



Australian Government

Attorney-General's Department

Parliamentary Joint Committee on the
Australian Commission for Law Enforcement Integrity

Inquiry into the integrity of Australia's border arrangements

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AusCheck Submission

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Attorney-General's Department – AusCheck – Submission to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity

Inquiry into the integrity of Australia's border arrangements

On 28 November 2016 the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (ACLEI) invited the Attorney-General's Department (AGD) to make a submission to its inquiry into the integrity of Australia's border arrangements. Particular comment was sought on "the shared work environment and the effectiveness of joint management arrangements at Australia's seaports and airports."

1. AusCheck's collaboration with other agencies to strengthen security at Australia's airports and seaports

AGD works in collaboration with the Australian Criminal Intelligence Commission (ACIC), the Australian Federal Police (AFP), the Australian Security Intelligence Organisation (ASIO), the Department of Immigration and Border Protection (DIBP), the Department of Infrastructure and Regional Development (DIRD) and other agencies to ensure the integrity and security of Australia's borders. AusCheck is a branch in AGD that helps mitigate security risks at Australia's borders by conducting and coordinating background checking services for the Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) schemes.

AGD works closely with the AFP to coordinate action against terrorist and other criminal threats to Australian aviation and maritime safety and security. The AFP provides a law enforcement presence and Counter Terrorist First Response role at Australia's nine security designated airports and is responsible for the conduct of criminal investigations within the maritime sector where such conduct impacts upon Australia's national interests. The AFP is also responsible for the Air Security Officer (ASO) Program which is an integral component of Australia's approach to aviation security. The ASO Program provides a discreet intelligence-led critical incident deterrence, response and resolution capability on selected Australian domestic and international flights. This law enforcement approach is supplemented by a layered approach to aviation and maritime security, which includes a range of security measures and intelligence collection and analysis. These layers of security contribute to the maintenance of a safe and secure environment for Australian aviation and maritime transport

AGD is working with the AFP and DIRD to develop options to further strengthen the ASIC and MSIC schemes to ensure they effectively address criminal vulnerabilities and national security threats.

2. ASIC and MSIC schemes

The ASIC and MSIC schemes are established under the Aviation Transport Security Regulations 2005 and the Maritime Transport and Offshore Facilities Security Regulations 2003 (the transport security regulations) which are administered by DIRD. Policy responsibility for these schemes rests with the Office of Transport Security (OTS) within DIRD, and AusCheck provides critical support by undertaking the background checking function.

The ASIC and MSIC schemes include a thorough background checking process for individuals seeking unescorted access to secure areas of aviation and maritime facilities and offshore oil and gas infrastructure. These background checks provide assurance that the cardholders accessing these areas are unlikely to pose a threat to national security.

AusCheck's background check is defined in section 5 of the *AusCheck Act 2007*, and incorporates the applicant's criminal history supplied by the ACIC, a security assessment supplied by ASIO and, in some circumstances, a visa/citizenship check supplied by DIBP. AusCheck provides the technical infrastructure to coordinate background checking with these agencies. It also undertakes a criminal history assessment of every ASIC and MSIC applicant with a disclosable court outcome, using eligibility criteria provided in the transport security regulations.

A background check must be undertaken every two years. This helps to maintain integrity at the border by holding to account individuals who are already working at airports and seaports. Certain individuals who are found ineligible for an ASIC or MSIC can seek a discretionary assessment of their application from the Transport Secretary. AusCheck supports OTS as part of this process to assist the Transport Secretary's delegate make an informed decision on the issue of the ASIC or MSIC.

AusCheck operates on a full cost recovery basis in accordance with the Commonwealth Cost Recovery Guidelines 2014.

3. Reforms

AusCheck works closely with OTS to develop reforms to further strengthen the ASIC and MSIC schemes. The most recent reforms, contained in the Transport and Security Legislation Amendment (Serious or Organised Crime) Bill 2016, address a 2016 election commitment to "ensure that individuals with links to serious and organised crime cannot gain access to our airports, ports, and other Commonwealth sites where security is a concern".

These reforms will harmonise and broaden the eligibility criteria for the ASIC and MSIC schemes to address threats of serious and organised crime as well as threats of unlawful interference.

AusCheck also works with OTS on other ASIC/MSIC reforms including changes to issuing body arrangements and identity proofing processes. The identity related reforms align transport security processes with the National Identity Proofing Guidelines issued by AGD in 2014, and further strengthen the integrity of the ASIC and MSIC schemes.

Further information in relation to the reforms and the interaction between AGD and DIRD is provided in the OTS submission to PJC ACLEI Inquiry into the Integrity of Australia's Border Arrangements – May 2015.