



CIRCULAR 3125

Released July 2009

MEMBERSHIP & PROHIBITED EMPLOYMENT DECLARATION FORMS

Audience: Club Presidents, Club Secretaries, Member Protection Information Officers, Registrars

Actioned By: Individuals who register members

Date: July 2009

Contact: Surf Life Saving New South Wales
Phone: 02 9984 7188
Fax: 02 9984 7199
Email: experts@surflifesaving.com.au

Summary	Details the requirements of members to complete the Membership and Prohibited Employment Declaration Forms.
Objective	Communicate the requirements in relation to these and to meet the requirements of the Child Protection (Offenders Regulation) Act 2000, and the Commission for Children and Young People Act 1998.
Action	Ensure all members complete the membership form and that all members over the age of 18 and any members under the age of 18 who work with children also complete the Prohibited Employment Declaration Form.

MEMBERSHIP FORM

The Membership Form must be completed and signed by all members at the beginning of each season whether joining, renewing or transferring membership. A copy of the membership can be viewed on the SLSA website at <http://www.slsa.com.au/site/content/resource/00001272-docsource.pdf>

Member Renewal Forms

Membership Renewal forms are easily produced in the report section of SurfGuard. The membership form with the members current details included is produced. This increases efficiency for members in updating members details on SurfGuard. Details on how to do this can be found in the SurfGuard user guide <http://www.slsa.com.au/site/content/resource/00001886-docsource.pdf>

SurfGuard

All members must be entered on SurfGuard, go to <https://www.surfguard.slsa.asn.au>

PROHIBITED EMPLOYMENT DECLARATION FORM

The Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998, require Surf Life Saving New South Wales (SLSNSW) to ask all members, and volunteers, working with children to sign the Prohibited Employment Declaration (Attachment 4). **All SLSNSW members, and volunteers, over the age of 18 and those members under the age of 18 who work with children** (eg: 16yr olds who help train the U/8 Nippers, provide water safety for Nippers, etc) **MUST sign the Prohibited Employment Declaration (Attachment 4)**. Members under 18 years can have a parent co-sign.

It is an offence for a person to make a false disclosure regarding his or her Prohibited Person status. There is a penalty of up to two years gaol for this offence.

Completing the Prohibited Employment Declaration Form

Prohibited Employment Declaration (Attachment 4) must be **signed annually**. All clubs are encouraged to attach the Prohibited Employment Declaration (Attachment 4) to the SLSA Membership Application and Declaration, and have members sign both forms when initially joining the club or renewing membership each season. SLSNSW require clubs to keep both signed documents in a secure location for 5 years.

Recording Completion of Form on SurfGuard

The completion of the Prohibited Employment Declaration **must be** recorded in SurfGuard. This involves ticking the Member Protection Form Completed Box and entering the date for the current year.

If applicants do not complete a Prohibited Employment Declaration Form (Attachment 4) their membership application/renewal cannot be accepted.

What if a member won't sign?

If a member/potential member will not sign the Prohibited Employment Declaration (Attachment 4), Clubs are required to request, in writing, that the member sign the declaration (please see below for a template which can be used by clubs). If the member/potential member will not sign the form, they must reply, in writing, stating the legal reasons why they will not sign and include their contact details. If a member/potential member elects to respond their reasons for not signing the declaration, the club is to send a copy of the written response to:

Matthew Hanks
General Manager
Surf Life Saving NSW
PO Box 430
Narrabeen NSW 2101

The statement will be assessed and Surf Life Saving NSW will advise the club and potential member of the decision as to whether the membership application/renewal can be accepted.

If the member/potential member will not sign the form and will not give legal reasons as to why they will not sign the form, **the application for membership or membership renewal is to be rejected**. Please notify Matthew Hanks via email if this occurs: mhanks@surflifesaving.com.au

Related Information

In addition to members and volunteers signing the Prohibited Employment Declaration, SLSNSW and its affiliated clubs also follow guidelines set out by SLSA including, but not limited to, the following policies which are available on the SLSA website (www.slsa.com.au):

- 6.5 Member Safety & Wellbeing
- 6.5B Member Safety & Wellbeing – Child Protection
- 6.5C Member Safety & Wellbeing – Codes of Conduct

Additional ResourcesNSW Department of Sport and Recreation

Current Prohibited Employment Declaration (Attachment 4) and many other useful resources.

www.dsr.nsw.gov.au

Commission for Children and Young People

Current Prohibited Employment Declaration (Attachment 4) and many other useful resources.

www.kids.nsw.gov.au

Surf Life Saving Australia

Policies and many other useful resources.

www.slsa.com.au

Template to SLSC Member who has not signed the Prohibited Employment Declaration (Attachment 4)

(Name)
(Address)
(Suburb; Post Code)

Date

Dear (Name)

In order for (enter your SLSC) to accept your membership application/renewal, (enter your SLSC) must receive a signed copy of the SLSC Membership Application and Declaration and a signed copy of the Prohibited Employment Declaration (Attachment 4). (Enter your SLSC) need these documents to follow SLSNSW policy and meet the requirements of the Child Protection (Prohibited Employment) Act 1998 and the Commission for Children and Young People Act 1998.

In accordance with the law and SLSNSW policy, **all SLSNSW members, and volunteers, over the age of 18 and those members under the age of 18 who work with children** (eg: 16yr olds who help train the U/8 Nippers, provide water safety for Nippers etc) **need to sign the Prohibited Employment Declaration (Attachment 4)**. Members under 18 years can have a parent co-sign. Please refer to Circular 3125, available on the SLSNSW website www.surflifesaving.com.au, for further details.

Enclosed is a blank copy of the Prohibited Employment Declaration (Attachment 4). Please complete this document and return it to:

(Enter relevant SLSC details)

If you have legal reasons for not filling out the declaration, can you please write a formal letter indicating these reasons and send it to:

(Enter relevant SLSC details)

(Enter relevant SLSC details) will pass the information on to SLSNSW. SLSNSW will then assess the response and advise (enter relevant SLSC details) and yourself as to whether your membership application/renewal is accepted or rejected.

If you choose not to complete a Prohibited Employment Declaration Form (Attachment 4) nor respond in writing, stating your legal reasons for not signing the declaration, your membership application/renewal cannot be accepted.

Sincerely

(Enter relevant SLSC details)

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 Employer Guidelines*.

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.

ATTACHMENT 4 (CONTINUED)

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People 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 *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, 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 the Working With Children Check in accordance with Section 36 (1)(f) of the *Commission for Children and Young People Act 1998*.

All fields must be completed. Please use block letters.

Name: _____

Aliases (previous/other names): _____

Date of birth: _____

Signature: _____

Date: _____ Contact telephone number: _____

Contact Email: _____

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

THIS FORM IS TO BE RETURNED TO YOUR EMPLOYER