

ST ALBERT'S COLLEGE - ARMIDALE

PROHIBITED EMPLOYMENT 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 information on the back of this form in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.



In signing this document I declare that I am not a person prohibited by the Act from applying for, undertaking, or remaining in child related employment.

- ❖ I understand that if after signing this declaration I am later convicted of a "serious sex offence" and become a prohibited person, I must not remain in, apply for or undertake child-related employment.
- ❖ I understand that if I am a prohibited person it is an offence to sign this declaration, but that I may make an application to the Industrial Relations Commission or the Administrative Decisions Tribunal for an order that this Act is not to apply to me in respect of a specified offence.

Name (Printed)

Signature

Date

Employment Status:

- Permanent or temporary appointment
- Casual appointment
- Volunteer for school visits
- Resident Support Team

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

This form should be returned to the employer who requested disclosure of your status as a prohibited person. The declaration form will be stored securely and confidentially to protect your privacy.

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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.

A **serious sex offence** is defined in Section 5 of the Child Protection (Prohibited Employment) Act 1998 as

- (i) an offence involving sexual activity or acts of indecency which is or was punishable by penal servitude or imprisonment for 12 months or more in New South Wales, OR
- (ii) an offence committed elsewhere, that would have been punishable by penal servitude or imprisonment for 12 months or more if it had been committed in New South Wales.

Child-related employment means any performance of work that primarily 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 pro-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 child-related employment to declare that they are not a prohibited person
- all child-related employees **must declare to their employers** that they are not 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.