



ABN 69 062 986 118

PROHIBITED EMPLOYMENT DECLARATION

Child Protection (Prohibited Employment) Act 1998

With the exception of where an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal, declares that the Act does not apply to a particular person, the Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person) to apply for, undertake or remain in, child-related employment.

Section 5 of the Child Protection (Prohibited Employment) Act 1998 defines a serious sex offence as an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment for 12 months or more, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW.

Child-related employment means any employment that primarily involves direct contact with children where that contact is not directly supervised. Section 1 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment:-

- ?? **In clubs, associations or movements (including of cultural, recreational or sporting nature) having a significant child membership**
- ?? Involving the provision of child protection services
- ?? In pre-schools, kindergartens and child care centres (including residential child care centres)
- ?? In schools or other educational institutions (not including universities)
- ?? In detention centres (within the meaning of the Children (Detention Centres) Act 1987)
- ?? In refuges used by children
- ?? In wards of public or private hospitals in which children are patients
- ?? In any religious organisation
- ?? In any entertainment venues where the clientele is primarily children
- ?? As a babysitter or child minder that is arranged by a commercial agency
- ?? Involving fostering or other child care
- ?? Involving regular provision of taxi services for the transport of children with a disability
- ?? Involving the private tuition of children
- ?? Involving the direct provision of health services
- ?? Involving the provision of counselling or other support services for children
- ?? On school buses
- ?? At overnight camps for children

Under this Act:

- ?? It is an offence for a prohibited person to **apply for, undertake or remain in** child-related employment
- ?? Employers **must** ask existing employees, both **paid** and **unpaid**, and preferred applicants for employment to declare whether they are a prohibited person or not
- ?? All child-related employees **must** inform employers if they are a "prohibited person" (someone who has been convicted of a serious sex offence) or remove themselves from child-related employment
- ?? Penalties are imposed for non compliance.

Declaration:

I am aware that I am ineligible to apply for, undertake or remain in, child-related employment if I have been convicted of a "serious sex offence" as defined in the Child Protection (Prohibited Employment) Act 1998.

I have read and understood the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.

I declare that I am ☐ / I am not ☐ (please tick appropriate box) a person prohibited from the Act from seeking, undertaking or remaining in child-related employment, whether as a paid or unpaid employee, or as a voluntary worker or official of the organisation.



ABN 69 062 986 118

.....
NAME (please print)

.....
SIGNATURE

.....
DATE

Note: Seek legal advice if you are unsure of your status as a prohibited person.

This form should be returned to the Board Secretary – RNSWCC – 44 Luddenham Road, ERSKINE PARK NSW 2750