



Australian Government

Department of Transport and Regional Services

File Reference: **TBC**

Contact Name: *Jessica York*

Ms Ann Palmer
Principal Research Officer
Senate Legal and Constitutional Affairs Committee
Parliament House
CANBERRA ACT 2600

Subject: AusCheck Bill 2006

Dear Ms Palmer

Thank you for your correspondence to Mr Graham Hanna of 19 February 2007 advising of the question Senator Ludwig put on notice to DOTARS in the course of the Committee's inquiry into the *AusCheck Bill 2006*. The Department's response to the four components of the Senator's question is attached. The Civil Aviation Safety Authority has contributed to this response.

The Department will be happy to provide further advice on these issues as required. Our contact for this is Graham Hanna, Section Head, Aviation Security Identity. Graham can be contacted on 6274 7101, or emailed at graham.hanna@dotars.gov.au.

Yours sincerely

<signed>

Cheryl Johnson
General Manager
Regional Aviation and Air Cargo Security
Office of Transport Security
26 February 2007

<signed>

John Kilner
General Manager
Maritime Security
Office of Transport Security
26 February 2007

Question 1.

For each of the MSIC and ASIC card systems:

a. Provide a sample application form and instructions

With regards to ASICs:

Senator Ludwig has asked that DOTARS provide an explanation as to why there is no 'sample' ASIC application form, and also requested that DOTARS provide a number of examples of ASIC application forms (including CASA's).

There are 192 ASIC issuing bodies (IBs). IB historically use application forms for multiple purposes, including access controls, corporate ID etc. The part of the application required to undertake the background check is provided to IBs by the Australian Federal Police.

This submission includes the ASIC application forms used by CASA (including an information sheet) at Annex A, the Australian Customs Service (Customs) at Annex B and Canberra Airport at Annex C.

With regards to MSICs:

A template for an MSIC application form can be found at Annex D. MSIC IBs are able to modify this template to suit their own purposes.

b. A list of the supporting documentation required for an application

With regards to the ASIC program:

The regulatory requirements are outlined in the *Aviation Transport Security Regulations 2005* and the identification requirements for ASICs are also outlined in the application forms used by the IBs.

With regards to the MSIC program:

The *Maritime Transport and Offshore Facilities Regulations 2003* require that a primary identification document and either one secondary or two tertiary documents are provided as evidence of an applicant's identity.

The kinds of documents required are provided in Regulation 6.07G 'Kinds of identification document'. This Regulation is provided at Annex E. Information has been provided to issuing bodies to assist them to determine the kinds of documents that are acceptable. A copy of this information can be found at Annex F.

In addition to the identity documents, applicants are required to show that they have or will have an operational need to work in a maritime security zone and may also be required to provide evidence that they have the right to work in Australia.

c. Detail of what processes are currently in place (e.g. for the storage/retention of applications, the details of any databases etc.)

The background checking function is currently conducted by the DOTARS Background Checking Unit.

The process begins with ASIC/MSIC issuing bodies (IBs) gathering information to assess eligibility and suitability of applicants. The information is collected in both soft and hard copy. The IBs are required to keep all relevant records for a period of seven years in secure storage. Access to the documents/data is controlled. Expectations are reflected in the documented (and audited) plans of issuing bodies, an example of which is at Annex G.

DOTARS retains documents/data relevant to ASIC/MSIC applicants consistent with the Archives Act. They are securely housed and access to them is strictly controlled on a 'need to know' basis.

Data received from issuing bodies and derived from within government and used by DOTARS to assess ASIC/MSIC applicants' suitability (criminal history and security assessment) is stored on secure databases managed by DOTARS.

d. Details of the provisions of the relevant Act and regulations which cover the application and background-checking processes

With regards to the ASIC program:

A number of sections of the *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005* cover the ASIC application and background-checking processes. Within the Act, sections 35, 37 and 133 are relevant. Specific Regulations of relevance are 6.02, 6.26, 6.27A, 6.28 and 6.31. These are reproduced in full at Annex H.

With regards to the MSIC program:

A number of sections of the *Maritime Transport and Offshore Facilities Security Act 2003* and the *Maritime Transport and Offshore Facilities Security Regulations 2003* cover the MSIC application and background-checking processes. Within the Act, sections 105, 109, 113 and 209 are relevant. Specific Regulations of relevance are 6.07G, 6.07H, 6.08B and 6.08C. These are reproduced in full at Annex I.

Annex A

CASA – ASIC application information sheet

CASA – ASIC application form



INFORMATION SHEET FOR CASA APPLICATION FORM 639

Aviation Security Identification Card (ASIC) Aviation Security Status Check/Aviation Identification (AVID) Student Pilot Licence (SPL)

COMPLETE FORM 639 IF YOU ARE APPLYING FOR:

- An Aviation Security Identification Card (ASIC);
- An Aviation Security Status Check and Aviation Identification (AVID); or
- A Student Pilot Licence (SPL).

Note: You must hold or be applying for a CASA flight crew licence or special pilot licence to be issued an ASIC or AVID.

Note: You do not need to complete a separate Aviation Reference Number (ARN) application if you do not already have an ARN.

GENERAL INSTRUCTIONS ABOUT COMPLETING THE FORM:

If completing online, Tab to next item or Shift+Tab to previous item (Avoid using the ENTER key.)

- Read all the instructions carefully.
- Entries should be written in CAPITALS and with a **black** pen.
- Where you are required to enter your name, enter your full name including all your given names.
- Use a separate sheet if the available space in the application form is insufficient - include your name and date of birth on each additional sheet and show the number of pages attached.
- Only completed forms will be processed – to avoid delays please check that the form is complete and any attachments (such as certified copies of identification documents) are included.
- Incomplete forms will be returned to the applicant.
- Ensure the appropriate fees are included. The application will not be processed unless you have paid the correct fee to CASA.
- Ensure proof of identity documents are correctly certified and attached to this form.
- Ensure you have included 2 recent photographs, one of which should be certified.
- If applying for an ASIC you must complete page 6 of the form. If you are applying for an AVID you must complete page 7 of the form.
- You need to provide a copy of at least one document that has your photograph on it (eg your drivers licence).
- If you have changed your name, then previous and current names **MUST** be included on the form (eg. Maiden, de facto, deed poll etc.) You need to also include this information on the Police Records Check section of the form.
- The application **WILL NOT** be processed if it is more than 3 months old.

- Submit your application by mail to:
CLARC
CASA
GPO Box 2005
Canberra, ACT 2601

- To find out more about applying for an ASIC or AVID or obtaining a CASA licence, go to CASA's website at www.casa.gov.au

- Contact details for CASA's Licensing and Registration Centre (CLARC) are:
email: clarc@casa.gov.au phone: 1300 737 032 fax: 1300 737 187

STUDENT PILOT LICENCE APPLICATIONS:

To apply for a student pilot licence, you must complete CASA form 639.

Page 2 of the application form must be completed in full including the declaration that you are competent communicating in English to the standard required for exercising the privileges of a student pilot licence. This declaration must be made by a Chief Flying Instructor, Approved Testing Officer or CASA Flight Operations Inspector, Grade One Flight Instructor.

BACKGROUND INFORMATION:

CASA is an ASIC Issuing Authority and can only issue ASICs to employees of CASA and to persons who are licensed and qualified to operate Australian Civil Registered aircraft.

ASICs are issued only after security check requirements are met and are normally valid for 2 years from the date the security checks were completed. Some ASICs are issued with a shorter validity period (usually 12 months).

If you apply for an ASIC based on an earlier Police check, the ASIC will be valid for less than 2 years.

CASA issues AVIDs to flight crew licence holders who complete an aviation security status check if they do not hold an ASIC issued by CASA. Security checks for the AVID are valid for up to 5 years.

Pilots do NOT need to hold an ASIC and an AVID.

PHOTO LICENCE

A photo licence is a paper document with the holder's licence details and a black and white photo on the first page.

CASA FORM 639

CASA's Application Form 639 is used as part of the assessment process to determine whether you are suitable to hold a flight crew licence or special pilot licence. CASA has asked for your consent on CASA Form 639 to obtain an Australian Federal Police, Australian Security Intelligence Organisation and Department of Immigration and Multicultural Affairs records check. Any information CASA collects from these or other commonwealth agencies will be used in assessing your eligibility to hold a flight crew licence, special pilot licence or ASIC or determining your aviation security status.

Unless statutory obligations require otherwise, the information provided on the application form will not be used without your prior consent for any purpose other than in relation to an aviation security status check, an ASIC application, flight crew licensing and maintaining CASA's databases.

CASA will deal with any information it collects about you in accordance with the Privacy Act and its Privacy Policy.

Telling us about criminal proceedings or prior convictions / findings of guilt

As part of your application, you have also been asked whether:

- You are a currently subject to proceedings before a court; or
- You have been convicted or been found guilty by a court, or certain kinds of offences, anywhere in the world.

These offences are set out in Part 6 of the Regulations, and include the offences in Table 1 (page 6).

DO I NEED TO APPLY FOR AN ASIC OR AVID?

Applying for a flight crew licence or a special pilot licence

If you are applying for a flight crew licence (includes student licences, additional licences and licences in a different aircraft category; eg aeroplane, helicopter, etc) or a special pilot licence you must prove your identity and, apart from the exceptions below, at the same time also apply for an ASIC or AVID.

Exceptions – You do NOT need to apply for an ASIC or AVID if:

- You are under 18; or
- You have a current AVID (ie, aviation security status check was completed within the last five years); or
- You hold a current ASIC (issued less than two years ago).

Using a CASA issued Flight Crew Licence or Special Pilot Licence

If you are over 18 and operating an aircraft in Australian Territory using a CASA issued Flight Crew Licence (includes pilots and flight engineers) or Special Pilot Licence, you must have a current ASIC or AVID (aviation security status check).

Security Controlled Airports

If you have an operational need to access one or more security controlled airports you need an ASIC.

PROOF OF IDENTIFICATION (POI):

You must prove your identity by showing CASA **one** primary identification document and **either** :

- a. **One** secondary identification document; or
- b. **Two** tertiary identification documents.

This is done by submitting the original documents or certified true copies of the original documents with your application – see below for how documents are to be certified.

Primary Identification Documents (PID):

- Current Australian or foreign passport;
- A Certified Copy of a **full** Birth Certificate (certified by Registrar of Births or similar officer) – note you must show the original document from the Registrar to the person certifying the documents (note a full birth certificate includes your parent's details – a birth extract is not satisfactory);
- Document of another country proving citizenship of that country;
- Copy (certified under section 44 of the *Australian Citizenship Act 1948*) of Australian citizenship certificate.

Secondary Identification Documents (SID):

Note: – A SID must have a recent photograph or signature of the applicant.

- A Licence (eg an Australian driver's licence) issued under a law of the Commonwealth, a State or a Territory;
- Government employee identification (must have been issued by or for the Commonwealth or State or Territory to the applicant who is employed by or for the Commonwealth, State or Territory);
- Australian student identification document (issued to the applicant who must be a student at a tertiary education institution in Australia);
- A verifiable reference from:
 - a) A bank or financial institution; or
 - b) A referee acceptable to CASA (any person who can certify POI documents – see below); or
 - c) Somebody whose identity has been verified by means of certified copies of:
 - two PIDs; or one PID and one SID; or one PID and two TIDs.The reference must;
 - d) Identify the applicant by name
 - e) State that the referee has known the applicant by that name for at least 12 months; and
 - f) Be signed by both the applicant and the referee.

Tertiary Identification Documents (TID):

Note – A TID must set out the applicant's name and current address.

- A signed statement by the applicant's employer or former employer about that employment;
- Copy (certified by Registrar of Titles or similar officer) of a record issued under a law about land titles;
- A document issued by a rating authority (local government) from its records about land ownership or occupation;
- A document issued by a bank or financial institution from its records about a mortgage or other security given by applicant;
- An extract from the electoral roll compiled by the Australian Electoral Commission;
- A record issued under a law in force in Australia other than a law about land titles.

AUTHENTICATION OF CERTAIN FOREIGN DOCUMENTS:

CASA may require an applicant to have the authenticity of a proof of identification document authenticated by the government that issued the document.

Translation of foreign documents

- All documents must be in English or accompanied by an official English translation.
- A registered translator must compile the translation. You should ask the Australian Embassy, High Commission or Consulate in the country where the translation is to be made if you need details of translators. If the translation is to be made in Australia, contact the Australian National Accreditation Authority for Translators and Interpreters (NAATI). Information on the services that NAATI provides is available on their website.

WHO CAN CERTIFY A COPY OF AN IDENTIFICATION DOCUMENT? This also applies to Q13 on page 3

- Any person who is entitled to witness a Commonwealth Statutory Declaration (see list on CASA's website);
- A CASA delegate or employee;
- A CASA appointed Designated Aviation Medical Examiner or Designated Aviation Ophthalmologist.

When certifying a proof of identification document use the following words:

“This is a true copy of the original document, sighted by me [name], [signature], [date], [qualification you have to certify documents – eg JP],[Qualification Number – eg JP ID].

PHOTOGRAPHS AND SIGNATURE: This applies to Q11 on page 3

Applicants must provide two identical passport-sized photographs that meet the requirements below:

- Must have been taken within six months before the issue of the AVID/ASIC;
- Portrait format: between 35mm and 40mm wide and between 45mm and 50mm high;
- With good quality colour on high quality paper, no ink marks on the image;
- Appropriate brightness and contrast to show skin tones correctly; resolution not grainy; sharp focus and clear;
- One photograph must be certified as a true likeness of the applicant by the person who certifies the proof of identity documents;
- Attach one photo FACE UP – the photo image should be visible – use an adhesive on the back of the photo and DO NOT staple or tape over the top of the photo – this photo is scanned
- Attach one photo FACE DOWN – the certification details on the back of the photo should be visible – attach the photo so that it can be lifted and the photo image checked with the FACE UP photo.

The photograph must:

- Be of your head and top of shoulders; looking straight at the camera, show your shoulders square on (not portrait style with you looking over one shoulder);
- Show your face square on with both ears visible (if the hair covers the ears, both edges of the face must be visible);
- Be taken with a neutral expression with your mouth closed, be close-up, so the head takes up most of the photograph (70-80% - see diagram on page 3 of the application form);
- Have a plain, light-coloured background; taken with uniform lighting (no shadows across the face);
- Show eyes clearly open and visible, not obscured by hair, show your eyes clearly through glasses, if worn, with no flash reflection from the glasses, and no tinted lenses; if possible, avoid heavy frames;
- Show you without any hat or other head covering – if you wear a head-covering for religious reasons, we will accept a photograph of you wearing this, but features must be visible from top of forehead to tip of chin, and from both sides of the face.

The specimen signature must:

- Be witnessed by the person certifying the proof of identity documents and the applicant's photograph;
- Be contained within the signature box and be written using a black pen.

Submitting electronic photographs:

CASA will accept an electronic photograph if:

- It is in JPEG format;
- Meets quality standards equivalent to a conventional photograph;
- A certified paper copy of the photograph is provided with the application form;

More information on this is available on CASA's website.

OVERSEAS APPLICANTS

You may lodge your application form 639 prior to arriving in Australia. However, if you are not an Australian citizen, your immigration status will not be checked until you arrive in Australia. You should advise CASA of your arrival details (including visa number if applicable) after you enter Australia so that your immigration status can be checked.

PAYMENT METHOD AND FEES

All applications must be paid for at the time of lodgement with CASA and these fees are not refundable under any circumstances.

- CASA will not commence processing applications without payment.
- CASA accepts payment by MasterCard, Visa, Bankcard, Cheque and Cash – please do not include cash if you post your application to CASA.

Details of the fees can be found on CASA's website.

PROVIDING FALSE OR MISLEADING INFORMATION

You are asked to certify that the personal information you have provided on form 639 is correct. If it is subsequently discovered, for example as a result of a check of police records, that you have provided false or misleading information, you may be assessed as unsuitable to hold a flight crew licence or special pilot licence.

It should be noted that the Australian Federal Police does not assess or adjudge your application but merely provides the tools to CASA and the Department of Transport and Regional Services to assist them in assessing your suitability to hold an ASIC, flight crew licence, special pilot licence or assessing your aviation security status.

You should note that the existence of a record does not mean that you will be assessed automatically as being unsuitable to hold an ASIC, flight crew licence or special pilot licence, or having an adverse aviation security status. Each case will be assessed on its merit hence it is in your interests to provide full and frank details on the form.

CITIZENSHIP CHECK

If you are not an Australian Citizen, in order to satisfy the requirements of Regulation 6.02(c) and 6.57(1)(b)(ii), your immigration status must be checked with DIMA to confirm that you are not an unlawful non-citizen.

To prove you are an Australian citizen, you must show CASA your current full birth certificate, a current Australian passport or an Australian Citizenship Certificate.

OVERSEAS POLICE RECORD CHECK

If you have resided outside of Australia for a period of six months or longer in the previous 10 years you may be required to provide a criminal history assessment from that country in order for Regulation 6.28 or 6.57 to be satisfied.

POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability to hold a flight crew licence, special pilot licence or ASIC and determining your aviation security status. You are asked on the application form to disclose whether you are the subject of traffic violation(s) or any criminal or traffic charge(s) still pending before a Court, or whether you have been the subject of criminal or traffic conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies (see explanation note under heading SPENT CONVICTIONS SCHEME).

The application form may be forwarded by CASA to other Commonwealth, State and Territory government agencies and you are asked to consent to:

- The Australian Federal Police disclosing criminal history information from its own records to CASA and the Department of Transport and Regional Services ; and
- For the Australian Federal Police to access the records of any State Police and to obtain any criminal or traffic violation history information which in turn would be disclosed to CASA and the Department of Transport and Regional Services.

Unless statutory obligations require otherwise, the information provided on the Police records check section of the application form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive the entitlement.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 2001.

For more information please phone (02) 6256 7777 or email Criminal Records at: vetting@afp.gov.au

ADVERSE SECURITY ASSESSMENT

ASIO must conduct a security assessment on all ASIC and Aviation Security Status Check (AVID) applicants. In the event of an adverse or qualified security assessment, ASIO will notify the Secretary of DOTARS who will then notify the applicant and CASA of the outcome.

ADVERSE CRIMINAL RECORD

When applying for an ASIC or Aviation Security Status Check (AVID) your criminal records will be checked subject to the Spent Convictions Scheme (see above). See below for a list of aviation-security-relevant offences.

For ASICs, the Department of Transport and Regional Services assesses your Police History Certificate in accordance with the regulations. You will be assessed as having an adverse criminal record if you have been convicted of an aviation-security-relevant offence and sentenced to imprisonment, or if you have been convicted twice or more of an aviation-security-relevant offence or offences, but no sentence of imprisonment was imposed – 1 of those convictions occurred within the previous 12 months.

If you are applying for an ASIC and have been convicted twice or more of aviation-security-relevant offences; and no sentence of imprisonment was imposed for any of those convictions, and none of those convictions occurred within the 12 months ending when the background check was carried out, the ASIC would be issued subject to the condition that a further background check will be carried out within 12 months.

If you are applying for an Aviation Security Status Check (AVID), you will have an adverse criminal record if you have been, after 10 March 2005, convicted of an aviation-security-relevant offence (other than an offence against Part 2 of the Crimes (Aviation) Act 1991 or Part 5.3 of the Criminal Code) and sentenced to imprisonment, or you are convicted of an offence against Part 2 of the Crimes (Aviation) Act 1991 or Part 5.3 of the Criminal Code and sentenced to imprisonment.

If you have an adverse criminal record, CASA may not be able to issue you an ASIC, AVID or a flight crew licence or special pilot licence.

Note: Imprisonment includes periodic detention, home-based detention, suspended sentences and detention until the rising of the court.

TABLE 1 – AVIATION SECURITY RELEVANT OFFENCES

Aviation Security Relevant Offence – An offence of a kind mentioned in the Table 1 below against a law of the Commonwealth, or of a State or Territory or of any other country or part of that country.

Item	Kind of offence
Item 1	An offence involving dishonesty
Item 2	An offence involving violence or a threat of violence
Item 3	An offence involving intentional damage to property or a threat of damage to property
Item 4	An offence constituted by the production, possession, supply, import or export of a substance that is: <ul style="list-style-type: none"> (a) A narcotic substance within the meaning of the Customs Act 1901; or (b) A drug within the meaning of: <ul style="list-style-type: none"> (i) Regulation 10 of the Customs (Prohibited Exports) Regulations 1958; or (ii) Regulation 5 of the Customs (Prohibited Imports) Regulations 1956
Item 5	An offence, of a kind dealt with in Part II of the Crimes Act 1914, against the Government of; <ul style="list-style-type: none"> (a) The Commonwealth or a State or Territory; or (a) A country or part of a country other than Australia
Item 6	An offence against Part 2 of the Crimes (Aviation) Act 1901
Item 7	An offence against Part 5.3 of the Criminal Code
Item 8	An offence constituted by the production, possession, supply, import or export of explosives or explosive devices.

SPENT CONVICTIONS SCHEME

On 30 June 1990, new Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This new law is commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the individual has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside or pardoned.

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing without consent of the individual such conviction.

A spent conviction is a conviction for a Commonwealth Territory, State or foreign offence, which satisfies all the following conditions:

- It is 10 years since the date of the conviction (or 5 years for juvenile offenders);
- The individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- The individual has not re-offended during the 10 years (5 years for child offenders) waiting period; and
- A statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commission.)

The Attorney General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or conviction for specific offences where partial exclusion exists.

An exclusion to the scheme applies to the following offences where an issuing body (within the meaning of subregulation 76 (1) of the *Air Navigation Regulations 1947*) is assessing whether to issue a security identification card (within the meaning of subregulation 76 (1) of the *Air Navigation Regulations 1947*) to a person in accordance with Division 7 of Part 7 of those Regulations.

- Offences against Part 2 of the *Crimes (Aviation) Act 1991* (except section 15);
- Offences against Part 5.3 of the Criminal Code.

PRIVACY NOTICE - What CASA does with your personal licensing information

Information you provide on the application includes personal information the collection, use and disclosure of which is governed by the Commonwealth Privacy Act 1988.

CASA uses this information internally for the purposes of its functions under the Civil Aviation Act 1988 and Aviation Transport Security Act 2004. In particular, CASA will use this information for licensing purposes, and in order to undertake identity checks and aviation security status checks. CASA will disclose name and address details to mailing houses and other contractors disseminating information on CASA's behalf. CASA may use this information for the purposes of its own research and analysis into matters affecting aviation safety.

CASA may also disclose this information as part of its accountability obligations to the Government and to Parliament. It may disclose this information to the following government agencies for the following purposes:

- Department of Transport and Regional Services, for aviation safety and security purposes, and for research, statistical analysis, economic modelling, and other policy development purposes;
- Australian Transport Safety Bureau (ATSB), for the purposes of investigations into aviation accidents and incidents, and for research into matters affecting aviation safety;
- Australian Security and Intelligence Organisation, Australian Federal Police, and Department of Immigration and Multicultural and Indigenous Affairs, for aviation security purposes;
- Airservices Australia and Australian Maritime Safety Authority, for air traffic management and search and rescue purposes.

CASA may disclose this information to the national aviation authority of another country in order to verify claims made in the application, or for enforcement purposes. It may also provide this information to the national aviation authority of another country on receipt of a request for bona fide aviation safety or security purposes.

CASA also discloses personal information in compliance with mandatory legal requirements, for example, in response to notices of production from the ATSB or by court order.

CONDITIONS OF ISSUE & USE OF AN AVIATION SECURITY IDENTIFICATION CARD

1. THESE CONDITIONS:

These are the conditions on which an ASIC is issued to you by CASA pursuant to the *Aviation Transport Security Regulations 2005* ('Regulations')

2. APPLICATION FOR ASIC:

When you apply for an ASIC, you must give CASA a completed application Form 639 containing:

- (a) All of the information required to be completed in the application form;
- (b) Your consent to CASA requesting various record checks including security, law enforcement and citizenship records; and
- (c) Your signature, certifying that all the information you have provided is correct, in order to determine your suitability to be issued with, and continue to hold, an ASIC.; and
- (d) The correct fee.

If you do not complete all sections required in the application form, or include in the application form information which CASA determines false or misleading, CASA may refuse your application for an ASIC.

CASA will decide whether to issue you with an ASIC in accordance with the requirements of the Regulations and any other relevant matters. The Department of Transport and Regional Services must assess your criminal history and approve CASA to issue the ASIC. An ASIC is normally issued for 2 years but may be issued for a shorter period.

To comply with the Regulations, CASA will request various records checks including security, law enforcement and citizenship records, pursuant to your consent and you must produce the identification detailed in the application form.

3. PURPOSE ON AN ASIC:

The purpose on an ASIC is to identify you while you are in a Secure Area of a Security Controlled Airport.

4. USE OF AN ASIC:

You must represent to CASA that you have an operational need for frequent access to a Secure Area of one or more security controlled Airports and acknowledge that you:

- (a) Must not enter or stay in a Secure Area of a Security Controlled Airport unless you have a lawful purpose (Regulation 3.11) for being in that Secure Area; and
- (b) Must not give your ASIC to anyone else to use. It is for your use only while on duty; and
- (c) Must keep your ASIC secure at all times (even when you are not using it).

It is an offence under the Regulations if you contravene paragraph 4(a) above. It is also an offence under the Regulations if you are in a Secure Area using an invalid ASIC or an ASIC that was not issued to you.

5. YOU MUST DISPLAY YOUR ASIC:

You must properly display an ASIC at all times in a Secure Area. This means the ASIC must be displayed:

- (a) Above waist height; and
- (b) At the front or side of your body; and
- (c) With the whole front of the ASIC clearly visible (Reg 1.04)

You are not properly displaying an ASIC if anything adhering to it obscures a photograph or anything else on it.

It is an offence of strict liability under the Regulations if you fail to properly display your ASIC in a Secure Area unless you are an exempted person as defined by the Regulations 3.03 & 3.13.

6. SUPERVISING VISITORS:

In supervising a person who has been issued with a Visitor Identification Card (VIC), an ASIC holder must adhere to any requirements specified by the airport operator.

It is an offence of strict liability under Regulation 3.03 for the ASIC holder to leave a VIC holder unsupervised.

7. NOTIFYING CASA IN CERTAIN CIRCUMSTANCES:

You must notify CASA within 30 days if you change your name.

Failure to do so is an offence under Regulation 6.42.

You must notify CASA within 7 days if you:

- (a) Become an 'Unlawful Citizen'
- (b) No longer need frequent access to a secure Area or need to enter a Secure Area for operational purposes;
- (c) Change your residential address, change your name or contact details;
- (d) You subsequently discover that the information you have given in your ASIC application was false or misleading.

If the holder on an ASIC is convicted of an Aviation Security Relevant Offence, he or she must notify CASA in writing of the conviction and any sentence within 7 days.

8. RETURN OF ASIC

You must return your ASIC to CASA within one month if:

- (a) Your ASIC has expired;
- (b) CASA notifies you that your ASIC has been cancelled;
- (c) The ASIC has been damaged, altered or defaced (permanently or temporarily); or
- (d) You no longer need to enter the relevant secure area for an operational purpose.

It is an offence of strict liability under the Regulations if you fail to return your ASIC to CASA as required by this clause. (Reg 6.45).

9. CANCELLATION OR SUSPENSION OF ASIC

CASA may cancel your ASIC if you fail to comply with any of these conditions or the Regulations. For example, if you;

- (a) Fail to supervise the holder of a Visitor Identification Card (VIC) while that person is in a secure Area;
- (b) Have given your ASIC to someone else to use to gain entry to a Secure Area;
- (c) Are found in a Secure Area otherwise than for an operational purpose (for example, you are not on duty);
- (d) Have failed to notify CASA of the things set out in clause 7 (above);
- (e) Provided information in your ASIC application which CASA discovers was false or misleading;
- (f) Have failed to display a valid ASIC as set out in clause 5; or
- (g) Misuse your ASIC.

There are other circumstances in which CASA may cancel your ASIC. Other such circumstances are set out in the Regulations. The ASIC must be returned to CASA immediately upon notification of the cancellation.

CASA may disqualify an ASIC holder from holding an ASIC for contravening the requirements to display an ASIC in a Secure Area under the Regulations.

10. LOSS OF ASIC

You must notify CASA within 7 days in the form of a statutory declaration if your ASIC has been lost, stolen or destroyed.

It is offence of strict liability if the holder does not make a report, in the form of a statutory declaration, of the loss to CASA within 7 Days of becoming aware of the loss, theft or destruction (Regulation 6.46).

In addition to this CASA requires the holder of an ASIC to make a report of the theft, loss or destruction to the Local State or Territory Police and an event number must be supplied to CASA at the time of notification.

11. ACCESS CONTROL CONDITIONS OF ISSUE AND USE

Access to an airport is the responsibility of the airport operator.

12. RENEWAL OF ASIC

It is your responsibility to ensure your application is lodged in sufficient time to be re-issued with another ASIC prior to the current one expiring. No extensions will be granted. If your ASIC expires you will be required to operate with a visitor pass, which will require you to be under constant supervision by a valid ASIC holder.

13. ACKNOWLEDGEMENT

You acknowledge that the issue to and use by you of an ASIC is subject to the following conditions of Issue & Use for an ASIC ('Conditions'):

- (a) The Aviation Transport Security Act 2004 as amended ('Act')
- (b) The Aviation Transport Security Regulations of 2005 as amended ('Regulations')
- (c) Conditions of Issue and Use for an Aviation Security Identification Card (ASIC) as detailed on this form;
- (d) You must acknowledge and agree that:
 - (i) Camera/Video surveillance may be carried out at security controlled airport from time to time for the purpose of safeguarding against unlawful interference with aviation; and
 - (ii) You and/or goods in your possession may be subject to inspection on entry, exit or while in the Secure Area of a security controlled airport.



**CASA APPLICATION FORM 639
Student Pilot Licence (SPL)
Aviation Security Identity Card (ASIC)
Aviation Security Status Check/Aviation Identification (AVID)**

Refer to the Form 639 [Instruction Sheet](#) for assistance in completing this form.

PERSONAL AND BACKGROUND DETAILS

Q1 – ENTER YOUR AVIATION REFERENCE NUMBER (ARN) [leave blank if you do NOT have an ARN] .

Q2 – ENTER YOUR PERSONAL DETAILS [complete or enter N/A as appropriate]

Title (Select) / other: Male Female

Family Name First Name Other Names

Previous Family Name Previous Given Names

Date of Birth (dd/mm/yyyy) / / Country of Birth Town/City of Birth

Nationality Country of Residence

Q3 – ENTER YOUR CURRENT ADDRESS DETAILS

<p>Current Residential Address (Note: Not Post Office Box)</p> <p>Address Line 1 <input type="text"/></p> <p>Address Line 2 <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>State <input type="text"/> Postcode <input type="text"/></p> <p>Country <input type="text"/></p>	<p>Current Postal Address Where you want your licence sent to (only if different to residential address)</p> <p>Address Line 1 <input type="text"/></p> <p>Address Line 2 <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>State <input type="text"/> Postcode <input type="text"/></p> <p>Country <input type="text"/></p>
---	---

Q4 – ENTER YOUR CURRENT CONTACT DETAILS

Daytime Phone () After Hours Phone ()

Daytime Mobile After Hours Mobile

Daytime Fax () After Hours Fax ()

Email Address @

Q5 – ARE YOU AN AUSTRALIAN CITIZEN?

Yes – go to Q6 No – ENTER DETAILS BELOW

Passport Country of Issue <input type="text"/>	Passport Number <input type="text"/>	Immigration Visa No. <input type="text"/>
Last arrival date into Australia was <input type="text"/> / <input type="text"/> / <input type="text"/>	Planned departure date is <input type="text"/> / <input type="text"/> / <input type="text"/>	Visa Type <input type="text"/>

[Enter date if known, if unknown, leave blank]

Q6. – APPLICATION DETAILS

You must decide whether you are applying for an ASIC or an Aviation Security Status Check/AVID. If you are applying for an Aviation Security Status Check, you need to apply for an AVID. You do not need to apply separately for a photographic licence as it will be issued when an ASIC or AVID is issued.

- 6.1** Tick which identification document you require – ASIC or AVID
 ASIC AVID
- 6.2** Tick whether the application is for an initial issue of an ASIC or AVID, an application for issue of an ASIC or AVID to replace one which will expire, or an application for replacing a lost or stolen ASIC or AVID.
 Initial Application Application for Re-issue on Expiry Replacement Application

Note: An application for a replacement ASIC or AVID must include a Commonwealth Statutory Declaration

Civil Aviation Safety Authority, CLARC, GPO Box 2005 Canberra ACT 2601. Phone: 1300 737 032 Fax 1300 737 187

ARN .

STUDENT PILOT LICENCE APPLICATION DETAILS

Q7 – ARE YOU APPLYING FOR A STUDENT PILOT LICENCE?

Yes – go to Q8 No – go to Q11

Q8 – ENTER DETAILS OF ALL OVERSEAS FLIGHT CREW LICENCES HELD

Country of Issue	<input type="text"/>	Licence Number	<input type="text"/>	Type of Licence	<input type="text"/>
Country of Issue	<input type="text"/>	Licence Number	<input type="text"/>	Type of Licence	<input type="text"/>
Country of Issue	<input type="text"/>	Licence Number	<input type="text"/>	Type of Licence	<input type="text"/>

Please attach a certified copy of each overseas licence to this application form.

Q9 – DETAILS OF ANY REGULATORY ACTION, TRAFFIC AND CRIMINAL CHARGES, CONVICTIONS/IMPRISONMENT

- a. In relation to you performing duties essential to the operation of an aircraft: Yes No
1. Has any action been taken against you; or
 2. Is any action in the process of being taken against you; or
 3. Have you been refused issue of any licence, rating or authority by any organisation (including CASA)?
- Note:**
- (i) Action includes, but is not limited to, suspension and cancellation.
 - (ii) You should include all regulatory actions, traffic charges, convictions and imprisonments including those from overseas.
- b. Have you ever been refused the issue of a transport licence or certificate? Yes No
(eg, pilot's licence, driver's licence, boating licence)
- c. Do you have any conviction or finding of guilt, which is less than ten years old, or any juvenile conviction or finding of guilt which is less than five years old? Yes No
- d. Is suspension or cancellation action pending in relation to any aviation licence you hold? Yes No

Please outline details of any items in Q9 marked as "Yes" on a separate sheet and attach to this application form. Include details about actions, charges, convictions and imprisonments in Australia and Overseas.

Q10 – DECLARATION FOR STUDENT PILOT LICENCE APPLICATION

Must be completed by Chief Flying Instructor, Approved Testing Officer or CASA Flight Operations Inspector.

I, (full name of person making declaration) declare that I have assessed (full name of applicant) and found he/she to be competent communicating in English to the standard required for exercising the privileges of a student pilot licence.

Signature of CFI/ATO/CASA FOI ARN

Contact phone number () Date signed (dd/mm/yyyy) / /

ARN .

PHOTOGRAPHIC IDENTIFICATION SECTION

Q11 – ATTACH YOUR TWO PHOTOS AND WRITE YOUR SIGNATURE IN THE SPACES PROVIDED – SEE INFORMATION SHEET

The diagram below shows the area the face should take up and how the photograph should be certified.

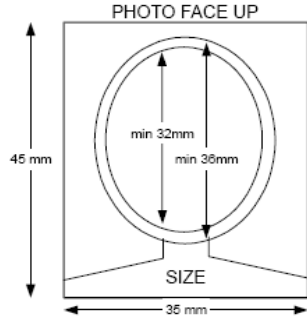


PHOTO FACE DOWN

Enter the following details on the back of one photograph

Name of applicant

Signature of person certifying applicant's identity

SPECIMEN SIGNATURE OF APPLICANT

Ensure signature is contained WITHIN the box

NOTE: The person certifying the applicant's identity must witness the applicant signing here.

[Empty box for specimen signature]

Q12 – DECLARATION OF PERSON CERTIFYING IDENTITY

I, (full name of person certifying identity) declare that:

- I have sighted the original proof of identification documents and certified the copies of those documents, which are attached to this application, are true copies of the original documents;
- The photograph which I have certified is a true likeness of the applicant;
- The specimen signature above is the applicant's signature.

Signature of person certifying identity Date signed (dd/mm/yyyy) / /

Contact phone number ()

Position/Qualification details:

Q13 – APPLICANT'S AUTHORISATION AND DECLARATION

I, (full name of applicant) hereby declare that:

- The particulars set out in this application are true in every respect; and
- The copies of the attached proof of identification documents are true copies of the original documents and have not been altered in any way; and
- The photographs attached to this form are a true likeness of me.

Note - there are penalties for providing false and misleading information and that may result in prosecution, fines and cancellation of civil aviation authorisations.

- I have read and understand the Spent Conviction Scheme in the *CASA Form 639 Information Sheet* provided with this application form. I understand that even if I have a spent conviction, I must disclose it to CASA if it is an offence to which an Exclusion applies. The information may be used by CASA in assessing my application;
- I have read and understand my obligations to notify CASA in writing of any changes to my personal details and the details of any convictions and sentences for an aviation-security related offence within 7 days of the change;
- I have read and understand CASA's policy notice on the collection and release of personal licensing information (see The Policy Notice on the *CASA Form 639 Information Sheet*);
- I consent to CASA using and disclosing my personal information in accordance with CASA's privacy policy including exchanging the information with Commonwealth, State and Territory government agencies for the purposes of obtaining a criminal record, other background checks, assessing my travel movements records in order to verify my status in terms of whether I am an unlawful non-citizen as defined in section 14 of the *Migration Act 1958*, and assessing an application for a licence, certificate or authorisation issued by CASA;

AND if I am applying for an ASIC:

- I have an operational need for access to a secure area of a security controlled airport that has regular public transport operations;
- I have read and understand the Conditions of Issue and Use for an ASIC.

Signature of applicant Date signed (dd/mm/yyyy) / /

ARN

FEES

Q14 – FEES (payment must accompany application)

Licence Application Fees

Include fees for any new licences or ratings being applied for which have an associated fee.

ITEMISE BELOW

- (i) Apply for ASIC – full security check required (\$145)
- (ii) Apply for ASIC – already hold FCLID – criminal record check required (\$135)
- (iii) Apply for AVID – full security check required (\$145)
- (iv) Apply for AVID – already hold FCLID – criminal record check required (\$135)
- (v) Apply for ASIC – hold AVID – no security check required (\$95)
- (vi) Apply for Student Pilot's Licence (SPL) (\$65)
- (vii) Additional fees for other licence applications

CASA Use Only
5.4.1
5.4.2
5.2.1
5.2.2
5.4.3
5.2
.....

TOTAL \$

Q15 – REMITTANCE ADVICE

For payment by Credit Card

Please debit my Mastercard Bankcard Visa

Card Number

Expiry Date /

Card Holder Name (please print)

Signature

Total \$

For payment by Cheque: Please make cheques payable to **CASA**.

CHECKLIST FOR APPLICANT

- Copies of proof of identity documents are certified and attached.
- One proving identification document includes a recent photograph of the applicant.
- Documents supporting application for new licence/ratings attached.
- Application for police records check is completed (if required) and attached to this application.
- If application includes a student pilot licence application, details of any regulatory action, traffic and criminal charges, convictions/imprisonment attached.**
- Payment of fees included.
- If student licence application, declaration for English language competency signed by CFI, ATO or casa officers.
- Passport photos (one certified) attached.
- Specimen signature of applicant entered on form and certified.
- Applicant's declaration completed.

The Federal Government TimeSaver initiative aims to assess the time taken to complete Government Forms. Please indicate the approximate time taken to complete this form.

Hrs Mins

STAFF-IN- CONFIDENCE
(when completed)

ARN .

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Commonwealth of Australia

PART EXCLUSION

COMPLETE IF APPLYING FOR AN ASIC

CONSENT TO OBTAIN PERSONAL INFORMATION

(for categories where **PART EXCLUSION** has been granted from spent convictions legislation)

I, hereby:
(Full name - **BLOCK LETTERS** and in **INK**)

(i) acknowledge that I have read the Application Information Sheet for Form 639 provided with this Form and understand that I do not have to disclose old protected convictions information, which is described under the heading Spent Convictions Scheme, except any type listed below for which an exclusion has been granted;

Offences against Part 2 of the Crimes (Aviation) Act 1991 (except section 15) and or Part 5.3 of the Criminal Code Act 1995.

(ii) certify that the personal information I have provided on this form relates to me and is correct;

(iii) consent to **Civil Aviation Safety Authority**

- forwarding this form to the Department of Transport and Regional Services and/or the Australian Federal Police and/or the Police Services of the States or Territories of the Commonwealth of Australia and providing relevant information to the above organisation;
- forwarding my personal details to the Australian Security Intelligence Organisation for the purpose of conducting a security assessment;
- forwarding my personal details to the Department of Immigration and Multicultural and Indigenous Affairs through the Department of Transport and Regional Services for the purpose of confirmation of my immigration status.

(iv) specify entitlement applied for as being: Aviation Security Identification Card (ASIC)

(v) consent to the AFP or other relevant Australian police force(s) extracting from their records copies of traffic violations, and criminal and/or traffic records relating to me pending before a Court and/or details of convictions or findings of guilt which have been recorded against me and which are not covered by Part VIIC of the *Crimes Act 1914* dealing with spent convictions;

(vi) acknowledge that any information provided by me on this Form or by the police as a result of the records check may be taken into account by the organisation mentioned in (iii) above in assessing my suitability to receive the entitlement.

Signature Date / /

Note: The information you provide on this form and which the police provide to CASA and the Department of Transport and Regional Services on receipt of the form, will be used only for the purpose stated in the Application Information Sheet for Form 639 unless statutory obligations require otherwise.

COMPLETE PAGE 5 OF THIS FORM

Annex B

Australian Customs Service – ASIC application form



Application Identification Number
(Customs use only)
____ / ____ / ____
Received: ____ / ____ / ____

**AVIATION SECURITY IDENTIFICATION CARD
APPLICATION FORM**

Section 1 – ASIC Details (to be completed by applicant)

<input type="checkbox"/> Initial Application <input type="checkbox"/> Renewal/Re-issue <input type="checkbox"/> Replacement (Lost/stolen/destroyed) Current ASIC No: _____ Expiry date: _____	<input type="checkbox"/> Airport Specific (single airport) _____ <i>Specify airport</i> <input type="checkbox"/> Airports Australia-wide (AUS)* <i>* Applicants requesting an Australian-wide ASIC must provide SES authorisation and justification. Complete Section 4</i>	Employee of: <input type="checkbox"/> AFP <input type="checkbox"/> AQIS <input type="checkbox"/> ASIO <input type="checkbox"/> Customs <input type="checkbox"/> DIMIA <input type="checkbox"/> Other <i>If other please specify:</i> _____
---	---	--

Section 2 – Applicant Details (to be completed by applicant)

Person Details

Given Names: _____ Gender: Male Female
 Family Name: _____ Date of Birth: ____ / ____ / ____
 Place of Birth (City/Country): _____ Citizenship (if not Australian): _____
 Drivers Licence Number (including State): _____
 Residential Address: _____ Town/City: _____
 _____ State: _____ Post Code: _____

Employment Details

Position: _____ Department/Division: _____
 Business Address: _____ Town/City: _____
 _____ State: _____ Post Code: _____
 Business Telephone: (____) _____

I, _____ of _____
Full Name Department/Division

Confirm that the above information is correct and I have an operational need to be issued an Aviation Security Identification Card (ASIC). I agree to notify Customs ASIC Issuing Unit of any changes to the above particulars and to return the ASIC to my employer when I no longer have the operational need to access an aviation security zone. I confirm I have read and agree to the conditions of Issue for the ASIC.

Applicant's Signature: _____ Date: ____ / ____ / ____

Customs use only – Card Issue

ASIC Number: ____ / ____ / ____ Expiry Date: ____ / ____ / ____

Card type: AUS-wide ASIC – Home airport: _____
 Airport Specific ASIC – Designator: _____

STAFF-IN-CONFIDENCE
(when completed)

STAFF-IN-CONFIDENCE
(when completed)

ASIC - APPLICATION FORM CONTINUED

Section 3 – Operational Need Certification (to be completed by applicants manager)

I, _____ of _____
Full Name Position Department

- a) certify that the person named in this application is employed by the Australian Government and requires unescorted access to the security restricted area of _____ (insert 'ALL' if AUS-Card) airport(s) to perform his or her duties for employment.
- b) undertake to notify the Customs ASIC Issuing Unit Canberra immediately the person ceases to require access to those areas (including when the person ceases employment with the Australian Government)
- c) will recover ASICs issued to persons upon termination of their employment, and return those cards immediately to the Customs ASIC Issuing Unit, Canberra.

Signature: _____ Date: ____ / ____ / ____

Section 4 – SES Authorisation (required for AUS-card only)

_____ of _____
Full Name Position/Title Department

Signature: _____ Date: ____ / ____ / ____

Note on AUS-Cards

(As different airports use a variety of electronic access control systems, the Customs ASIC Issuing Unit requests that applicant nominate the airport where they work most frequently. Accordingly, the AUS-Wide ASIC will be printed on that airport's card and programmed for that location. At all other airports, the AUS-Wide ASIC will be primarily used for identification.

Please specify most frequented airport: _____

Conditions of Issue and Use of an ASIC

1. The ASIC on its own does not give the holder the right to access a security-restricted area of an airport. Persons entering a security-restricted area must have a lawful reason to do so and have authorisation from the appropriate authority.
2. The ASIC is to be prominently displayed on the outer clothing, above waist height, on the front or side of the body and with the whole ASIC clearly visible.
3. The ASIC must be clearly displayed at all times while you are in an aviation security-restricted area.
4. The ASIC must be kept in a safe and secure location whilst not in use.
5. The ASIC must not be altered or defaced or it ceases to be valid.
6. The ASIC is not transferable and is to be used only by the person it has been issued to by the Customs ASIC Issuing Unit.
7. All ASICs must be returned to Customs ASIC Issuing Unit within 30 days after it:
 - Expires;
 - Is cancelled;
 - Has been damaged, altered or defaced; or
 - The holder no longer has the operational need to enter a security-restricted area.
8. Cardholders must present their ASIC for inspection when requested to do so by an authorised officer of Customs, law enforcement officer or by a representative of a security-restricted area.
9. Cardholders must notify the Customs ASIC Issuing Unit and provide documentation of any name change within 30 days. Applicants will be required to undergo a security assessment under the new name prior to being reissued a replacement card.
10. Cardholders are required to notify Customs ASIC Issuing Unit within 7 days of any loss, theft or destruction of their ASIC. Cardholders are required to provide a statutory declaration, police report or other information issued by the police detailing the circumstances of the loss, theft or destruction before a replacement card will be issued.
11. Cardholders must inform Customs ASIC Issuing Unit immediately of any changes in circumstances to any part of this application, including the personal consent forms.
12. All applicants for an ASIC undergo a Criminal History check, a Politically Motivated Violence check and a Citizenship status check.
13. The ASIC remains the property of Australian Customs Service at all times.
14. The ASIC holder and their employer are bound by the conditions of use, and will be responsible for any breaches of the conditions of use by the holder of the card.
15. Australian Customs Service reserves the right to alter the Terms and Conditions at any time on which an ASIC is issued.

Customs ASIC Issuing Unit
ASIC Issuing Unit email: asic@customs.gov.au
Level 7, Customs House Phone: 02 6275 5948
Constitution Avenue Fax: 02 6275 5006
Canberra City, ACT 2600

STAFF-IN-CONFIDENCE
(when completed)



Personal Particulars

Surname (present)		All other surnames used	
Christian or given names			Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth	Town / City of birth		State / Country of birth
Contact phone Number	Drivers licence number	Issuing State	

Permanent Residential Address Over Last Ten Years

If full details of previous addresses are unavailable details of town(s) and state(s) will suffice. <i>Attach list if insufficient room.</i>	If actual dates are unavailable, details of year of residence will suffice
Current	Period of residence / / to / /
	/ / to / /
	/ / to / /
	/ / to / /
	/ / to / /

Criminal/Traffic Charges, Convictions or Pecuniary Penalties

(i)	Are you the subject of any traffic violation, criminal or traffic charge(s) still pending before a court	<input type="checkbox"/> Yes <input type="checkbox"/> No
(ii)	Do you have any conviction(s) or finding(s) of guilt which are less than ten (10) years old, or any juvenile conviction(s) or finding(s) of guilt which are less than five (5) years old?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iii)	Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old, (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was <u>less</u> than thirty (30) months imprisonment for offences of the type(s) mentioned at (i) on the reverse of this form (ie. offences for which an exclusion has been granted)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(iv)	Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old, (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was <u>greater</u> than thirty (30) months imprisonment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you answered YES to any of the above questions, please attach details		

<p><u>USER CODE:</u> 1222</p> <p>AUSTRALIAN CUSTOMS SERVICE ASIC ISSUING UNIT SECURITY, 7TH FLOOR, CUSTOMS HOUSE 5 CONSTITUTION AVENUE CANBERRA ACT 2601</p>	<p>Police Use Only Australian Federal Police <input type="checkbox"/> Not Recorded / <input type="checkbox"/> Recorded</p> <p>NOTE: As fingerprints do not accompany your request, the Australian Federal Police cannot guarantee in any manner, that the information supplied herewith concerns the individual in whom you are interested.</p> <p>Signature:</p> <p>Date:/...../..... For Commissioner Australian Federal Police</p>
---	---

STAFF-IN-CONFIDENCE
(when completed)



Commonwealth of Australia

CONSENT TO OBTAIN PERSONAL INFORMATION

(for categories where PART EXCLUSION has been granted from spent convictions legislation)

I _____ hereby:
(Full name - BLOCK LETTERS and in INK)

- (i) acknowledge that I have read the General Information document provided with this Form and understand that I do not have to disclose old protected convictions information, which is described under the heading Spent Convictions Scheme in the General Information document, except any of a type listed below for which an exclusion has been granted;

Offences against Part 2 of the Crimes (Aviation) Act 1991 (except section15) and or Part 5.3 of the Criminal Code Act 1995.
- (ii) certify that the personal information I have provided on both the front and back of this form relates to me and is correct;
- (iii) consent to the Australian Customs Service (Customs):
 - forwarding this form to the Department of Transport and Regional Services and/or the Australian Federal Police (AFP) and/or the Police Services of the States or Territories of the Commonwealth of Australia and providing relevant information to the above organisation;
 - forwarding my personal details to the Australian Security Intelligence Organisation for the purpose of conducting a security assessment; and
 - forwarding my personal details to the Department of Immigration and Multicultural and Indigenous Affairs for the purpose of confirmation of my immigration status.
- (iv) specify that I am seeking the following entitlement: **Issue of an Aviation Security Identification Card (ASIC)**
- (v) consent to the AFP or other relevant Australian police force(s) extracting from their records copies of traffic violations, and criminal and/or traffic records relating to me pending before a Court and/or details of convictions or findings of guilt which have been recorded against me and which are not covered by Part VIIC of the Crimes Act 1914 dealing with spent convictions;
- (vi) acknowledge that any information provided by me on this Form or by the police as a result of the records check may be taken into account by the organisation mentioned in (iii) above in assessing my suitability to receive the entitlement.

Signature _____ Date ____ / ____ / ____

Note: The information you provide on this form and which the police provide to this organisation on receipt of the form, will be used only for the purpose stated above unless statutory obligations require otherwise.

protecting our borders

STAFF-IN-CONFIDENCE
(when completed)

POLICE RECORDS CHECK FOR ENTITLEMENTS

CONSENT TO OBTAIN PERSONAL INFORMATION FORM

General Information

- 1) This Form is used by organisations and applicants as part of the assessment process to determine whether a person is suitable for the receipt of an entitlement, including employment and a Designated Security Assessment Position (DSAP) or Position of Trust (POT) which is part of the security clearance process.

Unless statutory obligations require otherwise, the information provided on this Form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive the entitlement.

Police Records Check

Police records checks are an integral part of the assessment of your suitability for the entitlement sought. On this form you are asked to disclose whether you are the subject of traffic violation(s) or any criminal or traffic charge(s) still pending before a Court, or whether you have been the subject of criminal or traffic conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies (see explanation note under heading *SPENT CONVICTIONS SCHEME*).

This Form may be forwarded by the employing organisation to the Australian Federal Police (AFP), and you are asked to consent to:

- (a) the AFP disclosing criminal history information from its own records to the organisation with which you are employed or are seeking employment, and/or insurance company or other public or private organisation from which you are seeking an entitlement, and;
- (b) for the AFP to access the records of any State or Territory police and to obtain any criminal or traffic violation history information which in turn would be disclosed to whom you are required to indicate.

Spent Convictions Scheme

On 30 June 1990, new Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This new law is commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the individual has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside or pardoned.

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing without consent of the individual such convictions.

A spent conviction is a conviction for a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for child offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 year (5 years for child offenders) waiting period; and
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists. Details of exclusions should be provided to you by the employing organisation before your consent is sought to conduct a criminal record check.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 2001.

For more information please phone (02) 6256 7777 or email Criminal Records: vetting@afp.gov.au

Character Checking

The Australian Federal Police advises all applicants that for character checks, they must meet the following requirements in the application.

1. Applications to be filled out in black or blue biro or typed.
2. Photocopy of your employee security identification card with photograph included, or, if not available, your drivers licence or other document with photograph included.
3. If there has been a change of names, then previous and current names MUST be included on the form (eg maiden, de facto, deed poll, etc).
4. Applicant's signature must not be more than three months old.
5. Please check the date of birth to see if it is the correct year. Also see that all the necessary details have been completed and that the form is signed.

Annex C

Canberra Airport – ASIC application form



Photo Here

AVIATION SECURITY IDENTIFICATION CARD (ASIC) APPLICATION FORM

For ASICs issued in accordance with the Aviation Transport Security Act (2004)

Capital Airport Group
Airside Administration
2 Brindabella Circuit
Brindabella Park
Canberra Airport ACT 2609
TEL: (61 2) 6275 2215
FAX: (61 2) 6275 2244
www.canberraairport.com.au
Canberra International Airport P/L
A.C.N. 080 361 548

USE BLACK PEN ONLY

Surname: _____
Given Names: _____
Employed by: _____

OFFICE USE ONLY			
Code:		ASIC Number:	
Designator:	AUS CBR	ASIC Expiry:	20
Colour:	Red Grey	Appl Rec'd:	
PRC	Date: _____ / _____ /2000 Initial: _____	Photo Taken:	
DIMIA	Date: _____ / _____ /2000 Initial: _____	Payment:	Type: _____ Amount: _____ Date: _____
PMV	Date: _____ / _____ /2000 Initial: _____	Supporting Letters:	<input type="checkbox"/> Employer <input type="checkbox"/> Contractor 1 _____ <input type="checkbox"/> Contractor 2 _____
OSPRC	Date: _____ / _____ /2000 Initial: _____	Immigration:	<input type="checkbox"/> Australian Citizenship Certificate <input type="checkbox"/> Australian Passport <input type="checkbox"/> Foreign Passport with Aus Residency
Primary:	<input type="checkbox"/> Birth Certificate <input type="checkbox"/> Passport <input type="checkbox"/> Citizen Certificate	Secondary:	<input type="checkbox"/> Drivers Licence <input type="checkbox"/> Staff/Student ID <input type="checkbox"/> Other _____
Tertiary:	<input type="checkbox"/> _____ <input type="checkbox"/> _____	Conditions of Use:	<input type="checkbox"/> Issued Initial _____
AUTHORISATION FOR ISSUE		TEMPORARY ASIC	
Checked By: _____	Date: _____/_____/_____	Expiry Date: _____/20____	
Authorised By: _____	Date: _____/_____/_____	Number: _____	
		Returned Date: _____/_____/_____	
RECEIPT OF ASIC			
<p>I acknowledge receipt of the above mentioned ASIC which remains the property of Capital Airport Group and is on loan to me whilst the company employs me in my current capacity noted in Section D of this application. By signing the receipt of my ASIC below, I understand and agree to all the Conditions of Issue and I acknowledge my responsibilities and obligations under the Aviation Transport Security Regulations (2004) pertaining to the issue of my ASIC.</p>			
Signature: _____		Date: _____/_____/_____	
Print Name: _____			

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OFFICE USE ONLY		
ISSUE NUMBER		
2	Date: ____/____/____	Reason: _____
3	Date: ____/____/____	Reason: _____
4	Date: ____/____/____	Reason: _____
5	Date: ____/____/____	Reason: _____

A

SPECIAL CONDITIONS

The following special conditions apply to the issuance of this ASIC:

Acknowledged by Applicant:

Name: _____

Signature: _____

Date: _____

B

IMPORTANT INFORMATION

The information, which the applicant is required to disclose in this application form, will be used by Capital Airport Group Pty Ltd Canberra (CAG) for the sole purpose of establishing the qualifications of the applicant for the issue of an Aviation Security Identification Card (ASIC). The applicant is required to consent to certain information being forwarded to Australian Federal Police for the purpose of conducting a Police Record Check (PRC), and also to Australian Security Intelligence Organisation (ASIO) for the purpose of conducting Politically Motivated Violence Check (PMV) and the Department of Immigration and Multicultural Indigenous Affairs (DIMIA) for verification of citizenship status of the applicant. The result of these checks will be disclosed to CAG on a confidential basis. CAG has the right to request the information required by this application form under the provisions of the Air Navigation Act 1920, the Aviation Transport Security Act 2004 and Regulations made under these Acts. All information received from the applicant will be kept by CAG in strictest confidence and handled in accordance with the provisions of the Privacy Act 1988.

C

APPLICATION REQUIREMENTS

- 1) Each applicant must visit the Canberra International Airport office at 2 Brindabella Circuit, Canberra Airport to show copies of original ID (if not already certified) and have a digital photograph taken.
- 2) Each applicant must provide the Canberra International Airport office with:
 - a) Completed application form.
 - b) Payment
 - c) A letter from your employer (signed by a signatory authorised by Canberra International Airport) outlining the reasons for your application. For AUS applications, the letter may require additional documentation to support or verify the reasons the applicant requires an AUS ASIC. This could include a letter from the airport(s) where the applicant will be working.
 - d) Your Australian birth certificate, Australian Citizenship Certificate or valid Australian Passport
 - e) IdentificationThe Applicant must verify their identification by means of two primary forms of identification or a primary identification and a secondary identification, or a primary identification and two tertiary identifications.

Primary Identification of the Applicant

1. a certified copy of a Birth Certificate;
2. a certified copy of a Citizenship Certificate, certified under the Australian Citizenship Act 1948;
3. a document of another country proving citizenship of that country; or
4. a valid passport.

Secondary Identification of the Applicant

1. a document with a recent photo or signature of Applicant;
2. a valid licence (i.e. State or Territory Driver's Licence);
3. a valid Government Employee Identification;
4. a valid Australian Student Identification; or
5. a "verifiable reference"(as defined in Regulation 6.04).

Tertiary Identification of the Applicant:

A document that sets out the name and address of the Applicant and is:

1. a signed statement by his or her employer or former employer about that employment;
2. a copy (certified by a Registrar of Titles or similar officer to be a correct copy) of a record issued under a law about land titles;
3. a document issued by a rating authority from its records about land ownership or occupation;
4. a document issued by a bank or similar financial institution from its records about a mortgage or other security that he or she gave to the bank or institution;
5. an extract from the electoral roll compiled by the Australian Electoral Commission; or
6. a record issued under a law in force in Australia other than a law about land titles.

CONTRACTORS

- 1) Where the applicant requires an ASIC for the purpose of his employment as a subcontractor to a company, then a letter from that company signed by a signatory authorised by Canberra International Airport must accompany the application.
- 2) If the applicant is a contractor or employed by a contractor who is performing work at the request of a company operating out of Canberra Airport, then the Project Controller's name and signature are required in Section I of the application. A letter from the authorised signatory of the company engaging the contractor must also accompany this application.

D

CONDITIONS OF ISSUE FOR ALL CARDS

ASIC holders **must** comply with the following obligations under the Aviation Transport Security Act (2004) and the Aviation Transport Security Regulations (2005). Strict penalties apply in the event of non-compliance. Your signature below confirms you acknowledge your responsibilities and obligations outlined below:

LOST/STOLEN/DAMAGED CARDS

- 1) The holder of an ASIC commits an offence if the ASIC is lost, stolen or destroyed and the holder knows of the loss, theft or destruction and he or she does not make a report in the form of a statutory declaration within 7 days of the loss, theft or destruction [Reg 6.46]. Reports must be made to Capital Airport Group Management Office. Telephone: 02 6275 2222 or AH Duty Manager 02 6275 2219. A completed statutory declaration must be provided before a replacement is issued.

CHANGES TO CIRCUMSTANCES

- 1) If there are any changes in circumstances to any part of this application at any time before or after an ASIC is issued in reliance upon this application, including the personal consent forms, Capital Airport Group must be advised immediately.
- 2) If the holder of an ASIC is convicted of an aviation-security-relevant offence, (as defined in Reg 6.01) he or she must notify Capital Airport Group in writing of the conviction and any sentence within 7 days. [Reg 6.41]
- 3) If the holder of an ASIC changes his or her name, he or she must notify Capital Airport Group of the change within 30 days after the change. A statutory declaration and documented evidence must be provided [Regs 6.35 and Reg 6.42].

EXPIRY OR CANCELLATION OF AN ASIC BY THE HOLDER OR CANBERRA INTERNATIONAL AIRPORT

- 1) The ASIC will be immediately cancelled if/when:
 - a) the holder becomes an unlawful non-citizen [Reg 6.43(2)(c)]
 - b) the holder has been convicted of an aviation-security-relevant offence for which he or she was sentenced to a term of imprisonment [Reg 6.43(2)(d)]
 - c) the holder has been convicted of an offence against Part 2 of the Crimes (Aviation) Act 1991 [Reg 6.43(2)(e)]
 - d) the holder no longer needs to enter a secure area for operational purposes [Reg 6.43(2)(f)]

and the holder of an ASIC and/or the holder's employer must notify Capital Airport Group immediately after becoming aware of the occurrence of any of the above events.
- 2) Capital Airport Group may cancel an ASIC if/when:
 - a) the holder fails to display the ASIC in accordance with Subdivision 3.2.1 of the Regulations
 - b) the holder fails to meet the conditions as outlined in the application form [see Reg 6.43(4)(a) and (5)]
 - c) the ASIC is altered or defaced (permanently or temporarily) [Reg 6.43(4)(b)]
- 3) The holder of an ASIC must return it to Capital Airport Group within 1 month if:
 - a) the ASIC expires;
 - b) the holder is notified in writing that it has been cancelled and the reasons for that cancellation;
 - c) the ASIC has been damaged, altered or defaced (permanently or temporarily);
 - d) the holder no longer needs to enter the relevant secure area for an operational requirement; or
 - e) if the holder is disqualified from holding an ASIC for contravening display requirements. [Regs 6.45, 6.43(6-7) and 6.48]
- 4) Penalty for failure to surrender or return an ASIC is \$500.00.

DISPLAY OF AN ASIC

- 1) The following conditions also apply:
 - a) The ASIC is to be clearly visible and prominently displayed on the outer clothing in the chest area at all times [Regs 1.04, 3.15, 3.16, 6.48] while within the designated Secure Area.
 - b) A person in the Airside Security Zone/Security Restricted Area (SRA) in the Secure Area of a Security Controlled Airport must have a lawful purpose to be there and display a valid Red ASIC [Reg 3.03(1)(a)]

CONDITIONS OF USE CONTINUED

- c) A person in a Secure Area of a Security Controlled Airport (other than an Airside Security Zone/Security Restricted Area (SRA)) must have a lawful purpose to be there and display a valid Red or Grey ASIC. [Reg 3.03(1)(b)]
- d) A person in a Landside Security Zone of a Security Controlled Airport must have a lawful purpose to be there and display a valid Red or Grey ASIC.
- e) The holder must have a lawful reason to operate, enter and remain [Reg 3.11] in these areas, strictly in accordance with their work or operating requirements.
- f) The ASIC may only be used in the course of the holder's approved duties in the Airside or Landside Security Zone. It does not constitute an authority to enter or remain in restricted areas for any other purpose.

SUPERVISION OF A VISITOR IDENTIFICATION CARD (VIC) HOLDER

- 1) The following additional conditions apply to ASIC holders required to supervise a VIC holder:
 - a) The ASIC holder must escort and accompany the VIC holder at all times when the VIC holder is in the secure area
 - b) The ASIC holder must watch the VIC holder at all times when the VIC holder is in the secure area
 - c) The ASIC holder ensures that the VIC holder stays within a particular part of the area
 - d) The ASIC holder must be able to see the VIC holder leave the particular part of the area
 - e) The ASIC holder must supervise the VIC holder until supervision is taken over by another ASIC holder
- 2) The ASIC holder must ensure the VIC holder has no access to an aircraft engaged in a prescribed air service, no access to passengers boarding or intending to board such an aircraft or no access to anything being loaded or to be loaded on board such an aircraft. This does not apply to representatives of prescribed air services. [Reg 3.09 and Reg 6.38]

INDEMNIFICATION

- 1) In consideration for granting an ASIC, the employer of the holder of the ASIC indemnifies Capital Airport Group and Canberra International Airport Pty Limited jointly and each of them severally against all loss, liability, cost and expense directly or indirectly arising out of or in any way connected with any act, neglect, omission, error or default of the applicant, including without limitation their:
 - a) misplacing or losing an ASIC;
 - b) contravening any of these conditions;
 - c) contravening or attempting to contravene any of the *Air Navigation Regulations 1947* (Cth) or the *Aviation Transport Security Regulations 2005* (Cth);
 - d) doing or omitting to do anything which does or might result in Capital Airport Group or Canberra International Airport Pty Limited being in breach of any law, including without limitation the *Air Navigation Regulations 1947* (Cth) and the *Aviation Transport Security Regulations 2005* (Cth);
 - e) committing any crime, including without limitation any terrorist act;
 - f) providing any false or misleading information; and
 - g) failing to notify Capital Airport Group and Canberra International Airport Pty Limited of any change in circumstances.
- 2) If requested by Capital Airport Group, the employer must on 14 days notice provide Capital Airport Group with a bank guarantee or bond in favour of Capital Airport Group and Canberra International Airport Pty Limited, and in a form and amount acceptable to Capital Airport Group, to secure the obligations of the applicant and the employer under these conditions. Capital Airport Group may call on the bank guarantee or bond without notice if the employer or the applicant is in breach of any of these conditions.

GENERAL CONDITIONS

- 1) The holder agrees that when not in use the ASIC will be kept in a safe place, and the holder will do their utmost to ensure the security of the ASIC at all times.
- 2) The applicant acknowledges that the holder of an ASIC, the holder's belongings, and the holder's vehicle may be subject to a search by an authorised person before entering, while within, or when leaving the designated Airside or Landside Security Zone.
- 3) The ASIC remains the property of Capital Airport Group at all times.
- 4) An ASIC is issued on a personal basis and cannot be transferred. All applications for an ASIC undergo a Criminal History Check (CHC), a Politically Motivated Violence (PMV) check, a security assessment [Reg 6.28(1)(e)] and where required, a Citizenship Status Check.

CONDITIONS OF USE CONTINUED

- 5) If you have lived overseas for more than six continuous months within the last 10 years, you must supply a Police Record Check for that country
- 6) An applicant must, before or after an ASIC is issued, submit to any further background checking required by Capital Airport Group from time to time **[Reg 6.28(9) in conjunction with 6.28(8)]**
- 7) Capital Airport Group may at any time alter these conditions on which an ASIC is issued.
- 8) A person or organisation must not issue an ASIC, Temporary ASIC, VIC, or a card resembling, or apparently intended to be taken to be an ASIC, Temporary ASIC or VIC, unless the person is the holder of an authorisation as an issuing body that is in force. **[Reg 6.40]**
- 9) **The applicant and their employer are bound by these conditions, and will be responsible for any breaches of the conditions of use by the holder of the card.**

I/We acknowledge and agree with the information and penalties contained in these Conditions of Issue for all Cards. I/We understand our responsibilities and obligations as an ASIC holder and will comply with all Regulations and requirements.

Applicant's Signature: _____ Date: ____/____/____

Employer's Signature *: _____ Date: ____/____/____

* To be signed only by an Authorised Signatory registered with Capital Airport Group

E

APPLICANT'S INFORMATION

Surname: _____

Given Name(s): _____

Residential Address: _____

_____ Post Code: _____

Private Telephone: _____ Business Telephone: _____

Mobile Telephone: _____

Employed by: _____

Applicant's Title: _____

Previously held ASIC: YES NO if yes, number: _____

Previous ASIC returned
to issuing body: YES NO

If yes date: ____/____/____ If no date statutory declaration lodged: ____/____/____

F

ACCESS AREAS REQUIRED

NOTE: Access to Canberra Airport is approved and valid for areas as indicated below only.
Please tick appropriate boxes:

- Secure Area - Airside Security Zone/Security Restricted Area (SRA) (RED ASIC)
- Secure Area - Excluding Airside Security Zone/Security Restricted Area (SRA) (GREY ASIC)
- Secure Area - Landside Security Zone. Includes Sterile Area, Air Traffic Control Area, Fuel Storage Facility, Navigation Aids. Excludes Airside Security Zone/Security Restricted Area (SRA) (GREY ASIC). [Reg 3.02]

G

TYPE OF ASIC

- CBR. ASIC AUS ASIC
- Initial ASIC Renewal ASIC

H EMPLOYER CERTIFICATION (TO BE COMPLETED BY EMPLOYER)

Authorised Signatory must be registered with and approved by CAG.

I, _____ of, _____
Name Company/Organisation

confirm that the applicant and employer details in this application are correct and request that an Aviation Security Identification Card be issued for the areas as indicated in Section F. I agree to notify Capital Airport Group of any changes to the above particulars and to recover and return the Aviation Security Identification Card prior to the applicant leaving our employ or upon transfer of the applicant to a position which does not require retention of the Aviation Security Identification Card. I understand and agree to all the Conditions of Issue for all Cards and I acknowledge my responsibilities and obligations under the Aviation Transport Security Regulations (2005) pertaining to the issue of this ASIC.

Business Address: _____
 _____ Post Code: _____

Position: _____

Business Telephone: _____ Facsimile: _____

Email Address: _____

Does your organisation have a Business License Agreement with Canberra International Airport? YES NO

Signature: _____ Date: _____

I FOR CONTRACTORS/CONSULTANTS APPLICATIONS, THIS SECTION IS TO BE COMPLETED BY AVIATION INDUSTRY PARTICIPANT (AIP) AUTHORISING ASIC AND THEIR AIRSIDE ACCESS

NOTE: All contractors must have this consent form completed by the authorised signatory or project controller from the AIP company. This must also be accompanied by a letter of request from the contracting company outlining the reasons an ASIC is to be issued and details of the contract arrangement.

I, _____ of _____
Name Company/Organisation

Confirm that, _____ of _____

Is providing an Ongoing Temporary service to our company in the capacity of _____
Nature of work

He/she will require access to: _____
Job site/area of access required

(Please tick) Daily Access Weekly Access Other (please specify _____)

In signing this consent form I agree to notify CAG immediately if this contract or this contractor changes, for the purpose of recovery by CAG of all ASICs.

Signature: _____ Date: ____/____/____ Position: _____

Organisation/Company: _____ Telephone: _____ Facsimile: _____

Business Address: _____

_____ Postcode: _____

J

CHARGES

PAYMENT MUST ACCOMPANY APPLICATION

Charges are all GST inclusive

ASIC including AFP check and ASIO check	\$135.00
ASIC including AFP check only	\$125.00
ASIC with ASIO check only	\$ 80.00
ASIC not requiring AFP or ASIO check (evidence of current AFP/ASIO check results provided)	\$ 80.00
Renewal of ASIC previously issued by Canberra Airport	\$125.00
Reprint for change of name, change of employer, etc	\$ 60.00
First reprint for lost/stolen/damaged cards	\$150.00
Second reprint for lost/stolen/damaged cards	\$300.00

All unclaimed ASIC applications will be kept for a maximum of 3 months. Any payment made is non-refundable.

K

METHOD OF PAYMENT

CREDIT CARD EFT POS CHEQUE CASH

Please charge my:

BANKCARD VISA MASTERCARD AMERICAN EXPRESS

Expiry Date: _____ / _____ Amount: _____

CARD NUMBER

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Card Holder's Name: _____

Card Holder's Signature: _____

Card Holder's Contact Number: _____

L

CHECKLIST

- Have you and your employer read, understood and signed the Conditions of Issue for all Cards at Section D?
- Have you obtained your employer's authorisation for Sections D and H?
- Have you obtained contractor authorisation for Section I if applicable?
- Have you completed the Method of Payment details above?
- Have you completed and signed the Consent Form Section M?
- Have you provided a supporting letter from your employer as specified at Section C?
- Do you have your identification and your Australian Citizenship Certificate (if applicable) as specified at Section C?

M

POLICE RECORDS CHECK FOR ENTITLEMENTS

CONSENT TO OBTAIN PERSONAL INFORMATION FORM

GENERAL INFORMATION

This Form is used by organisations and applicants as part of the assessment process to determine whether a person is suitable for the receipt of an entitlement, including employment and a Designated Security Assessment Position (DSAP) or Position of Trust (POT) which is part of the security clearance process.

Unless statutory obligations require otherwise, the information provided on this Form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive the entitlement.

POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability for the entitlement sought. On this form you are asked to disclose whether you are the subject of traffic violation(s) or any criminal or traffic charge(s) still pending before a Court, or whether you have been the subject of criminal or traffic conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies (see explanation note under heading *SPENT CONVICTIONS SCHEME*).

This Form may be forwarded by the employing organisation to the Australian Federal Police (AFP), and you are asked to consent to:

the AFP disclosing criminal history information from its own records to the organisation with which you are employed or are seeking employment, and/or insurance company or other public or private organisation from which you are seeking an entitlement, and;

for the AFP to access the records of any State police and to obtain any criminal or traffic violation history information which in turn would be disclosed to whom you are required to indicate.

SPENT CONVICTIONS SCHEME

On 30 June 1990, new Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This new law is commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the individual has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside or pardoned.

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. Commonwealth authorities are prohibited from taking into account or from disclosing without consent of the individual such convictions.

A spent conviction is a conviction for a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

it is 10 years since the date of the conviction (or 5 years for juvenile offenders);
 the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
 the individual has not re-offended during the 10 year (5 years for child offenders) waiting period; and
 a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists. Details of exclusions should be provided to you by the employing organisation before your consent is sought to conduct a criminal record check.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 2001.

For more information please phone (02) 6256 7777 or email Criminal Records : vetting@afp.gov.au

CHARACTER CHECKING

The Australian Federal Police advises all applicants that for character checks, they must meet the following requirements in the application.

Applications to be filled out in black biro or typed.

Photocopy of drivers licence or other document with photograph included must accompany application wherever possible.

Self addressed, stamped envelope is to be included with form (CAG office ONLY)

If there has been a change of name, then previous and current names **MUST** be included on the form (e.g. maiden, de facto, deed poll, etc).

Applicant's signature must not be more than three months old.

Please check the date of birth to see if it is the correct year. Also see that all the necessary details have been completed and that the form is signed.

STAFF-IN- CONFIDENCE
(when completed)

Commonwealth of Australia

CONSENT TO OBTAIN PERSONAL INFORMATION
(for categories where PART EXCLUSION has been granted from
spent convictions legislation)

I.....hereby:
(Full name - BLOCK LETTERS and in INK)

(i) acknowledge that I have read the General Information document provided with this Form and understand that I do not have to disclose old protected convictions information, which is described under the heading Spent Convictions Scheme in the General Information document, except any of a type listed below for which an exclusion has been granted;

**Offences against Part 2 of the Crimes (Aviation) Act 1991 (except section 15) and or
Part 5.3 of the Criminal Code Act 1995.**

(ii) certify that the personal information I have provided on both the front and back of this form relates to me and is correct;

(iii) consent to: **Capital Airport Group Pty Ltd**

- ◆ forwarding this form to the Civil Aviation Safety Authority and/or Department of Transport and Regional Services and/or the Australian Federal Police and/or the Police Services of the States or Territories of the Commonwealth of Australia and providing relevant information to the above organisation;
- ◆ forwarding my personal details to the Australian Security Intelligence Organisation for the purpose of conducting a security assessment; and
- ◆ forwarding my personal details to the Department of Immigration and Multicultural and Indigenous Affairs through the Department of Transport and Regional Services for the purpose of confirmation of my immigration status.

(iv) specify entitlement: **Issue of Aviation Security Identification Card (ASIC)**

(v) consent to the AFP or other relevant Australian police force(s) extracting from their records copies of traffic violations, and criminal and/or traffic records relating to me pending before a Court and/or details of convictions or findings of guilt which have been recorded against me and which are not covered by Part VIIC of the Crimes Act 1914 dealing with spent convictions;

(vi) acknowledge that any information provided by me on this Form or by the police as a result of the records check may be taken into account by the organisation mentioned in (iii) above in assessing my suitability to receive the entitlement.

Signature..... Date / /

Note: The information you provide on this form and which the police provide to this organisation on receipt of the form, will be used only for the purpose stated above unless statutory obligations require otherwise.

Personal Particulars		PART Exclusion
Surname (present)		All other surnames used (including maiden name)
Christian or given names		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth	Town / city of birth	State / country of birth
Contact phone Number	Drivers licence number	State

Permanent Residential Address Over Last Ten Years

If full details of previous addresses are unavailable details of town(s) and state(s) will suffice. <i>Attach list if insufficient room.</i>	If actual dates are unavailable, Details of year of residence will suffice
Current	Period of residence to / /
	/ / to / /
	/ / to / /
	/ / to / /
	/ / to / /

CRIMINAL/TRAFFIC CHARGE, CONVICTION OR PECUNARY PENALTIES

- (i) Are you the subject of any traffic violation, criminal or traffic charge(s) still pending before a court Yes No
- (ii) Do you have any conviction(s) or finding(s) of guilt which are less than ten (10) years old, or any juvenile conviction(s) or finding(s) of guilt which are less than five (5) years old? Yes No
- (iii) Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old, (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was less than thirty (30) months imprisonment for offences of the type(s) mentioned at (i) on the reverse of this form (ie. offences for which an exclusion has been granted)? Yes No
- (iv) Do you have any conviction(s) or finding(s) of guilt which are over ten (10) years old, (or five (5) years for juvenile conviction(s) or finding(s) of guilt) where the sentence imposed was greater than thirty (30) months imprisonment? Yes No

If you answered YES to any of the above questions, please attach details:

<p>USER CODE -109</p> <p>Capital Airport Group Airsides Administration Coordinator 2 Brindabella Circuit Brindabella Park CANBERRA AIRPORT ACT 2609</p>	<p align="center">Police Use Only Australian Federal Police NOT RECORDED / RECORDED</p> <p>NOTE: As fingerprints do not accompany your request, the Australian Federal Police cannot guarantee in any manner, that the information supplied herewith concerns the individual in whom you are interested.</p> <p>Signature:</p> <p>Date:/...../..... For Commissioner Australian Federal Police</p>
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Annex D

MSIC sample application form and instructions

Sample MSIC Application Form

Application Identification Number ____ / ____ / ____ (Complete Security Use Only)
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Maritime Security Identification Card (MSIC) and Request for Access to _____ APPLICATION FORM

PART A: Application Information MSIC Application Type: (tick <u>one</u> box only)	<table border="1" style="width: 100%;"> <tr> <td style="padding: 2px;">MSIC No.</td> </tr> <tr> <td style="padding: 2px;">Access No.</td> </tr> </table>	MSIC No.	Access No.
MSIC No.			
Access No.			
<input type="checkbox"/> Provisional MSIC Tick this box if you are under 18 years of age. When you turn 18 you must apply for a Standard MSIC.			
<input type="checkbox"/> Standard MSIC Tick this box to apply for a Standard MSIC for the first time. Current Provisional MSIC Number, if applicable: _____ Expiry: ____ / ____ / ____			
<input type="checkbox"/> Renewal of a Standard MSIC Tick this box if you have held a Standard MSIC before. Current MSIC Number: _____ Expiry: ____ / ____ / ____			
<input type="checkbox"/> MSIC based on your ASIC Tick this box if you currently hold an ASIC. Your MSIC will expire on the same date as your ASIC. Current ASIC Number: _____ Expiry: ____ / ____ / ____			

Personal Details: Title: _____ Surname: _____ Given Names: _____ Name Known By: _____ Date of Birth: _____ _____ Home Address:	Home Phone: _____ Work Phone: _____ Mobile Phone: _____ Email: _____ _____ Postal Address: (if different from home address) _____
---	--

Employer Name: _____	Contact: _____
Address: _____ _____	

Declaration I have read and agree to be bound by the Conditions of Use of an MSIC.	
Signed: _____	Date: _____

Signature: _____

Amount: \$ _____

PART E: Card Issue

Authorisation to issue

Signed: _____

Date: _____

(Issuing Body)

Collected by Applicant

Signed: _____

Date: _____

(Applicant)

Type of Photographic Identification by applicant on collection of MSIC:

Maritime Security Identification Card (MSIC) and Request to Access _____

APPLICATION CHECKLIST

Item to be completed	Tick once completed
MSIC Induction successfully completed	
MSIC Application Form signed and completed	
Evidence of need to hold an MSIC	
Request to access _____ provided	
Evidence of Authority to Work in Australia	
Proof of Identity (originals required): <ul style="list-style-type: none"> • One primary identification document • One secondary identification document or two tertiary identification documents 	
Payment option completed	
Australian Federal Police Criminal History Check and Consent Forms completed and sent to the AFP	
Application lodgement appointment with the Complete Security arranged	
Notification of approval from DOTARS	
MSIC security training session and card collection appointment arranged with Complete Security	

Appendix A: AFP Consent Form



Office Use Only
PART EXCLUSION

STAFF-IN-CONFIDENCE (when completed)

Commonwealth of Australia

CONSENT TO OBTAIN PERSONAL INFORMATION (for categories where **PART EXCLUSION** has been granted from spent convictions legislation)

I.....hereby:
(Full name - **BLOCK LETTERS** in pen or typed)

- (i) specify the entitlement applied for: **Maritime Security Identification Card (MSIC)**
- (ii) acknowledge that I have read the General Information document provided with this Form and understand that I do not have to disclose old conviction information, which is described under the heading Spent Convictions Scheme in the General Information document (See Attachment A).
- (iii) acknowledge that convictions which are not spent under Commonwealth, State or Territory legislation, and convictions for offences detailed within Regulation 6.07C of the Maritime Transport and Offshore Facilities Security Regulations 2005 (See Attachment B), will be provided to the Department of Transport and Regional Services (DOTARS).
- (iv) **consent to** the Australian Federal Police (AFP) forwarding the information contained in this form to the Police Services of the States or Territories of Australia and, the AFP or other relevant Australian police force(s) extracting from their records information relating to me of matters pending before a Court (excluding civil matters) and/or details of convictions or findings of guilt which have been recorded against me and which are not spent within the terms above.
- (v) **consent to** my personal details being forwarded to the Australian Security Intelligence Organisation (ASIO) for the purpose of conducting a security assessment.
- (vi) **consent to** all relevant information being forwarded to DOTARS for the purpose of assessing suitability to be issued an MSIC.
- (vii) acknowledge that the AFP may retain a record of MSIC applicants and that any information provided by me in this Form or by the police or ASIO as a result of this check may be taken into account by DOTARS in assessing my suitability to receive an MSIC.
- (viii) certify that the personal information I have provided on both the front and back of this form relates to me and is correct.

Signature..... Date / /



**Office Use Only
PART EXCLUSION**

CRIMINAL HISTORY CHECK APPLICATION FORM

MSIC APPLICATION IDENTIFICATION NUMBER	-----/-----	TYPE: <input type="checkbox"/> STANDARD (PMV REQUIRED) <input type="checkbox"/> RENEWAL (PMV <u>NOT</u> REQUIRED)
--	-------------	---

CURRENT FAMILY NAME			
GIVEN NAMES			
DATE OF BIRTH			
GENDER	MALE	FEMALE	
OTHER NAMES:	FAMILY NAME: (including all name changes and Maiden Name)	GIVEN NAMES:	DATE OF BIRTH (where different)
PLACE OF BIRTH			
STATE OF BIRTH			
COUNTRY OF BIRTH			
CONTACT PHONE NUMBER			
DRIVERS LICENCE NUMBER:			
DRIVERS LICENCE STATE:			

CURRENT ADDRESS

UNIT/ NUMBER	STREET	SUBURB/CITY	POST CODE	STATE	COUNTRY	RESIDENCY FROM
						/ /

PERMANENT RESIDENTIAL ADDRESSES OVER THE LAST TEN YEARS

UNIT/ NUMBER	STREET	SUBURB/CITY	POST CODE	STATE	COUNTRY	RESIDENCY FROM	RESIDENCY TO
						/ /	/ /
						/ /	/ /
						/ /	/ /
						/ /	/ /

- If full details of previous addresses are unavailable details of town(s) and state(s) will suffice.
Attach list if insufficient room.
- If actual dates are unavailable, Details of year of residence will suffice

Signature..... Date / /

Client Code

<i>CRIMINAL HISTORY INFORMATION</i>	
Are you the subject of any criminal charges still pending before a court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been convicted of a maritime security related offence? (see Attachment B)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence as an adult within the past ten years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence as a juvenile within the past five years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you been found guilty or convicted of an offence for which you were sentenced to greater than 30 months imprisonment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you answered YES to any of the above questions, please provide details:	
<u>RETURN ADDRESS</u> DOTARS Background Checking Unit GPO Box I542 CANBERRA ACT 2601	<u>Police Use Only</u> Australian Federal Police

INFORMATION RELATING TO THE AFP CRIMINAL HISTORY CHECK AND CONSENT FORMS FOR MSIC ISSUE

GENERAL INFORMATION

This form is used by Maritime Security identification Card (MSIC) applicants as part of the assessment process to determine whether a person is suitable for the issue of an MSIC.

Unless statutory obligations require otherwise, the information provided on this form will not be used without your prior consent for any purpose other than in relation to the assessment of your suitability to receive an MSIC.

POLICE RECORDS CHECK

Police records checks are an integral part of the assessment of your suitability for an MSIC. On this form you are asked to disclose whether you are the subject of any charges or matters still pending before a Court, or whether you have been the subject of conviction(s) or finding(s) of guilt before a Court. You are not required to reveal any conviction(s), which may be protected by Part VIIC of the *Crimes Act 1914*, relating to pardoned, quashed or spent convictions, except where an exclusion applies in respect to maritime security related offences. (See Attachment B.)

SPENT CONVICTIONS SCHEME

On 30 June 1990, Commonwealth legislation relating to the collection, use and disclosure of old conviction information came into effect. This law is commonly known as the Spent Conviction Scheme.

The aim of the Scheme is to prevent discrimination on the basis of certain old convictions, once a waiting period has passed and provided the **individual** has not re-offended. The Scheme also covers convictions where an individual's conviction has been set aside or pardoned.

An individual whose conviction is protected by Part VIIC of the *Crimes Act 1914* does not have to disclose that conviction to any person, including a Commonwealth authority, unless an exclusion applies. A Part Exclusion exists in respect to the issue of an MSIC which provides for disclosure of offences deemed maritime security related offences as described by the Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (Number 1)

A spent conviction is a conviction for a Commonwealth, Territory, State or foreign offence which satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for juvenile offenders);
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months;
- the individual has not re-offended during the 10 year (5 years for juvenile offenders) waiting period; and
- a statutory or regulatory exclusion does not apply. (A full list of exclusions is available from the Privacy Commissioner).

The Attorney-General, on the recommendation of the Privacy Commissioner, has granted exclusions, both partial and full, from the operation of the Scheme for several categories of employment. There are also statutory exclusions contained within the Act. This means that applicants for those positions must declare all convictions where a full exclusion exists, or convictions for specific offences where a partial exclusion exists.

Where a police record with another Australian police jurisdiction has been obtained, any relevant legislation (and/or release policy) governing that police jurisdiction will be applied before it is released. Under various sections of Commonwealth, State and Territory legislation a person has the right, in particular circumstances or for a particular purpose, to not disclose certain convictions (i.e. Spent Convictions). Such convictions will not be released, providing this is in accordance with relevant legislation (and/or release policy). If further information is required in relation to the legislation and release policies of any police jurisdiction, please contact that individual police jurisdiction directly.

An individual who believes the standards dealing with disclosure and use of old conviction information have been breached may apply to the Privacy Commissioner for an investigation of the matter. The address is GPO Box 5218, SYDNEY, NSW 2001.

For more information please phone (02) 6256 7777
or email Criminal Records : vetting@afp.gov.au

CRIMINAL HISTORY CHECKING

The Australian Federal Police advises all applicants that for criminal history checks, they must meet the following requirements in the application.

1. Applications to be filled out in **pen or typed**.
2. If there has been a change of name, then previous and current names **MUST** be included on the form (eg maiden, de facto, deed poll, etc).
3. Applicant's signature must not be more than three months old.
4. Please check the date of birth to ensure it is the correct year. Also ensure that all the necessary details have been completed and that the forms are signed.

MARITIME SECURITY IDENTIFICATION CARD – EXCLUSIONS FROM SPENT CONVICTION LEGISLATION

The following is a relevant extract from the *Maritime Transport and Offshore Facilities Security Regulations 2005* detailing those convictions which will not become spent and are taken into account by the Department of Transport and Regional Services in assessing suitability for issue of an MSIC.

Regulation 6.07C Meaning of *maritime-security-relevant offence*

In this division, a *maritime-security-relevant offence* means an offence of a kind mentioned in an item in Table 6.07C or a similar offence against a law of a State or Territory, or of any other country or part of a country.

Table 6.07C Maritime-security-relevant offences

Item	Kind of offence
1	An offence mentioned in Chapter 5 of the <i>Criminal Code</i> . <i>Note</i> Offences for this item include treason, espionage and harming Australians.
2	An offence involving the supply of goods (such as weapons or missiles) for a Weapons of Mass Destruction program as mentioned in the <i>Weapons of Mass Destruction (Prevention of Proliferation) Act 1995</i>
3	An offence involving the hijacking or destruction of an aircraft or vessel
4	An offence involving treachery, sabotage, sedition, inciting mutiny, unlawful drilling, or destroying or damaging Commonwealth property, mentioned in Part II of the <i>Crimes Act 1914</i>
5	An offence involving interference with aviation, maritime transport infrastructure or an offshore facility, including carriage of dangerous goods on board an aircraft or ship, or endangering the security of an aerodrome, a port or an offshore facility
6	An identity offence involving counterfeiting or falsification of identity documents, or assuming another individual's identity
7	Transnational crime involving money laundering, or another crime associated with organised crime or racketeering
8	People smuggling and related offences mentioned in Chapter 4, Division 73 of the <i>Criminal Code</i>
9	An offence involving the importing, exporting, supply or production of weapons, explosives or a trafficable quantity of drugs.

Note 1 A person convicted of an offence mentioned in item 1, 2 or 3 of Table 6.07C is disqualified from holding an MSIC, but, under regulation 6.08X, is entitled to seek reconsideration of the disqualification decision.

Note 2 An issuing body must not issue an MSIC to a person who has been convicted of an offence mentioned in item 4, 5, 6, 7, 8 or 9 of Table 6.07C unless the Secretary, acting under regulation 6.08F, decides that the person is unlikely to constitute a security threat and approves the issue of an MSIC to the person.

Note 3 Before 1 January 2007, a person who has been convicted of a disqualifying offence must not enter a maritime security zone: see regulations 6.07K and 6.08D.

Appendix B: MSIC Application / Issue Checklist

Maritime Security Identification Card (MSIC) and Request for Access to _____

CHECKLIST

Applicant's Name: _____

MSIC / ACCESS TO APPLICATION	MSIC No.
<input type="checkbox"/> Has the MSIC induction been successfully complete?	Access No.
<input type="checkbox"/> Has the applicant completed Part A of the MSIC application form?	
<input type="checkbox"/> Has the Authorised Issuing Officer completed Part B of the MSIC application form?	
<input type="checkbox"/> Has the Application Identification Number been generated and assigned to the application form by the Authorised Issuing Officer?	
<input type="checkbox"/> Has full payment been received from the MSIC applicant and a receipt provided?	
<input type="checkbox"/> Has a current photograph been taken of the MSIC applicant?	
<input type="checkbox"/> Is the applicant a holder of a current Aviation Security Identification Card (ASIC)? If YES the applicant does not need a background check.	
<input type="checkbox"/> Is the applicant under 18 years of age? If YES the applicant does not need a background check.	
<input type="checkbox"/> Has the Authorised Issuing Officer provided the AFP Criminal History Check form to the MSIC applicant?	
<input type="checkbox"/> Has the applicant been advised of their responsibilities in relation to completing the AFP Criminal History Check?	
<input type="checkbox"/> Has the Authorised Issuing Officer uploaded details to the Department of Transport and Regional Services regarding the MSIC applicant, including the MSIC application number, to assist in the background checking process?	
<input type="checkbox"/> Have details of all documents been recorded and the application securely stored?	

MSIC / ACCESS ISSUE
<input type="checkbox"/> Has Complete Security been advised of the results of the background checking? If NO , an MSIC cannot be issued until such times as DOTARS advises Complete Security of the results of the background checking, or the applicant is under 18 years of age, or an ASIC holder.
<input type="checkbox"/> Has the MSIC expiry date been recorded?
<input type="checkbox"/> Has the MSIC number been recorded on the MSIC application form?
<input type="checkbox"/> Has the _____ approved the request to access their restricted areas/facilities? <i>(Company Name)</i>
<input type="checkbox"/> Has the applicant been advised of their responsibilities as an MSIC holder (as detailed in the MSIC holder's pamphlet) and undertaken MSIC training?
<input type="checkbox"/> Has the Authorised Issuing Officer authorised the issue of the MSIC to the applicant on Part E of the MSIC Application Form?
<input type="checkbox"/> Has the MSIC applicant collected and signed Part E of the MSIC Application Form?
<input type="checkbox"/> OR <input type="checkbox"/> Has the MSIC been sent by secure mail to an Approved Issuing Body for collection by the applicant?

Annex E

6.07G Kinds of identification document

- (1) This regulation sets out the criteria that a document must meet to qualify as a primary, secondary or tertiary identification document for somebody.
- (2) A document is a ***primary identification document*** for somebody if it is:
 - (a) a certified copy (that is, a copy certified by a Registrar of Births or similar officer to be a correct copy) of the entry, in a register of births, of his or her birth; or
 - (b) a copy (certified under section 44 of the *Australian Citizenship Act 1948*) of a citizenship certificate granted to him or her; or
 - (c) a document issued to him or her under the law of another country that is evidence, under that law, that he or she is a citizen of that country; or
 - (d) a passport issued to him or her.
- (3) A document is a ***secondary identification document*** for somebody if:
 - (a) it has on it a recent photograph of him or her, or his or her signature; and
 - (b) it is:
 - (i) a licence (for example, a driver's licence) issued to him or her under a law of the Commonwealth or a State or Territory; or
 - (ii) a government employee identification document issued to him or her; or
 - (iii) an Australian student identification document issued to him or her; or
 - (iv) a verifiable reference.
- (4) In subregulation (3):

Australian student identification document means a card or document issued to a student at a tertiary education institution in Australia to identify him or her as a student at the institution.

government employee identification document means a document issued by or for the Commonwealth or a State or Territory to somebody employed by or for the Commonwealth or the State or Territory.

verifiable reference about somebody (the ***identified person***) means a reference from:

- (a) a bank or similar financial institution; or
- (b) somebody whose identity has been verified by means of:
 - (i) 2 primary identification documents; or
 - (ii) a primary identification document and a secondary identification document; or
 - (iii) a primary identification document and 2 tertiary identification documents; or
- (c) a referee acceptable to the person or body that requires the identification of the identified person;

that:

- (d) identifies the identified person by name; and
 - (e) certifies that the person who signed the reference has known the identified person by that name for at least 12 months; and
 - (f) is signed by or for the referee and by the identified person.
- (5) A document is a *tertiary identification document* for somebody if:
- (a) it sets out his or her name and address; and
 - (b) it is:
 - (i) a signed statement by his or her employer or former employer about that employment; or
 - (ii) a copy (certified by a Registrar of Titles or similar officer to be a correct copy) of a record issued under a law about land titles; or
 - (iii) a document issued by a rating authority from its records about land ownership or occupation; or
 - (iv) a document issued by a bank or similar financial institution from its records about a mortgage or other security that he or she gave to the bank or institution; or
 - (v) an extract from the electoral roll compiled by the Australian Electoral Commission; or
 - (vi) a record issued under a law in force in Australia other than a law about land titles.

Annex F

Information provided to MSIC issuing bodies to assist in the determination of acceptable identification documents

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Australian Defence Forces photo ID card	No	Yes [Reg. 6.07G (3) (b) (ii)]	No	Held by all Defence Forces personnel; has photo and signature, not address.
Birth card	No	No	Yes, if it has an applicant's name and address	Issued by the NSW Department of Births, Deaths & Marriages.
Birth certificate, Australian, from 20 August 1986	Yes, if it is a full birth certificate and is certified by the Registrar of Births, etc. [Reg. 6.07G (2) (a)]	No	No	
Birth certificate, Australian, before 20 August 1986	Yes, if it is a full birth certificate and is certified by the registrar of births, etc. [Reg. 6.07G (2) (a)]	No	No	

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Birth extract, Australian	Possibly - if the extract is properly certified by the Registrar of Births it will meet the criteria set out in Reg. 6.07G (2) (a)	No	No	<p>Issuing Bodies should examine extracts carefully to determine whether they do meet the requirements.</p> <p>Very few BD&M offices certify Extracts. Some NSW extracts seem to be OK – but that depends on when they were issued</p> <p>A number of jurisdictions are phasing out the issue of Birth Extracts, because of their limited use as POI, and are now charging the same fee for an Extract as for a Full Birth Certificate.</p>
Change of name record	No	No	Yes, if it has a name and address on it [Reg. 6.07G (5) (b) (vi)]	Can not be used as primary but may be required to support primary documentation.
Citizenship papers, Australian (May be called 'naturalisation' papers)	Yes [Reg. 6.07G (2) (b)]	No	Yes, if it has a name and address on it [Reg. 6.07G (5) (b) (vi)]	
Citizenship papers, foreign	Yes [Reg. 6.07G (2) (c)]	No	No	NAATI translators may be found at: http://www.naati.com.au
Credit card	No	No	No	
Debit card	No	No	No	

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Discharge papers, Australian Defence Forces	No	No	Yes [Reg. 6.07G (5) (b) (vi)]	Document should appear to be a carbon copy.
Discharge papers, foreign military	No	No	No	
Divorce papers	No	No	Yes, if it has a name and address on it [Reg. 6.07G (5) (b) (vi)]	
Driver's licence, Australian	No	Yes, if has either a photograph or a signature of the applicant [Reg. 6.07G (3) (b) (i)]	Yes, if it has a name and address on it [Reg. 6.07G (5) (b) (vi)]	
Driver's licence, foreign	No	No	No	
Electoral roll extract, Australian	No	No	Yes, if it shows the applicant's name and address [Reg. 6.07G (5) (b) (v)]	

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Firearms licence	No	Yes, if has either a photograph or a signature of the applicant [Reg. 6.07G (3) (b) (i)]	Yes, if it shows the applicant's surname and one other name and address [Reg. 6.07G (5) (b) (vi)]	
Government employee identification document	No	Yes, see comments	Yes, see comments.	Yes, if it is a document issued by or for the Commonwealth or a State or Territory to somebody employed by or for the Commonwealth or the State or Territory [Regs. 6.07G (3) (ii) and 6.07G (4)]. Documents issued by local government or councils are not acceptable.
Identification card from a country other than Australia	Depends – see comment	No	No	Yes, if shows that the holder is a citizen of the country that issued the document [Reg 6.07G (2) (c)]. No, if shows that the holder is not a citizen of the country that issued the document [Reg. 6.07G (2) (c)].
Identity papers from a foreign country	Depends – see comment	No	No	Yes, if shows that the holder is a citizen of the country that issued the document [Reg. 6.07G (2) (c)]. No, if shows that the holder is not a citizen of the country that issued the document [Reg. 6.07G (2) (c)].

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Licence issued under a foreign law	No	No	No	
Licence, issued under an Australian Commonwealth, State or Territory law	No	Yes, if it has a photograph or the signature of the applicant [Reg. 6.07G (3) (b) (i)]	Yes, if it has a name and address of the applicant [Reg. 6.07G (5) (b) (vi)]	
Marriage certificate	No	No	Yes, if it has a name and address on it [Reg. 6.07G (5) (b) (vi)]	May be required as a supporting evidence for change of name in Primary/Secondary documents.
Medicare card	No	No	No	But a Medicare Statement with the person's name and address is a tertiary ID document [Reg. 6.07G (5) (b) (vi)].
Naturalisation papers	See Citizenship Papers above			
Passport, Australian	Yes, if was valid for travel within the last two years [Reg. 6.07G (2) (c)]	No	No	
Passport, foreign	Yes [Reg 6.07G (2) (c) or (d)]	No	No	

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Proof of Age card	No	Possibly, if it satisfies requirements for issue set out in Reg 6.07G (4) (b) (iii)	Yes, if it shows the applicant's name and address [Reg. 6.07G (5) (b) (vi)]	Note: WA cards do not have an address.
Rates notice	No	No	Yes, if it contains the name and address [Reg. 6.07G (5) (b) (iii)]	i.e., a notice issued by a local government authority to a landowner requiring payment.
Shooter's licence	No	Yes, if it meets the requirements of Reg. 6.07G (3) (b) (i)	Yes, if it shows the applicant's name and address [Reg. 6.07G (5) (b) (vi)]	
Student identification - Australian tertiary student ID card	No	Yes, if it is valid and has a photograph and/or the signature of the applicant [Reg. 6.07G (3) (b) (iii)]	No	Note: A HECS statement, or the like from the ATO, will suffice as a tertiary ID document if it has the person's name and address on it [Reg. 6.07G (5) (b) (vi)]. Note: it is very easy to get fake International Student Identity Card (ISIC), and these are not acceptable (see below).
Student identification - Australian travel concession card	No	No	Yes, if it has the person's name and address [Reg. 6.07G (5) (b) (vi)]	

	PRIMARY ID	SECONDARY ID	TERTIARY ID	Comment
Student identification - foreign student identification of any kind	No	No	No	
Other student identification – e.g. International Student Identification Card	No	No	No	No address on ISIC cards, so they are not valid as a tertiary ID. If the person is a student is at an Australian university they will have a university-issued student ID card.
Tax file number	No	No	Yes, if it is in a statement form from the ATO and has the person's name and address on it [Reg. 6.07G (5) (b) (vi)]	

Annex G

Example of an IB MSIC Plan

1. Security of Records, Equipment etc.

1.1 MSIC Service Centre

1.1.1 During operations

During the hours of operation <ISSUING BODY'S> premises are protected by:

- (a) the presence of an Authorised Issuing Officer
- (b) the availability of a discrete monitored duress alarm for the Authorised Issuing Officer to use in case of emergency
- (c) monitored CCTV coverage of the issuing/storage areas of the premises.

1.1.2 Unattended

When <ISSUING BODY'S> premises are unattended it shall be protected by:

- (a) a monitored multi layered intruder alarm system
- (b) regular security patrols
- (c) monitored CCTV coverage of the issuing/storage areas of the premises
- (d) locked entrances accessible to authorised personnel only via proximity readers.

1.2 Records

1.2.1 Physical

All MSIC 'hard copy' records and cards awaiting issue shall be kept in the secured steel vault.

1.2.2 Electronic

All MSIC electronic records shall be held on a password protected electronic system(s).

1.2.3 Privacy

All records held by <ISSUING BODY> under this MSIC Plan shall be kept in accordance with the *Commonwealth Privacy Act 1988* and other relevant Commonwealth law.

1.3 Equipment

Any computer controlling the camera/printer shall be password protected. There is no additional equipment being used by <ISSUING BODY> for the purpose of MSIC production.

1.4 IT Security

All persons having access to MSIC electronic records held on computer equipment, including the camera, shall be issued with an individual access password that is to be changed every four weeks. An audit trail of access to these computers, as well as activity on them, is to be maintained.

2. Records

2.1 Records

2.1.1 Records Register

<ISSUING BODY> will maintain an electronic register (ie. on computer) of all MSIC holders, secured in accordance with Section 7 of this Plan. The register shall contain the following details:

- (a) The MSIC holder's name and telephone number
- (b) A copy of the holder's photograph that appears on the MSIC
- (c) The MSIC holder's residential address, with the exception of:
 - i. any law enforcement officer
 - ii. any officer or employee of ASIO
 - iii. any employee of a Commonwealth authority
- (d) The rationale of the operational need for the issuing of the MSIC
- (e) The documents used to decide the holder's eligibility for an MSIC
- (f) The date of the beginning of the current period during which the MSIC holder has continuously held an MSIC
- (g) The unique number of the MSIC
- (h) The date of issue of the MSIC
- (i) The expiry date of the MSIC
- (j) The date which the MSIC was cancelled, if applicable
- (k) The date or dates on which the MSIC was reported lost, stolen or destroyed, if applicable.

<ISSUING BODY> must maintain records that are sufficient to demonstrate that it has complied with this MSIC Plan.

2.1.2 Records Location

All records held under this Plan will be secured at <ISSUING BODY'S> premises.

2.1.3 Inspection of Records

<ISSUING BODY'S> MSIC records will be made available to a Maritime Security Inspector subject to:

- (a) the Maritime Security Inspector providing adequate identification
- (b) reasonable notice being given to the Managing Director.

2.2 Record Keeping Duration

All records, including electronic records, relating to the issuing or refusal to issue an MSIC shall be kept for a period of seven years from the date of the creation of the record.

2.3 Reporting

<ISSUING BODY> shall report to the Secretary on MSIC issuing activities up to and including 30 June each year. Such reports will be available to the Secretary by 31 July each year.

Reports to the Secretary shall include:

- (a) the total number of MSICs issued by <ISSUING BODY>
- (b) the number of MSICs issued by <ISSUING BODY> that have not expired and have not been cancelled
- (c) the number of MSICs issued by <ISSUING BODY> that have expired or been cancelled but have not been returned to <ISSUING BODY>
- (d) the number of MSICs issued by <ISSUING BODY> that were cancelled in the financial year to which the report relates
- (e) the number of MSICs issued by <ISSUING BODY> that expired in that financial year.

3. Audits

3.1 Record Audit

All records, including electronic records, relating to the issuing or refusal to issue an MSIC shall be audited once every calendar year by <ISSUING BODY>.

Audit records shall be kept for a period of seven years.

Annex H

Provisions in the ATSA and ATSR which cover the application and background-checking processes

Aviation Transport Security Act 2004

35 Requirements for airside areas

- (1) The regulations may, for the purposes of safeguarding against unlawful interference with aviation, prescribe requirements in relation to the airside area of a security controlled airport.
- (2) Without limiting the matters that may be dealt with by regulations made under subsection (1), the regulations may deal with the following:
 - (a) access to the airside area (including conditions of entry, the issue and use of security passes and other identification systems);
 - (b) the patrolling of the airside area;
 - (c) the provision of lighting, fencing and storage facilities;
 - (d) the identification or marking of the airside area;
 - (e) the approval of building works within, or adjacent to, the airside area;
 - (f) the screening of people, vehicles or goods for entry to the airside area;
 - (g) the security checking (including background checking) of persons who have access to the airside area;
 - (h) the movement, management or operation of aircraft, vehicles and other machinery in the airside area;
 - (i) the maintenance of the integrity of the airside area;
 - (j) access to aircraft (including unattended aircraft) from the airside area;
 - (k) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in the airside area;
 - (l) the management (including the sale or disposal) of vehicles or goods abandoned in the airside area.
- (3) Regulations made under this section may prescribe penalties for offences against those regulations. The penalties must not exceed:
 - (a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or
 - (b) for an offence committed by an aviation industry participant, other than a participant covered by paragraph (a)—100 penalty units; or
 - (c) for an offence committed by any other person—50 penalty units.

37 Requirements for landside areas

- (1) The regulations may, for the purposes of safeguarding against unlawful interference with aviation, prescribe requirements in relation to the landside area of a security controlled airport.
- (2) Without limiting the matters that may be dealt with by regulations made under subsection (1), the regulations may deal with the following:
 - (a) access to the landside area (including conditions of entry, the issue and use of security passes and other identification systems);
 - (b) the patrolling of the landside area;
 - (c) the provision of lighting, fencing and storage facilities;
 - (d) the identification or marking of the landside area;
 - (e) the approval of building works within, or adjacent to, the landside area;
 - (f) the screening of people, vehicles or goods for entry to the landside area;
 - (g) the security checking (including background checking) of persons who have access to the landside area;
 - (h) the movement, management or operation of aircraft, vehicles and other machinery in the landside area;
 - (i) the maintenance of the integrity of the landside area;
 - (j) access to aircraft (including unattended aircraft) from the landside area;
 - (k) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in the landside area;
 - (l) the management (including the sale or disposal) of vehicles or goods abandoned in the landside area.
- (3) Regulations made under this section may prescribe penalties for offences against those regulations. The penalties must not exceed:
 - (a) for an offence committed by an airport operator or an aircraft operator—200 penalty units; or
 - (b) for an offence committed by an aviation industry participant, other than a participant covered by paragraph (a)—100 penalty units; or
 - (c) for an offence committed by any other person—50 penalty units.

Note: If a body corporate is convicted of an offence against regulations made under this section, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose fines of up to 5 times the penalties stated above.

133 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) Without limiting subsection (1), the regulations may:
 - (a) prescribe fees in respect of matters under this Act (including the regulations); and
 - (b) prescribe penalties of not more than 50 penalty units for offences against the regulations.
- (3) Paragraph (2)(b) does not limit any provision in this Act that provides for the regulations to prescribe penalties higher than 50 penalty units.

Aviation Transport Security Regulations 2005

6.02 Background checking

A reference in this Part to *background checking*, in relation to a person, is a reference to any of the following:

- (a) the AFP conducting a criminal records check in relation to the person;
- (b) a security assessment conducted by ASIO in relation to the person;
- (c) if the person is not an Australian citizen, DIMIA determining whether the person is an unlawful non-citizen.

6.26 ASICs — application for issue

- (1) A person who has an operational need for frequent access to a secure area at an airport may apply to an issuing body for the issue of an ASIC.
- (2) The application must be in a form approved by the Secretary and, except in the case of a person who is under 18, must be accompanied by:
 - (a) a form, signed by the person, that states that the person gives his or her consent to a criminal records check being conducted by the AFP in relation to the person; and
 - (b) a form, signed by the person, that states that the person gives his or her consent to his or her personal information being passed between the Department, the AFP, ASIO, CASA, DIMIA and the issuing body.
 - (c) an acknowledgement that a security assessment will be carried out (except if a security assessment has been made in relation to the issue of an ASIC to the applicant).

6.27A Assessment of criminal history certificates

- (1) If an issuing body proposes to issue an ASIC to a person, the Secretary must conduct an assessment, based on a criminal history certificate received from the AFP, to determine whether the person has an adverse criminal record.
- (2) If the Secretary determines that the person does not have an adverse criminal record, the Secretary must give the issuing body a notice stating that:
 - (a) the Secretary has conducted an assessment, based on a criminal history certificate received from the AFP, to determine whether the person has an adverse criminal record; and

- (b) based on the criminal history certificate, the person does not have an adverse criminal record.
- (3) If the Secretary determines that the person has an adverse criminal record, the Secretary must:
 - (a) give the issuing body a notice that includes:
 - (i) a statement that:
 - (A) the Secretary has conducted an assessment, based on a criminal history certificate received from the AFP, to determine whether the person has an adverse criminal record; and
 - (B) based on the criminal history certificate, the person has an adverse criminal record; and
 - (ii) a direction not to issue the ASIC to the person; and
 - (b) give the person a notice stating that the Secretary has given the issuing body a direction not to issue the ASIC to the person because, based on a criminal history certificate received from the AFP, the person has an adverse criminal record.
- (4) An issuing body must not issue an ASIC to a person in contravention of a direction under subparagraph (3) (a) (ii).

Penalty: 20 penalty units.

6.28 ASICs — issue

- (1) Subject to subregulations (3) and (4) and regulations 6.29 and 6.31, an issuing body may issue an ASIC to a person if and only if:
 - (a) the person has an operational need for frequent access to all or part of 1 or more areas at an airport, or at more than 1 airport, being areas where persons are required to display an ASIC; and
 - (b) the person has verified his or her identity by showing the issuing body:
 - (i) a primary identification document; and
 - (ii) either:
 - (A) a secondary identification document; or
 - (B) 2 tertiary identification documents; and
 - (c) either:
 - (i) he or she has shown the issuing body his or her Australian birth certificate, Australian passport or Australian naturalisation certificate; or
 - (ii) the issuing body is satisfied that he or she is not an unlawful non-citizen; and
 - (d) the issuing body has received a notice from the Secretary stating that:
 - (i) the Secretary has conducted an assessment, based on a criminal history certificate received from the AFP, to determine whether the person has an adverse criminal record; and
 - (ii) based on the criminal history certificate, the person does not have an adverse criminal record; and
 - (e) the issuing body has been notified in writing that a security assessment of the person has been made, and:

- (i) the assessment was not adverse; or
 - (ii) if the assessment was qualified — the issuing body has not been directed by the Secretary under paragraph 6.31 (3) (a) not to issue an ASIC to the person; and
- (f) he or she is not disqualified under regulation 6.48 from holding an ASIC.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (2A) For paragraph (1) (d), a person has an *adverse criminal record* if:
- (a) he or she has been convicted of an aviation-security-relevant offence and sentenced to imprisonment; or
 - (b) in the case of a person who has been convicted twice or more of an aviation-security-relevant offence or offences, but no sentence of imprisonment was imposed — 1 of those convictions occurred within the previous 12 months.
- (3) In the case of a person who is under 18, the issuing body may issue an ASIC to him or her despite paragraphs (1) (d) and (e) if he or she meets the criteria in paragraphs (1) (a) to (c) and paragraph (1) (f).
- (4) In the case of a person who holds a security designated authorisation that is less than 2 years old, the issuing body may issue the ASIC to him or her despite paragraphs (1) (a), (b) and (c) if he or she meets the criteria in paragraphs (1) (d), (e) and (f).

Note The ASIC remains valid for only 2 years after completion of the relevant background check — see subregulation 6.32 (2).

- (5) An issuing body may issue an ASIC subject to a condition, but must notify the holder in writing what the condition is.
- (6) In particular, a condition may be that background checking of the holder is carried out more frequently than required by these Regulations.
- (7) If:
- (a) an applicant for an ASIC has been convicted twice or more of aviation-security-relevant offences; and
 - (b) no sentence of imprisonment was imposed for any of those convictions; and
 - (c) none of those convictions occurred within the 12 months ending when the relevant background check was carried out;
- any ASIC issued to him or her is to be subject to the condition that he or she must have a further background check carried out within 12 months.

6.31 Persons the subject of adverse or qualified security assessments

- (1) If an issuing body proposes to issue an ASIC to a person and a security assessment of a person is an adverse security assessment, the Secretary must:
- (a) give the issuing body a written direction not to issue the ASIC to the person; and
 - (b) give the person a notice stating that the Secretary has given the issuing body a direction not to issue the ASIC to the person.

- (2) Subregulation (3) applies if:
- (a) an issuing body proposes to issue an ASIC to a person; and
 - (b) a security assessment of a person is a qualified security assessment.
- (3) If the Secretary is satisfied that the holding of an ASIC by the person would constitute a threat to aviation security:
- (a) the Secretary may give the issuing body a written direction not to issue the ASIC to the person; and
 - (b) if the Secretary gives the issuing body a direction under paragraph (a) — the Secretary must give the person a notice stating that the Secretary has given the issuing body a direction not to issue the ASIC to the person.
- (4) An issuing body must not issue an ASIC to a person in contravention of a direction under paragraph (1) (a) or (3) (a).

Penalty: 20 penalty units.

- (5) In this regulation:

adverse security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

qualified security assessment has the same meaning as in Part IV of the *Australian Security Intelligence Organisation Act 1979*.

Note If an adverse or qualified security assessment about a person is provided to a Commonwealth body, the body must notify the person in writing within 14 days (including a copy of the assessment) and must notify him or her how to apply to the Administrative Appeals Tribunal for review of the assessment — see the *Australian Security Intelligence Organisation Act 1979*, section 38.

Annex I

Provisions in the MTOFSA and MTOFSR which cover the application and background-checking processes

Maritime Transport and Offshore Facilities Security Act 2003

The Act does not contain any provisions relating to the specific application and background checking processes for issuing Maritime Security Identification Cards (MSICs). The following sections are of relevance in establishing regulations which are relevant to the application and background checking processes.

105 Requirements for port security zones

- (1) The regulations may, for the purposes of safeguarding against unlawful interference with maritime transport or offshore facilities, prescribe requirements in relation to each type of port security zone.
- (2) The following matters may be dealt with by regulations made under subsection (1):
 - (a) access to port security zones (including conditions of access, the issue and use of security passes and other identification systems);
 - (b) the identification or marking of port security zones;
 - (c) the movement, management or operation of ships and other vessels and vehicles and other things in port security zones;
 - (d) the maintenance of the integrity of port security zones;
 - (e) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in port security zones;
 - (f) the management (including the sale or disposal) of ships, other vessels, vehicles or goods abandoned in port security zones;
 - (g) when prescribed requirements are to be met.
- (3) Regulations made under this section may prescribe penalties for offences against those regulations. The penalties must not exceed:
 - (a) for an offence committed by a port operator, ship operator, port facility operator or offshore facility operator—200 penalty units; or
 - (b) for an offence committed by a maritime industry participant, other than a participant covered by paragraph (a)—100 penalty units; or
 - (c) for an offence committed by any other person—50 penalty units.

Note: If a body corporate is convicted of an offence against regulations made under this section, subsection 4B(3) of the Crimes Act 1914 allows a court to impose fines of up to 5 times the penalties stated above.

- (4) Regulations made under subsection (1) may provide for the recovery by a person of costs and expenses reasonably incurred by the person in relation to the performance of functions, or the exercise of powers, by the person in relation to a security identification card scheme set out in those regulations. An amount recoverable under those regulations must not be such as to amount to taxation.
- (5) Regulations made under subsection (1) may authorise the use or disclosure of information (including personal information within the meaning of the Privacy Act 1988) for the purposes of, or in relation to, assessing the security risk posed by a person.

109 Requirements for ship security zones

- (1) The regulations may, for the purposes of safeguarding against unlawful interference with maritime transport or offshore facilities, prescribe requirements in relation to each type of ship security zone.
- (2) The following matters may be dealt with by regulations made under subsection (1):
 - (a) access to ship security zones (including conditions of access, the issue and use of security passes and other identification systems);
 - (b) the identification or marking of ship security zones;
 - (c) the movement, management or operation of ships and other vessels and vehicles and other things in ship security zones;
 - (d) the maintenance of the integrity of ship security zones;
 - (e) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in ship security zones;
 - (f) the management (including the sale or disposal) of things abandoned in ship security zones;
 - (g) when prescribed requirements are to be met.
- (3) Regulations made under this section may prescribe penalties for offences against those regulations. The penalties must not exceed:
 - (a) for an offence committed by a port operator, ship operator, port facility operator or offshore facility operator—200 penalty units; or
 - (b) for an offence committed by a maritime industry participant, other than a participant covered by paragraph (a)—100 penalty units; or
 - (c) for an offence committed by any other person—50 penalty units.

Note: If a body corporate is convicted of an offence against regulations made under this section, subsection 4B(3) of the Crimes Act 1914 allows a court to impose fines of up to 5 times the penalties stated above.

- (4) Regulations made under subsection (1) may provide for the recovery by a person of costs and expenses reasonably incurred by the person in relation to the performance of functions, or the exercise of powers, by the person in relation to a security identification card scheme set out in those regulations. An amount recoverable under those regulations must not be such as to amount to taxation.
- (5) Regulations made under subsection (1) may authorise the use or disclosure of information (including personal information within the meaning of the Privacy Act 1988) for the purposes of, or in relation to, assessing the security risk posed by a person.

113 Requirements for on-board security zones

- (1) The regulations may, for the purposes of safeguarding against unlawful interference with maritime transport or offshore facilities, prescribe requirements in relation to each type of on-board security zone.
- (2) The following matters may be dealt with by regulations made under subsection (1):
 - (a) access to on-board security zones (including conditions of access, the issue and use of security passes and other identification systems);
 - (b) the identification or marking of on-board security zones;
 - (c) the movement, management or operation of vehicles and other things in on-board security zones;
 - (d) the maintenance of the integrity of on-board security zones;
 - (e) the management of people and goods (including the management of unaccompanied, unidentified or suspicious goods) in on-board security zones;
 - (f) the management (including the sale or disposal) of things abandoned in on-board security zones;
 - (g) when prescribed requirements are to be met.
- (3) Regulations made under this section may prescribe penalties for offences against those regulations. The penalties must not exceed:
 - (a) for an offence committed by a port operator, ship operator, port facility operator or offshore facility operator—200 penalty units; or
 - (b) for an offence committed by a maritime industry participant, other than a participant covered by paragraph (a)—100 penalty units; or
 - (c) for an offence committed by any other person—50 penalty units.

Note: If a body corporate is convicted of an offence against regulations made under this section, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose fines of up to 5 times the penalties stated above.
- (4) Regulations made under subsection (1) may provide for the recovery by a person of costs and expenses reasonably incurred by the person in relation to the performance of functions, or the exercise of powers, by the person in relation to a security identification card scheme set out in those regulations. An amount recoverable under those regulations must not be such as to amount to taxation.
- (5) Regulations made under subsection (1) may authorise the use or disclosure of information (including personal information within the meaning of the Privacy Act 1988) for the purposes of, or in relation to, assessing the security risk posed by a person.

209 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may:
 - (a) prescribe fees in respect of matters under this Act (including the regulations); and

- (b) prescribe penalties of not more than 50 penalty units for offences against the regulations.
- (3) Paragraph (2) (b) does not limit any provision in this Act that provides for the regulations to prescribe penalties higher than 50 penalty units.

Maritime Transport and Offshore Facilities Security Regulations 2003

6.07G Kinds of identification document

- (1) This regulation sets out the criteria that a document must meet to qualify as a primary, secondary or tertiary identification document for somebody.
- (2) A document is a primary identification document for somebody if it is:
 - (a) a certified copy (that is, a copy certified by a Registrar of Births or similar officer to be a correct copy) of the entry, in a register of births, of his or her birth; or
 - (b) a copy (certified under section 44 of the Australian Citizenship Act 1948) of a citizenship certificate granted to him or her; or
 - (c) a document issued to him or her under the law of another country that is evidence, under that law, that he or she is a citizen of that country; or
 - (d) a passport issued to him or her.
- (3) A document is a ***secondary identification document*** for somebody if:
 - (a) it has on it a recent photograph of him or her, or his or her signature; and
 - (b) it is:
 - (i) a licence (for example, a driver's licence) issued to him or her under a law of the Commonwealth or a State or Territory; or
 - (ii) a government employee identification document issued to him or her; or
 - (iii) an Australian student identification document issued to him or her; or
 - (iv) a verifiable reference.
- (4) In subregulation (3):
 - Australian student identification document*** means a card or document issued to a student at a tertiary education institution in Australia to identify him or her as a student at the institution.
 - government employee identification document*** means a document issued by or for the Commonwealth or a State or Territory to somebody employed by or for the Commonwealth or the State or Territory.
 - verifiable reference*** about somebody (the ***identified person***) means a reference from:
 - (a) a bank or similar financial institution; or
 - (b) somebody whose identity has been verified by means of:
 - (i) 2 primary identification documents; or
 - (ii) a primary identification document and a secondary identification document; or
 - (iii) a primary identification document and 2 tertiary identification documents; or
 - (c) a referee acceptable to the person or body that requires the identification of the identified person;

that:

- (d) identifies the identified person by name; and
 - (e) certifies that the person who signed the reference has known the identified person by that name for at least 12 months; and
 - (f) is signed by or for the referee and by the identified person.
- (5) A document is a tertiary identification document for somebody if:
- (a) it sets out his or her name and address; and
 - (b) it is:
 - (i) a signed statement by his or her employer or former employer about that employment; or
 - (ii) a copy (certified by a Registrar of Titles or similar officer to be a correct copy) of a record issued under a law about land titles; or
 - (iii) a document issued by a rating authority from its records about land ownership or occupation; or
 - (iv) a document issued by a bank or similar financial institution from its records about a mortgage or other security that he or she gave to the bank or institution; or
 - (v) an extract from the electoral roll compiled by the Australian Electoral Commission; or
 - (vi) a record issued under a law in force in Australia other than a law about land titles.

6.07H Authentication of certain foreign documents

- (1) In this regulation:

Hague Convention means the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents*, done at the Hague on 5 October 1961.

- (2) This regulation applies if a person presents to an issuing body, as an identification document, a document that is a public document for the purposes of the Hague Convention and was issued in a country (other than Australia) that is a Contracting State to that Convention.
- (3) The body may require the person to have the authenticity of the document certified in accordance with that Convention.

Note The authentication procedure involves the endorsement on, or attachment to, the document of a certificate in a standard form. Details of the procedure and any fee payable should be available from the embassy of the country in which the document was issued.

6.08B MSICs — application for issue

- (1) A person may, in writing, apply to an issuing body for the issue of an MSIC if he or she has an operational need to hold an MSIC.
- (2) An applicant who has turned 18 must prepare a signed form of consent to background checking of the applicant and:
- (a) if applying before 1 January 2007 — send the form to the AFP; or
 - (b) if applying on or after 1 January 2007 — include the form with the application.

6.08C MSICs — issue

- (1) An issuing body may issue an MSIC to a person only if:
 - (a) the person has an operational need to hold an MSIC; and
 - (b) the person has verified his or her identity by showing the issuing body:
 - (i) a primary identification document; and
 - (ii) either:
 - (A) a secondary identification document; or
 - (B) 2 tertiary identification documents; and
 - (c) either:
 - (i) has shown the issuing body a document that is evidence that the person is an Australian citizen (for example, his or her Australian birth certificate, Australian passport or Australian naturalisation certificate); or
 - (ii) the issuing body is satisfied that he or she holds a visa entitling him or her to work in Australia; and
 - (d) the issuing body has been notified in writing that a security assessment of the person has been made, and:
 - (i) the assessment was not adverse; or
 - (ii) if the assessment was qualified — the issuing body has not been directed by the Secretary under subregulation 6.08H (2) not to issue an MSIC to the person; and
 - (e) the issuing body has been notified in writing that a criminal records check of the person has been made, and:
 - (i) the check shows that the person does not have an adverse criminal record; or
 - (ii) if the check shows that the person has an adverse criminal record — the Secretary has approved an application to issue an MSIC to the person under paragraph 6.08F (3) (a).