

## Attachment 4

### 6.4 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](http://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.