

ATTACHMENT 4

PROHIBITED EMPLOYMENT DECLARATION



Child Protection (Prohibited Employment) Act 1998

The Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person), or a registrable person under the Child Protection (Offenders Registration) Act 2000, to apply for, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission or the Administrative Decisions Tribunal, declares that the Act does not apply to a particular person.

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, even if the sentence was not served, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW.

Child-related employment means any employment, where at least one of the essential duties of the position, involves direct contact with children where that contact is not directly supervised. Section 3 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment:

- 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 clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership
- in any religious organisation
- in any entertainment venues where the clientele is primarily children
- as a babysitter or childminder 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 their employers if they are a 'prohibited person' or remove themselves from child-related employment. A prohibited person is someone who has been convicted of a serious sexual offence or, who has had a finding for a charge of a serious sexual offence proven in court, even if a conviction was not recorded.
- penalties are imposed for non compliance.

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 or if I am a 'registrable person' under the Child Protection (Offenders Registration) Act 2000.

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 not a person prohibited by the Act from seeking, undertaking, or remaining in child related employment.

Name

Signature

Date

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