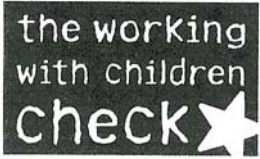


## PROHIBITED EMPLOYMENT DECLARATION



### **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 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 1 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 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 counseling or other support services for children
- On school buses
- At overnight camps for children.

#### **Under this Act:**

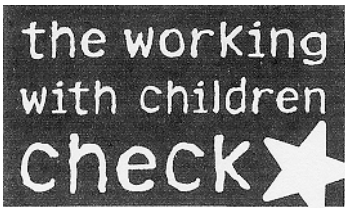
- it is an offence for a prohibited person to **apply for, undertake or remain in** child related employment.
- Employers must ask existing employees, both **paid** and **unpaid**, and preferred applicants for employment to declare if they are a prohibited person or not.
- All child-related employees **must** inform their employers if they are a "prohibited person" or remove them- selves 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.

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



## Consent Form

Mr. / Mrs. / Ms / Miss / Dr Other \_\_\_\_\_ **Surname:** \_\_\_\_\_

**First Name:** \_\_\_\_\_ **Middle Names:** \_\_\_\_\_

**Other Names by which the applicant has been known:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_ **Gender:** (please circle) Male / Female

**Place of Birth** (city, state, country): \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Are you to be employed in a paid or voluntary capacity?** \_\_\_\_\_

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for employment in a child-related position, several screening processes will be undertaken to ascertain my suitability, including:

- a national criminal record check for offences involving sexual activity, acts of indecency (whether involving child or adult), child abuse or child pornography.
- a check for relevant apprehended violence orders taken out by a police officer or other public official for the protection of a children.
- Checks for completed relevant disciplinary proceedings involving-child abuse, sexual misconduct or acts of violence in the workplace which involve children, are directed at children or take place in the presence of children.

I understand that convictions, or charges that are proven in court but that do not proceed to a conviction, relating to sexual activity, acts of indecency, child abuse or child pornography will automatically prohibit my employment in a child related position. I am aware that if I am a "registrable person" under the *Child Protection (Offenders Registration) Act 2000*, I am prohibited from employment in a child-related position.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an approved screening agency from sources such as courts, police, prosecutors and past employers to enable a full and informed assessment. I understand that if additional information is not obtained, an approved screening agency may provide an assessment about me to an employer that is not based on all relevant available information.

I acknowledge that any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences.

I acknowledge that the outcome of assessment of information obtained through the Working With Children Check may be provided to my current or prospective employers for employment screening purposes.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_