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Incorporated by Royal Charter

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MEMO:

To: See distribution list

From: Peter Olah, Chief Executive

Date: 7 February, 2001

Subject: Child Protection Legislation

As you will be aware, the recently implemented New South Wales Child Protection (Prohibited Employment) Act impacts on all persons over 18 working with children in any environment, whether paid or volunteer. This means every adult in Scouting.

You may know that we have a long standing and stringent system already in place, which exceeds the requirements of this new law. Despite this, it is clear that we are all legally required to conform with the new law by making a declaration regarding our Prohibited Employment status.

In fact, we cannot continue to take part in Scouting activities without making a declaration of our status. In this, we are no different to adults involved in sporting clubs, schools, children's hospitals or any other youth activity.

I have attached a copy of the Prohibited Employment Declaration form that will be used in Scouting in NSW, which conforms with the legislation. Please ensure that you read this form carefully before completing it and returning it to your Regional Office. Regional Offices will then return forms to the State Office, which is required to keep them on file whilst you remain in Scouting.

I would appreciate your dealing with this as a matter of urgency, and thank you in anticipation of your cooperation.

Regards

Peter Olah  
Chief Executive

Attachment: Prohibited Employment Declaration form

Distribution list:

Chief Commissioner  
Branch Commissioners  
Regional Commissioners  
Regional Team members  
All Leaders and Leaders in Training

Activity Centre volunteers  
Gang Show volunteers  
Fellowship Members  
Branch Chairman  
BEC Members  
All BHQ, Regional and activity centre staff



## SCOUTS AUSTRALIA (NSW)

**PROHIBITED EMPLOYMENT DECLARATION**

A requirement of the NSW Government under the  
Child Protection (Prohibited Employment) Act 1998

With the exception of cases where an order from the Industrial Relations Commission or the Administrative Decisions Tribunal declares that the Act does not apply to a particular person, 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, undertake or remain in, child-related employment whether paid or unpaid (this includes volunteers, who for the purposes of the Act are classed as unpaid employees).

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, or, an offence involving sexual activity or acts of indecency that was 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 NSW.

Child-related employment means any employment that primarily 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 is employment (including volunteers):

- in clubs, associations or movements (including those of a cultural, recreational or sporting nature) having a significant child membership
- at overnight camps for children
- 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 including universities)
- in detention centres (within the meaning of the Children (Detention Centres) Act 1987)
- in refuges used by children
- in any religious organisation
- in wards of public or private hospitals in which children are patients
- 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 childcare
- 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
- on school buses

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 whether they are a prohibited person or not.
- all child-related employees must inform their employers if they are a "prohibited person" (someone who has been convicted of a serious sex offence) or remove themselves from child-related employment
- penalties are imposed for non-compliance.

I am aware that I am ineligible to apply for, undertake or remain in, child-related employment, either paid and unpaid, if I have been convicted of a "serious sex offence" as defined in the Child Protection (Prohibited Employment) Act 1998. I have read and understood the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.

I declare that I am not a person prohibited by the Act from seeking, undertaking, or remaining in child related employment.

Full name: \_\_\_\_\_  
(block letters)

Membership number: \_\_\_\_\_  
(current Scouting Members)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Seek legal advice if you are unsure of your status as a prohibited person