

MAJOR SOURCES OF LEGISLATION INCLUDING IMPENDING CHANGES

NEW SOUTH WALES	QUEENSLAND	SOUTH AUSTRALIA
<p>Child Welfare Act 1939 amended to 1980, in particular Parts XIV, XVII. Covers functions relating to child protection, viz. definitions of abuse, management responsibility, notifications, authority to investigate, apprehension, holding powers, places of safety, covers child up to 18 years of age.</p> <p>Pending legislation: Community Welfare Act, 1982, reduces definition of child to age 16 years, extends requirements for prescribed persons to notify, changes definition of child abuse (see below).</p> <p>N.B. term "abuse" appears in new legislation.</p>	<p>Childrens' Services Act 1965, plus attendant regulations. Health (Amendments) Act 1937-82. Legislation pending: (tabled 12.4.84) Family and Community Development Bill.</p> <p>Consolidates much of previous legislation plus recent administrative measures, changes name of Childrens Services Department to Family and Community (F.C.D.D.) Development Department, makes small but significant changes to child abuse definition, specifies functions of Director, legislates for Co-ordinating Committee on Child Abuse and Neglect and SCAN teams, provides for central record system, defines age of child from up to 17 years to 18. N.B. term "abuse" appears in new legislation.</p>	<p>Community Welfare Amendment Act, 1972-81, Children's Protection and Young Offenders Act, 1976, includes provision for mandatory notification of suspected abuse of child up to 18 years of age by prescribed persons, nominates Department or Community Welfare as having the central role in child protection panels, development and promotion of preventative and educative programmes throughout the community.</p> <p>N.B. the term "maltreated" appears in the legislation.</p>

DEFINITIONS OF CHILD ABUSE

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<p>Currently enshrined under the rubric of "neglected child" and covers a wide spectrum of specified circumstances children who: Live or consort with reputed thieves, or persons with no visible means of support, or common prostitutes who have no lawful means of support or fixed abode who beg or are vagrant, who are not properly cared for with regard to food, nursing, clothing, medical aid or lodging or are ill-treated or exposed, who perform in certain unlicensed employment, whose parents are drunkards or in prison, or who have parents not exercising proper guardianship or are engaged in drugs or crime, or who are suffering from untreated sexual diseases, or exposed to moral danger.</p> <p>The new law allows more flexibility.</p>	<p>The new legislation provides for quite specific grounds for protection similar to the old in relation to conditions endangering life, injury to health, inability or unwillingness of parent or guardian to supervise or provide adequate resources, abandoned, unlawful sexual activity, exploitation, failure to receive needed medical attention, disruption in family relationships having deleterious effect on child, where member of household has committed certain specified offences.</p>	<p>Where the Minister is satisfied that a child is in need of care by reason of: a guardian having maltreated or neglected him/her to the extent that the child has suffered or is likely to suffer physical or mental or emotional injury, or to the extent that physical, mental or emotional development is in jeopardy; that the guardian of the child is unable or unwilling to exercise adequate supervision and control – or unable or unwilling to maintain, is dead, has abandoned, cannot be found after reasonable enquiry.</p>