



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Local Government**

MARITIME SECURITY IDENTIFICATION CARD (MSIC) ENHANCEMENTS

Fact Sheet

Overview

On 29 January 2010 the Minister for Infrastructure, Transport, Regional Development and Local Government, Minister Albanese, announced changes to the MSIC scheme. The changes:

- tighten the eligibility criteria for the issue of an MSIC by increasing the number of criminal offences that will preclude an individual from obtaining an MSIC;
- reduce the validity period of an MSIC from five years to four, with an additional background check to be conducted after two years (meaning MSIC holders will now be background checked every two years instead of the current five); and
- will see new offences created for MSIC holders who fail to advise their card issuing body of additions to their criminal record and any sentences of imprisonment imposed as a result; MSIC issuing bodies will also be required to take appropriate action on receipt of this new maritime security relevant offence information.

Impact

The majority of MSIC holders will not be impacted by the changes; analysis conducted indicates there will be a likely increase from 5 to 18 in every 1000 new MSIC applicants found ineligible to hold a card. Every new applicant will have access to the current appeals provisions which will be retained.

Current MSIC holders will not be required to resubmit applications or take any action; they will be screened against the tightened criteria when they are next required to renew their cards. Applicants found ineligible as part of this process can appeal to the Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government for consideration of their individual circumstances. An additional criterion has been introduced to reinforce that the Secretary must consider if a person has been convicted of a maritime security relevant offence/s before or after becoming the holder of an MSIC.

There will be some additional costs imposed by Government in terms of more frequent background checking however this is only likely to equate to an extra \$100 per card holder over a four year period. Overall pricing for the issue of an MSIC is at the discretion of individual issuing bodies according to their own pricing structure and business requirements.

New Mandatory Reporting Requirements

MSIC holders will be required to notify their issuing body or AusCheck if they have been convicted of a maritime security relevant offence. An issuing body will be obligated to suspend an MSIC, if the holder has been convicted of a maritime security related offence awaiting further information as to the sentence of the courts.

If an MSIC holder is sentenced to a term of imprisonment by the courts, they are required to notify their issuing body or AusCheck, in writing, of the sentence imposed. The issuing body will be obligated to cancel an MSIC, if the holder has been convicted and sentenced to imprisonment for a maritime security relevant offence.

An MSIC holder who fails to notify their issuing body or Auscheck, in writing, of a conviction for a maritime security relevant offence will commit a strict liability offence and be subject to a fine.

New Penalties

A maximum penalty of 20 penalty units, or \$2,200, has been introduced for MSIC holders who fail to comply with these new obligations. The maximum fine that may be imposed on MSIC issuing bodies that fail to comply with the new obligations is 50 penalty units, or \$5,500 (this penalty can be multiplied by five for corporations, as per the Corporations Act for a total maximum penalty of \$27,500).

Issuing bodies will not be held accountable under the new obligations if information regarding a conviction or term of imprisonment has not been communicated to them.

Implementation and Timing

On 1 July 2010, new Maritime Security Identification Card (MSIC) eligibility criteria offence categories will take effect. All MSIC applications and renewals will be background checked against the new offence eligibility criteria. In recognition that some applicants would have been MSIC holders prior to being found ineligible under

the new offence criteria, the Secretary will have the ability to consider a person's MSIC history on appeal.

On 1 December 2010, the card validity, suspension provisions, further additional background checking requirements, new penalties for MSIC holders failing to report an maritime security relevant offence and issuing bodies failing to cancel or suspend a MSIC, will take effect.

For further information please contact the Identity Security Section within the Office of Transport Security idssecurity@infrastructure.gov.au