

# Safety screening: National Police Checking Service

## Consent to check and release criminal history information and proof of identity

### General information

#### Introduction

As part of its employment safety screening policy, the Department of Human Services (the department) requires all competitive applicants for positions within the department to undergo a national criminal history check as part of the application and assessment process.

People with a criminal record are not automatically excluded from working in the department. Information from a number of sources is taken into account when determining whether an application for employment is progressed. These sources include referee comments, performance at interview and other assessment methods as well as any explanation offered by an applicant in relation to their criminal record. Information relating to a criminal record will only be taken into account in determining the applicant's ability to perform the inherent requirements of the position for which they are applying.

The department will only use the information provided on this form and any information received in the assessment process for the purpose of assessing your suitability for the position for which you are applying unless:

- statutory obligations require otherwise or
- you consent to the use by the department of that information for another purpose.

Successful applicants will usually be required to pay for their national criminal history check. You may be required to complete another consent form in the future, in relation to employment in other positions within the department.

#### National criminal history check

A national criminal history check is an integral part of the assessment of your suitability. Information extracted from this form will be forwarded to the CrimTrac Agency and other Australian police services<sup>1</sup> for checking action. By signing the form you are providing your consent to these agencies:

- a) disclosing criminal history information that pertains to you from their own records to the department and/or
- b) accessing their records to obtain criminal history information that in turn will be disclosed to the department.

It is usual practice for an applicant's personal information to be disclosed to Australian police services for them to use for their respective law enforcement purposes including the investigation of any outstanding criminal offences.

#### What will my national criminal history check show?

Criminal history information may include outstanding charges and criminal convictions/findings of guilt recorded against you that may be disclosed according to the laws of the relevant jurisdiction and, in the absence of any laws governing

the release of that information, according to the relevant jurisdiction's information release policy.

#### Spent convictions schemes

Child-related employment screening has been conducted around Australia for many years in an attempt to minimise the risk of harm to children from persons responsible for their care and supervision. A key component of this is the provision of criminal history information (including 'spent' convictions and findings of guilt of prescribed/specified offences) to employers and authorised screening organisations. In New South Wales, Victoria, Queensland and Western Australia child-related employment screening processes are governed by legislation.

#### Victoria Police

For the purposes of employment, voluntary work or occupational licensing/registration, police may restrict the release of a person's police record according to their 'Information Release Policy'. If you have a police record the 'Information Release Policy' may take into account the age of the police record and the purpose for which the information is being released. If ten years have elapsed since you were last found guilty of an offence, police will, in most instances, advise that you have no disclosable court outcomes. However, a record over ten years may be released:

- if it includes a term of imprisonment longer than thirty months
- if it includes a serious, violent or sexual offence and the records check is for the purpose of working with children, elderly people or people with a disability
- if it is in the interests of crime prevention or public safety.

Findings of guilt without conviction and good behaviour bonds may be released. Recent charges or outstanding matters under investigation that have not yet gone to court may also be released.

#### Other Australian police services

Where a criminal history record with another Australian police service has been obtained, any relevant legislation (and/or release policy) affecting that police service will be applied before that record is released. Under various pieces of Commonwealth, state and territory legislation a person has the right, in particular circumstances or for a particular purpose, to not disclose certain convictions/findings of guilt over a certain age. Such convictions (widely referred to as 'spent' or 'rehabilitated' convictions) will be released in accordance with relevant legislation (and/or release policy). Please contact individual police services directly for further information about their release policies and any legislation that affects them.

<sup>1</sup> Australian Federal Police, New South Wales Police Force, Victoria Police, Queensland Police Service, South Australia Police, Western Australia Police, Tasmania Police, Northern Territory Police Force.

## Provision of false or misleading information

You are asked to certify that the personal information you have provided on the form is correct. If it is subsequently discovered, for example as a result of a check of national police records, that you have provided false or misleading information, you may be assessed as unsuitable or be subject to the department's discipline process, if you are an existing employee.

You should note that the existence of a criminal record does not mean that you will automatically be assessed as being unsuitable. Each case will be assessed on its merits, so it is in your interests to provide full and frank details on the form.

## Privacy statement

We ask you for information about yourself so that we can assess your suitability for the position for which you are applying. On this form we ask you for personal information such as full name, gender, date of birth, driver's licence number or passport details to verify your identity. The information will be used to ensure that the criminal history information released is yours and not another person's with the same name. If you have any concerns about the information that may be released as the result of a national criminal history check please contact Victoria Police, or the relevant police service in another jurisdiction.

Please be assured that any information provided to the department is kept confidential and any concerns you may raise about the way the department handles your information will also be kept confidential. Information collected on this form will only be used for the purpose for which it was collected (that is, to conduct a national criminal history check and to assess your suitability for the position for which you are applying). If you have any queries about the handling or storage of your personal information please contact the department's Corporate Integrity Information & Resolutions Unit on (03) 9096 8534.

### Storage

If you are selected for the position for which you are applying, copies of documents that may uniquely identify you (for example, driver's licence number, firearms licence number or passport details) will be retained on your employee file. The department is required to retain the original completed informed consent form as part of its permanent records.

- Any criminal history information obtained, will be securely destroyed within three months of receipt from CrimTrac.
- In the event that you do not commence employment with the department, your national criminal history check results will be securely destroyed within three months of receipt from CrimTrac.
- Under the *Fair Work Act 2009*, unsuccessful applicants can challenge recruitment decisions on various grounds for up to six years after a recruitment process has been finalised. In order for the department to respond to such a challenge under this legislation, it is necessary for recruitment files to be stored for at least six years after the end of a recruitment process.

### Who owns the national criminal history check?

The department is unable to provide you with a photocopy of the results of your national criminal history check. The *Freedom of Information Act 1982* stipulates that a person is not entitled to access a document under Part III of that Act, if the document is available for purchase (see Section 14(1)(b)). If you wish to obtain a National Police Certificate (NPC) you should visit the Victoria Police website ([www.vic.gov.au](http://www.vic.gov.au)) or contact the Public Enquiry Service on (03) 9247 5907. Please note that,

consistent with the principles of the Privacy Act, you are able to view documents that relate to you that are held by the department.

It is important that your information is accurate and up to date. If you think that any information the department has about you requires correction or updating please contact the recruitment officer. If you choose not to provide us with information that we have requested, we will be unable to proceed with your application.

## Instructions for completing this form

Please ensure that you:

- Complete all the boxes marked '\*\*' as these are mandatory fields.
- **Do not sign or date this form** until you are in the presence of an authorised officer from the department, as your signature must be witnessed.
- Provide the authorised officer with sufficient documentation to establish your identity.

### Section 1: Applicant details for a national criminal history check

List your current full name, previous names or alternate names. Previous names include your maiden name. Alternate names include names you are commonly and informally known by. If you have more than one such name, please attach a separate sheet.

Where you have formally changed your name, evidence must be produced. Evidence can only be in the form of the following documents:

- Marriage certificate issued by a registrar of Births, Deaths and Marriages in Australia
- Divorce paper (bearing the name to be reverted to)
- Deed Poll (pre 1986 in Victoria)
- Change of name certificate
- Guardianship Order
- Adoption paper

### Previous addresses within the last five years:

In this space write the address at which you resided prior to your current address. If you need additional space, please attach a separate sheet.

If you have resided overseas for 12 months or more in the last ten years, you may be required to submit the results of an international police check, please advise the Authorised Officer.

### Section 2: Purpose of the check

The purpose of the check is for employment, volunteering or student placements.

### Section 3: Consent to obtain personal information

The consent to obtain personal information is your informed consent for the department to conduct a national criminal history check. Please read the information carefully. **Do not sign or date** the consent until requested by an authorised officer of the department. This is to enable your signature to be witnessed by the authorised officer as part of the proof of identity process.

### Section 4: Proof of identity

The proof of identification checklist is based on the verification procedures set out in the Commonwealth's Financial Transactions Reports Regulations 1988. Identification totalling 100 points or more must be produced by the applicant and sighted by an authorised officer.

Only original documents will be accepted. All documents provided will be sighted, photocopied and the copies attached to this form. Your original documents will be returned to you.

# National criminal history check – Application form

## Section 1: Applicant details

**Current details** (\*denotes mandatory field)

*Surname		*First name	
Middle name/s			
Daytime telephone number			
*Gender (M/F/U)		*Date of birth (dd/mm/yyyy)	/ / *Country of birth
Driver's licence number		State/territory of issue	
Firearm's licence number		State/territory of issue	
Passport number		Passport country	
Passport type (government, private, UN refugee)			

**Previous or alternate details (provide both first and surname, please provide evidence of any name changes)**

Surname	Middle name/s	First name

**If full details of previous addresses are unavailable, town(s) and state(s) will suffice. Attach list if insufficient room.**

Current residential address			
	State	Postcode	
Country			
Period of residence		If actual dates are unavailable, year of residence will suffice	
/ / to / /			
Previous residential address			
	State	Postcode	
Country			
Period of residence		If actual dates are unavailable, year of residence will suffice	
/ / to / /			
Previous residential address			
	State	Postcode	
Country			
Period of residence		If actual dates are unavailable, year of residence will suffice	
/ / to / /			
Have you resided in an overseas country for more than 12 months in the last ten years?		Yes	No

## Section 2: Purpose of the check

This national criminal history check is required for (tick appropriate box):

Employment category				Position description			
New employee	<input type="checkbox"/>	Contractor	<input type="checkbox"/>	Administration	<input type="checkbox"/>	Housing Services	<input type="checkbox"/>
Volunteer	<input type="checkbox"/>	Consultant	<input type="checkbox"/>	Child Protection	<input type="checkbox"/>	Information Technology	<input type="checkbox"/>
Statutory appointee	<input type="checkbox"/>	Board appointee	<input type="checkbox"/>	Disability Services	<input type="checkbox"/>	Youth Justice	<input type="checkbox"/>
Student	<input type="checkbox"/>	Seconded	<input type="checkbox"/>	Finance	<input type="checkbox"/>	Payroll Human Resources	<input type="checkbox"/>

## Section 3: National criminal history check – Consent to obtain personal information (PARTIAL EXCLUSION) (BLOCK LETTERS and in BLACK INK)

I, \_\_\_\_\_ hereby:

Given names (Current) \_\_\_\_\_ Family name (Current) \_\_\_\_\_

1. acknowledge that I have read the Spent Convictions Schemes section of the Information sheet and understand that Spent Convictions legislation (however described) in the Commonwealth and many states and territories protects ‘spent convictions’ from disclosure
2. understand that the position/entitlement for which I am being considered is in a category for which a PARTIAL exclusion has been granted from the application of the Spent Convictions legislation and that ‘spent’ convictions and findings of guilt relating to me of a type listed below will be released  
**Serious offences, sexual offences, offences against the person, for which an exclusion has been granted in respect to my application for employment/engagement in positions/occupations involving the care, instruction or supervision of vulnerable persons (including children, aged persons and people with a disability)**
3. have fully completed this form and the personal information I have provided in it relates to me, contains my full name and all names previously used by me, and is correct
4. consent to the department disclosing personal information about me from this form to the CrimTrac Agency and the Australian police services
5. consent to:
  - (i) the CrimTrac Agency disclosing personal information about me to the Australian police services
  - (ii) the Australian police services 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 police service concerned and
  - (iii) the CrimTrac Agency providing the information disclosed by the Australian police services to the department in accordance with the laws of the Commonwealth
6. acknowledge that any information provided by me on this Form, or by the Australian police services, may be taken into account by the department in assessing my suitability for the (specify position title) \_\_\_\_\_ role for which I am applying.

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Note: The information you provide on this form and which the CrimTrac Agency provides to the department on receipt of the Form, will be used only for the purpose stated above unless statutory obligations require otherwise.

## Section 4: Proof of Identity

(Authorised officers should tick which proof of identity documents are supplied and initial).

The combination of documents provided should as a minimum, show evidence of the applicant's full name, date of birth, current residential address, their signature and a current photograph. (that is, one document each from Categories A, B and C.) Additional A, B or C documents may be provided to meet the minimum 100 points. The Australian licence in Category A can be used as 40 points in Category B or C if a passport is used at Category A.

If no Category A document is available, applicants must provide one Category B document of 40 points minimum, two additional Category B documents and one Category C. All documents must be original. However, certified documents can be accepted where an applicant is interstate or overseas. These should be certified by an authorised person who can sign Statutory Declarations for example, permanent employee of a Commonwealth, State, Territory or Local Authority who has five or more years of continuous service. A comprehensive list can be found at: <http://www.ag.gov.au/statdec>

Category A - to verify the name of applicant by photograph and signature	Points	Copy attached ✓	Initials of Authorised Officer
Current Australian passport or expired Australian passport which has not been cancelled and was current within the preceding two years	70		
Foreign passport with current Australian visa N.B. working holiday and student visas only allow limited work rights, further information can be found at: <a href="http://www.immi.gov.au/managing-australias-borders/compliance/info-employers/evo-orgs.htm#d">http://www.immi.gov.au/managing-australias-borders/compliance/info-employers/evo-orgs.htm#d</a>	70		
Travel document and current Australian visa (see above) issued in special circumstances by DFAT	70		
Current Australian licence issued by Commonwealth, State or Territory, for example, <ul style="list-style-type: none"> <li>• Driver's licence</li> <li>• Motorbike licence</li> <li>• Boat licence</li> <li>• Provisional driver's licence</li> <li>• Learner driver's permit</li> <li>• Firearms licence</li> </ul>	40		
<b>Category B - to verify the name of the applicant</b>			
Birth certificate (Australian or overseas, can be extract or full)	70		
Australian citizenship certificate	70		
Current identity card issued to a public employee	40		
Current student card issued by a tertiary institution	40		
Current Working With Children Check card	40		
Current Medicare card	25		
Foreign driver's licence	25		
Bank account details for example, credit card/passbook/ATM card/cheque account (only one per financial institution)	25		
Current membership card/registration certificate for union, trade or professional body/board	25		
Marriage certificate issued by an authorised minister of religion or marriage celebrant in an Australian state, government or territory	25		
Australian divorce papers containing current and previous name	25		
Current health insurance, health care or pension card	25		
Taxation assessment notice (less than two years old)	25		
PAYG payment summary with Tax File number (to be verified with employer)	25		
Current RACV membership card	20		
<b>Category C - to verify the name and address</b>			
Legally drawn up mortgage papers	35		
Current lease or tenancy agreement	25		
Council rates notice (less than 12 months old)	25		
Public utility account (gas, water, electricity or telephone - less than 12 months old)	25		
Australian electoral roll card	25		
Financial institution statement for current account (less than 12 months old)	25		
Current Australian motor vehicle registration	25		
For recent arrivals in Australia (6 weeks or less - proof of arrival date required) current passport	100		
<b>Note: The full 100 point check is required when the applicant has been in Australia for longer than 6 weeks.</b>			
<b>TOTAL (must equal 100 points or greater)</b>			

If the applicant's name is different on any of the identification documents, evidence of the name change must be provided, for example, marriage certificate, divorce papers or deed poll documentation.

<b>Authorised officer for proof of identity</b>	
*Signature of authorised officer	
*Printed name of authorised officer	
*Date	

## Requesting officer/manager to complete

<b>Name of requesting officer/manager</b> <i>(For communication of results)</i>	
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### Position type

Direct care		Non-direct care	
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<b>Region/Division</b>	
<b>Program/Branch</b>	
<b>Position reference number</b>	
<b>Cost centre</b>	

## Office use only

To be completed by the Department of Human Services staff member entering the national criminal history check into the safety screening system

<b>Name of person who is lodging the national criminal history check</b>	
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### Proof of identity (PoI) summary

Pol established	Yes	No
Previous names recorded	Yes	No
Signature witnessed by authorised PoI delegate	Yes	No
Copies of all documents attached	Yes	No

### Working with children check (WWCC) *(Not mandatory for proof of identity, however is required for particular roles)*

WWCC application/receipt number	
WWCC assessment notice/card number	
WWCC card expiry date	

### National criminal history check and proof of identity – summary

National criminal history check submitted	Date	
	ID Number	
Pending further investigation	Follow up date	
Further information received	Date	

### Outcome

Clear	
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Match	
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