

POLICE RECORDS CHECK FOR ENTITLEMENTS CONSENT TO OBTAIN PERSONAL INFORMATION FORM

GENERAL INFORMATION

This Form is used by organisations and applicants as part of the assessment process to determine whether a person is suitable for the receipt of an entitlement, including employment and a Designated Security Assessment Position (DSAP) or Position of Trust (POT) which is part of the security clearance process.

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 to receive the entitlement.

POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability for the entitlement sought. On this form you are asked to disclose whether you are the subject of traffic violation(s) or any criminal or traffic charge(s) still pending before a Court, or whether you have been the subject of criminal or traffic conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies (see explanation note under heading *SPENT CONVICTIONS SCHEME*).

This Form may be forwarded by the employing organisation or by you direct to the Australian Federal Police (AFP), and you are asked to consent to:

- (a) the AFP disclosing criminal history information from its own records to the organisation with which you are employed or are seeking employment, and/or insurance company or other public or private organisation from which you are seeking an entitlement, and;
- (b) for the AFP to access the records of any State police and to obtain any criminal or traffic violation history information which in turn would be disclosed to whom you are required to indicate.

As an alternative to completing this Form you may elect to produce a certificate from the Police Force in each State or Territory in which you have lived that provides details, including nil return, of any convictions recorded, or that are pending, against you.

SPENT CONVICTIONS SCHEME

On 30 June 1990, new Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This new law is commonly known as the Spent Conviction Scheme.

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

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing without consent of the individual such convictions.

A spent conviction is a conviction for either 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 child 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 child offenders) waiting period; and;

a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner

The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists. Details of exclusions should be provided to you by the employing organisation before your consent is sought to conduct a criminal history check

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 200 1.

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, for example as a result of a check of police records, that you have provided false or misleading information, you may be assessed as unsuitable to receive the entitlement you seek.

It should be noted that the Australian Federal Police does not assess or adjudge your application but merely provides the tools to the prospective employer to assist them in assessing your suitability as an employee.

You should note that the existence of a record does not mean that you **will** be assessed automatically as being unsuitable to receive an entitlement. Each case will be assessed on its merit hence it is in your interests to provide full and frank details on the form.



POINTS TO NOTE WHEN COMPLETING YOUR APPLICATION

The Australian Federal Police advise all applicants for Character checks they must meet the following requirements in the application.

This Department now requires:-

1. **Photocopy** of Drivers Licence or other document must accompany application.
2. **SELF STAMPED ADDRESSED ENVELOPE TO BE INCLUDED WITH FORM.**
3. Full postal address on the bottom left hand corner of the Personal Particulars side of the form.
4. If there has been a change of names, then previous and current names **MUST** be included on the form, (eg. **MAIDEN, DEFACTO, DEED POLL**, etc).
5. Applicants signature must not be more than 3 months old.
6. Please check the date of birth to see if it is the correct year. Also see that all the necessary details have been completed and that the form is signed.
7. Payment of the required fee in Australian Dollars as calculated below:

\$36 each **NAME CHECK** application.

\$130 for a **FINGERPRINT** application
(where fingerprints taken and processed by the AFP)


\$103 processing a **FINGERPRINT** application
(where fingerprints are supplied by applicant)

8. Cheque or money order made payable to AUSTRALIAN FEDERAL POLICE must be included with **all** applications and posted to:

**AUSTRALIAN FEDERAL POLICE
Criminal History Branch
Locked Bag No. 1
WESTON ACT 2611**

**Failure to meet the required standards will
result in the forms being returned for
amendment.**

For more information please contact

 **(02) 6256 7777**



Australian Federal Police

**Police Records Check
for
Entitlements**

***Consent to obtain personal
information form***