

ELIGIBILITY (CRIMINAL RECORD) CHECK CONSENT FOR LALC EMPLOYEES

The *Aboriginal Land Rights Act 1983 (NSW)* ('ALRA') sets out the grounds on which a person is eligible to be employed as a staff member of a Local Aboriginal Land Council ('LALC'), and the grounds that disqualify a person from being employed as a staff member. The grounds are listed in section 79 of the ALRA; a copy is attached to this form. This is further explained in the Office of the Registrar Fact Sheet *Eligibility Checks – LALC Employees*.

If you are disqualified from being employed as a staff member of a LALC for any of the reasons listed in section 79, you cannot be employed as a staff member of a LALC.

Under s79 of the ALRA, you cannot be employed as a staff member of a LALC for the following reasons:

1. Being convicted, within the last 5 years, of an offence under Part 3 (except section 61), 4, 4AA, 4AB, 4AC, 4ACA, 4AD, 4AE, 4A, 5 or 5A of the *Crimes Act NSW 1900*;
2. Being convicted of a child sexual offence or an offence under section 66EB or 66EC of the *Crimes Act NSW 1900*, or under s80D (if the person against whom the offence is committed is under 18 years old).

If you are disqualified from being employed as a LALC employee due to a conviction under s79 and the specific offences under the *Crimes Act* listed above under s79(1) (see point 1 above), you *may* request the Registrar of the ALRA to review your disqualification and make a Registrar's Determination, declaring that you may be employed as a staff member of the LALC. The Registrar may or may not decide to declare that you can be employed by the LALC, depending on the circumstances of each individual case.

You are asked in this form to authorise the Registrar of the ALRA to make certain inquiries about you. The inquiries involve a search of the New South Wales Police Service's criminal records database for all offences that may be recorded against you in the last 5 years. This search will include any offences committed under any Australian State, Territory or Federal law.

If you authorise the Registrar to make these inquiries, they will be conducted in strict confidence. The LALC that you have been employed by will **only** be advised if you are eligible or ineligible to be employed with the LALC: to be clear, the LALC will not be advised of any of the details discovered during the Eligibility Check process. If at this time you are ineligible from being employed, the LALC will also be advised of *when* you may become eligible for employment, based on the relevant provisions of the ALRA.

The ORALRA does not provide Working with Children Checks. If you are seeking a Working with Children Check Clearance you should refer to the NSW Office of the Children's Guardian website: <http://www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check>

If you have any questions about the grounds for ineligibility from being employed by a LALC, or about any of the issues discussed in this form, please contact the Registrar's office on (02) 8633 1266 for assistance.

After you have completed the attached Authorisation for Criminal Record Check please provide it to the LALC and they will forward it to ORALRA on your behalf.

AUTHORISATION FOR CRIMINAL RECORD CHECK

Being for the role of **LALC EMPLOYEE** at _____ LALC.

Surname: _____ First Name: _____

Other Given Names: _____ Date Of Birth: _____

Were you born in Australia?

YES: _____ Place of Birth: _____ State: _____

NO: _____ Country of Birth: _____

Daytime Contact Number: _____

Email Address: _____

ID: [Please provide a photo or photocopy of your licence or other photo ID with this form](#)

1. Australian Drivers Licence Number: _____
2. Photo Identification Card issued in Australia : _____
3. Other ID. E.g.: Certified Copy of Birth Certificate: _____

Current Residential Address: Number: _____ Street: _____

Suburb: _____ State: _____

Previous Residential Address: _____

Other Names Used (Former Name, Maiden Name etc.)

Surname: _____ First Name: _____

Other Given Names: _____ Date Of Birth: _____

I, _____ authorise the Registrar of the Aboriginal Land Rights Act 1983 to search the following records:

1. The New South Wales Police Service's criminal records database for all offences that may be recorded against me in the last 5 years in New South Wales.

I declare the personal information I have provided on this form relate to me and are correct.

Signature: _____ Date: _____

Attachment 1: section 79, *Aboriginal Land Rights Act, 1983*

79 Certain persons must not be employed

(1) A person who is convicted of an offence under Part 3 (except section 61), 4, 4AA, 4AB, 4AC, 4ACA, 4AD, 4AE, 4A, 4B, 5 or 5A of the *Crimes Act 1900* must not be employed as a staff member of, or a consultant to, a Local Aboriginal Land Council for 5 years from the date of conviction.

(1A) The Registrar may determine that an offence committed by a person may be disregarded for the purposes of subsection (1) because of:

- (a) the time that has passed since the offence was committed, or
- (b) the triviality of the acts or omissions giving rise to the offence, or
- (c) the nature and circumstances of the proposed employment.

(1B) A person must not be employed as a staff member of, or engaged as a consultant to, a Local Aboriginal Land Council if the person has been convicted of:

- (a) an offence that involves sexual intercourse with a child or of attempting, or of conspiracy or incitement, to commit an offence of that kind, or
- (b) an offence under section 66EB or 66EC of the *Crimes Act 1900* , or
- (c) an offence under section 80D of the *Crimes Act 1900* where the person against whom the offence is committed is a person under the age of 18 years.

(2) A person who is an officer of an Aboriginal Land Council must not be employed as a member of staff of a Local Aboriginal Land Council while the person is an officer of an Aboriginal Land Council.

(3) A person who is a consultant to a Local Aboriginal Land Council must not be employed as a member of staff of that Council while the person is such a consultant.

(4) A member of staff of the New South Wales Aboriginal Land Council must not be employed as a member of staff of a Local Aboriginal Land Council while the person is such a member of staff.

(5) Subsection (4) does not prevent a member of staff of the New South Wales Aboriginal Land Council from being seconded to the staff of a Local Aboriginal Land Council.