



**Australian Government**

**Department of Immigration and Citizenship**

**NATIONAL POLICE CHECKING SERVICE  
GENERAL INFORMATION**

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**GENERAL INFORMATION**

This Form is used by the Department of Immigration and Citizenship (“DIAC”) as part of the assessment process to determine whether a person is eligible for an APEC Business Travel Card.

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 eligibility for an APEC Business Travel Card.

**NATIONAL CRIMINAL HISTORY CHECK**

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

Information extracted from this Form will be forwarded to the CrimTrac Agency and other Australian police services<sup>1</sup> for checking action. By signing the Form you are providing your consent to these agencies:

- a) disclosing criminal history information that pertains to you from their own records to DIAC; and/or
- b) accessing their records to obtain criminal history information that in turn will be disclosed to DIAC.

Such criminal 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 services for them to use for their respective law enforcement purposes including the investigation of any outstanding criminal offences.

**SPENT CONVICTIONS SCHEMES**

**Commonwealth**

Part VIIC of the *Crimes Act 1914* 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 for 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 Privacy Commissioner).

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



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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 disclosing or taking into account protected old conviction information without the consent of the person concerned.

Part VIIC of the *Crimes Act 1914* and *Crimes Regulations 1990* provide for “statutory” or “regulatory” exclusions from the disclosure and use standards for spent convictions only.

**Other Australian police services**

Where a criminal history record with another Australian police service has been obtained, any relevant legislation (and/or release policy) affecting that police service will be applied before that record is released. Under various pieces of Commonwealth, State and Territory legislation a person has the right, in particular circumstances or for a particular purpose, to not disclose certain convictions/findings of guilt over a certain age. Such convictions (widely referred to as “spent” or “rehabilitated” convictions) will not be released. Please contact individual police services directly for further information about their release policies and any legislation that affects them.

**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.

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.