



**Department  
of Ageing,  
Disability &  
Home Care**

Dear Service Provider,

**Re: Criminal Record Checks**

I refer to recent advice from DADHC regarding a one-off payment to assist in compliance with DADHC policies associated with the delivery of services, including changes to criminal record checks to reflect the move to a national system.

Your organisation may already have its own processes in place in relation to obtaining criminal record checks. If so, this letter does not affect you.

If you have been using DADHC to obtain criminal record checks, then you should carefully read this letter and the enclosed information as they contain details about what is happening with criminal record checks and the steps you need to take.

After 30 September 2009, DADHC will cease to conduct criminal record checks for your organisation. You will then be able to obtain criminal record checks through:

1. *your local police station* at a cost of \$52, or
2. *CrimTrac* if more than 500 checks per three years ([www.crimtrac.gov.au](http://www.crimtrac.gov.au)), or
3. *NSW Businesslink* at a cost of \$37 per employee or \$15 per volunteer, or
4. any other pre-employment screening 'broker', which you can find by searching the internet.

The Frequently Asked Questions at **Tab A** and Information Pack at **Tab B** outline your options. If you have any inquiries, please contact your local Contract Manager, Performance and Qualitative Improvement Team, or NSW Businesslink on Ph: 9765 3399.

Yours sincerely

Ian Peters  
**Executive Director**  
**Strategic Human Resources**  
7 July 2009

Enclosed

Frequently asked Questions  
Information Pack

**Tab A**  
**Tab B**

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**ABN** 34538109783 **Address** Level 5, 83 Clarence Street, Sydney NSW 2000 **Phone** (02) 8270 2000 **DX** 10485 SSE **TTY** (02) 8270 2167 (for people who are hearing impaired) **Website** [www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au)

**If you require help translating this information, please call the Translating and Interpreting Service on 13 14 50.**

## Tab A

### Frequently Asked Questions – Criminal Record Checks

#### Why is DADHC ceasing to conduct criminal record checks?

NSW Police has indicated they will be replacing their current state-based system with a national, Australia-wide, criminal record check. The industry standard is now a national criminal record check. The new process to access national criminal record checks will be on a user pays basis – options to obtain checks are detailed at point 3 below.

#### When will DADHC stop conducting criminal record checks for NGOs?

The last day DADHC will accept applications for criminal record checks is Wednesday 30 September 2009.

#### What if I don't use DADHC to obtain criminal record checks?

You can continue your current practice. However, you might still want to read this information to see what other options are available to you.

#### How can I now obtain criminal record checks?

Your organisation can obtain criminal record checks from:

1. the local police station at a cost of \$52 each (see [www.police.nsw.gov.au](http://www.police.nsw.gov.au)), or
2. CrimTrac – you may be eligible to become an 'accredited provider' if you require more than 500 checks per three years (see [www.crimtrac.gov.au](http://www.crimtrac.gov.au)), or
3. NSW Businesslink at a cost of \$37 per employee or \$15 per volunteer (more information below), or
4. any other pre-employment screening 'broker', available by searching the internet under 'national criminal record check'.

These options are open to all NGOs, regardless of DADHC funding.

#### Who is CrimTrac?

CrimTrac is a federal statutory company that conducts national criminal record checks on behalf of government and larger private organisations (see [www.crimtrac.gov.au](http://www.crimtrac.gov.au)).

#### Who is NSW Businesslink?

NSW Businesslink is DADHC's corporate services provider. NSW Businesslink is also accredited with CrimTrac and has the necessary systems in place to conduct national criminal record checks. Although NGOs can obtain exactly the same checks through their local police station, NSW Businesslink is able to provide checks at a lower cost.



### **Do I have to use NSW Businesslink?**

There is no requirement to use Businesslink to obtain criminal record checks. Small or large NGOs can obtain criminal record checks as outlined in Question 3 above.

### **What do I have to do if I want to use NSW Businesslink?**

In the first instance, your organisation needs to sign a contract with NSW Businesslink and return by 30 September 2009. The enclosed package outlines steps in more detail. For more information and to request a contract, contact NSW Businesslink on Ph: 9765 3399.

Signing the contract with NSW Businesslink does not obligate you to use NSW Businesslink but is a prerequisite. The contract is a mandatory requirement of CrimTrac, the provider of the criminal history information to NSW Businesslink. Any organisation can use any authorised criminal records checking body at any time or on individual/separate occasions.

### **What if I do not continue to conduct criminal record checks after 30 Sept 2009?**

It is a requirement of all DADHC funded services to conduct criminal record checks for their employees and volunteers as part of their funding agreements and statutory requirements. NGOs must meet these obligations for continued funding from DADHC. An outline of the requirements is at point 9 below.

### **Why do I have to conduct criminal record checks on staff or volunteers?**

*Disability Service Providers* must comply with the NSW Standards in Action (1996), which provide that employees should be engaged on probation subject to satisfactory criminal records checks.

*Home and Community Care (HACC)* non government service providers must comply with the National Program Guidelines for the HACC Program, the HACC Standards in Action Manual, and the NSW Guidelines for HACC funded services, May 2007, which provide that all HACC services must conduct criminal record checks for all paid and unpaid staff.

*The (Cwth) Accountability Principles* provide that criminal record checks must be conducted every three years on staff who work in federally-funded aged care services. This includes some DADHC funded NGOs. The criminal record checks must be national, not state-based.

### **Can I do retrospective checks?**

Retrospective checks can only be done by federally funded aged care services who are required to conduct national criminal record checks on employees every three years. You must have the permission of the employee. In general, criminal record checks should only be done once, on new or prospective employees or volunteers.

### **Do we have to repeat checks every three years?**

Federally funded aged care services must conduct criminal record checks on employees every three years. Other service providers do not have to repeat the checks.

### **Can volunteers get their own 'pre-clearance' to use with several employers?**

No. The service provider has to organise and pay for the criminal record check on behalf of the volunteer.

### **Can I share criminal record check results with other NGOs to reduce costs?**

The NGOs must obtain the permission of the employee or volunteer. The NGOs must also ensure the confidentiality and privacy of the information, and must record, store and destroy the



information in accordance with terms of their contracts or arrangements outlined with the provider they use. For NGOs who use Businesslink further advice can be obtained from NSW Businesslink.

### **Does any information get passed onto DADHC?**

Criminal record checks are completely confidential and in no circumstances will criminal record information be passed onto DADHC or any other third party.

### **If I sign a contract with NSW Businesslink, can I still go elsewhere?**

Yes. Even if you sign up with NSW Businesslink, you can still use other accredited agencies, private brokers or the NSW Police Service to obtain criminal record checks. You must sign a contract to use NSW Businesslink but this does not stop you from using anyone else.

### **So I can use several providers?**

Yes. Even if you sign a contract with one provider, you can still use other providers.

### **Why do I need to sign a contract with NSW Businesslink?**

There is no requirement for NGOs to use Businesslink. If you wish however to use NSW Businesslink, then you will have to sign a contract. The contract is a mandatory requirement of CrimTrac, the provider of the criminal history information to NSW Businesslink.

### **What is the turnaround time in results from NSW Businesslink?**

Within 24-48 hours, 75% of results are obtained, and the remainder usually within 1-10 days.

### **What about any requests for checks we send to DADHC prior to 30 Sept 2009?**

DADHC will process any applications for criminal record checks that are received up to Wednesday 30 September 2009, and give your organisation the results. The last day DADHC will accept requests for criminal record checks is Wednesday 30 September 2009.

### **Can smaller NGOs use the very large over 500 NGOs to do their checks?**

Yes, if the large NGOs become 'accredited providers' with CrimTrac and also agree to conduct checks for the smaller NGOs.

### **Why do we have to do a 100 Point ID check?**

NSW Businesslink engages the services of CrimTrac to carry out national criminal history record checks and CrimTrac requires a 100 Point ID check for each person.

### **So what steps do I need to take to arrange criminal checks after 30 Sept 2009?**

The process is outlined in the Information Package enclosed. If your organisation already has its own processes in place to obtain criminal record checks, then you don't need to do anything and can continue current practice.

a) Otherwise, choose one of the following options to obtain criminal record checks:

- the local police station at a cost of \$52, or
- CrimTrac if you require more than 500 checks per three years (see [www.crimtrac.gov.au](http://www.crimtrac.gov.au)), or
- NSW Businesslink at a cost of \$37 per employee or \$15 per volunteer, or
- any other pre-employment screening 'broker'.

- b) If you choose NSW Businesslink, you must sign the contract and return to NSW Businesslink. Additional instructions on set up and commencement will follow.
- c) Cease sending requests for criminal record checks to DADHC after 30 Sept 2009.
- d) Your organisation will need to arrange criminal record checks with your local police station, CrimTrac or NSW Businesslink or another provider before 1 October 2009.

**For all enquiries please contact your local DADHC Contact Manager, Performance and Qualitative Improvement Team or the NSW Businesslink Information Line on Ph: 9765 3399**



New South Wales  
Government



Department  
of Ageing,  
Disability &  
Home Care



# Tab B

**NSW Businesslink Pty Ltd**  
**National Criminal Record Check**  
**Information Pack**  
**July 2009**

**For all enquiries regarding this Information Package, please contact the NSW Businesslink on Ph: 9765 3399 or email [policecheck@bizlink.nsw.gov.au](mailto:policecheck@bizlink.nsw.gov.au)**



## **Information Pack Contents**

The NGO Information Pack includes the following information:-

- Timeframes for the transition process from DADHC to NSW Businesslink.....8
- A quick reference guide for all.....9
- The process for obtaining a check through NSW Businesslink.....10
- A Criminal Records Check checklist..... 12
- A copy of the consent form potential employees/workers are required to complete.....13
- 100 point Identification Form.....17
- A copy of the request form to be completed by NGO.....18



## Timeframes

- NSW Businesslink service to be available from 1 July
- Information Package to NGOs 8 July
- Reminder to NGOs 10 August
- DADHC to cease conducting Criminal Record Checks 30 September
- DADHC to finalise outstanding CRCs 30 November



## **QUICK REFERENCE GUIDE**

### ▪ **Who is NSW Businesslink?**

NSW Businesslink Pty Ltd is the shared corporate services provider to the NSW Department of Ageing, Disability and Home Care (DADHC), the NSW Department of Community Services (DoCS) and Housing NSW (Housing). Our head office is located in Liverpool and we maintain a regional presence in Lismore, Newcastle, Orange and Queanbeyan.

### ▪ **What is DADHC's relationship with NSW Businesslink?**

Businesslink provides a broad range of services to our clients including DADHC. These include payroll, accounts receivable, accounts payable, finance, recruitment, industrial relations, human resources, fleet, records management, procurement, distribution, building management as well as information technology and communications. Businesslink has been providing these services over the past 6 years.

### ▪ **Who do I call if I have a problem?**

If you have any problems in regards to your Criminal Record Check you can use one of the following:-

- Phone (02) 9765 3399
- Email [police.check@bizlink.nsw.gov.au](mailto:police.check@bizlink.nsw.gov.au)

### ▪ **How do I obtain a contract to utilise the service?**

Call NSW Businesslink on (02) 9765 3399 to obtain a contract.

### ▪ **How long will it take for me to receive my results for my checks?**

You will receive 75% of your checks where there is a no criminal record within 24 hours. Where there is a criminal record you will receive a result within 1-10 days.

### ▪ **How much will the Criminal Records Check cost?**

**There are 2 types of checks that are undertaken on your behalf at NSW Businesslink:-**

- Volunteer Checks - \$15 (incl. GST)  
This check is for people who work in a volunteer capacity within your organisation.
- Paid Worker Checks - \$37 (incl. GST)  
This type of check is for people who are paid workers of your organisation.

### ▪ **How will I be invoiced for the checks I have requested?**

You will be invoiced monthly in arrears for the checks you have requested. If you have requested checks in the month and have not received an invoice please contact us.

### ▪ **How do I pay for the checks I requested?**

You will be able to pay for your criminal record checks by cheque or direct deposit (EFT). In the coming months BPAY will be made available for more convenient payments. You will be notified when this is available.



## NSW BUSINESSLINK

### PROCEDURE FOR REQUESTING A NATIONAL CRIMINAL HISTORY RECORD CHECK

JULY 2009

The following is a procedure to outline how to request a National Criminal History Record Check through NSW Businesslink.

1. Contact NSW Businesslink to obtain a contract on (02) 9765 3399
2. Return your signed contract to NSW Businesslink
3. NSW Businesslink will write back to you acknowledging that you can now forward Criminal Record Check requests.
4. Complete a Criminal Records Check Request Form for the applicant you wish to employ
  - a. A Request for a Criminal Records Check form (See **Attachment 2**) is to be completed by a candidate and the requestor of the criminal records check and can be faxed, emailed or mailed to NSW Businesslink.
  - b. There are mandatory fields on this form which are marked with an asterisk (\*) indicating that this field must contain information. **NOTE:** If these mandatory fields are not completed, the criminal records check will not be undertaken.
5. Obtain consent from the applicant and establish 100 Points of Identification
  - a. **Informed Consent** – As the organisation requesting the check you must ensure that each person who will be checked provides informed consent. As part of the request form you will see that there is an information form and informed consent form that must be completed by the applicant and returned with the consent form (See **Attachment 1**)
  - b. **100 Point Check** – In order for a Criminal Records Check to be undertaken you must establish the true identity of the person prior to the check being conducted. The 100-point check form (Refer to **Attachment 2**) must be completed and retained by you (The organisation) as proof that the identity of a person has been determined.
6. Forward your request form to NSW Businesslink by the following means:-
  - a. Fax to 9765 3300
  - b. Scan and Email to [policecheck@bizlink.nsw.gov.au](mailto:policecheck@bizlink.nsw.gov.au)
  - c. Post to Locked Bag 7466, Liverpool BC, NSW 1871
7. Place your requests forms in a file for record keeping.
8. NSW Businesslink will process the request for a check on your behalf



9. NSW Businesslink will convey the results of the check back to you through email, telephone or mail. Please note that email is preferable.
- a. Receiving Results of Criminal Records Checking – A requestor can expect to receive 75% of Criminal Records Check results within 24 – 48 hours from requesting the information. The remaining 25% of checks usually experience a delay where there may be a potential match in one or more jurisdictions. In this scenario the requestor can expect to receive the Criminal Records Check results within 1-10 days.
  - b. A Negative Result - If the candidate being checked does not have a positive match in the system, this will be confirmed by Businesslink with the requestor. No further action is required. **NOTE:** A negative result = no criminal history.
  - c. A Positive Result – If the candidate has a positive match the requestor will be notified accordingly. **NOTE:** A positive result = a criminal record has been found.
    1. The requestor will then be responsible for contacting the candidate to discuss with them that a positive match has been recorded in the system.
    2. It is up to the candidate to disclose information. NO Criminal History Information will be sent to the requestor.
    3. Candidate discloses Criminal History Information  
If a candidate chooses to disclose Criminal History Information then the requestor will be able to confirm this information with the Police Check department via telephone. As a requestor you are required to case manage the incident through your current HR Manager / Coordinator or according to your departmental policy.
- Candidate does not disclose Criminal History Information  
If a candidate chooses not to disclose Criminal History Information then it is up to the requestor to manage this according to their organisation's policy.
- NOTE:** NSW Businesslink will not determine a candidate's suitability for employment and you must ensure the candidates confidentiality **AT ALL TIMES.**
10. You can now determine an applicant's suitability for employment.
  11. NSW Businesslink will only hold records on an applicant's result of a Criminal Record Check for 3 months and will not re-check an applicant during this time. If NSW Businesslink does receive a request for check that has been undertaken on an applicant during this time, this will be returned to you.
  12. The check and request process is now complete.
  13. NSW Businesslink at the end of the month will send you an invoice for the checks you have requested.
  14. You will have 30 days to pay the invoice.



## Requesting a Criminal Record Check with NSW Businesslink Checklist

If you are unsure about the process or would like to discuss this with a staff member of NSW Businesslink contact details are as follows:-

- Phone (02) 9765 3399
- Fax (02) 9765 3300
- Email [police.check@bizlink.nsw.gov.au](mailto:police.check@bizlink.nsw.gov.au)

Have you requested a contract from NSW Businesslink?	<input type="checkbox"/>
Have you completed and returned the contract?	<input type="checkbox"/>
Have you completed the request form? <i>Including all Mandatory Fields</i>	<input type="checkbox"/>
Have you established 100 points of identity?	<input type="checkbox"/>
Have you obtained Informed Consent from the applicant?	<input type="checkbox"/>
Have you sent your request for check?	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ Mail</li> <li>▪ Fax</li> <li>▪ Email</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Have you received your results back from NSW Businesslink?	<input type="checkbox"/>
Have you assessed the candidates' employment eligibility?	<input type="checkbox"/>
Have you filed the paperwork?	<input type="checkbox"/>
Have you received your invoice?	<input type="checkbox"/>
Have you settled the account?	<input type="checkbox"/>



## Attachment 1 – Consent Form

STAFF-IN-CONFIDENCE (When completed)  
**NATIONAL CRIMINAL HISTORY RECORD CHECK**  
**CONSENT TO OBTAIN PERSONAL INFORMATION**  
(PARTIAL EXCLUSION)

I \_\_\_\_\_ hereby:  
Family Name (Current)
Given Name/s (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 for which I am being considered is in a category for which 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/occupation involving the care, instruction or supervision of vulnerable persons (including children, aged persons, and the disabled);**

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 Businesslink 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, 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;
  - (iii) the CrimTrac Agency providing the information disclosed by the Australian police services to Businesslink in accordance with the laws of the Commonwealth; and
  - (iv) Businesslink disclosing to \_\_\_\_\_ personal information about me to assess my suitability in relation to my employment; and
6. acknowledge that any information provided by me on this Form, or by the Australian police service, may be taken into account by \_\_\_\_\_ in assessing my suitability for the position of <specify position/entitlement> ..... for which I am applying.

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

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

# NATIONAL CRIMINAL HISTORY RECORD CHECK GENERAL INFORMATION

## GENERAL INFORMATION

This Form is used by NSW Businesslink Pty Ltd ("Businesslink") as part of the assessment process to determine whether a person is suitable for employment or other engagement for work with <<insert Customer Name>>.

Unless statutory obligations require otherwise, the information provided on this Form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability. You may be required to complete another consent form in the future in relation to employment in other positions with <<insert Customer Name>>.

## CRIMINAL HISTORY RECORD CHECK

Information extracted from the Request 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 Businesslink; and/or
- b) accessing their records to obtain criminal history information that in turn will be disclosed to Businesslink

Such 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.

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.

## SPENT CONVICTIONS SCHEMES

Child-related employment screening is being 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.

### **Commonwealth (Crimes Act 1914 (Cth))**

The Commonwealth Spent Convictions Scheme relates to the collection, use and disclosure of old conviction information. The relevant provisions are located in the Crimes Act 1914 (Part VIIC). The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the individual has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside or pardoned.

A spent conviction is a conviction of a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for juvenile offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10-year (5 years for juvenile offenders) waiting period; and
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

An individual whose conviction is protected by Part VIIC does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. The restrictions on disclosure applying to spent convictions do not apply in a number of areas including:

#### Child-related employment

- person/body who employs or otherwise engages others to provide services or undertake work associated with the care, instruction or supervision of minors;
- person/body who makes available care, supervision or services for minors;
- Defence Force where care, instruction or supervision of minors is involved.
- Dealing with vulnerable people
- a person who, or body which, employs or otherwise engages persons to provide advocacy or care for intellectually disabled persons;
- Respite Care ACT re: suitability of having responsibility for disabled or aged people.

### **Australian Capital Territory (Spent Convictions Act 2000 (ACT))**

The Spent Convictions Act 2000 (ACT) limits the use and disclosure of older, less serious convictions and findings of guilt recorded under ACT legislation.

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<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.

- A spent conviction is one that satisfies all of the following conditions:
- it is more than 10 years (5 years for offences where the person was dealt with as a juvenile) since the date of the conviction or that the person has not been imprisoned or the person has not been subject to a control order and the person has not re-offended;
- the person was not sentenced to more than 6 months imprisonment;
- the offence was not a sexual offence;
- the person was not unlawfully at large in relation to an offence.

Unless an exclusion applies (e.g. where an individual wishes to undertake employment in certain occupations), once the waiting period has passed, a person does not have to disclose any conviction or finding of guilt that is protected by the provisions of the Act. Section 19(1) of the Act authorises disclosure of spent convictions in relation to applications for:

- appointment or employment as a teacher, teacher's aide, childcare provider, aged care provider or provider of care for people with a disability, or childcare worker, aged care worker or worker with people with a disability; or
- appointment, employment or other engagement (whether or not for financial reward) in any other capacity -
  - in relation to the care, instruction or supervision of children, older people or people with a disability; or
  - at a school, child-care centre, hospital, community care facility, residential care facility, or any other place where care, instruction, supervision or any other services are provided (or proposed to be provided) for children, older people or people with a disability; or
  - by any entity that provides care, instruction, supervision or any other services for children, older people or people with a disability; or

permission to provide care, instruction, supervision or any other services for children, older people or people with a disability.

### **South Australia (There is no Spent Conviction legislation in South Australia)**

The South Australia Police has developed a policy based on the Commonwealth Spent Convictions Scheme which provides for the release of:-

- Proven court outcomes ("active" convictions, findings of guilt), charges laid and pending matters that have not been determined by a Court;
- "Spent" or "inactive" convictions if required by an Act, Registration Board, requested for court purposes, or the individual has largely unsupervised contact with vulnerable groups. [A conviction will be regarded as being "spent" or "inactive" and will not be released if: at the time the offence was committed, the person was an adult (18 years and over) and 10 years have elapsed since the conviction of the offence, and no further convictions have been incurred; OR in the case of a person who was a child (under 18 years) at the time the offence was committed and 5 years have elapsed since the conviction of the offence, and no further convictions have been incurred; OR in the case of a conviction that has been quashed or set aside, a pardon was issued in respect to that conviction. The conviction will be disregarded from the date it is quashed, set aside or a pardon issued.]
- Relevant offences which include offences against the person (e.g. rape, gross indecency, pornography etc), public order offences (e.g. firearm/weapon offences etc), drug offences and traffic offences. Relevant offences with an unproven result by reason of insanity or mental impairment may be considered for release in the interest of public safety.

### **Tasmania (Annulled Convictions Act 2003 (Tas))**

Under the Annulled Convictions Act 2003 (Tas) a conviction is annulled upon completion of the prescribed period of good behaviour. This period is:

- 10 years where the offender was an adult at the time of conviction; or
- 5 years where the offender was a juvenile at the time of conviction.

Only "minor" convictions can become annulled. A "minor" conviction is a conviction other than one for which a sentence of imprisonment of more than 6 months is imposed, a conviction for a sexual offence or a prescribed conviction. A "minor" conviction is also annulled if the offence ceases to be an offence.

In most instances Tasmania Police will not release details of a conviction if the person was an adult (18 years old) when they committed the offence and a 10-year period of good behaviour has elapsed, or if the person was a youth (under 18 years old) when they committed the offence and a 5-year period of good behaviour has elapsed. However, previous convictions will be released if a term of imprisonment of more than 6 months was imposed, or if the conviction was for a serious or sexual offence.

Some occupations and licences are exempt from the application of the Act, meaning that no prior convictions including those of a minor nature will be annulled from an applicant's police record. Due to the importance and responsibility in obtaining such positions or licences, legislation ensures that all prior convictions are released. Schedule 1 Part 6 of the Act identifies the educational and child-related positions exempt from the Act:

- Teacher, teacher's aide or a member of the non-teaching staff of a kindergarten, school, college or other place of primary or secondary education, whether in Tasmania or elsewhere in the Commonwealth.
- Licence or registration under the Child Care Act 2001.
- Provider, in any capacity, of child-care or child-minding facilities elsewhere in the Commonwealth.
- Adoptive or foster parent, whether in Tasmania or elsewhere in the Commonwealth.
- Member of a safety house scheme organised by the Safety House Association of Tasmania.

- School-crossing patrol officer.
- Authorised officer within the meaning of the Children, Young Persons and Their Families Act 1997.
- State Service employment in so far as the person employed performs duties relating to the administration of the Children, Young Persons and Their Families Act 1997.
- Engagement under a contract for service to perform duties relating to the administration of the Children, Young Persons and Their Families Act 1997.
- Volunteer positions with Scouts Australia which have direct contact with youth members.

**Northern Territory (Criminal Records (Spent Convictions) Act 1992 (NT))**

Under the Criminal Records (Spent Convictions) Act 1992 (NT), a conviction becomes spent automatically (in the case of an adult or juvenile offender convicted in a Juvenile Court) and by application to the Police Commissioner (in the case of a juvenile convicted in an adult court) upon completion of the prescribed period. The prescribed period is:

- 10 years for offences committed while an adult; and
- 5 years for offences committed as a juvenile.

In most instances Northern Territory Police will not release details of a conviction if the offender was an adult (18 years old) when they committed the offence and a 10-year period of good behaviour has elapsed, or if the offender was a youth (under 18 years old) convicted in the Juvenile Court when they committed the offence and a 5-year period of good behaviour has elapsed.

Previous convictions will be released if a term of imprisonment of more than 6 months was imposed, or if the conviction was for a serious or sexual offence. Applications in relation to appointment or employment to do work principally involving the care, instruction or supervision of vulnerable persons (including children, aged persons, and persons with a physical or intellectual disability or mental illness) are exempt from the application of the Act.

**Other Australian Police Services**

Where a criminal history record with an Australian police service exists, 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 not be released unless the records check is for the applicant’s personal information only and provided that this is 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.

**PROVISION OF FALSE OR MISLEADING INFORMATION**

You are asked to certify that the personal information you have provided on this Form is correct. If it is subsequently discovered that you have provided false or misleading information you may be assessed as unsuitable.

You should note that the existence of a record does not mean that you will be assessed automatically as being unsuitable. Each case will be assessed on its merit. It is in your interest to provide full and accurate details in the form.

## Attachment 2 - 100 POINT ID CHECK FORM & REQUEST FORM (2 PAGES)

**Please ensure that this form is completed and maintained with the consent form.**

In order to verify an applicant's identity, an applicant is required to provide identification documents to make up a total of at least 100 points using the points system below.

<b>Primary identification (<i>One item from this box must be submitted</i>)</b> <b><u>70 points each</u></b>	<b>Total Points</b>	
<input type="checkbox"/> Birth Certificate <input type="checkbox"/> Birth Card issued by the NSW Registry of Births, Deaths and Marriages <input type="checkbox"/> Citizenship Certificate <input type="checkbox"/> Current Australian Passport <input type="checkbox"/> Expired Australian Passport which has not been cancelled and was current within the preceding 2 years <input type="checkbox"/> Current Passport from another country or diplomatic	= _____	
<b><u>Secondary identification</u></b> <b><u>40 points each</u></b>  <input type="checkbox"/> Current driver photo licence issued by an Australian state or territory <input type="checkbox"/> Identification card issued to a public employee  <input type="checkbox"/> Identification card issued by the Australian or any state government as evidence of a person's entitlement to a financial benefit <input type="checkbox"/> Identification card issued to a student at a tertiary education institution	= _____	
<b><u>35 points each</u></b>  <input type="checkbox"/> Document held by a cash dealer giving security over property <input type="checkbox"/> A mortgage or other instrument of security held by a financial body <input type="checkbox"/> A rating authority (e.g. land rates) <input type="checkbox"/> Document from current employer or previous employer within the last two years <input type="checkbox"/> Land Titles Office record <input type="checkbox"/> Document from the Credit Reference Association of Australia.	= _____	
<b><u>25 points each</u></b>  <input type="checkbox"/> Current credit card or account card from a bank, building society or credit union <input type="checkbox"/> Local council rates notices <input type="checkbox"/> Current telephone, water, gas or electricity bill <input type="checkbox"/> Foreign driver's licence <input type="checkbox"/> Medicare Card <input type="checkbox"/> Electoral roll compiled by the Australian Electoral Commission <input type="checkbox"/> Lease/rent agreement <input type="checkbox"/> Current rent receipt from a licensed real estate agent <input type="checkbox"/> Records of a primary, secondary, or tertiary educational institution attended by the applicant within the last 10 years <input type="checkbox"/> Records of a professional or trade association of which the applicant is a member	= _____	
<b>Total Identification Points</b>	= _____	
Name of Officer: <i>(Please Print)</i>	Signature:	Date:

# CRIMINAL RECORD CHECK REQUEST FORM

(Asterisk (\*) denotes a mandatory field)

## Instructions for completing this form

Please ensure you:

- Write in ink and use **BLOCK** letters
- Complete all the sections of the form that apply to you
- Sign and date the form
- Do not alter or delete the wording of the form in any way



## NSW Businesslink Use Only

Officer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Is the form complete?  Yes  No

Date Received: \_\_\_\_\_

Date Entered: \_\_\_\_\_

### Applicant Personal Information (NOTE: Please PRINT CLEARLY)

\*Surname

\*Given Name(s)

\*Sex:

Male

Female

Previous Name(s): If applicable

\*Date of Birth:

\*Place of Birth: (County and Town)

\*Preferred Phone Number:

Passport Number: (If applicable)

Passport Country:

Driver's Licence Number: (State/  
Territory of Licence is also required)

### \*Permanent Residential Address over the last 5 years (Please start with your current address)

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

If actual dates are unavailable, details of year residence will suffice.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

### \*Requesting Officer Use Only (NOTE: Please PRINT CLEARLY)

\*Name of Requesting Officer:

\*Name of Agency:

\*Region/Division:

\*Contact Phone Number:

\*Description of the Position Applicant has applied for:

\*Is the Criminal Record Check required for the purpose of pre-employment screening of the applicant?

Yes  No

\*In what capacity is the applicant being employed?

NOTE: A Volunteer Criminal Records Check is defined where  
a. The employment provides no remuneration to the Applicant for work undertaken except out-of-pocket expenses; and  
b. The work undertaken fulfils a charity or community service/ good.

Paid  Volunteer

\*Have you verified the identity of the applicant required by the 100-point check

Yes  No

\*Please PRINT where the result should be returned to: NOTE: Email preferable

\*Signature of Officer: \_\_\_\_\_ Date: \_\_\_\_\_