

Suitability and eligibility for employment policy

1. Policy statement

The Department of State Development, Infrastructure and Planning (the department) is strongly committed to securing and maintaining a positive, accountable and responsible workforce. Appropriately assessing a person's suitability for employment will:

- ensure we identify the best person to perform the role;
- ensure employees are legally able to work in Australia;
- provide due diligence in the protection of government resources; and
- uphold public, employee and client confidence in the integrity of the department.

Assessments for suitability include:

- criminal history checks; and,
- proof of eligibility to work in Australia.

Required declarations and disclosures include:

serious discipline action for previous and current Queensland Government employees;

- any change to criminal history experienced by a department employee.

The department is committed to treating people with a criminal record and serious discipline history fairly and in accordance with natural justice, anti-discrimination and human rights compatibility principles and practices.

2. Scope

The chief executive has determined all roles within the department undertake relevant duties. This policy applies to all:

- Department employees as defined under the ***Public Sector Act 2022*** (the PS Act), except employees of the Office of Industrial Relations.¹
- Labour hire contractors and trainees.
- Preferred applicants seeking appointment or engagement within the department, including other agency employees on secondment or a mobility arrangement.

This policy may also apply to contractors, consultants, students and volunteers if the scope of engagement includes a relevant duty. Consult Human Resources for further information.

This policy is to be read in conjunction with the Suitability and eligibility for employment procedure.

3. Definitions

Unless otherwise defined, the terms in this policy have the meaning as set out in the PS Act and in the Suitability for Employment Directive (01/26) (the Directive).

Refer to **Appendix A** for definitions of key terms referred to in this policy.

¹ Employees of the Office of Industrial Relations (OIR) should refer to policy and procedural guidance of OIR.

4. Context

The department ensures due diligence in the protection of government resources and upholds public and client confidence in the integrity of delivering departmental strategic objectives and services.

This policy sets out the department's commitment to legislative requirements relating to suitability for employment checks and declaration for persons engaged or proposed to be engaged in the department under the PS Act:

- Section 47 states a person is eligible to be a public sector employee only if the person is an Australian citizen or resides in Australia and has permission, under a law of the Commonwealth, to work in Australia.
- Section 52 provides for a criminal history check to be undertaken.
- Section 71 provides for the serious discipline history from prospective applicants who are currently or previously Queensland Government employees to be obtained.
- Section 73 requires current employees to disclose any criminal history changes.

5. Principles

5.1 Suitability for employment assessments

All applicants are advised of any suitability for employment assessments that may be required.

The department will inform contractors, consultants, students and volunteers of suitability for employment and criminal history checking requirements and build this into relevant procurement documentation, contracts or agreements.

The relevant delegate must consider a person's criminal history in making an assessment about the person's suitability for the engagement. Each case is considered on its merits and decision making is fair, equitable and consistent.

Criminal history checks are undertaken for:

- all recommended appointees/engagements new to the department; and
- current employees where the new appointment is for 6 months or longer, including cumulative appointments within the department, and a criminal history check has not been previously undertaken.

Engagements with the department may include employment, promotion, transfer, redeployment or secondment within or to a public sector entity, including mobility arrangements.

Criminal history checks may be required for contractors, consultants, students and volunteers if the scope of engagement includes a relevant duty. This will include accessing departmental systems that contain personal or commercial confidential information.

All new recommended employees/secondee to the department, who are current or previous Queensland Government employees, will need to declare any previous serious discipline action.

All current departmental employees intending to undertake a new engagement are required to declare any previous serious disciplinary action, unless the delegate has determined that a declaration is not required. Where a serious disciplinary history declaration is not undertaken, the decision and supporting justification must be documented.

All prospective employees must provide evidence of identity and eligibility to work in Australia. If a prospective employee is not an Australian citizen, an eligibility to work in Australia check will be undertaken.

5.2 Consent for criminal history checks

A criminal history check can only be conducted on persons the department proposes to engage. The selection panel will agree the most suitable applicant to be recommended to the delegate for appointment. Written consent to conduct a criminal history check can be sought at any time during the recruitment and selection process but can only be conducted on persons the department proposes to engage. If a person is not an existing public sector employee and they do not consent or withdraw their consent for the department to obtain a criminal history, the delegate is not required to consider the person for engagement to perform the relevant duties.

5.3 Natural justice

Recommended applicants will be granted natural justice during the suitability for employment assessment process. This means they will have a reasonable opportunity to provide a written response if a criminal history or serious disciplinary action is identified, and the delegate is evaluating their suitability for the role.

5.4 Privacy and confidentiality

The department collects personal information to assess a person's suitability for the position in accordance with the Directive, as authorised under the PS Act. Where required, the personal information collected will be provided to the relevant agencies for the purpose of obtaining criminal history record(s) and related investigative information to support suitability for engagement/appointment.

Personal information is handled in accordance with the [Information Privacy Act 2009](#) (IP Act), relevant enabling legislation and the Queensland Privacy Principles (QPPs), and is made available only to appropriately authorised officers of the department (or its agents).

The department's [Privacy Policy](#) contains information about how personal information can be accessed and amended, how the department uses and discloses personal information, how privacy complaints can be made, and how such complaints are managed.

Appropriate levels of confidentiality are undertaken in managing and maintaining personal information associated with the suitability for employment, criminal history checking processes and onboarding.

All documents associated with suitability for employment assessment are retained and disposed of in accordance with the Queensland Government [General Retention and Disposal Schedule](#).

A criminal history report and any other documentation obtained from a prosecuting authority will be destroyed on completion of a suitability assessment. A record of the criminal history check occurring will be kept in Human Resources.

5.5 Self-disclosure of criminal history charges

Department employees have an obligation to notify the delegate in writing of any changes to their criminal history, including charges or convictions for indictable offences.

6. Delegations

Delegated functions or powers associated with this policy are to be exercised in accordance with the department's Corporate delegations suite (including the Human Resources, Financial and Procurement Delegations). These are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any functions or powers in relation to this policy and supporting procedures.

7. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

This includes upholding our obligations under the PS Act, including to:

- ensure the public sector is responsive to the community it serves
- create a public sector that supports the government's focus to reframe its relationship with Aboriginal peoples and Torres Strait Islander Peoples
- create a public sector that ensures fairness in the employment relationship and fair treatment of employees, and
- establish a high-performing, apolitical and representative public sector.

Under the [Human Rights Act 2019](#) (HR Act), all public entities (including the department and its employees) have an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When acting or making a decision under this policy, decision-makers must comply with this obligation. Refer to the [Human Rights Act](#) page on Connect (internal link) for further information.

7.1 Human rights relevant to decisions under this policy

In general, the right to recognition and equality before the law (s15) and the right to take part in public life by having access, on general terms of equality, to the public service (s23(2)(b)) under the HR Act will be relevant to decisions relating to a person’s suitability and/or eligibility for employment. In most circumstances, these rights will not be limited if the decision is made in accordance with this policy, and the decision will therefore be compatible with human rights.

While this assessment applies in general, decision-makers must also consider if any other human rights are relevant based on the individual circumstances. Consult Human Resources for further information.

8. Responsibilities

Role	Responsibilities
Delegates	<ul style="list-style-type: none"> • Ensure that all suitability for employment checks are undertaken in a fair, impartial, equitable and consistent manner. • Exercise delegated powers in accordance with the department’s human resources and integrity delegations, all relevant statutory provisions, Whole of Government policy and directives and principles of procedural fairness. • If a criminal history or serious discipline action has been identified, ensure advice is sought from Human Resources, natural justice is applied, and human rights are considered. • Ensure relevant suitability for employment processes have been completed prior to approving appointment for recommended applicants. • Ensure that employment suitability and criminal history checks are undertaken for students and volunteers if the scope of the engagement includes a relevant duty. • Ensure that all procurement contracts for labour hire, contractors and consultants require employment suitability and criminal history checks if the scope of engagement includes a relevant duty. • Ensure all documents associated with criminal history checks and serious discipline declarations are securely managed by the department.
Director-General (DG) (accountable officer)	<ul style="list-style-type: none"> • Set the ethical culture of the department including a commitment to fair pre-employment checking processes and decisions.
Employees and preferred applicants	<ul style="list-style-type: none"> • Comply with the Directive, Policy and Procedure relating to suitability for employment. • Provide written consent for a criminal history check and provide accompanying proof of identity. • Disclose to the delegate if they have been charged with and/or convicted of an indictable offence. • Disclose serious discipline action for previous and current Queensland Government employment. • Understand the role being applied for and ensure currency of visa work rights for Australia during Queensland public service employment. <p>Obtain and authenticate New Zealand criminal history record check (if required).</p>
Human Resources (HR)	<p>Submit relevant forms and identification to Queensland Police Service (QPS) for criminal history checks.</p> <ul style="list-style-type: none"> • Advise the panel chair of the criminal history check outcome.

Role	Responsibilities
	<ul style="list-style-type: none"> Assist the delegate/panel chair when a criminal history or serious discipline action has been identified and discuss appropriate actions for employment advice. Ensure that suitability for employment assessments and decisions about whether to employ a person to perform a role are fair and allow for natural justice. Ensure documents associated with criminal history checks and serious discipline declarations are kept confidential when shared with Human Resources and destroyed after results are received. Keep a secure central register for the department of the employee's details and when the criminal history check was performed. Conduct visa and work conditions check.
<p>Selection Panel</p>	<ul style="list-style-type: none"> Ensure the "Apply for a Career with us" document is referenced when advertising the role. Provide employees and/or recommended applicants with required suitability for employment forms and confirm identity and eligibility to work in Australia. Confirm written consent from recommended applicant/s for criminal history checking. Ensure employees and/or recommended applicants have the required pre-employment suitability checks undertaken prior to appointment. If there is a positive criminal history check or a serious discipline action declared, progress to the delegate so that a decision can be made about whether the person can still be considered suitable for the role. Ensure all documents associated with criminal history checks and serious discipline declarations are securely managed by the selection panel.

9. Related documents, forms and templates

- [Apply for a career with us | State Development, Infrastructure and Planning](#)
- [Criminal History Check form](#)
- [Human Resources and Integrity Delegations](#)
- [Human Rights Act 2019 \(Connect page\)](#)
- [Privacy Policy](#)
- [Recruitment and Selection Policy](#)
- [Selection Report Template](#)
- [Serious Discipline Action Declaration form](#)
- [Suitability and Eligibility for Employment Procedure](#)

10. References

- [Anti-Discrimination Act 1991](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Criminal Law \(Rehabilitation of Offenders\) Act 1986](#)
- [Discipline Directive 05/23](#)
- [Human Rights Act 2019](#)
- [Industrial Relations Act 2016](#)
- [Information Privacy Act 2009](#)

- [Judicial Review Act 1991 \(Qld\)](#)
- [Penalties and Sentences Act 1992](#)
- [Public Records Act 2023](#)
- [Public Sector Act 2022](#)
- [Recruitment and Selection Directive 07/23](#)
- [Suitability for Employment Directive 01/26](#)

11. Further information

For further information or clarification, please contact Human Resources (HR@dasilgp.qld.gov.au).

12. Storage of information

All information should be managed in accordance with the [Public Records Act 2023](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

13. Document control

Policy owner		Executive Director, People and Performance Corporate		
Contact details		hr@dasilgp.qld.gov.au		
Next review		January, 2028		
Supersedes		Suitability and eligibility for employment policy v2.1 (D24/12713)		
Version	Issue Date	Reason	Author	Approver
1.0	01/03/2015	New policy	Human Resources	Deputy Director-General, Corporate
1.1	01/03/2022	Minor update – MoG changes	Human Resources	Deputy Director-General, Corporate
2.0	05/02/2024	Major update – full review and MoG changes	Human Resources	Deputy Director-General, Corporate
2.1	07/03/2025	Minor update – clarification of wording, MoG changes and HR Act assessment	Human Resources	Director, Human Resources, People and Performance
2.2	02/04/2026	Minor update – MoG changes and update to pre-employment check processes, including criminal history checks, serious discipline history declarations and NZ criminal history checks	Human Resources	Executive Director, Human Resources, People and Performance

2.3	01/05/2026	Minor update – Inclusion of privacy notice and update of references	Human Resources	Director, Human Resources, People and Performance
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Appendix A: Definitions

The key terms referred to in this policy are as follows:

Term	Definition
Charge	<ul style="list-style-type: none">• An allegation formally made in court that a person has committed an offence where:<ol style="list-style-type: none">a) the allegation is not pursued to a final determination in a court; orb) a conviction is not recorded by a court in respect of the allegation; orc) a conviction recorded by a court in respect of the allegation is to be deemed, pursuant to law, not to be a conviction.
Criminal history	<ul style="list-style-type: none">• Criminal history means, in relation to any person, the convictions recorded against that person in respect of offences. Criminal history does not include spent convictions (for example, quashed convictions, pardons or those convictions for which a person was not sentenced or where the rehabilitation period has ended.)
Delegate	<ul style="list-style-type: none">• The person authorised to perform a specific task or function on the Director General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.
Indictable offence	<ul style="list-style-type: none">• Offences of a more serious nature which are typically dealt within a higher court (i.e. the District or Supreme Court) and usually tried before a judge and jury.
Judicial review	<ul style="list-style-type: none">• A procedure whereby the court can review administrative decisions of government.
Offence	<ul style="list-style-type: none">• An act or omission that renders the person doing the act or making the omission liable to punishment.
Rehabilitation period	<ul style="list-style-type: none">• The period during which a conviction remains part of a person's criminal history. It relates to convictions where the person was not ordered to serve a period in custody or was ordered to serve a period in custody not exceeding 30 months.
Serious disciplinary action	<ul style="list-style-type: none">• As defined in section 70 of the PS Act. Includes:<ol style="list-style-type: none">a) disciplinary action taken under a public sector disciplinary law, involving any of the following:<ul style="list-style-type: none">- termination of employment- a reduction in classification level or rank- transfer or redeployment to other employment- a reduction in remuneration level, or• a disciplinary declaration under a public sector disciplinary law stating that employment would have been terminated or classification or rank reduced had employment not otherwise ended.