

## Types of National Criminal History Record Checks

The Australian National Criminal History Record Check ("NCHRC") is widely recognised as the basic requirement or starting point for background checking on potential employees. Therefore, a full understanding of the various types and applications of NCHRCs is vital to ensure that the correct NCHRC is undertaken in each situation.

### Why are there different types of NCHRCs available?

In addition to the General Employment NCHRC that applies in most cases, there are several variations of NCHRCs for:

- roles that require compliance with regulatory bodies such as ASIC or APRA; and
- roles that involve working with specific groups, such as vulnerable persons, children or the aged.

### What different types of NCHRCs are available?

**General Employment – No Exclusion:** This NCHRC should be used for general employment (most roles). The spent conviction scheme applies to this search. Although the specifics vary from state to state, a conviction generally becomes a "spent conviction" if a person has had a ten year crime-free period from the date of the conviction.

**Vulnerable Persons – Partial Exclusion:** This NCHRC should be used for roles where the individual is to be working with children, aged and other vulnerable persons. This search has a partial exclusion to the spent conviction scheme for serious offences, sexual offences, offences against the person, for employment/engagement in positions/occupations involving the care, instruction or supervision of vulnerable persons (including children, aged persons, and the disabled). This means that any offences that fall into this category will be disclosed, regardless of when the offence was committed in the individual's background.

**APRA – Partial Exclusion:** This NCHRC should be used for roles where the individual is to work in Australia in an APRA-regulated role (usually a senior manager or above in a financial-related field). This search has a partial exclusion to the spent conviction scheme for offences in respect of dishonest conduct under Section 120 of the Superannuation Industry (Supervision) Act 1993 (Cth). This means that any offences that fall into this category will be disclosed, regardless of when the offence was committed in the individual's background.

**ASIC – No Exclusion:** This NCHRC should be used for roles where the individual is to work in Australia in an ASIC-regulated role (usually a senior manager or above in a role that provides financial advice). The spent conviction scheme applies to this search. Although the specifics vary from state to state, a conviction generally becomes a "spent conviction" if a person has had a ten year crime-free period from the date of the conviction.

### Is there any overlap in the convictions that may be revealed by the various types of NCHRCs?

The partial exclusion NCHRCs (for roles relating to vulnerable persons and APRA) will include the convictions that would be disclosed by no exclusion NCHRCs (for general employment and roles relating to ASIC). However, the no exclusion NCHRCs will not include the convictions that would be disclosed by the partial exclusion NCHRCs.

### Do the requirements to undertake the various types of NCHRCs vary?

Each type of NCHRC has a specific form that needs to be completed by the candidate in order to undertake the check. The forms specify the type of NCHRC and whether an exclusion from the spent conviction scheme applies. However, the same certified copies of 100 points of identity documents are required for all types of NCHRCs undertaken through CrimTrac.

NCHRCs are also able to be undertaken through the Australian Federal Police, should an official police certificate be required, and these checks have different candidate requirements.

### Is the fee and turnaround time the same for all types of NCHRC?

Yes, the fee and turnaround time for all types of NCHRCs undertaken through CrimTrac are the same. NCHRCs are also able to be undertaken through the Australian Federal Police, should an official police certificate be required, and these checks have different fees and turnaround times.

### References

- Y CrimTrac – [www.crimtrac.gov.au](http://www.crimtrac.gov.au)
- Y Spent Conviction Scheme – <http://www.privacy.gov.au/law/other/criminal>

### More Information

For more information on the ways in which NCHRCs can assist in reducing the risks to your business, please contact us via telephone on +612 4023 0603 or email at [validate@peoplecheck.com.au](mailto:validate@peoplecheck.com.au).

PeopleCheck is a background validation company specialising in local and international pre-employment checking and due diligence with a customer service focus. We work closely with our clients to establish validation solutions and packages to best suit an organisation's individual requirements, based on human resource and risk management principles. In order to meet our clients' varying needs, we have established solutions including pre-employment validations, executive team due diligence and legislative and compliance validation.