

Engineering Policy

**EP169 Employment Screening for Contractors and
Consultants**

March 2019

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Feedback

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1 Policy statement

The Department of Transport and Main Roads is implementing a requirement for consultants and contractors¹ to complete a Criminal History Check (CHC) prior to their engagement. The purpose of this policy is to describe how this applies to the procurement of engineering consultants and other contractors or consultants. Construction contractors are discussed in Section 9.

A criminal history check will be required for all consultants or contractors (excluding road construction contractors) when they commence an engagement within the department. There are different types and levels of criminal history checks:

The two most common types are

- a Queensland criminal history check, and
- a national criminal history check.

A National Police Certificate (or national criminal history check) based on a search of the person's name and fingerprints against the criminal history and fingerprint records held by the police services Australia-wide. Transport and Main Roads requires companies or suppliers to undertake a National criminal history check based on their employee's name.

2 Objectives and benefits

The goal of this document is to provide an overview of the application of criminal history checks in infrastructure procurement.

Contact Director (Infrastructure Procurement) via email infrastructureproc@tmr.qld.gov.au with any questions.

3 Consultation

PDO Human Resources has provided assistance in the development of this policy.

4 Evaluation

The Executive Director (Program Management and Delivery) will review this policy annually.

Feedback on this policy is welcome at any time, by emailing infrastructureproc@tmr.qld.gov.au

5 Abbreviations

CHC	Criminal History check
D&C	Design and Construct
ECI	Early Contractor Involvement
TIC	Transport Infrastructure Contract

¹ The term "contractor" in this context does not refer to construction contractors.

6 References

<https://www.qld.gov.au/law/crime-and-police/criminal-records-and-history-checks/criminal-history-checks>

7 Background

As contractors and consultants are not public service employees, they are not subject to the same employment conditions in relation to managing or handling finances, information, or private data.

Transport and Main Roads undertake a staged approach to implement the new procedures.

In future, all companies who are engaged through Standing Offer Arrangements or other invitation methods will be responsible for undertaking a criminal history check of their employees, prior to their commencement with the department. If a person has a criminal history (that is, an adverse Criminal History Report), the company providing the person will be responsible for ensuring their suitability to the satisfaction of Transport and Main Roads, prior to that person being engaged as a contractor or consultant with the department.

Which roles are subject to Criminal History Checks

Table 7 provides an outline of the types of roles of consultants and contractors, and their activities which require a Criminal History Check.

Table 7 – Roles requiring a Criminal History Check

No.	Role	Activities Associated with the role	Criminal History Check Required Yes / No
1	Any role in which a temporary departmental email address will be held by a consultant or contractor.		Yes
2	Engineering consultant who does not have a TMR email address.	Project management, engineering design, cost estimating, hydraulics and flood modelling.	No
3	Engineering consultant including tender panel member, dispute resolution advisor.	<ul style="list-style-type: none"> • Analyses tenders related to TIC-CO, D&C, or the engagement of engineering consultants. • Conducts P Schedule checks. • Conducts assurance audits of evaluation reports. 	Yes
4	Construction contractor.	Constructs transport infrastructure.	No
5	A consultant/contractor who requires access to highly protected, sensitive or confidential data or information systems.		Yes

8 How to Conduct a Criminal History Check

An individual can apply for a criminal history check by contacting the Police Information Centre or local police station. You will need to provide identification, such as a current driver licence, passport or other photo ID, and pay an application fee.

The Manager Police Information Centre
 Queensland Police Service
 GPO Box 1440
 BRISBANE QLD 4000

State your full name, any previous names, date and place of birth, and brief details of your offender history.

9 Frequently Asked Questions

Table 9 – Frequently asked questions

No.	Question	Answer
1	Does Transport and Main Roads undertake a CHC of contractors/consultants?	No, the employer is responsible for undertaking a CHC prior to the commencement of a contractor and advising TMR of any adverse outcomes.
2	Can Transport and Main Roads request an employer/supplier to provide a copy of their employee's Criminal History Report?	An employer is only permitted to provide Transport and Main Roads with a copy of the contractor/consultants Criminal History Report, with the written consent of the contractor/consultant.
3	How do I assess a contractor/consultant's suitability where an adverse Criminal History Report is disclosed?	Refer to Guidelines for Assessing Suitability, August 2017.
4	A consultant/contractor working in a Transport and Main Roads office is provided with a departmental email address. Is a CHC required?	Yes.
5	Are CHCs required for a construction contractor's staff or subcontractors (for example, as part of a TIC-CO or D&C contract)?	No.
6	Are a design consultant's staff working on a detailed design in their Australian or overseas office required to undertake a CHC?	No.
7	Are CHCs required for a Contract Administrator who is not provided with a departmental email address?	No.

No.	Question	Answer
8	How often is a CHC required to be undertaken? (for example where a consultant or contractor is working for departmental for over 12 months)	A CHC is required upon each new engagement with the department. However, if the contractor or consultant is re-engaged with Transport and Main Roads within a 6 month period, they must complete a statutory declaration stating they have not been charged with and/or convicted of a criminal offence since their last engagement. Refer to Attachment A.
9	Is a CHC required for all existing consultants and contractors currently working with Transport and Main Roads?	Yes.
10	Does Transport and Main Roads reimburse consultants/contractors for the cost of applying for a CHC?	No.

10 Disclosure of Criminal Convictions

A public servant is required to advise the department if they have been charged with and/or convicted of an indictable offence as per section 181 of the *Public Service Act 2008*. This requirement will be added to procurement-related engagement documents and contracts for consultants and contractors.

The document “**Guidelines for Assessing Suitability**” provides information in relation to assessing the suitability of persons to be employed when an adverse Criminal History Report has been received from the Queensland Police Services (QPS) or when a contractor or consultant discloses a criminal charge or conviction to their employer.

11 Disclosure of Criminal Convictions – Contractors and consultants

A contractor or consultant currently working for Transport and Main Roads, must immediately notify their employer if they have been charged with and/or convicted of a criminal offence. Their employer will be obligated to inform Transport and Main Roads.

A CHC is required to be supplied by contractors and consultants upon each new engagement with Transport and Main Roads.

However, if a contractor or consultant is re-engaged with Transport and Main Roads within six calendar months from the end date of their last contract with the department, they must sign a statutory declaration confirming they have not been charged with and/or convicted of an indictable offence during that period (Refer Attachment A).

12 Links

- Transport and Main Roads *Guidelines for Assessing Suitability*, August 2017 can be made available via email request. Please email infrastructureproc@tmr.qld.gov.au for a copy.
- Information security classification framework (QGISCF)
<https://www.qgcio.qld.gov.au/documents/information-security-classification-framework-qgiscf>
- Criminal Records and Spent Convictions
<https://www.qld.gov.au/law/crime-and-police/criminal-records-and-history-checks/criminal-records>

