

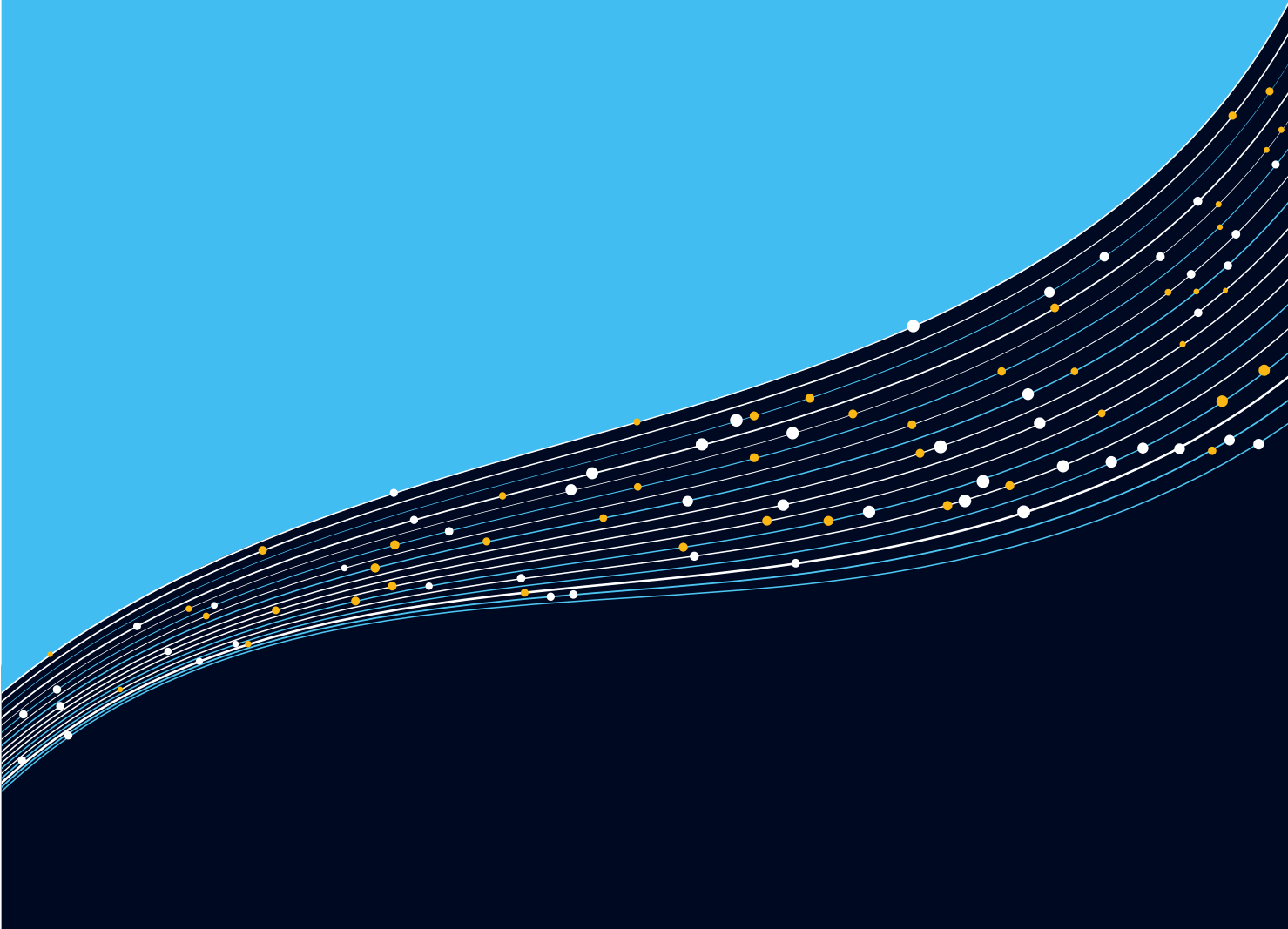


AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

CHARACTER STANDARDS

Organisational Suitability Assessment

FEBRUARY 2024



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INTRODUCTION

The Australian Criminal Intelligence Commission provides mission critical intelligence to combat the threats Australia faces from transnational serious and organised crime. We have an integrated view of crime, made possible through our connected systems and unique capabilities that we use to coordinate decision making with state and territory, Commonwealth and international partners to confront the threats we face.

We share our intelligence at all levels from government to the community. We identify the priorities in tackling transnational serious and organised crime and we support 75,000 frontline officers in crime prevention and day to day operations with access to policing systems, thousands of intelligence reports and millions of background checks.

The ACIC's purpose is to protect Australia from serious criminal threats by collecting, assessing and disseminating intelligence and policing information.

Given our role, powers and access to information, staff employed at the ACIC must meet the highest integrity standards and accountability.

The below character standards reflect the expectations of the ACIC's Chief Executive Officer, that all employees are held to the highest level of integrity, both on and off duty. This standard is the minimum character standards that prospective applicants across all roles must meet, in accordance with the ACIC's pre-employment screening process known as the Organisational Suitability Assessment (OSA).

ASSESSING CHARACTER

To maintain the confidence of the Australian Government, stakeholders and the community, it is essential that all ACIC employees demonstrate the highest standards of integrity and behave in a manner that reflects the Australian Public Service (APS) values, professional standards and integrity requirements.

Our agency holds privileged data which is integral to the Australian law enforcement and intelligence communities. In order to uphold our reputation with external agencies and our ability to share information with these agencies, we require assurance of the suitability and character of staff who access and manage this information.

An assessment of an applicant's character is made, based on available information, in relation to that person's ability to comply with the professional standards of the ACIC and the APS in an official and private capacity.

The overall assessment of an applicant includes consideration of a wide range of characteristics, traits, attributes, skills and abilities, and includes, but is not limited to the following:

Character traits

The below character traits are used to assess whether a prospective employee meets the character standards required by the ACIC to hold a valid security clearance, which is required of all ACIC employees. Applicants are assessed against these character traits as part of the pre-employment screening, and will be required to undergo further assessment against these standards if found suitable:

- honesty
- trustworthiness
- maturity
- tolerance
- resilience
- loyalty.

APS Values

The APS Values articulate the parliament's expectations of public servants in terms of performance and standards of behaviour. The principles of good public administration are embodied in the APS Values. The APS Values require that employees are:

- impartial
- committed to service
- accountable
- respectful
- ethical.

The APS Values are set out in section 10 of the *Public Service Act 1999*.

ACIC values

Our organisational values, guide our behaviours and help us work together towards common goals:

- integrity
- respect
- innovation
- excellence
- courage.

The ACIC values define our culture and are incorporated into recruitment and performance management processes.

ORGANISATIONAL SUITABILITY ASSESSMENT

Before a person can work with the ACIC, they must undergo an OSA which assesses their suitability (from an integrity and character perspective) to work with or for the ACIC. All persons proposed to be engaged as a 'member of staff' of the ACIC in accordance with the definition in section 4 of the *Australian Crime Commission Act 2002* (Cth) (including employees, consultants, secondees, members of Board-established task forces, participants in special ACIC operations/investigations, and appointed legal counsel) are required to complete the process and be found suitable for employment before they are engaged with the agency.

The purpose of the OSA process is to provide a level of assurance as to the honesty, trustworthiness, maturity, tolerance and loyalty of individuals. The assessment of an applicant's character is aided by the applicant's responses, and information provided during the OSA process.

The ACIC's Chief Operating Officer (or their security delegate) is the Decision Maker for the purpose of OSA assessments.

The OSA process is in addition to the requirement that all ACIC staff obtain and maintain a minimum Negative Vetting Level 1 security clearance through the Australian Government Security Vetting Agency (AGSVA).

Disclosure

Within the OSA, applicants must disclose criminal history (spent or otherwise) and any other relevant issues that could impact on the assessment of their character. If an applicant fails to disclose any required information in their application this may result in their application not proceeding, or their security clearance being revoked. While it is open for the Decision Maker to seek further information from applicants, it is important for applicants to give full details of the circumstances of any disclosure, as this will assist the Decision Maker in making their final decision with regard to the application and any exclusion periods that may apply.

Applicants should declare any associations as set out below. Examples include, but are not limited to:

- any person, including a family member, involved in a group or organisation known or perceived to be involved in unlawful or criminal activities
- known criminals
- criminal entities.

The declaration of inappropriate and/or criminal associations in itself will not automatically exclude an application. The Decision Maker will assess each application and declaration on a case by case basis.

Commonwealth Spent Convictions Scheme

The ACIC, as a law enforcement agency, is exempt from provisions within the Commonwealth Spent Convictions Scheme (Part VIIC, Division 3 of the *Crimes Act 1914* (Cth)). As such, an applicant must disclose all convictions, spent or otherwise to the ACIC when seeking employment. In circumstances where an applicant has disclosed a previous conviction (spent or otherwise) the Decision Maker will give due consideration to the applicant's entire application, and will take into consideration the following matters when assessing that person's character:

- date of the offence/s and conviction
- age of the applicant at the time of the offence/s or conduct
- seriousness of offence/s or conduct
- frequency or repeated nature of the offence/s or conduct which indicates a pattern of behaviour in relation to alcohol, drugs, aggression, dishonesty or socially unacceptable behaviour
- applicant's conduct and lifestyle since the offence
- role in which the applicant will perform in the ACIC.

EXCLUSION PERIODS

Criminal, driving and other integrity-related matters may be considered among other checks. The prior history of all applicants will be considered holistically and, on a case-by-case basis. Insufficient and/or

incorrect information supplied by an applicant may result in the termination of an application, or an exclusion period being applied including permanent exclusion of employment with the ACIC.

The Decision Maker may use their discretion when deciding to apply an exclusion period to an application, and may consider the following relevant considerations.

Criminal offences

CONVICTED OF, OR OTHERWISE PROVEN TO HAVE COMMITTED, ANY OF THE FOLLOWING	RECOMMENDED PERIOD OF EXCLUSION (AT THE DECISION MAKER'S DISCRETION) FROM DATE OF OFFENCE OR CONVICTION
Dishonesty offences, including fraud, obtaining benefit by deception, forgery or impersonation	5 to 10-year exclusion recommended
Personal violence offences, including domestic violence, sexual assault or assault occasioning bodily harm	5 to 10-year exclusion recommended
Indictable offence including indictable offence heard summarily	5-year exclusion recommended
Offence for assault, hinder, obstruct or resist a Police Officer or any other public official	5-year exclusion recommended
Firearm or weapon related offences	5-year exclusion recommended
Subject (respondent) of a current court ordered apprehended violence order or equivalent; or a current interim apprehended violence order or equivalent	5-year exclusion recommended
Subject (respondent) of an apprehended violence order or equivalent which has expired, been dismissed or revoked	2 to 5-year exclusion recommended
Subject (respondent) of an order under firearms or weapon legislation that prohibits the person from possession or using a firearm	2 to 5-year exclusion recommended
One conviction for any criminal (wilful) damage to property offence	2-year exclusion recommended
One conviction for a theft or stealing offence	1 to 5-year exclusion recommended
One conviction for receiving or possessing stolen property offence	1 to 5-year exclusion recommended
One conviction for a public order or minor street offence	6-month exclusion recommended
One formal Breach of the Peace or Move on Notice	Decision Maker discretion depending on circumstances

CONVICTED OF, OR OTHERWISE PROVEN TO HAVE COMMITTED, ANY OF THE FOLLOWING	RECOMMENDED PERIOD OF EXCLUSION (AT THE DECISION MAKER'S DISCRETION) FROM DATE OF OFFENCE OR CONVICTION
One lodgement/charge for intoxication or disorderly behaviour in a public place	Decision Maker discretion depending on circumstances
Corruption activities or related offences	Decision Maker discretion depending on circumstances
Any sentence of imprisonment, including suspended sentences or periodic detention	Decision Maker discretion depending on circumstances
Subject of a current or outstanding arrest warrant, including first instance and family law	Decision Maker discretion depending on circumstances
Summary offence not outlined in this section on more than one occasion	Decision Maker discretion depending on circumstances

Driving or traffic offences

DRIVING OR TRAFFIC OFFENCES	RECOMMENDED PERIOD OF EXCLUSION (DECISION MAKER DISCRETION) FROM DATE OF OFFENCE
Driving under the influence of alcohol or illicit substance/s	<ol style="list-style-type: none"> 3-month exclusion recommended for one conviction for low range driving under the influence (0.05-0.08 grams for full licence or equivalent for restricted licence) 6-month exclusion recommended for one conviction for mid-range driving under the influence (0.08-0.15 grams for full licence or equivalent for restricted licence) 1-year exclusion recommended for one conviction for high range driving under the influence (0.15 grams or more) An offence for driving under the influence (regardless of level) on more than one occasion will be at the Decision Maker's discretion

DRIVING OR TRAFFIC OFFENCES	RECOMMENDED PERIOD OF EXCLUSION (DECISION MAKER DISCRETION) FROM DATE OF OFFENCE
Minor driving or traffic offences including but not limited to, low/mid-range speed (less than 25km/hour over the speed limit), using mobile phone, not wearing seatbelt	<ul style="list-style-type: none"> a. 3-month exclusion recommended from most recent offence, if an applicant has three or more minor traffic offences across the last three years b. 6-month exclusion recommended from the date of most recent offence, if an applicant has three or more minor traffic offences in the last 12 months c. Consideration for exclusion if total of minor offences is excessive i.e. exceeds total years of driving
Serious traffic or driving offences such as negligent driving, any 'hoon' offence resulting in disqualification or suspension of licence, driving whilst disqualified or suspended, drive in a manner dangerous, negligent driving causing injury, high range speed (more than 25km/hour over the speed limit)	2-year exclusion recommended from date of offence or Decision Maker discretion depending on circumstances
Demerit point accumulation resulting in suspension of licence	1-year exclusion recommended
Suspension of licence for other reason	Decision Maker discretion depending on circumstances

Integrity or other issues

OTHER ISSUES	RECOMMENDED PERIOD OF EXCLUSION (DECISION MAKER DISCRETION) FROM DATE OF OFFENCE
Inappropriate and/or criminal associations	Decision Maker discretion depending on circumstances
Terminated or dismissed from any employment	Decision Maker discretion depending on circumstances
The applicant knowingly or deliberately fails to disclose relevant information or provides false or misleading information during the application process	3-year exclusion recommended

OTHER ISSUES	RECOMMENDED PERIOD OF EXCLUSION (DECISION MAKER DISCRETION) FROM DATE OF OFFENCE
The applicant fails to obtain the required level of security clearance, either through AGSVA or through an AGSVA-exempt agency process	Exclusion until required level of security clearance is obtained
The applicant has previously been found unsuitable under the OSA process where a psychological assessment has been conducted or psychological assessment from another agency within the National Intelligence Community	2-year exclusion recommended
The applicant has previously been found unsuitable under the OSA process where a psychological assessment has not been conducted	Decision Maker discretion depending on circumstances
Declarations indicate past behaviour is inconsistent with the character and core standards of the ACIC	Decision Maker discretion depending on circumstances

Serious offences

Applicants who have been convicted of serious offences, including but not limited to, convictions resulting in imprisonment, will be permanently excluded from employment with the ACIC at the Decision Maker’s discretion. As the ACIC is heavily involved with the law enforcement community, staff must display adherence with the laws of Australia and other countries.

Pending court outcomes

Offences by the applicant where a conviction is pending/awaiting a court outcome will result in exclusion of employment with the ACIC until the court outcome has been finalised. The outcome will then be assessed against the above considerations.

DECISION OUTCOME

Decision outcomes where an applicant is found not suitable for employment with the ACIC will not be reviewed. It is at the discretion of the applicant to seek their own legal advice if they are dissatisfied with a decision.

CONTACT

For further information, please direct any enquiries to the ACIC Employment Screening team via email at EmploymentScreening@acic.gov.au.