



PROHIBITED EMPLOYMENT DECLARATION

The *Commission for Children and Young People Act 1998* makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a Registrable person under the *Child Protection (Offenders Registration) Act 2000*) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.

For further information on what is child-related employment, see the *Working With Children Employers Guidelines* on www.kids.nsw.gov.au.

Section 33B of the *Commission for Children and Young People Act 1998* defines a serious sex offence as:

- an offence involving sexual activity or acts of indecency committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more; or
- an offence involving sexual activity or acts of indecency 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 New South Wales; or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child; or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales; or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs; or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

Note: A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the *Commission for Children and Young People Act 1998* defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child; or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under *Commission for Children and Young People Act 1998*:

- it is an offence for a Prohibited Person to **apply for, or otherwise attempt to obtain, 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 if they are a Prohibited Person or not;
- all people in child-related employment **must** inform their employers if they are a Prohibited Person or remove themselves from child-related employment; and
- penalties are imposed for non compliance.

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People 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 *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, 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 the Working With Children Check in accordance with Section 36 (1) (f) of the Commission for Children and Young People Act 1998.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names) _____

Date of Birth _____

Signature: _____

Date: _____ Contact Telephone Number _____

Contact Email: _____

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

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER

WORKING WITH CHILDREN BACKGROUND CHECK CONSENT FORM



This form is to be completed by persons whose names are to be submitted for background checking as part of the Working With Children Check. All fields must be completed. Please use block letters.

No background check can be completed on a person without this consent being provided.

Employers are required to sight applicant's original identifying documents.

Family Name (block letters) _____

Given Name(s) _____

Previous Name(s)/Alias(es) _____

Date of Birth _____ Gender Male Female

Place of Birth (City, State, Country) _____

Identifying document type (eg. Driver's licence/passport) _____

Identifying document number _____

Address _____

Suburb/Town _____ State _____ Postcode _____

Contact Telephone number _____ Contact email _____

Title of Position applied for _____

Type of position (Please tick)

Paid employee Religious leader/spiritual official of a religion Foster carer

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 child-related employment, several checks will be undertaken to ascertain my suitability, including:

1. a national criminal record check for charges and/or convictions (including spent convictions) for:
 - any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
 - any child-related personal violence offence;
 - any assault, ill treatment or neglect of, or psychological harm to a child and any registrable offence; punishable by imprisonment for 12 months or more.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court; or
 - are proven but have not led to a conviction; or
 - have been dismissed, withdrawn or discharged by a court.
2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and

3. a check for relevant employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), any child-related personal violence offence, or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

I understand that a conviction for a serious sex offence (including, but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) or child-related personal violence offence (including but not limited to, intentionally wounding or causing grievous bodily harm to a child) will automatically prohibit me from child-related employment. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a "Registrable Person" under the *Child Protection (Registrable Offenders) Act, 2000*, I am prohibited from child-related employment.

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 estimate of risk.

I acknowledge that:

- the above information and any information obtained during the Working With Children background check may be collected and used by/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check;
- the Commission for Children and Young People or any Approved Screening Agency may share the information obtained during the Working With Children background check with each other to support further estimates of risk arising from additional Working With Children background checks;
- the outcome of an estimate of risk conducted with information obtained through the Working with Children Check by the Approved Screening Agency may be provided to my current or prospective employers or an employer-related body (where applicable) only for background checking purposes;
- details of my relevant records will not be released to my current or prospective employers;
- 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; and
- the information provided 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 the Working With Children Check in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

Name: _____

Signature: _____ Date: _____

Note: This form is to be kept by the employer.