



## The Interview Question Checklist


### What You Can and Can't Ask in Australia

*(Prepared by Just HR Services, Oct 2025— Building Fair & Compliant Workplaces)*

#### Purpose of This Guide:

Interviewing is about finding the right person for the role — **not** about personal details. Under Australian law, some questions can expose your business to **discrimination or privacy breaches**.

This checklist helps you stay compliant with the **Fair Work Act 2009**, **Equal Opportunity laws**, and **Privacy Act 1988**.

 Questions You Can Ask		
Category	Example	Why is it's Ok
Skills & Experience	"Can you tell me about your previous experience in a similar role?"	Directly relates to the job.
Availability & Hours	"Are you available to work weekends if required?"	Focuses on scheduling, not personal life.
Work Rights	"Do you have current Australian work rights (e.g. citizen, permanent resident, valid visa)?"	Employers must ensure lawful work status.
Qualifications	"Do you hold a valid licence or qualification required for this position?"	Legally relevant to the safe performance of duties.
Workplace Fit	"How do you prefer to receive feedback?"	Relates to teamwork and communication style.
Safety & Capability	"This role involves lifting up to 20 kg — are you able to perform these tasks safely?"	Acceptable when tied to the inherent requirements of the role.



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## Questions You *Must Avoid*

Topic	Risky Question	Why It's Not OK
Age	"How old are you?" or "What year did you finish school?"	Could lead to age discrimination.
Gender or Marital Status	"Are you married?" or "Do you have children?"	Irrelevant and discriminatory under the Equal Opportunity law.
Religion or Beliefs	"What religion do you follow?"	Religion is a protected attribute.
Ethnicity or Nationality	"Where were you born?" or "What's your nationality?"	Only citizenship or work-rights questions are lawful.
Health & Disability	"Do you have any medical conditions?"	Illegal unless directly tied to essential job tasks.
Pregnancy or Family Plans	"Are you planning to have kids soon?"	Unlawful gender-based discrimination.
Sexual Orientation or Gender Identity	Any questions on sexuality or identity	Protected attributes under law.
Union Membership or Political Views	"Are you part of any union?"	Prohibited under the Fair Work Act general protections.
Financial Status	"Do you own a home?" or "Do you have debts?"	Not job-related and may breach privacy laws.


### Best Practice Tips:

- Focus every question on the skills, experience, and capabilities relevant to the position.
- Use structured interview questions for all candidates — it reduces unconscious bias.
- If unsure whether a question is lawful, ask yourself:
  - "Would I ask this of every applicant — and is it directly linked to the role?"
  - Take notes on job performance indicators, not personal impressions.

## Need Professional Support?


Just HR Services helps Small and Mid-Size businesses design compliant recruitment processes, including lawful interview templates and hiring training.

Contact us:

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 Proudly supporting fair and compliant workplaces across Victoria and Australia.