

# Certificate of Suitability Australian Government Personnel Information Leaflet

**Recognition of a valid Australian Government Security Clearance<sup>1</sup> for any person who is a Secondee or a Special Member or who has an approved requirement to access AFP Premises, Classified Information or ICT Systems .**

## Introduction

A Certificate of Suitability recognises another Agency's Security Clearance enabling an employee from that Agency eligible under s.69D (AFP Act 1979) or s.40E (AFP Act) to access AFP classified information and/or security controlled areas.

The Employee must provide a copy of their Security Clearance Grant Notification from the host Agency. The attached forms must be completed before the granting of a Certificate of Suitability can be considered.

## Important Actions

- **Details of Applicant**

Please complete all Personal details of the Applicant.

For the purpose of the Certificate of Suitability Recognition clearance process and where the form requests details of a partner, spouse, de facto or significant other, this would include anyone you have been seeing or have been in a relationship with for a period exceeding 6 months.

- **Agency Security Advisor**

The Agency Security Advisor must endorse the application and the integrity of the applicant.

- **AFP Request and Endorsement**

The Functional Area must sponsor the request for the secondee and the application must be endorsed by the Manager or National Manager of the functional area.

## Adjudicative Guidelines

The **AFP employment character guidelines (PDF, 55KB)** define the minimum AFP character standards. Applicants who fail to meet these guidelines, may be deemed unsuitable to proceed through the Certificate of Suitability process.

## Incomplete Packages/Forms

Any missing or incomplete information may result in your documents being returned to you for further attention. Your AFP sponsor will be notified should this occur

## Contact

If you have any questions about these forms please contact your AFP Sponsor.

<sup>1</sup> Vetting agencies are to recognise the security clearances granted by another vetting agency and or Australian State and Territories undertaken in accordance with the PSPF, unless:

- the clearance has exceeded its revalidation period
- the clearance was granted with an eligibility waiver
- the vetting agency has grounds that the clearance subject is not suitable to access AFP classified resources at that clearance level

15/10/2018

**CERTIFICATE OF SUITABILITY – REQUEST FORM**

<b>Details of Applicant</b>				
Rank/Title	Surname	Given Name/s	Date of Birth	
<b>Current Security Clearance</b> ( <i>Applicant <u>must attach</u> the Security Clearance Notification letter from the host Agency</i> )				
Agency/company (if contractor)	Clearance Level Held		Date of Grant	
<b>Certificate of Suitability</b> ( <i>To be completed by the Agency Security Advisor and/or Integrity Department representative of the home Agency</i> )				
I confirm that the applicant has no known integrity or disciplinary issues and is hereby endorsed to have unescorted access within AFP premises or to AFP systems.				
<b>Agency Security Advisor</b>			Contact Number	
Signature	Printed Name		Date	
<b>Reason for access *****MUST BE COMPLETED *****</b>				
<b>Level of clearance required</b>	<input type="checkbox"/> Baseline	<input type="checkbox"/> NV1	<input type="checkbox"/> NV2	
<b>Access is required from</b> /        / <b>until</b> /        /				
<b>AFP Request</b> ( <i>to be completed by AFP Team Leader/Coordinator</i> )				
I certify that the access requested is necessary for the performance of the applicant’s duties for the purpose shown above.				
Signature	Printed Name	Rank/Position	AFP Number	Date
<b>AFP Endorsement</b> ( <i>to be completed by AFP Manager/National Manager</i> )				
Signature	Printed Name	Rank/Position	AFP Number	Date

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## Form 1. Schedule of Requirements to be attached – Certificate of Suitability

<b>Full Name</b>		
<b>Email Address</b>		
<b>Contact No/s.</b>		
<b>Current (host Agency) Supervisor Details</b>		
<b>Name</b>		
<b>Contact No/s.</b>		
<b>Email Address</b>		
<b>Business Area</b>		
<b>Forms</b>		
Certificate of Suitability Form <i>Note: <b>MUST</b> be completed and signed by your AFP Sponsors.</i>	Completed	<input type="checkbox"/>
Form 1: Schedule of Requirements to be attached	Completed	<input type="checkbox"/>
Form 2: Security Clearance Questionnaire	Completed	<input type="checkbox"/>
Form 4: Consent to Conduct a National Police Check (Subject)	Completed	<input type="checkbox"/>
Form 4a: Consent to Obtain Personal Information (Partner)	Completed	<input type="checkbox"/>
Form 7: Handling AFP Information	Completed	<input type="checkbox"/>
Form 8: General Consent	Completed	<input type="checkbox"/>
Form 9: Statutory Declaration	Completed	<input type="checkbox"/>
<b>Personal Documents</b>		
<i>Note: You <b>MUST</b> provide a copy of your Clearance Notification Letter and your Drivers Licence or another form of official photographic ID</i>		
Please provide the document title in the space below for substitute documents.		
Current Drivers Licence (front & back required)	Must be attached	<input type="checkbox"/>
Clearance Confirmation Letter from home Agency:	Must be attached	<input type="checkbox"/>
Substitute photographic ID for Drivers Licence (if licence not held) Document Title:	Attached	<input type="checkbox"/>

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## Form 2: Security Clearance Questionnaire

Full Name

Should background checking reveal that you have attempted to deliberately mislead the AFP, it may cause delays to your security clearance or ultimately have a bearing on the granting of your security clearance.

*\*Please note that answering "yes" to any of these questions does not necessarily preclude you from obtaining a security clearance. Each issue is assessed on its merits and is based on the circumstances, your attitude and community standards.\**

### SECT 137.1 Criminal Code Act 1995

#### False or misleading information

(1) A person is guilty of an offence if:

- (a) The person gives information to another person; and
- (b) The person does so knowing that the information:
  - (i) is false or misleading; or
  - (ii) Omits any matter or thing without which the information is misleading; and
- (c) Any of the following subparagraphs applies:
  - (i) The information is given to a Commonwealth entity;
  - (ii) The information is given to a person who is exercising powers or performing functions under, or in connection with, a law of the Commonwealth;
  - (iii) The information is given in compliance or purported compliance with a law of the Commonwealth.

**Penalty: Imprisonment for 12 months.**

***"Giving false or misleading information is a serious offence".***

Please answer the following questions by ticking the reply that applies to your personal circumstances. If you answer **"yes"** to any question, *please provide full details in the space provided or on an attachment* and return it with your security clearance package. If you would prefer to discuss the matter personally, or have any doubt about the wording of any question, please contact Personnel Security Vetting at [security-vetting@afp.gov.au](mailto:security-vetting@afp.gov.au).

1. Have you ever been dismissed or asked to resign from a place of employment?  Yes  No

*If yes, please provide full details*

2. Has a Security Clearance requested for you ever been:

- a) Withdrawn?  Yes  No
- b) Downgraded?  Yes  No
- c) Reviewed?  Yes  No
- d) Denied?  Yes  No

*If yes, please provide full details*

3. Are you registered with the Australian Electoral Commission as a person eligible to vote?  Yes  No

*If yes, at which address are you registered.*

*If no, please provide full details as to why not.*

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4. Do you have feelings of loyalty or allegiance to any country other than Australia?  
If so, to which country and why. Yes No

5. Have you, either in Australia or overseas, ever applied for or served with the Armed Forces, State or Territory Police Services or Correctional Services (including unsuccessful applications)? If yes, please provide the date of application and/or dates of service. Yes No

*If you were unsuccessful please include any reasons you were given as to why.*

6. Have you, in Australia or overseas, ever been the subject of or involved in any form of:

- a) Military investigation? Yes No
- b) Police investigation? Yes No
- c) Internal investigation? Yes No
- d) Workplace enquiry? Yes No
- e) Internal disciplinary action, including counselling whether formal or informal? Yes No

*If yes, please provide as much detail as possible.*

*Note that any past involvement, including any adverse findings made against you, with AFP PRS must be disclosed. If you are an AFP appointee, you are authorised to disclose this information under s 60A of the AFP Act and related regulations.*

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7. Have you for any reason (other than in an official capacity) in any country, ever been:

- a) In contact with police or law enforcement agencies?  Yes  No
- b) Charged and/or convicted of any offence (including traffic offences)?  Yes  No
- c) Directed to perform Community Service by a court of law?  Yes  No
- d) Imprisoned or served periodic detention (civilian or military)?  Yes  No

*If yes, please provide as much detail as possible.*

8. Do you have (for any reason other than in an official capacity) ongoing or previously had, contact with anyone who, in any country:

- a) Is or has been imprisoned or serving periodical detention?  Yes  No
- b) Is performing or has been directed to perform Community Service by a court of law?  Yes  No

**Note: this includes relatives and family members**

*If yes, please provide full details.*

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9.

Have you ever (for any reason other than in an official capacity) been involved in any civil or criminal court matters, in any country, in any capacity?

Yes  No

*If yes, please provide full details.*

10.

Have you ever engaged in any unlawful activities, in any country, whether detected by the Police or Law Enforcement Agencies or not?

Yes  No

*If yes, please provide full details.*

11.

Have you ever had contact with anyone, (for any reason other than in an official capacity), in any country who is or has been involved in criminal or unlawful activity?

Yes  No

**Note: this includes relatives and family members**

*If yes, please provide full details.*

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12. Have you been a member of any type of gang in any country?  Yes  No

*If yes, please provide full details.*

13. Have you had association (other than in an official capacity), in any country, with anyone who is, or has been a member of any type of gang?  Yes  No

**Note: this includes relatives and family members**

*If yes, please provide full details.*

14. Have you ever, on any occasion, in any country?

a) Used illegal/illicit drugs or substances?  Yes  No

b) Possessed, sold or manufactured illegal/illicit drugs or substances?  Yes  No

c) Had association with anyone; including relatives and family members (other than in an official capacity) involved in illegal/illicit drugs or substances, in any way?  Yes  No

**Note: This includes drugs or substances that would be considered illegal in Australia, regardless of their standing overseas.**

*If yes, please provide full details.*

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15.

Have you ever been, or are you currently being treated for a mental health disorder or a serious medical condition?

Yes  No

*If yes, please provide full details*

16.

Have you ever used prescription or over the counter medications other than as prescribed or for their intended purpose?

Yes  No

*If yes, please provide full details*

17.

Is there any further information about you or your background of relevance that has not been asked in a previous question?

Yes  No

*If yes, please provide full details*

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I certify that the information supplied on this Security Clearance Questionnaire is complete and correct to the best of my knowledge.

Applicant		
Printed Name: .....	Signature: .....	Date: .....

I understand that giving false or misleading information during any part of this security clearance process is a serious offence under s137.1 & s137.1A of the *Criminal Code Act 1995*.

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## Form 4: Consent to Conduct a National Police Check (NPC)

### National Police Check Information Leaflet

#### General Information

This consent form is used by the Australian Federal Police (AFP) as part of:

- a. the assessment process to determine whether a person is suitable for employment or engagement by the AFP as a contractor, special member or secondee;
- b. the security clearance process to determine whether a person is suitable to occupy a position determined by the Commissioner of Police to require a security clearance
- c. verifying the identity of AFP appointees

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than set out in this information leaflet and the NPC consent form. You may be required to complete another NPC consent form in the future if your position or role changes.

The reasons for conducting the NPC and taking your finger and palm prints include:

- verification of identity for security, character and disaster victim identification purposes;
- identification of the existence of police records relating to you, including records under different names;
- investigation related purposes, including unsolved crime scenes and elimination of prints from crime scenes;

#### National Police Check

Checking for the existence of police records is an integral part of the suitability assessment; verification of identity and the security vetting process.

The information in the NPC consent form and the finger and palm prints you provide will be forwarded to AFP Criminal Records who will provide the information to the Australian Criminal Intelligence Commission and Australian State and Territory Police Services for the purpose of conducting checks and extracting details of any convictions, findings of guilt or pending court. Any matters that are identified may be used by the AFP to assess:

- your suitability for employment or providing services to the AFP;
- your suitability to hold an AFP security clearance;
- involvement in an unsolved investigation; or
- the existence of any undisclosed convictions, findings of guilt or pending matters.

#### Disclosing convictions

The NPC consent form requires you to disclose whether you are the subject of any criminal charges(s) pending, or whether you have been the subject of any conviction(s) or finding(s) of guilt before a court, including any conviction that has become spent.

As a law enforcement agency the AFP has an exclusion from the Commonwealth Spent Convictions Scheme as contained in the *Crimes Act 1914* (Cth). This exclusion

allows the AFP as a law enforcement agency to take into account information in relation to spent convictions for the purpose of making decisions in relation to assessing AFP appointees and contractors.

#### Database registration

Your finger and palm prints will be registered on and searched against the Australian Criminal Intelligence Commission National Automated Fingerprint Identification System (NAFIS) database which contains Police and Immigration records of people and fingerprints.

Examples of the records held on NAFIS include, but are not limited to:

- fingerprints relating to unsolved investigations;
- persons who have been fingerprinted in relation to criminal offences;
- NPC for employment/probity purposes and security vetting clearances;
- other State/Territory Police Service recruitment/engagement;
- overseas visa applications; and
- other civil process matters.

Once registered on the NAFIS database, your finger and palm prints will then be visible to any search (existing person or latent print) conducted by any relevant organisation in Australia.

These organisations currently include, but are not limited to: the AFP, State and Territory Police Services, and the Department of Immigration and Citizenship. These searches may involve searches of overseas records against the Australian records held on the NAFIS database.

#### Storage and Retention

The information you provide to the AFP will be:

- used and handled in accordance with the *Privacy Act 1988* (Cth); and
- retained and disposed of in accordance with the *Archives Act 1983* (Cth) (the Archives Act).

Your NPC documents and finger and palm prints will be retained and stored as part of normal agency record keeping for your AFP Personal Security File. The AFP will not permanently retain the NPC and fingerprints. The fingerprints will be removed from NAFIS and disposed of according to retention periods under the Archives Act and disposal obligations for AFP Personal Security Files.

#### Provision of False or Misleading Information

You are asked to certify that the personal information you have provided on the form is correct. If it is subsequently discovered that you have provided false or misleading information, for example as a result of a National Police Check, you may be assessed as unsuitable to occupy the position for which you are being assessed.

You should note that the existence of a criminal record does not mean that you will be automatically assessed as being unsuitable for employment or unsuitable to be granted a security clearance. Each case is assessed on its merits. Therefore it is in your best interests to provide frank and complete details when completing this form.

## Form 4: Consent to Conduct a National Police Check (NPC)

Personal Particulars										
(please use BLOCK letters)										
Surname					Given Name (s)					
Maiden Name					Name by Previous Marriage			Any Other Name Change		
Gender										
<input type="checkbox"/> M (Male)			<input type="checkbox"/> F (Female)			<input type="checkbox"/> X (Indeterminate/Intersex/Unspecified)				
Marital Status										
<input type="checkbox"/> Single		<input type="checkbox"/> Married		<input type="checkbox"/> Divorced		<input type="checkbox"/> Separated		<input type="checkbox"/> De-facto		<input type="checkbox"/> Widow (er)
Date of Birth			City/Town (of birth)			State (of birth)		Country (of birth)		
Drivers Licence No		Date Of Expiry			State of Licence					
Contact Telephone Nos.		(H)		(W)		(M)				
Permanent Residential Address (Australia)							Period of Residence			
Current					Postcode:		/ / to / /			
Previous					Postcode:		/ / to / /			
Criminal Charge(s), Infringements, Convictions or Pecuniary Penalties										
1 Are you the subject of any criminal / traffic charge(s) still pending?							<input type="checkbox"/> Yes <input type="checkbox"/> No			
If YES, please provide details										
2 Do you have any conviction(s) or finding(s) of guilt?							<input type="checkbox"/> Yes <input type="checkbox"/> No			
If YES, please provide details										
OFFICE USE ONLY										
Return Completed Form to:			Team No.		Vetting Officer Initial		For POLICE Use Only			
Australian Federal Police Personnel Security Vetting Security GPO Box 401 Canberra City 2601							Result			

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## Form 4: Consent to Conduct a National Police Check (NPC)

I,  Hereby:

(FULL NAME IN BLOCK LETTERS IN INK)

1. acknowledge that I have read the information leaflet provided with this form

This check is for the following purpose:

<b>Employment:</b>	Sworn/Unsworn Prospective employee/contractor	Existing employee/contractor
<b>Security Clearance:</b>	Access to Secret/Top Secret	Other

2. certify that the personal information that I have provided on this form, including fingerprints and palm prints, relates to me and is correct;
3. acknowledge the details contained on this form, including fingerprints and palm prints, will be forwarded to the AFP, the Australian Criminal Intelligence Commission and/or State/Territory police services;
4. consent to the AFP and any other State/Territory police services extracting details of any convictions, findings of guilt or pending court proceedings relating to me, including in relation to any traffic offence, and providing that information to the AFP ;
5. acknowledge the information provided on this form will not be used without my prior consent for any other purpose than set out in this consent form and the attached National Police Check Information Leaflet, unless otherwise authorised by law;
6. understand that it is an offence to provide false or misleading information in this application, or omit to provide information that may result in this application being false or misleading; and
7. acknowledge that any information provided on this form or disclosed as a result of this check may be taken into account in assessing my suitability for employment or providing services to the AFP as an AFP appointee or contractor.

Signed:

Date: / /

### NOTE

"Employment" includes engagement as a contractor.

Please ensure that you sign and date the form and complete all sections

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## Form 4a: Consent to Obtain Personal Information – Partner

### Police Record Check Information Leaflet

#### General Information

This form is used by the Australian Federal Police as part of the security clearance process for your partner in accordance with Australian Government Policy.

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than in relation to the assessment of your partner's suitability for employment and/or the granting of their security clearance. You may be required to complete another consent form in the future in relation to their employment in other positions.

#### Police Records Check

Police records are an integral part of the suitability assessment process. On this form you are asked to disclose whether you are the subject of any criminal charges(s) still pending, or whether you have been the subject of a conviction(s) or finding(s) of guilt before a court. You are not required to reveal any convictions, which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where exclusion applies (see explanation note under heading Spent Convictions Scheme).

You are asked to consent to:

- a. the AFP conducting Criminal Records checks; and
- b. the AFP accessing the records of any State or Territory in which you have visited or resided, as nominated in the Personal Particulars section of the form, to obtain any criminal history information in order to make the employment/security clearance decision in relation to your partner.

#### General Security Checks

In addition to the police check above, various enquiries/checks may be undertaken about you (including checks with vetting agencies, other Law Enforcement Agencies or State/Territory or Commonwealth Entities) to determine whether your partner can be granted a security clearance. These checks may include corroboration of any previous Commonwealth employment you have had; corroboration of personal history for a minimum of 10 years; corroboration of overseas travel; checks for bankruptcy; and criminal records checks.

#### Spent Convictions Scheme

Commonwealth legislation relating to collection, use and disclosure of old convictions information (commonly known as the Spent Convictions Scheme) restricts the ability of Commonwealth Agencies to access this information.

The aim of the scheme is to prevent discrimination on the basis of certain old conviction types once a waiting period has passed, provided that the individual has not re-offended. The scheme also covers situations where an individual's conviction has been set aside or pardoned.

An individual whose conviction is Spent by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including the Commonwealth authority, exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing, without the consent of the individual, such convictions.

A spent conviction is a conviction for either a Commonwealth, Territory, State or foreign offence which satisfies the following conditions:

- it is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 years (5 years for child offenders) waiting period, and
- A statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

An individual who believes that standards dealing with disclosure and use of old conviction information have been breached may apply to the Office of the Australian Information Commissioner for an investigation of the matter. The address is GPO Box 5218, Sydney NSW 2001, or they can be contacted by email at enquiries@oaic.gov.au.

#### Provision of False or Misleading Information

You are asked to certify that the personal information you have provided on the form is correct. If it is subsequently discovered for example as a result of police records, that you have provided false or misleading information, your partner may be assessed as unsuitable to occupy the position for which they are being assessed.

You should note that the existence of a criminal record does not mean that your partner will be automatically assessed as being unsuitable for employment or the granting of security clearance. Each case will be assessed on its merit therefore it is in your best interests to provide accurate details on the form.

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## Form 4a: Consent to Obtain Personal Information - Partner

<b>Personal Particulars</b>									
Nil exclusion									
Surname					Given Name(s)				
Maiden Name					Name by Previous Marriage			Any Other Name Change	
Gender									
<input type="checkbox"/> M (Male)			<input type="checkbox"/> F (Female)			<input type="checkbox"/> X (Indeterminate/Intersex/Unspecified)			
Relationship to Applicant									
Date of Birth		City/Town (of birth)			State (of birth)			Country (of birth)	
Drivers Licence No	Date Of Expiry			State of Licence					
Contact Telephone Nos.	(H)	(W)	(M)						
Permanent Residential Address (Australia)							Period of Residence		
Current				Postcode:		/ / to / /			
Previous				Postcode:		/ / to / /			
<b>Criminal Charge(s), Infringements, Convictions or Pecuniary Penalties</b>									
1 Are you the subject of any criminal / traffic charge(s) still pending?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details									
2 Do you have any conviction(s) or finding(s) of guilt?							<input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, please provide details									
<b>OFFICE USE ONLY</b>									
Return Completed Form to:			Team No.		Vetting Officer Initial		For POLICE Use Only		
Australian Federal Police Personnel Security Vetting Security GPO Box 401 Canberra City 2601							Result		

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**Form 4a: Consent to Obtain Personal Information - Partner**

I,  Hereby:

**(FULL NAME IN BLOCK LETTERS IN INK)**

8. acknowledge that I have read the information leaflet provided with this form

This check is in relation to my partner and is for the following purpose:

<b>Employment:</b>	Sworn/Unsworn	
	Prospective employee/contractor	Existing employee/contractor
<b>Security Clearance:</b>	Access to Secret/Top Secret	Other
<b>Site Access:</b>	Access to AFP premises	

- 9. certify that the personal information provided on this form relates to me and is correct;
- 10. acknowledge that the details contained on this form, may be forwarded to the AFP, the Australian Criminal Intelligence Commission, other Commonwealth entities and/or State/Territory Police Services;
- 11. consent to the AFP and any other State/Territory Police Services extracting details of any convictions, findings of guilt or pending court proceedings relating to me, including in relation to any traffic offence, and providing that information to the AFP ;
- 12. acknowledge that the information provided on this form will not be used without my prior consent for any purpose other than set out in this consent form and the attached National Police Check Information Leaflet, unless otherwise authorised by law;
- 13. understand that it is an offence to provide false or misleading information in this application, or omit to provide information that may result in this application being false or misleading; and
- 14. acknowledge that any information provided on this form or disclosed as a result of this check may be taken into account in assessing my partner's suitability for employment or providing services to the AFP as an AFP appointee or contractor.

Signed:

Date:  /  /

**NOTE**

"Employment" includes engagement as a contractor, secondee or special member.

Please ensure that you sign and date the form and complete all sections

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## Form 7: Handling AFP Information – Some Applicable Legislative Provisions

### 1. General

There are many Commonwealth laws that apply to Commonwealth employees, contractors and other people working for the AFP. Some of these provisions are summarised below, however this list is not intended to be exhaustive. They represent examples of some provisions that might apply in respect of information about what you may encounter while working for the AFP.

In most instances, these laws will continue to apply even after you have ceased working with the AFP, this legislation is available at: [www.comlaw.gov.au](http://www.comlaw.gov.au)

If you have any questions regarding this document please contact AFP Personnel Security Vetting.

### 2. Australian Federal Police Act 1979

Section 60A provides that:

- 1) This section applies to a person who is, or was at any time:
  - a) the Commissioner; or
  - b) a Deputy Commissioner; or
  - c) an AFP employee; or
  - d) a special member; or
  - da) a special protective service officer; *or*
  - e) a person engaged under section 35; or
  - f) a person performing functions under an agreement under section 69D.
- 2) A person to whom this section applies must not, directly or indirectly:
  - a) make a record of any prescribed information; and
  - b) divulge or communicate any prescribed information to any other person;

except for the purposes of the AFP Act or the regulations or the Witness Protection Act 1994 or regulations under that Act, or for the carrying out, performance or exercise of any of the person's duties, functions or powers under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act.

### 3. Penalty: Imprisonment for 2 years

In this section, 'prescribed information' means information obtained by a person to whom this section applies in the course of carrying out, performing or exercising any of the person's duties, functions or powers under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act, or otherwise in the course of the person's service, employment or engagement under this Act or the regulations or the Witness Protection Act 1994 or regulations under that Act.

### 4. Other secrecy provisions

There are other secrecy provisions which may apply. These include, for example, Section 70 of the Crimes Act 1914 (Cth) which prohibits a Commonwealth Officer communicating information obtained by virtue of being a Commonwealth Officer which it is his/her duty not to disclose.

Additionally there are many other secrecy provisions that might apply to certain types of other information that persons working with the AFP may encounter. They include, for example, information relevant to the investigation of complaints against AFP personnel, telecommunications information, financial information, and some information obtained from other countries.

### 5. Computer Offences

The Criminal Code Act 1995 (Cth) includes many offences relating to unauthorised access to or modification or impairment of computer data.

### 6. Privacy Act

AFP is an APP entity and an agency for the purposes of the Privacy Act 1988 (Cth). Accordingly, it is bound by the 11 Australian Privacy Principles at section 14 of the Privacy Act in relation to the collection, storage, use and disclosure of personal information.

### 7. Other

There are a wide range of other offences that may arise from improper handling of AFP information. For example, dishonestly using information to obtain a benefit from anyone, or cause detriment to anyone is a serious offence under the Criminal Code Act 1995 (Cth).

THIS DOCUMENT HAS BEEN DECLASSIFIED  
AND RELEASED IN ACCORDANCE WITH THE  
OFFICIAL INFORMATION ACT (FOIA)  
(COMMONWEALTH)  
BY THE AUSTRALIAN FEDERAL POLICE

## Form 7: Handling AFP Information – Some Applicable Legislative Provisions

I,

(Name in BLOCK letters)

Of

In the State of

(Address)

Understand that I am/will be engaged as: (Please tick appropriate box)

- a Deputy Commissioner; or
- an AFP employee; or
- a special member; or
- a person engaged under section 35; (consultant / contractor); or
- a person performing functions under an agreement under section 69D (secondment).

Understand that I have been identified as requiring access to AFP resources only e.g. PROMIS

- Government personnel identified as requiring access to AFP resources only (PROMIS).

**Acknowledge and Agree** to the following:

In the course of my employment with, or whilst providing services or assistance to, the Australian Federal Police ('AFP'), I may become aware of information (including personal information) that may be:

- confidential;
- subject to the *Privacy Act 1988* (Cth); or
- subject to Commonwealth secrecy laws.

The *Australian Federal Police Act 1979* (Cth) secrecy provision provides that any information obtained in the course of carrying out, performing or exercising any AFP duties, functions or powers is protected (referred to as 'AFP information').

I understand that improper access, use or disclosure of AFP information may severely damage the reputation of the AFP or the AFP's ability to perform its statutory functions and may constitute a criminal offence.

**I must not use, disclose, divulge, communicate or record AFP information except in the course of performing my duties or providing services or assistance to the AFP.**

I am considered to be a Commonwealth Officer as defined by the *Crimes Act 1914* (Cth) and/or a Commonwealth Public Official as defined in the *Criminal Code 1995* (Cth).

I have received a copy of the document titled "*Handling AFP Information – Some Applicable Legislative Provisions*" (see attached), that sets out some of the applicable provisions relating to the access, use and disclosure of AFP information. I understand that these provisions may apply irrespective of whether a document is marked with a security classification.

I am aware that giving false or misleading information to the Commonwealth is a serious offence under Division 137 of the *Criminal Code Act 1995* (Cth), punishable by imprisonment for 12 months.

I understand that these obligations are ongoing and their applicability does not depend on whether I continue to work with the AFP.

Printed Name: ..... Signature: ..... Date: .....

THIS DOCUMENT HAS BEEN DECLASSIFIED  
AND RELEASED IN ACCORDANCE WITH THE  
FREEDOM OF INFORMATION ACT 1982  
(COMMONWEALTH)  
BY THE AUSTRALIAN FEDERAL POLICE

**Form 8: General Consent**

I	
<b>(Full Name)</b>	
of	
<b>(Address)</b>	
<p>have read the Australian Federal Police (AFP security clearance information leaflet, and Notes below which explain the need for me to undergo the security clearance process in accordance with Australian Government Policy. I acknowledge that this process requires the AFP to make various enquires/checks about me (including checks with Authorised Vetting Agencies, other Law Enforcement Agencies, State/Territory or Commonwealth Entities or Personal History Authentication Authorities). I consent to:</p> <ul style="list-style-type: none"> <li>• the AFP having access to and sharing relevant information and documents about me which will assist in the making of a decision about my suitability for employment and a security clearance;</li> <li>• this information being further disseminated within the AFP and to Authorised Vetting Agencies, other Law Enforcement Agencies or State/Territory or Commonwealth Entities for the purpose of ongoing employment suitability and/or integrity assessments and any review of a security clearance;</li> <li>• the communication of such information to such AFP appointees, contractors or consultants (and/or their equivalent in the relevant external agencies) whose duties are conducive to those processes;</li> <li>• this information being disclosed to future prospective employers for the purpose of determining my suitability for future employment or service with that prospective employer; and to</li> <li>• this information being disclosed to any Australian law enforcement agency for use for their respective law enforcement purposes including the investigation and prosecution of criminal offences.</li> </ul> <p><b>NOTES</b></p> <ul style="list-style-type: none"> <li>• The nature of employment suitability assessments and security clearance vetting is such that it cannot be determined from the outset how many, and to what extent, checks and enquiries will need to be made in order to be able to make an informed and reasoned assessment about a person's suitability. For that reason the General Consent Form cannot specify exactly what specific checks or enquiries will be made for each security clearance and your general consent to make all relevant inquiries and checks is sought.</li> <li>• However, you are advised that in all cases the following checks will be made:             <ul style="list-style-type: none"> <li>○ corroboration of any previous Commonwealth employment, including with the Defence Force, and checks of any existing security records;</li> <li>○ corroboration of personal history for a minimum of 10 years;</li> <li>○ corroboration of overseas travel;</li> <li>○ checks for bankruptcy and of credit history; and</li> <li>○ criminal record checks.</li> </ul> </li> <li>• Any or all of (but not limited to) the following checks and enquiries may be made on a needs basis:             <ul style="list-style-type: none"> <li>○ checks to verify the authenticity and validity of personal and identity documents;</li> <li>○ check of education documentation with relevant school, college, university and the like;</li> <li>○ corroboration of overseas travel with Immigration records;</li> <li>○ enquiries with banks, building societies, credit unions and others with whom you have financial dealings;</li> <li>○ enquiries with current or previous employers about your general character, reliability, trustworthiness, any disciplinary, conduct or criminal matters in relation to your employment, or any other matter considered relevant to the assessment of your suitability;</li> <li>○ enquiries with friends, relatives and associates about your general character, reliability, trustworthiness etc;</li> <li>○ checks of online search information and social media relating to you; and</li> <li>○ checks or enquiries with any other persons, agencies or organisations which may be able to contribute information relevant to the assessment of your suitability for the access proposed.</li> </ul> </li> </ul>	
<p style="text-align: center; font-weight: bold; color: red;">EFFECT OF NON-DISCLOSURE</p> <p style="text-align: center;">BY THE AUSTRALIAN FEDERAL POLICE</p>	
<b>Printed Name:</b> .....	<b>Signature:</b> ..... <b>Date:</b> .....

*Provision of information is voluntary. A failure to furnish all or part of the information requested may, however, prevent completion of the request for security clearance or access.*