Further information on the NHS scheme

This information does not replace the Security Sensitive Biological Agents Standards. To avoid confusion, the Standards always take precedence. If you have any questions please contact AusCheck on 02 6141 2000 or by email at AusCheck@ag.gov.au.

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1. Fees

1.1. What does AusCheck charge? Are these charges fixed?

In accordance with cost recovery procedures, Auscheck reviewed its fees for background checking services in 2012-13.

AusCheck’s updated fee structure commenced on 1 July 2012.

<table>
<thead>
<tr>
<th>Fees</th>
<th>Total Background Check Cost</th>
</tr>
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<tbody>
<tr>
<td>Standard 2 Year NHS Background Checking Fee:</td>
<td>$98</td>
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The above fee is GST free.

1.2. What is included in AusCheck’s fee?

AusCheck operates on a full cost recovery basis which includes recovering expenses incurred for labour, information and technology, general expenses, property, Attorney-General’s corporate overhead, and checking partner costs (ASIO, CrimTrac and DIAC).

1.3. At what point does the charging occur?

Once your registered entity reviews and sends your data to AusCheck, and the AusCheck system confirms that all the mandatory data is present, an entry will be allocated to your registered entity’s credit account.
1.4. *Is a fee still charged for an ineligible decision?*

Yes. Your registered entity is still required to pay if your background check reveals that you fail to meet the statutory criteria.

1.5. *Will a fee be charged if I cancel my application?*

Yes. Once your registered entity has reviewed and successfully submitted your application into the AusCheck system, no refund will be given. This also applies if you choose to cancel your application prior to a decision being provided.
2. Identity Issues

2.1. What happens if I change my name?

It is up to your registered entity to satisfy itself that you are the same person named by the identification documents you present. If you have changed your name, you should present documentation that establishes that your name has changed (e.g., Marriage Certificate or proof of name change documentation from the Registry of Births, Deaths and Marriages).

For the purposes of background checking, you must supply all current and previous names with your application.

2.2. What happens if the name on my official documents is different from my current name?

When applying for your NHS check you are required to verify your identity by showing your registered entity particular identification documents. A background check cannot be conducted without this verification. If the identification documents and your current name differ, your registered entity needs to be satisfied that you are the same person named in your documents.

Your registered entity may require you to produce evidence of your name change for this purpose.
2.3. **What happens if I change my name during my eligibility period?**

If an eligible or qualified individual changes their name during their eligibility period, they have 30 days to notify their entity. The notification must be in the form of a statutory declaration.

Individuals commit an offence if they do not make this notification within 30 days of changing their name.

2.4. **What if there is no date of birth provided on my identification?**

If you do not know your actual date of birth, but have used a particular date for other purposes, then you should use the date you used previously.

2.5. **Does my registered entity need to include my identity document information when my application is lodged?**

No.

2.6. **What identity documents are required to get an NHS Check?**

It is the responsibility of the entity to undertake an identity check on all individuals prior to an individual becoming an authorised person.

The entity must ensure that the documentation provided for proof of identity by a person includes categories:

A. evidence of commencement of identity in Australia,
B. linkage between identity and the person,
C. evidence of operation in the community, and
D. evidence of residential address.

The documentation to satisfy criteria A – D includes:
Category A: A birth certificate or record of immigration status.
Category B: A photo ID such as a driver’s licence or passport.
Category C: A Medicare card, credit card or tertiary ID card.
Category D: A utility notice

2.7. **What happens if I don’t have a passport?**

It is not necessary for you to produce a passport as an identification document. Other photo ID, such as a driver’s licence, can be used.
3. Applications/Process Issues

3.1. How do I know which registered entity to send my application to?

Your employer should let you know how to apply for a background check if your require one. Facility operators are also responsible for ensuring that people who need to have access to secure areas have the necessary information about applying for a background check.

Section 3.3 of the Security Sensitive Biological Agents (SSBA) Standards requires entities to ‘authorise’ persons who handle SSBAs, access facilities where SSBAs are handled, or access sensitive information related to SSBAs. Section 3.6 of the SSBA Standards requires entities to apply to AusCheck for an NHS check of all persons that it is considering authorising to handle Tier 1 SSBAs, to access a facility where Tier 1 SSBAs are handled or to access sensitive information relating to Tier 1 SSBAs, except those who currently hold a national security clearance of Confidential, Secret or Top Secret.

3.2. Is it possible to pre-apply for background check? This would enable me to be ready for work and not have to wait for my check to be completed.

No. Applications can only be made where there is an existing requirement to have access. In addition, applications to AusCheck can only be made by an entity and not an individual. The current regulatory system does not allow for individuals to apply for a background check unless they have a need to access SSBAs or information pertaining to SSBAs.
3.3. **Does my registered entity have the right to refuse to issue me with access to a facility?**

Yes. AusCheck’s role is to determine whether a person is eligible, under the SSBA Standards, to be authorised. The final decision of whether to authorise access to a facility remains the responsibility of the entity.

However, if an individual has undergone a background check and received a final result of ‘not eligible’, an entity must not authorise that individual.

3.4. **I am a Government employee who already has a security clearance. Do I have to undergo the AusCheck background checking process?**

Individuals who currently hold a national security clearance of Negative Vetting Level 1, Negative Vetting Level 2 or Positive Vetting are not required to be background checked for the NHS scheme.

3.5. **Are NHS checks transferable?**

An individual’s status as *authorised* is limited to the entity which provided the status and does not provide automatic authorisation between entities. However, an entity when authorising an individual to work in their facility may accept the result of a valid background check conducted as part of the authorising process for another entity.

If an individual transfers to a new facility, the new entity is responsible for ensuring that the individual’s current background check has previously been completed and is valid.
4. Assessment Issues

4.1. How will my registered entity and I be notified if I have an adverse or qualified criminal history?

If AusCheck is proposing to make a decision of ‘ineligible’ in relation to your application as a result of your criminal history, you will be notified by post and given 28 days to provide comments to AusCheck before a final decision is made. Your registered entity will not be told anything at this stage.

If after 28 days, or earlier with your permission, your final check result reveals an ineligible or qualified decision, you will be notified of the final outcome by registered post and your registered entity will be notified electronically.

4.2. How will my registered entity and I be notified if I have an adverse security assessment?

Your security assessment is carried out by ASIO. If ASIO returns an adverse assessment to AusCheck, AusCheck must make a decision of ‘ineligible’ in relation to your application.

You will be notified of the final outcome by registered post and your registered entity will be notified electronically.
4.3. **Why can it take so long to make an ineligible decision on my application?**

In order to respect your right to natural justice, you are allowed a reasonable time to correct or put material before AusCheck before it makes a final decision that adversely affects you.

On this basis, you are provided with 28 days to respond to AusCheck’s letter advising you of a potential ineligible decision about your criminal record. However, if you respond to AusCheck earlier than 28 days, or you provide AusCheck with your permission, it is possible for AusCheck to finalise your application sooner.

If you require more than 28 days to prepare material to be submitted to AusCheck, your request will be granted where appropriate.

4.4. **Can I be told at what stage my application is at during the AusCheck process?**

Yes. You can be told if your check is ‘**In progress with checking partners**’ or ‘**pending AusCheck decision**’.

Once AusCheck receives your completed application, the relevant information is forwarded to AusCheck’s checking partners. Those checking partners complete their checking process and return their findings to AusCheck for decision. Until AusCheck receives the findings from each checking partner, AusCheck is only able to advise that your application is ‘**In progress with checking partners**’. AusCheck is unable to disclose which checking partner the check is with.

When AusCheck reports that a background check is ‘**Pending AusCheck Decision**’ it means that the checking partners have provided their findings and AusCheck is making a determination on the basis of those findings. This process is usually completed within a day or two but may occasionally take longer when further information is required.
4.5. **Will my registered entity get details of my criminal history?**

Your registered entity will only be given details of your criminal history record where your checking result produces a ‘qualified’ result. If a qualified result is made, an extract of the health-security-relevant offences is forwarded to the registered entity in order to allow the facility to make an informed decision as to whether or not an individual ought to be authorised to handle or access information about SSBAs unsupervised.

4.6. **Will my employer get details of my criminal history?**

Your criminal history will only be revealed to your registered entity if your NHS check application returns a ‘qualified’ result. This is discussed in point 4.5. In all other cases your criminal history is not revealed to either your employer or your registered entity.

4.7. **Am I obliged to let my registered entity know if I have been convicted of a security relevant offence?**

Yes. You must report all convictions for relevant security-relevant offences to your registered entity within 2 business days of being informed of the conviction.
5. Appeals

5.1. What are my appeal rights if I receive an ineligible decision?

AusCheck Regulations provide you with the right to appeal your final result to the Administrative Appeals Tribunal (AAT). If AusCheck informs you that an ineligible finding has been made, citing reasons for the decision, you will be advised of your right to apply to the AAT for a review of AusCheck’s decision.

A review of an AusCheck decision involves the AAT reconsidering the facts, law and policy aspects of the original decision and determining what is the correct and preferable decision. The AAT can affirm, vary or overturn AusCheck’s original decision.

5.2. Will my registered entity know if I appeal to the Administrative Appeals Tribunal?

No. AusCheck does not inform your registered entity. If you receive an ineligible decision from AusCheck you can apply to have this decision reviewed by the Administrative Appeals Tribunal (AAT).

5.3. In the event that I have previously been found ineligible, will I be found ineligible every time I apply?

No. Each AusCheck background check assesses your eligibility against the statutory criteria of the scheme. Your previous unsuccessful application will not dictate the outcome of future checks. Each time you apply for a background check it will be conducted from the beginning and a fresh decision will be made about your eligibility.
6. Overseas Checking/Non Citizens

6.1. Do the checking procedures apply if I’m a non-citizen?
   Yes – checking procedures apply to non-citizens.

6.2. Will my overseas information be taken into account if I provide it?
   No.

6.3. Does AusCheck conduct overseas background checks?
   No.

7.1. Do Government agencies have access to the AusCheck database?

Yes. Those Commonwealth authorities that have functions relating to law enforcement and national security may seek access to information in the AusCheck database for law enforcement or national security purposes.

The information may also be disclosed for the purpose of responding to an incident that poses a threat to national security.

7.2. Which agencies does AusCheck share my information with?

Only those Australian Government agencies that have functions relating to law enforcement or national security may access information for the collection, correlation, analysis or dissemination of criminal intelligence or security intelligence for purposes relating to law enforcement or national security. The information must be used for these purposes only.

Guidelines for access to the AusCheck database are available on this website.
General Issues

7.3. What happens if I’m under 18 and I apply for an NHS background check?

Entities are not able to authorise individuals under the age of 18 to handle SSBAs while unsupervised so these individuals will not undergo a National Health Security check.