

PROHIBITED EMPLOYMENT DECLARATION

TO

HUNTER SURF LIFESAVING INC.

&

(CLUB)

BACKGROUND

1. Under a new State Act, called the **Child Protection Policy (Prohibited Employment) Act 1998, (Act)** the Club is required to ascertain whether any of our employees, contractors and/or **volunteers** are classified under the **Act** as a prohibited person.
2. With the exception of where an order, from a relevant tribunal, declares that the **Act** does not apply to a serious sex offence committed by an individual, the **Act** makes it an offence for a **prohibited person** to apply for or remain in **child related employment**.
3. A prohibited person means a person **convicted** of a **serious sex offence** before or after the commencement of the **Act**.
4. A **serious offence** means:
 - I. 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, or,
 - II. An offence the same as in (I) above that was committed outside of NSW but would have carried a penalty of punishment by penal servitude or imprisonment for 12 months or more if it was committed within NSW, or,
 - III. An offence under any sections 91D-19G of the **Crimes Act 1900** (other than if committed by a child prostitute) or a similar offence under a law outside of NSW:
 - s.91D – Promoting or engaging in acts of child prostitution
 - s.91E – Obtaining benefit from child prostitution
 - s.91F – Premises not to be used for child prostitution
 - s.91G – Children not to be used for pornographic purpose, or
 - IV. An offence under sections 578B and 578C(2A) of the **Crimes Act 1900** or a similar offence under a law outside of NSW:
 - s.578B – Possession of Child Pornography
 - s.578C(2A) – Publishing an indecent article that is child pornography, or
 - V. An offence of attempting, conspiring to or incitement of any of the above offences.
5. A **conviction** includes a finding that the charge for an offence is proven even though the court does not record a conviction and therefore includes matters dealt with under the s.556A of Crimes Act 1900 or, since 3 April 2000, s.10 of the Crimes (Sentencing Procedure) Act 1999.
6. Employment includes:
 - I. Performance of work under a contract of employment, or
 - II. Performance of work as a self employed person or as a subcontractor, or
 - III. Performance of work as a volunteer for an organisation.

- 7. Child related employment is any employment (**including acting as a volunteer**) that involves **direct contact with children where that contact is not directly supervised**.
- 8. Section 1 of the **Act** specifies that child related employment includes employment:
 - ➔ **In clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership or involvement.**
- 9. Child means a person who is **under 18 years of age**.
- 10. **UNDER THAT ACT:**
 - ➔ It is an offence for a **Prohibited Person** to apply for, or remain in child related employment (**including acting as a volunteer**),
 - ➔ Within one month of it's commencement, all employees (**including volunteers**) must inform the **Club** if they are a **Prohibited Person**,
 - ➔ Within six months of it's commencement, the **Club** must ask existing employees (**including volunteers**) and applicants for employment (**including acting as a volunteer**) whether or not they are a **Prohibited Person**; the existing employees (**volunteers**) have one month to respond to the **Club**,
 - ➔ Penalties are imposed on the **Prohibited Person**, the **Club** and existing employees (**volunteers**) for non compliance.

DECLARATION

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 **Act**.

I have read and understood the above information in relation to the **Act** and understand my responsibilities and obligations under the **Act**.

* * * *

I declare that **I am not a person prohibited by the Act** from seeking, or remaining in child related employment (**including acting as a volunteer**).

FULL AND CORRECT NAME: _____
(BLOCK LETTERS)

RESIDENTIAL ADDRESS: _____
(BLOCK LETTERS)

CLUB: _____
(BLOCK LETTERS)

Signature: Date: