

**STATUTORY DECLARATION**

Under the *Oaths Act 1900* (NSW) and section 40A of the *Child Protection (Working with Children) Act 2012*



This declaration is to be completed by **volunteers** and **contractors** seeking engagement with the **Department of Education** and where the person is exempt under the [Child Protection \(Working with Children\) Regulation 2013](#) from having to hold a Working with Children Check clearance. See the Department's [Working with Children Check Procedures](#) for more details.

First name: ..... Surname: .....

Previous names: .....

Date of birth: .....  Male  Female

Place of Birth: ..... Telephone: .....

Street address: .....

Suburb ..... State ..... Post Code: .....

Occupation: .....

I do solemnly and sincerely declare that:

- |  |   |
|--|---|
| <p>1. I am in child-related work or applying to be in child-related work within the meaning of the NSW <i>Child Protection (Working with Children) Act 2012</i>, but am exempt from the requirement to hold a working with children check clearance under the <i>Child Protection (Working with Children) Regulation 2013</i> at the time of the making of this declaration.</p> <p>2. I have not been refused a working with children check clearance under the <i>Child Protection (Working with Children) Act 2012</i> (this declaration may be made if a clearance was subsequently granted to you).</p> <p>3. I have not had a working with children check clearance cancelled under the <i>Child Protection (Working with Children) Act 2012</i> (this declaration may be made if the clearance was surrendered by you, a clearance was subsequently granted to you, or the cancellation was overturned on review).</p> <p>4. I am not currently subject to an interim bar on engaging in child-related work under the Child Protection (Working With Children) Act 2012.</p> <p>5. I have not been convicted of an offence, or subject to a finding of guilt for an offence or a finding that the charge for an offence is proven, where the offence was committed as an adult in New South Wales or elsewhere and was an offence of the following kind:</p> <p>(a) a sexual assault or intercourse offence;</p> <p>(b) the common law offence of rape or attempted rape;</p> <p>(c) an indecent assault offence;</p> <p>(d) a sexual servitude offence;</p> <p>(e) observing a person engaged in a private act, for the purpose of obtaining sexual arousal or sexual gratification (voyeurism);</p> <p>(f) filming another person engaged in a private act or filming another person's private parts, for the purpose of obtaining, or enabling another person to obtain, sexual arousal or sexual gratification;</p> | <p>(g) installing a device, or constructing or adapting the fabric of a building, for the purpose of facilitating the observation or filming of a child, with the intention of enabling any person to commit an offence referred to at (d)-(e) above;</p> <p>(h) murder of a child;</p> <p>(i) manslaughter of a child (other than as a result of a motor vehicle accident);</p> <p>(j) intentional wounding or causing grievous bodily harm to a child who was three or more years younger than me;</p> <p>(k) a child prostitution offence;</p> <p>(l) an offence involving an act of indecency with or towards a child;</p> <p>(m) procuring or grooming a child under 16 years of age for unlawful sexual activity;</p> <p>(n) using a child for the production of child abuse material, or producing, disseminating, possessing or importing child abuse material;</p> <p>(o) possessing or importing child pornography;</p> <p>(p) offences relating to the use of a postal or similar service for child pornography material or child abuse material;</p> <p>(q) offences relating to the use of a postal or similar service involving sexual activity with a child under 16;</p> <p>(r) publishing indecent articles;</p> <p>(s) an offence of kidnapping a child, unless a parent or carer of the child at the time of the offence;</p> <p>(t) a forced labour or deceptive recruiting for labour or services offence, where the victim was a child;</p> <p>(u) intentional or reckless infliction of grievous bodily harm on a child, during or after the delivery of the child;</p> <p>(v) intentionally abandoning or exposing a child under the age of seven;</p> <p>(w) bestiality;</p> <p>(x) an offence an element of which is an intention to commit one of the above offences; or</p> <p>(y) an offence of attempting, or of conspiracy or incitement, to commit one of the above offences.</p> |
|--|---|

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Signature [of declarant] ..... Date .....

Declared at: [place] .....

**STATUTORY DECLARATION**

Under the *Oaths Act 1900* (NSW) and section 40A of the *Child Protection (Working with Children) Act 2012*



I understand that any person who willfully makes a false statutory declaration is guilty of an indictable offence and liable to imprisonment for 5 years in accordance with section 25 of the Oaths Act 1900.

I am aware that providing false or misleading information in this document may lead to the following:

- the Department withdrawing any offer of engagement that it has made to me; or
- the Department terminating my engagement; and
- the Department considering any false or misleading information I provide, when considering any future applications by me for employment or engagement.

This declaration was signed in the presence of an authorised witness, who states:

I, *[name of authorised witness]* .....

Position: *[qualification of authorised witness]*.....

Certify the following matters concerning the making of this statutory declaration by the person who made it: *[please cross out the text that does not apply]*

1. I saw the face of the person *OR* \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. I have known the person for at least 12 months *OR* \*I have confirmed the person's identity using an identification document and the document I relied on was

Describe identification document relied upon .....

.....  
Signature of authorised witness

.....  
Date

.....  
Position of authorised witness

**Note:**

To complete the statutory declaration process the person must also:

- complete the Consent and Undertaking to the Statutory Declaration, and
- provide 100-point of proof of Identity (see [Appendix 6](#)).

# Consent attached to Statutory Declaration to be used for audit purposes under Section 40A *Child Protection (Working with Children) Act 2012*

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I .....declare that I am the person named in the attached Statutory Declaration.

I am aware that providing false information in a statutory declaration is a serious offence.

I consent to the Children's Guardian or a person approved by the Children's Guardian obtaining and considering my criminal records from any jurisdiction (if any) and such other records or other information as may be permitted by the *Child Protection (Working with Children) Act 2012* for the purpose of verifying the information provided in the attached Statutory Declaration in accordance with section 40A of that Act.

I acknowledge that the Office of the Children's Guardian or a person approved by the Children's Guardian may provide information in the attached Statutory Declaration to the CrimTrac Agency (an Agency of the Commonwealth of Australia) and the Australian Police Agencies for the purposes of a Working with Children Check, which includes a National Police History Check.

I acknowledge that any information provided by me in the attached Statutory Declaration relates specifically to the purpose of obtaining a Working with Children Check for the purpose of verifying the information provided in the attached Statutory Declaration.

I consent to:

- the CrimTrac Agency disclosing personal information about me to the Australian Police Agencies;
- the Australian Police Agencies disclosing to the CrimTrac Agency, from their records, details of convictions and outstanding charges, including findings of guilt or the acceptance of a plea of guilty by a court, that can be disclosed in accordance with the laws of the Commonwealth, States and Territories and, in the absence of any laws governing the disclosure of this information, disclosing in accordance with the policies of the Australian Police Agency concerned;
- the CrimTrac Agency providing the information disclosed by the Australian Police Agencies to the Office of the Children's Guardian or a person approved by the Children's Guardian in accordance with the laws of the Commonwealth.

I acknowledge that information released as part of the National Police History Check obtained from the CrimTrac Agency will be released in accordance with the Spent Convictions Schemes (see below)

I understand that there may be exclusions from the Spent Convictions Schemes in the information that may be released.

I acknowledge that any information provided by the Australian Police Agencies or the CrimTrac Agency, relates specifically to the purpose of verifying the

information provided in the attached Statutory Declaration.

I acknowledge that the Office of the Children's Guardian or a person approved by the Children's Guardian may obtain information or documents for the purpose of verifying the information provided in the attached Statutory Declaration from:

- the CrimTrac Agency;
- NSW Police;
- the Director of Public Prosecutions, whether or not those documents are subject to legal professional privilege or other restrictions of disclosure;
- Courts; and
- Government agencies and other persons holding information about me.

I acknowledge that personal information that I provide in the attached Statutory Declaration may be disclosed to the Office of the Children's Guardian or a person approved by the Children's Guardian (including contractors or related bodies corporate) located in Australia or overseas for administrative purposes.

I acknowledge that it is usual practice for an applicant's personal information to be disclosed to Australian Police Agencies for them to use for their respective law enforcement purposes including the investigation of any outstanding criminal offences.

I acknowledge that the Office of the Children's Guardian will be informed if the information provided in my Statutory Declaration is inaccurate.

I acknowledge that the Office of the Children's Guardian may disclose such information to:

- my employer;
- NSW Police or other Australian Police Agencies;
- the Ombudsman;
- any other investigative agency that the Children's Guardian considers appropriate;
- the Department of Family and Community Services;
- the Director of Public Prosecutions;
- a court or tribunal;
- an approved interstate screening agency;
- the Minister of Family and Community Services;
- the Office of the Information and Privacy Commissioner;
- any other person approved by the Information and Privacy Commissioner and prescribed in the *Child Protection (Working with Children) Regulation 2013* (NSW).

.....  
Signature

.....  
Date

# Undertaking to accompany Statutory Declaration to be used for audit purposes under section 40A of the *Child Protection (Working with Children) Act 2012*

I provide with this Statutory Declaration certified copies of identity documents equal to or greater than 100 points as outlined in the requirements for identity verification at:

[http://www.kids.nsw.gov.au/ArticleDocuments/208/CRIMTRAC\\_POI.pdf.aspx](http://www.kids.nsw.gov.au/ArticleDocuments/208/CRIMTRAC_POI.pdf.aspx)

First Name:.....Surname.....

Previous names:.....

Date of birth .....  Male  Female

Street address:.....

Suburb ..... State ..... Post Code: .....

My Drivers Licence Number is: .....  I do not have a Drivers Licence

I currently hold a passport issued by the ..... Government

Passport Number .....  I do not have a current passport

In addition to the address provided, I have lived at the following Australian addresses in the past five years

I have not lived at another Australian address in the past five years.

Street address:.....

Suburb ..... State ..... Post Code: .....

Street address:.....

Suburb ..... State ..... Post Code: .....

## **Undertaking under section 40A of the *Child Protection (Working with Children) Act 2012***

I undertake, as a condition of my continuing to perform child-related work (including volunteering) for

....., that I will notify them of:

- (a) any refusal to grant me a working with children check clearance under the NSW *Child Protection (Working with Children) Act 2012*;
- (b) the cancellation of any working with children check clearance I may hold under the NSW *Child Protection (Working with Children) Act 2012*;
- (c) the imposition of an interim bar under the NSW *Child Protection (Working with Children) Act 2012* that prevents me from engaging in child-related work that requires a working with children check clearance; and
- (d) any conviction imposed on me for an offence, or finding that I am guilty of an offence, or finding that the charge for an offence against me is proven, where the offence is of the kind referred to in the attached Statutory Declaration.

.....  
Signature

.....  
Date