the person would qualify for a carer payment section 197B, 197C or 197D.</li> </ol> <p>A person may remain qualified for a carer payment under this section until the end of period determined by the Secretary</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				even if the care receiver turns 16 during that period.
			197J	Sections 197J contains provisions dealing with the qualification of carers who had previously qualified for payments in connection with short term or episodic care, for longer term payments in particular circumstances.
			197K	Section 197K provides that a person who has qualified for a carer payment will continue to qualify for that payment for 3 months after the care receiver turns 16 (provided that the other qualifying circumstances have not changed).
			198	<p>Section 198 provides, among other things, that a person who provides care to a disabled adult and a child of that disabled adult may qualify for a carer payment.</p> <p>A person will qualify for a carer payment in such circumstances if the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. the person must personally provide constant care for a disabled adult and a dependent child of the adult (the <i>care receivers</i>), where: <ul style="list-style-type: none"> <li>(a) the disabled adult has been assessed and rated under the Adult Disability Assessment Tool and given a score under that assessment tool of at least 20, being a score calculated on the basis of a total professional questionnaire score of at least 8; and</li> <li>(b) the child is aged under 16; and</li> </ul> </li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(c) if the child is aged 6 or more - carer allowance is payable for the child; and</p> <p>(d) section 197D does not apply in respect of the care receivers;</p> <p>2. the care must be provided in a private residence that is the home of the care receiver or care receivers;</p> <p>3. subject to limited exceptions, the person must be an Australian resident; and</p> <p>4. the care receivers must satisfy the relevant income and assets tests.</p>
			198AAA	Section 198AAA provides for the continuation of carer payments for a period of 14 weeks after a care receiver has been admitted permanently to an institution in certain circumstances.
			198AA	Section 198AA provides for the continuation of carer payments notwithstanding the hospitalisation of the care receiver in certain circumstances.
			198AB	Section 198AB provides for the continuation of carer payments notwithstanding that the care provider is absent from Australia for a specified period in certain circumstances.
			198AC	Section 198AC sets out provisions dealing with the effect of temporary cessation (for example, in cases of hospitalisation, to undertake further training etc) of care on carer payments.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				In such circumstances the carer will not cease to be entitled to receive a carer payment (however there may be an adjustment to the entitlement).
			198A	Section 198A sets out the income test applicable to carer payments. In summary, a person will pass the income test if the taxable income of the care receivers for the relevant tax year is not more than \$66,403 (as calculated in accordance with section 198B).
			198B and 198C	Sections 198B and 198C set out detailed provisions dealing with the manner in which the taxable income of a care receiver is to be calculated, and the manner in which the appropriate tax year is to be determined.
			198D	<p>Section 198D sets out the asset tests applicable to carer payments. In the case of a sole care child who is a care receiver, that child will pass the test if the aggregate value of:</p> <ol style="list-style-type: none"> <li>1. the child's assets;</li> <li>2. if the child lives with a parent, the assets of the child's parent and that parent's partner; and</li> <li>3. if the parent or partner has FTB children, the assets of those children,</li> </ol> <p>does not exceed \$410,000.</p> <p>There are also specific provisions dealing with combined care children, and other special circumstances which are to be</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				taken into consideration.
			198E - 198Q	Sections 198E - 198Q set out very detailed provisions dealing with the calculation of asset values, and how asset dispositions are treated for the purposes of the asset tests.
			201AA - 201AB	Sections 201AA - 201AB provide for waiting periods for carer payments in respect of newly arrived residents. Generally speaking (and subject to various exceptions), the waiting period is 104 weeks.
			202	Section 202 contains exclusions to entitlements to carer payments for persons receiving a service pension. The section contains detailed provisions dealing with this issue.
			203	Section 203 contains provisions relating to the entitlement to carer payments where the person who has lodged a claim for the same has undertaken seasonal work.
			210	Section 210 provides that a person's carer payment is to be calculated using the Pension Rate Calculator at the end of section 1064 (in Part 3.2) of the Act.
			235 - 246	Sections 235 - 246 deal with carer payments in circumstances of: <ul style="list-style-type: none"> <li>• the death of the person being cared for;</li> <li>• the death of the partner of a person providing care;</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>the person providing the care.</li> </ul>
			247 and 248	<p><b>One -off carer payments</b></p> <p>A person is qualified for a one-off payment to carers (carer payment related) if the person has been paid an instalment of carer payment in respect of a period that includes 11 May 2004.</p> <p>The amount of the one-off payment to the qualified person is \$1000.</p>
			249 and 250	<p>A person is qualified for a 2005 one-off payment to carers (carer payment related) if the person has been paid an instalment of carer payment in respect of a period that includes 10 May 2005.</p> <p>The amount of the one-off payment to the qualified person is \$1000.</p>
			253 and 254	<p>A person is qualified for a 2006 one-off payment to carers (carer payment related) if:</p> <p>(a) the person has been paid an instalment of carer payment in respect of a period that includes 9 May 2006; and</p> <p>(b) the person was paid that instalment because of a claim the person made on or before 9 May 2006.</p> <p>The amount of the one-off payment to the qualified person is</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				\$1000.
			261 and 262	<p>A person is qualified for a 2007 one-off payment to carers (carer payment related) if:</p> <p>(a) the person has been paid an instalment of carer payment in respect of a period that includes 8 May 2007; and</p> <p>(b) the person was paid that instalment because of a claim the person made on or before 8 May 2007.</p> <p>The amount of the one-off payment to the qualified person is \$1000.</p>
			269 and 270	<p>A person is qualified for a 2008 one-off payment to carers (carer payment related) if:</p> <p>(a) the person has been paid an instalment of carer payment in respect of a period that includes 13 May 2008; and</p> <p>(b) the person was paid that instalment because of a claim the person made on or before 13 May 2008.</p> <p>The amount of the one-off payment to the qualified person is \$1000.</p>
			500	<p><b>Parenting Payment</b></p> <p>There is a parenting payment payable in certain circumstances. A person is qualified for a parenting payment</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>if:</p> <ol style="list-style-type: none"> <li>1. the person has at least one PP child (see sections 500D and 500F to 500H); and</li> <li>2. the person is an Australian resident; and</li> <li>3. the person meets any participation requirements that apply to the person under section 500A; and</li> <li>4. at least one of the following conditions is satisfied: <ol style="list-style-type: none"> <li>(a) the person is not a member of a couple and the person was not a lone parent at the start of the person's current period as an Australian resident;</li> <li>(b) the person has, at any time, been in Australia for a period of, or periods adding up to, at least 104 weeks during a continuous period throughout which the person was an Australian resident;</li> <li>(c) the person has a qualifying residence exemption for parenting payment.</li> </ol> </li> </ol>
			500A	<p>The participation requirements are as follows:</p> <ol style="list-style-type: none"> <li>1. the person must enter into a Parenting Payment Employment Pathway Plan when the person is required by the Secretary under section 501 to do so;</li> <li>2. while the plan is in force, the person must comply with the</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>requirements in the plan;</p> <p>3. at any time while the plan is in force the person must be prepared to enter into another such plan, instead of the existing plan, if required to do so by the Secretary under section 501;</p> <p>4. the person must comply with any requirements that the Secretary notifies to the person under subsection 502(1).</p>
			500B	<p>A person is not qualified for parenting payment if the Secretary is satisfied that:</p> <ol style="list-style-type: none"> <li>1. an assurance of support is in force in respect of the person (the <i>assuree</i>); and</li> <li>2. the person who gave the assurance of support is willing and able to provide an adequate level of support to the assuree; and</li> <li>3. it would be reasonable for the assuree to accept that support.</li> </ol>
			500C	<p>A parent payment will not be payable in circumstances where a person who is a member of a couple has claimed but has not yet received the parenting payment and when the claim was lodged the person was unemployed by reason of the fact that the person was engaged in industrial action. Section 500 C contains detailed provisions dealing with when a person will, or will not, be taken to be engaged in industrial action.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			500D	<p>A child is a <b><i>PP child</i></b> of a person if:</p> <ol style="list-style-type: none"> <li>1. the child is a child of the person; and</li> <li>2. the person is a member of a couple; and</li> <li>3. the child has not turned 6; and</li> <li>4. the person is the principal carer of the child.</li> </ol> <p>A child is also a <b><i>PP child</i></b> of a person if:</p> <ol style="list-style-type: none"> <li>5. the child is a child of the person; and</li> <li>6. the person is not a member of a couple; and</li> <li>7. the child has not turned 8; and</li> <li>8. the person is the principal carer of the child.</li> </ol> <p>A child is also a <b><i>PP child</i></b> of a person if:</p> <ol style="list-style-type: none"> <li>1. the child is a child of the person; and</li> <li>2. the child has not turned 16; and</li> <li>3. the person is the principal carer of the child; and</li> <li>4. the person was the principal carer of the child immediately before 1 July 2011; and</li> <li>5. the person is covered by the parenting payment</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>transitional arrangement in relation to that child or any other child (see section 500F); and</p> <p>6. since 1 July 2006, there has not been any continuous period of more than 12 weeks during which the person has not at any time been covered by the parenting payment transitional arrangement in relation to that child or any other child (see section 500F).</p>
			500E	Section 500E sets out provisions dealing with the prospective determination of entitlements to the parenting payment in some cases.
			500F - 500H	Sections 500F to 500H contain detailed provisions dealing with transitional arrangements for parenting plan payments.
			500I - 500Z	Sections 500I to 500Z set out detailed provisions dealing with the manner of calculation of a person's parenting payment.
			501 - 502K	Sections 501 - 501E sets out the circumstances in which a person in receipt of a parenting payment may be required to enter into a Parenting Payment Employment Pathway Plan, and various other provisions which relate to such plans (including exemptions).
			503 - 514FA	Sections 503 to 514FA set out the applicable rates of parenting payments payable. They include provisions dealing with various supplements to those payments in cases where the recipient is undertaking an approved program of work supplement, an approved training course or is participating in

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				the National Green Jobs Corps program.
			540 - 540C	<p><b>Youth allowance</b></p> <p>There is a youth allowance payable in certain circumstances.</p> <p>The general rule is that a person is qualified for a youth allowance in respect of a period if:</p> <ol style="list-style-type: none"> <li>1. either of the following applies: <ul style="list-style-type: none"> <li>(a) throughout the period the person satisfies the activity test (see Subdivision B) or is not required to satisfy the activity test (see Subdivision C); or</li> <li>(b) the person is a CDEP Scheme participant (see section 1188B) in respect of the period;</li> </ul> </li> <li>2. throughout the period the person is of youth allowance age; and</li> <li>3. throughout the period the person satisfies any requirements relating to Youth Allowance Employment Pathway Plans that apply to the person under Subdivision E; and</li> <li>4. throughout the period, the person: <ul style="list-style-type: none"> <li>(a) is an Australian resident; or</li> <li>(b) is exempt from the residence requirement within the</li> </ul> </li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>meaning of subsection 7(7).</p> <p>There are also other conditions for qualifications in circumstances where the person has made a claim for disability support pension, is a new apprentice, has a medical condition affecting their capacity to work or is a transferee from a social security pension.</p>
			541	<p>Section 541 sets out the activity test for the youth allowance.</p> <p>Subject to certain exceptions, a person satisfies the activity test in respect of a period if:</p> <ol style="list-style-type: none"> <li>1. the person satisfies the Secretary that, throughout the period, the person is undertaking full-time study (see section 541B); or</li> <li>2. subject to subsection (4), the person (not being an early school leaver) satisfies the Secretary that, throughout the period, the person is actively seeking, and willing to undertake, paid work in Australia (other than paid work that is unsuitable for the person).</li> </ol> <p>There are also various other activity tests which apply to persons who comply with an employment pathway plan, principal carers and people with a partial capacity to work, participants in the national green jobs corps program.</p>
			541A	<p>Section 541A sets out the circumstances in which a person will be taken to have failed the activity test. It provides that a person cannot be taken to satisfy the activity test in respect of</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>a period if:</p> <ol style="list-style-type: none"> <li>1. the person fails to comply, throughout the period, with a requirement of the Secretary under subsection 541(2); or</li> <li>2. the person fails, throughout the period, to comply with the requirements in a Youth Allowance Employment Pathway Plan applying to the person; or</li> <li>3. the person (not being an early school leaver) refuses or fails, without reasonable excuse, to attend a job interview; or</li> <li>4. the person voluntarily ceases, without reasonable excuse, to take part in, or is dismissed for misconduct from, a labour market program; or</li> <li>5. the person refuses or fails to commence, or to complete, an approved program of work for income support payment that the person is required to undertake; or</li> <li>6. the person refuses or fails to comply with the conditions of such a program.</li> </ol> <p>There are certain other provisions which apply to a person who is an early school leaver.</p>
			541B	<p>Section 541B sets out the provisions dealing with when a person will be taken to be undertaking full time study.</p> <p>For the purposes of this Act, a person is undertaking full-time</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>study if:</p> <p>1. the person:</p> <p>(a) is enrolled in a course of education at an educational institution; or</p> <p>(b) was enrolled in the course and satisfies the Secretary that he or she intends, and has (since no longer being enrolled) always intended, to re-enrol in the course when re-enrolments in the course are next accepted; or</p> <p>(c) was enrolled in the course and satisfies the Secretary that he or she intends, and has (since no longer being enrolled) always intended, to enrol in another course of education (at the same or a different educational institution) when enrolments in the other course are next accepted; and</p> <p>2. the person:</p> <p>(a) is undertaking in the particular study period (such as, for example, a semester) for which he or she is enrolled for the course; or</p> <p>(b) intends to undertake in the next study period for which he or she intends to enrol for the course;</p> <p>either:</p> <p>(iii) in a case to which subsection (1A) does not apply - at least three-quarters of the normal amount of full-time study in</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>respect of the course for that period; or</p> <p>(iv) in a case to which subsection (1A) applies - at least two-thirds of the normal amount of full-time study in respect of the course for that period; and</p> <p>3. the course in question is an approved course of education or study (see subsection (5)); and</p> <p>4. in the Secretary's opinion, the person is making satisfactory progress towards completing the course.</p> <p>Section 541 also contains provisions dealing with when the two-thirds study load rule applies, the meaning of a normal amount of full-time study, the meaning of satisfactory progress.</p>
			541D	Section 541D sets out what constitutes 'unsuitable paid work'.
			542 - 542H	<p>Sections 542 sets out the circumstances in which a person is not required to satisfy the activity test. It includes if:</p> <p>1. the person has a temporary incapacity exemption under section 542A; or</p> <p>2. the person has a pre-natal exemption or a post-natal exemption under section 542D; or</p> <p>3. the person has a remote area exemption under section 542E; or</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>4. the person has a domestic violence or other special family circumstances exemption under section 542F; or</p> <p>5. the person has a disabled children or other family circumstances exemption under section 542FA; or</p> <p>6. the person has a new claimants exemption under section 542FB; or</p> <p>7. the person has a training camp exemption under section 542G; or</p> <p>8. the person has a special circumstances exemption under section 542H.</p> <p>There are detailed provisions contained in sections 542 - 542H setting out when each of these exemptions will or will not apply.</p>
			543	<p>Section 543 provides that a person is of youth allowance age if the person:</p> <p>1. has attained the minimum age for youth allowance (see section 543A); and</p> <p>2. has not yet attained the maximum age for youth allowance (see section 543B).</p>
			543A	<p>Section 543A contains the minimum age for youth allowance. A person has, subject to certain exceptions, attained the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>minimum age for youth allowance if the person:</p> <ol style="list-style-type: none"> <li>1. is at least 16 years old; or</li> <li>2. is 15 years old and is independent.</li> </ol> <p>However a person who satisfies the above test but is not yet 18 years old is not taken to have attained the minimum age for youth allowance unless the person:</p> <ol style="list-style-type: none"> <li>3. has completed the final year of secondary school, or an equivalent level of education; or</li> <li>4. is undertaking full-time study; or</li> <li>5. the person has entered into or agreed to enter into a Youth Allowance Employment Pathway Plan; or</li> <li>6. is a new apprentice.</li> </ol> <p>There are also special rules dealing with secondary courses and TAFE courses. There are also numerous exceptions to these rules set out in section 543A(2A).</p>
			543B	<p>Section 543B sets out the maximum age for youth allowance.</p> <p>It provides that a person has attained the maximum age for youth allowance if:</p> <ol style="list-style-type: none"> <li>1. the person is not undertaking full-time study and is at least</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>22 years old; or</p> <p>2. the person:</p> <p>(a) is undertaking full-time study in respect of a course of education that is to last for less than 12 months; and</p> <p>(b) was, immediately before starting the course of education, receiving newstart allowance; and</p> <p>(c) is at least 22 years old; or</p> <p>3. the person is undertaking full-time study and is at least 25 years old; or</p> <p>4. the person is not a new apprentice and is at least 22 years old; or</p> <p>5. the person is a new apprentice and is at least 25 years old.</p> <p>If a person is at least 25 years old, the person is taken not to have attained the maximum age for youth allowance if the person:</p> <p>6. was receiving youth allowance immediately before turning 25; and</p> <p>7. is either:</p> <p>(a) undertaking full-time study in respect of a course of education that the person had commenced before turning 25;</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>or</p> <p>(b) a new apprentice and became a new apprentice before turning 25.</p>
			544 - 544E	Sections 544 to 544E set out provisions dealing with the requirement to enter into and maintain a Youth Allowance Employment Pathway Plan.
			547 - 555	<p>Sections 547 to 555 set out in detail the circumstances in which youth allowance is not payable. These circumstances include:</p> <ul style="list-style-type: none"> <li>• if a person fails to attend an interview in certain circumstances;</li> <li>• the person is not undertaking full time study or is not a new apprentice;</li> <li>• if a person fails or refuses to comply with certain requirements;</li> <li>• if the person's assets exceed the asset value limit (being \$407,250 if the person is not independent. A different test applies if the person is independent);</li> <li>• if the person commits a 'youth allowance participation failure';</li> <li>• where a multiple entitlement exclusion applies;</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>• where an employment related exclusion applies;</li> <li>• where persons are receiving payments under other schemes; or</li> <li>• where an employment related exclusion applies.</li> </ul> <p>These provisions also set out detailed provisions dealing with the calculation of the asset value, including how business assets are treated, waiting periods, how trust assets are calculated etc. They also include provisions dealing with newly arrived resident's waiting period.</p>
			556 - 559J	Sections 556 to 559J set out the rate of youth allowance which is payable (including any applicable supplements). Generally speaking, the rate of a person's youth allowance is to be worked out in accordance with the Youth Allowance Rate Calculator in section 1067G.
			567 - 567F	Sections 567 to 567F deals with bereavement payments to recipients of youth allowance upon the death of a partner.
			567G	Section 567G deals with the death of a child of a person receiving youth allowance.
			568 - 568A	<p><b>Austudy</b></p> <p>Sections 568 to 568A sets out the basic qualifying test for austudy.</p> <p>Section 568 provides that subject to certain exceptions, a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>person is qualified for an austudy payment in respect of a period if, throughout the period:</p> <ol style="list-style-type: none"> <li>1. the person satisfies the activity test; and</li> <li>2. the person is of austudy age; and</li> <li>3. the person is an Australian resident.</li> </ol> <p>Section 568AA provides that subject to certain exceptions, a person is qualified for an austudy payment in respect of a period if, throughout the period:</p> <ol style="list-style-type: none"> <li>4. the person is a new apprentice; and</li> <li>5. the person is of austudy age; and</li> <li>6. the person is an Australian resident.</li> </ol> <p>Section 568A deals with certain transitional issues between a person receiving a social security pension and then becomes qualified to receive austudy.</p>
			569	<p>Section 569 sets out the activity test for austudy.</p> <p>Generally speaking, a person satisfies the activity test in respect of a period if the person satisfies the Secretary that, throughout the period, the person is undertaking qualifying study (see section 569A).</p> <p>A person cannot be taken to satisfy the activity test however</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>if the person:</p> <ol style="list-style-type: none"> <li>1. is a new apprentice; or</li> <li>2. has completed a course for:               <ol style="list-style-type: none"> <li>(a) degree of Doctor at an educational institution; or</li> <li>(b) a qualification at a foreign institution that is, in the Secretary's opinion, of the same standing as a degree of Doctor at an educational institution.</li> </ol> </li> </ol>
			569A	<p>Section 569A sets out the circumstances in which a person will be undertaking qualifying study.</p> <p>A person is undertaking qualifying study if:</p> <ol style="list-style-type: none"> <li>1. the person:           <ol style="list-style-type: none"> <li>(a) is enrolled in a course of education at an educational institution; or</li> <li>(b) was enrolled in the course and satisfies the Secretary that he or she intends, and has (since no longer being enrolled) always intended, to re-enrol in the course when re-enrolments in the course are next accepted; or</li> <li>(c) was enrolled in the course and satisfies the Secretary that he or she intends, and has (since no longer being enrolled) always intended, to enrol in another course of education (at the same or a different educational institution) when</li> </ol> </li> </ol>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>enrolments in the other course are next accepted; and</p> <p>2. the course in which the person is enrolled, or intends to enrol, is an approved course of education or study (see section 569B); and</p> <p>3. the person is a full-time student or a concessional study-load student in respect of that course (see sections 569C and 569D); and</p> <p>4. the person satisfies the progress rules (see sections 569G and 569H).</p>
			569B	<p>For the purposes of paragraph 569A(b), a course is an approved course of education or study if it is a course determined, under section 5D of the <i>Student Assistance Act 1973</i>, to be a secondary course or a tertiary course for the purposes of that Act.</p>
			569C	<p>A person is a full-time student in respect of a course if:</p> <p>1. in the case of a person who is enrolled in the course for a particular study period (such as, for example, a semester) - the person is undertaking at least three quarters of the normal amount of full-time study in respect of the course for that period; or</p> <p>2. in the case of a person who intends to enrol in the course for a particular study period - the person intends to undertake at least three quarters of the normal amount of full-time study</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				in respect of the course for that period.
			569D - 569F	Sections 569D to 569F contain provisions dealing with concessional study load students, what constitutes a normal amount of full time study and exceptions for the first fortnight of study.
			569G	Section 569G sets out the progress rules for secondary students.
			569H	Section 569H sets out the progress rules for tertiary students.
			570	<p>Section 570 sets out the austudy age. Generally speaking, a person is of austudy age if the person is at least 25 years old.</p> <p>However, even if the person is at least 25 years old, the person is taken not to be of austudy age if the person:</p> <ol style="list-style-type: none"> <li>1. was receiving youth allowance immediately before turning 25; and</li> <li>2. has not yet attained the maximum age for youth allowance (see subsection 543B(2)).</li> </ol>
			572 - 573E	<p>Sections 572 to 573E set out various situations in which austudy is not payable. These reasons include if the person's asset values exceed the assets value limit. The asset value limits are:</p> <ol style="list-style-type: none"> <li>1. \$125,750 if the person:</li> </ol>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) is not a member of a couple; and</p> <p>(b) is a homeowner; or</p> <p>2. \$215,750 if the person:</p> <p>(a) is not a member of a couple; and</p> <p>(b) is not a homeowner; or</p> <p>3. \$178,500 if the person:</p> <p>(a) is a member of a couple; and</p> <p>(b) is a homeowner; or</p> <p>4. \$268,500 if the person:</p> <p>(a) is a member of a couple; and</p> <p>(b) is not a homeowner.</p> <p>These amounts are indexed.</p>
			575-575F	Sections 575 to 575F set out various waiting periods which apply to austudy payments.
			576 - 578B	<p>Sections 576 to 578B set out various situations in which austudy is not payable including because of:</p> <p>1. austudy participation failures;</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>2. if there are repeated failures; or</p> <p>3. if a multiple entitlement exclusion applies.</p>
			581	Section 581 sets out the rate of austudy payment. Generally speaking, the rate of a person's austudy payment is to be worked out in accordance with the Austudy Payment Rate Calculator in section 1067L.
			592 - 592E	Sections 592 to 592E set out provisions dealing with bereavement payments for austudy recipients upon the death of a partner.
			592F - 592H	<p><b>Scholarship payments for students</b></p> <p>There is a student start up scholarship payable to recipients of the youth allowance and austudy in certain circumstances. Sections 592F - 592H set out the circumstances in which such a scholarship may be payable.</p> <p>Generally speaking, the amount of a student start-up scholarship payment for which a person is qualified on or after 1 January 2012 is \$1,025, indexed annually.</p>
			592J - 592L	<p>There is a student relocation scholarship payment payable to recipients of the youth allowance in certain circumstances. Sections 592J to 592L set out the circumstances in which such a scholarship may be payable.</p> <p>Generally speaking, the amount of a relocation scholarship payment to a person is \$4,000 if the person has not received a</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				student relocation payment before, indexed annually.
			593 to 607C	<p><b>Newstart allowance</b></p> <p>There is a newstart allowance payable in certain circumstances. Sections 593 to 607C set out detailed provisions dealing with the circumstances in which a person will qualify for a new start allowance.</p>
			608 to 634	Sections 608 to 634 set out the circumstances in which the new start allowance is not payable including because of a person abandoning study, having assets over the relevant thresholds, failure to attend interview, during waiting periods and as a result of administrative breaches.
			643 to 653A	Section 643 provides that the rate of the newstart allowance is to be calculated in accordance with the Benefit Rate Calculator set out in section 1068. Also, additional supplements are payable in certain circumstances.
			660LA to 660M	Sections 660LA to 660M set out the circumstances in which a person receiving a newstart allowance may be entitled to a bereavement payment upon the death of a partner or child.
			665U to 665W	<p>Education entry payment</p> <p>There is an education entry payment (of \$208) payable to recipients of the newstart allowance in certain circumstances. Sections 665U to 665W set out those circumstances and the provisions which are relevant to the making of a claim for the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				same.
			665ZFA to 665ZFC	There is an education entry payment (of \$208) payable to recipients of carer payments in certain circumstances. Sections 665ZFA to 665ZFC set out those circumstances and the provisions which are relevant to the making of a claim for the same.
			665ZU to 665ZW	There is an education entry payment (of \$208) payable to recipients of parenting payments in certain circumstances. Sections 665ZU to 665ZW set out those circumstances and the provisions which are relevant to the making of a claim for the same.
			665ZX to 665XC	There is an education entry payment (of \$208) payable to recipients of the youth allowance in certain circumstances. Sections 665ZX to 665XC set out those circumstances and the provisions which are relevant to the making of a claim for the same.
			665ZY	Section 665ZY provides that the education entry payment is absolutely inalienable whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.
			665ZZA to 665ZZE	There is an education entry payment supplement (of \$950) payable in certain circumstances. Sections 665ZZA to 665ZZE set out those circumstances and the provisions which are relevant to the making of a claim for the same.

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			729 to 768F	<p><b>Special benefit payment</b></p> <p>Section 729 provides that there is a special benefit payment available in if the Secretary determines that a special benefit should be granted to the person for the period. A special benefit is a discretionary benefit and is available only to a person who is not able to get any other income support payment. Sections 729 to 769F set out very detailed provisions dealing with the special benefit payment.</p>
			900 to 902	<p><b>One off economic security strategy payment</b></p> <p>Sections 900 to 902 set out the circumstances in which a person may qualify for a one off economic security strategy payment, and the amount of that payment.</p>
			910 to 911	<p><b>Training and learning bonus</b></p> <p>Sections 910 and 911 sets out the circumstances in which a person may qualify for a training and learning bonus (of \$950) (although it appears that this bonus may have been largely replaced by other entitlements under the Act as the relevant testing is undertaken as at a date in 2009).</p>
			914 to 914G	<p><b>Clean energy advance</b></p> <p>Sections 914 to 914G provide that recipients of certain social security payments may qualify for a clean energy advance. These sections set out detailed provisions dealing with the entitlement to the same, and top ups to those payments.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			952 to 992M	<p><b>Carer Allowance</b></p> <p>A carer allowance is payable in certain circumstances to carers looking after disabled children. Sections 952 to 992M set out detailed provisions dealing with the circumstances in which a person may qualify for such a payment, and payment of the same.</p>
			992MA to 992MD	<p><b>Child Disability Assistance</b></p> <p>Sections 992MA to 992MD set out the circumstances in which a person may qualify for child disability assistance, and detailed provisions dealing with payment of the same.</p>
			992N to 992WF	<p><b>One off payments to carers</b></p> <p>Sections 992N to 992WF set out provisions dealing with the entitlement of carers to a one off payment in 2004, 2005, 2006, 2007 and 2008.</p>
			992X	<p><b>Carer supplement</b></p> <p>Section 992X provides that a person may be entitled to a carer supplement in certain circumstances.</p>
			993 to 1034	<p><b>Double orphan pension</b></p> <p>Sections 993 to 1034A deal with the circumstances in which a person pay qualify for a double orphan pension (as a result of the death of both parents, or the death one parent and the long term hospitalisation, incarceration or the like of the</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				other parent). These sections set out detailed provisions dealing the entitlements to such a pension, and payment of the same.
			1035 to 1046	<p><b>Mobility allowance</b></p> <p>Sections 1035 to 1064 provide for the payment of a mobility allowance to handicapped persons in certain circumstances. These sections set out detailed provisions dealing with entitlement to, and payment of, the same.</p>
			1047 to 1050	<p><b>Language, literacy and numeracy supplement</b></p> <p>A language, literacy and numeracy supplement is payable to recipients of other social security payments (including youth allowance, parenting payments, newstart allowance) in certain circumstances. Sections 1047 to 1050 set out detailed provisions dealing with the payment of, and entitlement to, the same.</p>
			1061ZAAA to 1061ZAAK	<p><b>Fares allowance</b></p> <p>Sections 1061ZAAA to 1061ZAAK set out the circumstances in which a fares allowance may be payable to some students in receipt of certain social security payments (including recipients of youth allowance and austudy) certain circumstances.</p>
			1062 to 1210A (Chapter 3)	<p><b>General provisions</b></p> <p>Chapter 3 sets out the general provisions relating to</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				payability and rates for all types of payments under the Act. It includes provisions dealing with asset tests, calculation of income, asset disposals and rate calculators.
			1211 to 1221 (Chapter 4)	Chapter 4 deals with overseas agreements and the portability of all types of payments under the Act during periods of absence.
			1222 to 1361A (Chapter 5)	Chapter 5 deals with overpayments and debt recovery in respect of all types of payments under the Act.
	<b>Social Security (Administration) Act 1999</b>		Whole	<p>This act contains extremely detailed provisions dealing with the administration of the social security law. The provisions of the Act are extremely complex and detailed and cover matters such as:</p> <ul style="list-style-type: none"> <li>• the making of claims, and time limits for the same;</li> <li>• manner and timing of social security payments;</li> <li>• protection of payments;</li> <li>• requirement to provide information, provide tax file numbers, undergo medical examinations etc;</li> <li>• rate determination, increases, decreases etc;</li> <li>• cancellation and variations;</li> <li>• determinations of entitlements;</li> </ul>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<ul style="list-style-type: none"> <li>• nominees for receipt of payments;</li> <li>• income management regimes;</li> <li>• vulnerable welfare payment recipients;</li> <li>• school attendance and enrolment etc;</li> <li>• establishment of income management accounts;</li> <li>• deductions from welfare payments;</li> <li>• review of decisions (internally or by the Social Security Appeals Tribunal or the Administrative Appeals Tribunal); and</li> <li>• offences.</li> </ul>

## 2. New South Wales

### 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><b>ARTICLE 26:</b></p> <p>1. State Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>Child Welfare (Commonwealth Agreement Ratification) Act 1941 No 11</b></p>	NSW	5	<p>When a child is handed over by an officer of the Australian Capital Territory or Territory of Norfolk Island to the Superintendent of a Metropolitan Shelter or State Institution and is in that Superintendents case, the Commonwealth will pay to the State the cost of the State maintaining the child.</p> <p>Payment is one pound ten shillings per week.</p> <p>If the child is in the custody of another person the Commonwealth will reimburse the State for the cost of that custody (including boarding out or maintenance payments and any other payments made to cover the cost of clothing travelling expenses pocket money medical and dental attention)</p>
	<p><b>Child Welfare (Commonwealth Agreement Ratification) Act 1941 No 28</b></p>		3(7)	<p>The Commonwealth is responsible for the cost of conveying the child from the Territory to the depot or home.</p>
			4(1)	<p>The provisions of clause 5 of the principal agreement (above) shall not apply and the provisions of this clause shall apply with respect to the maintenance and the conveyance of a child who has been or is handed over to the superintendent of a State Institution or the person for the time being in charge</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				of a depot or home in the State and who has been or is received into the care of the superintendent or any such person in pursuance of the principal agreement or of this agreement.
			4(2)	<p>The Commonwealth shall pay to the State:</p> <p>(a) the cost to the State of maintaining the child in a State Institution or a depot or home in the State;</p> <p>(b) the expenses incurred by the State on behalf of the child when the child is apprenticed, boarded out, placed out or placed as an adopted boarder in accordance with the State Act; and</p> <p>(c) the costs and expenses reasonably incurred by or on behalf of the State in or in connexion with the conveyance of the child from one place to another.</p>
			4(3)	<p>The cost to the State of maintaining the child in a State institution or a depot of home for any period shall be ascertained by means of the formula:</p> $\frac{A \times B}{7} = C$ <p>in which formula:</p> <p>A represents the number of days in the period during which the child was maintained;</p> <p>B represents the amount determined by the Director as being</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>the average cost per week of maintaining a child in the State Institution or the depot or home; and</p> <p>C represents the cost of maintaining the child in the State Institution or the depot or home for the period.</p>
			4(4)	A certificate written by the Director stating the expenses incurred is conclusive evidence of the matter stated.
			4(5)	The expenses referred to in paragraph (b) of sub-clause (2.) include boarding out or maintenance payments and any other payments made to cover the cost of clothing, travelling expenses, pocket money, medical and dental attention, and expenses of, or incidental to, education.
			4(6)	A certificate written by the Director stating the amount of costs or expenses referred to in paragraph (b) or (c) of sub-clause (2.) of this clause is prima facie evidence of the amount due and payable by the Commonwealth in respect of these expenses.
	<b>Community Welfare Act 1987 No 52</b>	NSW	12	<p><b>Community Welfare Fund</b></p> <p>A Community Welfare Fund shall be established for the purpose of providing community welfare services generally or of a specified kind.</p>
			13	<p><b>Application of Community Welfare Fund</b></p> <p>(1) The Community Welfare Fund may be applied by the Director-General, with the written approval of the Minister,</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>for the purpose of:</p> <p>(a) except as provided by paragraph (b) - providing community welfare services generally, or</p> <p>(b) to the extent to which the fund represents money paid for the purpose of providing community welfare services of a kind specified by the person who made the payment - providing community welfare services of that kind.</p> <p>(2) Any payments from the Community Welfare Fund may be made directly to persons in need of community welfare services or to approved non-Government organisations for the relief of those persons.</p>
			35	<p><b>Part 4 - General Welfare Assistance</b></p> <p>The objects of this Part are as follows:</p> <p>(a) to ensure, to the maximum extent possible, that assistance and supportive services are provided to persons in need or distress,</p> <p>(b) to ensure that, whenever relevant, assistance and supportive services are aimed at preventing the breakdown of the family as a social unit.</p>
			36	<p>(1) The Minister may:</p> <p>(a) provide assistance (including financial assistance) for the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>relief of persons in need or distress,</p> <p>(b) provide home support services (that is, assistance in the carrying out of work of a domestic or home-maintenance nature) to persons unable to carry out that work,</p> <p>(c) provide homemaker services (that is, services to assist families in the management of their homes) with the object of preventing the breakdown of the family as a social unit,</p> <p><b>(d) provide services designed to meet the needs of children,</b></p> <p>(e) provide services designed to meet the needs of persons who are disadvantaged as referred to in section 4 (1) (c), and</p> <p>(f) provide assistance (including financial assistance) to approved non-Government organisations whose objects are or include the provision of assistance or services referred to in this subsection.</p> <p>(2) Without limiting the Minister's powers under any other provision of this Act, the Minister may make payments out of money provided by Parliament for the purpose of providing assistance referred to in subsection (1) (a) or (f).</p>
			Part 5	Part 5 of the Act deals with the provision of disaster welfare assistance.
	<b>Disability Services</b>	NSW		This Act empowers the Minister to provide financial assistance to people with a disability or a person who cares



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	Act 1993 No 3			<p>for a person with a disability, see further Division 2 section 10.</p> <p>There are no specific provisions regarding funding assistance for children with a disability.</p>

### 3. Victoria

#### 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><b>ARTICLE 26:</b></p> <p>1. State Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>Disability Act 2006</b></p>	<p>Vic</p>	<p>5</p>	<p><b>Principles</b> (of the Act)</p> <p>(3) Disability services should:</p> <p>...</p> <p>(b) be flexible and responsive to the individual needs of persons with a disability;</p> <p>...</p> <p>(e) enable persons with a disability to access services as part of their local community and foster collaboration, coordination and integration with other local services;</p> <p>...</p> <p>(l) have regard for the needs of children with a disability and preserve and promote relationships between the child, their family and other persons (including carers) who are significant in the life of the child with a disability;</p>
			<p>37</p>	<p><b>State Disability Act</b></p> <p>(4) Without limiting the generality of subsection (3), a State Disability Plan must:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>...</p> <p>(c) identify objectives and policy priorities for the development and delivery of services for persons with a disability;</p>
	<p><b>Education and Training Reform Act 2006</b></p>	<p>Vic</p>	<p>2.2.6</p>	<p><b>Parent not required to contribute to cost of additional support</b></p> <p>A parent of a student with a disability or impairment is not required to contribute to the cost of the provision of additional support for the education in a Government school of that student.</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><b>ARTICLE 26:</b></p> <p>1. State Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>Child Protection Act 1999</b></p>	<p>Qld</p>	<p>159</p>	<p><b>Payments for care and maintenance</b></p> <p>(1) The chief executive may pay the allowance decided by the chief executive to a child's carer or long-term guardian for the child's care and maintenance.</p> <p>(2) Also, the chief executive may pay the amount decided by the chief executive towards expenses incurred in the care and maintenance of a person who has been a child in the custody or under the guardianship of the chief executive to the person or the person's carer to help the person with the transition from being a child in care to independence.</p> <p>(3) A payment may be made to the person or the person's carer under subsection (2) whether the person is a child or an adult.</p> <p>(4) Subsections (1) and (2) have effect subject to appropriation by Parliament of an amount for the purposes.</p> <p>(5) For subsection (1), the amount of the allowance must be worked out under a written policy of the department about the payment of allowances to carers or long-term guardians for a child's care and maintenance.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	<b>Education (General Provisions) Act 2006</b>	Qld	50	<p><b>State education to be free</b></p> <p>(1) Subsection (2) applies to:</p> <p>(a) a person enrolled at a State school; or</p> <p>(b) a person who is a pre-preparatory age child registered in a pre-preparatory learning program at a prescribed State school;</p> <p>who is:</p> <p>(c) an Australian citizen or permanent resident; or</p> <p>(d) a child of an Australian citizen or permanent resident.</p> <p>(2) The cost of providing instruction, administration and facilities for the education of the person at the school must be met by the State.</p>

## 5. South Australia

### 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><b>ARTICLE 26:</b></p> <p>1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<b>Adoption Act 1988</b>	SA	26	<p><b>26 - Financial support in special cases</b></p> <p>Where:</p> <p>(a) a child suffers from some physical or mental disability; or</p> <p>(b) a child, for some other reason, requires special care,</p> <p>the Minister may enter into an arrangement with prospective adoptive parents to contribute to the support of the child after the making of an adoption order.</p>
	<b>Children's Services Act 1985</b>	SA	50	<p><b>50 - Financial provision</b></p> <p>The moneys required for the purposes of this Act shall be paid out of moneys appropriated by Parliament for the purpose.</p>
	<b>Disability Services Act 1993 [N.B. Not child legislation but applies to all persons.]</b>	SA	4	<p><b>4 - Funding provisions</b></p> <p>(1) The Minister may approve the funding, out of money provided for the purpose, of:</p> <p>(a) disability services; and</p> <p>(b) research or development activities.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(2) For the purposes of subsection (1), money may be granted:</p> <p>(a) to any person, body or authority, including any government, non-government or local government body or authority; or</p> <p>(b) to any person with a disability or a carer of such a person, for the purpose of obtaining the care, support or assistance the person with the disability or the carer may need.</p> <p>(3) In performing his or her functions under this section, the Minister must seek to further the objects of this Act.</p>
	<p><b>Guardianship and Administration Act 1993</b></p>	SA	<p>39(2)(c)</p> <p>39(2)(w)</p>	<p><b>39 - Powers and duties of administrator</b></p> <p>(2) Subject to this Act and the terms of the administration order, an administrator may:</p> <p>(c) pay any amount necessary to provide proper accommodation for the protected person and, in appropriate circumstances, for a spouse, domestic partner or dependent child of the protected person;</p> <p>(w) apply, in the administrator's discretion, and in such manner and to such extent as he or she thinks fit, any property for the maintenance or benefit of the protected person, the maintenance of the spouse or domestic partner of the protected person, or for the maintenance, education or advancement of the children or grandchildren of the protected person, or for the payment of the expenses of his or her</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
	Guardianship of Infants Act 1940	SA	9, 17	<p>funeral.</p> <p><b>9 - Power of court to order repayment of costs of bringing up infant</b></p> <p>If at the time of the application for a writ or order for the production of the infant, the infant is being brought up by a person who is not the parent of the infant, the court to which the application is made may, in its discretion, if it orders the infant to be given up to the parent, further order that the parent shall pay to such person the whole of the costs, charges and expenses properly incurred in bringing up the infant or such portion thereof as seems to the court to be just and reasonable having regard to all the circumstances of the case.</p> <p><b>17 - Payment of maintenance</b></p> <p>Where any guardian, trustee, executor, or person acting in a fiduciary capacity is, under any will, gift or settlement, or otherwise by law, possessed of any fund for the maintenance of any infant, or any fund a portion of which may by law be applied to such maintenance and the court makes an order for the custody of the infant, the court may also order any such guardian, trustee, executor, curator or person acting in a fiduciary capacity to pay from time to time (during the continuance of the custody) to the person to whom custody of the infant has been granted, for the purpose of the maintenance of the infant, such portion of such fund, not exceeding the portion lawfully applicable to such</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				maintenance as the court may deem proper: Provided always that on proof that any money so paid for the purpose of such maintenance has been misapplied, the court may rescind, alter, or vary any order made as aforesaid.

## 6. Western Australia

### 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><b>ARTICLE 26</b></p> <p>113. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>114. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p> <p>Note: The Attorney- General's Department considers that</p> <p><i>"The right to social security requires a social security system be established and that a country must, within its maximum available resources, ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of</i></p>	<b>Health Act 1911</b>	WA	s337	Any child at a school or child care centre may have medical examinations and dental examinations (as necessary).
	<b>Legal Aid Commission Act 1976</b>	WA	s37	Any 'person' may be provided with legal aid if the person is unable to afford the cost of a private practitioner and it is reasonable in all the circumstances that legal aid be provided. s37(3a) contemplates that the person may be a child (in this instance, under State Care).
	<b>Legal Representation of Infants Act 1977</b>	WA	s5	Where an infant is represented in proceedings, the Court may order that the costs of such representation be paid out of the Suitors' Fund (a government established fund).
	<b>Parental Support and Responsibility Act 2008</b>	WA	ss11 and 14	Responsible parent agreements may specify that a parent must take all reasonable steps to ensure a child attend school. A court may also order a parent to do the same.
	<b>School Education</b>	WA	s9	A child must be enrolled in school education program for each year of the 'compulsory education period', and

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><i>education"</i></p> <p>and that the scope of social security system includes the following situations:</p> <ul style="list-style-type: none"> <li>- <i>health care</i></li> <li>- <i>old age</i></li> <li>- <i>unemployment</i></li> <li>- <i>employment injury and illness</i></li> <li>- <i>family and child support, including the need to care for adult dependants</i></li> <li>- <i>maternity, and</i></li> <li>- <i>disability.</i></li> </ul>	<b>Act 1999</b>			a parent must ensure this is done. Failure to do so is an offence.
	<b>Education Act 2007</b>	NT	s20A	A parent who has actual custody of 'compulsory school age' must enrol that child in school (subject to certain exemption e.g. home schooling). Failure to do so attracts penalties.
	<b>Mental Health and Related Services Act</b>	NT	s9	A 'person' with mental illness is entitled to treatment and care in accordance with professionally accepted standards (amongst other rights).

## 7. Northern Territory

### 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><b>ARTICLE 26</b></p> <p>113. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>114. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p> <p>Note: The Attorney- General's Department considers that</p> <p><i>"The right to social security requires a social security system be established and that a country must, within its maximum available resources, ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and</i></p>	<p><b>Education Act 2007</b></p>	<p>NT</p>	<p>s20A</p>	<p>A parent who has actual custody of 'compulsory school age' must enrol that child in school (subject to certain exemption e.g. home schooling). Failure to do so attracts penalties.</p>
	<p><b>Mental Health and Related Services Act</b></p>	<p>NT</p>	<p>s9</p>	<p>A 'person' with mental illness is entitled to treatment and care in accordance with professionally accepted standards (amongst other rights).</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><i>the most basic forms of education"</i></p> <p>and that the scope of social security system includes the following situations:</p> <ul style="list-style-type: none"> <li>- <i>health care</i></li> <li>- <i>old age</i></li> <li>- <i>unemployment</i></li> <li>- <i>employment injury and illness</i></li> <li>- <i>family and child support, including the need to care for adult dependants</i></li> <li>- <i>maternity, and</i></li> <li>- <i>disability.</i></li> </ul>				

## 8. Tasmania

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 26:</b></p> <p>1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>Adoption Act 1988</b></p>	<p>TAS</p>	<p>92</p>	<p><b>92. Financial assistance</b></p> <p>The Secretary may, out of money appropriated by Parliament for that purpose, make grants or provide financial or other assistance on such terms and conditions as the Secretary determines to a person or persons with whom a child of a prescribed class has been placed for the purposes of adoption or to adoptive parents or prospective adoptive parents of a child of a prescribed class.</p>
	<p><b>Education Act 1994</b></p>	<p>TAS</p>	<p>81</p>	<p><b>PART 7 - Miscellaneous Provisions 81. Financial assistance</b></p> <p>(1) A school student or a parent of a school student may apply to the Secretary for financial assistance in respect of:</p> <p>(a) any charge made under section 41; or</p> <p>(b) any essential materials the student requires to continue his or her education; or</p> <p>(c) any accommodation costs incurred by the student living away from home to continue education after compulsory education.</p> <p>(1A) A school-aged child, the parent of a school-aged child or a person who is entitled to attend the Academy or the Polytechnic under section 47B during a year may apply to the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>Secretary for financial assistance in respect of:</p> <p>(a) any levy made under section 33(1)(b) of the Education and Training (Tasmanian Academy) Act 2008 or section 33(1)(b) of the Education and Training (Tasmanian Polytechnic) Act 2008 and imposed in relation to his or her attendance at the Academy or the Polytechnic during that year; or</p> <p>(b) any essential materials the school-aged child or person requires to continue his or her education and training at the Academy or the Polytechnic during that year; or</p> <p>(c) any accommodation costs incurred by the school-aged child or person living away from home to continue education and training at the Academy or the Polytechnic during that year.</p> <p>(2) The Secretary may grant financial assistance applied for under subsection (1) or (1A) if satisfied that:</p> <p>(a) the income of the applicant or, in an appropriate case, the parent of the applicant is less than an amount the Secretary may determine; or</p> <p>(b) the applicant or, in an appropriate case, the parent of the applicant is of a class of persons determined by the Secretary to be entitled to assistance; or</p> <p>(c) in respect of accommodation costs, the normal residence of the student, school-aged child or person attending the</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>Academy or the Polytechnic is at least 40 kilometres from the nearest appropriate school or appropriate campus of the Academy or the Polytechnic.</p> <p>(3) The Secretary may grant financial assistance under subsection (2) consisting of:</p> <p>(a) a lump sum; or</p> <p>(b) an allowance; or</p> <p>(c) a combination of a lump sum and allowance.</p> <p>(4) A person who may apply for financial assistance under subsection (1) or (1A) also may apply to the Secretary for financial assistance towards the cost of one pair, or in special circumstances more than one pair, of spectacles in a year.</p> <p>(5) The Secretary may grant financial assistance applied for under subsection (4) if satisfied that:</p> <p>(a) the income of the applicant or, in an appropriate case, the applicant's parents is less than an amount the Secretary may determine; and</p> <p>(b) the spectacles are necessary in order for the student, school-aged child or person attending the Academy or the Polytechnic to continue his or her education.</p> <p>(6) The Secretary may grant financial assistance under subsection (5) consisting of any amount the Secretary</p>



CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				determines.
	<b>Guardianship and Custody of Infants Act 1934</b>	TAS	13	<p><b>13. Power of Court to order repayment of costs of bringing up child</b></p> <p>If, at the time of the application for a writ or order for the production of a child, the child is being brought up by another person, the Court, in its discretion, if it orders the child to be given up to the parent, may further order that the parent shall pay to such other person the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.</p>

## 9. Australian Capital Territory

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p><b>ARTICLE 26:</b></p> <p>1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.</p> <p>2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.</p>	<p><b>Adoption Act 1993</b></p>	<p>ACT</p>	<p>108A</p>	<p><b>Financial support of adopted children and young people</b></p> <p>(1) This section applies if:</p> <p>(a) a child or young person is adopted in the ACT; and</p> <p>(b) the child or young person is ordinarily resident in the ACT; and</p> <p>(c) before the adoption order was made:</p> <p>(i) the director-general had daily care responsibility or long-term care responsibility for the child or young person under the Children and Young People Act 2008 ; or</p> <p>(ii) the adoptive parents had daily care responsibility or long-term care responsibility for the child or young person as foster carers under the Children and Young People Act 2008 ; or</p> <p>(iii) the adoptive parents had daily care responsibility or long-term care responsibility for the child or young person as kinship carers under the Children and Young People Act 2008 .</p> <p>(2) The director-general may provide financial support to the adoptive parents of the child or young person if:</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(a) the child or young person has complex or high needs; and</p> <p>(b) the adoptive parents require financial assistance to help manage the child's or young person's needs; and</p> <p>(c) the financial burden of meeting the child's or young person's needs without any financial assistance might prevent an adoption order which would otherwise be in the best interests of the child or young person.</p> <p>(3) Support provided under this section must be reviewed by the director-general every 12 months.</p>
	<p><b>Children and Young People Act 2008</b></p>	<p>ACT</p>	<p>529J</p>	<p><b>529J Financial assistance</b></p> <p>(1) The director-general may provide financial assistance to a young person, or young adult, who was previously in out-of-home care.</p> <p>(2) The director-general may provide financial assistance only if satisfied on reasonable grounds that the assistance is:</p> <p>(a) for an appropriate purpose; and</p> <p>(b) reasonably necessary considering the young person's, or young adult's, circumstances.</p> <p>Examples - appropriate purposes</p> <p>1 for furnishing accommodation</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>2 for education or training</p> <p>3 for seeking employment</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 Legislation Act, s 126 and s 132).</p> <p>(3) The director-general may provide financial assistance on the conditions that the director-general considers appropriate.</p> <p>(4) However, if the director-general provides financial assistance in the form of a loan to a young person or young adult, no interest is to be payable on the loan.</p> <p>(5) The Minister may make guidelines about appropriate purposes for financial assistance.</p> <p>(6) A guideline is a notifiable instrument.</p> <p>Note A notifiable instrument must be notified under the Legislation Act.</p>
			529C	<p><b>529C What is a transition plan?</b></p> <p>(1) In this Act: transition plan, for a young person or young adult, means a written plan for meeting the young person's or young adult's needs:</p> <p>(a) in preparing to begin the transition from out-of-home</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>care; and</p> <p>(b) after leaving out-of-home care; and</p> <p>(c) into young adulthood.</p> <p>(2) A transition plan may include proposals about the following for the young person or young adult:</p> <p>(a) accommodation;</p> <p>(b) education and training;</p> <p>(c) employment;</p> <p>(d) financial security;</p> <p>(e) social support;</p> <p>(f) life skills support;</p> <p>(g) health care.</p> <p>Examples - par (g)</p> <p>1 physical health</p> <p>2 mental health</p> <p>3 emotional health</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>4 sexual health</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 Legislation Act, s 126 and s 132).</p>
			730	<p><b>730 Principles - ch 20</b></p> <p>In making a decision or taking action under this chapter for a childcare service, the following childcare services principles should be applied:</p> <p>(a) childcare services must provide care that is safe, positive and nurturing;</p> <p>(b) childcare services must promote the educational, social and developmental wellbeing of children.</p> <p>Note In making a decision under this chapter for a child or young person, the decision-maker must regard the best interests of the child or young person as the paramount consideration (see s 8).</p> <p>In making a decision under this chapter otherwise than for a particular child or young person, the decision-maker must consider the best interests of children and young people (see s 8).</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			749(2)(a)  749(2)(b)	<p><b>Childcare service licence - childcare service standards</b></p> <p>(2) The director-general may exempt a childcare service from 1 or more childcare service standards (a temporary standards exemption) for a reasonable period if the director-general believes on reasonable grounds that:</p> <p>(a) the exemption is not likely to prejudice the safety and educational, social and developmental wellbeing of a child or children being cared for by the service; and</p> <p>(b) the exemption is not likely to impact on the childcare service's promotion of the educational, social and developmental wellbeing of children.</p>