

# 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 or the Commission for Children and Young People, 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 act of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment of 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 an offence punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW; or an offence under Sections 91D-91G (other than if committed by a child prostitute) and 578B or 578C(2A) of the Crimes Act 1900 or a similar offence under a law other than a law of NSW; or an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or any other offence prescribed by the regulations. (Note: A conviction for carnal knowledge is classified as a serious sex offence under this legislation).**

**Child-related employment** means any employment that primarily involves direct contact with children where that contact is not directly supervised. Part 1 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 Child (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 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.**

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for employment screening in accordance with Section 36 (1) (f) of the Commission for Children and Young People Act 1998.

|                         |  |           |
|-------------------------|--|-----------|
| Name<br>(Block letters) |  | Signature |
| Workplace               | Name of school, school education area, institute, division, state office directorate or AMES |           |
| DET ID no.              | Current employees only   | Date      |

**Note:** Seek independent legal advice if you are unsure of your status as a prohibited person. This form should be returned to the selection panel convener / principal / manager of the workplace as appropriate.