

MAJOR SOURCES OF LEGISLATION INCLUDING IMPENDING CHANGES

| NEW SOUTH WALES | QUEENSLAND | SOUTH AUSTRALIA |
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| <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> |

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| <p>Child Welfare Act 1960, Child Protection Act 1974 (amended). A new amending Act passed through Parliament in June 1986 and awaits promulgation. Legislation provides for an autonomous Child Protection Assessment Board under the Attorney-General, provides for the constitution of the Board which may act under its own authority or delegate functions, includes mandatory notification of abuse by prescribed persons, covers children up to 17 years of age. N.B. the term "maltreated" appears in the legislation.</p> | <p>Community Welfare Act 1970, amended. Children's Court Act 1973 specifies abuse conditions, empowers anyone to notify, sets down process for apprehension, covers children up to 17 years of age. N.B. legislation not as extensive as other States, similar to W.A. N.B. terms "child abuse" or "maltreatment" not included in wording of Acts. New legislation to strengthen the child protection will doubtless emerge shortly as a result of Dr. Carney's Child Welfare Review.</p> | <p>Child Welfare Act, 1947. Community Services Act, 1972, defines abuse, covers children up to 18 years of age, empowers people to notify, empowers investigation including a power to remove and a holding power for young child in a hospital. N.B. terms "child abuse" or "maltreatment" do not appear in legislation. New legislation may emerge following the "Wellbeing of the People" Report (Carter, 1984).</p> |

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| <p>A child shall be taken to suffer maltreatment if, whether by act or omission or intentionally or by default, any person (including parent, guardian or other person having custody, care or control, inflicts physical injury (this is qualified), administers or subjects child to drugs, neglects or interferes with physical, nutritional, mental or emotional well-being of child, leading to suffering or its likelihood, including psychological damage and other forms of exploitation (specified).</p> | <p>Where the child has been or is likely to be ill-treated or is being exposed or neglected to the detriment of physical, mental or emotional development, where the person with responsibility for the child fails to exercise adequate supervision or control, where the child is not properly cared for due to the death or incapacity of guardians, or where the child has been abandoned and the caregivers have gone missing.</p> | <p>Where the child is ill-treated or suffers injuries apparently resulting from ill-treatment . . . or is living under such conditions or is found under such circumstances or behaves in such a manner as to indicate that his/her mental, physical or moral welfare is likely to be in jeopardy.</p> |

