

Senate Standing Committee on Education and Employment

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2014-2015**

Agency - Fair Work Building & Construction

Department of Employment Question No. EM1520_15

Senator Cameron provided in writing.

Question

FWBC - Criminal history records

Please provide details of how FWBC obtains criminal history records of individuals:

- a. From which agency or agencies are criminal history records obtained?
- b. Are criminal history records obtained pursuant to formal or informal requests? If through informal requests, who has made requests, to whom have requests been made and in what form have criminal history records been provided? If they are obtained through formal requests, what is the process by which they are made and to whom?
- c. Does FWBC provide reasons to the supplying agency for seeking criminal history records? If so, are records kept of the reasons given?
- d. On what lawful authority does FWBC obtain criminal history records?
- e. Are records of requests for criminal history records kept by FWBC? If so, what is the form of the records?
- f. What procedures are in place to protect criminal history records in the possession of FWBC from unlawful or inappropriate disclosure?
- g. How many individual criminal history records has FWBC obtained since 21 October 2013?
- h. Please provide a breakdown by state and territory jurisdiction of the criminal history records FWBC has obtained?

Answer

- a. Refer to EM1558_15.
- b. Requests are made pursuant to the legislation outlined in EM1558_15.
- c. No.
- d. Refer to EM1558_15.
- e. Records are kept in accordance with a range of applicable policies, procedures and legislation. These records may be in written form.
- f. Criminal History Records are kept in accordance with a range of applicable document management policies, procedures and legislation.
- g. 1.
- h. Criminal history records are obtained from the Australian Federal Police, who obtain relevant criminal histories from state and territory policing agencies. It is noted that while these records are obtained from the AFP, they record criminal history information, as determined by a court of law, and published in decisions which are, for the most part, on the public record.