AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION



Released under the Freedom of Information Act 1982 (Cth)

NATIONAL POLICE CHECKING SERVICE HANDBOOK

Version 4 (2024)

Released under the Freedom of Information Act 1982 (Cth)

National Police Checking Service Handbook

Version 4 (2024)

Current as of 1 September 2024

Copyright Notice

Australian Criminal Intelligence Commission

Content

© Commonwealth of Australia 2024

With the exception of the Commonwealth Coat of Arms, any material protected by a trademark, and where otherwise noted, this work is licensed under a Creative Commons Attribution 3.0 Australia licence (http://creativecommons.org/licenses/by/3.0/au/).

The details of the relevant licence conditions are available on the Creative Commons website (accessible using the links provided) as is the full legal code of the CC BY 2 AU licence.

Uses of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the following website:

https://www.pmc.gov.au/government/commonwealth-coat-arms

Disclaimer

This information is produced by the Australian Criminal Intelligence Commission (ACIC) and is intended to provide general information only. The contents do not constitute legal advice and should not be relied upon as such. We encourage you to seek independent legal advice, if required.

ACKNOWLEDGEMENT OF COUNTRY

The Australian Criminal Intelligence Commission acknowledges the traditional owners and custodians of country throughout Australia and acknowledge their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



CONTENTS

s 22(1)(a)(ii)

Legislation and governance 7

Spent convictions schemes 7

s 22(1)(a)(ii)

The National Police Checking Service (NPCS) 10

Purpose of the NPCS 10

s 22(1)(a)(ii)

What is a nationally coordinated criminal history check 11

s 22(1)(a)(ii)

Released under the Freedom of Information Act 1982 (Cth)

s 22(1)(a)(ii)

[redacted]

Nationally Coordinated Criminal History Check (NCCHC) Process 22

Check process 22

1. Application process 22

2. Data lodged into the NSS 22

3. Automated search against police records 22

4. Potential matches assessed 23

5. Police vet information 23

6. Result released in NSS 23

7. Result provided to the applicant or Customer 23

s 22(1)(a)(ii)

Can a check be re-used? 24

s 22(1)(a)(ii)

[redacted]

Released under the Freedom of Information Act 1982 (Cth)

s 22(1)(a)(ii)

Step 4: Submit and monitor check 38

Correct submission of data into NSS 38

s 22(1)(a)(ii)

Step 5: Retrieve check results 45

s 22(1)(a)(ii)

Step 7: Handle disputes 52

Accept and escalate disputes 52

s 22(1)(a)(ii)

Released under the Freedom of Information Act 1982 (Cth)

s 22(1)(a)(ii) [redacted]

Check reopens.....65

s 22(1)(a)(ii) [redacted]

Released under the Freedom of Information Act 1982 (Cth)

Legislation and governance

The ACIC administers access to nationally coordinated criminal history checks (NCCHC's or checks) under the *Australian Crime Commission Act 2002* (Cth). Applicants requesting a check must do so through a body that is accredited by the ACIC Chief Executive Officer (CEO) under section 46A and 59AAA of the *Australian Crime Commission Act 2002* (Cth).

It is a condition of accreditation for Accredited Bodies to enter into the Agreement with the ACIC for controlled access to NCCHC's, and Accredited Bodies cannot access the National Police Checking Service (NPCS) Support System (NSS) until the Agreement has been executed by both parties.

Spent convictions schemes

After a period of time, an individual's conviction may be eligible to become 'spent'. This means that under certain circumstances (including the severity of the conviction, the time since the conviction and whether or not any other crimes have been committed) a conviction may not be released on a check results report. This also gives the applicant the right not to disclose their conviction to another person or authority (i.e., a right of non-disclosure).

All Australian police agencies have legislation governing how information about an individual's criminal convictions may be used and disclosed. These legislative schemes, known as **spent convictions schemes**, impose rules on when convictions may become spent, and place limits on what may be done with the information relating to convictions that are spent. Each scheme also imposes a general prohibition on persons disclosing convictions that have become spent.

While these legislative schemes are automatically applied in most states and territories, this is not the case in Western Australia (WA). An applicant may be required to apply for any eligible WA convictions to be spent.

The Commonwealth spent conviction scheme, outlined in Part VIIC of the *Crimes Act 1914* (Cth), directly applies to the delivery of the Service and is taken into account by the ACIC in exercising its functions and powers.

In some circumstances, exemptions to these schemes apply. These exemptions can result in some spent conviction information being released for:

- those involving people who work with children (and in some states or territories, other categories of vulnerable groups);
- decisions made by the Australian Transaction Reports and Analysis Centre (AUSTRAC) as part of its anti-money laundering and counter-terrorism financing activities;
- checks for Aviation Security Identification Cards (ASIC) and Maritime Security Identification Cards (MSIC);
- Security sensitive biological agent checks under National health security;
- Checks for major national events accreditation;
- decisions made under the *Australian Citizenship Act 2007* (Cth); or
- decisions made under the *Migration Act 1958* (Cth).

Australian police agencies are responsible for administering disclosure schemes. When doing so, they consider the Accredited Body, type, category and purpose of the check. A check results report may include:

- charges;
- Court convictions;
- findings of guilt with no conviction;

Released under the Freedom of Information Act 1982 (Cth)

- Court appearances;
- good behaviour bonds or other Court orders;
- pending matters awaiting Court hearing;
- traffic offence history; or
- warnings and warrants.

If you require further information, the Commonwealth and each state and territory publish their disclosure schemes online. The following webpages may be helpful in finding spent convictions and release policy information:

- **Commonwealth** – http://www.comlaw.gov.au/
- **Australian Capital Territory** – http://www.legislation.act.gov.au/
- **New South Wales** – http://www.legislation.nsw.gov.au/
- **Northern Territory** – http://www.legislation.nsw.gov.au/
- **Queensland** – http://www.legislation.qld.gov.au/
- **South Australia** – http://www.legislation.sa.gov.au/
- **Tasmania** – http://www.thelaw.tas.gov.au/
- **Victoria Police** – http://www.police.vic.gov.au/
- **Western Australia** – https://www.legislation.wa.gov.au/

under the Act 1982 (Cth)

s 22(1)(a)(ii)

[redacted]

The National Police Checking Service (NPCS)

Purpose of the NPCS

The purpose of the NPCS is to help protect the Australian community. The ACIC, through the NPCS, works together with Australian police agencies and Accredited Bodies to deliver the Service. The Service allows individuals to apply for a NCCHC for a number of purposes, such as:

- recruitment, job applications and pre-employment screening;
- volunteer and not for profit positions;
- working with children or vulnerable people;
- National Disability Insurance Scheme (NDIS);
- worker screening;
- immigration and citizenship;
- visa applications;
- adoption applications;
- occupation related licensing e.g., security, ASIC or MSIC, etc.; and
- issuing of licenses e.g., firearms.

der the Act 1982 (Cth)

s 22(1)(a)(ii)

[redacted]

What is a nationally coordinated criminal history check

A nationally coordinated criminal history check (check) is a collation of police information and conviction history information about an individual that has been determined releasable by Australia's police agencies.

There are two 'types' of check that may be submitted, Standard checks and Volunteer checks. The only difference between the check types is the fee that is charged for the different check types. The check types are described in greater detail below.

When submitting a check, you must also choose a 'purpose' for the check. The purpose assists police to determine what, and how much, information is released as part of the check result.

It should be noted that not all check purposes are available to every Accredited Body. Some purposes are limited by legislation to Australian Government organisations or government-based Screening Units, which are detailed below. The purpose of each check can include any of the following:

- employment;
- probity;
- licence;
- NDIS (limited to authorised providers);
- ECHIPWC (limited to legislated government-based Screening Units);
- immigration (limited to Australian Government organisations); or
- national security (limited to Australian Government organisations).

If a check result contains police information and/or criminal history information, the following may be disclosed on the applicant's check result:

- Court convictions, including penalties and sentences;
- Court appearances;
- charges;
- findings of guilt with no conviction;
- good behaviour bonds or other Court orders;
- matters awaiting Court hearings; or
- traffic offences.

s 22(1)(a)(ii)

[redacted]

Released under the Freedom of Information Act 1982 (Cth)

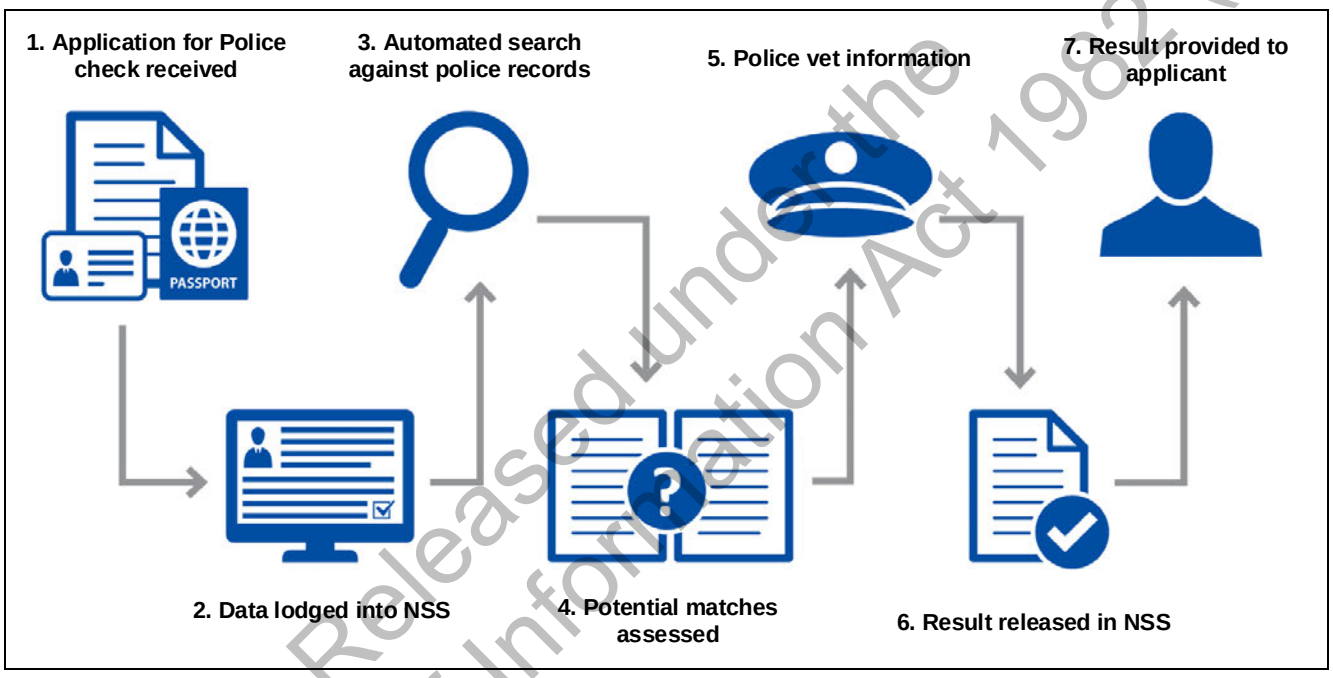
Nationally Coordinated Criminal History Check (NCCHC) Process

Check process

s 22(1)(a)(ii)

[redacted]

The check process



1. Application process

Before a request for a NCCHC is submitted into the NSS, you must first:

- collect a complete application and informed consent form;
- collect the minimum proof of identity documents;
- confirm the legitimacy of the claimed identity;
- compare the identity documents to the application form; and
- link the applicant to the claimed identity.

2. Data lodged into the NSS

You submit the request for the NCCHC into the NSS, which is a national database owned by the ACIC.

3. Automated search against police records

The applicant's personal details are checked against the NSS using an automated name matching algorithm.

Released under the Freedom of Information Act 1982 (C

If the personal details do not match any information recorded in the system, the check result will immediately be returned to you in NSS with a 'No Disclosable Court Outcomes' result (refer to step 6).

If the personal details closely match the police information recorded in the system, the application will be marked as a potential match and is referred for further processing (refer to step 4).

4. Potential matches assessed

If an application is marked as a potential match, it will be referred to the relevant police agency, or agencies, for further assessment.

If the police confirm the applicant's details do not match the police information, the application will be returned to you in NSS with a 'No Disclosable Court Outcomes' result (refer to step 6).

If the police determine the applicant's details match the police information, the application will require further assessment (refer to step 5).

5. Police vet information

When an applicant's details match the police information found in the database, the police will determine what information can be released in accordance with the coinciding state and/or territory spent convictions legislation. Police also use the 'purpose' of the check and the Accredited Body to further support what information can be released. This assessment process is referred to as 'vetting'.

The Service facilitates a two staged vetting process; vetting and final vetting. This is because an applicant may have police information and conviction history in multiple states or territories.

The location where the applicant's police information and/or conviction history occurred, will determine which state/territory police agency will be involved in the **vetting** process.

Where an applicant has matches with police information contained in more than one state or territory, the check will require **final vetting**. The final vetting agency is responsible for the final release of information on your check. The final vetting police agency is determined by the state or territory that was supplied in the applicant's purpose.

6. Result released in NSS

Once the police have finished processing the check, you will receive the check results report.

The result of the NCCHC is system generated and automatically processed without review or amendment by the ACIC.

7. Result provided to the applicant or Customer

Once the check results report has been released in NSS, you are able to provide the check results report to the applicant or the Customer.

If the result indicates 'Disclosable Court Outcomes', it must be provided to the applicant, and the applicant must be provided with sufficient time to review the result and raise a dispute, before the check result is shared with your Customer.

s 22(1)(a)(ii)

[redacted]

Released under the Freedom of Information Act 1982 (Cth)

s 22(1)(a)(ii)

Can a check be re-used?

No. If an applicant requires the NCCHC for a different position, entitlement or employer, then the previous result should not be used.

A NCCHC is a point-in-time check and it may not contain new offences that may have occurred since the initial check submission. In addition, if the 'Purpose' of a check changes (i.e., employment to probity), this can affect the disclosure decisions made by police partners. This means that a different release of information may apply for two different roles in the same organisation/industry.

s 22(1)(a)(ii)

Step 4: Submit and monitor check

s 22(1)(a)(ii)



Correct submission of data into NSS

Type

The type field (Standard AA or Volunteer) is only used to determine the amount billed. It has no influence on the check.

Category

Each state and territory's spent convictions legislation varies in terms of what information will be released based . The category helps police agencies to determine what the check is for, so the appropriate information is released.

You must only submit checks for the category approved in your Agreement Schedule. You may be approved to submit checks under the following categories:

- employment;
- probity;
- licence;
- NDIS (limited to authorised providers);
- ECHIPWC (limited to legislated government-based Screening Units);
- immigration (limited to Australian Government organisations); or
- national security (limited to Australian Government organisations).

Employment

For most Accredited Bodies, the authorised check category is employment, as this category appropriately covers most individuals seeking a check.

An example of when to use this category is when an individual is seeking to work at the local grocer.

Probity

Probity, as it relates to the submission of NCCHC's, is the exploration into the background of an applicant to ensure that they're a suitable fit for a hiring role. Probity is often used for individuals seeking a check in support of personal reasons or acquiring a position of trust not related to employment or volunteers.

An example of when to use this category is when an individual is seeking to become an unpaid member of a Board, volunteering at a charity or for appearing on TV.

Licence

A licence check is conducted to ensure that the individual is of a good character and integrity in order to obtain a licence or regulatory entitlement. For example, ensuring that an individual can be entrusted with firearms

Released under the Freedom of Information Act 1982 (Cth)

and not impose a threat to the safety of the community. This category can also be used if the individual is seeking to obtain a liquor or gaming licence.

NDIS

A National Disability Insurance Scheme (NDIS) worker screening check is required for applicants working within the disability sector. The NDIS check allows the consistent, maximum release of information, in order to safeguard the placement of suitable people into positions of trust, and to prevent the placement of unsuitable candidates in roles exposed to vulnerable people.

Please see the NDIS Commission website for further information regarding the applicable check for your state or territory: https://www.ndiscommission.gov.au/workers/worker-screening-workers

This category is only available for Australia state and territory Screening Units.

ECHIPWC

The ECHIPWC category is only available to legislated Working with Children Screening Unit's to support the submission of a Working with Children Check. It is important to remember that a Working with Children Check is separate and different to a check.

If an individual is specifically seeking a Working with Children Check, you must direct them to a legislated Working with Children Screening Unit.

If an individual is seeking a check for employment, probity or licencing, and will have direct or indirect access to children, you must use the appropriate category (employment, probity or licence) and identify their level of access with children within the check purpose.

Immigration and National Security

These two categories are only offered to specific Australian Government agencies. Immigration is only used by the Department of Home Affairs, and National Security is used by law enforcement agencies.

Purpose

You must ask the applicant why they are seeking a check. This will help define the purpose of the check, which is used by police to determine the appropriate level of information released.

You must not submit a check that does not clearly detail the purpose, including:

- the position title, occupation or entitlement being sought by the applicant;
- the details of the entitlement provider requesting the NCCHC or details of the employer that proposes to engage the applicant as an employee or volunteer; and
- the relevant location of work or the jurisdiction in which the entitlement being sought will be awarded or granted.

Examples of acceptable purposes are as follows:

Employment

- Aged Care Support Worker, Caring House Nursing Home, Kempsey, New South Wales
- Retail assistant, Dress Warehouse, Melbourne, Victoria
- Pet and House Sitter, Ultimate Pet Care Pty Ltd, Batemans Bay, New South Wales
- Real estate Agent, Bigger and Better Houses Pty Ltd, Brighton, South Australia

Licence or regulation

- Real Estate Licence, Department of Business and Trade, South Australia Government, Adelaide, South Australia

Released under the Freedom of Information Act 1982 (Cth)

- Resident in Family Daycare service household, Flowers Family Daycare (provider), Moree, New South Wales

Probity – non-volunteer

- For placement of an AuPair, Private residence, Canberra, Australian Capital Territory
- To buy a caravan, Best Beach Resort and Caravan Park, Byron Bay, New South Wales

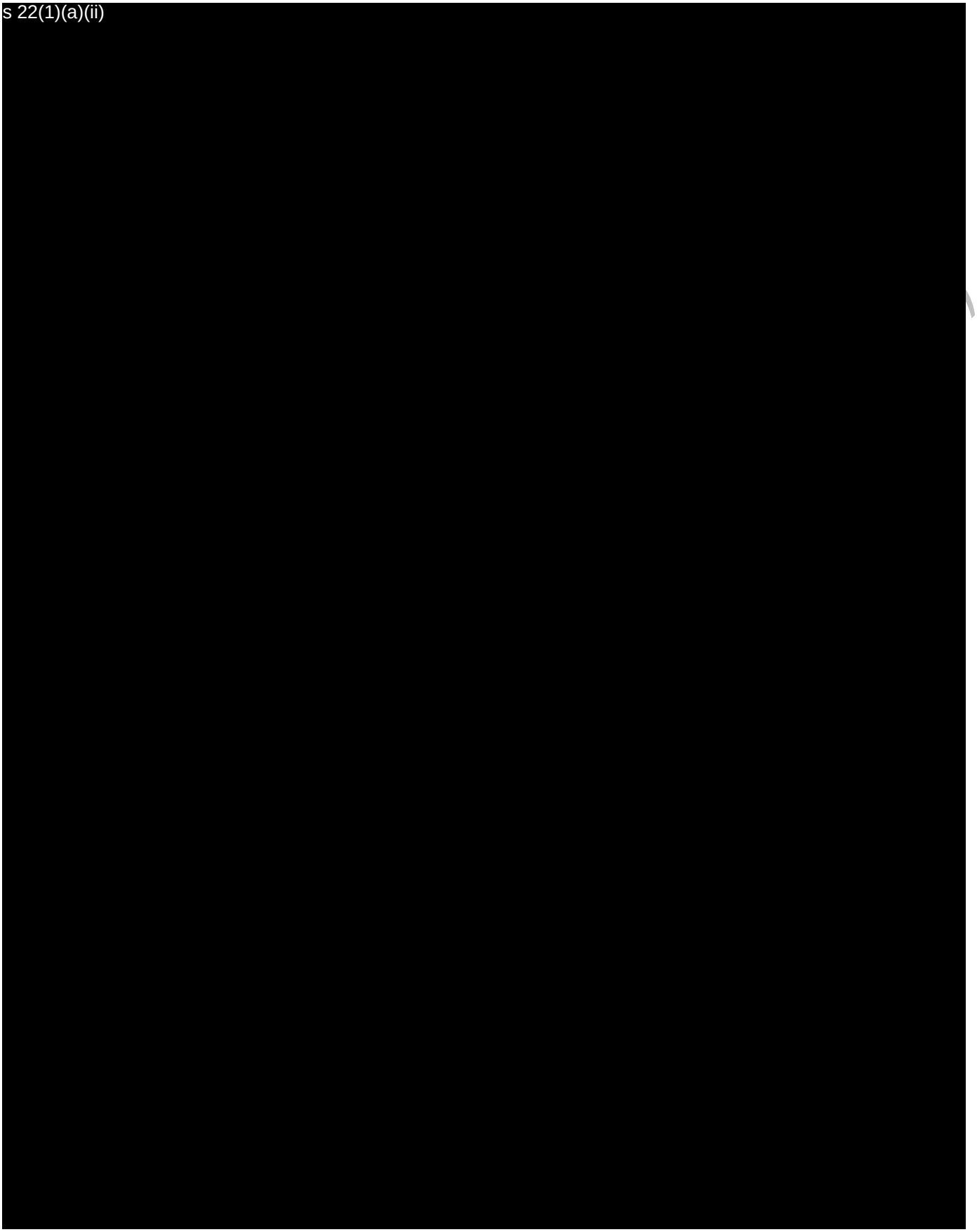
Probity – volunteer

- Volunteer Support coordinator, Cancer Council Australia, Sydney, New South Wales
- Student medical placement, Bachelor of Medicine, Flinders University, Adelaide, South Australia
- Volunteer Age Care visitor, Bendigo Blue Age Care Centre, Bendigo, Victoria
- Volunteer Tour Guide, Australian War Memorial, Canberra, Australian Capital Territory

s 22(1)(a)(ii)

[redacted]

s 22(1)(a)(ii)



Step 5: Retrieve check results

On completion of the check process, results are made available to you in the NSS.

The check result will either be:

- **No Disclosable Court Outcomes** (NDCO). This means:
  - no police information is held against the applicant; or
  - there is no police information that can be released according to the purpose and category of the police check and/or the relevant spent convictions legislations and/or information release policies has been applied;
- **Disclosable Court Outcomes** (DCO), which may include:
  - Court convictions, including penalties and sentences;
  - Court appearances;
  - charges;
  - findings of guilt with no conviction;
  - good behaviour bonds or other Court orders;
  - matters awaiting Court hearings; or
  - traffic offences.

s 22(1)(a)(ii)

[redacted]

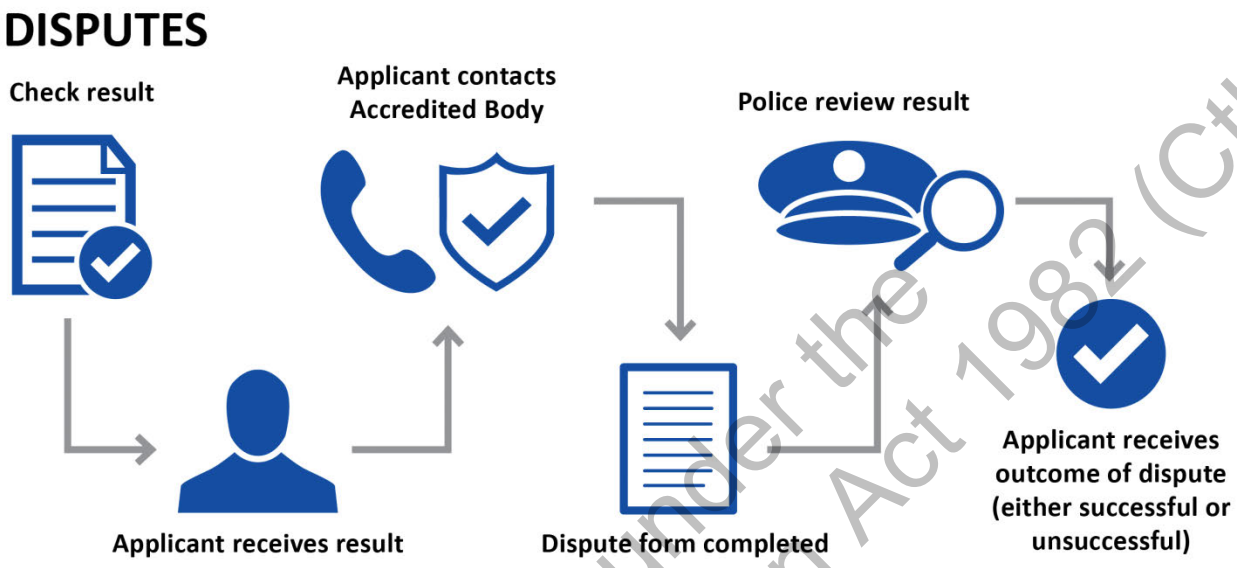
Freedom of Information Act 1982 (Cth)

Step 7: Handle disputes

An Accredited Body has an obligation to:

- provide its applicants and/or Customers with a copy of its dispute resolution process, and
- promptly complete and submit a dispute resolution form to the NPCS.

The dispute process



Accept and escalate disputes

When an applicant disputes a check result you must accept and escalate the dispute. The applicant must:

- review the check result;
- advise you of any incorrect information in the result; and
- provide you with all information and supporting evidence required to complete and lodge the *Dispute Form*.

The applicant can raise a dispute about a check result because:

- All police information released does not belong to them;
- Part of the police information released does not belong to them;
- Police information does belong to them, but the details are inaccurate;
- Police information does belong to them, but should not have been released; or
- Police information belonging to them has not been released.

The Accredited Body must:

- upload the completed *Dispute Form* and any additional identity and supporting documentation in the Attachments tab of the check in NSS; and
- email the NPCS team to advise that a dispute has been raised.

The police agencies will:

- investigate disputes, including reviewing all information and supporting evidence;
- seek further information if needed;

Released under the Freedom of Information Act 1982 (Cth)

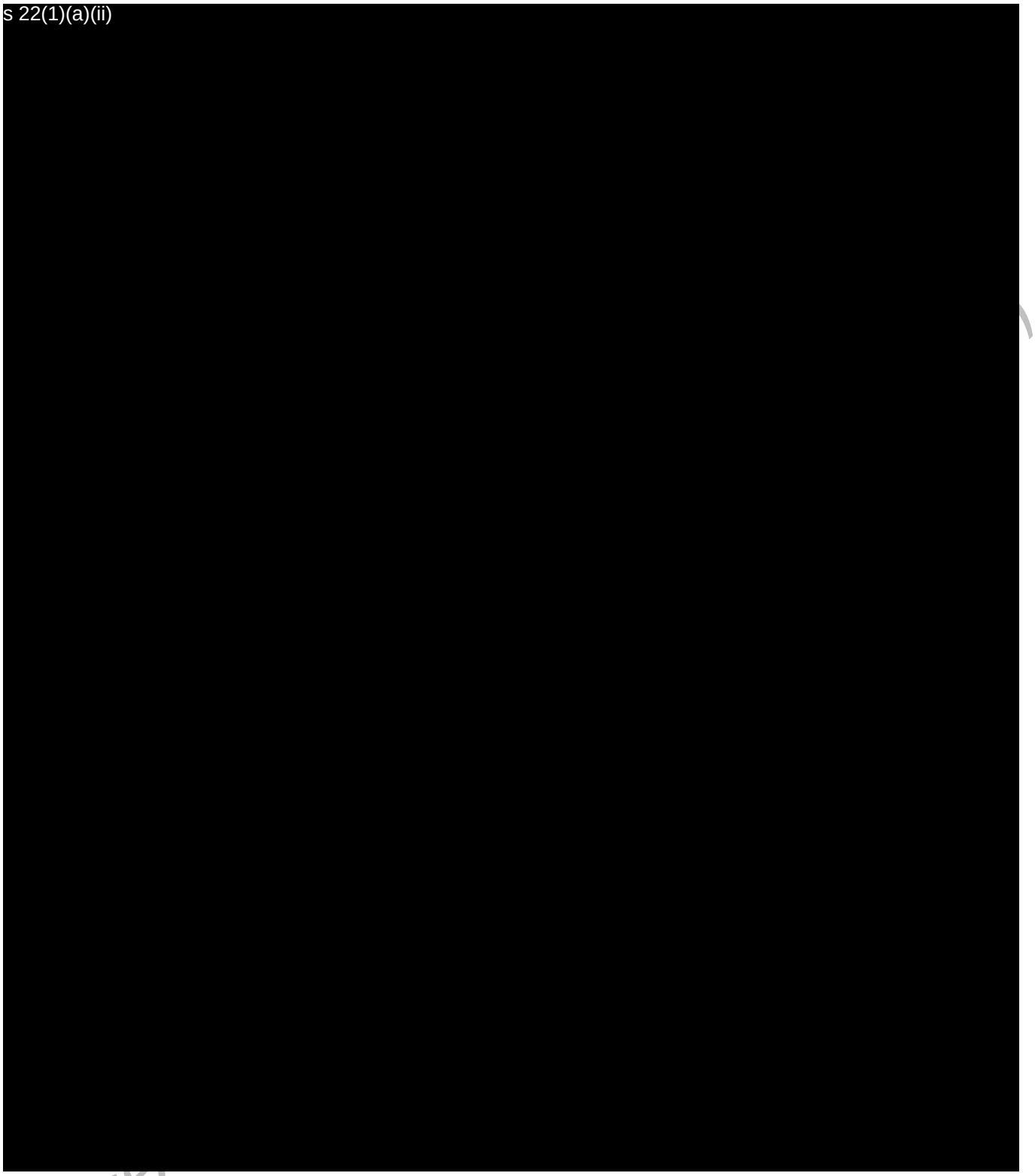
- resolve disputes where possible;
- provide the NPCS team with reasoning (where possible) for dispute outcomes, to share with you as an Accredited Body;
- liaise with the NPCS team on dispute outcomes, which may include:
    - successful dispute (result overturned);
    - more information required; or
    - unsuccessful dispute (result upheld); and
- update police records if required.

The NPCS team will:

- liaise with you and police agencies to resolve disputes;
- monitor progress and provide regular updates;
- provide the dispute outcome and, where possible, provide the reasoning that may be shared with applicants; and
- close the dispute request once the process is complete.

Released under the Freedom of Information Act 1982 (Cth)

s 22(1)(a)(ii)



Check reopens

The police can reopen a check if they become aware that results need to be reviewed and possibly amended. This is so applicants receive the correct results and organisations are correctly informed of an individual's police history.

A check can be reopened because of:

- an applicant dispute;
- result enquiry from you as the Accredited Body; or

- police quality assurance activities on check results.

s 22(1)(a)(ii)

[redacted]