



Inc. in NSW. ABN 63 122 710 534  
P.O. Box 276 Double Bay, N.S.W.1360 Phone : (02) 9327 7555 Fax : (02) 9327 1855 judith@activelocums.com.au

**2014 GP Locum Application Package**  
**@ 14.03.14**

**Forms to Be Completed:**

1. Criminal Record Statutory Declaration
2. People Check People Check National Police Checking Service Application/Consent Form
3. Active Locums Consent Form & Declaration

**Documents to be Included by Locum:**

1. Current CV with contact details of three clinical referees
2. JP certified copies of qualifications or transcripts and specialist qualifications if applicable and proof of CME
3. Medical (AHPRA) registration certificate
4. Medical indemnity certificate
5. Copy of letter from the Office of the Children's Guardian regarding clearance to work with children AND consent form to access WWCC records on the Commission's website and provide clearance proof to facilities locums are intending to work in
6. JP certified 100pt ID (passport, drivers license, visa)
7. CME Points, prescriber and provider numbers, ABN
8. Passport-sized photo (to be used for issue of Active Locums ID pass)

**Office of the Children's Guardian Working with Children Clearance May be Obtained by:**

- Doctor is to log on to Office of the Children's Guardian website ([www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)) and apply for an ID number
- Doctors will go to their local Roads and Maritime Services office to submit 100 point ID, which will then be electronically transmitted to the Commission. There is a cost of \$80 which will cover clearance for 5 years.
- The Office of the Children's Guardian will issue a letter stating the individual is able to work in a child-related position or barred from working in a child-related position.
- Office of the Children's Guardian will continuously monitor all individuals for a 5 year period for any breaches
- Locum doctors will provide Active Locums with consent to access their Working with Children status on the Office of the Children's Guardian website and to provide it to any facility that they are applying to work in.
- Agencies and employers will search the Office of the Children's Guardian website to obtain status of currency for the individual doctor

Please ensure that you or your referees have completed all of the above forms and included all of the above documents before returning this package to Active Locums Pty Ltd



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## CONSENT FORM & DECLARATION

I \_\_\_\_\_ acknowledge that I am a locum doctor registered with Active Locums Pty Ltd.

I declare that:

1/ I have full (unconditional) AHPRA registration to practise medicine in Australia.  
MED \_\_\_\_\_ Renewal date \_\_\_\_\_ .

I am not aware of any investigation into my registration that would compromise my ability to accept work.

I have/have not been investigated by any medical board/council or suspended from duty.

I have not been convicted of a crime that may affect my application to work as a doctor.

I have not had my registration cancelled for any reason and am not subject to any restrictions

If yes, details are: \_\_\_\_\_

I do not have any serious or chronic health problems that will affect my ability to carry out my work as a doctor

2/ I am an Australian citizen and I am legally able to work in Australia – OR **permanent resident/work visa**

3/ I have current Medical Indemnity insurance with \_\_\_\_\_. Category \_\_\_\_\_ .  
Renewal date: \_\_\_\_\_. The insurance effected by me is adequate to cover any liability I may incur in the course of my locum work as a medical practitioner. I **am not** aware of any outstanding medical negligence claims against me. If yes, give details \_\_\_\_\_

4/ I have a current clearance for Working with Children and have supplied this to Active Locums Pty Ltd. My status permits me to work in a child related position **Yes/No**

**OR** I will apply for a Working with Children Clearance and will provide proof of clearance to Active Locums Pty Ltd. I undertake to notify Active Locums Pty Ltd of any change to my status in regard to Working with Children. I give permission for Active Locums Pty Ltd to access and check my Working with Children status on the Office of the Children's Guardian website.

6/ My prescriber number is \_\_\_\_\_ I am eligible to apply for provider number **Yes/No**

My provider number is \_\_\_\_\_

7/ My ABN is \_\_\_\_\_ I am registered to claim GST **Yes/No**

8/ If I am working through a Pty Ltd Company, I agree to provide a copy of current worker's compensation insurance and public liability insurance.

9/ In consideration of Active Locums Pty Limited agreeing to try and place me in a position, I agree to indemnify Active Locums Pty Limited and its directors, employees and representatives, against any claim made against any of them relating to medical negligence, dishonesty or otherwise which may arise in connection with any engagement or employment I may accept which is arranged by Active Locums Pty Limited.

10/ I understand Active Locums Pty Ltd has no responsibility to employ or pay me. I will either be employed by a Local Health District or will work as an independent contractor, issuing a tax invoice to the employer/host client through

my own ABN or entity.

- 11/ I undertake to work to the best of my ability, with due diligence, punctuality, honesty, courtesy and care.  
I undertake to dress and behave appropriately.  
I undertake not to attend work impaired by the effects of alcohol or drugs.  
I undertake to notify Active Locums Pty Ltd as soon as possible if an adverse event or situation occurs which could result in any disciplinary or legal action or compromise the status of my medical registration.  
I undertake to notify Active Locums as soon as practicable about my inability to work a confirmed shift.  
I have no objection to Active Locums Pty Ltd obtaining regular performance appraisal feedback reports from the employing organisation for quality control purposes.  
I understand my employment could be terminated if my work or attitude is deemed to be unsatisfactory by the employer or if my Medical Registration/Medical Indemnity is altered or compromised in any way.
- 12/ I am prepared to undergo mandatory National Criminal Record Checking and agree to notify Active Locums Pty Ltd if I am charged or convicted of any offences. I consent to Active Locums Pty Ltd providing copies of National Criminal Record Clearance and WWCC Clearance Number to prospective employers for the purposes of obtaining work. **Duty to report certain criminal conduct and disciplinary matters – a doctor who is charged with having committed, or is convicted of, a serious sex or violence offence must, within 7 days of the charge being laid or conviction, report that fact in writing to the chief executive of the relevant organisation/Active Locums Pty Ltd.**
- 13/ I consent to Active Locums Pty Ltd undertaking regular clinical reference checks with my referees as nominated.
- 14/ I consent to Active Locums Pty Ltd providing copies of my CV, AHPRA Registration, Medical Indemnity, references and proof of identification and any other documentation required to any prospective employer for the purposes of obtaining work.

**FOR HOSPITAL DOCTORS ONLY** (*Doctors undertaking only GP work can strike this section out*)

- 15/ Please initial each point below to acknowledge awareness and agreement of these mandatory requirements from NSW Health
- I have accessed and read all required NSW Health Policies needed to sign the NSW Health Policy Sign Off Sheet (Form 10) from Active Locums.
  - I have read and understand the NSW Secondary Employment Policy and agree to abide by it.
  - If I have supplied Secondary Employment approval in writing I confirm there are no potential conflicts of interests, OH&S or service delivery risks which could arise as a result of secondary employment as a locum doctor
  - I have been supplied with a position description.
  - I have already undertaken or am prepared to undergo.
    - (1) **Electronic Medical Orientation (EMO) training**
    - (2) **DETECT Between the Flags training**
    - (3) **Training modules in:**
      - **Code of Conduct training, Privacy, Child protection, Handling hazardous manual tasks, Work Health and Safety, Fire and Evacuation and any other training modules as directed by NSW Health facilities from time to time**
  - I am aware of and agree to abide by OH & S legislation on manual handling.
  - I have received and completed the Employment Screening Questionnaire and Declaration and have provided vaccination serology. Locum medical officers who decline immunisation must sign a Statutory Declaration to this effect
  - I am aware I may be required to supervise junior medical officers.
  - I am aware I am required to perform my engagement in accordance with the direction of the customer.
    - The Local Health District where I am employed is aware of my intention to undertake locum work. They have supplied written consent and have no objection provided that it does not raise any work performance issues.
  - I am not aware of any reason that would disqualify me from accepting locum work for NSW Health.
  - I am mentally, physically and professionally able to perform my duties as a medical officer.
  - I am aware of the need to comply with safe working hours guidelines and preventing and managing work related fatigue (GL2007\_023) and the need to take minimum break periods, including taking a break before commencing an engagement in any NSW public hospital.
  - I am aware that prior to commencing work for NSW Health, an internal service check will be conducted.
  - I will/have provided 3 recent references to Active Locums to confirm my competency for the positions applied for.

SIGNED \_\_\_\_\_ IN SYDNEY ON \_\_\_\_\_

# APPENDIX F – Criminal Record Statutory Declaration - Australia

	Document ID: Form 12
	Version: V5
	Modified Date: May 2013

## Criminal Record Statutory Declaration - Australia

To be completed by the Locum Medical Officer, where applicable

(1) Here insert name, address and occupation of person making the declaration.

I, ..... do solemnly and sincerely declare that I do not have any criminal convictions/pending charges in my country of origin or any country which I have resided in and/or visited prior to entering Australia.

(2) Signature of person making the declaration.

I make this solemn declaration by virtue of the **Statutory Declarations Act 1959** as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(2)

.....

Declared at

On , before me,

(3)

(3) Signature of person before whom the declaration is made.

.....

(4) Here insert title of person before whom the declaration is made.

(4)

.....

NOTE 1.-A person who wilfully makes a false statement in a statutory declaration under the Statutory Declarations Act 1959 as amended is guilty of an offence against that Act, the punishment making a false statement is 4 years imprisonment.

NOTE 2.-A statutory declaration under the Statutory Declarations Act 1959 as amended may be made only before a Chief, Police, Resident or Special Magistrate; Stipendiary Magistrate or any Magistrate in respect of whose office an annual salary is payable; a Justice of the Peace; a person authorised under any law in force in Australia to take affidavits; a person appointed under the Statutory Declarations Act 1959 as amended or under a State Act to be a Commissioner for Declarations; a person appointed as a Commissioner for Declarations under the Statutory Declarations Act 1959, or under that Act as amended, and holding office immediately before the commencement of the Statutory Declarations Act 1959; a Notary Public; a person before whom a statutory declaration may be made under the law of the State in which a declaration is made; or a person appointed to hold, or act in, the office in a country or place outside Australia or the Australian Consul-General, Consul, Vice-Consul, Trade Commissioner, Consular Agent, Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Charge d'Affaires, or Counsellor, Secretary or Attaché' at an Embassy, High Commissioner's office, Legation or other post.

**This form to be completed by the Locum Medical Officer and retained by the medical locum agency**

**NATIONAL POLICE CHECKING SERVICE (NPCS)**  
**APPLICATION/CONSENT FORM**  
 (INDIVIDUALS SERVICED BY BROKER)

**SECTION 1: PERSONAL INFORMATION** - Use **BLOCK LETTERS** and **black ink** to complete this form. Mark check boxes with an (X)

**Names by which I am, or ever have been, known including Alias (A), name change by Marriage (M) or previous name, change by Deed Poll (P)** If more room is required, list on separate sheet, sign and send the sheet with this application form. Additional sheet included  Yes  No

<b>Surname</b> (Primary)	<input type="text"/>	<b>Given Names</b> (Primary)	<input type="text"/>
<b>Surname</b> ○ A ○ M ○ P	<input type="text"/>	<b>Given Names</b>	<input type="text"/>
<b>Surname</b> ○ A ○ M ○ P	<input type="text"/>	<b>Given Names</b>	<input type="text"/>
<b>Gender</b>	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Unknown/ Other
		<b>Date of Birth</b> (dd/mm/yyyy)	<input type="text"/>

**Place of Birth**

<b>Suburb/Town</b>	<input type="text"/>	<b>State/Territory</b>	<input type="text"/>
<b>Country</b>	<input type="text"/>		

**Contact Details**

<b>Phone</b>	<input type="text"/>	Home	<input type="text"/>	Work	<input type="text"/>	Mobile
<b>Email</b>	<input type="text"/>					

**Other Details**

<b>Australian Driver's Licence No</b>	<input type="text"/>	<b>Issued By</b>	<input type="text"/>
<b>Firearms Licence No</b>	<input type="text"/>	<b>State/Territory</b>	<input type="text"/>
<b>Passport No</b>	<input type="text"/>	<b>Passport Country</b>	<input type="text"/>
<b>Passport Type</b>	<input type="checkbox"/> Government <input type="checkbox"/> UN Refugee <input type="checkbox"/> Private		

**Permanent Residential Address Over Last Five Years**

If more room is required, list on separate sheet, sign and send the sheet with this application form. Additional sheet included?  Yes  No

If full details of previous addresses are unavailable, details of town(s) and state(s)/territory(ies) of residence will suffice.	If actual dates are unavailable, details of year of residence will suffice
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Current	Period of residence
<b>No/Street</b> <input type="text"/>	<input type="text"/> to <input type="text"/>
<b>Suburb</b> <input type="text"/> <b>State/Territory</b> <input type="text"/> <b>P'code</b> <input type="text"/>	<b>Country</b> <input type="text"/>

Previous (if applicable)	
<b>No/Street</b> <input type="text"/>	<input type="text"/> to <input type="text"/>
<b>Suburb</b> <input type="text"/> <b>State/Territory</b> <input type="text"/> <b>P'code</b> <input type="text"/>	<b>Country</b> <input type="text"/>

Previous (if applicable)	
<b>No/Street</b> <input type="text"/>	<input type="text"/> to <input type="text"/>
<b>Suburb</b> <input type="text"/> <b>State/Territory</b> <input type="text"/> <b>P'code</b> <input type="text"/>	<b>Country</b> <input type="text"/>

**SECTION 2: PROOF OF IDENTITY ( 100-POINT CHECK)**

**Important:** Should the Accredited Agency apply a more rigorous proof of identity check by choosing to exceed the 100 points requirement, please refer to your information pack/instructions before continuing.

When applying for a national police history check you must provide proof of your identity with your application. You will be asked to provide personal identity documents that add up to a minimum of 100 points. The combination of documents supplied should, as a minimum, evidence your full name and date of birth. All documents must be originals or certified true copies. A certified copy means a document that has been certified as a true copy of an original by a person listed in Schedule 2 of the *Statutory Declarations Regulations 1993* (Cth) and is available from <http://www.comlaw.gov.au> by searching for "Statutory Declarations Regulations 1993". Documents must be selected from the list below.

**Change of Name**

If the name you use to apply for a national police history check is different from that shown on any of your personal identity documents, you must provide evidence of the name change, e.g. Marriage or Change of Name Certificate issued by a State or Territory Registry of Births, Deaths and Marriages and Divorce papers issued by the Family Court. These documents must be originals or certified true copies and DO NOT count towards the 100-points. If you use a change of name document you must provide in Section 1 the other names you have used.

Document Type	Document 100 points must include ONE Primary Document, or at least ONE Secondary Document which must contain a photograph	Points Value	Points Scored
Only one form of identification accepted from this category	<b>PRIMARY</b> <ul style="list-style-type: none"> <li>Birth Certificate/Birth Extract</li> <li>Australian Passport (Current, or expired within the previous two years, but not cancelled)</li> <li>Australian Citizenship Certificate</li> <li>International Passport (Current, or expired within the previous two years, but not cancelled)</li> <li>Other document of identity having same characteristics as a passport e.g. diplomatic/refugee (Photo or Signature)</li> </ul>	70	<input type="text"/>
Your initial Secondary Documents will score 40 points, any additional documents will be awarded 25 points each	<b>SECONDARY</b> <ul style="list-style-type: none"> <li>Current Licence or Permit (Government Issued)</li> <li>Working With Children/Teachers Registration Card</li> <li>ASIC/MSIC Card</li> <li>Public Employee Photo ID Card (Government Issued)</li> <li>Department of Veterans' Affairs Card</li> <li>Centrelink Pensioner Concession Card or Health Care Card</li> <li>Current Tertiary Education Institution Photo ID</li> <li>Reference from a Doctor (must have known the applicant for a period of at least 12 months)</li> </ul>	40 or 25	<input type="text"/>
	<ul style="list-style-type: none"> <li>Foreign/International Driver's Licence</li> <li>Proof of Age Card (Government Issued)</li> <li>Medicare Card/Private Health Care Card</li> <li>Council Rates Notice</li> <li>Property Lease/Rental Agreement</li> <li>Property Insurance Papers</li> <li>Tax Declaration</li> <li>Superannuation Statement</li> <li>Seniors Card</li> <li>Electoral Roll Registration</li> <li>Motor Vehicle Registration or Insurance Documents</li> <li>Professional or Trade Association Card</li> </ul>	25	<input type="text"/>
If you wish to use more than one of these documents they must be from different organisations	<ul style="list-style-type: none"> <li>Utility Bills (e.g. Telephone, Gas, Electricity, Water)</li> <li>Credit/Debit Card</li> <li>Bank Statement/Passbook</li> </ul>	25	<input type="text"/>

**NATIONAL POLICE CHECKING SERVICE (NPCS)**  
**APPLICATION/CONSENT FORM**  
 (INDIVIDUALS SERVICED BY BROKER)

SPECIAL PROVISIONS ONLY TO BE USED IF 100 POINT CHECK ABOVE CANNOT BE MET			
The full 100 point check is required when the applicant has been in Australia for longer than 6 weeks	For recent arrivals in Australia (6 weeks or less – proof of arrival date required) current passport	100	<input type="checkbox"/>
Aboriginal person or Torres Strait Islander resident in a remote area/ community	Identity of applicant ordinarily resident in an isolated area verified by <b>TWO</b> persons recognised as ' <b>Community Leaders</b> ' of the community to which the applicant belongs	100	<input type="checkbox"/>
Child Under 18	<ul style="list-style-type: none"> <li>• Birth Certificate/Birth Extract</li> <li>• Australian Passport (current, or expired within the previous two years, but not cancelled)</li> <li>• Australian Citizenship Certificate</li> <li>• International Passport (current, or expired within the previous two years, but not cancelled)</li> <li>• Other document of identity having same characteristics as a passport eg. diplomatic/refugee (Photo or Signature)</li> </ul> <p><b>Or</b></p> Statement from an educational institution, signed by the principal or deputy principal, confirming that the child attends the institution (statement must be on the institution's letterhead)	100	<input type="checkbox"/>

TOTAL POINTS			
Points must equal or exceed a total of 100	<b>Total Points Scored:</b>		<input type="checkbox"/>

**VERIFICATION - (ACCREDITED AGENCY'S OFFICE USE ONLY)**  
 I declare that I have sighted and confirmed the applicant's original or certified true copy personal identity documents and that verification has been achieved using the 100 point check. I am satisfied as to the correctness of the applicant's identity.

Signature of authorised checking officer: ..... Date: <input type="text"/>	Printed name of authorised checking officer: <input type="text"/>
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**SECTION 3: ACCREDITED AGENCY DETAILS**

Accredited Agency (Legal Name)	<input type="text" value="PEOPLE CHECK PTY LTD"/>
ABN	<input type="text" value="121 076 444"/>

**SECTION 4: AUTHORISATION TO DISCLOSE PERSONAL INFORMATION**

Is the result of the national police history check to be forwarded/disclosed only to the accredited agency named in Section 3 above?  Yes  No  
 If No: I authorise the result of the national police history check to be forwarded/disclosed to the following employer/organisation to assess my suitability:

Employer/Organisation (Legal Name)	<input type="text" value="ACTIVE LOCUMS PTY LTD and THEIR CLIENT"/>
ABN	<input type="text" value="63 122 710 534"/>

**SECTION 5: PURPOSE OF THE NATIONAL POLICE HISTORY CHECK**

Provide details of relevant position/entitlement, place of work and whether you have contact with vulnerable groups. e.g. Client Services Officer in a call centre, Janitor at a school, Nurse in an aged care facility with direct care of disabled & aged persons or Flight Attendant with direct care of children).

Position/Occupation or Entitlement	<input type="text" value="INCLUDES VULNERABLE PERSONS - PARTIAL EXCLUSION - WORKING WITH CHILDREN, THE AGED AND/OR DISABLED PERSONS"/>
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# NATIONAL POLICE CHECKING SERVICE (NPCS) APPLICATION/CONSENT FORM (INDIVIDUALS SERVICED BY BROKER)

## SECTION 6: GENERAL INFORMATION

### GENERAL INFORMATION

This Form is used as part of the assessment process to determine whether a person is suitable for employment or other engagement for work or other entitlements.

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.

### NATIONAL POLICE HISTORY CHECK

A national police history check is an integral part of the assessment of your suitability.

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, so it is in your interest to provide full and frank details in the Form.

Information extracted from this Form will be forwarded to the CrimTrac Agency and other Australian police agencies<sup>1</sup> for checking action. By signing this Form you are consenting to these agencies accessing their records to obtain and disclose police history information that relates to you to:

- the Accredited Agency named in Section 3 above; and
- where applicable the employer/organisation named in Section 4 above.

Police 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

The following information is provided as general guidance and is not exhaustive.

The aim of Spent Convictions legislation<sup>2</sup> is to prevent discrimination on the basis of certain previous convictions. Spent convictions legislation limits the use and disclosure of older, less serious convictions and findings of guilt.

Spent convictions of specific offences will be released where the check is required for certain purposes regardless of how old the convictions are.

Each Australian police agency will apply the relevant Spent Convictions legislation/information release policy prior to disclosure.

If further information or clarification is required please contact the individual police agencies directly for further information about their release policies and any legislation that affects them.

#### Commonwealth

Part VIIC of the *Crimes Act 1914* (Cth) deals with aspects of the collection, use and disclosure of old conviction information. The main element of this law is a "Spent Convictions Scheme". The aim of the Scheme is to prevent discrimination on the basis of certain previous convictions, once a waiting period (usually 10 years) has passed and provided the individual has not re-offended during this period. The Scheme also covers situations where an individual has had a conviction "quashed" or has been "pardoned".

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

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

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

<sup>2</sup> Applicable Spent Convictions legislation, as amended from time to time.

The law affects Commonwealth authorities in the following ways:

- a person with a conviction protected by Part VIIC does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies;
- Commonwealth authorities are prohibited from accessing, disclosing or taking into account spent convictions of Commonwealth offences.

Part VIIC and *Crimes Regulations 1990* (Cth) provide for "statutory" or "regulatory" exclusions that will prevent certain Commonwealth convictions from being spent in certain circumstances.

#### 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 10-year crime-free period from the date of the conviction. However, certain convictions may not become spent. These include:

- where a prison sentence of more than 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.

#### Queensland

Under the *Criminal Law (Rehabilitation of Offenders) Act 1986* (Qld) a conviction automatically becomes spent upon completion of the prescribed (rehabilitation) period. This period is:

- 10 years for convictions of indictable offences where the offender was an adult at the time of conviction; and
- 5 years for other convictions (summary offences or where the offender was a juvenile).

Where a person is convicted of a subsequent offence (an offence other than a simple or regulatory offence) during the rehabilitation period, the period runs from the date of the subsequent conviction.

Convictions where the offender is sentenced to more than 30 months imprisonment (whether or not that sentence is suspended) are excluded from the regime.

Once the rehabilitation period has expired, it is lawful for a person to deny (including under oath) that the person has been convicted of the offence, and the conviction must be disregarded for occupational licensing purposes (subject to certain exceptions, see below). It is unlawful for any person to disclose the conviction unless:

- the convicted person consents;
- the Minister has granted a permit authorising disclosure (where there is a legitimate and sufficient purpose for disclosing);
- the disclosure is subject to an exemption.

#### South Australia

Release of information on a National Police Check is governed by the *Spent Convictions Act 2009* (SA). It is an offence to release information regarding the convictions of a person if those convictions are deemed to be 'spent' under the Act.

A spent conviction is one that cannot be disclosed or taken into consideration for any purpose. Eligible convictions become spent following a 10-year conviction and proven offence-free period for adults, and a 5-year conviction and proven offence-free period for juveniles.

The Act defines a conviction as:

- a formal finding of guilt by a Court;
- a finding by a Court that an offence has been proved.

Certain convictions can never be spent. These include but are not limited to:

- convictions of sex offences;
- convictions where a sentence is imposed of more than 12 months imprisonment for an adult, or 24 months imprisonment for a juvenile.



# NATIONAL POLICE CHECKING SERVICE (NPCS)

## APPLICATION/CONSENT FORM

(INDIVIDUALS SERVICED BY BROKER)

### SECTION 6: GENERAL INFORMATION (cont)

#### South Australia (cont.)

Schedule 1 of the Act sets out a number of exceptions to the rule where spent convictions can be released. Some examples of this include:

- the care of children;
- the care of vulnerable people (including the aged and persons with a disability, illness or impairment);
- activities associated with statutory character tests for licensing.

Interstate offences are released in accordance with that State or Territory's spent conviction / rehabilitation legislation and policy. Intelligence-type information is not released.

#### 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 the Victoria Police "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 10 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 10 years may be released if:

- it includes a term of imprisonment longer than 30 months;
- it includes a serious, violent or sexual offence and the check is for the purpose of working with children, elderly people or disabled people;
- 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.

#### Western Australia

Under Section 7(1) of the *Spent Convictions Act 1988* (WA) only "lesser convictions" can be spent by Western Australia Police, after a time period of 10 years plus any term of imprisonment that may have been imposed. A lesser conviction is one for which imprisonment of 12 months or less, or a fine of less than \$15,000 was imposed.

All other convictions, such as "serious convictions" applicable under Section 6 of the Act can only be spent by applying to the District Court. At the time of sentencing, the Court may make a "spent conviction order" under the *Sentencing Act 1995* (WA) that the conviction is a spent conviction for the purposes of the *Spent Convictions Act 1988* (WA).

#### Northern Territory

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

The period starts on completion of any sentence of imprisonment. A subsequent traffic conviction is only taken into account for prior traffic offences (except more serious traffic offences which cause injury or death).

Once a conviction becomes spent:

- a person is not required to disclose the existence of the conviction;
- questions relating to convictions and a person's criminal record will be taken only to apply to unspent convictions;
- it is unlawful for another person to disclose the existence of a spent conviction except as authorised by the Act;
- spent convictions are not to be taken account in making decisions about the convicted person's character or fitness.

#### Australian Capital Territory

Generally, under the *Spent Convictions Act 2000* (ACT), a conviction becomes spent automatically at the completion of the prescribed (crime-free) period. This period is:

- 10 years for convictions recorded as an adult; or
- 5 years for convictions recorded as a juvenile.

The period begins to run from the date a sentence of imprisonment is completed, or, where no sentence of imprisonment is imposed, from the date of conviction. A person must not be subject to a control order or convicted of an offence punishable by imprisonment during this period. If a person is convicted of an offence, which was committed in the crime-free period, but the conviction is not incurred until after the crime-free period, the spent conviction may be revived and will not become spent again until the offender has achieved the relevant crime-free period in respect of the later offence.

The effect of conviction becoming spent is that:

- the convicted person is not required to disclose any information concerning the spent conviction;
- any question concerning criminal history is taken only to apply to unspent convictions;
- references in Acts or statutory instruments to convictions or character or fitness does not include spent convictions, and it is an offence to disclose information regarding spent convictions;
- it is unlawful for a person who has access to a person's criminal record held by a public authority to disclose a spent conviction;
- it is unlawful for a person to fraudulently or dishonestly obtain information about a spent conviction from records kept by a public authority.

#### Tasmania

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.

A person is taken to be of good behaviour for the required period if, during that period, he or she is not convicted of an offence punishable by a term of imprisonment. If the person is so convicted, the qualifying period (for the original offence) starts to run from the date of the subsequent conviction. A subsequent traffic conviction is only taken into account for prior traffic offences (except more serious traffic offences which cause injury or death).

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.

Once an offence is annulled the convicted person is not required to disclose any information concerning the spent conviction. Any question concerning criminal history is taken only to apply to unspent convictions, and references in Acts or statutory instruments to convictions or character or fitness do not include spent convictions. An annulled conviction or the non-disclosure of the annulled conviction is not grounds for refusing the person any appointment, post, status or privilege or revoking any appointment, post, status or privilege.

- a person is not required to disclose the existence of the conviction;
- questions relating to convictions and a person's criminal record will be taken only to apply to unspent convictions;
- it is unlawful for another person to disclose the existence of a spent conviction except as authorised by the Act;
- spent convictions are not to be taken account in making decisions about the convicted person's character or fitness.

#### 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.

It is a serious offence to provide false or misleading information.

**NATIONAL POLICE CHECKING SERVICE (NPCS)**  
**APPLICATION/CONSENT FORM**  
 (INDIVIDUALS SERVICED BY BROKER)

**SECTION 7: CONSENT TO OBTAIN PERSONAL INFORMATION**

**National Police History Check**

(BLOCK LETTERS and in BLACK INK)

I,   hereby:  
 Family Name (Primary) Given Names (Primary)

1. acknowledge that I have read the General 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 national police history check for which I am applying may be in a category for which exclusions from Spent Convictions legislation apply;
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. acknowledge that the provision of false or misleading information is a serious offence;
5. acknowledge that the Accredited Agency named in Section 3 above is collecting information in this Form to provide to the CrimTrac Agency (an Agency of the Commonwealth of Australia) and the Australian police agencies;
6. consent to:
  - (i) the CrimTrac Agency disclosing personal information about me to the Australian police agencies;
  - (ii) the Australian police agencies 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 agency concerned;
  - (iii) the CrimTrac Agency providing the information disclosed by the Australian police agencies to the Accredited Agency named in Section 3 above, in accordance with the laws of the Commonwealth; and
  - (iv) where applicable, the Accredited Agency named in Section 3 above disclosing to the employer/organisation named in Section 4 above personal information about me to assess my suitability in relation to my employment/entitlement; and
7. acknowledge that any information provided by me on this Form, relates specifically to the purpose identified in Section 5 above;
8. acknowledge that any information provided by the Australian police agencies or the CrimTrac Agency, relates specifically to the purpose identified in Section 5 above;
9. acknowledge that personal information that I provide in this Form may be disclosed to the Accredited Agency named in Section 3 above (including contractors or related bodies corporate) located in Australia or overseas for administrative purposes; and
10. acknowledge that it is usual practice for an applicant's personal information to be disclosed to Australian police agencies for them to use for their respective law enforcement purposes including the investigation of any outstanding criminal offences.

**Note: The information you provide on this Form, and which the CrimTrac Agency provides to the Accredited Agency named in Section 3 above, on receipt of the Form, will be used only for the purpose stated above unless statutory obligations require otherwise.**

Applicant's Signature ..... Date

**Parent/Guardian Consent** - If you are under 18 years of age provide consent below from a parent /guardian.

Parent/Guardian Signature ..... Date

Parent/Guardian name printed in full