

Employment Screening Policy

Purpose

The purpose of this policy is to ensure appropriate, consistent and risk-based employment screening processes are applied to recruitment and appointment decisions.

The policy also establishes mandatory, risk-based employment screening and ongoing monitoring for Hospitality and Racing employees who are required to possess the highest standard of integrity under section 14 of the Gaming and Liquor Administration Act 2007 (GALA Act) (**GALA Act designated employee**).

These processes help safeguard the Department's integrity, security, and reputation; protect public resources; and support compliance with relevant legislation, policies and standards.

Scope

This policy applies to:

- all current and prospective ongoing, temporary and casual employees of the Department of Creative Industries, Tourism, Hospitality and Sport (**DCITHS**); and
- contingent workers engaged through the Department's Managed Service Provider (**MSP**). For roles requiring the highest standard of integrity, additional screening requirements apply to contingent engagements greater than three months.

This policy covers:

- pre-employment and pre-engagement screening for all appointments and engagements; and
- ongoing screening where role risks change, screening is required by law, or allegations, reportable conduct or other relevant matters arise.

Responsibilities

Managers are responsible for:

- reviewing role descriptions when vacancies arise, identifying inherent risks and any additional screening requirements, and obtaining People & Capability (P&C) endorsement and Delegate approval before advertising;
- for a new or materially changed Hospitality and Racing position, seeking the policy owner's determination about whether the position should be designated under section 14 of the GALA Act before recruitment or assignment proceeds;
- immediately notifying their Senior Executive or Ethics & Integrity (P&C) in writing if they reasonably believe that a current Public Service employee has been charged with, or convicted of, a serious offence and has not reported the matter to the Secretary as required under regulation 9 of the *Government Sector Employment Regulation 2014*;

- immediately escalating allegations of employee misconduct to their Senior Executive or Ethics & Integrity (P&C); and
- ensuring mandatory training and trigger-based checks are completed on time for their direct reports.

Hiring Managers and Panel members are responsible for:

- ensuring an appointment is not recommended until all required screening checks, excluding probity checks, have been completed and assessed as satisfactory; and
- for GALA Act designated employees, ensuring unconditional employment is not recommended or offered until all probity checks have been completed and the Deputy Secretary, Hospitality and Racing has determined that the person possesses the highest standard of integrity.

Candidates are required to:

- provide informed consent for all required pre-employment and pre-engagement screening checks, including the collection of information by the Department and its disclosure by relevant third parties. Information obtained will be used for screening purposes and shared only with authorised Department personnel who require access; and
- apply for, pay for and maintain a valid Working with Children Check (WWCC) clearance where required for the role. Volunteers are generally exempt from the application fee.

People and Capability – Talent Acquisition team is responsible for:

- confirming the screening level based on the role's risk profile, informing candidates of the requirements and obtaining consent;
- initiating and verifying screening checks, assessing outcomes against consistent criteria and documenting decisions;
- except for a GALA Act designated employee, referring complex or adverse findings to the Hiring Manager for review, risk mitigation and decision-making by the Delegate, where appropriate;
- for a GALA Act designated employee, referring all screening findings to the Hospitality and Racing Integrity Panel for review and recommendation, with the Deputy Secretary, Hospitality and Racing making the probity determination in accordance with the Hospitality and Racing Integrity Policy;
- reporting de-identified probity determinations, conditions imposed and periodic audit outcomes to the Hospitality and Racing Executive Leadership Team at least quarterly;
- undertaking the required pre-engagement screening for contingent workers and confirming the outcome before they commence.

Hospitality and Racing Integrity Panel is responsible for:

- maintaining the Hospitality and Racing Integrity Policy;
- reviewing probity screening results, assessing whether an individual possesses the highest standard of integrity, and recommending to the Deputy Secretary, Hospitality and Racing that a positive probity clearance or proposed negative probity clearance be issued, in accordance with the Hospitality and Racing Integrity Policy;
- overseeing compliance with screening requirements;
- other agreed responsibilities as specified in the Hospitality and Racing Integrity Policy.

GALA Act designated employees are responsible for:

- cooperating with required pre-employment, pre-engagement and probity re-screening requirements, including providing full, accurate and timely disclosure of all relevant

information. A failure to disclose relevant information is a failure to cooperate. A candidate who does not cooperate with required probity screening is not eligible for appointment to a designated position. An employee who does not cooperate may be removed from a designated position in accordance with section 14 of the GALA Act and the Hospitality and Racing Integrity Policy;

- immediately notifying their manager and the Associate Director, Business Partnering & Advisory (P&C) of any trigger events, such as criminal charges, conflicts of interest, gifts or benefits, or material changes to their circumstances, in accordance with the Hospitality and Racing Integrity Policy; and
- providing accurate information and consent for all required pre-employment, pre-engagement and re-screening checks;

Managed Service Provider (MSP) for Contractor Central is responsible for:

- requesting that Talent Acquisition team (P&C) undertake the required pre-employment screening checks once a contingent worker has been identified; and
- ensuring an MSP contingent worker is not engaged until all required pre-engagement screening checks have been completed and the Talent Acquisition team (P&C) has confirmed the outcome.

Policy Statement

The Department is committed to maintaining a safe, ethical and high-performing workforce through comprehensive employment screening. This ensures candidates and employees are appropriately assessed for integrity and suitability and that the Department meets its legal obligations.

This policy sets out the requirements for effective pre-employment and pre-engagement screening and re-screening during an employee's employment or engagement. The policy principles are:

- **risk-based and proportionate** - screening is aligned to the inherent risks of the role;
- **quality and independence of checks** - verifications are direct and documented, and referees are contacted independently;
- **ongoing assurance** - periodic and trigger-based checks for higher-risk roles;
- **privacy** - the collection, use, disclosure and retention of information is limited to what is necessary and managed in accordance with applicable privacy obligations;
- **secure records and conflicts of interest** - screening information is stored securely, access is restricted to authorised personnel, records are retained and disposed of in accordance with applicable requirements, and any actual, potential or perceived conflict of interest is declared and managed, including recusal where appropriate;
- **procedural fairness** - candidates, employees and contingent workers are given an opportunity to respond to adverse information before a final decision is made, where required; and
- **consistency** - decision-making criteria are documented and applied consistently across like roles, while each matter is assessed on a case-by-case basis.

Honest and complete disclosure during the employment screening process is a condition of initial and ongoing employment or engagement with DCITHS.

Before a new employee or contingent worker commences, all relevant screening processes and checks set out in this policy and Table 1 - *Risk based pre-employment screening requirements* must be completed with a satisfactory outcome. For a GALA Act designated employee, unconditional employment is not to be recommended or offered until all probity checks have been completed and the Deputy Secretary, Hospitality and Racing has determined that the person possesses the highest standard of integrity. Appointment to a designated position is conditional on a positive probity clearance.

Evidence of fraud or dishonesty in an employment or contractor application, whether identified before or after appointment or engagement, or any breach of this policy, may result in:

- for an employee, a misconduct process under section 69 of the *Government Sector Employment Act 2013* and Part 8 of the *Government Sector Employment (General) Rules 2014*, which may lead to disciplinary action, including termination of employment;
- for a contingent worker, termination of their engagement; and/or
- referral to the Independent Commission Against Corruption (ICAC), NSW Police and/or referral to external agencies.

For a GALA Act designated employee, a finding of misconduct will also trigger a reassessment of whether the employee continues to possess the highest standard of integrity under section 14 of the GALA Act and the Hospitality and Racing Integrity Policy.

Employees, contingent workers and managers must report any reasonably suspected breaches of this policy to Ethics & Integrity (P&C).

1. Pre-employment and pre-engagement screening requirements

Pre-employment and pre-engagement screening will be conducted in accordance with relevant legislation and this policy, with the candidate's informed consent. If consent is not provided, the candidate cannot proceed in the recruitment process.

Screening checks will be proportionate to the responsibilities and risk of the role, as detailed in Table 1 - *Risk based pre-employment screening requirements*. All roles are subject to the following baseline checks:

Citizenship and right-to-work check

- All candidates must undergo a right-to-work in Australia check. In accordance with rule 6 of the *Government Sector Employment (General) Rules 2014 (GSE Rules)*, a person is not to be employed as a Public Service employee unless the person is:
 - an Australian citizen; or
 - a permanent resident of Australia; or
 - a New Zealand citizen with a current New Zealand passport; or
 - a citizen of another country with a current visa that allows the person to work in Australia.

A person is not to be offered employment in the Public Service if that employment would exceed any limitation imposed by or in accordance with law as to the person's entitlement to work in Australia (see rule 6(2) of the GSE Rules).

- For ongoing employment, candidates must be an Australian citizen, a permanent resident of Australia, or a New Zealand citizen holding a current New Zealand passport.
- For temporary employment, candidates may also be eligible if they hold a current visa permitting them to work in Australia for the duration of the employment.
- If an employee's right-to-work in Australia changes, they must notify their manager and People and Capability immediately.

Employment reference checks

- Reference checks will be undertaken to verify a candidate's employment history, relevant experience and suitability for the role.

NSW Government conduct and service check

The Conduct and Service Check applies to interagency employee movements within the NSW Government. It applies to:

- current ongoing, temporary and casual NSW Government employees; and
- former employees who left a NSW Government agency within the previous five years.

The check enables the Department to obtain relevant employment and conduct information from the employee's current or former NSW Government agency.

National Criminal Record Check (NCRC)

- A NCRC is an Australia-wide check of a person's criminal history. It may be issued as a National Police Certificate or Police Certificate by the Australian Federal Police, a state or territory police service, or an accredited agency.
- As part of the NCRC process, an individual must provide the required proof of identity to the external screening provider.
- Employment with DCITHS is conditional on a satisfactory NCRC outcome. The candidate's consent is required for their application to progress.
- A criminal history or pending criminal charge will not automatically prevent a candidate from being employed. Each matter will be assessed on its merits, considering its relevance to the role and the candidate's ability to perform the inherent requirements of the position.
- Before making a final decision based on adverse information, the Department will give the candidate an opportunity to respond and provide relevant additional information.

International Police check

- An international police check may be undertaken where a candidate or employee has resided outside Australia for more than 12 months during the previous five years.

2. Re-screening requirements

Re-screening will be conducted in accordance with relevant legislation and this policy, with the informed consent of the employee. If consent is not provided, this may affect the employee's ongoing employment or engagement.

Re-screening frequency

GALA Act designated employees must undergo periodic probity re-screening at the frequency specified in the Hospitality and Racing Integrity Policy. Inspectors must be re-screened every two years, and other designated Public Service employees must be re-screened at least every three years. Periodic re-screening applies to dynamic checks whose outcomes may change over time. Static checks, such as previously verified qualifications, will not be routinely repeated unless there is a specific reason to do so.

Re-screening may be conducted earlier where a trigger event occurs, the employee moves to a position with different screening requirements, or additional screening is considered necessary because of the role's risk profile. Where an employee moves to another designated position, the re-screening frequency applicable to the new position will apply.

Re-screening may be required where:

- the risk profile of the role increases;
- periodic or ongoing screening is required, including for GALA Act designated employees;
- qualifications, licences or clearances must remain current;
- an employee is promoted or moves to a role with different screening requirements;
- an employee's responsibilities change and additional screening is appropriate;

- new information or allegations arise that may affect a previous screening outcome, including findings of misconduct or credible information suggesting that relevant information may not have been disclosed, whether or not the employee has notified the Department; or
- a contractor becomes an employee.

In addition to these requirements, GALA Act designated employees must complete probity re-screening in accordance with the *Risk based re-screening requirements* in Table 2. This supports the ongoing assessment of whether they possess the highest standard of integrity under section 14 of the GALA Act.

3. Decision-making

An adverse finding or criminal record will not automatically disqualify a candidate. The candidate's application will be assessed on a case-by-case basis, considering the inherent requirements and risk profile of the role; the relevance, seriousness and recency of the finding or record; and any mitigating circumstances.

Before a decision is made, the candidate will be given an opportunity to respond to any adverse findings. All final decisions will be documented.

The Delegate will advise the candidate in writing whether the adverse finding is relevant and affects the outcome of the recruitment process. If a decision is made not to proceed, the candidate may request a review by the relevant Delegate within 7 calendar days. The Delegate will confirm or vary the original decision in writing.

For a GALA Act designated employee, the procedural fairness requirements for a proposed negative probity clearance are set out in the Hospitality and Racing Integrity Policy. The Deputy Secretary, Hospitality and Racing makes the probity determination. An employee may request review by the Secretary in accordance with that policy.

The Talent Acquisition team (People & Capability) will implement the Secretary's review decision immediately and notify the employee, the Deputy Secretary, Hospitality and Racing, and the Hospitality and Racing Integrity Panel of the decision and reasons in writing.

Where a negative probity clearance is confirmed for an appointed or ongoing employee, including following re-screening or a redetermination of their probity status, the employee is no longer eligible to hold the designated position. In consultation with the employee and the Chief People Officer, the Department may consider reassignment to a suitable non-designated position where this is reasonable and operationally appropriate, having regard to the circumstances, available roles and applicable employment arrangements.

Definitions

ASIC	Australian Securities and Investments Commission
DCITHS or 'the Department'	the Department of Creative Industries, Tourism, Hospitality and Sport
Delegate	a person authorised under the Department's delegation framework to make the relevant decision.
Delegated Officer	the officer authorised to make integrity decisions for Hospitality and Racing. This is the Deputy Secretary, Hospitality and Racing. Only the Secretary may make a probity determination about the Deputy Secretary, Hospitality and Racing.
GALA Act designated employee	employees to whom section 14 of the GALA Act applies, including inspectors appointed under section 20 of the GALA Act, and persons

assigned to positions nominated in writing by the applicable delegate as a designated Public Service employee for the purposes of section 14 of the GALA Act.

Integrity Panel	the Hospitality and Racing body responsible for reviewing probity screening results and making recommendations to the Deputy Secretary, Hospitality and Racing. The Panel does not determine which positions are designated under section 14 of the GALA Act.
NCRC	National Criminal Record Check
MSP	the Department's Managed Service Provider for contingent labour/contractor central (under the Contingent Workforce Scheme 0007)
Re-screening	structured periodic or event-driven checks after appointment
Trigger events	an occurrence that activates re-screening requirements, including but not limited to the events listed below: • promotion, secondment or material duty or responsibility change • a charge, conviction or finding of guilt for a serious offence, or any offence that may affect the employee's ability to perform some or all of the inherent requirements of their role. A charge may trigger re-screening or risk assessment but does not, by itself, result in a formal integrity re-determination. For a GALA Act designated employee, any re-determination will occur in accordance with the Hospitality and Racing Integrity Policy, including following a relevant misconduct finding after conviction or a finding of guilt; • a Public Service employee (other than a person employed in casual employment) who becomes bankrupt or makes a composition, arrangement or assignment for the benefit of the employee's creditors (see clause 10 of the GSE Regulations) • a finding of substantiated misconduct • conflict of interest concern • WWCC or professional licence lapse/renewal • work-rights change (visa holders) • changes to any other condition of engagement • any triggered re-determination events for a GALA Act designated employee in accordance with the Hospitality & Racing Integrity Policy

WWCC Working with Children Check

Contact

People and Capability - Talent and People Operations via recruitment@dciths.nsw.gov.au

Related documents

This Employment Screening Policy has been developed with reference to the Independent Commission Against Corruption's Strengthening employment screening practices in the NSW Public Sector report (February 2018).

Section 54 of the Government Sector Employment Act 2013 (GSE Act) contains a non-exhaustive list of conditions of engagement that employees may be subject to. Requirements relating to these conditions are set out in the Government Sector Employment (General) Rules 2014 (GSE Rules).

Legislation and other policies or documents that are relevant to pre-employment and re-screening includes:

- Government Sector Employment Act 2013 (GSE Act)
- NSW Public Sector Code of Ethics and Conduct
- Recruitment and Selection Guide (2025)
- Child Protection (Working with Children) Act 2012
- Criminal Records Act 1991
- Anti-Discrimination Act 1977
- Australian Human Rights Commission Act 1986
- Australian Human Rights Commission Regulations 2019
- Privacy and Personal Information Protection Act 1998 (PPIP Act)
- Health Records and Information Privacy Act 2002 (HRIP Act)
- Gaming and Liquor Administration Act 2007 (GALA Act)
- Integrity Policy (Hospitality and Racing)
- Independent Commission Against Corruption – Strengthening employment screening practices in the NSW Public Sector

Variation

The department may amend this document as appropriate.

Policy Owner	Last revision	Next review date	Summary of changes
Director Talent and People Operations	August 2026 [Document ID]	August 2029	New Policy

Table 1 – Risk based pre-employment screening requirements

Level of risk	Employment screening checks
1 Low - (all roles)	All roles receive the following baseline checks: • Citizenship and right-to-work • Employment reference checks • NSW Government conduct and service check - for interagency employee movements • National Criminal Record Check (NCRC) • International Police check - where a candidate or employee has resided outside Australia for a period greater than 12 months in the last five years.
2 Medium – responsibilities of • Managerial • Legal or Financial • Funds and grants administration • Procurement • ICT and System administration	Roles Clerk Grade 9/10 and above or equivalent that have responsibilities including managerial; legal or financial responsibilities, including funds and grants administration; procurement; ICT and system administration, receive: • Level 1 checks • Qualifications/education/credentials check • Professional memberships check (if required) • Bankruptcy check
3 High – GALA Act designated employee	Roles that are subject to the requirement to possess the highest standard of integrity under section 14 of the <i>Gaming and Liquor Administration Act 2007</i> receive: • Level 1 and 2 checks • Open-source probity check, including global/local reputational media, global sanctions and social media • Integrity reference checks • CV comparison check • Conflict of interest self-declaration • Directorship search • ASIC Banned and Disqualified register check • ASIC Enforceable Undertakings register check • Civil litigation
4 High – Public Service Senior Executive (PSSE)	Public Service Senior Executive roles receive: • Level 1 and 2 checks

- Level 3 check if a GALA Act designated employee
- Contact additional referees
- Company or Board search (from an agent of the Australian Securities and Investments Commission (ASIC))

Table 2 – Risk based re-screening requirements

Category	Frequency	Periodic checks
Inspectors	Every two years	• National Criminal Record Check (NCRC) • Bankruptcy check • Civil litigation check • Conflict of interest self-declaration
Designated Public Service employees nominated in writing by the relevant delegate	At least every three years	• National Criminal Record Check (NCRC) • Bankruptcy check • Civil litigation check • Conflict of interest self-declaration