



NSW RURAL FIRE SERVICE Membership Application Form

Thank you for considering becoming a member of the NSW Rural Fire Service.

NSW RFS is the largest volunteer fire service in the world and has a proud history of volunteering for more than 100 years.

This application form is the first step in the process of becoming part of the Service. After completing all the essential information on the application form please submit the form at your local brigade or fire control centre.

You will be contacted for an interview where you can discuss what volunteering involves and learn more about the NSW RFS.

If you are over 16 years of age you will also need to complete the National Police Checking Service Application/Consent form. This means you are consenting to the Service undertaking a criminal history record check. The Service will protect your privacy in dealing with such information.

If your application is successful, the Service advises you by way of a letter. This letter is sent to you and you should pass this to the relevant brigade Captain.

If your application is unsuccessful you will also be advised of this in writing.



All sections of this form are compulsory and must be completed except for Section 7 – Information for Statistical Purposes

Section 1: Type of Application: (please select)

Office Use Only
Member No. _____

<input type="checkbox"/> New Member	Brigade you wish to join:	<input type="text"/>		
<input type="checkbox"/> Junior/Cadet Member (12 to 16 yrs)	Brigade you wish to join:	<input type="text"/>		
<input type="checkbox"/> Community Fire Unit (CFU)	Brigade you wish to join:	<input type="text"/>		
<input type="checkbox"/> Junior/Cadet to 16yr+ Member	Existing Brigade:	<input type="text"/>		
	New Brigade (if applicable):	<input type="text"/>		
<input type="checkbox"/> Rejoining Member	Former Brigade:	<input type="text"/>	New Brigade:	<input type="text"/>
<input type="checkbox"/> Transferring Member	From Brigade:	<input type="text"/>	To Brigade:	<input type="text"/>
<input type="checkbox"/> Dual Member	Existing Brigade:	<input type="text"/>	Additional Brigade:	<input type="text"/>

Section 2: Personal Details

Gender: Male Female Date of Birth:

Title: Given Name(s): Surname:

Address: Suburb:

State: Postcode: Email address:

Home No: Work No: Mobile No:

Section 3: Emergency Contact Details

Name of Contact: Relationship to Applicant:

Phone: (Business Hours) Phone: (After Hours) Mobile No:

Section 4: Medical Information

Are you aware of any medical condition that could adversely affect your safety or the safety of others while participating in NSW RFS activities including emergency operations?

Yes

No

If you answer yes to this section, please provide details.

Section 5: Child Related Activities

Have you ever had any reportable conduct as defined in section 33 of the *Commission for Children and Young People Act 1998* (NSW) referred to the Commissioner for Children and Young People (CCYP)?

Yes

No

Reportable conduct means:

- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child, or
- (aa1) any offence or misconduct involving child abuse material (within the meaning of Division 15A of Part 3 of the [Crimes Act 1900](#)), or
- (a1) any child pornography offence or misconduct involving child pornography, or
- (a2) any child-related personal violence offence (within the meaning of Division 2), or
- (a3) an offence under section 91J, 91K, 91L or 91M of the [Crimes Act 1900](#) committed against, with or in the presence of a child, or
- (a4) an offence that was reportable conduct at the time that it was committed, or
- (b) any assault, ill-treatment or neglect of a child, or
- (c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- (a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which Part 3A of the [Ombudsman Act 1974](#) applies and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- (c) conduct of a class or kind that is exempted from being reportable conduct by the guidelines under section 35.

If you answered yes to this section, please provide details.

Section 6: Rural Fire Service Association (RFSA)

If you **do not** want to become a member of the NSW Rural Fire Service Association please cross this box

(If you do not tick this box, your name, address and telephone number will be disclosed to the RFSA). For more information please visit: www.rfsa.org.au

Section 7: Information for Statistical Purposes (Completion of this section is voluntary)

<p>Are you: Aboriginal? Torres Strait Islander? Both?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you from a racial, ethnic or migrant background? If yes: a. Where were you born? b. Where were your parents born? c. What language/s do you speak at home? d. What cultural group/s do you identify with?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>a. <input type="text"/> b. <input type="text"/> c. <input type="text"/> d. <input type="text"/></p>
<p>Are you a person with a disability? You should answer 'yes' if you have any one or more of the limitations or restrictions listed below:</p> <ul style="list-style-type: none"> • A long term medical condition or ailment • Disfigurement or deformity • Speech difficulties in your native language • A psychiatric condition • Head injury, stroke or any other brain damage • Loss of sight or hearing • Incomplete use of any part of your body • Restriction in physical activities or physical work • Blackouts, fits or loss of consciousness 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you a member of another volunteer organisation? If yes, please state the type of volunteer organisation.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Emergency Service <input type="checkbox"/> Arts / Heritage <input type="checkbox"/> Sport and physical recreation <input type="checkbox"/> Religious <input type="checkbox"/> Welfare / community <input type="checkbox"/> Education and Training <input type="checkbox"/> Parenting, Children and Youth <input type="checkbox"/> Other</p>

Section 8: Applicant Declaration:

I, _____,
Family Name (current) Given Name (current)

1. Understand that (for applicants 16 years of age and over) part of my application for volunteer membership with the NSW RFS includes the completion of a National Police Checking Service (NPCS) Application/Consent Form.
2. Acknowledge that I have read the Spent Convictions Schemes section of the NPCS Information sheet and understand that Spent Convictions legislation (however described) in the Commonwealth and many States and Territories protects "spent convictions" from disclosure, except in certain circumstances (for example sexual offences) or when a partial exclusion is obtained, such as that obtained by the NSW RFS in relation to offences concerning arson or attempted arson (Section 15(2) *Criminal Records Act 1991* (NSW)).
3. Consent to the NSW RFS conducting a disciplinary record check pertaining to my past and /or current membership or employment within NSW RFS, and if relevant, with other emergency services.
4. Acknowledge that any information provided by me on this application form, or the National Police Checking Service (NPCS) Application/Consent Form, or by the Australian police services or other emergency services, may be taken into account by the NSW RFS in assessing my application for and ongoing membership of the NSW RFS, including, but not limited to, whether my membership should be terminated.
5. Have read and agree to abide by the conditions of the NSW RFS Service Standard 1.1.7 Code of Conduct and Ethics, available on the NSW RFS website (www.rfs.nsw.gov.au) under Publications - Law and Policy - Service Standards & Policies, or from your local brigade or Fire Control Centre.
6. Acknowledge and agree to my personal information, which is collected by the NSW RFS at the time I apply for membership using this form or when I provide updated information, being used to assess my application. If my application is successful, my personal information (including medical information) may be disclosed to District Office staff, and group and brigade officers for operational and statistical purposes. My name, address and telephone details may also be disclosed to other members of the NSW Rural Fire Service.
7. Consent to the information contained in this application being stored in the brigade register, in the NSW Rural Fire Service's Membership Record Keeping system. I am aware that District Office staff and group and brigade officers have access to these records. I am aware that all persons with access to my information must comply with Service Standard 1.1.14 Personal Information and Privacy. I understand any information received from NPCS pertaining to me will be retained by the NSW RFS for a period of three (3) months.
8. Acknowledge that I am not required to provide any personal information, however, if I choose not to provide the information required to assess my application, my application will not be processed.
9. I agree to be bound by the Brigade Constitution and to comply with the provisions of the *Rural Fires Act*, *Rural Fires Regulation*, the Service Standards and the directions of officers of the NSW RFS. I understand that contravention of the Act, Regulations or failure to comply with a Service Standard may result in disciplinary action.

Applicant Signature:

Date:

/ /

Note: The information you provide on this, and the NPCS Application/Consent form, and which the CrimTrac Agency provides to the NSW RFS on receipt of the form, will only be used for the purposes stated above unless otherwise required by law.

Section 9: Parental Consent (required for applicants under 18 years of age):

If your child is applying for membership and is 16 to 18 years, by signing this section you are consenting for them to participate in normal brigade activities. Normal brigade activities can include attending fires and other emergencies as well as other approved brigade activities. If you would like more information please contact the brigade captain.

If you do not wish your child to participate in these activities, junior or cadet membership (whichever applicable) should be selected in Section 1.

Parent/Guardian:

Print Name

Signature

Date

Thank you for your application. Please return this form to your local brigade or Fire Control Centre.

All applicants 16 years and over must also complete the National Police Checking Service (NPCS) Application / Consent Form which forms part of this application.

Section 10: Brigade Validation (to be completed by the brigade)

Applicant Name:

Does the brigade have cadets? No Yes. If yes, please consider the information provided in section 5 of the application.

All current and prospective members of cadet brigades must also complete a **Commissioner for Children and Young Persons (CCYP) Volunteer Declaration** form. These forms are accessible directly from CCYP at <https://check.kids.nsw.gov.au/volunteer-declaration.php> or from the Membership Coordination Unit (MCU).

Fire Control Centre – District / Team / Zone:

Brigade SAP No:

Region: North East South West

Section 11: Confirmation of Interview

Date of Interview:

Location:

Panel Member:

Name

Signature

Position

Panel Member:

Name

Signature

Position

Panel Member:

Name

Signature

Position

Interview Comments (optional):

If medical information has been disclosed (refer Section 4 of this application), has due consideration been given by the brigade to this medical condition and can this be accommodated? Not Applicable Yes No

Does the brigade accept the applicant as a probationary member subject to MCU clearance? Yes No

Name:

Signature:

Position:

Section 12: District Validation (to be completed by District Manager)

I verify the information required on this application form and agree to list this person as a probationary member following clearance by the Membership Coordination Unit.

District Manager Name:

Signature:

Please return form to:
NSW Rural Fire Service - Membership Coordination Unit
Reply Paid 67059, GRANVILLE NSW 2142

Phone: 02 8741 5236
Fax: 02 8741 5269
Email: mcu@rfs.nsw.gov.au

MCU use only

Date processed:

Officer:

NATIONAL POLICE CHECKING SERVICE (NPCS)
APPLICATION/CONSENT FORM
 (ACCREDITED AGENCIES - CUSTOMERS)

Please select one box only:

- Are you a potential employee, contractor/consultant or volunteer?
 Are you an existing employee, contractor/consultant or volunteer undertaking a renewal check?

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, name changes by Marriage or Deed Poll)

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

Surname (Current)	<input type="text"/>	Given Names (Current)	<input type="text"/>
Surname	<input type="text"/>	Given Names	<input type="text"/>
Surname	<input type="text"/>	Given Names	<input type="text"/>
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown/ Other	Date of Birth (dd/mm/yyyy)	<input type="text"/>

Place of Birth

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

Contact Details

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

Other Details

Aust. Driver's Licence No	<input type="text"/>	Issued By	<input type="text"/>
Firearms Licence No	<input type="text"/>	State/Territory	<input type="text"/>
Passport No	<input type="text"/>	Passport Country	<input type="text"/>
Passport Type	<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

Current

No/Street	<input type="text"/>		
Suburb	<input type="text"/>	State/Territory	<input type="text"/>
		Postcode	<input type="text"/>

Period of residence

<input type="text"/>	to	<input type="text"/>
----------------------	----	----------------------

Previous (if applicable)

No/Street	<input type="text"/>		
Suburb	<input type="text"/>	State/Territory	<input type="text"/>
		Postcode	<input type="text"/>

<input type="text"/>	to	<input type="text"/>
----------------------	----	----------------------

Previous (if applicable)

No/Street	<input type="text"/>		
Suburb	<input type="text"/>	State/Territory	<input type="text"/>
		Postcode	<input type="text"/>

<input type="text"/>	to	<input type="text"/>
----------------------	----	----------------------

NATIONAL POLICE CHECKING SERVICE (NPCS)
APPLICATION/CONSENT FORM
 (ACCREDITED AGENCIES - CUSTOMERS)

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

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 at least 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. 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.

You must use **ONE**

- Primary Document

OR

- At least **ONE** Secondary Document which **MUST** contain a photograph

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

NATIONAL POLICE CHECKING SERVICE (NPCS)
APPLICATION/CONSENT FORM
 (ACCREDITED AGENCIES - CUSTOMERS)

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 TWO persons recognised as ' Community Leaders ' of the community to which the applicant belongs	100	<input type="checkbox"/>
Child Under 18	<ul style="list-style-type: none"> • Birth Certificate/Birth Extract • Australian Passport (current, or expired within the previous two years, but not cancelled) • Australian Citizenship Certificate • International Passport (current, or expired within the previous two years, but not cancelled) • Other document of identity having same characteristics as a passport eg. diplomatic/refugee (Photo or Signature) Or 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	Total Points Scored:		<input type="checkbox"/>

VERIFICATION - (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="checkbox"/>	Printed name of authorised checking officer: <input type="checkbox"/>
---	--

SECTION 3: ACCREDITED AGENCY DETAILS

Accredited Agency (Legal Name) <input type="checkbox"/>	ABN <input type="checkbox"/>
---	------------------------------

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="checkbox"/>	ABN <input type="checkbox"/>
---	------------------------------

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 aged care facility with direct care of disabled & aged persons or Flight Attendant with direct care of children).

Position/Occupation or Entitlement	<input type="checkbox"/>
------------------------------------	--------------------------

NATIONAL POLICE CHECKING SERVICE (NPCS)
APPLICATION/CONSENT FORM
(ACCREDITED AGENCIES - CUSTOMERS)

SECTION 6: CONSENT TO OBTAIN PERSONAL INFORMATION

National Police History Check

(BLOCK LETTERS and in BLACK INK)

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

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 position/entitlement for which I am being considered may be in a category for which exclusions from Spent Convictions legislation may 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 service 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

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 agencies¹ 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.

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.

SPENT CONVICTIONS SCHEMES

The aim of spent convictions legislation² 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 they 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.

¹ 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.

² Applicable spent conviction legislation, as amended from time to time.

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).

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 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.

GENERAL INFORMATION (cont)

Queensland

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

- 10 years for indictable offences where the offender was an adult at the time of conviction; and
- 5 years for other (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 South Australian Spent Convictions Act 2009. 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.

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 the provisions of 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).

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.