

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

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

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

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

**Recent changes to the Maritime Security Identification Card scheme**

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

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

**Recent changes to the Aviation Security Identification Card scheme**

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

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

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