



VICTORIA POLICE

Information Release Policy

Revised 1 February 2021

Introduction

Victoria Police applies strict guidelines to the release of criminal history information to individuals and organisations outside Victoria Police. This information sheet sets out the general provisions of the release policy that Victoria Police applies when police records checks are conducted for the purposes of employment, occupation related licensing or registration and for voluntary work. This policy does not apply to release of information by Victoria Police to other police forces and organisations with responsibility for law enforcement or the administration of justices.

Consent

Victoria Police does not release criminal history information to any organisation outside the sphere of law enforcement and/or the administration of justice without the individual's written consent. In order to obtain a national police certificate an individual must complete the appropriate application form, called 'Consent to Check and Release National Police Record' and pay a fee.

What will be released

Victoria Police release criminal history information on the basis of findings of guilt at court, and will also release details of matters currently under investigation or awaiting court hearing. It is important to note that a finding of guilt without conviction is still a finding of guilt and will be released according to the information release policy. Victoria Police release police records in accordance with any or all of the following guidelines:

- If the individual was an adult (eighteen years* or over) when last found guilty of an offence and ten years have since elapsed, subject to exceptions listed below, no details of previous offences will be released.
- If the individual was a child (under eighteen years*) when last found guilty of an offence and five years have since elapsed, subject to exceptions listed below, no details of previous offences will be released. (Note: Court Orders on care/protection applications will not be released regardless of the age of the order).
- If the last finding of guilt resulted in a non-custodial sentence or custodial sentence of 30 months or less, the ten or five year period commences from the day the individual was found guilty.
- If the last finding of guilt is an appeal or re-hearing, the ten or five year period will be calculated from the original court date.
- If the last offence qualifies to be released, then all findings of guilt will be released, including juvenile offences.



VICTORIA POLICE

- If the record contains an offence that resulted in a custodial sentence of longer than 30 months the offence will always be released.
- If 10 years have elapsed since the last finding of guilt, then only the offence(s) that resulted in a custodial sentence of longer than 30 months will be released.
- Relevant offences where the result was 'Acquitted by reason of insanity/mental impairment' or 'Not guilty by reason of insanity/mental impairment' may be released.
- If the individual is currently under investigation or has been charged with an offence and is awaiting the final court outcome the pending matters/charges are released. It is noted on the certificate that the matter/charge cannot be regarded as a finding of guilt as either the matter is currently under investigation or the charge has not yet been determined by a court.

Please Note: Findings of guilt without conviction and findings of guilt resulting in a good behaviour bond are findings of guilt and will be released under this policy.

Exceptions

There are some other circumstances where a record that is over ten years old will be released, these are:

1. If the record check is for the purpose of:-
 - Registration with a child-screening unit and/or Victorian Institute of Teaching
 - Registration with a National Disability Insurance Scheme worker-screening unit
 - Registration and accreditation of health professionals
 - Employment or contact with prisons or state or territory police forces
 - Casino or Gaming Licence
 - Prostitution Service Provider's Licence (Prostitution Control Act 1994)
 - Operator Accreditation under the Bus Safety Act (2009)
 - Private Security Licence (Private Security Amendment Act 2010)
 - Commercial Passenger Vehicles Victoria (Commercial Passenger Vehicle Industry Act 2017)
 - Firearms Licence (Firearms Act 1996)
 - Admission to legal profession (Legal Profession Act 2004)
 - Independent Broad-based Anti-Corruption Commission (IBAC)
 - Poppy Industry (Drugs, Poisons and Controlled Substance Act 1981)
 - Honorary Justice (The Honorary Justices Act 2014)
 - Marriage Celebrants Registration
 - Court Services Victoria
 - Immigration (Migration Act 1958)
 - Office of the Victorian Information Commissioner (Privacy and Data Protection Act 2014)
 - Disability Worker Registration (Disability Service Safeguards Act 2018)



VICTORIA POLICE

2. If the record includes a serious offence of violence or a sex offence and the records check is for the purposes of employment or voluntary work with children or vulnerable people.
3. In circumstances where the release of information is considered to be in the interests of security, crime prevention or the administration of justice and/or otherwise necessary for the proper, legal or statutory assessment of an applicant.
4. Victoria Police will release traffic offences where the court outcome was a sentence of imprisonment or detention.

Police Records Obtained in Other Australian Police Jurisdictions

Victoria Police conducts national police record checks. If information is obtained from other police jurisdictions the relevant legislation/policy is applied by that jurisdiction before it is released. In relation to legislation/policy applied by states or territories other than Victoria, please refer to the relevant police jurisdiction's website for more information.

Information on a National Police Certificate

The use and retention of the information contained on the National Police Certificate may be subject to State or Commonwealth legislation. The recipient is therefore urged to make their own enquiries with respect to any applicable legislative obligations or requirements.

Applicants who dispute information recorded on the National Police Certificate should write to:

The Manager
Public Enquiry Service
Victoria Police
GPO Box 919
Melbourne VIC 3001

Applicants should be prepared to provide comparison fingerprints. No fee will be charged for taking comparison fingerprints. Fingerprints will be destroyed by Public Enquiry Service, Victoria Police upon resolution of the dispute.

Transgender Applicants

Individuals in the community that require further information in relation to the policy for processing applications for transgender applicants should contact us via email at policecheckvic@police.vic.gov.au.



VICTORIA POLICE

Privacy Statement

Public Enquiry Service is committed to maintaining the privacy of the personal information that it collects, stores, uses and discloses, and adheres to strict privacy and confidentiality policies. Personal information is treated in accordance with the Privacy and Data Protection Act 2014. An individual may gain access to their information by making an application through the Victoria Police, Freedom of Information Unit. For further information go to www.foi.vic.gov.au

* The age jurisdiction of Criminal Division of the Children's Court was increased on the 1st of July 2005 in accordance with the Children and Young Persons (Age Jurisdiction) Act 2004. This amendment is not retrospective and offences committed prior to this date will be released in accordance with the previous age jurisdiction of 17 years (revised 02/06).

PUBLIC ENQUIRY SERVICE

policecheckvic@police.vic.gov.au
www.police.vic.gov.au