

NATIONAL POLICE CHECKING SERVICE 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 Agency 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 Agency Name>>.

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 services¹ 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 for onward transmission to <<insert Agency Name>>; and/or
- b) accessing their records to obtain criminal history information that in turn will be disclosed to Businesslink for onward transmission to <<insert Agency Name>>

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

New South Wales

In New South Wales the Criminal Records Act 1991 (NSW) governs the effect of a person’s conviction for a relatively minor offence if the person completes a period of crime-free behaviour, and makes provision with respect to quashed convictions and pardons.

A “quashed” conviction is a conviction that has been set aside by the Court. A “pardon” means a free and absolute pardon that has been granted to a person because he/she was wrongly convicted of a Commonwealth, Territory, State or foreign offence.

In relation to NSW convictions, a conviction generally becomes a “spent conviction” if a person has had a ten year crime-free period from the date of the conviction. However, certain convictions may not become spent convictions, and therefore need to be disclosed in the attached form. These include:

- where a prison sentence of more than six (6) months has been imposed (periodic or home detention is not considered a prison sentence);
- convictions against companies and other corporate bodies;
- sexual offences pursuant to the Criminal Records Act 1991; and
- convictions prescribed by the regulations.

For more information on spent convictions in NSW contact NSW Privacy on phone (02) 9268 5588.

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. Such convictions (widely referred to as “spent” or rehabilitated” convictions) will not be released. 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.

¹ 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.