victorian institute of teaching

Value learning. Value teaching.

CONSENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK AS A REGISTERED TEACHER

In order for the Victorian Institute of Teaching to undertake a National Criminal History Record Check on your behalf, you must complete this consent form and supply the appropriate documentation.

It is most important that you read the information provided on these pages before completing the form.

WHAT IS A NATIONAL CRIMINAL HISTORY RECORD CHECK?

The Victorian Institute of Teaching (the Institute) conducts criminal record checks, called National Criminal History Record Checks (NCHRC) through CrimTrac, a Commonwealth Agency.

An NCHRC is a report made following an examination of the records of convictions/findings of guilt of criminal offences held by Australian police services. The local police service will examine its records to determine whether a person with your name and date of birth has been convicted or found guilty of an offence.

Occasionally the Institute may receive criminal history information for a person with a similar name and/or date of birth to you. The Institute will write to you and ask you to verify that the information relates to you. If the information does not relate to you, it will be destroyed and CrimTrac will be advised of the error.

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.

THE OUTCOME OF THE NCHRC

NO OFFENCES

If your NCHRC shows that you have not been convicted or found guilty of a criminal offence, you will be sent a letter advising that:

- an NCHRC was undertaken
- the outcome was satisfactory
- a new registration card indicating that an NCHRC has been conducted will be sent to you.

OFFENCES

For registered teachers, the Institute only considers indictable offences (which includes sexual offences) when assessing criminal history information arising from an NCHRC. If you have been convicted or found guilty of any indictable offence, the Institute must conduct an inquiry into your fitness to teach.

INDICTABLE OFFENCES

An indictable offence is an offence that carries a maximum term of imprisonment of five years or more, or where a fine of $60,000 or more can be imposed. Offences under the *Crimes Act* 1958 (Vic) and the *Wrongs Act* 1958 (Vic) are indictable offences unless categorised summary offences. Examples of indictable offences are culpable driving, theft, intentionally causing serious injury, stalking and some assaults.

SEXUAL OFFENCES

If your NCHRC shows that you have been convicted or found guilty of a sexual offence in Victoria or elsewhere at any time, your registration as a teacher will be cancelled automatically.

A sexual offence is defined in section 3 of the *Education Training and Reform Act* 2006 (Vic) (the Act) as:

- Certain nominated offences under the *Crimes Act* 1958 (Vic) against minors (under 18 years),
- Attempting to commit any of the above offences, and
- Any offence committed in Victoria or elsewhere where elements of that offence consist of, or include, elements of the offences referred to above.

Please contact the Institute for more information on sexual offences

THE INQUIRY

The inquiry process varies according to the seriousness of the offence. If the offence was minor and/or occurred a number of years ago, the Institute has a simple process. You will receive a letter from the Institute advising that an inquiry has been conducted and that the outcome of your NCHRC was satisfactory. If the offence is more serious, the Institute will write to you asking for an explanation. The most serious offences will be referred to a formal hearing. You will be kept informed and be given plenty of time to prepare for a formal hearing. Examples of serious offences are culpable driving, large thefts, thefts from schools, trafficking in illegal drugs and violence offences where the victim was a child or the victim suffered a serious injury.

SPENT CONVICTIONS

Victoria

In Victoria, the Spent Convictions Scheme of Victoria operates. A 'spent conviction' for a Victorian offence is the same as a spent conviction for a Commonwealth or Territory offence. That is, for an adult, a spent conviction is a conviction (or finding of guilt) recorded more than 10 years ago that resulted in a prison sentence of 30 months or less. For a juvenile, a spent conviction is a conviction (or finding of guilt) recorded more than five years ago that resulted in a prison sentence of 30 months or less.

The Spent Convictions Scheme of Victoria does not apply to registered teachers convicted (or found guilty) of an offence in Victoria. This means that all convictions (or findings of guilt) will be revealed by the NCHRC, no matter when they occurred.

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 unless the records check is for the applicant's personal information only, and provided that this is in accordance with relevant legislation (and/or release policy). Please contact individual police services directly for further information about their release policies and any legislation that affects them.

YOUR RESPONSIBILITY

Section 2.6.57 of the Act requires a teacher to notify the Institute within 30 days if committed for trial or convicted or found guilty of an indictable offence, including a sexual offence.

PROTECTING YOUR PRIVACY AND RIGHTS

The Institute is subject to the *Information Privacy Act* 2000 (Vic) (IP Act) and the information obtained by the Institute is subject to the Information Privacy Principles. The purpose of the IP Act is to establish a regime for the responsible collection and handling of personal information in the Victorian public sector. The Institute complies with the Information Privacy Principles of the IP Act. Information received through the NCHRC processes will be stored in secure personal files.

This form and the procedure developed by the Institute for assessing any information arising from an NCHRC complies with the *Charter of Human Rights and Responsibilities Act* 2006 (Vic).

YOUR EMPLOYER

Section 2.6.30 of the Act requires the Institute to advise the employer of a registered teacher if it conducts an inquiry. If you have been convicted or found guilty of an indictable offence, the Institute must inform your employer that it has conducted an inquiry. If the Institute has decided that the outcome of your NCHRC is satisfactory, it will simply advise your employer that it has conducted an inquiry and no further action will be taken. The Institute does not advise the employer of the particulars of the offence.

THE DEPARTMENT OF EDUCATION

The Institute and the Department of Education and Early Childhood Development (the Department) have reached an agreement with CrimTrac which will allow the Institute and the Department to exchange information about a registered teacher's criminal history. If you are employed as a registered teacher by the Department, the Institute is able to provide to the Department the criminal history information obtained by the Institute as result of your NCHRC.

FORWARDING YOUR CONSENT FORM TO THE INSTITUTE

Please mail your ***original signed consent form*** *to:*

Victorian Institute of Teaching, PO Box 531 Collins Street West Victoria 8007

Please do not submit your application by fax.

PERSONAL DETAILS

	OFFICE USE ONLY	
VIT registration number	Documents	
Surname or family name	One (70pts)	
First or given names	Two (40pts)	
	Three	
All previous names (including original family name) Note: You must provide evidence of all changes of name (see Proof of Identity section).	Requested	

Mr/Mrs/Ms/Miss	Sex **M**-Male **F**-Female	Date of birth / /
Place of birth Town	State	Country
Passport No	Country of issue:	
Driver's Licence No	State/Territory of issue	

PERMANENT RESIDENTIAL ADDRESS(ES) OVER LAST FIVE YEARS

If full details of previous addresses are unavailable details of town(s) and state(s) will suffice. Attach list if insufficient room.

If actual dates are unavailable, details of year of residence will suffice.

RESIDENTIAL ADDRESS(ES)	PERIOD OF RESIDENCE
Current	/ / to / /
Previous	/ / to / /
	/ / to / /

Please list all convictions and/or findings of guilt relating to you. This will assist the Institute to verify that the NCHRC relates to you.

OFFENCE	CONVICTIONS OR FINDINGS OF GUILT	DATE	COURT	PENALTY

PROOF OF IDENTITY

Before the Institute can undertake an NCHRC on your behalf, your identity must be verified. A person's identity can be verified by providing documentary evidence that satisfy '100 Point Check' (201) as required pursuant to the *Financial Transactions Reports Act 1988*. You must provide **certified copies** of the documents to the Institute or you may attend the Institute in person with the original and photocopy of your documents.

Documentary evidence to verify your identity must include one document from **Category 1** and one document from **Category 2** together with evidence of **all changes of name**, where applicable.

CATEGORY 1

Appropriate documents include: Birth certificate, Current passport or Citizenship certificate

CATEGORY 2

Appropriate documents include:

- an identity card containing your photograph or signature - a driver's licence, a card when employed under Part 3 of the Public Administration Act 2004, a Centrelink card or a student card issued by a tertiary institution.
- A reference by a registered teacher verifying your name and address

CHANGE OF NAME

If you have changed your name, you are required to provide evidence of **all** changes of name by providing **certified copies** of the following: marriage certificate, deed poll or decree nisi if applicable.
If you cannot obtain these documents, please submit a statutory declaration explaining your change of name.

REGISTRATION #

PERSONS AUTHORISED TO WITNESS STATUTORY DECLARATIONS AND CERTIFY COPIES OF DOCUMENTS

- a Justice of the Peace or a Bail Justice;
- a Notary Public;
- a barrister and solicitor of the Supreme Court;
- a clerk to a barrister and solicitor of the Supreme Court;
- the Principal Registrar, Registrar or Deputy Registrar of the Magistrates' Court;
- the Registrar of Probates or an Assistant Registrar of Probates;
- the Associate to a Judge of the Supreme Court or of the County Court;
- the Secretary of a Master of the Supreme Court or of the County Court;
- a registered Patent Attorney;
- a member of the police force;
- the sheriff or a deputy sheriff;
- a member or former member of either House of the Parliament of Victoria;
- a member or former member of either House of the Parliament of the Commonwealth;
- the Prothonotary or a Deputy Prothonotary of the Supreme Court;
- the Registrar or a Deputy Registrar of the County Court;
- a councillor of a municipality; a senior officer of a Council;
- a registered medical practitioner; a registered dentist;
- a veterinary practitioner;
- a pharmacist;
- a principal in the Victorian government teaching service;
- the branch manager of a bank;
- a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants;
- the secretary of a building society; a minister of religion (not a civil celebrant);
- a Victorian public servant with authorization to sign statutory declarations;
- a fellow of the Institute of Legal Executives

CONSENT

All applicants must complete the form below.

I _____ hereby:
Applicant's name

1 consent to:

- the Victorian Institute of Teaching (the Institute) disclosing personal information provided by me in this form to CrimTrac and/or to Australian police services;
- the Australian police services disclosing from their records details of convictions and outstanding charges, including findings of guilt or the acceptance of a plea of guilty by a court, that can be disclosed in accordance with the laws of the Commonwealth, States and Territories and, in the absence of any laws governing the disclosure of this information, disclosing in accordance with the policies of the police service concerned;
- CrimTrac providing the information disclosed by the Australian police services to the Institute in accordance with the laws of the Commonwealth;

2 acknowledge that:

- I have read the information attached to this form and understand that teachers have been excluded from the Spent Convictions Scheme operating in Victoria;
- any information provided by the Australian police services as a result of the National Criminal History Record Check may result in an inquiry being conducted by the Institute into my fitness to teach or my registration being automatically cancelled;
- if I am employed as a teacher by the Department of Education and Early Childhood Development, the Institute may provide to the Department any criminal history information contained in my National Criminal History Record Check;

3 have fully completed this form, and the personal information I have provided in it relates to me, contains my full name and all names previously used by me, and is correct.

Signature _____ **Date** _____

The information you provide in this form, and which CrimTrac provides to the Institute as a result of conducting an NCHRC, will be used only for the purpose stated above unless statutory obligations require otherwise.

Please provide the Institute with an original signature. Do not fax the completed form.

INFORMATION PRIVACY PRINCIPLES

Ten Information Privacy Principles (IPPs) are the practical core of the *Information Privacy Act*. With limited exceptions, all Victorian government agencies, statutory bodies and local councils must comply with the IPPs.

THIS IS A SHORT SUMMARY OF THE IPPS

IPP 1 Collection: Collect only personal information that is necessary for performance or functions. Advise individuals that they can gain access to personal information.

IPP 2 Use and disclosure: Use and disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.

IPP 3 Data quality: Make sure personal information is accurate, complete and up to date.

IPP 4 Data security: Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure.

IPP 5 Openness: Document clearly expresses policies on management of personal information and provides the policies to anyone who asks.

IPP 6 Access and correction: Individuals have a right to seek access to their personal information and make corrections. Access and correction will be handled mostly under the Victorian *Freedom of Information Act* 1982.

IPP 7 Unique identifiers: A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of an organisation's operations. Tax file numbers and driver's licence numbers are examples. Unique identifiers can facilitate data matching. Data matching can diminish privacy. IPP 7 limits the adoption and sharing of unique identifiers.

IPP 8 Anonymity: Give individuals the option of not identifying themselves when entering transactions with organisations, if that would be lawful and feasible.

IPP 9 Transborder data flows: Basically, if your personal information travels, your privacy protection should travel with it. Transfer of personal information outside Victoria is restricted. Personal information may be transferred only if the recipient protects privacy under standards similar to Victoria's IPPs.

IPP 10 Sensitive information: The law restricts collection of sensitive information like an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.

The full text of the IPPs can be found in Schedule 1 of the *Information Privacy Act* 2000 (Vic). See **www.dms.dpc.vic.gov.au**

Victorian Institute of Teaching
National Criminal History Record
Check Consent Form
Victorian Institute of Teaching
PO Box 531 Collins Street West
Victoria 8007
Telephone 1300 888 067

May 2009