



INFORMATION SHEET

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 the release of information by Victoria Police to other police forces and organisations with responsibility for law enforcement or the administration of justice.

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.

Release Policy

Victoria Police releases criminal history information on the basis of findings of guilt, and may 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 releases 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 elapsed, 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 elapsed, no details of previous offences will be released (Exception: Court orders on care / protection applications will not be released regardless of the age of the order).

PUBLIC ENQUIRY SERVICE

Concourse Level, Victoria Police Centre,
637 Flinders Street, Melbourne Victoria 3005

PO Box 418, Melbourne Victoria 8005

www.police.vic.gov.au

publicenquiryservice@police.vic.gov.au

* The age jurisdiction of Criminal Division of the Children's court was increased on 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.

- If the last finding of guilt resulted in a non-custodial sentence or a 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.
- 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.
- 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.

Exceptions

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

- 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.
- If the records check is for the purposes of employment in prisons or state and territory police forces.
- If the records check is for the purpose of a Gaming Licence.
- In other exceptional circumstances where the release of information is in the interest of crime prevention or the administration of justice.
- Serious Offences where the result was 'Acquitted by reason of insanity/metal impairment' or 'Not guilty by reason of insanity/mental impairment'.

Important

- 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.
- 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.
- 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 nation-wide name checks. If information is obtained from other police jurisdictions the relevant legislation / policy for that jurisdiction is applied to the information before it is released. In relation to legislation / policy used by states or territories other than Victoria please contact the relevant police jurisdiction directly for more information.

Transgender People

People in the community that require further information in relation to the policy for processing applications for transgender applicants should contact our general enquiry line on 9247 5907.