



# Membership Application

## GUIDELINES FOR MARINE RESCUE NSW UNIT COMMANDERS

### HOW DOES A PERSON APPLY TO JOIN MARINE RESCUE NSW?

Our volunteers are the strength of Marine Rescue NSW and we welcome new members who share our commitment to saving lives on the water. All applicants must serve a six-month probationary period as a Provisional Member and undergo a Criminal Record History Check (CRHC) before a decision is made on whether they are accepted as an Ordinary Member.

All applicants for membership to MRNSW are required to:

- Complete the *MRNSW Application for Membership* form (Form MR400) providing their relevant personal details.
- Consent to a Criminal History Record Check to ascertain whether they are a 'fit and proper person' to serve as a member of MRNSW by completing and signing the *MRNSW Criminal History Record Check Consent to Obtain Personal Information (no exclusion)* form (Form MR401).
- Provide the appropriate documents and complete the *100 point Proof of Identity Check* (Form MR402) confirming their full name and date of birth to the Unit Commander, who must sign that he/she has sighted the documents.

Unit Commanders need to explain the Criminal History Record Check and provide the applicant with the above forms, all of which are available on Gbase for Unit Commanders to print as needed.

Applicants should ensure they have filled out all three forms and return these to the Unit Commander.

A table at the end of this document sets out who needs to do what with each form.

- The completed Application (MR400) and Identity Check (MR402) forms should be filed at the Unit.
- A copy of the Application form (MR400) and the Criminal Record History Check form (MR401) should be forwarded promptly to MRNSW Headquarters. The Criminal Record History Check form will then be sent to the NSW State Emergency Service, which has been engaged to process these applications on behalf of MRNSW. The SES will advise the applicant on the outcome of this process and may contact them during the process if additional information is required.

This check will take place while the new Provisional Member is serving his or her six-month Probationary period and will be completed within that timeframe.



# Criminal History Record Checks

## INFORMATION FOR MARINE RESCUE NSW

### UNIT COMMANDERS

Unit Commanders need to ensure they explain the Criminal History Record Check to applicants. This check will take place while new Provisional Member is serving his or her six-month Probationary period and will be completed within that timeframe in order to enable a decision to be made on whether they are accepted as an Ordinary Member.

The NSW State Emergency Service (SES) has been engaged to process these applications on behalf of MRNSW in accordance with the provisions of the MRNSW Constitution and also the SES Human Resources manual. The following information is drawn from that manual.

The SES will advise the applicant on the outcome of this process and may contact the applicant during the process if additional information is required.

In the event the CRHC discloses any criminal history information (CHI) that is adverse to the applicant, the SES Human Resources Officer (Staff & Volunteers) or delegate will write to the applicant to:

- a) Inform the applicant of the CHI that has been received;
- b) Invite the applicant to provide any information or other material he or she wishes to be taken into account in considering the effect, if any, the CHI may have on their application; and
- c) Inform the applicant that any decision in relation to the effect the CHI will have on their application will be made at the expiration of 21 days from the date of the letter.

The Human Resources Officer and/or delegate must abide by strict privacy and personal information principles concerning CHI and will not discuss the CHI with any other person except the Authorised Officer or Agency Personnel as detailed in the contract between the SES and the CrimTrac Agency.

Prior to making any decision in relation to the applicant, the SES Human Resources Officer or delegate may contact the applicant to discuss any matters relating to the CHI that could cause an adverse decision in respect to the assessment. The Human Resources Officer or delegate must determine whether or not the applicant is a 'fit and proper' person to be a member of a MRNSW Unit on the basis only of a criminal history record check.

When considering the relevance and consequence of an applicant's CHI, the Human Resources Officer, or delegate, must take into account, among other matters, any information or other material which has been provided by or on behalf of the applicant.

If there is no CHI, the Human Resources Officer will advise MRNSW Headquarters to write to the applicant and advise him/her of the successful clearance to be a member of a MRNSW Unit and the applicant will take a copy of this letter to the Unit Commander to sight.

**No copies of these letters** should be retained on any Unit personnel records.

## **CONSEQUENCE OF AN ADVERSE CRIMINAL HISTORY RECORD CHECK**

The fact that the check reveals Criminal History Information (CHI) will not automatically result in a determination that he or she is not a 'fit and proper' person to be a member of a MRNSW Unit. There may be cases in which convictions and/or findings are of a comparatively minor offence and/or involve a matter which is not of any relevance to MRNSW's functions and this has been followed by a substantial period of good behaviour.

In consultation with MRNSW, the SES Human Resources Officer must be satisfied that the applicant is a 'fit and proper' person to be a member of a MRNSW Unit despite any such conviction.

If this Officer determines that the applicant is not a 'fit and proper' person to be a member of MRNSW, the applicant must be:

- a) *Advised of that decision in writing within 14 days of the decision having been made; and*
- b) *Informed of their right to appeal that decision pursuant to Regulation 8 (4) (b) of the SES Regulation (1989) as amended.*

When the Officer, in consultation with MRNSW, determines that the CHI should be disregarded and that the applicant should not be prevented from joining MRNSW, MRNSW Headquarters will be advised to write to the applicant and advise him/her of the successful clearance to be a member of a MRNSW Unit and the applicant will take a copy of this letter to the Unit Commander to sight.

Criminal History Record Checks will be conducted by the SES in accordance with the principles and procedures set out in the Contract between the CrimTrac Agency and the SES.

CHI received from the CrimTrac Agency must be retained by the SES for a period of three months from the date on which the CHI is received from the CrimTrac Agency.

No member of MRNSW may disclose any CHI to any person other than:

- a) The applicant;
- b) An authorised person (Authorised Officer, Agency Personnel) who has been directed by the SES Director General to assist in the determination of the applicant's application as listed in the Contract between the SES and the CrimTrac Agency;
- c) A person who is considering, or involved in the consideration of, any appeal in relation to a decision that the person is not a fit and proper person to be a member of a MRNSW Unit; or
- d) In accordance with an order or direction of a court or tribunal.

## **MEMBERS OF MRNSW MUST REPORT CERTAIN CRIMINAL CONVICTIONS**

During any period of membership with MRNSW, any member who is convicted:

- In New South Wales of any offence which is punishable by imprisonment for 12 months or more;
- or
- In any place outside New South Wales of an offence that, if committed in NSW, would be punishable by imprisonment for 12 months or more

must advise the MRNSW Board of Directors or its delegate of that fact in writing within 21 days of the conviction. The Board of Directors must consider any information provided by

the member in accordance with the procedures for determining whether or not the member is deemed to be a 'fit and proper' person.

To ensure that information provided by the member is accurate, the Board of Directors can direct the member to submit MRNSW Criminal History Record Check Consent to Obtain Personal Information (no exception) Form (MR 401) to NSW SES via MRNSWHQ for checking.

All Criminal History Record Check conditions and handling protocols then apply as they would for a new MRNSW applicant.

## **FIT AND PROPER PERSON**

### **The criteria to determine who is a '*Fit and Proper Person*'**

Membership of MRNSW requires each applicant to be a 'fit and proper person' to be a member of MRNSW.

There are many examples of legislation that require a person to be a 'fit and proper person' before they can engage in certain activities or hold a range of different positions.

The expression 'a fit and proper person' encompasses the suitability of a person to undertake a particular activity, based on the determination of that person's previous conduct, character or reputation and takes its meaning from its context - that is, from the activities in which the person is, or will be, engaged and the ends served by those activities. If an applicant for membership is to be declined on the basis that they are not a 'fit and proper person', there must be some connection between that conclusion or opinion and the activity in question. In other words, a decision cannot be made that a person is not a 'fit and proper person' to be a member of MRNSW on the basis of something completely unrelated to MRNSW or its activities. For example, an applicant cannot be declined membership on the basis that they are not a 'fit and proper person' simply because he/she is employed in a particular industry. On the other hand, a person who had admitted their involvement in the setting of fires, malicious damage or some other similar serious offence which suggested that they were of bad or unsuitable character could be found not to be a 'fit and proper person' even though they had not been convicted of that offence.

In considering whether a person is or is not a 'fit and proper person' to be a member of MRNSW, the following matters are relevant:

- a) The functions performed by MRNSW and the role the organisation plays in the community;
- b) The fact that members of MRNSW occupy a position of trust in the community;
- c) The fact that members of MRNSW will, from time to time, assist other members of the community, including children, when those people are at their most vulnerable - when they are in danger, under great stress or injured;
- d) The fact that members of MRNSW are entrusted with the care and use of valuable community assets;
- e) The fact that the work undertaken by members of MRNSW is demanding, both physically and mentally. That work is often dangerous. Accordingly, it is absolutely essential that the members of MRNSW are capable of carrying out their assigned

duties without endangering their own safety, the safety of their fellow members or the safety of the general public;

- f) The fact that other members of MRNSW and their families are entitled to expect that those who serve alongside them will not act in a way which creates a risk to their safety;
- g) The person engages in conduct which endangers their own safety, the safety of other members of MRNSW or the public;
- h) The person refuses to comply with requests or directions of a Unit Commander or other senior officers in circumstances where that refusal places the safety of others in jeopardy or compromises the effective discharge of MRNSW's functions; or
- i) The person misuses or abuses the authority conferred on members of MRNSW under the relevant legislation. Once again, you must apply common sense. For example, in most cases, the fact that a person has acted inappropriately on an isolated or single occasion will not be sufficient to automatically disqualify them from membership. However, repeated instances of unacceptable or inappropriate behaviour, particularly where the fact that the person's actions or behaviour is unacceptable or inappropriate has been drawn to their attention in the past, may justify such a finding. Of course, there will clearly be some cases where a single instance of a person's conduct is so serious as to, of itself, justify the finding that they are not a 'fit and proper person' to become or remain a member. Those who are called upon to make a decision as to whether a person is or is not a 'fit and proper person' must also act fairly.

Measured against these principles, a person will not be a fit and proper person to become a member of MRNSW if the person's conduct, character or reputation is inconsistent with these factors.

The member or applicant must be given an opportunity to respond to any allegations or facts being relied upon to justify the finding that they are not a 'fit and proper person'. Those making this decision must be careful to ensure that they do not act on unsubstantiated rumour or gossip. Removing a person's membership is not done to punish the person – rather it is done to protect other members, the public and the good reputation of MRNSW. Accordingly, it is not to be used as a substitute for taking disciplinary action.

## APPLICATION FORM PROCESS

Form	Applicant	Unit Commander
MRNSW Application for Membership form (Form MR400)	<ol style="list-style-type: none"> <li>1. Read and keep Acknowledgement sheet attached to the form.</li> <li>2. Complete and sign, in presence of Unit Commander (or delegate), pages 2 and 3 and hand to Unit Commander.</li> </ol>	<ol style="list-style-type: none"> <li>3. Sign form.</li> <li>4. File a copy of form at the Unit.</li> <li>5. Send a copy to HQ via Post, Fax or email.</li> </ol>
MRNSW Criminal History Record Check Consent to Obtain Personal Information (no exclusion) form (Form MR401)	<ol style="list-style-type: none"> <li>1. Read and keep General Information sheets attached to form.</li> <li>2. Complete and sign form, pages 3 and 4.</li> <li>3. Return to Unit Commander.</li> </ol>	Send pages 3 and 4 <b>ONLY</b> to HQ via Post, Fax or email (do not keep copies at the Unit).
100 point Proof of Identity Check (Form MR402)	Provide Unit Commander with documents required to satisfy 100 points	<ol style="list-style-type: none"> <li>1. Sign form.</li> <li>2. File form with copy of the Membership Application at the Unit</li> </ol>