

Staff - Criminal History Checks Procedures

INTRODUCTION

The University is committed to providing a safe environment, in order to protect its staff members, students, visitors, assets and resources. In accordance with the [Charles Darwin University and Union Enterprise Agreement](#), current and new staff members may be required to undertake a Criminal History Check and obtain a National Police Clearance certificate in order to commence or retain employment with the University.

A Criminal History Check is not a Working with Children Clearance notice or an Ochre Card, which is a requirement for University staff members who work or, have the potential to work with, children or in child-related fields.

COMPLIANCE

This is a compliance requirement under the [Charles Darwin University Act 2003](#) part 3, section 15.

INTENT

The intention of this document is to define clearly, the obligations and procedures of both the University and the applicant regarding the requirement to undertake a Criminal History Check.

RELEVANT DEFINITIONS

In the context of this document

Applicant means an individual who has applied for employment with the University where the position applied for is one that requires a Criminal History Check to be undertaken. An applicant also refers to a current staff member who is required to undergo a Criminal History Check because of the changing nature of his or her job or a transfer or promotion to a new position within the University;

Criminal History Check means the process of checking an individual's identity and disclosable criminal history for the purposes of employment. It enables the University to more objectively assess the risk posed by individuals and ensure safe environments for what are considered vulnerable or special needs populations (such as children, the aged and those with disabilities);

Disclosable conviction means a conviction that is recorded by the court and has not been rehabilitated or spent under the relevant legislation;

Name only Police Certificate means a National Police Clearance certificate that is based on a search of the person's name against the criminal history records held by police-services Australia-wide;

National Police Clearance Certificate means an Australia-wide disclosable criminal history certification that the person to whom it relates either has no disclosable convictions or has a disclosable conviction that is detailed in the Certificate;

Recognised position means a position that has financial responsibilities (other than petty cash), has been recognised as carrying or identified by the Strategic Recruitment Review Committee as a risk to the safety

and proper operations of the University and/or being detrimental to public confidence in the University if an individual with a relevant criminal history were engaged;

SAFE NT means Screening Assessment for Employment in the Northern Territory, and is the Northern Territory Police unit responsible for conducting national criminal history record checks and issues National Police Clearance certificates for employment purposes across the Northern Territory;

Senior Executive means a staff member of the University holding the position of Vice-Chancellor, Provost, Deputy Vice-Chancellor, Pro Vice-Chancellor or Chief Financial Officer or equivalent;

Senior Manager means a staff member of the University holding the position of Director or Head of School or equivalent; and

Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee.

PROCEDURES

Requirement for a Criminal History Check

National Police Clearance Certificates are current at the date of issue and are not intended to be transferred between organisations. The University may, in accordance with the [Charles Darwin University and Union Enterprise Agreement](#), require a current or potential staff member to undergo a Criminal History Check in order to retain or commence employment with the University. A criminal record may preclude an applicant from employment with the University when the nature of the record prevents the applicant from meeting the inherent requirements of the position.

To ensure the University is compliant with legislative and professional requirements:

- Senior Managers must ensure the requirement for a Criminal History Check is noted on the Request for Recruitment Action and Justification Form under Section 4 – Mandatory Employment Requirements prior the recruitment and selection process for recognised positions;
- The Office of People and Capability must notify applicant/s for a recognised position that a Criminal History Check is required during the recruitment and selection process; and
- Successful applicants who are recommended for employment with the University must initiate a Criminal History Check. An offer of employment will be conditional upon the production and verification of a current National Police Clearance Certificate.

An applicant for a position with the University or a current staff member who refuses to undergo a Criminal History Check may not be eligible for employment with the University.

Criminal History Check Application

Successful applicants can apply online or complete the Northern Territory Police Criminal History Check – Application C form, and submit it together with the relevant identification and payment by mail or in person at the following locations:

SAFE NT NT Police, PO Box 39764, Winnellie NT 0821

SAFE NT Darwin Ground Floor, 77 Smith Street, Darwin NT 0800

Territory Business Centres:

- The Green Well Building, 50 Bath Street, Alice Springs NT
- Shop 1, Randazzo Building, 18 Katherine Terrace, Katherine NT
- Shop 2, Barkly House, Davidson/Paterson St, Tenant Creek NT

Applicants must supply SAFE NT with a minimum of two (2) types of acceptable identification from the list on the Criminal History Check – Application C form, with a minimum of one hundred (100) points. Identification must include at least one (1) type of photo ID (Category A) plus identification that contains the applicant’s current residential address, signature and date of birth. All documents must be original, or certified copies of an original document. All documents must be current or valid. Documents that have expired will not be accepted as proof of identity.

Applicants must nominate that the original National Police Clearance Certificate goes directly to the University’s Office of Human Resource Services to ensure compliance with privacy, confidentiality and records management legislations.

Name of employer organisation/licensing authority	Charles Darwin University
Postal address of organisation	Casuarina Campus, Darwin, NT 0909
Daytime contact phone number	08 8946 6934
Name/Position title of organisation’s representative	Director, Human Resource Services

Note: Interstate applicants should contact the applicable state based entity responsible for administering Criminal History Checks, in his or her state.

Payment

The cost of obtaining a Criminal History Check for Employment or Licencing Purposes in the Northern Territory is \$52.00 Applicants must pay the application fee and seek reimbursement from the Office of Human Resource Services, in accordance with the [Charles Darwin University and Union Enterprise Agreement](#). A receipt for payment, stating the date of lodgement (which should be prior to the first day of employment) must be submitted the Staff Orientation Coordinator to process a reimbursement.

Note: The average time for processing Criminal History Checks in the Northern Territory is approximately two (2) to three (3) weeks.

Adverse Assessment

The Director, Office of People and Capability, upon receipt of an adverse National Police Clearance Certificate, will:

- Provide the applicant an opportunity to discuss the information contained in the National Police Clearance Certificate prior to withdrawing an offer for employment; and
- Recommend in accordance with the Northern Territory [Anti-Discrimination Act 2004](#), whether or not the applicant is suitable for employment in the form of a report to the relevant Senior Executive.

Records Management

National Police Clearance Certificates will be stored securely by the Office of Human Resource Services on the individual staff member's personnel file, and managed in accordance with the University's [Records Management Policy](#) and Procedures and the [Privacy and Confidentiality Policy](#).

ESSENTIAL SUPPORTING INFORMATION

Internal

[Charles Darwin University and Union Enterprise Agreement 2013](#)

[Code of Conduct](#)

Criminal History Check – Application C form

[Privacy and Confidentiality Policy](#)

[Records Management Policy](#)

Request for Recruitment and Justification Action Form

External

[Anti-Discrimination Act 2004](#) (Northern Territory)

[Information Act 2002](#) (Northern Territory)

[Crimes Act 1914](#) (Commonwealth)

Document History and Version Control

Last amendment:	15 Dec 2017	Next Review:	Dec 2016
Sponsor:	Deputy Vice-Chancellor, Operations		
Contact Officer:	Director, People and Capability		

Version	Date Approved	Approved by	Brief Description
1.00	10 Sep 2005	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	3 Dec 2014	Vice-Chancellor	Major review and update of document including: <ul style="list-style-type: none"> • Converting document from process to current procedure template • Removal of flowchart • Assign document number • Changing document name from Criminal History Checks for All Staff Appointments process to Staff - Criminal History Check Procedures • Update and addition of definitions • Addition and hyperlink essential supporting documentation
1.02	15 Dec 2017	Governance	<ul style="list-style-type: none"> • Conversion to new template due to new University branding • Updated definitions • Updated hyperlinks • Amended Contact Officer from Director, Human Resource Service to Director, People and Capability • Added sponsor Deputy Vice-Chancellor, Operations • References to OHRS changed to Office of People and Capability