

# **SUTHERLAND SHIRE FOOTBALL ASSOCIATION**

**MEMBER**

**PROTECTION**

**POLICY**



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## **PREFACE**

This Member Protection policy is based on the principle that Sutherland Shire Football Association has legal obligations to their members, participants, officials and the community in relation to harassment, discrimination and child protection under anti discrimination and child protection laws. Furthermore Sutherland Shire Football Association also has a moral and professional obligation to establish appropriate standards of behaviour and ensure that sporting activities and environments under its control are safe, fair, respectful and accessible. Increasingly Insurance Companies are also requiring comprehensive risk management plans that include policies and procedures to address harassment, discrimination and child protection.

This Member Protection policy aims to ensure that core values and positive behaviours are maintained within the SSFA. As a policy, it helps ensure that everyone involved with SSFA is aware of their legal and moral rights and responsibilities and that appropriate behaviour will be addressed

Mr Craig McCallum

President Sutherland Shire Football Association

2007

## SUTHERLAND SHIRE FOOTBALL ASSOCIATION

### MEMBER PROTECTION POLICY

#### 1. Core Values

Sutherland Shire Football Association is committed to providing opportunities for participation in football activities under its control. Furthermore SSFA is committed to ensuring the health, safety and welfare of all members.

#### 2. Purpose of this policy

This Member Protection Policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy also ensures that everyone involved in our sport is aware of his or her legal and ethical rights and responsibilities.

The policy provides the framework to support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, SSFA will take disciplinary action against any person or organisation bound by this policy for any breach.

This policy has been endorsed by the Management Committee and has been incorporated into our By-Laws. This policy and/or its attachments may be amended from time to time by the Management Committee as per the constitution.

#### 3. Who this Policy Applies To

This policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:

- Individuals sitting on boards, committees and sub-committees;
- Employees and volunteers;
- Support personnel (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers);
- Coaches and assistant coaches;
- Players;
- Referees and other officials;
- Members, including life members;;
- Affiliated clubs
- Any other person or organisation that is a member of or affiliated to Sutherland Shire Football Association
- Parents, guardians, spectators and sponsors to the full extent that is possible.

This policy will continue to apply to a person even after they have stopped their association or employment with SSFA if disciplinary action, relating to an allegation of child abuse against that person, has commenced.

#### 4. Code Of Conduct

Sutherland Shire Football Association requires every individual and organisation bound by this policy to:

- 4.1 Be ethical, fair and honest in all their dealings with other people and SSFA
- 4.2 Treat all persons with respect and courtesy and have proper regard for their dignity, rights and obligations;
- 4.3 Always place the safety and welfare of children above other considerations;
- 4.4 Comply with SSFA's constitution, rules and policies including this member protection policy;
- 4.5 Operate within the rules and spirit of the sport;
- 4.6 Comply with all relevant Australian laws (Federal and State), particularly anti-discrimination and child protection laws;
- 4.7 Be responsible and accountable for their conduct; and
- 4.8 Abide by any relevant Role-Specific Codes of Conduct.

## 5. Organisational Responsibilities

Sutherland Shire Football Association and all affiliated clubs must:

- 5.1 Adopt, implement and comply with this policy;
- 5.2 Publish, distribute and otherwise promote this policy and the consequences for breaching it;
- 5.3 Promote appropriate standards of conduct at all times;
  - 5.4 Promptly deal with any breaches of or complaints made under this policy in an impartial, sensitive, fair, timely and confidential manner, ensuring natural justice;
  - 5.5 Apply this policy consistently without fear or favour;
  - 5.6 Recognise and enforce any penalty imposed under this policy;
  - 5.7 Ensure that a copy of this policy is available or accessible to the persons to whom this policy applies
  - 5.8 Appoint or have access to appropriately trained people to receive and handle complaints and allegations [e.g. Member Protection Information Officers (MPIOs) and/or Complaint Managers and display the names and contact details in a way that is readily accessible; and
  - 5.9 Monitor and review this policy at least annually.

## 6. Individual Responsibilities

Individuals bound by this policy are responsible for:

- 6.1 Making themselves aware of the policy and complying with the standards of conduct outlined in this policy;
- 6.2 Consenting to a national police check if the individual holds or applies for a role that involves working with people under the age of 18 years.
- 6.3 Complying with all other requirements of this policy;
- 6.4 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 6.5 Understanding the possible consequences of breaching this policy.

## 7. Policy Position Statements

### 7.1 Child Protection

Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

SSFA acknowledges that our staff and volunteers provide a valuable contribution to the positive experiences of our juniors. SSFA aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for our juniors to contribute to and provide feedback on our program development;
- Carefully selecting and screening people whose role requires them to work with children.
- Ensuring our codes of conduct are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints.
- Providing education and/or information to those involved in our sport on child abuse and child protection.
- Supporting the SSFA Child Protection Policy

SSFA requires that any child who is abused or anyone who reasonably suspects that a child has been or is being abused by someone within our sport, to report it immediately to the Member Protection/Child Protection Officer, police or relevant government agency. Descriptions of the sorts of activity which may be abuse are in the Dictionary accompanying this document.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse will follow those recommended by the NSW Department of Sport and Recreation.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the relevant government department for youth, family and community services in their state/territory.

## 7.2 **Anti-Discrimination, Racial Vilification and Harassment Policy**

SSFA aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment vilification or discrimination.

SSFA recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against or harassed because of their sex, marital status, pregnancy, parental status, race, age, disability, homosexuality, sexuality, transgender, religion, political belief and/or industrial activity.

SSFA prohibits all forms of harassment vilification and discrimination not only because it is against the law, but because it is extremely distressing, offensive, humiliating and/or threatening and creates an uncomfortable and unpleasant environment.

Descriptions of some of the types of behaviour which could be regarded as harassment or discrimination are provided in the Dictionary.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy they should report this to the MPO.

## 8. **Complaints Procedures**

### 8.1 **Complaints**

SSFA aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person may report a complaint (complainant) about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the Member Protection Officer.

A complaint may be reported as an informal or formal complaint. The complainant decides whether the complaint will be dealt with informally or formally unless the Member Protection Officer considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.

All complaints will be dealt with promptly, seriously, sensitively and confidentially according to the principle of natural justice.

### 8.2 **Vexatious Complaints & Victimisation**

SSFA aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the Member Protection Officer/Investigations Officer considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the **Executive** or **Management Committee** for appropriate action which may include a referral to a disciplinary committee for action against the complainant.

SSFA will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to sort it out. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

### 8.3 **Mediation**

SSFA aims to sort out complaints with the minimum of fuss wherever possible. In many cases, complaints can be sorted out by agreement between the people involved with no need for disciplinary action. The people involved in a formal complaint - the complainant and the person complained about (respondent) - may also seek the assistance of a neutral third person or a mediator. Lawyers are not able to negotiate on behalf of the complainant and/or respondent.

Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to try and resolve the complaint with the assistance of a mediator, the MPO / other designated person will, in consultation with the complainant, arrange for a mediator to mediate the complaint.

#### 8.4 Tribunals

A hearings tribunal may be formed to hear a formal complaint that has been referred by the MPO or Investigations Officer for an alleged breach of the policy. Our tribunal hearings procedure is outlined in the Association by laws.

A respondent may lodge an appeal only to the appeal tribunal in respect of a decision of a hearing tribunal. The decision of the appeal tribunal may be appealed to Football NSW where this is permitted. Our appeals process is outlined in the Association by laws.

Every organisation bound by this policy will recognise and enforce any decision made, and form of discipline imposed by an appeals tribunal under this policy.

The Management Committee, MPO, Investigations Officer and Members of hearing and appeal tribunals will be indemnified by SSFA against any claim for loss, compensation or damages, and for costs incurred defending a claim made against them, because of their function under this policy.

### 9. What is a Breach of this Policy

It is a breach of this policy for any person or organisation to which this policy applies, to have been found to have

- 9.1 Done anything contrary to this policy;
- 9.2 Breached the Code of Conduct and/or any Role-Specific Codes of Conduct;
- 9.3 Brought the sport and/or SSFA into disrepute;
- 9.4 Failed to follow SSFA policies and procedures for the protection, safety and welfare of children;
- 9.5 Appointed or continued to appoint a person to a role that involves working with children and young people contrary to this policy;
- 9.6 Discriminated against or harassed any person;
- 9.7 Victimised another person for reporting a complaint;
- 9.8 Engaged in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over;
- 9.9 Disclosed to any unauthorised person or organisation any SSFA information that is of a private, confidential or privileged nature;
- 9.10 Made a complaint they **knew** to be untrue, vexatious, malicious or improper;
- 9.11 Failed to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- 9.12 Failed to comply with a direction given to the individual or organisation during the discipline process.

### 10. Forms of Discipline

If an individual or organisation to which this policy applies breaches this policy, one or more forms of discipline may be imposed. These may include making a verbal or written apology, paying a fine, being suspended or de-registered or having a person's appointment or employment terminated. Breaches of Child Protection legislation may result in a report to the Commission for Children and Young People. Possible disciplinary measures are outlined in the Association by laws.



## 11. Dictionary

This Dictionary sets out the meaning of words used in this policy and its attachments without limiting the ordinary and natural meaning of the words. State specific definitions and more detail on some of the words in this dictionary can be sourced from the relevant State child protection commissions or equal opportunity and anti-discrimination commissions.

**Abuse** is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse and insults.

**Affiliated club** means a member club of Sutherland Shire Football Association.

**Appeals Committee** refers to the SSFA Sub Committee operating under section H2 of the Constitution.

**Appeals Tribunal** refers to a special committee set up by the Management Committee of SSFA to handle appeals from decisions of the Complaints/Judiciary Tribunal on Member Protection matters.

**Child** means a person who is under the age of 18 years (see also definition of young person)

**Child Protection Officer (CPO)** means a person who may be the first point of contact on Child Protection Issues who has similar responsibilities as the Member Protection Officer. This person may also be the MPO and should have the necessary skills for this position.

**Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity).
- Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
- Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
- Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Complaint** means a complaint made under this policy.

**Complainant** means the person making a complaint.

**Complaint/Judiciary Tribunal** refers to a special committee set up by the Management Committee of SSFA to handle alleged serious breaches of the Member Protection Policy. The Tribunal members should have received the necessary training in issues pertaining to Child Protection, Anti Discrimination and Harassment.

**Discrimination** means treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic they have. The relevant attributes or characteristics are:

- Age;
- Disability;
- Marital status;
- Parental/carer status;
- Physical features;
- Political belief/activity;
- Pregnancy;
- Race;
- Religious belief/activity;
- Sex or gender;
- Sexual orientation;
- Trade union membership/activity;
- Transgender orientation.

Discrimination may be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone less favourably because of a characteristic (such as race, sex, age etc), in the same or similar circumstances. **Indirect discrimination** is imposing or intending to impose a requirement, condition or practice that is the same for everyone but which has an unequal or disproportionate effect on particular individuals or groups.

**Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexuality or other characteristic (see characteristic list under discrimination).

Whether or not the behaviour is harassment is determined from the point of view of the person receiving the harassment. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

**Investigation Officer** means a person appointed by the Management Committee to investigate alleged breaches of the Member Protection Policy, report findings and make suggestions for future directions.

**Judiciary Committee** refers to the SSFA sub committee operating under section H of the SSFA Constitution

**Junior** means a person under the age of eighteen (18) years who is participating in an activity of the SSFA

**Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.

**Member** means all players, coaches and officials participating in SSFA activities and members of affiliated clubs of Sutherland Shire Football Association

**Member protection** is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
- providing education.

**Member Protection Information Officer (MPO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The MPO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPO may accompany the complainant in anything they decide to do, if it feels appropriate and they are happy to do it. A summary of the roles of the MPO is outlined in attachment B1.

**Natural justice** incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the 'crime'

**Police check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

**Policy** and **this policy** mean this Member Protection Policy.

**Respondent** means the person who is being complained about.

**Role-specific codes of conduct** means standards of conduct required of certain roles (e.g. coaches).

**Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**Sexual offence** means a criminal offence involving sexual activity or acts of indecency *including but not limited to (due to differences under state/territory legislation):*

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**SSFA** means Sutherland Shire Football Association

**Tribunal** means the Complaints/Judiciary Tribunal

**Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

**Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

**Young People/person** means people under 18 years of age.

## **SUTHERLAND SHIRE FOOTBALL ASSOCIATION**

### **MEMBER PROTECTION POLICY**

#### **ATTACHMENT B1 THE ROLE OF THE MEMBER PROTECTION OFFICER**

Member protection is a term used by the Australian sports industry to describe the practices and procedures that protect an organisation's members – both individual members such as players, coaches and officials, and the member organisations such as clubs, state associations, other affiliated associations and the national body. Member protection involves:

- protecting members from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors
- providing education
- promoting and modelling positive behaviour

#### **Member protection officers**

A member protection officer, formerly known as a harassment contact officer, is the first point of call in a club or sporting organisation for any enquiries, concerns or complaints about harassment and abuse. The officer provides confidential information and moral support to the person with the concern or who is alleging harassment. The officer is integral to the successful implementation of a sport's Member Protection Policy.

Member protection officers do not investigate or resolve conflicts or try to bring the complainant and the person complained about together. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The officer may accompany the complainant in anything they decide to do, if it seems appropriate and they are happy to do it. In summary, the member protection officer role involves:

- listening
- providing support (but not taking over)
- providing information and options about what a person might do (but not advice)
- supporting the complainant in taking the matter further if that is what the complainant wants and the officer feels able to do it
- keeping up-to-date with information on harassment, discrimination and other forms of inappropriate behaviour
- understanding their sport's policies and procedures in relation to harassment and discrimination
- being accessible, approachable and able to maintain confidentiality
- operating regionally as a member protection officer by being available to other sports in the region.

## **ATTACHMENT B2**

### **CHILD PROTECTION POLICY      SSFA**

#### **1. POLICY STATEMENT**

Sutherland Shire Football Association Inc is committed to ensuring that the health, safety and welfare of all children and young people is maintained at all times during their participation as a player, coach, official, volunteer or spectator. This Association as an affiliated member of Soccer NSW fully support the Child Protection Policies and guidelines of this organization.

#### **2. WHY**

The Child protection Act 1998 sets out specific legal requirements for all organizations involved with children and young people. Sutherland Shire Football Association supports this legislation and the need to ensure the safety and welfare of all children and young people. A summary is provided in attachment B3.

#### **3. HOW**

Child protection will be an important responsibility of all committee members and a Child Protection Officer will be appointed as a committee member responsible for child protection issues.

#### **4. ROLES OF THE CHILD PROTECTION OFFICER AND MANAGEMENT COMMITTEE**

These roles will be to:

- \* promote a safe and supportive environment for all children and young people
- implement strategies that focus on the best interests of children
- increase awareness of child protection issues to affiliated clubs, officials, parents and players
- ensure that all affiliated clubs, officials and parents are aware of their legal obligations under child protection legislation
- provide information to assist clubs and officials in dealing with all forms of child abuse
- provide guidelines to all clubs and officials on minimizing risk
- provide guidelines to all clubs and officials on notification of child abuse
- ensure that all members are aware of the codes of conduct

#### **5. CODES OF CONDUCT**

The philosophy behind the Child Protection policy is reflected within the Codes of Conduct for all members. These codes of conduct align all members with the values and ethics of Sutherland Shire Football Association. They state what is considered appropriate behaviour for ensuring the welfare of children and the good reputation of this Association

#### **6. REVIEW**

This policy and the codes of conduct will be reviewed annually and updated when necessary.

# SUTHERLAND SHIRE JUNIOR SOCCER FOOTBALL ASSOCIATION

## MEMBER PROTECTION POLICY

### ATTACHMENT B3

#### Summary of Child Protection Legislation

Every sporting organisation has a legal duty of care and a moral responsibility to ensure everyone who takes part in the organisation's programs and activities is protected from all reasonably foreseeable risks of harm. This is a common law responsibility that covers both action and inaction.

In addition to this duty of care, there are responsibilities and requirements under child protection legislation for organisations and individuals that work or have contact with children. Child abuse is illegal in all states and territories of Australia, with each having their own laws that cover the reporting and investigation of cases of child abuse.

There is also new screening or checking processes and other requirements being introduced under new child protection laws in each state and territory. These processes and to whom they apply, also vary across states and territories.

Child protection legislation makes it mandatory for sporting organisations and individuals involved in sport, as a paid employee or a volunteer, to meet certain requirements. These requirements also apply to individuals and organisations originating from outside of the state or territory with child protection legislation in place. For example, if a sporting organisation sends juniors interstate to New South Wales for a training camp, competition or other activity, those travelling with the team must comply with the New South Wales legislative requirements. The following provides a summary of information relevant to the sport industry in relation to existing legislation in New South Wales.

#### ***New South Wales***

In July 2000 landmark legislation, the **Working with Children Check**, was introduced into New South Wales. This requirement strengthened the existing child protection approach in NSW and impacted on all people working with children. The legislation has had ramifications not only for the sport industry in NSW but for those from other states who venture into NSW. The goal of the legislation is to provide environments where children are safe and protected. To achieve this, unsuitable people need to be prevented from working with children and young people. Checking the suitability of people who will work in a direct, unsupervised capacity with children is a significant step towards reducing the risk of children being abused by those entrusted with their care.

#### **1. Commission for Children and Young People Act 1998 (NSW)**

The act establishes and guides the functions of the **Commission for Children and Young People**. The act also:

- Makes it mandatory to screen preferred applicants for paid child related employment. The **NSW Department of Sport and Recreation** is the Approved Screening Agency for the sport and recreation industry. Employers must conduct employment screening on preferred applicants using a **Working with Children Request Form (PDF)**
- Allows for the introduction of non-mandatory screening of existing paid employees and volunteers. However, the Commissioner for Children and Young People is currently considering the options for screening of volunteers through their Voluntary Screening Reference Group.

- Enables the Commission to maintain a database of completed disciplinary proceedings and Apprehended Violence Orders.
- Establishes strict confidentiality arrangements in relation to all information obtained during employment screening.
- Provides protection from liability or similar claim for any person who provides information in relation to employment screening in good faith and with reasonable care.

## **2. Child Protection (Prohibited Employment) Act 1998 (NSW)**

This act prohibits any person found guilty of committing certain serious sex offences from working in child related employment. A serious sex offence is an offence involving sexual activity or acts of indecency that is punishable by a prison sentence of 12 months or more if it was committed in NSW.

The act requires all people working with children (paid workers and volunteers) to sign a **Prohibited Employment Declaration**, indicating whether or not they are a prohibited person. It is an offence for a prohibited person to work with children.

## **3. Children and Young Persons (Care and Protection) Act 1998 (NSW)**

The Children and Young Persons (Care and Protection) Act 1998 is a result of changing community attitudes on how we should care for and protect children and young people and incorporates recommendations of the Wood Royal Commission.

The act promotes flexible, responsive and innovative methods to address problems experienced by families and seeks to involve children in the decision making process for their safety, welfare and well being.

The act outlines requirements for mandatory reporting, that is employees that are required by law to report any incident to Department of Community Services if a child is at risk of harm.

## **4. Child Protection (Offenders Registration) Act 2000 (NSW)**

Under this act, a person who has been found guilty of certain offences against children will be known as a “Registrable Person”. A “Registrable Person” automatically becomes a “Prohibited Person” under the Child Protection (Prohibited Employment) Act 1998.

The term ‘certain offences’ includes:

- Murder
- Sexual Offences
- Indecency offences punishable by imprisonment of 12 month or more
- Kidnapping
- Offences connected with child prostitution
- Possession or publication of child pornography