

PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT
ATTORNEY-GENERAL'S DEPARTMENT

Senator Hutchins asked the following question at the hearing on 17 February 2011:

“Can you confirm for the committee the changes made to both the ASIC and MSIC schemes in the last two years?”

The answer to the honourable senator's question is as follows:

Recent changes to the Maritime Security Identification Card scheme

During 2010 the following key changes were made to the MSIC scheme through amendments to the Maritime Transport and Offshore Facilities Security Regulations 2003:

- the categories of ‘maritime security relevant offences’ were expanded to cover additional matters such as murder, unlawful activity relating to explosives, threatening an airport, kidnapping, and bribery
- background checks are now conducted on card holders every two years. An MSIC can be obtained for either two or four years, with a background check being performed on card holders at the two year point on a four year card
- a new offence has been created for MSIC holders who fail to advise their MSIC issuing body or AusCheck if they have been convicted and sentenced for a disqualifying offence or convicted and sentenced to imprisonment for a maritime security relevant offence
- a new offence has been created for MSIC issuing bodies that fail to cancel a card if the issuing body does not apply for the two year background check on a holder with a four year card
- a new offence has been created for MSIC issuing bodies that fail to cancel a card if the person is convicted of a disqualifying offence or convicted of any other maritime security relevant offence and sentenced to imprisonment for the offence, and
- the Secretary of the Department of Infrastructure and Transport may now suspend an MSIC under certain circumstances if the card holder is convicted of a maritime security relevant offence and has not yet been sentenced for the offence.

Recent changes to the Aviation Security Identification Card scheme

During 2010 the following key changes were made to the ASIC scheme through amendments to the Aviation Transport Security Regulations 2005:

- the penalty for ASIC holders not reporting when they have been convicted and sentenced for an aviation-security-relevant offences was increased from \$2,200 to \$5,500
- the Secretary of the Department of Infrastructure and Transport was empowered to suspend the ASIC of a holder who had been convicted of, but not yet sentenced for, an aviation-security-relevant offence where the holder constitutes a threat to aviation security

- provision was made for the subsequent background check of ASIC holders convicted of an aviation-security-relevant offence
- an offence was introduced for ASIC Issuing Bodies that fail to cancel the ASIC of a person when required to do so, including when the person becomes ineligible for an ASIC
- ASIC holders found ineligible for an ASIC are now able to apply directly for a discretionary ASIC
- under certain circumstances ASIC holders are now able to move from one Issuing Body to another without undergoing an additional background check (provided the original background check remains valid)
- ASIC expiry dates have been adjusted to the end of the month, 24 months after the date of the background check (eg if a background check is finalised on 13 July 2011, the ASIC would expire on 31 July 2013), and
- ASIC display exemptions have been enhanced to facilitate responses to emergencies and to allow ambulance officers easier access to airports when facilitating the transfer of patients.