

1. Commonwealth

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 28:</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	<p>A New Tax System (Family Assistance) Act 1999</p>	<p>Cth</p>	<p>Division 1A of Part 4 - Eligibility for Schoolkid Bonus</p>	<p>There is an indirect connection with Article 28 (right of a child to education) in that the Commonwealth Government provides some financial support for eligible individuals through the taxation system 'schoolkids bonus' scheme. Certain classes of eligible individuals are entitled to the bonus for children and (in relevant circumstances) school-leavers if relevant triggering conditions or qualifying circumstances apply.</p>
			<p>35UA-35UG</p>	<p>Eligibility criteria are specified for various classes of eligibility including for an eligible schoolkid bonus child and an eligible school leaver.</p>
			<p>65A</p>	<p>The schoolkid bonus primary school amount will be \$205 for an eligible individual in respect of an eligible child.</p> <p>The schoolkid bonus secondary school amount will be \$410 per eligible individual in respect of an eligible child.</p>
	<p>Age Discrimination Act 2004</p>	<p>Cth</p>	<p>26</p>	<p>This measure is consistent with universal access rights to education under Article 28 by making unlawful some particular forms of age discrimination by an educational authority. It is unlawful for an educational authority to discriminate against someone based on their age when determining an application for admission as a student or the conditions upon which a person will be admitted as a student.</p>

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>				<p>It is unlawful for an educational authority to discriminate against someone based on their age by denying access to a benefit provided by the institution, or by expelling the student or by subjecting the student to any other detriment.</p> <p>However the section does not make it unlawful to discriminate against a person on the ground of the person's age in respect of admission to an educational institution established wholly or primarily for students above a particular age, if the person is not above that age.</p>
	Australian Human Rights Commission Act 1986	Cth	N/A	Indirectly relevant to Article 28 and the Convention as a whole. The Act outlines the role of the National Children's Commissioner who is responsible for matters related to the human rights of children in Australia.
	Disability Discrimination Act 1992	Cth	22	<p>This measure supports universal access rights to education under Article 28 by making illegal specified forms of disability discrimination by an educational authority . It is unlawful for an educational authority to discriminate against a person on the grounds of disability by refusing admission, denying access to a benefit or expelling a student because they are disabled.</p> <p>It is unlawful for an education provider to discriminate against a person on the ground of the person's disability by developing curricula or training courses having a content that will either exclude the person from participation or subject the person to any other detriment. It is also unlawful for an education provider to discriminate against a person on the grounds of the person's disability by accrediting curricula or</p>

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				<p>training courses having such a content.</p> <p>It is not unlawful to discriminate on the basis of disability for admission to an educational institution established wholly or primarily for students who have a particular disability where the person does not have that particular disability.</p>
	<p>Indigenous Education (Targeted Assistance) Act 2000</p>	Cth	5	<p>This measure tends to support universal accessibility to education as required under Article 28 by dealing with and overcoming some of the impediments to access faced by the indigenous people of Australia.</p> <p>It is an object of the Act to achieve equitable and appropriate educational outcomes for indigenous people by:</p> <p>(a) arrangements for the adequate preparation of indigenous children for primary and later schooling through preschool education; and</p> <p>(b) arrangements enabling indigenous children to attain, through compulsory primary and secondary education, commensurate skills and standards of skills as those attained by other Australian children; and</p> <p>(c) arrangements enabling indigenous secondary students to attain the same rate of successful completion of Year 12, or its equivalents, as that attained by other Australian secondary students; and</p> <p>(d) arrangements enabling indigenous students participating in post-secondary education to attain the same graduation</p>

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				<p>rates as those attained by other students so participating; and</p> <p>(e) developing programs to support the maintenance and continued use of the languages of indigenous people; and</p> <p>(f) the provision of community education services to enable indigenous people to manage the development of their communities; and</p> <p>(g) arrangements enabling indigenous students to attain better literacy and numeracy skills, and to attain better attendance outcomes, through access to priority Commonwealth education initiatives and strategic projects; and</p> <p>(h) arrangements for education that will enable indigenous adults with limited or no educational experience to attain proficiency in numeracy, the English language and life skills; and</p> <p>(i) education enabling indigenous students to appreciate the history, culture and identity of Indigenous people; and</p> <p>(j) education enabling all Australian students to understand and appreciate the traditional and contemporary culture of indigenous people.</p>
			6	It is an object of this Act to ensure that indigenous people enjoy equality with other Australians in their access to education.
			7	It is an object of this Act to ensure equity of participation by indigenous people in education and, in particular, to ensure:

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				<p>(a) the participation of indigenous children in preschool education for a period similar to that during which other Australian children participate in that education; and</p> <p>(b) that all indigenous children participate in compulsory primary and secondary schooling; and</p> <p>(c) that the rate of participation of indigenous people in other secondary and post-secondary education is equivalent to that of other Australians.</p>
			8	The Act aims to increase the involvement of indigenous people in educational decisions.
			9	It is an object of this Act to encourage the development of education services that are culturally appropriate for indigenous people.
	Sex Discrimination Act 1984	Cth	28F	These statutory measures Support universal access to education as contemplated under Article 28 by making it unlawful for a member of staff at an educational institution to discriminate against a current or future student on the basis of their gender.
	Schools Assistance Act 2008	Cth	16	The purpose of the Act is to authorise the provision by the Commonwealth of financial assistance to non-government schools.
	Schools Assistance (Learning Together) Act 2004	Cth		The Act authorised the Commonwealth to provide financial assistance to States from 2005-2008 for primary and secondary education purposes.

2. New South Wales

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<p>ARTICLE 28:</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular</p>	<p>Apprenticeship and Traineeship Act 2001 No 80</p>	NSW	13	<p>The Act fulfils obligations under Article 28 about accessibility to vocational education in the State of New South Wales by imposing a duty upon an employer of an apprentice or trainee to take all reasonable steps to enable the apprentice or trainee to receive the work-based component of their required training, in particular by providing all necessary facilities and opportunities to acquire the competencies of the vocation concerned, and to enable the apprentice or trainee to obtain an appropriate qualification for that vocation.</p>
	<p>Children (Education and Care Services) National Law (NSW)</p>	NSW	3	<p>The objective of this Law is to establish a national education and care services quality framework for the delivery of education and care services to children. It is underpinned by the interests of children; specifically, the need to promote equity and pursue success and competency.</p>
			12	<p>This measure indirectly tends to support the dignity of the child under Article 28(2) by ensuring that those involved in providing education are fit and proper for their role.</p> <p>Anyone who wants to apply be involved in the provision of an education service must satisfy the Regulatory Authority that they are a fit and proper person for the role . This applies to an individual who is an applicant or if the applicant is not an individual, each person who will be a person with management or control of an education and care service to be operated by the applicant.</p>

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<p>attendance at schools and the reduction of drop-out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>			189	If the Regulatory Authority considers, on reasonable grounds, that there is an immediate danger to the safety or health of a child or children being educated and cared for by an education and care service, the Act provides for the emergency removal of the children by the Regulatory Authority.
	Education Act 1990	NSW	4	<p>This Act is the primary legislation in the State of New South Wales that ensures the rights of the child in that State to receive compulsory and freely available primary and secondary education.</p> <p>In enacting this Act, Parliament had regard to the principles that every child has the right to receive an education, that the education of a child is primarily the responsibility of the child's parents, that it is the duty of the State to ensure that every child receives an education of the highest quality and that the principal responsibility of the State in the education of children is the provision of public education.</p>
			5-6	The Act, among other things, guarantees the provision of public education by providing for the establishment and operation of government schools and by declaring that every person concerned with the administration of the Act is to have regard as far as is practicable or appropriate to assisting each child to achieve his or her educational potential.
			7 and 9	The key learning areas of primary education are English, Mathematics, Science and Technology, Human Society and its Environment, Creative and Practical Arts, Personal

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				<p>Development, Health and Physical Education</p> <p>The key learning area for secondary education in Years 7 to 10 are English, Mathematics, Science, Human Society and its Environment, Languages other than English, Technological and Applied Studies, Creative Arts, Personal Development, Health and Physical Education.</p>
			21B	A child is of compulsory school age at the age of 6 years until the child reaches the minimum school leaving age which is the earlier of the completion of year 10 or attaining the age of 17 years.
			22C-22D	Provisions to deal with unsatisfactory school attendance If a student's attendance record is deemed unsatisfactory, a conference may be called to seek a remedy
			22D	A Compulsory Schooling Order may be issued to a student with an unsatisfactory attendance record
			31	The instruction provided in government schools is to be free of charge (other than for overseas students).
	Status of Children Act 1996	NSW	5	All children are of equal status.

3. Victoria

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<p>ARTICLE 28:</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p>	<p>Child Employment Act 2003</p>	<p>VIC</p>	<p>11-13</p>	<p>The Act indirectly supports the rights of the child in the State of Victoria to education under Article 28 in that it sets the minimum ages for the employment of a child. The minimum age for the employment of a child in the delivery of newspapers, pamphlets and parcels is 11 years and the minimum age for the employment of a child in all other forms of employment is 13 years.</p> <p>There is no minimum age for employment of a child in a family business or in entertainment.</p> <p>Certain types of employment are prohibited for children absolutely.</p> <p>It is an offence to employ a child during school hours on any school day unless the Minister has granted the child an exemption from attendance at school.</p> <p>The Minister may grant permits for children to engage in employment.</p>
<p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	<p>Education and Training Reform Act 2006</p>	<p>VIC</p>	<p>1.2.2</p>	<p>This Act is the primary legislation in the State of Victoria that ensures the rights of the child in that State to receive compulsory and freely available primary and secondary education.</p> <p>It is the duty of the State or Victoria to provide universal access to education and training through the establishment and maintenance of Government education and training</p>

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to</p>				<p>systems.</p> <p>Instruction in the learning areas in Schedule 1 is to be provided free of charge for all students (except overseas students) attending a Government school to the completion of year 12 if the student is under 20 years of age on 1 January in the year that the person undertakes instruction.</p> <p>Students also have guaranteed access to TAFE or an equivalent training provider until they are 20 years old.</p>
<p>education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>			2.1	<p>It is the duty of the parent of a child of not less than 6 nor more than 16 years of age:</p> <p>(a) to enrol the child at a registered school and to ensure the child attends the school at all times when the school is open for the child's instruction; or</p> <p>(b) to register the child for home schooling in accordance with the regulations and to ensure that the child receives instruction in accordance with the registration.</p> <p>Attendance at school is compulsory. School Attendance Officers may be appointed to follow up students with unsatisfactory attendance records.</p>
			2.2.1	The Minister had the power to establish and maintain Government schools.
			2.2.13	A child of compulsory school age is entitled to be enrolled at his or her designated neighbourhood Government

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	<p>Children (Education and Care Services) National Law (Victoria)</p> <p>(Provisions described in this table to be found in "Schedule 1- Miscellaneous Provision relating to interpretation" to Education and Care Services National Law Act 2010)</p>	VIC	3	<p>The objective of this Law is to establish a national education and care services quality framework for the delivery of education and care services to children. It is underpinned by the interests of children; specifically, the need to promote equity and pursue success and competency.</p>
			12	<p>This measure indirectly tends to support the dignity of the child under Article 28(2) by ensuring that those involved in providing education are fit and proper for their role.</p> <p>Anyone who wants to apply to be involved in the provision of an education service must satisfy the Regulatory Authority that they are a fit and proper person for the role. This applies to an individual who is an applicant or if the applicant is not an individual, each person who will be a person with management or control of an education and care service to be operated by the applicant.</p>

4. Queensland

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			Part 3 Objects s5	Under s5(1), the objects of this Act are— (a) to make available to each Queensland child or young person a high-quality education that will help maximise his or her educational potential; and enable him or her to become an effective and informed member of the community; and (b) to provide universal access to high quality State education; and (c) for chapters 10 and 11, to implement initiatives to ensure young people participate in a period of education or training after they turn 16 years or complete year 10; and (ii) to outline a range of education and training options for them during this period; and to provide for their participation and learning achievements during this period to be recorded.
			Part 5: Interpretation s9	Under s9(a), a child is of <i>compulsory school age</i> if the child is at least 6 years and less than 16 years. However, a child is no longer of compulsory school age if the child has completed year 10.
		Education (General		Chapter 2

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>	Provisions) Act 2006			
			Part 1: State Education s12	Under section 12(1), for each student attending a State instructional institution, there must be provided an educational program approved by the Minister that: <ul style="list-style-type: none"> (a) has regard to the age, ability, aptitude and development of the student; and whether enrolment in the educational program is compulsory or non-compulsory; and (b) is an integral element within the total range of educational services offered with the prior approval of the Minister; and (c) takes account, and promotes continuity, of the student's learning experiences; and (d) recognises, and takes account of, the nature of knowledge.
			Chapter 3:	<u>Cost of providing state education</u>
			s50	Under s50(2) the cost of providing instruction, administration and facilities for the education of the person at the school must be met by the State. This applies to a person enrolled at a State school who is an Australian citizen or permanent resident; or a child of an Australian citizen or permanent resident.
			s56	Despite section 50, a State school's principal may ask the parents of a student of the school to make a voluntary financial contribution towards the cost of providing

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				instruction, administration and facilities for the education of the student at the school. The student must still be provided the education even if the parents do not make the financial contribution.
			Chapter 9	<u>Compulsory Schooling</u>
			s176	Obligation of each parent of a child who is of compulsory age to ensure the child is enrolled at a State School or non-State school and ensure the child attends the school on every school day unless the parent has a reasonable excuse. 6 Penalty units for an offence under this.
			s177	A child attends a State school or non-State school only if the child complies with the school's requirements about physically attending, at particular times, its premises or another place unless the child is enrolled in a program of distance education
			s185	The bases for an exemption from compulsory education is if reasonably satisfied that the child cannot attend a school or unreasonable in the circumstance to expect them to.
			s199	Other exemptions include home education, child's exclusion or suspension, child's illness, infectious or contagious disease or condition, application for enrolment pending, apprentice or trainee under the VETE Act.
			s230	Under s230(a), a parent of a child who is of compulsory school age must not employ the child, or allow the child to be employed, during the time the child is required under this

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				chapter to attend a State school or non-State school, unless the parent has a reasonable excuse.
			<u>Chapter 12</u>	<u>Good order and management of State educational institutions and non-state schools</u>
			s283(2)	The principal of, or a teacher at, the school may detain the student as punishment for disobedience, misconduct, wilful neglect to prepare homework or for another breach of school discipline.

5. South Australia

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			s75(1)	A child of compulsory school age which is 16 must be enrolled at a primary school or secondary school (according to the educational attainments of the child).
			<u>Chapter 12</u>	<u>Good order and management of State educational institutions and non-state schools</u>
			s283(2)	The principal of, or a teacher at, the school may detain the student as punishment for disobedience, misconduct, wilful neglect to prepare homework or for another breach of school discipline.
			s284	Other punishment can be suspension on the grounds of: (a) disobedience by the student; (b) misconduct of the student; (c) other conduct of the student that is prejudicial to the good order and management of the school or State schools. The suspension can be for 5-20 days.
			s316	The enrolment at a State school of a student who is more than compulsory school age may be cancelled under this division

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>				<p>on the ground that the student's behaviour amounts to a refusal to participate in the educational program provided at the school.</p>

6. Western Australia

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	<p>School Education Act 1999</p>	<p>WA</p>	<p>3</p>	<p>3 - Objects</p> <p>The objects of this Act include the following:</p> <p>(a) to recognize the right of every child in the State to receive a school education;</p> <p>(b) to allow that education to be given in a government school, a non-government school or at home;</p> <p>(c) to provide for government schools that meet the</p>

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<p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.</p>				<p>educational needs of all children;</p> <p>(ca) to provide for education, training and employment alternatives at the senior secondary level; and</p> <p>(d) to acknowledge the importance of the involvement and participation of a child's parents in the child's education.</p>
<p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>	<p>School Education Act 1999</p>	<p>WA</p>	<p>6, 9, 10, 51 &52</p>	<p>6 - Meaning of 'compulsory education period'</p> <p>The compulsory education period for a child is as follows:</p> <p>(a) until 31 December 2005 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 15;</p> <p>(b) from 1 January 2006 until 31 December 2007 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 16;</p> <p>(c) from 1 January 2008 until 31 December 2013 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until the end of the year in which the child reaches the age of 17 or has completed the minimum requirements for graduation from secondary school established under the <i>School Curriculum and Standards Authority Act 1997</i>;</p> <p>(d) from 1 January 2014 - from the beginning of the year in which the child reaches the age of 6 years and 6 months until</p>

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				<p>the end of the year in which the child reaches the age of 17 and 6 months or the child turns 18 years of age, whichever happens first.</p> <p>9 - A child is to be enrolled in an educational programme for each year of the compulsory education period for that child.</p> <p>10 - Section 9 (above) is satisfied in respect of a child by the enrolment of the child in a school or by registration of the parent as the child's home educator.</p> <p>19. Enrolment register - A principal of a school must ensure that a register is kept showing, in respect of all students enrolled at the school, the information prescribed by the regulations; and particulars recorded in the register are retained for the period prescribed by the regulations.</p> <p>23 - A student must attend on the days on which the school is open for instruction.</p> <p>51 - An evaluation of a child's home educator should be arranged within 3 months of the child's home educator being registered.</p> <p>52 - A notice of concern may be issued by the chief executive for the child's home educator to make changes to the programme or for the child's home educator registration to be cancelled.</p>
	School Education Act 1991	WA	Part 3	Part 3 enacts provisions that apply only to government schools. In particular it deals with the following:

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				<ul style="list-style-type: none"> • the establishment, closure and amalgamation of government schools, and the designation of schools in some areas as being primarily for the enrolment of students in that area (Division 1); • the functions of the chief executive officer of the department responsible for government schools and of principals and teachers in those schools (Division 2); • the curriculum in government schools, the provision of special religious education, and conscientious objection to instruction in particular subjects (Division 3); • entitlement to enrol at government schools, changing inappropriate enrolments, and the resolution of disputed issues about enrolment (Division 4); • the suspension and exclusion of students from government schools for breaches of school discipline (Division 5); • restrictions on the imposition of fees and charges in government schools, and provisions for the management of school funds (Division 6);
	School Education Act 1991	WA	78	<p>78(1) A child of compulsory school age is entitled to be enrolled at a local-intake school if —</p> <p>(a) his or her usual place of residence is in the intake area for</p>

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				<p>that school; and</p> <p>(b) an appropriate educational programme is available for the child at that school.</p> <p>78(2) A child of compulsory school age whose usual place of residence is not in the intake area for a local-intake school is entitled to be enrolled at that school if —</p> <p>(a) there is available for the child at that school, an appropriate educational programme and classroom accommodation; and</p> <p>(b) the enrolment would conform with any other criteria prescribed by the regulations for the purposes of this subsection.</p>
	School Education Act 1999	WA	55, 61, 62, 63 and 64	<p>55 - The Minister may establish such government schools as the minister considers necessary.</p> <p>61 - The Chief Executive Officer is responsible for determining the standard of educational instruction at government schools and the standard of care provided to students in those schools.</p> <p>62 - Every schools is to have a principal.</p> <p>63 - The functions of the principal are (amongst other things) to:</p> <p>(a) provide educational leadership in the school;</p>

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				<p>(b) see that instruction provided in the school is in accordance with the School Curriculum and Standards Authority;</p> <p>64 - The functions of a teacher are (amongst other things) to:</p> <p>(a) Foster and facilitate learning in students;</p> <p>(b) Given competent instructions to students; and</p> <p>(c) undertake regular evaluation and reporting of the progress of students.</p>
	<p>School Education Act 1999</p>	<p>WA</p>	<p>98, 99, 104</p>	<p>98(1)- No fee for instruction may be imposed on a student for a non-optional component of an education programme at a government school - or an optional component of an educational program at a government school if the instruction is provided by a member of the teaching staff.</p> <p>98(2) A contribution must not be sought towards a fee referred to subsection (1) and any agreement entered into for payment of such a fee has no effect.</p> <p>98(3) No charge may be imposed in respect of a student for materials provided in a non-optional component of an educational programme of a government school or services or facilities for use in or associated with the provision of a non-optional component of an educational programme of a government school, before the student's first charges payment year.</p> <p>99(1) - Regulations may be made for providing for charges</p>

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				<p>for non-optional components of educational government school programmes or services in certain circumstances.</p> <p>104 - Regulations may provide for the reduction, waiver or refund in whole or in part or deferred payment of any fee, charge or cost provided for by Division 6, subdivision 1 (Financial Provisions).</p>
	<p>Child Care Services Act 2007</p>	<p>WA</p>	<p>3, 4, 7</p>	<p>s.3 'child' means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age;</p> <p>s. 4 'child care service' is a service providing or intended to provide education and care on a regular basis to children under 13 years of age (or such other age as may be prescribed for the purposes of this section) that —</p> <p>(a) is not an education and care service under the national child care law; and</p> <p>(b) is prescribed for the purposes of this Act as a type of service to which this Act applies.</p> <p>s. 7 - Principles to be administered by the Act</p> <p>The following principles must be observed when administering the Act:</p> <p>(a) the principle that a child care service should be provided to a child in a way that —</p>

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				<p>(i) protects the child from harm; and</p> <p>.....</p> <p>(iv) provides positive experiences for the child; and</p> <p>(v) stimulates and develops the child’s creative, emotional, intellectual, physical, recreational and social potential.</p> <p>(b) the principle that child care services should be provided in a way that —</p> <p>(ii) reflects best practice in the care, education and recreation of young children;</p>
			s 9, 14	<p>s. 9 - Providing child care service without licence, offence A person must not provide a child care service at a place except under and in accordance with a licence authorising the provision of the service at that place</p> <p>s.14(1) - General restrictions on grant of licence The CEO must not grant a licence if there are reasonable grounds for believing that the provision of the child care service to which the licence application relates would constitute an unacceptable risk to the wellbeing of children for whom the service would be provided.</p>
			s25	<p>s. 25 - Suspending licence on ground on unacceptable risk</p> <p>The CEO may suspend a licence if the CEO considers that there are reasonable grounds for believing that the continued provision of the child care service to which the licence relates</p>

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				<p>would constitute an unacceptable risk to the wellbeing of the children for whom the service is provided.</p> <p>s29. Disciplinary action by SAT against licensee</p> <p>Under 29(2)(e) the licence of a child care service can be suspended if there are reasonable grounds for believing that the continued provision of the child care service to which a licence held by the licensee relates would constitute an unacceptable risk to the wellbeing of the children for whom the service is provided.</p>

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>ARTICLE 28:</p> <p>1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	<p>Education Act</p>	<p>NT</p>	<p>s 6</p>	<p>Minister to provide education services</p> <p>(1) The Minister may take all measures which, in the Minister's opinion, are necessary or desirable:</p> <p>(a) to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to the individual needs and abilities of those children; and</p> <p>(b) to make education services, provided by the Minister, available to all people in the Territory; and</p> <p>(c) to assist all people of the Territory with their own education.</p> <p>(2) The Minister must establish and maintain education services in the Territory.</p> <p>(4) ... the Minister may:</p> <p>(a) establish and maintain:</p> <p>(i) such Government schools or institutions for the provision of primary and secondary education; and</p> <p>(ii) such pre-schools, correspondence schools and schools of the air; and</p>

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p> <p>ARTICLE 29:</p> <p>1. States Parties agree that the education of the child shall be directed to:</p> <p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p> <p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p> <p>(c) The development of respect for the child's</p>				<p>(iii) such colleges;</p> <p>as the Minister considers necessary or desirable; and</p> <p>(b) in such manner and to the extent the Minister thinks fit, provide or arrange for the transport of children to and from any school and may pay the whole or any portion of the cost of transporting any children to and from any school; and</p> <p>(c) establish and maintain the residences for the accommodation of teachers or students as the Minister considers necessary or desirable for this Act; and</p> <p>(d) undertake or cause to be undertaken research and investigation with respect to education generally, a specified field of education or the provision of education services in the Territory; and</p> <p>(e) provide financial assistance to the persons, bodies or institutions as the Minister considers necessary or desirable for, or in connection with, education services; and</p> <p>(f) determine or arrange for the accreditation of courses of education provided in the Territory; and</p> <p>(g) having sought the advice of the relevant Advisory Council, make provision for awards in relation to the passing of examinations or otherwise in relation to education services; and</p> <p>(h) make provision for the granting of scholarships, bursaries</p>

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<p>parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p> <p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p> <p>(e) The development of respect for the natural environment.</p> <p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>				and prizes in relation to education services.
	Education Act		Part 4 - Enrolment, attendance and participation (Division 2 -	20 Compulsory school age (1) A child is of ' compulsory school age ' if the child is of or above the age of 6 years and below the minimum school leaving age.

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			Compulsory Education)	<p>(2) The minimum school leaving age is the earlier of the following:</p> <p>(a) the age when the child completes year 10 of secondary education;</p> <p>(b) the age of 17 years.</p> <p>(3) However, a child who completes year 10 of secondary education and is below the age of 17 years is of compulsory school age unless:</p> <p>(a) the child participates on a full-time basis in one of the following options (an 'eligible option):</p> <p>(i) approved education or training;</p> <p>(ii) if the child is of or above the age of 15 years – paid employment or a combination of approved education or training and paid employment; or</p> <p>(b) the child is exempt from participating in an eligible option.</p> <p>(4) If a child is not of compulsory school age because of participation in an eligible option, the child does not become of compulsory school age merely because the child stops participating unless the break in participation totals more than 3 months in any 12-month period.</p> <p>(5) The completion of year 10 of secondary education is:</p>

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				<p>(a) the completion of year 10 of secondary education in the Territory or the equivalent in a State or another Territory; or</p> <p>(b) the completion of education approved by the CEO in special circumstances for a particular child.</p> <p>(6) Participation in approved education or training is participation in any of the following:</p> <p>(a) year 11 or 12 of secondary education in the Territory or the equivalent in a State or another Territory;</p> <p>(b) an educational program or course of study or instruction provided by the Charles Darwin University or Bachelor Institute of Indigenous Tertiary Education;</p> <p>(c) a higher education course accredited under the <i>Higher Education Act</i>;</p> <p>(d) an accredited course or approved apprenticeship under the <i>Northern Territory Employment and Training Act</i>;</p> <p>(e) other education or training approved by the CEO by <i>Gazette</i> notice;</p> <p>(f) other education or training at an institution in a State or another Territory where the education or training would, if provided in the Territory, comply with the requirements of this Part.</p> <p>(7) The CEO may exempt a child from participating in an eligible option for a specified period if satisfied it is</p>

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				<p>appropriate to do so because of special circumstances.</p> <p><i>Example for subsection (7)</i></p> <p><i>The child is seriously ill.</i></p> <p>(8) The exemption must be given by written notice to a parent of the child or, if the child is living independently, the child.</p> <p>(9) A regulation may be made about the following:</p> <p>(a) whether a child completes year 10 of secondary education;</p> <p>(b) whether a child is participating in an eligible option.</p> <p>(10) Subject to the Regulations, participation on a full-time basis in paid employment is participation for an average of 25 hours a week.</p> <p>20A Compulsory enrolment</p> <p>(1) A parent who has the actual custody of a child of compulsory school age must enrol the child in:</p> <p>(a) a Government school; or</p> <p>(b) a non-Government school registered under Part 7.</p> <p>(2) If a child of compulsory school age is living independently, the child must enrol himself or herself in a school mentioned in subsection (1)(a) or (b).</p>

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				<p>(4) Subsections (1) and (2) do not apply in relation to a child:</p> <p>(a) who is complying with special arrangements made under Part 5 for the child; or</p> <p>(b) who is enrolled in a school in a State or another Territory and receiving education or training that, if provided in the Territory, would comply with the requirements of this Part; or</p> <p>(c) for whom the parent is providing home education in accordance with an approval under section 20E.</p> <p>(5) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant establishes a reasonable excuse.</p> <p>20B Direction about enrolment</p> <p>(2) The CEO may direct that:</p> <p>(a) the child is not to be enrolled in a specified Government school; or</p> <p>(b) if the child is to be enrolled in a Government school – the child must be enrolled in a specified Government school; or</p> <p>(c) if the child is enrolled in a Government school – the child is to be enrolled instead in a specified Government school on and from the date specified in the direction.</p>

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				<p>(3) The direction must be by written notice given to:</p> <p>(a) a parent having actual custody of the child; or</p> <p>(b) if the child is living independently – the child.</p> <p>(4) The child must not be enrolled in a Government school in contravention of the direction.</p> <p>20C Compulsory attendance at school</p> <p>(2) A parent who has the actual custody of the child must ensure the child attends the school each day, or each part of a day, on which instruction is provided for the child.</p> <p>(6) If the child is living independently, the child must attend the school each day, or each part of a day, on which instruction is provided for the child.</p> <p>(9) Subsections (2) and (6) do not apply if:</p> <p>(a) the child is exempted from attendance, or prohibited from attending, under this Part; or</p> <p>(b) a parent of the child or, if the child is living independently, the child, gives a reason acceptable to the principal of the school for the child's absence; or</p> <p>(c) the child's absence is on a day, or part of a day, of significance to the child's ethnic group and a parent of the child or, if the child is living independently, the child, gives</p>

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				<p>the reason for the absence to the principal of the school.</p> <p>(10) In this section:</p> <p>'school' does not include a distance education centre.</p> <p>20D Compulsory participation at distance education centre</p> <p>(2) A parent who has the actual custody of the child must ensure the child reasonably attends to all course requirements of the educational instruction provided by the distance education centre.</p> <p>(6) If the child is living independently, the child must reasonably attend to all course requirements of the educational instruction provided by the distance education centre.</p> <p>(9) Subsections (2) and (6) do not apply if:</p> <p>(a) the child is exempted under this Part from course requirements of the educational instruction provided by the distance education centre; or</p> <p>(b) a parent of the child or, if the child is living independently, the child, gives a reason acceptable to the principal of the distance education centre for the child's non-attendance to the course requirements.</p> <p>20E Home education</p>

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				<p>(1) A parent of a child of compulsory school age who proposes to provide home education for the child must, before providing the home education:</p> <p>(a) apply to the CEO for approval to provide home education; and</p> <p>(b) give the CEO details of the proposed home education.</p> <p>(3) If the CEO is satisfied home education proposed for a child is suitable, the CEO may approve the home education.</p> <p>(4) The approval must be in writing and is subject to the following conditions:</p> <p>(a) the approval is for one school year only;</p> <p>(b) the parent must allow inspections from time to time by departmental officers;</p> <p>(c) any other conditions the CEO considers appropriate and specifies in the notice of approval.</p> <p>20F Exemption by Minister</p> <p>The Minister may exempt a child of compulsory school age from attendance at school, or from course requirements of educational instruction provided by a distance education centre, for a specified period if satisfied it is appropriate to do so because of special circumstances.</p>

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				<p><i>Example for section 20F</i></p> <p><i>The child is seriously ill.</i></p> <p>20G Child may be withdrawn from specified course</p> <p>(1) A parent of a child enrolled in a Government school may request the principal of the school to withdraw the child from the whole or a specified part of a specified course of instruction provided for the child at the school. (2) The principal:</p> <p>(a) may agree to the request and make the necessary arrangements to comply with it if satisfied it is appropriate to do so; and</p> <p>(b) must make the necessary arrangements to comply with the request if:</p> <p>(i) the course of instruction specified in the request is a course of religious instruction; or</p> <p>(ii) the parent claims to have a conscientious objection to the child attending the course or part of the course and the course is not an essential part of the curriculum.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 3 -</p>	<p>21 Suspension by principal</p> <p>(1) This section applies if the principal of a Government school is satisfied a person who is enrolled in the school should be suspended from attending the school because the person's presence would be harmful to the health or moral</p>

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			Suspension and expulsion)	<p>welfare of other persons at the school.</p> <p><i>Examples for subsection (1)</i></p> <p><i>The person is insolent, repeatedly disobedient, conducts himself or herself immorally or is guilty of a serious breach of discipline.</i></p> <p>(2) The principal may, by written notice given to the person, suspend the person from attendance at the school.</p> <p>(3) The principal must, as soon as practicable, give a copy of the notice of suspension and a report of the circumstances to:</p> <p>(a) the CEO; and</p> <p>(b) if the suspended person is a child – a parent who has the actual custody of the child.</p> <p>(4) The suspension has effect:</p> <p>(a) for the period, not exceeding 1 month, specified in the notice of suspension; or</p> <p>(b) if the Minister expels the person within the period mentioned in paragraph (a) – until the expulsion.</p> <p>21A Expulsion by Minister</p> <p>(1) If the Minister considers it necessary in the interests of other persons attending a Government school, the Minister may, by written notice given to a person, expel the person</p>

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				<p>from the school in which the person is enrolled.</p> <p>(2) The Minister must, as soon as practicable after expelling a child who is not living independently, give a copy of the notice of expulsion to a parent who has actual custody of the child.</p> <p>(3) The Minister may review the expulsion and may revoke the expulsion if satisfied the person should be no longer expelled from the school. (4) The Minister must give a notice of revocation of the expulsion to:</p> <p>(a) for a child who is not living independently – a parent having actual custody of the child; or</p> <p>(b) in any other case – the expelled person.</p> <p>21B Parent to ensure non-attendance</p> <p>(1) This section applies if a parent has been notified:</p> <p>(a) under section 20H that a child is not to attend a school for a period; or</p> <p>(b) under section 21 that a child is suspended from a school for a period; or</p> <p>(c) under section 21A that a child is expelled from a school.</p> <p>(2) The parent must ensure the child does not attend school:</p> <p>(a) during the period specified in the notice (unless a</p>

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				<p>certificate mentioned in section 20H(3) has been given); or</p> <p>(b) while the child is expelled from the school.</p> <p>Maximum penalty: For a first offence – 15 penalty units.</p> <p>For a second or subsequent offence – 20 penalty units.</p> <p>(6) If a child living independently has been given a notice mentioned in subsection (1), the child must not attend school as mentioned in subsection (2).</p> <p>21C Re-enrolment after expulsion</p> <p>If a person has been expelled from a Government school, the person must not be enrolled in a Government school unless:</p> <p>(a) the Minister gives permission for the enrolment; or</p> <p>(b) the school is a distance education centre.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 4 - Further education or training)</p>	<p>22 Parents to ensure participation in eligible option</p> <p>(1) This section applies if a child:</p> <p>(a) completes year 10 of secondary education under section 20 and is below the age of 17 years; and</p> <p>(b) is not exempt from participating in an eligible option.</p> <p>(2) A parent of the child who has the actual custody of the</p>

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				<p>child must ensure the child participates in an eligible option.</p> <p>(6) If the child is living independently, the child must participate in an eligible option.</p> <p>22A Enquiries about participation in eligible option</p> <p>(1) For the effective administration of this Part in relation to the requirement for a child to participate in an eligible option, the CEO may make the enquiries the CEO considers appropriate.</p> <p>(2) If the CEO has information that a person is the provider of an eligible option to a child, the CEO may ask the person to give relevant information about the child's participation in an eligible option.</p> <p>(3) The request must be made by written notice given to the person.</p> <p>(4) The person must comply with the notice.</p> <p>(6) The CEO may also ask a child to give relevant information about the child's participation in an eligible option.</p> <p>(7) The request must be made by written notice given to the child.</p> <p>(8) The child must comply with the notice.</p>

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				<p>(12) In this section:</p> <p>'provider', of an eligible option to a child, means a person who:</p> <p>(a) provides the child with approved education or training under section 20(6); or</p> <p>(b) employs the child.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 5 - Enforcement powers)</p>	<p>23 Information notice</p> <p>(2) The CEO may give a written notice (an <i>information notice</i>) requiring specified information to one of the following:</p> <p>(a) a parent having actual custody of the child;</p> <p>(b) if the child is living independently – the child.</p> <p>(3) The information notice must:</p> <p>(a) specify that it is an information notice under this section; and</p> <p>(b) indicate the provision or provisions of this Act the CEO believes are not being complied with; and</p> <p>(c) specify the information required; and</p> <p>(d) specify what must be done by the person given the notice in order to comply with it; and</p>

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				<p>(e) specify the period for complying with the notice; and</p> <p>(f) contain a statement to the effect that failure to comply with the notice is an offence.</p> <p>(5) A parent given an information notice must comply with it.</p> <p>(6) A child given an information notice must comply with it.</p> <p>23A Compliance notice</p> <p>(2) The CEO may give written notice (a <i>compliance notice</i>) to one of the following:</p> <p>(a) a parent having actual custody of the child;</p> <p>(b) if the child is living independently – the child.</p> <p>(3) The compliance notice must:</p> <p>(a) specify that it is a compliance notice under this Act; and</p> <p>(b) include a brief description of the failure to comply with this Act for which the notice is given; and</p> <p>(c) specify what must be done by the person given the notice in order to comply with it; and</p> <p>(d) specify the period for complying with the notice; and</p> <p>(e) contain a statement to the effect that failure to comply with the notice is an offence.</p>

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				<p>(7) A parent given a compliance notice must comply with it.</p> <p>(8) A child given a compliance notice must comply with it.</p> <p>23B Compulsory conference</p> <p>(2) The CEO may, by written notice, direct any of the following persons to attend a compulsory conference addressing the issues the CEO believes necessary to achieve compliance with the provision:</p> <ul style="list-style-type: none"> (a) a parent or parents of the child; (b) the child concerned; (c) other persons the CEO considers appropriate. <p><i>Examples for subsection (2)(c)</i></p> <p><i>A social worker, child psychologist, school principal, church representative, traditional elder.</i></p> <p>(3) The child may attend the conference without being accompanied by a parent in any of the following circumstances:</p> <ul style="list-style-type: none"> (a) the child is living independently; (b) the child requests that parents, or a particular parent, not be present and the CEO agrees to the request; (c) the CEO considers the conference is more likely to be successful without the presence of parents or a particular

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				<p>parent.</p> <p>(4) If a child attends the conference without being accompanied by a parent because of circumstances mentioned in subsection (3), any direction to a parent to attend is taken to be withdrawn.</p> <p>(5) If the child requests the presence of another person ('a support person') at the conference, the CEO may agree to the request if the CEO considers the conference is more likely to be successful with the presence of the support person.</p> <p>(6) The conference must be conducted by a departmental officer.</p> <p>(7) The purpose of the conference is to ensure the child receives education or training in accordance with this Part.</p> <p>(8) For achieving the purpose, in the conduct of the conference the parties may do any of the following:</p> <p>(a) seek to identify and resolve issues in dispute in relation to education or training for the child;</p> <p>(b) seek to identify any services that can be provided to the child or the child's family to facilitate education or training for the child;</p> <p>(c) make recommendations to the CEO the conference participants consider appropriate;</p>

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				<p>(d) formulate undertakings for a family responsibility agreement under Part 6A of the <i>Youth Justice Act</i>, or orders for a family responsibility order under that Act.</p> <p>(9) Despite the <i>Information Act</i>, participants in the conference, or other persons for the purposes of the conference, may disclose to each other information about the child and the child's family that may reasonably assist in achieving the purpose of the conference.</p> <p>(10) Evidence of things said or admissions made in the conference, or in documents prepared for the conference, other than any written undertakings prepared during or following the conference, is not admissible in any court proceeding.</p> <p>(11) A parent directed to attend the conference must comply with the direction.</p> <p>(12) A child directed to attend the conference must comply with the direction.</p> <p>23C Truancy from school or eligible option</p> <p>(1) This section applies if an authorised person:</p> <p>(a) sees a child apparently of compulsory school age in a public place; and</p> <p>(b) reasonably believes the child should either be attending a school or participating in an eligible option.</p>

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				<p>(2) The authorised person may require the child to:</p> <p>(a) state his or her name, address and age; and</p> <p>(b) state the name of the school (if any) in which the child is enrolled and give details of any eligible option in which the child participates; and (c) explain why the child is absent from school or is not presently participating in an eligible option.</p> <p>(3) The child must comply with the requirement.</p> <p>(5) If it appears to the authorised person that the child is of compulsory school age and the officer is not satisfied with the explanation given by the child, the authorised person may do any of the following:</p> <p>(a) accompany the child to the school in which the child is enrolled and into the care of the school principal;</p> <p>(b) accompany the child to the child's home or another place the authorised person considers appropriate in the circumstances;</p> <p>(c) take any action the authorised person considers appropriate in relation to non-participation by the child in an eligible option.</p> <p>23D Authorised person may require information about enrolment or eligible option</p> <p>(1) An authorised person may, at any time between 8 am and</p>

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				<p>7 pm during any day, call at an address which has been given under section 23C(2) or otherwise obtained, and require any person apparently of or above the age of 14 years present at that address to state:</p> <p>(a) the full names of all children of compulsory school age who ordinarily reside at that address; and</p> <p>(b) the names of the schools in which those children are enrolled, or other places at which any of the children participate in an eligible option.</p> <p>(2) An adult required to give information mentioned in subsection (1) must comply with the requirement.</p> <p>(3) A child required to give information mentioned in subsection (1) must comply with the requirement.</p> <p>23E Authorised person may direct child be enrolled</p> <p>(1) If an authorised person reasonably believes a child of compulsory school age is not enrolled in any school, the authorised person may, by written notice:</p> <p>(a) direct a parent of the child to enrol the child in a school within 10 school days after the notice is given; or</p> <p>(b) if the child is living independently – direct the child to enrol in a school within 10 school days after the notice is given.</p> <p>(2) A parent given a direction under subsection (1)(a) must</p>

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				<p>comply with it.</p> <p>(3) A child given a direction under subsection (1)(b) must comply with it.</p> <p>(6) A person given a direction under subsection (1) must, if requested, give the authorised person sufficient evidence of the enrolment.</p>
			<p>Part 4 - Enrolment, attendance and participation</p> <p>(Division 6 - Offences and evidentiary matters)</p>	<p>24 Employment of children</p> <p>(1) This section applies in relation to a child of compulsory school age who has not completed year 10 of secondary education.</p> <p>(2) A person must not employ, or permit to be employed, the child during a time of a school day when the child is required to attend school.</p> <p>Fault elements:</p> <p>The person:</p> <p>(a) intentionally employs the child; and</p> <p>(b) is reckless as to whether the child:</p> <p>(i) is of compulsory school age; and</p> <p>(ii) has completed year 10 of secondary education; and</p> <p>(c) knows the day is a school day.</p>

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				<p>(3) Also, a person must not employ, or permit to be employed, the child at any time in employment likely to cause the child to be:</p> <p>(a) unfit or unable to attend school at the times the child is required to attend school; or</p> <p>(b) unfit or unable to understand instruction provided for the child when attending the school.</p> <p>Fault elements:</p> <p>The person:</p> <p>(a) intentionally employs the child; and</p> <p>(b) is reckless as to whether the child is or will be unfit or unable to attend school or understand instruction.</p>
	Anti-Discrimination Act		s 29	<p>Discrimination in education</p> <p>(1) An educational authority shall not discriminate:</p> <p>(a) by failing or refusing to accept a person's application for admission as a student; or</p> <p>(b) in refusing or rejecting a person's admission as a student; or</p> <p>(c) in the way in which a person's application is processed; or</p> <p>(d) in the arrangements made for, or the criteria used in,</p>

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				<p>deciding who should be offered admission as a student; or</p> <p>(e) in the terms and conditions on which a person is admitted as a student.</p> <p>(2) An educational authority shall not discriminate:</p> <p>(a) in any variation of the terms and conditions of a student's enrolment; or</p> <p>(b) by failing or refusing to grant, or limiting, access to any benefit arising from the enrolment that is supplied by the authority; or</p> <p>(c) by excluding a student; or</p> <p>(d) by treating a student less favourably in any way in connection with the student's training or instruction.</p>

8. Tasmania

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

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 28: 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	Education Act 1994	Tas	<u>Part 2</u>	<u>Compulsory Education</u>
			s4(1)	A child who is at least 5 years of age as at 1 January in any year must be enrolled at a school or be provided with home education for that year and subsequent years until the child completes the school year during which he or she attains the age of 16 years.
			s6(2)	A parent of a school-aged child must ensure that the child attends the school each day as required by the principal; or participates in an individual educational program; or receives home education; or attends at the Academy or the Polytechnic each day as required if the child is exempted.
			s6(3)	A principal, a College principal and the Polytechnic executive officer must ensure that a register is kept recording the daily attendance or absence of each school-aged child.
			<u>Part 3</u>	<u>State Education</u>
			s19	A school-aged child or person is entitled to be enrolled at the State school which has its intake of students from the area in which his or her home is situated.
			s23(1)(a)	The principal of a State school has the following functions to ensure that the curriculum, teaching practice, assessment and reporting procedures at the school are consistent with any

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>				<p>instructions issued by the Secretary.</p> <p>The curriculum in a State school is to consist of any non-sectarian and secular instruction and courses the Secretary determines. The Secretary may issue instructions in respect of any matter relating to the curriculum, teaching practice, homework, assessment and reporting procedures at a State school.</p> <p>The principal of a State school, if satisfied that a student has behaved in an unacceptable manner, may suspend the student full-time or part-time from that school for a period of 2 weeks or less; or impose a detention on that student.</p> <p>The Secretary may issue instructions to principals on procedures to be followed in any matter under this Division.</p> <p>Tuition fees are not payable in respect of educational instruction provided to any student at a State school during the hours which the State school is open.</p>
	<p>Youth Participation in Education and Training (Guaranteeing Futures) Act 2005</p>	<p>Tas</p>	<p><u>Part 1</u></p>	<p><u>Preliminary</u></p>
			<p><u>s7</u></p>	<p><u>Objects of Act</u></p>

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				The objects of this Act are to implement initiatives to ensure that, in most circumstances, young people participate at a full-time level in a period of education or training, through participation in eligible options, after they attain the age of 16 years; and encourage those people to so participate in eligible options for a minimum period of 2 years.
			s4	This Act is to be administered in a way that has regard to the principle that the State should develop practical ways to improve the social, educational and employment outcomes for young people including, in particular, those who are at risk of disengaging from education and training.
			<u>Part 2</u>	<u>Required Participation in Education and Training</u>
				A person's required participation phase starts when the person attains the age of 16 years; and ends when the first of the following occurs: (i) the person has participated in eligible options for one year after attaining the age of 16 years; (ii) the person gains a certificate III; (iii) the person attains the age of 17 years.
			s10	A young person is participating in an eligible option if the person is enrolled with, or being provided with education or training by, the provider in the relevant eligible option; and complying with the provider's attendance requirements for the eligible option. The provider's attendance requirements for an eligible option are the requirements about physically

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				attending, at particular times, at the provider's premises or another place.
			s14	Each parent of a young person in the required participation phase must ensure the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.

9. Australian Capital Territory

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<p>ARTICLE 28: 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p> <p>(e) Take measures to encourage regular attendance at schools and the reduction of drop-</p>	<p>Education Act 2004</p>	<p>ACT</p>	<p>Part 1.2</p>	<p>General Principles and objects</p> <p>Everyone is to apply the principle that every child has a right to receive a high-quality education based on the following principles:</p> <p>(a) school education and home education provide a foundation for a democratic society;</p> <p>(b) school education and home education should aim to develop every child's potential and maximise educational achievements; and promote children's enthusiasm for lifelong learning and optimism for the future; and encourage parents to take part in the education of their children, and recognise their right to choose a suitable educational environment; and promote respect for and tolerance of others; and recognise the social, religious, physical, intellectual and emotional needs of all students; and aim over time to improve the learning outcomes of students so that the outcomes are free from disadvantage because of economic, social, cultural or other causes; and encourage all students to complete their senior secondary education; and provide access to a broad education; and recognise the needs of Indigenous students;</p> <p>(c) innovation, diversity and opportunity within and among</p>

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<p>out rates.</p> <p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p> <p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>				<p>schools should be encouraged;</p> <p>(d) effective quality assurance mechanisms should be applied to school education;</p> <p>(e) government funding should be directed to students through their schools or school system;</p> <p>(f) the partnership between the home, community and educational providers should be recognised;</p> <p>(g) school communities should be given information about the operation of their schools.</p> <p>Corporal punishment is not allowed in ACT schools.</p>
			Chapter 2	Compulsory Education
			S9	A child is of compulsory education age if the child is at least 6 years old and under the age that the first of the following happens (a) the child is 17 years old (b) the child completes year 12.
			S10(2)	The child's parents must enrol the child at an education provider for the purpose of the provider's education course not later than 14 days after the day the course starts.
			S10A(2)	The child's parents must ensure that the child attends the school on every day, and during the times on every day, when the school is open for attendance; and attends

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				every activity of the school (including attendance at an approved educational course) that the school requires the child to attend.
			11C(2)	The director-general may give a written notice to the child's parents if the director-general believes on reasonable grounds that the child is not enrolled at an education provider or if the child is enrolled at a school—the child is not attending the school.
			16B	The director-general may give a notice (a <i>compliance notice</i>) to a child's parents if the director-general believes on reasonable grounds that the parents have contravened or are contravening: (a) section 10 (Child of compulsory education age—enrolment and registration requirement); or (b) section 10A (Child of compulsory education age—school attendance requirement); or (c) section 10D (Child of compulsory education age—participation requirement); or (d) section 14D (Approval statement—compliance requirement).

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				It is an offence not to comply with the notice.
			S30(1)	The director-general must decide the curriculum requirements for students attending government schools (other than in years 11 and 12).
			S35	<p>The principal of a government school must set up procedures:</p> <p>(a) to encourage students to attend school regularly; and</p> <p>(b) to help parents to encourage their children to attend school regularly.</p> <p>(2) The principal must refer parents and children to support services that encourage children to attend school regularly when the procedures are not successful.</p> <p>(3) If a student enrolled at a government school has not been attending school regularly, the principal of the school may, by written notice, require the student's parents and the child to meet with an authorised person at a stated place and time.</p>