

# Principles of the Act

The [Child Protection Act 1999](#) is the legal framework guiding Child Safety in child protection.

The paramount Principle of the Act is: that the safety, wellbeing and best interests of a child are paramount

## Other general principles

The following are general principles for ensuring the safety, wellbeing and best interests of a child include:

- (a) a child has a right to be protected from harm or risk of
- (b) a child's family has the primary responsibility for the child's upbringing, protection and development
- (c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family
- (d) if a child does not have a parent who is able and willing to protect the child, the State is responsible for protecting the child
- (e) in protecting a child, the State should only take action that is warranted in the circumstances
- (f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests
- (g) if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care
- (h) if a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin
- (i) if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible
- (j) a child should only be placed in the care of a parent or other person who has the capacity and is willing to care for the child (including a parent or other person with capacity to care for the child with assistance or support)
- (k) a child should have stable living arrangements, including arrangements that provide:
  - (i) for a stable connection with the child's family and community, to the extent that is in the child's best interests
  - (ii) for the child's developmental, educational, emotional, health, intellectual and physical needs to be met
- (l) a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child
- (m) a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values
- (n) a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.