

## 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 serious sex offence committed by an individual, 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, or remain in, child-related employment.

**A serious sex offence is defined in Section 5 of the Child Protection (Prohibited Employment) Act 1998 as 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, 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 is any employment that 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 can include 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 being universities)
- in detention centres within 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 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 a 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, or **remain in** child-related employment.
- all employees **must** inform their employers if they are a 'prohibited person' (someone who has been convicted of a serious sex offence).
- employers **must** ask existing employees and preferred applicants for employment whether they are a 'prohibited person' or not.
- Penalties are imposed for non compliance.

I am aware that I am ineligible to apply for, 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 understand the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.