



ROTARY INTERNATIONAL DISTRICT 9650

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 person in respect of a specific offence.

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; or
- an offence under Sections 91D – 91H (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, 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 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;
- any other prescribed by regulation.

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 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 Child Protection (*Prohibited Employment*) Act 1998. I am aware that it is an offence to make a false statement on this form.

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 Commissioner for Children and Young People and / or to the NSW Police for law enforcement purposes and for monitoring and auditing compliance with procedures and standards for employment screening in accordance with Section 36 (1) (f) of the Commission for Children and Young People Act 1998.

Name:..... Signature:.....

Date:..... Contact Phone No.....

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



Rotary District 9650 Child Protection Procedures

Club President's Report

All members of this club have completed Prohibited Employment Declaration Forms except those listed below. Likewise all non members (such as partners of members) who might reasonably be regarded as Rotary volunteers and who are host parents or team leaders on overnight bus excursions or who otherwise have substantial child involvement have completed Prohibited Employment Declaration Forms except those listed below:

- 1.
- 2.
- 3.
- 4.
- 5.

No members of the club are prohibited persons.

Both members of the club and non members who have not completed Prohibited Employment Declarations or who are prohibited persons will not be permitted to engage in activities of the club with substantial child involvement without direct supervision.

If new members are inducted into the club during my term of office, I will arrange for them to also complete Prohibited Employment Declaration Forms. Unless they do so they will not be permitted to engage in activities involving children without direct supervision.

Club President:

Rotary club of

Date: