



Working with Children

CHECK

To the Club Secretary...

It is a legal requirement that you comply with the NSW Government's Child Protection legislation. This covers all people in child-related employment, whether paid or not, and thus includes team officials like coaches, managers and even scorers. It probably also includes canteen workers, grounds staff and basically anyone who works for your club and has access to a child or children as a result.

Compliance with the law requires a volunteer to sign the statement on this form and lodge it with you (the Club). That is the minimum requirement. To be on the safe side, we suggest you require ALL of your volunteers to sign this form and return it to you. We also suggest you implement the recommendations of the NSW Commission for Children and Young People for a child-friendly and safe organisation. Documentation is available at the link below.

Note that although The League requires you to secure these forms from your volunteers, the responsibility of keeping the forms is yours, and not The League's. The volunteers work for your club, not for The League. Volunteers who work for The League (eg: representative coaches) will be required to supply The League with a second copy of the Declaration below.

The League itself observes a Child-Safe Policy which is published on our website.

Further information is available at the Ausport site: <http://www.ausport.gov.au/ethics/legischild.asp>

...and the NSW Government's Commission for Children & Young People: <http://www.kids.nsw.gov.au/check/>

To the Volunteer...

You are being asked to sign this declaration because it is a legal requirement of your participation in the sport.

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-91G (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 in several categories, but specifically related to the sport of baseball:

- ◆ in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership;
- ◆ in any entertainment venues where the clientele is primarily children;
- ◆ 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;
- ◆ 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 the 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 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 employment screening in accordance with Section 36 (1) (f) of the Commission for Children and Young People Act 1998.

(Full Name)

Signature

Date

Home Phone Number

My Home Club is:-