

CERTIFICATE FOR SELF EMPLOYED PEOPLE IN CHILD-RELATED EMPLOYMENT FACT SHEET

Who needs a Certificate

You will need to get a certificate if:

- you are self employed
- and you work in one of the settings defined in the *Commission for Children and Young People Act 1998* as child-related work settings
- and your work requires that you have direct unsupervised contact with children (under 18)
- and you are over 18 yourself.

If you meet these criteria, the *Commission for Children and Young People Act 1998* requires you to obtain a *Certificate for Self Employed People in Child-Related Employment* and either display it at your workplace, or present it for inspection by people engaging you to work with children. You can be fined \$2,200 if you do not comply with this law.

Child-related work settings are listed at

http://www.kids.nsw.gov.au/kids/working/employerguidelines/child-related.cfm#1_1

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What a Certificate shows

The *Commission for Children and Young People Act 1998* prohibits people who have been convicted of a [serious sex or serious violence offence against a child](#) from child-related employment. Having a *Certificate for Self Employed People in Child-Related Employment* proves that you are not banned from child-related employment.

When people engage you, they can check whether you have a *Certificate for Self Employed People in Child-Related Employment* on the NSW Commission for Children and Young People's website at www.kids.nsw.gov.au.

If you are a prohibited person, you cannot get a *Certificate for Self Employed People in Child-Related Employment*.

Some prohibited people can seek a review of their prohibited status. A review can result in an Order that removes their prohibited status. To find out more, visit the NSW Commission for Children and Young People's website (<http://www.kids.nsw.gov.au/kids/working/prohibitedemployment/reviewstatus.cfm>).

If you have been granted an Order exempting you from prohibited status, and that Order includes conditions, we will publish the conditions on the Commission's website where they can be viewed when a person enters your Certificate number for verification. The Certificate will tell people that your conditions can be seen on the Commission's website.

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When a Certificate expires

The *Certificate for Self Employed People in Child-Related Employment* lasts for three years. The certificate expires three years from date of issue (the date of expiry is shown on the certificate). After it has expired, it can no longer be verified on our website.

The certificate expires if you become a prohibited person. If you become a prohibited person while you hold a certificate, you must return the certificate to the NSW Commission for Children and Young People.

It is an offence to enter or continue in child-related employment – whether as a self employed person or as an employee or volunteer – if you are a prohibited person. You can be fined \$22,000 and imprisoned for up to two years if you are a prohibited person who seeks, or works in, child-related employment.

NSW Police can tell us if a certificate holder has been convicted of a prohibiting offence.

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Renewing a Certificate

A Certificate for Self Employed People in Child-Related Employment lasts for three years from the date of issue.

You can apply for a new one three months before it runs out. If you apply earlier than this we will not complete your application. There is no refund of your application fee.

To renew a certificate, you go through the same steps as for a new application, but tick the box “renewal” in Part B of the form and type your certificate number in the allotted space.

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Lost Certificate

If you lose your *Certificate for Self Employed People in Child-Related Employment* you should immediately contact the NSW Commission for Children and Young People by e-mail on check@kids.nsw.gov.au. If you find the “lost” certificate contact us on the above e-mail address.

When you report your certificate is lost, we will remove it from our web system. Parents will no longer be able to check that you have a certificate. We tell parents to view your certificate, not just check the number, so you will need to replace a lost certificate. This is an important security feature. We will reactivate your certificate if you report you have found it again.

If you lose your certificate, you will need to apply for a new certificate and pay the \$80 fee again. So please take good care of your certificate.

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Damaged Certificate

If a *Certificate for Self Employed People in Child-Related Employment* is damaged in any way you should immediately contact the NSW Commission for Children and Young People by e-mail on check@kids.nsw.gov.au.

You then need to send the damaged certificate to:

Manager WWC
NSW Commission for Children and Young People
Level 2, 407 Elizabeth Street
SURRY HILLS NSW 2010

When we receive the damaged certificate from you can provide you with a replacement one. You will not need to reapply.

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Additional Certificates

Self employed people working with children can only have one *Certificate for Self Employed People in Child-Related Employment* at any one time (except for the renewal period).

If a self employed person applies for an additional certificate we will not issue it to them or refund the fee for the additional certificate.

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Previous criminal record checks

Previous criminal record checks in NSW and interstate cards, e.g. the Queensland Blue Card, cannot be used instead of the certificate.

If you are a self employed person wishing to work with children in NSW in one of the work settings defined in the *Commission for Children and Young People Act 1998*, you will need to apply for a *Certificate for Self Employed People in Child-Related Employment*.

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Certificate security features

The *Certificate for Self Employed People in Child-Related Employment* contains a number of inbuilt security features. These features are described on the Certificate and include:

- The border around the Security Warning on the Certificate is printed in MICROTYPE which reads NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE when viewed under magnification.
- The paper contains multiple Watermark images of a padlock and keys.
- The words “Original” and “Certificate” on either side of the Certificate are printed in heat sensitive ink and will fade momentarily when heat or friction are applied, eg by pressing a thumb or finger on them for a few seconds.

Photocopied certificates will not show these features. If you encounter a photocopied certificate please immediately contact the NSW Commission for Children and Young People on 02 9286 7219 or contact your local Police station.

Falsifying certificates is a criminal offence.

We strongly urge you to not engage a person presenting a certificate that does not include the above security features.

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Penalties for not having a Certificate or misusing it

Penalties of up to \$22,000 will apply from 1 May 2010 if a self employed person

- seeks to work with children or works with children in NSW and does not have a valid *Certificate for Self Employed People in Child-Related Employment* issued by the NSW Commission for Children and Young People
- fails to prominently display their certificate if they work from a fixed place of work
- fails to produce their certificate when requested to either by the person engaging them or by an authorised officer (for example, a Police officer)
- fails to surrender their certificate to the Commission if they are convicted of an offence that prohibits them from working with children.

The same penalty also applies to any person who uses or attempts to use a *Certificate for Self Employed People in Child-Related Employment* that was not issued to them by the NSW Commission for Children and Young People.

You can find further details of these offences at clauses 8, 10 and 11 in the *Commission for Children and Young People Regulation 2009* at www.legislation.nsw.gov.au. Click on Browse then on C under Regulations under the heading "Browse In Force" to find the *Commission for Children and Young People Regulation 2009*.

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Information for parents

From 1 May 2010 self employed people who work with children, such as music and dance tutors, sports coaches and nannies, will need a certificate that says they are not banned from working with children in NSW. The certificate shows the person's name, the certificate number, the date the certificate was issued and the date the certificate expires.

When you engage a self employed person to work with your child/ren, you should check their Certificate.

- **Ask to see the certificate**

If they don't have a certificate, ask them to get one. They can get the application form from our website at <http://www.kids.nsw.gov.au/check>.

It is a good idea not to engage them if they have not got a Certificate.

- **Make sure the certificate is an original - check the security features**

The border around the Security Warning on the Certificate is printed in MICROTYPED which reads NSW COMMISSION FOR CHILDREN AND YOUNG PEOPLE when viewed under magnification.

The paper has multiple watermark images of a padlock and keys.

The words "Original" and "Certificate" on either side of the Certificate are printed in heat sensitive pink ink that will fade momentarily when heat or friction are applied, eg by pressing a thumb or finger on them for a few seconds.

Do not accept certificates if they fail these tests or are photocopies. If someone shows you a phony certificate contact the Commission on 02 9286 7219.

- **Verify the certificate on our website**

You can [verify a certificate](#) on our website by entering the full certificate number. Our web page gives you information about verifying a certificate. If the certificate says it is issued with conditions, read the conditions on our website. The holder of the certificate is banned from working with children except in keeping with these conditions.

- **Ask to see identification**

Ask the person you are engaging to show you their personal identification, such as their driver's licence. Then you can be sure the Certificate they show you really belongs to them.

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What are you consenting to when applying for a certificate?

Our instruction for applicants “How to Apply for a *Certificate for Self Employed People in Child-Related Employment*” describes what is being consented to when applying for a certificate. This information is repeated below.

Signing the application form shows you:

- consent to the release of relevant criminal history information held by any Australian police agency to the NSW Commission for Children and Young People and receipt of this criminal history information by the NSW Commission for Children and Young People. This information includes but is not limited to details of convictions relating to offences committed by you regardless of when and where the offence occurred.
- understand that you are ineligible to apply for, or otherwise attempt to obtain, to undertake or to remain in child-related employment if you have been convicted of a serious sex offence or a child-related personal violence offence as defined in the Commission for Children and Young People Act 1998, or if you are a Registrable Person under the Child Protection (Offenders Registration) Act 2000.
- consent to NSW Police informing the NSW Commission for Children and Young People of the details of any prohibited offence you are convicted of during the life of your certificate. You may withdraw this consent at any time but if you do so your certificate will become invalid.
- acknowledge that any information obtained as part of this national criminal history record check may be used by Australian police agencies for law enforcement purposes, including the investigation of any outstanding criminal offences.
- indemnify officers against actions arising from the release of information.
- agree to your certificate being posted to your residential address.
- acknowledge that the person engaging you in child-related employment may verify your certificate on the NSW Commission for Children and Young People’s website by entering your certificate number and consent to the Commission then displaying on screen your full name and any conditions attached to your certificate.

Applications cannot be processed unless you give consent to the above. Seek legal advice if you are unsure of what you are consenting to.

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What forms of ID can be used to verify who you are?

Our instruction for applicants “How to Apply for a *Certificate for Self Employed People in Child-Related Employment*” describes the forms of identification you can use to show who you are. This information is repeated below.

To verify your identity to Police you must show them three types of identification from the list below. Your identification documents must be current and should include photographic ID and identification that includes your signature and date of birth. Give details of the identity documents you are using in the space provided on the application form. Acceptable types of identification are:

- Passport (photo ID)
- Driver’s licence (photo ID)
- Government issued identity card or proof of age card (photo ID)
- Photo employee identity card (photo id)
- Student identity card (photo ID)
- Medicare or Private Health fund card
- Union or professional membership card
- Government-issued licence
- Birth certificate
- Marriage certificate
- Change of name certificate
- Certificate of citizenship
- Credit card
- Government-issued senior citizens / concession card
- Rates notice
- Utility account (eg electricity, gas, water etc)