



Australian Government

Department of Infrastructure and Regional Development

SUPPLEMENTARY SUBMISSION FROM

THE DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT

TO THE

**PARLIAMENTARY JOINT COMMITTEE ON THE AUSTRALIAN
COMMISSION FOR LAW ENFORCEMENT INTEGRITY**

**INQUIRY INTO THE INTEGRITY OF AUSTRALIA'S BORDER
ARRANGEMENTS**

December 2016

Integrity of Australia's border arrangements
Submission 4 – Supplementary Submission

Security identification cards and background checks

1. In May 2015 the Department of Infrastructure and Regional Development (the Department) submitted to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity an outline of the Department's work to support the integrity of Australia's sea and air borders. This supplementary submission provides an update to the previous submission, specifically outlining the Department's progress towards strengthening the aviation and maritime security identification card (ASIC and MSIC) schemes and airside security measures.
2. The Department, in collaboration with partner agencies, is continuing to reform identity security in the aviation and maritime sectors. On 27 October 2016, the Federal Executive Council approved the Transport Security Legislation Amendment (Identity Security) Regulation 2016; the Transport Security Legislation Amendment (Security Assessments) Regulation 2016; and the Transport Security Legislation Amendment (Issuing Body Processes) Regulation 2016. These amendments included the introduction of measures to improve the integrity of card issuing, enhance applicant identity verification, and expand the scope of background checking.

Improving the integrity of card issuing and applicant identity verification processes

3. Issuing bodies are government and non-government entities authorised to issue ASICs and MSICs. In response to the 2011 ANAO Audit Report *Management of the Aviation and Maritime Security Identification Card Schemes*, the Department has improved the card issuing and identity verification processes of issuing bodies. As part of the recent regulatory amendments, from 1 November 2016, issuing bodies must provide the Department with greater detail of procedures and security controls relevant to their legislated functions.
4. The 27 October 2016 regulatory amendments also introduce a requirement that, from 1 August 2017, ASIC and MSIC applicants must produce identity documentation in person to their issuing body (or the issuing body's representative). These new requirements align with best practice standards and meet the Attorney-General's Department's *National Identity Proofing Guidelines*.

Expanding the scope of background checking

5. On 1 November 2016, the Department introduced a new role-based white ASIC and white MSIC. These new white cards are issued to individuals in security relevant positions who require a background check, but who do not require physical access to secure areas or zones of airports or seaports. This includes the staff of issuing bodies who are directly involved in the issuing of ASICs or MSICs.
6. In addition, the new white ASIC applies to new regulated industry participants, Known Consignors, as well as Regulated Air Cargo Agents and Accredited Air Cargo Agents which were not previously captured in the scope of the schemes. Background checking individuals in security relevant positions in these businesses will further mitigate the risk of unlawful interference with air cargo and meet US air cargo security requirements.
7. As of 1 November 2016, all ASIC and MSIC applicants who are under the age of 18 must undergo an Australian Security Intelligence Organisation (ASIO) national security assessment prior to being issued a card. This requirement is in response to the changing global security environment, specifically the increasing radicalisation of minors and their involvement in terrorist offences.

Strengthening eligibility criteria

8. The Government introduced the *Transport Security Amendment (Serious or Organised Crime) Bill 2016* into Parliament on 31 August 2016. This bill adds an additional purpose to the ASIC and MSIC schemes to prevent exploitation of Australia's aviation and maritime sectors by serious or organised crime. Pending Parliament's passing of the bill, the legislative change will establish a framework for introducing new eligibility criteria for the ASIC and MSIC schemes. This reform will harmonise the schemes and strengthen the Government's ability to combat transnational and domestic organised crime at Australia's sea and air borders.

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9. The proposed new eligibility criteria will target more serious criminal offences and high-risk criminal activities. It will also capture offences not currently included under one or both schemes, such as:
- offences under anti-criminal organisation legislation;
 - the illegal sale and possession of firearms and other weapons;
 - illegal importation of goods; and
 - interfering with goods under Border Force control.
10. Strengthening the eligibility criteria for applicants addresses recommendations arising from the 2011 Parliamentary Joint Committee on Law Enforcement *Inquiry into the Adequacy of Aviation and Maritime Security Measures to Combat Serious and Organised Crime*. The reform also addresses recommendations arising from the 2015 National Ice Taskforce, as well as supporting the Government's 2016 election commitment "to keep illegal guns off our streets and our communities safe".
11. All non-exempt government officers and officials who require an ASIC or MSIC will be subject to this more robust eligibility criteria.

Enhancing the physical integrity of the cards

12. The Department is also strengthening the physical attributes of the ASIC and MSIC to ensure they are resistant to unauthorised alterations or duplication. The changes will include a new card design to make them easier to visually authenticate, and harder to replicate. The card will be upgraded to include a secure and durable laminate holographic overlay.

Clarification of operational need

13. In paragraph 8 of the Department's submission to the Inquiry in May 2015, the Department outlined the necessity of ASIC and MSIC applicants to have evidence of an operational need to access secure areas or zones in order to be eligible for an ASIC or MSIC. From 15 December 2015, ASIC or MSIC applicants may begin a 'Job Ready' application prior to establishing their operational need. Issuing bodies may receive the application and initiate a background check, however, the card cannot be issued to the applicant until the applicant's operational need is confirmed.

Strengthening airside security

14. The Government introduced the *Transport Security Legislation Amendment Bill 2016* into Parliament on 1 December 2016. This bill will strengthen airside security measures that will apply to most airport workers operating within the security restricted area of Australia's nine major airports (Adelaide, Brisbane, Cairns, Canberra, Darwin, Gold Coast, Melbourne, Perth and Sydney). The security restricted area includes baggage make-up areas, the screened apron where passenger aircraft arrive and depart, as well as taxi ways and other parts of the tarmac. The measures being introduced, subject to the passage of the bill, include:
- a. improved access controls to ensure that only people who enter the security restricted area unescorted are those who are background checked and have the appropriate authorisation to be in the area.
 - b. random screening of airside workers on entry to and within the security restricted area to ensure they are not carrying prohibited weapons.
 - c. security awareness training for airport and airline workers who regularly operate within the security restricted area to create a robust security culture.

Joint management arrangements (term of reference c.)

15. The Department acknowledges the expanded terms of reference of the Inquiry. The Department's May 2015 submission to the Inquiry outlined the Department's role in joint management arrangements at Australia's sea and airports. The Department continues to work collaboratively with government and industry partners to ensure robust security at Australia's airport and seaport borders.